

# FOIA Marker

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Records Management, White House Office of

Subject Files - FG050 (Judicial Branch)

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	11	7	11	1	12136	24999	12172	11962

Folder Title:

560851

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
002	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
003	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
004	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
005	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

**COLLECTION TITLE:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

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

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
006	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
007	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
008	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
009	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
010	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
011	Email	Additional Suggestions from Judge Gonzales on Judges Speech - To: Colleen Carroll - From: Brett Kavanaugh	1	05/07/2003	P5;
012	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
013	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
014	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;
015	Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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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 - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

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*Remarks*

WHITE HOUSE STAFFING MEMORANDUM

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
<del>VICE PRESIDENT</del> <i>Comments</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD <i>OK</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS <i>OK</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT <i>comment</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>MIERS</del> <i>Comments</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN <i>NC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS <i>NC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS <i>Suggestion</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN <i>OK</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GONZALES <i>Comments</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

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**Cleveland, Carolyn E.**

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**From:** Besanceney, Brian R.  
**Sent:** Friday, May 09, 2003 11:58 AM  
**Subject:** FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

**THE WHITE HOUSE**

**Office of the Press Secretary**

**For Immediate Release**

**May 9, 2003**

**The President's Call to Action on Judicial Nominees**

Ø Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9, 2001, nominees represent the mainstream of American law and values, possess extraordinary experience, intellect and integrity, and enjoy strong bipartisan support.

Ø The Senate has a Constitutional responsibility to hold an up or down vote on judicial nominees and to do so within a reasonable time after nomination. As illustrated by the extraordinary delays on these first 11 nominees, the judicial confirmation process is broken. For the sake of the American people and our system of justice, the confirmation process must be fixed. The President reiterated the call he first made in June 2000 – when several Democrat Senators publicly agreed with him -- for a fair and timely Senate confirmation process for every nominee.

Ø Today the President signed an executive order formalizing his commitment to submit nominations within 180 days after receiving notification of a vacancy. Now we are waiting on the Senate to do its duty – and ensure timely up-or-down votes for every nominee.

Ø **Some Senators are engaging in unprecedented obstructionist tactics and delaying the confirmation process.**

ü Since President Bush took office, more appeals court nominees have waited at least a year for a hearing than in the last 50 years *combined*.

ü During President Bush's first two years in office, only 53% of appeals court nominees were confirmed compared to a rate of over 90% during the same period for the last 3 Presidencies.

ü A minority of Senators are now engaging in unprecedented filibusters of two highly qualified appeals court nominees who have the support of a majority of Senators. And more filibusters are threatened.

ü Yesterday, a minority of Senators for the 6th time blocked a vote on Miguel Estrada and for the 2nd time blocked a vote on Priscilla Owen.

ü Some Senators are applying a double standard to Miguel Estrada and Priscilla Owen.

Ø **The delays in the process are causing vacancy crises in many of our nation's federal appeals courts.**

ü When the federal courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans.

ü There is now a 12% vacancy rate in the U.S. Courts of Appeals.

ü Fifteen of the appeals court seats for which the President currently has nominations pending have been declared



“judicial emergencies” by the Judicial Conference of the United States.

ü The President has submitted 42 superb nominees for the federal courts of appeals. Eighteen of them are still waiting for a vote in the Senate – and 8 of those 18 have been waiting more than a year.

Ø **The President’s nominees are highly qualified and deserve a vote.**

ü The President’s nominees are known for their character, experience and intellect.

ü Each shares the President’s philosophy that judges should follow the law, and not make the law.

ü Each of the nominees has strong bipartisan support.

ü The President’s nominees represent the mainstream of American law and values.

ü All of the President’s appeals court nominees who have been rated have received a “qualified” or “well-qualified” rating from the American Bar Association.

Ø **It is time to fix the broken confirmation process.**

ü It’s time to restore dignity and fairness to the judicial confirmation process and to address the vacancy crisis, particularly in the appeals courts, as Republican Senator Cornyn and Democrat Senator Pryor recently advocated on behalf of the 10 new United States Senators.

ü The President has proposed a comprehensive three-Branch plan to fix the process and end the vacancy crisis. He has proposed that judges give one-year advance notice of retirement when possible, that Presidents submit nominations within 180 days of receiving notice of a vacancy or intended retirement, and that the Senate vote up or down on nominees within 180 days after nomination. The plan would apply now and in the future no matter who is President or which party controls the Senate.

ü The Judicial Conference has done its part. In March they adopted the President’s proposal for one-year advance notice by judges of an intended retirement.

ü The President is submitting nominations within 180 days of receiving notice of a vacancy or intended retirement, and today he signed an executive order formalizing his commitment to prompt nomination.

ü Now it is time for the Senate to act. Every nominee deserves a vote in a reasonable amount of time, a principle that Senators on both sides of the aisle have advocated:

ü *Senator Harkin* on September 14, 2000 stated: “...I’ll just close by saying that Governor Bush had the right idea. He said the candidate should get an up or down vote within 60 days of their nomination.”

