

# FOIA Marker

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Records Management, White House Office of

Subject Files - FG001-07 (Briefing Papers)

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	10	9	1	1	11207	24070	11964	11826

Folder Title:

692397

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Table of Contents	Judicial, United States Attorney, United States Marshal, and...	1	03/16/2001	P6/b6;
002	Form	Thomas M. Hardiman	1	N.D.	P6/b6;
003	Memorandum	Judicial Selection [with attachments] - To: POTUS - From: Harriet Miers	3	03/16/2006	P2; P5; P6/b6;
004	Form	Bobby E. Shepherd	1	N.D.	P6/b6;
005	Report	Bobby E. Shepherd	1	N.D.	P5;
006	Form	Neil M. Gorsuch	1	N.D.	P6/b6;

**COLLECTION TITLE:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG001-07 (Briefing Papers)

**FOLDER TITLE:**

692397

**FRC ID:**

11207

### RESTRICTION CODES

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- b(1) National security classified information [(b)(1) of the FOIA]
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**Records Not Subject to FOIA**

**Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.**

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
007	Report	Neil M. Gorsuch	1	N.D.	P5;
008	Form	Jerome A. Holmes	1	N.D.	P6/b6;
009	Form	Kimberly Ann Moore	1	N.D.	P6/b6;
010	Memorandum	Judicial Selection [with attachments] - To: POTUS - From: Harriet Miers	3	03/16/2006	P2; P5; P6/b6;
011	Form	Marcia Morales Howard	1	N.D.	P6/b6;
012	Form	Leslie H. Southwick	1	N.D.	P6/b6;
013	Report	Leslie H. Southwick	1	N.D.	P5;

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014	Form	Gregory K. Frizzell	1	N.D.	P6/b6;
015	Form	Nora Barry Fischer	1	N.D.	P6/b6;
016	Form	John Preston Bailey	1	N.D.	P6/b6;
017	Form	Deborah J. Rhodes	1	N.D.	P6/b6;
018	Form	R. Alexander Acosta	1	N.D.	P6/b6;
019	Form	Phillip John Green	1	N.D.	P6/b6;
020	Form	George E.B. Holding	1	N.D.	P6/b6;

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021	Memorandum	United States Marshal Selection [with attachments] - To: POTUS - From: Harriet Miers	3	03/16/2006	P2; P5; P6/b6;
022	Form	Dabney Langhorne Friedrich	1	N.D.	P6/b6;
023	Report	Dabney Langhorne Friedrich	1	N.D.	P5;

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**DROEGE\_P****692397**

FG001-07

**Barcode Scanning Sheet**

Collection Code: **SECLOG**

Staff Name: **PRESIDENT BUSH**

Document Date: **03/16/2006**

Correspondent: **HARRIET MIERS**

Subject/Description: **JUDICIAL, UNITED STATES ATTORNEY, UNITED STATES  
MARSHAL AND UNITED STATES SENTENCING  
COMMISSION SELECTION MEETING WITH THE  
PRESIDENT**

**SCANNED  
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Copy for  
Harriet's office

original  
to ~~John~~  
Mick  
-VA

1 to Records

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original  
to ~~John~~  
Mick  
-VA

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3-16-06  
THE PRESIDENT  
HAS SEEN

THE WHITE HOUSE

WASHINGTON

JUDICIAL, UNITED STATES ATTORNEY, UNITED STATES MARSHAL, AND  
UNITED STATES SENTENCING COMMISSION SELECTION MEETING WITH THE PRESIDENT  
March 16, 2006

- TAB 1 Thomas M. Hardiman of Pennsylvania  
Judge on the United States Court of Appeals for the Third Circuit
- TAB 2 (b)(6)  
Judge on the United States Court of Appeals for the Third Circuit
- TAB 3 Bobby E. Shepherd of Arkansas  
Judge on the United States Court of Appeals for the Eighth Circuit
- TAB 4 Neil M. Gorsuch of Virginia  
Judge on the United States Court of Appeals for the Tenth Circuit
- TAB 5 Jerome A. Holmes of Oklahoma  
Judge on the United States Court of Appeals for the Tenth Circuit
- TAB 6 Kimberly Ann Moore of Virginia  
Judge on the United States Court of Appeals for the Federal Circuit
- TAB 7 (b)(6)  
Judge on the United States District Court for the Southern District of California
- TAB 8 Marcia Morales Howard of Florida  
Judge on the United States District Court for the Middle District of Florida
- TAB 9 Leslie H. Southwick of Mississippi  
Judge on the United States District Court for the Southern District of Mississippi
- TAB 10 Gregory K. Frizzell of Oklahoma  
Judge on the United States District Court for the Northern District of Oklahoma
- TAB 11 Nora Barry Fischer of Pennsylvania  
Judge on the United States District Court for the Western District of Pennsylvania
- TAB 12 John Preston Bailey of West Virginia  
Judge on the United States District Court for the Northern District of West Virginia
- TAB 13 Deborah J. Rhodes of Alabama  
United States Attorney for the Southern District of Alabama
- TAB 14 R. Alexander Acosta of Florida  
United States Attorney for the Southern District of Florida
- TAB 15 Phillip John Green of Michigan  
United States Attorney for the Southern District of Illinois
- TAB 16 George E.B. Holding of North Carolina  
United States Attorney for the Eastern District of North Carolina
- TAB 17 (b)(6)  
United States Marshal for the District of Massachusetts
- TAB 18 Dabney Langhorne Friedrich of Virginia  
Member of the United States Sentencing Commission

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS 

SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, vice Richard L. Nygaard, retired.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

PREPARED BY: Jennifer Brosnahan

NAME: Thomas M. Hardiman  
NAME & STATE: Thomas M. Hardiman of Pennsylvania  
POSITION: United States Circuit Judge for the Third Circuit

TYPE: (bold one) PAS PA SES FT PT TERM: LIFE

VICE: Richard L. Nygaard GENDER: M DOB: (b)(6)

BIRTHPLACE: Winchester, Massachusetts PARTY: SSN: (b)(6)

ETHNIC HERITAGE: RACE:

CHILDREN: 3 SPOUSE: Lori Zappala Hardiman

VOTING CITY, STATE (in 2004): Pittsburg, Pennsylvania HOME STATE: Pennsylvania

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS: U.S District Judge for the Western District of Pennsylvania  
U.S.P.O & Courthouse  
Seventh & Grant Streets  
Pittsburgh, PA 15219

HOME PHONE:

WORK PHONE: (412) 208-7440

EDUCATION: Georgetown University Law Center, J.D. *cum laude*, 1990.

AWARDS:

University of Notre Dame, B.A. *cum laude*, 1987.

PREVIOUS POSITIONS HELD:

Partner, Reed Smith LLP, 1999-2003.

MILITARY SERVICE:

Cindrich & Titus, 1992-1999.  
Partner, 1996-1999; Associate, 1992-1996.

Associate, Skadden, Arps, Slate, Meagher & Flom, 1990-1992.

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved:  
Security package sent:

U.S. District Judge, U.S. District Court for the Western District of Pennsylvania, 2003- present.

**THOMAS M. HARDIMAN**  
**Candidate for the United States Court of Appeals**  
**for the Third Circuit**

**Age:** 40

**Residence:** Pittsburgh, Pennsylvania

**Education:**

Georgetown University Law Center, J.D. *cum laude*, 1990.  
University of Notre Dame, B.A. *cum laude*, 1987.

**Legal and Professional Experience:**

U.S. District Judge, U.S. District Court for the Western District of Pennsylvania, 2003- present.  
Partner, Reed Smith LLP, 1999-2003.  
Partner, Cindrich & Titus, 1996-1999.  
Associate, 1992-1996.  
Associate, Skadden, Arps, Slate, Meagher & Flom, 1990-1992.

