

Sent: Fri, 14 Nov 2003 15:45:29 -0500
From: "Besanceney, Brian R." </O=EOP/OU=FIRST ADMINISTRATIVE
GROUP/CN=RECIPIENTS/CN=BRIAN_R._BESANCENEY>
Bcc: <william.steiger@hhs.gov>, Alisa Harrison <alisa.harrison@usda.gov.>,

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<rncresearch@rnchq.org>, <SHanley@rnchq.org>, <sstyles@bbchb.com>, <tbarton@donorstrust.org>, <tnelson@dmnmedia.com>, <sburkhart@georgewbush.com>, <adavis@georgewbush.com>, <bporrett@georgewbush.com>, J Millerwise <jmillerwise@georgewbush.com>, <karen@georgewbush.com>, Ken Mehlman <kmehlman@georgewbush.com>, <mindy@georgewbush.com>, <mmatalin@georgewbush.com>, <ndevenish@georgewbush.com>, Reed Dickens <rdickens@georgewbush.com>, Todd Gillenwater <Todd.Gillenwater@mail.house.gov>, Aaron Broughton <Aaron_Broughton@src.senate.gov>, Andrew Shore <Andrew.shore@mail.house.gov>, Barbara Pate <Barbara.Pate@mail.house.gov>, Bill Dolbow <Bill.Dolbow@mail.house.gov>, Bill Hughes <bill.hughes@mail.house.gov>, Bill Johnson <Bill.Johnson@mail.house.gov>, Brad Smith <Brad.Smith@mail.house.gov>, Chad Scarborough <Chad.Scarborough@mail.house.gov>, <civerson@rnchq.org>, Dave Hebert <Dave.hebert@mail.house.gov>, David Lopez <David.lopez@mail.house.gov>, David Martin <David.Martin@mail.house.gov>, Elizabeth Keys <elizabeth_keys@src.senate.gov>, Eric Ruiz <Eric_ruiz@src.senate.gov>, Greg Orlando <Greg.orlando@mail.house.gov>, Heather McNatt <Heather.McNatt@mail.house.gov>, Jim Billimoria <jim.billimoria@mail.house.gov>, Jo Maney <Jo.Maney@mail.house.gov>, John Emling <john.emling@mail.house.gov>, Julie Sullivan <julie.sullivan@mail.house.gov>, Katie Norman <Katie_Norman@dole.senate.gov>, Kevin Schweers <Kevin_schweers@hutchison.senate.gov>, Laura

