

FOIA Marker

This is not a textual record. This FOIA Marker indicates that material has been removed during FOIA processing by George W. Bush Presidential Library staff.

Records Management, White House Office of

Subject Files - FG050 (Judicial Branch)

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

Folder Title:

551163

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	Executive Order	1	05/08/2003	P5;
002	Draft	Executive Order	1	05/08/2003	P5;
003	Draft	Executive Order	1	05/08/2003	P5;
004	Draft	Executive Order	1	05/08/2003	P5;
005	Draft	Executive Order	1	05/08/2003	P5;
006	Draft	Executive Order	1	05/08/2003	P5;
007	Draft	Executive Order	1	05/08/2003	P5;

COLLECTION TITLE:

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

RESTRICTION CODES

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

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

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

Deed of Gift Restrictions

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

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

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

Records Not Subject to FOIA

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

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
008	Draft	Executive Order	1	05/08/2003	P5;
009	Draft	Executive Order	2	N.D.	P5;
010	Draft	Executive Order	1	05/08/2003	P5;
011	Draft	Executive Order	1	05/08/2003	P5;
012	Draft	Executive Order	2	05/06/2003	P5;
013	Draft	Executive Order	2	05/06/2003	P5;
014	Draft	Executive Order	2	N.D.	P5;

COLLECTION TITLE:

Records Management, White House Office of

SERIES:

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
015	Draft	Executive Order	1	05/08/2003	P5;
016	Draft	Executive Order	1	05/08/2003	P5;
017	Email	Final Draft... - To: Brett Kavanaugh, et al. - From: McGavock Reed	1	05/08/2003	P5;
018	Draft	Executive Order	1	05/08/2003	P5;
019	Draft	Executive Order	2	05/07/2003	P5;
020	Draft	Executive Order	2	N.D.	P5;
021	Draft	Executive Order	2	05/06/2003	P5;

COLLECTION TITLE:
Records Management, White House Office of

SERIES:
Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:
551163

FRC ID:
12136

RESTRICTION CODES

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

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CS



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

551163 SS
FG050

THE PRESIDENT HAS SEEN

5-9-03

'03 MAY 8 PM 9:30

THE DIRECTOR

May 8, 2003

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *medj*
Director

SUBJECT: Proposed Executive Order Entitled "# 13300
Facilitating the Administration
of Justice in the Federal Courts"

SUMMARY: This memorandum forwards for your consideration a proposed executive order that was prepared by the Counsel to the President. The proposed order would direct the Counsel to the President to take appropriate steps to promote the prompt appointment of judges to the federal courts.

BACKGROUND: The presidential plan announced on October 30, 2002 calls for the timely consideration of judicial nominees, with the President to submit a nomination to fill a vacancy in United States courts of appeal and district courts within 180 days after the President learns of a vacancy or announced retirement.

The proposed executive order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations consistent with this plan.

VIEWS OF AFFECTED AGENCIES AND STAFF: The following executive departments and agencies and White House Offices do not object to the proposed executive order: (a) the Department of Justice; and (b) NSC, USTR, OSTP, OA, ONDCP, and the White House Offices of DPC, CEA, NEC, CEQ, Communications and Speechwriting, Legislative Affairs, Cabinet Affairs, Intergovernmental Affairs, Homeland Security, Presidential Personnel, Staff Secretary's Office, White House Counsel's Office, and OVP.

RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachment

*Send/dtd/janned: 5-9-2003
To Archives: 5-9-2003*

Ed



U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Facilitating the Administration of Justice in the Federal Courts." The proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review of its form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "Joan L. Larsen".

Joan L. Larsen

Deputy Assistant Attorney General



U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

MEMORANDUM

Re: Proposed Executive Order Entitled
"Facilitating the Administration of
Justice in the Federal Courts"

The attached proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review with respect to form and legality.

On October 30, 2002, the President announced a plan for the timely consideration of nominees to fill vacancies in United States courts of appeals and district courts, with the President submitting a nomination to fill such a vacancy within 180 days after the President learns of a vacancy or announced retirement, absent extraordinary circumstances. The proposed Executive Order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All federal departments and agencies are charged with assisting the Counsel to the President, as requested and permitted by law, in the implementation of this Order. Finally, the Order provides that nothing in the Order shall be construed to affect the authority to fill vacancies under clause 3 of section 2 of article II of the Constitution.

The proposed Executive Order is approved with respect to form and legality.

A handwritten signature in cursive script, reading "Joan L. Larsen".

Joan L. Larsen

Deputy Assistant Attorney General



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

May 8, 2003

Honorable John Ashcroft
United States Attorney General
Washington, D.C. 20503

Dear Mr. Attorney General:

Enclosed, in accordance with Executive Order 11030, as amended, is a proposed executive order that was prepared by the Counsel to the President. The proposed order would direct the Counsel to the President to take appropriate steps to promote the prompt appointment of judges to the federal courts.

The presidential plan announced on October 30, 2002 calls for the timely consideration of judicial nominees, with the President to submit a nomination to fill a vacancy in United States courts of appeal and district courts within 180 days after the President learns of a vacancy or announced retirement.