**Professional and Civic Activities:**

Member, Governor's Judicial Advisory Commission, Fifth Judicial District, 2000-2003.  
Member, Professionalism Committee, Pennsylvania Bar Association, 1999-2003.  
Hearing Officer, Disciplinary Board of the Pennsylvania Supreme Court, 1995-1999.  
Alternate Hearing Officer, 1999-2003.  
Delegate, American Bar Association House of Delegates, 1996-1998.

**Judicial Philosophy:**

With respect to the role of the judiciary, Hardiman believes in "legislative supremacy," which he explains as follows: Because the "people speak through their elected representatives in Congress," judges are called upon to construe statutes in a way they may not agree with. When interpreting a statutory provision, Hardiman reads the plain text, and if it is clear, he stops. If there is an ambiguity, he considers the location of the provision within the statute as a whole, the surrounding provisions, and, "as a last resort," the legislative history. If called upon to address a Constitutional question, he would consider the language of the Constitution and any pertinent Supreme Court precedents. The judges he admires most are Justice Alito, former Third Circuit Judge Chertoff, and Third Circuit Judge Brooks Smith.

**Confirmation Considerations:**

Hardiman was strongly recommended by Senator Santorum.

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2017-0159-F

2017-0187-F

2017-0145-F

2014-0132-F

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THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS *Harriet Miers*  
SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, vice Morris S. Arnold, retiring.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE:  DISAPPROVE:

PREPARED BY: Richard Klingler

NAME: Bobby E. Shepherd  
NAME & STATE: Bobby E. Shepherd of Arkansas  
POSITION: United States Circuit Judge for the Eighth Circuit  
TYPE: (bold one) PAS PA SES FT PT TERM: LIFE  
VICE: Morris S. Arnold GENDER: M DOB: (b)(6)  
BIRTHPLACE: Arkadelphia, Arkansas PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: Caucasian RACE: White  
CHILDREN: 3 SPOUSE: Bobbi Doris Shepherd  
VOTING CITY, STATE (in 2004): El Dorado, Arkansas HOME STATE: Arkansas

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS: Magistrate Judge  
U.S. District Court for the Western District of Arkansas  
U.S. Court House and Post Office  
P.O. Box 1733  
El Dorado, AR 71730

HOME PHONE:

WORK PHONE: (870) 863-3173

EDUCATION: University of Arkansas School of Law, J.D. with high honors, 1976.

AWARDS:

Quachita Baptist University, B.A. magna cum laude, 1973.

PREVIOUS POSITIONS HELD: Circuit-Chancery Judge, Thirteenth Judicial District, State of Arkansas, 1991-1993.

MILITARY SERVICE: Reserve, United States Army, 1973-1981.  
Active Duty for Training, Ordnance Corps, 1976.

Magistrate, Union County Municipal Court, 1983-1990.

Private Practice, 1976-1990.

Referee, Special Circuit Court, 1987-1989.

Judge, Special Circuit Court, 1985.

Special Judge, Union County and El Dorado, Arkansas Municipal Courts, 1980-1983.

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved:  
Security package sent:

\_\_\_\_\_

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Report	Bobby E. Shepherd	1	N.D.	P5;

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THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS   
SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Neil M. Gorsuch, of Virginia, to be United States Circuit Judge for the Tenth Circuit, vice David M. Ebel, retired.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE:  DISAPPROVE:

PREPARED BY: Leslie Fahrenkopf

NAME: Neil M. Gorsuch

NAME & STATE: Neil M. Gorsuch of Virginia

POSITION: United States Circuit Judge for the Tenth Circuit

TYPE: *(bold one)* PAS PA SES FT PT TERM: LIFE

VICE: David M. Ebel

GENDER: M

DOB:

(b)(6)

BIRTHPLACE: Denver, Colorado

PARTY:

SSN:

ETHNIC HERITAGE:

RACE:

CHILDREN: 2

SPOUSE: Marie Louis Gorsuch

VOTING CITY, STATE *(in 2004)*: Vienna, Virginia

HOME STATE: Virginia

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS: Principal Deputy to the Associate Attorney General U.S. Department of Justice Room 5706 Washington, DC 20530

HOME PHONE:

WORK PHONE: (202) 305-1434

EDUCATION: Oxford University, D. Phil.

AWARDS: Marshall Scholar.

Harvard Law School, J.D. *cum laude*.

Harry S. Truman Scholar.

Columbia University, B.A. with honors.

PREVIOUS POSITIONS HELD:

Partner, Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., 1998-2005. Associate, 1995-1997.

MILITARY SERVICE:

Law Clerk, The Honorable Byron R. White and Honorable Anthony M. Kennedy, U.S. Supreme Court, 1993-1994.

Law Clerk, The Honorable David B. Sentelle, U.S. Court of Appeals for the District of Columbia, 1991-1992.

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved:  
Security package sent:

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**FRC ID:**

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**OA Num.:**

11826

**NARA Num.:**

11964

**FOIA ID and Segment:**

2014-0132-F

**RESTRICTION CODES**

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**Records Not Subject to FOIA**

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS 

SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, vice Stephanie K. Seymour, resigned.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

PREPARED BY: Leslie Fahrenkopf

NAME: Jerome A. Holmes  
NAME & STATE: Jerome A. Holmes of Oklahoma  
POSITION: United States Circuit Judge for the Tenth Circuit  
TYPE: (bold one) PAS PA SES FT PT TERM: LIFE  
VICE: Stephanie K. Seymour GENDER: M DOB: (b)(6)  
BIRTHPLACE: Washington, DC PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: African American RACE: Black  
CHILDREN: SPOUSE:  
VOTING CITY, STATE (in 2004): Nichols Hills, Oklahoma HOME STATE: Oklahoma

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS: Director and Attorney Crowe & Dunlevy 20 North Broadway #1800 Oklahoma City, OK 73102

HOME PHONE:

WORK PHONE: (405) 234-3245

EDUCATION: Harvard University, John F. Kennedy School of Government, M.P.A., 2000.

AWARDS: Director's Award from the Executive Office of the U.S. Attorneys, for Superior Performance as an Assistant U.S. Attorney, 2001.

Georgetown University Law Center, J.D., 1988.

John Marshall Award from the U.S. Attorney General, for Outstanding Legal Achievement, 1998.

Wake Forest University, B.A. *cum laude*, 1983.

PREVIOUS POSITIONS HELD: Assistant U.S. Attorney, U.S. Attorney's Office for the Western District of Oklahoma, 1994-2005.

MILITARY SERVICE:

Litigation Associate, Steptoe & Johnson, 1991-1994.

Law Clerk, The Honorable William J. Holloway, Jr., U.S. Court of Appeals for the Tenth Circuit, 1990-1991.

Law Clerk, The Honorable Wayne E. Alley, U.S. District Court for the Western District of Oklahoma, 1988-1990.

PREVIOUS PRESIDENTIAL APPOINTMENTS: President approved: Security package sent:

\_\_\_\_\_

**JEROME A. HOLMES**  
**Candidate for the United States Court of Appeals**  
**for the Tenth Circuit**

**Age:** 44

**Residence:** Oklahoma City, Oklahoma

**Education:**

Harvard University, John F. Kennedy School of Government, M.P.A., 2000.  
Georgetown University Law Center, J.D., 1988.  
Wake Forest University, B.A. *cum laude*, 1983.

