Can you call Ken Mehlmann ASAP about a compensation question he has that sounds up your alley -- whether he can now be paid for work he did during transition for RNC? Please let me know.
No word. I'm happy to meet. How about lunch at the mess or cafeteria around noon?
Robert "Moose" Cobb of our office will be calling you re your compensation question.
Should we meet to go over our own possible changes at 12:15 or so? Any word from the Judge?
Are you able to interview some candidates tomorrow? Please let me know if you have a block of time...perhaps an hour? TEF asked if you could handle this. Thanks.
Yes, I can do in morning 10-11 perhaps.

Heather Larrison
02/07/2001 11:43:27 AM
Record Type: Record

To: Brett M. Kavanaugh/EOP/EOP
cc:
Subject: Propsective Staff Assistants

Are you able to interview some candidates tomorrow? Please let me know if you have a block of time...perhaps an hour? TEF asked if you could handle this. Thanks.
Thanks. I will set some up and send over the resumes.
There is one candidate I think would be good who is temporarily over at DOC who can only come over at 11:30 or 2:30 tomorrow...do either one of those times work out for you?? Please advise. Thanks.
Please reply to this email and let me know if your voice mail has been set up or not. We will be sending a request to have voice mail installed on all of the extensions that do not have the service at this point. If you do not have it, please verify your extension in your reply. Thanks.
FYI
---------------------- Forwarded by Helgard G. Walker/WHO/EOP on 02/07/2001 01:23 PM ---------------------------

McGavock D. Reed
02/07/2001 12:32:46 PM
Record Type: Record

To: Helgard G. Walker/WHO/EOP@EOP
cc: Executive Order Process Briefing

Helgi, The executive order process briefing is tomorrow at 2:30 p.m. in room 472 of the OEOB. You or anyone on WHC staff would be most welcome. Thanks so much, Mac

-------------- Forwarded by McGavock D. Reed/OMB/EOP on 02/07/2001 12:28 PM --------------
room 472 of the Old Executive Office Building. At the briefing, we will review the background and process for issuing executive orders. The Office of Legal Counsel from the Department of Justice, the White House Staff Secretary's Office, and the White House Clerk's Office will be at the briefing to discuss their responsibilities regarding executive orders and to answer questions. This briefing is offered for your information and, although it would be a refresher course for some of you, this office and the White House Staff Secretary's Office, thought it might be useful to you.

Please respond by E-mail or phone (395-3563), whether someone on your staff can attend.

Thank you very much, Mac Reed

Message Sent
To:
Joseph W. Hagin/WHO/EOP@EOP
Daniel J. Bartlett/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
John W. Howard/WHO/EOP@EOP
Jennifer K. Millerwise/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
Tim Goeglein/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
John Gardner/WHO/EOP@EOP
Deborah K. Hair/WHO/EOP@EOP
Ronald G. Bellamy/WHO/EOP@EOP
John M. Bridgeland/OPD/EOP@EOP
Donald M. Sumerlin/OPD/EOP@EOP
Cesar Conda/OVP/EOP@EOP
appreciate your sending it. We'll get comments to you ASAP. Thanks, John
I have a insert for this memo from Al. It is in draft form now - Al will likely revise another time or two then it will be ready to be inserted.

Thanks!
is Hankinson OK?
I don't plan to be here until 11pm tonight...unless there is a reason to be here.

Do you need anything or are you trying to make yourself feel better b/c you are still here too?
Brett:

Lee and I have hurriedly put together some thoughts.
I would very much like to discuss them with John.
Do we have at least until noon tomorrow?

Terry
Terry W. Good 02/07/2001 06:57:59 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: John Gardner/WHO/EOP@EOP
Subject: Re: in-progress draft of Records memo

Brett:

Lee and I have hurriedly put together some thoughts. I would very much like to discuss them with John. Do we have at least until noon tomorrow?

Terry
See ya then!

BRENT and JASON - please tell the attorneys in case they don't check their email in time.
Why are you all there until 11 tonight?
I am actually leaving soon; I just thought you had said you were going to be here 'til 11. Thanks for the pizza.

Elizabeth N. Camp
02/07/2001 08:37:06 PM
Record Type: Record

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

I don't plan to be here until 11pm tonight...unless there is a reason to be here.

Do you need anything or are you trying to make yourself feel better b/c you are still here too?
do you have Toner's #?
From: CN=Bradford A. Berenson/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
CC: alberto r. gonzales/who/eop@eop [ WHO ] <alberto r. gonzales>; timothy e. flanigan/who/eop@eop [ WHO ] <timothy e. flanigan>; helgard g. walker/who/eop@eop [ WHO ] <helgard g. walker>; courtney s. elwood/who/eop@eop [ WHO ] <courtney s. elwood>; stuart w. bowen/who/eop@eop [ WHO ] <stuart w. bowen>; h. christopher bartolomucci/who/eop@eop [ WHO ] <h. christopher bartolomucci>; rachel r. brand/who/eop@eop [ WHO ] <rachel r. brand>; noel j. francisco/who/eop@eop [ WHO ] <noel j. francisco>; robert w. cobb/who/eop@eop [ WHO ] <robert w. cobb>
Sent: 2/8/2001 9:28:05 AM
Subject: : Re: Recusal

I, too, am recused.

Brett M. Kavanaugh
02/08/2001 02:25:51 PM
Record Type: Record
To: See the distribution list at the bottom of this message
cc:
Subject: Recusal

I am recused on the Microsoft case now pending in the D.C. Circuit.
Any chance you might do me the courtesy of a reply?

---------------------- Forwarded by Helgard G. Walker/WHO/EOP on 02/08/2001 07:51 PM ------------------------------------

Helgard G. Walker
02/08/2001 08:54:14 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: do you have Toner's #?
We intend to schedule the meetings from 4 to 9 on Monday, Tuesday, and Wednesday.

I don't know how many meetings you are looking at but if you are able to get a good chunk of these scheduled tomorrow that would be ideal - these are important and we want them have your times locked in.

As I understand it - if Al can't meet with them then Tim will - please coordinate with Heather on these meetings.

Please be sure and get first and last name, social security numbers and dates of birth. If we are talking about quite a few I may enlist Ansley's assistances with the WAVES requests so please cc her on these emails.

Finally - Al doesn't "do lunch" so please don't schedule any of these meetings over meals.

Thanks guys and let me know if I need to do something to help.

Libby
4-9 pm it is :-) 

FYI that on Tuesday and Thursday he does have PC from 2:30 - 4pm - sometimes they run a little long but probably not more than 15-20 minutes.

Thanks!
Good idea. I'll follow up.
I have no problem with that at all; indeed, I would prefer to have you share the load of fielding these calls. I only did it this way, because that's what the judge said originally. Let's raise this with him in the staff meeting.
You should make sure Kyle is included in any calls to the Hill. He knows virtually all the players.
We've already set that up.
Looks like we are out.

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/09/2001 09:31 AM ---------------------------

Rachel R. Brand
02/09/2001 09:28:35 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Noel J. Francisco/WHO/EOP@EOP
Subject: Re: Kyle

We've already set that up.
Well, maybe. We should talk. We may have ways.
What do you want to do about hiring a staff assistant?
If anyone has any suggestions for the 3rd Circuit New Jersey slot, please weigh in now.

RLB
Brett-

I spoke with the Judge this afternoon and he would like you to speak directly with Joe Hagin about the RNC account.
Al's PC meeting was moved from 2:30-4:00 to a new time of 4:00-5:30. Please remove this block of time from your schedule of available times.

Thanks!
What times do I need to block out for sure next week? Please advise.
Subject: Status of Sen. Thurmond

I have consulted with Toner about this (as I told the Judge last night I would do today) and have left a message for Hagin regarding the answer.

Heather Larrison
02/09/2001 02:29:54 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP
Subject: RNC

Brett-

I spoke with the Judge this afternoon and he would like you to speak directly with Joe Hagin about the RNC account.
He's still there, so we should make hay while the sun shines...
To: See the distribution list at the bottom of this message
cc: Timothy E. Flanigan/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP
Subject: Status of Sen. Thurmond


Message Sent
To:
Courtney S. Elwood/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel R. Brand/WHO/EOP@EOP

Message Copied
To:
courtney s. elwood/who/eop@eop
bradford a. berenson/who/eop@eop
h. christopher bartolomucci/who/eop@eop
robert w. cobb/who/eop@eop
stuart w. bowen/who/eop@eop
noel j. francisco/who/eop@eop
rachel r. brand/who/eop@eop
timothy e. flanigan/who/eop@eop
alberto r. gonzales/who/eop@eop
Can you give me the meaning of the acronyms initially so I am not completely oblivious? This would be something new and different for me....
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 2/10/2001 9:17:25 AM
Subject: how long do I need to block for each meeting?

45 minutes?
1/2 hour?
full hour?
nevermind - found it
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 2/10/2001 11:22:19 AM
Subject: fyi that helgi was trying to reach you just now...

your voice mail may be full - it wouldn't allow her to leave you a message.
Thanks. I cleared it out.

Elizabeth N. Camp
02/10/2001 04:22:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: fyi that helgi was trying to reach you just now...

your voice mail may be full - it wouldn't allow her to leave you a message.
Brett,

I borrowed your judicial selection notebook.

Noel
From: CN=Bradford A. Berenson/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: Re: Interviews scheduled for next week.

What does he want to do?
If you are in today (Sunday), give me a call. I'd like to get the bio on this person I am suppose to interview tomorrow morning. Thanks.
I faxed ARG's schedule over yesterday afternoon for you to review. I know there will be changes and additions but want to make sure we are on the same page for now so I can give Al a copy of his schedule tonight.

Thanks!
Not surprised though glad to hear we agree.
Who is responsible for appointments to the Holocaust Museum Commission, which received critical attention in WSJ editorials this past week? I know someone who would be a great member and who is interested.
Two questions from ARG--

Has Ashcroft's office been notified that these meetings are taking place so they can have the opportunity to have someone sit in?

Is there a standard list of questions or topics of discussion for each of these meetings?

Thanks!
Al has a 10am meeting with Adrian Gray from Scheduling to discuss the scheduling of surrogates of various events - including political.

Al would like the two of you to sit in.

Thanks!
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/12/2001 6:20:07 AM
Subject: you have a 2:30 with Al and Josh Bolten

you have a 2:30 with Al and Josh Bolten
This group, or some subset thereof, should meet this morning to discuss standard questions, strategy, etc., for the judge interviews. Does 9:00 work?

---

Who was tasked with this issue? I have a stack of research from Sen. Hatch’s 1995 hearing on the issue and decision to remove the ABA from the confirmation (as opposed to selection) process. Please advise.
And I left him a voice mail with today's schedule.

Bradford A. Berenson
02/12/2001 08:11:44 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP
cc: Jan E. Williams/WHO/EOP, Elizabeth N. Camp/WHO/EOP
Subject: Re: meetings

I have not separately notified Adam about my list -- by copy of this e-mail, I am request that Jan Williams forward to Adam Ciongoli the master interview schedule at the same time she circulates it to all of us today. Thanks. (Jan, if there's any problem with that, please call.)

---------------------- Forwarded by Bradford A. Berenson/WHO/EOP on 02/12/2001 08:10 AM ---------------------------

Brett M. Kavanaugh
02/12/2001 08:09:41 AM
Record Type: Record
To: Elizabeth N. Camp/WHO/EOP
cc: Bradford A. Berenson/WHO/EOP
Subject: Re: meetings

Yes, I have notified Adam Ciongoli.

We are working on a standard list; Brad and I actually were planning to meet with Tim this morning to discuss as Tim has been through this before in Bush I administration.
Two questions from ARG--

Has Ashcrofts office been notified that these meetings are taking place so they can have the opportunity to have someone sit in?

Is there a standard list of questions or topics of discussion for each of these meetings?

Thanks!
Joe:
I left you a voice mail Friday. I have an answer for you on RNC issue.

Brett Kavanaugh
Counsel's Office
6-7984
From:CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To:Elizabeth N. Camp/WHO/EOP@EOP [WHO]<Elizabeth N. Camp>
Sent:2/12/2001 6:26:25 AM
Subject:Re: you have a 2:30 with Al and Josh Bolten

subject?

---

Elizabeth N. Camp
02/12/2001 11:20:04 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: you have a 2:30 with Al and Josh Bolten
Ken has asked me to touch base with you on the following: we're in the process of designing a newsletter we will email out periodically. plan on sending it to the following groups (for the most part) to keep them posted on our political world, get the message out, etc...

- state chairs
- governors
- finance chairs
- lt govs.
- state legislators
- R Congressmen and Senators and their chiefs of staff
- state parties
- political consultants we identify
- political reporters

can we do this and what do we have to be aware of? do you need anything from me? a sample of the letter when it's completed perhaps?
Just called to tell your fave candidate that the job was filled. She seemed a bit shocked as she said she felt like the two of you "really made a connection." What kind of interview questions are you asking over there?
For your information. Who is keeping a master list of known and coming vacancies? Someone please handle.

---------------------- Forwarded by Alberto R. Gonzales/WHO/EOP on 02/12/2001 03:43 PM ---------------------------

David S. Addington
02/12/2001 12:15:42 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP
cc: Timothy E. Flanigan/WHO/EOP
Subject: Judicial Vacancy -- Term Expiring

Judge:

Chief Judge Susan Crawford of the U.S. Court of Appeals for the Armed Forces called (she called me because she knows me from our service together in the Defense Department) to draw to our attention that a vacancy will occur on that court on September 30, 2001, when the 15-year term of Judge Gene Sullivan expires. The Court handles appeals from the military justice system under the Uniform Code of Military Justice.
I called Officer Cornell and Sgt. Rigsby about this. We faxed a copy of the master schedule to them and I followed up with a call re: confidentiality (like that was necessary). Anyway...

Cornell is on evenings this week and understands that he needs to redirect these people to the WW basement.
will get back to you this evening; thx

Jennifer M. Oschal
02/12/2001 02:55:55 PM
Record Type: Record

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

Ken has asked me to touch base with you on the following: we're in the process of designing a newsletter we will email out periodically. plan on sending it to the following groups (for the most part) to keep them posted on our political world, get the message out, etc...

- state chairs
- governors
- finance chairs
- lt govs.
- state legislators
- R Congressmen and Senators and their chiefs of staff
- state parties
- political consultants we identify
- political reporters

can we do this and what do we have to be aware of? do you need anything from me? a sample of the letter when it's completed perhaps?
Here is the draft text of a response letter to be sent to Senators who submit candidates for judicial selection. Please let me know if you have changes.

Dear Senator [identify Senator(s)]:

On behalf of President Bush and Counsel to the President Alberto Gonzales, this will acknowledge that we are in receipt of your letter dated [date] forwarding recommendations for the judicial vacancies in the United States [identify court]. Please be assured that the individuals you have recommended will be evaluated carefully and that the President and the Counsel will give them every consideration in this process.

If we can be of any further assistance, please do not hesitate to contact us. In the meantime, please accept our thanks for your advice on this important matter.

Sincerely,

Bradford A. Berenson
Associate Counsel to the President
Have you discussed a meeting with Michael Toner yet? vbm
look who's talking??

Elizabeth N. Camp
02/12/2001 10:36:53 PM
Record Type: Record

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

go home!
Please review the below message, discuss with Al and Tim if necessary, and let me know how to proceed.

Thanks!

---------------------- Forwarded by Elizabeth N. Camp/WHO/EOP on 02/12/2001 10:34 PM ---------------------------

Alison Jones
02/12/2001 09:16:26 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: 

Subject: Re: intro...

back to the letter, a couple of ways to handle:

1) Z thinks the ltr ought to go to all Republicans (only)
2) do you want the letter personalized, i.e., dear Senator Hatch?
3) if not, we can pass out at the Republican Policy lunch at 12:30pm tomorrow.
4) if you do need letters to be personalized, we can drop them in the inside mail at the senate
5) regardless of how we handle, we would like to fax a copy to Lott, Nickles and Hatch before all Republicans see it.

thanks.

Elizabeth N. Camp
02/12/2001 07:44:48 PM
Record Type: Record

To: Alison Jones/WHO/EOP@EOP
cc: Bradford A. Berenson/WHO/EOP@EOP, Ziad S. Ojakli/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP

Subject: intro...
Libby Camp here - I am Executive Assistant to Counsel to the President Al Gonzales.

Z and I finally got to talk just now about a letter we need to send out as soon as possible on Tuesday to Senators - Z and our Counsel guys will determine exactly who gets this letter (all Republican Senators, any Reps?)

Once that decision is made I need to work with you on the list, printing and delivery of letters - they will be signed by Al.

Wanted to let you know this very time sensitive project is coming your way and send you my number in case you have any questions.

Thanks!

Libby Camp
456-2632
This is entirely appropriate OPA activity. The costs associated with this (stamps, paper) probably should be paid by RNC, which will be easy to accomplish once the RNC equipment is installed.

Jennifer M. Oschal
02/12/2001 02:55:55 PM
Record Type: Record

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

Ken has asked me to touch base with you on the following: we're in the process of designing a newsletter we will email out periodically. plan on sending it to the following groups (for the most part) to keep them posted on our political world, get the message out, etc...

- state chairs
- governors
- finance chairs
- lt govs.
- state legislators
- R Congressmen and Senators and their chiefs of staff
- state parties
- political consultants we identify
- political reporters

can we do this and what do we have to be aware of? do you need anything from me? a sample of the letter when it's completed perhaps?
so if we send via email, do we have to use our RNC equip? or can we send from WHO accounts?

Brett M. Kavanaugh
02/13/2001 01:45:30 AM
Record Type: Record
To: Jennifer M. Oschal/WHO/EOP@EOP
cc: 
bcc: 
Subject: Re: OPA newsletter

This is entirely appropriate OPA activity. The costs associated with this (stamps, paper) probably should be paid by RNC, which will be easy to accomplish once the RNC equipment is installed.

Jennifer M. Oschal
02/12/2001 02:55:55 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: OPA newsletter

Ken has asked me to touch base with you on the following: we're in the process of designing a newsletter we will email out periodically. plan on sending it to the following groups (for the most part) to keep them posted on our political world, get the message out, etc...

- state chairs
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- lt govs.
- state legislators
- R Congressmen and Senators and their chiefs of staff
- state parties
- political consultants we identify
- political reporters

can we do this and what do we have to be aware of? do you need anything
from me? a sample of the letter when it's completed perhaps?
Brett and Brad - You need to email these to Heather - she keeps Tim's schedule.

Thanks!
On 2/20. He was going to call you when he made his plane reservation. I was waiting tell he confirmed to put him on the schedule, have you heard anything?
How is today at 11:30?
Where are we on OEOB Staff Assistants? We're getting to the point now where it would be extremely helpful to have some phone coverage and other help over here.

Also, I would recommend that once we have our full complement of support staff in OEOB, we do some office shuffling to make sure that each major pod of attorney offices has at least one person in the outside office. It's not very efficient, for example, having both paralegals officing in the same pod.
Yes, sorry.

Brett and Brad – You need to email these to Heather – she keeps Tim’s schedule.

Thanks!
I did, and I gave it to Brent to crank into our database.
Do you have the info for a WAVES request for this guy? I need his first name, DOB, and SS#. Thanks.
fyi that Al just left and will be gone until about 2:30 pm.

does he needs to see this again before it goes into binder?
Not really.

Elizabeth N. Camp
02/13/2001 12:43:51 PM
Record Type: Record

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

fyi that Al just left and will be gone until about 2:30 pm.

does he needs to see this again before it goes into binder?
Did you get a copy of that?
Can we schedule a meeting Friday at 3:30 with you, Toner, me, and your counterpart at RNC?

Vickers B. Meadows
02/12/2001 07:16:58 PM
Record Type: Record

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

Have you discussed a meeting with Michael Toner yet? vbm
Jay Banning will be out on Friday thru Tuesday. He can meet at 11:00 on Thurs. - suggested to meet over there. Toner is in Richmond today and Jay was going to check with him tomorrow. Does this work for you? vbm
Could I get a copy?
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Noel J. Francisco/WHO/EOP@EOP [WHO] <Noel J. Francisco>
Sent: 2/14/2001 4:18:46 AM
Subject: never got your reply e-mail on Eid; please re-send

never got your reply e-mail on Eid; please re-send
Sorry, but I can't find it in my trash bin -- I guess it was emptied out when I logged off last night. Just ask Noel to resend it to you.
From: CN=Rachel R. Brand/OU=WHO/O=EOP [ WHO ]
To: Bradford A. Berenson/WHO/EOP@EOP [ WHO ] <Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Noel J. Francisco/WHO/EOP@EOP [ WHO ] <Noel J. Francisco>
Sent: 2/14/2001 5:24:23 AM
Subject: MEETING RESCHEDULED FOR 11:00 A.M.

we're now meeting with the judge re judicial vacancies at 11:00.
I wanted to make sure we are on the same page:

1) Ansley has the list of Republican Senators - if you need it for merging of letters and envelopes.

2) Ansley can help facilitate the Judge signing these letters - please make sure that she knows what deadlines are in place so she can plan her various projects accordingly.

3) If delivery is other than US mail we need to work that out with the legislative or delivery people.

Thanks!
We were booted from the Roosevelt Room - the 4:00 pm meeting will now take place in Andy Card's Office.

General Ashcroft's Office has been advised.
To: See the distribution list at the bottom of this message
cc:
Subject: Judicial Selection Committee Meeting for this week

The meeting will be held from 4:00-5:00 pm on Wednesday, Feb. 14th in the Roosevelt Room.

The following people will be in attendance:
Attorney General John Ashcroft
Adam Ciongoli (with Ashcroft)
Andy Card and/or Josh Bolten
Al Gonzales
Tim Flanigan
Karl Rove
Chris Henick
Nick Calio
Clay Johnson
Kyle Sampson
Brad Berenson
Brett Kavanaugh

Thanks!

Message Sent
To:
Brooke Vosburgh/WHO/EOP/EOP
Jan E. Williams/WHO/EOP/EOP
Heather Larrison/WHO/EOP/EOP
Carol J. Thompson/WHO/EOP/EOP
Megan R. Johnston/WHO/EOP/EOP
Israel Hernandez/WHO/EOP/EOP
Kristen M. Palasciano/WHO/EOP/EOP
Chris Henick/WHO/EOP/EOP
Bradford A. Berenson/WHO/EOP/EOP
Brett M. Kavanaugh/WHO/EOP/EOP
Stacey B. Silva/WHO/EOP/EOP
Annually, Republicans join together in Oregon and hold "The Dorchester Conference." It is not a fundraiser, but it is politically oriented and for Republicans. This year, they have invited Gayle Norton as their keynote speaker. How does she pay for this event? Does she need official Government business out there? Or can the Gov't pay for her travel out there?

Adrian
Do you mind taking a crack at this one, Mr. Presidential records.

---------------------- Forwarded by Robert W. Cobb/WHO/EOP on 02/14/2001 07:11 PM ---------------------------

Krista L. Ritacco
02/14/2001 02:49:33 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:  
Subject: speechwriting & laptops

Moose-

I was wondering if you could clarify what exactly we as a speechwriting department get ourselves into (or what we need to be aware of) if we work on our home computers on Presidential speeches. Would it be better to use a government-issued laptop? Thanks for your advice!

--Krista Ritacco
Tim asked me to have you call Ron Fournier with the AP. He called our office and would like to obtain the White Log entry logs for Denise Rich. Please call him back at 202-262-1750.

Thanks.
As President George W. Bush tours the country to promote his tax cut and education proposals, White House officials are working behind the scenes to prepare for what could be a more defining legacy of his presidency: picking judges for the federal bench.

Alberto Gonzales, the White House counsel, says he and other top officials have begun to review judicial candidates and make recommendations to the president.

Attorney General John Ashcroft will have a substantial say in the nomination process. Gonzales said Ashcroft has a seat on the committee that will advise the president. The panel includes other Department of Justice officials and top White House advisers. Gonzales serves as the chairman.

The group has a daunting task ahead. At the beginning of February, the nation's district and circuit courts had 93 vacancies. And almost one third of those were deemed "judicial emergencies" because of long-standing vacancies and heavy caseloads.
"It's not unprecedented, but it is definitely on the high side," Elizabeth Dahl, deputy director of the Constitution Project, said of the vacancy rate. The Constitution Project is a bipartisan organization that works on judicial-reform issues. Then there's the prospect of vacancies on the Supreme Court. No justices have announced their retirements, but Bush will likely get the chance to name one or more in the next four years.

Gonzales said he views federal judicial appointments as vital because the judges are appointed for life. "This may be the most important thing that a president does," he said. No matter what administrative policies Bush implements or legislative victories he wins, "those can always be undone by the next Congress," Gonzales said. "But a federal appointment lasts a lifetime."

It may also be one of the most politically treacherous tasks the president faces. Democrats signaled as much in their unsuccessful bid to defeat Ashcroft's nomination to be attorney general.

Many Democrats said they hoped the bitter fight against Ashcroft, who won confirmation by a 58-42 vote, would be a warning to the White House that Democrats would defeat arch-conservative judicial nominees. During President Bill Clinton's administration, the Senate was mired in a nasty partisan standoff over Clinton's judicial appointments. Sen. Patrick Leahy, D-Vt., ranking Democrat on the Judiciary Committee, complained bitterly that Republicans were blocking qualified candidates from the bench. Nominees were being left to "twist in the wind," he wrote in one editorial page article.

Republicans often argued that there was no real judicial emergency and that courts were working fine with fewer judges. Leahy said he now expects Republicans to change their tune. "I suspect now they'll suddenly acknowledge the emergency and we'll go from there," he said.

Democrats, too, could find their old arguments thrown back at them if they tried to block or stall candidates they don't like. Leahy said he has urged Democrats not to use the same kind of tactics that Republicans did because it was "irresponsible" and "it hurt the independence of the judiciary." But it's unclear how persuasive Leahy will be.

Dahl, of the Constitution Project, said, "There's no reason to think (the gridlock) won't continue ... with some members trying to stop nominees or slow action or put them through extensive grilling." Because the Senate is evenly divided, Democrats will have the ability to put the brakes on candidates they don't like, she said.

And the chairman of the Judiciary Committee, Sen. Orrin Hatch, R-Utah, is not convinced that Democrats are ready to play nice. "I'm prepared for anything," Hatch said.

He said he is "very concerned" that the rancor and partisanship seen during the Ashcroft hearings will pepper the Senate's consideration of judicial candidates. Gonzales declined to say whether he and Hatch had discussed how to move Bush's appointments through with minimal partisan bickering.

For Supreme Court nominees, "we'll certainly have to develop our strategy," he said. "Our Number 1 priority will be to get the best jurists on the court. ... But we're not naive, and we understand that there are political forces that we'll have to deal with. It's something that we're thinking about."

Gonzales said it's unclear whether district and circuit court nominees will face a similarly high level of scrutiny. "I can't control the politics of it," he said. "All I can control is to make sure that we've presented to the president the best qualified people ... so that he can nominate them."

Gonzales said that generally, the new administration's procedures are very similar to those of past presidents. Gonzales would not say how much power Ashcroft will have. But previous attorneys general, such as Edwin Meese III in Ronald Reagan's administration, have had considerable influence in shaping the federal judiciary. Gonzales said the president has established two basic principles to guide the committee's recommendations: character and competence. The committee will examine whether a candidate has "the experience and intellect" and the "appropriate judicial philosophy" to be a judge. In terms of philosophy, he said, they will look for candidates who "appreciate the separation of powers and understand and
believe in judicial restraint."

GRAPHIC: PHOTO Photo headshot - (John) Ashcroft
Will have a substantial say in filling the vacancies

LOAD-DATE: March 4, 2001
March 19, 2001

Senate Judicial Battles Loom

By Paul Kane and Mark Preston

As the White House's top lawyer met with key Senators last week to discuss federal judicial vacancies, Democrats signaled that they are not going to roll over when it comes to President Bush's nominations to the federal bench.

In the wake of Republican efforts to block some of ex-President Bill Clinton's judicial picks over the past eight years, Sen. Charles Schumer (N.Y.) and other top Democrats are vowing tough scrutiny of Bush's nominees.

With the President's nominees facing a 9-9 split on the Judiciary Committee and a 50-50 divide in the chamber, the process could sorely test the Senate's historic power-sharing agreement.

"They're going to have to figure out a way to deal with us," said Schumer, a prominent Judiciary member, who is one of seven Democrats on the committee who hails from a state without a GOP Senator.

With tradition dictating that the president defer to Senators from his
party to submit names of nominees for the bench and for U.S. attorneys, unless there is no Senator from his party, those seven Democrats won't have a direct say in who the Bush administration nominates from their states. Recently, though, some Senators from the opposing party have been able to weigh in on potential judges from their states, a courtesy Democrats want to see extended.

Senate Majority Leader Trent Lott (R-Miss.) vowed to use his prerogative to pull deadlocked nominees out of Judiciary and bring them to the Senate floor, a new authority given to both parties Senate leaders under the power-sharing deal.

Lott predicted that Republicans will be able to move Bush's nominees through on the basis of their majority, which hangs on Vice President Dick Cheney's tie-breaking vote, something the Clinton administration couldn't do because of the GOP majority.

"When you have the White House and the Senate ... there is a big difference," Lott said, adding that he "won't allow [judges] to be blocked indefinitely."

Democrats could use the delaying tactic of placing a hold on some nominees, and, in some controversial cases, force the Republicans to file cloture and get 60 votes for the nominee. Democrats feel that, late in a session, Republicans would use holds to kill off a vote on Clinton nominees and would threaten a filibuster to prompt Lott to avoid calling up a nominee.

Lott, however, dismissed that tactic as an extreme measure. "The rule has been, we don't filibuster nominees," he said.

Cognizant of the need for some bipartisanship in moving his judges, Bush sent White House Counsel Alberto Gonzales to meet with key Republicans and Democrats last week to discuss Bush's approach to filling the almost 100 vacancies on the federal bench.

The most critical meeting may have been Thursday with Sen. Patrick Leahy (Vt.), the ranking Democrat on Judiciary.

"The best way to say how the meeting went is to see where we are six months from now," Leahy said. "If they work to make sure [Democrats] are consulted, then the agenda will move quickly. If it is treated in a very partisan way, then it won't move so smoothly."

Gonzales also met Wednesday with Sen. Arlen Specter (R-Pa.). As the lone moderate Republican on Judiciary, Specter could play the decisive role in any nomination facing unified Democratic opposition.

Specter cautioned his colleagues to avoid the bitter judicial fights of the Clinton years, one of which involved a Specter nominee to the U.S. District Court in Philadelphia, who withdrew in the face of conservative opposition. "The essential point is that we get the business of the Senate done," he said.

Judiciary Chairman Orrin Hatch (R-Utah) said Gonzales' meetings are a good start to the nomination process, as opposed to how Hatch believes Clinton's aides dealt with Republicans. "We didn't see much of their counsel up here when Clinton was there except for the ethics issues and things like that," he said.

Gonzales, who heads a team of Bush aides who are reviewing judicial candidates, recently told The New York Times that sending the nominations as quickly as possible to the Senate "is a very real priority for us."

Still, Democrats remain concerned about the views those nominees will hold, particularly since one of the top people interviewing candidates is Attorney General John Ashcroft, whose nomination was bitterly opposed by most Judiciary Democrats.

While a Senator, Ashcroft led the fight against many Clinton nominees, including Missouri Supreme Court Justice Ronnie White, an African-American.

Democrats still hold a grudge over what they perceived to be unfair treatment of White and other minority and female nominees by Senate Republicans over the past eight years.

"I would hope the Judiciary Committee gives [Bush nominees] more consideration than some of our nominees received," Durbin said.

Sen. Joseph Biden (D-Del.), however, thinks Clinton made a big mistake by not getting nominees to the Senate quick enough. He noted that the first Bush administration also erred in this respect.

"If you don't get folks up here early, it gets hard," said Biden, who warned Democrats not to play partisan politics with conservative nominees
who are adequately qualified.
Hatch was quick to point out that, over eight years, the Senate confirmed
377 judges nominated by Clinton, only five less than the 382 confirmed
during Ronald Reagan's two terms.
Although Leahy will not "play the games," he said he will make sure
Democrats are treated fairly, particularly in states such as New York and
California, which both have two Democratic Senators and might not
otherwise have any input into nominations.
"I am going to make sure the Senators of our party are consulted," said
Leahy, adding that he "assumes that will happen."
In all, there are 18 states with two Democratic Senators.
Some senior Republicans aren't expecting any partisan fights too early,
not until the first Supreme Court justice resigns and Bush has to replace
him or her.
"I think they'll save all of their ammunition for Supreme Court nominees,"
Sen. Chuck Grassley (R-Iowa) said of the Democrats.
But liberal activists claim that conservatives, including Ashcroft,
"changed the rules" during the Clinton years by staunchly opposing
lower-court nominees.
Ralph Neas, head of People for the American Way, said the same groups that
opposed the Ashcroft nomination are beginning to plot their strategy for
Bush's judicial nominations.
"It is a discussion that is evolving," he said. "The Supreme Court
nominees focus everyone's attention around the country. But too often
everyone forgets there will be hundreds of [Bush's] lower-court
appointments."
The partisan din is increasing in Washington. But it,s nothing compared to the roar you are likely to hear when George W. Bush begins nominating candidates for federal judgeships. In the cultural wars of the late 20th and early 21st centuries, the courts are where the ideological rubber really hits the road.

The first major shot was fired last week, when the White House let it be known that it plans to dilute the traditional role of the American Bar Association in screening judicial candidates for suitability. In the view of the Bush White House-and many others-the ABA has become so politicized, taking overtly liberal positions on such issues as abortion, that it can,t be trusted as an objective arbiter.

The White House also let it be known that it would look for guidance to the frankly conservative Federal Society, a loose-knit organization that grew up in the 1980s in reaction to the perceived liberal bias of most law schools. ABA President Martha Barnett, pointedly referring to claims that Bush had stolen the election in Florida, wailed that at a time when "people wondered if the courts were political in their acts," changing the screening process would "be adding fuel to the fire."

But Bush,s popularity appears to be rising and questions about his legitimacy as president are rapidly diminishing. His success in getting conservative former Sen. John Ashcroft confirmed as attorney general sent a loud signal that he wouldn,t be intimidated by Teddy Kennedy,s name-calling. And while Supreme Court nominations will inevitably attract
most of the attention, it is in the lower courts that much of the real action will take place.

The 6th U.S. Circuit Court of Appeals, for example, which includes Michigan, Ohio, Tennessee and Kentucky, has four vacancies—all in seats now held by Michiganders—and four more are expected soon. Thus the 16-member court, which is now marginally Democratic, could shift radically in a Republican direction in the next year or so.

Because both Michigan senators, Carl Levin and Debbie Stabenow, are Democrats, there is potential for a bitter fight. The left has been loudly claiming it’s payback time because of the refusal of the GOP-controlled Senate to confirm dozens of Democratic nominations in the last few years of the Clinton administration. But even more nominees were left dangling in the dying days of the elder George Bush’s administration.

Much will depend—and properly so—on the quality of the Bush appointments. A committee under the wing of Gov. John Engler has recommended three nominees to the White House, but it raised eyebrows by passing over several more experienced candidates. Others are pushing for their inclusion on grounds that it’s important for an appeals court judge to have a proven ability to take the heat for sometimes ruling in politically incorrect ways.

That needn’t mean always accommodating the demands of conservative activists. An intriguing case in point is Alberto Gonzalez, now Bush’s White House counsel. As a Texas Supreme Court justice, he voted to uphold a Texas law that would make it easier for minors seeking an abortion to bypass parental notification requirements, angering right-to-life groups.

But the bypass possibility was expressly required under Texas law. Texans who didn’t like the law should try to get it changed, not lobby for judges who will impose their own views—as many liberal judges have long made a practice of doing. In the long run, insisting on adhering to the rule of law poses a more serious threat to liberal interests, which have trouble attracting legislative majorities, than judges who can pass litmus tests on specific issues.

And, if the new president is willing to use his bully pulpit to explain the underlying issues to the American people, such nominees may be a lot more difficult to defeat, especially in a narrowly-divided Senate.

Thomas Bray is a Detroit News columnist who is published on Sunday and Wednesday. He can be contacted at (313) 222-2544 and at letters@detnews.com.

Bradford A. Berenson
03/26/2001 02:33:32 PM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
Subject: Detroit News editorial page piece

by someone with the last name of Bray, yesterday (Sunday), re judicial selection in Michigan. I need a copy if at all possible. It's supposed to be available on-line.
Makan_Delrahim@judiciary.senate.gov (Makan Delrahim)
04/25/2001 01:48:19 PM
Record Type: Record
To: Kyle Sampson/WHO/EOP, Townsend L. McNitt/WHO/EOP,
Dave_Hoppe@lott.senate.gov (Dave Hoppe)
cc: 
Subject: CQ story on blue slips

FYI -- Kyle, could you forward to Brad Behrenson and Tim.

--- Forward Header ---
Subject: fyi - CQ story on blue slips
Author: Margarita Tapia
Date: 4/25/01 1:41 PM

CQ MONITOR NEWS

NO AGREEMENT REACHED ON JUDICIAL NOMINATION PROCESS

By Amy <Fagan> and Elizabeth A. Palmer, CQ Staff Writers

April 24, 2001 - The Senate Judiciary Committee met behind closed doors Tuesday in an attempt to clarify just when President Bush's judicial nominees will get hearing.

But with the bitter politics surrounding former President Bill Clinton's difficulties in winning judicial confirmations hanging over the meeting, Republicans and Democrats failed to agree on what the committee's policy was, or what it should be.
Democrats contend Republicans want to make it easier for Bush to add conservatives to the federal courts when he starts trying to fill the nearly 100 judicial vacancies. Republicans contend the policy for deciding who gets a hearing will not change.

The debate centers around the panel's so-called "<blue>slip" policy. For decades, the panel has sent a small slip of paper to each senator from the state in which an individual has been nominated to be a federal judge, U.S. Marshal or U.S. attorney. Though the slips are mentioned nowhere in the committee rules, they are deeply rooted in the history of the Senate. Senators return the slips to the Judiciary Committee indicating support or disapproval of nominees.

The focus of negotiations is what happens if the state's senators are divided. Republicans control 19 state delegations in the Senate to 18 for the Democrats. Thirteen are evenly split.

Judiciary Chairman Orrin G. Hatch, R-Utah, said there is no change -- the committee will follow the policy it has followed for years. That policy, Hatch said, is that negative slips will be given "great weight" but will not prevent the nomination from proceeding, unless the administration did not consult with both senators prior to submitting the nomination. In that case, the nomination would effectively be dead.

Democrats are worried however, that Republicans will not give the same "great weight" to negative slips from Democrats that they gave to negative slips from Republicans during the Clinton era, when dozens of nominees never received hearings.

Over the past six years, Hatch said he remembers holding only one nomination hearing over the objection of a senator who had sent in a negative slip.

Democrats believe that despite what Hatch says, the policy under Clinton required two positive slips. Sen. Jesse Helms, R-N.C., used the "slip" to block Clinton's nominees to the bench in his state even when they had
the approval of Democrat John Edwards.

"I'm trying to make sure that we have the same rules for Bush that we had for Clinton," ranking Democrat Patrick J. Leahy, Vt., said after the meeting. "People don't get a hearing unless they have two positive slips. I've been here 25 years and I've never known it to be otherwise."

Leahy said that he voted for 99 percent of the conservative nominees put forward by Republican former presidents Ronald Reagan and George Bush, but there was always consultation and agreement involved. "We've always taken the position that it doesn't go through unless we both agree," he said.

Leahy said he has 49 other Democratic senators who agree with him, indicating that they would block judicial nominees. He said he does not want the situation to deteriorate to the point where Vice President Dick Cheney has to come to the Senate constantly to break ties on judicial nominees.

Source: CQ Monitor News
Round-the-clock coverage of news from Capitol Hill.
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Senator Leahy began service in the Senate in 1975.

Buckley was confirmed 12/17/1985.
Vote - 84 - 11 - 5(not voting)
Leahy voted Yeah.

Wiggins was confirmed 10/3/1984
He was confirmed with 8 others en block
Leahy did not object.

Mikvah was confirmed 9/25/1979
Vote - 58-31-4(present)-7(not voting)
Leahy voted Yeah.

I'll have a list on your chair of members of Congress who served as federal judges this afternoon.
Brent and I put these together. We're heading out for the evening. If you need either of us, we've both got our cell phones.
Democrats vow to fight for right to veto judges

By Audrey Hudson and Dave Boyer
THE WASHINGTON TIMES

Senate Democrats yesterday threatened to block all of President Bush’s judicial nominees unless they are given veto power over appointments in their home states.

Senate Minority Leader Tom Daschle said there is “absolute unanimity” among Democrats to hold the nominations hostage until their demands are met. "We just won’t allow the vote," Mr. Daschle told reporters. "We'll extend debate, and we can guarantee that they will not" proceed.

Senate Republican leaders are resisting the Democrats' demand, but Democrats have the votes to carry out their threat in the 50-50 Senate because Republicans need 60 votes to stop a filibuster.

Democrats agreed on the strategy last week at a retreat in western Pennsylvania, and Rep. Christopher Cox, California Republican, could be
the first victim.

Mr. Cox is the first sitting member of Congress in line for a Bush administration appointment, a federal judgeship in his home state. Background checks are under way, and the official paperwork on Mr. Cox’s nomination is moving. A House leadership aide said a meeting "key" to the nomination will be held today when Mr. Cox seeks the support of Sen. Dianne Feinstein, California Democrat. But Mrs. Feinstein, in an interview with The Washington Times yesterday, sounded skeptical of Mr. Cox’s candidacy.

"Chris Cox comes from probably the most conservative district in the state," Mrs. Feinstein said. "It isn’t the mainstream in the state of California by a long shot."

Of his ideology, Mrs. Feinstein said, "There are many areas where he’s taken a position in Congress that are of course different from what the law is. The real question I have is, why should I vote for you to be a federal judge? So I want to have that conversation."

Fellow California Democrat Sen. Barbara Boxer already has indicated she opposes Mr. Cox’s nomination. However, Mrs. Feinstein said she has an agreement with the administration to establish commissions equally divided across party lines to create a bank of qualified candidates. "I think we ought to get that functioning and see how it works," Mrs. Feinstein said.

Although Democrats long accused Republicans of dragging their feet on President Clinton’s judicial nominations, Republicans say it is rare for judicial nominees to be so aggressively blocked. "This is relatively unprecedented and dramatically mean-spirited by any measure," Sen. Larry E. Craig, Idaho Republican, said of the Democrats’ demands.

During the Clinton era, Republicans were discouraged from filibustering the Senate to oppose nominees, Mr. Craig said. After winning control of the Senate in 1995, Republicans approved 240 of the first 241 Clinton-appointed judges to come up for a vote. In his eight years in the White House, President Clinton had 377 of his judicial appointees approved by the Senate, roughly comparable to the 382 judges President Reagan placed on the federal bench in his eight-year term. Democrats complained bitterly in 1999 when 13 Republican senators vowed to block all of Mr. Clinton’s judicial nominees because of a dispute over so-called "recess appointments."

Sen. Patrick J. Leahy, Vermont Democrat, called that threat a "reckless and disproportionate response."

Democrats say they want the same nomination process Republicans enjoyed during the Clinton administration, but Republicans say it is the same process. For the past eight years, the Judiciary Committee has followed the same procedures initiated by former committee Chairman Joseph R. Biden Jr., Delaware Democrat, a committee spokeswoman said.

If a senator rejected a nominee from his home state, it did not preclude a vote but was a "significant factor" to be weighed by the committee in its evaluation on the nominee, according to the June 6, 1989, letter from Mr. Biden to former President Bush. If the administration fails to consult with the home state senators before submitting a nomination, however, "the nominee will not be considered," the letter said.

Democrats say Sen. Orrin G. Hatch, Utah Republican and Judiciary Committee chairman, did not follow Mr. Biden’s policy during the Clinton administration.

"I keep telling Orrin, 'Stop taking my name in vain, pal. This is not Biden policy,'" Mr. Biden said.

The Bush administration is not consulting with senators on his nominations, Mr. Biden said, but the first nomination has yet to be forwarded to Congress.

"We will insist that before the vote on confirmation that both senators, in the case of two Democrats, or one senator in the case of a single Democrat representing the state, have the ability to sign off on that nominee or it won’t go anywhere," Mr. Daschle said.

Mr. Cox is the fourth-highest-ranking House member and was elected in 1988.
He served as senior counsel to President Reagan and his successful primary campaign against more than a half-dozen fellow Republicans was attributed to his yard signs: a replica of a thank-you note to Mr. Cox from Mr. Reagan.

House aides say if Mr. Cox’s nomination is confirmed by the Senate, they are confident Republicans will retain his congressional seat.
SENATE DEMOCRATS VOW TO BLOCK GOP JUDICIAL NOMINATIONS

By Amy Fagan, CQ Staff Writer

May 3, 2001 — A partisan battle over judicial nominations escalated Thursday, and Senate Democrats continued threatening to block confirmation of President Bush’s choices for federal judgeships unless the dispute is settled.
The fight prompted Democrats on the Senate Judiciary Committee to walk out of a morning markup, further delaying a vote on four nominations to executive branch positions.

And Democrats said again they will block confirmation of Bush's judicial nominations unless committee Republicans change their stance on how the nominations are handled.

"There are ways, when you have 50 Senators or nine senators on the Judiciary Committee ... that we can certainly have our say," committee Democrat Charles E. Schumer, N.Y., said Thursday, as Democrats and Republicans held press conferences attacking each other's positions.

On Wednesday, Minority Leader Tom Daschle, S.D. said flatly that, "If a Senate Democrat has not signed off on a judicial nominee, there will not be a confirmation vote."

Bush is expected to release the names of his first judicial nominations next week.

The Associated Press reported Thursday that officials said the president plans to nominate Appeals Court Judge Roger Gregory to a permanent seat, resurrecting a nomination that GOP senators once strangled.

If nominated and approved, he would become the first black judge to be confirmed to a seat on the 4th Circuit Court of Appeals.

The dispute in the Judiciary Committee centers around the panel's "blue-slip" policy, which refers to the sheets of paper that both senators from a state fill out to express support or opposition for a nominee for a federal judgeship in that state.

Democrats say opposition from either senator should effectively disqualify a nominee.

Committee Chairman Orrin G. Hatch, R-Utah, disagrees, saying opposition from one senator should receive "great weight" but should not necessarily keep a nomination from moving forward.

"What they're asking for is that any Democrat or Republican can kill a presidential nominee for any reason," Hatch said. "I'm not going to give them that."

Committee member Jon Kyl, R-Ariz., said Democrats "are trying to find a way to generically oppose Bush's nominees without having to discuss the specifics of each one. Because, on the merits, none of these candidates are going to be opposable."

Democrats counter that Hatch is making a procedural change that would unfairly smooth the way for confirmation of Bush's judicial nominees.

"It's a double standard and we would make an enormous mistake if we allow it to go forward," said committee member Russell D. Feingold, D-Wis.

Democrats say they are merely seeking a continuance of the judicial nominations procedure that they say was in place during the Clinton administration.

The dispute again delayed a committee vote on four Justice Department nominees, including the nomination of attorney Theodore Olson to be solicitor general. Olson represented the Bush campaign during the presidential recount battle last fall.
The executive branch nominations are not a focus of the partisan dispute but remain stalled as the fight continues.

"Democrats are playing games with our nation's top law enforcement officials," Hatch said.

He said Democrats are forgetting that while the Senate was under GOP control during Clinton's Administration, it confirmed 377 of Clinton's judicial nominees, just five short of the record number confirmed under former President Ronald Reagan.

And Hatch noted that when he headed the Judiciary Committee during Clinton's tenure, he did not allow a single senator to block a judicial nomination unless administration officials had failed to consult with the senator regarding the nominee's qualifications. He said he wants to continue that procedure while Bush is president.

Democrats complained they have not been consulted about the nominees that will be announced next week.

"They have notified us at the last minute," Schumer said. "They should stop, they should not put the judges forward next week and they should start the consultation process."

Schumer said the administration is subtly trying to shut Democrats out of the judicial nomination process in the interest of creating "the most ideological bench we have ever seen in America."

Source: CQ Monitor News
Round-the-clock coverage of news from Capitol Hill.
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The RNC's Research shop was able to dig up the attached, which might be helpful.

------------- Forwarded by Kenneth B. Mehlman/WHO/EOP on
05/06/2001 05:13 PM -------------
Senator Eiden Chastised Senators For Allegedly Holding Up Judicial Nominations From Their State If They Did Not Get To Name Some Of Them. "I see my colleagues nodding and smiling. I am sort of breaching the unspoken rule here not to talk about what is really happening. But that is what is really happening. I will not name certain Senators. But I have had Senators come up to me and say, Joe, here is the deal. We will let the following judges through in my State if you agree to get the President to say that I get to name three of them. Now folks, that is a change of a deal. That is changing precedent. That isn't how it works. The President nominates. We dispose one way or another of that nomination. And the historical practice has been--and while I was chairman we never once did that--that never once that I am aware of did we ever say, 'By the way, we are not letting Judge A through unless you give me Judges B and C.'" (Sen. Joe Biden, Congressional Record, March 19, 1997)

Senator Leahy Stated That Senators Should Show Deference To A President's Judicial Nominees And Should Not Vote Against A Nominee Based On Ideological Differences. "We know that whoever is President is going to have the greatest influence of all of us on who is going to be a Federal judge. President Reagan made it very clear when he ran for President, for example, who he would appoint as Federal judges. A lot of these Federal judges are not the men and women I would have appointed from that circuit or that district. But I voted for all of them because they were honest people, people of integrity, people of confidence, and people I could look at and say, although I might have disagreed with their political background, I know that, as a litigant, if I came before his or her court, I could expect an honest treatment. President Bush had other ideas who should be there, as President Carter and President Ford did. These are all Presidents I have served with. President Clinton now has his ideas. Now, the interesting thing, President Ford was appointed, but these others, in every election, at some point during the campaign, it became an issue as to who will this Presidential candidate appoint to the Federal judiciary. And the American people examined their views and they elected President Carter, President Reagan, President Ford, and President Clinton. A President should be given a great deal of latitude on who he nominates to the Federal court. If we disagree with a nomination, then we can vote against it." (Sen. Patrick Leahy, Congressional Record, June 16, 1997)

Senator Feingold Remarked That Senators Who Oppose Judicial Nominees For Being Conservative Or Liberal "Mistake Their Role In The Constitutional Scheme." "If opponents of Judge Paez want to fill the court only with seemingly conservative judges, they mistake their role in the constitutional scheme in my opinion. Let's not kid ourselves. Partisan politics shouldn't play a part in the confirmation of judges, but they do." (Sen. Russ Feingold, Congressional Record, March 8, 2000)

Senator Kennedy Stated That Senators Are Supposed To Work With, Not Against, The President On Judicial Nominees. "Over 200 years ago, the Framers of the Constitution created a system of checks and balances to ensure that excessive power is not concentrated in any branch of government. The President was given the authority to nominate federal judges with the advice and consent the Senate. The clear intent was for the Senate to work with the President, not against him, in this process." (Sen. Ted Kennedy, Congressional Record, March 7, 2000)

Senator Mikulski Said She Evaluates Judicial Nominees On Competence, Temperament, And Integrity. "When I decide whether to support a judicial nominee, I look at whether the nominee is competent; whether the nominee
possesses the appropriate judicial temperament; whether the nominee possesses the highest personal and professional integrity, and whether the nominee will protect our core constitutional values." (Sen. Barbara Mikulski, Congressional Record, March 19, 1997)

Senator Leahy Declared That Senators Should Never Get Caught Up In Partisan Moves Over Judicial Nominees Because Such Actions Will Jeopardize The Independence Of The Judiciary. "What I worry about, Mr. President, is that if we allow the Federal judiciary to be caught up in partisan moves, where one side tries to get advantage over the other, while one side or the other might win in the short term, all of us as Americans are damaged because our Federal judiciary is damaged. Every one of us--Republican or Democrat--should know if we look at history, read history, and if we understand history, that one of the reasons we are the greatest democracy history has ever known is because of our independent Federal judiciary. We should never allow anything to happen to cut back on that independence." (Sen. Patrick Leahy, Congressional Record, June 16, 1997)

Senator Leahy Argued That The Judicial Nomination Process Has Become Too Personal. "I deeply regret that confirmation as a Federal Judge is becoming more like a political campaign for these nominees. They are being required to gather letters of support and urge their friends, colleagues and clients to support their candidacy or risk being mischaracterized by those who do not know them." (Sen. Patrick Leahy, Congressional Record, February 11, 1998)

Senator Eiden Pointed Out That Republicans Voted Unanimously For Almost All Of President Clinton's Judicial Nominees In His First Term. "I might point out that all the talk [during the 1996 presidential election] that started off--it all fizzled because it did not go anywhere--about how there is going to be an issue about activism on the courts, we pointed out that of all the judges that came up in Clinton's first term, almost all of them were voted unanimously out of this body by Democrats and Republicans, including the former majority leader [Sen. Bob Dole]. He only voted against three of all the nominees, then he argued, by the way, that Clinton nominated too many activist judges. And then it kind of fizzled when I held a little press conference, and said, 'By the way. You voted for all of them.'" (Sen. Joe Biden, Congressional Record, March 19, 1997)

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There are States where precedents were set years ago. The Republican and
Democratic Senator, when it was a split delegation, have made a deal up
front in the open. In New York, Senator Javits and Senator Moynihan
said:
Look. In the State of New York, the way we are going to do this is that
whomever is the Senator representing the party of the President--I
believe
they broke it down to 60--for every two people that Senator gets to name,
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Message Sent
To:
Daniel J. Bartlett/WHO/EOP
James R. Wilkinson/WHO/EOP
Barry S. Jackson/WHO/EOP
Alicia P. Clark/WHO/EOP
Kenneth B. Mehlman/WHO/EOP
Karl C. Rove/WHO/EOP

ATT CREATION TIME/DATE: 0 00:00:00.00
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WITH A NEW PRESIDENT, SENATE DEMOCRATS WANT TO CHANGE THE RULES ON JUDICIAL NOMINATIONS

Democrats – Before:

Senator Biden Chastised Senators For Allegedly Holding Up Judicial Nominations From Their State If They Did Not Get To Name Some Of Them. “I see my colleagues nodding and smiling. I am sort of breaching the unspoken rule here not to talk about what is really happening. But that is what is really happening. I will not name certain Senators. But I have had Senators come up to me and say, Joe, here is the deal. We will let the following judges through in my State if you agree to get the President to say that I get to name three of them. Now folks, that is a change of a deal. That is changing precedent. That isn’t how it works. The President nominates. We dispose one way or another of that nomination. And the historical practice has been—and while I was chairman we never once did that—that never once that I am aware of did we ever say, ‘By the way, we are not letting Judge A through unless you give me Judges B and C.’” (Sen. Joe Biden, Congressional Record, March 19, 1997)

Senator Leahy Stated That Senators Should Show Deference To A President’s Judicial Nominees And Should Not Vote Against A Nominee Based On Ideological Differences. “We know that whoever is President is going to have the greatest influence of all of us on who is going to be a Federal judge. President Reagan made it very clear when he ran for President, for example, who he would appoint as Federal judges. A lot of these Federal judges are not the men and women I would have appointed from that circuit or that district. But I voted for all of them because they were honest people, people of integrity, people of confidence, and people I could look at and say, although I might have disagreed with their political background, I know that, as a litigant, if I came before his or her court, I could expect an honest treatment. President Bush had other ideas who should be there, as President Carter and President Ford did. These are all Presidents I have served with. President Clinton now has his ideas. Now, the interesting thing, President Ford was appointed, but these others, in every election, at some point during the campaign, it became an issue as to who will this Presidential candidate appoint to the Federal judiciary. And the American people examined their views and they elected President Carter, President Reagan, President Ford, and President Clinton. A President should be given a great deal of latitude on who he nominates to the Federal court. If we disagree with a nomination, then we can vote against it.” (Sen. Patrick Leahy, Congressional Record, June 16, 1997)

Senator Feingold Remarked That Senators Who Oppose Judicial Nominees For Being Conservative Or Liberal “Mistake Their Role In The Constitutional Scheme.” “If opponents of Judge Paez want to fill the court only with seemingly conservative judges, they mistake their role in the
constitutional scheme in my opinion. Let’s not kid ourselves. Partisan politics shouldn’t play a part in the confirmation of judges, but they do.” (Sen. Russ Feingold, *Congressional Record*, March 8, 2000)

**Senator Kennedy Stated That Senators Are Supposed To Work With, Not Against, The President On Judicial Nominees.** “Over 200 years ago, the Framers of the Constitution created a system of checks and balances to ensure that excessive power is not concentrated in any branch of government. The President was given the authority to nominate federal judges with the advise and consent the Senate. The clear intent was for the Senate to work with the President, not against him, in this process.” (Sen. Ted Kennedy, *Congressional Record*, March 7, 2000)

**Senator Mikulski Said She Evaluates Judicial Nominees On Competence, Temperament, And Integrity.** “When I decide whether to support a judicial nominee, I look at whether the nominee is competent; whether the nominee possesses the appropriate judicial temperament; whether the nominee possesses the highest personal and professional integrity, and whether the nominee will protect our core constitutional values.” (Sen. Barbara Mikulski, *Congressional Record*, March 19, 1997)

**Senator Leahy Declared That Senators Should Never Get Caught Up In Partisan Moves Over Judicial Nominees Because Such Actions Will Jeopardize The Independence Of The Judiciary.** “What I worry about, Mr. President, is that if we allow the Federal judiciary to be caught up in partisan moves, where one side tries to get advantage over the other, while one side or the other might win in the short term, all of us as Americans are damaged because our Federal judiciary is damaged. Every one of us--Republican or Democrat--should know if we look at history, read history, and if we understand history, that one of the reasons we are the greatest democracy history has ever known is because of our independent Federal judiciary. We should never allow anything to happen to cut back on that independence.” (Sen. Patrick Leahy, *Congressional Record*, June 16, 1997)

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CQ MONITOR NEWS

DEMOCRATS EXTEND WELCOME TO BUSH JUDICIAL NOMINEES

By Amy Fagan, CQ Staff Writer

May 9, 2001 - Senate Democrats reacted with unexpected cordiality Wednesday to President Bush's first judicial nominees, saying only one of the president's 11 appointments faces potential
Minority Leader Tom Daschle, S.D., praised White House officials for working with Democrats in choosing the slate of nominees.

He indicated that 10 of the nominees can expect to receive approving "blue slips" from their home-state senators.

Senators use the slips of paper to register support or opposition to individual nominees.

"We are pleased that by and large there are no blue-slip problems," Daschle said.

The exception, he said, is the nomination of Terrence Boyle, a U.S. district judge for the Eastern District of North Carolina and a former aid to North Carolina Republican Sen. Jesse Helms.

Boyle, nominated to serve on the the 4th Circuit Court of Appeals, faces possible opposition from North Carolina’s Democratic senator, John Edwards.

Daschle said Democrats still do not know enough about the other nominees to say for sure they will back them.

Seven of the nominees would serve in states where both senators are Republican.

Daschle's comments follow days of partisan bickering among members of the Senate Judiciary Committee over whether a disapproving blue slip from a single senator should effectively veto a judicial nominee.

Senate Democrats said again Wednesday they will block confirmation of any nominee opposed by a home-state senator.

"The nominees who were selected for their qualifications are likely to be confirmed," said Patrick J. Leahy of Vermont, ranking Democrat on the Judiciary Committee. "Those who were selected primarily for their ideology are not likely to be confirmed."

Bush needs to fill about 100 federal judgeships nationwide.

Democrats Vow to Block Votes

Under an agreement between Daschle and Majority Leader Trent Lott, Miss., on conducting business in the evenly divided Senate, Lott may move a nomination out of the Judiciary Committee and onto the Senate floor if the nomination receives a tie vote in committee.

But Judiciary Democrats say procedural rules give them the option of preventing the committee from voting on individual nominees.

And they said they will exercise that option to block votes on nominees who are opposed by a Democratic senator.

"It's a 9-9 Judiciary Committee," Sen. Charles E. Schumer, D-NY., said Wednesday. "That prerogative will be enforced."

He said that will force White House officials to meet with Democrats on prospective nominees "and act in a moderate way."

Boyle's nomination may put the Democrats' theory on procedural options to the test.
Edwards said Wednesday he is working with the White House to achieve "greater balance" on the 4th Circuit, which covers North Carolina and four other states. He clearly hopes to use Boyle's nomination as a bargaining chip.

Edwards has asked Bush to nominate James A. Wynn Jr., to fill another opening on the the circuit.

Boyle was appointed by former President George Bush in 1991 but never received a hearing from the Judiciary Committee, which was then controlled by Democrats.

Helms later blocked President Bill Clinton's nominees to the 4th Circuit, including Wynn, possibly in retaliation for the Democrats' treatment of Boyle. Helms said at the time that the circuit did not need additional judges.

The other nominees announced Wednesday are mostly conservative but reflect Bush's intention to minimize Democratic opposition.

Bush 'Held Out Olive Branch'

Bush withheld some planned nominees because of objections from Democrats. His 11 choices included three women, two African-Americans and one Hispanic.

One of his choices -- Roger L. Gregory -- was nominated by Clinton but never confirmed.

Gregory, a Virginia lawyer appointed by Clinton during a congressional recess to serve a one-year tenure on the 4th Circuit Court of Appeals, would be the first black permanent member of the circuit.

Another black nominee announced Wednesday, Barrington Parker Jr., was appointed by Clinton to a U.S. District Court judgeship in 1994.

"It seems to me that President Bush held out the olive branch," Republican Sen. Jon Kyl of Arizona said of the nominations.

Kyl said he is troubled that all 50 Senate Democrats are ready to unite in opposing individual nominees based solely on opposition from one senator.

"I hope Democrats will walk back from the brink," he said. "There is always a tomorrow and you have to consider what will happen when there is another president."

The Judiciary Committee's dispute over judicial nominations began with Democratic concerns that Bush would stack the federal bench with conservative judges.

"Democrats in the Senate will not be railroaded into rubber stamping a group of judges over the course of the next year who may have a very hard ideological cast to them," Schumer said.

Committee chairman Orrin G. Hatch, R-Utah, said a blue slip opposing a judicial nominee should receive great weight but should not automatically veto the nominee -- as long as Bush discussed the nominee's qualifications with both home-state senators in advance.

Hatch said that was the system he used in handling Clinton's judicial nominees.
And he noted that of the 377 Clinton-nominated judges confirmed by the Senate, almost 60 percent were from states represented by at least one Republican senator.

Veto Power in Dispute

Democrats say a disapproving blue slip from either home-state senator should effectively disqualify a nominee.

They say that more accurately defines the procedure that existed during the six years that Republicans controlled the Senate during the Clinton administration.

"We're saying, if it was fair there, it's fair the other way around," Leahy said Wednesday. "We will require the same process before a Republican president goes forward."

The dispute over blue slips has delayed a Judiciary Committee vote on four nominees to positions in the Justice Department, including the nomination of attorney Theodore Olson to be solicitor general.

Olson represented the Bush campaign in the presidential election recount case that went to the Supreme Court last fall.

He faces possible opposition from Judiciary Committee Democrats based on ideological concerns.

Hatch said the committee will vote Thursday on the four Justice Department nominees -- and possibly on two nominees to be assistant attorneys general -- whether Democrats cooperate or not.

Committee members will meet privately at 9 a.m. at the Democrats' request to discuss FBI background reports on the Justice Department nominees.

Schumer said Democrats will not hold up action on the nominees based on the dispute over blue slips.

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Round-the-clock coverage of news from Capitol Hill.
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May 9, 2001 Senate Judiciary Committee Transcript of Confirmation Hearing of Georgetown Law Professor Viet Dinh to be US Asst. Attorney General, Office of Policy Development, US Department of Justice
SEN. DURBIN: Thank you.

Professor Dinh, I'm glad that we had a chance to get together, and I want a follow up on one aspect of our conversation concerning the important job which you are seeking relative to judicial appointments. And as I mentioned to you at our meeting -- and I'm sure it comes as no surprise -- this is an item of great interest.

As I said to you, many of us feel that the outcome of the presidential election in November at least raised some question as to whether the president has a mandate to make significant changes in the judiciary that would have an impact on values and decisions and precedents which have been in place for many decades.

You are a member of the Federalist society. We find it curious on our side of the aisle that President Bush has said that he no longer wants to rely on the American Bar Association to do a background check on perspective judges. This was a tradition that started in a radical era of American politics known as the Eisenhower presidency when President Eisenhower thought it was reasonable -- and I do, too, incidentally -- that the largest bar association in America at least comment on the worthiness of nominees for the federal bench.

Could you describe for us your involvement with the Federalist society and what you believe this group stands for?

MR. DINH: Senator, first of all, thank you very much for taking the time out of your very busy schedule to meet with me the other day. It was a very fruitful discussion. I very much appreciate the courtesy.

I am a member of the Federalist society, and I do not know, quite frankly, what it all stands for. As you asked me during our meeting whether I've read their statement of principles -- no, I have not. What I know -- what it stands for for me, why I joined the society -- when I first joined the faculty of Georgetown Law Center is that it is a forum for discussion of law and public policy from both sides. And a very number of a very prominent debates have -- and very fruitful debates -- have been carried out under the auspices of the Federalist society throughout the law schools and the bars of this nation. That's why I believe that it serves a very useful function, not only in the discussion of law and public policy in the public debate, but also in the pedagogical mission of our law schools, as a number of others organizations do.

I do hope that, given my rather voluminous paper trail of publications and public speeches, that my candidacy and what I think will be judged upon those statements and publications rather than -- not on any one particular membership.

SEN. DURBIN: I recall your answer and you've repeated it here for the sake of the committee. And I find it interesting that if you are looking for a forum for debate, the Federalist society is a comfortable forum, but apparently the ACLU is not, for a discussion. You've never joined an organization like the ACLU, have you?

MR. DINH: No, I have not, Senator, because I do not join organizations that -- with the exception of the American Bar Association through my group membership as a faculty member of the Georgetown Law faculty -- that take public positions and adopt policy statements. And to my knowledge, the Federalist society does not take public positions, adopt policy statements, file amicus briefs or the like. It is simply a forum for discussion, as I am also a member of the Council on Foreign Relations, which is a forum for public discussion on foreign policy issues in which I am also interested.

SEN. DURBIN: So it is your belief that the Federalist society does not have a philosophy -- a stated philosophy when it comes to, for example, the future course of the Supreme Court?
MR. DINH: No, I do not think it does have a stated philosophy, to my knowledge. It may very well have. I just simply do not know. I know that the society has a very diverse membership of people who think very equivocally about these issues, and I know that I've gotten many, many -- into many, many disagreements with members of the Federalist society on these kinds of issues. So I do not think that a official policy would be possible even if desirable.

SEN. DURBIN: Where would you put the Federalist society on the political spectrum?

MR. DINH: You know, I simply do not know. I know that there are press reports that have attempted to put it in a political spectrum with respect to other organizations. I myself have -- in my personal and professional life, have been very hesitant to characterize anybody or any group according to labels, simply because I eschew such labels myself. So I -- it would not be appropriate for me to do so for others.

SEN. DURBIN: And you are not familiar -- or are you familiar, rather, with the term, "the court in exile -- the Constitution in exile?"

MR. DINH: No, sir, I am not.

SEN. DURBIN: Okay.

Well, let me say that what I've read -- and I'm not an expert nor am I member of the Federalist society -- they do have a very conservative philosophy. I don't think they are a debating society. I think they have an agenda. And it troubles some of us to believe that the American Bar Association, which has been characterized as liberal by the conservatives and conservative by the liberals over the course of its history, is being cast aside by the White House now when it comes to the judicial process. And instead we find that many people who are associated with the Federalist society are now seeking prominent positions in the administration of justice. I don't think it's a coincidence. I think it is a conscious decision to move us toward a path that, frankly, many of us think needs to be questioned, and at least publicized.

I sincerely hope that -- if you are indeed confirmed, that you do not become an agent of any political agenda. You have an extraordinary personal family history. It is just exceptional, and I think all of us are in awe of what you and your family has achieved in overcoming great odds. I think that you can make a great contribution to public service and I hope that you will. But I hope that it doesn't become an effort for a political clearinghouse for only those who happened to hew to that line to be considered as possible nominees to the federal bench. I think we do need diversity and moderation and the kind of excellence and integrity which both parties should seek to make part of their nomination process.

Thank you, Mr. Chairman.

SEN. HATCH: Well, let me -- I'm pleased that we've had you all here. I want everybody to know that I'm on the board of advisers of the Federalist society, and I'm darned proud of it. And I will tell you why: because these aren't just conservatives, these are top-notch lawyers all over this country, top-notch law students who are just sick and tired of the leftward leanings of our government, and frankly wanted to bring some into balance.

The Federalist society doesn't lobby, unlike a lot of the groups that we get from the left all the time. They don't take positions politically. They basically hold the best forums in America. And in every one of those conferences they've had both sides presented. And I know because I've been one of the lecturers from time to time.
So I get little tired of -- I'm not accusing the senior Senator from Illinois of this -- but I get a little tired of some in the media treating the Federalist society as some group of radicals that are out there. Frankly, one of the original advisers to the Federalist society was Justice Scalia, who, by anybody's measurement is a brilliant lawyer, law professor, and a brilliant member of the court, albeit you may disagree with his philosophy from time to time.

But to make a long story short, I do think we ought to get rid of character assassination of any organization. But I get little tired of some of these attitudes that anything on the left is just fine, no matter how irresponsible, and no matter how degrading, no matter how spirited they are. And yet you have a society made up of top-notch lawyers, many of them law review graduates at their respective schools, who are practicing law, trying cases all over this country, defending people, prosecuting people, but who believe that there is -- there are limits to government.

And they may individually express conservative viewpoints or moderate-to-conservative viewpoints or even libertarian viewpoints from time to time, but the fact of the matter is the society itself does not engage in lobbying nor the pursuits that some in the media have seemed to smear them with.

SEN. DURBIN: Will the senator -- the chairman yield?

SEN. HATCH: Sure.

SEN. DURBIN: First, I'd like to commend the chairman because I think he has been very forthright in his beliefs and in what the Federalist society is all about. That was the purpose of my question to professor Dinh, who is a member of the society.

SEN. HATCH: Well, I wasn't reading anything wrong in your question, I'm just saying -- I want to make it clear because I've seen these articles and, my gosh

SEN. DURBIN: Well, if I could finish -- if I might finish --

SEN. HATCH: Sure. Go ahead.

SEN. DURBIN: Senator Hatch and I come to this business with different philosophies. That's part of the American political process. I'm not going to disparage those of conservative bent, and I hope that he will not disparage those of a liberal bent or progressive bent. We just happen to see things differently. But the point I'm trying to make here is the Federalist society is now going to be the filter for nominations to the Department of Justice as well as judicial nominations. If that's going to be a standard, then for goodness sakes, I hope that you'll come forward as you have this morning and clearly state what your goal is -- what is it that you are seeking to achieve. And if you do so and do it openly -- publicly -- that is your right.

SEN. HATCH: And I can tell you categorically that they are not going to be a filter. I know who the filters are, and they are in the White House and the Justice Department, as they were in the Clinton administration. Now, the Clinton administration wasn't tarred by accusations that People for the American Way vetted every judgeship nomination, even though we know they weighed in rather heavily. Now, individual members of all societies weigh in heavily on these judges, not just the Federalist society. And heaven knows, we've got people here who think that the American Bar Association should be the last word on everything. I happen to pay attention to their recommendations. I'm not going to ignore anybody's recommendations; I'm going to give some credibility to them and look at them, but they should -- they're not -- they should not have a formal authoritative role in this process. They aren't elected to anything; we're the
vetters. I heard people -- some people saying in the media that they should have a right to vet because they are the most prestigious law -- bar association in the country. Well, they are the largest, but there are dozens of bar associations in this country, all of whom have an equal right to say, "We should be in this process." And we can't -- we can't allow that.

Now, I'm not going to allow the Federalist society to dictate to this committee. That isn't the purpose of it; that isn't what they do. It's a lot attorneys who basically have been leading law students, leading attorneys, leading professors, leading judges in this country who basically feel like there are limitations to government that ought to be abided by, and they haven't been in some ways. And I find nothing wrong with my colleague from Illinois asking these questions because he is, I think, one of the brightest people in the Senate, and, I think, very effective -- and we're friends. But I just kind of got upset, not at what you asked or your questions, but the fact that I've seen these articles trying to say that, you know, or some sort of cabal controlling the judgeship nominations and -- or even Justice Department nominations down there at the White House.

No, there is a different White House. President Clinton was not known for conservative politics. I think anybody who's fair would admit that. The judges he recommended, I don't think very many of them would have been recommended by -- or will be recommended -- or would have been recommended by President Bush.

There are differences in philosophy; we have to acknowledge that. But to demean intelligent members of the bar because they have a different point of view from the far left is, I think, uncalled for. And I think the media -- talk about trying to have mind control. I think we can use honest, strong ideas from a wide variety of organizations, from the left to the right. And I get a little tired of saying -- of hearing some of our colleagues say, "We don't want any right wingers on the court." Well, I'm sure there were Republicans that didn't want any left wingers on the court, but that's stupid.

The people they're sending up today -- I've looked every one of them -- are highly intelligent, people of great temperament, people of accomplishment in the law, many of them are judges who have already been confirmed by this committee. And yet people are saying, "We don't want any right wingers" like everybody that Clinton -- the Clinton administration sent up was a moderate. Give me a break. (Chuckles.) We put 377 Clinton judges here, five less than the all-time champion, Ronald Reagan. And he would've had eight more had it not been for Democrat holds in the Senate. In other words, he would've had three more than Reagan. And Reagan had a Republican Senate for much of his tenure and yet all we've heard is just bad mouthing around here of what went on.
Thought you might like to see what the US Senate Judiciary Committee has been up to lately.

May 9, 2001 Senate Judiciary Committee Transcript of Confirmation Hearing of Georgetown Law Professor Viet Dinh to be US Asst. Attorney General, Office of Policy Development, US Department of Justice

SEN. DURBIN: Thank you.

Professor Dinh, I'm glad that we had a chance to get together, and I want a follow up on one aspect of our conversation concerning the important job which you are seeking relative to judicial appointments. And as I mentioned to you at our meeting -- and I'm sure it comes as no surprise -- this is an item of great interest.

As I said to you, many of us feel that the outcome of the presidential election in November at least raised some question as to whether the president has a mandate to make significant changes in the judiciary that would have an impact on values and decisions and precedents which have been in place for many decades.

You are a member of the Federalist society. We find it curious on our side of the aisle that President Bush has said that he no longer wants to rely on the American Bar Association to do a background check on perspective judges. This was a tradition that started in a radical era of American politics known as the Eisenhower presidency when President Eisenhower thought it was reasonable -- and I do, too, incidentally -- that the largest bar association in America at least comment on the worthiness of nominees for the federal bench.

Could you describe for us your involvement with the Federalist society and what you believe this group stands for?

MR. DINH: Senator, first of all, thank you very much for taking the time out of your very busy schedule to meet with me the other day. It was a very fruitful discussion. I very much appreciate the courtesy.

I am a member of the Federalist society, and I do not know, quite frankly, what it all stands for. As you asked me during our meeting whether I've read their statement of principles -- no, I have not. What I know -- what it stands for for me, why I joined the society -- when I first joined the faculty of Georgetown Law Center is that it is a forum for discussion of law and public policy from both sides. And a very number of a very prominent debates have -- and very fruitful
debates -- have been carried out under the auspices of the Federalist society throughout the law schools and the bars of this nation. That's why I believe that it serves a very useful function, not only in the discussion of law and public policy in the public debate, but also in the pedagogical mission of our law schools, as a number of others organizations do.

I do hope that, given my rather voluminous paper trail of publications and public speeches, that my candidacy and what I think will be judged upon those statements and publications rather than -- not on any one particular membership.

SEN. DURBIN: I recall your answer and you've repeated it here for the sake of the committee. And I find it interesting that if you are looking for a forum for debate, the Federalist society is a comfortable forum, but apparently the ACLU is not, for a discussion. You've never joined an organization like the ACLU, have you?

MR. DINH: No, I have not, Senator, because I do not join organizations that -- with the exception of the American Bar Association through my group membership as a faculty member of the Georgetown Law faculty -- that take public positions and adopt policy statements. And to my knowledge, the Federalist society does not take public positions, adopt policy statements, file amicus briefs or the like. It is simply a forum for discussion, as I am also a member of the Council on Foreign Relations, which is a forum for public discussion on foreign policy issues in which I am also interested.

SEN. DURBIN: So it is your belief that the Federalist society does not have a philosophy -- a stated philosophy when it comes to, for example, the future course of the Supreme Court?

MR. DINH: No, I do not think it does have a stated philosophy, to my knowledge. It may very well have. I just simply do not know. I know that the society has a very diverse membership of people who think very equivocally about these issues, and I know that I've gotten many, many -- into many, many disagreements with members of the Federalist society on these kinds of issues. So I do not think that a official policy would be possible even if desirable.

SEN. DURBIN: Where would you put the Federalist society on the political spectrum?

MR. DINH: You know, I simply do not know. I know that there are press reports that have attempted to put it in a political spectrum with respect to other organizations. I myself have -- in my personal and professional life, have been very hesitant to characterize anybody or any group according to labels, simply because I eschew such labels myself. So I -- it would not be appropriate for me to do so for others.

SEN. DURBIN: And you are not familiar -- or are you familiar, rather, with the term, "the court in exile -- the Constitution in exile?"

MR. DINH: No, sir, I am not.

SEN. DURBIN: Okay.

Well, let me say that what I've read -- and I'm not an expert nor am I member of the Federalist society -- they do have a very conservative philosophy. I don't think they are a debating society. I think they have an agenda. And it troubles some of us to believe that the American Bar Association, which has been characterized as liberal by the conservatives and conservative by the liberals over
the course of its history, is being cast aside by the White House now when it comes to the judicial process. And instead we find that many people who are associated with the Federalist society are now seeking prominent positions in the administration of justice. I don't think it's a coincidence. I think it is a conscious decision to move us toward a path that, frankly, many of us think needs to be questioned, and at least publicized.

I sincerely hope that -- if you are indeed confirmed, that you do not become an agent of any political agenda. You have an extraordinary personal family history. It is just exceptional, and I think all of us are in awe of what you and your family has achieved in overcoming great odds. I think that you can make a great contribution to public service and I hope that you will. But I hope that it doesn't become an effort for a political clearinghouse for only those who happened to hew to that line to be considered as possible nominees to the federal bench. I think we do need diversity and moderation and the kind of excellence and integrity which both parties should seek to make part of their nomination process.

Thank you, Mr. Chairman.

SEN. HATCH: Well, let me -- I'm pleased that we've had you all here. I want everybody to know that I'm on the board of advisers of the Federalist society, and I'm darned proud of it. And I will tell you why: because these aren't just conservatives, these are top-notch lawyers all over this country, top-notch law students who are just sick and tired of the leftward leanings of our government, and frankly wanted to bring some into balance.

The Federalist society doesn't lobby, unlike a lot of the groups that we get from the left all the time. They don't take positions politically. They basically hold the best forums in America. And in every one of those conferences they've had both sides presented. And I know because I've been one of the lecturers from time to time.

So I get little tired of -- I'm not accusing the senior Senator from Illinois of this -- but I get a little tired of some in the media treating the Federalist society as some group of radicals that are out there. Frankly, one of the original advisers to the Federalist society was Justice Scalia, who, by anybody's measurement is a brilliant lawyer, law professor, and a brilliant member of the court, albeit you may disagree with his philosophy from time to time.

But to make a long story short, I do think we ought to get rid of character assassination of any organization. But I get little tired of some of these attitudes that anything on the left is just fine, no matter how irresponsible, and no matter how degrading, no matter how mean spirited they are. And yet you have a society made up of top-notch lawyers, many of them law review graduates at their respective schools, who are practicing law, trying cases all over this country, defending people, prosecuting people, but who believe that there is -- there are limits to government.

And they may individually express conservative viewpoints or moderate-to-conservative viewpoints or even libertarian viewpoints from time to time, but the fact of the matter is the society itself does not engage in lobbying nor the pursuits that some in the media have seemed to smear them with.

SEN. DURBIN: Will the senator -- the chairman yield?

SEN. HATCH: Sure.
SEN. DURBIN: First, I'd like to commend the chairman because I think he has been very forthright in his beliefs and in what the Federalist society is all about. That was the purpose of my question to professor Dinh, who is a member of the society.

SEN. HATCH: Well, I wasn't reading anything wrong in your question, I'm just saying -- I want to make it clear because I've seen these articles and, my gosh --

SEN. DURBIN: Well, if I could finish -- if I might finish --

SEN. HATCH: Sure. Go ahead.

SEN. DURBIN: Senator Hatch and I come to this business with different philosophies. That's part of the American political process. I'm not going to disparage those of conservative bent, and I hope that he will not disparage those of a liberal bent or progressive bent. We just happen to see things differently. But the point I'm trying to make here is the Federalist society is now going to be the filter for nominations to the Department of Justice as well as judicial nominations. If that's going to be a standard, then for goodness sakes, I hope that you'll come forward as you have this morning and clearly state what your goal is -- what is it that you are seeking to achieve. And if you do so and do it openly -- publicly -- that is your right.

SEN. HATCH: And I can tell you categorically that they are not going to be a filter. I know who the filters are, and they are in the White House and the Justice Department, as they were in the Clinton administration. Now, the Clinton administration wasn't tarred by accusations that People for the American Way vetted every judgeship nomination, even though we know they weighed in rather heavily. Now, individual members of all societies weigh in heavily on these judges, not just the Federalist society. And heaven knows, we've got people here who think that the American Bar Association should be the last word on everything. I happen to pay attention to their recommendations. I'm not going to ignore anybody's recommendations; I'm going to give some credibility to them and look at them, but they should -- they're not -- they should not have a formal authoritative role in this process. They aren't elected to anything; we're the vetters. I heard people -- some people saying in the media that they should have a right to vet because they are the most prestigious law -- bar association in the country. Well, they are the largest, but there are dozens of bar associations in this country, all of whom have an equal right to say, "We should be in this process." And we can't -- we can't allow that.

Now, I'm not going to allow the Federalist society to dictate to this committee. That isn't the purpose of it; that isn't what they do. It's a lot attorneys who basically have been leading law students, leading attorneys, leading professors, leading judges in this country who basically feel like there are limitations to government that ought to be abided by, and they haven't been in some ways. And I find nothing wrong with my colleague from Illinois asking these questions because he is, I think, one of the brightest people in the Senate, and, I think, very effective -- and we're friends. But I just kind of got upset, not at what you asked or your questions, but the fact that I've seen these articles trying to say that, you know, or some sort of cabal controlling the judgeship nominations and -- or even Justice Department nominations down there at the White House.

No, there is a different White House. President Clinton was not
known for conservative politics. I think anybody who's fair would admit that. The judges he recommended, I don't think very many of them would have been recommended by -- or will be recommended -- or would have been recommended by President Bush.

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The people they're sending up today -- I've looked every one of them -- are highly intelligent, people of great temperament, people of accomplishment in the law, many of them are judges who have already been confirmed by this committee. And yet people are saying, "We don't want any right wingers" like everybody that Clinton -- the Clinton administration sent up was a moderate. Give me a break. (Chuckles.) We put 377 Clinton judges here, five less than the all-time champion, Ronald Reagan. And he would've had eight more had it not been for Democrat holds in the Senate. In other words, he would've had three more than Reagan. And Reagan had a Republican Senate for much of his tenure and yet all we've heard is just bad mouthing around here of what went on.
Judicial nominations have been a prime partisan and ideological battleground at least since 1987, when President Reagan's selection of Robert Bork for the Supreme Court fell victim to a barrage of fire from liberals. As the courts have played an increasingly large role in settling policy disputes, both Republicans and Democrats have come to see judicial appointments as just another form of political warfare.

George W. Bush wants to de-escalate the fighting, as he made clear with his first set of judicial nominations last week. Urging a "return of civility and dignity to the confirmation process," he asked Democrats to "rise above the bitterness of the past" and vote promptly on his choices.

He also gave them the chance to meet him halfway. The slate of 11 appellate court nominations suggests an effort not only to satisfy Republicans in Congress but to mollify Democrats who figured his ideal judge would fall well to the right of Roy Bean—even though Bush's record in Texas didn't support that suspicion.

The group includes three women, two African-Americans and one Hispanic. Two of the nominees are district judges appointed to the bench by Bill Clinton. Three potential candidates who had already provoked criticism from Democrats were not chosen.

And the true-blue conservatives chosen by Bush are not party hacks or ideological hit men. They are top-flight lawyers. John G. Roberts Jr. is a former deputy solicitor general who has argued dozens of cases before the Supreme Court.

University of Utah professor Michael McConnell, previously a mainstay of the University of Chicago law faculty, is the nation's leading scholar on church-state
jurisprudence. Although he takes issue with the "wall of separation" doctrine extolled by civil libertarians, he wins praise even from liberal sparring partners like Harvard's Laurence Tribe.

The only choice certain to provoke a fight is Terrence Boyle, a district judge in North Carolina who has drawn opposition from the state's Democratic senator, John Edwards. But other Democrats largely refrained from criticism of the selections, at least for the moment.

That's no guarantee that Bush will get the speedy votes he requested. Speedy votes, after all, have only recently become a favorite cause of Senate Republicans, many of whom spent the last eight years blocking President Bill Clinton's judicial nominations. Democrats who bridled when their colleagues refused to confirm nominees for vacant seats on the bench are now in the unaccustomed position of insisting that the Senate carefully examine each selection.

Examine it should, but the Senate should also act promptly on the information it gathers. Barring serious misjudgments, presidents of either party should be given deference in their choices for the judiciary—including those choices whose political and judicial philosophies conflict with those of the opposition party.

The Senate should demand solid qualifications, good legal minds and a respect for the law and the Constitution. But it shouldn't demand nominees who will vote a certain way on a particular issue. The Senate has a constitutional charge to advise and consent on judicial appointments. It should do so on these without undue delay.
From: Barbara Comstock - Research & Strategic Planning <BComstock@rnchq.org>
To: Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 5/18/2001 11:46:52 AM
Subject: FW: A NEW RACE CARD

-----Original Message-----
From: National Review D.C. [mailto:nrdc@ix.netcom.com]
Sent: Friday, May 18, 2001 3:40 PM
To: WashingtonBulletin@topica.com
Subject: A NEW RACE CARD

Washington Bulletin: National Review's Internet Update for
May 18, 2001
http://www.nationalreview.com

By John J. Miller and Ramesh Ponnuru

A NEW RACE CARD
[Will Democrats target a Hispanic judicial nominee?]

Writing on The New Republic's website, Peter Beinart, the magazine's editor, urges Democrats <http://www.tnr.com/punditry/beinart051401.html> to "go after" Miguel Estrada, one of President Bush's nominees for the D.C. Circuit. Beinart's point is that Democrats have invested so heavily in identity politics that they find it difficult to oppose "female and non-white conservatives"; nominating such people is now a Bush strategy. Hence Beinart's counsel. He writes, "Going after Estrada would send the one message that really matters: that when the White House chooses its Supreme Court picks, it must compromise ideologically, not demographically."

Does Beinart realize what he's saying here? That Estrada should draw especially intense opposition from Democrats because he's Hispanic? That would send a message, all right, but maybe not one that will help the Democrats.

VOX POP
Moderates are fed up with an increasingly right-wing Republican party, reports Anna Quindlen in her latest Newsweek column < http://www.msnbc.com/news/572629.asp >. Longtime followers of Quindlen's oeuvre will recognize this theme as a hardy perennial. But this time she has evidence: two real, live voters who have left the GOP. Two. Specifically, a New York lawyer and a department-store heiress. Somebody better call Karl Rove real quick.

ON THE SITE
Cato's Jerry Taylor pulls the plug on the president's energy plan < http://www.nationalreview.com/comment/comment-taylor051801.shtml >. Melissa Seckora says the Federalist Society is more than just a group of pudgy white men in dark suits < http://www.nationalreview.com/nr_comment/nr_comment051801a.shtml >.
EASY UNSUBSCRIBE click here: http://topica.com/u/?bUrCGJX.bUOIDr
Or send an email To: WashingtonBulletin-unsubscribe@topica.com
This email was sent to: bcomstock@RNCHQ.org

Newsletters, Tips and Discussions on Topics You Choose.
http://www.topica.com/partner/tagOl

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Under Siege
Ugly SG fight previews looming war for the U.S. Supreme Court

Solicitor General Nominee Theodore Olson
By Tony Mauro
Legal Times

As they explained their votes against Theodore Olson's nomination as solicitor general last week, Senate Democrats repeatedly described the job he seeks as "unique," akin to that of a "10th justice" of the U.S. Supreme Court.

Ranking Judiciary Committee Democrat Sen. Patrick Leahy, D-Vt., who orchestrated the confrontational 9-9 tie on
May 17, worried aloud that Olson is a "thoroughgoing partisan who will not be able to check his partisan instincts at the door to the office of the solicitor general."

Barring Republican defections or a Democratic filibuster, Olson will probably pass through that door fairly soon and don the traditional morning coat the solicitor general wears to argue before the Supreme Court. But the admonitions of the Democrats will echo forward, raising important questions that can only be answered over time.

Has the position of solicitor general been permanently tarnished by the charge of politics? Does Olson himself arrive at his job as damaged goods -- as a solicitor general who will have to work extra hard to gain the trust of the Supreme Court?

And if they were able to bruise and oppose the "tenth justice" as they did last week, what will happen when the senators evaluate a nominee to replace one of the other nine -- the real justices of the Supreme Court?

Republican partisans see in the Olson vote a sign of things to come when President George W. Bush sends a Supreme Court nominee to the Senate. The latest betting is that that no vacancy will materialize this summer, but when it does, warfare will commence almost immediately.

"We're in for a bumpy ride," says Thomas Jipping of the Free Congress Foundation's Judicial Selection Project. "The Olson vote tells me that the Democrats are not keeping their powder dry. They're shooting everything that moves. They're like a blindfolded child, whacking at a pinata." The White House can insulate a high court nominee from some of the whacks by naming someone who combines a first -- the first Hispanic, for example -- with less of a partisan past than Olson.

But the Olson episode may have poisoned the well for Democrats to the point that any Supreme Court nominee, as well as some lower court nominees, will have to run an Olson-like gauntlet to get confirmed.

Elliot Mincberg of People for the American Way, echoing comments by Leahy, says the Olson vote represented a breakdown of the process the Judiciary Committee had established after Clarence Thomas' controversial confirmation nearly 10 years ago. By custom, committee staff from both parties would investigate together when sensitive allegations are made about nominees, Mincberg notes. "The Democrats are likely to continue to stand up for their procedural rights, so we will see more fireworks," says Mincberg.

Judiciary Committee Chairman Orrin Hatch, R-Utah, says Democrats are responsible for any breakdown of bipartisanship.

Under special procedures developed to handle committee tie votes in the current 50-50 Senate, Majority Leader Trent Lott, R-Miss., will pull the Olson nomination out of committee and onto the floor of the Senate, possibly as soon as this week. On May 18, Sen. Zell Miller, D-Ga., announced he would vote for Olson, possibly making it unnecessary for Vice President Dick Cheney to break a tie vote of the full Senate.

Office Politics
Olson brought to his nomination not only solid conservative legal credentials, but also a résumé loaded with partisan high points. It was his political background -- namely, his involvement with the magazine American Spectator and its anti-Clinton Arkansas Project -- and questions about his candor regarding that involvement that gave Democrats the ammunition to oppose Olson.

Olson may be more political than most if not all of his predecessors, but the rosy image of the solicitor general as above politics is not entirely accurate. The solicitor general has a duty, often hard to define, to be an honest broker with a broader duty to the development of the law than merely winning his cases. But he is also a point man for his president's legal policies.

Archibald Cox worked in the presidential campaign of John Kennedy before becoming solicitor general in 1961, and Thurgood Marshall arrived at the post in 1965 with a long record of civil rights activism. Robert Bork was closely questioned in 1973 about his past writings on civil rights and antitrust, and Charles Fried drew opposition in 1985 from civil rights groups concerned about his views on race. Drew Days III and Walter Dellinger in the Clinton administration also weathered some political sniping early on.

"It's really a pre-Reagan era notion that the solicitor should be nonpolitical," says Rebecca Salokar, author of a 1992 book, "The Solicitor General: The Politics of Law." The attention on the position triggered by the flap over Olson, she suggests, could bury that image once and for all.

"Somehow the idea has arisen that the solicitor general is a judge and has to have been born a judge," agrees Fried, now a Harvard Law School professor. "That really is not necessary."

Fried recalls that after his own confirmation, "I wasn't very popular with Justices Marshall and Blackmun, and Justice Brennan roughed me up a bit" with tough questions from the bench.

But soon, Fried says, any animosities or testing faded, and by the time he was seeking a judgeship in Massachusetts in 1995, "Justice Brennan was writing recommendations for me."

The tribal tradition in elite Washington of salving the wounds of confirmation will work especially well for Olson in part because some of the justices -- notably his good friend Justice Clarence Thomas and Chief Justice William Rehnquist -- have gone through their own nomination tribulations. "They've all been around so long, they know what is going on," says Fried, who believes the criticism of Olson's candor was a phony mask for more base political motives. "He is a professional, and life will go on."

Adds Charles Cooper of Cooper & Kirk and an Olson supporter: "The Court has seen this routine before. He'll come out of it fine."

What Legacy?

Some are not so optimistic. Mincberg of People for the American Way says Olson would arrive at the Court with "a bit of a cloud over his head." The criticism of Olson has focused on his credibility and candor -- two qualities that are essential for a solicitor general, Mincberg notes. "It can't help but be on the justices' minds as he makes his
arguments," he adds.

Of course, candor was an issue in Olson's first run-in with Congress and the independent counsel in the early 1980s, and the episode did not keep him from building a highly successful Supreme Court practice at Gibson, Dunn & Crutcher.

Harvard Law School professor Laurence Tribe, Olson's adversary in Bush v. Gore last December, says that "a testing period of sorts is inevitable for any SG." Yet Tribe, who endorsed Olson's nomination in a letter that preceded the flap of the last few weeks, says Olson's performance on the job will matter more than anything that went before.

Adds Tribe: "That process of establishing credibility as solicitor general probably depends, in any contested or clouded case, on how the new SG actually performs in the early period of his or her tenure."

Date Received: May 21, 2001
Nothing's changed, Hollings says
Senator sees no problems for S.C. 's federal nominees

By LEE BANDY Staff Writer

U.S. Sen. Fritz Hollings predicted Thursday that federal judicial nominees will get "a better look-see" under a Democratic-controlled Senate, but he said he foresees no problems for South Carolina appointees.

U.S. District Court Judge Dennis Shedd of Columbia, who has been nominated for a seat on the 4th U.S. Circuit Court of Appeals, should easily win confirmation, the senator said.

Hollings said he also expects smooth sailing for J. Strom Thurmond Jr., the 28-year-old son of the senior senator, who is expected to be named U.S. attorney for South Carolina.

"We'll go forward with Strom. He will be confirmed," Hollings said of the Aiken prosecutor.

With control of the Senate floor and Judiciary Committee, Democrats could vote down nominations in committee, reject nominees on the floor, or simply never consider an appointment.

Sen. Orrin Hatch, R-Utah, outgoing chairman of the Senate Judiciary Committee, said it will be tougher to confirm federal judges since Democrats are in control of the Senate agenda.

Shedd was among the first 14 of President George W. Bush's nominees for federal appeals courts. Most were moderate conservatives or were noncontroversial.

Federal magistrate Terry Wooten of Florence, recommended by Sen. Thurmond for a new federal district judgeship in the state, has completed the vetting process. His nomination could be forwarded to Capitol Hill any day.

Hollings, meanwhile, promised to run the Senate Commerce, Science and Transportation Committee in the same bi-partisan fashion he and Arizona Sen. John McCain did under the Senate's power-sharing arrangement this year.

"Really, nothing has changed," Hollings said.

Democrats will gain control of the Senate for the first time since 1994 after Vermont Sen. James Jeffords abandoned the GOP and declared himself an independent.

Hollings, 78, will become the chairman when Jeffords' switch is finalized.

"Things really aren't all that dramatic," the South Carolina senator said. As committee chairman, Hollings said, he will oppose any Bush administration effort to change Federal Communications Commission regulations barring a single company from owning a television station and a newspaper in the same market.
There has been some talk of trying to drop or relax the rule. Hollings also said he will attempt to revive legislation creating a "safe harbor" of prime-time television programming that would be largely free of sex and violence. Opponents say it is improper for government to regulate what Americans see or hear on television or radio.

"I'm going to try to get the leadership to take it up," he said.

The committee has jurisdiction over a wide range of issues, including telecommunications, consumer product safety, federal trade, surface transportation, airlines and space.

"We've got a full platter," Hollings said.

University of South Carolina professor Brad Gomez called Hollings' elevation to the chairmanship "a major gain" for him.

"Commerce and industry are important to this state. As chairman, he'll have a disproportionate influence. The state can really benefit from this type of leadership," Gomez said.

Hollings expressed admiration for Jeffords. Much like the Vermont senator, "I often feel like a minority in my own party for thinking and voting differently than my Democratic colleagues. ... He expressed many of my own feelings and described many of my own experiences as an independent-minded Democrat in the U.S. Senate," Hollings said.

In a statement released by his office, Thurmond called Jeffords' defection "disheartening," but he said, "it will not stop the Senate from addressing issues important to the people."


Sent: 5/30/2001 10:45:38 AM

Subject: CQ news update

CQ MONITOR NEWS

REPUBLICANS TAKING HARD LINE ON REORGANIZING SENATE

By Matthew Tully, CQ Staff Writer
May 30, 2001 - Senate Republicans do not intend to go quietly into the minority. While acknowledging they will become the minority party in the Senate next week, GOP senators are preparing to play hard ball in negotiations over a new organizing resolution for the remainder of the 107th Congress.

"There are a good number of Republican senators who would like to see a whole host of issues addressed before they will agree to an organizing resolution," said Ron Bonjean, spokesman for current Republican Majority Leader Trent Lott, Miss.

The transfer of power is expected to occur at the close of business on Tuesday, when James M. Jeffords of Vermont abandons the GOP and becomes an independent who will caucus with Democrats.

The tough talk could foreshadow a prolonged paralysis.

Lott has appointed five senators to negotiate with current Democratic Minority Leader Tom Daschle, S.D., but the talks are not expected to heat up until lawmakers return to town next week.

The five Republicans -- Pete V. Domenici of New Mexico, Phil Gramm of Texas, Orrin G. Hatch of Utah, Mitch McConnell of Kentucky and Arlen Specter of Pennsylvania -- will report to Lott, who will share any agreements with his conference. Bonjean said Lott wants rank-and-file GOP senators to "have a full investment" in the talks.

Although Daschle and Lott will swap titles once Jeffords' switch is official, the Democratic leader will have no real power to move legislation, because any motion to proceed to consideration of a bill or nomination is subject to filibuster. That means Republicans could block any and all business on the floor -- thwarting Daschle's announced intention to call up such Democratic priorities as patients' rights legislation (S 283) and a minimum wage increase (S 277).

Both sides appear to agree that a new organizing resolution will give Democrats one-seat majorities on all committees. But a Republican leadership aide said Republicans will not sign onto a deal before they are comfortable with committee funding issues and, most importantly, a plan for handling judicial nominations. Republican senators have said they want a guarantee that President Bush's nominees are not rejected or bottled up in the Judiciary Committee, which Vermont Democrat Patrick J. Leahy will soon chair.

Democrats reject that demand.

Lott and Daschle crafted the current organizing resolution (S Res 8) in January after the 2000 elections left the chamber split 50-50 but under GOP control because of Vice President Dick Cheney's tie-breaking vote. Committees are now evenly divided, but chaired by Republicans.

Leaders of both parties can force deadlocked bills and nominations to the floor with a majority vote.

The currently resolution, by its own terms, is nullified when one party attains a majority "of the whole number of senators."

Bonjean pointed out that "this is a unique situation because we will be in a 50-49-1 makeup."

A senior Democratic leadership aide said the Senate has traditionally counted independents in the party whose caucus they join.
In the end, Republicans point out, any agreement will need the support of 60 senators because organizing resolutions can be filibustered.

Senate committee chairmen and ranking Democrats will also switch jobs next week, but without a new organizing resolution committee rosters will revert to those in place at the end of the 106th Congress -- minus those senators who retired or lost their re-election bids.

Republicans will enjoy a numerical majority on nine of the 16 standing committees, plus the Indian Affairs and Select Intelligence panels. Six standing committees will have evenly split rosters, and only the Veterans Affairs panel will have a Democratic majority.

A GOP leadership aide said the unusual scenario has emboldened Republican senators. "It's in the Democrats' best interests to work with the Republicans," he said.

Source: CQ Monitor News
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To: Rachel L. Brand/WHO/EOP
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Subject: From today's Rollcall

June 11, 2001
Miller Angles For Judiciary
Georgian Could Help the GOP On Judgeships
By Paul Kane <mailto:PJK@rollcall.com>

In a move that could foil any potential Democratic attempts to block
President Bush's judicial nominations, Sen. Zell Miller (D-Ga.) is
jockeying for the extra seat that is likely to open on the Judiciary
Committee in the wake of the chamber's power shift.
The maverick Senator, who has voted to approve every single Bush
administration nominee so far, expressed interest last week in landing the
additional seat on Judiciary, which is currently split 9-9, once Senate
leaders hammer out a deal to reorganize committees.
"His choices would be either [Health, Education, Labor and Pensions] or
Judiciary," said Joan Kirchner, Miller's spokeswoman. Republicans would be ecstatic if Miller were named to Judiciary. One GOP aide said Miller is the "most fair" Democrat when it comes to nominations, an accolade that some Democrats would be hesitant to pass along.

Democratic aides have already speculated that leadership will want the 10th spot on Judiciary to go to a loyal Caucus member, who they can be assured will go along with senior Democrats on the panel.

Home to some of the most liberal Democrats in the Senate, Judiciary has already seen the two most partisan nomination struggles of the young administration, Attorney General John Ashcroft and Solicitor General Ted Olson. With the Olson vote, all nine Judiciary Democrats opposed the nominee, including Sen. Russ Feingold (D-Wis.), who had previously supported every Bush nominee to federal agencies.

But Minority Leader Trent Lott (R-Miss.), in his final days in the majority, used the special privilege of the previous 50-50 Senate and brought Olson's nomination to the Senate floor, where he was confirmed 51-47.

Now with an extra seat on Judiciary, Democrats could be able to block nominees to the District and appellate courts that they view as extreme conservatives in committee, denying them even a floor vote. The expected 10-9 edge for the majority would also give Democrats some leverage over Bush's potential Supreme Court nominees.

But Miller, one of just two Democrats to vote for Olson on the floor, would prove to be a key swing vote on a committee that has only one moderate, Sen. Arlen Specter (R-Pa.), currently serving on it. The fate of Bush's judicial nominees has been about the only source of contention as Senate leaders edge closer to a deal that would give Democrats a one-seat edge on all committees.

After initially demanding that new Majority Leader Thomas Daschle (D-S.D.) agree to a rule guaranteeing nominees get a floor vote, regardless of what happens in committee, Republicans now expect to simply get a public assurance from Daschle that he will be fair with Bush's nominees.

With the nominee controversy expected to be ironed out, rank-and-file Democratic Senators began to openly jockey for the expected extra seats on key panels.

And Sen. Robert Torricelli (D-N.J.) is complaining that new chairmen are hogging full committee assignments and subcommittee posts, leaving little, if nothing, for their junior colleagues.

Democrats aren't alone in angling for new committee spots. With Sen. Jim Jeffords (I-Vt.) now getting his assignments from Democrats, his spot on Finance will open up. Currently 10-10, Finance is likely to grow to 11-10 in favor of Democrats, and Jeffords said last week he was told that he would get the 11th spot.

Republicans, who always use seniority to determine committee slots, would turn to Sen. Mike DeWine (R-Ohio), who was next in line to get on the coveted Finance panel during committee assignments in January. But DeWine said last week he would prefer to stay on Appropriations, one of the four "super A" committees. (Senators can only serve on one of those panels.)

With DeWine staying at Appropriations, Sen. Craig Thomas (R-Wyo.) would be next in line. "I'm interested in it, of course," he said last week.

Kirchner, Miller's spokeswoman, said the Senator, who has publicly sparred with Democratic leaders over their treatment of nominees, would not be upset if he doesn't get Judiciary or HELP.

"If it doesn't happen, it's no skin off his nose," she said.

If not Miller, Democrats may feel pressured to find another Southern Democrat to sit on Judiciary, considering that Sen. Joseph Biden (D-Del.) is currently the most Southern Democrat serving on the committee.

Sen. John Edwards (D-N.C.), a trial lawyer whose presidential ambitions could be served by high-profile nomination battles, said he is talking to leadership about new committees assignments but "none that I'm talking about publicly."

Asked specifically about Judiciary, Edwards said, "Anything's a possibility."

One Democratic aide pointed to Sen. Bill Nelson (D-Fla.), also a lawyer, as another possibility for Judiciary, but Nelson's office declined to comment Friday.

Daschle declined to comment on whom he was hoping to put on Judiciary or any other committees, but pledged to try to "break the cycle" of blocking
nominees that Democrats say the GOP engaged in during the Clinton administration.
"I don't believe in payback. ... By and large, people deserve a vote," Daschle said.
But Daschle then endorsed the same "blue slip" policy that the Republicans had used during the Clinton years, requiring both home-state Senators to sign off on a judicial nominee before even a hearing is held. That's the same approach that Judiciary Chairman Patrick Leahy (D-Vt.) pushed when Democrats were in the minority, virtually assuring that even liberal Senators on Judiciary will be able to block home-state Bush nominees.
Miller is the second maverick Democrat to express interest in Judiciary.
Before the Memorial Day recess, Sen. Robert Torricelli (N.J.) began telling colleagues he was interested in moving back to Judiciary, which he had to give up this year when he switched to Finance.
Last week, however, Torricelli said, "I have not pursued it."
Instead, Torricelli is concerned that Democrats have too many senior Senators who are gobbling up chairmanships of committees and subcommittees. At Foreign Relations, new Chairman Biden expects to maintain his chairmanship of the subcommittee on European affairs, in addition to the youth violence panel at Judiciary.
If Biden were to give up his European affairs panel, Torricelli would be next in line to chair the subcommittee, the only one that the embattled first-term Senator would get to lead in the run-up to his re-election battle.
"People have been waiting a long time [to get back the majority]. I would expect some of the more senior colleagues to be generous and considerate," Torricelli said.
But Biden brushed aside any suggestion of giving up the subcommittee posts to be fair to junior Democrats. "Fairness isn't an issue. There isn't any issue," he said.
Other senior Democrats appear to be taking the same approach. Leahy said he expects to continue chairing the Judiciary subcommittee on antitrust, business rights and competition, as well as subcommittees on both Agriculture, Nutrition and Forestry and Appropriations.
Aides to Sen. Edward Kennedy (D-Mass.) say he expects to chair HELP and three other subcommittees, including one at the Health panel.
Soon after they took power in the 104th Congress, Republicans instituted a limit on the number of chairmanships (or ranking member posts) a Senator could have, requiring waivers of anyone that chaired a major committee to head up a subcommittee. The switch allowed many junior lawmakers, including some Senators in their first or second year, to take the gavel at subcommittees.
"It was a good way of spreading the wealth around," said Minority Whip Don Nickles (R-Okla.).
Democrats say there is no movement in their Caucus to institute such a rule. "There's just a certain understanding: You've got to wait your turn," said Sen. Blanche Lincoln (D-Ark.), who considered herself lucky to be receiving a subcommittee gavel at Agriculture.
But Torricelli said that, even though the Caucus doesn't want a formal rule limiting chairmanships, junior Members want the Caucus elders to step aside when they can to help out.
"The sentiment exists," he said.
Republican Conference Chairman Rick Santorum (Pa.), one of the driving forces behind the GOP limits, said spreading around the subcommittee gavels "gives people a sense that they matter here," adding that senior Senators with four different chairmanships aren't effective.
"You can't do a good job. You basically have staff run those subcommittees," he said of lawmakers with multiple assignments.
Daschle said Friday that he expects to name all his new committee assignments later this week, assuming he can reach a new committee organization deal with Republicans today or Tuesday.
Lott is expected to present a Republican offer to Daschle today, a deal that will spell out Democratic majorities by adding a Democrat to the panels. A GOP source close to the negotiating team of five veteran Senators who met with Daschle last week said that the thorny issue of handling nominations would be dealt with by a non-binding resolution, either though a colloquy on the floor or a memorandum of understanding.
GOP Seeks Judicial Confirmations
by JESSE J. HOLLAND

WASHINGTON (AP) -- Republicans backed down on Thursday from some of their demands for how the newly Democrat-controlled Senate should handle President Bush's nominees for the Supreme Court and federal judgeships.

Earlier in the week, GOP negotiators demanded guaranteed Senate votes on all Supreme Court and federal appellate court nominees, and elimination of the secret veto process for some judicial nominations.

After Democrats refused, Republicans sought to allow the full Senate -- instead of negotiators -- to decide whether the Supreme Court nominees should be guaranteed a vote. They also want the Senate to decide whether to make the senatorial veto process public instead of private, as it has been in the past.

Democrats say they will treat Bush's nominees fairly. Republicans fear Democrats will block Bush's judicial nominations.

"We're not asking for there to be a commitment," said Sen. Arlen Specter, R-Pa., one of the five GOP senators who have been negotiating with Majority Leader Thomas Daschle, D-S.D. 'We're asking for there to be a vote.''

Daschle, who is trying to reorganize the Senate to reflect the Democratic takeover, is opposed.

"I remain committed to trying to resolve the outstanding issues around the organization of the Senate through negotiations and discussions, rather than with potentially divisive votes," Daschle said.

Democratic aides said the idea of making public the secret vetoes likely would come up a meeting Tuesday of Democratic senators.

The maneuvering is the result of Vermont Sen. Jim Jeffords' decision to leave the GOP and become an independent, altering the 50-50 split in the
Senate. Republicans had control by virtue of Vice President Dick Cheney's tie-breaking vote.

The two sides agreed that Democrats will gain a one-seat majority on each Senate committee, and the size of committees will be expanded to accommodate the one-seat Democratic edge. All Republicans will keep their committee assignments, and committee funding and space agreements negotiated at the beginning of the year will stay in effect as well.

Sen. Orrin Hatch of Utah, the top Republican on the Judiciary Committee, said that while filibustering the reorganization had not been discussed, GOP senators told negotiators to "go to the wall" over the judges provision.

Daschle said that if Republicans and Democrats are unable to agree on a reorganization, "action in the committees on virtually anything is unlikely."

Bush's Judgeships Stall In The Senate
By Dave Boyer
THE WASHINGTON TIMES; June 15, 2001

Senate Republican negotiators late yesterday declared an impasse in their talks with Democrats on President Bush's judicial nominees and said it was time to move forward with an up-or-down vote on the new Senate organization.
"We are only asking for fairness," said Sen. Mitch McConnell, Kentucky Republican.

The negotiators said the next move is up to Senate Majority Leader Tom Daschle, South Dakota Democrat, on whether to call a vote.

Republicans want the resolution to reflect the three points on which both parties agree, and the two contentious matters voted on independently as amendments to the resolution.

Republicans said the full Senate should have the opportunity to make a determination and that they would not filibuster if the resolution is voted down.
"We're simply asking for there to be a vote. When we have fundamental differences, we vote," said Sen. Arlen Specter, Pennsylvania Republican.

Both parties agree Democrats will have a one-seat majority on every committee, with the exception of the Ethics Committee, which by tradition is equally divided.

All committee members will retain their assignments, and committee funding and space agreements negotiated by the chairmen and ranking members will remain in effect.

Democrats do not agree with Republicans that "blue slips," or single-senator veto slips on judges from home-state senators, should be eliminated.

Democratic leaders turned up the pressure yesterday on judgeships, accusing the GOP of holding up White House nominations by not submitting to the Democrats' proposal to reorganize the Senate.
"They're making my life easier," said Sen. Patrick J. Leahy, Vermont Democrat and chairman of the Senate Judiciary Committee. "For the life of me, I don't know why they keep waiting. I'm ready to start (confirmation hearings) within 10 days to two weeks of the time that we reorganize."

Republicans say Mr. Leahy, one of the party's most liberal lawmakers, is a prime example of why they are pressing Mr. Daschle for assurances that Mr. Bush's nominees will be treated fairly. Mr. Leahy was one of the most outspoken critics of John Ashcroft's nomination for attorney general in a bruising confirmation hearing in January.

In two weeks of talks, Mr. Daschle has resisted Republican requests to promise floor votes on appeals court candidates and Supreme Court nominees if the Judiciary Committee rejects them. Mr. Daschle says he will hold up a deal to reorganize committees with Democratic majorities until both sides agree on the issue of nominations.

Democrats say Senate Republicans are only hurting their own administration by not accepting Democrats' more vague, nonbinding assurance to be fair to nominees.
"Unfortunately, what that means is that action in the committees on virtually anything is unlikely," Mr. Daschle said yesterday. "We wouldn't be able to do nominations or legislation. We're going to ... probably be
faced with a bottled-up array of, but we won't be able to do that."
Asked if he is "jamming" the White House's agenda, Mr. Daschle replied, "That's not my choice. I think it would be inexcusable for us to
disenfranchise elected members of the Senate who were serving on these
committees just a week ago, and now to tell them they can't vote. That isn't
my jamming them, that is simply a reality; that's what senators are here
to do, is to make decisions."
Referring to the new majority party's power to investigate the
administration, Mr. Daschle added, "In the meantime, we'll be satisfied, I
suppose, with the opportunities to hold oversight hearings and other kinds
of hearings."
For example, Sen. Joseph I. Lieberman, Connecticut Democrat, has used
his new chairmanship of the Governmental Affairs Committee to hold a
hearing on the administration's refusal to set energy price caps in
California. Mr. Lieberman, who lost his bid for the vice presidency last
year and is considered a likely presidential candidate for 2004, also
plans to hold hearings on Mr. Bush's environmental policies.
CQ MONITOR NEWS

ORGANIZING NEGOTIATIONS BEGIN TO GROW TESTY IN SENATE

By Emily Pierce, CQ Staff Writer
June 14, 2001 - Senate Republicans ratcheted up the rhetoric surrounding negotiations over a new Senate organizing resolution by airing their grievances at a news conference Thursday.

GOP negotiators said they were upset that Senate Majority Leader Tom Daschle, S.D., would not agree to their demands on how Supreme Court nominations and other judicial posts would be considered under the Democratic majority.

Because they said an agreement could not be reached, the five negotiators -- Orrin G. Hatch, R-Utah, Phil Gramm, R-Texas, Mitch McConnell, R-Ky., Pete V. Domenici, R-N.M., and Arlen Specter, R-Pa. -- asked for the entire Senate to vote on whether to force floor votes on Supreme Court nominees.

The five also requested a vote on whether to compel senators who privately object to lower court nominees to make their objections public. Senatorial tradition allows members to object to nominees through a "blue slip" process that is generally kept secret.

The votes would come as amendments to the organizing resolution, which the GOP negotiators said would include agreements they already have with Daschle, such as giving Democrats one-seat majorities on committees, preserving existing committee agreements on staff and space, and giving Daschle and Minority Leader Trent Lott, Miss., the ability to appoint committee members.

Daschle responded by saying he did not feel "divisive votes" were necessary. "I want to resolve this matter between us," he said. Daschle added that he did not believe the announcement would mar the "cordial" relationship he has so far enjoyed with the group of five Republicans.

Democratic aides left open the possibility that votes on the organizing resolution could be necessary, but said the GOP proposal would first have to be presented to the Democratic caucus during its regular Tuesday lunch next week.

Democrats predicted that Republicans would be unlikely to prevail even if the issues were put to votes.

"Their fundamental problem is, to my knowledge, there's nobody in [the Democratic] caucus who believes we ought to change the rules," said one aide. "There has never been in the history of the U.S. Senate a guarantee of a vote [on Supreme Court nominees]."

Democrats also laughed off GOP fears that Democrats will filibuster President Bush's judicial nominees, saying the most recent examples of controversial nominations coming to the floor came under their watch. Both Justice Clarence Thomas and rejected nominee Robert Bork, who were nominated under Republican presidents and Democratic Senate majorities, got floor votes despite failing in committee.

Democrats also balked at the blue slip request and complained that after 15 days of talks Republicans had first raised the issue on Wednesday.

A GOP leadership aide said the Republican negotiators decided to go public with their demands after Daschle rejected a proposed memorandum of understanding that Supreme Court nominees would receive floor votes, and insulted the group by responding with a proposal that did not mention the issue.

"We're deeply concerned that Sen. Daschle is unwilling to
ensconce in the organizing resolution what has [historically] been Senate practice," McConnell said.

The announcement by the five negotiators came after a nearly hour long meeting with the Republican caucus in which they received approval to insist on floor votes.

Both Democrats and Republicans said they did not expect the negotiators to meet again until Tuesday afternoon at the earliest.

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Attached is a piece comparing Schumer's statements "then and now" on judicial nominees. It may be useful moving forward.

---------------------- Forwarded by Courtney S. Elwood/WHO/EOP on 06/27/2001 07:54 AM ---------------------------

Barbara Comstock - Research & Strategic Planning <BComstock@rnchq.org>
06/27/2001 12:42:48 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP, Anne Womack/WHO/EOP
cc:
Subject: FW: Schumer piece
This has some Then and Now quotes from Schumer -- sorry didn't send earlier......I thought my guys had looked for this stuff earlier and turned out they hadn't --

> -----Original Message-----
> From: John Flynn - Research & Strategic Planning
> Sent: Tuesday, June 26, 2001 8:58 PM
> To: Barbara Comstock - Research & Strategic Planning
> Subject: Schumer piece
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>
> <<Schumer Comments on Judicial Nominations.doc>>

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ATT CREATION TIME/DATE: 0 00:00:00.00
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Senator Schumer
On Judicial Independence: Now & Then

Schumer Now: Senators Should Scrutinize A Judicial Nominee’s Ideology


✔ Bill Clinton’s Former White House Counsel Disagrees. Lloyd Cutler: “[C]andidates should decline to reply when efforts are made to find out how they would (rule) on a particular case.” (Jesse J. Holland, “Schumer: Grill Nominees On Ideology,” The Associated Press, June 26, 2001)

Schumer Then: Politics Should Be Taken Out Of The Judiciary So It Can Be Independent As The Founding Fathers Envisioned

Senator Schumer Claimed That Judges Should Be Kept Outside Of Politics And Above Influence By Others. “On an issue related, as well, of debating a number of nominees to be Federal judges, I want to address an issue that affects the entire Federal judiciary: The ban on honoraria. Under current law, as we all know, Federal judges are not allowed to accept honoraria. That is how it should be. The framers of the Constitution designed article III to keep judges outside of politics and above influence. Read the Federalist Papers. One of the great debates was that Federal judges, in article III, achieve life appointment. There was one reason for it: So they would be unfettered, so they would be uninfluenced; they could make their own decisions, knowing that no sanction could be taken against them for decisions they made, and, just as importantly, so the public would know it.” (Senator Charles Schumer, Congressional Record, October 3, 2000) (emphasis added)

Senator Schumer Said That Although Senators May Disagree With The Supreme Court At Times, There Is Nothing That Senators Can Do About Their Opposition Without Risking The Court’s Independence. “Because the judiciary has neither the power of the sword, as does the executive, nor the power of the purse, as does Congress, it is essential that the judiciary maintain its power – and it has, thank God – for these 211 years since the Constitution was written, through an untainted reputation for integrity and impartiality. The Federal judiciary has had it. It has frustrated us at times. It frustrated Franklin D. Roosevelt in the 1930s. It has frustrated some Members today on issues where we disagree with the
Senator Schumer Called On The Senate To Allow An Up Or Down Vote On All Judicial Nominees. “I also plead with my colleagues to move judges with alacrity – vote them up or down. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo.” (Senator Charles Schumer, Congressional Record, March 7, 2000) (emphasis added)

In Endorsing Clinton Nominees Paez, Berzon, Dyk, And Fuentes, Senator Schumer Credited Them As Being “Extremely Qualified,” But He Provided No Analysis Of Whether The Judges Were Centrist Ideologues, A Qualification He Now Makes His Priority. “Judge Paez, Judge Berzon, Judge Dyk, and Judge Fuentes are extremely qualified. I urge all of my colleagues, at long last, to vote for their confirmation.” (Senator Charles Schumer, Congressional Record, March 7, 2000)

Schumer Now: The Blue Slip Process Must Be Available To Home Senators

Schumer Then: Senators Should Not Hold Up Judicial Nominees Using The Blue Slip Process

When Both Home State Senators Opposed Ronnie White’s Nomination, Senator Schumer Disregarded The Blue Slip Process And Called For A Vote On The Nomination. “I respect each Senator’s right to oppose nominations for judge. I respect the idea that we often defer to our colleagues in their home States. But I think there is a higher calling here [in the case of Ronnie White]. That is, because this was one of the few African American nominees to reach this floor, we ought to be extra careful to make sure the standard was not being used that we haven’t used for some other nominees who have come before this body this year.... But I still think that we should have extra sensitivity, given the long history of division in this country and the need to try to bring some equality onto our bench in the sense that we have a diverse and representative judiciary.” (Senator Charles Schumer, Congressional Record, October 5, 1999) (emphasis added)

During The Clinton Administration, Senator Schumer Stated That When The Senate And The White House Are Controlled By Different Parties, The Senate Has No Right To Hold Up Judicial Nominees When Its Only Role Is To Vote On The Nominees That The President Chooses. “The basic issue of holding up judgeships is the issue before us, not the qualifications of judges, which we can always debate. The problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and we are charged with voting on the nominees. The Constitution does not say if the Congress is controlled by a different party than the President there shall be no judges chosen. But that is sometimes how the majority has functioned.” (Senator Charles Schumer, Congressional Record, March 7, 2000) (emphasis added)
Schumer Now: Senate Republicans Held Up Clinton’s Nominees

Senator Schumer Criticized Senate Republicans For Holding Up Clinton Nominees During The Six Years That Republicans Were In Power. “The number of judges in the last six years who were held up because a home-state senator objected, you can’t count on your hands and your toes; there have been many. And all of a sudden, with the change of president, they’re asking us to change the rules. No good reason.” (Press Conference, May 3, 2001)

Schumer Then: Chairman Hatch Maintained A Zero Vacancy Rate In New York Courts

Senator Schumer Credits Senator Hatch For Zealously Processing Judicial Nominees In The Second Circuit So That No Vacancies Existed. “The reason I rise is not only as a member of the Judiciary Committee, not only as somebody who believes we ought to fill the vacancies in our courts--and I am appreciative that Senator Hatch has worked with me to fill those vacancies in New York. Neither the Second Circuit nor any of the New York district courts have vacancies, and we did manage to fill at least six judgeships this year. I thank the chairman for that.” (Senator Charles Schumer, Congressional Record, October 3, 2000) (emphasis added)
In a "preview of upcoming battles over the make up of the Supreme Court," Senate Dems "served a warning" to Pres. Bush yesterday that they are "willing to reject judicial candidates based on ideology alone." At a Senate Judiciary Subcmte hearing, Dems said that if Bush nominates justices "outside what they consider the ideological mainstream, they could vote them down even if the nominees' credentials are otherwise impeccable" (Bendavid, Chicago Tribune, 6/27).

Admin Oversight and the Courts Submte chair Chuck Schumer, "laying down the gauntlet," said that the "closeness of last year's presidential election was a mandate for 'moderation and bipartisanship.'" Schumer: "This era, perhaps more than any other before, calls out for collaboration between the president and the Senate in judicial appointments. ... It certainly justifies Senate opposition to judicial nominees whose views fall outside the mainstream and who have been selected in an attempt to further tilt the courts in an ideological direction" (Walsh, Washington Post, 6/27). Schumer "had a rocky debut" as chair of the subcmte, with GOPers "howling about his plan to debate judicial nominees' ideology." Holding his first hearing since Dems took control of the Senate, Schumer "opened the meeting with a cheery 'Good morning,' and things went downhill from there" (Sisk, New York Daily News, 6/27).

GOPers called these "litmus tests" an "aggressive assault" on Bush's nominees to "block qualified candidates for political purposes." Sen. Jeff Sessions (R-AL): "It is an unwise and dangerous thing for the Senate to change the way we evaluate judges and it undermines the confidence the American people have in the law." Senate Min. Leader Trent Lott said that nominees "historically are evaluated by their legal experience and temperament." Lott: "The Democrats seem to be reversing 200 years of precedent by imposing narrow litmus tests on all federal judicial nominees. ... By imposing what amounts to political litmus-testing requiring nominees to be card-carrying members of their party, the Democrats want to pre-ordain the outcome of every issue that will come before the courts and rewrite the Constitution as well." Sen. Jon Kyl (R-AZ) maintained that the hearings allowed Dems to "lay the groundwork for blanket opposition" of Bush's nominations "purely on political grounds" and will create a "confirmation collision." Kyl: "You can't change 200 years of history without laying the
foundation for it, and this is what it's all about. ... They are very brazen about it" (Hudson, Washington Times, 6/27).
WE'VE KNOWN ALL along that the judicial confirmation process was going to be a battleground this year. No amount of pleas for bipartisanship, civility, decorum or adherence to tradition was going to get in the way of the Democrats' assault plans.

First, Senate Democrats, then in the minority, wanted to change the rules so that a single senator from a nominee's home state could block a presidential appointment.

Now, Senate Democrats, in the majority, want to rewrite the rules of confirmation hearings to allow grilling a nominee about his ideology. It is a dangerous precedent and would do great damage to America's belief in an impartial and independent judiciary.

Those who testified on both sides said it best:

Lloyd Cutler, who served in the Clinton administration, and C. Boyden Gray, who served in the administration of Bush's father, both spoke against using ideology as a measure of a judge.

"To make ideology an issue in the confirmation process is to suggest that the legal process is and should be a political one," Cutler said. "That is not only wrong as a matter of political science, it also serves to weaken public confidence in the courts."

Gray agreed. "The key criteria for a potential judge is not ideological, but philosophical and constitutional: Does the nominee have the integrity to recognize the limited role of a judge and leave the legislating to legislators?"

But that levelheadedness won't wash with Democrats, who were best represented by Laurence Tribe, the Harvard Law School professor last seen arguing before the Supreme Court for his client, Al Gore. It doesn't take a weatherman to know which way Tribe testified.
"With a Supreme Court that is already so dramatically tilted in a rightward direction, anything less than a concerted effort to set the balance straight would mean perpetuating the imbalance that gave us not only Bush v. Gore, but the myriad of decisions in the preceding half-dozen years in which the court thumbed its nose at Congress and thus the American people."

At least Tribe doesn't try to hide his resentment over losing his last big case.

And of course, he and Democrats believe Gore lost not because the high court weighed the law in ruling, not once but twice, that Florida's Supreme Court had erred badly; no, they believe, Gore lost the election because of the ideological bent of certain justices. (As they see it, judges aren't supposed to review individual cases and the law, but they are to have preconceived notions of the outcome of any and all questions; therefore, according to Democrats, it's bad when judges lean the wrong way; it's not bad if they lean the way Democrats want them to.)

Sen. Charles Schumer (D-N.Y.) said the close election justified the Senate opposing nominees whose views fall outside the mainstream. He said this with a straight face; like so many other liberals, he actually believes that his ideology is in step with mainstream America.

Apparently he believes that when he whispers the names of U.S. Supreme Court Justices Antonin Scalia and Clarence Thomas as the kind of nominees Bush might dare send up, mainstream America cringes with him.

In fact, we hope the president is able to find two judges as good as Scalia and Thomas and nominates them. We are confident that the Democrat-led Senate will give America a gory show, and we hope mainstream America pays close attention.
From: CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]
To: Karl C. Rove/WHO/EOP@EOP [ WHO ] <Karl C. Rove>; Bradford A. Berenson/WHO/EOP@EOP [ WHO ]<Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]<Brett M. Kavanaugh>
CC: Lezlee J. Westine/WHO/EOP@EOP [ WHO ]<Lezlee J. Westine>; Matthew E. Smith/WHO/EOP@EOP [ WHO ]<Matthew E. Smith>
Subject: Washington Update - June 27, 2001

### Begin Original ARMS Header ###
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CREATION DATE/TIME: 28-JUN-2001 15:59:10.00
SUBJECT:: Washington Update - June 27, 2001
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TO: Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
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Record Type: Record

To: Tim Goeglein/WHO/EOP
cc: 
Subject: Washington Update - June 27, 2001

From: Ken Connor, President
Date: June 27, 2001 - Wednesday
To: Friends of Family Research Council

Politicizing the Courts

The opening volley in the battle over President Bush's judicial nominees has been fired in Washington. The skirmishing yesterday in the Senate Judiciary Committee did little to inspire confidence that the president's nominees will get a fair shake from the Democrats. Subcommittee Chairman Sen. Charles Schumer (D-N.Y.) convened a hearing to explore the question, "Does Ideology Matter?" Or, in plain language, should senators question a judicial nominee's politics? One witness was Harvard Law Professor Laurence Tribe, a chief architect of the politicizing of the confirmation process dating from the Robert Bork and Clarence Thomas inquisitions. For more than 200 years, inquiring into a nominee's personal political views has been regarded as off limits. As attorney Tom Jipping of the Free Congress Foundation noted yesterday in The Washington Times, "Demanding to know how a judge will rule on issues is demanding that he violate his judicial oath before even
taking it...." Yet Sen. Schumer said yesterday that the Senate is justified in opposing nominees "whose views fall outside the mainstream." In other words, the Democrats are proposing a political litmus test and conservatives need not apply. Of course, the Democrats sang an entirely different tune when Bill Clinton was putting pro-abortion liberals on the courts. Winning confirmation for qualified, fair judges who will apply the law and not legislate from the bench is going to be very difficult in this highly partisan Senate.

Honoring the Adams Family

David McCullough's blockbuster best-selling biography John Adams, an often neglected Founding Father, has sparked a movement to honor the Adams family in a monument here in Washington. The proposed monument would honor not only Adams and his remarkable accomplishments, but his brilliant wife, Abigail, and their son, John Quincy, who became the nation's sixth president. Thus the monument would memorialize the importance of family. Adams himself deserves more recognition. He was the driving force behind the Declaration of Independence (Jefferson called him "the colossus of independence"). Almost single-handedly he wrote the Massachusetts state constitution, which became the model for the federal Constitution. Adams negotiated the treaty with England that ended the Revolutionary War, then served as the new nation's first vice president and second president. But most of all, Adams was a man of deep faith and impeccable integrity, who despite his many public achievements remained at heart a simple farmer, devoted husband and loving father.
Schumer Is Right That 'Gotcha' Mentality Has Dominated the Process

New York Sen. Charles Schumer (D) said something shocking recently. He uttered the truth. In Washington, the truth is often as plentiful as a spare kilowatt on a hot day in California. Schumer's comments weren't surprising for their substance, but, instead, because the politician said something that was definitely not political.

The liberal lawmaker wrote in a New York Times op-ed piece that Senators "have driven the legitimate consideration and discussion of ideology underground," adding that the "not-so-dirty secret of the Senate is that we do consider ideology, but privately." Schumer's comments were an unmistakable warning to the White House that conservative judicial nominees will meet stiff resistance from some liberals in the Senate.

Leaving aside Schumer's use of the word "legitimate," it's amazing the reaction that Schumer's comment drew. It's probably the same reaction that the guy who said the emperor had no clothes received.

Schumer was immediately hammered from the right by conservatives who realized that they now had a weapon to use against him and all liberals who eventually oppose Bush's
judicial selections. According to conservatives, opponents of Bush's judicial nominees will be basing their opposition on politics and ideology, not on some high-minded argument about judicial temperament or intellectual prowess.

Schumer, of course, is correct that recent opponents to judicial nominees have used a "gotcha" approach to discredit presidential judicial selections. Just ask Douglas Ginsburg, whose past use of marijuana disqualified him from the Supreme Court. The same "gotcha" mentality has permeated political campaigns, and it has happened in Cabinet selections, most recently to Linda Chavez, whose nomination for Labor secretary was torpedoed, but also to Zoe Baird and Kimba Wood, Bill Clinton's first two choices for attorney general.

Of course, ideology isn't always the decisive factor in the Senate's decisions. Overwhelming GOP support for now-Justices Stephen Breyer and Ruth Bader Ginsberg demonstrates that, as Schumer suggests, the ideology of the nominee isn't the only factor used by Senators in deciding how to vote.

In saying that Schumer is right that Senators often consider ideology I'm not taking a position about whether that's good or bad. I regard it merely as inevitable given the ideological rift that has developed in this country over the past 30 years, the growing participation of interest groups in all aspects of the political process and the heightened importance of what is at stake.

Schumer's statement was and ought to be controversial to the extent that he was violating an important rule of politics, that judges are expected to be above politics, relying on their intellect and skills of legal analysis, not their personal preferences and personal ideology.

In fact, no aspect of government is devoid of politics, and anyone who is being honest will admit it. Interest groups, including the political parties, don't merely care about the process of politics. They want the "correct" result. And the courts, instead of disciplining themselves to stay above politics, have jumped in with both feet.

The situation is so ridiculous now that we have judges drawing Congressional district lines - lines that invariably advantage one political party over another, and accept one philosophy of representation over a competing model.

President Bush's judicial nominees are likely to have the same success that Clinton's had. But when it comes to potential Supreme Court appointments, Bush's prospects will depend on which sitting justice leaves the court. The more conservative the justice, the easier time he will have.

But no matter whether Democrats take Schumer's tactic and admit the importance of politics, or couch their criticisms in legalese and "gotcha-isms," Bush faces a difficult task if he has to nominate someone to replace Justice Sandra Day O'Connor or Justice Anthony Kennedy, the two "swing votes" on the High Court.

Bush's narrow victory, the near equal partisan divisions of the House and Senate, and the media's focus on Bush's conservatism guarantee that Senate Democrats will be emboldened to fight any Bush nominee who is measurably right of center. But unlike Schumer, most of them won't readily admit the obvious - that they will look to destroy nominees who are "wrong" on the issues.
This has led Republicans (and political junkies) to speculate who Bush might select, and the answer invariably has something to do with the nominee's race, ethnicity or gender. The prevailing opinion is that Bush will nominate a Hispanic, preferably someone without a controversial abortion record. Why the selection? Politics, of course.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>
CC: bradford a. berenson/WHO/eop@eop [ WHO ] <bradford a. berenson>
Sent: 7/8/2001 10:17:51 AM
Subject: : Re: In case you missed it....

This was great and by a member of the editorial page staff to boot.

Matthew E. Smith

07/06/2001 01:04:32 PM

Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: In case you missed it....

What Judges Do

By Benjamin Wittes
The Washington Post
Friday, July 6, 2001; Page A25

The unanimous decision last week by the D.C. Circuit Court of Appeals in the case of U.S. v. Microsoft should give a moment's pause to anyone certain that ideology ought to be a central consideration when the Senate examines President Bush's judicial nominees. Seven judges of extremely diverse politics took on a politically divisive case that involved a complex record and had significant implications for the national economy. Defying almost all predictions, they put ideology aside and managed to craft a ruling that every member of the court could sign in its entirety. The D.C. Circuit did not look much like a partisan battleground last week. Rather, its judges looked, well, like judges -- neutrally applying complicated precedents to even more complicated facts and striving successfully to get the right answer.

The debate over ideology and the courts is a frustrating one because the hypocrisy on both sides runs so thick. These days, Republicans like to pretend that ideology has no legitimate role in the
judicial confirmation process. But this claim doesn't pass the laugh test after the past few years, during which some of those same Republicans waged war against President Clinton's nominees for their alleged tendency toward "judicial activism." It actually didn't pass the laugh test before that either: It simply defies logic to insist that a senator must support a nominee whose approach to judging offends that senator's conscience.

On the other side, however, the new-found Democratic infatuation with subjecting nominees to ideological examination stinks of purity tests. Few are bothering to define what they mean by judicial ideology -- though it usually seems to have something to do with abortion -- or to specify in what universe of cases they think it matters.

The controversial nominees now before the Senate have been named to appeals courts, and the truth is that the average case before such courts -- even the average important, high-profile case -- is far more like Microsoft than like Roe v. Wade. Since the turn of the year, the D.C. Circuit has decided nearly 120 cases unanimously. In the same period, only 13 cases have produced dissents. Most of these dissents were on technical matters, with no ideological dimension at all. Only a few cases could plausibly be described as ideologically tinged, and in only one -- an affirmative action case last month -- did judicial philosophy play an obvious role.

Longer-term data compiled by the court's chief judge, Harry Edwards, likewise suggest only a minimal role for ideology on the D.C. Circuit. Edwards has reported that between 1995 and 1999, no more than 3 percent of cases produced dissents in any given year. Of those cases in which dissents were filed, only about half involved disputes between judges appointed by presidents of opposing parties. The court's handling of Microsoft, however striking in the current environment, is actually typical.

The point is not that ideology should be a forbidden subject, only that the ideological stakes in the appointment of lower court judges should not be overstated. At the Supreme Court level, a nominee's views on abortion and other divisive social issues may matter enormously. At the courts of appeals, however, these are largely symbols that have come to serve as badges identifying the types of judges we expect individuals to be.

The trouble is that the badges can be extremely misleading. With a few exceptions -- affirmative action most notably -- the labels "liberal" and "conservative" say very little about how a judge is likely to resolve a given case.

The craft of judging is far more important to the day-to-day work of the lower federal courts than are the political issues that drive the debate over the judiciary's future.

The legitimate place of ideology in the discussion of judicial nominees is, therefore, limited -- limited to those nominees whose ideology is so strong that it might interfere with judicial decision-making. The more ideological the judge -- in any direction -- the less respectful of precedent and the less constrained by the facts of a given case he or she may be.

A senator who has reason to believe that a given nominee's pursuit of the right answer will be compromised by
ideological precommitments should certainly vote against that nominee. But without some good reason to think a nominee's ideology will adversely impact his or her handling of a discernible body of cases, opposing that nominee on the basis of ideology is nothing more than punishment for his or her beliefs. That's a dangerous game.

The writer is a member of the editorial page staff.
Judicial Fight May Be in Store
Florida senators will soon get a look at selections of a GOP committee.

Sunday, July 8, 2001

By CORY REISS
Ledger Washington Bureau

WASHINGTON -- As early as this week, Florida's senators expect to get their first look at judicial candidates recommended by a commission that Republicans formed in April to fill vacancies on the federal bench.

The interviews of three potential nominees for a seat in Florida's middle district -- which includes Polk -- comes as the Senate embarks on a potentially difficult mission to fill 110 vacant federal district and appellate seats. That's an eighth of the total seats nationwide and up from 60 vacancies this time last year.

First-term Sen. Bill Nelson will get his first chance to mark the judiciary.

"He doesn't have any particular litmus test," said Dan McLaughlin, a spokesman for Nelson, who recently blocked a President Bush nomination for an Interior post because of his oil and gas ties. "Of course, he's quite concerned that the judicial nominee be in the mainstream."

McLaughlin said the senators could begin interviewing the candidates as early as this week.

Florida lawmakers say they hope to maintain the bipartisanism that prevailed in recent years, when Sen. Bob Graham, a Democrat, and former Florida Republican Sen. Connie Mack organized a similar panel during the Clinton presidency.

But there are signs that federal judicial nominees -- which in the last decade have increasingly become political footballs -- could become more contentious in the current atmosphere on Capitol Hill. Republicans and Democrats have spent several weeks arguing about the confirmation process while trying to reorganize the Senate under Democratic rule, and some Democrats have said they want to openly question nominees about controversial issues such as abortion.
These arguments could produce ground rules for how Supreme Court nominees are treated if any justices retire.

With Bush in the White House, Florida's top Republicans -- Reps. C.W. Bill Young and Clay Shaw and Gov. Jeb Bush -- formed a new commission that last month sent three names to the state's Democratic senators. Graham and Nelson were allowed to nominate some members of the commission.

Democrats contend that any senator can block a judicial nominee from his home state, which has caused considerable hand wringing by Republicans since Sen. John Jeffords became an independent and handed control of the Senate to Democrats. That makes it imperative for the commission to submit at least one Florida nominee who the senators will not block if President Bush were to nominate him.

The commission named two Jacksonville candidates, U.S Magistrate Timothy Corrigan and attorney Dana Bradford, and former U.S. Attorney Kenneth Sukhia of Tallahassee.

Critics say an escalating ideological war on Capitol Hill has caused backlogs in federal dockets.

University of Florida law professor Joseph W. Little said the warfare has progressed since Democrats defeated Appeals Court nominee Robert Bork in 1987 and then pummeled Judge Clarence Thomas, who nevertheless was confirmed as a Supreme Court justice. Democrats complain that Republicans have employed a different strategy of blocking nominees before they get a hearing.

"Once you bring in this political component -- and Roe v. Wade seems to seep into every discussion -- then you've got the extreme sides on both sides that want to weigh in," Little said.

Under the previous system, Florida's senators sent nominees to former President Clinton that both agreed were fit. Still, three vacancies in the state's middle and southern districts have been declared judicial emergencies by the U.S. Administrative Office of the Courts because of the length of time they've been vacant and the number of cases they have accumulated.

There are 40 such emergencies nationwide.

So far, Bush has named 19 candidates for 33 appellate court seats. He's only nominated seven candidates for the 76 open District Court seats where cases are initially tried. A federal trade court seat also is open.

"For the great bulk of the citizenry that get involved with the legal process, they're going to get justice or not in the first court of jurisdiction," which in the federal system is District Court, Little said.

Sen. Charles Schumer, D-N.Y., fueled the debate recently by convening a subcommittee hearing to examine whether ideology should be a factor in the confirmation process. He sparred with Sen. Jeff Sessions, R-Ala., who argued personal beliefs shouldn't be a factor.

"We don't want to see this change in which we see judges ... put into the middle of political turmoil and then find they didn't answer the questions quite right," said Sessions, whom some liberal activist groups call a chief saboteur of dozens of Clinton's nominees.

A dispute between North Carolina's senators and the White House reheated these issues. Sen. John Edwards, D-N.C., has blocked the nomination of District Judge Terrence Boyle for one of five open seats on the 4th Circuit Court of Appeals, saying he would reconsider if Democratic favorite James Wynn, a North Carolina appeals judge, or another Democrat got one, too.

Sen. Jesse Helms, R-N.C., has blocked all nominees for a 4th Circuit seat
that has gone unfilled since it was created in 1990. Helms blocked Wynn in 1999 and also Roger Gregory, whom Bush has nominated as a nod to Democrats. Gregory, who was temporarily appointed by Clinton during a congressional recess, is scheduled for a confirmation hearing this week along with several other judicial nominees.

It's not clear what, if anything, Helms will do.

"I think both parties are guilty of playing political games with judges," said Rep. Howard Coble, R-N.C., a conservative member of the House Judiciary Committee.

Observer's expect Florida's nominations to escape the sort of bickering that has caused gridlock in North Carolina. More generally, Bush will have to compromise with Democrats in control of the Senate, Coble said.

"It's going to probably dictate that President Bush submit names that bear beliefs that are less conservative than they might have been," he said.
The Free Congress Commentary  
"Balance" In the Courts? What Will They Think of Next?  
By Thomas L. Jipping

You need to know the underhanded and dishonest tactics being used to block President Bush's judicial nominees. The Bush administration and Senate Republicans should be the ones telling you but, despite their continuing silence, you still need to know.

Among the many excuses of Senate Democrats and their leftist allies to block judicial confirmations is the supposed need for "balance" on the federal courts. The Constitution calls for no such thing in giving the president the power to appoint judges and Democrats, of course, only discovered the need for balance upon President Bush's election. And this argument doesn't
even fly on the numbers, since Bill Clinton just finished appointing 374 federal judges.

Looking specifically at the U.S. Court of Appeals for the Ninth Circuit, which covers nine western states, reveals just what is going on here. The Ninth Circuit is legendary or, should I say, notorious. This is the court that said landlords must rent to shacking-up couples despite their religious objections, that the Constitution contains rights to assisted suicide and to conduct government business in foreign languages, and that cities can discriminate against religious groups in opening their parks to community events. The U.S. Supreme Court reverses the Ninth Circuit three to four times as often as any other.

Those and many other activist decisions did not result from any "balance" on the Ninth Circuit. In fact, 18 of the 25 full-time judges on that court, or a whopping 72%, are Democrat appointees. Fourteen of them, or 56% of the total, are Clinton appointees. This is perhaps the most unbalanced appeals court in America and these crazy decisions prove it.

If Senate Democrats really wanted balance on the Ninth Circuit, they would confirm President Bush's Ninth Circuit nominees. Instead, left-wing California Senator Barbara Boxer succeeded in preventing the nomination of Congressman Chris Cox and is now threatening to block other nominees as well.

The obstruction campaign goes even further. A federal law actually requires what might be called balance. Hawaii's two Senators, Democrats Daniel Akaka and Daniel Inouye, introduced the Fairness in Judiciary Appointments Act of 1997, because there had not been a Hawaiian in full-time service on the Ninth Circuit since 1984. The law requires that each state in a judicial circuit be represented by at least one judge on that court. Senator Akaka stressed that this representation was necessary to "add to the credibility and legitimacy of the Federal appellate courts and the decisions they render."

Just for the record, courts are not and must not be treated as representative institutions. Representation creates first expectation and then entitlement of results by the groups supposedly being represented. That's the best way to destroy the rule of law.

But this law is on the books and it was Hawaii's Senators who put it there. Hawaii is today one of only two states--the other is North Carolina--not represented on their respective circuits and President Bush has nominated individuals from each of them.

President Bush has, for example, nominated Richard Clifton of Hawaii to fill one of the three vacancies on the Ninth Circuit. Mr. Clifton has practiced law in Hawaii for 25 years and has taught at the University of Hawaii School of Law. A specialist in business litigation, he is listed in The Best Lawyers in America as one of the 18 finest lawyers in that field in Hawaii.

Though there has not been a Hawaiian in full-time service on the Ninth Circuit in 17 years, and though their legislation requires there be one, Senators Akaka and Inouye now refuse to back Mr. Clifton's nomination. Senator Inouye says he opposes the nominee because he was not "in the loop" enough in the nominee's selection.

Forget all these fake excuses. If these Senators were concerned about balance on the Ninth Circuit, they would support Mr. Clifton's nomination. If they were concerned that Hawaii be represented on the Ninth Circuit,
they would support Mr. Clifton's nomination. The truth is that these Senators want someone else appointed. They want President Bush instead to re-submit Bill Clinton's far more liberal nominee, someone the Senate chose not to confirm.

So we arrive again at the same bottom line. The Democrat Senate is trying to change the Constitution's rules and highjack the appointment of judges. Don't be fooled by the gimmick du jour; that's just a cover up for a hostile takeover of the judicial selection process. It's up to Senate Republicans and the Bush administration, who say America needs judges who will simply follow the law, to expose these tactics and restore some constitutional balance before it's too late.

Thomas L. Jipping is Vice-President for Legal Policy at the Free Congress Foundation. 
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The Free Congress Commentary
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Did this run in W. Post? Just FYI.

Published Wednesday, July 18, 2001

HOWARD M. METZENBAUM

Examining Bush's nominees

Amid Democrats' rejoicing at Sen. James Jeffords's decision to leave the GOP, another event went largely unnoticed. Democratic senators offered little resistance to the hasty confirmation of ultra-conservative Theodore Olson for solicitor general. Olson was rushed through, even though an investigation into his truthfulness was ongoing.

It concerns me that the confirmation of the solicitor general, who serves as a "10th justice" on the Supreme Court, was handled in this manner. I hope this is not a portent of things to come on President Bush's judicial nominations. Indeed, the stakes could not be higher in how the Senate handles its advice-and-consent role on Bush's nominees for the federal courts.

Over the last two decades, the federal courts have lost sight of their vital role -- to protect the rights of the least powerful people in our nation. A majority on the U.S. Supreme Court routinely resists claims to secure justice through the Constitution's equal-protection clause. And the court has struck down other branches' efforts to afford such protections.

In recent years, many circuits of the U.S. Court of Appeals have undermined our nation's ability to enforce civil-rights laws, workplace protections, environmental standards, privacy rights and choice, and religious freedom.

Because most cases never reach the Supreme Court, nominations to the U.S. Court of Appeals are critically important. These courts already have strayed far from the mainstream and could fall more dangerously out of balance under Bush. Consider his first group of appeals-court nominees:

One nominee approves the government's funding of religious programs, a
philosophy that threatens the separation of church and state.

Another is an avatar of states rights who opposes firm enforcement of civil-rights laws. He successfully argued the case that shields states from lawsuits by employees who have suffered discrimination due to a disability or age.

Another issued decisions striking down minority voting districts, decisions that were twice overruled by the Supreme Court. These nominees are not a surprise, coming from a president who cites Justices Antonin Scalia and Clarence Thomas as his judicial heroes. Bush also has made his ideological bent even clearer by seeking to end the longstanding role of the American Bar Association in providing evaluations of judicial candidates. Instead, he and his advisors have sought advice from the Federalist Society, a radical group whose recent conference in Chicago was headlined "Rolling Back the New Deal."

The Bush administration's campaign to populate the courts with activist and dogmatic conservatives calls for a determined stand by senators who care about fairness, equality and civil rights.

Fortunately, Democratic senators who serve on the Judiciary Committee are committed to examining Bush's judicial nominees very closely and holding them to a high standard.

Three basic principles should guide senators on examining judicial nominees:

That nominees demonstrate that they have spent a part of their legal careers aiding the disadvantaged and that they understand the concerns of ordinary people who find themselves in court.

That nominees have a commitment to protect those who need the courts to secure their rights to free speech, equal opportunity, religious freedom and privacy.

While Democrats should reject the stalling tactics that Republicans used to block President Clinton's nominees, they should not permit themselves to be rushed through the confirmation process. Bush said that his nominees have "sterling credentials." But the Senate must determine whether these nominees and others to come have the credential that matters most of all: a strong and unwavering devotion to justice that is impartial, responsive to people's needs and faithful to our constitutional values.

Howard M. Metzenbaum, a former U.S. senator from Ohio, is board chairman of the Consumer Federation of America.
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Sent: 7/19/2001 10:22:45 AM
Subject: Re: RE: Schumer Hearing for 7/24
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CQ MONITOR NEWS

NOMINATION SKIRMISH COMPLICATES PUSH TOWARD RECESS

By Matthew Tully, CQ Staff Writer
July 30, 2001 - Senate Majority Leader Tom Daschle and Minority Leader Trent Lott each had something to say about Bush administration nominations on Monday. But like a dispute over the chicken and the egg, they had different takes on the issue.

Daschle, S.D., said the Senate will try to confirm some nominees if it is able to pass a series of bills first. "There's a lot of work to be done," he said. "And then, of course, if it is possible to look at nominations, we'd consider doing that, too. But we've got to take those things that are most pressing first."

On the other hand, Lott, Miss., said the chances of passing legislation would be greatly improved if the Senate first confirms some nominations. "It's going to be hard to get to some of these other things if we don't get to some of these nominations first," he said.

The issues are unlikely to be untangled during the final week before the monthlong August recess scheduled to begin Friday.

Republicans have stalled work on spending bills in recent weeks in an attempt to force votes on nominations. This week is especially critical because nominees not confirmed will have to wait until at least September.

Minority Whip Don Nickles, Okla., said he wants the Senate "to get a big batch done this week." Depending on which senator is asked, the size of that batch varies. Nickles mentioned an ambitious list of 68 nominees including many whose nominations might not be ready for floor votes this week. Republican Policy Committee Chairman Larry E. Craig, Idaho, said the list would more likely include up to 20 nominations.

Craig said it is equally important that Democrats announce a "date certain for confirming [other] nominees" after the recess. He said Republicans have heard from Democratic aides that some nominees will not be ready for votes until November or December.

"That's a strategy of foot-dragging and that's not what the majority leader wants to do," said Craig, asking for "realistic schedules" that detail when each committee will send nominations to the floor.

Making a List

Nickles, Craig and Jon Kyl, R-Ariz., are heading negotiations with Democrats over which nominations the Senate will vote on this week.

Among the 32 non-military nominations in line for floor votes are those of Rep. Asa Hutchinson, R-Ark., to be administrator of drug enforcement in the Department of Justice and outgoing Sergeant at Arms James W. Ziglar to be commissioner of the Immigration and Naturalization Service.

Kyl said Republicans place high priority on the nomination of John D. Negroponte to be representative to the United Nations, Eugene Scalia to be solicitor for the Department of Labor and John P. Walters to be director of national drug control policy. He said he does not know when the Senate will vote on those nominations.

A senior GOP leadership aide said Republicans are growing increasingly angry at Democratic treatment of Mary Sheila Gall, Bush's nominee to head the Consumer Product Safety Commission. Some Democrats predict the Commerce Committee will defeat Gall's nomination on Thursday.
Although critical of the new majority, Lott acknowledged that Republicans are holding up some Bush administration nominations because of unrelated disputes.

Jesse Helms, R-N.C., is holding up Treasury Department nominees over a dispute with the Customs Service over textile trade regulations.

"I think we can't be holding up nominations while complaining about the others," said Lott. "But, I mean, we're basically holding up four out of the 32."

While Lott criticized Democrats for confirming only three judges since they took control of the Senate on June 5, Judiciary Committee Chairman Patrick J. Leahy, D-Vt., said his panel has acted on judicial nominations "faster than any committee" in memory. Lott said 26 federal judges are awaiting Judiciary Committee action; Leahy said some committee votes could come this week.

But everyone agrees the Senate will not confirm any judges before the break. Democrats point out that the Senate considered no judges during the five months that Republicans controlled the Senate this year.

Structural Changes

Fred Thompson, Tenn., has been complaining about the slow pace of action on presidential nominations for quite some time. But his complaints concern the process, and not how Daschle is handling nominations. As the Governmental Affairs Committee's top-ranking Republican, Thompson said he plans to introduce a bill as early as September to overhaul the nomination system.

Thompson's bill will be based on his belief that many posts should not require Senate confirmation, and that in some cases the president should have the discretion to waive time-consuming background checks. Moreover, he said, the Senate should process nominations much more quickly.

"Part of it is institutional and part of it's not," he said. "My concern is at the end of the day it's hurting the institution of the presidency. [Presidents] need key people in place sooner than a year."

Source: CQ Monitor News
Round-the-clock coverage of news from Capitol Hill.
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Bush judicial nominees gave money to GOP candidates

By <A HREF="mailto:alexb@hillnews.com">Alexander Bolton</A>

A survey of campaign fundraising records shows that nearly half of President Bush's nominees to the federal bench have given money to the GOP. Several have a history of extensive contributions that may hinder their confirmation in the Democratic Senate.

This has led to an escalating battle between Sen. Patrick Leahy (D-Vt.), the chairman of the Judiciary Committee, and Orrin Hatch (R-Utah), the panel's ranking member, over the question of making fundraising records available to the Senate.

> <A HREF="mailto:patr@hillnews.com">PATRICK G. RYAN</A>

Sens. Patrick Leahy (D-Vt.) and Orrin Hatch (R-Utah).

Bush’s selection for the 9th Circuit Court, Richard R. Clifton of Hawaii, has given nearly $20,000 to Republicans since 1992, the most of any of the nominees.

Deborah Cook, who is being considered for the 6th Circuit, has given more than $7,000 to Republican candidates and the Republican Party of Ohio since 1998.

D.C. Circuit nominee John G. Roberts, a partner with Hogan & Hartson, a law and lobbying firm, has given $6,000 to Republicans and $5,675 to his firm's political action committee over the last decade. In the last election cycle, Hogan & Hartson gave $66,000, or 64 percent of its donations, to...
Although information on political contributions is part of the public record, the Judiciary Committee has never collected or disseminated the information.

Republicans fear that their Democratic colleagues would be prejudiced by knowledge of a nominee’s past political activities.

“There are people on both sides who would like to politicize the process,” Hatch told The Hill. “The fact of the matter is, it does [prejudice], especially if the giving was to the opponent of a sitting member of the Judiciary Committee.”

“You never know how that is weighed or taken down,” Hatch added.

Some experts say information on past political contributions may cast a negative light on some judicial nominees.

“You want them to be fair. You want them to be unbiased,” said Celia Wexler, a lobbyist with the government ethics watchdog Common Cause. “Any circumstance that makes the public question that fairness is troubling.”

Wexler added that judges have a First Amendment right to give money to politicians, but compared their situation to that of journalists.

“They must realize their giving histories may cause some people to have some difficulty seeing that they’re impartial,” she said. “Journalists are people who often don’t give to political candidates because there is that concern. If journalists have these concerns then certainly judges should.”

Some Republicans question the motives behind Leahy’s proposal to rewrite the questionnaire that all nominees must answer. If Leahy got his way, nominees would have to answer questions about past political contributions and criminal history, something they are not currently required to do.

“Why would a committee want it?” asked Sen. Fred Thompson (R-Tenn.), the ranking member of the Senate Government Affairs Committee, referring to political giving records. “What does that say about the committee?”

“I think it’s innocuous from the standpoint of the nominee, but I don’t think it looks very good from the standpoint of the people asking the questions,” said Thompson.

Democrats say the information is relevant.

“The idea is to get full information on a person who’s going to get an appointment for life,” said Sen. Bill Nelson (D-Fla.). Nelson said the fact that a nominee gave money to Republicans would not be a disqualification.

Leahy says he wants to revise the questionnaire to reflect the same level of detail as forms used by other committees, including the Government Affairs
Committee.

???Republicans first came up with the idea, and they were right,??? said Leahy.
???I was convinced that it made sense.???

However, Thompson says his committee inherited its procedures for vetting nominees from lawmakers preceding him.

Thompson said he would seriously consider reviewing the vetting forms used by his committee with the objective of making them simpler and less intrusive.

???Government Affairs is going in a different direction,??? he said.

Sen. Paul Wellstone (D-Minn.) said a nominee???s political leanings were only one of several factors he takes into account when considering a nominee. Wellstone also said political donations are only relevant sometimes.

???It depends upon their resume,??? he said. ???If they???re qualified, no; if they???re not, then yes.???

Democrats are privately questioning the qualifications of one nominee even though she does not have a record of political contributions. Some wonder if the nomination of Sharon Prost, who currently serves as the minority chief counsel of the Senate Judiciary Committee, is a favor to her boss, Hatch.

Political giving has been an issue in past nomination fights.

???There have been a couple of instances where the Senate did turn down candidates they felt gave inordinately,??? said Abner Mikva, a former D.C. Circuit Court chief judge who later served as counsel in the Clinton White House.

In Clinton???s first term, the Republican-controlled Senate rejected a nominee from Florida who held fundraisers for Democrats.

Mikva said political contributions should not be an issue unless a nominee has given an inordinate amount, but conceded it???s hard to discern what is an acceptable limit.

???The problem is what you do with the information and what kind of line do you draw,??? he said.

- att1.htm
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PATRICK G. RYAN

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The problem is what you do with the information and what kind of line do you draw, he said.
11:00 am works for both Tim and Al.
Brett,

I wanted to check in with you on two fronts:

1. Registering appointees to vote
   A. Would it be ok for our office to send an e-mail from a political e-mail account to all of the political appointees work e-mail accounts (as some of these people are new arrivals into the area) detailing how they can register to vote in VA, MD, and DC? Would the same rules as you outlined previously (they can receive and respond to the e-mail, but can't forward from their work accounts)? Or would you advise that this e-mail come from the RNC?
   B. In a related note could we or the RNC provide them with the actual documents to register to vote in a meeting or through their White House Liaison?

2. E-mailing political appointees (mostly schedule c's) on campaign schools
   Would it be ok for our office to send information on upcoming campaign schools to selected political appointees on how they could participate if interested? Or should this e-mail come from the RNC instead?

Thanks for any guidance you can provide. I am hoping to move on the second item by Monday COB if possible.

Thanks,
Doug
6-7016
From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/2/2001 5:11:46 AM
Subject: : RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms

This message is a Read Receipt Notification

Your Message : RE: Meeting in 242 Dirksen tomorrow at 3:00 w/Sen. Republican Leadership staff on Judicial Noms
Was Read By : Jennifer.Newstead@usdoj.gov
On : Thu, 2 Aug 2001 9:01:09 -0400
From: Elizabeth N. Camp/WHO/EOP@EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/2/2001 5:24:42 AM
Subject: Re: letters to and from the Hill

Brett M. Kavanaugh
08/02/2001 09:24:23 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: 
bcc: 
Subject: Re: letters to and from the Hill

give her the Jeffords letter

Elizabeth N. Camp
08/02/2001 09:23:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: A. Morgan Middlemas/WHO/EOP@EOP
Subject: letters to and from the Hill

Anne Womack from Press came by just now and said she needs a copy of any and all letters to/from members of Congress written or received this week.

Brad - she specifically mentioned another Waxman letter re: World Health Org and tobacco.

Message Sent
To: 
David S. Addington/OVP/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
John B. Bellinger/NSC/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Laura L. Flippin/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Can we meet Friday at 9:30 or 10?

Janet P. Walker  
07/30/2001 08:28:54 AM  
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Meeting request  

Good morning! Larry Lindsey is working on a partnership project with HUD and some outside groups on community development. Because of the complexity of the effort, certain legal issues are undoubtedly going to arise. To that end, I'd like to stop by and chat with you at your earliest convenience to make sure we all understand the proper lay of the land.

Could you drop me a line with a convenient time for you?

Many thanks!  
Janet  
6-5368
You had previously sent me info on number of Reagan, Bush, and Clinton nominees before the August recess. Can you send me that info again?
We're on for tomorrow at 10:30am in Room 211. See you then.
Can you send me the Roberts talking points for updating?
No political event in Alaska. Hawaii is official (Pearl Harbor event) and Political (Hawaii Republican Party Fundraiser)

Thanks

DT
Brett - I need to chat with you today about another party being thrown for Ken. When can I swing by?
From: CN=Bradford A. Berenson/OU=WHO/O=EOP [ WHO ]  
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>  
CC: h. christopher bartolomucci/who/eop@eop [ WHO ] <h. christopher bartolomucci>, rachel l. brand/who/eop@eop [ WHO ] <rachel l. brand>, robert w. cobb/who/eop@eop [ WHO ] <robert w. cobb>, helgard c. walker/who/eop@eop [ WHO ] <helgard c. walker>, courtney s. elwood/who/eop@eop [ WHO ] <courtney s. elwood>, noel j. francisco/who/eop@eop [ WHO ] <noel j. francisco>  
Sent: 8/3/2001 8:48:17 AM  
Subject: : Re: Payment to WWII POWs in Japan

Bellinger and I have.

Brett M. Kavanaugh
08/03/2001 12:42:46 PM
Record Type: Record
To: See the distribution list at the bottom of this message
cc:
Subject: Payment to WWII POWs in Japan

Has someone handled this issue previously?

Message Sent
To:
Bradford A. Berenson/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Robert W. Cobb/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Courtney S. Elwood/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Yes, I will attend. Thanks.
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 8/3/2001 2:35:51 PM
Subject: Re: calls

0 calls made

Brett M. Kavanaugh
08/03/2001 09:32:28 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: 
Subject: calls

keep me posted on calls
Toner ok'ed it.
I have a meeting at 10 am, so how about I stop by around 10:45 am?

Brett M. Kavanaugh
08/06/2001 06:34:04 PM
Record Type: Record

To: Sara M. Taylor/WHO/EOP@EOP
cc:
bcc:
Subject: Re: ethics question

I'm available Tuesday morning after 10. Let me know.

Sara M. Taylor
08/03/2001 10:09:59 AM
Record Type: Record

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

Brett - I need to chat with you today about another party being thrown for Ken. When can I swing by?
Any luck on voice mail expansion?
Some quick admin notes.

We are being instructed to no longer put boxes or any furniture items out in the hall for pick-up. Place all boxes near trash recepticles so the GSA staff can remove when the trash is removed. For excess or broken furniture, you can call me or Room 1. All toner being recycled should be placed in the outgoing mailbox.

We are encouraged to recycle cans and newspapers. The recycling bins are in the bathrooms. Admin is working on getting a better system up and running for recycling of regular paper.

If additional phone books are needed, the mailroom has extras.

If you are a member of the White House Athletic Center and are set up for payroll deduction, you may notice a Union due on your paycheck. DOD does not have a specific tag for the athletic center so union due is their code.

There are been some changes in personnel in Room 1. I have the updated list on job reassignments.

For those parking in the Ellipse, continue to exercise caution. 6 cars have been stolen.
call me when you return
I had to submit a form. They should start processing the form today. I'll call to try to rush the request.
I'll be interested in hearing your report.

Brett M. Kavanaugh  
08/07/2001 04:35:53 PM  
Record Type: Record  
To: Courtney S. Elwood/WHO/EOP@EOP  
cc:  
Subject:  

the answer to the question you asked is, as always, needlessly complicated . . . will explain later
Who gets this one?

------------------------------- Forwarded by Elizabeth N. Camp/WHO/EOP on 08/07/2001 02:06 PM ----------------------------

Emily Willeford
08/07/2001 01:09:20 PM
Record Type: Record
To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: Microsoft Briefing

Libby - Could you give me some direction on who to ask about this? Microsoft would like to brief Larry and Marc on their new software. Can they do this?

Thanks much,
Emily

------------------------------- Forwarded by Emily Willeford/OPD/EOP on 08/07/2001 01:07 PM ----------------------------

D. Marcus Sumerlin
08/06/2001 07:39:09 PM
Record Type: Record
To: Tim Morrison <tjmorrison@cwdc.com>
cc: Emily Willeford/OPD/EOP@EOP
bcc:
Subject:

Tim:
I'll need to check with Counsel, given the current Justice court case.

Marc
Marc: Good to see you on Saturday.

I've been asked to follow-up on a Microsoft question. Forgive me if you've been badgered about this from other directions, I haven't worked with them much since the energy project came up, but here it is:

Will it be possible for them to brief Larry and/or you (and anyone else you think should be there) on their new operating system "Windows XP"?

I think they have formally offered, but I don't know that they've gotten a reply. Let me know if you can, and I'll get the answer to them. Obviously, they would appreciate the opportunity to do it. -- TJ.M
Sorry I missed you this morning. Do you have time this afternoon?

Sara
the answer to the question you asked is, as always, needlessly complicated . . . will explain later
We should be receiving this brief shortly. I have scheduled a 3 pm meeting with the 4 of us in the Judge's office to discuss. This should give us time to digest the brief.
Sent: 8/8/2001 7:04:02 AM

Subject: Top headline of abcnews.com: "Launching a battle to restock federal courts, the nation's top lawman accuses Democrats of stalling the president's judicial picks"
Scott in Room 1 is going to call me with the update.
documents are subject to a FOIA-like release regime during the first 12 years, with lots of other exceptions as well
I left edits on your chair.
I’ll need to get data sheets done today. I’m trying to turn the book in this evening so I can go to a wedding tomorrow. I’ll get draft data sheets to you soon.
I will be gone all day in Florida.

Jason B. Torchinsky
08/09/2001 07:54:42 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Re: Memos for President

I'll need to get data sheets done today. I'm trying to turn the book in this evening so I can go to a wedding tomorrow. I'll get draft data sheets to you soon.
I'll send you a draft of the data sheets while you're gone and you can give the completed ones to Lori tomorrow. The book might not go tomorrow.
We are doing an office retreat and have asked staff from the Census Bureau to brief us on demographic trends. Just wanted to make sure you were ok with this.
Ken is doing 5 political briefings for the Schedule Cs at the agencies here at the White House throughout August. He wanted me to run by you each meeting. They will be in room 450 on the following dates:

Tuesday, 8/14 at 3 pm (DOC, DOE, DOI, NASA)
Wednesday, 8/15 at 3 pm (DED, DOD, USDA, FEMA)
Wednesday, 8/22 at 3 pm (HHS, DOL, DOS)
Friday, 8/24 at 3 pm

Please email me back that this is ok. They will be very similar to what he gives the cabinet Secretaries and what he wants to give the PAS's, but has not set up any yet. (see message below). thanks

---------------------- Forwarded by Katherine G. Marinis/WHO/EOP on 08/09/2001 02:53 PM ---------------------------

Kenneth B. Mehlman
07/24/2001 09:43:13 AM
Record Type: Record
To: Katherine G. Marinis/WHO/EOP@EOP, Adrian G. Gray/WHO/EOP@EOP
cc:
Subject: Re: Your advice please

Let's make sure we get one of these for each of the larger meetings.

---------------------- Forwarded by Kenneth B. Mehlman/WHO/EOP on 07/24/2001 09:42 AM ---------------------------

Brett M. Kavanaugh
07/24/2001 09:39:43 AM
Record Type: Record
To: Kenneth B. Mehlman/WHO/EOP@EOP
c: alberto r. gonzales/who/eop@eop
Subject: Re: Your advice please

So long as the people whom you would brief would be PAS officials, these briefings would be perfectly acceptable. See 5 CFR 734.502(c). For your benefit, please keep us apprised when you do these, so that we can ok each one individually. Thanks.
To: Alberto R. Gonzales/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Your advice please  

I have been meeting with several of the Cabinet secretaries to go over their travel schedules (only some of which is political) and also to give them political briefings (key issues, key states, key races). Several have asked me to come over and brief them, their Assistant Secretaries and DASs. Is this appropriate? I'd like to do it, as it provides them with useful information and we will no doubt send both them and their staffs on the road later this year and next year. Your guidance is much appreciated.
Brett--

The issue of leave and political travel came up in the operations meeting this morning. It is my understanding that White House staff do not need to take annual leave when traveling for political purposes. Please confirm.

Thank you,
Merrill
From: CN=Bradford A. Berenson/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Robert W. Cobb/WHO/EOP@EOP [ WHO ] <Robert W. Cobb>
CC: Elizabeth N. Camp/WHO/EOP@EOP [ WHO ] <Elizabeth N. Camp>
Sent: 8/10/2001 5:14:25 AM
Subject: : Available for a 10:15 this morning with O'Donnell & Co.?
yes
That is correct. This will be the policy until at least 2003 or 2004 (when and if the President begins a re-election campaign), at which time we will outline a different policy.

From: A. Merrill Hughes on 08/09/2001 06:11:33 PM
Record Type: Record

To: Brett M. Kavanaugh
cc: Anita B. McBride, Cathy Alix, Brian D. Montgomery
Subject: Political Travel

Brett--

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Thank you,
Merrill
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO]<Robert W. Cobb>; Bradford A. Berenson/WHO/EOP@EOP [WHO]<Bradford A. Berenson>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO]<Brett M. Kavanaugh>; Timothy E. Flanigan/WHO/EOP@EOP [WHO]<Timothy E. Flanigan>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [WHO]<Allison L. Riepenhoff>
Sent: 8/10/2001 5:27:00 AM
Subject: 10:15 am mtg w/ Terrance O'Donnel and Emmet Flood today-Judge's office

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 10-AUG-2001 09:27:00.00
SUBJECT: 10:15 am mtg w/ Terrance O'Donnel and Emmet Flood today-Judge's office
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
### End Original ARMS Header ###
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Lori L. Lorenzi/WHO/EOP@EOP [ WHO ] <Lori L. Lorenzi>
Sent: 8/10/2001 7:05:11 AM
Subject: checking on status of voice mail expansion

To: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

Subject: : live stem cell briefing by Hughes on Fox News now

##### Begin Original ARMS Header #######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand ( CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [ WHO ] )
CREATION DATE/TIME:10-AUG-2001 13:15:31.00
SUBJECT:: live stem cell briefing by Hughes on Fox News now
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Stuart W. Bowen ( CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Robert W. Cobb ( CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Rachel L. Brand ( CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Alberto R. Gonzalez ( CN=Alberto R. Gonzalez/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
##### End Original ARMS Header #######
Do you have a final draft?

Thanks

DT
did I give this to you at some point?

---------------------- Forwarded by Robert W. Cobb/WHO/EOP on 08/10/2001 04:12 PM ---------------------------

From: A. Merrill Hughes on 08/09/2001 11:52:38 AM
Record Type: Record
To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject:

Moose-- Do you have the Little Rock trip summary sitting on your desk?
Thanks--AMH
I assumed this was yours, but I just noticed you were not on the e-mail distribution list. I assume you went?

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 08/10/2001 08:22 PM ---------------------------

McGavock D. Reed
08/08/2001 05:20:12 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jonathan P. Womer/OMB/EOP@EOP, Mark D. Menchik/OMB/EOP@EOP
Subject: Federalism Executive Order

FYI, You, or someone on your staff, are cordially invited to a meeting this Friday, August 10, 2001, at 10:00 a.m. in room 248 of the Old Executive Office Building to review the agencies' comments on the Federalism executive order. If someone from your office would like to attend, please call me (395-3563) or e-mail me with the person's name and room number so that I can get a copy of the comments to the person. There are many comments so I would expect the meeting to run about land 1/2 hours. Thank you very much, Mac

Message Sent
To:
Kristine Simmons/OPD/EOP@EOP
John Graham/OMB/EOP@EOP
Angela B. Styles/OMB/EOP@EOP
Donald R. Arbuckle/OMB/EOP@EOP
Jefferson B. Hill/OMB/EOP@EOP
Glenn Hubbard/CEA/EOP@EOP
James Connaughton/CEQ/EOP@EOP
D. Marcus Sumerlin/OPD/EOP@EOP
Charles D. McGrath Jr/OVP/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Saikrishna B. Prakash/OMB/EOP@EOP
rosemary.hart@usdoj.gov @ inet
Brett:

Thanks for the heads-up.
Please let me know which dates in August you have/intend to take off so I can let HR know. Thanks.

ALR
Are you around to take a look at something?

Matt
Interesting...

I'll be sure to encourage callers to leave looonngg detailed messages:-)
I told Maureen Blum (communications person for Institute for Justice) that I'd send her some stats about how quickly we've been nominating judges as compared to previous Administrations, the timing of confirmations in previous Administrations, etc. What's the best document that sets that out (besides the current draft letter)?

RLB
Can I send that to Maureen?
Scott from Room 1 said that they have added 20 minutes to your voicemailbox. Hopefully that will help out. If not, let me know so we can add more space.

Lori
Okay, now that you've rained on our parade (our surprise party for Mehlman), you better come!
You should all have new passes with the asterisks awaiting you in EEOB 23 -- signifying both TS and SCI clearances. You need to go to EEOB 23 to pick them up. Let me know if there are any problems.
Lavenski Smith (CA 8 Ark) -- unanimous vote: Qualified
Laurie Smith Camp (D Neb) -- majority vote: Qualified
minority vote: Well Qualified
The Court's order yesterday simply indicated who voted to grant the stay, who voted to deny the stay, and who was recused. No reasoning indicated at all.
The Supreme Court's order is non-substantive. It simply notes that a stay was denied, that Stevens, Ginsburg, and Breyer would have granted the stay, and that Scalia, Souter, and Thomas did not participate.
Parking passes are in. If I haven't given you your pass, check the middle drawer of your desk.

Lori
From: CN=Robert W. Cobb/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [ WHO ] <Bradford A. Berenson>; Timothy E. Flanigan/WHO/EOP@EOP [ WHO ] <Timothy E. Flanigan>
CC: Elizabeth N. Camp/WHO/EOP@EOP [ WHO ] <Elizabeth N. Camp>
Sent: 8/15/2001 9:07:32 AM
Subject: : new time to talk to ARG re: OGE is 4:00


Elizabeth N. Camp
08/15/2001 12:36:49 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: new time to talk to ARG re: OGE is 4:00

Who else is in on this?
As I now understand Matt's (the potential correspondence detailee) schedule for tomorrow, I think it's as follows:

2:00pm to 2:15pm - Tim
2:15pm to 2:30pm - Morgan
2:30pm to 3:00pm - Brad / Brett / Brent / Jason

Brad - does that time work for you?

Brett - do you want to meet with him?

Jason
Sheila tells me that y'all have the questions often asked by Leahy at confirmation hearings -- if so, can I get copies? I'm doing a prep session for Wooten on 8/22, and I've not done this before. Thanks!
Brett, we ran a feature on this today that I think is about all we'll do. I wish it had had a graf or two more on Luttig per se, but I suspect with Beazley's execution this thing will go away.
murray, cantwell and dunn letters have been faxed and mailed
From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/16/2001 5:57:09 AM
Subject: : Re: NEW judge hearing scheduled Aug. 27

Re: NEW judge hearing scheduled Aug. 27

This message is a Read Receipt Notification

Your Message : Re: NEW judge hearing scheduled Aug. 27
Was Read By : Viet.Dinh@usdoj.gov
On : Thu, 16 Aug 2001 9:51:48 -0400
From: Newstead, Jennifer <Jennifer.Newstead@usdoj.gov>
To: Brett M. Kavanaugh
Sent: 8/16/2001 6:06:10 AM
Subject: Re: NEW judge hearing scheduled Aug. 27

This message is a Read Receipt Notification

Your Message: Re: NEW judge hearing scheduled Aug. 27
Was Read By: Jennifer.Newstead@usdoj.gov
On: Thu, 16 Aug 2001 9:56:48 -0400
repetition at office staff meetings, I should say.

Helgard C. Walker
08/16/2001 10:05:05 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Date: 08/16/2001 10:05:05 AM
Subject: Re:

I can't claim invention of it -- I think that was Libby.

Brett M. Kavanaugh
08/16/2001 10:00:14 AM
Record Type: Non-Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Date: 08/16/2001 10:00:14 AM
Subject: Your repeated references to "Brat" will catch on some day, I am sure.
Danielle Doane <DDoane@cse.org>
08/16/2001 04:29:14 PM
Record Type: Record

To: Danielle Doane <DDoane@cse.org>
cc:
Subject: From CongressDaily this afternoon

... As Confrontation Over Bush Judicial Nominees Looms
As he plots a legislative schedule for the fall, Senate Majority
Leader Daschle also must prepare for looming confrontations with
Republicans over confirming President Bush's judicial nominees.
Republicans plan to force action on the issue, just as they have done with other
Bush nominees to fill administrative posts. But the battle could become
even more contentious now that the subject is lifetime judicial
appointments that will affect court rulings on divisive social issues
for years to come. "If the Democrats are going to behave irresponsibly, and
do ideological litmus tests on all of the nominees," said a Senate GOP
aide following the issue, "this is going to be a huge, major disagreement
that could complicate everything for the rest of the year."
In a gesture that has drawn praise from Republicans, Judiciary
Chairman Leahy has scheduled a hearing for Aug. 27 on two Bush
nominees: Sharon Frost, formerly chief counsel to ranking member Orrin
Hatch, R-Utah, nominated for the Federal Circuit Court; and
Terry Wooten, nominated for a federal district court judgeship. But
the bipartisan comity could be short-lived. Republicans and some of their
allies predict that Democrats will drag their heels on judicial
nominations throughout the year. "They're looking for ways to obstruct
nominees," said John Nowacki of the Free Congress Foundation, which tracks the
issue. Nowacki pointed to a hearing held this summer by Sen. Charles
Schumer, D-N.Y., who chairs the Judiciary Administrative Oversight and
the Courts Subcommittee, about the role of ideology in the
confirmation process. "These seem to be structured to justify an
obstructionist strategy," Nowacki said.
Democrats deny charges of obstruction, but note that a slew of
factors — many, they say, caused by Republicans — could slow down the
process this year. One involves Bush's decision to stop relying on the American Bar Association to vet nominees - a process that Leahy re-established when he assumed his chairmanship. "That shifted the time to the Senate clock instead of the White House clock," said a Leahy spokesman. The spokesman said committee staff also lost valuable time when Minority Leader Lott objected to a routine motion to waive a rule requiring nomination materials to be returned to the White House over the recess. "Despite all of this ... we're on a pace that compares favorably with earlier years," he said. There currently are 20 circuit court nominees and 20 district court nominees awaiting confirmation. For now, Republicans are refusing to forecast their tactics, while expressing hope that nominations will move in a cooperative fashion. But GOP aides also brag that Republicans did not achieve results in moving other nominees until Sens. Larry Craig, R-Idaho, and Jon Kyl, R-Ariz., started holding up FY02 appropriations bills and blocking procedural motions on the Senate floor. Without much time to lose in the remainder of the session, such tactics could be the most effective way to force confirmation votes on the floor - provided they do not harm good will among Senate leaders in a way that causes the process to shut down completely. Such a delay would likely exacerbate the "judicial emergency" cited by Republicans, while making it harder for Congress to meet its budget deadlines and schedule a timely adjournment. - by Geoff Earle

Danielle Doane
Director of Government Affairs
Citizens for A Sound Economy
1250 H Street, NW Suite 700
Phone: (202) 942-7688 www.cse.org

Citizens for a Sound Economy (CSE) is a grassroots advocacy and education organization dedicated to economic freedom. CSE recruits, educates, motivates, and mobilizes hundreds of thousands of volunteer activists to fight for less government, lower taxes, and more freedom.
will do

Brett M. Kavanaugh
08/16/2001 03:43:20 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: 
bcc:
Subject: Re: 29th is good

call Hungar

H. Christopher Bartolomucci
08/16/2001 03:34:23 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Re: 29th is good

Good. MAE is in. Invite extended to JGR.
: returned your call
Andrews doesn't have anything until 4:00. Does someone else want to try and find another venue for your afternoon outing. ARG indicated that a 2:15 would be ideal.

Please let me know.
The weather does not look good for golf. Also, I have a group I'm taking to the Mess at Noon.
Leonard B. Rodriguez
08/16/2001 06:21:05 PM
Record Type: Record

To: Kenneth B. Mehlman/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP, Mercedes M. Viana/WHO/EOP@EOP
Subject: request from Lionel Sosa and Frank Guerra

Ken--
Below is from Lionel Sosa and Frank Guerra. Is this doable (see bold):

On the media question (see bold), I am sure Mercy will plug in Telemundo and Univision, but for what it is worth, we should explore the possibility of having Mexico press cover the San Jose event. There is an interesting dynamic with Mexican press at the border--news reported in Mexico always trickles back across the border via word of mouth.

Thanks
lbr

Leonard,

It was an honor to be invited to the White House to participate in discussions regarding one of the most important political issues facing our president and our party (that of the Hispanic vote. Clearly, Lionel, Cesar and I are eager to assist you and your office in any way necessary to advance the President,s agenda and the cause in general.

As recently discussed, we believe it is very important to document President Bush,s outreach efforts towards our community, beginning with this month,s pending visit to San Antonio. As such, we propose that the visit be captured on film, just as his Latino-focused activities were documented during the campaign. Doing so will allow you to begin building an archive for future communications needs.

Also, should your communications department need or want assistance in pitching the visit internationally, we are available to help coordinate interviews (one on one if possible) with the National Univision and Telemundo reporters based in Texas, as well as with Mexico,s Televisa
correspondent. We have solid relationships with all of these entities through Cesar’s contacts.

I will follow up with a phone call on both of these matters.

Finally, thanks for including me in your efforts. Know that I am always at the ready to do whatever it takes to further the cause, right along with Lionel and Cesar.
The librarian confirmed my facts.
Brett: I'm helping Ken Mehlman with a presidential event on September 17th where we are inviting members from our Bush Leadership Team (from the campaign) to the White House for a briefing with the President, Karl, Ken, and some Cabinet members. The leadership teams are divided regionally, and this will be our first one. The RNC is helping with logistics, including invitations. I'm sending you a draft version of the invitation, which needs your approval from a language standpoint. As with everything that comes across your desk, we need to get this approved ASAP so RNC can drop the invitations and our folks can start planning to attend. I'll bring the invitation by this morning, but I wanted to give you the lowdown in case I don't see you. Let me know if you have any questions and thanks ahead of time for your help. Danner
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Ashley E. Davis/WHO/EOP@EOP [ WHO ] <Ashley E. Davis>
Sent: 8/17/2001 6:45:10 AM
Subject: Please call re blackberries
From: CN=Allison L. Riepenhoff/OU=WHO/O=EOP [ WHO ]
Sent: 8/17/2001 7:14:45 AM
Subject: Jason

Jason has indicated that he has had a substantial amount of free time recently without any assignments. Please let him know if there is anything you guys need help with. Thanks.
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ]
To: Robert W. Cobb/WHO/EOP@EOP [ WHO ] <Robert W. Cobb>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>
Sent: 8/17/2001 8:34:19 AM
Subject: 3:00 at Andrews - South course

##### Begin Original AFM Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 17-AUG-2001 12:34:19.00
SUBJECT: 3:00 at Andrews - South course
TO: Robert W. Cobb ( CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
##### End Original AFM Header #####

3:00 at Andrews - South course
She sent some information over to us on August 1. It was forwarded to you. She would greatly appreciate a phone call today. Thanks!
http://www.aafbgc.com/directions.htm
Brett,
Can you please provide guidance via e-mail on the above topic as previously discussed earlier this week?
Thanks,
Doug
6-7016
I will be out of the office from 08/17/2001 until 08/28/2001.

If you need assistance, please contact Joel Kaplan at 6-1600.
I am back - I only took three days off.

Why are you back from vacation????

Please respond to kate@georgewbush.com

Ken is going to ask Karl, but wanted to check with you first. Is this legal? (the pictures are from the campaign)

<<Mehlman (photo) letter.doc>> hello kate, as referenced in the attached, rnc team 100 has fotos from an event that they want to post for availability on a secure access rnc team 100 website. toner's take is thats its ok at
this end if the white house approves and expects its a combo white house political/counsel assessment. can you please advise me regarding how best to route this proposal for consideration by the white house?
many thanks and hope all is going well with you.
Mark Acton
Staff Director
Counsel's Office
Republican National Committee
310 First Street SE
WDC 20003
phone 202/863/8638
FAX 202/863/8654
www.rnc.org
Talking Points -- New CBO Budget Estimates

P_41QF3004_OPD.TXT_1.doc; P_41QF3004_OPD.TXT_2.doc; P_41QF3004_OPD.TXT_3.doc; P_41QF3004_OPD.TXT_4.doc; P_41QF3004_OPD.TXT_5.doc; P_41QF3004_OPD.TXT_6.doc
When you are asked about the new CBO numbers use the following talking points to respond.

Remember -- talk about the President's priorities like protecting Social Security and Medicare, boosting economic growth, getting our seniors a prescription drug benefit, reforming education, helping our men and women in uniform etc. Don't get drawn into an arcane budget process debate.

Do point out the Democrat record on this issue. Attached are the votes by Democrats against repeal of the tax cut, the votes by Democrats for even more tax relief than became law. Also attached are the talking points from the Mid Session review from a few days ago. Let me know if you need more.
Budget Numbers Talking Points

- Both sets of numbers show that the surplus is the 2nd largest in history.

- The new numbers support the President’s argument that the biggest threat to seniors and our economy is irresponsible spending. In recent years Congress has spent excessively. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to.

- The President’s budget protects Social Security and Medicare. The size of the surplus has no impact on Social Security benefits, the size of the trust funds or program solvency.

- The best way to guarantee future surpluses is to guarantee future economic growth.

- The President cut taxes to boost our economy and get people money when they need it most – right now.

- Democrats support the President’s tax relief.

  ✓ 18 Democrats in the Senate voted for the President’s tax relief.
  ✓ Democrats -- including Senators Daschle, Conrad, Clinton and Kennedy – joined in a 94-3 vote against repealing the tax cut.
  ✓ These same senators also voted for even more tax relief than became law (See attached votes)

- The President will hold Congress accountable for living within the generous limits of the responsible budget they passed earlier this year. The President will oppose irresponsible spending, and will protect Medicare, Social Security, our armed forces, and the American taxpayer.

- The President’s budget funds key priorities:
  ✓ Protects Social Security and Medicare
  ✓ Improves Medicare to help seniors get a prescription drug benefit.
  ✓ Pays down historic amounts of debt -- the most ever and the maximum amount possible without incurring unnecessary premiums.
  ✓ Improves the quality of life and training for our men and women in uniform.
  ✓ Reforms education to focus on results and put accountability in schools.
The Record Says It Best

*Those pesky votes & public statements prove all politics is vocal*

- On July 10, the Senate held a vote on an amendment offered by Democrat Senator Ernest Hollings to repeal the immediate tax rebates. **The amendment failed 94-3** – meaning senators like **Daschle, Conrad, Kennedy, Byrd, Boxer** and **Feinstein** voted against repealing the tax rebates. *(Senate Vote #223 – See attached)*

- On April 5, Democrat Senator Ernest Hollings offered an amendment to increase the amount of tax relief in 2001 to $85 billion – even larger than the amount that ultimately became law. **The amendment passed 94-6** – meaning Senators like **Daschle, Conrad, Clinton, Kennedy, Feinstein** and **Boxer** voted for even more tax relief than is now the law of the land *(Senate Vote is attached)*

**A Cross Section of Democrats Who Agree with President Bush on Tax Relief**

- Democrat Senator Zell Miller says the tax cut actually “should have been larger and kicked in sooner.”
- Democrat Senator Max Baucus supports the tax cut, he has said he doesn’t think Congress should revisit it, and the Montana Democrat Party has even run ads on his behalf thanking Senator Baucus for supporting the tax cut.
- Democrat Senator Tim Johnson ran a South Dakota radio ad letting families know about their refunds and praising the virtues of the tax cut.
- Democrat Senator Blanche Lincoln praises the tax cut and expresses optimism that the economy will soon rebound.
- Democrat Rep. Mike Ross says his constituents deserved the tax cut. Ross says his constituents are telling him just how important the tax cut is as they prepare to send their kids back to school.
- Democrat Senator Dianne Feinstein on July 1 on CNN talked about the economic benefits of the tax cut, saying she hoped the stimulus portion of the tax cut would move forward to help people who are having trouble making ends meet.
- Democrat Rep. Dennis Moore told the Kansas City Star that he doesn’t think Congress should revisit the tax cut. Moore also said, “I want the President to stick with his promise to be fiscally responsible, and I’ll be backing him up if he does.”
- Democrat Senator John Breaux praises the tax cut.
- Democrat Senator Jean Carnahan says the tax cut will benefit the American people.
- Democrat Senator Max Cleland thinks the tax cut was important to help get our economy moving again.
- Democrat Senator Herb Kohl extolled the virtues of the tax cut for “thousands of Wisconsin families with children.”
- Democrat Senator Bob Toricelli says Congress had an obligation to return the money to taxpayers who had overpaid their government.

*(Attached are the actual quotes from the above Democrats)*
Questions & Answers about the Mid –Session Review (MSR)

Q: Is there a deficit?

No- In FY 2001, after paying higher Medicare and Social Security expenses and other bills, the surplus will be $158 billion, which will be the second largest surplus in U.S. and world history.

Q: Are we still paying off debt?

Yes- President Bush has put the nation on a track to pay off $2 trillion of the Federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

There is a limit to how quickly debt can be paid off without incurring unnecessary and exorbitant premiums to buy back outstanding bonds before their maturity date.

Q: Are you going to be raiding the Social Security Trust Fund in 2001 or 2002?

No, the level of the surplus has no impact on the Social Security trust fund. Regardless of the level of the unified budget surplus, the Social Security Trust Fund will run an estimated surplus of $158 billion in FY 2001 and $173 billion in FY 2002. Fluctuations in the surplus levels will have no impact on the Social Security surplus, the balances in the Social Security trust fund, or on Social Security spending. Even so, the President has committed to protect every dollar of the Social Security surplus and that is exactly what his budget does.

Q: Is the President raiding Medicare?

No, Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone. The President’s budget fully funds the Medicare Trust Fund. And Medicare spending continues to rise, as required by law. President Bush has pledged to modernize Medicare and seeks to work with Congress to ensure that Medicare meets its obligations to seniors, including a prescription drug benefit.

Q: Was the President’s tax cut too big and irresponsible— sending us back into deficit spending?

No, this is the second largest surplus in our country’s history, and the fiscal condition of the country remains strong, despite an economic slowdown. Further, the tax cut will help ensure that our fiscal condition remains healthy and we continue to run large surpluses by invigorating the economy.

The real threat to the surplus is excessive and wasteful Washington spending. In FY 2001 alone, Congress busted their own budget by $34 billion.

Q: Why has there been such a large change in surplus estimates?

The difference between the April estimates and the current estimates is $123 billion. Most of this is a designed reduction in the surplus ($68 billion). President Bush proposed a tax cut plan to boost our sagging economy and return surplus dollars to the American people, as well as supplemental spending on critical defense needs. The remainder of the change is due to a dip in the economy. The best way to ensure future surpluses is to promote economic growth. President Bush’s tax plan will do that, pumping needed resources into the economy when it is needed most.
Q: The MSR shows a weakening economy. In light of that, should we scale back the tax cut?

No, the tax cut is exactly the right medicine for this economy at exactly the right time. Leading economists agree that the tax cut will boost economic growth and protect the long-term health of our economy— the most important thing we can do to ensure future surpluses.

“The tax bill awaiting President Bush’s signature delivers fiscal stimulus sooner than we’ve been expecting, and it packs a punch: We estimate that it will boost second-half growth by about 1 ¼ percentage points.”
-Morgan Stanley Dean Witter (May 29, 2001)

“I think one point I’d like to get across as well, I think it’s [the tax plan is] very positive for the long-run economy.”
-Mickey Levy, Bank of America (CBS News, June 8, 2001)

“The tax cut comes at a good time and could be an important catalyst in the long-awaited recovery.”
-Jeffrey Feiner, Lehman Brothers (Washington Times, June 22, 2001)

“We estimate that the tax cuts will boost growth by nearly 1 percentage point in the second half of this year.”

“For once, Congress managed to implement a contra-cyclical fiscal policy that should boost economic growth exactly when the economy needs it. The tax cut will pump about $40 billion into the economy during the third quarter and about $70 billion in FY 2002, which begins October 1. The tax cut will boost GDP growth by around ½ of a percentage point during the second half of 2001 and about ½ of a percentage point in 2002.”
-Bruce Steinberg, Merrill Lynch (June 1, 2001)

Q: Does the President’s tax cut threaten Social Security and Medicare?

No, President Bush is committed to reforming and preserving Social Security and Medicare. With or without the enacted tax cut, benefits in both programs remain the same, the trust funds are protected and the long-term solvency of the programs are unchanged.

Q: Given the new numbers are Seniors’ Social Security and Medicare benefits in jeopardy?

No, Seniors benefits will remain unchanged and in fact Social Security and Medicare spending will continue to grow.

Q: Why are you revising the Social Security figures?

The President is committed to preserving every penny of the Social Security surplus. Given the heightened status, real and symbolic, of the Social Security surplus it is important to measure it accurately. American companies are required to accurately report revenues, and the federal government should do it, too.

Therefore, a $5.6 billion correction to prior year estimates of Social Security payroll tax collections reflects the fact that the Social Security surplus was larger than previously thought in 1998, 1999, and 2000. Counting this revenue as though it had been paid in 2001 overstates the Social Security surplus for this year.

The real size of the Social Security surplus is $157.1 billion. Precise accuracy in determining the Social Security surplus in any year requires comparing actual revenue to actual expenditures.
Q: Is the President cutting Medicare Spending?

Medicare spending increases every year in President Bush’s budget, rising from $217 billion in 2001, to $228 billion in 2002 and to $423 billion in 2011. Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone.

Q: What is happening to the Medicare Trust Fund?

The Medicare Trust Fund is fully credited under the President’s budget, as required by law, rising from $200 billion in 2002 to $737 billion in 2011.

Q: How does the trust fund balances effect the long term solvency of the Medicare Program?

The existence of balances large or small in the Medicare Part A Trust Fund have no effect on the long-term solvency of the program.

The Federal government must do something with the money it has lent itself. It can either pay off part of the publicly-held federal debt or spend the money on other government programs. Either way the same IOU goes in the trust fund.

As the Administration works to reform Medicare it believes that the program must be considered as one entity, rather than separate parts with separate funding streams. With revenue in FY 2001 of $197 billion from payroll taxes and premiums, and outlays of $242 billion, the general Treasury must contribute more than $45 billion to make up the shortfall.

Q: What are people outside the Administration saying about trust funds?

“Does how you use the Medicare annual surplus have any effect on the solvency of the Medicare program? No….Irrespective of how the Congress decides to use the annual Medicare surpluses (e.g. tax cuts, spending increases, paying down the debt held by the public), trust fund solvency will not be affected in any way.”

-David M. Walker, Comptroller General of the United States and former Social Security and Medicare trustee, 7/25/01

“The image of raids on the Medicare and Social Security trust funds is false. The surpluses in these trust funds reflect a temporary excess of payroll taxes over current benefits. When this occurs, the trust funds transfer their spare cash to the Treasury, which gives them ‘special issue’ Treasury securities in return. The trust funds get the securities regardless of how the Treasury uses the spare cash -- whether to repay publicly held federal debt or to pay the government’s bills. The trust funds simply aren’t being raided.”

-Robert J. Samuelson, Newsweek, 7/16/01

“[Sen. Kent Conrad’s] message … is that the Bush tax cuts have so sapped the federal Treasury that they are going to require a ‘Raid on Medicare.’ Even by Washington standards, this is ridiculous. Despite America’s near-recession, there is nothing even close to a federal deficit. This year’s surplus will be somewhat north of $160 billion, the second largest in history after last year’s.”

-Paul A. Gigot, Wall Street Journal, 7/13/01

“Q. What can the government do with the surplus? A. It has to spend it, because the federal government can’t park that much money in a bank without affecting the financial markets. Q. [I]f we spend money intended for Social Security or Medicare on other government programs, aren’t we raiding those programs? A. No. Under government accounting rules, no matter if we use the Social Security and Medicare payroll taxes for debt reduction or plain old spending, the programs receive an equivalent amount in interest-earning Treasury bonds. [N]o matter how the money is used, the programs’ trust funds are unaffected because, in effect, they are lending the money to the United States. Q. So does it make a difference whether we use some of the Medicare funds for spending this year? A. Economically, it means virtually nothing in the short run. The
government is still running a substantial surplus and paying down debt, but because the U.S. economy is so large, the amount of money involved is like pennies.”

-Glenn Kessler, Washington Post, 7/22/01

“When an individual buys a government bond, he or she has established a financial claim against the government. When the government issues a security to one of its own accounts, it hasn’t purchased anything or established a claim against some other person or entity. The key point is that the Trust Funds do not hold financial resources to pay benefits – rather, they provide authority for the Treasury Department to use whatever money it has on hand to pay them. …[T]he trust funds themselves do not hold or receive money.”

-David Koitz, Congressional Research Service report, 3/20/01

“The ‘lockbox’ is a rhetorical device designed to advance the notion that the government can put money on the shelf today and use it to pay Social Security after 2016. But again, the ‘trust fund’ is merely paper the government has issued to itself.”

-Robert L. Bartley, Wall Street Journal, 7/23/01

“The Social Security trust fund, which is part of the federal government, holds Treasury securities – I.O.U.s from the federal government – to meet its future obligations. Treasury bills are perfectly fine investments. But when they’re held in federal trust funds, Uncle Sam has the same problem redeeming them that you’d have redeeming you own I.O.U.s in your personal trust fund. [T]he government hasn’t stolen Social Security money, as many people believe. The government has, indeed, borrowed the Social Security surplus – the difference between Social Security’s tax revenues and its outlays. It’s replaced the money with I.O.U.s, and spent it.”

-Allan Sloan, Newsweek, 7/30/01

“One of the key issues Democrats are trying to get mileage out of is claiming that the tax cut is eating into the Social Security surplus. This implies, falsely, that Social Security benefits are somehow at risk. In fact, there is essentially no relationship between the size of the Social Security trust fund, or the amount of the budget surplus attributable to the excess of current Social Security revenues over benefits.”

-Bruce Bartlett, The Detroit News, 7/23/01

“They [trust funds] do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government’s ability to pay benefits.”

-President Clinton’s FY 2000 Budget, Analytical Perspectives, page 337
Mid-Session Review Talking Points

- **Produce Second Largest Surplus in History:** At $158 billion, the 2001 surplus will be the second largest surplus in history. If Congress keeps total spending at the limits agreed to in the Budget Resolution, the 2002 surplus will be even larger -- $173 billion. (In recent years excessive spending has been a problem. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to. President Bush has vowed to reverse this trend and stick to the budget.)

- **Protect Social Security and Medicare:** The President protects the Social Security surplus in 2001 and beyond, reserving it for debt reduction as opposed to other purposes. Every dollar collected for Medicare will be spent on Medicare. The Social Security and Medicare Trust Funds are fully credited and benefits remain the same. The size of the budget surplus has no impact on benefits, the size of the trust funds, or program solvency.

- **Reform Medicare and Provide Prescription Drug Coverage:** The budget review projects to spend $190 billion for Medicare reform including prescription drug coverage. This is $37 billion higher than the April budget submission, in keeping with the President’s Medicare reform framework announced in July.

- **Pay Down Historic Amounts of Debt:** The government is still on track to pay off $2 trillion of federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

- **Provide for a Strong Defense:** The Mid-Session Review projects additional spending of $18.4 billion on national defense in FY 2002 – $198 billion additional over 10 years.

- **Foster Economic Growth:** Leading economists agree that the tax cut enacted under President Bush’s leadership will boost economic growth and protect the long-term health of our economy – the most important thing we can do to ensure future surpluses and protect Medicare and Social Security.

- **Accounting for the Surplus:** The FY 2002 Budget released in April projected a surplus for FY 2001 of $281 billion. The new FY 2001 surplus projection is $158 billion. The $123 billion decrease is due to four factors: 1. decreased revenue from the year long economic slowdown – $46 billion or about 2 percent of revenues; 2. FY 2001 tax rebates – $40 billion; 3. corporate tax timing shift – $28 billion; and 4. defense and farm spending – $9 billion. The decline in the surplus due to factors other than congressional action is approximately 14 percent.

- **Measure Social Security Receipts Accurately:** Due to the intense interest in the relative size of the Social Security surplus, the Mid-Session Review presents the most accurate figures possible.

- **Economic Assumptions:** The extent of the economic slowdown, which commenced in Q3 2000, is greater than most forecasters anticipated. Nonetheless, the economy seems poised to recover, with the tax cut and lower interest rates providing timely stimulus to growth. The Administration projects real GDP growth this year to be 1.7 percent and in 2002 to be 3.2 percent. From 2002 – 2011, the Administration projects real GDP growth will average 3.2 percent per year. The Administration’s projections are well within the range of estimates made by prominent Wall Street and other analysts. The Administration’s 3.2 percent real GDP growth projection is equal to that of the Conference Board, winner of the Annual Blue Chip Economic Forecasting Award, and below that of Merrill Lynch, which projects a 3.5 percent real GDP for 2002.
Senate Vote Summary

Vote Number: 223  Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2  Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
Statement of Purpose: Ensuring funding for defense and education and the supplemental appropriation by repealing tax cuts for 2001.

Vote Counts:   YEAs 3
             NAYs 94
             Not Voting 3

Vote Summary   By Senator Name   By Vote Position   By Home State  Return to Vote List

Alphabetical by Senator Name

Akaka (D-HI), Nay
Allard (R-CO), Nay
Allen (R-VA), Nay
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Nay
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Nay
Boxer (D-CA), Nay
Breaux (D-LA), Nay
Brownback (R-KS), Nay
Bunning (R-KY), Nay
Burns (R-MT), Nay
Byrd (D-WV), Nay
Campbell (R-CO), Nay
Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
Cleland (D-GA), Nay
Clinton (D-NY), Not Voting
Cochran (R-MS), Nay
Collins (R-ME), Nay
Conrad (D-ND), Nay
Corzine (D-NJ), Nay
Craig (R-ID), Nay
Crapo (R-ID), Nay
Daschle (D-SD), Nay
Dayton (D-MN), Nay
DeWine (R-OH), Nay
Dodd (D-CT), Nay
Domenici (R-NM), Nay
Dorgan (D-ND), Nay
Durbin (D-IL), Nay
Edwards (D-NC), Nay
Ensign (R-NV), Nay
Enzi (R-WY), Nay
Feingold (D-WI), Nay
Feinstein (D-CA), Nay
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Nay
Gramm (R-TX), Nay
Grassley (R-IA), Nay
Gregg (R-NH), Nay
Hagel (R-NE), Nay
Harkin (D-IA), Nay
Hatch (R-UT), Nay
Helms (R-NC), Nay
Hollings (D-SC), Yea
Hutchinson (R-AR), Nay
Hutchison (R-TX), Nay
Inhofe (R-OK), Nay
Inouye (D-HI), Nay
Jeffords (I-VT), Nay
Johnson (D-SD), Nay
Kennedy (D-MA), Nay
Kerry (D-MA), Nay
Kohl (D-WI), Nay
Kyl (R-AZ), Nay
Landrieu (D-LA), Nay
Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
Thomas (R-WY), Nay
Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

Vote Summary	By Senator Name	By Vote Position	By Home State Return to Vote List

Grouped By Vote Position

YEAs --- 3
Hollings (D-SC)
    Lieberman (D-CT)
    Mikulski (D-MD)

NAYs --- 94
Akaka (D-HI)
Allard (R-CO)
Allen (R-VA)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
Biden (D-DE)
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Breaux (D-LA)
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Bunning (R-KY)
Burns (R-MT)
Byrd (D-WV)
Campbell (R-CO)
Cantwell (D-WA)
Carnahan (D-MO)
Carper (D-DE)
Chafee (R-RI)
Cleland (D-GA)
Cochran (R-MS)
Collins (R-ME)
Conrad (D-ND)
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Craig (R-ID)
Crapo (R-ID)
Daschle (D-SD)
Dayton (D-MN)
DeWine (R-OH)
Dodd (D-CT)
Domenici (R-NM)
Dorgan (D-ND)
Durbin (D-IL)
Edwards (D-NC)
Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
Frist (R-TN)
Graham (D-FL)
Gramm (R-TX)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Helms (R-NC)
Hutchinson (R-AR)
Hutchison (R-TX)
Inhofe (R-OK)
Inouye (D-HI)
Jeffords (I-VT)
Johnson (D-SD)
Kennedy (D-MA)
Kerry (D-MA)
Kohl (D-WI)
Kyl (R-AZ)
Landrieu (D-LA)
Leahy (D-VT)
Levin (D-MI)
Lincoln (D-AR)
Lott (R-MS)
Lugar (R-IN)
McCain (R-AZ)
McConnell (R-KY)
Miller (D-GA)
Murkowski (R-AK)
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Rockefeller (D-WV)
Sarbanes (D-MD)
Sessions (R-AL)
Shelby (R-AL)
Smith (R-NH)
Smith (R-OR)
Snowe (R-ME)
Specter (R-PA)
Stabenow (D-MI)
Stevens (R-AK)
Thomas (R-WY)
Thompson (R-TN)
Thurmond (R-SC)
Torricelli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

Not Voting --- 3
Clinton (D-NY)
    Santorum (R-PA)
    Schumer (D-NY)

Vote Summary    By Senator Name    By Vote Position    By Home State
Return to Vote List
SENATE RECORD VOTE ANALYSIS

107th Congress
1st Session
April 5, 2001, 9:00 p.m.
Page S- 3521 Temp. Record
SessionVote No. 80

BUDGET RESOLUTION/Increase in the Tax-Cut Stimulus Package

SUBJECT:

Hollings amendment No. 225 to the Domenici substitute amendment No. 170.

AMENDMENT AGREED TO, 94-6

SYNOPSIS:

H.Con. Res. 83, the House Concurrent Budget Resolution for fiscal years 2002-2011, will set total
spending, revenues, debt reduction, and tax relief over the next 10 years.

The Domenici substitute amendment: would cut the debt held by the public
(money that the Government
owes to creditors other than itself) by $2.395 trillion over the next 10 years; would
assume $29.3 billion in tax
relief for fiscal year (FY) 2002 and $1.611 trillion over the next 10 years (which would
be sufficient relief to
reduce and restructure marginal income tax rates, double the child credit, reduce the
marriage penalty, eliminate
the estate tax (death tax), expand the charitable deduction to non-itemizers, make
permanent the research and
experimentation tax credit, expand health insurance coverage, raise the adoption
credit from $5,000 to $7,500
and make it permanent, expand educational opportunities, and provide energy and
conservation tax incentives);
would increase appropriated programs by 4 percent over FY 2001 enacted levels;
would fully fund Medicare;
would provide an additional $153.0 billion reserve fund for FYs 2002-2011 for Medicare reform and prescription drug benefits; would save all the Social Security trust fund surpluses over the next 10 years for debt reduction; would ensure a non-Social Security budget surplus for the fourth year in a row; would provide a $60 billion FY 2001 economic tax-cut stimulus package; would end the misuse of advance appropriations; and would leave an $845.7 billion, on-budget surplus ($453.1 billion excluding Medicare Part A funds), which could be used for tax relief, defense spending, agriculture relief, and other purposes.

The Hollings amendment would increase the amount of immediate tax relief that the Domenici amendment would make available, using FY2001 surplus funds, from $60 billion to $85 billion.

Those favoring the amendment contended:

Most economists agree that when an economy starts to slide, a recession can be averted if the government primes the economy quickly with cash. Our economy is in a slide right now; many economists are recommending a cash stimulus package of approximately 1 percent of GDP, or $100 billion. By lucky coincidence, we have nearly that amount ($85 billion) available right now in surplus funds from FY 2001 (we had $95 billion when we started consideration of this resolution, but we have committed about $10 billion for other purposes since that time). The resolution before us suggests $60 billion for a stimulus package; we think that amount is like half a haircut. The Hollings amendment would not contribute all the additional amount needed, but it would get us much closer. How we end up structuring the stimulus tax relief package can be decided later; the sponsor of this amendment favors the same amount of relief being given to all tax filers, regardless even of whether they had any tax liability; other Senators have other preferences. For now, what is important is that we commit to giving $85 billion in immediate tax relief. We are delighted to vote in favor of this amendment.

No arguments were expressed in opposition to the amendment.

VOTING YEA:

Republicans:
(50 or 100%) Allard Allen Bennett Bond Brownback Bunning Burns Campbell Chafee Cochran Collins Craig
Crapo DeWine Domenici Ensign Enzi Fitzgerald Frist Gramm Grassley Gregg Hagel
Hatch Helms Hutchinson
Hutchison Inhofe Jeffords Kyl Lott Lugar McCain McConnell Murkowski Nickles
Roberts Santorum Sessions
Shelby Smith, Bob Smith, Gordon Snowe Specter Stevens Thomas Thompson
Thurmond Voinovich Warner

Democrats:

(44 or 88%) Akaka Baucus Bayh Biden Bingaman Boxer Breaux Byrd Cantwell Carnahan Cleland Clinton
Conrad Daschle Dayton Dorgan Durbin Edwards Feinstein Harkin Hollings Inouye Johnson Kennedy Kerry Kohl
Landrieu Leahy Levin Lieberman Lincoln Mikulski Miller Murray NelsonxxBen Reed Reid Rockefeller Sarbanes
Schumer Stabenow Torricelli Wellstone Wyden

VOTING NAY:

Republicans:

(0 or 0%)

Democrats:

(6 or 12%) Carper Corzine Dodd Feingold Graham Nelson, Bill

NOT VOTING:

Republicans:

(0)

Democrats:

(0)

ABSENCE CODE: 1-Official Business 2-Necessarily Absent 3-Illness 4-other
Symbols: AY-Announced Yea AN-Announced Nay PY-Paired Yea PN-Paired Nay
8/27/2001 10:37:25 AM

Subject: Talking Points -- New CBO Budget Estimates

Attachments: P_U2QF3004_WHO.TXT_1.doc; P_U2QF3004_WHO.TXT_2.doc; P_U2QF3004_WHO.TXT_3.doc; P_U2QF3004_WHO.TXT_4.doc; P_U2QF3004_WHO.TXT_5.doc; P_U2QF3004_WHO.TXT_6.doc
TO: Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
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TO: Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
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TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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TO: Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
TO: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO: Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
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TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
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TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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TO: Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO: mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
When you are asked about the new CBO numbers use the following talking points to respond.

Remember -- talk about the President's priorities like protecting Social Security and Medicare, boosting economic growth, getting our seniors a prescription drug benefit, reforming education, helping our men and women in uniform etc. Don't get drawn into an arcane budget process debate.

Do point out the Democrat record on this issue. Attached are the votes by Democrats against repeal of the tax cut, the votes by Democrats for even more tax relief than became law. Also attached are the talking points from the Mid Session review from a few days ago. Let me know if you need more.
Budget Numbers Talking Points

- Both sets of numbers show that the surplus is the 2nd largest in history.

- The new numbers support the President’s argument that the biggest threat to seniors and our economy is irresponsible spending. In recent years Congress has spent excessively. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to.

- The President’s budget protects Social Security and Medicare. The size of the surplus has no impact on Social Security benefits, the size of the trust funds or program solvency.

- The best way to guarantee future surpluses is to guarantee future economic growth.

- The President cut taxes to boost our economy and get people money when they need it most – right now.

- Democrats support the President’s tax relief.

  - 18 Democrats in the Senate voted for the President’s tax relief.
  - Democrats -- including Senators Daschle, Conrad, Clinton and Kennedy – joined in a 94-3 vote against repealing the tax cut.
  - These same senators also voted for even more tax relief than became law (See attached votes)

- The President will hold Congress accountable for living within the generous limits of the responsible budget they passed earlier this year. The President will oppose irresponsible spending, and will protect Medicare, Social Security, our armed forces, and the American taxpayer.

- The President’s budget funds key priorities:

  - Protects Social Security and Medicare
  - Improves Medicare to help seniors get a prescription drug benefit.
  - Pays down historic amounts of debt -- the most ever and the maximum amount possible without incurring unnecessary premiums.
  - Improves the quality of life and training for our men and women in uniform.
  - Reforms education to focus on results and put accountability in schools.
The Record Says It Best

Those pesky votes & public statements prove all politics is vocal

☑️ On July 10, the Senate held a vote on an amendment offered by Democrat Senator Ernest Hollings to repeal the immediate tax rebates. The amendment failed 94-3 – meaning senators like Daschle, Conrad, Kennedy, Byrd, Boxer and Feinstein voted against repealing the tax rebates. (Senate Vote #223 – See attached)

☑️ On April 5, Democrat Senator Ernest Hollings offered an amendment to increase the amount of tax relief in 2001 to $85 billion – even larger than the amount that ultimately became law. The amendment passed 94-6 – meaning Senators like Daschle, Conrad, Clinton, Kennedy, Feinstein and Boxer voted for even more tax relief than is now the law of the land (Senate Vote is attached)

A Cross Section of Democrats Who Agree with President Bush on Tax Relief

- Democrat Senator Zell Miller says the tax cut actually “should have been larger and kicked in sooner.”
- Democrat Senator Max Baucus supports the tax cut, he has said he doesn’t think Congress should revisit it, and the Montana Democrat Party has even run ads on his behalf thanking Senator Baucus for supporting the tax cut.
- Democrat Senator Tim Johnson ran a South Dakota radio ad letting families know about their refunds and praising the virtues of the tax cut.
- Democrat Senator Blanche Lincoln praises the tax cut and expresses optimism that the economy will soon rebound.
- Democrat Rep. Mike Ross says his constituents deserved the tax cut. Ross says his constituents are telling him just how important the tax cut is as they prepare to send their kids back to school.
- Democrat Senator Dianne Feinstein on July 1 on CNN talked about the economic benefits of the tax cut, saying she hoped the stimulus portion of the tax cut would move forward to help people who are having trouble making ends meet.
- Democrat Rep. Dennis Moore told the Kansas City Star that he doesn’t think Congress should revisit the tax cut. Moore also said, “I want the President to stick with his promise to be fiscally responsible, and I’ll be backing him up if he does.”
- Democrat Senator John Breaux praises the tax cut.
- Democrat Senator Jean Carnahan says the tax cut will benefit the American people.
- Democrat Senator Max Cleland thinks the tax cut was important to help get our economy moving again.
- Democrat Senator Herb Kohl extolled the virtues of the tax cut for “thousands of Wisconsin families with children.”
- Democrat Senator Bob Toricelli says Congress had an obligation to return the money to taxpayers who had overpaid their government.

(Attached are the actual quotes from the above Democrats)
Questions & Answers about the Mid-Session Review (MSR)

Q: Is there a deficit?

No. In FY 2001, after paying higher Medicare and Social Security expenses and other bills, the surplus will be $158 billion, which will be the second largest surplus in U.S. and world history.

Q: Are we still paying off debt?

Yes. President Bush has put the nation on a track to pay off $2 trillion of the Federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

There is a limit to how quickly debt can be paid off without incurring unnecessary and exorbitant premiums to buy back outstanding bonds before their maturity date.

Q: Are you going to be raiding the Social Security Trust Fund in 2001 or 2002?

No. The level of the surplus has no impact on the Social Security trust fund. Regardless of the level of the unified budget surplus, the Social Security Trust Fund will run an estimated surplus of $158 billion in FY 2001 and $173 billion in FY 2002. Fluctuations in the surplus levels will have no impact on the Social Security surplus, the balances in the Social Security trust fund, or on Social Security spending. Even so, the President has committed to protect every dollar of the Social Security surplus and that is exactly what his budget does.

Q: Is the President raiding Medicare?

No. Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone. The President’s budget fully funds the Medicare Trust Fund. And Medicare spending continues to rise, as required by law. President Bush has pledged to modernize Medicare and seeks to work with Congress to ensure that Medicare meets its obligations to seniors, including a prescription drug benefit.

Q: Was the President’s tax cut too big and irresponsible—sending us back into deficit spending?

No. This is the second largest surplus in our country’s history, and the fiscal condition of the country remains strong, despite an economic slowdown. Further, the tax cut will help ensure that our fiscal condition remains healthy and we continue to run large surpluses by invigorating the economy.

The real threat to the surplus is excessive and wasteful Washington spending. In FY 2001 alone, Congress busted their own budget by $34 billion.

Q: Why has there been such a large change in surplus estimates?

The difference between the April estimates and the current estimates is $123 billion. Most of this is a designed reduction in the surplus ($68 billion). President Bush proposed a tax cut plan to boost our sagging economy and return surplus dollars to the American people, as well as supplemental spending on critical defense needs. The remainder of the change is due to a dip in the economy. The best way to ensure future surpluses is to promote economic growth. President Bush’s tax plan will do that, pumping needed resources into the economy when it is needed most.
Q: The MSR shows a weakening economy. In light of that, should we scale back the tax cut?

No, the tax cut is exactly the right medicine for this economy at exactly the right time. Leading economists agree that the tax cut will boost economic growth and protect the long-term health of our economy—the most important thing we can do to ensure future surpluses.

“The tax bill awaiting President Bush’s signature delivers fiscal stimulus sooner than we’ve been expecting, and it packs a punch: We estimate that it will boost second-half growth by about 1 ¼ percentage points.”
-Morgan Stanley Dean Witter (May 29, 2001)

“I think one point I’d like to get across as well, I think it’s [the tax plan is] very positive for the long-run economy.”
-Mickey Levy, Bank of America (CBS News, June 8, 2001)

“The tax cut comes at a good time and could be an important catalyst in the long-awaited recovery.”
-Jeffrey Feiner, Lehman Brothers (Washington Times, June 22, 2001)

“We estimate that the tax cuts will boost growth by nearly 1 percentage point in the second half of this year.”

“For once, Congress managed to implement a contra-cyclical fiscal policy that should boost economic growth exactly when the economy needs it. The tax cut will pump about $40 billion into the economy during the third quarter and about $70 billion in FY 2002, which begins October 1. The tax cut will boost GDP growth by around ½ of a percentage point during the second half of 2001 and about ¼ of a percentage point in 2002.”
-Bruce Steinberg, Merrill Lynch (June 1, 2001)

Q: Does the President’s tax cut threaten Social Security and Medicare?

No, President Bush is committed to reforming and preserving Social Security and Medicare. With or without the enacted tax cut, benefits in both programs remain the same, the trust funds are protected and the long-term solvency of the programs are unchanged.

Q: Given the new numbers are Seniors’ Social Security and Medicare benefits in jeopardy?

No, Seniors benefits will remain unchanged and in fact Social Security and Medicare spending will continue to grow.

Q: Why are you revising the Social Security figures?

The President is committed to preserving every penny of the Social Security surplus. Given the heightened status, real and symbolic, of the Social Security surplus it is important to measure it accurately. American companies are required to accurately report revenues, and the federal government should do it, too.

Therefore, a $5.6 billion correction to prior year estimates of Social Security payroll tax collections reflects the fact that the Social Security surplus was larger than previously thought in 1998, 1999, and 2000. Counting this revenue as though it had been paid in 2001 overstates the Social Security surplus for this year.

The real size of the Social Security surplus is $157.1 billion. Precise accuracy in determining the Social Security surplus in any year requires comparing actual revenue to actual expenditures.
Q: Is the President cutting Medicare Spending?

Medicare spending increases every year in President Bush’s budget, rising from $217 billion in 2001, to $228 billion in 2002 and to $423 billion in 2011. Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone.

Q: What is happening to the Medicare Trust Fund?

The Medicare Trust Fund is fully credited under the President’s budget, as required by law, rising from $200 billion in 2002 to $737 billion in 2011.

Q: How does the trust fund balances effect the long term solvency of the Medicare Program?

The existence of balances large or small in the Medicare Part A Trust Fund have no effect on the long-term solvency of the program.

The Federal government must do something with the money it has lent itself. It can either pay off part of the publicly-held federal debt or spend the money on other government programs. Either way the same IOU goes in the trust fund.

As the Administration works to reform Medicare it believes that the program must be considered as one entity, rather than separate parts with separate funding streams. With revenue in FY 2001 of $197 billion from payroll taxes and premiums, and outlays of $242 billion, the general Treasury must contribute more than $45 billion to make up the shortfall.

Q: What are people outside the Administration saving about trust funds?

“Does how you use the Medicare annual surplus have any effect on the solvency of the Medicare program? No. . . . Irrespective of how the Congress decides to use the annual Medicare surpluses (e.g. tax cuts, spending increases, paying down the debt held by the public), trust fund solvency will not be affected in any way.”

-David M. Walker, Comptroller General of the United States and former Social Security and Medicare trustee, 7/25/01

“The image of raids on the Medicare and Social Security trust funds is false. The surpluses in these trust funds reflect a temporary excess of payroll taxes over current benefits. When this occurs, the trust funds transfer their spare cash to the Treasury, which gives them ‘special issue’ Treasury securities in return. The trust funds get the securities regardless of how the Treasury uses the spare cash -- whether to repay publicly held federal debt or to pay the government’s bills. The trust funds simply aren’t being raided.”

-Robert J. Samuelson, Newsweek, 7/16/01

“[Sen. Kent Conrad’s] message . . . is that the Bush tax cuts have so sapped the federal Treasury that they are going to require a ‘Raid on Medicare.’ Even by Washington standards, this is ridiculous. Despite America’s near-recession, there is nothing even close to a federal deficit. This year’s surplus will be somewhat north of $160 billion, the second largest in history after last year’s.”

-Paul A. Gigot, Wall Street Journal, 7/13/01

“Q. What can the government do with the surplus? A. It has to spend it, because the federal government can’t park that much money in a bank without affecting the financial markets. Q. [I]f we spend money intended for Social Security or Medicare on other government programs, aren’t we raiding those programs? A. No. Under government accounting rules, no matter if we use the Social Security and Medicare payroll taxes for debt reduction or plain old spending, the programs receive an equivalent amount in interest-earning Treasury bonds. [N]o matter how the money is used, the programs’ trust funds are unaffected because, in effect, they are lending the money to the United States. Q. So does it make a difference whether we use some of the Medicare funds for spending this year? A. Economically, it means virtually nothing in the short run. The
government is still running a substantial surplus and paying down debt, but because the U.S. economy is so large, the amount of money involved is like pennies.”
- Glenn Kessler, Washington Post, 7/22/01

“When an individual buys a government bond, he or she has established a financial claim against the government. When the government issues a security to one of its own accounts, it hasn’t purchased anything or established a claim against some other person or entity. The key point is that the Trust Funds do not hold financial resources to pay benefits – rather, they provide authority for the Treasury Department to use whatever money it has on hand to pay them. …[T]he trust funds themselves do not hold or receive money.”
- David Koitz, Congressional Research Service report, 3/20/01

“The ‘lockbox’ is a rhetorical device designed to advance the notion that the government can put money on the shelf today and use it to pay Social Security after 2016. But again, the ‘trust fund’ is merely paper the government has issued to itself.”
- Robert L. Bartley, Wall Street Journal, 7/23/01

“The Social Security trust fund, which is part of the federal government, holds Treasury securities – I.O.U.s from the federal government – to meet its future obligations. Treasury bills are perfectly fine investments. But when they’re held in federal trust funds, Uncle Sam has the same problem redeeming them that you’d have redeeming you own I.O.U.s in your personal trust fund. [T]he government hasn’t stolen Social Security money, as many people believe. The government has, indeed, borrowed the Social Security surplus – the difference between Social Security’s tax revenues and its outlays. It’s replaced the money with I.O.U.s, and spent it.”
- Allan Sloan, Newsweek, 7/30/01

“One of the key issues Democrats are trying to get mileage out of is claiming that the tax cut is eating into the Social Security surplus. This implies, falsely, that Social Security benefits are somehow at risk. In fact, there is essentially no relationship between the size of the Social Security trust fund, or the amount of the budget surplus attributable to the excess of current Social Security revenues over benefits.”
- Bruce Bartlett, The Detroit News, 7/23/01

“They [trust funds] do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government’s ability to pay benefits.”
- President Clinton’s FY 2000 Budget, Analytical Perspectives, page 337

TIME
Mid-Session Review Talking Points

- **Produce Second Largest Surplus in History**: At $158 billion, the 2001 surplus will be the second largest surplus in history. If Congress keeps total spending at the limits agreed to in the Budget Resolution, the 2002 surplus will be even larger -- $173 billion. (In recent years excessive spending has been a problem. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to. President Bush has vowed to reverse this trend and stick to the budget.)

- **Protect Social Security and Medicare**: The President protects the Social Security surplus in 2001 and beyond, reserving it for debt reduction as opposed to other purposes. Every dollar collected for Medicare will be spent on Medicare. The Social Security and Medicare Trust Funds are fully credited and benefits remain the same. The size of the budget surplus has no impact on benefits, the size of the trust funds, or program solvency.

- **Reform Medicare and Provide Prescription Drug Coverage**: The budget review projects to spend $190 billion for Medicare reform including prescription drug coverage. This is $37 billion higher than the April budget submission, in keeping with the President’s Medicare reform framework announced in July.

- **Pay Down Historic Amounts of Debt**: The government is still on track to pay off $2 trillion of federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

- **Provide for a Strong Defense**: The Mid-Session Review projects additional spending of $18.4 billion on national defense in FY 2002 – $198 billion additional over 10 years.

- **Foster Economic Growth**: Leading economists agree that the tax cut enacted under President Bush’s leadership will boost economic growth and protect the long-term health of our economy – the most important thing we can do to ensure future surpluses and protect Medicare and Social Security.

- **Accounting for the Surplus**: The FY 2002 Budget released in April projected a surplus for FY 2001 of $281 billion. The new FY 2001 surplus projection is $158 billion. The $123 billion decrease is due to four factors: 1. decreased revenue from the year long economic slowdown – $46 billion or about 2 percent of revenues; 2. FY 2001 tax rebates – $40 billion; 3. corporate tax timing shift – $28 billion; and 4. defense and farm spending – $9 billion. The decline in the surplus due to factors other than congressional action is approximately 14 percent.

- **Measure Social Security Receipts Accurately**: Due to the intense interest in the relative size of the Social Security surplus, the Mid-Session Review presents the most accurate figures possible.

- **Economic Assumptions**: The extent of the economic slowdown, which commenced in Q3 2000, is greater than most forecasters anticipated. Nonetheless, the economy seems poised to recover, with the tax cut and lower interest rates providing timely stimulus to growth. The Administration projects real GDP growth this year to be 1.7 percent and in 2002 to be 3.2 percent. From 2002 – 2011, the Administration projects real GDP growth will average 3.2 percent per year. The Administration’s projections are well within the range of estimates made by prominent Wall Street and other analysts. The Administration’s 3.2 percent real GDP growth projection is equal to that of the Conference Board, winner of the Annual Blue Chip Economic Forecasting Award, and below that of Merrill Lynch, which projects a 3.5 percent real GDP for 2002.
Senate Vote Summary

Vote Number: 223   Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2   Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
Statement of Purpose: Ensuring funding for defense and education and the
supplemental appropriation by repealing tax cuts for 2001.
Vote Counts:   YEAs 3
              NAYs  94
              Not Voting  3

Vote Summary   By Senator Name   By Vote Position   By Home State   Return to Vote List

Alphabetical by Senator Name

Akaka (D-HI), Nay
Allard (R-CO), Nay
Allen (R-VA), Nay
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Nay
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Nay
Boxer (D-CA), Nay
Breux (D-LA), Nay
Brownback (R-KS), Nay
Bunning (R-KY), Nay
Burns (R-MT), Nay
Byrd (D-WV), Nay
Campbell (R-CO), Nay
Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
Cleland (D-GA), Nay
Clinton (D-NY), Not Voting
Cochran (R-MS), Nay
Collins (R-ME), Nay
Conrad (D-ND), Nay
Corzine (D-NJ), Nay
Craig (R-ID), Nay
Crapo (R-ID), Nay
Daschle (D-SD), Nay
Dayton (D-MN), Nay
DeWine (R-OH), Nay
Dodd (D-CT), Nay
Domenici (R-NM), Nay
Dorgan (D-ND), Nay
     Durbin (D-IL), Nay
Edwards (D-NC), Nay
Ensign (R-NV), Nay
Enzi (R-WY), Nay
Feingold (D-WI), Nay
Feinstein (D-CA), Nay
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Nay
Gramm (R-TX), Nay
Grassley (R-IA), Nay
Gregg (R-NH), Nay
Hagel (R-NE), Nay
Harkin (D-IA), Nay
Hatch (R-UT), Nay
Helms (R-NC), Nay
Hollings (D-SC), Yea
Hutchinson (R-AR), Nay
Hutchison (R-TX), Nay
Inhofe (R-OK), Nay
Inouye (D-HI), Nay
Jeffords (I-VT), Nay
Johnson (D-SD), Nay
Kennedy (D-MA), Nay
Kerry (D-MA), Nay
Kohl (D-WI), Nay
Kyl (R-AZ), Nay
Landrieu (D-LA), Nay
Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
     McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
Thomas (R-WY), Nay
Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

Vote Summary  By Senator Name  By Vote Position  By Home State  Return to Vote List

Grouped By Vote Position

YEAs --- 3
Hollings (D-SC)
  Lieberman (D-CT)
  Mikulski (D-MD)

NAYs --- 94
Akaka (D-HI)
Allard (R-CO)
Allen (R-VA)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
Biden (D-DE)
Bingaman (D-NM)
Bond (R-MO)
Boxer (D-CA)
Breaux (D-LA)
Brownback (R-KS)
Bunning (R-KY)
Burns (R-MT)
Byrd (D-WV)
Campbell (R-CO)
Cantwell (D-WA)
Carnahan (D-MO)
Carper (D-DE)
Chafee (R-RI)
Cleland (D-GA)
Cochran (R-MS)
Collins (R-ME)
Conrad (D-ND)
Corzine (D-NJ)
Craig (R-ID)
Crapo (R-ID)
Daschle (D-SD)
Dayton (D-MN)
DeWine (R-OH)
Dodd (D-CT)
Domenici (R-NM)
Dorgan (D-ND)
Durbin (D-IL)
Edwards (D-NC)
Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
Frist (R-TN)
Graham (D-FL)
Gramm (R-TX)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Helms (R-NC)
Hutchinson (R-AR)
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Kyl (R-AZ)
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Levin (D-MI)
Lincoln (D-AR)
Lott (R-MS)
Lugar (R-IN)
McCain (R-AZ)
McConnell (R-KY)
Miller (D-GA)
Murkowski (R-AK)
Murray (D-WA)
Nelson (D-FL)
Nelson (D-NE)
Nickles (R-OK)
Reed (D-RI)
Reid (D-NV)
Roberts (R-KS)
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Sarbanes (D-MD)
Sessions (R-AL)
Shelby (R-AL)
Smith (R-NH)
Smith (R-OR)
Snowe (R-ME)
Specter (R-PA)
Stabenow (D-MI)
Stevens (R-AK)
Thomas (R-WY)
Thompson (R-TN)
Thurmond (R-SC)
Torr icelli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

Not Voting --- 3
Clinton (D-NY)
    Santorum (R-PA)
    Schumer (D-NY)

Vote Summary    By Senator Name    By Vote Position    By Home State
Return to Vote List
BUDGET RESOLUTION/Increase in the Tax-Cut Stimulus Package

SUBJECT:


AMENDMENT AGREED TO, 94-6

SYNOPSIS:

H.Con. Res. 83, the House Concurrent Budget Resolution for fiscal years 2002-2011, will set total spending, revenues, debt reduction, and tax relief over the next 10 years. The Domenici substitute amendment: would cut the debt held by the public (money that the Government owes to creditors other than itself) by $2.395 trillion over the next 10 years; would assume $29.3 billion in tax relief for fiscal year (FY) 2002 and $1.611 trillion over the next 10 years (which would be sufficient relief to reduce and restructure marginal income tax rates, double the child credit, reduce the marriage penalty, eliminate the estate tax (death tax), expand the charitable deduction to non-itemizers, make permanent the research and experimentation tax credit, expand health insurance coverage, raise the adoption credit from $5,000 to $7,500 and make it permanent, expand educational opportunities, and provide energy and conservation tax incentives); would increase appropriated programs by 4 percent over FY 2001 enacted levels; would fully fund Medicare;
would provide an additional $153.0 billion reserve fund for FYs 2002-2011 for Medicare reform and prescription drug benefits; would save all the Social Security trust fund surpluses over the next 10 years for debt reduction; would ensure a non-Social Security budget surplus for the fourth year in a row; would provide a $60 billion FY 2001 economic tax-cut stimulus package; would end the misuse of advance appropriations; and would leave an $845.7 billion, on-budget surplus ($453.1 billion excluding Medicare Part A funds), which could be used for tax relief, defense spending, agriculture relief, and other purposes.

The Hollings amendment would increase the amount of immediate tax relief that the Domenici amendment would make available, using FY2001 surplus funds, from $60 billion to $85 billion.

Those favoring the amendment contended:

Most economists agree that when an economy starts to slide, a recession can be averted if the government primes the economy quickly with cash. Our economy is in a slide right now; many economists are recommending a cash stimulus package of approximately 1 percent of GDP, or $100 billion. By lucky coincidence, we have nearly that amount ($85 billion) available right now in surplus funds from FY 2001 (we had $95 billion when we started consideration of this resolution, but we have committed about $10 billion for other purposes since that time). The resolution before us suggests $60 billion for a stimulus package; we think that amount is like half a haircut. The Hollings amendment would not contribute all the additional amount needed, but it would get us much closer. How we end up structuring the stimulus tax relief package can be decided later; the sponsor of this amendment favors the same amount of relief being given to all tax filers, regardless even of whether they had any tax liability; other Senators have other preferences. For now, what is important is that we commit to giving $85 billion in immediate tax relief. We are delighted to vote in favor of this amendment.

No arguments were expressed in opposition to the amendment.

VOTING YEA:

Republicans:
(50 or 100%) Allard Allen Bennett Bond Brownback Bunning Burns Campbell Chafee Cochran Collins Craig
Crapo DeWine Domenici Ensign Enzi Fitzgerald Frist Gramm Grassley Gregg Hagel
Hatch Helms Hutchinson
Hutchison Inhofe Jeffords Kyl Lott Lugar McCain McConnell Murkowski Nickles
Roberts Santorum Sessions
Shelby Smith, Bob Smith, Gordon Snowe Specter Stevens Thomas Thompson
Thurmond Voinovich Warner

Democrats:

(44 or 88%) Akaka Baucus Bayh Biden Bingaman Boxer Breaux Byrd Cantwell Carnahan Cleland Clinton
Conrad Daschle Dayton Dorgan Durbin Edwards Feinstein Harkin Hollings Inouye Johnson Kennedy Kerry Kohl
Landrieu Leahy Levin Lieberman Lincoln Mikulski Miller Murray NelsonxxBen Reed Reid Rockefeller Sarbanes
Schumer Stabenow Torricelli Wellstone Wyden

VOTING NAY:

Republicans:

(0 or 0%)

Democrats:

(6 or 12%) Carper Corzine Dodd Feingold Graham Nelson, Bill

NOT VOTING:

Republicans:

(0)

Democrats:

(0)

ABSENCE CODE: 1-Official Business 2-Necessarily Absent 3-Illness 4-other
Symbols: AY-Announced Yea AN-Announced Nay PY-Paired Yea PN-Paired Nay
8/27/2001 10:37:25 AM

Talking Points -- New CBO Budget Estimates

Sent: 8/27/2001 10:37:25 AM
Subject: Talking Points -- New CBO Budget Estimates
Attachments: P_U2QF3004_CEA.TXT_1.doc; P_U2QF3004_CEA.TXT_2.doc; P_U2QF3004_CEA.TXT_3.doc; P_U2QF3004_CEA.TXT_4.doc; P_U2QF3004_CEA.TXT_5.doc; P_U2QF3004_CEA.TXT_6.doc
When you are asked about the new CBO numbers use the following talking points to respond.

Remember -- talk about the President's priorities like protecting Social Security and Medicare, boosting economic growth, getting our seniors a prescription drug benefit, reforming education, helping our men and women in uniform etc. Don't get drawn into an arcane budget process debate.

Do point out the Democrat record on this issue. Attached are the votes by Democrats against repeal of the tax cut, the votes by Democrats for even more tax relief than became law. Also attached are the talking points from the Mid Session review from a few days ago. Let me know if you need more.
Budget Numbers Talking Points

- Both sets of numbers show that the surplus is the 2nd largest in history.

- The new numbers support the President’s argument that the biggest threat to seniors and our economy is irresponsible spending. In recent years Congress has spent excessively. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to.

- The President’s budget protects Social Security and Medicare. The size of the surplus has no impact on Social Security benefits, the size of the trust funds or program solvency.

- The best way to guarantee future surpluses is to guarantee future economic growth.

- The President cut taxes to boost our economy and get people money when they need it most – right now.

- Democrats support the President’s tax relief.
  - 18 Democrats in the Senate voted for the President’s tax relief.
  - Democrats -- including Senators Daschle, Conrad, Clinton and Kennedy -- joined in a 94-3 vote against repealing the tax cut.
  - These same senators also voted for even more tax relief than became law (See attached votes)

- The President will hold Congress accountable for living within the generous limits of the responsible budget they passed earlier this year. The President will oppose irresponsible spending, and will protect Medicare, Social Security, our armed forces, and the American taxpayer.

- The President’s budget funds key priorities:
  - Protects Social Security and Medicare
  - Improves Medicare to help seniors get a prescription drug benefit.
  - Pays down historic amounts of debt -- the most ever and the maximum amount possible without incurring unnecessary premiums.
  - Improves the quality of life and training for our men and women in uniform.
  - Reforms education to focus on results and put accountability in schools.
The Record Says It Best

*Those pesky votes & public statements prove all politics is vocal*

- On July 10, the Senate held a vote on an amendment offered by Democrat Senator Ernest Hollings to repeal the immediate tax rebates. **The amendment failed 94-3** – meaning senators like **Daschle, Conrad, Kennedy, Byrd, Boxer** and **Feinstein** voted against repealing the tax rebates. *(Senate Vote #223 – See attached)*

- On April 5, Democrat Senator Ernest Hollings offered an amendment to increase the amount of tax relief in 2001 to $85 billion – even larger than the amount that ultimately became law. **The amendment passed 94-6** – meaning Senators like **Daschle, Conrad, Clinton, Kennedy, Feinstein** and **Boxer** voted for even more tax relief than is now the law of the land. *(Senate Vote is attached)*

**A Cross Section of Democrats Who Agree with President Bush on Tax Relief**

- Democrat Senator Zell Miller says the tax cut actually “should have been larger and kicked in sooner.”
- Democrat Senator Max Baucus supports the tax cut, he has said he doesn’t think Congress should revisit it, and the Montana Democrat Party has even run ads on his behalf thanking Senator Baucus for supporting the tax cut.
- Democrat Senator Tim Johnson ran a South Dakota radio ad letting families know about their refunds and praising the virtues of the tax cut.
- Democrat Senator Blanche Lincoln praises the tax cut and expresses optimism that the economy will soon rebound.
- Democrat Rep. Mike Ross says his constituents deserved the tax cut. Ross says his constituents are telling him just how important the tax cut is as they prepare to send their kids back to school.
- Democrat Senator Dianne Feinstein on July 1 on CNN talked about the economic benefits of the tax cut, saying she hoped the stimulus portion of the tax cut would move forward to help people who are having trouble making ends meet.
- Democrat Rep. Dennis Moore told the Kansas City Star that he doesn’t think Congress should revisit the tax cut. Moore also said, “I want the President to stick with his promise to be fiscally responsible, and I’ll be backing him up if he does.”
- Democrat Senator John Breaux praises the tax cut.
- Democrat Senator Jean Carnahan says the tax cut will benefit the American people.
- Democrat Senator Max Cleland thinks the tax cut was important to help get our economy moving again.
- Democrat Senator Herb Kohl extolled the virtues of the tax cut for “thousands of Wisconsin families with children.”
- Democrat Senator Bob Toricelli says Congress had an obligation to return the money to taxpayers who had overpaid their government.