The proposed executive order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations consistent with this plan.

None of the affected agencies objects to the proposed executive order.

Your staff may direct any questions concerning the proposed executive order to Mr. Mac Reed of this office at 395-3563.

This proposed executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

Philip J. Perry
by MR

Philip J. Perry
General Counsel

Enclosure

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:
PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

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

'03 MAY 8 PM 3:04

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF LEGAL COUNSEL
WASHINGTON, D.C. 20530**

FACSIMILE TRANSMISSION SHEET

DATE: MAY 8, 2003

To: HARRIET MIERS
STAFF SECRETARY
FAX: 456-2215

TIM SAUNDERS
EXECUTIVE CLERK
FAX: 456-2569

MAC REED
OFFICE OF MANAGEMENT AND BUDGET
FAX: 395-7294

FROM:  ROSEMARY HART
SENIOR COUNSEL

OFFICE PHONE: 202/514-2027

NUMBER OF PAGES: 2 (PLUS COVER SHEET)

Harriet, Tim and Mac: Attached are the OLC form and legality memorandum and letter for the revised version of the Executive Order entitled "Facilitating the Administration of Justice in the Federal Courts."

**U.S. Department of Justice**

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

MEMORANDUM

Re: Proposed Executive Order Entitled
"Facilitating the Administration of
Justice in the Federal Courts"

The attached proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review with respect to form and legality.

On October 30, 2002, the President announced a plan for the timely consideration of nominees to fill vacancies in United States courts of appeals and district courts, with the President submitting a nomination to fill such a vacancy within 180 days after the President learns of a vacancy or announced retirement, absent extraordinary circumstances. The proposed Executive Order would direct the Counsel to the President and the Attorney General to take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All federal departments and agencies are charged with assisting the Counsel to the President and the Attorney General, as requested and permitted by law, in the implementation of this Order. Finally, the Order provides that nothing in the Order shall be construed to affect the authority to fill vacancies under clause 3 of section 2 of article II of the Constitution.

The proposed Executive Order is approved with respect to form and legality.

A handwritten signature in black ink that reads "M. Edward Whelan III".

M. Edward Whelan III
Acting Assistant Attorney General

**U.S. Department of Justice**

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Facilitating the Administration of Justice in the Federal Courts." The proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review of its form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully,

A handwritten signature in black ink that reads "M. Edward Whelan III".

M. Edward Whelan III
Acting Assistant Attorney General

EXECUTIVE ORDER

13300

FACILITATING THE ADMINISTRATION OF JUSTICE
IN THE FEDERAL COURTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the prompt appointment of judges to the Federal courts, it is hereby ordered as follows:

Section 1. Policy. The Federal courts play a central role in the American justice system. For the Federal courts to function effectively, judicial vacancies in those courts must be filled in a timely manner with well-qualified candidates.

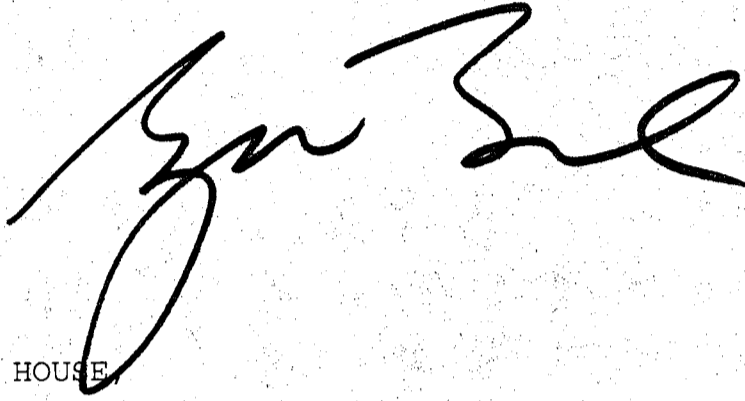
Sec. 2. Plan. The presidential plan announced on October 30, 2002, calls for timely consideration of judicial nominees, with the President submitting a nomination to fill a vacancy in United States courts of appeals and district courts within 180 days after the President receives notice of a vacancy or intended retirement, absent extraordinary circumstances.

Sec. 3. Responsibilities. The Counsel to the President shall take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All Federal departments and agencies shall assist, as requested and permitted by law, in the implementation of this order.

Sec. 4. Reservation of Authority. Nothing in this order shall be construed to affect the authority of the President to fill vacancies under clause 3 of section 2 of article II of the Constitution.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit,

substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

A handwritten signature in black ink, appearing to read "George W. Bush". The signature is written in a cursive, flowing style with a large initial "G" and a long, sweeping underline.

THE WHITE HOUSE

May 9, 2003.

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE: Facilitating the administration of Justice
in the Federal Courts

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER: _____

RECEIVED: (Advance: 5/7/03 Time: 2:15 a.m./p.m.)
In final: 5/8/03 Time: 3:30 a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: 5/7/03 Time: 2:05 a.m./p.m.)
In final: 5/8/03 Time: 3:30 a.m./p.m.

TO HARRIET MIERS' OFFICE:

(For staffing: 1/03 Time: _____ a.m./p.m.)
In final: 5/9/03 Time: 8 a.m./p.m.

*INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE: S. Bonnan

Date: 5/9/03 Time: 1:18 a.m./p.m.
POSTED: 5/9/03 Time: 3:40 a.m./p.m.

NOTIFICATIONS:

(Person/time) NSC (#____), when appropriate -- Desk Officer;
W.H. Situation Room -- x6-9425.

(Person/time) Ginger Loper, x6-2230, Legislative Affairs
(for messages to the Congress)

(Person/time) (Other)

(Person/time) (Other)

OTHER INFORMATION:

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE
 Subject: ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

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



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

File
551163

THE DIRECTOR

May 8, 2003

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *MEJ*
Director

SUBJECT: Proposed Executive Order Entitled "Facilitating the Administration of Justice in the Federal Courts"

SUMMARY: This memorandum forwards for your consideration a proposed executive order that was prepared by the Counsel to the President. The proposed order would direct the Counsel to the President to take appropriate steps to promote the prompt appointment of judges to the federal courts.

BACKGROUND: The presidential plan announced on October 30, 2002 calls for the timely consideration of judicial nominees, with the President to submit a nomination to fill a vacancy in United States courts of appeal and district courts within 180 days after the President learns of a vacancy or announced retirement.

The proposed executive order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations consistent with this plan.

VIEWS OF AFFECTED AGENCIES AND STAFF: The following executive departments and agencies and White House Offices do not object to the proposed executive order: (a) the Department of Justice; and (b) NSC, USTR, OSTP, OA, ONDCP, and the White House Offices of DPC, CEA, NEC, CEQ, Communications and Speechwriting, Legislative Affairs, Cabinet Affairs, Intergovernmental Affairs, Homeland Security, Presidential Personnel, Staff Secretary's Office, White House Counsel's Office, and OVP.

RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachment

Hasn't gone forward,
isn't in IntroSpect,
but has been
distributed to
Andy, Joshua, et al.,
per Harriet. *DB*

Draft 5/8/03
2:45 p.m.

Executive Order

FACILITATING THE ADMINISTRATION OF JUSTICE
IN THE FEDERAL COURTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the prompt appointment of judges to the federal courts, it is hereby ordered as follows:

Section 1. Policy. The federal courts play a central role in the American justice system. For the federal courts to function effectively, judicial vacancies in those courts must be filled in a timely manner with well-qualified candidates.

Sec. 2. Plan. The presidential plan announced on October 30, 2002 calls for timely consideration of judicial nominees, with the President submitting a nomination to fill a vacancy in United States courts of appeals and district courts within 180 days after the President learns of a vacancy or announced retirement, absent extraordinary circumstances.

Sec. 3. Responsibilities. The Counsel to the President shall take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All federal departments and agencies shall assist, as requested and permitted by law, in the implementation of this order.

Sec. 4. Reservation of Authority. Nothing in this order shall be construed to affect the authority of the President to fill vacancies under clause 3 of section 2 of article II of the Constitution.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

THE WHITE HOUSE,

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

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

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

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

Deed of Gift Restrictions

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

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

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

Records Not Subject to FOIA

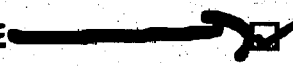
Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

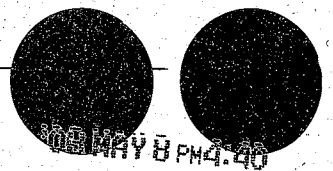
PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

NO COMMENT

RESPONSE:

2003 MAY 08 PM 4:07
 RECEIVED
 PRESIDENTIAL
 OFFICE

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



WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

E. Miers

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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

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

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

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

Deed of Gift Restrictions

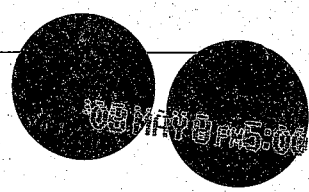
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

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



WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE
Subject: ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:
PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

[Handwritten notes and signatures]
~~AKC~~
 OK
 AKC
 5/8
 4:50 PM

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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

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

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

03 MAY 8 PM 5:27

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

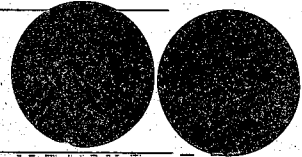
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RESPONSE:

OK TROY

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

WHITE HOUSE STAFFING MEMORANDUM



Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

03 MAY 8 PM 5:22

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

OK-NO Comments

RESPONSE:

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

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

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12172

FOIA IDs and Segments:

2018-0011-P

RESTRICTION CODES

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

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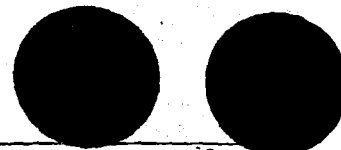
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Records Not Subject to FOIA

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

SS/ RM NO.



03 MAY 8 PM 5:38

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

Garry

No comments.