**Legal and Professional Experience:**

Director and Attorney, Crowe & Dunlevy, 2005- present.  
Assistant U.S. Attorney, U.S. Attorney's Office for the Western District of Oklahoma, 1994-2005.  
Litigation Associate, Steptoe & Johnson, 1991-1994.  
Law Clerk, The Honorable William J. Holloway, Jr., U.S. Court of Appeals for the Tenth Circuit, 1990-1991.  
Law Clerk, The Honorable Wayne E. Alley, U.S. District Court for the Western District of Oklahoma, 1988-1990.

**Professional and Civic Activities:**

Member, Board of Governors, Oklahoma Bar Association.  
Master, American Inn of Court.  
Chair-Elect, Board of Directors, City Rescue Mission.  
Instructor, Office of Legal Education, U.S. Department of Justice, Seminars on Prosecutorial Ethics, 1998 and 2001.

**Honors and Awards:**

Director's Award from the Executive Office of the U.S. Attorneys, for Superior Performance as an Assistant U.S. Attorney, 2001.  
John Marshall Award from the U.S. Attorney General, for Outstanding Legal Achievement, 1998.

**Publications:**

*African American Lawyers in Oklahoma (co-authored with Bruce Fisher)*, 75 Okla. B. J. 62, (Sept. 2004).  
*Legal Comment, Burden of Proof in Labor Certification Proceedings: Imperial Textiles, Inc. v. Secretary of Labor*, 2 Geo. Immigr. L. J. 197, 1987.  
*Legal Comment, Standard of Proof for Antidiscrimination Cases Under the INA: League of United Latin American Citizens v. Pasadena Independent School District*, 2 Geo. Immigr. L. J. 427, 1987.  
*Legal Comment, Back Pay for Undocumented Aliens: Local 512 Warehouse & Office Workers' v. NLRB*, 1 Geo. Immigr. L. J. 667, 1986.

**Judicial Philosophy:**

Holmes indicated that the act of interpreting a statute should begin with the words of the statute. Only if the language is ambiguous should one "venture into legislative history," and then "only with great caution." With constitutional cases, he would look to the text of the Constitution and to the *Federalist Papers*. He admires Justice Scalia for his intellectual rigor and adherence to the proper role of a judge. On a more personal level, he admires Justice Thomas for his willingness to buck expectations.

**Confirmation Considerations:**

Holmes has significant civil and criminal experience. He was recommended by Senator Inhofe and had both Senators' support for the district court vacancy for which he was nominated.

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS   
SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, vice Raymond C. Clevenger, III, retired.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE:  \_\_\_\_\_ DISAPPROVE: \_\_\_\_\_

PREPARED BY: Leslie Fahrenkopf

NAME: Kimberly Ann Moore  
NAME & STATE: Kimberly Ann Moore of Maryland  
POSITION: United States Circuit Judge for the Federal Circuit  
TYPE: (*bold one*) PAS PA SES FT PT TERM: LIFE  
VICE: Raymond C. Clevenger, III GENDER: F DOB: (b)(6)  
BIRTHPLACE: Baltimore, Maryland PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: RACE:  
CHILDREN: 3 SPOUSE: Matthew John Moore  
VOTING CITY, STATE (*in 2004*): Falls Church, Virginia HOME STATE: Virginia

CURRENT HOME ADDRESS: (b)(6) CURRENT POSITION AND WORK ADDRESS: Professor of Law  
George Mason University School of Law  
3301 Fairfax Drive  
Arlington, VA 22201  
HOME PHONE: (b)(6) WORK PHONE: (703) 993-8166

EDUCATION: Georgetown University Law Center, J.D. *cum laude*, 1994. AWARDS:

Massachusetts Institute of Technology, M.S., 1991.

Massachusetts Institute of Technology, B.S., 1990.

PREVIOUS POSITIONS HELD: Litigation Consultant, Morgan, Lewis & Bockius, 2000-2003. MILITARY SERVICE:

Assistant Professor of Law, University of Maryland School of Law, 1999-2000.

Assistant Professor of Law, Chicago-Kent College of Law, 1997-1999.

Law Clerk, The Honorable Glenn L. Archer, Jr., Chief Judge of the U.S. Court of Appeals for the Federal Circuit, 1995-1997.

Associate, Kirkland & Ellis, 1994-1995.

Electrical Engineer, Naval Surface Warfare Center, 1988-1992.

PREVIOUS PRESIDENTIAL APPOINTMENTS: President approved: Security package sent:

\_\_\_\_\_



**KIMBERLY ANN MOORE**  
**Candidate for the United States Court of Appeals**  
**for the Federal Circuit**

**Age:** 37

**Residence:** Falls Church, Virginia

**Education:**

Georgetown University Law Center, J.D. *cum laude*, 1994.  
Massachusetts Institute of Technology, M.S., 1991.  
Massachusetts Institute of Technology, B.S., 1990.

**Legal and Professional Experience:**

Professor of Law, George Mason University School of Law, 2000- present.  
Litigation Consultant, Morgan, Lewis & Bockius, 2000-2003.  
Assistant Professor of Law, University of Maryland School of Law, 1999-2000.  
Assistant Professor of Law, Chicago-Kent College of Law, 1997-1999.  
Law Clerk, The Honorable Glenn L. Archer, Jr., Chief Judge of the U.S. Court of Appeals for the Federal Circuit, 1995-1997.  
Associate, Kirkland & Ellis, 1994-1995.  
Electrical Engineer, Naval Surface Warfare Center, 1988-1992.

**Professional and Civic Activities:**

Mediator, Federal Circuit Appellate Mediation Pilot Program, 2005- present.  
Board Member, CPR Institute for Dispute Resolution, Judicial Subcommittee, 2003- present.  
Advisor on Intellectual Property, The Federalist Society.  
Member, Georgetown Patent Institute Advisory Board.  
Member, American Intellectual Property Law Association.  
Fellow, Institute for Law, Science and Technology, Chicago-Kent College of Law, 1998-1999.  
National Co-Chair, Intellectual Property Section, Federal Circuit Bar Association, 1997-1999.

**Representative Publications:**

*Xenophobia in American Courts*, 97 NW. U. L. Rev. 1497 (2003).  
*Patent Litigation and Strategy*, Second Edition (West Publishing Co. 2003), co-authored with The Honorable Paul R. Michel and Raphael V. Lupo.  
*Judges, Juries & Patent Cases: An Empirical Peek Inside the Black Box*, 98 Mich. L. Rev. 365 (2000) reprinted at 11 Fed. Cir. B.J. 209 (2001).  
*Recalibrating the Scales of Justice Through National Punitive Damage Reform*, 46 Am. U. L. Rev. 101 (1997).

**Judicial Philosophy:**

Moore stressed that judges should avoid activism; that they should refrain from going beyond what is before them. She stressed that a judge must respect the other branches of government.

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Judicial Selection [with attachments] - To: POTUS - From: Harriet Miers	3	03/16/2006	P2; P5; P6/b6;

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

### COLLECTION:

Records Management, White House Office of

### SERIES:

Subject Files - FG001-07 (Briefing Papers)

### FOLDER TITLE:

692397

### FRC ID:

11207

### OA Num.:

11826

### NARA Num.:

11964

### FOIA ID and Segment:

2017-0159-F

2017-0187-F

2017-0145-F

2014-0132-F

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

#### Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

#### Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

THE WHITE HOUSE

WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS 

SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida, vice Harvey Erwin Schlesinger, retiring.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE:  DISAPPROVE:

PREPARED BY: Neomi Rao

NAME: Marcia Morales Howard  
NAME & STATE: Marcia Morales Howard of Florida  
POSITION: Judge on the United States District Court for the Middle District of Florida  
TYPE: (bold one) PAS PA SES FT PT TERM: LIFE  
VICE: Harvey Erwin Schlesinger GENDER: F DOB: (b)(6)  
BIRTHPLACE: Jacksonville, Florida PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: RACE:  
CHILDREN: 2 SPOUSE: Laurence Webb Howard, III  
VOTING CITY, STATE (in 2004): Jacksonville, Florida HOME STATE: Florida

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS: Magistrate Judge  
U.S. District Court for the Middle District of Florida  
300 North Hogan Street, #5-111  
Jacksonville, FL 32202

HOME PHONE:

WORK PHONE: (904) 301-6750

EDUCATION: University of Florida College of Law, J.D. with honors, 1990.