*(Attached are the actual quotes from the above Democrats)*
Questions & Answers about the Mid-Session Review (MSR)

Q: Is there a deficit?

No- In FY 2001, after paying higher Medicare and Social Security expenses and other bills, the surplus will be $158 billion, which will be the second largest surplus in U.S. and world history.

Q: Are we still paying off debt?

Yes- President Bush has put the nation on a track to pay off $2 trillion of the Federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

There is a limit to how quickly debt can be paid off without incurring unnecessary and exorbitant premiums to buy back outstanding bonds before their maturity date.

Q: Are you going to be raiding the Social Security Trust Fund in 2001 or 2002?

No, the level of the surplus has no impact on the Social Security trust fund. Regardless of the level of the unified budget surplus, the Social Security Trust Fund will run an estimated surplus of $158 billion in FY 2001 and $173 billion in FY 2002. Fluctuations in the surplus levels will have no impact on the Social Security surplus, the balances in the Social Security trust fund, or on Social Security spending. Even so, the President has committed to protect every dollar of the Social Security surplus and that is exactly what his budget does.

Q: Is the President raiding Medicare?

No, Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone. The President’s budget fully funds the Medicare Trust Fund. And Medicare spending continues to rise, as required by law. President Bush has pledged to modernize Medicare and seeks to work with Congress to ensure that Medicare meets its obligations to seniors, including a prescription drug benefit.

Q: Was the President’s tax cut too big and irresponsible—sending us back into deficit spending?

No, this is the second largest surplus in our country’s history, and the fiscal condition of the country remains strong, despite an economic slowdown. Further, the tax cut will help ensure that our fiscal condition remains healthy and we continue to run large surpluses by invigorating the economy.

The real threat to the surplus is excessive and wasteful Washington spending. In FY 2001 alone, Congress busted their own budget by $34 billion.

Q: Why has there been such a large change in surplus estimates?

The difference between the April estimates and the current estimates is $123 billion. Most of this is a designed reduction in the surplus ($68 billion). President Bush proposed a tax cut plan to boost our sagging economy and return surplus dollars to the American people, as well as supplemental spending on critical defense needs. The remainder of the change is due to a dip in the economy. The best way to ensure future surpluses is to promote economic growth. President Bush’s tax plan will do that, pumping needed resources into the economy when it is needed most.
Q: The MSR shows a weakening economy. In light of that, should we scale back the tax cut?

No, the tax cut is exactly the right medicine for this economy at exactly the right time. Leading economists agree that the tax cut will boost economic growth and protect the long-term health of our economy—the most important thing we can do to ensure future surpluses.

“The tax bill awaiting President Bush’s signature delivers fiscal stimulus sooner than we’ve been expecting, and it packs a punch: We estimate that it will boost second-half growth by about 1 ½ percentage points.”
-Morgan Stanley Dean Witter (May 29, 2001)

“I think one point I’d like to get across as well, I think it’s [the tax plan is] very positive for the long-run economy.”
-Mickey Levy, Bank of America (CBS News, June 8, 2001)

“The tax cut comes at a good time and could be an important catalyst in the long-awaited recovery.”
-Jeffrey Feiner, Lehman Brothers (Washington Times, June 22, 2001)

“We estimate that the tax cuts will boost growth by nearly 1 percentage point in the second half of this year.”

“For once, Congress managed to implement a contra-cyclical fiscal policy that should boost economic growth exactly when the economy needs it. The tax cut will pump about $40 billion into the economy during the third quarter and about $70 billion in FY 2002, which begins October 1. The tax cut will boost GDP growth by around ¼ of a percentage point during the second half of 2001 and about ½ of a percentage point in 2002.”
-Bruce Steinberg, Merrill Lynch (June 1, 2001)

Q: Does the President’s tax cut threaten Social Security and Medicare?

No, President Bush is committed to reforming and preserving Social Security and Medicare. With or without the enacted tax cut, benefits in both programs remain the same, the trust funds are protected and the long-term solvency of the programs are unchanged.

Q: Given the new numbers are Seniors’ Social Security and Medicare benefits in jeopardy?

No, Seniors benefits will remain unchanged and in fact Social Security and Medicare spending will continue to grow.

Q: Why are you revising the Social Security figures?

The President is committed to preserving every penny of the Social Security surplus. Given the heightened status, real and symbolic, of the Social Security surplus it is important to measure it accurately. American companies are required to accurately report revenues, and the federal government should do it, too.

Therefore, a $5.6 billion correction to prior year estimates of Social Security payroll tax collections reflects the fact that the Social Security surplus was larger than previously thought in 1998, 1999, and 2000. Counting this revenue as though it had been paid in 2001 overstates the Social Security surplus for this year.

The real size of the Social Security surplus is $157.1 billion. Precise accuracy in determining the Social Security surplus in any year requires comparing actual revenue to actual expenditures.
Q: Is the President cutting Medicare Spending?

Medicare spending increases every year in President Bush’s budget, rising from $217 billion in 2001, to $228 billion in 2002 and to $423 billion in 2011. Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone.

Q: What is happening to the Medicare Trust Fund?

The Medicare Trust Fund is fully credited under the President’s budget, as required by law, rising from $200 billion in 2002 to $737 billion in 2011.

Q: How does the trust fund balances effect the long term solvency of the Medicare Program?

The existence of balances large or small in the Medicare Part A Trust Fund have no effect on the long-term solvency of the program.

The Federal government must do something with the money it has lent itself. It can either pay off part of the publicly-held federal debt or spend the money on other government programs. Either way the same IOU goes in the trust fund.

As the Administration works to reform Medicare it believes that the program must be considered as one entity, rather than separate parts with separate funding streams. With revenue in FY 2001 of $197 billion from payroll taxes and premiums, and outlays of $242 billion, the general Treasury must contribute more than $45 billion to make up the shortfall.

Q: What are people outside the Administration saying about trust funds?

“Does how you use the Medicare annual surplus have any effect on the solvency of the Medicare program? No…[I]rrespective of how the Congress decides to use the annual Medicare surpluses (e.g. tax cuts, spending increases, paying down the debt held by the public), trust fund solvency will not be affected in any way.”

-David M. Walker, Comptroller General of the United States and former Social Security and Medicare trustee, 7/25/01

“The image of raids on the Medicare and Social Security trust funds is false. The surpluses in these trust funds reflect a temporary excess of payroll taxes over current benefits. When this occurs, the trust funds transfer their spare cash to the Treasury, which gives them ‘special issue’ Treasury securities in return. The trust funds get the securities regardless of how the Treasury uses the spare cash — whether to repay publicly held federal debt or to pay the government’s bills. The trust funds simply aren’t being raided.”

-Robert J. Samuelson, Newsweek, 7/16/01

“[Sen. Kent Conrad’s] message … is that the Bush tax cuts have so sapped the federal Treasury that they are going to require a ‘Raid on Medicare.’ Even by Washington standards, this is ridiculous. Despite America’s near-recession, there is nothing even close to a federal deficit. This year’s surplus will be somewhat north of $160 billion, the second largest in history after last year’s.”

-Paul A. Gigot, Wall Street Journal, 7/13/01

“Q. What can the government do with the surplus? A. It has to spend it, because the federal government can’t park that much money in a bank without affecting the financial markets. Q. [I]f we spend money intended for Social Security or Medicare on other government programs, aren’t we raiding those programs? A. No. Under government accounting rules, no matter if we use the Social Security and Medicare payroll taxes for debt reduction or plain old spending, the programs receive an equivalent amount in interest-earning Treasury bonds. [N]o matter how the money is used, the programs’ trust funds are unaffected because, in effect, they are lending the money to the United States. Q. So does it make a difference whether we use some of the Medicare funds for spending this year? A. Economically, it means virtually nothing in the short run. The
government is still running a substantial surplus and paying down debt, but because the U.S. economy is so large, the amount of money involved is like pennies.”

-Glenn Kessler, Washington Post, 7/22/01

“When an individual buys a government bond, he or she has established a financial claim against the government. When the government issues a security to one of its own accounts, it hasn’t purchased anything or established a claim against some other person or entity. The key point is that the Trust Funds do not hold financial resources to pay benefits – rather, they provide authority for the Treasury Department to use whatever money it has on hand to pay them. …[T]he trust funds themselves do not hold or receive money.”

-David Koitz, Congressional Research Service report, 3/20/01

“The ‘lockbox’ is a rhetorical device designed to advance the notion that the government can put money on the shelf today and use it to pay Social Security after 2016. But again, the ‘trust fund’ is merely paper the government has issued to itself.”

-Robert L. Bartley, Wall Street Journal, 7/23/01

“The Social Security trust fund, which is part of the federal government, holds Treasury securities – I.O.U.s from the federal government – to meet its future obligations. Treasury bills are perfectly fine investments. But when they’re held in federal trust funds, Uncle Sam has the same problem redeeming them that you’d have redeeming you own I.O.U.s in your personal trust fund. [T]he government hasn’t stolen Social Security money, as many people believe. The government has, indeed, borrowed the Social Security surplus – the difference between Social Security’s tax revenues and its outlays. It’s replaced the money with I.O.U.s, and spent it.”

-Allan Sloan, Newsweek, 7/30/01

“One of the key issues Democrats are trying to get mileage out of is claiming that the tax cut is eating into the Social Security surplus. This implies, falsely, that Social Security benefits are somehow at risk. In fact, there is essentially no relationship between the size of the Social Security trust fund, or the amount of the budget surplus attributable to the excess of current Social Security revenues over benefits.”

-Bruce Bartlett, The Detroit News, 7/23/01

“They [trust funds] do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government’s ability to pay benefits.”

-President Clinton’s FY 2000 Budget, Analytical Perspectives, page 337
Mid-Session Review Talking Points

- **Produce Second Largest Surplus in History:** At $158 billion, the 2001 surplus will be the second largest surplus in history. If Congress keeps total spending at the limits agreed to in the Budget Resolution, the 2002 surplus will be even larger -- $173 billion. (In recent years excessive spending has been a problem. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to. President Bush has vowed to reverse this trend and stick to the budget.)

- **Protect Social Security and Medicare:** The President protects the Social Security surplus in 2001 and beyond, reserving it for debt reduction as opposed to other purposes. Every dollar collected for Medicare will be spent on Medicare. The Social Security and Medicare Trust Funds are fully credited and benefits remain the same. The size of the budget surplus has no impact on benefits, the size of the trust funds, or program solvency.

- **Reform Medicare and Provide Prescription Drug Coverage:** The budget review projects to spend $190 billion for Medicare reform including prescription drug coverage. This is $37 billion higher than the April budget submission, in keeping with the President’s Medicare reform framework announced in July.

- **Pay Down Historic Amounts of Debt:** The government is still on track to pay off $2 trillion of federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

- **Provide for a Strong Defense:** The Mid-Session Review projects additional spending of $18.4 billion on national defense in FY 2002 – $198 billion additional over 10 years.

- **Foster Economic Growth:** Leading economists agree that the tax cut enacted under President Bush’s leadership will boost economic growth and protect the long-term health of our economy – the most important thing we can do to ensure future surpluses and protect Medicare and Social Security.

- **Accounting for the Surplus:** The FY 2002 Budget released in April projected a surplus for FY 2001 of $281 billion. The new FY 2001 surplus projection is $158 billion. The $123 billion decrease is due to four factors: 1. decreased revenue from the year long economic slowdown – $46 billion or about 2 percent of revenues; 2. FY 2001 tax rebates – $40 billion; 3. corporate tax timing shift – $28 billion; and 4. defense and farm spending – $9 billion. The decline in the surplus due to factors other than congressional action is approximately 14 percent.

- **Measure Social Security Receipts Accurately:** Due to the intense interest in the relative size of the Social Security surplus, the Mid-Session Review presents the most accurate figures possible.

- **Economic Assumptions:** The extent of the economic slowdown, which commenced in Q3 2000, is greater than most forecasters anticipated. Nonetheless, the economy seems poised to recover, with the tax cut and lower interest rates providing timely stimulus to growth. The Administration projects real GDP growth this year to be 1.7 percent and in 2002 to be 3.2 percent. From 2002 – 2011, the Administration projects real GDP growth will average 3.2 percent per year. The Administration’s projections are well within the range of estimates made by prominent Wall Street and other analysts. The Administration’s 3.2 percent real GDP growth projection is equal to that of the Conference Board, winner of the Annual Blue Chip Economic Forecasting Award, and below that of Merrill Lynch, which projects a 3.5 percent real GDP for 2002.
Senate Vote Summary

Vote Number: 223  Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2  Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
Statement of Purpose: Ensuring funding for defense and education and the supplemental appropriation by repealing tax cuts for 2001.
Vote Counts:    YEAs  3
                NAYs  94
                Not Voting  3

Vote Summary By Senator Name By Vote Position By Home State Return to Vote List

Alphabetical by Senator Name

Akaka (D-HI), Nay
Allard (R-CO), Nay
Allen (R-VA), Nay
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Nay
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Nay
Boxer (D-CA), Nay
Breaux (D-LA), Nay
Brownback (R-KS), Nay
Bunning (R-KY), Nay
Burns (R-MT), Nay
Byrd (D-WV), Nay
Campbell (R-CO), Nay
Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
Cleland (D-GA), Nay
Clinton (D-NY), Not Voting
Cochran (R-MS), Nay
Collins (R-ME), Nay
Conrad (D-ND), Nay
Corzine (D-NJ), Nay
Craig (R-ID), Nay
Crapo (R-ID), Nay
Daschle (D-SD), Nay
Dayton (D-MN), Nay
DeWine (R-OH), Nay
Dodd (D-CT), Nay
Domenici (R-NM), Nay
Dorgan (D-ND), Nay
   Durbin (D-IL), Nay
Edwards (D-NC), Nay
Ensign (R-NV), Nay
Enzi (R-WY), Nay
Feingold (D-WI), Nay
Feinstein (D-CA), Nay
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Nay
Gramm (R-TX), Nay
Grassley (R-IA), Nay
Gregg (R-NH), Nay
Hagel (R-NE), Nay
Harkin (D-IA), Nay
Hatch (R-UT), Nay
Helms (R-NC), Nay
Hollings (D-SC), Yea
Hutchinson (R-AR), Nay
Hutchison (R-TX), Nay
Inhofe (R-OK), Nay
Inouye (D-HI), Nay
Jeffords (I-VT), Nay
Johnson (D-SD), Nay
Kennedy (D-MA), Nay
Kerry (D-MA), Nay
Kohl (D-WI), Nay
Kyl (R-AZ), Nay
Landrieu (D-LA), Nay
Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
   McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
Thomas (R-WY), Nay
Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

Vote Summary       By Senator Name       By Vote Position       By Home State
Return to Vote List

Grouped By Vote Position

YEAs --- 3
Hollings (D-SC)
      Lieberman (D-CT)
      Mikulski (D-MD)

NAYs --- 94
Akaka (D-HI)
Hatch (R-UT)
Helms (R-NC)
Hutchinson (R-AR)
Hutchison (R-TX)
Inhofe (R-OK)
Inouye (D-HI)
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Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

Not Voting --- 3
Clinton (D-NY)
    Santorum (R-PA)
    Schumer (D-NY)

Vote Summary       By Senator Name       By Vote Position       By Home
State   Return to Vote List
SENATE RECORD VOTE ANALYSIS

107th Congress
1st Session
April 5, 2001, 9:00 p.m.
Page S- 3521 Temp. Record
SessionVote No. 80

BUDGET RESOLUTION/Increase in the Tax-Cut Stimulus Package

SUBJECT:

Hollings amendment No. 225 to the Domenici substitute amendment No. 170.

AMENDMENT AGREED TO, 94-6

SYNOPSIS:

H.Con. Res. 83, the House Concurrent Budget Resolution for fiscal years 2002-2011, will set total spending, revenues, debt reduction, and tax relief over the next 10 years.
The Domenici substitute amendment: would cut the debt held by the public (money that the Government owes to creditors other than itself) by $2.395 trillion over the next 10 years; would assume $29.3 billion in tax relief for fiscal year (FY) 2002 and $1.611 trillion over the next 10 years (which would be sufficient relief to reduce and restructure marginal income tax rates, double the child credit, reduce the marriage penalty, eliminate the estate tax (death tax), expand the charitable deduction to non-itemizers, make permanent the research and experimentation tax credit, expand health insurance coverage, raise the adoption credit from $5,000 to $7,500 and make it permanent, expand educational opportunities, and provide energy and conservation tax incentives);
would increase appropriated programs by 4 percent over FY 2001 enacted levels; would fully fund Medicare;
would provide an additional $153.0 billion reserve fund for FYs 2002-2011 for Medicare reform and prescription drug benefits; would save all the Social Security trust fund surpluses over the next 10 years for debt reduction; would ensure a non-Social Security budget surplus for the fourth year in a row; would provide a $60 billion FY 2001 economic tax-cut stimulus package; would end the misuse of advance appropriations; and would leave an $845.7 billion, on-budget surplus ($453.1 billion excluding Medicare Part A funds), which could be used for tax relief, defense spending, agriculture relief, and other purposes.

The Hollings amendment would increase the amount of immediate tax relief that the Domenici amendment would make available, using FY2001 surplus funds, from $60 billion to $85 billion.

Those favoring the amendment contended:

Most economists agree that when an economy starts to slide, a recession can be averted if the government primes the economy quickly with cash. Our economy is in a slide right now; many economists are recommending a cash stimulus package of approximately 1 percent of GDP, or $100 billion. By lucky coincidence, we have nearly that amount ($85 billion) available right now in surplus funds from FY 2001 (we had $95 billion when we started consideration of this resolution, but we have committed about $10 billion for other purposes since that time). The resolution before us suggests $60 billion for a stimulus package; we think that amount is like half a haircut. The Hollings amendment would not contribute all the additional amount needed, but it would get us much closer. How we end up structuring the stimulus tax relief package can be decided later; the sponsor of this amendment favors the same amount of relief being given to all tax filers, regardless even of whether they had any tax liability; other Senators have other preferences. For now, what is important is that we commit to giving $85 billion in immediate tax relief. We are delighted to vote in favor of this amendment.

No arguments were expressed in opposition to the amendment.

VOTING YEA:

Republicans:
(50 or 100%) Allard Allen Bennett Bond Brownback Bunning Burns Campbell Chafee Cochran Collins Craig Crapo DeWine Domenici Ensign Enzi Fitzgerald Frist Gramm Grassley Gregg Hagel Hatch Helms Hutchinson Hutchison Inhofe Jeffords Kyl Lott Lugar McCain McConnell Murkowski Nickles Roberts Santorum Sessions Shelby Smith, Bob Smith, Gordon Snowe Specter Stevens Thomas Thompson Thurmond Voinovich Warner

Democrats:

(44 or 88%) Akaka Baucus Bayh Biden Bingaman Boxer Breaux Byrd Cantwell Carnahan Cleland Clinton Conrad Daschle Dayton Dorgan Durbin Edwards Feinstein Harkin Hollings Inouye Johnson Kennedy Kerry Kohl Landrieu Leahy Levin Lieberman Lincoln Mikulski Miller Murray NelsonxxBen Reed Reid Rockefeller Sarbanes Schumer Stabenow Torricelli Wellstone Wyden

VOTING NAY:

Republicans:

(0 or 0%)

Democrats:

(6 or 12%) Carper Corzine Dodd Feingold Graham Nelson, Bill

NOT VOTING:

Republicans:

(0)

Democrats:

(0)

ABSENCE CODE: 1-Official Business 2-Necessarily Absent 3-Illness 4-other Symbols: AY-Announced Yea AN-Announced Nay PY-Paired Yea PN-Paired Nay
Senate Vote Summary

Vote Number: 223   Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2   Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
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Byrd (D-WV), Nay
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Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
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Dodd (D-CT), Nay
Domenici (R-NM), Nay
Dorgan (D-ND), Nay
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Harkin (D-IA), Nay
Hatch (R-UT), Nay
Helms (R-NC), Nay
Hollings (D-SC), Yea
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Hutchison (R-TX), Nay
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Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
    McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
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Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

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Carnahan (D-MO)
Carper (D-DE)
Chafee (R-RI)
Cleland (D-GA)
Cochran (R-MS)
Collins (R-ME)
Conrad (D-ND)
Corzine (D-NJ)
Craig (R-ID)
Crapo (R-ID)
Daschle (D-SD)
Dayton (D-MN)
DeWine (R-OH)
Dodd (D-CT)
Domenici (R-NM)

   Dorgan (D-ND)
Durbin (D-IL)
Edwards (D-NC)
Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
Frist (R-TN)
Graham (D-FL)
Gramm (R-TX)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Helms (R-NC)
Hutchinson (R-AR)
Hutchison (R-TX)
Inhofe (R-OK)
Inouye (D-HI)
Jeffords (I-VT)
Johnson (D-SD)
Kennedy (D-MA)
Kerry (D-MA)
Kohl (D-WI)
Kyl (R-AZ)
Landrieu (D-LA)
Leahy (D-VT)
Levin (D-MI)
Lincoln (D-AR)
Lott (R-MS)
Lugar (R-IN)
McCain (R-AZ)
McConnell (R-KY)
Miller (D-GA)
Murkowski (R-AK)
Murray (D-WA)
Nelson (D-FL)
Nelson (D-NE)
Nickles (R-OK)
Reed (D-RI)
Reid (D-NV)
Roberts (R-KS)
Rockefeller (D-WV)
Sarbanes (D-MD)
Sessions (R-AL)
Shelby (R-AL)
Smith (R-NH)
Smith (R-OR)
Snowe (R-ME)
Specter (R-PA)
Stabenow (D-MI)
Stevens (R-AK)
Thomas (R-WY)
Thompson (R-TN)
Thurmond (R-SC)
Torriceilli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

Not Voting --- 3
Clinton (D-NY)
  Santorum (R-PA)
  Schumer (D-NY)

Vote Summary   By Senator Name   By Vote Position   By Home State
               Return to Vote List
<Kevin_J._Martin@oa.eop.gov>;Adrian G. Gray/WHO/EOP@EOP [ WHO ] <Adrian G. Gray>mcfawor@doc.gov @ inet [ UNKNOWN ]
<mcfawor@doc.gov>;maryanne.lyle@fema.gov @ inet [ UNKNOWN ]
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<Ponnuru@ix.netcom.com@dtrigg@doc.gov @ inet [ UNKNOWN ]
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<John D. Estes>;Ashley Estes/WHO/EOP@EOP [ WHO ] <Ashley Estes>
<Ashley Estes>;Angela R. Sailor/WHO/EOP@EOP [ WHO ]
<Angela R. Sailor>;K. Philippa Malmgren/OPD/EOP@EOP [ OPD ] <K. Philippa Malmgren>
Ruben S. Barrales/WHO/EOP@EOP [ WHO ] <Ruben S. Barrales>
Terry C. Miller/WHO/EOP@EOP [ WHO ] <Terry C. Miller>
Deborah A. Spagnoli/WHO/EOP@EOP [ WHO ] <Deborah A. Spagnoli>
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<Charles P. Blahous>;Maria.Cino@mail.doc.gov @ inet [ UNKNOWN ]
<Maria.Cino@mail.doc.gov>;Matthew W. Lindley/WHO/EOP@EOP [ WHO ]
<Matthew W. Lindley>;Chris B. Nagel/WHO/EOP@EOP [ WHO ]
<Chris B. Nagel>Melissa L. McAdoo/WHO/EOP@EOP [ WHO ] <Melissa L. McAdoo>
Kristen L. Hughes/WHO/EOP@EOP [ WHO ] <Kristen L. Hughes>
Robert T. Pratt Jr/WHO/EOP@EOP [ WHO ] <Robert T. Pratt Jr>
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<Bevery J. Ward>;Deborah K. Hair/WHO/EOP@EOP [ WHO ] <Deborah K. Hair>
Elizabeth N. Camp/WHO/EOP@EOP [ WHO ] <Elizabeth N. Camp>
Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Timothy E. Flanigan/WHO/EOP@EOP [ WHO ] <Timothy E. Flanigan>
Mark.Corallo@mail.house.gov @ inet [ UNKNOWN ]
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<TDuffy@rnchq.org>;Mercedes M. Viana/WHO/EOP@EOP [ WHO ] <Mercedes M. Viana>
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dallen@nrsnc.org@D. Marcus Sumerlin/OPD/EOP@EOP [ OPD ] <D. Marcus Sumerlin>
Robert W. Cobb/WHO/EOP@EOP [ WHO ] <Robert W. Cobb>
Traci R. Campbell/WHO/EOP@EOP [ WHO ] <Traci R. Campbell>
James E. Carter/OPD/EOP@EOP [ OPD ] <James E. Carter>
Courtney S. Elwood/WHO/EOP@EOP [ WHO ] <Courtney S. Elwood>

Sent: 8/27/2001 10:35:40 AM
Subject: Talking Points -- New CBO Budget Estimates
Attachments: F_41QF3004_NSC.TXT_1.doc; F_41QF3004_NSC.TXT_2.doc; F_41QF3004_NSC.TXT_3.doc;
F_41QF3004_NSC.TXT_4.doc; F_41QF3004_NSC.TXT_5.doc; F_41QF3004_NSC.TXT_6.doc

### Begin Original ARMS Header ###
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATION DATE/TIME: 27-AUG-2001 14:35:40.00
SUBJECT: Talking Points -- New CBO Budget Estimates
TO: Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP [ WHO ] )
READ: UNKNOWN
TO: Karen Hughes ( CN=Karen Hughes/OU=WHO/O=EOP [ WHO ] )
READ: UNKNOWN
TO: Noelia Rodriguez ( CN=Noelia Rodriguez/OU=WHO/O=EOP [ WHO ] )
READ: UNKNOWN
When you are asked about the new CBO numbers use the following talking points to respond.

Remember -- talk about the President's priorities like protecting Social Security and Medicare, boosting economic growth, getting our seniors a prescription drug benefit, reforming education, helping our men and women in uniform etc. Don't get drawn into an arcane budget process debate.

Do point out the Democrat record on this issue. Attached are the votes by Democrats against repeal of the tax cut, the votes by Democrats for even more tax relief than became law. Also attached are the talking points from the Mid Session review from a few days ago. Let me know if you need more.
Budget Numbers Talking Points

- **Both sets of numbers show that the surplus is the 2nd largest in history.**

- **The new numbers support the President's argument that the biggest threat to seniors and our economy is irresponsible spending.** In recent years Congress has spent excessively. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to.

- **The President's budget protects Social Security and Medicare.** The size of the surplus has no impact on Social Security benefits, the size of the trust funds or program solvency.

- The best way to guarantee future surpluses is to guarantee future economic growth.

- The President cut taxes to boost our economy and get people money when they need it most – right now.

- **Democrats support the President's tax relief.**
  - 18 Democrats in the Senate voted for the President's tax relief.
  - Democrats -- including Senators Daschle, Conrad, Clinton and Kennedy – joined in a 94-3 vote against repealing the tax cut.
  - These same senators also voted for even more tax relief than became law (See attached votes)

- The President will hold Congress accountable for living within the generous limits of the responsible budget they passed earlier this year. The President will oppose irresponsible spending, and will protect Medicare, Social Security, our armed forces, and the American taxpayer.

- The President's budget funds key priorities:
  - Protects Social Security and Medicare
  - Improves Medicare to help seniors get a prescription drug benefit.
  - Pays down historic amounts of debt -- the most ever and the maximum amount possible without incurring unnecessary premiums.
  - Improves the quality of life and training for our men and women in uniform.
  - Reforms education to focus on results and put accountability in schools.
The Record Says It Best

Those pesky votes & public statements prove all politics is vocal

On July 10, the Senate held a vote on an amendment offered by Democrat Senator Ernest Hollings to repeal the immediate tax rebates. The amendment failed 94-3 – meaning senators like Daschle, Conrad, Kennedy, Byrd, Boxer and Feinstein voted against repealing the tax rebates. (Senate Vote #223 – See attached)

On April 5, Democrat Senator Ernest Hollings offered an amendment to increase the amount of tax relief in 2001 to $85 billion – even larger than the amount that ultimately became law. The amendment passed 94-6 – meaning Senators like Daschle, Conrad, Clinton, Kennedy, Feinstein and Boxer voted for even more tax relief than is now the law of the land (Senate Vote is attached)

A Cross Section of Democrats Who Agree with President Bush on Tax Relief

- Democrat Senator Zell Miller says the tax cut actually “should have been larger and kicked in sooner.”
- Democrat Senator Max Baucus supports the tax cut, he has said he doesn’t think Congress should revisit it, and the Montana Democrat Party has even run ads on his behalf thanking Senator Baucus for supporting the tax cut.
- Democrat Senator Tim Johnson ran a South Dakota radio ad letting families know about their refunds and praising the virtues of the tax cut.
- Democrat Senator Blanche Lincoln praises the tax cut and expresses optimism that the economy will soon rebound.
- Democrat Rep. Mike Ross says his constituents deserved the tax cut. Ross says his constituents are telling him just how important the tax cut is as they prepare to send their kids back to school.
- Democrat Senator Dianne Feinstein on July 1 on CNN talked about the economic benefits of the tax cut, saying she hoped the stimulus portion of the tax cut would move forward to help people who are having trouble making ends meet.
- Democrat Rep. Dennis Moore told the Kansas City Star that he doesn’t think Congress should revisit the tax cut. Moore also said, “I want the President to stick with his promise to be fiscally responsible, and I’ll be backing him up if he does.”
- Democrat Senator John Breaux praises the tax cut.
- Democrat Senator Jean Carnahan says the tax cut will benefit the American people.
- Democrat Senator Max Cleland thinks the tax cut was important to help get our economy moving again.
- Democrat Senator Herb Kohl extolled the virtues of the tax cut for “thousands of Wisconsin families with children.”
- Democrat Senator Bob Toricelli says Congress had an obligation to return the money to taxpayers who had overpaid their government.

(Attached are the actual quotes from the above Democrats)
Questions & Answers about the Mid -Session Review (MSR)

Q: Is there a deficit?

No- In FY 2001, after paying higher Medicare and Social Security expenses and other bills, the surplus will be $158 billion, which will be the second largest surplus in U.S. and world history.

Q: Are we still paying off debt?

Yes- President Bush has put the nation on a track to pay off $2 trillion of the Federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

There is a limit to how quickly debt can be paid off without incurring unnecessary and exorbitant premiums to buy back outstanding bonds before their maturity date.

Q: Are you going to be raiding the Social Security Trust Fund in 2001 or 2002?

No, the level of the surplus has no impact on the Social Security trust fund. Regardless of the level of the unified budget surplus, the Social Security Trust Fund will run an estimated surplus of $158 billion in FY 2001 and $173 billion in FY 2002. Fluctuations in the surplus levels will have no impact on the Social Security surplus, the balances in the Social Security trust fund, or on Social Security spending. Even so, the President has committed to protect every dollar of the Social Security surplus and that is exactly what his budget does.

Q: Is the President raiding Medicare?

No, Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone. The President’s budget fully funds the Medicare Trust Fund. And Medicare spending continues to rise, as required by law. President Bush has pledged to modernize Medicare and seeks to work with Congress to ensure that Medicare meets its obligations to seniors, including a prescription drug benefit.

Q: Was the President’s tax cut too big and irresponsible— sending us back into deficit spending?

No, this is the second largest surplus in our country’s history, and the fiscal condition of the country remains strong, despite an economic slowdown. Further, the tax cut will help ensure that our fiscal condition remains healthy and we continue to run large surpluses by invigorating the economy.

The real threat to the surplus is excessive and wasteful Washington spending. In FY 2001 alone, Congress busted their own budget by $34 billion.

Q: Why has there been such a large change in surplus estimates?

The difference between the April estimates and the current estimates is $123 billion. Most of this is a designed reduction in the surplus ($68 billion). President Bush proposed a tax cut plan to boost our sagging economy and return surplus dollars to the American people, as well as supplemental spending on critical defense needs. The remainder of the change is due to a dip in the economy. The best way to ensure future surpluses is to promote economic growth. President Bush’s tax plan will do that, pumping needed resources into the economy when it is needed most.
Q: The MSR shows a weakening economy. In light of that, should we scale back the tax cut?

No. The tax cut is exactly the right medicine for this economy at exactly the right time. Leading economists agree that the tax cut will boost economic growth and protect the long-term health of our economy—the most important thing we can do to ensure future surpluses.

“The tax bill awaiting President Bush’s signature delivers fiscal stimulus sooner than we’ve been expecting, and it packs a punch: We estimate that it will boost second-half growth by about 1 ¼ percentage points.”
-Morgan Stanley Dean Witter (May 29, 2001)

“I think one point I’d like to get across as well, I think it’s [the tax plan is] very positive for the long-run economy.”
-Mickey Levy, Bank of America (CBS News, June 8, 2001)

“The tax cut comes at a good time and could be an important catalyst in the long-awaited recovery.”
-Jeffrey Feiner, Lehman Brothers (Washington Times, June 22, 2001)

“We estimate that the tax cuts will boost growth by nearly 1 percentage point in the second half of this year.”

“For once, Congress managed to implement a contra-cyclical fiscal policy that should boost economic growth exactly when the economy needs it. The tax cut will pump about $40 billion into the economy during the third quarter and about $70 billion in FY 2002, which begins October 1. The tax cut will boost GDP growth by around ¼ of a percentage point during the second half of 2001 and about ½ of a percentage point in 2002.”
-Bruce Steinberg, Merrill Lynch (June 1, 2001)

Q: Does the President’s tax cut threaten Social Security and Medicare?

No. President Bush is committed to reforming and preserving Social Security and Medicare. With or without the enacted tax cut, benefits in both programs remain the same, the trust funds are protected and the long-term solvency of the programs are unchanged.

Q: Given the new numbers are Seniors’ Social Security and Medicare benefits in jeopardy?

No, Seniors benefits will remain unchanged and in fact Social Security and Medicare spending will continue to grow.

Q: Why are you revising the Social Security figures?

The President is committed to preserving every penny of the Social Security surplus. Given the heightened status, real and symbolic, of the Social Security surplus it is important to measure it accurately. American companies are required to accurately report revenues, and the federal government should do it, too.

Therefore, a $5.6 billion correction to prior year estimates of Social Security payroll tax collections reflects the fact that the Social Security surplus was larger than previously thought in 1998, 1999, and 2000. Counting this revenue as though it had been paid in 2001 overstates the Social Security surplus for this year.

The real size of the Social Security surplus is $157.1 billion. Precise accuracy in determining the Social Security surplus in any year requires comparing actual revenue to actual expenditures.
Q: Is the President cutting Medicare Spending?

Medicare spending increases every year in President Bush’s budget, rising from $217 billion in 2001, to $228 billion in 2002 and to $423 billion in 2011. Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone.

Q: What is happening to the Medicare Trust Fund?

The Medicare Trust Fund is fully credited under the President’s budget, as required by law, rising from $200 billion in 2002 to $737 billion in 2011.

Q: How does the trust fund balances effect the long term solvency of the Medicare Program?

The existence of balances large or small in the Medicare Part A Trust Fund have no effect on the long-term solvency of the program.

The Federal government must do something with the money it has lent itself. It can either pay off part of the publicly-held federal debt or spend the money on other government programs. Either way the same IOU goes in the trust fund.

As the Administration works to reform Medicare it believes that the program must be considered as one entity, rather than separate parts with separate funding streams. With revenue in FY 2001 of $197 billion from payroll taxes and premiums, and outlays of $242 billion, the general Treasury must contribute more than $45 billion to make up the shortfall.

Q: What are people outside the Administration saying about trust funds?

“Does how you use the Medicare annual surplus have any effect on the solvency of the Medicare program? No....[I]rrespective of how the Congress decides to use the annual Medicare surpluses (e.g. tax cuts, spending increases, paying down the debt held by the public), trust fund solvency will not be affected in any way.”

-David M. Walker, Comptroller General of the United States and former Social Security and Medicare trustee, 7/25/01

“The image of raids on the Medicare and Social Security trust funds is false. The surpluses in these trust funds reflect a temporary excess of payroll taxes over current benefits. When this occurs, the trust funds transfer their spare cash to the Treasury, which gives them ‘special issue’ Treasury securities in return. The trust funds get the securities regardless of how the Treasury uses the spare cash -- whether to repay publicly held federal debt or to pay the government’s bills. The trust funds simply aren’t being raided.”

-Robert J. Samuelson, Newsweek, 7/16/01

“[Sen. Kent Conrad’s] message ... is that the Bush tax cuts have so sapped the federal Treasury that they are going to require a ‘Raid on Medicare.’ Even by Washington standards, this is ridiculous. Despite America’s near-recession, there is nothing even close to a federal deficit. This year’s surplus will be somewhat north of $160 billion, the second largest in history after last year’s.”

-Paul A. Gigot, Wall Street Journal, 7/13/01

“Q. What can the government do with the surplus? A. It has to spend it, because the federal government can’t park that much money in a bank without affecting the financial markets. Q. [I]f we spend money intended for Social Security or Medicare on other government programs, aren’t we raiding those programs? A. No. Under government accounting rules, no matter if we use the Social Security and Medicare payroll taxes for debt reduction or plain old spending, the programs receive an equivalent amount in interest-earning Treasury bonds. [N]o matter how the money is used, the programs’ trust funds are unaffected because, in effect, they are lending the money to the United States. Q. So does it make a difference whether we use some of the Medicare funds for spending this year? A. Economically, it means virtually nothing in the short run. The
government is still running a substantial surplus and paying down debt, but because the U.S. economy is so large, the amount of money involved is like pennies.”

-Glenn Kessler, Washington Post, 7/22/01

“When an individual buys a government bond, he or she has established a financial claim against the government. When the government issues a security to one of its own accounts, it hasn’t purchased anything or established a claim against some other person or entity. The key point is that the Trust Funds do not hold financial resources to pay benefits – rather, they provide authority for the Treasury Department to use whatever money it has on hand to pay them. ...[T]he trust funds themselves do not hold or receive money.”

-David Koitz, Congressional Research Service report, 3/20/01

“The ‘lockbox’ is a rhetorical device designed to advance the notion that the government can put money on the shelf today and use it to pay Social Security after 2016. But again, the ‘trust fund’ is merely paper the government has issued to itself.”

-Robert L. Bartley, Wall Street Journal, 7/23/01

“The Social Security trust fund, which is part of the federal government, holds Treasury securities – I.O.U.s from the federal government – to meet its future obligations. Treasury bills are perfectly fine investments. But when they’re held in federal trust funds, Uncle Sam has the same problem redeeming them that you’d have redeeming your own I.O.U.s in your personal trust fund. [T]he government hasn’t stolen Social Security money, as many people believe. The government has, indeed, borrowed the Social Security surplus – the difference between Social Security’s tax revenues and its outlays. It’s replaced the money with I.O.U.s, and spent it.”

-Allan Sloan, Newsweek, 7/30/01

“One of the key issues Democrats are trying to get mileage out of is claiming that the tax cut is eating into the Social Security surplus. This implies, falsely, that Social Security benefits are somehow at risk. In fact, there is essentially no relationship between the size of the Social Security trust fund, or the amount of the budget surplus attributable to the excess of current Social Security revenues over benefits.”

-Bruce Bartlett, The Detroit News, 7/23/01

“They [trust funds] do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government’s ability to pay benefits.”

-President Clinton’s FY 2000 Budget, Analytical Perspectives, page 337

TIME
Mid-Session Review Talking Points

• **Produce Second Largest Surplus in History:** At $158 billion, the 2001 surplus will be the second largest surplus in history. If Congress keeps total spending at the limits agreed to in the Budget Resolution, the 2002 surplus will be even larger -- $173 billion. (In recent years excessive spending has been a problem. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to. President Bush has vowed to reverse this trend and stick to the budget.)

• **Protect Social Security and Medicare:** The President protects the Social Security surplus in 2001 and beyond, reserving it for debt reduction as opposed to other purposes. Every dollar collected for Medicare will be spent on Medicare. The Social Security and Medicare Trust Funds are fully credited and benefits remain the same. The size of the budget surplus has no impact on benefits, the size of the trust funds, or program solvency.

• **Reform Medicare and Provide Prescription Drug Coverage:** The budget review projects to spend $190 billion for Medicare reform including prescription drug coverage. This is $37 billion higher than the April budget submission, in keeping with the President’s Medicare reform framework announced in July.

• **Pay Down Historic Amounts of Debt:** The government is still on track to pay off $2 trillion of federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

• **Provide for a Strong Defense:** The Mid-Session Review projects additional spending of $18.4 billion on national defense in FY 2002 – $198 billion additional over 10 years.

• **Foster Economic Growth:** Leading economists agree that the tax cut enacted under President Bush’s leadership will boost economic growth and protect the long-term health of our economy – the most important thing we can do to ensure future surpluses and protect Medicare and Social Security.

• **Accounting for the Surplus:** The FY 2002 Budget released in April projected a surplus for FY 2001 of $281 billion. The new FY 2001 surplus projection is $158 billion. The $123 billion decrease is due to four factors: 1. decreased revenue from the year long economic slowdown – $46 billion or about 2 percent of revenues; 2. FY 2001 tax rebates – $40 billion; 3. corporate tax timing shift – $28 billion; and 4. defense and farm spending – $9 billion. The decline in the surplus due to factors other than congressional action is approximately 14 percent.

• **Measure Social Security Receipts Accurately:** Due to the intense interest in the relative size of the Social Security surplus, the Mid-Session Review presents the most accurate figures possible.

• **Economic Assumptions:** The extent of the economic slowdown, which commenced in Q3 2000, is greater than most forecasters anticipated. Nonetheless, the economy seems poised to recover, with the tax cut and lower interest rates providing timely stimulus to growth. The Administration projects real GDP growth this year to be 1.7 percent and in 2002 to be 3.2 percent. From 2002 – 2011, the Administration projects real GDP growth will average 3.2 percent per year. The Administration’s projections are well within the range of estimates made by prominent Wall Street and other analysts. The Administration’s 3.2 percent real GDP growth projection is equal to that of the Conference Board, winner of the Annual Blue Chip Economic Forecasting Award, and below that of Merrill Lynch, which projects a 3.5 percent real GDP for 2002.
Senate Vote Summary

Vote Number: 223  Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2  Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
Statement of Purpose: Ensuring funding for defense and education and the
supplemental appropriation by repealing tax cuts for 2001.
Vote Counts:  YEA 3
              NAY 94
              Not Voting 3

Alphabetical by Senator Name

Akaka (D-HI), Nay
Allard (R-CO), Nay
Allen (R-VA), Nay
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Nay
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Nay
Boxer (D-CA), Nay
Breux (D-LA), Nay
Brownback (R-KS), Nay
Bunning (R-KY), Nay
Burns (R-MT), Nay
Byrd (D-WV), Nay
Campbell (R-CO), Nay
Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
Cleland (D-GA), Nay
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Collins (R-ME), Nay
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Corzine (D-NJ), Nay
Craig (R-ID), Nay
Crapo (R-ID), Nay
Daschle (D-SD), Nay
Dayton (D-MN), Nay
DeWine (R-OH), Nay
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Feinstein (D-CA), Nay
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Frist (R-TN), Nay
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Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
    McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
Thomas (R-WY), Nay
Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

Vote Summary

Grouped By Vote Position

YEAs --- 3
Hollings (D-SC)
   Lieberman (D-CT)
   Mikulski (D-MD)

NAYs --- 94
Akaka (D-HI)
Allard (R-CO)
Allen (R-VA)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
Biden (D-DE)
Bingaman (D-NM)
Bond (R-MO)
Boxer (D-CA)
Breaux (D-LA)
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Chafee (R-RI)
Cleland (D-GA)
Cochran (R-MS)
Collins (R-ME)
Conrad (D-ND)
Corzine (D-NJ)
Craig (R-ID)
Crapo (R-ID)
Daschle (D-SD)
Dayton (D-MN)
DeWine (R-OH)
Dodd (D-CT)
Domenici (R-NM)
Dorgan (D-ND)
Durbin (D-IL)
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Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
Frist (R-TN)
Graham (D-FL)
Gramm (R-TX)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Helms (R-NC)
Hutchinson (R-AR)
Hutchison (R-TX)
Inhofe (R-OK)
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Jeffords (I-VT)
Johnson (D-SD)
Kennedy (D-MA)
Kerry (D-MA)
Kohl (D-WI)
Kyl (R-AZ)
Landrieu (D-LA)
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Torricelli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)
  Not Voting --- 3
  Clinton (D-NY)
  Santorum (R-PA)
  Schumer (D-NY)

Vote Summary   By Senator Name   By Vote Position   By Home State   Return to Vote List
BUDGET RESOLUTION/Increase in the Tax-Cut Stimulus Package

SUBJECT:


AMENDMENT AGREED TO, 94-6

SYNOPSIS:

H.Con. Res. 83, the House Concurrent Budget Resolution for fiscal years 2002-2011, will set total spending, revenues, debt reduction, and tax relief over the next 10 years.

The Domenici substitute amendment: would cut the debt held by the public (money that the Government owes to creditors other than itself) by $2.395 trillion over the next 10 years; would assume $29.3 billion in tax relief for fiscal year (FY) 2002 and $1.611 trillion over the next 10 years (which would be sufficient relief to

reduce and restructure marginal income tax rates, double the child credit, reduce the marriage penalty, eliminate

the estate tax (death tax), expand the charitable deduction to non-itemizers, make permanent the research and experimentation tax credit, expand health insurance coverage, raise the adoption credit from $5,000 to $7,500

and make it permanent, expand educational opportunities, and provide energy and conservation tax incentives);

would increase appropriated programs by 4 percent over FY 2001 enacted levels; would fully fund Medicare;
would provide an additional $153.0 billion reserve fund for FYs 2002-2011 for Medicare reform and prescription drug benefits; would save all the Social Security trust fund surpluses over the next 10 years for debt reduction; would ensure a non-Social Security budget surplus for the fourth year in a row; would provide a $60 billion FY 2001 economic tax-cut stimulus package; would end the misuse of advance appropriations; and would leave an $845.7 billion, on-budget surplus ($453.1 billion excluding Medicare Part A funds), which could be used for tax relief, defense spending, agriculture relief, and other purposes.

The Hollings amendment would increase the amount of immediate tax relief that the Domenici amendment would make available, using FY2001 surplus funds, from $60 billion to $85 billion.

Those favoring the amendment contended:

Most economists agree that when an economy starts to slide, a recession can be averted if the government primes the economy quickly with cash. Our economy is in a slide right now; many economists are recommending a cash stimulus package of approximately 1 percent of GDP, or $100 billion. By lucky coincidence, we have nearly that amount ($85 billion) available right now in surplus funds from FY 2001 (we had $95 billion when we started consideration of this resolution, but we have committed about $10 billion for other purposes since that time). The resolution before us suggests $60 billion for a stimulus package; we think that amount is like half a haircut. The Hollings amendment would not contribute all the additional amount needed, but it would get us much closer. How we end up structuring the stimulus tax relief package can be decided later; the sponsor of this amendment favors the same amount of relief being given to all tax filers, regardless even of whether they had any tax liability; other Senators have other preferences. For now, what is important is that we commit to giving $85 billion in immediate tax relief. We are delighted to vote in favor of this amendment.

No arguments were expressed in opposition to the amendment.

VOTING YEAS:

Republicans:
(50 or 100%) Allard Allen Bennett Bond Brownback Bunning Burns Campbell Chafee Cochran Collins Craig Crapo DeWine Domenici Ensign Enzi Fitzgerald Frist Gramm Grassley Gregg Hagel Hatch Helms Hutchinson Hutchison Inhofe Jeffords Kyl Lott Lugar McCain McConnell Murkowski Nickles Roberts Santorum Sessions Shelby Smith, Bob Smith, Gordon Snowe Specter Stevens Thomas Thompson Thurmond Voinovich Warner

Democrats:

(44 or 88%) Akaka Baucus Bayh Biden Bingaman Boxer Breaux Byrd Cantwell Carnahan Cleland Clinton Conrad Daschle Dayton Dorgan Durbin Edwards Feinstein Harkin Hollings Inouye Johnson Kennedy Kerry Kohl Landrieu Leahy Levin Lieberman Lincoln Mikulski Miller Murray NelsonxxBen Reed Reid Rockefeller Sarbanes Schumer Stabenow Torricelli Wellstone Wyden

VOTING NAY:

Republicans:

(0 or 0%)

Democrats:

(6 or 12%) Carper Corzine Dodd Feingold Graham Nelson, Bill

NOT VOTING:

Republicans:

(0)

Democrats:

(0)

ABSENCE CODE: 1-Official Business 2-Necessarily Absent 3-Illness 4-other Symbols: AY-Announced Yea AN-Announced Nay PY-Paired Yea PN-Paired Nay
Senate Vote Summary

Vote Number: 223  Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2  Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
Statement of Purpose: Ensuring funding for defense and education and the
supplemental appropriation by repealing tax cuts for 2001.

Vote Counts:       YEAs 3
                   NAYs 94
                   Not Voting 3

Vote Summary       By Senator Name       By Vote Position       By Home
                   State  Return to Vote List

Alphabetical by Senator Name

Akaka (D-HI), Nay
Allard (R-CO), Nay
Allen (R-VA), Nay
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Nay
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Nay
Boxer (D-CA), Nay
Breaux (D-LA), Nay
Brownback (R-KS), Nay
Bunning (R-KY), Nay
Burns (R-MT), Nay
Byrd (D-WV), Nay
Campbell (R-CO), Nay
Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
Cleland (D-GA), Nay
Clinton (D-NY), Not Voting
Cochran (R-MS), Nay
Collins (R-ME), Nay
Conrad (D-ND), Nay
Corzine (D-NJ), Nay
Craig (R-ID), Nay
Crapo (R-ID), Nay
Daschle (D-SD), Nay
Dayton (D-MN), Nay
DeWine (R-OH), Nay
Dodd (D-CT), Nay
Domenici (R-NM), Nay
Dorgan (D-ND), Nay
Durbin (D-IL), Nay
Edwards (D-NC), Nay
Ensign (R-NV), Nay
Enzi (R-WY), Nay
Feingold (D-WI), Nay
Feinstein (D-CA), Nay
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Nay
Gramm (R-TX), Nay
Grassley (R-IA), Nay
Gregg (R-NH), Nay
Hagel (R-NE), Nay
Harkin (D-IA), Nay
Hatch (R-UT), Nay
Helms (R-NC), Nay
Hollings (D-SC), Yea
Hutchinson (R-AR), Nay
Hutchison (R-TX), Nay
Inhofe (R-OK), Nay
Inouye (D-HI), Nay
Jeffords (I-VT), Nay
Johnson (D-SD), Nay
Kennedy (D-MA), Nay
Kerry (D-MA), Nay
Kohl (D-WI), Nay
Kyl (R-AZ), Nay
Landrieu (D-LA), Nay
Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
Thomas (R-WY), Nay
Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

Vote Summary  By Senator Name  By Vote Position  By Home State  Return to Vote List

Grouped By Vote Position

YEAs --- 3
Hollings (D-SC)
   Lieberman (D-CT)
   Mikulski (D-MD)

NAYs --- 94
Akaka (D-HI)
Allard (R-CO)
Allen (R-VA)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
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Dodd (D-CT)
Domenici (R-NM)
Dorgan (D-ND)
Durbin (D-IL)
Edwards (D-NC)
Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
Frist (R-TN)
Graham (D-FL)
Gramm (R-TX)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Helms (R-NC)
Hutchinson (R-AR)
Hutchison (R-TX)
Inhofe (R-OK)
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Jeffords (I-VT)
Johnson (D-SD)
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Landrieu (D-LA)
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Thurmond (R-SC)
Torricelli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

Not Voting --- 3
Clinton (D-NY)
    Santorum (R-PA)
    Schumer (D-NY)

Vote Summary  By Senator Name  By Vote Position  By Home State  Return to Vote List
8/27/2001 10:37:25 AM

Talking Points -- New CBO Budget Estimates

8/27/2001 10:37:25 AM

Talking Points -- New CBO Budget Estimates

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OVP)
READ: UNKNOWN
TO: Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP
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TO: Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP
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READ: UNKNOWN
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WHO)
READ: UNKNOWN
TO: Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP
OVP)
READ: UNKNOWN
TO: Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP
WHO)
READ: UNKNOWN
TO: Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP
OPD)
READ: UNKNOWN
TO: Donald M. Sumerlin@oa.eop.gov (Donald M._Sumerlin@oa.eop.gov @ inet
UNKNOWN)
READ: UNKNOWN
TO: Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP
OMB)
READ: UNKNOWN
TO: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP
OMB)
READ: UNKNOWN
TO: Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP
OPD)
READ: UNKNOWN
TO: John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP
OPD)
READ: UNKNOWN
TO: Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP
OPD)
READ: UNKNOWN
TO: Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP
OPD)
READ: UNKNOWN
TO: edgillespie@quinnigillespie.com (edgillespie@quinnigillespie.com @ inet
UNKNOWN)
READ: UNKNOWN
TO: christine.iverson@mail.house.gov (christine.iverson@mail.house.gov @ inet
UNKNOWN)
READ: UNKNOWN
TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP
WHO)
READ: UNKNOWN
TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP
WHO)
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TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP
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WHO)
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TO: Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP
WHO)
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TO: charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet
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READ: UNKNOWN
TO: nancy_i._segerdahl@hud.gov (nancy_i._segerdahl@hud.gov @ inet
UNKNOWN)
When you are asked about the new CBO numbers use the following talking points to respond.

Remember -- talk about the President's priorities like protecting Social Security and Medicare, boosting economic growth, getting our seniors a prescription drug benefit, reforming education, helping our men and women in uniform etc. Don't get drawn into an arcane budget process debate.

Do point out the Democrat record on this issue. Attached are the votes by Democrats against repeal of the tax cut, the votes by Democrats for even more tax relief than became law. Also attached are the talking points from the Mid Session review from a few days ago. Let me know if you need more.

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File attachment <F_U2QF3004 NSC.TXT_2>

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File attachment <F_U2QF3004 NSC.TXT_4>

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File attachment <F_U2QF3004 NSC.TXT_5>

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Budget Numbers Talking Points

- **Both sets of numbers show that the surplus is the 2nd largest in history.**

- **The new numbers support the President's argument that the biggest threat to seniors and our economy is irresponsible spending.** In recent years Congress has spent excessively. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to.

- **The President’s budget protects Social Security and Medicare.** The size of the surplus has no impact on Social Security benefits, the size of the trust funds or program solvency.

- The best way to guarantee future surpluses is to guarantee future economic growth.

- The President cut taxes to boost our economy and get people money when they need it most – right now.

- **Democrats support the President’s tax relief.**
  - 18 Democrats in the Senate voted for the President’s tax relief.
  - Democrats -- including Senators Daschle, Conrad, Clinton and Kennedy – joined in a 94-3 vote against repealing the tax cut.
  - These same senators also voted for even more tax relief than became law (See attached votes)

- The President will hold Congress accountable for living within the generous limits of the responsible budget they passed earlier this year. The President will oppose irresponsible spending, and will protect Medicare, Social Security, our armed forces, and the American taxpayer.

- The President’s budget funds key priorities:
  - Protects Social Security and Medicare
  - Improves Medicare to help seniors get a prescription drug benefit.
  - Pays down historic amounts of debt -- the most ever and the maximum amount possible without incurring unnecessary premiums.
  - Improves the quality of life and training for our men and women in uniform.
  - Reforms education to focus on results and put accountability in schools.
The Record Says It Best

*Those pesky votes & public statements prove all politics is vocal*

- On July 10, the Senate held a vote on an amendment offered by Democrat Senator Ernest Hollings to repeal the immediate tax rebates. The amendment failed 94-3 - meaning senators like Daschle, Conrad, Kennedy, Byrd, Boxer and Feinstein voted against repealing the tax rebates. *(Senate Vote #223 – See attached)*

- On April 5, Democrat Senator Ernest Hollings offered an amendment to increase the amount of tax relief in 2001 to $85 billion – even larger than the amount that ultimately became law. The amendment passed 94-6 - meaning Senators like Daschle, Conrad, Clinton, Kennedy, Feinstein and Boxer voted for even more tax relief than is now the law of the land *(Senate Vote is attached)*

A Cross Section of Democrats Who Agree with President Bush on Tax Relief

- Democrat Senator Zell Miller says the tax cut actually “should have been larger and kicked in sooner.”
- Democrat Senator Max Baucus supports the tax cut, he has said he doesn’t think Congress should revisit it, and the Montana Democrat Party has even run ads on his behalf thanking Senator Baucus for supporting the tax cut.
- Democrat Senator Tim Johnson ran a South Dakota radio ad letting families know about their refunds and praising the virtues of the tax cut.
- Democrat Senator Blanche Lincoln praises the tax cut and expresses optimism that the economy will soon rebound.
- Democrat Rep. Mike Ross says his constituents deserved the tax cut. Ross says his constituents are telling him just how important the tax cut is as they prepare to send their kids back to school.
- Democrat Senator Dianne Feinstein on July 1 on CNN talked about the economic benefits of the tax cut, saying she hoped the stimulus portion of the tax cut would move forward to help people who are having trouble making ends meet.
- Democrat Rep. Dennis Moore told the Kansas City Star that he doesn’t think Congress should revisit the tax cut. Moore also said, “I want the President to stick with his promise to be fiscally responsible, and I’ll be backing him up if he does.”
- Democrat Senator John Breaux praises the tax cut.
- Democrat Senator Jean Carnahan says the tax cut will benefit the American people.
- Democrat Senator Max Cleland thinks the tax cut was important to help get our economy moving again.
- Democrat Senator Herb Kohl extolled the virtues of the tax cut for “thousands of Wisconsin families with children.”
- Democrat Senator Bob Toricelli says Congress had an obligation to return the money to taxpayers who had overpaid their government.

*(Attached are the actual quotes from the above Democrats)*
Questions & Answers about the Mid-Session Review (MSR)

Q: Is there a deficit?

No- In FY 2001, after paying higher Medicare and Social Security expenses and other bills, the surplus will be $158 billion, which will be the second largest surplus in U.S. and world history.

Q: Are we still paying off debt?

Yes- President Bush has put the nation on a track to pay off $2 trillion of the Federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

There is a limit to how quickly debt can be paid off without incurring unnecessary and exorbitant premiums to buy back outstanding bonds before their maturity date.

Q: Are you going to be raiding the Social Security Trust Fund in 2001 or 2002?

No, the level of the surplus has no impact on the Social Security trust fund. Regardless of the level of the unified budget surplus, the Social Security Trust Fund will run an estimated surplus of $158 billion in FY 2001 and $173 billion in FY 2002. Fluctuations in the surplus levels will have no impact on the Social Security surplus, the balances in the Social Security trust fund, or on Social Security spending. Even so, the President has committed to protect every dollar of the Social Security surplus and that is exactly what his budget does.

Q: Is the President raiding Medicare?

No, Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone. The President’s budget fully funds the Medicare Trust Fund. And Medicare spending continues to rise, as required by law. President Bush has pledged to modernize Medicare and seeks to work with Congress to ensure that Medicare meets its obligations to seniors, including a prescription drug benefit.

Q: Was the President’s tax cut too big and irresponsible—sending us back into deficit spending?

No, this is the second largest surplus in our country’s history, and the fiscal condition of the country remains strong, despite an economic slowdown. Further, the tax cut will help ensure that our fiscal condition remains healthy and we continue to run large surpluses by invigorating the economy.

The real threat to the surplus is excessive and wasteful Washington spending. In FY 2001 alone, Congress busted their own budget by $34 billion.

Q: Why has there been such a large change in surplus estimates?

The difference between the April estimates and the current estimates is $123 billion. Most of this is a designed reduction in the surplus ($68 billion). President Bush proposed a tax cut plan to boost our sagging economy and return surplus dollars to the American people, as well as supplemental spending on critical defense needs. The remainder of the change is due to a dip in the economy. The best way to ensure future surpluses is to promote economic growth. President Bush’s tax plan will do that, pumping needed resources into the economy when it is needed most.
Q: The MSR shows a weakening economy. In light of that, should we scale back the tax cut?

No, the tax cut is exactly the right medicine for this economy at exactly the right time. Leading economists agree that the tax cut will boost economic growth and protect the long-term health of our economy—the most important thing we can do to ensure future surpluses.

“The tax bill awaiting President Bush’s signature delivers fiscal stimulus sooner than we’ve been expecting, and it packs a punch: We estimate that it will boost second-half growth by about 1 ½ percentage points.”
-Morgan Stanley Dean Witter (May 29, 2001)

“I think one point I’d like to get across as well, I think it’s [the tax plan is] very positive for the long-run economy.”
-Mickey Levy, Bank of America (CBS News, June 8, 2001)

“The tax cut comes at a good time and could be an important catalyst in the long-awaited recovery.”
-Jeffrey Feiner, Lehman Brothers (Washington Times, June 22, 2001)

“We estimate that the tax cuts will boost growth by nearly 1 percentage point in the second half of this year.”

“For once, Congress managed to implement a contra-cyclical fiscal policy that should boost economic growth exactly when the economy needs it. The tax cut will pump about $40 billion into the economy during the third quarter and about $70 billion in FY 2002, which begins October 1. The tax cut will boost GDP growth by around \( \frac{1}{2} \) of a percentage point during the second half of 2001 and about \( \frac{1}{2} \) of a percentage point in 2002.”
-Bruce Steinberg, Merrill Lynch (June 1, 2001)

Q: Does the President’s tax cut threaten Social Security and Medicare?

No, President Bush is committed to reforming and preserving Social Security and Medicare. With or without the enacted tax cut, benefits in both programs remain the same, the trust funds are protected and the long-term solvency of the programs are unchanged.

Q: Given the new numbers are Seniors’ Social Security and Medicare benefits in jeopardy?

No, Seniors benefits will remain unchanged and in fact Social Security and Medicare spending will continue to grow.

Q: Why are you revising the Social Security figures?

The President is committed to preserving every penny of the Social Security surplus. Given the heightened status, real and symbolic, of the Social Security surplus it is important to measure it accurately. American companies are required to accurately report revenues, and the federal government should do it, too.

Therefore, a $5.6 billion correction to prior year estimates of Social Security payroll tax collections reflects the fact that the Social Security surplus was larger than previously thought in 1998, 1999, and 2000. Counting this revenue as though it had been paid in 2001 overstates the Social Security surplus for this year.

The real size of the Social Security surplus is $157.1 billion. Precise accuracy in determining the Social Security surplus in any year requires comparing actual revenue to actual expenditures.
**Q: Is the President cutting Medicare Spending?**

Medicare spending increases every year in President Bush’s budget, rising from $217 billion in 2001, to $228 billion in 2002 and to $423 billion in 2011. Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone.

**Q: What is happening to the Medicare Trust Fund?**

The Medicare Trust Fund is fully credited under the President’s budget, as required by law, rising from $200 billion in 2002 to $737 billion in 2011.

**Q: How does the trust fund balances effect the long term solvency of the Medicare Program?**

The existence of balances large or small in the Medicare Part A Trust Fund have no effect on the long-term solvency of the program.

The Federal government must do something with the money it has lent itself. It can either pay off part of the publicly-held federal debt or spend the money on other government programs. Either way the same IOU goes in the trust fund.

As the Administration works to reform Medicare it believes that the program must be considered as one entity, rather than separate parts with separate funding streams. With revenue in FY 2001 of $197 billion from payroll taxes and premiums, and outlays of $242 billion, the general Treasury must contribute more than $45 billion to make up the shortfall.

**Q: What are people outside the Administration saying about trust funds?**

“Does how you use the Medicare annual surplus have any effect on the solvency of the Medicare program? No. . . . irrespective of how the Congress decides to use the annual Medicare surpluses (e.g. tax cuts, spending increases, paying down the debt held by the public), trust fund solvency will not be affected in any way.”

-David M. Walker, Comptroller General of the United States and former Social Security and Medicare trustee, 7/25/01

“The image of raids on the Medicare and Social Security trust funds is false. The surpluses in these trust funds reflect a temporary excess of payroll taxes over current benefits. When this occurs, the trust funds transfer their spare cash to the Treasury, which gives them ‘special issue’ Treasury securities in return. The trust funds get the securities regardless of how the Treasury uses the spare cash -- whether to repay publicly held federal debt or to pay the government’s bills. The trust funds simply aren’t being raided.”

-Robert J. Samuelson, Newsweek, 7/16/01

“[Sen. Kent Conrad’s] message . . . is that the Bush tax cuts have so sapped the federal Treasury that they are going to require a ‘Raid on Medicare.’ Even by Washington standards, this is ridiculous. Despite America’s near-recession, there is nothing even close to a federal deficit. This year’s surplus will be somewhat north of $160 billion, the second largest in history after last year’s.”

-Paul A. Gigot, Wall Street Journal, 7/13/01

“What can the government do with the surplus? A. It has to spend it, because the federal government can’t park that much money in a bank without affecting the financial markets. Q. [I]f we spend money intended for Social Security or Medicare on other government programs, aren’t we raiding those programs? A. No. Under government accounting rules, no matter if we use the Social Security and Medicare payroll taxes for debt reduction or plain old spending, the programs receive an equivalent amount in interest-earning Treasury bonds. [N]o matter how the money is used, the programs’ trust funds are unaffected because, in effect, they are lending the money to the United States. Q. So does it make a difference whether we use some of the Medicare funds for spending this year? A. Economically, it means virtually nothing in the short run. The
government is still running a substantial surplus and paying down debt, but because the U.S. economy is so large, the amount of money involved is like pennies.”

-Glenn Kessler, Washington Post, 7/22/01

“When an individual buys a government bond, he or she has established a financial claim against the government. When the government issues a security to one of its own accounts, it hasn’t purchased anything or established a claim against some other person or entity. The key point is that the Trust Funds do not hold financial resources to pay benefits – rather, they provide authority for the Treasury Department to use whatever money it has on hand to pay them. ...[T]he trust funds themselves do not hold or receive money.”

-David Koitz, Congressional Research Service report, 3/20/01

“The ‘lockbox’ is a rhetorical device designed to advance the notion that the government can put money on the shelf today and use it to pay Social Security after 2016. But again, the ‘trust fund’ is merely paper the government has issued to itself.”

-Robert L. Bartley, Wall Street Journal, 7/23/01

“The Social Security trust fund, which is part of the federal government, holds Treasury securities – I.O.U.s from the federal government – to meet its future obligations. Treasury bills are perfectly fine investments. But when they’re held in federal trust funds, Uncle Sam has the same problem redeeming them that you’d have redeeming you own I.O.U.s in your personal trust fund. [T]he government hasn’t stolen Social Security money, as many people believe. The government has, indeed, borrowed the Social Security surplus – the difference between Social Security’s tax revenues and its outlays. It’s replaced the money with I.O.U.s, and spent it.”

-Allan Sloan, Newsweek, 7/30/01

“One of the key issues Democrats are trying to get mileage out of is claiming that the tax cut is eating into the Social Security surplus. This implies, falsely, that Social Security benefits are somehow at risk. In fact, there is essentially no relationship between the size of the Social Security trust fund, or the amount of the budget surplus attributable to the excess of current Social Security revenues over benefits.”

-Bruce Bartlett, The Detroit News, 7/23/01

“They [trust funds] do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government’s ability to pay benefits.”

-President Clinton’s FY 2000 Budget, Analytical Perspectives, page 337
Mid-Session Review Talking Points

- **Produce Second Largest Surplus in History:** At $158 billion, the 2001 surplus will be the second largest surplus in history. If Congress keeps total spending at the limits agreed to in the Budget Resolution, the 2002 surplus will be even larger -- $173 billion. (In recent years excessive spending has been a problem. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to. President Bush has vowed to reverse this trend and stick to the budget.)

- **Protect Social Security and Medicare:** The President protects the Social Security surplus in 2001 and beyond, reserving it for debt reduction as opposed to other purposes. Every dollar collected for Medicare will be spent on Medicare. The Social Security and Medicare Trust Funds are fully credited and benefits remain the same. The size of the budget surplus has no impact on benefits, the size of the trust funds, or program solvency.

- **Reform Medicare and Provide Prescription Drug Coverage:** The budget review projects to spend $190 billion for Medicare reform including prescription drug coverage. This is $37 billion higher than the April budget submission, in keeping with the President’s Medicare reform framework announced in July.

- **Pay Down Historic Amounts of Debt:** The government is still on track to pay off $2 trillion of federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

- **Provide for a Strong Defense:** The Mid-Session Review projects additional spending of $18.4 billion on national defense in FY 2002 — $198 billion additional over 10 years.

- **Foster Economic Growth:** Leading economists agree that the tax cut enacted under President Bush’s leadership will boost economic growth and protect the long-term health of our economy – the most important thing we can do to ensure future surpluses and protect Medicare and Social Security.

- **Accounting for the Surplus:** The FY 2002 Budget released in April projected a surplus for FY 2001 of $281 billion. The new FY 2001 surplus projection is $158 billion. The $123 billion decrease is due to four factors: 1. decreased revenue from the year long economic slowdown — $46 billion or about 2 percent of revenues; 2. FY 2001 tax rebates — $40 billion; 3. corporate tax timing shift — $28 billion; and 4. defense and farm spending — $9 billion. The decline in the surplus due to factors other than congressional action is approximately 14 percent.

- **Measure Social Security Receipts Accurately:** Due to the intense interest in the relative size of the Social Security surplus, the Mid-Session Review presents the most accurate figures possible.

- **Economic Assumptions:** The extent of the economic slowdown, which commenced in Q3 2000, is greater than most forecasters anticipated. Nonetheless, the economy seems poised to recover, with the tax cut and lower interest rates providing timely stimulus to growth. The Administration projects real GDP growth this year to be 1.7 percent and in 2002 to be 3.2 percent. From 2002 – 2011, the Administration projects real GDP growth will average 3.2 percent per year. The Administration’s projections are well within the range of estimates made by prominent Wall Street and other analysts. The Administration’s 3.2 percent real GDP growth projection is equal to that of the Conference Board, winner of the Annual Blue Chip Economic Forecasting Award, and below that of Merrill Lynch, which projects a 3.5 percent real GDP for 2002.
Senate Vote Summary

Vote Number: 223  Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2  Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
Statement of Purpose: Ensuring funding for defense and education and the supplemental appropriation by repealing tax cuts for 2001.
Vote Counts:  

YEA  3
NAY  94
Not Voting  3

Alphabetical by Senator Name

Akaka (D-HI), Nay
Allard (R-CO), Nay
Allen (R-VA), Nay
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Nay
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Nay
Boxer (D-CA), Nay
Breault (D-LA), Nay
Brownback (R-KS), Nay
Bunning (R-KY), Nay
Burns (R-MT), Nay
Byrd (D-WV), Nay
Campbell (R-CO), Nay
Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
Cleland (D-GA), Nay
Clinton (D-NY), Not Voting
Cochran (R-MS), Nay
Collins (R-ME), Nay
Conrad (D-ND), Nay
Corzine (D-NJ), Nay
Craig (R-ID), Nay
Crapo (R-ID), Nay
Daschle (D-SD), Nay
Dayton (D-MN), Nay
DeWine (R-OH), Nay
Dodd (D-CT), Nay
Domenici (R-NM), Nay
Dorgan (D-ND), Nay
   Durbin (D-IL), Nay
Edwards (D-NC), Nay
Ensign (R-NV), Nay
Enzi (R-WY), Nay
Feingold (D-WI), Nay
Feinstein (D-CA), Nay
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Nay
Gramm (R-TX), Nay
Grassley (R-IA), Nay
Gregg (R-NH), Nay
Hagel (R-NE), Nay
Harkin (D-IA), Nay
Hatch (R-UT), Nay
Helms (R-NC), Nay
Hollings (D-SC), Yea
Hutchinson (R-AR), Nay
Hutchison (R-TX), Nay
Inhofe (R-OK), Nay
Inouye (D-HI), Nay
Jeffords (I-VT), Nay
Johnson (D-SD), Nay
Kennedy (D-MA), Nay
Kerry (D-MA), Nay
Kohl (D-WI), Nay
Kyl (R-AZ), Nay
Landrieu (D-LA), Nay
Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
   McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
Thomas (R-WY), Nay
Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

Vote Summary  By Senator Name  By Vote Position  By Home State  Return to Vote List

Grouped By Vote Position

YEAs --- 3
Hollings (D-SC)
  Lieberman (D-CT)
  Mikulski (D-MD)

NAYs --- 94
Akaka (D-HI)
Allard (R-CO)
Allen (R-VA)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
Biden (D-DE)
Bingaman (D-NM)
Bond (R-MO)
Boxer (D-CA)
Breaux (D-LA)
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Burns (R-MT)
Byrd (D-WV)
Campbell (R-CO)
Cantwell (D-WA)
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Carper (D-DE)
Chafee (R-RI)
Cleland (D-GA)
Cochran (R-MS)
Collins (R-ME)
Conrad (D-ND)
Corzine (D-NJ)
Craig (R-ID)
Crapo (R-ID)
Daschle (D-SD)
Dayton (D-MN)
DeWine (R-OH)
Dodd (D-CT)
Domenici (R-NM)
Dorgan (D-ND)
Durbin (D-IL)
Edwards (D-NC)
Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Fitzgerald (R-IL)
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Graham (D-FL)
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Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Helms (R-NC)
Hutchinson (R-AR)
Hutchison (R-TX)
Inhofe (R-OK)
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Jeffords (I-VT)
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Kyl (R-AZ)
Landrieu (D-LA)
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Lincoln (D-AR)
Lott (R-MS)
Lugar (R-IN)
McCain (R-AZ)
McConnell (R-KY)
Miller (D-GA)
Murkowski (R-AK)
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Nelson (D-FL)
Nelson (D-NE)
Nickles (R-OK)
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Shelby (R-AL)
Smith (R-NH)
Smith (R-OR)
Snowe (R-ME)
Specter (R-PA)
Stabenow (D-MI)
Stevens (R-AK)
Thomas (R-WY)
Thompson (R-TN)
Thurmond (R-SC)
Torriceilli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

Not Voting --- 3
Clinton (D-NY)
  Santorum (R-PA)
  Schumer (D-NY)

Vote Summary  By Senator Name  By Vote Position  By Home State  Return to Vote List
BUDGET RESOLUTION/Increase in the Tax-Cut Stimulus Package

SUBJECT:


AMENDMENT AGREED TO, 94-6

SYNOPSIS:

H.Con. Res. 83, the House Concurrent Budget Resolution for fiscal years 2002-2011, will set total spending, revenues, debt reduction, and tax relief over the next 10 years. The Domenici substitute amendment: would cut the debt held by the public (money that the Government owes to creditors other than itself) by $2.395 trillion over the next 10 years; would assume $29.3 billion in tax relief for fiscal year (FY) 2002 and $1.611 trillion over the next 10 years (which would be sufficient relief to reduce and restructure marginal income tax rates, double the child credit, reduce the marriage penalty, eliminate the estate tax (death tax), expand the charitable deduction to non-itemizers, make permanent the research and experimentation tax credit, expand health insurance coverage, raise the adoption credit from $5,000 to $7,500 and make it permanent, expand educational opportunities, and provide energy and conservation tax incentives); would increase appropriated programs by 4 percent over FY 2001 enacted levels; would fully fund Medicare;
would provide an additional $153.0 billion reserve fund for FYs 2002-2011 for Medicare reform and prescription drug benefits; would save all the Social Security trust fund surpluses over the next 10 years for debt reduction; would ensure a non-Social Security budget surplus for the fourth year in a row; would provide a $60 billion FY 2001 economic tax-cut stimulus package; would end the misuse of advance appropriations; and would leave an $845.7 billion, on-budget surplus ($453.1 billion excluding Medicare Part A funds), which could be used for tax relief, defense spending, agriculture relief, and other purposes.

The Hollings amendment would increase the amount of immediate tax relief that the Domenici amendment would make available, using FY2001 surplus funds, from $60 billion to $85 billion.

Those favoring the amendment contended:

Most economists agree that when an economy starts to slide, a recession can be averted if the government primes the economy quickly with cash. Our economy is in a slide right now; many economists are recommending a cash stimulus package of approximately 1 percent of GDP, or $100 billion. By lucky coincidence, we have nearly that amount ($85 billion) available right now in surplus funds from FY 2001 (we had $95 billion when we started consideration of this resolution, but we have committed about $10 billion for other purposes since that time). The resolution before us suggests $60 billion for a stimulus package; we think that amount is like half a haircut. The Hollings amendment would not contribute all the additional amount needed, but it would get us much closer. How we end up structuring the stimulus tax relief package can be decided later; the sponsor of this amendment favors the same amount of relief being given to all tax filers, regardless even of whether they had any tax liability; other Senators have other preferences. For now, what is important is that we commit to giving $85 billion in immediate tax relief. We are delighted to vote in favor of this amendment.

No arguments were expressed in opposition to the amendment.

VOTING YEA:

Republicans:
(50 or 100%) Allard Allen Bennett Bond Brownback Bunning Burns Campbell Chafee Cochran Collins Craig Crapo DeWine Domenici Ensign Enzi Fitzgerald Frist Gramm Grassley Gregg Hagel Hatch Helms Hutchinson Hutchison Inhofe Jeffords Kyl Lott Lugar McCain McConnell Murkowski Nickles Roberts Santorum Sessions Shelby Smith, Bob Smith, Gordon Snowe Specter Stevens Thomas Thompson Thurmond Voinovich Warner

Democrats:

(44 or 88%) Akaka Baucus Bayh Biden Bingaman Boxer Breaux Byrd Cantwell Carnahan Cleland Clinton Conrad Daschle Dayton Dorgan Durbin Edwards Feinstein Harkin Hollings Inouye Johnson Kennedy Kerry Kohl Landrieu Leahy Levin Lieberman Lincoln Mikulski Miller Murray NelsonxxBen Reed Reid Rockefeller Sarbanes Schumer Stabenow Torricelli Wellstone Wyden

VOTING NAY:

Republicans:

(0 or 0%)

Democrats:

(6 or 12%) Carper Corzine Dodd Feingold Graham Nelson, Bill

NOT VOTING:

Republicans:

(0)

Democrats:

(0)

ABSENCE CODE: 1-Official Business 2-Necessarily Absent 3-Illness 4-other Symbols: AY-Announced Yea AN-Announced Nay PY-Paired Yea PN-Paired Nay
Sent: 8/27/2001 10:37:25 AM

Subject: Talking Points -- New CBO Budget Estimates

Attachments: 02749_p_u2qf3004_who.txt_1.doc; 02749_p_u2qf3004_who.txt_2.doc; 02749_p_u2qf3004_who.txt_3.doc; 02749_p_u2qf3004_who.txt_4.doc; 02749_p_u2qf3004_who.txt_5.doc; 02749_p_u2qf3004_who.txt_6.doc
When you are asked about the new CBO numbers use the following talking points to respond.

Remember -- talk about the President's priorities like protecting Social Security and Medicare, boosting economic growth, getting our seniors a prescription drug benefit, reforming education, helping our men and women in uniform etc. Don't get drawn into an arcane budget process debate.

Do point out the Democrat record on this issue. Attached are the votes by Democrats against repeal of the tax cut, the votes by Democrats for even more tax relief than became law. Also attached are the talking points from the Mid Session review from a few days ago. Let me know if you need more.
Budget Numbers Talking Points

- Both sets of numbers show that the surplus is the 2nd largest in history.

- The new numbers support the President's argument that the biggest threat to seniors and our economy is irresponsible spending. In recent years Congress has spent excessively. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to.

- The President's budget protects Social Security and Medicare. The size of the surplus has no impact on Social Security benefits, the size of the trust funds or program solvency.

- The best way to guarantee future surpluses is to guarantee future economic growth.

- The President cut taxes to boost our economy and get people money when they need it most – right now.

- Democrats support the President's tax relief.
  - 18 Democrats in the Senate voted for the President's tax relief.
  - Democrats -- including Senators Daschle, Conrad, Clinton and Kennedy -- joined in a 94-3 vote against repealing the tax cut.
  - These same senators also voted for even more tax relief than became law (See attached votes)

- The President will hold Congress accountable for living within the generous limits of the responsible budget they passed earlier this year. The President will oppose irresponsible spending, and will protect Medicare, Social Security, our armed forces, and the American taxpayer.

- The President's budget funds key priorities:
  - Protects Social Security and Medicare
  - Improves Medicare to help seniors get a prescription drug benefit.
  - Pays down historic amounts of debt -- the most ever and the maximum amount possible without incurring unnecessary premiums.
  - Improves the quality of life and training for our men and women in uniform.
  - Reforms education to focus on results and put accountability in schools.
The Record Says It Best

_Those pesky votes & public statements prove all politics is vocal_

On July 10, the Senate held a vote on an amendment offered by Democrat Senator Ernest Hollings to repeal the immediate tax rebates. **The amendment failed 94-3** – meaning senators like Daschle, Conrad, Kennedy, Byrd, Boxer and Feinstein voted against repealing the tax rebates. *(Senate Vote #223 – See attached)*

On April 5, Democrat Senator Ernest Hollings offered an amendment to increase the amount of tax relief in 2001 to $85 billion – even larger than the amount that ultimately became law. **The amendment passed 94-6** – meaning Senators like Daschle, Conrad, Clinton, Kennedy, Feinstein and Boxer voted for even more tax relief than is now the law of the land *(Senate Vote is attached)*

A Cross Section of Democrats Who Agree with President Bush on Tax Relief

- Democrat Senator Zell Miller says the tax cut actually “should have been larger and kicked in sooner."
- Democrat Senator Max Baucus supports the tax cut, he has said he doesn’t think Congress should revisit it, and the Montana Democrat Party has even run ads on his behalf thanking Senator Baucus for supporting the tax cut.
- Democrat Senator Tim Johnson ran a South Dakota radio ad letting families know about their refunds and praising the virtues of the tax cut.
- Democrat Senator Blanche Lincoln praises the tax cut and expresses optimism that the economy will soon rebound.
- Democrat Rep. Mike Ross says his constituents deserved the tax cut. Ross says his constituents are telling him just how important the tax cut is as they prepare to send their kids back to school.
- Democrat Senator Dianne Feinstein on July 1 on CNN talked about the economic benefits of the tax cut, saying she hoped the stimulus portion of the tax cut would move forward to help people who are having trouble making ends meet.
- Democrat Rep. Dennis Moore told the Kansas City Star that he doesn’t think Congress should revisit the tax cut. Moore also said, “I want the President to stick with his promise to be fiscally responsible, and I’ll be backing him up if he does.”
- Democrat Senator John Breaux praises the tax cut.
- Democrat Senator Jean Carnahan says the tax cut will benefit the American people.
- Democrat Senator Max Cleland thinks the tax cut was important to help get our economy moving again.
- Democrat Senator Herb Kohl extolled the virtues of the tax cut for “thousands of Wisconsin families with children.”
- Democrat Senator Bob Toricelli says Congress had an obligation to return the money to taxpayers who had overpaid their government.

*(Attached are the actual quotes from the above Democrats)*
Questions & Answers about the Mid-Session Review (MSR)

Q: Is there a deficit?

No- In FY 2001, after paying higher Medicare and Social Security expenses and other bills, the surplus will be $158 billion, which will be the second largest surplus in U.S. and world history.

Q: Are we still paying off debt?

Yes- President Bush has put the nation on a track to pay off $2 trillion of the Federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

There is a limit to how quickly debt can be paid off without incurring unnecessary and exorbitant premiums to buy back outstanding bonds before their maturity date.

Q: Are you going to be raiding the Social Security Trust Fund in 2001 or 2002?

No, the level of the surplus has no impact on the Social Security trust fund. Regardless of the level of the unified budget surplus, the Social Security Trust Fund will run an estimated surplus of $158 billion in FY 2001 and $173 billion in FY 2002. Fluctuations in the surplus levels will have no impact on the Social Security surplus, the balances in the Social Security trust fund, or on Social Security spending. Even so, the President has committed to protect every dollar of the Social Security surplus and that is exactly what his budget does.

Q: Is the President raiding Medicare?

No, Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone. The President’s budget fully funds the Medicare Trust Fund. And Medicare spending continues to rise, as required by law. President Bush has pledged to modernize Medicare and seeks to work with Congress to ensure that Medicare meets its obligations to seniors, including a prescription drug benefit.

Q: Was the President’s tax cut too big and irresponsible—sending us back into deficit spending?

No, this is the second largest surplus in our country’s history, and the fiscal condition of the country remains strong, despite an economic slowdown. Further, the tax cut will help ensure that our fiscal condition remains healthy and we continue to run large surpluses by invigorating the economy.

The real threat to the surplus is excessive and wasteful Washington spending. In FY 2001 alone, Congress busted their own budget by $34 billion.

Q: Why has there been such a large change in surplus estimates?

The difference between the April estimates and the current estimates is $123 billion. Most of this is a designed reduction in the surplus ($68 billion). President Bush proposed a tax cut plan to boost our sagging economy and return surplus dollars to the American people, as well as supplemental spending on critical defense needs. The remainder of the change is due to a dip in the economy. The best way to ensure future surpluses is to promote economic growth. President Bush’s tax plan will do that, pumping needed resources into the economy when it is needed most.
Q: The MSR shows a weakening economy. In light of that, should we scale back the tax cut?

No, the tax cut is exactly the right medicine for this economy at exactly the right time. Leading economists agree that the tax cut will boost economic growth and protect the long-term health of our economy—the most important thing we can do to ensure future surpluses.

“The tax bill awaiting President Bush’s signature delivers fiscal stimulus sooner than we’ve been expecting, and it packs a punch: We estimate that it will boost second-half growth by about 1 ¼ percentage points.”
-Morgan Stanley Dean Witter (May 29, 2001)

“I think one point I’d like to get across as well, I think it’s [the tax plan is] very positive for the long-run economy.”
-Mickey Levy, Bank of America (CBS News, June 8, 2001)

“The tax cut comes at a good time and could be an important catalyst in the long-awaited recovery.”
-Jeffrey Feiner, Lehman Brothers (Washington Times, June 22, 2001)

“We estimate that the tax cuts will boost growth by nearly 1 percentage point in the second half of this year.”

“For once, Congress managed to implement a contra-cyclical fiscal policy that should boost economic growth exactly when the economy needs it. The tax cut will pump about $40 billion into the economy during the third quarter and about $70 billion in FY 2002, which begins October 1. The tax cut will boost GDP growth by around ¾ of a percentage point during the second half of 2001 and about ½ of a percentage point in 2002.”
-Bruce Steinberg, Merrill Lynch (June 1, 2001)

Q: Does the President’s tax cut threaten Social Security and Medicare?

No, President Bush is committed to reforming and preserving Social Security and Medicare. With or without the enacted tax cut, benefits in both programs remain the same, the trust funds are protected and the long-term solvency of the programs are unchanged.

Q: Given the new numbers are Seniors’ Social Security and Medicare benefits in jeopardy?

No, Seniors benefits will remain unchanged and in fact Social Security and Medicare spending will continue to grow.

Q: Why are you revising the Social Security figures?

The President is committed to preserving every penny of the Social Security surplus. Given the heightened status, real and symbolic, of the Social Security surplus it is important to measure it accurately. American companies are required to accurately report revenues, and the federal government should do it, too.

Therefore, a $5.6 billion correction to prior year estimates of Social Security payroll tax collections reflects the fact that the Social Security surplus was larger than previously thought in 1998, 1999, and 2000. Counting this revenue as though it had been paid in 2001 overstates the Social Security surplus for this year.

The real size of the Social Security surplus is $157.1 billion. Precise accuracy in determining the Social Security surplus in any year requires comparing actual revenue to actual expenditures.
Q: Is the President cutting Medicare Spending?

Medicare spending increases every year in President Bush’s budget, rising from $217 billion in 2001, to $228 billion in 2002 and to $423 billion in 2011. Under the President’s budget every penny of Medicare is spent on Medicare and Medicare alone.

Q: What is happening to the Medicare Trust Fund?

The Medicare Trust Fund is fully credited under the President’s budget, as required by law, rising from $200 billion in 2002 to $737 billion in 2011.

Q: How does the trust fund balances effect the long term solvency of the Medicare Program?

The existence of balances large or small in the Medicare Part A Trust Fund have no effect on the long-term solvency of the program.

The Federal government must do something with the money it has lent itself. It can either pay off part of the publicly-held federal debt or spend the money on other government programs. Either way the same IOU goes in the trust fund.

As the Administration works to reform Medicare it believes that the program must be considered as one entity, rather than separate parts with separate funding streams. With revenue in FY 2001 of $197 billion from payroll taxes and premiums, and outlays of $242 billion, the general Treasury must contribute more than $45 billion to make up the shortfall.

Q: What are people outside the Administration saying about trust funds?

“Does how you use the Medicare annual surplus have any effect on the solvency of the Medicare program? No...[I]rrespective of how the Congress decides to use the annual Medicare surpluses (e.g. tax cuts, spending increases, paying down the debt held by the public), trust fund solvency will not be affected in any way.”

-David M. Walker, Comptroller General of the United States and former Social Security and Medicare trustee, 7/25/01

“The image of raids on the Medicare and Social Security trust funds is false. The surpluses in these trust funds reflect a temporary excess of payroll taxes over current benefits. When this occurs, the trust funds transfer their spare cash to the Treasury, which gives them ‘special issue’ Treasury securities in return. The trust funds get the securities regardless of how the Treasury uses the spare cash -- whether to repay publicly held federal debt or to pay the government’s bills. The trust funds simply aren’t being raided.”

-Robert J. Samuelson, Newsweek, 7/16/01

“[Sen. Kent Conrad’s] message ... is that the Bush tax cuts have so sapped the federal Treasury that they are going to require a ‘Raid on Medicare.’ Even by Washington standards, this is ridiculous. Despite America’s near-recession, there is nothing even close to a federal deficit. This year’s surplus will be somewhat north of $160 billion, the second largest in history after last year’s.”

-Paul A. Gigot, Wall Street Journal, 7/13/01

“Q. What can the government do with the surplus? A. It has to spend it, because the federal government can’t park that much money in a bank without affecting the financial markets. Q. [I]f we spend money intended for Social Security or Medicare on other government programs, aren’t we raiding those programs? A. No. Under government accounting rules, no matter if we use the Social Security and Medicare payroll taxes for debt reduction or plain old spending, the programs receive an equivalent amount in interest-earning Treasury bonds. [N]o matter how the money is used, the programs’ trust funds are unaffected because, in effect, they are lending the money to the United States. Q. So does it make a difference whether we use some of the Medicare funds for spending this year? A. Economically, it means virtually nothing in the short run. The
government is still running a substantial surplus and paying down debt, but because the U.S. economy is so large, the amount of money involved is like pennies.”
- Glenn Kessler, Washington Post, 7/22/01

“When an individual buys a government bond, he or she has established a financial claim against the government. When the government issues a security to one of its own accounts, it hasn’t purchased anything or established a claim against some other person or entity. The key point is that the Trust Funds do not hold financial resources to pay benefits — rather, they provide authority for the Treasury Department to use whatever money it has on hand to pay them. …[T]he trust funds themselves do not hold or receive money.”
- David Koitz, Congressional Research Service report, 3/20/01

“The ‘lockbox’ is a rhetorical device designed to advance the notion that the government can put money on the shelf today and use it to pay Social Security after 2016. But again, the ‘trust fund’ is merely paper the government has issued to itself.”
- Robert L. Bartley, Wall Street Journal, 7/23/01

“The Social Security trust fund, which is part of the federal government, holds Treasury securities — I.O.U.s from the federal government — to meet its future obligations. Treasury bills are perfectly fine investments. But when they’re held in federal trust funds, Uncle Sam has the same problem redeeming them that you’d have redeeming you own I.O.U.s in your personal trust fund. [T]he government hasn’t stolen Social Security money, as many people believe. The government has, indeed, borrowed the Social Security surplus — the difference between Social Security’s tax revenues and its outlays. It’s replaced the money with I.O.U.s, and spent it.”
- Allan Sloan, Newsweek, 7/30/01

“One of the key issues Democrats are trying to get mileage out of is claiming that the tax cut is eating into the Social Security surplus. This implies, falsely, that Social Security benefits are somehow at risk. In fact, there is essentially no relationship between the size of the Social Security trust fund, or the amount of the budget surplus attributable to the excess of current Social Security revenues over benefits.”
- Bruce Bartlett, The Detroit News, 7/23/01

“They [trust funds] do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government’s ability to pay benefits.”
- President Clinton’s FY 2000 Budget, Analytical Perspectives, page 337

TIME
Mid-Session Review Talking Points

- **Produce Second Largest Surplus in History**: At $158 billion, the 2001 surplus will be the second largest surplus in history. If Congress keeps total spending at the limits agreed to in the Budget Resolution, the 2002 surplus will be even larger -- $173 billion. (In recent years excessive spending has been a problem. For example, last December Congress and the Clinton Administration spent $35 billion more than the budget they agreed to. President Bush has vowed to reverse this trend and stick to the budget.)

- **Protect Social Security and Medicare**: The President protects the Social Security surplus in 2001 and beyond, reserving it for debt reduction as opposed to other purposes. Every dollar collected for Medicare will be spent on Medicare. The Social Security and Medicare Trust Funds are fully credited and benefits remain the same. The size of the budget surplus has no impact on benefits, the size of the trust funds, or program solvency.

- **Reform Medicare and Provide Prescription Drug Coverage**: The budget review projects to spend $190 billion for Medicare reform including prescription drug coverage. This is $37 billion higher than the April budget submission, in keeping with the President’s Medicare reform framework announced in July.

- **Pay Down Historic Amounts of Debt**: The government is still on track to pay off $2 trillion of federal debt over the next ten years, which is the most ever and the maximum amount possible without incurring unnecessary premiums.

- **Provide for a Strong Defense**: The Mid-Session Review projects additional spending of $18.4 billion on national defense in FY 2002 – $198 billion additional over 10 years.

- **Foster Economic Growth**: Leading economists agree that the tax cut enacted under President Bush’s leadership will boost economic growth and protect the long-term health of our economy – the most important thing we can do to ensure future surpluses and protect Medicare and Social Security.

- **Accounting for the Surplus**: The FY 2002 Budget released in April projected a surplus for FY 2001 of $281 billion. The new FY 2001 surplus projection is $158 billion. The $123 billion decrease is due to four factors: 1. decreased revenue from the year long economic slowdown – $46 billion or about 2 percent of revenues; 2. FY 2001 tax rebates – $40 billion; 3. corporate tax timing shift – $28 billion; and 4. defense and farm spending – $9 billion. The decline in the surplus due to factors other than congressional action is approximately 14 percent.

- **Measure Social Security Receipts Accurately**: Due to the intense interest in the relative size of the Social Security surplus, the Mid-Session Review presents the most accurate figures possible.

- **Economic Assumptions**: The extent of the economic slowdown, which commenced in Q3 2000, is greater than most forecasters anticipated. Nonetheless, the economy seems poised to recover, with the tax cut and lower interest rates providing timely stimulus to growth. The Administration projects real GDP growth this year to be 1.7 percent and in 2002 to be 3.2 percent. From 2002 – 2011, the Administration projects real GDP growth will average 3.2 percent per year. The Administration’s projections are well within the range of estimates made by prominent Wall Street and other analysts. The Administration’s 3.2 percent real GDP growth projection is equal to that of the Conference Board, winner of the Annual Blue Chip Economic Forecasting Award, and below that of Merrill Lynch, which projects a 3.5 percent real GDP for 2002.
Senate Vote Summary

Vote Number: 223   Vote Date: July 10, 2001, 03:49 PM
The Vote Was On: Hollings Amdt. No. 873
Required for Majority: 1/2   Vote Result: Amendment Rejected

Amendment Number: S.Amdt. 873
<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:SP00873:> to S. 1077
Statement of Purpose: Ensuring funding for defense and education and the
supplemental appropriation by repealing tax cuts for 2001.

Vote Counts:   YEAs  3
NAYs  94
Not Voting  3

Vote Summary   By Senator Name   By Vote Position   By Home State
Return to Vote List

Alphabetical by Senator Name

Akaka (D-HI), Nay
Allard (R-CO), Nay
Allen (R-VA), Nay
Baucus (D-MT), Nay
Bayh (D-IN), Nay
Bennett (R-UT), Nay
Biden (D-DE), Nay
Bingaman (D-NM), Nay
Bond (R-MO), Nay
Boxer (D-CA), Nay
Breaux (D-LA), Nay
Brownback (R-KS), Nay
Bunning (R-KY), Nay
Burns (R-MT), Nay
Byrd (D-WV), Nay
Campbell (R-CO), Nay
Cantwell (D-WA), Nay
Carnahan (D-MO), Nay
Carper (D-DE), Nay
Chafee (R-RI), Nay
Cleland (D-GA), Nay
Clinton (D-NY), Not Voting
Cochran (R-MS), Nay
Collins (R-ME), Nay
Conrad (D-ND), Nay
Corzine (D-NJ), Nay
Craig (R-ID), Nay
Crapo (R-ID), Nay
Daschle (D-SD), Nay
Dayton (D-MN), Nay
DeWine (R-OH), Nay
Dodd (D-CT), Nay
Domenici (R-NM), Nay
Dorgan (D-ND), Nay
   Durbin (D-IL), Nay
Edwards (D-NC), Nay
Ensign (R-NV), Nay
Enzi (R-WY), Nay
Feingold (D-WI), Nay
Feinstein (D-CA), Nay
Fitzgerald (R-IL), Nay
Frist (R-TN), Nay
Graham (D-FL), Nay
Gramm (R-TX), Nay
Grassley (R-IA), Nay
Gregg (R-NH), Nay
Hagel (R-NE), Nay
Harkin (D-IA), Nay
Hatch (R-UT), Nay
Helms (R-NC), Nay
Hollings (D-SC), Yea
Hutchinson (R-AR), Nay
Hutchison (R-TX), Nay
Inhofe (R-OK), Nay
Inouye (D-HI), Nay
Jeffords (I-VT), Nay
Johnson (D-SD), Nay
Kennedy (D-MA), Nay
Kerry (D-MA), Nay
Kohl (D-WI), Nay
Kyl (R-AZ), Nay
Landrieu (D-LA), Nay
Leahy (D-VT), Nay
Levin (D-MI), Nay
Lieberman (D-CT), Yea
Lincoln (D-AR), Nay
Lott (R-MS), Nay
Lugar (R-IN), Nay
   McCain (R-AZ), Nay
McConnell (R-KY), Nay
Mikulski (D-MD), Yea
Miller (D-GA), Nay
Murkowski (R-AK), Nay
Murray (D-WA), Nay
Nelson (D-FL), Nay
Nelson (D-NE), Nay
Nickles (R-OK), Nay
Reed (D-RI), Nay
Reid (D-NV), Nay
Roberts (R-KS), Nay
Rockefeller (D-WV), Nay
Santorum (R-PA), Not Voting
Sarbanes (D-MD), Nay
Schumer (D-NY), Not Voting
Sessions (R-AL), Nay
Shelby (R-AL), Nay
Smith (R-NH), Nay
Smith (R-OR), Nay
Snowe (R-ME), Nay
Specter (R-PA), Nay
Stabenow (D-MI), Nay
Stevens (R-AK), Nay
Thomas (R-WY), Nay
Thompson (R-TN), Nay
Thurmond (R-SC), Nay
Torricelli (D-NJ), Nay
Voinovich (R-OH), Nay
Warner (R-VA), Nay
Wellstone (D-MN), Nay
Wyden (D-OR), Nay

Vote Summary By Senator Name By Vote Position By Home State
Return to Vote List

Grouped By Vote Position

YEAs --- 3
Hollings (D-SC)
    Lieberman (D-CT)
    Mikulski (D-MD)

NAYs --- 94
Akaka (D-HI)
Allard (R-CO)
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Thurmond (R-SC)
Torricelli (D-NJ)
Voinovich (R-OH)
Warner (R-VA)
Wellstone (D-MN)
Wyden (D-OR)

Not Voting --- 3
Clinton (D-NY)
  Santorum (R-PA)
  Schumer (D-NY)

Vote Summary    By Senator Name    By Vote Position    By Home State    Return to Vote List

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SENATE RECORD VOTE ANALYSIS

107th Congress
1st Session
April 5, 2001, 9:00 p.m.
Page S- 3521 Temp. Record
SessionVote No. 80

BUDGET RESOLUTION/Increase in the Tax-Cut Stimulus Package

SUBJECT:

Hollings amendment No. 225 to the Domenici substitute amendment No. 170.

AMENDMENT AGREED TO, 94-6

SYNOPSIS:

H.Con. Res. 83, the House Concurrent Budget Resolution for fiscal years 2002-2011, will set total
spending, revenues, debt reduction, and tax relief over the next 10 years.

The Domenici substitute amendment: would cut the debt held by the public
(money that the Government owes to creditors other than itself) by $2.395 trillion over the next 10 years; would
assume $29.3 billion in tax relief for fiscal year (FY) 2002 and $1.611 trillion over the next 10 years (which would be
sufficient relief to reduce and restructure marginal income tax rates, double the child credit, reduce the marriage penalty, eliminate
the estate tax (death tax), expand the charitable deduction to non-itemizers, make permanent the research and
experimentation tax credit, expand health insurance coverage, raise the adoption credit from $5,000 to $7,500
and make it permanent, expand educational opportunities, and provide energy and conservation tax incentives);

would increase appropriated programs by 4 percent over FY 2001 enacted levels; would fully fund Medicare;
would provide an additional $153.0 billion reserve fund for FYs 2002-2011 for Medicare reform and prescription drug benefits; would save all the Social Security trust fund surpluses over the next 10 years for debt reduction; would ensure a non-Social Security budget surplus for the fourth year in a row; would provide a $60 billion FY 2001 economic tax-cut stimulus package; would end the misuse of advance appropriations; and would leave an $845.7 billion, on-budget surplus ($453.1 billion excluding Medicare Part A funds), which could be used for tax relief, defense spending, agriculture relief, and other purposes.

The Hollings amendment would increase the amount of immediate tax relief that the Domenici amendment would make available, using FY2001 surplus funds, from $60 billion to $85 billion.

Those favoring the amendment contended:

Most economists agree that when an economy starts to slide, a recession can be averted if the government primes the economy quickly with cash. Our economy is in a slide right now; many economists are recommending a cash stimulus package of approximately 1 percent of GDP, or $100 billion. By lucky coincidence, we have nearly that amount ($85 billion) available right now in surplus funds from FY 2001 (we had $95 billion when we started consideration of this resolution, but we have committed about $10 billion for other purposes since that time). The resolution before us suggests $60 billion for a stimulus package; we think that amount is like half a haircut. The Hollings amendment would not contribute all the additional amount needed, but it would get us much closer. How we end up structuring the stimulus tax relief package can be decided later; the sponsor of this amendment favors the same amount of relief being given to all tax filers, regardless even of whether they had any tax liability; other Senators have other preferences. For now, what is important is that we commit to giving $85 billion in immediate tax relief. We are delighted to vote in favor of this amendment.

No arguments were expressed in opposition to the amendment.

VOTING YEA:

Republicans:
(50 or 100%) Allard Allen Bennett Bond Brownback Bunning Burns Campbell Chafee Cochran Collins Craig
Crapo DeWine Domenici Ensign Enzi Fitzgerald Frist Gramm Grassley Gregg Hagel
Hatch Helms Hutchinson
Hutchison Inhofe Jeffords Kyl Lott Lugar McCain McConnell Murkowski Nickles
Roberts Santorum Sessions
Shelby Smith, Bob Smith, Gordon Snowe Specter Stevens Thomas Thompson
Thurmond Voinovich Warner

Democrats:

(44 or 88%) Akaka Baucus Bayh Biden Bingaman Boxer Breaux Byrd Cantwell
Carnahan Cleland Clinton
Conrad Daschle Dayton Dorgan Durbin Edwards Feinstein Harkin Hollings Inouye
Johnson Kennedy Kerry Kohl
Landrieu Leahy Levin Lieberman Lincoln Mikulski Miller Murray NelsonxxBen Reed
Reid Rockefeller Sarbanes
Schumer Stabenow Torricelli Wellstone Wyden

VOTING NAY:

Republicans:

(0 or 0%)

Democrats:

(6 or 12%) Carper Corzine Dodd Feingold Graham Nelson, Bill

NOT VOTING:

Republicans:

(0)

Democrats:

(0)

ABSENCE CODE: 1-Official Business 2-Necessarily Absent 3-Illness 4-other
Symbols: AY-Announced Yea AN-Announced Nay PY-Paired Yea PN-Paired Nay
Budget Talking Points -- Priorities vs Process

Attachments: P_GCPH3004_WHO.TXT_1.doc
Remember -- Keep talking about the President's priorities and the immediate steps he has taken to get the economy moving again. Be sure to compare the President's action on the economy to the inaction of his partisan opponents who have chosen to sit on the sidelines while the President tackles tough issues.

The President's partisan opponents have no economic growth agenda and today's news reports show that they are beginning to look out of touch on the issue that is most on the American people's minds right now -- the economy.
America’s Priorities vs. Partisan Budget Games

The President is focused on America’s priorities like the economy, education, Social Security, Medicare, defense, and health care. The President’s partisan opponents are focused on Washington budget games. The President has acted to get this economy moving again. His partisan opponents have chosen to sit on the sidelines and do nothing to help our economy.

Presidential Leadership on America’s Priorities

- Americans want leadership on the economy, and the President has taken immediate action to help get our economy moving again:
  - Cut taxes to put money back in people’s pockets when they need it most – right now.
  - Paying off historic levels of debt.
  - Working to open foreign markets to America’s goods and services and to create new American jobs.

- Congress has passed the President’s budget that protects Social Security and Medicare, and funds key priorities like education, health care, defense, medical research and environmental protection.

- New budget estimates show that the President’s priorities can be funded while protecting Social Security and Medicare and paying off historic levels of debt. Congress should stick to the budget that it passed and not try to raise taxes to fund their irresponsible spending habits. The President will blow the whistle on tax increases and irresponsible spending.

- The President wants to improve education, protect Social Security and Medicare, give patients important new protections, help our men and women in uniform, and do everything we can to help those most in need. Congress shouldn’t hold these important priorities hostage to their partisan budget games.

- Democrat Budget Chairman Kent Conrad and Minority Leader Dick Gephardt say that tax increases may be necessary. The President thinks tax increases are the last thing we need to consider right now. Tax increases would harm our economy, cost American jobs and hurt families. Tax increases would take even more money out of the pockets of hard working Americans who created the surplus.

- History has shown just how harmful tax increases can be when the economy is not growing. For example, in 1932 President Herbert Hoover raised tax rates on the American people and doomed America to a decade of Depression.

The President’s Partisan Opponents Choose the Sidelines Over Leadership

- The President has shown leadership on America’s priorities while his partisan opponents have chosen to sit on the sidelines. Consider the economy: The President has taken immediate action to jump-start our economy while his partisan opponents have done nothing to help get the economy moving again. Follow the actions of the President’s partisan opponents:
  - First they said the economy wasn’t in trouble
  - Then they opposed the President’s tax cuts to help put money in people’s pockets when they need it most
  - Now they’re supporting tax increases

- No action whatsoever to help get our economy going.

- On the economy and other priorities like Social Security and Medicare, congressional partisans have chosen political rhetoric over bipartisan results.
8/29/2001 5:12:29 AM

Sent: 8/29/2001 5:12:29 AM

Subject: Budget Talking Points -- Priorities vs Process

Attachments: F_GCPH3004_NSC.TXT_1.doc

##### Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-AUG-2001 09:12:29.00
SUBJECT: Budget Talking Points -- Priorities vs Process
TO: Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Gail Randall (CN=Gail Randall/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Tracy Young (CN=Tracy Young/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
READ: UNKNOWN

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  - Now they’re supporting tax increases

- No action whatsoever to help get our economy going.

- On the economy and other priorities like Social Security and Medicare, congressional partisans have chosen political rhetoric over bipartisan results.
Sent: 8/29/2001 5:12:29 AM
Subject: Budget Talking Points -- Priorities vs Process
Attachments: 02762_p_gcph3004_who.txt_ 1.doc

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Remember -- Keep talking about the President's priorities and the immediate steps he has taken to get the economy moving again. Be sure to compare the President's action on the economy to the inaction of his partisan opponents who have chosen to sit on the sidelines while the President tackles tough issues.

The President's partisan opponents have no economic growth agenda and today's news reports show that they are beginning to look out of touch on the issue that is most on the American people's minds right now -- the economy.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <02762_p_gcpph3004_who.txt>
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-AUG-2001 14:58:31.00
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The New White House Web Site

Today’s Presidential Action:

• The President and Mrs. Bush today unveiled the new White House web site, located at www.whitehouse.gov. The revamped site offers richer content, much improved design, a better navigation system, a superior search engine, Spanish content, a new Kids’ site and enhanced access for the disabled.

Improvements on the New Site

- The design is completely new. While simple to navigate, it reflects the dignity and traditions of the White House.
- Increased multimedia content. Text is now enhanced by more audio and video of White House events and press briefings.
- Improved search engine. The new search engine is designed to be user friendly by selecting documents which are most relevant to individual searches. Every document on the White House web site is now programmed with unique information (called a ‘meta-tag’) to improve the relevance of search results.
- The President’s speeches, statements, transcripts, nominations, proclamations and general news releases are posted rapidly to the site.
- Quick nominations link. Details on nominees for federal positions are among the most requested pieces of information.
- Highlighted Photo gallery. The White House photographers are among the best in the world. The new site features their work in daily photographs and photo essays which are updated frequently.
- Spanish content. Policies, radio addresses and other sections of the site have been translated to accommodate Spanish-speaking visitors.

Brand New Kids Section – www.whitehousekids.gov

- Geared for elementary school children ages five to twelve and created with the assistance of teachers and schoolchildren, whitehousekids.gov is a good way for kids to learn about the White House, President and Mrs. Bush and the Administration.
- The Internet is a literate medium and whitehousekids.gov provides a fun way for children to read and learn about the White House and the President through the site’s features and biographies.
- Through the personification of the President’s pets – Spotty, Barney and India – and Ofelia his longhorn cow, the site offers information on the President and White House. This site also encourages reading, dreaming and making good choices, such as pursuing an education.
- To encourage reading, each pet’s biography includes a favorite children’s book. The biographies of each pet also include an interesting story. Reading comprehension skills are tested through “brain challenge” questions.
- Barney’s White House ABC’s matches letters of the alphabet with the names of people, places and things in the White House and includes positive messages such as "Education-getting an education is a good choice you can make."
- Although the Kids’ site has a unique web address (whitehousekids.gov), visitors can access the site by entering the main White House site (whitehouse.gov).
Access for the Disabled

- The White House web team worked with many individuals in the disabled community to ensure that the site is more accessible to all Americans.
- Through the use of special software, the web site has is programmed so a voice synthesizer can read aloud the contents, including online forms and photo captions.
- Video of Presidential events will now be captioned and efforts are underway to encode previous video with captioning as well.

Privacy Issues and the White House Web Site

- The President supports the protection of consumer privacy on the Internet and the principles of disclosure and fair information practices. As was the practice during the campaign, online privacy is a priority and was a constant guide in the development of the web site.
- No personal information about a visitor will be collected unless that visitor provides information to the White House.
- The White House does not identify the visitor personally. The White House does not track or record information about individuals and their visits.
- The White House Web Site does not use cookies.
Sent: 8/31/2001 10:58:31 AM
Subject: White House Launches New Web Site
Attachments: 02808_p_r3ai3004_who.txt_ 1.doc

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8/31/2001 10:58:31 AM: White House Launches New Web Site

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The New White House Web Site

Today’s Presidential Action:

- The President and Mrs. Bush today unveiled the new White House web site, located at www.whitehouse.gov. The revamped site offers richer content, much improved design, a better navigation system, a superior search engine, Spanish content, a new Kids’ site and enhanced access for the disabled.

Improvements on the New Site

- **The design is completely new.** While simple to navigate, it reflects the dignity and traditions of the White House.
- **Increased multimedia content.** Text is now enhanced by more audio and video of White House events and press briefings.
- **Improved search engine.** The new search engine is designed to be user friendly by selecting documents which are most relevant to individual searches. Every document on the White House web site is now programmed with unique information (called a ‘meta-tag’) to improve the relevance of search results.
- The President’s speeches, statements, transcripts, nominations, proclamations and general news releases are posted rapidly to the site.
- **Quick nominations link.** Details on nominees for federal positions are among the most requested pieces of information.
- **Highlighted Photo gallery.** The White House photographers are among the best in the world. The new site features their work in daily photographs and photo essays which are updated frequently.
- **Spanish content.** Policies, radio addresses and other sections of the site have been translated to accommodate Spanish-speaking visitors.

Brand New Kids Section – www.whitehousekids.gov

- Geared for elementary school children ages five to twelve and created with the assistance of teachers and schoolchildren, whitehousekids.gov is a good way for kids to learn about the White House, President and Mrs. Bush and the Administration.
- The Internet is a literate medium and whitehousekids.gov provides a fun way for children to read and learn about the White House and the President through the site’s features and biographies.
- Through the personification of the President’s pets – Spotty, Barney and India – and Ofelia his longhorn cow, the site offers information on the President and White House. This site also encourages reading, dreaming and making good choices, such as pursuing an education.
- To encourage reading, each pet’s biography includes a favorite children’s book. The biographies of each pet also include an interesting story. Reading comprehension skills are tested through “brain challenge” questions.
- Barney’s White House ABC’s matches letters of the alphabet with the names of people, places and things in the White House and includes positive messages such as “Education-getting an education is a good choice you can make.”
- Although the Kids’ site has a unique web address (whitehousekids.gov), visitors can access the site by entering the main White House site (whitehouse.gov).
Access for the Disabled

- The White House web team worked with many individuals in the disabled community to ensure that the site is more accessible to all Americans.
- Through the use of special software, the web site has is programmed so a voice synthesizer can read aloud the contents, including online forms and photo captions.
- Video of Presidential events will now be captioned and efforts are underway to encode previous video with captioning as well.

Privacy Issues and the White House Web Site

- The President supports the protection of consumer privacy on the Internet and the principles of disclosure and fair information practices. As was the practice during the campaign, online privacy is a priority and was a constant guide in the development of the web site.
- No personal information about a visitor will be collected unless that visitor provides information to the White House.
- The White House does not identify the visitor personally. The White House does not track or record information about individuals and their visits.
- The White House Web Site does not use cookies.
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The following memo was sent today. It has become public and wanted to make sure you had a copy.
ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_SMDI3004_WHO.TXT_1>
CONFIDENTIAL
TO: REPUBLICAN MEMBERS OF THE US HOUSE AND SENATE
REPUBLICAN GOVERNORS
REPUBLICAN STATE CHAIRS AND NATIONAL COMMITTEE MEMBERS
FROM: GOVERNOR JAMES S. GILMORE III
RE: NEW POLLS SHOW AMERICANS SUPPORT PRESIDENT BUSH AND GOP IN BUDGET DEBATE

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- Wasteful Government spending 43%
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Republican National Committee
310 First Street, SE • Washington, DC • 20003
With the slowdown in the economy, less tax revenue is being collected than had been expected. Of the following two ways of dealing with this, which ONE do you think would be best?

To roll back the tax cuts that were passed earlier this year 16%
To slow down the rate at which federal government spending is increasing 76%
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President Bush’s approach is right. Don’t let partisan Democrats muddy the waters and mislead the American people.
Budget Memo

8/31/2001 1:08:55 PM

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TO:Daniel J. Bartlett (CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [WHO])
TO:Karen Hughes (CN=Karen Hughes/OU=WHO/O=EOP@EOP [WHO])
TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
TO:Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
TO:Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
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TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])

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<td>17%</td>
</tr>
<tr>
<td>All of the above (VOL)</td>
<td>6%</td>
</tr>
<tr>
<td>Neither (VOL)</td>
<td>2%</td>
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<td>Don't know/refused</td>
<td>4%</td>
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- To roll back the tax cuts that were passed earlier this year: 16%
- To slow down the rate at which federal government spending is increasing: 76%
- Neither (VOL): 2%
- Some of both (VOL): 2%
- Don't know/refused: 4%

President Bush's approach is right. Don't let partisan Democrats muddy the waters and mislead the American people.
TO: Wendy L. Nipper ( CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Christopher J. Orr ( CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Scott Stanzel ( CN=Scott Stanzel/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Lawrence A. Fleischer ( CN=Lawrence A. Fleischer/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Vickie A. McQuade ( CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Jennifer K. Millerwise ( CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Brian Bravo ( CN=Brian Bravo/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Candida P. Wolff ( CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [ OVP ] )
READ: UNKNOWN
TO: Harry W. Wolff ( CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Scott McClellan ( CN=Scott McClellan/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Claire E. Buchan ( CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Rachael L. Sunbarger ( CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Reed Dickens ( CN=Reed Dickens/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Nicholas E. Calio ( CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: John W. Howard ( CN=John W. Howard/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Virginia T. Gregory ( CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: David W. Hobbs ( CN=David W. Hobbs/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Christal R. West ( CN=Christal R. West/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Daniel J. Keniry ( CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Brian C. Conklin ( CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Peter M. Rowan ( CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Christine Ciccone ( CN=Christine Ciccone/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Townsend_L._McNitt@oa.eop.gov ( Townsend_L._McNitt@oa.eop.gov @ inet [ UNKNOWN ] )
READ: UNKNOWN
TO: Scott Jeffcoat ( CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Albert Hawkins ( CN=Albert Hawkins/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Cynthia R. Mendl ( CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Edward Ingle ( CN=Edward Ingle/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: L. Camille Welborn ( CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Karl C. Rove ( CN=Karl C. Rove/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Chris Henick ( CN=Chris Henick/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Dee Dee Benkie ( CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
The following memo was sent today. It has become public and wanted to make sure you had a copy.
CONFIDENTIAL

TO: REPUBLICAN MEMBERS OF THE US HOUSE AND SENATE
    REPUBLICAN GOVERNORS
    REPUBLICAN STATE CHAIRS AND NATIONAL COMMITTEE MEMBERS
FROM: GOVERNOR JAMES S. GILMORE III
RE: NEW POLLS SHOW AMERICANS SUPPORT PRESIDENT BUSH AND GOP IN BUDGET DEBATE

Congress returns to work next week, but partisan Democrats are already engaging in harsh, misleading demagoguery over budget surpluses and the safety of Social Security and Medicare.

Consider the contrast: President Bush takes action to restart our economy and follows through on his priorities; with no economic recovery plan of their own, partisan Democrats are throwing out lies and bitter rhetoric in an effort to scare people into thinking the President is endangering Social Security and Medicare. Americans know better.

In fact, in a national survey of registered voters conducted this week for the RNC, Americans said overwhelmingly that the slowdown in the economy and wasteful government spending were to blame for the reduction in the budget surplus. They strongly oppose rolling back the tax cut and support President Bush's position to restrain wasteful spending. More importantly, they know the Republican tax cut is needed to get the economy growing (see survey questions below – 803 sample size).

Poll conducted by Voter Consumer Research. 803 registered voters nationally August 28th – 30th. Margin of Error plus or minus 3.5%.

One item that has been in the news is the reduced budget surplus. Even though the Federal Government will end the year with the second largest surplus in history, news reports indicate that a variety of factors have reduced the projected surplus from $281 billion to $158 billion dollars. Which of the following do you view as most responsible?

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wasteful Government spending</td>
<td>43%</td>
</tr>
<tr>
<td>The slowdown in the economy</td>
<td>28%</td>
</tr>
<tr>
<td>The tax cut</td>
<td>17%</td>
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President Bush's approach is right. Don't let partisan Democrats muddy the waters and mislead the American people.
Kate:
I have reviewed and approve the two attached documents. Thanks very much.
Brett

Catherine S. Anderson
08/31/2001 01:51:46 PM
Record Type: Record
To: Phillip Larsen/OA/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
bcc: 
Subject: Re: Travel Support

Phil: I am waiting for comments from Counsel's Office on the draft letter, but in the meantime, as per your instructions, I have prepared a yellow folder that includes WHO signoff. As I prepared it, the yellow folder is from you to Hector, with a cover memorandum from you to Hector, recommending that he sign the attached memorandum on Presidential Travel Support. I will hand carry this over to you, but I am also attaching electronic copies of both documents in the event that Hector determines that the signature authority should be at a higher level, or if you wish to make any changes. I am out on Tuesday, but feel free to page me or contact me at home (703) 392-9209 if you need anything further on this.

Brett: If you wish to make any changes, let me know and I can make them, or the electronic copies are attached below.

Phillip Larsen
08/30/2001 10:40:49 AM
Record Type: Record
To: Catherine S. Anderson/OA/EOP@EOP
cc: 
bcc: 
Subject: Re: Travel Support
Thanks. Looks good to me. I will run it by Hector to see if he wants to sign or whether he wants to kick it up to Joe or Andy's level. In the meantime please initiate a yellow folder that includes WHO sign off.

Catherine S. Anderson  
08/30/2001 08:56:04 AM  
Record Type: Record

To: Phillip Larsen/OA/EOP@EOP  
cc:  
Subject: Travel Support

Phil: I just faxed you a draft memorandum from WHO to you requesting trip support. I thought it might be helpful if we gave them a draft that they can utilize to expand upon. I am also working on your response to the request, and I will vet both through Brett Kavanaugh in Counsel's Office. We met yesterday and he seemed comfortable with our proposed approach. Let me know if this is what you had in mind. Kate
August 31, 2001

MEMORANDUM FOR HECTOR F. IRASTORZA, JR.
DEPUTY ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

FROM: PHILLIP D. LARSEN
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF THE OFFICE OF ADMINISTRATION

SUBJECT: PRESIDENTIAL TRAVEL SUPPORT

The White House Office (WHO) has identified a critical need for the Office of Administration’s (OA) assistance in providing information technology and financial management services in direct support of presidential travel. In order to meet this critical need, the WHO has requested the OA to provide information technology support on all trips, regardless of the nature of the travel, and financial management support on all official trips and for the official legs/events on mixed trips.

To memorialize this request, I recommend that you sign the attached memorandum. The memorandum serves three important purposes. First, the memorandum establishes that the services will be provided on behalf of the WHO, in direct support of the President as contemplated by Executive Order 12028 (Dec. 1977), as amended. Second, the memorandum determines that OA staff will be considered to be official travelers, necessary for the comfort and security of the President, consistent with the staffs of the Secret Service, the White House Communications Agency, and the Travel Office. Third, the memorandum confirms the intent of the WHO to maintain exclusive control over any White House materials generated by OA providing the services.
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WHO staff has identified a critical need for OA’s assistance in providing information technology and financial management services in direct support of presidential travel. In order to meet this critical need, OA is requested to provide, on behalf of WHO, information technology support on all trips, regardless of the nature of the travel, and financial management support on all official trips and for the official legs/events on mixed trips. OA personnel providing this support shall be considered official travelers on all trips. This is consistent with the 1997 advice from the Department of Justice which determined that staff considered necessary to provide fully for the comfort and safety of the President and Vice President are always official travelers, regardless of the nature of the trip.

It is understood that WHO is and shall remain the exclusive owner of all White House materials, including any materials generated by OA in the normal course in providing this support. Such materials are available to OA personnel only for such time and for such purposes as are necessary to render the requested services. OA shall not exercise any proprietary interest in White House materials that is inconsistent with this exclusive ownership. Once the services in question have been rendered, White House materials shall be promptly delivered to the White House Office of Records Management for proper disposition. In the event that OA determines it is necessary to retain these materials for a longer period to comply with statutory or regulatory requirements, OA is authorized to retain a duplicate, convenience copy for this purpose, which shall be destroyed when no longer needed.
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A short initial overview: As a general matter, White House officials are authorized to participate in political activity -- including speaking at fundraisers -- so long as the White House officials other than the President and Vice President who engage in such political activity do not themselves explicitly solicit funds. The general principle for purposes of payment of costs is that the additional costs incurred by the government as a result of the political activity must be reimbursed to the government (or paid by the political entity in the first instance), except that additional costs associated with security measures, official activity, and the official travelers accompanying the official in question are not reimbursed, but rather are borne by the government. Travel on AFL to political events is permissible for the President and First Lady, and the air travel costs for the political travelers using government aircraft are reimbursed through a formula whereby the political entity pays the appropriate equivalent commercial rate, not the actual cost of use of the government aircraft. (Anita and Merrill handle the mechanics of this in coordination with Airlift Ops.) You may use your office equipment for purposes of coordinating and assisting the First Lady in these political activities. The law expressly authorizes White House officials who work outside normal 9:00 to 5:00 hours, which is to say virtually everyone involved in these kinds of matters, to participate in political activity other than fundraising while on duty, in the office, and using government equipment.

As to the whereabouts of the events themselves, we are very sensitive to the public focus that comes with any kind of political event that might occur on White House property, especially any event that seems designed for political donors qua donors even though it is not a fundraiser. Political fundraisers are illegal on government property, but also note that the Congress, public, and media tend to criticize (often severely) donor maintenance events held on government property even though they are not within the category of prohibited fundraisers.

Beyond all of this, there are the usual legal permutations and legal exceptions to the legal exceptions, so it is wise to run all potential issues related to political activity through me (which Mehlman's office also does) to ensure a central legal/appearance clearing house. That should serve on the front end to prevent issues from being overlooked and on the back end to assign appropriate responsibility to the lawyers in the event there is a controversy or issue.
Quincy,
I am forwarding your message to Brett Kavanaugh who knows all things political and works daily with Political Affairs on such matters. I'm sure Brett would be happy to brief you on the general do's and don't's, as well as answer any questions that might arise on a case-by-case basis.

Quincy Hicks
08/30/2001 06:26:47 PM
Record Type: Record
To: Courtney S. Elwood/WHO/EOP@EOP
cc: Melanie A. Jackson/WHO/EOP@EOP, Andrea G. Ball/WHO/EOP@EOP
Subject: Political Events

Courtney --

Mrs. Bush is going to be doing some RNC-sponsored political events in September and October (election events). I just want to be sure I understand what we can and can't do from this office. For the most part, political is setting everything up -- and RNC is hiring a team to do the events -- the only thing we are doing is OKing the invitation and sending her Aide with her. Can we use an AF plane and bill them for it or do they need to find transportation for us? Anything else we should know?
The Ninth Circuit held today that inmates have a substantive due process right to procreate by artificial insemination while incarcerated. According to the dissent, this creates a circuit split and, hence, the case may be headed for the Supreme Court.

--- Forwarded by Courtney S. Elwood/WHO/EOP on 09/05/2001 07:06 PM ---

John Elwood <John.Elwood@usdoj.gov>
09/05/2001 06:55:51 PM
Record Type: Record

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

Date: 09/05/2001 07:03 pm -0400 (Wednesday)
From: John Elwood
To: Courtney_s._elwood@who.eop.gov
Subject:

GERBER v. HICKMAN, No 00-16494 (9th Cir. September 05, 2001)
A prisoner's right to procreation by artificial insemination exists despite incarceration.

To read the full text of this opinion, go to: [PDF File]

John P. Elwood
Counselor to the Assistant Attorney General
Criminal Division
Message Sent
To:
Brett M. Kavanaugh/WHO/EOP
Helgard C. Walker/WHO/EOP
Courtney S. Elwood/WHO/EOP
Rachel L. Brand/WHO/EOP
Noel J. Francisco/WHO/EOP
H. Christopher Bartolomucci/WHO/EOP
Bradford A. Berenson/WHO/EOP
Alberto R. Gonzales/WHO/EOP
Timothy E. Flanigan/WHO/EOP
David S. Addington/OVP/EOP
Silverman. He begins by saying, "This is a seminal case in more ways than one."

Brett M. Kavanaugh
09/05/2001 07:16:14 PM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc:
Subject: Re: The Ninth Circuit Today

who dissented

Courtney S. Elwood
09/05/2001 07:15:27 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: The Ninth Circuit Today

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John P. Elwood  
Counselor to the Assistant Attorney General  
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U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Room 2725  
Washington, D.C. 20530  
(202) 514-9351  
fax: 514-9412  
john.elwood@usdoj.gov
so much for his Supreme Court chances

Courtney S. Elwood
09/05/2001 07:27:39 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
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John P. Elwood
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Criminal Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Room 2725
Washington, D.C. 20530
(202) 514-9351
fax: 514-9412
john.elwood@usdoj.gov
FYI. Attached is a compilation of significant FOIA requests submitted to us this week by Cabinet agencies as part of their weekly cabinet reports.
Significant Agency FOIA Requests

LABOR

PRESIDENTIAL VISIT WITH BRITISH PRIME MINISTER BLAIR

Rob Evans, Reporter, The Guardian, The Observer, London, Britain, is seeking:

copies of any and all papers, briefing materials, documents, memos, telegrams, cables, agendas and minutes of meetings, memorandums of conversations, or e-mails which were prepared, or compiled, by the United States Department of Labor for this visit and meeting, either before or after the visit and meeting.

Mr. Evans believes [the Department] would have provided briefing material for the participants of the meeting, attended meetings in the run-up to the meeting and received reports after the meeting for senior members of the department.

On February 23 and 24, 2001, Tony Blair, the British Prime Minister, visited the United States of America and held meetings with President George W. Bush at Camp David. It is believed they discussed a range of issues including an agreement to deepen Transatlantic economic relations, and to seek solutions to trade disputes.

This request was forwarded to the Office of the Assistant Secretary for Administration and Management and the Office of the Executive Secretariat for processing.
Date request received: August 10, 2001.

THE KANSAS CITY STAR

Karen Dillon and Mike McGraw, Reporters, The Kansas City Star, Kansas City, Missouri, is seeking:

any reports, audits, memoranda, correspondence or other documents that contain information on: the overall seriousness of Hepatitis C as a workplace injury, the costs of the Hepatitis C epidemic to employers and the status of Hepatitis C as a compensable work-related illness for workers with a high likelihood of exposure, such as firefighters and prison guards.

This request also includes correspondence from Congress and the public.

This request is currently being processed by the Occupational Safety and Health Administration. Date request received: August 20, 2001.

MARTIN COUNTY COAL COMPANY IMPOUNDMENT
Joseph A. Lazell, Deputy Chief, West Virginia Department of Environmental Protection, Office of Legal Services, Charleston, West Virginia, is seeking:

records for his inspection and copying related to the collapse of the Martin County Coal Company (M.C.C.C.) Impoundment and resulting spill in October 2000. Specifically, he asked for the Engineering Study and/or Geo-technical Engineering Report and any findings issued by MSHA in connection with the cause of the collapse. Additionally, he asked for the following records:

--all supporting documents to the Geo-technical Engineering Report including but not limited to sub-surface investigation, boring logs, mapping, cross-sections of the breakthrough.
--all correspondence between MSHA and Martin County Coal Company or their agents/consultants regarding the impoundment from 1980 to the present.
--all design or engineering plan submittals by Martin County Coal Company regarding the Impoundment from 1980 to present, including the Roof Control Plan for the underground mine underlying the Impoundment and the Plan for Slurry Impoundments submitted in connection with Martin County’s June 1984 application for the Impoundment.
--all transcripts of hearings regarding the Martin County Coal Company spill of October 2000.

This request is currently being processed by the Mine Safety and Health Administration. Date request received: August 24, 2001.

COMMERCCE

Guardian Newspaper requested all information on meetings held between President George W. Bush and British Prime Minister Tony Blair at Camp David dealing with transatlantic economic relations and solutions to trade disputes. Also, requesting all information on meetings held between July 23 and July 25, 2001 between Grant Aldonas, DOC Under Secretary for International Trade, and Patricia Hewitt, British Secretary of State for Trade and Industry.

TREASURY

The Office of Economic Policy received a FOIA request dated July 20, 2001 from the Los Angeles Times requesting documents concerning the National Energy Policy Development Group.

HHS

Johns Hopkins University: The following have requested the July 19, 2001, determination letter from OHRP to officials at the Johns Hopkins University School of Medicine and the Johns Hopkins Bayview Medical Center concerning OHRP’s investigation of the death of a volunteer subject in an NHLBI-funded asthma study at Johns Hopkins University: Ms. Monika Konrad, of ABC News; Ms. Alice Dembner, of The Boston Globe; Ms. Susan Levine, of The Washington Post; and Ms. Stacey Schultz, of U.S. News & World Report.
Johns Hopkins University School of Medicine: Mr. Michael Stroh, of The Baltimore Sun, has requested a copy of all active Multiple Project Assurance (MPA) documents for the Johns Hopkins University School of Medicine.

Los Alamos National Laboratory: Mr. Ken Silver, of Environmental Health Science and Strategy, has requested a copy of Los Alamos National Laboratory’s Multiple Project Assurance (MPA) documents, including the most recent roster of IRB members; documentation of any complaints or enforcement actions in HHS’s files against Los Alamos National Laboratory; and any information pertaining specifically to beryllium research.

Johns Hopkins University: Mr. Paul Goebel, Jr., of Chesapeake Research Review, Inc., has requested copies of the correspondence sent by Dr. Bart Chernow of Johns Hopkins to OHRP dated April 23, June 30, and October 23, 1998; OHRP’s letter to Johns Hopkins dated March 3, 1998; OHRP’s letter to Johns Hopkins dated September 21, 2000; and the response of Johns Hopkins to the September 21 letter, which was due on October 31, 2000.

does it need to say commercial fare plus tax plus one dollar? should your memo also reflect that hotels, rental cars, site costs, etc. are to be paid by political entity (preventing use of govt rates, tax exemptions) and a portion (if mixed trip) will be reimbursed to political entity based on formula? otherwise, I think that should do it. thanks.
MEMORANDUM FOR ANITA MCBRIDE
A. MERRILL HUGHES

FROM: BRET M. KAVANAUGH

SUBJECT: POLITICAL TRAVEL CALCULATIONS

The costs of Air Force I for non-campaign political travel should be calculated based on the hard-time formula. You requested elaboration of how this formula applies.

First, in calculating the percentage of political activity time in a particular location, total activity time should be calculated based on the activity only in that location, not on the entire trip. (Total activity time should be calculated in this manner for reimbursement of other costs in connection with political activity as well.)

Second, the percentage of political activity should then be multiplied by the equivalent commercial coach airfare for the flight from the previous location to the location where the political activity occurs. The political entity should reimburse that amount to the government.

Finally, if the next leg of the trip from the location where the political activity occurs is back to Washington, then the political entity shall also reimburse an amount equivalent to the percentage of political activity multiplied by the equivalent commercial coach airfare for the trip from that location to Washington.
I am sending this in draft form just in case there are ambiguities or you have comments, but this draft reflects the policy.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_PBKL3004_WHO.TXT_1>
MEMORANDUM FOR ANITA B. MCBRIDE
A. MERRILL HUGHES

FROM: BRETT M. KAVANAUGH

SUBJECT: POLITICAL TRAVEL CALCULATIONS

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Finally, if the next leg of the trip from the location where the political activity occurs is back to Washington, then the political entity shall also reimburse an amount equivalent to the percentage of political activity multiplied by the equivalent commercial coach airfare for the trip from that location to Washington, plus tax and one dollar, for each political traveler.

Government rates should not be used to obtain hotels or transportation in locations where political activity occurs, except for official travelers.

You also requested elaboration on reimbursement for other costs on mixed trips. The same calculations should be used for political activity and total activity time in a particular location and then the percentage of political activity time should be multiplied by the food, lodging, transportation, and other relevant costs incurred in the location of the political activity.

As you know, reimbursement is not required for costs incurred by official travelers on a mixed trip or an all-political trip.
where does the one dollar addition come from?

From: A. Merrill Hughes on 09/07/2001 11:16:23 AM
Record Type: Record

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

does it need to say commercial fare plus tax plus one dollar? should your memo also reflect that hotels, rental cars, site costs, etc. are to be paid by political entity (preventing use of govt rates, tax exemptions) and a portion (if mixed trip) will be reimbursed to political entity based on formula? otherwise, I think that should do it. thanks.

Brett M. Kavanaugh
09/07/2001 10:59:30 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
Subject: revised draft

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_F9BL3004_WHO.TXT_1>
MEMORANDUM FOR ANITA MCBRIDE
A. MERRILL HUGHES

FROM: BRET M. KAVANAUGH

SUBJECT: POLITICAL TRAVEL CALCULATIONS

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Finally, if the next leg of the trip from the location where the political activity occurs is back to Washington, then the political entity shall also reimburse an amount equivalent to the percentage of political activity multiplied by the equivalent commercial coach airfare for the trip from that location to Washington.
old memos i read.

Brett M. Kavanaugh
09/07/2001 11:25:22 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: revised draft

where does the one dollar addition come from?

From: A. Merrill Hughes on 09/07/2001 11:16:23 AM
Record Type: Record

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

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Whatever you think is best! I'm running to lunch, so when that is finalized, will you please send it to Anita and me with a copy to Cathy Alix? Thanks again. --AMH

Brett M. Kavanaugh
09/07/2001 11:38:56 AM
Record Type: Record
To: A. Merrill Hughes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: revised draft

yes, I have seen that and never understood it, but I'll do it

From: A. Merrill Hughes on 09/07/2001 11:34:54 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: revised draft

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
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09/07/2001 10:59:30 AM
Record Type: Record

To: A. Merrill Hughes/WHO/EOP@EOP
cc:
Subject: revised draft

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AQCL3004_WH0.TXT_1>
MEMORANDUM FOR ANITA MCBRIDE
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SUBJECT: POLITICAL TRAVEL CALCULATIONS

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Thanks Brett!

Brett M. Kavanaugh
09/07/2001 03:23:48 PM
Record Type: Record

To: Anita B. McBride/WHO/EOP@EOP, A. Merrill Hughes/WHO/EOP@EOP
cc: Cathy Alix/WHO/EOP@EOP
Subject: political travel formula memo

I am sending this in draft form just in case there are ambiguities or you have comments, but this draft reflects the policy.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_IKNL3004_WHO.TXT_1.doc>
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As you know, reimbursement is not required for costs incurred by official travelers on a
mixed trip or an all-political trip.
Brett:

The Interagency Task Force on the UN World Conference Against Racism is preparing to close the Office in the EEOB.

Russell Loiselle of Records Management suggested we contact WH Counsel if we had questions about what constitutes a Presidential Record. We have a pretty good idea after reading the relevant statute and guidance from the Records Management Office. We would, however, appreciate clarification on the following materials:

Handwritten notes of meetings/telephone calls
Lists of contacts (mailing lists for meetings, mailings, etc.)

Thank you.
Rebekah Tosado
456-0374


<Ziad S. Ojakli>

Sent: 9/17/2001 8:05:16 AM
Subject: Heritage Publications, Upcoming Events, and Expected Publications - weekly update
Attachments: P_ZFVP3004_WHO.TXT_1.doc; P_ZFVP3004_WHO.TXT_2.doc; P_ZFVP3004_WHO.TXT_3.doc; P_ZFVP3004_WHO.TXT_4.doc; P_ZFVP3004_WHO.TXT_5.doc; P_ZFVP3004_WHO.TXT_6.doc

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Thomas, Ginni" <ginni.thomas@heritage.org> ( "Thomas, Ginni" <ginni.thomas@heritage.org> [ UNKNOWN ]
CREATION DATE/TIME: 17-SEP-2001 12:05:16.00
SUBJECT: Heritage Publications, Upcoming Events, and Expected Publications - weekly update
TO: Alan Gilbert <alan.gilbert@hhs.gov> ( Alan Gilbert <alan.gilbert@hhs.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Andrew Marshall <marshala@mail.policy.osd.mil> ( Andrew Marshall <marshala@mail.policy.osd.mil> [ UNKNOWN ]
READ: UNKNOWN
TO: Andrew McKenna <Andrew.J.McKenna@usda.gov> ( Andrew McKenna <Andrew.J.McKenna@usda.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Angela Antonelli <angela_m.antonelli@hud.gov> ( Angela Antonelli <angela_m.antonelli@hud.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Ann Combs <combs-ann@dol.gov> ( Ann Combs <combs-ann@dol.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Ann Ilten <ilten-ann@dol.gov> ( Ann Ilten <ilten-ann@dol.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Anthony Principi <charles.yoder@mail.va.gov> ( Anthony Principi <charles.yoder@mail.va.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: April Lehman <april.lehman@do.treas.gov> ( April Lehman <april.lehman@do.treas.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Autumn VandeHei <Autumn.VandeHei@hhs.gov> ( Autumn VandeHei <Autumn.VandeHei@hhs.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Bennett Raley <bennett_raley@ios.doi.gov> ( Bennett Raley <bennett_raley@ios.doi.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Bill Hansen <william.hansen@ed.gov> ( Bill Hansen <william.hansen@ed.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Bill Hawks <bill.hawks@usda.gov> ( Bill Hawks <bill.hawks@usda.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Bill Lucia <bill.Lucia@ed.gov> ( Bill Lucia <bill.Lucia@ed.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Bob Bostock <Bostock.Bob@epamail.epa.gov> ( Bob Bostock <Bostock.Bob@epamail.epa.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Bob Wood <robert.wood@hhs.gov> ( Bob Wood <robert.wood@hhs.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Bobby Jindal <bjindal@osaspe.dhs.gov> ( Bobby Jindal <bjindal@osaspe.dhs.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Brenda Becker <bbecker@doc.gov> ( Brenda Becker <bbecker@doc.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Brian Jackson <BrianAllanJackson@yahoo.com> ( Brian Jackson <BrianAllanJackson@yahoo.com> [ UNKNOWN ]
READ: UNKNOWN
TO: Brian Jones <brian.jones@ed.gov> ( Brian Jones <brian.jones@ed.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Brian Roseboro <brian.roseboro@do.treas.gov> ( Brian Roseboro <brian.roseboro@do.treas.gov> [ UNKNOWN ]
READ: UNKNOWN
TO: Brian Waidmann <brian.waidmann@os.doi.gov> ( Brian Waidmann <brian.waidmann@os.doi.gov> [ UNKNOWN ]

REV_00042835
Our prayers and support are heightened for each of you in the Bush Administration. It is my personal belief that God has you here for a reason and to paraphrase Churchill, "It was as if your whole life is mere preparation for this moment." Heritage can and will help as much as you all allow us to -- please feel free to call us as our web site is experiencing overwhelming numbers of hits. Warmly, Ginni

Upcoming Events

The National Security Crisis Featuring The Honorable Bob Livingston
Thursday, September 20, 2001 11:00 AM
<<Zakheim.doc>>

Monday, September 24, 2001 10:00 AM
<<UN-Kirkpatrick.doc>>

In Tenuous Accord: Assessing the United States' Relationship with the United Nations Featuring The Honorable Jeane Kirkpatrick. Monday, September 24, 2001 2:00 PM
<<US-Russia-China.doc>>

The Delicate Trio: The U.S./Russia/China Power Balance
Tuesday, September 25, 2001 10:00 AM
<<Sudan.doc>>

The Forgotten War: Can the United States bring an end to the Crisis in Sudan?
Tuesday, September 18, 2001 12:00 PM
<<Livingston Flyer.doc>>

The Terrorist Attack on America

Facts and Figures about Terrorism, by the CDA:
http://www.heritage.org/shorts/20010914terror.htm

The Terrorist Attack on America: Implications for Foreign Policy
http://www.heritage.org/library/execmemo/em775.html

A History of Bin Laden, the Taliban, and U.S. Policy toward Afghanistan (July, 2000)
http://www.heritage.org/library/backgrounder/bg1383es.html

"Declare War"

"More than a 'Warning Shot'"

At Issue: The Aftermath of the Terrorist Attacks on U.S.
http://www.heritage.org/shorts/20010912talkingpoints.html

Foreign Policy

How to Increase Transparency at the International Financial Institutions
http://www.heritage.org/library/execmemo/em774.html

Nicaraguan Elections Demand More Effective U.S. Support
Needed: A Strong Response to Beijing's Boycott of Foreign Businesses
Dealing with Taiwan
http://www.heritage.org/library/backgrounder/bg1472.html

Slamming the Brakes on Mexican Trucks

Setting the Tone for America's Relationship with the United Nations
http://www.heritage.org/library/execmemo/em772.html

How the Bush Administration Should Handle China and South China Sea Maritime Territorial Disputes
http://www.heritage.org/library/backgrounder/bg1470.html

Domestic Policy

Dust off that Veto Pen

http://www.heritage.org/library/backgrounder/bg1471.html

Publications Expected This Week

Uprooting Bin Laden's Terrorist Network, 9/18
U.S. Needs No Approval From the UN to Fight Its War with Terrorism, 9/20
U.S.-Russian Anti-Terrorism Cooperation, 9/20
Why the Terrorist Attack Makes the Case for Missile Defense, 9/19
How Members of Congress Practice School Choice, 9/18
How Congress Can Help the Uninsured Get Healthcare Coverage, 9/18

Virginia (Ginni) Thomas, Director
Executive Branch Relations, The Heritage Foundation
214 Mass. Ave, NE/Washington, D.C. 20002
phone: (202) 608-6240 or 546-4400
fax: (202) 608-6068 (fax)
e-mail: ginni.thomas@heritage.org
www.heritage.org

- Livingston Flyer.doc
ATT CREATION TIME/DATE: 00:00:00.00
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ATT CREATION TIME/DATE: 00:00:00.00
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ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_FVF3004_WHO.TXT_3>

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_FVF3004_WHO.TXT_4>
YOU ARE CORDIALLY INVITED TO A LECTURE
ON
THE NATIONAL SECURITY CRISIS

Featuring
THE HONORABLE BOB LIVINGSTON
Former Chairman of the House Appropriations Committee

HOSTED BY:
MIKE FRANC
Vice President, Government Relations, The Heritage Foundation

In early August, The Heritage Foundation asked Chairman Livingston to share his thoughts on the coming crisis in U.S. defense spending. In the light of last Tuesday’s tragic events it has become clear that the real crisis is not just one of dollars, but of how those dollars are spent. If America’s armed forces are going to both eradicate the terrorists who perpetrated last week’s violent acts, and at the same time ensure the safety of the nation, there must be a comprehensive reconfiguration of the military’s offensive and defensive capabilities. Please join us this Thursday as we examine the budgetary and strategic implications the devastation of September 11, 2001 will have on our country’s military.

THURSDAY, SEPTEMBER 20, 2001
11:00 AM
THE HERITAGE FOUNDATION’S LEHRMAN AUDITORIUM
214 MASSACHUSETTS AVENUE, NE
PLEASE RSVP TO (202) 675-1752
OR SEND YOUR EMAIL TO lectures.seminars@heritage.org
www.heritage.org
You are cordially invited to a lecture on

THE PRICE OF SECURITY: THE BUSH ADMINISTRATION’S CASE FOR INCREASING DEFENSE SPENDING

Featuring:

DOV ZAKHEIM
Under Secretary of Defense (Comptroller) and  
Chief Financial Officer for the Department of Defense

Hosted by:

KIM HOLMES
Vice President and Director, Kathryn and Shelby Cullom Davis  
Institute for International Studies

Ten years after the end of the Cold War, the U.S. military is in a condition that eerily resembles its condition in 1980. It suffers from underfunding and low morale, with years of fiscal neglect resulting in aging equipment and substandard living conditions for personnel. Hoping to reverse these dangerous trends, Congress approved a $14 billion increase in defense spending for FY 2002. The Pentagon and the Bush White House, however, assert that $14 billion can’t even come close to meeting the overwhelming needs of the U.S. military. Just to stop the decline of the U.S. armed forces the Administration has requested an additional $18 billion in defense spending, bringing the total increase to $32 billion. In the wake of the shrinking budget surplus will Congress agree to the Administration’s request? Please join us on September 24, as Undersecretary of Defense Dov Zakheim argues the Administration’s case.

Monday, September 24, 2001
10:00 AM
The Heritage Foundation’s Lehrman Auditorium
214 Massachusetts Avenue, NE
Please RSVP to (202) 675-1752
Or send your email to lectures.seminars@heritage.org
www.heritage.org
President Bush delivers his first address at the United Nations on September 24, during the 56th session of the General Assembly. His remarks will establish the framework for the Administration’s involvement in the UN at a time of turbulence in the US-UN relationship. To offer insights and perspectives on how the United States can effectively promote its interests in the UN system, we are pleased to present the Honorable Jeane Kirkpatrick, the U.S. Ambassador to the United Nations during the Reagan Administration, on September 24. Please join us for this timely discussion with Ambassador Kirkpatrick - the US Ambassador who took the “kick me” sign off the United States during another troubled time in the US-UN relationship.
YOU ARE CORDIALLY INVITED TO A PANEL DISCUSSION

ON

THE DELICATE TRIO:
THE U.S./RUSSIA/CHINA POWER BALANCE

Panel One: Sino-Russian Relations

JOHN TKACIK
Research Fellow in China Policy, The Heritage Foundation

KEVIN NEALOR
Principle & Partner, The Scowcroft Group

DR. ROBERT SUTTER
Visiting Professor in the School of Foreign Service, Georgetown University,
former National Intelligence Officer for East Asia and the Pacific, US Government’s National Intelligence Council.

Panel Two: U.S.-Russian

KIM HOLMES
Vice President and Director,
Kathryn and Shelby Cullom Davis Institute for International Studies, The Heritage Foundation

COL. JEFFREY MCCAUSSLAND
Former Director for Defense Policy and Arms Control, National Security Council

DR. STEPHEN BLANK
Douglas McArthur Professor of Research, Strategic Studies Institute, U.S. Army War College

HOSTED BY:

LARRY WORTZEL
Director, Asian Studies Center

On July 16 2001, the presidents of Russia and China signed the Treaty for Good Neighborliness, Friendship and Cooperation in Moscow. This treaty is the first such agreement between these two Eurasian powers since Mao Tse-tung signed a treaty with Joseph Stalin of the U.S.S.R. in 1950. Six days later, on July 22 2001 in Genoa, Italy, Russian President Vladimir Putin and U.S. President George Bush agreed that a U.S. missile defense could proceed, accompanied by large nuclear arms cuts by both nations. This announcement effectively meant the end of the Anti-Ballistic Missile Treaty. The signing of one treaty and the abrogation of the other should signal to the Western world that a major geopolitical shift may be taking place in the Eurasian balance of power, with serious implications for the United States and its alliances. Please join us on September 25th as we examine just what those implications may be.

TUESDAY, SEPTEMBER 25, 2001
10:00 AM
THE HERITAGE FOUNDATION’S LEHRMAN AUDITORIUM
214 MASSACHUSETTS AVENUE, NE
PLEASE RSVP TO (202) 675-1752
OR SEND YOUR EMAIL TO lectures.seminars@heritage.org
www.heritage.org
You are cordially invited to a panel discussion on

THE FORGOTTEN WAR: CAN THE UNITED STATES BRING AN END TO THE CRISIS IN SUDAN?

Featuring

FRANCIS BOL BOK
Escaped Sudanese Slave; Associate, American Anti-Slavery Group

ROGER ROBINSON
Chairman, William J. Casey Institute, Center for Security Policy

NINA SHEA
Director, Center for Religious Freedom, Freedom House

Hosted by:

JIM PHILLIPS
Research Fellow, The Heritage Foundation

Sudan's 18-year-old civil war has claimed the lives of more than 2 million people, displaced about 5 million people inside the country, and sent another half-million into exile. In recent years, Sudan's radical Islamic regime, dominated by Muslim Arabs from northern Sudan, has escalated the onslaught against an opposition coalition composed predominantly of black Christians and animists living in the south to genocidal proportions. It has resorted to systematic bombing of civilians, starvation, slavery, ethnic cleansing, religious persecution, and other human rights abuses to break the will of the opposition. Furthermore, the Sudanese dictatorship is on the State Department's list of state sponsors of terrorism and hosted Osama bin Laden, the prime suspect in the recent New York and Washington terrorist attacks, until 1996. What role can the United States play in stopping these atrocities and bringing a stable peace to Sudan?

Tuesday, September 18, 2001
12:00 PM
The Heritage Foundation's Lehrman Auditorium
214 Massachusetts Avenue, NE
Please RSVP to (202) 675-1752
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www.heritage.org
Note: Some recipients have been dropped due to Notes summary item limits. Please refer to the "$AdditionalHeaders" item for the complete headers.

Our prayers and support are heightened for each of you in the Bush Administration. It is my personal belief that God has you here for a reason and to paraphrase Churchill, "It was as if your whole life is mere preparation for this moment." Heritage can and will help as much as you all allow us to -- please feel free to call us as our web site is experiencing overwhelming numbers of hits. Warmly, Ginni

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Tuesday, September 25, 2001 10:00 AM
<<Sudan.doc>>

The Forgotten War: Can the United States bring an end to the Crisis in Sudan?
Tuesday, September 18, 2001 12:00 PM
<<Livingston Flyer.doc>>

The Terrorist Attack on America

Facts and Figures about Terrorism, by the CDA:
http://www.heritage.org/shorts/20010914terror.htm

The Terrorist Attack on America: Implications for Foreign Policy
http://www.heritage.org/library/execmemo/em775.html

A History of Bin Laden, the Taliban, and U.S. Policy toward Afghanistan (July, 2000)
http://www.heritage.org/library/backgrounder/bg1383es.html

"Declare War"

"More than a 'Warning Shot'"

At Issue: The Aftermath of the Terrorist Attacks on U.S.
http://www.heritage.org/shorts/20010912talkingpoints.html

Foreign Policy

How to Increase Transparency at the International Financial Institutions
http://www.heritage.org/library/execmemo/em774.html

Nicaraguan Elections Demand More Effective U.S. Support
http://www.heritage.org/library/backgrounder/bg1472.html

Needed: A Strong Response to Beijing's Boycott of Foreign Businesses Dealing
with Taiwan
http://www.heritage.org/library/execmemo/em773.html

Slamming the Brakes on Mexican Trucks

Setting the Tone for America's Relationship with the United Nations
http://www.heritage.org/library/execmemo/em772.html

How the Bush Administration Should Handle China and South China Sea Maritime Territorial Disputes
http://www.heritage.org/library/backgrounder/bg1470.html

Domestic Policy

Dust off that Veto Pen

http://www.heritage.org/library/backgrounder/bg1471.html

Publications Expected This Week

Uprooting Bin Laden's Terrorist Network, 9/18
U.S. Needs No Approval From the UN to Fight Its War with Terrorism, 9/20
U.S.-Russian Anti-Terrorism Cooperation, 9/20
Why the Terrorist Attack Makes the Case for Missile Defense, 9/19
How Members of Congress Practice School Choice, 9/18
How Congress Can Help the Uninsured Get Healthcare Coverage, 9/18

Virginia (Ginni) Thomas, Director
Executive Branch Relations, The Heritage Foundation
214 Mass. Ave, NE/Washington, D. C. 20002
phone: (202) 608-6240 or 546-4400
fax: (202) 608-6068 (fax)
e-mail: ginni.thomas@heritage.org
www.heritage.org
YOU ARE CORDIALLY INVITED TO A LECTURE

ON

THE NATIONAL SECURITY CRISIS

Featuring

THE HONORABLE BOB LIVINGSTON
Former Chairman of the House Appropriations Committee

HOSTED BY:

MIKE FRANC
Vice President, Government Relations, The Heritage Foundation

In early August, The Heritage Foundation asked Chairman Livingston to share his thoughts on the coming crisis in U.S. defense spending. In the light of last Tuesday’s tragic events it has become clear that the real crisis is not just one of dollars, but of how those dollars are spent. If America’s armed forces are going to both eradicate the terrorists who perpetrated last week’s violent acts, and at the same time ensure the safety of the nation, there must be a comprehensive reconfiguration of the military’s offensive and defensive capabilities. Please join us this Thursday as we examine the budgetary and strategic implications the devastation of September 11, 2001 will have on our country’s military.

THURSDAY, SEPTEMBER 20, 2001
11:00 AM
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You are cordially invited to a lecture

On

The Price of Security: The Bush Administration’s Case for Increasing Defense Spending

Featuring:

Dov Zakheim
Under Secretary of Defense (Comptroller) and Chief Financial Officer for the Department of Defense

Hosted by:

Kim Holmes
Vice President and Director, Kathryn and Shelby Cullom Davis Institute for International Studies

Ten years after the end of the Cold War, the U.S. military is in a condition that eerily resembles its condition in 1980. It suffers from underfunding and low morale, with years of fiscal neglect resulting in aging equipment and substandard living conditions for personnel. Hoping to reverse these dangerous trends, Congress approved a $14 billion increase in defense spending for FY 2002. The Pentagon and the Bush White House, however, assert that $14 billion can’t even come close to meeting the overwhelming needs of the U.S. military. Just to stop the decline of the U.S. armed forces the Administration has requested an additional $18 billion in defense spending, bringing the total increase to $32 billion. In the wake of the shrinking budget surplus will Congress agree to the Administration’s request? Please join us on September 24, as Undersecretary of Defense Dov Zakheim argues the Administration’s case.

Monday, September 24, 2001
10:00 AM
The Heritage Foundation’s Lehrman Auditorium
214 Massachusetts Avenue, NE
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ON 

IN TENUOUS ACCORD: 
ASSESSING THE UNITED STATES’ RELATIONSHIP WITH THE UNITED NATIONS 

FEATURING: 

HON. JEANE KIRKPATRICK 
Former U.S. Ambassador to the United Nations 

HOSTED BY: 

DAN FISK 
Deputy Director, Kathryn and Shelby Cullom Davis Institute for International Studies, The Heritage Foundation 

President Bush delivers his first address at the United Nations on September 24, during the 56th session of the General Assembly. His remarks will establish the framework for the Administration’s involvement in the UN at a time of turbulence in the US-UN relationship. To offer insights and perspectives on how the United States can effectively promote its interests in the UN system, we are pleased to present the Honorable Jeane Kirkpatrick, the U.S. Ambassador to the United Nations during the Reagan Administration, on September 24. Please join us for this timely discussion with Ambassador Kirkpatrick - the US Ambassador who took the “kick me” sign off the United States during another troubled time in the US-UN relationship. 

MONDAY, SEPTEMBER 24, 2001 
2:00 PM 
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ON

THE DELICATE TRIO:
THE U.S./RUSSIA/CHINA POWER BALANCE

Panel One: Sino-Russian Relations

JOHN TKACIK
Research Fellow in China Policy, The Heritage Foundation

KEVIN NEALOR
Principle & Partner, The Scowcroft Group

DR. ROBERT SUTTER
Visiting Professor in the School of Foreign Service, Georgetown University,
former National Intelligence Officer for East Asia and the Pacific, US Government’s National
Intelligence Council.

Panel Two: U.S.-Russian

KIM HOLMES
Vice President and Director, Kathryn and Shelby Cullom Davis Institute for
International Studies, The Heritage Foundation

COL. JEFFREY MCCAusLAND
Former Director for Defense Policy and Arms
Control, National Security Council

DR. STEPHEN BLANK
Douglas McArthur Professor of Research, Strategic Studies Institute, U.S. Army War College

HOSTED BY:
LARRY WORTZEL
Director, Asian Studies Center

On July 16, 2001, the presidents of Russia and China signed the Treaty for Good Neighborliness,
Friendship and Cooperation in Moscow. This treaty is the first such agreement between these two
Eurasian powers since Mao Tse-tung signed a treaty with Joseph Stalin of the U.S.S.R. in 1950. Six days
later, on July 22, 2001 in Genoa, Italy, Russian President Vladimir Putin and U.S. President George Bush
agreed that a U.S. missile defense could proceed, accompanied by large nuclear arms cuts by both
nations. This announcement effectively meant the end of the Anti-Ballistic Missile Treaty. The signing of
one treaty and the abrogation of the other should signal to the Western world that a major geopolitical
shift may be taking place in the Eurasian balance of power, with serious implications for the United
States and its alliances. Please join us on September 25th as we examine just what those implications may
be.

TUESDAY, SEPTEMBER 25, 2001
10:00 AM
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ON

THE FORGOTTEN WAR:
CAN THE UNITED STATES BRING AN END TO
THE CRISIS IN SUDAN?

Featuring

FRANCIS BOL BOK
Escaped Sudanese Slave; Associate, American Anti-Slavery Group

ROGER ROBINSON
Chairman, William J. Casey Institute, Center for Security Policy

NINA SHEA
Director, Center for Religious Freedom, Freedom House

HOSTED BY:

JIM PHILLIPS
Research Fellow, The Heritage Foundation

Sudan's 18-year-old civil war has claimed the lives of more than 2 million people, displaced about 5 million people inside the country, and sent another half-million into exile. In recent years, Sudan's radical Islamic regime, dominated by Muslim Arabs from northern Sudan, has escalated the onslaught against an opposition coalition composed predominantly of black Christians and animists living in the south to genocidal proportions. It has resorted to systematic bombing of civilians, starvation, slavery, ethnic cleansing, religious persecution, and other human rights abuses to break the will of the opposition. Furthermore, the Sudanese dictatorship is on the State Department's list of state sponsors of terrorism and hosted Osama bin Laden, the prime suspect in the recent New York and Washington terrorist attacks, until 1996. What role can the United States play in stopping these atrocities and bringing a stable peace to Sudan?

TUESDAY, SEPTEMBER 18, 2001
12:00 PM
THE HERITAGE FOUNDATION'S LEHRMAN AUDITORIUM
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ON
THE NATIONAL SECURITY CRISIS

Featuring

THE HONORABLE BOB LIVINGSTON
Former Chairman of the House Appropriations Committee

HOSTED BY:

MIKE FRANC
Vice President, Government Relations, The Heritage Foundation

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THURSDAY, SEPTEMBER 20, 2001
11:00 AM
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thanks, this is helpful.

Brett Kavanaugh
10/01/2001 10:46:16 AM
Record Type: Record

To: Scott McClellan/WHO/EOP@EOP
cc: Joel D. Kaplan/WHO/EOP@EOP
Subject: victims fund talking points

per Joel's request. Let me know if you have further questions; it is important to make clear that the program as authorized by the Act is designed to be expeditious, but also reasonable and limited in that the Act expressly disallows double compensation for those who will receive or have received payments from insurance coverage, other government programs, etc.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BP6Y3004_WHO.TXT_1>
Airlines Act -- Fund for Compensation to Victims

- The Act requires the Department of Justice to promulgate regulations within 90 days, which is a brief time for regulations of this sort. The Department has begun internal study and review of the Act’s requirements. [If questioned about whether there will be a notice and comment period with respect to the proposed regulations, say that the lawyers are studying that and other issues.]

- The Administration’s goal is to ensure a compensation program that is expeditious, fair, and reasonable.

  - The program will ensure compensation more rapidly than litigation and will not require the victims to prove wrongdoing by any particular defendant.

  - The program will ensure reasonable compensation so that those in need and without insurance coverage, for example, are fully compensated. As enacted by Congress, the program is not designed, however, either to supplement or to substitute for insurance coverage or other benefits that a victim, or the family of a deceased victim, may receive to compensate them for their losses.

  - The legislation specifically and expressly excludes punitive damages and amounts received from collateral sources (for example, from insurance and government programs such as FEMA) from the compensation the victim is to receive.

- The legislation requires that the Attorney General appoint a special master to administer the program. (No Senate confirmation is required for the special master.) No decision has yet been made as to the identity of the special master.
Brett, I have a call into Carl to find out more about this, but I don't know much about the airline compensation bill. Carlos says you're the expert. What can you tell me?

---------------------- Forwarded by Diana L. Schacht/OPD/EOP on 10/04/2001 03:53 PM ---------------------------

"Thorsen, Carl" <Carl.Thorsen@usdoj.gov>
10/04/2001 02:39:04 PM

cc: "Manos, Santal" <Santal.Manos@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

Subject: FW: Victim Compensation and inequities

See below, especially 3rd Paragraph. Any guidance on how DOJ should respond to our Cardinal's staff? Thanks.

-----Original Message-----
From: Manos, Santal
Sent: Thursday, October 04, 2001 2:33 PM
To: Zwick, Ken; Harris, Paul; Henke, Tracy; Bernhardt, Gena; Bryant, Dan; Thorsen, Carl; O'Brien, Pat; Madan, Rafael
Cc: Curtis, Adrian A; Orben, Kim; Bryant, Dan; Atsatt, Mikki; Schultz, Walter H; Flanagan, Maura
Subject: Victim Compensation and inequities

All,

I received a call today from Gail DelBalzo, House CJS Appropriations Staff, who has been grappling with the issue of the inequities in victim compensation which have arisen since the passage of the Airline Compensation Act. The issue is hitting the CJS Subcommittee because the Senate version of the CJS appropriations bill includes provisions in Section 629 of the bill (affecting State Department) that would direct the United States to pay compensation (apparently also including some punitive compensation) to certain classes of victims. Payments would come from the Treasury with the directive that the US attempt to recoup that compensation from seized Iranian assets.

I understand our House Chairman, Frank Wolf, is getting hit with lots of requests from Members who have victims that are not included in either Section 629 or by the provision in the Airline Compensation bill. They are looking at a way to diffuse this issue in the upcoming conference on
the CJS bill and have asked for a letter from the State Department (They would like participation from Justice as well) that would state something along the lines that both Departments "recognize the issue and are working on ways to address the issue of compensation for all victims."

In my opinion this is a much larger issue than the Department of Justice. Such a letter would likely have to come from the White House. It is my further understanding that folks in the White House are aware that there are issues involving broader victim compensation. The purpose of this e-mail is to make you all aware that we have a request for such a letter so as to alert any of you who may have had interaction with the White House on this issue. I am willing to tell Gail that she needs to work with the White House, but I would prefer not to have to do this is there is something being worked that I am unaware of. If anyone can shed some light on this, I'd appreciate hearing from them.

Santal
From: Edward_Ingle@who.eop.gov [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Bradford A. Berenson/WHO/EOP@EOP [WHO] <Bradford A. Berenson>; Jay P. Lefkowitz/OMB /EOP@EOP [OMB] <Jay P. Lefkowitz>
Sent: 10/18/2001 2:20:56 PM
Subject: : this week's agency FOIA requests
Attachments: P_G6E94004_WHO.TXT_1.doc

(See attached file: FOIA10-18-01.doc)
- FOIA10-18-01.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_G6E94004_WHO.TXT_1>
SIGNIFICANT AGENCY FOIA REQUESTS

DOI

- **National Homeland Defense Task Force.** The Interior Department received a FOIA request from the *Los Angeles Times* for documents concerning a national homeland defense task force. Because of recent terrorist attacks in the U.S., the requester asked for expedited processing. Although the Department is coordinating the response, BLM (and other Bureaus) are responsible for searching for responsive documents and providing the records to the DOI for a release determination. The Department is now reviewing the new DOJ FOIA policy to determine its application on this request.

- **National Monuments.** The Wilderness Society filed a FOIA request for documents concerning the future of the national monuments established by the Clinton Administration. The group is interested in any analyses, compilations, summaries, charts, and other materials prepared by the BLM and DOI.

EDUCATION

- **Campaign Research:** On October 9, the Department of Education received a request from Benjamin Jones, Deputy Research Director, Democratic Senatorial Campaign Committee, for correspondence about Representative Lindsey Graham from January 1, 1995 – Present.

DOT

- **Frontline (PBS).** On October 3, 2001, NHTSA received a FOIA request from a producer at 10/20 Productions for PBS Frontline. The request was for, "All correspondence, internal memoranda and related documents pertaining to the publication of the findings of E.A. Harwin and H.K. Brewer on the issue of rollover, covering calendar years 1987 to 1990." NHTSA is working on the response to this request.

- **Newsday.** Copies of all reports, correspondence and any other documents submitted by airlines to the Office of Aviation Analysis in accordance with requirements established in DOT Order 2001-9-18 concerning airline industry conditions as a result of the September 11, 2001 terrorist attacks.

- **USA Today.** All airlines’ applications for federal financial assistance under the Air Transportation Safety and System Stabilization Act. Also, any correspondence between DOT and the airlines, their representatives or trade groups, related to implementation of the Act.

- **Rob Evans, The Guardian (U.K.)** Copies of all papers, briefing materials, documents, memos, telegrams, cables, agendas and minutes of meetings, memorandums of
conversations, or e-mails that were prepared or compiled by FAA and DOT for the visit and meeting of Tony Blair, the British Prime Minister, and President Bush at Camp David.

- **McClatchy Newspapers.**

**HHS**

- **RU-486 FOIA Request.** On October 15, FDA released a CD-ROM with about 15,000 pages of documents related to RU-486. A year ago, Judicial Watch filed a sweeping Freedom of Information Act (FOIA) request for documents pertaining to RU-486. The request included the application and documentation submitted by the Population Council on RU-486. The Agency identified more than 250,000 pages of potentially responsive documents. The documents were not forthcoming within the 20 days allotted under FOIA, and on December 12, 2000, Judicial Watch sued FDA in the U.S. District Court for the District of Columbia. The court granted a stay for production of the documents until October 15, 2001. There should be press interest in the document release, in part because the materials disclosed will provide information on the Agency's deliberations on the approval of the drug. FDA also be identifies officially, for the first time, the name and location of the drug substance manufacturer in China. FDA expects controversy about the small number of pages being released and some redactions in the documents. The documents have been redacted to protect information that is exempt from disclosure under the FOIA.

**LABOR**

- **Democratic Senatorial Campaign Committee.** Benjamin Jones, Deputy Research Director, Democratic Senatorial Campaign Committee, is seeking: correspondence and other information requested by or provided to the following current Members of the House of Representatives between the dates listed below:

  Lindsey Graham: Rep.: 1/1/95-Present

  Mr. Jones is also seeking all direct correspondence between the listed members or their staff and the [Department], including letters, reports, requests and other relevant material. He is also seeking any secondary material such as phone logs, e-mails, notations of conversations.

  This request was forwarded to all components of the Department, including the Divisions in the Solicitor's Office for processing. Date received: October 4, 2001.

- **Democratic Senatorial Campaign Committee.** Benjamin Jones, Deputy Research Director, Democratic Senatorial Campaign Committee, is seeking: correspondence and other information requested by or provided to the following current and former Members of the House of Representatives and United States Senate between the dates listed below:

  John Sununu: Rep.: 1/1/97-Present
  James Talent: Rep.: 1/1/93-12/31/00
Mr. Jones is seeking all direct correspondence between the listed members or their staff and the [Department], including letters, reports, requests and other relevant material. He is also seeking any secondary material such as phone logs, e-mails, and notations of conversations.

This request was forwarded to all components of the Department, including the Divisions in the Solicitor’s Office for processing. Date received: October 11, 2001.

- **United Mine Workers of America.** Joseph A. Main, Administrator, Department of Occupational Health and Safety, United Mine Workers of America (UMWA), Fairfax, Virginia is seeking: a complete list of all MSHA District 11 personnel and a separate report identifying those that have or had inspection responsibilities at this site. Mr. Main also asked for a copy of any complaints filed since 1995 by any MSHA District 11 personnel to any Agency officials, to the Inspector General and within any other Agency regarding enforcement of the Mine Act. Additionally, he asked for a breakdown of the personnel with direct authority over Chief Accident Investigator Ray McKinney regarding the investigation into the Jim Walter Resources Inc. #5 Mine explosion in Tuscaloosa County, Brookwood, Alabama. This request is currently being processed by the Mine Safety and Health Administration. Date received: October 10, 2001.

**JUSTICE**


- **The San Antonio Express News** has requested all records pertaining to the September 11 terrorist attacks that have been generated by or sent to Attorney General John Ashcroft.

- **The Pittsburgh Post-Gazette** has requested detailed information pertaining to United Flight 93, including transcripts of telephone calls and seating assignments.

**ONDCP**

- **Media Campaign.** Richard Shain of RA Shain & Assoc., requests SPOT television spending by market for CY99, CY00.

**DOE**

- **Request from Bob Jones of the Democratic Senatorial Campaign Committee** for copies of correspondence between the DOE and former Congressman James Talent (R-MO) and Senator Robert Smith (R-NH).

- **Request from Winifred Walsh of the Santa Fe New Mexican** for copies of any correspondence by former Secretary of Energy Bill Richardson regarding a possible waste facility for nuclear sealed sources near the Waste Isolation Pilot Plant at Carlsbad, New Mexico; copies of any correspondence by former Secretary of Energy Bill Richardson regarding a Waste Isolation Pilot Plant security contract granted in late 2000 or early 2001;
copies of all correspondence between David G. Huizenga and Charles D. Massey at Westinghouse regarding the Waste Isolation Pilot Plant.
From: CN=Kristen Silverberg/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]<Brett M. Kavanaugh>
Sent: 10/19/2001 5:54:39 AM
Subject: : Additional information on aircraft mfg liability
Attachments: P_BQL94004_WHO.TXT_1.doc; P_BQL94004_WHO.TXT_2.doc

# Begin Original ARMS Header#
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP [ WHO ])
CREATION DATE/TIME: 19-OCT-2001 09:54:39.00
SUBJECT: : Additional information on aircraft mfg liability
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ])
READ: UNKNOWN
#End Original ARMS Header#

---------------------- Forwarded by Kristen Silverberg/WHO/EOP on 10/19/2001 09:54 AM ---------------------------

"Carlson, Stacy" <SCarlson@AKINGUMP.com>
10/19/2001 09:51:37 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc:
Subject: Additional information on aircraft mfg liability

Kristen - here is a revised amendment and white paper, it speaks only to the aircraft manufacturer's liability, which we understand doesn't solve the bigger problem.

We see a need for a broader legislative solution, and will see if we can be of assistance up on the hill in that.

Thanks again for your time, please call with any questions, etc.

Stacy

Stacy Carlson
Senior Advisor
Akin, Gump, Strauss, Hauer & Feld
1333 New Hampshire Avenue, NW
Washington, DC 20026
scarlson@akingump.com
(202) 887-4231
(202) 955-7892 fax

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File attachment <P_BQL94004_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BQL94004_WHO.TXT_2>
Sec. _____ - Air Transportation Safety and System Stabilization Act Amendments

Public Law 107-42 is amended—

(a) In Title IV, Sec. 402—
   (1) following subsection (2) by inserting:

   "(3) AIRCRAFT MANUFACTURER—The term “aircraft manufacturer” means any entity that manufactured the aircraft or any parts or components of the aircraft involved in the terrorist related aircraft crashes of September 11, 2001. The term includes employees and agents of such entity.”; and

   (2) by redesignating subsections (3) - (8) as subsections (4) – (9) respectively;

(b) In Title IV, by striking “Sec. 408 Limitation on Air Carrier Liability” and inserting “Sec. 408 Limitation on Air Carrier and Aircraft Manufacturer Liability”; and

(c) In Title IV, Sec. 408(a), following “air carrier” in both places where it appears, by inserting “or aircraft manufacturer.”
Aircraft Manufactures’ Liability Issues
Airline Stabilization Act

**Issue:** The Air Transportation Safety and System Stabilization Act, H.R.2926, Public Law 107-42, did not address issues related to liability protection critical to aircraft manufacturers and aircraft parts and component manufacturers.

**Discussion:** The Air Transportation Safety and System Stabilization Act, H.R.2926, Public Law 107-42, (Airline Bill) gave limited liability protection (Sec. 408) to air carriers for the events of September 11, 2001. The air carriers’ liability for September 11 is limited to the extent of the liability coverage maintained by the air carrier.

Other entities certain to be named in civil lawsuits for damages arising out of those events, specifically aircraft manufacturers and aircraft parts and component manufacturers, did not receive any limited liability protection. The magnitude of those claims leaves the manufacturers as the only “deep pockets” with no limited liability protection. Since those companies have unlimited financial exposure, they are faced with potential financial penalties ranging from reduced credit worthiness to potential bankruptcy. Given the magnitude of the events of September 11 and the liability protection given to the airlines, the manufacturers should receive the same liability protection.

**Recommendation:** Extend the provisions of the Airline Bill to treat aircraft manufacturers and aircraft parts and component manufacturers the same as the air carriers by granting the same limited liability protection for the events of September 11 to aircraft manufacturers and parts and component manufactures.

October 15, 2001
Looks perfect. Really good work.

Ed, here are the points that should help. Courtney, can you also review to see if you have any additions/subtractions, particularly on immigration in point 4? Thanks.

Brett/Courtney -- Have you been able to work up a couple of points that we’ll want to stress in the bill signing? We really need to get this into staffing today, so anything you can offer as soon as possible would be much appreciated. Thanks. -- Ed.
Anti-Terrorism Law

The law represents a measured, careful, responsible, and constitutional approach to the threat of terrorist activities conducted in the United States and directed against United States citizens. It will enhance the government’s ability both (i) to detect and prevent terrorist acts; and (ii) for those terrorists who are brought to justice through a criminal process rather than a military process, to severely punish terrorists and those who support and harbor them.

The law seeks to achieve four main goals:

First, the law would ensure that information that is important to both intelligence and criminal investigations can be easily shared so that vital information is available to all relevant federal agencies. The law will begin to break down the walls between law enforcement and intelligence agencies and thereby help both to prevent terrorist acts before they happen and to severely punish terrorists and those who harbor and support terrorists.

Second, the new law will update laws authorizing government surveillance. These laws were enacted decades ago by Congress in an era of rotary telephones. These laws must be updated to account for e-mail, Internet usage, cellular phones, and other forms of modern communication.

The government is currently fighting a modern war -- a war that threatens our people and our way of life -- with antique weapons. Terrorists are taking advantage by using the Internet, e-mail, and multiple cellular telephones to escape and evade detection by United States agents.

The law does not purport to change the legal standards that govern when and under what circumstances the government can seek such information. Rather, the law merely seeks to ensure that the same legal standards that govern wiretaps on telephones, for example, also apply to modern forms of communication such as e-mail.

Consistent with the Constitution, the law of search and surveillance should be technology neutral. The government’s ability to detect and prevent crime should not depend on the technology used by the suspect. To do otherwise is a prescription for failure.

Third, the law will ensure that certain categories of federal search warrants and surveillance orders are valid throughout the United States so that federal prosecutors and federal agents need not pointlessly seek re-authorization in multiple districts throughout the country. Eliminating these kinds of administrative burdens, which serve no discernible purpose, will allow federal agents to respond rapidly in fast-moving intelligence and criminal investigations so that agents can track and follow potential terrorists.
• Fourth, the law will establish tough new penalties and sanctions on terrorists and those who harbor and support terrorists. In many instances, these changes would simply ensure that terrorism offenses are subject to the same kinds of penalties as other serious criminal offenses, such as drug trafficking.

• For example, the law will:
  • enhance the government’s ability to seize assets of terrorists;
  • assist the government’s ability to exclude and remove from the United States both terrorists and those who support and harbor terrorists;
  • extend the statute of limitations on terrorist crimes; and
  • ensure lengthy sentences for terrorist crimes, including on those who harbor and support terrorists.
From: CN=Lori L. Lorenzi/OU=WHO/O=EOP [ WHO ]
Sent: 10/26/2001 10:24:12 AM
Subject: Weekend Parking Policy
Attachments: P_4Q9E4004_WHO.TXT_1.doc

--- Forwarded by Lori L. Lorenzi/WHO/EOP on 10/26/2001 02:24 PM ---

Kimberly A. Douglass 10/26/2001 02:22:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jacquelyn D Hayes-Byrd/WHO/EOP@EOP, A. Merrill Hughes/WHO/EOP@EOP
Subject: Weekend Parking Policy

Please see attached memo. Thank you.

Message Sent
To:

Phil Cooney/CEQ/EOP@EOP
Wilma G. Hall/NSC/EOP@EOP
Colleen Litkenhaus/WHO/EOP@EOP
Ross M. Kyle/WHO/EOP@EOP
Tiffany L. Barfield/OPD/EOP@EOP
G. Timothy Saunders/WHO/EOP@EOP
Jane E. Baker/PFIAB/EOP@EOP
Michael J. Costic/OA/EOP@EOP
Susan B. Ralston/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Jill Davie/WHO/EOP@EOP
Janet P. Walker/OPD/EOP@EOP
Gay L. Joslyn/NSC/EOP@EOP
Christa Moyle/OA/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Julianne H. Thomas/WHO/EOP@EOP
Kathryn J. Hayes/WHO/EOP@EOP
Kathryn M. McKeown/WHO/EOP@EOP
Kara G. Figg/WHO/EOP@EOP
Gregory Goss/WHO/EOP@EOP
Frances E. Norris/OVP/EOP@EOP
Marilyn R. Jacanin/WHO/EOP@EOP
Douglas L. Hoelscher/WHO/EOP@EOP
Dorothy C. Garvin/WHO/EOP@EOP
Vickie A. McQuade/WHO/EOP@EOP
Terry W. Good/WHO/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Barbara A. Ferguson/OSTP/EOP@EOP
Manuel A. Mendoza/WHO/EOP@EOP
hofgren_cathy@ustr.gov
Listi Arnold/WHO/EOP@EOP
Mary Fibich/CEA/EOP@EOP
Catharine A. Ryun/WHO/EOP@EOP
Carolyn Nelson/WHO/EOP@EOP
Kathy J. Becker/WHO/EOP@EOP
Krista L. Pitacco/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Karen L. Zent/WHO/EOP@EOP
Heather L. West/WHO/EOP@EOP
Christopher D. Gambill/WHO/EOP@EOP
TGAINES@whmo.mil

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P 4Q9E4004 WHO.TXT 1>
MEMORANDUM TO PARKING COORDINATORS

FROM: KIMBERLY DOUGLASS

SUBJECT: WEEKEND PARKING POLICY

Effective immediately, only EOP passholders with valid parking permits will be allowed to park in the White House Complex parking areas on the weekends. Passholders should park only in the area for which they hold a valid parking permit. The only exception to this policy will be the Ellipse, where non-permitted passholders will be allowed weekend parking. Please be sure to inform all employees within your divisions of this change in policy.

If you have any questions, please feel free to contact me at X6-2500. Thank you.

cc: Becky Ediger
From: D. Marcus Sumerlin/OPD/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
       Kristen Silverberg/WHO
Sent: 10/31/2001 8:55:17 AM
Subject: Please let Marc know
Attachments: P_TOYG4004_OPD.TXT_1.html

--- Begin Original ARMS Header ---
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [OPD])
SUBJECT: Please let Marc know
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: Unknown
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: Unknown
--- End Original ARMS Header ---

--------------- Forwarded by D. Marcus Sumerlin/OPD/EOP on 10/31/2001 01:54 PM ---------------

From: Leslie A. Mooney on 10/31/2001 01:44:24 PM
Record Type: Record

To: D. Marcus Sumerlin/OPD/EOP@EOP
cc:
Subject: Please let Marc know

--------------- Forwarded by Leslie A. Mooney/OPD/EOP on 10/31/2001 01:44 PM ---------------

"Farry, Doug" <Doug.Farry@mail.house.gov>
10/31/2001 01:41:16 PM
Record Type: Record

To: Leslie A. Mooney/OPD/EOP
cc:
Subject: Please let Marc know

Apparently, there are 2 separate efforts to address liability reform issues.
One is retrospective, seeking to fill in the gaps left when we only
protected the airlines from some liability in the airline package. The
other, yours, is a prospective effort tied to the reinsurance bill. I'm not
dealing with the liability part, but it does not appear that people here --
in leadership or in the committees -- were aware of the dual efforts. I
think that if they are not currently coordinated, they need to get
coordinated sooner rather than later or we are going to have some very
confused Members.

DOUGLAS FARRY
Office of Majority Leader Dick Armey
H-226 The Capitol
(202) 225-6600
"Ground Zero in the Fight for Tax Cuts!!!
Apparently, there are 2 separate efforts to address liability reform issues. One is retrospective, seeking to fill in the gaps left when we only protected the airlines from some liability in the airline package. The other, yours, is a prospective effort tied to the reinsurance bill. I'm not dealing with the liability part, but it does not appear that people here -- in leadership or in the committees -- were aware of the dual efforts. I think that if they are not currently coordinated, they need to get coordinated sooner rather than later or we are going to have some very confused Members.

DOUGLAS FARRY

Office of Majority Leader Dick Armey

H-226 The Capitol

(202) 225-6600

"Ground Zero in the Fight for Tax Cuts!!"
Attached is the calendar for next week. I am still waiting to find out who will interview with Tim on the 11-6 interviews. Once that Associate Counsel is confirmed I will release another calendar and include DOJ in the e-mail. Let me know of any changes. I am handling WAVES.

Lori
Can the President Sign a letter for this?

Thanks

DT

---------------------- Forwarded by David M. Thomas/WHO/EOP on 11/05/2001 02:12 PM ---------------------------

David M. Thomas
11/05/2001 01:45:16 PM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc:
Subject: URGENT REQUEST/Congressman Schaffer CO.

Stuart please take a look at the letter below. Can we do a letter for this event from the President? As you can see the event is tonight. I will draft the letter if you think we can do it.

Thanks

David Thomas

Dear

On Monday, November 5, 2001 I will assemble four simultaneous meetings of student leaders from throughout Eastern Colorado to achieve the president,s challenge to America,s youth to raise one dollar each to rescue the children of war-torn Afghanistan. Please send at least one representative (preferably a designated student leader) to represent your school.

Last week, I convened a meeting of several high school student government presidents. The attendees unanimously resolved to organize a youth campaign to accept President Bush,s challenge on a large-scale basis. With the assistance of my office, the students intend to achieve the goal of raising one dollar per student in Colorado,s Fourth Congressional District and set an example for the rest of the state and nation. Monday,s meeting will begin at 7:00 p.m. at the following locations:

Limon Windsor
Fireside Junction Meeting Room Windsor
Middle School
2295 9th Street
Gymnasium
900 Main Street
Monday will be the official kick-off of the fund drive, and participation from every school and youth organization is essential. Any school, church youth group, scouting organization, sports team, etc., is invited to send a representative to provide input, receive fund drive materials and information, and provide a head count of students in establishing a fundraising goal for the district.

Many schools have already independently begun raising money for America’s Fund for Afghan Children. If this is the case at your school, we still need your full participation. We need some advice on what works best and good appeal strategies other schools might consider. More importantly, we need to include your student count and dollars raised into the calculation of district-wide goals and achievements. My goal is to facilitate a project that is truly student-run, and student-managed. Your guidance and cooperation is, of course, needed at the building level in order for the students to succeed.

Funds raised may be sent independently to the White House or bundled through the Colorado Students GIFT campaign. Funds will be delivered to the president by a team of students from Colorado. Colorado’s presentation will indicate the total dollar amount raised from all Colorado students. Once again, accounting for each dollar raised for America’s Fund for Afghan Children is crucial.

I hope you will be excited about this opportunity to engage and motivate young people as I am. Please identify your school’s most suitable delegates to join us on November 5th. This is a unique opportunity for children of this generation to emulate those before them who met President Franklin Roosevelt’s challenge, collected dimes for Polio, and left America with the lasting legacy of the march of Dimes.

Please contact my district director, Marge Klein, at 970-493-9132 with any comments or questions you may have about the event.

Very truly yours,

Bob Schaffer
Member of Congress
from Colorado

CALLING ALL STUDENT LEADERS

Please join student leaders from throughout Eastern Colorado for an organizational meeting and kick-off rally for America’s Fund for Afghan Children. President Bush has asked America’s young people to help the children of Afghanistan in their hour of need. Colorado’s U.S. Congressman Bob Schaffer is helping student leaders to organize and lead a fundraising campaign -- in each and every school, scout troop, church youth group, sports team, and any other youth organization -- to collect a dollar per student for Afghanistan’s children.

Four organizational meetings will be held simultaneously throughout Colorado’s Fourth Congressional District.
When: Monday, November 5th
7:00 p.m.

Where: Limon Windsor
Fireside Junction Meeting Room Windsor
Middle School
2295 9th Street
Gymnasium
900 Main Street

La Junta Fort
Morgan
La Junta High School Morgan
County REA
Commons Area 20169 US
Highway 34
1817 Smithland Avenue

For more information contact:

Marge Klein Jace Ratzlaff Will
Sander
District Director District Aide District
Aide
Fort Collins La Junta Greeley
970-493-9132 719-384-7370 970-353-3507

Debbie Stromberger
District Aide
Sterling
970-522-1788
There have been some changes. Tim is not able to interview today. We are waiting to find out if there will be a second interview with the candidate (Brett or Kyle).

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3RDK4004_WHO.TXT_1.xlw>
Attached is the calendar for next week. Let me know if there are any changes or additions.

Lori
456-5298

File attachment <P_WIAL4004_WHO.TXT_1.xlw>
so stay calm

--------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/07/2001 04:39 PM ---------------------------

H. Christopher Bartolomucci
11/07/2001 04:38:10 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: World Bank

This is what the Washington Post is saying:

A fire in a restaurant grease duct has spread through a downtown office building, and is sending huge amounts of smoke billowing out.

Helgard C. Walker
11/07/2001 03:48:32 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: World Bank

is apparently on fire. And this is no joke.
Message Copied
To:
courtney s. elwood/who/eop@eop
brett m. kavanaugh/who/eop@eop
bradford a. berenson/who/eop@eop
robert w. cobb/who/eop@eop
noel j. francisco/who/eop@eop
rachel l. brand/who/eop@eop
Friends

This is from Phyllis Schlafly's DC person.

Is there anything I might tell her?

Warmly

tsg

Lori Cole

11/07/2001 01:43:05 PM
Please respond to lori@eagleforum.org
Record Type: Record

Tim,

In building support for the Craig Amendment to the CJS Appropriations bill, I was told that the Administration (including the State Dept.) was opposed to it. Is this true?

The Craig Amendment states:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

The Amendment was adopted by voice vote. Pres. Bush has repeatedly rejected this inherently flawed treaty, so I expected that he would support the Craig Amendment. From what I understand part of the opposition arises from the State Dept. wanting to be part of the Prep Coms. in order to make minor changes to the treaty. Such "participation"
is a huge waste of tax dollars and time because, as one friend put it, that is like putting make-up on a pig and entering it in a beauty contest. No degree or amount of minor changes will ever make the ICC good enough to ratify.

On a similar, yet slightly different angle on the ICC, I also understand that the Administration is working behind the scenes with the Foreign Relations Committee to weaken the American Servicemembers' Protection Act. The new bill (S. 1610), which is also mentioned in the alert below, protects every U.S. citizen from the ICC. Why wouldn't the President support this bill?

Below is our alert on the ICC that was sent out this morning. Thanks for your help and for digging into this matter for me.
Lori Cole

Protecting Americans From the International Criminal Court
Urge Congress to Pass the American Servicemembers' Protection Act and the Craig Amendment to the FY 2002 Commerce, Justice, State Appropriations bill

November 6, 2001

THE DANGERS OF THE ICC

The International Criminal Court, a U.N. treaty negotiated in 1998, is dangerous to American sovereignty and puts U.S. citizens at risk. The Court will indict, prosecute, and imprison persons accused of "war crimes", "crimes of aggression", "crimes against humanity," and "genocide." These broadly defined crimes will be interpreted by ICC judges, and the U.S. must ratify the treaty in order to have one American judge sitting on the Court.

Even if the U.S. never ratifies the ICC, the Court still claims jurisdiction over every U.S. citizen. The ICC will not be required to provide Americans basic legal protections guaranteed by the U.S. Constitution. Despite these flaws, President Clinton signed the ICC on December 31, 2000 but never submitted the treaty to the U.S. Senate for ratification. Over 30 countries have ratified the ICC, and it will enter into force when that number reaches 60.

AMERICAN SERVICEMEMBERS' PROTECTION ACT

On November 1, Sen. Jesse Helms introduced a stronger version of the American Servicemembers Protection Act (S. 1610). Unlike previous versions of the American Servicemembers' Protection Act that only protected military personnel, every U.S. citizen would be protected from ICC's reach. The new bill prohibits any U.S. governmental entity from cooperating with the ICC in arrests, searches and seizures, or taking of evidence. Recognizing that the ICC is a violation of international law because it claims jurisdiction over non-ratifying countries, S. 1610 also instructs the Administration to withdraw Clinton's signature from the treaty. At this time, there is no equivalent House companion bill.

S. 1610 link: http://thomas.loc.gov/cgi-bin/bdquery/z?d107:s.01610:

NO TAX-DOLLARS FOR THE ICC

On September 10, Sen. Larry Craig (R-ID) introduced an amendment to the Commerce, Justice, State (CJS) Appropriations bill to prohibit federal tax-dollars from being used to cooperate, assist, or support the International Criminal Court or the Preparatory Commission. The amendment was adopted by voice vote, but now, it faces elimination in the conference committee as the House and Senate work out their differences. The ICC is a bad treaty, and seeking minor changes through any U.S. participation will never change that. It is time to stop wasting tax dollars on developing the flawed ICC.
ACTION ITEM

Ask your Senators to co-sponsor the American Servicemembers' Protection Act (S. 1610).

Ask the Members of the CJS Conference Committee to keep the Craig Amendment in the final version of the bill in order to prohibit the use of tax-dollars for the ICC.

Senate Conferees: Hollings, Inouye, Mikulski, Leahy, Kohl, Murray, Reed, Byrd, Gregg, Stevens, Domenici, McConnell, Hutchison, Campbell and Cochran

House Conferees: Wolf, Rogers (KY), Kolbe, Taylor (NC), Regula, Latham, Miller (FL), Vitter, Young (FL), Serrano, Mollohan, Roybal-Allard, Cramer, Kennedy (RI), and Obey

CALL IMMEDIATELY! CAPITOL SWITCHBOARD (202) 224-3121

E-mail addresses:
HOUSE: http://www.house.gov/writerep/
SENATE: http://www.senate.gov/contacting/index_by_state.cfm

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P TIRL4004 WHO.TXT 1>
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CALL IMMEDIATELY! CAPITOL SWITCHBOARD (202) 224-3121

E-mail addresses:
- SENATE: [http://www.senate.gov/contacting/index_by_state.cfm](http://www.senate.gov/contacting/index_by_state.cfm)
Just in case you haven't already seen it:

Ex-President Clinton Resigns From Supreme Court Bar

By James Vicini

WASHINGTON (Reuters) - Former President Bill Clinton, facing the possibility of being barred from practicing law before the U.S. Supreme Court because of the Monica Lewinsky scandal, has resigned instead, his lawyer said on Friday.

``Former President Clinton hereby respectfully requests to resign from the bar of this court,'' his lawyer, David Kendall, said in a two-page letter to the high court's clerk. Kendall did not elaborate on why Clinton decided to resign.

Clinton's resignation from the Supreme Court bar will have little practical impact. Clinton has not practiced before the Supreme Court and was not expected to argue any cases in the future.

On Oct. 1, the Supreme Court suspended Clinton from practicing before the court and gave him 40 days to show why he should not be disbarred.

On Jan. 19, the day before leaving office, Clinton admitted giving false, evasive statements about his relationship with Lewinsky, the former White House intern. As part of a deal with the independent counsel, Clinton accepted a five-year suspension of his license to practice law in Arkansas and a $25,000 fine.

The Arkansas suspension triggered the high court case entitled, `In the matter of discipline of Bill Clinton.''

Kendall had said in October that Clinton would fight disbarment.

In the letter filed on Friday, Kendall said Clinton had been a member in `good standing' of the Arkansas bar for more than 25 years and had never had public or private professional discipline imposed by any bar.

He said Clinton cooperated fully with the Arkansas Supreme Court Committee on Professional Conduct, furnishing all requested information in a timely manner.

Kendall said Clinton's conduct did not relate to a criminal conviction or to the practice of law. It occurred as a private party in a civil proceeding, he said.

The suspension stemmed from Clinton's answers in response to questions about his relationship with Lewinsky during questioning by
lawyers for Paula Jones, who had filed a sexual harassment suit against Clinton.

Kendall said Clinton agreed to the suspension and fine "to avoid the burden of litigation for all parties, to achieve an expeditious and definite resolution and in acknowledgment that his actions merited censure."

Kendall cited statistics showing that only four of the 570 action, but did not impose suspension or disbarment, Kendall said.
Per our conversation on Fri here’s the techie email that I said I’d send.... please let me know if this is not clear and you have additional questions.

We are getting close to finishing all of our testing of the BBs and are about ready to start the roll-out. Joe Hagin has said that the first wave should go to the 10 senior folks who have the commercial ones and to Legislative Affairs. Before we get to this point I want to be sure you understand the ARMS situation.

First some tech background...

I’ll explain the services that are available on the BlackBerry 957 units purchased from Cingular. These are the units that we would be deploying to Presidential Agencies. There are two major services and one "hardware" service (PIN to PIN) installed on these units and the definition of each is as follows:

1. The "Desktop" Service: This service is installed in order to pass EOP Lotus Notes e-mail to and from the BlackBerry. These emails get Records Managed because the emails pass through the senders desktop PC on their way to the BlackBerry.

2. The "Interactive" Service: This service is provided by Cingular and allows for additional services above the Desktop Service. These services are provided by the Wireless Carrier (Cingular) and provide the ability to send messages to pagers, fax, and phone numbers. In addition to these services, e-mail is also available to be sent from the BlackBerry to internet addresses via Cingular. It is also possible to send messages to the BlackBerry using Cingular's Interactive Website.

3. PIN to PIN messaging: a message is composed on one BlackBerry to be sent to another BlackBerry directly via the Wireless Web. In this case, the message does not go through our Lotus Notes Mail Server and therefore is not Records Managed.

All EOP users of Blackberry's will have their composed and received e-mail routed to and from our Lotus Notes Servers as the default e-mail service used on the Blackberry's is the Desktop Service (# 1 above). This email will be Records Managed. In the case of sending messages to a pager, fax, phone number, or e-mail via the Cingulars "Interactive Service", or the PIN to PIN messaging (# 2 and 3 above) these communications are provided via Cingular and are not technologically capable of being Records Managed. Because they do not originate or communicate with our Lotus Notes Servers.
Presidential BlackBerry users: As explained above, we have an open "hole" in trying to Records Manage BlackBerry mail as users do have the ability to change the default service from "Desktop" to "Interactive". In this case, if a user changes the setting to "Interactive", all mail sent from the BlackBerry unit will bypass our Lotus Notes Mail Servers and thus not be Records Managed. It is important to note that many Companies and Government agencies want to have the ability to switch services during emergencies when the key Servers providers are overwhelmed and their Desktop Service (mail delivered through Lotus Notes) is not accessible.

EOP BlackBerry users: Features # 2 and 3 will be disabled. Thus avoiding any non Records Managed email.

Given this additional technical explanation, is it still your opinion we are ok to proceed with the fielding of these devices based on the rational that we will Records Manage all email sent using the basic Desktop service and will not Records Manage email sent using the other Backberry and Cingular services?
I need any and all good books and treatises from library on mass torts (not just torts) ASAP.
is judge available for 5 minutes at 10?
Hi, Brett! I dropped off several blue sheets for signature last week. Apparently, one of those is pretty urgent (I didn't know that at the time) and the troops are getting restless. Any chance I can pick those up today?

Thanks!

Kim
get what you can now; borrow what you can by 1:00 p.m.; there are
treatises devoted to mass torts
He is out right now - back around 11:00 or 11:15. Will that work or do you need to reach him via cell (only available until 9:55).
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Elizabeth N. Camp/WHO/EOP@EOP [ WHO ] <Elizabeth N. Camp>
Sent: 11/15/2001 4:48:12 AM
Subject: Re: is judge available for 5 minutes at 10?

will wait

Elizabeth N. Camp
11/15/2001 09:47:42 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: is judge available for 5 minutes at 10?

He is out right now - back around 11:00 or 11:15. Will that work or do you need to reach him via cell (only available until 9:55).

Brett M. Kavanaugh
11/15/2001 09:41:34 AM
Record Type: Record
To: Elizabeth N. Camp/WHO/EOP@EOP
cc:
Subject: is judge available for 5 minutes at 10?
do you think they are calling about Presidential records or the military order?
probably the latter

Anne Womack
11/15/2001 12:55:43 PM
Record Type: Record

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

do you think they are calling about Presidential records or the military order?
I heard from John McConnell that the VP has moved up his speech by an hour; he'll now begin about 6:30. For you who normally like to arrive fashionably late, you may want to plan accordingly.
We will hold a meeting tomorrow, Friday, November 15, from 3pm - 4pm with the Coalition working for the passage of the Insurance Legislation currently pending before the House. The Coalition includes American Bankers, REALTORS, National Real Estate Investment Trusts, Finanical Services Roundtable, Community Bankers, etc.

Please let me know if you can’t attend or if you need to be cleared into the complex (Treasury).

I will forward a location once I have it confirmed. Thanks.
my schedule is a disaster of judicial interviews until 4:15 p.m. Friday.
Brett- Ken wants to send out a note to some leaders in the coal industry who came to the WH for a meeting. He thought we should run it by counsel b/c they discussed ongoing legislation in the meeting. thanks

-------------------- Forwarded by Katherine G. Marinis/WHO/EOP on 11/15/2001 06:10 PM ---------------------------

David McMaster
11/14/2001 08:10:26 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
Subject: letter for counsel

Here is the letter Ken wants counsel to check over to see if it is ok to send out.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JL8R4004_WHO.TXT_1>
November 14, 2001

Dear «SAL»,

Thank you for providing me with the opportunity to meet with you and discuss coal related issues.

If I can ever be of assistance to you in the future, please do not hesitate to give me a call. My office number is (202) 456-5240. Thanks again.

Sincerely,

Kenneth B. Mehlman
Deputy Assistant to the President and Director of Political Affairs
Maybe Monday?

---

Brett M. Kavanaugh
11/15/2001 06:11:21 PM
Record Type: Record
To: Kristen Silverberg/WHO/EOP@EOP
cc: brian c. conklin/who/eop@eop
Subject: Re: schedule tomorrow

my schedule is a disaster of judicial interviews until 4:15 p.m. Friday.

---

Kristen Silverberg
11/15/2001 06:07:05 PM
Record Type: Record
To: Brian C. Conklin/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: schedule tomorrow

I am busy 11-1 (assuming PBOR got scheduled) and 3-4 (insurance coalition) and at 5 (policy deputies).
he said it was personal - whatever, just doesn't want to talk to me. They still want your scoop.
what is your new fax #?
we're going to have the ethics training for the homeland security folks in room 472 on Monday Nov. 19 at 9:30 a.m. If you'll cover political activity and presidential records, I cover the rest.
Barbara Kahlow called from House Govt. Reform Sub Comm on Reg. Affairs.

Chair Cong. Doug Ose wants the Judge to come to the Hill for a meeting on November 28th w/ Speakers Hastert Counsel Ted Vandermeid and Mark Rosenberg to discuss EO 13223 on Presidential Records. Kahlow will also be in on this meeting.

They want the Judge to come to them on the Hill b/c Speaker may come by.

Contact: Deputy Staff Director Barbara Kahlow - 226-3058

Thoughts?
what is the class action bill Wooten mentioned. Is someone from our office working on that? or is it DPC? or both?
Marc has decided to hold the 9:30 Insurance Call on Monday, but cancel it for the rest of the week.

Monday, 11/19 call-in # 456-2565 pass code is 2487

Thanks,
Leslie
I faxed a red dot re: airline signing bill yesterday that was due at 7pm last night - did you get this?

If not please let me know so I can get it to you - after the fact.
Please come today...the bill signing is at 10:50 am in the Historic Lobby of Terminal A. We are telling Congressional staff to arrive by 10:15 am at the latest. Please call me if you have any questions -- 202-494-6380. Thanks!
For the 3 interviews set up with you and Tim today, do I need to take care of WAVES? If so, please forward contact numbers or information.
Doug: I can give you a brief run-down late this afternoon. Pretty simple.
Are you and Ken ok with the guidance on cars?
Correct.

Katherine G. Marinis
11/19/2001 09:07:58 AM
Record Type: Record

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

I think so, I need to run all the emails by ken. For instance, he is going over to see Mrs. Dole this morning at the Watergate to discuss her campaign. He should not use a WH car. correct?

Brett M. Kavanaugh
11/19/2001 09:06:18 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc:
Subject: Car issue

Are you and Ken ok with the guidance on cars?
I think so, I need to run all the emails by ken. For instance, he is going over to see Mrs. Dole this morning at the Watergate to discuss her campaign. He should not use a WH car. correct?

Brett M. Kavanaugh
11/19/2001 09:06:18 AM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc: 
Subject: Car issue

Are you and Ken ok with the guidance on cars?
alright, let me know a good time and I will come on down.

Brett M. Kavanaugh
11/19/2001 09:00:40 AM
Record Type: Record

To: Douglas L. Hoelscher/WHO/EOP@EOP
cc: Matthew A. Schlapp/WHO/EOP@EOP
Subject: Schedule C's

Doug: I can give you a brief run-down late this afternoon.
Pretty simple.
that's under control; please make sure to bring all 3 interviewees of mine to my office 156, NOT to West Wing.

Lori L. Lorenzi
11/19/2001 08:48:57 AM
Record Type: Record

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

For the 3 interviews set up with you and Tim today, do I need to take care of WAVES? If so, please forward contact numbers or information.
Thanks for hooking me up on aviation, but Tim F. had to miss some meetings this a.m. and I had to sub in at last minute. Look forward to your report.
f.y.i.

-------------------- Forwarded by Michael Shannon/WHO/EOP on 11/19/2001 03:29 PM --------------------

Robert W. Cobb
11/19/2001 03:02:50 PM
Record Type: Record

To: Michael Shannon/WHO/EOP@EOP
cc:
bcc:
Subject: Re: recommendations and wh letterhead

sorry and yes. Answer limited to facts of this situation.

Michael Shannon 11/19/2001 02:56:35 PM

Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
bcc:
Subject: Re: recommendations and wh letterhead

thanks. i assume that means the use of white house letterhead is ok?

Robert W. Cobb
11/19/2001 02:51:19 PM
Record Type: Record

To: Michael Shannon/WHO/EOP@EOP
cc:
bcc:
Subject: Re: recommendations and wh letterhead

I think it would be appropriate for a recommendation to be given by a WH employee for another WH employee based on the recommender's knowledge of the other employee's work in the WH.
With respect to recommendations for admission to graduate school (one white house employee recommending another white house employee), is it permissible for the recommender to use white house stationery/letterhead? And are there other rules that are relevant? Thanks. Mike
His office says he's out of the office until Wednesday. His usual secretary is also out this week. I left a message on his voicemail asking him to call me.
With respect to recommendations for admission to graduate school (one white house employee recommending another white house employee), is it permissible for the recommender to use white house stationery/letterhead? And are there other rules that are relevant? Thanks. Mike
I am available.

Brian C. Conklin
11/19/2001 03:18:11 PM
Record Type: Record

To: sheila.bair@do.treas.gov @ inet, Brett M. Kavanaugh/WHO/EOP@EOP
cc: D. Marcus Sumerlin/OPD/EOP@EOP
Subject: Meeting with House Leadership

Are you available to meet with House Leadership staff tomorrow? They would like to have a small strategy meeting (Marc, I told them you were out of town). Thanks.
Are you available to meet with House Leadership staff tomorrow? They would like to have a small strategy meeting (Marc, I told them you were out of town). Thanks.
Thanks. I will let you know what time. Likely early afternoon.

Brett M. Kavanaugh
11/19/2001 03:18:41 PM
Record Type: Record
To: Brian C. Conklin/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting with House Leadership

I am available.

Brian C. Conklin
11/19/2001 03:18:11 PM
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cc: D. Marcus Sumerlin/OPD/EOP@EOP
Subject: Meeting with House Leadership

Are you available to meet with House Leadership staff tomorrow? They would like to have a small strategy meeting (Marc, I told them you were out of town). Thanks.
## EEOB staff support schedule

**Tuesday, Wednesday, Thursday**

Jason Jason

THANKSGIVING

Brent (through 3 pm)
(Lori leaves early Tuesday morning)

Thanks!
Yea. Where recommendation is based on Government service, its okay to give what amounts to an official recommendation (from a use of title and letterhead standpoint.) Whether the recommendation should be given at all is a separate question. (One's superior would be a good person to check with on whether sending a recommendation is appropriate.) I discourage use of WH letterhead where recommendations are being made for other Government employment, because it looks too much like an official WH position is being taken on the personnel matter. If recommendation is not based on knowledge of Government performance, Government letterhead and title should not be used.

Brett M. Kavanaugh 11/19/2001 03:32:19 PM
Record Type: Record
To: Michael Shannon/WHO/EOP@EOP
cc: Robert W. Cobb/WHO/EOP@EOP
Subject: Re: recommendations and wh letterhead

I still have some appearance qualms, but Moose's advice makes sense assuming the rec is in fact based on WH work and not a personal or professional relationship established previously. Moose, you ok with the appearance here?

Michael Shannon 11/19/2001 03:29:36 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Robert W. Cobb/WHO/EOP@EOP
Subject: Re: recommendations and wh letterhead

fyi
---------------------- Forwarded by Michael Shannon/WHO/EOP on 11/19/2001 03:29 PM ---------------------------
Robert W. Cobb  
11/19/2001 03:02:50 PM  
Record Type: Record  
To: Michael Shannon/WHO/EOP@EOP  
cc:  
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Subject: Re: recommendations and wh letterhead  
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Michael Shannon 11/19/2001 02:56:35 PM  
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To: Robert W. Cobb/WHO/EOP@EOP  
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Subject: Re: recommendations and wh letterhead  
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Robert W. Cobb  
11/19/2001 02:51:19 PM  
Record Type: Record  
To: Michael Shannon/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: recommendations and wh letterhead  
I think it would be appropriate for a recommendation to be given by a WH employee for another WH employee based on the recommender's knowledge of the other employee's work in the WH.

Michael Shannon 11/19/2001 02:21:39 PM  
Record Type: Record  
To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: recommendations and wh letterhead  
With respect to recommendations for admission to graduate school (one white house employee recommending another white house employee), is it permissible for the recommender to use white house stationery/letterhead? And are there other rules that are relevant? Thanks. Mike
From: CN=Michael Shannon/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]
Sent: 11/19/2001 10:54:39 AM
Subject: : Re: recommendations and wh letterhead

Re: recommendations and wh letterhead

ok, to get more fact-specific:

i am applying to business school. each school provided recommendation forms and asked for specific recommenders - direct supervisor, current peer, etc.

i am getting a recommendation from 3 white house employees - karl rove, barry jackson and kasey pipes...neither barry nor kasey worked with me in a previous professional relationship...however, i worked for karl on the campaign (and work for him now).

each rec form has very specific recommender "contact information" section (where the recommender works, how he knows me and for how long, etc.), along with a series of questions on my professional abilities, leadership potential, etc. these questions are to be answered in the form of a letter on the recommender's letterhead - i guess my question is: is it ok for karl, barry and kasey to use WH letterhead? (my other recommenders are using their organizations' letterheads)

i assume that getting recs from them in general is fine...thanks.

Robert W. Cobb
11/19/2001 03:41:59 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: michael shannon/who/eop@eop, robert w. cobb/who/eop@eop
bcc: Records Management@EOP
Subject: Re: recommendations and wh letterhead

Yea. Where recommendation is based on Government service, its okay to give what amounts to an official recommendation (from a use of title and letterhead standpoint.) Whether the recommendation should be given at all
is a separate question. (One's superior would be a good person to check with on whether sending a recommendation is appropriate.) I discourage use of WH letterhead where recommendations are being made for other Government employment, because it looks too much like an official WH position is being taken on the personnel matter. If recommendation is not based on knowledge of Government performance, Government letterhead and title should not be used.

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subject: Re: recommendations and wh letterhead

fyi
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Record Type: Record

To: Michael Shannon/WHO/EOP@EOP
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Subject: Re: recommendations and wh letterhead

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Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: recommendations and wh letterhead

With respect to recommendations for admission to graduate school (one white house employee recommending another white house employee), is it permissible for the recommender to use white house stationery/letterhead? And are there other rules that are relevant? Thanks. Mike
My office.
thanks

---

Brett M. Kavanaugh
11/19/2001 06:06:00 PM
Record Type: Record
To: Jay P. Lefkowitz/OMB/EOP@EOP
cc:
Subject: Re: meeting with Will Taft

where?

---

Jay P. Lefkowitz
11/19/2001 06:05:21 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: meeting with Will Taft

I'm meeting with Perry and Taft about the State Dep't's victims bill at 10 tomorrow if you care to join us.
I'm meeting with Perry and Taft about the State Dep't's victims bill at 10 tomorrow if you care to join us.
I am happy to help out with this on the attorney-client issue, but you should obviously handle tribunals. I will reply to O'Brien as such and cc you.

------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 11/19/2001 05:37 PM ---------------------------

"O'Brien, Pat" <Pat.O'Brien@usdoj.gov>  
11/19/2001 05:32:32 PM 
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: "Bryant, Dan" <Dan.Bryant@usdoj.gov> (Receipt Notification Requested)  
       (IPM Return Requested), "Thorsen, Carl" <Carl.Thorsen@usdoj.gov> (Receipt Notification Requested)  
       (IPM Return Requested)  
Subject: Senate Judiciary hearing  

Senate Judiciary will hold a hearing on Dec. 6th on post 9/11 actions by the Justice Department. High on the list of topics to be explored are military tribunals, monitoring of atty/client conversations, racial profiling, etc.

We would very much like the participation of WH Counsel in the preparation of the AG -- especially on military tribunals. We expect there to be significant prep time with the AG on Dec. 4 and 5. More will follow, but for scheduling purposes, we wanted to give you this heads up. Thanks, Pat
2:00. I will let you know the location. Thanks.

Brett M. Kavanaugh
11/19/2001 03:18:41 PM
Record Type: Record

To: Brian C. Conklin/WHO/EOP@EOP
cc: bcc:
Subject: Re: Meeting with House Leadership

I am available.

Brian C. Conklin
11/19/2001 03:18:11 PM
Record Type: Record

To: sheila.bair@do.treas.gov @ inet, Brett M. Kavanaugh/WHO/EOP@EOP
cc: D. Marcus Sumerlin/OPD/EOP@EOP
Subject: Meeting with House Leadership

Are you available to meet with House Leadership staff tomorrow? They would like to have a small strategy meeting (Marc, I told them you were out of town). Thanks.
fyi - I am sending them your way...

---------------------- Forwarded by Elizabeth N. Camp/WHO/EOP on 11/19/2001 06:14 PM ---------------------------

Melissa S. Bennett
11/19/2001 05:42:12 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Blake Gottesman/WHO/EOP@EOP
Subject: Transition Records

Sec. Card has agreed to do an interview with Terry Sullivan of the Baker Policy Institute at Rice University. It is on the role of the Chief of Staff. Mr. Sullivan would also like to look at Sec. Card's transition papers. Can you tell me who I would direct this question to? Would this be possible, recommended etc?

Thanks.
Melissa
Two suggestions on your judges web site, which is quite useful:
First, put "date last updated" in some prominent place. Second, I would have someone update it virtually every day, or a few times a week if possible. Thanks.
Brian: I need to be back here no later than 3:00 for a meeting with President on judges.

---

Brian C. Conklin
11/19/2001 03:19:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting with House Leadership

Thanks. I will let you know what time. Likely early afternoon.

---

Brett M. Kavanaugh
11/19/2001 03:18:41 PM
Record Type: Record

To: Brian C. Conklin/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting with House Leadership

I am available.

---

Brian C. Conklin
11/19/2001 03:18:11 PM
Record Type: Record

To: sheila.bair@do.treas.gov @ inet, Brett M. Kavanaugh/WHO/EOP@EOP
cc: D. Marcus Sumerlin/OPD/EOP@EOP
Subject: Meeting with House Leadership
Are you available to meet with House Leadership staff tomorrow? They would like to have a small strategy meeting (Marc, I told them you were out of town). Thanks.
Senate Judiciary will hold a hearing on Dec. 6th on post 9/11 actions by the Justice Department. High on the list of topics to be explored are military tribunals, monitoring of atty/client conversations, racial profiling, etc.

We would very much like the participation of WH Counsel in the preparation of the AG -- especially on military tribunals. We expect there to be significant prep time with the AG on Dec. 4 and 5. More will follow, but for scheduling purposes, we wanted to give you this heads up. Thanks, Pat
RETURN RECEIPT

Your Document:
Excerpting News Media for hardcopy internal WH distribution
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
11/20/2001 07:57:21 AM
I suppose I should ask, what is this bill?

Jay P. Lefkowitz
11/19/2001 06:05:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: meeting with Will Taft

I'm meeting with Perry and Taft about the State Dep't's victims bill at 10 tomorrow if you care to join us.
I'll resend my email from the other day.

I suppose I should ask, what is this bill?

I'm meeting with Perry and Taft about the State Dep't's victims bill at 10 tomorrow if you care to join us.
This very friendly woman called again about this meeting request. Do you have any thoughts on this before I talk with the Judge about getting this on his calendar?
I will call her. I talked to Judge.

Elizabeth N. Camp
11/20/2001 09:20:54 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting request - thoughts??

This very friendly woman called again about this meeting request.

Do you have any thoughts on this before I talk with the Judge about getting this on his calendar?

---------------------- Forwarded by Elizabeth N. Camp/WHO/EOP on 11/20/2001 09:20 AM ---------------------------

Elizabeth N. Camp
11/16/2001 04:02:28 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Timothy E. Flanigan/WHO/EOP@EOP
Subject: Meeting request - thoughts??

Barbara Kahlow called from House Govt. Reform Sub Comm on Reg. Affairs.

Chair Cong. Doug Ose wants the Judge to come to the Hill for a meeting on November 28th w/ Speakers Hastert Counsel Ted Vandermeid and Mark Rosenberg to discuss EO 13223 on Presidential Records. Kahlow will also be in on this meeting.

They want the Judge to come to them on the Hill b/c Speaker may come by.

Contact: Deputy Staff Director Barbara Kahlow - 226-3058

Thoughts?
No problem. Thanks.

Brett M. Kavanaugh
11/19/2001 07:45:00 PM
Record Type: Record

To: Brian C. Conklin/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting with House Leadership

Brian: I need to be back here no later than 3:00 for a meeting with President on judges.

Brian C. Conklin
11/19/2001 03:19:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting with House Leadership

Thanks. I will let you know what time. Likely early afternoon.

Brett M. Kavanaugh
11/19/2001 03:18:41 PM
Record Type: Record

To: Brian C. Conklin/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Meeting with House Leadership

I am available.
To: sheila.bair@do.treas.gov @ inet, Brett M. Kavanaugh/WHO/EOP@EOP
cc: D. Marcus Sumerlin/OPD/EOP@EOP
Subject: Meeting with House Leadership

Are you available to meet with House Leadership staff tomorrow? They would like to have a small strategy meeting (Marc, I told them you were out of town). Thanks.
Confirmed for 2:00 in H-219. Thanks.
what's agenda, my role?

Confirmed for 2:00 in H-219. Thanks.
Dan: Brad Berenson is your guy for tribunals issue.
no problem; happy to help; we'll no doubt have a lot of work to do after the break

Brian C. Conklin
11/20/2001 03:14:15 PM
Record Type: Record

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

Thanks for taking the time for the meeting today. I hope you didn't see it as a total waste of your time. They did ask for you to be there as liability is the now the whole deal.
-----Original Message-----
From: Tucker, Mindy
Sent: Friday, November 09, 2001 8:00 PM
To: O'Brien, Pat
Subject: RE: Atty call monitoring talking points

Here is our updated set of talking points

-----Original Message-----
From: O'Brien, Pat
Sent: Friday, November 09, 2001 7:05 PM
To: Tucker, Mindy; Dinh, Viet; Ayres, David; Bryant, Dan; Thorsen, Carl; Wray, Chris
Subject: Atty call monitoring talking points

I do not know what media inquiries or appearances may happen over the weekend with the AG or friends on the hill. In case something is needed quickly on the reg related to monitoring of attorney client contacts, we have taken the draft letter Viet did and broken it into talking points.

Obviously as the draft letter changes in the editorial process these will need to be updated, but they are something available on short order if needed.

-----Original Message-----
From: Burton, Dawn
Sent: Friday, November 09, 2001 6:37 PM
To: O'Brien, Pat
Subject: tps...

<< File: tps - atty-client.wpd >>
- SAMs.wpd
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LPNA4003_WHO.TXT_1.wpd>
Attorney-Client Communication Guidance

The Department of Justice has expanded a previous regulation regarding the monitoring of certain communications of inmates subject to a special administrative measure. In order to be subject to a special administrative measure the Attorney General has to have a certification from the head of a law enforcement or intelligence agency that reasonable suspicion exists to believe that a particular inmate may use communication with attorneys or their agents to further or facilitate acts of terrorism.

The special administrative measure regulations now allow the monitoring of attorney-client communication for those inmates subject to the special administrative measure. (This is in addition to other communications that were already covered by the regulation, such as mail.)

Attorney-client communication could be monitored prior to this change through court order.

Currently 13 inmates out of the 158,000 total federal inmates are subject to special administrative measure. At this time none of those 13 inmates are as a result of the 9/11 investigation.

There are important safeguards in place with this change.

- The attorney and his client will be notified if their communication will be monitored.

- The team monitoring the communications will have no connection to any ongoing prosecution that involves that client.

- No information that is protected by attorney-client privilege may be used for prosecution. There is not protection however, for communications related to the client’s ongoing or contemplated illegal acts.
Brett, we want to send this ASAP but are waiting for your OK. Thanks.

(Faith, Gena - Dan's suggestions, and couple tweaks, incorporated. Take a look. Thanks.)

-----Original Message-----
From: Bernhardt, Gena
Sent: Monday, November 26, 2001 5:59 PM
To: Thorsen, Carl
Subject: Horn Letter

here is the Horn letter with Dan's corrections. He wanted additional reasons for the format. They are in bold. What do you think?

- letter Horn protocol 3.wpd

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_EJOB4003_WHO.TXT_1.wpd>
November 26, 2001

The Honorable Steve Horn
Chairman
Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in reference to the Government Reform Committee’s joint subcommittee hearing held on Tuesday, November 13, 2001. I was surprised to learn that the format of the hearing constituted one panel of nine witnesses, combining representatives from the Executive branch with representatives from local government and law enforcement organizations. The Department of Justice was unaware of this format until the witnesses arrived to testify. In fact, when the Office of Legislative Affairs (OLA) was first contacted about the hearing, Committee staff advised that the hearing format would consist of two panels, first a panel of Executive branch witnesses followed by a panel of local law enforcement witnesses. The latter arrangement is consistent with well established protocol regarding the appearance of Executive branch witnesses at Congressional hearings, which had been the subject of conversations between OLA staff and Subcommittee staff in connection with your November 7, 2001 hearing.

The longstanding protocol provides that Executive branch witnesses appear on their own panel, ahead of other witnesses except those from the Legislative branch, and separate from witnesses from outside the Executive branch. This format allows for the clear presentation of Executive branch testimony and information, and reflects the comity appropriately practiced between two co-equal branches of government. Additionally, this format will allow Department witnesses, many of whom have operational and law enforcement responsibilities, to return to those duties more quickly.

Obviously, it is the expectation of this Administration that Congressional committees will continue following this decades-long tradition. While there will be extraordinary circumstances where committee and Executive branch representatives agree that other arrangements are preferable for particular reasons, we request that future hearings be carried out in accordance with this protocol. Deviations from the protocol, especially without consultation and agreement, disrupt the respectful and cooperative relationship that is necessary for the most effective
conduct of public business by our two branches.

We appreciate your interest in the effectiveness of subcommittee hearings and look forward to working with you cooperatively on future hearings. We, of course, want to facilitate your oversight interests whenever possible; our concerns here pertain only to the procedures for subcommittee hearings, regardless of their subject matter. Please do not hesitate to contact me if you would like to confer further about the protocol.

Sincerely,

Daniel J. Bryant
Assistant Attorney General

cc: The Honorable Janice D. Schakowsky
Ranking Minority Member
Here's Coleman's piece. Thanks again.

- OP-ED PIECE.doc

File attachment <P_YRJY4004_WHO.TXT_1>
Eugene Scalia: Superbly Qualified to be Solicitor of the Department of Labor

by

William T. Coleman, Jr.*

The Senate has only a few days before recessing to confirm Eugene Scalia as Solicitor of Labor. As someone who has spent over fifty years in the practice of law, as a private advocate, civil rights advocate and as an advisor to numerous presidents, it is my hope that the Senate acts quickly on Scalia’s nomination. I also hope that the Senate takes a more reasonable and far-sighted approach toward this nomination than some Democrats have taken so far.

I have known Mr. Scalia since he was in high school and have followed his career as he became a first-rate law student at the University of Chicago, was elected Editor-in-Chief of its Law Review, and thereafter served as a special assistant to the Attorney General of the United States. He then became an associate and later a partner at Gibson, Dunn & Crutcher, one of this nation’s outstanding law firms.

I attended Scalia’s confirmation hearing and the committee vote afterward and listened as Chairman Kennedy and other Democrats on the committee acknowledged that Mr. Scalia is a brilliant lawyer, is of great personal integrity and has spent his legal career as an outstandingly successful labor lawyer in one of this nation’s preeminent firms. But because his practice has concentrated on representing management, they said, Scalia was unqualified to serve as the Labor Department’s top lawyer. They also objected to Scalia’s criticism of the ergonomics regulation issued by the last Administration. That regulation was criticized by management and labor, albeit for different reasons, and was repealed by a bipartisan majority of Congress.

* Senior Partner and The Senior Counselor, O’Melveny & Myers LLP; Secretary of Transportation in the Ford Administration (1975-1977); former Chairman, NAACP Legal Defense and Educational Fund, Inc. (1977-2000).
Senator Jeffords thoughtfully provided the tie-breaking vote on the committee to send Scalia’s nomination to the Senate floor. But some Democrats have repeated the criticisms of Scalia that were raised during his confirmation hearing, and more than seven months after Scalia was nominated, no floor vote has been scheduled.

I have made common cause with Senator Kennedy and other Democrats on other matters affecting employment rights. But with all due respect, their position on the Scalia nomination is irresponsible and is inconsistent with one of the most important traditions of our government and legal culture.

The approach of the Democrats on the committee would mean that any lawyer who spent his career representing management in labor matters is disqualified from being Solicitor. The corollary would necessarily be that any lawyer who represented employees and unions could never be Secretary of Commerce. Indeed, since many of the statutes administered by the Labor Department confer rights on management as well as on employees, the committee Democrats’ logic would disqualify union lawyers from serving as Labor Solicitor as well.

The truth, however, is that excellent lawyers – as Mr. Scalia certainly is – come at things from a variety of perspectives and often favorably surprise their critics when in public service.

A top-flight law firm like Gibson, Dunn & Crutcher, where Scalia practiced for 10 years, gives its lawyers a depth of experience in complex legal matters. When those lawyers enter public service they carry with them their talent for analyzing complicated issues from all angles and sides, but not any prejudices associated with representing a particular part of the industrial or financial complex.

Consider the example of one of Mr. Scalia’s former partners, Theodore Olson. In private practice Olson represented people who objected to affirmative action. Yet as Solicitor General
of the United States, he authored a brief for the U.S. making a persuasive defense of the affirmative practices at issue in the *Adarand* case. Just last week the Court dismissed *Adarand*, leaving the affirmative action program in place.

Similarly, when Charles Evans Hughes was a private practitioner, some of his firm’s most important clients were insurance companies. Yet as Governor of New York he enacted some of the most restrictive insurance laws in the country.

This tradition represented by Olson, Hughes, and others reflects the greatest calling for a member of the bar – to be what Louis Brandeis termed “counsel for the situation,” that is, to pursue the interests of one’s current client to the best of one’s ability. To maintain that Mr. Scalia could not effectively represent the Labor Department is to side with the Senators in the sixties who sought to deny federal judgeships to Thurgood Marshall and other civil rights lawyers on the ground that they would always rule for minority litigants.

There already is strong evidence that Mr. Scalia is capable of seeing matters from the perspective of employees and labor unions. His law review note as a student agreed with a dissenting opinion of Mr. Justice Thurgood Marshall and argued that policemen who lie at trial should be subject to suit under the civil rights laws. Another article he wrote has been helpful to plaintiffs in sexual harassment cases and has been praised by Mrs. Justice Ruth Ginsburg. Mr. Scalia volunteered and taught a Labor and Employment Law course at the David A. Clarke School of Law at UDC. The Dean of that Law School, a predominantly minority institution with a progressive reputation, stated that Mr. Scalia proved to be “a dedicated legal scholar who looked past labels to make a more thoughtful judgment, took a balanced, non-ideological approach to his teaching” and was “accessible, warm and nurturing to its students.”
On the basis of qualifications such as these, President Bush nominated Eugene Scalia to be Solicitor of Labor. Reportedly, a majority of the Senate would confirm him if a vote is held. That vote should be allowed to go forward.
lthough it has been out of sight since President Bush took away the
American Bar Association's
formal role in assessing judicial nominees, the long-running feud between
Republicans and the
ABA hasn't gone away. And on Capitol Hill Monday, it came roaring back
into view.

The issue was the nomination of David Bunning, son of Kentucky senator Jim
Bunning, to a seat
on the U.S. District Court in Kentucky. After the younger Bunning was
ominated by the White House
in August, the ABA began an investigation into his qualifications (after
Bush took away its formal role
in the judicial-selection process, the ABA continued doing candidate
evaluations, only without the
traditional early notification from the White House). Recently, Bunning
became the first Bush-administration
nominee to receive a "not qualified" rating from a majority of the ABA's
committee on the federal judiciary.

Bunning, 35, has been an assistant United States Attorney for ten years
and has prosecuted hundreds
of cases. The ABA said his ten years of experience fell short of the 12
years of experience it feels is best
for judicial candidates. ABA evaluators also said the nature and quality
of Bunning's experience did not meet its standards.

Members of the ABA evaluating committee appeared before the Judiciary
Committee Monday to explain
their decision. In a harsh assessment of Bunning's qualifications, David
Weiner, a member of the ABA committee,
told the panel that Bunning's experience in civil cases was "very limited
and very shallow." Weiner said Bunning's
criminal-case experience was "not of the type that calls for particularly
challenging lawyering," and that Bunning's
writings "read very much like the work of a young associate."

In addition, Weiner was unimpressed with Bunning's decision to attend the
University of Kentucky for both
undergraduate and law-school training. Weiner cited what he called
Bunning's "lack of academic achievement"
and said his "middle-of-the-class law school record does not speak well
for him." Finally, Weiner said Bunning
showed "no intellectual spark or legal enthusiasm that carried the day
with our committee."

On the other side, Republicans presented a panel of three federal judges
from Kentucky who had presided over
dozens of cases in which Bunning represented the United States. "I think
he possesses a strong intellectual
capacity and very good writing skills," said U.S. District Court chief
judge Karl Forester. "His professional character
is beyond reproach." "Can the candidate recognize legal issues? How is his
analysis?" asked retired judge Henry
Wilhoit, who heard more than 60 cases involving Bunning. "David Bunning
has what it takes."

The committee also heard from an ABA investigator who did a second review
of Bunning's work. In a few cases in
which the ABA committee finds a candidate not qualified, officials call in
another investigator to assess the assessment.
In Bunning's case, they asked Judah Best, a former chairman of the ABA
committee, to take another look at Bunning's
qualifications. Best told the committee that he found Bunning to be
qualified and discovered that several "distracting
issues" * including resentment over Bunning's influential father and
questions of whether Bunning was too young to take
the bench * played a role in the ABA's original negative assessment.
(Bunning was sponsored by Kentucky senator
Mitch McConnell and by ranking Republican Orrin Hatch, while his father
sat in the audience.)

Beyond Bunning's qualifications, the hearing re-opened public debate over
the ABA's methods. Republicans are
particularly unhappy with the ABA's practice of providing the committee
with a one-sentence, qualified/not qualified
evaluation of each nominee. In addition, the bar association does not
allow senators to see the files from its investigation.
Hatch wondered why the Senate, which regularly requests and receives files
from FBI background investigations of
judicial nominees, is not allowed a look at material from the ABA
investigation.

"If the FBI can trust us here with the most sensitive information, then
why can't the ABA?" Hatch asked. "Is the ABA
information more sensitive than the critically sensitive FBI files?" The
ABA's "one-line, cursory conclusion," Hatch said,
"feeds the growing public perception that the ABA's evaluations are
arbitrary and capricious or tainted by politics."

There was also significant Republican ire at the ABA's apparent disdain
for lawyers, like Bunning, who do not possess
degrees from top universities. "They're so damned elitist," says one GOP
aide. "Mitch McConnell went to the University of Kentucky,
and all the judges on that panel had gone there." Indeed, McConnell did
not hide his unhappiness with David Weiner's
critique of Bunning's record. "As another UK graduate who graduated in the
middle of his class, I thought that stung a little
bit," McConnell told the committee. "Mr. Weiner, I would not hold my
breath on being invited to address the University of
Kentucky's alumni law association."
William J. McQuaid  
12/11/2001 03:01:10 PM  
Record Type: Record 

To: Michael Garcia/OMB/EOP@EOP  
cc: See the distribution list at the bottom of this message  
Subject: redraft

Because of their discussions with Senate staff, the Arlington Superintendent would like to add the preferred regulatory option to the end of the letter that we have in clearance. The Army's Office of General Counsel modified the Superintendent's insert and said that this is as strong as they can currently make the option language without going back to the Army Secretary (they're not sure what he agreed to with the Senate side). Would you see if the following letter (as revised by Army GC) is OK with everyone? Thanks

December 10, 2001

The Honorable Christopher Smith  
Chairman, Committee on Veterans Affairs  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for requesting my views on proposed H.R. 3423, regarding the extension of burial privileges in Arlington National Cemetery to certain current and former reserve component members of the Armed Forces and their dependents. For the reasons stated below, I believe the legislation expands eligibility for burial in Arlington National Cemetery beyond that which can be supported by current space constraints and will likely cause the denial of this privilege to other eligible persons.

Under current projections, the group of newly eligible reservists under the legislation would exceed 188,000, not to mention their dependents, whose number I do not know. Additionally, the legislation is applicable to interments effective on or after the date of enactment, leaving open the possibility that remains of previously ineligible reservists interred at other cemeteries will now be eligible for reinterment at Arlington National Cemetery. While the long-term effect of such an expansion is not now known, clearly the number of eligible veterans will be greatly expanded at a time when we are already projecting
that the Cemetery will exhaust its current space by 2025.

I am aware that Senators Warner and Stevens have introduced legislation (Section 3135 of H.R. 3338) that narrowly tailors expansion of the eligibility criteria to authorize individual interment in Arlington for those retired members of the Armed Forces reserves, not otherwise eligible, who died in the September 11th terrorist attacks. The Army believes that the intent embodied in this legislation appropriately responds to the tragic events of September 11th and takes into account the space limitations at Arlington National Cemetery. In fact, to honor the intent of this proposed legislation, the Secretary of the Army has granted an exception to allow the burial of one such reservist, retired Naval Reserve Captain Charles F. Burlingame, III, in a separate grave in Arlington National Cemetery. The Army will also modify regulations to implement the intent of the legislation proposed by Senators Warner and Stevens.

I appreciate your continued interest in Arlington National Cemetery and its role in honoring our Nation’s veterans.

Sincerely,

John C. Metzler, Jr.
Superintendent
Cc: Lane Evans, Ranking
Record Type: Record

To: William J. McQuaid/OMB/EOP/EOP
cc: "Metzler, John Mr ANC" <MetzlerJ@fmmc.army.mil>
Subject: redraft

- NewLegislation1.doc

Message Copied
To:

   Danielle M. Simonetta/OMB/EOP/EOP
   Ingrid M. Schroeder/OMB/EOP/EOP
   Elizabeth L. Rossman/OMB/EOP/EOP
   John D. Burnim/OMB/EOP/EOP
   Robert H. Goldberg/OMB/EOP/EOP
   H. Christopher Bartolomucci/WHO/EOP/EOP
   David S. Addington/OVP/EOP/EOP
   Allison L. Riepenhoff/WHO/EOP/EOP
   Karyn T. Carson/OMB/EOP/EOP
   Karyn T. Carson/OMB/EOP/EOP

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <F_MXZ4004_WHOTXT_1>
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Washington, DC 20515

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The Army prefers the language in the legislation proposed by Senators Warner and Stevens because it would have less impact on available burial space. However, the Secretary of the Army, under his jurisdiction will direct that current regulations be changed to incorporate the intent of the proposed legislation by Senators Warner and Stevens.

I appreciate your continued interest in Arlington National Cemetery and its role in honoring our Nation’s veterans.

Sincerely,
Cc: Lane Evans, Ranking

John C. Metzler, Jr.
Superintendent
Sent: 12/14/2001 5:37:05 AM
Subject: The War on Terrorism -- December 14, 2001
Attachments: P_NMDH4003_CEA.TXT_1.doc

The War on Terrorism -- December 14, 2001

Sent: 12/14/2001 5:37:05 AM
Subject: The War on Terrorism -- December 14, 2001
Attachments: P_NMDH4003_CEA.TXT_1.doc
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TO: EWILLEFO@fcc.gov ( EWILLEFO@fcc.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: Jack Howard ( CN=Jack Howard/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Danner.Bethel@ed.gov ( Danner.Bethel@ed.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: SabatineM@osd.pentagon.mil ( SabatineM@osd.pentagon.mil [ UNKNOWN ] )
READ: UNKNOWN
TO: Patrick.Rhode@sba.gov ( Patrick.Rhode@sba.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: YRobinso@pd.state.gov ( YRobinso@pd.state.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: Robert.Traynham@src.senate.gov ( Robert.Traynham@src.senate.gov [ UNKNOWN ] )
READ: UNKNOWN
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READ: UNKNOWN
TO: JWillis@doc.gov ( JWillis@doc.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: Britt Grant ( CN=Britt Grant/OU=OPD/O=EOP@EOP [ OPD ] )
READ: UNKNOWN
TO: Kristine Simmons ( CN=Kristine Simmons/OU=OPD/O=EOP@EOP [ OPD ] )
READ: UNKNOWN
TO: Kyle.Downey@mail.house.gov ( Kyle.Downey@mail.house.gov [ UNKNOWN ] )
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TO: Molly.Millerwise@mail.house.gov ( Molly.Millerwise@mail.house.gov [ UNKNOWN ] )
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TO: Jrendon@rendon.com ( Jrendon@rendon.com [ UNKNOWN ] )
READ: UNKNOWN
TO: KJohnson@isi-consulting.com ( KJohnson@isi-consulting.com [ OMB ] )
READ: UNKNOWN
TO: Gian-Carlo.A. Peressutti ( CN=Gian-Carlo.A. Peressutti/OU=WHO/O=EOP@EOP [ WHO ] )
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TO: Mjohnson@ob-cgroup.com ( Mjohnson@ob-cgroup.com [ OA ] )
READ: UNKNOWN
TO: Caranaga@pd.state.gov ( Caranaga@pd.state.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: JFischman@pd.state.gov ( JFischman@pd.state.gov [ UNKNOWN ] )
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TO: Robert_Traynham@src.senate.gov ( Robert_Traynham@src.senate.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: Lezlee.J. Westine ( CN=Lezlee.J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )
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TO: Bitterr@state.gov ( Bitterr@state.gov [ UNKNOWN ] )
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TO: Schriverrg@state.gov ( Schriverrg@state.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: KelseyT@state.gov ( KelseyT@state.gov [ UNKNOWN ] )
READ: UNKNOWN
TO: Mike_Buttry@hagel.senate.gov ( Mike_Buttry@hagel.senate.gov [ UNKNOWN ] )
READ: UNKNOWN

REV_00085477
**Today's Schedule**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>6:15a EST</td>
<td>Treasury UnderSecretary Tom Gururle holds media availability in London.</td>
</tr>
<tr>
<td>9:15a EST</td>
<td>Assistant Secretary of State Dobriansky meets with a roundtable on religious reconciliation and tolerance.</td>
</tr>
<tr>
<td>9:45a EST</td>
<td>White House gaggle with Ari Fleischer.</td>
</tr>
<tr>
<td>10:40a EST</td>
<td>President Bush meets with the Prime Minister of Thailand.</td>
</tr>
<tr>
<td>12:30p EST</td>
<td>White House daily press briefing with Ari Fleischer.</td>
</tr>
<tr>
<td>12:30p EST</td>
<td>State Department daily briefing with spokesman Richard Boucher.</td>
</tr>
<tr>
<td>1:15p EST</td>
<td>Mrs. Cheney contributes $50,000 to the American Red Cross Disaster Relief Fund.</td>
</tr>
<tr>
<td>1:30p EST</td>
<td>President Bush makes remarks at the Drug Free Communities Act reauthorization bill.</td>
</tr>
<tr>
<td>4:00p EST</td>
<td>UN Envoy to Afghanistan Brahimi to brief the UN Security Council</td>
</tr>
</tbody>
</table>

**Message**

- Osama bin Laden is a coward who sends people to their deaths without their knowledge and laughs about it.
- Osama bin Laden murders innocents including women and children and Muslims.
- Osama bin Laden is disloyal to his followers and relies on others to fight for him.
- Osama bin Laden defames the religion he purports to follow.
- It is no wonder that thousands of bin Laden and al Qaeda operatives are breaking ranks and deserting. And it’s no wonder that Muslim experts around the world continue to condemn al Qaeda’s attempt to hijack the peaceful religion of Islam for their terrorist purposes.

**Recent Key Quotes & Developments**

- "Osama bin Laden contentedly recalled the Sept. 11 suicide attacks against America on a videotape released Thursday by the Pentagon, saying the destruction exceeded his estimates and the events ‘benefited Islam greatly.’ 'I was the most optimistic of them all' in calculating the possible destruction, bin Laden said with eerie detachment. He said he had reckoned that burning jet fuel would ‘melt the iron structure’ of the World Trade Center twin towers..." (AP, 12/13/01)
- "United States intelligence officials said today that they believed that they now had credible evidence that three senior Qaeda leaders had been killed by the American bombing campaign in Afghanistan, causing serious disruptions to the terrorist network." (NYT, 12/13/01)
- "Habibullah picked his way through the rubble, frownlines rippling across his forehead. 'Look at this place,' he said, surveying the vast brick-strewn compound [of Mullah Muhammad Omar]. 'We have been living like dogs and all the time Mullah Muhammad Omar was living like a king.'" (The Times [U.K.], 12/13/01)

**In Case You Missed It**

- As of December 12, the United Nations' World Food Program – with U.S. assistance – had distributed food to 648,000 residents of Kabul.