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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

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Records Not Subject to FOIA

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



'03 MAY 8 PM 5:08

OFFICE OF THE VICE PRESIDENT
WASHINGTON

May 8, 2003

MEMORANDUM FOR BRETT KAVANAUGH
SPECIAL ASSISTANT TO THE PRESIDENT AND SENIOR
ASSOCIATE COUNSEL

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

SUBJECT: **PROPOSED E.O. ENTITLED "FACILITATING**
THE ADMINISTRATION OF JUSTICE IN THE
FEDERAL COURTS"

As an amendment to our previously submitted memorandum on the above-referenced draft, the Office of the Vice President recommends the changes on the attached copy.

cc: **Harriet Miers**
Staff Secretary

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

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

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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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Records Not Subject to FOIA

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



OFFICE OF THE VICE PRESIDENT
WASHINGTON

'03 MAY 8 PM 5:07

May 8, 2003

MEMORANDUM FOR BRETT KAVANAUGH

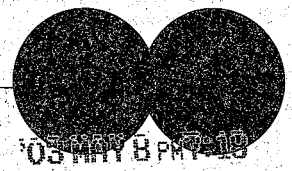
**SPECIAL ASSISTANT TO THE PRESIDENT AND SENIOR
ASSOCIATE COUNSEL**

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

**SUBJECT: PROPOSED E.O. ENTITLED "FACILITATING
THE ADMINISTRATION OF JUSTICE IN THE
FEDERAL COURTS"**

The Office of the Vice President has reviewed the above-referenced draft and has no comments.

**cc: Harriet Miers
Staff Secretary**



WHITE HOUSE STAFFING MEMORANDUM

05 MAY 8 PM '03

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

no comment

RESPONSE:

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

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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SERIES:

Subject Files - FG050 (Judicial Branch)

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551163

FRC ID:

12136

OA Num.:

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FOIA IDs and Segments:

2018-0011-P

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Records Not Subject to FOIA

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

SS/ RM NO. 4464

WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

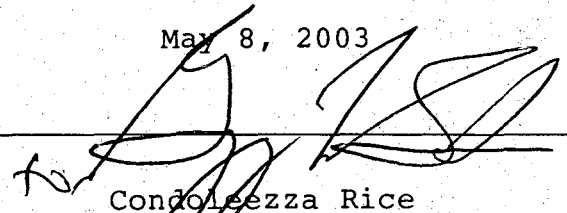
Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HAGIN	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HOBBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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REMARKS:

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May 8, 2003


 Condoleezza Rice
 Assistant to the President
 for National Security Affairs

RESPONSE:

NSC clears.

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

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

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FOIA IDs and Segments:

2018-0011-P

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Hearn, Elizabeth A. (RECORDS)

From: Wilkie, Robert L. (LEGISLATIVE)
Sent: Thursday, May 08, 2003 5:36 PM
To: Hearn, Elizabeth A. (RECORDS); @Legislative Affairs; @West Wing Desk
Subject: RE: WHR 4464 - Proposed EO Entitled "Facilitating the Administration of Justice in the Federal Courts" [UNCLASSIFIED, Record]

Concur

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

From: Hearn, Elizabeth A. (RECORDS)
Sent: Thursday, May 08, 2003 5:06 PM
To: @Legal Advisor
Cc: @EXECSEC; @Legislative Affairs; @UP; @West Wing Desk
Subject: WHR 4464 - Proposed EO Entitled "Facilitating the Administration of Justice in the Federal Courts" [UNCLASSIFIED, Record]
Importance: High

Attached is WHR 4464 - Proposed EO Entitled "Facilitating the Administration of Justice in the Federal Courts"

Action: Bellinger

Concurrence: Wilkie

COMMENTS DUE ASAP

<< File: whr 4464.tif >>

PLEASE EMAIL RESPONSE TO WEST WING DESK.

Hearn, Elizabeth A. (RECORDS)

From: Bellinger III, John B. (LEGAL)
Sent: Thursday, May 08, 2003 6:06 PM
To: Hearn, Elizabeth A. (RECORDS); @Legal Advisor
Cc: @West Wing Desk
Subject: RE: WHR 4464 - Proposed EO Entitled "Facilitating the Administration of Justice in the Federal Courts" [UNCLASSIFIED, Record]

No comments

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

From: Hearn, Elizabeth A. (RECORDS)
Sent: Thursday, May 08, 2003 6:05 PM
To: @Legal Advisor
Cc: @West Wing Desk
Subject: FW: WHR 4464 - Proposed EO Entitled "Facilitating the Administration of Justice in the Federal Courts" [UNCLASSIFIED, Record]
Importance: High

Staff Secretary has begun calling WWD for comments. Do we have any?

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

From: Hearn, Elizabeth A. (RECORDS)
Sent: Thursday, May 08, 2003 5:06 PM
To: @Legal Advisor
Cc: @EXECSEC; @Legislative Affairs; @UP; @West Wing Desk
Subject: WHR 4464 - Proposed EO Entitled "Facilitating the Administration of Justice in the Federal Courts" [UNCLASSIFIED, Record]
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Action: Bellinger

Concurrence: Andricos

COMMENTS DUE ASAP

<< File: whr 4464.tif >>

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Action: Bellinger

Concurrence: Wilkie

COMMENTS DUE ASAP

<< File: whr 4464.tif >>

PLEASE EMAIL RESPONSE TO WEST WING DESK.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

May 8, 2003

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *medj*
Director

SUBJECT: Proposed Executive Order Entitled "Facilitating the Administration of Justice in the Federal Courts"

SUMMARY: This memorandum forwards for your consideration a proposed executive order that was prepared by the Counsel to the President. The proposed order would direct the Counsel to the President to take appropriate steps to promote the prompt appointment of judges to the federal courts.