AWARDS:

Vanderbilt University, B.S., 1987

PREVIOUS POSITIONS HELD:

McGuire Woods LLP, 1994-2003.  
Partner, 1999-2003; Associate, 1994-1998.

MILITARY SERVICE:

Associate, Foley & Lardner, 1990-1994.

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved:  
Security package sent:

\_\_\_\_\_

**MARCIA MORALES HOWARD**  
**Candidate for the United States District Court**  
**for the Middle District of Florida**

**Age:** 40

**Residence:** Jacksonville, Florida

**Education:**

University of Florida College of Law, J.D. with honors, 1990.  
Vanderbilt University, B.S., 1987.

**Legal and Professional Experience:**

Magistrate Judge, U.S. District Court for the Middle District of Florida, 2003- present.  
Partner, McGuire Woods LLP, 1999-2003.  
Associate, 1994-1998.  
Associate, Foley & Lardner, 1990-1994.

**Professional and Civic Activities:**

Executive Committee Member, Northeast Florida Conference for Community and Justice, 2005- present.  
Charter Member, St. Vincent's Hospital Women's Council, 2002- present.  
Advisory Board Member, American Cancer Society, Duval Unit, 1998- present.  
Board Member, Wolfson Children's Hospital Women's Board, 1992- present.  
Vice Chair, Jacksonville Transportation Authority, 2003.  
Board Member, 1999-2003.  
Commissioner, Jacksonville Human Rights Commission, 1996-2002.  
Board Member, Asociación Cultural Hispanoamericana, 1993.  
Member, Federal Bar Association.  
Member, American Bar Association.  
Member, National Association of Railroad Trial Counsel.  
Inventory Counsel, Appointed by Florida Supreme Court.

**Judicial Philosophy:**

Judge Howard believes that a good judge is humble and hardworking and can set aside her personal views. When interpreting statutes, she considers the language first in order to apply the laws as written. Judge Howard explained that ambiguous laws are not necessarily an invitation for a judge to fill in the blank. She does not find legislative history helpful and does not cite it in her opinions.

**Confirmation Considerations:**

Judge Howard is recommended by the Florida Judicial Nominating Commission.

THE WHITE HOUSE

WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS 

SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Leslie H. Southwick, of Mississippi, to be United States District Judge for the Southern District of Mississippi, vice William Barbour, Jr., retired.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE:  DISAPPROVE:

PREPARED BY: Grant Dixon

NAME: Leslie H. Southwick  
NAME & STATE: Leslie H. Southwick of Mississippi  
POSITION: Judge on the United States District Court for the Southern District of Mississippi  
TYPE: (bold one) PAS PA SES FT PT TERM: LIFE  
VICE: William Barbour, Jr. GENDER: M DOB: (b)(6)  
BIRTHPLACE: Edinburg, Texas PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: Caucasian RACE: White  
CHILDREN: 2 SPOUSE: Sharon Polasek Southwick  
VOTING CITY, STATE (in 2004): Jackson, Mississippi HOME STATE: Mississippi

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS: Presiding Judge  
Mississippi Court of Appeals  
P.O. Box 249  
Jackson, MS 39205

HOME PHONE:

WORK PHONE: (601) 467-2208

EDUCATION: University of Texas, J.D., 1975.

AWARDS:

Rice University, B.A. *cum laude*, 1972.

PREVIOUS POSITIONS HELD:

Adjunct Professor, Mississippi College School of Law, 1985-1989; 1998- present.

MILITARY SERVICE: Mississippi National Guard, 1997-present. (Active Duty, 2005- January 2006).

Deputy Assistant Attorney General, Civil Division, U.S. Department of Justice, 1989-1993.

Judge Advocate General's Corps, U.S. Army Reserves, 1992-1997.

Partner, Brunini, Grantham, Grower & Hewes, 1983-1989. Associate, 1977-1983.

Law Clerk, The Honorable Charles Clark, U.S. Court of Appeals for the Fifth Circuit, 1976-1977.

Law Clerk, The Honorable John F. Onion, Texas Court of Criminal Appeals, 1975-1976.

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved:  
Security package sent:

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Leslie H. Southwick	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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### Records Not Subject to FOIA

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THE WHITE HOUSE

WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS   
SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Gregory K. Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma, vice Sven Erik Holmes, resigned.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE:  \_\_\_\_\_ DISAPPROVE: \_\_\_\_\_

PREPARED BY: Leslie Fahrenkopf

NAME: Gregory K. Frizzell  
NAME & STATE: Gregory K. Frizzell of Oklahoma  
POSITION: Judge on the United States District Court for the Northern District of Oklahoma  
TYPE: (bold one) PAS PA SES FT PT TERM: LIFE  
VICE: Sven Erik Holmes GENDER: M DOB: (b)(6)  
BIRTHPLACE: Wichita, Kansas PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: RACE:  
CHILDREN: 6 SPOUSE: Kelly Frizzell  
VOTING CITY, STATE (in 2004): Tulsa, Oklahoma HOME STATE: Oklahoma

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS:

District Judge  
District Court of the State of Oklahoma  
500 South Denver Avenue  
Room 706  
Tulsa, OK 74103

HOME PHONE:

WORK PHONE:

(918) 596-5415

EDUCATION:

University of Michigan Law School, J.D., 1984.  
University of Tulsa, B.A., 1981.

AWARDS:

PREVIOUS POSITIONS HELD:

District Court of the State of Oklahoma, Tulsa County, 1997-2005. Presiding Judge Elect, 2004; Chief Judge, Civil Division, 2003; District Judge, 1997-2003.  
General Counsel, Oklahoma Tax Commission, 1995-1997.  
Private Practice, 1995-1997.  
Law Clerk, The Honorable Thomas R. Brett, U.S. District Court for the Northern District of Oklahoma, 1984-1986.

MILITARY SERVICE:

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved:  
Security package sent:

\_\_\_\_\_

\_\_\_\_\_

**GREGORY K. FRIZZELL**  
**Candidate for the United States District Court**  
**for the Northern District of Oklahoma**

**Age:** 49

**Residence:** Tulsa, Oklahoma

**Education:**

University of Michigan Law School, J.D., 1984.

University of Tulsa, B.A., 1981.

**Legal and Professional Experience:**

District Judge, District Court of the State of Oklahoma, Tulsa County, 1997- present.

Presiding Judge Elect, 2004-2005.

Chief Judge, Civil Division, 2003.

General Counsel, Oklahoma Tax Commission, 1995-1997.

Private Practice, 1995-1997.

Law Clerk, The Honorable Thomas R. Brett, U.S. District Court for the Northern District of Oklahoma, 1984-1986.

**Professional and Civic Activities:**

Trustee, Tulsa County Law Library, 1999- present.

Chapter President, American Inns of Court, 1999-2000.

Master of the Bench, 1997-2003.

Gubernatorial Appointee, Oklahoma Task Force on Judicial Selection, 1999-2000.

President, Tulsa Speech & Hearing Association, 1994-1995.

Director & Counsel, 1986-1995.

Board Member, Selective Service System, 1991-1995.

**Judicial Philosophy:**

Judge Frizzell stated that he is neither an activist nor a social engineer. He thinks of himself as a strict constructionist and indicated that he most admires Justice Scalia and his textualist approach to statutory interpretation.