ü *Senator Leahy* on October 3, 2000 stated: “Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. . . . [T]hat is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting maybe, but we are doing a terrible disservice to the man or woman to whom we do this.”

ü *Senator Daschle* on October 5, 1999 stated: “...I find it simply baffling that a Senator would vote against even voting on a judicial nomination.”

ü *Senator Biden* on March 19, 1997, stated: “I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor.”

Ø **Let each Senator vote as he or she thinks best – but give every nominee a vote.**

## The President's Call to Action on Judicial Nominees

- Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9, 2001, nominees represent the mainstream of American law and values, possess extraordinary experience, intellect and integrity, and enjoy strong bipartisan support.
- The Senate has a Constitutional responsibility to hold an up or down vote on judicial nominees and to do so within a reasonable time after nomination. As illustrated by the extraordinary delays on these first 11 nominees, the judicial confirmation process is broken. For the sake of the American people and our system of justice, the confirmation process must be fixed. The President reiterated the call he first made in June 2000 – when several Democrat Senators publicly agreed with him -- for a fair and timely Senate confirmation process for every nominee.
- Today the President signed an executive order formalizing his commitment to submit nominations within 180 days after receiving notification of a vacancy. Now we are waiting on the Senate to do its duty – and ensure timely up-or-down votes for every nominee.
- **Some Senators are engaging in unprecedented obstructionist tactics and delaying the confirmation process.**
  - ✓ Since President Bush took office, more appeals court nominees have waited at least a year for a hearing than in the last 50 years *combined*.
  - ✓ During President Bush's first two years in office, only 53% of appeals court nominees were confirmed compared to a rate of over 90% during the same period for the last 3 Presidencies.
  - ✓ A minority of Senators are now engaging in unprecedented filibusters of two highly qualified appeals court nominees who have the support of a majority of Senators. And more filibusters are threatened.
  - ✓ Yesterday, a minority of Senators for the 6<sup>th</sup> time blocked a vote on Miguel Estrada and for the 2<sup>nd</sup> time blocked a vote on Priscilla Owen.
  - ✓ Some Senators are applying a double standard to Miguel Estrada and Priscilla Owen.
- **The delays in the process are causing vacancy crises in many of our nation's federal appeals courts.**
  - ✓ When the federal courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans.
  - ✓ There is now a 12% vacancy rate in the U.S. Courts of Appeals.
  - ✓ Fifteen of the appeals court seats for which the President currently has nominations pending have been declared "judicial emergencies" by the Judicial Conference of the United States.
  - ✓ The President has submitted 42 superb nominees for the federal courts of appeals. Eighteen of them are still waiting for a vote in the Senate – and 8 of those 18 have been waiting more than a year.
- **The President's nominees are highly qualified and deserve a vote.**
  - ✓ The President's nominees are known for their character, experience and intellect.
  - ✓ Each shares the President's philosophy that judges should follow the law, and not make the law.
  - ✓ Each of the nominees has strong bipartisan support.
  - ✓ The President's nominees represent the mainstream of American law and values.
  - ✓ All of the President's appeals court nominees who have been rated have received a "qualified" or "well-qualified" rating from the American Bar Association.
- **It is time to fix the broken confirmation process.**

- ✓ It's time to restore dignity and fairness to the judicial confirmation process and to address the vacancy crisis, particularly in the appeals courts, as Republican Senator Cornyn and Democrat Senator Pryor recently advocated on behalf of the 10 new United States Senators.
  - ✓ The President has proposed a comprehensive three-Branch plan to fix the process and end the vacancy crisis. He has proposed that judges give one-year advance notice of retirement when possible, that Presidents submit nominations within 180 days of receiving notice of a vacancy or intended retirement, and that the Senate vote up or down on nominees within 180 days after nomination. The plan would apply now and in the future no matter who is President or which party controls the Senate.
    - ✓ The Judicial Conference has done its part. In March they adopted the President's proposal for one-year advance notice by judges of an intended retirement.
    - ✓ The President is submitting nominations within 180 days of receiving notice of a vacancy or intended retirement, and today he signed an executive order formalizing his commitment to prompt nomination.
  - ✓ Now it is time for the Senate to act. Every nominee deserves a vote in a reasonable amount of time, a principle that Senators on both sides of the aisle have advocated:
    - ✓ *Senator Harkin* on September 14, 2000 stated: "...I'll just close by saying that Governor Bush had the right idea. He said the candidate should get an up or down vote within 60 days of their nomination."
    - ✓ *Senator Leahy* on October 3, 2000 stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. . . . [T]hat is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting maybe, but we are doing a terrible disservice to the man or woman to whom we do this."
    - ✓ *Senator Daschle* on October 5, 1999 stated: "...I find it simply baffling that a Senator would vote against even voting on a judicial nomination."
    - ✓ *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor."
- **Let each Senator vote as he or she thinks best – but give every nominee a vote.**