BACKGROUND: The presidential plan announced on October 30, 2002 calls for the timely consideration of judicial nominees, with the President to submit a nomination to fill a vacancy in United States courts of appeal and district courts within 180 days after the President learns of a vacancy or announced retirement.

The proposed executive order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations consistent with this plan.

VIEWS OF AFFECTED AGENCIES AND STAFF: The following executive departments and agencies and White House Offices do not object to the proposed executive order: (a) the Department of Justice; and (b) NSC, USTR, OSTP, OA, ONDCP, and the White House Offices of DPC, CEA, NEC, CEQ, Communications and Speechwriting, Legislative Affairs, Cabinet Affairs, Intergovernmental Affairs, Homeland Security, Presidential Personnel, Staff Secretary's Office, White House Counsel's Office, and OVP.

RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachment

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	2	N.D.	P5;

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

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

RESTRICTION CODES

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Records Not Subject to FOIA

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

'03 MAY 8 PM 3:33

THE DIRECTOR

May 8, 2003

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *med.j*
Director

SUBJECT: Proposed Executive Order Entitled "Facilitating the Administration of Justice in the Federal Courts"

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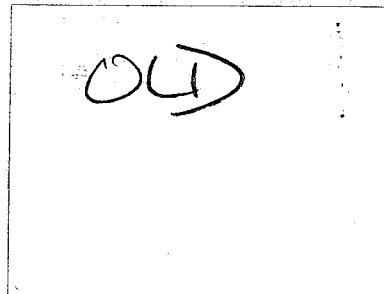
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RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachment



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2018-0011-P

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

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

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

Deed of Gift Restrictions

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

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

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

Records Not Subject to FOIA

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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	1	05/08/2003	P5;

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

COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

RESTRICTION CODES

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

THE DIRECTOR

May 8, 2003

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *medj*
Director

SUBJECT: Proposed Executive Order Entitled "Facilitating the Administration of Justice in the Federal Courts"

SUMMARY: This memorandum forwards for your consideration a proposed executive order that was prepared by the Counsel to the President. The proposed order would direct the Counsel to the President to take appropriate steps to promote the prompt appointment of judges to the federal courts.

BACKGROUND: The presidential plan announced on October 30, 2002 calls for the timely consideration of judicial nominees, with the President to submit a nomination to fill a vacancy in United States courts of appeal and district courts within 180 days after the President learns of a vacancy or announced retirement.

The proposed executive order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations consistent with this plan.

VIEWS OF AFFECTED AGENCIES AND STAFF: The following executive departments and agencies and White House Offices do not object to the proposed executive order: (a) the Department of Justice; and (b) NSC, USTR, OSTP, OA, ONDCP, and the White House Offices of DPC, CEA, NEC, CEQ, Communications and Speechwriting, Legislative Affairs, Cabinet Affairs, Intergovernmental Affairs, Homeland Security, Presidential Personnel, Staff Secretary's Office, White House Counsel's Office, and OVP.

RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachment



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

MEMORANDUM

Re: Proposed Executive Order Entitled
"Facilitating the Administration of
Justice in the Federal Courts"

The attached proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review with respect to form and legality.

On October 30, 2002, the President announced a plan for the timely consideration of nominees to fill vacancies in United States courts of appeals and district courts, with the President submitting a nomination to fill such a vacancy within 180 days after the President learns of a vacancy or announced retirement, absent extraordinary circumstances. The proposed Executive Order would direct the Counsel to the President and the Attorney General to take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All federal departments and agencies are charged with assisting the Counsel to the President and the Attorney General, as requested and permitted by law, in the implementation of this Order. Finally, the Order provides that nothing in the Order shall be construed to affect the authority to fill vacancies under clause 3 of section 2 of article II of the Constitution.

The proposed Executive Order is approved with respect to form and legality.

M. Edward Whelan III

M. Edward Whelan III
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Facilitating the Administration of Justice in the Federal Courts." The proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review of its form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "M. Edward Whelan III".

M. Edward Whelan III
Acting Assistant Attorney General



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

The President,

The White House.

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The proposed Executive Order is approved with respect to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "Joan L. Larsen".

Joan L. Larsen

Deputy Assistant Attorney General



U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

MEMORANDUM

Re: Proposed Executive Order Entitled
"Facilitating the Administration of
Justice in the Federal Courts"

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On October 30, 2002, the President announced a plan for the timely consideration of nominees to fill vacancies in United States courts of appeals and district courts, with the President submitting a nomination to fill such a vacancy within 180 days after the President learns of a vacancy or announced retirement, absent extraordinary circumstances. The proposed Executive Order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All federal departments and agencies are charged with assisting the Counsel to the President, as requested and permitted by law, in the implementation of this Order. Finally, the Order provides that nothing in the Order shall be construed to affect the authority to fill vacancies under clause 3 of section 2 of article II of the Constitution.