**Confirmation Considerations:**

Judge Frizzell is Senator Inhofe's top recommendation. Although his caseload is primarily civil, he has tried a handful of criminal cases.

THE WHITE HOUSE

WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS 

SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania, vice Robert J. Cindrich, resigned.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_



DISAPPROVE: \_\_\_\_\_

PREPARED BY: Jennifer Brosnahan

NAME: Nora Barry Fischer  
NAME & STATE: Nora Barry Fischer of Pennsylvania  
POSITION: Judge on the United States District Court for the Western District of Pennsylvania  
TYPE: *(bold one)* PAS PA SES FT PT TERM: LIFE  
VICE: Robert J. Cindrich GENDER: F DOB: (b)(6)  
BIRTHPLACE: Pittsburgh, Pennsylvania PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: RACE:  
CHILDREN: 3 SPOUSE: Dr. Donald R. Fischer  
VOTING CITY, STATE *(in 2004)*: Pittsburgh, Pennsylvania HOME STATE: Pennsylvania

CURRENT HOME ADDRESS: (b)(6) CURRENT POSITION AND WORK ADDRESS: Equity Partner, Pietragallo, Bosick & Gordon L.L.P., 3800 One Oxford Centre, Pittsburgh, PA 15219  
HOME PHONE: (b)(6) WORK PHONE: (412) 263-1821

EDUCATION: Notre Dame Law School, J.D., 1976. AWARDS:  
St. Mary's College, B.A. *magna cum laude*, 1973.

PREVIOUS POSITIONS HELD: Administrative Partner, Pietragallo, Bosick & Gordon L.L.P., 1997-2000. MILITARY SERVICE:  
Special Master, Court of Common Pleas.  
Adjunct Settlement Judge, Western District of Pennsylvania.  
Arbitrator, Western District of Pennsylvania.  
Meyer, Darragh, Buckler, Bebenek & Eck, 1977-1992. Senior Partner, 1982-1992; Junior Partner, 1980-1982; Associate, 1977-1980.  
Editor, Callaghan and Company, Legal Publishers, 1976-1977.

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved:  
Security package sent:

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**NORA BARRY FISCHER**  
**Candidate for the United States District Court**  
**for the Western District of Pennsylvania**

**Age:** 54

**Residence:** Pittsburgh, Pennsylvania

**Education:**

Notre Dame Law School, J.D., 1976.  
St. Mary's College, B.A. *magna cum laude*, 1973.

**Legal and Professional Experience:**

Equity Partner, Pietragallo, Bosick & Gordon L.L.P., 2000- present.  
Administrative Partner, 1997-2000.  
Special Master, Court of Common Pleas.  
Adjunct Settlement Judge, Western District of Pennsylvania.  
Arbitrator, Western District of Pennsylvania.  
Senior Partner, Meyer, Darragh, Buckler, Bebenek & Eck, 1982-1992.  
Junior Partner, 1980-1982.  
Associate, 1977-1980.  
Editor, Callaghan and Company, Legal Publishers, 1976-1977.

**Professional and Civic Activities:**

State Committee Member, American College of Trial Lawyers, 2003-present.  
Fellow, 2003.  
State Coordinator, Women Advocate Group, American Bar Association, 2002-2003.  
President, American Inns of Court, Pittsburgh Chapter, 1999-2001.  
Trustee, Allegheny County Bar Association Foundation, 1997-2000.  
Co-Chair, Commission of Women in the Profession, Pennsylvania Bar Association, 1997-1999.  
Board Member, Academy of Trial Lawyers, 1992-1994 and 1996-1998.  
Instructor, National Institute of Trial Advocacy.

**Awards:**

Anné X. Alpern Award, Pennsylvania Bar Association, Commission on Women in the Profession, 2001.

**Judicial Philosophy:**

Fischer would approach judging the same way she approaches the law when providing advice to her clients: she first understands the facts and then hits the books to see what the statutes and cases say. In matters of statutory construction, she would first consider the wording of the statute. If there is an ambiguity, she would turn to the canons of statutory construction, any legislative history, and precedents interpreting parallel statutes. If a statute's best reading would lead to a silly result, Fischer would "use some common sense" and "look at what the ultimate outcome would be." Fischer considers herself "a conservative person" who is "not looking to make waves or to expand the base of the law." She also describes herself as a "strict constructionist," which means she "looks at what the law and rules are and follows them." She finds "no need to go into the shadows and asides of judicial precedents," and instead figures out what a case's holding is and applies it. The judges she admires most are those who are even-tempered, efficient, and bright and who know how to move their dockets.

**Confirmation Considerations:**

Fischer is supported by Senators Specter and Santorum.

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM: HARRIET MIERS   
SUBJECT: JUDICIAL SELECTION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia, vice Frederick P. Stamp, Jr., retiring.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE:  DISAPPROVE:

PREPARED BY: Jennifer Brosnahan

NAME: John Preston Bailey  
NAME & STATE: John Preston Bailey of West Virginia  
POSITION: Judge on the United States District Court for the Northern District of West Virginia  
TYPE: (bold one) PAS PA SES FT PT TERM: LIFE  
VICE: Frederick P. Stamp, Jr. GENDER: M DOB: (b)(6)  
BIRTHPLACE: Wheeling, West Virginia PARTY: SSN: (b)(6)  
ETHNIC HERITAGE: RACE:  
CHILDREN: 3 SPOUSE: Patricia M. Bailey  
VOTING CITY, STATE (in 2004): Wheeling, West Virginia HOME STATE: West Virginia

CURRENT HOME ADDRESS:

(b)(6)

CURRENT POSITION AND WORK ADDRESS:

Attorney  
Bailey, Riley, Buch & Harman, L.C.  
900 Riley Building  
Post Office Box 631  
Wheeling, WV 26003

HOME PHONE:

WORK PHONE:

(304) 232-6675

EDUCATION: West Virginia University College of Law, J.D., 1976.

AWARDS:

Dartmouth College, A.B., 1973.

PREVIOUS POSITIONS HELD:

Special Assistant Prosecuting Attorney, Marshall County, 1985-1990.

MILITARY SERVICE:

Assistant Prosecuting Attorney, Ohio County, 1985-1986.

Law Clerk, The Honorable Charles H. Haden II, United States District Judge for the Northern and Southern Districts of West Virginia, 1976-1978.

PREVIOUS PRESIDENTIAL APPOINTMENTS:  
President approved: \_\_\_\_\_  
Security package sent: \_\_\_\_\_



**JOHN PRESTON BAILEY**  
**Candidate for the United States District Court**  
**for the Northern District of West Virginia**

**Age:** 54

**Residence:** Wheeling, West Virginia

**Education:**

West Virginia University College of Law, J.D., 1976.  
Dartmouth College, A.B., 1973.

**Legal and Professional Experience:**

Attorney, Bailey, Riley, Buch & Harman, L.C., 1978- present.  
Special Assistant Prosecuting Attorney, Marshall County, 1985-1990.  
Assistant Prosecuting Attorney, Ohio County, 1985-1986.  
Law Clerk, The Honorable Charles H. Haden II, United States District Judge for the Northern and Southern Districts of West Virginia, 1976-1978.

**Professional and Civic Activities:**

Chairperson, State Bar Judicial Selection Committee.  
Member, Diocesan Sexual Abuse Review Board, Catholic Diocese of Wheeling-Charleston.  
Past President, West Virginia State Bar.  
Member, Board of Governors, 1992-1995 and 1998-2004.  
Former Chairperson, Committee on Judicial Improvement.  
Member, Committee on Civil Rules.  
Member, Special Ad Hoc Committee to review proposed West Virginia Rules of Evidence.  
Past President, West Virginia Bar Association.  
Chairman, Workers' Compensation Appeal Board, 1985-1989.  
Member, Panel of Bankruptcy Trustees, U.S. Bankruptcy Court for the Northern District of West Virginia, 1978-1980.