**Facts of the Day**

- The second of two USAID airlifts is expected to arrive in Turkmenistan on December 14. The airlift will carry 5,584 kitchen sets and 9,800 blankets for distribution in Afghanistan. The first airlift arrived on December 13 and carried 10,000 kitchen sets and 20,000 blankets.
- To date, the Department of Defense has airdropped 2,384,460 Humanitarian Daily Rations into Afghanistan. According to the DoD, the cost of the airdrop operations to date, including rations, transport, and fuel expenses, totals approximately $50.1 million.
Sent: 12/14/2001 8:48:25 AM
Subject: Drug-Free Communities talking points
Attachments: P_DRLH4003_OPD.TXT_1.doc
TO: tom.eisenhauer@mail.house.gov (tom.eisenhauer@mail.house.gov [UNKNOWN])
READ: UNKNOWN

### End Original ARMS Header ###

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

File attachment <P_DRLH4003_OPD.TXT_1>
President Bush Acts to Empower Communities in the Fight Against Illegal Drug Abuse

Today’s Presidential Action:

- President Bush signed legislation that extends and expands the Drug-Free Communities Support Program, which supports community-based efforts nationwide to reduce the demand for illegal drugs. It’s an important step forward in the President’s agenda for reducing illegal drug use through effective education, prevention and treatment.

- President Bush also called on the Senate to move forward with the Armies of Compassion legislation to support charitable organizations in America, including many faith- and community-based institutions that are making remarkable progress in preventing and treating drug abuse.

About the Drug-Free Communities Support Program

- The President believes in a balanced approach to drug policy that emphasizes not only efforts to reduce the supply of drugs coming into our country from overseas, but also reducing the demand for drugs here at home.

- The Drug-Free Communities Support Program supports community anti-drug coalitions that harness local energy and resources to work together toward the common goal of reducing substance abuse. Coalitions include local partnerships between youth, parents, businesses, the media, schools, youth organizations, law enforcement, religious or fraternal organizations, civic groups, health care professionals, state, local or tribal governmental agencies, and other organizations.

- Activities include parent drug education programs, youth summits where young people learn to resist drugs, local drug use surveys in middle and high schools, drug intervention counseling services, tutoring and financial incentives for businesses that adopt drug-free workplace programs. Coalitions empower individuals and communities at the local level to join national drug prevention efforts.

- The President’s Budget for FY02 provided more than $50 million for the Drug-Free Communities Support Program – an increase of $10.6 million over FY01. The legislation signed by the President today authorizes annual increases that will meet the Presidential commitment to increase the size of the program to nearly $100 million by FY07.

- The Drug-Free Communities Support Program was created in 1997. Since then, it has awarded 464 grants to coalitions in 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Of these grants, approximately 35% were awarded to coalitions in urban areas, 17% in suburban communities, 39% in small towns or rural areas, and the remainder to other types of communities. The maximum award is $100,000 per fiscal year, with each grantee having to match federal dollars with non-federal funds or in-kind support.

- The President’s Budget strongly supports other key demand reduction initiatives, including:
  
  - Narrowing the treatment gap with a five-year commitment to increasing resources for treatment services by $1.6 billion, including targeted treatment programs for children and adolescents.
  
  - Increasing resources for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism.
  
  - Securing $180 million for the National Youth Anti-Drug Media Campaign to ensure that vital anti-drug public service advertisements continue to reach parents and children.
  
  - Strongly supporting Drug Courts and other criminal justice diversion programs to help more Americans break the vicious cycle of addiction and incarceration.

For more information on the President’s initiatives, please visit www.whitehouse.gov
Sent: 12/14/2001 8:48:25 AM
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Sent: 12/14/2001 5:37:05 AM
Subject: The War on Terrorism -- December 14, 2001
Attachments: 06890_p_nmdh4003_who.txt_ 1.doc

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CREATION DATE/TIME: 14-DEC-2001 10:37:05.00
SUBJECT: The War on Terrorism -- December 14, 2001
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TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP/EOP [WHO])
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TO: Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @inet [UNKNOWN])
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TO: rgeorge@mynpost.com (rgeorge@mynpost.com @inet [UNKNOWN])
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TO: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP/EOP [WHO])
READ: UNKNOWN
TO: susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @inet [UNKNOWN])
# # # # # # # # #
The White House Coalition Information Center

Today's Schedule

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9:15a EST  Assistant Secretary of State Dobriansky meets with a roundtable on religious reconciliation and tolerance.
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4:00p EST  UN Envoy to Afghanistan Brahimi to brief the UN Security Council.

Message

- Osama bin Laden is a coward who sends people to their deaths without their knowledge and laughs about it.
- Osama bin Laden murders innocents including women and children and Muslims.
- Osama bin Laden is disloyal to his followers and relies on others to fight for him.
- Osama bin Laden defames the religion he purports to follow.
- It is no wonder that thousands of bin Laden and al Qaeda operatives are breaking ranks and deserting. And it’s no wonder that Muslim experts around the world continue to condemn al Qaeda’s attempt to hijack the peaceful religion of Islam for their terrorist purposes.

Recent Key Quotes & Developments

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Sent: 12/14/2001 5:37:05 AM
Subject: The War on Terrorism -- December 14, 2001
Attachments: P_NMDH4003_WHO.TXT_1.doc
TO: tom.eisenhauer@mail.house.gov (tom.eisenhauer@mail.house.gov [UNKNOWN])
READ: UNKNOWN

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_NMDH4003_WHO.TXT_1>
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Sent: 12/14/2001 5:37:05 AM
Subject: : The War on Terrorism -- December 14, 2001
Attachments: P_NMDH4003_OPD.TXT_1.doc

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CREATION DATE/TIME: 14-DEC-2001 10:37:05.00
SUBJECT:: The War on Terrorism -- December 14, 2001
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ:UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
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TO: Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
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TO: Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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TO: Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
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TO: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
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TO: Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
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TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @inet [UNKNOWN])

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TO: bethsturgeon@austin.rr.com (bethsturgeon@austin.rr.com [UNKNOWN])
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TO: Peter Smith (CN=Peter Smith/OU=NSC/O=EOP@EOP [NSC])
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TO: Michele Ahern (CN=Michele Ahern/O=OMB/O=EOP@EOP [OMB])
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TO: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP@EOP [WHO])
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TO: kathicard@springmail.com (kathicard@springmail.com [UNKNOWN])
TO: Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
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TO: Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
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TO: Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@EOP [WHO])
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TO: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Townsend_L._McNitt@oa.eop.gov (Townsend_L._McNitt@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
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TO: Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: William_S._Clark@oa.eop.gov (William_S._Clark@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
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TO: David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
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Subject:

F_NMDH4003_OA.TXT_1.doc

Sent: 12/14/2001 5:37:05 AM
TO: David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Torie Clarke@osd.mil (Torie.Clarke@osd.mil @inet [UNKNOWN])
READ:UNKNOWN
TO: rgeorge@nypost.com (rgeorge@nypost.com @inet [UNKNOWN])
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TO: Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
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To: Robert.Ollison@EXIM.GOV ( Robert.Ollison@EXIM.GOV [ UNKNOWN ] )
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To: Katherine M. Channell ( CN=Katherine M. Channell/OU=WHO/O=EOP@EOP [ WHO ] )
To: Nina DeLorenzo ( CN=Nina DeLorenzo/OU=WHO/O=EOP@EOP [ WHO ] )
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To: kathicard@ix.netcom.com ( kathicard@ix.netcom.com [ UNKNOWN ] )
To: pam.lambo@dfait-maeci.gc.ca ( pam.lambo@dfait-maeci.gc.ca [ UNKNOWN ] )
To: terry.colli@dfait-maeci.gc.ca ( terry.colli@dfait-maeci.gc.ca [ UNKNOWN ] )
To: hope_boonshaft@spe.sony.com ( hope_boonshaft@spe.sony.com [ UNKNOWN ] )
To: mamin@lgecorp.com ( mamin@lgecorp.com [ UNKNOWN ] )
To: wetsigb@usa.redcross.org ( wetsigb@usa.redcross.org [ UNKNOWN ] )
To: vansantl@usa.redcross.org ( vansantl@usa.redcross.org [ UNKNOWN ] )
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To: rss.paoo@pentagon.af.mil ( rss.paoo@pentagon.af.mil [ UNKNOWN ] )
To: jleibowitz@mpaa.org ( jleibowitz@mpaa.org [ UNKNOWN ] )
To: mt@corporatesportswear.com ( mt@corporatesportswear.com [ UNKNOWN ] )
To: will.kinzel@cnh.com ( will.kinzel@cnh.com [ UNKNOWN ] )
To: hthomas@nsc.eop.gov ( hthomas@nsc.eop.gov [ NSC ] )
To: levy-leah@dol.gov ( levy-leah@dol.gov [ UNKNOWN ] )
To: bbaney@phigam.org ( bbaney@phigam.org [ UNKNOWN ] )
To: kristen.gilley@mail.house.gov ( kristen.gilley@mail.house.gov [ UNKNOWN ] )
To: doug.seay@mail.house.gov ( doug.seay@mail.house.gov [ UNKNOWN ] )
To: cullman@thecarlylegroup.com ( cullman@thecarlylegroup.com [ OMB ] )
To: joseph.samora@cnh.com ( joseph.samora@cnh.com [ UNKNOWN ] )
To: james.waurishuk@js.pentagon.mil ( james.waurishuk@js.pentagon.mil [ UNKNOWN ] )
To: Noelia Rodriguez ( CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [ WHO ] )
Today's Schedule

6:15a EST  Treasury UnderSecretary Tom Gururle holds media availability in London.
9:15a EST   Assistant Secretary of State Dobriansky meets with a roundtable on religious reconciliation and tolerance.
9:45a EST   White House gaggle with Ari Fleischer.
10:40a EST  President Bush meets with the Prime Minister of Thailand.
12:30p EST  White House daily press briefing with Ari Fleischer.
12:30p EST  State Department daily briefing with spokesman Richard Boucher.
1:15p EST   Mrs. Cheney contributes $50,000 to the American Red Cross Disaster Relief Fund.
1:30p EST   President Bush makes remarks at the Drug Free Communities Act reauthorization bill.
4:00p EST   UN Envoy to Afghanistan Brahimi to brief the UN Security Council

Message

- Osama bin Laden is a coward who sends people to their deaths without their knowledge and laughs about it.
- Osama bin Laden murders innocents including women and children and Muslims.
- Osama bin Laden is disloyal to his followers and relies on others to fight for him.
- Osama bin Laden defames the religion he purports to follow.
- It is no wonder that thousands of bin Laden and al Qaeda operatives are breaking ranks and deserting. And it’s no wonder that Muslim experts around the world continue to condemn al Qaeda’s attempt to hijack the peaceful religion of Islam for their terrorist purposes.

Recent Key Quotes & Developments

- "Osama bin Laden contentedly recalled the Sept. 11 suicide attacks against America on a videotape released Thursday by the Pentagon, saying the destruction exceeded his estimates and the events 'benefited Islam greatly.' 'I was the most optimistic of them all' in calculating the possible destruction, bin Laden said with eerie detachment. He said he had reckoned that burning jet fuel would 'melt the iron structure' of the World Trade Center twin towers..." (AP, 12/13/01)

- "United States intelligence officials said today that they believed that they now had credible evidence that three senior Qaeda leaders had been killed by the American bombing campaign in Afghanistan, causing serious disruptions to the terrorist network." (NYT, 12/13/01)

- "Habibullah picked his way through the rubble, frownlines rippling across his forehead. 'Look at this place,' he said, surveying the vast brick-strewn compound [of Mullah Muhammad Omar]. 'We have been living like dogs and all the time Mullah Muhammad Omar was living like a king.'" (The Times [U.K.], 12/13/01)

In Case You Missed It

- As of December 12, the United Nations' World Food Program – with U.S. assistance – had distributed food to 648,000 residents of Kabul.

Facts of the Day

- The second of two USAID airlifts is expected to arrive in Turkmenistan on December 14. The airlift will carry 5,584 kitchen sets and 9,800 blankets for distribution in Afghanistan. The first airlift arrived on December 13 and carried 10,000 kitchen sets and 20,000 blankets.

- To date, the Department of Defense has airdropped 2,384,460 Humanitarian Daily Rations into Afghanistan. According to the DoD, the cost of the airdrop operations to date, including rations, transport, and fuel expenses, totals approximately $50.1 million.
The War on Terrorism -- December 14, 2001

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To: caranaga@pd.state.gov
To: jfischman@pd.state.gov
To: Elizabeth P. Austin
To: Jane M. Cook
To: Robert_Traynham@src.senate.gov
The White House Coalition Information Center

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### Begin Original ARMS Header ###

**RECORD TYPE:** PRESIDENTIAL (NOTES MAIL)

**CREATOR:** James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])

**CREATION DATE/TIME:** 14-DEC-2001 13:48:25.00

**SUBJECT:** Drug-Free Communities talking points

**TO:**
- marcel.lettre@censa.net (marcel.lettre@censa.net) [UNKNOWN]
- Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP [WHO]) [UNKNOWN]
- Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP [WHO]) [UNKNOWN]
- Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP [WHO]) [UNKNOWN]
- Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP [WHO]) [UNKNOWN]
- Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP [WHO]) [UNKNOWN]
- Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP [OPD]) [UNKNOWN]
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- Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP [OPD]) [UNKNOWN]
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- Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov) [UNKNOWN]

**Sent:**
12/14/2001 8:48:25 AM

**Subject:** Drug-Free Communities talking points

**Attachments:** 06897_p_drlh4003_who.txt_1.doc
President Bush Acts to Empower Communities in the Fight Against Illegal Drug Abuse

Today’s Presidential Action:

- President Bush signed legislation that extends and expands the Drug-Free Communities Support Program, which supports community-based efforts nationwide to reduce the demand for illegal drugs. It’s an important step forward in the President’s agenda for reducing illegal drug use through effective education, prevention and treatment.

- President Bush also called on the Senate to move forward with the Armies of Compassion legislation to support charitable organizations in America, including many faith- and community-based institutions that are making remarkable progress in preventing and treating drug abuse.

About the Drug-Free Communities Support Program

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  - Strongly supporting Drug Courts and other criminal justice diversion programs to help more Americans break the vicious cycle of addiction and incarceration.

For more information on the President’s initiatives, please visit www.whitehouse.gov
Sent: 12/14/2001 8:48:25 AM
Subject: Drug-Free Communities talking points
Attachments: F_DRLH4003_OA.TXT _1.doc

### Begin Original ARMS Header ###
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SUBJECT:: Drug-Free Communities talking points
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READ:UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP[EOP] [WHO])
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TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @inet [UNKNOWN])

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For more information on the President’s initiatives, please visit www.whitehouse.gov
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To: Danner.Bethel@ed.gov
To: SabatineM@osd.pentagon.mil
To: patrick.rhode@sba.gov
To: YRobinso@pd.state.gov
To: robert.traynham@src senate.gov
To: dmackinnon@verner.com
To: Ansley C. Tillman
To: jwillis@doc.gov
To: Britt Grant
To: Kristine Simmons
To: kyle.downey@mail.house.gov
To: molly.millerwise@mail.house.gov
To: jrendon@rendon.com
To: KJohnson@isi-consulting.com
To: caranaga@pd.state.gov
To: jjfischman@pd.state.gov
To: ELizabeth P. Austin
To: Jane M. Cook
To: Robert_Traynham@src senate.gov
TO: tom.eisenhauer@mail.house.gov
READ: UNKNOWN

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_DRLH4003_WHO.TXT_1>
President Bush Acts to Empower Communities in the Fight Against Illegal Drug Abuse

Today’s Presidential Action:

- President Bush signed legislation that extends and expands the Drug-Free Communities Support Program, which supports community-based efforts nationwide to reduce the demand for illegal drugs. It’s an important step forward in the President’s agenda for reducing illegal drug use through effective education, prevention and treatment.

- President Bush also called on the Senate to move forward with the Armies of Compassion legislation to support charitable organizations in America, including many faith- and community-based institutions that are making remarkable progress in preventing and treating drug abuse.

About the Drug-Free Communities Support Program

- The President believes in a balanced approach to drug policy that emphasizes not only efforts to reduce the supply of drugs coming into our country from overseas, but also reducing the demand for drugs here at home.

- The Drug-Free Communities Support Program supports community anti-drug coalitions that harness local energy and resources to work together toward the common goal of reducing substance abuse. Coalitions include local partnerships between youth, parents, businesses, the media, schools, youth organizations, law enforcement, religious or fraternal organizations, civic groups, health care professionals, state, local or tribal governmental agencies, and other organizations.

- Activities include parent drug education programs, youth summits where young people learn to resist drugs, local drug use surveys in middle and high schools, drug intervention counseling services, tutoring and financial incentives for businesses that adopt drug-free workplace programs. Coalitions empower individuals and communities at the local level to join national drug prevention efforts.

- The President’s Budget for FY02 provided more than $50 million for the Drug-Free Communities Support Program – an increase of $10.6 million over FY01. The legislation signed by the President today authorizes annual increases that will meet the Presidential commitment to increase the size of the program to nearly $100 million by FY07.

- The Drug-Free Communities Support Program was created in 1997. Since then, it has awarded 464 grants to coalitions in 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Of these grants, approximately 35% were awarded to coalitions in urban areas, 17% in suburban communities, 39% in small towns or rural areas, and the remainder to other types of communities. The maximum award is $100,000 per fiscal year, with each grantee having to match federal dollars with non-federal funds or in-kind support.

- The President’s Budget strongly supports other key demand reduction initiatives, including:
  - Narrowing the treatment gap with a five-year commitment to increasing resources for treatment services by $1.6 billion, including targeted treatment programs for children and adolescents.
  - Increasing resources for the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism.
  - Securing $180 million for the National Youth Anti-Drug Media Campaign to ensure that vital anti-drug public service advertisements continue to reach parents and children.
  - Strongly supporting Drug Courts and other criminal justice diversion programs to help more Americans break the vicious cycle of addiction and incarceration.

For more information on the President’s initiatives, please visit www.whitehouse.gov
Sent: 12/14/2001 8:48:25 AM
Subject: Drug-Free Communities talking points
Attachments: F_DRLH4003_NSC.TXT 1.doc
To: lowellrandel@meyersandassociates.com
To: Joe.Eule@mail.house.gov
To: jsolsby@drasnincommunications.com
To: Kirk.Boyle@mail.house.gov
To: gonzalez@glo.state.tx.us
To: kevin.keane@hhs.gov
To: Mark Holman
To: Carl Buchholz
To: Duncan Campbell
To: Carol J. Thompson
To: EMILLEFO@fcc.gov
To: Jack Howard
To: Danner.Bethel@ed.gov
To: SabatineM@osd.pentagon.mil
To: patrick.rhode@sba.gov
To: YRobinso@pd.state.gov
To: robert.traynham@src senate.gov
To: dmackinnon@verner.com
To: Ansley C. Tillman
To: jwillis@doc.gov
To: Britt Grant
To: Kristine Simmons
To: kyle.downey@mail.house.gov
To: molly.millerwise@mail.house.gov
To: jrendon@rendon.com
To: KJohnson@isi-consulting.com
To: Gian-Carlo A. Peressutti
To: mjohnson@ob-cgroup.com
To: caranaga@pd.state.gov
To: jjfischman@pd.state.gov
To: Elizabeth P. Austin
To: Jane M. Cook
To: Robert_Traynham@src senate.gov

TO: tom.eisenhauer@mail.house.gov ( tom.eisenhauer@mail.house.gov [UNKNOWN] )
READ:UNKNOWN

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File attachment <F_DRLH4003_NSC.TXT_1>
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Sent: 12/14/2001 1:01:22 PM
Subject: Weekend Economic Talking Points
Attachments: P_7JXH4003_CEA.TXT_1.doc

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CREATION DATE/TIME: 14-DEC-2001 18:01:22.00
SUBJECT: Weekend Economic Talking Points
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ: UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
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TO: Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
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TO: David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [UNKNOWN])
READ: UNKNOWN
TO: Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @inet [UNKNOWN])
READ: UNKNOWN
TO: rgeorge@nypost.com (rgeorge@nypost.com @inet [UNKNOWN])
READ: UNKNOWN
TO: Neil S. Patel (CN=Neil S. Patel/OU=OVF/O=EOP@EOP [OVF])
READ: UNKNOWN
TO: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: lisette_mcsoumd mondello@hutchison.senate.gov (lisette_mcsoumd mondello@hutchison.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @inet [UNKNOWN])

REV_00085767
Updated economic talking points for the weekend.

File attachment <P_7JXH4003_CEA.TXT_1>
President Reaches Out to Break Senate Log-Jam on Economy

Saturday’s Presidential Action:

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- This week, the President once again reached out to break the log-jam in the Senate – by working to build a consensus that draws on proposals by Democrats and Republicans alike. The package would provide over $20 billion for dislocated workers and would deliver this relief as quickly as possible. According to the Council of Economic Advisers, the bipartisan framework would save 300,000 American jobs that might otherwise be lost.

- For months, important legislation has been stalled, delayed and sidetracked due to the leadership vacuum in the Senate. The holidays are upon us and time is running out. A majority of the Senate supports the President’s bipartisan framework for job creation and displaced worker assistance. It’s time for the Senate leadership to act.

President Bush: Real Leadership to Help America’s Workers

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**Tax Cuts for Low- and Middle-Income Workers**

- Providing tax rebate payments of up to $600 to low-income families struggling to make ends meet.
- Lowering the 27 percent tax rate to 25 percent would provide 36 million hard-working taxpayers with relief.

**Job Creating Tax Cuts**

- Lowering the 27 percent rate would provide relief to 10 million small business owners for business expansion.
- Allowing all businesses to immediately deduct 30 percent of the cost of new investments for three years would significantly reduce the cost of job creating new business investment, particularly in capital-intensive sectors such as manufacturing and telecommunications.
- Providing relief from the onerous and job-killing corporate Alternative Minimum Tax – which raises the tax rate as profits drop – will help businesses struggling to maintain their payroll levels.

**Relief for Displaced Workers**

- Providing an additional 13 weeks of unemployment assistance to workers who have been laid off since the recession began last March. These extended benefits would be financed completely by the federal government.
- Giving states over $4 billion in federal aid to expand benefits to additional displaced workers, such as part-time workers, and provide $3 billion in National Emergency Grants. Because they would go through an existing program, these funds would be available to help workers in a matter of weeks.
- Helping unemployed workers keep their health insurance by providing an innovative new tax credit worth up to $3,528 a year. Workers would be able to keep their health insurance regardless of whether they have COBRA.
- Speeding relief to workers by cutting red tape. Unlike some proposals considered by the Senate, the President’s framework does not require state legislation or state matching funds to provide coverage. Assistance gets rapidly to the workers who need it most.

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Brett: Here’s my first draft of the talking points you asked for. I’m having it reviewed now for accuracy. Is this what you had in mind? 
-- Paul

- Bostondocs.tp.wpd

File attachment <P_P8NH4003_WH0.TXT_1>
Chairman Burton informed the Justice Department in his letter of September 6, 2001, that the subpoena accompanying the letter "calls for a number of deliberative records relating to the Committee’s investigation of the Department’s handling of its organized crime investigations in New England. The Committee has already received extensive information indicating that the Department has a deeply troubled past in its handling of a number of confidential informants who were providing the Department with misleading information, and who were also committing serious crimes while under Departmental protection. The records called for by the Committee’s subpoena are central to the Committee’s investigation of why the Department refrained from prosecuting these individuals for so long." The reference to the handling of informants by the Department is to the Federal Bureau of Investigation’s handling of informants in Boston.

The Committee’s subpoena seeks records related to decisions either to prosecute or refrain from prosecuting thirteen individuals that the Committee believes were investigated in the course of the Department’s organized crime investigations. The Department has understood the subpoena to be seeking prosecution and declination memoranda.

The Department has identified ten documents (numbers 11-20 on the document list) that are responsive to the subpoena. These memoranda set forth analysis by line prosecutors of the legal issues and evidence relevant to possible criminal violations by individuals identified in the subpoena, as well as their advice and recommendations concerning whether or not criminal prosecutions should be brought.

At the Committee hearing on December 13, 2001, the Members of the Committee did not focus specifically on the interest expressed in the Chairman’s September 6th letter concerning "why the Department refrained from prosecuting [the individuals identified in the subpoena] for so long." Instead, they focused on the allegations of corruption regarding the FBI’s handling of informants and how that resulted in a miscarriage of justice in the case of Joseph Salvati, who was wrongly incarcerated after a State prosecution. They expressed a strong need to review the subpoenaed memoranda because they may contain information relating to the alleged corruption. The Department is currently reviewing the memoranda to determine the extent to which they contain such information. The memoranda do not consider whether or not to bring a federal prosecution against Salvati,
Sent: 12/14/2001 1:01:22 PM
Subject: Weekend Economic Talking Points
Attachments: F_7JXH4003_NSC.TXT_1.doc
To: lowerrandel@meyersandassociates.com
To: Joe.Eule@mail.house.gov
To: jsolsby@drasnincommunications.com
To: Kirk.Boyle@mail.house.gov
To: gonzalez@glo.state.tx.us
To: kevin.keane@hhs.gov
To: Mark Holman (CN=Mark Holman/OU=WHO/O=EOP@EOP)
To: Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP@EOP)
To: Duncan Campbell (CN=Duncan Campbell/OU=WHO/O=EOP@EOP)
To: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP@EOP)
To: EWILLEFO@fcc.gov
To: Jack Howard (CN=Jack Howard/OU=WHO/O=EOP@EOP)
To: Danner.Bethel@ed.gov
To: SabatineM@osd.pentagon.mil
To: patrick.rhode@sba.gov
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To: dmackinnon@verner.com
To: Ansley C. Tillman (CN=Ansley C. Tillman/OU=OPD/O=EOP@EOP)
To: jwillis@doc.gov
To: Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP)
To: Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP)
To: kyle.downey@mail.house.gov
To: molly.millerwise@mail.house.gov
To: jrendon@rendon.com
To: KJohnson@isi-consulting.com
To: Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP)
To: mjohnson@ob-cgroup.com
To: caranaga@pd.state.gov
To: ffischman@pd.state.gov
To: Elizabeth P. Austin (CN=Elizabeth P. Austin/OU=WHO/O=EOP@EOP)
To: Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP)
To: Robert_Traynham@src.senate.gov
Updated economic talking points for the weekend.
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Weekend Economic Talking Points

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Sent: 12/14/2001 1:01:22 PM

Subject: Weekend Economic Talking Points

Attachments: P_7JXH4003_OPD.TXT, P_7JXH4003_OPD.TXT_1.doc
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Sent: 12/14/2001 1:01:22 PM  
Subject: Weekend Economic Talking Points  
Attachments: P_7JXH4003_WHO.TXT_1.doc

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CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])  
CREATION DATE/TIME: 14-DEC-2001 18:01:22.00  
SUBJECT:: Weekend Economic Talking Points  
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])  
READ: UNKNOWN  
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])  
READ: UNKNOWN  
TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])  
READ: UNKNOWN  
TO: Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])  
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TO:campcopmc@aol.com ( campcopmc@aol.com [ UNKNOWN ] )
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TO:Natalie S. Wozniak ( CN=Natalie S. Wozniak/OU=NSC/O=EOP@EOP [ NSC ] )
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READ:UNKNOWN
TO:Mike.franc@heritage.org ( mike.franc@heritage.org [ UNKNOWN ] )
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TO:Lisa.nelson@aoltw.com ( Lisa.nelson@aoltw.com [ UNKNOWN ] )
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TO:Pat.Shortridge@enron.com ( Pat.Shortridge@enron.com [ UNKNOWN ] )
READ:UNKNOWN
TO:Richard.Mcbride@Glo.State.Tx.us ( Richard.Mcbride@Glo.State.Tx.us [ UNKNOWN ] )
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TO:GamonalAM@State.Gov ( GamonalAM@State.Gov [ UNKNOWN ] )
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TO:AlisonJones ( CN=Alison Jones/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO:Lowellrandel@MeyersAndAssociates.com ( Lowellrandel@MeyersAndAssociates.com [ UNKNOWN ] )
READ:UNKNOWN
TO:Joe.Eule@mail.house.gov ( Joe.Eule@mail.house.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Jsolsby@DrasninCommunications.com ( Jsolsby@DrasninCommunications.com [ UNKNOWN ] )
READ:UNKNOWN
TO:Kirk.Boyle@mail.house.gov ( Kirk.Boyle@mail.house.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Gonzalez@Glo.State.Tx.us ( Gonzalez@Glo.State.Tx.us [ OMB ] )
READ:UNKNOWN
TO:Kevin.Keane@Hhs.Gov ( Kevin.Keane@Hhs.Gov [ UNKNOWN ] )
READ:UNKNOWN
TO:MarkHolman ( CN=Mark Holman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:CarlBuchholz ( CN=Carl Buchholz/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:DuncanCampbell ( CN=Duncan Campbell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:CarolJ.Thompson ( CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [ WHO ] )
Updated economic talking points for the weekend.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7JXH4003_WHO.TXT>
President Reaches Out to Break Senate Log-Jam on Economy

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**Tax Cuts for Low- and Middle-Income Workers**

- Providing tax rebate payments of up to $600 to low-income families struggling to make ends meet.
- Lowering the 27 percent tax rate to 25 percent would provide 36 million hard-working taxpayers with relief.

**Job Creating Tax Cuts**

- Lowering the 27 percent rate would provide relief to 10 million small business owners for business expansion.
- Allowing all businesses to immediately deduct 30 percent of the cost of new investments for three years would significantly reduce the cost of job creating new business investment, particularly in capital-intensive sectors such as manufacturing and telecommunications.
- Providing relief from the onerous and job-killing corporate Alternative Minimum Tax – which raises the tax rate as profits drop – will help businesses struggling to maintain their payroll levels.

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- Providing an additional 13 weeks of unemployment assistance to workers who have been laid off since the recession began last March. These extended benefits would be financed completely by the federal government.
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Weekend Economic Talking Points

REV_00086022
To: Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
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To: Kirk Blalock (CN=Kirk Blalock/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Adam B. Goldman (CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: John_Gardner@oa.eop.gov (John_Gardner@oa.eop.gov @ inet [UNKNOWN])
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To: Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
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To: Amanda L. Moore (CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [WHO])
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To: Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [UNKNOWN])
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To: Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
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To: Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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To: Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
Read: Unknown
To: Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
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To: I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @ inet [UNKNOWN])
Read: Unknown
To: Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
Read: Unknown
To: Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
Read: Unknown
To: Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
Read: Unknown
To: Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
Read: Unknown
To: Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])

REV_00086033
Updated economic talking points for the weekend.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_7JXH4003_OA.TXT>
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BCC:
Sent: 12/14/2001 1:06:48 PM
Subject: Weekend Economic Talking Points
Attachments: 06933_p_4kxh4003_who.txt_1.doc

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP[WHO])
CREATION DATE/TIME: 14-DEC-2001 18:06:48.00
SUBJECT:: Weekend Economic Talking Points
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ: UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP[OPD])
READ: UNKNOWN
TO: Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP[OPD])
READ: UNKNOWN

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To: Michele.davis@do.treas.gov
To: Anne Trenolone
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To: oliver.north@msnbc.com
To: kmclane@pstrategies.com
To: John D. Estes
To: Ashley Estes
To: Angela R. Sailor
To: K. Philippa Malmgren
To: Ruben S. Barrales
To: Terry C. Miller
To: Laura S. Lawlor
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To: Charles P. Blahous
To: Maria.Cino@mail.doc.gov
To: Matthew W. Lindley
To: Chris B. Nagel
To: Melissa L. McAdoo
To: Kristen L. Hughes
To: Robert T. Pratt Jr
To: Beverly J. Ward
To: Deborah K. Hair
To: Elizabeth N. Camp
To: Brett M. Kavanaugh
To: Timothy E. Flanigan
To: Mark.Corallo@mail.house.gov
To: Mercedes M. Viana

FROM:UNKNOWN
TO:Michell.davis@do.treas.gov
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BCC: Records Management@EOP ( Records Management@EOP [ UNKNOWN ] )

Sent: 12/14/2001 1:06:48 PM

Subject: Weekend Economic Talking Points

Attachments: F_4KXH4003_NSC.TXT_1.doc
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TO:martin.weiss@bmaa.gv.at ( martin.weiss@bmaa.gv.at [ UNKNOWN ] )
READ:UNKNOWN
TO:fernando.garcia@mp.boe.es ( fernando.garcia@mp.boe.es [ UNKNOWN ] )
READ:UNKNOWN
TO:intspw@hotmail.com ( intspw@hotmail.com [ UNKNOWN ] )
READ:UNKNOWN
TO:allison.barber@osd.mil ( allison.barber@osd.mil [ UNKNOWN ] )
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READ:UNKNOWN
TO:Anthony.Welcher@exim.gov ( Anthony.Welcher@exim.gov [ UNKNOWN ] )
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TO:Robert.Ollison@EXIM.GOV ( Robert.Ollison@EXIM.GOV [ UNKNOWN ] )
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TO:Barbara Jo Goergen ( CN=Barbara Jo Goergen/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Katherine M. Channell ( CN=Katherine M. Channell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Nina DeLorenzo ( CN=Nina DeLorenzo/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Jennifer Foley ( CN=Jennifer Foley/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:hope_boonshaft@spe.sony.com ( hope_boonshaft@spe.sony.com [ UNKNOWN ] )
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TO:mamin@lgecorp.com ( mamin@lgecorp.com [ UNKNOWN ] )
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TO:wetsigb@usa.redcross.org ( wetsigb@usa.redcross.org [ UNKNOWN ] )
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TO:vansantl@usa.redcross.org ( vansantl@usa.redcross.org [ UNKNOWN ] )
READ:UNKNOWN
TO:bginsberg@pattonboggs.com ( bginsberg@pattonboggs.com [ UNKNOWN ] )
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READ:UNKNOWN
TO:toby.harnden@telegraph.co.uk ( toby.harnden@telegraph.co.uk [ UNKNOWN ] )
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TO:james@mail.house.gov ( james@mail.house.gov [ WHO ] )
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TO:Lani.Miller@usdoj.gov ( Lani.Miller@usdoj.gov [ UNKNOWN ] )
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TO:kvolker@nsc.eop.gov ( kvolker@nsc.eop.gov [ NSC ] )
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TO:rss.paoc@pentagon.af.mil ( rss.paoc@pentagon.af.mil [ UNKNOWN ] )
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TO:mt@corporatesportswear.com ( mt@corporatesportswear.com [ UNKNOWN ] )
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TO:will.kinzel@cnh.com ( will.kinzel@cnh.com [ UNKNOWN ] )
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TO:hthomas@nsc.oep.gov ( hthomas@nsc.oep.gov [ NSC ] )
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TO:levy-leah@dol.gov ( levy-leah@dol.gov [ UNKNOWN ] )
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TO:bbaney@phigam.org ( bbaney@phigam.org [ UNKNOWN ] )
READ:UNKNOWN
TO:kristen.gilley@mail.house.gov ( kristen.gilley@mail.house.gov [ UNKNOWN ] )
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TO: kmclane@pstrategies.com  
TO: John D. Estes  
TO: Ashley Estes
Updated economic talking points for the weekend.

File attachment <F_4KXH4003_NSC.TXT_1>
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BCC: Records Management@EOP (Records Management@EOP [Unknown])
Sent: 12/14/2001 1:06:48 PM
Subject: Weekend Economic Talking Points
Attachments: P_4X4H4003_CEA.TXT_1.doc
Updated economic talking points for the weekend.

File attachment <P_4KXH4003_CEA.TXT.jpg>
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- Lowering the 27 percent tax rate to 25 percent would provide 36 million hard-working taxpayers with relief.

Job Creating Tax Cuts

- Lowering the 27 percent rate would provide relief to 10 million small business owners for business expansion.
- Allowing all businesses to immediately deduct 30 percent of the cost of new investments for three years would significantly reduce the cost of job creating new business investment, particularly in capital-intensive sectors such as manufacturing and telecommunications.
- Providing relief from the onerous and job-killing corporate Alternative Minimum Tax – which raises the tax rate as profits drop – will help businesses struggling to maintain their payroll levels.

Relief for Displaced Workers

- Providing an additional 13 weeks of unemployment assistance to workers who have been laid off since the recession began last March. These extended benefits would be financed completely by the federal government.
- Giving states over $4 billion in federal aid to expand benefits to additional displaced workers, such as part-time workers, and provide $3 billion in National Emergency Grants. Because they would go through an existing program, these funds would be available to help workers in a matter of weeks.
- Helping unemployed workers keep their health insurance by providing an innovative new tax credit worth up to $3,528 a year. Workers would be able to keep their health insurance regardless of whether they have COBRA.
- Speeding relief to workers by cutting red tape. Unlike some proposals considered by the Senate, the President’s framework does not require state legislation or state matching funds to provide coverage. Assistance gets rapidly to the workers who need it most.

For more information on the President’s initiatives, please visit www.whitehouse.gov
Weekend Economic Talking Points

P_4KX4003_WHO.TXT_1.doc
Updated economic talking points for the weekend.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_4KXH4003_WHO.TXT_1>
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BCC: Records Management@EOP ( Records Management@EOP [ UNKNOWN ] )

Sent: 12/14/2001 1:06:48 PM

Subject: Weekend Economic Talking Points

Attachments: F_4KX4003_OA.TXT_1.doc
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Updated economic talking points for the weekend.

ATT CREATION TIME/DATA: 00:00:00.00
File attachment <F_4KXH4003_OA.TXT_1>
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READ:UNKNOWN
TO: Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Ruben S. Barrales (CN=Ruben S. Barrales/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Terry C. Miller (CN=Terry C. Miller/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Laura S. Lawlor (CN=Laura S. Lawlor/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: brusbolt@iiaa.net (brusbolt@iiaa.net @inet [UNKNOWN])
READ:UNKNOWN
TO: blewis@rnchq.org (blewis@rnchq.org @inet [OVP])
READ:UNKNOWN
TO: Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Matthew W. Lindley (CN=Matthew W. Lindley/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Chris B. Nagel (CN=Chris B. Nagel/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Melissa L. McAdoo (CN=Melissa L. McAdoo/WH/O=EOP@EOP [WHO])
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TO: Kristen L. Hughes (CN=Kristen L. Hughes/WH/O=EOP@EOP [WHO])
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TO: Robert T. Pratt Jr (CN=Robert T. Pratt Jr/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Beverly J. Ward (CN=Beverly J. Ward/WH/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Deborah K. Hair (CN=Deborah K. Hair/WH/O=EOP@EOP [UNKNOWN])
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TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/WH/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Mercedes M. Viana (CN=Mercedes M. Viana/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Robert W. Cobb (CN=Robert W. Cobb/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Traci R. Campbell (CN=Traci R. Campbell/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: James E. Carter (CN=James E. Carter/OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/WH/O=EOP@EOP [WHO])
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TO: Paul B. Dyck (CN=Paul B. Dyck/WH/O=EOP@EOP [WHO])
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TO: Debra D. Bird (CN=Debra D. Bird/WH/O=EOP@EOP [WHO])
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TO: Helen R. Mobley (CN=Helen R. Mobley/WH/O=EOP@EOP [WHO])
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TO: Julianne H. Thomas (CN=Julianne H. Thomas/WH/O=EOP@EOP [WHO])
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TO: David Kuo (CN=David Kuo/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Roberta Shea (CN=Roberta Shea/WH/O=EOP@EOP [WHO])
READ:UNKNOWN
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READ:UNKNOWN
READ:UNKNOWN
Updated economic talking points for the weekend.

ATT CREATION TIME/DATE:  0  00:00:00.00
File attachment <P_4KXH4003_OPD.TXT_1>
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Sent: 12/14/2001 1:11:03 PM
Subject: The War on Terrorism -- Weekend Edition
Attachments: 06934_p_ruxh4003_who.txt_1.doc
TO: joseph.samora@cnh.com (joseph.samora@cnh.com [UNKNOWN])
READ:UNKNOWN
TO: james.waurishuk@js.pentagon.mil (james.waurishuk@js.pentagon.mil [UNKNOWN])
READ:UNKNOWN
TO: Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
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TO: Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
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TO: Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
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TO: Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Nicolle Devenish (CN=Nicole Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
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TO: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
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TO: Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
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TO: Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
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TO: Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
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TO: Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
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TO: Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
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TO: Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
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TO: David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
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TO: Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO: John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO: Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Karl_Doenges@oa.eop.gov (Karl_Doenges@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
Have a great weekend.

File attachment <06934_p_ruxh4003_who.txt_1>
### Weekend Schedule (EST)

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**Sunday**
- 9:00a EST Dr. Rice to appear on *Face the Nation*.
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### Message

- Osama bin Laden is a coward who sends people to their deaths without their knowledge and laughs about it.
- Osama bin Laden murders innocents including women and children and Muslims.
- For Muslims, the Eid is a festive occasion, celebrating service rendered to God during the holy month of Ramadan. Today, due to drought and dictatorship, millions of Muslims in Afghanistan are hungry and face the prospect of a harsh winter. Americans are working with many nations to provide food, medicine, and clothing to the people of Afghanistan.
- We fight the terrorists – and all those who give them aid. America has a message for the nations of the world: If you harbor a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist. And you will be held accountable.

### Recent Key Quotes & Developments

- "The tape displays the cruel and inhumane face of a murderous criminal who has no respect for the sanctity of human life or the principles of his faith. Bin Laden and those he mentions in his tape are deviants and renegades who do not represent the Islamic faith or the Saudi people. We reject and condemn in the strongest terms possible their attitudes and their actions. We hope that the perpetrators of this horrific crime will soon be brought to justice and severely punished," said HRH Prince Bandar bin Sultan bin Abdulaziz, the Kingdom’s Ambassador to the United States. *(The Washington Post, 12/14/01)*

- "There is no doubt in my mind that bin Laden was behind those operations," he [Sheik Abdullah bin Zaid al Nahayan, Information Minister for the United Arab Emirates] told Reuters. "The tape confirms in a way that leaves no room for doubt." *(New York Times, 12/14/01)*

### In Case You Missed It...

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### Fact of the Day

- Afghan refugees have begun to return from Pakistan, with over 5,000 having crossed back into Afghanistan in the past week. *(United Nations High Commissioner for Refugees, 12/13/2001)*

- UNICEF and NGO partners have begun providing vaccinations to 21,000 children at the Spin Buldak IDP camp. The entire 60,000 residents of the camp are receiving food aid through WFP. *(United Nations Office for the Coordination of Humanitarian Affairs, 12/12/2001)*
Sent: 12/14/2001 1:11:03 PM  
Subject: The War on Terrorism -- Weekend Edition  
Attachments: P_RUXH4003_WHO.TXT_1.doc

***** Begin Original ARMS Header *****
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP[WHO])
CREATION DATE/TIME: 14-DEC-2001 18:11:03.00
SUBJECT: The War on Terrorism -- Weekend Edition
TO: marcel.lettre@censa.net (marcel.lettre@censa.net[UNKNOWN])
READ: UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP[WHO])
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TO: Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP[WHO])
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TO: Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP[WHO])
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TO: David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP[UNKNOWN])
READ: UNKNOWN
TO: Torie.Clarke@osd.mil (Torie.Clarke@osd.mil@inet[UNKNOWN])
READ: UNKNOWN
TO: rgeorge@nypost.com (rgeorge@nypost.com@inet[UNKNOWN])
READ: UNKNOWN
TO: Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP[OVP])
READ: UNKNOWN
TO: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP[WHO])
READ: UNKNOWN
TO: susan_irby@lott.senate.gov (susan_irby@lott.senate.gov@inet[UNKNOWN])
READ: UNKNOWN
TO: brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov@inet[UNKNOWN])
READ: UNKNOWN
TO: gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov@inet[UNKNOWN])
READ: UNKNOWN
TO: margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov@inet[UNKNOWN])
READ: UNKNOWN
TO: lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov@inet[UNKNOWN])
READ: UNKNOWN
TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov@inet[UNKNOWN])
Have a great weekend.

ATT CREATION TIME/DATE: 0 00:00:00.00
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• Osama bin Laden murders innocents including women and children and Muslims.

• For Muslims, the Eid is a festive occasion, celebrating service rendered to God during the holy month of Ramadan. Today, due to drought and dictatorship, millions of Muslims in Afghanistan are hungry and face the prospect of a harsh winter. Americans are working with many nations to provide food, medicine, and clothing to the people of Afghanistan.

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Sent: 12/14/2001 1:11:03 PM
Subject: The War on Terrorism -- Weekend Edition
Attachments: P_RUXH4003_CEA.TXT_1.doc
Have a great weekend.

File attachment <P_RUXH4003_CEA.TXT>
Weekend Schedule (EST)

Saturday
10:06a EST President's weekly radio address.

Sunday
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Have a great weekend.

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**Weekend Schedule (EST)**

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The War on Terrorism -- Weekend Edition

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Subject: New bin Laden Tape is Changing Minds

Attachments: 06995_p_dsg15004_who.txt_ 1.doc
If you get asked if the new bin Laden tape is changing the minds of those who previously doubted his guilt, refer them to these key quotes.
THE TAPE IS CHANGING MINDS

“I changed my mind.”

(Source: Taha Jabir Alalwani, president of the Graduate School of Islamic and Social Sciences and chairman of the Fiqh Council of North America, a group of Muslim scholars – after viewing the tape)

The new bin Laden tape is changing the minds of many around the world who doubted Osama bin Laden’s involvement in the September 11 terrorist attacks. Religious scholars, world leaders and citizens on the street continue to distance themselves from bin Laden’s dark and frightening vision:

- Raghida Dergham, Senior Diplomatic Correspondent, Al-Hayat, London: …I think those who have been in denial -- because it’s been embarrassing to admit that there’s one of us who has done this -- those of -- I think, will have to change their minds and will change their minds and will be empowered by the tape that was released today. (CNN’s “Newsnight”, 12/13/01)

- “I changed my mind,” said Taha Jabir Alalwani, president of the Graduate School of Islamic and Social Sciences in Leesburg, Va., and chairman of the Fiqh Council of North America, a group of Muslim scholars. “I respect the justice and information agencies of this country. And I don’t have from the other side something that would be stronger than what they tell us.” (The New York Times, 12/15/01)

- “Never in my heart of hearts did I believe it was Osama...I’m really shocked. I thought America was after Osama because he was a Muslim hero. But the tape convinced me that maybe his hand was in it.” [Darakshanda Butt, 27, an ophthalmologist in the Pakistani city of Karachi] (USA Today, 12/14/01)

- “This was the smoking gun that links Osama bin Laden with September 11th....It will swing the balance of the informed people in favor of the United States.” [political analyst Rifaat Hussein of Quaid-I-Azam University in Islamabad] (USA Today, 12/14/01)

- “It’s a disaster...It’s him. It’s solid proof...” [Karim Khoury, a shopkeeper in Amman, Jordan, who was flustered after weeks of believing bin Laden was not involved.] (Washington Post, 12/14/01)

- “This is the first step in the demystification of bin Laden...What we saw was Osama bin Laden unedited. He came across as someone extremely coldblooded, very dangerous, and without any feelings at all, not just towards Americans, but also to Arabs and Muslims.” [Fawaz Gerges, an expert in Islamic affairs at Sarah Lawrence College outside New York City] (Washington Post, 12/14/01)

- “There is no doubt in my mind that bin Laden was behind those operations. The Tape confirms that in a way that leaves no room for doubt,” UAE information minister Sheikh Abdullah bin Zaid al-Nahayan said. “They (al Qaeda) deserve the punishment that befell them. I go further to say that we, Arabs and Muslims, should punish them for offending Islam, Muslims and Arabs.” (The Herald, Glasgow, 12/14/01)

- “The tape displays the cruel and inhumane face of a murderous criminal who has no respect for the sanctity of human life or the principles of his faith,” said HRH Prince Bandar bin Sultan bin Abdulaziz, the Kingdom’s Ambassador to the United States. “Bin Laden and those he mentions in his tape are deviants and renegades who do not represent the Islamic faith or the Saudi people. We reject and condemn in the strongest terms possible their attitudes and their actions. We hope that the perpetrators of this horrific crime will soon be brought to justice and severely punished.” (PR Newswire, 12/14/01)

- “It’s exactly what you’d expect from the people who planned and executed on the September 11 attacks. I agree that this should be the end to whatever lingering debate there is about whethere [Osama bin Laden] is guilty or not. I think
it's clear to all honest people how guilty he has been for a long time. This is the end of that debate." [Hussein Ibish, American Arab Anti-discrimination Committee] (CNN, 12/14/01)

- "I actually cannot think of anybody causing Islam more damage than Osama bin Laden. It's appalling. I cannot begin to express to you the anger I feel." [Baria Alamuddin, editor of the London-based Arab newspaper Al-Hayat] (CNN, 12/14/01)

- Samir Rantisi, a senior adviser of the Palestinian Ministry of Information, said the tape proved that bin Laden and his al-Qaeda network were solely responsible and should end any speculation that Palestinians had been involved. (AP, 12/14/01)
TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN])
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TO:John W. Calio (CN=John W. Calio/OU=WHO/O=EOP@EOP [WHO])
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TO:Virginia T. Gregory (CN=Virginia T. Gregory/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christal R. West (CN=Christal R. West/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Daniel J. Keniry (CN=Daniel J. Keniry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter M. Rowan (CN=Peter M. Rowan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christine Ciccone (CN=Christine Ciccone/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Jeffcoat (CN=Scott Jeffcoat/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Cynthia R. Mendl (CN=Cynthia R. Mendl/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Edward Ingle (CN=Edward Ingle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:William S. Clark@oa.eop.gov (William S. Clark@oa.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Collister W. Johnson (CN=Collister W. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])

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READ:UNKNOWN
TO:Alicia W. Davis ( CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kirk Blalock ( CN=Kirk Blalock/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Adam B. Goldman ( CN=Adam B. Goldman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Abel Guerra ( CN=Abel Guerra/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kathryn J. Hayes ( CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:John Gardner@oa.eop.gov ( John Gardner@oa.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian D. Montgomery ( CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Heather L. West ( CN=Heather L. West/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Gregory J._Jenkins@oa.eop.gov ( Gregory J._Jenkins@oa.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Tobin_K._Harvey@oa.eop.gov ( Tobin_K._Harvey@oa.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Bradley A. Blakeman ( CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kara G. Figg ( CN=Kara G. Figg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Amanda L. Moore ( CN=Amanda L. Moore/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Danner R. Bethel ( CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [ UNKNOWN ] )
READ:UNKNOWN
TO:Mary Elizabeth Farr ( CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Alison M. Harden ( CN=Alison M. Harden/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Ashley M. Snee ( CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Debra Heiden ( CN=Debra Heiden/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Douglas_D._McCormick@oa.eop.gov ( Douglas_D._McCormick@oa.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Mary J. Matalin ( CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:I._Lewis_Libby@oa.eop.gov ( I._Lewis_Libby@oa.eop.gov @ inet [ UNKNOWN ] )
READ:UNKNOWN
TO:Charles D. McGrath Jr ( CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Jennifer H. Mayfield ( CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Ethan A. Hastert ( CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Juleanna R. Glover ( CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Megan D. Moran ( CN=Megan D. Moran/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Cesar Conda ( CN=Cesar Conda/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Ronald I. Christie ( CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Nina Rees ( CN=Nina Rees/OU=OVP/O=EOP@EOP [ OVP ] )
If you get asked if the new bin Laden tape is changing the minds of those who previously doubted his guilt, refer them to these key quotes.
**THE TAPE IS CHANGING MINDS**

"I changed my mind."

(Source: Taha Jabir Alalwani, president of the Graduate School of Islamic and Social Sciences and chairman of the Fiqh Council of North America, a group of Muslim scholars – after viewing the tape)

The new bin Laden tape is changing the minds of many around the world who doubted Osama bin Laden’s involvement in the September 11 terrorist attacks. Religious scholars, world leaders and citizens on the street continue to distance themselves from bin Laden’s dark and frightening vision:

- Raghida Dergham, Senior Diplomatic Correspondent, Al-Hayat, London: ...I think those who have been in denial -- because it's been embarrassing to admit that there's one of us who has done this -- those of -- I think, will have to change their minds and will change their minds and will be empowered by the tape that was released today. (CNN’s “Newsnight”, 12/13/01)

- “I changed my mind,” said Taha Jabir Alalwani, president of the Graduate School of Islamic and Social Sciences in Leesburg, Va., and chairman of the Fiqh Council of North America, a group of Muslim scholars. “I respect the justice and information agencies of this country. And I don't have from the other side something that would be stronger than what they tell us.” (The New York Times, 12/15/01)

- “Never in my heart of hearts did I believe it was Osama...I’m really shocked. I thought America was after Osama because he was a Muslim hero. But the tape convinced me that maybe his hand was in it.” [Darakshanda Butt, 27, an ophthalmologist in the Pakistani city of Karachi] (USA Today, 12/14/01)

- “This was the smoking gun that links Osama bin Laden with September 11th...It will swing the balance of the informed people in favor of the United States.” [political analyst Rifaat Hussein of Quaid-I-Azam University in Islamabad] (USA Today, 12/14/01)

- “It’s a disaster...It’s him. It’s solid proof...” [Karim Khoury, a shopkeeper in Amman, Jordan, who was flustered after weeks of believing bin Laden was not involved.] (Washington Post, 12/14/01)

- “This is the first step in the demystification of bin Laden...What we saw was Osama bin Laden unedited. He came across as someone extremely coldblooded, very dangerous, and without any feelings at all, not just towards Americans, but also to Arabs and Muslims.” [Fawaz Gerges, an expert in Islamic affairs at Sarah Lawrence College outside New York City] (Washington Post, 12/14/01)

- “There is no doubt in my mind that bin Laden was behind those operations. The Tape confirms that in a way that leaves no room for doubt,” UAE information minister Sheikh Abdullah bin Zaid al-Nahayan said. “They (al Qaeda) deserve the punishment that befell them. I go further to say that we, Arabs and Muslims, should punish them for offending Islam, Muslims and Arabs.” (The Herald, Glasgow, 12/14/01)

- “The tape displays the cruel and inhumane face of a murderous criminal who has no respect for the sanctity of human life or the principles of his faith,” said HRH Prince Bandar bin Sultan bin Abdulaziz, the Kingdom’s Ambassador to the United States. “Bin Laden and those he mentions in his tape are deviants and renegades who do not represent the Islamic faith or the Saudi people. We reject and condemn in the strongest terms possible their attitudes and their actions. We hope that the perpetrators of this horrific crime will soon be brought to justice and severely punished.” (PR Newswire, 12/14/01)

- “It's exactly what you'd expect from the people who planned and executed on the September 11 attacks. I agree that this should be the end to whatever lingering debate there is about whethere [Osama bin Laden] is guilty or not. I think
it's clear to all honest people how guilty he has been for a long time. This is the end of that debate." [Hussein Ibish, American Arab Anti-discrimination Committee] (CNN, 12/14/01)

- “I actually cannot think of anybody causing Islam more damage than Osama bin Laden. It's appalling. I cannot begin to express to you the anger I feel.” [Baria Alamuddin, editor of the London-based Arab newspaper Al-Hayat] (CNN, 12/14/01)

- Samir Rantisi, a senior adviser of the Palestinian Ministry of Information, said the tape proved that bin Laden and his al-Qaeda network were solely responsible and should end any speculation that Palestinians had been involved. (AP, 12/14/01)
Subject: New bin Laden Tape is Changing Minds

BCC: pat.shortridge@mail.house.gov (pat.shortridge@mail.house.gov [UNKNOWN])

Sent: 12/17/2001 8:44:05 AM

Subject: New bin Laden Tape is Changing Minds

Attachments: F_DSG15004_OA.TXT_1.doc
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BCC:  

Sent: 12/17/2001 8:44:05 AM  

Subject: New bin Laden Tape is Changing Minds  

Attachments: P_DSG15004_CEA.TXT_1.doc
READ:UNKNOWN
TO:Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:edgillespie@quinnngillespie.com (edgillespie@quinnngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
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TO:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
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TO:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
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TO:kreisher.tina@epa.gov (kreisher.tina@epa.gov @ inet [UNKNOWN])
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TO:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
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TO:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
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TO:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
TO:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [UNKNOWN])

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TO: Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP [WHO])
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TO: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: brusbolt@iiaa.net (brusbolt@iiaa.net @inet [UNKNOWN])
READ:UNKNOWN
TO: blewis@rnchq.org (blewis@rnchq.org @inet [OVP])
READ:UNKNOWN
TO: Charles F. Blahous (CN=Charles F. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Helen R. Mobley (CN=Helen R. Mobley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Sydney R. Johnson (CN=Sydney R. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Roberta Shea (CN=Roberta Shea/OU=WHO/O=EOP@EOP [WHO])
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- Samir Rantisi, a senior adviser of the Palestinian Ministry of Information, said the tape proved that bin Laden and his al-Qaeda network were solely responsible and should end any speculation that Palestinians had been involved. (AP, 12/14/01)
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READ:UNKNOWN
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If you get asked if the new bin Laden tape is changing the minds of those who previously doubted his guilt, refer them to these key quotes.
THE TAPE IS CHANGING MINDS

“I changed my mind.”

(Source: Taha Jabir Alalwani, president of the Graduate School of Islamic and Social Sciences and chairman of the Fiqh Council of North America, a group of Muslim scholars – after viewing the tape)

The new bin Laden tape is changing the minds of many around the world who doubted Osama bin Laden’s involvement in the September 11 terrorist attacks. Religious scholars, world leaders and citizens on the street continue to distance themselves from bin Laden’s dark and frightening vision:

- Raghida Dergham, Senior Diplomatic Correspondent, Al-Hayat, London: …I think those who have been in denial -- because it's been embarrassing to admit that there's one of us who has done this -- those of -- I think, will have to change their minds and will change their minds and will be empowered by the tape that was released today. (CNN’s “Newsnight”, 12/13/01)

- “I changed my mind,” said Taha Jabir Alalwani, president of the Graduate School of Islamic and Social Sciences in Leesburg, Va., and chairman of the Fiqh Council of North America, a group of Muslim scholars. “I respect the justice and information agencies of this country. And I don’t have from the other side something that would be stronger than what they tell us.” (The New York Times, 12/15/01)

- “Never in my heart of hearts did I believe it was Osama... I’m really shocked. I thought America was after Osama because he was a Muslim hero. But the tape convinced me that maybe his hand was in it.” [Darakshanda Butt, 27, an ophthalmologist in the Pakistani city of Karachi] (USA Today, 12/14/01)

- “This was the smoking gun that links Osama bin Laden with September 11th... It will swing the balance of the informed people in favor of the United States.” [political analyst Rifaat Hussein of Quaid-I-Azam University in Islamabad] (USA Today, 12/14/01)

- “It’s a disaster...It’s him. It’s solid proof...” [Karim Khoury, a shopkeeper in Amman, Jordan, who was flustered after weeks of believing bin Laden was not involved.] (Washington Post, 12/14/01)

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Subject: New bin Laden Tape is Changing Minds

Attachments: P_DSG15004_OPD.TXT_1.doc
If you get asked if the new bin Laden tape is changing the minds of those who previously doubted his guilt, refer them to these key quotes.

ATT CREATION TIME/DATE: 00:00:00.00
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TO:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [UNKNOWN])
Your message of the day.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_1IX25004_WHO.TXT>
Today's Schedule

10:00a EST White House gaggle with Ari Fleischer.
11:15a EST Defense Department daily press briefing with Deputy Defense Secretary Wolfowitz.
12:30p EST White House daily press briefing with Ari Fleischer.
12:30p EST State Department daily briefing with spokesman Richard Boucher.
12:35p EST Press availability with Defense Secretary Don Rumsfeld in Brussels.
1:30p EST Assistant Secretary of State Lincoln Bloomfield speaks at the Foreign Press Center on demining Afghanistan.
9:00p EST First Lady Laura Bush to appear on Larry King Live.

Message

- Osama bin Laden is a coward who sends people to their deaths without their knowledge.
- Al Qaeda murders innocents including women and children and Muslims.
- We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

Recent Key Quotes & Developments

- "Marines raised the Stars and Stripes over the long-abandoned embassy on a cold Monday morning, inaugurating what U.S. envoy James F. Dobbins vowed would be a lasting commitment to the rebuilding of war-ravaged Afghanistan. 'Today's ceremony symbolizes the return, after more than a decade of absence, of the United States to Afghanistan,' Dobbins said, presiding over a rain-soaked ceremony in the embassy's front courtyard. 'We are here, and we are here to stay.'" (MS-NBC, 12/17/01)

- "In the joyless world of the Taliban, scratching the heavens with the soaring paper fantasies was an offense to God. So, too, was listening to music or moving to its rhythm. There was no film, no television, not even a radio drama to lighten the tedium of lives spent in poverty and isolation. Finally rid of the fundamentalists who prohibited virtually every pleasure, Afghans on Sunday celebrated the first day of the Muslim Eid al-Fitr holiday by indulging in long-forbidden notions of fun." (L.A. Times. 12/17/01)

In Case You Missed It

- "I actually cannot think of anybody causing Islam more damage than Osama bin Laden. It's [the tape] appalling. I cannot begin to express to you the anger I feel." [Baria Alamuddin, editor of the London-based Arab newspaper Al-Hayat] (CNN, 12/14/01)

Facts of the Day

- According to the United Nations, between December 10 and December 17 approximately 10,000 refugees returned to Afghanistan from Pakistan while 7,600 returned from Iran. (UNHCR, 12/14/2001)
- The U.N.'s World Food Program has announced that it will have to dispatch an average of 4,100 metric tons of wheat into Afghanistan per day for the remainder of December in order to meet its goal for 2001. With U.S. assistance, the World Food Program was able to ship an average of 3,600 metric tons per day in the first half of December. (WFP, 12/14/01)
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<td><a href="mailto:KJohnson@isi-consulting.com">KJohnson@isi-consulting.com</a></td>
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<td><a href="mailto:Robert_Traynham@src.senate.gov">Robert_Traynham@src.senate.gov</a></td>
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Your message of the day.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <07028_p_liy25004_who.txt_1>
Today's Schedule

10:00a EST White House gaggle with Ari Fleischer.
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Message

- Osama bin Laden is a coward who sends people to their deaths without their knowledge.
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The War on Terrorism -- December 18, 2001

Sent:
12/18/2001 2:21:06 AM

Subject: The War on Terrorism -- December 18, 2001

Attachments: P_11Y25004_CEA.TXT_1.doc
Your message of the day.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P1IY25004_CEA.TXT>
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TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: melissa_sabatine@hotmail.com (melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
TO: john.feehery@mail.house.gov (john.feehery@mail.house.gov @ inet [UNKNOWN])
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TO: Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP [OPD])
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READ:UNKNOWN
TO: kfedewa@rnchq.org (kfedewa@rnchq.org @ inet [UNKNOWN])
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TO: greg_jenkins@ita.doc.gov (greg_jenkins@ita.doc.gov @ inet [UNKNOWN])
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TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP [WHO])
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To: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP@EOP [OPD])
To: Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
To: Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP@EOP [WHO])
To: Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP@EOP [WHO])
To: brusbolt@iiaa.net (brusbolt@iiaa.net @inet [UNKNOWN])
To: bblewis@rnchq.org (bblewis@rnchq.org @inet [OVP])
To: Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
To: Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @inet [UNKNOWN])
To: Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
To: Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])
To: Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
To: Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
To: Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
To: Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP@EOP [UNKNOWN])
To: Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [UNKNOWN])
To: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [UNKNOWN])
To: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
To: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
To: Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @inet [UNKNOWN])
To: Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
To: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
To: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
To: Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP@EOP [WHO])
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To: Sydney R. Johnson (CN=Sydney R. Johnson/OU=WHO/O=EOP@EOP [WHO])
To: David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
To: Roberta Shea (CN=Roberta Shea/OU=WHO/O=EOP@EOP [WHO])
Your message of the day.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <F_1IY25094_NSC.TXT_1>
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10:00a EST White House gaggle with Ari Fleischer.
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ATT CREATION TIME/DATE: 00:00:00.00
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The War on Terrorism -- December 18, 2001

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Rev_00086703
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Your message of the day.

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Today's Schedule

10:00a EST White House gaggle with Ari Fleischer.
11:15a EST Defense Department daily press briefing with Deputy Defense Secretary Wolfowitz.
12:30p EST White House daily press briefing with Ari Fleischer.
12:30p EST State Department daily briefing with spokesman Richard Boucher.
12:35p EST Press availability with Defense Secretary Don Rumsfeld in Brussels.
1:30p EST Assistant Secretary of State Lincoln Bloomfield speaks at the Foreign Press Center on demining Afghanistan.
9:00p EST First Lady Laura Bush to appear on Larry King Live.

Message

- Osama bin Laden is a coward who sends people to their deaths without their knowledge.
- Al Qaeda murders innocents including women and children and Muslims.
- We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

Recent Key Quotes & Developments

- "Marines raised the Stars and Stripes over the long-abandoned embassy on a cold Monday morning, inaugurating what U.S. envoy James F. Dobbins vowed would be a lasting commitment to the rebuilding of war-ravaged Afghanistan. 'Today's ceremony symbolizes the return, after more than a decade of absence, of the United States to Afghanistan,' Dobbins said, presiding over a rain-soaked ceremony in the embassy's front courtyard. 'We are here, and we are here to stay.'" (MS-NBC, 12/17/01)

- "In the joyless world of the Taliban, scratching the heavens with the soaring paper fantasies was an offense to God. So, too, was listening to music or moving to its rhythm. There was no film, no television, not even a radio drama to lighten the tedium of lives spent in poverty and isolation. Finally rid of the fundamentalists who prohibited virtually every pleasure, Afghans on Sunday celebrated the first day of the Muslim Eid al-Fitr holiday by indulging in long-forbidden notions of fun." (L.A. Times. 12/17/01)

In Case You Missed It

- “I actually cannot think of anybody causing Islam more damage than Osama bin Laden. It’s [the tape] appalling. I cannot begin to express to you the anger I feel.” [Baria Alamuddin, editor of the London-based Arab newspaper Al-Hayat] (CNN, 12/14/01)

Facts of the Day

- According to the United Nations, between December 10 and December 17 approximately 10,000 refugees returned to Afghanistan from Pakistan while 7,600 returned from Iran. (UNHCR, 12/14/2001)

- The U.N.'s World Food Program has announced that it will have to dispatch an average of 4,100 metric tons of wheat into Afghanistan per day for the remainder of December in order to meet its goal for 2001. With U.S. assistance, the World Food Program was able to ship an average of 3,600 metric tons per day in the first half of December. (WFP, 12/14/01)
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Fact of the Day

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- "An American flag that once flew at the World Trade Center ruins in New York, bearing scrawled messages of vengeance and anguish, was raised at the U.S. Marines base in southern Afghanistan. It was a gift from the New York Police Department, which lost 23 officers in the Sept. 11 terrorist attacks." (AP, 12/18/01)

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Attachments: P_5MX15004_WHO.TXT_1.doc
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caranaga@pd.state.gov [UNKNOWN]

caranaga@pd.state.gov;jfischman@pd.state.gov [UNKNOWN]

jfischman@pd.state.gov;Elizabeth P. Austin/WHO/EOP/EOP [UNKNOWN] <Elizabeth P. Austin>

Elizabeth P. Austin;Jane M. Cook/WHO/EOP/EOP [WHO] <Jane M. Cook>

Jane M. Cook;Robert_Traynham@src.senate.gov [UNKNOWN]

Robert_Traynham@src.senate.gov;Lezlee J. Westine/WHO/EOP/EOP [WHO] <Lezlee J. Westine>

Lezlee J. Westine;Heidi K. Marquez/WHO/EOP/EOP [WHO] <Heidi K. Marquez>;


McDonaldDJ@state.gov [UNKNOWN]

McDonaldDJ@state.gov;biterr@state.gov [UNKNOWN]

biterr@state.gov;schriverrg@state.gov [UNKNOWN]

schriverrg@state.gov;kelsey@state.gov [UNKNOWN]

kelsey@state.gov;Mike_Buttry@hagel.state.gov [UNKNOWN]

Mike_Buttry@hagel.state.gov;echeney@ifc.org [UNKNOWN] <echeney@ifc.org>

echeney@ifc.org;taskforce-1-pd@state.gov [UNKNOWN] <taskforce-1-pd@state.gov>

wparker@pd.state.gov [UNKNOWN]

wparker@pd.state.gov;bmward@pd.state.gov [UNKNOWN]

bmward@pd.state.gov;jmcgovern@pd.state.gov [UNKNOWN]

jmcgovern@pd.state.gov;jbjohnson@pd.state.gov [UNKNOWN]

jbjohnson@pd.state.gov;MeierAW@state.gov [UNKNOWN]

MeierAW@state.gov;John.Higginbotham@dfait-maeici.gc.ca [UNKNOWN]

John.Higginbotham@dfait-maeici.gc.ca;anr.lalani@dfait-maeici.gc.ca [UNKNOWN]

anr.lalani@dfait-maeici.gc.ca;shalom@pmo.gov.il [UNKNOWN]

shalom@pmo.gov.il;agoldstein@hadassah.org [UNKNOWN]

agoldstein@hadassah.org;comm@mchnq.org [UNKNOWN]

comm@mchnq.org;johnbuckley100@aol.com [UNKNOWN]

johnbuckley100@aol.com;abrackbill@aol.com [UNKNOWN]
Sent: 12/19/2001 2:13:52 AM
Subject: The War on Terrorism -- December 19, 2001
Attachments: F_SMXX15004_OA.TXT, 1.doc

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP[WHO])
CREATION DATE/TIME: 19-DEC-2001 07:13:52.00
SUBJECT:: The War on Terrorism -- December 19, 2001
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ:UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP[EOP])
READ:UNKNOWN
TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP[EOP])
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TO: Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP[EOP])
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TO: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP[EOP])
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TO: Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP[EOP])
READ:UNKNOWN
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READ:UNKNOWN
TO: Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @inet [UNKNOWN])
READ:UNKNOWN
TO: rgeorge@nypost.com (rgeorge@nypost.com @inet [UNKNOWN])
READ:UNKNOWN
TO: Neil S. Patel (CN=Neil S. Patel/OU=OVF/O=EOP[EOP])
READ:UNKNOWN
TO: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP[EOP])
READ:UNKNOWN
TO: susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @inet [UNKNOWN])
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TO: gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: margaret_camp@frist.senate.gov (margaret_camp@frist.senate.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @inet [UNKNOWN])

---

The War on Terrorism -- December 19, 2001

[body of the email]

---

REV_000086854
**Today's Schedule**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:45a EST</td>
<td>Press conference with USAID Administrator Natsios on the International Donors Conference in Brussels.</td>
</tr>
<tr>
<td>10:30a EST</td>
<td>USAID Administrator Natsios holds roundtable with reporters.</td>
</tr>
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</tr>
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<td>White House daily press briefing with Ari Fleischer.</td>
</tr>
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</tr>
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**Message**

- Osama bin Laden is a coward who sends people to their deaths without their knowledge.
- Al Qaeda murders innocents including women and children and Muslims.
- We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

**Recent Key Quotes & Developments**

- "An American flag that once flew at the World Trade Center ruins in New York, bearing scrawled messages of vengeance and anguish, was raised at the U.S. Marines base in southern Afghanistan. It was a gift from the New York Police Department, which lost 23 officers in the Sept. 11 terrorist attacks." (AP, 12/18/01)

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Sent: 12/19/2001 2:13:52 AM
Subject: The War on Terrorism -- December 19, 2001
Attachments: F_5MX15004_NSC.TXT_1.doc

##### Begin Original ARMS Header #####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2001 07:13:52.00
SUBJECT: The War on Terrorism -- December 19, 2001
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ: UNKNOWN
TO: Sara E. McIntosh (CN=Sara E. McIntosh/OU=WHO/O=EOP@EOP [WHO])
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TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
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READ: UNKNOWN
TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @inet [UNKNOWN])
REV_00086876
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Smythe;Lawrence B. Lindsey/OPD/EOP/EOP [ OPD ] <Lawrence B. Lindsey>;John M. Bridgeland/OPD/EOP/EOP [ OPD ] <John M. Bridgeland>;Stephen M. Garrison/OPD /EOP/EOP [ OPD ] <Stephen M. Garrison>;Eric H. Otto/EOP/EOP/EOP [ OPD ] <Eric H. Otto>;edgillespie@quinngillespie.com@inet [UNKNOWN] <edgillespie@quinngillespie.com>;Josephine B. Robinson/WHO/EOP/EOP [WHO] <Josephine B. Robinson>;Melissa S. Bennett/WHO/EOP/EOP [WHO] <Melissa S. Bennett>;Colleen Litkenhaus/WHO/EOP/EOP [WHO] <Colleen Litkenhaus>;Blake Gottesman/WHO/EOP/EOP [WHO] <Blake Gottesman>;Charles yoder@mail.va.gov@inet [UNKNOWN] <charles.yoder@mail.va.gov>;lindsey_kozberg@ed.gov@inet [UNKNOWN] <lindsey_kozberg@ed.gov>;mindy.tucker@usdoj.gov@inet [UNKNOWN] <mindy.tucker@usdoj.gov>;terrell.halaska@hhs.gov@inet [UNKNOWN] <terrell.halaska@hhs.gov>;nancy_i._segerdahl@hud.gov@inet [UNKNOWN] <nancy_i._segerdahl@hud.gov>;kreisher.tina@epa.gov@inet [UNKNOWN] <kreisher.tina@epa.gov>;cooper.mildred@epa.gov@inet [UNKNOWN] <cooper.mildred@epa.gov>;roy-stuart@dol.gov@inet [UNKNOWN] <roy-stuart@dol.gov>;cliff_may@ios.doi.gov@inet [UNKNOWN] <cliff_may@ios.doi.gov>;Neil H. Zimmerman/WHO/EOP/EOP [WHO] <Neil H. Zimmerman>;Melissa_sabatine@hotmail.com@inet [UNKNOWN] <Melissa_sabatine@hotmail.com>;brian.gunderson@mail.house.gov@inet [UNKNOWN] <brian.gunderson@mail.house.gov>;Michael Shannon/WHO/EOP/EOP [WHO] <Michael Shannon>;Don E. Eberly/WHO/EOP/EOP [WHO] <Don E. Eberly>;Lisa T. Cummins/WHO/EOP/EOP [UNKNOWN] <Lisa T. Cummins>;Mark V._Scott@oa.eop.gov@inet [UNKNOWN] <Mark V._Scott@oa.eop.gov>;Michele H. Tenner/WHO/EOP/EOP [WHO] <Michele H. Tenner>;Carrie W. Click/WHO/EOP/EOP [WHO] <Carrie W. Click>;Matthew E. Smith/WHO/EOP/EOP [WHO] <Matthew E. Smith>;Brian R. Besanceney/OPD/EOP/EOP [OPD] <Brian R. Besanceney>;mmckinnon@pstrategies.com@inet [UNKNOWN] <mmckinnon@pstrategies.com>;BComstock@rnchq.org@inet [UNKNOWN] <BComstock@rnchq.org>;James R. Wilkinson/WHO/EOP/EOP [WHO] <James R. Wilkinson>;j cram@rnchq.org@inet [UNKNOWN] <j cram@rnchq.org>;dmishoe@rnchq.org@inet [UNKNOWN] <dmishoe@rnchq.org>;John M. Ackery/OPD/EOP/EOP [OPD] <John M. Ackery>;Kevin J._Martin@oa.eop.gov@inet [UNKNOWN] <Kevin J._Martin@oa.eop.gov>;Adrian G. Gray/WHO/EOP/EOP [WHO] <Adrian G. Gray>;mcrawford@doc.gov@inet [UNKNOWN] <mcrawford@doc.gov>;maryanne.yle@fema.gov@inet [UNKNOWN] <maryanne.yle@fema.gov>;Nancy L._segerdahl@hud.gov@inet [UNKNOWN] <Nancy L._segerdahl@hud.gov>;chet.luner@ost.dot.gov@inet [UNKNOWN] <chet.luner@ost.dot.gov>;m.kicklighter@mail.va.com@inet [UNKNOWN] <m.kicklighter@mail.va.com>;roy_stuart@dol.gov@inet [UNKNOWN] <roy_stuart@dol.gov>;mark_pfeifle@ios.doi.gov@inet [UNKNOWN] <mark_pfeifle@ios.doi.gov>;kevin.keane@hhs.gov@inet [UNKNOWN] <kevin.keane@hhs.gov>;moridanis@state.gov@inet [UNKNOWN] <moridanis@state.gov>;Jeanne.lopatto@hq.doe.gov@inet [UNKNOWN] <Jeanne.lopatto@hq.doe.gov>; craig.quigley@osd.mil@inet [UNKNOWN] <craig.quigley@osd.mil>;michele.davis@do.treas.gov@inet [UNKNOWN] <michele.davis@do.treas.gov>;Anne Trenolone/WHO/EOP/EOP [WHO] <Anne Trenolone>;Barry S. Jackson/WHO/EOP/EOP [WHO] <Barry S. Jackson>;PO.nnuru@ix.netcom.com@inet [UNKNOWN] <PO.nnuru@ix.netcom.com>;dtrigg@doc.gov@inet [UNKNOWN] <dtrigg@doc.gov>;dorrance.smith@fema.gov@inet [UNKNOWN] <dorrance.smith@fema.gov>;oliver.north@mnsbc.com@inet [UNKNOWN] <oliver.north@mnsbc.com>;kmlane@pstrategies.com@inet [UNKNOWN] <kmlane@pstrategies.com>;John D. Estes/WHO/EOP/EOP [WHO] <John D. Estes>;Ashley Estes/WHO/EOP/EOP [WHO] <Ashley Estes>;Angela R. Sailor/WHO/EOP/EOP [WHO] <Angela R. Sailor>;K. Philippa Malmgren/OPD/EOP/EOP [OPD] <K. Philippa Malmgren>;Ruben S. Barrales/WHO/EOP/EOP [WHO] <Ruben S. Barrales>;Terry C. Miller/WHO/EOP/EOP [WHO] <Terry C. Miller>;Laura S. Lawlor/WHO/EOP/EOP [WHO] <Laura S. Lawlor>;brusbolt@iaa.net@inet [UNKNOWN] <brusbolt@iaa.net>;blewis@mchq.org@inet [OVP] <blewis@mchq.org>;Charles P. Blahous/OPD/EOP/EOP [OPD] <Charles P. Blahous>;Maria Cino@mail.doc.gov@inet [UNKNOWN] <Maria Cino@mail.doc.gov>;Matthew W. Lindley/WHO/EOP/EOP [WHO] <Matthew W. Lindley>;Chris B. Nagel/WHO/EOP/EOP [WHO] <Chris B. Nagel>;Melissa L. McAdoo/WHO/EOP/EOP [WHO] <Melissa L. McAdoo>;Kristen L. Hughes/WHO/EOP/EOP [WHO] <Kristen L. Hughes>;Robert T. Pratt Jr/WHO/EOP/EOP [WHO] <Robert T. Pratt Jr>;Beverly J. Ward/WHO/EOP/EOP [UNKNOWN] <Beverly J. Ward>;Deborah K. Hair/WHO
Sent: 12/19/2001 2:13:52 AM
Subject: The War on Terrorism -- December 19, 2001
Attachments: P_SMX15004_CEA.TXT_1.doc

Sent: 12/19/2001 2:13:52 AM

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2001 07:13:52.00
SUBJECT: The War on Terrorism -- December 19, 2001
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ: UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP [WHO])
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TO: lisette_mcsoud_mondello@hutchison.senate.gov (lisette_mcsoud_mondello@hutchison.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
TO: Melissa_Sabatine@src.senate.gov (Melissa_Sabatine@src.senate.gov @inet [UNKNOWN])
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REV_00086898
TO: tom.eisenhauer@mail.house.gov (tom.eisenhauer@mail.house.gov [UNKNOWN])
READ:UNKNOWN

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5MX15004_CEA.TXT_1>
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5:45a EST  Press conference with USAID Administrator Natsios on the International Donors Conference in Brussels.

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Sent: 12/20/2001 2:24:49 AM
Subject: DAY 100 -- The War on Terrorism -- December 20, 2001
Attachments: P_TB214003_CEA.TXT_1.doc
Here is your message of the day. Later today we will also release a comprehensive 100 day report on the war on terrorism.
**Today's Schedule**

<table>
<thead>
<tr>
<th>Time</th>
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<tbody>
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</tr>
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<td>9:45a EST</td>
<td>White House gaggle with Ari Fleischer.</td>
</tr>
<tr>
<td>10:15a EST</td>
<td>Secretary Abraham and Secretary Mineta join representatives of the cable and satellite TV industry at the National Press Club to unveil new public service announcements promoting tolerance.</td>
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</tr>
<tr>
<td>12:30p EST</td>
<td>State Department daily briefing with spokesman Richard Boucher.</td>
</tr>
<tr>
<td>2:00p EST</td>
<td>President Bush makes announcement and gives 100-day update on the war on terrorism.</td>
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DOD will also hold their daily press briefing.

**Message**

*Today is the 100th day since the September 11th attacks.*

The world has responded to the terrorist attacks with an unprecedented coalition against international terrorism. In the first 100 days of the war against terrorism, President George W. Bush increased America's homeland security and built a worldwide coalition that:

- Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.
- Disrupted al-Qaeda's global operations and terrorist financing networks.
- Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.
- Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans – including women.

President George W. Bush is implementing a comprehensive and visionary foreign policy against international terrorism that includes putting the world on notice that any nation that harbors or supports terrorism will be regarded by the U.S. as a hostile regime.

**Recent Key Quotes & Developments**

- "His [interim Afghan] government's first priority, Mr. Karzai said in an interview, would be to combat terrorism 'not only in Afghanistan, but everywhere in the world. Terrorists tried to destroy our country and our people,' and very nearly succeeded, he said." (New York Times, 12/19/01)

- "Taliban soldiers abducted many women and girls, perhaps hundreds or more, during their five-year rule of Afghanistan, according to Afghan families, officials of the incoming government and humanitarian aid groups. Many are still missing, and their stories are only now beginning to emerge in the wake of the Taliban's defeat." (Washington Post, 12/19/01)

**In Case You Missed It**

- "The first person charged with plotting the Sept. 11 attacks with Osama bin Laden has been flown to the Washington area, the U.S. Marshals Service said Wednesday... [Zacarias] Moussaoui, 33, will stand trial in U.S. District Court in Alexandria, Va. His arraignment is Jan. 2. Some of the six charges against him carry the death penalty." (AP, 12/19/01)

**Fact of the Day**

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Subject: DAY 100 -- The War on Terrorism -- December 20, 2001

Attachments: 07122_p_tb24003_who.txt 1.doc

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12/20/2001 2:24:49 AM

Subject: DAY 100 -- The War on Terrorism -- December 20, 2001

Attachments: 07122_p_tb24003_who.txt 1.doc
Here is your message of the day. Later today we will also release a comprehensive 100 day report on the war on terrorism.

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Today's Schedule

5:00a EST  British Foreign Office briefing on the 100 days since the 9/11 attacks.
9:45a EST  White House gaggle with Ari Fleischer.
10:15a EST  Secretary Abraham and Secretary Mineta join representatives of the cable and satellite TV industry at the National Press Club to unveil new public service announcements promoting tolerance.
12:30a EST  White House daily press briefing with Ari Fleischer.
12:30p EST  State Department daily briefing with spokesman Richard Boucher.
2:00p EST  President Bush makes announcement and gives 100-day update on the war on terrorism.

Message

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TO:Bradley_A. Blakeman ( CN=Bradley_A. Blakeman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kara_G. Figg ( CN=Kara_G. Figg/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Amanda_L. Moore ( CN=Amanda_L. Moore/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Danner_R. Bethel ( CN=Danner_R. Bethel/OU=WHO/O=EOP@EOP [ UNKNOWN ] )
READ:UNKNOWN
TO:Mary_Elizabeth Farr ( CN=Mary_Elizabeth Farr/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Andrea_G. Ball ( CN=Andrea_G. Ball/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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READ:UNKNOWN
TO:Douglas_D. McCormick@oa.eop.gov ( Douglas_D._McCormick@oa.eop.gov @ inet [ UNKNOWN ] )
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TO:Mary_J. Matalin ( CN=Mary_J. Matalin/OU=OVP/O=EOP@EOP [ OVP ] )
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READ:UNKNOWN
TO:Charles_D. McGrath Jr ( CN=Charles_D. McGrath Jr/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Jennifer_H. Mayfield ( CN=Jennifer_H. Mayfield/OU=OVP/O=EOP@EOP [ OVP ] )
READ:UNKNOWN
TO:Ethan_A. Hastert ( CN=Ethan_A. Hastert/OU=OVP/O=EOP@EOP [ OVP ] )
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_TB2I4003_WH0.TXT_1>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
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</tr>
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Sent: 12/20/2001 2:24:49 AM
Subject: DAY 100 -- The War on Terrorism -- December 20, 2001
Attachments: P_TB214003_OPD.TXT_1.doc
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TO:Juleanna R. Glover ( CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [ OVP ]
READ:UNKNOWN
TO:Megan D. Moran ( CN=Megan D. Moran/OU=OVP/O=EOP@EOP [ OVP ]
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READ:UNKNOWN
TO:Cesar Conda ( CN=Cesar Conda/OU=OVP/O=EOP@EOP [ OVP ]
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TO:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [ OVP ]
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TO:Elizabeth W. Kleppe ( CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [ OVP ]
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TO:Debra R. Dunn ( CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [ OVP ]
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READ:UNKNOWN
TO:Donald M. Sumerlin@oa.eop.gov ( Donald M. Sumerlin@oa.eop.gov @ inet [ UNKNOWN ]
READ:UNKNOWN
TO:Eric C. Pelletier ( CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [ OMB ]
READ:UNKNOWN
TO:Augustine T. Smythe ( CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [ OMB ]
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READ:UNKNOWN
TO:Eric H. Otto ( CN=Eric H. Otto/OU=OPD/O=EOP@EOP [ OPD ]
READ:UNKNOWN
TO:edgillespie@quinngillespie.com ( edgillespie@quinngillespie.com @ inet [ UNKNOWN ]
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TO:Josephine B. Robinson ( CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [ WHO ]
READ:UNKNOWN
TO:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [ WHO ]
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TO:charles.yoder@mail.va.gov ( charles.yoder@mail.va.gov @ inet [ UNKNOWN ]
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READ:UNKNOWN
TO:terrell.halaska@hhs.gov ( terrell.halaska@hhs.gov @ inet [ UNKNOWN ]
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TO:cooper.mildred@epa.gov ( cooper.mildred@epa.gov @ inet [ UNKNOWN ]
READ:UNKNOWN
TO:roy-stuart@dol.gov ( roy-stuart@dol.gov @ inet [ UNKNOWN ]
READ:UNKNOWN
TO:cliff_may@ios.do.gov ( cliff_may@ios.do.gov @ inet [ UNKNOWN ]
READ:UNKNOWN

REV_00087063
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READ:UNKNOWN
TO:William S. Clark@oa.eop.gov (William_S_Clerk@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
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TO:Kenneth B. Mehlman (CN=Kenneth B. Mehlman/OU=WHO/O=EOP@EOP [UNKNOWN])
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TO:Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [WHO])
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TO:Abel Guerra (CN=Abel Guerra/OU=WHO/O=EOP@EOP [WHO])
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TO:Kathryn J. Hayes (CN=Kathryn J. Hayes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John_Gardner@oa.eop.gov (John_Gardner@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
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TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
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READ:UNKNOWN
TO:Gregory_J._Jenkins@oa.eop.gov (Gregory_J._Jenkins@oa.eop.gov @ inet [UNKNOWN])
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TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
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TO:Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
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Sent: 12/20/2001 2:24:49 AM
Subject: DAY 100 -- The War on Terrorism -- December 20, 2001
Attachments: F_TB214003_NSC.TXT_ 1.doc

------ Begin Original ARMS Header -------
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-DEC-2001 07:24:49.00
SUBJECT:: DAY 100 -- The War on Terrorism -- December 20, 2001
TO:marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ:UNKNOWN
TO:Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
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TO:Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
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TO:Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
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TO:Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @inet [UNKNOWN])
READ:UNKNOWN
TO:rgeorge@nypost.com (rgeorge@nypost.com @inet [UNKNOWN])
READ:UNKNOWN
TO: Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @inet [UNKNOWN])
READ:UNKNOWN
TO:brook_simmons@nickles.senate.gov (brook_simmons@nickles.senate.gov @inet [UNKNOWN])
READ:UNKNOWN
TO:gerry_fritz@rpc.senate.gov (gerry_fritz@rpc.senate.gov @inet [UNKNOWN])
READ:UNKNOWN
TO:margaretCamp@frist.senate.gov (margaretCamp@frist.senate.gov @inet [UNKNOWN])
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Sent: 12/20/2001 5:25:17 AM
Subject: 100 Day Report on the War on Terrorism
Attachments: 07132_p_y84003_who.txt_1.doc

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 20-DEC-2001 10:25:17.00
SUBJECT: 100 Day Report on the War on Terrorism
TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
READ: UNKNOWN
TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
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READ: UNKNOWN
TO: Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @inet [UNKNOWN])
READ: UNKNOWN
TO: rgeorge@nypost.com (rgeorge@nypost.com @inet [UNKNOWN])
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TO: Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
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TO: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: susan_irby@lott.senate.gov (susan_irby@lott.senate.gov @inet [UNKNOWN])
READ: UNKNOWN
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Today is the 100th day of the war on terrorism. Attached is the final report on the first 100 days of the war that the White House will release shortly. Please launch to your various lists immediately. Thanks.
THE GLOBAL WAR ON TERRORISM

THE FIRST 100 DAYS

"WE ARE SUPPORTED BY THE COLLECTIVE WILL OF THE WORLD."

PRESIDENT GEORGE W. BUSH

THE COALITION INFORMATION CENTERS

WASHINGTON, U.S.A
LONDON, U.K.
ISLAMABAD, PAKISTAN
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"The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them."

-President George W. Bush, 10/11/01

On September 11, terrorists attacked freedom.

The world has responded with an unprecedented coalition against international terrorism. In the first 100 days of the war, President George W. Bush increased America's homeland security and built a worldwide coalition that:

♦ Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.
♦ Disrupted al-Qaeda's global operations and terrorist financing networks.
♦ Destroyed al-Qaeda terrorist training camps.
♦ Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.
♦ Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans - including women.

President Bush is implementing a comprehensive and visionary foreign policy against international terrorism. The President's policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

Diplomacy. President Bush has built a worldwide coalition against terrorism. More than 80 countries suffered losses on September 11; 136 countries have offered a diverse range of military assistance; 46 multilateral organizations have declared their support; and with U.S. leadership and international support, Afghans are putting aside long-standing ethnic and political differences to form a new and representative government.

Terrorist Finances. The President fired the first shot in the war on terrorism with the stroke of his pen to seize terrorist financial assets and disrupt their fundraising pipelines. The world financial community is moving to starve the terrorists of their financial support. 196 countries support the financial war on terror; 142 countries have acted to freeze terrorist assets; in the U.S. alone, the assets of 153 known terrorists, terrorist organizations, and terrorist financial centers have been frozen; and major terrorist financial networks have been closed down.

The Military Campaign. Operation Enduring Freedom began on October 7, 2001, and enjoys the support of countries from the United Kingdom to Australia to Japan. The Taliban have been forced to surrender major cities. The military has destroyed 11 terrorist training camps and 39 Taliban command and control sites. And al-Qaeda terrorists have been captured, killed or are on the run.

Law Enforcement. The U.S. has led a global dragnet to help bring terrorists to justice and
help prevent future terrorist acts, creating the Foreign Terrorist Tracking Task Force to prevent terrorists from entering the U.S.; arresting and indicting known terrorists; increasing the global sharing of law enforcement information; and implementing tough new anti-terrorism laws.

Humanitarian. As Afghanistan’s largest humanitarian donor, the U.S. has increased its aid to the Afghan people by providing $187 million in aid since October alone, including food, shelter, blankets, and medical supplies. The President also launched the America’s Fund for Afghan Children that has already raised more than $1.5 million for the children of Afghanistan. As the harsh Afghan winter approaches, the U.S. commitment to the Afghan people is saving lives.

Homeland Security. President Bush has taken steps to help protect America against further terrorist attacks, providing $20 billion for homeland security; strengthening intelligence efforts; creating the Office of Homeland Security and the Homeland Security Council; implementing tough new airline security measures; and taking steps to protect America’s mail.

Helping the Survivors of September 11. The American people have responded with overwhelming compassion for the families of the victims of September 11, donating at least $1.3 billion to charities.

Respecting Islam. Almost immediately after the attacks the President took steps to protect Muslim-Americans from hate crimes. The President also held a series of events, including hosting the first-ever White House Iftar and an Eid event at the end of Ramadan; the President visited the Islamic Center; and the President created the “Friendship Through Education” initiative to bring American and Muslim children closer together.
THE TRAGEDY OF SEPTEMBER 11

"Every one of the victims who died on September 11th was the most important person on earth to somebody."

--President George W. Bush, 12/11/01

On September 11 the terrorists committed an act of war against the innocent. The terrorists killed not only to end lives -- they killed to end our way of life. Recently the terrorists said that we should forget the attacks of September 11. The terrorists would like nothing more than to silence the world’s vocal opposition to their frightening vision they hope to export to every corner of the world.

The world will never forget the innocent victims, and the brave heroes who died attempting to save them. The world will never forget the survivors, the devastated families and the grieving friends they left behind:

♦ More than 3,000 people died or remain missing following the attacks. They came from more than 80 different nations, from many different races and religions.
♦ 343 firefighters and paramedics perished at the World Trade Center.
♦ 23 police officers and 37 Port Authority police officers died at the World Trade Center.
♦ Approximately 2,000 children lost a parent on September 11, including 146 children who lost a parent in the Pentagon attacks.
♦ One business alone lost more than 700 employees, leaving at least 50 pregnant widows.

On December 11, more than 120 countries stood together to remember the three-month anniversary of the terrorist attacks.

THESE NATIONS & AREAS SUFFERED LOSSES FROM THE SEPTEMBER 11 ATTACKS

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THE AL-QAEDA VISION FOR THE WORLD

THE WAR ON TERRORISM - THE FIRST 100 DAYS
"...we calculated in advance the number of casualties from the enemy, who would be killed based on the position of the tower. We calculated that the floors that would be hit would be three or four floors. I was the most optimistic of them all...due to my experience in this field, I was thinking that the fire from the gas in the plane would melt the iron structure of the building and collapse the area where the plane hit and all the floors above it only. This is all that we had hoped for."

--bin Laden

"This new enemy seeks to destroy our freedom and impose its views. We value life; the terrorists ruthlessly destroy it. We value education; the terrorists do not believe women should be educated or should have health care, or should leave their homes. We value the right to speak our minds; for the terrorists, free expression can be grounds for execution. We respect people of all faiths and welcome the free practice of religion; our enemy wants to dictate how to think and how to worship even to their fellow Muslims."

--President George W. Bush, 11/8/01

Al-Qaeda is a movement defined by hatred. They hate progress, and freedom, and choice, and culture, and music, and laughter, and women, and Christians, and Jews, and all Muslims who reject their distorted doctrines. They love and worship only one thing, and that is power -- power they use without mercy to kill the innocent.

In Afghanistan, we have seen al-Qaeda's vision for the world. The leadership of al-Qaeda had great influence in Afghanistan and was supported by the Taliban regime. Afghanistan's people have been brutalized -- many are starving and many have fled. Women were not allowed to attend school. A person could be jailed for owning a television. Religion could be practiced only as their leaders dictated. A man could be jailed in Afghanistan if his beard was not long enough.

The al-Qaeda terrorists believe it is acceptable to steal food meant for starving, innocent families. The al-Qaeda philosophy says it is acceptable to use innocent people as human shields for their military operations. The al-Qaeda philosophy says it is acceptable to oppress women and doom them to a lifetime of poverty.

♦ Treatment of Women & Children. First Lady Laura Bush led a worldwide initiative to highlight the Taliban’s oppression of women. Before the Taliban, women played a key role in society. Then came al-Qaeda and their destruction of the Afghan family. The al-Qaeda-controlled Taliban regime especially targeted Afghan women and children, taking away their basic freedoms, splintering their families, putting their lives at risk, and relegating them to poverty. For example, the Taliban forbade the schooling for girls over the age of eight; shut down the women’s university; banned women from working (stripping a society in desperate need of trained professionals of half its assets); restricted access to medical care for women; brutally enforced a restrictive dress code; forbade women from moving about their communities freely; and beat women for laughing out loud. The First Lady led a worldwide initiative to highlight the Taliban’s oppression of women which helped lead to representation of women in the new interim government.

♦ Targeting Civilians. Al Qaeda and the Taliban regime have targeted civilians by literally using them as human shields for their military activities. For example, the November 6
\textit{Washington Post} reports that the Taliban actually placed military assets in mosques and across the street from hospitals and innocent people’s homes. Taliban commanders have also hijacked humanitarian aid facilities for military purposes. A senior officer told the \textit{Washington Post}, “Whole villages are being used as human shields by the Taliban to protect their large stockpiles of ammunition and weapons hidden in nearby caves.”

- **Humanitarian Crimes.** The al-Qaeda and Taliban contribution to the starving Afghan people has been a deliberate and systematic campaign to disrupt the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. For example, the Taliban seized control of two U.N. World Food Program (WFP) warehouses, one in Kabul, and one in Kandahar, containing more than half the World Food Program’s wheat supply for Afghanistan. The WFP in Kandahar had been feeding 150,000 Afghans a month before the Taliban seizure. The Taliban are also actually hijacking humanitarian convoys for military purposes. The November 6 \textit{Washington Post} reports, “A truck in a convoy purportedly on a humanitarian mission to deliver food tipped over, and crates of tank and mortar shells could be seen spilling to the ground underneath a thin layer of flour.”

- **Al Qaeda \\& the Drug Trade.** Osama bin Laden and his organization finance many of their terrorist activities through the drug trade. In fact, on October 25, 2001, The Herald (Glasgow) reported, “Osama bin Laden financed the development of a highly-addictive liquid heroin which he named ‘The tears of Allah’ as part of his multi-pronged terrorist campaign to destabilise western society. . . One source said yesterday: ‘It should be called the Devil’s Brew rather than Allah’s tears. It is a one-way ticket to addiction and death.’” The United Nations has also weighed in on the Taliban and al Qaeda connection to the drug trade. According to a U.N. Committee of Experts report on Resolution 1333 (May 2001), “Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.”

---

**DIPLOMACY**

"The message to every country is, there will be a campaign against terrorist activity, a worldwide campaign. And there is an outpouring of support for such a campaign. Freedom-loving people understand that terrorism knows no borders, that terrorists will strike in order to bring fear, to try to change the behavior of countries that love liberty. And we will not let them do that."

--President George W. Bush, 9/19/01
Since September 11, President Bush and Secretary of State Colin Powell have built a worldwide coalition for the war against terrorism. The coalition is stronger than ever and continues to grow.

- Since September 11, President Bush has met with leaders from at least 51 different countries to help build support for the war against terrorism.

- 136 countries have offered a range of military assistance.

- The U.S. has received 46 multilateral declarations of support from organizations.

- The U.N. General Assembly and Security Council condemned the attacks on September 12.

- NATO, OAS and ANZUS (Australia, New Zealand and the U.S.) quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory.

- 142 countries have issued orders freezing the assets of suspected terrorists and organizations.

- 89 countries have granted over-flight authority for U.S. military aircraft.

- 76 countries have granted landing rights for U.S. military aircraft.

- 23 countries have agreed to host U.S. forces involved in offensive operations.

- Through intelligence cooperation with many nations, we are acquiring evidence against those responsible for the attacks of September 11 and we are better able to prevent future attacks.

- With U.S. leadership and with international support, Afghans have put aside long-standing ethnic and political differences to form a new interim government, naming a president and 29 ministers with portfolio. The new government will also include women, who have been oppressed by the Taliban regime.

- On December 11, more than 120 nations around the world answered President Bush’s call to reject terrorism and commemorate the victims of the September 11 attacks by holding remembrance ceremonies.

- The United States and several other allies have reopened embassies in Kabul.

- The President was joined by U.N. Secretary General Kofi Annan on November 11 for a memorial service honoring the citizens of all the countries killed in the World Trade Center.
TERRORIST FINANCES

"We put the world's financial institutions on notice: if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America."

--President George W. Bush, 11/7/01

Terrorists need money to carry out their evil deeds. The President's first strike in the war against terror was not with a gun or a missile - the President's first strike was with his pen as he took action to freeze terrorist finances and disrupt their pipelines for raising and moving money in the future.

The world's financial institutions have been put on notice -- if you support, sponsor, or do business with terrorists, you will not do business with the United States. Denying terrorists access to funds is a very real success in the war on terrorism. Since September 11, the United States and its allies in the war on terrorism have been winning the war on the financial front:

♦ President Bush launched the first offensive in the war on terrorism on September 23 by signing an Executive Order freezing the U.S.-based assets of those individuals and organizations involved with terrorism.

♦ 196 countries and jurisdictions have expressed their support for the financial war on terror.

♦ 142 countries have issued orders freezing terrorist assets, and others have requested U.S. help in improving their legal and regulatory systems so they can more effectively block terrorist funds.

♦ The assets of at least 153 known terrorists, terrorist organizations, and terrorist financial centers have now been frozen in the U.S. financial system.

♦ Since September 11, the U.S. has blocked more than $33 million in assets of terrorist organizations. Other nations have also blocked another $33 million.

♦ On November 7, the U.S. and its allies closed down operations of two major financial networks - al-Barakaat and al-Taqwa - both of which were used by al-Qaeda and Osama Bin Laden as sources of income and mechanisms to transfer funds.

♦ On December 4, President Bush froze the assets of a U.S.-based foundation - The Holy Land Foundation for Relief and Development -- that has been funneling money to the terrorist organization Hamas.

♦ The U.S. government created three new organizations -- the Foreign Terrorist Asset Tracking Center (FTAT), Operation Green Quest and the Terrorist Financing Task Force. These new organizations will help facilitate information sharing between intelligence and law enforcement agencies and encourage other countries to identify, disrupt, and defeat
terrorist financing networks.

- International organizations are key partners in the war on financial terrorism. On September 28, the United Nations Security Council passed resolution 1373 that requires all nations to keep their financial systems free of terrorist funds.

- The Financial Action Task Force -- a 29-nation group promoting policies to combat money laundering -- adopted strict new standards to deny terrorist access to the world financial system.

- The G-20 and IMF member countries have agreed to make public the list of terrorists whose assets are subject to freezing, and the amount of assets frozen.
"I said to the Taliban, turn them over, destroy the camps, free people you're unjustly holding. I said, you've got time to do it. But they didn't listen. They didn't respond, and now they're paying a price. They are learning that anyone who strikes America will hear from our military, and they're not going to like what they hear. In choosing their enemy, the evildoers and those who harbor them have chosen their fate."

--President George W. Bush, 10/17/01

Operation Enduring Freedom, the military phase, began October 7, 2001. Since then, coalition forces have liberated the Afghan people from the repressive and violent Taliban regime. As President Bush and Secretary of Defense Donald Rumsfeld have said, this is a different kind of war against a different kind of enemy. The enemy is not a nation -- the enemy is terrorist networks that threaten the way of life of all peaceful people.

The war against terrorism is the first war of the 21st Century -- and it requires a 21st Century military strategy. Secretary Rumsfeld has worked with our coalition allies and the courageous men and women of the U.S. military to craft a cutting-edge military strategy that minimizes civilian casualties, partners with local forces, and brings destruction to the oppressive Taliban who supported the al-Qaeda terrorist network.

The coalition has achieved broad military success while putting fewer than 3,000 U.S. ground troops on the ground in Afghanistan. And Secretary Rumsfeld and the U.S. military have also shown a lightning quick ability to adapt to a distant, harsh and ever-changing battlefield. In some cases, U.S. troops are conquering terrorists by welding together 21st Century technology with 19th Century tactics. Troops have chased terrorists on horseback while using mobile phones and global positioning systems to pinpoint targets for the Air Force. Bombers today use 21st Century targeting technology, and laser-guided and GPS guided smart bombs to destroy specific targets, including centuries-old caves used as terrorist headquarters.

While we've achieved a great deal of military success, much dangerous and difficult work remains to be done before the war on terrorism is won. A few key military successes thus far in the war on terrorism include:

♦ In just weeks the military essentially destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.

♦ Taliban leaders have surrendered major cities to opposition forces, including Kandahar, Kabul, Kunduz, and Mazar-e-Sharif.

♦ The military has destroyed at least 11 terrorist training camps and 39 Taliban command and control sites. The Wall Street Journal reported on December 13 that as many as 50,000 terrorists from more than 50 countries may have received training in al-Qaeda camps in Afghanistan in recent years.

♦ About 2.5 million humanitarian rations have been dropped to aid the people of
Afghanistan.

- U.S. Marines have established a military base at Kandahar airport.
- Routes are being blocked to try to prevent the escape of al-Qaeda and Taliban members.
- Senior al-Qaeda and Taliban officials have either been captured or killed.
- The U.S. military rescued two American Christian aid workers who were being held as prisoners by the Taliban.
- Friendship Bridge between Afghanistan and Uzbekistan was reopened to transport humanitarian aid by land.
- Minefields and roads are being cleared to ensure delivery of aid and freedom of movement.
- Leaflet drops and radio broadcasts continue daily to convey our determination, provide truthful information, and encourage the capture of Osama bin Laden.

The military action in Afghanistan represents a global coalition effort. In addition to the United States, military assets are being deployed from many other nations, including the United Kingdom, Australia, Canada, Czech Republic, France, Germany, Italy, Japan, New Zealand, Poland, Russia and Turkey.
"Terrorists try to operate in the shadows. They try to hide. But we're going to shine the light of justice on them. We list their names, we publicize their pictures, we rob them of their secrecy. Terrorism has a face, and today we expose it for the world to see."

--President George W. Bush, 10/10/01

The U.S. is leading a global dragnet to help bring terrorists to justice and help prevent future terrorist acts.

Prevention and Investigation:

♦ As of December 17, 460 individuals were being detained by the INS. 116 individuals, 77 of whom are in custody, are facing federal criminal charges -- including Zacarias Moussaoui who has been charged with conspiring with Osama bin Laden and al-Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania.

♦ The Department of Justice (DOJ) created the new 22 “Most Wanted Terrorists” list.

♦ The FBI created a national task force to centralize control and information sharing resulting in hundreds of thousands of leads, over 500 searches, thousands of interviews of witnesses, and numerous court-authorized surveillance orders.

♦ The U.S. government has offered a reward of up to $25 million for information leading directly to the apprehension or conviction of Osama bin Laden.

♦ The Treasury Department and the Department of Justice collaborated to freeze the assets and accounts of 62 individuals and organizations connected with two terrorist-supporting financial networks, the al-Taqua and the al-Barakaat, and one organization funneling money to Hamas.

♦ The Department of State strengthened its "Rewards for Justice Program" which authorizes the Secretary of State to offers rewards of more than $5 million for information that prevents acts of international terrorism against the United States. The State Department has also launched a series of Public Service Announcements to educate the American public on the program.

♦ Improved information sharing between the law-enforcement and intelligence communities, allowing nationwide search warrants for e-mail and subpoenas for payment information, and to place those who access the Internet through cable companies on the same footing as everyone else.

♦ At the Attorney General’s request, the State Department designated 39 entities as terrorist organizations.
The U.S. has forged new cooperative agreements with Canada to protect our common borders and the economic prosperity they sustain.

Created 93 Anti-Terrorism Task Forces -- one in each U.S. Attorney's district -- to integrate the communications and activities of local, state and federal law enforcement.

Created the Foreign Terrorist Tracking Task Force to focus on preventing terrorists from entering the country, and to locate and remove those who already have.

The Department of Justice crafted a new reorganization plan -- Reorganization and Mobilization of the Nation's Justice and Law Enforcement Resources -- which is DOJ's strategy for fiscal years 2001 to 2006 to help meet the new anti-terrorism mission.

Reorganization of the Immigration and Naturalization Service (INS) to reform the agency's structure by separating its service and enforcement functions. Fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system.

The Department of Justice launched the Responsible Cooperators Program. Justice will provide immigration benefits to non-citizens who furnish information to help apprehend terrorists or to stop terrorist attacks.

INS arrested Mazen Al Najjar after he was ordered to be deported for violating his visa, had established ties to terrorist organizations and held leadership positions in the Islamic Concern Project and the World and Islam Studies Enterprise.

Zayd Hassan Abd Al-Latif Masud Al Safarini was arrested for his indictment in 1991 for the September 5, 1986, hijacking of Pan American World Airways Flight 73, demonstrating DOJ's commitment to track down terrorists no matter how long it takes.

Civil Rights:

The President moved swiftly to protect Muslims from hate crimes and the Department of Justice followed his lead by having their Civil Rights Division sponsor community forums in Chicago, Illinois, and Dearborn, Michigan, on combating ethnically motivated violence as a result of the September 11th terrorist attacks.

Attorney General John Ashcroft and AAG for Civil Rights Ralph F. Boyd, Jr. have met with 29 prominent leaders from the Arab and Muslim American and Sikh communities and underscored DOJ's strong commitment to investigate and prosecute violators of federal hate crime laws.

The Department of Justice, the U.S. Equal Opportunity Commission and the Department of Labor issued a joint statement against employment discrimination in the aftermath of September 11.

Investigating approximately 300 incidents involving violence, or threats of violence against individuals perceived to be of Middle Eastern origin. Federal charges have been brought in 6 cases, coordinating with local prosecutors in at least ten instances where cases are being
prosecuted locally.

Victim Relief:

- Provided approximately $52 million in assistance to victims and their families and $10 million in emergency assistance to the NYPD.
"Ultimately, one of the best weapons, one of the truest weapons that we have against terrorism is to show the world the true strength of character and kindness of the American people. Americans are united in this fight against terrorism. We're also united in our concern for the innocent people of Afghanistan."

President George W. Bush, 10/11/01

The humanitarian situation in Afghanistan remains dire. Millions face the threat of starvation. 70% of the Afghan people and ½ of all Afghan children are malnourished. Only 13% of the Afghan people have access to clean water.

Years of civil war -- compounded by the rule of the Taliban and the worst drought in 30 years -- have made matters worse. The Taliban were clearly more interested in protecting al-Qaeda than feeding the starving, innocent people of Afghanistan. Al-Qaeda and the Taliban have not only failed to provide security, food, and shelter for the Afghan people, but they have also disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. Among other things, the Taliban have seized and looted humanitarian supplies for themselves, and have harassed and beaten Afghan and international aid workers.

The typically harsh Afghan winter is arriving and the U.S., with its international partners, is doing everything it can to help bring hope to the innocent Afghans who have suffered under the brutal and oppressive al-Qaeda and Taliban regime:

♦ Even before September 11, the U.S. was the leading humanitarian aid donor for Afghanistan.

♦ Last fiscal year the U.S. provided $183 million of humanitarian assistance alone to Afghanistan.

♦ Since the beginning of October alone, the U.S. has provided more than $187 million in humanitarian assistance to Afghanistan.

♦ On October 10, USAID Administrator Natsios announced a five-point assistance strategy for Afghanistan: reduce death rates; minimize population movements; lower and then stabilize food prices; ensure that aid reaches those it is intended for; and begin developmental relief programs.

♦ As of mid-December the international community, led by the U.S., has delivered 127,368 metric tons (MT) of food aid to Afghanistan, using, trucks, boats, barges, aircraft, and thousands of people to overcome numerous logistical and security obstacles. (For context, 52,000 MT of food will feed approximately six million people for one month.)

♦ Between October 7 and December 13, the Department of Defense airdropped 2,423,700 Humanitarian Daily Rations (HDRs) to Afghans who could not be reached by relief workers.
because of ongoing conflict. The entire operation cost approximately $51 million.

- The President announced the creation of the America’s Fund for Afghan Children. The President asked American children to send $1 dollar -- or whatever they can afford -- to the Fund to help buy important humanitarian supplies. America’s children have donated more than $1.5 million thus far to the Fund. The first shipment of humanitarian goods purchased from this fund left the U.S. for the Afghan children on Sunday, December 9.

- The government has provided more than $62 million in grants to support relief activities in Afghanistan. The programs include supporting agriculture, rehabilitating water resources, funding health services, repairing shelters, and providing critical non-food items such as blankets, tents and kitchen sets. Additional grants have funded UN coordination efforts and a radio program to provide humanitarian and security information to Afghans in their home languages.

- USAID has provided funding for wool blankets and quilts, shelter kits, plastic sheeting and winterized tents. Further, USAID is distributing mattresses, clothes, stoves, cooking sets, firewood, coal, lanterns and water containers.

- The government has provided medical kits and funds for health centers and mobile clinics in Afghanistan and is sponsoring public health education and programs on hygiene, obstetrics, maternal and childcare, and malnutrition. USAID is employing trained personnel to conduct educational outreach on basic health and nutrition, especially to women. USAID is helping expectant mothers, training local birth attendants and funding the distribution of vitamins and the immunization of young children.

- The government has provided funds for rehabilitation and reconstruction in the areas of housing, roads and bridges, wells and irrigation systems, agriculture and food security, and initiating “food for work” and “food for cash” initiatives.

- USAID has funded six airlifts of critical commodities to Afghanistan. The airlifts have provided shelter materials, tents, health supplies and high-energy food items for vulnerable people in Afghanistan.

- The State Department has provided $32,260,000 to relief agencies to assist Afghan refugees in Pakistan, Iran and other neighboring countries. The grants also provide funds to assist refugees attempting to return to their homes in Afghanistan.

- The government has sent Disaster Assistance Response Team (DART) personnel to Pakistan, Uzbekistan, Turkmenistan and Tajikistan to ensure that relief efforts are effective and well coordinated.
RESPECTING ISLAM

"The Islam that we know is a faith devoted to the worship of one God, as revealed through The Holy Qu’ran. It teaches the value and importance of charity, mercy, and peace."

--President George W. Bush, 11/15/01

The United States is a nation of religious freedom, and the President has acted to ensure that the world’s Muslims -- from Dearborn, Michigan to Kabul, Afghanistan -- know that America appreciates and celebrates the rich traditions of Islam:

♦ At the national prayer service following the September 11 attacks, the President included religious leaders from many faiths, including an Imam from the Islamic Society of North America. Subsequently the President hosted an interfaith meeting on September 20 with leaders of different religious denominations to pray jointly for the victims of the September 11 tragedies and called for national reconciliation.

♦ Soon after the terrorist attacks, the President visited the Islamic Center of Washington to meet with American Muslim leaders and deliver a message of tolerance and solidarity. The President condemned unwarranted attacks on Americans of Muslim faith, and urged Americans to show their support for their Muslim friends.

♦ President Bush launched the “Friendship Through Education” initiative, encouraging children in America and children in Muslim nations to connect through email, letter writing, and different friendship and understanding projects. The President wants this initiative to help youths from different societies deepen their understanding of each others’ traditions and outlooks.

♦ For Ramadan, on November 19 President Bush hosted the first-ever Iftar -- or breaking-of-the-fast -- dinner at the White House, which included the ambassadors from nations with Muslim populations. The President also issued a warm greeting to Muslims around America and around the world with a special Ramadan message.

♦ The State Department asked U.S. embassies in Muslim countries to host Iftar dinners and many members of his administration also held their own celebrations. Secretary of State Colin Powell, Attorney General John Ashcroft, and Deputy Secretary of Defense Paul Wolfowitz all participated in Iftar dinners.

♦ On December 17, President Bush hosted Muslim children at the White House in honor of Eid al-Fitr, Islam’s most sacred holiday. He read an Eid book to the children and hosted them for cookies and punch as well as delivering a present to each child in the tradition of Eid. The President also issued a taped Eid message and read an Eid greeting.

♦ Secretary of Energy Spencer Abraham recognized Americans for acts of compassion following the September 11th attacks -- he honored, for example, a church that started an escort service for Muslim women who wear the hijab, and a citizen who created a fund to
assist low-income Muslim victims of hate-inspired vandalism. Secretary Abraham will also launch a series of public service announcements further promoting tolerance.
President Bush has taken action to help protect America against terrorist attacks. The government is working around the clock to protect Americans. Among many other steps:

- The President worked with Congress to provide $20 billion to promote homeland security, including funds to upgrade intelligence and security, provide recovery assistance to disaster sites, help victims’ families, increase numbers of law enforcement personnel, provide health care for displaced Americans, and purchase irradiation equipment to sanitize the mail.

- The President established the Office of Homeland Security -- under the diligent guidance of Governor Tom Ridge -- and the Homeland Security Council to coordinate, and implement the Executive Branch’s efforts to detect, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

- The President moved to implement tough new airline security standards that tighten background checks for airline screeners and workers, dramatically expands the federal air marshal program, creates strict new baggage security requirements, and tightens security in all areas of airports.

- The President established an advisory committee for cyber security to ensure that America’s key infrastructures are protected. The advisory committee is a public/private partnership.

- The Administration has strengthened coordination between law enforcement agencies of the U.S. and neighboring countries to address common threats while ensuring the free flow of goods and people.

- The Food and Drug Administration has enhanced the food screening process of imported foods.

- The Department of Health and Human Services created the Office of Public Health Preparedness, to coordinate the national response to public health emergencies.

- Public health professionals provided antibiotics to more than 30,000 people to protect against their possible exposure to anthrax.

- HHS increased the supply of drug caches around the country, added specific use drugs, and began to increase the supply of small pox vaccine to 300 million.

- The President created a Presidential Task force to help Americans prepare in their homes,
neighborhoods, schools, and other public places from the consequences of terrorist attacks.

- The Centers for Disease Control and the U.S. Postal Service provided guidelines on how to handle mail that had potentially come into contact with anthrax.

- EPA has worked with water utilities, chemical, pesticide, petroleum and fertilizer manufacturers to increase their vigilance and secure their resources against an attack.
"It is said that adversity introduces us to ourselves. This is true of a nation as well. In this trial, we have been reminded, and the world has seen, that our fellow Americans are generous and kind, resourceful and brave. We see our national character in rescuers working past exhaustion; in long lines of blood donors; in thousands of citizens who have asked to work and serve in any way possible."

--President's Remarks at National Day of Prayer and Remembrance, 9/14/01

Every one of the victims who died on September 11th was the most important person on earth to somebody. The American people have responded to the tragedies of September 11 with an unprecedented outpouring of support for their fellow Americans who lost so much on September 11:

♦ While it is impossible to catalog every penny of contributions, at least $1.3 billion has been collected in aid for families of both civilian and uniformed victims of the September 11th terrorist attacks.

♦ There are many relief organizations collecting aid to distribute to the families of the thousands of victims from the September 11th terrorist attacks. Examples include the Twin Towers Orphan fund, the Pentagon Assistance Fund, the WTC School Fund, the Washington Redskins Relief Fund, the Dole-Clinton Families of Freedom Scholarship Fund, and funds established by the United Jewish Communities, Catholic Charities, the Burn Center at the Washington Hospital Center, and many, many more.

♦ The American Red Cross has raised over $647.4 million and has distributed over $217.7 million to the families of the victims of September 11th.

♦ The September 11th United Way Relief Fund has been working thoughtfully and deliberately to distribute $143 million in cash and services to help rebuild the lives of victims’ families and affected communities.

♦ On September 1, the entertainment industry came together in historic fashion to raise funds and raise the spirits of all who have been touched by the horrific tragedy that has struck America. Over $150 million was pledged through the United Way September 11th Telethon Fund, “America: Tribute to Heroes.” By the end of the year, a total of $100 million in cash assistance will have been delivered to victims families through the Telethon Fund by the entertainment industry.

♦ New York City’s major human service organizations have joined forces under an umbrella group called the 9/11 United Services Group. At the urging of the New York State Attorney General, the group launched a confidential database, which will serve as a central clearinghouse for information on victims, survivors, financial needs, and the amounts of money and services provided by charities. This database enables the different charities to communicate with each other and track both the needs of the families of victims as well as the amount of assistance they are receiving.
More than 100 people with ties to the Sept. 11 terror attacks will carry the Olympic torch as it makes its way to Salt Lake City for the Winter Games. The torch will be passed at the Pentagon on Friday, December 21, 2001.

The President announced www.libertyunites.org in the Rose Garden on September 18, 2001, and praised Americans for their outpouring of charitable relief support in the wake of September 11th.
Sent: 12/20/2001 5:25:17 AM
Subject: 100 Day Report on the War on Terrorism
Attachments: P_YL814003_CEA.TXT_1.doc
READ:UNKNOWN
TO:Robert_Traynham@src.senate.gov (Robert_Traynham@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO:Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:McDonaldDJ@state.gov (McDonaldDJ@state.gov [UNKNOWN])
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TO:Mike_Buttry@hagel.senate.gov (Mike_Buttry@hagel.senate.gov [UNKNOWN])
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READ:UNKNOWN
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TO:Agoldstein@hadassah.org (Agoldstein@hadassah.org [UNKNOWN])
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TO:Comm@rnchq.org (Comm@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO:John_Buckley100@aol.com (John_Buckley100@aol.com [UNKNOWN])
READ:UNKNOWN
TO:Abrackhill@aol.com (Abrackhill@aol.com [UNKNOWN])
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TO:Pa.Whitehouse@osd.mil (Pa.Whitehouse@osd.mil [UNKNOWN])
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TO: Robert.Ollison@EXIM.GOV (Robert.Ollison@EXIM.GOV [UNKNOWN])
TO: Barbara Jo Goergen (CN=Barbara Jo Goergen/OU=WHO/O=EOP@EOP [WHO])
TO: Katherine M. Channell (CN=Katherine M. Channell/OU=WHO/O=EOP@EOP [WHO])
TO: Nina DeLorenzo (CN=Nina DeLorenzo/OU=WHO/O=EOP@EOP [WHO])
TO: Jennifer Foley (CN=Jennifer Foley/OU=WHO/O=EOP@EOP [WHO])
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TO: Jonathan T. Dworken (CN=Jonathan T. Dworken/OU=NSC/O=EOP@EOP [NSC])
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TO: pam.lambo@dfait-maeci.gc.ca (pam.lambo@dfait-maeci.gc.ca [UNKNOWN])
TO: terry.colli@dfait-maeci.gc.ca (terry.colli@dfait-maeci.gc.ca [UNKNOWN])
TO: hope_boonshaft@spe.sony.com (hope_boonshaft@spe.sony.com [UNKNOWN])
TO: mamin@lgecorp.com (mamin@lgecorp.com [UNKNOWN])
TO: wetsigb@usa.redcross.org (wetsigb@usa.redcross.org [UNKNOWN])
TO: vansantl@usa.redcross.org (vansantl@usa.redcross.org [UNKNOWN])
TO: bginsberg@pattonboggs.com (bginsberg@pattonboggs.com [UNKNOWN])
TO: carol.melton@viacom.com (carol.melton@viacom.com [UNKNOWN])
TO: toby.harnden@telegraph.co.uk (toby.harnden@telegraph.co.uk [UNKNOWN])
TO: james@mail.house.gov (james@mail.house.gov [WHO])
TO: Lani.Miller@usdoj.gov (Lani.Miller@usdoj.gov [UNKNOWN])
TO: kvolker@nsceop.gov (kvolker@nsceop.gov [NSC])
TO: rss.paoc@pentagon.af.mil (rss.paoc@pentagon.af.mil [UNKNOWN])
TO: jleibowitz@mpaa.org (jleibowitz@mpaa.org [UNKNOWN])
TO: mt@corporatesportswear.com (mt@corporatesportswear.com [UNKNOWN])
TO: will.kinzel@cnh.com (will.kinzel@cnh.com [UNKNOWN])
Today is the 100th day of the war on terrorism. Attached is the final report on the first 100 days of the war that the White House will release shortly. Please launch to your various lists immediately. Thanks.
THE GLOBAL WAR ON TERRORISM

THE FIRST 100 DAYS

"WE ARE SUPPORTED BY THE COLLECTIVE WILL OF THE WORLD."

PRESIDENT GEORGE W. BUSH

THE COALITION INFORMATION CENTERS

WASHINGTON, U.S.A
LONDON, U.K.
ISLAMABAD, PAKISTAN
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EXECUTIVE SUMMARY

"The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them."

-President George W. Bush, 10/11/01

On September 11, terrorists attacked freedom.

The world has responded with an unprecedented coalition against international terrorism. In the first 100 days of the war, President George W. Bush increased America’s homeland security and built a worldwide coalition that:

♦ Began to destroy al-Qaeda’s grip on Afghanistan by driving the Taliban from power.
♦ Disrupted al-Qaeda’s global operations and terrorist financing networks.
♦ Destroyed al-Qaeda terrorist training camps.
♦ Helped the innocent people of Afghanistan recover from the Taliban’s reign of terror.
♦ Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans - including women.

President Bush is implementing a comprehensive and visionary foreign policy against international terrorism. The President’s policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

Diplomacy. President Bush has built a worldwide coalition against terrorism. More than 80 countries suffered losses on September 11; 136 countries have offered a diverse range of military assistance; 46 multilateral organizations have declared their support; and with U.S. leadership and international support, Afghans are putting aside long-standing ethnic and political differences to form a new and representative government.

Terrorist Finances. The President fired the first shot in the war on terrorism with the stroke of his pen to seize terrorist financial assets and disrupt their fundraising pipelines. The world financial community is moving to starve the terrorists of their financial support. 196 countries support the financial war on terror; 142 countries have acted to freeze terrorist assets; in the U.S. alone, the assets of 153 known terrorists, terrorist organizations, and terrorist financial centers have been frozen; and major terrorist financial networks have been closed down.

The Military Campaign. Operation Enduring Freedom began on October 7, 2001, and enjoys the support of countries from the United Kingdom to Australia to Japan. The Taliban have been forced to surrender major cities. The military has destroyed 11 terrorist training camps and 39 Taliban command and control sites. And al-Qaeda terrorists have been captured, killed or are on the run.

Law Enforcement. The U.S. has led a global dragnet to help bring terrorists to justice and
help prevent future terrorist acts, creating the Foreign Terrorist Tracking Task Force to prevent terrorists from entering the U.S.; arresting and indicting known terrorists; increasing the global sharing of law enforcement information; and implementing tough new anti-terrorism laws.

Humanitarian. As Afghanistan’s largest humanitarian donor, the U.S. has increased its aid to the Afghan people by providing $187 million in aid since October alone, including food, shelter, blankets, and medical supplies. The President also launched the America’s Fund for Afghan Children that has already raised more than $1.5 million for the children of Afghanistan. As the harsh Afghan winter approaches, the U.S. commitment to the Afghan people is saving lives.

Homeland Security. President Bush has taken steps to help protect America against further terrorist attacks, providing $20 billion for homeland security; strengthening intelligence efforts; creating the Office of Homeland Security and the Homeland Security Council; implementing tough new airline security measures; and taking steps to protect America’s mail.

Helping the Survivors of September 11. The American people have responded with overwhelming compassion for the families of the victims of September 11, donating at least $1.3 billion to charities.

Respecting Islam. Almost immediately after the attacks the President took steps to protect Muslim-Americans from hate crimes. The President also held a series of events, including hosting the first-ever White House Iftar and an Eid event at the end of Ramadan; the President visited the Islamic Center; and the President created the “Friendship Through Education” initiative to bring American and Muslim children closer together.
THE TRAGEDY OF SEPTEMBER 11

“Every one of the victims who died on September 11th was the most important person on earth to somebody.”

--President George W. Bush, 12/11/01

On September 11 the terrorists committed an act of war against the innocent. The terrorists killed not only to end lives -- they killed to end our way of life. Recently the terrorists said that we should forget the attacks of September 11. The terrorists would like nothing more than to silence the world’s vocal opposition to their frightening vision they hope to export to every corner of the world.

The world will never forget the innocent victims, and the brave heroes who died attempting to save them. The world will never forget the survivors, the devastated families and the grieving friends they left behind:

♦ More than 3,000 people died or remain missing following the attacks. They came from more than 80 different nations, from many different races and religions.
♦ 343 firefighters and paramedics perished at the World Trade Center.
♦ 23 police officers and 37 Port Authority police officers died at the World Trade Center.
♦ Approximately 2,000 children lost a parent on September 11, including 146 children who lost a parent in the Pentagon attacks.
♦ One business alone lost more than 700 employees, leaving at least 50 pregnant widows.

On December 11, more than 120 countries stood together to remember the three-month anniversary of the terrorist attacks.

THESE NATIONS & AREAS SUFFERED LOSSES FROM THE SEPTEMBER 11 ATTACKS

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THE AL-QAEDA VISION FOR THE WORLD

THE WAR ON TERRORISM - THE FIRST 100 DAYS
"...we calculated in advance the number of casualties from the enemy, who would be killed based on the position of the tower. We calculated that the floors that would be hit would be three or four floors. I was the most optimistic of them all...due to my experience in this field, I was thinking that the fire from the gas in the plane would melt the iron structure of the building and collapse the area where the plane hit and all the floors above it only. This is all that we had hoped for."

--bin Laden

"This new enemy seeks to destroy our freedom and impose its views. We value life; the terrorists ruthlessly destroy it. We value education; the terrorists do not believe women should be educated or should have health care, or should leave their homes. We value the right to speak our minds; for the terrorists, free expression can be grounds for execution. We respect people of all faiths and welcome the free practice of religion; our enemy wants to dictate how to think and how to worship even to their fellow Muslims."

--President George W. Bush, 11/8/01

Al-Qaeda is a movement defined by hatred. They hate progress, and freedom, and choice, and culture, and music, and laughter, and women, and Christians, and Jews, and all Muslims who reject their distorted doctrines. They love and worship only one thing, and that is power -- power they use without mercy to kill the innocent.

In Afghanistan, we have seen al-Qaeda's vision for the world. The leadership of al-Qaeda had great influence in Afghanistan and was supported by the Taliban regime. Afghanistan's people have been brutalized -- many are starving and many have fled. Women were not allowed to attend school. A person could be jailed for owning a television. Religion could be practiced only as their leaders dictated. A man could be jailed in Afghanistan if his beard was not long enough.

The al-Qaeda terrorists believe it is acceptable to steal food meant for starving, innocent families. The al-Qaeda philosophy says it is acceptable to use innocent people as human shields for their military operations. The al-Qaeda philosophy says it is acceptable to oppress women and doom them to a lifetime of poverty.

♦ **Treatment of Women & Children.** First Lady Laura Bush led a worldwide initiative to highlight the Taliban’s oppression of women. Before the Taliban, women played a key role in society. Then came al-Qaeda and their destruction of the Afghan family. The al-Qaeda-controlled Taliban regime especially targeted Afghan women and children, taking away their basic freedoms, splintering their families, putting their lives at risk, and relegating them to poverty. For example, the Taliban forbade the schooling for girls over the age of eight; shut down the women’s university; banned women from working (stripping a society in desperate need of trained professionals of half its assets); restricted access to medical care for women; brutally enforced a restrictive dress code; forbade women from moving about their communities freely; and beat women for laughing out loud. The First Lady led a worldwide initiative to highlight the Taliban’s oppression of women which helped lead to representation of women in the new interim government.

♦ **Targeting Civilians.** Al Qaeda and the Taliban regime have targeted civilians by literally using them as human shields for their military activities. For example, the November 6
Washington Post reports that the Taliban actually placed military assets in mosques and across the street from hospitals and innocent people’s homes. Taliban commanders have also hijacked humanitarian aid facilities for military purposes. A senior officer told the Washington Post, “Whole villages are being used as human shields by the Taliban to protect their large stockpiles of ammunition and weapons hidden in nearby caves.”

- Humanitarian Crimes. The al-Qaeda and Taliban contribution to the starving Afghan people has been a deliberate and systematic campaign to disrupt the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. For example, the Taliban seized control of two U.N. World Food Program (WFP) warehouses, one in Kabul, and one in Kandahar, containing more than half the World Food Program’s wheat supply for Afghanistan. The WFP in Kandahar had been feeding 150,000 Afghans a month before the Taliban seizure. The Taliban are also actually hijacking humanitarian convoys for military purposes. The November 6 Washington Post reports, “A truck in a convoy purportedly on a humanitarian mission to deliver food tipped over, and crates of tank and mortar shells could be seen spilling to the ground underneath a thin layer of flour.”

- Al Qaeda & the Drug Trade. Osama bin Laden and his organization finance many of their terrorist activities through the drug trade. In fact, on October 25, 2001, The Herald (Glasgow) reported, “Osama bin Laden financed the development of a highly-addictive liquid heroin which he named ‘The tears of Allah’ as part of his multi-pronged terrorist campaign to destabilise western society. . . One source said yesterday: ‘It should be called the Devil’s Brew rather than Allah’s tears. It is a one-way ticket to addiction and death.’” The United Nations has also weighed in on the Taliban and al Qaeda connection to the drug trade. According to a U.N. Committee of Experts report on Resolution 1333 (May 2001), “Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.”

**DIPLOMACY**

"The message to every country is, there will be a campaign against terrorist activity, a worldwide campaign. And there is an outpouring of support for such a campaign. Freedom-loving people understand that terrorism knows no borders, that terrorists will strike in order to bring fear, to try to change the behavior of countries that love liberty. And we will not let them do that."

--President George W. Bush, 9/19/01

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**The War on Terrorism - The First 100 Days**
Since September 11, President Bush and Secretary of State Colin Powell have built a worldwide coalition for the war against terrorism. The coalition is stronger than ever and continues to grow.

♦ Since September 11, President Bush has met with leaders from at least 51 different countries to help build support for the war against terrorism.

♦ 136 countries have offered a range of military assistance.

♦ The U.S. has received 46 multilateral declarations of support from organizations.

♦ The U.N. General Assembly and Security Council condemned the attacks on September 12.

♦ NATO, OAS and ANZUS (Australia, New Zealand and the U.S.) quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory.

♦ 142 countries have issued orders freezing the assets of suspected terrorists and organizations.

♦ 89 countries have granted over-flight authority for U.S. military aircraft.

♦ 76 countries have granted landing rights for U.S. military aircraft.

♦ 23 countries have agreed to host U.S. forces involved in offensive operations.

♦ Through intelligence cooperation with many nations, we are acquiring evidence against those responsible for the attacks of September 11 and we are better able to prevent future attacks.

♦ With U.S. leadership and with international support, Afghans have put aside long-standing ethnic and political differences to form a new interim government, naming a president and 29 ministers with portfolio. The new government will also include women, who have been oppressed by the Taliban regime.

♦ On December 11, more than 120 nations around the world answered President Bush’s call to reject terrorism and commemorate the victims of the September 11 attacks by holding remembrance ceremonies.

♦ The United States and several other allies have reopened embassies in Kabul.

♦ The President was joined by U.N. Secretary General Kofi Annan on November 11 for a memorial service honoring the citizens of all the countries killed in the World Trade Center.
TERRORIST FINANCES

"We put the world's financial institutions on notice: if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America."

--President George W. Bush, 11/7/01

Terrorists need money to carry out their evil deeds. The President’s first strike in the war against terror was not with a gun or a missile - the President’s first strike was with his pen as he took action to freeze terrorist finances and disrupt their pipelines for raising and moving money in the future.

The world's financial institutions have been put on notice -- if you support, sponsor, or do business with terrorists, you will not do business with the United States. Denying terrorists access to funds is a very real success in the war on terrorism. Since September 11, the United States and its allies in the war on terrorism have been winning the war on the financial front:

◆ President Bush launched the first offensive in the war on terrorism on September 23 by signing an Executive Order freezing the U.S.-based assets of those individuals and organizations involved with terrorism.

◆ 196 countries and jurisdictions have expressed their support for the financial war on terror.

◆ 142 countries have issued orders freezing terrorist assets, and others have requested U.S. help in improving their legal and regulatory systems so they can more effectively block terrorist funds.

◆ The assets of at least 153 known terrorists, terrorist organizations, and terrorist financial centers have now been frozen in the U.S. financial system.

◆ Since September 11, the U.S. has blocked more than $33 million in assets of terrorist organizations. Other nations have also blocked another $33 million.

◆ On November 7, the U.S. and its allies closed down operations of two major financial networks - al-Barakaat and al-Taqwa - both of which were used by al-Qaeda and Osama Bin Laden as sources of income and mechanisms to transfer funds.

◆ On December 4, President Bush froze the assets of a U.S.-based foundation - The Holy Land Foundation for Relief and Development -- that has been funneling money to the terrorist organization Hamas.

◆ The U.S. government created three new organizations -- the Foreign Terrorist Asset Tracking Center (FTAT), Operation Green Quest and the Terrorist Financing Task Force. These new organizations will help facilitate information sharing between intelligence and law enforcement agencies and encourage other countries to identify, disrupt, and defeat the war on terrorism.
terrorist financing networks.

- International organizations are key partners in the war on financial terrorism. On September 28, the United Nations Security Council passed resolution 1373 that requires all nations to keep their financial systems free of terrorist funds.

- The Financial Action Task Force -- a 29-nation group promoting policies to combat money laundering -- adopted strict new standards to deny terrorist access to the world financial system.

- The G-20 and IMF member countries have agreed to make public the list of terrorists whose assets are subject to freezing, and the amount of assets frozen.
THE MILITARY CAMPAIGN

"I said to the Taliban, turn them over, destroy the camps, free people you're unjustly holding. I said, you've got time to do it. But they didn't listen. They didn't respond, and now they're paying a price. They are learning that anyone who strikes America will hear from our military, and they're not going to like what they hear. In choosing their enemy, the evildoers and those who harbor them have chosen their fate."

--President George W. Bush, 10/17/01

Operation *Enduring Freedom*, the military phase, began October 7, 2001. Since then, coalition forces have liberated the Afghan people from the repressive and violent Taliban regime. As President Bush and Secretary of Defense Donald Rumsfeld have said, this is a different kind of war against a different kind of enemy. The enemy is not a nation -- the enemy is terrorist networks that threaten the way of life of all peaceful people.

The war against terrorism is the first war of the 21st Century -- and it requires a 21st Century military strategy. Secretary Rumsfeld has worked with our coalition allies and the courageous men and women of the U.S. military to craft a cutting-edge military strategy that minimizes civilian casualties, partners with local forces, and brings destruction to the oppressive Taliban who supported the al-Qaeda terrorist network.

The coalition has achieved broad military success while putting fewer than 3,000 U.S. ground troops on the ground in Afghanistan. And Secretary Rumsfeld and the U.S. military have also shown a lightning quick ability to adapt to a distant, harsh and ever-changing battlefield. In some cases, U.S. troops are conquering terrorists by welding together 21st Century technology with 19th Century tactics. Troops have chased terrorists on horseback while using mobile phones and global positioning systems to pinpoint targets for the Air Force. Bombers today use 21st Century targeting technology, and laser-guided and GPS guided smart bombs to destroy specific targets, including centuries-old caves used as terrorist headquarters.

While we’ve achieved a great deal of military success, much dangerous and difficult work remains to be done before the war on terrorism is won. A few key military successes thus far in the war on terrorism include:

- In just weeks the military essentially destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.
- Taliban leaders have surrendered major cities to opposition forces, including Kandahar, Kabul, Kunduz, and Mazar-e-Sharif.
- The military has destroyed at least 11 terrorist training camps and 39 Taliban command and control sites. The Wall Street Journal reported on December 13 that as many as 50,000 terrorists from more than 50 countries may have received training in al-Qaeda camps in Afghanistan in recent years.
- About 2.5 million humanitarian rations have been dropped to aid the people of
Afghanistan.

♦ U.S. Marines have established a military base at Kandahar airport.

♦ Routes are being blocked to try to prevent the escape of al-Qaeda and Taliban members.

♦ Senior al-Qaeda and Taliban officials have either been captured or killed.

♦ The U.S. military rescued two American Christian aid workers who were being held as prisoners by the Taliban.

♦ Friendship Bridge between Afghanistan and Uzbekistan was reopened to transport humanitarian aid by land.

♦ Minefields and roads are being cleared to ensure delivery of aid and freedom of movement.

♦ Leaflet drops and radio broadcasts continue daily to convey our determination, provide truthful information, and encourage the capture of Osama bin Laden.

The military action in Afghanistan represents a global coalition effort. In addition to the United States, military assets are being deployed from many other nations, including the United Kingdom, Australia, Canada, Czech Republic, France, Germany, Italy, Japan, New Zealand, Poland, Russia and Turkey.
"Terrorists try to operate in the shadows. They try to hide. But we’re going to shine the light of justice on them. We list their names, we publicize their pictures, we rob them of their secrecy. Terrorism has a face, and today we expose it for the world to see."

--President George W. Bush, 10/10/01

The U.S. is leading a global dragnet to help bring terrorists to justice and help prevent future terrorist acts.

Prevention and Investigation:

♦ As of December 17, 460 individuals were being detained by the INS. 116 individuals, 77 of whom are in custody, are facing federal criminal charges -- including Zacarias Moussaoui who has been charged with conspiring with Osama bin Laden and al-Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania.

♦ The Department of Justice (DOJ) created the new 22 “Most Wanted Terrorists” list.

♦ The FBI created a national task force to centralize control and information sharing resulting in hundreds of thousands of leads, over 500 searches, thousands of interviews of witnesses, and numerous court-authorized surveillance orders.

♦ The U.S. government has offered a reward of up to $25 million for information leading directly to the apprehension or conviction of Osama bin Laden.

♦ The Treasury Department and the Department of Justice collaborated to freeze the assets and accounts of 62 individuals and organizations connected with two terrorist-supporting financial networks, the al-Taqua and the al-Barakaat, and one organization funneling money to Hamas.

♦ The Department of State strengthened its "Rewards for Justice Program" which authorizes the Secretary of State to offers rewards of more than $5 million for information that prevents acts of international terrorism against the United States. The State Department has also launched a series of Public Service Announcements to educate the American public on the program.

♦ Improved information sharing between the law-enforcement and intelligence communities, allowing nationwide search warrants for e-mail and subpoenas for payment information, and to place those who access the Internet through cable companies on the same footing as everyone else.

♦ At the Attorney General’s request, the State Department designated 39 entities as terrorist organizations.
The U.S. has forged new cooperative agreements with Canada to protect our common borders and the economic prosperity they sustain.

Created 93 Anti-Terrorism Task Forces -- one in each U.S. Attorney's district -- to integrate the communications and activities of local, state and federal law enforcement.

Created the Foreign Terrorist Tracking Task Force to focus on preventing terrorists from entering the country, and to locate and remove those who already have.

The Department of Justice crafted a new reorganization plan -- Reorganization and Mobilization of the Nation's Justice and Law Enforcement Resources -- which is DOJ's strategy for fiscal years 2001 to 2006 to help meet the new anti-terrorism mission.

Reorganization of the Immigration and Naturalization Service (INS) to reform the agency's structure by separating its service and enforcement functions. Fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system.

The Department of Justice launched the Responsible Cooperators Program. Justice will provide immigration benefits to non-citizens who furnish information to help apprehend terrorists or to stop terrorist attacks.

INS arrested Mazen Al Najjar after he was ordered to be deported for violating his visa, had established ties to terrorist organizations and held leadership positions in the Islamic Concern Project and the World and Islam Studies Enterprise.

Zayd Hassan Abd Al-Latif Masud Al Safarini was arrested for his indictment in 1991 for the September 5, 1986, hijacking of Pan American World Airways Flight 73, demonstrating DOJ's commitment to track down terrorists no matter how long it takes.

Civil Rights:

The President moved swiftly to protect Muslims from hate crimes and the Department of Justice followed his lead by having their Civil Rights Division sponsor community forums in Chicago, Illinois, and Dearborn, Michigan, on combating ethnically motivated violence as a result of the September 11th terrorist attacks.

Attorney General John Ashcroft and AAG for Civil Rights Ralph F. Boyd, Jr. have met with 29 prominent leaders from the Arab and Muslim American and Sikh communities and underscored DOJ's strong commitment to investigate and prosecute violators of federal hate crime laws.

The Department of Justice, the U.S. Equal Opportunity Commission and the Department of Labor issued a joint statement against employment discrimination in the aftermath of September 11.

Investigating approximately 300 incidents involving violence, or threats of violence against individuals perceived to be of Middle Eastern origin. Federal charges have been brought in 6 cases, coordinating with local prosecutors in at least ten instances where cases are being
prosecuted locally.

**Victim Relief:**

- Provided approximately $52 million in assistance to victims and their families and $10 million in emergency assistance to the NYPD.
"Ultimately, one of the best weapons, one of the truest weapons that we have against terrorism is to show the world the true strength of character and kindness of the American people. Americans are united in this fight against terrorism. We're also united in our concern for the innocent people of Afghanistan."

President George W. Bush, 10/11/01

The humanitarian situation in Afghanistan remains dire. Millions face the threat of starvation. 70% of the Afghan people and ½ of all Afghan children are malnourished. Only 13% of the Afghan people have access to clean water.

Years of civil war -- compounded by the rule of the Taliban and the worst drought in 30 years -- have made matters worse. The Taliban were clearly more interested in protecting al-Qaeda than feeding the starving, innocent people of Afghanistan. Al-Qaeda and the Taliban have not only failed to provide security, food, and shelter for the Afghan people, but they have also disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. Among other things, the Taliban have seized and looted humanitarian supplies for themselves, and have harassed and beaten Afghan and international aid workers.

The typically harsh Afghan winter is arriving and the U.S., with its international partners, is doing everything it can to help bring hope to the innocent Afghans who have suffered under the brutal and oppressive al-Qaeda and Taliban regime:

♦ Even before September 11, the U.S. was the leading humanitarian aid donor for Afghanistan.

♦ Last fiscal year the U.S. provided $183 million of humanitarian assistance alone to Afghanistan.

♦ Since the beginning of October alone, the U.S. has provided more than $187 million in humanitarian assistance to Afghanistan.

♦ On October 10, USAID Administrator Natsios announced a five-point assistance strategy for Afghanistan: reduce death rates; minimize population movements; lower and then stabilize food prices; ensure that aid reaches those it is intended for; and begin developmental relief programs.

♦ As of mid-December the international community, led by the U.S., has delivered 127,368 metric tons (MT) of food aid to Afghanistan, using, trucks, boats, barges, aircraft, and thousands of people to overcome numerous logistical and security obstacles. (For context, 52,000 MT of food will feed approximately six million people for one month.)

♦ Between October 7 and December 13, the Department of Defense airdropped 2,423,700 Humanitarian Daily Rations (HDRs) to Afghans who could not be reached by relief workers...
because of ongoing conflict. The entire operation cost approximately $51 million.

♦ The President announced the creation of the America’s Fund for Afghan Children. The President asked American children to send $1 dollar -- or whatever they can afford -- to the Fund to help buy important humanitarian supplies. America’s children have donated more than $1.5 million thus far to the Fund. The first shipment of humanitarian goods purchased from this fund left the U.S. for the Afghan children on Sunday, December 9.

♦ The government has provided more than $62 million in grants to support relief activities in Afghanistan. The programs include supporting agriculture, rehabilitating water resources, funding health services, repairing shelters, and providing critical non-food items such as blankets, tents and kitchen sets. Additional grants have funded UN coordination efforts and a radio program to provide humanitarian and security information to Afghans in their home languages.

♦ USAID has provided funding for wool blankets and quilts, shelter kits, plastic sheeting and winterized tents. Further, USAID is distributing mattresses, clothes, stoves, cooking sets, firewood, coal, lanterns and water containers.

♦ The government has provided medical kits and funds for health centers and mobile clinics in Afghanistan and is sponsoring public health education and programs on hygiene, obstetrics, maternal and childcare, and malnutrition. USAID is employing trained personnel to conduct educational outreach on basic health and nutrition, especially to women. USAID is helping expectant mothers, training local birth attendants and funding the distribution of vitamins and the immunization of young children.

♦ The government has provided funds for rehabilitation and reconstruction in the areas of housing, roads and bridges, wells and irrigation systems, agriculture and food security, and initiating “food for work” and “food for cash” initiatives.

♦ USAID has funded six airlifts of critical commodities to Afghanistan. The airlifts have provided shelter materials, tents, health supplies and high-energy food items for vulnerable people in Afghanistan.

♦ The State Department has provided $32,260,000 to relief agencies to assist Afghan refugees in Pakistan, Iran and other neighboring countries. The grants also provide funds to assist refugees attempting to return to their homes in Afghanistan.

♦ The government has sent Disaster Assistance Response Team (DART) personnel to Pakistan, Uzbekistan, Turkmenistan and Tajikistan to ensure that relief efforts are effective and well coordinated.
RESPECTING ISLAM

“The Islam that we know is a faith devoted to the worship of one God, as revealed through The Holy Qu’ran. It teaches the value and importance of charity, mercy, and peace.”

--President George W. Bush, 11/15/01

The United States is a nation of religious freedom, and the President has acted to ensure that the world’s Muslims -- from Dearborn, Michigan to Kabul, Afghanistan -- know that America appreciates and celebrates the rich traditions of Islam:

♦ At the national prayer service following the September 11 attacks, the President included religious leaders from many faiths, including an Imam from the Islamic Society of North America. Subsequently the President hosted an interfaith meeting on September 20 with leaders of different religious denominations to pray jointly for the victims of the September 11 tragedies and called for national reconciliation.

♦ Soon after the terrorist attacks, the President visited the Islamic Center of Washington to meet with American Muslim leaders and deliver a message of tolerance and solidarity. The President condemned unwarranted attacks on Americans of Muslim faith, and urged Americans to show their support for their Muslim friends.

♦ President Bush launched the “Friendship Through Education” initiative, encouraging children in America and children in Muslim nations to connect through email, letter writing, and different friendship and understanding projects. The President wants this initiative to help youths from different societies deepen their understanding of each others’ traditions and outlooks.

♦ For Ramadan, on November 19 President Bush hosted the first-ever Iftar -- or breaking-of-the-fast -- dinner at the White House, which included the ambassadors from nations with Muslim populations. The President also issued a warm greeting to Muslims around America and around the world with a special Ramadan message.

♦ The State Department asked U.S. embassies in Muslim countries to host Iftar dinners and many members of his administration also held their own celebrations. Secretary of State Colin Powell, Attorney General John Ashcroft, and Deputy Secretary of Defense Paul Wolfowitz all participated in Iftar dinners.

♦ On December 17, President Bush hosted Muslim children at the White House in honor of Eid al-Fitr, Islam’s most sacred holiday. He read an Eid book to the children and hosted them for cookies and punch as well as delivering a present to each child in the tradition of Eid. The President also issued a taped Eid message and read an Eid greeting.

♦ Secretary of Energy Spencer Abraham recognized Americans for acts of compassion following the September 11th attacks -- he honored, for example, a church that started an escort service for Muslim women who wear the hijab, and a citizen who created a fund to
assist low-income Muslim victims of hate-inspired vandalism. Secretary Abraham will also launch a series of public service announcements further promoting tolerance.
Homeland Security

"We face a united, determined enemy. America is going to be prepared."

--President George W. Bush, 10/8/01

President Bush has taken action to help protect America against terrorist attacks. The government is working around the clock to protect Americans. Among many other steps:

- The President worked with Congress to provide $20 billion to promote homeland security, including funds to upgrade intelligence and security, provide recovery assistance to disaster sites, help victims' families, increase numbers of law enforcement personnel, provide health care for displaced Americans, and purchase irradiation equipment to sanitize the mail.

- The President established the Office of Homeland Security -- under the diligent guidance of Governor Tom Ridge -- and the Homeland Security Council to coordinate, and implement the Executive Branch's efforts to detect, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

- The President moved to implement tough new airline security standards that tighten background checks for airline screeners and workers, dramatically expands the federal air marshal program, creates strict new baggage security requirements, and tightens security in all areas of airports.

- The President established an advisory committee for cyber security to ensure that America's key infrastructures are protected. The advisory committee is a public/private partnership.

- The Administration has strengthened coordination between law enforcement agencies of the U.S. and neighboring countries to address common threats while ensuring the free flow of goods and people.

- The Food and Drug Administration has enhanced the food screening process of imported foods.

- The Department of Health and Human Services created the Office of Public Health Preparedness, to coordinate the national response to public health emergencies.

- Public health professionals provided antibiotics to more than 30,000 people to protect against their possible exposure to anthrax.

- HHS increased the supply of drug caches around the country, added specific use drugs, and began to increase the supply of small pox vaccine to 300 million.

- The President created a Presidential Task force to help Americans prepare in their homes,
neighborhoods, schools, and other public places from the consequences of terrorist attacks.

- The Centers for Disease Control and the U.S. Postal Service provided guidelines on how to handle mail that had potentially come into contact with anthrax.

- EPA has worked with water utilities, chemical, pesticide, petroleum and fertilizer manufacturers to increase their vigilance and secure their resources against an attack.
THE SURVIVORS OF SEPTEMBER 11

"It is said that adversity introduces us to ourselves. This is true of a nation as well. In this trial, we have been reminded, and the world has seen, that our fellow Americans are generous and kind, resourceful and brave. We see our national character in rescuers working past exhaustion; in long lines of blood donors; in thousands of citizens who have asked to work and serve in any way possible."

--President's Remarks at National Day of Prayer and Remembrance, 9/14/01

Every one of the victims who died on September 11th was the most important person on earth to somebody. The American people have responded to the tragedies of September 11 with an unprecedented outpouring of support for their fellow Americans who lost so much on September 11:

♦ While it is impossible to catalog every penny of contributions, at least $1.3 billion has been collected in aid for families of both civilian and uniformed victims of the September 11th terrorist attacks.

♦ There are many relief organizations collecting aid to distribute to the families of the thousands of victims from the September 11th terrorist attacks. Examples include the Twin Towers Orphan fund, the Pentagon Assistance Fund, the WTC School Fund, the Washington Redskins Relief Fund, the Dole-Clinton Families of Freedom Scholarship Fund, and funds established by the United Jewish Communities, Catholic Charities, the Burn Center at the Washington Hospital Center, and many, many more.

♦ The American Red Cross has raised over $647.4 million and has distributed over $217.7 million to the families of the victims of September 11th.

♦ The September 11th United Way Relief Fund has been working thoughtfully and deliberately to distribute $143 million in cash and services to help rebuild the lives of victims’ families and affected communities.

♦ On September 1, the entertainment industry came together in historic fashion to raise funds and raise the spirits of all who have been touched by the horrific tragedy that has struck America. Over $150 million was pledged through the United Way September 11th Telethon Fund, "America: Tribute to Heroes." By the end of the year, a total of $100 million in cash assistance will have been delivered to victims families through the Telethon Fund by the entertainment industry.

♦ New York City’s major human service organizations have joined forces under an umbrella group called the 9/11 United Services Group. At the urging of the New York State Attorney General, the group launched a confidential database, which will serve as a central clearinghouse for information on victims, survivors, financial needs, and the amounts of money and services provided by charities. This database enables the different charities to communicate with each other and track both the needs of the families of victims as well as the amount of assistance they are receiving.
More than 100 people with ties to the Sept. 11 terror attacks will carry the Olympic torch as it makes its way to Salt Lake City for the Winter Games. The torch will be passed at the Pentagon on Friday, December 21, 2001.

The President announced www.libertyunites.org in the Rose Garden on September 18, 2001, and praised Americans for their outpouring of charitable relief support in the wake of September 11th.
Sent: 12/20/2001 5:25:17 AM
Subject: 100 Day Report on the War on Terrorism
Attachments: P_YL814003_WHO.TXT_1.doc

100 Day Report on the War on Terrorism
Today is the 100th day of the war on terrorism. Attached is the final report on the first 100 days of the war that the White House will release shortly. Please launch to your various lists immediately. Thanks.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_YL8I4003_WHO.TXT>
"WE ARE SUPPORTED BY THE COLLECTIVE WILL OF THE WORLD."

PRESIDENT GEORGE W. BUSH

THE COALITION INFORMATION CENTERS

WASHINGTON, U.S.A
LONDON, U.K.
ISLAMABAD, PAKISTAN
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EXECUTIVE SUMMARY

"The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them."

-President George W. Bush, 10/11/01

On September 11, terrorists attacked freedom.

The world has responded with an unprecedented coalition against international terrorism. In the first 100 days of the war, President George W. Bush increased America's homeland security and built a worldwide coalition that:

- Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.
- Disrupted al-Qaeda's global operations and terrorist financing networks.
- Destroyed al-Qaeda terrorist training camps.
- Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.
- Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans - including women.

President Bush is implementing a comprehensive and visionary foreign policy against international terrorism. The President's policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

Diplomacy. President Bush has built a worldwide coalition against terrorism. More than 80 countries suffered losses on September 11; 136 countries have offered a diverse range of military assistance; 46 multilateral organizations have declared their support; and with U.S. leadership and international support, Afghans are putting aside long-standing ethnic and political differences to form a new and representative government.

Terrorist Finances. The President fired the first shot in the war on terrorism with the stroke of his pen to seize terrorist financial assets and disrupt their fundraising pipelines. The world financial community is moving to starve the terrorists of their financial support. 196 countries support the financial war on terror; 142 countries have acted to freeze terrorist assets; in the U.S. alone, the assets of 153 known terrorists, terrorist organizations, and terrorist financial centers have been frozen; and major terrorist financial networks have been closed down.

The Military Campaign. Operation Enduring Freedom began on October 7, 2001, and enjoys the support of countries from the United Kingdom to Australia to Japan. The Taliban have been forced to surrender major cities. The military has destroyed 11 terrorist training camps and 39 Taliban command and control sites. And al-Qaeda terrorists have been captured, killed or are on the run.

Law Enforcement. The U.S. has led a global dragnet to help bring terrorists to justice and
help prevent future terrorist acts, creating the Foreign Terrorist Tracking Task Force to
prevent terrorists from entering the U.S.; arresting and indicting known terrorists; increasing
the global sharing of law enforcement information; and implementing tough new anti-
terrorism laws.

Humanitarian. As Afghanistan’s largest humanitarian donor, the U.S. has increased its aid to
the Afghan people by providing $187 million in aid since October alone, including food,
shelter, blankets, and medical supplies. The President also launched the America’s Fund for
Afghan Children that has already raised more than $1.5 million for the children of
Afghanistan. As the harsh Afghan winter approaches, the U.S. commitment to the Afghan
people is saving lives.

Homeland Security. President Bush has taken steps to help protect America against further
terrorist attacks, providing $20 billion for homeland security; strengthening intelligence
efforts; creating the Office of Homeland Security and the Homeland Security Council;
implementing tough new airline security measures; and taking steps to protect America’s
mail.

Helping the Survivors of September 11. The American people have responded with
overwhelming compassion for the families of the victims of September 11, donating at least
$1.3 billion to charities.

Respecting Islam. Almost immediately after the attacks the President took steps to protect
Muslim-Americans from hate crimes. The President also held a series of events, including
hosting the first-ever White House Iftar and an Eid event at the end of Ramadan; the
President visited the Islamic Center; and the President created the “Friendship Through
Education” initiative to bring American and Muslim children closer together.
THE TRAGEDY OF SEPTEMBER 11

"Every one of the victims who died on September 11th was the most important person on earth to somebody."

--President George W. Bush, 12/11/01

On September 11 the terrorists committed an act of war against the innocent. The terrorists killed not only to end lives -- they killed to end our way of life. Recently the terrorists said that we should forget the attacks of September 11. The terrorists would like nothing more than to silence the world’s vocal opposition to their frightening vision they hope to export to every corner of the world.

The world will never forget the innocent victims, and the brave heroes who died attempting to save them. The world will never forget the survivors, the devastated families and the grieving friends they left behind:

♦ More than 3,000 people died or remain missing following the attacks. They came from more than 80 different nations, from many different races and religions.
♦ 343 firefighters and paramedics perished at the World Trade Center.
♦ 23 police officers and 37 Port Authority police officers died at the World Trade Center.
♦ Approximately 2,000 children lost a parent on September 11, including 146 children who lost a parent in the Pentagon attacks.
♦ One business alone lost more than 700 employees, leaving at least 50 pregnant widows.

On December 11, more than 120 countries stood together to remember the three-month anniversary of the terrorist attacks.

THESE NATIONS & AREAS SUFFERED LOSSES FROM THE SEPTEMBER 11 ATTACKS

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THE AL-QAEDA VISION FOR THE WORLD

THE WAR ON TERRORISM - THE FIRST 100 DAYS
"...we calculated in advance the number of casualties from the enemy, who would be killed based on the position of the tower. We calculated that the floors that would be hit would be three or four floors. I was the most optimistic of them all...due to my experience in this field, I was thinking that the fire from the gas in the plane would melt the iron structure of the building and collapse the area where the plane hit and all the floors above it only. This is all that we had hoped for."

--bin Laden

"This new enemy seeks to destroy our freedom and impose its views. We value life; the terrorists ruthlessly destroy it. We value education; the terrorists do not believe women should be educated or should have health care, or should leave their homes. We value the right to speak our minds; for the terrorists, free expression can be grounds for execution. We respect people of all faiths and welcome the free practice of religion; our enemy wants to dictate how to think and how to worship even to their fellow Muslims."

--President George W. Bush, 11/8/01

Al-Qaeda is a movement defined by hatred. They hate progress, and freedom, and choice, and culture, and music, and laughter, and women, and Christians, and Jews, and all Muslims who reject their distorted doctrines. They love and worship only one thing, and that is power -- power they use without mercy to kill the innocent.

In Afghanistan, we have seen al-Qaeda's vision for the world. The leadership of al-Qaeda had great influence in Afghanistan and was supported by the Taliban regime. Afghanistan's people have been brutalized -- many are starving and many have fled. Women were not allowed to attend school. A person could be jailed for owning a television. Religion could be practiced only as their leaders dictated. A man could be jailed in Afghanistan if his beard was not long enough.

The al-Qaeda terrorists believe it is acceptable to steal food meant for starving, innocent families. The al-Qaeda philosophy says it is acceptable to use innocent people as human shields for their military operations. The al-Qaeda philosophy says it is acceptable to oppress women and doom them to a lifetime of poverty.

♦ Treatment of Women & Children. First Lady Laura Bush led a worldwide initiative to highlight the Taliban’s oppression of women. Before the Taliban, women played a key role in society. Then came al-Qaeda and their destruction of the Afghan family. The al-Qaeda-controlled Taliban regime especially targeted Afghan women and children, taking away their basic freedoms, splintering their families, putting their lives at risk, and relegating them to poverty. For example, the Taliban forbade the schooling for girls over the age of eight; shut down the women’s university; banned women from working (stripping a society in desperate need of trained professionals of half its assets); restricted access to medical care for women; brutally enforced a restrictive dress code; forbade women from moving about their communities freely; and beat women for laughing out loud. The First Lady led a worldwide initiative to highlight the Taliban’s oppression of women which helped lead to representation of women in the new interim government.

♦ Targeting Civilians. Al Qaeda and the Taliban regime have targeted civilians by literally using them as human shields for their military activities. For example, the November 6
Washington Post reports that the Taliban actually placed military assets in mosques and across the street from hospitals and innocent people’s homes. Taliban commanders have also hijacked humanitarian aid facilities for military purposes. A senior officer told the Washington Post, “Whole villages are being used as human shields by the Taliban to protect their large stockpiles of ammunition and weapons hidden in nearby caves.”

♦ **Humanitarian Crimes.** The al-Qaeda and Taliban contribution to the starving Afghan people has been a deliberate and systematic campaign to disrupt the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. For example, the Taliban seized control of two U.N. World Food Program (WFP) warehouses, one in Kabul, and one in Kandahar, containing more than half the World Food Program’s wheat supply for Afghanistan. The WFP in Kandahar had been feeding 150,000 Afghans a month before the Taliban seizure. The Taliban are also actually hijacking humanitarian convoys for military purposes. The November 6 Washington Post reports, “A truck in a convoy purportedly on a humanitarian mission to deliver food tipped over, and crates of tank and mortar shells could be seen spilling to the ground underneath a thin layer of flour.”

♦ **Al Qaeda & the Drug Trade.** Osama bin Laden and his organization finance many of their terrorist activities through the drug trade. In fact, on October 25, 2001, The Herald (Glasgow) reported, “Osama bin Laden financed the development of a highly-addictive liquid heroin which he named ‘The tears of Allah’ as part of his multi-pronged terrorist campaign to destabilise western society... One source said yesterday: ‘It should be called the Devil’s Brew rather than Allah’s tears. It is a one-way ticket to addiction and death.’” The United Nations has also weighed in on the Taliban and al Qaeda connection to the drug trade. According to a U.N. Committee of Experts report on Resolution 1333 (May 2001), “Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.”

---

**DIPLOMACY**

"The message to every country is, there will be a campaign against terrorist activity, a worldwide campaign. And there is an outpouring of support for such a campaign. Freedom-loving people understand that terrorism knows no borders, that terrorists will strike in order to bring fear, to try to change the behavior of countries that love liberty. And we will not let them do that."

---

President George W. Bush, 9/19/01
Since September 11, President Bush and Secretary of State Colin Powell have built a worldwide coalition for the war against terrorism. The coalition is stronger than ever and continues to grow.

♦ Since September 11, President Bush has met with leaders from at least 51 different countries to help build support for the war against terrorism.

♦ 136 countries have offered a range of military assistance.

♦ The U.S. has received 46 multilateral declarations of support from organizations.

♦ The U.N. General Assembly and Security Council condemned the attacks on September 12.

♦ NATO, OAS and ANZUS (Australia, New Zealand and the U.S.) quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory.

♦ 142 countries have issued orders freezing the assets of suspected terrorists and organizations.

♦ 89 countries have granted over-flight authority for U.S. military aircraft.

♦ 76 countries have granted landing rights for U.S. military aircraft.

♦ 23 countries have agreed to host U.S. forces involved in offensive operations.

♦ Through intelligence cooperation with many nations, we are acquiring evidence against those responsible for the attacks of September 11 and we are better able to prevent future attacks.

♦ With U.S. leadership and with international support, Afghans have put aside long-standing ethnic and political differences to form a new interim government, naming a president and 29 ministers with portfolio. The new government will also include women, who have been oppressed by the Taliban regime.

♦ On December 11, more than 120 nations around the world answered President Bush’s call to reject terrorism and commemorate the victims of the September 11 attacks by holding remembrance ceremonies.

♦ The United States and several other allies have reopened embassies in Kabul.

♦ The President was joined by U.N. Secretary General Kofi Annan on November 11 for a memorial service honoring the citizens of all the countries killed in the World Trade Center.
"We put the world's financial institutions on notice: if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America."

--President George W. Bush, 11/7/01

Terrorists need money to carry out their evil deeds. The President's first strike in the war against terror was not with a gun or a missile - the President's first strike was with his pen as he took action to freeze terrorist finances and disrupt their pipelines for raising and moving money in the future.

The world's financial institutions have been put on notice -- if you support, sponsor, or do business with terrorists, you will not do business with the United States. Denying terrorists access to funds is a very real success in the war on terrorism. Since September 11, the United States and its allies in the war on terrorism have been winning the war on the financial front:

♦ President Bush launched the first offensive in the war on terrorism on September 23 by signing an Executive Order freezing the U.S.-based assets of those individuals and organizations involved with terrorism.

♦ 196 countries and jurisdictions have expressed their support for the financial war on terror.

♦ 142 countries have issued orders freezing terrorist assets, and others have requested U.S. help in improving their legal and regulatory systems so they can more effectively block terrorist funds.

♦ The assets of at least 153 known terrorists, terrorist organizations, and terrorist financial centers have now been frozen in the U.S. financial system.

♦ Since September 11, the U.S. has blocked more than $33 million in assets of terrorist organizations. Other nations have also blocked another $33 million.

♦ On November 7, the U.S. and its allies closed down operations of two major financial networks - al-Barakaat and al-Taqwa - both of which were used by al-Qaeda and Osama Bin Laden as sources of income and mechanisms to transfer funds.

♦ On December 4, President Bush froze the assets of a U.S.-based foundation - The Holy Land Foundation for Relief and Development -- that has been funneling money to the terrorist organization Hamas.

♦ The U.S. government created three new organizations -- the Foreign Terrorist Asset Tracking Center (FTAT), Operation Green Quest and the Terrorist Financing Task Force. These new organizations will help facilitate information sharing between intelligence and law enforcement agencies and encourage other countries to identify, disrupt, and defeat
terrorist financing networks.

- International organizations are key partners in the war on financial terrorism. On September 28, the United Nations Security Council passed resolution 1373 that requires all nations to keep their financial systems free of terrorist funds.

- The Financial Action Task Force -- a 29-nation group promoting policies to combat money laundering -- adopted strict new standards to deny terrorist access to the world financial system.

- The G-20 and IMF member countries have agreed to make public the list of terrorists whose assets are subject to freezing, and the amount of assets frozen.
THE MILITARY CAMPAIGN

"I said to the Taliban, turn them over, destroy the camps, free people you're unjustly holding. I said, you've got time to do it. But they didn't listen. They didn't respond, and now they're paying a price. They are learning that anyone who strikes America will hear from our military, and they're not going to like what they hear. In choosing their enemy, the evildoers and those who harbor them have chosen their fate."

--President George W. Bush, 10/17/01

Operation Enduring Freedom, the military phase, began October 7, 2001. Since then, coalition forces have liberated the Afghan people from the repressive and violent Taliban regime. As President Bush and Secretary of Defense Donald Rumsfeld have said, this is a different kind of war against a different kind of enemy. The enemy is not a nation -- the enemy is terrorist networks that threaten the way of life of all peaceful people.

The war against terrorism is the first war of the 21st Century -- and it requires a 21st Century military strategy. Secretary Rumsfeld has worked with our coalition allies and the courageous men and women of the U.S. military to craft a cutting-edge military strategy that minimizes civilian casualties, partners with local forces, and brings destruction to the oppressive Taliban who supported the al-Qaeda terrorist network.

The coalition has achieved broad military success while putting fewer than 3,000 U.S. ground troops on the ground in Afghanistan. And Secretary Rumsfeld and the U.S. military have also shown a lightning quick ability to adapt to a distant, harsh and ever-changing battlefield. In some cases, U.S. troops are conquering terrorists by welding together 21st Century technology with 19th Century tactics. Troops have chased terrorists on horseback while using mobile phones and global positioning systems to pinpoint targets for the Air Force. Bombers today use 21st Century targeting technology, and laser-guided and GPS guided smart bombs to destroy specific targets, including centuries-old caves used as terrorist headquarters.

While we've achieved a great deal of military success, much dangerous and difficult work remains to be done before the war on terrorism is won. A few key military successes thus far in the war on terrorism include:

♦ In just weeks the military essentially destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.

♦ Taliban leaders have surrendered major cities to opposition forces, including Kandahar, Kabul, Kunduz, and Mazar-e-Sharif.

♦ The military has destroyed at least 11 terrorist training camps and 39 Taliban command and control sites. The Wall Street Journal reported on December 13 that as many as 50,000 terrorists from more than 50 countries may have received training in al-Qaeda camps in Afghanistan in recent years.

♦ About 2.5 million humanitarian rations have been dropped to aid the people of

THE WAR ON TERRORISM - THE FIRST 100 DAYS

11
U.S. Marines have established a military base at Kandahar airport.

Routes are being blocked to try to prevent the escape of al-Qaeda and Taliban members.

Senior al-Qaeda and Taliban officials have either been captured or killed.

The U.S. military rescued two American Christian aid workers who were being held as prisoners by the Taliban.

Friendship Bridge between Afghanistan and Uzbekistan was reopened to transport humanitarian aid by land.

Minefields and roads are being cleared to ensure delivery of aid and freedom of movement.

Leaflet drops and radio broadcasts continue daily to convey our determination, provide truthful information, and encourage the capture of Osama bin Laden.

The military action in Afghanistan represents a global coalition effort. In addition to the United States, military assets are being deployed from many other nations, including the United Kingdom, Australia, Canada, Czech Republic, France, Germany, Italy, Japan, New Zealand, Poland, Russia and Turkey.
"Terrorists try to operate in the shadows. They try to hide. But we're going to shine the light of justice on them. We list their names, we publicize their pictures, we rob them of their secrecy. Terrorism has a face, and today we expose it for the world to see."

--President George W. Bush, 10/10/01

The U.S. is leading a global dragnet to help bring terrorists to justice and help prevent future terrorist acts.

Prevention and Investigation:

♦ As of December 17, 460 individuals were being detained by the INS. 116 individuals, 77 of whom are in custody, are facing federal criminal charges -- including Zacarias Moussaoui who has been charged with conspiring with Osama bin Laden and al-Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania.

♦ The Department of Justice (DOJ) created the new 22 "Most Wanted Terrorists" list.

♦ The FBI created a national task force to centralize control and information sharing resulting in hundreds of thousands of leads, over 500 searches, thousands of interviews of witnesses, and numerous court-authorized surveillance orders.

♦ The U.S. government has offered a reward of up to $25 million for information leading directly to the apprehension or conviction of Osama bin Laden.

♦ The Treasury Department and the Department of Justice collaborated to freeze the assets and accounts of 62 individuals and organizations connected with two terrorist-supporting financial networks, the al-Taqua and the al-Barakaat, and one organization funneling money to Hamas.

♦ The Department of State strengthened its "Rewards for Justice Program" which authorizes the Secretary of State to offers rewards of more than $5 million for information that prevents acts of international terrorism against the United States. The State Department has also launched a series of Public Service Announcements to educate the American public on the program.

♦ Improved information sharing between the law-enforcement and intelligence communities, allowing nationwide search warrants for e-mail and subpoenas for payment information, and to place those who access the Internet through cable companies on the same footing as everyone else.

♦ At the Attorney General's request, the State Department designated 39 entities as terrorist organizations.
The U.S. has forged new cooperative agreements with Canada to protect our common borders and the economic prosperity they sustain.

Created 93 Anti-Terrorism Task Forces -- one in each U.S. Attorney's district -- to integrate the communications and activities of local, state and federal law enforcement.

Created the Foreign Terrorist Tracking Task Force to focus on preventing terrorists from entering the country, and to locate and remove those who already have.

The Department of Justice crafted a new reorganization plan -- Reorganization and Mobilization of the Nation's Justice and Law Enforcement Resources -- which is DOJ's strategy for fiscal years 2001 to 2006 to help meet the new anti-terrorism mission.

Reorganization of the Immigration and Naturalization Service (INS) to reform the agency's structure by separating its service and enforcement functions. Fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system.

The Department of Justice launched the Responsible Cooperators Program. Justice will provide immigration benefits to non-citizens who furnish information to help apprehend terrorists or to stop terrorist attacks.

INS arrested Mazen Al Najjar after he was ordered to be deported for violating his visa, had established ties to terrorist organizations and held leadership positions in the Islamic Concern Project and the World and Islam Studies Enterprise.

Zayd Hassan Abd Al-Latif Masud Al Safarini was arrested for his indictment in 1991 for the September 5, 1986, hijacking of Pan American World Airways Flight 73, demonstrating DOJ's commitment to track down terrorists no matter how long it takes.

Civil Rights:

The President moved swiftly to protect Muslims from hate crimes and the Department of Justice followed his lead by having their Civil Rights Division sponsor community forums in Chicago, Illinois, and Dearborn, Michigan, on combating ethnically motivated violence as a result of the September 11th terrorist attacks.

Attorney General John Ashcroft and AAG for Civil Rights Ralph F. Boyd, Jr. have met with 29 prominent leaders from the Arab and Muslim American and Sikh communities and underscored DOJ's strong commitment to investigate and prosecute violators of federal hate crime laws.

The Department of Justice, the U.S. Equal Opportunity Commission and the Department of Labor issued a joint statement against employment discrimination in the aftermath of September 11.

Investigating approximately 300 incidents involving violence, or threats of violence against individuals perceived to be of Middle Eastern origin. Federal charges have been brought in 6 cases, coordinating with local prosecutors in at least ten instances where cases are being
Prosecuted locally.

Victim Relief:

- Provided approximately $52 million in assistance to victims and their families and $10 million in emergency assistance to the NYPD.
"Ultimately, one of the best weapons, one of the truest weapons that we have against terrorism is to show the world the true strength of character and kindness of the American people. Americans are united in this fight against terrorism. We’re also united in our concern for the innocent people of Afghanistan."

President George W. Bush, 10/11/01

The humanitarian situation in Afghanistan remains dire. Millions face the threat of starvation. 70% of the Afghan people and ½ of all Afghan children are malnourished. Only 13% of the Afghan people have access to clean water.

Years of civil war -- compounded by the rule of the Taliban and the worst drought in 30 years -- have made matters worse. The Taliban were clearly more interested in protecting al-Qaeda than feeding the starving, innocent people of Afghanistan. Al-Qaeda and the Taliban have not only failed to provide security, food, and shelter for the Afghan people, but they have also disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. Among other things, the Taliban have seized and looted humanitarian supplies for themselves, and have harassed and beaten Afghan and international aid workers.

The typically harsh Afghan winter is arriving and the U.S., with its international partners, is doing everything it can to help bring hope to the innocent Afghans who have suffered under the brutal and oppressive al-Qaeda and Taliban regime:

♦ Even before September 11, the U.S. was the leading humanitarian aid donor for Afghanistan.

♦ Last fiscal year the U.S. provided $183 million of humanitarian assistance alone to Afghanistan.

♦ Since the beginning of October alone, the U.S. has provided more than $187 million in humanitarian assistance to Afghanistan.

♦ On October 10, USAID Administrator Natsios announced a five-point assistance strategy for Afghanistan: reduce death rates; minimize population movements; lower and then stabilize food prices; ensure that aid reaches those it is intended for; and begin developmental relief programs.

♦ As of mid-December the international community, led by the U.S., has delivered 127,368 metric tons (MT) of food aid to Afghanistan, using, trucks, boats, barges, aircraft, and thousands of people to overcome numerous logistical and security obstacles. (For context, 52,000 MT of food will feed approximately six million people for one month.)

♦ Between October 7 and December 13, the Department of Defense airdropped 2,423,700 Humanitarian Daily Rations (HDRs) to Afghans who could not be reached by relief workers.
because of ongoing conflict. The entire operation cost approximately $51 million.

° The President announced the creation of the America’s Fund for Afghan Children. The President asked American children to send $1 dollar -- or whatever they can afford -- to the Fund to help buy important humanitarian supplies. America’s children have donated more than $1.5 million thus far to the Fund. The first shipment of humanitarian goods purchased from this fund left the U.S. for the Afghan children on Sunday, December 9.

° The government has provided more than $62 million in grants to support relief activities in Afghanistan. The programs include supporting agriculture, rehabilitating water resources, funding health services, repairing shelters, and providing critical non-food items such as blankets, tents and kitchen sets. Additional grants have funded UN coordination efforts and a radio program to provide humanitarian and security information to Afghans in their home languages.

° USAID has provided funding for wool blankets and quilts, shelter kits, plastic sheeting and winterized tents. Further, USAID is distributing mattresses, clothes, stoves, cooking sets, firewood, coal, lanterns and water containers.

° The government has provided medical kits and funds for health centers and mobile clinics in Afghanistan and is sponsoring public heath education and programs on hygiene, obstetrics, maternal and childcare, and malnutrition. USAID is employing trained personnel to conduct educational outreach on basic health and nutrition, especially to women. USAID is helping expectant mothers, training local birth attendants and funding the distribution of vitamins and the immunization of young children.

° The government has provided funds for rehabilitation and reconstruction in the areas of housing, roads and bridges, wells and irrigation systems, agriculture and food security, and initiating “food for work” and “food for cash” initiatives.

° USAID has funded six airlifts of critical commodities to Afghanistan. The airlifts have provided shelter materials, tents, health supplies and high-energy food items for vulnerable people in Afghanistan.

° The State Department has provided $32,260,000 to relief agencies to assist Afghan refugees in Pakistan, Iran and other neighboring countries. The grants also provide funds to assist refugees attempting to return to their homes in Afghanistan.

° The government has sent Disaster Assistance Response Team (DART) personnel to Pakistan, Uzbekistan, Turkmenistan and Tajikistan to ensure that relief efforts are effective and well coordinated.
RESPECTING ISLAM

“The Islam that we know is a faith devoted to the worship of one God, as revealed through The Holy Qu’ran. It teaches the value and importance of charity, mercy, and peace.”

--President George W. Bush, 11/15/01

The United States is a nation of religious freedom, and the President has acted to ensure that the world’s Muslims -- from Dearborn, Michigan to Kabul, Afghanistan -- know that America appreciates and celebrates the rich traditions of Islam:

♦ At the national prayer service following the September 11 attacks, the President included religious leaders from many faiths, including an Imam from the Islamic Society of North America. Subsequently the President hosted an interfaith meeting on September 20 with leaders of different religious denominations to pray jointly for the victims of the September 11 tragedies and called for national reconciliation.

♦ Soon after the terrorist attacks, the President visited the Islamic Center of Washington to meet with American Muslim leaders and deliver a message of tolerance and solidarity. The President condemned unwarranted attacks on Americans of Muslim faith, and urged Americans to show their support for their Muslim friends.

♦ President Bush launched the “Friendship Through Education” initiative, encouraging children in America and children in Muslim nations to connect through email, letter writing, and different friendship and understanding projects. The President wants this initiative to help youths from different societies deepen their understanding of each others’ traditions and outlooks.

♦ For Ramadan, on November 19 President Bush hosted the first-ever Iftar -- or breaking-of-the-fast -- dinner at the White House, which included the ambassadors from nations with Muslim populations. The President also issued a warm greeting to Muslims around America and around the world with a special Ramadan message.

♦ The State Department asked U.S. embassies in Muslim countries to host Iftar dinners and many members of his administration also held their own celebrations. Secretary of State Colin Powell, Attorney General John Ashcroft, and Deputy Secretary of Defense Paul Wolfowitz all participated in Iftar dinners.

♦ On December 17, President Bush hosted Muslim children at the White House in honor of Eid al-Fitr, Islam’s most sacred holiday. He read an Eid book to the children and hosted them for cookies and punch as well as delivering a present to each child in the tradition of Eid. The President also issued a taped Eid message and read an Eid greeting.

♦ Secretary of Energy Spencer Abraham recognized Americans for acts of compassion following the September 11th attacks -- he honored, for example, a church that started an escort service for Muslim women who wear the hijab, and a citizen who created a fund to
assist low-income Muslim victims of hate-inspired vandalism. Secretary Abraham will also launch a series of public service announcements further promoting tolerance.
President Bush has taken action to help protect America against terrorist attacks. The government is working around the clock to protect Americans. Among many other steps:

- The President worked with Congress to provide $20 billion to promote homeland security, including funds to upgrade intelligence and security, provide recovery assistance to disaster sites, help victims’ families, increase numbers of law enforcement personnel, provide health care for displaced Americans, and purchase irradiation equipment to sanitize the mail.

- The President established the Office of Homeland Security -- under the diligent guidance of Governor Tom Ridge -- and the Homeland Security Council to coordinate, and implement the Executive Branch’s efforts to detect, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

- The President moved to implement tough new airline security standards that tighten background checks for airline screeners and workers, dramatically expands the federal air marshal program, creates strict new baggage security requirements, and tightens security in all areas of airports.

- The President established an advisory committee for cyber security to ensure that America’s key infrastructures are protected. The advisory committee is a public/private partnership.

- The Administration has strengthened coordination between law enforcement agencies of the U.S. and neighboring countries to address common threats while ensuring the free flow of goods and people.

- The Food and Drug Administration has enhanced the food screening process of imported foods.

- The Department of Health and Human Services created the Office of Public Health Preparedness, to coordinate the national response to public health emergencies.

- Public health professionals provided antibiotics to more than 30,000 people to protect against their possible exposure to anthrax.

- HHS increased the supply of drug caches around the country, added specific use drugs, and began to increase the supply of small pox vaccine to 300 million.

- The President created a Presidential Task force to help Americans prepare in their homes,
neighborhoods, schools, and other public places from the consequences of terrorist attacks.

- The Centers for Disease Control and the U.S. Postal Service provided guidelines on how to handle mail that had potentially come into contact with anthrax.

- EPA has worked with water utilities, chemical, pesticide, petroleum and fertilizer manufacturers to increase their vigilance and secure their resources against an attack.
THE SURVIVORS OF SEPTEMBER 11

"It is said that adversity introduces us to ourselves. This is true of a nation as well. In this trial, we have been reminded, and the world has seen, that our fellow Americans are generous and kind, resourceful and brave. We see our national character in rescuers working past exhaustion; in long lines of blood donors; in thousands of citizens who have asked to work and serve in any way possible."

--President’s Remarks at National Day of Prayer and Remembrance, 9/14/01

Every one of the victims who died on September 11th was the most important person on earth to somebody. The American people have responded to the tragedies of September 11 with an unprecedented outpouring of support for their fellow Americans who lost so much on September 11:

♦ While it is impossible to catalog every penny of contributions, at least $1.3 billion has been collected in aid for families of both civilian and uniformed victims of the September 11th terrorist attacks.

♦ There are many relief organizations collecting aid to distribute to the families of the thousands of victims from the September 11th terrorist attacks. Examples include the Twin Towers Orphan fund, the Pentagon Assistance Fund, the WTC School Fund, the Washington Redskins Relief Fund, the Dole-Clinton Families of Freedom Scholarship Fund, and funds established by the United Jewish Communities, Catholic Charities, the Burn Center at the Washington Hospital Center, and many, many more.

♦ The American Red Cross has raised over $647.4 million and has distributed over $217.7 million to the families of the victims of September 11th.

♦ The September 11th United Way Relief Fund has been working thoughtfully and deliberately to distribute $143 million in cash and services to help rebuild the lives of victims’ families and affected communities.

♦ On September 1, the entertainment industry came together in historic fashion to raise funds and raise the spirits of all who have been touched by the horrific tragedy that has struck America. Over $150 million was pledged through the United Way September 11th Telethon Fund, "America: Tribute to Heroes." By the end of the year, a total of $100 million in cash assistance will have been delivered to victims families through the Telethon Fund by the entertainment industry.

♦ New York City’s major human service organizations have joined forces under an umbrella group called the 9/11 United Services Group. At the urging of the New York State Attorney General, the group launched a confidential database, which will serve as a central clearinghouse for information on victims, survivors, financial needs, and the amounts of money and services provided by charities. This database enables the different charities to communicate with each other and track both the needs of the families of victims as well as the amount of assistance they are receiving.

THE WAR ON TERRORISM - THE FIRST 100 DAYS

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More than 100 people with ties to the Sept. 11 terror attacks will carry the Olympic torch as it makes its way to Salt Lake City for the Winter Games. The torch will be passed at the Pentagon on Friday, December 21, 2001.

The President announced www.libertyunites.org in the Rose Garden on September 18, 2001, and praised Americans for their outpouring of charitable relief support in the wake of September 11th.
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100 Day Report on the War on Terrorism
Today is the 100th day of the war on terrorism. Attatched is the final report on the first 100 days of the war that the White House will release shortly. Please launch to your various lists immediately. Thanks.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <F_YL8I4003_OA.TXT>
"WE ARE SUPPORTED BY THE COLLECTIVE WILL OF THE WORLD."

PRESIDENT GEORGE W. BUSH

THE COALITION INFORMATION CENTERS

WASHINGTON, U.S.A
LONDON, U.K.
ISLAMABAD, PAKISTAN
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EXECUTIVE SUMMARY

"The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them."

-President George W. Bush, 10/11/01

On September 11, terrorists attacked freedom.

The world has responded with an unprecedented coalition against international terrorism. In the first 100 days of the war, President George W. Bush increased America’s homeland security and built a worldwide coalition that:

♦ Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.
♦ Disrupted al-Qaeda’s global operations and terrorist financing networks.
♦ Destroyed al-Qaeda terrorist training camps.
♦ Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.
♦ Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans - including women.

President Bush is implementing a comprehensive and visionary foreign policy against international terrorism. The President’s policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

Diplomacy. President Bush has built a worldwide coalition against terrorism. More than 80 countries suffered losses on September 11; 136 countries have offered a diverse range of military assistance; 46 multilateral organizations have declared their support; and with U.S. leadership and international support, Afghans are putting aside long-standing ethnic and political differences to form a new and representative government.

Terrorist Finances. The President fired the first shot in the war on terrorism with the stroke of his pen to seize terrorist financial assets and disrupt their fundraising pipelines. The world financial community is moving to starve the terrorists of their financial support. 196 countries support the financial war on terror; 142 countries have acted to freeze terrorist assets; in the U.S. alone, the assets of 153 known terrorists, terrorist organizations, and terrorist financial centers have been frozen; and major terrorist financial networks have been closed down.

The Military Campaign. Operation Enduring Freedom began on October 7, 2001, and enjoys the support of countries from the United Kingdom to Australia to Japan. The Taliban have been forced to surrender major cities. The military has destroyed 11 terrorist training camps and 39 Taliban command and control sites. And al-Qaeda terrorists have been captured, killed or are on the run.

Law Enforcement. The U.S. has led a global dragnet to help bring terrorists to justice and
help prevent future terrorist acts, creating the Foreign Terrorist Tracking Task Force to prevent terrorists from entering the U.S.; arresting and indicting known terrorists; increasing the global sharing of law enforcement information; and implementing tough new anti-terrorism laws.

Humanitarian. As Afghanistan’s largest humanitarian donor, the U.S. has increased its aid to the Afghan people by providing $187 million in aid since October alone, including food, shelter, blankets, and medical supplies. The President also launched the America’s Fund for Afghan Children that has already raised more than $1.5 million for the children of Afghanistan. As the harsh Afghan winter approaches, the U.S. commitment to the Afghan people is saving lives.

Homeland Security. President Bush has taken steps to help protect America against further terrorist attacks, providing $20 billion for homeland security; strengthening intelligence efforts; creating the Office of Homeland Security and the Homeland Security Council; implementing tough new airline security measures; and taking steps to protect America’s mail.

Helping the Survivors of September 11. The American people have responded with overwhelming compassion for the families of the victims of September 11, donating at least $1.3 billion to charities.

Respecting Islam. Almost immediately after the attacks the President took steps to protect Muslim-Americans from hate crimes. The President also held a series of events, including hosting the first-ever White House Iftar and an Eid event at the end of Ramadan; the President visited the Islamic Center; and the President created the “Friendship Through Education” initiative to bring American and Muslim children closer together.
THE TRAGEDY OF SEPTEMBER 11

“Every one of the victims who died on September 11th was the most important person on earth to somebody.”

--President George W. Bush, 12/11/01

On September 11 the terrorists committed an act of war against the innocent. The terrorists killed not only to end lives -- they killed to end our way of life. Recently the terrorists said that we should forget the attacks of September 11. The terrorists would like nothing more than to silence the world’s vocal opposition to their frightening vision they hope to export to every corner of the world.

The world will never forget the innocent victims, and the brave heroes who died attempting to save them. The world will never forget the survivors, the devastated families and the grieving friends they left behind:

♦ More than 3,000 people died or remain missing following the attacks. They came from more than 80 different nations, from many different races and religions.
♦ 343 firefighters and paramedics perished at the World Trade Center.
♦ 23 police officers and 37 Port Authority police officers died at the World Trade Center.
♦ Approximately 2,000 children lost a parent on September 11, including 146 children who lost a parent in the Pentagon attacks.
♦ One business alone lost more than 700 employees, leaving at least 50 pregnant widows.

On December 11, more than 120 countries stood together to remember the three-month anniversary of the terrorist attacks.

THESE NATIONS & AREAS SUFFERED LOSSES FROM THE SEPTEMBER 11 ATTACKS

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THE AL-QAEDA VISION FOR THE WORLD

THE WAR ON TERRORISM - THE FIRST 100 DAYS
"...we calculated in advance the number of casualties from the enemy, who would be killed based on the position of the tower. We calculated that the floors that would be hit would be three or four floors. I was the most optimistic of them all...due to my experience in this field, I was thinking that the fire from the gas in the plane would melt the iron structure of the building and collapse the area where the plane hit and all the floors above it only. This is all that we had hoped for."

--bin Laden

"This new enemy seeks to destroy our freedom and impose its views. We value life; the terrorists ruthlessly destroy it. We value education; the terrorists do not believe women should be educated or should have health care, or should leave their homes. We value the right to speak our minds; for the terrorists, free expression can be grounds for execution. We respect people of all faiths and welcome the free practice of religion; our enemy wants to dictate how to think and how to worship even to their fellow Muslims."

--President George W. Bush, 11/8/01

Al-Qaeda is a movement defined by hatred. They hate progress, and freedom, and choice, and culture, and music, and laughter, and women, and Christians, and Jews, and all Muslims who reject their distorted doctrines. They love and worship only one thing, and that is power -- power they use without mercy to kill the innocent.

In Afghanistan, we have seen al-Qaeda's vision for the world. The leadership of al-Qaeda had great influence in Afghanistan and was supported by the Taliban regime. Afghanistan's people have been brutalized -- many are starving and many have fled. Women were not allowed to attend school. A person could be jailed for owning a television. Religion could be practiced only as their leaders dictated. A man could be jailed in Afghanistan if his beard was not long enough.

The al-Qaeda terrorists believe it is acceptable to steal food meant for starving, innocent families. The al-Qaeda philosophy says it is acceptable to use innocent people as human shields for their military operations. The al-Qaeda philosophy says it is acceptable to oppress women and doom them to a lifetime of poverty.

♦ Treatment of Women & Children. First Lady Laura Bush led a worldwide initiative to highlight the Taliban’s oppression of women. Before the Taliban, women played a key role in society. Then came al-Qaeda and their destruction of the Afghan family. The al-Qaeda-controlled Taliban regime especially targeted Afghan women and children, taking away their basic freedoms, splintering their families, putting their lives at risk, and relegating them to poverty. For example, the Taliban forbade the schooling for girls over the age of eight; shut down the women’s university; banned women from working (stripping a society in desperate need of trained professionals of half its assets); restricted access to medical care for women; brutally enforced a restrictive dress code; forbade women from moving about their communities freely; and beat women for laughing out loud. The First Lady led a worldwide initiative to highlight the Taliban’s oppression of women which helped lead to representation of women in the new interim government.

♦ Targeting Civilians. Al Qaeda and the Taliban regime have targeted civilians by literally using them as human shields for their military activities. For example, the November 6
Washington Post reports that the Taliban actually placed military assets in mosques and across the street from hospitals and innocent people's homes. Taliban commanders have also hijacked humanitarian aid facilities for military purposes. A senior officer told the Washington Post, “Whole villages are being used as human shields by the Taliban to protect their large stockpiles of ammunition and weapons hidden in nearby caves.”

- Humanitarian Crimes. The al-Qaeda and Taliban contribution to the starving Afghan people has been a deliberate and systematic campaign to disrupt the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. For example, the Taliban seized control of two U.N. World Food Program (WFP) warehouses, one in Kabul, and one in Kandahar, containing more than half the World Food Program’s wheat supply for Afghanistan. The WFP in Kandahar had been feeding 150,000 Afghans a month before the Taliban seizure. The Taliban are also actually hijacking humanitarian convoys for military purposes. The November 6 Washington Post reports, “A truck in a convoy purportedly on a humanitarian mission to deliver food tipped over, and crates of tank and mortar shells could be seen spilling to the ground underneath a thin layer of flour.”

- Al Qaeda & the Drug Trade. Osama bin Laden and his organization finance many of their terrorist activities through the drug trade. In fact, on October 25, 2001, The Herald (Glasgow) reported, “Osama bin Laden financed the development of a highly-addictive liquid heroin which he named ‘The tears of Allah’ as part of his multi-pronged terrorist campaign to destabilise western society. . . . One source said yesterday: ‘It should be called the Devil’s Brew rather than Allah’s tears. It is a one-way ticket to addiction and death.’” The United Nations has also weighed in on the Taliban and al Qaeda connection to the drug trade. According to a U.N. Committee of Experts report on Resolution 1333 (May 2001), “Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.”

DIPLOMACY

"The message to every country is, there will be a campaign against terrorist activity, a worldwide campaign. And there is an outpouring of support for such a campaign. Freedom-loving people understand that terrorism knows no borders, that terrorists will strike in order to bring fear, to try to change the behavior of countries that love liberty. And we will not let them do that."

--President George W. Bush, 9/19/01

THE WAR ON TERRORISM - THE FIRST 100 DAYS

7

REV_00087282
Since September 11, President Bush and Secretary of State Colin Powell have built a worldwide coalition for the war against terrorism. The coalition is stronger than ever and continues to grow.

♦ Since September 11, President Bush has met with leaders from at least 51 different countries to help build support for the war against terrorism.

♦ 136 countries have offered a range of military assistance.

♦ The U.S. has received 46 multilateral declarations of support from organizations.

♦ The U.N. General Assembly and Security Council condemned the attacks on September 12.

♦ NATO, OAS and ANZUS (Australia, New Zealand and the U.S.) quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory.

♦ 142 countries have issued orders freezing the assets of suspected terrorists and organizations.

♦ 89 countries have granted over-flight authority for U.S. military aircraft.

♦ 76 countries have granted landing rights for U.S. military aircraft.

♦ 23 countries have agreed to host U.S. forces involved in offensive operations.

♦ Through intelligence cooperation with many nations, we are acquiring evidence against those responsible for the attacks of September 11 and we are better able to prevent future attacks.

♦ With U.S. leadership and with international support, Afghans have put aside long-standing ethnic and political differences to form a new interim government, naming a president and 29 ministers with portfolio. The new government will also include women, who have been oppressed by the Taliban regime.

♦ On December 11, more than 120 nations around the world answered President Bush’s call to reject terrorism and commemorate the victims of the September 11 attacks by holding remembrance ceremonies.

♦ The United States and several other allies have reopened embassies in Kabul.

♦ The President was joined by U.N. Secretary General Kofi Annan on November 11 for a memorial service honoring the citizens of all the countries killed in the World Trade Center.
"We put the world’s financial institutions on notice: if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America."

—President George W. Bush, 11/7/01

Terrorists need money to carry out their evil deeds. The President’s first strike in the war against terror was not with a gun or a missile - the President’s first strike was with his pen as he took action to freeze terrorist finances and disrupt their pipelines for raising and moving money in the future.

The world’s financial institutions have been put on notice -- if you support, sponsor, or do business with terrorists, you will not do business with the United States. Denying terrorists access to funds is a very real success in the war on terrorism. Since September 11, the United States and its allies in the war on terrorism have been winning the war on the financial front:

♦ President Bush launched the first offensive in the war on terrorism on September 23 by signing an Executive Order freezing the U.S.-based assets of those individuals and organizations involved with terrorism.

♦ 196 countries and jurisdictions have expressed their support for the financial war on terror.

♦ 142 countries have issued orders freezing terrorist assets, and others have requested U.S. help in improving their legal and regulatory systems so they can more effectively block terrorist funds.

♦ The assets of at least 153 known terrorists, terrorist organizations, and terrorist financial centers have now been frozen in the U.S. financial system.

♦ Since September 11, the U.S. has blocked more than $33 million in assets of terrorist organizations. Other nations have also blocked another $33 million.

♦ On November 7, the U.S. and its allies closed down operations of two major financial networks - al-Barakaat and al-Taqwa - both of which were used by al-Qaeda and Osama Bin Laden as sources of income and mechanisms to transfer funds.

♦ On December 4, President Bush froze the assets of a U.S.-based foundation - The Holy Land Foundation for Relief and Development -- that has been funneling money to the terrorist organization Hamas.

♦ The U.S. government created three new organizations -- the Foreign Terrorist Asset Tracking Center (FTAT), Operation Green Quest and the Terrorist Financing Task Force. These new organizations will help facilitate information sharing between intelligence and law enforcement agencies and encourage other countries to identify, disrupt, and defeat
terrorist financing networks.

- International organizations are key partners in the war on financial terrorism. On September 28, the United Nations Security Council passed resolution 1373 that requires all nations to keep their financial systems free of terrorist funds.

- The Financial Action Task Force -- a 29-nation group promoting policies to combat money laundering -- adopted strict new standards to deny terrorist access to the world financial system.

- The G-20 and IMF member countries have agreed to make public the list of terrorists whose assets are subject to freezing, and the amount of assets frozen.
"I said to the Taliban, turn them over, destroy the camps, free people you’re unjustly holding. I said, you’ve got time to do it. But they didn’t listen. They didn’t respond, and now they’re paying a price. They are learning that anyone who strikes America will hear from our military, and they’re not going to like what they hear. In choosing their enemy, the evildoers and those who harbor them have chosen their fate."

--President George W. Bush, 10/17/01

Operation *Enduring Freedom*, the military phase, began October 7, 2001. Since then, coalition forces have liberated the Afghan people from the repressive and violent Taliban regime. As President Bush and Secretary of Defense Donald Rumsfeld have said, this is a different kind of war against a different kind of enemy. The enemy is not a nation -- the enemy is terrorist networks that threaten the way of life of all peaceful people.

The war against terrorism is the first war of the 21st Century -- and it requires a 21st Century military strategy. Secretary Rumsfeld has worked with our coalition allies and the courageous men and women of the U.S. military to craft a cutting-edge military strategy that minimizes civilian casualties, partners with local forces, and brings destruction to the oppressive Taliban who supported the al-Qaeda terrorist network.

The coalition has achieved broad military success while putting fewer than 3,000 U.S. ground troops on the ground in Afghanistan. And Secretary Rumsfeld and the U.S. military have also shown a lightning quick ability to adapt to a distant, harsh and ever-changing battlefield. In some cases, U.S. troops are conquering terrorists by welding together 21st Century technology with 19th Century tactics. Troops have chased terrorists on horseback while using mobile phones and global positioning systems to pinpoint targets for the Air Force. Bombers today use 21st Century targeting technology, and laser-guided and GPS guided smart bombs to destroy specific targets, including centuries-old caves used as terrorist headquarters.

While we’ve achieved a great deal of military success, much dangerous and difficult work remains to be done before the war on terrorism is won. A few key military successes thus far in the war on terrorism include:

♦ In just weeks the military essentially destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.

♦ Taliban leaders have surrendered major cities to opposition forces, including Kandahar, Kabul, Kunduz, and Mazar-e-Sharif.

♦ The military has destroyed at least 11 terrorist training camps and 39 Taliban command and control sites. The Wall Street Journal reported on December 13 that as many as 50,000 terrorists from more than 50 countries may have received training in al-Qaeda camps in Afghanistan in recent years.

♦ About 2.5 million humanitarian rations have been dropped to aid the people of
Afghanistan.

◆ U.S. Marines have established a military base at Kandahar airport.

◆ Routes are being blocked to try to prevent the escape of al-Qaeda and Taliban members.

◆ Senior al-Qaeda and Taliban officials have either been captured or killed.

◆ The U.S. military rescued two American Christian aid workers who were being held as prisoners by the Taliban.

◆ Friendship Bridge between Afghanistan and Uzbekistan was reopened to transport humanitarian aid by land.

◆ Minefields and roads are being cleared to ensure delivery of aid and freedom of movement.

◆ Leaflet drops and radio broadcasts continue daily to convey our determination, provide truthful information, and encourage the capture of Osama bin Laden.

The military action in Afghanistan represents a global coalition effort. In addition to the United States, military assets are being deployed from many other nations, including the United Kingdom, Australia, Canada, Czech Republic, France, Germany, Italy, Japan, New Zealand, Poland, Russia and Turkey.
"Terrorists try to operate in the shadows. They try to hide. But we're going to shine the light of justice on them. We list their names, we publicize their pictures, we rob them of their secrecy. Terrorism has a face, and today we expose it for the world to see."

--President George W. Bush, 10/10/01

The U.S. is leading a global dragnet to help bring terrorists to justice and help prevent future terrorist acts.

Prevention and Investigation:

♦ As of December 17, 460 individuals were being detained by the INS. 116 individuals, 77 of whom are in custody, are facing federal criminal charges -- including Zacarias Moussaoui who has been charged with conspiring with Osama bin Laden and al-Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania.

♦ The Department of Justice (DOJ) created the new 22 "Most Wanted Terrorists" list.

♦ The FBI created a national task force to centralize control and information sharing resulting in hundreds of thousands of leads, over 500 searches, thousands of interviews of witnesses, and numerous court-authorized surveillance orders.

♦ The U.S. government has offered a reward of up to $25 million for information leading directly to the apprehension or conviction of Osama bin Laden.

♦ The Treasury Department and the Department of Justice collaborated to freeze the assets and accounts of 62 individuals and organizations connected with two terrorist-supporting financial networks, the al-Taqua and the al-Barakaat, and one organization funneling money to Hamas.

♦ The Department of State strengthened its "Rewards for Justice Program" which authorizes the Secretary of State to offers rewards of more than $5 million for information that prevents acts of international terrorism against the United States. The State Department has also launched a series of Public Service Announcements to educate the American public on the program.

♦ Improved information sharing between the law-enforcement and intelligence communities, allowing nationwide search warrants for e-mail and subpoenas for payment information, and to place those who access the Internet through cable companies on the same footing as everyone else.

♦ At the Attorney General’s request, the State Department designated 39 entities as terrorist organizations.
The U.S. has forged new cooperative agreements with Canada to protect our common borders and the economic prosperity they sustain.

Created 93 Anti-Terrorism Task Forces -- one in each U.S. Attorney's district -- to integrate the communications and activities of local, state and federal law enforcement.

Created the Foreign Terrorist Tracking Task Force to focus on preventing terrorists from entering the country, and to locate and remove those who already have.

The Department of Justice crafted a new reorganization plan -- Reorganization and Mobilization of the Nation's Justice and Law Enforcement Resources -- which is DOJ's strategy for fiscal years 2001 to 2006 to help meet the new anti-terrorism mission.

Reorganization of the Immigration and Naturalization Service (INS) to reform the agency's structure by separating its service and enforcement functions. Fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system.

The Department of Justice launched the Responsible Cooperators Program. Justice will provide immigration benefits to non-citizens who furnish information to help apprehend terrorists or to stop terrorist attacks.

INS arrested Mazen Al Najjar after he was ordered to be deported for violating his visa, had established ties to terrorist organizations and held leadership positions in the Islamic Concern Project and the World and Islam Studies Enterprise.

Zayd Hassan Abd Al-Latif Masud Al Safarini was arrested for his indictment in 1991 for the September 5, 1986, hijacking of Pan American World Airways Flight 73, demonstrating DOJ's commitment to track down terrorists no matter how long it takes.

Civil Rights:

The President moved swiftly to protect Muslims from hate crimes and the Department of Justice followed his lead by having their Civil Rights Division sponsor community forums in Chicago, Illinois, and Dearborn, Michigan, on combating ethnically motivated violence as a result of the September 11th terrorist attacks.

Attorney General John Ashcroft and AAG for Civil Rights Ralph F. Boyd, Jr. have met with 29 prominent leaders from the Arab and Muslim American and Sikh communities and underscored DOJ's strong commitment to investigate and prosecute violators of federal hate crime laws.

The Department of Justice, the U.S. Equal Opportunity Commission and the Department of Labor issued a joint statement against employment discrimination in the aftermath of September 11.

Investigating approximately 300 incidents involving violence, or threats of violence against individuals perceived to be of Middle Eastern origin. Federal charges have been brought in 6 cases, coordinating with local prosecutors in at least ten instances where cases are being
prosecuted locally.

Victim Relief:

- Provided approximately $52 million in assistance to victims and their families and $10 million in emergency assistance to the NYPD.
"Ultimately, one of the best weapons, one of the truest weapons that we have against terrorism is to show the world the true strength of character and kindness of the American people. Americans are united in this fight against terrorism. We're also united in our concern for the innocent people of Afghanistan."

President George W. Bush, 10/11/01

The humanitarian situation in Afghanistan remains dire. Millions face the threat of starvation. 70% of the Afghan people and ½ of all Afghan children are malnourished. Only 13% of the Afghan people have access to clean water.

Years of civil war -- compounded by the rule of the Taliban and the worst drought in 30 years -- have made matters worse. The Taliban were clearly more interested in protecting al-Qaeda than feeding the starving, innocent people of Afghanistan. Al-Qaeda and the Taliban have not only failed to provide security, food, and shelter for the Afghan people, but they have also disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. Among other things, the Taliban have seized and looted humanitarian supplies for themselves, and have harassed and beaten Afghan and international aid workers.

The typically harsh Afghan winter is arriving and the U.S., with its international partners, is doing everything it can to help bring hope to the innocent Afghans who have suffered under the brutal and oppressive al-Qaeda and Taliban regime:

♦ Even before September 11, the U.S. was the leading humanitarian aid donor for Afghanistan.

♦ Last fiscal year the U.S. provided $183 million of humanitarian assistance alone to Afghanistan.

♦ Since the beginning of October alone, the U.S. has provided more than $187 million in humanitarian assistance to Afghanistan.

♦ On October 10, USAID Administrator Natsios announced a five-point assistance strategy for Afghanistan: reduce death rates; minimize population movements; lower and then stabilize food prices; ensure that aid reaches those it is intended for; and begin developmental relief programs.

♦ As of mid-December the international community, led by the U.S., has delivered 127,368 metric tons (MT) of food aid to Afghanistan, using, trucks, boats, barges, aircraft, and thousands of people to overcome numerous logistical and security obstacles. (For context, 52,000 MT of food will feed approximately six million people for one month.)

♦ Between October 7 and December 13, the Department of Defense airdropped 2,423,700 Humanitarian Daily Rations (HDRs) to Afghans who could not be reached by relief workers.
because of ongoing conflict. The entire operation cost approximately $51 million.

♦ The President announced the creation of the America’s Fund for Afghan Children. The President asked American children to send $1 dollar -- or whatever they can afford -- to the Fund to help buy important humanitarian supplies. America’s children have donated more than $1.5 million thus far to the Fund. The first shipment of humanitarian goods purchased from this fund left the U.S. for the Afghan children on Sunday, December 9.

♦ The government has provided more than $62 million in grants to support relief activities in Afghanistan. The programs include supporting agriculture, rehabilitating water resources, funding health services, repairing shelters, and providing critical non-food items such as blankets, tents and kitchen sets. Additional grants have funded UN coordination efforts and a radio program to provide humanitarian and security information to Afghans in their home languages.

♦ USAID has provided funding for wool blankets and quilts, shelter kits, plastic sheeting and winterized tents. Further, USAID is distributing mattresses, clothes, stoves, cooking sets, firewood, coal, lanterns and water containers.

♦ The government has provided medical kits and funds for health centers and mobile clinics in Afghanistan and is sponsoring public health education and programs on hygiene, obstetrics, maternal and childcare, and malnutrition. USAID is employing trained personnel to conduct educational outreach on basic health and nutrition, especially to women. USAID is helping expectant mothers, training local birth attendants and funding the distribution of vitamins and the immunization of young children.

♦ The government has provided funds for rehabilitation and reconstruction in the areas of housing, roads and bridges, wells and irrigation systems, agriculture and food security, and initiating “food for work” and “food for cash” initiatives.

♦ USAID has funded six airlifts of critical commodities to Afghanistan. The airlifts have provided shelter materials, tents, health supplies and high-energy food items for vulnerable people in Afghanistan.

♦ The State Department has provided $32,260,000 to relief agencies to assist Afghan refugees in Pakistan, Iran and other neighboring countries. The grants also provide funds to assist refugees attempting to return to their homes in Afghanistan.

♦ The government has sent Disaster Assistance Response Team (DART) personnel to Pakistan, Uzbekistan, Turkmenistan and Tajikistan to ensure that relief efforts are effective and well coordinated.
RESPECTING ISLAM

"The Islam that we know is a faith devoted to the worship of one God, as revealed through The Holy Qu'ran. It teaches the value and importance of charity, mercy, and peace."

--President George W. Bush, 11/15/01

The United States is a nation of religious freedom, and the President has acted to ensure that the world’s Muslims -- from Dearborn, Michigan to Kabul, Afghanistan -- know that America appreciates and celebrates the rich traditions of Islam:

♦ At the national prayer service following the September 11 attacks, the President included religious leaders from many faiths, including an Imam from the Islamic Society of North America. Subsequently the President hosted an interfaith meeting on September 20 with leaders of different religious denominations to pray jointly for the victims of the September 11 tragedies and called for national reconciliation.

♦ Soon after the terrorist attacks, the President visited the Islamic Center of Washington to meet with American Muslim leaders and deliver a message of tolerance and solidarity. The President condemned unwarranted attacks on Americans of Muslim faith, and urged Americans to show their support for their Muslim friends.

♦ President Bush launched the “Friendship Through Education” initiative, encouraging children in America and children in Muslim nations to connect through email, letter writing, and different friendship and understanding projects. The President wants this initiative to help youths from different societies deepen their understanding of each others’ traditions and outlooks.

♦ For Ramadan, on November 19 President Bush hosted the first-ever Iftar -- or breaking-of-the-fast -- dinner at the White House, which included the ambassadors from nations with Muslim populations. The President also issued a warm greeting to Muslims around America and around the world with a special Ramadan message.

♦ The State Department asked U.S. embassies in Muslim countries to host Iftar dinners and many members of his administration also held their own celebrations. Secretary of State Colin Powell, Attorney General John Ashcroft, and Deputy Secretary of Defense Paul Wolfowitz all participated in Iftar dinners.

♦ On December 17, President Bush hosted Muslim children at the White House in honor of Eid al-Fitr, Islam’s most sacred holiday. He read an Eid book to the children and hosted them for cookies and punch as well as delivering a present to each child in the tradition of Eid. The President also issued a taped Eid message and read an Eid greeting.

♦ Secretary of Energy Spencer Abraham recognized Americans for acts of compassion following the September 11th attacks -- he honored, for example, a church that started an escort service for Muslim women who wear the hijab, and a citizen who created a fund to
assist low-income Muslim victims of hate-inspired vandalism. Secretary Abraham will also launch a series of public service announcements further promoting tolerance.
"We face a united, determined enemy. America is going to be prepared."

---President George W. Bush, 10/8/01

President Bush has taken action to help protect America against terrorist attacks. The government is working around the clock to protect Americans. Among many other steps:

- The President worked with Congress to provide $20 billion to promote homeland security, including funds to upgrade intelligence and security, provide recovery assistance to disaster sites, help victims’ families, increase numbers of law enforcement personnel, provide health care for displaced Americans, and purchase irradiation equipment to sanitize the mail.

- The President established the Office of Homeland Security -- under the diligent guidance of Governor Tom Ridge -- and the Homeland Security Council to coordinate, and implement the Executive Branch's efforts to detect, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

- The President moved to implement tough new airline security standards that tighten background checks for airline screeners and workers, dramatically expands the federal air marshal program, creates strict new baggage security requirements, and tightens security in all areas of airports.

- The President established an advisory committee for cyber security to ensure that America's key infrastructures are protected. The advisory committee is a public/private partnership.

- The Administration has strengthened coordination between law enforcement agencies of the U.S. and neighboring countries to address common threats while ensuring the free flow of goods and people.

- The Food and Drug Administration has enhanced the food screening process of imported foods.

- The Department of Health and Human Services created the Office of Public Health Preparedness, to coordinate the national response to public health emergencies.

- Public health professionals provided antibiotics to more than 30,000 people to protect against their possible exposure to anthrax.

- HHS increased the supply of drug caches around the country, added specific use drugs, and began to increase the supply of small pox vaccine to 300 million.

- The President created a Presidential Task force to help Americans prepare in their homes,
neighborhoods, schools, and other public places from the consequences of terrorist attacks.

♦ The Centers for Disease Control and the U.S. Postal Service provided guidelines on how to handle mail that had potentially come into contact with anthrax.

♦ EPA has worked with water utilities, chemical, pesticide, petroleum and fertilizer manufacturers to increase their vigilance and secure their resources against an attack.
THE SURVIVORS OF SEPTEMBER 11

"It is said that adversity introduces us to ourselves. This is true of a nation as well. In this trial, we have been reminded, and the world has seen, that our fellow Americans are generous and kind, resourceful and brave. We see our national character in rescuers working past exhaustion; in long lines of blood donors; in thousands of citizens who have asked to work and serve in any way possible."

--President's Remarks at National Day of Prayer and Remembrance, 9/14/01

Every one of the victims who died on September 11th was the most important person on earth to somebody. The American people have responded to the tragedies of September 11 with an unprecedented outpouring of support for their fellow Americans who lost so much on September 11:

♦ While it is impossible to catalog every penny of contributions, at least $1.3 billion has been collected in aid for families of both civilian and uniformed victims of the September 11th terrorist attacks.

♦ There are many relief organizations collecting aid to distribute to the families of the thousands of victims from the September 11th terrorist attacks. Examples include the Twin Towers Orphan fund, the Pentagon Assistance Fund, the WTC School Fund, the Washington Redskins Relief Fund, the Dole-Clinton Families of Freedom Scholarship Fund, and funds established by the United Jewish Communities, Catholic Charities, the Burn Center at the Washington Hospital Center, and many, many more.

♦ The American Red Cross has raised over $647.4 million and has distributed over $217.7 million to the families of the victims of September 11th.

♦ The September 11th United Way Relief Fund has been working thoughtfully and deliberately to distribute $143 million in cash and services to help rebuild the lives of victims’ families and affected communities.

♦ On September 1, the entertainment industry came together in historic fashion to raise funds and raise the spirits of all who have been touched by the horrific tragedy that has struck America. Over $150 million was pledged through the United Way September 11th Telethon Fund, “America: Tribute to Heroes.” By the end of the year, a total of $100 million in cash assistance will have been delivered to victims families through the Telethon Fund by the entertainment industry.

♦ New York City’s major human service organizations have joined forces under an umbrella group called the 9/11 United Services Group. At the urging of the New York State Attorney General, the group launched a confidential database, which will serve as a central clearinghouse for information on victims, survivors, financial needs, and the amounts of money and services provided by charities. This database enables the different charities to communicate with each other and track both the needs of the families of victims as well as the amount of assistance they are receiving.
More than 100 people with ties to the Sept. 11 terror attacks will carry the Olympic torch as it makes its way to Salt Lake City for the Winter Games. The torch will be passed at the Pentagon on Friday, December 21, 2001.

The President announced www.libertyunites.org in the Rose Garden on September 18, 2001, and praised Americans for their outpouring of charitable relief support in the wake of September 11th.
Sent: 12/20/2001 5:25:17 AM
Subject: 100 Day Report on the War on Terrorism
Attachments: F_YL8I4003_NSC.TXT_1.doc

100 Day Report on the War on Terrorism
Today is the 100th day of the war on terrorism. Attached is the final report on the first 100 days of the war that the White House will release shortly. Please launch to your various lists immediately. Thanks.
THE GLOBAL WAR ON TERRORISM

THE FIRST 100 DAYS

"WE ARE SUPPORTED BY THE COLLECTIVE WILL OF THE WORLD."

PRESIDENT GEORGE W. BUSH

THE COALITION INFORMATION CENTERS

WASHINGTON, U.S.A
LONDON, U.K.

THE WAR ON TERRORISM - THE FIRST 100 DAYS
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EXECUTIVE SUMMARY

"The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them."

-President George W. Bush, 10/11/01

On September 11, terrorists attacked freedom.

The world has responded with an unprecedented coalition against international terrorism. In the first 100 days of the war, President George W. Bush increased America’s homeland security and built a worldwide coalition that:

♦ Began to destroy al-Qaeda’s grip on Afghanistan by driving the Taliban from power.
♦ Disrupted al-Qaeda’s global operations and terrorist financing networks.
♦ Destroyed al-Qaeda terrorist training camps.
♦ Helped the innocent people of Afghanistan recover from the Taliban’s reign of terror.
♦ Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans - including women.

President Bush is implementing a comprehensive and visionary foreign policy against international terrorism. The President’s policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

Diplomacy. President Bush has built a worldwide coalition against terrorism. More than 80 countries suffered losses on September 11; 136 countries have offered a diverse range of military assistance; 46 multilateral organizations have declared their support; and with U.S. leadership and international support, Afghans are putting aside long-standing ethnic and political differences to form a new and representative government.

Terrorist Finances. The President fired the first shot in the war on terrorism with the stroke of his pen to seize terrorist financial assets and disrupt their fundraising pipelines. The world financial community is moving to starve the terrorists of their financial support. 196 countries support the financial war on terror; 142 countries have acted to freeze terrorist assets; in the U.S. alone, the assets of 153 known terrorists, terrorist organizations, and terrorist financial centers have been frozen; and major terrorist financial networks have been closed down.

The Military Campaign. Operation Enduring Freedom began on October 7, 2001, and enjoys the support of countries from the United Kingdom to Australia to Japan. The Taliban have been forced to surrender major cities. The military has destroyed 11 terrorist training camps
and 39 Taliban command and control sites. And al-Qaeda terrorists have been captured, killed or are on the run.

**Law Enforcement.** The U.S. has led a global dragnet to help bring terrorists to justice and help prevent future terrorist acts, creating the Foreign Terrorist Tracking Task Force to prevent terrorists from entering the U.S.; arresting and indicting known terrorists; increasing the global sharing of law enforcement information; and implementing tough new anti-terrorism laws.

**Humanitarian.** As Afghanistan’s largest humanitarian donor, the U.S. has increased its aid to the Afghan people by providing $187 million in aid since October alone, including food, shelter, blankets, and medical supplies. The President also launched the America's Fund for Afghan Children that has already raised more than $1.5 million for the children of Afghanistan. As the harsh Afghan winter approaches, the U.S. commitment to the Afghan people is saving lives.

**Homeland Security.** President Bush has taken steps to help protect America against further terrorist attacks, providing $20 billion for homeland security; strengthening intelligence efforts; creating the Office of Homeland Security and the Homeland Security Council; implementing tough new airline security measures; and taking steps to protect America’s mail.

**Helping the Survivors of September 11.** The American people have responded with overwhelming compassion for the families of the victims of September 11, donating at least $1.3 billion to charities.

**Respecting Islam.** Almost immediately after the attacks the President took steps to protect Muslim-Americans from hate crimes. The President also held a series of events, including hosting the first-ever White House iftar and an Eid event at the end of Ramadan; the President visited the Islamic Center; and the President created the “Friendship Through Education” initiative to bring American and Muslim children closer together.
THE TRAGEDY OF SEPTEMBER 11

“Every one of the victims who died on September 11th was the most important person on earth to somebody.”

--President George W. Bush, 12/11/01

On September 11 the terrorists committed an act of war against the innocent. The terrorists killed not only to end lives -- they killed to end our way of life. Recently the terrorists said that we should forget the attacks of September 11. The terrorists would like nothing more than to silence the world’s vocal opposition to their frightening vision they hope to export to every corner of the world.

The world will never forget the innocent victims, and the brave heroes who died attempting to save them. The world will never forget the survivors, the devastated families and the grieving friends they left behind:

♦ More than 3,000 people died or remain missing following the attacks. They came from more than 80 different nations, from many different races and religions.
♦ 343 firefighters and paramedics perished at the World Trade Center.
♦ 23 police officers and 37 Port Authority police officers died at the World Trade Center.
♦ Approximately 2,000 children lost a parent on September 11, including 146 children who lost a parent in the Pentagon attacks.
♦ One business alone lost more than 700 employees, leaving at least 50 pregnant widows.

On December 11, more than 120 countries stood together to remember the three-month anniversary of the terrorist attacks.

THESE NATIONS & AREAS SUFFERED LOSSES FROM THE SEPTEMBER 11 ATTACKS

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"...we calculated in advance the number of casualties from the enemy, who would be killed based on the position of the tower. We calculated that the floors that would be hit would be three or four floors. I was the most optimistic of them all...due to my experience in this field, I was thinking that the fire from the gas in the plane would melt the iron structure of the building and collapse the area where the plane hit and all the floors above it only. This is all that we had hoped for."

--bin Laden

"This new enemy seeks to destroy our freedom and impose its views. We value life; the terrorists ruthlessly destroy it. We value education; the terrorists do not believe women should be educated or should have health care, or should leave their homes. We value the right to speak our minds; for the terrorists, free expression can be grounds for execution. We respect people of all faiths and welcome the free practice of religion; our enemy wants to dictate how to think and how to worship even to their fellow Muslims."

--President George W. Bush, 11/8/01

Al-Qaeda is a movement defined by hatred. They hate progress, and freedom, and choice, and culture, and music, and laughter, and women, and Christians, and Jews, and all Muslims who reject their distorted doctrines. They love and worship only one thing, and that is power -- power they use without mercy to kill the innocent.

In Afghanistan, we have seen al-Qaeda's vision for the world. The leadership of al-Qaeda had great influence in Afghanistan and was supported by the Taliban regime. Afghanistan's people have been brutalized -- many are starving and many have fled. Women were not allowed to attend school. A person could be jailed for owning a television. Religion could be practiced
only as their leaders dictated. A man could be jailed in Afghanistan if his beard was not long enough.

The al-Qaeda terrorists believe it is acceptable to steal food meant for starving, innocent families. The al-Qaeda philosophy says it is acceptable to use innocent people as human shields for their military operations. The al-Qaeda philosophy says it is acceptable to oppress women and doom them to a lifetime of poverty.

♦ Treatment of Women & Children. First Lady Laura Bush led a worldwide initiative to highlight the Taliban’s oppression of women. Before the Taliban, women played a key role in society. Then came al-Qaeda and their destruction of the Afghan family. The al-Qaeda-controlled Taliban regime especially targeted Afghan women and children, taking away their basic freedoms, splintering their families, putting their lives at risk, and relegating them to poverty. For example, the Taliban forbade the schooling for girls over the age of eight; shut down the women’s university; banned women from working (stripping a society in desperate need of trained professionals of half its assets); restricted access to medical care for women; brutally enforced a restrictive dress code; forbade women from moving about their communities freely; and beat women for laughing out loud. The First Lady led a worldwide initiative to highlight the Taliban’s oppression of women which helped lead to representation of women in the new interim government.

♦ Targeting Civilians. Al Qaeda and the Taliban regime have targeted civilians by literally using them as human shields for their military activities. For example, the November 6 Washington Post reports that the Taliban actually placed military assets in mosques and across the street from hospitals and innocent people’s homes. Taliban commanders have also hijacked humanitarian aid facilities for military purposes. A senior officer told the Washington Post, “Whole villages are being used as human shields by the Taliban to protect their large stockpiles of ammunition and weapons hidden in nearby caves.”

♦ Humanitarian Crimes. The al-Qaeda and Taliban contribution to the starving Afghan people has been a deliberate and systematic campaign to disrupt the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. For example, the Taliban seized control of two U.N. World Food Program (WFP) warehouses, one in Kabul, and one in Kandahar, containing more than half the World Food Program’s wheat supply for Afghanistan. The WFP in Kandahar had been feeding 150,000 Afghans a month before the Taliban seizure. The Taliban are also actually hijacking humanitarian convoys for military purposes. The November 6 Washington Post reports, “A truck in a convoy purportedly on a humanitarian mission to deliver food tipped over, and crates of tank and mortar shells could be seen spilling to the ground underneath a thin layer of flour.”

♦ Al Qaeda & the Drug Trade. Osama bin Laden and his organization finance many of their terrorist activities through the drug trade. In fact, on October 25, 2001, The Herald (Glasgow) reported, “Osama bin Laden financed the development of a highly-addictive
liquid heroin which he named ‘The tears of Allah’ as part of his multi-pronged terrorist campaign to destabilise western society. . . One source said yesterday: ‘It should be called the Devil’s Brew rather than Allah’s tears. It is a one-way ticket to addiction and death.’”

The United Nations has also weighed in on the Taliban and al Qaeda connection to the drug trade. According to a U.N. Committee of Experts report on Resolution 1333 (May 2001), “Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.”

**Diplomacy**

"The message to every country is, there will be a campaign against terrorist activity, a worldwide campaign. And there is an outpouring of support for such a campaign. Freedom-loving people understand that terrorism knows no borders, that terrorists will strike in order to bring fear, to try to change the behavior of countries that love liberty. And we will not let them do that."

---President George W. Bush, 9/19/01

Since September 11, President Bush and Secretary of State Colin Powell have built a worldwide coalition for the war against terrorism. The coalition is stronger than ever and continues to grow.

- Since September 11, President Bush has met with leaders from at least 51 different countries to help build support for the war against terrorism.

- 136 countries have offered a range of military assistance.

- The U.S. has received 46 multilateral declarations of support from organizations.

- The U.N. General Assembly and Security Council condemned the attacks on September 12.

- NATO, OAS and ANZUS (Australia, New Zealand and the U.S.) quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory.
142 countries have issued orders freezing the assets of suspected terrorists and organizations.

89 countries have granted over-flight authority for U.S. military aircraft.

76 countries have granted landing rights for U.S. military aircraft.

23 countries have agreed to host U.S. forces involved in offensive operations.

Through intelligence cooperation with many nations, we are acquiring evidence against those responsible for the attacks of September 11 and we are better able to prevent future attacks.

With U.S. leadership and with international support, Afghans have put aside long-standing ethnic and political differences to form a new interim government, naming a president and 29 ministers with portfolio. The new government will also include women, who have been oppressed by the Taliban regime.

On December 11, more than 120 nations around the world answered President Bush’s call to reject terrorism and commemorate the victims of the September 11 attacks by holding remembrance ceremonies.

The United States and several other allies have reopened embassies in Kabul.

The President was joined by U.N. Secretary General Kofi Annan on November 11 for a memorial service honoring the citizens of all the countries killed in the World Trade Center.
TERRORIST FINANCES

"We put the world's financial institutions on notice: if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America."

--President George W. Bush, 11/7/01

Terrorists need money to carry out their evil deeds. The President’s first strike in the war against terror was not with a gun or a missile - the President’s first strike was with his pen as he took action to freeze terrorist finances and disrupt their pipelines for raising and moving money in the future.

The world’s financial institutions have been put on notice -- if you support, sponsor, or do business with terrorists, you will not do business with the United States. Denying terrorists access to funds is a very real success in the war on terrorism. Since September 11, the United States and its allies in the war on terrorism have been winning the war on the financial front:

♦ President Bush launched the first offensive in the war on terrorism on September 23 by signing an Executive Order freezing the U.S.-based assets of those individuals and organizations involved with terrorism.

♦ 196 countries and jurisdictions have expressed their support for the financial war on terror.

♦ 142 countries have issued orders freezing terrorist assets, and others have requested U.S. help in improving their legal and regulatory systems so they can more effectively block terrorist funds.

♦ The assets of at least 153 known terrorists, terrorist organizations, and terrorist financial centers have now been frozen in the U.S. financial system.

♦ Since September 11, the U.S. has blocked more than $33 million in assets of terrorist organizations. Other nations have also blocked another $33 million.

♦ On November 7, the U.S. and its allies closed down operations of two major financial networks - al-Barakaat and al-Taqwa - both of which were used by al-Qaeda and Osama Bin Laden as sources of income and mechanisms to transfer funds.

♦ On December 4, President Bush froze the assets of a U.S.-based foundation - The Holy Land Foundation for Relief and Development -- that has been funneling money to the terrorist organization Hamas.

♦ The U.S. government created three new organizations -- the Foreign Terrorist Asset Tracking Center (FTAT), Operation Green Quest and the Terrorist Financing Task Force.

THE WAR ON TERRORISM - THE FIRST 100 DAYS
These new organizations will help facilitate information sharing between intelligence and law enforcement agencies and encourage other countries to identify, disrupt, and defeat terrorist financing networks.

♦ International organizations are key partners in the war on financial terrorism. On September 28, the United Nations Security Council passed resolution 1373 that requires all nations to keep their financial systems free of terrorist funds.

♦ The Financial Action Task Force -- a 29-nation group promoting policies to combat money laundering -- adopted strict new standards to deny terrorist access to the world financial system.

♦ The G-20 and IMF member countries have agreed to make public the list of terrorists whose assets are subject to freezing, and the amount of assets frozen.
THE MILITARY CAMPAIGN

“I said to the Taliban, turn them over, destroy the camps, free people you’re unjustly holding. I said, you’ve got time to do it. But they didn’t listen. They didn’t respond, and now they’re paying a price. They are learning that anyone who strikes America will hear from our military, and they’re not going to like what they hear. In choosing their enemy, the evildoers and those who harbor them have chosen their fate.”

--President George W. Bush, 10/17/01

Operation Enduring Freedom, the military phase, began October 7, 2001. Since then, coalition forces have liberated the Afghan people from the repressive and violent Taliban regime. As President Bush and Secretary of Defense Donald Rumsfeld have said, this is a different kind of war against a different kind of enemy. The enemy is not a nation -- the enemy is terrorist networks that threaten the way of life of all peaceful people.

The war against terrorism is the first war of the 21st Century -- and it requires a 21st Century military strategy. Secretary Rumsfeld has worked with our coalition allies and the courageous men and women of the U.S. military to craft a cutting-edge military strategy that minimizes civilian casualties, partners with local forces, and brings destruction to the oppressive Taliban who supported the al-Qaeda terrorist network.

The coalition has achieved broad military success while putting fewer than 3,000 U.S. ground troops on the ground in Afghanistan. And Secretary Rumsfeld and the U.S. military have also shown a lightning quick ability to adapt to a distant, harsh and ever-changing battlefield. In some cases, U.S. troops are conquering terrorists by welding together 21st Century technology with 19th Century tactics. Troops have chased terrorists on horseback while using mobile phones and global positioning systems to pinpoint targets for the Air Force. Bombers today use 21st Century targeting technology, and laser-guided and GPS guided smart bombs to destroy specific targets, including centuries-old caves used as terrorist headquarters.

While we’ve achieved a great deal of military success, much dangerous and difficult work remains to be done before the war on terrorism is won. A few key military successes thus far in the war on terrorism include:

♦ In just weeks the military essentially destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.

♦ Taliban leaders have surrendered major cities to opposition forces, including Kandahar, Kabul, Kunduz, and Mazar-e-Sharif.

♦ The military has destroyed at least 11 terrorist training camps and 39 Taliban command and control sites. The Wall Street Journal reported on December 13 that as many as
50,000 terrorists from more than 50 countries may have received training in al-Qaeda camps in Afghanistan in recent years.

- About 2.5 million humanitarian rations have been dropped to aid the people of Afghanistan.
- U.S. Marines have established a military base at Kandahar airport.
- Routes are being blocked to try to prevent the escape of al-Qaeda and Taliban members.
- Senior al-Qaeda and Taliban officials have either been captured or killed.
- The U.S. military rescued two American Christian aid workers who were being held as prisoners by the Taliban.
- Friendship Bridge between Afghanistan and Uzbekistan was reopened to transport humanitarian aid by land.
- Minefields and roads are being cleared to ensure delivery of aid and freedom of movement.
- Leaflet drops and radio broadcasts continue daily to convey our determination, provide truthful information, and encourage the capture of Osama bin Laden.

The military action in Afghanistan represents a global coalition effort. In addition to the United States, military assets are being deployed from many other nations, including the United Kingdom, Australia, Canada, Czech Republic, France, Germany, Italy, Japan, New Zealand, Poland, Russia and Turkey.
"Terrorists try to operate in the shadows. They try to hide. But we're going to shine the light of justice on them. We list their names, we publicize their pictures, we rob them of their secrecy. Terrorism has a face, and today we expose it for the world to see."

--President George W. Bush, 10/10/01

The U.S. is leading a global dragnet to help bring terrorists to justice and help prevent future terrorist acts.

Prevention and Investigation:

◆ As of December 17, 460 individuals were being detained by the INS. 116 individuals, 77 of whom are in custody, are facing federal criminal charges -- including Zacarias Moussaoui who has been charged with conspiring with Osama bin Laden and al-Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania.

◆ The Department of Justice (DOJ) created the new 22 “Most Wanted Terrorists” list.

◆ The FBI created a national task force to centralize control and information sharing resulting in hundreds of thousands of leads, over 500 searches, thousands of interviews of witnesses, and numerous court-authorized surveillance orders.

◆ The U.S. government has offered a reward of up to $25 million for information leading directly to the apprehension or conviction of Osama bin Laden.

◆ The Treasury Department and the Department of Justice collaborated to freeze the assets and accounts of 62 individuals and organizations connected with two terrorist-supporting financial networks, the al-Taqua and the al-Barakaat, and one organization funneling money to Hamas.

◆ The Department of State strengthened its "Rewards for Justice Program" which authorizes the Secretary of State to offers rewards of more than $5 million for information that prevents acts of international terrorism against the United States. The State Department has also launched a series of Public Service Announcements to educate the American public on the program.

◆ Improved information sharing between the law-enforcement and intelligence communities, allowing nationwide search warrants for e-mail and subpoenas for payment information, and to place those who access the Internet through cable companies on the same footing as everyone else.
♦ At the Attorney General’s request, the State Department designated 39 entities as terrorist organizations.

♦ The U.S. has forged new cooperative agreements with Canada to protect our common borders and the economic prosperity they sustain.

♦ Created 93 Anti-Terrorism Task Forces -- one in each U.S. Attorney's district -- to integrate the communications and activities of local, state and federal law enforcement.

♦ Created the Foreign Terrorist Tracking Task Force to focus on preventing terrorists from entering the country, and to locate and remove those who already have.

♦ The Department of Justice crafted a new reorganization plan -- Reorganization and Mobilization of the Nation’s Justice and Law Enforcement Resources -- which is DOJ’s strategy for fiscal years 2001 to 2006 to help meet the new anti-terrorism mission.

♦ Reorganization of the Immigration and Naturalization Service (INS) to reform the agency's structure by separating its service and enforcement functions. Fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system.

♦ The Department of Justice launched the Responsible Cooperators Program. Justice will provide immigration benefits to non-citizens who furnish information to help apprehend terrorists or to stop terrorist attacks.

♦ INS arrested Mazen Al Najjar after he was ordered to be deported for violating his visa, had established ties to terrorist organizations and held leadership positions in the Islamic Concern Project and the World and Islam Studies Enterprise.

♦ Zayd Hassan Abd Al-Latif Masud Al Safarini was arrested for his indictment in 1991 for the September 5, 1986, hijacking of Pan American World Airways Flight 73, demonstrating DOJ’s commitment to track down terrorists no matter how long it takes.

Civil Rights:

♦ The President moved swiftly to protect Muslims from hate crimes and the Department of Justice followed his lead by having their Civil Rights Division sponsor community forums in Chicago, Illinois, and Dearborn, Michigan, on combating ethnically motivated violence as a result of the September 11th terrorist attacks.

♦ Attorney General John Ashcroft and AAG for Civil Rights Ralph F. Boyd, Jr. have met with 29 prominent leaders from the Arab and Muslim American and Sikh communities and underscored DOJ’s strong commitment to investigate and prosecute violators of federal hate crime laws.
The Department of Justice, the U.S. Equal Opportunity Commission and the Department of Labor issued a joint statement against employment discrimination in the aftermath of September 11.

Investigating approximately 300 incidents involving violence, or threats of violence against individuals perceived to be of Middle Eastern origin. Federal charges have been brought in 6 cases, coordinating with local prosecutors in at least ten instances where cases are being prosecuted locally.

Victim Relief:

Provided approximately $52 million in assistance to victims and their families and $10 million in emergency assistance to the NYPD.
HUMANITARIAN RELIEF

"Ultimately, one of the best weapons, one of the truest weapons that we have against terrorism is to show the world the true strength of character and kindness of the American people. Americans are united in this fight against terrorism. We're also united in our concern for the innocent people of Afghanistan."

President George W. Bush, 10/11/01

The humanitarian situation in Afghanistan remains dire. Millions face the threat of starvation. 70% of the Afghan people and ½ of all Afghan children are malnourished. Only 13% of the Afghan people have access to clean water.

Years of civil war -- compounded by the rule of the Taliban and the worst drought in 30 years -- have made matters worse. The Taliban were clearly more interested in protecting al-Qaeda than feeding the starving, innocent people of Afghanistan. Al-Qaeda and the Taliban have not only failed to provide security, food, and shelter for the Afghan people, but they have also disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. Among other things, the Taliban have seized and looted humanitarian supplies for themselves, and have harassed and beaten Afghan and international aid workers.

The typically harsh Afghan winter is arriving and the U.S., with its international partners, is doing everything it can to help bring hope to the innocent Afghans who have suffered under the brutal and oppressive al-Qaeda and Taliban regime:

♦ Even before September 11, the U.S. was the leading humanitarian aid donor for Afghanistan.

♦ Last fiscal year the U.S. provided $183 million of humanitarian assistance alone to Afghanistan.

♦ Since the beginning of October alone, the U.S. has provided more than $187 million in humanitarian assistance to Afghanistan.

♦ On October 10, USAID Administrator Natsios announced a five-point assistance strategy for Afghanistan: reduce death rates; minimize population movements; lower and then stabilize food prices; ensure that aid reaches those it is intended for; and begin developmental relief programs.

♦ As of mid-December the international community, led by the U.S., has delivered 127,368 metric tons (MT) of food aid to Afghanistan, using, trucks, boats, barges, aircraft, and
thousands of people to overcome numerous logistical and security obstacles. (For context, 52,000 MT of food will feed approximately six million people for one month.)

♦ Between October 7 and December 13, the Department of Defense airdropped 2,423,700 Humanitarian Daily Rations (HDRs) to Afghans who could not be reached by relief workers because of ongoing conflict. The entire operation cost approximately $51 million.

♦ The President announced the creation of the America’s Fund for Afghan Children. The President asked American children to send $1 dollar -- or whatever they can afford -- to the Fund to help buy important humanitarian supplies. America’s children have donated more than $1.5 million thus far to the Fund. The first shipment of humanitarian goods purchased from this fund left the U.S. for the Afghan children on Sunday, December 9.

♦ The government has provided more than $62 million in grants to support relief activities in Afghanistan. The programs include supporting agriculture, rehabilitating water resources, funding health services, repairing shelters, and providing critical non-food items such as blankets, tents and kitchen sets. Additional grants have funded UN coordination efforts and a radio program to provide humanitarian and security information to Afghans in their home languages.