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>Comments</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD <i>ok</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT <i>NYC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	<del>MONTGOMERY <i>Comments</i></del>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BOLTEN <i>Comments</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE <i>Comments</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS <i>NYC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>SPELLINGS <i>Comments</i></del>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN <i>NC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES <i>ok</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

- Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9 nominees represent the mainstream of American law and American values, possess extraordinary experience, intellect, and integrity, and enjoy strong bipartisan support.
- The Senate has a Constitutional responsibility to hold an up or down vote on judicial nominees and to do so within a reasonable time after nomination. As illustrated by the extraordinary delays on these first 11 nominees, the judicial confirmation process is broken. For the sake of the American people and the American system of justice, the confirmation process must be fixed. Every person nominated to the federal bench should receive a timely vote. Today, the President reiterated the call he first made in June 2000 – when several Democrat Senators publicly agreed with him -- for a fair and timely Senate confirmation process.
- **Some Senators are engaging in unprecedented obstructionist tactics and delaying the confirmation process.**
  - ✓ Since President Bush took office, more judicial nominees have waited at least a year for a hearing than in the last 50 years *combined*.
  - ✓ During President Bush's first two years in office, only 50% of appeals court nominees were confirmed compared to a rate of over 90% during the same period in the last 3 Presidencies.
  - ✓ A minority of Senators are now engaging in unprecedented filibusters of two highly qualified appeals court nominees who have the support of a majority of Senators. And more filibusters are threatened.
  - ✓ Yesterday, a minority of Senators for the 6<sup>th</sup> time blocked a vote on Miguel Estrada and for the 2<sup>nd</sup> time blocked a vote on Priscilla Owen.
  - ✓ Some Senators are demanding information and seeking confidential attorney-client memos that have not been required from past nominees. And they are applying a double standard to Miguel Estrada and Priscilla Owen.
- **The delays in the process are causing vacancy crises in many of our nation's federal appeals courts.**
  - ✓ When the Federal Courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans.
  - ✓ There is currently a 12% vacancy rate in the U.S. courts of appeals.
  - ✓ Fifteen of the appeals court seats for which the President currently has nominations pending are "judicial emergencies."
  - ✓ The President has submitted 42 superb nominees for the federal court of appeals. Eighteen of them are still waiting for a vote in the Senate – and 8 of those 18 have been waiting more than a year.
- **The President's nominees are highly qualified and deserve a vote.**
  - ✓ Each nominee is known for character, experience, intellect, and following the law.
  - ✓ Each shares the President's philosophy that judges should follow the law, and not make the law.
  - ✓ Each of the nominees has strong bipartisan support.
  - ✓ Each of the nominees represents the mainstream of American law and American values.
- **It is time to fix the broken confirmation process.**
  - ✓ It's time to restore dignity and fairness to the judicial confirmation process and to address the vacancy crisis, particularly in the appeals courts, as Republican Senator Cornyn and Democrat Senator Pryor recently advocated on behalf of the 10 new United States Senators.
  - ✓ The President has proposed a comprehensive three-Branch plan to fix the process and end the vacancy crisis. He has proposed that judges give one-year advance notice of retirement where possible, that Presidents submit nominations within 180 days of learning of a vacancy or intended retirement, and that the Senate vote

up or down on nominees within 180 days after nomination. The plan would apply now and in the future no matter who is President or which party controls the Senate.

- ✓ The Judicial Conference has done its part and in March adopted the President's proposal for one-year advance notice by judges of an intended retirement
- ✓ The President is submitting nominations within 180 days of learning of a vacancy or intended retirement, and today he signed an executive order formalizing his commitment to prompt nomination.
- ✓ Now it is time for the Senate to act. Every nominee deserves a vote in a reasonable amount of time, a principle Senators on both sides of the aisle have advocated:
  - ✓ *Senator Harkin* on September 14, 2000 stated: "...I'll just close by saying that Governor Bush had the right idea. He said the candidate should get an up or down vote within 60 days of their nomination."
  - ✓ *Senator Leahy* on October 3, 2000 stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. . . . [T]hat is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting maybe, but we are doing a terrible disservice to the man or woman to whom we do this."
  - ✓ *Senator Daschle* on October 5, 1999 stated: "...I find it simply baffling that a Senator would vote against even voting on a judicial nomination."
  - ✓ *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor."

**Barclay, Barbara A.**

---

**From:** Snee, Ashley  
**Sent:** Thursday, May 08, 2003 11:16 PM  
**To:** Staff Secretary  
**Cc:** Fleischer, Lawrence A.; Kavanaugh, Brett M.  
**Subject:** Fact Sheet for Friday Morning

Please put me down for the contact. Please send remarks by 9:30 AM ph: 62115 fax: 60126



judges 5 9 03  
#2.doc (48 KB)

Thank you!