**Judicial Philosophy:**

Bailey believes that a judge's role is to resolve specific disputes and to act as an umpire, to borrow an analogy from Chief Justice Roberts, not to act "as social engineers." He views himself as a "conservative" who would be unlike "liberal" judges who reach out to find a cause of action for a plaintiff when one has not been pled, or fail to perform a proper gatekeeping function in the courtroom. In matters of statutory construction, Bailey would apply the text as written and check the legislative history only if there is an ambiguity. He believes that foreign law has "limited if any relevance" to the interpretation of the laws and Constitution of the United States. Bailey would assume that Congressional enactments are constitutional and proceed with great caution before considering striking down a statute as unconstitutional.

**Confirmation Considerations:**

Bailey is recommended by Rep. Shelley Moore Capito.

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM:

HARRIET MIERS 

SUBJECT:

UNITED STATES ATTORNEY SELECTION

The Attorney General and I recommend that you approve for possible nomination to the Senate the following individual:

**Deborah J. Rhodes, of Alabama, to be United States Attorney for the Southern District of Alabama, vice David Preston York.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_



DISAPPROVE: \_\_\_\_\_

MEMORANDUM FOR: HARRIET MIERS

FROM: ALBERTO R. GONZALES  
ATTORNEY GENERAL

SUBJECT: U.S. ATTORNEY SELECTION

I recommend that you seek the President's approval of the following individual for possible nomination to the Senate:

Deborah J. Rhodes of Alabama, to be United States Attorney for the Southern District of Alabama, vice David Preston York.

Upon the President's approval, all necessary clearances will be initiated. Nomination to the Senate will be forwarded immediately after all such clearances are obtained.

A summary of Deborah J. Rhodes' biographical data and resume are attached hereto.

Attachments

PREPARED BY: Neomi Rao

NAME: Deborah J. Rhodes

NAME & STATE: Deborah J. Rhodes of Alabama

POSITION: United States Attorney for the Southern District of Alabama

TYPE: *(bold one)* PAS PA SES FT PT TERM: 4 YEARS

VICE: David Preston York GENDER: F DOB: (b)(6)

BIRTHPLACE: Carmel, California PARTY: SSN: (b)(6)

ETHNIC HERITAGE: Caucasian RACE: White

CHILDREN: SPOUSE:

VOTING CITY, STATE *(in 2004)*: San Diego, California HOME STATE: Alabama

CURRENT HOME ADDRESS: (b)(6)

CURRENT POSITION AND WORK ADDRESS: Interim U.S. Attorney  
U.S. Attorney's Office  
Southern District of Alabama  
Riverview Plaza, Suite 600  
63 South Royal Street  
Mobile, AL 36602

HOME PHONE: (b)(6)

WORK PHONE: (251) 415-7112

EDUCATION: Rutgers University School of Law,  
J.D. with honors, 1985.

AWARDS:

Wheaton College, B.A., 1980.

PREVIOUS POSITIONS HELD: U.S. Department of Justice, 1987-1990 and 2004-2005. Counselor to the Assistant Attorney General, Criminal Division, 2004-2005; Trial Attorney, Philadelphia Strike Force, 1987-1990.

MILITARY SERVICE:

U.S. Attorney's Office for the Southern District of California, 1990-2004. Assistant U.S. Attorney, 1990-2004; Acting Chief, Appellate Section, 2003; Deputy Chief, Narcotics Enforcement Section, 1998-2000.

Law Clerk, The Honorable J. William Ditter, Jr., U.S. District Court for the Eastern District of Pennsylvania, 1985-1987.

Teacher, Faith Christian School, 1980-1982.

PREVIOUS PRESIDENTIAL APPOINTMENTS: President approved: Security package sent:

\_\_\_\_\_

**DEBORAH J. RHODES**  
**Candidate for United States Attorney**  
**for the Southern District of Alabama**

**Age:** 47

**Residence:** Fairhope, Alabama

**Education:**

Rutgers University School of Law, J.D. with honors, 1985.  
Wheaton College, B.A., 1980.

**Legal and Professional Experience:**

Interim, U.S. Attorney, U.S. Attorney's Office for the Southern District of Alabama, 2005- present.  
Counselor to the Assistant Attorney General, Criminal Division, U.S. Department of Justice, 2004-2005.  
Assistant U.S. Attorney, U.S. Attorney's Office for the Southern District of California, 1990-2004.  
Acting Chief, Appellate Section, 2003.  
Deputy Chief, Narcotics Enforcement Section, 1998-2000.  
Trial Attorney, Philadelphia Strike Force, U.S. Department of Justice, 1987-1990.  
Law Clerk, the Honorable J. William Ditter, Jr., U.S. District Court for the Eastern District of Pennsylvania, 1985-1987.  
Teacher, Faith Christian School, 1980-1982.

**Professional and Civic Activities:**

*Ex officio* Commissioner, U.S. Department of Justice Sentencing Commission, 2004-2005.  
Liaison, U.S. Department of Justice, American Bar Association, Criminal Justice Section, 2004-2005.  
Representative, Judicial Conference Advisory Committee on Criminal Rules.  
Board Member, San Diego Academy of Ballet, 2001-2005.  
Secretary, 2001-2003.

**Confirmation Considerations:**

Senators Sessions and Shelby have recommended Ms. Rhodes.

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM:

HARRIET MIERS 

SUBJECT:

UNITED STATES ATTORNEY SELECTION

The Attorney General and I recommend that you approve for possible nomination to the Senate the following individual:

**R. Alexander Acosta, of Florida, to be United States Attorney for the Southern District of Florida, vice Marcos D. Jimenez.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: 

DISAPPROVE: \_\_\_\_\_

MEMORANDUM FOR: HARRIET MIERS

FROM: ALBERTO R. GONZALES  
ATTORNEY GENERAL

SUBJECT: U.S. ATTORNEY SELECTION

I recommend that you seek the President's approval of the following individual for possible nomination to the Senate:

R. Alexander Acosta of Florida, to be United States Attorney for the Southern District of Florida, vice Marcos D. Jimenez.

Upon the President's approval, all necessary clearances will be initiated. Nomination to the Senate will be forwarded immediately after all such clearances are obtained.

A summary of R. Alexander Acosta's biographical data and resume are attached hereto.

Attachments

NAME: R. Alexander Acosta  
NAME & STATE: R. Alexander Acosta of Florida

POSITION: United States Attorney for the Southern District of Florida

TYPE: (bold one) PAS PA SES FT PT TERM: 4 YEARS

VICE: Marcos D. Jimenez GENDER: M DOB: (b)(6)

BIRTHPLACE: Evanston, Illinois PARTY: SSN: (b)(6)

ETHNIC HERITAGE: Cuban RACE: Hispanic

CHILDREN: SPOUSE:

VOTING CITY, STATE (in 2004): Alexandria, Virginia HOME STATE: Florida

CURRENT HOME ADDRESS: (b)(6)  
HOME PHONE:

CURRENT POSITION AND WORK ADDRESS: Interim U.S. Attorney Office of the U.S. Attorney Southern District of Florida 99 N.E. 4th Street Miami, FL 33132

WORK PHONE: (305) 961-9100

EDUCATION: Harvard College, A.B., 1990.  
Harvard University School of Law, J.D., 1994.

AWARDS: The American-Arab Anti-Discrimination Committee's Friend in Government Award, 2005.

The Sikh-American Legal Defense and Education Fund's Dalip Singh Saund Excellence in Public Service Award, 2005.