Blackann <Laura.Blackann@mail.house.gov>, Mary Petrella <Mary.Petrella@mail.house.gov>, Melissa Seckora <Melissa_Seckora@src.senate.gov>, Nick Smith <Nick_Smith@frist.senate.gov>, Peter Uhlmann <Peter.uhlmann@mail.house.gov>, Rob Collins <Rob.Collins@mail.house.gov>, Rob Lehman <Rob.lehman@mail.house.gov>, Robert Steurer <Robert_steurer@mcconnell.senate.gov>, Sage Eastman <Sage.Eastman@mail.house.gov>, "Steve O'Halloran" <Steve.OHalloran@mail.house.gov>, Tim Petty <tim_petty@src.senate.gov>, Tina Mufford <Tina.Mufford@mail.house.gov>, <Wesley.Denton@mail.house.gov>, Allen Fuller <allen.fuller@mail.house.gov>, Amy Call <amy_call@frist.senate.gov>, Anne Buresh <Anne.Buresh@mail.house.gov>, April Gentry <April.Gentry@mail.house.gov>, Ben Fallon <Ben.Fallon@mail.house.gov>, Brad Hahn <Brad.Hahn@mail.house.gov>, Brandon Grometer <Brandon.Grometer@mail.house.gov>, Brian Gaston <Brian.Gaston@mail.house.gov>, Bryce Dustman <Bryce.Dustman@mail.house.gov>, Dan Flynn <dan.flynn@mail.house.gov>, Deanne Brady <Deanne.Brady@mail.house.gov>, Dirk Fillpot <Dirk.Fillpot@mail.house.gov>, Doug Centilli <doug.centilli@mail.house.gov>, Greg Crist <Greg.Crist@mail.house.gov>, Jay Fahrer <Jay.Fahrer@mail.house.gov>, Jeff Grappone <jeff.grappone@mail.house.gov>, Jim Forbes <Jim.Forbes@mail.house.gov>, Joe Eule <Joe.Eule@mail.house.gov>, John Feehery <john.feehery@mail.house.gov>, Jonathan Felts <Jonathan.Felts@mail.house.gov>, Jonathan Grella <Jonathan.Grella@mail.house.gov>, Julie Almacy <Julie.Almacy@mail.house.gov>, Kate Dwyer <Kate.Dwyer@mail.house.gov>, Kirsti Garlock <Kirsti.Garlock@mail.house.gov>, Kristen Gilley <kristen.gilley@mail.house.gov>, Kyle Downey <Kyle.Downey@mail.house.gov>, Lars Walton <Lars.Walton@mail.house.gov>, MaryEllen Grant <MaryEllen.Grant@mail.house.gov>, Michael Brady <Michael.Brady@mail.house.gov>, Mike Arlinsky <Mike.Arlinsky@mail.house.gov>, <Naught@mail.house.gov>, Patrick Creamer <Patrick.Creamer@mail.house.gov>, Paul Feenstra <Paul.Feenstra@mail.house.gov>, Rajesh Bharwani <rajesh.bharwani@mail.house.gov>, Ricardo Bernal <Ricardo.Bernal@mail.house.gov>, <rich.carter@mail.house.gov>, <Sarah.Shelden@mail.house.gov>, <Seth.Becker@mail.house.gov>, <Shannon.Flaherty@mail.house.gov>, <shawn.dhar@mail.house.gov>, <Stephanie.Brand@mail.house.gov>, <Stephanie.Fischer@mail.house.gov>, <Susan.Haigler@mail.house.gov>, <tammy.fisher@mail.house.gov>, <Taryn.Fritz@mail.house.gov>, <Thomas.Bean@mail.house.gov>, <timothy.berry@mail.house.gov>, <Tom.Gordy@mail.house.gov>, <Tricia.Chastain@mail.house.gov>, <Yier.Shi@mail.house.gov>, Aimee Steel <Aimee.Steel@mail.house.gov>, Amy Spanbauer <Amy.Spanbauer@mail.house.gov>, Angela Kuck <Angela.Kuck@mail.house.gov>, Bill Harris <Bill.Harris@mail.house.gov>, Brad Keena <Brad.Keena@mail.house.gov>, Brian Schubert <Brian.Schubert@mail.house.gov>, Brookly McLaughlin <Brookly.McLaughlin@mail.house.gov>, Carol Lawrence <Carol.Lawrence@mail.house.gov>, Christine Shott <Christine.Shott@mail.house.gov>, Christy Markva <Christy.Markva@mail.house.gov>, Chuck Roman <Chuck.Roman@mail.house.gov>, Courtney Haller <Courtney.Haller@mail.house.gov>, Dan Kidder <dan.kidder@mail.house.gov>, Dana Johnson <Dana.Johnson@mail.house.gov>, Daniel Lloyd <Daniel.Lloyd@mail.house.gov>, David Malech <David.Malech@mail.house.gov>, Doug Seay <doug.seay@mail.house.gov>, E Barrett <e.barrett@mail.house.gov>, Gabe Neville <Gabe.Neville@mail.house.gov>, Harald Stavenas <Harald.Stavenas@mail.house.gov>, Idil Oyman <Idil.Oyman@mail.house.gov>, Jamie Loftus <Jamie.Loftus@mail.house.gov>, <Jeff.Lungren@mail.house.gov>, <Jenn.Mascott@mail.house.gov>, <Jessica.Incitto@mail.house.gov>, <John.Hart@mail.house.gov>, <Josh.Shultz@mail.house.gov>, <kathryn.lehman@mail.house.gov>, <Kathy.Reding@mail.house.gov>, <Ken.Lundberg@mail.house.gov>, <Kimberly.Pencil@mail.house.gov>, <Kimrey.Rhinehardt@mail.house.gov>, <Loren.Smith@mail.house.gov>, <Matt.Hoskins@mail.house.gov>, <Matthew.Speccht@mail.house.gov>, <McCall.Cameron@mail.house.gov>, <Michael.Jahr@mail.house.gov>, <mike.joyce@mail.house.gov>, <mike.stokke@mail.house.gov>, <molly.millerwise@mail.house.gov>, <Neena.Moorjani@mail.house.gov>, <Nicholas.Miris@mail.house.gov>, <Nick.Manetto@mail.house.gov>, <nikki.robinson@mail.house.gov>, <paige.ralston@mail.house.gov>, <pat.shorridge@mail.house.gov>, <pete.kirkham@mail.house.gov>, <Peter.jeffries@mail.house.gov>, <Robin.Kern@mail.house.gov>, <Robyn.Ridgley@mail.house.gov>, <Ryan.Sassman@mail.house.gov>, S Conklin <s.conklin@mail.house.gov>, <Sam.Sackett@mail.house.gov>, <Samantha.Jordan@mail.house.gov>, <scott.palmer@mail.house.gov>, <sean.spicer@mail.house.gov>, Shiloh Reiher <shiloh.roehl@mail.house.gov>, <Thomas.Pfeifer@mail.house.gov>, <Travis.Murphy@mail.house.gov>, <Vince.Sollitto@mail.house.gov>, <Wade.Newton@mail.house.gov>,