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0195  
 CONNECTION TEL 66212  
 CONNECTION ID VICE PRESIDENT  
 ST. TIME 05/06 18:24  
 USAGE T 02'10  
 PGS. SENT 6  
 RESULT OK

SS/ RM NO. \_\_\_\_\_

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983,  
 BY MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY



**WHITE HOUSE STAFFING MEMORANDUM**

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
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BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 0196  
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 CONNECTION ID DANIELS  
 ST. TIME 05/06 18:27  
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 RESULT OK

SS/ RM NO. \_\_\_\_\_

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
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DANIEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983.  
 IMMEDIATELY MAY 7, 2003 AND SEND A COPY TO THE STAFF SECRETARY

## WHITE HOUSE STAFFING MEMORANDUM

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<del>DANIELS</del>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

**RESPONSE:**

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	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 - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

**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.

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

RESPONSE:

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

### RESTRICTION CODES

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Records Not Subject to FOIA

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**WHITE HOUSE STAFFING MEMORANDUM**

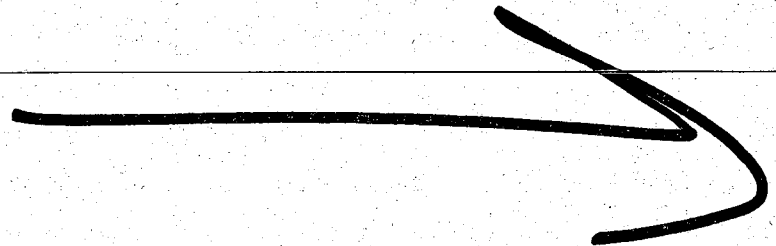
Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM **MAY 6 PM 6:35**

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
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CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:  
 PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983,  
 BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY,  
 EXTENSION 62702/FAX 62215. THANK YOU.

*Harriet*



Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

**This marker identifies the original location of the withdrawn item listed above.  
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Withdrawal/Redaction Sheet at the front of the folder.**

**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

**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]
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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.



# Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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**Records Not Subject to FOIA**

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JB

SS/ RM NO. \_\_\_\_\_

### WHITE HOUSE STAFFING MEMORANDUM

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

RESPONSE:

*Comments marked.  
Jon Burks*

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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Withdrawal/Redaction Sheet at the front of the folder.**

**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

**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]
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- 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.

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

# Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

**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]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**Records Not Subject to FOIA**

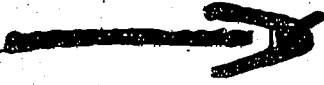
**Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.**

SS/ RM NO. \_\_\_\_\_

# WHITE HOUSE STAFFING MEMORANDUM

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIEL 	<input type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

05 MAY 7 AM 10:17

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RESPONSE: *No comments.*

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

SS/ RM NO. \_\_\_\_\_

### WHITE HOUSE STAFFING MEMORANDUM

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ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
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BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLING	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

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RESPONSE:

*Garry*  
*Suggestion attached.*  
*GAM MTRC*

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

# Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

**RESTRICTION CODES**

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

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



Hutchison

SS/ RM NO.

Brett

WHITE HOUSE STAFFING MEMORANDUM

03 MAY 7 PM 12:50

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

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RESPONSE:

Comments  
Brett Kavanaugh

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

**RESTRICTION CODES**

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

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

- 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.

- b(1) National security classified information [(b)(1) 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.

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Additional Suggestions from Judge Gonzales on Judges Speech - To: Colleen Carroll - From: Brett Kavanaugh	1	05/07/2003	P5;

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

Records Management, White House Office of

**SERIES:**

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**FOLDER TITLE:**

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2018-0011-P

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**WHITE HOUSE STAFFING MEMORANDUM**

*EO*

*EO*

03 MAY 7 PM 1:05

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD <i>→</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

RESPONSE:

*in the room 517*

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

**This marker identifies the original location of the withdrawn item listed above.  
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Withdrawal/Redaction Sheet at the front of the folder.**

**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

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

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- 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.

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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.



OFFICE OF THE VICE PRESIDENT  
WASHINGTON

'03 MAY 7 PM 2:11

May 7, 2003

**MEMORANDUM FOR ANNE CAMPBELL**  
**EXECUTIVE ASSISTANT TO THE DIRECTOR OF**  
**SPEECHWRITING**

**FROM:** **JOE LEVENTHAL** *SL*  
**DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT**

**SUBJECT:** **REMARKS ON JUDICIAL INDEPENDENCE**  
**(DRAFT #3, MAY 9, 2003)**

The Office of the Vice President has reviewed the above-referenced draft and recommends the changes marked on the attached copy. The attached comments, where applicable, are provided with explanation to ensure the remarks are historically and legally accurate.

**Attachment**

**cc:** **Harriet Miers**  
**Staff Secretary**

SS/ RM NO. \_\_\_\_\_

## WHITE HOUSE STAFFING MEMORANDUM

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PMSubject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

## REMARKS:

PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

## RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FG050 (Judicial Branch)

**FOLDER TITLE:**

560851

**FRC ID:**

12136

**OA Num.:**

11962

**NARA Num.:**

12172

**FOIA IDs and Segments:**

2018-0011-P

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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.**



SS/ RM NO. \_\_\_\_\_

### WHITE HOUSE STAFFING MEMORANDUM

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

03 MAY 7 PM 2:44

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:  
PLEASE FORWARD YOUR COMMENTS TO ANNE CAMPBELL EXTENSION 60170/FAX 62983, BY 2:00 PM, WEDNESDAY, MAY 7, 2003, AND SEND A COPY TO THE STAFF SECRETARY, EXTENSION 62702/FAX 62215. THANK YOU.

