

**Subject:** : Electronic copies of DoD Authorization e.b. memo and signing statement

**From:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )

**Date:** 11/22/03, 2:05 AM

**To:** Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=WHO/O=EOP@Exchange [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] ), Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange [ WHO ] ), Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange [ WHO ] ), Wanda M. Evans ( CN=Wanda M. Evans/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Edwin R. Thomas III ( CN=Edwin R. Thomas III/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Sherman A. Williams ( CN=Sherman A. Williams/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), William W. McCathran ( CN=William W. McCathran/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:35:53 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: Electronic copies of DoD Authorization e.b. memo and signing statement  
**From:** "Kavanaugh, Brett M."  
**Date:** 11/22/03, 2:16 AM  
**To:** "Burks, Jonathan W."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Tue Apr 02 13:59:45 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** RE: Electronic copies of DoD Authorization e.b. memo and signing statement  
**From:** "Burks, Jonathan W."  
**Date:** 11/22/03, 2:17 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Tue Apr 02 13:59:55 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers  
**From:** "Jukes, James J."  
**Date:** 11/22/03, 6:42 PM  
**To:** "Addington, David S."  
**CC:** "Leitch, David G.", "Yanes, Raul", "Whgc Lrm", "Miers, Harriet", "Kavanaugh, Brett M.", "Burks, Jonathan W.", "Torgerson, Karin B.", <adrien.silas@usdoj.gov>, "Burnim, John D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 14:01:10 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers  
**From:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )  
**Date:** 11/22/03, 7:07 PM  
**To:** David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange@EOP [ OVP ] )  
**CC:** Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@Exchange [ WHO ] ), Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] ), John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Raul Yanes ( CN=Raul Yanes/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), adrien.silas@usdoj.gov ( adrien.silas@usdoj.gov [ UNKNOWN ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:35:54 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** "Kavanaugh, Brett M."

**Date:** 11/22/03, 7:10 PM

**To:** "Jukes, James J.", "Addington, David S."

**CC:** "Leitch, David G.", "Yanes, Raul", "Whgc Lrm", "Miers, Harriet", "Burks, Jonathan W.", "Torgerson, Karin B.", <adrien.silas@usdoj.gov>, "Burnim, John D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 14:01:13 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] )

**Date:** 11/22/03, 7:13 PM

**To:** David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] ), James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )

**CC:** John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] ), Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] ), Raul Yanes ( CN=Raul Yanes/OU=WHO/O=EOP@Exchange [ WHO ] ), adrien.silas@usdoj.gov ( adrien.silas@usdoj.gov [ UNKNOWN ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] ), WHGC LRM@EOP ( WHGC LRM@EOP [ UNKNOWN ] ), David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:35:54 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** "Burks, Jonathan W."

**Date:** 11/22/03, 7:17 PM

**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 14:01:16 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** "Addington, David S."

**Date:** 11/22/03, 9:32 PM

**To:** "Jukes, James J."

**CC:** "Leitch, David G.", "Yanes, Raul", "Whgc Lrm", "Miers, Harriet", "Kavanaugh, Brett M.", "Burks, Jonathan W.", "Torgerson, Karin B.", <adrien.silas@usdoj.gov>, "Burnim, John D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 14:01:20 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] )

**Date:** 11/22/03, 9:35 PM

**To:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )

**CC:** adrien.silas@usdoj.gov ( adrien.silas@usdoj.gov [ UNKNOWN ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] ), Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] ), Raul Yanas ( CN=Raul Yanas/OU=WHO/O=EOP@Exchange [ WHO ] ), John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] ), WHGC LRM@EOP ( WHGC LRM@EOP [ UNKNOWN ] ), David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:35:56 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers  
**From:** "Addington, David S."  
**Date:** 11/22/03, 9:57 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:54:15 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** "Yanes, Raul"

**Date:** 11/23/03, 3:32 AM

**To:** "Addington, David S.", "Jukes, James J."

**CC:** "Leitch, David G.", "Whgc Lrm", "Miers, Harriet", "Kavanaugh, Brett M.", "Burks, Jonathan W.", "Torgerson, Karin B.", <adrien.silas@usdoj.gov>, "Burnim, John D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:54:18 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** Raul Yanes ( CN=Raul Yanes/OU=WHO/O=EOP@Exchange [ WHO ] )

**Date:** 11/23/03, 3:36 AM

**To:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] ), David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] )

**CC:** John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] ), WHGC LRM@EOP ( WHGC LRM@EOP [ UNKNOWN ] ), adrien.silas@usdoj.gov ( adrien.silas@usdoj.gov [ UNKNOWN ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] ), Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] ), David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:35:58 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** "Miers, Harriet"

**Date:** 11/23/03, 3:18 PM

**To:** "Yanes, Raul", "Addington, David S.", "Jukes, James J."

**CC:** "Leitch, David G.", "Whgc Lrm", "Kavanaugh, Brett M.", "Burks, Jonathan W.", "Torgerson, Karin B.", <adrien.silas@usdoj.gov>, "Burnim, John D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:54:21 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )

**Date:** 11/23/03, 3:21 PM

**To:** David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] ), James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] ), Raul Yanes ( CN=Raul Yanes/OU=WHO/O=EOP@Exchange [ WHO ] )

**CC:** adrien.silas@usdoj.gov ( adrien.silas@usdoj.gov [ UNKNOWN ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] ), WHGC LRM@EOP ( WHGC LRM@EOP [ UNKNOWN ] ), John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] ), David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:35:59 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** "Kavanaugh, Brett M."

**Date:** 11/23/03, 7:52 PM

**To:** "Miers, Harriet", "Yanes, Raul", "Addington, David S.", "Jukes, James J."

**CC:** "Leitch, David G.", "Whgc Lrm", "Burks, Jonathan W.", "Torgerson, Karin B.", <adrien.silas@usdoj.gov>, "Burnim, John D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:54:25 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] )

**Date:** 11/23/03, 7:55 PM

**To:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] ), Raul Yanes ( CN=Raul Yanes/OU=WHO/O=EOP@Exchange [ WHO ] ), David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] ), Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange [ WHO ] )

**CC:** John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange [ WHO ] ), WHGC LRM@EOP ( WHGC LRM@EOP [ UNKNOWN ] ), adrien.silas@usdoj.gov ( adrien.silas@usdoj.gov [ UNKNOWN ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange [ WHO ] ), David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:36:00 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers  
**From:** "Addington, David S."  
**Date:** 11/23/03, 8:40 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:49:53 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers  
**From:** "Kavanaugh, Brett M."  
**Date:** 11/23/03, 8:52 PM  
**To:** "Addington, David S."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:49:55 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** "Jukes, James J."

**Date:** 11/23/03, 9:17 PM

**To:** "Kavanaugh, Brett M."

**CC:** "Miers, Harriet", "Yanes, Raul", "Addington, David S.", "Leitch, David G.", "Whgc Lrm", "Burks, Jonathan W.", "Torgerson, Karin B.", <adrien.silas@usdoj.gov>, "Burnim, John D.", "Saunders, G. Timothy", "Kalbaugh, David E."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:49:57 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : RE: DoD Auth Signing Statement – Questions from Brett Kavanaugh and Harriet Miers

**From:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )

**Date:** 11/23/03, 9:20 PM

**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] )

**CC:** G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), adrien.silas@usdoj.gov ( adrien.silas@usdoj.gov [ UNKNOWN ] ), jonathan w. burks ( CN=jonathan w. burks/OU=who/O=eop@exchange [ WHO ] ), david g. leitch ( CN=david g. leitch/OU=who/O=eop@exchange [ WHO ] ), raul yanes ( CN=raul yanes/OU=who/O=eop@exchange [ WHO ] ), David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), john d. burnim ( CN=john d. burnim/OU=omb/O=eop@eop [ OMB ] ), karin b. torgerson ( CN=karin b. torgerson/OU=who/O=eop@exchange [ WHO ] ), whgc lrm@eop ( whgc lrm@eop [ UNKNOWN ] ), david s. addington ( CN=david s. addington/OU=ovp/O=eop@exchange [ OVP ] ), harriet miers ( CN=harriet miers/OU=who/O=eop@exchange [ WHO ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:36:01 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** DUE 3:00 PM Monday -LRM AER295 - - Signing Statement on HR2417 Intelligence Authorization Act for Fiscal Year 2004

**From:** "Rooney, Annette E."

**Date:** 11/26/03, 4:35 PM

**To:** [P3/b(3)]; et al

**CC:** "Whgc Lrm"; et al

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 11:08:01 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(3),P3,P5

Notes:

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50 USC 3507

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : DUE 3:00 PM Monday -LRM AER295 - - Signing Statement on HR2417  
Intelligence Authorization Act for Fiscal Year 2004

**From:** Annette E. Rooney ( CN=Annette E. Rooney/OU=OMB/O=EOP [ OMB ] )

**Date:** 11/26/03, 4:39 PM

**To:** [b3 50 USC 3507]

**CC:** Lisa W. Hammond ( CN=Lisa W. Hammond/OU=NSC/O=EOP [ NSC ] ), Martin Gorman ( CN=Martin Gorman/OU=NSC/O=EOP [ NSC ] ), Jonathan E. Miller ( CN=Jonathan E. Miller/OU=NSC/O=EOP [ NSC ] ), Christopher L. George ( CN=Christopher L. George/OU=NSC/O=EOP [ NSC ] ), Kathryn Tolin ( CN=Kathryn Tolin/OU=NSC/O=EOP [ NSC ] ), John J. Quattrochi ( CN=John J. Quattrochi/OU=NSC/O=EOP [ NSC ] ), Mary K. Sturtevant ( CN=Mary K. Sturtevant/OU=NSC/O=EOP [ NSC ] ), David R. Shedd ( CN=David R. Shedd/OU=NSC/O=EOP [ NSC ] ), Myrtle Reddrick ( CN=Myrtle Reddrick/OU=NSC/O=EOP [ NSC ] ), Dylan D. Cors ( CN=Dylan D. Cors/OU=NSC/O=EOP [ NSC ] ), H. Bryan Cunningham ( CN=H. Bryan Cunningham/OU=NSC/O=EOP [ NSC ] ), Holly T. Moore ( CN=Holly T. Moore/OU=NSC/O=EOP [ NSC ] ), John B. Bellinger ( CN=John B. Bellinger/OU=NSC/O=EOP [ NSC ] ), John B. Wiegmann ( CN=John B. Wiegmann/OU=NSC/O=EOP [ NSC ] ), Joan Hunerwadel ( CN=Joan Hunerwadel/OU=NSC/O=EOP [ NSC ] ), Joseph S. Leventhal ( CN=Joseph S. Leventhal/OU=OVP/O=EOP@Exchange [ OVP ] ), Julie L. Nichols ( CN=Julie L. Nichols/OU=OVP/O=EOP@Exchange [ OVP ] ), Candida P. Wolff ( CN=Candida P. Wolff/OU=OVP/O=EOP@Exchange [ OVP ] ), David S. Addington ( CN=David S. Addington/OU=OVP/O=EOP@Exchange [ OVP ] ), Neil S. Patel ( CN=Neil S. Patel/OU=OVP/O=EOP@Exchange [ OVP ] ), Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP@Exchange [ WHO ] ), Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] ), Jeffrey F. Kupfer ( CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] ), Ziad S. Ojakli ( CN=Ziad S. Ojakli/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Nicole Petrosino ( CN=Nicole Petrosino/OU=OMB/O=EOP@EOP [ OMB ] ), Elizabeth L. Rossman ( CN=Elizabeth L. Rossman/OU=OMB/O=EOP@EOP [ OMB ] ), J. Michael Daniel ( CN=J. Michael Daniel/OU=OMB/O=EOP@EOP [ OMB ] ), Karyn T. Carson ( CN=Karyn T. Carson/OU=OMB/O=EOP@EOP [ OMB ] ), Daryl L. Joseffer ( CN=Daryl L. Joseffer/OU=OMB/O=EOP@EOP [ OMB ] ), Joel D. Kaplan ( CN=Joel D. Kaplan/OU=OMB/O=EOP@Exchange@EOP [ OMB ] ), Harriet Miers ( CN=Harriet Miers/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Anna M. Briatico ( CN=Anna M. Briatico/OU=OMB/O=EOP@EOP [ OMB ] ), John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), George M. Andricos ( CN=George M. Andricos/OU=NSC/O=EOP@EOP [ NSC ] ), Christopher C. Cox ( CN=Christopher C. Cox/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Lauren C. Lobrano ( CN=Lauren C. Lobrano/OU=OMB/O=EOP@EOP [ OMB ] ), Shannon Stuart ( CN=Shannon Stuart/OU=OMB/O=EOP@EOP [ OMB ] ), Kathleen Peroff ( CN=Kathleen Peroff/OU=OMB/O=EOP@EOP [ OMB ] ), Robin Cleveland ( CN=Robin Cleveland/OU=OMB/O=EOP@EOP [ OMB ] ), Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=OMB/O=EOP@EOP [ OMB ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:36:02 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P3,P5,b(3)

Notes:

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50 USC 3507

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Attached is the proposed Signing Statement for H.R. 2417 – Intelligence Authorization

**From:** "Wells, Dianne M."

**Date:** 12/11/03, 2:44 PM

**To:** "Saunders, G. Timothy", "Kalbaugh, David E.", "McCathran, William W.", "Williams, Sherman A.", "Thomas III, Edwin R.", "Evans, Wanda M.", "Cleveland, Carolyn E.", "Bird, Debra D.", "Burks, Jonathan W.", "Torgerson, Karin B.", "Kavanaugh, Brett M.", "Vestewig, Lauren J."

**CC:** "Jukes, James J.", "Burnim, John D.", "Briatico, Anna M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:45:46 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** : Attached is the proposed Signing Statement for H.R. 2417 – Intelligence Authorization

**From:** Dianne M. Wells ( CN=Dianne M. Wells/OU=OMB/O=EOP [ OMB ] )

**Date:** 12/11/03, 2:48 PM

**To:** Lauren J. Vestewig ( CN=Lauren J. Vestewig/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Karin B. Torgerson ( CN=Karin B. Torgerson/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Wanda M. Evans ( CN=Wanda M. Evans/OU=WHO/O=EOP@EOP [ WHO ] ), Sherman A. Williams ( CN=Sherman A. Williams/OU=WHO/O=EOP@EOP [ WHO ] ), David E. Kalbaugh ( CN=David E. Kalbaugh/OU=WHO/O=EOP@EOP [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Jonathan W. Burks ( CN=Jonathan W. Burks/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/OU=WHO/O=EOP@Exchange@EOP [ WHO ] ), Edwin R. Thomas III ( CN=Edwin R. Thomas III/OU=WHO/O=EOP@EOP [ WHO ] ), William W. McCathran ( CN=William W. McCathran/OU=WHO/O=EOP@EOP [ WHO ] ), G. Timothy Saunders ( CN=G. Timothy Saunders/OU=WHO/O=EOP@EOP [ WHO ] )

**CC:** John D. Burnim ( CN=John D. Burnim/OU=OMB/O=EOP@EOP [ OMB ] ), Anna M. Briatico ( CN=Anna M. Briatico/OU=OMB/O=EOP@EOP [ OMB ] ), James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP@EOP [ OMB ] )

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 14:36:03 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FYI – House and Senate committee report excerpts on Intel bill police sections  
**From:** "Jukes, James J."  
**Date:** 12/12/03, 5:27 PM  
**To:** "Kavanaugh, Brett M."

House Committee report excerpt:

Subsection (b) amends Section 15 of the Central Intelligence Agency Act of 1949 to reflect the reorganization of the functions previously performed by 'special policemen of the General Services Administration' to 'officers and agents of the Department of Homeland Security'. This section is a technical amendment incorporating in Section 15 of the CIA Act the modifications enacted as Section 1706(b)(1) of the Homeland Security Act of 2002, Pub. L. No. 107-296 (Nov. 25, 2002) (40 U.S.C. 1315).

Subsection (c) amends Section 11 of the National Security Agency Act of 1959, Pub. L. No. 86-36 (May 29, 1959) (50 U.S.C. 402 note), as amended by Section 506 of the Intelligence Authorization Act for Fiscal Year 2002, Pub. L. No. 107-108 (Dec. 28, 2001), to reflect the reorganization of functions previously performed by 'special policemen of the General Services Administration' to 'officers and agents of the Department of Homeland Security'. This section is a technical amendment incorporating in Section 11 of the NSA Act the modifications enacted as Section 1706(b)(1) of the Homeland Security Act of 2002, Pub. L. No. 107-296 (Nov. 25, 2002) (40 U.S.C. Sec. 1315).