♦ USAID has provided funding for wool blankets and quilts, shelter kits, plastic sheeting and winterized tents. Further, USAID is distributing mattresses, clothes, stoves, cooking sets, firewood, coal, lanterns and water containers.

♦ The government has provided medical kits and funds for health centers and mobile clinics in Afghanistan and is sponsoring public health education and programs on hygiene, obstetrics, maternal and childcare, and malnutrition. USAID is employing trained personnel to conduct educational outreach on basic health and nutrition, especially to women. USAID is helping expectant mothers, training local birth attendants and funding the distribution of vitamins and the immunization of young children.

♦ The government has provided funds for rehabilitation and reconstruction in the areas of housing, roads and bridges, wells and irrigation systems, agriculture and food security, and initiating “food for work” and “food for cash” initiatives.

♦ USAID has funded six airlifts of critical commodities to Afghanistan. The airlifts have provided shelter materials, tents, health supplies and high-energy food items for vulnerable people in Afghanistan.

♦ The State Department has provided $32,260,000 to relief agencies to assist Afghan refugees in Pakistan, Iran and other neighboring countries. The grants also provide funds to assist refugees attempting to return to their homes in Afghanistan.
The government has sent Disaster Assistance Response Team (DART) personnel to Pakistan, Uzbekistan, Turkmenistan and Tajikistan to ensure that relief efforts are effective and well coordinated.
RESPECTING ISLAM

“The Islam that we know is a faith devoted to the worship of one God, as revealed through The Holy Qu’ran. It teaches the value and importance of charity, mercy, and peace.”

---President George W. Bush, 11/15/01

The United States is a nation of religious freedom, and the President has acted to ensure that the world’s Muslims -- from Dearborn, Michigan to Kabul, Afghanistan -- know that America appreciates and celebrates the rich traditions of Islam:

♦ At the national prayer service following the September 11 attacks, the President included religious leaders from many faiths, including an Imam from the Islamic Society of North America. Subsequently the President hosted an interfaith meeting on September 20 with leaders of different religious denominations to pray jointly for the victims of the September 11 tragedies and called for national reconciliation.

♦ Soon after the terrorist attacks, the President visited the Islamic Center of Washington to meet with American Muslim leaders and deliver a message of tolerance and solidarity. The President condemned unwarranted attacks on Americans of Muslim faith, and urged Americans to show their support for their Muslim friends.

♦ President Bush launched the “Friendship Through Education” initiative, encouraging children in America and children in Muslim nations to connect through email, letter writing, and different friendship and understanding projects. The President wants this initiative to help youths from different societies deepen their understanding of each others’ traditions and outlooks.

♦ For Ramadan, on November 19 President Bush hosted the first-ever Iftar -- or breaking-of-the-fast -- dinner at the White House, which included the ambassadors from nations with Muslim populations. The President also issued a warm greeting to Muslims around America and around the world with a special Ramadan message.

♦ The State Department asked U.S. embassies in Muslim countries to host Iftar dinners and many members of his administration also held their own celebrations. Secretary of State Colin Powell, Attorney General John Ashcroft, and Deputy Secretary of Defense Paul Wolfowitz all participated in Iftar dinners.

♦ On December 17, President Bush hosted Muslim children at the White House in honor of Eid al-Fitr, Islam’s most sacred holiday. He read an Eid book to the children and hosted them for cookies and punch as well as delivering a present to each child in the tradition of Eid. The President also issued a taped Eid message and read an Eid greeting.

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Secretary of Energy Spencer Abraham recognized Americans for acts of compassion following the September 11th attacks -- he honored, for example, a church that started an escort service for Muslim women who wear the hijab, and a citizen who created a fund to assist low-income Muslim victims of hate-inspired vandalism. Secretary Abraham will also launch a series of public service announcements further promoting tolerance.
President Bush has taken action to help protect America against terrorist attacks. The government is working around the clock to protect Americans. Among many other steps:

- The President worked with Congress to provide $20 billion to promote homeland security, including funds to upgrade intelligence and security, provide recovery assistance to disaster sites, help victims’ families, increase numbers of law enforcement personnel, provide health care for displaced Americans, and purchase irradiation equipment to sanitize the mail.

- The President established the Office of Homeland Security -- under the diligent guidance of Governor Tom Ridge -- and the Homeland Security Council to coordinate, and implement the Executive Branch's efforts to detect, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

- The President moved to implement tough new airline security standards that tighten background checks for airline screeners and workers, dramatically expands the federal air marshal program, creates strict new baggage security requirements, and tightens security in all areas of airports.

- The President established an advisory committee for cyber security to ensure that America’s key infrastructures are protected. The advisory committee is a public/private partnership.

- The Administration has strengthened coordination between law enforcement agencies of the U.S. and neighboring countries to address common threats while ensuring the free flow of goods and people.

- The Food and Drug Administration has enhanced the food screening process of imported foods.

- The Department of Health and Human Services created the Office of Public Health Preparedness, to coordinate the national response to public health emergencies.

- Public health professionals provided antibiotics to more than 30,000 people to protect against their possible exposure to anthrax.
HHS increased the supply of drug caches around the country, added specific use drugs, and began to increase the supply of small pox vaccine to 300 million.

The President created a Presidential Task force to help Americans prepare in their homes, neighborhoods, schools, and other public places from the consequences of terrorist attacks.

The Centers for Disease Control and the U.S. Postal Service provided guidelines on how to handle mail that had potentially come into contact with anthrax.

EPA has worked with water utilities, chemical, pesticide, petroleum and fertilizer manufacturers to increase their vigilance and secure their resources against an attack.
"It is said that adversity introduces us to ourselves. This is true of a nation as well. In this trial, we have been reminded, and the world has seen, that our fellow Americans are generous and kind, resourceful and brave. We see our national character in rescuers working past exhaustion; in long lines of blood donors; in thousands of citizens who have asked to work and serve in any way possible."

--President’s Remarks at National Day of Prayer and Remembrance, 9/14/01

Every one of the victims who died on September 11\textsuperscript{th} was the most important person on earth to somebody. The American people have responded to the tragedies of September 11 with an unprecedented outpouring of support for their fellow Americans who lost so much on September 11:

♦ While it is impossible to catalog every penny of contributions, at least $1.3 billion has been collected in aid for families of both civilian and uniformed victims of the September 11\textsuperscript{th} terrorist attacks.

♦ There are many relief organizations collecting aid to distribute to the families of the thousands of victims from the September 11\textsuperscript{th} terrorist attacks. Examples include the Twin Towers Orphan fund, the Pentagon Assistance Fund, the WTC School Fund, the Washington Redskins Relief Fund, the Dole-Clinton Families of Freedom Scholarship Fund, and funds established by the United Jewish Communities, Catholic Charities, the Burn Center at the Washington Hospital Center, and many, many more.

♦ The American Red Cross has raised over $647.4 million and has distributed over $217.7 million to the families of the victims of September 11\textsuperscript{th}.

♦ The September 11\textsuperscript{th} United Way Relief Fund has been working thoughtfully and deliberately to distribute $143 million in cash and services to help rebuild the lives of victims’ families and affected communities.

♦ On September 1, the entertainment industry came together in historic fashion to raise funds and raise the spirits of all who have been touched by the horrific tragedy that has struck America. Over $150 million was pledged through the United Way September 11th Telethon Fund, “America: Tribute to Heroes.” By the end of the year, a total of $100 million in cash assistance will have been delivered to victims families through the Telethon Fund by the entertainment industry.

♦ New York City’s major human service organizations have joined forces under an umbrella group called the 9/11 United Services Group. At the urging of the New York State Attorney General, the group launched a confidential database, which will serve as a central clearinghouse for information on victims, survivors, financial needs, and the amounts of
money and services provided by charities. This database enables the different charities to communicate with each other and track both the needs of the families of victims as well as the amount of assistance they are receiving.

- More than 100 people with ties to the Sept. 11 terror attacks will carry the Olympic torch as it makes its way to Salt Lake City for the Winter Games. The torch will be passed at the Pentagon on Friday, December 21, 2001.

- The President announced www.libertyunites.org in the Rose Garden on September 18, 2001, and praised Americans for their outpouring of charitable relief support in the wake of September 11th.
Sent: 12/20/2001 5:25:17 AM
Subject: 100 Day Report on the War on Terrorism
Attachments: P_YL814003_OPD.TXT_1.doc


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CREATION DATE/TIME: 20-DEC-2001 10:25:17.00
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TO: research@rnchq.org (research@rnchq.org [UNKNOWN])
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TO: remi.marechaux@diplomatie.gouv.fr (remi.marechaux@diplomatie.gouv.fr [UNKNOWN])
Today is the 100th day of the war on terrorism. Attached is the final report on the first 100 days of the war that the White House will release shortly. Please launch to your various lists immediately. Thanks.
"WE ARE SUPPORTED BY THE COLLECTIVE WILL OF THE WORLD."

PRESIDENT GEORGE W. BUSH
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EXECUTIVE SUMMARY

"The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them."

-President George W. Bush, 10/11/01

On September 11, terrorists attacked freedom.

The world has responded with an unprecedented coalition against international terrorism. In the first 100 days of the war, President George W. Bush increased America’s homeland security and built a worldwide coalition that:

♦ Began to destroy al-Qaeda’s grip on Afghanistan by driving the Taliban from power.
♦ Disrupted al-Qaeda’s global operations and terrorist financing networks.
♦ Destroyed al-Qaeda terrorist training camps.
♦ Helped the innocent people of Afghanistan recover from the Taliban’s reign of terror.
♦ Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans - including women.

President Bush is implementing a comprehensive and visionary foreign policy against international terrorism. The President’s policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

Diplomacy. President Bush has built a worldwide coalition against terrorism. More than 80 countries suffered losses on September 11; 136 countries have offered a diverse range of military assistance; 46 multilateral organizations have declared their support; and with U.S. leadership and international support, Afghans are putting aside long-standing ethnic and political differences to form a new and representative government.

Terrorist Finances. The President fired the first shot in the war on terrorism with the stroke of his pen to seize terrorist financial assets and disrupt their fundraising pipelines. The world financial community is moving to starve the terrorists of their financial support. 196 countries support the financial war on terror; 142 countries have acted to freeze terrorist assets; in the U.S. alone, the assets of 153 known terrorists, terrorist organizations, and terrorist financial centers have been frozen; and major terrorist financial networks have been closed down.

The Military Campaign. Operation Enduring Freedom began on October 7, 2001, and enjoys the support of countries from the United Kingdom to Australia to Japan. The Taliban have been forced to surrender major cities. The military has destroyed 11 terrorist training camps and 39 Taliban command and control sites. And al-Qaeda terrorists have been captured, killed or are on the run.

Law Enforcement. The U.S. has led a global dragnet to help bring terrorists to justice and
help prevent future terrorist acts, creating the Foreign Terrorist Tracking Task Force to prevent terrorists from entering the U.S.; arresting and indicting known terrorists; increasing the global sharing of law enforcement information; and implementing tough new anti-terrorism laws.

**Humanitarian.** As Afghanistan’s largest humanitarian donor, the U.S. has increased its aid to the Afghan people by providing $187 million in aid since October alone, including food, shelter, blankets, and medical supplies. The President also launched the America’s Fund for Afghan Children that has already raised more than $1.5 million for the children of Afghanistan. As the harsh Afghan winter approaches, the U.S. commitment to the Afghan people is saving lives.

**Homeland Security.** President Bush has taken steps to help protect America against further terrorist attacks, providing $20 billion for homeland security; strengthening intelligence efforts; creating the Office of Homeland Security and the Homeland Security Council; implementing tough new airline security measures; and taking steps to protect America’s mail.

**Helping the Survivors of September 11.** The American people have responded with overwhelming compassion for the families of the victims of September 11, donating at least $1.3 billion to charities.

**Respecting Islam.** Almost immediately after the attacks the President took steps to protect Muslim-Americans from hate crimes. The President also held a series of events, including hosting the first-ever White House Iftar and an Eid event at the end of Ramadan; the President visited the Islamic Center; and the President created the “Friendship Through Education” initiative to bring American and Muslim children closer together.
THE TRAGEDY OF SEPTEMBER 11

“Every one of the victims who died on September 11th was the most important person on earth to somebody.”

--President George W. Bush, 12/11/01

On September 11 the terrorists committed an act of war against the innocent. The terrorists killed not only to end lives -- they killed to end our way of life. Recently the terrorists said that we should forget the attacks of September 11. The terrorists would like nothing more than to silence the world’s vocal opposition to their frightening vision they hope to export to every corner of the world.

The world will never forget the innocent victims, and the brave heroes who died attempting to save them. The world will never forget the survivors, the devastated families and the grieving friends they left behind:

♦ More than 3,000 people died or remain missing following the attacks. They came from more than 80 different nations, from many different races and religions.
♦ 343 firefighters and paramedics perished at the World Trade Center.
♦ 23 police officers and 37 Port Authority police officers died at the World Trade Center.
♦ Approximately 2,000 children lost a parent on September 11, including 146 children who lost a parent in the Pentagon attacks.
♦ One business alone lost more than 700 employees, leaving at least 50 pregnant widows.

On December 11, more than 120 countries stood together to remember the three-month anniversary of the terrorist attacks.

THESE NATIONS & AREAS SUFFERED LOSSES FROM THE SEPTEMBER 11 ATTACKS

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THE AL-QAEDA VISION FOR THE WORLD

THE WAR ON TERRORISM - THE FIRST 100 DAYS
"...we calculated in advance the number of casualties from the enemy, who would be killed based on the position of the tower. We calculated that the floors that would be hit would be three or four floors. I was the most optimistic of them all...due to my experience in this field, I was thinking that the fire from the gas in the plane would melt the iron structure of the building and collapse the area where the plane hit and all the floors above it only. This is all that we had hoped for."

--bin Laden

"This new enemy seeks to destroy our freedom and impose its views. We value life; the terrorists ruthlessly destroy it. We value education; the terrorists do not believe women should be educated or should have health care, or should leave their homes. We value the right to speak our minds; for the terrorists, free expression can be grounds for execution. We respect people of all faiths and welcome the free practice of religion; our enemy wants to dictate how to think and how to worship even to their fellow Muslims."

--President George W. Bush, 11/8/01

Al-Qaeda is a movement defined by hatred. They hate progress, and freedom, and choice, and culture, and music, and laughter, and women, and Christians, and Jews, and all Muslims who reject their distorted doctrines. They love and worship only one thing, and that is power -- power they use without mercy to kill the innocent.

In Afghanistan, we have seen al-Qaeda's vision for the world. The leadership of al-Qaeda had great influence in Afghanistan and was supported by the Taliban regime. Afghanistan's people have been brutalized -- many are starving and many have fled. Women were not allowed to attend school. A person could be jailed for owning a television. Religion could be practiced only as their leaders dictated. A man could be jailed in Afghanistan if his beard was not long enough.

The al-Qaeda terrorists believe it is acceptable to steal food meant for starving, innocent families. The al-Qaeda philosophy says it is acceptable to use innocent people as human shields for their military operations. The al-Qaeda philosophy says it is acceptable to oppress women and doom them to a lifetime of poverty.

♦ Treatment of Women & Children. First Lady Laura Bush led a worldwide initiative to highlight the Taliban’s oppression of women. Before the Taliban, women played a key role in society. Then came al-Qaeda and their destruction of the Afghan family. The al-Qaeda-controlled Taliban regime especially targeted Afghan women and children, taking away their basic freedoms, splintering their families, putting their lives at risk, and relegating them to poverty. For example, the Taliban forbade the schooling for girls over the age of eight; shut down the women’s university; banned women from working (stripping a society in desperate need of trained professionals of half its assets); restricted access to medical care for women; brutally enforced a restrictive dress code; forbade women from moving about their communities freely; and beat women for laughing out loud. The First Lady led a worldwide initiative to highlight the Taliban’s oppression of women which helped lead to representation of women in the new interim government.

♦ Targeting Civilians. Al Qaeda and the Taliban regime have targeted civilians by literally using them as human shields for their military activities. For example, the November 6
Washington Post reports that the Taliban actually placed military assets in mosques and across the street from hospitals and innocent people's homes. Taliban commanders have also hijacked humanitarian aid facilities for military purposes. A senior officer told the Washington Post, “Whole villages are being used as human shields by the Taliban to protect their large stockpiles of ammunition and weapons hidden in nearby caves.”

- **Humanitarian Crimes.** The al-Qaeda and Taliban contribution to the starving Afghan people has been a deliberate and systematic campaign to disrupt the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. For example, the Taliban seized control of two U.N. World Food Program (WFP) warehouses, one in Kabul, and one in Kandahar, containing more than half the World Food Program's wheat supply for Afghanistan. The WFP in Kandahar had been feeding 150,000 Afghans a month before the Taliban seizure. The Taliban are also actually hijacking humanitarian convoys for military purposes. The November 6 Washington Post reports, “A truck in a convoy purportedly on a humanitarian mission to deliver food tipped over, and crates of tank and mortar shells could be seen spilling to the ground underneath a thin layer of flour.”

- **Al Qaeda & the Drug Trade.** Osama bin Laden and his organization finance many of their terrorist activities through the drug trade. In fact, on October 25, 2001, The Herald (Glasgow) reported, “Osama bin Laden financed the development of a highly-addictive liquid heroin which he named ‘The tears of Allah’ as part of his multi-pronged terrorist campaign to destabilise western society... One source said yesterday: ‘It should be called the Devil’s Brew rather than Allah's tears. It is a one-way ticket to addiction and death.’” The United Nations has also weighed in on the Taliban and al Qaeda connection to the drug trade. According to a U.N. Committee of Experts report on Resolution 1333 (May 2001), “Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.”

---

**Diplomacy**

“The message to every country is, there will be a campaign against terrorist activity, a worldwide campaign. And there is an outpouring of support for such a campaign. Freedom-loving people understand that terrorism knows no borders, that terrorists will strike in order to bring fear, to try to change the behavior of countries that love liberty. And we will not let them do that.”

--President George W. Bush, 9/19/01
Since September 11, President Bush and Secretary of State Colin Powell have built a worldwide coalition for the war against terrorism. The coalition is stronger than ever and continues to grow.

- Since September 11, President Bush has met with leaders from at least 51 different countries to help build support for the war against terrorism.

- 136 countries have offered a range of military assistance.

- The U.S. has received 46 multilateral declarations of support from organizations.

- The U.N. General Assembly and Security Council condemned the attacks on September 12.

- NATO, OAS and ANZUS (Australia, New Zealand and the U.S.) quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory.

- 142 countries have issued orders freezing the assets of suspected terrorists and organizations.

- 89 countries have granted over-flight authority for U.S. military aircraft.

- 76 countries have granted landing rights for U.S. military aircraft.

- 23 countries have agreed to host U.S. forces involved in offensive operations.

- Through intelligence cooperation with many nations, we are acquiring evidence against those responsible for the attacks of September 11 and we are better able to prevent future attacks.

- With U.S. leadership and with international support, Afghans have put aside long-standing ethnic and political differences to form a new interim government, naming a president and 29 ministers with portfolio. The new government will also include women, who have been oppressed by the Taliban regime.

- On December 11, more than 120 nations around the world answered President Bush’s call to reject terrorism and commemorate the victims of the September 11 attacks by holding remembrance ceremonies.

- The United States and several other allies have reopened embassies in Kabul.

- The President was joined by U.N. Secretary General Kofi Annan on November 11 for a memorial service honoring the citizens of all the countries killed in the World Trade Center.
TERRORIST FINANCES

"We put the world's financial institutions on notice: if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America."

--President George W. Bush, 11/7/01

Terrorists need money to carry out their evil deeds. The President's first strike in the war against terror was not with a gun or a missile - the President's first strike was with his pen as he took action to freeze terrorist finances and disrupt their pipelines for raising and moving money in the future.

The world's financial institutions have been put on notice -- if you support, sponsor, or do business with terrorists, you will not do business with the United States. Denying terrorists access to funds is a very real success in the war on terrorism. Since September 11, the United States and its allies in the war on terrorism have been winning the war on the financial front:

♦ President Bush launched the first offensive in the war on terrorism on September 23 by signing an Executive Order freezing the U.S.-based assets of those individuals and organizations involved with terrorism.

♦ 196 countries and jurisdictions have expressed their support for the financial war on terror.

♦ 142 countries have issued orders freezing terrorist assets, and others have requested U.S. help in improving their legal and regulatory systems so they can more effectively block terrorist funds.

♦ The assets of at least 153 known terrorists, terrorist organizations, and terrorist financial centers have now been frozen in the U.S. financial system.

♦ Since September 11, the U.S. has blocked more than $33 million in assets of terrorist organizations. Other nations have also blocked another $33 million.

♦ On November 7, the U.S. and its allies closed down operations of two major financial networks - al-Barakaat and al-Taqwa - both of which were used by al-Qaeda and Osama Bin Laden as sources of income and mechanisms to transfer funds.

♦ On December 4, President Bush froze the assets of a U.S.-based foundation - The Holy Land Foundation for Relief and Development -- that has been funneling money to the terrorist organization Hamas.

♦ The U.S. government created three new organizations -- the Foreign Terrorist Asset Tracking Center (FTAT), Operation Green Quest and the Terrorist Financing Task Force. These new organizations will help facilitate information sharing between intelligence and law enforcement agencies and encourage other countries to identify, disrupt, and defeat
terrorist financing networks.

- International organizations are key partners in the war on financial terrorism. On September 28, the United Nations Security Council passed resolution 1373 that requires all nations to keep their financial systems free of terrorist funds.

- The Financial Action Task Force -- a 29-nation group promoting policies to combat money laundering -- adopted strict new standards to deny terrorist access to the world financial system.

- The G-20 and IMF member countries have agreed to make public the list of terrorists whose assets are subject to freezing, and the amount of assets frozen.
THE MILITARY CAMPAIGN

"I said to the Taliban, turn them over, destroy the camps, free people you’re unjustly holding. I said, you’ve got time to do it. But they didn’t listen. They didn’t respond, and now they’re paying a price. They are learning that anyone who strikes America will hear from our military, and they’re not going to like what they hear. In choosing their enemy, the evildoers and those who harbor them have chosen their fate."

--President George W. Bush, 10/17/01

Operation *Enduring Freedom*, the military phase, began October 7, 2001. Since then, coalition forces have liberated the Afghan people from the repressive and violent Taliban regime. As President Bush and Secretary of Defense Donald Rumsfeld have said, this is a different kind of war against a different kind of enemy. The enemy is not a nation -- the enemy is terrorist networks that threaten the way of life of all peaceful people.

The war against terrorism is the first war of the 21st Century -- and it requires a 21st Century military strategy. Secretary Rumsfeld has worked with our coalition allies and the courageous men and women of the U.S. military to craft a cutting-edge military strategy that minimizes civilian casualties, partners with local forces, and brings destruction to the oppressive Taliban who supported the al-Qaeda terrorist network.

The coalition has achieved broad military success while putting fewer than 3,000 U.S. ground troops on the ground in Afghanistan. And Secretary Rumsfeld and the U.S. military have also shown a lightning quick ability to adapt to a distant, harsh and ever-changing battlefield. In some cases, U.S. troops are conquering terrorists by welding together 21st Century technology with 19th Century tactics. Troops have chased terrorists on horseback while using mobile phones and global positioning systems to pinpoint targets for the Air Force. Bombers today use 21st Century targeting technology, and laser-guided and GPS guided smart bombs to destroy specific targets, including centuries-old caves used as terrorist headquarters.

While we’ve achieved a great deal of military success, much dangerous and difficult work remains to be done before the war on terrorism is won. A few key military successes thus far in the war on terrorism include:

♦ In just weeks the military essentially destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.

♦ Taliban leaders have surrendered major cities to opposition forces, including Kandahar, Kabul, Kunduz, and Mazar-e-Sharif.

♦ The military has destroyed at least 11 terrorist training camps and 39 Taliban command and control sites. The Wall Street Journal reported on December 13 that as many as 50,000 terrorists from more than 50 countries may have received training in al-Qaeda camps in Afghanistan in recent years.

♦ About 2.5 million humanitarian rations have been dropped to aid the people of
Afghanistan.

- U.S. Marines have established a military base at Kandahar airport.
- Routes are being blocked to try to prevent the escape of al-Qaeda and Taliban members.
- Senior al-Qaeda and Taliban officials have either been captured or killed.
- The U.S. military rescued two American Christian aid workers who were being held as prisoners by the Taliban.
- Friendship Bridge between Afghanistan and Uzbekistan was reopened to transport humanitarian aid by land.
- Minefields and roads are being cleared to ensure delivery of aid and freedom of movement.
- Leaflet drops and radio broadcasts continue daily to convey our determination, provide truthful information, and encourage the capture of Osama bin Laden.

The military action in Afghanistan represents a global coalition effort. In addition to the United States, military assets are being deployed from many other nations, including the United Kingdom, Australia, Canada, Czech Republic, France, Germany, Italy, Japan, New Zealand, Poland, Russia and Turkey.
"Terrorists try to operate in the shadows. They try to hide. But we're going to shine the light of justice on them. We list their names, we publicize their pictures, we rob them of their secrecy. Terrorism has a face, and today we expose it for the world to see."

--President George W. Bush, 10/10/01

The U.S. is leading a global dragnet to help bring terrorists to justice and help prevent future terrorist acts.

Prevention and Investigation:

♦ As of December 17, 460 individuals were being detained by the INS. 116 individuals, 77 of whom are in custody, are facing federal criminal charges -- including Zacarias Moussaoui who has been charged with conspiring with Osama bin Laden and al-Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania.

♦ The Department of Justice (DOJ) created the new 22 "Most Wanted Terrorists" list.

♦ The FBI created a national task force to centralize control and information sharing resulting in hundreds of thousands of leads, over 500 searches, thousands of interviews of witnesses, and numerous court-authorized surveillance orders.

♦ The U.S. government has offered a reward of up to $25 million for information leading directly to the apprehension or conviction of Osama bin Laden.

♦ The Treasury Department and the Department of Justice collaborated to freeze the assets and accounts of 62 individuals and organizations connected with two terrorist-supporting financial networks, the al-Taqua and the al-Barakaat, and one organization funneling money to Hamas.

♦ The Department of State strengthened its "Rewards for Justice Program" which authorizes the Secretary of State to offers rewards of more than $5 million for information that prevents acts of international terrorism against the United States. The State Department has also launched a series of Public Service Announcements to educate the American public on the program.

♦ Improved information sharing between the law-enforcement and intelligence communities, allowing nationwide search warrants for e-mail and subpoenas for payment information, and to place those who access the Internet through cable companies on the same footing as everyone else.

♦ At the Attorney General’s request, the State Department designated 39 entities as terrorist organizations.
The U.S. has forged new cooperative agreements with Canada to protect our common borders and the economic prosperity they sustain.

Created 93 Anti-Terrorism Task Forces -- one in each U.S. Attorney's district -- to integrate the communications and activities of local, state and federal law enforcement.

Created the Foreign Terrorist Tracking Task Force to focus on preventing terrorists from entering the country, and to locate and remove those who already have.

The Department of Justice crafted a new reorganization plan -- Reorganization and Mobilization of the Nation's Justice and Law Enforcement Resources -- which is DOJ's strategy for fiscal years 2001 to 2006 to help meet the new anti-terrorism mission.

Reorganization of the Immigration and Naturalization Service (INS) to reform the agency's structure by separating its service and enforcement functions. Fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system.

The Department of Justice launched the Responsible Cooperators Program. Justice will provide immigration benefits to non-citizens who furnish information to help apprehend terrorists or to stop terrorist attacks.

INS arrested Mazen Al Najjar after he was ordered to be deported for violating his visa, had established ties to terrorist organizations and held leadership positions in the Islamic Concern Project and the World and Islam Studies Enterprise.

Zayd Hassan Abd Al-Latif Masud Al Safarini was arrested for his indictment in 1991 for the September 5, 1986, hijacking of Pan American World Airways Flight 73, demonstrating DOJ's commitment to track down terrorists no matter how long it takes.

Civil Rights:

The President moved swiftly to protect Muslims from hate crimes and the Department of Justice followed his lead by having their Civil Rights Division sponsor community forums in Chicago, Illinois, and Dearborn, Michigan, on combating ethnically motivated violence as a result of the September 11th terrorist attacks.

Attorney General John Ashcroft and AAG for Civil Rights Ralph F. Boyd, Jr. have met with 29 prominent leaders from the Arab and Muslim American and Sikh communities and underscored DOJ's strong commitment to investigate and prosecute violators of federal hate crime laws.

The Department of Justice, the U.S. Equal Opportunity Commission and the Department of Labor issued a joint statement against employment discrimination in the aftermath of September 11.

Investigating approximately 300 incidents involving violence, or threats of violence against individuals perceived to be of Middle Eastern origin. Federal charges have been brought in 6 cases, coordinating with local prosecutors in at least ten instances where cases are being
prosecuted locally.

Victim Relief:

- Provided approximately $52 million in assistance to victims and their families and $10 million in emergency assistance to the NYPD.
HUMANITARIAN RELIEF

"Ultimately, one of the best weapons, one of the truest weapons that we have against terrorism is to show the world the true strength of character and kindness of the American people. Americans are united in this fight against terrorism. We’re also united in our concern for the innocent people of Afghanistan."

President George W. Bush, 10/11/01

The humanitarian situation in Afghanistan remains dire. Millions face the threat of starvation. 70% of the Afghan people and ½ of all Afghan children are malnourished. Only 13% of the Afghan people have access to clean water.

Years of civil war -- compounded by the rule of the Taliban and the worst drought in 30 years -- have made matters worse. The Taliban were clearly more interested in protecting al-Qaeda than feeding the starving, innocent people of Afghanistan. Al-Qaeda and the Taliban have not only failed to provide security, food, and shelter for the Afghan people, but they have also disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. Among other things, the Taliban have seized and looted humanitarian supplies for themselves, and have harassed and beaten Afghan and international aid workers.

The typically harsh Afghan winter is arriving and the U.S., with its international partners, is doing everything it can to help bring hope to the innocent Afghans who have suffered under the brutal and oppressive al-Qaeda and Taliban regime:

♦ Even before September 11, the U.S. was the leading humanitarian aid donor for Afghanistan.

♦ Last fiscal year the U.S. provided $183 million of humanitarian assistance alone to Afghanistan.

♦ Since the beginning of October alone, the U.S. has provided more than $187 million in humanitarian assistance to Afghanistan.

♦ On October 10, USAID Administrator Natsios announced a five-point assistance strategy for Afghanistan: reduce death rates; minimize population movements; lower and then stabilize food prices; ensure that aid reaches those it is intended for; and begin developmental relief programs.

♦ As of mid-December the international community, led by the U.S., has delivered 127,368 metric tons (MT) of food aid to Afghanistan, using, trucks, boats, barges, aircraft, and thousands of people to overcome numerous logistical and security obstacles. (For context, 52,000 MT of food will feed approximately six million people for one month.)

♦ Between October 7 and December 13, the Department of Defense airdropped 2,423,700 Humanitarian Daily Rations (HDRs) to Afghans who could not be reached by relief workers.
because of ongoing conflict. The entire operation cost approximately $51 million.

- The President announced the creation of the America’s Fund for Afghan Children. The President asked American children to send $1 dollar -- or whatever they can afford -- to the Fund to help buy important humanitarian supplies. America’s children have donated more than $1.5 million thus far to the Fund. The first shipment of humanitarian goods purchased from this fund left the U.S. for the Afghan children on Sunday, December 9.

- The government has provided more than $62 million in grants to support relief activities in Afghanistan. The programs include supporting agriculture, rehabilitating water resources, funding health services, repairing shelters, and providing critical non-food items such as blankets, tents and kitchen sets. Additional grants have funded UN coordination efforts and a radio program to provide humanitarian and security information to Afghans in their home languages.

- USAID has provided funding for wool blankets and quilts, shelter kits, plastic sheeting and winterized tents. Further, USAID is distributing mattresses, clothes, stoves, cooking sets, firewood, coal, lanterns and water containers.

- The government has provided medical kits and funds for health centers and mobile clinics in Afghanistan and is sponsoring public health education and programs on hygiene, obstetrics, maternal and childcare, and malnutrition. USAID is employing trained personnel to conduct educational outreach on basic health and nutrition, especially to women. USAID is helping expectant mothers, training local birth attendants and funding the distribution of vitamins and the immunization of young children.

- The government has provided funds for rehabilitation and reconstruction in the areas of housing, roads and bridges, wells and irrigation systems, agriculture and food security, and initiating “food for work” and “food for cash” initiatives.

- USAID has funded six airlifts of critical commodities to Afghanistan. The airlifts have provided shelter materials, tents, health supplies and high-energy food items for vulnerable people in Afghanistan.

- The State Department has provided $32,260,000 to relief agencies to assist Afghan refugees in Pakistan, Iran and other neighboring countries. The grants also provide funds to assist refugees attempting to return to their homes in Afghanistan.

- The government has sent Disaster Assistance Response Team (DART) personnel to Pakistan, Uzbekistan, Turkmenistan and Tajikistan to ensure that relief efforts are effective and well coordinated.
RESPECTING ISLAM

"The Islam that we know is a faith devoted to the worship of one God, as revealed through The Holy Qu’ran. It teaches the value and importance of charity, mercy, and peace."

--President George W. Bush, 11/15/01

The United States is a nation of religious freedom, and the President has acted to ensure that the world’s Muslims -- from Dearborn, Michigan to Kabul, Afghanistan -- know that America appreciates and celebrates the rich traditions of Islam:

♦ At the national prayer service following the September 11 attacks, the President included religious leaders from many faiths, including an Imam from the Islamic Society of North America. Subsequently the President hosted an interfaith meeting on September 20 with leaders of different religious denominations to pray jointly for the victims of the September 11 tragedies and called for national reconciliation.

♦ Soon after the terrorist attacks, the President visited the Islamic Center of Washington to meet with American Muslim leaders and deliver a message of tolerance and solidarity. The President condemned unwarranted attacks on Americans of Muslim faith, and urged Americans to show their support for their Muslim friends.

♦ President Bush launched the “Friendship Through Education” initiative, encouraging children in America and children in Muslim nations to connect through email, letter writing, and different friendship and understanding projects. The President wants this initiative to help youths from different societies deepen their understanding of each others’ traditions and outlooks.

♦ For Ramadan, on November 19 President Bush hosted the first-ever Iftar -- or breaking-of-the-fast -- dinner at the White House, which included the ambassadors from nations with Muslim populations. The President also issued a warm greeting to Muslims around America and around the world with a special Ramadan message.

♦ The State Department asked U.S. embassies in Muslim countries to host Iftar dinners and many members of his administration also held their own celebrations. Secretary of State Colin Powell, Attorney General John Ashcroft, and Deputy Secretary of Defense Paul Wolfowitz all participated in Iftar dinners.

♦ On December 17, President Bush hosted Muslim children at the White House in honor of Eid al-Fitr, Islam’s most sacred holiday. He read an Eid book to the children and hosted them for cookies and punch as well as delivering a present to each child in the tradition of Eid. The President also issued a taped Eid message and read an Eid greeting.

♦ Secretary of Energy Spencer Abraham recognized Americans for acts of compassion following the September 11th attacks -- he honored, for example, a church that started an escort service for Muslim women who wear the hijab, and a citizen who created a fund to
assist low-income Muslim victims of hate-inspired vandalism. Secretary Abraham will also launch a series of public service announcements further promoting tolerance.
"We face a united, determined enemy. America is going to be prepared."

--President George W. Bush, 10/8/01

President Bush has taken action to help protect America against terrorist attacks. The government is working around the clock to protect Americans. Among many other steps:

- The President worked with Congress to provide $20 billion to promote homeland security, including funds to upgrade intelligence and security, provide recovery assistance to disaster sites, help victims' families, increase numbers of law enforcement personnel, provide health care for displaced Americans, and purchase irradiation equipment to sanitize the mail.

- The President established the Office of Homeland Security -- under the diligent guidance of Governor Tom Ridge -- and the Homeland Security Council to coordinate, and implement the Executive Branch's efforts to detect, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

- The President moved to implement tough new airline security standards that tighten background checks for airline screeners and workers, dramatically expands the federal air marshal program, creates strict new baggage security requirements, and tightens security in all areas of airports.

- The President established an advisory committee for cyber security to ensure that America's key infrastructures are protected. The advisory committee is a public/private partnership.

- The Administration has strengthened coordination between law enforcement agencies of the U.S. and neighboring countries to address common threats while ensuring the free flow of goods and people.

- The Food and Drug Administration has enhanced the food screening process of imported foods.

- The Department of Health and Human Services created the Office of Public Health Preparedness, to coordinate the national response to public health emergencies.

- Public health professionals provided antibiotics to more than 30,000 people to protect against their possible exposure to anthrax.

- HHS increased the supply of drug caches around the country, added specific use drugs, and began to increase the supply of smallpox vaccine to 300 million.

- The President created a Presidential Task force to help Americans prepare in their homes,
neighborhoods, schools, and other public places from the consequences of terrorist attacks.

- The Centers for Disease Control and the U.S. Postal Service provided guidelines on how to handle mail that had potentially come into contact with anthrax.

- EPA has worked with water utilities, chemical, pesticide, petroleum and fertilizer manufacturers to increase their vigilance and secure their resources against an attack.
"It is said that adversity introduces us to ourselves. This is true of a nation as well. In this trial, we have been reminded, and the world has seen, that our fellow Americans are generous and kind, resourceful and brave. We see our national character in rescuers working past exhaustion; in long lines of blood donors; in thousands of citizens who have asked to work and serve in any way possible."

--President’s Remarks at National Day of Prayer and Remembrance, 9/14/01

Every one of the victims who died on September 11th was the most important person on earth to somebody. The American people have responded to the tragedies of September 11 with an unprecedented outpouring of support for their fellow Americans who lost so much on September 11:

- While it is impossible to catalog every penny of contributions, at least $1.3 billion has been collected in aid for families of both civilian and uniformed victims of the September 11th terrorist attacks.

- There are many relief organizations collecting aid to distribute to the families of the thousands of victims from the September 11th terrorist attacks. Examples include the Twin Towers Orphan fund, the Pentagon Assistance Fund, the WTC School Fund, the Washington Redskins Relief Fund, the Dole-Clinton Families of Freedom Scholarship Fund, and funds established by the United Jewish Communities, Catholic Charities, the Burn Center at the Washington Hospital Center, and many, many more.

- The American Red Cross has raised over $647.4 million and has distributed over $217.7 million to the families of the victims of September 11th.

- The September 11th United Way Relief Fund has been working thoughtfully and deliberately to distribute $143 million in cash and services to help rebuild the lives of victims’ families and affected communities.

- On September 1, the entertainment industry came together in historic fashion to raise funds and raise the spirits of all who have been touched by the horrific tragedy that has struck America. Over $150 million was pledged through the United Way September 11th Telethon Fund, “America: Tribute to Heroes.” By the end of the year, a total of $100 million in cash assistance will have been delivered to victims families through the Telethon Fund by the entertainment industry.

- New York City’s major human service organizations have joined forces under an umbrella group called the 9/11 United Services Group. At the urging of the New York State Attorney General, the group launched a confidential database, which will serve as a central clearinghouse for information on victims, survivors, financial needs, and the amounts of money and services provided by charities. This database enables the different charities to communicate with each other and track both the needs of the families of victims as well as the amount of assistance they are receiving.
More than 100 people with ties to the Sept. 11 terror attacks will carry the Olympic torch as it makes its way to Salt Lake City for the Winter Games. The torch will be passed at the Pentagon on Friday, December 21, 2001.

The President announced www.libertyunites.org in the Rose Garden on September 18, 2001, and praised Americans for their outpouring of charitable relief support in the wake of September 11th.
James R. Wilkinson
12/20/2001 10:24:55 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:  
Subject: 100 Day Report on the War on Terrorism

Today is the 100th day of the war on terrorism. Attached is the final report on the first 100 days of the war that the White House will release shortly. Please launch to your various lists immediately. Thanks.
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ATT CREATION TIME/DATE: 00:00:00.00
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THE GLOBAL WAR ON TERRORISM

THE FIRST 100 DAYS

"WE ARE SUPPORTED BY THE COLLECTIVE WILL OF THE WORLD."

PRESIDENT GEORGE W. BUSH

THE COALITION INFORMATION CENTERS

WASHINGTON, U.S.A
LONDON, U.K.
ISLAMABAD, PAKISTAN
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EXECUTIVE SUMMARY

"The attack took place on American soil, but it was an attack on the heart and soul of the civilized world. And the world has come together to fight a new and different war, the first, and we hope the only one, of the 21st century. A war against all those who seek to export terror, and a war against those governments that support or shelter them."

-President George W. Bush, 10/11/01

On September 11, terrorists attacked freedom.

The world has responded with an unprecedented coalition against international terrorism. In the first 100 days of the war, President George W. Bush increased America’s homeland security and built a worldwide coalition that:

♦ Began to destroy al-Qaeda’s grip on Afghanistan by driving the Taliban from power.
♦ Disrupted al-Qaeda’s global operations and terrorist financing networks.
♦ Destroyed al-Qaeda terrorist training camps.
♦ Helped the innocent people of Afghanistan recover from the Taliban’s reign of terror.
♦ Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans - including women.

President Bush is implementing a comprehensive and visionary foreign policy against international terrorism. The President’s policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

Diplomacy. President Bush has built a worldwide coalition against terrorism. More than 80 countries suffered losses on September 11; 136 countries have offered a diverse range of military assistance; 46 multilateral organizations have declared their support; and with U.S. leadership and international support, Afghans are putting aside long-standing ethnic and political differences to form a new and representative government.

Terrorist Finances. The President fired the first shot in the war on terrorism with the stroke of his pen to seize terrorist financial assets and disrupt their fundraising pipelines. The world financial community is moving to starve the terrorists of their financial support. 196 countries support the financial war on terror; 142 countries have acted to freeze terrorist assets; in the U.S. alone, the assets of 153 known terrorists, terrorist organizations, and terrorist financial centers have been frozen; and major terrorist financial networks have been closed down.

The Military Campaign. Operation Enduring Freedom began on October 7, 2001, and enjoys the support of countries from the United Kingdom to Australia to Japan. The Taliban have been forced to surrender major cities. The military has destroyed 11 terrorist training camps and 39 Taliban command and control sites. And al-Qaeda terrorists have been captured, killed or are on the run.

Law Enforcement. The U.S. has led a global dragnet to help bring terrorists to justice and
help prevent future terrorist acts, creating the Foreign Terrorist Tracking Task Force to prevent terrorists from entering the U.S.; arresting and indicting known terrorists; increasing the global sharing of law enforcement information; and implementing tough new anti-terrorism laws.

Humanitarian. As Afghanistan’s largest humanitarian donor, the U.S. has increased its aid to the Afghan people by providing $187 million in aid since October alone, including food, shelter, blankets, and medical supplies. The President also launched the America’s Fund for Afghan Children that has already raised more than $1.5 million for the children of Afghanistan. As the harsh Afghan winter approaches, the U.S. commitment to the Afghan people is saving lives.

Homeland Security. President Bush has taken steps to help protect America against further terrorist attacks, providing $20 billion for homeland security; strengthening intelligence efforts; creating the Office of Homeland Security and the Homeland Security Council; implementing tough new airline security measures; and taking steps to protect America’s mail.

Helping the Survivors of September 11. The American people have responded with overwhelming compassion for the families of the victims of September 11, donating at least $1.3 billion to charities.

Respecting Islam. Almost immediately after the attacks the President took steps to protect Muslim-Americans from hate crimes. The President also held a series of events, including hosting the first-ever White House Iftar and an Eid event at the end of Ramadan; the President visited the Islamic Center; and the President created the “Friendship Through Education” initiative to bring American and Muslim children closer together.
On September 11 the terrorists committed an act of war against the innocent. The terrorists killed not only to end lives -- they killed to end our way of life. Recently the terrorists said that we should forget the attacks of September 11. The terrorists would like nothing more than to silence the world’s vocal opposition to their frightening vision they hope to export to every corner of the world.

The world will never forget the innocent victims, and the brave heroes who died attempting to save them. The world will never forget the survivors, the devastated families and the grieving friends they left behind:

♦ More than 3,000 people died or remain missing following the attacks. They came from more than 80 different nations, from many different races and religions.
♦ 343 firefighters and paramedics perished at the World Trade Center.
♦ 23 police officers and 37 Port Authority police officers died at the World Trade Center.
♦ Approximately 2,000 children lost a parent on September 11, including 146 children who lost a parent in the Pentagon attacks.
♦ One business alone lost more than 700 employees, leaving at least 50 pregnant widows.

On December 11, more than 120 countries stood together to remember the three-month anniversary of the terrorist attacks.

### THESE NATIONS & AREAS SUFFERED LOSSES FROM THE SEPTEMBER 11 ATTACKS

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### THE AL-QAEDA VISION FOR THE WORLD

**THE WAR ON TERRORISM - THE FIRST 100 DAYS**
"...we calculated in advance the number of casualties from the enemy, who would be killed based on the position of the tower. We calculated that the floors that would be hit would be three or four floors. I was the most optimistic of them all...due to my experience in this field, I was thinking that the fire from the gas in the plane would melt the iron structure of the building and collapse the area where the plane hit and all the floors above it only. This is all that we had hoped for."

--bin Laden

"This new enemy seeks to destroy our freedom and impose its views. We value life; the terrorists ruthlessly destroy it. We value education; the terrorists do not believe women should be educated or should have health care, or should leave their homes. We value the right to speak our minds; for the terrorists, free expression can be grounds for execution. We respect people of all faiths and welcome the free practice of religion; our enemy wants to dictate how to think and how to worship even to their fellow Muslims."

--President George W. Bush, 11/8/01

Al-Qaeda is a movement defined by hatred. They hate progress, and freedom, and choice, and culture, and music, and laughter, and women, and Christians, and Jews, and all Muslims who reject their distorted doctrines. They love and worship only one thing, and that is power -- power they use without mercy to kill the innocent.

In Afghanistan, we have seen al-Qaeda's vision for the world. The leadership of al-Qaeda had great influence in Afghanistan and was supported by the Taliban regime. Afghanistan's people have been brutalized -- many are starving and many have fled. Women were not allowed to attend school. A person could be jailed for owning a television. Religion could be practiced only as their leaders dictated. A man could be jailed in Afghanistan if his beard was not long enough.

The al-Qaeda terrorists believe it is acceptable to steal food meant for starving, innocent families. The al-Qaeda philosophy says it is acceptable to use innocent people as human shields for their military operations. The al-Qaeda philosophy says it is acceptable to oppress women and doom them to a lifetime of poverty.

♦ Treatment of Women & Children. First Lady Laura Bush led a worldwide initiative to highlight the Taliban’s oppression of women. Before the Taliban, women played a key role in society. Then came al-Qaeda and their destruction of the Afghan family. The al-Qaeda-controlled Taliban regime especially targeted Afghan women and children, taking away their basic freedoms, splintering their families, putting their lives at risk, and relegating them to poverty. For example, the Taliban forbade the schooling for girls over the age of eight; shut down the women’s university; banned women from working (stripping a society in desperate need of trained professionals of half its assets); restricted access to medical care for women; brutally enforced a restrictive dress code; forbade women from moving about their communities freely; and beat women for laughing out loud. The First Lady led a worldwide initiative to highlight the Taliban’s oppression of women which helped lead to representation of women in the new interim government.

♦ Targeting Civilians. Al Qaeda and the Taliban regime have targeted civilians by literally using them as human shields for their military activities. For example, the November 6
Washington Post reports that the Taliban actually placed military assets in mosques and across the street from hospitals and innocent people’s homes. Taliban commanders have also hijacked humanitarian aid facilities for military purposes. A senior officer told the Washington Post, “Whole villages are being used as human shields by the Taliban to protect their large stockpiles of ammunition and weapons hidden in nearby caves.”

♦ Humanitarian Crimes. The al-Qaeda and Taliban contribution to the starving Afghan people has been a deliberate and systematic campaign to disrupt the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. For example, the Taliban seized control of two U.N. World Food Program (WFP) warehouses, one in Kabul, and one in Kandahar, containing more than half the World Food Program’s wheat supply for Afghanistan. The WFP in Kandahar had been feeding 150,000 Afghans a month before the Taliban seizure. The Taliban are also actually hijacking humanitarian convoys for military purposes. The November 6 Washington Post reports, “A truck in a convoy purportedly on a humanitarian mission to deliver food tipped over, and crates of tank and mortar shells could be seen spilling to the ground underneath a thin layer of flour.”

♦ Al Qaeda & the Drug Trade. Osama bin Laden and his organization finance many of their terrorist activities through the drug trade. In fact, on October 25, 2001, The Herald (Glasgow) reported, “Osama bin Laden financed the development of a highly-addictive liquid heroin which he named ‘The tears of Allah’ as part of his multi-pronged terrorist campaign to destabilise western society. . . . One source said yesterday: ‘It should be called the Devil’s Brew rather than Allah’s tears. It is a one-way ticket to addiction and death.’” The United Nations has also weighed in on the Taliban and al Qaeda connection to the drug trade. According to a U.N. Committee of Experts report on Resolution 1333 (May 2001), “Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.”

DIPLOMACY

"The message to every country is, there will be a campaign against terrorist activity, a worldwide campaign. And there is an outpouring of support for such a campaign. Freedom-loving people understand that terrorism knows no borders, that terrorists will strike in order to bring fear, to try to change the behavior of countries that love liberty. And we will not let them do that."

--President George W. Bush, 9/19/01

THE WAR ON TERRORISM - THE FIRST 100 DAYS
Since September 11, President Bush and Secretary of State Colin Powell have built a worldwide coalition for the war against terrorism. The coalition is stronger than ever and continues to grow.

- Since September 11, President Bush has met with leaders from at least 51 different countries to help build support for the war against terrorism.
- 136 countries have offered a range of military assistance.
- The U.S. has received 46 multilateral declarations of support from organizations.
- The U.N. General Assembly and Security Council condemned the attacks on September 12.
- NATO, OAS and ANZUS (Australia, New Zealand and the U.S.) quickly invoked their treaty obligations to support the United States. Our NATO allies are assisting directly in the defense of American territory.
- 142 countries have issued orders freezing the assets of suspected terrorists and organizations.
- 89 countries have granted over-flight authority for U.S. military aircraft.
- 76 countries have granted landing rights for U.S. military aircraft.
- 23 countries have agreed to host U.S. forces involved in offensive operations.
- Through intelligence cooperation with many nations, we are acquiring evidence against those responsible for the attacks of September 11 and we are better able to prevent future attacks.
- With U.S. leadership and with international support, Afghans have put aside long-standing ethnic and political differences to form a new interim government, naming a president and 29 ministers with portfolio. The new government will also include women, who have been oppressed by the Taliban regime.
- On December 11, more than 120 nations around the world answered President Bush’s call to reject terrorism and commemorate the victims of the September 11 attacks by holding remembrance ceremonies.
- The United States and several other allies have reopened embassies in Kabul.
- The President was joined by U.N. Secretary General Kofi Annan on November 11 for a memorial service honoring the citizens of all the countries killed in the World Trade Center.
"We put the world's financial institutions on notice: if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America."

--President George W. Bush, 11/7/01

Terrorists need money to carry out their evil deeds. The President's first strike in the war against terror was not with a gun or a missile — the President’s first strike was with his pen as he took action to freeze terrorist finances and disrupt their pipelines for raising and moving money in the future.

The world's financial institutions have been put on notice -- if you support, sponsor, or do business with terrorists, you will not do business with the United States. Denying terrorists access to funds is a very real success in the war on terrorism. Since September 11, the United States and its allies in the war on terrorism have been winning the war on the financial front:

♦ President Bush launched the first offensive in the war on terrorism on September 23 by signing an Executive Order freezing the U.S.-based assets of those individuals and organizations involved with terrorism.

♦ 196 countries and jurisdictions have expressed their support for the financial war on terror.

♦ 142 countries have issued orders freezing terrorist assets, and others have requested U.S. help in improving their legal and regulatory systems so they can more effectively block terrorist funds.

♦ The assets of at least 153 known terrorists, terrorist organizations, and terrorist financial centers have now been frozen in the U.S. financial system.

♦ Since September 11, the U.S. has blocked more than $33 million in assets of terrorist organizations. Other nations have also blocked another $33 million.

♦ On November 7, the U.S. and its allies closed down operations of two major financial networks - al-Barakaat and al-Taqwa - both of which were used by al-Qaeda and Osama Bin Laden as sources of income and mechanisms to transfer funds.

♦ On December 4, President Bush froze the assets of a U.S.-based foundation - The Holy Land Foundation for Relief and Development -- that has been funneling money to the terrorist organization Hamas.

♦ The U.S. government created three new organizations -- the Foreign Terrorist Asset Tracking Center (FTAT), Operation Green Quest and the Terrorist Financing Task Force. These new organizations will help facilitate information sharing between intelligence and law enforcement agencies and encourage other countries to identify, disrupt, and defeat
terrorist financing networks.

- International organizations are key partners in the war on financial terrorism. On September 28, the United Nations Security Council passed resolution 1373 that requires all nations to keep their financial systems free of terrorist funds.

- The Financial Action Task Force -- a 29-nation group promoting policies to combat money laundering -- adopted strict new standards to deny terrorist access to the world financial system.

- The G-20 and IMF member countries have agreed to make public the list of terrorists whose assets are subject to freezing, and the amount of assets frozen.
"I said to the Taliban, turn them over, destroy the camps, free people you're unjustly holding. I said, you've got time to do it. But they didn't listen. They didn't respond, and now they're paying a price. They are learning that anyone who strikes America will hear from our military, and they're not going to like what they hear. In choosing their enemy, the evildoers and those who harbor them have chosen their fate."

--President George W. Bush, 10/17/01

Operation Enduring Freedom, the military phase, began October 7, 2001. Since then, coalition forces have liberated the Afghan people from the repressive and violent Taliban regime. As President Bush and Secretary of Defense Donald Rumsfeld have said, this is a different kind of war against a different kind of enemy. The enemy is not a nation -- the enemy is terrorist networks that threaten the way of life of all peaceful people.

The war against terrorism is the first war of the 21st Century -- and it requires a 21st Century military strategy. Secretary Rumsfeld has worked with our coalition allies and the courageous men and women of the U.S. military to craft a cutting-edge military strategy that minimizes civilian casualties, partners with local forces, and brings destruction to the oppressive Taliban who supported the al-Qaeda terrorist network.

The coalition has achieved broad military success while putting fewer than 3,000 U.S. ground troops on the ground in Afghanistan. And Secretary Rumsfeld and the U.S. military have also shown a lightning quick ability to adapt to a distant, harsh and ever-changing battlefield. In some cases, U.S. troops are conquering terrorists by welding together 21st Century technology with 19th Century tactics. Troops have chased terrorists on horseback while using mobile phones and global positioning systems to pinpoint targets for the Air Force. Bombers today use 21st Century targeting technology, and laser-guided and GPS guided smart bombs to destroy specific targets, including centuries-old caves used as terrorist headquarters.

While we’ve achieved a great deal of military success, much dangerous and difficult work remains to be done before the war on terrorism is won. A few key military successes thus far in the war on terrorism include:

♦ In just weeks the military essentially destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.

♦ Taliban leaders have surrendered major cities to opposition forces, including Kandahar, Kabul, Kunduz, and Mazar-e-Sharif.

♦ The military has destroyed at least 11 terrorist training camps and 39 Taliban command and control sites. The Wall Street Journal reported on December 13 that as many as 50,000 terrorists from more than 50 countries may have received training in al-Qaeda camps in Afghanistan in recent years.

♦ About 2.5 million humanitarian rations have been dropped to aid the people of
Afghanistan.

- U.S. Marines have established a military base at Kandahar airport.
- Routes are being blocked to try to prevent the escape of al-Qaeda and Taliban members.
- Senior al-Qaeda and Taliban officials have either been captured or killed.
- The U.S. military rescued two American Christian aid workers who were being held as prisoners by the Taliban.
- Friendship Bridge between Afghanistan and Uzbekistan was reopened to transport humanitarian aid by land.
- Minefields and roads are being cleared to ensure delivery of aid and freedom of movement.
- Leaflet drops and radio broadcasts continue daily to convey our determination, provide truthful information, and encourage the capture of Osama bin Laden.

The military action in Afghanistan represents a global coalition effort. In addition to the United States, military assets are being deployed from many other nations, including the United Kingdom, Australia, Canada, Czech Republic, France, Germany, Italy, Japan, New Zealand, Poland, Russia and Turkey.
"Terrorists try to operate in the shadows. They try to hide. But we’re going to shine the light of justice on them. We list their names, we publicize their pictures, we rob them of their secrecy. Terrorism has a face, and today we expose it for the world to see."

--President George W. Bush, 10/10/01

The U.S. is leading a global dragnet to help bring terrorists to justice and help prevent future terrorist acts.

**Prevention and Investigation:**

- As of December 17, 460 individuals were being detained by the INS. 116 individuals, 77 of whom are in custody, are facing federal criminal charges -- including Zacarias Moussaoui who has been charged with conspiring with Osama bin Laden and al-Qaeda to murder thousands of innocent people in New York, Virginia and Pennsylvania.

- The Department of Justice (DOJ) created the new 22 “Most Wanted Terrorists” list.

- The FBI created a national task force to centralize control and information sharing resulting in hundreds of thousands of leads, over 500 searches, thousands of interviews of witnesses, and numerous court-authorized surveillance orders.

- The U.S. government has offered a reward of up to $25 million for information leading directly to the apprehension or conviction of Osama bin Laden.

- The Treasury Department and the Department of Justice collaborated to freeze the assets and accounts of 62 individuals and organizations connected with two terrorist-supporting financial networks, the al-Taqua and the al-Barakaat, and one organization funneling money to Hamas.

- The Department of State strengthened its "Rewards for Justice Program" which authorizes the Secretary of State to offers rewards of more than $5 million for information that prevents acts of international terrorism against the United States. The State Department has also launched a series of Public Service Announcements to educate the American public on the program.

- Improved information sharing between the law-enforcement and intelligence communities, allowing nationwide search warrants for e-mail and subpoenas for payment information, and to place those who access the Internet through cable companies on the same footing as everyone else.

- At the Attorney General’s request, the State Department designated 39 entities as terrorist organizations.
The U.S. has forged new cooperative agreements with Canada to protect our common borders and the economic prosperity they sustain.

Created 93 Anti-Terrorism Task Forces -- one in each U.S. Attorney's district -- to integrate the communications and activities of local, state and federal law enforcement.

Created the Foreign Terrorist Tracking Task Force to focus on preventing terrorists from entering the country, and to locate and remove those who already have.

The Department of Justice crafted a new reorganization plan -- Reorganization and Mobilization of the Nation's Justice and Law Enforcement Resources -- which is DOJ's strategy for fiscal years 2001 to 2006 to help meet the new anti-terrorism mission.

Reorganization of the Immigration and Naturalization Service (INS) to reform the agency's structure by separating its service and enforcement functions. Fulfills President Bush's pledge to improve the efficiency and effectiveness of the nation's immigration system.

The Department of Justice launched the Responsible Cooperators Program. Justice will provide immigration benefits to non-citizens who furnish information to help apprehend terrorists or to stop terrorist attacks.

INS arrested Mazen Al Najjar after he was ordered to be deported for violating his visa, had established ties to terrorist organizations and held leadership positions in the Islamic Concern Project and the World and Islam Studies Enterprise.

Zayd Hassan Abd Al-Latif Masud Al Safarini was arrested for his indictment in 1991 for the September 5, 1986, hijacking of Pan American World Airways Flight 73, demonstrating DOJ's commitment to track down terrorists no matter how long it takes.

Civil Rights:

The President moved swiftly to protect Muslims from hate crimes and the Department of Justice followed his lead by having their Civil Rights Division sponsor community forums in Chicago, Illinois, and Dearborn, Michigan, on combating ethnically motivated violence as a result of the September 11th terrorist attacks.

Attorney General John Ashcroft and AAG for Civil Rights Ralph F. Boyd, Jr. have met with 29 prominent leaders from the Arab and Muslim American and Sikh communities and underscored DOJ's strong commitment to investigate and prosecute violators of federal hate crime laws.

The Department of Justice, the U.S. Equal Opportunity Commission and the Department of Labor issued a joint statement against employment discrimination in the aftermath of September 11.

Investigating approximately 300 incidents involving violence, or threats of violence against individuals perceived to be of Middle Eastern origin. Federal charges have been brought in 6 cases, coordinating with local prosecutors in at least ten instances where cases are being
prosecuted locally.

**Victim Relief:**

- Provided approximately $52 million in assistance to victims and their families and $10 million in emergency assistance to the NYPD.
"Ultimately, one of the best weapons, one of the truest weapons that we have against terrorism is to show the world the true strength of character and kindness of the American people. Americans are united in this fight against terrorism. We're also united in our concern for the innocent people of Afghanistan."

President George W. Bush, 10/11/01

The humanitarian situation in Afghanistan remains dire. Millions face the threat of starvation. 70% of the Afghan people and ½ of all Afghan children are malnourished. Only 13% of the Afghan people have access to clean water.

Years of civil war -- compounded by the rule of the Taliban and the worst drought in 30 years -- have made matters worse. The Taliban were clearly more interested in protecting al-Qaeda than feeding the starving, innocent people of Afghanistan. Al-Qaeda and the Taliban have not only failed to provide security, food, and shelter for the Afghan people, but they have also disrupted the efforts of international relief agencies to deliver desperately needed food and medical supplies to the Afghan people. Among other things, the Taliban have seized and looted humanitarian supplies for themselves, and have harassed and beaten Afghan and international aid workers.

The typically harsh Afghan winter is arriving and the U.S., with its international partners, is doing everything it can to help bring hope to the innocent Afghans who have suffered under the brutal and oppressive al-Qaeda and Taliban regime:

♦ Even before September 11, the U.S. was the leading humanitarian aid donor for Afghanistan.

♦ Last fiscal year the U.S. provided $183 million of humanitarian assistance alone to Afghanistan.

♦ Since the beginning of October alone, the U.S. has provided more than $187 million in humanitarian assistance to Afghanistan.

♦ On October 10, USAID Administrator Natsios announced a five-point assistance strategy for Afghanistan: reduce death rates; minimize population movements; lower and then stabilize food prices; ensure that aid reaches those it is intended for; and begin developmental relief programs.

♦ As of mid-December the international community, led by the U.S., has delivered 127,368 metric tons (MT) of food aid to Afghanistan, using, trucks, boats, barges, aircraft, and thousands of people to overcome numerous logistical and security obstacles. (For context, 52,000 MT of food will feed approximately six million people for one month.)

♦ Between October 7 and December 13, the Department of Defense airdropped 2,423,700 Humanitarian Daily Rations (HDRs) to Afghans who could not be reached by relief workers.
because of ongoing conflict. The entire operation cost approximately $51 million.

- The President announced the creation of the America’s Fund for Afghan Children. The President asked American children to send $1 dollar -- or whatever they can afford -- to the Fund to help buy important humanitarian supplies. America’s children have donated more than $1.5 million thus far to the Fund. The first shipment of humanitarian goods purchased from this fund left the U.S. for the Afghan children on Sunday, December 9.

- The government has provided more than $62 million in grants to support relief activities in Afghanistan. The programs include supporting agriculture, rehabilitating water resources, funding health services, repairing shelters, and providing critical non-food items such as blankets, tents and kitchen sets. Additional grants have funded UN coordination efforts and a radio program to provide humanitarian and security information to Afghans in their home languages.

- USAID has provided funding for wool blankets and quilts, shelter kits, plastic sheeting and winterized tents. Further, USAID is distributing mattresses, clothes, stoves, cooking sets, firewood, coal, lanterns and water containers.

- The government has provided medical kits and funds for health centers and mobile clinics in Afghanistan and is sponsoring public health education and programs on hygiene, obstetrics, maternal and childcare, and malnutrition. USAID is employing trained personnel to conduct educational outreach on basic health and nutrition, especially to women. USAID is helping expectant mothers, training local birth attendants and funding the distribution of vitamins and the immunization of young children.

- The government has provided funds for rehabilitation and reconstruction in the areas of housing, roads and bridges, wells and irrigation systems, agriculture and food security, and initiating “food for work” and “food for cash” initiatives.

- USAID has funded six airlifts of critical commodities to Afghanistan. The airlifts have provided shelter materials, tents, health supplies and high-energy food items for vulnerable people in Afghanistan.

- The State Department has provided $32,260,000 to relief agencies to assist Afghan refugees in Pakistan, Iran and other neighboring countries. The grants also provide funds to assist refugees attempting to return to their homes in Afghanistan.

- The government has sent Disaster Assistance Response Team (DART) personnel to Pakistan, Uzbekistan, Turkmenistan and Tajikistan to ensure that relief efforts are effective and well coordinated.
RESPECTING ISLAM

"The Islam that we know is a faith devoted to the worship of one God, as revealed through The Holy Qu’ran. It teaches the value and importance of charity, mercy, and peace."

--President George W. Bush, 11/15/01

The United States is a nation of religious freedom, and the President has acted to ensure that the world’s Muslims -- from Dearborn, Michigan to Kabul, Afghanistan -- know that America appreciates and celebrates the rich traditions of Islam:

♦ At the national prayer service following the September 11 attacks, the President included religious leaders from many faiths, including an Imam from the Islamic Society of North America. Subsequently the President hosted an interfaith meeting on September 20 with leaders of different religious denominations to pray jointly for the victims of the September 11 tragedies and called for national reconciliation.

♦ Soon after the terrorist attacks, the President visited the Islamic Center of Washington to meet with American Muslim leaders and deliver a message of tolerance and solidarity. The President condemned unwarranted attacks on Americans of Muslim faith, and urged Americans to show their support for their Muslim friends.

♦ President Bush launched the “Friendship Through Education” initiative, encouraging children in America and children in Muslim nations to connect through email, letter writing, and different friendship and understanding projects. The President wants this initiative to help youths from different societies deepen their understanding of each others’ traditions and outlooks.

♦ For Ramadan, on November 19 President Bush hosted the first-ever Iftar -- or breaking-of-the-fast -- dinner at the White House, which included the ambassadors from nations with Muslim populations. The President also issued a warm greeting to Muslims around America and around the world with a special Ramadan message.

♦ The State Department asked U.S. embassies in Muslim countries to host Iftar dinners and many members of his administration also held their own celebrations. Secretary of State Colin Powell, Attorney General John Ashcroft, and Deputy Secretary of Defense Paul Wolfowitz all participated in Iftar dinners.

♦ On December 17, President Bush hosted Muslim children at the White House in honor of Eid al-Fitr, Islam’s most sacred holiday. He read an Eid book to the children and hosted them for cookies and punch as well as delivering a present to each child in the tradition of Eid. The President also issued a taped Eid message and read an Eid greeting.

♦ Secretary of Energy Spencer Abraham recognized Americans for acts of compassion following the September 11th attacks -- he honored, for example, a church that started an escort service for Muslim women who wear the hijab, and a citizen who created a fund to
assist low-income Muslim victims of hate-inspired vandalism. Secretary Abraham will also launch a series of public service announcements further promoting tolerance.
"We face a united, determined enemy. America is going to be prepared."

--President George W. Bush, 10/8/01

President Bush has taken action to help protect America against terrorist attacks. The government is working around the clock to protect Americans. Among many other steps:

♦ The President worked with Congress to provide $20 billion to promote homeland security, including funds to upgrade intelligence and security, provide recovery assistance to disaster sites, help victims' families, increase numbers of law enforcement personnel, provide health care for displaced Americans, and purchase irradiation equipment to sanitize the mail.

♦ The President established the Office of Homeland Security -- under the diligent guidance of Governor Tom Ridge -- and the Homeland Security Council to coordinate, and implement the Executive Branch's efforts to detect, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

♦ The President moved to implement tough new airline security standards that tighten background checks for airline screeners and workers, dramatically expands the federal air marshal program, creates strict new baggage security requirements, and tightens security in all areas of airports.

♦ The President established an advisory committee for cyber security to ensure that America's key infrastructures are protected. The advisory committee is a public/private partnership.

♦ The Administration has strengthened coordination between law enforcement agencies of the U.S. and neighboring countries to address common threats while ensuring the free flow of goods and people.

♦ The Food and Drug Administration has enhanced the food screening process of imported foods.

♦ The Department of Health and Human Services created the Office of Public Health Preparedness, to coordinate the national response to public health emergencies.

♦ Public health professionals provided antibiotics to more than 30,000 people to protect against their possible exposure to anthrax.

♦ HHS increased the supply of drug caches around the country, added specific use drugs, and began to increase the supply of small pox vaccine to 300 million.

♦ The President created a Presidential Task force to help Americans prepare in their homes,
neighborhoods, schools, and other public places from the consequences of terrorist attacks.

- The Centers for Disease Control and the U.S. Postal Service provided guidelines on how to handle mail that had potentially come into contact with anthrax.

- EPA has worked with water utilities, chemical, pesticide, petroleum and fertilizer manufacturers to increase their vigilance and secure their resources against an attack.
"It is said that adversity introduces us to ourselves. This is true of a nation as well. In this trial, we have been reminded, and the world has seen, that our fellow Americans are generous and kind, resourceful and brave. We see our national character in rescuers working past exhaustion; in long lines of blood donors; in thousands of citizens who have asked to work and serve in any way possible."

--President’s Remarks at National Day of Prayer and Remembrance, 9/14/01

Every one of the victims who died on September 11th was the most important person on earth to somebody. The American people have responded to the tragedies of September 11 with an unprecedented outpouring of support for their fellow Americans who lost so much on September 11:

- While it is impossible to catalog every penny of contributions, at least $1.3 billion has been collected in aid for families of both civilian and uniformed victims of the September 11th terrorist attacks.

- There are many relief organizations collecting aid to distribute to the families of the thousands of victims from the September 11th terrorist attacks. Examples include the Twin Towers Orphan fund, the Pentagon Assistance Fund, the WTC School Fund, the Washington Redskins Relief Fund, the Dole-Clinton Families of Freedom Scholarship Fund, and funds established by the United Jewish Communities, Catholic Charities, the Burn Center at the Washington Hospital Center, and many, many more.

- The American Red Cross has raised over $647.4 million and has distributed over $217.7 million to the families of the victims of September 11th.

- The September 11th United Way Relief Fund has been working thoughtfully and deliberately to distribute $143 million in cash and services to help rebuild the lives of victims' families and affected communities.

- On September 1, the entertainment industry came together in historic fashion to raise funds and raise the spirits of all who have been touched by the horrific tragedy that has struck America. Over $150 million was pledged through the United Way September 11th Telethon Fund, "America: Tribute to Heroes." By the end of the year, a total of $100 million in cash assistance will have been delivered to victims families through the Telethon Fund by the entertainment industry.

- New York City’s major human service organizations have joined forces under an umbrella group called the 9/11 United Services Group. At the urging of the New York State Attorney General, the group launched a confidential database, which will serve as a central clearinghouse for information on victims, survivors, financial needs, and the amounts of money and services provided by charities. This database enables the different charities to communicate with each other and track both the needs of the families of victims as well as the amount of assistance they are receiving.
More than 100 people with ties to the Sept. 11 terror attacks will carry the Olympic torch as it makes its way to Salt Lake City for the Winter Games. The torch will be passed at the Pentagon on Friday, December 21, 2001.

The President announced www.libertyunites.org in the Rose Garden on September 18, 2001, and praised Americans for their outpouring of charitable relief support in the wake of September 11th.
Sent: 12/21/2001 3:10:19 AM
Subject: The War on Terrorism -- December 21, 2001
Attachments: P_CBX35004_OPD.TXT_1.doc

The War on Terrorism -- December 21, 2001
TO: Elliott Abrams (CN=Elliott Abrams/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Eric A. Draper (CN=Eric A. Draper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: mkitchens@pstrategies.com (mkitchens@pstrategies.com [UNKNOWN])
READ:UNKNOWN
TO: kscury@princeton.edu (kscury@princeton.edu [UNKNOWN])
READ:UNKNOWN
TO: LMB Nelson@aol.com (LMB Nelson@aol.com [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
TO: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Kjersten S. Drager (CN=Kjersten S. Drager/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Clare C. Doherty (CN=Clare C. Doherty/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO: Brian P. Doherty (CN=Brian P. Doherty/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO: gregory_J._jenkins@who.eop.gov (gregory_J._jenkins@who.eop.gov [UNKNOWN])
READ:UNKNOWN
TO: gayland.barksdale@mail.house.gov (gayland.barksdale@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO: kathryn.lehman@mail.house.gov (kathryn.lehman@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO: JTMastranadi@nrsc.org (JTMastranadi@nrsc.org [UNKNOWN])
READ:UNKNOWN
TO: Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Joseph Ratajczak (CN=Joseph Ratajczak/OU=ONDCP/O=EOP@EOP [ONDCP])
READ:UNKNOWN
TO: melody_h._fennel@hud.gov (melody_h._fennel@hud.gov [UNKNOWN])
READ:UNKNOWN
TO: Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO: All OVP Users (All OVP Users [UNKNOWN])
READ:UNKNOWN
TO: don.meyer@osd.mil (don.meyer@osd.mil [UNKNOWN])
READ:UNKNOWN
TO: chris.willcox@osd.mil (chris.willcox@osd.mil [UNKNOWN])
READ:UNKNOWN
TO: kevin.kellems@osd.mil (kevin.kellems@osd.mil [UNKNOWN])
READ:UNKNOWN
TO: hensley-sue@dol.gov (hensley-sue@dol.gov [UNKNOWN])
READ:UNKNOWN
TO: richard.mcgraw@osd.mil (richard.mcgraw@osd.mil [UNKNOWN])
READ:UNKNOWN
TO: tfrancis@doc.gov (tfrancis@doc.gov [UNKNOWN])
READ:UNKNOWN
TO: Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
Your message of the day. Everybody in the CIC wishes you all the best this holiday season.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_CBX35004_OPD.TXT>
**Today's Schedule**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:45a EST</td>
<td>White House gaggle with Ari Fleischer.</td>
</tr>
<tr>
<td>10:30a EST</td>
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</tr>
<tr>
<td>3:25p EST</td>
<td>President Bush meets the President of Kazakhstan in the Oval Office.</td>
</tr>
</tbody>
</table>

**Message**

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  - Destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.
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  - Destroyed al-Qaeda terrorist training camps.
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- The President’s policy puts the world on notice that any nation that harbors or supports terrorism will be regarded as a hostile regime.

**Recent Key Quotes & Developments**

- "The first boatload of tourists arrived at Liberty Island Thursday morning as the icon of American freedom reopened for the first time since the Sept. 11 terrorist attacks. Liberty Island and Ellis Island...are located just across New York Harbor from where the World Trade Center's twin towers once stood." (AP, 12/20/01)

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**Fact of the Day**

- On December 19, USAID funded a grant to Shelter for Life for $1,294,550 for a cash-for-work program focusing on road reconstruction and emergency home repairs for returning Internally Displaced Persons in Kunduz and Takhar provinces.
The War on Terrorism -- December 21, 2001

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Sent: 12/21/2001 3:10:19 AM
Subject: The War on Terrorism -- December 21, 2001
Attachments: F_CBX35004_OA.TXT_1.doc

---

# Begin Original ARMS Header#

- **CREATOR:** James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
- **CREATION DATE/TIME:** 21-DEC-2001 08:10:19.00
- **SUBJECT:** The War on Terrorism -- December 21, 2001
- **TO:** john.pitney@claremontmckenna.edu (john.pitney@claremontmckenna.edu [UNKNOWN])
  - **READ:** UNKNOWN
- **TO:** afoti@AKINGUMP.COM (afoti@AKINGUMP.COM [UNKNOWN])
  - **READ:** UNKNOWN
- **TO:** marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])
  - **READ:** UNKNOWN
- **TO:** Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])
  - **READ:** UNKNOWN
- **TO:** Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])
  - **READ:** UNKNOWN
- **TO:** Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])
  - **READ:** UNKNOWN
- **TO:** Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP@EOP [WHO])
  - **READ:** UNKNOWN
- **TO:** Melanie A. Jackson (CN=Melanie A. Jackson/OU=WHO/O=EOP@EOP [WHO])
  - **READ:** UNKNOWN
- **TO:** Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])
  - **READ:** UNKNOWN
- **TO:** Eleanor L. Gillmor (CN=Eleanor L. Gillmor/OU=OPD/O=EOP@EOP [OPD])
  - **READ:** UNKNOWN
- **TO:** Tiffany L. Barfield (CN=Tiffany L. Barfield/OU=OPD/O=EOP@EOP [OPD])
  - **READ:** UNKNOWN
- **TO:** David F. Lussier (CN=David F. Lussier/OU=OPD/O=EOP@EOP [UNKNOWN])
  - **READ:** UNKNOWN
- **TO:** Torie.Clarke@osd.mil (Torie.Clarke@osd.mil @ inet [UNKNOWN])
  - **READ:** UNKNOWN
- **TO:** rgeorge@nypost.com (rgeorge@nypost.com @ inet [UNKNOWN])
  - **READ:** UNKNOWN
- **TO:** Neil S. Patel (CN=Neil S. Patel/OU=OVP/O=EOP@EOP [OVP])
  - **READ:** UNKNOWN
- **TO:** Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP@EOP [WHO])
  - **READ:** UNKNOWN

---

# ARMS Header Ends#
Your message of the day. Everybody in the CIC wishes you all the best this holiday season.

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <F_CBX35004_OA.TXT>
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**Message**

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  - Destroyed al-Qaeda’s grip on Afghanistan by driving the Taliban from power.
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- On December 19, USAID funded a grant to Shelter for Life for $1,294,550 for a cash-for-work program focusing on road reconstruction and emergency home repairs for returning Internally Displaced Persons in Kunduz and Takhar provinces.
Sent: 12/21/2001 3:10:19 AM
Subject: The War on Terrorism -- December 21, 2001
Attachments: P_CBX35004_WHO.TXT_1.doc

The War on Terrorism -- December 21, 2001

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REV_00087532
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Sent: 12/21/2001 3:10:19 AM
Subject: : The War on Terrorism -- December 21, 2001
Attachments: P_CBX35004_CEA.TXT_ 1.doc
Your message of the day. Everybody in the CIC wishes you all the best this holiday season.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CBX35004_CEA.TXT>
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Sent: 12/21/2001 3:10:19 AM
Subject: The War on Terrorism -- December 21, 2001
Attachments: F_CBX35004_NSC.TXT_1.doc
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I will be gone the 27th and 28th; use cell number

Elizabeth N. Camp
12/21/2001 08:48:33 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Subject: contact info/travel dates

I am preparing the contact list for the holidays.

What days are you planning to be in the office and what dates are you travelling. Any other contact #'s other than your home and cell?
I will be covering phones in the WW this afternoon and next week.
Thanks very much, Terri.

---

"Lacy, Terri" <terrilacy@akllp.com>  
12/21/2001 02:21:17 PM  
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Letter has been sent to Post
Mr. Kavanaugh,

We continue periodically to receive FOIA requests from the ACLU and People for the American Way regarding documents pertaining to the faith-based audits performed last Summer at DOJ, DOL, DOE, HHS and HUD. So far, the audit reports have satisfied them. We'll let you know if this matter heats up in the future.

Jim Davids

James A. Davids
Deputy Director and Counsel
Task Force for Faith-Based & Community Initiatives
Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530
202/514-2987
James.Davids@usdoj.gov

-----Original Message-----
From: Davids, James
Sent: Friday, December 21, 2001 10:07 AM
To: 'Jayne E. Farrell@HUD.GOV'; 'scarlson@who.eop.gov'
Cc: Esbeck, Carl
Subject: RE: FOIA Request

Elizabeth,

Thanks for the e-mail and fax. The FOIA request from People for the American Way is similar to the requests received by other departments. At the present time, PFAW appears satisfied with simply obtaining a copy of the report you submitted to the White House. Call the person from PFAW, confirm this understanding, and then provide two copies of your audit report to the OGC FOIA person with a Memo from you regarding your common understanding with PFAW. That should do it (at least this is the way it has worked in the past!). Let me know if I can do anything further.

Jim

-----Original Message-----
From: Jayne E. Farrell@HUD.GOV [mailto:Jayne E. Farrell@HUD.GOV]
Sent: Thursday, December 20, 2001 3:42 PM
To: Davids, James; scarlson@who.eop.gov
Subject: FOIA Request
Received another FOIA Request, People for the American Way. I faxed a copy of the request to Jim. Stanley, do you need a copy as well. Is there a procedure yet? Let me know, thanks, Elizabeth
call me

If you want me to check your fax machine next week, please either leave your office unlocked or make sure that I have access to a key.

Thanks,
Jason
If you want me to check your fax machine next week, please either leave your office unlocked or make sure that I have access to a key.

Thanks,
Jason
I will be out of the office until December 31st. Please email me at staylor@georgewbush.com
Call Terri - she needs to know what to do with the letter!
just talked to Anne, who just talked to Terri. what's Terri's number because I will call directly as well just to touch base.
Letter has been sent to Post.
5 USC 7324(b)(1): "An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States."
thanks.

Brett M. Kavanaugh
12/21/2001 02:31:41 PM
Record Type: Record
To: Robert W. Cobb/WHO/EOP@EOP
cc: 
Subject: statute

5 USC 7324(b)(1): "An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States."
From: CN=Rachel L. Brand/OU=WHO/O=EOP [ WHO ]
Sent: 12/21/2001 11:00:17 AM
Subject: : Anybody know who the GC of the Social Security Administration is?

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Rachel L. Brand ( CN=Rachel L. Brand/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:21-DEC-2001 16:00:17.00
SUBJECT:: Anybody know who the GC of the Social Security Administration is?
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Robert W. Cobb ( CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Courtney S. Elwood ( CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Rachel L. Brand ( CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] ) READ:UNKNOWN
##### End Original ARMS Header #####
I did the last one. Does David Cole want another piece of me?! Just kidding. Sure, DoJ will participate. Whether it's me or another depends on the topic and date. Lori Sharpe Day will coordinate DoJ participation, as she did last time. (Actually, Lori, Jennifer Newstead may be good for this one if the topic fits.)

best,

VDD

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, December 21, 2001 4:36 PM
To: Dinh, Viet
Cc: Sharon Bradford Franklin
Subject: Invitation

V:
Sharon is a law school classmate and friend. Any interest in participating in this? Please let us know.

BK

The Washington Council of Lawyers is having a brownbag forum on responses to terrorism. The panel will be a sequel to our October 25th forum entitled "Responding to Terrorism: Safeguarding Our Communities and Our Civil Liberties." Attached is a flyer from that event.

In our upcoming panel, we once again seek to provide a variety of
perspectives on how to reconcile current efforts to protect our security with
the need to guarantee fundamental civil liberties. Our focus for this event
will be on some of the policies that have emerged since October 25th,
including those concerning military tribunals and the attorney-client privilege.
The Washington Council of Lawyers is a voluntary bar association dedicated
to promoting public interest and pro bono law. To find out more about the Council, you may visit our website at www.washingtoncounciloflawyers.org.
We plan to hold this event on Wed., Jan. 9, or Thurs. Jan. 17, 2002, from 12 noon until 2:00 p.m. at a law firm in downtown Washington, D.C.
Brett,

Many thanks!
As you saw from Dinh's reply, he participated in our last one (to which this is the follow up), and he was great. Another person from DOJ, as he suggests, would be wonderful. I assume I should just follow up with him. Let me know if you have any more thoughts. Thanks again!
Sharon

P.S. If I don't talk or email with you before then, have a Merry Christmas!

--- Original Message -----
From: <Brett_M._Kavanaugh@who.eop.gov>
To: <viet.dinh@usdoj.gov>
Cc: "Sharon Bradford Franklin" <franklin@wclawyers.org>
Sent: Friday, December 21, 2001 4:36 PM
Subject: Invitation

> V:
> Sharon is a law school classmate and friend. Any interest in participating in this? Please let us know.
> BK
>
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noon until 2:00 p.m. at a law firm in downtown Washington, D.C.
Dear Mr. Dinh,

Many thanks! It was great to have you as a panelist in our Oct. 25th event and everyone appreciated your explanations of the Patriot Act and your insightful comments.

I am glad to learn that DOJ will participate in our follow up event. We were, as you surmised, trying to spread the burdens around a bit -- we will have others to take over David Cole's role! -- so I had asked Brett for his thoughts on who could present the administration policies that have been announced since our Oct. 25th forum.

I am happy to coordinate directly with Lori Sharpe Day as you state in your email. Thanks again -- Sharon Bradford Franklin

Executive Director
Washington Council of Lawyers

----- Original Message ----- 
From: "Dinh, Viet" <Viet.Dinh@usdoj.gov>
To: <Brett_M. Kavanaugh@who.eop.gov>
Cc: "Newstead, Jennifer (Receipt Notification Requested) (IPM Return Requested)" <Jennifer.Newstead@usdoj.gov>; "Day, Lori Sharpe (Receipt Notification Requested) (IPM Return Requested)" <Lori.SharpeDay@usdoj.gov>; "'Sharon Bradford Franklin' (Receipt Notification Requested)" <franklin@wclawyers.org>
Sent: Friday, December 21, 2001 4:44 PM
Subject: RE: Invitation

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BK

The Washington Council of Lawyers is having a brownbag forum on responses to terrorism. The panel will be a sequel to our October 25th forum entitled "Responding to Terrorism: Safeguarding Our Communities and Our Civil Liberties." Attached is a flyer from that event.

In our upcoming panel, we once again seek to provide a variety of perspectives on how to reconcile current efforts to protect our security with the need to guarantee fundamental civil liberties. Our focus for this event will be on some of the policies that have emerged since October 25th, including those concerning military tribunals and the attorney-client privilege.

The Washington Council of Lawyers is a voluntary bar association dedicated to promoting public interest and pro bono law. To find out more about the Council, you may visit our website at www.washingtoncounciloflawyers.org. We plan to hold this event on Wed., Jan. 9, or Thurs. Jan. 17, 2002, from 12 noon until 2:00 p.m. at a law firm in downtown Washington, D.C.
My impression of the editorial exactly. What was unexpected was the suggestion that a recess appointment would be justified. It's always possible they'll focus on the merits of the individual nominations later - which I think would be good.

Anyway, thank you very much for working with Wittes, I'm sure that it helped and very much appreciate it.

---------
From: Brett_M._Kavanaugh@who.eop.gov
[SMTP:Brett_M._Kavanaugh@who.eop.gov]
Sent: Saturday, December 22, 2001 1:17 PM
To: Scalia Eugene

I just read today's Post editorial, which is helpful -- although less than we would like. Seems that the page as a whole decided to take a pass on the substantive merits of the nominations and focus on the procedural issues. Not entirely unexpected.
I share Brett's concerns. The program got off to a great start. Ken's primary goal now should be swift implementation. The statements Brett has highlighted suggest that Ken is focused more on "selling" the program. And in doing so in this manner, he may make things much harder for himself and the department.
The Gonzales CNN interview gets me where I need to be.

/b

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269
Well, I suppose the editorial would have had fewer readers if it actually ran on Christmas Day instead of the day after Christmas!! at least it was good, and we can make good use of it with others . . . I'm off tonight for 3 days of golf out West, but am available on cell as always.
Good job. Have fun.

Brett M. Kavanaugh  
12/26/2001 12:21:31 PM  
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc:  
Subject: Post editorial

Well, I suppose the editorial would have had fewer readers if it actually ran on Christmas Day instead of the day after Christmas!! at least it was good, and we can make good use of it with others . . . . I'm off tonight for 3 days of golf out West, but am available on cell as always.
American History: Bush, Cheney would limit ability and right to learn it

The Houston Chronicle, December 26, 2001

In a column that appeared on the Chronicle's editorial page Dec. 23, George F. Will praised Lynn Cheney for championing the study of American history. But if Cheney's spouse, Vice President Dick Cheney, and his boss, President Bush, had their way, only a limited history of American government would be available to coming generations.

The vice president still refuses to tell Americans which energy company executives he consulted while drafting the Bush administration's national energy policy, or how much the executives contributed to various campaign chests for the privilege. President Bush has issued an order giving both former and sitting presidents the power to deny public access to aging White House documents that belong by law to the America people.

In her recent talk at Princeton University, Lynn Cheney lamented a survey that found only 22 percent of seniors at elite college campuses knew that the words "government of the people, by the people and for the people" were from Abraham Lincoln's Gettysburg Address. What is worse, however, is an administration that can quote the Gettysburg Address but declines to be guided by its themes.

In an article on the Chronicle's Dec. 21 Outlook page, White House counsel Alberto R. Gonzales defended President Bush's effort to limit public access to presidential records that are, at minimum, 12 years old. Gonzales argues that unclassified, decades-old White House documents can be too sensitive to be shown to the American people who own them. He misses the point that it is not the documents that endanger national security, but the misguided or shameful executive decisions they might reveal.

The president's lawyer says the release of sensitive Reagan administration papers could deprive President Bush and future presidents of candid advice. That is laughable on its face. Politicians of both parties fondly allude to the Founding Fathers and their ideals, as Lynn Cheney did at Princeton. Too few are scrupulous enough to act on those ideals, and some appear not to know the difference.
Several folks who volunteered at the Iowa caucuses want to host a 2 year anniversary party in late January. White House staff will be invited. Does this violate the gift ban?
I will be out of the office until January 6, 2002. If you need to speak with someone, please contact Jennifer Newstead, Principal Deputy Assistant Attorney General at 616-0038 or Jason Sutton, Special Assistant at 514-4601.
How much do you know about the John Walker Lindh situation?

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269
we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).
I'm happy for you to raise it. Just so you know, I already raised it with Tim just before Christmas.

Brett M. Kavanaugh
12/31/2001 12:03:43 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).
Did a Post editorial on this issue run? I was out of town last week.

Ben Wittes <wittesb@washpost.com>
12/26/2001 12:40:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
c:
Subject: Re: Hatch article

The Gonzales CNN interview gets me where I need to be.

/b

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Scalia Eugene <scalia-eugene@dol.gov>
Sent: 12/31/2001 5:18:37 AM
Subject: RE:

From President's comments in Crawford last week when questioned about recess appointments:

"Thinking about it. I don't know yet. I'm right now focused on the military operations in Afghanistan and giving Tommy a tour of my ranch. But I, at the appropriate time, will take a good, hard look at recess appointments. I'm disappointed that a lot of my appointments were stalled in the United States Senate, weren't given a hearing. This Scalia man got out of committee, but never given a vote on the floor of the Senate. He's a good fellow, he ought to be approved. But I'll take a good, hard look at all the options available to me."
in case you missed . . .

DT: Moose is our gifts guru, so you can direct your question to him. Thanks and Happy New Year.
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 12/31/2001 5:35:28 AM
Subject: : Re: fyi

Glad to see Vegas didn't pickle you brain...

Brett M. Kavanaugh
12/31/2001 10:30:20 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP
cc: david s. addington/ovp/eop@eop
bcc: Re: fyi

wonder if the Chronicle knows that the Founding Fathers kept the
records of the Constitutional Convention under lock and key for 30 years .
.. guess they did that to hide their "misguided or shameful decisions"

Elizabeth N. Camp
12/28/2001 01:26:07 PM
Record Type: Record

To: David S. Addington/OVPEOP/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: fyi

American History: Bush, Cheney would limit ability and right to learn it
(HChron)
Editorial
The Houston Chronicle, December 26, 2001
In a column that appeared on the Chronicle's editorial page Dec. 23,
George F. Will praised Lynn Cheney for championing the study of American
history. But if Cheney's spouse, Vice President Dick Cheney, and his boss,
President Bush, had their way, only a limited history of American
government would be available to coming generations.
The vice president still refuses to tell Americans which energy company
executives he consulted while drafting the Bush administration's national
energy policy, or how much the executives contributed to various campaign
chests for the privilege. President Bush has issued an order giving both
former and sitting presidents the power to deny public access to aging
White House documents that belong by law to the America people.
In her recent talk at Princeton University, Lynn Cheney lamented a survey
that found only 22 percent of seniors at elite college campuses knew that
the words "government of the people, by the people and for the people"
were from Abraham Lincoln's Gettysburg Address. What is worse, however, is
an administration that can quote the Gettysburg Address but declines to be
guided by its themes.
In an article on the Chronicle's Dec. 21 Outlook page, White House counsel
Alberto R. Gonzales defended President Bush's effort to limit public
access to presidential records that are, at minimum, 12 years old.
Gonzales argues that unclassified, decades-old White House documents can
be too sensitive to be shown to the American people who own them. He
misses the point that it is not the documents that endanger national
security, but the misguided or shameful executive decisions they might
reveal.
The president's lawyer says the release of sensitive Reagan administration
papers could deprive President Bush and future presidents of candid
advice. That is laughable on its face.
Politicians of both parties fondly allude to the Founding Fathers and
their ideals, as Lynn Cheney did at Princeton. Too few are scrupulous
enough to act on those ideals, and some appear not to know the difference.
Indeed the Framers did, sir, and the quality of their deliberations was vastly improved by the decision early on in the convention that the proceedings would be secret.

People can grasp intuitively the need for confidentiality to ensure candid communications to achieve important goals in their own lives -- good marriage (spousal privilege), good health care (doctor-patient privilege), a clean soul (priest-penitent privilege) -- but, alas, they often fail to understand why a President needs confidentiality to ensure candid communications to achieve the important goal of wise decisionmaking at the highest levels of government.
I would refer you to Anne Womack in the press office (456-2115) and/or to Judge Gonzales (456-2632).

Ben Wittes <wittesb@washpost.com>
12/31/2001 11:12:23 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Question

How much do you know about the John Walker Lindh situation?

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269
Ben Wittes of Post editorial page left me a message inquiring about the Walker situation. I did not and, of course, will not talk to him about that. I referred him to the two of you.
We need to resume staffing you-know-where as of the morning of Monday, January 7. Let’s caucus after our next staff meeting and come up with a schedule.
I wholly agree with broadening the base, and if you are willing to be the one to raise the issue I would appreciate your doing so.

Brett M. Kavanaugh
12/31/2001 12:03:43 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
bcc:
Subject: Re:

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).
Brett-
We are compiling a list of all interested parties who wish to have input on the 2002 National Money Laundering Strategy. Is there anyone from the WH that we should include?
Julie
- att1.unk

File attachment <P_ZHCK4003_WHO.TXT_1>
Brett-

We are compiling a list of all interested parties who wish to have input on the 2002 National Money Laundering Strategy. Is there anyone from the WH that we should include?

Julie
I am technically Treasury, but this may be in your bailiwick. Let me know.

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 12/31/2001 01:31 PM ---------------------------

Julie.Myers@do.treas.gov
12/31/2001 12:11:14 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 2002 National Money Laundering Strategy

Brett-
We are compiling a list of all interested parties who wish to have input on the 2002 National Money Laundering Strategy. Is there anyone from the WH that we should include?
Julie
- att1.unk

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_H0E0K4003_WHO.TXT_1>
Brett-

We are compiling a list of all interested parties who wish to have input on the 2002 National Money Laundering Strategy. Is there anyone from the WH that we should include?

Julie
don't know anything about Carter library person, but I would push back and find out the rationale.
I don't particularly care. I reviewed last year's; my sense is that it's probably not a good use of WHCO resources to participate in the development on this annual report, which is really driven by technical questions about existing money laundering law enforcement strategies. Best leave this to the experts and review the finished product. You should check with ARG and Tim, though.
Brett-

We are compiling a list of all interested parties who wish to have input on the 2002 National Money Laundering Strategy. Is there anyone from the WH that we should include?

Julie
is doing Presidential Records on Thursday. You and Doug Kmiec
will speak in support of order (assuming you can do it) and two historians
will oppose. That show is usually reasoned dialogue so it should be good
forum. A woman (Katherine Mulhol) from the show will be calling you. Let
me know if there is a problem.
Please make copies of Rehnquist year-end report on judiciary for Brad and me. Thanks.
Judge has agreed to enlarge the group to 8 (adding Brad, Kyle, Courtney, and Rachel). Tim intends to contact Nancy. I hope that this group takes care of next week, but am not sure of that yet.
If we can't get anybody else on board (which I really hope we can), this schedule is fine with me. I take it this means spending Monday night, not Sunday night, for me; Brett spending Tuesday night, etc.

How about this as a proposed schedule:
M - Helgi
Tu - Brett
W - Bart
Th - Noel

I wholly agree with broadening the base, and if you are willing to be the one to raise the issue I would appreciate your doing so.

we need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).
We are updating our talking points to add the Rehnquist report and will e-mail to you when done.
I would be inclined to let them handle this. I presume they have our talking points? Brett, we also need to quickly complete our review of the remaining Reagan documents.

Brett M. Kavanaugh
12/31/2001 02:42:07 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP
Subject: McNeil Lehrer

is scheduled to do Presidential records on Thursday. Doug Kmiec and Tom Hungar will appear and will speak in support of the President's order, and two historians will speak against it. If we wanted to present an Administration person, they would welcome that instead of those guys, but I assume we do not. Kmiec and Hungar are both very good.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth N. Camp/WHO/EOP@EOP [WHO] <Elizabeth N. Camp>
Sent: 1/2/2002 3:53:49 AM
Subject: : call me when Judge returns
yes, will try to talk to them this morning

Helgard C. Walker
01/02/2002 08:52:52 AM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
c: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re:

OK -- assuming Brett can't get the group enlarged. Brett, are you still game to raise this?

H. Christopher Bartolomucci
01/02/2002 08:43:22 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
c: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
bcc:
Subject: Re:

Correct. We have four nights and four people.

Helgard C. Walker
12/31/2001 03:04:40 PM
Record Type: Record
To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
Subject: Re:

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H. Christopher Bartolomucci
12/31/2001 12:13:48 PM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP
Subject: Re:

How about this as a proposed schedule:
M - Helgi
Tu - Brett
W - Bart
Th - Noel

Helgard C. Walker
12/31/2001 12:06:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: H. Christopher Bartolomucci/WHO/EOP@EOP, Noel J. Francisco/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP
Subject: Re:

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12/31/2001 12:03:43 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: Noel J. Francisco/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP
Subject: Re:

We need to get the other 4 or 5 involved. I am happy to talk to Judge/Tim about that if you all agree (or to let one of you do it if you want).
That is a good development! As for next week, I could take on Monday night, as it suits my schedule -- and then maybe we'd be free for a longer while.

Brett M. Kavanaugh
01/02/2002 09:41:23 AM
Record Type: Record
To: Helgard C. Walker/WHO/EOP@EOP
cc: h. christopher bartolomucci/who/eop@eop, brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
Subject: Re:

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01/02/2002 08:52:52 AM
Record Type: Record
To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop
Subject: Re:

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H. Christopher Bartolomucci  
01/02/2002 08:43:22 AM  
Record Type: Record  

To: Helgard C. Walker/WHO/EOP@EOP  
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop  
bcc:  
Subject: Re:  

Correct. We have four nights and four people.

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12/31/2001 03:04:40 PM  
Record Type: Record  

To: H. Christopher Bartolomucci/WHO/EOP@EOP  
cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop  
bcc:  
Subject: Re:  

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cc: brett m. kavanaugh/who/eop@eop, noel j. francisco/who/eop@eop  
bcc:  
Subject: Re:  

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Th - Noel

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12/31/2001 12:06:42 PM  
Record Type: Record  

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: h. christopher bartolomucci/who/eop@eop, noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop  
bcc:  
Subject: Re:  

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12/31/2001 12:03:43 PM  
Record Type: Record  

To: H. Christopher Bartolomucci/WHO/EOP@EOP  
cc: noel j. francisco/who/eop@eop, helgard c. walker/who/eop@eop
we need to get the other 4 or 5 involved. I am happy to talk to
Judge/Tim about that if you all agree (or to let one of you do it if you
want).
Can you e-mail the latest, greatest set of talking points we have been using on judges? I want to add a bullet or two about the Rehnquist report and then re-circulate, including to Matt Schlapp in political who asked for such talking points.
do you have a January 30, 1993, memo from Counsel's office on use of corporate aircraft?
In discussing ethics training for 2002, Tim suggested that I tell you that he thinks the development of a political component of the training be developed. At some point in the next three months, I will have a dedicated training for commissioned officers on various ethics issues, including financial disclosure requirements. Tim thinks this would be a good time to train on the political activity issues. Additionally, consistent with past practice in other administrations, in addition to internal political activity memos, the WH should prepare an advice memo for political appointees executive branch wide. You may already be on top of these. To the extent you do not have prior political activity memos from the Clinton Administration, I may have some in my files. I'm certain there are a number of such memos in the Boyden Gray binder from the 41 administration.
No problem; just so that you know, I did a lecture and outline/memo on this for the departments and agencies back in May (an event arranged through Mehlman's shop) and obviously can and will do whatever more needs to be done.
Do you remember me asking you about my High School flying me home to speak as an alumna? What form do I need to fill out?

Thank you, Elizabeth
Rachel: Elizabeth Hogan needs to fill out a travel form for her high school to fly her home to speak as an alum. I know you are the point person for those forms; if you could let Elizabeth know what to do, that would be great. Thanks.
yes, and get to work on that speech . . . I asked Rachel Brand to get you the form.

Elizabeth Hogan
01/02/2002 10:39:24 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Happy New Year

Do you remember me asking you about my High School flying me home to speak as an alumna? What form do I need to fill out?
Thank you, Elizabeth
Elizabeth:
You need to fill out two forms. First is the Travel Authorization form, which you get from your office and must be signed by your supervisor. I have nothing to do with that part of the process, and you don't need to submit that to me.

Second, you need to fill out a Travel Expenses From Outside Sources (TEFOS) form, which you can get off the internal website or from Jason Torchinsky in our office. This must be filled out by you and signed by me prior to your trip (note -- prior approval is legally required in order to accept the payment, so make sure I see it and sign it before you leave).

Rachel Brand
6-7909
will do
thank you! and i have no idea what i'm going to say

Brett M. Kavanaugh
01/02/2002 10:49:30 AM
Record Type: Record
To: Elizabeth Hogan/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Happy New Year

yes, and get to work on that speech . . . I asked Rachel Brand to get you the form.

Elizabeth Hogan
01/02/2002 10:39:24 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Happy New Year

Do you remember me asking you about my High School flying me home to speak as an alumna? What form do I need to fill out?
Thank you, Elizabeth
We will be shipping these boxes over to DOJ. I will have point person and contact info later today. I will need you two to take care of that once I have it. Thanks.
Per a discussion I had with Moose, we will plan to circulate an updated political activity memo both internally and to departments and agencies. Then, we can brief again internally at the time of the ethics training.

Note that the basic internal procedure we have been using and will continue to use is (i) all political activity is coordinated with Political Affairs and (ii) Political Affairs pre-clears everything with me.

In addition, per a discussion I have had with Mehlman, we will have another briefing for the relevant officials in the departments and agencies.
Brett,

I don't think that we have any sort of updated judicial talking points. I've done a few things that can be drawn from to create overall talking points. Let me know what you're looking for.

Jason
Can you get me a copy of the new Rehnquist report on judges? I could not find it on line, but I bet you can.
No one's really on the list for consideration (unfortunately) -- per Tim's conversation with Sen. Smith, Smith's office is resubmitting names for our consideration. I still don't know whether our previous candidate has been told he's no longer going to be nominated (Sen. Smith wanted to tell him).
Supreme Court has his 2000 report online, but not last year's
yet--everything else online is just excerpts (all the same). I'm checking
with Ann Womack to see if she has it. I'll let you know.

Brett M. Kavanaugh
01/02/2002 01:59:05 PM
Record Type: Record
To: Brent D. Greenfield/WHO/EOP/EOP
cc: 
Subject:

Can you get me a copy of the new Rehnquist report on judges? I
could not find it on line, but I bet you can.
The report is on its way here by fax. It should be available electronically later today.
2:00 PM on Friday seems to fit everyone's schedule. Let's plan to meet at that time in the Civil Division conference room, Main Justice Room 3143.

Thanks.

--Dan
"NAIC PRESIDENT EXPECTS MAJORITY OF STATES TO APPROVE TERRORISM EXCLUSION"

(NAIC) - Commissioners in 47 states approved a recommendation to allow exclusions for terrorism coverage, but whether that translates into those states actually allowing them is another matter, said the president of the National Association of Insurance Commissioners. During a Dec. 20 conference call, only California, New York and Connecticut voted against recommending approval for limited terrorism exclusions in the language of commercial property and commercial liability policies, said Terri Vaughan, Iowa insurance commissioner and NAIC president. Individual state laws will affect the insurance commissioners' ability to approve the exclusions, but the NAIC also recommended that any approval be withdrawn 15 days after the president signs a federal reinsurance program into law. "Our hope is Congress will come back in January and pass a law," Vaughan said. Massachusetts, Colorado, Idaho, South Dakota and Minnesota have said they will approve limited terrorism exclusions, and Vaughan said the "vast majority of states" will approve limited exclusions for terrorism. "The vote was overwhelming," she said.
Commissioners had been receiving a number of exclusion filings for commercial lines, including a filing from the Insurance Services Office in early November, as the industry waited for Congress to pass a federal reinsurance backstop. The industry has been asking Congress for one since the terrorist attacks of Sept. 11 made reinsurance for terrorism all but disappear. The House passed a bill, but the Senate had not, when Congress adjourned Dec. 20. The commissioners held their conference call later that day. The Commissioners approved using ISO's exclusion language after working with ISO to narrow its scope, she said. The exclusion will be invoked if an act of terrorism results in losses of more than $25 million industrywide. "That pales in comparison to the magnitude of the World Trade Center losses, but it does provide limited coverage for small, isolated events," Vaughan said. ISO's original exclusion language was very broad and would have included limited events that had always intended to be covered, she said. For example, because the bombing of an abortion clinic was an exposure that was covered previously, commissioners wanted to find a way to continue it, she said. Along with narrowing the ISO exclusion language, the NAIC also changed its definition of terrorism to include terrorism caused by domestic sources, Vaughan said. When the definition was made public during the NAIC's Winter Meeting in Chicago, it only addressed international sources. An additional exclusion threshold applies to liability coverage only. When 50 or more people are killed or injured by an act of terrorism, the exclusion kicks in, and the policy would not provide coverage for any loss, she said. Terrorist acts involving the use of nuclear or biochemical materials would not be covered, either. On Dec. 21, the NAIC provided states an example of a bulletin that could be used to show they would allow the exclusions. Iowa's insurance department, for example, has posted the bulletin on its Web site indicating it would permit the exclusion, consistent with ISO language. Vaughan said she suspects other states will use the same expedited filing process Iowa is using so the insurance department can act quickly. A company can file a standard exclusion application indicating it's using the ISO endorsement and that it cannot get reinsurance coverage. Commissioners received very few filings for personal lines exclusions until a week ago, when ISO filed for them, Vaughan said. "We'll study that and make recommendations," she added. State insurance commissioners recognize the market issues that would be created if they did not make exclusions an option, Vaughan said. She declined to speculate on how big the potential disruption could be, but noted only renewal policies will need the exclusion, and not everyone is renewing on Jan. 1. They were also hearing that some commercial policies were moving into the surplus market and being written without terrorism coverage. The problem is the surplus or non-admitted market does not provide the policy purchaser with the same protection as the admitted market, which is backed up by a state guaranty fund, Vaughan said. Commissioners were concerned about consumers losing the guaranty fund protection, as well as losing other commercial coverages. "Anecdotal" stories about huge price increases in commercial rates, were being heard by the Commissioners, Vaughan said, and in response, the NAIC formed a task force at the Chicago meeting to gather data from states on rate trends. Commissioners will look at the data to identify any issues that need tackling. "We're in the process of designing what the data request will look like," Vaughan said. Aware of the need for optional federal chartering, particularly since Sept. 11, Vaughan said that with all the discussion that has taken place in Congress since then "It's my sense there is a pretty high level of understanding on this issue of the inability of the industry to manage this potentially catastrophic exposure." The insurance industry's performance following Sept. 11 is a "remarkable" statement on the strength of state regulation. Vaughan said. State regulators have the industry in a position to withstand the significant losses of that day. "It's still standing and still offering coverage," she said. In the past, the federal government has created programs to address major problems, she said, citing the federal riot insurance program in the 1960s and the current federal flood insurance program, as examples. "In neither case was that seen as an argument favoring the need for federal regulation," Vaughan said. "I have a lot of difficulty figuring out how people tie the need for federal regulation with Sept. 11." (By Dennis Kelly, Washington bureau manager, BestWeek: dennis.kelly@ambest.com)
A good piece from Jipping on the Dems' hypocrisy where the CJ's criticisms are concerned . . .

---------------------- Forwarded by Bradford A. Berenson/WHO/EOP on 01/03/2002 08:12 AM ---------------------------

Tom Jipping <tjipping@freecongress.org>
01/03/2002 07:09:00 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP, Tim Goeglein/WHO/EOP@EOP
cc: Subject: A WorldNetDaily.com article from tjipping@freecongress.org

- att1.htm

ATT CREATION TIME/DATe: 0 00:00:00.00
File attachment <P_RREL4003_WHO.TXT_1.txt>
You have been sent this message from Tom Jipping (tjipping@freecongress.org) as a courtesy of WorldNetDaily.com (http://www.worldnetdaily.com). To view the entire article, visit http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=25913

Thursday, January 3, 2002

Democrat dillydallying
By Thomas L. Jipping

There's no doubt such an obstruction campaign exists. Though President Bush started nominating earlier and made more nominations than previous new presidents, the Senate approved just 28 of his 65 nominees a record low confirmation rate. Democrats' pathetic confirmation performance last year was even 40 percent lower than their own average under past Republican presidents.

Now Supreme Court Chief Justice William Rehnquist has taken Senate Democrats to task and exposed why their obstruction campaign is so dangerous for the country. In his 2001 annual report on the judiciary, released on Tuesday, the chief justice warned that in "times such as these, the role of the courts becomes even more important in order to enforce the rule of law. To continue functioning effectively and efficiently, however, the courts must be appropriately staffed. This means that judicial vacancies must be timely filled with well-qualified candidates."

Democrats are squirming because Chief Justice Rehnquist has long been excruciatingly bi-partisan in his criticism of judicial vacancies and they have jumped on his similar vacancy warnings when Republicans ran the Senate. On June 24, 1998, now-Majority Leader Tom Daschle said: "The Chief Justice of the Supreme Court, William Rehnquist, calls that 'vacancy crisis' a 'most serious problem.' He warns that 'vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.' We cannot wait for the judicial system to collapse before the Senate acts. I call upon Senate Republicans to reject partisan politics and significantly accelerate the pace of scheduled judicial confirmations."

Interesting. Chief Justice Rehnquist's warnings were valid and the judicial system about to collapse with just 72 vacancies back then. Vacancies are 30 percent higher today, yet Sen. Daschle is instead leading the obstruction campaign. Sounds like "partisan politics" to me.

Judiciary Committee Chairman Patrick Leahy is playing the same game. Back on March 2, 1998, he said: "Chief Justice William Rehnquist spoke forcefully on the judicial vacancy crisis that is plaguing the federal courts. He warned: 'Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.' Justice delayed means justice denied, because without judges courts cannot try cases, sentence the guilty or resolve civil disputes. Partisan and narrow ideological efforts to impose political litmus tests on judicial nominees and to shut down the judiciary must stop."

Now that's odd. Chief Justice Rehnquist was worth quoting and justice was being denied with just 82 vacancies back then. Vacancies are 15 percent higher today, yet Senator Leahy's committee is a virtual black hole from which judicial nominees cannot emerge. Sounds like "narrow ideological effort to shut down the judiciary" to me.
On February 3, 1998, Senator Dianne Feinstein said: "When even a Republican Chief Justice criticizes the Republican Congress for refusing to move more quickly to confirm judges, you know something's wrong. The Chief Justice is deeply concerned about the large number of judicial vacancies on the federal courts. There are too few judges to handle the workload."

Let's check the record. Chief Justice Rehnquist was a sage and there were "too few judges to handle the workload" with just 81 vacancies back then. Vacancies are 16 percent higher today and Senator Feinstein is blocking President Bush's nominees to appeals court positions in her state. To quote her, "you know something's wrong."

In his 1998 State of the Union Address, President Bill Clinton used Chief Justice Rehnquist as authority in urging the Senate to confirm his nominees. He said: "Police, prosecutors, and prevention programs, as good as they are, they can't work if our court system doesn't work. Today there are a large number of vacancies in the federal courts. Here is what the Chief Justice of the United States wrote: 'Judicial vacancies cannot remain at such high levels indefinitely without eroding the quality of justice.' I simply ask the United States Senate to heed this plea, and vote on the highly qualified judicial nominees before you, up or down."

Today, with vacancies nearly 20 percent higher, President Bush should similarly cite Chief Justice Rehnquist in his upcoming State of the Union Address. Perhaps he could quote from President Clinton's speech, since the same point is even more urgent today. Or, though it's slightly less dignified, he might simply quote Senator Leahy from March 1997: "Let us stop the dillydallying."

________________________________________

Thomas L. Jipping is vice president for Legal Policy at the Free Congress Research & Education Foundation in Washington, D.C.
Subject: The War on Terrorism -- January 3, 2002
Attachments: P_T0FL4003_WHO.TXT_1.doc

The War on Terrorism -- January 3, 2002

P_T0FL4003_WHO.TXT_1.doc
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- “The Gulf Cooperation Council (GCC) on Monday offered total support to the U.S.-led international coalition and the 'anti-terror war'...Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates again condemned the attacks and 'expressed their total readiness to cooperate with the international community...’” (AFP, 12/31/01)

Message

Osama bin Laden is a coward who murders innocents, including women and children and Muslims.

We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

The U.S. is leading a global coalition that has made great progress in the war on terrorism:

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Subject: : The War on Terrorism -- January 3, 2002
Attachments: F_T0FL4003_NSC.TXT_1.doc

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TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])
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The War on Terrorism -- January 3, 2002

The ongoing war against terrorism is a complex and multifaceted endeavor requiring the coordinated efforts of governments, international organizations, and private entities. This document aims to provide an overview of the strategies and challenges faced in this ongoing conflict.

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[Signature]

Note: The document text has been redacted for privacy and security reasons.
Here is your message of the day....

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_T0FL4003_NSC.TXT_1>
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Attachments: F_T0FL4003_OA.TXT_1.doc

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The War on Terrorism -- January 3, 2002

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<td><a href="mailto:mike.stokke@mail.house.gov">mike.stokke@mail.house.gov</a></td>
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<td>Elizabeth S. Dougherty</td>
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<td>Kjersten S. Drager</td>
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<td>Clare C. Doherty</td>
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<td>Brian P. Doherty</td>
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<td>UNKOWN</td>
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<td><a href="mailto:kathryn.lehman@mail.house.gov">kathryn.lehman@mail.house.gov</a></td>
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<tr>
<td><a href="mailto:JTMastranadi@nrsc.org">JTMastranadi@nrsc.org</a></td>
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<td>Craig Ray</td>
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<td>Joseph Ratajczak</td>
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<tr>
<td><a href="mailto:melody_h._fennel@hud.gov">melody_h._fennel@hud.gov</a></td>
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<td><a href="mailto:don.meyer@osd.mil">don.meyer@osd.mil</a></td>
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<tr>
<td><a href="mailto:chris.willcox@osd.mil">chris.willcox@osd.mil</a></td>
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Here is your message of the day....

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

File attachment <00034_p_t0fl4003_who.txt>
**Today's Schedule**

- **12:30p EST** State Department daily press briefing with spokesman Richard Boucher.
- **1:30p EST** Department of Defense daily press briefing.
- **2:30p EST** USAID Administrator Natsios to hold a media briefing at the State Department.

**In Case You Missed It**

- “Kabul is doing its best to recover its role as the center of Afghan culture. Today, in the ruins of the Kabul theater, a group of actors staged a small play... About 100 people attended, including musicians and singers who, for six years, had not been able to sing in public. As the first patriotic song was sung, many of the men and women danced in the aisles...” (NPR Morning Edition, 1/2/02)

**Recent Key Quotes & Developments**

- “The [latest bin Laden] tape contains the usual rhetoric we have seen before from a deviant and cowardly criminal. Bin Laden is deluding himself if he believes that his criminal acts are justified by any religion or principle of humanity. There is nothing that justifies terrorism and the murder of thousands of innocent people. These criminal acts have been condemned and rejected by all faiths, including Islam.” (Prince bin Sultan, Saudi Ambassador to the U.S.; Embassy news release, 12/27/01)

- “Saudi King Fahd has called for an eradication of terrorism, which he said is prohibited by Islam... Terrorism 'sets out to spread evil over the earth, and our religion bans that,'” he said. “Terrorism has neither homeland, nor religion, nor nationality.” (AFP, 12/29/01)

- “The Gulf Cooperation Council (GCC) on Monday offered total support to the U.S.-led international coalition and the 'anti-terror war'... Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates again condemned the attacks and 'expressed their total readiness to cooperate with the international community...’” (AFP, 12/31/01)

**Message**

Osama bin Laden is a coward who murders innocents, including women and children and Muslims.

We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

The U.S. is leading a global coalition that has made great progress in the war on terrorism:

- Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.
- Disrupted al-Qaeda's global operations and terrorist financing networks.
- Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.
- Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans – including women.

**Facts of the Day**

- In December 2001 alone, the U.N.'s World Food Program has dispatched – with U.S. assistance – an unprecedented 116,000 metric tons of humanitarian food aid into Afghanistan, which is more than it has delivered anywhere in its 40 year history. (U.N. News Service, 1/2/02)

- On January 1, 2002, UNICEF and the World Health Organization initiated a 3-month countrywide measles vaccination program in Afghanistan. The program aims to reach at least 9 million Afghan children in a country where some 35,000 children die from measles each year. (UNICEF, 12/20/01)
Sure, I'd be glad to. Of the two proposed dates, however, I can only do
the later one -- Jan. 17. Please let me know if that works?

-----Original Message-----
From: Day, Lori Sharpe
Sent: Thursday, January 03, 2002 12:15 PM
To: Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'Sharon Bradford Franklin'; Newstead, Jennifer
Subject: RE: Invitation

Viet, after talking to Sharon I agree that Jennifer would be
great. They are trying to get someone from Capitol Hill to serve on the
panel as well (there also will be two civil liberties attendees). I made
sure she was aware of the fact that it is not DOJ that will be making the
policy decisions on the military tribunals; however, I believe they will
rely on Jennifer to address the constitutional issues surrounding the
tribunals.

Jennifer, will you be available? Thanks

-----Original Message-----
From: Dinh, Viet
Sent: Friday, December 21, 2001 4:44 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'Sharon Bradford Franklin'; Newstead, Jennifer; Day, Lori Sharpe
Subject: RE: Invitation

I did the last one. Does David Cole want another piece of me?! Just
kidding. Sure, DOJ will participate. Whether it's me or another depends
on the topic and date. Lori Sharpe Day will coordinate DOJ participation,
as she did last time. (Actually, Lori, Jennifer Newstead may be good for
this one if the topic fits.)
best,

VDD

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, December 21, 2001 4:36 PM
To: Dinh, Viet
Cc: Sharon Bradford Franklin
Subject: Invitation

V:
Sharon is a law school classmate and friend. Any interest in participating in this? Please let us know.
BK

The Washington Council of Lawyers is having a brownbag forum on responses to terrorism. The panel will be a sequel to our October 25th forum entitled "Responding to Terrorism: Safeguarding Our Communities and Our Civil Liberties." Attached is a flyer from that event. In our upcoming panel, we once again seek to provide a variety of perspectives on how to reconcile current efforts to protect our security with the need to guarantee fundamental civil liberties. Our focus for this event will be on some of the policies that have emerged since October 25th, including those concerning military tribunals and the attorney-client privilege. The Washington Council of Lawyers is a voluntary bar association dedicated to promoting public interest and pro bono law. To find out more about the Council, you may visit our website at www.washingtoncounciloflawyers.org. We plan to hold this event on Wed., Jan. 9, or Thurs. Jan. 17, 2002, from 12 noon until 2:00 p.m. at a law firm in downtown Washington, D.C.
The War on Terrorism -- Afghanistan Humanitarian Update

Subject: The War on Terrorism -- Afghanistan Humanitarian Update
Attachments: P_NBHL4003_WHO.TXT_1.doc
TO: Britt Grant (CN=Britt Grant/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Kristine Simmons (CN=Kristine Simmons/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: kyle.downey@mail.house.gov (kyle.downey@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO: molly.millerwise@mail.house.gov (molly.millerwise@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO: jrendon@rendon.com (jrendon@rendon.com [UNKNOWN])
READ:UNKNOWN
TO: KJohnson@isi-consulting.com (KJohnson@isi-consulting.com [OMB])
READ:UNKNOWN
TO: Gian-Carlo A. Peressutti (CN=Gian-Carlo A. Peressutti/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: mjohnson@ob-cgroup.com (mjohnson@ob-cgroup.com [OA])
READ:UNKNOWN
TO: caranaga@pd.state.gov (caranaga@pd.state.gov [UNKNOWN])
READ:UNKNOWN
TO: jjfischman@pd.state.gov (jjfischman@pd.state.gov [UNKNOWN])
READ:UNKNOWN
TO: Jane M. Cook (CN=Jane M. Cook/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Robert_Traynham@src.senate.gov (Robert_Traynham@src.senate.gov [UNKNOWN])
READ:UNKNOWN
TO: Lezlee J. Westine (CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Heidi K. Marquez (CN=Heidi K. Marquez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: mcdonaldDJ@state.gov (mcdonaldDJ@state.gov [UNKNOWN])
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TO: bitterr@state.gov (bitterr@state.gov [UNKNOWN])
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TO: mike_buttry@hagel.senate.gov (mike_buttry@hagel.senate.gov [UNKNOWN])
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TO: jmcgovern@pd.state.gov (jmcgovern@pd.state.gov [UNKNOWN])
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TO: MeierAW@state.gov (MeierAW@state.gov [UNKNOWN])
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TO: john.higginbotham@dfait-maeci.gc.ca (john.higginbotham@dfait-maeci.gc.ca [UNKNOWN])
READ:UNKNOWN
TO: arif.lalani@dfait-maeci.gc.ca (arif.lalani@dfait-maeci.gc.ca [UNKNOWN])
READ:UNKNOWN
TO: shalom@pmo.gov.il (shalom@pmo.gov.il [UNKNOWN])
READ:UNKNOWN
TO: agoldstein@hadassah.org (agoldstein@hadassah.org [UNKNOWN])
READ:UNKNOWN
TO: comm@rnchq.org (comm@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO: johnbuckley100@aol.com (johnbuckley100@aol.com [UNKNOWN])
READ:UNKNOWN
TO: abrackbill@aol.com (abrackbill@aol.com [UNKNOWN])
READ:UNKNOWN

REV_00087893
The latest on the coalition efforts to help the people of Afghanistan recover from the Taliban terrorist regime.......

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NBHL4003_WHO.TXT 1>
A NEW YEAR OF HOPE FOR THE PEOPLE OF AFGHANISTAN

While the humanitarian situation in Afghanistan remains critical, the U.S., its allies and other relief organizations have made great strides in their efforts to help the people of Afghanistan recover from the oppressive Taliban regime. In fact, on December 31, 2001, The Washington Post reported that the delivery of unprecedented amounts of wheat to Afghanistan over the past month has helped avert a major famine. According to Catherine Bertini, Executive Director of the U.N. World Food Program, "There will be no famine in Afghanistan this winter." In addition, the Afghanistan Interim Authority, with international assistance, is beginning the longer-term reconstruction of the country. These are just some of the many success stories of the coalition effort to help the Afghan people begin a new life of hope:

✦ **Providing historic food relief to the Afghan people.** In December 2001 alone, the U.N.'s World Food Program (WFP) - with U.S. assistance -- dispatched an unprecedented 116,000 metric tons of food into Afghanistan. This is the most food ever delivered in one month and will help feed millions of Afghans.

✦ **In the last three months alone, the U.S. government has spent more than $194 million to help the Afghan people.** The government has provided vital relief supplies, including 2,440,920 Humanitarian Daily Rations (HDRs) for needy Afghans in remote areas; more than 75,000 blankets; plastic sheeting to help Afghans build shelters to protect their families; 20 metric tons of high energy biscuits; 10 large medical supply shipments; and 10,000 kitchen sets.

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✦ **Helping Afghan refugees who fled the Taliban return home.** The Taliban's oppressive reign and war on women and children is ending. Many Afghan refugees who fled in fear now wish to return to their homes, and the U.S. is doing everything it can to help these refugees in Pakistan, Iran and other neighboring countries return home. In fact, the U.S. government has already spent more than $32 million this fiscal year (since October 1) to help refugees return to their homes in Afghanistan. The U.K. has given 26 million pounds sterling to Pakistan for their support of Afghan refugees.

✦ **Communicating directly with the Afghan people.** The U.S. government has funded a radio program to provide humanitarian information to Afghans in their local languages. 30,000 radios are being distributed by USAID through the International Organization of Migration (IOM) to inform Afghans of health services such as immunizations for children and distribution points for food.

✦ **A long history of support for the Afghan people.** The U.S. government has for years been the largest donor of humanitarian aid to Afghanistan. Last year (FY 2001) the U.S. contributed more than $183 million for Afghanistan, which
included 80 percent of all food aid to WFP for Afghanistan; 56,925 blankets; 4,800 water jugs; 1,100 tents; plastic sheeting to help Afghans make shelter; 9 large medical supply shipments; and grants to relief agencies assisting affected Afghans.
The War on Terrorism -- Afghanistan Humanitarian Update

Subject: The War on Terrorism -- Afghanistan Humanitarian Update
Attachments: F_NBHIL4003_OA.TXT _ 1.doc
The latest on the coalition efforts to help the people of Afghanistan recover from the Taliban terrorist regime.......

ATT CREATION TIME/DATE: 0 00:00:00.00
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Subject: The War on Terrorism -- Afghanistan Humanitarian Update
Attachments: F_NBHL4003_UCS.TXT 1.doc

The War on Terrorism -- Afghanistan Humanitarian Update
TO: Danner R. Bethel (CN=Danner R. Bethel/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO: Mary Elizabeth Farr (CN=Mary Elizabeth Farr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Alison M. Harden (CN=Alison M. Harden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Ashley M. Snee (CN=Ashley M. Snee/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Douglas D._McCormick@oa.eop.gov (Douglas_D._McCormick@oa.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: I._Lewis_Libby@oa.eop.gov (I._Lewis_Libby@oa.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Charles D. McGrath Jr (CN=Charles D. McGrath Jr/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Jennifer H. Mayfield (CN=Jennifer H. Mayfield/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Ethan A. Hastert (CN=Ethan A. Hastert/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Juleanna R. Glover (CN=Juleanna R. Glover/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Megan D. Moran (CN=Megan D. Moran/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Cesar Conda (CN=Cesar Conda/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Ronald I. Christie (CN=Ronald I. Christie/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Nina Rees (CN=Nina Rees/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Margita N. Thompson (CN=Margita N. Thompson/OU=OVP/O=EOP@EOP [OVP])
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TO: Nancy P. Dorn (CN=Nancy P. Dorn/OU=WHO/O=EOP@EOP [WHO])
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TO: Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Lauren K. Allgood (CN=Lauren K. Allgood/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Debra R. Dunn (CN=Debra R. Dunn/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO: Dylan C. Glenn (CN=Dylan C. Glenn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Donald_M._Sumerlin@oa.eop.gov (Donald_M._Sumerlin@oa.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO: Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @inet [UNKNOWN])
READ:UNKNOWN
TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
The latest on the coalition efforts to help the people of Afghanistan recover from the Taliban terrorist regime.......

ATT CREATION TIME/DATE: 00:00:00:00.00
File attachment <F_NBHL4003_NSC.TXT>
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- **Helping Afghan refugees who fled the Taliban return home.** The Taliban's oppressive reign and war on women and children is ending. Many Afghan refugees who fled in fear now wish to return to their homes, and the U.S. is doing everything it can to help these refugees in Pakistan, Iran and other neighboring countries return home. In fact, the U.S. government has already spent more than $32 million this fiscal year (since October 1) to help refugees return to their homes in Afghanistan. The U.K. has given 26 million pounds sterling to Pakistan for their support of Afghan refugees.

- **Communicating directly with the Afghan people.** The U.S. government has funded a radio program to provide humanitarian information to Afghans in their local languages. 30,000 radios are being distributed by USAID through the International Organization of Migration (IOM) to inform Afghans of health services such as immunizations for children and distribution points for food.

- **A long history of support for the Afghan people.** The U.S. government has for years been the largest donor of humanitarian aid to Afghanistan. Last year (FY 2001) the U.S. contributed more than $183 million for Afghanistan, which
included 80 percent of all food aid to WFP for Afghanistan; 56,925 blankets; 4,800 water jugs; 1,100 tents; plastic sheeting to help Afghans make shelter; 9 large medical supply shipments; and grants to relief agencies assisting affected Afghans.
Could you please provide me with the names (and if at all possible the numbers) of a few professors from your law schools who would be able to recommend good candidates for our summer intern program? Please ensure the names you give me will be people who will use discretion in the students
Sorry for the weird message, my computer freaked out on me....

What I was asking for was the names of a few reliable law professors who could recommend excellent law students who would be interested in interning with our office this summer. If I could get the names (and phone numbers if possible, if not, I can look it up if you give me the university), asap, that would be great.

Thanks.
EOP SECURITY NOTIFICATION

This message contained an unauthorized attachment.
The EOP mail server deleted it as a safety precaution.
For more information contact the EOP Security Office at 395-6206.
Parksy should get a tongue-lashing for ginning up that Novak column. Whose team is he on?
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Timothy E. Flanigan/WHO/EOP@EOP [ WHO ] <Timothy E. Flanigan>
Sent: 1/3/2002 6:30:46 AM
Subject: : call me re Washington state letter
Called her yesterday. The others will be read in this week or early next. Who is going out for us today?

----- Original Message -----  
From:Brett M. Kavanaugh/WHO/EOP  
To:Timothy E. Flanigan/WHO/EOP@EOP  
Cc:  
Date: 01/03/2002 03:08:13 PM  
Subject:  

per my colleagues, a reminder for you to call Nancy about the remainder of our colleagues
Viet, after talking to Sharon I agree that Jennifer would be great. They are trying to get someone from Capitol Hill to serve on the panel as well (there also will be two civil liberties attendees). I made sure she was aware of the fact that it is not DOJ that will be making the policy decisions on the military tribunals; however, I believe they will rely on Jennifer to address the constitutional issues surrounding the tribunals.

Jennifer, will you be available? Thanks

-----Original Message-----
From: Dinh, Viet
Sent: Friday, December 21, 2001 4:44 PM
To: 'Brett_M._Kavanaugh@who.eop.gov'
Cc: 'Sharon Bradford Franklin'; Newstead, Jennifer; Day, Lori Sharpe
Subject: RE: Invitation

I did the last one. Does David Cole want another piece of me?! Just kidding. Sure, DoJ will participate. Whether it's me or another depends on the topic and date. Lori Sharpe Day will coordinate DoJ participation, as she did last time. (Actually, Lori, Jennifer Newstead may be good for this one if the topic fits.)

best,

VDD
Cc: Sharon Bradford Franklin  
Subject: Invitation  

V:  
Sharon is a law school classmate and friend. Any interest in participating in this? Please let us know.  

BK  

The Washington Council of Lawyers is having a brownbag forum on responses to terrorism. The panel will be a sequel to our October 25th forum entitled "Responding to Terrorism: Safeguarding Our Communities and Our Civil Liberties." Attached is a flyer from that event. 

In our upcoming panel, we once again seek to provide a variety of perspectives on how to reconcile current efforts to protect our security with the need to guarantee fundamental civil liberties. Our focus for this event will be on some of the policies that have emerged since October 25th, including those concerning military tribunals and the attorney-client privilege. The Washington Council of Lawyers is a voluntary bar association dedicated to promoting public interest and pro bono law. To find out more about the Council, you may visit our website at www.washingtoncounciloflawyers.org. We plan to hold this event on Wed., Jan. 9, or Thurs. Jan. 17, 2002, from 12 noon until 2:00 p.m. at a law firm in downtown Washington, D.C.
If you get asked about civilian casualties in Afghanistan...

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### Begin Original ARMS Header ###

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-JAN-2002 18:11:43.00

SUBJECT:: If you get asked about civilian casualties in Afghanistan...

TO: britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])

READ: UNKNOWN

TO: cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])

READ: UNKNOWN

TO: gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])

READ: UNKNOWN

TO: leighwambsgans@aol.com (leighwambsgans@aol.com [UNKNOWN])

READ: UNKNOWN

TO: waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])

READ: UNKNOWN

TO: Josie_Fernandez@nps.gov (Josie_Fernandez@nps.gov [UNKNOWN])

READ: UNKNOWN

TO: aljubeir@aol.com (aljubeir@aol.com [UNKNOWN])

READ: UNKNOWN

TO: john.pitney@claremontmckenna.edu (john.pitney@claremontmckenna.edu [UNKNOWN])

READ: UNKNOWN

TO: afoti@AKINGUMP.COM (afoti@AKINGUMP.COM [UNKNOWN])

READ: UNKNOWN

TO: marcel.lettre@censa.net (marcel.lettre@censa.net [UNKNOWN])

READ: UNKNOWN

TO: Sara B. McIntosh (CN=Sara B. McIntosh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Anne Heiligenstein (CN=Anne Heiligenstein/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Sonya E. Medina (CN=Sonya E. Medina/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN
TO: edgillespie@quinngillespie.com ( edgillespie@quinngillespie.com @ inet | UNKNOWN )
READ:UNKNOWN
TO: Josephine B. Robinson ( CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [ WHO ] )
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READ:UNKNOWN
TO: Blake Gottesman ( CN=Blake Gottesman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: charles.yoder@mail.va.gov ( charles.yoder@mail.va.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: lindsey_kozberg@ed.gov ( lindsey_kozberg@ed.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: mindy.tucker@usdoj.gov ( mindy.tucker@usdoj.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: terrell.halaska@hhs.gov ( terrell.halaska@hhs.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: nancy_i._segerdahl@hud.gov ( nancy_i._segerdahl@hud.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: kreisher.tina@epa.gov ( kreisher.tina@epa.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: cooper.mildred@epa.gov ( cooper.mildred@epa.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: roy-stuart@dol.gov ( roy-stuart@dol.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: cliff_may@ios.doi.gov ( cliff_may@ios.doi.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: Neil H. Zimmerman ( CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Melissa sabatine@hotmail.com ( Melissa sabatine@hotmail.com @ inet | UNKNOWN )
READ:UNKNOWN
TO: brian.gunderson@mail.house.gov ( brian.gunderson@mail.house.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: Michael Shannon ( CN=Michael Shannon/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Don E. Eberly ( CN=Don E. Eberly/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Lisa T. Cummins ( CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [ UNKNOWN ] )
READ:UNKNOWN
TO: Mark_V._Scott@oa.eop.gov ( Mark_V._Scott@oa.eop.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: Michele H. Tennery ( CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Carrie W. Click ( CN=Carrie W. Click/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Matthew E. Smith ( CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Brian R. Besanceney ( CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO: mmckinnon@pstrategies.com ( mmckinnon@pstrategies.com @ inet | UNKNOWN )
READ:UNKNOWN
TO: BComstock@rnchq.org ( BComstock@rnchq.org @ inet | UNKNOWN )
READ:UNKNOWN
TO: James R. Wilkinson ( CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: jcram@rnchq.org ( jcram@rnchq.org @ inet | UNKNOWN )
READ:UNKNOWN
TO: dmishoe@rnchq.org ( dmishoe@rnchq.org @ inet | UNKNOWN )
READ:UNKNOWN
TO: John M. Ackerly ( CN=John M. Ackerly/OU=OPD/O=EOP@EOP [ OPD ] )
READ:UNKNOWN
TO: Kevin J._Martin@oa.eop.gov ( Kevin_J._Martin@oa.eop.gov @ inet | UNKNOWN )
READ:UNKNOWN
TO: Adrian G. Gray ( CN=Adrian G. Gray/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: mcrwford@doc.gov ( mcrwford@doc.gov @ inet | UNKNOWN )
READ:UNKNOWN
REV_00087979
Here is a 1-pager that will help you respond....

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_XZ3M4003_OA.TXT_1>
"There's never been a conflict where there have not been civilian deaths. If one were to take this activity in Afghanistan and rank it as to the number of civilian deaths, and the care and attentiveness that has gone in to try to have the right weapon and the most precise method of doing things, I can't imagine there's been a conflict in history where there has been less collateral damage-less unintended consequences."

-- Defense Secretary Donald Rumsfeld, 1/3/02

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**IN THEIR OWN WORDS...**

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"I found to my surprise that rather than Kandahar being a city that was totally destroyed by bombing, it was a city certainly in disrepair, a poor city that was decaying, but not as a result of the bombing. In fact the bombing appeared to have been incredibly targeted. Just to give you one example, I went to this one street where there were two al-Qaida houses, and you saw a bombed-out house, basically nothing remaining, then a fully standing house that belonged to a family who lived there, and then another bombed-out house that had been an al-Qaida and Taliban safe house. So it was very interesting to see that some of the reports we had heard about the Pentagon doing precision bombing, in fact, had been correct, that to a large extent they had really pinpoint bombed al-Qaida headquarters or al-Qaida offices," said Indira Lakshmanan, Asia correspondent for the Boston Globe. (The NewsHour with Jim Lehrer, 12/26/01)

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“The targeting was exact,” said Qiamuddin, 50, a former Afghan army officer and a village elder. (Source: The Guardian [U.K.], 12/01/01)
my cell phone is all charged up, so I'm going to go ahead and go - call me on the cell and I'll take care of the rest.
per my colleagues, a reminder for you to call Nancy about the remainder of our colleagues
yes
I think it's fine if he uses those quotes. Make sure if he's going to use anything else at all from the meeting, he checks with you - this is not a blanket authorization to use information (whether in quotes or not) from the meeting you had.

Any luck on the VP papers?
If you get asked about civilian casualties in Afghanistan...

P_XZ3M4003_CEA.TXT 1.doc

Sent: 1/3/2002 1:11:43 PM
Subject: If you get asked about civilian casualties in Afghanistan...
Attachments: P_XZ3M4003_CEA.TXT_1.doc
Here is a 1-pager that will help you respond....

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XZ3M4003_CEA.TXT_1>
PREVENTING CIVILIAN CASUALTIES

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If you get asked about civilian casualties in Afghanistan...

Sent: 1/3/2002 11:43 PM
Subject: If you get asked about civilian casualties in Afghanistan...
Attachments: 

F_ZX3M4003_NSC.TXT_1.doc
TO: edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
TO: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
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TO: Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Charles.Yoder@mail.va.gov (Charles.Yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Lindsey.Kozberg@ed.gov (Lindsey_Kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Mindy.Tucker@usdoj.gov (Mindy.Tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Terrell.Halaska@hhs.gov (Terrell.Halaska@hhs.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Nancy.I._Segerdahl@hud.gov (Nancy.I._Segerdahl@hud.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Kreisher.Tina@epa.gov (Kreisher.Tina@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Roy-Stuart@dol.gov (Roy-Stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Cliff_May@ios.doi.gov (Cliff_May@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Melissa_Sabatine@hotmail.com (Melissa_Sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
TO: Brian.Gunderson@mail.house.gov (Brian.Gunderson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Don.E.Eberly/OU=WHO/O=EOP@EOP [WHO]
READ:UNKNOWN
TO: Lisa.T.Cummins/OU=WHO/O=EOP@EOP [UNKNOWN]
READ:UNKNOWN
TO: Mark.V._Scott@oa.eop.gov (Mark.V._Scott@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Michele.H.Tennery/OU=WHO/O=EOP@EOP [WHO]
READ:UNKNOWN
TO: Carrie.W.Click/OU=WHO/O=EOP@EOP [WHO]
READ:UNKNOWN
TO: Matthew.E.Smith/OU=WHO/O=EOP@EOP [WHO]
READ:UNKNOWN
TO: Brian.R.Besanceney/OU=OPD/O=EOP@EOP [OPD]
READ:UNKNOWN
TO: MMckinnon@pstrategies.com (MMckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
TO: BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
TO: James.R.Wilkinson/OU=WHO/O=EOP@EOP [WHO]
READ:UNKNOWN
TO: Jcram@rnchq.org (Jcram@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
TO: Dmishoe@rnchq.org (Dmishoe@rnchq.org @ inet [UNKNOWN])
READ:UNKNOWN
TO: John.M.Ackerly/OU=OPD/O=EOP@EOP [OPD]
READ:UNKNOWN
TO: Kevin.J._Martin@oa.eop.gov (Kevin.J._Martin@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO: Adrian.G.Gray/OU=WHO/O=EOP@EOP [WHO]
READ:UNKNOWN
TO: Mcrawford@doc.gov (Mcrawford@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
TO:don.meyer@osd.mil (don.meyer@osd.mil [UNKNOWN])
READ:UNKNOWN
TO:chris.willcox@osd.mil (chris.willcox@osd.mil [UNKNOWN])
READ:UNKNOWN
TO:kevin.kellems@osd.mil (kevin.kellems@osd.mil [UNKNOWN])
READ:UNKNOWN
TO:hensley-sue@dol.gov (hensley-sue@dol.gov [UNKNOWN])
READ:UNKNOWN
TO:richard.mcgraw@osd.mil (richard.mcgraw@osd.mil [UNKNOWN])
READ:UNKNOWN
TO:tfrancis@doc.gov (tfrancis@doc.gov [UNKNOWN])
READ:UNKNOWN
TO:Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:John Fenzel (CN=John Fenzel/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:julie.nichols@ost.dot.gov (julie.nichols@ost.dot.gov [UNKNOWN])
READ:UNKNOWN
TO:gwolfe@nrsc.org (gwolfe@nrsc.org [UNKNOWN])
READ:UNKNOWN
TO:James R. Wilkinson@who.eop.gov (james_r._wilkinson@who.eop.gov [UNKNOWN])
READ:UNKNOWN
TO:ginni.thomas@heritage.org (ginni.thomas@heritage.org [UNKNOWN])
READ:UNKNOWN
TO:camille.cain@msn.com (camille.cain@msn.com [UNKNOWN])
READ:UNKNOWN
TO:bethsturgeon@austin.rr.com (bethsturgeon@austin.rr.com [UNKNOWN])
READ:UNKNOWN
TO:bberrytx@aol.com (bberrytx@aol.com [UNKNOWN])
READ:UNKNOWN
TO:jennifercrooks@hotmail.com (jennifercrooks@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO:rsavarese@kpmg.com (rsavarese@kpmg.com [UNKNOWN])
READ:UNKNOWN
TO:tom.sellers@usa.conoco.com (tom.sellers@usa.conoco.com [UNKNOWN])
READ:UNKNOWN
TO:ccamp@llano-permian.com (ccamp@llano-permian.com [UNKNOWN])
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TO:campsite@nts-online.net (campsite@nts-online.net [UNKNOWN])
READ:UNKNOWN
TO:daviddurham@austin.rr.com (daviddurham@austin.rr.com [UNKNOWN])
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TO:Peter Smith (CN=Peter Smith/OU=NSC/O=EOP@EOP [NSC])
Here is a 1-pager that will help you respond....

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"There's never been a conflict where there have not been civilian deaths. If one were to take this activity in Afghanistan and rank it as to the number of civilian deaths, and the care and attentiveness that has gone in to try to have the right weapon and the most precise method of doing things, I can't imagine there's been a conflict in history where there has been less collateral damage - less unintended consequences."

-- Defense Secretary Donald Rumsfeld, 1/3/02

☐ The terrorists declared war on civilians, killing more than 3,000 innocent people from more than 80 countries on September 11.

☐ The coalition has taken every step possible to protect civilians while the terrorists have targeted civilians by placing their military assets near mosques, hospitals and neighborhoods.

☐ The Afghan people themselves are noting the precision of the coalition military campaign.

IN THEIR OWN WORDS...

"Ali Ahmed, a 16-year-old thrill-seeker proficient in English, said that for kicks he would go to every bomb site in the city minutes after the blasts occurred. 'They rarely killed normal people,' Ali said. 'I went to many sites. I never saw a dead normal person.'" (The Washington Post, 12/12/01)

"I found to my surprise that rather than Kandahar being a city that was totally destroyed by bombing, it was a city certainly in disrepair, a poor city that was decaying, but not as a result of the bombing. In fact the bombing appeared to have been incredibly targeted. Just to give you one example, I went to this one street where there were two al-Qaida houses, and you saw a bombed-out house, basically nothing remaining, then a fully standing house that belonged to a family who lived there, and then another bombed-out house that had been an al-Qaida and Taliban safe house. So it was very interesting to see that some of the reports we had heard about the Pentagon doing precision bombing, in fact, had been correct, that to a large extent they had really pinpoint bombed al-Qaida headquarters or al-Qaida offices," said Indira Lakshmanan, Asia correspondent for the Boston Globe. (The NewsHour with Jim Lehrer, 12/26/01)

"Now, with journalists and humanitarian workers gaining access to bombed areas for the first time, a picture is emerging of an aerial campaign remarkable for its pinpoint accuracy." (Source: Chicago Tribune, 11/21/01)

"The capture of Kandahar, perhaps more than any other city in Afghanistan, stands as an example of the new American high-tech war. A visit to about 20 bombing targets in the city showed that relatively few innocent bystanders had been killed, largely because the bombs were accurate." (Source: The New York Times, 12/26/01)

"We were amazed at the accuracy," said Mohammed Alem, a carpenter from the Qasabale-Kargere housing complex near the airport, where the tarmac and surrounding grounds are littered with aircraft fuselages scattered like broken pencils. (Source: The Philadelphia Inquirer, 11/21/01)

"A drive around [Kandahar] seemed to contradict Taliban assertions of wholesale damage and massive civilian casualties; on the contrary, US airstrikes appear to have hit Taliban and Qaeda facilities, not civilian targets. There are few war injuries in Kandahar hospitals, and no evidence of a large civilian death toll." (The Boston Globe, 12/15/01)
“The targeting was exact,” said Qiamuddin, 50, a former Afghan army officer and a village elder. (Source: The Guardian [U.K.], 12/01/01)
Good morning. Get your snowshoes ready because it looks like the snow could be coming this weekend....
Today's Schedule

12:30p EST State Department daily press briefing with spokesman Richard Boucher.


2:45p EST Department of Defense spokeswoman Torie Clarke briefs reporters at the Foreign Press Center.

In Case You Missed It

- On December 21, 2001, the U.S. Agency for International Development announced a $1.7 million grant to Concern Worldwide. The grant is funding the distribution of seeds and tools, the rehabilitation of agriculture infrastructure and income generation programs throughout Afghanistan.

Recent Key Quotes & Developments

- "I believe in God, but not in the ideology of the Taliban any more," said Mohammad, who was captured two years ago in the northern province of Baghlan. "It didn't do any good, torturing people, forcing men to have long beards and women to wear burqas. I joined the Taliban because they captured my area," he said. "If you had been me, you would have done the same. Now I just want to go home and listen to the radio and watch television." (Reuters, 1/3/02)

- The capture of Kandahar, perhaps more than any other city in Afghanistan, stands as an example of the new American high-tech war. A visit to about 20 bombing targets in the city showed that relatively few innocent bystanders had been killed, largely because the bombs were accurate. (Source: The New York Times, 12/26/01)

Message

Osama bin Laden is a coward who murders innocents, including women and children and Muslims.

We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

The U.S. is leading a global coalition that has made great progress in the war on terrorism:

- Began to destroy al-Qaeda’s grip on Afghanistan by driving the Taliban from power.

- Disrupted al-Qaeda’s global operations and terrorist financing networks.

- Helped the innocent people of Afghanistan recover from the Taliban’s reign of terror.

- Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans – including women.

Facts of the Day

- The U.S. government is funding a radio program to provide humanitarian information to Afghans in their local languages. USAID, through the International Organization of Migration (IOM) is delivering 30,000 radios to internally displaced persons and other vulnerable groups in Afghanistan to enable better access to timely and relevant humanitarian information.

- So far in FY2002, the U.S. Government has spent $194,723,625 in humanitarian assistance for the people of Afghanistan.
Subject: Tide Turns Against Bin Laden in the Arab World
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You should take a moment to read the below oped that is running in this morning's LA Times. It gives a good overview of the Arab world's shifting view of Osama bin Laden, his frightening agenda and his attempts to hijack Islam.

The War on Terrorism -- January 4, 2002

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TO: Carrie_W._Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
TO: Brian_R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
TO: Mmckinnon@pstrategies.com (Mmckinnon@pstrategies.com@inet [UNKNOWN])
TO: BComstock@rnchq.org (BComstock@rnchq.org@inet [UNKNOWN])
TO: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
Good morning. Get your snowshoes ready because it looks like the snow could be coming this weekend.....
Today's Schedule

12:30p EST  State Department daily press briefing with spokesman Richard Boucher.
2:45p EST   Department of Defense spokeswoman Torie Clarke briefs reporters at the Foreign Press Center.

In Case You Missed It

- On December 21, 2001, the U.S. Agency for International Development announced a $1.7 million grant to Concern Worldwide. The grant is funding the distribution of seeds and tools, the rehabilitation of agriculture infrastructure and income generation programs throughout Afghanistan.

Recent Key Quotes & Developments

- "I believe in God, but not in the ideology of the Taliban any more," said Mohammad, who was captured two years ago in the northern province of Baghlan. "It didn't do any good, torturing people, forcing men to have long beards and women to wear burqas. I joined the Taliban because they captured my area," he said. "If you had been me, you would have done the same. Now I just want to go home and listen to the radio and watch television." (Reuters, 1/3/02)

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Message

Osama bin Laden is a coward who murders innocents, including women and children and Muslims.

We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

The U.S. is leading a global coalition that has made great progress in the war on terrorism:

- Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.
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- Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.
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- So far in FY2002, the U.S. Government has spent $194,723,625 in humanitarian assistance for the people of Afghanistan.
Sent: 1/4/2002 2:35:45 AM
Subject: : The War on Terrorism -- January 4, 2002
Attachments: : F_2X8M4003_OA.TXT_1.doc

#### Begin Original ARMS Header ####
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 07:35:45.00
SUBJECT:: The War on Terrorism -- January 4, 2002
TO:mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
READ:UNKNOWN
TO:Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
READ:UNKNOWN
TO:BallmanLS@state.gov (BallmanLS@state.gov [UNKNOWN])
READ:UNKNOWN
TO:lauraballman@hotmail.com (lauraballman@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO:britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])
READ:UNKNOWN
TO:cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
READ:UNKNOWN
TO:gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])
READ:UNKNOWN
TO:leighwambsganss@aol.com (leighwambsganss@aol.com [UNKNOWN])
READ:UNKNOWN
TO:waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])
READ:UNKNOWN
TO:Josie_Fernandez@nps.gov (Josie_Fernandez@nps.gov [UNKNOWN])
READ:UNKNOWN
TO:aljubeir@aol.com (aljubeir@aol.com [UNKNOWN])
REV_00088204
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The War on Terrorism -- January 4, 2002

00075_p_2x8m4003_who.txt_ 1.doc

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CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 07:35:45.00
SUBJECT:: The War on Terrorism -- January 4, 2002

TO: Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
READ:UNKNOWN
TO: BallmanLS@state.gov (BallmanLS@state.gov [UNKNOWN])
READ:UNKNOWN
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READ:UNKNOWN
TO: britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])
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TO: cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
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TO: leighwambsganss@aol.com (leighwambsganss@aol.com [UNKNOWN])
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Subject: Tide Turns Against Bin Laden in the Arab World

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RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 08:46:27.00
SUBJECT:: Tide Turns Against Bin Laden in the Arab World
TO:mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
READ:UNKNOWN
TO:Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
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TO:cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
READ:UNKNOWN
TO:gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])
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TO:leighwambsganss@aol.com (leighwambsganss@aol.com [UNKNOWN])
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TO:aljubeir@aol.com (aljubeir@aol.com [UNKNOWN])
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You should take a moment to read the below oped that is running in this morning's LA Times. It gives a good overview of the Arab world's shifting view of Osama bin Laden, his frightening agenda and his attempts to hijack Islam.

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Sent: 1/4/2002 1:27:44 PM
Subject: U.S.-Led Efforts to Help Afghans Meet Critical Medical Needs
Attachments: P_EOZM4003_WHO.TXT 1.doc

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 18:27:44.00
SUBJECT: U.S.-Led Efforts to Help Afghans Meet Critical Medical Needs
TO: haddocke@ndu.edu (haddocke@ndu.edu [UNKNOWN])
READ: UNKNOWN
TO: Ronald.Rand@pentagon.af.mil (Ronald.Rand@pentagon.af.mil [UNKNOWN])
READ: UNKNOWN
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TO: waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])
REV_00088298
To: michael.perini@peterson.af.mil (michael.perini@peterson.af.mil [UNKNOWN])
To: Daniel D. Faoro (CN=Daniel D. Faoro/OU=WHO/O=EOP@EOP [OA])
To: mlconnell@technomania.com (mlconnell@technomania.com [UNKNOWN])
To: Jonathan T. Dworken (CN=Jonathan T. Dworken/OU=NSC/O=EOP@EOP [NSC])
To: Kathicard@ix.netcom.com (Kathicard@ix.netcom.com [UNKNOWN])
To: pam.lambo@dfait-maeci.gc.ca (pam.lambo@dfait-maeci.gc.ca [UNKNOWN])
To: terry.colli@dfait-maeci.gc.ca (terry.colli@dfait-maeci.gc.ca [UNKNOWN])
To: hope_boonshaft@spe.sony.com (hope_boonshaft@spe.sony.com [UNKNOWN])
To: mamin@lgecorp.com (mamin@lgecorp.com [UNKNOWN])
To: wetsigb@usa.redcross.org (wetsigb@usa.redcross.org [UNKNOWN])
To: vansantl@usa.redcross.org (vansantl@usa.redcross.org [UNKNOWN])
To: bginsberg@pattonboggs.com (bginsberg@pattonboggs.com [UNKNOWN])
To: carol.melton@viacom.com (carol.melton@viacom.com [UNKNOWN])
To: toby.harnden@telegraph.co.uk (toby.harnden@telegraph.co.uk [UNKNOWN])
To: james@mail.house.gov (james@mail.house.gov [WHO])
To: Lani.Miller@usdoj.gov (Lani.Miller@usdoj.gov [UNKNOWN])
To: kvolker@nsce.oep.gov (kvolker@nsce.oep.gov [NSC])
To: rss.paoc@pentagon.af.mil (rss.paoc@pentagon.af.mil [UNKNOWN])
To: jleibowitz@mpaa.org (jleibowitz@mpaa.org [UNKNOWN])
To: mt@corporatesportswear.com (mt@corporatesportswear.com [UNKNOWN])
To: will.kinzel@cnh.com (will.kinzel@cnh.com [UNKNOWN])
To: hthomas@nsce.oep.gov (hthomas@nsce.oep.gov [NSC])
To: levy-leah@dol.gov (levy-leah@dol.gov [UNKNOWN])
To: bbaney@phigam.org (bbaney@phigam.org [UNKNOWN])
To: kristen.gilley@mail.house.gov (kristen.gilley@mail.house.gov [UNKNOWN])
To: doug.seay@mail.house.gov (doug.seay@mail.house.gov [UNKNOWN])
To: cullman@thecarlylegroup.com (cullman@thecarlylegroup.com [OMB])
To: joseph.samora@cnh.com (joseph.samora@cnh.com [UNKNOWN])
To: james.waurishuk@js.pentagon.mil (james.waurishuk@js.pentagon.mil [UNKNOWN])
To: Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
To: Erin E. Healy (CN=Erin E. Healy/OU=WHO/O=EOP@EOP [WHO])
To: Tracey L. Schmitt (CN=Tracey L. Schmitt/OU=WHO/O=EOP@EOP [WHO])
To: Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
To: Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])

REV_00088306
The medical situation in Afghanistan is frightening. For example, there is only 1 doctor for every 50,000 people in Afghanistan. This 1-pager outlines a few examples of U.S.-led efforts to help the people of Afghanistan meet their critical medical needs.
The U.S.-led coalition is helping to feed the people of Afghanistan as they begin to recover from the al-Qaeda and Taliban terrorist regime. **But the Afghan people need more than food.**

The Afghan people face **critical medical needs** and the U.S., its coalition allies, and other organizations are helping the Afghan people recover by:

- **Delivering vital medicine & health care supplies to the Afghan people** (Since October 1 enough medical supplies have been delivered to support 100,000 Afghans for three months.)
- **Vaccinating at least 9 million children**
- **Providing emergency medical care**
- **Educating Afghans on how to rebuild their health care system.**

**THE PROBLEM**

- There are no programs of routine immunization in many parts of Afghanistan, according to the UN.
- Afghanistan ranks second worldwide in maternal mortality.
- There is currently one physician for every 50,000 people in Afghanistan.
- Mass population movement, potential overcrowding in camps over the border and insufficient health services make the Afghan people highly vulnerable to communicable diseases.
- Today, one in four Afghan children do not live to see their fifth birthday.
- A large percentage of Afghans living in remote, mountainous areas have no access to health care.

**THE INTERNATIONAL COMMUNITY’S COMMITMENT TO HELP**

**Examples of health care assistance include...**

**Delivering Medicines & Vital Health Care Supplies to the Afghan People.** Since October 1, 2001, the U.S. government has airlifted 10 large medical supply shipments into Afghanistan — enough medical equipment, supplies and medicine to support 100,000 people for three months. These shipments provide standard manuals offering guidance in diagnosis and treatment, antibiotics to treat pneumonia and other conditions, anti-malarial drugs, pain medication and anesthetics. Medical supplies such as syringes, sutures, bandages, soap, examination gloves and various instruments enable health workers to provide needed care to the vulnerable population.

**Protecting Afghans from Disease.** There are no programs of routine immunization in many parts of Afghanistan, according to the UN. To protect children against measles -- a disease which kills an average of 35,000 Afghan children each year -- UNICEF and the World Health Organization (WHO) have begun a 3-month measles vaccination program across Afghanistan. The goal of the program is to reach at least 9 million Afghan children. In fact, WHO plans to reach 850,000 children in the first seven days of the program.

**Building Better Health Through Education.** USAID and others are working across Afghanistan to help the Afghan people improve the country’s basic health care services. For example, USAID and others are educating Afghans -- especially women -- on basic health, nutrition, childcare, hygiene and maternal health.
Sent: 1/4/2002 1:27:44 PM
Subject: U.S.-Led Efforts to Help Afghans Meet Critical Medical Needs
Attachments: F_EOZM4003_OA.TXT_1.doc

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TO:mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
TO:Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
TO:BallmanLS@state.gov (BallmanLS@state.gov [UNKNOWN])
TO:lauraballman@hotmail.com (lauraballman@hotmail.com [UNKNOWN])
TO:britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])
TO:cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
TO:gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])
TO:leighwambsganss@aol.com (leighwambsganss@aol.com [UNKNOWN])
TO:waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])

Sent: 1/4/2002 1:27:44 PM
Subject: U.S.-Led Efforts to Help Afghans Meet Critical Medical Needs
Attachments: P_EOZM4003_OPD.TXT_1.doc
READ:UNKNOWN
TO:Donald M. Sumerlin@oa.eop.gov (Donald M. Sumerlin@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
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TO:John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Stephen M. Garrison (CN=Stephen M. Garrison/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Eric H. Otto (CN=Eric H. Otto/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:edgillespie@quinngillespie.com (edgillespie@quinngillespie.com @ inet [UNKNOWN])
READ:UNKNOWN
TO:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Blake Gottesman (CN=Blake Gottesman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:charles.yoder@mail.va.gov (charles.yoder@mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:lindsey_kozberg@ed.gov (lindsey_kozberg@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:mindy.tucker@usdoj.gov (mindy.tucker@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:terrell.halaska@hhs.gov (terrell.halaska@hhs.gov @ inet [UNKNOWN])
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TO:cooper.mildred@epa.gov (cooper.mildred@epa.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:roy-stuart@dol.gov (roy-stuart@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:cliff_may@ios.doi.gov (cliff_may@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Melissa_sabatine@hotmail.com (Melissa_sabatine@hotmail.com @ inet [UNKNOWN])
READ:UNKNOWN
TO:brian.gunderson@mail.house.gov (brian.gunderson@mail.house.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Michael Shannon (CN=Michael Shannon/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Don E. Eberly (CN=Don E. Eberly/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lisa T. Cummins (CN=Lisa T. Cummins/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
TO:Mark V. Scott@oa.eop.gov (Mark V. Scott@oa.eop.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Michele H. Tennery (CN=Michele H. Tennery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Carrie W. Click (CN=Carrie W. Click/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian R. Besanceney (CN=Brian R. Besanceney/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com @ inet [UNKNOWN])
READ:UNKNOWN
TO:BComstock@rnchq.org (BComstock@rnchq.org @ inet [UNKNOWN])
The medical situation in Afghanistan is frightening. For example, there is only 1 doctor for every 50,000 people in Afghanistan. This 1-pager outlines a few examples of U.S.-led efforts to help the people of Afghanistan meet their critical medical needs.
HELPING AFGHANS MEET CRITICAL MEDICAL NEEDS

The U.S.-led coalition is helping to feed the people of Afghanistan as they begin to recover from the al-Qaeda and Taliban terrorist regime. **But the Afghan people need more than food.**

The Afghan people face **critical medical needs** and the U.S., its coalition allies, and other organizations are helping the Afghan people recover by:

- **Delivering vital medicine & health care supplies to the Afghan people** (Since October 1 enough medical supplies have been delivered to support 100,000 Afghans for three months.)
- **Vaccinating at least 9 million children**
- **Providing emergency medical care**
- **Educating Afghans on how to rebuild their health care system.**

THE PROBLEM

- There are no programs of routine immunization in many parts of Afghanistan, according to the UN.
- Afghanistan ranks second worldwide in maternal mortality.
- There is currently one physician for every 50,000 people in Afghanistan.
- Mass population movement, potential overcrowding in camps over the border and insufficient health services make the Afghan people highly vulnerable to communicable diseases.
- Today, one in four Afghan children do not live to see their fifth birthday.
- A large percentage of Afghans living in remote, mountainous areas have no access to health care.

THE INTERNATIONAL COMMUNITY’S COMMITMENT TO HELP

**Examples of health care assistance include…**

**Delivering Medicines & Vital Health Care Supplies to the Afghan People.** Since October 1, 2001, the U.S. government has airlifted 10 large medical supply shipments into Afghanistan -- enough medical equipment, supplies and medicine to support 100,000 people for three months. These shipments provide standard manuals offering guidance in diagnosis and treatment, antibiotics to treat pneumonia and other conditions, anti-malarial drugs, pain medication and anesthetics. Medical supplies such as syringes, sutures, bandages, soap, examination gloves and various instruments enable health workers to provide needed care to the vulnerable population.

**Protecting Afghans from Disease.** There are no programs of routine immunization in many parts of Afghanistan, according to the UN. To protect children against measles -- a disease which kills an average of 35,000 Afghan children each year -- UNICEF and the World Health Organization (WHO) have begun a 3-month measles vaccination program across Afghanistan. The goal of the program is to reach at least 9 million Afghan children. In fact, WHO plans to reach 850,000 children in the first seven days of the program.

**Building Better Health Through Education.** USAID and others are working across Afghanistan to help the Afghan people improve the country’s basic health care services. For example, USAID and others are educating Afghans -- especially women -- on basic health, nutrition, childcare, hygiene and maternal health.
Subject: Updated Economic Talking Points
Attachments: P_DWSM4003_CEA.TXT
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Subject: Updated Economic Talking Points
Attachments: P_DWSM4003_WHO.TXT_1.doc
TO:michael.perini@peterson.af.mil (michael.perini@peterson.af.mil [UNKNOWN])
READ:UNKNOWN
TO:Daniel D. Faoro (CN=Daniel D. Faoro/OU=WHO/O=EOP@EOP [OA])
READ:UNKNOWN
TO:mlconnell@technomania.com (mlconnell@technomania.com [UNKNOWN])
READ:UNKNOWN
TO:Jonathan T. Dworken (CN=Jonathan T. Dworken/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Kathicard@ix.netcom.com (Kathicard@ix.netcom.com [UNKNOWN])
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TO:terry.colli@dfait-maeci.gc.ca (terry.colli@dfait-maeci.gc.ca [UNKNOWN])
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TO:bginsberg@pattonboggs.com (bginsberg@pattonboggs.com [UNKNOWN])
READ:UNKNOWN
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TO:james@mail.house.gov (james@mail.house.gov [WHO])
READ:UNKNOWN
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TO:will.kinzel@cnh.com (will.kinzel@cnh.com [UNKNOWN])
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TO:levy-leah@dol.gov (levy-leah@dol.gov [UNKNOWN])
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TO:bbaney@phigam.org (bbaney@phigam.org [UNKNOWN])
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TO:kristen.gilley@mail.house.gov (kristen.gilley@mail.house.gov [UNKNOWN])
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READ:UNKNOWN
TO:cullman@thecarlylegroup.com (cullman@thecarlylegroup.com [OMB])
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READ:UNKNOWN
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TO:Noelia Rodriguez (CN=Noelia Rodriguez/OU=WHO/O=EOP@EOP [WHO])
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TO:Gail Randall (CN=Gail Randall/OU=WHO/O=EOP@EOP [WHO])
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TO:Gregory Goss (CN=Gregory Goss/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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TO: Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO: Maria.Cino@mail.doc.gov (Maria.Cino@mail.doc.gov @inet [UNKNOWN])
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TO: Matthew W. Lindley (CN=Matthew W. Lindley/OU=WHO/O=EOP@EOP [WHO])
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TO: Chris B. Nagel (CN=Chris B. Nagel/OU=WHO/O=EOP@EOP [WHO])
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TO: Melissa L. McAdoo (CN=Melissa L. McAdoo/OU=WHO/O=EOP@EOP [WHO])
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TO: Kristen L. Hughes (CN=Kristen L. Hughes/OU=WHO/O=EOP@EOP [WHO])
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TO: Robert T. Pratt Jr (CN=Robert T. Pratt Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Beverly J. Ward (CN=Beverly J. Ward/OU=WHO/O=EOP@EOP [UNKNOWN])
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TO: Deborah K. Hair (CN=Deborah K. Hair/OU=WHO/O=EOP@EOP [UNKNOWN])
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TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
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TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Mark.Corallo@mail.house.gov (Mark.Corallo@mail.house.gov @inet [UNKNOWN])
READ:UNKNOWN
TO: Mercedes M. Viana (CN=Mercedes M. Viana/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [OPD])
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TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
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TO: James E. Carter (CN=James E. Carter/OU=OPD/O=EOP@EOP [OPD])
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TO: Courtney S. Elwood (CN=Courtney S. Elwood/OU=WHO/O=EOP@EOP [WHO])
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TO: Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
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TO: Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP@EOP [WHO])
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TO: Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
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TO: Helen R. Mobley (CN=Helen R. Mobley/OU=WHO/O=EOP@EOP [WHO])
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TO: Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP@EOP [WHO])
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TO: Sydney R. Johnson (CN=Sydney R. Johnson/OU=WHO/O=EOP@EOP [WHO])
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TO: David Kuo (CN=David Kuo/OU=WHO/O=EOP@EOP [WHO])
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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_DWSM4003_NSC.TXT_1>
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Subject: : Updated Economic Talking Points
Attachments: P_DWSM4003_OPD.TXT_1.doc

Subject: : Updated Economic Talking Points
Attachments: P_DWSM4003_OPD.TXT_1.doc
READ:UNKNOWN
TO:rsullivan@governor.state.tx.us ( rsullivan@governor.state.tx.us [ UNKNOWN ] )
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READ:UNKNOWN
TO:campcopmc@aol.com ( campcopmc@aol.com [ UNKNOWN ] )
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TO:creazzo@hotmail.com ( creazzo@hotmail.com [ UNKNOWN ] )
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TO:Natalie S. Wozniak ( CN=Natalie S. Wozniak/OU=NSC/O=EOP@EOP [ NSC ] )
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TO:Peter Smith ( CN=Peter Smith/OU=NSC/O=EOP@EOP [ NSC ] )
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READ:UNKNOWN
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READ:UNKNOWN
TO:lisa.nelson@aoltw.com ( lisa.nelson@aoltw.com [ UNKNOWN ] )
READ:UNKNOWN
TO:pmoreno@acf.dhhs.gov ( pmoreno@acf.dhhs.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:pat.shortridge@enron.com ( pat.shortridge@enron.com [ UNKNOWN ] )
READ:UNKNOWN
TO:Richard.mcbride@glo.state.tx.us ( richard.mcbride@glo.state.tx.us [ UNKNOWN ] )
READ:UNKNOWN
TO:jogogan@venable.com ( jogogan@venable.com [ UNKNOWN ] )
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TO:GamonalAM@state.gov ( GamonalAM@state.gov [ UNKNOWN ] )
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TO:lowellrandel@meyersandassociates.com ( lowellrandel@meyersandassociates.com [ UNKNOWN ] )
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TO:Joe.Eule@mail.house.gov ( Joe.Eule@mail.house.gov [ UNKNOWN ] )
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TO:jsolsby@drasnincommunications.com ( jsolsby@drasnincommunications.com [ UNKNOWN ] )
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TO:gonzalez@glo.state.tx.us ( gonzalez@glo.state.tx.us [ OMB ] )
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TO:kevin.keane@hhs.gov ( kevin.keane@hhs.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Mark Holman ( CN=Mark Holman/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Carl Buchholz ( CN=Carl Buchholz/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Duncan Campbell ( CN=Duncan Campbell/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:Carol J. Thompson ( CN=Carol J. Thompson/OU=WHO/O=EOP@EOP [ WHO ] )
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TO:EWILLEFO@fcc.gov ( EWILLEFO@fcc.gov [ UNKNOWN ] )
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File attachment <P_DWSM4003_OPD.TXT>
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Updated Economic Talking Points

Subject: Updated Economic Talking Points
Attachments: F_DWSM4003_OA.TXT_1.doc
TO: JTMastranadi@nrsc.org (JTMastranadi@nrsc.org [UNKNOWN])
TO: Craig Ray (CN=Craig Ray/OU=WHO/O=EOP@EOP [WHO])
TO: Joseph Ratajczak (CN=Joseph Ratajczak/OU=ONDCP/O=EOP@EOP [ONDCP])
TO: melody_h._fennel@hud.gov (melody_h._fennel@hud.gov [UNKNOWN])
TO: Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP@EOP [NSC])
TO: All OVP Users (All OVP Users [UNKNOWN])
TO: don.meyer@osd.mil (don.meyer@osd.mil [UNKNOWN])
TO: chris.willcox@osd.mil (chris.willcox@osd.mil [UNKNOWN])
TO: kevin.kellems@osd.mil (kevin.kellems@osd.mil [UNKNOWN])
TO: hensley-sue@dol.gov (hensley-sue@dol.gov [UNKNOWN])
TO: richard.mcgraw@osd.mil (richard.mcgraw@osd.mil [UNKNOWN])
TO: tfrancis@doc.gov (tfrancis@doc.gov [UNKNOWN])
TO: Brian V. McCormack (CN=Brian V. McCormack/OU=OVP/O=EOP@EOP [OVP])
TO: Marisa K. Medrano (CN=Marisa K. Medrano/OU=OPD/O=EOP@EOP [OPD])
TO: Kelley J. McCullough (CN=Kelley J. McCullough/OU=WHO/O=EOP@EOP [WHO])
TO: Chad M. Kolton (CN=Chad M. Kolton/OU=WHO/O=EOP@EOP [WHO])
TO: Ali H. Tulbah (CN=Ali H. Tulbah/OU=WHO/O=EOP@EOP [WHO])
TO: Craig Felner (CN=Craig Felner/OU=OVP/O=EOP@EOP [WHO])
TO: John Fenzel (CN=John Fenzel/OU=OVP/O=EOP@EOP [OVP])
TO: julie.nichols@ost.dot.gov (julie.nichols@ost.dot.gov [UNKNOWN])
TO: gzwolfe@nrsc.org (gzwolfe@nrsc.org [UNKNOWN])
TO: james_r._wilkinson@who.eop.gov (james_r._wilkinson@who.eop.gov [UNKNOWN])
TO: ginni.thomas@heritage.org (ginni.thomas@heritage.org [UNKNOWN])
TO: camille.cain@msn.com (camille.cain@msn.com [UNKNOWN])
TO: bethsturgeon@austin.rr.com (bethsturgeon@austin.rr.com [UNKNOWN])
TO: bberrytx@aol.com (bberrytx@aol.com [UNKNOWN])
TO: jennifercrooks@hotmail.com (jennifercrooks@hotmail.com [UNKNOWN])
TO: rsavarese@kpmg.com (rsavarese@kpmg.com [UNKNOWN])
TO: tom.sellers@usa.conoco.com (tom.sellers@usa.conoco.com [UNKNOWN])
TO: ccamp@llano-permian.com (ccamp@llano-permian.com [UNKNOWN])
TO: campsite@nts-online.net (campsite@nts-online.net [UNKNOWN])
TO: daviddurham@austin.rr.com (daviddurham@austin.rr.com [UNKNOWN])
TO: lpollard@austin.rr.com (lpollard@austin.rr.com [UNKNOWN])
TO: mona@gregabbottcampaign.com (mona@gregabbottcampaign.com [UNKNOWN])
TO: MeierAW@state.gov (MeierAW@state.gov [UNKNOWN])
READ:UNKNOWN
TO: john.higginbotham@dfait-maeci.gc.ca (john.higginbotham@dfait-maeci.gc.ca [UNKNOWN])
READ:UNKNOWN
TO: arif.lalani@dfait-maeci.gc.ca (arif.lalani@dfait-maeci.gc.ca [UNKNOWN])
READ:UNKNOWN
TO: shalom@pmo.gov.il (shalom@pmo.gov.il [UNKNOWN])
READ:UNKNOWN
TO: agoldstein@hadassah.org (agoldstein@hadassah.org [UNKNOWN])
READ:UNKNOWN
TO: comm@rnchq.org (comm@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO: johnbuckley100@aol.com (johnbuckley100@aol.com [UNKNOWN])
READ:UNKNOWN
TO: abrackbill@aol.com (abrackbill@aol.com [UNKNOWN])
READ:UNKNOWN
TO: pa.whitehouse@osd.mil (pa.whitehouse@osd.mil [UNKNOWN])
READ:UNKNOWN
TO: Cheryl A. Oldham (CN=Cheryl A. Oldham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: research@rnchq.org (research@rnchq.org [UNKNOWN])
READ:UNKNOWN
TO: bill.schuster@mail.house.gov (bill.schuster@mail.house.gov [UNKNOWN])
READ:UNKNOWN
TO: RBentz@visa.com (RBentz@visa.com [UNKNOWN])
READ:UNKNOWN
TO: bob.gold@starpoint.com (bob.gold@starpoint.com [UNKNOWN])
READ:UNKNOWN
TO: iocurrops@js.pentagon.mil (iocurrops@js.pentagon.mil [UNKNOWN])
READ:UNKNOWN
TO: vandalts@js.pentagon.mil (vandalts@js.pentagon.mil [UNKNOWN])
READ:UNKNOWN
TO: ProkopowiczJT@state.gov (ProkopowiczJT@state.gov [UNKNOWN])
READ:UNKNOWN
TO: Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: remi.marechaux@diplomatie.gouv.fr (remi.marechaux@diplomatie.gouv.fr [UNKNOWN])
READ:UNKNOWN
TO: GrenellR@state.gov (GrenellR@state.gov [UNKNOWN])
READ:UNKNOWN
TO: martin.weiss@bmaa.gv.at (martin.weiss@bmaa.gv.at [UNKNOWN])
READ:UNKNOWN
TO: fernando.garcia@mp.boe.es (fernando.garcia@mp.boe.es [UNKNOWN])
READ:UNKNOWN
TO: intspw@hotmail.com (intspw@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO: allison.barber@osd.mil (allison.barber@osd.mil [UNKNOWN])
READ:UNKNOWN
TO: grant.sellers@myflorida.com (grant.sellers@myflorida.com [UNKNOWN])
READ:UNKNOWN
TO: Anthony.Welcher@exim.gov (Anthony.Welcher@exim.gov [UNKNOWN])
READ:UNKNOWN
TO: Robert.Ollison@EXIM.GOV (Robert.Ollison@EXIM.GOV [UNKNOWN])
READ:UNKNOWN
TO: Barbara Jo Goergen (CN=Barbara Jo Goergen/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Katherine M. Channell (CN=Katherine M. Channell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Nina DeLorenzo (CN=Nina DeLorenzo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Jennifer Foley (CN=Jennifer Foley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Georgia D. Godfrey (CN=Georgia D. Godfrey/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Timothy Campen (CN=Timothy Campen/OU=OA/O=EOP@EOP [OA])
READ:UNKNOWN
TO: kenneth.mcclellan@osd.mil (kenneth.mcclellan@osd.mil [UNKNOWN])
READ:UNKNOWN
President Bush Urges Action – Not Rhetoric - On Economy

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Subject: : Updated Economic Talking Points

Attachments: 00094_p_dwsms4003_who.txt_ 1.doc

##### Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 15:54:48.00
SUBJECT:: Updated Economic Talking Points
TO: haddocke@ndu.edu (haddocke@ndu.edu [UNKNOWN])
READ:UNKNOWN
TO: Ronald.Rand@pentagon.af.mil (Ronald.Rand@pentagon.af.mil [UNKNOWN])
READ:UNKNOWN
TO: mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
READ:UNKNOWN
TO: Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
READ:UNKNOWN
TO: BallmanLS@state.gov (BallmanLS@state.gov [UNKNOWN])
READ:UNKNOWN
TO: lauraballman@hotmail.com (lauraballman@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO: britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])
READ:UNKNOWN
TO: cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
READ:UNKNOWN
TO: gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])
READ:UNKNOWN
TO: leighwambsganss@aol.com (leighwambsganss@aol.com [UNKNOWN])
READ:UNKNOWN
TO: waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])
READ:UNKNOWN

REV_00088476
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The War on Terrorism -- Weekend Message

F_YM4003_0A.TXT_ 1.doc

RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 17:51:32.00
SUBJECT:: The War on Terrorism -- Weekend Message

TO: haddocke@ndu.edu (haddocke@ndu.edu [UNKNOWN])
READ:UNKNOWN
TO: Ronald.Rand@pentagon.af.mil (Ronald.Rand@pentagon.af.mil [UNKNOWN])
READ:UNKNOWN
TO: mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
READ:UNKNOWN
TO: Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
READ:UNKNOWN
TO: BallmanLS@state.gov (BallmanLS@state.gov [UNKNOWN])
READ:UNKNOWN
TO: lauraballman@hotmail.com (lauraballman@hotmail.com [UNKNOWN])
READ:UNKNOWN
TO: britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])
READ:UNKNOWN
TO: cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
READ:UNKNOWN
TO: gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])
READ:UNKNOWN
TO: leighwambsgans@aol.com (leighwambsgans@aol.com [UNKNOWN])
READ:UNKNOWN
TO: waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])
READ:UNKNOWN
READ:UNKNOWN
TO:Tracy Young (CN=Tracy Young/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Nicolle Devenish (CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Andrew H. Card (CN=Andrew H. Card/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Marcus J. Mollmann (CN=Marcus J. Mollmann/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Logan M. Walters (CN=Logan M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Krista L. Ritacco (CN=Krista L. Ritacco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Matthew O. Scully (CN=Matthew O. Scully/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David Frum (CN=David Frum/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN
TO:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
TO:Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Karl_Doenges@oa.eop.gov (Karl_Doenges@oa.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
TO:William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Taylor S. Gross (CN=Taylor S. Gross/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Christopher J. Orr (CN=Christopher J. Orr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott Stanzel (CN=Scott Stanzel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Jennifer K. Millerwise (CN=Jennifer K. Millerwise/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@EOP [WHO])
Have a great weekend.
Weekend Schedule (EST)

Saturday
Prime Minister Blair delivers remarks in Bangalore, India.

President Bush travels to the west coast where he holds a town hall meeting in Ontario, California; tours the Northeast Portland (OR) One-Stop Career Center and Youth Opportunity Center; and delivers remarks to families, workers and business leaders in Portland, OR.

Sunday
9:00a EST Larry Lindsey to appear on Fox News Sunday
10:30a EST Secretary O’Neill to appear on Meet the Press.
10:30a EST Larry Lindsey to appear on Face the Nation.
11:30a EST Secretary Evans to appear on This Week.
12:00p EST Secretary Evans to appear on Late Edition.

Recent Key Quotes & Developments

• The Wall Street Journal (12/31/010) reported that anti-Taliban forces in Afghanistan confiscated a computer containing, among other things, the elements of a "plan to develop a 'home-brew nerve gas,'" and the text of a letter saying that "hitting the Americans and Jews is a target of great value and has its rewards in this life and, God willing, the afterlife."

• "The first magazine for women in nearly 10 years has hit the shelves of the war-ravaged country. Seerat (Attitude) does not look like a standard glossy magazine. [It is] crudely churned out on an old-fashioned printing machine. Three women [journalists] are funding the weekly magazine out of their own pockets. 500 copies of Seerat, which costs 2,000 Afghanis (10 cents), are being distributed by its authors to colleges, bookshops and other institutions. All they have asked is that the ministry, which reads it for censorship, does not change any of the articles. 'We are a long way behind the technology that other newspapers have used for a long time. Please send us magazines. Any help and all ideas are welcome,' [say the journalists.]" (AFP, 12/26/01)

Message
Osama bin Laden is a coward who murders innocents, including women and children and Muslims.

We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. They are said to be prepared for a long stay underground. But they are in for a sudden change of plans – because one by one, we are going to find them. Piece by piece, we will destroy their network of terror.

The U.S. is leading a global coalition that has made great progress in the war on terrorism:
• Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.
• Disrupted al-Qaeda's global operations and terrorist financing networks.
• Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.
• Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans – including women.

In Case You Missed It...
• "We've disrupted any number of training camps, and it does take training to become a polished, successful murderer or mass murderer. You just don't walk out of grade school with that kind of knowledge; you need to practice and be taught by experts." (Defense Secretary Donald Rumsfeld, 1/3/02)

Facts of the Day
• The U.S. government has already spent more than $32 million in fiscal year 2002 to help assist Afghani refugees return to their homes in Afghanistan.
• President Bush's call for American kids to send $1 to America's Fund for Afghan Children has helped raise nearly $2 million, which has been spent on hats, socks, coats, tents, school supplies and other important humanitarian items that have been shipped to Afghanistan.
The War on Terrorism -- Weekend Message

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Sent: 1/4/2002 12:51:32 PM
Subject: The War on Terrorism -- Weekend Message
Attachments: F_I4YM4003_NSC.TXT_1.doc
Have a great weekend.

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

File attachment <F_I4YM4003_NSC.TXT 1>

REV_00088537
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# Begin Original ARMS Header#

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 17:51:32.00
SUBJECT: The War on Terrorism -- Weekend Message
TO: haddocke@ndu.edu (haddocke@ndu.edu [UNKNOWN])
READ: UNKNOWN
TO: Ronald.Rand@pentagon.af.mil (Ronald.Rand@pentagon.af.mil [UNKNOWN])
READ: UNKNOWN
TO: mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
READ: UNKNOWN
TO: Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
READ: UNKNOWN
TO: BallmanLS@state.gov (BallmanLS@state.gov [UNKNOWN])
READ: UNKNOWN
TO: lauraballman@hotmail.com (lauraballman@hotmail.com [UNKNOWN])
READ: UNKNOWN
TO: britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])
READ: UNKNOWN
TO: cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
READ: UNKNOWN
TO: gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])
READ: UNKNOWN
TO: Leighwambngans@aol.com (Leighwambngans@aol.com [UNKNOWN])
READ: UNKNOWN
TO: waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])

Sent: 1/4/2002 12:51:32 PM
Subject: The War on Terrorism -- Weekend Message
Attachments: P_I4YM4003_CEA.TXT_1.doc
Have a great weekend.

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

File attachment <P_I4YM4003_CEA.TXT>
Weekend Schedule (EST)

Saturday
Prime Minister Blair delivers remarks in Bangalore, India.
President Bush travels to the west coast where he holds a town hall meeting in Ontario, California; tours the Northeast Portland (OR) One-Stop Career Center and Youth Opportunity Center; and delivers remarks to families, workers and business leaders in Portland, OR.

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- “The first magazine for women in nearly 10 years has hit the shelves of the war-ravaged country. Seerat (Attitude) does not look like a standard glossy magazine. [It is] crudely churned out on an old-fashioned printing machine. Three women [journalists] are funding the weekly magazine out of their own pockets. 500 copies of Seerat, which costs 2,000 Afghani (10 cents), are being distributed by its authors to colleges, bookshops and other institutions. All they have asked is that the ministry, which reads it for censorship, does not change any of the articles. ‘We are a long way behind the technology that other newspapers have used for a long time. Please send us magazines. Any help and all ideas are welcome,’ [say the journalists.]” (AFP, 12/26/01)

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The U.S. is leading a global coalition that has made great progress in the war on terrorism:
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- Disrupted al-Qaeda’s global operations and terrorist financing networks.
- Helped the innocent people of Afghanistan recover from the Taliban’s reign of terror.
- Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans – including women.

In Case You Missed It...
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From: CN=James R. Wilkinson/OU=WHO/O=EOP [WHO]
haddocke@ndu.edu [UNKNOWN] <haddocke@ndu.edu>;Ronald.Rand@pentagon.af.mil [UNKNOWN] <Ronald.Rand@pentagon.af.mil>;mlevy@texasmonthly.emmis.com [UNKNOWN] <mlevy@texasmonthly.emmis.com>;Tobin.Harvey@ee.doe.gov [UNKNOWN] <Tobin.Harvey@ee.doe.gov>;BallmanLS@state.gov [UNKNOWN] <BallmanLS@state.gov>;lauraballman@hotmail.com [UNKNOWN] <lauraballman@hotmail.com>;britishembassykabul@gtnet.gov.uk [UNKNOWN] <britishembassykabul@gtnet.gov.uk>;cliff@defenddemocracy.org [UNKNOWN] <cliff@defenddemocracy.org>;gmrossiter@fedex.com [UNKNOWN] <gmrossiter@fedex.com>;leighwambsgans@aol.com [UNKNOWN] <leighwambsgans@aol.com>;waurisjm@js.pentagon.mil [UNKNOWN] <waurisjm@js.pentagon.mil>;Josie_Fernandez@nps.gov [UNKNOWN] <Josie_Fernandez@nps.gov>;John.pitney@claremontmckenna.edu [UNKNOWN] <John.pitney@claremontmckenna.edu>;afoti@AKINGUMP.COM [UNKNOWN] <afoti@AKINGUMP.COM>;marcel.lette@censa.net [UNKNOWN] <marcel.lette@censa.net>;Sara B. McIntosh/WHO/EOP@EOP [WHO] <Sara B. McIntosh>;Anne Heiligenstein/WHO/EOP@EOP [WHO] <Anne Heiligenstein>;Sonya E. Medina/WHO/EOP@EOP [WHO] <Sonya E. Medina>;Catherine S. Fenton/WHO/EOP@EOP [WHO] <Catherine S. Fenton>;Melanie A. Jackson/WHO/EOP@EOP [WHO] <Melanie A. Jackson>;Anne E. Phelps/OPD/EOP@EOP [OPD] <Anne E. Phelps>;Eleanor L. Gillmor/OPD/EOP@EOP [OPD] <Eleanor L. Gillmor>;Tiffany L. Barfield/OPD/EOP@EOP [OPD] <Tiffany L. Barfield>;David F. Lussier/OPD/EOP@EOP [UNKNOWN] <David F. Lussier>;Torie.Clarke@osd.mil [UNKNOWN] <Torie.Clarke@osd.mil>;rgeorge@nypost.com [UNKNOWN] <rgeorge@nypost.com>;Neil S. Patel/OVP/EOP@EOP [OVP] <Neil S. Patel>;Catharine A. Ryun/WHO/EOP@EOP [WHO] <Catharine A. Ryun>;susan_irby@lott.senate.gov [UNKNOWN] <susan_irby@lott.senate.gov>;brook_simmons@nickles.senate.gov [UNKNOWN] <brook_simmons@nickles.senate.gov>;gerry_fritz@rpc.senate.gov [UNKNOWN] <gerry_fritz@rpc.senate.gov>;margaret Camp@frist.senate.gov [UNKNOWN] <margaret Camp@frist.senate.gov>;lisette_mcsoud_mondello@hutchison.senate.gov [UNKNOWN] <lisette_mcsoud_mondello@hutchison.senate.gov>;Melissa_Sabatine@src.senate.gov [UNKNOWN] <Melissa_Sabatine@src.senate.gov>;melissa_sabatine@hotmail.com [UNKNOWN] <melissa_sabatine@hotmail.com>;john.feehery@mail.house.gov [UNKNOWN] <john.feehery@mail.house.gov>;terry.holt@mail.house.gov [UNKNOWN] <terry.holt@mail.house.gov>;christine.iverson@mail.house.gov [UNKNOWN] <christine.iverson@mail.house.gov>;melliott@nrcc.org [UNKNOWN] <melliott@nrcc.org>;Chesenterp@aol.com [UNKNOWN] <Chesenterp@aol.com>;Rachel L. Brand/WHO/EOP@EOP [WHO] <Rachel L. Brand>;Mark McClellan/CEA/EOP@EOP [CEA] <Mark McClellan>;Dikrnsn Lehman/WHO/EOP@EOP [WHO] <Dikrnsn Lehman>;Aquile F. Suarez/OPD/EOP@EOP [OPD] <Aquile F. Suarez>;Jennifer D. Field/OPD/EOP@EOP [OPD] <Jennifer D. Field>;dean.clancy@mail.house.gov [UNKNOWN] <dean.clancy@mail.house.gov>;Rachle L. Brand/WHO/EOP@EOP [WHO] <Rachle L. Brand>;Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>;ekertz@doc.gov [UNKNOWN] <ekertz@doc.gov>;jdyke@doc.gov [UNKNOWN] <jdyke@doc.gov>;melliott@doc.gov [UNKNOWN] <melliott@doc.gov>;Chesenterp@aol.com [UNKNOWN] <Chesenterp@aol.com>
The War on Terrorism -- Weekend Message

P_14YM4003_OPD.TXT_ 1.doc

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 4-JAN-2002 17:51:32.00
SUBJECT:: The War on Terrorism -- Weekend Message
TO:haddocke@ndu.edu (haddocke@ndu.edu [UNKNOWN])
READ:UNKNOWN
TO:Ronald.Rand@pentagon.af.mil (Ronald.Rand@pentagon.af.mil [UNKNOWN])
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TO:mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
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TO:Tobin.Harvey@ee.doe.gov (Tobin.Harvey@ee.doe.gov [UNKNOWN])
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TO:britishembassykabul@gtnet.gov.uk (britishembassykabul@gtnet.gov.uk [UNKNOWN])
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TO:cliff@defenddemocracy.org (cliff@defenddemocracy.org [UNKNOWN])
READ:UNKNOWN
TO:gmrossiter@fedex.com (gmrossiter@fedex.com [UNKNOWN])
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TO:waurisjm@js.pentagon.mil (waurisjm@js.pentagon.mil [UNKNOWN])

Sent: 1/4/2002 12:51:32 PM
Subject: The War on Terrorism -- Weekend Message
Attachments: P_14YM4003_OPD.TXT_1.doc
Have a great weekend.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_I4YM4003_OPD.TXT 1>
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The War on Terrorism -- Weekend Message

Sent: 1/4/2002 12:51:32 PM
Subject: The War on Terrorism -- Weekend Message
Attachments: 00102_p_i4ym4003_who.txt_1.doc

Ackerly>;Kevin_J._Martin@oa.eop.gov@inet [UNKNOWN]
<Kevin_J._Martin@oa.eop.gov>:Adrian G. Gray/WHO/EOP@EOP [WHO]
<mcrawford@doc.gov>@inet [UNKNOWN]
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<Ashley Estes>:Angela R. Sailor/WHO/EOP@WHO [WHO]
<Angela R. Sailor>:K. Philippa Malmgren/OPD/EOP@OPD [OPD]
<K. Philippa Malmgren>:Ruben S. Barrales/WHO/EOP@WHO [WHO]
<Ruben S. Barrales>:Terry C. Miller/WHO/EOP@WHO [WHO]
<Terry C. Miller>:Laura S. Lawlor/WHO/EOP@WHO [WHO]
<Laura S. Lawlor>:brusbolt@iiaa.net@inet [UNKNOWN]
<brusbolt@iiaa.net>:blewis@rnchq.org@inet [OVP]
<blewis@rnchq.org>:Charles P. Blahous/OPD/EOP@OPD [OPD]
<Charles P. Blahous>:Maria.Cino@mail.doc.gov@inet [UNKNOWN]
<Maria.Cino@mail.doc.gov>:Matthew W. Lindley/WHO/EOP@WHO [WHO]
<Matthew W. Lindley>:Chris B. Nagel/WHO/EOP@WHO [WHO]
<Chris B. Nagel>:Melissa L. McAdoo/WHO/EOP@WHO [WHO]
<Melissa L. McAdoo>:Kristen L. Hughes/WHO/EOP@WHO [WHO]
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<Robert T. Pratt Jr>:Beverly J. Ward/WHO/EOP@WHO [UNKNOWN]
<Beverly J. Ward>:Deborah K. Hair/WHO/EOP@WHO [UNKNOWN]
<Deborah K. Hair>:Elizabeth N. Camp/WHO/EOP@WHO [WHO]
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<Brett M. Kavanaugh>:Timothy E. Flanagan/WHO/EOP@WHO [WHO]
<Timothy E. Flanagan>:Mark.Corallo@mail.house.gov@inet [UNKNOWN]
<Mark.Corallo@mail.house.gov>:Mercedes M. Viana/WHO/EOP@WHO [WHO]
<Mercedes M. Viana>:D. Marcus Sumerlin/WHO/EOP@OPD [OPD]
<D. Marcus Sumerlin>:Robert W. Cobb/WHO/EOP@WHO [WHO]
<Robert W. Cobb>:Traci R. Campbell/WHO/EOP@WHO [WHO]
<Traci R. Campbell>:James E. Carter/WHO/EOP@WHO [WHO]
<James E. Carter>:Courtney S. Elwood/WHO/EOP@WHO [WHO]
<Courtney S. Elwood>:Paul B. Dyck/WHO/EOP@WHO [WHO]
<Paul B. Dyck>:Debra D. Bird/WHO/EOP@WHO [WHO]
<Debra D. Bird>:Mark V. Rosenker/WHO/EOP@WHO [WHO]
<Mark V. Rosenker>:Helen R. Mobley/WHO/EOP@WHO [WHO]
<Helen R. Mobley>:Julianne H. Thomas/WHO/EOP@WHO [WHO]
<Julianne H. Thomas>:Sydney R. Johnson/WHO/EOP@WHO [WHO]
<Sydney R. Johnson>:David Kuo/WHO/EOP@WHO [WHO]
<David Kuo>:Roberta Shea/WHO/EOP@WHO [WHO]
<Roberta Shea>:tom.eisenhauer@mail.house.gov [UNKNOWN]
<tom.eisenhauer@mail.house.gov>
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ATT CREATION TIME/DATE: 0 00:00:00.00
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1/4/2002 1:27:44 PM

Subject: U.S.-Led Efforts to Help Afghans Meet Critical Medical Needs

Attachments: P_EOZM4003_CEA.TXT_1.doc
TO:kathryn.lehman@mail.house.gov
TO:JTMastranadi@nrsc.org
TO:JTMastranadi@nrsc.org
TO:Craig Ray
TO:Joseph Ratajczak
TO:melody_h.fennel@hud.gov
TO:Anna M. Perez
TO:All OVP Users
TO:don.meyer@osd.mil
TO:chris.willcox@osd.mil
TO:kevin.kellems@osd.mil
TO:hensley-sue@dol.gov
TO:richard.mcgraw@osd.mil
TO:tfrancis@doc.gov
TO:Brian V. McCormack
TO:Marisa K. Medrano
TO:Kelley J. McCullough
TO:Chad M. Kolton
TO:Ali H. Tulbah
TO:Craig Felner
TO:John Fenzel
TO:Julie Nichols@ost.dot.gov
TO:Gwolfe@nrsc.org
TO:James R. Wilkinson@who.eop.gov
TO:Ginni Thomas@heritage.org
TO:Camille Cain@msn.com
TO:Bethsturgeon@austin.rr.com
TO:Bberrytx@aol.com
TO:Jenniferecrooks@hotmail.com
TO:Rsavarese@kpmg.com
TO:Tom.Sellers@usa.conoco.com
TO:Ccamp@llano-permian.com
TO:Campsite@nts-online.net
TO:David Durham@austin.rr.com
TO:lpollard@austin.rr.com
The medical situation in Afghanistan is frightening. For example, there is only 1 doctor for every 50,000 people in Afghanistan. This 1-pager outlines a few examples of U.S.-led efforts to help the people of Afghanistan meet their critical medical needs.
The U.S.-led coalition is helping to feed the people of Afghanistan as they begin to recover from the al-Qaeda and Taliban terrorist regime. **But the Afghan people need more than food.**

The Afghan people face **critical medical needs** and the U.S., its coalition allies, and other organizations are helping the Afghan people recover by:

- **Delivering vital medicine & health care supplies to the Afghan people** (Since October 1 enough medical supplies have been delivered to support 100,000 Afghans for three months.)
- **Vaccinating at least 9 million children**
- **Providing emergency medical care**
- **Educating Afghans on how to rebuild their health care system.**

**THE PROBLEM**

- There are no programs of routine immunization in many parts of Afghanistan, according to the UN.
- Afghanistan ranks second worldwide in maternal mortality.
- There is currently one physician for every 50,000 people in Afghanistan.
- Mass population movement, potential overcrowding in camps over the border and insufficient health services make the Afghan people highly vulnerable to communicable diseases.
- Today, one in four Afghan children do not live to see their fifth birthday.
- A large percentage of Afghans living in remote, mountainous areas have no access to health care.

**THE INTERNATIONAL COMMUNITY’S COMMITMENT TO HELP**

*Examples of health care assistance include...*

**Delivering Medicines & Vital Health Care Supplies to the Afghan People.** Since October 1, 2001, the U.S. government has airlifted 10 large medical supply shipments into Afghanistan – **enough medical equipment, supplies and medicine to support 100,000 people for three months.** These shipments provide standard manuals offering guidance in diagnosis and treatment, antibiotics to treat pneumonia and other conditions, anti-malarial drugs, pain medication and anesthetics. Medical supplies such as syringes, sutures, bandages, soap, examination gloves and various instruments enable health workers to provide needed care to the vulnerable population.

**Protecting Afghans from Disease.** There are no programs of routine immunization in many parts of Afghanistan, according to the UN. To protect children against measles -- a disease which kills an average of 35,000 Afghan children each year -- UNICEF and the World Health Organization (WHO) have begun a 3-month measles vaccination program across Afghanistan. The goal of the program is to reach at least 9 million Afghan children. In fact, WHO plans to reach 850,000 children in the first seven days of the program.

**Building Better Health Through Education.** USAID and others are working across Afghanistan to help the Afghan people improve the country’s basic health care services. For example, USAID and others are educating Afghans -- especially women -- on basic health, nutrition, childcare, hygiene and maternal health.
Heiden>;Douglas_D._McCormick@oa.eop.gov @ inet [UNKNOWN]

---

Juleanna R. Glover/OVP/EOP @ [OVP]

---

Ethan A. Hastert/OVP/EOP @ [OVP]

---

Mary J. Matalin/OVP/EOP @ [OVP]

---

Charles D. McGrath Jr./OVP/EOP @ [OVP]

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Jennifer H. Mayfield/OVP/EOP @ [OVP]

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Ronald I. Christie/OVP/EOP @ [OVP]

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Jennifer N. Thompson/OVP/EOP @ [OVP]

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Mark_V._Scott@oa.eop.gov @ [UNKNOWN]

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Michele H. Tennery/OVP/EOP @ [OVP]

---

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U.S.-Led Efforts to Help Afghans Meet Critical Medical Needs
The medical situation in Afghanistan is frightening. For example, there is only 1 doctor for every 50,000 people in Afghanistan. This 1-pager outlines a few examples of U.S.-led efforts to help the people of Afghanistan meet their critical medical needs.
HELPING AFGHANS MEET CRITICAL MEDICAL NEEDS

The U.S.-led coalition is helping to feed the people of Afghanistan as they begin to recover from the al-Qaeda and Taliban terrorist regime. But the Afghan people need more than food.

The Afghan people face critical medical needs and the U.S., its coalition allies, and other organizations are helping the Afghan people recover by:

- Delivering vital medicine & health care supplies to the Afghan people (Since October 1, enough medical supplies have been delivered to support 100,000 Afghans for three months.)
- Vaccinating at least 9 million children
- Providing emergency medical care
- Educating Afghans on how to rebuild their health care system.

THE PROBLEM

- There are no programs of routine immunization in many parts of Afghanistan, according to the UN.
- Afghanistan ranks second worldwide in maternal mortality.
- There is currently one physician for every 50,000 people in Afghanistan.
- Mass population movement, potential overcrowding in camps over the border and insufficient health services make the Afghan people highly vulnerable to communicable diseases.
- Today, one in four Afghan children do not live to see their fifth birthday.
- A large percentage of Afghans living in remote, mountainous areas have no access to health care.

THE INTERNATIONAL COMMUNITY’S COMMITMENT TO HELP

Examples of health care assistance include:

Delivering Medicines & Vital Health Care Supplies to the Afghan People. Since October 1, 2001, the U.S. government has airlifted 10 large medical supply shipments into Afghanistan — enough medical equipment, supplies and medicine to support 100,000 people for three months. These shipments provide standard manuals offering guidance in diagnosis and treatment, antibiotics to treat pneumonia and other conditions, anti-malarial drugs, pain medication and anesthetics. Medical supplies such as syringes, sutures, bandages, soap, examination gloves and various instruments enable health workers to provide needed care to the vulnerable population.

Protecting Afghans from Disease. There are no programs of routine immunization in many parts of Afghanistan, according to the UN. To protect children against measles -- a disease which kills an average of 35,000 Afghan children each year -- UNICEF and the World Health Organization (WHO) have begun a 3-month measles vaccination program across Afghanistan. The goal of the program is to reach at least 9 million Afghan children. In fact, WHO plans to reach 850,000 children in the first seven days of the program.

Building Better Health Through Education. USAID and others are working across Afghanistan to help the Afghan people improve the country’s basic health care services. For example, USAID and others are educating Afghans -- especially women -- on basic health, nutrition, childcare, hygiene and maternal health.
HUD forwarded the attached information to ensure we were fully informed on this issue -- prior to their January 14 federal hearing and prior to the US Conference of Mayors meeting.

---------------------- Forwarded by Laura S. Lawlor/WHO/EOP on 01/07/2002 05:43 PM ---------------------------

Daniel R. Murphy@HUD.GOV
01/07/2002 04:58:12 PM
Record Type: Record

To: Laura S. Lawlor/WHO/EOP@EOP
cc: 
Subject: HANO background

LL:

Attached is the HANO background memo. Let me know if you or other appropriate WH staff need further briefing.

(See attached file: HANObcgrnd.doc)
The Housing Authority of New Orleans (HANO), with approximately 11,000 public housing units and 7,300 Section 8 Housing Choice vouchers, has historically been among the most troubled in the nation. Since 1996, HANO has operated under a joint agreement between HUD and the City of New Orleans, the Cooperative Endeavor Agreement (CEA). By this agreement which created subsidiary agreements as well as the position of Executive Monitor, the City was more directly inserted into the details of HANO operations. HUD continued to exercise some authority over the course of HANO’s affairs by its delegation of an outside contractor to the position of Board of HANO. However, the authority of the Board was confused due to the layers of bureaucracy created by the original CEA. In December 2000, the CEA was extended for an additional three years.

Despite good intentions to ensure decent, safe and sanitary living conditions of HANO residents, progress toward this goal has been remarkably slow. The District Inspector General issued an Audit Report on May 11, 2001 which called for the termination of the CEA and cited numerous examples of questionable management practices, including:

- Since 1992 HANO has received $243 million and has expended only 57% or $139 million.
- Of the expended amount $69 million, or approximately 50%, was allocated to soft management costs rather than the hard construction costs which would substantially improve the physical conditions of HANO developments.
- HANO’s Section 8 program has been termed “dysfunctional” by the District Inspector General with only 68% of available vouchers being used.
- Problems have continued to stall progress in the administration of the HOPE VI program.

Congressional hearings on the state of HANO followed soon after the issuance of the Audit Report, which only emphasized the continued poor living conditions of HANO residents.

The Current Political Climate in New Orleans

Activities relevant to HANO operations do take into account the political realities of New Orleans. Mayor Morial’s attempt to remove term limits by referendum was defeated and as a result his term in office will expire in May. There are fifteen candidates for Mayor of whom the leading candidates are State Senator Paulette Irons, Police Superintendent Richard Pennington, and Vice President of the City Council Jim Singleton. The primary election will be held on February 2nd with a run-off scheduled for March. HUD believes that the new climate of change will positively affect proposed activities.
• Deputy Secretary Alphonso Jackson has taken the lead in ensuring dialogue with local tenant leaders. Resident organizations leader Ms. Cynthia Wiggins’ strong and supportive relationship with the Deputy Secretary has gone a long way in ensuring a continued and positive conversation with the local community.
• Tenant leaders have indicated their openness to working with new leadership both locally and at HUD.
• Meetings have been scheduled with the leading Mayoral candidates to inform them of proposed actions.
• Leading candidates have expressed their intent to divorce themselves from past HANO actions and policies.

HUD Actions to Improve HANO

HUD’s actions in New Orleans signal a new approach to public housing management. The leadership at HUD in line with the administration’s effort to effect positive change is demanding greater accountability and results.

HUD believes that immediate and deliberate action is necessary to make substantial improvements at HANO. As a first step in a transformed but more effective governing structure, HUD has allowed the contract with the consultant serving as HANO Board to expire on December 31, 2001. In place of the consultant, an experienced and proven HUD professional has been delegated to serve as the new Board. Notices of this change have been issued to HANO staff.

Pending the outcome of Mayor Morial’s current legal actions, HUD intends to terminate the CEA and put in place an administrative receiver who will be a housing expert and directly answerable to the HUD Board. The administrative receiver will have authority to make necessary changes to the Housing Authority. In addition, it will be the responsibility of the administrative receiver to oversee the day-to-day operations of HANO and to carry out the longer term strategies of the Board. In addition to the local support referenced above, HUD has received agreement from key members of the Louisiana House delegation, inclusive of Congressman Baker and Jefferson supporting HUD’s actions.

In support of the new, streamlined structure at HANO, additional personnel will also be assigned to the HUD field office to offer added oversight and expertise to HANO operations. Finally, the field district inspector general’s office has been invited to provide regular review of HUD’s efforts in order to ensure continuing progress toward HANO’s recovery.

Morial has filed for a temporary injunction in Federal Court to prevent HUD from instituting the enhanced administrative receivership and a hearing is set for Monday, January 14, 2002. We will send further updates following the Judge’s ruling.
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Sent: 1/7/2002 12:56:34 PM
Subject: Talking Points -- The Economy
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REV_00088706
President Bush Pushes Economic Security Agenda to Create Jobs and Opportunity for America’s Workers

Today’s Presidential Action:

- As his first order of business upon returning to Washington, President Bush today met with his top economic advisors and Federal Reserve Board Chairman Alan Greenspan to discuss the economy and ways to ensure the recovery happens sooner rather than later. The President also announced that he will include his economic security package in the 2003 budget.

Economic Growth Is Needed **Now** To Help Workers:

- **The Senate Should Pass An Economic Security Plan Immediately:** Given the uncertain economic outlook, we need an economic security package to boost growth now and get people back to work. President Bush called on Congress to pass an economic security bill months ago. The House acted quickly but the Senate failed to act, despite support for a bipartisan compromise that a majority of Senators supported. In the meantime, more than 900,000 Americans have lost their jobs. And, without action by the Senate, more than 300,000 workers will not find work this year.

- **Economic Growth and Job Creation Boost Surpluses -- Not Tax Increases:** The federal government is not responsible for budget surpluses. America’s workers are the engines of economic growth that create surpluses. A strong economy and more jobs -- not tax increases -- are the keys to improving the daily lives of working families and creating budget surpluses for years to come.

President Bush - Providing Critical Leadership On The Economy:

- **The President’s Tax Relief Plan Will Help End the Recession Quicker:** The President’s tax cut was exactly the right medicine at the right time. It became law in May and workers began receiving checks in late August -- pumping $40 billion back into the economy and supporting consumer spending at a critical time. Had it not been for the September 11th attack, many economists believe our economy would have already recovered.

- **While Some Blame Tax Cuts for Recession, the Facts Tell a Different Story:** The recession began in March, two months before the tax cut even became law, and at least seven months before workers started receiving rebate checks. Despite Senator Daschle’s claims, it is **impossible** that tax cuts made the recession worse.

- **Democrats and Republicans Came Together Because the Tax Cut Was Needed:** Twelve Senate Democrats and 41 House Democrats voted for the tax cut bill. They knew that cutting taxes was the right thing to do for America’s future economic prosperity.
The War and Recession Drained the Budget Surplus:

- While some in Washington have attempted to blame the tax cut for the declining budget surplus, the facts tell a different story:
  - **The Recession Erased Two-Thirds of the Surplus:** The recession and declining tax revenues drained roughly two-thirds of the budget surplus between April 2000 and today.
  - **Homeland Security and War Spending Used 19% of the Surplus:** Immediately following the terrorist attacks, President Bush and Congress rightly passed significant spending increases for the war against terrorism, homeland security, airline security, and emergency response. This necessary spending accounted for approximately 19% of the surplus.
  - **The Tax Cut Only Used 15% of the Surplus:** Despite the claims of some in Washington, the tax cut used less than 15% of the surplus.

- **The events of September 11 weakened an already slowing economy:**
  - Unemployment rose by almost 1% after September 11.
  - The airport and airline industry was entirely shut down, costing thousands of jobs.
  - The tourism industry was especially hard-hit, costing even more jobs.
  - Wall Street closed for a week, investment dried up, and the markets dropped.
  - Anthrax attacks shut down large portions of commercial mail and shipping industries.

- **Despite the terrorist attacks and the slowing economy, the budget remains effectively in balance:** The miniscule shortfall in the budget represents less than 1% of GDP, meaning that the budget is effectively in balance.

- **While some in Washington use partisan politics as an excuse for inaction, President Bush will continue to work toward a real, effective economic security package for America’s workers.**

  For more information on the President’s initiatives, please visit www.whitehouse.gov
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Sent: 1/7/2002 12:56:34 PM
Subject: : Talking Points -- The Economy
Attachments: F_US4O4003_NSC.TXT_1.doc

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- *Economic Growth and Job Creation Boost Surpluses -- Not Tax Increases*: The federal government is not responsible for budget surpluses. America’s workers are the engines of economic growth that create surpluses. A strong economy and more jobs -- not tax increases -- are the keys to improving the daily lives of working families and creating budget surpluses for years to come.

President Bush - Providing Critical Leadership On The Economy:

- *The President’s Tax Relief Plan Will Help End the Recession Quicker*: The President’s tax cut was exactly the right medicine at the right time. It became law in May and workers began receiving checks in late August -- pumping $40 billion back into the economy and supporting consumer spending at a critical time. Had it not been for the September 11th attack, many economists believe our economy would have already recovered.

- *While Some Blame Tax Cuts for Recession, the Facts Tell a Different Story*: The recession began in March, two months before the tax cut even became law, and at least seven months before workers started receiving rebate checks. Despite Senator Daschle’s claims, it is impossible that tax cuts made the recession worse.

- *Democrats and Republicans Came Together Because the Tax Cut Was Needed*: Twelve Senate Democrats and 41 House Democrats voted for the tax cut bill. They knew that cutting taxes was the right thing to do for America’s future economic prosperity.
The War and Recession Drained the Budget Surplus:

- While some in Washington have attempted to blame the tax cut for the declining budget surplus, the facts tell a different story:

  - **The Recession Erased Two-Thirds of the Surplus:** The recession and declining tax revenues drained **roughly two-thirds of the budget surplus** between April 2000 and today.
  - **Homeland Security and War Spending Used 19% of the Surplus:** Immediately following the terrorist attacks, President Bush and Congress rightly passed significant spending increases for the war against terrorism, homeland security, airline security, and emergency response. This necessary spending accounted for approximately 19% of the surplus.
  - **The Tax Cut Only Used 15% of the Surplus:** Despite the claims of some in Washington, the tax cut used less than 15% of the surplus.

- **The events of September 11 weakened an already slowing economy:**

  - Unemployment rose by almost 1% after September 11.
  - The airport and airline industry was entirely shut down, costing thousands of jobs.
  - The tourism industry was especially hard-hit, costing even more jobs.
  - Wall Street closed for a week, investment dried up, and the markets dropped.
  - Anthrax attacks shut down large portions of commercial mail and shipping industries.

- **Despite the terrorist attacks and the slowing economy, the budget remains effectively in balance:** The miniscule shortfall in the budget represents less than 1% of GDP, meaning that the budget is effectively in balance.

- While some in Washington use partisan politics as an excuse for inaction, President Bush will continue to work toward a real, effective economic security package for America’s workers.

For more information on the President’s initiatives, please visit www.whitehouse.gov
Trenolone>;Barry S. Jackson/WHO/EOP@EOP [WHO] ;<Barry S. Jackson>;POnnuru@ix.netcom.com @ inet [UNKNOWN]
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Attachments:
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REV_00088755
President Bush Pushes Economic Security Agenda to Create Jobs and Opportunity for America’s Workers

Today’s Presidential Action:

- As his first order of business upon returning to Washington, President Bush today met with his top economic advisors and Federal Reserve Board Chairman Alan Greenspan to discuss the economy and ways to ensure the recovery happens sooner rather than later. The President also announced that he will include his economic security package in the 2003 budget.

Economic Growth Is Needed Now To Help Workers:

- The Senate Should Pass An Economic Security Plan Immediately: Given the uncertain economic outlook, we need an economic security package to boost growth now and get people back to work. President Bush called on Congress to pass an economic security bill months ago. The House acted quickly but the Senate failed to act, despite support for a bipartisan compromise that a majority of Senators supported. In the meantime, more than 900,000 Americans have lost their jobs. And, without action by the Senate, more than 300,000 workers will not find work this year.

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Here is your message of the day for tomorrow...

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Today's Schedule
President Bush travels to Ohio, New Hampshire and Massachusetts to discuss education

8:00a EST Secretary Rumsfeld appears on C-SPAN.
12:30p EST Department of State daily press briefing by spokesman Richard Boucher.
1:15p EST Department of Defense daily press briefing by Secretary Rumsfeld.

In Case You Missed It
- On December 11, the three month anniversary of the September 11th attacks, more than 5,300 radio stations played the U.S. national anthem to recognize the date.

Recent Key Quotes & Developments
- "Canada's Defense Minister Art Eggleton announced today that Canada is sending approximately 750 soldiers to Afghanistan as part of Operation APOLLO, the Canadian contribution to the United States-led coalition campaign against terrorism. Members of the 3rd Battalion, Princess Patricia's Canadian Light Infantry Battle Group (3 PPCLI) will deploy to Kandahar as part of a U.S. Army task force by mid-February." (Canadian Defense Ministry news release, 1/7/02)

- "Mine action teams continue to work in and around Kabul. On January 3, 108 different unexploded ordinances were discovered and destroyed by explosive ordnance disposal personnel and manual teams around Bagram and Kabul." (USAID fact sheet, 1/7/02)

- "Pakistan rejects terrorism in all its forms and manifestations and has fully cooperated with the international coalition against terrorism in that spirit." (Pakistan President Pervez Musharraf, at a press conference with UK Prime Minister Tony Blair, 1/7/02)

- "It is important that we do everything that we can now that the military action has been successful, although we still have objectives to be secured, that we make sure that the international community is there with the commitment for reconstruction in Afghanistan in the medium and long term..." (UK Prime Minister Tony Blair, at a press conference with Pakistan President Pervez Musharraf, 1/7/02)

Message
Osama bin Laden is a coward who murders innocents, including women, children and Muslims.

We are a long way from finished in Afghanistan. Much difficult and dangerous work is yet to come. Many terrorists are still hiding in heavily fortified bunkers in rugged territory. One by one, we are going to find them. Piece by piece, we will destroy their network of terror.

The U.S. is leading a global coalition that has made great progress in the war on terrorism:

- Began to destroy al-Qaeda's grip on Afghanistan by driving the Taliban from power.

- Disrupted al-Qaeda's global operations and terrorist financing networks.

- Helped the innocent people of Afghanistan recover from the Taliban's reign of terror.

- Helped Afghans put aside long-standing differences to form a new interim government that represents all Afghans – including women.

Facts of the Day
- The U.S. government is keeping at least 16,000 Afghan families warm through the harsh winter months. USAID has contributed more than $1 million to provide 2,756 tons of cooking and heating charcoal to approximately 96,000 of Afghanistan's most vulnerable people for the next three months.

- USAID has contributed more than $7 million to address the water and sanitation needs to the Afghani people. This includes funding the drilling and rehabilitation of water sources, the construction of latrines, and education on hygiene and waste disposal.
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<td>TO: <a href="mailto:joseph.samora@cnh.com">joseph.samora@cnh.com</a> (<a href="mailto:joseph.samora@cnh.com">joseph.samora@cnh.com</a> [UNKNOWN])</td>
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READ:UNKNOWN
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READ:UNKNOWN
TO:Brian R. Besanceney (CN=Brian R. Besanceney/OPD/O=EOP@EOP)
READ:UNKNOWN
TO:mmckinnon@pstrategies.com (mmckinnon@pstrategies.com@inet [UNKNOWN])
READ:UNKNOWN
TO:BComstock@rnchq.org (BComstock@rnchq.org@inet [UNKNOWN])
READ:UNKNOWN
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP)
READ:UNKNOWN
TO:jcram@rnchq.org (jcram@rnchq.org@inet [UNKNOWN])
READ:UNKNOWN
TO:d mishoe@rnchq.org (d mishoe@rnchq.org@inet [UNKNOWN])
READ:UNKNOWN
TO:John M. Ackerly (CN=John M. Ackerly/OPD/O=EOP@EOP)
READ:UNKNOWN
TO:Kevin J. Martin@oa.eop.gov (Kevin J. Martin@oa.eop.gov@inet [UNKNOWN])
READ:UNKNOWN
TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP@EOP)
READ:UNKNOWN
TO:mcrawford@doc.gov (mcrawford@doc.gov@inet [UNKNOWN])
READ:UNKNOWN
TO:maryanne.lyle@fema.gov (maryanne.lyle@fema.gov@inet [UNKNOWN])
READ:UNKNOWN
TO:Nancy L. Segerdahl@hud.gov (Nancy L. Segerdahl@hud.gov@inet [UNKNOWN])
READ:UNKNOWN
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TO:moridanis@state.gov (moridanis@state.gov@inet [UNKNOWN])
READ:UNKNOWN
TO:Jeanne.lopatto@hq.doe (Jeanne.lopatto@hq.doe@inet [UNKNOWN])
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TO:craig.quigley@osd.mil (craig.quigley@osd.mil@inet [UNKNOWN])
READ:UNKNOWN
TO:Michele.davis@do.treas.gov (Michele.davis@do.treas.gov@inet [UNKNOWN])
READ:UNKNOWN
TO:Anne Trenolone (CN=Anne Trenolone/OU=WHO/O=EOP@EOP)
READ:UNKNOWN
TO:Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP)
READ:UNKNOWN
TO:POnnuru@ix.netcom.com (POnnuru@ix.netcom.com@inet [UNKNOWN])
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READ:UNKNOWN
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READ:UNKNOWN
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READ:UNKNOWN
TO:John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP)
READ:UNKNOWN
TO:Ashley Estes (CN=Ashley Estes/OU=WHO/O=EOP@EOP)
READ:UNKNOWN
TO:Angela R. Sailor (CN=Angela R. Sailor/OU=WHO/O=EOP@EOP)
READ:UNKNOWN
Here is your message of the day for tomorrow...

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_XW5O4003_OPD.TXT_1>
Today's Schedule

President Bush travels to Ohio, New Hampshire and Massachusetts to discuss education

8:00a EST  Secretary Rumsfeld appears on C-SPAN.

12:30p EST  Department of State daily press briefing by spokesman Richard Boucher.

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In Case You Missed It

• On December 11, the three month anniversary of the September 11th attacks, more than 5,300 radio stations played the U.S. national anthem to recognize the date.

Recent Key Quotes & Developments

• "Canada's Defense Minister Art Eggleton announced today that Canada is sending approximately 750 soldiers to Afghanistan as part of Operation APOLLO, the Canadian contribution to the United States-led coalition campaign against terrorism. Members of the 3rd Battalion, Princess Patricia's Canadian Light Infantry Battle Group (3 PPCLI) will deploy to Kandahar as part of a U.S. Army task force by mid-February." (Canadian Defense Ministry news release, 1/7/02)

• "Mine action teams continue to work in and around Kabul. On January 3, 108 different unexploded ordinances were discovered and destroyed by explosive ordnance disposal personnel and manual teams around Bagram and Kabul." (USAID fact sheet, 1/7/02)

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• "It is important that we do everything that we can now that the military action has been successful, although we still have objectives to be secured, that we make sure that the international community is there with the commitment for reconstruction in Afghanistan in the medium and long term..." (UK Prime Minister Tony Blair, at a press conference with Pakistan President Pervez Musharraf, 1/7/02)

Message

Osama bin Laden is a coward who murders innocents, including women, children and Muslims.

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The U.S. is leading a global coalition that has made great progress in the war on terrorism:

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Sent: 1/7/2002 1:27:57 PM
Subject: The War on Terrorism -- January 8, 2002
Attachments: F_XW504003_OA.TXT_1.doc

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CREATION DATE/TIME: 7-JAN-2002 18:27:57.00
SUBJECT: The War on Terrorism -- January 8, 2002
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mlevy@texasmonthly.emmis.com (mlevy@texasmonthly.emmis.com [UNKNOWN])
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1/7/2002 1:27:57 PM

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Subject: The War on Terrorism -- January 8, 2002

Attachments: 00167_p_xw504003_who.txt_1.doc
Here is your message of the day for tomorrow...

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <00167_p_xw5o4003_who.txt_1>
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Subject: Rebuilding Afghanistan
Attachments: F_MELQ4003_OA.TXT_1.doc

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Attachments: F_MELQ4003_OA.TXT_1.doc
Rebuilding Afghanistan

The U.S. is providing historic amounts of food to the Afghan people to help them recover from terrorist rule. But Afghans need more than food. The terrorists have left the Afghan people without even the most basic infrastructure and health, education, and medical services. The U.S. is funding a comprehensive and compassionate program to bring a brighter future of freedom, hope and opportunity to the Afghan people. Since October 1, 2000, the U.S. has spent $384,599,456 to help Afghans in the following areas (among many others):

- **Education.** The U.N. Food-for-Education program with U.S. assistance is distributing food to schoolchildren in Afghanistan. Thousands of children and teachers in Afghan schools are currently receiving assistance through this program that increases school attendance, reduces dropout rates, and encourages families to send girls to school.

- **Agriculture.** USAID is giving more than $9 million towards the rehabilitation of Afghanistan’s agricultural sector. Specific initiatives include distributing seeds to more than one million people as well as seedlings, fertilizer and agricultural tools. The U.S. is also rehabilitating irrigation systems, providing veterinary services, and educating Afghans in agricultural methods, animal husbandry, pest control and environmental improvements.

- **Water & Sanitation.** The U.S. is providing $7 million to help address the water and sanitation needs of the Afghan people. This assistance will help foster the drilling of water wells, the rehabilitation of water sources, the installation of pipelines, the construction of latrines, and education on hygiene and waste disposal.

- **Health Care.** The Afghan people face critical medical needs, and the U.S. is leading the world effort to help the Afghan people recover by delivering massive shipments of vital medicine & health care supplies (since October 1 enough medical supplies have been delivered to support 100,000 Afghans for three months), providing emergency medical care, and educating Afghans on how to rebuild their health care system. The U.N. Children’s Fund and the World Health Organization have launched a nationwide campaign to vaccinate 9 million children against measles. In the first two days of the campaign in Kabul, more than 142,000 children were vaccinated. This is three times the number of children vaccinated from January to October 2001 (in Afghanistan, an average of 35,000 children die each year from measles alone).

- **Critical Infrastructure.** The U.S. is providing $3.8 million to repair roads, clinics, schools, local markets, homes and water supply facilities in hard-hit areas of Afghanistan.

- **Shelter.** The U.S. is contributing $6.9 million to provide emergency shelter for more than 325,000 people and rebuild the damaged homes of approximately 62,000 Afghans.
Freedom of Information. The U.S. government has funded a radio program to provide humanitarian information to Afghans in their local languages. 30,000 radios are being funded by USAID to inform Afghans of information on immunizations for children, distribution points for food, health care, and security issues.

Funding the Interim Afghan Government. The coalition is committed to helping the people of Afghanistan rebuild their homeland. Operations of the Afghanistan Interim Authority are being funded through the $19.5 million it has received in pledges from international governments including Germany, Australia, Canada, Denmark, Finland, France, Italy, Japan, the Netherlands, Norway, Russia, Sweden, Switzerland, the United Kingdom and the United States. Later this month a ministerial meeting of donor countries will be held in Tokyo to discuss the reconstruction of Afghanistan.

America,s Children Respond to Help Afghan Children. President Bush launched America,s Fund for Afghan Children, asking U.S. children to send $1 or whatever they could afford to help the children of Afghanistan who have suffered under the Taliban regime. The Fund has raised more than $2.1 million and shipments have already been sent to Afghan children including hats, socks, coats, tents, school supplies and other important humanitarian items.

Helping Afghan Refugees Who Fled the Taliban Return Home. The Taliban,s oppressive reign and war on women and children is ending. Many Afghan refugees who fled in fear now wish to return to their homes, and the U.S. is doing everything it can to help these refugees in Pakistan, Iran and other neighboring countries return home. In fact, the U.S. government has already spent more than $32 million this fiscal year (since October 1) to help refugees return to their homes in Afghanistan. The U.K. has given 26 million pounds sterling to Pakistan for their support of Afghan refugees.

Food Assistance. The U.S. government has led a world effort to provide record amounts of food to the Afghan people. In December alone, the U.N. World Food Program (WFP) delivered more food than ever before in one month. Millions of meals have been provided to the Afghan people so far. And while conditions are far from ideal, famine in Afghanistan has been averted this winter.

Other Key Needs. USAID is giving more that $7 million to supply approximately 600,000 Afghans with emergency supplies such as mattresses, blankets, stoves and cooking sets, winter clothes and fuel.
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- **Food Assistance.** The U.S. government has led a world effort to provide record amounts of food to the Afghan people. In December alone, the U.N. World Food Program (WFP) delivered more food than ever before in one month. Millions of meals have been provided to the Afghan people so far. And while conditions are far from ideal, famine in Afghanistan has been averted this winter.

- **Other Key Needs.** USAID is giving more than $7 million to supply approximately 600,000 Afghans with emergency supplies such as mattresses, blankets, stoves and cooking sets, winter clothes and fuel.
sent you copy of a Mikva memo on this.

David S. Addington
02/20/2002 01:42:23 PM
Record Type: Record

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

Current text of 18 USC 603:

6 603. Making political contributions

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e) (1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.

(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.

Re President and Vice President as "employing authority," see 3 U.S.C. 105 and 106.
I understand that someone in Governor Ridge's staff is interested in looking at records created by the President's Commission on Critical Infrastructure Protection. These records are at the Bush Presidential Library.

To whom should the request be sent? White House Counsel's Office (you)? or Gary Stern/Nancy Smith at NARA?
I am aware that both parties need to be involved. I am not sure which one takes the lead.

Terry
From: CN=Edward McNally/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: Voice Mail re: Ridge Testimony

Brett -- As per my voice mail. Thanks -- McNally

New York
Times

March 5, 2002

CONGRESSIONAL HEARINGS

Letter to Ridge Is Latest Jab in Fight Over Balance of Powers

By ALISON MITCHELL

ASHINGTON, March 4 - Tensions over the balance of powers and executive branch consultations with Congress mounted today as White House officials said Tom Ridge, the director of homeland security, would refuse to testify before a Senate committee about President Bush's call for $38 billion in domestic security programs.

The White House said that Mr. Ridge would not appear because he was an adviser to the president, not a cabinet officer. The response came just hours after Senator Robert C. Byrd, Democrat of West Virginia and chairman of the Senate Appropriations Committee, and Senator Ted Stevens of Alaska, the ranking Republican on the committee, released a letter to Mr. Ridge asking him to testify before their panel in April.

"You are the single executive branch official with the responsibility to integrate the many complex functions of the various federal agencies in one formulation and the execution of homeland defense programs," the two wrote. "Your views and insights on the policies necessary to meet these objectives are critical to the committee and the nation."

The sparring over Mr. Ridge, whose position was created after the Sept. 11 attacks, came with the White House and Congress vying over issues dealing with the balance of power between the executive and legislative branches and the level of consultations on the war on terror.

Congress has filed suit against Vice President Dick Cheney
over his refusal, on grounds of separation of powers, to divulge information about his dealings with energy industry executives while drawing up the administration's energy plan.

In addition, lawmakers have questioned whether Congress was adequately briefed on the administration's quiet deployment of government employees to two heavily fortified locations outside of Washington in case of nuclear attack. Democrats in recent days have also said they will not rubber-stamp the White House's military budget without a clear explanation of the administration's goals beyond Afghanistan.

While most of the discontent has been voiced by Democrats, today it started to spill over into Republican ranks. Senator Richard C. Shelby of Alabama, the ranking Republican on the Senate Intelligence Committee, said he believed that Mr. Ridge had an obligation to testify before the Appropriations Committee. "He is the homeland security czar," Senator Shelby said. "I agree with Senators Byrd and Stevens that he should appear."

Senator Chuck Hagel, Republican of Nebraska, who has become a prominent voice on foreign policy, said it was a mistake for the administration not to keep Congress thoroughly informed of such matters as the rotation of 75 to 100 government workers to fortified locations to ensure continuity of government.

"I don't think that is a wise way to do these things," Senator Hagel said. "The fact is we are a co-equal branch of government to the executive." Mr. Hagel added that too much secrecy "does not facilitate cooperation and the spirit of working together."

The dispute over whether Mr. Ridge will appear formally before Congress stems in part from Mr. Bush's decision to create a homeland security office inside the White House and not as a separate cabinet agency run by an official confirmed by Congress.

The president and Mr. Ridge have repeatedly said that because Mr. Ridge, former governor of Pennsylvania, is close to Mr. Bush, he will have enough power to be effective and does not need a separate agency or his own budget powers. That he is a White House adviser and not a cabinet official also means that he is subject to less Congressional oversight * a fact that is becoming an irritant between Congress and the administration.

Susan Neely, a spokeswoman for Mr. Ridge, said that while he had met and spoken informally to many members of Congress, he would not testify, because of his role inside the White House as an adviser to the president. "Ridge's job is to make recommendations to the president, and the president has spoken," Ms. Neely said.

Ari Fleischer, the White House press secretary, underscored the point in an interview, saying Mr. Ridge's office was being modeled on the National Security Council, which advises the president on foreign policy. He noted that Condoleezza Rice, Mr. Bush's national security adviser, did not testify before Congress.
"It works, and works well, for the national security adviser," Mr. Fleischer said. "We hope Congress will respect that."

Mr. Ridge did speak last week to the Republican and Democratic Senate caucuses at their closed-door lunches. Several Republicans said that in their session, Mr. Stevens urged Mr. Ridge to testify before the Appropriations Committee and warned him that Congress had subpoena power that it could use to compel testimony.

Tom Gavin, a spokesman for Mr. Byrd, said there was precedent for a presidential adviser to testify and that in the Clinton administration several advisers to the president had appeared before Congressional committees. He said the senator would await Mr. Ridge's formal response and hoped that he might yet decide to testify.

In another dispute, over the administration's activation of a cold-war-era contingency plan to keep government running in case of catastrophic attack, senior White House officials and Republican Congressional aides said that the administration had informed some in Congress but that the information had been closely held because it was sensitive.

Speaker J. Dennis Hastert, Republican of Illinois, is third in line of succession, after Mr. Bush and Mr. Cheney. A knowledgeable Republican aide said today that Mr. Hastert had been briefed about the contingency plan.

Senator Tom Daschle, Democrat of South Dakota, the majority leader, complained last week that he had not been told of the shadow government.
BK -- I have bolded the two points that I think are worth incorporating. The first point would be that he "met with virtually the entire membership of the Appropriations Committee during a pair of lunches last week" and is prepared to do so again.

The 2nd point maybe has already been made by the insert I just sketched out in your office??

-------------------- Forwarded by Edward McNally/WHO/EOP on 03/08/2002 02:16 PM ---------------------------

"Delahunty, Robert J" <Robert.J.Delahuntty@usdoj.gov>
03/08/2002 02:00:59 PM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP
cc:
Subject: RE: DRAFT LETTER TO SENS. BYRD AND STEVENS

Ed: Two immediate reactions. First, I think we should specifically remind them that Gov. Ridge meet with the entire Senate recently, at the Republican and Democrat Senators' lunches. Wendy stressed that in her conversation with me the other night, and it's a good point. More generally, don't we want more detail about contacts with Congress? Wendy and Julie had not finished pulling all the materials together, but together with what Marie should have assembled, it would make a very strong argument.

Second, we don't offer any particular accommodation, like an informal briefing. Whether to do so is a tactical judgment, and I don't know enough about the mood in the Committee to say whether we should come forward with a written offer now, hold back, or try to deal informally. My sense from discussing it with Wendy was that the Hill, and maybe she and Julie, are thinking that we will make a proposal.

Robert

-----Original Message-----
From: Edward_McNally@who.eop.gov [mailto:Edward_McNally@who.eop.gov]
Sent: Friday, March 08, 2002 1:37 PM
To: Delahunty, Robert J
Subject: DRAFT LETTER TO SENS. BYRD AND STEVENS

Rob't -- Any suggestions? You're welcome to mark it up, and fax to me at 456-1908.
Or via e-mail.
Thanks -- E.

-------------------- Forwarded by Edward McNally/WHO/EOP on 03/08/2002
March 8, 2002

Dear Chairman Byrd and Senator Stevens:

Thank you for your March 4 letter to Assistant to the President for Homeland Security Tom Ridge. The President and the Administration greatly appreciate your continued interest and involvement in the critical homeland security issues facing the Nation. We share your view that it is essential for Federal, state, and local governments to work together closely as part of the significant and sustained national effort to defend the United States and the American people.

The Administration is committed, moreover, to ensuring that the Congress receives the appropriate information it needs with respect to the Administration
Can you put below in an attached document that is single spaced. I am slow. Thanks.

Working in the White House is an incredible experience for me. It is one thing to tour the White House on a Saturday afternoon, but altogether different to walk into the Oval Office:

- The days begin before dawn, across the Roosevelt Bridge
- 7:30 am Senior Staff Meeting
- 8:15 am Counsel Staff Meeting
- 8:50 am Intelligence Briefing
- 9:30 am National Security Council/Homeland Security Council Meeting
- 10:30 am Domestic Consequences Principals Committee
- 12:00 p.m. Message Meeting
- 6:00 p.m. Principals Committee Meeting

The rest of the day includes other miscellaneous meetings/judicial interviews/visits to the hill to visit with Senators about judicial candidates or members of Congress about legislation important to the President.
FYI, in light of significant interest in the Friday opening, the Reagan Library will be releasing in advance an inventory list of the documents that we will be opening. In addition, the Library has received requests for the withdrawal sheets on the remaining 150 pages. These sheets are publicly available information, which we regularly make available upon request, and we intend to do so now.
To be clear, you should not release those withdrawal sheets for the 150 pages until we see them and discuss. Not knowing what’s in them, we are concerned that they themselves may reveal information that should not be released.

Brett M. Kavanaugh
03/13/2002 06:06:30 PM
Record Type: Record

To: GaryM Stern <garym.stern@nara.gov>
cc:
bcc: Records Management@EOP
Subject: Re: Reagan Withdrawal Sheets

Please make sure we see the release sheets for the 150 before they are made publicly available. Thanks.

GaryM Stern <garym.stern@nara.gov>
03/13/2002 05:28:37 PM
Record Type: Record

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

FYI, in light of significant interest in the Friday opening, the Reagan Library will be releasing in advance an inventory list of the documents that we will be opening. In addition, the Library has received requests for the withdrawal sheets on the remaining 150 pages. These sheets are publicly available information, which we regularly make available upon request, and we intend to do so now.
Daschle says subpoenaing domestic security chief to testify is an option

DAVID HO
Associated Press Writer
WASHINGTON (AP) — Senate Majority Leader Tom Daschle says he hopes it won't be necessary to subpoena domestic security chief Tom Ridge to testify about President Bush's anti-terrorism spending request, but it's an option.

The White House has opposed Ridge's appearance at a Senate hearing. A Bush spokesman expressed hope for a "satisfactory resolution" that would get lawmakers the necessary information, but White House officials said Monday that Ridge had no intention of testifying.

"We've got to find a way to break the impasse. (Ridge has) got to work with us. There is just too much at stake," Daschle, D-S.D., said Sunday. "Coercion is not ever my first choice."

"We want to look at all of the options at this point. But we're hoping it is not a necessary one. We are still hoping that they will have a change of heart," Daschle said on CBS' "Face the Nation."

Administration officials say Ridge has privately briefed lawmakers but his refusal to appear before a congressional committee follows the tradition that a member of a president's immediate staff does not testify formally to Congress.

The administration wants spending on domestic security to double next year to $38 billion.

"Hopefully we will come to a satisfactory resolution of this issue that allows Congress to receive information they need while allowing the
"president to receive confidential advice," White House spokesman Gordon Johndroe said.

Ridge has talked to lawmakers by telephone and in informal briefings on Capitol Hill. He will continue those practices, but will stop short of allowing himself to be compelled to testify because Bush considers it to be a separation-of-powers issue, aides said Monday.

Later, two lawmakers who met with Bush on a separate issue told reporters that Ridge should come before Congress.

"We shouldn't go to 'fist city' over something I think can be resolved merely by allowing him to come up and saying, 'This is an exception. This is not how it's going to be handled in the future but what he has to say is important,'" said Sen. John Breaux, D-La.

"I'm inclined to agree with that," said Sen. Frank Murkowski, R-Ala. The senators met with Bush and veterans in support of White House plans to drill for oil in Alaska's wilderness.

"It is highly unusual to demand that a person who has no formal office other than as an adviser to the president has to come up and testify to Congress," said Sen. Orrin Hatch, R-Utah.

"Once that starts, he will be up there spending all his time on Capitol Hill rather than doing his job," Hatch said on "Face the Nation."

But Daschle said Ridge acts with all the rights and privileges of a Cabinet officer and he should come before lawmakers.

Sen. Don Nickles of Oklahoma, the No. 2 Republican leader, accused Democrats of trying to pick a fight over having Ridge testify.

"He's already indicated he's willing to meet with senators," Nickles said on "Fox News Sunday." "But to have him go before each individual appropriation committee and so on, I think is ridiculous."

The two top senators on the Senate Appropriations Committee, Chairman Robert Byrd, D-W.Va., and Republican Ted Stevens of Alaska, wrote Bush on Friday asking to meet to discuss Ridge's refusal to testify. They said Ridge has more power than the ordinary presidential adviser, coordinating spending by more than 80 federal agencies.

3rd Ld-Writethru, a0531
f.y.i.
---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 03/27/2002 07:15 AM ----------------------

Jay P. Lefkowitz
03/26/2002 11:51:18 AM
Record Type: Record

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

so are you now comfortable with the DOJ position on boat safety?
you are right. the wrong version was sent out for staffing, but I will use the newer version as the base text for revisions.

Brett M. Kavanaugh
03/26/2002 07:52:52 PM
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP
cc: class action memo

We just got the memo through staffing process. It looks like the original version rather than the revised version you had sent me. Just wanted to check whether that was deliberate (which is, of course, fine) or inadvertent (in which case I wanted to alert you). Thanks.
I see your point. She was probably speaking to the question before.

Helgard C. Walker
03/27/2002 11:41:20 AM
Record Type: Record

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

Looks like the "thing" is immediate effectiveness, which he did call for.

HCW

Q One of the objections he raised as this thing was in the final stages of passage was that it wasn't -- didn't take effect immediately. That was one of the things last week --

MS. BUCHAN: That was one of the things the President thought would improve the bill.

Q And yet we're out raising $2-and-a-half million today for two different candidates. If he believes in that, why not just stop going to these fund-raisers?

MS. BUCHAN: That was one of the things that the President had urged the Congress to do, that they did not. And on balance, the President thinks that the law will improve the system. He does think that there are concerns. But, in the meantime, he certainly is going to -- certainly believes that advancing the democratic process is important.
Is this true?

Q And yet we're out raising $2-and-a-half million today for two different candidates. If he believes in that, why not just stop going to these fund-raisers?