RESPONSE:

*NEC = no comment*

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

WHITE HOUSE STAFFING MEMORANDUM

03 MAY 7 PM 2:55

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS <del>_____</del>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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RESPONSE:

*ok E.P. with caveat on page 2.*

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech	Remarks on Judicial Independence and Judicial Confirmation Process	5	05/09/2003	P5; P6/b6;

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**SERIES:**

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**Records Not Subject to FOIA**

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**WHITE HOUSE STAFFING MEMORANDUM**

03 MAY 7 PM 5:45

Date: 3/6/03 6:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 3/7/03 2:00 PM

Subject: REMARKS ON JUDICIAL INDEPENDENCE (DRAFT #3, MAY 9, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

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*no comment*

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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- 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.

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

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CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

**RESPONSE:**

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

- Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9 nominees represent the mainstream of American law and American values, possess extraordinary experience, intellect, and integrity, and enjoy strong bipartisan support.
- The Senate has a Constitutional responsibility to hold an up or down vote on judicial nominees and to do so within a reasonable time after nomination. As illustrated by the extraordinary delays on these first 11 nominees, the judicial confirmation process is broken. For the sake of the American people and the American system of justice, the confirmation process must be fixed. Every person nominated to the federal bench should receive a timely vote. Today, the President reiterated the call he first made in June 2000 – when several Democrat Senators publicly agreed with him -- for a fair and timely Senate confirmation process.
- **Some Senators are engaging in unprecedented obstructionist tactics and delaying the confirmation process.**
  - ✓ Since President Bush took office, more judicial nominees have waited at least a year for a hearing than in the last 50 years *combined*.
  - ✓ During President Bush's first two years in office, only 50% of appeals court nominees were confirmed compared to a rate of over 90% during the same period in the last 3 Presidencies.
  - ✓ A minority of Senators are now engaging in unprecedented filibusters of two highly qualified appeals court nominees who have the support of a majority of Senators. And more filibusters are threatened.
  - ✓ Yesterday, a minority of Senators for the 6<sup>th</sup> time blocked a vote on Miguel Estrada and for the 2<sup>nd</sup> time blocked a vote on Priscilla Owen.
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- **The delays in the process are causing vacancy crises in many of our nation's federal appeals courts.**
  - ✓ When the Federal Courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans.
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- **The President's nominees are highly qualified and deserve a vote.**
  - ✓ Each nominee is known for character, experience, intellect, and following the law.
  - ✓ Each shares the President's philosophy that judges should follow the law, and not make the law.
  - ✓ Each of the nominees has strong bipartisan support.
  - ✓ Each of the nominees represents the mainstream of American law and American values.
- **It is time to fix the broken confirmation process.**
  - ✓ It's time to restore dignity and fairness to the judicial confirmation process and to address the vacancy crisis, particularly in the appeals courts, as Republican Senator Cornyn and Democrat Senator Pryor recently advocated on behalf of the 10 new United States Senators.
  - ✓ The President has proposed a comprehensive three-Branch plan to fix the process and end the vacancy crisis. He has proposed that judges give one-year advance notice of retirement where possible, that Presidents submit nominations within 180 days of learning of a vacancy or intended retirement, and that the Senate vote

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 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 0288  
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 CONNECTION ID VICE PRESIDENT  
 ST. TIME 05/09 06:36  
 USAGE T 01'17  
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 RESULT OK

SS/ RM NO. 

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

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CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
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FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
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GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>


REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY FRIDAY 5-9-03 WITH COPY TO STAFF SECRETARY. THANK YOU

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BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
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DANIELS 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK


TX/RX NO 0287  
 CONNECTION TEL 51005  
 CONNECTION ID DANIELS  
 ST. TIME 05/09 06:34  
 USAGE T 01'15  
 PGS. SENT 3  
 RESULT OK

SS/ RM NO. 

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GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

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BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
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FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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**RESPONSE:**

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

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ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