The Mexican-American Legal Defense and Educational Fund National Excellence in Government Award, 2003.

PREVIOUS POSITIONS HELD: Assistant Attorney General for Civil Rights, U.S. Department of Justice, 2003-2005.

MILITARY SERVICE:

Board Member, National Labor Relations Board, 2002-2003.

Principal Deputy Assistant Attorney General for Civil Rights, U.S. Department of Justice, 2001-2002.

Adjunct Lecturer and Professor of Law, George Mason School of Law, 1998-2001.

Senior Fellow and Project Director, Ethics & Public Policy Center, 1997-2000.

Litigation Associate, Kirkland & Ellis, 1995-1997.

Law Clerk, The Honorable Samuel A. Alito, U.S. Court of Appeals for the Third Circuit, 1994-1995.

PREVIOUS PRESIDENTIAL APPOINTMENTS: Assistant Attorney General for Civil Rights, U.S. Department of Justice, 2003-2005.

President approved:

Security package sent:



**R. ALEXANDER ACOSTA**  
**Candidate for United States Attorney**  
**for the Southern District of Florida**

**Age:** 37

**Residence:** Key Biscayne, Florida

**Education:**

Harvard Law School, J.D. *cum laude*, 1994.

Harvard College, B.A. *magna cum laude*, 1990.

**Legal and Professional Experience:**

Interim U.S. Attorney, U.S. Attorney's Office for the Southern District of Florida, 2005- present.

Assistant Attorney General for Civil Rights, U.S. Department of Justice, 2003-2005.

Board Member, National Labor Relations Board, 2002-2003.

Principal Deputy Assistant Attorney General for Civil Rights, U.S. Department of Justice, 2001-2002.

Adjunct Lecturer and Professor of Law, George Mason School of Law, 1998-2001.

Senior Fellow and Project Director, Ethics & Public Policy Center, 1997-2000.

Litigation Associate, Kirkland & Ellis, 1995-1997.

Law Clerk, The Honorable Samuel A. Alito, U.S. Court of Appeals for the Third Circuit, 1994-1995.

Summer Associate, Foley, Hoag & Elliott, 1993.

Summer Associate, Skadden, Arps, Slate, Meagher & Flom, 1992.

Investment Banking Analyst, Lehman Brothers, 1990-1991.

**Professional and Civic Activities:**

Co-Chairman, Brown v. Board of Education 50<sup>th</sup> Anniversary Commission, 2003-2004.

Board Member, Comite Hispano de Virginia, 2000-2001.

Chairman, Disability Law Subcommittee, Labor Law Section, The Federalist Society, 1999-2001.

Vice Chairman, Administrative Law Section, 1997-1999.

**Awards:**

The Mexican-American Legal Defense and Educational Fund National Excellence in Government Award, 2003.

The American-Arab Anti-Discrimination Committee's Friend in Government Award, 2005.

The Sikh-American Legal Defense and Education Fund's Dalip Singh Saund Excellence in Public Service Award, 2005.

**Confirmation Considerations:** Mr. Acosta is recommended by Senators Martinez and Nelson.

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM:

HARRIET MIERS 

SUBJECT:

UNITED STATES ATTORNEY SELECTION

The Attorney General and I recommend that you approve for possible nomination to the Senate the following individual:

**Phillip John Green, of Michigan, to be United States Attorney for the Southern District of Illinois, vice Ronald J. Tenpas.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

MEMORANDUM FOR: HARRIET MIERS

FROM: ALBERTO R. GONZALES  
ATTORNEY GENERAL

SUBJECT: U.S. ATTORNEY SELECTION

I recommend that you seek the President's approval of the following individual for possible nomination to the Senate:

Phillip John Green of Michigan, to be United States Attorney for the Southern District of Illinois, vice Ronald J. Tenpas.

Upon the President's approval, all necessary clearances will be initiated. Nomination to the Senate will be forwarded immediately after all such clearances are obtained.

A summary of Phillip John Green's biographical data and resume are attached hereto.

Attachments

PREPARED BY: Richard Klingler

NAME: Phillip John Green

NAME & STATE: Phillip John Green of Michigan

POSITION: United States Attorney for the Southern District of Illinois

TYPE: (bold one) PAS PA SES FT PT TERM: 4 YEARS

VICE: Ronald J. Tenpas GENDER: M DOB: (b)(6)

BIRTHPLACE: Denver, Colorado PARTY: SSN: (b)(6)

ETHNIC HERITAGE: RACE: White

CHILDREN: 5 SPOUSE: Ann Marie Green

VOTING CITY, STATE (in 2004): Hastings, Michigan HOME STATE: Michigan

CURRENT HOME ADDRESS: (b)(6)

CURRENT POSITION AND WORK ADDRESS: Deputy Chief U.S. Attorney's Office Western District of Michigan 330 Ionia Avenue, NW, Suite 501 Grand Rapids, MI 49503

HOME PHONE: (b)(6)

WORK PHONE: (616) 456-2404

EDUCATION: St. Louis University School of Law, J.D. magna cum laude, 1990. Saint Meinrad College, B.A., 1982.

AWARDS:

PREVIOUS POSITIONS HELD: U.S. Attorney's Office for the Western District of Michigan, 1998-2006. Assistant U.S. Attorney, 2005-2006; First Assistant U.S. Attorney, 2001-2005; Interim U.S. Attorney, 2001; Deputy Chief, 1998-2001.

MILITARY SERVICE: U.S. Navy, 1974-1976. U.S. Navy Reserves, 1976-1979.

U.S. Department of Justice, 1991-1994 and 1995-1998. Attorney, Civil Division, 1995-1998; Attorney, Civil Division Honors Program, 1991-1994.

Associate, Bryan Cave LLP, 1995-1998.

Law Clerk, The Honorable Theodore McMillian, U.S. Court of Appeals for the Eighth Circuit, 1990-1991.

PREVIOUS PRESIDENTIAL APPOINTMENTS: President approved: Security package sent:

**PHILLIP JOHN GREEN**  
**Candidate for United States Attorney**  
**for the Southern District of Illinois**

**Age:** 49

**Residence:** Hastings, Michigan

**Education:**

St. Louis University School of Law, J.D. *magna cum laude*, 1990.  
Saint Meinrad College, B.A., 1982.

**Legal and Professional Experience:**

Deputy Chief, U.S. Attorney's Office for the Western District of Michigan, 1998- 2001 and 2006- present.  
Assistant U.S. Attorney, 2005-2006.  
First Assistant U.S. Attorney, 2001-2005.  
Interim U.S. Attorney, 2001.  
Attorney, Civil Division, U.S. Department of Justice, 1995-1998.  
Associate, Bryan Cave LLP, 1995-1998.  
Attorney, Civil Division Honors Program, U.S. Department of Justice, 1991-1994.  
Law Clerk, The Honorable Theodore McMillian, U.S. Court of Appeals for the Eighth Circuit, 1990-1991.

**Military Service:**

U.S. Navy, 1974-1976.  
U.S. Navy Reserves, 1976-1979.

**Professional and Civic Activities:**

Treasurer, Federal Bar Association, Western District of Michigan.  
Member, American Inns of Court.

**Publications:**

*COBRA: Another New Patch on an Old Garment*, 33 St. Louis University Law Journal 743 (1989).

**Confirmation Considerations:**

Green is recommended by Speaker Hastert.