Senate committee report:

*Section 356. Technical Amendments*

Section 356 corrects now-erroneous citations to section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7)), which was redesignated section 103(c)(7) by section 901 of the USA PATRIOT Act of 2001, Public Law 107-56 (Oct. 26, 2001), thus necessitating the technical correction made by this section. This section also corrects incorrect cross-references in Section 15 of the CIA Act (50 U.S.C. 403o) and Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) to the authorities of the General Services Administration (GSA) special policemen. The authorities of GSA special policemen were transferred to 'officers and agents of the Department of Homeland Security' pursuant to Section 1706(b)(1) of the Homeland Security Act of 2002, Public Law 107-296 (Nov. 25, 2002) (40 U.S.C. 1315). This section provides technical corrections to the referenced statutes.

**Subject:** : FYI – House and Senate committee report excerpts on Intel bill police sections  
**From:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )  
**Date:** 12/12/03, 5:33 PM  
**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )  
CREATION DATE/TIME:12-DEC-2003 17:33:11.00  
SUBJECT:: FYI – House and Senate committee report excerpts on Intel bill police sections  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

House Committee report excerpt:

Subsection (b) amends Section 15 of the Central Intelligence Agency Act of 1949 to reflect the reorganization of the functions previously performed by `special policemen of the General Services Administration' to `officers and agents of the Department of Homeland Security'. This section is a technical amendment incorporating in Section 15 of the CIA Act the modifications enacted as Section 1706(b)(1) of the Homeland Security Act of 2002, Pub. L. No. 107-296 (Nov. 25, 2002) (40 U.S.C. 1315).

Subsection (c) amends Section 11 of the National Security Agency Act of 1959, Pub. L. No. 86-36 (May 29, 1959) (50 U.S.C. 402 note), as amended by Section 506 of the Intelligence Authorization Act for Fiscal Year 2002, Pub. L. No. 107-108 (Dec. 28, 2001), to reflect the reorganization of functions previously performed by `special policemen of the General Services Administration' to `officers and agents of the Department of Homeland Security'. This section is a technical amendment incorporating in Section 11 of the NSA Act the modifications enacted as Section 1706(b)(1) of the Homeland Security Act of 2002, Pub. L. No. 107-296 (Nov. 25, 2002) (40 U.S.C. Sec. 1315).

Senate committee report:

Section 356. Technical Amendments

Section 356 corrects now-erroneous citations to section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7)), which was redesignated section 103(c)(7) by section 901 of the USA PATRIOT Act of 2001, Public Law 107-56 (Oct. 26, 2001), thus necessitating the technical correction made by this section. This section also corrects incorrect cross-references in Section 15 of the CIA Act (50 U.S.C. 403o) and Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) to the authorities of the General Services Administration (GSA) special policemen. The authorities of GSA special policemen were transferred to `officers and agents of the Department of Homeland Security' pursuant to Section 1706(b)(1) of the Homeland Security Act of 2002, Public Law 107-296 (Nov. 25, 2002) (40 U.S.C. 1315). This section provides technical corrections to the referenced statutes.

**Subject:** Selected texts on police powers

**From:** "Jukes, James J."

**Date:** 12/12/03, 5:57 PM

**To:** "Kavanaugh, Brett M."

**1) Sec. 377 of HR 2417:**

**SEC. 377. TECHNICAL AMENDMENTS.**

(a) NATIONAL SECURITY ACT OF 1947- Section 112(d)(1) of the National Security Act of 1947 (50 U.S.C. 404g(d)(1)) is amended by striking `section 103(c)(6)' and inserting `section 103(c)(7)'.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949- (1) Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking `(c)(6)' each place it appears and inserting `(c)(7)'.

(2) Section 6 of that Act (50 U.S.C. 403g) is amended by striking `section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))' and inserting `section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))'.

(3) Section 15 of that Act (50 U.S.C. 403o) is amended--

(A) in subsection (a)(1), by striking `special policemen of the General Services Administration perform under the first section of the Act entitled `An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes'(40 U.S.C. 318),' and inserting `officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code,'; and

(B) in subsection (b), by striking `the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c)' and inserting `section 1315(c)(2) of title 40, United States Code'.

(c) NATIONAL SECURITY AGENCY ACT OF 1959- Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended--

(1) in subsection (a)(1), by striking `special policemen of the General Services Administration perform under the first section of the Act entitled `An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes'(40 U.S.C. 318)' and inserting `officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code,'; and

(2) in subsection (b), by striking `the fourth section of the Act referred to in subsection (a) (40 U.S.C. 318c)' and inserting `section 1315(c)(2) of title 40, United States Code'.

(d) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003- Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2399; 50 U.S.C. 404n-2) is amended--

(1) in subsection (c), by striking `section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))' and inserting `section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))'; and

(2) in subsection (e)(2), by striking `section 103(c)(6)' and inserting `section 103(c)(7)'.

(e) FEDERAL INFORMATION SECURITY MANAGEMENT ACT OF 2002- Section 3535(b)(1) of title 44, United States Code, as added by section 1001(b)(1) of the Homeland Security Act of 2002 (Public Law 107-296), and section 3545(b)(1) of title 44, United States Code, as added by section 301(b)(1) of the E-Government Act of 2002 (Public Law 107-347), are each amended by inserting `or any other law' after `1978'.

(f) PUBLIC LAW 107-173- Section 201(c)(3)(F) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173; 116 Stat. 548; 8 U.S.C. 1721(c)(3)(F)) is amended by striking `section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))' and inserting `section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))'.

**2) 50 USC 403o (as of 1/22/02 - from House Law Revision Counsel website):**

Sec. 403o. Security personnel at Agency installations

-STATUTE-

(a) Special policemen: functions and powers; regulations:

promulgation and enforcement

(1) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under section 318 of title 40, with the powers set forth in that section, except that such

personnel shall perform such functions and exercise such powers -

(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet;

(C) within any other Agency installation and protected property; and

(D) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) and extending outward 500 feet.

(2) The performance of functions and exercise of powers under subparagraph (B) or (D) of paragraph (1) shall be limited to those

circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) or (C) of paragraph (1).



**3) Homeland Security Act (enrolled bill text from THOMAS):**

**SEC. 1706. TRANSFER OF CERTAIN SECURITY AND LAW ENFORCEMENT FUNCTIONS AND AUTHORITIES.**

(a) AMENDMENT TO TITLE 40- Section 581 of title 40, United States Code, is amended--

(1) by striking subsection (a); and

(2) in subsection (b)--

(A) by inserting 'and' after the semicolon at the end of paragraph (1);

(B) by striking '; and' at the end of paragraph (2) and inserting a period;  
and

(C) by striking paragraph (3).

(b) LAW ENFORCEMENT AUTHORITY-

(1) IN GENERAL- Section 1315 of title 40, United States Code, is amended to read as follows:

**'Sec. 1315. Law enforcement authority of Secretary of Homeland Security for protection of public property**

'(a) IN GENERAL- To the extent provided for by transfers made pursuant to the Homeland Security Act of 2002, the Secretary of Homeland Security (in this section referred to as the 'Secretary') shall protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property.

'(b) OFFICERS AND AGENTS-

'(1) DESIGNATION- The Secretary may designate employees of the Department of Homeland Security, including employees transferred to the Department from the Office of the Federal Protective Service of the General Services Administration pursuant to the Homeland Security Act of 2002, as officers and agents for duty in connection with the protection of property owned or occupied by the Federal Government and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

'(2) POWERS- While engaged in the performance of official duties, an officer or agent designated under this subsection may--

'(A) enforce Federal laws and regulations for the protection of persons

and property;

`(B) carry firearms;

`(C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

`(D) serve warrants and subpoenas issued under the authority of the United States;

`(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property; and

`(F) carry out such other activities for the promotion of homeland security as the Secretary may prescribe.

**4 ) 40 USC 318 (as of 1/22/02 – from House Law Revision Counsel website):**

(b) Powers

Special policemen appointed under this section shall have the same powers as sheriffs and constables upon property referred to in subsection (a) of this section to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Administrator of General Services or such duly authorized officials of the General

Services Administration for the property under their jurisdiction;

except that the jurisdiction and policing powers of such special

policemen shall not extend to the service of civil process.

**Subject:** : Selected texts on police powers

**From:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )

**Date:** 12/12/03, 6:09 PM

**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:12-DEC-2003 18:09:58.00

SUBJECT:: Selected texts on police powers

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

READ:UNKNOWN

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

1) Sec. 377 of HR 2417:

SEC. 377. TECHNICAL AMENDMENTS.

(a) NATIONAL SECURITY ACT OF 1947- Section 112(d)(1) of the National Security Act of 1947 (50 U.S.C. 404g(d)(1)) is amended by striking `section 103(c)(6)' and inserting `section 103(c)(7)'.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949- (1) Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking `(c)(6)' each place it appears and inserting `(c)(7)'.

(2) Section 6 of that Act (50 U.S.C. 403g) is amended by striking `section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))' and inserting `section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))'.

(3) Section 15 of that Act (50 U.S.C. 403o) is amended--

(A) in subsection (a)(1), by striking `special policemen of the General Services Administration perform under the first section of the Act entitled `An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes'(40 U.S.C. 318),' and inserting `officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code,'; and (B) in subsection (b), by striking `the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c)' and inserting `section 1315(c)(2) of title 40, United States Code'.

(c) NATIONAL SECURITY AGENCY ACT OF 1959- Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended--

(1) in subsection (a)(1), by striking `special policemen of the General Services Administration perform under the first section of the Act entitled `An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes'(40 U.S.C. 318)' and inserting `officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code,'; and (2) in subsection (b), by striking `the fourth section of the Act referred to in subsection (a) (40 U.S.C. 318c)' and inserting `section 1315(c)(2) of title 40, United States Code'.

(d) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003- Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2399; 50 U.S.C. 404n-2) is amended--

(1) in subsection (c), by striking `section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))' and inserting `section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))'; and

(2) in subsection (e)(2), by striking `section 103(c)(6)' and inserting `section 103(c)(7)'.  
(e) FEDERAL INFORMATION SECURITY MANAGEMENT ACT OF 2002- Section

3535(b)(1) of title 44, United States Code, as added by section 1001(b)(1) of the Homeland Security Act of 2002 (Public Law 107-296), and section 3545(b)(1) of title 44, United States Code, as added by section 301(b)(1) of the E-Government Act of 2002 (Public Law 107-347), are each amended by inserting `or any other law' after `1978'.

(f) PUBLIC LAW 107-173- Section 201(c)(3)(F) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173; 116 Stat. 548; 8 U.S.C. 1721(c)(3)(F)) is amended by striking `section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))' and inserting `section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))'.

2) 50 USC 403o (as of 1/22/02 - from House Law Revision Counsel website):

Sec. 403o. Security personnel at Agency installations

-STATUTE-

(a) Special policemen: functions and powers; regulations:

promulgation and enforcement

(1) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under section 318 of title 40, with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers -

(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

(B) in the streets, sidewalks, and the open areas within the

zone beginning at the outside boundary of such Compound and

property and extending outward 500 feet;

(C) within any other Agency installation and protected

property; and

(D) in the streets, sidewalks, and open areas within the zone

beginning at the outside boundary of any installation or property

referred to in subparagraph (C) and extending outward 500 feet.

(2) The performance of functions and exercise of powers under

subparagraph (B) or (D) of paragraph (1) shall be limited to those

circumstances where such personnel can identify specific and

articulable facts giving such personnel reason to believe that the

performance of such functions and exercise of such powers is

reasonable to protect against physical damage or injury, or threats

of physical damage or injury, to Agency installations, property, or

employees.

(3) Nothing in this subsection shall be construed to preclude, or

limit in any way, the authority of any Federal, State, or local law

enforcement agency, or any other Federal police or Federal

protective service.

(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) or (C) of paragraph (1).

3) Homeland Security Act (enrolled bill text from THOMAS):

SEC. 1706. TRANSFER OF CERTAIN SECURITY AND LAW ENFORCEMENT FUNCTIONS AND AUTHORITIES.

(a) AMENDMENT TO TITLE 40- Section 581 of title 40, United States Code, is amended--

(1) by striking subsection (a); and

(2) in subsection (b)--

(A) by inserting `and' after the semicolon at the end of paragraph (1);

(B) by striking `; and' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

(b) LAW ENFORCEMENT AUTHORITY-

(1) IN GENERAL- Section 1315 of title 40, United States Code, is amended to read as follows:

`Sec. 1315. Law enforcement authority of Secretary of Homeland Security for protection of public property

`(a) IN GENERAL- To the extent provided for by transfers made pursuant to the Homeland Security Act of 2002, the Secretary of Homeland Security (in this section referred to as the `Secretary') shall protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property.

`(b) OFFICERS AND AGENTS-

`(1) DESIGNATION- The Secretary may designate employees of the Department of Homeland Security, including employees transferred to the Department from the Office of the Federal Protective Service of the General Services Administration pursuant to the Homeland Security Act of 2002, as officers and agents for duty in connection with the protection of property owned or occupied by the Federal Government and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

`(2) POWERS- While engaged in the performance of official duties, an officer or agent designated under this subsection may--

`(A) enforce Federal laws and regulations for the protection of persons and property;

`(B) carry firearms;

`(C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

`(D) serve warrants and subpoenas issued under the authority of the United States;

`(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property; and

`(F) carry out such other activities for the promotion of homeland security as the Secretary may prescribe.

4 ) 40 USC 318 (as of 1/22/02 - from House Law Revision Counsel website):

(b) Powers

Special policemen appointed under this section shall have the same powers as sheriffs and constables upon property referred to in subsection (a) of this section to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Administrator of General Services or such duly authorized officials of the General Services Administration for the property under their jurisdiction; except that the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process.



**Subject:** Re NSA - excerpt from 50 USC 402 note

**From:** "Jukes, James J."

**Date:** 12/12/03, 6:19 PM

**To:** "Kavanaugh, Brett M."

'Sec. 11. (a) (1) The Director of the National Security Agency

may authorize agency personnel within the United States to perform

the same functions as special policemen of the General Services

Administration perform under the first section of the Act entitled

'An Act to authorize the Federal Works Administrator or officials

of the Federal Works Agency duly authorized by him to appoint

special policemen for duty upon Federal property under the

jurisdiction of the Federal Works Agency, and for other purposes'

(40 U.S.C. 318) with the powers set forth in that section, except

that such personnel shall perform such functions and exercise such

powers -

'(A) at the National Security Agency Headquarters complex and

at any facilities and protected property which are solely under the administration and control of, or are used exclusively by, the National Security Agency; and

''(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such facilities or protected property and extending outward 500 feet.

''(2) The performance of functions and exercise of powers under subparagraph (B) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to agency installations, property, or employees.

''(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

''(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) of paragraph (1).

''(5) Not later than July 1 each year, the Director shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report that describes in detail the exercise of the authority granted by this subsection and the underlying facts supporting the exercise of such authority, during the preceding

fiscal year. The Director shall make each such report available to  
  
the Inspector General of the National Security Agency.

**Subject:** : Re NSA – excerpt from 50 USC 402 note

**From:** James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )

**Date:** 12/12/03, 6:22 PM

**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:12-DEC-2003 18:22:27.00

SUBJECT:: Re NSA – excerpt from 50 USC 402 note

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

READ:UNKNOWN

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

'Sec. 11. (a)(1) The Director of the National Security Agency

may authorize agency personnel within the United States to perform

the same functions as special policemen of the General Services

Administration perform under the first section of the Act entitled

'An Act to authorize the Federal Works Administrator or officials

of the Federal Works Agency duly authorized by him to appoint

special policemen for duty upon Federal property under the

jurisdiction of the Federal Works Agency, and for other purposes'

(40 U.S.C. 318) with the powers set forth in that section, except

that such personnel shall perform such functions and exercise such

powers –

''(A) at the National Security Agency Headquarters complex and

at any facilities and protected property which are solely under

the administration and control of, or are used exclusively by,

the National Security Agency; and

''(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such facilities or protected property and extending outward 500 feet.

''(2) The performance of functions and exercise of powers under subparagraph (B) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to agency installations, property, or employees.

''(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

''(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) of

paragraph (1).

''(5) Not later than July 1 each year, the Director shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report that describes in detail the exercise of the authority granted by this subsection and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make each such report available to the Inspector General of the National Security Agency.