The proposed Executive Order is approved with respect to form and legality.

A handwritten signature in black ink that reads "Joan L. Larsen".

Joan L. Larsen

Deputy Assistant Attorney General



U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

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The White House.

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U.S. Department of Justice

Office of Legal Counsel

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A handwritten signature in black ink, appearing to read "Joan L. Larsen".

Joan L. Larsen

Deputy Assistant Attorney General



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

May 8, 2003

Honorable John Ashcroft
United States Attorney General
Washington, D.C. 20503

Dear Mr. Attorney General:

Enclosed, in accordance with Executive Order 11030, as amended, is a proposed executive order that was prepared by the Counsel to the President. The proposed order would direct the Counsel to the President to take appropriate steps to promote the prompt appointment of judges to the federal courts.

The presidential plan announced on October 30, 2002 calls for the timely consideration of judicial nominees, with the President to submit a nomination to fill a vacancy in United States courts of appeal and district courts within 180 days after the President learns of a vacancy or announced retirement.

The proposed executive order would direct the Counsel to the President to take all appropriate steps to ensure that the President is in a position to make timely nominations consistent with this plan.

None of the affected agencies objects to the proposed executive order.

Your staff may direct any questions concerning the proposed executive order to Mr. Mac Reed of this office at 395-3563.

This proposed executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

Philip J. Perry
by MR

Philip J. Perry
General Counsel

Enclosure



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

May 8, 2003

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Enclosure



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

May 8, 2003

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Your staff may direct any questions concerning the proposed executive order to Mr. Mac Reed of this office at 395-3563.

This proposed executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

A handwritten signature in black ink that reads "Philip J. Perry" with a stylized initial "MP" at the end.

Philip J. Perry
General Counsel

Enclosure



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

May 8, 2003

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United States Attorney General
Washington, D.C. 20503

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This proposed executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

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Philip J. Perry
General Counsel

Enclosure



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

May 8, 2003

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Your staff may direct any questions concerning the proposed executive order to Mr. Mac Reed of this office at 395-3563.

This proposed executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

A handwritten signature in black ink that reads "Philip J. Perry" with a stylized flourish at the end.

Philip J. Perry
General Counsel

Enclosure

~~White~~
Hester

May 7, 2003

MEMORANDUM FOR THE FILE

From: Mac Reed *MS2*
Assistant General Counsel

Subject: A Proposed Executive Order Entitled "Facilitating the Administration of Justice in the Federal Courts"

The following executive departments, agencies, and White House Offices do not object to the proposed executive order:

1. Department of Justice.....R. Hart (514-2027)
2. National Security Affairs.....C. Rice (456-9491)
3. White House Counsel's Office.....A. Gonzalez (456-2632)
4. CEQ.....J. Connaughton (456-6224)
5. Office of the Vice President.....L. Libby (456-9000)
6. White House Staff Secretary's Office.....H. Miers (456-2702)
7. Domestic Policy Council.....M. Spellings (456-6262)
8. Council of Economic Advisers.....R. Glenn Hubbard (395-5042)
9. Office of Science and Technology Policy.....Richard Russell (456-7116)
10. National Economic Council.....J. Russell (456-2807)
11. Communications and Speechwriting.....D. Bartlett (456-7910)
12. Strategic Initiatives.....K. Rove (456-2369)
13. Presidential Personnel.....C. Johnson (456-7060)
14. Homeland Security.....E. McNally (456-3555)

15. Intergovernmental Affairs.....R. Barrales (456-2869)
16. USTR.....P. Davidson (395-3150)
17. ONDCP.....J. Waters (395-6700)
18. Office of Administration.....T. Campen (456-2861)
19. Cabinet Affairs.....B. Montgomery (456-0165)

THE WHITE HOUSE
WASHINGTON

May 8, 2003

MEMORANDUM FOR MITCHELL DANIELS

FROM: ALBERTO R. GONZALES *arg*

RE: DRAFT EXECUTIVE ORDER ON JUDICIAL APPOINTMENTS PROCESS

Attached is a draft Executive Order formalizing the President's commitment, as stated in an East Room speech of October 30, 2002, to submit nominations to the Senate within 180 days of learning of a vacancy or intended retirement. I request that you process the attached Executive Order pursuant to Executive Order 11030, as amended, for signature on May 9, 2003.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 7, 2003

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Mac Reed *MR*
Assistant General Counsel

SUBJECT: Proposed Executive Order Entitled "Facilitating the Administration of Justice in
the Federal Courts"

Attached is a proposed executive order that was prepared by the White House Counsel's
Office.

On behalf of the Director of the Office of Management and Budget, this office is
collecting input on this proposal. Please communicate any comments or objections to Mr. Mac
Reed (phone 202-395-3563; fax 202-395-7294; or e-mail: mreed@omb.eop.gov) by cob today,
Wednesday, May 7, 2003. Please be advised that agencies not responding by that date will be
recorded as not objecting to this proposal.

Thank you.

Attachments - Distribution List II
Proposed Executive Order

cc: Mitch Daniels
Austin Smythe
Angela Styles
John Graham

Jim Capretta
Robin Cleveland
Trent Duffy
Dick Emery

Mark Everson
Mark Forman
J. D. Foster
Steve McMillin

DISTRIBUTION LIST II

Honorable John Ashcroft
United States Attorney General

Honorable Condoleezza Rice
Assistant to the President
for National Security Affairs

Honorable Margaret Spellings
Assistant to the President
for Domestic Policy

Honorable Stephen Friedman
Director
National Economic Council

Honorable R. Glenn Hubbard
Chairman
Council of Economic Advisers

Honorable James Connaughton
Chairman
Council on Environmental Quality

Honorable John H. Marburger III
Director
Office of Science and Technology Policy

Honorable Harriet Miers
Staff Secretary to the President

Honorable Alberto R. Gonzales
Counsel to the President

Honorable Dan Bartlett
White House Communications Director

Honorable Brian Montgomery
Assistant to the President
and Cabinet Secretary

Honorable David Hobbs
Assistant to the President
for Legislative Affairs

Honorable Karl Rove
Senior Advisor to the President

Honorable Ruben Barrales
Deputy Assistant to the President
and Director for Intergovernmental Affairs

Honorable David Addington
Counsel to the Vice President

Honorable Robert Zoellick
United States Trade Representative

Honorable John Walters
Director
Office of National Drug Control Policy

Honorable Tim Campen
Director
Office of Administration

Mr. G. Timothy Saunders
Executive Clerk

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	2	05/06/2003	P5;

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COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

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FOIA IDs and Segments:

2018-0011-P

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Justice

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Attached is a draft Executive Order formalizing the President's commitment, as stated in an East Room speech of October 30, 2002, to submit nominations to the Senate within 180 days of learning of a vacancy or intended retirement. I request that you process the attached Executive Order pursuant to Executive Order 11030, as amended, for signature on May 9, 2003.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 7, 2003

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Mac Reed *MR*
Assistant General Counsel

SUBJECT: Proposed Executive Order Entitled "Facilitating the Administration of Justice in
the Federal Courts"

Attached is a proposed executive order that was prepared by the White House Counsel's
Office.

On behalf of the Director of the Office of Management and Budget, this office is
collecting input on this proposal. Please communicate any comments or objections to Mr. Mac
Reed (phone 202-395-3563; fax 202-395-7294; or e-mail: mreed@omb.eop.gov) by cob today,
Wednesday, May 7, 2003. Please be advised that agencies not responding by that date will be
recorded as not objecting to this proposal.

Thank you.

Attachments - Distribution List II
Proposed Executive Order

cc: Mitch Daniels	Jim Capretta	Mark Everson
Austin Smythe	Robin Cleveland	Mark Forman
Angela Styles	Trent Duffy	J. D. Foster
John Graham	Dick Emery	Steve McMillin

DISTRIBUTION LIST II

Honorable John Ashcroft
United States Attorney General

Honorable Condoleezza Rice
Assistant to the President
for National Security Affairs

Honorable Margaret Spellings
Assistant to the President
for Domestic Policy

Honorable Stephen Friedman
Director
National Economic Council

Honorable R. Glenn Hubbard
Chairman
Council of Economic Advisers

Honorable James Connaughton
Chairman
Council on Environmental Quality

Honorable John H. Marburger III
Director
Office of Science and Technology Policy

Honorable Harriet Miers
Staff Secretary to the President

Honorable Alberto R. Gonzales
Counsel to the President

Honorable Dan Bartlett
White House Communications Director

Honorable Brian Montgomery
Assistant to the President
and Cabinet Secretary

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Deputy Assistant to the President
and Director for Intergovernmental Affairs

Honorable David Addington
Counsel to the Vice President

Honorable Robert Zoellick
United States Trade Representative

Honorable John Walters
Director
Office of National Drug Control Policy

Honorable Tim Campen
Director
Office of Administration

Mr. G. Timothy Saunders
Executive Clerk

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	2	05/06/2003	P5;

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FRC ID:

12136

OA Num.:

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2018-0011-P

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Records Not Subject to FOIA

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EXECUTIVE ORDER

FACILITATING THE ADMINISTRATION OF JUSTICE
IN THE FEDERAL COURTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the prompt appointment of judges to the Federal courts, it is hereby ordered as follows:

Section 1. Policy. The Federal courts play a central role in the American justice system. For the Federal courts to function effectively, judicial vacancies in those courts must be filled in a timely manner with well-qualified candidates.

Sec. 2. Plan. The presidential plan announced on October 30, 2002, calls for timely consideration of judicial nominees, with the President submitting a nomination to fill a vacancy in United States courts of appeals and district courts within 180 days after the President receives notice of a vacancy or intended retirement, absent extraordinary circumstances.

Sec. 3. Responsibilities. The Counsel to the President shall take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All Federal departments and agencies shall assist, as requested and permitted by law, in the implementation of this order.

Sec. 4. Reservation of Authority. Nothing in this order shall be construed to affect the authority of the President to fill vacancies under clause 3 of section 2 of article II of the Constitution.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit,

substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

THE WHITE HOUSE,

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Draft 5/8/03
2:45 p.m.

Executive Order

FACILITATING THE ADMINISTRATION OF JUSTICE
IN THE FEDERAL COURTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the prompt appointment of judges to the federal courts, it is hereby ordered as follows:

Section 1. Policy. The federal courts play a central role in the American justice system. For the federal courts to function effectively, judicial vacancies in those courts must be filled in a timely manner with well-qualified candidates.

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Sec. 3. Responsibilities. The Counsel to the President shall take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All federal departments and agencies shall assist, as requested and permitted by law, in the implementation of this order.

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WHITE HOUSE STAFFING MEMORANDUM

Date: 5-8-03 3:45 pm ACTION / CONCURRENCE / COMMENT DUE BY: ASAP

Subject: PROPOSED EXECUTIVE ORDER ENTITLED "FACILITATING THE ADMINISTRATION OF JUSTICE IN THE FEDERAL COURTS"

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

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO BRETT KAVANAUGH, EXTENSION 67984/FAX 65104, ASAP AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

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

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**U.S. DEPARTMENT OF JUSTICE
OFFICE OF LEGAL COUNSEL
WASHINGTON, D.C. 20530**

FACSIMILE TRANSMISSION SHEET

DATE: MAY 8, 2003

TO: HARRIET MIERS
STAFF SECRETARY
FAX: 456-2215

TIM SAUNDERS
EXECUTIVE CLERK
FAX: 456-2569

MAC REED
OFFICE OF MANAGEMENT AND BUDGET
FAX: 395-7294

FROM:  ROSEMARY HART
SENIOR COUNSEL

OFFICE PHONE: 202/514-2027

NUMBER OF PAGES: 2 (PLUS COVER SHEET)

Harriet, Tim and Mac: Attached are the OLC form and legality memorandum and letter for the revised version of the Executive Order entitled "Facilitating the Administration of Justice in the Federal Courts."



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

MEMORANDUM

Re: Proposed Executive Order Entitled
"Facilitating the Administration of
Justice in the Federal Courts"

The attached proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review with respect to form and legality.

On October 30, 2002, the President announced a plan for the timely consideration of nominees to fill vacancies in United States courts of appeals and district courts, with the President submitting a nomination to fill such a vacancy within 180 days after the President learns of a vacancy or announced retirement, absent extraordinary circumstances. The proposed Executive Order would direct the Counsel to the President and the Attorney General to take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All federal departments and agencies are charged with assisting the Counsel to the President and the Attorney General, as requested and permitted by law, in the implementation of this Order. Finally, the Order provides that nothing in the Order shall be construed to affect the authority to fill vacancies under clause 3 of section 2 of article II of the Constitution.

The proposed Executive Order is approved with respect to form and legality.

A handwritten signature in black ink that reads "M. Edward Whelan III".

M. Edward Whelan III
Acting Assistant Attorney General

**U.S. Department of Justice**

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2003

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Facilitating the Administration of Justice in the Federal Courts." The proposed Executive Order was prepared by the Office of the Counsel to the President. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review of its form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "M. Edward Whelan III".

M. Edward Whelan III
Acting Assistant Attorney General

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Email	Final Draft... - To: Brett Kavanaugh, et al. - From: McGavock Reed	1	05/08/2003	P5;

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Records Management, White House Office of

SERIES:

Subject Files - FG050 (Judicial Branch)

FOLDER TITLE:

551163

FRC ID:

12136

OA Num.:

11962

NARA Num.:

12172

FOIA IDs and Segments:

2018-0011-P

RESTRICTION CODES

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

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

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

Deed of Gift Restrictions

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

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

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

Records Not Subject to FOIA

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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Executive Order	2	05/06/2003	P5;

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

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EXECUTIVE ORDER

- - - - -

FACILITATING THE ADMINISTRATION OF JUSTICE
IN THE FEDERAL COURTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the prompt appointment of judges to the Federal courts, it is hereby ordered as follows:

Section 1. Policy. The Federal courts play a central role in the American justice system. For the Federal courts to function effectively, judicial vacancies in those courts must be filled in a timely manner with well-qualified candidates.

Sec. 2. Plan. The presidential plan announced on October 30, 2002, calls for timely consideration of judicial nominees, with the President submitting a nomination to fill a vacancy in United States courts of appeals and district courts within 180 days after the President receives notice of a vacancy or intended retirement, absent extraordinary circumstances.

Sec. 3. Responsibilities. The Counsel to the President shall take all appropriate steps to ensure that the President is in a position to make timely nominations for judicial vacancies consistent with this plan. All Federal departments and agencies shall assist, as requested and permitted by law, in the implementation of this order.

Sec. 4. Reservation of Authority. Nothing in this order shall be construed to affect the authority of the President to fill vacancies under clause 3 of section 2 of article II of the Constitution.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit,

Federal Register
5-9-2003

substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

THE WHITE HOUSE,

May 9, 2003.