THE WHITE HOUSE  
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM:

HARRIET MIERS 

SUBJECT:

UNITED STATES ATTORNEY SELECTION

The Attorney General and I recommend that you approve for possible nomination to the Senate the following individual:

**George E.B. Holding, of North Carolina, to be United States Attorney for the Eastern District of North Carolina, vice Frank D. Whitney.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_

DISAPPROVE: \_\_\_\_\_

MEMORANDUM FOR: HARRIET MIERS

FROM: ALBERTO R. GONZALES  
ATTORNEY GENERAL

SUBJECT: U.S. ATTORNEY SELECTION

I recommend that you seek the President's approval of the following individual for possible nomination to the Senate:

George E. B. Holding, to be United States Attorney for the Eastern District of North Carolina, vice Frank D. Whitney.

Upon the President's approval, all necessary clearances will be initiated. Nomination to the Senate will be forwarded immediately after all such clearances are obtained.

A summary of George E. B. Holding's biographical data and resume are attached hereto.

Attachments

PREPARED BY: Jennifer Brosnahan

NAME: George E.B. Holding

NAME & STATE: George E.B. Holding of North Carolina

POSITION: United States Attorney for the Eastern District of North Carolina

TYPE: (bold one) PAS PA SES FT PT TERM: 4 YEARS

VICE: Frank D. Whitney GENDER: M DOB: (b)(6)

BIRTHPLACE: Raleigh, North Carolina PARTY: SSN: (b)(6)

ETHNIC HERITAGE: Caucasian RACE: White

CHILDREN: 3 SPOUSE: Lucy E. Herriot Holding

VOTING CITY, STATE (in 2004): Raleigh, North Carolina HOME STATE: North Carolina

CURRENT HOME ADDRESS: (b)(6) CURRENT POSITION AND WORK ADDRESS: First Assistant U.S. Attorney Eastern District of North Carolina 310 New Bern Avenue, Suite 800 Raleigh, NC 27601

HOME PHONE: (b)(6) WORK PHONE: (919) 856-4904

EDUCATION: Wake Forest University School of Law, J.D., 1996. AWARDS:

Wake Forest University, B.A., 1991.

PREVIOUS POSITIONS HELD: Counsel, Maupin, Taylor and Ellis, P.A., 2001-2002. MILITARY SERVICE:

Legislative Counsel, Office of U.S. Senator Jesse Helms, 1999-2001.

Associate, Kilpatrick Stockton, LLP, 1997-1999.

Law Clerk, The Honorable Terrence W. Boyle, U.S. District Court Judge for the Eastern District of North Carolina, 1996-1997.

PREVIOUS PRESIDENTIAL APPOINTMENTS: President approved: Security package sent:

\_\_\_\_\_



**GEORGE E.B. HOLDING**  
**Candidate for United States Attorney**  
**for the Eastern District of North Carolina**

**Age:** 37

**Residence:** Raleigh, North Carolina

**Education:**

Wake Forest University School of Law, J.D., 1996.

Wake Forest University, B.A., 1991.

**Legal and Professional Experience:**

First Assistant U.S. Attorney, Eastern District of North Carolina, 2002- present.

Counsel, Maupin, Taylor and Ellis, P.A., 2001-2002.

Legislative Counsel, Office of U.S. Senator Jesse Helms, 1999-2001.

Associate, Kilpatrick Stockton, LLP, 1997-1999.

Law Clerk, The Honorable Terrence W. Boyle, U.S. District Court Judge for the Eastern District of North Carolina, 1996-1997.

**Professional and Civic Activities:**

Permanent Member, Fourth Circuit Judicial Conference.

Member, The Federalist Society.

Member, American Bar Association.

Member, Federal Bar Advisory Council.

Member, Federal Bench-Bar Liaison Committee.

Member, North Carolina Bar Association.

**Confirmation Considerations:**

Holding is the sole recommendation of Senators Dole and Burr. He is also recommended by the current U.S. Attorney, Frank Whitney.

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	United States Marshal Selection [with attachments] - To: POTUS - From: Harriet Miers	3	03/16/2006	P2; P5; P6/b6;

**This marker identifies the original location of the withdrawn item listed above.  
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### COLLECTION:

Records Management, White House Office of

### SERIES:

Subject Files - FG001-07 (Briefing Papers)

### FOLDER TITLE:

692397

### FRC ID:

11207

### OA Num.:

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### NARA Num.:

11964

### FOIA ID and Segment:

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2014-0132-F

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

#### Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

THE WHITE HOUSE

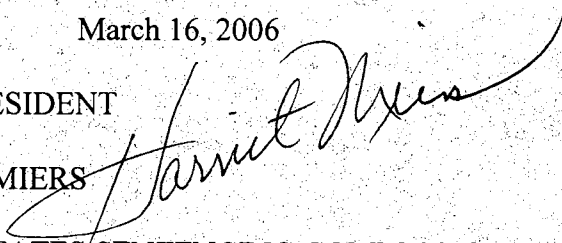
WASHINGTON

March 16, 2006

MEMORANDUM FOR THE PRESIDENT

FROM:

HARRIET MIERS



SUBJECT:

UNITED STATES SENTENCING COMMISSION

The White House Judicial Selection Committee and I recommend that you approve for possible nomination to the Senate the following individual:

**Dabney Langhorne Friedrich, of Virginia, to be a Member of the United States Sentencing Commission, vice Michael O'Neill.**

Upon your approval all necessary clearances will be initiated. An announcement of intention to nominate will be made as soon as the clearances have been obtained. Nomination to the Senate will be forwarded immediately following the announcement.

APPROVE: \_\_\_\_\_



DISAPPROVE: \_\_\_\_\_

PREPARED BY: Jennifer Brosnahan

NAME: Dabney Langhorne Friedrich

NAME & STATE: Dabney Langhorne Friedrich of Virginia

POSITION: United States Sentencing Commission

TYPE: (bold one) PAS PA SES FT PT TERM: Remainder of 6-year term ending 10/31/09

VICE: Michael O'Neill GENDER: F DOB: (b)(6)

BIRTHPLACE: Pensacola, Florida PARTY: SSN: (b)(6)

ETHNIC HERITAGE: Caucasian RACE: White

CHILDREN: 1 SPOUSE: Matthew Friedrich

VOTING CITY, STATE (in 2004): Alexandria, Virginia HOME STATE: Virginia

CURRENT HOME ADDRESS: (b)(6) CURRENT POSITION AND WORK ADDRESS: Associate Counsel to the President The White House 1600 Pennsylvania Avenue Washington, DC 20500

HOME PHONE: (b)(6) WORK PHONE: (202) 456-7963

EDUCATION: Yale Law School, J.D., 1992. AWARDS:

Oxford University, Diploma in Legal Studies, 1989.

Trinity University, B.A., May 1988.

PREVIOUS POSITIONS HELD: Chief Crime Counsel to U.S. Senator Orrin G. Hatch, U.S. Senate Judiciary Committee, 2002-2003. MILITARY SERVICE:

Assistant U.S. Attorney, U.S. Attorney's Office for the Eastern District of Virginia, 1998-2002.

Trial Attorney, Campaign Financing Task Force, U.S. Department of Justice, 1997-1998.

Assistant U.S. Attorney, U.S. Attorney's Office for the Southern District of California, 1995-1997.

Associate, Latham & Watkins, 1994-1995.

Law Clerk, The Honorable Thomas F. Hogan, U.S. District Court for the District of Columbia, 1992-1994.

PREVIOUS PRESIDENTIAL APPOINTMENTS: Associate Counsel to the President, 2003- present.

President approved: Security package sent:

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Dabney Langhorne Friedrich	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

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Records Management, White House Office of

**SERIES:**

Subject Files - FG001-07 (Briefing Papers)

**FOLDER TITLE:**

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**FRC ID:**

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**OA Num.:**

11826

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**FOIA ID and Segment:**

2014-0132-F

**RESTRICTION CODES**

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**Records Not Subject to FOIA**

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.