09 MAY 9 AM 8:24

**REMARKS:**

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*OK - No Comments*

**RESPONSE:**

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

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  - ✓ Some Senators are demanding information and seeking confidential attorney-client memos that have not been required from past nominees. And they are applying a double standard to Miguel Estrada and Priscilla Owen.
- **The delays in the process are causing vacancy crises in many of our nation's federal appeals courts.**
  - ✓ When the Federal Courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans.
  - ✓ There is currently a 12% vacancy rate in the U.S. courts of appeals.
  - ✓ Fifteen of the appeals court seats for which the President currently has nominations pending are "judicial emergencies."
  - ✓ The President has submitted 42 superb nominees for the federal court of appeals. Eighteen of them are still waiting for a vote in the Senate – and 8 of those 18 have been waiting more than a year.
- **The President's nominees are highly qualified and deserve a vote.**
  - ✓ Each nominee is known for character, experience, intellect, and following the law.
  - ✓ Each shares the President's philosophy that judges should follow the law, and not make the law.
  - ✓ Each of the nominees has strong bipartisan support.
  - ✓ Each of the nominees represents the mainstream of American law and American values.
- **It is time to fix the broken confirmation process.**
  - ✓ It's time to restore dignity and fairness to the judicial confirmation process and to address the vacancy crisis, particularly in the appeals courts, as Republican Senator Cornyn and Democrat Senator Pryor recently advocated on behalf of the 10 new United States Senators.
  - ✓ The President has proposed a comprehensive three-Branch plan to fix the process and end the vacancy crisis. He has proposed that judges give one-year advance notice of retirement where possible, that Presidents submit nominations within 180 days of learning of a vacancy or intended retirement, and that the Senate vote



up or down on nominees within 180 days after nomination. The plan would apply now and in the future no matter who is President or which party controls the Senate.


- ✓ The Judicial Conference has done its part and in March adopted the President's proposal for one-year advance notice by judges of an intended retirement
- ✓ The President is submitting nominations within 180 days of learning of a vacancy or intended retirement, and today he signed an executive order formalizing his commitment to prompt nomination.
- ✓ Now it is time for the Senate to act. Every nominee deserves a vote in a reasonable amount of time, a principle Senators on both sides of the aisle have advocated:
  - ✓ *Senator Harkin* on September 14, 2000 stated: "...I'll just close by saying that Governor Bush had the right idea. He said the candidate should get an up or down vote within 60 days of their nomination."
  - ✓ *Senator Leahy* on October 3, 2000 stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. . . . [T]hat is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting maybe, but we are doing a terrible disservice to the man or woman to whom we do this."
  - ✓ *Senator Daschle* on October 5, 1999 stated: "...I find it simply baffling that a Senator would vote against even voting on a judicial nomination."
  - ✓ *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor."

SSI/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

03 MAY 9 AM 9:02

REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

No comment.

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

SS/ RM NO.

*Teel*

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/03 7:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/03 12:00 PM AM 9:02

Subject: REMARKS ON THE ECONOMY - NEBRASKA (DRAFT #4, MAY 12, 2003)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Mankiw</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO ANNE CAMPBELL (6-0170/FAX 6-2983), BY NOON, FRIDAY, MAY 9, 2003, WITH A COPY TO THE STAFF SECRETARY (6-2702/FAX 6-2215).

RESPONSE:

*OK - NO COMMENTS.*

*Teel 5/11/03*

*6-2318*

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

SS/ RM NO.

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

09 MAY 9 AM 9:07

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Missing period on 4th line,  
2nd page; otherwise OK  
Lroy

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

- Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9 nominees represent the mainstream of American law and American values, possess extraordinary experience, intellect, and integrity, and enjoy strong bipartisan support.
- The Senate has a Constitutional responsibility to hold an up or down vote on judicial nominees and to do so within a reasonable time after nomination. As illustrated by the extraordinary delays on these first 11 nominees, the judicial confirmation process is broken. For the sake of the American people and the American system of justice, the confirmation process must be fixed. Every person nominated to the federal bench should receive a timely vote. Today, the President reiterated the call he first made in June 2000 – when several Democrat Senators publicly agreed with him – for a fair and timely Senate confirmation process.
- **Some Senators are engaging in unprecedented obstructionist tactics and delaying the confirmation process.**
  - ✓ Since President Bush took office, more judicial nominees have waited at least a year for a hearing than in the last 50 years *combined*.
  - ✓ During President Bush's first two years in office, only 50% of appeals court nominees were confirmed compared to a rate of over 90% during the same period in the last 3 Presidencies.
  - ✓ A minority of Senators are now engaging in unprecedented filibusters of two highly qualified appeals court nominees who have the support of a majority of Senators. And more filibusters are threatened.
  - ✓ Yesterday, a minority of Senators for the 6<sup>th</sup> time blocked a vote on Miguel Estrada and for the 2<sup>nd</sup> time blocked a vote on Priscilla Owen.
  - ✓ Some Senators are demanding information and seeking confidential attorney-client memos that have not been required from past nominees. And they are applying a double standard to Miguel Estrada and Priscilla Owen.
- **The delays in the process are causing vacancy crises in many of our nation's federal appeals courts.**
  - ✓ When the Federal Courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans.
  - ✓ There is currently a 12% vacancy rate in the U.S. courts of appeals.
  - ✓ Fifteen of the appeals court seats for which the President currently has nominations pending are "judicial emergencies."
  - ✓ The President has submitted 42 superb nominees for the federal court of appeals. Eighteen of them are still waiting for a vote in the Senate – and 8 of those 18 have been waiting more than a year.
- **The President's nominees are highly qualified and deserve a vote.**
  - ✓ Each nominee is known for character, experience, intellect, and following the law.
  - ✓ Each shares the President's philosophy that judges should follow the law, and not make the law.
  - ✓ Each of the nominees has strong bipartisan support.
  - ✓ Each of the nominees represents the mainstream of American law and American values.
- **It is time to fix the broken confirmation process.**
  - ✓ It's time to restore dignity and fairness to the judicial confirmation process and to address the vacancy crisis, particularly in the appeals courts, as Republican Senator Cornyn and Democrat Senator Pryor recently advocated on behalf of the 10 new United States Senators.
  - ✓ The President has proposed a comprehensive three-Branch plan to fix the process and end the vacancy crisis. He has proposed that judges give one-year advance notice of retirement where possible, that Presidents submit nominations within 180 days of learning of a vacancy or intended retirement, and that the Senate vote

