

**Received(Date):** 25 SEP 2002 15:53:50  
**From:** ShellUser MAILER-DAEMON <MAILER-DAEMON@usdoj.gov> ( ShellUser MAILER-DAEMON <MAILER-DAEMON@usdoj.gov> [ UNKNOWN ] )  
**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
**Subject:** : Returned mail  
[P\\_N3RFA003\\_WHO.TXT\\_1.doc](#)

##### Begin Original ARMS Header #####  
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)  
CREATOR:ShellUser MAILER-DAEMON <MAILER-DAEMON@usdoj.gov> ( ShellUser MAILER-DAEMON <MAILER-DAEMON@usdoj.gov> [ UNKNOWN ] )  
CREATION DATE/TIME:25-SEP-2002 15:53:50.00  
SUBJECT:: Returned mail  
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN  
##### End Original ARMS Header #####

----- The following addresses had delivery problems -----  
peter.keisler@usdoj.gov  
because: Address is unrecognized

----- Original message follows -----  
Reporting-MTA: dns; wt6

Final-Recipient: rfc822; peter.keisler@usdoj.gov  
Action: failed  
Status: 5.1.1  
Received: from wdcsun021.usdoj.gov (wtavscan2 [10.222.3.28]) by wt6.usdoj.gov (8.9.3 (PHNE\_24419)/8.9.3) with ESMTP id PAA15425; Wed, 25 Sep 2002 15:51:00 -0400 (EDT)  
Received: from eop2.eop.gov (localhost [127.0.0.1]) by wdcsun021.usdoj.gov (Netscape Messaging Server 4.15) with ESMTP id H30F4Z03.38D; Wed, 25 Sep 2002 15:50:59 -0400  
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id <01KMX8X18PC09S9YHT@EOP.GOV>; Wed, 25 Sep 2002 15:50:30 EDT  
Received: from mhub2.eop.gov ([198.137.241.11]) by EOP.GOV (PMDF V5.2-33 #41062) with ESMTP id <01KMX8WZGXWO9UO7NZ@EOP.GOV>; Wed, 25 Sep 2002 15:50:21 -0400 (EDT)  
Received: from sgeop03.eop.gov ([165.119.1.37]) by mhub.eop.gov (PMDF V6.1-1 #41014) with SMTP id <01KMX8VTGWVW9DFLIY@mhub.eop.gov>; Wed, 25 Sep 2002 15:49:51 -0400 (EDT)  
Received: by sgeop03.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id 85256C3F.006CE173 ; Wed, 25 Sep 2002 15:49:16 -0400  
Date: Wed, 25 Sep 2002 15:47:18 -0400  
From: Brett\_M.\_Kavanaugh@who.eop.gov  
Subject: URGENT  
To: peter.keisler@usdoj.gov, paul.harris@usdoj.gov  
Message-id: <85256C3F.006C DFA1.00@sgeop03.eop.gov>  
MIME-version: 1.0  
Content-type: multipart/mixed;  
boundary="Boundary\_(ID\_H91xjABBQJgQWW6eoDu/Gg)"  
X-Lotus-FromDomain: EOP

Can you review quickly to make sure you have no problems. OMB counsel has reviewed.

(See attached file: gonzales letter to burnett 9 25 02 #3.doc)

- gonzales letter to burnett 9 25 02 #3.doc  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_N3RFA003\_WHO.TXT\_1>

September 25, 2002

Dear Mrs. Burnett:

I write in response to your August 29 letter to the President inquiring about your ability to file a lawsuit without compromising your ability to accept the government compensation fund.

As the Department of Justice has now made clear, you may file a lawsuit without affecting your ability to participate in the government compensation fund. If you file a claim under the fund, you may file a lawsuit for collateral source obligations or against someone who "is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act." If you file a claim with the fund and file a lawsuit that is not a suit to recover collateral source obligations and is not a suit against someone who is not a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act," you are still eligible for compensation from the fund. In that situation, your lawsuit would be dismissed, but your participation in the fund would be unaffected. This rule applies regardless whether you file your claim with the fund before or after filing a lawsuit. For additional information, you may access the Department of Justice's web site, which now provides questions and answers on this issue to explain the process. [http://www.usdoj.gov/victimcompensation/lawsuit\\_qa.html](http://www.usdoj.gov/victimcompensation/lawsuit_qa.html)

Thank you very much for your moving letter and for your continued service to our country.

Sincerely,

Alberto R. Gonzales  
Counsel to the President

Deena Burnett

[Redacted signature]

FOIA(b)6  
PRA-P6