MS. BUCHAN: That was one of the things that the President had urged the Congress to do, that they did not.
From: Koebele, Steve <Steve.Koebele@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2002 3:00:34 AM
Subject: Re: revised draft of Flanigan letter to Leahy

This message is a Read Receipt Notification

Your Message : Re: revised draft of Flanigan letter to Leahy
Was Read By : Steve.Koebele@usdoj.gov
DELIVERY FAILURE: Invalid Address specified in the To: CC: or BCC: field/s

Your Document:
RE: could not be delivered to: "willett, don (receipt notification requested) (ipm return requested)"
<don.willett@usdoj.gov>
because:
Invalid Address specified in the To: CC: or BCC: field/s
Routing Path:
CN=Mail2/O=EOP;CN=SGEOP01/O=EOP;CN=SGEOP01/O=EOP@sgeop01.eop.gov(SMTP/MIME MTA);CN=SGEOP01/O=EOP;CN=Mail2/O=EOP
any particular message today with Grover's group?
For my part at least, I'll need a little advance notice before I do these
calls so that I can bone up on my facts and talkers, especially with
respect to specific nominees of interest. Please try to give me a little
advance warning if you can.

Also, FYI I'm out of the office all next week.

---

we added Michigan as target state; should we add Arkansas? Nevada
[Reid]? select California ed boards?:

Berenson: GA, SC, NC, WI, VT, Michigan
Kavanaugh: DE, SD, MO, FL, Minn, LA
who handles campaign finance reform and the pending court case?
Brett, following up on the points you and Brad raised this morning, att'd FYI are Ari's comments yesterday on this subject:

Q Thank you, Ari. Director Ridge has made a -- what is being termed a compromise offer to meet with lawmakers and answer their questions about the budget. Already there are indications from Senate Democrats, including Senator Byrd, that his compromise offer is less than what they are looking for. Could you explain the administration's rational behind the so-called compromise that he offered, and what do you think?
MR. FLEISCHER: Well, this is just one more example of how Governor Ridge and this administration have provided and will continue to provide a free flow of information to the Congress, to answer any and all questions they have about homeland security.

Q Why not do it through the committee structure then?

MR. FLEISCHER: That's an old issue that the President has dealt with directly. And the request by the Congress, even though they're already receiving the answers to their questions, to change the traditions which have worked very well between the Congress and the executive, on testimony by assistants to the President, is a request that cannot and will not be honored. The President has made that clear.

I think what's so unusual here is that Congress is receiving all this information. Governor Ridge has made another effort to provide information to the Congress. But the President hopes that the Congress' message back will not be, my way or the highway, we'll only do it our way. And this administration will continue to work closely with the Congress, to work with the leadership, to work with Senator Byrd, to work with Senator Stevens, and we're hopeful that a good accommodation can be reached.

Q Do you think that the Senate Democrats then are playing politics with the Homeland Security budget, and information relating thereto?

MR. FLEISCHER: No, I don't think so. I think this is really a classic executive legislative issue involving longstanding issues in our federal system between the branches of the government. But that's, again, another reason why the President thinks it's so important not to change something that has worked very well, involving who the Congress has the right to call down for testimony. That has not extended previously to advisors to the President. It applies to the operational officers of the government. It applies to the Cabinet Secretaries.

But the only instances, in modern times, of senior advisors to the President testifying are in either cases where there's been allegations of some type of official or personal wrongdoing. That's not the case here, or anything close to that. And so this is a dramatic break from the way Congress usually does its business. And the President is resisting that, and will continue to, for good reason.

Q What's the current offer?

MR. FLEISCHER: Governor Ridge has been talking with Senator Byrd and others, and has sent a letter up to the Hill, where he has made clear that he would be available to meet with any number of congressional leaders, congressional members, House and Senator, whatever numbers they decide, all of them, if that's what they sought, in a public forum. And so the questions could be -- the American people could watch and see it and hear it.

Q A single appearance with all 535 members of the Congress, or is this for a number of appearances --

MR. FLEISCHER: I'll get you a copy of the letter, Jim. I think it was made available yesterday.
Helgi Walker (6-7361) in our office.

Lawrence A. Fleischer
03/27/2002 10:14:14 AM
Record Type: Record

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

who handles campaign finance reform and the pending court case?
absolutely; I got you covered.

Bradford A. Berenson
03/27/2002 10:04:19 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Subject: VP DC Cir event

Since I'll be gone all next week, will you look out for me on the VP event at the DC Cir? I'd very much like to attend that event but may need someone to remind the planners to include me on the list for motorcade, attendance, etc. If plans get firmed up next week, you could just leave me a voice mail or send an e-mail with the details. Thanks.
I have a call with Jennifer and Jennifer in a few minutes per your suggestion earlier today.
This message is a Read Receipt Notification

Your Message: Re: revised draft of Flanigan letter to Leahy

Was Read By: Jennifer.Newstead@usdoj.gov

Is this true?

Q And yet we're out raising $2-and-a-half million today for two different candidates. If he believes in that, why not just stop going to these fund-raisers?

MS. BUCHAN: That was one of the things that the President had urged the Congress to do, that they did not.
Looks like the "thing" is immediate effectiveness, which he did call for.

HCW

Q One of the objections he raised as this thing was in the final stages of passage was that it wasn't -- didn't take effect immediately. That was one of the things last week --

MS. BUCHAN: That was one of the things the President thought would improve the bill.

Q And yet we're out raising $2-and-a-half million today for two different candidates. If he believes in that, why not just stop going to these fund-raisers?

MS. BUCHAN: That was one of the things that the President had urged the Congress to do, that they did not. And on balance, the President thinks that the law will improve the system. He does think that there are concerns. But, in the meantime, he certainly is going to -- certainly believes that advancing the democratic process is important.

Q And yet we're out raising $2-and-a-half million today for two different candidates. If he believes in that, why not just stop going to these fund-raisers?

MS. BUCHAN: That was one of the things that the President had urged the Congress to do, that they did not.
I think that is what she had in mind, yes.

---

Brett M. Kavanaugh
03/27/2002 11:43:03 AM
Record Type: Record

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

I see your point. She was probably speaking to the question before.

---

Helgard C. Walker
03/27/2002 11:41:20 AM
Record Type: Record

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

Looks like the "thing" is immediate effectiveness, which he did call for.

HCW

Q One of the objections he raised as this thing was in the final stages of passage was that it wasn't -- didn't take effect immediately. That was one of the things last week --

MS. BUCHAN: That was one of the things the President thought would improve the bill.

Q And yet we're out raising $2-and-a-half million today for two different candidates. If he believes in that, why not just stop going to these fund-raisers?

MS. BUCHAN: That was one of the things that the President had urged the Congress to do, that they did not. And on balance, the President thinks that the law will improve the system. He does think that
there are concerns. But, in the meantime, he certainly is going to --
certainly believes that advancing the democratic process is important.

Brett M. Kavanaugh
03/27/2002 11:29:00 AM
Record Type: Record

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

Is this true?

Q And yet we're out raising $2-and-a-half million today for
two different candidates. If he believes in that, why not just stop going
to these fund-raisers?

MS. BUCHAN: That was one of the things that the President had
urged the Congress to do, that they did not.
Brett, Ken, Matt, and I are interested in meeting with you to discuss political appointee campaign involvement. The only time that seems to work for Matt and Ken in the next few days is Monday (4/1) around 5:30 -- would this time work for you for this meeting.

Thanks,
Doug
6-7016
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Ashley Estes/WHO/EOP@EOP [ WHO ] <Ashley Estes>
Sent: 3/27/2002 7:29:16 AM
Subject: : Re: work question

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
SUBJECT:: Re: work question
TO:Ashley Estes ( CN=Ashley Estes/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
### End Original ARMS Header ###

yes, but it's at 8 tomorrow.

Ashley Estes
03/27/2002 12:22:10 PM
Record Type: Non-Record

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

are you sr. staffer again in the am?

Brett M. Kavanaugh
03/27/2002 12:18:40 PM
Record Type: Record

To: Ashley Estes/WHO/EOP@EOP
cc:
bcc:
Subject: Re: work question

yes on dinner; not sure on time off, but should be 7:30ish, maybe earlier

Ashley Estes
03/27/2002 12:17:35 PM
Record Type: Non-Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: work question

what time do you get off today and are you up for dinner, etc. or no?
From: CN=Robert W. Cobb/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 3/27/2002 11:30:37 AM
Subject: : Ken Mehlman- St. Louis

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATION DATE/TIME: 27-MAR-2002 16:30:37.00
SUBJECT:: Ken Mehlman- St. Louis
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header ######

yo.

-------------------------------- Forwarded by Robert W. Cobb/WHO/EOP on 03/27/2002 04:30 PM --------------------------------

Katherine G. Marinis
03/27/2002 04:15:23 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:
Subject: Ken Mehlman- St. Louis

Moose- Ken is going to St. Louis for an RNC meeting on thursday, April 4th. He is staying over the weekend for his friend's wedding. (Jack Oliver). Jay Banning at the RNC offered Ken a seat on a private plane on the way home. It is totally private- not corporate. Is it ok for ken to accept?

(Jay is a friend of Ken's... as the other passengers)
From: Dinh, Viet <Viet.Dinh@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP[@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/27/2002 8:03:34 AM
Subject: : Re: revised draft of Flanigan letter to Leahy

This message is a Read Receipt Notification
Your Message : Re: revised draft of Flanigan letter to Leahy
Was Read By : Viet.Dinh@usdoj.gov
has a good piece by Byron York summarizing where the Lieberman committee is and has been with respect to its Enron investigation. This may be useful background for those not already familiar with it in evaluating how we proceed if and when we receive a letter. To the best of my knowledge, the article is highly accurate.
I've received an inquiry from the travel office about the propriety of WH staff receiving frequent flyer miles for trips aboard the press charter (where the seats are paid for by the press). I know some of you have worked on travel-related and frequent flyer issues in the past. If this seems like something one of you would have a quick bead on, let me know and I'll refer it over. If not, I'll handle. Thanks.
I have a call with Jennifer and Jennifer in a few minutes per your suggestion earlier today.
have you had a chance to look at those summaries?

thanks!
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Robert W. Cobb/WHO/EOP@EOP [WHO] <Robert W. Cobb>
Subject: Re: Ken Mehlman- St. Louis

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 27-MAR-2002 16:32:46.00
SUBJECT: Re: Ken Mehlman- St. Louis
TO: Robert W. Cobb (CN=Robert W. Cobb/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
### End Original ARMS Header ###

yes?

Robert W. Cobb
03/27/2002 04:30:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:                        Subject: Ken Mehlman- St. Louis

yo.
---------------------- Forwarded by Robert W. Cobb/WHO/EOP on 03/27/2002 04:30 PM ---------------------------

Katherine G. Marinis
03/27/2002 04:15:23 PM
Record Type: Record

To: Robert W. Cobb/WHO/EOP@EOP
cc:                        Subject: Ken Mehlman- St. Louis

Moose- Ken is going to St. Louis for an RNC meeting on Thursday, April 4th. He is staying over the weekend for his friend's wedding. (Jack Oliver). Jay Banning at the RNC offered Ken a seat on a private plane on the way home. It is totally private- not corporate. Is it ok for Ken to accept?

(Jay is a friend of Ken's... as the other passengers)
We will probably need to talk post-haste.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]

Sent: 3/27/2002 1:35:31 PM
Subject: McConnell 1A complaint in campaign finance case

I should have let you circulate the complaint. sorry.
Did any Clinton judicial appointees who had been state judges receive contributions from Enron? Benevides, for example?
There is no more fundamental issue than to making sure we have a judiciary of people that do not interpret the law from the bench; people who do not try to write law from the bench. (Applause.) People who interpret the law and not try to write it.

And I put up a good man from Mississippi the other day. And I don't remember the senior senator from Georgia defending this man's honor. And we're going to have more fights when it comes to the judiciary. And I'm going to put strict constructionists on the bench. And I expect people in the United States Senate from a great state like Georgia to do what Zell Miller did, and stood up and defended the honor and integrity of Judge Pickering. And that's what Saxby Chambliss is going to do. (Applause.)
There is no more fundamental issue than to making sure we have a judiciary of people that do not interpret the law from the bench; people who do not try to write law from the bench. (Applause.) People who interpret the law and not try to write it.

And I put up a good man from Mississippi the other day. And I don't remember the senior senator from Georgia defending this man's honor. And we're going to have more fights when it comes to the judiciary. And I'm going to put strict constructionists on the bench. And I expect people in the United States Senate from a great state like Georgia to do what Zell Miller did, and stood up and defended the honor and integrity of Judge Pickering. And that's what Saxby Chambliss is going to do. (Applause.)
Helgi had earlier asked me to circulate both the NRA complaint and the McConnell complaint to everyone in the office while she was on way to the remote location. I omitted the NRA complaint in the earlier e-mail; both complaints are attached to this e-mail.


let's talk re Nick Rosenkrantz
I think he is great. I worked with him closely on some important matters.
For today's meeting, do we have updated talking points so when folks return from Easter they move ahead?

No more than a page on target judges and key talking points.

Thanks.
I will be there.

---

From: Barry S. Jackson on 03/28/2002 10:58:26 AM
Record Type: Record

To: Senior Advisor Offices
cc:
Subject: Will you be there?
Did any Clinton judicial appointees who had been state judges receive contributions from Enron? Benevides, for example?
I understand the point about the numbers going up if you count walk-ons and transfers -- fair enough. But I hope you didn't send this b/c you agreed with the nonsense about how not graduating is not a bad thing b/c just being at college "enriches" you, and the suggestion that we shouldn't really expect kids at state schools to graduate, unlike at private institutions.
hooking you up
I didn't want to probe too much out loud, b/c of my office arrangements, but what did you get, precisely, on the physical status?
There is no more fundamental issue than to making sure we have a judiciary of people that do not interpret the law from the bench; people who do not try to write law from the bench. (Applause.) People who interpret the law and not try to write it.

And I put up a good man from Mississippi the other day. And I don't remember the senior senator from Georgia defending this man's honor. And we're going to have more fights when it comes to the judiciary. And I'm going to put strict constructionists on the bench. And I expect people in the United States Senate from a great state like Georgia to do what Zell Miller did, and stood up and defended the honor and integrity of Judge Pickering. And that's what Saxby Chambliss is going to do. (Applause.)
Lest I sound absurd, I should have said that that was just one of many things to help get the ball rolling . . .
There will be a meeting with Rich Bertling and Bill Outhier of Sen. Thompson's Gov't Affairs staff to discuss the Lieberman letter request to Andy Card at 11:15 a.m. in my office (167 OEOB). Agenda is to discuss committee dynamics and to get their views on possible responses. I don't know who the right person is for this in Leg, but whoever it is should feel free to attend.
going out for lunch; will be back at 1:15
Brett,

It is our understanding from Anne, that due to circumstances beyond her control, we do not have any handouts/tps for today's meeting.

Do we have anything?

Matt
Brett -- We're going to leave the judges line out of the Fisher remarks because this is a governor's race and the message wouldn't quite have the same impact. If you feel strongly the other way, let Anne know.

Thanks,
Ed
... This is an important election for Texas. And it's an important election for the country. We've got to have a man like John Cornyn representing our state in Washington. And there are a lot of reasons why.

First, we've got to get good, conservative judges appointed to the bench and approved by the United States Senate. (Applause.) I want people on the bench who don't try to use their position to legislate from the bench. We want people to interpret the law, not try to make law and write law. And I sent such a man up from Mississippi the other day -- a good, honest, honorable man, who had been approved unanimously by the United States Senate earlier -- and, yet, did not get a vote on the floor of the United States Senate.

We need people like John Cornyn in the United States Senate, who will work with the White House to have a solid judiciary, to make sure that the judges do what they're supposed to do in the United States and not overstep their bounds. (Applause.) ...
Can you work this one? Very important group; the Judge spoke to them last year.

Warmly

tsg

"Gaziano, Todd" <todd.gaziano@heritage.org>
03/28/2002 01:51:42 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: "Meese, Edwin" <edwin.meese@heritage.org>, "Thomas, Ginni" <ginni.thomas@heritage.org>, "Ponticelli, Charlie" <Charlie.Ponticelli@heritage.org>

Subject: Judge Gonzales and Conference Call

Tim,

As you requested, this is an electronic note to remind you that Heritage would be eager to provide a forum for Judge Gonzales to give a speech on the judicial confirmation process. The idea would be to pick a time when C-Span and other significant media coverage is likely. We could also sponsor a lunch afterward to which we might invite some of the sympathetic press to attend. I have already mentioned this idea to Tim Flanigan and Brad Berenson, but we appreciate any other advice or follow up that you think is appropriate.

Please also respond with a time or two on April 5 that you think would be good for a conference call with legal leaders.

Thanks

Todd Gaziano
Senior Fellow in Legal Studies
Brett,

I recently faxed over a red tag entitled "Remarks to Pennsylvania Republicans."

I am leaving at 4 PM so could you respond directly to Anne Campbell and Debbie Bird (Staff Sec's office). Thanks.

Have a fun Easter.

Patrick
This is an important election for Texas. And it's an important election for the country. We've got to have a man like John Cornyn representing our state in Washington. And there are a lot of reasons why.

First, we've got to get good, conservative judges appointed to the bench and approved by the United States Senate. (Applause.) I want people on the bench who don't try to use their position to legislate from the bench. We want people to interpret the law, not try to make law and write law. And I sent such a man up from Mississippi the other day -- a good, honest, honorable man, who had been approved unanimously by the United States Senate earlier -- and, yet, did not get a vote on the floor of the United States Senate.

We need people like John Cornyn in the United States Senate, who will work with the White House to have a solid judiciary, to make sure that the judges do what they're supposed to do in the United States and not overstep their bounds. (Applause.) . . .
Good
Racial profiling?
I will be out of the office from 03/29/2002 until 04/08/2002.

If you need to reach someone right away, contact Michelle Brawer or Anne Campbell at 456-2763.
For those who are interested in yesterday's opinions by Luttig and Wilkinson, discussed in today's Post, they can be found at http://pacer.ca4.uscourts.gov/opinion.pdf/016703R1.P.pdf.
I gave Brent lists I obtained from Cathy Alix of all employees in WHO, NSC, and OPD. I also obtained a list of all OVP staff but didn't give a copy to Brent.

-----------------------------
Sent from my BlackBerry Wireless Handheld (www.Blackberry.net)
Yes, I worked with her on several issues last fall and liked her.

Rachel L. Brand@who.eop.gov
03/29/2002 08:50:39 AM
Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Margaret Peterlin

Do you either of you recall working with Margaret Peterlin on the USA Patriot Act (she works for Hyde, I think). She apparently is interested in applying to our office. We have lots of mutual friends, but I don't know her.
which groups of employees you need me to make a list of. WHO, OPD, and NSC?
Anyone else? For some reason this is amazingly hard to get, and before I start
harassing people, I want to make sure I get everything right from the start.
Thanks.
I gave Brent lists I obtained from Cathy Alix of all employees in WHO, NSC, and OPD. I also obtained a list of all OVP staff but didn't give a copy to Brent.

-----------------------------
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)
yeah baby! it pays dividends to have mehlman on the trip.

There is no more fundamental issue than to making sure we have a judiciary of people that do not interpret the law from the bench; people who do not try to write law from the bench. (Applause.) People who interpret the law and not try to write it.

And I put up a good man from Mississippi the other day. And I don't remember the senior senator from Georgia defending this man's honor. And we're going to have more fights when it comes to the judiciary. And I'm going to put strict constructionists on the bench. And I expect people in the United States Senate from a great state like Georgia to do what Zell Miller did, and stood up and defended the honor and integrity of Judge Pickering. And that's what Saxby Chambliss is going to do. (Applause.)
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Estrada, Miguel A. <mestrada@gibsondunn.com>
Sent: 3/29/2002 5:38:03 AM
Subject: Re: Slacking Off

here, about to call you back . . .

"Estrada, Miguel A." <mestrada@gibsondunn.com>
03/29/2002 10:32:16 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Slacking Off

Are you around?

=================================================================================================
---
This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.
"PLEASE NOTE: Our e-mail and web site address has changed to gibsondunn.com"
=================================================================================================
---
think I am going out but will let you know . . .
Have you transmitted the draft p of a yet to ARG and Tim?
From: CN=Anne Womack/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 3/29/2002 8:56:57 AM
Subject: just tried to call you - please call.

```
#### Begin Original ARMS Header ####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 29-MAR-2002 13:56:57.00
SUBJECT:: just tried to call you - please call.
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
#### End Original ARMS Header ####
```
http://www.buyoutbook.com/authors.html
Brett,  

Let's talk about this.  

Tim  

-----------
Sent from my BlackBerry Handheld.  

----- Original Message -----  
From: Elizabeth N. Camp/WHO/EOP  
To: Timothy E. Flanigan/WHO/EOP@EOP  
Cc: Allison L. Riepenhoff/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP  
Date: 04/01/2002 07:21:49 AM  
Subject: FOIA requests on Air Missions  

Michael Murphy called this morning on another matter and mentioned that he was aware of a number of FOIA requests that have been received on special air missions.

He indicated that he would be happy to help out on these if you wanted his help. Just let him know.

Thanks!
Judicial nominees conference call.

Date: Wednesday, April 3rd
Time: 4pm EST
Phone: 888-942-9135
Passcode: Judges
Leader: Timmy Teepell
who in counsel's office handles treasury/ tax issues?
then why is DOJ continuing to produce documents that say that the DC circuit seats have been classified as emergencies?
Quotes
After reading Rickertsen's insider view on leveraged deals, no one in America will want to work for wages again." David Bonderman, leading global investor and founder of the Texas Pacific Group. "Only insiders know how this stuff works. Rickertsen is an insider. He brings the complexity of high finance to its knees, and leaves it begging for mercy. He explains its inner workings so that even a journalist can understand them.

Dr. Terrence Lapier, Entrepreneurship Faculty, The Wharton School
Likely to become the essential manual for management buyouts. This high-impact book will be required reading for every entrepreneurial-minded MBA, manager, seller of a company, and professional in the buyout and M&A businesses. *Terrence Lapier

Bill Marriott, Chairman, Marriott International, Inc.
Rickertsen is one of American's most gifted buyout experts. Anyone interested in an inside look at the buyout world and the opportunities for managers in these deals will learn volumes from this book." Jack Kemp, Empower America Rickertsen has written a must-read for every manager with the dream of buying and running his own company. *Bill Marriott
Brett, does 4:30 today work for you?

---------------------- Forwarded by Douglas L. Hoelscher/WHO/EOP on 04/01/2002 10:46 AM ---------------------------

Katherine G. Marinis
04/01/2002 10:07:22 AM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc: Douglas L. Hoelscher/WHO/EOP@EOP
Subject: Meeting with Brett

Ken wants to move it to 4:30 pm. Can we do that?
Do not do that. Let's discuss.

For some reason, there is a lot of confusion regarding these forms. I am still working on getting a complete WH employee list compiled, but being that it is Easter weekend, almost all of the admin. contacts were out Friday or today, and are pretty slow with getting me employee lists.

In addition, I am still getting calls/e-mails asking if everyone in the offices was supposed to fill them out, and I am having to re-send several forms. Is it possible to send out a new admin alert explaining that EVERYONE in the offices has to fill them out, turn them into me by tomorrow, and to call with any questions, instead of just assuming they don't have to fill them out? Please let me know what you want me to do. I think this would help us get the forms sooner.

-AR
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-AR
might I be able to get them tomorrow? I am getting calls from FMD...bills are awaiting payment.

thanks!!!!!!!!!!!!!
I am Dept of Treasury generally speaking, but we sometimes farm out issues depending on expertise.

Kristen Silverberg
04/01/2002 08:55:26 AM
Record Type: Record

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

Subject: question

who in counsel's office handles treasury/ tax issues?
Kimberly A. Douglass 04/01/2002 02:57:47 PM

Record Type: Record

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

might I be able to get them tomorrow? I am getting calls from FMD...bills are awaiting payment.

thanks!!!!!!!!!!!!!!!
From: CN=Anne Womack/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 4/1/2002 8:41:44 AM
Subject: didn't you email me that the D.C. circuit positions were not classified as emergencies?

### Begin Original ARMS Header ####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 1-APR-2002 13:41:44.00
SUBJECT: didn't you email me that the D.C. circuit positions were not classified as emergencies?
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
### End Original ARMS Header ###
Brett- Last week, I sent you some copy of the RNC Presidential Victory Club website (donor club) for approval. Ken had some concerns that they had a link to the White House website. Does this sound familiar and have you had a chance to look at it? thanks
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: mestrada@gibsondunn.com @ inet [UNKNOWN] <mestrada@gibsondunn.com>
Sent: 4/1/2002 1:14:19 PM
Subject: you are 10-4-1

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-APR-2002 18:14:19.00
SUBJECT: you are 10-4-1
TO: mestrada@gibsondunn.com (mestrada@gibsondunn.com @ inet [UNKNOWN])
READ:UNKNOWN
### End Original ARMS Header ######
Josh and I have a very dumb legal question.

Suppose a physician leaves a sponge in a patient's stomach. The patient sues for and recovers $100K claiming that the sponge caused him to incur certain medical expenses and to miss weeks of work. A few months later, but still w/in the SOL, the patient dies b/c of complications caused by the sponge that were unknown to the patient at the time of his first suit. Can his heirs bring a wrongful death suit for additional damages b/c he is now dead?

I say that res judicata bars the second suit. Can you confirm or refute?
Agreed. I would look to Wright & Miller, as my guess is that would provide the black letter law on res judicata.

---

---

I am assuming this is PBOR-related, and I thus will assume it is Rachel's to opine unless I hear otherwise from you all.

---

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---

Josh and I have a very dumb legal question.

Suppose a physician leaves a sponge in a patient's stomach. The patient sues for and recovers $100K claiming that the sponge caused him to incur...
certain medical expenses and to miss weeks of work. A few months later, but still w/in the SOL, the patient dies b/c of complications caused by the sponge that were unknown to the patient at the time of his first suit. Can his heirs bring a wrongful death suit for additional damages b/c he is now dead?

I say that res judicata bars the second suit. Can you confirm or refute?
Has it gone out yet? If so, can you pls. shoot over the final, as-sent version?

fax: 353-7682

Thanks.

Fear the Turtle, blah, blah, blah.

DRW
I have to go to Judge ARG's office right now.
no deferring -- I need to quickly get a consensus view.
Kristen Silverberg
04/01/2002 06:41:25 PM
Record Type: Record

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

no deferring -- I need to quickly get a consensus view.
depends on state law, huh? that's helpful. good thing I sought advice from counsel.

Brett M. Kavanaugh
04/01/2002 07:07:51 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc:
Subject: Re: question

ok, good. figured it depended on each state's law.

Kristen Silverberg
04/01/2002 06:56:47 PM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: question

Call off the hunt -- I found an annotation on point. There are state cts on both sides of the issue (although I'm going to claim that I'm mostly right). Thanks for the responses.

Kristen Silverberg
04/01/2002 06:23:02 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: question
Subject: question

Josh and I have a very dumb legal question.
Suppose a physician leaves a sponge in a patient's stomach. The patient sues for and recovers $100K claiming that the sponge caused him to incur certain medical expenses and to miss weeks of work. A few months later, but still w/in the SOL, the patient dies b/c of complications caused by the sponge that were unknown to the patient at the time of his first suit. Can his heirs bring a wrongful death suit for additional damages b/c he is now dead?

I say that res judicata bars the second suit. Can you confirm or refute?
do you think that we can start working on it at the end of the month?
thanks. just let me know when to pick up...

Brett M. Kavanaugh 04/01/2002 05:40:19 PM
Record Type: Record
To: Kimberly A. Douglass/WHO/EOP@EOP
cc: bcc:
Subject: Re: trip summaries

yes

Kimberly A. Douglass 04/01/2002 02:57:47 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: trip summaries

might I be able to get them tomorrow? I am getting calls from FMD...bills are awaiting payment.

thanks!!!!!!!!!!!!!!!
regional ed boards: checking if we are we doing any of that?
Brett:

Thank you.

Terry
she is the WH Liaison. So, I'll tell her that her counsel should be ready to brief them, ok?

Brett M. Kavanaugh
04/18/2002 12:22:10 PM
Record Type: Record
To: Matthew A. Schlapp/WHO/EOP@EOP
cc: adrian g. gray/who/eop@eop
bcc:
Subject: Re: Political Activity briefing from Counsel

Who is April Lehman?

George Wolfe at Treasury has inquired about the final memo (in addition to the summary/bullet points we handed out at the meeting), which in turn is waiting on our finalization of leave rules with DOJ guidance. But that one specific issue should not preclude a briefing on the general rules by Counsel; indeed, that is why we had the briefings we did. But let me know what else I need to know.

Matthew A. Schlapp
04/18/2002 12:03:25 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP, Adrian G. Gray/WHO/EOP@EOP
cc:
Subject: Political Activity briefing from Counsel

You guys know what's up?
---------------------- Forwarded by Matthew A. Schlapp/WHO/EOP on 04/18/2002 12:03 PM ---------------------------

April.Lehman@do.treas.gov
04/18/2002 11:58:51 AM
To: Matthew A. Schlapp/WHO/EOP/EOP, kenneth_e._mehlman@who.eop.gov  
cc: 
Subject: Political Activity briefing from Counsel  

I need some guidance. As a follow-up to Mehlman's briefing at Treasury last month, we have been trying to schedule a briefing with WH Counsel/Treasury Counsel to give political appointees guidance as to what is and is not appropriate activity. My understanding is that we were waiting on some final changes to the guidance from WH Counsel. That process seems to have stalled endlessly. Any ideas about what's going on? Can you help to prod this out of its cocoon? We're coming up on the busy season and I want to make certain our people know the rules. 

Please advise.
yes, and I have so communicated to Treasury Counsel.

Matthew A. Schlapp
04/18/2002 12:26:38 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: adrian g. gray/who/eop@eop
Subject: Re: Political Activity briefing from Counsel

she is the WH Liaison. So, I'll tell her that her counsel should be ready to brief them, ok?

Brett M. Kavanaugh
04/18/2002 12:22:10 PM
Record Type: Record
To: Matthew A. Schlapp/WHO/EOP@EOP
cc: adrian g. gray/who/eop@eop
Subject: Re: Political Activity briefing from Counsel

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You guys know what's up?

---------------------- Forwarded by Matthew A. Schlapp/WHO/EOP on 04/18/2002 12:03 PM ---------------------------

April.Lehman@do.treas.gov
04/18/2002 11:58:51 AM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP, kenneth_e._mehlman@who.eop.gov
cc:
Subject: Political Activity briefing from Counsel

I need some guidance. As a follow-up to Mehlman's briefing at Treasury last month, we have been trying to schedule a briefing with WH Counsel/Treasury Counsel to give political appointees guidance as to what is and is not appropriate activity. My understanding is that we were waiting on some final changes to the guidance from WH Counsel. That process seems to have stalled endlessly. Any ideas about what's going on? Can you help to prod this out of its cocoon? We're coming up on the busy season and I want to make certain our people know the rules.

Please advise.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]  
To: Anne Womack/WHO/EOP@EOP [ WHO ] <Anne Womack>  
Sent: 4/18/2002 12:42:41 PM  
Subject: letting up

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 18-APR-2002 16:42:41.00
SUBJECT:: letting up
TO: Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header ######
not yet settled.

---

William S. Laragy
04/18/2002 05:03:46 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: EOP response

Gents:
Phil Perry wanted me to check in with you and see if you have any guidance on the scope of our search for the cmte yet? Thanks
Scott Laragy
OMB OGC
Brett:

One of our law clerks, Amber Spencer, is getting ready to leave us. She mentioned that some time ago she checked out some books from the DOJ library for you or someone over there. Apparently, she just received a call that someone here at Justice needs the books. Do you know where they are or who we should contact to get them returned?

Thanks!

Wendy
yes
great - i'll call the leadership offices - we'll either do it in DeLay's leadership office or his personal office - will let you know

---

Brett M. Kavanaugh  
04/18/2002 01:59:59 PM  
Record Type: Record

To: Kirsten A. Chadwick/WHO/EOP@EOP
cc:
bcc:

Subject: Re: can you do a meeting monday at 3pm on presidential records with leadership staff

yes

---

Kirsten A. Chadwick  
04/18/2002 12:02:57 PM  
Record Type: Record

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

Subject: can you do a meeting monday at 3pm on presidential records with leadership staff
From: John Abegg) (John_Abegg@mcconnell.senate.gov (John Abegg) [UNKNOWN]
To: Mashburn; John (Lott) <John_Mashburn@lott.senate.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather_Wingate>; Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov>; Gregg Willhauck <Gregg_Willhauck@kyl.senate.gov>; Rena Johnson@judiciary.senate.gov [UNKNOWN]; Ed_Haden@Judiciary.senate.gov [UNKNOWN]; Stephen_Higgins@judiciary.senate.gov [UNKNOWN]; Katie_Gumerson@aml.senate.gov [UNKNOWN]; Makan_Delrahim@judiciary.senate.gov; Hoppe; Dave (Lott) <Dave_Hoppe@lott.senate.gov>; Eric_Ueland@aml.senate.gov [UNKNOWN]; Viet.Dinh@usdoj.gov [UNKNOWN]; Pat.O'Brien@usdoj.gov [UNKNOWN]; Anne Womack/WHO/EOP@EOP [WHO]; Tom Goeglein/WHO/EOP@EOP [WHO]; Brett Kavanaugh/WHO/EOP@EOP [WHO]; Bob_Taylor@aml.senate.gov [UNKNOWN]; Manuel Miranda at JUDICIARY (E-mail) <IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY@routing.senate.gov>; Chris Myers (E-mail) <IMCEACCMAIL-Chris+20Myers+20at+20Republican-Conf@routing.senate.gov>; Barbara Ledeen (E-mail) <IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-Conf@routing.senate.gov>; Mark Rodgers (E-mail) <IMCEACCMAIL-mark+5Frodgers+40src+2Esenate+2Egov+20at+20INTERNET@routing.senate.gov>
Subject: McConnell lecture at Heritage

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:John_Abegg@mcconnell.senate.gov (John Abegg) (John_Abegg@mcconnell.senate.gov (John Abegg) [UNKNOWN])
CREATION DATE/TIME: 18-APR-2002 14:59:28.00
SUBJECT: McConnell lecture at Heritage
TO: "Mashburn; John (Lott)" <John_Mashburn@lott.senate.gov> ("Mashburn; John (Lott)" <John_Mashburn@lott.senate.gov> [UNKNOWN])
READ: UNKNOWN
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov> (Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov> [UNKNOWN])
READ: UNKNOWN
TO: Gregg Willhauck <Gregg_Willhauck@kyl.senate.gov> (Gregg Willhauck <Gregg_Willhauck@kyl.senate.gov> [UNKNOWN])
READ: UNKNOWN
TO: Rena Johnson@judiciary.senate.gov (Rena_Johnson@judiciary.senate.gov [UNKNOWN])
READ: UNKNOWN
TO: Ed_Haden@Judiciary.senate.gov (Ed_Haden@Judiciary.senate.gov [UNKNOWN])
READ: UNKNOWN
TO: Stephen_Higgins@judiciary.senate.gov (Stephen_Higgins@judiciary.senate.gov [UNKNOWN])
READ: UNKNOWN
TO: Katie_Gumerson@aml.senate.gov (Katie_Gumerson@aml.senate.gov [UNKNOWN])
READ: UNKNOWN
TO: Makan_Delrahim@judiciary.senate.gov (Makan_Delrahim@judiciary.senate.gov [UNKNOWN])
READ: UNKNOWN
TO: "Hoppe; Dave (Lott)" <Dave_Hoppe@lott.senate.gov> ("Hoppe; Dave (Lott)" <Dave_Hoppe@lott.senate.gov> [UNKNOWN])
READ: UNKNOWN
TO: Eric_Ueland@aml.senate.gov (Eric_Ueland@aml.senate.gov [UNKNOWN])
READ: UNKNOWN
TO: Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ: UNKNOWN
TO: Pat.O'Brien@usdoj.gov (Pat.O'Brien@usdoj.gov [UNKNOWN])
READ: UNKNOWN
TO: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN

---

McConnell lecture at Heritage
Wanted to make sure folks were aware of this . . .

The Heritage Foundation's
Department of Lectures and Seminars

You are Cordially Invited to a Lecture

<http://cf.heritage.org/events/eventDetails.cfm?EventID=98> The Judicial Confirmation Crisis
(click title to RSVP)

Featuring

Senator Mitch McConnell
U.S. Senate

Hosted by

Virginia L. Thomas
Director, Executive Branch Relations,
The Heritage Foundation

In 1998, when there were 50 judicial vacancies, Senator Leahy called this a "judicial vacancy crisis." Currently there are 96 vacancies, despite President Bush nominating judges at a record pace. Chief Justice Rehnquist recently wrote that America's present judicial vacancy crisis is "alarming." Nevertheless, Senator Leahy, chair of the Senate Judiciary Committee, has
refused to hold hearings or votes for a number of court of appeals candidates whose nominations have been pending for almost a year. Members of the Senate, and others, have accused the Democratic leadership of turning the judicial confirmation process into nothing more than a political game and an ideological affair. Charles Pickering is the most blatant example of a Bush nominee subjected to an ideological litmus test. Judge Pickering had more than enough votes to be confirmed by the full Senate if brought to the floor for a vote. But a floor vote may never occur if the Judiciary Committee's party-line vote holds.

More battles are brewing as other well-qualified nominees - including Miguel Estrada, Priscilla Owen, Brooks Smith and Michael McConnell - are still awaiting hearings promised by Senator Leahy in January. Is all of this a warm-up for future Supreme Court appointments? How can we address this crisis? Please join us at this Heritage Foundation event as Senator Mitch McConnell (R-KY) addresses the need to return to fairness in the confirmation process.

Monday, April 22, 2002
12:00pm
Refreshments Provided

RSVP Online At www.h <http://www.heritage.org/events>
eritage.org/eventsBM__Hlt526068892

or Call (202) 675-1752


All events are held in The Heritage Foundation's Lehrman Auditorium, unless otherwise noted.
The Heritage Foundation | 214 Massachusetts Ave. NE | Washington DC, 20002
Jane Zysk
Director of Special Events
Americans for Tax Reform
1920 L Street NW, Suite 200
Washington, DC 20036
ph: 202-785-0266
Fax: 202-785-0261

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Bridgett Wagner asked that I forward this on to folks. RSVP information is at the end of the email or just click on the link.

You are Cordially Invited to a Lecture

Featuring

Senator Mitch McConnell

Hosted by

Virginia L. Thomas

Director, Executive Branch Relations,
The Heritage Foundation
In 1998, when there were 50 judicial vacancies, Senator Leahy called this a "judicial vacancy crisis." Currently there are 96 vacancies, despite President Bush nominating judges at a record pace. Chief Justice Rehnquist recently wrote that America's present judicial vacancy crisis is "alarming." Nevertheless, Senator Leahy, chair of the Senate Judiciary Committee, has refused to hold hearings or votes for a number of court of appeals candidates whose nominations have been pending for almost a year. Members of the Senate, and others, have accused the Democratic leadership of turning the judicial confirmation process into nothing more than a political game and an ideological affair. Charles Pickering is the most blatant example of a Bush nominee subjected to an ideological litmus test. Judge Pickering had more than enough votes to be confirmed by the full Senate if brought to the floor for a vote. But a floor vote may never occur if the Judiciary Committee's party-line vote holds.

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View live on the Internet at www.heritage.org/live

All events are held in The Heritage Foundation's Lehrman Auditorium, unless otherwise noted.

The Heritage Foundation | 214 Massachusetts Ave. NE | Washington DC, 20002
Jane Zysk
Director of Special Events
Americans for Tax Reform
1920 L Street NW, Suite 200
Washington, DC 20036
ph: 202-785-0266
Fax: 202-785-0261

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intended for a specific individual and purpose, and is protected by law.
If you are not the intended recipient, you should delete this message and
are hereby notified that any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.
Come see are and Tim now.
I'm on the Hill.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)
I'm on the Hill.

-------------------
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)
All,

We have a couple openings at Justice that we are working to fill. Please send me ideas of lawyers who meet the following specs:

Specs: 7-8 years out; of law school; former US Supreme Court clerk; extensive litigation background; proven political stripe; conservative (not Libertarian); able to manage.

Let me know. Thanks, Jan
OK. Thanks
Coddy is in New Orleans, but he will call you about the regional meeting.

Here's my next question—

Ken is flying to Waco on Thursday for the RNC Ranch event (commercial and the RNC is paying). After that, I need to get him to Houston. Is there any way that he could get a ride on one of the private planes that is in Waco for the event? I am trying to find out if there are going to be a private plane there (rather than corporate), but wanted to check to see if it was even a possibility. The commercial flights are somewhat scarce. You have to fly to Dallas before you fly to Houston. He said that he would be willing to pay for the cost of a commercial flight if necessary. (or we could have the RNC pay)

He is paying for his flight from Houston to DC personally. thanks
Whose plane? call me.

Katherine G. Marinis
04/18/2002 05:15:57 PM
Record Type: Record

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

Coddy is in New Orleans, but he will call you about the regional meeting.

Here's my next question-

Ken is flying to Waco on Thursday for the RNC Ranch event (commercial and the RNC is paying). After that, I need to get him to Houston. Is there any way that he could get a ride on one of the private planes that is in Waco for the event? I am trying to find out if there are going to be a private plane there (rather than corporate), but wanted to check to see if it was even a possibility. The commercial flights are somewhat scarce. You have to fly to Dallas before you fly to Houston. He said that he would be willing to pay for the cost of a commercial flight if necessary. (or we could have the rnc pay)

He is paying for his flight from Houston to DC personally. thanks
in this case, I fear . . .

so actually word processing is the beginning of thought....

no doubt a line straight out of the former boss' word processor . . .

First Amendment freedoms are most in danger when the government seeks to control thought . . . The right to think is
the beginning of freedom, and speech must be protected from government because speech is the beginning of thought."
....that "thought" might be out of place in my sentence?

Brett M. Kavanaugh
04/19/2002 08:55:15 AM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc:
bcc:
Subject: Re: ?

in this case, I fear . . .

Stuart W. Bowen
04/19/2002 08:54:50 AM
Record Type: Record

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

so actually word processing is the beginning of thought....

Brett M. Kavanaugh
04/19/2002 08:53:50 AM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc:
bcc:
Subject: Re: ?

no doubt a line straight out of the former boss' word processor . . .
First Amendment freedoms are most in danger when the government seeks to control thought. . . . The right to think is the beginning of freedom, and speech must be protected from government because speech is the beginning of thought."
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Stuart W. Bowen/WHO/EOP@EOP [ WHO ] <Stuart W. Bowen>
Sent: 4/19/2002 4:53:51 AM
Subject: : Re: ?

no doubt a line straight out of the former boss' word processor . . .

Stuart W. Bowen
04/19/2002 08:52:46 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: ?

First Amendment freedoms are most in danger when the government seeks to control thought . . . . The right to think is the beginning of freedom, and speech must be protected from government because speech is the beginning of thought."

REV_00092462
so actually word processing is the beginning of thought....

Brett M. Kavanaugh
04/19/2002 08:53:50 AM
Record Type: Record
To: Stuart W. Bowen/WHO/EOP
cc: 
bcc: 
Subject: Re: ?

no doubt a line straight out of the former boss' word processor . . .

Stuart W. Bowen
04/19/2002 08:52:46 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP
cc: 
Subject: ?

First Amendment freedoms are most in danger when the
government seeks to control thought. . . . The right to think is
the beginning of freedom, and speech must be protected
from government because speech is the beginning of
thought."
It's a case on whether Brady material must be turned over to a defendant before he decides to plead guilty.

What case?

April 24 may be good day for SCt arguments. Olson is arguing.
how many times are they going to answer that question?

---

Brett M. Kavanaugh
04/19/2002 08:54:36 AM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc: bcc:
Subject: Re:

It's a case on whether Brady material must be turned over to a defendant before he decides to plead guilty

---

Stuart W. Bowen
04/18/2002 11:29:50 AM
Record Type: Record

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

What case?

---

Brett M. Kavanaugh
04/18/2002 10:18:51 AM
Record Type: Record

To: Stuart W. Bowen/WHO/EOP@EOP
cc: bcc:
Subject:

April 24 may be good day for SCt arguments. Olson is arguing.
Following up on the conversation a few minutes ago...

The back round table in the Mess is booked for lunch today, so if we want to commandeer the staff table, we should probably head over there about 11:50.
I cannot come to 10:00 because of RNLA conference.
Patrick said around 30 is his guess.
Anne, we'll have a car waiting for us at 9:50 at west basement

Brett M. Kavanaugh
04/19/2002 09:27:12 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: Anne Womack/WHO/EOP@EOP
Subject: I cannot come to 10:00 because of RNLA conference
From: CN=Kirsten A. Chadwick/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 4/19/2002 5:45:41 AM
Subject: : ok - monday does now not work - does thursday the 25th at 4p or 5p work for you?

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kirsten A. Chadwick ( CN=Kirsten A. Chadwick/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 19-APR-2002 09:45:41.00
SUBJECT: : ok - monday does now not work - does thursday the 25th at 4p or 5p work for you?
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
##### End Original ARMS Header #####

Anne Womack needs to talk to you in the next 6 minutes re. the vacancy numbers from last night. Her phone number is 6-2115.
Tim -- FYI. I think, given my approaching departure, I will leave this entirely in Brett's capable hands. Let me know if you would prefer other staffing.

Kristen Silverberg
04/19/2002 09:27:46 AM
Record Type: Record

Can we get a group together soon to talk about med mal? There is some stuff percolating on the Hill. We probably need a strategy on getting internal sign-off to support.
*identify three surrogates that can speak broadly in defense of the President's nominees.

*one pager and bio on Julia Gibbons

*one pager on the 6th circuit situation

*info from Lincoln on examples of delay of justice because of vacancy crisis.

There is ANOTHER meeting on the Hill this afternoon about communications, some guy named Chris Meyer. I am taking Mercy with me.
Wasn't an e-mail; will drop on your chair
I made some of your changes, which I had not seen last night because e-mail was down
FINANCE
Terrorism Insurance Backers Upset By Official's Remark

Industry proponents of a federal terrorism reinsurance bill are up in arms over a remark made by an insurance executive this week about the need for legislation and the availability of terrorism coverage. The executive, interviewed by BestWire news service, was identified as David James, a terrorism underwriter for Ascot Underwriting Ltd. Ascot serves as the managing agent for the American International Group's new Lloyd's of London syndicate. "It's been frustrating to see a lot of press coverage about the unavailability of terror cover, when in fact, there's a very active and maturing market," James was quoted as saying. He also said he did not believe that a U.S. government-backed terrorism backstop was necessary. The article prompted frantic communications among bill supporters inside and outside the Beltway, sources said, and elicited a swift response.
from executives at AIG and Lloyd's, the world's largest and second largest commercial insurers, respectively. In their statement, AIG executives noted, "Ascot Underwriting Ltd. employees are not authorized to speak for AIG." Said AIG Chairman M.R. Greenberg, "While AIG and a number of other insurers have created a limited market for terrorism insurance in the wake of Sept. 11, there is still an urgent need for the federal government to create a reinsurance backstop facility to provide the capacity to cover all businesses that could suffer terror losses." He added that Congress should act quickly to pass terrorism insurance legislation.

Lloyd's of London representatives, who sources said were on Capitol Hill this week lobbying on behalf of a reinsurance bill, also distanced themselves from James' remarks, and made clear their support for congressional action. Lloyd's Chairman Sax Riley noted that the limited capacity Lloyd's and other commercial insurers have available, "will not be sufficient in the near term." Lloyd's is the world's third largest reinsurer, with 35 percent of its business coming from the United States.

Meanwhile, BI Daily News, a business insurance trade publication, reported this week that risk managers at large corporations are becoming more interested in purchasing terrorism coverage, according to a survey conducted by Boston-based RM Access. Results were based on 45 responses from 150 randomly selected risk managers for Fortune 500 companies surveyed from February through March. RM ACCESS is a risk consulting and insurance brokerage unit of Fidelity Investments. The article quotes John Ryan, senior vice president in Boston for RM Access, as saying 42 percent of the risk managers surveyed are looking at purchasing terrorism coverage, after waiting to see whether the federal government would respond. Also this week, the Coalition to Insure Against Terrorism, a group of U.S. business insurance policyholders, wrote to Senate leaders, urging them to quickly pass reinsurance legislation. * by Pamela Barnett
can you call me whenever you have a minute today about a possible gift for the pioneers? (rnc is paying- we are just helping pick it out)
Subject: Mehlman still in New Orleans
Do you have the original e-mail?

Nanette Everson  
04/19/2002 12:50:53 PM  
Record Type: Record  

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: VIEW PAC Invitation to Karen Hughes Longtime Friend and Advisor To The President  

Brett, I received this for review from Karen's Office and wanted to get your input. (Hence my head in your office just as you were leaving for your speech).

Seems like an appropriate forum and I'm assuming that Karen will not give preferential treatment to only this PAC. Of course, I'm sure Karen knows the no direct solicitation rule and the no request that people give money in her remarks.

The only question in my mind is that Karen's the only draw, which is a little different than the section 2635.808 example where the Secretary of Labor speaks at a fundraiser honoring another distinguished person, who, arguably could be the money draw.

Also, does this go to Office of Political Affairs? Thoughts?
okie dokie

Brett M. Kavanaugh
04/19/2002 02:16:28 PM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: 
Subject:

I made some of your changes, which I had not seen last night because e-mail was down
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Douglas L. Hoelscher/WHO/EOP@EOP [WHO] <Douglas L. Hoelscher>
Sent: 4/19/2002 2:23:08 PM
Subject: : that's ok per voice mail
thanks

Brett M. Kavanaugh
04/19/2002 06:23:07 PM
Record Type: Record

To: Douglas L. Hoelscher/WHO/EOP@EOP
cc:
Subject: that's ok per voice mail
I agree with this and think you should send the e mail to heather wingate. Staff meetings would be a set up at this point.

Sent from my BlackBerry Handheld.
I also agree with Jeff. I've shared that view and his email with Heather.
Kate, would you mind forwarding this to Mehlman? I can't seem to get his email address correct. If you have any advice on this issue, I'm all ears.

> -----Original Message-----
> From: Lehman, April
> Sent: Thursday, April 18, 2002 11:59 AM
> To: 'matthew.a._schlapp@who.eop.gov'; 'kenneth.e._mehlman@who.eop.gov'
> Subject: Political Activity briefing from Counsel
> 
> I need some guidance. As a follow-up to Mehlman's briefing at Treasury last month, we have been trying to schedule a briefing with WH Counsel/Treasury Counsel to give political appointees guidance as to what is and is not appropriate activity. My understanding is that we were waiting on some final changes to the guidance from WH Counsel. That process seems to have stalled endlessly. Any ideas about what's going on?
> Can you help to prod this out of its cocoon? We're coming up on the busy season and I want to make certain our people know the rules.
> 
> Please advise.
>
Am giving speech this weekend and need really good example of judicial activism from both left and right (preferably not focusing on privacy issues, etc.) Have any good suggestions?

thanks
I tend to agree with Brad. I think he may be useful in regional efforts centered in Ohio, but in his current position, I have several reservations.
We are ok on the use of AmEx.

any update on when/how to proceed with amex & permanent charter broker issues?
William S. Laragy
04/22/2002 09:28:06 AM
Record Type: Record

To: Bradford A. Berenson/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: Meeting

Brad-
Phil Perry would like to meet with you today for fifteen minutes.
Do you have any time available?
Thanks
Scott
he's flying to Burlington on a commercial ticket (not AFl), correct? then, yes, if he is flying to VT for personal business he will have to pay for that portion of his trip (but he can get the ticket through the AMEX office at the commercial rate.) I will get a second opinion from jim Daniel's office just to be certain.

Brett M. Kavanaugh
04/22/2002 10:06:37 AM
Record Type: Record
To: Kimberly A. Douglass/WHO/EOP@EOP
cc: 
Subject: Re:Back to Ari's travel

Can you confirm that this is correct?

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/22/2002 10:06 AM ---------------------------

Brett M. Kavanaugh
04/22/2002 10:06:14 AM
Record Type: Record
To: Vickie A. McQuade/WHO/EOP@EOP
cc: bcc: Records Management@EOP
Subject: Re:Back to Ari's travel

He should pay for the West Point to Burlington leg and for the Burlington to DC leg.

Vickie A. McQuade
04/16/2002 09:04:38 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Re:Back to Ari's travel
Since Ari is going to be the keynote speaker at the Westchester County Association's Spring Dinner Meeting -- I assume it's official, even though they have offered to pay. He will fly from White Plains to West Point to hook up with the President for the commencement. He will fly from West Point to Burlington, Vermont for his Middlebury class reunion. Does this help?
Do you know when Karen should turn it in? I know you were working on an extension, I just wanted to know how long we had.
Still unable to have the fax go through for Ben Whittes. The line just rings. Do we have a phone number for him?
yes, go ahead and e-mail yes.

should i rsvp yes for this for us? i'm afraid if i don't remember to email him today, i never will...
That is exactly what I was seeking clarification on last week. We are submitting scheduling paper for a Members meeting on the 9th (not event). But it's very important that we have a judges message on law day if we're not doing so on the 9th. Dan, can you confirm the law day issue?
Also, my understanding is that the members' meeting on the 9th will have cameras/press at the top, which should allow President to make at least a brief public statement on the 9th as well.

Tim Goeglein
04/22/2002 08:51:13 AM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, daniel j. bartlett/who/eop@eop, matthew e. smith/who/eop@eop

Subject: Re: May 3 and May 9th on judges

H-

I spoke with Brett about this last week; he said the Judge is advocating a 3 May event with real folks and remarks.

Warmly

tsg

Heather Wingate
04/22/2002 08:49:12 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Daniel J. Bartlett/WHO/EOP@EOP
That is exactly what I was seeking clarification on last week. We are submitting scheduling paper for a Members meeting on the 9th (not event). But it's very important that we have a judges message on law day if we're not doing so on the 9th. Dan, can you confirm the law day issue?

--------------
Cashing In on Terrorism

Monday, April 22, 2002; Page A18

I was astonished to read that Leo V. Boyle, president of the Association of Trial Lawyers of America, would defend open-ended and unlimited punitive damage awards in any future terrorism insurance legislation [letters, April 15].

Because taxpayer money is directly at risk, reasonable limits on liability must be part of any legislation, particularly with respect to punitive damages. Punitive damages should be limited to terrorists and those who help them. Mr. Boyle suggests that if an airline recklessly hires a pilot who is a terrorist, it would always be immune. Nothing could be further from the truth. If the airline had any knowledge that its acts aided and abetted
terrorists, punitive damages would be appropriate under legislation already passed by the House.

It is a sad commentary that Mr. Boyle and the organized plaintiffs' bar would pursue pots of gold in cases of terrorism. In the event of another tragedy, dollars must be preserved for those who are injured and need them. They should not be wasted on excessive punitive damage awards.

VICTOR E. SCHWARTZ

General Counsel

American Tort Reform Association
61.3% (65 of 106 confirmed)
(this statistic does not include his January 2001 recess appointments)

Brett M. Kavanaugh
04/22/2002 08:59:31 AM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP
cc: 
Subject:

I am sure we have asked this before, but what percentage of all of President Clinton's court of appeals nominees was confirmed? Thanks.
From: CN=Daniel J. Bartlett/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: tim goeglein/who/eop@eop [WHO] <tim goeglein>, heather wingate/who/eop@eop [WHO] <heather wingate>, brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>, daniel j. bartlett/who/eop@eop [WHO] <daniel j. bartlett>, matthew e. smith/who/eop@eop [WHO] <matthew e. smith>
Sent: 4/22/2002 5:44:17 AM
Subject: Re: May 3 and May 9th on judges

we will clarify at today's message meeting.

Brett M. Kavanaugh
04/22/2002 08:54:18 AM
Record Type: Record
To: Tim Goeglein/WHO/EOP@EOP
cc: heather wingate/who/eop@eop, brett m. kavanaugh/who/eop@eop, daniel j. bartlett/who/eop@eop, matthew e. smith/who/eop@eop
bcc:
Subject: Re: May 3 and May 9th on judges

Also, my understanding is that the members' meeting on the 9th will have cameras/press at the top, which should allow President to make at least a brief public statement on the 9th as well.

Tim Goeglein
04/22/2002 08:51:13 AM
Record Type: Record
To: Heather Wingate/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, daniel j. bartlett/who/eop@eop, matthew e. smith/who/eop@eop
bcc:
Subject: Re: May 3 and May 9th on judges

H-
I spoke with Brett about this last week; he said the Judge is advocating a 3 May event with real folks and remarks.

Warmly

tsg

Heather Wingate
04/22/2002 08:49:12 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Daniel J. Bartlett/WHO/EOP@EOP
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: Re: May 3 and May 9th on judges

That is exactly what I was seeking clarification on last week. We are submitting scheduling paper for a Members meeting on the 9th (not event). But it's very important that we have a judges message on law day if we're not doing so on the 9th. Dan, can you confirm the law day issue?

--------------
Can you confirm that this is correct?

------------------------------------------ Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/22/2002 10:06 AM ------------------------------------------

Brett M. Kavanaugh
04/22/2002 10:06:14 AM
Record Type: Record

To: Vickie A. McQuade/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re:Back to Ari's travel

He should pay for the West Point to Burlington leg and for the Burlington to DC leg.

Vickie A. McQuade
04/16/2002 09:04:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re:Back to Ari's travel

Since Ari is going to be the keynote speaker at the Westchester County Association's Spring Dinner Meeting -- I assume it's official, even though they have offered to pay. He will fly from White Plains to West Point to hook up with the President for the commencement. He will fly from West Point to Burlington, Vermont for his Middlebury class reunion. Does this help?
Brad-

Phil would still like to meet @ 6 in your office.

Thanks

Scott
Still unable to have the fax go through for Ben Whittes. The line just rings. Do we have a phone number for him?
and the return from Burlington to DC, he also will pay for personally. please check on that as well.

Kimberly A. Douglass 04/22/2002 10:36:15 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:  
bum:  
Subject: Re:Back to Ari's travel

he's flying to Burlington on a commercial ticket (not AF1), correct? then, yes, if he is flying to VT for personal business he will have to pay for that portion of his trip (but he can get the ticket through the AMEX office at the commercial rate.) I will get a second opinion from jim Daniel's office just to be certain.

Brett M. Kavanaugh
04/22/2002 10:06:37 AM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP
cc:  
bum: Records Management@EOP
Subject: Re:Back to Ari's travel

Can you confirm that this is correct?

-------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/22/2002 10:06 AM --------------

Brett M. Kavanaugh
04/22/2002 10:06:14 AM
Record Type: Record

To: Vickie A. McQuade/WHO/EOP@EOP
cc:  
bum: Records Management@EOP
Subject: Re:Back to Ari's travel

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Burlington to DC leg.

Vickie A. McQuade  
04/16/2002 09:04:38 AM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: Back to Ari's travel

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just reread your email...think I might be a bit confused. Did you want me
to confirm whether he had to pay for the VT leg or was it something else?
just want to make sure I am going after the correct info...

ps - how are doing on those trip summaries? (I won't even mention the
blue sheets yet. You'll be cursing my name for sure when you finally look
at that folder...)

Brett M. Kavanaugh
04/22/2002 10:06:37 AM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP
cc: Records Management@EOP
Subject: Re:Back to Ari's travel

Can you confirm that this is correct?

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on
04/22/2002 10:06 AM ---------------------------

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04/22/2002 10:06:14 AM
Record Type: Record

To: Vickie A. McQuade/WHO/EOP
cc: Records Management@EOP
Subject: Re:Back to Ari's travel

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Burlington to DC leg.
Subject: Re: Back to Ari's travel

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will do. that is the trickier part...

and the return from Burlington to DC, he also will pay for personally. please check on that as well.

he's flying to Burlington on a commercial ticket (not AF1), correct? then, yes, if he is flying to VT for personal business he will have to pay for that portion of his trip (but he can get the ticket through the AMEX office at the commercial rate.) I will get a second opinion from jim Daniel's office just to be certain.
Can you confirm that this is correct?

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04/22/2002 10:06 AM ---------------------------

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Subject: Re:Back to Ari's travel

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Vickie A. McQuade
04/16/2002 09:04:38 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Re:Back to Ari's travel

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Brett -- Do we need a bullet specifically addressing the trial bar's argument that punitives provide policy holders with stronger incentives to take security measures and perhaps directly address their hypothetical of an airline carelessly hiring a pilot with terrorist ties? Those are the arguments I'm hearing most.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, April 22, 2002 8:07 AM
To: D._Marcus_Sumerlin@opd.eop.gov
CC: peter.fisher@do.treas.gov; Randall_S._Kroszner@cea.eop.gov;
sheila.bair@do.treas.gov; Kristen_Silverberg@who.eop.gov;
Matthew_Kirk@who.eop.gov; Brian_C._Conklin@who.eop.gov
Subject: Re: draft talking points -- terrorism insurance

Note that I have since added one bullet point under the punitives section.

-- The Federal Tort Claims Act prohibits awards of punitive damages against the United States. In terrorism cases, where the United States may provide a financial backup if damage and liability exceeds a certain amount, it is similarly appropriate to preclude punitive damages.

And I also added the following to the last bullet point under punitives:

-- No one should profit off an act of terrorism by obtaining punitive damages (which, by definition, are beyond what is necessary to compensate the victims) against third parties who did not commit or aid the act of terrorism.
cc: 
Subject: draft talking points -- terrorism insurance

Please find attached some draft talking points on legal procedures. I would like for Matt to be able to give these out to people in the Senate as needed.
Please send comments to Brett Kavanaugh.

Thanks,

Marc

(See attached file: terrorism insurance tps April 17 2002.doc)
please e-mail those sheets when you have them. thanks.
thanks, that means a lot. now I just have to wait and for the Ari react.
Please try to get it into Fed Ex by Thursday so that they have it by Friday. If that schedule will be a problem, please let me know.
Thanks.

Krista L. Ritacco
04/22/2002 10:52:38 AM
Record Type: Record

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

Do you know when Karen should turn it in? I know you were working on an extension, I just wanted to know how long we had.
Subject: 330pm Thursday is the time reserved for presidential records mtg with leadership - ok with you?
Here is the circulation I would propose for the questionnaire. This is large but still excludes a considerable number of people, and it should be easily defensible as a reasonable, if not generous, approach. Precisely how we would implement the circulation and collection (e.g., direct contact with each person vs. going through office heads) remains to be discussed.

ALL COMMISSIONED OFFICERS PLUS ALL EMPLOYEES IN THE FOLLOWING UNITS:

WHO-oval
WHO-COS
WHO-COUNSEL
WHO-CABINET AFFAIRS
WHO-IGA
WHO-LA
WHO-OPF
WHO-OSI
CEA
CEQ
NSC
OMB
OPD
USTR
OVP-WW
OVP-COS
OVP-COUNSEL
OVP-OLA
OVP-DP
OVP-NS
Wow, this is like one-stop shopping for me now...

well, since you are now the travel expert, I've got a Mrs. Bush question for you:

Mrs. Bush flew out to Crawford on a separate plane to meet up with the President for the Easter holiday. Even though his trip was considered "official", Mrs. Bush's trip would be personal, correct? Just wanted to make sure before we bill her for airfare.

thanks.

-------------- Forwarded by Kimberly A. Douglass/WHO/EOP on 04/22/2002 02:12 PM --------------

Kimberly A. Douglass 04/22/2002 01:21:55 PM

Record Type: Record

To: Courtney S. Elwood/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: guests on AF1

Linda Gambatesa has requested confirmation regarding the President's financial obligations for personal guests on AF1. It is my understanding that the President is not required to pay airfare costs for personal guests, only meals and other inflight services. I addressed this issue with Airlift Operations and they confirmed that the President is not billed for airfare costs for his guests (official or personal) and that this policy has been in place in previous administrations.

Also, we also want to be sure that our procedures are correct with regards to staff members' guests on AF1. Airlift Ops has informed us that staff members' guests on AF1 have typically not been billed either. The only
circumstance in which staff members' guests have been billed is "special missions" (for example, Secretary Card used a DOD aircraft for official travel and was accompanied by his wife. His wife's airfare was billed to his personal account.)

Are we correct in continuing to operate according to these policies or do we need to revisit a "guest policy"? Thanks!

Kim
As Brad knows, I am drafting an Enron Questionnaire that I hope to circulate to you two (only) by 4:00 p.m.
Daily Report for Executives - BMA Says Lack of Terrorism Insurance
No. 77
Monday April 22, 2002Page A-11
ISSN 1523-567X

Insurance

BMA Says Lack of Terrorism Insurance
Cuts Commercial Mortgage Loans, Bonds
The Bond Market Association announced April 18 that according to a survey of its members who deal in commercial mortgage-backed securities (CMBS), due to the high cost or unavailability of terrorism insurance for property owners, this year large lenders have placed on hold or canceled more than $7 billion in commercial mortgage loans.
In the association's view, the $7 billion in loans on hold or canceled so far this year—which equals about 10 percent of the 2001 large loan volume—likely means that $7 billion less in CMBS will be issued in 2002.
In 2001, the volume of large loans totaled $73.8 billion, $72 billion of which became CMBS, BMA said in a press release. BMA's vice president for legislative affairs, Michael Williams, told BNA in a telephone interview that the roughly 30 firms that responded to the survey represent most of the CMBS market by far.

Call to Congress

The canceled or delayed loans represent lost construction jobs and missed cost savings for property owners hoping to refinance at lower interest rates, the release said. Williams said that the association is renewing the call it made to Congress last fall when it sent letters to lawmakers urging action to form a "federal backstop" for terrorism insurance. He emphasized that BMA is not proposing a way to achieve such a backstop. "The certainty of having the backstop in place would do a great deal for our members in the CMBS market."

Last October, according to Williams, a bill addressing the matter--the proposed "Terrorism Risk Protection Act"--was introduced by House Financial Services Committee Chairman Michael Oxley (H.R. 3210). That legislation and a contemporaneous Senate proposal both would have made the federal government--either through loan guarantees or direct payments--a reinsurer of last resort for insurance companies faced with overwhelming terrorism-related claims. The Senate proposal, developed by Sens. Phil Gramm (R-Texas), Christopher Dodd (D-Conn.), and Paul Sarbanes (D-Md.), did not become a bill. The House bill passed the House in late November, Williams said. The House bill was placed on the Senate legislative calendar; however, according to BMA, "[e]fforts to reach a compromise on the legislation last fall ultimately failed."

Williams said that BMA did not take a position on the legislative proposals when they were first advanced and still does not take a position on proposals outstanding.

Coalition Exists

BMA, along with insurance companies and banks, is part of the Coalition to Insure Against Terrorism (CIAT), which is asking Congress to shore up the terrorism insurance market. Although CIAT has expressed opinions on programs that would be feasible, Williams said, BMA has not signed on to any of the coalition's letters. Variables Congress must consider in developing a program to protect the terrorism insurance market include, for example, what trigger mechanisms would have to kick in before funds became available and whether or not the funds would be repaid, according to Williams. In its release, BMA explained that most large commercial loans are repackaged as CMBS. As is the case with residential mortgage-backed securities, the principal and interest payments for CMBS flow from mortgage payments. The difference is that CMBS are backed solely by mortgages on commercial buildings.
Investors in this $270 billion market include pension funds, insurance companies, and other institutions, according to BMA.

Coverage Pricey

As with any mortgage, lenders require the owner of the property, which is the loan collateral, to obtain insurance coverage. Prior to the Sept. 11 terrorist attacks on New York and Washington, such policies routinely included coverage for losses related to acts of terrorism, BMA noted. In the wake of the destruction of the World Trade Center towers and the damage to the surrounding area in lower Manhattan, most insurers of commercial property either refuse to provide the same coverage, or price the coverage so high that the real estate deal is rendered uneconomical. Terrorism coverage for many large properties has been difficult to find, according to a General Accounting Office report issued in February. While property owners continue to make mortgage payments that flow through to CMBS investors, the lack of terrorism coverage can place the property owner in technical default on their loans. This could lead rating agencies that monitor the pools of mortgages underlying CMBS to downgrade the credit quality of the securities, BMA said. In addition, the lack of terrorism insurance means that institutional investors such as life insurance companies could see their regulatory capital erode if they have large CMBS holdings, according to the association.

By Rachel McTague

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Does anyone know where Helgi is? I thought she was at the off-site location, but they just called and said she has not been there today.
Philip J. Perry  
04/19/2002 06:22:09 PM  
Record Type: Record  

To:  Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject:  Re: FW: Blunt Embassy Employees Bill  

we've chatted. another mtg is in order.
any word on this?

Philip J. Perry
04/19/2002 06:22:09 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: FW: Blunt Embassy Employees Bill

we've chatted. another mtg is in order.
good by me

Kirsten A. Chadwick
04/22/2002 12:52:01 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 330pm thursday is the time reserved for presidential records mtg with leadership - ok with you?
let's talk
Question for you: Since Jill Angelo was Karen's assistant last year, did you send this form to her to fill out too?
Brett, I thought the focus was going to be on the vacancy crisis. I do not know whether we should be inviting supporters of our nominees. We should be inviting people concerned that a branch of government is not working as it should.

On the May 3 scheduling request: I think the invited guests should not include law clerks, who work for the judiciary and should not be part of this kind of event. I also do not think law students add much. Rather, I think we should invite (i) selected bar leaders from around the country; (ii) leaders of certain groups that care about this issue; and (iii) bipartisan supporters of the key nominees.
Laura E. Lineberry  
04/23/2002 07:30:26 AM  
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: IMPORTANT: Your certification needed on attached Department of Justice form  
I signed this document and sent it to records on March 20th. I have a copy that I can send if necessary. liz
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ]
To: Timothy E. Flanigan/WHO/EOP@EOP [ WHO ] <Timothy E. Flanigan>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>;Bradford A. Berenson/WHO/EOP@EOP [ WHO ] <Bradford A. Berenson>
CC: Allison L. Riepenhoff/WHO/EOP@EOP [ WHO ] <Allison L. Riepenhoff>
Subject: Mtg. time is now 11:30 am in the Judge's office

Thanks!
also, do you have a copy of the original letter from the 17th? can I get one? fax is 60126
been buried. will check again with Nancy.

Brett M. Kavanaugh
04/22/2002 09:04:55 PM
Record Type: Record
To: Philip J. Perry/OMB/EOP@EOP
cc: 
bcc: 
Subject: Re: FW: Blunt Embassy Employees Bill

any word on this?

Philip J. Perry
04/19/2002 06:22:09 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Re: FW: Blunt Embassy Employees Bill

we've chatted. another mtg is in order.
I started working here on March 4, 2002. Should I still fill out this form?

Thanks,

Jose
I will be in LA. I land at three can I fax this to you

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Brent D. Greenfield/WHO/EOP@EOP [ WHO ]<Brent D. Greenfield>
Subject: Re: IMPORTANT: Your certification needed on attached Department of Justice form

please get a copy of this one. thanks.

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/23/2002 08:51 AM ---------------------------

Elizabeth A. Selva
04/23/2002 08:25:02 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: William H. Leary/NSC/EOP@EOP, Victoria J. Darnes/NSC/EOP@EOP
Subject: Re: IMPORTANT: Your certification needed on attached Department of Justice form

This form, with attachments, was sent to Bill Leary in Records Management.

Elizabeth Selva
Are any you counsels working on Sunset Act Issues?
Forms for the following individuals just came in from Bill Leary in NSC. They all "had access."

Laura Lineberry
David Scott
Elizabeth Selva
Stephen Hadley
Colby Cooper
Anthony Crawford
Yes, that's fine Terry. If you could just provide me the list of those individuals so that I can ensure that our recordkeepers have everything matched up and squared away, that would be great. Apologies for any confusion.

---

Terry W. Good 04/23/2002 09:23:51 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Philip C. Droege/WHO/EOP@EOP
Subject: Certifications

Brett:

With the exception of Tom Taggart and myself, I understand that everyone in ORM received a notice that they had failed to turn in a certification regarding the Department of Justice inquiry.

Obviously, they will do so if necessary. However, I had assumed that my response was sufficient, based on my memo below.

Terry

March 26, 2002

MEMORANDUM FOR: BRETT KAVANAUGH
COUNSEL'S OFFICE

FROM: TERRY GOOD
OFFICE OF RECORDS MANAGEMENT
RE: RESPONSE TO INQUIRY FROM THE
DEPARTMENT OF JUSTICE

In response to the March 18 memorandum from Timothy E. Flanagan, Deputy
Counsel to the President, I am attaching my signed copy of certification.

Previously, I have provided to the Office of the Staff Secretary, copies
of what may be responsive documents found among those in the custody of
the Office of Records Management.

Unless you think otherwise, I would believe that my certification
satisfies the requirement for all members of the Office of Records
Management.
Am I correct that you did work here at the relevant time last fall? If so, you need not complete the form.

Lindsey C. Kozberg  
04/22/2002 11:15:09 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: 
Subject: Re: IMPORTANT: Your certification needed on attached Department of Justice form

I was informed that as a detailee I was not required to complete. Please advise and I will follow suit accordingly.

-----------------------------

Please pardon my spelling and grammar, this message was sent from a handheld pager.
There is no need to do so.

Jose Mallea
04/23/2002 07:45:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: IMPORTANT: Your certification needed on attached Department of Justice form

I started working here on March 4, 2002. Should I still fill out this form?

Thanks,

Jose
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Bradford A. Berenson/WHO/EOP@EOP [ WHO ]<Bradford A. Berenson>; H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ]<H. Christopher Bartolomucci>
Subject: : meeting with ARG and Tim is now at 11:00
I believe the topic is the Lieberman investigation but I'm not sure.

Thanks!
Theodore Gangsei  
04/22/2002 10:14:03 PM  
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: IMPORTANT: Your certification needed on attached Department of Justice form  

I reported to the Office of Homeland Security on 29 December 2001. The billet/job was created on the same day. I have no files or inherited any files that pertain to any item listed in your email.

V/R  
LCDR Ted Gangsei
Brett, for purposes of the database, should I check off "no access" and "produced documents" for each of these individuals? (or "no access" and "no documents" since Terry produced them)

Terry W. Good 04/23/2002 12:22:10 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Brent D. Greenfield/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message

Brett/Brent:

Listed below are the ORM employees.
I hope that this will suffice for the purposes of the Department of Justice inquiry.
I am sending this to the ORM supervisors to inform them that my memo to you does satisfy the need for the ORM staff to comply with this request.

Terry

Employees of Office of Records Management (as of 4-23-2002)

Benson, Latoya
Brooke, Mary
Campbell, Frances
Droege, Philip
Evans, Madalene
Freeman, Myra
Grier, Judy
Good, Terry
James, Theodoric
Jones, Crystal
Jones, Deborah
King, Taeshonnda
LeZotte, Darin
Millison, Chad
Nash, Charles
Parker, Doris
Samuels, Wendell
Shourds, Cynthia
Simpson, Wandra
Taggart, Tom
Tucker, Phyllis
Westray, Howard
Young, Pat
Young Jr, Reginald

Message Copied
To:
Philip C. Droeges/WHO/EOP@EOP
Patricia L. Young/WHO/EOP@EOP
Wandra E. Simpson/WHO/EOP@EOP
Frances L. Campbell/WHO/EOP@EOP
Charles B. Nash/WHO/EOP@EOP
Mary J. Brooke/WHO/EOP@EOP
All of you are keeping your spots on State Place so please get me your parking passes today so I can exchange them for the temporary passes being issued. You must have the new pass to get in. Please note that you will enter through 17th and Penn.

Helgi - I will get your pass. Bring your pass tomorrow so I can return it to Room 1. Call me (6-7900) or Room 1 tomorrow if you have problems getting in.
each person by phone, so this is just a reminder.

Thanks.
Sandy
x66691

Message Sent
To:
Christina D. Roberts/WHO/EOP@EOP
Janet F. Walker/OPD/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Cynthia R. Mendl/WHO/EOP@EOP
Marilyn R. Jacanin/WHO/EOP@EOP
Kara G. Pigg/WHO/EOP@EOP
Gregory Goss/WHO/EOP@EOP
Kathryn M. McKeown/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Frances E. Norris/OVP/EOP@EOP
G. Timothy Saunders/WHO/EOP@EOP
Kathy J. Becker/WHO/EOP@EOP
Donna B. Gottshall/WHO/EOP@EOP
Carolyn Nelson/WHO/EOP@EOP
Dee Dee Benkie/WHO/EOP@EOP
Julianne H. Thomas/WHO/EOP@EOP
Jill Davie/WHO/EOP@EOP
Colleen Litkenhaus/WHO/EOP@EOP
Vickie A. McQuade/WHO/EOP@EOP
Rachael L. Sunbarger/WHO/EOP@EOP
Lori L. Lorenzi/WHO/EOP@EOP
Kathryn J. Hayes/WHO/EOP@EOP
Terry L. Karow/OVP/EOP@EOP
Ross M. Kyle/WHO/EOP@EOP
Rachel Badrina/WHO/EOP@EOP
Barbara Jo Goergen/WHO/EOP@EOP
Carrie W. Click/WHO/EOP@EOP
Diana C. Donnelly/WHO/EOP@EOP
Catharine A. Ryun/WHO/EOP@EOP
Deanna R. Rodriguez/WHO/EOP@EOP
Anne E. Campbell/WHO/EOP@EOP
Christina C. Wilson/OPD/EOP@EOP
Philip C. Droege/WHO/EOP@EOP
Raquel Cabral/WHO/EOP@EOP
Kathryn E. Rust/WHO/EOP@EOP
Allison L. Riepenhoff/WHO/EOP@EOP
Kimberly Ellison/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Britt Grant/OPD/EOP@EOP
Pandoria Nobles-Jones/WHF/EOP@EOP
David McMaster/WHO/EOP@EOP
Laura L. Funderburk/WHO/EOP@EOP
William T. Griffin/WHO/EOP@EOP
Donna B. Gottshall/WHO/EOP@EOP
Krista L. Pitacco/WHO/EOP@EOP
Laura L. Funderburk/WHO/EOP@EOP
Jenica Baldwin/WHO/EOP@EOP
Parker B. Hamilton/WHO/EOP@EOP
Brett:

The four people to whom I will be distributing the questionnaire are Lewis Libby, Eric Edelman, Nina Rees, and Jennifer K. Millerwise.
I agree. I have been bugging Ken Lisaius, but not having much luck.
Addington should be invited.

Elizabeth N. Camp
04/23/2002 10:06:17 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc: Allison L. Riepenhoff/WHO/EOP@EOP
Subject: Mtg. time is now 11:30 am in the Judge's office

Thanks!
You should be in this meeting as well. I have informed Libby to let you know.

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 04/23/2002 10:24 AM ---------------------------

Elizabeth N. Camp
04/23/2002 10:06:17 AM
Record Type: Record

To: Timothy E. Flanigan/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
cc: Allison L. Riepenhoff/WHO/EOP@EOP
Subject: Mtg. time is now 11:30 am in the Judge's office

Thanks!
just did

also, do you have a copy of the original letter from the 17th? can I get one? fax is 60126
Definitely.

Addington should be invited.
Karen Hughes has resigned to return to Texas. No word on why or on replacement.
He has been, and is coming.

Brett M. Kavanaugh
04/23/2002 10:24:38 AM
Record Type: Record

Addington should be invited.

Elizabeth N. Camp
04/23/2002 10:06:17 AM
Record Type: Record

Addington should be invited.
Nancy Dorn  
04/23/2002 10:33:06 AM  
Record Type: Record  
To: Philip J. Perry/OMB/EOP@EOP  
cc: Eric C. Pelletier/OMB/EOP@EOP  
bcc:  
Subject: Re: FW: Blunt Embassy Employees Bill  

Eric is checking out the velocity of the Blunt bill then we will probably have to regroup.

Philip J. Perry  
04/23/2002 06:42:40 AM  
Record Type: Record  
To: Nancy Dorn/OMB/EOP@EOP  
cc:  
Subject: Re: FW: Blunt Embassy Employees Bill  

any further thinking on state victims' comp bill, or the blunt bill?

---------------------- Forwarded by Philip J. Perry/OMB/EOP on 04/23/2002 06:41 AM ----------------------

Brett M. Kavanaugh  
04/22/2002 09:04:55 PM  
Record Type: Record  
To: Philip J. Perry/OMB/EOP@EOP  
cc:  
bcc:  
Subject: Re: FW: Blunt Embassy Employees Bill  

any word on this?

Philip J. Perry  
04/19/2002 06:22:09 PM
To: Brett M. Kavanaugh/WHO/EOP/EOP
cc: 
Subject: Re: FW: Blunt Embassy Employees Bill

we've chatted. another mtg is in order.
Done. Document left on your computer keyboard in room 160 1/2.
I have two boxes by my desk. One has the yes responses because the OAs office is coming in this afternoon because several of their employees sent responses directly to me and not to Sandy Steele. She wants copies of their responses and is going to go through them today. Several of her employees wrote which branch they were from and not which office (ex. mailroom and not OAs office), thus it is hard for us to determine without going through every response and the phone book which ones she needs.

The second box is filled with research I've been doing on the formation of the Department of Energy and Transportation for a legal memorandum I am working on for Brad.

-Hana
Southern Baptist Convention passed the resolution calling for:

Timely consideration of judicial nominees
Sec. Card attended a Political Event in GA yesterday. We wanted to send a few thank you notes. Would it be okay to send the notes on official stationary or should we have the RNC produce stationary for Sec. Card to send these notes?

Thanks,

Jose
this is in re: what we discussed the other day

thanks

-------------- Forwarded by Jay P. Lefkowitz/OPD/EOP on 06/12/2002 09:05 AM --------------

"Troy, Daniel" <DTroy@OC.FDA.GOV>
06/12/2002 08:51:02 AM
Record Type: Record
To: Jay P. Lefkowitz/OPD/EOP@EOP
cc: "Azar, Alex - OS" <alex.azar@hhs.gov>
Subject: Reminder

That you were going to pull together a meeting with Clement, Kavanaugh, Viet Dinh (my suggestion), Whelan and/or Bybee, Alex and me to discuss logical outgrowth and preemption issues.

Dan

Dan Troy
FDA.OCC
301-827-1137
dtroy@oc.fda.gov

This e-mail message is intended for the exclusive use of the recipient(s) named above. It may contain information that is protected, privileged, or confidential, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think you have received this e-mail message in error, please e-mail the sender immediately at dtroy@oc.fda.gov.
Yes

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Kirsten A. Chadwick/WHO/EOP@EOP
Cc:
Date: 06/12/2002 09:40:01 AM
Subject: you can show them the last draft I sent
Armitage is on the Hill today. They are going to get him to sign the letter during a break and circulate it later today.
Brett ---
I just talked to Heather and she will be available to get together by phone.
I think a call would be helpful so that we all have a better sense of "the message" for the Hill and where we should go from here. Regarding tomorrow, having someone object (whether it's Hatch or Schumer b/c they want more time) appears inevitable, so we're set on that front -- and at least we know we have a little more time.
You mentioned looping Kristen in as well so I've included her on this e-mail.
Let us know WHEN you want to try to do this...
(I have a call I have to do now and then will be on the Hill in mtgs from 3:45pm - 5:30pm).

christine
can you all do 2:00?

Heather Wingate
06/12/2002 12:28:02 PM
Record Type: Record
To: Christine C. McCarlie/OMB/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop, kristen silverberg/who/eop@eop, john f. wood/omb/eop@eop
Subject: Re: conf. call....

just let me know when.... I'm up for it....

Christine C. McCarlie
06/12/2002 11:39:45 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP,
   Kristen Silverberg/WHO/EOP@EOP
cc: John F. Wood/OMB/EOP@EOP
Subject: conf. call....

Brett ---
I just talked to Heather and she will be available to get together by phone. I think a call would be helpful so that we all have a better sense of "the message" for the Hill and where we should go from here. Regarding tomorrow, having someone object (whether its Hatch or Schumer b/c they
want more time) appears inevitable, so we're set on that front -- and at least we know we have a little more time.
You mentioned looping Kristen in as well so I've included her on this e-mail.
Let us know WHEN you want to try to do this...
(I have a call I have to do now and then will be on the Hill in mtgs from 3:45pm - 5:30pm).

christine
I can do 2pm -- let me know if that is the plan.
Brett ---
I just talked to Heather and she will be available to get together by phone.
I think a call would be helpful so that we all have a better sense of "the message" for the Hill and where we should go from here. Regarding tomorrow, having someone object (whether it's Hatch or Schumer b/c they want more time) appears inevitable, so we're set on that front -- and at least we know we have a little more time.
You mentioned looping Kristen in as well so I've included her on this e-mail.
Let us know WHEN you want to try to do this...
(I have a call I have to do now and then will be on the Hill in mtgs from 3:45pm - 5:30pm).

christine
I'm re-faxing.

Where is it??

on Homeownership event was due at 3 pm.

Thanks,
Patrick
Call 202-456-6799
Then press 6414

Your call line is reserved for an hour (from 2-3).

If this doesn't work for any reason, plan B is sitting in your chair.
That works for me.

--- Original Message ----
From: Christine C. McCarlie/OMB/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: Heather Wingate/WHO/EOP@EOP, Christine C. McCarlie/OMB/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Kristen Silverberg/WHO/EOP@EOP, John F. Wood/OMB/EOP@EOP
Date: 06/12/2002 12:45:25 PM
Subject: Re: conf. call....

I can do 2pm -- let me know if that is the plan.
Heather Wingate  
06/12/2002 12:28:02 PM  
Record Type: Record  

To: Christine C. McCarlie/OMB/EOP@EOP  
cc: brett m. kavanaugh/who/eop@eop, kristen silverberg/who/eop@eop, john f. wood/omb/eop@eop  
bcc:  
Subject: Re: conf. call....

just let me know when.... I'm up for it....

Christine C. McCarlie  
06/12/2002 11:39:45 AM  
Record Type: Record  

To: Brett M. Kavanaugh/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP, Kristen Silverberg/WHO/EOP@EOP  
cc: John F. Wood/OMB/EOP@EOP  
Subject: conf. call....

Brett ---  
I just talked to Heather and she will be available to get together by phone.  
I think a call would be helpful so that we all have a better sense of "the message" for the Hill and where we should go from here. Regarding tomorrow, having someone object (whether its Hatch or Schumer b/c they want more time) appears inevitable, so we're set on that front -- and at least we know we have a little more time.  
You mentioned looping Kristen in as well so I've included her on this e-mail.  
Let us know WHEN you want to try to do this...  
(I have a call I have to do now and then will be on the Hill in mtgs from 3:45pm - 5:30pm).  

christine
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Heather Wingate/WHO/EOP@EOP [ WHO ] <Heather Wingate>; Christine C. McCarlie/OMB /EOP@EOP [ OMB ] <Christine C. McCarlie>
CC: john f. wood/omb/eop@eop [ OMB ] <john f. wood>; christine c. mccarlie/omb/eop@eop [ OMB ] <christine c. mccarlie>; kristen silverberg/who/eop@eop [ WHO ] <kristen silverberg>; brett m. kavanaugh/who/eop@eop [ WHO ] <brett m. kavanaugh>
Sent: 6/12/2002 9:56:52 AM
Subject: : Re: conf. call....

66799 code is 6414 at 2:00

---
Sent from my BlackBerry Handheld.

REV_00095384
I teed up the overall idea to Viet, who tasked Jocelyn with looking into it.

I have an e-mail in to her asking what the latest is.

DRW

any word on draft DOJ letter to Hill on new judges bill/Judicial Conference proposal?
We shouldn't send the letter if it hasn't already gone.

----- Original Message -----
From: Christine C. McCarlie/OMB/EOP
To: Kristen Silverberg/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Cc: Heather Wingate/WHO/EOP@EOP
Date: 06/12/2002 06:27:44 PM
Subject: state letter....

Makan (Hatch) has asked that we sit on the letter from State if it has not already been sent. (heather - i think he expressed the same to you earlier today.)

According to John Wood (OMB) it has not yet been sent to the Hill but is likely to be faxed at any minute....

Brett -- I understand you feel strongly that the letter be sent ASAP. Makan believes we unnecessarily box ourselves in and he wants a chance to informally shop our principles to his other (R) cmte staff.... his view is that we can send the letter but does it have to be "now".

Nancy is out of pocket and having not been involved in this since the beginning (months ago when the letter was first drafted) I don't feel comfortable pulling the plug on my own.....so I'll leave that up to you. (& by now it may very well have already gone.)

If you want to stop it -- John Wood says Jim Terry is the contact at State.
did you have any meals during your visit to Camp David on May 17-19? just want to make sure that there shouldn't be any charges listed for you on that weekend's bill. thanks!
Senate Democratic leaders intend to try and bring terrorism insurance legislation to the floor this evening, following completion of the estate tax vote, congressional and industry sources said today. A spokeswoman for Senate Majority Leader Daschle did not confirm the plan. But Daschle has said repeatedly that he wants to try and complete action on the reinsurance measure before the July 4 recess, and has suggested he would be willing to file for cloture if an agreement on the legislation could not be reached. Senate Republican sources said they expect Daschle to file cloture tonight on a Democratic measure pending on the Senate calendar. Sponsors of that legislation include Sen. Christopher Dodd, D-Conn., and Senate Majority Whip Reid, among others. At press time, the two sides had not reached a consent agreement that would allow for the
Senate to go
directly to the bill, which the Senate GOP essentially has rejected as an acceptable starting point for debate.
hmmm, you are not on this bill. So, which meals did you have (breakfast? lunch? dinner? all of the above?)

I had 3 meals and some drinks and snack out of the refrigerator.

did you have any meals during your visit to Camp David on May 17-19? just want to make sure that there shouldn't be any charges listed for you on that weekend's bill. thanks!
please FAX instead to 6-1647
your fax to Paul Kemp went through
From: CN=Patrick J. Bumatay/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/12/2002 12:16:49 PM
Subject: : one more red tag

on Homeownership event was due at 3 pm.

Thanks,
Patrick
Could everyone do the Asset Deployment meeting on Monday at 5 pm? We need to move it because Karl would like to be there. thanks

Matthew A. Schlapp
06/12/2002 03:57:10 PM
Record Type: Record

To: Katherine G. Marinis/WHO/EOP@EOP
cc: Ken Mehlman/WHO/EOP
Subject: Karl

said he wanted to go to this WHL/COS meeting on asset deployment, fyi
Where is it??

Patrick J. Bumatay  
06/12/2002 04:16:45 PM  
Record Type: Record

To:  Brett M. Kavanaugh/WHO/EOP@EOP
cc:  
Subject: one more red tag

on Homeownership event was due at 3 pm.

Thanks,  
Patrick
FINANCE
Senate Clears Way For Vote On Terrorism Reinsurance Bill

The Senate took a small but significant step forward Wednesday evening in its effort to pass terrorism reinsurance legislation, striking an agreement to begin debating the measure today and clearing the way for possible completion of Senate action by the July 4 recess.

The Senate failed, however, to reach a procedural agreement to limit amendments or debate time, and Republican senators warned that they would have "lots of amendments" on tap. Nevertheless, having agreed not to filibuster the Democratic motion to proceed, the Republican senators helped avert a cloture vote, which would have yielded neither side any particular advantage, according to observers.
The GOP did make a final, if symbolic, attempt Wednesday to persuade the Democrats to agree to their plan, under which a House-passed reinsurance bill would be brought up and amended with a Republican substitute crafted by Sens. Phil Gramm, R-Texas, and Mitch McConnell, R-Ky. However, the GOP ultimately agreed to a unanimous consent request offered by Senate Majority Whip Reid that allows the Senate to take up and amend a Democratic bill that bypassed committee and was brought directly to the Senate floor last week. Senate Republicans have resisted that course, and reiterated their concerns Wednesday with the Democratic bill on both substantive and procedural grounds. Gramm noted that had the bill gone through normal channels, the amendment process would be simpler. But as it stands, Republicans likely would have to offer "10, 12 or 15 real amendments on the subject," Gramm said. He also emphasized his concerns that Senate Majority Leader Daschle might pull the plug on debate by filing for cloture. Reid assured the GOP senators that Daschle had no intention of ending debate "peremptorily." However, he emphasized the need for a "reasonable" amount of debate time to offer amendments. Sen. Christopher Dodd, D-Conn., expressed concern that "no one intends to filibuster the bill. We need to cut this Gordian knot." Dodd urged the two sides to cooperate, pointing out that whatever the final amended Senate product looks like, it is going to be "substantially different" from the House-passed bill. By Pamela Barnett
From: CN=Kirk Blalock/OU=WHO/O=EOP [ WHO ]
To: Nicholas E. Calio/WHO/EOP@EOP [ WHO ] <Nicholas E. Calio>;Chris Henick/WHO/EOP@EOP [ WHO ] <Chris Henick>;Daniel J. Bartlett/WHO/EOP@EOP [ WHO ] <Daniel J. Bartlett>;Alicia P. Clark/WHO/EOP@EOP [ WHO ] <Alicia P. Clark>;Claire E. Buchan/WHO/EOP@EOP [ WHO ] <Claire E. Buchan>;Lezlee J. Westine/WHO/EOP@EOP [ WHO ] <Lezlee J. Westine>;peter.fisher@do.treas.gov@inet [UNKNOWN] <peter.fisher@do.treas.gov@inet>;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>;Matthew Kirk/WHO/EOP@EOP [ WHO ] <Matthew Kirk>;D. Marcus Sumerlin/OPD/EOP@EOP [ OPD ] <D. Marcus Sumerlin>;Ziad S. Ojakli/WHO/EOP@EOP [ WHO ] <Ziad S. Ojakli>;Ruben S. Barrales/WHO/EOP@EOP [ WHO ] <Ruben S. Barrales>;Douglas J. Holtz-Eakin/CEA/EOP@EOP [ CEA ] <Douglas J. Holtz-Eakin>;Nicolle Devenish/WHO/EOP@EOP [ WHO ] <Nicolle Devenish>;Catherine J. Martin/OVP/EOP@EOP [ OVP ] <Catherine J. Martin>;Randall S. Kroszner/CEA/EOP@EOP [ CEA ] <Randall S. Kroszner>;Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>;sheila.bair@do.treas.gov@inet [UNKNOWN] <sheila.bair@do.treas.gov@inet>;Brian C. Conklin/WHO/EOP@EOP [ WHO ] <Brian C. Conklin>;Kristen Silverberg/WHO/EOP@EOP [ WHO ] <Kristen Silverberg>;Karl C. Rove/WHO/EOP@EOP [ WHO ] <Karl C. Rove>

Sent: 6/13/2002 4:02:53 AM
Subject: : WP - Insurance Rates Rise in DC - Terrorism Insurance - In case you missed it!

##### Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kirk Blalock ( CN=Kirk Blalock/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 13-JUN-2002 08:02:53.00
SUBJECT:: WP - Insurance Rates Rise in DC - Terrorism Insurance - In case you missed it!
TO: Nicholas E. Calio ( CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Chris Henick ( CN=Chris Henick/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Daniel J. Bartlett ( CN=Daniel J. Bartlett/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Alicia P. Clark ( CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Claire E. Buchan ( CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Lezlee J. Westine ( CN=Lezlee J. Westine/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: peter.fisher@do.treas.gov@inet ( peter.fisher@do.treas.gov@inet [UNKNOWN] )
READ: UNKNOWN
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: D. Marcus Sumerlin ( CN=D. Marcus Sumerlin/OU=OPD/O=EOP@EOP [ OPD ] )
READ: UNKNOWN
TO: Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Ruben S. Barrales ( CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Douglas J. Holtz-Eakin ( CN=Douglas J. Holtz-Eakin/OU=CEA/O=EOP@EOP [ CEA ] )
READ: UNKNOWN
TO: Nicolle Devenish ( CN=Nicolle Devenish/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Catherine J. Martin ( CN=Catherine J. Martin/OU=OVP/O=EOP@EOP [ OVP ] )
READ: UNKNOWN
TO: Randall S. Kroszner ( CN=Randall S. Kroszner/OU=CEA/O=EOP@EOP [ CEA ] )
READ: UNKNOWN
TO: Ken Mehlman ( CN=Ken Mehlman/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN

REV_00095444
Insurance Rates Rise In D.C., Soar Downtown (WPost)
Coverage More Limited Since Sept. 11
By Spencer S. Hsu
The Washington Post, June 13, 2002
Property insurance for the firm that manages the office building at 1700 Pennsylvania Ave. NW, one block from the White House, will cost twice as much as last year's $2 million premium.

At George Washington University's downtown campus three blocks west, insurers have cut the school's former $1 billion property and casualty policy in half, raised its premium 160 percent and advised that renewing terrorism coverage would cost 15 times more.

Six blocks north, National Geographic has been dropped by its workers' compensation provider because of perceived threats to large concentrations of employees and has joined the D.C. government's insurer of last resort, fueling talk that less-rooted employers might begin dispersing workers from the city.

The economic effects of September's attacks continue to ripple across metropolitan Washington.
The rising cost of insuring property and employees' safety is the latest evidence of financial concerns about the threat of attacks here and in other cities, anxieties underscored by this week's announcement of the arrest of a U.S. man suspected of plotting to explode a "dirty bomb."

Premiums are climbing for apartment buildings and condominiums, as well as commercial real estate, and being passed on to the area's dominant tenant, the federal government. Single-family residences are seen as less vulnerable to widespread damage from a single event, and homeowners have had smaller premium increases. Still, insurance brokers, policyholders and government officials predict a drag on the economy of tens or even hundreds of millions of dollars a year.

"As we now know, we in the District, like private industry, have to face the possibility of potentially catastrophic losses," said James J. Jacobs, director of risk management for the District. The city received guidance from the federal government this month to seek private terrorism insurance for critical roads, bridges and buildings for the first time.

Premiums at showcase properties, large institutions and sites in Washington and New York City's central business districts have climbed 50 percent to 100 percent over a year ago, according to a study by New York City-based Marsh Real Estate Practice cited by the
National Association of Real Estate Investment Trusts.
In suburban areas, increases are less but terrorism coverage for properties such as malls, office complexes and critical infrastructure is rising 25 percent, Marsh Managing Director Eric T. Schake said.

Insurance rates were climbing even before Sept. 11. But since that day's insured losses of $50 billion, coverage for acts of terrorism that was included at no cost before September generally has been excluded from policies. When coverage is available, it is priced 10 to 20 times as high as the entire original policy -- as much as $1 million per $100 million of coverage -- often with strict limits, Schake said.

There is no case where a company's inability to get terrorism insurance has caused the federal government to change a lease or contract, "at this very moment," said F. Joseph Moravec, commissioner of the General Service Administration's Public Buildings Service, which handles $8 billion a year in real estate business with private companies.

But Moravec estimated that 70 percent of Washington area commercial casualty and property insurance policies renew at mid-year.

Federal legislation that would shield the insurance industry from losses greater than $10 billion from a terrorist attack has passed the House and is scheduled for debate today in the Senate. The bill has been stalled for months over whether to exempt businesses from liability, a tort reform backed by Republicans and opposed by Democrats.

While the market adapts, policyholders face new challenges. Downtown businesses cite exclusions for chemical and biological attacks, radiation contamination or anthrax -- the kinds of events that have already occurred or been threatened. And post-Sept. 11, insurance carriers are inspecting buildings and asking security-related questions that turn conventional real estate notions about location, high-profile tenants and convenience upside down.

"The important caveats are three: the limits of coverage are fairly low, the cost is extremely high, and there are exclusions from the policies," said Thomas A. Carr, chief executive officer of CarrAmerica, which leases 1700 Pennsylvania Ave. as part of its nationwide portfolio of 40 million square feet of office space, including 18 buildings within eight blocks of the White House.

"They want to know incredible amounts of detail," said Shaun Pharr, vice president of governmental affairs for the Apartment and Office Building Association of Metropolitan Washington, whose members own or manage 185,000 apartment units and 121 million square feet of office space. "How close are you to a Metro stop? . . . Do you have a government tenant? . . . Do you have corporate tenants symbolic of
America? Those used to be good things."
Big employers, including The Washington Post, also see new squeamishness about the potential for terrorism to wipe out whole enterprises. By local statutes, families of victims can file workers' compensation claims for more than $2 million. The Post, which employs 1,600 workers at its Northwest plant on any given day, and National Geographic, which employs 1,400 downtown, were either denied coverage or offered dramatically reduced coverage at much higher prices. As a result, they have joined the District's assigned-risk pool -- the equivalent of auto insurance for bad drivers.
Lawrence H. Mirel, insurance commissioner for the District, said that the market is under pressure but that insurance buyers and sellers seem to be bearing the price increases. The city is closely monitoring the workers' compensation issue -- where The Post and National Geographic are the first new major entrants to the assigned-risk pool -- and concerns among foreign embassies about getting property insurance. "The only area that now seems to be clearly a problem is workers' compensation insurance," Mirel said. "Everything else is speculative."
Some consumer groups have expressed concern that insurance companies are raising rates excessively to recoup losses and are also seeking government handouts. It has been hard to gather evidence of the effects on insurance rates. Mirel said that when his office sent out 1,000 questionnaires about premiums to agents and brokers this spring at the request of Del. Eleanor Holmes Norton (D-D.C.), about 15 responded.
B-

Would you be kind enough to email this list to Timmy?

Warmly

tsg

---------------------- Forwarded by Tim Goeglein/WHO/EOP on 06/13/2002 08:35 AM ---------------------------

Timothy Teepell - Grassroots Development <TTeepell@rnchq.org>
06/13/2002 07:51:40 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP
cc:
Subject:

where can i get a list of the judicial nominees already nominated
please come see me when you get a chance
Brett,

FYI, I talked to Nelson and told him we were committed to doing something by this Friday on VP records. I am going to ask Gary to email the press release to him as soon as things go public.

Craig
Sec. Card wanted to send thank you notes a few of the people he met at a political event he attended in Atlanta, GA on Tuesday of this week. Would it be okay to send on official stationary or should we have the RNC produce stationary for Sec. Card? Thanks.

Jose
From what I saw, the list I gave you (plus the one from the 1800s) is complete... I'm waiting for Amy to confirm this.

Brett M. Kavanaugh
06/13/2002 11:10:22 AM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
Subject:

Was there any CA4 Maryland judge between 1893 (when Bond died) and 1922 (when Rose took the seat)? Perhaps not.
No gaggle tomorrow so I should be able to
And as I write this is going on at length re. how wonderful and well-functioning the Calif. selection committee is.

DRW
--- Sent from my BlackBerry.
You have Room 180 from 5 to 6 on June 18. What is the subject of the meeting? (The assistants are asking)
The total number of documents going to the hill today is 2,273. We started on 2184 and the last numbered document is 4457. We're halfway done copying so far.

-Hana
thanks Brett. We've got a few more up our sleeve.
FINANCE
Senate Rejects Legal Reform Proposal On Terrorism Bill
After months of bickering over process, the Senate today launched into a substantive debate on the merits of terrorism reinsurance legislation that would put the federal government...
in the temporary role as a backstop for commercial insurance losses related to terrorism. The bill is designed to promote "maximum private sector involvement and to limit the federal role," said Sen. Christopher Dodd, D-Conn., floor manager for the measure. The bill requires insurance companies to pay for damages up to $10 billion, at which point the federal government would step in to cover most losses. The program would sunset after two years. Nevertheless, the bill's fate hung in the balance at mid-day after senators voted 50-46 strictly along party lines to table a Republican amendment on legal reform that was labeled a "compromise" by sponsoring Sens. Mitch McConnell, R-Ky., and Phil Gramm, R-Texas, and Minority Leader Lott. Sen. Rick Santorum, R-Pa., suggested that a bipartisan vote on the measure would be an important gesture of good faith, but no senator crossed party lines on the vote. The vote coincided with OMB's release of a Statement of Administration Policy, which emphasized that the Bush administration "cannot support enactment of any terrorism insurance bill that leaves the nation's economy and victims of terrorist acts subject to predatory lawsuits and punitive damages. Any bill must, at a minimum, contain provisions for an exclusive federal cause of action and a consolidation of all cases arising out of a terrorist event, and exclude punitive damages in such mass tort terrorism cases."
The amendment would have substituted the underlying bill's liability language with a Republican-crafted formula, which, among other things, would ban punitive damages unless the defendant has been convicted of a criminal offense that is related to the plaintiff's injury. The underlying bill does not allow the federal government to be on the hook for punitive damages related to terrorist attacks, but does not ban such damages against U.S. businesses who might have shared some culpability. McConnell charged that the Democratic bill would allow businesses victimized by terrorism to be terrorized "a second time by lawyers." However, Senate Judiciary Chairman Leahy said the GOP proposal was "not fair or just." Leahy said the amendment would exclude "wanton, reckless, even malicious conduct by a corporate wrongdoer and that's a ridiculously high standard [that] immunizes all sorts of bad acts that should be punished and deterred." McConnell said, "If we're interested in making law, and not just playing legislative games, we ought to pass a bill that has some chance of being signed." Sen. Charles Schumer, D-N.Y., pleaded with Republican senators to avoid making the bill a showdown over legal reform. "It will sink this bill," he warned. "[T]his proposal's shoulders are not broad enough to carry that." Senate Banking Chairman Sarbanes, a cosponsor, applauded the overall legislation, as being "pretty straightforward" and of limited duration. Sarbanes emphasized that a guiding principle in crafting the bill was that "to the extent possible, state insurance law should not be overridden."
Sarbanes said, "We respect the role of state insurance commissioners as the appropriate regulators of policy terms and rates. This bill is not an effort to make any radical change in that existing arrangement." Despite the administration's statement on the bill, White House Press Secretary Ari Fleischer today called terrorism insurance legislation "an important presidential priority" and urged Senate action. * by Pamela Barnett
From: CN=Katherine G. Marinis/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 6/13/2002 11:38:02 AM
Subject: Asset Deployment Meeting

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Katherine G. Marinis (CN=Katherine G. Marinis/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-JUN-2002 15:38:02.00
SUBJECT: Asset Deployment Meeting
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
### End Original ARMS Header ###

fyi
---------------------- Forwarded by Katherine G. Marinis/WHO/EOP on 06/13/2002 03:40 PM ---------------------------

Cabell R. Hobbs
06/13/2002 03:26:37 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Adrian G. Gray/WHO/EOP@EOP, Katherine G. Marinis/WHO/EOP@EOP,
Cabell R. Hobbs/WHO/EOP@EOP
Subject: Asset Deployment Meeting

Please join us to discuss "Asset Deployment" this coming Monday (17th) at 5:00pm in Rm. 450 of the EEOB. The meeting should last about an hour and several departments (Political Affairs, Cabinet Affairs, Counsel's Office, Strategic Initiatives) will discuss the program with the group. If you are unable to attend, could you send an appropriate representative in your place. Please RSVP to me with your social security number and date of birth so we can wave you into the building for the meeting. If you have any questions, call Adrian at 202-456-5487. Thanks.
Cabell

Message Sent
To:
Julian.Flannery@hq.doe.gov @ inet
Sue_Ellen_Wooldridge@ios.doi.gov @ inet
denherder-david@dol.gov @ inet
Quintin.Kendall@ost.dot.gov @ inet
danner.bethel@ed.gov @ inet
sinclair.kelly@epa.gov @ inet
regina.schofield@hhs.gov @ inet
matthew_f._hunter@hud.gov @ inet
drew.deberry@usda.gov @ inet
jeff.phillips@mail.va.gov @ inet
pbond@doc.gov @ inet
kyle.mcslarrow@hq.doe.gov @ inet
Brian_Waidmann@ios.doi.gov @ inet
law.steven@dol.gov @ inet
john.danielson2@ed.gov @ inet
mcginnis.eileen@epa.gov @ inet
Robert.Wood@hhs.gov @ inet
dwm@usda.gov @ inet
Nora.Egan@mail.va.gov @ inet

REV_00095471
From: CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2002 2:25:38 PM
Subject: presidential records not coming up next week because of homeland

BEGIN Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-JUN-2002 18:25:38.00
SUBJECT: presidential records not coming up next week because of homeland
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
END Original ARMS Header
This is an automatic reply. I will be out of the office on Friday, June 14. If you need assistance before I return, please contact Jason Baron (301-837-1499) or Chris Runkel (301-837-2928) or by email.
Re: 

Attached is the DOJ OLP link with the nominees: 
http://www.usdoj.gov/olp/nominations.htm#courtofappeals

Tim Goeglein
06/13/2002 08:35:36 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: tteepell@rnchq.org @ inet
Subject: B-

Would you be kind enough to email this list to Timmy?

Warmly

tsg

---------------------- Forwarded by Tim Goeglein/WHO/EOP on 06/13/2002 08:35 AM ---------------------------

Timothy Teepell - Grassroots Development <TTeepell@rnchq.org>
06/13/2002 07:51:40 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: 
Subject: where can i get a list of the judicial nominees already nominated
I have some "intelligence" about hearing schedule for rest of year that I can relay at staff meeting.

Kyle Sampson
06/13/2002 01:37:20 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Sen. Leahy

At the SJC markup today, Sen. Leahy made the following statements:

Noted at the beginning that there were more Dem Senators present than GOP Senators; commented on the irony that more Dem Senators there than GOP Senators to help get President's nominees moved to the floor.

Said that after today's hearing, SJC will have given hearings to 75 judicial nominees in 11 months -- an all-time record he claimed.

Said that he has a publicly-listed phone number in case anyone from the White House ever wants to talk to him about judicial confirmations.
Also, Godbey cleared by voice vote -- so no negative votes were recorded.

Message Copied
To:
Brett M. Kavanaugh/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
sorry I have to go up to the intel committee on another issue

-----Original Message-----
From: Heather_Wingate@who.eop.gov [mailto:Heather_Wingate@who.eop.gov]
Sent: Friday, June 14, 2002 9:19 AM
To: O'Brien, Pat; Anne_Womack@who.eop.gov;
    Brett_M._Kavanaugh@who.eop.gov
Subject: Judges meeting

The judges meeting in lott's office is at 10:30 instead of the 10:00.

..
thanks

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, June 13, 2002 10:13 PM
To: Tim_Goeglein@who.eop.gov
Cc: Timothy Teepell - Grassroots Development
Subject: Re:

Attached is the DOJ OLP link with the nominees:
http://www.usdoj.gov/olp/nominations.htm#courtofappeals

Tim Goeglein
06/13/2002 08:35:36 AM

Record Type: Record

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

cc: tteepell@rnchq.org @ inet
Subject:

B-

Would you be kind enough to email this list to Timmy?

Warmly

tsg

------------------------ Forwarded by Tim Goeglein/WHO/EOP on 06/13/2002 08:35 AM
------------------------
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP

cc: 
Subject:

where can i get a list of the judicial nominees already nominated
Cole was added but mark-up delayed until next thurs. Makan is working to prep legis based on our principles, etc. We'll get a look before it goes anywhere.
The judges meeting in Lott's office is at 10:30 instead of the 10:00.
and I'm expecting it to be rather busy. therefore, I can't leave to go up to the Hill. Brett and I talked yesterday about a few things, and I think he can adequately represent the communications perspective.
Letter is from Jason Baron and is addressed to the Judge and has Brad down for a cc copy.

Let Patrick know if you need a copy.

Lib
Leahy's stats are wrong -- he does not hold the record of holding hearings for the most nominees in any 11-month period. (He said 75 was the record.)

From September 5, 1997 to July 30, 1998, Chairman Hatch held hearings for 79 nominees --- in just under 11 months.

Also, in a different 12-month period, Chairman Hatch held hearings for 85 nominees in just under 12 months---from 10/9/1997 to 10/7/1998 (363 days).
Wow - pretty political for a church.
This hurts edwards lots of so aptists in nc/sc area
thanks for returning my call -- I can ask you about it on Monday, if you'll be here.

Have a good weekend.

Jen
Your meeting on preemption is set for Tues 6/18 at 5pm until 6 in Room 180. I have notified the offices of Paul Clement, Alex Azar, Dan Troy, and Jay Lefkowitz. I have asked Brent to waive the first three in.

Charlotte
Tim would like to have a 10:00 a.m. call to discuss strategy leading into the July 4th recess.

Call in number 456-6799

Pin 1229
hey, get on the (Matt Smith) conference call now
Kyle, I think

Rachel L. Brand@who.eop.gov
06/17/2002 11:13:29 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: National Monument Fairness Act

Has anyone worked on this?
Nelson Litterst in LEG. Affairs need some help.

Message Sent
To:
H. Christopher Bartolomucci/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Rachel L. Brand/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Edward McNally/WHO/EOP@EOP
Nanette Everson/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
From: CN=Anne Womack/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 6/17/2002 6:06:30 AM
Subject: hey, get on the (Matt Smith) conference call now

------ Begin Original ARMS Header ------
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 17-JUN-2002 10:06:30.00
SUBJECT: hey, get on the (Matt Smith) conference call now
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
------ End Original ARMS Header ------

you're not the boss of me...
----------------------- Forwarded by Anne Womack/WHO/EOP on 06/17/2002 10:06 AM -----------------------

Brett M. Kavanaugh
06/17/2002 10:03:12 AM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: hey, get on the (Matt Smith) conference call now
you are just instrumental to an informed call!!
I was told (by Kristen S) that I should look at carpenters union remarks because they may discuss something related to insurance (or she and I may propose adding). I would be happy to swap with Helgi or do both red tags as the fitness run deal will not take much time. Thanks.
No. 116
Monday June 17, 2002
Page
A-25
ISSN 1523-567X
Regulation & Law

Insurance
Democrats 'Guardedly Optimistic' as Cloture Disputes Over Terrorism Bill Still Unresolved
Senate Democratic leaders believe they have sufficient support to end debate June 18 on terrorism insurance legislation and bring it to a floor vote, a spokeswoman for Majority Leader Thomas Daschle (D-S.D.) told BNA June 14.

Leaders are "guardedly optimistic" about their prospects, another Democratic aide said.

If cloture is invoked, nongermane amendments, such as a bioethics amendment offered by Sen. Sam Brownback (R-Kan.) would "fall away," the Daschle spokeswoman said.

The Brownback amendment slowed progress on the legislation (S. 2600) June 14.

Majority Leader Tom Daschle (D-S.D.) filed for cloture June 14, seeking to end debate on the Terrorism Risk Insurance Act.

The bill, introduced by Sen. Chris Dodd (D-Conn.), would create a temporary backstop of federal funds for insurance companies to stabilize the market following the Sept. 11 terrorist attacks.

Federal funds would cover up to $100 billion in losses to back up insurance policies after companies pay a $10 billion deductible. The backstop could kick in sooner if individual companies experience certain losses, based on market share.

Negotiations on base legislation and tort reform provisions advocated by Republican senators had stalled the bill since a bipartisan compromise broke down late last year.

The bill would not allow federal funds to be used to pay punitive damages. Despite the defeat of an amendment offered by Sen. Mitch McConnell (R-Ky.) June 13, the issue of tort reform and punitive damages has not been put to rest.

Republicans and the Bush administration want to prohibit punitive damages in litigation arising from terrorist acts. McConnell's amendment, a watered down compromise in the eyes of some Republican senators, would have allowed punitive damages only if a defendant had been convicted of a crime in relation to the terrorist attack.

Sen. Phil Gramm (R-Texas) has said he will not vote for cloture on the bill unless there is a bipartisan compromise that will leave American taxpayers with less exposure on terrorism insurance.

Gramm's concern about the taxpayer exposure relates to both punitive damages in litigation arising from terrorist acts and the formula in the bill for per company retention, a Gramm spokeswoman told BNA June 14.

In floor debate June 13, Gramm criticized the bill's formula on a per company retention level. With S. 2600, federal assistance could be triggered for individual companies before an overall industry level of loss is reached, based on companies' market shares.

Gramm prefers an industry wide trigger for federal assistance to encourage companies to share risks.
An insurance industry source said the per company retention formula is important so insurers know "on the front end" how to assess risks, so they can begin writing policies.

Despite the areas of disagreement, there is momentum to get the bill through the Senate and on to conference.

Daschle said June 14 since there are two weeks left in the work period before the July 4 recess, he hopes to complete debate on terrorism insurance soon and move on to consider defense authorization legislation.

On the floor, Minority Leader Trent Lott said there is a real need for the bill, which he said the Senate could finish by June 18 or 19. A Republican aide told BNA June 14 he expects the bill to be finished up June 18.

Industry sources June 14 cited this exchange as an encouraging sign the cloture vote will succeed.

It takes 60 votes to pass a cloture motion, which limits debate to 30 hours.
Your fax went through
Per Tim's request, I need one of you to take the FTC IG's report to the Hill tomorrow to meet with Daschle and Childress. Please let me know who can do this. Thank you.
Brett M. Kavanaugh
06/17/2002 11:26:09 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP
cc: 
Subject:

approval of settlements provision is not in Dodd bill
Heard on the Dungpile? The reaction was not all positive to HOH’s item last Thursday about a Senate Democratic aide finding a disk with private political data prepared by top White House aides Karl Rove and Ken Mehlman.

One reader suggested that this column be renamed "Heard on the Dungpile" for falling for an alleged Democratic dirty trick by believing that the disk was found in Lafayette Park. "There aren't three people in America that are dumb enough to believe that crock, and I'm not one of them," e-mailed the reader.

Many conspiracy theorists seem to believe that Democratic operatives - on the eve of today's 30th anniversary of the Watergate break-in - either broke into a White House office or found a mole to leak the disk.

The dungpile theme seemed to dominate. "Oh that is a good one," wrote another reader. "Great steaming piles of horse manure. That is about as credible as rocking horse dung."

Late Friday, however, Rep. Henry Waxman (D-Calif.) urged Government Reform Chairman Dan Burton (R-Ind.) to launch a probe of the two White House aides using "government time and resources to develop a partisan analysis of Republican prospects in key House and Senate races."

Waxman, ranking member of the panel, noted that this is the type of issue that the committee spent time probing during the campaign-finance probes of the Clinton years.

"This committee spent more than 10 hours deposing former White House Political Director Doug Sosnik and former Deputy Political Director Karen Hancox," Waxman wrote to Burton. "Among the many topics covered in these depositions were the role of the Clinton White House in raising campaign funds, approving the Democratic National Committee's allocation of hard and soft money, formulating advertising strategy and approving pollsters and consultants."

White House Press Secretary Ari Fleischer, however, laughed off any possibility of a probe by sarcastically saying Friday that it was indeed "shocking" that a White House political director had engaged in, well, politics.
Out of the 194 responses that are missing, 29 people on that list are no longer employed with the White House, and 5 are with our office. I've contacted everyone and told them to fax and inside mail their responses by the close of business tomorrow. There are a few people I had a question about. Do I need to get a certification forms from individuals that you interviewed such as Karl Rove (I did not contact his office yet), Elizabeth Stolpe, and Harriet Myers? How about Nick Calio? (Apparently the Legislative Affairs office was under the impression that the certification form only needed to be filled out by Deputy Assistants and above, which explains why I'm missing a good number of their responses. They've been contacted and I should be getting their responses by tomorrow.)

-Hana
Ed Ingle couldn't get here until 1:45 pm. Does that work?
call me if you want an update on how my meetings/discussions have been going today. Some interesting comments, much frustration. I should be back at my desk by 1:45 (just running downstairs to get some food and will be right back).

224-7986.
Amy talked to the Maryland State Law Library (without identifying herself) and they referred her to the Federal Judicial Center’s web site—this is what I used to gather the info. I gave you last week. They said the only other source would be the Clerk at the 4th Circuit Court.

Brett Kavanaugh
06/13/2002 10:16:44 PM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

let me know what you find out on this. thx

Brent D. Greenfield
06/13/2002 11:11:26 AM
Record Type: Record

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

From what I saw, the list I gave you (plus the one from the 1800s) is complete...I’m waiting for Amy to confirm this.

Brett Kavanaugh
06/13/2002 11:10:22 AM
Record Type: Record

To: Brent D. Greenfield/WHO/EOP@EOP
cc:
Subject:

Was there any CA4 Maryland judge between 1893 (when Bond died) and 1922 (when Rose took the seat)? Perhaps not.
too late — they just noticed the exec markup for this week. they
generally don't like to cancel them once they have been noticed. It is
possible it won't be on the agenda, but likely it will.
There will be a meeting tomorrow morning, June 18 at 10:15am to discuss the victims of terrorism bill before the Senate Judiciary Committee. The meeting will take place in Nancy Dorn's office and will include Dan Bryant from Justice and Lou Ann Linehan from State.

Please let me know if you are unable to attend. Thanks.
From: Mashburn, John (Lott) <John_Mashburn@lott.senate.gov>
To: Don Willett (E-mail) <Don.Willett@usdoj.gov>; Alex Dahl (E-mail) <IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov>; Bob_Taylor@aml.senate.gov [UNKNOWN] <Bob_Taylor@aml.senate.gov>; Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>; Pat.O'Brien@usdoj.gov [UNKNOWN] <Pat.O'Brien@usdoj.gov>; Makan_Delrahim@judiciary.senate.gov [UNKNOWN] <Makan_Delrahim@judiciary.senate.gov>; Stephen_Higgins@judiciary.senate.gov [UNKNOWN] <Stephen_Higgins@judiciary.senate.gov>; Rena_Johnson@judiciary.senate.gov [UNKNOWN] <Rena_Johnson@judiciary.senate.gov>; Gregg_Willhauck@kyl.senate.gov; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; Wendy J Keefer (E-mail) <Wendy.J.Keefer@usdoj.gov>; Brian Benczkowski (E-mail) <IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov>; Manuel Miranda at JUDICIARY (E-mail) <IMCEACCMAIL-Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Anne Womack/WHO/EOP@EOP [WHO] <Anne Womack>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; Katie_Gumerson@aml.senate.gov [UNKNOWN] <Katie_Gumerson@aml.senate.gov>; Ed_Haden@Judiciary.senate.gov [UNKNOWN] <Ed_Haden@Judiciary.senate.gov>; John Abegg <John_Abegg@mcconnell.senate.gov>; Lincoln Oliphant <Lincoln_Oliphant@rpc.senate.gov>; Mashburn, John (Lott) <John_Mashburn@lott.senate.gov>

Sent: 6/17/2002 1:50:19 PM
Subject: : Principals JNWG Mtg 4 PM Thurs

#### Begin Original ARMS Header ####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> ( "Mashburn, John (Lott)"
<John_Mashburn@lott.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:17-JUN-2002 17:50:19.00
SUBJECT:: Principals JNWG Mtg 4 PM Thurs
TO:"Don Willett (E-mail)" <Don.Willett@usdoj.gov> ( "Don Willett (E-mail)"
<Don.Willett@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Alex Dahl (E-mail)" <IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov> ( "Alex Dahl (E-mail)" <IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Bob_Taylor@aml.senate.gov ( Bob_Taylor@aml.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Tim Goeglein { CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] }
READ:UNKNOWN
TO:Pat.O'Brien@usdoj.gov { Pat.O'Brien@usdoj.gov [ UNKNOWN ] }
READ:UNKNOWN
TO:Makan_Delrahim@judiciary.senate.gov ( Makan_Delrahim@judiciary.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Stephen_Higgins@judiciary.senate.gov ( Stephen_Higgins@judiciary.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Rena_Johnson@judiciary.senate.gov ( Rena_Johnson@judiciary.senate.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:Gregg_Willhauck <Gregg_Willhauck@kyl.senate.gov> ( Gregg_Willhauck <Gregg_Willhauck@kyl.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Heather Wingate { CN=Heather Wingate/OU=WHO/O=EOP@EOP [ WHO ] }
READ:UNKNOWN
TO:"Wendy J Keefer (E-mail)" <Wendy.J.Keefer@usdoj.gov> ( "Wendy J Keefer (E-mail)"
<Wendy.J.Keefer@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Brian Benczkowski (E-mail)" <IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> ( "Brian Benczkowski (E-mail)" <IMCEACCMAIL-Brian+2EA+2EBenczkowski+40usdoj+2Egov+20at+20INTERNET"@routing.senate.gov> [ UNKNOWN ] )
This Thursday at 4 pm here in S-230 we will have a meeting of the principals. I will e-mail out an agenda when I get it ready.
Makan met with Bruce Cohen today - and the embassy bombing victims bill is on the markup for Thursday. FYI

too late - they just noticed the exec markup for this week. they generally don't like to cancel them once they have been noticed. It is possible it won't be on the agenda, but likely it will.
thanks, and again for the comments earlier -- they are remarkably helpful.

Brett M. Kavanaugh
06/18/2002 09:19:59 AM
Record Type: Record

To: Jennifer G. Newstead/WHO/EOP@EOP
cc: 
bcc: 
Subject: Re: judges letter

Charlotte is bringing it down to you.

Jennifer G. Newstead
06/18/2002 09:10:32 AM
Record Type: Record

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

Brett, in your helpful advice on the Schumer letter on judges you referred to a letter he sent to the President referring to the ABA as the gold standard. Have you got a copy of that letter. Thanks,

Jen
yes, thanks

Brett M. Kavanaugh
06/18/2002 09:26:58 AM
Record Type: Record
To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
bcc:
Subject: Re: judges letter

To clarify, 3 of 11 refers to the original nominees from May 9, 2001. A few other nominees were nominated later in May 2001.

Jennifer G. Newstead
06/18/2002 09:24:03 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: judges letter

one more Q -- how many of the original nominees from last may have been confirmed, do you konw. Thanks

Brett M. Kavanaugh
06/18/2002 09:19:59 AM
Record Type: Record
To: Jennifer G. Newstead/WHO/EOP@EOP
cc:
bcc:
Subject: Re: judges letter

Charlotte is bringing it down to you.
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: judges letter

Brett, in your helpful advice on the Schumer letter on judges you referred to a letter he sent to the President referring to the ABA as the gold standard. Have you got a copy of that letter. Thanks,

Jen
Senate voted for cloture on terrorism insurance, even with Lott and Nickles objecting. Great job to Matt who helped worked the vote.
Please discard previous version; I modified the column on Collateral Source reforms to make it more understandable to the reader (esp. the non-lawyers).

<<StateChartMalpractice.doc>>
### Survey of State Tort Law Reforms

<table>
<thead>
<tr>
<th>State</th>
<th>Caps on Non Economic Damages</th>
<th>Caps on Punitive Damages</th>
<th>Caps on Total Damages</th>
<th>Attorneys Fees Cap more restrictive than:</th>
<th>40% - 50K</th>
<th>33% - 50K+</th>
<th>25% 500K+</th>
<th>15% 600K+</th>
<th>More restrictive Statute of Limitations than 3 yr from injury</th>
<th>1 yr should have known</th>
<th>Abolished Joint and Several Liability</th>
<th>Collateral sources counted against damage awards</th>
<th>Outlaws Punitive Damages</th>
<th>Requires Payment of future judgments 50K+ under Uniform Period Payment Act</th>
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</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>✓</td>
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To: Mark McClellan/CEA/EOP, Tevi Troy/OPD/EOP
cc: "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>, "Hoff, John (HHS/OS)"
<John.Hoff@hhs.gov>, "Mantho, Mary Kay (HHS/OS)" <MaryKay.Mantho@hhs.gov>

Subject: State by State Survey

Please discard previous version; I modified the column on Collateral Source reforms to make it more understandable to the reader (esp. the non-lawyers).

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From: Mark_McClellan@cea.eop.gov [UNKNOWN] <Mark_McClellan@cea.eop.gov>
BCC: Carla B. Stone (Carla B. Stone/OMB/EOP@EOP [OMB]), pamela.roller@hhs.gov (pamela.roller@hhs.gov [UNKNOWN]), Layton Skelly (Layton Skelly/OPD/EOP@EOP [OPD]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP@EOP [OPD]), Jason.Sutton@usdoj.gov (Jason.Sutton@usdoj.gov [UNKNOWN]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP [WHO]), Mary.Mantho@hhs.gov@inet (Mary.Mantho@hhs.gov@inet [UNKNOWN]), Alex.Azar@hhs.gov@inet (Alex.Azar@hhs.gov@inet [UNKNOWN]), John.Hoff@hhs.gov@inet (John.Hoff@hhs.gov@inet [UNKNOWN]), Matthew Kirk (Matthew Kirk/WHO/EOP@EOP [WHO]), Anne E. Phelps (Anne E. Phelps/OPD/EOP@EOP [OPD]), Kevin Warsh (Kevin Warsh/OPD/EOP@EOP [OPD]), Wendy.J.Keefer@usdoj.gov@inet (Wendy.J.Keefer@usdoj.gov@inet [UNKNOWN]), D._Marcus_sumerlin@opd.eop.gov@inet (D._Marcus_sumerlin@opd.eop.gov@inet [UNKNOWN]), Diana L. Schacht (Diana L. Schacht/OPD/EOP@EOP [OPD]), Jay P. Lefkowitz (Jay P. Lefkowitz/OPD/EOP@EOP [OPD]), Pamela.Roller@hhs.gov (Pamela.Roller@hhs.gov [UNKNOWN]), Mark_McClellan (Mark_McClellan/CEA/EOP@EOP [CEA]), Damaris.Kendall@hhs.gov (Damaris.Kendall@hhs.gov [UNKNOWN]), Tracy.T.Washington@usdoj.gov (Tracy.T.Washington@usdoj.gov [UNKNOWN]), ebony.brice@hhs.gov (Ebony.Brice@hhs.gov [UNKNOWN]), Lauren J. Vestewig (Lauren J. Vestewig/OPD/EOP@EOP [OPD]), Thomas C. DeLeire (Thomas C. DeLeire/CEA/EOP@EOP [CEA]), Dirksen.Lehman (Dirksen.Lehman/WHO/EOP@EOP [WHO]), Alan Gilbert (Alan Gilbert/OPD/EOP@EOP [OPD]), Claude.Allen@hhs.gov@inet (Claude.Allen@hhs.gov@inet [UNKNOWN]), Brian.C.Conkin (Brian.C.Conkin/WHO/EOP@EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP@EOP [WHO]), Jennifer G. Newstead (Jennifer G. Newstead/WHO/EOP@EOP [WHO]), Viet.Dinh@usdoj.gov@inet (Viet.Dinh@usdoj.gov@inet [UNKNOWN]), Kristen Silverberg (Kristen Silverberg/WHO/EOP@EOP [WHO]), Philip J. Perry (Philip J. Perry/OMB/EOP@EOP [OMB]), Bobby.Jindal@hhs.gov@inet (Bobby.Jindal@hhs.gov@inet [UNKNOWN])

Sent: 7/18/2002 12:31:08 PM
Subject: : State by State Survey
Attachments: P_NPPU8003_OPD.TXT_1.doc

### Begin Original ARMS Header ###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME: 18-JUL-2002 16:31:08.00

SUBJECT: : State by State Survey

TO: Mark_McClellan@cea.eop.gov (Mark_McClellan@cea.eop.gov [UNKNOWN])

READ: UNKNOWN

BCC: Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

BCC: pamela.roller@hhs.gov (pamela.roller@hhs.gov [UNKNOWN])

READ: UNKNOWN

BCC: Layton Skelly (CN=Layton Skelly/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

BCC: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

BCC: Jason.Sutton@usdoj.gov (jason.sutton@usdoj.gov [UNKNOWN])

READ: UNKNOWN

BCC: Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

BCC: Mary.Mantho@hhs.gov@inet (Mary.Mantho@hhs.gov@inet [UNKNOWN])

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READ: UNKNOWN

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BCC: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP@EOP [WHO])

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BCC: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

BCC: Kevin Warsh (CN=Kevin Warsh/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

BCC: Wendy.J.Keefer@usdoj.gov@inet (Wendy.J.Keefer@usdoj.gov@inet [UNKNOWN])

### End Original ARMS Header ###
To: Mark McClellan/CEA/EOP, Tevi Troy/OPD/EOP
cc: "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>, "Hoff, John (HHS/OS)"
<John.Hoff@hhs.gov>, "Mantho, Mary Kay (HHS/OS)" <MaryKay.Mantho@hhs.gov>
Subject: State by State Survey

Please discard previous version; I modified the column on Collateral Source reforms to make it more understandable to the reader (esp. the non-lawyers).

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NPPU8003_OPD.TXT_1>
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## Survey of State Tort Law Reforms

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Please discard previous version; I modified the column on Collateral Source reforms to make it more understandable to the reader (esp. the non-lawyers).

<<StateChartMalpractice.doc>>
This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

StateChartMalpractice.doc

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File attachment <F_N10V8003_CEA.TXT>
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From: Mark_McClellan@cea.eop.gov [UNKNOWN] <Mark_McClellan@cea.eop.gov>

To: Mary Lambert (Mary Lambert/WHO/EOP [WHO]), Carla B. Stone (Carla B. Stone/OMB/EOP [OMB]), Pamela.roller@hhs.gov (pamela.roller@hhs.gov [UNKNOWN]), Layton Skelly (Layton Skelly/OPD/EOP [OPD]), Leslie A. Mooney (Leslie A. Mooney/OPD/EOP [OPD]), Jason.J.Sutton@usdoj.gov (Jason.J.Sutton@usdoj.gov [UNKNOWN]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP [WHO]), Mary.Mantho@hhs.gov @ inet (Mary.Mantho@hhs.gov @ inet [UNKNOWN]), Alex.Azar@hhs.gov @ inet (Alex.Azar@hhs.gov @ inet [UNKNOWN]), John.Hoff@hhs.gov @ inet (John.Hoff@hhs.gov @ inet [UNKNOWN]), Matthew Kirk (Matthew Kirk/WHO/EOP/EOP [WHO]), Anne E. Phelps (Anne E. Phelps /OPD/EOP [OPD]), Kevin Warsh (Kevin Warsh/OPD/EOP/EOP [OPD]), Wendy.J.Keefer@usdoj.gov @ inet (Wendy.J.Keefer@usdoj.gov @ inet [UNKNOWN]), D._Marcus_sumerlin@opd.eop.gov @ inet (D._Marcus_sumerlin@opd.eop.gov @ inet [UNKNOWN]), Diana L. Schacht (Diana L. Schacht/OPD/EOP/EOP [OPD]), Jay P. Leftkowitz (Jay P. Leftkowitz/OPD/EOP/EOP [OPD]), Pamela.roller@hhs.gov (pamela.roller@hhs.gov [UNKNOWN]), Mark McClellan (Mark McClellan/CEA/EOP/EOP [CEA]), Damaris.Kendall@hhs.gov (Damaris.Kendall@hhs.gov [UNKNOWN]), Tracy.T.Washington@usdoj.gov (Tracy.T.Washington@usdoj.gov [UNKNOWN]), Ebony.Brice@hhs.gov (Ebony.Brice@hhs.gov [UNKNOWN]), Lauren J. Vestewig (Lauren J. Vestewig/OPD/EOP/EOP [OPD]), Thomas C. DeLeire (Thomas C. DeLeire/CEA/EOP/EOP [CEA]), Dirkensen Lehman (Dirksen Lehman/WHO/EOP/EOP [WHO]), Alan Gilbert (Alan Gilbert/OPD/EOP/EOP [OPD]), Claude.Allen@hhs.gov (Claude.Allen@hhs.gov @ inet [UNKNOWN]), Brian C. Conklin (Brian C. Conklin/WHO/EOP/EOP [WHO]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP/EOP [WHO]), Jennifer G. Newstead (Jennifer G. Newstead/WHO/EOP/EOP [WHO]), Viet.Dinh@usdoj.gov @ inet (Viet.Dinh@usdoj.gov @ inet [UNKNOWN]), Kristen Silverberg (Kristen Silverberg/WHO/EOP/EOP [WHO]), Philip J. Perry (Philip J. Perry/OMB/EOP/EOP [OMB]), Bobby.Jindal@hhs.gov @ inet (Bobby.Jindal@hhs.gov @ inet [UNKNOWN]).

Sent: 7/18/2002 7:28:39 PM
Subject: State by State Survey
Attachments: P_N10V8003_OPD.TXT_1.doc

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

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CREATOR: Stephen M. Lineberry (CN=Stephen M. Lineberry/OU=CEA/O=EOP [CEA])
SUBJECT:: State by State Survey
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READ: UNKNOWN
BCC: Mary Lambert (CN=Mary Lambert/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Carla B. Stone (CN=Carla B. Stone/OU=OMB/O=EOP/EOP [OMB])
READ: UNKNOWN
BCC: Pamela.roller@hhs.gov (pamela.roller@hhs.gov [UNKNOWN])
READ: UNKNOWN
BCC: Layton Skelly (CN=Layton Skelly/OPD/EOP [OPD])
READ: UNKNOWN
BCC: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP/EOP [OPD])
READ: UNKNOWN
BCC: Jason.J.Sutton@usdoj.gov (jason.J.Sutton@usdoj.gov [UNKNOWN])
READ: UNKNOWN
BCC: Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Mary.Mantho@hhs.gov @ inet (Mary.Mantho@hhs.gov @ inet [UNKNOWN])
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BCC: Alex.Azar@hhs.gov @ inet (Alex.Azar@hhs.gov @ inet [UNKNOWN])
READ: UNKNOWN
BCC: John.Hoff@hhs.gov @ inet (John.Hoff@hhs.gov @ inet [UNKNOWN])
READ: UNKNOWN
BCC: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP/EOP [WHO])
READ: UNKNOWN
BCC: Anne E. Phelps (CN=Anne E. Phelps/OU=OPD/O=EOP/EOP [OPD])

---

REV_00097082
"Urbanowicz, Peter (HHS/OS)" <Peter.Urbanowicz@hhs.gov>
07/18/2002 03:32:44 PM
Record Type: Record

To: Mark McClellan/CEA/EOP, Tevi Troy/OPD/EOP
cc: "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>, "Hoff, John (HHS/OS)"
  <John.Hoff@hhs.gov>, "Mantho, Mary Kay (HHS/OS)" <MaryKay.Mantho@hhs.gov>

Subject: State by State Survey

Please discard previous version; I modified the column on Collateral Source reforms to make it more understandable to the reader (esp. the non-lawyers).

<<StateChartMalpractice.doc>>
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- StateChartMalpractice.doc

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <F_N10V8003_OPD.TXT>
## Survey of State Tort Law Reforms

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From: Stephen M. Lineberry/CEA/O=EOP [ CEA ]
To: Mark_McClellan@cea.eop.gov [ UNKNOWN ] <Mark_McClellan@cea.eop.gov>
BCC: Mary Lambert ( Mary Lambert/WHO/EOP [ WHO ] ), Carla B. Stone ( Carla B. Stone/OMB /EOP@EOP [ OMB ] ), Pamela.roller@hhs.gov ( Pamela.roller@hhs.gov [ UNKNOWN ] ), Layton Skelly ( Layton Skelly/OPD/EOP@EOP [ OPD ] ), Leslie A. Mooney ( Leslie A. Mooney/OPD /EOP@EOP [ OPD ] ), Jason.J.Sutton@usdoj.gov ( Jason.J.Sutton@usdoj.gov [ UNKNOWN ] ), Edmund A. Walsh ( Edmund A. Walsh/WHO/EOP [ WHO ] ), Mary.Mantho@hhs.gov @ inet ( Mary.Mantho@hhs.gov @ inet [ UNKNOWN ] ), Alex.Azar@hhs.gov @ inet ( Alex.Azar@hhs.gov @ inet [ UNKNOWN ] ), John.Hoff@hhs.gov @ inet ( John.Hoff@hhs.gov @ inet [ UNKNOWN ] ), Matthew Kirk ( Matthew Kirk/WHO/EOP@EOP [ WHO ] ), Anne E. Phelps ( Anne E. Phelps/OPD /EOP@EOP [ OPD ] ), Kevin Warsh ( Kevin Warsh/OPD/EOP@EOP [ OPD ] ), Wendy.J.Keefe@usdoj.gov @ inet ( Wendy.J.Keefe@usdoj.gov @ inet [ UNKNOWN ] ), D._Marcus_sumerlin@opd.eop.gov @ inet ( D._Marcus_sumerlin@opd.eop.gov @ inet [ UNKNOWN ] ), Diana L. Schacht ( Diana L. Schacht/OPD/EOP@EOP [ OPD ] ), Jay P. Lefkowitz ( Jay P. Lefkowitz/OPD/EOP@EOP [ OPD ] ), Pamela.roller@hhs.gov ( Pamela.roller@hhs.gov [ UNKNOWN ] ), Mark McClellan ( Mark McClellan/CEA/EOP@EOP [ CEA ] ), Damaris.kendall@hhs.gov ( Damaris.Kendall@hhs.gov [ UNKNOWN ] ), Tracy.T.Washington@usdoj.gov ( Tracy.T.Washington@usdoj.gov [ UNKNOWN ] ), Ebony.Brice@hhs.gov ( Ebony.Brice@hhs.gov [ UNKNOWN ] ), Lauren J. Vestewig ( Lauren J. Vestewig/OPD/EOP@EOP [ OPD ] ), Thomas C. DeLeire ( Thomas C. DeLeire/CEA/EOP@EOP [ CEA ] ), Dirksen.Lehman ( Dirksen Lehman/WHO/EOP@EOP [ WHO ] ), Alan Gilbert ( Alan Gilbert/OPD/EOP@EOP [ OPD ] ), Claude.Allen@hhs.gov @ inet ( Claude.Allen@hhs.gov @ inet [ UNKNOWN ] ), Brian C. Conklin ( Brian C. Conklin/WHO/EOP@EOP [ WHO ] ), Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] ), Jennifer G. Newstead ( Jennifer G. Newstead/WHO/EOP@EOP [ WHO ] ), Viet.Dinh@usdoj.gov @ inet ( Viet.Dinh@usdoj.gov @ inet [ UNKNOWN ] ), Kristen Silverberg ( Kristen Silverberg/WHO/EOP@EOP [ WHO ] ), Philip J. Perry ( Philip J. Perry/OMB/EOP@EOP [ OMB ] ), Bobby.Jindal@hhs.gov @ inet ( Bobby.Jindal@hhs.gov @ inet [ UNKNOWN ] )

Sent: 7/18/2002 7:28:39 PM
Subject: State by State Survey
Attachments: P_N10V8003_WHO.TXT_1.doc

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Stephen M. Lineberry ( CN=Stephen M. Lineberry/OU=CEA/O=EOP [ CEA ] )
SUBJECT:: State by State Survey
TO: Mark_McClellan@cea.eop.gov ( Mark_McClellan@cea.eop.gov [ UNKNOWN ] )
READ: UNKNOWN
BCC: Mary Lambert ( CN=Mary Lambert/OU=WHO/O=EOP [ WHO ] )
READ: UNKNOWN
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BCC: Leslie A. Mooney ( CN=Leslie A. Mooney/OU=ODP/O=EOP@EOP [ ODP ] )
READ: UNKNOWN
BCC: Jason.J.Sutton@usdoj.gov ( Jason.J.Sutton@usdoj.gov [ UNKNOWN ] )
READ: UNKNOWN
BCC: Edmund A. Walsh ( CN=Edmund A. Walsh/OU=WHO/O=EOP [ WHO ] )
READ: UNKNOWN
BCC: Mary.Mantho@hhs.gov @ inet ( Mary.Mantho@hhs.gov @ inet [ UNKNOWN ] )
READ: UNKNOWN
BCC: Alex.Azar@hhs.gov @ inet ( Alex.Azar@hhs.gov @ inet [ UNKNOWN ] )
READ: UNKNOWN
BCC: John.Hoff@hhs.gov @ inet ( John.Hoff@hhs.gov @ inet [ UNKNOWN ] )
READ: UNKNOWN
BCC: Matthew Kirk ( CN=Matthew Kirk/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
BCC: Anne E. Phelps ( CN=Anne E. Phelps/OU=OPD/O=EOP@EOP [ OPD ] )

REV_00097088
"Urbanowicz, Peter (HHS/OS)" <Peter.Urbanowicz@hhs.gov>  
07/18/2002 03:32:44 PM  
Record Type: Record  
To: Mark McClellan/CEA/EOP, Tevi Troy/OPD/EOP  
cc: "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>, "Hoff, John (HHS/OS)" <John.Hoff@hhs.gov>, "Mantho, Mary Kay (HHS/OS)" <MaryKay.Mantho@hhs.gov>  
Subject: State by State Survey

Please discard previous version; I modified the column on Collateral Source reforms to make it more understandable to the reader (esp. the non-lawyers).

<<StateChartMalpractice.doc>>
# Survey of State Tort Law Reforms

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I didn't know what it was until now. Is there a way to get a copy so that Alex
and I could see it after the Murder Board.

Intel suggests that Leahy will concentrate on all things Money...and how can
Feingold resist. Texans also suggested that Cantwell is keen on election related issues.

Subject: Re: Owen
Author: "Koebele; Steve" <Steve.Koebele@usdoj.gov>
Date: 7/19/2002 7:28 PM

Manny -- research will certainly reveal (1) a clear correlation between
Owen, TLR and TCJL donors, and (2) many similarities in specific donors among the three.

Leahy will be looking at it in order to show the extent of the tort reform movement in Texas. Exhibit A will be a 60 Minutes profile of "how far the Court
has moved in favor of business interests and against consumers, workers, etc
(insert case cites).

I have a copy of the 60 Minutes piece if you would like to dub.

Thank you, Steve.

-----Original Message-----
Any answer to this below? And why the Leahy people are looking into it?

What is the connection between Owen and Texans for Lawsuit Reform (larger issue) and the Texas Civil Justice League (smaller)? Is their any coincidence in her donors and theirs?
Subject: Re: Owen/Money

I believe Steve has a copy of the 60 Minutes piece (which aired almost 15 years after an earlier 60 Minutes piece re. how blindly pro-plaintiff the Texas Supreme Court used to be).

DRW

--- Sent from my BlackBerry.

-----Original Message-----
From: Manuel Miranda <Manuel_Miranda@judiciary.senate.gov>
To: Willett, Don <Don.Willett@USDOJ.gov>; Sales, Nathan <Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>
'Brett(u)M.(u)Kavanaugh(a)who.eop.gov' <Brett_M._Kavanaugh@who.eop.gov>; Alex Dahl <Alex_Dahl@judiciary.senate.gov>
Sent: Sun Jul 21 12:07:15 2002
Subject: Owen/Money

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To: Willett, Don <Don.Willett@USDOJ.gov>; Sales, Nathan <Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>; Brett M. Kavanaugh@who.eop.gov <Brett_M.Kavanaugh@who.eop.gov>
Subject: Owen

Any answer to this below? And why the Leahy people are looking into it?

What is the connection between Owen and Texans for Lawsuit Reform (larger issue) and the Texas Civil Justice League (smaller)? Is their any coincidence in her donors and theirs?
From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Anne Womack/WHO/EOP@EOP [ WHO ] <Anne Womack>
Sent: 7/22/2002 4:42:02 AM
Subject: New Orleans Times Picayune has NOT written an editorial (yet) on Owen. FYI.
Just a reminder that our Library meeting is this morning at 10:00am in Harriet's office. See you there!
No, mostly review and update. You can sit back and relax!

Brett M. Kavanaugh
07/22/2002 09:06:17 AM
Record Type: Record

To: Mary Ann Hanusa/WHO/EOP
cc:
Subject: Re: REMINDER

any agenda; anything I should be prepared to discuss?

Mary Ann Hanusa
07/22/2002 09:04:46 AM
Record Type: Record

cc: Brett M. Kavanaugh/WHO/EOP
Subject: REMINDER

Just a reminder that our Library meeting is this morning at 10:00am in Harriet's office. See you there!
From: CN=Philip J. Perry/OU=OMB/O=EOP [ OMB ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: in case you are interested

in case you are interested
OK -- I'll cover and then I can loop you in.

!!!

Brett M. Kavanaugh
07/22/2002 11:31:53 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc:
Subject: Re: american/united bailout mtg today?

I have a conflicting Owen prep meeting. Otherwise I would have liked to go. Btw, you are out of control on the exclamation points!!!
I have a conflicting Owen prep meeting. Otherwise I would have liked to go. Btw, you are out of control on the exclamation points!!!
didn't mean to sent. sorry.

---

Brett M. Kavanaugh
07/22/2002 08:05:56 AM
Record Type: Record
To: Philip J. Perry/OMB/EOP@EOP
cc:
bcc:
Subject: Re: in case you are interested

nothing was attached

---

Philip J. Perry
07/22/2002 07:21:49 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: in case you are interested
what are your thoughts on this. I'm a little nervous about how some of his responses will play on TV.

------------------------------- Forwarded by Anne Womack/WHO/EOP on 07/22/2002 12:08 PM -------------------------------

Harry W. Wolff
07/22/2002 11:59 AM
Record Type: Record

To: Anne Womack/WHO/EOP
cc: 
Subject: Jacqueline Pham w/ Brit Hume called, wants to know if Judge Gonzales is going out to talk about Owen...
can you email me a copy?
From: CN=Karl C. Rove/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP[WHO]<Brett M. Kavanaugh>
CC: Tim Goeglein/WHO/EOP@EOP[WHO]<Tim Goeglein>; Ken Mehlman/WHO/EOP@EOP[WHO]<Ken Mehlman>
Sent: 7/22/2002 9:13:06 AM
Subject: your judicial chart is great: we need to do an update of it when the Senate goes out so we can further decry the Senate's lack of action

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP[WHO])
CREATION DATE/TIME: 22-JUL-2002 13:13:06.00
SUBJECT: your judicial chart is great: we need to do an update of it when the Senate goes out so we can further decry the Senate's lack of action
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP[WHO])
READ: UNKNOWN
CC: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP[WHO])
READ: UNKNOWN
CC: Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP[WHO])
READ: UNKNOWN
### End Original ARMS Header ######
call me at 6-7984 when you get out of staff meeting
SNOW: Well, let me switch gears a little bit. You're also on the Judiciary Committee. Priscilla Owens, who is a judge in Texas, a member...

BIDEN: Yes.

SNOW: ... is now under consideration. Do you think, A, she's going to get through the committee and, B, she'll get a vote on the Senate floor?

BIDEN: I think she'll--I don't know if she'll get through the committee. We're having her hearing on Tuesday.

As you know, she's very well-known and, like all well-known judges, left or right, fairly controversial. I have had all kinds--I've read all kinds of things for her and against her.

I'm going to be going to her hearing on Tuesday, and it's hard to tell right now. I wouldn't want to second-guess that. I've voted on over 1,100, almost 1,200 judges, and I've only voted no nine times. And so, you know, it's going to--they're going to have to make the case why she shouldn't be on the court.

HUME: Well, Senator, do you think, based on what you've read and know so far, that this woman appears to have the background, the temperament and the experience to be on that court for which she's been nominated?

BIDEN: Well, she seems to have the intellectual background. The real question, Brit, is her temperament. I have read some of her cases. She seems to reach pretty far, in terms of going beyond what the law states on its face. But again, I think she should have a chance...

HUME: So she's an activist?

BIDEN: I think she should have a chance to make her case before I start making a judgment about her.

SNOW: Do you worry about the tone of some of the attacks on her so far?

BIDEN: I do, but, you know, we went through that for that last--I've been doing this now for a long time. That is, you know, par for the course, on both sides of the aisle.

As some of you may remember, I'm among the few guys that have been beat up by the left and the right, in terms of how we should approach judges. I think we should tone all this down. And I think Republicans should have toned it down too.

But we are who we are. It doesn't surprise me. If your question is am I surprised, no, I'm not surprised.
Look good to me. And thank you for converting to Word format.
WordPerfect is a dinosaur.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Monday, July 22, 2002 9:30 AM
To: Sales, Nathan
Cc: Willett, Don; Remington, Kristi L; Koebele, Steve
Subject: RE: Information for Senator Snow

I made some minor additional edits and just sent back to Don. See attached.

(See attached file: owen Snowe Doe3.doc) (See attached file: owen SnowRescue.doc)
CANCELLED -- the regular Mon. 4:00 call re. judges (also the regular Mon. 3:45 OLP mtg. re. judges)
Note to Owen folks: Tonight's 6:00 conf. call is, of course, still on. Same #s as before.

Thanks.

DRW
Not sure this is entirely regulatory/re the loan guarantee package --
would you like first dibs, or to come with me? Up to you!

---------------- Forwarded by Helgard C. Walker/WHO/EOP on
07/22/2002 11:03 AM ------------------------

Carlos E. Bonilla
07/22/2002 10:27:53 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: 
bcc: 
Subject: Re: american/united bailout mtg today?

Helgi. There is a meeting Tuesday at 2:00 (I believe in Larry's office,
check with Jeannie at 6-5805) with airline CEOs. They are coming in to
provide an update on the industry's finances, and (so we have been led to
believe) make the case for how bankruptcies in the industry would be the
end of western civilization as we know it. Larry has cleared with NEC
principals that our response to such a message is that we will not
intervene to support a carrier in bankruptcy, no bailouts, and that the
industry's cost structure is its primary problem and a bailout will not
solve that problem. At some point sanity must be imposed on this group,
and it may take a couple of bankruptices to do so since nothing else has
worked. For example, employee groups at United have secured 25%+ wage
increases this year, despite the carrier's having lost $2b last year (and
about a $1b so far this year).

United has been very aggressive in this regard, calling me and DOT and
letting us know that failure to get the loan guarantee they have pending
before the ATSB will lead to a bankruptcy filing and that they will do so
in Sept/Oct in order to maximize the political leverage from such a
filing. They are dropping Speaker Hastert's name in all of this, making a
case that they are too big to be allowed to go chap. 11.
To: Carlos E. Bonilla/OPD/EOP@EOP
cc: Philip J. Perry/OMB/EOP@EOP
Subject: american/united bailout mtg today?

judge mentioned this to me this am -- do you know where/when? thanks!
if one of them is, i'd be for him/her. Brad told me he isn't.
hi there! if you have a chance to sign those summaries today, I'll be eternally grateful. The Airlift Ops briefing is on Thursday and I would like to submit those summaries in time so that they do not show up 'pending' on the monthly report. It's not a necessity but, if you have the time, it would be helpful. Thanks!!
From: CN=Anne Womack/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 7/22/2002 12:23:01 PM
Subject: : can I give out the Republicans for Choice letter?

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:22-JUL-2002 16:23:01.00
SUBJECT:: can I give out the Republicans for Choice letter?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
##### End Original ARMS Header #####

REV_00097168
I need to talk to you. In an own prep session now but will be back in about an hour.

--------------
Sent from my BlackBerry Handheld.
This message is a Read Receipt Notification

Your Message: Re: FW: Tomorrow's Hearing -- Need to know immediately
Was Read By: Nancy.Scottfinan@usdoj.gov
On: Mon, 22 Jul 2002 13:12:45 -0400
From: Willett, Don <Don.Willett@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/22/2002 9:30:53 AM
Subject: Re: FW: Tomorrow's Hearing -- Need to know immediately

This message is a Read Receipt Notification

Your Message: Re: FW: Tomorrow's Hearing -- Need to know immediately
Was Read By: Don.Willett@usdoj.gov
There are two sets of info. packets from the ABA re: evaluative procedures. The faxed version (on top) came from DOJ and is a copy of their handbook--the other copy behind that packet was taken from their website today. That would appear to be the most recent version, but I provided you with both because of minor differences in language. Please let me know if you have any questions.
THANKS

Sent from my BlackBerry Handheld.
Heather --

Manny confirmed earlier today that that only 3 (maybe 4) R senators are confirmed attendees (Hatch, Sessions, McConnell, Kyl).

Bad news: Specter is a NO.

We need as many Rs there as possible (and more from Specter than a yes vote). We expect that almost all Ds will be there, so once again we expect to be out-numbered about two-to-one (or worse).

Heather, can Nick (and Brett, can the Judge) call these MIA R-side offices and lean on them HARD to show up?!?! We need them there.

DRW
Here is the bill as introduced. Not further changes have been made.

- HR 4600.pdf

Kristen Silverberg
07/22/2002 03:35:07 PM
Record Type: Record
To: Jay P. Lefkowitz/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Mark McClellan/CEA/EOP@EOP
cc: Brian C. Conklin/WHO/EOP@EOP
Subject:

Can someone send me as soon as possible the latest copy of greenwood? Our summaries don't reflect the bill as introduced. do we have a current version?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5Z7X8003_WHO.TXT_1>
To improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2002

Mr. GREENWOOD (for himself, Mr. COX, Mr. MURTHA, Mr. TOOMEY, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. LUCAS of Kentucky, Mr. PICKERING, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

1 Be it enacted by the Senate and House of Represent- 2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.
(3) Effect on Federal Spending.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) Purpose.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability in-
surance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

A health care lawsuit may be commenced no later than 3 years after the date of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years, except that in the case of an alleged injury sustained by a minor before the age of 6, a health care lawsuit may be commenced by or on behalf of the minor until the later of 3 years from the
date of injury, or the date on which the minor attains the
age of 8.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) Unlimited Amount of Damages for Actual
Economic Losses in Health Care Lawsuits.—In any
health care lawsuit, the full amount of a claimant’s eco-
nomic loss may be fully recovered without limitation.

(b) Additional Noneconomic Damages.—In any
health care lawsuit, the amount of noneconomic damages
recovered may be as much as $250,000, regardless of the
number of parties against whom the action is brought or
the number of separate claims or actions brought with re-
spect to the same occurrence.

(c) No Discount of Award for Noneconomic
Damages.—In any health care lawsuit, an award for fu-
ture noneconomic damages shall not be discounted to
present value. The jury shall not be informed about the
maximum award for noneconomic damages. An award for
noneconomic damages in excess of $250,000 shall be re-
duced either before the entry of judgment, or by amend-
ment of the judgment after entry of judgment, and such
reduction shall be made before accounting for any other
reduction in damages required by law. If separate awards
are rendered for past and future noneconomic damages
and the combined awards exceed $250,000, the future
noneconomic damages shall be reduced first.
(d) FAIR SHARE RULE.—In any health care lawsuit,
each party shall be liable for that party’s several share
of any damages only and not for the share of any other
person. Each party shall be liable only for the amount of
damages allocated to such party in direct proportion to
such party’s percentage of responsibility. A separate judg-
ment shall be rendered against each such party for the
amount allocated to such party. For purposes of this sec-
tion, the trier of fact shall determine the proportion of
responsibility of each party for the claimant’s harm.
SEC. 5. MAXIMIZING PATIENT RECOVERY.
(a) COURT SUPERVISION OF SHARE OF DAMAGES
ACTUALLY PAID TO CLAIMANTS.—In any health care law-
suit, the court shall supervise the arrangements for pay-
ment of damages to protect against conflicts of interest
that may have the effect of reducing the amount of dam-
ages awarded that are actually paid to claimants. In par-
ticular, in any health care lawsuit in which the attorney
for a party claims a financial stake in the outcome by vir-
tue of a contingent fee, the court shall have the power
to restrict the payment of a claimant’s damage recovery
to such attorney, and to redirect such damages to the
claimant based upon the interests of justice and principles
of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33 1/3 percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to
such collateral source benefits. No provider of collateral
source benefits shall recover any amount against the
claimant or receive any lien or credit against the claim-
ant’s recovery or be equitably or legally subrogated to the
right of the claimant in a health care lawsuit. This section
shall apply to any health care lawsuit that is settled as
well as a health care lawsuit that is resolved by a fact
finder.

SEC. 7. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if other-
wise permitted by applicable State or Federal law, be
awarded against any person in a health care lawsuit only
if it is proven by clear and convincing evidence that such
person acted with malicious intent to injure the claimant,
or that such person deliberately failed to avoid unneces-
sary injury that such person knew the claimant was sub-
stantially certain to suffer. In any health care lawsuit
where no judgment for compensatory damages is rendered
against such person, no punitive damages may be awarded
with respect to the claim in such lawsuit. No demand for
punitive damages shall be included in a health care lawsuit
as initially filed. A court may allow a claimant to file an
amended pleading for punitive damages only upon a mo-
tion by the claimant and after a finding by the court, upon
review of supporting and opposing affidavits or after a
hearing, after weighing the evidence, that the claimant has
established by a substantial probability that the claimant
will prevail on the claim for punitive damages. At the re-
quest of any party in a health care lawsuit, the trier of
fact shall consider in a separate proceeding—

(1) whether punitive damages are to be award-
ed and the amount of such award; and

(2) the amount of punitive damages following a
determination of punitive liability.

If a separate proceeding is requested, evidence relevant
only to the claim for punitive damages, as determined by
applicable State law, shall be inadmissible in any pro-
ceeding to determine whether compensatory damages are
to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAM-
AGES.—

(1) FACTORS CONSIDERED.—In determining
the amount of punitive damages, the trier of fact
shall consider only the following:

(A) the severity of the harm caused by the
conduct of such party;

(B) the duration of the conduct or any
concealment of it by such party;

(C) the profitability of the conduct to such
party;
(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) Maximum Award.—The amount of punitive damages awarded in a health care lawsuit may be up to as much as two times the amount of economic damages awarded or $250,000, whichever is greater. The jury shall not be informed of this limitation.

(c) No Civil Monetary Penalties for Products That Comply With FDA Standards.—

(1) In General.—No punitive damages may be awarded against the manufacturer or distributor of a medical product based on a claim that such product caused the claimant’s harm where—

(A)(i) such medical product was subject to premarket approval or clearance by the Food and Drug Administration with respect to the
safety of the formulation or performance of the
aspect of such medical product which caused
the claimant’s harm or the adequacy of the
packaging or labeling of such medical product;
and
(ii) such medical product was so approved
or cleared; or

(B) such medical product is generally rec-
ognized among qualified experts as safe and ef-
efective pursuant to conditions established by the
Food and Drug Administration and applicable
Food and Drug Administration regulations, in-
cluding without limitation those related to pack-
aging and labeling.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—
A health care provider who prescribes a drug or de-
vice (including blood products) approved by the
Food and Drug Administration shall not be named
as a party to a product liability lawsuit involving
such drug or device and shall not be liable to a
claimant in a class action lawsuit against the manu-
facturer, distributor, or product seller of such drug
or device.

(3) PACKAGING.—In a health care lawsuit for
harm which is alleged to relate to the adequacy of
the packaging or labeling of a drug which is required
to have tamper-resistant packaging under regulations of the Secretary of Health and Human Serv-
ices (including labeling regulations related to such
packaging), the manufacturer or product seller of
the drug shall not be held liable for punitive dam-
ages unless such packaging or labeling is found by
the trier of fact by clear and convincing evidence to
be substantially out of compliance with such regu-
lations.

(4) EXCEPTION.—Paragraph (1) shall not
apply in any health care lawsuit in which—

(A) a person, before or after premarket ap-
proval or clearance of such medical product,
knowingly misrepresented to or withheld from
the Food and Drug Administration information
that is required to be submitted under the Fed-
eral Food, Drug, and Cosmetic Act (21 U.S.C.
301 et seq.) or section 351 of the Public Health
Service Act (42 U.S.C. 262) that is material
and is causally related to the harm which the
claimant allegedly suffered; or

(B) a person made an illegal payment to
an official of the Food and Drug Administra-
tion for the purpose of either securing or main-
taining approval or clearance of such medical product.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a man-
ner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term "claimant" means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term "collateral source benefits" means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;
(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term “compensatory damages” includes economic damages and non-
economic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier,
marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(8) HEALTH CARE LIABILITY ACTION.—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-
claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) Health care organization.—The term “health care organization” means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) Health care provider.—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) Health care goods or services.—The term “health care goods or services” means any goods or services provided by a health care organization, provider, or by any individual working under
the supervision of a health care provider, that relates
to the diagnosis, prevention, or treatment of any
human disease or impairment, or the assessment of
the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The
term “malicious intent to injure” means inten-
tionally causing or attempting to cause physical in-
jury other than providing health care goods or serv-
ices.

(14) MEDICAL PRODUCT.—The term “medical
product” means a drug or device intended for hu-
mans, and the terms “drug” and “device” have the
meanings given such terms in sections 201(g)(1) and
201(h) of the Federal Food, Drug and Cosmetic Act
(21 U.S.C. 321), respectively, including any compo-
nent or raw material used therein, but excluding
health care services.

(15) NONECONOMIC DAMAGES.—The term
“noneconomic damages” means damages for phys-
ical and emotional pain, suffering, inconvenience,
physical impairment, mental anguish, disfigurement,
loss of enjoyment of life, loss of society and compan-
ionship, loss of consortium (other than loss of do-
mestic service), hedonic damages, injury to reputa-
tion, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.
SEC. 10. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this Act does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this Act in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this Act or otherwise applicable law (as determined under this Act) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this Act shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 11. STATE FLEXIBILITY AND PROTECTION OF STATES’ RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this Act preempt,
subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act. The provisions governing health care lawsuits set forth in this Act supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this Act; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES’ RIGHTS.—Any issue that is not governed by any provision of law established by or under this Act (including State standards of negligence) shall be governed by otherwise applicable State or Federal law. This Act does not preempt or supersede any law that imposes greater protections (such as a shorter statute of limitations) for health care providers and health care organizations from liability, loss, or damages than those provided by this Act.
(c) STATE FLEXIBILITY.—No provision of this Act shall be construed to preempt—

(1) any State statutory limit (whether enacted before, on, or after the date of the enactment of this Act) on the amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, whether or not such State limit permits the recovery of a specific dollar amount of damages that is greater or lesser than is provided for under this Act, notwithstanding section 4(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 12. APPLICABILITY; EFFECTIVE DATE.

This Act shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.
Here is the bill as introduced. Not further changes have been made.

- HR 4600.pdf
To improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2002

Mr. Greenwood (for himself, Mr. Cox, Mr. Murtha, Mr. Toomey, Mr. Moran of Virginia, Mr. Peterson of Minnesota, Mr. Stenholm, Mr. Lucas of Kentucky, Mr. Pickering, and Mr. Weldon of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) Effect on health care access and costs.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) Effect on interstate commerce.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.
(3) **Effect on Federal Spending.**—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) **Purpose.**—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability in-
surance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

A health care lawsuit may be commenced no later than 3 years after the date of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years, except that in the case of an alleged injury sustained by a minor before the age of 6, a health care lawsuit may be commenced by or on behalf of the minor until the later of 3 years from the
date of injury, or the date on which the minor attains the
age of 8.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL
ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any
health care lawsuit, the full amount of a claimant’s eco-
nomic loss may be fully recovered without limitation.

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any
health care lawsuit, the amount of noneconomic damages
recovered may be as much as $250,000, regardless of the
number of parties against whom the action is brought or
the number of separate claims or actions brought with re-
spect to the same occurrence.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC
DAMAGES.—In any health care lawsuit, an award for fu-
ture noneconomic damages shall not be discounted to
present value. The jury shall not be informed about the
maximum award for noneconomic damages. An award for
noneconomic damages in excess of $250,000 shall be re-
duced either before the entry of judgment, or by amend-
ment of the judgment after entry of judgment, and such
reduction shall be made before accounting for any other
reduction in damages required by law. If separate awards
are rendered for past and future noneconomic damages

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and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) Fair Share Rule.—In any health care lawsuit, each party shall be liable for that party’s several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party’s percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant’s harm.

SEC. 5. MAXIMIZING PATIENT RECOVERY.

(a) Court Supervision of Share of Damages Actually Paid to Claimants.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant’s damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles
of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33\(\frac{1}{3}\) percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to
such collateral source benefits. No provider of collateral
source benefits shall recover any amount against the
claimant or receive any lien or credit against the claim-
ant’s recovery or be equitably or legally subrogated to the
right of the claimant in a health care lawsuit. This section
shall apply to any health care lawsuit that is settled as
well as a health care lawsuit that is resolved by a fact
finder.

SEC. 7. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if other-
wise permitted by applicable State or Federal law, be
awarded against any person in a health care lawsuit only
if it is proven by clear and convincing evidence that such
person acted with malicious intent to injure the claimant,
or that such person deliberately failed to avoid unneces-
sary injury that such person knew the claimant was sub-
stantially certain to suffer. In any health care lawsuit
where no judgment for compensatory damages is rendered
against such person, no punitive damages may be awarded
with respect to the claim in such lawsuit. No demand for
punitive damages shall be included in a health care lawsuit
as initially filed. A court may allow a claimant to file an
amended pleading for punitive damages only upon a mo-
tion by the claimant and after a finding by the court, upon
review of supporting and opposing affidavits or after a
hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;
(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may be up to as much as two times the amount of economic damages awarded or $250,000, whichever is greater. The jury shall not be informed of this limitation.

(c) NO CIVIL MONETARY PENALTIES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—No punitive damages may be awarded against the manufacturer or distributor of a medical product based on a claim that such product caused the claimant’s harm where—

(A)(i) such medical product was subject to premarket approval or clearance by the Food and Drug Administration with respect to the
safety of the formulation or performance of the aspect of such medical product which caused the claimant’s harm or the adequacy of the packaging or labeling of such medical product; and

(ii) such medical product was so approved or cleared; or

(B) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes a drug or device (including blood products) approved by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such drug or device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug or device.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of

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the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval or clearance of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered; or

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or main-
taining approval or clearance of such medical product.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a man-
other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term "claimant" means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term "collateral source benefits" means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;
(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term “compensatory damages” includes economic damages and non-
economic damages, as such terms are defined in this
section.

(5) Contingent Fee.—The term “contingent
fee” includes all compensation to any person or per-
sons which is payable only if a recovery is effected
on behalf of one or more claimants.

(6) Economic Damages.—The term “economic
damages” means objectively verifiable monetary
losses incurred as a result of the provision of, use
of, or payment for (or failure to provide, use, or pay
for) health care services or medical products, such as
past and future medical expenses, loss of past and
future earnings, cost of obtaining domestic services,
loss of employment, and loss of business or employ-
ment opportunities.

(7) Health Care Lawsuit.—The term
“health care lawsuit” means any health care liability
claim concerning the provision of health care goods
or services affecting interstate commerce, or any
health care liability action concerning the provision
of health care goods or services affecting interstate
commerce, brought in a State or Federal court or
pursuant to an alternative dispute resolution system,
against a health care provider, a health care organi-
zation, or the manufacturer, distributor, supplier,
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doe marketer, promoter, or seller of a medical product,
regardless of the theory of liability on which the
claim is based, or the number of claimants, plain-
tiffs, defendants, or other parties, or the number of
claims or causes of action, in which the claimant al-
leges a health care liability claim.

(8) HEALTH CARE LIABILITY ACTION.—The
term “health care liability action” means a civil ac-
tion brought in a State or Federal Court or pursu-
ant to an alternative dispute resolution system,
against a health care provider, a health care organi-
ization, or the manufacturer, distributor, supplier,
marketer, promoter, or seller of a medical product,
regardless of the theory of liability on which the
claim is based, or the number of plaintiffs, defend-
ants, or other parties, or the number of causes of ac-
tion, in which the claimant alleges a health care li-
ability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The
term “health care liability claim” means a demand
by any person, whether or not pursuant to ADR,
against a health care provider, health care organiza-
tion, or the manufacturer, distributor, supplier, mar-
keter, promoter, or seller of a medical product, in-
cluding, but not limited to, third-party claims, cross-
claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) **HEALTH CARE ORGANIZATION.**—The term “health care organization” means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) **HEALTH CARE PROVIDER.**—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care organization, provider, or by any individual working under
the supervision of a health care provider, that relates
to the diagnosis, prevention, or treatment of any
human disease or impairment, or the assessment of
the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The
term “malicious intent to injure” means inten-
tionally causing or attempting to cause physical in-
jury other than providing health care goods or serv-
ices.

(14) MEDICAL PRODUCT.—The term “medical
product” means a drug or device intended for hu-
mans, and the terms “drug” and “device” have the
meanings given such terms in sections 201(g)(1) and
201(h) of the Federal Food, Drug and Cosmetic Act
(21 U.S.C. 321), respectively, including any compo-
ment or raw material used therein, but excluding
health care services.

(15) NONECONOMIC DAMAGES.—The term
“noneconomic damages” means damages for phys-
ical and emotional pain, suffering, inconvenience,
physical impairment, mental anguish, disfigurement,
loss of enjoyment of life, loss of society and compan-
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mestic service), hedonic damages, injury to reputa-
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(B) any rule of law prescribed by this Act in conflict with a rule of law of such title XXI shall not apply to such action.

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(1) any State statutory limit (whether enacted before, on, or after the date of the enactment of this Act) on the amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, whether or not such State limit permits the recovery of a specific dollar amount of damages that is greater or lesser than is provided for under this Act, notwithstanding section 4(a); or

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This Act shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.
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Kristen Silverberg
07/22/2002 03:35:07 PM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Mark McClellan/CEA/EOP@EOP
cc: Brian C. Conklin/WHO/EOP@EOP
Subject:
Can someone send me as soon as possible the latest copy of greenwood? Our summaries don't reflect the bill as introduced. do we have a current version?

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_5Z7X8003_CEA.TXT_1>
To improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2002

Mr. GREENWOOD (for himself, Mr. COX, Mr. MURTHA, Mr. TOOMEY, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. LUCAS of Kentucky, Mr. PICKERING, and Mr. WELDON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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1 Be it enacted by the Senate and House of Representa-

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(a) FINDINGS.—

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(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.
Effect on Federal Spending.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

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Purpose.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of “defensive medicine” and lower the cost of health care liability in-
surance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

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A health care lawsuit may be commenced no later than 3 years after the date of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years, except that in the case of an alleged injury sustained by a minor before the age of 6, a health care lawsuit may be commenced by or on behalf of the minor until the later of 3 years from the
date of injury, or the date on which the minor attains the age of 8.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, the full amount of a claimant’s economic loss may be fully recovered without limitation.

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages recovered may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit, an award for future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages
and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party’s several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party’s percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant’s harm.

SEC. 5. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant’s damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles
of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33 1/3 percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to
such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant’s recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder.

SEC. 7. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a
hearing, after weighing the evidence, that the claimant has
established by a substantial probability that the claimant
will prevail on the claim for punitive damages. At the re-
quest of any party in a health care lawsuit, the trier of
fact shall consider in a separate proceeding—
(1) whether punitive damages are to be award-
ed and the amount of such award; and
(2) the amount of punitive damages following a
determination of punitive liability.
If a separate proceeding is requested, evidence relevant
only to the claim for punitive damages, as determined by
applicable State law, shall be inadmissible in any pro-
ceeding to determine whether compensatory damages are
to be awarded.
(b) DETERMINING AMOUNT OF PUNITIVE DAM-
AGES.—
(1) FACTORS CONSIDERED.—In determining
the amount of punitive damages, the trier of fact
shall consider only the following:
(A) the severity of the harm caused by the
conduct of such party;
(B) the duration of the conduct or any
concealment of it by such party;
(C) the profitability of the conduct to such
party;
(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) **MAXIMUM AWARD.**—The amount of punitive damages awarded in a health care lawsuit may be up to as much as two times the amount of economic damages awarded or $250,000, whichever is greater. The jury shall not be informed of this limitation.

(c) **NO CIVIL MONETARY PENALTIES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.**—

(1) **IN GENERAL.**—No punitive damages may be awarded against the manufacturer or distributor of a medical product based on a claim that such product caused the claimant’s harm where—

(A)(i) such medical product was subject to premarket approval or clearance by the Food and Drug Administration with respect to the
safety of the formulation or performance of the aspect of such medical product which caused the claimant’s harm or the adequacy of the packaging or labeling of such medical product; and

(ii) such medical product was so approved or cleared; or

(B) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling.

(2) LIABILITY OF HEALTH CARE PROVIDERS.— A health care provider who prescribes a drug or device (including blood products) approved by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such drug or device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug or device.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of
the packaging or labeling of a drug which is required
to have tamper-resistant packaging under regula-
tions of the Secretary of Health and Human Serv-
ices (including labeling regulations related to such
packaging), the manufacturer or product seller of
the drug shall not be held liable for punitive dam-
ages unless such packaging or labeling is found by
the trier of fact by clear and convincing evidence to
be substantially out of compliance with such regula-
tions.

(4) EXCEPTION.—Paragraph (1) shall not
apply in any health care lawsuit in which—

(A) a person, before or after premarket ap-
proval or clearance of such medical product,
knowingly misrepresented to or withheld from
the Food and Drug Administration information
that is required to be submitted under the Fed-
eral Food, Drug, and Cosmetic Act (21 U.S.C.
301 et seq.) or section 351 of the Public Health
Service Act (42 U.S.C. 262) that is material
and is causally related to the harm which the
claimant allegedly suffered; or

(B) a person made an illegal payment to
an official of the Food and Drug Administra-
tion for the purpose of either securing or main-
taining approval or clearance of such medical product.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a man-
(2) CLAIMANT.—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;
(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term “compensatory damages” includes economic damages and non-
economic damages, as such terms are defined in this section.

(5) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier,
marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(8) Health care liability action.—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) Health care liability claim.—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-
claims, counter-claims, or contribution claims, which
are based upon the provision of, use of, or payment
for (or the failure to provide, use, or pay for) health
care services or medical products, regardless of the
theory of liability on which the claim is based, or the
number of plaintiffs, defendants, or other parties, or
the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term
“health care organization” means any person or en-
tity which is obligated to provide or pay for health
benefits under any health plan, including any person
or entity acting under a contract or arrangement
with a health care organization to provide or admin-
ister any health benefit.

(11) HEALTH CARE PROVIDER.—The term
“health care provider” means any person or entity
required by State or Federal laws or regulations to
be licensed, registered, or certified to provide health
care services, and being either so licensed, reg-
istered, or certified, or exempted from such require-
ment by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The
term “health care goods or services” means any
goods or services provided by a health care organiza-
tion, provider, or by any individual working under
the supervision of a health care provider, that relates
to the diagnosis, prevention, or treatment of any
human disease or impairment, or the assessment of
the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The
term “malicious intent to injure” means inten-
tionally causing or attempting to cause physical in-
jury other than providing health care goods or serv-
ices.

(14) MEDICAL PRODUCT.—The term “medical
product” means a drug or device intended for hu-
mans, and the terms “drug” and “device” have the
meanings given such terms in sections 201(g)(1) and
201(h) of the Federal Food, Drug and Cosmetic Act
(21 U.S.C. 321), respectively, including any compo-
nent or raw material used therein, but excluding
health care services.

(15) NONECONOMIC DAMAGES.—The term
“noneconomic damages” means damages for phys-
ical and emotional pain, suffering, inconvenience,
physical impairment, mental anguish, disfigurement,
loss of enjoyment of life, loss of society and compan-
ionship, loss of consortium (other than loss of do-
mestic service), hedonic damages, injury to reputa-
tion, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.
SEC. 10. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this Act does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this Act in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this Act or otherwise applicable law (as determined under this Act) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this Act shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 11. STATE FLEXIBILITY AND PROTECTION OF STATES’ RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this Act preempt,
subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act. The provisions governing health care lawsuits set forth in this Act supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this Act; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES’ RIGHTS.—Any issue that is not governed by any provision of law established by or under this Act (including State standards of negligence) shall be governed by otherwise applicable State or Federal law. This Act does not preempt or supersede any law that imposes greater protections (such as a shorter statute of limitations) for health care providers and health care organizations from liability, loss, or damages than those provided by this Act.
(c) STATE FLEXIBILITY.—No provision of this Act shall be construed to preempt—

(1) any State statutory limit (whether enacted before, on, or after the date of the enactment of this Act) on the amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, whether or not such State limit permits the recovery of a specific dollar amount of damages that is greater or lesser than is provided for under this Act, notwithstanding section 4(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 12. APPLICABILITY; EFFECTIVE DATE.

This Act shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.
Can you send me all 4 reports in a single e-mail. The I can forward to a lot of folks. Thanks

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Sent from my BlackBerry Handheld.
Brett -- Following up on the Ford v Miles case, attached is a breakdown of cases and the length of wait at the Supreme Court of Texas (far right hand column provides the number of days). Ford Motor v. Mile is 173rd longest time on the Court.

Thank you, Steve.

- Ford v. Miles-Other Case Wait-Rev.xls
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_I2LX8003_WHO.TXT_1.xlw>
Document Produced Natively
Manny's suggestion panned out and the Hill Op-ed will run on National Review Online tomorrow.

sent Charles Lane an email this afternoon with the phone numbers for Hill and Gonzales, the letter from the D who worked for Ann Richards and offering any additional help. haven't heard from him again.
yes. he's had that since friday.
Brett,

have you had a chance to review the Med Mal speech? It is due at 6 pm. If you are on the Hill and you want me to email it to you, let me know.

Patrick
Sent from my BlackBerry Handheld.
DoJ should provide tonight.

Brett M. Kavanaugh
07/22/2002 06:46:39 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: 
Subject: Re: Charles Lane w/WP and others

Should you take statement up tonight or should doj. Please reply asap.

--------------
Sent from my BlackBerry Handheld.
I will be away from my desk til 9, Alex will hold the fort until then. His extension is 4-4410. Mine is 8-3462. If you have any questions. Also, I have copied Steve, Nathan and Don at DOJ.

Sent: 7/22/2002 3:00:51 PM

Subject: Tonight
Should you take statement up tonight or should doj. Please reply asap.

--------------
Sent from my BlackBerry Handheld.
just tried to call you back.
She's flying in on the earliest flight tomorrow. It doesn't get her to dc until 10:30 or so. She has already spoken to feinstein about it. As soon as she gets to the hearing, feinstein is going to allow her to speak. It irritates me but kbh talked to owen about it.

----- Original Message -----
From: Brett M. Kavanaugh/WHO/EOP
To: Heather Wingate/WHO/EOP@EOP
Cc:
Date: 07/22/2002 08:57:24 PM
Subject: Re:

Why will KBH not be there at the start? People are complaining.

--------------
Sent from my BlackBerry Handheld.
Should Harriet be at the hearing tomorrow morning (it starts at 10)? Heather thinks it a good idea, and others raised it tonight because the Texas crowd that will be in physical attendance at the hearing will be a little thin.
I think that is a great idea!

----- Original Message ----- 
From:Brett M. Kavanaugh/WHO/EOP
To:Heather Wingate/WHO/EOP@EOP
Cc: 
Date: 07/22/2002 08:57:16 PM
Subject: R

Should harriet be at the hearing?

--------------
Sent from my BlackBerry Handheld.
Thx. Don can you loop in with Joe and make sure her statement is solid?

Thx

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett M. Kavanaugh@who.eop.gov>
To: Willett, Don <Don.Willett@USDOJ.gov>; Dinh, Viet <Viet.Dinh@USDOJ.gov>
Sent: Mon Jul 22 21:40:41 2002
Subject: Re:

fyi

-------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 07/22/2002 09:40 PM --------------------

Heather Wingate
07/22/2002 09:39:46 PM

Record Type: Record

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

cc:

Subject: Re:

She's flying in on the earliest flight tomorrow. It doesn't get her to DC until 10:30 or so. She has already spoken to Feinstein about it. As soon as she gets to the hearing, Feinstein is going to allow her to speak. It irritates me but KBH talked to Owen about it.

...

----- Original Message ----- 
From: Brett M. Kavanaugh/WHO/EOP
To: Heather Wingate/WHO/EOP@EOP
Cc: Date: 07/22/2002 08:57:24 PM
Subject: Re:

Why will KBH not be there at the start? People are complaining.
Sent from my BlackBerry Handheld.
not until we have the final.

Anne Womack
07/22/2002 04:22:59 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: can I give out the Republicans for Choice letter?
been at DOJ all day and just got back; how about Tuesday?

Kimberly A. Douglass 07/22/2002 11:21:32 AM

Record Type: Record

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

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

Subject: trip summaries

hi there! if you have a chance to sign those summaries today, I'll be eternally grateful. The Airlift Ops briefing is on Thursday and I would like to submit those summaries in time so that they do not show up 'pending' on the monthly report. It's not a necessity but, if you have the time, it would be helpful. Thanks!!
ok, that was who I was wondering about.

Philip J. Perry
07/22/2002 11:11:06 AM
Record Type: Record

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

if one of them is, i'd be for him/her. Brad told me he isn't.

Brett M. Kavanaugh
07/22/2002 11:06:22 AM
Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP
cc:
Subject: Re: Monday meeting

Ok. I thought one of them might be

--------------
Sent from my BlackBerry Handheld.
Did you ever hear from Lezlee?
they are on charlotte's chair.
many many thanks!!!!

Brett M. Kavanaugh
07/22/2002 11:18:41 PM
Record Type: Record

To: Kimberly A. Douglass/WHO/EOP@EOP, Charlotte L. Montiel/WHO/EOP@EOP
cc:
Subject: I FINISHED THE TRIP SUMMARIES

they are on charlotte's chair.
I just wanted to see if you all think you will be able to attend this meeting today. Jay is not sure he wants to do it without one or all of you. Thanks.

---------------------- Forwarded by Lauren J. Vestewig/OPD/EOP on 07/23/2002 08:46 AM ---------------------------

Lauren J. Vestewig
07/19/2002 04:21:32 PM
Record Type: Record
To: Heather Wingate/WHO/EOP@EOP, Brian C. Conklin/WHO/EOP@EOP, Robert Marsh/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Jay P. Lefkowitz/OPD/EOP@EOP
Subject: Meeting with John Schmitz re. Burton language in Homeland bill and tort reform

This meeting is scheduled for 5:00 on Tuesday in Jay's office. Jim Wootton, along with Gerald Musarra of Lockheed Martin, will be there. Robert Delahunty, Ed McNally's deputy, will also attend. FYI, here is the meeting request:

"John Schmitz and Jim Wootton (President, U.S. Chamber Institute for Legal Reform), and Gerald Musarra (Lockheed Martin) would like to meet with Jay Lefkowitz to discuss the Burton language on Indemnification -- the tort reform aspects of it -- as part of the Homeland Security bill."

Thanks.
No

Sent from my BlackBerry Handheld.
Brett -- consider it done. Thank you, Steve.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
To: Koebele, Steve <Steve.Koebele@usdoj.gov>
CC: Willett, Don <Don.Willett@usdoj.gov>
Sent: Mon Jul 22 22:42:06 2002
Subject: Krishnan and related case

Per discussion today, we need to make sure these cases get to Committee in
morning, esp Hatch and Feinstein. Steve: can you e-mail to Manny and ask him to
get them to Hatch and Feinstein?
great.
lots of supporters in the room?
We will meet you out on east executive at 9:15 -- few minutes before.

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Sent from my BlackBerry Handheld.
We will leave at 9:15 from EAST Executive. We will meet you on East Exec if ok with you.

Sent from my BlackBerry Handheld.

----- Original Message ----- 
From: Harriet Miers/WHO/EOP
To: Brett_M._Kavanaugh@who.eop.gov
Cc: 
Date: 07/23/2002 07:18:48 AM
Subject: Re:

That would be great. Where should I meet you. I am not sure I would attend the hearing in its entirety but I would love to see the start at least.
believe so, yes

Anne Womack
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: DOJ binder on Owen part 1

did all of this just go to the Committee yesterday?
Leahy just said he gave heads up to WHITE HOUSE a week ago of cases he would be asking about. Heather and I have never heard of this. Please reply ASAP.

Sent from my BlackBerry Handheld.
looks fine.
did the Judge and Tim sign off on this? can Ari say something similar if asked?
Neither ARG or Tim has ever heard of this.

Brett M. Kavanaugh
07/23/2002 11:57:25 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett_M_Kavanaugh@who.eop.gov
cc: AGonzalez@who.eop.gov, Timothy E. Flanigan/WHO/EOP@EOP
Subject: IMPORTANT

Leahy just said he gave heads up TO WHITE HUSE a week ago of cases he would be asking about. Heather and I have never heard of this. Please reply ASAP.

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Sent from my BlackBerry Handheld.
Yes they signed off.

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Sent from my BlackBerry Handheld.
I have regretted this request but wanted to double check with you. Ethan Allen is celebrating their 70th anniversary. They want a video which I said we can't do for legal reasons. OK?
Did DeWine ever call Judge Gonzales back?
I can attend.

------------------
Sent from my BlackBerry Handheld.
We'll check.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett M. Kavanaugh@who.eop.gov>
To: Sales, Nathan <Nathan.Sales@USDOJ.gov>
CC: Willett, Don <Don.Willett@USDOJ.gov>; Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>
Sent: Tue Jul 23 00:09:28 2002
Subject: Re: Fifth Circuit Stats

this is great although it does not cover comparative reversal rates for last 5 years; any OLP resources that can dig those stats up Tuesday morning?
Note that I think the first edition of the Harvard Law Review each year has stats summarizing the previous Term that may include these kinds of stats.
Per this morning's meeting, here's a one-pager on 5th Cir. stats.
Brett:
Here are the planes that we are considering for Karl for his trip next
week to Indiana - please advise?

Craig Kunkle <ckunkle@indgop.org>
07/22/2002 07:17:49 PM
Record Type: Record

To: Andrew W. McGarrity/WHO/EOP
cc:
Subject: FW: Planes for Rove event

Andrew: As I mentioned on the phone, we have two options that we are
looking. In each case, Chairman Kittle has a commitment for $10K of
plane time to be donated to the state party as an in-kind contribution.
We usually only pay for fuel and the pilots. Chairman Kittle wants to
call each FBO operator tomorrow to make sure we get the best deal and
thinks he can talk them into donating even more for this special
occasion.

1. FBO Operator/Company: First Wing Management
   Contact: Matt Hagen
   Approx. Cost: $7,000 with $6K In-Kind
   Type of plane: Commander on hold for us
   Ownership of plane: First Wing --- they have planes for
timeshare
2. FBO Operator/Company: Indianapolis Aviation
   Contact: Tom Auda
   Approx. Cost: $7,000 with $6K In-Kind
   Type of plane: Commander or King Air
   Ownership of plane: Indianapolis Aviation - time share also

Thanks,
Craig
Chat with friends online, try MSN Messenger: http://messenger.msn.com
can you remind me what passed when and by what margins?
She is GREAT

--------------
Sent from my BlackBerry Handheld.
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [ WHO ]

Subject: : Fox News Ch 63 will cover Owen hearing in just a minute

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
SUBJECT:: Fox News Ch 63 will cover Owen hearing in just a minute
TO: James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Rachel L. Brand (CN=Rachel L. Brand/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN
TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ: UNKNOWN
### End Original ARMS Header ###
Feinsteins second question was a lengthy quote from args opinion in doe.

-------------
Sent from my BlackBerry Handheld.
how is it going?
From: CN=Leslie A. Mooney/OU=OPD/O=EOP [ OPD ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: can you do a 3:30 airline insurance conference call today?
Clifton.

-------------
Sent from my BlackBerry Handheld.
Leahy just said he gave heads up TO WHITE HOUSE a week ago of cases he would be asking about. Heather and I have never heard of this. Please reply ASAP.

--------------
Sent from my BlackBerry Handheld.
We figured out what he was referring to. Thx.

Sent from my BlackBerry Handheld.
FYI in case you need to know - no one here knew anything about this either.

Brett M. Kavanaugh
07/23/2002 11:57:25 AM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Brett_M_Kavanaugh@who.eop.gov
cc: AGonzale@who.eop.gov, Timothy E. Flanigan/WHO/EOP@EOP
Subject: IMPORTANT

Leahy just said he gave heads up TO WHITE HOUSE a week ago of cases he would be asking about. Heather and I have never heard of this. Please reply ASAP.

Sent from my BlackBerry Handheld.
In kbh's office.

Sent from my BlackBerry Handheld.
Break for lunch. She is doing well.
There will be an Airline Insurance Conference Call today at 3:30 pm.

Call-in #: 456-2565
Pass code is 6930

Thanks,
Leslie
will do

Brett M. Kavanaugh
07/23/2002 01:42:32 PM
Record Type: Record

To: Leslie A. Mooney/OPD/EOP
cc:
Subject: Re: Airline Insurance Conference Call

Our e mails crossed. Tell marc I will catch up with him tonight whe I get back from hill

--------------
Sent from my BlackBerry Handheld.
Hill Op-Ed
---------------------- Forwarded by Anne Womack/WHO/EOP on 07/23/2002 01:56 PM ---------------------------

Kathryn Jean Lopez <klopez@nationalreview.com>
07/23/2002 01:26:25 PM
Record Type: Record

To: Anne Womack/WHO/EOP@EOP
cc:
Subject: FYI

http://www.nationalreview.com/comment/comment-hill072302.asp

Kathryn Jean Lopez
Executive Editor, National Review Online www.nationalreview.com
Associate Editor, National Review
215 Lexington Avenue
4th Floor
NY, NY 10016
how much longer do you think the hearing will go? Post writing tomorrow? does he need anything else?

Sent: 7/29/2002 9:45:32 AM
Subject: : name change

# Begin Original ARMS Header #
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-JUL-2002 13:45:32.00
SUBJECT:: name change
TO: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
BCC: Keith R. Brancato (CN=Keith R. Brancato/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP [UNKNOWN])
READ: UNKNOWN
BCC: Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP [UNKNOWN])
READ: UNKNOWN

REV_00097812
I finally managed to fill out the forms. You will find me in the system as Katherine M. Walters. Thanks

Katherine_M._Walters@who.eop.gov
Subject: name change

Sent: 7/29/2002 9:45:32 AM

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-JUL-2002 13:45:32.00
SUBJECT: name change
TO: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Keith R. Brancato (CN=Keith R. Brancato/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Terry C. Miller (CN=Terry C. Miller/OU=WHO/O=EOP [UNKNOWN])
READ: UNKNOWN
BCC: Traci R. Campbell (CN=Traci R. Campbell/OU=WHO/O=EOP [UNKNOWN])
READ: UNKNOWN

### End Original ARMS Header ###
I finally managed to fill out the forms. You will find me in the system as Katherine M. Walters. Thanks.

Katherine_M._Walters@who.eop.gov
BCC: Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Katherine M. Prendergast (CN=Katherine M. Prendergast/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Dina Powell (CN=Dina Powell/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Leslie A. Mooney (CN=Leslie A. Mooney/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC: Jennifer A. Minton (CN=Jennifer A. Minton/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Jennifer Millerwise (CN=Jennifer Millerwise/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC: Andrew W. McGarrity (CN=Andrew W. McGarrity/OU=WHO/O=EOP [WHO])
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BCC: Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP [OVP])
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BCC: Jeanie S. Mamo (CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO])
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BCC: Jose Mallea (CN=Jose Mallea/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Ginger G. Loper (CN=Ginger G. Loper/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
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BCC: Kenneth A. Lisaius (CN=Kenneth A. Lisaius/OU=WHO/O=EOP [WHO])
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BCC: Stephanie E. Linder (CN=Stephanie E. Linder/OU=WHO/O=EOP [WHO])
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BCC: Laura S. Lawlor (CN=Laura S. Lawlor/OU=WHO/O=EOP [WHO])
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BCC: Stephanie A. Lautenbacher (CN=Stephanie A. Lautenbacher/OU=WHO/O=EOP [WHO])
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BCC: David W. Langdon (CN=David W. Langdon/OU=WHO/O=EOP [WHO])
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BCC: Adam L. Dontz (CN=Adam L. Dontz/OU=WHO/O=EOP [WHO])
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BCC: Cabell R. Hobbs (CN=Cabell R. Hobbs/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Amanda K. Burdick (CN=Amanda K. Burdick/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Lindley Kratovil (CN=Lindley Kratovil/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC: Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC: Eric B. Kjellander (CN=Eric B. Kjellander/OU=WHO/O=EOP [OMB])
READ:UNKNOWN
BCC: Karen E. Keller (CN=Karen E. Keller/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
BCC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Megan R. Johnston (CN=Megan R. Johnston/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Gordon D. Johndroe (CN=Gordon D. Johndroe/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
I finally managed to fill out the forms. You will find me in the system as Katherine M. Walters. thanks

Katherine_M_Walters@who.eop.gov
Subject: Before there was OSI...
OSI Presents
The White House's Own
Tevi Troy
to discuss the history of intellectuals in the White House
Wednesday, August 7
2:00pm
Room 308, EEOB
rsvp today by e-mail
From: CN=Barry S. Jackson/OU=WHO/O=EOP [ WHO ]

Before there was OSI...
OSI Presents
The White House's Own
Tevi Troy
to discuss the history of intellectuals in the White House
Wednesday, August 7
2:00pm
Room 308, EEOB
rsvp today by e-mail
I suggest that we send him a copy of the letter we are drafting from Mitch (or a similar letter) in response to Sen. Lieberman's questions -- they are virtually the same.

Danielle M. Simonetta  
08/13/2002 01:40:30 PM  
Record Type: Record  
To: See the distribution list at the bottom of this message  
cc:  
Subject: Indemnification  

Ok- no briefing.. Kevin was not happy, but seemed to understand. Here are some questions that he has that are more fact oriented. Can you all take a look at these and see if we can give him some answers? Thanks, Danielle  

---------------------- Forwarded by Danielle M. Simonetta/OMB/EOP on 08/13/2002 01:38 PM ---------------------------  
"Binger, Kevin" <Kevin.Binger@mail.house.gov>  
08/13/2002 01:36:48 PM  
Record Type: Record  
To: Danielle M. Simonetta/OMB/EOP@EOP  
cc:  
Subject: Indemnification  

Here are some of the fairly straightforward factual questions that I had:  
1. Are there any noteworthy examples in which indemnification was provided
2. Does anyone have a good understanding as to how PL 85-804 authorizes indemnification when the text doesn't mention indemnification?

3. Is it correct that the Price-Anderson Act has separate indemnification provisions for nuclear facilities and DOE contractors? How does each one work? Where are these provisions located in the code? Can anyone provide examples of where these authorities have been used?

4. Where does the authority exist for indemnification of commercial space launches? Is there a code citation for this?

5. Where does the authority exist for indemnification by the FAA? Code citation? Examples of where it's been used?

6. Congressman Waxman frequently cites the example of the indemnification given to the manufacturer of the Anthrax vaccine. Was this manufacturer indemnified? By whom, and using which authority?

7. Is there any kind of judgement fund or contingency fund that agencies have to put money into when they indemnify contractors?

Thanks.

-----Original Message-----
From: Danielle_M._Simonetta@omb.eop.gov
Sent: Tuesday, August 13, 2002 12:14 PM
To: Binger, Kevin
Subject: test
Leonard/Mercy, below is a list of the participants coming in for the KBH Hispanic event. Leonard, I know you’re already working w/Gay on the conference, so I thought I’d just give Gay a shout and ask her to work with you on ideas on how to highlight Estrada at this event. Barbara Ledeen has already independently asked Gay to work with all of us to pull some folks to the side for an Estrada event.

Perhaps we need a conference call early next week specifically on the conference w/SRC and Hatch’s folks... let me know how you all would like to handle the Hispanic event coordination on Estrada....

Thanks, Heather

-------------------- Forwarded by Heather Wingate/WHO/EOP on 08/23/2002 01:16 PM ---------------------

Manuel Miranda@judiciary.senate.gov (Manuel Miranda)
08/23/2002 01:11:32 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, robyn@progressforamerica.org
cc:
Subject: Fwd[2]:Summit Registrants

--- Forward Header
Subject: Fwd:Summit Registrants
Author: Gay Westbrook@src.senate.gov (Gay Westbrook)
Date: 8/21/2002 7:04 PM
---

--- Forward Header
Subject: Summit Registrants
Author: Gay Westbrook
Date: 8/21/2002 6:43 PM
---

Manuel,
List of registrants we believe will be in town on Sept. 19 based on hotel reservations, as well as list of DC, VA and MD registrants. No one had a
Honduran connection in their company name/affiliation.
Hope this helps--please let me know if you are interested in any of these folks.

If Sept. 19 is confirmed, would you like me to include a note about the hearing
in the Judicial Nomination issue paper we've prepared for the Summit notebook?
There's a short paragraph on Estrada.
Thanks,
Gay

Gay Westbrook
Deputy Director
Office of Sen. Kay Bailey Hutchison
Senate Republican Conference Vice Chair
(202) 224-5868

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UL7N9003_WHO.TXT_1>
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<td>J. Fernando</td>
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<td>President &amp; CEO</td>
<td>Hispanic College Fund</td>
</tr>
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<td>Anna</td>
<td>Cabral</td>
<td>President &amp; CEO</td>
<td>Hispanic Association on Corporate Responsibility</td>
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<td>del Pilar Avila</td>
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<td>New America Alliance</td>
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<td>AT&amp;T</td>
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<td>George</td>
<td>Hererra</td>
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<td>United States Hispanic Chamber of Commerce</td>
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<tr>
<td>Elizabeth</td>
<td>Lisboa Farrow</td>
<td>President &amp; CEO</td>
<td>LGTBQA, Inc</td>
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<td>Luis</td>
<td>Maldonado</td>
<td>Director of Legislative Affairs</td>
<td>Hispanic Association of Colleges &amp; Universities</td>
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<td>Marta</td>
<td>Metecko</td>
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<td>Reed</td>
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<td>Alma Morales</td>
<td>Rojas</td>
<td>President &amp; CEO</td>
<td>MANA, A National Latina Organization</td>
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<td>Refugio</td>
<td>Rochin</td>
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<td>Smithsonian Center for Latino Initiatives</td>
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<td>Ramon</td>
<td>Rodriguez</td>
<td>Chief Operating Officer</td>
<td>United States Hispanic Chamber of Commerce</td>
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<tr>
<td>Denise</td>
<td>Rodriguez-Lopez</td>
<td>Director of Legislative Policy &amp; Government Affairs</td>
<td>Cuban American National Council</td>
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<tr>
<td>Gurnecindo</td>
<td>Salas</td>
<td>Vice President of Governmental Relations</td>
<td>Hispanic Association of Colleges and Universities</td>
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<tr>
<td>Felix</td>
<td>Sanchez</td>
<td></td>
<td>United States Senate, Task Force on Hispanic Affairs</td>
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<td>Martha Gutierrez</td>
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<td>RNHA</td>
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<td>Masey</td>
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<td>Al</td>
<td>Zapanta</td>
<td>President &amp; CEO</td>
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<td>Au-Huie</td>
<td>CFO</td>
<td>Bolivian Medical Society</td>
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<td>Making a Difference Foundation</td>
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<td>College Republican National Committee</td>
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<td>Carlos</td>
<td>Castro</td>
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<td>Hispanic Committee of Virginia</td>
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<td>Manuel B.</td>
<td>Espinosa</td>
<td>Minority Outreach Director</td>
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<td>Jorge</td>
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<td>Executive Director</td>
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<td>Kasten, Ph.D.</td>
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<td>Gloria</td>
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<td>Dario O.</td>
<td>Marquez</td>
<td>CEO</td>
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<td>Julian</td>
<td>Martinez</td>
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<td>Indira N.</td>
<td>Moran</td>
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<td>Lee</td>
<td>Rivas</td>
<td>Commander, DC Chapter</td>
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<td>Joy</td>
<td>Velasquez</td>
<td>Managing Director</td>
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<tr>
<td>Michel</td>
<td>Zajur</td>
<td>President &amp; CEO</td>
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Businesses:
- Hispanic College Fund
- Hispanic Association on Corporate Responsibility
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- Hispanic Association of Colleges & Universities
- RNHA
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- St. Gerard Catholic Church
- Amerigroup Corporation
- Latin American Youth Foundation
- Making a Difference Foundation
- Todos Hispanic Super Market
- College Republican National Committee
- Hispanic Committee of Virginia
- Global Aids and Cancer Foundation
- MVM, Inc.
- DyTech Solutions International
- Northern Virginia Family Services
- American GI Forum of the U.S.
- Public Strategies, Inc.
- Sara Lee Coffee & Tea
- Virginia Hispanic Chamber of Commerce
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<td>Gary</td>
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<td>St. Joseph's High School</td>
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<td>Joseph Chavez &amp; Company</td>
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<td>Telemundo</td>
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<td>Roca &amp; Sharpe, P.A.</td>
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<td>Idaho Migrant Council</td>
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<td>Consolidated Local Council #5326</td>
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<td>Fowler, Rodriguez &amp; Chalos</td>
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<td>Atlantic Graphics Services</td>
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<td>Astrac America TV</td>
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<td>MANA, A National Latina Organization</td>
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<td>JPMorgan Chase</td>
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<td>Wisconsin Department of Regulation &amp; Licensing</td>
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<td>Family Health Medical and Dental Center/LaClinica</td>
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<td>Rodriguez Farms</td>
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KKLA's Duffy & Co. in Los Angeles would like to interview you either tonight at 9:30 PM or tomorrow at 9:00 PM. Know it's late b/c of the time difference, but this is a good show, Bill Simon is doing it today. Understand if that's too late though.

Taylor
PERFECT -- HERE'S THE INFO:

9:25 PM KKLA Los Angeles, CA
LIVE @ 9:30 Duffy and Co.
(30 min) PRODUCER: Natasha Nelson 714-847-9685
AIRS: 4-7 Pacific
HOTLINE: 714-843-6903

Do you mind if I give them your home # as a back-up? I'll call in as well.
sure, 10:00 Friday?

William T. Griffin  
08/28/2002 04:34:33 PM  
Record Type: Record  

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

Can you do this Friday morning instead of tomorrow? Any time except 9:30 works. Her show is from 9:30 -- 11:00 am.
Yes let's scratch. Thank him for me.

Sent from my BlackBerry Handheld.

----- Original Message ----- 
From: H. Christopher Bartolomucci/WHO/EOP 
To: Brett M. Kavanaugh/WHO/EOP@EOP 
Date: 08/28/2002 05:28:47 PM 
Subject: Brenner 

Mark says he thinks we are a scratch for tomorrow due to the rain.
what's likely timing of the Mitch letter? I think some folks have a call into Angela seeking another meeting.
How about this (on political paper):

Thank you for your letter to expressing interest in the President’s campaign for reelection. At this time, the President has not formed a campaign committee, but your letter will be kept on file. In the meantime, you may send a resume to the Republican National Committee, 310 First Street, S.E., Washington, D.C. 20003.

Thanks again for taking the time to write.
Then who put in calls to Angela asking for a meeting?

Brett M. Kavanaugh
08/29/2002 10:34:48 AM
Record Type: Record

To: John F. Wood/EOP@EOP
cc: lucy g. clark/who/eop@eop, mathew c. blum/omb/eop@eop, Danielle M. Simonetta/OMB/EOP@EOP
bcc:
Subject: Re:

I am not sure there is a need for a meeting given that I think we know our position on GROC, and the draft letter leaves open room for Armey and variations of Armey. I just wanted to get a sense of the timing and get all of your views on the need for any meeting.

John F. Wood
08/29/2002 10:32:06 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: lucy g. clark/who/eop@eop, mathew c. blum/omb/eop@eop, Danielle M. Simonetta/OMB/EOP@EOP
bcc:
Subject: Re:

Angela is out, as is Phil. If there is a need for a meeting, it would be great if we could put the response off until early next week.
Matthew / Danielle -- Do you have a sense of how problematic it is to tell Lieberman's staff that we can't send them something until after people return from the Labor Day weekend?
To: Lucy G. Clark/WHO/EOP@EOP, John F. Wood/OMB/EOP@EOP, Mathew C. Blum/OMB/EOP@EOP
cc:
Subject:

what's likely timing of the Mitch letter? I think some folks have a call into Angela seeking another meeting.
Agreed -- tomorrow is good.

Mathew C. Blum
08/29/2002 10:46:19 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: lucy g. clark/who/eop@eop, john f. wood/omb/eop@eop, christine c. mccarlie/omb/eop@eop, danielle m. simonetta/omb/eop@eop

Subject: Re: Timing of Lieberman Response

I think we try to do it tomorrow as you say.
FYI, The letter requested a reply by this past Monday so the Senate could consider our input before it resumed debate on the bill next week. I left a message with Lee Ann Bracket (228-3533) of Lieberman’s staff earlier in the week letting her know that we were still working on the response (she had called last Friday). I haven’t heard back from her.

I was proceeding in the hopes of having the package in a form that it could be signed by COB tomorrow if that is what everyone desires. However, I defer to others on the timing of the letter -- I just didn't want to put us in a position of having no response if we wanted to have something to the Hill before the debate resumes.

Brett M. Kavanaugh
08/29/2002 10:24:12 AM
Record Type: Record

To: Lucy G. Clark/WHO/EOP/EOP, John F. Wood/OMB/EOP/EOP, Mathew C. Blum/OMB/EOP/EOP
cc:
Subject:

what's likely timing of the Mitch letter? I think some folks have a call into Angela seeking another meeting.
How did Live from LA go last night? I couldn't get on.
Tampa Stadium Loses Its Insurance
Tuesday, Aug 27,12:46 PM ET

TAMPA, Fla. (AP) - Raymond James Stadium, home of the Tampa Bay Buccaneers, has lost its insurance, and heightened terrorism concerns from the Sept. 11 attacks likely will make new coverage expensive.

The stadium's owner and operator, Tampa Sports Authority, received a notice this month stating its insurance policy would not be renewed and has until Oct. 1 to find other insurance for the 65,000-seat stadium.

An independent insurance consultant told the TSA to expect a 30 percent increase in premiums and no guarantee that terrorism attacks will be covered.

"It's a tough bind to be in," TSA executive director Henry Saavedra said.
The $170 million stadium has had the same insurance since it opened in 1998. K&K Insurance Group, based in Fort Wayne, Ind., is the managing general underwriter for the stadium, shifting most of the risk to TIG Insurance in Dallas.

K&K severed its contract with TIG after the company's insurance rating dipped slightly. It then decided to get out of the stadium insurance business because it didn't have the capacity to handle it, according to the companies.

The sports authority paid $266,167 in premiums this year for property, liability and auto insurance at Raymond James and three area golf courses it manages, up 30 percent from the 2000-2001 season.

*****

For more information, contact the CIAT's Jay Hyde at jhyde@nareit.com or (202) 739-9425 or Darren McKinney at dmckinney@nam.org or (202) 637-3093.

Visit our web site at insureagainstterrorism.org.
From: CN=William T. Griffin/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/29/2002 4:42:02 AM
Subject: Re: KKLA

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: William T. Griffin (CN=William T. Griffin/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 29-AUG-2002 08:42:02.00
SUBJECT: Re: KKLA
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
### End Original ARMS Header ######

glad it went well -- thanks for doing that.

Brett M. Kavanaugh
08/29/2002 08:31:00 AM
Record Type: Record

To: William T. Griffin/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: KKLA

Think it went well. About 25 minutes. Perhaps you can check in with their producer today to get her perspective. Thanks again.

--------------
Sent from my BlackBerry Handheld.

----- Original Message ----- 
From: William T. Griffin/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 08/29/2002 07:51:57 AM
Subject: KKLA

How did Live from LA go last night? I couldn't get on.
I am not sure there is a need for a meeting given that I think we know our position on GROC, and the draft letter leaves open room for Armey and variations of Armey. I just wanted to get a sense of the timing and get all of your views on the need for any meeting.

Angela is out, as is Phil. If there is a need for a meeting, it would be great if we could put the response off until early next week. Matthew / Danielle -- Do you have a sense of how problematic it is to tell Lieberman's staff that we can't send them something until after people return from the Labor Day weekend?

What's likely timing of the Mitch letter? I think some folks have
a call into Angela seeking another meeting.
President's comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event

Was Read By: Wendy.J.Keefer@usdoj.gov
On: Thu, 29 Aug 2002 14:49:01 -0400
I will be out of the office from 08/27/2002 until 08/31/2002.

I will reply to your message when I return -- however, should you need immediate assistance in my absence, please call (202) 395-4790 and someone in our Legislative Affairs office will try to help you.

Thanks -- Christine
Brett,
The RNC would like to send some sort of reminder to the political appointees early next week as followup to the invitation they received for the reception to be hosted by the RNC. Below they proposed either sending a reminder email from the White House liaisons or printing up another round of reminder invites and going through the process you laid out. Is the email reminder ok? If so should someone from our office (on their political account email) contact the liaisons or can someone from the RNC contact them?

-----Original Message-----
From: Blaise Hazelwood - Political <bhazelwood@rnchq.org>
To: Dave McMaster - @GWB <dmcmaster@georgewbush.com>; Doug Hoelscher <dhoelscher@georgewbush.com>; Amber Lyons - Political <ALyons@rnchq.org>; Jason Huntsberry - Political <JHuntsberry@rnchq.org>
Sent: Thu Aug 29 11:06:54 2002
Subject: Sept. 5th -- Volunteer Deployment Event

We need to do some type of reminder on Tuesday and Wednesday of next week. We could print out an additional 1500 invites and put "Reminder" stickers on them or if possible we could have the liaisons do an email invite. What do you all suggest.
From: CN=Helgard C. Walker/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 8/29/2002 8:10:10 AM
Subject: Helgard C. Walker/WHO/EOP is out of the office.

I will be out of the office from 08/26/2002 until 09/03/2002.

I will be out of the office beginning on August 16, 2002, until September 3, 2002. If you need immediate assistance, please call the Counsel's Office at 455-2632. Thank you.
Paul Colborn and I were trying to conference you in on my report back on this issue. Please call at your convenience to discuss.
just a reminder that he is the son of Holocaust concentration camp survivors
Thanks. I'm forwarding to Brett Kavanaugh of our office who has the HUD account.

Laura S. Lawlor
08/29/2002 12:11:16 PM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP, Alicia W. Davis/WHO/EOP@EOP
cc: Subject: FYI from HUD

ú Multi-million Dollar Decision Against HUD based on Contract
Cancelled by Prior Administration

HUD subsidizes and regulates a large portion of the US multifamily housing industry, and older HUD projects have high energy costs. In 1996, HUD contracted with Energy Capital (EC), to run a new program for energy efficient loans to reduce HUD property energy costs. Due to actions by the previous administration, the contract was abruptly cancelled (this issue was reported in the Wall Street Journal at the time). EC sued and HUD later conceded liability and agreed to pay all of EC's costs. EC was granted rarely awarded "lost profits" of about $10 million, and on August 14, 2002, the Appeals Court affirmed this "lost profits" award. It sent the case back to the lower court to recalculate the award (at a rate more favorable to the government, which could reduce the award to about $7 million). Former HUD Secretary Cuomo is expected to be deposed in the lower court proceeding based on his official involvement in this matter.
I will be out of the office from 08/28/2002 until 09/02/2002.

I will be out of the office beginning on the afternoon of Wednesday, August 28, and will return on Tuesday, September 2. If you need assistance before then, please call (202) 456-2632.
From: MailRouter [ SYS ]
To: Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>
Subject: DELIVERY FAILURE: Invalid Address specified in the To: CC: or BCC: field/s

DELIVERY FAILURE REPORT

Your Document: President's comments today in Oklahoma at Sen. Inhofe event could not be delivered to: Don.Willett@usdoj.gov because: Invalid Address specified in the To: CC: or BCC: field/s

Routing Path: CN=Mail2/O=EOP;CN=SGEOP03/O=EOP;CN=SGEOP03/O=EOP@sgeop03.eop.gov(SMTP/MIME MTA);CN=SGEOP03/O=EOP;CN=Mail2/O=EOP
I will be out of the office until Tuesday morning September 3. If you need immediate assistance please contact Deloris Cole or Linda Long at 514-2141. Thank you.
This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event

Was Read By: Ann.L.Loughlin@usdoj.gov

On: Thu, 29 Aug 2002 14:41:41 -0400
President's comments today in Oklahoma at Sen. Inhofe event
President's comments today in Oklahoma at Sen. Inhofe event
President's comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event
Was Read By: Lizette.D.Benedi@usdoj.gov
On: Thu, 29 Aug 2002 14:43:03 -0400
President’s comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event
Was Read By: Monica.Goodling@usdoj.gov
On: Thu, 29 Aug 2002 14:46:26 -0400
i did.

---

Please call about Presidential Medal of Freedom.
During this time, please call the Counsel's Office main number at 456-2632. If you need to reach me urgently they will know where to contact me. Thank you.
President's comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event

Was Read By: Billy.Hall@usdoj.gov

I've just learned I have to be up on the Hill at 10:15 Tuesday morning. Can we reschedule this, perhaps for right after the staff meeting?
I'm leaving tonight to go on vacation for the weekend and so I will not be here tomorrow. If you need anything, please call Hana at 6-5049. Thanks and I hope everyone has a good weekend!

Charlotte
President’s comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event

Was Read By: Sheila.Joy@usdoj.gov

On: Thu, 29 Aug 2002 17:00:06 -0400
Colleagues:

fyi

warmly

tsg

CITIZENLINK
August 29, 2002

SENATE HYPOCRITES:
If Justice Byron White were up for confirmation today, he likely wouldn't even get a hearing.
http://www.family.org/cforum/citizenmag/webonly/A0021098.html
No

Sent from my BlackBerry Handheld.
Cab at 12 15 sharp on 17th

Sent from my BlackBerry Handheld.
FYI
---------------------- Forwarded by Douglas J. Holtz-Eakin/CEA/EOP on 08/30/2002 08:52 AM ----------------------

Brian H. Jenn
08/30/2002 08:44:02 AM
Record Type: Record

To: Douglas J. Holtz-Eakin/CEA/EOP@EOP, Randall S. Kroszner/CEA/EOP@EOP, Robert N. Collender/CEA/EOP@EOP
cc:
Subject: Golden Gate Bridge cannot get terrorism coverage

I looked into some of the examples of unavailability of terrorism coverage we used earlier in the year. Many have been able to find some limited coverage, but there is still no private terrorism coverage at all available to the Golden Gate Bridge, according to its manager.

Brian
You had asked for the briefing schedule on the summary judgment motion in the pardon case. Judicial Watch's brief is due September 12, and our reply brief is due October 3.
The Wall Street Journal's "Washington Wire" (8/30, Kuntz) reports, "The White House considers retaliation against Senate Judiciary Committee Democrats for their expected rejection of appeals-court nominee Priscilla Owen. Aides talk of barring senators who vote against Bush's fellow Texan from Air Force One and of refusing White House tours for their constituents."
I don't have any problem recommending it (I'll shoot an email to Nick), but I don't know if it'll get approved due to the earlier conversation b/w boden and Andy Card. I'm all for it, though. Did Judge Gonzales ever reach Feinstein? She's the other target that needs to be approached.

----- Original Message ----- 
From:Brett M. Kavanaugh/WHO/EOP
To:Heather Wingate/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 08/30/2002 03:02:40 PM
Subject: 

Should we make another run at biden next week? Invite him down?

-------------
Sent from my BlackBerry Handheld.
From: Sales, Nathan <Nathan.Sales@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 8/30/2002 10:05:29 AM
Subject: President's comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event
Was Read By: Nathan.Sales@usdoj.gov
On: Fri, 30 Aug 2002 14:00:58 -0400
Thanks.

Sent from my BlackBerry Handheld.

----- Original Message ----- 
From: <Peter.D.Keisler@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP 
Cc: 
Date: 08/30/2002 01:48:55 PM 
Subject: Judicial Watch v. DOJ (pardons) 

You had asked for the briefing schedule on the summary judgment motion in the pardon case. Judicial Watch's brief is due September 12, and our reply brief is due October 3.
These remarks cut off before end. Can you re send to me. Thanks.

------------
Sent from my BlackBerry Handheld.
That's great.
I've never heard such discussion and think it very unwise for someone to suggest that the white house would do anything petty.
How does approx 9am sound? We can do it immediately after our staff meeting.

If that does not work the other option is 1:00 pm.

These times take into account Timmy’s schedule as well.

Bradford A. Berenson
08/29/2002 04:09:52 PM
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Timothy E. Flanigan/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP
cc: Subject: Tuesday 10:00 a.m. meeting re Sen. Feinstein

I've just learned I have to be up on the Hill at 10:15 Tuesday morning. Can we reschedule this, perhaps for right after the staff meeting?
From: Koebele, Steve <Steve.Koebele@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Subject: President's comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message: President's comments today in Oklahoma at Sen. Inhofe event
Was Read By: Steve.Koebele@usdoj.gov
On: Tue, 3 Sep 2002 7:17:50 -0400
thx man.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, September 03, 2002 12:05 PM
To: Benczkowski, Brian A
Cc: Dinh, Viet
Subject: Klain

The story referencing a Klain letter is contained a June 10, 2002, Weekly Standard article.
Do you have any problems with me forwarding these letters to the RNC to handle?

---------------------- Forwarded by Katherine M. Walters/WHO/EOP on 09/03/2002 08:22 AM ---------------------------

Sarah Bennett
09/03/2002 08:17:00 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: RNC Requests to be deleted

Sorry to bother you but I have two letters and one large package of old RNC mailings that people are asking the President to delete them for all future mailings.

Heidi Marquez about the situation and she suggested that I speak to you. I also know that the RNC would like to have the box full of mailers so that they can take the name off of the correct lists. My question is - can I legally send these over to the RNC? Would you be interested in seeing any of it? Should I send it to your office for transfer to the RNC?

I am still new and don't really know how to proceed. Please advise.

Thank you.
I'm in meeting with nick now... I will ask him about again.

----- Original Message -----  
From: Brett M. Kavanaugh/WHO/EOP  
To: Heather Wingate/WHO/EOP  
Cc:  
Date: 09/03/2002 09:22:07 AM  
Subject: President/Biden  

Any word on whether a call request should be put in on this?
Someone will come by this afternoon to look at your blackberry and Lotus Notes.

Charlotte
Nope. I think they are waiting for Phil and Angela to look at it -- they just came back from vacation.

Brett M. Kavanaugh
09/03/2002 10:06:53 AM
Record Type: Record

To: Lucy G. Clark/WHO/EOP
cc:
Subject:

did the letter go?
It's back.

The good news: On some days, you will not have to go -- you will just be on call.
The bad news: We now must assign people to be on call on weekends.

The dates below in brackets are weekend days that you are on call. I will let you know what non-weekend days you are merely on call and need not go.

Jen: Sept. 4-6, [7]
Brad: Sept. [8], 9-11
Kyle: Sept. 11-13, [14]
Helgi: Sept. [15], 16-18
Brett: Sept. 18-20, [21]
Bart: Sept. [22], 23-25
Noel: Sept. 25-27, [28]
please call me about this whenever you have a minute- not urgent. thanks

---------------------- Forwarded by Katherine M. Walters/WHO/EOP on 09/03/2002 11:23 AM ---------------------------

Ken Mehlman
09/03/2002 08:50:39 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
Subject: cufflinks

Please handle in an appropriate way

---------------------- Forwarded by Ken Mehlman/WHO/EOP on 09/03/2002 08:50 AM ---------------------------

Jeff Koch <Jeff@PeteSessions.com>
09/03/2002 12:11:20 AM
Please respond to Jeff@PeteSessions.com
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP
cc:
Subject: cufflinks

Ken - I invited a fellow named Gene Christensen to the President's Dinner back in June. Gene is a strong supporter of the President's vision for America. Gene asked for a set of Presidential cufflinks, which the NRCC agreed to. However, the NRCC has not yet delivered.

Joe Rachinsky has apparently requested these through your office. If you could have one of your people look up this request and get it handled, I would certainly appreciate it. Sorry to bother you with this, but Gene is kinda' my customer, and I feel responsible for his satisfaction.

Cheers,

Jeff
The Mashburn meeting on Judges has been changed from 3pm today to 5pm today.

Same location: Lott's Capitol office S230.

I will already be up there. Can everyone make it?
I can be there; Don, we should move the call on Owen to 6:00 perhaps?

Heather Wingate
09/03/2002 12:12:22 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Anne Womack/WHO/EOP@EOP,
Don.Willett@usdoj.gov @ inet
cc:
Subject: Mashburn meeting TIME CHANGE

The Mashburn meeting on Judges has been changed from 3pm today to 5pm today.

Same location: Lott's Capitol office S230.

I will already be up there. Can everyone make it?
President's comments today in Oklahoma at Sen. Inhofe event

This message is a Read Receipt Notification

Your Message : President's comments today in Oklahoma at Sen. Inhofe event

Was Read By : Pat.O'Brien@usdoj.gov
On : Tue, 3 Sep 2002 12:19:49 -0400
A Patty Stolmaker (?) from KPMG consulting, representing the Information Technology Association, left a message for me this morning asking for a meeting with Counsel's Office lawyers to discuss indemnification and pass along information and views. She indicated they had already met with OMB. Any views on whether there is any value to having such a meeting and, if so, who should attend?
I will be on vacation from 8/26 through 8/30. I will respond to your email as soon as I have an opportunity.
Mashburn Mtn at 5 pm


Subject: Mashburn Mtn at 5 pm
The Judges' meeting has been moved to 5 pm. Please alert all who need to be told and are not listed.
The Real Estate Roundtable will release a new survey tomorrow morning that will show that there are now $10.5 Billion in projects canceled or on hold due to lack of terrorism insurance legislation. The last survey done on this subject was by the Mortgage Bankers Association (around June) which showed $8 Billion.

I will send the details once I receive.
From: CN=Anne Womack/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: did you get a car?

### Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Anne Womack ( CN=Anne Womack/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-SEP-2002 16:36:31.00
SUBJECT:: did you get a car?
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header #####
can he use his title on these letters even though it is on political paper? thanks

Brett M. Kavanaugh  
08/29/2002 10:31:14 AM  
Record Type: Record  
To: Katherine M. Walters/WHO/EOP@EOP  
cc:  
Subject: Re: response to resumes  

How about this (on political paper):  

Thank you for your letter to ____ expressing interest in the President's campaign for reelection. At this time, the President has not formed a campaign committee, but your letter will be kept on file. In the meantime, you may send a resume to the Republican National Committee, 310 First Street, S.E., Washington, D.C. 20003.  

Thanks again for taking the time to write.
He wants to change it again! how is this? (on WH paper) We would also use for auction item requests.

On behalf of President Bush, thank you for your letter regarding your campaign for reelection to XXXX.

Because of the many requests the President receives to support outstanding candidates, we rely on the Republican National Committee for recommendations on how best we can help. You may contact John Peschong, Regional Political Director for the Republican National Committee, regarding your efforts. I have copied him on this letter as well. Best wishes in your upcoming election.

Thanks again for taking the time to write.

I suggest changing "should contact" to "may contact" and change "who can assist" to "regarding."

what about referring them to the RNC? sorry for all the emails, but ken keeps making edits.

On behalf of President Bush, thank you for your letter regarding your campaign for XXX in XXXX.
Unfortunately, the President cannot act upon all the many requests he receives to support outstanding candidates. Instead, you should contact XXXXX at the Republican National Committee who can assist your efforts. Best wishes in your upcoming election.

Thanks again for taking the time to write.

Brett M. Kavanaugh
08/25/2002 04:11:40 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Amanda K. Burdick/WHO/EOP@EOP
Subject: Re: Request for Endorsements

We should avoid that on these letters on official WH paper.

---------------
Sent from my BlackBerry Handheld.
Will we be sending nominations up soon? (I've been getting calls from Senate staffers and others now that the recess is over). Thanks.
thanks.

Brett M. Kavanaugh  
09/03/2002 06:28:17 PM  
Record Type: Record  
To: Noel J. Francisco/WHO/EOP@EOP  
cc: 
bcc:  
Subject: Re: Judicial Nominations  

yes, early next week. I will send out schedule tomorrow after we get final report from Sheila.

Noel J. Francisco  
09/03/2002 05:20:33 PM  
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc: 
Subject: Judicial Nominations  

Will we be sending nominations up soon? (I've been getting calls from Senate staffers and others now that the recess is over). Thanks.
I am truly ok with them.
As soon as we get final approval we will get out (without mehlman's signature).

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

From: Collister_W._Johnson@who.eop.gov [mailto:Collister_W._Johnson@who.eop.gov]
Sent: Tuesday, September 03, 2002 7:39 PM
To: Brett_M._Kavanaugh@who.eop.gov
Cc: Blaise Hazelwood - Political; Victor Maldonado - Political; Jason Huntsberry - Political; Matthew_A._Schlapp@who.eop.gov; Andrew_w._Mcgarrity@who.eop.gov; David_J._Patterson@who.eop.gov; Dave McMast - @GWB; Douglas_L._Hoelscher@who.eop.gov
Subject: 72 hour Task Force Recruitment letters

Brett signed off on these so long as we don not use Ken's name in any of them - if we do want to use Ken's name, we cannot need use the title, and we need to talk about the consequences - since it will definitely make news.

Hoelscher is back in town, so he is taking the lead on pushing these through -
I imagine we are okay without using Ken's name and that these can go out asap.

Doug and Blaise – thoughts?

c

-------------------- Forwarded by Collister W. Johnson/WHO/EOP on
09/03/2002
07:38 PM ---------------------------

Collister W. Johnson
08/28/2002 07:13:16 PM

Record Type: Record

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

cc: See the distribution list at the bottom of this message
Subject: 72 hour Task Force Recruitment letters

Brett:

Attached are three letters for your approval.

Each will be sent out as recruitment tools on behalf of RNC's 72 Hour Task Force program, where recipients will be encouraged to take 1-3 weeks and volunteer for key targeted campaigns.

Please note these three separate letters are designated by the universe to which they will be sent, i.e.
- "72 Hour Letter volunteer (sched c)" will go to sched. c's thru the approved process of WH Liaison hand-delivery (note that Ken does NOT sign this letter).
- "72 Hour Letter volunteer (non-sched c)" will go to Hill staffers and K street workers whom the RNC believes willing to volunteer (note that Ken does sign this letter).
- "72 Hour Letter Elected Officials" will go to GOP elected officials across the country who do not face competitive elections this cycle.

Your guidance when you have a moment... thank you sir (!)

c
From: CN=Heather Wingate/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 9/3/2002 5:17:35 PM
Subject: Re: e-mail me when you know whether vote will occur Thursday; thx

I haven't heard anything yet, which leads me to believe that I won't know 'til tomorrow morning... I will let you know as soon as I do.

----- Original Message -----
From: Brett M. Kavanaugh/WHO/EOP
To: Heather Wingate/WHO/EOP@EOP
Cc:
Date: 09/03/2002 08:56:22 PM
Subject: e-mail me when you know whether vote will occur Thursday; thx
Subject: Libby's crew.... Go to the back bar at OEG
Subject: Reminder: Libby’s birthday!!! (Document link: Allison L. Riepenhoff)

See you tonight at 6:00 pm at Old Ebbitt!
As you may or may not know, Ms. Libby Camp just had a birthday. So, please help us celebrate with her!!!

When: Friday, September 6
Time: 6:00 pm
Location: TBD

Hope to see you guys there!!! Please spread the word....

---

Message Copied
To: 

kyle_sampson@who.eop.gov @ inet
nanette.everson@who/eop
brett.m.kavanaugh@who.eop.gov @ inet
bradford.a.berenson@who/eop
h.christopher.bartolomucci@who.eop.gov @ inet
helgard.c.walker@who/eop
ejennifer.g.newstead@who/eop
benjamin.powell/omb/eop
noel.j.francisco@who.eop.gov @ inet
patrick.j.bumatay@who.eop.gov @ inet
hana.f.brilliant@who/eop
Brent Greenfield
Charlotte Montiel
edward.mcnally@who/eop
magda.e.angulo@who/eop
a.morgan.middlemas@who/eop
ronald.i.christie/opd/eop
britt.grant/opd/eop
carol.j.thompson@who/eop
colleen.litkenhaus@who/eop
ashley.e.davis@who/eop
"CN=viet.dinh@usdoj.gov/OU=eop@eop, leslie.a.mooney/OU=opd/OU=eop, jeann.m.russell/OU=opd/O=eop <viet.dinh@eop,
Henry.C.Hag
Taylor_S._Gross@who.eop.gov (Taylor_S._Gross@who.eop.gov [UNKNOWN]),
Edmund_A._Walsh@who.eop.gov (Edmund_A._Walsh@who.eop.gov [UNKNOWN]),
Peter_H._Wehner@who.eop.gov (Peter_H._Wehner@who.eop.gov [UNKNOWN]),
Michael_J._Gerson@who.eop.gov (Michael_J._Gerson@who.eop.gov [UNKNOWN]),
Joseph_W._Hagin@who.eop.gov (Joseph_W._Hagin@who.eop.gov [UNKNOWN]),
Joshua_B._Bolten@who.eop.gov (Joshua_B._Bolten@who.eop.gov [UNKNOWN]),
Nicole_Devenish@who.eop.gov @ inet (Nicole_Devenish@who.eop.gov @ inet [UNKNOWN]),
Jeanie_S._Mamo@who.eop.gov (Jeanie_S._Mamo@who.eop.gov [UNKNOWN]),
Tracy_Young@who.eop.gov @ inet (Tracy_Young@who.eop.gov @ inet [UNKNOWN]),
Noelia_Rodriguez@who.eop.gov @ inet (Noelia_Rodriguez@who.eop.gov @ inet [UNKNOWN]),
Keith_Hennessey@opd.eop.gov @ inet (Keith_Hennessey@opd.eop.gov @ inet [UNKNOWN]),
Holly_M._Miller@who.eop.gov (Holly_M._Miller@who.eop.gov [UNKNOWN]),
William_Greene@who.eop.gov @ inet (William_Greene@who.eop.gov @ inet [UNKNOWN]),
Kimberly_Ellison@who.eop.gov @ inet (Kimberly_Ellison@who.eop.gov @ inet [UNKNOWN]),
Jose_Mallea@who.eop.gov @ inet (Jose_Mallea@who.eop.gov @ inet [UNKNOWN]),
Julie_L._Nichols@who.eop.gov (Julie_L._Nichols@who.eop.gov [UNKNOWN]),
Ken_Mehlman@who.eop.gov @ inet (Ken_Mehlman@who.eop.gov @ inet [UNKNOWN]),
Jennifer_Millerwise@opd.eop.gov @ inet (Jennifer_Millerwise@opd.eop.gov @ inet [UNKNOWN]),
Douglas_J._Holtz-Eakin@who.eop.gov (Douglas_J._Holtz-Eakin@who.eop.gov [UNKNOWN]),
David_Kuo@who.eop.gov @ inet (David_Kuo@who.eop.gov @ inet [UNKNOWN]),
Desiree_T._Sayle@who.eop.gov (Desiree_T._Sayle@who.eop.gov [UNKNOWN]),
Julianne_H._Thomas@who.eop.gov (Julianne_H._Thomas@who.eop.gov [UNKNOWN]),
Mark_V._Rosenker@who.eop.gov (Mark_V._Rosenker@who.eop.gov [UNKNOWN]),
Debra_D._Bird@who.eop.gov (Debra_D._Bird@who.eop.gov [UNKNOWN]),
Dee_Dee_Benkie@who.eop.gov @ inet (Dee_Dee_Benkie@who.eop.gov @ inet [UNKNOWN]),
James_E._Carter@opd.eop.gov (James_E._Carter@opd.eop.gov [UNKNOWN]),
Timothy_E._Flanigan@who.eop.gov (Timothy_E._Flanigan@who.eop.gov [UNKNOWN]),
Elizabeth_N._Camp@who.eop.gov (Elizabeth_N._Camp@who.eop.gov [UNKNOWN]),
Kirstie_W._Tucker@who.eop.gov (Kirstie_W._Tucker@who.eop.gov [UNKNOWN]),
Matthew_W._Lindley@who.eop.gov (Matthew_W._Lindley@who.eop.gov [UNKNOWN]),
Laura_S._Lawlor@who.eop.gov (Laura_S._Lawlor@who.eop.gov [UNKNOWN]),
Ruben_S._Barrales@who.eop.gov (Ruben_S._Barrales@who.eop.gov [UNKNOWN]),
Angela_R._Sailor@who.eop.gov (Angela_R._Sailor@who.eop.gov [UNKNOWN]),
John_D._Estes@who.eop.gov (John_D._Estes@who.eop.gov [UNKNOWN]),
Barry_S._Jackson@who.eop.gov (Barry_S._Jackson@who.eop.gov [UNKNOWN]),
Adrian_G._Gray@who.eop.gov (Adrian_G._Gray@who.eop.gov [UNKNOWN]),
Matthew_E._Smith@who.eop.gov (Matthew_E._Smith@who.eop.gov [UNKNOWN]),
Carrie_W._Click@who.eop.gov (Carrie_W._Click@who.eop.gov [UNKNOWN]),
Blake_Gottesman@who.eop.gov @ inet (Blake_Gottesman@who.eop.gov @ inet [UNKNOWN]),
Joel_D._Kaplan@who.eop.gov @ inet (Joel_D._Kaplan@who.eop.gov @ inet [UNKNOWN]),
Josephine_B._Robinson@who.eop.gov (Josephine_B._Robinson@who.eop.gov [UNKNOWN]),
Eric_H._Otto@opd.eop.gov (Eric_H._Otto@opd.eop.gov [UNKNOWN]),
John_M._Bridgeland@opd.eop.gov (John_M._Bridgeland@opd.eop.gov [UNKNOWN]),
Augustine_T._Smythe@omb.eop.gov (Augustine_T._Smythe@omb.eop.gov [UNKNOWN]),
Dylan_C._Glenn@opd.eop.gov (Dylan_C._Glenn@opd.eop.gov [UNKNOWN]),
Stephen_S._Ruhlen@opv.eop.gov (Stephen_S._Ruhlen@opv.eop.gov [UNKNOWN]),
Cesar_Conda@opv.eop.gov @ inet (Cesar_Conda@opv.eop.gov @ inet [UNKNOWN]),
Daniel_D._Faoro@oa.eop.gov (Daniel_D._Faoro@oa.eop.gov [UNKNOWN]),
Jennifer_H._Mayfield@opv.eop.gov (Jennifer_H._Mayfield@opv.eop.gov [UNKNOWN]),
mark_s._rusin@ondcp.eop.gov (mark_s._rusin@ondcp.eop.gov [UNKNOWN])

Sent: 9/20/2002 5:29:58 AM
Subject: : Global Messenger 09/20/2002
Attachments: 06336_p_3zyaa003_who.txt_1.doc

###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-SEP-2002 09:29:58.00
SUBJECT:: Global Messenger 09/20/2002
BCC:Joseph_Ratajczak (Joseph_Ratajczak [UNKNOWN])
READ:UNKNOWN
BCC:Denise_Cardamone@who.eop.gov @ inet (Denise_Cardamone@who.eop.gov @ inet [UNKNOWN])
Welcome

The Messenger will publish frequently as Congress and the United Nations weigh the case against Saddam Hussein's regime, and thereafter whenever global events warrant. We aim to be timely, user-friendly, and succinct.

MESSAGE

ú The President is resolved in confronting the threat posed by Saddam Hussein's regime and is asking Congress to support his firm stand.
ú Meanwhile, the UN Security Council must act to enforce its own resolutions. The UN's credibility is at stake as it responds to the President's call for international action to achieve Iraqi disarmament.
ú While asking for UN action, the President is underscoring that this country will do what is necessary, with our friends, to defend US and coalition security interests.
ú Saddam Hussein repeatedly violates 16 UNSC resolutions designed to constrain Iraq's ability to threaten international peace and security.
ú There is nothing to negotiate with Iraq. Saddam's regime must be held accountable for not conforming to the resolutions Iraq agreed to.
ú The President strongly condemns terror and violence in the Middle East, and extended condolences to the families of victims of Thursday's violence.

Today's Schedule
All Times Eastern Daylight Time

10:50am President Bush to meet with Russian Foreign Minister Igor Ivanov & Defense Minister Sergei Ivanov

11:30am Secretary Powell, Secretary Rumsfeld, Russian Foreign Minister Ivanov & Defense Minister Ivanov hold working lunch -- press opportunity following

12:30pm WH Press Briefing by Ari Fleischer

1:45pm Background Briefing by Senior Administration Official on the 03 National Security Strategy

Recent Developments

President Bush on Thursday asked Congress to authorize the use of all appropriate means, including the use of force, to enforce the UNSC Resolutions and defend the national security interests of the United States.

Key Quotes

"If you want to keep the peace, you've got to have the authorization to use force."
President Bush, 9/19/02

"They have used every previous opportunity to wiggle out. This is not the
first time they have said they had let inspectors in without conditions."
Secretary of State Powell, 9/19/02

"Well I think the Americans have the right to have doubts about Iraq's intentions."
Ali Muhsen Hamid, Arab League Ambassador to UK, 9/18/02

? Reality Check

"Our rights, sovereignty, and security should be respected in accordance with international law, we have accepted the return of the inspection teams to Iraq taking into consideration the arrangements that should safeguard these principles."
Naji Sabri, Iraqi Minister of Foreign Affairs, 9/19/02

**********

"Iraq uses the word sovereignty in an effort to thwart the inspectors...in an effort to get around the very resolutions that they have been called on by the world to comply with. That is a code word for deception, for deceit and for thwarting the inspectors."
White House Press Secretary Ari Fleischer, 9/19/02

*****************************************************************************

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

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

If you would no longer like to receive these updates by email, please send an email to wnipper@who.eop.gov with the word "Unsubscribe" in the subject heading.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <06336_p_3zyaa003_who.txt_1>
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- While asking for UN action, the President is underscoring that this country will do what is necessary, with our friends, to defend US and coalition security interests.
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“Iraq uses the word sovereignty in an effort to thwart the inspectors…in an effort to get around the very resolutions that they have been called on by the world to comply with. That is a code word for deception, for deceit and for thwarting the inspectors.”
White House Press Secretary Ari Fleischer, 9/19/02
See you at 3:00.

Kristen Silverberg
09/20/2002 09:11:29 AM
Record Type: Record

To: Christine Ciccone/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP
cc: Lauren J. Vestewig/OPD/EOP@EOP
Subject: Re: Friday mtg availability

Can you make a mtg at 3 today on smallpox issues related to the homeland
security bill? Lauren will forward the room info.

I know your hands are full, but it's an important issue that cropped up
recently in HHS mtgs with hospitals. It relates to planning in the event
of a smallpox attack. We would benefit from your attendance.

---------------------- Forwarded by Kristen Silverberg/WHO/EOP on
09/20/2002 08:32 AM ---------------------------

Jay P. Lefkowitz
09/19/2002 07:18:12 PM
Record Type: Record

To: "Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Friday mtg availability
Alex: let's meet at 3 tomorrow. Lauren will email room number in am.