<Wendy.Rosen@mail.house.gov>, <william.natter@mail.house.gov>, <Sylvia.Warner@mail.house.gov>, <Alissa.Weisner@mail.house.gov>, <anne.trenolone@mail.house.gov>, <Bailey.Wood@mail.house.gov>, <Barbara_Ledeen@src.senate.gov>, <Barbara_Riley@sununu.senate.gov>, <beth_lee@hagel.senate.gov>, <bob_stevenson@frist.senate.gov>, <Brian.Walsh@mail.house.gov>, <Brian.Wild@mail.house.gov>, <Burson.Taylor@mail.house.gov>, <Chris.Tuttle@mail.house.gov>, <Christin.Tinsworth@mail.house.gov>, <Dan.Wadlington@mail.house.gov>, <David_All@voinovich.senate.gov>, <dthomas@mail.house.gov>, <Elizabeth.Tobias@mail.house.gov>, <Erin_Rath@gregg.senate.gov>, <Heidi.Tringe@mail.house.gov>, <Jeff_Turcotte@gregg.senate.gov>, <Jen_Burita@collins.senate.gov>, Jim Jeffries <Jim.jeffries@mail.house.gov>, <Jon.Tripp@mail.house.gov>, <Josh_Denney@hagel.senate.gov>, <Kate.Whitman@mail.house.gov>, <Lanier.Swann@mail.house.gov>, <Lisa.Wright@mail.house.gov>, <Lou.Zickar@mail.house.gov>, <Lucinda.Willits@mail.house.gov>, <Mark_Rodgers@src.senate.gov>, b(6) Matt Lloyd <matt.lloyd@mail.house.gov>, <Micah.Swafford@mail.house.gov>, <Michael_Brumas@sessions.senate.gov>, <Mike_Reynard@bunning.senate.gov>, <mike_solon@mccconnell.senate.gov>, <Niel.Wright@mail.house.gov>, <Paul.Wilkinson@mail.house.gov>, Robert Traynham <Robert_Traynham@src.senate.gov>, <Ryan.Vaart@mail.house.gov>, <Sallie.Taylor@mail.house.gov>, <sara_nokes@vp.senate.gov>, <Sarah_Berk@src.senate.gov>, <Steven.Tomaszewski@mail.house.gov>, <stuart.roy@mail.house.gov>, "Wozniak, Natalie S." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7f82eefb-359f7495-85256491-524f59>, "Abrams, Elliott" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=83cb60c5-1791f400-85256a7a-61898f>, "Dworken, Jonathan T." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=92947463-86cac324-85256b1f-697915>, "Howe, Dave" <dhowe@NSC.eop.gov>, "Jones, Frederick L." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=951e99d0-d24b58a-85256da9-53a2a0>, "Kurtz, Paul B." <pkurtz@NSC.eop.gov>, "Perez, Anna M." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9c8bb025-a423babd-85256ac4-456071>, "Smith, Michael P." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=66d14669-d39663ca-85256705-69d034>, "Volker, Kurt D." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=6f6e5d4e-52878b48-85256ab2-5bf70f>, "Villarreal, Jesse O." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Jesse_O._Villarreal>, "Barrett, Beverly" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Beverly_Barrett>, "Grant, Britt" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Britt_Grant>, "Hughes, Taylor A." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Taylor_A._Hughes>, "Ingwell, Carmen M." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Carmen_M._Ingwell>, "Montgomery, Brian D." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Brian_D._Montgomery>, "Pfeifer, Sarah" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Sarah_Pfeifer>, "Sobich, Peter S." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Peter_S._Sobich>, "Troy, Tevi" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Tevi_Troy>, "Tulbah, Ali H." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Peter_S._Sobich59600183>, "Young, James T." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=F7302b9b-cd4365e-85256dc5-49deea>, "Ahern, Michele" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A1ae7cb3-8dcde98a-85256659-48b191>, "Bolten, Joshua B." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Bolten_J>, "Doherty, Clare C." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Fbab39ee-a488c08a-852566ad-4ecfcf>, "Duffy, Trent D." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Trent_D._Duffy>, "Foster, James D." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=9302f7ab-e913f91b-85256bca-663e16>, "Kyle, Ross M." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Kyle_R>, "Lobrano, Lauren C." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C31d42f-33a70965-85256ae2-618897>, "Rossman, Elizabeth L." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=8186bfcc-791f8341-852569f1-5e9c96>, "Smythe, Augustine T." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7a6eb7be-4b6143f9>

852569dc-664cc0>, <Sell, Clay (CSell@OPD.eop.gov)>, "Warsh, Kevin" <kwarsh@OPD.eop.gov>, "Bridgeland, John M." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=John_M._Bridgeland>, "Cooper, Jean" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Jean_cooper46206993>, "Dougherty, Elizabeth S." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=C8fbf301-97f82e45-85256a54-52e61d>, "Gerdelman, Sue H." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Sue_H._Gerdelman>, "Hall, Philo D." <phall@OPD.eop.gov>, "Heath, Daniel D." <dheath@OPD.eop.gov>, "Hennessey, Keith" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=KEITH_HENNESSEY>, "Malphrus, Garry" <gmalphru@OPD.eop.gov>, "Otto, Eric H." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Eric_H._Otto>, "Reardon, Brian" <BReardon@OPD.eop.gov>, "Schacht, Diana L." <dschacht@OPD.eop.gov>, "Smith, Marty P." <msmith@OPD.eop.gov>, "Siemers, Hannah" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Hannah_Siemers>, "Addington, David S." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=David_S._Addington>, "Harrington, Kathryn M." <kharring@OSTP.eop.gov>, "Heiden, Debra" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Heiden_D>, "Smith, Merrill Hughes" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=A._Merrill_Hughes27187884>, "Kleppe, Elizabeth W." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Kleppe_E>, "Kuntz, Carol R." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Carol_R._Kuntz>, "Lawrimore, Emily A." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Emily_A._Lawrimore>, "Leventhal, Joseph S." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Joseph_S._Leventhal>, "Lundberg, Stephanie J." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Lundberg_S>, "Machida, Ado A." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ado_Machida>, "Martin, Catherine J." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Martin_CJ>, "Mayfield, Jennifer H." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Jennifer_H._Mayfield>, "McGrath, Charles D." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Charles_D._McGrath_Jr>, "O'Brien, William" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=William_O'Brien>, "O'Donnell, Claire M." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Claire_M._O'Donnell>, "Patel, Neil S." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Neil_S._Patel>, "Rule, Natalie" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Natalie_Rule>, <Andrew Batchelor (batchelor.andrew@epamail.epa.gov)>, <Bill Brough (bill.brough@mail.va.gov)>, <Doug Duvall (Douglas_P._Duvall@hud.gov)>, <Ed Frank (frank.edmund@dol.gov)>, <Joe Davis (joseph.davis@hq.doe.gov)>, <Josh Noland (josh.noland@usda.gov)>, <Kelley Keeler (Kelley_L._Keeler@hud.gov)>, <Kevin Keane (kevin.keane@hhs.gov)>, <LCamoosoMiller@DOC.GOV>, <Lisa Harrison (harrison.lisa@epamail.epa.gov)>, <Mark Pfeifle (mark.pfeifle@ios.doi.gov)>, <Price Floyd (floydpb@state.gov)>, <Rich Mills (rmills@ustr.gov)>, <Robert Johnson (robert.johnson@ost.dot.gov)>, John Nowacki <john.nowacki@usdoj.gov>, "Loper, Ginger G." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ginger_G._Loper>, "Abney, Allen K." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Allen_K._Abney>, "Aidekman, David" <daidekma@WHO.eop.gov>, "Allen, Michael" <mallen@WHO.eop.gov>, "Allgood, Lauren K." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Lauren_K._Allgood>, "Andrews, Mary C." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Mary_C._Andrews>, "Atkin, Chelsey" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Chelsey_Atkin>, "Austin, Page" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Page_Austin>, "Bagnal, Joel B." <jbagnal@WHO.eop.gov>, "Bailey, Christa J." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Christa_J._Bailey>, "Ball, Andrea G." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Andrea_G._Ball>, "Barfield, Tiffany L." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Tiffany_L._Barfield>, "Barrales, Ruben S." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Ruben_S._Barrales>, "Bearson, Darren W." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Darren_W._Bearson>, "Becker, Glynda A." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Glynda_A._Becker>, "Bennett,

Melissa S." </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Melissa_S._Bennett>, "Bernard, Kenneth" </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Kenneth_Bernard>, "Besanceney, Brian R."
 </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Brian_R._Besanceney>,
 "Holbrook, William F." </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=William_F._Holbrook>, "Bird, Debra D." </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Debra_D._Bird>, "Blakeman, Bradley A."
 </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Bradley_A._Blakeman>,
 "Bohn, Trey" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Trey_Bohn>,
 "Boisvenue, Michael J." </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Michael_J._Boisvenue>, "Bradley, Denise" </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Denise_Bradley>, "Brancato, Keith R."
 </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Keith_R._Brancato>, "Bravo,
 Brian " </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Brian_Bravo>,
 "Burgeson, Christine M." </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Christine_M._Burgeson>, "Burgeson, Eric" </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Eric_Burgeson>, "Burke, John G."
 <jburke@WHO.eop.gov>, "Card, Andrew H." </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Andrew_H._Card>, "Cardamone, Denise" </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Denise_Cardamone>, "Carroll, Colleen M."
 </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Colleen_M._Carroll>,
 "Chadwick, Kirsten" </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Kristin_A._Chadwick>, "Ciliberti, Eric J." </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Eric_J._Ciliberti>, "Clark, Alicia P."
 <aclark@WHO.eop.gov>, "Cleveland, Carolyn E." </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Carolyn_E._Cleveland>, "Cooper, Colby J." </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=7fd0a83-7719785f-852568aa-6c653a>, "Cox,
 Christopher C." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Cox_c>,
 "DeFrancis, Suzy" </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Suzy_DeFrancis>, "Doty, Joan R." </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Joan_R.Doty>, "Douglas, Penny G."
 </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Penny_G._Douglas>, "Draper,
 Eric " </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Eric_Draper>, "Dunn,
 Kari M." </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Kari_M._Dunn>,
 "Dyck, Paul B." </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Paul_B._Dyck>, "Ellis, Jamie D." </O=EOP/OU=FIRST
 ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Jamie_D._Ellis>, "Ellison, Kimberly"
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 Farrah" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=4ac8851d-29e3eb0d-
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 GROUP/CN=RECIPIENTS/CN=Tucker_A._Eskew>, "Estes, Ashley" </O=EOP/OU=FIRST
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 </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=John_D._Estes>, "Everson,
 Nanette" </O=EOP/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=Nanette_Everson>,
 "Falkenrath, Richard" </O=EOP/OU=FIRST ADMINISTRATIVE
 GROUP/CN=RECIPIENTS/CN=Richard_Falkenrath>, "Farley, Jennifer M." </O=EOP/OU=FIRST
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(rmills@ustr.gov)>, Todd Gillenwater <Todd.Gillenwater@mail.house.gov>, Andrew Shore
<Andrew.shore@mail.house.gov>, Barbara Pate <Barbara.Pate@mail.house.gov>, Bill Dolbow
<Bill.Dolbow@mail.house.gov>, Bill Hughes <bill.hughes@mail.house.gov>, Bill Johnson
<Bill.Johnson@mail.house.gov>, Brad Smith <Brad.Smith@mail.house.gov>, Chad Scarborough
<Chad.Scarborough@mail.house.gov>, Dave Hebert <Dave.hebert@mail.house.gov>, David Lopez
<David.lopez@mail.house.gov>, David Martin <David.Martin@mail.house.gov>, Greg Orlando
<Greg.orlando@mail.house.gov>, Heather McNatt <Heather.McNatt@mail.house.gov>, Jim Billimoria
<jim.billimoria@mail.house.gov>, Jo Maney <Jo.Maney@mail.house.gov>, John Emling
<john.emling@mail.house.gov>, Julie Sullivan <julie.sullivan@mail.house.gov>, Laura Blackann
<Laura.Blackann@mail.house.gov>, Mary Petrella <Mary.Petrella@mail.house.gov>, Peter Uhlmann
<Peter.uhlmann@mail.house.gov>, Rob Collins <Rob.Collins@mail.house.gov>, Rob Lehman
<Rob.lehman@mail.house.gov>, Sage Eastman <Sage.Eastman@mail.house.gov>, "Steve O'Halloran"
<Steve.OHalloran@mail.house.gov>, Tina Mufford <Tina.Mufford@mail.house.gov>,
<Wesley.Denton@mail.house.gov>, Allen Fuller <allen.fuller@mail.house.gov>, Anne Buresh

<Anne.Buresh@mail.house.gov>, April Gentry <April.Gentry@mail.house.gov>, Ben Fallon <Ben.Fallon@mail.house.gov>, Brad Hahn <Brad.Hahn@mail.house.gov>, Brandon Grometer <Brandon.Grometer@mail.house.gov>, Brian Gaston <Brian.Gaston@mail.house.gov>, Bryce Dustman <Bryce.Dustman@mail.house.gov>, Dan Flynn <dan.flynn@mail.house.gov>, Deanne Brady <Deanne.Brady@mail.house.gov>, Dirk Fillpot <Dirk.Fillpot@mail.house.gov>, Doug Centilli <doug.centilli@mail.house.gov>, Greg Crist <Greg.Crist@mail.house.gov>, Jay Fahrer <Jay.Fahrer@mail.house.gov>, Jeff Grappone <jeff.grappone@mail.house.gov>, Jim Forbes <Jim.Forbes@mail.house.gov>, Joe Eule <Joe.Eule@mail.house.gov>, John Feehery <john.feehery@mail.house.gov>, Jonathan Felts <Jonathan.Felts@mail.house.gov>, Jonathan Grella <Jonathan.Grella@mail.house.gov>, Julie Almacoy <Julie.Almacoy@mail.house.gov>, Kate Dwyer <Kate.Dwyer@mail.house.gov>, Kirsti Garlock <Kirsti.Garlock@mail.house.gov>, Kristen Gilley <kristen.gilley@mail.house.gov>, Kyle Downey <Kyle.Downey@mail.house.gov>, Lars Walton <Lars.Walton@mail.house.gov>, MaryEllen Grant <MaryEllen.Grant@mail.house.gov>, Michael Brady <Michael.Brady@mail.house.gov>, Mike Arlinsky <Mike.Arlinsky@mail.house.gov>, <Naught@mail.house.gov>, Patrick Creamer <Patrick.Creamer@mail.house.gov>, Paul Feenstra <Paul.Feenstra@mail.house.gov>, Rajesh Bharwani <rajesh.bharwani@mail.house.gov>, Ricardo Bernal <Ricardo.Bernal@mail.house.gov>, <rich.carter@mail.house.gov>, <Sarah.Shelden@mail.house.gov>, <Seth.Becker@mail.house.gov>, <Shannon.Flaherty@mail.house.gov>, <shawn.dhar@mail.house.gov>, <Stephanie.Brand@mail.house.gov>, <Stephanie.Fischer@mail.house.gov>, <Susan.Haigler@mail.house.gov>, <tammy.fisher@mail.house.gov>, <Taryn.Fritz@mail.house.gov>, <Thomas.Bean@mail.house.gov>, <timothy.berry@mail.house.gov>, <Tom.Gordy@mail.house.gov>, <Tricia.Chastain@mail.house.gov>, <Yier.Shi@mail.house.gov>, Aimee Steel <Aimee.Steel@mail.house.gov>, Amy Spanbauer <Amy.Spanbauer@mail.house.gov>, Angela Kuck <Angela.Kuck@mail.house.gov>, Bill Harris <Bill.Harris@mail.house.gov>, Brad Keena <Brad.Keena@mail.house.gov>, Brian Schubert <Brian.Schubert@mail.house.gov>, Brookly McLaughlin <Brookly.McLaughlin@mail.house.gov>, Carol Lawrence <Carol.Lawrence@mail.house.gov>, Christine Shott <Christine.Shott@mail.house.gov>, Christy Markva <Christy.Markva@mail.house.gov>, Chuck Roman <Chuck.Roman@mail.house.gov>, Courtney Haller <Courtney.Haller@mail.house.gov>, Dan Kidder <dan.kidder@mail.house.gov>, Dana Johnson <Dana.Johnson@mail.house.gov>, Daniel Lloyd <Daniel.Lloyd@mail.house.gov>, David Malech <David.Malech@mail.house.gov>, Doug Seay <doug.seay@mail.house.gov>, E Barrett <e.barrett@mail.house.gov>, Gabe Neville <Gabe.Neville@mail.house.gov>, Harald Stavenas <Harald.Stavenas@mail.house.gov>, Idil Oyman <Idil.Oyman@mail.house.gov>, Jamie Loftus <Jamie.Loftus@mail.house.gov>, <Jeff.Lungren@mail.house.gov>, <Jenn.Mascott@mail.house.gov>, <Jessica.Incitto@mail.house.gov>, <John.Hart@mail.house.gov>, <Josh.Shultz@mail.house.gov>, <kathryn.lehman@mail.house.gov>, <Kathy.Reding@mail.house.gov>, <Ken.Lundberg@mail.house.gov>, <Kimberly.Pencille@mail.house.gov>, <Kimrey.Rhinehardt@mail.house.gov>, <Loren.Smith@mail.house.gov>, <Matt.Hoskins@mail.house.gov>, <Matthew.Specht@mail.house.gov>, <McCall.Cameron@mail.house.gov>, <Michael.Jahr@mail.house.gov>, <mike.joyce@mail.house.gov>, <mike.stokke@mail.house.gov>, <molly.millerwise@mail.house.gov>, <Neena.Moorjani@mail.house.gov>, <Nicholas.Miris@mail.house.gov>, <Nick.Manetto@mail.house.gov>, <nikki.robinson@mail.house.gov>, <paige.ralston@mail.house.gov>, <pat.shortridge@mail.house.gov>, <pete.kirkham@mail.house.gov>, <Peter.jeffries@mail.house.gov>, <Robin.Kern@mail.house.gov>, <Robyn.Ridgley@mail.house.gov>, <Ryan.Sassman@mail.house.gov>, S Conklin <s.conklin@mail.house.gov>, <Sam.Sackett@mail.house.gov>, <Samantha.Jordan@mail.house.gov>, <scott.palmer@mail.house.gov>, <sean.spicer@mail.house.gov>, Shiloh Reiher <shiloh.roehl@mail.house.gov>, <Thomas.Pfeifer@mail.house.gov>, <Travis.Murphy@mail.house.gov>, <Vince.Sollitto@mail.house.gov>, <Wade.Newton@mail.house.gov>, <Wendy.Rosen@mail.house.gov>, <william.natter@mail.house.gov>, <Sylvia.Warner@mail.house.gov>, <Alissa.Weisner@mail.house.gov>, <anne.trenolone@mail.house.gov>, <Bailey.Wood@mail.house.gov>, <Brian.Walsh@mail.house.gov>, <Brian.Wild@mail.house.gov>, <Burson.Taylor@mail.house.gov>, <Chris.Tuttle@mail.house.gov>, <Christin.Tinsworth@mail.house.gov>, <Dan.Wadlington@mail.house.gov>, <dthomas@mail.house.gov>, <Elizabeth.Tobias@mail.house.gov>, <Heidi.Tringe@mail.house.gov>, Jim Jeffries <Jim.jeffries@mail.house.gov>, <Jon.Tripp@mail.house.gov>, <Kate.Whitman@mail.house.gov>, <Lanier.Swann@mail.house.gov>, <Lisa.Wright@mail.house.gov>,

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Subject: TALKING POINTS: Action on Judicial Nominees

[Action on Judicial Nominees 11-14-03.pdf](#)

President Bush on Judicial Nominees: “These Obstructionist Tactics Are Shameful, Unfair, and Have Become All Too Common”

November 14, 2003

This Week’s Presidential Action

- This week, President Bush met with three of his judicial nominees in the Oval Office -- Justice Janice Rogers Brown of the Supreme Court of California, Judge Carolyn Kuhl of the Superior Court of California, and Justice Priscilla Owen of the Texas Supreme Court.
 - These judges are capable and qualified jurists who represent the President’s philosophy that judges should follow the law – not legislate from the bench. They enjoy bipartisan support and would be confirmed if given a vote. Yet they are being denied a chance to serve because a minority of Senators is denying them a simple up-or-down vote.
- President Bush said, “Today’s partisan action to block up-or-down votes on Justice Priscilla Owen, Judge Carolyn Kuhl, and Justice Janice Rogers Brown is inconsistent with the Senate’s Constitutional responsibility and is just plain wrong. Once again, a partisan minority of Senators has thwarted the will of the majority and stood in the way of voting on superb judicial nominees. These obstructionist tactics are shameful, unfair, and have become all too common. At a time when the American people have important issues backlogged in the courts, partisan Senators are playing politics with the judicial process at the expense of timely justice for the American people.”

Some in Senate Are Stalling Action

- In this Presidency, Democratic Senators have forced more appeals court nominees to wait longer than a year for a hearing than in the last fifty years combined. In total, 15 of the President’s appeals court nominees - including all four of the pending nominees to the Sixth Circuit – have waited in excess of a year for a hearing.
- Sixteen of the President’s 24 court of appeals nominees submitted in this Congress are still waiting for an up-or-down vote.

- As a result, 11% of the federal appeals court seats are vacant, 63% of which have been classified as judicial emergencies.
- These delays are unfair to the nominees, harmful to our justice system, and unfaithful to the Senate's constitutional responsibility to hold an up-or-down vote for every judicial nominee in a reasonable amount of time. They affect every American who seeks justice in our courts.

Fixing the Process

- Over a year ago, the President proposed a common-sense plan to return fairness and dignity to the judicial confirmation process – a plan to ensure that every nominee receives fair treatment and that vacancies in the judiciary can be addressed in an orderly, systematic way. Under the President's plan:
 - Judges have been asked to give notice of their intention to step down one year prior to leaving the bench.
 - The President will submit a nominee within 180 days of judicial notification.
 - The Senate should hold an up-or-down vote within 180 days of the President submitting the nomination.
- The President is matching his plan with action. Since the President announced his plan, he has submitted more than 100 judicial nominations to the Senate. With few exceptions, these nominations were submitted within 180 days of the announcement of the plan or within 180 days of receiving notice of a court vacancy or intended retirement – despite the extensive interviews and background checks required before a nomination. In those few cases where extraordinary circumstances prevented strict compliance with the 180 day deadline, nominations were announced within a matter of days following the deadline.
- Despite these efforts, some Democratic Senators continue to block the process and forestall votes on nominees to the federal courts of appeals. The Senate should give these distinguished jurists an up-or-down vote on the Senate floor. Each Senator should vote how he or she thinks best, but each nominee deserves a vote.
- As President Bush said, "No matter who is President or which party controls the Senate, the American people deserve a well-functioning, independent judiciary and a commitment by all Senators to live up to their Constitutional obligation."

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