

Subject: FW: Draft SAP on S. 600, Foreign Relations Authorization Act
From: "Sherzer, David"
Date: 4/5/05, 1:42 PM
To: "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Tue Jun 11 15:38:13 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

Subject: FW: Patriot Act cases
From: "Kropp, Emily L."
Date: 10/18/04, 4:58 PM
To: "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Wed Jun 05 17:50:19 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

Subject: FW: AG's OP-ED on Patriot Act
From: "Ulliyot, Theodore W."
Date: 10/25/04, 1:32 PM
To: "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Wed Jun 05 17:50:21 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

Subject: Preview of the proposed Intel Reform signing statement

From: "Jukes, James J."

Date: 12/15/04, 10:04 PM

To: "Kavanaugh, Brett M."

CC: "Newstead, Jennifer G.", "Kesselman, Marc", "Ullyot, Theodore W.", "Burnim, John D.", "Addington, David S."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Jun 06 16:20:33 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

RE: s. 2845 statement, our final at this hour, w/ one nit

Subject: RE: s. 2845 statement, our final at this hour, w/ one nit

From: "Saunders, G. Timothy"

Date: 12/17/04, 12:14 AM

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

CC: "Williams, Sherman A.", "Crale, Lynn A.", "Ullyot, Theodore W.", "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Thu Jun 06 16:20:36 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

Subject: RE: OH PATRIOT Act SpeechForm

From: "Mitnick, John M."

Date: 5/27/05, 10:08 PM

To: "Silverberg, Kristen", "Michel, Christopher G.", "Ralston, Susan B.", "Drouin, Lindsey E."

CC: "Kavanaugh, Brett M."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Wed Jun 12 14:17:55 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

Subject: RE: Patriot act inquiry ...
From: "Mitnick, John M."
Date: 6/6/05, 7:47 PM
To: "Kavanaugh, Brett M."
CC: "Kelley, William K."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Wed Jun 12 14:17:57 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

Subject: RE: HSC Policy Time on PATRIOT Act

From: "Pinto, Nina"

Date: 6/7/05, 12:01 AM

To: "DL-OVP-HS", "Hijazi, Elyssa S.", "Kleppe, Elizabeth W.", "Woelk, Christian J.", <James.A.McAtamney@usdoj.gov>, <Andrew.Beach@usdoj.gov>, <ken.hill@dhs.gov>, <cindy.christian@dhs.gov>, "West, Christal R.", "Dick, Denise Y.", "DL-NSC-APNSA", "DL-NSC-Executive Secretary", "DL-NSC-West Wing Desk", "Roebke, Heather M.", "Cushman, Cameron", <Rachel.Brand@usdoj.gov>, <phil.perry@dhs.gov>, "Hughes, Taylor A.", "Ritacco, Krista L.", "Cushman, Cameron", "Kavanaugh, Brett M.", "Roebke, Heather M.", "Ingwell, Carmen M.", "Kratovil, Lindley", "Gerdelman, Sue H.", "Parrish, Jobi A.", "Mitnick, John M.", "Kavanaugh, Brett M.", "Houser, Molly M."

CC: "DL-HSC-EXECSEC", "DL-HSC-Front"

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Wed Jun 12 14:18:01 EDT 2019

Releasability: Withheld In Full

Reasons for Withholding:

P5

Notes:

Case ID: gwb.2018-0258-F.4

Additional Information:

Subject: Brett: Pushback Doc for pm
From: "McDonald, Matthew T."
Date: 6/8/05, 11:37 AM
To: "Kavanaugh, Brett M."
CC: "Martin, Catherine", "Burck, Bill"

Brett, we'd like to send this as a background prebuttal piece to reporters later this afternoon. Won't be a formal document, but would like to have you take a look over it. I have already taken changes and gotten signoff from Mitnick and DOJ.

thanks, Matt

Setting The Record Straight:

Common Misconceptions About The Patriot Act

The FBI Cannot Use The Patriot Act To Investigate U.S. Citizens For Merely Expressing Their Opinions. The commonly cited Section 215 of the Patriot Act cannot be used to investigate ordinary crimes or domestic terrorism, and it expressly cannot be used to investigate a U.S. citizen solely for activities protected by the First Amendment. Under Section 215, the Patriot Act only allows courts to order business records and other items to be turned over for two reasons: to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

Example: To date, national security investigators have received permission from the courts to obtain driver's licenses records, public accommodation records, apartment leasing records, and credit card reports in international terrorism and espionage investigations.