**Subject:** RE: signing statements  
**From:** "Powell, Benjamin A."  
**Date:** 12/12/03, 11:39 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:45:48 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,b(3),P3

Notes:

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50 USC 3507

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: re  
**From:** "Saunders, G. Timothy"  
**Date:** 12/18/03, 7:39 PM  
**To:** "Kavanaugh, Brett M.", "Burks, Jonathan W."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:55:12 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** draft bios for fact sheet  
**From:** "Kavanaugh, Brett M."  
**Date:** 2/6/04, 4:56 PM  
**To:** "Wilkinson, James", "Healy, Erin E."  
**CC:** "Buchan, Claire "

- ü Chuck Robb (Co-Chair), former Senator and Governor of Virginia. Senator Robb served on the Senate Select Committee on Intelligence, among many other committees and responsibilities in the Senate. He also served in the Marine Corps.
- ü Judge Laurence H. Silberman (Co-Chair), senior Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed in 1985 by President Reagan. Judge Silberman has served as Deputy Attorney General, Ambassador to Yugoslavia, and Solicitor of the Department of Labor, among other government positions. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and he served on the Department of Defense Policy Board.
- ü Senator John McCain, of Arizona. Senator McCain is a decorated veteran, serves on the Senate Armed Services Committee, and possesses extraordinary experience concerning the intelligence community.
- ü Lloyd Cutler, former Counsel to President Carter and President Clinton. He served as Special Counsel on Ratification of the Salt II Treaty and Senior Consultant to the President's Commission on Strategic Forces in 1983-84.
- ü Richard Levin, President of Yale. He has served since 1993 as President of Yale.
- ü Admiral William Studeman was Deputy Director of Central Intelligence from 1992 to 1995. He previously served as Director of Naval Intelligence and Director of the National Security Agency.
- ü Judge Patricia Wald, former Judge on the U.S. Court of Appeals for the D.C. Circuit appointed by President Carter. She also served as a Judge representing the United States on the International Criminal Tribunal for the former Yugoslavia.

**Subject:** New Freedom Initiative Progress Report for staffing

**From:** "Schiff, Eleanor"

**Date:** 2/6/04, 6:06 PM

**To:** "Vestewig, Lauren J.", "Arguello, Olga", "Bird, Debra D.", "Cleveland, Carolyn E.", "Cousley, Margaret", "Kavanaugh, Brett M.", "Silverberg, Kristen", "Torgerson, Karin B."

**CC:** "Kuczynski, Christopher", "Malphrus, Garry", "Schacht, Diana L."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Mar 28 17:05:46 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: draft bios for fact sheet  
**From:** "Buchan, Claire "  
**Date:** 2/6/04, 6:45 PM  
**To:** "Kavanaugh, Brett M."

looks good to me. thanks.

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

**From:** Kavanaugh, Brett M.  
**Sent:** Friday, February 06, 2004 4:56 PM  
**To:** Wilkinson, James; Healy, Erin E.  
**Cc:** Buchan, Claire  
**Subject:** draft bios for fact sheet

- ü Chuck Robb (Co-Chair), former Senator and Governor of Virginia. Senator Robb served on the Senate Select Committee on Intelligence, among many other committees and responsibilities in the Senate. He also served in the Marine Corps.
- ü Judge Laurence H. Silberman (Co-Chair), senior Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed in 1985 by President Reagan. Judge Silberman has served as Deputy Attorney General, Ambassador to Yugoslavia, and Solicitor of the Department of Labor, among other government positions. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and he served on the Department of Defense Policy Board.
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- ü Admiral William Studeman was Deputy Director of Central Intelligence from 1992 to 1995. He previously served as Director of Naval Intelligence and Director of the National Security Agency.
- ü Judge Patricia Wald, former Judge on the U.S. Court of Appeals for the D.C. Circuit appointed by President Carter. She also served as a Judge representing the United States on the International Criminal Tribunal for the former Yugoslavia.

**Subject:** :

**From:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] )

**Date:** 2/6/04, 6:55 PM

**To:** Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@Exchange [ WHO ] ), James Wilkinson ( CN=James Wilkinson/OU=NSC/O=EOP@EOP [ NSC ] )

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

RECORD TYPE: FEDERAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-2004 18:55:38.00

SUBJECT: :

TO: Erin E. Healy ( CN=Erin E. Healy/OU=WHO/O=EOP@Exchange [ WHO ] )

READ: UNKNOWN

TO: James Wilkinson ( CN=James Wilkinson/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

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

fact sheet

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

File attachment <F\_8KDOK003\_NSC.TXT\_1>

— Attachments: —

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F\_8KDOK003\_NSC.TXT\_1.doc

46.0 KB

## FACT SHEET

# COMMISSION ON THE INTELLIGENCE CAPABILITIES OF THE UNITED STATES REGARDING WEAPONS OF MASS DESTRUCTION

### PRESIDENTIAL ACTION:

- Intelligence collection has always been difficult against closed, highly secretive, and regimented societies that actively seek to conceal their conduct through denial and deception. The technical challenges for the collection and analysis of intelligence on weapons of mass destruction programs – especially concerning programs carried out by rogue states and terrorist organizations -- are even more difficult and more complex than at any time in the past.
- To address this changing threat to our Nation, the President has ordered a thorough review of the way our Nation collects, analyzes, and disseminates intelligence information related to weapons of mass destruction.
- The President's Executive Order establishes an independent and bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.
- The President has appointed a distinguished group of experts to the Commission:
  - ✓ Charles S. Robb (Co-Chair), former Senator and Governor of Virginia. Senator Robb served on the Senate Select Committee on Intelligence, among many other committees and responsibilities in the Senate. He also served in the Marine Corps.
  - ✓ Judge Laurence H. Silberman (Co-Chair), senior Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed in 1985 by President Reagan. Judge Silberman has served as Deputy Attorney General, Ambassador to Yugoslavia, and Solicitor of the Department of Labor, among other government positions. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and served on the Department of Defense Policy Board.
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  - ✓ Judge Patricia Wald, former Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed by President Carter. She also served as a Judge representing the United States on the International Criminal Tribunal for the former Yugoslavia.

- The Commission will have the access, funding, and time needed to conduct a full and thorough review.

## **MISSION:**

The President has charged the Commission to:

- Assess whether the intelligence community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support U.S. Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals).
- Examine the capabilities and challenges of the intelligence community to collect, process, analyze, produce, and disseminate information concerning the capabilities, intentions, and activities of foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals) relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century.
- Examine the intelligence prior to the initiation of Operation Iraqi Freedom and compare it with the findings of the Iraq Survey Group and other relevant agencies or organizations concerning the capabilities, intentions, and activities of Iraq relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction and related means of delivery.
- Evaluate the challenges of obtaining information regarding the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century in closed societies.
- Compare the intelligence community's intelligence concerning weapons of mass destruction programs and other related threats of the 21<sup>st</sup> Century in Libya prior to its recent decision to open its programs to international scrutiny, and in Afghanistan prior to removal of the Taliban government with the current assessments of organizations presently examining those programs.
- The Commission will have full and complete access to relevant information in the possession, custody or control of any executive department or agency to the maximum extent permitted by law.
- The Commission will report its findings and recommendations to the President by March 31, 2005.

**-end-**





## FACT SHEET

# COMMISSION ON THE INTELLIGENCE CAPABILITIES OF THE UNITED STATES REGARDING WEAPONS OF MASS DESTRUCTION

### PRESIDENTIAL ACTION:

- Intelligence collection has always been difficult against closed, highly secretive, and regimented societies that actively seek to conceal their conduct through denial and deception. The technical challenges for the collection and analysis of intelligence on weapons of mass destruction programs – especially concerning programs carried out by rogue states and terrorist organizations -- are even more difficult and more complex than at any time in the past.
- To address this changing threat to our Nation, the President has ordered a thorough review of the way our Nation collects, analyzes, and disseminates intelligence information related to weapons of mass destruction.
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  - ✓ Judge Laurence H. Silberman (Co-Chair), senior Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed in 1985 by President Reagan. Judge Silberman has served as Deputy Attorney General, Ambassador to Yugoslavia, and Solicitor of the Department of Labor, among other government positions. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and served on the Department of Defense Policy Board.
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  - ✓ Judge Patricia Wald, former Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed by President Carter. She also served as a Judge representing the United States on the International Criminal Tribunal for the former Yugoslavia.

- The Commission will have the access, funding, and time needed to conduct a full and thorough review.

## **MISSION:**

The President has charged the Commission to:

- Assess whether the intelligence community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support U.S. Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals).
- Examine the capabilities and challenges of the intelligence community to collect, process, analyze, produce, and disseminate information concerning the capabilities, intentions, and activities of foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals) relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century.
- Examine the intelligence prior to the initiation of Operation Iraqi Freedom and compare it with the findings of the Iraq Survey Group and other relevant agencies or organizations concerning the capabilities, intentions, and activities of Iraq relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction and related means of delivery.
- Evaluate the challenges of obtaining information regarding the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century in closed societies.
- Compare the intelligence community's intelligence concerning weapons of mass destruction programs and other related threats of the 21<sup>st</sup> Century in Libya prior to its recent decision to open its programs to international scrutiny, and in Afghanistan prior to removal of the Taliban government with the current assessments of organizations presently examining those programs.
- The Commission will have full and complete access to relevant information in the possession, custody or control of any executive department or agency to the maximum extent permitted by law.
- The Commission will report its findings and recommendations to the President by March 31, 2005.

**-end-**

**Subject:** FACT SHEET: Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction  
**From:** "Besanceney, Brian R." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BRIAN\_R.\_BESANCENEY>  
**Date:** 2/7/04, 12:29 AM  
**To:** ...  
**BCC:** [P6/b6, b3 10 USC 130b]

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Mar 28 17:05:50 EDT 2019

Releasability: Withheld In Part

Reasons for Withholding:

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b(3),P3,b(6),P6

Notes:

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10 USC 130b

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Received(Date):** Fri, 06 Feb 2004 19:29:01 -0500  
**From:** "Besanceney, Brian R." </O=EOP/OU=FIRST ADMINISTRATIVE  
GROUP/CN=RECIPIENTS/CN=BRIAN\_R.\_BESANCENEY>

P6/b6  
b3 10 USC 130b

P6/b6  
b3 10 USC 130b

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b3 10 USC 130b

P6/b6  
b3 10 USC 130b

weapons of mass Destruction  
[Intel Commission Fact Sheet 2-6-04.pdf](#)

# **Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction**

## **Presidential Action:**

- Intelligence collection has always been difficult against closed, highly secretive, and regimented societies that actively seek to conceal their conduct through denial and deception. The technical challenges for the collection and analysis of intelligence on weapons of mass destruction programs — especially concerning programs carried out by rogue states and terrorist organizations — are even more difficult and more complex than at any time in the past.
  
- To address this changing threat to our Nation, the President has ordered a thorough review of the way our Nation collects, analyzes, and disseminates intelligence information related to weapons of mass destruction.
  
- The President's Executive Order establishes an independent and bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.
  
- The President has appointed a distinguished group of experts to the Commission:
  - ✓..... Charles S. Robb (Co-Chair), former Senator and Governor of Virginia. Senator Robb served on the Senate Select Committee on Intelligence, among many other committees and responsibilities in the Senate. He also served in the Marine Corps.
  
  - ✓..... Judge Laurence H. Silberman (Co-Chair), senior Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed in 1985 by President Reagan. Judge Silberman has served as Deputy Attorney General, Ambassador to Yugoslavia, and Solicitor of the Department of Labor, among other government positions. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and served on the Department of Defense Policy Board.

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- The Commission will have the access, funding, and time needed to conduct a full and thorough review.

### **Mission:**

The President has charged the Commission to:

- Assess whether the intelligence community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support U.S. Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals).
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process, analyze, produce, and disseminate information concerning the capabilities, intentions, and activities of foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals) relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century.

- Examine the intelligence prior to the initiation of Operation Iraqi Freedom and compare it with the findings of the Iraq Survey Group and other relevant agencies or organizations concerning the capabilities, intentions, and activities of Iraq relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction and related means of delivery.
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## **MISSION:**

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- The Commission will have full and complete access to relevant information in the possession, custody or control of any executive department or agency to the maximum extent permitted by law.
- The Commission will report its findings and recommendations to the President by March 31, 2005.

**Subject:** draft 4 (President has copy)

**From:** "Kavanaugh, Brett M."

**Date:** 2/16/05, 9:33 PM

**To:** "17324305", "Rove, Karl C.", "Bartlett, Dan", "Devenish, Nicolle", "Miers, Harriet", "Hagin, Joseph W", "Haenle, Paul T.", "West, Christal R."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Mar 28 17:05:51 EDT 2019

Releasability: Withheld In Part

Reasons for Withholding:

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b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** draft 7 (only changes from last you saw have been 2 nits and a change to the end to reflect that Negroponte will speak)

**From:** "Kavanaugh, Brett M."

**Date:** 2/17/05, 2:09 PM

**To:** "Kavanaugh, Brett M.", "17324305", "Rove, Karl C.", "Bartlett, Dan", "Devenish, Nicolle", "Miers, Harriet", "Hagin, Joseph W", "Haenle, Paul T.", "West, Christal R."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Mar 28 17:05:52 EDT 2019

Releasability: Withheld In Part

Reasons for Withholding:

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b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: New Freedom Initiative Progress Report

**From:** "Schiff, Eleanor"

**Date:** 2/20/04, 10:01 PM

**To:** "Vestewig, Lauren J.", "Arguello, Olga", "Bird, Debra D.", "Cleveland, Carolyn E.", "Cousley, Margaret", "Kavanaugh, Brett M.", "Silverberg, Kristen", "Torgerson, Karin B."

**CC:** "Kuczynski, Christopher"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:55:16 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject :**

**From:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [ WHO ] )

**Date:** 2/29/04, 4:27 PM

**To:** Michael N. Anton ( CN=Michael N. Anton/OU=NSC/O=EOP@EOP [ NSC ] )

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

RECORD TYPE: FEDERAL (NOTES MAIL)

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

CREATION DATE/TIME: 29-FEB-2004 16:27:58.00

SUBJECT: :

TO: Michael N. Anton ( CN=Michael N. Anton/OU=NSC/O=EOP@EOP [ NSC ] )

READ: UNKNOWN

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

November 25, 2002

Thanks for coming. Thanks for the warm welcome, and welcome to the White House.

Today we are taking historic action to defend the United States and protect our citizens against the dangers of a new era. With my signature, this act of Congress will create a new Department of Homeland Security, ensuring that our efforts to defend this country are comprehensive and united.

The new Department will analyze threats, will guard our borders and airports, protect our critical infrastructure, and coordinate the response of our Nation to future emergencies. The Department of Homeland Security will focus the full resources of the American Government on the safety of the American people. This essential reform was carefully considered by Congress and enacted with strong bipartisan majorities.

I want to thank Tom Ridge, the Homeland Security Adviser, for his hard work on this initiative. I want to thank all the members of my Cabinet who are here for their work. I want to thank the Members of Congress who are with us today, particularly those Members of Congress who were essential to the passage, many of whom stand up here on the stage with me. One Member not with us is our mutual friend from Texas, Phil Gramm. I appreciate his hard work. I thank the work of Senator Fred Thompson and Senator Joe Lieberman. I appreciate Zell Miller and Don Nickles' hard work as well. We've got a lot of Members from the House here, and I want to thank you all for coming. I particularly want to pay homage to Dick Arme, who shepherded the bill to the floor of the House of Representatives. I'll miss him. I'm not so sure everybody will. [Laughter] But I appreciate your time here. I thank Tom DeLay for making sure the bill got passed. I thank Rob Portman for his hard work. And I want to thank Ellen Tauscher as well for her leadership on this issue.

I appreciate Kay James of the Office of Personnel Management, who worked so hard to make sure this effort was understood by everybody in our Government. And I want to thank the other administration officials who are here, many of whom are going to be responsible for seeing to it this new Department functions well.

I want to thank all the local and State officials who are here with us today--I see Governors and county judges, mayors--for coming. My own

mayor, the Mayor of Washington, DC, I appreciate you coming, Mr. Mayor. I want to thank the local and State law enforcement officials who are here, the chiefs of police and fire chiefs who are with us today. I see the chief of my city now is here as well. Thank you, Mr. Chief, for coming.

I want to thank the union representatives who are here. We look forward to working with you to make sure that your people are treated fairly in this new Department. I want to thank the Federal workers who are here. You're charged with being on the front line of protecting America. I understand your job. We look forward to working with you to make sure you get your job done. I want to thank the President's Homeland Security Advisory Council as well, and thank you all for coming.