Kristen -- if I left anyone off, pls invite them -- plus our OHS leg folks

thanks

"Azar, Alex (HHS/OS)" <Alex.Azar@hhs.gov>
09/19/2002 07:12:17 PM
Record Type: Record

To: Jay P. Lefkowitz/OPD/EOP@EOP
cc:
Subject: Friday mtg availability

I am available anytime tomorrow except 1-3 and if absolutely necessary will cancel the large group mtg I am chairing at that time. Stew is available anytime tomorrow.

Message Copied
To:
Kristen Silverberg/WHO/EOP@EOP
Philip J. Perry/OMB/EOP@EOP
Lauren J. Vestewig/OPD/EOP@EOP
Noreen A. Hynes/OVP/EOP@EOP
Alan Gilbert/OPD/EOP@EOP
Let's focus on Tuesday and demand a vote from the Judiciary Committee in its Thursday Markup.

Barbara Ledeen
Director of Coalitions
Senate Republican Conference
202-224-2763

Subject: Re: Sit ins
Author: Leonard B. Rodriguez@who.eop.gov
Date: 9/25/2002 9:06 AM

Absolutely. We have a 120 Hispanic pastor's coming to the WHO for briefings next Tues, we will take to the Hill. We should also attack Menendez Office...We will see on getting others to do this the rest of this week and into the following weeks...

Heather Wingate
09/25/2002 08:58:59 AM

Record Type: Record

To: Abel Guerra/WHO/EOP@EOP, Anne Womack/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Leonard B. Rodriguez/WHO/EOP@EOP
cc: Barbara_Ledeen@src.senate.gov (Barbara Ledeen)
Subject: Sit ins

Nick wants to know if we can get our Hispanic group friends to do sit-ins in Schumer and Leahy's offices, and get Univision there to tape. Is that something that could be pulled off? Maybe it's even a next week thing if there's already too much going on this week.

Anne, could you forward to Mercy... I don't have her email in my blackberry.

Also, Brett, any word on the Univision idea I ran by you last night?

..
Subject: Updated Sunday Show Lineup: 9/29/02

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Harry W. Wolff (CN=Harry W. Wolff/OU=WHO/O=EOP [WHO])
SUBJECT: Updated Sunday Show Lineup: 9/29/02
READ: UNKNOWN
BCC: Jennifer Millerwise (CN=Jennifer Millerwise/OU=OVP/O=EOP [OVP])
READ: UNKNOWN
BCC: Mary J. Matalin (CN=Mary J. Matalin/OU=OVP/O=EOP [OVP])
READ: UNKNOWN
BCC: A. Merrill Hughes (CN=A. Merrill Hughes/OU=OVP/O=EOP [OVP])
READ: UNKNOWN
BCC: Karl C. Rove (CN=Karl C. Rove/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Michael J. Conway (CN=Michael J. Conway/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Scott N. Sforza (CN=Scott N. Sforza/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Joseph W. Hagin (CN=Joseph W. Hagin/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Carol J. Thompson (CN=Carol J. Thompson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Joshua B. Bolten (CN=Joshua B. Bolten/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Jose Mallea (CN=Jose Mallea/OU=WHO/O=EOP [WHO])

### End Original ARMS Header ###
ABC - This Week

Rep. Jim McDermott (D-WA) [From Iraq]
Rep. David Bonior (D-MI) [From Iraq]
Sen. Don Nickles (R-OK)

Economic segment with Leo Mullin, CEO, Delta Airlines

CBS - Face the Nation

Sen. Lott (R-MS)
Sen. Dodd (D-CT)
Gov. Howard Dean (D-VT)
Rep. Kucinich (D-OH)

NBC - Meet the Press

Pre-empted by Ryder Cup

CNN - Late Edition

Sen. McCain (R-AZ)
Sen. Inofe (R-OK)
Sen. Feinstein (D-CA)
Gen. George Joulwan, former NATO supreme commander
Kenneth Pollack, former CIA analyst
Richard Spertzel, former UN weapons inspector

Ed Gillespie
John Podesta

FOX News Sunday

Sen. Breaux (D-LA)
Sen. Hagel (R-NE)
Schumer was there as well.

Rachael L. Sunbarger 10/01/2002 12:08:43 PM

Record Type: Record

To:
cc:

Subject: PARTICIPANT LIST FOR THE PRESIDENT'S MEETING WITH MEMBERS OF CONGRESS ON TERRORISM INSURANCE

PARTICIPANT LIST FOR THE PRESIDENT'S MEETING WITH MEMBERS OF CONGRESS ON TERRORISM INSURANCE

United States Senate
Senator Christopher Dodd (D, CT)
Senator Richard Shelby (R, AL)
Senator Phil Gramm (R, TX)
Senator Mike Enzi (R, WY)
Senator Paul Sarbanes (D, MD)
Senator Jack Reed (D, RI)

U.S. House of Representatives
Representative Michael Oxley (R, OH)
Representative James Sensenbrenner (R, WI)
Representative Richard Baker (R, LA)
Representative John LaFalce (D, NY)
Representative John Conyers (D, MI)
Representative Paul Kanjorski (D, PA)
Jeanie L. Figg
10/29/2002 03:45:16 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Number

thanks, matt. would you send me the final briefing paper and guest list?

thanks

Matthew E. Smith
10/29/2002 03:37:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@EOP
cc:
Subject: Number

Jeanie - the girls have the U number

We are at 175-180 total.
Melissa S. Bennett
10/29/2002 04:25:54 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Jose_Mallea@who.eop.gov
Subject: Roundtable Address

Does this give counsel's office any heartburn???? Do you mind checking with Brett?

--------------- Forwarded by Melissa S. Bennett/WHO/EOP on 10/29/2002 04:26 PM ------------------

Nick Connors - Political <NConnors@rnchq.org>
10/29/2002 04:11:49 PM
Record Type: Record

To: Melissa S. Bennett/WHO/EOP@EOP
cc: 
Subject: Roundtable Address

The roundtable will be at:
Liberty Mutual
1775 North Lisbon Road
Lewiston, ME 04240

The contact there is:
Colleen Leahy
(207) 784-4011

-----Original Message-----
From: Melissa_S._Bennett@who.eop.gov [mailto:Melissa_S._Bennett@who.eop.gov]
Sent: Tuesday, October 29, 2002 11:38 AM
To: Nick Connors - Political
Subject: RE: Draft Timeline 10/31

Perfect, thanks!
Gates Formed-Fibre Products, Inc.:  
125 Allied Road  
Auburn, Maine 04211  

Roundtable site TBD  

General Electric  
31 Industrial Park Drive  
Hooksett, New Hampshire 03106  

Melissa,  

I will forward you the roundtable site as soon as I have it.  

Nick  

-----Original Message-----  
From: Melissa_S._Bennett@who.eop.gov  
[mailto:Melissa_S._Bennett@who.eop.gov]  
Sent: Tuesday, October 29, 2002 8:48 AM  
To: Nick Connors - Political  
Cc: Alicia_W._Davis@who.eop.gov; Jose_Mallea@who.eop.gov  
Subject: Re: Draft Timeline 10/31  

Nick:  

Do you think I can get the exact addresses of the sites by noontime? I know you might not have all of them but as many as you have. Secret Service is very anxious to get some of the details nailed down.  

Thanks,  
Melissa
Record Type: Record

To: Melissa S. Bennett/WHO/EOP@EOP
cc: Alicia W. Davis/WHO/EOP@EOP, Jose Mallea/WHO/EOP@EOP
Subject: Re: Draft Timeline 10/31

Yes, I will make the appropriate changes and let the charter company know.
Brett, I know you were interested in whether or not any Members had introduced a judicial noms protocol that had a timetable. The answer is yes and no: Specter never introduced a bill, b/c his talks w/Biden broke off, but Specter did give a speech on the floor of the Senate after the Estrada hearing on a protocol that would go something like this:

30 days to a hearing w/ a 30 day extension allowed through notice by the Chairman to the Ranking
30 days to exec mark up w/ a 30 day extension allowed through notice by Chairman to the Ranking
30 days to the floor vote w/a 30 day extension allowed (not sure who notices who)
a party line vote in committee that resulted in the nominations being voted down would still go to the floor for a vote; a negative vote in committee that is not a party line vote (defined as just one Member crossing the aisle to vote with the other party) would not go to the floor for a vote. (this is the empower Specter provision that our other Repubs hate).

Given that this proposal is in the public record, even though it's not a bill, I think we need to recognize it in the Q&A.

FYI -- I have spoken to Specter's staff and they say their boss will love this and will stand ready to help us build some bipart support around it after the election.
what is it??

Alicia W. Davis
10/29/2002 04:34:20 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Roundtable Address

---------------------- Forwarded by Alicia W. Davis/WHO/EOP on 10/29/2002 04:36 PM ---------------------------

Melissa S. Bennett
10/29/2002 04:25:54 PM
Record Type: Record
To: Alicia W. Davis/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Jose_Mallea@who.eop.gov
Subject: Roundtable Address

Does this give counsel's office any heartburn???? Do you mind checking with Brett?
---------------------- Forwarded by Melissa S. Bennett/WHO/EOP on 10/29/2002 04:26 PM ---------------------------

Nick Connors - Political <NConnors@rnchq.org>
10/29/2002 04:11:49 PM
Record Type: Record
To: Melissa S. Bennett/WHO/EOP@EOP
cc:
Subject: Roundtable Address

The roundtable will be at:
Liberty Mutual
1775 North Lisbon Road
Lewiston, ME 04240
The contact there is:
Colleen Leahy
(207) 784-4011

-----Original Message-----
From: Melissa_S._Bennett@who.eop.gov
[mailto:Melissa_S._Bennett@who.eop.gov]
Sent: Tuesday, October 29, 2002 11:38 AM
To: Nick Connors - Political
Subject: RE: Draft Timeline 10/31

Perfect, thanks!

<Embedded
image moved Nick Connors - Political <NConnors@rnchq.org>
to file: 10/29/2002 11:33:52 AM
pic17300.pcx>

Record Type: Record

To: Melissa S. Bennett/WHO/EOP@EOP
cc: Alicia W. Davis/WHO/EOP@EOP, Jose Mallea/WHO/EOP@EOP
Subject: RE: Draft Timeline 10/31

Gates Formed-Fibre Products, Inc.:
125 Allied Road
Auburn, Maine 04211

Roundtable site TBD

General Electric
31 Industrial Park Drive
Hooksett, New Hampshire 03106

Melissa,

I will forward you the roundtable site as soon as I have it.

Nick

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[mailto:Melissa_S._Bennett@who.eop.gov]
Sent: Tuesday, October 29, 2002 8:48 AM
To: Nick Connors - Political
Cc: Alicia W. Davis@who.eop.gov; Jose_Mallea@who.eop.gov
Subject: Re: Draft Timeline 10/31

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know you might not have all of them but as many as you have. Secret Service is
very anxious to get some of the details nailed down.
Thanks.
Melissa

Record Type: Record

To: Melissa S. Bennett/WHO/EOP@EOP
cc: Alicia W. Davis/WHO/EOP@EOP, Jose Mallea/WHO/EOP@EOP
Subject: Re: Draft Timeline 10/31

Yes, I will make the appropriate changes and let the charter company know.
A fundraiser with 8-12 local business leaders.

Brett M. Kavanaugh
10/29/2002 05:41:49 PM
Record Type: Record

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

what is it??

Alicia W. Davis
10/29/2002 04:34:20 PM
Record Type: Record

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

---------------------- Forwarded by Alicia W. Davis/WHO/EOP on 10/29/2002 04:36 PM ---------------------------

Melissa S. Bennett
10/29/2002 04:25:54 PM
Record Type: Record

To: Alicia W. Davis/WHO/EOP@EOP
cc: Linda M. Gambatesa/WHO/EOP@EOP, Jose_Mallea@who.eop.gov 
Subject: Roundtable Address

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---------------------- Forwarded by Melissa S. Bennett/WHO/EOP on 10/29/2002 04:26 PM ---------------------------

Nick Connors - Political <NConnors@rnchq.org>
To: Melissa S. Bennett/WHO/EOP@EOP
cc: Alicia W. Davis/WHO/EOP@EOP, Jose Mallea/WHO/EOP@EOP
Subject: RE: Draft Timeline 10/31

Gates Formed-Fibre Products, Inc.:
125 Allied Road
Auburn, Maine 04211

Roundtable site TBD

General Electric
31 Industrial Park Drive
Hooksett, New Hampshire 03106

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Nick

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From: Melissa_S._Bennett@who.eop.gov
To: Nick Connors - Political
Sent: Tuesday, October 29, 2002 11:38 AM
Subject: RE: Draft Timeline 10/31

Perfect, thanks!

(Embedded image moved Nick Connors - Political <NConnors@rnchq.org> to file: 10/29/2002 11:33:52 AM pic17300.pcx)
Nick:

Do you think I can get the exact addresses of the sites by noontime? I know you might not have all of them but as many as you have. Secret Service is very anxious to get some of the details nailed down.

Thanks.
Melissa

Yes, I will make the appropriate changes and let the charter company know.
I explained the details to Izzy, and he said if Condon doesn't rank with the people being acknowledged then not to worry about it. He said his name should be included in the participants section of the brief. hope this helps.
Reminder:

please fax to me (202-456-6429) a copy of the letter I requested
Today you will be getting your new November sticker to put on your parking permit. When you put the sticker on, look at the number below the big letter on the right of the permit. This is an ideal time to take note of your parking permit number so that you can email it to me. Thanks.

Charlotte
thanks, brett.

ac / hm - i think it would be best to have the option of using a new card. can you pls prepare one? thanks.
I know you know all this, but just in case there is one missing . . .

Wash Post -- Charles Lane (or perhaps Mike Allen, but I doubt it)
NY Times -- Neil Lewis
USA Today -- Joan Biskupic
LA Times -- David Savage
WSJ -- [not sure]
Chicago Tribune -- Jan Greenberg
Weekly Standard -- Terry Eastland
National Review -- Byron York

Also, interested columnists would include Stuart Taylor, David Broder, and possibly Bob Novak.

As to ed boards, I can/will be in touch with Ben Wittes, but someone should talk to Paul Gigot at Wall Street Journal. I can do that if you want.

Finally, I think we should do something Anne often would arrange with/through Media Affairs, which is to send out the packet (speech and fact sheet) to all local editorial boards around the country.
I sort of think that we should try and keep up the fresh start theme, and for anyone who calls to follow-up, I will provide this. I think this has been released before.
Thank you
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>
Sent: 10/30/2002 2:41:43 AM
Subject: need to be 100% sure following are coming for acknowledgments

General Ashcroft
Ted Olson
Dennis Archer
Thomas Hayward
Dick Thornburgh
Boyden Gray
Fred Fielding
Subject: President's remarks on judges also will converted into radio address this Saturday
I can vouch for everyone but the AG and Ted.

Did you get the spreadsheet?
His office RSVPd late yesterday that he wanted to come.

Brett M. Kavanaugh
10/30/2002 07:53:16 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: matthew e. smith/who/eop@eop
bcc: 
Subject: Re: need to be 100% sure following are coming for acknowledgments

Also, if Boyden Gray is coming (he is listed), as he will be acknowledged as well.

Brett M. Kavanaugh
10/30/2002 07:39:21 AM
Record Type: Record
To: Matthew E. Smith/WHO/EOP@EOP
cc: 
Subject: need to be 100% sure following are coming for acknowledgments

General Ashcroft
Ted Olson
Dennis Archer
Thomas Hayward
Dick Thornburgh
Boyden Gray
Fred Fielding
Hey man, you're talking to someone that goes through this every week.

Does that mean 100% for Boyden as well? I'll take care of AG and Ted, but can you quickly follow up with the other people being acknowledged so that we can be 100% sure when we pre-brief President. Last thing we want, of course, is for him to acknowledge someone not there or not to acknowledge someone there. Thanks!!

His office RSVP'd late yesterday that he wanted to come
Subject: Re: need to be 100% sure following are coming for acknowledgments

Also, if Boyden Gray is coming (he is listed), as he will be acknowledged as well.

Brett M. Kavanaugh
10/30/2002 07:39:21 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP/EOP
cc:
Subject: need to be 100% sure following are coming for acknowledgments

General Ashcroft
Ted Olson
Dennis Archer
Thomas Hayward
Dick Thornburgh
Boyden Gray
Fred Fielding
Please call the Stf Sec Ofc - 62702 - ASAP.
From: CN=Ashley Snee/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 10/30/2002 4:51:06 AM
Subject: : turn on channel 9

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP [ WHO ])
CREATION DATE/TIME: 30-OCT-2002 09:51:06.00
SUBJECT: : turn on channel 9
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ])
READ: UNKNOWN
### End Original ARMS Header ###
Will there be reserved seating for any of the higher level DOJ staff... obviously, the AG, the Solicitor General?
Can't do. Dan Bryant might be another possibility.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, October 30, 2002 10:10 AM
To: Charnes, Adam; Willett, Don; Whelan, M Edward III; Philbin, Patrick
Subject: urgent REQUEST

I was slated to appear on a Heritage panel this afternoon starting at 4:30.
I no longer can do it because I have to stick around here for something
according to my boss. Can one of you take my place? I think Alex Azar is
also on the panel. It's basically a mid-term review of Administration. No prep
required and a good group. It is out at Landsdowne Resort. Let me know
if any
can/want to do it. THANKS.
With last minute additions from Cabinet Affairs...and from Counsel's office.

The current number stands at 184 WAVED in.
we do

Brett M. Kavanaugh
10/30/2002 10:55:03 AM
Record Type: Record

To: Jeanie L. Figg/WHO/EOP@EOP
cc: matthew e. smith/who/eop@eop, brett m. kavanaugh/who/eop@eop
Subject: Re: today's event - DOJ staff

Please delete Deputy AG Thompson and add Mr. Boyden Gray. Thank you.

Jeanie L. Figg
10/30/2002 10:43:50 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
Subject: Re: today's event - DOJ staff

So far I have seat cards for the following:

The Attorney General & Mrs. Ashcroft
AG's sister, Mrs. Giddings
Solicitor General Olson
Judge Gonzales
Deputy AG Thompson
Mr. Card
Mr. Calio
Mr. Flanigan
Mr. Fielding
Mr. Archer
Mr. Thornburgh
Mr. Hayward

Please send me any additions.
Matthew E. Smith
10/30/2002 10:37:14 AM
Record Type: Record
To: Jeanie L. Figg/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP
Subject: today's event - DOJ staff
What do you think? Reserved cards?
-------------------------------- Forwarded by Matthew E. Smith/WHO/EOP on 10/30/2002 10:39 AM --------------------------------

Cheryl A. Oldham
10/30/2002 10:22:36 AM
Record Type: Record
To: Matthew E. Smith/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: today's event - DOJ staff
Will there be reserved seating for any of the higher level DOJ staff...obviously, the AG, the Solicitor General?
He will be there and should be acknowledged.

Boyden Gray, Counsel to the President under President George H.W. Bush
Blake, would you like a new card?

He will be there and should be acknowledged.

Boyden Gray, Counsel to the President under President George H.W. Bush
Great, great job!
what is the reason from your end to hold this until the event?
Al and Tim:

You may want to take a look at Burrus v. Vegliante, 2002 WL 31323812 (SDNY Oct. 15, 2002) (First Amendment and Hatch Act) (Judge Hellerstein), regarding a union's posting Gore v. Bush comparison posters in non-public areas of U.S. Post Offices during the 2000 presidential campaign. Here is the key paragraph from the opening part of the Court's opinion:

I hold, in this dispute between management of the United States Postal Service and officials and employees of the American Postal Workers Union, that the Hatch Act was not intended to curtail normal and traditional methods of communication between the union and its members; that preventing the union from communicating its evaluations of candidates seeking election to public office, by posting such evaluations on dedicated union bulletin boards in non-public areas of post offices, is not required by the Act; and that the communications between the Union and its members is constitutionally protected speech.
Logan thought of the following names. If it is not a surprise, we can just ask her who she wants. Let me know if I can help.

Jennifer Kearney
Pim
Gordon
Blake
Elizabeth Hogan
Jennifer Oschal
Brad Hester
Amanda and Gian Carlo Peressutti
Ken Mehlman
Mercy and Matt Schlapp
JD
From: CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO]  
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>  
Sent: 10/30/2002 7:18:41 AM  
Subject: Pls call Ari ASAP-456-2673

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])  
CREATION DATE/TIME: 30-OCT-2002 12:18:41.00  
SUBJECT: Pls call Ari ASAP-456-2673  
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])  
READ: UNKNOWN  
### End Original ARMS Header ######
If it were in town maybe, but out there I cannot, unfortunately.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Wednesday, October 30, 2002 10:10 AM
To: Charnes, Adam; Willett, Don; Whelan, M Edward III; Philbin, Patrick
Subject: urgent REQUEST

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DELIVERY FAILURE REPORT

Your Document:
Re: Fw: FACT SHEET: PRESIDENT BUSH ANNOUNCES HIS PLAN TO ENSURE TIMELY CONSIDERATION OF JUDICIAL NOMINEES

could not be delivered to:
Don.Willett@usdoj.gov

because:
Invalid Address specified in the To: CC: or BCC: field/s

Routing Path:
CN=Mail2/O=EOP;CN=SGEOP03/O=EOP;CN=SGEOP03/O=EOP@sgeop03.eop.gov(SMTP/MIME MTA);CN=SGEOP03/O=EOP;CN=Mail2/O=EOP
all of the upcoming welcomes this weekend are political; I am happy to do all, but let's discuss.
You will pre-brief in Old Family Dining Room in the Residence at 1:25. Nick will be there as well.
Good event!
OK, thanks. Collectively misheard by OLP.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, October 30, 2002 2:19 PM
To: Charnes, Adam
Subject: Re: CA6

yes, he said "9 pending nominees" for CA6 and CADC, which is accurate.

(Fragmented email with attached image moved "Charnes, Adam" <Adam.Charnes@usdoj.gov> to file: 10/30/2002 02:05:15 PM
pic28195.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: CA6

Fyi, gibbons was confirmed to CA6.
Willett, Don <Don.Willett@usdoj.gov>
Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
10/30/2002 9:35:07 AM

Subject: can you send me the President's remarks?
great speech and briefing.
brett,

it's sometimes hard to generate original print coverage of the radio address, but it dawned on me that if media affairs sent out customized state by state lists listing vacancies, pending names etc. it might be effective in generating some pickup beyond the ap and reuters folks at the white house. we used state by state documents effectively at education by working with ap to get the dc writers to flag local materials for bureaus around the country -- the results were lengthy and customized articles that pulled from the best of the white house articles. just a thought --

lindsey
Erin: Thanks for all your great work on today's event.
briefing today...
All the letters have been delivered.
Tim/Matt: Thanks again for all your great work on today's event. Great crowd and great outreach.
Thanks for all your great help on the speech today. We appreciate it very much.
Thank you for all your patience!

Brett M. Kavanaugh
10/30/2002 07:51:05 PM
Record Type: Record

To: Jeannette B. Reilly/WHO/EOP@EOP
cc: Jeannette B. Reilly/WHO/EOP@EOP
Subject:

Thanks for all your great help on the speech today. We appreciate it very much.
we're continuing to work on the document production you discussed w/ me earlier this week, shooting for Fri completion; I neglected to ask: should our search include emails, or do you handle that from your end? jb
The WH Counsel's office is one of the best in White House, in no small measure because of your work.

Cheers

tsg

ps I am sending the Free Congress Foundation, Family Research Council, and Christian Coalition pieces to you.

Brett M. Kavanaugh
10/30/2002 07:39:11 PM
Record Type: Record
To: Matthew E. Smith/WHO/EOP@EOP, Tim Goeglein/WHO/EOP@EOP
cc:
Subject:

Tim/Matt: Thanks again for all your great work on today's event. Great crowd and great outreach.
Brett, as we look forward to next Friday's OLP retreat session on judges, I WARMLY welcome your penetrating, trenchant wisdom on content, topics, flow, format, agenda -- basically anything and everything you can think of to make those 2 hours as fruitful and productive and action-oriented as possible.

Should we invite anyone else from WHCO?

Aside from the OLP judges gang -- there will be no OLP career folks at the judges break-out session, though they will of course be at the retreat -- the outside guests are:

* you
* Boyden
* Ed Haden
* Manny
* Alex
* Oschal

No doubt Election Day results will drive our discussion, but in the meantime I invite your (and others') ideas on format, agenda, content, etc.

Thanks, Brett.

DRW
Should I be looking for something?
Anytime! I am glad the speech went well.

Anne: Thanks for all your great work on the speech for today.
My pleasure. I enjoyed working on something really important. And congrats to you. The world may call it the Bush Plan...but you and I know its real name.
The President mispronounced one of the names, so he needs to re-record today. Is it ok for him to do it at the hotel during his downtime? It is a 800 number, and I am pretty sure that political is paying for everything on this trip.

I am pretty sure that there would be a recording problem if he did it on the plane as well as a legal problem.
Brett, 
Can you give me a call about 9/11 families? We have gotten some calls this week regarding one of their lawsuits.
Federal employees are generally permitted to engage in a wide variety of political activity, per the Hatch Act Amendments. That law and the regulations implementing that law also provide that employees in the EOP (and PAS'ers) whose jobs can continue outside normal duty hours and while away from the normal duty post may participate in political activity while on duty and in the office. Example 3 of 5 CFR 734.502 is illustrative. In addition, use of e-mail does not incur any non-incidental, additional cost to the government.
FYI. Judicial Watch received another extension for its opposition to our summary judgment motion in the pardon case. Their brief had been due Monday, but is now due today. I'll send you a copy when I receive it. Our reply is due Nov. 22.

Peter
did you get my vmail re judicial directory?

Brett M. Kavanaugh
10/31/2002 04:37:58 PM
Record Type: Record

To: H. Christopher Bartolomucci/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Maureen Mahoney represents Michigan

and her brief in opposition to cert, recently filed, is below . . .


Message Copied
To:

alberto r. gonzales/who/eop@eop
timothy e. flanigan/who/eop@eop
bradford a. berenson/who/eop@eop
nanette everson/who/eop@eop
noel j. francisco/who/eop@eop
jennifer g. newstead/who/eop@eop
benjamin a. powell/who/eop@eop
kyle sampson/who/eop@eop
helgard c. walker/who/eop@eop
flights

can you get me govt fare reservations/tickets on

Friday 11/1 Northwest 1711 at 5:40 p.m. DCA (Reagan) to MSP (Minneapolis)
Saturday 11/2 Northwest 566 at 6:45 p.m. MSP (Minneapolis) to DCA (Reagan)

Thanks!
What do you all think about a document that would expand on this helpful document from Senate Republican Policy Conference?

http://www.senate.gov/~rpc/releases/1999/jd050902.htm
You're terrific...Thanks!
I think it's an excellent idea. We already have a compendium of quotes, but we haven't formally published it.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Thursday, October 31, 2002 1:53 PM
To: Charnes, Adam; Willett, Don; Sales, Nathan

What do you all think about a document that would expand on this helpful document from Senate Republican Policy Conference?

http://www.senate.gov/~rpc/releases/1999/jd050902.htm
The next meeting will be 2pm, Wed, Nov. 6th in Lott's capitol office S230.
But it isn't b/c he and I have discussed it...
Brett,
I spoke with Dan White today who said the letter I dropped off to you would run as an ad in the Washington Post tomorrow. I have dropped off a copy of the letter for Jay as well. Please give me a call about this.
Thanks.
Brett --

What are the rules for election day press outreach? If we do radio interviews from the White House with the intention of getting out the vote, are we crossing any legal or ethical boundaries?

Thanks,

Taylor
Where should individual calls from 9/11 family members be sent? To the State Dept? DOJ?
From: CN=Charlotte L. Montiel/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 10/31/2002 1:32:17 PM
Subject: : the Indian staffing memo was just faxed to you--- will you please look over?

######## Begin Original ARMS Header #######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:31-OCT-2002 18:32:17.00
SUBJECT:: the Indian staffing memo was just faxed to you--- will you please look over?
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
######## End Original ARMS Header #######
Colleen Litkenhaus
10/31/2002 03:58:21 PM
Record Type: Record

To: Lauren McCord/WHO/EOP@EOP
cc: Subject: Award/Incentive Program

Approved by COS Office (OK - if OK with Counsel's Office):
- Tour of Air Force One (individual plus a guest)
- Kennedy Center tickets (individual - box)
- Photo with the President (individual)
- Photo with the VP (individual)
- Photo with Mrs. Cheney (individual)
- Lunch in the WH Mess with COS (3 individual winners)
- Tour of the Blair House (individual plus a guest) (fyi - Counsel may scratch since it technically is part of the state dept.)

Has a good chance of being approved, but I just don't know yet (Joe is traveling with the President today and is going to ask him.
- Movie Night (46 seats = 23 winners that get to bring one guest.)
- Photo with the First Lady (individual) (Andi was very favorable, just waiting for confirmation. I sent a reminder to Anne this AM)

Brett M. Kavanaugh is the attorney that said they are OK with concept - just need to work out details
I think they generally should call DOJ, Office of Special Master, which can then direct them. The families are familiar with the Special Master.
Taylor, can you check with Statecery for previous election day GOTV efforts? Also, perhaps people can do these interviews from RNC? I agree with the appearance problem.

No legal boundaries, but let's discuss the appearance.

What are the rules for election day press outreach? If we do radio interviews from the White House with the intention of getting out the vote, are we crossing any legal or ethical boundaries?

Thanks,

Taylor
Colleagues

FOCUS ON THE FAMILY did a very good piece on judges.

tsg

CITIZENLINK
October 31, 2002

BUSH ANNOUNCES PLAN FOR NOMINEES:
President Bush has a plan to speed up the woeful process of appointing judges to the federal bench.
That's more than I have now will come to orrow

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:Helgard C. Walker/WHO/EOP@EOP
Cc:
Date: 10/31/2002 07:23:13 PM
Subject: Re: Maureen Mahoney represents Michigan

sorry, yes, that book does not have anything other than very basic bio info
Thank you for your answer.

kjb

---

In response to your question, the hotel advance people who prepare the rooms for the President, Secret Service, WHCA, WHMO, and the like are generally best classified as official travelers on all trips, although there is substantial discretion to analyze each trip based on the facts and circumstances of that trip.
I passed on Brett's suggestion to our NY political person and to Ali Tulbah. As of yesterday I was aware of only three calls to our political office. It is my understanding the State Dept. public liaison office had gotten some calls in the past week and the WH correspondence office has also gotten some correspondence.
From: John F. Wood/OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Jay P. Lefkowitz/OPD/EOP@EOP [OPD] <Jay P. Lefkowitz>; Philip J. Perry/OMB/EOP@EOP [OMB] <Philip J. Perry>
Sent: 11/1/2002 5:01:54 AM
Subject: Re: letter from 9/11 families possibly to be published in newspaper

DOJ said their communications approach will be consistent w/ this.

Brett M. Kavanaugh
10/31/2002 05:53:25 PM
Record Type: Record
To: Claire E. Buchan/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: letter from 9/11 families possibly to be published in newspaper

A letter from some 9/11 families may be published in the paper tomorrow. The letter will urge the President, in essence, not to intervene against the plaintiff-families in the suits they have filed against some foreign governments and foreign entities and individuals. All press questions are probably best referred to State if possible.

State's public position remains that the United States is aware of these suits, is not a party to them, and has no present intention to intervene. Note, however, that some government departments may be (and likely will be) served with discovery requests, in which case the US would respond appropriately. Also, the United States may be called upon by a court at some point to provide its legal interpretation of the Foreign Sovereign Immunities Act or the Airline Stabilization Act, in which case the United States would provide its interpretation of the law.
The district judge's order was issued today. The date for any production has been postponed until November 29.
Brett --

Can you do KKLA on the President's judicial proposal on Monday, Nov. 11 @ 7:45 PM ET (4:45 PT)? Host is Warren Duffy, show is Live from LA. You have done this before. This is a conservative show -- it'll be a cake-walk.

Taylor
Great -- will book it now.

---

Brett M. Kavanaugh
11/01/2002 06:54:34 PM
Record Type: Record

To: William T. Griffin/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Re: Radio interview

Yes

--- Original Message ---

From: William T. Griffin/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 11/01/2002 06:16:40 PM
Subject: Radio interview

Brett --

Can you do KKLA on the President's judicial proposal on Monday, Nov. 11 @ 7:45 PM ET (4:45 PT)? Host is Warren Duffy, show is Live from LA. You have done this before. This is a conservative show -- it'll be a cake-walk.

Taylor
I have a quick question from Blake Gottesman and Katye Balls re: Presidential Correspondence to Candidates. Can Presidential thank you notes be sent on official stationary, or should they stick to the RNC stationary to be safe?
Thanks!

Don't forget about me over here! Please give me a buzz if I can help with anything.

Brett M. Kavanaugh
11/01/2002 04:02:24 PM
Record Type: Record

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

RNC stationary to be safe.

Carolyn Nelson
11/01/2002 03:32:46 PM

Record Type: Record

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

I have a quick question from Blake Gottesman and Katye Balls re:
Presidential Correspondence to Candidates. Can Presidential thank you notes be sent on official stationary, or should they stick to the RNC stationary to be safe?
I think that is a great idea and we should definitely include the press staff as well.

Brett M. Kavanaugh
11/01/2002 04:44:39 PM
Record Type: Record
To: Heather Wingate/WHO/EOP@EOP
cc: Ashley Snee/WHO/EOP@EOP
Subject: thought

How about a bipartisan briefing and q and a for Senate Judiciary Committee staff on both sides in next 2 weeks? I would be pleased to do it. Just a thought.
I have no problem with the proposed response.

>>> "Blackwell, Craig" <Craig.Blackwell@usdoj.gov> 11/1/02 1:19:10 PM >>>
Brett, Gary:

Attached is a draft response to pltfs' supplemental statement of undisputed facts. I would like to file this as soon as the court grants pltfs' motion to file their statement (which I anticipate the court will do in short order).

Please give me your comments.

Thanks.

Craig
I like it too. I will discuss with makan and bruce. Likely the week of the 12th.

-------- Original Message --------
From: Ashley Snee/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: heather wingate/who/eop@eop
Date: 11/01/2002 04:50:29 PM
Subject: Re: thought

I think that is a great idea and we should definitely include the press staff as well.

Brett M. Kavanaugh
11/01/2002 04:44:39 PM
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP
cc: Ashley Snee/WHO/EOP@EOP
Subject: thought

How about a bipartisan briefing and q and a for Senate Judiciary Committee staff on both sides in next 2 weeks? I would be pleased to do it. Just a thought.
From: CN=Charlotte L. Montiel/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 11/1/2002 1:42:39 PM
Subject: did you look at TX, MA, and Iowa welcome staffing memos?
Brett --

Can you do KKLA on the President's judicial proposal on Monday, Nov. 11 @ 7:45 PM ET (4:45 PT)? Host is Warren Duffy, show is Live from LA. You have done this before. This is a conservative show -- it'll be a cake-walk.

Taylor
----- Original Message ----- 
From: Jeanie S. Mamo/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP

Date: 11/01/2002 06:08:18 PM
Subject: Fw: Dyllan Glenn media advisory

Can you check this advisory for me? Thanks.

---------------------- Forwarded by Jeanie S. Mamo/WHO/EOP on 11/01/2002 06:10 PM ---------------------------

"Lundberg, Angie" <Angie.Lundberg@mail.house.gov>
11/01/2002 06:06:54 PM
Record Type: Record

To: Jeanie S. Mamo/WHO/EOP
cc:
Subject: Fw: Dyllan Glenn media advisory

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

-----Original Message-----
From: Lisa Gimbel <lisa@saxby.org>
To: Lundberg, Angie <Angie.Lundberg@mail.house.gov>
Sent: Fri Nov 01 18:04:35 2002
Subject: Dyllan Glenn media advisory

- att1.htm

Date: Fri, 1 Nov 2002 18:06:58 -0500
Subject:
To:
MIME-version: 1.0
X-Mailer: Internet Mail Service (5.5.2653.19) 
Content-type: multipart/related;
Chambliss for Senate, Inc.
Lisa Gimbel
3224 Peachtree Road NE
Atlanta, GA 30305
(404) 949-9688
(404) 949-1994 (fax)
www.saxby.org <http://www.saxby.org>

- att2.htm
- image001.jpg
- Dylan Glenn.doc
***MEDIA ADVISORY***

DYLAN GLENN STUMPS FOR SAXBY CHAMBLISS
Georgia Republican visits Thomasville, urges Get-Out-The-Vote

ATLANTA* Dylan Glenn, former congressional candidate and a prominent Georgia Republican, will stump for Saxby Chambliss, candidate for the U.S. Senate, at 12:30 p.m., on Mon., Nov. 4, 2002 in Thomasville.

Glenn will meet supporters at the Douglasville GOP Headquarters to encourage area residents to vote for Georgia Republicans, including Saxby Chambliss, a candidate who strongly supports President George W. Bush.

Glenn will urge residents to support candidates, who are committed to working with President Bush, especially candidates who want to make the President's tax cuts permanent, like Chambliss.

Monday, November 1, 2002:

WHO: Dylan Glenn, former congressional candidate

WHAT: Get-Out-the-Vote Rally

WHERE: Douglasville GOP Headquarters
Jackson Street

WHEN: 12:30 p.m.

###
Please email them in text.

----- Original Message ----- 
From: Charlotte L. Montiel/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
Date: 11/01/2002 06:39:59 PM
Subject: did you look at TX, MA, and Iowa welcome staffing memos?
Thanks for letting me know. Have a good weekend.
I've faxed this memo over to your office again in case you wanted to look at it. Please respond directly to Jim Jukes at phone number 53458, fax # 56148, and email j.jukes@who.eop.gov Thanks and I hope you are having a good weekend despite my harassing staffing memo emails.

Charlotte
Thank you for calling. Sorry, I thought you were getting back today.
same here

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

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

To: sheila.joy@usdoj.gov @ inet
CC:
Subject:

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

http://www.uscourts.gov/vacancies/confirmations.htm
I am out of the office until 11/12
What do you two think about timing of Judge's letter? I think it should be sent before we know the results of the elections -- so today or tomorrow. That way, the Judge's letter cannot be attacked as opportunistic (which I view as a more dangerous long-term concern than the short-term and soon-to-be-outdated hit we take for advancing the proposal shortly before an election).
Brett M. Kavanaugh
Record Type: Record

To: Heather Wingate/WHO/EOP@EOP, Ashley Snee/WHO/EOP@EOP
cc:
Subject: Re: Draft letter from Judge Gonzales to Senator Leahy

What do you two think about timing of Judge's letter? I think it should be sent before we know the results of the elections -- so today or tomorrow. That way, the Judge's letter cannot be attacked as opportunistic (which I view as a more dangerous long-term concern than the short-term and soon-to-be-outdated hit we take for advancing the proposal shortly before an election).
Bolded portion of this probably captures my view:

"Both candidates did well. But Mondale was perhaps the real winner, if only because his expectations were lower. Coleman is a smooth, smart politician who will instantly become a GOP star if he's elected tomorrow. But Mondale demonstrated that he's still sharp and has a solid grasp on the issues."
Had a good talk with Leonard.

We are going to try and do a briefing for them on 11/13 at 5:00 p.m.

Can you see if Tim F. is willing to come speak?

Thanks.

Matt
Can you cover for Tim at Message Mtg on Wed?
Actually, can you cover for Tim on the 6th, 13th, 20th, and 27th? He figures if he's leaving in a month then he is giving up Message Meetings so I'm trying to get Brad to cover the Mon meetings and you to cover the Wed ones. Would that be okay? If not, let me know.

Charlotte
Please check your parking permits tonight........ I need the number located under the S or the E. Thank you!
No, it's a lot of issues we're going to work on. But let me tell you a cutting edge issue, and that is the issue of judges.

AUDIENCE: Yeah!

THE PRESIDENT: We have a got a -- too many vacancies on our federal bench, in spite of the fact that I have sent a lot of names to the United States Senate. The bunch running the Senate up there has done a lousy job with my nominees.

AUDIENCE: Yeah!

THE PRESIDENT: And I want to tell you something, the kind of judges I'm nominating are the kind of judges that you would expect me to nominate and want me to nominate. (Applause.) These are good -- good and honorable people who have got good records; whose records sometimes are being distorted in the Senate; and sometimes can't even get a hearing because they're playing petty politics.

These are good, honorable people who will use the bench not to legislate from, but to interpret the Constitution of the United States of America. (Applause.)

And this should be clear to the citizens -- let me -- I hope to make it clear to the citizens of this state, that if you're interested in a solid judiciary, if you're interested in a judiciary that represents the majority opinion in Arkansas, put Tim Hutchinson back in the United States Senate. (Applause.)
You are fabulous!!! But actually, the meeting tomorrow was changed to Thursday. Can you still do it? (Sorry)

Charlotte

Brett M. Kavanaugh
11/05/2002 10:46:30 AM
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Message Mtg part2

yes

Charlotte L. Montiel
11/04/2002 04:15:56 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Message Mtg part2

Actually, can you cover for Tim on the 6th, 13th, 20th, and 27th? He figures if he's leaving in a month then he is giving up Message Meetings so I'm trying to get Brad to cover the Mon meetings and you to cover the Wed ones. Would that be okay? If not, let me know.

Charlotte
Ken asked we check this with you...Can we forward Ken's internal update emails to our political appointees in the agencies?

---------- Forwarded by Leonard B. Rodriguez/WHO/EOP on 11/05/2002 08:47 AM ----------

---

Ken Mehlman
11/05/2002 08:20:50 AM
Record Type: Record

To:
cc:
Subject: Election day updates: Our First Victory

Throughout the day and night, I'll send regular emails updating actual returns, exit polls, and projected final outcomes based on those returns. This is only internal. To start things on the right foot, we are projected to win the Guam Governor's race.

The polls closed at 8:00pm Guam time. (5:00am DC Time) Exit polls show the Republican Team of Felix Camacho and Kaleo Moylan winning 58% to 42% the Governor ship and the Lt. Governor ship. They ran against Congressman Underwood.

The President endorsed the Republican team. A number of voters have stated in the morning radio shows that they voted Democrat in the last election but are voting Republican this time because of our endorsement. Exit polls show the Democrats winning the Congressional delegate race with Madeline Bordallo.

The results should be final between (1:00 am and 3:00 am Guam Time) (10:00 am to Noon DC Time).
You are fabulous!!! But actually, the meeting tomorrow was changed to Thursday. Can you still do it? (Sorry)

Charlotte

---

Actually, can you cover for Tim on the 6th, 13th, 20th, and 27th? He figures if he's leaving in a month then he is giving up Message Meetings so I'm trying to get Brad to cover the Mon meetings and you to cover the
Wed ones. Would that be okay? If not, let me know.

Charlotte
Ramirez and I have exchanged 2 more messages; sorry; they are sitting
Does this work?

------------------------------ Forwndern by John F. Wood/OMB/EOP on 11/05/2002
01:24 PM ---------------------------

"Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov>
11/05/2002 11:59:33 AM
Record Type: Record

To: "'John_F._Wood@omb.eop.gov'" <John_F._Wood@omb.eop.gov>
cc:
Subject: Re: VCF Meeting

Can you see if Phil and Brett are available Friday 1:30-2:30?
The latest from Drudge:

Bush down to 51% in Florida...
Kennedy taking lead in Maryland...
Sununu up 2 in New Hampshire...
Can Tim do remarks here for leading Federalist Society members on 11/13 at 5:00 p.m? Please reply to both me and Matt. Thanks.
I believe we have a date and time that will work for the VCF meeting. This Friday from 2:30pm to 3:30pm in the Civil Conference Room 3143.

Peter's meeting with Phil and John would follow. Paul hopefully would be available by phone. The weekly meeting with the Special Master would be pushed to next week.

Let me know if this meets with everyone's approval.

-----Original Message-----
From: McKenzie, Peggy
Sent: Tuesday, November 05, 2002 12:26 PM
To: Boudreaux, Chad; Keisler, Peter D; McCallum, Robert; Harris, Paul (SMO); 'John Wood (E-mail)'; 'Phil Perry (E-mail)'
Cc: Gunn, Currie
Subject: RE: VCF Meeting

In checking Peter Keisler's calendar for this Friday, Peter could meet 8:30-9:30. The other possibility is 1:30-2:30, as Phil and John have a
2:30 meeting with Peter.

Peggy McKenzie
OASG

-----Original Message-----
From: Boudreaux, Chad
Sent: Tuesday, November 05, 2002 11:56 AM
To: Keisler, Peter D; McCallum, Robert; Harris, Paul (SMO); John Wood (E-mail); Phil Perry (E-mail)
Cc: McKenzie, Peggy; Gunn, Currie
Subject: VCF Meeting

The meeting on VCF issues -- tentatively scheduled for this Thursday at 8:30am -- has been cancelled. In speaking with all the proposed participants, it appears as if there is no workable time for everyone (including Brett Kavanaugh, who is not copied on this email) to meet on Thursday.

In light of what needs to get accomplished in the coming days, and the importance of the issues that need to be resolved during that time, I recommend we try to reschedule for this Friday. Those of us at DOJ can push our weekly meeting with the Special Master back to Monday morning.

Let me know your thoughts and availability.
This must be a very exclusive distribution list.

NC: Low early turnout in Democrat precincts in Raleigh and Charlotte

NH: McCain operative John Weaver is apparently doing GOTV recorded calls for Shaheen. The calls are going to independents and Democrats and identify Weaver as having "run the McCain campaign"

MO: Very heavy turnout in the 7th CD-- Roy Blunt's district, and the Republican base of the state. Talent's failure to win this part of Missouri by a bigger margin in 2000 is why he lost the Governor's race.

SD: Thune groundgame looks strong. 100% Republican coverage of precincts by Republican volunteers, 10% Democrat coverage of precincts by Democrat
volunteers

PLEASE EMAIL ME IF YOU DON'T WANT TO RECEIVE THESE REGULAR UPDATES.
I'm working on this event and will get back to you. Also, Tim wanted you to handle something for him. Can you talk to Laurie McCord about a question from Sen. Inhofe? He wants the percent of the ethnic minorities at the White House and she's not sure what to tell him. She's expecting your call and her number is 6-5615. Thanks.
Charlotte

Brett M. Kavanaugh
11/05/2002 02:09:22 PM
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@EOP
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: Federalist Society

Can Tim do remarks here for leading Federalist Society members on 11/13 at 5:00 p.m? Please reply to both me and Matt. Thanks.
Tim will be unable to do these remarks because he has a previous family engagement. Sorry.

Charlotte

---

Brett M. Kavanaugh
11/05/2002 02:09:22 PM
Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@EOP
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: Federalist Society

Can Tim do remarks here for leading Federalist Society members on 11/13 at 5:00 p.m? Please reply to both me and Matt. Thanks.
a team of Judge Gonzales and Karl was my original idea?

Matthew E. Smith
11/05/2002 04:11:13 PM

Record Type: Record

To: Charlotte L. Montiel/WHO/EOP@EOP
cc: brett m. kavanaugh/who/eop@eop
bcc: 
Subject: Re: Federalist Society

Brett,

Do you have any other ideas?

Matt

Charlotte L. Montiel
11/05/2002 04:06:43 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Matthew E. Smith/WHO/EOP@EOP
bcc: 
Subject: Re: Federalist Society

Tim will be unable to do these remarks because he has a previous family engagement. Sorry.

Charlotte
Can Tim do remarks here for leading Federalist Society members on 11/13 at 5:00 p.m? Please reply to both me and Matt. Thanks.
Brett M. Kavanaugh
11/05/2002 03:38:51 PM
Record Type: Record
To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject:

Ramirez is doubtful about district court.
 please call Tim 66611
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
Sent: 11/5/2002 12:24:45 PM
Subject: CNN reporting that VNS has announced all exit polls unreliable

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-NOV-2002 17:24:45.00
SUBJECT: CNN reporting that VNS has announced all exit polls unreliable
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Timothy E. Flanigan ( CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header ###
what do you make of that?

Brett M. Kavanaugh
11/05/2002 05:22:16 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Subject: CNN reporting that VNS has announced all exit polls unreliable

Message Sent
To:
Alberto R. Gonzales/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
1) Exit polls in 2000 had NC as too close to call; President Bush won by 14
2) NC has an early voting system that GOPers use more than Dems
Raquel is going to be in charge of the master schedule of all judicial interviews. Please notify her of any interviews you are involved in so that she can add them to the calendar. Also please let her know if she needs to notify DOJ and/or WAVE the interviewee in. She will be emailing out the schedule each week so that you will know if your interviews for the week have been added to the calendar. Thank you!

Charlotte
Doh!
I'm going to try and go to the mtg on the hill, but we are swamped over here - and don't know if I will be able to break away... Do you all have a car going over, and what time?
great, thank you

Brett M. Kavanaugh
11/06/2002 08:38:39 AM
Record Type: Record
To: Ashley Snee/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc:
Subject:

We did NOT send the letter yesterday and are re-tooling it some. I will circulate re-draft shortly.
No. I have a U.S. Attorney meeting at DOJ at 1:30.

Can you do 2:00 with Lourdes Baird?
TOTAL PERCENT PRECINCTS TOTAL
VOTES OF VOTE REPORTING PRECINCTS

U S SENATE
(L) EVANS KURT 3064 1 843
844
(D) JOHNSON TIM 167252 50 843
844
(R) THUNE JOHN 166707 49 843
844
Do you have a number for a Leslie Caldwell? Addington is inquiring.
Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>  
11/6/2002 5:00:06 AM  
Subject:  
Friday break-out session  

BK, I warmly welcome your valuable $0.02 on a revised, action-oriented agenda for the Fri. break-out session on how we can best flex our regained majority muscle on behalf of the President's judicial nominees -- topics we oughta be sure to cover, etc. (The previous agenda I had is somewhat kaput now.)

I want to squeeze maximum value from having everyone there together.

Thanks.

And kudos on your political crystal ball.

DRW

p.s. also, a brief bio., pls. (i need to give this to Adam by noon)
Reminder: John Schmitz called you this morning re: Densberger case. His number is 263-3235. He also wanted to know if you needed a copy of the surp {sp?} petition.
Though I'm not thrilled, congratulations on the election. Any changes for you as a result?

Zeb Landsman
Becker, Glynn, Melamed & Muffly LLP
299 Park Avenue
New York, New York 10171
(212) 888-3033
zlandsman@beckerglynn.com
www.beckerglynn.com
I need to get these to Adam pretty quickly. Thanks. (And forgive me if I've already pestered you about this.)
Did you leave?
From: Willett, Don <Don.Willett@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: RE: short bio?

Not too shabby, young Kavanaugh. You've done alright.

Thanks.

Agenda ideas for Friday in light of our new majority muscle?

I'm aiming for an agenda that sparks action, action, action -- no blah, blah, blah, but action.

DRW

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, November 06, 2002 11:33 AM
To: Willett, Don
Subject: Re: short bio?

(See attached file: bio short 2.doc)

(Embedded image moved to "Willett, Don" <Don.Willett@usdoj.gov> file: 11/06/2002 11:18:48 AM pic28286.pcx)

I need to get these to Adam pretty quickly. Thanks. (And forgive me if I've already pestered you about this.)
Subject: Judges Meeting at 2 pm today
Yes, there will be a judges meeting at 2 pm today. Abegg was the only one who said he could not make it today.

Actually, this will likely be more of a party than a meeting!!!!!!!!!! We also might bestow our tape measures on Makan, Rena, et al to make sure they get their fair share of space this time.
From: Mashburn, John (Lott) <John_Mashburn@lott.senate.gov>
To: Pat.O'Brien@usdoj.gov at INTERNET <IMCEACCMAIL- Pat+2EO+27Brien+40usdoj+2EGov+20at+20INTERNET"@routing.senate.gov>; Oliphant, Lincoln (RPC) <Lincoln_Oliphant@rpc.senate.gov>; John Abegg (E-mail)<John_Abegg@mcconnell.senate.gov>; Gregg Willhauck at KYL-DC <IMCEACCMAIL- Gregg+20Willhauck+20at+20KYL-DC"@routing.senate.gov>; Don Willett (E-mail) <Don.Willett@usdoj.gov>; Bob Taylor (E-mail) <Bob_Taylor@aml.senate.gov>; Anne Womack (E-mail) <Anne_Womack@who.eop.gov>; Joe Matal at JUDICIARY <IMCEACCMAIL- Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov>; Rena Johnson Comisac at JUDICIARY <IMCEACCMAIL- Rena+20Johnson+20Comisac+20at+20JUDICIARY"@routing.senate.gov>; William Smith at JUDICIARY <IMCEACCMAIL- William+20Smith+20at+20JUDICIARY"@routing.senate.gov>; Stephen Higgins at JUDICIARY <IMCEACCMAIL-Stephen+20Higgins+20at+20JUDICIARY"@routing.senate.gov>; Nathan Sales (E-mail) <Nathan.Sales@usdoj.gov>; Gumerson, Katie (Nickles) <Katie_Gumerson@Nickles.senate.gov>; Jamie E Brown (OLA) (E-mail) <Jamie.E.Brown@usdoj.gov>; Ed Haden at JUDICIARY <IMCEACCMAIL- Ed+20Haden+20at+20JUDICIARY"@routing.senate.gov>; Brett M. Kavanaugh/WHO/EOP@WHO [WHO]; Barbara Ledeen at Republican-Conf <IMCEACCMAIL-Barbara+20Ledeen+20at+20Republican-Conf"@routing.senate.gov>; Alex Dahl at JUDICIARY <IMCEACCMAIL-Alex+20Dahl+20at+20JUDICIARY"@routing.senate.gov>; Manuel Miranda at JUDICIARY <IMCEACCMAIL- Manuel+20Miranda+20at+20JUDICIARY"@routing.senate.gov>; William Castle at JUDICIARY <IMCEACCMAIL-William+20Castle+20at+20JUDICIARY"@routing.senate.gov>; Heather Wingate/WHO/EOP@WHO [WHO]<Heather Wingate>
Sent: 11/6/2002 7:47:11 AM
Subject: : FW: The friends you keep

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> ( "Mashburn, John (Lott)" <John_Mashburn@lott.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 6-NOV-2002 12:47:11.00
SUBJECT:: FW: The friends you keep
TO:"Pat.O'Brien@usdoj.gov at INTERNET" <"IMCEACCMAIL- Pat+2EO+27Brien+40usdoj+2EGov+20at+20INTERNET"@routing.senate.gov> ( "Pat.O'Brien@usdoj.gov at INTERNET" <"IMCEACCMAIL- Pat+2EO+27Brien+40usdoj+2EGov+20at+20INTERNET"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Oliphant, Lincoln (RPC)" <Lincoln_Oliphant@rpc.senate.gov> ( "Oliphant, Lincoln (RPC)" <Lincoln_Oliphant@rpc.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"John Abegg (E-mail)" " <John_Abegg@mcconnell.senate.gov> ( "\"John Abegg (E-mail)\" " <John_Abegg@mcconnell.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Gregg Willhauck at KYL-DC <"IMCEACCMAIL-Gregg+20Willhauck+20at+20KYL-DC"@routing.senate.gov> ( Gregg Willhauck at KYL-DC <"IMCEACCMAIL-Gregg+20Willhauck+20at+20KYL-DC"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Don Willett (E-mail)" " <Don.Willett@usdoj.gov> ( "\"Don Willett (E-mail)\" " <Don.Willett@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Bob Taylor (E-mail)" " <Bob_Taylor@aml.senate.gov> ( "\"Bob Taylor (E-mail)\" " <Bob_Taylor@aml.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:"Anne Womack (E-mail)" " <Anne_Womack@who.eop.gov> ( "\"Anne Womack (E-mail)\" " <Anne_Womack@who.eop.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Joe Matal at JUDICIARY <"IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov> ( Joe Matal at JUDICIARY <"IMCEACCMAIL-Joe+20Matal+20at+20JUDICIARY"@routing.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Rena Johnson Comisac at JUDICIARY <"IMCEACCMAIL-
"What I want to say to my friends in the Republican Party is, eat your heart out. I get faxes from Barbra Streisand, they get faxes from Rush Limbaugh and Pat Robertson."

-- House Minority Leader Dick Gephardt at an L.A. Democratic fundraiser where Streisand came out of retirement and sang nine songs, Sept. 29.

Who is "eating their hearts out" now?
reminder for Judge to call John Cornyn
Didn't know he was supposed to - will add him to the call list for Thursday.

Brett M. Kavanaugh
11/06/2002 05:28:45 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: reminder

reminder for Judge to call John Cornyn
Have you heard back from him?

"Keisler, Peter D" <Peter.D.Keisler@usdoj.gov>  
10/30/2002 03:10:33 PM  
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: RE: Judicial Watch Anthrax Case

Thanks. It would be helpful if we could get a sense of the nature and volume of the documents that EOP/OA intends to produce and whether or not EOP/OA plans to withhold any documents based on exemptions. I'd be happy to call the lawyer there -- Adam Greenstone -- directly, together with the trial attorney on this, to avoid continuing to impose the middleman burden on you, or to continue going through you if you prefer. How would you like to proceed?

-----Original Message-----  
From: Brett_M._Kavanaugh@who.eop.gov  
[mailto:Brett_M._Kavanaugh@who.eop.gov]  
Sent: Monday, October 28, 2002 7:10 PM  
To: Keisler, Peter D  
Subject: Judicial Watch Anthrax Case

fyi . . .

(Embedded Adam F. Greenstone image moved 10/28/2002 06:52:53 PM  
to file: (Embedded image moved to file: pic25665.pcx) 
pic28457.pcx)

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Judicial Watch Anthrax Case
Brett—Sorry for this response taking a few days; I had a car accident last Wednesday and I'm catching up. I think we should be prepared to release documents very shortly, probably by the end of the week.
CC: Alix, Cathy ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=68A3DCF2-69658983-852569D9-6F1946 [ UNKNOWN ] )
CC: Allgood, Lauren K. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=803D647F-9A13DFA4-85256B65-563317 [ UNKNOWN ] )
CC: Angulo, Magda E. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=8F3E5B30-EF21BED-85256B53-582253 [ UNKNOWN ] )
CC: Babin, Chad ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FBCAF507-C473DEE3-85256A9B-649260 [ UNKNOWN ] )
CC: Ball, Andrea G. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4DB786B7-8746231E-852569DA-6A31C6 [ UNKNOWN ] )
CC: Barclay, Barbara A. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF9FCC16-25F6514C-85256457-4A7D96 [ UNKNOWN ] )
CC: Barrales, Ruben S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=54B63ED1-BC678BBB-85256A00-70D9A7 [ UNKNOWN ] )
CC: Bravos, Brian ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A534CE3-59EEF20-85256DE-C3F1C [ UNKNOWN ] )
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CC: Buchholz, Carl ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS
CC:Furlow, Christopher  
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CC:Garrison, Sarah M.  
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CC:Gray, Adrian G.  
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CC:Gray, Wendy E.  
/wgray@NSC.eop.gov [ NSC ]
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CC:Grubb, Darren D.  
/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=85AB63CB-F2CFC941-85256CCC-5D7958 [ UNKNOWN ]
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CC:Guerra, Abel  
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READ:UNKNOWN
CC:Hager, Henry C.  
/O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=19127F32-8FD61FA5-85256BAC-472950 [ UNKNOWN ]
READ:UNKNOWN

REV_00103691
Please join us this Monday, December 2,
to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend. Everyone is invited.

Monday, December 2, 2002
4:00 p.m
Counsel's Office, 2nd Fl WW

Message Sent to:

bellinger@NSC.eop.gov [NSC] <John B.>;<McCormack>;
smcmill@OMB.eop.gov [OMB] <Stephen S.>;<Dooley>;
dooley@OMB.eop.gov [OMB] <Karen S.>;<Capretta>;
jjukes@OMB.eop.gov [OMB] <James J.>;<Cleveland>;
cleveland@OMB.eop.gov [OMB] <Robin>;<Peacock>;
mppeacock@OMB.eop.gov [OMB] <Marcus>;<Russell>;/EOP/FIRST ADMINISTRATIVE GROUP/RECIPIENTS/134525C3-390EF0D7-85256A02-650A60 [UNKNOWN] <Richard M.>

Sent: 11/26/2002 6:03:11 AM
Subject:

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CREATOR:Montiel, Charlotte L. ( [UNKNOWN ] )
CREATION DATE/TIME:26-NOV-2002 11:03:11.00
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TO:Bennett, Melissa S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5D5F365B-3B5ACE63-85256D9B-7B446 [UNKNOWN ] )
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TO:Thompson, Carol J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ECB0FA73-1B1E6E05-85256D9B-5F65D3 [UNKNOWN ] )
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TO:Powell, Benjamin A. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C457024B-B3447231-85256C00-44CFA6 [UNKNOWN ] )

REV_00103711
CC:Peters, Steve ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5F2E5A6B-765B2681-852569B9-7F2F7B [ UNKNOWN ] )
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CC:Calhoun, Michael ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=3ED26B9E-2BC3CE30-852569B9-671F47 [ UNKNOWN ] )
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CC:Allan, Andrew ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=45692B49-6959F9A8-85256467-9E7B44 [ UNKNOWN ] )
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CC:Thernstrom, Samuel A. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=454B19C-5D9C09A0-85256A9C-55531 [ UNKNOWN ] )
Please join us this Monday, December 2,
to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend.
Everyone is invited.

Monday, December 2, 2002
4:00 p.m

Counsel's Office, 2nd Fl WW

Message Sent to:

Please join us this Monday, December 2, to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend. Everyone is invited.

Monday, December 2, 2002
4:00 p.m
Counsel's Office, 2nd Fl WW
11/26/2002 6:18:41 AM


Subject:
Please join us this Monday, December 2, to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend. Everyone is invited.

Monday, December 2, 2002
4:00 p.m
Counsel's Office, 2nd Fl WW
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Sent: 11/26/2002 6:03:11 AM
Subject:

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CREATOR: Montiel, Charlotte L. ( [UNKNOWN] )
CREATION DATE/TIME: 26-NOV-2002 11:03:11.00
SUBJECT:
TO: Bolt, Joshua B. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DCA78994-2476ECB4-852569D9-623521 [UNKNOWN] )
READ:UNKNOWN
TO: Bennett, Melissa S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=5D5F365B-3B5ACE36-852569DB-7B1446 [UNKNOWN] )
READ:UNKNOWN
TO: Thompson, Carol J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ECB4FA73-1B1E6E05-852569DB-5F65D3 [UNKNOWN] )
READ:UNKNOWN
TO: Everson, Nanette ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FF797A9B-218FE559-85256B99-4E9537 [UNKNOWN] )
READ:UNKNOWN
TO: Carroll, James W. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ABE8CAAB-B5493FBD-85256B4B-69C8CE [UNKNOWN] )
READ:UNKNOWN
TO: Addington, David S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FFAB5A7D-85B03435-852569DB-5E9229 [UNKNOWN] )
READ:UNKNOWN
TO: Bartolomucci, H. Christopher ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=1A4D8B1A-EBCD4DB1-852569DA-6039DB [UNKNOWN] )
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TO: Nelson, Carolyn ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=49A0DB8A-2A56F13-85256A2A-4E47E2 [UNKNOWN] )
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TO: Powell, Benjamin A. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C457024B-B3447231-85256C00-44CFA6 [UNKNOWN] )

REV_00103785
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<td>CC: Ware, Patricia F. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=B506B37D-2D22BCDE-85256B60-5689E3 [ UNKNOWN ] )</td>
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<td>CC: Cook, Jane M. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=E4BF28A0-DF7D2250-852569EB-537A7D [ UNKNOWN ] )</td>
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<td>CC: Vachon, Marie ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=F7B6D4F7-260068D9-85256B13-65C4FE [ UNKNOWN ] )</td>
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<td>CC: Abbot, Charles S. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4D4D1D98-D6113669-85256AC4-3EA972 [ UNKNOWN ] )</td>
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<td>CC: Grubbs, Wendy J. ( /O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CB4CBEF1-555CE201-85256B0A-6C633 [ UNKNOWN ] )</td>
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</table>
Please join us this Monday, December 2,

to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend. Everyone is invited.

Monday, December 2, 2002
4:00 p.m

Counsel’s Office, 2nd Fl WW

Message Sent to:


Subject: 

### Begin Original ARMS Header ###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 26-NOV-2002 11:18:41.000

SUBJECT::

TO: Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: David S. Addington (CN=David S. Addington/OU=OVP/O=EOP [OVP])

READ: UNKNOWN

TO: Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP [WHO])

READ: UNKNOWN

TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])

---

REV_00103806
CC: Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP@EOP [NSC])
CC: Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP@EOP [WHO])
CC: Ashley D. Drummond (CN=Ashley D. Drummond/OU=WHO/O=EOP@EOP [WHO])
CC: Reed Dickens (CN=Reed Dickens/OU=WHO/O=EOP@EOP [WHO])
CC: Josh Deckard (CN=Josh Deckard/OU=WHO/O=EOP@EOP [WHO])
CC: Ashley E. Davis (CN=Ashley E. Davis/OU=WHO/O=EOP@EOP [WHO])
CC: Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
CC: Stacia L. Cropper (CN=Stacia L. Cropper/OU=OA/O=EOP@Exchange [OA])
CC: James Connaughton (CN=James Connaughton/OU=CEQ/O=EOP@EOP [CEQ])
CC: Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP@EOP [WHO])
CC: Shane P. Chambers (CN=Shane P. Chambers/OU=WHO/O=EOP@EOP [WHO])
CC: Kirsten A. Chadwick (CN=Kirsten A. Chadwick/OU=WHO/O=EOP@EOP [WHO])
CC: Anne E. Campbell (CN=Anne E. Campbell/OU=WHO/O=EOP@EOP [WHO])
CC: Nicholas E. Calio (CN=Nicholas E. Calio/OU=WHO/O=EOP@EOP [WHO])
CC: Katja Bullock (CN=Katja Bullock/OU=WHO/O=EOP@EOP [WHO])
CC: Claire E. Buchan (CN=Claire E. Buchan/OU=WHO/O=EOP@EOP [WHO])
CC: Brian Bravo (CN=Brian Bravo/OU=WHO/O=EOP@EOP [WHO])
CC: Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@EOP [WHO])
CC: Stephen E. Biegun (CN=Stephen E. Biegun/OU=NSC/O=EOP@EOP [NSC])
CC: Darren W. Bearson (CN=Darren W. Bearson/OU=WHO/O=EOP@EOP [WHO])
CC: Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP@EOP [WHO])
CC: Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP@EOP [WHO])
CC: Chad Babin (CN=Chad Babin/OU=WHO/O=EOP@EOP [WHO])
CC: Lauren K. Allgood (CN=Lauren K. Allgood/OU=OMB/O=EOP@EOP [OMB])
CC: Marcus Peacock (CN=Marcus Peacock/OU=OMB/O=EOP@EOP [OMB])
CC: James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])
CC: Eric C. Pelletier (CN=Eric C. Pelletier/OU=OMB/O=EOP@EOP [OMB])
CC: Karen S. Dooley (CN=Karen S. Dooley/OU=OMB/O=EOP@EOP [OMB])
CC: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [OMB])
CC: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP@EOP [OMB])
CC: Lois E. Altoft (CN=Lois E. Altoft/OU=OMB/O=EOP@EOP [OMB])
CC: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
CC: Adam R. Isles (CN=Adam R. Isles/OU=NSC/O=EOP@EOP [NSC])
CC: Mary C. Andrews (CN=Mary C. Andrews/OU=WHO/O=EOP@EOP [WHO])
Please join us this Monday, December 2, to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend. Everyone is invited.

Monday, December 2, 2002
4:00 p.m
Counsel's Office, 2nd Fl WW
Subject: 

### Begin Original ARMS Header ###
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP[WHO])
CREATION DATE/TIME: 26-NOV-2002 11:18:41.00
SUBJECT:
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP[WHO])
READ:UNKNOWN
TO:Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP[WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP[OVP])
READ:UNKNOWN
TO:Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP[WHO])
READ:UNKNOWN
TO:Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP[WHO])
READ:UNKNOWN
TO:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP[WHO])
READ:UNKNOWN
TO:Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP[WHO])
READ:UNKNOWN
TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP[WHO])

REV_00103822
Please join us this Monday, December 2, to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend. Everyone is invited.

Monday, December 2, 2002
4:00 p.m
Counsel's Office, 2nd Fl WW
Please join us this Monday, December 2,

to bid farewell to Tim Flanigan on his last day here as Deputy Counsel.

Feel free to share this invite with any coworkers that would like to attend. Everyone is invited.

Monday, December 2, 2002

4:00 p.m

Counsel's Office, 2nd Fl WW
Sent: 12/3/2002 12:17:14 PM
Subject: Wednesday Study

---

### Begin Original ARMS Header ###

**RECORD TYPE:** PRESIDENTIAL (NOTES MAIL)

**CREATOR:** Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])

**CREATION DATE/TIME:** 3-DEC-2002 17:17:14.00

**SUBJECT:** Wednesday Study

**BCC:**
- Naomi M. Zacharias (CN=Naomi M. Zacharias/OU=WHO/O=EOP [WHO])
- Victoria Ahaev (CN=Victoria Ahaev/OU=WHO/O=EOP [WHO])
- John F. Witherspoon (CN=John F. Witherspoon/OU=WHO/O=EOP [UNKNOWN])
- JSWindsor@whmo.mil@inet (JSWindsor@whmo.mil@inet[UNKNOWN])
- Jeremy L. White (CN=Jeremy L. White/OU=WHO/O=EOP [WHO])
- Vicki S. Weinberg (CN=Vicki S. Weinberg/OU=WHO/O=EOP [WHO])
- Kirstie W. Tucker (CN=Kirstie W. Tucker/OU=WHO/O=EOP [WHO])
- Joan Trumps (CN=Joan Trumps/OU=OA/O=EOP [OA])
- Claire Taplett (CN=Claire Taplett/OU=WHO/O=EOP [WHO])
- Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP [WHO])
- Sharon E. Schoch (CN=Sharon E. Schoch/OU=WHO/O=EOP [UNKNOWN])
- Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP [WHO])
- Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP [WHO])
- Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
- Dina Powell (CN=Dina Powell/OU=WHO/O=EOP [WHO])
- Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
- Stephen.pearson@gsa.gov (stephen.pearson@gsa.gov[UNKNOWN])
- Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP [WHO])
- remiller@tpo.omb.eop.gov@inet (remiller@tpo.omb.eop.gov@inet[OMB])
- A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP [WHO])
- Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP [WHO])

**READ:**
- Unknown

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**REV_00104053**
For those of you who may be looking for either another Bible study or a study on Wednesday when you can't make the Thursday study - there is a study that has been going on for quite a while. It takes place every Wednesday from 12:15-12:45pm in EEOB 476. We are studying the book of James and would welcome anyone who wants to join us! If you would like to be on the weekly email reminder just let me know! Thanks!
Sent: 12/3/2002 12:17:14 PM
Subject: Wednesday Study

##### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2002 17:17:14.00
SUBJECT:: Wednesday Study
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READ:UNKNOWN
BCC: Victoria Ahaev (CN=Victoria Ahaev/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: John F. Witherspoon (CN=John F. Witherspoon/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC: JSWindsor@whmo.mil @ inet (JSWindsor@whmo.mil @ inet [UNKNOWN])
READ:UNKNOWN
BCC: Jeremy L. White (CN=Jeremy L. White/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Vicki S. Weinberg (CN=Vicki S. Weinberg/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Kirstie W. Tucker (CN=Kirstie W. Tucker/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Joan Trumps (CN=Joan Trumps/OU=OA/O=EOP@Exchange [OA])
READ:UNKNOWN
BCC: Claire Taplett (CN= Claire Taplett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Sharon E. Schoch (CN=Sharon E. Schoch/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC: Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Dina Powell (CN=Dina Powell/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: stephen.pearson@gsa.gov (stephen.pearson@gsa.gov [UNKNOWN])
READ:UNKNOWN

REV_00104058
For those of you who may be looking for either another Bible study or a study on Wednesday when you can't make the Thursday study - there is a study that has been going on for quite a while. It takes place every Wednesday from 12:15-12:45pm in EEOB 476. We are studying the book of James and would welcome anyone who wants to join us! If you would like to be on the weekly email reminder just let me know! Thanks!
For those of you who may be looking for either another Bible study or a study on Wednesday when you can't make the Thursday study - there is a study that has been going on for quite a while. It takes place every Wednesday from 12:15-12:45pm in EEOB 476. We are studying the book of James and would welcome anyone who wants to join us! If you would like to be on the weekly email reminder just let me know! Thanks!
Sent: 12/3/2002 12:17:14 PM
Subject: Wednesday Study

---

### Begin Original ARMS Header ###

RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-DEC-2002 17:17:14.00
SUBJECT:: Wednesday Study
BCC:Naomi M. Zacharias (CN=Naomi M. Zacharias/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Victoria Ahaev (CN=Victoria Ahaev/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:John F. Witherspoon (CN=John F. Witherspoon/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:JWSwindon@whmo.mil @inet (JWSwindon@whmo.mil @inet [UNKNOWN])
READ:UNKNOWN
BCC:Jeremy L. White (CN=Jeremy L. White/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC:Vicki S. Weinberg (CN=Vicki S. Weinberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kirstie W. Tucker (CN=Kirstie W. Tucker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Joan Trumps (CN=Joan Trumps/OU=OA/O=EOP@Exchange [OA])
READ:UNKNOWN
BCC:Claire Taplett (CN=Claire Taplett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Timothy C. Stout (CN=Timothy C. Stout/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Sharon E. Schoch (CN=Sharon E. Schoch/OU=WHO/O=EOP@EOP [UNKNOWN])
READ:UNKNOWN
BCC:Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Josephine B. Robinson (CN=Josephine B. Robinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:stephen.pearson@gsa.gov (stephen.pearson@gsa.gov [UNKNOWN])
READ:UNKNOWN
BCC:Eric L. Motley (CN=Eric L. Motley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:remiller@tpo.omb.eop.gov @inet (remiller@tpo.omb.eop.gov @inet [OMB])
READ:UNKNOWN
BCC:A. Morgan Middlemas (CN=A. Morgan Middlemas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC:Andrea McDaniel (CN=Andrea McDaniel/OU=WHO/O=EOP@EOP [WHO])

---

REV_000104076
For those of you who may be looking for either another Bible study or a study on Wednesday when you can't make the Thursday study - there is a study that has been going on for quite a while. It takes place every Wednesday from 12:15-12:45pm in EEOB 476. We are studying the book of James and would welcome anyone who wants to join us! If you would like to be on the weekly email reminder just let me know! Thanks!
Yes. I generally do Mondays, and Brett generally does Wednesdays. Since I was out Monday, I'm happy to cover today if Brett took Monday. Just let me know.

Elizabeth N. Camp
12/04/2002 09:46:01 AM
Record Type: Record
To: Bradford A. Berenson/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: MESSAGE MEETING REMINDER

You two cover these - right?
---------------------- Forwarded by Elizabeth N. Camp/WHO/EOP on 12/04/2002 09:42 AM ---------------------------

Krista L. Ritacco
12/04/2002 09:38:05 AM
Record Type: Record
To: See the distribution list at the bottom of this message
cc:
Subject: MESSAGE MEETING REMINDER

There will be a message meeting today at noon in the Roosevelt Room.

Message Sent
To:
Jean M. Russell/OPD/EOP@EOP
Ruben S. Barrales/WHO/EOP@EOP
Kathryn E. Rust/WHO/EOP@EOP
Susan K. Neely/WHO/EOP@EOP
Blake Gottesman/WHO/EOP@EOP
Linda M. Gambatesa/WHO/EOP@EOP
Wendy L. Nipper/WHO/EOP@EOP
Natalie S. Wozniak/NSC/EOP@EOP
Barry S. Jackson/WHO/EOP@EOP
Lezlee J. Westine/WHO/EOP@EOP
Editorial: Judicial nominations need bi-partisan standards
Look up "partisanship" in the dictionary and the only definition needed is the federal judicial appointment process. Perhaps no other process is so packed with political poison as the president's responsibility to nominate federal judges. President Bush, with 79 federal judicial vacancies to fill as of November, has found out the hard way that "reaching out" to U.S. Senate Democrats oftentimes leads to a bare-knuckle brawl when it comes to judicial nominations. Unfortunately, his predecessor, Bill Clinton, discovered the same thing courtesy of Republicans.
Both parties are guilty of determining a judge's qualifications for office by party labels or simply nixing a candidate for political reasons. This detestable practice has become an unwelcome tradition and does not serve the best interests of the public, which is more interested in swift and fair justice than political power plays. Whether he is tired of fighting or simply punch-drunk, Bush has offered a meaningful proposal that could alleviate much of the politics from the judicial nomination process. The president's proposal includes federal judges providing a year's notice before leaving office. The president would then have 180 days to nominate a replacement, with the Senate judicial committee having 90 days to consider the nomination. The full Senate would have another 90 days to vote for confirmation. Bush also wants to include the American Bar Association in the process. The proposal has merit in that guidelines would prevent judicial nominees from languishing in the Senate for months on end, a much-used delaying tactic by both sides. The inclusion of the ABA helps reduce at least some of the partisan bickering and contrasts with earlier proposals to remove ABA participation.
Clearly, something has to be done for the federal justice system to be able to function properly without lawmakers creating political obstacles. The president's proposal will speed up the process and is a step in the right direction.
From: CN=Benjamin A. Powell/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; David G. Leitch/WHO/EOP@EOP [ WHO ] <David G. Leitch>; David S. Addington/OVP/EOP@EOP [ OVP ] <David S. Addington>; Alberto R. Gonzales/WHO/EOP@EOP [ WHO ] <Alberto R. Gonzales>
Sent: 12/11/2002 2:09:20 PM
Subject: Order in Rule of 7 case
Attachments: P_NWNAC003_WHO.TXT_1.doc

fyi.

- Waxman Order

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_NWNAC003_WHO.TXT_1>
Our decision in Carter v. United States Department of Commerce, 307 F.3d 1084 (9th Cir.2002), renders this action moot. We REVERSE and VACATE the judgment below and REMAND to the district court with instructions to DISMISS the action as moot. See United States v. Munsingwear, Inc., 340 U.S. 36, 39 (1950) (explaining the "established practice" followed when pending appeals become moot "through happenstance"). The parties shall bear their own costs on appeal.

END OF DOCUMENT
Stuart W. Bowen (WHO/EOP@EOP [WHO]), Alberto R. Gonzales (Alberto R. Gonzales/WHO/EOP@EOP [WHO]), Scott McClellan (Scott McClellan/WHO/EOP@EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP@EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP@EOP [WHO]), James R. Wilkinson (James R. Wilkinson/WHO/EOP@EOP [WHO]), Daniel J. Bartlett (Daniel J. Bartlett/WHO/EOP@EOP [WHO]), Joseph W. Hagan (Joseph W. Hagan/WHO/EOP@EOP [WHO]), Andrew H. Card (Andrew H. Card/WHO/EOP@EOP [WHO])

Sent: 12/12/2002 6:09:15 AM
Subject: OSI Welcomes Judge Ken Starr!

### Begin Original ARMS Header ###
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 12-DEC-2002 11:09:15.00
SUBJECT:: OSI Welcomes Judge Ken Starr!
TO: Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Keith R. Brancato (CN=Keith R. Brancato/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: John G. Burke (CN=John G. Burke/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Jennifer M. Farley (CN=Jennifer M. Farley/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: James M. Kelly (CN=James M. Kelly/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Eric J. Ciliberti (CN=Eric J. Ciliberti/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Lauren L. Willson (CN=Lauren L. Willson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: William Greene (CN=William Greene/OU=WHO/O=EOP [WHO])
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TO: Kimberly Ellison (CN=Kimberly Ellison/OU=WHO/O=EOP [WHO])
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TO: Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP [WHO])
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TO: Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
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TO: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
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TO: Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: David McMaster (CN=David McMaster/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Darren W. Bearson (CN=Darren W. Bearson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Douglas L. Hoelscher (CN=Douglas L. Hoelscher/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
<table>
<thead>
<tr>
<th>To</th>
<th>BCC</th>
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<td>David M. Thomas</td>
<td><a href="mailto:nburnham@mail.doc.gov">nburnham@mail.doc.gov</a></td>
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<td><a href="mailto:rcooper@hq.nasa.gov">rcooper@hq.nasa.gov</a></td>
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The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice

KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
OSI Welcomes Judge Ken Starr!
The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice

KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
Thanks, Brett.

---

We are unlikely to have an e-mail account set up for Mr. Snow, per guidance from Judge Gonzales. Thanks. I will let you know if that changes.
no rush. I will be out most of day, so Monday morning.

Carolyn Nelson  
12/13/2002 08:09:05 AM

Record Type: Record

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

Not a problem. What time do you need this by?

Brett M. Kavanaugh  
12/13/2002 07:22:05 AM  
Record Type: Record

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

need a binder with copy of class action bill that passed House this year as well as statement of administration position on that bill if you can find it. thanks,
Not a problem. What time do you need this by?

Brett M. Kavanaugh
12/13/2002 07:22:05 AM
Record Type: Record
To: Carolyn Nelson/WHO/EOP@EOP
cc: Carolyn Nelson/WHO/EOP@EOP
Subject:

need a binder with copy of class action bill that passed House this year as well as statement of administration position on that bill if you can find it. thanks,


definitely. Matt is supposed to speak for 20-30 mins. Heather will not be going

Brett M. Kavanaugh
12/13/2002 08:18:36 AM
Record Type: Record
To: David McMaster/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

any room for me? also, how long is Matt supposed to speak for? Finally, is Heather going?

David McMaster
12/13/2002 08:17:45 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

We will be reserving a car within the next 45 mins to go to the hill. It will be in the WW basement at 9:40

Brett M. Kavanaugh
12/13/2002 08:15:55 AM
Record Type: Record
To: David McMaster/WHO/EOP@EOP
cc:
Subject: Re:

Do you have car going to Hill for 10:00 event? At what time?
do you just want to stop by Schlapp's office around 9:35am?

---

Brett M. Kavanaugh
12/13/2002 08:18:36 AM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
bcc:
Subject: Re:

any room for me? also, how long is Matt supposed to speak for? Finally, is Heather going?

---

David McMaster
12/13/2002 08:17:45 AM
Record Type: Record

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

We will be reserving a car within the next 45 mins to go to the hill. It will be in the WW basement at 9:40

---

Brett M. Kavanaugh
12/13/2002 08:15:55 AM
Record Type: Record

To: David McMaster/WHO/EOP@EOP
cc:
Subject:

Do you have car going to Hill for 10:00 event? At what time?
If Tim calls, let him know that I have left him both an e-mail and a voice mail in response to his voice mail to me of last weekend. I will be out today after about 11, but I will be here on Monday (although he is obviously busy).
He wants to invite you to a meeting at 2 pm.
c: 494-3218
FYI: David is here today, but Judge is still gone
From: CN=Raquel Cabral/OU=WHO/O=EOP [ WHO ]
Sent: 12/13/2002 5:43:19 AM
Subject: Holiday Open House at the White House

##### Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Raquel Cabral (CN=Raquel Cabral/OU=WHO/O=EOP [WHO])
SUBJECT: Holiday Open House at the White House
TO: Sandra Mabry (CN=Sandra Mabry/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Arthur B. Applegate (CN=Arthur B. Applegate/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Gaye Williams (CN=Gaye Williams/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: James W. Carroll (CN=James W. Carroll/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
##### End Original ARMS Header #####
Just wanted to send out a reminder about the Holiday Open House....
The Open House is this Saturday, December 14th, at 12:00PM; you should have submitted up to three guest’s names by replying on the EOP homepage a couple of weeks ago. Please present your invitation along with your badge at the Visitors Entrance on East Executive Avenue.

Passholder must accompany guests
Photo identification is required for all attendees
Photos permitted; sorry no video cameras
The invitation is non-transferable

Thank you!
What were the results of the calls to Ed and Sen. Sessions?
thanks.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, December 13, 2002 10:56 AM
To: Charnes, Adam
Subject: Re: CALL

positive with Ed. Judge has not talked to Sessions yet.
There are no cameras. See you soon. Roger

-----Original Message-----
From: Brett M. Kavanaugh@who.eop.gov
Sent: Friday, December 13, 2002 10:06 AM
To: Roger T. Stetson
Subject: RE: Iowa State Bar Association Federal Practice Seminar

I assume no cameras today. We like to avoid those for something like this. Thanks. See you in a while.
I forgot you left. I'll see if David Leitch can attend. It's on Snow.
Yesterday, no one was answering the phone in Harkin's office. Tried Harkin again today. The Chief of Staff is on vacation for the rest of the year but is picking up messages. I left a message on her assistant's voicemail that we are planning to go forward with a judicial candidate in Iowa and have been trying to speak to them to see if they had any concerns. Asked her to call me to discuss.
Can we continue to have y'all cover message meetings? Brad, do you want Monday and Brett, do you want Wednesday?

Charlotte
I just got off the phone with Victor - he had called me re resurrecting that old Hatch bill on preventing multiple imposition of punitive damages. I didn't challenge him on his comments on class action - saying that for another day. But he mentioned that Adam Golman (sp?) who he called the "White House liason on these issues" was who he talked to about this punitives bill and that Golman said it met the WH's federalism test. I don't know if the other tidbit about Victor claiming the WH told him class action will not be done in 03 came from that conversation or not, but he may be someone you want to check with. And again - I don't know the validity of the rumor that Victor made these statements to the ATRA board, but I was present at the ACU meeting where he took a pot shot at the class action bill.

I looked at my notes, the statute Victor Schwartz was referring to in claiming that the Class Action bill was unconstitutional (in the meeting I attended with the American Conservative Union - Steve Thayer et all ) - was the 1938 Rules Enabling Act - which as I understand states that the Judicial Conference/Supreme Court- can initiate changes in the Federal Rules, then notify Congress, and if Congress doesn't act within a specified time period ( a few months) they automatically go into effect. You will recall that Rule 11 used to have mandatory sactions, the change to make it discretionary was done through this process and since Congress failed to act, they went into effect. But I don't believe there is anything prohibiting the Congress from acting independently. To think Congress could not act independently in changing the federal rules is ludicrous. But you guys should know what he is up to. Note, Victor used to lobby for the passage of the class action bill - it certainly appears that his tune has changed depending on if he has his own bill he wants to get done. And the bill he is pushing now is to prevent the multiple imposition of punitive damages (i.e. a company had punitive damages assessed against it in one state court , it should not have punitives for the same behavior assessed in another court). This was part of a bill Hatch did in 1996 (I think it was part of his big Civil Justice Reform bill). Obviously it has merit, but it is certainly disconcerting at the very least that Victor may try to sabotage Class Action reform to get his own bill through. As you know, the ground work is more in place for Class Action than for this multilple punitives bill - so what is he thinking? (and who is his client?).
could someone who received the email on the event on Monday for Commissioned officers please forward it to Libby?

thanks
is it possible for Senate staff to get a tour of the White House?
Note - I am out of the office M, T, and Wed of next week, but back on
Thurs and Friday - and IMPORTANT NOTE - Senate Judiciary email will be
DOWN Sunday through Thursday is my understanding - as we are undergoing
the conversion to Outlook. So don't count on being able to email us
during that time and keep in mind that some emails sent during that time
may be lost. Leave voicemails.
FYI - in case you didn't know, we are converting over to Outlook next week and have been told our email may be down (and we will not have access to it) from Sunday through possibly Thursday of next week (Dec 16-19).

Unbelievable - we are so dependent on it, hard to do without it!
Which one? I might have missed it, as I was only watching with one eye.

.

----- Original Message ----- 
From: Brett M. Kavanaugh/WHO/EOP  
To: Bradford A. Berenson/WHO/EOP, H. Christopher Bartolomucci/WHO/EOP/EOP 
Cc: 
Date: 12/15/2002 03:07:17 PM 
Subject: 

That last skins play was a total disgrace. 

.

Sent: 12/16/2002 4:53:36 AM
Subject: Only three days until...

Only three days until...
The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice
KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
I cannot do Tuesday, but I can do Thursday. Will that work for you, Brett?

Charlotte L. Montiel  
12/16/2002 09:41:40 AM  
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP  
cc:  
Subject: MESSAGE MEETINGS FOR THIS WEEK - NOTE CHANGES  
Can y'all handle these?

Charlotte

---------------------- Forwarded by Charlotte L. Montiel/WHO/EOP on 12/16/2002 09:41 AM ---------------------------

Krista L. Ritacco  
12/16/2002 09:34:07 AM  
Record Type: Record  
To: See the distribution list at the bottom of this message  
cc:  
Subject: MESSAGE MEETINGS FOR THIS WEEK - NOTE CHANGES  
There will NOT be a message meeting today or Wednesday this week.

Instead, there WILL be a message meeting on Tuesday, December 17 at noon in EEOB 180 and on Thursday, December 19 at noon in the Roosevelt Room.

Thank you!!

Message Sent  
To: Jean M. Russell/OPD/EOP@EOP
From: Ciongoli, Adam <Adam.Ciongoli@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/16/2002 2:33:01 AM
Subject: Re: A live one for you.

This message is a Read Receipt Notification

Your Message: Re: A live one for you.
Was Read By: Adam.Ciongoli@usdoj.gov
On: Mon, 16 Dec 2002 7:31:51 -0500
Brett,

Still up for lunch today? Phil convened a 12:30 meeting I need to attend, so I could have an 11:30 or 1:30 lunch, if that works for you.

Thanks,
Daryl
From: CN=Ashley Snee/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 12/16/2002 3:59:48 AM
Subject: : pls call me 62115

### Begin Original ARMS Header ####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 16-DEC-2002 08:59:48.00
SUBJECT:: pls call me 62115
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header ####
Brett,

Just a reminder, the first of the 2 big packets I sent you is due today at 12 pm.
It has the Chapters on Promoting Growth, Support Labor Markets, & Reform of the Income Tax.

Thanks,
Patrick
Only three days until...
Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice
KEN STARR
Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
There have been hearings held in past on whether D.C. Circuit needs 12 seats. Can you get me transcripts of those hearings? Thanks.
I likely will have 2 candidates for the United States District Court for the Northern District of Illinois. Will have names tomorrow.
Just a reminder about this meeting tomorrow.

---------------------- Forwarded by Lauren J. Vestewig/OPD/EOP on 12/16/2002 02:51 PM ---------------------------

Lauren J. Vestewig
12/11/2002 10:02:05 AM
Record Type: Record

To: Kristen Silverberg/WHO/EOP@EOP, Adam B. Goldman/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP, Diana L. Schacht/OPD/EOP@EOP
c: Jay P. Lefkowitz/OPD/EOP@EOP, Emily Winland/OPD/EOP@EOP,
Kimberly Ellison/WHO/EOP@EOP
Subject: Meeting re. tort reform

There will be a meeting to talk about tort reform at 10:00 on Tues, 12/17 in Jay's office. Please let me know if you can make it. Thanks.
Sent: 12/16/2002 10:16:29 AM
Subject: : Reception Request - for tomorrow's party...

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Raquel Cabral ( CN=Raquel Cabral/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 16-DEC-2002 15:16:29.00
SUBJECT: : Reception Request - for tomorrow's party...
TO: Arthur B. Applegate ( CN=Arthur B. Applegate/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Gaye Williams ( CN=Gaye Williams/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Helgard C. Walker ( CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Sandra Mabry ( CN=Sandra Mabry/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Hana F. Brilliant ( CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Elizabeth N. Camp ( CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header ###
I have a request from the Social Office.; Please pass along the following note to your guests:

"All guests must be accompanied by their host passholder to enter the east visitor's gate."
My friend

Connie Marshner's office is inviting the judge (via Viet and Don W.) to the life forum.

I am not sure this is a forum where the judge wants to speak. We can chat.

Warmly

tsg
That was really painful . . .
From: CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: Re: The call to Glenda Sanders

fyi

---------------------- Forwarded by Kyle Sampson/WHO/EOP on 12/17/2002 08:52 AM ---------------------------

Kyle Sampson
12/17/2002 08:49:38 AM
Record Type: Record
To: Bradford A. Berenson/WHO/EOP@EOP
cc:
bcc: Records Management@EOP
Subject: Re: The call to Glenda Sanders

If anyone asks, tell them I'm interested.

Bradford A. Berenson
12/17/2002 08:04:08 AM
Record Type: Record
To: Kyle Sampson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: The call to Glenda Sanders

It was not. Ben has expressed interest, and I told him I would have no say in the matter. I think he assumes he will do it because he lived there, but we all know that may not be how it works out. Since you have an advanced degree in Parskey, perhaps Judge and David will want you to assume responsibility for this highly desirable portfolio . . .

Kyle Sampson
12/16/2002 07:17:06 PM
Record Type: Record
To: Bradford A. Berenson/WHO/EOP@EOP
cc:
Subject: Re: The call to Glenda Sanders

I'm interested in taking over California judicial duties when you depart. Heard from someone on the Hill (Makan probably) that they heard Ben would be assuming your CA docket. Is this true? Was your docket cannibalized
when I wasn't paying attention?

.

----- Original Message ----- 
From: Bradford A. Berenson/WHO/EOP 
To: Brett M. Kavanaugh/WHO/EOP/EOP, Kyle Sampson/WHO/EOP@EOP, Benjamin A. Powell/WHO/EOP/EOP, David G. Leitch/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@EOP 
Cc: 
Date: 12/16/2002 06:58:25 PM 
Subject: The call to Glenda Sanders

That was really painful . . .
Scott: per Judge, please call him at 6-2632 before talking to Milbank about aff action case. thanks.
Brett,

Boris left a message on my voicemail last night confirming his meeting this morning. Have you been in touch with him, or should I give him a call?
GORDON: What about Charles Pickering, who you backed very strongly, quite frankly...
LOTT: Absolutely, yes.
GORDON: Absolutely...
LOTT: I did back him, because he is a fine man with an outstanding record who actually took risks with his own life to--in actions against the Klan.
GORDON: But you know where I'm going with that question.
LOTT: I do. Sure.
GORDON: You would take another look at him now?
LOTT: I know his heart. He is a good man and is not a racist or a segregationist in any way. The things--many of the things said against him he was not guilty of.
But having said that, you know, I'll have to weigh all of my actions differently and more carefully.
Last line is interesting.

GORDON: What about Charles Pickering, who you backed very strongly, quite frankly...
LOTT: Absolutely, yes.
GORDON: Absolutely...
LOTT: I did back him, because he is a fine man with an outstanding record who actually took risks with his own life to--in actions against the Klan.
GORDON: But you know where I'm going with that question.
LOTT: I do. Sure.
GORDON: You would take another look at him now?
LOTT: I know his heart. He is a good man and is not a racist or a segregationist in any way. The things--many of the things said against him he was not guilty of.
But having said that, you know, I'll have to weigh all of my actions differently and more carefully.
What's the name of that group of folks at the Supreme Court that do the final flyspecking on the slip opinions before they go out? Is that called the Reporter's office, or something else?
ARG is scheduled to talk to Specter at 3:00 pm today via phone.
Folks--

Should I mark that down as a no comment?

Thanks much.

DM
Tim Goeglein is meeting with Craig Burckhardt, the new chair of the Republican Lawyers Association tomorrow (12/18) at 5:00 in room 180. Can you join?
Can we mail 30 of the folders to a Republican Young Professional gathering? The folders would be used as leave behind/take home items.
Sent: 12/18/2002 6:27:11 AM
Subject: : Last chance...

### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-DEC-2002 11:27:11.00
SUBJECT: : Last chance...
TO: Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Keith R. Brancato (CN=Keith R. Brancato/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Kathryn E. Rust (CN=Kathryn E. Rust/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: John G. Burke (CN=John G. Burke/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Jennifer M. Farley (CN=Jennifer M. Farley/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: James M. Kelly (CN=James M. Kelly/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Eric J. Ciliberti (CN=Eric J. Ciliberti/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Lauren L. Willson (CN=Lauren L. Willson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Henry C. Hager (CN=Henry C. Hager/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: William Greene (CN=William Greene/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Kimberly Ellison (CN=Kimberly Ellison/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
TO: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
READ: UNKNOWN

REV_00104747
The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice

KEN STARR
TOMORROW! Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
Sent: 12/18/2002 6:27:11 AM
Subject: Last chance...

Last chance...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
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READ:UNKNOWN
TO: Kasey S. Pipes (CN=Kasey S. Pipes/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

REV_00104760
The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice

KEN STARR
TOMORROW! Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
Follow up from staff meeting:

Brad is correct that litigation is ongoing as to whether U.S. Trustees are political appointments. The litigation arose from the removal ("Termination due to change in Presidential Administration.") of the Reno-appointed U.S. Trustee in Region 17. In that litigation, an ALJ recently held that U.S. Trustees may not avail themselves of civil service protections, noting, inter alia, that (1) 28 U.S.C. § 581(c) provides that U.S. Trustees are "subject to removal by the Attorney General" for any reason or no reason and (2) Attorney General Reno issued an order in 1996 stating that the position of U.S. Trustee is of a "confidential, policy-determining, policy-making, or policy-advocating character" and therefore U.S. Trustees are not "employees" who enjoy civil service protections. The case is captioned Stanley v. Department of Justice, docket no. SF-0752-02-0591-I-1 (op. issued Dec. 16, 2002); it is appealable to the Merit Systems Protection Board.
I'm stuck outside waiting for a WH visitor to leave. Might be late.
Sent: 12/18/2002 6:27:11 AM
Subject: Last chance...

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ])
CREATION DATE/TIME:18-DEC-2002 11:27:11.00
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TO:Neil H. Zimmerman ( CN=Neil H. Zimmerman/OU=WHO/O=EOP [ WHO ])
READ:UNKNOWN
TO:Kasey S. Pipes ( CN=Kasey S. Pipes/OU=WHO/O=EOP [ WHO ])
READ:UNKNOWN
BCC: Robert Marsh (CN=Robert Marsh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: K. Philippa Malmgren (CN=K. Philippa Malmgren/OU=OPD/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC: Roland N. Litterst (CN=Roland N. Litterst/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Dirksen Lehman (CN=Dirksen Lehman/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: David Kuo (CN=David Kuo/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Matthew Kirk (CN=Matthew Kirk/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC: Kelley Gannon (CN=Kelley Gannon/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC: Carl Buchholz (CN=Carl Buchholz/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Charles P. Blahous (CN=Charles P. Blahous/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
BCC: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: George M. Andricos (CN=George M. Andricos/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC: D. Marcus Sumerlin (CN=D. Marcus Sumerlin/OU=OPD/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC: Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC: Ziad S. Ojakli (CN=Ziad S. Ojakli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Gary R. Edson (CN=Gary R. Edson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC: Wayne A. Downing (CN=Wayne A. Downing/OU=NSC/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC: Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Charles S. Abbot (CN=Charles S. Abbot/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC: Alison Jones (CN=Alison Jones/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Julieanne H. Thomas (CN=Julieanne H. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Dee Dee Benkie (CN=Dee Dee Benkie/OU=WHO/O=EOP [UNKNOWN])
READ:UNKNOWN
BCC: Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
BCC: Vickie A. McQuade (CN=Vickie A. McQuade/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Carol E. Ehrlich (CN=Carol E. Ehrlich/OU=OA/O=EOP@Exchange [OA])
READ:UNKNOWN
BCC: Christa Moyle (CN=Christa Moyle/OU=OA/O=EOP [OA])
READ:UNKNOWN
BCC: Diana C. Donnelly (CN=Diana C. Donnelly/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Christal R. West (CN=Christal R. West/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Ginger G. Loper (CN=Ginger G. Loper/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: John D. Estes (CN=John D. Estes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Meredith A. Terpeluk (CN=Meredith A. Terpeluk/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Darren W. Bearson (CN=Darren W. Bearson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Alicia W. Davis (CN=Alicia W. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Michael J. Napolitano (CN=Michael J. Napolitano/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Leonard B. Rodriguez (CN=Leonard B. Rodriguez/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Neil H. Zimmerman (CN=Neil H. Zimmerman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Robert C. McNally (CN=Robert C. McNally/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC: Lawrence B. Lindsey (CN=Lawrence B. Lindsey/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC: John M. Bridgeland (CN=John M. Bridgeland/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
BCC: Mitchell Daniels (CN=Mitchell Daniels/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
BCC: Richard A. Clarke (CN=Richard A. Clarke/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC: John B. Bellinger (CN=John B. Bellinger/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC: Anthony N. Banbury (CN=Anthony N. Banbury/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC: Clare Pritchett (CN=Clare Pritchett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN
BCC: Eric S. Edelman (CN=Eric S. Edelman/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC: Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
BCC: Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Clay Johnson III (CN=Clay Johnson III/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Harriet Miers (CN=Harriet Miers/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Matthew A. Schlapp (CN=Matthew A. Schlapp/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Barry S. Jackson (CN=Barry S. Jackson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Chris Henick (CN=Chris Henick/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Albert Hawkins (CN=Albert Hawkins/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
BCC: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice

KEN STARR
TOMORROW! Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
Sent: 12/18/2002 6:27:11 AM
Subject: Last chance...
The Office of Strategic Initiatives presents:

Time Magazine's Man of the Year in 1998...Judge on the D.C. Circuit Court of Appeals...
Solicitor General of the United States...Independent Counsel...
Counselor to the Attorney General...Law Clerk to the Chief Justice

KEN STARR
TOMORROW! Thursday, December 19, 1:00pm
450, EEOB
Call 6-2108 or respond to this e-mail to RSVP
Ari may get this at the gaggle. Let's discuss.

How Many Judges? (WPost)

The Washington Post, December 19, 2002

YOU MIGHT NOT expect that the question of how many judges a court needs would become a festering political problem. But how to staff the U.S. Court of Appeals for the D.C. Circuit is threatening to become just that -- again. The court, which is one of the most important in the country, has 12 authorized judgeships. But during the Clinton administration, Republican senators blocked qualified nominees to its 11th and 12th seats; its declining workload made additional judges unnecessary, they said. Now President Bush, poised to win confirmation of nominees John G. Roberts and Miguel A. Estrada to the vacant ninth and 10th seats on the court, wants to fill the additional slots as well. An ugly fight could await the nominees, whoever they turn out to be.

It's hard to fault the president for wishing to fill judgeships that have been authorized by Congress. But Democrats argue, reasonably enough, that the court's workload has only declined further since President Clinton's nominees stalled. Why should President Bush get to fill slots denied his predecessor? The White House's problem is compounded by the fact that some Republican senators -- along with U.S. Circuit Judge Laurence H. Silberman -- remain opposed to filling seats they have long regarded as unnecessary. The proper size of the court should be determined before Mr. Bush sends any additional nominees. Not only has the court's caseload continued to drop, but its backlog has been significantly reduced, and it has been functioning without apparent ill effects with only eight judges. Moreover, Judge Silberman is far from the only judge on the court who believes 10 slots to be enough.

A mechanism exists that can offer relatively apolitical guidance on the appropriate size for the court. The Judicial Conference, the administrative arm of the judiciary, has not studied how many judges the D.C. Circuit needs, though it has a committee that studies just such questions. The White House or the Judiciary Committee ought to solicit its input, and the conference ought to conduct some empirical examination of whether judgeships should go unfilled for now or be eliminated altogether. New nominations to the court should await a more comprehensive understanding of its needs.
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did it come up in gaggle?

Ashley Snee
12/19/2002 08:13:23 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc: 
Subject: Wa Post Editorial

Ari may get this at the gaggle. Let's discuss. How Many Judges? (WPost)

Editorial

The Washington Post, December 19, 2002
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New nominations to the court should await a more comprehensive understanding of its needs.
Please handle.

---------------------- Forwarded by Alberto R. Gonzales/WHO/EOP on 12/19/2002 08:42 AM ---------------------------

Ashley Snee  
12/19/2002 08:13:23 AM  
Record Type: Record  
To: Alberto R. Gonzales/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP  
cc:  
Subject: Wa Post Editorial  

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did it come up in gaggle?

---

Ashley Snee
12/19/2002 08:13:23 AM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP, Heather Wingate/WHO/EOP@EOP
cc: 
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Sent: 12/19/2002 1:33:22 PM
Subject: White House Global Messenger - Friday, 12/20/02
Attachments: F_HR11C003_NSC.TXT_1.doc

Sent: 12/19/2002 1:33:22 PM
Subject: White House Global Messenger - Friday, 12/20/02
Attachments: F_HR11C003_NSC.TXT_1.doc

##### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR: Darren D. Grubb (CN=Darren D. Grubb/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 19-DEC-2002 18:33:22.00
SUBJECT:: White House Global Messenger - Friday, 12/20/02
TO: Darren D. Grubb (CN=Darren D. Grubb/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Allison Barber (CN=Allison Barber/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP [WHO])
READ: UNKNOWN
BCC: Mary C. Andrews (CN=Mary C. Andrews/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Jennifer Foley (CN=Jennifer Foley/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Gregory J. Jenkins (CN=Gregory J. Jenkins/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Greg Lagana (CN=Greg Lagana/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Darren D. Grubb (CN=Darren D. Grubb/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Andrew Liggett (CN=Andrew Liggett/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: tjtowber@opm.gov @inet (tjtowber@opm.gov @inet [UNKNOWN])
READ:UNKNOWN
BCC: kvolker@nsc.eop.gov @inet (kvolker@nsc.eop.gov @inet [NSC])
READ:UNKNOWN
BCC: Tracy_Young@who.eop.gov @inet (Tracy_Young@who.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
BCC: jdworken@nsc.eop.gov @inet (jdworken@nsc.eop.gov @inet [NSC])
READ:UNKNOWN
BCC: Candida P. Wolff (CN=Candida P. Wolff/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC: Lauren L. Willson (CN=Lauren L. Willson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Christal R. West (CN=Christal R. West/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: L. Camille Welborn (CN=L. Camille Welborn/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Peter H. Wehner (CN=Peter H. Wehner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Edmund A. Walsh (CN=Edmund A. Walsh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Daniel_Vogel@who.eop.gov @inet (Daniel_Vogel@who.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
READ:UNKNOWN
BCC: Anne_Trenolone@who.eop.gov @inet (Anne_Trenolone@who.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
BCC: David M. Thomas (CN=David M. Thomas/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Samuel A. Thernstrom (CN=Samuel A. Thernstrom/OU=CEQ/O=EOP [CEQ])
READ:UNKNOWN
BCC: Sara M. Taylor (CN=Sara M. Taylor/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Rachael L. Sunbarger (CN=Rachael L. Sunbarger/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Virginia_Stephens@ceq.eop.gov @inet (Virginia_Stephens@ceq.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
BCC: Deborah A. Spagnoli (CN=Deborah A. Spagnoli/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Augustine T. Smythe (CN=Augustine T. Smythe/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
BCC: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Kristen_Silverberg@who.eop.gov @inet (Kristen_Silverberg@who.eop.gov @inet [UNKNOWN])
READ:UNKNOWN
BCC: Matthew J. Schneider (CN=Matthew J. Schneider/OU=OMB/O=EOP [OMB])
READ:UNKNOWN
BCC: Desiree T. Sayle (CN=Desiree T. Sayle/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Catharine A. Ryun (CN=Catharine A. Ryun/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Stephen S. Ruhlen (CN=Stephen S. Ruhlen/OU=OVP/O=EOP [OVP])
READ:UNKNOWN
BCC: Mark V. Rosenker (CN=Mark V. Rosenker/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Noelia_Rodriguez@who.eop.gov @inet (Noelia_Rodriguez@who.eop.gov @inet [UNKNOWN])
THE GLOBAL MESSENGER
Friday, December 20, 2002

KEY POINTS

- The UN Security Council unanimously passed Resolution 1441 requiring Iraq to disarm itself of its weapons of mass destruction and disclose all of its nuclear, chemical, biological and missile programs.
- The Iraqi declaration fails to meet these requirements. Our experts have found it to be anything but currently accurate, full or complete.
- The pattern of systematic holes and gaps in Iraq's declaration is not the result of accidents or editing oversights or technical mistakes. They are material omissions that constitute another material breach.
On the basis of the evidence before us, our path for the coming weeks is clear:
- We will continue to audit and examine the Iraqi declaration to understand the full extent of Iraq's failure to meet its disclosure obligations.
- Inspectors must be allowed to conduct interviews with scientists and other witnesses outside of Iraq where they can speak freely.
- Inspection efforts inside Iraq must be intensified.
- The burden remains on Iraq to cooperate fully and prove to the international community whether it does or does not have weapons of mass destruction. We are convinced they do until they prove to us otherwise.
- We will continue to consult with our friends, with our allies and with all members of the Security Council on how to compel compliance by Iraq with the will of the international community.

Key Quotes on Iraq's Declaration to the United Nations

- "We are disappointed, but we are not deceived. We have seen this game again and again; an attempt to sow confusion to buy time, hoping the world will lose interest." Secretary of State Colin Powell, in press conference, 12/19/02
- "There were a lot of open questions at the end of 1998; these have not been answered by evidence in the new declaration. One cannot have confidence that there do not remain weapons of mass destruction." UN Chief Weapons Inspector Hans Blix, in press conference, 12/19/02
- "This will fool nobody. If Saddam persists in this obvious falsehood, it will become clear that he has rejected the pathway to peace laid down." British Foreign Secretary Straw, 12/19/02

In Case You Missed It

According to the UN High Commissioner for Refugees (UNHCR), Iraqis fleeing religious and political repression have replaced Afghans as the largest single group requesting asylum in industrialized countries.

Iraqis accounted for 36,282 applications filed in Western countries, followed by people from the Federal Republic of Yugoslavia (24,330).

Afghans fell to fourth place at 20,460 -- considerably fewer than the 38,995 who fled during the same 2001 period -- as their homeland stabilizes under a transition government after decades of war.

(From UN Report: Asylum Applications Lodged in Europe, North America, Australia, New Zealand, and Japan: January - September 2002, released 12/03/02)
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**Secretary of State Colin Powell, in press conference, 12/19/02**

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**UN Chief Weapons Inspector Hans Blix, in press conference, 12/19/02**

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- We will continue to consult with our friends, with our allies and with all members of the Security Council on how to compel compliance by Iraq with the will of the international community.
You didn't get the FEMA joke? Additionally, I can't speak for Brett but it definitely hurts when you act so ashamed of your cretin friends...

I don't really get it.

Also, please don't tell my work colleagues that I am vacationing with the two of you.

Libby seems to have an interesting response to our golf trip.
Subject: Re: Christmas Contact info needed ASAP

I'll alert FEMA.

---

Brett M. Kavanaugh  
12/19/2002 02:50:32 PM  
Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP  
cc:  
Subject: Re: Christmas Contact info needed ASAP

I will be out of town from Dec. 26 through 31. I will be with Joel Kaplan and Dylan Glenn in Palm Springs playing golf. I will be in office all other work days (Dec. 23, Dec. 24, Jan. 2, Jan. 3). Otherwise available on cell and blackberry.

---

Elizabeth N. Camp  
12/19/2002 12:32:52 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Christmas Contact info needed ASAP

We need your contact info for the holidays.

If you are staying in the DC area just say so and let me whether or not you are planning on being in the office. There will certainly be a few red tags and we need to know who will be around to help out be it physically in the office or from your home.

If you are leaving the DC area please let me know what dates you will be gone and provide phone numbers where you can be reached.

I NEED THIS INFORMATION ASAP, PLEASE!

Thanks!

Lib

---

Message Sent  
To:

David S. Addington/OVP/EOP@EOP  
H. Christopher Bartolomucci/WHO/EOP@EOP  
John B. Bellinger/NSC/EOP@EOP  
Bradford A. Berenson/WHO/EOP@EOP  
Kyle Sampson/WHO/EOP@EOP  
Edward McNally/WHO/EOP@EOP  
Noel J. Francisco/WHO/EOP@EOP  
Brett M. Kavanaugh/WHO/EOP@EOP  
Helgard C. Walker/WHO/EOP@EOP  
Patrick J. Bumatay/WHO/EOP@EOP  
Jennifer G. Newstead/WHO/EOP@EOP  
Hana F. Brilliant/WHO/EOP@EOP  
Nanette Everson/WHO/EOP@EOP  
James W. Carroll/WHO/EOP@EOP

REV_00104920
From: CN=Darren D. Grubb/OU=WHO/O=EOP [WHO]
To: Darren D. Grubb/WHO/EOP@EOP [WHO] <Darren D. Grubb>
BCC: Allison Barber (Allison Barber/WHO/EOP [WHO]), Wendy L. Nipper (Wendy L. Nipper/WHO/EOP [WHO]), Tucker A. Eskew (Tucker A. Eskew/WHO/EOP [WHO]), Mary C. Andrews (Mary C. Andrews/WHO/EOP [WHO]), Jennifer Foley (Jennifer Foley/WHO/EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP [WHO]), Greg Lagana (Greg Lagana/WHO/EOP [WHO]), Darren D. Grubb (Darren D. Grubb/WHO/EOP [WHO]), Andrew Liggett (Andrew Liggett/WHO/EOP [WHO]), tjtowber@opm.gov (tjtowber@opm.gov [Unknown]), kvolker@nsc.eop.gov (kvolker@nsc.eop.gov [NSC]), Tracy_Young@who.eop.gov (Tracy_Young@who.eop.gov [Unknown]), jdworken@nsc.eop.gov (jdworken@nsc.eop.gov [NSC]), Candida P. Wolff (Candida P. Wolff/OVP/EOP [OVP]), Lauren L. Willson (Lauren L. Willson/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP [WHO]), L. Camille Welborn (L. Camille Welborn/WHO/EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP [WHO]), Edmund A. Walsh (Edmund A. Walsh/WHO/EOP [WHO]), Daniel_Vogel@who.eop.gov (Daniel_Vogel@who.eop.gov [Unknown]), Ali H. Tubaib (Ali H. Tubaib/WHO/EOP [WHO]), Anne_Trenolone@who.eop.gov (Anne_Trenolone@who.eop.gov [Unknown]), David M. Thomas (David M. Thomas/WHO/EOP [WHO]), Samuel A. Thernstrom (Samuel A. Thernstrom/CEO/EOP [CEO]), Sara M. Taylor (Sara M. Taylor/WHO/EOP [WHO]), Rachael L. Sunbarger (Rachael L. Sunbarger/WHO/EOP [WHO]), Virginia_Stephens@ceq.eop.gov (Virginia_Stephens@ceq.eop.gov [Unknown]), Deborah A. Spagnuoli (Deborah A. Spagnuoli/WHO/EOP [WHO]), Augustine T. Smythe (Augustine T. Smythe/OMB/EOP [OMB]), Matthew E. Smith (Matthew E. Smith/WHO/EOP [WHO]), Kristen_Silverberg@who.eop.gov (Kristen_Silverberg@who.eop.gov [Unknown]), Matthew J. Schneider (Matthew J. Schneider/OMB/EOP [OMB]), Desiree T. Sayle (Desiree T. Sayle/WHO/EOP [WHO]), Catharine A. Ryu (Catharine A. Ryu/WHO/EOP [WHO]), Stephen S. Ruhlen (Stephen S. Ruhlen/OVP/EOP [OVP]), Mark V. Rosenker (Mark V. Rosenker/WHO/EOP [WHO]), Noelia_Rodriguez@who.eop.gov (Noelia_Rodriguez@who.eop.gov [Unknown]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP [Exchange]), Nina_Rees@ovp.eop.gov (Nina_Rees@ovp.eop.gov [Unknown]), Susan B. Ralston (Susan B. Ralston/WHO/EOP [WHO]), Dina_Powell@who.eop.gov (Dina_Powell@who.eop.gov [Unknown]), Kathleen_Mynster@who.eop.gov (Kathleen_Mynster@who.eop.gov [Unknown]), Leslie A. Mooney (Leslie A. Mooney/OVP/EOP [Exchange]), Jennifer_Millerwise@ovp.eop.gov (Jennifer_Millerwise@ovp.eop.gov [Unknown]), Harriet_Miers@who.eop.gov (Harriet_Miers@who.eop.gov [Unknown]), Sonya E. Medina (Sonya E. Medina/WHO/EOP [WHO]), Robert C. McNally (Robert C. McNally/OPD/EOP [OPD]), Charles D. McGrath Jr (Charles D. McGrath Jr/OVP/EOP/EOP [OVP]), Jennifer H. Mayfield (Jennifer H. Mayfield/OVP/EOP [OVP]), Jose_Mallea@who.eop.gov (Jose_Mallea@who.eop.gov [Unknown]), Heidi K. Marquez (Heidi K. Marquez/WHO/EOP [WHO]), Garry_Malphrus@opd.eop.gov (Garry_Malphrus@opd.eop.gov [Unknown]), Carrie B. Loy (Carrie B. Loy/WHO/EOP [WHO]), Roland N. Litterst (Roland N. Litterst/WHO/EOP [WHO]), Kenneth A. Lisaius (Kenneth A. Lisaius/WHO/EOP [WHO]), Lewis_Libby@ovp.eop.gov (Lewis_Libby@ovp.eop.gov [Unknown]), Dirkson_Lehman@who.eop.gov (Dirksen_Lehman@who.eop.gov [Unknown]), Ross M. Kyle (Ross M. Kyle/WHO/EOP [WHO]), Lindsey C. Kozberg (Lindsey C. Kozberg/WHO/EOP [WHO]), Karen Y. Knutson (Karen Y. Knutson/OVP/EOP/EOP [OVP]), Matthew_Kirk@who.eop.gov (Matthew_Kirk@who.eop.gov [Unknown]), Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO]), Jeffrey B. Jones (Jeffrey B. Jones/NSC/EOP [NSC]), Collister W. Johnson (Collister W. Johnson/WHO/EOP [WHO]), Gordon D. Johnsdre (Gordon D. Johnsdre/WHO/EOP [WHO]), Gregory J. Jenkins (Gregory J. Jenkins/WHO/EOP [WHO]), Barry S. Jackson (Barry S. Jackson/WHO/EOP [WHO]), A. Merrill Hughes (A. Merrill Hughes/OVP/EOP/EOP [OVP]), Jack_Howard@who.eop.gov (Jack_Howard@who.eop.gov [Unknown]), Mark_Holman@who.eop.gov (Mark_Holman@who.eop.gov [Unknown]), Israel_Hernandez@who.eop.gov (Israel_Hernandez@who.eop.gov [Unknown]).
Wilkinjr@centcom.mil@inet [UNKNOWN], JSklarz@rendon.com@inet (JSklarz@rendon.com@inet [UNKNOWN]), Krista L. Ritacco (Krista L. Ritacco/WHO/EOP@EOP [WHO]), jrendon@rendon.com@inet (jrendon@rendon.com@inet [UNKNOWN]), reekerpt@state.gov@inet (reekerpt@state.gov@inet [UNKNOWN]), eb@rendon.com@inet (eb@rendon.com@inet [UNKNOWN]), MoridaniS@state.gov@inet (MoridaniS@state.gov@inet [UNKNOWN]), Sean I. McCormack (Sean I. McCormack/NSC/EOP@EOP [NSC]), Mary J. Matalin (Mary J. Matalin/OVP/EOP@EOP [OVP]), Lewis Libby (Lewis Libby/OVP/EOP@EOP [OVP]), LaroccoJA@state.gov@inet (LaroccoJA@state.gov@inet [UNKNOWN]), greg.keeley@usa.defence.gov.au (greg.keeley@usa.defence.gov.au [UNKNOWN]), Barry_S._Jackson@who.eop.gov (Barry_S._Jackson@who.eop.gov [UNKNOWN]), paull.hamill@cicuk.fco.gov.uk (paull.hamill@cicuk.fco.gov.uk [UNKNOWN]), matt.francis@dol.gov.au (matt.francis@dol.gov.au [UNKNOWN]), Lawrence_A._Fleischer@who.eop.gov (Lawrence_A._Fleischer@who.eop.gov [UNKNOWN]), Nicolle_Devenish@who.eop.gov@inet (Nicolle_Devenish@who.eop.gov@inet [UNKNOWN]), ddejban@pd.state.gov@inet (ddejban@pd.state.gov@inet [UNKNOWN]), torie.clarke@osd.mil (torie.clarke@osd.mil [UNKNOWN]), ChapmanJ@state.gov@inet (ChapmanJ@state.gov@inet [UNKNOWN]), Nicholas_E._Calio@who.eop.gov (Nicholas_E._Calio@who.eop.gov [UNKNOWN]), Claire_E._Buchan@who.eop.gov (Claire_E._Buchan@who.eop.gov [UNKNOWN]), boucherra@state.gov@inet (boucherra@state.gov@inet [UNKNOWN]), cbeers@pd.state.gov@inet (cbeers@pd.state.gov@inet [UNKNOWN]), Allson.Barber@osd.mil (Allson.Barber@osd.mil [UNKNOWN]), ballardd@state.gov@inet (ballardd@state.gov@inet [UNKNOWN]), Mary_C._Andrews@who.eop.gov (Mary_C._Andrews@who.eop.gov [UNKNOWN]), mpmhuson@lta.org@inet (mpmhuson@lta.org@inet [UNKNOWN]), NJCOMERFO@lordbissell.com@inet (NJCOMERFO@lordbissell.com@inet [UNKNOWN]), mccom@sc.rr.com@inet (mccom@sc.rr.com@inet [UNKNOWN]), abrobin@fenix2@dol.esa.gov (abrobin@fenix2@dol.esa.gov [UNKNOWN]), TompkinsJW@aol.com@inet (TompkinsJW@aol.com@inet [UNKNOWN]), msimmarketing@earthlink.net@inet (msimmarketing@earthlink.net@inet [UNKNOWN]), karen@georgewbush.com@inet (karen@georgewbush.com@inet [NSC]), keith_hennesssey@yahoo.com@inet (keith_hennesssey@yahoo.com@inet [UNKNOWN]), amy.burns@invesys.com@INET (amy.burns@invesys.com@INET [UNKNOWN]), kblack@georgewbush.com@inet (kblack@georgewbush.com@inet [UNKNOWN]), natalie.barrett@msn.com@inet (natalie.barrett@msn.com@inet [UNKNOWN]), Megan.Shattuck@turner.com (Megan.Shattuck@turner.com [UNKNOWN]), Campbell.Brown@nbc.com (Campbell.Brown@nbc.com [UNKNOWN]), Pat.Anastasi@msnbc.com (Pat.Anastasi@msnbc.com [UNKNOWN]), dave.shott@foxnews.com@INET (dave.shott@foxnews.com@INET [UNKNOWN]), jamie.nelson@foxnews.com (jamie.nelson@foxnews.com [UNKNOWN]), wendell.goler@foxnews.com (wendell.goler@foxnews.com [UNKNOWN]), bryan.boughton@foxnews.com (bryan.boughton@foxnews.com [UNKNOWN]), Danielle.Welton@cn.com@INET (Danielle.Welton@cn.com@INET [UNKNOWN]), Suzanne.Malveaux@cn.com@INET (Suzanne.Malveaux@cn.com@INET [UNKNOWN]), elizabeth.e.wilner@abc.com (elizabeth.e.wilner@abc.com [UNKNOWN])

Sent: 12/19/2002 1:33:22 PM
Subject: White House Global Messenger - Friday, 12/20/02
Attachments: P_HR11C003_OPD.TXT_1.doc
THE GLOBAL MESSENGER
Friday, December 20, 2002

KEY POINTS

- The UN Security Council unanimously passed Resolution 1441 requiring Iraq to disarm itself of its weapons of mass destruction and disclose all of its nuclear, chemical, biological and missile programs.
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White House Global Messenger - Friday, 12/20/02

P_HR11C003_WHO.TXT_1.doc

### Begin Original ARMS Header ###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Darren D. Grubb (CN=Darren D. Grubb/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 19-DEC-2002 18:33:22.00

SUBJECT:: White House Global Messenger - Friday, 12/20/02

TO: Darren D. Grubb (CN=Darren D. Grubb/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC: Allison Barber (CN=Allison Barber/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC: Wendy L. Nipper (CN=Wendy L. Nipper/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC: Tucker A. Eskew (CN=Tucker A. Eskew/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

BCC: Mary C. Andrews (CN=Mary C. Andrews/OU=WHO/O=EOP [WHO])
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BCC: Michael J. Gerson (CN=Michael J. Gerson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
BCC: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
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BCC: Jennifer Foley@who.eop.gov @ inet (Jennifer_Foley@who.eop.gov @ inet [UNKNOWN])
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BCC: Kara G. Figg (CN=Kara G. Figg/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
BCC: Catherine S. Fenton (CN=Catherine S. Fenton/OU=WHO/O=EOP [WHO])
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BCC: Jennifer M. Farley (CN=Jennifer M. Farley/OU=WHO/O=EOP [WHO])
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READ:UNKNOWN
BCC: John D. Estes (CN=John D. Estes/OU=WHO/O=EOP [WHO])
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BCC: Jennifer M. Farley (CN=Jennifer M. Farley/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
BCC: Mary Elizabeth Farr@who.eop.gov @ inet (Mary_Elizabeth_Farr@who.eop.gov @ inet [UNKNOWN])
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BCC: Jonathan T. Dworken (CN=Jonathan T. Dworken/OU=NSC/O=EOP [NSC])
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BCC: Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP [OPD])
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BCC: Karen D. Cruson@who.eop.gov (Karen_D._Cruson@who.eop.gov [UNKNOWN])
READ:UNKNOWN
BCC: Brian C. Conklin (CN=Brian C. Conklin/OU=WHO/O=EOP [WHO])
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BCC: Carolyn E. Cleveland (CN=Carolyn E. Cleveland/OU=WHO/O=EOP [WHO])
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BCC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP [WHO])
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BCC: Brian Cairns@who.eop.gov @ inet (Brian_Cairns@who.eop.gov @ inet [UNKNOWN])
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BCC: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP [WHO])
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BCC: Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
BCC: Debra D. Bird (CN=Debra D. Bird/OU=WHO/O=EOP [WHO])
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BCC: Melissa S. Bennett (CN=Melissa S. Bennett/OU=WHO/O=EOP [WHO])
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BCC: Ruben S. Barrales (CN=Ruben S. Barrales/OU=WHO/O=EOP [WHO])
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BCC: Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP [WHO])
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BCC: Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP [WHO])
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KEY POINTS

- The UN Security Council unanimously passed Resolution 1441 requiring Iraq to disarm itself of its weapons of mass destruction and disclose all of its nuclear, chemical, biological and missile programs.

- The Iraqi declaration fails to meet these requirements. Our experts have found it to be anything but currently accurate, full or complete.

- The pattern of systematic holes and gaps in Iraq’s declaration is not the result of accidents or editing oversights or technical mistakes. They are material omissions that constitute another material breach.

- On the basis of the evidence before us, our path for the coming weeks is clear:
  - We will continue to audit and examine the Iraqi declaration to understand the full extent of Iraq’s failure to meet its disclosure obligations.
  - Inspectors must be allowed to conduct interviews with scientists and other witnesses outside of Iraq where they can speak freely.
  - Inspection efforts inside Iraq must be intensified.

- The burden remains on Iraq to cooperate fully and prove to the international community whether it does or does not have weapons of mass destruction. We are convinced they do until they prove to us otherwise.

- We will continue to consult with our friends, with our allies and with all members of the Security Council on how to compel compliance by Iraq with the will of the international community.

THE WHITE HOUSE
Office of Global Communications
One stat worth knowing for the long haul -- not as a talker but just to know. What percentage of a President's circuit nominees were ever confirmed?

Reagan: 81% (83 of 102)
George H.W. Bush: 78% (42 of 54)
Clinton: 61% (65 of 106)

For President George W. Bush, we are so far at 28%: 8 of 29.
I will be out of the office from 12/23/2002 until 12/30/2002.

I will respond to your message when I return. Happy Holidays!
Here is Jordan's contact info:

Hon. Kent Jordan  
U.S. District Court for the District of Delaware  
844 King Street, Lockbox 10  
Wilmington, DE 19801  
(302) 573-6001  
judge_kent_jordan@ded.uscourts.gov

---------------------- Forwarded by Kyle Sampson/WHO/EOP on 12/24/2002 04:38 PM ---------------------------

--- Original Message ---
From: Brett M. Kavanaugh/WHO/EOP@EOP  
To: Kyle Sampson/WHO/EOP@EOP  
Subject: Re: Jordan investiture is:

Friday, January 3, 2003, at 2:00 pm.  
Federal courthouse at 844 King Street, Wilmington, DE.  
You should have received an invitation by now.  
You are on the program as representing the President and presenting the commission.  
I have Jordan's contact info at the office -- will forward it to you later today.

Do you have details re jordan investiture.

...
Stand by—we'll pick you up. Where are you?
From: Womack, Anne <WOMACKA@SEC.GOV>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 12/27/2002 5:39:54 AM
Subject: : have you seen the NYT this morning?

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Womack, Anne" <WOMACKA@SEC.GOV> ( "Womack, Anne" <WOMACKA@SEC.GOV> [ UNKNOWN ] )
CREATION DATE/TIME: 27-DEC-2002 10:39:54.00
SUBJECT:: have you seen the NYT this morning?
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
###### End Original ARMS Header ######
Many of the ambassadors are in town next week for some meetings. Ken wanted to know if he and Karl could host a meeting over here with some of them and discuss political matters. Are there any guidelines on what they can do?
I hope you are enjoying some time off, but if not, or when you get back, we'd greatly appreciate your clearing as many, or all, of the pending notices as you possibly can.

I am in this week, but will be away from January 6-10, so please contact Jeff Landou on my staff, or Nancy Smith, or John Laster on her staff, if you are making decisions that week, or need any other assistance. Thanks.

>> GaryM Stern 12/12/02 3:06:51 PM >>
You should have received the copies of the responses from the reps on both notices by now.

It has been our practice not to send you the actual responses by the reps, unless you specifically request them, but rather a letter (usually from Nancy Smith) stating that the reps have signed off on the notice. Would you now prefer that we always send you the response from the rep?

>> <Brett_M_Kavanaugh@who.eop.gov> 12/12/02 1:56:39 PM >>
I do not have a record of Mintz/Cicconi clearance on 2002-041. Can you FAX that to me? Thanks.
are you back?

; supposed to be 60 degrees tomorrow...
I have your parking passes. Let me know when you're back and I'll drop it by.
-Hana
am available whenever you want.

----- Original Message ----- 
From: Brett M. Kavanaugh/WHO/EOP
To: Jay P. Lefkowitz/OPD/EOP, Jonathan R. Scharfen/NSC/EOP
Cc: Brett M. Kavanaugh/WHO/EOP, John B. Bellinger/NSC/EOP
Date: 12/31/2002 10:58:25 AM
Subject: Re: MEETING TO DISCUSS FROZEN ASSET LITIGATION AND PRESS COVERAGE

I will be on plane but will get report from jay later.

----- Original Message ----- 
From: Jay P. Lefkowitz/OPD/EOP
To: Jonathan R. Scharfen/NSC/EOP, Jay P. Lefkowitz/OPD/EOP
Cc: Diana L. Schacht/OPD/EOP, Joseph M. Myers/NSC/EOP, Brett M. Kavanaugh/WHO/EOP, John B. Bellinger/NSC/EOP
Date: 12/30/2002 01:52:10 PM
Subject: Re: MEETING TO DISCUSS FROZEN ASSET LITIGATION AND PRESS COVERAGE

Fine.

----- Original Message ----- 
From: Jonathan R. Scharfen/NSC/EOP
To: Jay P. Lefkowitz/OPD/EOP
Cc: Diana L. Schacht/OPD/EOP, Joseph M. Myers/NSC/EOP, Brett M. Kavanaugh/WHO/EOP, John B. Bellinger/NSC/EOP
Date: 12/30/2002 01:31:10 PM
Subject: Re: MEETING TO DISCUSS FROZEN ASSET LITIGATION AND PRESS COVERAGE

Jay and Diana,
Thanks.
John Bellinger would like to meet at 1030, if that works w/ you.
We may want to conference Brett K. into the discussion as he'll be out of the office tomorrow.
Thanks. Jock
Jay P. Lefkowitz  
12/30/2002 12:52:13 PM  
Record Type: Record  

To: See the distribution list at the bottom of this message  
cc:  
Subject: Re: MEETING TO DISCUSS FROZEN ASSET LITIGATION AND PRESS COVERAGE  

I would like to have a mtg tomorrow. I should be in the ofc and can host it.

Diana -- can you coordinate with all relevant participants. Late am probably works best.

----- Original Message -----  
From: Jonathan R. Scharfen/NSC/EOP  
To: Diana L. Schacht/OPD/EOP@EOP, John B. Bellinger/NSC/EOP@EOP, Joseph M. Myers/NSC/EOP@EOP, Kristen Silverberg/WHO/EOP@EOP, Jay P. Lefkowitz/OPD/EOP@EOP  
Cc:  
Date: 12/30/2002 12:11:55 PM  
Subject: Re: MEETING TO DISCUSS FROZEN ASSET LITIGATION AND PRESS COVERAGE  

John,  
Pls see Brett's e mail below. What are your views regarding meeting tomorrow? You or I should probably call David Aufhauser. Jock

-------------------- Forwarded by Jonathan R. Scharfen/NSC/EOP on 12/30/2002 12:12 PM ----------------------

Jonathan R. Scharfen  
12/30/2002 12:08:39 PM  
Record Type: Record  

To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
Subject: Re: MEETING TO DISCUSS FROZEN ASSET LITIGATION AND PRESS COVERAGE  

Brett,  
I believe that Treasury GC is the party most interested in meeting by tomorrow because of the CBS interest in running a story. Unfortunately, I don't think this will be our last meeting in any event. Nothing has been scheduled yet and I will pulse others to see what their views are re the need & availability for a Tuesday mtg. Jock

Message Sent  
To:  
Jonathan R. Scharfen/NSC/EOP@EOP  
Diana L. Schacht/OPD/EOP@EOP  
John B. Bellinger/NSC/EOP@EOP
I apologize for inundating you all with e-mails. I'm sending you the op-eds one at a time because that's how they're coming to me. I have 6 more to come; but I'll hold off sending them until tomorrow. If any of you don't want to receive this way let me know.
If you don't like the law in Ohio, blame the General Assembly, not Deborah Cook.

> -----Original Message-----
> From: Dawson, Mike (DeWine)
> Sent: Tuesday, December 31, 2002 11:01 AM
> To: Taylor, Steve (Judiciary)
> Subject:
> 
> Copyright 1995 The Dayton Daily News
> The Dayton Daily News
> July 2, 1995, SUNDAY,
> LENGTH: 810 words
> 
> HEADLINE: GOP-RUN ASSEMBLY DELIVERS WHAT OHIO BUSINESSES WANT
> 
> BYLINE: Tim Miller; COLUMBUS BUREAU
> 
> DATELINE: COLUMBUS
> 
> BODY:
> 
> A loud, popping sound in the Secretary of State's office on election night last November caused veteran Democratic Party activist Tom Meyer to laugh half-heartedly.
> 
> "They're opening another champagne bottle in a corporate boardroom," he quipped.
> 
> Indeed, seven months after that election - in which the Republican Party took control of the Ohio House, kept control of the state Senate,
swept all statewide executive offices - business leaders are smiling.  

The recently completed first phase of the 121st Ohio General Assembly saw several major pro-business bills sail through. Other bills, considered even more pressing to the corporate community, were placed in the legislative pipeline for action later this year. One veteran Statehouse lobbyist noted that the departure of Democratic House Speaker Vern Riffe, who held that post a record 20 years, has dramatically altered the legislative landscape.

''When Vern was in power, business got what it needed,'' he said. ''Now, business is getting what it wants.''

State Rep. Bob Corbin, R-Wash. Twp., who became the House majority whip thanks to the GOP takeover, only mildly disputed that assessment. He believes what's good for Ohio business is generally good for Ohioans.

''Business should feel good about a lot of things we've done, but so should all Ohioans,'' he said. ''Business is not setting the agenda, but business is involved in working on the agenda. Much of what we've done is to address some past actions that have caused concern in the business community and have hindered our economic development.''

Corbin has become a shepherd for many of the changes, including revamping the Bureau of Workers' Compensation; giving employers protection against liability lawsuits by former employees; and trying to modify the prevailing wage law that requires paying union wages on most public construction projects.

The Republicans also are moving to reduce environmental regulations on businesses; allow corporations to participate more directly in political campaigns; and reverse an Ohio Supreme Court decision in an effort to make it more difficult for employees to sue employers for job-related injuries.

John Mahaney, the longtime executive director of the Ohio Council of Retail Merchants, described the new General Assembly as 'business-friendly, but then no one would say Vern Riffe was anti-business. Vern simply had other interests he had to be concerned with that the new leadership does not.''

Prominent among those 'interests' was organized labor, whose members have been observing the proceedings with trepidation.

''There is great concern that in their quest to please the business community, the working men and women in Ohio are going to be left behind,'' said Kent Darr, spokesman for the Ohio AFL-CIO. ''There less of an appreciation that what's good for workers is also good for business.''

But Mahaney describes much of the legislation that has been approved so far as ''a balancing. Every 20 years or so in Ohio, power shifts from one party to the other. It usually evens out.''

Curt Steiner, the chief executive officer of the House, recalled the early 1980s when the Democrats took control of all levers of power in the Statehouse.

''You quickly saw enactment of several major pieces of legislation that labor had been seeking for many years,'' he said. ''And it was done without consultation with the Republicans. I think we've made a very strong effort to have an open process and involve all parties in our deliberations.''

Steiner said the General Assembly also worked closely with the administration of Gov. George Voinovich, who's considered a moderate Republican with a good working relationship with some traditional Democratic groups, such as labor.

However, Steiner and others predicted that after the Legislature returns
from its summer recess, probably in November, there will be more legislation emanating from the increasing number of conservatives in the House.

''In the next phase I think you are going to see some initiatives that may or may not have the support of the administration,'' Steiner said.

Enacting a new, two-year state budget consumed a great deal of time in the just-completed session, Mahaney noted. ''They had to focus on the budget, and I believe they did not want to appear too partisan in the beginning of the session,'' Mahaney said. ''When they come back, I think you could see some pitched battles.''

While apprehensive about what that might mean to their favorite programs, some Democrats also see the possibility of political gains from the GOP agenda.

''If they overreach, if they are perceived as taking hard-earned gains away from the working people of Ohio, I can't help but believe that it will help revive the Democratic party,'' said state Sen. Dennis Kucinich, D-Cleveland.
Call in numbers:
456-6755
456-6766

Code:
They will all be in town starting Monday, and a lot have requested to meet with Karl and Ken. Can we do one joint meeting? Please call me or Ken when you can. Thanks.

Brett M. Kavanaugh
12/31/2002 04:26:55 PM
Record Type: Record
To: Katherine M. Walters/WHO/EOP, Brett M. Kavanaugh/WHO/EOP CC:
Subject: Re: meeting with Ambassadors

Let's discuss Thursday. They are somewhat restricted in what they can do.

----- Original Message ----- 
From: Katherine M. Walters/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP
CC:
Date: 12/30/2002 02:36:54 PM
Subject: meeting with Ambassadors

Many of the ambassadors are in town next week for some meetings. Ken wanted to know if he and Karl could host a meeting over here with some of them and discuss political matters. Are there any guidelines on what they can do?
Brett:

I have been talking to Shannen Coffin about how to repair the problem of the order to disclose foreign government information received (from Chile) in confidence in Center for International Environmental Law v. Office of the U.S. Trade Representative, Civ. Action No. 01-2350 (PLF) (DDC December 17, 2002), which is available on the web at http://www.dcd.uscourts.gov/district-court-recent.html.
Ken would like to set up a meeting with Joe and Brett re: advance and scheduling. Can we set something up for the week of the 13th?

We could try for Monday, Jan. 13th at 11 am.
From: Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
To: Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>; Levitas, Peter (Judiciary)
<Peter_Levitas@Judiciary.senate.gov>; Higgins, Stephen (Judiciary) 
<Stephen_Higgins@Judiciary.senate.gov>; Mark Heilbrun <IMCEACCCMAIL-Mark+20Heilbrun+20at+20SPECTER-DC"@routing.senate.gov>; Frank Brown <IMCEACCCMAIL-Frank+20Brown+20at+20SPECTER-DC"@routing.senate.gov>; Viet.Dinh@usdoj.gov [UNKNOWN] <Viet.Dinh@usdoj.gov>; sheila.joy@usdoj.gov [UNKNOWN] <sheila.joy@usdoj.gov>; Oliphant, Lincoln (RPC) <Lincoln_Oliphant@rpc.senate.gov>; Kyle Sampson/WHO/EOP@WHO [WHO] <Kyle_Sampson>; Jamie.E.Brown@usdoj.gov [UNKNOWN] <Jamie.E.Brown@usdoj.gov>; H. Christopher Bartolomucci/WHO/EOP@WHO [WHO] <H. Christopher Bartolomucci>@usdoj.gov; Dan.Bryant@usdoj.gov [UNKNOWN] <Dan.Bryant@usdoj.gov>; Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>; Bradford A. Berenson/WHO/EOP@WHO [WHO] <Bradford A. Berenson>; Ashley Snee/WHO/EOP@WHO [WHO] <Ashley Snee>; Taylor, Steve (Judiciary) <Steve_Taylor@Judiciary.senate.gov>; Matal, Joe (Judiciary) <Joe_Matal@Judiciary.senate.gov>; Lari, Rita (Judiciary) <Rita_Lari@Judiciary.senate.gov>; Woo, Sean (Judiciary) <Sean_Woo@Judiciary.senate.gov>; John Abegg <IMCEACCCMAIL-John+20Abegg+20at+20SPECTER-DC"@routing.senate.gov>; Thomas Swanton <IMCEACCCMAIL-Thomas+20Swanton+20at+20SPECTER-DC"@routing.senate.gov>; Steve.Koebele@usdoj.gov [UNKNOWN] <Steve.Koebele@usdoj.gov>; Pat.O'Brien@usdoj.gov [UNKNOWN] <Pat.O'Brien@usdoj.gov>; nathan.sales@usdoj.gov [UNKNOWN] <nathan.sales@usdoj.gov>; lizette.d.benedi@usdoj.gov [UNKNOWN] <lizette.d.benedi@usdoj.gov>; larry_kosten@specter.senate.gov [UNKNOWN] <larry_kosten@specter.senate.gov>; Kristi.L.Remington@usdoj.gov [UNKNOWN] <Kristi.L.Remington@usdoj.gov>; Heather Wingate/WHO/EOP@WHO [WHO] <Heather_Wingate>; Don.Willett@usdoj.gov [UNKNOWN] <Don.Willett@usdoj.gov>; Myers, Chris (Republican-Conf) <Chris_Myers@src.senate.gov>; Brett M. Kavanaugh/WHO/EOP@WHO [WHO] <Brett_M. Kavanaugh@usdoj.gov>; Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>; Adam.Charnes@usdoj.gov [UNKNOWN] <Adam.Charnes@usdoj.gov>

Prior, Swen (Judiciary) <Swen_Prior@Judiciary.senate.gov>

Sent: 1/2/2003 9:49:56 AM

Subject: New Nominations Clerk

Attachments: P_YYYYNC003_WHO.TXT_1.html

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> { "Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [UNKNOWN ] }
CREATION DATE/TIME: 2-JAN-2003 14:49:56.00
SUBJECT:: New Nominations Clerk
TO:"Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> { "Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> [UNKNOWN ] }
READ:UNKNOWN
TO:"Levitas, Peter (Judiciary)" <Peter_Levitas@Judiciary.senate.gov> { "Levitas, Peter (Judiciary)" <Peter_Levitas@Judiciary.senate.gov> [UNKNOWN ] }
READ:UNKNOWN
TO:"Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> { "Higgins, Stephen (Judiciary)" <Stephen_Higgins@Judiciary.senate.gov> [UNKNOWN ] }
READ:UNKNOWN
TO:Mark Heilbrun <IMCEACCCMAIL-Mark+20Heilbrun+20at+20SPECTER-DC"@routing.senate.gov> ( Mark Heilbrun <IMCEACCCMAIL-Mark+20Heilbrun+20at+20SPECTER-DC"@routing.senate.gov> [UNKNOWN ] )
READ:UNKNOWN
READ:UNKNOWN

REV_00105410
TO: Viet.Dinh@usdoj.gov (Viet.Dinh@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: sheila.joy@usdoj.gov (sheila.joy@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: nancy.scottfinan@usdoj.gov (nancy.scottfinan@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: "Olivant, Lincoln (RPC)" <Lincoln_Olivant@rpc.senate.gov> ("Olivant, Lincoln (RPC)"
<Lincoln_Olivant@rpc.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Jamie.E.Brown@usdoj.gov (Jamie.E.Brown@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Dan.Bryant@usdoj.gov (Dan.Bryant@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: Brian.A.Benczkowski@usdoj.gov (Brian.A.Benczkowski@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: "Taylor, Steve (Judiciary)" <Steve_Taylor@Judiciary.senate.gov> ("Taylor, Steve (Judiciary)"
<Steve_Taylor@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: "Matal, Joe (Judiciary)" <Joe_Matal@Judiciary.senate.gov> ("Matal, Joe (Judiciary)"
<Joe_Matal@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: "Lari, Rita (Judiciary)" <Rita_Lari@Judiciary.senate.gov> ("Lari, Rita (Judiciary)"
<Rita_Lari@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: "Woo, Sean (Judiciary)" <Sean_Woo@Judiciary.senate.gov> ("Woo, Sean (Judiciary)"
<Sean_Woo@Judiciary.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: John Abegg <IMCEACCMAIL-John+20Abegg+20at+20MCCONNELL-DC"@routing.senate.gov> (John
Abegg <IMCEACCMAIL-John+20Abegg+20at+20MCCONNELL-DC"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: Thomas Swanton <IMCEACCMAIL-Thomas+20Swanton+20at+20SPECTER-DC"@routing.senate.gov> (Thomas
Swanton <IMCEACCMAIL-Thomas+20Swanton+20at+20SPECTER-DC"@routing.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: Steve.Koebele@usdoj.gov (Steve.Koebele@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: Pat.O'Brien@usdoj.gov (Pat.O'Brien@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: nathan.sales@usdoj.gov (nathan.sales@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: lizette.d.benedi@usdoj.gov (lizette.d.benedi@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: larry_kosten@specter.senate.gov (larry_kosten@specter.senate.gov [UNKNOWN])
READ:UNKNOWN
TO: Kristi.L.Remington@usdoj.gov (Kristi.L.Remington@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Don.Willett@usdoj.gov (Don.Willett@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO: "Myers, Chris (Republican-Conf)" <Chris_Myers@src.senate.gov> ("Myers, Chris (Republican-Conf)"
<Chris_Myers@src.senate.gov> [UNKNOWN])
READ:UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: "Ledeen, Barbara (Republican-Conf)" <Barbara_Ledeen@src.senate.gov> ("Ledeen, Barbara
(Republican-Conf)" <Barbara_Ledeen@src.senate.gov> [UNKNOWN])
READ:UNKNOWN

REV_00105411
Swen Prior is our new nominations clerk here at the full Committee. (Former nominations clerk Jason Lundell is staying on as a staff assistant.) We are thrilled to have him on board. If you need copies of letters in support of, or in opposition to, specific nominees, or have questions about statistics or any other nominations-related matter, please feel free to call Swen at 224-7418.

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_YYYNC003_WHO.TXT_1>
Swen Prior is our new nominations clerk here at the full Committee. (Former nominations clerk Jason Lundell is staying on as a staff assistant.) We are thrilled to have him on board. If you need copies of letters in support of, or in opposition to, specific nominees, or have questions about statistics or any other nominations-related matter, please feel free to call Swen at 224-7418.
None for now. I forwarded this to Kyle Sampson and Helgi.

"Joy, Sheila" <Sheila.Joy@usdoj.gov>
01/02/2003 05:30:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Judicial Application Forms

Brett - do you have any guidance on this. Sheila

-----Original Message-----
From: Shappert, Gretchen
Sent: Thursday, January 02, 2003 3:45 PM
To: Joy, Sheila
Subject: Judicial Application Forms

Sheila:
I hope that you had a wonderful holiday.
Please let me know if you require any additional forms or information from me.
Many thanks, Gretchen
Great - thanks much (just planning ahead).
Easy on the Dewey Devils...

Brett M. Kavanaugh
01/03/2003 10:57:01 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: my whereabouts this afternoon

I am attending the investiture of Kent Jordan in Delaware at 2:00. I will have cell.

Message Sent
To:
Alberto R. Gonzales/WHO/EOP@EOP
David G. Leitch/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Patrick J. Bumatay/WHO/EOP@EOP
Raquel Cabral/WHO/EOP@EOP
Lib maybe you cld print out copies of the memorandum opinion for David, Brett and the Judge?
(otherwise will be coming by fax from Kate Anderson shortly.)

----- Original Message -----  
From: Catherine S. Anderson/WHO/EOP  
To: Edward McNally/WHO/EOP@EOP  
Cc:  
Date: 01/02/2003 11:16:18 AM  
Subject: EPIC  

Ed: Spoke to Tony Coppolino, DOJ, today, who advised that our Motion to Dismiss, or in the alternative, Motion for Summary Judgment was denied without prejudice on 12/26/2002. We have until 2/24/2003 to complete discovery relating solely to the jurisdictional issue. I am still waiting for a copy of the Memorandum Opinion. Kate
That's fine.

Ken Mehlman
01/02/2003 02:22:44 PM
Record Type: Record

To: Keith R. Brancato/WHO/EOP@EOP
cc: Brett M. Kavanaugh/WHO/EOP@EOP

Subject: Re: Letter from NY Sen. Majority Leader Joseph Bruno

Thanks for your letter is sufficient. Also worth pointing out the decision is made by the RNC. Your thoughts, Brett?

Keith R. Brancato
01/02/2003 02:12:40 PM
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP
cc: Alicia W. Davis/WHO/EOP@EOP, Katherine M. Walters/WHO/EOP@EOP

Subject: Letter from NY Sen. Majority Leader Joseph Bruno

Ken-
Ruben wanted me to get your thoughts on a letter we received from NY Sen. Majority Leader Joseph Bruno. His letter is in support of NYC hosting the 2004 Republican National Convention. Is there any particular way you think we should handle this letter? Or would a general "Thank you for your letter" response be adequate? Thanks for your help.

Keith
Great. Thank you.

That's fine.

Thanks for your letter is sufficient. Also worth pointing out the decision is made by the RNC. Your thoughts, Brett?

Ken-Me-ubent wanted me to get your thoughts on a letter we received from NY Sen. Majority Leader Joseph Bruno. His letter is in support of NYC
hosting the 2004 Republican National Convention. Is there any particular way you think we should handle this letter? Or would a general "Thank you for your letter" response be adequate? Thanks for your help.

Keith
please FAX to me at 456-5104

"Joy, Sheila" <Sheila.Joy@usdoj.gov>
12/30/2002 02:04:58 PM
Record Type: Record

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

Brett - I do have a letter from Judge Hagen dated 12/11/02 indicating he intends to retire 11/28/03 - I thought I had faxed a copy to Carrie but will do so again today (12/30). I have not seen anything from Judge Matsch. I will check with the AO to see if they have seen anything from him. Sheila

---Original Message----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, December 20, 2002 3:34 PM
To: Joy, Sheila
Subject: Re: new vacancy

do we have letter from Hagen? Also, do we have a letter from Matsch who apparently has announced?
Subject: new vacancy

I am faxing copies of the letters to Carrie

Judge Smalkin has moved up his date of retirement and David Hagen (NV) has announced he will retire 11/28/03
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Katherine M. Walters/WHO/EOP@EOP [ WHO ] <Katherine M. Walters>; Ken Mehlman/WHO/EOP@EOP [ WHO ] <Ken Mehlman>
Sent: 1/3/2003 4:40:20 AM
Subject: : ok for Joe Allbaugh to do that event; please clear invitation with me

"### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 3-JAN-2003 09:40:20.00
SUBJECT: : ok for Joe Allbaugh to do that event; please clear invitation with me
TO: Katherine M. Walters (CN=Katherine M. Walters/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO: Ken Mehlman (CN=Ken Mehlman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
### End Original ARMS Header ###
Our plan is to submit judicial re-nominations on Tuesday the 7th. Thanks.
As you may have seen, Judge Kollar-Ketelly denied the motion to dismiss in the FOIA case against OHS. The MTD argued that OHS is not an agency for purposes of FOIA. Presumably, the denial of the motion to dismiss just means that the court wants factual evidence re the activities of OHS before determining whether it is an agency. Once I get the opinion, I'll let you know if she said anything that indicates whether she is leaning in a particular direction.
Judge Gonzales received a letter today from Ralph Mecham, the Director of the Administrative Office of the US Courts. The letter indicates that the Committee on Judicial Resources of the Judicial Conference of the United States has taken favorable action consistent with President's proposal on judges. In December, the Committee (chaired by Judge Dennis Jacobs of the Second Circuit) approved the following language, which in turn will be considered and voted on in March by the full Judicial Conference: "The Judicial Conference strongly urges all judges to notify the President and the Administrative Office of the United States Courts as far in advance as possible of a change in status, and if possible, twelve months before the contemplated date of changes in status." They also adopted language that "regular reminders of the policy be transmitted to judges."

Mr. Mecham's letter states: "I am sure that the Judicial Conference will approve this strengthened policy."

This is good news, of course.
Anyone in your office an expert on tort reform?
From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 1/3/2003 8:00:30 AM
Subject: : RE: Tort Reform

US Chamber is having a conference next Friday in Phoenix and wants someone to address them. I don't know enough about the issue. You want to go?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Friday, January 03, 2003 12:38 PM
To: Charnes, Adam; Brett_M._Kavanaugh@who.eop.gov
Subject: Re: Tort Reform

That is my bailiwick.

...

----- Original Message ----- 
From:<Adam.Charnes@usdoj.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 01/03/2003 12:30:58 PM
Subject: Tort Reform

Anyone in your office an expert on tort reform?
hi! In addition to the folders that I dropped off this morning, I think you have several other packs up there from me. Could you please sign all the trip summaries as soon as possible? There are a number of outstanding bills that are being held in limbo until a signed trip summary is received in FMD. Several of the bills are from Waco and I'd rather not keep those vendors waiting.

Thanks!!!
NRSC Says Edwards Senate Seat & Top Target. The Washington Times, (1/7, Pierce) & Inside Politics column reports, "Republicans are salivating, over the prospect of a potential pickup in North Carolina now that Democratic Sen. John Edwards is actively exploring a bid for the presidency, Roll Call reports. "Up for re-election to a second term in 2004, Edwards has made no decision on whether he will attempt to run for both offices, which he is allowed to do under North Carolina law," reporter Chris Cillizza writes. "Asked when Edwards would reach a decision on the matter, a spokesman said only, 'in the future.' ( 'Run, John, run,' urged North Carolina Republican Party Chairman Bill Cobey. 'The more [Mr. Edwards] runs for president, the harder it is for him to get elected to the Senate down here. National Republican Senatorial Committee spokesman Dan Allen said that 'Edwards' ambition has always been more for running for president than representing the people of North Carolina. Regardless of what Edwards chooses, his seat will be a 'top target' for Republicans, Allen added.}
yes, saw that. thx.

Benjamin A. Powell
01/07/2003 05:17:20 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: TRANSCRIPT - Daschle News Conference 01/07/03
judges excerpt:
QUESTION: Senator, after the Lott episode, the Republican Party is reporting to be more amenable and open to civil rights measures. Do you have some suggestions for their agenda to prove their sincerity?
DASCHLE: Well, I would have two right off the top. I think it's important we pass hate crimes quickly. And I will give them the opportunity to vote on hate crimes in the not-too-distant future. We also think that it's going to be all the more important that we look carefully at the judicial nominations. And we will fight those that we think are out of the mainstream and certainly not in keeping with the commitments that they are making.

---------------------- Forwarded by Benjamin A. Powell/WHO/EOP on 01/07/2003 05:18 PM ---------------------------

Brian Bravo
01/07/2003 05:06:26 PM
Record Type: Record
To: 
cc: 
Subject: TRANSCRIPT - Daschle News Conference 01/07/03
Daschle News Conference 01/07/03
DASCHLE: Good afternoon, everyone. I know that a lot of you have questions about my future, but I'm here today with the new members of my leadership--some of the new members--to talk about America's future. In the next few weeks and months, America is going to make some decisions that will shape the nature of our country for years and possibly decades to come. Critical debates and votes on those questions will take place here in the Senate, and for that reason I feel privileged and I feel a strong sense of personal responsibility to remain the senator from South Dakota and a leader of the Democratic caucus.
On one of those first debates, we're going to be talking about how we will move the economy again. President Bush just gave a speech in which he outlined a plan that he says will do that. He says it will give the economy a shot in the arm.

I think it will give the economy a shot in the foot. It is a misguided plan reflective of this administration's misplaced priorities. Democrats will put forward an economic plan that is more equitable, more responsible and, above all, more effective. And this will be one of the first priorities of the new Congress.

Now, I'd like to introduce you to the new leaders who will help guide our caucus in the 108th Congress and outline in broad terms what our agenda will be in the next two years. Let me start with the new members of our leadership team.

We have created a new Leadership Executive Committee. It's four members will attend our weekly legislative meetings and provide legislative and strategic advice to the Democratic Caucus. They are Senators Patty Murray, Chuck Schumer, Tom Carper and Ben Nelson. Each is a leader in our caucus, and I'm looking forward to having them as part of the leadership team, and congratulate them this afternoon.

Senator Hillary Clinton will take over as the chair of our Steering and Coordination Committee; the committee that works to maintain relations with leaders and organizations off the Hill, keep us up to date on their work and keep them informed of ours. Bill Nelson, who served us so well as the vice chair of the DSCC in the last Congress, will now become one of our deputy whips.

Those are our leaders. Now, let me take a moment to talk about our priorities.

Through tragic and historic events, and despite some of them, the Senate, under Democratic control, produced a number of important legislative accomplishments: aviation security and counterterrorism legislation, the toughest corporate accountability law since the SEC was created in 1934, the most far-reaching campaign finance reform since Watergate, and the most significant overhaul of federal election policies--I should say education polices since 1965; a new farm bill to replace the failed Freedom to Farm Act.

However, other important legislation fell victim to special-interest arm-twisting and Republican unwillingness to compromise on their proposals or even consider ours.

The proposals we introduce today recognize that the American people have real concerns about their security, and that the Republicans and the Bush administration have done little to address those concerns of consequence. They also recognize that security means more than national security and homeland security. It means economic security--retirement security, and the security of knowing that our children are getting a good education, and that if you get sick health care is available and affordable. It means giving people who work full-time the security of knowing that they can earn a decent wage, whether they can work on a farm, in a factory or a fast-food restaurant. It's the security of knowing that our air is safe to breath, and our water safe to drink, that America is living up to its commitment of civil rights, and that we are keeping our promise to our veterans.

Our priorities touch on each of these issues. Today we are introducing bills to enhance protections for our critical homeland security infrastructure, by hiring and helping to train additional law enforcement agents and first responders, and by improving rail port and nuclear security; provide for a real prescription drug benefit under Medicare, and address the high cost of prescription drugs for all Americans; to ensure that more children have access to preschool, and show up at school ready to learn; to improve education every step of the way from kindergarten to college to lifelong learning; to protect private pensions, and to crack down on rogue corporations; and to increase health care coverage and quality.

I know I speak for all of my colleagues, especially our leadership team, in saying that we are anxious to get started, we are excited about our prospects and we look forward to working with our Republican colleagues to see that this job gets done.

Now it is my pleasure to call on our colleague Senator Hillary Clinton.

CLINTON: Well, I thank our leader, Senator Daschle, not only for what he
has done, which he just briefly outlined, in terms of the accomplishments that have been brought about for not only the Congress but our country under his leadership, and I look forward to serving with and under him now as we move forward.

I'm very honored to have been asked to take on this responsibility. I look forward to working with the entire Democratic caucus and to be part of the new leadership.

There is a lot to be done in order to put our country back on the right track. The national security, homeland security, economic security issues are necessarily the ones that we have to address. And there are significant differences between the two parties that will be debated and outlined in the days and weeks ahead.

But I think the Democratic Party, particularly here in the Senate, will demonstrate clearly that we have a vision of our country that we believe is in the best interest of all of our citizens, and we will work to, not only persuade our friends on the other side of the aisle, and those on the other end of Pennsylvania Avenue, but all the people that the Democratic Party has an idea of the future that will benefit them. And I thank Leader Daschle for this opportunity to serve.

MURRAY: I, too, want to join my colleagues in congratulating Senator Daschle for the tremendous leadership he has brought, not only to our caucus, but to thousands and thousands of people across this country who are very concerned about our economy, and our health care and their own personal situations as we face an uncertain future. His leadership has been so important for all of us, and I am delighted to be a part of his leadership team going into the 108th Congress to bring a voice to those issues, and to bring a fight to the floor of the Senate to help make lives better across this country.

In my home state of Washington, we still have one of the highest unemployment rates in the nation, increasingly large numbers of people without any health care coverage at all. We have a very difficult situation, because we're the highest export state in the country, and we need to figure out how we're going to protect our ports in terms of homeland security. My state, like many, is facing a severe budget crisis, over $2.5 billion that they're trying to figure out how they're going to deal with that.

So it is essential that we have strong leadership here in Washington, D.C. to address the issues of health care and education, the economy, and all of the tremendous issues that this caucus is going to move forward on in the coming session.

So I'm delighted to be a part of this committee, and to be a part of this leadership, and to make sure that we have a strong voice and a strong face for many people across this country in the coming two years.

BILL NELSON: In times of war and a faltering economy the people should have the confidence that they have the leadership.

BILL NELSON: With Tom and Harry, we have that leadership.

It was a privilege for Patty and me to work on the campaigns this last time, and that was under very difficult circumstances, but--difficult circumstances of losing Paul Wellstone. And yet the Senate still remains razor thin in the division between the two caucuses.

Now that they have asked me to assume this position of a deputy whip to bring a perspective of a moderate Democrat, a Southerner, I accept this with enormous gratitude, and especially the gratitude that we have the leadership in the persons of Tom Daschle and Harry Reid.

SCHUMER: Thank you. And I want to join everybody else in thanking both Tom Daschle and Harry Reid for this tremendous opportunity. And I look forward to working with my colleagues to shape our party's priority and message and strategy.

And I just want to say to Tom particularly that, you know, we know you had to go through a real tough decision, and the nation would have loved you as a presidential candidate, but we love you staying here with us, and we thank you for that.

We know we have a lot of work ahead of us. The cost of prescription drugs is too high, and we have a plan to lower them.

Homeland security: We're spending a lot of money to fight a war overseas to make ourselves more secure, but somehow this administration doesn't want to spend a nickel to make our homeland more secure. That's something we intend to push as a caucus, because we think our responsibility as
Americans and as legislators dictates it.
The economy is weak and family budgets are stretched to the limit. We saw
debate on the floor today. Our Republican colleagues would not let an
amendment be debated for half an hour that would have added a million to
the unemployment benefits. The president is in Chicago spending $650
billion, most of which goes to the highest-income people, and they say
they can't afford a billion for unemployed.
That's our job and our fight, to make sure that that happens. And we want
to make sure there is tax relief to stimulate the economy, but we want to
make sure that it just doesn't go to the wealthiest people.
So the bottom line is, under Tom and Harry's leadership we have a whole
lot of say. You're going to be hearing from us. We're invigorated. We're
excited at the prospect of trying to make this country a better place. And
I am honored by the prospect to be a small part of that.
BEN NELSON: Well, first of all, I'd like to thank our leader for showing
some confidence in--showing really a lot of self-confidence in asking
people with a lot of diverse ideas to serve on a committee. Very often
leaders of lesser worth bring people on who share every view of theirs so
that they don't have to work through diversity.
Diversity of opinion, I think, is strengthening the party, will strengthen
the caucus. It will help us, I think, better serve the American people,
which is clearly our goal.
I think bringing a couple of reforming governors to--recovering governors
here...

(LAUGHTER)

... to this group will benefit us, but I think it'll also benefit the
Leadership Council because we'll have an opportunity to raise the issues
of what's happening at the state level from a firsthand experience.
Having some business experience I think perhaps will also contribute to
the strengthening of the ideas and the reforms that will come from this
group.
So I really appreciate the opportunity to begin to take homeland security
and make it home town security, to be able to address the issues that are
right there on the streets in our communities, so that we can strengthen
all of our security: Social Security, pension security, health security.
This is going to be a 108th Congress focused on security. I hope we focus
on every aspect of security.
Thank you.
CARPER: Let me just begin by saying what a privilege it is to serve in a
caucus led by Tom Daschle and by Harry Reid. I had the pleasure of serving
with them years ago in the House of Representatives, and I loved them
then, and I love them now.
I spoke last month with Tom Daschle as he was considering what path to
take in his own future, and I said, 'Well, I suppose if I were in your
shoes I'd probably think of running for president. This is as good a time
as a guy'll ever have.' For selfish reasons I said, 'I hope you stay
right where you are.'
And I'm just delighted that you've done that and look forward to working
with you.
There's been a fair amount of speculation since the election as to which
direction we're going to go as a party: Will we veer to the left, will we
go to the right, will we attempt to find a place in the center? And I
think, with the creation of this executive committee--and I thank the
leader for the privilege of serving with Chuck and with Ben and Patty,
three of my favorite people--and I think the answer is we're fully
intending to do what Bill Clinton tried to do with our party. That is to
make sure that we stay in the mainstream of political thought and actions
within this country.
Ben and I, as old governors, we're really focused on what works. And what
the message I'll be taking to our caucus is, we should be less concerned
about liberal or conservative ideas. We should be focused on what works to
raise student achievement, what works to reduce our reliance on foreign
oil, what works to reduce global warming, what works to help ensure that
people that are trying to get off of welfare get off of welfare and stay
off of welfare.
CARPER: And that will be my approach and what I hope to bring to the

[REV_00105789]
Tom, I have one thing to say: It doesn't seem like 7:25 to me.

LAUGHTER

QUESTION: Senator Daschle, did you renege on a deal on unemployment benefits with Senator Frist? He was saying he had a deal with the Democrats and it all seemed to fall apart. Can you tell us whether it's going to get done today or not?

DASCHLE: It just got done, yes, while you were sitting up here we passed it.

I'm surprised he would say that. There was no deal. In fact I just learned, I believe this morning, that it was the intention of the Republicans to--well, I'll take that back, Senator Nickles did call me last night to say that he was going to offer a resolution that would extend the benefits for those who are currently covered. But immediately I told him that there were many in our caucus, and I was one of them, who felt strongly about the need to cover the other million people who are left out. And as you know, all we attempted to do today was to find the mechanism whereby we could do both.

Their argument was, `Well, the House won't accept this additional group of benefits.' Well, I find it incredibly ironic, as Senator Schumer noted, that at the same time the president is advocating now a $600 billion tax cut, largely dedicated to those at the very top, they can't even pass benefits for people at the very bottom with no jobs. I mean, that is outrageous. That is wrong. And I think that that, more than anything else, will be the topic of conversation until we get this job done right.

QUESTION: Senator Daschle, why have you decided not to run for president?

DASCHLE: I'm not going to run for president because my passion is right here. And I must say I feel as good about this decision as any I've ever made.

This is my passion. I'm very honored and gratified to have the opportunity to be Democratic leader. And the fights, the important debates, the cause, the agenda, the things we believe in are going to be fought out every single day with the people behind me, and I'm proud to be one of them.

QUESTION: What changed you mind?

DASCHLE: I never changed my mind, I simply said all along that I was going to make up my mind prior to the session of Congress and prior to the end of January, I believe I said. And I've done that.

QUESTION: You did say as recently, I'm told, as yesterday, last night you were strongly leaning toward a run, so (inaudible) you were actually interviewing campaign staff last night.

What caused the change since last night, and are you now saying you are going to run for re-election?

DASCHLE: Yes, I am going to run for re-election.

(APPLAUSE)

And I believe that what we had to do was to make a decision, and up until that decision we had to be prepared to take whatever course based upon that decision would follow.

Obviously, if I had made the decision to run for president we wanted to be up and running and ready to go. But clearly, making the decision, as we are today, to stay as leader--and I'm honored that my colleagues are willing to have me as their leader--that, too, required action, which is what you see today.

QUESTION: When did you make the decision?

DASCHLE: I made the decision over the last 24 hours, the final decision. I've been coming to a point where I could make a decision now for several weeks, but my family and I made the decision in the last 24 hours.

QUESTION: What's your key concern with the Bush stimulus plan?

DASCHLE: My key concern is really two-fold. First, there is no stimulus in the Bush stimulus plan. And secondly, it is grossly unfair.

Under the dividend tax reduction that you have seen the president's proposed, those making $1 million will get a $24,000 tax deduction. They will pay $24,000 less. If you're in the $40,000 to $50,000 income bracket, you're going to get $76. That is a disparity that I can't imagine anyone could support, I can't imagine anyone could be proud of.

And yet that's the disparity. And it would be one thing, I suppose, if you could argue, `Well, that's good stimulus.' As virtually every economist has noted there is no stimulus in that approach.

So there are two concerns, and I hope that, as we go through this debate,
those concerns will be recognized.

QUESTION: Senator Daschle, part of the president's package was to speed up the scheduled phase-in of some of the tax cuts that were included in the big 2001 tax bill. Will it be the position of the majority of Democrats to simply oppose that speed-up, or will you go farther and actually call for these scheduled tax cuts to be frozen and not take effect?

DASCHLE: Well, we will decide as we go through this debate just what specific actions. We're going to be discussing this matter in the caucus, we'll be talking with our House colleagues, and we'll be coming to some conclusions.

But clearly what the president laid out today is wrong. It's the wrong time, it's the wrong place, it's certainly affecting the wrong people.

QUESTION: Senator Daschle, you'll be a super delegate; you get a vote at the convention in Boston. I was wondering if you would state your preference now.

DASCHLE: We've got some fantastic candidates. We will be excited about our nominee, and until that time, may the best person win.

QUESTION: Does a senator disqualify himself? Is a governor more qualified to be president?

DASCHLE: HARDLY. We've got some good candidates, as you know. And they will present their case and make their campaigns, and we'll make that judgment down the road.

QUESTION: (OFF-MIKE) concerns do you have about going against President Bush again in your state, only this time it's your name on the ballot?

DASCHLE: Well, he ought to be the one that has concerns. We won the debate--won the election in the last cycle, and we're going to win the next one.

QUESTION: Senator, is there anything specific about the nature of this (OFF-MIKE) that makes you think that this is the better place for you to (OFF-MIKE)

DASCHLE: RIGHT now this is where my heart is, where my passions lie. As I think about where I want to be, what fights I want to fight, I want to fight the fights on the Senate floor. I want to fight for the people of my state. I want to continue to do what I have been doing. That is where my passion is, that's where I feel the most strongly and that's why I made the decision I did.

QUESTION: I have a non-presidential question. This executive committee you set up, how is this going to function any differently from the way it used to function in the last session?

DASCHLE: Well, I don't know that it's a question of how differently it'll function. What we want it to do is to function pretty much the same, but include the people that you have behind us. Each one of these extraordinary senators bring talent and experience and a perspective to leadership that I think is extraordinarily important.

As we make the decisions on strategy, as we make the decisions on the legislative priorities that we will have as a caucus, I will turn to the people behind me. And I am extraordinarily grateful to them for their willingness to serve.

QUESTION: (OFF-MIKE)

DASCHLE: Absolutely. We will have an energy bill, as well.

QUESTION: Will it look like what was agreed to last year (OFF-MIKE)

DASCHLE: Well, I can't be specific because I think it will include a lot more conversation and deliberation by members of the caucus, including the leadership. But we will certainly put great emphasis on moving energy legislation again this year.

QUESTION: Senator Daschle, on the subject of the Senate being your passion, I have a couple of questions about your decision. Number one, did you not look forward to going on the--going through what a presidential campaign entails? And number two, did you think it would be too hard to win?

DASCHLE: Not at all. In fact, if anything, I relish the idea of a campaign. But I have one at home, and I'm looking forward to that. It really is a question. There may come a time in my future when a national campaign, a campaign for the presidency, is one that I will,
again, entertain. I am certainly not discounting that at some point in the future. But right now this is where my heart is, this is what moves me and excites me and this is what brings me to the conclusion that I belong here and I want to stay here for now.

QUESTION: Might there come a time in this campaign cycle?

DASCHLE: No, not in this campaign cycle, but at some point in the future.

QUESTION: Senator Daschle, does it feel a little bit strange to be a prominent Democratic senator who's announcing that he's not running for president?

(LAUGHTER)

The way this story has a kind of a man bites dog...

(LAUGHTER)

DASCHLE: Well, all I can say is it feels very good.

QUESTION: And on a more serious note, what affects will all the announced or probably to be announced candidacies of your peers in the Democratic caucus have on the ongoing debate in the Senate? So many are jumping in or probably going to jump in, what affect will that have on the ongoing legislative debate?

DASCHLE: I actually think it helps us. As you cover them, as you report their speeches and their positions, I think it enhances and provides even greater opportunity for the Democratic message to be heard.

And so, I see no downside to having those messengers and those articulators of the Democratic agenda. You will hear them. They will be covered. And I think that's good for us, as well as for them.

QUESTION: Senator Daschle, what progress, if any, have you made on committee funding ratio issue?

DASCHLE: Senator Frist and I had a good conversation a couple of days ago, and we haven't come to any final conclusion. But I think it's fair to say, we're making progress.

We still have budgetary decisions we have to make. I think it is clear that the ratio will be a one-vote majority for the Republicans in committee. But I will object to any significant departure from the budget accommodations that we have made in the past Congress for committee staff. I think it should be comparable to what it was before, and I'm confident that it will be.

QUESTION: (OFF-MIKE) saying though that you want a, sort of, Senate-wide or one-size-fits-all committee funding formula for every committee, or are you happy to have it worked out between committee chairmen and ranking members?

DASCHLE: Well, I think it's important for us to set some parameters, as we did before. But clearly, we want to give the committees ample opportunity to have flexibility to accommodate whatever special needs they may have. I'm confident we can do it in this Congress, as we did in the last one.

QUESTION: Senator, you've been frustrated during the fall, the difficulty you had getting the message out.

QUESTION: But a lot of you saw this morning and a little bit more this afternoon, a little bit more (inaudible) about the prospects for doing that now. What's changed?

DASCHLE: I'll just say I think we're really energized. You can feel it. It's in our caucus. You can feel it with the comments made by our colleagues. We are energized by policy. We are energized in a belief in what it is we stand for. We're energized in many of the developments that have occurred with the election of Senator Landrieu.

And so, as we start this new year, we're energized in the belief that we have very, very critical battles to fight and important positions to take on the Senate floor. And I think that, probably more than anything else, unites us, energizes us and gives us the optimism that you witness this afternoon.

QUESTION: Senator, after the Lott episode, the Republican Party is reporting to be more amenable and open to civil rights measures. Do you have some suggestions for their agenda to prove their sincerity?

DASCHLE: Well, I would have two right off the top. I think it's important we pass hate crimes quickly. And I will give them the opportunity to vote on hate crimes in the not-too-distant future.

We also think that it's going to be all the more important that we look carefully at the judicial nominations. And we will fight those that we think are out of the mainstream and certainly not in keeping with the
commitments that they are making.  
QUESTION: Have you forgotten one?  
(UNKNOWN): D.C. statehood. 
DASCHLE: Oh, D.C. statehood, of course. 
QUESTION: (inaudible) representation, representation. 
DASCHLE: Thank you for the prompt. D.C. representation was at the tip of my lips, and I just...  
(LAUGHTER) 
QUESTION: (OFF-MIKE) 
DASCHLE: Well, I would hope that one is not coming. I would hope that...  
QUESTION: (OFF-MIKE) 
DASCHLE: Well, I think that as long as we work in a multilateral fashion, pressing Iraq to comply, pressing Iraq to cooperate in all the manner and respect to provided for in the U.N. resolution, that we ought to be very careful about committing American troops. 
I would hope that we could send that message as clearly as possible and as strongly as possible to the president and to others. 
Thank you all very much.
END
judges excerpt:

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---------------------- Forwarded by Benjamin A. Powell/WHO/EOP on 01/07/2003 05:18 PM ---------------------------

Brian Bravo
01/07/2003 05:06:26 PM
Record Type: Record

To: cc:
Subject: TRANSCRIPT - Daschle News Conference 01/07/03

Daschle News Conference 01/07/03

DASCHLE: Good afternoon, everyone.

I know that a lot of you have questions about my future, but I'm here today with the new members of my leadership--some of the new members--to talk about America's future.

In the next few weeks and months, America is going to make some decisions that will shape the nature of our country for years and possibly decades to come. Critical debates and votes on those questions will take place here in the Senate, and for that reason I feel privileged and I feel a strong sense of personal responsibility to remain the senator from South Dakota and a leader of the Democratic caucus.

On one of those first debates, we're going to be talking about how we will move the economy again. President Bush just gave a speech in which he outlined a plan that he says will do that. He says it will give the economy a shot in the arm.

I think it will give the economy a shot in the foot. It is a misguided plan reflective of this administration's misplaced priorities. Democrats will put forward an economic plan that is more equitable, more responsible and, above all, more effective. And this will be one of the first priorities of the new Congress.

Now, I'd like to introduce you to the new leaders who will help guide our caucus in the 108th Congress and outline in broad terms what our agenda will be in the next two years. Let me start with the new members of our leadership team.

We have created a new Leadership Executive Committee. It's four members will attend our weekly legislative meetings and provide legislative and
strategic advice to the Democratic Caucus. They are Senators Patty Murray, Chuck Schumer, Tom Carper and Ben Nelson. Each is a leader in our caucus, and I'm looking forward to having them as part of the leadership team, and congratulate them this afternoon.

Senator Hillary Clinton will take over as the chair of our Steering and Coordination Committee; the committee that works to maintain relations with leaders and organizations off the Hill, keep us up to date on their work and keep them informed of ours. Bill Nelson, who served us so well as the vice chair of the DSCC in the last Congress, will now become one of our deputy whips.

Those are our leaders. Now, let me take a moment to talk about our priorities.

Through tragic and historic events, and despite some of them, the Senate, under Democratic control, produced a number of important legislative accomplishments: aviation security and counterterrorism legislation, the toughest corporate accountability law since the SEC was created in 1934, the most far-reaching campaign finance reform since Watergate, and the most significant overhaul of federal election policies--I should say education polices since 1965; a new farm bill to replace the failed Freedom to Farm Act.

DASCHLE: However, other important legislation fell victim to special-interest arm-twisting and Republican unwillingness to compromise on their proposals or even consider ours.

The proposals we introduce today recognize that the American people have real concerns about their security, and that the Republicans and the Bush administration have done little to address those concerns of consequence. They also recognize that security means more than national security and homeland security. It means economic security--retirement security, and the security of knowing that our children are getting a good education, and that if you get sick health care is available and affordable. It means giving people who work full-time the security of knowing that they can earn a decent wage, whether they can work on a farm, in a factory or a fast-food restaurant. It's the security of knowing that our air is safe to breathe, and our water safe to drink, that America is living up to its commitment of civil rights, and that we are keeping our promise to our veterans.

Our priorities touch on each of these issues. Today we are introducing bills to enhance protections for our critical homeland security infrastructure, by hiring and helping to train additional law enforcement agents and first responders, and by improving rail port and nuclear security; provide for a real prescription drug benefit under Medicare, and address the high cost of prescription drugs for all Americans; to ensure that more children have access to preschool, and show up at school ready to learn to improve education every step of the way from kindergarten to college to lifelong learning; to protect private pensions, and to crackdown on rogue corporations; and to increase health care coverage and quality.

I know I speak for all of my colleagues, especially our leadership team, in saying that we are anxious to get started, we are excited about our prospects and we look forward to working with our Republican colleagues to see that this job gets done.

Now it is my pleasure to call on our colleague Senator Hillary Clinton.

CLINTON: Well, I thank our leader, Senator Daschle, not only for what he has done, which he just briefly outlined, in terms of the accomplishments that have been brought about for not only the Congress but our country under his leadership, and I look forward to serving with and under him now as we move forward.

I'm very honored to have been asked to take on this responsibility. I look forward to working with the entire Democratic caucus and to be part of the new leadership.

There is a lot to be done in order to put our country back on the right track. The national security, homeland security, economic security issues are necessarily the ones that we have to address. And there are significant differences between the two parties that will be debated and outlined in the days and weeks ahead.

But I think the Democratic Party, particularly here in the Senate, will demonstrate clearly that we have a vision of our country that we believe is in the best interest of all of our citizens, and we will work to, not
only persuade our friends on the other side of the aisle, and those on the other end of Pennsylvania Avenue, but all the people that the Democratic Party has an idea of the future that will benefit them. And I thank Leader Daschle for this opportunity to serve.

MURRAY: I, too, want to join my colleagues in congratulating Senator Daschle for the tremendous leadership he has brought, not only to our caucus, but to thousands and thousands of people across this country who are very concerned about our economy, and our health care and their own personal situations as we face an uncertain future. His leadership has been so important for all of us, and I am delighted to be a part of his leadership team going into the 108th Congress to bring a voice to those issues, and to bring a fight to the floor of the Senate to help make lives better across this country.

In my home state of Washington, we still have one of the highest unemployment rates in the nation, increasingly large numbers of people without any health care coverage at all. We have a very difficult situation, because we're the highest export state in the country, and we need to figure out how we're going to protect our ports in terms of homeland security. My state, like many, is facing a severe budget crisis, over $2.5 billion that they're trying to figure out how they're going to deal with that.

So it is essential that we have strong leadership here in Washington, D.C. to address the issues of health care and education, the economy, and all of the tremendous issues that this caucus is going to move forward on in the coming session.

So I'm delighted to be a part of this committee, and to be a part of this leadership, and to make sure that we have a strong voice and a strong face for many people across this country in the coming two years.

BILL NELSON: In times of war and a faltering economy the people should have the confidence that they have the leadership.

BILL NELSON: With Tom and Harry, we have that leadership.

It was a privilege for Patty and me to work on the campaigns this last time, and that was under very difficult circumstances, but--difficult circumstances of losing Paul Wellstone. And yet the Senate still remains razor thin in the division between the two caucuses.

Now that they have asked me to assume this position of a deputy whip to bring a perspective of a moderate Democrat, a Southerner, I accept this with enormous gratitude, and especially the gratitude that we have the leadership in the persons of Tom Daschle and Harry Reid.

SCHUMER: Thank you. And I want to join everybody else in thanking both Tom Daschle and Harry Reid for this tremendous opportunity. And I look forward to working with my colleagues to shape our party's priority and message and strategy.

And I just want to say to Tom particularly that, you know, we know you had to go through a real tough decision, and the nation would have loved you as a presidential candidate, but we love you staying here with us, and we thank you for that.

We know we have a lot of work ahead of us. The cost of prescription drugs is too high, and we have a plan to lower them.

Homeland security: We're spending a lot of money to fight a war overseas to make ourselves more secure, but somehow this administration doesn't want to spend a nickel to make our homeland more secure. That's something we intend to push as a caucus, because we think our responsibility as Americans and as legislators dictates it.

The economy is weak and family budgets are stretched to the limit. We saw debate on the floor today. Our Republican colleagues would not let an amendment be debated for half an hour that would have added a million to the unemployment benefits. The president is in Chicago spending $650 billion, most of which goes to the highest-income people, and they say they can't afford a billion for unemployed.

That's our job and our fight, to make sure that that happens. And we want to make sure there is tax relief to stimulate the economy, but we want to make sure that it just doesn't go to the wealthiest people.

So the bottom line is, under Tom and Harry's leadership we have a whole lot of say. You're going to be hearing from us. We're invigorated. We're excited at the prospect of trying to make this country a better place. And I am honored by the prospect to be a small part of that.

BEN NELSON: Well, first of all, I'd like to thank our leader for showing
some confidence in--showing really a lot of self-confidence in asking people with a lot of diverse ideas to serve on a committee. Very often leaders of lesser worth bring people on who share every view of theirs so that they don't have to work through diversity. Diversity of opinion, I think, is strengthening the party, will strengthen the caucus. It will help us, I think, better serve the American people, which is clearly our goal.

I think bringing a couple of reforming governors to--recovering governors here...

... to this group will benefit us, but I think it'll also benefit the Leadership Council because we'll have an opportunity to raise the issues of what's happening at the state level from a firsthand experience. Having some business experience I think perhaps will also contribute to the strengthening of the ideas and the reforms that will come from this group.

So I really appreciate the opportunity to begin to take homeland security and make it home town security, to be able to address the issues that are right there on the streets in our communities, so that we can strengthen all of our security: Social Security, pension security, health security. This is going to be a 108th Congress focused on security. I hope we focus on every aspect of security.

Thank you.

CARPER: Let me just begin by saying what a privilege it is to serve in a caucus led by Tom Daschle and by Harry Reid. I had the pleasure of serving with them years ago in the House of Representatives, and I loved them then, and I love them now.

I spoke last month with Tom Daschle as he was considering what path to take in his own future, and I said, "Well, I suppose if I were in your shoes I'd probably think of running for president. This is as good a time as a guy'll ever have." For selfish reasons I said, "I hope you stay right where you are."

And I'm just delighted that you've done that and look forward to working with you.

There's been a fair amount of speculation since the election as to which direction we're going to go as a party: Will we veer to the left, will we go to the right, will we attempt to find a place in the center? And I think, with the creation of this executive committee--and I thank the leader for the privilege of serving with Chuck and with Ben and Patty, three of my favorite people--and I think the answer is we're fully intending to do what Bill Clinton tried to do with our party. That is to make sure that we stay in the mainstream of political thought and actions within this country.

Ben and I, as old governors, we're really focused on what works. And what the message I'll be taking to our caucus is, we should be less concerned about liberal or conservative ideas. We should be focused on what works to raise student achievement, what works to reduce our reliance on foreign oil, what works to reduce global warming, what works to help ensure that people that are trying to get off of welfare get off of welfare and stay off of welfare.

CARPER: And that will be my approach and what I hope to bring to the table, and I'm just grateful to our leader for giving me a seat at that table. Thank you.

(UNKNOWN): Tom, I have one thing to say: It doesn't seem like 7:25 to me.

(LAUGHTER)

QUESTION: Senator Daschle, did you renege on a deal on unemployment benefits with Senator Frist? He was saying he had a deal with the Democrats and it all seemed to fall apart. Can you tell us whether it's going to get done today or not?

DASCHLE: It just got done, yes, while you were sitting up here we passed it. I'm surprised he would say that. There was no deal. In fact I just learned, I believe this morning, that it was the intention of the Republicans to--well, I'll take that back, Senator Nickles did call me last night to say that he was going to offer a resolution that would extend the benefits for those who are currently covered. But immediately I told him that there were many in our caucus, and I was one of them, who felt strongly about the need to cover the other million people who are
left out. And as you know, all we attempted to do today was to find the mechanism whereby we could do both. Their argument was, 'Well, the House won't accept this additional group of benefits.' Well, I find it incredibly ironic, as Senator Schumer noted, that at the same time the president is advocating now a $600 billion tax cut, largely dedicated to those at the very top, they can't even pass benefits for people at the very bottom with no jobs. I mean, that is outrageous. That is wrong. And I think that that, more than anything else, will be the topic of conversation until we get this job done right.

QUESTION: Senator Daschle, why have you decided not to run for president? DASCHLE: I'm not going to run for president because my passion is right here. And I must say I feel as good about this decision as any I've ever made. This is my passion. I'm very honored and gratified to have the opportunity to be Democratic leader. And the fights, the important debates, the cause, the agenda, the things we believe in are going to be fought out every single day with the people behind me, and I'm proud to be one of them.

QUESTION: What changed you mind? DASCHLE: I never changed my mind, I simply said all along that I was going to make up my mind prior to the session of Congress and prior to the end of January, I believe I said. And I've done that.

QUESTION: You did say as recently, I'm told, as yesterday, last night you were strongly leaning toward a run, so (inaudible) you were actually interviewing campaign staff last night. What caused the change since last night, and are you now saying you are going to run for re-election? DASCHLE: Yes, I am going to run for re-election. (APPLAUSE)

And I believe that what we had to do was to make a decision, and up until that decision we had to be prepared to take whatever course based upon that decision would follow. Obviously, if I had made the decision to run for president we wanted to be up and running and ready to go. But clearly, making the decision, as we are today, to stay as leader--and I'm honored that my colleagues are willing to have me as their leader--that, too, required action, which is what you see today.

QUESTION: When did you make the decision? DASCHLE: I made the decision over the last 24 hours, the final decision. I've been coming to a point where I could make a decision now for several weeks, but my family and I made the decision in the last 24 hours.

QUESTION: What's your key concern with the Bush stimulus plan? DASCHLE: My key concern is really two-fold. First, there is no stimulus in the Bush stimulus plan. And secondly, it is grossly unfair. Under the dividend tax reduction that you have seen the president's proposed, those making $1 million will get a $24,000 tax deduction. They will pay $24,000 less. If you're in the $40,000 to $50,000 income bracket, you're going to get $76. That is a disparity that I can't imagine anyone could support, I can't imagine anyone could be proud of. And yet that's the disparity. And it would be one thing, I suppose, if you could argue, 'Well, that's good stimulus.' As virtually every economist has noted there is no stimulus in that approach. So there are two concerns, and I hope that, as we go through this debate, those concerns will be recognized.

QUESTION: Senator Daschle, part of the president's package was to speed up the scheduled phase-in of some of the tax cuts that were included in the big 2001 tax bill. Will it be the position of the majority of Democrats to simply oppose that speed-up, or will you go farther and actually call for these scheduled tax cuts to be frozen and not take effect? DASCHLE: Well, we will decide as we go through this debate just what specific actions. We're going to be discussing this matter in the caucus, we'll be talking with our House colleagues, and we'll be coming to some conclusions. But clearly what the president laid out today is wrong. It's the wrong time, it's the wrong place, it's certainly affecting the wrong people.

QUESTION: Senator Daschle, you'll be a super delegate; you get a vote at the convention in Boston. I was wondering if you would state your preference now.
And there are a lot of people who say that senators are not qualified to be president, you know, there's a, kind of, a trend for governors. You've got some colleagues, Kerry, Edwards, Lieberman, Graham—who am I leaving out?—Dodd; do you have a preference and would you like to state it now? DASCHLE: We've got some fantastic candidates. We will be excited about our nominee, and until that time, may the best person win.

QUESTION: Does a senator disqualify himself? Is a governor more qualified to be president?

DASCHLE: Hardly. We've got some good candidates, as you know. And they will present their case and make their campaigns, and we'll make that judgment down the road.

QUESTION: (OFF-MIKE) concerns do you have about going against President Bush again in your state, only this time it's your name on the ballot?

DASCHLE: Well, he ought to be the one that has concerns. We won the debate—won the election in the last cycle, and we're going to win the next one.

QUESTION: Senator, is there anything specific about the nature of this (OFF-MIKE) that makes you think that this is the better place for you to (OFF-MIKE)

DASCHLE: Right now this is where my heart is, where my passions lie. As I think about where I want to be, what fights I want to fight, I want to fight the fights on the Senate floor. I want to fight for the people of my state. I want to continue to do what I have been doing. That is where my passion is, that's where I feel the most strongly and that's why I made the decision I did.

QUESTION: I have a non-presidential question. This executive committee you set up, how is this going to function any differently from the way it used to function in the last session?

DASCHLE: Well, I don't know that it's a question of how differently it'll function. What we want it to do is to function pretty much the same, but include the people that you have behind us. Each one of these extraordinary senators bring talent and experience and a perspective to leadership that I think is extraordinarily important.

As we make the decisions on strategy, as we make the decisions on the legislative priorities that we will have as a caucus, I will turn to the people behind me. And I am extraordinarily grateful to them for their willingness to serve.

QUESTION: (OFF-MIKE)

DASCHLE: Absolutely. We will have an energy bill, as well.

QUESTION: Will it look like what was agreed to last year (OFF-MIKE)

DASCHLE: Well, I can't be specific because I think it will include a lot more conversation and deliberation by members of the caucus, including the leadership. But we will certainly put great emphasis on moving energy legislation again this year.

QUESTION: Senator Daschle, on the subject of the Senate being your passion, I have a couple of questions about your decision. Number one, did you not look forward to going on the--going through what a presidential campaign entails? And number two, did you think it would be too hard to win?

DASCHLE: Not at all. In fact, if anything, I relish the idea of a campaign. But I have one at home, and I'm looking forward to that.

It really is a question. There may come a time in my future when a national campaign, a campaign for the presidency, is one that I will, again, entertain. I am certainly not discounting that at some point in the future.

But right now this is where my heart is, this is what moves me and excites me and this is what brings me to the conclusion that I belong here and I want to stay here for now.

QUESTION: Might there come a time in this campaign cycle?

DASCHLE: No, not in this campaign cycle, but at some point in the future.

QUESTION: Senator Daschle, does it feel a little bit strange to be a prominent Democratic senator who's announcing that he's not running for president?

DASCHLE: Well, all I can say is it feels very good.

QUESTION: And on a more serious note, what affects will all the announced
or probably to be announced candidacies of your peers in the Democratic caucus have on the ongoing debate in the Senate? So many are jumping in or probably going to jump in, what affect will that have on the ongoing legislative debate?
DASCHLE: I actually think it helps us. As you cover them, as you report their speeches and their positions, I think it enhances and provides even greater opportunity for the Democratic message to be heard.
And so, I see no downside to having those messengers and those articulators of the Democratic agenda. You will hear them. They will be covered. And I think that's good for us, as well as for them.

QUESTION: Senator Daschle, what progress, if any, have you made on committee funding ratio issue?
DASCHLE: Senator Frist and I had a good conversation a couple of days ago, and we haven't come to any final conclusion. But I think it's fair to say, we're making progress.
We still have budgetary decisions we have to make. I think it is clear that the ratio will be a one-vote majority for the Republicans in committee. But I will object to any significant departure from the budget accommodations that we have made in the past Congress for committee staff. I think it should be comparable to what it was before, and I'm confident that it will be.

QUESTION: (OFF-MIKE) saying though that you want a, sort of, Senate-wide or one-size-fits-all committee funding formula for every committee, or are you happy to have it worked out between committee chairmen and ranking members?
DASCHLE: Well, I think it's important for us to set some parameters, as we did before. But clearly, we want to give the committees ample opportunity to have flexibility to accommodate whatever special needs they may have. I'm confident we can do it in this Congress, as we did in the last one.

QUESTION: Senator, you've been frustrated during the fall, the difficulty you had getting the message out.
QUESTION: But a lot of you saw this morning and a little bit more this afternoon, a little bit more (inaudible) about the prospects for doing that now. What's changed?
DASCHLE: I'll just say I think we're really energized. You can feel it. It's in our caucus. You can feel it with the comments made by our colleagues. We are energized by policy. We are energized in a belief in what it is we stand for. We're energized in many of the developments that have occurred with the election of Senator Landrieu.
And so, as we start this new year, we're energized in the belief that we have very, very critical battles to fight and important positions to take on the Senate floor. And I think that, probably more than anything else, unites us, energizes us and gives us the optimism that you witness this afternoon.

QUESTION: Senator, after the Lott episode, the Republican Party is reporting to be more amenable and open to civil rights measures. Do you have some suggestions for their agenda to prove their sincerity?
DASCHLE: Well, I would have two right off the top. I think it's important we pass hate crimes quickly. And I will give them the opportunity to vote on hate crimes in the not-too-distant future.
We also think that it's going to be all the more important that we look carefully at the judicial nominations. And we will fight those that we think are out of the mainstream and certainly not in keeping with the commitments that they are making.

QUESTION: Have you forgotten one?
(UNKNOWN): D.C. statehood.
DASCHLE: Oh, D.C. statehood, of course.

QUESTION: (inaudible) representation, representation.
DASCHLE: Thank you for the prompt. D.C. representation was at the tip of my lips, and I just...

( LAUGHTER )
QUESTION: (OFF-MIKE)
DASCHLE: Well, I would hope that one is not coming. I would hope that...

QUESTION: (OFF-MIKE)
DASCHLE: Well, I think that as long as we work in a multilateral fashion, pressing Iraq to comply, pressing Iraq to cooperate in all the manner and respect to provided for in the U.N. resolution, that we ought to be very careful about committing American troops.
I would hope that we could send that message as clearly as possible and as strongly as possible to the president and to others.
Thank you all very much.
END
call me

Thursday, January 9, 2003

Chief of Staff

11:30am; Meet with Bret Kavanaugh

(15 min) COS Office;
Great; thanks.

Before I forget, your name came up a little while ago when I was having dinner with Eric Greenberg, who's a friend of mine from law school.

---Original Message---
From: Kavanaugh, Brett M.
Sent: Wednesday, January 08, 2003 6:19 PM
To: Greenstone, Adam F.
Subject: Re: FW: Portability of Data from EOP Computers

all data that she deems necessary for her future work at DHS.

---Original Message---
From: Hill, Bartholomew G.
Sent: Wednesday, January 08, 2003 5:00 PM
To: Greenstone, Adam F.
Subject: Portability of Data from EOP Computers

Adam,
I received an OA65 today requesting that we copy to CD all data from the computer of Barbara Chaffee so she can take it with her to TPO and then DHS. It states in the remarks that Brett Kavanaugh approved this action. Is that approval a green light for us to complete the request for her? Thanks. Bart (x50945)
no, Thurmond also left, so R's are adding only one. Cantwell likely is leaving for D's

Noel J. Francisco
01/09/2003 04:51:48 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
c: See the distribution list at the bottom of this message
bcc: 
Subject: Re: 4 new R's on Committee

Does this mean that we are adding 2 new members instead of making the D's eliminate one?

Brett M. Kavanaugh
01/09/2003 04:44:15 PM
Record Type: Record

To: See the distribution list at the bottom of this message
c: 4 new R's on Committee

Cornyn, Graham, Chambliss, and Craig are joining.
Both McConnell and Brownback are leaving the Committee.

Message Sent
To:
Alberto R. Gonzales/WHO/EOP@EOP
David G. Leitch/WHO/EOP@EOP
Bradford A. Berenson/WHO/EOP@EOP
Helgard C. Walker/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Message Copied
To:
alberto r. gonzales/who/eop@eop
david g. leitch/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
jennifer g. newstead/who/eop@eop
h. christopher bartolomucci/who/eop@eop
kyle sampson/who/eop@eop
benjamin a. powell/who/eop@eop
Re: We need to move the meeting for tomorrow.

5:30 would be best. thanks.

We need to move the meeting for tomorrow.
Can we please move the 4:00 pm meeting tomorrow??

The Chief can do it between 12:15 and 1:00 p.m. or between 5:30-7:00 p.m.

Can you please let me know what works best?

Thanks.

Melissa
Perfect, I'll mark it down.

MB

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, January 09, 2003 2:56 PM
To: Bennett, Melissa S.
Subject: Re: We need to move the meeting for tomorrow.

5:30 would be best. thanks.

Can we please move the 4:00 pm meeting tomorrow??

The Chief can do it between 12:15 and 1:00 p.m. or between 5:30-7:00 p.m.

Can you please let me know what works best?

Thanks.
Melissa
no, Thurmond also left, so R's are adding only one. Cantwell likely is leaving for D's

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Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: See the distribution list at the bottom of this message
Subject: Re: 4 new R's on Committee

Does this mean that we are adding 2 new members instead of making the D's eliminate one?

Brett M. Kavanaugh
01/09/2003 04:44:15 PM
Record Type: Record
To: See the distribution list at the bottom of this message
cc:
Subject: 4 new R's on Committee

Cornyn, Graham, Chambliss, and Craig are joining.
Both McConnell and Brownback are leaving the Committee.
Message Copied
To:
alberto r. gonzales/who/eop@eop
david g. leitch/who/eop@eop
bradford a. berenson/who/eop@eop
helgard c. walker/who/eop@eop
jennifer g. newstead/who/eop@eop
h. christopher bartolomucci/who/eop@eop
kyle sampson/who/eop@eop
benjamin a. powell/who/eop@eop
f.y.i. -- here is the email Jen was talking about this morning that Tim received from the staffer. Jen told me Malone is a Steny Hoyer staffer.

---------------------- Forwarded by Benjamin A. Powell/WHO/EOP on 01/10/2003 10:43 AM ---------------------------

From: Joan Trumps/OA/EOP@Exchange on 01/10/2003 10:31:44 AM
Record Type: Record

To: Benjamin A. Powell/WHO/EOP
cc: Tim Campen/OA/EOP@Exchange
Subject: FW: Budget Questions

Dear Ben,

As you requested, I am forwarding the incoming email from Mike Malone to you (below).

-----Original Message-----
From: Malone, Mike [mailto:Mike.Malone@mail.house.gov]
Sent: Thursday, January 02, 2003 11:04 AM
To: Campen, Tim
Cc: Mrdeza, Michelle
Subject: Budget Questions

Tim --

I have a couple of questions on other issues:

1) The EOP's FY03 budget request included a significant increase for vehicle leases. Under the previous contract, each vehicle cost the EOP $94 per month to lease. Since the FY03 budget was put together and submitted long before the EOP vehicle contract was recompeted, the EOP requested enough funds to cover costs of up to $500 per vehicle per month. Now that we are more than a quarter into FY03, I assume the new contract is in place.

What is the per vehicle cost under the new contract? What vendor was selected for this year's contract? Are 75% of the vehicles under the new contract alternative fuel vehicles as required under Executive Order? What is the make and model of the sedans used to transport White House senior staff under the new contract?

2) Since 1/20/01, have any non-Federal funds been used for
renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? Which Federal agency (i.e., GSA, OA/Facilities) coordinated the work that was paid for using non-Federal funds? What were the sources and amounts of the non-Federal funds used for renovations and/or furnishings? Please also provide a description of each project for which non-Federal funds were provided. Why were non-Federal funds used to renovate and/or furnish these GSA facilities? Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

Thanks for your help on these questions.

Mike
As you may already know, National Review is now e-mailing to a selected list an advance e-copy of highlights from the magazine. Here is how it works: You will get an e-mail from us once every two weeks that highlights various pieces in NR. If you want to read more, you can click a link to an exclusive web page with the full text of the pieces. You will receive this e-mail a few days before copies of the print magazine are distributed. If you wish to be taken off this list, please let us know. The link follows the excerpts:

**Pyongyang, Mon Amour**

By Radek Sikorski

In 1992, as deputy minister for defense in Poland's first democratically elected government, I received an invitation to North Korea's embassy in Warsaw to celebrate the birthday of the Great Leader. Thinking that it would be my last chance to attend a Stalinist event, I went. The North Koreans were delighted to land such a "big fish." And when I told the ambassador, truthfully, that they must not allow ideological slackness or they would end up like Poland, he positively glowed. So, vibes were good when I went to Pyongyang on an official visit, this time as my country's deputy foreign minister, almost ten years later. Rules are rules, though, and the North Korean diplomatic protocol informed us that cell phones could not be taken into the country (even though they don't work there) and would be confiscated irrespective of rank. I left mine in that oasis of liberty, Beijing.

**Mob Scene**

By John O'Sullivan

The optimists have been declaring themselves "relieved" that they are no longer allied to closet racists, and so are now able to argue for colorblindness with a clear conscience. But in fact, they are making an extremely damaging admission: that they have been colluding with racists. Thus Maggie Gallagher: "What is new is the determination of Christian and other conservatives not to let politics trump human dignity." Really? So until now these people have been letting politics trump human dignity, have they? Or take Noemie Emery: "It is a chance for the GOP to clean up its act and its household, haul tons of old rubbish out of the attic, and banish some shopworn old ghosts." Those tons of old rubbish--they would be what exactly? Bob Herbert in the New York Times had no difficulty in translating Emery's metaphor into a useful critique of the GOP. And those "shopworn old ghosts" turn out to be almost every Republican politician since Eisenhower.
Illegal but Paid?
By Joel Mowbray

Today, people who worked in the U.S. illegally can receive Social Security benefits for that period only if they become citizens or permanent legal residents. The new agreement would lift this requirement for Mexican illegals. Though not denying that this is the case, an SSA press officer cautions that "discussions are still in the preliminary stages." But according to an internal SSA memo obtained by NR, illegal aliens who never become legalized would be covered under the pact: "Mexican nationals working illegally in the U.S. can currently become entitled to benefits . . . [The deal] would include this population." Congressional and SSA officials who spoke with NR on condition of anonymity scoffed at earlier press accounts citing costs in the hundreds of millions of dollars, and predicted instead an immediate total annual cost in the billions.

USDA-Disapproved
By Rod Dreher

Jenny Drake was a Virginia state health inspector until five years ago, when she and her husband moved to rural Tennessee and started Peaceful Pastures, a small livestock farm. Their meat goes through a USDA processing facility, as government regulations require—all except the poultry. And because of those chickens, the Peaceful Pastures have been troubled. Therein lies a tale about government regulation, the decline in food quality, and the end of family farming in America. "The state says no bird in Tennessee can be sold without USDA inspection of the processing facilities," says Drake. "There are no USDA custom-kill processing plants in the entire Southeast." Drake looked into building a small processing facility on her farm: If all she had to do were to construct facilities strictly for meat processing, Drake figures she could have done so for $20,000; but as the law stands now, a building that met minimal federal guidelines would cost about $150,000.

Hootie vs. Hootie
By Jay Nordlinger

Who's Hootie? Ah, there's the killer. Why did the current chairman of the Augusta National Golf Club have to be William W. (Hootie) Johnson, known to one and all by that nickname? This is Christmas morning—and Kwanzaa and the Fourth of July and everything else—for Augusta-bashers. It seems to confirm everything they want to believe about this peculiar and proud club: Of course the chairman would be named Hootie (if not Rufus, or Jefferson). Funny thing is, Johnson, a banker, has always been known as a progressive. He was a mover in the desegregation of South Carolina's universities. He was a board member of the National Urban League, and a trustee of Benedict College (a "historically black" institution). He received the Outstanding Citizen Award from the national B'nai B'rith—the only South Carolinian besides Bernard Baruch to be so honored. No matter: In the national press now, he's just Hootie the Hoot, an "old coot," a cracker—some Bilbo or Boss Hogg.

Escape from Hell
By John J. Miller

Prisoners charged with additional crimes, such as not memorizing the president's New Year message, are confined in "punishment cells." The cells are so awful, reported Lee, that "it is a day of great fortune if a prisoner finds a rat creeping up from the bottom of the toilet hole. The
prisoners catch it with their bare hands and devour it raw, as rats are
the only source of meat in the prison." The testimonies of prison-camp
survivors are full of such wretched tales; among the worst are those
dealing with pregnant women. When Sun-ok Lee was in prison, she was
ordered to a medical room to help with some record-keeping. Six pregnant
women were there. "When a baby was born, the doctor shouted, 'Kill
it quickly! How can a criminal in the prison expect to have a baby? Kill
it!'" Other witnesses to infanticide report that prison guards sometimes
make the mothers themselves do the killing.

Checking Kim
By Adam Garfinkle

The end of the Cold War dramatically changed the balance of risks and
rewards in U.S. Korea policy, and should have led us to adjust our stance.
But U.S. policymakers conducted business as usual. We should have managed
the transition to South Korea's responsibility for its own security, while
at the same time joining with other regional powers to limit North Korea's
trouble-making potential. Had we started early enough, before North Korea
had nukes, we would have had far more robust military options to enforce a
muscular diplomacy than we do today. Better late than never, however; we
still need to rethink the Korea problem down to its roots. When we do, we
immediately see our other option: Announce our intention to withdraw all
U.S. military forces from Korea. Lots of South Koreans would be delighted.
More important, such an announcement would force China and the other
parties to the problem to face reality.

Abortion Now
By Ramesh Ponnuru

Even at the peak, most Americans disappointed pro-abortion ideologues by
persisting in seeing abortion as a tragedy rather than a routine medical
procedure. Parents do not dream of one day telling people about "my son
the abortionist." Few men brag about pressuring their girlfriends or wives
into having abortions. Unease about abortion is so widespread that the
politicians most committed to keeping it legal rarely use the word,
preferring to talk about "choice." Abortion is the right that dare not
speak its name. And the unease has only grown. Since 1995, the polls have
been moving in the pro-life direction. Most Americans still think that
abortion should be legal when a pregnancy results from rape or incest, or
threatens the life or physical health of the mother. But a majority would
ban most abortions. Only a quarter of the population now believes abortion
should be legal in all cases.

http://www.nationalreview.com/advance/advance012703.asp
By Mike Allen
Washington Post Staff Writer

Around the White House, he was known as "Farm Boy," for his months of toil on the record-setting agriculture bill President Bush signed last year. Among national Republicans, he is known as one of the party's most promising weapons for reaching young African-Americans.

Now Dylan C. Glenn, after two years as a deputy at the National Economic Council, has gone home to Georgia to join the senior staff of incoming Republican Gov. Sonny Perdue. Glenn, 33, was one of two blacks appointed to Perdue's senior staff, bringing him in-state praise for diversity after his bruising, Bush-supported campaign against Gov. Roy Barnes (D).

Republicans in Washington hope Glenn will parlay his new job into a congressional or statewide race two years from now, extending Republican gains in a traditionally Democratic state. "We know our outreach in the African-American community is only going to succeed when we have elected leaders from that community," said Charles Black, a Republican consultant. "We hope he makes it. It's critical."

Glenn was raised by a principal and school counselor in Columbus, Ga., and came north to the Episcopal High School in Alexandria, Va. He was assistant research director of the 1988 presidential campaign of the president's father, and was a traveling press aide to the vice presidential nominee, Jack Kemp, in 1996.

Glenn challenged Rep. Sanford Bishop (D-Ga.) in 2000 and lost by 6 points, but received the highest vote ever for a Republican in the district. Now Glenn says of a future race, "I'm keeping the door open, without being focused on it." Supporters say he might make a strong House candidate in 2004, or a promising candidate for lieutenant governor or state treasurer in 2006.

During his two years at the White House, Glenn amazed his colleagues with his ability to focus on minority housing by day, then stay in touch with Hollywood celebrities on weekend. He would show up early at the White House after networking late into the night at places like Cafe Milano and the Daily Grill. A going-away dinner at Morton's drew a who's who of conservatives from Capitol Hill and throughout the administration. "He never stopped running," one White House official said. "We love Dylan."

Glenn will be Perdue's deputy chief of staff for external affairs, overseeing intergovernmental operations and public liaison activities. Happily for his political ambitions, the job will involve traveling throughout the state and staying in touch with interest groups and activists.

Glenn acknowledged that the GOP has a long way to go to make any measurable headway among black voters. "The Republican National Committee has had an office of outreach since I was a little boy. We've just not been able to get it done," he said. "The one thing the party has in its favor is the fact that younger African-Americans, in particular, are looking for something more than the rhetoric that they've been getting from the Democratic Party."
Judgeship impasse could end
Sens. Dole, Edwards discuss cooperating to place North Carolinian on appeals court
JIM MORRILL
Staff Writer

North Carolina's two U.S. senators say they're working together to do what hasn't been done in 22 years -- put a North Carolinian on the 4th U.S. Circuit Court of Appeals.

Years of partisan wrangling have left the state without a representative on the Richmond-based court, one step below the U.S. Supreme Court. In recent years Republican Sen. Jesse Helms and Democratic Sen. John Edwards blocked each other's candidates to the bench.

The 4th Circuit covers Maryland, Virginia, West Virginia and the Carolinas. Every state but North Carolina has at least two judges on the bench.

Now Edwards and Helms' successor, Republican Elizabeth Dole, are trying to avoid a similar impasse. Both they and their staffs have talked about the need to fill judicial vacancies.

"They both seem to share a desire to move forward on the judicial nomination process," Dole spokeswoman Mary Brown Brewer said Friday. Edwards' spokesman sounded a similar note. "There's great promise that they can both cooperate on a way that would help get North Carolinians on the bench," said Mike Briggs. "The senator is very optimistic."

Their first test will come soon.
On Tuesday President Bush renominated Terrence Boyle of Edenton, chief judge of the District Court for Eastern North Carolina and a one-time aide to Helms. It was the fourth time the 57-year-old jurist has been tapped...
for the post. In 1991 he was nominated by Bush's father. Democrats who then controlled the Senate refused to hold a hearing on the nomination. Helms went on to block all of President Clinton's N.C. nominees to the 4th Circuit. Edwards killed Boyle's 2001 nomination by the current President Bush. As a result, no North Carolinian has taken a seat on the court since the late Sam Ervin III in 1980. The 4th Circuit has three vacancies. Nationwide there are 25 openings among the 179 appeals court seats. With the Supreme Court deciding fewer cases each year, appeals courts increasingly have the final word on many cases. Most of the 4th Circuit's 12 current judges are generally regarded as conservative. Briggs said if Bush nominates another North Carolinian who offers ideological balance, "that would be the appropriate time (for Edwards) to take another look at the Boyle nomination." During her campaign, Dole urged a quick hearing for Boyle, saying the 4th Circuit faced a "judicial emergency." The week after she was elected in November, Dole discussed judicial nominations with Edwards during a visit to his office. Their staffs have since held discussions on the subject. And Brewer says Dole is still weighing a proposal Edwards made in a letter, in which he asked her to consider a recommendation from the N.C. Bar Association. Last year the bar proposed a bipartisan nominating commission, with three members chosen by each senator. For each court vacancy, the commission would nominate three candidates from among whom the president would be urged to choose. "It seemed to me to be a proposal that had tremendous common sense to it," said Hank Van Hoy of Mocksville, the bar association's immediate past president. "It essentially removed politics from the issue. ... Then you end this logjam and you get rid of this tit-for-tat game that's being played now."
Alberto R. Gonzales  
01/13/2003 09:32:34 AM  
Record Type: Record  
To: Brett M. Kavanaugh/WHO/EOP@EOP  
cc:  
bcc:  
Subject: Re: Charlotte Observer report -- title is optimistic  

Brett, be sure to have communicated our strong opposition to a commission generally, and we would ignore it completely with respect to the circuit.

Brett M. Kavanaugh  
01/13/2003 09:01:01 AM  
Record Type: Record  
To: Alberto R. Gonzales/WHO/EOP@EOP, David G. Leitch/WHO/EOP@EOP, Helgard C. Walker/WHO/EOP@EOP  
cc:  
Subject: Charlotte Observer report -- title is optimistic  

Judgeship impasse could end  
Sens. Dole, Edwards discuss cooperating to place North Carolinian on appeals court  
JIM MORRILL  
Staff Writer
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Heather Wingate

01/14/2003 12:31:49 PM

Record Type: Record

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

cc:

Subject: Re:

Can you fax to me at 2281475?

----- Original Message ----- 
From:Brett M. Kavanaugh/WHO/EOP

To:Heather Wingate/WHO/EOP@EOP

Cc:Patrick J. Bumatay/WHO/EOP@Exchange@EOP

Date: 01/14/2003 12:04:09 PM

Subject:

Judge's letter on campaign contributions is being FAXed to you now.
Going now.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, January 14, 2003 12:30 PM
To: Bumatay, Patrick J.
Subject: important

------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 01/14/2003 12:37 PM ------------------------

<<...>>
Heather Wingate
01/14/2003 12:31:49 PM
Record Type: Record

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

Can you fax to me at 2281475?

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From:Brett M. Kavanaugh/WHO/EOP
To:Heather Wingate/WHO/EOP@EOP
Cc:Patrick J. Bumatay/WHO/EOP@Exchange@EOP
Date: 01/14/2003 12:04:09 PM
Subject:

Judge's letter on campaign contributions is being FAXed to you now.
For your review.

-----Original Message-----
From: Crumling, Dorothy
Sent: Tuesday, January 14, 2003 6:19 PM
To: Greenstone, Adam F.
Cc: Solari, Carlos
Subject: FW: Request for Josh Bolten

Adam,
;
Per the following e-mail, Josh Bolten is requesting that his Lotus Notes e-mail database be downloaded to CD before we convert him to Outlook.; It's our understanding that this is a records issue requiring approval from White House Counsel.; Can you please contact them and let us know by Thursday morning (January 16) if we can comply with the request?;
;
Thank you,
Dottie
x5-6571

-----Original Message-----
From:Kyle, Ross M.
Sent: Friday, January 10, 2003 7:26 PM
To: Crumling, Dorothy
Subject: Request

OK - I know you thought you'd heard all the requests...  

Josh wonders if it is possible to download all of his Lotus emails onto a disk (or multiple disks or a CD) so that he can have them.; I don't know if this is possible, or what kind of time delay this will make for his switching to Lotus - but I wanted to try to give you a heads up before Monday a.m.

Thanks Dottie - I'm here all day tomorrow if you have any questions.
Because a portion of Ruben's trip is official - I'd like to break up this trip to California the following way:

Washington, Dulles to San Francisco (paid by Lincoln Club of No. Ca) $509.00 - credit card

Ruben will drive to San Jose (prefers this airport over San Francisco because of early morning departure delays w/fog this time of year)

San Jose to John Wayne Airport (paid by New Majority) $109.00- credit card

John Wayne to LAX (UCLA official IGA event) back to DC paid by WH $490.00

Is this agreeable to you?
For your review.

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Cc: Solari, Carlos
Subject: FW: Request for Josh Bolten

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;
Thank you,
Dottie
x5-6571

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Sent: Friday, January 10, 2003 7:26 PM
To: Crumling, Dorothy
Subject: Request

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switching to Lotus - but I wanted to try to give you a heads up before
Monday a.m.
;
Thanks Dottie - I'm here all day tomorrow if you have any questions.
FYI

-----Original Message-----
From: King, Kevin (DeWine)
Sent: Wednesday, January 15, 2003 9:20 AM
To: Taylor, Steve (Judiciary)
Subject: FW: [OlmsteadTaskforce] Sutton Columbus demonstration/trip to DC
Just received this today...

-----Original Message-----
From: Sue Hetrick [mailto:shetrick@abilitycenter.org]
Sent: Tuesday, January 14, 2003 9:51 AM
To: Beverly Rackett (E-mail); Chance Peat (E-mail); Donna McNamee (E-mail); Joni Dehne (E-mail); Jonie Fisher (E-mail); Joyce Rogers (E-mail); Julie Ronald/Ruth Ann Fulmer (E-mail); Karen Díaz (E-mail); Kay Bennett (E-mail); Linda Hildebrand (E-mail); Linda Hildebrand (E-mail); Linda Peters (E-mail); List Serve - ODDFC (E-mail); Melanie Hogan (E-mail); Meliss Klorer (E-mail); OlmsteadTaskforce (E-mail); Patricia Schauder (E-mail); Rose Juriga (E-mail); Roy Foston (E-mail); Ruth Ann Fulmer (E-mail); William Olubudun (E-mail); Tom and Kathleen Zraik (E-mail); 'Amy Jakubowski (E-mail)'; 'Ash Lemons (E-mail)'; 'Barb Manning (E-mail)'; 'Becky Myers (E-mail)'; 'Cal Smith (E-mail)'; 'Carol Thomas (E-mail)'; 'Dale Abell (E-mail)'; 'Dennis Tuohy (E-mail)'; 'Don Smith (E-mail)'; 'Jennifer Hamburg (E-mail)'; 'Jim Etzel (E-mail)'; 'JoAnn Newmeyer (E-mail)'; 'Jodi Lafountain (E-mail)'; 'Karen Boaden (E-mail)'; 'Katie McConaughy (E-mail)'; 'Ken Mackowiak (E-mail)'; 'Kim Arnett (E-mail)'; 'Kristina Noe (E-mail)'; 'Lisa Nelms (E-mail)'; 'Lowell Renz (E-mail)'; 'Mario Duncan (E-mail)'; 'Mick VanHoose (E-mail)'; 'Nancy Gabalac (E-mail)'; 'Nancy Watts (E-mail)'; 'Peedee Harris (E-mail)'; 'Renee Wood (E-mail)'; 'Shelley Papenfuse (E-mail)'; 'Sue Hetrick (E-mail)'; 'Suzanne Van Hee (E-mail)'; 'Tim Harrington (E-mail)
Cc: Jim Ward (E-mail)
Subject: [OlmsteadTaskforce] Sutton Columbus demonstration/trip to DC

Unfolding developments:

A large charter bus will be provided by the Ability Center bound for Washington DC at no charge to those who want to go. We hope the additional comfort and convenience of this bus will encourage more participation. The bus will leave from Toledo on Wed.Jan.29 AM and will travel to Columbus to pick up anyone else interested. There will also be a demonstration in Columbus for those not going to DC but who are interested in some kind of participation. SEE THE ITINERARY BELOW!

At this time there is a small amount of money available to assist with overnight accommodations. We aren't sure how this will be arranged yet. PA services must be arranged and provided by each individual themselves. Please let Sue Hetrick know if you are interested in taking the trip to DC or in a demonstration in Columbus.

Wed. January 29 - Large charter bus leaves from Toledo at 7AM for Columbus Demonstration in Columbus, location TBA.
Leave for Washington DC on charter bus with anyone who wants to attend.
Spend overnight in hotel in DC

Thursday January 30
Press Conference/Event in DC at approximately 11AM
Ohio group highlighted
Visit to Sen.DeWine, Voinovich either before or after the event
Mid to late afternoon departure from DC
Arrive in Columbus late Thursday night and continue to Toledo
(Alternate plan - spend Thursday night in DC and return to Ohio on Friday)

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OlmsteadTaskforce-unsubscribe@yahooogroups.com

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- winmail.dat
ATT CREATION TIME/DATE: 0 00:00:00.00
FYI

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Subject: FW: [OlmsteadTaskforce] Sutton Columbus demonstration/trip to DC

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OlmsteadTaskforce-unsubscribe@yahoogroups.com

Your use of Yahoo! Groups is subject to http://docs.yahoo.com/info/terms/
Hi there. The rest of the alumni board has signed off on your talk and topic and think it will be a hit. If you have a moment to see what date works for you (2/19, 2/25 or 2/26), and have a quick look at the flyer, we'll send it to Yale for mailing to all the D.C. alums. If at all possible, we should get it up to them before COB Friday. Feel free to call if you have any questions, and thank you again for taking your time to participate in our alumni event.

Grant
202-224-4435

> -----Original Message-----
> From: Vinik, Grant (Legal)
> Sent: Friday, January 10, 2003 6:32 PM
> To: 'Brett_Kavanaugh@who.eop.gov'
> Subject: YLS event
> 
> Brett,
> 
> Thank you for agreeing to talk to the YLS alums next month. We're looking forward it. Because we can't do the event at Liz and Lane's house, we've run into a conflict on the date that you and I discussed, but I'm confident we can find a date, mid-week, in that time period, that will suit you. So far I've heard back from everyone on the Board except one, and the following dates seem ok: 2/19, 2/25, or 2/26. The other Tuesday through Thursday days those two weeks don't work. Do any of those days work for you? If so, I'll run it by the last person on the Board who I have not heard back from. I've also attached a draft flyer (in word and word perfect, the formatting might come out looking a little odd). Please let me know if you have any additions or deletions -- we're pretty much flexible on everything. Have a good weekend.

> Grant
> 
> <<KAVANAUGH flyer in word.doc>> <<KAVANAUGH flyer.doc>>
- KAVANAUGH flyer in word.doc - KAVANAUGH flyer.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DE92D003_WHO.TXT_1.rtf>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_DE92D003_WHO.TXT_2.wpd>
Please join us

Thursday, February 20th, 7 p.m.

for an off-the-record discussion with

Brett Kavanaugh '90
Associate White House Counsel
former Associate Independent Counsel

CONCERNING THE

SELECTION AND CONFIRMATION OF BUSH ADMINISTRATION JUDGES

at the home of Chris and Jeannie Rhee, 617 C Street, N.E., Washington, D.C., (10 min. walk from Union Station metro)

Directions: Take Mass. Ave. to 7th Street, N.E. and turn left. At the first intersection (7th and C Streets, N.E.), turn left onto C Street. The house is on the left right before the alley.

Please RSVP to Anna-Marie 703-281-4245, preferably no later than Feb. 18
Please join us

Thursday, February 20th, 7 p.m.

for an off-the-record discussion with

Brett Kavanaugh '90
Associate White House Counsel
former Associate Independent Counsel

CONCERNING THE

SELECTION AND CONFIRMATION OF
BUSH ADMINISTRATION JUDGES

at the home of Chris and Jeannie Rhee, 617 C Street, N.E., Washington, D.C.,
(10 min. walk from Union Station metro)
Directions: Take Mass. Ave. to 7th Street, N.E. and turn left. At the first intersection (7th and C Streets, N.E.), turn left onto C Street. The house is on the left right before the alley.

Please RSVP to Anna-Marie 703-281-4245, preferably no later than Feb.

Liz deGrazia Grant Vinik Jeannie Rhee Anna-Marie
Blumenfeld, Vice President Secretary Treasurer
Christello-Roop, President
(202) 224-4435 (202) 547-2967 (703) 281-424
(703) 247-9331
From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]  
To:  
CC:  
Sent: 2/7/2003 5:20:10 AM  
Subject: Reminder: Time for today's meeting with the President

1:30 PM; Meeting Prep; ARG's Office;  
1:55 PM; Meeting with the President; Oval Office (20 mins)
You will be getting new forms. I apologize—please toss what was given to you. Thanks! -AWD
Could ask Hana to fax a copy to me. I will call the AO but they will probably ask for a copy, they are pretty good about sending copies to me as they are received. Sheila

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Friday, February 07, 2003 10:36 AM
To: Joy, Sheila
Subject:

We have a letter from Judge Matsch dated Dec. 16 indicating that he will retire July 1. It is not on AO web site. Can you let them know. thanks
not sure -- see if they have a web site and if so how they describe themselves...

Is Federal Railroad Administration an independent agency?
From: CN=Katherine M. Walters/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 2/7/2003 7:25:32 AM
Subject: Re: RNC "File Card"

Thanks again.

Brett M. Kavanaugh
02/07/2003 12:02:37 PM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP
cc:
bcc:
Subject: Re: RNC "File Card"

Yes, I have a package that includes that one which is done and coming down. thx

Katherine M. Walters
02/07/2003 12:00:29 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RNC "File Card"

Brett- the RNC is going crazy for their direct mail piece called File Card. do you mind trying to look at it today? they will miss a mail date if they don't get it today. It is signed by someone named Patty Luther.

Thanks
I have your DKE letter.; Let me know what you want me to do with it.

Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;
re: Karen Hughes fundraiser

; Patrick J. Bumatay
Office of Counsel to the President
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632

;
Completely agree....

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Rodriguez, Leonard B. <lrodrigu@WHO.eop.gov>
CC: Wingate, Heather; <Heather_Wingate@WHO.eop.gov>
Sent: Fri Feb 07 13:14:29 2003
Subject: giuliani

What's status of Giuliani op-ed placement?; If it does not get placed asap, we should convert to a letter to Senate that would be sent Monday and that then can be distributed widely
Thanks for taking time to speak with the Omaha World Herald. I'll keep my eye out for their editorial. I expect it will be in the next two days.
Brett,

Are you planning on any circuit nominations next week? If so, who?

Kristi
let me know when you have a minute to talk about Wisconsin. It can wait until Monday.
Congratulations yourself. (Mainly, of course, thank you to the President and Vice President who stood for the Constitution and are dedicated to leaving their respective institutions to their successors in better shape than they received them.)
Effective Jan. 24 my new email address is as follows:

Libby.Camp@DHS.gov

I am unable to check my TPO and EOP account from my DHS Nebraska Avenue office so please resend to the above dhs.gov address.

Thank you.
I have a call with Archives GC this week. This is one item on agenda.

Linda M. Gambatesa
02/05/2003 02:34:47 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: for library ...

Not a priority by any means, but this is in relation NARA and determining the proper way to make purchases for the future Library! We will, of course, await your guidance.
Thanks.

Blake Gottesman
02/05/2003 01:41:28 PM
Record Type: Record
To: Linda M. Gambatesa/WHO/EOP@EOP
cc:
Subject: for library ...

especially b/c they were apparently the official master vendors for the inauguration and 2000 gop convention ... in fact, we may be able to just call them and ask how much it would cost to put together a sampling of their presidential items?

thanks,
blake

Blake Gottesman
02/05/2003 01:36:11 PM
Record Type: Record
To: Linda M. Gambatesa/WHO/EOP@EOP
cc:
Subject: for library ...
josh deckard just sent me this link ... there is some general gop stuff - and there is some stuff specific to the president. the bobbleheads, for example, are something that we may wish to purchase / preserve for the library?

http://www.gopshoppe.com/cgi-bin/gop/index.html
nos sir

------ Original Message ------
From:Brett M. Kavanaugh/WHO/EOP
To:Blake Gottesman/WHO/EOP@EOP
Cc:
Date: 02/09/2003 06:45:18 PM
Subject: Re: whtv issues

did you get response on this?

Blake Gottesman
01/28/2003 05:21:46 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Joseph W.
Hagin/WHO/EOP@Exchange@EOP, Linda M. Gambatesa/WHO/EOP@EOP
Cc:
Subject: whtv issues

whtv is receiving dub requests and is seeking guidance. can we try to
arrange another time to meet later this week?

thanks,
blake
Brett -- Who in our office is most familiar with Walker v. Cheney?; Did we have someone working on that all the way through?
Are you available from 1-2 this afternoon to meet with Judge and David?
emily started at the dept today - once her feet are on the ground, we'll move back to exploring the outside part of the activities

Brett M. Kavanaugh
02/09/2003 06:43:52 PM
Record Type: Record

To: Barry S. Jackson/WHO/EOP@EOP
cc:
bcc:
Subject:

just checking in on education. anything new?
If you are going to the Judiciary Cmte hearing Wed, I would like to join you. Please let me know where to meet you or whether you'd like me to meet you there.

thanks,
Brian
Are you available from 1-2 this afternoon to meet with Judge and David?
Is it okay for me to give this to landrieu? I can stall for a bit.

------Original Message------
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@who.eop.gov>
Sent: Mon Feb 10 14:32:59 2003
Subject: Wilmer Cutler number is 663-6000
Called and wants to have lunch on Wednesday (chez Noel was suggested). Are you guys free?

.
No comments on remarks to small investor roundtable
Leahy just quoted Tim Flanigan
Just a reminder, Noel is out of the office today and his blackberry is not working. If you need to reach him, please call him.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Theodore W. Ullyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ullyot>
Sent: 2/11/2003 7:46:51 AM
Subject: IMPORTANT 1:00 interview in Judge’s office

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: ll-FEB-2003 12:46:51.00
SUBJECT:: IMPORTANT 1:00 interview in Judge’s office
TO: Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
### End Original ARMS Header #######
Brett,

Ed stated that you have a standard FOIA response letter that you send out. Could I get a copy of it, I need to respond to Judicial Watch's FOIA request.

Faisal
yes, but working on letter now first.

---Original Message---
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather; <Heather_Wingate@WHO.eop.gov>
Sent: Tue Feb 11 16:38:25 2003
Subject: 3 basic floor statements -- please forward

below were ones we had done and sent you a few days ago.; I am hoping that the letter from Judge Gonzales covers the waterfront and provides a useful "floor statement" outline as well.; BTW, Norm Coleman did very well.; He should be out front more on this.

-------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 02/11/2003 04:46 PM ---------------
Sorry -- My computer was being worked on so I was out of the office, and I had turned off the notify on my blackberry.
did not miss anything
speechwriting is calling about the remarks to small business.; it was due
at 1 pm today.
;
thanks
;
patrick j. bumata
office of counsel to the president
o: 202-456-5214
f: 202-456-6279
mainline: 202-456-2632
;
he is trying to get on as we speak
Sorry for the interruption earlier.; I left the top sheet to a missing
trip summary in your in-box.; It just needs your signature.; Let me know
when I can stop by to pick it up.; Thanks.
Sorry for the interruption earlier. I left the top sheet to a missing trip summary in your in-box. It just needs your signature. Let me know when I can stop by to pick it up. Thanks.
6:00 pm Conference Call
Call in Number: 202-395-6392
Code: 979271
From: Kavanaugh, Brett M.
To: <Wingate, Heather>
Sent: 2/11/2003 5:17:35 PM
Subject: Re: 3 basic floor statements -- please forward

yes, but working on letter now first.

From: Heather Wingate/WH/EOP@Exchange on 02/11/2003 05:01:18 PM
Record Type: Record
To: Brett M. Kavanaugh/WH/EOP@EOP
cc:
Subject: Re: 3 basic floor statements -- please forward

Oh, sorry. I did send these on. Norm did do well...

Hey, do we have a one-pager summary on the do prduction issue yet? Basically picking apart those cases where docs have been produced....

-----Original Message-----
From: Kavanaugh, Brett M.
To: Wingate, Heather
Sent: Tue Feb 11 16:38:25 2003
Subject: 3 basic floor statements -- please forward

below were ones we had done and sent you a few days ago. I am hoping that the letter from Judge Gonzales covers the waterfront and provides a useful “floor statement” outline as well. BTW, Norm Coleman did very well. He should be out front more on this.

------------------------ Forwarded by Brett M. Kavanaugh/WH/EOP on 02/11/2003 04:46 PM ------------------------
To: Heather Wingate/WHO/EOP@Exchange@EOP

cc:

Subject: 3 basic floor statements -- please forward

<>

- Floor- Dem support.doc <>

- Floor-background.doc <>
Our conference call company is having computer problems. While you should be able to access the call with the previous information, below is updated conference call information. The bold information below is what you need for the call. We apologize for the late notice.

AGENDA

Judicial Advocacy Panel
Republican National Lawyers Association
February 11, 2003
2:00 p.m.-2:30 p.m. (EASTERN STANDARD TIME)

1. Panel Overview and Opening Remarks: Craig Burkhardt, RNLA President and Matthew Schlapp, Deputy Director Political Affairs the White House

2. Panel Operations: Brigida Benitez, RNLA Communication Vice President

3. Senate Republican Perspective: Manuel Miranda, Chief Counsel, Senate Judiciary Committee

4. White House Perspective: Brett Kavanaugh, Associate White House Counsel

5. Panel Co-Chair Remarks: Richard Wiley, Co-Chair and Frank Fahrenkopf, Co-Chair

6. Closing Remarks re: Estrada: Craig Burkhardt, RNLA President and Matthew Schlapp, Deputy Director Political Affairs the White House

Please RSVP to help us keep track of who will be attending. To join the call, follow the instructions below.
US/Canada Dial-In Number: (877) 855-4251

Conference ID: 84284Q5

Conference Title: Republican National Lawyer Association

Conference Leader: Michael Thielen

Emergency Contact during call for difficulties: Melinda Thielen at 703-203-8013

Conference Date: 2/11/2023
Start Time: 2:00 PM EASTERN STANDARD TIME
Expected Duration: 30 minutes

Note: The Conference call will begin and end promptly. Because of the large number of people on this call, please email all questions to thie1en@republicanlawyer.net.

Conference Date: 2/11/2023
Start Time: 2:00 PM EASTERN STANDARD TIME
Expected Duration: 30 minutes

Note: The Conference call will begin and end promptly. Because of the large number of people on this call, please email all questions to thie1en@republicanlawyer.net.
From: MailRouter [ SYS ]
To: Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>
Subject: DELIVERY FAILURE: Message Transferring interrupted - Immediate Shutdown process is requested

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )
CREATOR: MailRouter ( MailRouter [ SYS ] )
CREATION DATE/TIME: 11-FEB-2003 20:42:47.00
SUBJECT: DELIVERY FAILURE: Message Transferring interrupted - Immediate Shutdown process is requested
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ: UNKNOWN
##### End Original ARMS Header ######

DELIVERY FAILURE REPORT

Your Document:
Re: more
could not be delivered to:
Adam.Charnes@usdoj.gov
because:
Message Transferring interrupted - Immediate Shutdown process is requested

Routing Path:
CN=Mail2/O=EOP;CN=Sgeop03/O=EOP;CN=Sgeop03/O=EOP@sgeop03.eop.gov(SMTP/MIME MTA);CN=Sgeop03/O=EOP;CN=Mail2/O=EOP
From: Charnes, Adam <Adam.Charnes@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/11/2003 4:54:37 PM
Subject: : Please also send the letter draft to Nathan. thanks

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Charnes, Adam" <Adam.Charnes@usdoj.gov> { "Charnes, Adam" <Adam.Charnes@usdoj.gov>
[ UNKNOWN ] } 
CREATION DATE/TIME:11-FEB-2003 21:54:37.00
SUBJECT:: Please also send the letter draft to Nathan. thanks
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
##### End Original ARMS Header #####
If there is anyone on planet earth who never has to apologize to me for anything, it is you, my friend.

Yesterday was utterly wild.

I just want to make sure I am doing what you need me to do from the coalitions end, and I want to make sure I am in the loop on the targets and teleconferences.

Email conveys harshers attitudes; if I did, I am the one who should apologize. I intended neither. Great working with you.

Warmly

tsg

Brett M. Kavanaugh
02/12/2003 08:45:48 AM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject:

Tim: My apologies again. I actually was here at my desk until about 2:00 a.m. working on the response letter to Daschle and Leahy but my cell had apparently conked out in early evening. Anyway, very sorry about that.
From: CN=Tim Goeglein/OU=WHO/O=EOP [ WHO ]
To: Heather Wingate/WHO/EOP@Exchange@EOP [ WHO ] <Heather Wingate>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 2/12/2003 4:03:31 AM
Subject: FYI, Have activated AR phone banks. Sen. Nelson will receive several hundred calls commencing tomorr

fyi
tsg

---------------------- Forwarded by Tim Goeglein/WHO/EOP on 02/12/2003 09:03 AM ---------------------------

Richard Lessner <REL@FRC.ORG>
02/11/2003 04:51:02 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: FYI, Have activated AR phone banks. Sen. Nelson will receive several hundred calls commencing.tomorr

My friend Tim

FYI, Have activated AR phone banks. Sen. Nelson will receive several hundred calls commencing tomorrow morning. --RL
Leaning that way.
Bennett just clearly opened the door on the floor to a possible viewing of DoJ docs. He essentially said to Durbin, if I go press case w/Admin to let you view docs, will you give us UC for up or down vote? Wendy, you need to send clear message to Mitch that this isn't the track we want them headed down (unless it is... but I assume that's not the case, Brett?).
Call me. I do have some minor changes. Also, need to talk to you about Carper meeting tomorrow.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, February 12, 2003 11:41 AM
To: Wingate, Heather
Subject: can you read draft; it's long;

<< File: judges letter daschle and leahy 2 12 03.doc >>
Until you have a more updated draft. So just send that when you have it and she'll do a once-over.

; Also, the Hill is rabid for a one pager that parses the differences in the doc requests/productions in the cases the Dems listed. I told Wendy to go to Jamie/DoJ to see if OLP can produce given your necessary focus on the letter. They know they'll have the letter soon, but they want "talkers" -- you have to spoon-feed this folks.... Let me know if you have a problem with that. Thanks!

;
Any word on finalizing the letter from the Judge?

; 

Also, Ashley, any word on radio address?
Suggest we ask Frist to circulate via leadership email lists; better to do it that way since he's cc'd on it. I can handle that if you email to me. Also, would you make sure you fax copies to 228-1475 (Wendy) and 456-6468 to my attn?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, February 12, 2003 3:56 PM
To: Wingate, Heather
Subject: Re: Letter and Radio address

to be FAXed in less than 30 minutes; we can then PDF it everywhere -- what do you suggest on that???
From: CN=William T. Griffin/OU=WHO/O=EOP [ WHO ]
To: Taylor S. Gross/WHO/EOP@EOP [ WHO ] <Taylor S. Gross>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Ashley Snee/WHO/EOP@Exchange@EOP [ WHO ] <Ashley Snee>
Sent: 2/12/2003 11:55:31 AM
Subject: : Hatch on Hannity right now

www.hannity.com
We will miss you!!

To My Friends and Colleagues at the White House:

On this Friday, February 28, I will conclude my tenure at the White House, ending eight years of service as a member President and Governor Bush's staff. Thanks to all for helping to make my time here rewarding; and I remain grateful for the friendships I have made and the experiences I have had here. The President has a great team serving him and our Nation. I wish you all my very best.

Stuart

ps

On March 31, I will begin work as a partner at the law firm of Patton Boggs LLP. You can reach me there at 202-457-6000.
Message Copied To: Jared B. Weinstein/WHO/EOP@Exchange
Lezlee J. Westline/WHO/EOP@EOP
John B. Wiegmann/NSC/EOP@EOP
Karen A. Yeager/WHO/EOP@EOP
Tracy Young/WHO/EOP@EOP

Harriet Miers/WHO/EOP@Exchange
Carolyn E. Cleveland/WHO/EOP@Exchange
Barbara A. Barclay/WHO/EOP@Exchange
Debra D. Bird/WHO/EOP@Exchange
Michael J. Boisvenue/WHO/EOP@Exchange
Good luck in the new gig. See you soon.

Karen A. Yeager

03/06/2003 11:11:46 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
bcc:
Subject:

Tomorrow (3/07/03) will be my last day at the White House, however I will continue to serve the President at the Department of Homeland Security as a Business Liaison in the Office of the Private Sector. It has been an honor to work here over the last two years in both Presidential Personnel and OHS. It’s been a great experience and challenge beyond belief. One I’m blessed to have had. The President has the best team around him and my prayers are with him and all of you.

Starting Monday (3/10/03) my new contact info. will be:

Office of the Private Sector Liaison
Department of Homeland Security
Phone: 202.282.8000
Direct: 202.282.8047
Fax: 202.282-8407

e-mail: karen.yeager@dhs.gov

Please keep in touch and I will do the same.

Many thanks,

Karen

Message Sent
To:
Eric L. Motley/WHO/EOP@EOP
Heidi K. Marquez/WHO/EOP@EOP
Rebecca Contreras/WHO/EOP@EOP
Kirstie W. Tucker/WHO/EOP@EOP
Michael Allen/WHO/EOP@EOP
Meredith A. Terpeluk/WHO/EOP@EOP
This report relates to a message you sent with the following header fields:

Message-id: <85256CF0.005B1CF8.00@sgeop03.eop.gov>
Date: Fri, 21 Mar 2003 11:29:45 -0500
From: Brett_M. Kavanaugh@who.eop.gov
To: "Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
Subject: President's past remarks on need for reformed process

Your message cannot be delivered to the following recipients:

Recipient address: kmiec@law.edu
Reason: Server rejected MAIL FROM address.
Diagnostic code: smtp;552 5.2.3 Message size exceeds fixed maximum message size (10240000)
Remote system: dns;domain-relay.mspring.net
(TCP|198.137.241.51|4009|198.185.2.64|25) (killy.mspring.net ESMTP Sendmail 8.12.5/8.8.6; Fri, 21 Mar 2003 11:46:00 -0500 [EST])

Original-envelope-id: 01KTS9QGA00YA8TG91@EOP.GOV
Reporting-MTA: dns;EP.EOP.GOV

Action: failed
Status: 5.0.0 (Server rejected MAIL FROM address.)
Original-recipient: rfc822;kmiec@law.edu
Final-recipient: rfc822;kmiec@law.edu
Remote-MTA: dns;domain-relay.mspring.net
(TCP|198.137.241.51|4009|198.185.2.64|25) (killy.mspring.net ESMTP Sendmail 8.12.5/8.8.6; Fri, 21 Mar 2003 11:46:00 -0500 [EST])
Diagnostic-code: smtp;552 5.2.3 Message size exceeds fixed maximum message size (10240000)
Return-path: <Brett_M. Kavanaugh@who.eop.gov>
Received: from TCP-DAEMON by EOP.GOV (PMDF V5.2-33 #41062)
 id <01KTS9Y8914A8TRKQW@EOP.GOV>; Fri, 21 Mar 2003 11:46:29 EST
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062)
 id <01KTS9G5S8U8ATG91@EOP.GOV> for kmiec@law.edu; Fri, 21 Mar 2003 11:45:06 EST
Received: from mhub2.eop.gov ([198.137.241.12]) by EOP.GOV (PMDF V5.2-33 #41062) with ESMTP id 
<01KTS9PEX3EAAMEV1@EOP.GOV>; Fri, 21 Mar 2003 11:39:15 -0500 (EST)
Received: from sgeop03.eop.gov ([165.119.1.37])
 by mhub.eop.gov (PMDF V6.1-1 #41014)
 with SMTP id <01KTS9LHWDQ2AM3HHN@mhub.eop.gov>; Fri, 21 Mar 2003 11:37:47 -0500 (EST)
Received: from sgeop03.eop.gov(Lotus SMTP MTA v4.6.7 (934.1 12-30-1999))
 id 85256CF0.005B1E19 ; Fri, 21 Mar 2003 11:35:14 -0500
Date: Fri, 21 Mar 2003 11:29:45 -0500
From: Brett_M._Kavanaugh@who.eop.gov
This report relates to a message you sent with the following header fields:

Message-id: <85256CF0.005B1CF8.00@sgeop03.eop.gov>
Date: Fri, 21 Mar 2003 11:29:45 -0500
From: Brett_M._Kavanaugh@who.eop.gov
To: "Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
Subject: President's past remarks on need for reformed process

Your message cannot be delivered to the following recipients:

Recipient address: Manuel_Miranda@frist.senate.gov
Reason: SMTP transmission failure has occurred
Diagnostic code: smtp;552 5.2.3 Message exceeds maximum fixed size (5200000)
Remote system: dns;mail.senate.gov
(TCP|198.137.241.53|3505|156.33.203.10|25)
(******************************2******200************0*00 *****)
Original-envelope-id: 01KTS9QGA00YA8TG91@EOP.GOV
Reporting-MTA: dns;EP.EOP.GOV

Action: failed
Status: 5.0.0 (SMTP transmission failure has occurred)
Original-recipient: rfc822;Manuel_Miranda@frist.senate.gov
Final-recipient: rfc822;Manuel_Miranda@frist.senate.gov
Remote-MTA: dns;mail.senate.gov (TCP|198.137.241.53|3505|156.33.203.10|25)
(******************************2******200************0*00 *****)
Diagnostic-code: smtp;552 5.2.3 Message exceeds maximum fixed size (5200000)
Return-path: <Brett_M._Kavanaugh@who.eop.gov>
Received: from TCP-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id <01KTS9WLX8BAAWMTQ@EOP.GOV>; Fri, 21 Mar 2003 11:46:14 EST
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id <01KTS9QGSSU8A8TG91@EOP.GOV> for Manuel_Miranda@frist.senate.gov; Fri, 21 Mar 2003 11:44:18 EST
Received: by mhub2.eop.gov ([198.137.241.12]) by EOP.GOV (PMDF V5.2-33 #41062) with ESMTP id <01KTS9PPFXF3EAWEY10@EOP.GOV>; Fri, 21 Mar 2003 11:39:15 -0500 (EST)
Received: from sgeop03.eop.gov ([165.119.1.37]) by mhub.eop.gov (PMDF V5.6-1 #41014) with SMTP id <01KTS9SLWHDQ3AM3HN@mbhub.eop.gov>; Fri, 21 Mar 2003 11:37:47 -0500 (EST)
Received: by sgeop03.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id 85256CF0.005B1E19 ; Fri, 21 Mar 2003 11:35:14 -0500
Date: Fri, 21 Mar 2003 11:29:45 -0500
From: Brett_M._Kavanaugh@who.eop.gov
Subject: President's past remarks on need for reformed process
To: "Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov>
Cc: lleo@fed-soc.org, "kmiec, douglas" <kmiec@law.edu>,

#### Begin Original ARMS Header ####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"EOP.GOV Postmaster General" <Postmaster@EOP2.EOP.GOV> ( "EOP.GOV Postmaster General" <Postmaster@EOP2.EOP.GOV> [ UNKNOWN ] )
CREATION DATE/TIME: 21-MAR-2003 11:46:52.00
SUBJECT:: Delivery Notification: Delivery has failed
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
#### End Original ARMS Header ####
FINDLAW DAILY OPINION SUMMARIES - March 25, 2003
U.S. SUPREME COURT
http://www.findlaw.com/casecode/supreme.html

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CRIMINAL LAW & PROCEDURE, HABEAS CORPUS
* WOODFORD v. GARCEAU

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CITY OF CUYAHOGA FALLS v. BUCKEYE CMTY. HOPE FOUND., No. 01-1269
(U.S.S.C. March 25, 2003)
A city did not violate the Equal Protection Clause by submitting a facially-neutral referendum petition to voters, which called for repeal of a municipal housing ordinance authorizing construction of a low-income housing complex, absent a showing of racially discriminatory intent.

To read the full text of this opinion, go to:

CRIMINAL LAW & PROCEDURE, HABEAS CORPUS
For purposes of application of amendments made to 28 U.S.C. ch. 153 by the Antiterrorism and Effective Death Penalty Act (AEDPA), a case does not become "pending" until an application for federal habeas corpus relief is filed in federal court, and an application filed after the AEDPA effective date is subject to AEDPA amendments.

To read the full text of this opinion, go to: http://laws.lp.findlaw.com/us/000/011862.html
Got that. I think I remember that Bart was interested in HUD once. I'll see if he still wants it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, March 26, 2003 10:02 AM
To: Bumatay, Patrick J.
Subject: Re: Portfolio changes

I now have Transportation, I believe

From: Patrick J. Bumatay/WHO/EOP@Exchange on 03/26/2003 10:01:30 AM
Record Type: Record
To: See the distribution list at the bottom of this message
cc: David G. Leitch/WHO/EOP@Exchange
Subject: Portfolio changes

As is tradition in this office, whenever an Associate Counsel leaves, everyone tries to ditch the bad parts of their portfolio on the incoming Counsel. We already have some trading going on, but we will entertain any other requests - subject to David Leitch's approval, of course.

Please let me know if you had any requests.

Thanks,
Patrick

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Message Sent To:

Helgard C. Walker/WHO/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Noel J. Francisco/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP
Theodore W. Ullyot/WHO/EOP@EOP
This is not good, especially since she fudged on Mehlman's title.

I do not know if we will be able to go through with this event.

Let's cancel and reschedule and do this correctly. Anything Driscoll sends out, she needs to run by us for approval.

Counsel's office is also reviewing now.
March 24th

The House Republican Conference is looking for an organized, self-motivated person to be the Managing Editor of GOP.gov. Candidates must display the ability to pay attention to detail, to multitask, to work well with others, and to manage multiple projects. Capitol Hill work experience, a background in communications, and a familiarity with Internet technologies are encouraged. Applicants should fax their resumes attention Brooks Brunson at 202 226-1200. Salary commensurate with experience. Job description for GOP.gov Managing Editor:
Manage all content on GOP.gov. Train Congressional staff to use GOP.gov products (Email updates; radio actualities). Market GOP.gov products and features to Congressional staff. Work with Conference communications staff to promote daily GOP message. Work with vendors to develop new products and features GOP.gov. Advise Congressional offices on Internet strategy.

STAFF ASSISTANT (Rep. Jan Schakowsky) - Progressive Midwest Democrat seeking friendly, bright and highly organized individual to handle front-desk duties. Responsibilities include, but are not limited to, answering phones, opening and distributing mail and faxes, greeting visitors and coordinating tour and flag requests for constituents. Please send cover letter and resume (please, no emails or phone calls) to: Kim Muzeroll, Executive Assistant for Rep. Jan Schakowsky, 515 Cannon HOB Washington, DC 20515, or fax: 202.226.6890.

PRESS SECRETARY (Del. Madeline Bordallo) - Guam Democrat seeks a press secretary. If interested, please email john.whitt@mail.house.gov.

LEGISLATIVE ASSISTANT - Senior Midwest Democrat seeks experienced legislative assistant to handle Resource Committee work (energy, environment, and public lands) as well as Congressional Automotive Caucus, trade issues, and special appropriations projects and grants. Candidates should have previous Capitol Hill legislative experience, excellent written and oral communications skills, and a mature professional manner. Salary range from high $30,000s to mid $40,000s, depending upon experience. Fax cover letter, resume, references, and short writing samples to 202.225.6393. No phone calls please.

SCHEDULER - California Democrat seeks an experienced office scheduler to be responsible for Washington, D.C. scheduling and arranging the Member's travel. A qualified candidate must be detail oriented and energetic. The salary is commensurate with experience. California ties a plus, bilingual preferred. Please send a resume and cover letter to laura.rodriguez@mail.house.gov. No telephone calls, please.

March 20th

Office of Rep. Mike Ferguson is looking for a staff assistant. Typical front desk duties, phones, flags, tours etc. Chris Jones, Chief of Staff. No phone calls please.

Legislative Assistant
Active Northeast Republican seeks Legislative Assistant to handle health care, agriculture, labor. Applicants must have strong background in legislative process and strong communications skills. 4 years legislative experience and knowledge of appropriations process required. Candidate should be ambitious, hard working, must have outstanding
writing skills and the ability to handle multiple tasks and work in a fast-paced environment. New Jersey ties a plus. Please fax resumes to 202-226-1107.

SCHEDULER/STAFF ASSISTANT: Texas Democrat (Rodriguez) seeks staff person to handle scheduling and front office duties. Candidate should have a Texas connection and be bilingual in Spanish. Ideal candidate will also be energetic, highly organized, and friendly in order to handle regular constituent, staff and member interaction. Hill experience a plus but not required. The position will be open March 31 and will be filled as soon as possible. Please email a cover letter and resume to jeff.mendelsohn@mail.house.gov with Resume in the subject line.

March 17th

Staff Assistant: Progressive Midwest Democrat seeking friendly, bright and highly organized individual to handle front-desk duties. Responsibilities include, but are not limited to, answering phones, opening and distributing mail and faxes, greeting visitors and coordinating tour and flag requests for constituents. Please send cover letter and resume to (please, no emails or phone calls): Kim Muzeroll, Executive Assistant for Rep. Jan Schakowsky, 515 Cannon HOB Washington, DC 20515 fax: 202-226-6890

SENIOR MIDWEST DEMOCRAT seeks experienced legislative assistant to handle Resource Committee work (energy, environment, and public lands) as well as Congressional Automotive Caucus, trade issues, and special appropriations projects and grants. Candidates should have previous Capitol Hill legislative experience, excellent written and oral communications skills, and a mature professional manner. Salary range from high $30,000s to mid $40,000s, depending upon experience. Fax cover letter, resume, references, and short writing samples to 202-225-6393. No phone calls please.

INTERNSHIP - Congressman Doug Ose (R-CA) seeks motivated and enthusiastic individuals for full-time internships beginning immediately. General responsibilities include answering phones, sorting mail and faxes and greeting visitors. Additional duties may include conducting research, attending meetings and hearing and assisting with constituent correspondence. An internship is a wonderful experience for young adults who are enthusiastic about learning how our government functions or want professional training for future occupations. California ties are a plus, but not required. A stipend is paid for full-time interns. Internship information and applications can also be found on the Third District’s website under "constituent services". To apply, please send an application to megan.taormino@mail.house.gov or fax to Megan Taormino at 202.226.1298. No phone calls, please.

INTERNSHIP - Western Democrat seeking motivated interns for the spring of 2003. Applicants must be willing to work at least three months at 20 hours per week in an unpaid position. Duties include assisting Legislative Correspondent with constituent mail, answering phones, and other administrative duties. Other tasks will be attendance at briefings and hearings, legislative research, and constituent services. Interested parties should fax a resume, cover letter, and writing sample to 202.225.5657, Attention: Intern Coordinator.

The Ways and Means Committee is interviewing for two staff assistant positions. Resumes should be sent to the Full Committee.

March 11th

(Tom Udall) Mountain/Southwest Region Democrat seeks Legislative Director to advise on all legislative areas. Responsibilities include developing policy positions and working with staff to advance Member's legislative initiatives. Also responsible for training and supervising legislative staff, managing mail program, and ensuring full compliance with office policies, practices, and procedures. Must have excellent written and verbal communication skills, as well as thorough knowledge of floor procedure. Duties also will include coverage of legislative responsibilities in support of the Member's committee work. Connection to Mountain/Southwest region is a plus; Spanish-speaking ability also is helpful; Capitol Hill experience is
essential. Please email cover letter and resume in confidence to tom.nagle@mail.house.gov or fax to 202-226-1331, ATTN: Chief of Staff.

(Staff Assistant position) Progressive Midwest Democrat seeking friendly, bright and highly organized individual to handle front-desk duties. Responsibilities include, but are not limited to, answering phones, opening and distributing mail and faxes, greeting visitors and coordinating tour and flag requests for constituents. Please send cover letter and resume to (please, no emails or phone calls): Kim Muzeroll, Executive Assistant, Rep. Jan Schakowsky; 515 Cannon HOB, Washington, DC 20515. fax: 202-226-6890

**INTERNSHIP** - The Office of Congressman J. Randy Forbes (R-VA) is seeking interns for the 2003 spring semester. Interns will be expected to assist legislative and press staff with research, while also performing general administrative tasks such as answering phones, sorting mail, running errands, etc. Candidates must be able to multi-task in a fast-paced environment. This is an excellent opportunity for college students seeking Hill experience. Virginia ties preferred. Please fax resume and cover letter to 202.226.1170 or email to Christy.boardman@mail.house.gov. No phone calls.

**STAFF ASSISTANT** - House Democrat seeks Staff Assistant. Duties include answering and screening telephone calls, greeting visitors, opening and sorting mail, entering data and performing other administrative duties as needed. High degree of professionalism and maturity required, as well as an ability to work cooperatively and courteously with others. Knowledge of IQ preferred. Applicants must submit a resume, cover letter, writing sample and references via fax to 202.225.2256. No calls please.

**NON-HILL**

**Director, Pension Benefits**

The U.S. Chamber of Commerce seeks an individual to manage retirement and employee benefits issues, and policy development activities. Selected candidate will identify and analyze emerging issues relating to employee benefits; prepare various communications pieces; staff and coordinate the activities for coalitions and committees; lobby members of Congress, their staff and the Administration; serve as the chamber’s spokes person and substantive expert on retirement, pension and related issues; and work with Chamber staff to coordinate overall Chamber activity on these issues. Qualified candidates will possess a degree and 4+ years of related experience; extensive knowledge of employee benefits laws, including the Employee Retirement Income Security Act (ERISA); solid computer skills; excellent verbal and written communication skills; the ability to work with a diverse group of individuals and practice sound judgment; and a solid understanding of the legislative process. Previous experience working on Capitol Hill preferred. E-mail resume, cover letter and salary expectations to hr@uschamber.com. EOE. www.uschamber.com.

I didn't get the job I interviewed for with McKinsey in Brussels, Belgium, but they are hiring 20-30 people. My read on them was that they prefer more recent MBAs that they can 'mold'. Websites are www.mckinsey.com, www.mckinsey.be (an EU spouse makes it easy to work anywhere in the EU). You can call the Belgian office at 011 32 2645 4194 and speak with Ingrid Dehaen. The interviews are in English, the cases are not really business cases, or even similar to their sample on the web, but I'm willing to discuss it with anybody. They are still a good launching pad for future CEOs since they have the reputation and the connections.

The national assoc of broadcasters is looking for a republican lobbyist.
National professional association with four-person Washington, D.C. office seeks full-time staff member to advocate association positions on federal and state tax and pension issues. Must have excellent written and oral communication and computer skills with a minimum of 3 years legislative or regulatory lobbying experience. Association experience a plus. Mid-$60k range with excellent benefits. Please send cover letter and resume to FPA, Attn. Job Posting, 1615 L Street, Suite 650, Washington, D.C. 20036. No phone calls, please.

Americans for Tax Reform seeks an individual to handle issues concerning (but not limited to) explicit and implied government subsidies, such as agriculture, trade, and the postal service. Candidates must have at least a Bachelor’s degree, preferably in a related field, and policy experience in a state capitol or Washington is highly desired. Strong writing skills are essential. Send resumes, references, and writing samples to: Damon Ansell V.P. for Policy Americans for Tax Reform 1920 L Street NW Ste 200 Washington, DC 20036 202-785-0266 202-785-0261 (fax)

** Public Relations/Public Affairs Account Position **
Career opportunity for the appropriate candidate to join a fast growing, specialty public affairs/public relations agency. Hyde Park Communications is searching for a candidate with 1-2 years public relations, corporate communications, and/or media relations experience to assist with account work in its Washington, DC headquarters. The firm works at senior levels with leading pharmaceutical companies, major foundations, think tanks, universities, nonprofit, and membership organizations. Our primary areas of focus are health care, public policy, legal communications, and issue campaigns. Salary is commensurate with experience; the firm offers a competitive benefits package. Excellent growth opportunity. Entrepreneurial spirit a plus. Please email a cover letter with salary requirements, writing sample and a resume to: humanresources@hydeparkcomm.com.

** Director, Marketing & Communications **
Granatt LLC is conducting a targeted search on behalf of our client, St. Mary Medical Center in Langhorne, PA, to identify a dynamic Director, Marketing & Communications, reporting to the Vice President, Strategy and Business Development. The purpose of the position is to direct, develop, and support marketing and communication initiatives that enhance St. Mary Medical Center’s long-term market position, financial performance, and ability to improve the health of its community. Requires current knowledge of techniques and trends in marketing and advertising, as well as knowledge of production techniques for development of electronic media, printed materials, and direct mail initiatives. Bachelor’s degree required, Master’s preferred. Minimum of five years’ experience, healthcare background preferred. For consideration, please forward your resume and cover letter to:
Bill Nessler, III
Granatt, LLC
215-654-9140
bnessler@granatt.com
www.granatt.com

Association Strategies Inc. has been retained by the American Gas Association to assist in recruiting a new Director, Investor Relations and Corporate Affairs. Information on the search appears below.
American Gas Association is seeking a Director, Investor Relations and Corporate Affairs for this $24 million budget, 80 staff, 191 natural gas utility member organization in Washington, D.C. Seek individual to support the chairman’s program to restore investor confidence and enhance investment attractiveness of member companies; assist in coordination of Dividend Exclusion Steering Group; publish AGA financial newsletter; respond to inquiries from financial community; participate in member company financial community meetings; and oversee investor relations benchmarking program. Need trade association experience or agency experience serving trade association clients; experience working with volunteer leaders to make presentations to the financial community; and experience in successfully planning and executing meetings. www.aga.org Search by Association Strategies Inc., 1111 North Fairfax Street, Alexandria, VA 22314. Email: jim@assnstrategiesinc.com

Chlopak, Leonard, Schechter & Associates is looking for a mid- and a high-level Spanish-speaking communications professional for a consulting relationship. Several ongoing international projects have us looking for the right person (on a project basis) to help with day-to-day management of several diverse accounts. Requires superior strategic thinking and creative communications skills, excellent writing and editing talent, media relations background and contacts, and ability to work well with others on each account. CLS is looking for a temporary consulting relationship with those who have significant experience as a press secretary or communications director, and if you have been in the media, political campaigns, the Administration, the non-profit or trade association world, other PR agencies – or ideally, a combination of several of these. The consultancy could lead to a full-time staff position for those interested in pursuing such a relationship. Only those with flawless Spanish speaking and writing skills and looking for a consulting relationship should apply for this position. Chlopak, Leonard, Schechter & Associates is a strategic communications firm that focuses on public affairs, corporate communications and international public affairs and political work. We do no domestic political campaigns, and no lobbying. Visit our web site at www.clsdc.com for more information. Resumes can be emailed to: clsjobs@clsdc.com or faxed to Rishi Sahgal's attention @ 202-289-4141.

National Retail Federation is seeking a Vice President, Conferences for this $20 million budget, 75 plus staff organization in Washington, D.C. Seek individual to manage several conferences including the $7 million annual meeting that has 100,000 plus s.f of exhibit space; initiate new opportunities for conferences, conference revenue, and conference growth; create strategic alliances to reinforce the organization’s retail thought leadership; and mentor staff. Experience with web-casting a plus. Need experience at a trade association leading a similar size conference/trade show; excellent financial, budgeting, and negotiating ability; and strong internal and external communication and interpersonal skills. Search by Association Strategies Inc., 1111 North Fairfax Street, Alexandria, VA 22314. www.nrf.com Email: jim@assnstrategiesinc.com
communications manager -Professional Services Council
2101 Wilson Blvd Suite 750 Arlington, VA 20002

Date Posted: 03/24/03
Salary: Open
Location:
Type: Full Time - Experienced

Arlington, Virginia national trade association representing major government technology and professional services firms immediately seeks dynamic manager to handle wide-ranging association communications, including press and membership communications. Exceptional written and oral skills, plus an understanding of policy/political communications and press relations a must. Knowledge of government technology, defense, and/or federal procurement policy a plus. Salary commensurate with experience. Excellent 401(k), health, and other benefits. Please fax resume with cover letter and salary requirements to (703) 875-8922. No phone calls please.

Division Manager -Association Management Company
... NJ

Date Posted: 03/24/03
Salary: $75,000 - $90,000
Location: Philadelphia area
Type: Full Time - Experienced

A growing association management company offers an opportunity for an experienced Executive Director to become part of a dynamic management team that makes a difference in the professional association/society industry. This position requires proven ability in leadership, administration and accomplishments through strategic planning and day to day management. Candidate must have working experience in business/administration leadership to direct volunteers and in-house staff on clients' activities and special projects. Entrepreneurial thinking is a key component of this position as this candidate will be part of the senior management team and has the potential to rise higher within the organization.

Requirements: Masters Degree desired or 12+ years of progressive positions within association management. Strong financial/budget, leadership, communication and organizational skills a must.

Receptionist/Administrative Assistant CFSA
515 King Street #300 Alexandria, VA 22314 Fax: 703.684.7912

Date Posted: 03/21/03
Salary: Open
Location: Alexandria, Virginia
Type: Full Time - Experienced

Great opportunity for a well organized, personable, detail oriented, receptionist/administrative assistant in Old Town Alexandria public affairs office. Full time, M-F position, 9:00 to 5:30. Must be proficient in MS Word and Excel. Great work environment with excellent benefits. Resumes by e-mail only to msbraun@multistate.com. Please include salary requirements

Agriculture Programs Manager
Propane Education & Research Council
1140 Connecticut Ave., NW Suite 1075 Washington, DC 20036 Fax: 202-452-9054

Date Posted: 03/21/03
Salary: $50,000 - $60,000
Location: Washington, D.C.
Type: Full Time - Experienced

Washington DC-based energy group seeks experienced individual to manage agriculture programs. Duties
include serving as staff liaison to Agriculture Advisory Committee, overseeing and coordinating performance of grantees and contractors, project and contract development and fulfillment oversight. Other duties include coordinating with senior staff to produce budgets, presentations, and outreach programs to energy industry and end users. Also must maintain relationship with the U.S. Department of Agriculture and other appropriate officials to facilitate grant awards, grant implementation and reporting. Position reports directly to the President. Salary up to $60,000 depending on qualifications; competitive benefits package.

Requirements: A minimum of three years agriculture policy or agri-business experience is necessary.
Preferred Education: 4 Year Degree

NOTES: Local Residents Preferred (No Relo). competitive benefits include 401(k), health insurance, paid leave, merit performance bonus.

Education Director - The Irrigation Association
6540 Arlington Boulevard Falls Church, VA 22042 Fax: 703-536-7019
Date Posted: 03/21/03
Salary: Open
Location: Virginia
Type: Full Time - Experienced

Manage the education program for the Irrigation Association. Course development, manage volunteer instructors, create instruction support materials, budget responsibility, implement both independent education courses and certification courses. Position is a senior management position with IA. Location optional. Bachelor or Masters degree preferred.

Policy Coordinator/Analyst - Association of Community Cancer Centers
11600 Nebel Street Suite 201 Rockville, MD 20852 Fax: 301/770-1949
Date Posted: 03/20/03
Salary: Open
Location: Rockville, Maryland
Type: Full Time - Experienced

Fulfill daily administrative tasks and learn health care policy, legislative processes and constituent issues in national health care assn. Prefer 2 years exp. in an assn., on the Hill or in health care. Will coordinate, support and develop broad variety of project & presentation materials. Will interact with health care professionals, industry and Congressional offices. Occasional overnight travel. White Flint Metro area.
Requirements: Knowledge of legislative/regulatory process desirable. Strong administrative, research & organizational skills. Proficiency with MS Office, including PowerPoint. Excellent communication skills.
Preferred Education: 4 Year Degree

Communications Manager - National Association of Home Builders
1201 15th St.,NW Washington, DC 20005-2800 Fax: 202-822-0586
JOB CODE: 412
Date Posted: 03/20/03
Salary: $ 36,600 - $ 43,500
Location: Downtown Washington, DC
Type: Full Time - Experienced

Large DC trade association is seeking a communications manager responsible for the communication functions for two Councils – Women’s Council and National Commercial Builders Council. Individual responsible for magazine, e-news publication, newsletter and website management.
Requirements: Must have a proven record of writing producing various publications. Must have
Excellent writing, editing and computer skills. Minimum 4-year degree with a concentration in communications, journalism or related field. Ability to interact well with NAHB staff, members and vendors. Knowledge of industry preferred.

**Executive Director**  
**American Association of Pharmaceutical Scientists**  
Box 3880 Gaithersburg, MD 20885-3880 Fax: 301/417-7049  
**Date Posted:** 03/20/03  
**Salary:** $140,000 - $175,000  
**Location:** Arlington, VA  
**Type:** Full Time - Experienced

American Association of Pharmaceutical Scientists seeks a new chief staff executive. AAPS is a c(3) scientific society whose members from industry, academia and government are devoted to the economic vitality of pharmaceutical sciences and the biomedical/biotechnological communities through the generation and exchange of scientific knowledge, fostering education and career growth, and influencing the formation of public policy. Such are achieved through annual, themed meetings and symposia, a spectrum of on-line offerings, its peer reviewed journals Pharmaceutical Research, PharmSci and PharmSci Tech, member sections, focus and discussion groups, position openings opportunities, and more. AAPS also hosts a seven year old Product Quality Research Institute, a collaborative process with other scientific organizations working with FDA’s Center for Drug Evaluation and Research to reflect on regulatory policy.  

**Requirements:** Winning candidate must be a creative visionary and a strategic and operational planner who can provide the informational foundation base on which elected leaders will allocate resources. It is preferred that the candidate have knowledge of the pharmaceutical sciences or the readiness to acquire it; advanced degrees in science preferred. 10 years as a non-profit organization CEO (or equivalent experience) so as to implement objectives through headquarters; CAE helpful. Demonstrated communications skills and presence so as to represent AAPS before allied agencies, organizations and important publics. Knowledge of effective use of IT and web essential. Flexibility in planning and programming is considered critical. Salary in the mid to high $100's. Letter of interest and resume by April 21 to Gerard F. Hurley, CAE, President, Association Executive Resources Group, Box 3880, Gaithersburg, MD 20885-3880; fax: 301/417-7049; email: jdhurley@aerg.org.

**Public Relations Manager**  
**National Society of Professional Engineers**  
1420 King Street Alexandria, VA 22314 Fax: 703-684-2821  
**Date Posted:** 03/20/03  
**Salary:** Open  
**Location:** Alexandria, Virginia  
**Type:** Full Time - Experienced

The National Society of Professional Engineers, the premier society representing engineers across all disciplines, has an immediate opening for a team-oriented, hands-on Public Relations Manager. Responsibilities include designing and growing PR programs, developing and handling media relations, managing national awards programs, working with member committee, preparing and monitoring PR budget. Send resume, cover letter, and salary requirements to Human Resources AS/PRM2, National Society of Professional Engineers, 1420 King Street, Alex., VA 22314, email to careers@nspe.org, or fax to 703-684-2821. No calls, please.  

**Requirements:** Bachelor’s degree w/ 3+ years PR experience required. Excellent written/oral communication skills, computer literacy, including database development and maintenance required; ability to work well under pressure and willingness to travel necessary.
**Assistant Director for International Affairs:** National Association of State Universities and Land-Grant Colleges. The Assistant Director represents and advances the interests of the international program leadership on the campuses of NASULGC institutions with respect to federal activities and initiatives. These interests include study abroad/exchange programs, international collaborative research, outreach/technical assistance, and development cooperation programs in which the universities play a role. He/she is a key member of the NASULGC staff supporting the Commission on International Programs and the Agriculture Section of the NASULGC Board on Agriculture Assembly. The individual will also be responsible for organizing regularly scheduled meetings and events pertaining to these groups. Advancement of federal support for international programs on our campuses is a fundamental responsibility of the position. In addition, the successful candidate will be expected to maintain active communication through the Internet and other means with the international leadership on the NASULGC members institutions' campuses on current issues in Washington.

Send cover letter, resume and 3 references to:

Teresa Streeter  
Director of Administration  
1307 New York Ave, Suite 400, NW  
Washington, DC 20005

The contact for the following listings is: Stephanie A. Causey at 202-331-9484, make sure to ask for me and mention my e-mail! Several Companies have their calendars open for interviews and are ready to make a rewarding offer the same day. Take the time to find out what opportunities are available for you or someone you know today. Call me [Stephanie Causey] at 202-331-9484

$35K-Alexandria Metro-A truly behind the scenes PR Assistant is the core of this opportunity. If you are the detail oriented, palm pilot/day planner-type individual-this is the place where it doesn't really seem like "work".

$50K+++--DC- Who's Who on the Hill? If you know the answer-this Government Affairs Team needs your talents. You've done the scheduling job on the Hill and would finally like to be compensated accordingly! Enjoy plush accommodations while you attend the annual meeting. Members must be the creme-de-la-creme of world economics. They also pay for your commute and your family's healthcare costs—that's 100%.

$40K+ Bethesda Metro-- Enjoy the top floor? Travel and learn by observing and participating in 3 big meetings a year, as well as use your own discretion to organize and relay information. If you have a "can do" attitude and are looking for an opportunity with management potential to energize your career, give us a call.

$45K-DC-Corporate credit card, cell phone plus one month accrued time off. All of this in exchange for you gracious, saavy, work-the-room talents! A Multi-billion $S govt' affairs group is essentially looking for an easy-going professional. You will be the core of the organization as you charm high-powered visitors and provide back-up support to the team.

Marketing Communications Specialist, Grayson Wireless, Reston, VA  
Responsible for developing marketing requirements for products or product lines in support of the Geometrix® Wireless Location System. Responsible for supporting sales and business development efforts with respect to contact management, sales and marketing materials, and proposal related materials. Interface with multi-departments/levels of management to understand product goals and strategies and work with the Creative/Ad Agency to develop communication vehicles to deliver the appropriate messages. Must work within budgetary requirements.

Principal Duties, Responsibilities and Authority:
- Responsible for marketing and sales programs and promotions, managing full life cycle of marketing materials from inception to distribution by working with the Grayson Wireless internal resources and designated creative/ad agency.
- Creates guidelines/recommendations for annual marketing budgets.
- Assist Marketing Vice President in market research, developing and implementing strategies for product lines, positioning products.
within the market place, and identifying target audiences for products. Work with Creative/Ad Agency in the
development and distribution of compelling, precise, and timely communications products; e.g. logos,
themes, product identity, press releases, brochures, ads, etc. Evaluate, redesign, and implement internal/Internet
website development, changes, and maintenance. Work with technical departments/writers to design data sheets
and other technical materials, as needed. Responsible for print and web ad schedules. Coordinate participation
in and preparation for appropriate trade shows. Represent company at appropriate conferences
Assist in customer contract negotiations. Present product overviews to prospective customers
Support sales and business development staff with respect to contact management and sales, marketing and
proposal materials

jobs@grayson-wireless.com
Grayson Wireless
2002 Edmund Halley Drive, 3rd Floor
Reston 20191
Fax: 703-860-7386

A friend of mine at Children's Hospital is looking for someone for a new
government affairs position. This person will be working primarily on DOD
appropriations earmarks for muscular dystrophy research, with secondary
responsibility for grassroots development. She is thinking it's most
appropriate for someone who has been an LA for 2-4 years--appropriations
background is desired, but health or DOD background would be a good second
choice. A "junior lobbyist" type position. It might be a good fit for
Hill types that might be looking for a change. She is looking to fill the
position as soon as possible. Her contact information is below.
Greta Todd
Director, Government & External Affairs
Children's National Medical Center
111 Michigan Avenue, NW
Washington, DC 20010
PH: 202-884-2340
FAX: 202-884-5988

I am looking to hire a state lobbyist and a government relations
assistant. The organization is U.S. English, Inc. Our Web site is
www.us-english.org. Please have them send all resumes to:
lobby@us-english.org attention Government Relations Director.

We are seeking a seasoned Healthcare PR Manager for the DC office of top international PR firm,
Burson-Marsteller, a leading multinational communications consulting firm and part of the WPP
Group, serves a diverse body of clients including many of the Fortune 500 companies, other business
organizations, professional associations, governmental bodies and not-for-profit institutions. Burson-
Marsteller links, philosophically and electronically, the knowledge and insight of more than 2,000
professionals in 34 countries, who operate in multiple functional practice specialties. We are large
enough to offer a range of dynamic career paths, yet small enough to allow opportunities for
individuals of all levels to make a visible impact. Healthcare Practice in the Washington DC office
seeks Manager to oversee programs for national healthcare clients. 5-8 years Public Relations
experience required. Previous communications experience in PR agency, association,
pharmaceutical firm or related is essential. Healthcare public policy and/or Hill experience strongly
preferred. Must have excellent program planning, media relations and writing skills with a broad/deep understanding of key healthcare issues. Candidate must be a strategic thinker, a strong communicator and should be comfortable in a smart, fast-paced environment, with unlimited potential for professional growth. When applying, please include cover letter and salary requirements. To apply, please click on the following link: http://sh.webhire.com/Public/362/jd1236442.html Visit us at www.bm.com.

Executive Assistant to Vice President. Great opportunity for the person who likes VARIETY!!! This is a small trade association where you will have a chance to learn about meeting planning, membership, government affairs as the right hand person to the Deputy Director. Duties include scheduling, minor BOARD of DIRECTORS support, member interface, organizing and setting up small meetings, and doing mass mailings, and maintaining membership database. Requirements: Lots of interface with client committees. TRAVEL to several meetings as well as attend meetings here. Must be a bright, SELF MOTIVATED, detail oriented individual who loves being in a TEAM environment. Must have a GREAT SENSE OF HUMOR AND FUN!!! >Must have strong MS Office and 2 years experience. Salary $35-$40K + benefits. Call ASAP 202-457-0617 and e-mail to debwil@cais.com

Professional Relations and Research Institute is seeking an Account Executive/Vice President for this 40 staff association management company located in Manchester, MA. Seek individual to serve as the executive director of several medical association clients as well as to assist the company to expand its client base. Need medical association management experience (association management company experience preferred); track record in revenue development or fundraising; understanding of the complexities of scientific meetings; and technology savvy. Experience with international membership organizations or medical research/scientific organizations are pluses. Search by Association Strategies Inc., 1111 North Fairfax Street, Alexandria, VA 22314. Telephone: 703/683-0580. Email: jim@assnstrategiesinc.com

CORPORATE EXECUTIVE RECEPTIONIST: We are looking for a Receptionist to meet and greet top-level clients and VIP's visiting this corporation daily. (The office is absolutely gorgeous!) You will handle busy phones using diplomacy and discretion and excellent judgment. You must have experience in a corporate, top-level hotel, such as concierge or other type of environment (embassy, business club etc) that puts you in contact with high-level VIP's. Excellent phone manner highly professional appearance are necessary, punctuality and attendance are a must! Please contact Stephanie A Causey at 202-331-9484 ext 18 immediately!

Appropriations Lobbyist for a Major Worldwide Technology Company. Global technology company, that is a worldwide market leader, is seeking a Lobbyist for their corporate government relations office in DC. Hill staff experience with appropriations and/or armed services issues necessary. Law degree helpful. Please send resumes to Katherine_Friess@was.bm.com.

PAC/Grassroots/Community Relations Manager for a Major Technology Company. Global technology company is looking for a PAC/grassroots/community relations Manager for their Washington government relations office. The position would be responsible for managing the corporate Political Action Committee from a strategic view as well as on a 'day-to-day' basis. It
would also include establishing infrastructure for future grassroots campaigns, executing such campaigns, and creating/training/coordinating a team of key contacts in several locations around the country to orchestrate charitable giving. Corporate PAC and/or community relations experience needed. Please send resumes to Katherine_Friess@was.bm.com.

http://jsearch.usajobs.opm.gov/ftva.asp?OPMControl=IL8340

CHIEF OF STAFF Salary Range: $129,874.00 - 142,500.00, ANNUAL Series & Grade: ES-0301-01/06 Open Period ends: Apr 1, 2003 Hiring Agency: DEPARTMENT OF JUSTICE OFFICES, BOARDS AND DIVISIONS Who May Apply: Open to Everyone Position Information: Full Time, Permanent Duty Locations: 1 vacancy WASHINGTON, DC Announcement Number: 03-SES-JMD-02
Although the pay rate for this position will be a matter of negotiation, the policy of the Department is to generally pay SES employees in the range between ES-01 and ES-04. Applicants are to submit an original AND 3 copies of all application documents.
http://jsearch.usajobs.opm.gov/ftva.asp?OPMControl=IL8624

Membership Director -Sister Cities International
1301 Pennsylvania Ave., NW Suite 850 Washington, DC 20004 Fax: 202-393-6524
Date Posted: 03/24/03
Salary: $ 35,000 - $ 40,000
Location: Washington, DC Metropolitan Area
Type: Full Time - Entry Level
Sister Cities International seeks an experienced and energetic person to manage day-to-day activities in the membership department. Responsibilities include developing and implementing programs and marketing strategies to retain existing members and recruiting new members to the organization. The individual will oversee membership database management, maintenance, report generation and distribution of membership statistics. Will work with management and staff to evaluate membership trends and strategies for new markets and participate in identifying new programs and services that meet member needs. Position available immediately for excellent candidate. Send resume with cover letter to cmaka@sister-cities.org by April 4, 2003.

Requirements: The ideal candidate has nonprofit and membership experience; international knowledge/experience; outstanding interpersonal, oral, and written communication skills; a bachelor’s degree; strong database and computer skills; and the ability to work efficiently with multiple tasks with a positive, can-do attitude.
Vice President of External Relationships Volunters of America Alexandria, Virginia

Volunteers of America, headquartered in Alexandria, Virginia, seeks a Vice President of External Relationships, reporting to the President/CEO. VOA is a national, nonprofit, spiritually based organization providing local human service programs and opportunities for individual and community involvement in 45 states through 39 affiliates and 12,000 employees. This organization provides services to abused and neglected children, youth at risk, frail elderly, disabled, and homeless individuals and families. In the past seven years annual revenue has grown from $391 million to over $600 million, and fundraising has increased from $33 million to over $85 million per year. Both positions require a leader who can serve as a catalyst for change by partnering and collaborating internally and externally. More information about Volunteers of America can be found at www.voa.org. The Vice President of External Relationships will have strategic oversight for internal and external communications, fundraising and advocacy. Six senior staff members report directly to this Vice President. Familiarity with the national corporate and foundation grant-making community is sought, as well as exceptional strategic communication skills, including branding. An advanced degree in one of the related disciplines and 7 to 10 years of senior management experience in a large, decentralized organization is desired.

Also seeking Vice President of Program Management. The Vice President of Program Management will have strategic responsibility for Volunteers of America's diverse human services programs, including the development, operations, and property management of nursing homes, assisted living and affordable housing facilities. Through six direct reports, this person will facilitate the national growth and impact of community-based services as a continuum of care. Strategic analytic and business planning skills are sought, as well as demonstrated effectiveness in marketing new ideas within a large, complex organization. An MBA Degree and 7 to 10 years of senior management experience is desired.

Electronic submission of cover letters and resumes is preferred and should be sent to:
Barbara Robinson
Senior Consultant
Isaacson, Miller
334 Boylston Street, Suite 500
Boston, Massachusetts 02116
Email: 2453.OL.VOA@IMSEARCH.COM V.P. of External Relationships

1st Responder Team-The White House needs you! I am putting together a team of 150 people that will be able to respond quickly to White House requests. You will be given short notice (1 day to 3 hours prior to the event) to attend certain White House or Congressional events. We do not expect you make all of the events, but would like you to commit to make 1/3 of them. The White House appreciates your time and will have regularly scheduled (every other month) meetings at the White House to brief you on up-coming events and to discuss what we can do to improve our grassroots operations. Our 1st meeting will take place at the Old Executive Office Bldg on Friday, April 4, 2003 at 10:00am. Ken Mehlman, the President's Campaign Director and advisor will be our speaker, along with Leonard Rodriguez and Abel Guerra. If you are interested in being part of the team please contact me by Friday, March 28, 2003 by 2pm so that I can gather your security information. You can reach me by phone at [PRA 6] or via email: patricia driscoll@faretrade.org.
HOUSING

Female to share Townhouse in Georgetown/Garage Parking Included
Looking for female to share furnished 2br/1ba townhouse at the Papermill Condominiums in Georgetown. Extremely convenient location - 1 block from M & Wisconsin – and one block from Washington Harbor and the Potomac. Fireplace – hardwood floors – clean, cozy, and beautiful direct river views. Asking $1100 monthly - for month-to-month/no lease roommate – this rate includes all utilities/local telephone/cable t.v. – AND a reserved parking spot in the garage directly below the house. If you don’t need the parking spot – the rate will be $900 monthly. Currently, the second bedroom is partially furnished with a double bed/chest etc. If you don’t want or need these items, they will be removed. Disclaimer: I smoke – and have a mid-size, very friendly/very cute dog – so if either of these things bother you, please don’t apply. I require a one-month security deposit. Lastly, our swimming pool opens mid-May! 202-248-6436.

WEBLINKS

Roll Call listings -- www.rcjobs.com
http://www.hillnews.com/classifieds/index.shtml - The Hill Newspaper
http://asaenet.jobcontrolcenter.com/search/results/"American Society of Assn. Executives" Free job listings where you can place your own resume and search and/or check out every ASAE member's avail jobs.
http://www.hillzoo.com/jobs.htm Hill and off-Hill jobs
www.washingtonnetworkgroup.com/jobs/postings.asp Positions in nonprofits, the public sector and social improvement organizations. Senior positions in marketing, communications and public relations
http://www.execsearches.com/exec/browse2.asp?Region=6 Recruiter with middle- and senior-level positions in advertising, marketing, creative, sales and public relations, including "C-level" positions
www.executivestaffers.com/index.shtml
HOUSE JOBS: http://www.house.gov/htbin/caohr_vacancies. Human Resources Job Line for the U.S. House of Representatives at (202) 225-2450, press 4, then press 2. You can also visit the Office of Human Resources, where vacancy announcements for positions throughout the House are available for review in binders in the reception area. The office is located in Room 263 of the Cannon House Office Building. No appointment is necessary to review vacancy announcements.
SENATE EMPLOYMENT BULLETIN (202) 228-JOBS.
US Chamber of Commerce: http://www.uschamber.com/careers/jobs/default
The Top 10 Job Web Sites (If none of these sites have what you are looking for, continue onto the Top 50 Job Sites, or go all the way to our entire list of the general job sites).
http://www.careersingovernment.com/
GetaGovJob.com
GOVJOBS.com

*Federal Times Online* -- the Web site of jobs and careers from the independent weekly for Federal employees.

U.S. State Department Careers

Jobs in State Government
Local Government Job Net

Christian Jobs

The United States Senate Employment Office: The U.S. Senate Employment Office provides weekly bulletins on job openings in Senators' offices and Senate Committee offices and a job opening recording, listing the latest vacancies and how to apply for them. The Employment Office also conducts informational interviews that help to familiarize people with the U.S. Senate. The Senate Employment Office Job Announcement Recording: Updated Every Friday - Call 202-228-JOBS. For additional information, please call: 202-224-9167. Walk-in traffic, please go to 142 Hart Senate Office Building, Washington, DC.

U. S. Senate Republican Policy Committee Resume and Job Bank: The US Senate Republican Policy Committee maintains a resume and job bank for job seekers and employers. Please call 202-224-2946 for an application or write to: US Senate Republican Policy Committee; Resume/Job Bank Applications; 347 Russell Senate Building; Washington, DC 20510


The Heritage Foundation Job Bank - The Heritage Foundation maintains a Job Bank to assist in placing conservatives in public policy-related positions, both in government and the private sector, in the Washington, D.C. area. This candidate placement process is a free service provided by The Heritage Foundation which is CONFIDENTIAL and discreet for both employer and employee. For more information, log-on to: http://www.heritage.org/jobbank/

The Leadership Institute Employment Placement Service - Assists in finding positions for conservatives. To fill out an application, go to: www.leadershipinstitute.org/03CAREERS/EPSApplication.htm

The White House Office of Presidential Personnel - The White House Office of Presidential Personnel is not only responsible for placing people in political jobs at the White House (including the West Wing, the Eisenhower Executive Building - formerly the Old Executive Office Building - and the entire White House complex) but is also responsible for placing all political staff at all the Executive Branch Departments throughout Washington - re: Dept of State, Dept of Labor, Dept of Commerce, etc. For more information on how to apply for political positions at the White House and the Executive Branch Departments, call 202-456-9713. The Fax is: 202-456-1121. If you would like to write for information, the address is: The Office of Presidential Personnel, The White House, 1600 Pennsylvania Ave NW, Washington, DC. 20502. To fill out an on-line application to be considered for White House / Administration positions, please click on: https://sawho04.eop.gov/cgi-bin/appointments To print and fill out an off-line application to be considered for White House / Administration positions, please click on: http://www.whitehouse.gov/appointments/online.html Completed applications should be sent to: The Office of Presidential Personnel, The White House, 1600 Pennsylvania Ave NW, Washington, DC. 20502.


Govtjobs.com - On-line job service providing assistance and job openings with the federal, state, and local branches of government. Log on to their web-site at: www.govtjobs.com

FedWorld - Federal Jobs Around the USA - This database allows you to search abstracts of open U.S. Federal Government Jobs. This database is updated every Tuesday through Saturday at about 9:30 am Eastern U.S. time. Log on to their web-site at: http://www.fedworld.gov/jobs/jobssearch.html

Federal Jobs Net - Informative web-site on Federal jobs including useful links, job hunting tips, and current job vacancies. Log on to their web-site at: http://federaljobs.net/

153 Additional Federal Job Links (Agency Employment Web Sites)

Visit http://federaljobs.net/employme.htm for direct links to many federal agency's internet recruiting web sites and personnel office job hotlines.


U.S. Environmental Protection Agency - On-line information of EPA jobs. Log on to their web-site at: http://www.epa.gov/epahrist/

U.S. Department of Health and Human Services - Information on HHS jobs. Log on to their web-site at: http://www.hhs.gov/jobs/


U.S. Department of Justice - Information on applying for positions at the Department of Justice. There is a 24 hour job hotline that can be called at: 202-514-3396. For info on other job openings with the INS, the U.S. Marshals, the Border Patrol, and DOJ Attorney positions log on to: http://www.usdoj.gov/employment/index.html


U.S. Department of State - Information on becoming a Foreign Service Officer, Foreign Service Specialist or Civil Service employee for the U.S. Department of State. Log on to their web-site at: http://www.state.gov/employment.cfm

U.S. Department of Transportation - To view DOT positions, go to the US Govt Dept of Personnel Management at: http://www.usajobs.opm.gov/ and click on search agency. DOT vacancy announcements are also available through the TASC DOT Connection Fax-On-Demand system at (202) 366-9397 or outside the Washington, D.C. area call (800) 525-2878. Job information in specific DOT divisions is as follows: * United States Coast Guard (civilian jobs), * U.S. Maritime Administration (MARAD), * Federal Transit Administration (FTA), * Federal Aviation Administration (FAA), * National Highway Traffic Safety Administration (NHTSA)

U.S. Treasury Department - The Treasury Department offers you opportunities to work in 14 different bureaus with careers in law enforcement, international economics, banking, accounting, marketing, law, and information technology. Log on to their web-site at: http://www.ustreas.gov/jobs/

U.S. Department of Veterans' Affairs - On-line information of VA Department jobs. Log on to their web-site
Federal Bureau of Investigation - FBI job information can be found on their web-site. Log on to their web-site at: http://www.fbi.gov/employment/employ.htm

U.S. Secret Service - Information on becoming United States Secret Service Agent and other positions. Contact the Secret Service Personnel Division at (202) 406-5800, (888) 813-8777 or (888) 813-USSS. This is part of the U.S. Treasury Department. Their web-site is at: http://www.ustreas.gov/usss/index.htm?opportunities.htm&1

Central Intelligence Agency - On-line database of jobs at the CIA. Log on to their web-site at: http://www.cia.gov/cia/employment/ciaindex.htm


Conservative Organizations / http://www.townhall.com/jobs/

Liberal Organizations

http://www.usjobboard.com/ Thousands of jobs across the US, with some international and ‘virtual’ positions.

EXECUNET - http://www.execunet.com/ Expensive but well regarded, ExecuNet tells its members about 500 to 1,000 new executive opportunities each week. Many jobs pay $100,000 and up. A 3-month membership is $149.

http://www.fdncenter.org/pnd/jobs/index.jhtml - Philanthropy news digest

http://www.CampaignJobs.com - "CampaignJobs.com is a 100% FREE service that enables Republican campaigns of all sizes and at all levels to easily find the people they need to win."

www.6figurejobs.com - mostly sales-related jobs, but all with 6-figure salaries.


http://www.ajb.dni.us/ America's Job Bank. A service of the U.S. Department of Labor and more than 1,800 state Employment Service offices, America’s Job Bank has more job listings than any other site on the Internet. About 5% of the jobs listed are in government and the rest are in the private sector.

MEDIA JOBS NEWSLETTER (US and Worldwide). Media Jobs is a periodic email newsletter of available media positions. It's free to qualified subscribers. Positions range from production and sales to editorial and internships. Subscribe by sending an email to: MediaJobs-subscribe@yahoogroups.com

www.lucascareers.com/ Middle- and senior-level positions.

http://www.circsolutions.com/Jobs/Index.htm A homespun site from consultant John Chilson. Magazine and newsletter circulators will get some benefit from the small jobs database, more benefit from the links to other job sites, publishers and resources.

http://www.creativehotlist.com/ media, Internet and agencies. Listings for artists, copywriters and designers predominate, with some sales and marketing positions.

http://www.jobsdb.com/ Choose a country, then search through thousands of jobs worldwide. Free Job Alert service. One of the best international job sites for English-speakers.


http://www.cyberjournalist.net/joblinks.htm A page of links to new media job banks and company job boards. The latter are handy if you want to work for a large, well-established enterprise.

ONLINE JOURNALISM REVIEW JOBS BOARD (US)- http://ojr.usc.edu/jobsboard/header.cfm
Browse the heap of 204 jobs sorted by date. Editorial jobs at print and online media predominate, with a handful of business-side jobs mixed in. New jobs are posted at a rate of five per month. Posting is free.

INTERNATIONAL ASSOCIATION OF BUSINESS COMMUNICATORS (US and Worldwide)  
http://www.iabc.com/messages/job_postings/1.html A healthy listing of jobs in PR, marketing, communications and academia.


http://www.brilliantpeople.com/ Gateway to the jobs and recruiters at Management Recruiters International, "the world's largest executive search and recruitment organization." A quick search reveals 1,000 jobs in sales alone.
FINDLAW DAILY OPINION SUMMARIES - March 26, 2003
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BANKING LAW, CONSTITUTIONAL LAW, ETHICS & PROFESSIONAL RESPONSIBILITY, PROPERTY LAW & REAL ESTATE

BROWN v. LEGAL FOUND. OF WASHINGTON, No. 01-1325 (U.S.S.C. March 26, 2003)

A state law requiring client funds that could not otherwise generate net earnings for the client be deposited in an "interest on lawyers' trust account" is not a regulatory taking, but requiring that interest on those funds be transferred to a different owner for a legitimate public use could be a per se taking requiring payment of just compensation to the client in some cases.

To read the full text of this opinion, go to:
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ARG wants to talk to you...
Jeff Eisenach and Jim Miller of Howrey & Simon law firm have requested a meeting with Ken to discuss Garcia vs. Veneman. I believe it is a group of Hispanic farmers who are suing USDA due to discrimination. They believe it has political repercussions. My guess is that Ken should not meet with them, but I wanted to go ahead and send to you.

thanks
he's back and wants to talk to you!
I left the committee testimony I came up with on your desk. I also included some relevant articles.

Jon
My schedule shows Brett on the hook for Mar. 31-Apr. 2 and myself slated for Apr. 2-4.

FYI.

Again - thanks for the support this week. Until further notice, we are still at the offiste next week. On call over the weekend.

Eric - will try and add at least one more to your rotation next week. My apologies for the phone tag.
Greg - just let me know who the new folks are that you and Joe Hagin discussed, and we'll make it happen.

Have a good weekend.
You asked if the RNC event with Karl on April 30th was a fundraiser. It is. It is aimed at trying to get Regents and T100 to renew their membership.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Nanette Everson/WHO/EOP@EOP [ WHO ] <Nanette Everson>
Subject: please call when you get a moment
No objection to conventions message.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>; Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>
Sent: 3/28/2003 4:00:11 AM
Subject: : can you book time at 4:30 for me, Judge, and David

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 28-MAR-2003 09:00:11.00
SUBJECT:: can you book time at 4:30 for me, Judge, and David
TO: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ: UNKNOWN
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ: UNKNOWN
##### End Original ARMS Header #####
Good afternoon,

As per previous discussions, we will meet via conference call to discuss HUD's draft bill to affect the transfer of the Emergency Food and Shelter Program from FEMA to HUD.

Please join us at 14:00 on Monday, 31 March 2003.

The conference line is (202) 395-6392.
(If anyone will join via long distance call, you can dial in toll free at (800) 568-0174.)
The code to join the call is: 755997.

If you experience difficulty in connecting to the call, you can call me directly at (202) 395-7754.

Thank you,
Thad Messenger
OMB Legislative Reference
He won't be here. Can we do it this morning sometime?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, March 28, 2003 9:00 AM
To: Nelson, Carolyn; Montiel, Charlotte L.
Subject: can you book time at 4:30 for me, Judge, and David
Brett -

I'm going to OH next week - will speak to the statewide CRs while there - attached is the flyer they hope to send out -

good by you?

thanks man -

c

-------- Forwarded by Collister W. Johnson/WHO/EOP on 03/28/2003 01:23 PM --------

Darrin Klinger <dklinger@lspp.com>
03/28/2003 12:52:46 PM
Please respond to dklinger@lspp.com
Record Type: Record

To: Collister W. Johnson/WHO/EOP@EOP
cc:
Subject: For legal review

CJ,
For review, attached is a flyer that is set to go out in an email to the other clubs early next week.

DK

- OCRF 2003 State Convention.doc

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_TWP4F003_WHO.TXT_1>
OCRF 2003 State Convention

Friday April 4th – Sunday April 6th

The Ohio State University

- Friday Night Reception at the Holiday Inn
- Speakers include
  - Coddy Johnson – 2000 Bush-Cheney Regional Director and Political Adviser to George W. Bush
  - Dewey Stokes – Franklin County Commissioner
  - Snacks and drinks will be served

- Saturday Events
  - Convention business
  - Elections
  - Evening dinner at Buckeye Hall of Fame Café
thanks, brett. I already got this from karl's folks and reviewed it yesterday..... maybe i should know, but don't....who is this person?
do you have a call in number for Makan's meeting this am
Yes! Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, March 28, 2003 8:58 AM
To: Litkenhaus, Colleen
Subject:

are you squared away on CFO reporting issue?
There were hearings testimony in 1995 on proper size of DC Circuit. Can you get that for me.
Can I flip with you next week. I have Kuhl moot Monday and hearing Tuesday.

---

H. Christopher Bartolomucci
03/28/2003 08:31:22 AM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP,
Jennifer G. Newstead/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP
cc:
Subject: RE: OFF SITE/CRYSTAL

FYI.

My schedule shows Brett on the hook for Mar. 31-Apr. 2 and myself slated
for Apr. 2-4.

-------------- Forwarded by H. Christopher Bartolomucci/WHO/EOP on
03/28/2003 08:29 AM --------------

"Kern, Dabney R." <DRKern@whmo.mil>
03/28/2003 08:17:00 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: "Miller, Mike H. RDML" <MHMiller@whmo.mil>, Linda M.
Gambatesa/WHO/EOP@EOP, Colleen Litkenhaus/WHO/EOP@EOP, Timothy
Campen/OA/EOP@EOP
Subject: RE: OFF SITE/CRYSTAL

Again - thanks for the support this week. Until further notice, we are
still at the offsite next week. On call over the weekend.

Eric - will try and add at least one more to your rotation next week. My
apologies for the phone tag.
Greg - just let me know who the new folks are that you and Joe Hagin
discussed, and we'll make it happen.

Have a good weekend.

Dab

Message Sent
To: "Kern, Dabney R." <DRKern@whmo.mil>
Kurt D. Volker/NSC/EOP@EOP
Elizabeth S. Dougherty/OPD/EOP@EOP
H. Christopher Bartolomucci/WHO/EOP@EOP
Philip R. Dame/OMB/EOP@EOP
Richard G. Irwin/WHO/EOP@EOP
PRA 6
Daniel J. Keniry/WHO/EOP@EOP
Eric C. Pelletier/WHO/EOP@EOP
Gregory L. Schulte/NSC/EOP@EOP
Jon S. Laurich/OA/EOP@EOP
Jeffrey G. Thompson/OA/EOP@EOP
Well...I need to be back here by 11:30, so......not sure. I would like to call in if I can.

I am planning to attend. Are you?
From: CN=Wendy J. Grubbs/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Subject: Re: do you have a call in number for Makan's meeting this am

Then I will go with you...when are you leaving?

Then I am planning to attend. Are you?
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: do you have a call in number for Makan's meeting this am
thanks

Brett M. Kavanaugh
03/28/2003 09:51:50 AM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
bcc:
Subject: Re: do you have a call in number for Makan's meeting this am

10:10 from West Executive.

Wendy J. Grubbs
03/28/2003 09:55:54 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: do you have a call in number for Makan's meeting this am

Then I will go with you...when are you leaving?

Brett M. Kavanaugh
03/28/2003 09:49:19 AM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
bcc:
Subject: Re: do you have a call in number for Makan's meeting this am

I am leaving the meeting at 11 sharp to go to DOJ.
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: do you have a call in number for Makan's meeting this am

Well...I need to be back here by 11:30, so......not sure. I would like to call in if I can.

---

Brett M. Kavanaugh
03/28/2003 09:43:52 AM
Record Type: Record

To: Wendy J. Grubbs/WHO/EOP@EOP
cc:
bcc:
Subject: Re: do you have a call in number for Makan's meeting this am

I am planning to attend. Are you?

---

Wendy J. Grubbs
03/28/2003 09:47:01 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: do you have a call in number for Makan's meeting this am
They have decided just to sit in regular seats in the stadium. Assume the same applies.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, March 28, 2003 9:44 AM
To: Bennett, Melissa S.
Subject: game

Under the circumstances as described, he should pay fair market value for all tickets for Secretary Card and family members.
Thanks again. Phil had already copied Jay on an email asking me to talk to you, so my follow-up email was intended only to let Jay know we had closed that loop. Congratulations on moving the Owens nomination along.
Make sure Adam C. knows!

Tymkovich will begin 9:30 Tuesday under a 6 hour time agreement. We will vote on Springman (district judge) on Monday at 6:00.
No takers yet, but some still outstanding. Calls were placed on 3/26.
Ben will go off site on Monday. Thus, the schedule for the next few weeks will be as follows:

Mar. 31-Apr. 2: Ben
Apr. 2-4: Bart
Apr. 7-9: Brett
Apr. 9-11: Noel
Apr. 14-16: Jen
Apr. 16-18: Kyle
Can you stick gonzales letter in materials handed out to committee staff later today. That has good summary of our position on blue slips and some quotes as well. Thx.

...
From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: Philip J. Perry/OMB/EOP@EOP [OMB] <Philip.J.Perry@EOP.EOP.gov>; 'Deborah@thefeinberggroup.com' <Deborah@thefeinberggroup.com>; John F. Wood/OMB/EOP/EOP [OMB] <John.F.Wood@EOP.EOP.gov>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Swingle, Sharon <Sharon.Swingle@usdoj.gov>; Garvey, Vincent <Vincent.Garvey@usdoj.gov>; Harris, Paul (SMO) <Paul.Harris@usdoj.gov>; Keisler, Peter D <Peter.D.Keisler@usdoj.gov>; Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP/EOP [WHO] <Brett.M.Kavanaugh@WHO.EOP.EOP.gov>; 'kfeinberg@thefeinberggroup.com' <kfeinberg@thefeinberggroup.com>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Letter, Douglass <Douglass.Letter@usdoj.gov>; Hunt, Jody <Jody.Hunt@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Schilling, Andrew <Andrew.Schilling@usdoj.gov>; Coffin, Shannen <Shannen.Coffin@usdoj.gov>

CC: Calvert, Chris <Chris.Calvert@usdoj.gov>


Subject: Conference call on Monday

### Begin Original ARMS Header ###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ( "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> [UNKNOWN]
SUBJECT: Conference call on Monday
TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP/EOP [OMB])
READ:UNKNOWN
TO: 'Deborah@thefeinberggroup.com' <Deborah@thefeinberggroup.com> (Receipt Notification Requested) ( "Deborah@thefeinberggroup.com" <Deborah@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: John F. Wood (CN=John F. Wood/OU=OMB/O=EOP/EOP [OMB])
READ:UNKNOWN
TO: Katherine.Bloemendal@usdoj.gov (Receipt Notification Requested) (IPM Return Requested) ( "Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: Sharon.Swingle@usdoj.gov (Receipt Notification Requested) (IPM Return Requested) ( "Swingle, Sharon" <Sharon.Swingle@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: Vincent.Garvey@usdoj.gov (Receipt Notification Requested) (IPM Return Requested) ( "Garvey, Vincent" <Vincent.Garvey@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: Paul.Harris@usdoj.gov (Receipt Notification Requested) (IPM Return Requested) ( "Harris, Paul (SMO)" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: Peter.D.Keisler@usdoj.gov (Receipt Notification Requested) (IPM Return Requested) ( "Keisler, Peter D" <Peter.D.Keisler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: Craig.Blackwell@usdoj.gov (Receipt Notification Requested) (IPM Return Requested) ( "Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: Brett.M.Kavanaugh@WHO.EOP.EOP.gov (CN=Brett M. Kavanaugh/WHO/O=EOP/EOP [WHO])
READ:UNKNOWN
TO: kfeinberg@thefeinberggroup.com (Receipt Notification Requested) (IPM Return Requested) ( "kfeinberg@thefeinberggroup.com" <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ:UNKNOWN
TO: Bill.Jordan@usdoj.gov (Receipt Notification Requested) (IPM Return Requested)
---
Our reply brief is due next Friday, so the next week will be a tough one. In order to make the most of it, I'm setting up another conference call for Monday at 11 am where everyone can share their thoughts with Andrew and Craig (and Sharon Swingle, who is going to be pitching in). My assistant, Chris Calvert, will be sending out a call-in number. We should be able to distribute at least a couple of the plaintiffs' three briefs by email tonight, and if everyone could at least look at them before the call, it would be most appreciated.

-----Original Message-----
From: Coffin, Shannen
Sent: Thursday, March 27, 2003 10:29 AM
To: Blackwell, Craig; Schilling, Andrew; Keisler, Peter D; McCallum, Robert; Harris, Paul (SMO); Hunt, Jody; Garvey, Vincent; Letter, Douglas; Swingle, Sharon; Boudreaux, Chad; Bloemendal, Katherine; 'John_F._Wood@omb.eop.gov'; 'kfeinberg@thefeinberggroup.com'; 'Deborah@thefeinberggroup.com'; 'Brett_M._Kavanaugh@who.eop.gov'; 'Phil Perry (E-mail)'; Jordan, Bill
Subject: FW: draft attached

Attached is the final draft of the Opposition brief incorporating comments from all quarters. This has to be filed tomorrow, so please comment by 10:00 AM FRIDAY. Once again, at this stage, I'd ask you to limit your comments to specific line edits or changes. Thanks again to Andrew and Craig for their excellent work on this.

<< File: opposition.wpd >>
From: Calvert, Chris <Chris.Calvert@usdoj.gov>
To: Philip J. Perry/OMB/EOP@EOP [ OMB ] <Philip J. Perry>; 'Deborah@thefeinberggroup.com'; <Deborah@thefeinberggroup.com>; John F. Wood/OMB/EOP@EOP [ OMB ] <John F. Wood>; Bloemendal, Katherine <Katherine.Bloemendal@usdoj.gov>; Swingle, Sharon <Sharon.Swingle@usdoj.gov>; Garvey, Vincent <Vincent.Garvey@usdoj.gov>; Harris, Paul (SMO) <Paul.Harris@usdoj.gov>; Keisler, Peter D <Peter.D.Keisler@usdoj.gov>; Blackwell, Craig <Craig Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; 'kfeinberg@thefeinberggroup.com' <kfeinberg@thefeinberggroup.com>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Letter, Douglas <Douglas.Letter@usdoj.gov>; Hunt, Jody <Jody.Hunt@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Schilling, Andrew <Andrew.Schilling@usdoj.gov>; Coffin, Shannen <Shannen.Coffin@usdoj.gov> 'deneita@thefeinberggroup.com' <deneita@thefeinberggroup.com> 'dana@thefeinberggroup.com' <dana@thefeinberggroup.com>
CC: 'deneita@thefeinberggroup.com'; 'dana@thefeinberggroup.com'
Subject: RE: Conference call on Monday - DETAILS

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Calvert, Chris" <Chris.Calvert@usdoj.gov> ("Calvert, Chris" <Chris.Calvert@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME: 28-MAR-2003 14:15:11.00
SUBJECT: RE: Conference call on Monday - DETAILS
TO: Philip J. Perry (CN=Philip J. Perry/OU=OMB/O=EOP@EOP [ OMB ])
READ: UNKNOWN
TO: '"Deborah@thefeinberggroup.com"' <Deborah@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("Deborah@thefeinberggroup.com") <Deborah@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN]
READ: UNKNOWN
TO: John F. Wood (CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ])
READ: UNKNOWN
TO: '"Bloemendal, Katherine"' <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Bloemendal, Katherine" <Katherine.Bloemendal@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: '"Swingle, Sharon"' <Sharon.Swingle@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Swingle, Sharon" <Sharon.Swingle@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: '"Garvey, Vincent"' <Vincent.Garvey@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Garvey, Vincent" <Vincent.Garvey@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: '"Harris, Paul (SMO)"' <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Harris, Paul (SMO)" <Paul.Harris@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: '"Keisler, Peter D"' <Peter.D.Keisler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Keisler, Peter D" <Peter.D.Keisler@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: '"Blackwell, Craig"' <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ("Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ])
READ: UNKNOWN
TO: '"kfeinberg@thefeinberggroup.com"' <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) ("kfeinberg@thefeinberggroup.com") <kfeinberg@thefeinberggroup.com> (Receipt Notification Requested) (IPM Return Requested) [UNKNOWN]
READ: UNKNOWN

REV_00113168
The conference call is set for 11:00 am on Monday, March 31. Please dial: 202.353.0881, pass code 1913#.

Chris

Chris Calvert
Assistant to Shannen W. Coffin
Deputy Assistant Attorney General
Federal Programs, Civil Division
U.S. Dept. of Justice
Room 3141, Main
Direct Dial: 202.514.5713
FAX: 202.514.8071
E-mail: chris.calvert@usdoj.gov

-----Original Message-----
From: Coffin, Shannen
Sent: Friday, March 28, 2003 1:47 PM
To: Coffin, Shannen; Blackwell, Craig; Schilling, Andrew; Keisler, Peter D; McCallum, Robert; Harris, Paul (SMO); Hunt, Jody; Garvey, Vincent; Letter, Douglas; Swingle, Sharon; Boudreaux, Chad; Bloemendal, Katherine; 'John_F._Wood@omb.eop.gov'; 'kfeinberg@thefeinberggroup.com'; 'Deborah@thefeinberggroup.com'; 'Brett_M._Kavanaugh@who.eop.gov'; 'Phil Perry (E-mail)'; Jordan, Bill
Cc: Calvert, Chris
Subject: Conference call on Monday

Our reply brief is due next Friday, so the next week will be a tough one.
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-----Original Message-----
From: Coffin, Shannen
Sent: Thursday, March 27, 2003 10:29 AM
To: Blackwell, Craig; Schilling, Andrew; Keisler, Peter D; McCallum, Robert; Harris, Paul (SMO); Hunt, Jody; Garvey, Vincent; Letter, Douglas; Swingle, Sharon; Boudreaux, Chad; Bloemendal, Katherine; 'John_F._Wood@omb.eop.gov'; 'kfeinberg@thefeinberggroup.com'; 'Deborah@thefeinberggroup.com'; 'Brett_M._Kavanaugh@who.eop.gov'; 'Phil Perry (E-mail)'; Jordan, Bill
Subject: FW: draft attached

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<< File: opposition.wpd >>
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>
Sent: 3/28/2003 9:29:02 AM
Subject: don't invite mehlman to that meeting yet

### Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 28-MAR-2003 14:29:02.00
SUBJECT: don't invite mehlman to that meeting yet
TO: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header #####
Karl Hascall, who is active in the Kent County GOP politics, owns a plane with his brother. It is a King Air B-100, 8 passenger plane. He has offered to fly Karl out and back to the Kent County Lincoln Day Dinner next Friday, April 4. Karl is a Special Guest of the event and will be making remarks. Is this acceptable and is there other information you need?
Do we vote on Tymkovich after the 6 hours?

Makan Delrahim  
Staff Director / Chief Counsel  
Committee on the Judiciary  
United States Senate  
Washington DC 20510  
Fax: 202-228-1115  
Phone: 202-224-0418

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.

-----Original Message-----
From: Miranda, Manuel (Frist)  
Sent: Friday, March 28, 2003 11:08 AM  
To: Wendy Grubbs (E-mail); Brett M. Kavanaugh@who.eop.gov; Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary)
Subject: INFO

Tymkovich will begin 9:30 Tuesday under a 6 hour time agreement. We will vote on Springman (district judge) on Monday at 6:00.
From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 3/28/2003 10:59:40 AM
Subject: : mike fisher monday @ 10

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 28-MAR-2003 15:59:40.00
SUBJECT:: mike fisher monday @ 10
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
##### End Original ARMS Header ######
In light of the public interest in Grutter v. Bollinger and Gratz v. Bollinger, scheduled to be heard by the Court at 10 a.m. and 11 a.m. respectively on Tuesday, April 1, 2003, an audiotape of the U. S. Supreme Court oral arguments will be made available by the Court that day on an expedited basis shortly after the conclusion of both arguments at noon. Sources for the oral argument audiotape will be as follows:

An audiotape will be provided to the Network pool, which will in turn provide an offsite, simultaneous feed to member news organizations.

The audio will be made available in the House and Senate Radio and Television Galleries at the U. S. Capitol on Capitol Hill DA #9. Only press holding proper Congressional credentials will be allowed in the Galleries.

An on-site feed (mult-box) will be available on Maryland Avenue next to the Supreme Court. News organizations that are not part of the radio/TV pool systems may plug in at that location. Please note that on-site parking is not available.

Playback of the tapes will be provided as soon as possible following the conclusion of oral arguments, scheduled to end at noon. The audiotapes of both arguments will be played in their entirety one time only. Contact Rusty Lutz at ABC News at 202-222-7600 for more information.
Sometime Tuesday in the afternoon.

-----Original Message-----
From: Delrahim, Makan (Judiciary)
Sent: Friday, March 28, 2003 3:50 PM
To: Miranda, Manuel (Frist); Wendy Grubbs (E-mail);
Brett M. Kavanaugh@who.eop.gov; Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Vogel, Alex (Frist); Schiappa, David (Rep-Secretary)
Subject: RE: INFO

Do we vote on Tymkovich after the 6 hours?

Makan Delrahim
Staff Director / Chief Counsel
Committee on the;Judiciary
United States Senate
Washington DC 20510
Fax: 202-228-1115
Phone: 202-224-0418

CONFIDENTIALITY NOTE:

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly
-----Original Message-----
From: Miranda, Manuel (Frist)
Sent: Friday, March 28, 2003 11:08 AM
To: Wendy Grubbs (E-mail); Brett_M_Kavanaugh@who.eop.gov; Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary)
Subject: INFO

Tymkovich will begin 9:30 tuesday under a 6 hour time agreement. We will vote on springman (district judge) on monday at 6:00.
Today was my last day at the White House, and I am no longer able to receive your emails. If you need to reach me, please call 202-337-0018.

Thank you.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Sara M. Taylor/WHO/EOP@EOP [ WHO ] <Sara M. Taylor>
Subject: returned your call

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 28-MAR-2003 17:57:20.00
SUBJECT: returned your call
TO: Sara M. Taylor ( CN=Sara M. Taylor/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header ######
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Collister W. Johnson/WHO/EOP@EOP [ WHO ] <Collister W. Johnson>
Subject: returned your call

returned your call
In preparation for the judicial hearing scheduled for April 1 at 9:00 am, there is a group prep session scheduled on Monday, March 31, at 2:00 pm in the OLP conference room Room 4237. The judges for this prep session are:

Carolyn Kuhl (9th), Cecilia Altonaga (FL,S), and Patricia Minaldi (LA,W)
Very good letter. No cc to Leahy, Levin, and Stabenow? I would consider cc'ing them, as the letter is sure to get out (we should want it to) and, when it does, they are sure to cry foul.

---

From: Theodore W. Ulliot/WHO/EOP
To: H. Christopher Bartolomucci/WHO/EOP@EOP,
Noel J. Francisco/WHO/EOP@EOP,
Brett M. Kavanaugh/WHO/EOP@EOP,
Jennifer G. Newstead/WHO/EOP@EOP,
Benjamin A. Powell/WHO/EOP@EOP,
Kyle Sampson/WHO/EOP@EOP
Cc: 
Date: 03/28/2003 05:02:22 PM
Subject: Letter to Hatch re Michigan

This went out earlier this afternoon.
FINDLAW Fri, Mar 28, 2003
-------------------------------------------
TOP LEGAL NEWS HEADLINES

For all of the day's legal news go to: http://news.findlaw.com

** SAVE TIME: Pay Federal Taxes with EFTPS-ONLINE.
The Electronic Federal Tax Payment System is a FREE, SECURE, & EASY
service offered by the U.S. Treasury Department to give taxpayers a
convenient way to make federal tax payments 24 hours a day, 7 days a
week. Visit EFTPS at:
http://rd.findlaw.com/scripts/nl.pl?url=10478880004_nl

SUPREME COURT
Court to Examine Old Molestation Cases

Justice O'Connor Extols Diversity in Book

POLITICS
Bush Frustrated by War Doubts, Vows Total Victory

U.S. Warns Syria Over Military Shipments to Iraq
[copy link and paste in browser window]
http://news.findlaw.com/international/s/20030328/iraquusasyriarumsfellddc.htm l

LEGAL COMMENTARY
Supreme Command:
Who Should Be In Charge Of Operation Iraqi Freedom?
http://writ.news.findlaw.com/dean/20030328.html

The Women of Harvard Law's Class of '64:
A Review of Judith Richards Hope's Pinstripes and Pearls
http://writ.news.findlaw.com/books/reviews/20030328_grossman.html
CIVIL RIGHTS
U.S. Arabs, Muslims Reporting Hate Crimes

Anti-War Protesters Arrested Near White House

PRODUCT LIABILITY
Corning to Settle Asbestos Claims

IMMIGRATION
Immigrants Take Citizenship Oath in L.A.

LABOR AND EMPLOYMENT
Sony Music Entertainment Cuts 1,000 Jobs

AOL Cuts 170 Jobs in Utah Call Center

ENVIRONMENT
Asia on Edge as Killer Pneumonia Virus Spreads

GUNS
Detroit Police Destroy 5,000 Guns

TOBACCO
Philip Morris Is Fined After Price Probe

CYBERSPACE LAW
Univ. to Use Internet to Trace Med Errors

Al Jazeera Web Site Faces Continued Hacker Attacks
[copy link and paste in browser window]
http://news.findlaw.com/international/s/20030328/mediaaljazeerainternetdc.html

TELECOMMUNICATIONS
Ex-Qwest Execs Win Time in Fraud Defense

FCC Will Vote in June on Media Ownership

BUSINESS
Gov., HMOs Eye HealthSouth's Billing

Healthsouth Bondholders Hire Law Firm
ENRON
Lawyers Spar Over Enron Documents' Fate

INTERNATIONAL LAW
China Mediating N. Korea Nuclear Issue-Newspaper
http://news.findlaw.com/international/s/20030328/koreanorthreportdc.html

Japan Court: No Compensation for Slaves

WAR ON TERRORISM
U.S.: Moussaoui Linked to 2nd Attack

US Says Iraqi Intelligence Planned Attacks

IRAQ
UN Council Votes to Restart Iraq Oil, Food Plan

Britain Less Certain About Iraq Execution Claim
http://news.findlaw.com/international/s/20030328/iraqbritainexecutiondc.html

CRIME & TRIALS
Iowa Town Proposes to Ban Lying

Malvo Lawyers Eyes Pretrial Discovery Seal

ENTERTAINMENT
Woman Sues Lou Rawls for $12 Million

Lisa Marie Presley Not Proud of Marriage to Jacko

SPORTS
Yagudin Criticizes Figure Skating's Secret Judging
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Hey - It was good to see you the other night and visit even though our chat was brief.

Not sure if you need or care to know that Ridge is meeting with the below group on April 3rd. Let me know if you need more info.

6:30-10:00 pm

Center for the Study of the Presidency Event

Remarks

Closed Press

Topic TBD

Anyway - FYI.

Libby Camp

White House Liaison

Department of Homeland Security

P: 202-282-8220

- att1.htm

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

File attachment <P_RYG5F003_WHO.TXT_1>
Hey - It was good to see you the other night and visit even though our chat was brief.

Not sure if you need or care to know that Ridge is meeting with the below group on April 3rd. Let me know if you need more info.

6:30-10:00 pm
Center for the Study of the Presidency Event
Remarks
Closed Press
Topic TBD

Anyway – FYI.

Libby Camp
White House Liaison
Department of Homeland Security
P: 202-282-8220
From: CN=Ashley Estes/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 3/30/2003 5:35:19 AM
Subject: Did you receive?

Email me back.
Dear Friends:

Thanks again to so many of you for your interest in Mark's Azalea Run: a 5K Race and One-mile Fun Run in honor of Mark Ferris, one of my best friends who died three years ago from a life-long battle against Juvenile Diabetes.

Last year, a number of you participated in the first annual Run and helped raise over $70,000: $35,000 for the Juvenile Diabetes Research Foundation (JDRF), and the rest for a scholarship fund in Mark's name at Landon School.

The second annual Mark's Run will take place at Landon on Sunday, May 4. With your help, this year's event will draw 500 runners and raise $100,000. Please take a moment and go to www.landon.net/race to sign up today!

By signing up, you'll help two great causes: JDRF - which since 1970 has been the world's largest private contributor to Diabetes research - and Landon's Scholarship Fund, which will allow a needy student to attend one of the area's best high-schools. You'll also help to remember a deeply beloved brother, classmate, and friend.

Mark was an amazing kid - someone whose friendship taught those around him that life is best measured not in its number of years, but in the depth of its humor, caring and patience. His spirit lives on through your participation in this event, so please sign up today. Again, just go to www.landon.net/race and click on "Register for Race."
Thanks for signing up, and I look forward to seeing you at Landon for the Run on Sunday, May 4!

--- Coddy
Ho, James (Judiciary) would like to recall the message, "Updated: Status of Circuit Nominees".
From: Coffin, Shannen <Shannen.Coffin@usdoj.gov>
To: John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>'Phil Perry (E-mail)'
/C=US/"@intmail.usdoj.gov;'kfeinberg@thefeinberggroup.com'
To: John F. Wood/OMB/EOP@EOP [OMB] <John F. Wood>'Phil Perry (E-mail)'
/C=US/"@intmail.usdoj.gov;'kfeinberg@thefeinberggroup.com'
To: Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Letter, Douglas <Douglas.Letter@usdoj.gov>; Hunt, Jody <Jody.Hunt@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Jordan, Bill <Bill.Jordan@usdoj.gov>; Deborah@thefeinberggroup.com'
To: Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Letter, Douglas <Douglas.Letter@usdoj.gov>; Hunt, Jody <Jody.Hunt@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh; Jordan, Bill <Bill.Jordan@usdoj.gov>; Deborah@thefeinberggroup.com'
To: Boudreaux, Chad <Chad.Boudreaux@usdoj.gov>; Letter, Douglas <Douglas.Letter@usdoj.gov>; Hunt, Jody <Jody.Hunt@usdoj.gov>; McCallum, Robert <Robert.McCallum@usdoj.gov>; Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh; Jordan, Bill <Bill.Jordan@usdoj.gov>; Deborah@thefeinberggroup.com'
To: Calvert, Chad <Chad.Boudreaux@usdoj.gov>; Blackwell, Craig <Craig.Blackwell@usdoj.gov>; Brett M. Kavanaugh; Jordan, Bill <Bill.Jordan@usdoj.gov>; Deborah@thefeinberggroup.com'

Sent: 3/31/2003 5:33:58 AM
Subject: : RE: Opposition Briefs

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> ( "Coffin, Shannen" <Shannen.Coffin@usdoj.gov> [UNKNOWN ] )
CREATION DATE/TIME: 31-MAR-2003 10:33:58.00
SUBJECT: : RE: Opposition Briefs
TO: John F. Wood ( CN=John F. Wood/OU=OMB/O=EOP@EOP [ OMB ] )
READ: UNKNOWN
TO: "Phil Perry (E-mail)" "@=Philip#u#J.#u#Perry#064#omb.eop.gov/O=JCON/P=GOV+DOJ/A=TELEMAIL/C=US/"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Phil Perry (E-mail)" "@=Philip#u#J.#u#Perry#064#omb.eop.gov/O=JCON/P=GOV+DOJ/A=TELEMAIL/C=US/"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ: UNKNOWN
TO: "kfeinberg@thefeinberggroup.com"
<kfeinberg#064#thefeinberggroup.com%JCON@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "kfeinberg@thefeinberggroup.com"
<kfeinberg#064#thefeinberggroup.com%JCON@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ: UNKNOWN
TO: "Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Boudreaux, Chad" <Chad.Boudreaux@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ: UNKNOWN
READ: UNKNOWN
TO: "Hunt, Jody" <Jody.Hunt@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Hunt, Jody" <Jody.Hunt@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ: UNKNOWN
TO: "McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "McCallum, Robert" <Robert.McCallum@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ: UNKNOWN
TO: "Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Blackwell, Craig" <Craig.Blackwell@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ: UNKNOWN
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: "Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) ( "Jordan, Bill" <Bill.Jordan@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested) [ UNKNOWN ] )
READ: UNKNOWN
TO: "Deborah@thefeinberggroup.com"
Attached in fax format is a copy of the Schneider brief. If anyone has trouble opening this, please email Chris Calvert and she can fax a copy to you.

-----Original Message-----
From: Schilling, Andrew
Sent: Friday, March 28, 2003 7:28 PM
To: Blackwell, Craig; Coffin, Shannen; Keisler, Peter D; McCallum, Robert; Harris, Paul (SMO); Hunt, Jody; Garvey, Vincent; Letter, Douglas; Swingle, Sharon; Boudreaux, Chad; Bloemendal, Katherine; 'John_F._Wood@omb.eop.gov'; 'kfeinberg@thefeinberggroup.com'; 'Deborah@thefeinberggroup.com'; 'Brett_M. Kavanaugh@who.eop.gov'; 'Phil Perry (E-mail)'; Jordan, Bill
Subject: Opposition Briefs

Although plaintiffs represented to Judge Hellerstein that they would endeavor to submit only one brief this time, we have received 3 briefs in opposition to our motion to dismiss: a Joint Brief; a Supplemental Brief submitted on behalf of the Colaio plaintiffs; and a Supplemental Brief submitted on behalf of the Schneider plaintiffs. Attached is the Joint Brief and the Supplemental Colaio Brief. Notwithstanding our agreement among counsel to e-mail the briefs, the Schneider brief was faxed to us (they claimed a technical problem with their e-mail). Accordingly, I am sending a hard copy of that brief to Craig and Shannen by overnight delivery. I will also fax a copy of the Schneider Supplemental brief to anyone else who requests it.

Our papers were served and filed tonight without incident. I am sending hard copies of our final brief to Craig and Shannen (and, of course, to anyone else who requests a copy).

Have a great weekend.
Yes.

Brett M. Kavanaugh
03/31/2003 10:52:27 AM
Record Type: Record

To: Kyle Sampson/WHO/EOP@EOP
cc:
Subject:

Do you know Lee Rawls from FBI?
Brett,

Further to our telecon this morning, kindly advise whether records created by the newly established President's Commission on the US Postal Service, established by Executive Order 13278, are federal or Presidential records. Please let me know if you need any more information.

Thanks, Roger

- att1.htm

ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_2AA6F003_WHO.TXT_1>
Brett,

Further to our telecon this morning, kindly advise whether records created by the newly established President's Commission on the US Postal Service, established by Executive Order 13278, are federal or Presidential records. Please let me know if you need any more information.

Thanks, Roger
thanks man -

c

Brett M. Kavanaugh
03/30/2003 05:20:25 PM
Record Type: Record
To: Collister W. Johnson/WHO/EOP@EOP
cc:
bcc:
Subject: Re: here is my question

You cannot use your title, cannot send it to subordinate employees, and cannot send it to those known to be prohibited sources (generally, those with official matters pending before WH or who do business with WH).

Collister W. Johnson
03/30/2003 05:15:18 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: here is my question

Brett -
I'd like to send out the email below from my PERSONAL account (i.e. the georgewbush account) to a number of folks at the White House who have expressed interest in Mark's Azalea Run (that charity event I run in honor of my friend who passed away). Recipients of this email would include friends like Brad Blakeman, Lezlee Westine, Brett Kavanaugh, etc...

your thoughts?
c

Dear Friends:
Thanks again to so many of you for your interest in Mark's Azalea Run: a 5K Race and One-mile Fun Run in honor of Mark Ferris, one of my best friends who died three years ago from a life-long battle against Juvenile Diabetes.

Last year, a number of you participated in the first annual Run and helped raise over $70,000: $35,000 for the Juvenile Diabetes Research Foundation (JDRF), and the rest for a scholarship fund in Mark's name at Landon School.

The second annual Mark's Run will take place at Landon on Sunday, May 4. With your help, this year's event will draw 500 runners and raise $100,000. Please take a moment and go to www.landon.net/race to sign up today!

By signing up, you'll help two great causes: JDRF - which since 1970 has been the world's largest private contributor to Diabetes research - and Landon's Scholarship Fund, which will allow a needy student to attend one of the area's best high-schools. You'll also help to remember a deeply beloved brother, classmate, and friend.

Mark was an amazing kid - someone whose friendship taught those around him that life is best measured not in its number of years, but in the depth of its humor, caring and patience. His spirit lives on through your participation in this event, so please sign up today. Again, just go to www.landon.net/race and click on "Register for Race."

Thanks for signing up, and I look forward to seeing you at Landon for the Run on Sunday, May 4!

--- Coddy
If so, have you gotten a car?
yes at 1:45

Noel J. Francisco
03/31/2003 12:27:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Are you going to DOJ/Judges Prep Session Today?

If so, have you gotten a car?
not at all.

---

Noel J. Francisco
03/31/2003 12:34:50 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Are you going to DOJ/Judges Prep Session Today?

Mind if I tag on with you?

---

Brett M. Kavanaugh
03/31/2003 12:29:19 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Are you going to DOJ/Judges Prep Session Today?

yes at 1:45

---

Noel J. Francisco
03/31/2003 12:27:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Are you going to DOJ/Judges Prep Session Today?

If so, have you gotten a car?
There will be a message meeting today at noon in EEOB 180.
Yes, I should have clarified. Mr. Hascall can do an in-kind contribution to the local party.
yes, thanks

From: Lauren J. Vestewig/OPD/EOP@Exchange on 03/31/2003 09:49:07 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Compensation for Victims of Terrorism Meeting - Wed

There will be a meeting this Wednesday, April 2nd in EEOB room 211 at 3:30 pm.; Please let me know if you can attend.; If you are coming from outside of the complex and need to be cleared in, please email me your dob and ssn.; Thanks!

Message Sent
To: hatamj@ms.state.gov@SMTP@Exchange
John B. Bellinger/NSC/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Kristen Silverberg/WHO/EOP@Exchange
Philip J. Perry/OMB/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
paul.harris@usdoj.gov@SMTP@Exchange
david.aufhauser@do.treas.gov@SMTP@Exchange

Message Copied
To: Carla B. Stone/OMB/EOP@EOP
Emily Winland/OPD/EOP@EOP
Jay P. Lefkowitz/OPD/EOP@Exchange
Joan Hunerwadel/NSC/EOP@EOP
elizabeth.vannoy@do.treas.gov@SMTP@Exchange
marlene.s.boysel@usdoj.gov@SMTP@Exchange
The 2003 Easter Egg Roll is scheduled for Monday April 21st. The Visitors Office is accepting volunteers on a first come first serve basis. Anyone interested in helping out should read the information below and contact Emily Gray. Thanks.
From: Emily S. Gray/WHO/EOP@Exchange on 03/31/2003 09:44:28 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: 
Subject: 2003 Easter Egg Roll

The Visitors Office is currently gathering volunteers for this year's Easter Egg Roll. Volunteers would be needed starting 6am Monday, April 21st, until 3pm in the afternoon. We will need volunteers who can commit to the entire time. Would you please inform the staff members in your office that anyone interested should e-mail me by next Tuesday, April 7th. There are a limited amount of volunteers needed therefore we will be accepting names on on a first come first serve basis.

Thank you!

Emily
Vickie A. McQuade/WHO/EOP@Exchange
Wendy L. Nipper/WHO/EOP@EOP
Frances E. Norris/OVP/EOP@EOP
Clare Pritchett/WHO/EOP@Exchange
Kristopher N. Purcell/WHO/EOP@EOP
Tim Reynolds/WHO/EOP@Exchange
Katherine A. Rhodes/WHO/EOP@Exchange
January M. Riecke/WHO/EOP@Exchange
Krista L. Ritacco/WHO/EOP@Exchange
Kathryn E. Rust/WHO/EOP@EOP
Catharine A. Ryun/WHO/EOP@EOP
Bridget A. Sheedy/WHO/EOP@Exchange
Randal C. Teague/WHO/EOP@EOP
Jared B. Weinstein/WHO/EOP@Exchange
Jocelyn White/WHF/EOP@EOP
Sherman A. Williams/WHO/EOP@EOP
Christina C. Wilson/OFD/EOP@EOP
Penny G. Douglas/WHO/EOP@Exchange
Interesting stuff from the Campaign Financing case:

Weekend All Things Considered
National Public Radio
Saturday, March 29 2003
Copyright, National Public Radio

John Ydstie: With the war dominating the headlines, politicians don't like to talk about it, but they can't afford to stop raising campaign money, and they're doing it this year under the provisions of the new McCain-Feingold campaign finance law. The law is only in place tentatively because many questions are being raised in the courts about its constitutionality. Indeed, within minutes of President Bush signing the act into law, its opponents filed a legal challenge. It was expected that by now, the case would be pending in the Supreme Court. It's not. NPR's Nina Totenberg is here to tell us why.

Nina, the law has a process for resolving these legal issues. What is it?

Nina Totenberg: Well, it's an expedited process. It provides for a three-judge court composed of one appeals court judge and two district court judges to look at the law initially, and then it goes directly to the Supreme Court. Now this case was heard in early December--on, I think, the 3rd and 4th of December--and at that time, the chief judge of the
three-judge panel, Judge Karen Henderson, who's a court of appeals judge, indicated, volunteered in fact, that she expected a decision out of her court by the end of January. That obviously hasn’t happened. Now this is a very complicated case. Still, to have it almost April and unresolved is quite extraordinary.

Ydstie: Mm-hmm. And why haven’t we gotten a ruling?

Totenberg: Well, initially, there was a lot of thought that this is just a very hard case. There’s a record that’s more than 50,000 pages long, more than two dozen provisions, but as the months have dragged on, my sources tell me it’s become clear that part of the problem is, indeed, the collegiality, or lack of collegiality, between Judge Henderson, the court of appeals judge, and the two district court judges. Judge Henderson, I’m told, began drafting an opinion on her own before the case was argued, in fact before all the briefs were filed. And very important in these cases is what the lower court, that court, says is the statement of facts. That’s what the Supreme Court’s going to base its decision on factually. Well, when the two district court judges got a look at her statement of facts, my sources say, they were appalled. And even though they are very different ideologically—one of them is relatively liberal, one of them relatively conservative—they began working together feverishly to try to make a statement of facts that they could agree on because they found Judge Henderson’s unacceptable and much of what Judge Henderson wrote unacceptable.

Relations between the district court judges and Judge Henderson are said to be pretty frosty at this point. The decision, when it comes out, I’m told will be almost a thousand pages long, when and if it comes out. And so we’re in a bit of a legal mess here with the Supreme Court waiting.

Ydstie: Mm-hmm. I don’t want you to reveal your sources, but I presume it’s not the judges that are talking about this.

Totenberg: No, let me make this very clear: None of the judges on this panel talked to me, but when there is this kind of holdup, there starts to be a leak in the normally sealed sieve at these courts. And I’ve talked to a lot of people about this who are very knowledgeable and I’m confident that this is a story at this point worth getting on the air.

Ydstie: Mm-hmm. And time is of the essence because people want to raise campaign money.

Totenberg: Political Washington is getting pretty desperate because they don’t know the rules of the game. Over at the Supreme Court, I think it’s fair to say there is apparently even some annoyance because the court’s coming to the end of the term. They’re going to have to schedule this late in the term. This is, as I said, an extremely complex case. There are at least suspicions that one or more justices might want to retire this summer. So this is getting ugly.

Ydstie: Thanks, Nina.

Totenberg: Thank you, John.

Ydstie: NPR’s Nina Totenberg.

Copyright, National Public Radio
Do you know Lee Rawls from FBI?
Frist Taps Rawls As Chief Of Staff.

Roll Call (3/31, Kane) reports, "Turning to a trusted former adviser, Senate Majority Leader Bill Frist (R-Tenn.) has hired a new chief of staff, Lee Rawls, who had served as Frist's senior adviser in the late 1990s and now is the top aide to FBI Director Robert Mueller." Rawls will "begin his new job April 28 after the spring recess, replacing outgoing Chief of Staff Mitch Bainwol, according to Republican sources." Bainwol's departure "was long expected, as he had already opened his own consulting and media relations firm after serving as Frist's executive director at the NRSC."
Mcm can you show me the new and previous ltr?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov <Brett M. Kavanaugh@who.eop.gov>
To: Kate Walters <kate@georgewbush.com>
CC: Dave McMaster <dmcmaster@georgewbush.com>; Matt Schlapp <mschlapp@georgewbush.com>
Sent: Mon Mar 31 10:39:19 2003
Subject: Re: NRA Letter- again

OK here.

Karl has made changes to this letter yet again. Can you please review before I send it back to the RNC? Thanks.

Dear Mr. Prezocki,
Thank you for your postcard concerning your Second Amendment rights. I appreciate you sharing your thoughts with me on this important issue.

The Republican Party proudly defends our Bill of Rights including the Second Amendment. Our platform also specifically endorses a law-abiding individual.
Attendees must be an active member to Regents, Team 100, or Eagles. If they are not, they must join. Eagles is $15k a year, and I believe Team 100 is $25k, and Regents is $50k.

Brett M. Kavanaugh
03/28/2003 08:37:58 AM
Record Type: Record

To: Katherine M. Walters/WHO/EOP@EOP

how much to attend?

Katherine M. Walters
03/28/2003 08:41:37 AM
Record Type: Record

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

You asked if the RNC event with Karl on April 30th was a fundraiser. It is. It is aimed at trying to get Regents and Tl00 to renew their membership.
Mind if I tag on with you?

---

Brett M. Kavanaugh
03/31/2003 12:29:19 PM
Record Type: Record

To: Noel J. Francisco/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Are you going to DOJ/Judges Prep Session Today?

yes at 1:45

---

Noel J. Francisco
03/31/2003 12:27:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Are you going to DOJ/Judges Prep Session Today?

If so, have you gotten a car?
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>
Sent: 3/31/2003 8:01:25 AM
Subject: : ok on letters to West and Tubby Smith

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 31-MAR-2003 13:01:25.00
SUBJECT: : ok on letters to West and Tubby Smith
TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ: UNKNOWN
### End Original ARMS Header ###
Thoughts on the plane email I sent you last Friday?
that is correct.

Brett M. Kavanaugh
03/31/2003 01:38:47 PM
Record Type: Record

To: Sara M. Taylor/WHO/EOP@EOP
cc: 
bcc:
Subject: Re: Plane for Karl

And they own the plane personally, not corporate-owned?

Sara M. Taylor
03/31/2003 01:37:28 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
bcc:
Subject: Re: Plane for Karl

Yes, I should have clarified. Mr. Hascall can do an in-kind contribution to the local party.
Please call me when you are free.
Brett-

Since you have Transportation now, you should probably have the four binders of TSA information that Helgi left behind. I put them on your table, very close to your door. Please let me know if you want me to take them back for any reason.

Jenny
Weekly Medical Liability CC tomorrow at 10:00
This is to remind you that we will be having the weekly Medical Liability Working Group conference call tomorrow at 10:00.

Call in: 395-6392
CODE: 791803
Layton Skelly

03/24/2003 04:54:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
bcc:
Subject: Medical Liability meeting tom. will be a Conf. Call

Call in: 395-6392
Code: 557036

Layton Skelly

03/17/2003 04:20:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: weekly Medical Liability meeting

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

Layton
456-5085

Message Sent
To:

---
Alan Gilbert/OPD/EOP@EOP
Philo D. Hall/OPD/EOP@EOP
paula.stannard@hhs.gov @ inet
peter.urbanovicz@hhs.gov @ inet
viet.dinh@usdoj.gov @ inet
alex.azar@hhs.gov @ inet
john.hoff@hhs.gov @ inet
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Diana L. Schacht/OPD/EOP@EOP
William D. Badger/OPD/EOP@EOP
Amy Jensen/WHO/EOP@Exchange@EOP
Ginger G. Loper/WHO/EOP@Exchange@EOP
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Philip J. Perry/OMB/EOP@EOP
Kristen Silverberg/WHO/EOP@Exchange@EOP
Thomas C. DeLeire/CEA/EOP@EOP
---
Brett M. Kavanaugh/WHO/EOP
zurawski-paul@dol.gov @ inet
Tracy Young/WHO/EOP
Brian R. Besanceney/WHO/EOP
marc.kesselman@usdoj.gov @ inet

Message Copied
To:
Layton Skelly/OPD/EOP
pamela.roller@hhs.gov
joyce.b-moore@hhs.gov
marie.belt@hhs.gov
Emily Winland/OPD/EOP
Marty P. Smith/OPD/EOP
Lauren J. Vestewig/OPD/EOP
Stephen M. Lineberry/CEA/EOP
dana.ceasar@hhs.gov
india.luckett@hhs.gov
scriver-langford-lat@dol.gov @ inet
heather.mcnaught@usdoj.gov

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To:
al an gilbert/opd/eop
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amy jensen/who/eop@exchange@eop
ginger g. loper/who/eop@exchange@eop
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jay p. lefkowitz/opd/eop@exchange@eop
philip j. perry/omb/eop@eop
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brian r. besanceney/who/eop@eop
marc.kesselman@usdoj.gov @ inet
Dana Ackerly/CEA/EOP@EOP

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joyce.b-moore@hhs.gov
marie.belt@hhs.gov
emily winland/opd/eop@eop
marty p. smith/opd/eop@eop
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>
Sent: 3/31/2003 12:32:17 PM
Subject: please schedule lunch for Judge Gonzales on April 10 at noon with Boyden Gray, General Meese, and some others
wow. pretty ugly.

---

Interesting stuff from the Campaign Financing case:

Weekend All Things Considered
National Public Radio
Saturday, March 29 2003
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John Ydstie: With the war dominating the headlines, politicians don’t like to talk about it, but they can’t afford to stop raising campaign money, and they’re doing it this year under the provisions of the new McCain-Feingold campaign finance law. The law is only in place tentatively because many questions are being raised in the courts about its constitutionality. Indeed, within minutes of President Bush signing the act into law, its opponents filed a legal challenge. It was expected that by now, the case would be pending in the Supreme Court. It’s not. NPR’s Nina Totenberg is here to tell us why.

Nina, the law has a process for resolving these legal issues. What is it?

Nina Totenberg: Well, it’s an expedited process. It provides for a three-judge court composed of one appeals court judge and two district court judges to look at the law initially, and then it goes directly to the Supreme Court. Now this case was heard in early December—on, I think, the 3rd and 4th of December—and at that time, the chief judge of the three-judge panel, Judge Karen Henderson, who’s a court of appeals judge, indicated, volunteered in fact, that she expected a decision out of her court by the end of January. That obviously hasn’t happened. Now this is a very complicated case. Still, to have it almost April and unresolved is quite extraordinary.

Ydstie: Mm-hmm. And why haven’t we gotten a ruling?

Totenberg: Well, initially, there was a lot of thought that this is just a very hard case. There’s a record that’s more than 50,000 pages long, more than two dozen provisions, but as the months have dragged on, my sources tell me it’s become clear that part of the problem is, indeed, the
collegiality, or lack of collegiality, between Judge Henderson, the court of appeals judge, and the two district court judges. Judge Henderson, I’m told, began drafting an opinion on her own before the case was argued, in fact before all the briefs were filed. And very important in these cases is what the lower court, that court, says is the statement of facts. That’s what the Supreme Court’s going to base its decision on factually. Well, when the two district court judges got a look at her statement of facts, my sources say, they were appalled. And even though they are very different ideologically--one of them is relatively liberal, one of them relatively conservative--they began working together feverishly to try to make a statement of facts that they could agree on because they found Judge Henderson’s unacceptable and much of what Judge Henderson wrote unacceptable.

Relations between the district court judges and Judge Henderson are said to be pretty frosty at this point. The decision, when it comes out, I’m told will be almost a thousand pages long, when and if it comes out. And so we’re in a bit of a legal mess here with the Supreme Court waiting.

Ydstie: Mm-hmm. I don’t want you to reveal your sources, but I presume it’s not the judges that are talking about this.

Totenberg: No, let me make this very clear: None of the judges on this panel talked to me, but when there is this kind of holdup, there starts to be a leak in the normally sealed sieve at these courts. And I’ve talked to a lot of people about this who are very knowledgeable and I’m confident that this is a story at this point worth getting on the air.

Ydstie: Mm-hmm. And time is of the essence because people want to raise campaign money.

Totenberg: Political Washington is getting pretty desperate because they don’t know the rules of the game. Over at the Supreme Court, I think it’s fair to say there is apparently even some annoyance because the court’s coming to the end of the term. They’re going to have to schedule this late in the term. This is, as I said, an extremely complex case. There are at least suspicions that one or more justices might want to retire this summer. So this is getting ugly.

Ydstie: Thanks, Nina.

Totenberg: Thank you, John.

Ydstie: NPR’s Nina Totenberg.

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From: Sales, Nathan <Nathan.Sales@usdoj.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Charnes, Adam <Adam.Charnes@usdoj.gov>
Sent: 3/31/2003 12:34:18 PM
Subject: : RE:

# # # # # Begin Original ARMS Header # # # # #
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: "Sales, Nathan" <Nathan.Sales@usdoj.gov> { "Sales, Nathan" <Nathan.Sales@usdoj.gov> [ UNKNOWN ] }
CREATION DATE/TIME: 31-MAR-2003 17:34:18.00
SUBJECT:: RE:
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: "Charnes, Adam" <Adam.Charnes@usdoj.gov> { "Charnes, Adam" <Adam.Charnes@usdoj.gov> [ UNKNOWN ] }
READ: UNKNOWN
# # # # # End Original ARMS Header # # # # #

ok.

-----Original Message-----
From: Charnes, Adam
Sent: Monday, March 31, 2003 5:22 PM
To: 'Brett_M. Kavanaugh@who.eop.gov'
Cc: Sales, Nathan
Subject: RE:

sure. Nathan, please handle.

-----Original Message-----
From: Brett_M. Kavanaugh@who.eop.gov [mailto:Brett_M. Kavanaugh@who.eop.gov]
Sent: Monday, March 31, 2003 4:50 PM
To: Charnes, Adam
Subject:

Should we change "approved" to "positive" on blue slip chart on the web site.
Someone here thought that "approved" suggested that we need their approval, which is not our position of course. Semantics but probably makes sense.
FINDLAW DAILY OPINION SUMMARIES - March 31, 2003
U.S. SUPREME COURT
http://www.findlaw.com/casecode/supreme.html

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* ARCHER v. WARNER

CONSTITUTIONAL LAW, ELECTIONS, GOVERNMENT LAW
* BRANCH v. SMITH

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BANKRUPTCY LAW, CIVIL PROCEDURE, CONTRACTS, INJURY AND TORT LAW

ARCHER v. WARNER, No. 01-1418 (U.S.S.C. March 31, 2003)
A debt for money promised in a settlement agreement accompanied by the release of underlying tort claims can amount to a debt for money obtained by fraud, within the terms of the Bankruptcy Code's non-dischargeability statute, 11 U.S.C. section 523(a)(2)(A).

To read the full text of this opinion, go to:

CONSTITUTIONAL LAW, ELECTIONS, GOVERNMENT LAW

BRANCH v. SMITH, No. 01-1437 (U.S.S.C. March 31, 2003)
District court properly enjoined a Mississippi court's proposed congressional re-districting plan, as that plan had not been pre-cleared and had no prospect of being pre-cleared in time for the 2002 election, and the district court properly re-fashioned its own
congressional reapportionment plan under 2 U.S.C. section 2c.

To read the full text of this opinion, go to:
What time for me?

----- Original Message ----- 
From: Matthew E. Smith/WHO/EOP
To: Colby J. Cooper/NSC/EOP@EOP, Catharine A. Ryun/WHO/EOP@EOP, Susan Ralston, Meredith A. Terpeluk/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 03/31/2003 12:27:13 PM
Subject: Speaking request

Wednesday, April 2, 2003
Guests: Pro-Bush Catholic Laity
Time: 2:00 p.m. ) 3:30 p.m.
Location: EEOB Room 450

Invited Speakers:
Dr. Rice or Elliott Abrams
Jim Towey
Karl Rove
Dep. Sec. England
Brett Kavanaugh
Can you do 3 - 3:15?
I'd appreciate any thoughts you might have on my speech; I haven't even fully reviewed it yet, but I wanted to get it to you sooner rather than later for any suggestions you might have.
It's a pleasure to be with you this afternoon. Before coming out to Chicago, I had the opportunity to scan your web page and to review the impressive list of speakers the Federalist Society has brought to the University during this academic year. I must say it's a rather impressive list; I'm not sure who cancelled on you that you ended up with me, but they definitely owe you. But here I am, so let's see if I can provide you with some insights from the Nation's capital, and to leave ample time for your questions and discussion.

Before I turn to those thoughts, however, I did want to note that this law school has been particularly good to the White House Counsel's office under President Bush and his Counsel Alberto Gonzales. From the earliest days of this Administration, Noel Francisco – a 1996 graduate of this institution – has faithfully served as an Associate Counsel to the President with great skill and dedication. Kyle Sampson, also from the class of 1996, began his service to the Administration in Presidential Personnel, and oversaw much of the selection of lawyers in the early days of the Bush term before moving to Counsel's office. And we recently added to our ranks Ted Ullyot, class of 1994, as another Associate Counsel, fresh from a stint as General Counsel of AOL Time Warner – Europe. Many thanks to this institution for training up these three fine lawyers.
Our office is also grateful to the Federalist Society for its contributions to the legal culture over the past 20 years. In earlier years, a note of thanks to the Society would have been very natural; now that the Society has become something of a bogeyman for attacks from the left, however, one approaches such a courtesy with some trepidation. Given what has been written about the Federalist Society in the past two years, one unfamiliar with its true purpose and contribution would probably be reluctant to venture anywhere near a meeting of such a dangerous organization bent on subverting our Constitutional system.

Fortunately, my experience with this organization is not limited to what I read in recent press, but comes first-hand from attending some of its meetings in DC, personal interaction with its leadership, and working with members of the Society in our office and elsewhere. In light of that experience, I’m happy to say thank you for continuing to contribute to and conduct the important debates concerning our legal system. While the views of individual members of the Federalist Society are always open to debate, it’s hard for me to argue with the Society’s stated goals – which place a premium on individual liberty, traditional values, and the rule of law.

Perhaps it will seem obvious, but I have to tell you what a thrill and a privilege it is to serve in the White House on a daily basis. Each day brings a wide variety of activity, accomplishments, pride, and emotion. I remain as awed by it today as the first day I entered the White House as a tourist -- and particularly more awed and humbled by being one of the fortunate few who actually work in the White House’s West Wing. Because I
know that even among this distinguished crowd many of you will never have the privilege of experiencing a visit to the White House first hand, I thought it would be worth taking some of my time today to share with you in some detail what it’s like to have the West Wing as your place of employment.

In the Counsel’s office, our day begins very early. I usually pass through the three gates necessary to reach my parking spot by around 6:30 each morning. At the first gate, I shut off my engine and open my trunk so that a bomb-sniffing dog can do its work. That activity, while somewhat routine by now, always serves as a reminder of the times in which we live, and the significance of the building in which I go to work each day.

While I was not at the White House on September 11, it doesn’t take much of an imagination to picture the fear and horror that gripped that building on a day when terrorists targeted some of our most visible landmarks and centers of power. I can tell you that those who were in the building on that day forever changed their perspective on life and death, good and evil, and the war on terror. While Churchill famously described the experience of being shot at without result as exhilarating, it also has a way of focusing one’s mind and effort. Certainly our President has demonstrated such focus and resolve against those who would target our nation. Having a dog sniff my car for bombs each morning is simply a small reminder of all that’s changed in the last two years.

By the time I pass through the third gate each morning to park my car just a few yards from the entrance to the West Wing, however, I am routinely filled not with fear or
caution but with awe and inspiration. The West Wing celebrated its 100th anniversary last year, and it boggles the mind to think that I go to work to serve the President each day in the place where so many of the defining moments of our history occurred—including those that gave rise to a resignation and an impeachment of two Presidents in the last three decades. Long before it was a popular TV show, the West Wing was emblazoned on the American mind as the symbolic and actual nerve center of Executive Power under our Constitutional system.

After parking my car, I enter the small ground floor lobby of the West Wing, passing by the latest photos of the President in action at the White House. These “jumbos” are produced as a result of the nearly constant presence of a photographer with the President. As if it weren’t obvious enough that working in the White House is a matter of history, one has little opportunity to forget that fact when every meeting in the Oval Office begins with a photographer snapping pictures. The best and most historic of these pictures are hung around the West Wing on a fairly current basis. For example, the first picture inside the door this week and last is a picture of the President, the Vice President, Chief of Staff Andy Card, and CIA Director George Tenet discussing the plans to conduct the first bombing raids on Iraq two weeks ago.

After moving through the lobby, one passes the White House Situation Room on the right. I’ve only attended a few meetings in that room, but again, one need only think for a moment to imagine the historic events that have occurred in that piece of real estate. Most recently, on the morning of March 19th, the President sat in the Situation Room in
the basement of the White House surrounded by his war council: the Vice President, Secretary of State, Secretary of Defense, Chairman of the Joint Chiefs of Staff, CIA Director, Chief of Staff and National Security Advisor.

During that morning’s meeting the President received a status briefing through video teleconferencing from the Commander of Central Command, General Tommy Franks, and the other area commanders in the Gulf Region. Each area commander gave a short briefing and announced his troops fit and ready to go.

The President asked each whether they had everything necessary to win the war in Iraq. To a man, the answer was yes. After everyone had briefed, the President turned to the largest of the half dozen television monitors and said, “Tommy, I have been fully briefed by the Secretary of Defense. For the sake of the peace of the world, and for the sake of the peace and freedom of the Iraqi people, I hereby give the order to execute Operation Iraqi Freedom.”

Pausing, the President said with emotion, “Tommy, may God bless the troops.” General Franks replied, “Mr. President, May God Bless America.” Franks then smartly saluted the Commander in Chief. The President returned the salute, stood and left the situation room. And so began the latest effort to enforce disarm Saddam Hussein and to enforce the terms of the cease fire embodied in UN Resolution 687 – which coincidentally was passed by the Security Council 12 years ago today. That’s only the latest of the many historic events that have occurred in the highly secure situation room.
From the situation room, the next floor up is the nerve center of the White House -- the Oval Office, the Roosevelt Room, the Cabinet Room, the Press Room, the Chief of Staff’s Office, and the National Security Advisor’s Office. I proceed to my office on the second floor – usually by taking the stairs, which these days seems to be my only form of exercise. On the second floor, where I work, office space is occupied by Assistants and Deputy Assistants to the President responsible for Economic Policy, Domestic Policy, Communications, Presidential Personnel, and Legislative Affairs.

The White House Counsel’s office has a small suite of three rooms in the West Wing, where Judge Gonzales and I work along with three assistants. The remainder of our attorneys and staff work in the Eisenhower Executive Office Building next door to the White House. Although the position of White House Counsel is not nearly as old as the West Wing itself, the office in which Judge Gonzales sits has been occupied by some leading luminaries of the Washington bar – Fred Fielding, Abner Mikva, Lloyd Cutler, and Chuck Ruff – and perhaps most famously, John Dean, President Nixon’s lawyer during the Watergate era.

My office – a compact 12 x 15 piece of prime real estate – is just next door to that of the White House Counsel himself. While its occupants have for better or worse not gained the notoriety of their immediate superiors, the office was formerly occupied by Vince Foster, President Clinton’s old friend from Arkansas who tragically took his own life after a short stint as Deputy White House Counsel.
It was as he departed from the very office in which I now work that Mr. Foster was last seen alive, and it was in that office that his now-famous suicide note was found. It was in that note he penned the bitter sentiment that summed up his six months in the Clinton Administration: “In this town ruining people is considered a sport.” That chilling assessment – written ten years ago in my office – is a sobering reminder of the pressures and demands of the job; it’s certainly not all excitement and glamour. Knowing the very real costs that some have paid to hold this position, I pray each day as I enter the office for God’s grace, wisdom, and humility.

My commute usually finds me in my office just before 7 am. Invariably, I find Judge Gonzales already there looking through five morning newspapers. The White House in general – including our office – is keenly aware of each day’s news stories both because of the need to respond to charges and allegations and to know the upcoming issues of the day.

On many days, Judge Gonzales heads down to the Oval Office just after 7 am to discuss issues and decisions with the President. As press reports have indicated, Judge Gonzales is remarkably close to the President, and the President places high value on the wise counsel he receives from his long-time friend and counselor. These two men have a long history together. In Texas, Gonzales served as General Counsel to Governor Bush for three years. He then served as Texas’ 100th Secretary of State from December 2, 1997 to January 10, 1999. Among his many duties as Secretary of State, Gonzales was a senior
advisor to then Governor Bush, chief elections officer, and the Governor’s lead liaison on Mexico and border issues. After serving as Secretary of State, he was appointed to the Texas Supreme Court in 1999. Upon his election in 2000, President Bush quickly tapped to Judge Gonzales come to Washington and serve as Counsel to the President, and Gonzales readily agreed to this exciting challenge.

By no means a Washington insider at the time of his appointment, Judge Gonzales has certainly proven to be the right man for the job. I did not know Judge Gonzales well when he asked me to come to the White House to serve as his deputy. Based on four months of working closely with him on a daily basis, however, I can say that it has indeed been a high privilege of my legal career to date. He is a phenomenal lawyer, a dedicated public servant, a wise counselor, and an incredibly decent man. He has been a staunch but fair defender of the President’s prerogatives, a steady hand on difficult legal issues arising after the events of September 11, 2001, a fierce enforcer of ethical standards in the White House and among presidential appointees, and a wise overseer of the judicial selection process. Under Judge Gonzales’ direction, our office is guided by two unwavering principles – strict adherence to the rule of law, and constant attention within the bounds of the law to the question: “What best serves the President?”

Under the direction of White House Chief of Staff Andy Card, senior staff of the White House gathers every morning at 7:30 in the Roosevelt Room, located across the hall from the Oval Office. I am privileged to attend those meetings when Judge Gonzales is unable
for one reason or another to attend. Each meeting begins with Brad Blakeman, the President's scheduler, announcing the President's public schedule for that day.

Ari Fleischer then ticks off the headlines from newspapers around the country. Often he solicits guidance on how he should respond to a particular story if asked at his daily press briefings. We frequently follow up with Ari following the meeting to discuss particular questions he might receive concerning the legal basis for actions the Administration is taking, or legal positions it might be taking in court.

David Hobbs, the Legislative Director, reports on pending legislation and raises other issues of interest involving the Congress. Following David, we go around the table, reporting as necessary. Dr. Rice, for example, might discuss the latest issue involving events in Iraq. Admiral Abbot, the Acting Homeland Security Advisor might explain the latest homeland threat assessment.

Immediately afterwards, Judge Gonzales and I gather in his office with our staff of 12 lawyers. As you might imagine, the President of the United States is often able to attract the cream of legal talent, and this President is no exception. A reporter for the Washington Post once described the current collection of talent in the Counsel’s Office as the best law firm in the country.

One of our lawyers is the designated ethics expert; she handles questions about the appropriate acceptance of gifts, financial disclosures, and conflicts of interest; another
lawyer is a national security law expert who reports jointly to Dr. Rice and Judge Gonzales on all National Security legal issues, and yet another lawyer reports jointly to Admiral Abbott and the Judge on all legal matters related to Homeland Security.

Another lawyer on our staff serves as Clearance Counsel. He works with the FBI, IRS and other agencies doing the background checks on all White House employees and presidential appointees. No one is employed within the Executive Office of the President or is appointed by the President unless our office clears them for suitability.

The remaining eight lawyers on our staff handle all of the many other legal issues that we have to deal with in the White House, ranging from judicial selection to judicial interpretation of Administration policies, from presidential pardons to protection of presidential power.

After our 8:15 meetings, we begin the real work of the day. As you can imagine, this is quite an interesting time to be serving in the White House, to say the least. Since I was named Deputy Counsel to the President in early December, I’ve been involved in matters as noteworthy as the University of Michigan affirmative action case – argued earlier this week – treatment and confinement of enemy combatants in the war on terror, the legal basis for the war on Iraq, and the continuing battle over confirmation of the President’s judicial nominees.
It is on this last issue that I’d like to share with you a few more detailed thoughts – particularly in light of the fact that your Professor Cass Sunstein, who is kind enough to join us here today, has recently written a rather provocative article in The American Prospect entitled “The Right Wing Assault.” The title – reminiscent of the former First Lady’s charge that claims her husband had an affair with an intern were fabricated by a “vast right wing conspiracy” – hints at the premise of the article that there has been afoot for the last quarter century (but only from the right) “a disciplined, carefully orchestrated and quite self-conscious effort . . . [to] radically transform[ ] the federal judiciary.”

I would submit respectfully that, like most conspiracy theories, this is quite an overstatement. As one who has participated in the process by which this President selects judges, I can tell you with certainty that it’s anything but a carefully-orchestrated or self-conscious effort to transform the federal judiciary. Instead, the process for selecting nominees is one designed to put excellent men and women from diverse backgrounds on the federal bench. And the men and women this President has nominated are a remarkably distinguished group of professionals committed to the rule of law and to our system of justice – not right-wing hacks or ideologues.

Working closely with Senators from both parties, for each vacancy on the federal judiciary, the Administration gathers suggestions of accomplished candidates who might fit the bill for a district or circuit court nomination. After engaging in some due diligence about the personal and professional qualifications of those suggested to us, our office – together with the Department of Justice – generally interviews three nominees for each
vacancy. From my perspective, these interviews are surprisingly generalized and abstract. We do not ask nominees their views on particular legal or political issues; we do not ask nominees how they would rule on particular cases that might come before them; we do not ask nominees their views on cases that have been decided by the Supreme Court or other federal courts; we do not ask nominees to share with us advice they have given their clients; we do not ask nominees to name cases with which they disagree.

Instead, in our interviews, we seek to gather information about the legal qualifications and personal attributes of the person before us. We ask candidates about their experience as litigators, law professors, prosecutors, and the like; we ask them to describe for us what they think is important in a judge, and to tell us what attributes they possess that they believe would make them a good judge; we ask them whether they would feel obligated to follow controlling precedent; and we ask them what kind of person they are. For each nominee, we also ask a traditional series of probing and personal questions, about their background and personal conduct – including questions about past drug use, arrests, payment of taxes, and the like.

Collectively, these questions give us a good idea of the kind of person we have before us, and of what kind of judge they would be. But the interviews are neither designed nor likely to lead to the type of information that would allow us to orchestrate Professor Sunstein’s so-called Right Wing Assault.
Nor do the results of our process – the men and women the President has actually nominated – provide evidence of a Right Wing Assault on the judiciary. The President announced his first nominations on May 9, 2001, sending to the Senate a diverse group of 11 court of appeals nominees. The group included three women, two African American nominees, and an Hispanic. Two of the 11 were Democrats. And for the first time in history, a President nominated someone who had previously been nominated by a President of a different party but not confirmed. And Judge Roger Gregory today sits with life tenure as the first African American member of the Fourth Circuit.

But I’m not here today to defend every action taken by Republicans in the White House or the Senate with respect to the judicial nominees over the past quarter century. As both the President and Judge Gonzales have said, we fully recognize that some of President Clinton’s nominees to the Circuit Courts received unfortunate treatment at the hands of the Senate. And, I’m quick to add, it’s also true that some of the first President Bush’s nominees were equally mistreated by the Senate in the early 1990s.

I’ve seen examples of each first hand. Indeed, among my fellow Rehnquist clerks and partners in practice were Allen Snyder – nominated by President Clinton to the DC Circuit yet never receiving a committee vote – and John Roberts – a preeminent appellate lawyer first nominated to the DC Circuit in 1992, and re-nominated in 2001 and again in 2003, who only this year received his first hearing and committee vote, and whose nomination still has not been brought up on the floor of the Senate.
And of course, anyone who follows these matters is well aware by now of the ongoing filibuster by some Senate Democrats against Miguel Estrada’s nomination to the D.C. Circuit. It’s really difficult to dispute, by any historical measure, that Estrada is well-qualified to serve on the Court. He is a distinguished appellate practitioner, having argued 15 cases in the US Supreme Court. He is a partner at Gibson Dunn & Crutcher. He served for 4 years in the Solicitor General’s office, under both Republican and Democrat SG’s. He has been a federal prosecutor, in the Southern District of New York, and clerked in both the Second Circuit and the Supreme Court. On the basis of all of this, the ABA’s judicial review committee unanimously gave him its highest ranking – “well qualified.”

Were a vote taken today on Estrada’s nomination, he would receive at least 55 votes and would be confirmed. But those who oppose his nomination – arguing with little basis that they don’t have enough information about him – have succeeded in blocking an up-or-down vote by using the Senate’s procedural rules. Knowing they cannot win on the merits, they have opted to block the Senate’s ability to fulfill its constitutional advice and consent responsibility.

As a graduate of Duke University and a college basketball fan, the actions of the Senate minority in this matter remind me – during this week of the Final Four – of a game I attended while a student at Duke. In February 1979, our arch-rival the University of North Carolina came to play at Cameron Indoor Stadium. Duke was ranked #1 in the country at the time, and Carolina had a team that was not up to its usual high standards.
After winning the opening tip, Carolina chose immediately to enter its fabled “four corners” offense – which was essentially a stall. Clearly, the UNC coaching staff had concluded that it could not win if it competed straight up with Duke on that day. Refusing even to take a shot, UNC simply passed the ball around from corner to corner on its offensive end of the court. Duke managed several steals during the 20 minutes of inaction, and the score at halftime was 7-0 Duke.

For long stretches during UNC’s first-half stall, the fans in the stands at Cameron shouted “we want basketball.” We recognized that Carolina’s actions – while well within the rules – were in effect a perversion of the game itself. And not long after this extreme example of the misuse of the rules to pervert the game, the NCAA introduced a shot clock, which prohibits teams that cannot compete from simply stalling the action.

The parallels to the Estrada confirmation are, I hope, obvious. Some Senate Democrats, like the UNC coaching staff, have determined that they cannot win the contest on the merits. Indeed, this much is certain – there is no doubt in anyone’s mind that Miguel Estrada would be confirmed if the Senate would hold an up-or-down vote on his nomination. Taking advantage of current rules that permit them to avoid the contest, these members of the Senate have, like the Carolina basketball team, chosen to do just that.

The question then, is whether there is a way out of this conundrum. Those that governed college basketball responded to stalling tactics by adopting rules that force the action.
And in the context of judicial confirmations, there is a ready rule-based solution that all should find fair and acceptable.

Last year, in fact, the President proposed a series of procedures that we believe would permit fair debate — and resolution — of judicial nominations. These procedures would apply no matter which party controls the White House or the Senate.

In brief, the President proposed that: (1) upon receiving notice of a federal court vacancy or intended retirement, Presidents should submit a nomination to the Senate within 180 days; (2) the Senate Judiciary Committee should hold a hearing within 90 days of receiving a nomination; and (3) the full Senate should hold an up-or-down floor vote within 180 days of receiving a judicial nomination. Adoption of these common sense rules would permit ample time for consideration of nominees and would ensure that both the President and the Senate fulfill their constitutional responsibilities to fill vacancies in our judiciary rather than engage in extended debates about whether or not to have a vote on a particular nominee.

Both the White House and the Senators will win some and lose some under these proposals, but there will be resolution and progress. In the President’s view, both the process and the American people — not to mention the judiciary itself — would come out as winners if these fair procedures were adopted. The current system is obviously broken, and the President has proposed a fair and workable solution. And he is living up to his part of the proposed bargain by nominating candidates to the bench within 180
days of the vacancy or of learning of the vacancy. It would be a vast improvement for all concerned if the Senate would follow suit and agree to hold hearings and votes in timely fashion.

What’s more, predicting the outcome of any competition – if that’s what this is – is always a dicey proposition. After stalling for the first half of its game with Duke back in 1979, UNC emerged from the locker room and played straight up in the second half, without stalling. Scoring in the second half was 40-40, giving Duke a 7 point margin of victory based on the cushion it had built up in the first half. Perhaps Carolina returned to Chapel Hill that night wondering if it could have prevailed by simply playing basketball.

And just maybe Senators of both parties should wonder if, in the long run, they’d be better off regularizing the procedures and permitting hearings and up or down votes on all judicial nominees within a reasonable period of time. While we recognize that the Senate is of course fully empowered under Article I to “determine the Rules of its Proceedings,” I respectfully submit that the Senate itself, the judiciary, the executive, and the nation itself would be well served to adopt the President’s proposal.
Jenny's phone number has been changed to 456-7361 (previously Helgi's number). The 456-5293 extension has been disconnected.

Jon
The Democrats, Big Plan

They don't want to stop a few Bush judges. They want to stop them all.

Though much attention has been paid to the filibuster of appeals-court nominee Miguel Estrada just Wednesday, Republicans made yet another unsuccessful attempt to break the Democratic blockade on his nomination. There is in fact a far larger story taking shape, one that has gone mostly unreported in the press. Using a variety of complicated parliamentary techniques that attract little public notice, Democrats are now blocking nearly every Bush nominee to the federal circuit courts of appeals. Their actions suggest that party strategists have abandoned an earlier plan to stop a few, carefully selected Bush nominees. Now, they want to stop them all.

Since the new Senate convened in January, the president has nominated 19 candidates for the courts of appeals. At this moment, twelve of those nominees are being held up by Democratic opposition. Most of the rest are new nominations that haven't yet had time to be blocked. Just two have been confirmed.

Estrada is, of course, caught in a filibuster. Fifth Circuit nominee Priscilla Owen, recently approved by the Judiciary Committee, is in pre-filibuster limbo. So is fellow Fifth Circuit nominee Charles Pickering, who has yet to come up for a new vote in the committee. Jeffrey Sutton and Deborah Cook, of the Sixth Circuit, and John Roberts, of the D.C. Circuit, are still awaiting floor votes after Democrats refused to allot time to debate their nominations. (In addition, Sutton has had a hold placed on his nomination by Democrat Tom Harkin, while Cook and Roberts are also under Democratic holds). Sixth Circuit nominees Richard Griffin, David McKeague, Susan Bieke Neilson, and Henry Saad have all been stopped by procedural tactics the so-called "blue slip" used by Michigan's two Democratic senators, Carl Levin and Debbie Stabenow. Fourth Circuit Terrence Boyle has been blocked by North Carolina Democrat John Edwards. And the nomination of the Ninth Circuit's Carolyn Kuhl, who had a hearing on Tuesday, appears headed for a protracted fight over the opposition of California's Barbara Boxer.

Together, that makes twelve nominees paralyzed by Democratic opposition. Of the rest of the 19 Bush circuit-court nominees, five Richard Wesley for the Second Circuit, Michael Chertoff for the Third Circuit, Edward Prado for the Fifth Circuit, Steven Colloton for the Eighth Circuit, and Consuelo Callahan for the Ninth Circuit were nominated for the first time this year (most of them in March), meaning they have not had time to go through the process (or to develop serious Democratic opposition). Two
nominees * Timothy Tymkovich of the Tenth Circuit and Jay Bybee of the Ninth * have been confirmed, Tymkovich nearly two years after his nomination.

In the cases that are currently blocked, some involve substantive issues * for example, a candidate who is thought to be insufficiently faithful to Roe v. Wade or "insensitive" to minority rights * while others are hung up on procedural objections. In one instance, Democrats are blocking three nominees (Sutton, Cook, and Roberts) because party leaders are angry at Judiciary Committee chairman Orrin Hatch for considering them all in one hearing instead of separate sessions. In another instance, Democrats are objecting to a nominee (Kuhl) because they say Republicans have given too little deference to blue-slip issues. In another (Estrada), Democrats say they haven't been given enough information to make a decision.

"This is an indication of what a determined minority can do in the Senate," says one Republican. "I wouldn't go so far as to say we're flummoxed, but we are dealing with a very obstructionist minority in the best way we can."

Responding to charges of obstruction, Democrats say that it was Republicans who practiced wholesale obstruction of judicial nominees when they controlled the Senate during the last six years of the Clinton administration. But by any measure, Democrats have blocked more Bush appeals-court nominees than were blocked by Republicans in even the worst of the Clinton years, when relations between the parties were poisoned by scandal and impeachment.

Of course, at that time, some in the GOP were advocating wholesale obstruction. But party leaders rejected the idea. "This is something Republicans could have done during the Clinton administration, but there were a lot of [Republicans] who wouldn't go that far, who for reasons of comity and the sake of the process refused to do it," says one party aide. But now, GOP leaders face those very obstructionist tactics from Democrats and are growing increasingly frustrated. Republicans control the Senate, albeit narrowly, and party leaders and activists believe they ought to be able to confirm the president's judicial nominations. But Senate rules give the minority party substantial power, and the only thing that would discourage them from using that power would be negative public opinion * that is, if there were a real political price to be paid for their actions. So far, however, most of the judicial battles have drawn little attention. Some of the reasons for that are obvious: there are lots of other things happening in the world. But many of the blocked judicial nominations involve arcane rules that would not make the front page even on a slow news day.

For example, Levin's and Stabenow's move to kill a bloc of four circuit court nominees * an astonishingly bold act * has received almost no attention (See "Much More Democratic Obstruction"). It seems unreasonable to suggest that Levin and Stabenow could be pressured to back away without public opposition, yet it is difficult for the public to oppose what it doesn't know. So the four judges remain blocked.

It is not clear whether the new Democratic across-the-board blockade will ultimately succeed (although it is certainly succeeding at the moment). And it is true that the White House has other things to worry about now. But if the president wants to place judges on the federal courts of appeals, he will eventually have to engage Democrats in political battle * the only thing that can break the current stalemate.
The Democrats’ Big Plan

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NAACP President Testifies In Gun Lawsuit

House Committee Approves Gun Suit Bill

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INTELLECTUAL PROPERTY
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http://news.findlaw.com/international/s/20030403/iraqdenmarkgeneraldc.html
We have no objection to the new presidential e-mail system that I reviewed provided that:

1. Senior Staff approves.
2. The entire piece of the system that allowed users to fill out and submit hardship case forms is removed.
3. I assume Adam has reviewed for OA.

The White House is exempt from the Privacy Act.

(Bob -- one other note -- probably more for Desiree than you, but in any event -- I don't know the plans for the vice president. I understand that this "beta" system will only handle president@whitehouse.gov. Any system involving changes to vice.president@whitehouse.gov should be reviewed by David Addington.)
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Cuba Puts Dissidents on Trial, Seeks Life Sentences
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WAR ON TERRORISM
FBI Terrorism Unit Detains Oregon Arab-American

No Credible U.S. Terror Threats Since War
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Law-And-Order Challenge For U.S. As It Takes Iraqi City
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April 7, 2003

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Black Aces High: Book Event Featuring: Robert K. Wilcox, Author; and Jack Spencer, The Heritage Foundation. Tuesday, April 8th, 4:30pm-5:30pm

European Opposition to American Just War Featuring: Michael Novak, George Frederick Jewett Chair in Religion, Philosophy, and Public Policy and Director of Social and Political Studies, American Enterprise Institute for Public Policy Research; and Helle Dale, The Heritage Foundation. Wednesday, April 9th, 11:00am-12:00noon

The Next Bold Step in Welfare Reform Featuring: Senator Jim Talent (R-MO), United States Senator; Tripp Baird and Robert Rector, The Heritage Foundation. Thursday, April 10th, 12:00noon-1:00pm

A Federal Program The Heritage Foundation Supports? Using the Federal Employee Health Benefits Program as a Model for Health Care Reform Featuring: Dir. Kay James, Office of Personnel Management; Walt Francis, Author and Economist; Bob Moffit and Mike Franc, The Heritage Foundation. Wednesday, April 16th, 12:00noon-1:30pm 311 Cannon Office Building Lunch will be provided.
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- [Meredith Karre](mailto:meredith.karre@heritage.org)

War in Iraq

- [The Nexus Between Terrorists and Outlaw Regimes](http://www.heritage.org/research/security/nexus.cfm)
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April 17, 2003

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Black Aces High: Book Event
Featuring: Robert K. Wilcox, Author; and Jack Spencer, The Heritage Foundation.
Tuesday, April 8th, 4:30pm-5:30pm

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Executive Branch Relations
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Gina Marie Hatheway
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Michael Kelly, R.I.P.

Those of us who believe that politics should stand on a foundation of sound morality lost a friend last Friday. Widely admired Washington Post syndicated columnist Michael Kelly, 46, died in Iraq while traveling with the Third Infantry Division when the vehicle he was riding in crashed into a canal. Mr. Kelly distinguished himself, first as a reporter in the first Persian Gulf War and later as editor of The New Republic and The Atlantic. His unrelenting criticism of Bill Clinton’s moral failings eventually resulted in his firing from the liberal-leaning New Republic. Although he was not what one would call a "movement conservative," it was clear Mr. Kelly was on a political pilgrimage that was taking him in an increasingly conservative direction. Although as The Atlantic's editor-at-large he did not have to go to Iraq, Mr. Kelly believed deeply that Operation Iraqi Freedom was a just war and he wanted to report firsthand on the liberation of that beleaguered country. He was a true champion of values-based politics and a devoted family man who leaves behind a wife and two young sons. The weekend also brought the sad news of the death in Iraq of NBC's David Bloom, 39, another widely admired reporter, and someone by whom we have been interviewed right here at FRC headquarters. Mr.
Bloom leaves a wife and three daughters. Please keep the Kelly and Bloom families in your prayers, along with the families of all those who have been injured, are missing or captured, and who have lost their lives in service to our nation.

Democrats Declare War on the Constitution

The Republican majority has been back in control of the Senate for three months now and just two appeals court judges have been confirmed. Count them - two! Seventeen more remain stalled, lost in the limbo of the Democrats' obstructionism. Some nominees, such as Miguel Estrada, have been waiting more than 700 days for an up-or-down confirmation vote. This situation is unprecedented. Never in our nation's history has the minority party in the Senate undertaken to block virtually all of a president's appeals court nominees. Under the Senate's archaic, undemocratic rules, a determined minority of 41 senators can stop action on anything, since it takes 60 votes to cut off debate. The Democrats have decided to obstruct, delay, block, and filibuster almost all of President Bush's nominees to the federal appeals court. This represents a total politicization of the Senate's constitutional duties and a partisan political effort to deny the president his power under the Constitution to appoint federal judges. The Democrats, egged on by radical leftist special-interest groups, are getting away with this outrage because the nation's attention is understandably focused on the war in Iraq and not on judicial confirmations. Make no mistake about it, however, this is a frontal assault on the Constitution. In their effort to deny the president the fruits of his election, the Democrats, in effect, have declared war on the Constitution.

Witherspoon Lecture

You are invited to come hear acclaimed author Quentin J. Schultze at a Witherspoon Lecture at FRC this Friday at 11 a.m. Speaking on "Technology and Moral Turmoil: Virtue, Democracy, and Faith in the Information Age," Schultze will explore the potential pitfalls of the new cyber-era and discuss the crucial importance of voluntary religious associations for cultivating personal and public virtue in the face of information overload, radical individualism, and uncivil public rhetoric through all of the media. Please R.S.V.P. to witherspoonlectures@frc.org or call (202) 393-2100. If you can't make it, listen live at www.frc.org.

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CONSTITUTIONAL LAW

VIRGINIA v. BLACK, No. 01-1107 (U.S.S.C. April 07, 2003)

Consistent with the First Amendment, a state may ban cross-burning carried out with the intent to intimidate, but a Virginia statute provision treating any cross burning as prima facie evidence of an intent to intimidate renders that statute unconstitutional.

To read the full text of this opinion, go to:
CONSTITUTIONAL LAW, INJURY AND TORT LAW, INSURANCE LAW, REMEDIES

STATE FARM MUT. AUTO. INS. CO. v. CAMPBELL, No. 01-1289 (U.S.S.C. April 07, 2003)
A punitive damages award of $145 million, where full compensatory damages are $1 million, is excessive and violates the Due Process clause of the Fourteenth Amendment, after findings of an insurer's fraud and intentional infliction of emotional distress.

To read the full text of this opinion, go to:

CONTRACTS, DISPUTE RESOLUTION & ARBITRATION, HEALTH LAW, INJURY AND TORT
LAW, REMEDIES

PACIFICARE HEALTH SYS., INC. v. BOOK, No. 02-215 (U.S.S.C. April 07, 2003)
Physicians' claims that managed-health-care organizations violated the Racketeer Influenced and Corrupt Organizations Act (RICO) can be compelled to arbitration. Questions as to remedial provisions in an arbitration agreement and availability of RICO treble damages are premature.

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FEEDBACK
We value your comments! Please take a moment to tell us what you think

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Today is Brian Kelsey's (our intern) last day with our office.; Please go by Room 154 to thank him for his work with us this past semester.
;
Charlotte
Some of the reaction to Pryor:

1. Article from Mobile Register: Refers to WH Contacts list and the support of "stalwart" Democrats (we have letters of support from Beasley and another trial lawyer firm):
   The payoff is evident in the list of references that the White House routinely provides for federal court nominees. It includes such stalwart Democrats as Alabama Criminal Appeals Court Judge Sue Bell Cobb (an integral player on the children's legislation), former U.S. Attorney Doug Jones of Birmingham and Joe Reed, the chairman of the Alabama Democratic Conference, the state's pre-eminent black political caucus.
   "I don't see him as any kind of crusader, but I do see him as a fair person and that's what we need on the bench," Reed said Wednesday, adding that he was prepared to testify on Pryor's behalf.
   Another surprise supporter is Montgomery trial lawyer Jere Beasley, a former Democratic lieutenant governor who in the past has lampooned Pryor as "Little Joe Camel" for his stance on tobacco litigation.
   While acknowledging disagreements on issues, "personally I have respect for the guy," Beasley said Wednesday.

2. Birmingham News article

3. AP Article # 1

4. AP Article #2.

Copies of all articles below.
President Bush nominates Bill Pryor for federal judgeship
Alabama attorney general hailed by Republicans but could face tough battle for Senate approval
04/10/03
By SEAN REILLY
Washington Bureau
WASHINGTON -- With promises of support from across Alabama's political spectrum and the possibility of fierce opposition inside Washington's Beltway, President Bush formally nominated Alabama Attorney General Bill Pryor for a seat on the 11th U.S. Circuit Court of Appeals in Atlanta.

The move, announced Wednesday, had been expected since January, when U.S. Sen. Jeff Sessions acknowledged that the White House was considering Pryor for the post. Republicans were quick to pour on the accolades.

"He is one of the most exceptional lawyers I've ever met," Sessions, R-Mobile, said in a conference call with reporters shortly after the nomination was announced. "He has an incredible commitment to the rule of law; he does what he believes is the legally correct thing regardless of political pressure."

In a statement, Pryor said he was honored and looked forward to the Senate confirmation process. A spokeswoman said he would have no further comment.

For the 40-year-old Mobile native, the nomination represents the next rung in an impressively rapid political climb, which some speculate is ultimately aimed at a seat on the U.S. Supreme Court.

For the moment, though, what lies ahead is a possibly grueling, hard-nosed fight to win Senate approval for the appeals court seat.

"Many of Bush's appellate court nominees have troubling records on a handful of issues," said Nan Aron, president of the Alliance for Justice, a Washington, D.C.-based coalition of liberal advocacy groups. "With Pryor's record there is something to offend virtually every constituency in the country."

A hearing before the Senate Judiciary Committee hasn't been scheduled yet, but Sessions predicted the entire process would take months. If Pryor does win confirmation, Republican Gov. Bob Riley would have to appoint a successor to fill out the balance of Pryor's term as attorney general, which ends in 2007.

Federal judicial nominations have become increasingly politicized over the last two decades, as Republicans and Democrats accuse each other of putting ideology ahead of merit. Although several experts said the odds favor Pryor's eventual confirmation, "his record will be gone over with a fine-toothed comb," said Sheldon Goldman, a University of Massachusetts-Amherst political scientist and an authority on the judicial
And there's plenty to go over. On the grounds that they need more information about his views, Democrats have been stalling the nomination of another appellate court nominee, Miguel Estrada, for more than a month now.

No such difficulties loom in evaluating Pryor, who has staked out intensely held and sometimes controversial positions covering a gamut of issues. Within hours of his nomination, potential opponents were urging the Senate to give that record a long hard look.

On the touchstone issue of abortion, for example, Pryor has made no secret of his unflinching opposition to the practice. In a prepared statement, Aron cited his 1997 declaration that the U.S. Supreme Court decision legalizing abortion was "the day seven members of our high court ripped the Constitution and ripped out the life of millions of unborn children."

Critics have accused him of going soft on corporations that are major sources of GOP campaign cash. In the late 1990s, even some Republicans questioned his refusal to sue major tobacco companies to recover the cost to taxpayers of treating smoking-related illness. Pryor maintained that the issue properly belonged in the Legislature. Once a national settlement was reached, however, he quickly agreed to Alabama's share, which totaled more than $3 billion.

Since then, he has angered disability rights advocates by taking a case to the U.S. Supreme Court that resulted in a decision barring state employees from suing for money damages under a federal disability discrimination law.

But Sessions insisted that Pryor would keep his personal views out of the courtroom.

In the day-to-day grind of state politics, the attorney general has sometimes shown a deft touch in crossing party lines. When newly elected Gov. Don Siegelman, a Democrat, refused to endorse a constitutional amendment to repeal Alabama's ban on interracial marriage several years ago, Pryor promptly offered his backing for the measure.

More recently, his office has helped state Rep. Alvin Holmes, D-Montgomery, in drafting a bill to ban cross-burning. Pryor was also closely involved with a Democrat-led drive to pass a package of legislation to benefit disadvantaged and troubled children.

The payoff is evident in the list of references that the White House routinely provides for federal court nominees. It includes such stalwart Democrats as Alabama Criminal Appeals Court Judge Sue Bell Cobb (an integral player on the children's legislation), former U.S. Attorney Doug Jones of Birmingham and Joe Reed, the chairman of the Alabama Democratic Conference, the state's pre-eminent black political caucus.

"I don't see him as any kind of crusader, but I do see him as a fair person and that's what we need on the bench," Reed said Wednesday, adding that he was prepared to testify on Pryor's behalf.

Another surprise supporter is Montgomery trial lawyer Jere Beasley, a former Democratic lieutenant governor who in the past has lampooned Pryor as "Little Joe Camel" for his stance on tobacco litigation.

While acknowledging disagreements on issues, "personally I have respect for the guy," Beasley said Wednesday.

Michael Gerhardt, a law professor at the College of William & Mary in Virginia, said the array of home state support would be one factor in Pryor's favor. And because the 11th Circuit Court is already considered to lean Republican, Pryor would not be seen as someone who would tip the balance, Gerhardt said.

It also remains to be seen how strongly the Alliance for Justice and other advocacy groups choose to challenge Pryor's nomination. Those decisions, which will depend heavily upon political calculations, could come in the next few weeks.

Federal appellate court judges earn $164,000 annually and can serve for life if they want. Like other appellate courts, the 11th Circuit is one step below the U.S. Supreme Court; it hears appeals from Alabama, Florida
If confirmed, he would fill the seat vacant since 2000 when Emmett "Rip" Cox Jr., another Mobile Republican, took semi-retired status. Bush had originally nominated then-U.S. Magistrate Judge William Steele of Mobile for the seat in October 2001. After the Senate failed to act, however, Bush nominated Steele this January for a lower-ranking district judgeship, clearing the way to put Pryor on the appellate bench. Steele was recently confirmed.

Bob Riley's victory in last November's gubernatorial race meant that a fellow Republican would name Pryor's successor as attorney general. Otherwise, "I'm not sure Bill would have taken the position," Sessions said.

(Mobile Register Capital Bureau Reporter Bill Barrow contributed to this report.)

If the U.S. Senate confirms him for the seat a significant hurdle for several recent Bush judicial nominees Gov. Bob Riley would pick his successor in Montgomery.

For the 40-year-old Pryor, gaining a seat on the 11th U.S. Circuit Court of Appeals would cap an early and rapid career climb through the legal and political ranks. He earned his law degree 16 years ago, was appointed attorney general 10 years later, and last year won re-election by the largest margin of any statewide officeholder.

"I am honored that President Bush has nominated me," Pryor said in a released statement. "I look forward to the confirmation process of the U.S. Senate."
As a protégé of Sen. Jeff Sessions, he'll have one key ally on the Senate Judiciary Committee. "Bill Pryor is one of the most exceptional lawyers I've ever met. He has an incredible commitment to the rule of law and he does what he believes is the legally correct thing, without regard to political pressure," said Sessions, who hired Pryor in 1995, when he was attorney general.

The White House, where Pryor has several like-minded lawyer friends, contacted Sessions and Sen. Richard Shelby late last year about its interest in finding Pryor a slot in the federal judiciary.

Pryor, a Mobile native, fits the pattern of Bush appointing judges with definite conservative bents, a desire to limit the reach of federal government and an aversion to court decisions that impede the power of legislators. He's been more aggressive than any other state attorney general in pressing cases before the U.S. Supreme Court, especially those allowing him to display his federalist beliefs.

"I think Bill Pryor is well-qualified. He's young, smart and conservative," Shelby said.

Not everyone is so complimentary. People for the American Way President Ralph Neas said Pryor's nomination was "an unfortunate continuation of this administration's efforts to pack the appeals courts with divisive far-right nominees."

A spokeswoman for the top Democrat on the judiciary committee, Sen. Patrick Leahy, D-Vt., said his office was still reviewing Pryor's record but expected to hear from groups opposed to his nomination.

Opponents have begun digging through the volumes of Pryor's published work. Unlike some nominees who have limited public records to reveal their political leanings, Pryor's could hardly be more clear. He's weighed in on most major social and legal issues of the day, giving Democrats and liberal-leaning organizations plenty of ammunition.

Opposed tobacco suits:
He opposed the multi-state lawsuit against the tobacco companies, and he advocated giving utility companies more freedom to upgrade their coal-fired power plants without being forced to add pollution control devices. He's a Catholic who opposes abortion and supports the death penalty, and he has helped write rules that provide fewer automatic appeals of death cases. He has supported the right to student-led prayer in public schools and defended gun ownership as a Second Amendment right.

Democrats and Republicans agree he's likely to be challenged most forcefully on his record opposing abortion and the Supreme Court decision that makes it legal. Three years ago, for example, he told an anti-abortion rally that "our greatest right is the right to life."

"He is a vehement opponent of a woman's right to choose. He's gone beyond rhetorical opposition he's an anti-choice activist," said Elizabeth Cavendish, legal director of NARAL Pro-Choice America.

Sessions and others say Pryor's above-board opinions won't damage his confirmation chances because he's known to follow laws he doesn't like. "Any objections they may have to any personal views Bill may have will be answered by a rock-solid record of applying the law as written, even if he didn't agree with it," Sessions said. "That's the chief quality of an appellate judge, in my view."

For example, Pryor angered some Republicans by supporting a limited partial birth abortion ban in the Alabama Legislature, which he said had a better chance of passing constitutional muster than a more restrictive proposal.

"Rule of law":
Pryor's friends say his dedication to the "rule of law" is paramount. After his inauguration earlier this year, his campaign handed out hundreds of key-chain keepsakes with this quote from the state Constitution: "To the end that it may be a government of laws and not of men."

Americans United for Separation of Church and State, an organization battling Pryor over Alabama Chief Justice Roy Moore's display of the Ten Commandments, is one of the groups that objects to his nomination.

"This is the kind of nominee that reveals the Bush administration's
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The 11th Circuit court handles appeals from Alabama, Georgia and Florida. Pryor would replace Emmett Ripley Cox, an Alabama native.

------------- Forwarded by Benjamin A. Powell/WHO/EOP on 04/10/2003 09:32 AM -------------

Westlaw@westgroup.com
04/10/2003 06:36:51 AM
Please respond to Support@westgroup.com
Record Type: Record
To: Benjamin A. Powell/WHO/EOP@EOP
cc:
Subject: WESTClip: Pryor

4/9/03 APWIRES 11:52:00
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Word Count: 370

4/9/03 APWIRES 17:03:00

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4/9/03 APWIRES 16:22:00
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By JEFFREY McMURRAY
Associated Press Writer

WASHINGTON (AP) - Alabama Attorney General Bill Pryor got a long-awaited appointment to the federal bench Wednesday, but it's unclear whether his experience in federal law will help or hinder the conservative in what could be a grueling Senate confirmation process.
Pryor's nomination to the 11th Circuit Court of Appeals in Atlanta, which handles appellate cases for Alabama, Florida and Georgia, had been expected since January when Sen. Jeff Sessions, R-Ala., announced President Bush was eyeing him for the job.

Bush made the selection official Wednesday, and Pryor, 40, indicated in a brief statement he would accept.

"I look forward to the confirmation process of the U.S. Senate," said Pryor, a Republican who last November was elected to his second two-year term as the state's top judicial official. "In the meantime, I will continue to strive, as attorney general, to represent the people of Alabama with integrity, to the best of my ability, by upholding the Constitution and laws of our nation and state."

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If Pryor's nomination is challenged, it would likely be for entirely different reasons than the challenge against Bush's first pick for the job - William Steele.

Steele, a Mobile magistrate judge, never got a hearing on his 11th Circuit appointment after he encountered scrutiny for his handling of a racial bias case. Bush nominated Steele instead for a spot on Alabama's Southern District Court, and he encountered no opposition in his February confirmation hearing.

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"He has an incredible commitment to the rule of law," Sessions said. "He does what he believes is the legally correct thing, regardless of political pressure."

Pryor was first appointed as Alabama's attorney general in January 1997 when Sessions, his predecessor, was elected to the Senate. He graduated from Tulane Law School and was a law clerk for U.S. Circuit Court Judge John Minor Wisdom. He has experience in private practice in Birmingham and in 1995 was hired as Sessions' deputy attorney general in charge of special civil and constitutional litigation.
President Bush nominates Bill Pryor for federal judgeship

Alabama attorney general hailed by Republicans but could face tough battle for Senate approval

04/10/03

By SEAN REILLY
Washington Bureau

WASHINGTON -- With promises of support from across Alabama's political spectrum and the possibility of fierce opposition inside Washington's Beltway, President Bush formally nominated Alabama Attorney General Bill Pryor for a seat on the 11th U.S. Circuit Court of Appeals in Atlanta.

The move, announced Wednesday, had been expected since January, when U.S. Sen. Jeff Sessions acknowledged that the White House was considering Pryor for the post. Republicans were quick to pour on the accolades.

"He is one of the most exceptional lawyers I've ever met," Sessions, R-Mobile, said in a conference call with reporters shortly after the nomination was announced. "He has an incredible commitment to the rule of law; he does what he believes is the legally correct thing regardless of political pressure."

In a statement, Pryor said he was honored and looked forward to the Senate confirmation process. A spokeswoman said he would have no further comment.

For the 40-year-old Mobile native, the nomination represents the next rung in an impressively rapid political climb, which some speculate is ultimately aimed at a seat on the U.S. Supreme Court.

For the moment, though, what lies ahead is a possibly grueling, hard-nosed fight to win Senate approval for the appeals court seat.
"Many of Bush's appellate court nominees have troubling records on a handful of issues," said Nan Aron, president of the Alliance for Justice, a Washington, D.C.-based coalition of liberal advocacy groups. "With Pryor's record there is something to offend virtually every constituency in the country."

A hearing before the Senate Judiciary Committee hasn't been scheduled yet, but Sessions predicted the entire process would take months. If Pryor does win confirmation, Republican Gov. Bob Riley would have to appoint a successor to fill out the balance of Pryor's term as attorney general, which ends in 2007.

Federal judicial nominations have become increasingly politicized over the last two decades, as Republicans and Democrats accuse each other of putting ideology ahead of merit. Although several experts said the odds favor Pryor's eventual confirmation, "his record will be gone over with a fine-toothed comb," said Sheldon Goldman, a University of Massachusetts-Amherst political scientist and an authority on the judicial selection process.

And there's plenty to go over. On the grounds that they need more information about his views, Democrats have been stalling the nomination of another appellate court nominee, Miguel Estrada, for more than a month now.

No such difficulties loom in evaluating Pryor, who has staked out intensely held and sometimes controversial positions covering a gamut of issues. Within hours of his nomination, potential opponents were urging the Senate to give that record a long hard look.

On the touchstone issue of abortion, for example, Pryor has made no secret of his unflinching opposition to the practice.

In a prepared statement, Aron cited his 1997 declaration that the U.S. Supreme Court decision legalizing abortion was "the day seven members of our high court ripped the Constitution and ripped out the life of millions of unborn children."

Critics have accused him of going soft on corporations that are major sources of GOP campaign cash. In the late 1990s, even some Republicans questioned his refusal to sue major tobacco companies to recover the cost to taxpayers of treating smoking-related illness. Pryor maintained that the issue properly belonged in the Legislature. Once a national settlement was reached, however, he quickly agreed to Alabama's share, which totaled more than $3 billion.

Since then, he has angered disability rights advocates by taking a case to the U.S. Supreme Court that resulted in a decision barring state employees from suing for money damages under a federal disability discrimination law.

But Sessions insisted that Pryor would keep his personal views out of the courtroom.

In the day-to-day grind of state politics, the attorney general has sometimes shown a deft touch in crossing party lines. When newly elected Gov. Don Siegelman, a Democrat, refused to endorse a constitutional amendment to repeal Alabama's ban on interracial marriage several years ago, Pryor promptly offered his backing for the measure.

More recently, his office has helped state Rep. Alvin Holmes, D-Montgomery, in drafting a bill to ban cross-burning. Pryor was also closely involved with a Democrat-led drive to pass a package of legislation to benefit disadvantaged and troubled children.

The payoff is evident in the list of references that the White House routinely provides for federal court nominees. It includes such stalwart Democrats as Alabama Criminal Appeals Court Judge Sue Bell Cobb (an integral player on the children's legislation), former U.S. Attorney Doug Jones of Birmingham and Joe Reed, the chairman of the Alabama Democratic Conference, the state's pre-eminent black political caucus.

"I don't see him as any kind of crusader, but I do see him as a fair person and that's what we need on the bench," Reed said Wednesday, adding that he was prepared to testify on Pryor's behalf.

Another surprise supporter is Montgomery trial lawyer Jere Beasley, a former Democratic lieutenant governor who in the past has lampooned Pryor as "Little Joe Camel" for his stance on tobacco litigation.

While acknowledging disagreements on issues, "personally I have respect for the guy," Beasley said Wednesday.

Michael Gerhardt, a law professor at the College of William &Mary in
Virginia, said the array of home state support would be one factor in Pryor's favor. And because the 11th Circuit Court is already considered to lean Republican, Pryor would not be seen as someone who would tip the balance, Gerhardt said.

It also remains to be seen how strongly the Alliance for Justice and other advocacy groups choose to challenge Pryor's nomination. Those decisions, which will depend heavily upon political calculations, could come in the next few weeks.

Federal appellate court judges earn $164,000 annually and can serve for life if they want. Like other appellate courts, the 11th Circuit is one step below the U.S. Supreme Court; it hears appeals from Alabama, Florida and Georgia.

If confirmed, he would fill the seat vacant since 2000 when Emmett "Rip" Cox Jr., another Mobile Republican, took semi-retired status.

Bush had originally nominated then-U.S. Magistrate Judge William Steele of Mobile for the seat in October 2001. After the Senate failed to act, however, Bush nominated Steele this January for a lower-ranking district judgeship, clearing the way to put Pryor on the appellate bench. Steele was recently confirmed.

Bob Riley's victory in last November's gubernatorial race meant that a fellow Republican would name Pryor's successor as attorney general. Otherwise, "I'm not sure Bill would have taken the position," Sessions said.

(Mobile Register Capital Bureau Reporter Bill Barrow contributed to this report.)
political ranks. He earned his law degree 16 years ago, was appointed attorney general 10 years later, and last year won re-election by the largest margin of any statewide officeholder.

"I am honored that President Bush has nominated me," Pryor said in a released statement. "I look forward to the confirmation process of the U.S. Senate."

As a protégé of Sen. Jeff Sessions, he'll have one key ally on the Senate Judiciary Committee.

"Bill Pryor is one of the most exceptional lawyers I've ever met. He has an incredible commitment to the rule of law and he does what he believes is the legally correct thing, without regard to political pressure," said Sessions, who hired Pryor in 1995, when he was attorney general. The White House, where Pryor has several like-minded lawyer friends, contacted Sessions and Sen. Richard Shelby late last year about its interest in finding Pryor a slot in the federal judiciary.

Pryor, a Mobile native, fits the pattern of Bush appointing judges with definite conservative bents, a desire to limit the reach of federal government and an aversion to court decisions that impede the power of legislators. He's been more aggressive than any other state attorney general in pressing cases before the U.S. Supreme Court, especially those allowing him to display his federalist beliefs.

"I think Bill Pryor is well-qualified. He's young, smart and conservative," Shelby said.

Not everyone is so complimentary. People for the American Way President Ralph Neas said Pryor's nomination was "an unfortunate continuation of this administration's efforts to pack the appeals courts with divisive far-right nominees."

A spokeswoman for the top Democrat on the judiciary committee, Sen. Patrick Leahy, D-Vt., said his office was still reviewing Pryor's record but expected to hear from groups opposed to his nomination. Opponents have begun digging through the volumes of Pryor's published work. Unlike some nominees who have limited public records to reveal their political leanings, Pryor's could hardly be more clear. He's weighed in on most major social and legal issues of the day, giving Democrats and liberal-leaning organizations plenty of ammunition.

Opposed tobacco suits:
He opposed the multi-state lawsuit against the tobacco companies, and he advocated giving utility companies more freedom to upgrade their coal-fired power plants without being forced to add pollution control devices. He's a Catholic who opposes abortion and supports the death penalty, and he has helped write rules that provide fewer automatic appeals of death cases. He has supported the right to student-led prayer in public schools and defended gun ownership as a Second Amendment right.

Democrats and Republicans agree he's likely to be challenged most forcefully on his record opposing abortion and the Supreme Court decision that makes it legal. Three years ago, for example, he told an anti-abortion rally that "our greatest right is the right to life."

"He is a vehement opponent of a woman's right to choose. He's gone beyond rhetorical opposition he's an anti-choice activist," said Elizabeth Cavendish, legal director of NARAL Pro-Choice America.

Sessions and others say Pryor's above-board opinions won't damage his confirmation chances because he's known to follow laws he doesn't like.

"Any objections they may have to any personal views Bill may have will be answered by a rock-solid record of applying the law as written, even if he didn't agree with it," Sessions said. "That's the chief quality of an appellate judge, in my view."

For example, Pryor angered some Republicans by supporting a limited partial birth abortion ban in the Alabama Legislature, which he said had a better chance of passing constitutional muster than a more restrictive proposal.

'Rule of law':
Pryor's friends say his dedication to the "rule of law" is paramount.

After his inauguration earlier this year, his campaign handed out hundreds of key-chain keepsakes with this quote from the state Constitution: "To the end that it may be a government of laws and not of men."

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"This is the kind of nominee that reveals the Bush administration's arrogance, quite frankly," said Jeremy Leaming, spokesman for the group. As proven by the Senate's rejection of Sessions as a judge several years ago, allegations of racial insensitivity can sink a nominee. So far, Pryor seems to have neutralized the issue with a letter of support from Joe Reed, chairman of the black wing of the Alabama Democratic Party. Pryor's defense of majority-minority voting districts backed by Democrats irritated Republicans at the time, but he went on to win the case. Pryor's confirmation hearing has not been scheduled. The American Bar Association will investigate his qualifications and report its findings to the committee, ranking him either qualified, well-qualified or not qualified. Pryor might have been nominated earlier, but there was a desire to wait for a Republican governor to be elected and appoint his replacement. "I'm sure that was a factor," Sessions said. The 11th Circuit court handles appeals from Alabama, Georgia and Florida. Pryor would replace Emmett Ripley Cox, an Alabama native.

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Today is Brian Kelsey's (our intern) last day with our office. Please go by Room 154 to thank him for his work with us this past semester.

Charlotte
From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 4/10/2003 8:51:53 AM
Subject: Fw: Whip Alert 04/10/03

Fyi

-----Original Message-----
From: Swonger, Amy (McConnell)
Sent: Thu Apr 10 08:47:44 2003
Subject: Whip Alert 04/10/03

WHIP ALERT
Thursday, April 10, 2003
Votes are Possible

The Senate will convene at 10:00 a.m. for a period of morning business until 11:00 a.m. with the first 30 minutes equally divided between Senator Hutchison and the Minority Leader. The remaining time until 11:00 a.m. will be equally divided between the two Leaders.

By Unanimous Consent on Friday, April 11 the Senate will begin consideration of the nomination of Jeffery Sutton, of Ohio, to the 6th Circuit (Exec. Cal #32). The nomination will also be debated on Monday, April 28 and Tuesday, April 29. The vote on the Sutton nomination will occur on Tuesday, April 29, at a time agreed upon by the Majority Leader and the Minority Leader.

Following morning business on Thursday, April 10, the Senate may consider any of the following:

S. 113 - Foreign Intelligence Surveillance Act (Senate Calendar #32), if unanimous consent can be reached.
S. 151 - PROTECT Act Conference Report
Nomination of Priscilla Richman Owen to be U.S. Circuit Judge for the Fifth Circuit (Exec. Cal. #86).
S. 15 - Project BioShield (Senate Calendar #53).
Conference Reports on the Budget Resolution (H. Con. Res. 95) and Supplemental Appropriations (S. 762).

DURING WEDNESDAY'S SESSION:

Nickles Amendment to the CARE Act regarding Land Sales - Tabled 62-38
CARE Act - Passed 95-5
S. Res. 31 regarding Iraqi Treatment of POWs - Passed 99-0
Confirmation of Dee Drell, of Louisiana, to be District Judge for the W. Dist. Louisiana - Confirmed 99-0
Confirmation of Richard Bennett, of Maryland, to be District Judge for the Dist. of Maryland- Confirmed 99-0

The following measures passed by UC:

H.R. 273 - Nutria Eradication
S. Res. 112 - National Youth Service Day
S. Res. 113 - Commending University of Connecticut Huskies
S. Res. 114 - Honoring David Bloom
S. Res. 115 - Commending Syracuse Orangemen

There will be a Republican Conference tomorrow morning at 11:15 a.m. in the Mansfield Room (S-207). The topics will be updates on the Budget and the supplemental. One leadership staff from each leadership is invited.
Fyi

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FINDLAW Thu, Apr 10, 2003

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CIVIL RIGHTS
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Protests Put Face On Anti-War Movement
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Scientists Identify Virus Behind Deadly SARS
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PRODUCT LIABILITY
British Airways To End Concorde Service

LABOR AND EMPLOYMENT
R.I. Fines Owners Of Burned Nightclub
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House Panel Okays Time Off As Overtime Payment

ENVIRONMENT
Fla. Gets OK To Dump Wastewater In Gulf

House To Vote On Bush's Alaska Oil Drilling Plan

GUNS
Spitzer To Sue Wal-Mart Over Toy Guns

Calif. May Bring Charges Against Wal-Mart

CYBERSPACE LAW
Ice T Offers Album For Sale To Kazaa Users

INTELLECTUAL PROPERTY
Wrigley Bid To Trademark Brand Hits Snag

TELECOMMUNICATIONS
News Corp. To Acquire Hughes Electronics

BUSINESS
Wall Street Stymies Prosecutors

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Subject: Re: Any chance you have a few minutes today or tomorrow

Aimee Fleischer from commerce may be calling you about me. Feel free to exaggerate as much as you'd like!

>>> Brett_M_Kavanaugh@who.eop.gov@inetgw 04/09/03 05:38PM >>>
call today

Record Type: Record

Date: 04/08/2003 01:17 pm -0400 (Tuesday)
From: Julie Myers
To: Brett_M_Kavanaugh@who.eop.gov

Subject: Any chance you have a few minutes today or tomorrow to continue that career counseling session we started a days ago?
From: MailRouter [ SYS ]
To: Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>
Subject: DELIVERY FAILURE: User ashley_m._snee (ashley_m._snee@who.eop.gov) not listed in public Name & Address Book

####### Begin Original ARMS Header #######
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )
CREATOR:MailRouter ( MailRouter [ SYS ] )
SUBJECT:DELIVERY FAILURE: User ashley_m._snee (ashley_m._snee@who.eop.gov) not listed in public Name & Address Book
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
####### End Original ARMS Header #######

DELIVERY FAILURE REPORT

Your Document:
RE: Meeting Friday at 10:30 a.m.
could not be delivered to:
<ashley_m._snee@who.eop.gov>
because:
User ashley_m._snee (ashley_m._snee@who.eop.gov) not listed in public Name & Address Book
Routing Path:
CN=Mail2/O=EOP;CN=Mail2/O=EOP
By JANE MAXFIELD

Why is Reid really opposed to Estrada?

In Sen. Harry Reid's recent column (Your Turn, March 12), he attempts to somehow justify the Democratic filibuster of the nomination of Miguel Estrada to the federal appellate court, asking: "Should a man who refuses to answer questions in a job interview be rewarded with the job?"

"Refuses to answer questions"? In February, in response to similar whining by Sens. Leahy, Boxer, Feingold and other Democrats, White House counsel Alberto Gonzales wrote a letter to all 100 senators. In it he invited any senator who wanted further information on Estrada's views to send him written questions. The White House promised that Estrada would "answer the questions forthrightly, appropriately and in a manner consistent with the practice and obligations of judicial nominees." No senator submitted questions to Estrada.

So why do Sen. Reid and his fellow Democrats really oppose Estrada's nomination? It certainly couldn't be his education or his work performance. Estrada was born in Honduras in 1961, came to the United States when he was 17, mastered English, graduated from Columbia University with honors, and then graduated from Harvard Law School. He then clerked at the U.S. Supreme Court, served as assistant U.S. attorney in New York, worked for the U.S. Department of Justice and then accepted a position at the prestigious law firm of Gibson, Dunn & Crutcher. When he was nominated to the appeals court by President Bush, the American Bar Association gave him its highest possible "unanimous - well qualified" rating. Estrada has the support of 55 senators including four Democrats. So what is Sen. Reid's real motivation?

Democrats have historically regarded minority groups as reliable blocs of votes. "Stroke their leaders and the rest will follow like lemmings" has been their policy. But George Bush has shaken the Democrats' world by appointing more Hispanics to high office in his administration than any
other U.S. president. Qualified African-Americans have also been called and are serving the United States exceptionally well. Miguel Estrada would be a role model to any ethnic group, but Latinos are especially proud of his accomplishments.

Appointment of a conservative Hispanic appeals court judge, and potential Supreme Court nominee, would send a message to all Hispanics that hard work and education breed personal success. Sen. Reid and his fellow Democrats have not encouraged initiative among Latinos. They think government programs, paid for by taxpayers, solve problems. Estrada ... and Bush ... are major threats to continued Democrat dominance of Hispanics. And this threat is apparently so serious that Sen. Reid and his Democrats are, for the first time in U.S history, filibustering to prevent a Senate vote on a judicial nomination.

Sen. Reid should come clean with Nevadans and admit that his motivation in leading this extraordinary filibuster of an accomplished Hispanic nominee to the federal bench has nothing to do with policy ... and everything to do with partisanship.

Do we really think that Sen. Reid would lead a filibuster if Estrada were a liberal who supported every government program ever conceived? Do we really think he would support this nomination if, tomorrow, Estrada turned over every piece of paper dating back to his A, B, C's?

Sen. Reid, your leadership is taking a back seat to obstruction.

Jane Maxfield is chair of the Washoe County Republican Party and president of the Incline Village/Crystal Bay Republican Women's Club.
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JENNIFER 8. LEE

ASHINGTON, April 10 — The Republican majority on the Senate Judiciary Committee delayed a vote today on an Arkansas lawyer's nomination to the federal bench, after Democrats attacked his writings on religion, abortion and the role of women.

The delay, requested by Senator Arlen Specter, Republican of Pennsylvania, was an unusual step for the committee's Republicans, who generally unite firmly behind President Bush's nominees.

This 52-year-old nominee, James Leon Holmes, former president of Arkansas Right to Life, seeks a seat on the Federal District Court in Little Rock, his hometown. Dr. Holmes, whose nomination was sent to the Senate in January, holds a Ph.D. in political science from Duke University and graduated first in his class at the University of Arkansas School of Law, where he is now an adjunct professor. An editorial in The Arkansas Democrat-Gazette called him a "superbly qualified nominee" and an "outstanding lawyer, working scholar and eminent spirit among us."

But Democratic senators said today that whatever Dr. Holmes's professional and scholarly credentials, some of his writings warranted concern, particularly with regard to equality for women.

One example the Democrats cited was a 1997 article that Dr. Holmes and his wife, Susan, wrote for a newspaper, Arkansas Catholic, about men, women and Roman Catholicism. The article said that "the wife is to subordinate herself to her husband" and that "the woman is to place herself under the authority of the man" in the same way that "the church is to place herself under the protection of Christ."

The same article went on to say, "It is not a coincidence that the feminist movement brought with it artificial contraception and abortion on demand, with recognition of homosexual liaisons soon to follow."

In 1980, Dr. Holmes, who would soon become a leader in the anti-abortion movement in Arkansas, minimized concerns about the effect on rape victims of a proposed constitutional amendment banning abortion. "Concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami," he wrote in a letter to the editor of a newspaper then.

And in an article he wrote in 1982, Dr. Holmes, assessing societal problems and responses to them, compared the abortion rights movement to the Nazis. "The pro-abortionists counsel us to respond to these problems by abandoning what little morality our society still recognizes," he wrote. "This was attempted by one highly sophisticated, historically Christian nation in our century — Nazi Germany."

When he appeared before the committee at his confirmation hearing last month, Dr. Holmes testified that he would have no trouble separating his personal views from his professional duties as a federal judge. He also
acknowledged that some of his language, especially when he first became involved in the anti-abortion movement, had been "unduly strident and inflammatory," and said the comment about rape victims "is particularly troublesome to me from the distance of 23 years later."

But as Senator Charles E. Schumer, Democrat of New York, read some of Dr. Holmes's statements today at a meeting where the Judiciary Committee was to have voted on the nomination, opposition seemed further energized.

The committee's Republican leadership had little to say about the delay in the vote on Dr. Holmes. "He's pending in committee," said Margarita Tapia, spokeswoman for the chairman, Senator Orrin G. Hatch of Utah.

An e-mail message from Dr. Holmes referred questions to the Justice Department, as is typical for nominees awaiting confirmation.

No one from the Justice Department would comment about Dr. Holmes's writings, but an official there made available letters sent to the committee in support of the nominee, some from advocates of abortion rights.

The letters, including, for example, one from Eileen Woods Harrison, an Arkansas lawyer who described herself as a "pro-choice" lifelong Democrat, praised Dr. Holmes's conduct and ethics.

Kristine G. Baker, a fellow partner of Dr. Holmes at a Little Rock law firm, said in a letter dated only this Tuesday: "He has always been supportive of me in my law practice, as well as supportive of the other women in our firm. Gender has never been an issue in any decision in the firm."
ATTACK ON JUDICIAL NOMINEE LEADS SENATE PANEL TO DELAY VOTE

By JENNIFER 8. LEE

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Confimation Consternation
Justice Kennedy speaks out on judicial confirmation deadlock.
By Dahlia Lithwick
Posted Monday, April 14, 2003, at 8:07 AM PT

Attending a speech by a Supreme Court justice is generally just slightly less interesting than perusing the Federal Reporter. With the exception of Justice Antonin Scalia, who increasingly uses his public-speaking opportunities to erupt on some issue of church and state, most justices tend to speak in vague generalities about the workings of the court; to reassert that judges should do their speaking only in the form of judicial opinions (remind me again why they are giving speeches?); and to tell funny, charming anecdotes about justices who are dead and thus unable to defend themselves.

A speech by Justice Anthony Kennedy last week at the University of Virginia Law School almost proved this rule. He did funny British accents, he did Justice William Brennan. He dismissed last year's Supreme Court TV shows as "vacuous, insipid, and improbable." He offered a credible, if ultimately unpersuasive riff on how there are no "cliques or kabals" among the justices, and managed to charm and amuse without saying anything political, ideological, or controversial.

Which is why his off-the-cuff comments on the judicial confirmation shenanigans bear repeating: Kennedy was remarkably candid in asserting that there is a crisis in the lower courts that shrinking numbers of judges are being asked to decide growing caseloads and that the slowdown in confirmations is devastating their ability to do their jobs. He was equally candid in opining that "both parties have been guilty of this" and...
that there is definitely some "payback going on here." And he made the
case I have heard thus far for limiting the Senate's "advise and
consent" role to something that falls short of a veto based on ideological
litmus tests. Calling it a danger to judicial independence for senators to
insist on nominees with specific views, Kennedy made an eloquent case for
a judge's highest authority still coming from "the ability to change his
mind." Urging that judicial independence is a creature unlike any other,
Kennedy stressed that becoming a judge necessarily alters one's fixed
ideology, simply because, once you hear a case, "suddenly, there's a real
person there."
One of the nicest things that can be said about getting a Supreme Court
justice out of the black robes and blinking into the bright auditorium
lights is that there's a real person there as well. The members of the
high court should be a little more willing to weigh in on the crisis
facing their colleagues on the bench; more public shaming from The
Brethren might just make a difference in the Senate.
The Bush judiciary

HERE we go again. James Leon Holmes, the latest of President Bush's judicial nominees to come before the Senate Judiciary Committee, turns out to be another turn-back-the-clock moralist dressed up in lawyer's clothing.

His social views conflict with both the law of the land and common family values, and his rhetoric has been injudiciously inflammatory.

At this point, he seems a far better candidate for the pulpit than the bench.

Thursday, Republicans took the unusual step of delaying consideration of the Arkansas lawyer's nomination after Democrats brought to light some of his more forceful utterances.

About the evil effects of the feminist movement, he lamented in a 1997 article that it "brought with it artificial contraception and abortion on demand, with recognition of homosexual liaisons soon to follow."

About the proper place of women, he wrote in the same article that it should be the biblical one, in which a "wife is to subordinate herself to her husband" and "place herself under the authority of the man."

About the impact that a total ban on abortion would have on impregnated rape victims, he dismissed it as a trifle: "Concern for rape victims is a red herring because conceptions from rape occur with approximately the same frequency as snowfall in Miami."

And about Americans who support abortion rights (a group that includes a majority of the U.S. Supreme Court), he equated them with Nazis. What they advocate, he wrote in 1982, is "abandoning what little morality our society still recognizes. This was attempted by one highly sophisticated, historically Christian nation in our century -- Nazi Germany."

America needs judges of balance and probity, of wisdom and humility. It needs judges who respect instead of revile the results of constitutional processes. It needs judges who honor instead of condemn women's emergence into full citizenship and personal liberty. It needs judges who can tell the difference between Republicans for Choice and Hitler's Gestapo.

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Hundreds of Hispanics are expected to gather in four major cities over the next two weeks to call for an end to Senate Democrats' stonewalling of Miguel Estrada, a well-qualified Hispanic attorney who President Bush nominated to the U.S. Court of Appeals for the District of Columbia. The rallies are part of an effort, led by local leaders and Enfoque a la Familia, Focus on the Family's ministry to the Hispanic community, to call attention to the unjust opposition Estrada has faced.

Estrada's confirmation has been held up in the Senate for many weeks because several liberal Democrats chose to filibuster his nomination, primarily because of Estrada's conservative judicial philosophy.

"Unfortunately, this grueling process reveals what liberals really want from Hispanics -- our votes, but not our leadership," said James Oviedo, Director of Enfoque a la Familia. "The Hispanic community has much to offer, and those who claim to care about minority rights should not reject a qualified candidate simply because they do not agree with Mr. Estrada's views."

Estrada immigrated to the U.S. as a teenager from Honduras, knowing little English. Despite these hurdles, he graduated from Columbia College in New York and Harvard Law School, where he edited the Harvard Law Review. He has argued 15 cases before the U.S. Supreme Court and has won 10 of them.

Yuri Mantilla, Counsel for Hispanic Affairs at Enfoque a la Familia, added: "Miguel Estrada embodies the American dream that is available to all of us -- not just those who agree with the liberal Democrats' point of view. This unjust treatment sets a very disturbing precedent for conservatives, members of the Hispanic community and all who believe in the democratic process."
I can think of several more readily "obvious" "lesson[s]."

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- Tale Of Two Judges (washingtonpost.com).htm

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More seriously, in answering the committee's questionnaire, Prado noted controversial cases in which he ruled against a woman's claim of job discrimination by the San Antonio fire department, a diabetes patient's claim that he was unfairly found to be medically ineligible for a police officer's job, and a claim that the Texas high school graduation test discriminated against Hispanics.
Turns out it's like the Sherlock Holmes story of the dog that didn't bark. In the midst of the bitter partisan battle in which Democrats have repeatedly blocked a Senate confirmation vote on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit, Prado went through like gangbusters.

* **Health Care as Spectator Sport**
  (The Washington Post, Apr 13, 2003)
* **A Beacon For Better Health Care**
By David S. Broder
Wednesday, April 16, 2003; Page A27
When I asked Alberto Gonzales, the White House counsel, if there might be a lesson in Prado's easy approval, he replied, "It's hard to say. We view Judge Prado as no more qualified than Miguel Estrada or others they [the Democrats] have opposed."

Given this background, I was expecting to see Prado, 55, put to the test at his Judiciary Committee hearing. His credentials are impressive: a graduate of the University of Texas and its law school, four years each as a prosecutor and a
public defender, a short stint as a state judge, U.S. attorney for three years and, since 1984, a federal district judge -- the last two appointments coming from President Ronald Reagan.
Were it not for an old friend, I would have been as oblivious to the story of Judge Edward Prado of San Antonio as the rest of the Washington press corps.

Judge Tom Stagg of Shreveport, La., told me his pal was up for appointment to the U.S. Court of Appeals for the 5th Circuit and suggested I go by and "see how they treat him" at his confirmation hearing.

Turns out it's like the Sherlock Holmes story of the dog that didn't bark. In the midst of the bitter partisan battle in which Democrats have repeatedly blocked a Senate confirmation vote on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit, Prado went through like gangbusters.

The story of why one Latino Republican has such an easy time while another creates such controversy is an instructive tale -- and one with hopeful implications.

Estrada has been denied an up-or-down vote on the Senate floor because Democrats call him "a stealth nominee," a man of high credentials but no judicial experience and one they say was unresponsive to their questions. Their demand to look at memos he wrote while serving in the Justice Department has been rejected by the administration, and neither side has yielded.

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But Prado is also a character. His courtroom is wired with the latest audiovisual equipment, which Prado, a music lover and showman, loves to demonstrate. Three years ago, during a murder-for-hire trial, he came onto the bench while a recording of "Happy Together" by the Turtles filled the air, and then sang: "Imagine me as God. I do. I was appointed by the president. Appointed forever. My decisions cannot be questioned by you. I'm always right."
Many judges may feel that way; few say so, and even fewer put it to music.

More seriously, in answering the committee's questionnaire, Prado noted controversial cases in which he ruled against a woman's claim of job discrimination by the San Antonio fire department, a diabetes patient's claim that he was unfairly found to be medically ineligible for a police officer's job, and a claim that the Texas high school graduation test discriminated against Hispanics.

In another part of the questionnaire, he listed 68 criminal, immigration and civil cases in which he had been reversed or criticized by the court of appeals. Plenty of fertile ground, one imagined, for liberal groups to challenge elevating a Reagan judge to a closely balanced and important bench just one level below the Supreme Court.

But in fact the Congressional Hispanic Caucus -- which has vigorously opposed the Estrada nomination -- wrote a letter endorsing Prado. Rep. Charlie Gonzalez, a Texas Democrat and co-signer of the letter, told me that he had known Prado for almost 40 years and "he has everything you want in a judge -- he's smart and articulate, he's not arbitrary, and he really understands people. Some of his rulings I would take issue with, but when the caucus interviewed him, he talked honestly about cases that have impacted minorities and he made it clear he knows how important the courts have been to us. It was so different from our hour's conversation with Estrada, who conveyed no sense of what we would think a Latino should appreciate about the historical role of courts in bringing us to where we are today and where we need to be tomorrow."

With the backing of the White House and the Hispanic caucus, Prado's confirmation hearing was perfunctory. Sen. Patrick Leahy of Vermont, the ranking Democrat and scourge of Estrada, read a statement complaining of past Republican treatment of President Bill Clinton's Latino nominees, then left without asking any questions. The two Republicans present -- Sens. John Cornyn of Texas and Jeff Sessions of Alabama -- said they had known Prado for years and simply congratulated him.

Prado was then unanimously confirmed by the Judiciary Committee.

When I asked Alberto Gonzales, the White House counsel, if there might be a lesson in Prado's easy approval, he replied, "It's hard to say. We view Judge Prado as no more qualified than Miguel Estrada or others they [the Democrats] have opposed."

But the lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded. Even if they can't resist breaking into song.

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UNDER THE DOME Edwards on trail in Iowa

By ROB CHRISTENSEN AND JOHN WAGNER, Staff Writers
Raleigh (NC) News & Observer

U.S. Sen. John Edwards said Thursday that if elected president he would not apply a "litmus test" on abortion to his nominees to the U.S. Supreme Court and other judicial posts.

The North Carolina Democrat made his comments during a breakfast in Waterloo, Iowa, that kicked off a day of campaigning in the nation's first presidential caucus state. He was responding to a question from an activist about recent comments on the subject by rival 2004 candidate, U.S. Sen. John Kerry of Massachusetts.

Edwards said he believes strongly in reproductive choice, but he said, "I would not apply any single litmus test to any candidates." Edwards said a candidate's views on abortion would be one of several factors considered.

Earlier this month, Kerry told a group of female Democrats that if elected president he would nominate to the high court only supporters of abortion rights under its Roe v. Wade decision.

During Edwards' six-city swing Thursday, he also stepped up criticism of President Bush as out of touch on the economy.

During a luncheon that drew more than 100 people to Davenport, Edwards praised the economic stewardship of President Clinton and said Bush had put the country "back in that deficit ditch."

"He's walking around in the Rose Garden promoting budget-busting tax cuts while people out here in the real world are hurting," Edwards said.

Also noteworthy about Thursday's time on the trail: Edwards, who supports the war against Iraq, said he thinks the U.S. should approach the threat of Syria through diplomacy.

"Syria does have a very bad history," including the harboring of terrorists, Edwards said. "But at the end of the day, this is something that should be dealt with diplomatically."

He called Iraq "a unique case."
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GOP tiring of judicial confirmation battles
Robert Novak - April 19, 2003

WASHINGTON -- Senate Republicans are tiring of the battle to confirm contested judicial nominees, indicating that Sen. Edward M. Kennedy's Democratic plan to prevent President Bush from shaping the federal judiciary is succeeding.

Weekly meetings of Republican senators produce increased grumbling. The complaining senators ask the White House and the Republican leadership why they should keep fighting to confirm as appellate judges Washington, D.C., lawyer Miguel Estrada and Texas Supreme Court Justice Priscilla Owen. Not only liberal GOP senators but also some old guard committee chairmen claim this fight is neither important nor politically prudent.

Kennedy's unprecedented plan to block Bush's judicial selections always has been based on the theory that Republican senators soon would tire of the struggle.

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I always feel grateful when I see an individual who has a lucrative career in the private sector but still decides to willingly forfeit the benefits of such a career to serve his community and his country. So it is particularly disheartening when such a person falls victim to the sometimes-nasty political process in Washington. Such is the case of Miguel Estrada, who has been nominated by President Bush for a seat on the U.S. Court of Appeals for the District of Columbia. Mr. Estrada embodies much of what is great about our country, having come to America as an immigrant from Honduras, speaking almost no English, graduating magna cum laude from Harvard Law, and ascending to the highest levels of the legal profession. Miguel Estrada was handed nothing and achieved what he did through hard work, perseverance, a commitment to education and a belief that America's opportunities were closed to no one willing to work for them. Sadly, Mr. Estrada's accomplishments and desire to serve his country have not been enough to protect him from vociferous and partisan attacks with absolutely no foundation in fact. Senate Democrats have gone far beyond their bitter rhetoric and taken the highly unusual step of threatening a filibuster in order to derail Mr. Estrada's nomination. Mr. Estrada himself is in no way a partisan advocate. He has served in the administrations of Presidents George W. Bush and Bill Clinton. The long list of Hispanic groups backing Miguel Estrada's nomination includes the
League of United Latin American Citizens and the U.S. Hispanic Chamber of Commerce, among others.
In Nevada alone, more than a dozen groups have stepped forward to support Mr. Estrada, including Fair Treatment for Immigrants, the Nevada Education Council and the Reno Hispanic Chamber of Commerce.
Some Senate Democrats, however, cannot tolerate a nominee of President Bush no matter his character and qualifications and are willing to try to scuttle his nomination for the sole purpose of denying the president something they see as a political victory. What they fail to understand is that Miguel Estrada’s appointment to the Court of Appeals for the District of Columbia will be a victory for all of us because our judicial system will undoubtedly be strengthened by the judgment and wisdom that Mr. Estrada will provide.
Democrats complain loudly that Mr. Estrada has not provided enough information about his views on certain issues. However, it is clearly improper for Mr. Estrada or any other judicial nominee to take a stance during the nomination process on issues he or she might have to rule on as a judge.
By orchestrating a filibuster and denying Miguel Estrada an up-or-down vote in the Senate, Democrats are setting a dangerous precedent that could poison the nomination process for years to come and offset the balance of powers in the federal government that our nation’s founders intended. Let us all hope that these shortsighted, mean-spirited and misguided attempts will fail, and that Miguel Estrada, a fine American and fine judicial candidate, will be allowed to serve our country. The swearing in of Judge Estrada will affirm that hard work and a desire to better the American judicial system must prevail over empty rhetoric and petty politics.
John Ensign is a U.S. senator from Nevada.
The Supreme Court's Recent Bombshell Punitive Damages Decision:
Its Important Holdings and Implications
By ANTHONY J. SEBOK
tsebok@findlaw.com

Monday, Apr. 21, 2003

On April 7, in the case of State Farm v. Campbell, the U.S. Supreme Court issued a decision that provoked a long sigh of relief from corporate America. It reversed a Utah punitive damage award of $145 million against State Farm Automobile Insurance Co. The Supreme Court also ordered the Utah courts to recalculate the award in a way that did not offend the Fourteenth Amendment's Due Process Clause.

This decision is significant not only for what it says, but also for how it says it. The U.S. Supreme Court is saying to the state courts, in the words of one of my colleagues who follows the tort wars carefully, "you guys don't get it; now we're going to spell it out for you in black and white."

But what message, exactly, is the Supreme Court sending the state courts? That is what I will discuss in this column.

The Facts and Prior Proceedings in Campbell

The case arose when Curtis Campbell (now deceased) and his wife, Inez Preece Campbell, sued their insurer, State Farm. They alleged that State Farm, in handling a suit against Curtis Campbell in bad faith, intentionally inflicted emotional distress upon them. Briefly, Curtis Campbell had been involved in a car accident that killed one person, whose family sued Campbell, and injured another man, who also sued Campbell. State Farm refused to settle the case for $50,000, Campbell's policy limit - even though the evidence suggests that he was at fault for the accident and he would do poorly at trial.

And indeed, Curtis Campbell was found liable for the injuries he caused in the car accident, and the damages were assessed at $136,000. State Farm offered to pay $50,000 of the judgment, and suggested that the Campbells sell their home to make up the difference.

Eventually State Farm changed its mind and paid all of the $136,000, but it took a year and a half to offer to do so. In the interim, the Campbells say, they suffered emotional distress, as a result of State Farm's refusing to take the lawsuit against Curtis Campbell seriously, and refusing the $50,000 pre-trial settlement offer.

Based on these allegations, the Campbells sued and won a huge judgment against State Farm. They won $2.6 million in compensatory damages (which the trial judge reduced to $1 million) and $145 million in punitive damages.
damages.
The Utah Supreme Court upheld the awards. State Farm then sought U.S. Supreme Court review, and the Court took the case.
The Court's Decision: Due Process Requires Low Punitive/Compensatory Ratios
In a 6-3 decision, the Supreme Court held in State Farm's favor. Justice Anthony Kennedy wrote a stinging opinion on behalf of the majority - an opinion that was greeted with glee by the defense bar whose goal in many tort cases is to keep punitive damages to a minimum.
Among other points, Kennedy asserted that it should be "obvious" that a "single digit" ratio between a punitive award and a compensatory award "is more likely to comport with due process" than a ratio of 145 to 1 - the ratio between the punitive award and the reduced compensatory award in Campbell.
Indeed, Kennedy suggested, where the compensatory award is "substantial" (as it was in State Farm), perhaps the ration between compensatory awards and punitive awards should be no more than 1 to 1. In other words, according to Kennedy's reasoning, the Campbells should have gotten punitive damages of about $1 million, not $145 million.
Campbell Implies that A Company Must Be Bad To the Plaintiff, Not Just Bad
Obviously, these pronouncements are significant. But I think another aspect of the decision is even more significant. Kennedy is sending a message to the state courts that the U.S. Supreme Court will no longer tolerate punitive damages being used to punish a company for just being just flat-out "bad." Instead, the company must have acted badly toward the particular plaintiff.
At oral argument, the Campbells' attorney, the very able Laurence Tribe, tried to argue that, indeed, the $145 million punitive damages award was based on State Farm's having acted reprehensibly toward Curtis Campbell in particular. But as Justice Kennedy points out in his opinion, that claim is simply implausible.
Quite to the contrary, "[f]rom their opening statements onward the Campbells framed this case as a chance to rebuke State Farm for its nationwide activities." Most notably, as I wrote in an earlier column on this case, Campbell told the jury about State Farm's corporate policies from around the country, even those that were basically unconnected to the legal dispute between him and State Farm.
An Effective Trial Strategy Backfires Before the U.S. Supreme Court
Until they got to the U.S. Supreme Court, the Campbells had very deliberately built their case around the theme that corporate wrongdoing around the country cannot be deterred unless large punitive damages are awarded.
That is why introduced evidence that suggested that State Farm had acted badly towards its customers in California and North Carolina. That is why introduced evidence that State Farm was rarely sued by customers whom it wronged. That is why they introduced evidence about State Farm's wealth--to show that only a big award would get State Farm's attention. The Campbell's strategy at trial was very effective, and not at all unusual. It is a well-known trial strategy. It is also an approach endorsed by many academics and consumer activists.
Members of the law and economic movement have argued for a long time that large punitive damages--especially punitive damages that are very high relative to the compensatory damages awarded--are necessary to achieve the right level of deterrence to protect society from tortious conduct. Members of the consumer movement, such as Ralph Nader and trial lawyers who are sympathetic to Nader's cause, take the same approach. They contend that punitive damages sometimes have to be very high in order to deter corporate wrongdoing.
A Strong Rejection of the "Send A Message" Punitive Damages Theory
For many years, the U.S. Supreme Court has been silent about the idea that punitive damages should be used to promote general deterrence--that is, that they should serve as a substitute form of public regulation. The Court neither endorsed nor vetoed this "send a message" theory of punitive damages.
Accordingly, over the past eight years, since the Court decided BMW v. Gore, the idea that punitive damages should be used to "send a message" to corporate America has been used in closings in numerous jury trials around America. The trials have involved Big Tobacco, asbestos litigation, and
countless other topics. State Farm should go a long way to slowing down that trend.

In theory, using punitive damages to "send a message" to a big company like State Farm, when it acts badly, is a nice idea. The problem is trying to put it into practice.

For one thing, as Justice Kennedy noted in his Campbell opinion, sometimes the conduct that injured the plaintiff is actually legal in other states. For another thing, as Kennedy also noted, sometimes the plaintiff tries to sweep in conduct by the defendant that occurred elsewhere regardless of the fact that the conduct did not injury the plaintiff, and has only a tenuous connection to the conduct that did injured the plaintiff. This approach is used merely to inflame the passions of the jury.

Those who defend the use of punitive damages to deal with defendants' conduct that goes beyond the case at hand have a response to these points. They say that a good trial judge should be able to ameliorate the problems identified above by, for example, making evidentiary judgments as to relevance that keep truly irrelevant material out.

They may be right - but, again, only in theory. Recent history suggests that, in practice, trial judges have not done a particularly good job at deciding what sort of evidence of national conduct by the defendant is relevant. Instead, they have allowed plaintiffs' cases to sweep too wide.

What is the real import of the Court's in State Farm? The case certainly stands for the principle that punitive/compensatory ratios must be kept under control. But in my opinion, it also stands for another key principle: The "anything goes" attitude to introducing evidence of the defendant's bad behavior in assessing punitive damages will no longer be tolerated.
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It now looks as though Bush appellate court nominee Miguel Estrada, whose life story reads like a commercial for the American dream, may not take a seat on the federal bench anytime soon.

After four failed attempts by Republican senators to break a Democratic filibuster over the nomination, the odds of eventually seating Mr. Estrada seem to grow longer by the day.

That is a real shame. But it would be a bigger shame for both parties to go ahead with what seem to be their plans to use the Estrada nomination to help win the support of Hispanic voters in the 2004 election.

Republicans have produced a TV commercial in Spanish that criticizes Democrats for thwarting the judicial aspirations of the Honduran-born lawyer.

Democrats are expected to respond in kind with ads of their own, portraying the nominee as too extremist and then using that to attack President Bush.

It is no wonder that many Americans now wince whenever the Senate turns its attention to the confirming of judges. Instead of wasting so much time, energy and money on further politicizing a process that already has too much politics in it, the parties should work together to fix the process.

One way to do that is to accept Mr. Bush's suggestion that the Senate rulebook be amended to mandate an up-or-down vote for all federal judicial
nominees. The practical consequence would be to eliminate the filibuster, at least in regard to judicial nominees. It is radical surgery, to be sure. But it also may be warranted.

What we have now isn't acceptable. Imagine the absurdity of being nominated to serve on the federal bench and winding up with your name plastered on a bumper sticker.
The Dallas Morning News  
April 21, 2003, Monday Second Edition

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What we have now isn't acceptable. Imagine the absurdity of being nominated to serve on the federal bench and winding up with your name plastered on a bumper sticker.
FW: CATHOLICISM ON TRIAL: RELIGIOUS TEST APPLIED TO JUDICIAL NOMINEE

Sent: 4/22/2003 7:44:51 AM
Subject: : FW: CATHOLICISM ON TRIAL: RELIGIOUS TEST APPLIED TO JUDICIAL NOMINEE
Attachments: P_OBQSF003_WHO.TXT_1.htm
President George W. Bush has nominated J. Leon Holmes to serve as a federal judge for eastern Arkansas. But his nomination has run into trouble with some Democrats who believe Holmes is too religious.

Catholic League president William Donohue explains why the league is strongly supporting the Holmes nomination:

"Judge Leon Holmes graduated first in his law school class; he holds a Ph.D. in Political Science from Duke University; he has had a distinguished legal career spanning more than two decades; he has been endorsed by the American Bar Association; he has won the plaudits of his hometown newspaper, the Arkansas Democrat-Gazette; he is held in high esteem by his colleagues; and he is known by his ideological foes as a man 'shot through with integrity.' But this convert to Catholicism has upset some Democrats.

"Holmes is a man of deep religious conviction. He is pro-life and is fully supportive of the teachings of the Roman Catholic Church. In the eyes of some, this is a red flag. They seize upon a flip comment he made 23 years ago (for which he has apologized) about abortion. What really irks his critics is that he will not apologize for his pro-life convictions. This notwithstanding the fact that Holmes has already said that only a constitutional amendment could overturn Roe v. Wade.

"Holmes has written on the fundamental equality of men and women. He and his wife have also written on the positive meaning of the mutual subjection of husbands and wives. Yet Senators Schumer, Feinstein and Durbin have unfairly tagged him a misogynist, misunderstanding what the pope, the U.S. bishops and Holmes have said regarding this matter.

"Holmes' critics are doing what the Constitution expressly prohibits—they are applying a religious test to his nomination. That they are doing it in a back-door manner makes it all the more contemptible."

Contact:
Louis J. Giovino
Director of Communications
Catholic League for Religious and Civil Rights
450 Seventh Ave
New York, NY 10123
(212) 371-3191
att1.htm

File attachment <P OBQSF003 WHO.TXT 1>
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Contact: Louis J. Giovino
Director of Communications
Catholic League for Religious and Civil Rights
450 Seventh Ave
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* JINKS v. RICHLAND COUNTY

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* DOLE FOOD CO. v. PATRICKSON

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CIVIL PROCEDURE, CONSTITUTIONAL LAW, GOVERNMENT LAW
JINKS v. RICHLAND COUNTY, No. 02-258 (U.S.S.C. April 22, 2003)
28 U.S.C. section 1367(d), requiring that a state statute of limitations be tolled for the period during which a cause of action had previously been pending in federal court, does not exceed Congress's enumerated powers and is constitutional as applied to claims brought against a state's political subdivisions.

To read the full text of this opinion, go to:

CIVIL PROCEDURE, CORP. GOVERNANCE, CORPORATION & ENTERPRISE LAW, FOOD & BEVERAGES, INTERNATIONAL LAW, SECURITIES LAW
DOLE FOOD CO. v. PATRICKSON, No. 01-593 (U.S.S.C. April 22, 2003)
A corporation is an instrumentality of a foreign state under the Foreign Sovereign Immunities Act of 1976 only if the foreign state itself owns a majority of the corporation's shares. Instrumentality status is determined at the time of the filing of a complaint.

To read the full text of this opinion, go to:

CIVIL RIGHTS, CORP. GOVERNANCE, CORPORATION & ENTERPRISE LAW, LABOR & EMPLOYMENT LAW

CLACKAMAS GASTROENTEROLOGY ASSOCS., P.C. v. WELLS, No. 01-1435
(U.S.S.C. April 22, 2003)
In determining whether shareholder-directors of a corporation should be counted as "employees" under the ADA, courts should assess whether the shareholder-directors operate independently and manage the business, or instead are subject to the firm's control.

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---------------------- Forwarded by Jennifer R. Brosnahan/WHO/EOP on 04/23/2003 08:00 AM ---------------------------

From: David G. Leitch/WHO/EOP@Exchange on 04/23/2003 07:03:45 AM
Record Type: Record

To: Edward McNally/WHO/EOP@EOP, Benjamin A. Powell/WHO/EOP@EOP, Jennifer R. Brosnahan/WHO/EOP@EOP
cc: Alberto R. Gonzales/WHO/EOP@Exchange
Subject:

'No Fly' List Is Challenged In A Lawsuit (NYTimes)

By ERIC LICHTBLAU


WASHINGTON, April 22 - Civil rights advocates demanded today that the federal government explain how hundreds of people - some of them vocal critics of the Bush administration - have ended up on a list used to stop people suspected of having terrorist links from boarding commercial air flights.

In a lawsuit filed in San Francisco, the American Civil Liberties Union said government officials had improperly withheld information about how people wind up on the "no fly" list, what steps are taken to ensure its accuracy and how people who are erroneously detained at airports can get their names off the list.

"Without even basic information about the no-fly list or other watch lists," the lawsuit said, "the public cannot evaluate the government's decision to use such lists."

Since the attacks on Sept. 11, 2001, the F.B.I. and federal transportation officials have generated secret lists of people suspected of having terrorist ties who should be stopped and questioned if they try to board an airplane.

Law enforcement officials say the policy is a necessary safeguard to prevent the type of security lapses that allowed two of the Sept. 11 hijackers to board a plane even though intelligence officials had reason to suspect they were terrorists.

But the so-called no-fly lists have generated criticism. Many people have been mistakenly stopped, while others assert they were on the list in part because of their strong liberal politics.

In a well-publicized incident last year, some two dozen members of a group...
called Peace Action of Wisconsin, including a priest, a nun and high school and college students, were detained in Milwaukee en route to a "teach-in" and missed their flight.

In San Francisco, meanwhile, Rebecca Gordon and Janet Adams, two self-described peace activists who help run a publication called War Times that has been critical of the administration's terrorism policies, were detained on their way to Boston. An American Trans Air employee told them their names appeared on a no-fly list, according to the A.C.L.U. lawsuit, which includes both women as plaintiffs.

Officials insisted they were not seeking to single out legitimate political critics. Ms. Adams's name may have been similar to that of another person on the no-fly list, they said.

Ms. Adams said in an interview that "it strains my credulity" to think that her longtime role as a political advocate did not play a part in the incident. "It's bad enough that the government is stopping people in these vast quantities," she said. "But then to learn that you can't even find out why they did it is just an additional injury."

In its lawsuit, the civil liberties union said it had documented 339 cases since the Sept. 11 attacks in which people at San Francisco International Airport were stopped and questioned because they were thought to be on the no-fly list. While the group's investigation has focused on San Francisco because of complaints there, it said the situation there offers a window into what is happening at airports around the country, based on anecdotal evidence the group has collected.

"There's every reason to believe this is happening at airports around the country," said Jayashri Srikantiah, staff lawyer for the A.C.L.U. of Northern California.

The civil liberties union brought the lawsuit under the Privacy Act and the Freedom of Information Act after federal officials turned down several months of requests for information on the passenger lists.

The F.B.I. told the group in a letter last December that it found "no records pertinent" to the no-fly issue. But A.C.L.U. officials said records from the San Francisco airport showed that the F.B.I. was contacted about many of the airport detentions.

Officials at the Transportation Security Administration, named as a defendant in the suit, did not return calls seeking comment. Officials at the F.B.I., also named as a defendant, said they could not comment because the lawsuit was pending.

But a law enforcement official, who would speak only if not named, acknowledged that there was confusion in the public about how the no-fly lists were created and executed. The official said the F.B.I. provided intelligence on people suspected of links to terrorism, which was relayed to the transportation security agency. Transportation officials then provide airlines and airports with lists of people to look for at airports.

The security agency "needs to do a better job of explaining what this list is," the official said.

The official insisted that politics had nothing to do with who makes the list, saying that "people that are expressing their constitutional rights of free expression would not come to the attention of the F.B.I."
Recess Time

With Senate Democrats taking obstructionism to new levels, the president should re-read Article II, Section 2, Paragraph 3.

by Hugh Hewitt

04/23/2003 12:00:00 AM

Hugh Hewitt, contributing writer

THE LEFT EDGE of the Senate Democratic caucus has taken control of the judicial-nomination process and has forced the entire Senate into what is, at best, an extra-constitutional swamp. With their filibuster of D.C. Circuit Court nominee Miguel Estrada, their threatened filibusters of Fifth Circuit nominees Priscilla Owen and Charles Pickering, and their obstruction of other nominees such as John Roberts, Carolyn Kuhl, and a
half-dozen Sixth Circuit nominees, Senate Democrats have decided it is good policy to wreck a judicial nomination and confirmation process that has worked for more than two centuries.

The radical agenda of the Senate Democrats has escaped a great deal of attention, though it surely played a role in their historic defeats in November 2002 and will do so again in the more than half-dozen referendums on incumbent Democratic Senators looming in November 2004. The temptation to let the likes of Tom Daschle, Harry Reid, Patty Murray, Blanche Lincoln, and Chuck Schumer hang themselves on their extremist approach must be huge, but President Bush and his advisers would be better served by aggressively defending the Constitution at every step. There are many ways to do this, including a jam-down of new Senate rules with 51 votes. But a way-station to such a melt-down is found in the president's recess appointment power.

Article II, Section 2, Paragraph 3 provides: "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."

Thus the president can fill every judicial vacancy that presently exists, though these appointments will lapse in the fall of 2004. Nominees have traditionally been reluctant to fill such temporary posts as the Senate guarded its confirmation power jealously and was likely to turn a cold-shoulder to the recess appointees in much the way that the NFL veterans shunned the temporary players who took the field during their strike.

Bill Clinton broke the taboo against recess appointments to the bench, however, with his end-of-term appointment of Roger Gregory to the Fourth Circuit Court of Appeals—an appointment President Bush made permanent through his nomination and the Senate's consent as a gesture of conciliation. That gesture and many others have been rejected as inadequate by the Leahy-Daschle-Schumer-Kennedy caucus. Kindness didn't—and won't—work. Stronger measures are called for, not only to meet real needs for judges, but also to bring the controversy to the public's attention. The Democrats have crashed the process and shredded the traditions because of the pressure of abortion absolutists. Their record is a sorry one, and attention generated via the recess-appointment power will help shine light on their excess.

At this writing there are 24 vacancies on the U.S. Courts of Appeals. The president would be wise not to launch too many recess appointments at first, but it would be a strong opening move to announce that, say, two of the six blocked nominees to the Sixth Circuit will be appointed over the Memorial Day Senate break if there is no movement with those nominees, and that the two vacancies without nominees on the D.C. Circuit (there are a total of four, with Estrada and Roberts having been nominated in May of 2001) will receive nominees in May and will be appointed during the holiday recess unless at least Roberts (and perhaps both Roberts and Estrada) gets a floor vote before then.

The Sixth Circuit nominees are all named, and two would have to volunteer for this sort of hardball, but the two D.C. open slots would be best used to serve up a couple of rock-ribbed conservatives who might be willing to serve 15 to 18 months for the good of the cause. With the freedom from pressure to conform to Chuck Schumer's strange reading of the Constitution, these two judges could provide an impressive legacy of opinions over their year-and-a-half of service. Readers are invited to suggest nominees to me from among the caucus of "They Couldn't Get Confirmed by This Senate in a Hundred Years" club because of their intellectual firepower. Perhaps Judge Bork hankers for a D.C. Circuit encore?

If the Senate radicals remain entrenched in their desire to overturn the Constitution, either the Senate can discipline itself with new rules or the president can increase the number of recess judges and announce a commitment to keep all such nominees on the bench through the recess process for as long as his power to extend their service endures. As Bill
Clinton demonstrated, even a lame-duck president can employ the power just prior to his replacement's arrival. President Bush could keep using the recess power through December of 2004 even if defeated, and through December of 2008 if reelected. This approach would announce a fundamental change in the nomination process, though a constitutional one. It would answer the Democrats' irresponsible absolutism with a measured and transparent reply. Conservative activists would be satisfied, as would moderate defenders of the clear design of the Constitution. The battles over judicial appointments at home are not nearly as dramatic as those battles fought abroad, but the ability to wage the latter ultimately depends upon a healthy respect for the Constitution's rules at home. Democrats have abandoned that respect in their zeal to meet the demands of the abortion-rights caucus. The president should answer their challenge.

Hugh Hewitt is the host of The Hugh Hewitt Show, a nationally syndicated radio talkshow, and a contributing writer to The Daily Standard. His new book, In, But Not Of, has just been published by Thomas Nelson.
Good morning,

Please let us know whether or not you have any comments to the summary of enrolled bill S. 151. Thank you.

---------------------- Forwarded by Irene Kho/OMB/EOP on 04/23/2003 12:08 PM ---------------------------

Irene Kho
04/18/2003 05:03:41 PM
Record Type: Record

To: Garry Malphrus/OPD/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
Cc: Lisa J. Macecevic/OMB/EOP@EOP, Patrick J. Bumatay/WHO/EOP@Exchange@EOP
Subject: For your review - summary of S. 151 – Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003

Attached is a summary of S. 151, which was enrolled on April 10, 2003. We understand that the President will sign the bill on the week of the 28th, so we're sending this to you for your review as we are putting together our enrolled bill package for the President. Please review and provide comments by Tuesday morning, April 22. Thank you.

ATT CREATION TIME/DATA: 0 00:00:00.00
File attachment <P_W03UF003_WHO.TXT_1>
Summary of Enrolled Bill S. 151 - Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003

S. 151 would: (1) enhance the operation of the AMBER (America's Missing: Broadcast Emergency Response) Alert communications network in order to facilitate the recovery of abducted children; (2) provide for stronger penalties against and new crimes related to kidnapping and other crimes against children; (3) provide tools for the investigation and prosecution of child pornography offenses; and (4) attempt to reduce the volume of downward departures from sentencing guidelines in all criminal cases. The most significant provisions in S. 151 are summarized below. Other important provisions of the enrolled bill are detailed in an attachment.

AMBER Alert Communications Network

National Coordination of Amber Alert Communications Network. The enrolled bill would require the Department of Justice to assign an officer to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The Coordinator would be required to: (1) seek to eliminate gaps in the network, including gaps in areas of interstate travel; (2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network; (3) work with States to ensure appropriate regional coordination of various elements of the network; and (4) act as the nationwide point of contact for the development of the network and regional coordination of alerts on abducted children through the network.

The Coordinator would be required to notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the network. Also, the Coordinator would be required to cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out these coordination activities.

Minimum Standards for Issuance and Dissemination of Alerts through AMBER Alert. The enrolled bill would require the Coordinator to establish, in cooperation with local broadcasters and State and local law enforcement agencies, minimum standards for the issuance and dissemination of alerts through the AMBER Alert communications network. The minimum standards established would be adoptable on a voluntary basis only. The minimum standards would provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned. The bill would provide that the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies. The Coordinator would be required to cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out these activities.

Grant Program for Notification and Communications Systems. The enrolled bill would require the Secretary of Transportation to carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children. Activities funded by grants could
include the development or enhancement of electronic message boards and the placement of
additional signage along highways. The Federal share of the cost of any activities funded by a
grant under the program could not exceed 80 percent. The bill would authorize appropriations of
$20 million for FY 2004 for the Department of Transportation to carry out this grant program.
Your FY 2004 Budget proposed no specific funding for AMBER Alert activities within the
Department of Transportation, but funds from the Department's Federal Highway
Administration's Research and Development programs are eligible for such activities.

Grant Program for Support of AMBER Alert Communications Plans. The bill would
require the Department of Justice to carry out a program to provide grants to States for the
development or enhancement of programs and activities for the support of AMBER Alert
communications plans. Activities funded by grants could include education and training programs
and law enforcement programs. The Federal share of the cost of any activities funded by a grant
could not exceed 50 percent. The bill would authorize appropriations of $5 million for FY 2004
for the Department of Justice to carry this out this grant program and an additional $5 million for
grants to States for the development and implementation of new technologies to improve
AMBER Alert communications. Your Budget proposed $2.5 million in FY 2004 for AMBER
Alert activities.

Increased Sanctions and New Offenses for Crimes Against Children

Two Strikes You're Out. The enrolled bill would establish a mandatory sentence of life
imprisonment for certain twice-convicted child sex offenders. The bill would provide for a
mandatory minimum sentence of life imprisonment for any person convicted of a "Federal sex
offense" if they had previously been convicted of a similar offense under either Federal or State
law. A Federal sex offense would include offenses committed against a person under the age of
17 years and involving the crimes of sexual abuse, aggravated sexual abuse, sexual abuse of a
minor, abusive sexual contact, and the interstate transportation of minors for sexual purposes.

Post-Release Supervision of Sex Offenders. Under current law, the maximum period of
post-release supervision is generally five years. The enrolled bill would extend the authorized
term of supervised release to a maximum of life for any offenses involving kidnapping of a minor,
sexual abuse, sexual exploitation and other abuse of children, transportation for illegal sexual
activity and related crimes, or sex trafficking of children.

Presumption Against Pretrial Release. The enrolled bill would provide for a rebuttable
presumption that a person charged with specified offenses involving minor victims, including child
kidnapping or sex trafficking of children, would not be eligible for pre-trial release.

First Degree Murder in Cases Involving Children. The enrolled bill would add "child
abuse" and "a pattern or practice of assault or torture against a child or children" that results in
murder as predicates for first degree murder. Under current law, first degree murder can include
murder committed in the perpetration of, or attempt to perpetrate, certain crimes including
kidnapping, aggravated sexual abuse, and sexual abuse. The bill would define "child" as a person
who has not attained the age of 18 years and is: (1) under the perpetrator's care or control; or (2)
at least six years younger than the perpetrator. The bill would define "child abuse" as
intentionally, knowingly, or recklessly causing death or serious bodily injury to a child and
"pattern or practice of assault or torture" as assault or torture engaged in on at least two
occasions.

**Attempt Liability For International Parental Kidnapping.** The enrolled bill would amend
current law, which prohibits removing a child from the United States with intent to obstruct the
lawful exercise of parental rights. The enrolled bill would also make it a crime to attempt to
remove a child from the United States with the intent to obstruct the lawful exercise of parental
rights.

**Penalties Against Sex Tourism.** Current law requires the government to prove that a
person who travels to foreign countries and engages in illicit sexual relations with a minor traveled
with the intent to engage in the illegal activity. The enrolled bill would provide that the
government would only have to prove that the defendant engaged in illicit sexual conduct with a
minor while in a foreign country. The bill would also criminalize the actions of sex tour operators
by prohibiting entities from arranging, inducing, procuring, or facilitating the travel of a person,
for commercial advantage or financial gain, knowing that such person is traveling in interstate or
foreign commerce for the purpose of engaging in illicit sexual conduct. Defendants convicted of
these crimes would be subject to up to 30 years imprisonment.

**Child Pornography and Obscenity**

**Prohibition of Virtual Child Pornography.** The enrolled bill would amend the definitions,
in the chapter in the Federal criminal code prohibiting sexual exploitation of children, of: (1)
"child pornography" to include a visual depiction that is a digital, computer, or computer-
generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit
conduct; and (2) "sexually explicit conduct" to include, for purposes of such depictions, graphic
or lascivious simulated sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse,
or exhibition of the genitals or pubic area of any person. For purposes of these definitions, the
enrolled bill would define "graphic" to mean a depiction of sexually explicit conduct in which a
viewer can observe any part of the genitals or pubic area of any depicted person or animal during
any part of the time that the sexually explicit conduct is being depicted, and "indistinguishable" to
mean a depiction that is virtually indistinguishable such that an ordinary person would conclude
that it is of an actual minor engaged in explicit conduct. This latter definition would not apply to
depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

The enrolled bill would also amend provisions governing what constitutes an affirmative
defense to: (1) include that the alleged child pornography was not produced using any actual
minors; and (2) prohibit a defendant from asserting an affirmative defense unless specified notice
is provided to the court and the United States prior to commencement of the trial.

The enrolled bill would provide for severability by specifying that, if any of its provisions
are held unconstitutional, the remainder of the bill would not be affected by such a holding.

**Materials Constituting or Containing Child Pornography.** The enrolled bill would amend
the Federal criminal code provisions regarding child pornography to prohibit knowingly: (1)
advertising, promoting, presenting, distributing, or soliciting through the mails or in interstate or foreign commerce any material in a manner that reflects the belief, or that is intended to cause another to believe, that it contains an obscene visual depiction of a minor, or a visual depiction of an actual minor, engaging in sexually explicit conduct; and (2) offering or providing to a minor any visual depiction that is, or appears to be, of a minor engaging in sexually explicit conduct for the purpose of inducing or persuading the minor to participate in any illegal activity.

Visual Representations of Sexual Abuse of Children. The enrolled bill would prohibit knowingly producing, distributing, receiving, or possessing an obscene visual representation of the sexual abuse of children. These provisions would cover a visual depiction of any kind (including a drawing, cartoon, sculpture, or painting) that: (1) depicts a minor engaging in sexually explicit conduct and is obscene; or (2) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, and lacks serious literary, artistic, political, or scientific value.

Extraterritorial Production of Child Pornography. The enrolled bill would make it a crime to employ, use, persuade, induce, entice, or coerce a minor to engage in, or have a minor assist any other person to engage in, sexually explicit conduct outside of the United States in order to produce any visual depiction of such conduct for transport to the United States by any means, including by computer or mail.

Recordkeeping Requirements. Under current law, whoever produces any book, magazine, periodical, film, videotape, or other matter which contains visual depictions of actual sexually explicit conduct for use in interstate or foreign commerce is required to create and maintain individually identifiable records pertaining to every performer portrayed in such visual depictions. The enrolled bill would specify that the record-keeping requirements also apply to production of computer-generated images, digital images, and pictures of such visual depictions. The enrolled bill would also increase penalties for violations of record-keeping requirements. Within one year after enactment of the enrolled bill, Justice would have to submit a report to the Congress detailing the number of times since January 1993 that the Department has inspected records of producers of materials that contain visual depictions of actual sexually explicit conduct. The report would also have to include the number of violations prosecuted as a result of inspections.

Sentencing Guidelines

Composition of the Sentencing Commission. The United States Sentencing Commission is an independent commission in the Judicial branch that establishes sentencing policies and practices for the Federal criminal justice system. The Commission consists of seven voting members and two non-voting members -- the Attorney General and the chair of the U.S. Parole Commission. The President appoints the voting members of the Commission, by and with the advice and consent of the Senate. Under current law, "at least three of the members" must be Federal judges. The enrolled bill would amend this provision such that "not more than 3 of the members" could be Federal judges. There are currently five voting members on the Commission, including three Federal judges and two vacancies.

Review of All Departures from Sentencing Guidelines. The enrolled bill would require a
district court, when imposing a particular sentence, to provide reasons for the sentence imposed not only in open court, but with specificity in a written order, except to the extent the court relies upon statements received in camera in accordance with Federal Rules of Criminal Procedure. If a sentence that is outside the applicable guideline range is appealed, the court of appeals would be required to determine whether the sentence departs from the guidelines for impermissible or unjustifiable reasons or to an unreasonable degree. In making this determination, the court of appeals would be required to review *de novo* the district court's application of the guidelines to the facts.

If a court of appeals determines that the district court imposed a sentence that is outside the applicable guideline range and the district court failed to provide a written statement of reasons for the sentence imposed, the departure is based on an impermissible factor, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, the court of appeals would be required to state specific reasons for its conclusions. If the appeals court determines that the sentence is too high or too low, the court would be required to set aside the sentence and remand the case to the district court with appropriate instructions for further sentencing proceedings. However, the district court would not be permitted to impose a sentence outside the applicable guidelines range except on a ground that was: (1) included in the written statement of reasons for its decision prior to the appeal; and (2) was held by the court of appeals to be a permissible ground for departure.

**Reporting Requirements.** The enrolled bill would require the Chief Judge of each district court to ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Sentencing Commission a written report of the sentence. The Sentencing Commission would be required to make available, upon request, to the House and Senate Judiciary Committees, the written reports and all underlying records accompanying the reports. The enrolled bill would require the Sentencing Commission to submit to the Congress at least annually an analysis of these documents, any recommendations for legislation that the Sentencing Commission concludes is warranted by the analysis, and an accounting of the districts the Commission believes have not submitted appropriate information and documents. In addition, the enrolled bill would require the Sentencing Commission to make available to the Department of Justice, upon request, files that the Commission may assemble or maintain in electronic form that include any information submitted by district courts, including the identity of a sentencing judge.

**Report by the Department of Justice on Downward Departures.** For each case in which a district court grants a downward departure, other than cases involving downward departure for substantial assistance to authorities, the enrolled bill would require the Department of Justice to submit a report within 15 days to the House and Senate Judiciary Committees setting forth: (1) the identity of the district court judge; (2) the district court's stated reasons; and (3) the position of parties with respect to the downward departure decision. Within five days of any decision by the Solicitor General regarding authorization of an appeal of the departure, the Attorney General would be required to submit a report to the House and Senate Judiciary Committees describing the basis for the decision.

**Sentencing Commission Review of Downward Departure.** The enrolled bill would require the Sentencing Commission, within 180 days of enactment, to review the grounds of downward
departure that are authorized by the sentencing guidelines, policy statements, and official commentary of the Commission, and to promulgate appropriate amendments to the sentencing guidelines, policy statements, and official commentary to ensure that incidents of downward departures are substantially reduced.

Other Provisions of S. 151
Public Outreach

National Center for Missing and Exploited Children (NCMEC). The enrolled bill would authorize appropriations of $20 million for each of FYs 2004 and 2005 to the NCMEC. Under current law, appropriations of $10 million are authorized for each of FYs 2000 through 2003. The enrolled bill would authorize officers and agents of the Secret Service, under the direction of the Department of Homeland Security, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children, at the request of State or local law enforcement agencies or the NCMEC. The enrolled bill would amend the Missing Children's Assistance Act to provide that one of the uses of the annual Justice grant to the NCMEC would be to coordinate the operation of the Cyber Tipline to provide online users an effective means of reporting Internet-related child sexual exploitation, including distribution of child pornography, online enticement of children for sexual acts, and child prostitution. The enrolled bill would provide the NCMEC civil immunity arising out of any action in connection with activity it undertakes with, or at the direction of, a Federal law enforcement agency.

Service Provider Reporting and Disclosure of Stored Communications. The enrolled bill would amend: (1) the Federal criminal code to include, as an exception to the prohibition against the disclosure of the contents of a communication by an electronic communication service, disclosures to the Cyber Tip Line of the NCMEC; and (2) the Victims of Child Abuse Act of 1990 to authorize disclosure of child pornography by an electronic communication service provider and by the NCMEC to State or local officials for the purpose of enforcing State criminal law.

Sex Offender Apprehension Program. The enrolled bill would add, to the list of authorized objectives for the Justice Department's public safety and community policing grants, assistance to States in enforcing a requirement that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply.

Missing Children Procedures in Public Buildings. Within 180 days of enactment, the specified authority for any building owned or leased for use by a Federal agency would have to establish procedures for locating any child under the age of 18 years that is missing in the building. These procedures would have to provide, at a minimum, for the following: (1) notifying security personnel that a child is missing; (2) obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes; (3) issuing a Code Adam alert (i.e., a set of procedures used to alert employees and other users of a public building that a child is missing) and providing a description of the child, using a fast and effective means of communication; (4) establishing a central point of contact; (5) monitoring all points of egress from the building while a Code Adam alert is in effect; (6) conducting a thorough search of the building; (7) contacting local law enforcement; and (8) documenting the incident.

Child Advocacy Center Grants. The enrolled bill would authorize appropriations to the Justice Department of $15 million for each of FYs 2004 and 2005 for grants for Regional and Local Children's Advocacy Centers. These centers are intended to improve the resources available to children and families and to assist in the development and implementation of multidisciplinary child abuse investigation and prosecution programs. In addition, the enrolled bill
would authorize appropriations of $5 million for each of FYs 2004 and 2005 for grants to national organizations to provide technical assistance and training to attorneys and others instrumental in the criminal prosecution of child abuse cases in State or Federal courts in order to improve the quality of these prosecutions. Your FY 2004 Budget does not include specific funding earmarked for grants to these organizations, but will provide support to organizations, which provide training to law enforcement officers and investigators working on missing and exploited children cases.

Reporting Missing Children. Under current law, law enforcement agencies are required to report missing children under the age of 18 to the National Crime Information Center (NCIC) of the Department of Justice. The enrolled bill would require law enforcement agencies to report missing children under the age of 21 to NCIC.

Transitional Housing Assistance Grants. The enrolled bill would establish in the Department of Justice a transitional housing assistance grant program to provide funds to State and local governments, Indian tribes, and other organizations to carry out programs to provide assistance to minors, adults, and their dependents: (1) who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and (2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. The enrolled bill would authorize appropriations of $30 million for each of FYs 2004 through 2008 for this grant program, of which not more than three percent may be used by Justice for salaries and administrative expenses.

Increased Sanctions for Crimes Against Children

Sexual Abuse Penalties. The enrolled bill would increase the maximum and minimum penalties for crimes related to sexual exploitation of children and sex trafficking of children.

Stronger Penalties Against Kidnapping. The enrolled bill would direct the United States Sentencing Commission to increase the base offense level for kidnapping from level 24 (51 to 63 months) to level 32 (121 to 151 months). The bill would also delete a provision in the U.S. Sentencing Guidelines that rewards kidnappers for releasing the victim within 24 hours by reducing the base offense level by one point. Also, under current law, if a defendant sexually exploits the kidnapping victim, then the defendant’s base offense level is increased by three levels. The bill would increase the base offense level by six levels under these circumstances. Finally, the enrolled bill would provide for a mandatory minimum sentence of 20 years if the victim of a non-family kidnapping is under the age of 18.

Enhanced Penalties for Repeat Offenders. The enrolled bill would make persons previously convicted of obscenity or members of uniformed services previously convicted of sexual assault subject to enhanced recidivist penalties for child pornography, sexual abuse, and transportation for illegal sexual activity.

Increased Penalties for Use of Minors in Crimes of Violence. Any individual who is 18 years of age or older, who intentionally employs, hires, persuades, induces, entices, or coerces a person under 18 years of age to commit a crime of violence, or to assist in avoiding detection or apprehension for such an offense, would, for the first conviction, be subject to twice the maximum
term of imprisonment and twice the maximum fine that would otherwise be authorized for the offense. For each subsequent conviction, an individual would be subject to three times the maximum term of imprisonment and three times the maximum fine that would otherwise be authorized for the offense. Under current law, a crime of violence is defined as: (1) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (2) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Pilot Program for Criminal History Background Checks. The enrolled bill would establish pilot programs for conducting criminal history background checks and require the Justice Department to study the current state of fingerprinting technology and the capacity of Federal and state governments to perform these checks. The first pilot program would permit certain specified volunteer organizations designated in three States selected by the Attorney General to request State and Federal criminal background checks on their volunteers. The second pilot program would authorize three designated volunteer organizations to receive 100,000 Federal criminal background checks, equally allocated, to determine whether potential volunteers are fit to work with children. Each pilot program would last for 18 months. The enrolled bill would require the Attorney General to report to Congress on the implementation of the pilot programs at their conclusion.

Enhanced Investigations and Prosecutions

Interception of Communications. The enrolled bill would expand the list of crimes for which Federal law enforcement officials may obtain authorization to intercept wire, oral, or electronic communications in a criminal investigation to specified sex crimes against children, including sex trafficking, selling or buying of children, sexual exploitation, transportation for illegal sexual activity, and production of sexually explicit depictions of a minor for importation into the United States.

Elimination of Statute of Limitations for Child Abduction and Sex Crimes. Under current law, the statute of limitations applicable to most Federal crimes is five years, although prosecutions are not barred for offenses involving the sexual or physical abuse of a child under the age of 18 years before the child victim reaches the age of 25 years. The enrolled bill would provide that a prosecution may be instituted at any time during the life of the child victim for cases of sexual or physical abuse, or kidnapping.

Authorization of "John Doe/DNA" Indictments in Sexual Abuse Cases. Current law provides that a person cannot be prosecuted, tried, or punished for any non-capital offense unless an indictment is issued within five years of the date the offense was committed. The enrolled bill would provide that in any indictment for an offense involving sexual abuse for which the identity of the perpetrator is unknown, it is sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile. As a result, this provision would allow prosecution of a perpetrator identified through the DNA profile at a later date.

Child Pornography
Additional Trial Attorneys. The enrolled bill would require the Attorney General to appoint, within six months of enactment, 25 additional trial attorneys who would have as their primary focus the investigation and prosecution of Federal child pornography and obscenity laws. The bill would authorize appropriations of such sums as may be necessary to carry out this provision. The bill would also require the Attorney General to report biennially to the Senate and House Judiciary Committees on Federal enforcement actions, including an outcome-based measure of performance and an analysis of the technology being used by the child pornography industry.

Misleading Domain Names on the Internet. The enrolled bill would make it a crime to knowingly use a misleading domain name on the Internet with the intent to deceive: (1) any person into viewing obscene material; and (2) a minor into viewing "material that is harmful to minors" on the Internet. Violators of the former provision would be subject to a fine or imprisonment of up to two years, or both. Violators of the latter provision would be subject to a fine or imprisonment of up to four years, or both. The enrolled bill would define "material that is harmful to minors" as any communication consisting of nudity, sex, or excretion that, taken as a whole: (1) predominantly appeals to the prurient interest of minors; (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and (3) lacks serious literary, artistic, political, or scientific value for minors. For purposes of this provision, the enrolled bill would define "sex" as acts of masturbation, sexual intercourse, or physical contact with a person's genitals, or the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Admissibility of Evidence. The enrolled bill would make non-physical information (including name, address, and social security number) identifying minors depicted in child pornography, other than age or approximate age, inadmissible and subject to redaction from any otherwise admissible evidence in any prosecution of such an act.

Investigative Authority Relating to Child Pornography. The enrolled bill would modify provisions regarding administrative subpoenas relating to child pornography to expand the matter an electronic communication or remote computing service would be required to disclose to a governmental entity to include the means and source of payment for such service, including any credit card or bank account number.

Civil Remedies. The enrolled bill would authorize civil remedies, including injunctive relief and punitive damages, for child pornography offenses.

Communications Decency Act of 1996. The enrolled bill would amend the Communication Decency Act by making it unlawful to use a telecommunications device to knowingly transmit child pornography to adults or minors with the intent to harass. In addition, the enrolled bill would make it a crime to knowingly send or display child pornography to persons under 18 years of age using an interactive computer service.

Sentencing Guidelines Related to Crimes Against Children
Enforcement of Sentencing Guidelines for Child Abduction and Sex Offense.
The enrolled bill would provide that in sentencing a defendant convicted of an offense involving obscenity, sexual abuse, sex trafficking of children, sexual exploitation and other abuse of children, or transportation for illegal sexual activity and related crimes, a Federal court would be required to impose a sentence of the kind and within the range of the applicable sentencing guidelines issued by the U.S. Sentencing Commission, unless the court finds: (1) that there exist aggravating or mitigating circumstances of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence greater or lower than that imposed; or (2) on a motion by the Government, that the defendant has provided substantial assistance in another investigation or prosecution that establishes a mitigating circumstance. The enrolled bill would provide that in determining whether a circumstance was adequately taken into consideration, a court would be required to consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission.

Downward Departures in Child Crimes and Sexual Offenses. The enrolled bill would amend the sentencing guidelines to allow courts, in cases involving child crimes and sexual offenses, to impose a sentence below the range established by applicable guidelines only if a court finds that there exists a mitigating circumstance of a kind, or to a degree, that: (1) has been identified as a permissible ground of downward departure in sentencing guidelines or policy statements issued by the Sentencing Commission; (2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and (3) should result in a sentence different from that imposed. The enrolled bill would provide that grounds enumerated in the sentencing guidelines are the sole grounds identified as permissible for downward departure.

Under the enrolled bill, when sentencing a defendant convicted of an offense involving obscenity, sexual abuse, sex trafficking of children, sexual exploitation and other abuse of children, or transportation for illegal sexual activity and related crimes, age or an extraordinary physical impairment could be a reason to impose a sentence below an applicable guideline range only if and to the extent permitted by the sentencing guidelines. The enrolled bill would not allow a court to consider: (1) drug, alcohol, or gambling dependence or abuse; (2) family ties and responsibilities; or (3) community ties as relevant factors in determining whether a sentence should be imposed below the applicable guideline range.

Amendments to the U.S. Sentencing Guidelines. The enrolled bill would increase the base offense level for possession of materials depicting a minor engaged in sexually explicit conduct if the offense involves material that portrays sadistic or masochistic conduct or other depictions of violence. Also, the enrolled bill would further increase the base offense level according to the number of images found in the defendant's possession.

For offenses involving trafficking in material involving the sexual exploitation of a minor, receiving, transporting, shipping, or advertising material involving the sexual exploitation of a minor, or possessing material involving sexual exploitation of a minor with intent to traffic, the enrolled bill would increase the base offense level according to the number of images found in the defendant's possession.
The Sentencing Commission to amend the sentencing guidelines to ensure that the guidelines adequately reflect the seriousness of offenses involving sexual abuse of a minor or ward, abusive sexual contact, and sexual exploitation of children. The enrolled bill would also require the Sentencing Commission to review and, as appropriate, amend the Federal sentencing guidelines to ensure that guideline penalties are adequate to deter and punish conduct that involves interstate travel with the intent to engage in a sexual act with a juvenile.

Sex Offender Registry

State Internet Sites on Registered Sex Offenders. Current law requires each State, or any agency authorized by the State, to release information necessary to protect the public concerning persons required to register as sex offenders. The enrolled bill would require States to maintain an Internet site containing such information, along with instructions on the process for correcting information that a person alleges to be erroneous. States would be required to implement such an Internet site within three years after the enactment of the enrolled bill, although the Justice Department could grant an additional two years to a State that is making a good faith effort to implement this provision of the enrolled bill. The enrolled bill would require the Criminal Division of the Justice Department to create a national Internet site that would link all of the State Internet sites.

Registration of Child Pornographers in the National Sex Offender Registry. Under current law, a person convicted of certain criminal offenses against a minor or certain sexually violent offenses is required to register a current address with the sex offender registry. The enrolled bill would include in this program persons convicted of crimes relating to the production and distribution of child pornography. The enrolled bill would authorize appropriations to the Justice Department of such sums as may be necessary to carry out this provision of the enrolled bill for each of FY's 2004 through 2007.

Grants to States for New Sex Offender Registry Requirements. The Violent Crime Control and Law Enforcement Act of 1994 authorized appropriations of $25 million for each of FYs 1999 and 2000 to establish a grant program, the Sex Offender Management Assistance Program, to provide funds to States to offset the costs associated with establishing and maintaining a sex offender registry. The enrolled bill would authorize appropriations to the Justice Department of such sums as may be necessary for each of FYs 2004 through 2007 to continue to carry out this grant program.

Miscellaneous Provisions

Secured Authentication Feature and Enhanced Identification Defense (SAFE ID) Act. Under current law, it is illegal to knowingly produce, transfer, or possess unauthorized, false, or stolen identification documents. The enrolled bill would also make it a crime to knowingly produce, transfer, or possess unauthorized authentication features. Such authentication features would include any hologram, watermark, symbol, code, or image used by an issuing authority on an identification document to verify that the document is authentic. The enrolled bill would also make it a crime to knowingly traffic in false authentication features for use in false identification
documents, document-making implements, or means of identification. The enrolled bill would also provide that, in addition to a fine and imprisonment, violators of these provisions would be subject to the forfeiture and destruction of all illicit authentication features, identification documents, document-making implements, or means of identification.

**Illicit Drug Anti-Proliferation Act.** Under current law, unless specifically authorized, it is unlawful to knowingly open or maintain any place for the purpose of manufacturing, distributing, or using any controlled substance. It is also unlawful to manage or control any place as an owner, lessee, agent, employee, or mortgagee, and knowing and intentionally make the place available for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance. The enrolled bill would clarify that this provision of the law: (1) applies to both permanent and temporary management or control of a place; and (2) also applies to occupants of a place. The enrolled bill would also provide that, in addition to being subject to criminal penalties, any person violating this provision would be subject to a civil penalty of not more than the greater of $250,000 or two times the gross receipts, either known or estimated, that were derived from each offense that is attributable to a defendant.

The enrolled bill would require the United States Sentencing Commission to: (1) review the Federal sentencing guidelines with respect to offenses involving gamma hydroxybutyric acid (GHB) (a controlled substance often used to facilitate sexual assault); and (2) consider amending the Federal sentencing guidelines to provide for increased penalties to reflect the seriousness of offenses involving GHB and the need to deter them.

The enrolled bill would authorize appropriations of $5.9 million to the Drug Enforcement Administration (DEA) of the Justice Department for hiring a special agent in each State to serve as a Demand Reduction Coordinator. The enrolled bill would authorize appropriations to DEA of such sums as may be necessary to educate youth, parents, and other interested adults about club drugs. Your FY 2004 Budget did not include funding for DEA to hire a special agent in each State to serve as a Demand Reduction Coordinator.
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FRANCHISE TAX BD. OF CALIFORNIA v. HYATT, No. 02-42 (U.S.S.C April 23, 2003)
The Full Faith and Credit Clause (U.S. Const. Art. IV, section 1) does not require Nevada to give full faith and credit to California's statutes providing its tax collection agency with immunity from suit.

To read the full text of this opinion, go to:

MASSARO v. US, No. 01-1559 (U.S.S.C April 23, 2003)
An ineffective assistance of counsel claim may be brought in a
collateral proceeding under 28 U.S.C. section 2255, whether or not
the petitioner could have raised the claim on direct appeal.

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To: <Schacht, Diana L.>; <Warsh, Kevin>; <Kavanaugh, Brett M.>; <Silverberg, Kristen>
Sent: 4/24/2003 9:05:53 AM
Subject: AFL-CIO response to Dooley Asbestos Bill
Attachments: AFL-CIO response to Dooley bill.pdf
Dear Representative:

Millions of working Americans, including more than 1 million union members and retirees, have been poisoned by asbestos. Many more Americans are certain to become sick or die in years to come. While some asbestos victims have received compensation through the courts, many victims have faced years of delay. The labor movement has for many years supported a variety of efforts to improve asbestos compensation. But some asbestos manufacturers think the solution to this problem is to deny any relief at all to millions of people with asbestos-related disease. That approach is embodied in H.R. 1737, the “Asbestos Victims Compensation Act of 2003,” sponsored by Representative Dooley (D-CA), Moran (D-VA) and others.

We are writing to express our strong opposition to H.R. 1737 and to urge you not to co-sponsor this legislation. The approach embodied in this bill not only is unfair to asbestos victims, it is an obstacle to current serious efforts by asbestos victims and their unions, defendant companies and insurers to craft a fair solution to the asbestos compensation crisis.

Asbestos is both a very effective insulator and a deadly poison. Millions of Americans were and are exposed to asbestos in their work in industries ranging from shipbuilding and construction to school maintenance and public service. There are a range of asbestos related diseases—from pleural plaques that may not be noticeable to their victim but do real damage to victims’ lungs to fatal cancers and mesothelioma. Large numbers of asbestos victims have asbestosis, a lung disease that lessens the capacity of the lungs. Asbestosis in its milder forms can prevent its victims from being able to do things like play sports or climb stairs. In its most severe forms it is fatal. This bill would deny any compensation at all to the majority of asbestos victims who have real damage to their lungs but who do not have cancer or mesothelioma. That is why the AFL-CIO strongly opposes H.R. 1737 and urges members of Congress not to support it.

We have attached a copy of the principles on asbestos compensation adopted by the AFL-CIO Executive Council. The AFL-CIO has indicated to all those interested in the asbestos issue our interest in developing a consensus reform proposal consistent with these principles and in talking about such a proposal with any group that had an interest in talking to us. Such a consensus proposal would ensure more money went to the sickest asbestos victims and defendants had much greater certainty as to what compensation they would have to pay to asbestos victims in the future. It would do these things while ensuring that all asbestos victims received fair compensation for their particular
condition. Discussions are currently underway between the labor movement and a number of major asbestos defendants and other interested parties aimed at crafting such a consensus proposal.

The AFL-CIO is absolutely opposed to any bill that denies millions of asbestos victims any compensation whatsoever. But such a bill is particularly harmful at a time when there are serious efforts underway at reaching a consensus solution to the problems with asbestos compensation. We are strongly urging members of Congress not to endorse any asbestos reform proposal at this time, and particularly not H.R. 1737. Thank you.

Sincerely,

[Signature]
William Samuel, Director
DEPARTMENT OF LEGISLATION
Principles on Asbestos Compensation
August 07, 2002
Chicago, IL

The story of asbestos is one of the most shameful in the annals of the American workplace. Long after manufacturers, their insurance companies and the federal government knew asbestos was a deadly poison, millions of workers were exposed to asbestos. As a result, hundreds of thousands of workers have or will develop serious disease, which in many cases is fatal.

For decades, the victims of asbestos poisoning have sought compensation for the terrible wrongs done to them and their families. With the help of their unions, many asbestos victims have received compensation through the legal system from asbestos manufacturers.

It has been clear since the Manville Industries bankruptcy that asbestos-related liability could exceed the assets of some asbestos manufacturers. In response, some in the labor movement, working together with lawyers for asbestos victims, have sought to enter both class-action settlements and voluntary claims processing systems with asbestos manufacturers in order to lower the costs of getting compensation to victims.

While some asbestos manufacturers have been responsible participants in these efforts, other manufacturers have unfortunately sought to have laws passed that would limit their liability to their victims. The labor movement has successfully opposed laws designed to deny asbestos victims access to meaningful compensation that shut the doors of the courthouse to them.

However, the labor movement has long recognized that under current law and legal processes many asbestos victims are not being treated fairly or receiving fair and timely compensation. Some victims with early-stage asbestosis are settling their claims prematurely. Some victims who are dying from asbestos-related diseases are unable to get timely resolution of their cases.

At the same time, the burden of paying for the damage done by asbestos has driven many otherwise healthy firms into bankruptcy, with serious consequences for workers and communities dependent on those firms. The unpredictability of the current system has exacerbated these problems.

For all these reasons, the labor movement for years has been willing to engage in good-faith discussions with all interested parties to improve the asbestos compensation process while protecting the rights of asbestos victims. The AFL-CIO’s participation in these discussions rests on certain principles the AFL-CIO believes must underlie any asbestos-related initiative:

- Anyone with physiological evidence of exposure to asbestos is a victim who deserves and should receive fair and timely compensation.

- While an administrative payments system may have benefits for some classes of asbestos victims, all those who suffer from such serious conditions as cancers, mesothelioma and advanced asbestosis must have unrestricted access to the courts. There should not be incentives for victims with early stages of asbestos-related diseases to give up their right to compensation should their conditions worsen.

- All those who have been exposed to asbestos should have access to affordable testing and monitoring. To the extent any asbestos-related initiative diminishes the incentive for the plaintiffs’ bar to provide testing and monitoring, that initiative should also provide a replacement testing and monitoring system.

- The federal government played a significant role in the widespread use of asbestos, particularly in defense-related industries. The federal government should accept its share of the responsibility for the harm caused by the use of asbestos in the workplace.

- Any reform initiative should reduce the costs, delay and uncertainty involved in getting compensation to victims. No initiative should be a vehicle for asbestos defendants to relitigate issues that have effectively been resolved already in the courts.

- Any effort to address the problems in asbestos compensation should not be misused as a vehicle to enact corporate America’s tort reform agenda.

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April 24, 2003

Asbestos Accord Said to Be Near

By ALEX BERENSON

Companies, insurers, unions and Democratic and Republican senators are nearing an agreement in principle to end all asbestos lawsuits and instead pay people with asbestos-related diseases from a national privately financed trust, according to people from all sides who have participated in the talks.

The trust, which would be subject to approval by Congress and President Bush, would pay more than $100 billion to hundreds of thousands of asbestos victims over the next 30 years. It would stop the flood of asbestos lawsuits, 200,000 in the last two years alone, that have strained businesses and the court system.

It would be the second-largest lawsuit settlement ever, exceeded only by tobacco companies' agreement in 1998 to pay states $246 billion for their Medicaid spending on victims of cigarette smoking.

Many details of the trust remain to be worked out, including the exact size of payments to victims and who will pay if the trust unexpectedly runs short of money, and the negotiations could still stall.

Unlike the fund Congress created to compensate victims of the Sept. 11 attacks, an asbestos trust would not allow people to opt out and sue instead. All new and existing claims would be settled through the trust, which would largely or entirely be financed by businesses and insurers, people involved in the talks said. Victims would receive payments more quickly, while businesses would avoid the risk of huge verdicts. And both sides would pay much less to lawyers, who now receive more than half of all the money spent on asbestos litigation, studies say.

Efforts to reduce the rights of asbestos claimants to sue have repeatedly failed in the past. In addition, the law creating a trust would be complicated, and complexity is generally the enemy of legislation. So some experts on asbestos said a trust had little chance of becoming law.

But negotiators for all sides said they disagreed. Democrats and Republicans in Congress seem to agree that the number of asbestos lawsuits has become a crisis, and a trust is the only concept with significant bipartisan support.

In addition, Frederick M. Baron, an influential trial lawyer who has participated in the negotiations, said that the Association of Trial Lawyers of America would not oppose a trust if it offers payments similar to the net amounts, after lawyers' fees, that victims now receive in lawsuits.

Some lawyers will fiercely oppose a trust. But if their lobby stands aside, and unions, companies and insurers can reach a deal, the legislation could pass, Mr. Baron said.

While it might seem surprising that the trial lawyers' group is not fighting a trust, the group has been on the defensive since Republicans gained control of the Senate, and asbestos lawsuits have become particularly controversial.

"A national trust is the best solution," said David Austern, president of an asbestos trust fund that resolves claims against the Johns-Manville Corporation, once the leading maker of asbestos.
Mr. Austern who has watched efforts to resolve asbestos lawsuits since 1988, when he became counsel for the Manville trust, said he thought the trust had a better-than-even chance of becoming law. (Mr. Austern has consulted with Senate staff members, as well as a group of large companies, about the proposed trust. He said he had not been paid for the consulting.)

Creating a trust is a priority for many big businesses, especially manufacturers. Companies worry that they will have to pay hundreds of billions of dollars in claims unless Congress limits lawsuits against them from people who were exposed to asbestos but are not sick. Their concerns have grown in the last two years, after a spate of very large verdicts against companies that did not make asbestos but used it in their factories or products.

Already, lawsuits have forced into bankruptcy almost 70 companies, some of which were only peripherally connected to asbestos. Most American companies stopped using asbestos decades ago, but the number of lawsuits continues to rise. About 700,000 claims have been filed, including 200,000 in the last two years.

At the same time, the trust would ensure that tens of thousands of people who will die over the next 30 years from exposure to asbestos, as well as many others sickened by exposure, will be compensated.

Under the current system of lawsuits, some people who are sick or dying from asbestos exposure receive little money if their exposure happens to have come from companies that are already in bankruptcy. Others, including some who are not sick, get millions of dollars from sympathetic juries.

Most of the money in the trust would go to the sickest people, with the largest payments exceeding $1 million. People who have been exposed to asbestos but are not sick might get up to $1,000, although business groups would prefer much less. The level of payments to people who are not sick is crucial, because if it is set too high, millions of people may apply for payments, draining the trust of money it needs to compensate sick people, said Stephen Carroll, a senior economist at the Rand Institute for Civil Justice who has studied asbestos suits.

While more than half the money paid in the current system goes to plaintiff and defense lawyers, the trust under discussion would pay nearly all its money to victims if they are new claimants. But lawyers who represent people who have already filed claims would receive their standard fees of up to 40 percent of any settlement, meaning those claimants would cost the fund more.

People involved in the discussions say companies that made asbestos or used it in their products, as well as insurance companies, have together offered to pay $90 billion over the next 25 years to pay claims. Insurers and companies would each pay for half its cost. The government might also contribute a nominal amount, or help pay for medical monitoring of people who have been exposed to asbestos but are not sick.

Since the trust's principal would accumulate interest over time, the fund would pay out more than $100 billion in all. That figure is less than half as much as analysts forecast that companies and insurers would eventually spend to resolve asbestos claims under the current system. But because much of the money goes to lawyers under the current system, the companies say, victims would do as well. Trial lawyers say companies and insurers will have to contribute more than $100 billion so that victims do not lose out.

The efforts to build a trust have gained momentum since a meeting on April 1 that included senators and top representatives from the major interest groups. Staff members for Senator Orrin G. Hatch, Republican of Utah and chairman of the Senate Judiciary Committee, and Senator Patrick J. Leahy of Vermont, the committee's ranking Democrat, are meeting regularly to hammer out details. Mr. Hatch has said that he would like to introduce legislation next month, people involved in the talks say.

Proponents of a trust have focused on the Senate because it has killed asbestos bills in the past and they assume that if a bill passes the Senate with the endorsement of business, it will clear the House and be signed by the president. A White House spokeswoman said any legislation would be reviewed.

"Right now everyone's at the table," said Ed Pagano, an aide to Senator Leahy.
Barry B. Direnfeld, a lawyer who represents the Asbestos Study Group, an association of about a dozen large
companies, including General Electric and General Motors, that strongly favors a trust, said: "We are close to an agreement. Now we're wrestling with the tough decisions to make it a reality."

Still, efforts to end asbestos litigation have foundered in the past, and this plan faces many hurdles. Although they have reached broad agreement on financing, businesses and insurers have not yet decided exactly how much each company would pay or how such assessments would be determined.

Nor has business agreed with labor on how much money the trust would pay to different types of victims, a factor that will determine the overall size of the trust.

The A.F.L.-C.I.O. believes that the $90 billion that companies and insurers have offered is inadequate, said Damon Silvers, the union's associate general counsel.

Another potential complication is that one of the biggest beneficiaries of any such settlement could be Halliburton, the oil services company, which faces asbestos suits that have depressed its stock price. Because Vice President Dick Cheney was chairman of the company, any settlement that benefits Halliburton may be criticized by Democrats.

"The trust creates a number of problems," said Lester Brickman, a professor at Yeshiva University and an expert on asbestos who is not involved in the talks. "The complexity of it, the decisions about who contributes and how much."

But Mr. Silvers said the disagreement over the size of payments can be resolved. "We can see far clearer than we could a few weeks ago that there's a meeting point on the financial numbers," he said. "We think there's a win-win number."
Utah Sect Leader Criticizes Santorum

The Associated Press

Thursday, April 24, 2003: 8:19 AM

SALT LAKE CITY - The leader of one of Utah's largest polygamist sects has objected to Sen. Rick Santorum's comment lumping plural marriage with other practices the Pennsylvania Republican considers to be antifamily.

Santorum has been under fire for comparing homosexuality to bigamy, polygamy, incest and adultery.

Owen Allred, 89, head of the United Apostolic Brethen, based in the Salt Lake City suburb of Bluffdale, agreed with Santorum in part.

"He is absolutely right. The people of the United States are doing whatever they can to do away with the sacred rights of marriage," Allred told The Salt Lake Tribune.

But Allred said Santorum's inclusion of polygamy in his list tarnishes a religious tradition whose roots are traced to biblical figures such as Abraham, Jacob and Moses - defiling them as "immoral and dirty."

In an interview with The Associated Press published over the weekend, Santorum criticized homosexuality while discussing a pending Supreme Court case over a Texas sodomy law.

"If the Supreme Court says that you have the right to consensual (gay) sex within your home, then you have the right to bigamy, you have the right to polygamy, you have the right to incest, you have the right to adultery. You have the right to anything," Santorum said.

"Whether it's polygamy, whether it's adultery, where it's sodomy, all of those things, are antithetical to a healthy, stable, traditional family," he said.

Polygamy was abandoned by The Church of Jesus Christ of Latter-day Saints more than a century ago and it excommunicates members who advocate it, but it is estimated that tens of thousands in Utah continue the practice. Membership estimates for Allred's church range from 4,000 to 6,000, and there also are a number of independent polygamists loosely affiliated with Allred's group.

Santorum is chairman of the GOP conference in the Senate, third in his party's leadership, behind Majority Leader Bill Frist of Tennessee and Assistant Majority Leader Mitch McConnell of Kentucky. Gay rights groups and some Democrats have suggested he be removed from the conference post.

Speaking at a town hall meeting in Pennsylvania on Wednesday, Santorum defended his comments and said they were similar to what Justice Byron White wrote in the 1986 Supreme Court ruling that consenting adults have no constitutional right to private homosexual sex.

"To suggest that my comments, which are the law of the land and were the reason the Supreme Court decided the case in 1986, are somehow intolerant, I would just argue that it is not," Santorum said.
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Austin American-Statesman (Texas) February 10, 2000, Thursday

SECTION: News; Pg. A7

LENGTH: 643 words

HEADLINE: Bush aims at federal tort reform

BYLINE: Scott S. Greenberger

BODY:
Hoping to reinforce his new "reform" message with an issue that was a winner in his campaign for governor six years ago, Republican presidential front-runner George W. Bush on Wednesday unveiled a plan to curb frivolous federal lawsuits.

Changing the way that Texas courts assign blame and award damages in lawsuits involving civil wrongs known as torts was one of Bush's four main themes in his 1994 gubernatorial contest against Ann Richards. In 1995, he helped guide seven tort reform bills through the Texas Legislature. Although the specifics of those measures differ from Wednesday's proposal, the overarching goal is the same: make it harder for plaintiffs to win high-dollar damages against companies, doctors and insurers.

To counter Arizona Sen. John McCain's surge, the Bush campaign this week began referring to their candidate as a "reformer with results." The tort reform issue fits neatly into that theme, since Bush indisputably followed through on his 1994 campaign promise. In doing so, he overcame the trial lawyers, a powerful Democratic constituency.

"Too often, our courts aren't serving people, they are serving the lawyers," Bush said. "Frivolous lawsuits are threatening jobs and delaying access to the courts for those who have legitimate claims."

But consumer advocates worry that the changes would make it easier for businesses to get away with selling products and services that hurt people. Ralph Nader accused Bush of "cozying up to corporate power-brokers and wrongdoers" for campaign cash.

Bush's plan includes stiffer penalties for lawsuits determined by judges to be frivolous, including a "three strikes, you're out" rule for lawyers who repeatedly file such claims. It also would require parties who reject a pretrial settlement offer, and who ultimately lose their case or receive
substantially less at trial, to pay the other party's costs, including legal fees. The plan would make it easier for cases to be moved from state to federal courts, which are generally viewed as friendlier to defendants.

Bush also proposed a "Client's Bill of Rights" that would allow federal courts to hear challenges to attorneys' fees. A vociferous opponent of the $3.3 billion fee that Texas paid private lawyers in the state's tobacco lawsuit, Bush would force private attorneys to return any "excessive" fees to government. He also pledged to issue an executive order prohibiting federal agencies from paying contingency fees.

In unveiling his plan at a roundtable discussion with small-business owners at Newberry College in Newberry, S.C., Bush argued that Texas tort reforms have saved consumers and businesses nearly $3 billion since 1995. Fewer large insurance claims have translated into lower insurance rates for consumers, businesses and doctors, he says. Business groups say the changes have boosted the Texas economy by transforming the state from the "lawsuit capital of the world" into a place where the civil justice system is predictable and consistent.

Nelson Litterst of the National Federation of Independent Business applauded the Bush plan, saying that even the threat of lawsuits can put small companies out of business. But some question the benefits of tort reform in Texas, and worry about taking it to the federal level.

"The savings are going to doctors, manufacturers and big business, but consumers are seeing very small savings if they're seeing any at all," Dan Lambe of Texas Watch, a research group, said of the 1995 changes.

Lambe referred to a recent report by former Texas Insurance Commissioner J. Robert Hunter that suggests the state's tort reform efforts have had a minimal impact on insurance rates. The report, for the Consumer Federation of America, said premiums for coverages affected by tort reform increased 8.2 percent from 1995 through 1998.
ON THE HILL ; News from the Louisiana delegation in the nation's capital

Bruce Alpert and Bill Walsh
20 April 2003
Times-Picayune

Confirmation battles heating up

A new conservative interest group is raising money and warning Democratic senators, including Louisiana's, that their votes on President Bush's judicial nominees are being closely watched. The Committee for Justice, led by C. Boyden Gray, former general counsel to the first President Bush, said it is creating radio and television ads in English and Spanish to be launched in states where Democrats face re-election next year. The former president has been helping raise money, hosting a $5,000-per-person fund-raiser at his Houston home two weeks ago. Senate Democrats have been filibustering the nomination of Miguel Estrada, and their leaders suggested last week that Priscilla Owen, a nominee to the 5th U.S. Circuit Court of Appeals in New Orleans, might also be targeted. Sen. Mary Landrieu, D-La., is supporting the Estrada filibuster, while Louisiana's senior senator, John Breaux, is one of the few Democrats against it. Last week, neither would discuss their views on Owen or whether they would support another Democratic-led filibuster. Landrieu won re-election last year; Breaux has not said whether he will seek another six years when his term ends next year.

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Sean Rushton <SRushton@CommitteeforJustice.org>
To: SRushton@CommitteeforJustice.org [UNKNOWN] <SRushton@CommitteeforJustice.org>
BCC: Brett M. Kavanaugh ( Brett M. Kavanaugh/WHO/EOP [ WHO ] )
Subject: : LA - judicial battles.
Attachments: P_2QGYF003_WHO.TXT_ 1.html
- attl.htm
ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_2QGF003_WHO.TXT_1>
Confirmation battles heating up

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ROELL v. WITHROW, No. 02-69 (U.S.S.C. April 29, 2003)

Under the expanded power of magistrate judges authorized by the Federal Magistrate Act of 1979, consent to a magistrate judge's designation can be inferred from a party's conduct during litigation, such as through a general appearance before a magistrate after having been told of the right to appear before a district judge.

To read the full text of this opinion, go to:
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DEMORE v. KIM, No. 01-1491 (U.S.S.C. April 29, 2003)
Congress may require that deportable criminal aliens be detained for the brief period necessary for removal proceedings. Federal courts have jurisdiction to review a constitutional challenge to a detention under the Immigration and Nationality Act, 8 U.S.C. section 1226(c).

To read the full text of this opinion, go to:
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It will not run tomorrow.; He is not sure yet when it will run, but I will keep you posted.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Ashley Snee/WHO/EOP@EOP [ WHO ] <Ashley Snee>
Subject: What is etd for press stmt?

What is etd for press stmt?
We would love to have you all speak at the briefing on May 9, 2003 in room 450.
Please let me know if you can come.

Thank you,
Jenica Baldwin
Office of Public Liaison

File attachment <P_L0B0G003_WHO.TXT_1.doc>
INVITATION TO SPEAK

TO:
Joseph O’Neill
Director of the Office of National AIDS Policy

Brett Kavanaugh
Special Assistant to the President
Associate Counsel

Pamela Olson
Assistant Secretary for Tax Policy
Department of Treasury

FROM:
Lezlee Westine
Deputy Assistant to the President
Director of the Office of Public Liaison

REQUEST:
White House Briefing for the Corporate Council on Africa and Liberty Education Forum

BACKGROUND:

Corporate Council on Africa:
The Corporate Council on Africa (CCA), established in 1992, is at the forefront of strengthening and facilitating the commercial relationship between the United States and the African continent. CCA works closely with governments, multilateral groups and business to improve the African continent’s trade and investment climate, and to raise the profile of Africa in the US business community.

CCA programs are designed to bring together potential business partners and raise Africa’s investment profile in the US by developing critical contacts and business relationships and providing a forum for the exchange of information and ideas.

Liberty Education Forum
Liberty Education Forum (LEF) was originally established to provide a non-partisan education and research component to complement the work of the Log Cabin Republicans. But with a full-scale launching on July 21, 2001, the Liberty Education Forum is a brand new educational think tank - based in Washington, D.C. - that is dedicated to new ideas and new directions for the gay community, with a centrist approach. The mission of the Liberty Education Forum is to work toward achieving individual freedom and fairness for gay Americans by applying the principles of
DATE AND TIME: Friday, May 9, 2003
10:00am – 11:00am

LOCATION: Old Executive Office Building, Room 450


PROPOSED OUTLINE OF EVENT: Standard White House Briefing, Remarks and Question/Answer

10:00am – 10:20am Joseph O’Neill
10:20am – 10:40am Pamela Olsen
10:40am – 11:00am Brett Kavanaugh

* Schedule open to Change*

MEDIA: Closed

STAFF CONTACT: Jenica Baldwin X66641
FINDLAW Tue, Apr 29, 2003

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From: Kavanaugh, Brett M.
Sent: Tuesday, April 29, 2003 6:02 PM
To: Bumatay, Patrick J.
Subject: Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"
tell them to go through the Maryland Ave. entrance and remind them not to bring cell phones in here (checking them in the lockers is a pain and takes forever)
let me know if this spirals; I know Dellinger pretty well and can ask him not to make a stink

Jeanie S. Mamo
04/29/2003 06:03:47 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"

yes, good idea!!
Re: Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"

of all the cockamamie things to happen . . .

Jeanie S. Mamo
04/29/2003 06:03:47 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Patrick: From now on, let's label the "supporter contact lists" just as "contact lists"

yes, good idea!!
There will be a follow up meeting on Tort Reform tomorrow, to finish the discussions from today's meeting. Please let me know your availability tomorrow at 10:30 or 11, or 4:15-5:15.

thanks,
Emily
6-6534
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [ WHO ] <Alberto R. Gonzales>
Subject: Feinstein returned blue slip on Bea

Feinstein returned blue slip on Bea
From: Seidel, Rebecca (Judiciary) <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 4/29/2003 9:01:32 PM
Subject: Asbestos and Terrorism Insurance tax on industry
Attachments: P_9PJ0G003_WHO.TXT_1.html

Brett - I hadn't realized that the final terrorism insurance bill, while providing a federal backstop actually included a tax on insurance premiums so that the gov't would get reimbursed essentially for amounts paid out as a backstop. What do you think of using some form of that to substitute for a federal backstop for asbestos? I don't mean have the Gov't kick in the backstop and then get reimbursed by the tax, but have the tax, and have it go straight into the fund. A tax like this contributing to the fund that is a % of premiums is actually one that has potential to increase - if premiums increase.

This idea was presented to me from someone in industry - but they had not vetted it or obtained consensus on it from industry. Just wanted your gut reaction. We want to find a way to avoid a federal backstop but give Labor some security regarding a potential shortfall.

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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_9PJ0G003_WHO.TXT_1>
Brett – I hadn’t realized that the final terrorism insurance bill, while providing a federal backstop actually included a tax on insurance premiums so that the gov’t would get reimbursed essentially for amounts paid out as a backstop. What do you think of using some form of that to substitute for a federal backstop for asbestos? I don’t mean have the Gov’t kick in the backstop and then get reimbursed by the tax, but have the tax, and have it go straight into the fund. A tax like this contributing to the fund that is a % of premiums is actually one that has potential to increase – if premiums increase. This idea was presented to me from someone in industry-1; but they had not vetted it or obtained consensus on it from industry. Just wanted your gut reaction. We want to find a way to avoid a federal backstop but give Labor some security regarding a potential shortfall.

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From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 4/30/2003 7:41:42 AM
Subject: : I have a car coming at noon.

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 30-APR-2003 11:41:42.00
SUBJECT: : I have a car coming at noon.
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
### End Original ARMS Header ###
Where are you.

----- Original Message -----
From: David G. Leitch/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP,
H. Christopher Bartolomucci/WHO/EOP@EOP
Cc: 
Date: 04/30/2003 11:42:10 AM
Subject: I have a car coming at noon.


FYI, scheduling informs me that we will need to attend PET meeting everyday until our event. 10:00 rm 180.
I cannot go today. You or Patrick should go.

FYI, scheduling informs me that we will need to attend PET meeting everyday until our event. 10:00 rm 180.
Nothing yet.

----- Original Message ----- 
From: <Rod.Rosenstein@usdoj.gov> 
To: Brett M. Kavanaugh/WHO/EOP@EOP 
Date: 04/30/2003 11:37:36 AM 
Subject: Do you have any news or advice about Greenbelt?
I'll go. Anything I should know about the event that isn't on the scheduling request?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 8:15 AM
To: Nelson, Carolyn; Kavanaugh, Brett M.
Subject: Re: PET fun

I cannot go today. You or Patrick should go.

FYI, scheduling informs me that we will need to attend PET meeting everyday until our event. 10:00 rm 180.
Subject: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.
I also put in written form some of the outline points I mentioned yesterday; will shoot that to you shortly.
Judge is ready for Owen group
Do you want to me to highlight any particular portions of Senator Coleman's statements from the Senate floor?

Jon
Brett,
Thursday, May 1, 9:00am, room 476. Just to let you know, someone is using the room at 9:30.
Thanks,
Paul.
where he uses phrase "hatfield and mccoys" -- don't inundate her with material

Jonathan F. Ganter
04/30/2003 09:52:03 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: Re: Freshmen letter (including Pryor) to Senators Frist and Daschle

Do you want me to highlight any particular portions of Senator Coleman's statements from the Senate floor?

Jon
From: MailRouter [ SYS ]
To: Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 4/30/2003 6:33:08 AM
Subject: DELIVERY FAILURE: User kupfer_j (kupfer_j@who.eop.gov) not listed in public Name & Address Book

###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )
CREATOR:MailRouter ( MailRouter [ SYS ] )
CREATION DATE/TIME:30-APR-2003 10:33:08.00
SUBJECT:DELIVERY FAILURE: User kupfer_j (kupfer_j@who.eop.gov) not listed in public Name & Address Book
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

DELIVERY FAILURE REPORT

Your Document:
RE: debt ceiling question
could not be delivered to:
<kupfer_j@who.eop.gov>
because:
User kupfer_j (kupfer_j@who.eop.gov) not listed in public Name & Address Book
Routing Path:
CN=Mail2/O=EOP;CN=Mail2/O=EOP
I forgot to mention the speechwriting form. Has your office filed that yet?
done and on the way

As I write this, 3 trip summaries are on their way up to you. They are all 100% official. Do you think you could sign them today or tomorrow? We need to pay bills from these trips right away.

Thanks for your help.

11:45 Pickup at 1050 Connecticut Ave. drop off at Senate Dirksen Building, #98
Right -- but repeating error does not make it truth.
I know, that's why I raised the point.
Do you have any news or advice about Greenbelt?
Near the door.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Leitch, David G. <David_G._Leitch@WHO.eop.gov>; Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>; Bartolomucci, H. Christopher <hbartolo@WHO.eop.gov>
Sent: Wed Apr 30 11:43:05 2003
Subject: Re: I have a car coming at noon.

Where are you.

----- Original Message ----- 
From: David G. Leitch/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP, H. Christopher Bartolomucci/WHO/EOP@EOP
Cc: 
Date: 04/30/2003 11:42:10 AM
Subject: I have a car coming at noon.

.
At senate or white house. I am at outside meeting.

----- Original Message ----- 
From: David G. Leitch/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 04/30/2003 11:53:26 AM
Subject: Re: I have a car coming at noon.

Near the door.

----- Original Message ----- 
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Leitch, David G. <David_G._Leitch@who.eop.gov>; Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>; Bartolomucci, H. Christopher <hbartolo@WHO.eop.gov>
Sent: Wed Apr 30 11:43:05 2003
Subject: Re: I have a car coming at noon.

Where are you.

----- Original Message ----- 
From: David G. Leitch/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP,
; ; ; ; ; ; ; H. Christopher Bartolomucci/WHO/EOP@EOP
Cc: 
Date: 04/30/2003 11:42:10 AM
Subject: I have a car coming at noon.
Schumer to propose modifying confirmation process to have Commissions in every state and for every circuit.
Oh. I assumed you were here at SJC.; I think it is wrapping up;

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Leitch, David G. <David_G._Leitch@who.eop.gov>; Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
Subject: Re: I have a car coming at noon.

At senate or white house.; I am at outside meeting.;;

----- Original Message -----
From: David G. Leitch/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 04/30/2003 11:53:26 AM
Subject: Re: I have a car coming at noon.

Near the door.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Leitch, David G. <David_G._Leitch@who.eop.gov>; Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>; Bartolomucci, H. Christopher <hbartolo@WHO.eop.gov>
Sent: Wed Apr 30 11:43:05 2003
Subject: Re: I have a car coming at noon.

Where are you.

----- Original Message -----
From: David G. Leitch/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP, 
; ; ; ; ; H. Christopher Bartolomucci/WHO/EOP@EOP
Cc: 
Date: 04/30/2003 11:42:10 AM
Subject: I have a car coming at noon.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Karin B. Torgerson/WHO/EOP@Exchange@EOP [WHO] <Karin B. Torgerson>
Sent: 4/30/2003 12:36:41 PM
Subject: sent over some suggested changes; use as you see fit; thanks
I just faxed to Brett and Kristi the article Vilma Martinez did, which was published in today's LA Daily Journal. The Daily Journal does not have an on-line service, so anything you can do to get it in wider circulation would be great.

Thanks, Carolyn

- att.htm

File attachment <P_ZR61G003_WHO.TXT_1>
I just faxed to Brett and Kristi the article Vilma Martinez did, which was published in today's LA Daily Journal. The Daily Journal does not have an on-line service, so anything you can do to get it in wider circulation would be great.

Thanks, Carolyn
FINDLAW Wed, Apr 30, 2003

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SUPREME COURT
Court Debates Loitering In Public Housing
http://news.findlaw.com/ap/a/w/1154/4-30-2003/20030430081501_03.html

POLITICS
Dems To Filibuster Bush Judicial Nominee

Group To File Suit On NYC Transit Hikes

LEGAL COMMENTARY
Tort Reform: Should Tort Law Be Handled By Congress, Or By The States?
http://writ.news.findlaw.com/dorf/20030430.html

John Ashcroft And The Alleged Detroit Terror Cell Case
http://writ.news.findlaw.com/commentary/20030430_cassel.html

CIVIL RIGHTS
Cincinnati Police Accuse Judge Of Bias
Alabama Votes Against Legalizing Sex Toys

PERSONAL INJURY
Time Runs Out On Mass. Church Abuse Suit

Michigan Man Sues McDonald's For $25,000

PRODUCT LIABILITY
NYC Lawmakers Eye Ephedra Sales Ban

Doctors Identify Pacemaker Malfunction

LABOR AND EMPLOYMENT
Dial OKs $10M Deal In Harassment Case

Reporters Fired Over Smart Case Story

ENVIRONMENT
Seniors Press EPA For Cleaner Air, Water

Mass. Oil Spill's Repercussions Feared

CYBERSPACE LAW
Internet Auction Scams Targeted

Music Industry Sends Warning To Song Swappers

TELECOMMUNICATIONS
Global Crossing Deal Loses Asian Investor

BUSINESS
Visa In Talks With Retailers, Judge Says

SEC Sues Candie's CEO For Fraud

INTERNATIONAL LAW
Sharon, Abbas Get Middle East Peace Plan

Hostage Negotiations Break Off In Nigeria

WAR ON TERRORISM
International Terrorism Falls, U.S. Says
Supporters Rally For Arab-American Facing Indictment

IRAQ
Judge Rejects Suit Against Bush Over War

Rumsfeld Promises Iraq Sovereignty

CRIME & TRIALS
County Sues Miss. Over Public Defenders

Ex-Minneapolis Council Member Sentenced

ENTERTAINMENT
'Will & Grace' Actress Charged With Theft

Lady Miss Kier Sues For Misappropriated Groove

SPORTS
IAAF Say 8 U.S. Athletes Failed '88 Dope Tests
http://news.findlaw.com/sports/s/20030430/sportathleticsdopingdc.html

SARS And Blue Jays Both Strike Out In Toronto
http://news.findlaw.com/sports/s/20030430/alcanadasarsdc.html

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**********************************************************************
FEEDBACK

We value your comments! Please take a moment to tell us what you think
by sending an e-mail to:
I will be in a meeting from 5:15pm thru probably 5:45 but will likely be here well into evening....
The beat goes on........

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-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, April 30, 2003 5:02 PM
To: Seidel, Rebecca (Judiciary)
Subject: Re: Asbestos and Terrorism Insurance tax on industry

Will call

----- Original Message ----- 
From: <Rebecca_Seidel@Judiciary.senate.gov> 
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 04/30/2003 01:00:20 AM
Subject: Asbestos and Terrorism Insurance tax on industry

Brett - I hadn't realized that the final terrorism insurance bill, while providing a federal backstop actually included a tax on insurance premiums so that the gov't would get reimbursed essentially for amounts paid out as a backstop. What do you think of using some form of that to substitute for a federal backstop for asbestos? I don't mean have the Gov't kick in the backstop and then get reimbursed by the tax, but have the tax, and have it go straight into the fund. A tax like this contributing to the fund that is a % of premiums is actually one that has potential to increase - if premiums increase.

This idea was presented to me from someone in industry - but they had not vetted it or obtained consensus on it from industry. Just wanted your gut reaction. We want to find a way to avoid a federal backstop but give Labor some security regarding a potential shortfall.
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- att1.htm
As I write this, 3 trip summaries are on their way up to you.; They are all 100% official.; Do you think you could sign them today or tomorrow?; We need to pay bills from these trips right away.
;
Thanks for your help!
Brett,
I think I have what I need, though I'm sure I'll have questions for you later.
Thanks for sending the outline, and the material.
Colleen
for some reason, only the first page of your fax came through. would you mind sending them again to 6-5557. thanks!!
Elizabeth S. Dougherty
04/30/2003 02:38:51 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc:
Subject: comments on the memo

for some reason, only the first page of your fax came through. would you mind sending them again to 6-5557. thanks!!
It was not attached.

"Craig.Blackwell@usdoj.gov" <Craig.Blackwell@usdoj.gov> 04/30/2003 12:00:13 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

Brett,

Draft notice to the court is attached. please let me know your thoughts. 
Gary feels very strongly about the fn. I would like to file this tomorrow at the latest; any chance of a final decision by then? Please call.

Craig

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, April 29, 2003 8:11 PM
To: Blackwell, Craig
Subject:

Call me. I assume you will want us to cover, and I will see how soon that can be accomplished.
Is there any way someone could make a better copy (that is all white) before FAXing. It came across really shaded and nearly impossible to read, which makes it hard usefully to pass around on Hill.

I just faxed to Brett and Kristi the article Vilma Martinez did, which was published in today's LA Daily Journal. The Daily Journal does not have an on-line service, so anything you can do to get it in wider circulation would be great.

Thanks, Carolyn

- att1.htm
I just faxed to Brett and Krist! the article Vilma Martinez did, which was published in today's LA Daily Journal. The Daily Journal does not have an on-line service, so anything you can do to get it in wider circulation would be great.

Thanks, Carolyn
yes, today. It does not add anything substantively to what you have, I do not believe.
From: Lauren J. Vestewig/OPD/EOP@Exchange on 04/30/2003 02:35:03 PM
Record Type: Record

To: Jeffrey F. Kupfer/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: 4:45 now for the meeting with Jud Sommer. Thanks.
done and on the way

As I write this, 3 trip summaries are on their way up to you. They are all 100% official. Do you think you could sign them today or tomorrow? We need to pay bills from these trips right away.

Thanks for your help!
Mr. Kavanaugh--
Jan Williams has a fax she would like to send you. Would you mind emailing me your fax number?
Thanks,
Russ
From: Jeffrey.Taylor2@usdoj.gov
To: H. Christopher Bartolomucci/WHO/EOP@EOP [ WHO ] <H. Christopher Bartolomucci;Brian.Jones@ed.gov;Robert.Coughlin@usdoj.gov;Paul.D.Clement@usdoj.gov;Robert.Coughlin@usdoj.gov;Patrick.Philbin@usdoj.gov;Patrick.Philbin@usdoj.gov;escalia@gibsondunn.com;Noel J. Francisco/WHO/EOP@EOP [ WHO ];Viet.Dinh@usdoj.gov;Viet.Dinh@usdoj.gov;Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ];Theodore W. Ullyot/WHO/EOP@EOP [ WHO ];Brian.Jones@ed.gov;Robert.Coughlin@usdoj.gov;Paul.D.Clement@usdoj.gov;Patrick.Philbin@usdoj.gov;escalia@gibsondunn.com;Noel J. Francisco;Viet.Dinh@usdoj.gov;Brett M. Kavanaugh;Theodore W. Ullyot;Adam.Ciongoli@usdoj.gov
Sent: 4/30/2003 2:58:04 PM
Subject: RE: Eureka

Thanks, but I will be out of town.
Gentlemen,

Next Monday being the first Monday of May, I propose dinner at Morton's at 8pm. Please rsvp before suggesting additional participants. As always, thanks.

Adam
OK, I'll watch for it.
Thanks for all your help.

---

Brett M. Kavanaugh  
04/30/2003 02:46:29 PM  
Record Type: Record

To: Colleen M. Carroll/EOP@EOP
cc: 
bcc: 
Subject: Re: One more thing ...

yes, today. It does not add anything substantively to what you have, I do not believe.

---

Colleen M. Carroll  
04/30/2003 02:34:24 PM  
Record Type: Record

To: Brett M. Kavanaugh/EOP@EOP
cc: 
Subject: One more thing ...

I forgot to mention the speechwriting form. Has your office filed that yet?
Thanks!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 2:55 PM
To: Douglass, Kimberly A.
Subject: Re: trip summaries...yeah!

done and on the way

As I write this, 3 trip summaries are on their way up to you. They are all 100% official. Do you think you could sign them today or tomorrow? We need to pay bills from these trips right away.

Thanks for your help!
Thanks!!!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 2:55 PM
To: Douglass, Kimberly A.
Subject: Re: trip summaries...yeah!

done and on the way

As I write this, 3 trip summaries are on their way up to you. They are all 100% official. Do you think you could sign them today or tomorrow? We need to pay bills from these trips right away.

Thanks for your help!
Did we cancel staff meeting? Also, do we need someone at senior staff; I used to go to that when Judge and Tim were not around. Let me know.
WASHINGTON - The Bush administration appealed to the Supreme Court on Wednesday to preserve the phrase "under God" in the Pledge of Allegiance recited by school children.

The reference does not amount to unconstitutional government promotion of religion, the administration's top Supreme Court lawyer wrote in a court filing.

"Whatever else the (Constitution's) establishment clause may prohibit, this court's precedents make clear that it does not forbid the government from officially acknowledging the religious heritage, foundation and character of this nation," Solicitor General Theodore Olson wrote in a court filing.

"That is what the Pledge of Allegiance does. The pledge is therefore constitutional."

The Justice Department and a California school district asked the high court to reverse a federal appeals court ruling last year that banned the teacher-led pledge in public schools.

The Constitution says the government may not establish religion. In practice that has meant the government cannot endorse or promote religion in general, or favor one religion over another.

The Supreme Court has twice declared the pledge is constitutional, and numerous justices have assumed as much in other writings, Olson argued.

The administration asked the court to hear its appeal in the term that begins in the fall. The court could decide before summer whether to take the case.

The 9th U.S. Circuit Court of Appeals was so far out of bounds that the Supreme Court could simply strike down the ruling without even hearing arguments on the case, Olson suggested.

In March, the sharply divided San Francisco appeals court voted not to reconsider its earlier ruling on the pledge. In the initial ruling last June, two judges on a three-judge panel ruled that the regular morning classroom salute to the American flag is unconstitutional because of the phrase "one nation, under God."

The ban is on hold while the school district appeals. The Bush administration joined the case and filed its own appeal. If allowed to take effect in the nine states covered by the 9th Circuit, the pledge ban would affect 9.6 million children in public schools.
The meeting on Tort Reform will be on Monday 5/5 at 4:15pm. It will be in room 211, EEOB.

Please let me know if you any questions.

thanks,

Emily
you are a mess

From: Carolyn Nelson/WHO/EOP@Exchange on 04/30/2003 04:17:37 PM
Record Type: Record

To: Carolyn Nelson/WHO/EOP@Exchange
cc: 
Subject: STAFF MEETING ON FOR TOMORROW

Brett Kavanaugh will be commanding the meeting; per the Judge's request.

Thanks!!
sent over some suggested changes; use as you see fit; thanks
http://www.dcd.uscourts.gov/mcconnell-2002-email.html
Agree. That also makes my suggestion to mention life tenure somewhat problematic since many states do not have life tenured judges. On the other hand, that was the Framers primary way to ensure judicial independence for federal judges, along with no salary diminution.

Got them. Thanks. I do not think the attempt to incorporate State issues here works. Most states elect their judges -- the antithesis of independent judges it seems to me. What do you think?
Will call

----- Original Message ----- 
From: <Rebecca_Seidel@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 04/30/2003 01:00:20 AM
Subject: Asbestos and Terrorism Insurance tax on industry

Brett - I hadn't realized that the final terrorism insurance bill, while providing a federal backstop actually included a tax on insurance premiums so that the Gov't would get reimbursed essentially for amounts paid out as a backstop. What do you think of using some form of that to substitute for a federal backstop for asbestos? I don't mean have the Gov't kick in the backstop and then get reimbursed by the tax, but have the tax, and have it go straight into the fund. A tax like this contributing to the fund that is a % of premiums is actually one that has potential to increase - if premiums increase.

This idea was presented to me from someone in industry - but they had not vetted it or obtained consensus on it from industry. Just wanted your gut reaction. We want to find a way to avoid a federal backstop but give Labor some security regarding a potential shortfall.

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Might you give Wendy a direct line?

tsg

---------------------- Forwarded by Tim Goeglein/WHO/EOP on 04/30/2003 05:32 PM ---------------------------
From: CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 4/30/2003 1:37:27 PM
Subject: call Ashley Snee 67984 ASAP

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 30-APR-2003 17:37:27.00
SUBJECT: call Ashley Snee 67984 ASAP
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
##### End Original ARMS Header ######

;
Give me some times tomorrow that I could set up for you to chat with Toobin and Greenberger (WSJ); I'll fill you in on what about for each - mainly judges/process what is appropriate to expect of nominees, etc for Toobin; Greenberger wants to meet you; In all shouldn't take more than an hour tops and we can do in my office or your office.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>
Sent: 4/30/2003 3:24:37 PM
Subject: : one more q: what's specter doing on leon holmes tomorrow?

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-APR-2003 19:24:37.00
SUBJECT: : one more q: what's specter doing on leon holmes tomorrow?
TO: Wendy J. Grubbs (CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ: UNKNOWN
##### End Original ARMS Header #####
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Theodore W. Ullyot/WHO/EOP@EOP [ WHO ] <Theodore W. Ullyot>
Sent: 4/30/2003 3:46:10 PM
Subject: do you have the 3 Michigan letters on pdf

do you have the 3 Michigan letters on pdf
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Jeanie L. Figg/WHO/EOP@Exchange@EOP [ WHO ] <Jeanie L. Figg>; Tim Goeglein/WHO/EOP@EOP [ WHO ] <Tim Goeglein>; Matthew E. Smith/WHO/EOP@EOP [ WHO ] <Matthew E. Smith>
CC: Paul Perkins/WHO/EOP@EOP [ WHO ] <Paul Perkins>
Sent: 4/30/2003 3:49:48 PM
Subject: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all

Paul Perkins
04/30/2003 09:53:44 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.

Brett,
Thursday, May 1, 9:00am, room 476. Just to let you know, someone is using the room at 9:30.
Thanks,
Paul.

Brett M. Kavanaugh
04/30/2003 09:31:44 AM
Record Type: Record
To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@Exchange@EOP, Paul Perkins/WHO/EOP@EOP
cc:
Subject: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.
makes sense.

David S. Addington
04/30/2003 11:31:57 AM
Record Type: Record

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

I know, that's why I raised the point.
On the "In Focus" part of web page, I think we should add "Judges" or "Judicial Appointments Process" or "Judicial Nomination and Confirmation Process" -- that gives easy place for people to find.
that's true.

David S. Addington
04/30/2003 11:32:16 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Brett Kavanaugh/WHO/EOP@EOP
Subject: Re:

Right -- but repeating error does not make it truth.
Leahy Seeks Support For Alternative Class Action Measure

With business lobbyists scrambling to capture the support of a supermajority in the Senate for a pending class action reform bill tentatively slated for May floor action, Senate Judiciary ranking member Patrick Leahy, D-Vt., today began petitioning support for an alternative measure he has drafted. "My legislation would take the necessary steps to correct problems in class action litigation and expand federal court jurisdiction for truly national or regional class action cases," Leahy wrote in a letter to senators. "For example, my bill solves the problem of worthless coupon settlements by eliminating any incentive for collusion between plaintiffs and defendants' counsel. The portion of the attorney's fee to be paid to class counsel must be based on the value of the coupon settlements actually redeemed under my legislation," Leahy wrote. "Indeed, this provision is stronger than the one proposed in other class action legislation, which merely asks the judge to scrutinize coupon settlements."

The pending legislation, which was reported out of the Judiciary Committee earlier this month with the support of all Republicans but only two of the panel's Democrats, is vigorously opposed by key Democratic constituents in the trial bar, and also by consumer advocates, civil rights groups and environmental lobbyists. Leahy said his alternative bill also would track with a detailed plan for expanding federal district court jurisdiction for significant multistate class actions, suggested last month by the U.S. Judicial Conference, the policy-making body for the federal judiciary. A source close to the Association of Trial Lawyers of America said ATLA had not seen the Leahy class action alternative, but had heard details of it. "I'm doubtful whether [ATLA] would endorse it, but, based on what we heard, we certainly think it makes more sense than the other version," the source added. "In fact, it is the only legislation proposed on class actions that will actually propose a solution to any possible problem that exists or with coupon class action settlements."

FYI - from the PM Edition of Congress Daily...

I just can't help myself -- we "only" got two Democrats in the Judiciary Committee so we are "scrambling." On the otherhand Leahy, who now is motivated only by the fact that he lost his ass in Committee, and criticism for not giving ATLA puppets cover with some alternative to save face, is "petitioning."

Interesting wording.

Of course the Leahy staff's creative spin on the Judicial Conference is, well, simply Leahyesk.
Leahy Seeks Support For an Alternative Class Action Measure

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I just can't help myself -- we "only" got two Democrats in the Judiciary Committee so we are "scrambling." On the otherhand Leahy, who now is motivated only by the fact that he lost his ass in Committee, and criticism for not giving ATLA puppets cover with some alternative to save face, is "petitioning."

Interesting wording.

Of course the Leahy staff's creative spin on the Judicial Conference is, well, simply Leahyesk.
Good idea.

----- Original Message ----- 
From: Brett M. Kavanaugh/WHO/EOP
To: Christopher J. Orr/WHO/EOP, Ashley Snee/WHO/EOP
CC: 
Date: 04/30/2003 08:08:53 PM
Subject: web page

On the "In Focus" part of web page, I think we should add "Judges" or "Judicial Appointments Process" or "Judicial Nomination and Confirmation Process" -- that gives easy place for people to find.
The VP's office is coming to meet with Jay re. K-C tomorrow at 3:45.; Can you join?
From: CN=Paul Perkins/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ]<Brett M. Kavanaugh>
Sent: 5/1/2003 5:29:56 AM
Subject: : Re: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all

Tim will be there.
Thanks,
Paul.

Brett M. Kavanaugh
04/30/2003 07:49:24 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@Exchange@EOP, Tim Goeglein/WHO/EOP@EOP
cc: Paul Perkins/WHO/EOP@EOP
bcc:
Subject: think we are now on for 2:00 Thursday; we can do room 156 at 2:00 if ok with you all

Paul Perkins
04/30/2003 09:53:44 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.
Brett,
Thursday, May 1, 9:00am, room 476. Just to let you know, someone is using the room at 9:30.
Thanks,
Paul.
To: Tim Goeglein/WHO/EOP@EOP, Matthew E. Smith/WHO/EOP@EOP, Jeanie L. Figg/WHO/EOP@Exchange@EOP, Paul Perkins/WHO/EOP@EOP
cc:
Subject: Paul: can you set up time for us to meet tomorrow morning to go over invites for May 9 judges event? Thanks.
Sen. Hatch: "This body is in danger of blowing up."
Matches well with his "These are dumba&* questions comment yesterday" to Biden.

Brett M. Kavanaugh
05/01/2003 09:53:42 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Hatch quote from Senate debate just now
Subject: Hatch quote from Senate debate just now

Sen. Hatch: "This body is in danger of blowing up."

Message Sent
To:
Wendy J. Grubbs/WHO/EOP@Exchange@EOP
Ashley Snee/WHO/EOP@Exchange@EOP
Tim Goeglein/WHO/EOP@EOP
Matthew E. Smith/WHO/EOP@EOP
Matthew A. Schlapp/WHO/EOP@EOP
This is good stuff. Will the Administration have a witness at the hearing -- Viet, perhaps -- to discuss the President's plan?

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Gonzales, Alberto R. <Alberto_R_Gonzales@WHO.eop.gov>; Leitch, David G. <David_G_Leitch@WHO.eop.gov>; Brosnahan, Jennifer R. <jbrosnah@WHO.eop.gov>; Newstead, Jennifer G. <jnewstea@WHO.eop.gov>; Bartolomucci, H. Christopher <hbartolo@WHO.eop.gov>; Sampson, Kyle <ksampson@WHO.eop.gov>; Francisco, Noel J. <nfrancis@WHO.eop.gov>; Powell, Benjamin A. <bpowell@WHO.eop.gov>; Vuyo T. Ullyot <TUllyot@WHO.eop.gov>
Sent: Wed Apr 30 19:03:36 2003
Subject: Cornyn press release

;;;;;; ;;;;;;; ;;;;;;; ;;;;;;; JUDICIAL NOMINATION PROCESS NEEDS "A FRESH START"

;;;;;; ;;;;;;; ;;;;;;; ;;;;;;; - Freshmen Senators seek a bipartisan solution; ask leadership to improve process for consideration of judicial nominations -

;;;;;; ;;;;;;; ;;;;;;; ;;;;;;; WASHINGTON } U.S. Sens. John Cornyn
(R-Texas) and Mark Pryor (D-Ark.), joined by all freshmen Senators, urged the Senate leadership Wednesday to seek a fresh start and create a better process for the Senate's consideration of judicial nominations. Cornyn, a member of the Judiciary Committee and chairman of the Subcommittee on the Constitution, led the group of new Senators in petitioning for timely consideration of all judicial nominees.

"The Senate needs to find an end to the downward spiral of accusations, obstruction and delay," Cornyn said. "The President's nominees, and in fact our entire judicial system, deserve no less."

In the letter, the Senators wrote that, "when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the grounds of how a prior nominee -- typically, the nominees of a previous President -- was treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate."

The letter continued: "None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future."

Rather than continue the obstruction that has plagued nominees in the past, the ten Senators committed themselves to solutions for all nominees. "We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us."

The letter was sent to Senate Majority Leader Bill Frist of Tennessee, and Senate Minority Leader Tom Daschle. It was signed by Sens. Cornyn, Pryor, Lamar Alexander (R-Tenn.), Saxby Chambliss (R-Ga), Norm Coleman (R-Minn.), Elizabeth Dole (R-NC), Lindsey Graham (R-SC), Lisa Murkowski (R-Alaska), John Sununu (R-NH), and Jim Talent (R-Mo). Also copied on the letter were Judiciary Committee Chairman Orrin Hatch (R-Utah) and the panel's senior Democrat, Patrick Leahy (D-Vt).

Sen. Cornyn will hold a hearing of the Constitution subcommittee on May 6 to discuss reform of the broken judicial process. The hearing, titled Judicial Nominations, Filibusters, and the Constitution: When a majority is denied its right to consent, will be held in the Dirksen Senate Office Building, Room 226 at 2 p.m. The hearing will take place nearly two years after the President announced his first class of nominees to the federal courts of appeals, including Texas Supreme Court Justice Priscilla Owen. Her nomination is currently being filibustered in the Senate.

Sen. Cornyn chairs the subcommittee on the Constitution, Civil Rights & Property Rights, and is the only former judge on the committee. He also serves on the Armed Services, Environment and Public Works, and Budget Committees. He served previously as Texas Attorney General, Texas Supreme Court Justice, and Bexar County District Judge.
who are the 4 who did not vote? which D's voted for cloture?
Even better, if it helps them deliver.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Leitch, David G. <David_G._Leitch@who.eop.gov>; Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>; Gonzales, Alberto R. <Alberto_R._Gonzales@WHO.eop.gov>; Brosnahan, Jennifer R. <jbrosnah@WHO.eop.gov>; Newstead, Jennifer G. <jnewstea@WHO.eop.gov>; Bartolomucci, H. Christopher <hbartolo@WHO.eop.gov>; Sampson, Kyle <ksampson@WHO.eop.gov>; Francisco, Noel J. <nfrancis@WHO.eop.gov>; Powell, Benjamin A. <bapowell@WHO.eop.gov>; Ullyot, Theodore W. <TUllyot@WHO.eop.gov>
Sent: Thu May 01 06:48:00 2003
Subject: Re: Cornyn press release

Not as currently planned.; As cornyn said, they want this to be senate deal and not look like executive dictating.;

----- Original Message -----
This is good stuff. Will the Administration have a witness at the hearing -- Viet, perhaps -- to discuss the President's plan?

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Gonzales, Alberto R. <Alberto_R_Gonzales@WHO.eop.gov>; Leitch, David G. <David_G_Leitch@WHO.eop.gov>; Brosnahan, Jennifer R. <jbrosnah@WHO.eop.gov>; Newstead, Jennifer G. <jnewstea@WHO.eop.gov>; Bartolomucci, H. Christopher <hbartolo@WHO.eop.gov>; Sampson, Kyle <ksampson@WHO.eop.gov>; Francisco, Noel J. <nfrancis@WHO.eop.gov>; Powell, Benjamin A. <bapowell@WHO.eop.gov>; Ullyot, Theodore W. <TUllyot@WHO.eop.gov>
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The letter was sent to Senate Majority Leader Bill Frist of Tennessee, and Senate Minority Leader Tom Daschle. It was signed by Sens. Cornyn, Pryor, Lamar Alexander (R-Tenn.), Saxby Chambliss (R-Ga), Norm Coleman (R-Minn.), Elizabeth Dole (R-NC), Lindsey Graham (R-SC), Lisa Murkowski (R-Alaska), John Sununu (R-NH), and Jim Talent (R-Mo). Also copied on the letter were Judiciary Committee Chairman Orrin Hatch (R-Utah) and the panel's senior Democrat, Patrick Leahy (D-Vt).

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Sen. Cornyn chairs the subcommittee on the Constitution, Civil Rights & Property Rights, and is the only former judge on the committee. He also serves on the Armed Services, Environment and Public Works, and Budget Committees. He served previously as Texas Attorney General, Texas Supreme Court Justice, and Bexar County District Judge.
What's the WH role in this - if any?

--- Original Message ---
From: Kavanaugh, Brett M.
Sent: Wednesday, April 30, 2003 4:05 PM
To: Snee, Ashley
Subject: AP story on pledge case

By ANNE GEARAN
The Associated Press
Wednesday, April 30, 2003 3:28 PM
WASHINGTON - The Bush administration appealed to the Supreme Court on Wednesday to preserve the phrase "under God" in the Pledge of Allegiance recited by school children.

The reference does not amount to unconstitutional government promotion of religion, the administration's top Supreme Court lawyer wrote in a court filing.

"Whatever else the (Constitution's) establishment clause may prohibit, this court's precedents make clear that it does not forbid the government from officially acknowledging the religious heritage, foundation and character of this nation," Solicitor General Theodore Olson wrote in a court filing.

"That is what the Pledge of Allegiance does. The pledge is therefore constitutional."

The Justice Department and a California school district asked the high court to reverse a federal appeals court ruling last year that banned the teacher-led pledge in public schools.

The Constitution says the government may not establish religion. In practice that has meant the government cannot endorse or promote religion in general, or favor one religion over another.

The Supreme Court has twice declared the pledge is constitutional, and numerous justices have assumed as much in other writings, Olson argued.

The administration asked the court to hear its appeal in the term that begins in the fall. The court could decide before summer whether to take the case.

The 9th U.S. Circuit Court of Appeals was so far out of bounds that the Supreme Court could simply strike down the ruling without even hearing arguments on the case, Olson suggested.

In March, the sharply divided San Francisco appeals court voted not to reconsider its earlier ruling on the pledge. In the initial ruling last June, two judges on a three-judge panel ruled that the regular morning classroom salute to the American flag is unconstitutional because of the phrase "one nation, under God."

The ban is on hold while the school district appeals. The Bush administration joined the case and filed its own appeal. If allowed to take effect in the nine states covered by the 9th Circuit, the pledge ban would affect 9.6 million children in public schools.
what was that?!
Did anyone else notice that May 1 has been proclaimed Law Day, Loyalty Day, and National Day of Prayer?
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Jonathan F. Ganter/WHO/EOP@EOP [ WHO ] <Jonathan F. Ganter>
Sent: 5/1/2003 4:38:04 AM
Subject: : have research project for you today
Do you recall the exact date that the Owen binders were completed?
I'm working on finding the Sue Davis/Donald Songer article. Will go up to the library as soon as I am done.

Jon
Cesar, Courtney and Ado

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 01, 2003 9:56 AM
To: Vestewig, Lauren J.
Subject: Re: Meeting re. Ky-Cornyn

who from VP's office?

From: Lauren J. Vestewig/OPD/EOP@Exchange on 05/01/2003 09:20:26 AM
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Emily Winland/OPD/EOP@EOP
Subject: Meeting re. Ky-Cornyn

The VP's office is coming to meet with Jay re. K-C tomorrow at 3:45. Can you join?
ABA Press Secretary called to see if he could bring his wife to the May 9 event. Can I tell her yes?
From: Carolyn Nelson/WHO/EOP@Exchange on 05/01/2003 11:52:27 AM
Record Type: Record

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

ABA Press Secretary called to see if he could bring his wife to the May 9 event. Can I tell her yes?
call me when free because we need to finish discussion about claude allen
Some tidbits: Some Senators during first Congress and particularly Crittendon nomination (albeit an odd circumstance) recognized their constitutional responsibility to act on nominations.

Some quotes from Crittendon nom proceedings:

-- "No one doubts the right of the Senate to take that time which is indispensable to decide upon the character and qualifications of the candidate, but beyond this they have no right to go."

-- "Appointments should be made with all convenient speed. Of the expediency, we have no discretion; that has been determined by the law creating the office and that must be obeyed. We have no right, no constitutional power, to resist its execution."

-- "The duty of the Senate is confined to an inquiry into the character and qualifications of the person, and to a decisive action upon the nomination, in a reasonable time. The time must be limited to what is necessary to make the inquiry, and to satisfy the Senate."

I don't buy this one -- "constitutional responsibility" means duty
Excellent.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Lefkowitz, Jay P. <Jay_P._Lefkowitz@opd.eop.gov>
Sent: Thu May 01 17:06:20 2003
Subject:

kyl-cornyn -- think we should be supportive -- will talk to Diana
Brett:

1. Was the first half of the following sentence intended as a concession on the point of what the Constitutional power and duty of the Senate is: "Senate has the raw power to delay and obstruct, but it also has a constitutional responsibility to act."

2. Doesn't the argument that the act-within-a-reasonable-time standard is constitutionally mandated, because the Senate could otherwise depopulate and thereby destroy the third branch, fail to take account of the following checks: (a) voter intolerance (at some point, obviously not yet reached) for such shenanigans and (b) the President's ability to exercise the recess power to fill vacancies whenever the Senate goes out?
This message is a Read Receipt Notification

Your Message : RE: Constitution Subcommittee hearing briefing materials

Was Read By : M.Edward.Whelan@usdoj.gov
On : Thu, 1 May 2003 17:42:31 -0400
"On February 18, 1843, the Senate adopted the following resolution: 'That nominations made by the President to the Senate, and which are neither approved nor rejected during the session at which they are made, shall not be acted upon at any succeeding session without being again made by the President, and that such shall hereafter be the rule of the Senate.' U.S. v. Smith, 286 U.S. 6 (1932)"
PLEASE DO. This stupid thing gnaws at me (not sure whether to be mad at Allen, Dellinger, or our office, but certainly the first 2). Thanks as always!

From: Ashley Snee/WHO/EOP@Exchange on 05/01/2003 06:00:16 PM
Record Type: Record

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

i left mike schear a message;to call me back.; will keep you posted.
Thanks to your office for such a great job on the recent noms (as always). Please make sure everyone who should be invited from OLP (including Sheila and Nancy) is aware of the May 9 Rose Garden event at 10:30. They will be there.
Well, you sure sweet-talked me with that "Cf. Senate 'trial' of President Clinton."

It looks to me like you and I are just going to see the Constitutional duty of the Senate differently here, but we agree on the substance -- dammit, they ought to vote -- and you are doing the Lord's work (almost alone on the White House staff, as near as I can tell, but maybe I don't see all the work that Legislative Affairs and Communications are doing), so keep it up and let me know if I could actually do something useful instead of bugging you with e-mails on tangential issues.
From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Wendy J. Grubbs/WHO/EOP@EOP [ WHO ] <Wendy J. Grubbs>; brian benczkowski (e-mail) <brian.a.benczkowski@usdoj.gov>; Comisac, Rena Johnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>; Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>; Rodgers, Mark (Republican-Conf) <Mark_Rodgers@src.senate.gov>; Abegg, John (McConnell) <John_Abegg@mcconnell.senate.gov>; Duffield, Steven (RPC) <Steven_Duffield@rpc.senate.gov>; Galyean, James (L. Graham) <James_Galyean@lgraham.senate.gov>; Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>; Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>; Jacquot, Joe (Hutchison) <Joe_Jacquot@hutchison.senate.gov>; Lari, Rita (Judiciary) <Rita_Lari@Judiciary.senate.gov>; Kavanaugh, Brett M. (WHO/EOP@EOP [ WHO ] <Brett_M.Kavanaugh@WHO.EOP.DEPT>)
CC: Vogel, Alex (Frist) <Alex_Vogel@frist.senate.gov>; Rawls, Lee (Frist) <Lee_Rawls@frist.senate.gov>; Gold, Martin (Frist) <Martin_Gold@frist.senate.gov>; Lessen, Ramona (Frist) <Ramona_Lessen@frist.senate.gov>

Subject: Principal’s Mtn / Nominees May 6th

Sent: 5/1/2003 10:54:43 AM

Attachments: P_SIT2G003_WHO.TXT_1.html
The Leader has called a Principals’ Meeting for leadership, JC members, WH and DOJ principals for Tuesday, May 6th from 11 to 11:45 in S 230.

Please check with your schedulers whom I have called.

Unless you are on this list, please keep company to one staffer per Principal.

- att1.htm
The Leader has called a Principals’ Meeting for leadership, JC members, WH and DOJ principals for Tuesday, May 6th from 11 to 11:45 in S 230.

Please check with your schedulers whom I have called.

Unless you are on this list, please keep company to one staffer per Principal.
The quotation below from Sen. Schumer, taken from an AP story from today, is exactly right. The emerging test for judicial confirmation is, if you get at least one D vote in committee, you get confirmed; if not, you get filibustered.

"If we don't get nine votes against them in the Judiciary Committee, it will be a difficult thing to hold it up on the floor of the Senate," said Schumer, who sits on the Senate Judiciary Committee. "That's our rule of thumb."
You certainly make the best argument you can -- but it doesn't persuade me. I put a lot of weight on this specific textual commitment of power to the Senate: "Each House may determine the Rules of its Proceedings . . . ." All your quotations of Senators on the Floor are handy (and we ought to make good, political, use of them), but I still don't think it is accurate that the Constitution imposes a duty on the Senate for an up-or-down vote and consent-or-rejection within a reasonable time.
who did we nominate today?
13 or so judges.
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Diana L. Schacht/OPD/EOP@EOP [OPD] <Diana L. Schacht>
Sent: 5/1/2003 12:17:20 PM
Subject: will call you

will call you
From: CN=Matthew E. Smith/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 5/1/2003 12:18:09 PM
Subject: 10/30 confirmed attendees
I apparently gave my only copy back to Steve and you. I know what I said on it if that is the question. Apologies about this.
Did we send 5 District Ct. Nominees from TX?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 01, 2003 3:54 PM
To: Nelson, Carolyn
Subject: Re:

13 or so judges.
Still looking for it.

Brett M. Kavanaugh
05/01/2003 04:18:46 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP
cc: 
bcc: 
Subject: Re: 10/30 confirmed attendees

Do we have full list of invitees as well?

Matthew E. Smith
05/01/2003 04:17:32 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: 
Subject: 10/30 confirmed attendees
Do we have full list of invitees as well?

Matthew E. Smith

05/01/2003 04:17:32 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: 10/30 confirmed attendees
From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]  
Sent: 5/1/2003 12:25:32 PM  
Subject: : does anyone know if today's nominations have gone to the Senate yet?
yes, they went up an hour ago
From: Gumerson, Katie (RPC) <Katie_Gumerson@RPC.Senate.Gov>
To: Rena Johnson (E-mail) <IMCEACCMAIL-Rena+20Johnson+20at+20Judiciary@routing.senate.gov>; Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>; Matthew Kirk/WHO/EOP@EOP [ WHO ] <Matthew Kirk>; Jason Lundell (E-mail) <IMCEACCMAIL-Jason+20Lundell+20at+20Judiciary@routing.senate.gov>; Gary Andres (E-mail) <gary.andres@dutkogroup.com>; Brown, Jamie E (E-mail) <jamie.e.brown@usdoj.gov>; Barbara Ledeen (E-mail) <barbara_ledeen@src.senate.gov>; Stephen Higgins (E-mail) <IMCEACCMAIL-Stephen+20Higgins+20at+20Judiciary@routing.senate.gov>; Pat. O'Brien@usdoj.gov (E-mail) <Pat.O'Brien@usdoj.gov>; Matt Letourneau <matthew让它ourneau@Judiciary.senate.gov>; John Abegg (E-mail) <IMCEACCMAIL-John+20Abegg+20at+20McConnell-DC@routing.senate.gov>; Heather Wingate (E-mail) <heather_wingate@who.eop.gov>; Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>; Alex Dahl (E-mail) <IMCEACCMAIL-Alex+20Dahl+20at+20Judiciary@routing.senate.gov>
Sent: 5/1/2003 12:57:34 PM
Subject: : From Natl Journal's Hotline 5/1

From Natl Journal's Hotline 5/1
Maybe We Should Rock The Boat After All
Washington Post's Dewar reports, "Faced with deepening political strife" over Bush's jud. nominees, sens. from both parties on 4/30 called for "overhaul of the nomination and confirmation process but offered conflicting solutions" -- "signaling that reform will not come easily."

The first came from the Senate's "10 freshmen" -- nine GOPers and one Dem -- "who, in a letter to party leaders, urged an unspecified 'bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees and leave the bitterness of the past behind us.'"

Another came from Jud. Cmte member Sen. Chuck Schumer (D-NY), a "sharp critic of many of Bush's most conservative nominees." A letter to Bush from Schumer "proposed the creation of bipartisan nominating commissions in all states and judicial circuits to propose one candidate for each vacancy, who would then be nominated by the president and confirmed by the Senate."

Writes Dewar: "While the freshmen made no specific proposals," Sen. John Cornyn (R-TX), "who joined with" Sen. Mark Pryor (D-AR) "to organize their effort, said he would like the Senate to shield judicial nominations from filibusters." While it is "unusual for freshmen to take such step in their first few months in office," the 10 "suggested in their letter that they are uniquely qualified as newcomers to suggest judicial process changes because they were not part of struggles that contributed to the current strife." Bush had "made a similar proposal" in '02 but "got nowhere, in part because" sens. are "reluctant to tamper with a power they may want to use someday."

Sen. Zell Miller (D-GA) "has proposed a process under which the 60-vote requirement would be reduced gradually to a simple majority," while Sen. Arlen Specter (R-PA) "has proposed a series of deadlines for everything up to a final vote by the Senate, leaving open the option of a filibuster." Specter: "I think there is cause to preclude a filibuster, but I don't think you can get there in one bite" (5/1).

Owen Fight
Sen. Kay Bailey Hutchison (R-TX) "and a gaggle" of TX female attys, including one Dem, held a presser on 4/30 "praising" the record of TX Supreme Court Justice Priscilla Owen. Hutchison: "I'm really stunned at how hard it has been to get this totally qualified woman confirmed ... She is one of the finest people I have ever known." Hutchison "said she is furious" of what she called Dems' "mistreatment" of Owen, and "vowed to use her leadership position" as GOP conf. vice chair "to push for a rule change that would disallow filibustering" jud. nominees.

The message "did not appear to sway" any female Dems, "many of whom" -- including Sens. Patty Murray (D-WA), Maria Cantwell (D-WA), Barbara Mikulski (D-MD) and Debbie Stabenow (D-MI), on 4/30 "spoke out against Owen on the Senate floor" (Masterson, Houston Chronicle, 4/30). But Dems are also "working hard to prove that they do not oppose all of Bush's nominees by moving for a vote on jud. nominee Edward Prado -- but the Senate "rebuffed" the effort on 4/29. Senate Min. Leader Tom Daschle (D-SD): "We may disagree on the Owen nomination, but there is no reason we should not pass those nominees for which there is no disagreement."

Frist "filed for cloture" on Owen's nod on 4/29, "meaning the Senate will vote" on 5/1 "whether to end debate" (Duran, Roll Call, 5/1).

FNC's Hume: "On Capitol Hill, it seems like there are harsh words almost every time when one of President Bush's judicial nominees are coming up for action" ("Special Report," 4/30).
FNC's Rosen: "Republicans may be more frustrated with their own Senate leader, Bill Frist, who some say is not making Democrats feel enough pain for their blockage of Bush nominees" ("Special Report," 4/30). Sen. Trent Lott (R-MS), on Dem filibustering: "Surely in the past when I was majority leader, we did, you know, scrutinize Clinton's nominees, some of them were delayed in committee, some delayed on the floor. But never once, never once, did we kill one by a filibuster. I don't think we can let this stand. And we have got to stop the filibuster of Estrada and Owen" ("Hannity & Colmes," FNC, 4/30).

Bush is "expected to nominate" ex-TX Supreme Court Justice Xavier Rodriguez and State District Judge Frank Montalvo to fed'l judgeships on 5/1. He also will appoint to fill vacancies on the TX fed'l bench TX Appeals Court Justice Lee Yeakel, visiting District Judge Kathleen Cardone and US Magistrate Judge Marcia Crone. All are "noncontroversial candidates" recommended by Cornyn and Hutchison (Martin, San Antonio Express-News, 5/1).

Get Stabenow

Detroit News' Weeks writes, the 6th US Circuit Court of Appeals, with "four of five vacancies ... supposed to be filled" by MI judges, "has more vacancies than any other federal appeals court." Bush "long ago nominated the four. But, alas, they have been twisting in the wind because of the same kind of bitter partisan gamesmanship that sidelined" MIans nominated by ex-Pres. Bush and ex-Pres. Clinton. The MI Four "have not even received a hearing in the GOP-ruled" Senate Jud. Cmte because Sens. Carl Levin (D-MI) and Debbie Stabenow (D-MI) "essentially have blackballed them. The committee has this quaint tradition of not taking up a nominee if a senator from the nominee's home state, regardless of party, objects by withholding return of 'blue slips' on them." Advises Weeks: "Chuck the tradition. One senator should not be able to prevent a vote by 99 others." Weeks Writes: "I visit the subject today because" the MI Legal Foundation, "currently housed at the conservative" Mackinac Center for Public Policy, "began running radio ads ... attacking" Stabenow for "playing politics" with the nods, similar to earlier ads by Mackinac, attacking both Stabenow and Levin. MI Legal has raised $100K "for ads on the issue." Writes Meeks: "Why now single out just Stabenow? Because she is the next" MI sen. "up for re-election -- in three years" -- and GOPers "want to turn up the heat in areas where they think she is more vulnerable. They also figure she's more likely to cave than Levin -- and that he would go along with any compromise acceptable to her" (5/1).

From the 60-second radio ad, produced by MEPH:

---

Katie Gumerson  
Deputy Staff Director  
Republican Policy Committee  
United States Senate  
347 Russell
do you know who in your office does Mexican Trucks/NAFTA? Thanks!!
does the message that 'wh would not support legislation that leaves risk to taxpayers' need to reinforced through wh leg to hatch?

---------------------- Forwarded by Kevin Warsh/OPD/EOP on 05/01/2003 05:05 PM---------------------------

From: Lisa J. Macecevic on 05/01/2003 04:24:35 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 5/1 CongressDaily on asbestos trust fund & possible role of USG

Asbestos Litigation Talks Focus On Trust Fund Structure

The politically loaded question of how to balance corporate defendants' desire to cap their asbestos litigation exposure with victims' demand for guaranteed compensation even if a private trust fund runs dry has become a major focus of ongoing legislative negotiations being overseen by the Senate Judiciary Committee. In a meeting Wednesday among labor officials, corporate representatives, insurers and Senate aides from both parties, the discussion of risk -- who should bear it and to what degree -- was a key topic of conversation, sources said. Additional meetings were planned for today and for Friday.

Sen. Christopher Dodd, D-Conn., who is part of the negotiations, today told CongressDaily that providing certainty for all sides would be a significant and "challenging" part of the debate. It is probably impossible to get a bill "in the absence" of an amicable resolution of those concerns, Dodd added. However, Dodd refused to say whether he would support making the federal government the guarantor for an asbestos compensation fund. "That's as much as you're going to squeeze out of me," Dodd joked. As for the overall negotiations, "They're on track," Dodd said. Senate Judiciary Chairman Hatch, who is running the negotiations, said Tuesday he still plans to mark up legislation this month -- regardless of whether labor and management have resolved their differences. Sources said Hatch's aides have nearly finished drafting the markup vehicle.

Participants in Wednesday's meeting exchanged ideas about whether the bill's proposed trust fund would be open-ended. Although there were no conclusions reached, sources from various sectors agreed the meeting was extremely productive and warranted a timely follow up. "Doing this right is very complicated," said Damon Silvers, associate general counsel for the AFL-CIO, which is representing labor in the negotiations. While acknowledging Hatch's desire to adhere to a fixed timetable, "I think all sides know that we need to be united on the front end consensus process -- that way we don't need as much time on the back end of the process," Silvers said.

Labor officials have insisted they would not accept a closed-ended
trust fund absent a structure for bearing the risk in the event the fund runs dry. "I think it is very, very important to the labor movement that asbestos victims not bear the risk of (there being) not enough money in this fund. -- We are going to find it very difficult to find a solution if we can't do that," Silvers added. Silvers and industry sources at the meeting said various means for ensuring that goal were discussed. But Silvers said it would "be difficult to do it without a federal guarantee behind the fund" -- and defendant companies and insurers are highly skeptical whether that is politically feasible. Silvers acknowledged that a federal guarantee "needs to be so far out on the edge that it is not a real imposition on the taxpayer. We understand that the federal government's need is for that role to very minimal -- on paper perhaps, but that is never drawn upon." -- by Pamela Barnett

Message Sent
To:
Brett M. Kavanaugh/WHO/EOP@EOP
Kevin Warsh/OPD/EOP@EOP
Diana L. Schacht/OPD/EOP@EOP
Lauren E. Bloomquist/OMB/EOP@EOP
James Boden/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
Richard E. Green/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP
kyl-cornyn -- think we should be supportive -- will talk to Diana
Brett:

You might find the following law review article amusing:

yes, read that one (though John Eastman is my favorite commentator who has written on this). I liked the Senate provision quoted in that article from Aug. 21, 1789: "Resolved, That when nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration.... All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and the Senators shall signify their assent or dissent by answering, viva voce, ay or no."

David S. Addington
05/01/2003 05:25:31 PM
Record Type: Record

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

Brett:

You might find the following law review article amusing:

Renzin, L., "Advice, Consent, and Senate Inaction -- Is Judicial Resolution Possible?,"
i left mike shear a message; to call me back.; will keep you posted.
TV Program: "Heroes and Legends of Texas Cemetery"

featuring interviews of friends, colleagues, historians on those buried in Texas State Cemetery
President's participation would be a video greeting, speaking primarily about Bob Bullock
Background: President and Mrs. Bush have burial plots at the Cemetery

Cover $15,000 production costs
Remainder of profits will be split by Bullock Museum and Texas Cemetery (foundations will fax documentation for donations)
Can/Will provide documentation of sales and donations as requested based on monthly records of units ordered

TV program to be aired on variety of Texas stations; for example TXCN, KXAN-Austin
DVD/VHS of program to be sold; advertised during airing of show
Carole Keaton Rylander has participated
Jan Bullock participating; has spoken with Karen Hughes on this
(Late) George Christian put Mr. Bass in contact with Karl Rove

Glenn Bass
Program Producer
512-695-2930
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POLITICS

Bush Heading To Calif. For Iraq Speech

Judge Delays Ruling In NYC Transit Hike

LEGAL COMMENTARY

'Moral' Foreign Policy? The U.S.'s Current View Of Its Role In The World
http://writ.news.findlaw.com/lazarus/20030501.html

The Status Of U.S. Immigrants After The Iraq War
http://writ.news.findlaw.com/commentary/20030501_flowers.html

CIVIL RIGHTS

Senators Want To Expand Hate Crimes Law

Georgians Plan Whites-Only Prom Party
PERSONAL INJURY
Massachusetts Top Court Throws Out Clergy Sex Case

FDA Approves New Test To Monitor Asthma

PRODUCT LIABILITY
GM To Recall 1.77 Million Vehicles For Wipers

LABOR AND EMPLOYMENT
Jobless Claims Down Last Week; Average Up

Delta Proposes Cutting Pilots' Pay

ENVIRONMENT
Calif. Counties Among Nation's Smoggiest

Colo. Court Water Ruling Blow To Farmers

TOBACCO
'Smoke and Scram' Is New Order For New York Smokers

CYBERSPACE LAW
Danish Company Convicted, Fined for Spam

BUSINESS
Visa, MasterCard To Pay $3 Billion In Suit

Quattrone's Lawyers Demand Retraction

ENRON
Ex-Enron Execs Arrested on Fraud Charges

Ex-Enron CFO's Wife, Executives Surrender

INTERNATIONAL LAW
Britain Probes Pregnancy Discrimination

World Marks May Day, Violence Flares In Berlin
http://news.findlaw.com/international/s/20030501/maydaydc.html

WAR ON TERRORISM
U.S. Court Approved 1,228 Terror Warrants
Suitcase Explosion Kills One In Jordan
http://news.findlaw.com/ap/i/1107/5-1-2003/20030501093005_06.html

IRAQ
UN Council May Modify US Sanctions Request On Iraq
http://news.findlaw.com/international/s/20030501/iraqunresolutiondc.html

Possible Stolen Iraqi Items Confiscated

CRIME & TRIALS
Key McVeigh Witness Testimony Questioned
http://news.findlaw.com/ap/a/w/1152/5-1-2003/200305010545015.html

Life Sentence for Twin in Woman's Death

ENTERTAINMENT
Tom Arnold Sued For Alleged Harassment

David Lee Roth Detains Unwanted Visitor

SPORTS
Soccer: England Hit With Record Fine, Avoids Fan Ban

USOC Welcomes Decision On Action Over Drug Tests

**********************************************************************
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**********************************************************************
FEEDBACK

REV_00116336
Ok, so, Jimmy Orr has been out sick for the past few days and probably
won't be in tomorrow to do the taping.; So.... can we do Monday?
We will get a list together. If possible, it would be nice also to invite folks in the FBI BI unit who worked hard to pull the BI reports together.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Thursday, May 01, 2003 6:19 PM
To: Charnes, Adam; Dinh, Viet
Subject: May 9 event

Thanks to your office for such a great job on the recent noms (as always). Please make sure everyone who should be invited from OLP (including Sheila and Nancy) is aware of the May 9 Rose Garden event at 10:30. They will be there.
We will get a list together. If possible, it would be nice also to invite folks in the FBI BI unit who worked hard to pull the BI reports together.

Thanks to your office for such a great job on the recent noms (as always). Please make sure everyone who should be invited from OLP (including Sheila and Nancy) is aware of the May 9 Rose Garden event at 10:30. They will be there.
Brett/Nanette:

Per Brian's e-mail below, he hopes that you will both be able to speak to the regional appointees on May 20th at 1:30pm in EEOB 450. It would be a 30 min. session with Brett speaking for 15 min. on the Hatch Act, and Nanette for 15 min. on Ethics. Does this time work in your schedules??

Thank you!!

---------------------- Forwarded by Christie Parell/WHO/EOP on 04/28/2003 05:26 PM ---------------------------

From: Brian D. Montgomery/WHO/EOP@Exchange on 04/22/2003 12:01:48 PM
Record Type: Record

To: David G. Leitch/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Charlotte L. Montiel/WHO/EOP@Exchange, Christie Parell/WHO/EOP@EOP
Subject: Regional Appointees Conference

David/Brett:

The Offices of Cabinet Affairs, Presidential Personnel, Intergovernmental Affairs, Political Affairs, and the Council for Excellence in Government are together sponsoring a two-day conference entitled "Regional Appointees: Challenges and Opportunities," scheduled for May 19-20, 2003 in Washington, DC.

This conference will be the first of its kind during this Administration and will include regional appointees from several Cabinet and sub-Cabinet agencies such as Education, Interior, Labor, EPA, HHS, FEMA, GSA, HUD and SBA. It will be held at the nearby Mayflower Hotel, with several sessions taking place in Room 450 EEOB.

Given your office's stake in such an event, we want to involve you in the conference's program workshops and plenary sessions. In working with the agencies, we have identified roughly 85 regional political appointees that we have invited to attend the conference; other local agency personnel, including inter-governmental affairs staff, will also be invited.
The purpose of the conference is to better engage our regional appointees as representatives of the President around the country and to give them a chance to meet and hear from senior White House officials and agency leaders. Sessions will focus on a variety of vital issues including:

- Management Results / President's Management Team
- Building Support for the President's Agenda
- Freedom Corps / Faith-Based Initiatives
- Hatch Act / Ethics
- Policy Perspectives
- Homeland Security
- Working Together for Greater Regional Impact
- Legislative Update
- Foreign Policy Update

We have tentatively scheduled your presentation for Tuesday afternoon, May 20 in Room 450 EEOB (exact time is TBD). We would hope you could discuss your insights on the Hatch Act and ethics in government. We would also hope you could join us for a reception to be held later that evening.

We would greatly appreciate your participation, and I know that the Regional Appointees would appreciate hearing from you and will be happy to take your perspectives back with them to their respective regions. Please feel free to contact me should you have additional questions or you may have your assistant contact Christie Parell (6-2343) to confirm your availability.

Many thanks in advance,

Brian Montgomery
You're down for a 4:30 with ARG and Ted re: 4th Cir.
Doesn't look like yesterday's nominations made it on to the WH web site news page; http://www.whitehouse.gov/news/; Any reason why not?
Do you handle North American Development Bank Issues? ARG is asking.
Brett, let David know that unless Liz emails these to the web site, they
don't go up. It is an automatic feature, but it is up to Liz (or whomever
in the press office puts out the release). I'll check into it.

--------------------

From: Ashley Snee/WHO/EOP@Exchange on 05/02/2003 07:32:35 AM
Record Type: Record
To: Christopher J. Orr/WHO/EOP@EOP
cc:
Subject: FW:

hey - not sure if you're here - but can you forward this to have the team
check out.; they were the nominations sent to the senate yesterday - along
with the bios for the judges. Thanks!

-----Original Message-----
From: Leitch, David G.
Sent: Friday, May 02, 2003 7:23 AM
To: Kavanaugh, Brett M.; Snee, Ashley
Subject:

Doesn't look like yesterday's nominations made it on to the WH web site
news page.; http://www.whitehouse.gov/news/ <
http://www.whitehouse.gov/news/>; Any reason why not?
Fyi. Slight change.

----- Original Message -----  
From: Wendy J. Grubbs/WHO/EOP@Exchange 
To: Brett M. Kavanaugh/WHO/EOP@EOP 
Cc: 
Date: 05/02/2003 12:04:12 PM  
Subject: May 9th event 

Z and I just discussed; this event. Z likes focusing on the jr senators only, provided Pryor will show up. I have placed a call to Pryor's COS to see what he thinks.  
Z's concern with the bigger event; is that they (Leahy, Daschle et al) could decide to show and go to sticks to discuss the large numbers that have been confirmed. They could impact the solution message with numbers to show that a problem really doesn't exist.  
So, under this plan, we would just invite the ten that signed the letter which was the Judge's original thought, I recall. I assume that is ok with you, so let's see what Pryor's reaction is, ok?
These remarks did make it to the web site yesterday. They made it to the news index page. It is incumbent upon the PPO office to update the Nominations section of the web site. Unfortunately, they don't do it as often as we'd like. We've always asked that they update the info nightly. Instead it gets updated 2 - 3 times per week. If you guys can make them do it more quickly, have at it. I can't. Katja is the contact.

---------------------- Forwarded by Christopher J. Orr/WHO/EOP on 05/02/2003 08:58 AM ---------------------------

From: Ashley Snee/WHO/EOP@Exchange on 05/02/2003 07:32:35 AM
Record Type: Record

To: Christopher J. Orr/WHO/EOP@EOP
cc:

Subject: FW:

hey - not sure if you're here - but can you forward this to have the team check out.; they were the nominations sent to the senate yesterday - along with the bios for the judges. Thanks!

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Sent: Friday, May 02, 2003 7:23 AM
To: Kavanaugh, Brett M.; Snee, Ashley
Subject: 

Doesn't look like yesterday's nominations made it on to the WH web site news page:; http://www.whitehouse.gov/news/ < http://www.whitehouse.gov/news/>; Any reason why not?
taking care of our peeps

------------ Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/02/2003 09:23 AM ------------

Brett M. Kavanaugh
05/02/2003 09:23:27 AM
Record Type: Record
To: "Adam.Charnes@usdoj.gov" <Adam.Charnes@usdoj.gov>
cc: "viet.dinh@usdoj.gov" <viet.dinh@usdoj.gov>
Subject: RE: May 9 event

sure, let me know.

"Adam.Charnes@usdoj.gov" <Adam.Charnes
05/02/2003 09:03:22 AM
Record Type: Record
To: "Viet.Dinh@usdoj.gov" <Viet.Dinh@usdoj.gov>, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: May 9 event

We will get a list together. If possible, it would be nice also to invite folks in the FBI BI unit who worked hard to pull the BI reports together.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, May 01, 2003 6:19 PM
To: Charnes, Adam; Dinh, Viet
Subject: May 9 event

Thanks to your office for such a great job on the recent noms (as always). Please make sure everyone who should be invited from OLP (including Sheila and Nancy) is aware of the May 9 Rose Garden event at 10:30. They will be there.
you guys going?  

-----Original Message-----
From: Caramanica, Jessica (Judiciary)
[mailto:Jessica_Caramanica@Judiciary senate.gov]
Sent: Thursday, May 01, 2003 5:15 PM
To: Caramanica, Jessica (Judiciary); Jamie.E.Brown@usdoj.gov;
viet.dinh@usdoj.gov; brian.a.benczkowski@usdoj.gov; Grubbs, Wendy J.;
adam.charnes@usdoj.gov; Kavanaugh, Brett M.; Snee, Ashley;
Monica.goodling@usdoj.gov; Galyean, James (L. Graham); Vogel, Alex
(Frist); Abegg, John (McConnell); Smith, William (Judiciary); Ho, James
(Judiciary); Duffield, Steven (RPC); Gumerson, Katie (RPC); Miranda,
Manuel (Frist); Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson
(Judiciary); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)
Subject: Meeting Friday at 10:30 a.m.

;

;

;

On Friday at 10:30 a.m., there will be a meeting in Makan,s office
(SD-145) to discuss judicial nominations.; Hope you can make it.

;

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confidential information intended only for the use of the individuals or
entities named as addressees.; If you, the reader of this message, are not
the intended recipient, you are hereby notified that any dissemination,
distribution, publication, or copying of this message is strictly
prohibited.; If you have received this message in error, please forgive
the inconvenience, immediately notify the sender, and delete the original
message without keeping a copy.
I am. Getting car at 10:10 from West basement.

-----Original Message-----
From: Ashley Snee/WHO/EOP@Exchange on 05/02/2003 09:53:04 AM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@Exchange
cc: 
Subject: FW: Meeting Friday at 10:30 a.m.

you guys going?
;
-----Original Message-----
From: Caramanica, Jessica (Judiciary) [mailto:Jessica_Caramanica@Judiciary.senate.gov]
Sent: Thursday, May 01, 2003 5:15 PM
To: Caramanica, Jessica (Judiciary); Jamie.E.Brown@usdoj.gov; viet.dinh@usdoj.gov; brian.a.benczkowski@usdoj.gov; Grubbs, Wendy J.; adam.charnes@usdoj.gov; Kavanaugh, Brett M.; Snee, Ashley; Monica.goodling@usdoj.gov; Galyean, James (L. Graham); Vogel, Alex (Frist); Abegg, John (McConnell); Smith, William (Judiciary); Ho, James (Judiciary); Duffield, Steven (RPC); Gumerson, Katie (RPC); Miranda, Manuel (Frist); Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)
Subject: Meeting Friday at 10:30 a.m.

On Friday at 10:30 a.m., there will be a meeting in Makan,s office (SD-145) to discuss judicial nominations.; Hope you can make it.

CONFIDENTIALITY NOTE:
The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individuals or entities named as addressees. If you, the reader of this message, are not the intended recipient, you are hereby notified that any dissemination, distribution, publication, or copying of this message is strictly prohibited. If you have received this message in error, please forgive the inconvenience, immediately notify the sender, and delete the original message without keeping a copy.
You are good to go on Airlite.
From: Wendy J. Grubbs
To: Ashley Snee, Brett M. Kavanaugh
Sent: 5/2/2003 6:07:46 AM
Subject: Re: Meeting Friday at 10:30 a.m.

I will be there also.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Snee, Ashley <Ashley_M._Snee@who.eop.gov>
CC: Grubbs, Wendy J. <Wendy_J. Grubbs@who.eop.gov>
Sent: Fri May 02 09:54:03 2003
Subject: Re: FW: Meeting Friday at 10:30 a.m.

;;;;;;; I am.; Getting car at 10:10 from West basement.

;;;;;;; From: Ashley Snee/WHO/EOP@Exchange on 05/02/2003 09:53:04 AM
;;;;;;; Record Type: Record
;;;;;;; To: Brett M. Kavanaugh/WHO/EOP, Wendy J. Grubbs/WHO/EOPExchange
;;;;;;; Subject: FW: Meeting Friday at 10:30 a.m.

;;;;;;; you guys going?

;;;;;;; -----Original Message-----
;;;;;;; From: Caramanica, Jessica (Judiciary) [mailto:Jessica_Caramanica@Judiciary.senate.gov]
;;;;;;; Sent: Thursday, May 01, 2003 5:15 PM
;;;;;;; To: Caramanica, Jessica (Judiciary); Jamie.E.Brown@usdoj.gov;
;;;;;;; viet.dinh@usdoj.gov; brian.a.benczkowski@usdoj.gov; Grubbs, Wendy J.;
;;;;;;; adam.charnes@usdoj.gov; Kavanaugh, Brett M.; Snee, Ashley;
;;;;;;; Monica.goodling@usdoj.gov; Galvean, James (L. Graham); Vogel, Alex (Frist);
;;;;;;; Abegg, John (McConnell); Smith, William (Judiciary); Ho, James (Judiciary);
;;;;;;; Duffield, Steven (RPC); Gumerson, Katie (RPC); Miranda, Manuel (Frist);
;;;;;;; Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary);
;;;;;;; Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)
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Have you left yet?

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Sent: Friday, May 02, 2003 9:54 AM
To: Snee, Ashley
Cc: Grubbs, Wendy J.
Subject: Re: FW: Meeting Friday at 10:30 a.m.

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Sent: Thursday, May 01, 2003 5:15 PM
To: Caramanica, Jessica (Judiciary); Jamie.E.Brown@usdoj.gov; viet.dinh@usdoj.gov; brian.a.benczkowski@usdoj.gov; Grubbs, Wendy J.; adam.charnes@usdoj.gov; Kavanaugh, Brett M.; Snee, Ashley; Monica.goodling@usdoj.gov; Galyean, James (L. Graham); Vogel, Alex (Frist); Abegg, John (McConnell); Smith, William (Judiciary); Ho, James (Judiciary); Duffield, Steven (RPC); Gumerston, Katie (RPC); Miranda, Manuel (Frist); Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary)
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Have you left yet?

-----Original Message-----
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Sent: Friday, May 02, 2003 9:54 AM
To: Snee, Ashley
Cc: Grubbs, Wendy J.
Subject: Re: FW: Meeting Friday at 10:30 a.m.

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Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Wendy J. Grubbs/WHO/EOP@Exchange
cc: 
Subject: FW: Meeting Friday at 10:30 a.m.

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Sent: Thursday, May 01, 2003 5:15 PM
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Note from Eric Terrell, Director, WH Travel Office:

;

2. I would only consider the fet issue resolved when the IRS is fully aware that w.h. is no longer paying fet, but that our broker air partner is. Brett & Adam may be up to speed and all agree on how it should work (i.e. the way it is now) but I don't believe anyone's contacted the IRS.

;

;

Does someone need to contact the IRS? If yes, who would be the appropriate person?
Brief CA6 meeting with Judge scheduled for 430 this afternoon

Pls confirm that that works for you
Are we doing an "Ask the White House" with the Judge on Friday?
From: Shannen.Coffin@usdoj.gov
To: Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>
Sent: 5/2/2003 11:43:56 AM
Subject: Fw: McConnell v. FEC: This Is Really It

Fyi
Shannen W. Coffin
Civil Division
U.S. Department of Justice
(202) 514-3310 (phone)
(202) 514-8071 (fax)
shannen.coffin@usdoj.gov

-----Original Message-----
From: Gilligan, James <JGilliga@CIV.USDOJ.GOV>
To: Raab, Michael <MRaab@CIV.USDOJ.GOV>; Martin, Dana <DMartin@CIV.USDOJ.GOV>; Letter, Douglas <DLetter@CIV.USDOJ.GOV>; Gershengorn, Ara <AGershen@CIV.USDOJ.GOV>; Clement, Paul D <Paul.D.Clement@USDOJ.gov>; Stewart, Malcolm L <Malcolm.L.Stewart@USDOJ.gov>; Coffin, Shannen <SCoffin@CIV.USDOJ.GOV>; Jordan, Bill <BJordan@CIV.USDOJ.GOV>; Hirt, Theodore <THirt@CIV.USDOJ.GOV>; Hunt, Jody <JHunt@CIV.USDOJ.GOV>; McCallum, Robert <RMcCallu@CIV.USDOJ.GOV>; Reyes, Luis <LReyes@CIV.USDOJ.GOV>; Miller, Charles S <Charles.S.Miller@USDOJ.gov>; Bhattacharyya, Rupa <RBhattach@CIV.USDOJ.GOV>; Gacki, Andrea <AGacki@CIV.USDOJ.GOV>; Henry, Terry <THenry@CIV.USDOJ.GOV>; Kesselman, Marc (OLP) <Marc.Kesselman2@USDOJ.gov>; Knepper, John <JKnepper@CIV.USDOJ.GOV>; Turner, Serrin <SeTurner@CIV.USDOJ.GOV>
Sent: Fri May 02 15:07:47 2003
Subject: McConnell v. FEC: This Is Really It

The court just called. The opinion will be available for the parties on CD-ROM at 3:30. It's being announced to the press at 3:45. I was informed that the court's opinion is 1,600 pages long. I am not kidding.

I will go to the courthouse now and pick it up. (Anyone in Fed Programs who wants to join me is welcome.) We in Fed Programs will get the opinion distributed electronically and in hard copy as fast as we absolutely can.

JG
Judge will speak to the Federal Judge's Association Board of Directors on Monday. Will you pls provide talking points on the following subjects:

- Judicial Compensation
- Leahey-Kerry Bill
- Volcker Commission report on compensation for government employees;
- The "Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today" or "PROTECT" Act and the "Feeney Amendment"

The speech will be drafted over the weekend- anything you can provide before 5pm will be much appreciated.
From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO]
Sent: 5/2/2003 8:00:08 AM
Subject: Prado Quip

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 2-MAY-2003 12:00:08.00
SUBJECT:: Prado Quip
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO: Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
### End Original ARMS Header ######

From an AP story:
Prado, 55, was confirmed by the Senate on Thursday to fill a vacancy on the 5th U.S. Circuit Court of Appeals, based in New Orleans. The vote was 97-0. Three Senators did not vote.

"I want to know who the three were who had more important things to do than vote for me," quipped Prado, a colorful jurist nominated for the position by President Bush in February.
Z and I just discussed; this event. Z likes focusing on the jr senators only, provided Pryor will show up. I have placed a call to Pryor's COS to see what he thinks. Z's concern with the bigger event is that they (Leahy, Daschle et al) could decide to show and go to sticks to discuss the large numbers that have been confirmed. They could impact the solution message with numbers to show that a problem really doesn't exist. So, under this plan, we would just invite the ten that signed the letter which was the Judge's original thought, I recall. I assume that is ok with you, so let's see what Pryor's reaction is, ok?
FINDLAW Fri, May 2, 2003

TOP LEGAL NEWS HEADLINES

For all of the day's legal news go to: http://news.findlaw.com

********************************************************************************

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Rumsfeld To Fill Army Secretary Post
http://news.findlaw.com/ap/a/w/1152/5-2-2003/20030502040004_01.html

LEGAL COMMENTARY
Gov't Motive & Purpose: Intent In The Michigan Affirmative Action Cases & The Iraq War
http://writ.news.findlaw.com/amar/20030502.html

CIVIL RIGHTS
Calif. Girl Recites Pledge Despite Dad's Lawsuit

College 'Sexfest' Irks State Lawmaker

PRODUCT LIABILITY
GNC Says It Will Stop Selling Ephedra
IMMIGRATION
Ex-State Dept. Couple Charged with Visa Fraud

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Unemployment Rate Rises To 6 Percent
Yale Grad Students Unite To Fight Union

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Water A Priority For Returning U.N. In Iraq
http://news.findlaw.com/international/s/20030502/iraqaidundc.html

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Air Force Academy Probes Online Sex Site
Students Settle File-Swapping Lawsuit
http://news.findlaw.com/ap/e/1403/5-2-2003/20030502021501_01.html

TELECOMMUNICATIONS
Hill Putting Spotlight On Showbiz

BUSINESS
SEC Chief Berates Morgan Stanley Leader
Calif. Yanks Wells Fargo Mortgage License

INTERNATIONAL LAW
Nigerian Oil Workers To Release Hostages
India, Pakistan To Hold Peace Talks

WAR ON TERRORISM
Plot Against U.S. in Saudi Arabia 'Credible' -U.S.
Al Qaeda Member's Nephew Captured In Pakistan

IRAQ
U.S. Troops Capture Three Iraqi Officials
never have before
Rush to Judgment: Estrada nomination has been blocked too long

There is a time for talking and a time for voting. The time is past for the U.S. Senate to talk about Miguel Estrada's nomination to the federal Court of Appeals for the District of Columbia circuit. It's time to vote.

Having emigrated from Honduras as a teenager unable to speak much English, Mr. Estrada went on to graduate magna cum laude from Columbia University and Harvard Law School, to clerk for a Supreme Court justice, to serve two administrations in the U.S. solicitor general's office, to win more than a dozen cases in the Supreme Court. In short, the 42-year-old lawyer is talented. Who knew that talent would extend to tying the Senate in knots for days on end.

Democrats by now are in full filibuster. Senate proceedings, as carried on C-Span, resemble the film *Groundhog Day*, where the main character has to relive the same day over and over again. Every day, it's the same thing. Democrats get up, march over to the podium, shuffle papers and recite their main complaint with Mr. Estrada — that he's conservative, unconventional and unapologetic. That when he had the chance to hand them the rope with which to hang him during his hearing before the Senate Judiciary Committee, he refused to hold up his end.

Democrats haven't liked Mr. Estrada from the beginning. Part of that is due to his ideology — which is decidedly not Democratic. But part of it also has to do with the fellow who nominated him. Democrats don't relish giving President Bush one more thing to brag about when he goes into Hispanic neighborhoods during his re-election campaign next year. They are even less interested in putting a conservative Republican in line to become the first Hispanic justice on the Supreme Court.

And so they have talked and talked, in hopes that Republicans will back down. They won't. Nor should they.

Republicans certainly stalled their share of appointments during the
Clinton administration. But Democrats are being shortsighted in seeking retaliation. It is precisely these sorts of narrowly motivated temper tantrums – from both sides of the political aisle – that turn off voters and make cynics of the American people. When that happens, it doesn't matter which nominees get confirmed or rejected. Everybody loses.
Eat your heart out Al and Mike!!

Left: Al Gore in Vietnam [notice where the barrel of the gun is pointed]
Center: Stud fighter pilot Commander in Chief
Right: Mike Dukakis
We should make sure Judge or I also talk to Biskupic.

-------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 05/02/2003 01:15 PM --------------

"Heather.Cutchens@usdoj.gov" <Heather.Cutchens@usdoj.gov>
05/02/2003 11:55:58 AM
Record Type: Record

To: "Brian.A.Benczkowski@usdoj.gov" <Brian.A.Benczkowski@usdoj.gov>
(Receipt Notification Requested) (IPM Return Requested),
"Monica.Goodling@usdoj.gov" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), Ashley Snee/WHO/EOP@EOP
cc: "Heather.McNaught@usdoj.gov" <Heather.McNaught@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), Brett M.
Kavanaugh/WHO/EOP@EOP
Subject: RE: Biskupic on judges

Jorge and I are handling judges. Blain Rethmeier is handling interviews with Viet -- he can sit in on the interview. Sorry about the last e-mail -- I meant to CC everyone else. Thanks!

-----Original Message-----
From: Benczkowski, Brian A
Sent: Friday, May 02, 2003 11:44 AM
To: 'ashley_snee@who.eop.gov'; Goodling, Monica
Cc: McNaught, Heather; Cutchens, Heather; 'brett_m._kavanaugh@who.eop.gov'
Subject: Biskupic on judges

Joan Biskupic at USA Today is writing a story on lower court nominees and says she needs to talk to Viet for about 15 minutes by COB Tuesday. Viet has asked that one of you reach out to Joan, and then advise whether he should talk to her. Can one of you please handle?

Heather C- Who is handling inquiries on judges in Monica's absence?

Thanks much.

BAB

Brian A. Benczkowski
Staff Director and Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Ave., NW
Room 4228
Washington, DC 20530
how about 2:15?

hate to do this, but can we change to 2:00 - I now have some interviews beginning at 3
Participants:
Judge Gonzales  
David Leitch  
Brett Kavanaugh  
Jenny Brosnahan  
Paul Clement  
Shannen Coffin  
Jim Gilligan  

Saturday, May 3, 2003  
4:15pm  
Dial-in: 202-395-6392  
Conference Code: 879970  

Campaign finance conference call tomorrow
This message is a Read Receipt Notification

Your Message : Re: FW: Lardner Lawsuit
Was Read By : Paul.P.Colborn@usdoj.gov
On : Fri, 2 May 2003 14:10:21 -0400
reminder re dabney/schlapp
additional names for list

Brett M. Kavanaugh
10/24/2002 09:46:11 AM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc: 
Subject: additional names for list

Mayor Giuliani
Gerry Parsky
Jim Wootten - Chamber Litigation Center
Bruce Josten - US Chamber
Victor Schwartz - Shook, Hardy and Bacon
Tiger Joyce - ATRA
John Castellani - Business Roundtable
Jerry Jasinowski - NAM
Bob Vagley - American Insurance Association
Can we have East Room as backup for the Judges event in case of rain. Is that possible? We used East Room on May 9, 2001, for original judges event and on October 30, 2002 for other major judges event. And we have about 250 folks coming, including about 10 Senators, ABA President, etc. Thanks.
Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, May 02, 2003 2:41 PM
To: Litkenhaus, Colleen
Subject: Re: travel office issue I asked you about last week....

I think we affirmatively decided not to contact the IRS. Let me loop back to Adam and Eric.

---

Note from Eric Terrell, Director, WH Travel Office:

2. I would only consider the fet issue resolved when the IRS is fully aware that w.h. is no longer paying fet, but that our broker air partner is. Brett & Adam may be up to speed and all agree on how it should work (i.e. the way it is now) but I don't believe anyone's contacted the IRS.

Does someone need to contact the IRS? If yes, who would be the appropriate person?
We would, but as I am sure you are aware, the state floor opens up to
tours next week.; Having this event in the east room would mean cancelling
tours (which is why you are cc'ing colleen, I assume).; The president has
an afternoon commencement that day and therefore we cannot move this event
to the afternoon.; The only 2 solutions I see are:
Move the event to another date (I know this is the anniversary)
Or
Move tours to the afternoon that day
Colleen - can you let us know if that is possible?
Thanks!; And sorry for all of this brett!

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Figg, Kara G. <Kara_G._Figg@WHO.eop.gov>; Litkenhaus, Colleen
<Colleen_Litkenhaus@WHO.eop.gov>
Sent: Fri May 02 14:30:24 2003
Subject: backup location in case of rain for Judges event on 5/9

; ; ; ; ; ; Can we have East Room as backup for the Judges event in case of
rain.; Is that possible?; We used East Room on May 9, 2001, for original
judges event and on October 30, 2002 for other major judges event.; And we
have about 250 folks coming, including about 10 Senators, ABA President,
etc.; Thanks.
just to chat about kyl-cornyn

Diana L. Schacht
05/01/2003 10:56:05 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: Re: will call you

What was the subject of your call?
We're on for 3:00 Monday with Mark Heilbrun, here.
I have a call into Matt.
I understand some interviews have been scheduled, as early as Monday. Please let me know when they are. Thanks.
will you have talking points tonight?
Comments of Majority Leader Bill Frist after the failed vote to end the Owen filibuster:

"Today, I am sorry to say, our Democrat colleagues chose again the path of obstruction. During three days of debate on this nomination, Democrat Senators took up only 4 hours. Yet they voted today to prevent the majority from going to a vote.

The Constitution gives every Senator the right to offer his or her advice and consent on the President's judicial nominees. Our Democrat colleagues are denying the constitutional right of every Senator.

And they are being unfair to the President and his nominee. Senator Hatch has told us that Priscilla Owen is the best and brightest sitting judge nominated by President Bush. She graduated third in her class from law school, when few women went to law school. She ranked first in the Texas bar exam. The American Bar Association rated her unanimously well qualified.

The people of Texas, the largest state in the Fifth Circuit, elected her to the Texas Supreme Court by 83% of the vote. She is hardly the out of the mainstream judge opponents say she is.

Moreover, this is a highly placed public servant who teaches Sunday school, sings in the choir, and works to fund the training of seeing-eye dogs. I am convinced that she is the kind of public servant people want.

I call on our Democrats colleagues that when we vote next time on this nomination, as we certainly will, to end the obstruction, to be fair to this woman, to be fair to their colleagues and to the Constitution, and to be fair to the President of the United States."

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JRD4G003_WHO.TXT_1>
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hate to do this, but can we change to 2:00 - I now have some interviews beginning at 3
The Tort Reform Meeting on Monday (4:15pm) has been cancelled.

-Emily

Emily Winland

04/30/2003 04:10:41 PM

Record Type:  Record

To:  See the distribution list at the bottom of this message

cc:  See the distribution list at the bottom of this message

Subject:  Tort Reform Meeting

The meeting on Tort Reform will be on Monday 5/5 at 4:15pm.  I

It will be in room 211, EEOB.

Please let me know if you any questions.

thanks,

Emily

Message Sent To:

adam b. goldman/who/eop@eop
brett m. kavanaugh/who/eop@eop
kristen silverberg/who/eop@exchange@eop
robert marsh/who/eop@exchange@eop
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-Emily

Emily Winland
04/30/2003 04:10:41 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Tort Reform Meeting

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Please let me know if you any questions.

thanks,
Emily

Message Sent
To:
adam b. goldman/who/eop@eop
brett m. kavanaugh/who/eop@eop
kristen silverberg/who/eop@exchange@eop
robert marsh/who/eop@exchange@eop
wendy j. grubbs/who/eop@exchange
jeffrey f. kupfer/who/eop@exchange@eop
Joel D. Kaplan/WHO/EOP@Exchange@EOP

Message Copied
To:
lauren j. vestewig/opd/eop@exchange@eop
marty p. smith/opd/eop@eop
heather.mcnaught@usdoj.gov
elizabeth.vannoy@do.treas.gov
diana l. schacht/opd/eop@eop
got it. just trying to make sure.

Not for purposes of our leg strategy on the growth bill.

Now, the other goal is a different story altogether.

----- Original Message -----
From: Kavanaugh, Brett M.  
To: Lefkowitz, Jay P.  
Sent: Fri May 02 17:05:58 2003  
Subject: Re: initial reaction  
You mean sympathetic to the goal?

----- Original Message -----
From: Jay P. Lefkowitz/OPD/EOP@Exchange  
To: Brett M. Kavanaugh/WHO/EOP@EOP,  
Courtney S. Elwood/OVP/EOP@EOP,  
Ado A. Machida/OVP/EOP@EOP,  
Jeffrey F. Kupfer/WHO/EOP@Exchange,  
Diana L. Schacht/OPD/EOP@EOP  
Cc:  
Date: 05/02/2003 04:57:01 PM
Subject: initial reaction

I think for now, our position is that we are generally not sympathetic to the goal, which is getting more money for the States in the growth bill.

Obviously, we need to see what this does for growth bill, which is the key objective.

But for now, we should certainly lie very low.
Website interview with Judge Gonzales

Monday, 5/5 @ 1:45 PM
Ok
From: Delrahim, Makan (Judiciary) <Makan_Delrahim@Judiciary.senate.gov>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/2/2003 3:08:06 PM
Subject: Hatch statement on Camp Finance
Attachments: P_O8I4G003_WHO.TXT_1.htm; P_O8I4G003_WHO.TXT_2.doc

Makan Delrahim
Staff Director / Chief Counsel
Committee on the Judiciary
United States Senate
Washington DC 20510
Fax: 202-228-1115
Phone: 202-224-0418

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- att1.htm - 05022003 Campaign Finance.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O8I4G003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O8I4G003_WHO.TXT_2>
Makan Delrahim
Staff Director / Chief Counsel
Committee on the Judiciary
United States Senate
Washington DC 20510
Fax: 202-228-1115
Phone: 202-224-0418

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Sen. Orrin G. Hatch (R-Utah), Chairman of the Senate Judiciary Committee, today issued the following statement:

"Today's ruling is a victory for free speech and the democratic process. The Court's ruling is what I and many constitutional scholars had predicted when Congress passed this well-intentioned, but seriously flawed legislation that trampled on the free speech rights of Americans in the election of their representatives.

"Given the fact that the Senate failed to vote to correct the flaws in the legislation many had identified, this decision is all we could have expected.

"I am also glad that the only silver lining in the legislation, a provision I authored, will provide for expedited judicial review by the Supreme Court so that harm to free speech by the legislation will be limited. As I said when the Senate passed the legislation nearly two years ago, "all of us, supporters and opponents alike, stand to gain by a prompt and definite determination of the constitutionality of many of the bill=s controversial provisions. Because the harm these provisions will cause is serious and irreparable, it is imperative that we afford the Supreme Court the opportunity to pass on the constitutionality of this legislation as soon as possible."

"The authors of the legislation attempted to address a troubling and unfortunate public perception about our political system. However, the ruling today makes it clear that we also must respect the freedom of speech granted to every American by our Constitution. In my opinion, even if the bill had survived the constitutional challenge, McCain-Feingold will, as many experts predict, exacerbate the very problems that it seeks to solve.

"I have always been of the belief that Americans are able to discern the truth of political matters, and that more speech, not less, will allow them to make the most informed decision. Our constitutional protection of free speech allows the American people to give money in support of whatever cause they choose. Whether it=s a group of 10,000 or a single person, our right to free speech should be unfettered."

###
very good and collects more in one place (and from more sources) than I have seen before. We should probably have this distributed by the new group?
We should make sure we get Jeff Toobin the story about Justice Kennedy and the Justice Ginsburg information.
From today's Post story:

"Henderson wrote a blistering criticism of her two colleagues, admonishing Congress to leave district court judges out of similar cases in the future.".
Needless to say, yesterday's ruling produced some chaos. Will keep you apprised (as I am sure others will as well).
11:00 am on Tues., right?
From: Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Carolyn Nelson/WHO/EOP@Exchange [ WHO ] <Carolyn Nelson>
Sent: 5/3/2003 11:34:43 AM
Subject: : Re: Meeting w/ Frist et. al

correct

From: Carolyn Nelson/WHO/EOP@Exchange on 05/03/2003 03:30:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Meeting w/ Frist et. al

11:00 am on Tues., right?
perhaps some wishful thinking, but Robert Novak writes as follows:
"Democratic insiders, acknowledging little chance of recapturing the House in 2004, have all but given up hope of winning a Senate majority, unless there is such a transcendent development as an economic collapse. The early calculation in Democratic circles is for a net loss of four additional Senate seats, extending the present 51-49 Republican majority to 55-45. Democratic seats are in real jeopardy in North Carolina, South Carolina, Georgia, Florida, South Dakota and Nevada. In contrast, Alaska is the only Republican Senate seat up next year that clearly tilts to the Democrats."
excellent!! thanks..
Pryor's point is precedent

EDITORIAL
Mobile (AL) Register
05/04/03

THE LATEST attacks against the judicial nomination of Alabama Attorney General Bill Pryor are supremely unfair, for supremely simple reasons.

When dealing with issues before federal courts, a state attorney general has two obligations: First, be an advocate for the laws passed by his own state's legislature. Second, respect U.S. Supreme Court precedent.

With regard to the controversy over a "friend of the court" brief that Mr. Pryor filed in defense of a Texas law against sodomy, the Alabama AG acted in accordance with both obligations.

First, Alabama has an anti-sodomy law much like that of Texas, so Alabama's law effectively would be voided if the Supreme Court invalidated the Texas statute. Second, Mr. Pryor's brief asks only that existing Supreme Court precedent be upheld. And until that precedent is overturned, he is duty-bound to abide by it.

The controlling precedent comes from a 1986 case known as Bowers vs. Hardwick. According to that decision, a Georgia anti-sodomy law was held to be allowable under the Constitution.

Justice Byron White wrote that if Georgia's law were thrown out, "It would be difficult, except by fiat, to limit the claimed right to homosexual conduct while leaving exposed to prosecution adultery, incest, and other sexual crimes even though they are committed in the home. We are unwilling to start down that road."

The only difference in Mr. Pryor's brief is that he listed some of the "other sexual crimes" to which Justice White referred: "prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia (if the child should credibly claim to be 'willing')."

It may well be an unfair intrusion on privacy to outlaw consensual homosexual acts. But that which is unfair is not always unconstitutional.

Bill Pryor's argument is an accurate assertion of where constitutional law stands at this very moment. It no more disqualifies him from confirmation as a federal judge than does a base hit (rather than a home run) disqualify Hank Aaron from the Hall of Fame.
All-

Can we bump this to 1:15? Thanks!

-----Original Message-----
From: Nelson, Carolyn
Sent: Friday, May 02, 2003 6:18 PM
To: Orr, Christopher J.; Kavanaugh, Brett M.; Snee, Ashley
Subject: Website interview with Judge Gonzales

Monday, 5/5 @ 1:45 PM
Do you have some for the Judge for his speech?
What are you talking about?

----- Original Message ----- 
From: Carolyn Nelson/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WH/O/EOP
Cc: 
Date: 05/05/2003 08:05:44 AM
Subject: talking points

Do you have some for the Judge for his speech?
Sorry (I was out on Friday. I’ll let him know. I think that he must have lost it but he probably will only want to know your response. I’ll get back to you.

Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 01, 2003 8:19 PM
To: Cooper, Jean
Subject: Re: Peter Coneway letter

I apparently gave my only copy back to Steve and you. I know what I said on it if that is the question. Apologies about this.
That's great, I'll let him know!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 8:30 AM
To: Cooper, Jean; Kavanaugh, Brett M.
Subject: Re: Peter Coneway letter

The letter correctly stated that Steve may contribute.

.

----- Original Message ----- 
From: Jean Cooper/OPD/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 05/05/2003 08:24:42 AM
Subject: RE: Peter Coneway letter

Sorry!(I was out on Friday. I'll let him know. I think that he must have lost it but he probably will only want to know your response. I'll get back to you.
Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, May 01, 2003 8:19 PM
To: Cooper, Jean
Subject: Re: Peter Coneway letter

I apparently gave my only copy back to Steve and you. I know what I said on it if that is the question. Apologies about this.
Per Karl's question today, can we change to "Remarks on Judicial Independence and Judicial Confirmation Process." Thanks.
Subject: when will he know about Sen. Pryor? Also, if he cannot come, can we get other D Senators to come?
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 5/5/2003 9:01:34 AM
Subject: Re: can you tell heilbrun to show at 2; i have to be at interview at 2:30 now because one of them got bumped up

good; let's just talk on the phone with him, I say

H. Christopher Bartolomucci
05/05/2003 12:45:27 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: can you tell heilbrun to show at 2; i have to be at interview at 2:30 now because one of them got bumped up

I am going to try to resked this

----- Original Message -----
From:Brett M. Kavanaugh/WHO/EOP
To:H. Christopher Bartolomucci/WHO/EOP@EOP
Cc:
Date: 05/05/2003 12:35:52 PM
Subject: can you tell heilbrun to show at 2; i have to be at interview at 2:30 now because one of them got bumped up
From: MailRouter [ SYS ]
To: Brett M. Kavanaugh/WHO/EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 5/5/2003 9:09:46 AM
Subject: DELIVERY FAILURE: Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique. Several matches found in Name & Address Book.

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES NONDELIVERY RECEIPT )
CREATOR:MailRouter ( MailRouter [ SYS ] )
CREATION DATE/TIME: 5-MAY-2003 13:09:46.00
SUBJECT:DELIVERY FAILURE: Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique. Several matches found in Name & Address Book.
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
### End Original ARMS Header ###

DELIVERY FAILURE REPORT

Your Document:
Re: do you maintain a list of cir ct noms with
could not be delivered to:
CN=Wendy J. Grubbs/OU=WHO/O=EOP@EOP
because:
Recipient user name Wendy J. Grubbs/WHO/EOP@EOP not unique. Several matches found in Name & Address Book.
Routing Path:
CN=SGEOP05/O=EOP;CN=SGEOP05/O=EOP;CN=Mail2/O=EOP
Agree strongly. Did you talk with Leonard about sending it already, or should I?

tsg

very good and collects more in one place (and from more sources) than I have seen before. We should probably have this distributed by the new group?
Jeff Sutton just called asking whether his Commission has been signed. This is to help him plan the timing of his departure from Jones Day. (Not sure why he called me, unless perhaps he was originally a Berenson responsibility? Anyway I can get back to him or if one of you prefers to that's fine.)
I would wait until later in the day on that. Judge Gonzales is sending a letter to Schumer today in response to his latest missive that uses a lot of the same quotes (some different) and we would prefer that letter be sent first.

Tim Goeglein
05/05/2003 09:33:35 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
bcc: 
Subject: Re: NRSC piece with quotes

B

Agree strongly. Did you talk with Leonard about sending it already, or should I?

tsg

Brett M. Kavanaugh
05/02/2003 07:45:24 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: 
Subject: NRSC piece with quotes

very good and collects more in one place (and from more sources) than I have seen before. We should probably have this distributed by the new group?
Fyi, he just chatted w/ Karl.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 12:31 PM
To: Nelson, Carolyn
Subject: impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.
It's on his calendar. I won't let him leave w/o talking to them.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, May 05, 2003 12:31 PM
To: Nelson, Carolyn
Subject: impt

important that judge talk to karl/joe about backup location asap. i think he should enlist karl first and then talk to joe.
I am going to try to resked this.
FINDLAW Mon, May 5, 2003
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BALANCE OF POWER

The Constitution and the Judiciary
Where's the check on Senate filibusters?

BY JOHN CORNYN
Tuesday, May 6, 2003 12:01 a.m.

This week, the Senate marks a dismal political anniversary: Two years of partisan obstruction of President Bush's judicial nominees, culminating in two unprecedented filibusters. More are threatened. Never before has the judicial confirmation process been so broken, and the constitutional principles of judicial independence and majority rule so undermined.

It's time for a fresh start.

In that spirit, the Senate Subcommittee on the Constitution will hold a hearing today to consider proposals to restore both the confirmation process and our most cherished constitutional values.

The essence of our democratic system of government is beautiful in its simplicity: Majorities must be permitted to govern. As our nation's Founders explained in Federalist No. 22, "the fundamental maxim of republican government ... requires that the sense of the majority should prevail." And as the Supreme Court has unanimously held, our Constitution is premised on the democratic doctrine of majority rule.

Today, a minority of obstructionist senators are forcing upon the confirmation process a supermajority requirement of 60 votes. They are using the filibuster not simply to ensure adequate debate, but actually to block many of our nation's numerous judicial vacancies from being filled.

The public's historic aversion to abusive filibusters is well grounded. These tactics not only violate democracy and majority rule, but arguably offend the Constitution as well. Indeed, prominent Democrats such as Lloyd Cutler and Sens. Tom Daschle, Joe Lieberman and Tom Harkin have condemned filibuster misuse as unconstitutional.

Moreover, abusive filibusters against judicial nominations uniquely threaten both presidential power and judicial independence—and are thus more dubious than filibusters of legislation, an area of pre-eminent congressional power.

Harry Edwards, a respected Carter-appointed appeals judge, wrote that the Constitution forbids the Senate from imposing a supermajority rule for confirmations. Otherwise, "the Senate, acting unilaterally, could thereby increase its own power at the expense of the President" and "essentially
take over the appointment process from the President." He concluded: "the Framers never intended for Congress to have such unchecked authority to impose supermajority voting requirements that fundamentally change the nature of our democratic processes." (He expressed less concern with legislative filibusters.)

History confirms Judge Edwards's constitutional interpretation. A Senate majority has never been denied its constitutional right to confirm judicial nominees—until now. The obstruction is as unprecedented as it is harmful.

Some have cited, to justify the current filibusters, the example of Abe Fortas, whom President Lyndon Johnson nominated to be chief justice in 1968. But majority rule was not under attack in that case. Dogged by allegations of ethical improprieties and bipartisan opposition, Fortas was unable to obtain the votes of 51 senators to prematurely end debate. Three days later, Johnson withdrew the nomination altogether.

* * *

That is a far cry from the present situation. After extensive debate, Miguel Estrada, Priscilla Owen and countless others enjoy enthusiastic, bipartisan majority support, yet they face an uncertain future of indefinite debate. By brazenly insisting, as Nevada's Harry Reid—the Senate's second-ranking Democrat—has said, that "there is not a number [of hours] in the universe that would be sufficient" for debate on certain nominees, Democrat leaders admit they are using the filibuster not to ensure adequate debate, but to change the Constitution by imposing a supermajority requirement for judicial confirmations.

Whether unconstitutional or merely destructive to our political system, the current confirmation crisis cries out for reform. As all 10 freshman senators, myself included, stated last week in a letter to Senate leadership, "we are united in our concern that the judicial confirmation process is broken and needs to be fixed." Veteran senators from both parties express similar sentiments.

Accordingly, today's hearing will explore various reform proposals:

? Sen. Zell Miller suggests—as did Sens. Harkin, Lieberman and 17 other Democrats in 1995—that the 60-vote rule for ending debate be reduced incrementally with each succeeding vote, until the rule reaches 51 votes.

? President Bush and Sens. Arlen Specter and Patrick Leahy have urged the imposition of strict time deadlines for the Senate to hold hearings and vote on judicial nominees.

? Sen. Charles Schumer advocates an overhaul of the nomination process by eliminating the president's appointment power and instead giving President Bush and Sen. Daschle "equal roles in picking the judge-pickers."

These proposals will be debated. What's important is that these public officials acknowledge the crisis and urge reform.

* * *

The judicial confirmation process has reached the bottom of a decades-long downward spiral. Our current state of affairs is neither fair nor representative of the bipartisan majority of this body. For democracy to work, and for the constitutional principle of majority rule to prevail, this obstructionism must end, and we must bring matters to a vote. As Sen. Henry Cabot Lodge famously said of filibusters: "To vote without debating is perilous, but to debate and never vote is imbecile." Two years is too long. The Senate needs a fresh start.

Mr. Cornyn is a senator from Texas and chairman of the Senate Subcommittee on the Constitution. He served previously on the Supreme Court of Texas, and as the state's attorney general.
FINDLAW DAILY OPINION SUMMARIES - May 05, 2003
U.S. SUPREME COURT
http://www.findlaw.com/casecode/supreme.html

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CRIMINAL LAW & PROCEDURE
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CONSTITUTIONAL LAW, CONSUMER PROTECTION LAW, INJURY AND TORT LAW, TAX-EXEMPT ORGANIZATIONS

ILLINOIS EX REL MADIGAN v. TELEMARKETING ASSOCS., INC., No. 01-1806 (U.S.S.C. May 05, 2003)
States may maintain fraud actions when fundraisers make false or misleading representations designed to deceive donors about how their donations will be used, consistent with Supreme Court precedent and the First Amendment.

To read the full text of this opinion, go to:

CRIMINAL LAW & PROCEDURE

KAUPP v. TEXAS, No. 02-5636 (U.S.S.C. May 05, 2003)
Where a criminal defendant was arrested without probable cause prior to his being questioned by police, his subsequent confession must be suppressed where the state failed to allege any meaningful intervening event between the illegal arrest and the confession.
FINDLAW Tue, May 6, 2003

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Judge OKs Teen Sniper Suspect Confession
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Police Pin Blame for Maine Arsenic Death
http://news.findlaw.com/ap/o/l110/5-6-2003/20030506061502_33.html

ENTERTAINMENT
Copies Of New 'Harry Potter' Book Found In Field
From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ]
CC: Charlotte L. Montiel/WHO/EOP@Exchange@EOP [ WHO ] <Charlotte L. Montiel>; Patrick J. Bumatay/WHO/EOP@Exchange@EOP [ WHO ] <Patrick J. Bumatay>; Carolyn Nelson/WHO/EOP@Exchange@EOP [ WHO ] <Carolyn Nelson>
Subject: : Judge on the Web

### Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATION DATE/TIME: 8-MAY-2003 16:57:38.00
SUBJECT:: Judge on the Web
TO: Emory Rounds ( CN=Emory Rounds/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Wade Plunkett ( CN=Wade Plunkett/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Maria F. Vallecillo ( CN=Maria F. Vallecillo/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Nanette Everson ( CN=Nanette Everson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Peder Anderson ( CN=Peder Anderson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Garry L. Phillips ( CN=Garry L. Phillips/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: James W. Carroll ( CN=James W. Carroll/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO: J. Elizabeth Farrell ( CN=J. Elizabeth Farrell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC: Charlotte L. Montiel ( CN=Charlotte L. Montiel/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC: Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
CC: Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

REV_00117518
In case you aren't already aware, Judge Gonzales is participating in a live web chat starting at 5:00pm. The chat can be accessed via the White House home page.

Jon
Sorry, I just saw it on the list.

Done

Have you considered inviting Senator Zell Miller?
- att1.htm

File attachment <P_OZ3AG003_WHO.TXT_1.htm>
Sorry, I just saw it on the list.

-----Original Message-----
From: Grubbs, Wendy J. [mailto:Wendy_J_Grubbs@who.eop.gov]
Sent: Thursday, May 08, 2003 5:09 PM
To: Miranda, Manuel (Frist); Kavanaugh, Brett M.
Subject: RE: Miller

Done

-----Original Message-----
From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Thursday, May 08, 2003 5:08 PM
To: Grubbs, Wendy J.; Kavanaugh, Brett M.
Subject: Miller

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Just wanted to stay in touch and provide you with my new coordinates. Hope things are going well for you.

I am now at America's Development Foundation (ADF) in Alexandria, VA (located in Old Town down by the waterfront at the end of King St. if you know the area). While ADF has many different programmatic approaches, our overall mission is dedicated to the international development of democracy and mobilizing civic participation.

Again, I hope all is well and you're enjoying the spring.

Take care,

IAN HOUSTON
Director of Programs
America's Development Foundation
101 N. Union Street, Suite 200
Alexandria, VA.
22314

tele (703) 836-2717 ext. 118
fax (703) 836-3379

ihouston@adfusa.org
- att1.htm
ATT CREATION TIME/DATE: 00:00:00.00
File attachment <P_740AG003_WHO.TXT_1>
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Just wanted to stay in touch and provide you with my new coordinates. Hope things are going well for you.

I am now at America's Development Foundation (ADF) in Alexandria, VA (located in Old Town down by the waterfront at the end of King St. if you know the area). While ADF has many different programmatic approaches, our overall mission is dedicated to the international development of democracy and mobilizing civic participation.

Again, I hope all is well and you're enjoying the spring.

- Take care,
- IAN HOUSTON
  Director of Programs
  America's Development Foundation
  101 N. Union Street, Suite 200
  Alexandria, VA.
  22314
  - tele (703) 836-2717 ext. 118
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In case you missed (I did):

FEDERAL JUDGES DESERVE A PAY RAISE

New York Times
May 9, 2003

In a rare show of bipartisan unity, Senator Orrin Hatch, a Republican who is chairman of the Senate Judiciary Committee, and Senator Patrick Leahy, the committee's ranking Democrat, have introduced a measure to increase the salaries of federal judges.

This is clearly the right step. Yet even with the backing of President Bush, the proposed 16.9 percent increase may prove a hard sell, given these economic hard times. The increase is warranted to make up for the erosion in judicial pay caused by inflation and Congress's repeated withholding of cost-of-living adjustments that are supposed to be routine. A report in January by the National Commission on the Public Service, a study group led by Paul Volcker, the former chairman of the Federal Reserve, said that the purchasing power of federal judicial salaries had dropped 24 percent since 1969. It said the decline was "arguably inconsistent with the Constitutional provision that judicial salaries may not be reduced by Congress." A year ago, the Supreme Court declined to accept a case raising that issue. But it should not take a lawsuit to persuade members of Congress to treat the judiciary fairly.

The government cannot match the salaries offered by big-time law firms. But to recruit and retain quality judges and for the sake of fairness, Congress needs to provide salaries that bear a reasonable relationship to other professional opportunities.

As part of the package, judges should be required to forgo privately financed junkets that cast an ethical cloud on the courts, as Senator Leahy has previously proposed. These are matters that transcend the ongoing partisan battle over President Bush's hard-right judicial nominees.
Carlos/Bruce--Stacia is now Director of Special Projects for White House Management and Administration. Although she remains on OA rolls, she is assigned to report directly to Linda Gambatesa. Accordingly, in consonance with past practice, she should now be assigned a White House Office e-mail address.

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

From: Cropper, Stacia L.
Sent: Monday, May 12, 2003 3:54 PM
To: Greenstone, Adam F.
Subject: Email address question

Adam,

I want to get IS&T working on making the change asap, if that is the right thing to do. Will you please let me know as soon as you can your opinion?

Thanks.

Stacia L. Cropper
(202) 456-5960
The office of Presidential Correspondence is inviting staff to volunteer in the office of Mail Analysis on Tuesday and Thursday evenings, anytime between 5 and 9 PM. Your interest is greatly appreciated. Please contact Carolyn Atkinson at 456-5442 for more information.
From: EOP.GOV Postmaster General <Postmaster@EOP2.EOP.GOV>
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 5/14/2003 7:09:52 PM
Subject: Delivery Notification: Delivery has been delayed

This report relates to a message you sent with the following header fields:

Message-id: <85256D26.007EEA8C.00@sgeop03.eop.gov>
Date: Wed, 14 May 2003 19:06:16 -0400
From: Brett_M._Kavanaugh@who.eop.gov
To: "Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov>
Subject: RE: Kuhl

Your message has been enqueued and undeliverable for 4 hours to the following recipients:

Recipient address: John_Abegg@mcconnell.senate.gov
Reason: unable to deliver this message after 4 hours

Delivery attempt history for your mail:

Wed, 14 May 2003 21:10:18 EST
Temporary error from SMTP partner: smtp;451 4.7.1 Please try again later

Wed, 14 May 2003 19:10:25 EST
Temporary error from SMTP partner: smtp;451 4.7.1 Please try again later

Wed, 14 May 2003 19:07:07 EST
Temporary error from SMTP partner: smtp;451 4.7.1 Please try again later

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Reporting-MTA: dns;EP.EOP.GOV
Date: Wed, 14 May 2003 19:06:16 -0400
From: Brett_M._Kavanaugh@who.eop.gov
Subject: RE: Kuhl
To: "Abegg, John (McConnell)" <John_Abegg@mcconnell.senate.gov>
Cc: "miranda, manuel (frist)" <manuel_miranda@frist.senate.gov>
Message-id: <85256D26.007EEA8C.00@sgeop03.eop.gov>
MIME-version: 1.0
Content-type: multipart/mixed;
boundary="Boundary_(ID_13idkpUeZ8qKzZagRbVSAQ)"
X-Lotus-FromDomain: EOP

--Boundary_(ID_13idkpUeZ8qKzZagRbVSAQ)
Content-type: text/plain; charset=us-ascii
Content-disposition: inline

where

(Embedded
image moved "Abegg, John (McConnell)"
to file: <John_Abegg@mcconnell.senate.gov>
pic24045.pcx) 05/14/2003 07:04:07 PM

Record Type: Record
David wanted to see if you could help him interview the paralegal candidates. Can you and one other Associate (maybe Jen?) interview the seven great candidates we have and narrow it down to 3 for David to interview? Both Liz’s and Jon’s resumes are in the stack of seven. If you don’t feel like you need to interview them, I understand. David may interview them anyway as a courtesy. Let me know how you would like to proceed.

Charlotte
From: FindLaw.com <listadmin@LEGALMINDS.ORG>
To: TOPHEADLINES@LEGALMINDS.ORG [UNKNOWN]
       <TOPHEADLINES@LEGALMINDS.ORG>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 5/15/2003 2:28:07 PM

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Olympics: TV Deal To Be Done In A Flash

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mixed messages.

They want more substantive projects, but that doesn't mean that they don't have anything to do.

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

From: Kavanaugh, Brett M.
Sent: Monday, May 19, 2003 5:42 PM
To: Montiel, Charlotte L.
Subject: Re: gentle reminder about paralegal

I thought they were bored!

How are we doing on interviewing for the paralegal position? If you could interview people this week we'd be much appreciative. Things are getting crazy for Jon and Liz and we'd really like to have another person in there ASAP. Let us know when to set the interviews up for you.

Charlotte
---

FINDLAW DAILY OPINION SUMMARIES - May 19, 2003
U.S. SUPREME COURT
http://www.findlaw.com/casecode/supreme.html

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ADMINISTRATIVE LAW, AUTOS, CONSTITUTIONAL LAW, GOVERNMENT LAW, PER CURIAM

CITY OF LOS ANGELES v. DAVID, No. 02-1212 (U.S.S.C. May 19, 2003)
A city's failure to provide a sufficiently prompt hearing to recover money paid for a parking violation did not amount to a due process violation, as a 30 day delay was no more than routine.

---

REV_00119042
CIVIL PROCEDURE, LABOR & EMPLOYMENT LAW

BREUER v. JIM'S CONCRETE OF BREVARD, INC., No. 02-337 (U.S.S.C. May 19, 2003)
A Fair Labor Standards Act provision stating that suit "may be maintained. . .in any Federal or State court of competent jurisdiction," 29 U.S.C. section 216(b), does not bar removal of a suit from state to federal court.

CIVIL RIGHTS, CRIMINAL LAW & PROCEDURE, GOVERNMENT LAW, INDIAN LAW

An Indian tribe did not qualify as a "person" who may sue under 42 U.S.C. section 1983, under the circumstances, in an action asserting sovereign immunity from state court processes arising from a county investigation into alleged off-reservation crimes.

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PHARM. RESEARCH & MFRS. OF AM. v. WALSH, No. 01-188 (U.S.S.C. May 19, 2003)
A preliminary injunction preventing implementation of a state program reducing prescription drug prices for state residents was improper, where an association of non-resident drug manufacturers could not show probability of success on Commerce Clause claims.

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PRICE v. VINCENT, No. 02-524 (U.S.S.C. May 19, 2003)
Michigan Supreme Court's finding, that a judge's comments were not sufficiently final to terminate jeopardy, was not contrary to or an unreasonable application of clearly established U.S. Supreme Court precedent. Federal circuit court erred in reviewing Double Jeopardy issue de novo, and finding that habeas relief was warranted.
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--------------- Forwarded by Jonathan F. Ganter/WHO/EOP on 05/21/2003 10:55 AM -------------------

Robyn C. Frank
05/21/2003 10:47:01 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Invitation to reception for new EOP law librarian

You are cordially invited to a reception to meet our new law librarian, Lauren Sayer, on Wednesday, May 28, at 2-3:30 p.m. in the EEOB Library, Rm. 308.

Lauren received her BA from George Mason University and her MLS from the University of Texas. She has over seven years experience working in law libraries (state court, government, corporate, and academic). In addition, Lauren has experience in developing and maintaining Web pages and training clients in how to use electronic resources.

Please join us in welcoming her to the EOP.

Message Sent
To:

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Is this me or you or both? I can't do it tomorrow.

--- Original Message ---

From: Newstead, Jennifer G.
Sent: Wednesday, May 21, 2003 2:37 PM
To: Arnold, Listi
Cc: Estes, Ashley; Boisvenue, Michael J.; Gambatesa, Linda M.; Litkenhaus, Colleen
Subject: Re: Meeting to Discuss Carpet Car Use

Nanette Everson would be the right person to handle this for the Counsel's Office. Thanks, JN

--- Original Message ---

From: Listi Arnold/WHO/EOP@Exchange on 05/21/2003 04:15:36 PM
Record Type: Record
To: Nanette Everson/WHO/EOP@EOP
cc:
Subject: FW: Meeting to Discuss Carpet Car Use

Nanette,

I apologize; I mistakenly sent this to Jennifer originally. I hope that you will be able to join us.

Thank you,

Listi

--- Original Message ---

From: Listi Arnold/WHO/EOP@Exchange on 05/22/2003 03:30 PM
Record Type: Record
To: <Kavanaugh, Brett M.> <Arnold, Listi>
Sent: 5/22/2003 3:30:40 PM
Subject: FW: Meeting to Discuss Carpet Car Use

Is this me or you or both? I can't do it tomorrow.
M&A would like to set up a meeting to discuss the use of carpet cars.

Please confirm that 11:00am on Friday, May 23 will fit your schedule.

It will take place in the M&A office.

Thanks,

Listi

Message Sent To:

Ashley Estes/WHO/EOP@Exchange
Michael J. Boisvenue/WHO/EOP@Exchange
Linda M. Gambatesa/WHO/EOP@Exchange
Colleen Litkenhaus/WHO/EOP@Exchange
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Death Penalty Reform Approved in Illinois

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Counsel shows his party side

Byline: Shelby Hodge

May 26, 2003, Monday 2 STAR EDITION

SECTION: HOUSTON; Pg. 01

LENGTH: 715 words

HEADLINE: Counsel shows his party side

SOURCE: Staff

BYLINE: Shelby Hodge

BODY:
WHITE House counsel Alberto Gonzales slipped out of his official demeanor Saturday night to let his hair down among longtime Houston compadres. Well, it wasn't as if the low-key Gonzales (Al to friends) was dancing on the tables. But he was relaxed and talkative among the 70 guests who gathered in his honor in the Memorial-area home of Karen and Roland Garcia.

That was until Gonzales' oft-discussed prospects for a Supreme Court nomination arose. "I'm not commenting on this at all. I have a great job, and I'm sticking with it," he said with poker-face intensity.

Roland Garcia, a partner with Locke Liddell & Sapp who had worked with Gonzales at Vinson & Elkins, countered, "We're all hopeful. It's unanimous here."

Republicans and Democrats alike saluted Gonzales over a feast of guacamole, fajitas and refried beans from Doneraki. Among them - Dorothy Caram, Art Contreras, Judge Eva Guzman, Judge David Medina, Lolita Guerrero, Lupe Fraga, Doniel Aviles and Lynne Liberato, president of the Texas Bar Association.

Guzman, a Court of Appeals justice originally appointed to the bench by then-Gov. Bush, was among those singing Gonzales' praises. "He's someone people can trust," she said, "both intellectually and philosophically speaking."

The White House counsel was in his home town for the Memorial Day weekend with his wife, Becky. Saturday afternoon, he gave the commencement address at South Texas College of Law.
FINDLAW Tue, May 27, 2003

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What If A Shi'ite Group Wins Elections In Iraq?
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High Court Won't Review Secret Deportation Proceedings

PERSONAL INJURY
Most Drivers Admit They're Road Risks

Divers Search For Toddler In Idaho River

ENVIRONMENT
Environmental Group Says It Burned Houses

New Zealand Island Says It Is Rat-Free

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Woman Gets Phone Calls For God

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U.S. Decides Against Microsoft Filing

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Offshore Cos. Make $1B In Deals With U.S.

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Tenet CEO Steps Down; Acting CEO Named

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WTO Rules For Canada In U.S. Dispute

China Issues Praise To SARS Whistleblower

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U.S. Said To Arrest Saddam Kin In Tikrit

Navy Ends Sea Search For Missing Sailor

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A National Park Service regulation, purporting to render the
Contract Disputes Act of 1978 inapplicable to contracts entered into by concessioners doing business in national parks, is a general policy statement. A challenge to that regulation is not yet ripe for judicial resolution, for lack of a "hardship" showing.

To read the full text of this opinion, go to: http://laws.ip.findlaw.com/us/000/02196.html

CIVIL RIGHTS, CONSTITUTIONAL LAW, CRIMINAL LAW & PROCEDURE

CHAVEZ v. MARTINEZ, No. 01-1444 (U.S.S.C. May 27, 2003)
A 42 U.S.C. section 1983 plaintiff's Fifth Amendment rights were not violated through questioning by police, where he was never charged and no statements were used against him. Questioning of plaintiff while he was being treated for gunshot wounds after an altercation with police did not violate his Fourteenth Amendment rights.

To read the full text of this opinion, go to: http://laws.ip.findlaw.com/us/000/011444.html

CONSTITUTIONAL LAW, GOVERNMENT BENEFITS, GOVERNMENT LAW, LABOR & EMPLOYMENT LAW

NEVADA DEPT OF HUMAN RES. v. HIBBS, No. 01-1368 (U.S.S.C. May 27, 2003)
Employees of the state of Nevada may recover money damages in the event of the state's failure to comply with the family-care provision of the Family and Medical Leave Act of 1993, and such a claim is not barred by the Eleventh Amendment.

To read the full text of this opinion, go to: http://laws.ip.findlaw.com/us/000/011368.html

CRIMINAL LAW & PROCEDURE, HABEAS CORPUS

BUNKLEY v. FLORIDA, No. 02-8636 (U.S.S.C. May 27, 2003)
In failing to determine whether the "common pocketknife" exception to Florida's definition of a weapon encompassed petitioner's pocketknife at the time his conviction became final, the Florida Supreme Court contradicted Fiore v. White, 531 U.S. 225 (2001).

To read the full text of this opinion, go to: http://laws.ip.findlaw.com/us/000/028636.html

ERISA, LABOR & EMPLOYMENT LAW

BLACK & DECKER DISABILITY PLAN v. NORD, No. 02-469 (U.S.S.C. May 27, 2003)
ERISA does not require plan administrators making disability determinations to accord special deference to the opinions of treating physicians, over other evidence relevant to the claimant's medical condition.

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O'Connor nomination announcement Tuesday, July 7
Judiciary Committee hearings begin Wednesday, September 9
Judiciary Committee vote (17-0) Tuesday, September 15
Senate confirmation vote (99-0) Monday, September 21

Burger retirement announcement Tuesday, June 17, 1986
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Judiciary Committee hearings begin Tuesday, July 29
Judiciary Committee vote (13-5) Thursday, August 14
Senate confirmation vote (65-33) Wednesday, September 17

Scalia nomination announcement Tuesday, June 17
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Breyer nomination announcement Friday, May 13
Judiciary Committee hearings begin Tuesday, July 12
Judiciary Committee vote (18-0) Tuesday, July 19
Senate confirmation vote (87-9) Friday, July 29
- S Ct retirement dates.doc
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File attachment <P_CKEUG003_WHO.TXT_1>
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**Stewart** retirement announcement  Thursday, June 18, 1981
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Judiciary Committee vote (17-0)  Tuesday, September 15
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**Burger** retirement announcement  Tuesday, June 17, 1986
**Rehnquist** nomination announcement  Tuesday, June 17
Judiciary Committee hearings begin  Tuesday, July 29
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**Scalia** nomination announcement  Tuesday, June 17
Judiciary Committee hearings begin  Tuesday, August 5
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Senate confirmation vote (42-58)  Friday, October 23

**Brennan** retirement announcement  Friday, July 20, 1990
**Souter** nomination announcement  Monday, July 23
Judiciary Committee hearings begin  Thursday, September 13
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**Marshall** retirement announcement  Thursday, June 27, 1991 (last day of term)
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Judiciary Committee hearings begin  Tuesday, September 10
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**White** retirement announcement  Friday, March 19, 1993
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CITIZENS BANK v. ALAFABCO, INC., No. 02-1295 (U.S.S.C. June 02, 2003)

A debt-restructuring agreement had a sufficient nexus with interstate commerce to make an arbitration provision in that agreement enforceable under the Federal Arbitration Act.

To read the full text of this opinion, go to:
BANKING LAW, CIVIL PROCEDURE, CONSUMER PROTECTION LAW

BENEFICIAL NAT'L BANK v. ANDERSON, No. 02-306 (U.S.S.C. June 02, 2003)
An action filed in state court, to recover damages from a national bank for allegedly charging excessive interest in violation of both the "common law usury doctrine" and an Alabama usury statute, arose only under federal law and could therefore be removed under 28 U.S.C. section 1441.

To read the full text of this opinion, go to:

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ENTERGY LOUISIANA, INC. v. LOUISIANA PUB. SERV. COMM’N, No. 02-299 (U.S.S.C. June 02, 2003)
A Louisiana Public Service Commission order impermissibly "traps" costs that have been allocated in a FERC tariff, thus the order is subject to federal pre-emption.

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DASTAR CORP. v. TWENTIETH CENTURY FOX FILM CORP., No. 02-428 (U.S.S.C. June 02, 2003)
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There will also be a meeting on Monday the 16th at 10:30 AM at the law firm of Baker & Hostetler (1050 Connecticut Avenue, Suite 1100). We expect the meeting to last one hour.

I'll keep you updated if anything changes.

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Brett, here's the other email I mentioned in the email I just sent you. The "yes" and "maybe" documents identified are can be subject to our privilege claim.

-----Original Message-----
From: Colborn, Paul P
Sent: Monday, March 31, 2003 12:19 PM
To: 'Brett M. Kavanaugh@awho.eop.gov'
Subject: Kissinger telephone transcripts

Brett, I have received a small set of transcripts that contain classified segments. With respect to the categories I identified in my March 14 email, I would categorize T349 as "yes," T82 and T347 as "maybe," and T44, T58, T70, T114 and T118 as "no." (We had previously seen S151 and S185, which were included in this batch to show us what classified information had been redacted.)

Have you had a chance to review any of the transcripts yet? As I said in my March 18 email, perhaps you could focus on the first segment, and on the basis of that review we can make some categorical decisions that would make the subsequent decisions easier.
Brett just came and ate them all. He tried to wrap one around his credit cards.

-----Original Message-----
From: Riepenhoff, Allison L.
Sent: Wednesday, June 04, 2003 4:38 PM
To: Nelson, Carolyn
Subject: RE: Favor

Yes!!!

-----Original Message-----
From: Nelson, Carolyn
Sent: Wednesday, June 04, 2003 4:13 PM
To: Riepenhoff, Allison L.
Subject: RE: Favor

I have worms.

Gummy worms, that is. Want one?

-----Original Message-----
From: Riepenhoff, Allison L.
Sent: Wednesday, June 04, 2003 2:39 PM
To: Porada, Irene H.; Van Riper, Jameson H.; Nelson, Carolyn
Cc: Raad, Lori J.
Subject: RE: Favor

Very interesting.

Carrie, FYI.

Thanks!

-----Original Message-----
From: Porada, Irene H.
Sent: Wednesday, June 04, 2003 2:35 PM
To: Van Riper, Jameson H.
Cc: Riepenhoff, Allison L.; Raad, Lori J.
Subject: RE: Favor

Hello,

Official title submitted to Human Resources Management (HRM) for Judge Gonzales's 01/20/01 appointment is: Assistant to the President and White House Counsel". HRM holds and maintains his official employment and payroll records for all EOP employees.
If WH Management would like to change the title we can certainly process a personnel action to do this, but currently his title is based on titles provided at Presidential Transition in December 2000/January 2001.

Thanks,
Irene

Allison,

I found the same discrepancy and so I checked our files and checked Administration files and that is the title I sent you. I am copying this to Lori Raad to Irene Porada to see if they have any additional thoughts.

Jamie

Allison,

I'm so sorry to be a pain, but I don't think ARG's title is right. His commission reads, "and Counsel to the President," not WH Counsel. Is there a way to find out for sure?

-----Original Message-----
From: Van Riper, Jameson H.
Sent: Monday, June 02, 2003 6:40 PM
To: Riepenhoff, Allison L.
Cc: Raad, Lori J.
Subject: Re: Favor

Allison,

I am Lori Raad's assistant and I am following up with you about the Senior Staff Meeting Attendees' titles. I am listing the following corrections that I found in your list:

Karl Rove, Senior Advisor to the President
Ari Fleischer, Assistant to the President and White House Press Secretary
Al Gonzales, Assistant to the President and White House Counsel
Steve Hadley, Assistant to the President and Deputy National Security Advisor
Brian Montgomery, Deputy Assistant to the President and Cabinet Secretary
Steve Friedman, Assistant to the President for Economic Policy and Director, National Economic Council

In addition, your list appears to name Greg Mankiw as both Chairman,
Council of Economic Advisors and Director, Office of Management and Budget. While we do not deal with this office, what I can find indicates that Greg Mankiw is only Chairman, Council of Economic Advisors.

I hope this helps. Please let me know if you need anything else.

Jamie Van Riper
X 62310
Is it 66? MY TV says that channel not available.
The Judge will be out of the office tomorrow. Please let me know if you have any issues to discuss with him prior to his departure this evening.

; ;

Thanks!
Still nothing -- I'll get the report later.

Brett M. Kavanaugh
06/05/2003 02:52:44 PM
Record Type: Record
To: Theodore W. Ullyot/WHO/EOP@EOP
cc:
Subject: Re: Rules Committee hearing on channel 66

on mine. punch in 66 rather than hitting the up or down arrow.

Theodore W. Ullyot
06/05/2003 02:51:59 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Rules Committee hearing on channel 66

Is it 66? MY TV says that channel not available.

Brett M. Kavanaugh
06/05/2003 02:46:17 PM
Record Type: Record
To: See the distribution list at the bottom of this message
cc:
Subject: Rules Committee hearing on channel 66
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POLITICS
Naval Academy Chief Quits, Denies Charges
http://news.findlaw.com/ap/a/w/1152/6-5-2003/2003060507150119.html

Hillary Memoir Says Work, Faith Saved Her
http://news.findlaw.com/ap/a/w/1153/6-5-2003/2003060505450113.html

LEGAL COMMENTARY
Arizona's Clergy Abuse Settlement: Pretending Decades Of Covering Up Is Not A Crime
http://writ.news.findlaw.com/hamilton/20030605.html

Peru As A Crystal Ball? Lessons For The War On Terrorism
http://writ.news.findlaw.com/commentary/20030605_leavitt.html

PERSONAL INJURY
Bulls Sold in Montana Linked To Mad Cow

IMMIGRATION
Lawyers Accused Of Immigrant Shakedowns
LABOR AND EMPLOYMENT
House GOP Pull Overtime Bill Off Schedule

ENVIRONMENT
Students Let Animals Loose In School
Utah Governor Averts Threat Of Boycott

CYBERSPACE LAW
State Of Oregon Uses eBay For Garage Sale

INTELLECTUAL PROPERTY
Panel Finds Guidant Infringed On Patents

BUSINESS
Top Editors Step Down From N.Y. Times
Stewart Declares Innocence In Ad

ENRON
Judge Backs Out As Mediator In Enron Case

INTERNATIONAL LAW
Arafat Criticizes Mideast Peace Summit
Italy's Senate Approves Immunity Law

WAR ON TERRORISM
Ashcroft Wants Broader Anti-Terror Powers
http://news.findlaw.com/ap/a/w/1152/6-5-2003/20030605074501_12.html
Ex-Prof's Terror Trial Is 18 Months Away

IRAQ
Possible Iraqi Nuclear Barrels Recovered
http://news.findlaw.com/ap/i/1107/6-5-2003/20030605090001_05.html
Bush Vows To Reveal Truth On Iraq Weapons
http://news.findlaw.com/ap/a/w/1151/6-5-2003/20030605040001_08.html

CRIME & TRIALS
Guard Convicted of Urinating on Inmates
Officials: Vegas Casino Fire Was Arson
http://news.findlaw.com/ap/o/1110/6-5-2003/20030605061501_34.html
ENTERTAINMENT
Judge Says R. Kelly Can't Go Film Video
http://news.findlaw.com/ap_stories/e/1403/6-4-2003/20030604160013_53.html

'Will And Grace' Star Pleads No Contest

SPORTS
Judge Denies McPherson Mistrial Request
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mailto:sales@findlaw.com
Please note there will be a short program as part of the celebration that will begin at 5:00 pm.
Good news from the NEC!

-----Original Message-----
From: Hennessey, Keith
Sent: Friday, June 06, 2003 1:37 PM
To: Pelletier, Eric C.; Lefkowitz, Jay P.; Falkenrath, Richard;
DeFrancis, Suzy; Hernandez, Israel; Nelson, Carolyn
Subject: bigger paycheck

You might want to forward this to your staff. :}
Note: The change in withholding is prospective, even though the rates were cut retroactive to January 1st of 2003. This means that, in addition to a bigger paycheck beginning on 6/20, you should also expect to see a slightly bigger-than-expected rebate next year when you file your taxes, accounting for the amount that has now been overwithheld for the first five months of this year.

-kbh

-----Original Message-----
From: Troy, Tevi
Sent: Thursday, June 05, 2003 5:44 PM
To: Hennessey, Keith
Subject: FW: New Federal Tax Withholding Rates

Keith,

Tax cut will be effective for EOP for the pay period that begins June 1 and ends June 14, with the payday of June 20th.

Tevi
As you may have heard, the top three officers at Freddie Mac (CEO, COO, CFO), the secondary mortgage market GSE, resigned earlier today. The resignations come on the heels of a long-running internal audit of Freddie Mac’s earnings statements from 2000-2002, being led by PWC and Baker Botts, and an expected restatement of earnings for those years.

I spoke with the General Counsel of Freddie’s primary regulator, OFHEO, earlier this morning to get an update and to ask if there were any issues of potential concern that we might want to know about, either with respect to safety and soundness or the confirmation environment for the President’s OFHEO nominee, Mark Brickell. Bottom line, no safety and soundness concerns, but a sense that the profile for Brickell’s hearing will be heightened.

OFHEO’s early read is that the resignations are primarily driven by Glenn having turned over an altered and redacted journal or diary in response to a request from the auditors. Glenn’s lack of complete candor and cooperation violated Freddie’s code of conduct and he was let go for that reason. The other officers were apparently on the way out anyway and were let go as well to clean house completely. OFHEO does not, at this time, believe that there are any major safety and soundness concerns, and early indications are that the restatement will not result in a material downward calculation of earnings. The restatement is driven primarily by a flawed interpretation of FAS 133, and could, OFHEO believes, actually result in an increase in reported earnings for the covered period. The audit apparently revealed a number of management weaknesses, including poor controls and bad judgment calls, which diminished Glenn’s chances of moving up to the CEO role, and Glenn apparently revised his journal to try and cover over some of those weaknesses.

OFHEO has already designated a special team to investigate all aspects of the issues surrounding the audit, and in a letter released today, has directed its inquiry and demands to the Freddie Mac BOARD, not just senior management, thereby ensuring the highest level of accountability. OFHEO has also asked to review and approve the severance packages for the fired executives. The Board, and Baker Botts are cooperating fully.

The General Counsel suspects that the news today will trigger parallel investigations by the SEC and possibly Treasury, as well as Hill oversight hearings. It may also raise the profile for Mark Brickell’s hearings, and increase the level of scrutiny given to his financial arrangements and potential oversight conflicts. Finally, the actions may increase interest in efforts to reform the bifurcated oversight for the GSEs between OFHEO and the FHFB.

I’ve asked OFHEO to keep me abreast, and will let you all know if anything newsworthy develops.
FINDLAW Mon, Jun 9, 2003

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SUPREME COURT

High Court Deadlocks On Agent Orange Case

High Court's Freshman Awaits New Member

POLITICS

Powell Presses OAS On Democracy In Cuba

Bush Favors Expanding Child Tax Credit

LEGAL COMMENTARY

Spike Lee v. Spike TV: Testing The Limits Of Trademark & "Right Of Publicity" Claims
http://writ.news.findlaw.com/hilden/20030609.html

Celebrity Sentencing: If Martha Stewart Is Found Guilty
http://writ.news.findlaw.com/allenbaugh/20030609.html

CIVIL RIGHTS

Texas Tilts Right On Abortion And Other Issues
A Surviving Spouse's Survival Guide

PERSONAL INJURY
Three States Battling Monkeypox Outbreak

Lost Vacation Pictures Worth Thousands

PRODUCT LIABILITY
GM Recalls 2002-03 Buick Rendezvous

FDA OKs Low Dose Of Hormone Drug Prempro

LABOR AND EMPLOYMENT
Freddie Mac Fires Exec, Two Execs Resign

Mo. Reporter Fired For Plagiarism
http://news.findlaw.com/ap/o/1110/6-9-2003/20030609050001_05.html

ENVIRONMENT
Colleges Try To Avoid EPA Penalties

Bat Bites Man Watering Plants

CYBERSPACE LAW
Spam Is Under Attack From Politicians

INTELLECTUAL PROPERTY
TiVo, Gemstar-TV Guide End Court Battle

BUSINESS
Northrop Grumman Settles Federal Lawsuit

Boeing Says Workers Used Lockheed Papers

INTERNATIONAL LAW
Americans, Europeans Flee Liberia Capital

Late Croat President's Daughter on Trial

WAR ON TERRORISM
Feds May OK Stun Guns on Airplanes
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HILLSIDE DAIRY INC. v. LYONS

California's milk pricing and pooling regulations are not exempted from Commerce Clause scrutiny by the Federal Agriculture and Reform Act of 1996. Absence of an express statement identifying out-of-state residency or citizenship as a basis for disparate treatment is not a sufficient basis for rejecting Privileges and Immunities Clause claims.
CIVIL RIGHTS, LABOR & EMPLOYMENT LAW

DESSERT PALACE, INC. v. COSTA, No. 02-679 (U.S.S.C. June 09, 2003)
Direct evidence of discrimination is not required for a plaintiff to obtain a mixed-motive jury instruction under Title VII of the Civil Rights Act of 1964.

To read the full text of this opinion, go to: http://laws.lp.findlaw.com/us/000/02679.html

CONSTITUTIONAL LAW, JUDGES AND THE JUDICIARY

NGUYEN v. US, No. 01-10873 (U.S.S.C. June 09, 2003)
A panel of the Ninth Circuit Court of Appeals consisting of two Article III judges and one Article IV territorial-court judge did not have authority to decide petitioners' appeals, as a judge of the District Court for the Northern Mariana Islands was not a "district judge" under 28 U.S.C. section 292(a).

To read the full text of this opinion, go to: http://laws.findlaw.com/us/000/1-10873.html

CONSTITUTIONAL LAW, TAX LAW, TRAVEL & LEISURE

FITZGERALD v. RACING ASS'N OF CENT. IOWA, No. 02-695 (U.S.S.C. June 09, 2003)
Iowa's differential tax rate, distinguishing between adjusted revenues from slot machines at racetracks and revenues from riverboat slot machines, does not violate the Equal Protection Clause under a rational basis analysis.

To read the full text of this opinion, go to: http://laws.lp.findlaw.com/us/000/02695.html

DRUGS & BIOTECH, INJURY AND TORT LAW, MILITARY LAW

DOW CHEM. CO. v. STEPHENSON, No. 02-271 (U.S.S.C. June 09, 2003)
In appeals arising from Agent Orange exposure, judgment as to two respondents is vacated and remanded for further consideration in light of Syngenta Crop Prot., Inc. v. Henson, 537 U.S. 28 (2002), but judgment as to other respondents is affirmed by an equally divided Court.

To read the full text of this opinion, go to: http://laws.lp.findlaw.com/us/000/02271.html

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Have a GOOD Day!!!!

U.S. Supreme Court
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Joel D. Kaplan/WHO/EOP@Exchange@EOP [ WHO ] <Joel D. Kaplan>
Sent: 6/10/2003 7:12:05 AM
Subject: left you messages

left you messages
Can you make the 3:30 on Wednesday with Senator Kyl (730 Hart)? Thanks.

Stephen

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_SXR1H003_WHO.TXT_1>
Brett

Can you make the 3:30 on Wednesday with Senator Kyl (730 Hart)? Thanks.

Stephen
yes, great

---

Can you make the 3:30 on Wednesday with Senator Kyl (730 Hart)? Thanks.

Stephen

- att1.htm
Brett

Can you make the 3:30 on Wednesday with Senator Kyl (730 Hart)? Thanks.

Stephen
Yup.

-----Original Message-----
From: Rena_Johnson_Comisac@Judiciary.senate.gov
Sent: Tuesday, June 10, 2003 12:52 PM
To: Benczkowski, Brian A; Brown, Jamie E (OLA);
William_Smith@Judiciary.senate.gov; Brett_M_Kavanaugh@who.eop.gov
Subject: Pryor's ABA rating

Just got it. Substantial majority Q, minority NQ.
I can do it today at 4:30, if that still works for the two of you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 09, 2003 10:25 AM
To: Litkenhaus, Colleen; Ralston, Susan B.
Subject: Re: equipment

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.

Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.
I have two campaign related Qs:

1.; To whom can staff submit expenses for taking cabs, etc. to the campaign when conducting official business (e.g. Advance person goes to campaign to discuss plans)?

2.; What is WHO policy on making long-distance calls related to political activity?
I now have to go the Viet Dinh celebration over at DOJ at 4. I am free today after about 6:30 or tomorrow afternoon. I think we should do this by then if we can.

Yes

I can do it today at 4:30, if that still works for the two of you.

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.
Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.
Either works, but I have to leave at 7 PM for a dinner.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 10, 2003 2:02 PM
To: Ralston, Susan B.
Cc: Litkenhaus, Colleen
Subject: RE: equipment

I now have to go the Viet Dinh celebration over at DOJ at 4. I am free today after about 6:30 or tomorrow afternoon. I think we should do this by then if we can.

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Tuesday, June 10, 2003 1:15 PM
To: Kavanaugh, Brett M.; Ralston, Susan B.
cc:
Subject: RE: equipment

Yes

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 09, 2003 10:25 AM
To: Litkenhaus, Colleen; Ralston, Susan B.
Subject: Re: equipment

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.
Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.
In principle you may engage in political activity provided you do not solicit and the appropriations laws are followed. I believe that you should obtain Brett Kavanaugh's and Matt Schlapp's ok on these; perhaps also Susan Ralston.

-------------------- Forwarded by Nanette Everson/WHO/EOP on 06/10/2003 02:25 PM ---------------------

ERIC L. MOTLEY
06/09/2003 06:23:42 PM
Record Type: Record

To: Nanette Everson/WHO/EOP@EOP
cc: 
Subject: 

If I would like to accept an invitation to speak at a political fund-raiser I can have them cover the cost of my travel can I not? I know that they cannot advertise my speech using my title? Do I need you to sign off or who approves?

The Bay County Republican Party Chairman has extended an invitation to me to speak at their Lincoln Day Fund-raiser dinner.

Secondly, a black church has asked to speak on "Moral Leadership." If I accept I can have them cover the cost of my travel?

Please advise. Thanks.

Eric L. Motley
a meeting was scheduled today at 5pm in the Ward Room with Joe, Jenkins, Ken, me, Izzy and Kelley. I know you have a celebration to attend, but wanted you to know about this meeting as well. It's not a meeting that you HAVE to be at, but I'm sure you would have a lot to contribute if you could be there. Just fyi.
I will be there.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/10/2003 03:44:46 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: campaign

a meeting was scheduled today at 5pm in the Ward Room with Joe, Jenkins, Ken, me, Izzy and Kelley.; I know you have a celebration to attend, but wanted you to know about this meeting as well.; It's not a meeting that you HAVE to be at, but I'm sure you would have a lot to contribute if you could be there.; Just fyi.
Sorry. Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 10, 2003 3:49 PM
To: Litkenhaus, Colleen
Subject: Re: campaign

I will be there.

---

a meeting was scheduled today at 5pm in the Ward Room with Joe, Jenkins, Ken, me, Izzy and Kelley. I know you have a celebration to attend, but wanted you to know about this meeting as well. It's not a meeting that you HAVE to be at, but I'm sure you would have a lot to contribute if you could be there. Just fyi.
6:30 works for me.

-----Original Message-----
From: Ralston, Susan B.
Sent: Tuesday, June 10, 2003 2:05 PM
To: Kavanaugh, Brett M.
Cc: Litkenhaus, Colleen
Subject: RE: equipment

Either works, but I have to leave at 7 PM for a dinner.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 10, 2003 2:02 PM
To: Ralston, Susan B.
Cc: Litkenhaus, Colleen
Subject: RE: equipment

I now have to go the Viet Dinh celebration over at DOJ at 4. I am free today after about 6:30 or tomorrow afternoon. I think we should do this by then if we can.

-----Original Message-----
From: Susan B. Ralston/WHO/EOP@Exchange on 06/10/2003 01:21:08 PM
Record Type: Record
To: Colleen Litkenhaus/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: RE: equipment

Yes

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Tuesday, June 10, 2003 1:15 PM
To: Kavanaugh, Brett M.; Ralston, Susan B.
Subject: RE: equipment

I can do it today at 4:30, if that still works for the two of you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 09, 2003 10:25 AM
To: Litkenhaus, Colleen; Ralston, Susan B.
Subject: Re: equipment

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/05/2003 09:34:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP/EOP, Susan B.
Ralston/WHO/EOP@Exchange
cc:
Subject: equipment

Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.
See you then.

-----Original Message-----
From: Litkenhaus, Colleen
Sent: Tuesday, June 10, 2003 4:00 PM
To: Ralston, Susan B.; Kavanaugh, Brett M.
Subject: RE: equipment

6:30 works for me.

-----Original Message-----
From: Ralston, Susan B.
Sent: Tuesday, June 10, 2003 2:05 PM
To: Kavanaugh, Brett M.
Cc: Litkenhaus, Colleen
Subject: RE: equipment

Either works, but I have to leave at 7 PM for a dinner.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 10, 2003 2:02 PM
To: Ralston, Susan B.
Cc: Litkenhaus, Colleen
Subject: RE: equipment

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To: Kavanaugh, Brett M.; Ralston, Susan B.
Subject: RE: equipment

I can do it today at 4:30, if that still works for the two of you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 09, 2003 10:25 AM
To: Litkenhaus, Colleen; Ralston, Susan B.
Subject: Re: equipment

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/05/2003 09:34:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B.
Ralston/WHO/EOP@Exchange
cc:
Subject: equipment

Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.
Floor vote set for tomorrow at 11:30am.
Brett,

The nature of the event has changed. Rather than being a fundraiser for Haley, it is a Republican Governors Association fundraising event. Secretary Thompson is not listed as a "featured guest" in the event invite. Instead, he is just planning on flying up commercial paid for by RGA, as a participant of the event, but not a featured part of the event. He is likely to give a very brief introduction to Haley.

Our ethics folks have looked at it and are comfortable with his participation in the event.

Sorry, for the late change, but information had not been communicated to us well. Are you ok with the Secretary's participation, as conceptualized?
FINDLAW Tue, Jun 10, 2003

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POLITICS
Reagan Chief Of Staff Donald Regan Dies
http://news.findlaw.com/ap/o/1110/6-10-2003/2003061009150152_065.html

Senators Unveil Medicare Drug Proposal
http://news.findlaw.com/ap/a/w/1153/6-10-2003/2003061010300753.html

LEGAL COMMENTARY
Rebellious Judges: The Phenomenon Of Judges Who Rebel Against The Rulings Of The U.S. Supreme Court
http://writ.news.findlaw.com/mariner/20030610.html

The Changing Tide In The Defense Of Scott Peterson
http://writ.news.findlaw.com/commentary/20030610_spilbor.html

CIVIL RIGHTS
Abortion Rights Groups Call for March
http://news.findlaw.com/ap/o/1110/6-10-2003/2003061007150126.html

Town Sees Uproar Over Disabled Man's Cart

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Now, Trial Lawyers Could Use A Good Lawyer
Wis. Family Quarantined for Monkeypox
http://news.findlaw.com/ap/o/1500/6-10-2003/20030610004500_08.html

PRODUCT LIABILITY
Britain Warns Kids, Teens on Drug Paxil
http://news.findlaw.com/ap/o/1500/6-10-2003/20030610091502_084.html

Report: Caffeine Underreported In Food

LABOR AND EMPLOYMENT
Lawmakers Question Freddie Mac Pay Deals

Northwest Plans More Non-Labor Cuts

ENVIRONMENT
Wis. Officials Search for Prairie Dogs

TELECOMMUNICATIONS
How Ultimate Car Culture Handles A Cellphone Ban

BUSINESS
Ex-ImClone CEO Gets 87 Months In Prison

WORLDCOM
Reports: Worldcom Execs Browbeat Workers

INTERNATIONAL LAW
Kidnappers Free Four Members Of U.N.

East German Workers Vote To Expand Strike

WAR ON TERRORISM
Thai Police Break Up Terrorist Cell

U.S. In Terror Watch Near Horn OF Africa

IRAQ
Criminal Court Resumes Work In Iraq

Soldier Recalls Night Innocent Was Killed

CRIME & TRIALS
Handyman Admits Holding Women Sex Slaves
Time Matters(R), the most award-winning, most widely used practice
manager, has a new version 5.0. In addition to across-the-board
improvements and a beautiful new interface, version 5.0 rivals leading
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REV_00121458
You're working too hard. Sure Reg can't pitch in?

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Gonzales, Alberto R. <Alberto_R._Gonzales@who.eop.gov>; Leitch, David G. <David_G._Leitch@who.eop.gov>
CC: Addington, David S. <daddingt@OVP.eop.gov>; Nelson, Carolyn <Carolyn_Nelson@who.eop.gov>
Sent: Tue Jun 10 21:38:05 2003
Subject: draft memo to depts and agencies

I propose that we also send a written memo to the GC's of the depts and agencies to underscore the importance of the issue and to complement oral briefings.; Draft is below.

;<<political activity cabinet memo 6 11 03.doc>>
From: CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ]
To: Brett M. Kavanaugh/WHO/EOP@EOP [ WHO ] <Brett M. Kavanaugh>
Sent: 6/10/2003 2:36:26 PM
Subject: need your counsel

***** Begin Original ARMS Header *****
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 10-JUN-2003 18:36:26.00
SUBJECT: need your counsel
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
***** End Original ARMS Header *****
are you meeting with us at 6:30?
As I try to close out of the WH, I wanted to run by the email I'd like to send to fellow WH staff - and make sure it works from an appropriateness and timing standpoint.

Dear Friends:

I will be moving to the President's re-election campaign and I wanted to drop you a quick note to thank for your friendship and the wonderful experience working with each of you has been.

As you know, there will be a lot of changes in the Political affairs Office. As of next Monday, I will no longer be checking this email address or my WH phone. For questions related to Michigan, Wisconsin and Minnesota, please contact Darren Bearson at 6-5275 or Darren_Bearson@who.eop.gov. He is the new Associate Director for that part of the country.

For the other states I've worked in (Montana, North Dakota, Iowa, Nebraska, Illinois, and who could forget South Dakota), please contact Matt Schlapp until he announces new Associate Directors. Thanks again!

Sara Taylor

My contact info at Bush-Cheney 2004 will be:
703-647-2770 (office)
staylor@georgewbush.com
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Kyle Sampson/WHO/EOP@EOP [ WHO ] <Kyle Sampson>
Sent: 6/10/2003 3:35:59 PM
Subject: : left you message

###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 10-JUN-2003 19:35:59.000
SUBJECT:: left you message
TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ: UNKNOWN
###### End Original ARMS Header ######
Let's talk tomorrow.

----- Original Message -----
From: Brett M. Kavanaugh/WHO/EOP
To: Kyle Sampson/WHO/EOP@EOP
CC: 
Date: 06/10/2003 07:35:04 PM
Subject: left you message
Floor vote set for tomorrow at 11:30am.
The relevant language is derived from 5 C.F.R. 2635.203(d)(2) and (3).
Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?
This correction appears in today's New York Times -- perhaps someone talked to Lewis at the DOJ party for Viet?; Interesting that the correction loops back to an error made nearly six months ago.;

A grouping of thumbnail sketches on Sunday with a front-page article about efforts by interest groups to influence the selection of the next Supreme Court justice included an erroneous reference to the background of a potential nominee, Judge Samuel A. Alito Jr. of the United States Court of Appeals for the Third Circuit. (The error also occurred in a front-page article on Dec. 27.) Judge Alito is not a former clerk for Justice Antonin Scalia.
Do we have approval to use Warren's plane?
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Colleen Litkenhaus/WHO/EOP@Exchange@EOP [ WHO ] <Colleen Litkenhaus>
Subject: : we are ok on changed approach for Advance staff TEFOS forms

we are ok on changed approach for Advance staff TEFOS forms
Have you reviewed and approved invitations for events in Michigan and Ohio?
Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?
Vice President, I believe?

I have not seen one for Michigan

Ohio: Do you mean Mrs. Bush?

Iz

--------Original Message------
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 9:20 AM
To: Ralston, Susan B.; Hernandez, Israel
Subject: Invitations

Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?
From: Sheila.Joy@usdoj.gov
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Subject: Sen ques - have sent some comments via fax

# Begin Original ARMS Header #
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Sheila.Joy@usdoj.gov" <Sheila.Joy@usdoj.gov> ( "Sheila.Joy@usdoj.gov"
<Sheila.Joy@usdoj.gov> [UNKNOWN ] )
CREATION DATE/TIME: 11-JUN-2003 14:12:27.00
SUBJECT:: Sen ques - have sent some comments via fax
TO: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO ] )
READ:UNKNOWN
### End Original ARMS Header ###

D
From: CN=Alan Gilbert/OU=OPD/O=EOP [ OPD ]
To: Layton Skelly/OPD/EOP@EOP [ OPD ] <Layton Skelly>;tcordaro@osophs.dhhs.gov [ UNKNOWN ]
<tcordaro@osophs.dhhs.gov>;carla b. stone/omb/eop@eop [ OMB ] <carla b. stone>
<heather.mcnaught@usdoj.gov [ UNKNOWN ]
<india.luckett@hhs.gov [ UNKNOWN ]
<india.luckett@hhs.gov>;lauren j. vestewig/opd/eop/exchange@eop [ OPD ] <lauren j. vestewig>
<marie.belt@hhs.gov [UNKNOWN] <mariel.belt@hhs.gov>;pamela.roller@hhs.gov [UNKNOWN]
<pamela.roller@hhs.gov];stephen m. lineberry/who/eop@eop [ WHO ] <stephen m. lineberry>
<jafar.karim@hhs.gov [UNKNOWN] <jafar.karim@hhs.gov>;rex cowdry/opd/eop@eop [OPD]
<rex cowdry>;marc.kesselman@usdoj.gov @ inet [UNKNOWN]
<marc.kesselman@usdoj.gov @ inet>;tracy young/who/eop [WHO] <tracy young>
<brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>
<philip j. perry/omb/eop@eop [OMB] <philip j. perry>
ginger g. loper/who/eop/exchange@eop [WHO] <ginger g. loper>
diana l. schacht/opd/eop@eop [OPD] <diana l. schacht>
<john.hoff@hhs.gov @ inet [UNKNOWN] <john.hoff@hhs.gov>
<viet.dinh@usdoj.gov @ inet [UNKNOWN] <viet.dinh@usdoj.gov>
<paula.stannard@hhs.gov @ inet [UNKNOWN] <paula.stannard@hhs.gov>
layo skelly/opd/eop@eop [OPD] <layton skelly>
hrobowski-rosita@dol.gov [UNKNOWN] <hrobowski-rosita@dol.gov>
<stephanie.wilson@hhs.gov [UNKNOWN] <stephanie.wilson@hhs.gov>
dana.ceasar@hhs.gov;emily winland/opd/eop@eop [OPD] <emily winland>
joyce.b-moore@hhs.gov [UNKNOWN] <joyce.b-moore@hhs.gov>
<wendy j. grubbs/who/eop/exchange [WHO] <wendy j. grubbs>
<jeffrey f. kupfer/who/eop/exchange@eop [WHO] <jeffrey f. kupfer>
hazucker@osophs.dhhs.gov [UNKNOWN] <hazucker@osophs.dhhs.gov>
dana ackerly/cea/eop@eop [CEA] <dana ackerly>
brian r. besanceney/who/eop@eop [WHO] <brian r. besanceney>
zurawski-paul@dol.gov @ inet [UNKNOWN] <zurawski-paul@dol.gov>
thomas c. deleire/cea/eop@eop [CEA] <thomas c. deleire>
jay p. lefkowitz/opd/exchange@eop [OPD] <jay p. lefkowitz>
amy jensen/who/eop/exchange@eop [WHO] <amy jensen>
jennifer.young@hhs.gov @ inet [UNKNOWN] <jennifer.young@hhs.gov>
<alex.azar@hhs.gov @ inet [UNKNOWN] <alex.azar@hhs.gov>
peter.urbanowicz@hhs.gov @ inet [UNKNOWN] <peter.urbanowicz@hhs.gov>
phil d. hall/opd/eop@eop [OPD] <phil d. hall>

Subject: Re: Medical Liability Working Group

### Begin Original ARMS Header ###
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alan Gilbert (CN=Alan Gilbert/OU=OPD/O=EOP [OPD])
CREATION DATE/TIME:11-JUN-2003 10:52:45.00
SUBJECT:: Re: Medical Liability Working Group
TO:Layton Skelly (CN=Layton Skelly/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:tcordaro@osophs.dhhs.gov (tcordaro@osophs.dhhs.gov [UNKNOWN])
READ:UNKNOWN
TO:carla b. stone (CN=carla b. stone/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN
TO:heather.mcnaught@usdoj.gov (heather.mcnaught@usdoj.gov [UNKNOWN])
READ:UNKNOWN
TO:india.luckett@hhs.gov (india.luckett@hhs.gov [UNKNOWN])
READ:UNKNOWN
TO:lauren j. vestewig (CN=lauren j. vestewig/OU=opd/O=eop@exchange@eop [OPD])
READ:UNKNOWN
TO:mariel.belt@hhs.gov (mariel.belt@hhs.gov [UNKNOWN])
READ:UNKNOWN
TO:pamela.roller@hhs.gov (pamela.roller@hhs.gov [UNKNOWN])
READ:UNKNOWN
TO:stephen m. lineberry (CN=stephen m. lineberry/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
TO:jafar.karim@hhs.gov (jafar.karim@hhs.gov [UNKNOWN])
READ:UNKNOWN
TO:rex cowdry (CN=rex cowdry/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN
sorry, but i have to postpone this conference call. i apologize for the last minute notice, and layton will contact you to reschedule. again, i apologize for the last minute notice. thanks
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Carolyn Nelson/WHO/EOP@EOP [ WHO ] <Carolyn Nelson>
Subject: Where is sen kyls office

Where is sen kyls office
Meet you in lee's office at 1:30...
FINDLAW Wed, Jun 11, 2003

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POLITICS

Bush Condemns Deadly Jerusalem Bombing

FEC Weighs Changes To Rules Enforcement
http://news.findlaw.com/ap/a/w/1155/6-11-2003/2003061111506_07.html

LEGAL COMMENTARY

Iowa Gambling Case: When Is A Difference Also An Inequality
http://writ.news.findlaw.com/dorf/20030611.html

Why The FCC's New Rules Should Survive Court Challenges
http://writ.news.findlaw.com/student/20030611_dizzia.html

CIVIL RIGHTS

Justice Dept. Allows Gay Employee Event
http://news.findlaw.com/ap/a/w/1152/6-11-2003/20030611063005_03.html

Report: U.S. Child Poverty Still Problem

PERSONAL INJURY
U.S. Expands Monkeypox Probe To 15 States

Fla. Man Sues Utility Agency For $16G

PRODUCT LIABILITY
Group Takes Aim At Supplement Claims

IMMIGRATION
Cuban Musician Pruneda Defects In Texas

LABOR AND EMPLOYMENT
Denver Mint Workers Allege Harassment
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ENVIRONMENT
Feds Order Nuke Power Plant Safety Checks
http://news.findlaw.com/ap/a/w/1155/6-11-2003/20030611091501_07.html

Mountain Lion May Have Attacked Co. Boy

GUNS
For Sale: Gun Shop Linked To Sniper Rifle
http://news.findlaw.com/ap/o/1110/6-11-2003/20030611091502_34.html

CYBERSPACE LAW
Some Internet Credit Card Gambling Banned

Spam Fight Unites Liberals, Conservatives

BUSINESS
Feds Open Criminal Probe On Freddie Mac

ImClone's Waksal Due In Federal Prison

WORLDCOM
WorldCom Officials Resign After Report

INTERNATIONAL LAW
EU Sends Shipyard Dispute To WTO Panel

Couple Holds Same-Sex Wedding In Canada

WAR ON TERRORISM
Jerusalem Blast Kills 15; 7 Die In Gaza

Germany Blames al-Qaida For Kabul Bomb
IRAQ
GOP Doesn't Want Iraq Intelligence Probe
http://news.findlaw.com/ap/a/w/1153/6-11-2003/20030611063005_08.html

Hans Blix Accuses U.S. Of Smear Campaign

CRIME & TRIALS
Man To Be Arraigned In Girl's Abduction

Wash. Cops Train To Be Foster Parents

ENTERTAINMENT
Springer Site To Test For Voter Support

Promoters Cancel New York Music Festival

SPORTS
Ex-NBA Player Cliff Levingston Sentenced

**********************************************************************
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Feedback
We value your comments! Please take a moment to tell us what you think by sending an e-mail to:
Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?
Approved so long as Josefiak approves and so long as equivalent first-class payment is made IN ADVANCE by the campaign to the entity.

Do we have approval to use Warren's plane?
Tonight

----- Original Message -----
From: Patrick J. Bumatay/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/11/2003 01:27:04 PM
Subject: FW: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Irene just needs to know how long it will take you to clear this 15 page document. Should I just tell her 2 days?

-----Original Message-----
From: Kho, Irene
Sent: Wednesday, June 11, 2003 11:44 AM
To: Kavanaugh, Brett M.
Cc: Bumatay, Patrick J.; Green, Richard E.
Subject: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

Brett,
Attached are Justice Qs and As following an April 8th hearing before the Senate Judiciary Committee on S.J.Res 1. These Qs and As are addressed to Viet Dinh. Justice would like to have their Qs and As cleared by tomorrow so they could submit them for tomorrow's markup that is scheduled before the Senate Judiciary Committee's Constitution, Civil Rights and Property Rights Subcommittee. These Qs and As are 15 pages long.
I have not circulated them yet for clearance. Could you let me know if you could review these by tomorrow afternoon or if you would need more than just a day to review them. Thank you.

- victims06.doc.wpd
- victims06.let.wpd
I have a rush political TA for Karl Rove.; Sorry for the delay but I just got the info this morning.; Do you want me to send it to Ben or to you?

Rough outline:

Dates of Travel - Thurs, 6/12 - Sat, 6/14
All BC'04 events to be paid for by the campaign

Commercial travel cost on United to and from California - $2409.
Charter plane cost from San Francisco to Los Angeles to San Diego to Santa Monica - $3,010.
Charter helicopter cost from Santa Monica to Westlake - $1,400.
Total cost: $6,819

Let me know where to send asap.; Thanks.
Hart 730

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 2:54 PM
To: Nelson, Carolyn
Subject: Where is sen kyl's office
Thanks for asking. Brett knows the rules on political activity. Brett -- the basic question at the bottom of this email chain as I understand it is can a Presidential appointee to an advisory committee -- in this case an advisory comm. on information technology -- participate in raising funds. I assume the answer is yes under the guidelines put forth by Stan (must do in personal capacity, not use his PITAC title/membership in any fundraising, etc.). Is there a memo we can give him governing this?

Richard M. Russell
06/11/2003 11:13:14 AM

Record Type: Record
To: Stanley S. Sokul/OSTP/EOP@EOP
cc: benjamin a. powell/who/eop@eop

Once I have Ben's answer, I'll shoot this to him.

Thanks for the quick turn-around.
Under Ethics and Hatch Act statutes and regulations, it is perfectly OK for government employees, including special government employees, to participate in political activities while off-duty. He should not use the SGE position as a basis of seeking donations, etc, but keep his activities wholly in the personal realm. He should certainly not do or say anything that states or implies any favorable actions by PITAC if donations are made, even though PITAC only recommends and does not directly regulate anything. He should remember that any such connections will be judged not only legally but also by the "Washington Post" test. Basically, if he keeps PITAC out of it he will be fine. I can look into and research any particular questions he may have.

Ben -- I do not believe that the WH has imposed any special restrictions on the political activities of Presidential appointees to advisory committees (beyond the legal/regulatory restrictions that currently exist for all employees, including SGEs). Can you confirm that?

Stan

Richard M. Russell
06/11/2003 10:24:19 AM

Record Type: Record

To: Stanley S. Sokul/OSTP/EOP@EOP
cc:
Subject: Question for counsel

---------------------- Forwarded by Richard M. Russell/OSTP/EOP on 06/11/2003 10:24 AM ---------------------------

"Javitt, Jonathan" <JJavitt@healthdirections.net>
06/11/2003 08:03:09 AM
Record Type: Record

To: Richard M. Russell/OSTP/EOP@EOP
cc:
Subject: Question for counsel

The Bush campaign has asked me to verify that as a Presidential appointee to PITAC I am still allowed to raise money for the campaign. There is a large fundraiser on Tuesday, so the question is a bit urgent.
Labor Circulates Letter Opposing Hatch's Asbestos Bill

Hope for bipartisan support of a proposed asbestos compensation bill took a heavy hit today as the AFL-CIO circulated to senators a strongly worded letter of opposition to the measure. The legislation, sponsored by Senate Judiciary Chairman Hatch, calls for the establishment of a $108 billion trust fund -- financed by insurers and defendant companies -- to pay for claims submitted to a special new court by persons suffering from certain asbestos diseases. In its strong plea to senators not to sign on to the Hatch bill, the AFL-CIO leveled a sharp attack against the legislation, charging that it "fails to provide fair, timely and certain compensation to victims -- while relieving manufacturers, employers and insurers of all liability." Bill Samuel, labor's legislative director, in the letter said the Hatch bill also set such restrictive eligibility standards that thousands of stricken victims could not qualify for compensation. Moreover, Samuel maintained the bill's trust fund would not provide sufficient money to cover anticipated claims.

Hatch earlier today called labor's letter "all tactics" aimed at softening support for his bill. But Hatch left the door open for further talks with labor and other affected parties to hash out a compromise acceptable to each side. "If we don't sit down and get this done," Hatch said, "it's going to be over -- a dead bill. They know it and I know it. So I think we're going to get something done." Judiciary ranking member Patrick Leahy, D-Vt., also expressed hope that an accord could be reached. "We can get a bill," Leahy said. "But we're going to have to negotiate these serious points of contention. You can't just put a bill out there..."
and say, 'take it or leave it.' It can't be a one-sided bill. We've got to get the two sides together and work out our differences." -- by David Hess
A bk sighting. Whatcha doing?
Hi Brett,

Matt has been asked by Speaker Hastert's office to speak tomorrow at a lunch. It is the speaker's Semi-Annual Congressional Club trip. There will be a little over 100 people in attendance—all donors from IL who have given $500 or more. Patrick Carlson, from Hastert's office, said the majority of these people have been long-time donors etc.

Matt asked that I run it by you before we agree to this. Again—this is for tomorrow, so time is a factor.

Thanks so much,
Tracy
Hi Brett,

Matt has been asked by Speaker Hastert's office to speak tomorrow at a lunch. It is the speaker's Semi-Annual Congressional Club trip. There will be a little over 100 people in attendance—all donors from IL who have given $500 or more. Patrick Carlson, from Hastert's office, said the majority of these people have been long-time donors etc.

Matt asked that I run it by you before we agree to this. Again—this is for tomorrow, so time is a factor.

Thanks so much,
Tracy
Great-thanks.

Brett M. Kavanaugh
06/11/2003 04:20:24 PM
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc: Matthew A. Schlapp/WHO/EOP@EOP
Subject: Re: Speaking Event

This is fine.

----- Original Message ----- 
From: Tracy Jucas/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: Matthew A. Schlapp/WHO/EOP@EOP
Date: 06/11/2003 04:13:51 PM
Subject: Speaking Event

Hi Brett,

Matt has been asked by Speaker Hastert's office to speak tomorrow at a lunch. It is the speaker's Semi-Annual Congressional Club trip. There will be a little over 100 people in attendance—all donors from IL who have given $500 or more. Patrick Carlson, from Hastert's office, said the majority of these people have been long-time donors etc.

Matt asked that I run it by you before we agree to this. Again—this is for tomorrow, so time is a factor.

Thanks so much,

Tracy
Miss having you here. Hope you are well and safe. I know you are doing great work. Anyway, leitch is talking to jack goldsmith about your request. Will get back to you.

.

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 11-JUN-2003 16:28:11.00
SUBJECT: : Re:
TO: silverbergk@orha.centcom.mil (silverbergk@orha.centcom.mil [UNKNOWN])
READ: UNKNOWN
###### End Original ARMS Header ######
When is the Kuhl hearing?
pryor on fox
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: David G. Leitch/WHO/EOP@Exchange@EOP [ WHO ] <David G. Leitch>
Sent: 6/11/2003 2:58:34 PM
Subject: : reminder to email Kristen Silverberg about her request/Goldsmith

##### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-JUN-2003 18:58:34.00
SUBJECT:: reminder to email Kristen Silverberg about her request/Goldsmith
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
##### End Original ARMS Header #####
We should create a form e-mail for this. And I should approve each individual trip where the campaign has secured a private plane and intends to provide transportation to a government official on that plane. Thanks.

The campaign would like to know how we should handle the corporate plane approval process. Do we want a new form created to give the information for vetting, or do you want to handle on a case-by-case basis via email? Once a person or entity has been approved, can we use them on a going forward basis w/o going through approval again? For example, Brett gave approval to use Warren Tichenor's corporate plane for TX travel for upcoming BC'04 events. Can we consider Warren's plane pre-approved for future WH staff, or do you want to go through the approval process again using forms or email? Let me know your thoughts.
The campaign would like to know how we should handle the corporate plane approval process.; Do we want a new form created to give the information for vetting, or do you want to handle on a case-by-case basis via email?;

Once a person or entity has been approved, can we use them on a going forward basis w/o going through approval again?; For example, Brett gave approval to use Warren Tichenor's corporate plane for TX travel for upcoming BC'04 events.; Can we consider Warren's plane pre-approved for future WH staff, or do you want to go through the approval process again using forms or email?

Let me know your thoughts.
Talked to Jack, who will contact Kristen.

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Leitch, David G. <David_G. Leitch@WHO.eop.gov>
Subject: reminder to email Kristen Silverberg about her requestGoldsmith
Reminder to mention corp plane issue to andy
Please send me both revised memos, I suspect he will want to read them.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 7:26 AM
To: Gonzales, Alberto R.
Subject: Reminder to mention corp plane issue to andy
FYI, Judge is meeting with Specter at 4:30 today.
This should have been all taken care of; please let me know if not.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/11/2003 01:56:29 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: 
Subject: KR's travel tomorrow

I have a rush political TA for Karl Rove. Sorry for the delay but I just got the info this morning. Do you want me to send it to Ben or to you?

Rough outline:

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Charter helicopter cost from Santa Monica to Westlake - $1,400.
Total cost: $6,819

Let me know where to send asap. Thanks.
This should have been all taken care of; please let me know if not.

I have a rush political TA for Karl Rove.; Sorry for the delay but I just got the info this morning.; Do you want me to send it to Ben or to you?

Rough outline:

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Charter helicopter cost from Santa Monica to Westlake - $1,400.

Total cost: $6,819

Let me know where to send asap.; Thanks.
Who in Communications shop oversees/controls WH film of public Presidential events?
Could you send over your master list of candidates? Thanks.
Kris Purcell can help.. along with Reed in press office..
Crime victims would be guaranteed rights in court proceedings under a constitutional amendment expected to be approved by a Senate Judiciary subcommittee on Thursday. The victims' rights amendment (SyJyResyl), set to be marked up by the Subcommittee on the Constitution, Civil Rights and Property Rights, would require that crime victims or their lawful representatives receive advance notification of judicial proceedings and parole hearings. It also would give victims or their representatives the right to be heard at public release, plea sentencing and other proceedings and would require judicial officials to take victims' safety into account when deciding the fate of defendants.

Supporters of the amendment, including Judiciary members and resolution sponsors Dianne Feinstein, D-Calif., and Jon Kyl, R-Ariz., argue that the Constitution delineates in great detail the rights of the accused, while victims of crime are not represented. A patchwork of similar laws and constitutional language in more than 30 states is not enough to protect victims, they say. A constitutional amendment is necessary to elevate the need for victims to be heard in criminal proceedings, supporters add.

But critics, including the ranking Democrat on the subcommittee, Russell D. Feingold of Wisconsin, would rather see Congress first try to enact victims' rights protections statutorily instead of through a constitutional amendment, which would be more difficult to change later on. Unlike other pending constitutional amendments, which tend to be brief, the proposed victims' rights amendment includes five sections. That has bolstered the claims of critics, who say the measure reads more like a statute than a constitutional amendment.

Feinstein and Kyl have rewritten the measure since it was last considered on the Senate floor in 2000. Then, they faced opposition from some lawmakers who said among other things it was too unwieldy. Ultimately, facing a potential filibuster and lacking the 60 votes necessary to limit debate on the measure, Feinstein and Kyl pulled the resolution off the floor. The proposal has never been considered in the House.

If cleared by Congress and ratified by at least 38 states, the proposal...
would be the 28th amendment to the Constitution and the first since 1992. The Senate Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights markup is scheduled to follow a 9:30 a.m. Judiciary Committee markup Thursday in 226 Dirksen.
Source: CQ Today
From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ]
To: Irene Kho/OMB/EOP [ OMB ] <Irene Kho>
Sent: 6/12/2003 5:27:20 AM
Subject: RECEIVED: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:12-JUN-2003 09:27:20.00
SUBJECT:RECEIVED: SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
TO:Irene Kho ( CN=Irene Kho/OU=OMB/O=EOP [ OMB ] )
READ:UNKNOWN
##### End Original ARMS Header #####

RETURN RECEIPT

Your Document:
SJRes1, Crime Victims Rts Constl Amdt - DOJ Q&A
was successfully received by:
CN=Brett M. Kavanaugh/OU=WHO/O=EOP
at:
06/12/2003 09:21:38 AM
Can you confirm that campaign is paying for use of his aircraft in advance? Thanks.
Mrs. Cheney is the only OVP-related person whom I foresee needing the use of corporate aircraft on a regular basis.; In those instances, please include David or me in the review/approval process.; Thanks.

-----Original Message-----
From: Kavanaugh, Brett M.  <bkavanau@WHO.eop.gov>
To: Ralston, Susan B.  <Susan_B._Ralston@who.eop.gov>
CC: Douglass, Kimberly A.  <Kimberly_A._Douglass@who.eop.gov>; Litkenhaus, Colleen  <Colleen_Litkenhaus@who.eop.gov>; Elwood, Courtney S.  <Courtney_S._Elwood@ovp.eop.gov>
Sent: Thu Jun 12 08:50:10 2003
Subject: Re: Use of Corporate Planes

;;;;;; We should create a form e-mail for this.; And I should approve each individual trip where the campaign has secured a private plane and intends to provide transportation to a government official on that plane.; Thanks.

;;;;;;;; From: Susan B. Ralston/WHO/EOP@Exchange on 06/12/2003 06:42:32 AM
;;;;;;;; Record Type:;;;; Record
;;;;;;;; To:;;;; Kimberly A. Douglass/WHO/EOP@Exchange, Colleen Litkenhaus/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP, Courtney S. Elwood/OVF/EOP@Exchange
;;;;;;;; cc:;;;;
;;;;;;;; Subject:;;;;;;;; Use of Corporate Planes

;;;;;;;; The campaign would like to know how we should handle the corporate plane approval process.; Do we want a new form created to give the information for vetting, or do you want to handle on a case-by-case basis via email?;
Once a person or entity has been approved, can we use them on a going forward basis w/o going through approval again? For example, Brett gave approval to use Warren Tichenor's corporate plane for TX travel for upcoming BC'04 events. Can we consider Warren's plane pre-approved for future WH staff, or do you want to go through the approval process again using forms or email?

Let me know your thoughts.
From: Courtney S. Elwood/OU=OVP/O=EOP@Exchange [OVP]
To: Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/12/2003 6:10:29 AM
Subject: Re: Use of Corporate Planes
Bob Marsh - 494-9034

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 10:16 AM
To: Pelletier, Eric C.
Subject: who is doing class action on house side
who is doing class action on house side
no problem at all; always good to check

Michael E. Meece
06/12/2003 01:50:46 PM
Record Type: Record

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

Thanks. Sorry. I'm new here.


----- Original Message ----- 
From: Brett M. Kavanaugh/WHO/EOP
To: Michael E. Meece/WHO/EOP@EOP
Cc:  
Date: 06/12/2003 01:17:20 PM
Subject: RE: AAHP

Sure that will be ok, but non-political questions like this go to Nanette Everson.

Michael E. Meece
06/12/2003 12:19:57 PM
Record Type: Record

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

is it ok to attend if i attend a charity dinner sponsored by the american association of health plans? nobody's using my title for anything (of course) and it is supposed to be widely attended? i'd like to go because i'm trying to get to know some of the health plan folks who care about medicare. who do i address these kinds of questions to in the future so i
Mike,

Good to see you yesterday. I would like to get you together with Julie Goon and Karen Ignagi ASAP. A few options: 1) there is a dinner tomorrow night at the Decatur house hosted by AAHP 2) there is a AAHP wine tasting from 5-7 tomorrow at the Marriot Wardman Park 3) Friday morning, McCellan is speaking at...
the AAHP conference before the VP, we could meet after Mark speaks about 9:30 AM at the Marriott Wardman Park

If we meet at the Wardman, you could also meet some of the plans that are in town.

If none of these work, let's try to set something up next week. SBS

BTW, I will be in your bldg. this afternoon. I may try to track you down.

Thx,
SBS
Committee voted 11-0 to report David Campbell. Feinstein voted for; all other Dems abstained.
yup, here now in 156

Bradley E. Hester
06/12/2003 02:21:29 PM
Record Type: Record

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

Brett- Can I swing down and talk to you about an invitation? will only take a couple of minutes.
Why are specter and judge meeting today?
is it ok to attend if i attend a charity dinner sponsored by the american association of health plans? nobody's using my title for anything (of course) and it is supposed to be widely attended? i'd like to go because i'm trying to get to know some of the health plan folks who care about medicare. who do i address these kinds of questions to in the future so i don't annoy you?

---------------------- Forwarded by Michael E. Meece/WHO/EOP on 06/12/2003 12:17 PM---------------------------
Scott Styles <SStyles@bbchb.com>
06/12/2003 10:50:14 AM
Record Type: Record
To: Michael E. Meece/WHO/EOP@EOP
cc:
Subject: RE: AAHP

Mike,

good to see you yesterday. We are set for the dinner tonight. The dinner is an AAHP Foundation dinner, it is a 501(C)(3), and Senator Nickles is the featured speaker.

-----Original Message-----
From: Michael_E._Meece@who.eop.gov [mailto:Michael_E._Meece@who.eop.gov]
Sent: Wednesday, June 11, 2003 11:16 AM
To: Scott Styles
Subject: Re: AAHP

decatur house sounds best (closest, anyway ... i haven't figured out carpet yet), although it sounds like i'll need to check and make sure it's appropriate to attend. i do want to meet them both and get to know them. thanks for keeping me in mind. i'm here this afternoon, but have a mtg at 4. i'm in room 184 -- stop by.
To: Michael E. Meece/WHO/EOP@EOP

cc: 
Subject: AAHP

Mike,

Good to see you yesterday. I would like to get you together with Julie Goon and Karen Ignagi ASAP. A few options: 1) there is a dinner tomorrow night at the Decatur house hosted by AAHP 2) there is a AAHP wine tasting from 5-7 tomorrow at the Marriot Wardman Park 3) Friday morning, McCellan is speaking at the AAHP conference before the VP, we could meet after Mark speaks about 9:30 AM at the Marriott Wardman Park

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BTW, I will be in your bldg. this afternoon. I may try to track you down. Thx,
SBS
This mention of you was in an article in yesterday's Hill.; I smell Horowitz behind it.

Tevi

Although smaller and less prominent, the Hudson Institute has carved out a niche for itself, not only by placing its scholars in the administration but also by driving a few issues important to the administration and even in some cases helping write and pass bills over its objections.

Hudson's ideas to reform tort law have made their way into bills that reached the floor of the Senate, and White House officials Brett Kavanaugh, Jay Lefkowitz and Phil Perry have all shown interest in the ideas.

Bush also drew on Hudson's work on the persecution of evangelical Christians around the world and sexual slavery in Eastern Europe to devise a part of his foreign policy * both over the objections of the Clinton administration.

But over objections of some in the White House and Justice Department, Senate aides said, Hudson's Horowitz played a crucial role in drafting legislation and assembling a bipartisan coalition that makes passage of a prison-rape bill likely.

From: "Think tanks survey policy landscape in post-Iraq, pre-election environment
From AEI to FPI, policy wonks jockey for influence in the Bush administration"
By Jonathan;Kaplan

Sure that will be ok, but non-political questions like this go to Nanette Everson.

Michael E. Meece
06/12/2003 12:19:57 PM
Record Type: Record

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

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{Embedded image moved Scott Styles <SStyles@bbchb.com> to file: 06/11/2003 12:06:09 PM pic09493.pcx}

Record Type: Record

To: Michael E. Meece/WHO/EOP@EOP

cc:
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If none of these work, let's try to set something up next week. SBS

BTW, I will be in your bldg. this afternoon. I may try to track you down. Thx,
SBS
Thanks. Sorry. I'm new here.

----- Original Message -----  
From:Brett M. Kavanaugh/WHO/EOP  
To:Michael E. Meece/WHO/EOP@EOP  
Cc:  
Date: 06/12/2003 01:17:20 PM  
Subject: RE: AAHP  

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Michael E. Meece  
06/12/2003 12:19:57 PM  
Record Type: Record  

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

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<Embedded
image moved Scott Styles <SStyles@bbchb.com>
to file: 06/11/2003 12:06:09 PM
pic09493.pcx>

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cc:
Subject: AAHP

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town.

If none of these work, let's try to set something up next week. SBS

BTW, I will be in your bldg. this afternoon. I may try to track you down.
Thx,
SBS
Brett- Can I swing down and talk to you about an invitation? will only take a couple of minutes.
reminder to email me draft trip summary
did you watch pryor hearing?
BASHMAN ON BROWN:

California Supreme Court Justice Janice Rogers Brown issues interesting decision in insurance coverage dispute: Writing on behalf of a total of four Justices on the seven member Supreme Court of California, Justice Brown's opinion issued today begins:

The insurance policy in this case defined "collapse" as "actually fallen down or fallen to pieces." However, sound public policy, the Court of Appeal concluded, requires coverage for imminent, as well as actual, collapse, lest dangerous conditions go uncorrected. By failing to apply the plain, unambiguous language of the policy, the Court of Appeal erred.

Later, Justice Brown's opinion explains:

Applying the same logic, with the same lack of restraint, courts could convert life insurance into health insurance. In rewriting the coverage provision to conform to their notions of sound public policy, the trial court and the Court of Appeal exceeded their authority, disregarding the clear language of the policy and the equally clear holdings of this court.

You can access the complete decision at this link <http://www.courtinfo.ca.gov/opinions/documents/S108308.PDF>.
are those held every day?
I know you are getting slammed with questions right now, I promise we will get this after the first trip, but....

Noelia Rodriguez, our Press Secretary, will be traveling on both of our first stops.

Trip #1: In Chattanooga, she will be with the First Lady the entire trip.

Trip #2: She will fly to PA with the First Lady and attend all events, fly to Cincinnati and attend only the official event, and fly home commercially. I noticed that the President's Press Secretary (on a memo from you) is considered an "official" traveler. Is Noelia considered an "official traveler regardless of the nature of the trip"? If no, what will her flight home from OH be classified as?

Thank you for all of your help and guidance.

Terra
Also, I want to speak with you about the Staff Room and the Countdown Room. I'm thinking both these rooms can be paid for out of the WHO budget verses the campaign. Also, what about the downtime suite for the President?

-----Original Message-----
From: Becker, Kathy J.
Sent: Thursday, June 12, 2003 3:22 PM
To: Litkenhaus, Colleen
Cc: Jesmer, Kendall
Subject: Addition

We have added a downtime suite for the President in New York. The cost is $500.00. When he has downtime, we always get a Precor elliptical trainer in the room for his work out. Can't that be paid by the WH instead of the campaign?

kjdb
Desiree T. Sayle  
06/12/2003 05:47:54 PM  
Record Type: Record

To: Reginald J. Brown/WHO/EOP@EOP  
cc: Carolyn F. Atkinson/WHO/EOP@EOP, Heidi M. Smith/WHO/EOP@EOP

Subject:

Reg, Jennifer Newstead gave me your name as a contact to ask questions regarding issues that come up within the Office of Pres. Correspondence. Here's our latest:

Des:

I received the first phone call on the comment line regarding the reelection campaign. The caller wants to know what volunteer opportunities are available. I would appreciate your advice as to what information we should give to such callers.

Thanks, Carolyn
See below Nelson's comments about still working on a federal backstop; should we do anything to make sure that everyone knows we are dead set against that (assuming that is our position -- which I think it is).

-----Original Message-----
From: MacEcevic, Lisa J.
Sent: Thursday, June 12, 2003 4:29 PM
To: Kavanaugh, Brett M.; Warsh, Kevin; Schacht, Diana L.; Kupfer, Jeffrey F.; Bloomquist, Lauren E.; Boden, James; Schwartz, Kenneth L.; Green, Richard E.; Jukes, James J.; Benton, Melissa N.
Subject: CongressDaily: Asbestos bill markup to be next week

Hatch Insisting On Asbestos Litigation Markup Next Week

Senate Judiciary Chairman Hatch today vowed to forge ahead with his legislation aimed at reforming the asbestos litigation system, saying a markup planned for next week will come off even if concerns over the controversial bill are not assuaged. "I'm looking forward to voting on it," Hatch said during a session of the Judiciary Committee today in which he reaffirmed his decision to hold the markup next week "in any event."

Some key Democrats have withheld support for the bill, which creates a separate court system and a $108 billion trust fund -- financed by insurers and defendant companies in asbestos-exposure cases -- to compensate victims of asbestos-related illnesses. Meanwhile, Sen. Ben Nelson of Nebraska, the measure's Democratic cosponsor, said he was working on three possible solutions to one of the biggest Democratic complaints about the bill -- that it does not include a mechanism to ensure that the trust fund will not run dry. Hatch previously opposed the use of a federally funded "backstop," but Nelson indicated that using public funds was not completely off the table. Nelson said he was "vetting" the ideas among colleagues and may be ready "to go public with them by midweek." Asked if Hatch was supportive of the proposals, Nelson answered, "It is my approach never to surprise people." Hatch today said he would work with Senate colleagues to address their concerns ahead of the markup. "We're coming very close to be able to satisfy [concerns] or at least get the parties together," Hatch said. -- by Emily Heil
agree with your advice; legal but ordinarily not a great idea
No problem. Although this makes it a little more difficult, we will assess the Press Secretary to the First Lady on a case-by-case basis based on the Press Secretary's role on the trip and the nature of the trip. On the trips described below, she should be treated as an official traveler.

I know you are getting slammed with questions right now, I promise we will get this after the first trip, but.....

Noelia Rodriguez, our Press Secretary, will be traveling on both of our first stops.

Trip #1: In Chattanooga, she will be with the First Lady the entire trip.

Trip #2: She will fly to PA with the First Lady and attend all events, fly to Cincinnati and attend only the official event, and fly home commercially.

I noticed that the President's Press Secretary (on a memo from you) is considered an "official" traveler. Is Noelia considered an "official traveler regardless of the nature of the trip"? If no, what will her flight home from OH be classified as?

Thank you for all of your help and guidance.

Terra
Jennifer R. Brosnahan
06/13/2003 08:33:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Benjamin A. Powell/WHO/EOP@EOP, Kyle Sampson/WHO/EOP@EOP
cc: 
Subject: assisted suicide

Have you been handling this issue?
They should give you a raise. Really. They should.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 13, 2003 8:48 AM
To: Douglass, Kimberly A.
Subject: RE:

by the way, I have almost finished a little chart outlining how the various kinds of mixed trips should be handled. That should help as well.

Of course, I remembered at about 10:30 last night that I was supposed to send you these summaries. This is not a good sign. My short-term memory has already failed and we haven't even gotten to the first political trip yet.


-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 7:43 PM
To: Douglass, Kimberly A.
Subject: reminder to email me draft trip summary
Brett -- do you have copies of letters from Coffey & Rothstein -- I don't -- can someone fax me a copy Sheila.

I will call AO but they usually ask for a copy of the letter

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
Sent: Friday, June 13, 2003 9:39 AM
To: Joy, Sheila
Subject:

The AO web site's current and future vacancy lists are missing Gex (SD Miss), Coffey (CA7), and Rothstein (WD Wash).

Also, attached is our current status report with the dates listed.

(See attached file: judges status report on unfilled vacancies 6 13 03.doc)
Please call me re: Presidential political stationery.

; thanks
neither the desk phones or the cell phone bills come itemized.; Let me know if you need any other information.
I'm curious: Are you guys happy with how it went or did he dig himself in deeper with his answers to specter on abortion?

Benjamin Wittes
Editorial Writer
The Washington Post
1150 15th Street, NW
Washington DC 20071
phone: 202-334-4134
fax: 202-334-5269

Brett_M._Kavanaugh@who.eop.gov To:
wittesb@washpost.com
cc: 06/12/2003 07:50 PM Subject: >Check_Subject

did you watch pryor hearing?
Yep. 10:00, room 180.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 8:38 PM
To: Nelson, Carolyn
Subject: Advance travel meetings

are those held every day?
Have you been handling this issue?
We should just thank them for their call, but tell them they need to contact the re-election campaign directly if they wish to volunteer.

---------------------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/13/2003 08:45 AM ----------------------

Reginald J. Brown
06/12/2003 06:08:43 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP
cc: 
Subject: Campaign Related Question

---------------------- Forwarded by Reginald J. Brown/WHO/EOP on 06/12/2003 06:08 PM ----------------------

Desiree T. Sayle
06/12/2003 05:47:54 PM
Record Type: Record

To: Reginald J. Brown/WHO/EOP
cc: Carolyn F. Atkinson/WHO/EOP, Heidi M. Smith/WHO/EOP
Subject:

Reg, Jennifer Newstead gave me your name as a contact to ask questions regarding issues that come up within the Office of Pres. Correspondence. Here's our latest:

Des:

I received the first phone call on the comment line regarding the re-election campaign. The caller wants to know what volunteer opportunities are available. I would appreciate your advice as to what
information we should give to such callers.

Thanks, Carolyn
They should give you a raise. Really. They should.

-----Original Message-----
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-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 12, 2003 7:43 PM
To: Douglass, Kimberly A.
Subject: reminder to email me draft trip summary
Yes out of office today but Thursday will work. Any time.

----- Original Message -----  
From: Stephen Higgins@Judiciary.senate.gov  
To: Brett Kavanaugh/WHO/EOP@EOP  
CC:  
Date: 06/13/2003 12:51:31 PM  
Subject: Neil Wake  
Brett  

Sorry to be a pest, but my boss wants me to nail this down. Please let me know about Thursday. Thanks!

Stephen  
- att1.htm
Thanks Brett. If they ask for the campaign's number would it be appropriate to give it to a caller? What is your recommendation?

---

We should just thank them for their call, but tell them they need to contact the re-election campaign directly if they wish to volunteer.
To: Reginald J. Brown/WHO/EOP@EOP
cc: Carolyn F. Atkinson/WHO/EOP@EOP, Heidi M. Smith/WHO/EOP@EOP
Subject:

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Thanks, Carolyn
Following up on the voicemail that Neil and I left for you. Is Thursday OK?

- att1.htm

File attachment <P_KPJ5H003_WHO.TXT_1.html>
Following up on the voicemail that Neil and I left for you. Is Thursday OK?
If I ever saw a copy, it would be in the Raggi file that I left in Jen's office.
Brett - When Senators make their judicial recommendations to the President, how do they do it? By letter? Or informal conversation with us? Or faxing over resumes? Senator Chambliss's Chief of Staff wanted to know. Thanks.

Jenny
They are coming in at 9:30 on Thurs, June 19.; Pls let me know if that works for you.; Thanks.
Yes at about 530.

----- Original Message ----- 
From: Jonathan F. Ganter/WHO/EOP
To: Brett M. Kavanaugh/WHO/EOP@EOP
Cc: 
Date: 06/13/2003 02:47:58 PM
Subject: Materials for Dyck

Brett-
Are you gonna make it back today? Dyck is trying to get approval on a couple of flyers that they are trying to put out by c.o.b. today. They are laying on your chair right now.

Jon
my voice mail question was about air partner wanting me to fill out a 'past performance questionnaire' as part of their response to a homeland rfp. they would like to include it in their submission to get a DHS contract, but i'd like to check with counsel first.

Brett M. Kavanaugh
06/12/2003 08:04:23 PM
Record Type: Record

To: Eric W. Terrell/WHO/EOP@EOP
cc: 
Subject:

you should look at 11 CFR 9034.6 and we can discuss.
From: CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO]
Sent: 6/13/2003 8:19:18 AM
Subject: : staff table, anyone?

### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP [WHO])
SUBJECT:: staff table, anyone?
TO: Reginald J. Brown (CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Nanette Everson (CN=Nanette Everson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jennifer R. Brosnahan (CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Jennifer G. Newstead (CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
### End Original ARMS Header ######
Susan Ralston

Please send all replies to sralston@georgewbush.com

-----Original Message-----
From: Sal Purpura <sal@georgewbush.com>
To: Susan Ralston <sralston@georgewbush.com>
Sent: Fri Jun 13 15:03:32 2003
Subject: FW: Tichenor Plane for Rove Trip on Wed, 6/25

FYI from Janis

-----Original Message-----
From: Janis Cooper
Sent: Friday, June 13, 2003 3:03 PM
To: Sal Purpura
Subject: RE: Tichenor Plane for Rove Trip on Wed, 6/25

Yes- we will reimburse them as soon as we get the paperwork from the Regional. She knows that we need it and will get it to us ASAP- thanks

-----Original Message-----
From: Sal Purpura
Sent: Friday, June 13, 2003 2:59 PM
To: Janis Cooper
Subject: FW: Tichenor Plane for Rove Trip on Wed, 6/25
Importance: High

????

-----Original Message-----
From: Ralston, Susan B. [mailto:Susan_B._Ralston@who.eop.gov]  
Sent: Friday, June 13, 2003 2:25 PM  
To: Sal Purpura  
Cc: Henry Hager  
Subject: Tichenor Plane for Rove Trip on Wed, 6/25  
Importance: High  
Can you please confirm that the campaign is going to reimburse this charge before Wed?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 1:13 PM
To: Ralston, Susan B.
Subject: Re: Tichenor Plane
Approved so long as Josefiak approves and so long as equivalent first-class payment is made IN ADVANCE by the campaign to the entity.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/11/2003 12:31:24 PM
Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP/EOP
cc:
Subject: Tichenor Plane
Do we have approval to use Warren's plane?
FINDLAW Mon, Jun 16, 2003

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Time Matters®️, the most award-winning, most widely used practice manager, has a new version 5.0. In addition to across-the-board improvements and a beautiful new interface, version 5.0 rivals leading stand-alone products in email, document management, client relations management and, with Billing Matters(TM), billing/expense control, productivity management, trust accounting, and more. http://rd.findlaw.com/scripts/nl.pl?url=l05401880010

**********************************************************************

SUPREME COURT

Court OKs Limited Drugging Of Defendants
http://news.findlaw.com/ap/a/w/1154/6-16-2003/20030616073002_34.html

Court OKs Ban On Some Campaign Donations
http://news.findlaw.com/ap/a/w/1154/6-16-2003/20030616074501_34.html

LEGAL COMMENTARY

A Continuing Struggle: Ohio Supreme Court Voids Sale Of An Interest In A Lawsuit
http://writ.news.findlaw.com/sebok/20030616.html

An Alternative to the Partial Birth Abortion Ban Act
http://writ.news.findlaw.com/commentary/20030616_walen.html

POLITICS

Pentagon Spokeswoman Clarke Resigns
http://news.findlaw.com/ap/a/w/1152/6-16-2003/20030616063005_12.html

Pelosi Among Richest Democrats In House
http://news.findlaw.com/ap/a/w/1153/6-16-2003/20030616090005_04.html

CIVIL RIGHTS

Anti-Integration Victims Are Honored

REV_00122276
PERSONAL INJURY
U.S. Probes Deadly Oregon Boat Accident
http://news.findlaw.com/ap/o/1110/6-16-2003/20030616064500_02.html

Keating's Plan to Resign Seen As Setback
http://news.findlaw.com/ap/o/1110/6-16-2003/20030616033001_06.html

PRODUCT LIABILITY
Wis. Offers Smallpox Shots For Monkeypox
http://news.findlaw.com/ap/o/1500/6-16-2003/20030616111501_02.html

IMMIGRATION
Texas Immigrant Smuggling Suspect Caught

Registered Immigrants Face Deportation
http://news.findlaw.com/ap/o/1110/6-16-2003/20030616113004_03.html

LABOR AND EMPLOYMENT
GE, Unions Reach Tentative Agreement

Company Pays Homeless Workers With Pizza

ENVIRONMENT
Japan Fights Whale Conservation Measure

Calif. Woman Charged For Feeding Deer

BUSINESS
Ex-Rite Aid CEO May Change Fraud Plea

Bush Touts Tax Cuts As Aid To Businesses

INTERNATIONAL LAW
Argentine To Head War Crimes Prosecution
http://news.findlaw.com/ap/i/1103/6-16-2003/20030616090005_08.html

Mexico gives boost To universal jurisdiction
http://news.findlaw.com/csmonitor/s/20030616/16jun2003093750.html

WAR ON TERRORISM
Israel Pledges To Keep Attacking Hamas

New Saudi Arrests Linked To Mecca Raid

IRAQ
Ex-Iraqi Ambassador: Saddam Deserved Fate

Iraqi Cops Feel Defanged by U.S. Rules
CRIME & TRIALS
FBI: Crime Down, But Murders And Rapes Up
http://news.findlaw.com/ap/a/w/1152/6-16-2003/20030616100001_12.html

Testimony Begins in Kuwait Grenade Attack
http://news.findlaw.com/ap/a/w/1152/6-16-2003/20030616074501_09.html

ENTERTAINMENT
Gibson Says Religious Film Won't Offend

SPORTS
Ex-Globetrotter Arraigned On Fraud Charge

Ohio State's Tressel OKs New Contract

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SUPREME COURT
Dispute Erupts Over How Appeals Are Heard

To Stand Trial, Defendants Can Be Medicated By Force

POLITICS
Congress Begins Debate On Medicare Reform

Bush Launches Fund-Raising Blitz

LEGAL COMMENTARY
Desert Palace v. Cost: Making It Easier For Plaintiffs In Mixed-Motive Discrimination Cases
http://writ.news.findlaw.com/grossman/20030617.html

Can You Sue In 50 Words Or Less?
http://writ.news.findlaw.com/commentary/20030617_lehman.html

CIVIL RIGHTS
'Jane Roe' Wants Landmark Case Overturned
LAPD Officer Cleared In Homeless Shooting
http://news.findlaw.com/ap/o/1110/6-17-2003/20030617071502_34.html

PERSONAL INJURY
Woman Brain Dead After Boxing In Fla.

Side Air Bags Studied In SUV Crash Tests

IMMIGRATION
Texas Immigrant Smuggling Suspect Caught

LABOR AND EMPLOYMENT
Suit Alleges Abercrombie Discrimination
http://news.findlaw.com/ap/o/1110/6-17-2003/20030617111502_02.html

ENVIRONMENT
D.C. Anthrax Cleanup Cost $27 Million

CYBERSPACE LAW
United to Offer In-Flight E-Mail In U.S.

TELECOMMUNICATIONS
Ex-Ericsson Workers Convicted In Spy Case

BUSINESS
Former Rite Aid CEO Grass Pleads Guilty

Jury: Lehman Bros. Helped Cheat Borrowers

INTERNATIONAL LAW
Asia Nations Urge Myanmar To Free Suu Kyi
http://news.findlaw.com/ap/i/1104/6-17-2003/20030617074501_03.html

Italian Premier Appears In Court
http://news.findlaw.com/ap/i/1103/6-17-2003/20030617114501_08.html

WAR ON TERRORISM
U.S. Doesn't Have To Name 9/11 Detainees
http://news.findlaw.com/ap/a/w/1152/6-17-2003/20030617084500_16.html

French Raid Possible Iranian Terrorists
http://news.findlaw.com/ap/i/1103/6-17-2003/20030617074502_42.html

IRAQ
U.K. Lawmakers Start Iraq Weapons Inquiry
http://news.findlaw.com/ap/i/1103/6-17-2003/20030617031504_08.html
CRIME & TRIALS
Murders and Rapes Up Last Year, FBI Says
http://news.findlaw.com/ap/a/w/1152/6-17-2003/20030617084500_15.html

Phoenix Bishop Arrested In Hit And Run
http://news.findlaw.com/ap/o/1110/6-17-2003/20030617014501_08.html

ENTERTAINMENT
CBS Defends Pitch For Lynch Interview

N.Y. Highway Worker Chases Celebrity

SPORTS
Station Says NFL Knew Of Irsay Drug Abuse

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POLITICS

Bush Won't Consult Dems On High Court
http://news.findlaw.com/ap/a/w/1154/6-18-2003/20030618083010_03.html

Kerry Leads Dean In N.H., Poll Says

LEGAL COMMENTARY

Partial Birth Announcements: Symbolism & Deception
By Pro-Life Legislators
http://writ.news.findlaw.com/colb/20030618.html

Rejecting A Free Speech Challenge In Virginia v. Hicks
http://writ.news.findlaw.com/aronson/20030618.html

CIVIL RIGHTS

Court Slams 'Alienation Of Affection' Law

'Roe' Seeks Reversal of Abortion Ruling

PERSONAL INJURY

REV_00122558
Worker Killed In Gas Rig Blast Off Texas

Family Sues Over Trooper Squad Car Death

PRODUCT LIABILITY
Study: Herbicides May Lower Sperm Courts

FDA OKs First Nasal Mist Flu Vaccine

LABOR AND EMPLOYMENT
Pope Accepts Ariz. Bishop's Resignation

Whistleblower Gets $1.35M In Firing Case

ENVIRONMENT
Biologists: Poaching Of Polar Bears Up

Bipartisan Group Calls For Reduce Oil Use

CYBERSPACE LAW
Senator Takes Aim At Illegal Downloads

BUSINESS
Judge Denies Pritzkers' Request

Coke: Employees Rigged Burger King Promo

INTERNATIONAL LAW
Israel May Retaliate For Girl's Murder

Canada to Allow Same-Sex Marriage

WAR ON TERRORISM
Flaws Allow Suspected Terrorists In U.S.
http://news.findlaw.com/ap/a/w/1153/6-18-2003/20030618054501_05.html

Feds Want FBI Files On Doctor Sealed

IRAQ
U.S. Captures No. 4 Iraqi Official

U.S. Troops Accused Of Excessive Force
CRIME & TRIALS
Fugitive Max Factor Heir Caught In Mexico

Mich. Police Quell Second Night Of Riots

ENTERTAINMENT
Viacom: Spike Name Spat Cost TNN $16.8M

SPORTS
Washington Names Football Supervisor

Ole Miss Mascot Colonel Rebel Out of Job

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ADVERTISING INFORMATION
The Federal Judiciary: Devout Catholics Need Not Apply

By John Nowacki

CNSNews.com Commentary

June 19, 2003

No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.
(Article VI of the U.S. Constitution)

Ever wondered what a religious test would look like in 21st century America? It's not that difficult to imagine.

Suppose an attorney holding statewide political office is nominated for a federal appeals court judgeship. He'll have taken positions on various policy issues -- something unavoidable for someone in his position - but will have earned a reputation in his state as someone who fairly and objectively applies the law, whether he agrees with it or not.

Suppose that on the all-important issue of abortion, he had actually instructed his subordinates to follow Supreme Court precedent when enforcing his state's ban on partial-birth abortion, even though he is unabashedly pro-life. And let's say that he is unabashedly pro-life because he is a devout Roman Catholic.

Oh, yes. Let’s also say that his critics in the Senate -- for whom abortion is an issue of paramount interest -- say that nothing disqualifies him from service on the bench more than his "deeply held personal views." As one of them would put it, his beliefs are so well known, so deeply held, that we simply can't believe he'll be objective -- even when he says he knows a judge's responsibility is to follow the law and binding precedent.

In other words, because he personally believes in Catholicism's teachings on abortion, he cannot be trusted.

As amazing as it is, that's precisely what is being insinuated about Alabama Attorney General Bill Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit. And that is the point that Democrat after Democrat on the Judiciary Committee argued at his nomination hearing.

Charles Schumer announced that Pryor feels so deeply, so passionately about Roe v. Wade that we can't believe he'll be objective.

Dianne Feinstein told Pryor that while people can stop being advocates when they become judges, he does have very strong views after all.

Ted Kennedy acknowledged that while a number of nominees who take positions he opposes have been confirmed, many of Pryor's positions reflect deeply held views -- on the abortion issue in particular -- that make him just too extreme. One of those other nominees, outspoken and avowedly pro-life legal scholar Michael McConnell, was confirmed by unanimous consent in November.

Patrick Leahy reminded Pryor he'd been criticized because of his personal beliefs and after having heard him
point to his record again and again, once more demanded to know how anyone could believe he'd really be fair
and impartial.

The Senate does have a responsibility to examine whether a nominee will set his or her personal views aside as a
judge. In Pryor's case, the answer is that he clearly will. Many of his colleagues in the state government --
Democrat and Republican, liberal and conservative, black and white - agree that he's a man who will follow the
law without favoring any side. And his record as a popular and respected state Attorney General backs him up
100 percent, on abortion or any other issue raised in the context of his nomination.

As if that weren't enough, his sworn testimony before the committee was that he will strive to be a fair, objective
judge who follows the law and binding precedent. Even while affirming his personal pro-life beliefs inspired by
his Catholic faith, he reminded the committee that he has a moral obligation based on his faith to uphold his oath
of office.

None of that, however, was enough for those Senators who think that anyone who sincerely believes as Pryor
does is not fit for this particular office or public trust under the United States. Senator Russ Feingold even went
out of his way to fault Mr. and Mrs. Pryor just for deciding to postpone a trip to Disney World with their six and
four year-old daughters until after Gay Day, responding incredulously when Pryor said the family had made a
personal value judgment.

Whether following Supreme Court precedent on abortion and First Amendment cases, protecting Alabama from
huge monetary judgments, fulfilling his oath of office by defending state laws, or promoting racial equality, Pryor
has demonstrated his commitment to follow the law and seek the fair administration of justice. That willingness to
judge each case according to the law and facts is precisely what most Americans expect from those who serve on
the federal bench.

He deserves fair consideration and an up-or-down vote in the Senate, and his personal pro-life views that come
from his Catholic faith are no excuse to treat his nomination differently. Those Senators on the Judiciary
Committee must remember that we are supposed to have left religious tests behind long ago, and that no
American courthouse bears a sign stating that devout Catholics need not apply.

*(John Nowacki is Director of Legal Policy at the Free Congress Foundation.)*
Ok. After that if you can take it.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 19, 2003 5:19 PM
To: Litkenhaus, Colleen; Kavanaugh, Brett M.
Subject: Re: your time

In tort mtg until 6.

.

----- Original Message ----- 
From:Colleen Litkenhaus/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/19/2003 05:10:11 PM
Subject: your time

I guess I would love to run something by you if you have a second - I would run over.
Rules Likely to be Cleared, Withdrawn or Returned during the Week of June 23

*USDA-APHIS;;;;;;;;;;; Methyl Bromide; Authorization as Official Quarantine Use

DOD-OASHA;;;;;;;;;;;;; INTERIM FINAL RULE.; TRICARE: Special Supplemental Food Program for Women, Infants and Children Overseas

HHS-CMS;;;;;;;;;;;;;;; NOTICE.; Medicare Program; Update of the Prospective Payment System for Home Health Agencies for FY 2004

HHS-CMS;;;;;;;;;;;;;;; PROPOSED RULE.; Medicare Program; Extending Medicare Coverage when Disability Benefit Entitlement Ends Because of Substantial Gainful Activity

HHS-CMS;;;;;;;;;;;;;;; PROPOSED RULE.; Medicare Program; Interest Rate and Calculation
DHS-BCIS;;;;;;;;;;;;;;;;; FINAL RULE.; Certificates for Certain Health Care Workers


HUD-OH;;;;;;;;;;;;;;;;;;;; PROPOSED RULE.; Disposition of HUD-Owned, Single-Family Assets in Asset Control Areas


HUD-OH;;;;;;;;;;;;;;;;;;;; PROPOSED RULE.; Limitations on Nonprofit Participation in FHA Single-Family Mortgage Insurance


HUD-OH;;;;;;;;;;;;;;;;;;;; PROPOSED RULE.; Up-Front Mortgage Insurance Premiums for Loans Insured Under Sections 203(k) and 234 of the national Housing Act


HUD-PIH;;;;;;;;;;;;;;;;;;;; INTERIM FINAL RULE.; Up-Front Income Verification for the Public Housing and Housing Choice Voucher Program


DOL-MSHA;;;;;;;;;;;;;; FINAL RULE.; Improving and Eliminating Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing)


DOL-OASAM;;;;;;;;;;; PROPOSED RULE.; Revisions to the Department of labor Acquisition Regulations


*DOL-OSHA;;;;;;;;;;;;; FINAL RULE.; Occupational Injury and Illness recording and Reporting Requirements


DOT-FMCSA;;;;;;;;;;;;; PROPOSED RULE.; Safety Performance History of New Drivers


*TREAS-DO ;;;;;;;;;;;;;; FINAL RULE.; Terrorism Risk Insurance Program


*TREA-DO;;;;;;;;;;;;;; NOTICE.; Customer Identification programs for Financial Institutions


* Likely to receive media attention
Another good Sentelle quote from Holy Land Foundation.

In rejecting HLF’s argument that the designation as a terrorist group and blocking of assets violated RFRA, he writes: "There is no free exercise right to fund terrorists." (Slip Op., at 16.)

Theodore W. Ullyot
06/20/2003 11:12:37 AM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP, David G. Leitch/WHO/EOP@Exchange@EOP, Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Holy Land Foundation -- win in CADC

Peter Keisler called to report another win. CADC (affirming a ruling by DDC) today rejected a challenge by the the Hamas-linked Holy Land Foundation ("HLF") to Treasury's designation of HLF as a terrorist group ("Specially Designated Global Terrorist," or "SDGT"). This designation came under the IEEPA, and resulted in the blocking of all of HLF's assets.

This was another Sentelle opinion (joined by Ginsburg and Henderson).

CADC's opinion states, in relevant part: "Treasury's decision to designate HLF as an SDGT was based on ample evidence in a massive administrative record."

Here is a link to the decision: http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5307a.pdf

---------------------- Forwarded by Theodore W. Ullyot/WHO/EOP on 06/20/2003 11:05 AM ---------------------------
To: John B. Wiegmann/NSC/EOP@EOP, Theodore W. Ullyot/WHO/EOP@EOP

cc:

Subject: Holy Land Foundation

Ted/Brad: Here is the link to this morning's decision from the DC Circuit upholding the blocking of Holy Land Foundation's assets. As you know, Holy Land was closely linked to Hamas. Peter

http://pacer.cadc.uscourts.gov/docs/common/opinions/200306/02-5307a.pdf
Second card's part is worked out.; Alicia flew commercially

------Original Message------
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Litkenhaus, Colleen <Colleen Litkenhaus@who.eop.gov>
Sent: Sun Jun 22 17:10:16 2003
Subject: Re: FW: Are you sure the campaign didn't have to pay for it?

;;;;;;; ;;;;;;; First, how did they travel?; I believe campaign should pay for cost of trip back and forth to Boston since that was the only campaign-related event.; RNC and govt should pay the remains.; But let's make sure Josefiak is ok with that.

;;;;;;; ;;;;;;;

;;;;;;; Alicia went on a trip with Secretary Card and the RNC paid for it.; Please find components below.; Who should have paid for this ticket?

;;;;;;; ;;;;;;;

;;;;;;; We had 5 components to the trip:

;;;;;;; ;;;;;;; 1) Bush Cheney Pre-Sell (not a fundraiser-meeting with supporters)
;;;;;;; ;;;;;;; 2) Press Interviews in MA
;;;;;;; ;;;;;;; 3) Press Interviews in NH
;;;;;;; ;;;;;;; 4) NH GOP Party Building Event (RNC)
;;;;;;; ;;;;;;; 5) Boy Scouts

;;;;;;; ;;;;;;; So?
Record Type: Record

To: Alicia W. Davis/WHO/EOP
cc: 
Subject: Are you sure the campaign didn't have to pay for it?

Cheney '04 Finance Luncheon

Secretary Card begins participation in Bush-Cheney '04 finance event
Congress Room
Harvard Club
1 Federal St, 38th floor
Boston, Massachusetts

-----Original Message-----
From: Davis, Alicia W.
Sent: Wednesday, June 18, 2003 2:44 PM
To: Litkenhaus, Colleen
Subject: Re: FW: Cheney '04 Finance Luncheon

RNC-we had a party building event in there.

-----Original Message-----
From: Colleen
Litkenhaus/WHO/EOP@Exchange on 06/17/2003 09:15:09 AM
Record Type: Record

To: Alicia W. Davis/WHO/EOP
cc: 
Subject: FW:

who paid for your ticket?; The campaign, RNC or WHO?

Jose and Alicia Davis are traveling with the Chief today.

Thanks.

MB << File: june17.doc >>
FYI.

The Frontline - A Political Update from the DSCC ~~~~~~~~~~~

The Bush Administration's Court Packing Plan

As the Supreme Court ends its session, there are rumors that one or more Justices will retire. While the country waits for a decision, the Bush Administration is attempting to pack our lower courts with yet another right wing extremist, maybe the worst of them all: William J. Pryor. The Bush Administration and their nominees would like to ignore the fact that our Constitution entrusts the U.S. Senate with the fundamental responsibility of ADVISE and CONSENT. They'd like Democrats to simply STAMP and APPROVE: Miguel Estrada. Priscilla Owens. Carolyn Kuhl. Charles Pickering.

But Senate Democrats will not be a Rubber Stamp. Find out more about Senate Democrats defending our Constitution and protecting our basic rights by going to

www.NoRubberStamp.com

Sean Rushton
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SUPREME COURT
Justices' Affirmative Action Opinions Vary

Libraries Told to Follow Anti-Porn Law

POLITICS
Bush Talks Terror War at NYC Fund-Raiser
http://news.findlaw.com/ap/a/w/1151/6-24-2003/20030624023003_07.html

Senate Panel Seeks Change on Judicial Nominees
http://news.findlaw.com/politics/s/20030624/congressjudgesdc.html

CIVIL RIGHTS
Michigan Ruling May Mean More Work for Colleges

Businesses Hail Affirmative Action Ruling

PERSONAL INJURY
Source: New Jersey Child Welfare Suit Settled
Man Hopes Green Light Will Stop Road Rage

PRODUCT LIABILITY
Effort Planned to Block Counterfeit Drugs

GM Recalls About 254,000 Saturn Cars

MICROSOFT
Microsoft Corp. Turns Focus on Privacy

LABOR AND EMPLOYMENT
Judge Rules NYC Violated Workers' Rights

Baltimore Sun Labor Negotiations Continue

ENVIRONMENT
U.S. Nears End of Appalachian Trail Buys

Millions of Bees Freed in Traffic Accident

TOBACCO
Maine Gov. Signs Ban on Smoking in Bars

INTELLECTUAL PROPERTY
Asics Sues Target in Shoe Design Dispute

BUSINESS
Ellison Predicts PeopleSoft Will Take Bid

Quattrone Wants Trial Moved to California

INTERNATIONAL LAW
Powell Urges Africans to Aid Zimbabwe
http://news.findlaw.com/ap/a/w/1152/6-24-2003/20030624084505_09.html

Probe: No Corruption in Fox Campaign

WAR ON TERRORISM
Missing Cargo Jet Prompts Africa Search

Malawi Court Nixes al-Qaida Deportation
IRAQ
Six British Troops Killed in String of Iraq Attacks

U.S. Sorts Out Iraq-Syrian Border Chase

CRIME & TRIALS
Trial Begins in Death-By-Windshield Case

Laci Peterson Case Luring All Media Types

ENTERTAINMENT
Ross Appears in Court on DUI Charges

Rolling Stones to Play in Toronto
http://news.findlaw.com/ap/e/1403/6-24-2003/20030624073004_08.html

SPORTS
McCain Wants USOC Reforms in Place Soon

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A section 2 vote dilution violation under the Voting Rights Act, 42
U.S.C. section 1973 is not an independent reason to deny section 5
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State cannot show that the gains in the plan as a whole offset the
loss in a particular district.

COMMERICAL LAW, CONSTITUTIONAL LAW, CONSUMER PROTECTION LAW, PER CURIAM

NIKE, INC. v. KASKY, No. 02-575 (U.S.S.C. June 26, 2003)
The court's writ of certiorari is dismissed as being improvidently
granted, and the case is sent back to California's state courts for
further adjudication.

CONSTITUTIONAL LAW, CRIMINAL LAW & PROCEDURE, SENTENCING

WIGGINS v. SMITH, No. 02-311 (U.S.S.C. June 26, 2003)
An objective review of the performance by a criminal defendant's
counsel in a capital case shows that the client's Sixth Amendment
rights were violated by counsel's failure to conduct a reasonable
investigation of the defendant's social history and mitigating
factors.

CONSTITUTIONAL LAW, CRIMINAL LAW & PROCEDURE

STOGNER v. CALIFORNIA, No. 01-1757 (U.S.S.C. June 26, 2003)
California's law extending the statute of limitations for
prosecuting sex-related child abuse, which had the effect of
revising previously time-barred prosecutions under earlier statutes
of limitations, violates the Constitution's Ex-Post Facto Clause,
Art. I, section 10, cl. 1.

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Advice and Consent -- After the Fact

Arguing for a diminution of presidential power in selecting Supreme Court nominees, David S. Broder committed a serious error of omission in his June 25 op-ed column.

Selectively excerpting Article II of the Constitution, Mr. Broder wrote that it is "the president 'by and with the advice and consent of the Senate,' " who appoints justices of the Supreme Court. He used this fragment (interestingly, a phrase about appointments, not nominations) to argue for presidential consultation with the Senate "prior to the selection" of a Supreme Court nominee. This echoed the recent arguments of some Senate Democrats that the Senate should have control over not just the confirmation but also the selection of judicial nominees.

The constitutional provision that discusses nominations, though, begins with the phrase "[the president] shall nominate." Only then does it say, "and by and with the advice and consent of the Senate, shall appoint." Mr. Broder's omission involves just a few words, but they are critical.

The role of the president is to nominate. The role of the Senate is to advise him on the merits of that selection. The Constitution wisely allocates power in this manner, because the Founders understood that the important power of nominating judges should be handled by one person, not by a group.

Few things would politicize our judiciary more than to hand over control of the process for selecting Supreme Court nominees to individual members of the Senate.
The writer is chairman of the Senate Judiciary subcommittee on the Constitution.
FINDLAW Tue, Jul 1, 2003

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