The Patriot Act Does Not Allow The Government To Monitor The Library Activity Of Ordinary Citizens. Terrorism investigators have no legal authority to arbitrarily monitor the library habits of ordinary Americans, and the Patriot Act does not even contain the word 'library.' The Patriot Act simply ensures that relevant business records — whether from a library or any other business — can be obtained in national security investigations with the permission of a federal judge, just as they had previously been available in ordinary criminal investigations.

Example: The Patriot Act allows investigators to request certain business records from third party sources, for example, a terrorism investigator might seek the enrollment application of a Saudi national in an American flight school, or records from hardware stores to find out who bought materials to make a bomb.

The Patriot Act Does Not Label Peaceful Protest Groups As "Domestic Terrorists." The

Patriot Act limits the definition of domestic terrorism to conduct that both breaks criminal laws and endangers human life. Peaceful groups that dissent from government policy without breaking laws or threatening the lives of others are not covered by this definition.

Example: If Greenpeace wishes to hold a demonstration on the Mall in Washington, nothing in the Patriot Act will define Greenpeace as "domestic terrorists."

Before The Patriot Act, The FBI Could Get A Roving Wiretap To Investigate The Mafia, But They Could Not Get One To Investigate Terrorists. Because terrorists are trained to rapidly change their means of communication, it is important that national security investigators have the ability to track individual suspects instead of a particular communications device. The use of roving surveillance has long been granted to investigate ordinary crimes, including drug offenses, but was not permitted in international terrorism investigations until the Patriot Act became law.

Example: Because of the Patriot Act, if a suspected terrorist begins using a different cell phone or email address, the FBI does not have to obtain a separate court order for each device. This provision has been used 49 times as of March 30, 2005, and as a result, intelligence was not lost between the time a suspected terrorist had changed modes of communications and investigators were able to secure a new court order.

Delayed Notification Of Search Warrants Has Been Used For Years To Fight Crime. Delayed notification search warrants are a long-existing, crime-fighting tool upheld by courts nationwide for decades in cases that involved organized crime, drugs, and child pornography. The Patriot Act simply codified the authority law enforcement has already had for decades. Delayed notification can be used only with a court order, and only under narrow circumstances when immediate notification may result in death or physical harm to an individual, flight from prosecution, evidence tampering, witness intimidation, or serious jeopardy to an investigation.

Example: This tool is a vital aspect of our strategy of prevention. In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. In all cases, law enforcement must give notice that property has been searched or seized.

Subject: RE: Brett: Pushback Doc for pm
From: "Kavanaugh, Brett M."
Date: 6/8/05, 5:03 PM
To: "McDonald, Matthew T."
CC: "Martin, Catherine", "Burck, Bill"

[ok here if Mitnick is ok](#)

From: McDonald, Matthew T.
Sent: Wednesday, June 08, 2005 11:38 AM
To: Kavanaugh, Brett M.
Cc: Martin, Catherine; Burck, Bill
Subject: Brett: Pushback Doc for pm

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Subject: FW: Patriot Act Speech Additions
From: "Drouin, Lindsey E."
Date: 6/8/05, 11:11 PM
To: "Kavanaugh, Brett M."
CC: "Michel, Christopher G."

THIS RECORD IS A WITHDRAWAL SHEET

Date created: Wed Jun 12 14:18:01 EDT 2019

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