

FOIA Marker

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Records Management, White House Office of
Presidentials - FG006-27 (Office of Senior Advisor - Karl Rove)

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	24	23	4	2	1577	14512	2793	2498

Folder Title:

576031 [1] - [2]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Email	Myth v. Reality - To: Peter Wehner	1	12/08/2003	PRM;
002	Resume	[Resume]	2	N.D.	P2; P5; P6/b6;
003	Resume	[Resume]	2	N.D.	P2; P5; P6/b6;
004	Envelope	[Envelope]	1	N.D.	P6/b6;
005	Letter	[Letter] - To: Karl Rove - From: H.M. Byrne	1	12/08/2003	P6/b6;
006	Envelope	[Envelope]	1	N.D.	P6/b6;
007	Fax Cover Sheet	Santorum Update [with attachments] - To: Karl Rove - From: Rob Bickhart	3	11/21/2003	PRM;

COLLECTION TITLE:

Records Management, White House Office of

SERIES:

Presidentials - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

576031 [1]

FRC ID:

1577

RESTRICTION CODES

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

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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.
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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
008	Fax Cover Sheet	[Fax Cover Sheet with attachment] - To: Ed Gillespie - From: Karl Rove	2	12/09/2003	PRM;
009	Email	Re: Picture - To: Cliff Johnson - From: Karl Rove	1	12/08/2003	P6/b6;
010	Email	FW: FEHBP Web Site... - To: Susan Ralston - From: Karl Rove	1	12/07/2003	P5; P6/b6;
011	Email	FEHBP Web Site... - To: Newt Gingrich - From: Vince Haley	1	12/06/2003	P5;
012	Briefing	Red, White and Blue Celebration for the... [with attachments]	13	12/08/2003	PRM;
013	Presentation	Future U.S. Space Exploration: Alternative Visions, Key...	15	12/09/2003	P5;

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
014	Memorandum	11:40 AM Meeting with Larry Arn, President... - To: Karl Rove - From: Tim Goeglein	1	12/09/2003	P5;
015	Memorandum	Meeting with Governor Linda Lingle - To: Karl Rove - From: Maggie Grant	3	12/08/2003	P5;
016	Report	HHS Public Affairs: Medicare Product Development	2	12/09/2004	P5;
017	Form	Recommended Telephone Call	1	11/20/2003	PRM;
018	Report	Views on National ID Cards and ID Standards	8	N.D.	P5;
019	Email	See Below - To: Karl Rove - From: Peter Wehner	4	11/14/2003	P5;
020	Email	RE: Strategy Attendees - To: Barbara Goergen - From: Anne Campbell	1	12/09/2003	P5;

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021	List	Strategy List	1	12/11/2003	P5;
022	Email	HUD Release - To: Barbara Goergen - From: Matthew Hunter	1	12/09/2003	P5;
023	Briefing	Draft Background/Briefing	1	N.D.	P5; P6/b6;
024	Talking Points	Draft Talking Points	1	N.D.	P5;

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FRC ID:

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2793

FOIA IDs and Segments:

2015-0037-F

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5760314

THE WHITE HOUSE
WASHINGTON

Date: 12/9/03

To: Andy Card

From: Strategic Initiatives

- FYI
- Appropriate Action
- Direct Response
- Prepare Response For My Signature
- Per Our Conversation
- Let's Discuss
- Per Your Request
- Please Return
- Deadline
- Other

Comments: Here's the resume we
talked about. She's up for the President
Becker job @ Commerce, too.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Resume	[Resume]	2	N.D.	P2; P5; P6/b6;

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576034

THE WHITE HOUSE
WASHINGTON

Date: 12/9/03

To: Dan Bartlett

From: Strategic Initiatives

- FYI
- Appropriate Action
- Direct Response
- Prepare Response For My Signature
- Per Our Conversation
- Let's Discuss
- Per Your Request
- Please Return
- Deadline
- Other

Comments: Here's the resume for
the Medicare Message Center.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Resume	[Resume]	2	N.D.	P2; P5; P6/b6;

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576030

THE WHITE HOUSE
WASHINGTON

Date: 12/8/03

To: Bamy Jackson

From: Strategic Initiatives BJ, EVERETT

- FYI
- Appropriate Action
- Direct Response
- Prepare Response For My Signature
- Per Our Conversation
- Let's Discuss
- Per Your Request
- Please Return
- Deadline
- Other

Comments: _____

Bau

EXEC. DIR. PRESIDENT

Nov 6

Sir--

Perhaps my enclosed clipping would help the President to be more specific in his public grieving, and more direct about the latest young blood in Iraq streets (or rubble heaps).

Of course, he doesn't read papers -- or polls, but you might persuade him to some cursory glance, at least.

Even a snake as yourself must sicken as this disaster unfolds. For whatever reason, do press your strategy "No War in 2004" -- it would be worth enduring Cheney + Bush another 4 years if it saved one soldier from my enclosed list.

Besides, with any luck by 2005 we'd have all that was necessary to impeach both for the hidden papers alone -- not to mention Cheney's Halliburton notes. With contempt
James McCormick

James McComick

(b)(6)



MR. KARL ROOP +
GENERAL STRATEGIST
AND HIS
WHITE HOUSE CELLARS
WASHINGTON, D.C.

11/10

QAC #015

20500/0003

10/10/08

White House
11/10/08 Search 17

Why don't you go over
and spend a little
at the hotel like
it's progressing
you know!

ATTACK: Troops seek clues from wreckage

Continued from A-1

their patriotism questioned for voting no.

Sen. Robert Byrd, a West Virginia Democrat who has been the loudest congressional challenger to the administration's Iraq policy, was the only voice shouting no during the vote.

The misgivings raised by members of both parties to the size of the price tag and the nation's dominance over Iraq's future were swept away by the administration's ability to frame the vote as a test of support for American troops, and for the global campaign against terrorism.

"This supplemental will provide the equipment, fuel, ammunition and pay our forces need and deserve as they continue their tasks in Iraq, Afghanistan, and in the other locations where they continue to stand in harm's way fighting the global war on terrorism," said Sen. Ted Stevens, an Alaska Republican.

Stevens shepherded the bill through the Senate as chairman of the Appropriations Committee.

But the continuing death among those troops hung heavily over the last hours of debate. Sen. Richard J. Durbin, an Illinois Democrat and an opponent of the war, noted that the helicopter pilot killed Sunday, 1st Lt. Brian Slavenas, was a member of the Illinois Air Guard and said that the deaths were the real costs of the war and the administration's miscalculations.

Slavenas' father, Ronald Slavenas, said Monday that his son had loved his job.

"He described to me seeing all of those places from the air, pointing out archaeological sites like Babylon, and from the air, for him, it was like sightseeing," Ronald Slavenas said.

One victim, Ernest Bucklew, 33, had been expected to stop at his Fort Carson, Colo., home before traveling to his mother's funeral. His wife, Barbara, wept as she spoke of breaking the news to the couple's two children, 8-year-old Joshua and 4-year-old Justin.

"My oldest one is just a little numb," she said at the Army post near Colorado Springs, Colo.

"...The youngest one just doesn't understand. He doesn't understand the concept of death right now."

Bucklew, the son of a Pennsylvania coal miner, had recently sent his family e-mail, saying he didn't plan to take a 10-day leave because it would be too hard on his two sons, said his uncle, Jack Smith. But after his mother died Friday, he arranged through the Red Cross to return.

A double funeral is planned for later in the week.

Sixteen of the injured were flown by the Air Force Monday to Ramstein Air Base in Germany and treated at the U.S. military's Landstuhl Regional Medical Center. Nine were admitted to an intensive care unit including five in serious condition, said hospital spokeswoman Marie Shaw.

As a result of Sunday's shoot-down, the U.S. command may have to re-evaluate the routes and flying tactics of its transport helicopters and planes over Iraq.

The SA-7 Strela portable missiles known to have been in Iraqi hands, weapons that home in on the engine heat of an aircraft, can be fired to an altitude of 14,000 feet, easily covering the usual cruising altitude of a heavily laden Chinook.

Another shoulder-fired missile in the old Iraqi army's inventory, the advanced SA-18 Igla, is equipped with special filters to defeat flares and other countermeasures deployed by U.S. aircraft.

For the second day, Bush withheld comment Monday on the Chinook's downing.

Traveling in Alabama, Bush made no direct reference to the loss of 16 U.S. soldiers in Sunday's attack, dwelling instead on the latest good-news economic statistics. His only mention of dead soldiers was indirect and unspecific.

"We mourn every loss. We honor every name. We grieve with every family," he told a crowd in Birmingham.

He stressed instead that the conflict in Iraq was a direct outgrowth of the war on terrorism that began with the Sept. 11 terrorist attacks. "We must never forget the lessons of September the 11th, 2001. We



Bucklew



Conover



D'Agostino



Jennings



Lau



Slavenas



Velazquez



Wilson

Soldiers killed

perhaps this list would help Bush's specifics

Some of the 16 U.S. soldiers killed Sunday in an attack on a CH-47 Chinook helicopter near Fallujah, Iraq, according to information released Monday by the Pentagon and families of the victims:

- **Sgt. Ernest G. Bucklew**, 33, of Enon Valley, Pa. Assigned to Support Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colo.
- **Sgt. Steven D. Conover**, 21, of Wilmington, Ohio. His mother, Lorraine Earley, said he was a specialist in field artillery based at Fort Sill, Okla.
- **Pfc. Anthony D. D'Agostino**, 20, of Waterbury, Conn. Assigned to the 16th Signal Brigade, Fort Hood, Texas.
- **Spc. Darius T. Jennings**, 22, of Cordova, S.C. Assigned to 2nd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colo.
- **Pfc. Karina S. Lau**, 20, of Livingston, Calif. Assigned to the 16th Signal Brigade, Fort Hood, Texas.
- **Sgt. Keelan L. Moss**, 23, of Houston. Assigned to 2nd Battalion, 5th Field Artillery Regiment, Fort Sill, Okla.
- **Sgt. Ross A. Pennanen**, 36, of Oklahoma. Assigned to 2nd Battalion, 5th Field Artillery Regiment, Fort Sill, Okla.
- **First Lt. Brian D. Slavenas**, 30, of Genoa, Ill. Assigned to F Company, 106th Aviation Battalion, Army National Guard, Peoria, Ill.
- **Staff Sgt. Paul A. Velazquez**, 29, of San Diego. Based at Fort Sill, Okla.
- **Spc. Frances M. Vega**, 20, of Fort Buchanan, Puerto Rico. Assigned to the 151st Adjutant General Postal Detachment 3, Fort Hood, Texas.
- **Staff Sgt. Joe N. Wilson**, 30, of Crystal Springs, Miss. Assigned to Alpha Battery, 2nd Battalion, 5th Field Artillery Regiment, 3rd Corps Artillery, Fort Sill, Okla.

This is outrageous — The Associated Press

"We must never forget that tragic day," Bush said. When asked Monday to explain Bush's decision to withhold comment on Sunday's helicopter downing, White House spokesman Scott McClellan dodged the question. "The president speaks publicly often, and will continue to, about the outstanding job our men and women in the military are doing and about the sacrifices that they are making," McClellan said.

Meanwhile, Defense Department officials took other steps to reduce media attention to the loss of life in Iraq.

In Ramstein, Germany, military officials prohibited media coverage of the return of the soldiers' flag-draped coffins. The administration also forbids photos of dead soldiers' coffins at Dover Air Force Base in Delaware, where they are taken from Ramstein.

— Charles Hanley and Cindy Brovsky of The Associated Press, David Firestone of The New York Times, and Ron Hutcheson of Knight-Ridder Newspapers contributed to this report.

(b)(6)

Mr. Karl Rove
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. Rove:

STOP THE PAY RAISES for members of the House of Representatives and Senate and for federal employees!! For many different reasons (which I will not list), we DO NOT APPROVE of or SUPPORT the proposed raises.

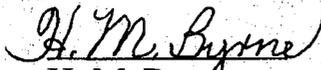
We DO APPROVE of and SUPPORT pay raises for our men and women in the military.

Legislation giving pay raises for ANYONE should not be tacked onto any other bill. Legislation regarding pay raises should stand alone. Also, pay raises should NOT BE AUTOMATIC. Any pay raises should be voted on alone and specifically so that constituents will know how their U.S. Senators and Representatives voted.

We hope you will do the necessary so that pay raises are given ONLY to our men and women in the military—no members of the House of Representatives or the Senate and NO Federal employees.

We are disappointed that most Democrats do not debate honestly and openly with the Republicans. Instead of debating the ISSUES most Democrats resort to personal attacks and mud-slinging language and statements that border on libel.

Yours truly,

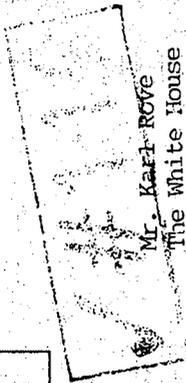

H. M. Byrne

EXEC. OFC. PRESIDENT
WH STRATEGIC INITIATIVES
2003 DEC -8 PM 7:03

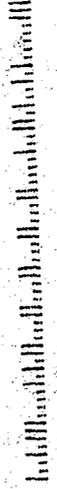


H. M. Byrne

[Redacted] (b)(6)



Mr. Karl Rove
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500



20500+0004

576074

THE WHITE HOUSE
WASHINGTON

Date: 12/7/03

To: *Matt Schlapp*

From: **Strategic Initiatives** *BJ Gaerem*

- FYI
- Appropriate Action
- Direct Response
- Prepare Response For My Signature
- Per Our Conversation
- Let's Discuss
- Per Your Request
- Please Return
- Deadline
- Other

Comments: _____

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Fax Cover Sheet	Santorum Update [with attachments] - To: Karl Rove - From: Rob Bickhart	3	11/21/2003	PRM;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
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COLLECTION:

Records Management, White House Office of

SERIES:

Presidentials - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

576031 [1]

FRC ID:

1577

OA Num.:

2498

NARA Num.:

2793

FOIA IDs and Segments:

2015-0037-F

RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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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.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Fax Cover Sheet	[Fax Cover Sheet with attachment] - To: Ed Gillespie - From: Karl Rove	2	12/09/2003	PRM;

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NSC Inqir-American
Barthel

Goergen, Barbara J.

From: Pires, Elizabeth J. [EPIRES@Investcorp.com]
Sent: Monday, November 03, 2003 11:17 AM
To: Goergen, Barbara J.
Subject: FW: Request for a meeting

F: KR Declined
Events

57603P

Dear Ms Goergen:

I don't mean to harass you but I was wondering if it would be possible for Mr Kirdar to visit with Mr Rove.

Thanks very much
Betty Pires
Tel: (44) (207) 629 6600
Fax: (44) (207) 887 3333
E-mail: epires@investcorp.com

> -----Original Message-----
> From: Pires, Elizabeth J.
> Sent: 30 October 2003 16:32
> To: 'bgoergen@who.eop.gov'
> Subject: Request for a meeting

Wed, 12/10 11:45am

> Dear Ms Goergen:

> I refer to our telephone conversation of this morning.

> Mr Nemir Kirdar, our President and Chief Executive Officer, me Mr Rove
> in Washington recently. I believe it was at the home of Mrs
> Roosevelt. I know they corresponded and spoke briefly about getting
> together on one of Mr Kirdar's future visit to the United States. Mr
> Kirdar is based in London but travels frequently to the US where he
> has an office in New York.

> Mr Kirdar is scheduled to be in the US from November 20th until about
> December 10th and will be in Washington on the following days:

> November 21st

> November 24th

> December 8th, 9th, and 10th

> If it is at all possible, he would very much like to pay a brief courtesy call on Mr
> Rove on any of those dates.

> I would be most grateful for a response. You can reach me by e-mail or by phone in
> London.

> Thanks very much and I look forward to hearing from you.

> Betty Pires
> Tel: (44) (207) 629 6600
> Fax: (44) (207) 887 3333
> E-mail: epires@investcorp.com

"WorldSecure Server <investcorp.com>" made the following
annotations on 03/11/2003 16:18:45

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by returning the original message to the sender and then delete the message. Thank you.

=====

polish risked having their fingernails pulled out, and women who laughed out loud in public could be beaten.

- More than 200 women voted in the Emergency Loya Jirga, which established Afghanistan's provisional government in 2002.
- The provisional government includes two female ministers--the Minister of Women's Affairs and the Minister of Public Health. A woman is Chair of the Human Rights Commission. The Ministry of Foreign Affairs has recently created an Office of Human Rights, Health and Women's Affairs, and the Ministry of Commerce has set up a department to help women establish their own businesses.
- Two of the nine members of the committee that drafted the new draft constitution and seven of the 35-member Review Commission were women. Almost 20 percent of the 500 seats in the Constitutional Loya Jirga are held by women.
- Afghan women are beginning to participate in the economy again. Assistance projects throughout the country have helped women establish businesses in traditional artisanry, small manufacturing, agriculture, and trades such as tailoring and bread-baking. Seventeen day-care centers for government ministries and offices were built to enable women to return to work.
- Under the Taliban, girls were allowed only minimal schooling, and many were educated illegally in risky clandestine schools. Today, one million of the nearly four million children in school are girls.
- Women are teaching again. Of 1,400 newly-trained teachers, 900 are women.
- The Ministry of Education established accelerated learning programs to help 60,000 older children who had been denied education under the Taliban catch up with their age groups. Seventy percent of those children are girls.
- The United States has established over 175 projects that support Afghan women, and many more that benefit all Afghans. These projects increase women's political participation, build civil society, create economic opportunities, support the education of girls and women, and increase access to health care.
- The U.S.-Afghan Women's Council, inaugurated by Presidents Bush and Karzai in January 2002, has mobilized the U.S. private sector to support Afghan women. U.S. businesses have provided computer education and leadership training for women working in government.

ministries. The U.S.-Afghan Women's Council has sponsored 17 multi-service women's centers offering vocational training, networking opportunities, counseling, child care, and social services for widows and orphans.

America's Fund for Afghan Children

Since President Bush announced America's Fund for Afghan Children in October 2001, the fund has raised \$11.8 million, including more than \$1 million in the past three months. This money purchased 3,750 school chests serving 150,000 students, 750 teacher kits, and 140,000 school bags, and built new playgrounds for schools in Afghanistan. Winter relief items, health kits, and rehabilitation of clinics were also provided with these funds. The American Red Cross processed over 790,000 letters and donations to the fund. For more information, see <http://kidsfund.redcross.org>.

For a "Context" box

Afghanistan was already one of the poorest places on earth before the Soviet incursion of 1979 precipitated more than two decades of conflict and destruction. In 2003, Afghanistan remains at or near the bottom of every socio-economic indicator used to measure human and economic progress, and the country's overall human-misery index is among the highest in the world. One in four Afghan children dies before the age of five. Afghanistan and Sierra Leone have the highest maternal mortality rates in the world.

While Afghanistan's infrastructure suffered severe damage during more than 20 years of conflict, its institutional devastation was equally severe. In January 2002, we found a nation without a viable security apparatus, courts, or functioning ministries—a place where the basic structure of a nation-state had been obliterated. Compounding these reconstruction challenges, Afghanistan suffers some of the harshest climatic conditions and most difficult terrain on Earth, and much of that terrain is laced with millions of unmarked landmines.

For a box on:

Important Activities in November and December 2003

November 24

Zalmai Khalilzad sworn in as American Ambassador to Afghanistan

November 25 American Ambassador Zalmay Khalilzad arrives in Kabul

December 7 Taliban Withdraws from Last Stronghold City of Kandahar, Afghanistan (2001)

December 14-24 (TBC) Constitutional Loya Jirga

December 16 (TBC) Afghan Road Ribbon Cutting

December 18 Second Anniversary of U.S. Raising Flag over former American Embassy in Kabul (2001)

December 20 The ISAF mandate expires on December 20, 2004, by UNSCR 1510, which also authorized ISAF expansion outside Kabul

December 20 24th Anniversary of the Soviet invasion of Afghanistan and beginning of 10 year occupation of Afghanistan by the Soviets

December 22 Hamid Karzai sworn in as leader of the Afghan Interim Government (2001)

December (TBD) Launch of the Conservation Corps Project (with U/S Dobriansky)

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Re: Picture - To: Cliff Johnson - From: Karl Rove	1	12/08/2003	P6/b6;

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SERIES:

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	FW: FEHBP Web Site... - To: Susan Ralston - From: Karl Rove	1	12/07/2003	P5; P6/b6;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	FEHBP Web Site... - To: Newt Gingrich - From: Vince Haley	1	12/06/2003	P5;

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F: Medicare
576031

Ralston, Susan B.

From: Greene, William
Sent: Monday, December 08, 2003 1:25 PM
To: Ralston, Susan B.
Cc: Wehner, Peter H.
Subject: REVISED Medicare/GOP!!!

Importance: High

[Sir, there were 14 Republicans, not 15 as I reported earlier... Nick Smith OPPOSED the 2000 bill as well as the 2002 bill. Here's the revision]:

Of the 25 Republicans who voted AGAINST Medicare perscription drugs this year (Roll Call 669, 22 Nov 03), there were 14 who voted to SUPPORT one or both of the previous two Medicare perscription drugs measures:

2002: HR 4954 Medicare Modernization and Prescription Drug Act of 2002, Roll Call 282, June 28, 2002; passed House, 221-208.

2000: HR 4680 The Medicare RX 2000 Act, Roll Call 357, June 28, 2000; passed House, 217-24.

- Dan Burton (00 & 02)
- Steve Chabot (00 & 02)
- Gil Gutknecht (00)
- Walter Jones (00 & 02)
- Norwood (00 & 02)
- Jim Ryan (00 & 02)
- John Culberson (02)
- Jim DeMint (00 & 02)
- Jo Ann Emerson (00)
- Jerry Moran (Kan) (00 & 02)
- John Shadegg (00 & 02)
- Tancredo (02)
- Pat Toomey (00 & 02)
- Zach Wamp (00 & 02)

Ralston, Susan B.

✓
576031

From: Karl Rove [kr@georgewbush.com]
Sent: Sunday, December 07, 2003 9:13 AM
To: Ralston, Susan B.
Subject: Fw: FYI, From the Los Angeles Times for Sunday, Dec. 7, 2003

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Malcolm, Andrew <Andrew.Malcolm@latimes.com>
Sent: Sun Dec 07 03:09:26 2003
Subject: FYI, From the Los Angeles Times for Sunday, Dec. 7, 2003

TOP OF THE LOS ANGELES TIMES for Sunday, Dec. 7, 2003

SPECIAL REPORT

Stealth Merger: Drug Companies and Government Medical Research

BETHESDA, Md.-Some of the National Institutes of Health's top scientists are also collecting paychecks and stock options from biomedical firms. Increasingly, such deals are kept secret. Plus, five case studies illustrate this practice. By David Willman.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525533>

See also:

EDITORIAL: Subverting U.S. Health

The National Institutes of Health has become an arm of commerce, a place where objective science is being trampled in a stampede for market share. ... Congress helped make this system and can help unmake it. Start with high-level hearings.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525534>

THE WORLD

Rumsfeld Gets Rosier Report in Iraq

BAGHDAD-Defense Secretary Donald Rumsfeld saw firsthand the U.S.-led coalition's strategy of turning over security to Iraqis, as military officials lauded a precipitous drop in attacks on American troops. By John Hendren.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525535>

See also:

STEVE LOPEZ: Troops Pay Price as Military Skimps
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525536>

In Russia, Power Is the Front-Runner

MOSCOW-Russia votes today in elections that are expected to boost President Vladimir V. Putin's power by giving him a more pliable parliament. By David Holley.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525537>

Compassionate Conservatism, Chinese-Style

BEIJING-Planners hope Premier Wen's approach will play well when he visits Washington this week. By Mark Magnier.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525538>

Between Israel and Lebanon, They Have No Home

NAHARIYA, Israel-Former soldiers of an Israeli-backed militia fled to the Jewish state after the army left. They struggle to fit into a society in which Jews and Arabs alike regard them with suspicion. By Henry Chu.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525539>

Airbus Super-Sizes

TOULOUSE, France-The company this year for the first time will deliver more commercial planes than Boeing and barrels ahead with plans for its super-jumbo jet. By Peter Pae.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525540>

THE NATION

Public Inroads for Private Sector

WASHINGTON-After pushing their case for decades, advocates of competition from the private sector are moving forward with rare force into some of the most crucial areas of government. By Aaron Zitner.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525541>

Sunshine State Foggy on Medicare Reform

COCONUT CREEK, Fla.-Nowhere should the recent reform of Medicare have deeper consequences on how people vote than in Florida. Once, that is, the state's nearly 2.8 million residents over age 65 figure out exactly what has changed and how it affects them. By John-Thor Dahlburg.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525542>

See also:

GOP Divided Over Pushing Reform of Social Security

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525543>

Democrats Find a New Battleground in Arizona

SCOTTSDALE, Ariz.-Not far from the boulevard named for GOP icon Barry Goldwater, Democrats have opened their first storefront office in this well-moneyed town. The humble office is a base camp for what they hope is a remaking of the state's political future. By John M. Glionna.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525544>

See also:

In Florida, 2004 Democratic Party Hopefuls Denounce the 2000 Vote

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525545>

CALIFORNIA and the WEST

Gov. Schwarzenegger to Take His Agenda to the Ballot

SACRAMENTO-Rebuffed by state lawmakers, Gov. Arnold Schwarzenegger will now try to bypass the Legislature whenever feasible and tap into the public support he commands by taking his agenda directly to the ballot, aides said. By Peter Nicholas and Joe Mathews.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525546>

Political Parties Differ on Size of State Government

SACRAMENTO-The governor's plan for a constitutional amendment to cap state spending caused budget negotiations between him and Democratic leaders to break down. By Evan Halper and Peter Nicholas.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525547>

ARTS & ENTERTAINMENT

Harsh Reality of 'The Osbournes' No Laughing Matter

LOS ANGELES-Ozzy Osbourne, the star of the hit MTV series, says he was "wiped out" on drugs ordered by a physician investigated for over-prescribing for other celebrities. The doctor's attorney disputes the veracity of the allegations. By Chuck Philips.

<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525548>

Climbing Mt. Russert

CONCORD, N.H.-Sunday morning newsmaker shows are a model of measured diplomacy on air. Behind the scenes, the fight has become down and dirty, with Tim Russert, the hugely popular incumbent, fending off all comers. By Elizabeth Jensen.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525549>

Are the Kings of Bad Taste Really a Pair of Softies?

MIAMI-The idea of Bobby and Peter Farrelly doing a comedy about conjoined twins initially inspires a gasp of horror. But the dirty little secret about "Stuck on You" is that the film shows off a kinder, gentler side of the brothers. By Patrick Goldstein.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525550>

COMMENTARY

EDITORIAL: U.S., Mexico Must Move On

President Bush and Mexican President Vicente Fox need to get their nations past two huge stumbling blocks - Iraq and immigration - that banged up the nations' dealings badly, and unnecessarily, in 2003.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525551>

DAVID GELERNTER: Burden on Our Kids? They Will Thank Us

The looming deficit might or might not be important, but it has no moral implications of any kind. ... Worrying about the long-term consequences of today's economic decisions is like worrying about the long-term consequences of spitting into the Atlantic.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525552>

DAVID FRIEDMAN: Stop Politicking, Fix Trade Policy

A reassessment of U.S. trade relations is long overdue. Over the last 10 years, the annual U.S. merchandise trade deficit ballooned to half a trillion dollars, a debt that imperils the dollar and may yet short-circuit the current economic recovery.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525553>

MAX BOOT: European Are Going It Alone, Again

Not everything sanctified by the "international community" is good, and not everything done by a lone nation or an ad hoc coalition is bad.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525554>

AND FINALLY

Taking the Intifada to the Football Field

IRVINE, Calif.-A gridiron gathering of young Muslim American athletes is being flagged for unsportsmanlike conduct by religious leaders dismayed by some of the team names, which include "Mujahideen," "Intifada" and "Soldiers of Allah." By William Lobdell.
<http://tm0.com/latimes/sbct.cgi?s=153598618&i=955757&m=1&d=5525555>

To display the front page of the National Edition in PDF format, please go to:
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Ralston, Susan B.

✓
576071

From: Karl Rove [kr@georgewbush.com]
Sent: Monday, December 08, 2003 1:42 PM
To: Ralston, Susan B.
Subject: FW: The Right Rx: Reforming what you can when you can

----- Forwarded Message

From: "Cesar Conda" <Cesar@dcnavigators.com>
Date: Mon, 8 Dec 2003 10:48:28 -0600
To: "Karl Rove (E-mail)" <kr@georgewbush.com>
Cc: <sralston@who.eop.gov>
Subject: FW: The Right Rx: Reforming what you can when you can

KR: FYI. Hope this is helpful. CC

> <http://www.nationalreview.com/comment/conda200312080929.asp>

>
> Guest Comment on National Review Online
> December 08, 2003, 9:29 a.m.
> The Right Rx
> Reforming what you can when you can.
> By Cesar V. Conda

>
> Today, President George W. Bush will sign a historic
> Medicare-modernization

bill that adds a prescription-drug benefit to Medicare. This is supposed to be a major political victory. But some of my conservative friends are grumbling. Economist Bruce Bartlett calls the bill a "massive expansion of the welfare state" and a "serious policy error." Steve Moore of the Club for Growth: "The plan will dump roughly \$2 trillion in added unfunded liabilities into the laps of our children and grandchildren, on top of the \$21 trillion in unfunded debt already baked in the cake." (Question for Steve: When did we supply-siders begin obsessing about the national debt and deficits?)

>
> Conservatives have long had an uneasy relationship with health policy.

> Outside
of their efforts to defeat "Hillary-care" and other Democratic initiatives to socialize our health-care system, the conservative movement rarely addresses health-care policy > -> a failure that has resulted in the issue being virtually monopolized by liberal Democrats in the eyes of both the media and voters.

>
> The Medicare bill is not a perfect statement of conservative
> philosophy, to be

sure. The cost is huge. But it does contain some good, meaningful, conservative policy reforms.

>
> Conservatives will finally have an alternative to liberal arguments

> that the
only way to cover the uninsured is by government fiat. This bill dramatically expands Medical Savings Accounts, now renamed Health Savings Accounts (HSAs). These accounts are owned and funded by individuals, just like IRAs, and are used to pay nearly any medical expense > -> all in tax-free dollars.

>
> With these accounts, employees will have tax-advantaged money to pay

> for
routine health-care costs, such as lab bills, out of their own pockets. Meanwhile, employers will be able to focus on protecting employees from major medical risk, or so-called "catastrophic coverage." This division of responsibility will bring more people health-care coverage for worst-case scenarios without burdening employers with the responsibility of covering all health-care costs > -> a primary policy goal of liberals.

>
> And since the ongoing value of HSAs will depend on health-care
> spending,

individuals will have reason to see the doctor only when necessary, use generic drugs instead of brand-name versions, and even adopt healthier lifestyles by exercising and eating right, so they avoid the long-term health costs associated with obesity. One of the central tenets of conservative thought is that people respond to incentives; HSAs will make those incentives abundantly clear.

>
> And incentives will soon matter > -> for the first time > -> in the
> entire
Medicare system.

>
> For one thing, the bill will give low-income seniors a \$600 annual
> subsidy on
special drug-discount cards. Since the dollars are fixed, low-income seniors will have great reason to think like consumers, not government dependants, and use the dollars sparingly.

>
> And beginning in 2006, Medicare-approved private health plans will
> begin to
compete in the marketplace for the business of our seniors; by winning that business of our seniors, these private plans will receive the Medicare subsidies that would otherwise have gone to the Medicare bureaucracy.

>
> By definition, conservatives believe a market is preferable to a
> monopoly > ->
and for the first time, a government entitlement program is losing its monopoly. While the legislation rejected the broad idea of all-out competition pushed by House GOP conservatives, it does provide for limited competition starting in 2010. Conservatives would be wise to support and protect this reform, because you can be sure liberals will try to kill it before it is even born. >

>
> Another way to defeat liberalism is to make sure the citizenry
> understands its
costs. Again, this bill brings us closer to that goal. Upper-income seniors > -> those earning \$80,000 or more > -> will have to pay higher premiums for Medicare prescription-drug coverage starting in 2007. Liberals are apoplectic about this proposal; they fear that upper-income seniors will drop out of Medicare for cheaper and better private coverage, depriving the government monopoly a stream of revenue and a base of support. They are right to be afraid; that is precisely the point.

>
> The liberals certainly get it. Senator Ted Kennedy called many of the
above-mentioned reforms "destructive changes in Medicare" that were driven by "a right-wing ideology that says government insurance is bad and private insurance is good." Senator Hillary Clinton called the legislation a "privatization scheme."

>
> The rhetoric is overblown, but the sentiment is real. The Democrats
> hate this
the reform and will attempt to resurrect their idea for a \$1 trillion government-run drug benefit, complete with controls over drug prices and drug research. They will do this not only because they support massive health-care spending by the government, but also because this is a major victory for the president: No one thought you could bring reforms to a government entitlement program. President Bush did. His success with Medicare will surely embolden him and his allies as they consider reforms to Social Security. Conservatives do not yet appreciate this point, but Democrats clearly do.

>
> Conservatives may grumble about the cost of this Medicare bill. But it
> is not
the "vast expansion of the welfare state" they fear. Instead, this Medicare law strengthens our private health-care system, creates incentives for competition and a consumer-driven approach to health care, and gives our seniors the full measure of modern medicine that has been promised to them. We need not make the perfect, or near perfect, the enemy of the good.

>
> -> Cesar Conda, formerly assistant to Vice President Cheney for
> -> domestic
policy, is a board director at Empower America.

✓
576031**Goergen, Barbara J.**

From: Meece, Michael E.
Sent: Monday, December 08, 2003 7:08 PM
To: 'kr@georgewbush.com'; Ralston, Susan B.; Goergen, Barbara J.; Jackson, Barry S.; Westine, Lezlee J.; Schlapp, Matthew A.
Subject: Allen Franklin

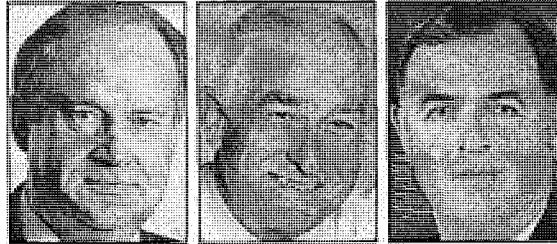
You probably know already, but just in case ...

Allen Franklin to step down as CEO of Southern Co.

He'll retire in July, to be replaced by Georgia Power's David Ratcliffe

By MARIA SAPORTA
The Atlanta Journal-Constitution

Allen Franklin, chairman, president and chief executive officer of Atlanta-based Southern Co., will retire from the company in July, the company announced Monday.



Allen Franklin (left) will be replaced by David Ratcliffe (center) as CEO of Southern Co. Mike Garrett will succeed Ratcliffe as president of Georgia Power.

Georgia Power President David Ratcliffe will succeed Franklin as CEO, following the same succession path to power that's been in place for the last two promotions.

The news of Franklin's retirement came after Southern Co. held its December board meeting on Monday morning.

Franklin, who will turn 60 in August, has been with Southern Co. for 33 years. He has been the company's chief executive officer since April 2001.

"It was simply the right time for me and a good time for the company," Franklin said in a release.

"This is a wonderful company and we're stronger than we've ever been -- both operationally and financially," Franklin said.

The board also elected Mike Garrett, currently president and chief executive officer of Mississippi Power, to replace Ratcliffe as president of Georgia Power starting Jan. 1.

Ratcliffe will remain as CEO of Georgia Power until April, when he will become president of Southern Co.

Meanwhile, the board of Mississippi Power elected Anthony Topazi to replace Garrett as president and CEO. Currently Topazi serves as executive vice president of Southern Co.'s generation and energy marketing group.

Find this article at:

<http://www.ajc.com/business/content/business/1203/08franklin.html>

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Red, White and Blue Celebration for the... [with attachments]	13	12/08/2003	PRM;

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FOLDER TITLE:

576031 [1]

FRC ID:

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NARA Num.:

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FOIA IDs and Segments:

2015-0037-F

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Presentation	Future U.S. Space Exploration: Alternative Visions, Key...	15	12/09/2003	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	11:40 AM Meeting with Larry Arnn, President... - To: Karl Rove - From: Tim Goeglein	1	12/09/2003	P5;

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BIOGRAPHY OF LARRY ARNN

Larry P. Arnn, the 12th president of Hillsdale College, received his B.A. in Political Science and Accounting in 1974 from Arkansas State University, graduating with the highest distinction. He studied at the Claremont Graduate School and received his M.A. in Government in 1976, and his Ph.D. in Government in 1985. He studied in England from 1977 to 1980, first as a research student in International History at the London School of Economics and then in Modern History at Worcester College, Oxford University. He has received numerous fellowships and awards, among them a two-year fellowship from the Alcoa Foundation in 1972; a Richard M. Weaver Fellowship in 1975; a Rotary International Fellowship in 1977; Earhart Foundation Fellowships in 1978, 1979, and 1980; and a Winston S. Churchill Association Fellowship from 1977 to 1980.

While in England, Dr. Arnn served as Director of Research for Martin Gilbert, now Sir Martin, of Merton College, Oxford, the official biographer of Winston Churchill. Dr. Arnn returned to the United States in 1980 to become an editor for Public Research, Syndicated. From 1985-2000, he served as president of the Claremont Institute, an education and research institution based in Southern California. While at Claremont, he was the founding chairman of the California Civil Rights Initiative, or Proposition 209, which was passed by California voters in 1996 and prohibited racial preferences in state hiring, contracting and admissions.

Published widely in many national newspapers, magazines and periodicals on issues of public policy and political theory, Dr. Arnn is on the board of directors of the Heritage Foundation, the Henry Salvatori Center of Claremont McKenna College, Americans Against Discrimination and Preferences, the Center for Individual Rights and the Claremont Institute. He is a member of the American Political Science Association, the Mont Pelerin Society, the International Churchill Society and the Philanthropy Roundtable.

Dr. Arnn and his wife, Penelope, have three children, Henry, Katy and Alice.

HILLSDALE COLLEGE HISTORY

Hillsdale College, founded by Freewill Baptists as Michigan Central College in Spring Arbor, Michigan, began classes in December of 1844. The college later moved to Hillsdale, Michigan in 1853 and assumed its current name. As stated in the Preamble to its Articles of Incorporation, the College undertakes its work "...grateful to God for the inestimable blessings resulting from the prevalence of civil and religious liberty and intelligent piety in the land, and believing that the diffusion of sound learning is essential to the perpetuity of these blessings...."

Though it was established by Freewill Baptists, the College has been officially non-denominational since its inception. Like the American Founders, the College emphasizes the importance of the common moral truths that bind all Americans, while recognizing the importance of religion for the maintenance of a free society.

One of only 119 American colleges awarding four-year liberal arts degrees in 1850, Hillsdale was the first American college to prohibit in its charter all discrimination based on race, religion, or sex. That is, Hillsdale was the first American college to be chartered on the principle of nondiscrimination. Hillsdale's Founders shared a devotion to the principle of equality with the Founders of America who had declared in 1776 that "all men are created equal."

Because of its dedication to the principle of equality, Hillsdale became an early force for the abolition of slavery and for the education of black students; in fact, blacks were admitted immediately after the 1844 founding. The College became the second in the nation to grant four-year liberal arts degrees to women.

Leading orator and itinerant preacher Ransom Dunn, who would serve the College in leadership roles for half a century, raised money to construct the new hilltop college in Hillsdale during the early 1850s by riding 6,000 miles on horseback and preaching for two years on the Wisconsin and Minnesota frontier.

Personal tragedies marked his life-including his own poor health, weak eyesight, and the deaths of his wife, three infant daughters, a son in the Civil War, and an older son. Yet, during the half century after 1850, Professor Dunn courageously secured the foundation of Hillsdale College. Hillsdale College would survive while over 80% of colleges founded before the Civil War would fail.

The Hillsdale tradition did not emerge in a vacuum but was forged in the crucible of history. A higher percentage of her young men enlisted in the Civil War than from any other western college. Of the more than 400 men serving, half became officers. During the conflict, four Hillsdale students won the Congressional Medal of Honor, three became generals, and many more served as regimental commanders. Sixty died.

Because of its early crusade against slavery, its role in helping to found the Republican party in Jackson in 1854 (President Edmund Fairfield was a leading founder of the party), and its location on the first railroad to pass through Michigan to Chicago, Hillsdale College was a natural site for more than two dozen nationally recognized speakers in the antebellum and Civil War eras.

A short list of the prominent speakers includes Frederick Douglass, Edward Everett - who spoke before Lincoln at Gettysburg and gave his library to Hillsdale College while President of Harvard, Governor Austin Blair who also served on the Hillsdale faculty, Senator Zachariah Chandler, Senator Charles Sumner, Carl Schurz, Wendell Phillips, Senator Lyman Trumbull, Owen Lovejoy, and William Lloyd Garrison.

An authority on higher education in the American West recently placed ten Hillsdale students on his short list of the fifteen most outstanding graduates from all Michigan colleges in the nineteenth century. Hillsdale was one of two colleges west of the Appalachians with the highest percentage of alumni listed in the first Who's Who in America.

So it was that Hillsdale graduates reflected the college motto: Virtus Tentamine Gaudet ("strength rejoices in the challenge"). In 1891 the Chicago Herald reported that Hillsdale College was second in standing to no denominational college in the country. Hillsdale even declined a formal proposal to unify with the University of Chicago in 1895.

Hillsdale continued to overcome many obstacles in the 20th century. In the 1930s and 1940s the college faced the near foreclosure of mortgages. In the 1970s, some of its students were receiving federal loans which the government used as a pretext for interference with the College's internal affairs.

Hillsdale's trustees responded with two toughly-worded resolutions: One, the College would continue its policy of non-discrimination. Two, the College, "with the help of God," would "resist, by all legal means, any encroachments on its independence."

In 1979, this continuing battle with the Department of Health, Education, and Welfare (HEW) began to intensify. The College filed a petition for judicial review in the Sixth Circuit Court of Appeals in Cincinnati, asking the court to overturn a previous decision by the Reviewing Authority, Office of Civil Rights of HEW. This decision would have required Hillsdale to submit Assurance of Compliance forms mandated by Title IX as a condition of the continued receipt of federal financial assistance by two hundred Hillsdale students.

Hillsdale's petition was based in part upon tradition - the pioneering College had a tradition of graduating women, blacks, and other minorities since before the Civil War. In December 1982, the Sixth Circuit Court of Appeals vindicated Hillsdale's refusal to sign the compliance forms, but it also ruled that government aid to individual students could be terminated without a finding that a college actually discriminated. Hillsdale subsequently announced that it was carrying this battle for educational freedom to the highest American court.

In February 1984 in a related case, *Grove City College v. T.H. Bell*, Secretary U.S. Department of Education, the U. S. Supreme Court made a decision regarding arguments first made by Hillsdale College. It required every college or university to fulfill federal requirements because its students received federal aid.

Because Hillsdale under the *Grove City College* decision would have had to sign compliance forms to protect students formerly on government aid, the College instead successfully generated an additional \$1,000,000 annually from private sources. Today, the college turns down federal taxpayer money to the tune of \$5 million per year, which it replaces entirely with private contributions.

Due in no small part to its courageous stand, the College raised enough extra revenue to pay the equivalent of the federal loans that it would now refuse. The *Detroit Free Press* on January 25, 1981 stated, "Hillsdale after all, is famous as the little college that fights for rightness and independence. From the unlikely location of south central Michigan, it gained its national recognition by drawing its sword against the federal government. No trespassing, it told HEW; we'll hire, promote, subsidize, educate and influence with no interference from you."

Hillsdale College continues to carry out its mission today as it has every year since 1844. It teaches its students the skills to be productive citizens and the moral virtues to be good ones. Today this small college continues to "go it alone," to do things its own way, even when that way is neither profitable nor popular, but right.

A prayer written in the Bible that was placed inside the 1853 cornerstone reflects a continuing commitment of one and a half centuries: "May earth be better and heaven be richer because of the life and labor of Hillsdale College."

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Meeting with Governor Linda Lingle - To: Karl Rove - From: Maggie Grant	3	12/08/2003	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	HHS Public Affairs: Medicare Product Development	2	12/09/2004	P5;

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COLLECTION:

Records Management, White House Office of

SERIES:

Presidentials - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

576031 [1]

FRC ID:

1577

OA Num.:

2498

NARA Num.:

2793

FOIA IDs and Segments:

2015-0037-F

RESTRICTION CODES

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

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Form	Recommended Telephone Call	1	11/20/2003	PRM;

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FOLDER TITLE:

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Views on National ID Cards and ID Standards	8	N.D.	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	See Below - To: Karl Rove - From: Peter Wehner	4	11/14/2003	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	RE: Strategy Attendees - To: Barbara Goergen - From: Anne Campbell	1	12/09/2003	P5;

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SERIES:

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FOLDER TITLE:

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2015-0037-F

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	Stratergy List	1	12/11/2003	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	HUD Release - To: Barbara Goergen - From: Matthew Hunter	1	12/09/2003	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Draft Background/Briefing	1	N.D.	P5; P6/b6;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Talking Points	Draft Talking Points	1	N.D.	P5;

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Office of the Attorney General

Washington, D. C. 20530

October 24, 2003

The Honorable Ted Stevens
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Department of Justice strongly objects to the amendment offered by Representative C.L. ("Butch") Otter and adopted on July 22, 2003 by the House of Representatives, to H.R. 2799, the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2004." If it were to become law, the Otter Amendment - which would prohibit the use of appropriated funds to ask a court to delay notice of a search warrant under 18 U.S.C. § 3103a(b) - would seriously hinder the United States' ongoing efforts to detect and prevent terrorism, as well as to combat other serious crimes. The Otter Amendment would prevent federal prosecutors from asking courts to use a judicially created authority that they have used in cases involving organized crime and illegal drugs for many years, indeed, since long before the USA PATRIOT Act. This could result in the intimidation of witnesses, destruction of evidence, flight from prosecution, physical injury, and even death. I urge the Senate to reject any comparable amendment to the counterpart legislation in the Senate and to work to remove the Otter Amendment in conference.

Section 3103a(b) of title 18 of the United States Code, which was added by section 213 of the USA PATRIOT Act, is a vital aspect of the Justice Department's strategy of preventing, detecting and incapacitating suspected terrorists *before* they are able to strike. Section 213 allows *federal judges*, in certain narrow circumstances, to authorize investigators *temporarily* to delay notice that a search warrant has been executed.¹ The law requires such notice to be given

¹ 18 U.S.C. § 3103a(b) provides as follows:

(b) Delay.— With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

within a reasonable period following the execution of the warrant, and such period may only be extended by the court for good cause shown. This codification of pre-existing authority for judicially-approved delayed-notice warrants was enacted when Congress passed the USA PATRIOT Act by overwhelming votes of 357-66 in the House and 98-1 in the Senate.

Although it is a critical tool to the Justice Department's efforts to prevent terrorism, section 213 is hardly an innovation. Quite the contrary, federal courts have had the ability to issue delayed-notice warrants for many years, long before the USA PATRIOT Act. In fact, section 213 is not subject to the USA PATRIOT Act's sunset provision, which Congress reserved for provisions that were regarded as new authorities, specifically because of the long-standing use of delayed-notice warrants. Prior to the USA PATRIOT Act, the law was a mix of inconsistent standards that varied across the country because of differences among federal circuit-court rulings. Section 213 solved this problem by establishing a uniform statutory standard applicable throughout the United States. In other words, the USA PATRIOT Act simply codified a longstanding procedure – delaying notification of a search warrant – which courts had already held is constitutional.

Delayed-notice warrants are an essential tool because there are a number of limited but dangerous circumstances in which providing immediate notification to a suspected terrorist could devastate an ongoing investigation – and even threaten innocent lives. If a suspected terrorist learns contemporaneously that his property has been searched, he may immediately flee the country to escape prosecution. The suspected terrorist would likely destroy computer equipment and anything else containing information about which targets he plans to strike. The suspected terrorist may alert his associates that an investigation is underway, enabling them to go into hiding – or causing them to accelerate their terrorist plot. The suspected terrorist may stop communicating with other members of his cell, preventing law enforcement from learning who else is participating in a plot to kill innocent Americans. The suspected terrorist may close his bank accounts, preventing investigators from discovering who is financing his terrorist activities. And the suspected terrorist may injure – or, even worse, kill – witnesses who have information that could implicate him, and whose cooperation with authorities may be revealed by the search.

In accordance with longstanding law and practice, law enforcement, under the supervision of the federal courts, also needs the continued ability in these cases to protect the integrity of an ongoing investigation – and the safety of the American people – by temporarily delaying when the required notification is given. By law, section 213 can be used only in extremely narrow circumstances – when a federal court determines immediate notification may result in: *“endangering the life or physical safety of an individual”*; *“flight from prosecution”*; *“destruction of or tampering with evidence”*; *“intimidation of potential witnesses”*; or *“otherwise*

(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.

seriously jeopardizing an investigation or unduly delaying a trial." 18 U.S.C. § 2705(a)(2) (emphasis added).

Crucially, in each and every case, section 213 specifically obliges law enforcement to give required notice that a search or seizure has taken place. In fact, *it would be a violation of the USA PATRIOT Act to fail to provide notice.* This provision simply allows investigators, after seeking and receiving a court-issued search warrant, to temporarily delay when the required notification is given. And it goes without saying that no court may issue a search warrant unless there is probable cause. See U.S. CONST. amend. IV ("no Warrants shall issue, but upon probable cause, supported by Oath or affirmation").

The notion that the Constitution prohibits delayed-notice search warrants is simply false. The Supreme Court has squarely held that the Fourth Amendment does not require law enforcement to give immediate notice that a search warrant has been executed. In *Dalia v. United States*, 441 U.S. 238 (1979), the Court emphasized "that covert entries are constitutional in some circumstances, at least if they are made pursuant to a warrant." *Id.* at 247. In fact, the *Dalia* Court stated that an argument to the contrary was "frivolous." *Id.*

These same types of "delayed-notice" authorities have been on the books for at least 35 years. They are effective, congressionally-enacted, court-approved tools that have helped prosecutors build the cases necessary to lock up Colombian drug lords and the leaders of organized crime. Thirty-five years ago, in Title III of the 1968 Omnibus Crime Control and Safe Streets Act, Congress authorized federal courts to issue temporarily covert wiretap orders. It is precisely because these types of laws *are* constitutional that investigators have for many years been authorized by the courts to install a wiretap in a suspected terrorist's apartment, a spy's car, and a mobster's social club without notifying the suspects.

The lower federal courts have been equally clear in holding that the Fourth Amendment permits law enforcement to give delayed notice that a search warrant has been executed. For example, in *United States v. Villegas*, 899 F.2d 1324 (2d Cir. 1990), the Second Circuit – in a unanimous opinion by Judge Amalya Kearsse – reasoned that:

Certain types of searches or surveillances depend for their success on the absence of premature disclosure. The use of a wiretap, or a 'bug,' or a pen register, or a video camera would likely produce little evidence of wrongdoing if the wrongdoers knew in advance that their conversations or actions would be monitored. *When nondisclosure of the authorized search is essential to its success, neither Rule 41 nor the Fourth Amendment prohibits covert entry.*

Id. at 1336 (emphasis added). In fact, the court emphasized in this drug-trafficking case that delayed-notice searches actually are *less* invasive of privacy than other types of commonly-used investigative techniques:

In devising appropriate safeguards for a covert-entry search for only intangibles, we note that in many ways this is the least intrusive of these three types of searches. It is less intrusive than a conventional search with physical seizure because the latter deprives the owner not only of privacy but also of the use of his property. It is less intrusive than a wiretap or video camera surveillance because the physical search is of relatively short duration, focuses the search specifically on the items listed in the warrant, and produces information as of a given moment, whereas the electronic surveillance is ongoing and indiscriminate, gathering in any activities within its mechanical focus.

Id. at 1337; *see also United States v. Ludwig*, 902 F. Supp. 121, 126 (W.D. Tex. 1995) (agreeing that delayed-notice searches “are less intrusive than conventional searches”).

The Fourth Circuit, in a child-pornography case, has agreed that nothing in the Fourth Amendment imposes an immediate notification requirement: “the failure of the team executing the warrant to leave either a copy of the warrant or a receipt for the items taken did not render the search unreasonable under the Fourth Amendment. The Fourth Amendment does not mention notice, and the Supreme Court has stated that the Constitution does not categorically proscribe covert entries, which necessarily involve a delay in notice.” *United States v. Simons*, 206 F.3d 392, 403 (4th Cir. 2000). A Second Circuit case likewise confirmed that “[t]he Fourth Amendment does not deal with notice of any kind” *United States v. Pangburn*, 983 F.2d 449, 455 (2d Cir. 1993).

Before she was elevated to the Second Circuit, District Judge Sonya Sotomayor similarly held that a delayed-notice search was lawful: “The notice requirement of Rule 41(d) has been held by the Second Circuit, however, not to bar covert-entry searches for intangibles – so-called ‘sneak and peek’ warrants.” *United States v. Heatley*, No. S11 96 CR. 515(SS), 1998 WL 691201, at *2 (S.D.N.Y. Sept. 30, 1998).

The Ninth Circuit likewise has recognized that it is appropriate to give delayed notice under certain circumstances. *See United States v. Freitas*, 800 F.2d 1451 (9th Cir. 1986). In the course of rejecting a search warrant that *never* required notice to be provided, *see id.* at 1453 (“The warrant contained no notice requirement.”), the court explained that searches conducted without contemporaneous notification are appropriate if they are “closely circumscribed,” *id.* at 1456. Several years later, in a unanimous opinion authored by Judge Dorothy Nelson, the court held that the Fourth Amendment does not require prior or contemporaneous notification of a search pursuant to a warrant. *See United States v. Johns*, 948 F.2d 599, 605 n.4 (9th Cir. 1991) (“[T]he Fourth Amendment requires that officers provide notice of searches within a reasonable, but short, time after the surreptitious entry.”).

Since the USA PATRIOT Act was signed into law on October 26, 2001, the United States has sought, and courts have ordered, a delayed notice warrant under section 213 just 47 times as of April 1, 2003. Yet although this tool is sparingly and judiciously used, it has helped produce some vital successes in the war on terrorism. The following are examples of how court-

issued delayed-notice warrants have been used over the years to fight terrorism and other serious crimes²²:

- Shortly after the 9/11 attacks, a court issued a delayed-notice warrant to search the computer of individuals who were suspected of being affiliated with a terrorist group. The suspects had sent the computer to a shop for repairs, where agents were able to seize the computer and copy the hard drive without immediately notifying the computer owners. If immediate notification had been provided, the individuals would have learned that they were targets of a sensitive anti-terrorism investigation.
- In *United States v. Odeh*, a recent narco-terrorism case, a court issued a section 213 warrant in connection with the search of an envelope that had been mailed to a target of an investigation. The search confirmed that the target was operating a hawala money exchange that was used to funnel money to the Middle East, including to an individual associated with someone accused of being an operative for Islamic Jihad in Israel. The delayed-notice provision allowed investigators to conduct the search without fear of compromising an ongoing wiretap on the target and several of the confederates. The target was later charged and notified of the search warrant.
- In *United States v. Dhafir*, a case in which the defendant is charged with money laundering and a variety of other offenses based on his having sent approximately four million dollars to Iraq in violation of the sanctions, the court issued delayed notification for three searches. The first involved the search of an airmail package that contained a large check bound for an overseas account allegedly used by the target to transfer money into Iraq. A delayed notice warrant also allowed the agents to search and copy the contents of an envelope that the target mailed from Egypt to his office in the U.S. This package contained a ledger showing how the funds had been dispersed in Iraq. A third delayed notification warrant permitted the agents to walk around the target's residence to survey the locks and security system in order to later secretly enter the residence to install the equipment necessary to execute an electronic surveillance order. These warrants prevented the investigation from being jeopardized, and allowed prosecutors to develop critical evidence in the case before the target knew that he was the subject of an investigation.
- In the investigation of an individual who is suspected of possible terrorism and terrorist financing links, the court issued two delayed notice warrants to (1) copy the hard drive of the suspect's computer to determine whether he was communicating with persons overseas and (2) to place an electronic tracking

²² These examples are based on actual cases. Certain facts that are immaterial to understanding how courts have approved delayed-notice warrants have been altered or omitted to protect certain sensitive information that may not be disclosed at this time.

device on his vehicle. The delayed notice warrants allowed other aspects of the investigation to continue, including a lengthy period of surveillance of the suspect's movement with the aid of the tracking device.

- A court issued a delayed-notice warrant to search a box that the FBI received from a cooperating source, who in turn had received the box from a terrorism suspect. The source was not authorized to disclose these materials to the FBI; indeed, it appears that the very reason the suspect gave the box to the source was a concern that government agents executing a search warrant might discover the materials. Contemporaneous disclosure that a warrant was executed could have endangered the life or physical safety of the source who had provided the box to the FBI.
- During the investigation of a domestic terrorist group, agents followed one member of the group to a "safe house." After confirming that the location was indeed a safe house location, court authority was obtained to plant hidden microphones and cameras in the apartment. As a result, the investigators learned that weapons and ammunition were being stored in the safe house. A delayed notice warrant was issued to allow agents to search the apartment and seize the ammunition and weapons. Several cell members were convicted.
- In a narco-terrorism case, the court issued a delayed-notice warrant in the investigation of a New York money laundering organization that was taking pseudo-ephedrine dollars from the Midwest and sending them to individuals with terrorist links in the Middle East. Without the ability to delay notice, the search could not have been conducted without alerting the narco-terrorists to the fact that a large multi-district investigation was underway.
- During an investigation into a drug ring - which may have used its profits to support terrorism - the court granted a delayed-notice search of a business from which money was believed to have been laundered and transferred to the Middle East. Premature disclosure of the search would have jeopardized the safety of an informant, resulted in the destruction of evidence, and alerted numerous targets of the investigation who have yet to be indicted and arrested.
- During a drug investigation, agents had learned about the location of a warehouse through a wiretap. After obtaining sufficient probable cause, a court issued a delayed-notice warrant to search a truck in the warehouse, where agents found 700 kilos of cocaine. Fifteen defendants were indicted, and the main defendants were ultimately convicted and sentenced to life in prison.
- During an investigation into a nationwide organization that distributes marijuana, cocaine and methamphetamine, the court issued a delayed notice warrant to search the residence in which agents seized in excess of 225 kilograms of drugs.

The organization involved relied heavily on the irregular use of cell phones, and usually discontinued the use of cell phones after a seizure of the drugs and drug proceeds, making continued telephone interception difficult. Interceptions after the delayed notice seizure indicated that the suspects thought other drug dealers had stolen their drugs, and none of the telephones intercepted were disposed of, and no one in the organization discontinued their use of telephones.

- In a drug-trafficking case, the court authorized DEA agents to enter a barn and photograph a truckload of marijuana that had been hidden there. Sixteen delayed-notice orders were entered while the agents observed the barn and waited for the defendant to retrieve the drugs, at which time he was arrested.
- When investigating the money laundering aspects of an international drug trafficking operation, it was learned that the suspects were moving money by using false shipping bills on boxes sent through a commercial courier service. The court issued delayed-notice search warrants to intercept two boxes. Agents opened the boxes, examined, counted, and photographed the cash inside, and then repackaged the cash. One of the targets of the investigation was later videotaped accepting delivery of the boxes of bulk cash. The delayed notice warrants allowed the investigation to continue long enough to identify several of the higher-level money brokers.
- A court issued a delayed-notice warrant in the investigation of a heroin-dealing organization. Wiretaps previously had revealed that a large shipment of counterfeit credit cards was about to be made. The delayed-notice warrant allowed agents to copy the credit cards and to notify the credit companies before the cards were sent to the defendants. The delayed-notice warrant allowed the counterfeiting operation to be dismantled while the drug organization wiretaps were preserved.
- In a judicial-corruption case, a court issued a delayed-notice warrant to search the target's judicial chambers and photocopy a "fix book" kept in the desk of the judge's clerk. The book detailed past and future cases which had been fixed or which were to be fixed, and included lists of defendants "to be found guilty." Execution of the warrant resulted in probable cause to set up audio and video surveillance of the chambers. Three court personnel eventually were convicted of mail fraud and civil rights violations.
- In a fraud case, a court issued a delayed-notice warrant to search an office, based on probable cause that \$2.5 million dollars in fraudulent checks were produced on the premises. The order enabled law enforcement to copy the contents of a computer in the office, and examine the data for evidence of the crime, while temporarily maintaining the confidentiality of the warrant.

- During an undercover fraud investigation of a home health agency, the undercover agent learned that the agency was billing for non-rendered nursing services on behalf of approximately 20 subcontractor agencies. A court issued a delayed-notice warrant that allowed agents to enter the business and copy documents that identified the subcontractors, the nurses who purportedly were visiting the patients, and the owners of other home health agencies that were swapping patients with the target agency. The delayed-notice warrant enabled prosecutors to enlarge the scope of the investigation substantially. The investigation led to the indictment of 40 people for various health care fraud offenses.

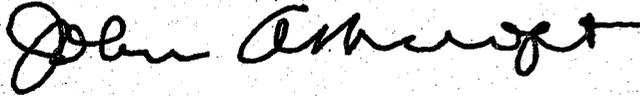
As these examples demonstrate, judicially approved delayed-notice search warrants can be a critical component of a terrorism or other serious criminal investigation. Such judicially approved search warrants help protect the lives of witnesses and law enforcement officers, preserve valuable evidence, and safeguard important evidence.

In conclusion, the Department of Justice shares Congress's commitment to preserving American liberties while we seek to protect American lives. When testifying before the House Judiciary Committee on September 24, 2001, I stressed: "The fight against terrorism is now the highest priority of the Department of Justice. As we do in each and every law enforcement mission we undertake, we are conducting this effort with a total commitment to protect the rights and privacy of all Americans and the constitutional protections we hold dear." The Department of Justice continues to believe that the USA PATRIOT Act – including section 213 – accomplishes both objectives. This provision reaffirms the courts' ability to protect sensitive information about ongoing domestic and international terrorism investigations for a limited period of time. It simply establishes a uniform statutory standard to guide the exercise of a power that courts have exercised for years and that, like section 213, has never been held to be unconstitutional.

I urge the Senate to reject the Otter Amendment and continue to work in partnership with the Administration in ensuring that America's most vital anti-terror tools remain available to those working every day to detect and prevent catastrophic attacks. If the final version of the bill that is presented to the President includes a provision that forces the courts to allow notice to terrorists and other criminals before a search warrant is executed, I would join the President's other Senior Advisors in recommending that he veto the bill.

The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program. If we may be of further assistance in this matter, please do not hesitate to contact us.

Sincerely,



John Ashcroft
Attorney General

cc: The Honorable Robert C. Byrd
Ranking Minority Member
Committee on Appropriations

The Honorable Judd Gregg
Chairman, Subcommittee on Commerce,
Justice, State, and the Judiciary
Committee on Appropriations

The Honorable Ernest F. Hollings
Ranking Member, Subcommittee on Commerce,
Justice, State, and the Judiciary
Committee on Appropriations

The Honorable Bill Frist
Majority Leader

The Honorable Tom Daschle
Minority Leader