>From the morning of September the 11th, 2001, to this hour, America has been engaged in an unprecedented effort to defend our freedom and our security. We're fighting a war against terror with all our resources, and we're determined to win.

With the help of many nations, with the help of 90 nations, we're tracking terrorist activity; we're freezing terrorist finances; we're disrupting terrorist plots; we're shutting down terrorist camps; we're on the hunt one person at a time. Many terrorists are now being interrogated. Many terrorists have been killed. We've liberated a country.

We recognize our greatest security is found in the relentless pursuit of these coldblooded killers. Yet, because terrorists are targeting America, the front of the new war is here in America. Our life changed and changed in dramatic fashion on September the 11th, 2001.

In the last 14 months, every level of our Government has taken steps to be better prepared against a terrorist attack. We understand the nature of the enemy. We understand they hate us because of what we love. We're doing everything we can to enhance security at our airports and powerplants and border crossings. We've deployed detection equipment to look for weapons of mass destruction. We've given law enforcement better tools to detect and disrupt terrorist cells which might be hiding in our own country.

And through separate legislation I signed earlier today, we will strengthen security at our Nation's 361 seaports, adding port security agents, requiring ships to provide more information about the cargo, crew, and passengers they carry. And I want to thank the Members of Congress for working hard on this important piece of legislation as well.

The Homeland Security Act of 2002 takes the next critical steps in defending our country. The continuing threat of terrorism, the threat of mass murder on our own soil, will be met with a unified, effective response. Dozens of agencies charged with homeland security will now be located within one Cabinet Department with the mandate and legal authority to protect our people. America will be better able to respond to any future attacks, to reduce our vulnerability and, most important, prevent the terrorists from taking innocent American lives.

The Department of Homeland Security will have nearly 170,000 employees, dedicated professionals who will wake up each morning with the overriding duty of protecting their fellow citizens. As Federal workers, they have rights, and those rights will be fully protected. And I'm grateful that the Congress listened to my concerns and retained the authority of the President to put the right people in the right place at the right time in

the defense of our country.

I've great confidence in the men and women who will serve in this Department and in the man I've asked to lead it. As I prepare to sign this bill into law, I am pleased to announce that I will nominate Governor Tom Ridge as our Nation's first Secretary of Homeland Security. Americans know Tom as an experienced public servant and as the leader of our homeland security efforts since last year. Tom accepted that assignment in urgent circumstances, resigning as the Governor of Pennsylvania to organize the White House Office of Homeland Security and to develop a comprehensive strategy to protect the American people. He's done a superb job. He's the right man for this new and great responsibility.

We're going to put together a fine team to work with Tom. The Secretary of the Navy, Gordon England, will be nominated for the post of Deputy Secretary. And Asa Hutchinson of Arkansas, now the Administrator of the Drug Enforcement Administration, will be nominated to serve as Under Secretary for Border and Transportation Security.

The Secretary-designate and his team have an immense task ahead of them. Setting up the Department of Homeland Security will involve the most extensive reorganization of the Federal Government since Harry Truman signed the National Security Act. To succeed in their mission, leaders of the new Department must change the culture of many diverse agencies, directing all of them toward the principal objective of protecting the American people. The effort will take time and focus and steady resolve. It will also require full support from both the administration and the Congress. Adjustments will be needed along the way. Yet this is pressing business, and the hard work of building a new Department begins today.

When the Department of Homeland Security is fully operational, it will enhance the safety of our people in very practical ways. First, this new Department will analyze intelligence information on terror threats collected by the CIA, the FBI, the National Security Agency, and others. The Department will match this intelligence against the Nation's vulnerabilities and work with other agencies and the private sector and State and local governments to harden America's defenses against terror.

Second, the Department will gather and focus all our efforts to face the challenge of cyberterrorism and the even worse danger of nuclear, chemical, and biological terrorism. This Department will be charged with encouraging research on new technologies that can detect these threats in time to prevent an attack.

Third, State and local governments will be able to turn for help and information to one Federal domestic security agency, instead of more than 20 agencies that currently divide these responsibilities. This will help our local governments work in concert with the Federal Government for the sake of all the people of America.

Fourth, the new Department will bring together the agencies responsible for border, coastline, and transportation security. There will be a coordinated effort to safeguard our transportation systems and to secure the border so that we're better able to protect our citizens and welcome our friends.

Fifth, the Department will work with State and local officials to prepare our response to any future terrorist attack that may come. We have found

that the first hours and even the first minutes after the attack can be crucial in saving lives, and our first-responders need the carefully planned and drilled strategies that will make their work effective.

The Department of Homeland Security will also end a great deal of duplication and overlapping responsibilities. Our objective is to spend less on administrators in offices and more on working agents in the field, less on overhead and more on protecting our neighborhoods and borders and waters and skies from terrorists.

With a vast nation to defend, we can neither predict nor prevent every conceivable attack. And in a free and open society, no Department of Government can completely guarantee our safety against ruthless killers who move and plot in shadows. Yet our Government will take every possible measure to safeguard our country and our people.

We're fighting a new kind of war against determined enemies. And public servants long into the future will bear the responsibility to defend Americans against terror. This administration and this Congress have the duty of putting that system into place. We will fulfill that duty. With the Homeland Security Act, we're doing everything we can to protect America. We're showing the resolve of this great Nation to defend our freedom, our security, and our way of life.

It's now my privilege to sign the Homeland Security Act of 2002.



**Subject:** FW: Lauren & Chris: Attached are OMB Comments on the New Freedom Initiative Progress Report

**From:** "Vestewig, Lauren J."

**Date:** 3/10/04, 6:36 PM

**To:** "Kuczynski, Christopher"

**CC:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:55:18 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: BP for Wednesday  
**From:** "Vestewig, Lauren J."  
**Date:** 5/5/04, 1:07 PM  
**To:** "Jacanin, Marilyn R."  
**CC:** "Kavanaugh, Brett M.", "Ullyot, Theodore W.", "Draper, Eric "

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:55:19 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(3),b(7f),P5,b(6),P3,b(7c)

Notes:

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10 USC 424, 50 USC 3605

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Coming your way -- Revised Civil Liberties EO and cover documents

**From:** "Luczynski, Kimberley S."

**Date:** 8/26/04, 12:20 AM

**To:** "Saunders, G. Timothy", "Kalbaugh, David E.", "Ulliot, Theodore W.", "Vestewig, Lauren J.", <Rosemary.Hart@usdoj.gov>, <John.Demers@usdoj.gov>

**CC:** "Aitken, Steven D.", "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:55:22 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Coming your way -- updated versions of the Civil Liberties Board EO documents  
**From:** "Luczynski, Kimberley S."  
**Date:** 8/26/04, 3:25 PM  
**To:** "Kalbaugh, David E.", "Kyle, Ross M.", "Frankfurt, Sara A.", "Saunders, G. Timothy",  
"Ullyot, Theodore W.", "Vestewig, Lauren J."  
**CC:** "Kavanaugh, Brett M.", "Aitken, Steven D.", "Newstead, Jennifer G.",  
<Rosemary.Hart@usdoj.gov>, <John.Demers@usdoj.gov>

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 13:49:59 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Civil Liberties EO/WH Staffing/Rove's office asks whether Commerce and FTC should be added to Board

**From:** "Aitken, Steven D." <Steven\_D.\_Aitken@omb.eop.gov>

**Date:** 8/27/04, 8:39 AM

**To:** "Luczynski, Kimberley S." <Kimberley\_S.\_Luczynski@omb.eop.gov>, "Cors, Dylan D." <Dylan\_D.\_Cors@nsc.eop.gov>, "McNally, Edward" <Edward\_McNally@who.eop.gov>, "Mitnick, John M." <John\_M.\_Mitnick@who.eop.gov>, "Fowler, Geoffrey K." <Geoffrey\_k.\_Fowler@who.eop.gov>, "Rasmussen, Nicholas J." <Nicholas\_J.\_Rasmussen@nsc.eop.gov>, <John.Demers@usdoj.gov>, "Powell, Benjamin A." <Benjamin\_A.\_Powell@who.eop.gov>, <Luke.Sobota@usdoj.gov>, "Evans, Karen" <Karen\_Evans@omb.eop.gov>, "McMillin, Stephen S." <Stephen\_S.\_McMillin@omb.eop.gov>, "Cleveland, Robin" <Robin\_Cleveland@omb.eop.gov>, "Johnson III, Clay" <Clay\_Johnson\_III@omb.eop.gov>, "Kalbaugh, David E." <David\_E.\_Kalbaugh@who.eop.gov>, "Ullyot, Theodore W." <Theodore\_W.\_Ullyot@who.eop.gov>, "Shedd, David R." <David\_R.\_Shedd@nsc.eop.gov>  
**CC:** "Newstead, Jennifer G." <Jennifer\_G.\_Newstead@omb.eop.gov>, "Vestewig, Lauren J." <Lauren\_J.\_Vestewig@who.eop.gov>, "Kavanaugh, Brett M." <Brett\_M.\_Kavanaugh@who.eop.gov>, <rosemary.hart@usdoj.gov>

On the Civil Liberties Board EO, Karl Rove's office during WH Staffing had no comment except to ask "should Commerce or FTC be included (privacy issues?)"

If Commerce and/or the FTC were added to the Board, then presumably the EO would specify a particular official within each agency, to parallel the designations for the other agencies in the EO (see Section 4, below).

Also, the EO does currently provide that the Board's Chair "may invite, in his discretion, officers or employees of other departments and agencies to participate in the work of the Board." This would enable the Chair to invite officials from Commerce, the FTC, or other non-member agencies.

Sec. 4. Membership and Operation. The Board shall consist exclusively of the following:

- (a) the Deputy Attorney General, who shall serve as Chair;
- (b) the Under Secretary for Border and Transportation Security, Department of Homeland Security, who shall serve as Vice Chair;
- (c) the Assistant Attorney General (Civil Rights Division);
- (d) the Assistant Attorney General (Office of Legal Policy);
- (e) the Counsel for Intelligence Policy, Department of Justice;
- (f) the Chair of the Privacy Council, Federal Bureau of Investigation;
- (g) the Assistant Secretary for Information Analysis, Department of Homeland Security;
- (h) the Assistant Secretary (Policy), Directorate of Border and

Transportation Security, Department of Homeland Security;

(i) the Officer for Civil Rights and Civil Liberties, Department of Homeland Security;

(j) the Privacy Officer, Department of Homeland Security;

(k) the Under Secretary for Enforcement, Department of the Treasury;

(l) the Assistant Secretary (Terrorist Financing), Department of the Treasury;

(m) the General Counsel, Office of Management and Budget;

(n) the Deputy Director of Central Intelligence for Community Management;

(o) the General Counsel, Central Intelligence Agency;

(p) the General Counsel, National Security Agency;

(q) the Under Secretary of Defense for Intelligence;

(r) the General Counsel of the Department of Defense;

(s) the Legal Adviser, Department of State;

(t) the Director, Terrorist Threat Integration Center; and

(u) such other officers of the United States as the Deputy Attorney General may from time to time designate.

A member of the Board may designate, to perform the Board or Board subgroup functions of the member, any person who is part of such member's department or agency and who is either (i) an officer of the United States appointed by the President, or (ii) a member of the Senior Executive Service or the Senior Intelligence Service. The Chair, after consultation with the Vice Chair, shall convene and preside at meetings of the Board, determine its agenda, direct its work, and, as appropriate to deal with particular subject matters, establish and direct subgroups of the Board that shall consist exclusively of members of the Board. The Chair may invite, in his discretion, officers or employees of other departments or agencies to participate in the work of the Board. The Chair shall convene the first meeting of the Board within 20 days after the date of this order and shall thereafter convene meetings of the Board at such times as the Chair, after consultation with the Vice Chair, deems appropriate. The Deputy Attorney General shall designate an official of the Department of Justice to serve as the Executive Director of the Board.

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From: Luczynski, Kimberley S.  
Sent: Thursday, August 26, 2004 11:24 PM  
To: Cors, Dylan D.; McNally, Edward; Mitnick, John M.; Fowler, Geoffrey K.; Rasmussen, Nicholas J.; [John.Demers@usdoj.gov](mailto:John.Demers@usdoj.gov); Powell, Benjamin A.;

[Luke.Sobota@usdoj.gov](mailto:Luke.Sobota@usdoj.gov); Evans, Karen; McMillin, Stephen S.; Cleveland, Robin; Johnson III, Clay ; Kalbaugh, David E.; Ulyot, Theodore W.; Shedd, David R. Cc: Aitken, Steven D.; Newstead, Jennifer G.; Vestewig, Lauren J.; Kavanaugh, Brett M.; '[rosemary.hart@usdoj.gov](mailto:rosemary.hart@usdoj.gov)' Subject: Drafts of OMB documents for 3 EOs (NCTC, Info Sharing, Enhanced DCI).

Attached are drafts of the OMB Director's Memos for the 3 EOs discussed today (NCTC, Info Sharing, Enhanced DCI). They should be considered in conjunction with the drafts of the EOs that I understand will be circulated and staffed later this evening, with comments due early tomorrow (9am).

Thanks.

Kimberley

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On the Civil Liberties Board EO, Karl Rove's office during WH Staffing had no comment except to ask "should Commerce or FTC be included (privacy issues?)"

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- (h) the Assistant Secretary (Policy), Directorate of Border and Transportation Security, Department of Homeland Security;
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- (j) the Privacy Officer, Department of Homeland Security;
- (k) the Under Secretary for Enforcement, Department of the Treasury;
- (l) the Assistant Secretary (Terrorist Financing), Department of the Treasury;

- (m) the General Counsel, Office of Management and Budget;
- (n) the Deputy Director of Central Intelligence for Community Management;
- (o) the General Counsel, Central Intelligence Agency;
- (p) the General Counsel, National Security Agency;
- (q) the Under Secretary of Defense for Intelligence;
- (r) the General Counsel of the Department of Defense;
- (s) the Legal Adviser, Department of State;
- (t) the Director, Terrorist Threat Integration Center; and
- (u) such other officers of the United States as the Deputy Attorney General may from time to time designate.

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**From:** Luczynski, Kimberley S.

**Sent:** Thursday, August 26, 2004 11:24 PM

**To:** Cors, Dylan D.; McNally, Edward; Mitnick, John M.; Fowler, Geoffrey K.; Rasmussen, Nicholas J.; John.Demers@usdoj.gov; Powell, Benjamin A.; Luke.Sobota@usdoj.gov; Evans, Karen; McMillin, Stephen S.; Cleveland, Robin; Johnson III, Clay ; Kalbaugh, David E.; Ulylot, Theodore W.; Shedd, David R.

**Cc:** Aitken, Steven D.; Newstead, Jennifer G.; Vestewig, Lauren J.; Kavanaugh, Brett M.; 'rosemary.hart@usdoj.gov'

**Subject:** Drafts of OMB documents for 3 EOs (NCTC, Info Sharing, Enhanced DCI).

Attached are drafts of the OMB Director's Memos for the 3 EOs discussed today (NCTC, Info Sharing, Enhanced DCI). They should be considered in conjunction with the drafts of the EOs that I understand will be circulated and staffed later this evening, with comments due early tomorrow (9am).

Thanks.



Kimberley

**Subject:** BY MONDAY – YOUR REVIEW NEEDED OF NEXT VERSION OF PRESIDENT'S INTEL REFORM BILL

**From:** "Burnim, John D."

**Date:** 9/4/04, 8:43 PM

**To:** "Burnim, John D."; et al

**CC:** "Kaplan, Joel"; et al

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 17:26:33 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P3,b(3),P5

Notes:

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50 USC 3507

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** DUE: FRI (9/3) 5 PM – Comments/Clearance on PRESIDENT'S INTEL REFORM BILL  
(Part 1)

**From:** "Burnim, John D."

**Date:** 9/2/04, 10:26 PM

**To:** "Burnim, John D."; et al

**CC:** "Kaplan, Joel"; et al

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 02 11:34:51 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),b(3),P5,b(7c),P6,P3,b(7f)

Notes:

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50 USC 3507

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: REVISED: Current Draft of Intel Reform Fact Sheet

**From:** "Ulliyot, Theodore W."

**Date:** 9/8/04, 1:28 AM

**To:** "Kavanaugh, Brett M.", "Miers, Harriet"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 04 15:54:32 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FINAL DRAFT FOR AGENCY REVIEW -- PRESIDENT'S INTELLIGENCE REFORM BILL  
**From:** "Burnim, John D."  
**Date:** 9/11/04, 5:00 AM  
**To:** "Burnim, John D."; et al  
**CC:** "Kaplan, Joel"; et al

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 04 15:45:03 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(3),P5,P3,b(6),P6

Notes:

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50 USC 3507

Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: Revised Draft NID Bill  
**From:** "Bellinger, John B."  
**Date:** 9/13/04, 11:48 PM  
**To:** "Kavanaugh, Brett M.", "Ulliyot, Theodore W."  
**CC:** "Powell, Benjamin A.", "Wines, Alexian T."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 04 15:54:35 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: Intell Reform Bill -- Draft 8 -- 9/13  
**From:** "Miers, Harriet"  
**Date:** 9/13/04, 7:58 PM  
**To:** "Kavanaugh, Brett M.", "17324305"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 04 15:54:33 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: 11-29 BP for Tapings.doc  
**From:** "Ullyot, Theodore W."  
**Date:** 11/29/04, 12:57 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Tue Apr 09 12:25:28 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:



**Subject:** further edit to protocol/precedent  
**From:** "Saunders, G. Timothy"  
**Date:** 12/19/03, 9:05 PM  
**To:** "Kavanaugh, Brett M.", "Burks, Jonathan W."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 01 13:55:12 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** NCIX Strategy – Package 6368

**From:** "Shedd, David R."

**Date:** 1/19/05, 7:33 PM

**To:** "Millison, Cathy L."

**CC:** "Kavanaugh, Brett M.", "Casey, James", "Webb, Rosemarie K.", "Reddrick, Myrtle"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 11:42:26 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: [Package 6368]

**From:** "Millison, Cathy L."

**Date:** 1/24/05, 4:48 PM

**To:** "Kavanaugh, Brett M."

**CC:** "Shedd, David R.", "Casey, James", "Webb, Rosemarie K.", "Reddrick, Myrtle", "Staff Secretary"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 17:04:42 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** New draft of tomorrow's statement

**From:** "McGurn, William J."

**Date:** 2/16/05, 10:57 AM

**To:** "Kropp, Emily L."

**CC:** "Kavanaugh, Brett M."

This one subs in three paragraphs on DNI's job description, using same language as before. I just plugged in John's name and changed reference to "the new law" to reflect that this isn't a signing...

—Attachments: —

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NegroponteNomination17February2005#3.doc

29.5 KB

Negroponte Nomination  
February 17, 2005  
Draft #3

Thank you all for coming. Today I'm pleased to announce my decision to nominate Ambassador John Negroponte as Director of National Intelligence. The director's responsibility is straightforward and demanding: John will make sure that those whose duty it is to defend America have the information we need to make the right decisions. And there is no one who understands America's global intelligence needs better than a man who has spent the better part of his life in our Foreign Service – and is now serving with distinction in the sensitive post of our Nation's first Ambassador to a free Iraq.

John's nomination comes at a historic moment for our intelligence services. In the war against terrorists who target innocent civilians and continue to seek weapons of mass murder, intelligence is our first line of defense. If we are going to stop terrorists before they strike – we must ensure that our 15 intelligence agencies work as a single, unified enterprise. That is why Congress proposed, and I supported, reform legislation creating the new job of Director of National Intelligence.

As DNI, John will lead a unified intelligence community and will serve as the principal advisor to the President on intelligence matters. He will have the authority to order the collection of new intelligence to ensure the sharing of information among agencies and to establish common standards for the intelligence community's personnel. It will be John's responsibility to determine the annual budgets for all national intelligence agencies and offices and to direct how these funds are spent. Vesting these authorities in a single official who reports directly to me will make all our intelligence efforts better coordinated, more efficient, and more effective.

The Director of the CIA will report to John. The CIA will retain its core of responsibilities for collecting human intelligence, analyzing intelligence from all sources, and supporting American interests abroad at the direction of the President.

The law establishing John's position preserves the existing chain of command and leaves all our intelligence agencies, organizations, and

offices in their current Departments. Our military commanders will continue to have quick access to the intelligence they need to achieve victory on the battlefield. And the new structure will help ensure greater information sharing among Federal Departments and Agencies and also with appropriate State and local authorities.

John brings a unique set of skills to these challenges. Over the course of a long career, John has served his Nation in eight countries spanning three continents. He has held important leadership posts at both the State Department and the White House. As my representative to the United Nations, John defended our interests vigorously and spoke eloquently about America's intention to spread freedom and peace throughout the world. And his service in Iraq during these past few historic months has given him something that will prove an incalculable advantage for an intelligence chief: an unvarnished and up-close look at the enemy.

Today I'm also pleased to announce that that joining John as his deputy will be Lieutenant General Michael Hayden. A career Air Force intelligence officer, General Hayden now serves as director of the National Security Agency – America's largest intelligence service – and chief of the Central Security Service. In these critical roles, he has already demonstrated an ability to adapt our intelligence services to meet the new threats of a new century.

I appreciate the willingness of these men to take on these tough new assignments at an extraordinary moment in our Nation's history. And I'd like to thank the thousands of men and women already serving in our intelligence services. These are people each day to keep Americans safe in a dangerous world – often at great risk to their own lives – and they will be pleased to have leaders such as Ambassador Negroponte and General Hayden. I thank John for being here today, and am happy to take any questions you might have.

**Subject:** FW: Negro ponte announcement  
**From:** "Kropp, Emily L."  
**Date:** 2/16/05, 3:01 PM  
**To:** "Kavanaugh, Brett M."

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**From:** McGurn, William J.  
**Sent:** Wednesday, February 16, 2005 2:43 PM  
**To:** Kropp, Emily L.  
**Subject:** Negro ponte announcement

Emily, This subs in words President used on 12/17. We still have to decide whether we include Lt. General Hayden in this announcement. cheers, bill

—Attachments:—

Negro ponteNomination17February2005#4.doc

30.0 KB

Negroponte Nomination  
February 17, 2005  
Draft #4

Thank you all for coming. Today I'm pleased to announce my decision to nominate Ambassador John Negroponte as Director of National Intelligence. The director's responsibility is straightforward and demanding: John will make sure that those whose duty it is to defend America have the information we need to make the right decisions. John understands America's global intelligence needs because he's spent the better part of his life in our Foreign Service – and is now serving with distinction in the sensitive post of our Nation's first Ambassador to a free Iraq.

John's nomination comes at a historic moment for our intelligence services. In the war against terrorists who target innocent civilians and continue to seek weapons of mass murder, intelligence is our first line of defense. If we are going to stop terrorists before they strike – we must ensure that our 15 intelligence agencies work as a single, unified enterprise. That is why I supported, and Congress passed, reform legislation creating the new job of Director of National Intelligence.

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**Subject:** DNI #4 – left this on your chair

**From:** "Kropp, Emily L."

**Date:** 2/16/05, 4:03 PM

**To:** "Kavanaugh, Brett M."

– Attachments: \_\_\_\_\_

NegroponteNomination17February2005#4.doc 32.5 KB

NegroponteNomination17February2005#4 notecards.doc 35.5 KB

Nomination of Director of National Intelligence  
Thursday, February 17, 2005  
Draft #4

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*Drafted by: Bill McGurn, Office of Speechwriting  
Office: 202/456-2553  
Cell: 202/441-1671*

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Draft #4

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**Subject:** draft 4 (President has copy)

**From:** "Kavanaugh, Brett M."

**Date:** 2/16/05, 9:33 PM

**To:** "17324305", "Rove, Karl C.", "Bartlett, Dan", "Devenish, Nicolle", "Miers, Harriet", "Hagin, Joseph W", "Haenle, Paul T.", "West, Christal R."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 12:38:38 EDT 2019

Releasability: Withheld In Part

Reasons for Withholding:

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b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: draft 4 (President has copy)  
**From:** "Hagin, Joseph W"  
**Date:** 2/16/05, 9:49 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Mar 29 12:38:39 EDT 2019

Releasability: Withheld In Part

Reasons for Withholding:

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b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**From:** "Hagin, Joseph W"  
**To:** "Kavanaugh, Brett M."  
**Subject:** RE: draft 4 (President has copy)  
**Received(Date):** Wed, 16 Feb 2005 17:49:31 -0400

no additional comment

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

**From:** Kavanaugh, Brett M.  
**Sent:** Wednesday, February 16, 2005 4:34 PM  
**To:** 17324305; Rove, Karl C.; Bartlett, Dan; Devenish, Nicolle; Miers, Harriet; Hagin, Joseph W; Haenle, Paul T.; West, Christal R.  
**Subject:** draft 4 (President has copy)

## Nomination of Director of National Intelligence

Thursday, February 17, 2005

Draft #4

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*Drafted by: Bill McGurn, Office of Speechwriting*

*Office: 202/456-2553*

*Cell:*

P6/b6

**From:** "Kropp, Emily L."  
**To:** "Kavanaugh, Brett M."  
**Subject:** DNI #5  
**Received(Date):** Wed, 16 Feb 2005 19:01:54 -0500  
[NegroponteNomination17February2005#5.doc](#)  
[NegroponteNomination17February2005#5 notecards.doc](#)

Nomination of Director of National Intelligence  
Thursday, February 17, 2005  
Draft #5

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*Drafted by:* Bill McGurn, Office of Speechwriting  
*Office:* 202/456-2553  
*Cell:* P6/b(6)

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**Subject:** DNI #5  
**From:** "Kropp, Emily L."  
**Date:** 2/17/05, 12:01 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Tue Apr 09 17:09:16 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** For Judge Gonzales -- President will announce this this morning  
**From:** "Kavanaugh, Brett M."  
**Date:** 2/17/05, 8:56 AM  
**To:** <theodore.ullyot@usdoj.gov>

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**Subject:** For Secretary Chertoff -- President will announce this morning  
**From:** "Kavanaugh, Brett M."  
**Date:** 2/17/05, 9:03 AM  
**To:** <john.f.wood@hq.dhs.gov>

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**From:** "Kavanaugh, Brett M."  
**Date:** 2/17/05, 9:06 AM  
**To:** "McClellan, Scott"

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**From:** "Kavanaugh, Brett M."  
**Date:** 2/17/05, 9:07 AM  
**To:** "Powell, Dina"

Thank you all for coming. Today I'm pleased to announce my decision to nominate Ambassador John Negroponte as Director of National Intelligence. The director's responsibility is straightforward and demanding: John will make sure that those whose duty it is to defend America have the information we need to make the right decisions. John understands America's global intelligence needs because he's spent the better part of his life in our Foreign Service – and is now serving with distinction in the sensitive post of our Nation's first Ambassador to a free Iraq.

John's nomination comes at a historic moment for our intelligence services. In the war against terrorists who target innocent civilians and continue to seek weapons of mass murder, intelligence is our first line of defense. If we are going to stop terrorists before they strike – we must ensure that our intelligence agencies work as a single, unified enterprise. That is why I supported, and Congress passed, reform legislation creating the new job of Director of National Intelligence.

As DNI, John will lead a unified intelligence community and will serve as the principal advisor to the President on intelligence matters. He will have the authority to order the collection of new intelligence ... to ensure the sharing of information among agencies ... and to establish common standards for the intelligence community's personnel. It will be John's responsibility to determine the annual budgets for all national intelligence agencies and offices and to direct how these funds are spent. Vesting these authorities in a single official who reports directly to me will make all our intelligence efforts better coordinated, more efficient, and more effective.

The Director of the CIA will report to John. The CIA will retain its core of responsibilities for collecting human intelligence, analyzing intelligence from all sources, and supporting American interests abroad at the direction of the President.

The law establishing John's position preserves the existing chain of command and leaves all our intelligence agencies, organizations, and offices in their current Departments. Our military commanders will continue to have quick access to the intelligence they need to achieve victory on the battlefield. And the new structure will help ensure greater information

sharing among federal departments and agencies and also with appropriate state and local authorities.

John brings a unique set of skills to these challenges. Over the course of a long career, John has served his Nation in eight countries spanning three continents. He has held important leadership posts at both the State Department and the White House. As my representative to the United Nations, John defended our interests vigorously and spoke eloquently about America's intention to spread freedom and peace throughout the world. And his service in Iraq during these past few historic months has given him something that will prove an incalculable advantage for an intelligence chief: an unvarnished and up-close look at a deadly enemy.

Today I'm also pleased to announce that that joining John as his deputy will be Lieutenant General Michael Hayden. A career Air Force intelligence officer, General Hayden now serves as director of the National Security Agency – America's largest intelligence service – and chief of the Central Security Service. In these critical roles, he has already demonstrated an ability to adapt our intelligence services to meet the new threats of a new century.

I appreciate the willingness of these men to take on these tough new assignments at an extraordinary moment in our Nation's history. And I'd like to thank the thousands of men and women already serving in our intelligence services. These are people who go to work each day to keep Americans safe in a dangerous world – often at great risk to their own lives – and they will be pleased to have leaders such as Ambassador Negroponte and General Hayden. I thank John for being here today. Congratulations John.

**Subject:** #7  
**From:** "Kropp, Emily L."  
**Date:** 2/17/05, 1:54 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Tue Apr 09 17:09:17 EDT 2019

Releasability: Withheld In Part

Reasons for Withholding:

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P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:



**From:** "Kropp, Emily L."  
**To:** "Kavanaugh, Brett M."  
**Subject:** #7  
**Received(Date):** Thu, 17 Feb 2005 08:54:59 -0500  
[NegroponteNomination17February2005#7.doc](#)  
[NegroponteNomination17February2005#7 compare #4.doc](#)  
[NegroponteNomination17February2005#7 notecards.doc](#)

Nomination of Director of National Intelligence  
Thursday, February 17, 2005  
Draft #7

Thank you all for coming. Today I'm pleased to announce my decision to nominate Ambassador John Negroponte as Director of National Intelligence. The director's responsibility is straightforward and demanding: John will make sure that those whose duty it is to defend America have the information we need to make the right decisions. John understands America's global intelligence needs because he's spent the better part of his life in our Foreign Service – and is now serving with distinction in the sensitive post of our Nation's first Ambassador to a free Iraq.

John's nomination comes at a historic moment for our intelligence services. In the war against terrorists who target innocent civilians and continue to seek weapons of mass murder, intelligence is our first line of defense. If we are going to stop terrorists before they strike – we must ensure that our intelligence agencies work as a single, unified enterprise. That is why I supported, and Congress passed, reform legislation creating the new job of Director of National Intelligence.

As DNI, John will lead a unified intelligence community and will serve as the principal advisor to the President on intelligence matters. He will have the authority to order the collection of new intelligence ... to ensure the sharing of information among agencies ... and to establish common standards for the intelligence community's personnel. It will be John's responsibility to determine the annual budgets for all national intelligence agencies and offices and to direct how these funds are spent. Vesting these authorities in a single official who reports directly to me will make all our intelligence efforts better coordinated, more efficient, and more effective.

The Director of the CIA will report to John. The CIA will retain its core of responsibilities for collecting human intelligence, analyzing intelligence from all sources, and supporting American interests abroad at the direction of the President.

The law establishing John's position preserves the existing chain of command and leaves all our intelligence agencies, organizations, and offices in their current Departments. Our military commanders will continue

to have quick access to the intelligence they need to achieve victory on the battlefield. And the new structure will help ensure greater information sharing among federal departments and agencies and also with appropriate state and local authorities.

John brings a unique set of skills to these challenges. Over the course of a long career, John has served his Nation in eight countries spanning three continents. He has held important leadership posts at both the State Department and the White House. As my representative to the United Nations, John defended our interests vigorously and spoke eloquently about America's intention to spread freedom and peace throughout the world. And his service in Iraq during these past few historic months has given him something that will prove an incalculable advantage for an intelligence chief: an unvarnished and up-close look at a deadly enemy.

Today I'm also pleased to announce that that joining John as his deputy will be Lieutenant General Michael Hayden. A career Air Force intelligence officer, General Hayden now serves as director of the National Security Agency – America's largest intelligence service – and chief of the Central Security Service. In these critical roles, he has already demonstrated an ability to adapt our intelligence services to meet the new threats of a new century.

I appreciate the willingness of these men to take on these tough new assignments at an extraordinary moment in our Nation's history. And I'd like to thank the thousands of men and women already serving in our intelligence services. These are people who go to work each day to keep Americans safe in a dangerous world – often at great risk to their own lives – and they will be pleased to have leaders such as Ambassador Negroponte and General Hayden. I thank John for being here today. Congratulations John.

*Drafted by:* Bill McGurn, Office of Speechwriting  
*Office:* 202/456-2553  
*Cell:* P6/b(6)

Nomination of Director of National Intelligence  
Thursday, February 17, 2005  
Draft #7

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*Drafted by:* Bill McGurn, Office of Speechwriting  
*Office:* 202/456-2553  
*Cell:* P6/b(6)

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Thursday, February 17, 2005  
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**Subject:** draft 7 (only changes from last you saw have been 2 nits and a change to the end to reflect that Negroponte will speak)

**From:** "Kavanaugh, Brett M."

**Date:** 2/17/05, 2:09 PM

**To:** "Kavanaugh, Brett M.", "17324305", "Rove, Karl C.", "Bartlett, Dan", "Devenish, Nicolle", "Miers, Harriet", "Hagin, Joseph W", "Haenle, Paul T.", "West, Christal R."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Fri Apr 12 17:49:59 EDT 2019

Releasability: Withheld In Part

Reasons for Withholding:

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P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: DHS/OSTP report for WH staffing  
**From:** "Vestewig, Lauren J."  
**Date:** 3/25/05, 3:34 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 17:09:21 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: status

**From:** "McGurn, William J."

**Date:** 12/17/05, 12:32 AM

**To:** "Drouin, Lindsey E.", "Thiessen, Marc A.", "Michel, Christopher G.", "Burck, Bill", "Kavanaugh, Brett M.", "McGurn, William J.", "Bartlett, Dan"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 15:56:32 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:  
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**Subject:** Fw: status  
**From:** "Drouin, Lindsey E."  
**Date:** 12/17/05, 2:27 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 15:57:15 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

RE: status

**Subject:** RE: status  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 2:27 AM  
**To:** "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 15:58:18 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** FW: For Review ASAP: Draft of Live Radio Address  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 2:52 AM  
**To:** "Michel, Christopher G.", "McGurn, William J.", "Thiessen, Marc A."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 15:59:22 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

RE: status

**Subject:** RE: status  
**From:** "Drouin, Lindsey E."  
**Date:** 12/17/05, 3:04 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:00:38 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

RE: status

**Subject:** RE: status  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 3:05 AM  
**To:** "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:02:06 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** RE: status  
**From:** "Drouin, Lindsey E."  
**Date:** 12/17/05, 3:06 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 15 12:35:22 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: For Review ASAP: Draft of Live Radio Address  
**From:** "McMillin, Stephen S."  
**Date:** 12/17/05, 3:09 AM  
**To:** "Drouin, Lindsey E.", "Staff Secretary", "Kavanaugh, Brett M."  
**CC:** "Hook, Brian H."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:05:14 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:



**Subject:** FW: For Review ASAP: Draft of Live Radio Address

**From:** "Kavanaugh, Brett M."

**Date:** 12/17/05, 3:12 AM

**To:** "Drouin, Lindsey E.", "Thiessen, Marc A.", "McGurn, William J.", "Michel, Christopher G."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:06:05 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** post-staffing draft of Alternate Radio #3  
**From:** "Drouin, Lindsey E."  
**Date:** 12/17/05, 3:16 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:08:24 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** Radio #4  
**From:** "Michel, Christopher G."  
**Date:** 12/17/05, 5:03 AM  
**To:** "Drouin, Lindsey E.", "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:07:49 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** RE: For Review ASAP: Draft of Live Radio Address  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 5:30 AM  
**To:** "Drummond, Michael", "Drouin, Lindsey E.", "Staff Secretary"

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:10:20 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** RE: For Review ASAP: Draft of Live Radio Address  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 5:31 AM  
**To:** "Drummond, Michael", "Drouin, Lindsey E.", "Staff Secretary"

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:12:38 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** Radio #5  
**From:** "Michel, Christopher G."  
**Date:** 12/17/05, 5:31 AM  
**To:** "Kavanaugh, Brett M.", "Drouin, Lindsey E."  
**CC:** "McGurn, William J.", "Thiessen, Marc A."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:15:37 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(6),P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Radio #6

**From:** "Kavanaugh, Brett M."

**Date:** 12/17/05, 5:58 AM

**To:** "17324305", "West, Christal R.", "Weinstein, Jared B.", "Miers, Harriet", "Kelley, William K.", "Gerry, Brett C.", "Drummond, Michael", "Mitnick, John M.", "Townsend, Frances F.", "Rapuano, Kenneth", "Haenle, Paul T.", "Naranjo, Brian R.", "Morgan, Derrick D.", "Addington, David S.", "Bolten, Joshua B.", "Kaplan, Joel", "Bartlett, Dan", "Drouin, Lindsey E.", "Wallace, Nicole", "17435416", "Crouch, Jack D.", "17657638", "McClellan, Scott", "McGurn, William J.", "Thiessen, Marc A.", "Carson, Melissa M.", "Ward, Frank P.", "Merkley, Brendon A.", "Trulio, David V.", "Wolff, Candida P.", "Badger, William D.", "McMillin, Stephen S.", "Hook, Brian H."

**CC:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:20:54 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:  
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**Subject:** FW: Radio #6  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 5:59 AM  
**To:** "Staff Secretary"

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:26:57 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:



**Subject:** URGENT -- UPDATED LIVE RADIO ADDRESS FOR ATTORNEY GENERAL'S REVIEW  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 6:07 AM  
**To:** <Rachel.Brand@usdoj.gov>, <Kyle.Sampson@usdoj.gov>  
**CC:** "Miers, Harriet"

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:30:46 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(6),P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** radio 6 and big  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 6:42 AM  
**To:** "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:32:01 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: Radio #6  
**From:** "Mitnick, John M."  
**Date:** 12/17/05, 9:10 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:33:37 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** Re: Radio #6  
**From:** "Addington, David S."  
**Date:** 12/17/05, 10:31 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Mon Apr 15 12:35:38 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** Re: Radio #6  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 11:20 AM  
**To:** "Addington, David S."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Mon Apr 15 12:35:52 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(6),P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** Fw: Radio #6  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 11:44 AM  
**To:** "Miers, Harriet"

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Mon Apr 15 12:36:25 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(6),P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: URGENT -- UPDATED LIVE RADIO ADDRESS FOR ATTORNEY GENERAL'S REVIEW  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 12:17 PM  
**To:** "Kavanaugh, Brett M.", <Rachel.Brand@usdoj.gov>, <Kyle.Sampson@usdoj.gov>  
**CC:** "Miers, Harriet"

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:40:41 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Radio #8 and compare to #6 attached

**From:** "Kavanaugh, Brett M."

**Date:** 12/17/05, 1:05 PM

**To:** "Kavanaugh, Brett M.", "17324305", "West, Christal R.", "Weinstein, Jared B.", "Miers, Harriet", "Kelley, William K.", "Gerry, Brett C.", "Drummond, Michael", "Mitnick, John M.", "Townsend, Frances F.", "Rapuano, Kenneth", "Haenle, Paul T.", "Naranjo, Brian R.", "Morgan, Derrick D.", "Addington, David S.", "Bolten, Joshua B.", "Kaplan, Joel", "Bartlett, Dan", "Drouin, Lindsey E.", "Wallace, Nicolle", "17435416", "Crouch, Jack D.", "17657638", "McClellan, Scott", "McGurn, William J.", "Thiessen, Marc A.", "Carson, Melissa M.", "Ward, Frank P.", "Merkley, Brendon A.", "Trulio, David V.", "Wolff, Candida P.", "Badger, William D.", "McMillin, Stephen S.", "Hook, Brian H.", "Michel, Christopher G.", "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:46:36 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:  
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**Subject:** RE: Radio #8 and compare to #6 attached  
**From:** "McGurn, William J."  
**Date:** 12/17/05, 1:06 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:49:26 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

-----

**Subject:** RE: Radio #8 and compare to #6 attached  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 1:06 PM  
**To:** "McGurn, William J."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:50:20 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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RE: Radio #8 and compare to #6 attached

**Subject:** RE: Radio #8 and compare to #6 attached  
**From:** "McGurn, William J."  
**Date:** 12/17/05, 1:07 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:51:27 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: Radio #8 and compare to #6 attached  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 1:10 PM  
**To:** "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:52:34 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** FW: Radio #8 and compare to #6 attached  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 1:10 PM  
**To:** "Miers, Harriet"

THIS RECORD IS A WITHDRAWAL SHEET  
Date created: Thu Apr 11 16:53:46 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

**Subject:** RE: Radio #8 and compare to #6 attached  
**From:** "Drouin, Lindsey E."  
**Date:** 12/17/05, 1:10 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:54:30 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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RE: Radio #8 and compare to #6 attached

**Subject:** RE: Radio #8 and compare to #6 attached  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 1:11 PM  
**To:** "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:55:18 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: Radio #8 and compare to #6 attached  
**From:** "Drouin, Lindsey E."  
**Date:** 12/17/05, 1:11 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:55:57 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(6),P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: radio 6 and big  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 1:11 PM  
**To:** "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:57:29 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: Radio #8 and compare to #6 attached  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 1:16 PM  
**To:** "Staff Secretary"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 16:59:02 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,b(6),P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** LiveRadioAnnotated

**From:** "Carson, Melissa M."

**Date:** 12/17/05, 1:36 PM

**To:** "Kavanaugh, Brett M."

**CC:** "McGurn, William J.", "Thiessen, Marc A.", "Michel, Christopher G.", "Drouin, Lindsey E.", "Ward, Frank P.", "Merkley, Brendon A.", "Green, Anneke E.", "Fahy, Brian D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:03:54 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: URGENT -- UPDATED LIVE RADIO ADDRESS FOR ATTORNEY GENERAL'S REVIEW  
**From:** <Rachel.Brand@usdoj.gov>  
**Date:** 12/17/05, 1:51 PM  
**To:** <Kyle.Sampson@usdoj.gov>, "Kavanaugh, Brett M."  
**CC:** "Miers, Harriet"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:06:00 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: Radio #8 and compare to #6 attached

**From:** "McMillin, Stephen S."

**Date:** 12/17/05, 1:57 PM

**To:** "Kavanaugh, Brett M.", "17324305", "West, Christal R.", "Weinstein, Jared B.", "Miers, Harriet", "Kelley, William K.", "Gerry, Brett C.", "Drummond, Michael", "Mitnick, John M.", "Townsend, Frances F.", "Rapuano, Kenneth", "Haenle, Paul T.", "Naranjo, Brian R.", "Morgan, Derrick D.", "Addington, David S.", "Bolten, Joshua B.", "Kaplan, Joel", "Bartlett, Dan", "Drouin, Lindsey E.", "Wallace, Nicolle", "17435416", "Crouch, Jack D.", "17657638", "McClellan, Scott", "McGurn, William J.", "Thiessen, Marc A.", "Carson, Melissa M.", "Ward, Frank P.", "Merkley, Brendon A.", "Trulio, David V.", "Wolff, Candida P.", "Badger, William D."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:25:55 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Fw: Radio #8 and compare to #6 attached  
**From:** "McMillin, Stephen S."  
**Date:** 12/17/05, 1:59 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:25:57 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: URGENT -- UPDATED LIVE RADIO ADDRESS FOR ATTORNEY GENERAL'S REVIEW  
**From:** <Rachel.Brand@usdoj.gov>  
**Date:** 12/17/05, 2:03 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:25:59 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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Re: Radio #8 and compare to #6 attached

**Subject:** Re: Radio #8 and compare to #6 attached  
**From:** "Mitnick, John M."  
**Date:** 12/17/05, 2:08 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:25:59 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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Re: Radio #8 and compare to #6 attached

**Subject:** Re: Radio #8 and compare to #6 attached  
**From:** "Kaplan, Joel"  
**Date:** 12/17/05, 2:19 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:26:00 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**From:** "Wallace, Nicolle"  
**Date:** 12/17/05, 3:10 PM  
**To:** "Bartlett, Dan", "McClellan, Scott"  
**CC:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 17:09:22 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: Radio #8 and compare to #6 attached  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 4:02 PM  
**To:** "McMillin, Stephen S."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:26:00 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: Radio #8 and compare to #6 attached  
**From:** "McMillin, Stephen S."  
**Date:** 12/17/05, 4:09 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:26:01 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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Re: Radio #8 and compare to #6 attached

**Subject:** Re: Radio #8 and compare to #6 attached  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 6:06 PM  
**To:** "Kaplan, Joel"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:26:02 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

-----

**Subject:** Re: URGENT -- UPDATED LIVE RADIO ADDRESS FOR ATTORNEY GENERAL'S REVIEW  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/17/05, 6:09 PM  
**To:** <Rachel.Brand@usdoj.gov>, <Kyle.Sampson@usdoj.gov>

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:26:02 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P5,P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** harry reid/patriot act.  
**From:** "Sherzer, David"  
**Date:** 12/18/05, 3:29 PM  
**To:** "Kavanaugh, Brett M."

**From Knight Ridder:** But in a Democratic rally after the vote, Senate Democratic Leader Harry Reid, D-Nev., took a more defiant tone: "We killed the Patriot Act," Reid declared to loud applause.

**From the Boston Globe:** "We killed the Patriot Act," declared Reid, Democrat of Nevada. Later in the day, he gave a speech on the Senate floor explaining that Democrats don't want to kill the Patriot Act outright, but want to guarantee more safeguards.

### **Patriot Act blocked in Senate**

James Kuhnhenh, Knight Ridder Newspapers  
December 17, 2005

WASHINGTON - In a strong rebuke of President Bush, Senate Democrats and a small band of renegade Republicans blocked a vote Friday to extend the Patriot Act, the anti-terrorism law that broadened law enforcement powers after the Sept. 11 attacks.

With the current law set to expire on Dec. 31, the Senate move sets up a game of brinkmanship with the White House, which refused to accept Democratic entreaties to extend the deadline by three months to allow time to make further changes to the law.

The vote was one in a series of recent defeats for Bush on what had been one of his strongest issues - security against terrorism. On Thursday, Bush reluctantly accepted a provision pushed by Sen. John McCain, R-Ariz., that would ban the use of inhumane, degrading and cruel treatment against foreign prisoners under American control.

On Friday, the House of Representatives also called on the administration to inform Congress about any secret prisons the CIA may be operating in foreign countries.

The Patriot Act stalled after Senate Majority Leader Bill Frist, R-Tenn., fell seven votes short of the 60 votes needed to bring the bill up for a final vote.

Republicans threatened to use the vote politically against Democrats, portraying them as weak on national security. Democrats argued that an unchecked Bush administration was infringing on civil liberties in the name of fighting terrorism.

Supporters of the law said that if the Patriot Act weren't renewed, domestic law enforcement agencies, such as the FBI, and national intelligence agencies, such as the CIA, would no longer be able to share terrorism information.

"The Congress has a responsibility not to take away this vital tool that law enforcement and intelligence officials have used to protect the American people," Bush said in a statement. "The senators who are filibustering the Patriot Act must stop their delaying tactics so that we are not without this critical law for even a single moment."

Four Republicans joined all but two Democrats in opposing the legislation. They argued that they wanted to improve the bill, not let the act expire.

"We want to mend the Patriot Act, not end it," said Sen. Patrick Leahy of Vermont, the top Democrat on the Senate Judiciary Committee.

**But in a Democratic rally after the vote, Senate Democratic Leader Harry Reid, D-Nev., took a more defiant tone: "We killed the Patriot Act," Reid declared to loud applause.**

Though most lawmakers believe the pending bill generally improves the 2001 version of the Patriot Act, Democrats could be forced to accept up to a yearlong extension of the existing law while they negotiate a new version. It was unclear how Frist would proceed, but one option before him would be to add such an extension to a pending defense-spending bill.

Critics said the law needs to better protect Americans against law enforcement's ability to obtain a broad range of private records, including business and communications data, and medical, financial and library records. Though the new bill allows citizens to challenge requests for such records, authorities are given greater leeway than in standard criminal investigations.

"We're a democracy," Leahy thundered before the vote. "Let's have checks and balances."

Republicans voting to block the bill were Sens. John Sununu of New Hampshire, Chuck Hagel of Nebraska, Larry Craig of Idaho and Lisa Murkowski of Alaska. Democrats Ben Nelson of Nebraska and Tim Johnson of South Dakota voted with Republicans in support of the legislation.

Senate Judiciary Committee chairman Arlen Specter, R-Pa., argued that the bill reflected the best compromise that the Senate could work out with a House bill that contained looser civil liberties provisions.

"I don't think, in all candor, we're going to get any better bill in negotiations with the House of Representatives," Specter said. "It's just not going to happen."

The vote came on the same day that a front-page story in The New York Times reported that hundreds, and possibly thousands, of Americans had their international phone calls and e-mails monitored by the federal government without a warrant. The article said Bush signed a secret executive order after the Sept. 11, 2001, terrorist attacks that allowed the National Security Agency, the eavesdropping arm of the U.S. intelligence apparatus, to listen to and read certain communications without judicial approval.

The Patriot Act doesn't affect the work of the National Security Agency, but Specter said the account was "very, very problematic, if not devastating" to the bill.

The new Patriot Act would make permanent 14 of the 16 provisions of the current law that are set to expire Dec. 31. Two others - one that allows for "roving" wiretaps on cell phones and one that permits seizure of business records - would expire in four years.

## **GOP suffers blow as Senate blocks Patriot Act extension**

### **Vote underscores bipartisan worries over civil liberties**

By Rick Klein, Globe Staff | December 17, 2005

WASHINGTON -- The Senate yesterday refused to extend expiring portions of the Patriot Act, shocking Republican leaders who had confidently predicted victory and marking another repudiation of the Bush administration's tactics in combating terrorism.

The vote came amid rising tensions in Congress over disclosures that President Bush gave the National Security Agency permission to spy on US citizens following the Sept. 11 terrorist attacks -- and a day after Bush was forced to accept a blanket ban on torture, legislation that he had long pushed to scuttle.

In rejecting the extension, lawmakers from both parties reflected deepening questions about the Bush administration's methods in its war on terrorism.

Senator Chuck Hagel, a Nebraska Republican, said Congress must set a new "equilibrium" between national security and personal freedoms. "Confidence and trust in one's government is the only currency there is in life in a democracy," said Hagel, one of four Republicans to join nearly all Senate Democrats in voting against the extension.

"If citizens do not have confidence and trust in their government -- that their government is protecting their rights, and those that they send to represent them in Washington are protecting their rights -- then there will be a very severe breakdown in society," he said.

The filibuster, triggered by a bipartisan group of senators worried about protections for civil liberties, leaves major provisions of the Patriot Act in danger of expiring at the end of the year. The White House and majority leader Bill Frist, a Tennessee Republican, rejected a short-term extension of the law, which would have allowed time to negotiate changes early next year.



Before the vote, Frist and his leadership team were sure that they could get the 60 votes needed to end debate on the Patriot Act extension and bring the bill to a vote. But rank-and-file senators, some of them angry over a New York Times report that Bush had personally authorized the NSA to eavesdrop on Americans' conversations and e-mails, didn't comply.

Frist mustered 53 votes -- seven short of the number he needed; besides Hagel, Republican senators John Sununu of New Hampshire, Larry E. Craig of Idaho, and Lisa Murkowski of Alaska joined with the Democrats. Senate minority leader Harry Reid, appearing at a rally with House and Senate Democrats after the vote, said his party upheld the law as currently written.

**"We killed the Patriot Act," declared Reid, Democrat of Nevada. Later in the day, he gave a speech on the Senate floor explaining that Democrats don't want to kill the Patriot Act outright, but want to guarantee more safeguards.**

The vote sent the White House and Republican Senate leaders scrambling for a fallback strategy. The White House immediately dispatched Vice President Dick Cheney and Andrew H. Card Jr., the president's chief of staff, to the Capitol to plot with Senate Republicans.

Frist said he would keep the Senate in session through the weekend to pass the Patriot Act extension. If the law expires, he said, Democrats who voted to hold it up would be responsible. Still, he predicted that senators who oppose the extension will change their minds when they realize their stance could endanger lives.

"We will pass this bill. It just looks like it's going to take a little bit longer," said Frist. "Advance or retreat, it's as simple or that. . . A vote against the Patriot Act amounts to retreat."

Republicans warned that a failure to reach a deal will prevent law enforcement authorities from sharing foreign-intelligence information, and will rob investigators of a crucial weapon in the war on terrorism. Bush issued a statement last night urging senators to "stop their delaying tactics so that we are not without this critical law for even a single moment."

"These senators need to understand that the Patriot Act expires in 15 days, but the terrorist threat to America will not expire on that schedule," Bush said.

The bill's opponents demand that, if the Patriot Act is reauthorized, it must include new provisions, such as allowing the targets of investigations to have their cases heard by judges, and to appeal gag orders in court. "The standard should be to put in place measures that will protect civil liberties no matter who holds the power," said Sununu, a leader in efforts to insert more safeguards into the Patriot Act. Speaking on the Senate floor, Sununu paraphrased Benjamin Franklin: "Those that would give up essential liberty in pursuit of a little temporary security deserve neither liberty nor security."

The Patriot Act passed with little opposition after the Sept. 11 attacks, as the Bush administration pushed to give federal authorities broad new powers to gather intelligence on potential terrorists.

But the law has emerged as a flashpoint between civil libertarians and the administration's allies. The FBI's authority to secretly search library and hospital records -- and to use classified "national security letters" to demand documents without a judge's permission -- has been particularly controversial.

Lawmakers who want the act revamped got a boost from the disclosure of the warrantless wiretaps on US citizens conducted by the NSA, which is charged with monitoring activities by foreign citizens communicating in other countries.

"I don't want to hear again from the attorney general or anyone on this floor that this government has shown it can be trusted to use the power we give it with restraint and care," said Russell Feingold, a Wisconsin Democrat.

Republicans went on the offensive immediately after the vote.

Ken Mehlman, the chairman of the Republican National Committee, issued a statement with an oblique reference to former senator Max Cleland, a Georgia Democrat and decorated Vietnam veteran voted out of office three years ago in part because he opposed creation of the Department of Homeland Security.

"In 2002, the American people rejected politicians who blocked the Department of Homeland Security to appease public employee unions," Mehlman said. "Democrats who blocked the Patriot Act to appease the hard left should beware."

But Hagel appealed to his fellow Republicans to tone down such rhetoric. "The American people generally are pretty fed up with all of this," Hagel said.

Senator Patrick J. Leahy of Vermont, the top Democrat on the judiciary committee, noted that Democrats are more than willing to extend the law temporarily until their concerns are addressed.

"Our goal has been to mend the Patriot Act, not to end it," Leahy said.

update

**Subject:** update  
**From:** "Wallace, Nicolle"  
**Date:** 12/18/05, 5:51 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 17:06:30 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** LA Times analysis (not sure about its balance)

**From:** "Kavanaugh, Brett M."

**Date:** 12/18/05, 6:07 PM

**To:** "Kaplan, Joel"

## Legality of Wiretaps Remains in Question

By David G. Savage and Bob Drogin, Times Staff Writers

WASHINGTON — Is it legal for the president, acting on his own authority and without a court warrant, to order federal officials to eavesdrop on people within the United States?

President Bush gave one answer to that question Saturday, saying he was justified in ordering the National Security Agency to spy on "people with known links to Al Qaeda and related terrorist organizations." But a Supreme Court decision more than 30 years ago raises questions about Bush's position. And several legal experts note that a special court exists that could rule on the surveillance requests.

As a result, the controversy over the program Bush approved is not likely to end quickly.

In making his case, Bush argued that the program was targeted, not an open-ended one that encompassed a group of people, such as Muslim men. Moreover, the NSA was listening to "international communications" made by possible terrorists, he said.

And the purpose of the spying was clear: "to detect and prevent terrorist attacks" by intercepting the calls of plotters, the president said.

But Bush did not explain why he chose to bypass the procedure established in a 1978 law for such operations. That measure requires the approval of a special court before conversations can be intercepted and recorded. The court may authorize warrants to obtain "foreign intelligence" information if the target is linked to

"international terrorism."

Throughout his administration — and especially since the Sept. 11, 2001, attacks — Bush has been aggressive in asserting executive powers. And part of his explanation for approving the spying program fits this pattern.

Bush said his decision was "fully consistent with my constitutional responsibilities and authorities." And the president's lawyers have maintained that the commander in chief has the "inherent" authority to act in the interest of national security, even if he overrides the law.

But the Supreme Court did not accept that claim when it was tested in the past.

In 1972, the justices unanimously rejected President Nixon's contention that he had the power to order wiretapping without a warrant to protect national security. The decision came in the case of three men who had allegedly plotted to bomb a CIA facility in Michigan. After the ruling, charges in the case were dismissed.

The 4th Amendment protects Americans from "unreasonable searches and seizures" by the government, said then-Justice Lewis F. Powell, a Nixon appointee, delivering the court's ruling, and such freedoms "cannot be properly guaranteed if domestic security surveillances are conducted solely within the discretion of the executive branch."

He said Nixon's lawyer should have obtained a search warrant from a judge before the government tapped the telephones of the alleged plotters.

"We recognize, as we have before, the constitutional basis of the president's domestic security role, but we think it must be exercised in a manner compatible with the 4th Amendment," Powell said.

But in the decision, Powell said the court was not ruling on the "president's surveillance power with respect to the activities of foreign powers, within or without this country."

Bush on Saturday said the spying by the NSA that he authorized was reviewed thoroughly by the Justice Department and the NSA's top legal officials.

But some legal experts said Saturday that they did not understand why Bush did not rely on the 1978 Foreign Intelligence Surveillance Act, known as FISA, and seek a warrant for the spying from the special court that operates within the Justice Department.

Jeffrey H. Smith, former general counsel to the CIA, said the FISA process "should have permitted, or enabled, the president to conduct this surveillance." Smith said the court sometimes was slow to act in the past but became "much more responsive" after the Sept. 11 attacks.

One senior U.S. counterterrorism official familiar with both the intelligence and law enforcement aspects of the controversy said FISA warrants — even under emergency conditions — can take 24 to 48 hours to be approved.

The official, who spoke on condition of anonymity when discussing classified operations, said that not long after the Sept. 11 attacks, the administration's use of wiretaps without warrants was applauded within the counterterrorism community. But potential problems arose when it continued long after "chatter" among possible terrorists of large-scale attacks had died down.

Kenneth C. Bass III, another expert on FISA, said the administration might have thought it did not have enough evidence to obtain a warrant. Bass, a Washington lawyer who worked on intelligence matters during the Carter administration, speculated that U.S. authorities might have seized a computer or a phone that was used by an Al Qaeda operative.

"The scuttlebutt is they were then using all the links or phone numbers they found," Bass said. "It certainly sounds reasonable to say, 'We are targeting people with links to Al Qaeda,' but it may be just a list of phone numbers," he said. "That probably wouldn't satisfy the FISA court."

The law says the government must show probable cause to believe the targeted person is involved in a terrorist group.

The simple explanation may be that the president's lawyers believed he had the power, regardless of the law or the past court rulings. Three years ago, then-Atty. Gen. John Ashcroft asserted that the president could order wiretapping on his own.

"The Constitution vests in the president inherent authority to conduct warrantless intelligence surveillance [electronic or otherwise] of foreign powers or their agents, and Congress cannot by statute extinguish that constitutional authority," Ashcroft said in a legal brief filed in September 2002. Ashcroft was appealing a decision by the FISA court on surveillance activity.

Civil libertarians say the president is claiming he is above the law in matters of national security.

"The president simply cannot pick and choose which laws he will or will not follow," Lisa Graves, senior counsel for the ACLU, said Saturday. "This approach ... leads our nation into the wilderness of lawlessness."

— Attachments: \_\_\_\_\_

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**Subject:** Press conference opening ...  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/18/05, 8:59 PM  
**To:** "Thiessen, Marc A.", "Drouin, Lindsey E."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 17:06:30 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: Press conference opening ...  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/18/05, 9:01 PM  
**To:** "Green, Anneke E."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 17:06:31 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** interim draft ...  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/18/05, 9:48 PM  
**To:** <kr@georgewbush.com>

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 17:06:32 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,b(6),P6

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** EYES ONLY -- Statement draft #12 -- any suggested changes in morning need to be early and very limited

**From:** "Kavanaugh, Brett M."

**Date:** 12/19/05, 4:39 AM

**To:** "17324305", "West, Christal R.", "Weinstein, Jared B.", "Miers, Harriet", "Kelley, William K.", "Townsend, Frances F.", "Rapuano, Kenneth", "Haenle, Paul T.", "Morgan, Derrick D.", "Bolten, Joshua B.", "Kaplan, Joel", "17435416", "Crouch, Jack D.", "17657638", "McClellan, Scott", "Wolff, Candida P.", "Badger, William D.", "McMillin, Stephen S.", <kr@georgewbush.com>, "Naranjo, Brian R.", "Allen, Claude A.", "Troy, Tevi D.", "Hubbard, Allan B.", "Hennessey, Keith", "Hughes, Taylor A."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:53:34 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: EYES ONLY -- Statement draft #12 -- any suggested changes in morning need to be early and very limited  
**From:** "Wolff, Candida P."  
**Date:** 12/19/05, 5:10 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:53:36 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

-----

**Subject:** RE: EYES ONLY -- Statement draft #12 -- any suggested changes in morning need to be early and very limited  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 5:15 AM  
**To:** "Wolff, Candida P."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:53:37 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

-----

**Subject:** Re: EYES ONLY -- Statement draft #12 -- any suggested changes in morning need to be early and very limited  
**From:** "Wolff, Candida P."  
**Date:** 12/19/05, 5:17 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:53:37 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Annotated...

**From:** "Ward, Frank P."

**Date:** 12/19/05, 6:55 AM

**To:** "Kavanaugh, Brett M."

**CC:** "McGurn, William J.", "Thiessen, Marc A.", "Drouin, Lindsey E.", "Carson, Melissa M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:53:39 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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b(6),P6,P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Fw: AP – Bush vows to continue domestic surveillance  
**From:** "Gottesman, Blake"  
**Date:** 12/19/05, 11:01 AM  
**To:** "Kavanaugh, Brett M."

EXCERPT:

" ... The fact that we're discussing this program is discussing the enemy," he said."

he said "HELPING the enemy" (or some synonym of "help", right?)

.

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

From: White House News Update <News.Update@WhiteHouse.Gov>  
To: Gottesman, Blake <Blake\_Gottesman@who.eop.gov>  
Sent: Mon Dec 19 10:50:22 2005  
Subject: AP – Bush vows to continue domestic surveillance

Bush vows to continue domestic surveillance

By TERENCE HUNT

WASHINGTON (AP) President Bush brushed aside criticism over his decision to spy on suspected terrorists without court warrants Monday and said he will keep it up ``for so long as the nation faces the continuing threat of an enemy that wants to kill American citizens."

``As president of the United States and commander in chief I have the constitutional responsibility and the constitutional authority to protect our country," he said at a year-end White House news conference.

Bush also called on Congress to renew the anti-terror Patriot Act before it expires at the end of the year. ``In a war on terror we cannot afford to be without this law for a single moment," he said.

The legislation has cleared the House but Senate Democrats have blocked final passage and its prospects are uncertain in the final days of the congressional session.

The president stood at a podium in the East Room of the White House, hours after a prime-time nationwide speech from the Oval Office in which he renewed his resolve to prosecute the war in Iraq to a successful conclusion.

In opening news conference remarks, Bush said the warrantless spying, conducted by the National Security Agency, was an essential element in the same war on terror.

``It was a shameful act for someone to disclose this important program in a time of war. The fact that we're discussing this program is discussing the enemy," he said.

The existence of the program was disclosed last week, triggering an outpouring of criticism in Congress, but an unflinching defense from Bush and senior officials of his administration.

---

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To unsubscribe send a blank email to leave-whitehouse-news-wires-1000207E@list.whitehouse.gov

**Subject:** RE: AP – Bush vows to continue domestic surveillance  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 11:02 AM  
**To:** "Gottesman, Blake"

yes

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

From: Gottesman, Blake  
Sent: Monday, December 19, 2005 11:02 AM  
To: Kavanaugh, Brett M.  
Subject: Fw: AP – Bush vows to continue domestic surveillance

EXCERPT:

" ... The fact that we're discussing this program is discussing the enemy," he said."

he said "HELPING the enemy" (or some synonym of "help", right?)

.

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

From: White House News Update <News.Update@WhiteHouse.Gov>  
To: Gottesman, Blake <Blake\_Gottesman@who.eop.gov>  
Sent: Mon Dec 19 10:50:22 2005  
Subject: AP – Bush vows to continue domestic surveillance

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**Subject:** RE: EYES ONLY -- For Attorney General's review, and AAG OLC and AAG OLP review  
(comments needed no later than 8:15 a.m. Monday morning)

**From:** "Kavanaugh, Brett M."

**Date:** 12/19/05, 11:39 AM

**To:** "Miers, Harriet"

**CC:** "Bartlett, Dan"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:53:39 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: EYES ONLY -- For Attorney General's review, and AAG OLC and AAG OLP review  
(comments needed no later than 8:15 a.m. Monday morning)

**From:** "Miers, Harriet"

**Date:** 12/19/05, 11:41 AM

**To:** "Kavanaugh, Brett M."

**CC:** "Bartlett, Dan"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:53:40 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: EYES ONLY -- For Attorney General's review, and AAG OLC and AAG OLP review  
(comments needed no later than 8:15 a.m. Monday morning)

**From:** "Bartlett, Dan"

**Date:** 12/19/05, 11:45 AM

**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:48:41 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

-----

P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

-----

**Subject:** FW: AP – Bush vows to continue domestic surveillance  
**From:** "Gottesman, Blake"  
**Date:** 12/19/05, 12:21 PM  
**To:** "Kavanaugh, Brett M."

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

From: Perino, Dana M.  
Sent: Monday, December 19, 2005 11:33 AM  
To: Gottesman, Blake  
Subject: RE: AP – Bush vows to continue domestic surveillance

Called terry – he's correcting

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

From: Gottesman, Blake  
Sent: Monday, December 19, 2005 11:04 AM  
To: Perino, Dana M.  
Subject: Fw: AP – Bush vows to continue domestic surveillance

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

From: Gottesman, Blake <Blake\_Gottesman@who.eop.gov>  
To: 'dperino@ceq.eop.gov' <dperino@ceq.eop.gov>; Duffy, Trent D. <Trent\_D.\_Duffy@who.eop.gov>  
Sent: Mon Dec 19 11:02:40 2005  
Subject: Fw: AP – Bush vows to continue domestic surveillance

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

From: Kavanaugh, Brett M. <Brett\_M.\_Kavanaugh@who.eop.gov>  
To: Gottesman, Blake <Blake\_Gottesman@who.eop.gov>  
Sent: Mon Dec 19 11:02:03 2005  
Subject: RE: AP – Bush vows to continue domestic surveillance

yes

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

From: Gottesman, Blake  
Sent: Monday, December 19, 2005 11:02 AM  
To: Kavanaugh, Brett M.  
Subject: Fw: AP – Bush vows to continue domestic surveillance

EXCERPT:

" ... The fact that we're discussing this program is discussing the enemy," he said."

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

From: White House News Update <News.Update@WhiteHouse.Gov>

To: Gottesman, Blake <Blake\_Gottesman@who.eop.gov>  
Sent: Mon Dec 19 10:50:22 2005  
Subject: AP - Bush vows to continue domestic surveillance

Bush vows to continue domestic surveillance

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The existence of the program was disclosed last week, triggering an outpouring of criticism in Congress, but an unflinching defense from Bush and senior officials of his administration.

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NEED BEN AND BRETT TO READ CAREFULLY FOR ANY...

**Subject:** NEED BEN AND BRETT TO READ CAREFULLY FOR ANY ACCURACY ISSUES YOU SEE  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 12:26 PM  
**To:** "Powell, Benjamin A.", "Gerry, Brett C."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:48:43 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: NEED BEN AND BRETT TO READ CAREFULLY FOR ANY ACCURACY ISSUES YOU SEE

**From:** "Gerry, Brett C."

**Date:** 12/19/05, 1:09 PM

**To:** "Kavanaugh, Brett M."

**CC:** "Powell, Benjamin A."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:48:44 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

-----

**Subject:** RE: EYES ONLY -- For Attorney General's review, and AAG OLC and AAG OLP review  
(comments needed no later than 8:15 a.m. Monday morning)

**From:** "Kavanaugh, Brett M."

**Date:** 12/19/05, 1:10 PM

**To:** <Rachel.Brand@usdoj.gov>

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:48:45 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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For your review ASAP

**Subject:** For your review ASAP  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 1:11 PM  
**To:** "Mitnick, John M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:48:45 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: EYES ONLY -- Statement draft #12 -- any suggested changes in morning need to be early and very limited  
**From:** "Hennessey, Keith"  
**Date:** 12/19/05, 1:30 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:48:46 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Re: NEED BEN AND BRETT TO READ CAREFULLY FOR ANY ACCURACY ISSUES YOU SEE

**From:** "Powell, Benjamin A."

**Date:** 12/19/05, 1:42 PM

**To:** "Gerry, Brett C.", "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 16:48:47 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5,P6,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: NEED BEN AND BRETT TO READ CAREFULLY FOR ANY ACCURACY ISSUES YOU SEE

**From:** "Kavanaugh, Brett M."

**Date:** 12/19/05, 1:43 PM

**To:** "Powell, Benjamin A.", "Gerry, Brett C."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 18:01:28 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: EYES ONLY -- Statement draft #12 -- any suggested changes in morning need to be early and very limited  
**From:** "Kelley, William K."  
**Date:** 12/19/05, 1:53 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 18:01:29 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: EYES ONLY -- Statement draft #12 -- any suggested changes in morning need to be early and very limited  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 1:55 PM  
**To:** "Kelley, William K."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 18:01:30 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: For your review ASAP  
**From:** "Mitnick, John M."  
**Date:** 12/19/05, 1:57 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 18:01:30 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P6,P5,b(6)

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: NRO – Why Bush Approved the Wiretaps  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 2:48 PM  
**To:** "Kaplan, Joel"

---

**From:** White House News Update [mailto:News.Update@WhiteHouse.Gov]  
**Sent:** Monday, December 19, 2005 2:17 PM  
**To:** Kavanaugh, Brett M.  
**Subject:** NRO - Why Bush Approved the Wiretaps

## **Why Bush Approved the Wiretaps**

### **Not long ago, both parties agreed the FISA court was a problem.**

By Byron York

In the days since the revelation that President Bush authorized the National Security Agency to bypass, in certain cases of suspected al Qaeda activity, the special court set up to provide warrants for national–security wiretaps, the question has come up repeatedly: Why did he do it?

At his news conference this morning, the president explained that he believed the U.S. government had to "be able to act fast" to intercept the "international communications of people with known links to al Qaeda." "Al Qaeda was not a conventional enemy," Bush said. "This new threat required us to think and act differently."

But there's more to the story than that. In 2002, when the president made his decision, there was widespread, bipartisan frustration with the slowness and inefficiency of the bureaucracy involved in seeking warrants from the special intelligence court, known as the FISA court. Even later, after the provisions of the Patriot Act had had time to take effect, there were still problems with the FISA court — problems examined by members of the September 11 Commission — and questions about whether the court can deal effectively with the fastest–changing cases in the war on terror.

People familiar with the process say the problem is not so much with the court itself as with the process required to bring a case before the court. "It takes days, sometimes weeks, to get the application for FISA together," says one source. "It's not so much that the court doesn't grant them quickly, it's that it takes a long time to get to the court. Even after the Patriot Act, it's still a very cumbersome process. It is not built for speed, it is not built to be efficient. It is built with an eye to keeping [investigators] in check." And even though the attorney general has the authority in some cases to undertake surveillance immediately, and then seek an emergency warrant, that process is just as cumbersome as the normal way of doing things.

Lawmakers of both parties recognized the problem in the months after the September 11 terrorist attacks. They pointed to the case of Coleen Rowley, the FBI agent who ran up against a number roadblocks in her effort to secure a FISA warrant in the case of Zacarias

Moussaoui, the al Qaeda operative who had taken flight training in preparation for the hijackings. Investigators wanted to study the contents of Moussaoui's laptop computer, but the FBI bureaucracy involved in applying for a FISA warrant was stifling, and there were real questions about whether investigators could meet the FISA court's probable-cause standard for granting a warrant. FBI agents became so frustrated that they considered flying Moussaoui to France, where his computer could be examined. But then the attacks came, and it was too late.

Rowley wrote up her concerns in a famous 13-page memo to FBI Director Robert Mueller, and then elaborated on them in testimony to Congress. "Rowley depicted the legal mechanism for security warrants under the Foreign Intelligence Surveillance Act, or FISA, as burdensome and restrictive, a virtual roadblock to effective law enforcement," *Legal Times* reported in September 2002.

The Patriot Act included some provisions, supported by lawmakers of both parties, to make securing such warrants easier. But it did not fix the problem. In April 2004, when members of the September 11 Commission briefed the press on some of their preliminary findings, they reported that significant problems remained.

"Many agents in the field told us that although there is now less hesitancy in seeking approval for electronic surveillance under the Foreign Intelligence Surveillance Act, or FISA, the application process nonetheless continues to be long and slow," the commission said. "Requests for such approvals are overwhelming the ability of the system to process them and to conduct the surveillance. The Department of Justice and FBI are attempting to address bottlenecks in the process."

It was in the context of such bureaucratic bottlenecks that the president first authorized, and then renewed, the program to bypass the FISA court in cases of international communications of people with known al Qaeda links.

There were other reasons for the president to act, as well. In short, it appears that he was trying to shake the bureaucracy into action. The September 11 Commission report pointed to a deeply entrenched it's-not-my-job mentality within the National Security Agency that led the organization to shy away from aggressive antiterrorism surveillance. "The law requires the NSA to not deliberately collect data on U.S. citizens or on persons in the United States without a warrant based on foreign intelligence requirements," the 9/11 commission report wrote,

While the NSA had the technical capability to report on communications with suspected terrorist facilities in the Middle East, the NSA did not seek FISA Court warrants to collect communications between individuals in the United States and foreign countries, because it believed that this was an FBI role. It also did not want to be viewed as targeting persons in the United States and possibly violating laws that governed NSA's collection of foreign intelligence. An almost obsessive protection of sources and methods by the NSA, and its focus on foreign intelligence, and its avoidance of anything domestic would...be important elements in the story of 9/11.

Bush's order, it appears, was an attempt to change that situation. Especially before, and even after, passage of the Patriot Act, the FISA bureaucracy and the agencies that dealt with it were too unwieldy to handle some fast-moving intelligence cases. And now, a group of



43 Democrats and four Republicans is trying to undo even those improvements brought by the Patriot Act; after the effort to renew the law was filibustered last week, Senate Minority Leader Harry Reid exulted, "We killed the Patriot Act." Put all those factors together, and they explain the president's impassioned argument that he has to act to keep the pressure on al Qaeda — especially at a time when others, for whatever reasons, are trying to stop him.

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**Subject:** FW: Talking points for Hill  
**From:** "Miers, Harriet"  
**Date:** 12/19/05, 7:35 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 18:01:31 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: Talking points for Hill  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 7:48 PM  
**To:** "Staff Secretary"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Apr 09 18:01:32 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: [URGENT Clearance Needed]  
**From:** "Miers, Harriet"  
**Date:** 12/19/05, 10:56 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 15 11:17:41 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** FW: [URGENT Clearance Needed]  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 10:57 PM  
**To:** "Sherzer, David"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 15 11:18:00 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** RE: [URGENT Clearance Needed]  
**From:** "Sherzer, David"  
**Date:** 12/19/05, 11:17 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Mon Apr 15 11:18:11 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** Fw: [Release]  
**From:** "Droege, Philip C."  
**Date:** 12/19/05, 11:43 PM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:37:38 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

-----

RE: [Release]

**Subject:** RE: [Release]  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/19/05, 11:45 PM  
**To:** "Droege, Philip C."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:37:50 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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Re: [Release]

**Subject:** Re: [Release]  
**From:** "Droege, Philip C."  
**Date:** 12/20/05, 12:00 AM  
**To:** "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:38:12 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

-----

Case ID: gwb.2018-0258-F.3

Additional Information:

-----

**Subject:** Talking points for Hill  
**From:** "Kavanaugh, Brett M."  
**Date:** 12/20/05, 1:44 AM  
**To:** "Kaplan, Joel"

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Date created: Thu Apr 11 17:38:36 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

-----

Case ID: gwb.2018-0258-F.3

Additional Information:

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**From:** "Kavanaugh, Brett M."  
**Date:** 12/20/05, 3:00 PM  
**To:** "Kaplan, Joel"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Apr 11 17:38:37 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

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P5

Notes:

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Case ID: gwb.2018-0258-F.3

Additional Information:

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**Subject:** IN CASE YOU MISSED IT: President Had Legal Authority To OK Taps  
**From:** "McDonald, Matthew T."  
**Date:** 12/21/05, 1:51 PM  
**To:** "Kavanaugh, Brett M."

## In Case You Missed It ...

### President Had Legal Authority To OK Taps

By John Schmidt  
*The Chicago Tribune*  
December 21, 2005

President Bush's post- Sept. 11, 2001, authorization to the National Security Agency to carry out electronic surveillance into private phone calls and e-mails is consistent with court decisions and with the positions of the Justice Department under prior presidents.

The president authorized the NSA program in response to the 9/11 terrorist attacks on America. An identifiable group, Al Qaeda, was responsible and believed to be planning future attacks in the United States. Electronic surveillance of communications to or from those who might plausibly be members of or in contact with Al Qaeda was probably the only means of obtaining information about what its members were planning next. No one except the president and the few officials with access to the NSA program can know how valuable such surveillance has been in protecting the nation.

In the Supreme Court's 1972 Keith decision holding that the president does not have inherent authority to order wiretapping without warrants to combat domestic threats, the court said explicitly that it was not questioning the president's authority to take such action in response to threats from abroad.

Four federal courts of appeal subsequently faced the issue squarely and held that the president has inherent authority to authorize wiretapping for foreign intelligence purposes without judicial warrant.

In the most recent judicial statement on the issue, the Foreign Intelligence Surveillance Court of Review, composed of three federal appellate court judges, said in 2002 that "All the ... courts to have decided the issue held that the president did have inherent authority to conduct warrantless searches to obtain foreign intelligence ... We take for granted that the president does have that authority."

The passage of the Foreign Intelligence Surveillance Act in 1978 did not alter the constitutional situation. That law created the Foreign Intelligence Surveillance Court that can authorize surveillance directed at an "agent of a foreign power," which includes a foreign terrorist group. Thus, Congress put its weight behind the constitutionality of such surveillance in compliance with the law's procedures.

But as the 2002 Court of Review noted, if the president has inherent authority to conduct warrantless searches, "FISA could not encroach on the president's constitutional power."

Every president since FISA's passage has asserted that he retained inherent power to go beyond the act's terms. Under President Clinton, deputy Atty. Gen. Jamie Gorelick testified that "the Department of Justice believes, and the case law supports, that the president has inherent authority to conduct warrantless physical searches for foreign intelligence purposes."

FISA contains a provision making it illegal to "engage in electronic surveillance under color of law except as authorized by statute." The term "electronic surveillance" is defined to exclude interception outside the U.S., as done by the NSA, unless there is interception of a communication "sent by or intended to be received by a particular, known United States person" (a U.S. citizen or permanent resident) and the communication is intercepted by "intentionally targeting that United States person." The cryptic descriptions of the NSA program leave unclear whether it involves targeting of identified U.S. citizens. If the surveillance is based upon other kinds of evidence, it would fall outside what a FISA court could authorize and also outside the act's prohibition on electronic surveillance.

The administration has offered the further defense that FISA's reference to surveillance "authorized by statute" is satisfied by congressional passage of the post-Sept. 11 resolution giving the president authority to "use all necessary and appropriate force" to prevent those responsible for Sept. 11 from carrying out further attacks. The administration argues that obtaining intelligence is a necessary and expected component of any military or other use of force to prevent enemy action.

But even if the NSA activity is "electronic surveillance" and the Sept. 11 resolution is not "statutory authorization" within the meaning of FISA, the act still cannot, in the words of the 2002 Court of Review decision, "encroach upon the president's constitutional power."

FISA does not anticipate a post-Sept. 11 situation. What was needed after Sept. 11, according to the president, was surveillance beyond what could be authorized under that kind of individualized case-by-case judgment. It is hard to imagine the Supreme Court second-guessing that presidential judgment.

Should we be afraid of this inherent presidential power? Of course. If surveillance is used only for the purpose of preventing another Sept. 11 type of attack or a similar threat, the harm of interfering with the privacy of people in this country is minimal and the benefit is immense. The danger is that surveillance will not be used solely for that narrow and extraordinary purpose.

But we cannot eliminate the need for extraordinary action in the kind of unforeseen circumstances presented by Sept. 11. I do not believe the Constitution allows Congress to take away from the president the inherent authority to act in response to a foreign attack. That inherent power is reason to be careful about who we elect as president, but it is authority we have needed in the past and, in the light of history, could well need again.

*John Schmidt served under President Clinton from 1994 to 1997 as the associate attorney general of the United States. He is now a partner in the Chicago-based law firm of Mayer, Brown, Rowe & Maw.*

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