up or down on nominees within 180 days after nomination. The plan would apply now and in the future no matter who is President or which party controls the Senate.

- ✓ The Judicial Conference has done its part and in March adopted the President's proposal for one-year advance notice by judges of an intended retirement.
- ✓ The President is submitting nominations within 180 days of learning of a vacancy or intended retirement, and today he signed an executive order formalizing his commitment to prompt nomination.
- ✓ Now it is time for the Senate to act. Every nominee deserves a vote in a reasonable amount of time, a principle Senators on both sides of the aisle have advocated:
  - ✓ *Senator Harkin* on September 14, 2000 stated: "...I'll just close by saying that Governor Bush had the right idea. He said the candidate should get an up or down vote within 60 days of their nomination."
  - ✓ *Senator Leahy* on October 3, 2000 stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. . . . [T]hat is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting maybe, but we are doing a terrible disservice to the man or woman to whom we do this."
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  - ✓ *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor."

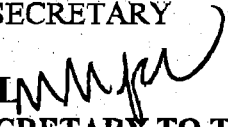


OFFICE OF THE VICE PRESIDENT  
WASHINGTON

'03 MAY 9 AM 9:07

May 9, 2003

**MEMORANDUM FOR ASHLEY SNEE**  
ASSISTANT PRESS SECRETARY

**FROM:** **JOE LEVENTHAL**   
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

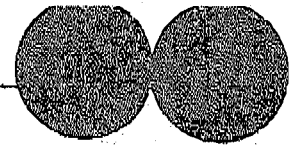
**SUBJECT:** **Fact Sheet – The President’s Call to Action on  
Judicial Nominees**

The Office of the Vice President has reviewed the above-referenced draft and recommends the changes marked on the attached copy.

**Attachment**

**cc:** **Harriet Miers**  
**Staff Secretary**

SS/ RM NO.



WHITE HOUSE STAFFING MEMORANDUM

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215



## The President's Call to Action on Judicial Nominees

- Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9 nominees represent the mainstream of American law and American values, possess extraordinary experience, intellect, and integrity, and enjoy strong bipartisan support.
- The Senate ~~has~~ <sup>in performing its</sup> Constitutional responsibility <sup>to</sup> hold an up or down vote on judicial nominees and to do so within a reasonable time after nomination. As illustrated by the extraordinary delays on these first 11 nominees, the judicial confirmation process is broken. For the sake of the American people and the American system of justice, the confirmation process must be fixed. Every person nominated to the federal bench should receive a timely vote. Today, the President reiterated the call he first made in June 2000 —when several Democrat Senators publicly agreed with him — for a fair and timely Senate confirmation process.
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  - ✓ Some Senators are demanding information and seeking confidential attorney-client memos <sup>rande</sup> that have not been required from past nominees. ~~And they are applying a double standard to Miguel Estrada and Priscilla Owen.~~
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  - ✓ There is currently a 12% vacancy rate in the U.S. courts of appeals.
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SS/ RM NO.

### WHITE HOUSE STAFFING MEMORANDUM

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

03 MAY 9 AM 9:42

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

*NEC "No Comments"*

**RESPONSE:**

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

SS/ RM NO.

# WHITE HOUSE STAFFING MEMORANDUM

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

**RESPONSE:**

2003 MAY 9 AM 6:40  
 SEARCHED  
 INDEXED

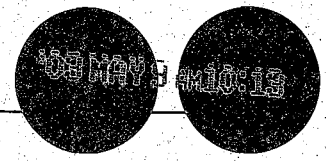
Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

- Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9<sup>th</sup> nominees represent the mainstream of American law and American values, possess extraordinary experience, intellect, and integrity, and enjoy strong bipartisan support. *2001*
- The Senate has a Constitutional responsibility to hold an up or down vote on judicial nominees and to do so within a reasonable time after nomination. As illustrated by the extraordinary delays on these first 11 nominees, the judicial confirmation process is broken. For the sake of the American people and the American system of justice, the confirmation process must be fixed. ~~Every person nominated to the federal bench should receive a timely vote.~~ Today, the President reiterated the call he first made in June 2000 – when several Democrat Senators publicly agreed with him -- for a fair and timely Senate confirmation process. *for every judge*
- **Some Senators are engaging in unprecedented obstructionist tactics and delaying the confirmation process.**
  - ✓ Since President Bush took office, more judicial nominees have waited at least a year for a hearing than in the last 50 years combined.
  - ✓ During President Bush's first two years in office, only 50% of appeals court nominees were confirmed compared to a rate of over 90% during the same period in the last 3 Presidencies.
  - ✓ A minority of Senators are now engaging in unprecedented filibusters of two highly qualified appeals court nominees who have the support of a majority of Senators. And more filibusters are threatened.
  - ✓ Yesterday, a minority of Senators for the 6<sup>th</sup> time blocked a vote on Miguel Estrada and for the 2<sup>nd</sup> time blocked a vote on Priscilla Owen.
  - ✓ Some Senators are demanding information and seeking confidential attorney-client memos that have not been required from past nominees. ~~And they are applying a double standard to Miguel Estrada and Priscilla Owen.~~
- **The delays in the process are causing vacancy crises in many of our nation's federal appeals courts.**
  - ✓ When the Federal Courts are understaffed, they cannot act in a timely manner to resolve disputes that affect the lives and liberties of Americans. *(now)*
  - ✓ There is currently a 12% vacancy rate in the U.S. courts of appeals. *have been done*
  - ✓ Fifteen of the appeals court seats for which the President currently has nominations pending are "judicial emergencies" *by the C-3*
  - ✓ The President has submitted 42 superb nominees for the federal court of appeals. Eighteen of them are still waiting for a vote in the Senate – and 8 of those 18 have been waiting more than a year.
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  - ✓ Each nominee is known for character, experience, intellect, and following the law.
  - ✓ Each shares the President's philosophy that judges should follow the law, and not make the law.
  - ✓ Each of the nominees has strong bipartisan support.
  - ✓ Each of the nominees represents the mainstream of American law and American values.
- **It is time to fix the broken confirmation process.**
  - ✓ It's time to restore dignity and fairness to the judicial confirmation process and to address the vacancy crisis, particularly in the appeals courts; as Republican Senator Cornyn and Democrat Senator Pryor recently advocated on behalf of the 10 new United States Senators.
  - ✓ The President has proposed a comprehensive three-Branch plan to fix the process and end the vacancy crisis. He has proposed that judges give one-year advance notice of retirement where possible, that Presidents submit nominations within 180 days of learning of a vacancy or intended retirement, and that the Senate vote

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- ✓ The Judicial Conference has done its part and in March adopted the President's proposal for one-year advance notice by judges of an intended retirement
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**WHITE HOUSE STAFFING MEMORANDUM**

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

*Comments*

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

- Two years ago today, President Bush announced his first 11 nominees to the federal appeals courts and asked the Senate to rise above the bitterness of the past and give every nominee fair treatment and a timely up-or-down vote. But 8 of those 11 nominees then waited more than a year without a Senate vote. And today, 3 of these highly qualified nominees still have not received a vote. They are Miguel Estrada, Priscilla Owen, and Terry Boyle. All of the May 9 nominees represent the mainstream of American law and American values, possess extraordinary experience, intellect, and integrity, and enjoy strong bipartisan support.
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- Costs of appeals*
- with a set of cities to ASBA ratings here? ... of the 18 appeals*
- cost of the cities R*



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SS/ RM NO.

**WHITE HOUSE STAFFING MEMORANDUM**

09 MAY 9 AM 10:33

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

*Garry*

*One ~~comment~~ attached  
Comment*

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702  
FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

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WHITE HOUSE STAFFING MEMORANDUM

03 MAY 9 AM 11:03

Date: 5-9-03, 6:00 AM ACTION / CONCURRENCE / COMMENT DUE BY: 5-9-03, 9:30 AM

Subject: FACT SHEET: THE PRESIDENT'S CALL TO ACTION ON JUDICIAL NOMINEES

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD →	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ABBOT	<input type="checkbox"/>	<input type="checkbox"/>	MARBURGER	<input type="checkbox"/>	<input type="checkbox"/>
BARTLETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	MONTGOMERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BRIDGELAND	<input type="checkbox"/>	<input type="checkbox"/>	RICE	<input type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GAMBATESA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

PLEASE SEND COMMENTS TO ASHLEY SNEE, EXT. 62115, FAX 60126, NO LATER THAN 9:30 AM TODAY, FRIDAY, 5-9-03, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

*Handwritten:* OK BY 5/9 10:40 AM

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702  
 FAX Ext. 62215

## The President's Call to Action on Judicial Nominees

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  - ✓ *Senator Leahy* on October 3, 2000 stated: "Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. . . . [T]hat is what we are paid to do in this body. We are paid to vote either yes or no – not vote maybe. When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting maybe, but we are doing a terrible disservice to the man or woman to whom we do this."
  - ✓ *Senator Daschle* on October 5, 1999 stated: "...I find it simply baffling that a Senator would vote against even voting on a judicial nomination."
  - ✓ *Senator Biden* on March 19, 1997, stated: "I respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor."