

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Fax Cover Sheet	Speaking Invite for Karl - To: Taylor Hughes - From: Jim Sims	1	10/17/2005	P6/b6;
002	Email	FW: Lebanese Documentary - To: Taylor Hughes - From: Karl Rove	1	10/11/2005	P6/b6;
003	Email	FW: Interview Request with the President - To: Aimee Violette - From: Taylor Hughes	1	09/12/2005	P6/b6;
004	Memorandum	Speechwriting - To: Dan Bartlett, et al. - From: Bill McGurn	1	09/28/2005	P5;
005	Report	Immigration Policies and Laws that Are Contrary to Current...	12	N.D.	P5;

COLLECTION TITLE:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

676690 [3]

FRC ID:

9749

RESTRICTION CODES

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

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

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

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- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
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Freedom of Information Act - [5 U.S.C. 552(b)]

- 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(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

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

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
006	Report	Harriet Miers - Speeches	18	N.D.	P5;
007	Fact Sheet	[Harriet Miers Allegations and Facts]	12	10/05/2005	P5;
008	Report	Positive Economic Indicators	2	10/14/2005	P5;
009	Email	Fw: Best Practices: Spreading the Word - To: Taylor Hughes - From: Karl Rove	2	10/11/2005	PRM;
010	Report	Southern Political Report	6	10/10/2005	PRM;
011	Fax Cover Sheet	[Fax Cover Sheet with attachments] - To: Taylor Hughes - From: Richard Hohlt	3	10/17/2005	PRM;

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
012	Letter	[Letter] - To: Karl Rove - From: William Bellavia	1	09/22/2005	P3/b3; P6/b6;

COLLECTION TITLE:

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676690

THE WHITE HOUSE
WASHINGTON

Date: 10/18/05

To: Barry Jackson
From: Deputy Chief of Staff / Kelly 64314

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

Comments: Can you participate?
Thanks!

Decline for KR (due to schedule), but pass on to Barry-

FAX COVER SHEET

TO	Taylor Hughes
COMPANY	The White House
FAX NUMBER	12024562967
FROM	Jim Sims
DATE	2005-10-17 19:03:11 GMT
RE	Speaking Invite for Karl

COVER MESSAGE

Taylor --

I worked in the White House in 2001 on the Veep's staff as part of the Energy Policy Task Force. Our group, the Western Business Roundtable, works to promote the President's agenda on a wide range of issues of interest to the U.S. West.

We would be honored to have Karl come and address our group at this Summit meeting. We anticipate about 150-200 people, mostly CEOs. If he can't make it in person, we could also do a live videoconference feed using the U.S. Chamber's facilities.

Alternately, if Karl can't come, we would love to have Barry Jackson!

Let me know if you have any questions. Thanks!

Jim Sims

(b)(6)



October 17, 2005

Karl Rove
Deputy Chief of Staff
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Dear Karl:

It is my pleasure to invite you to give the keynote address at the 2006 Business Summit of the West in Scottsdale, AZ on **Monday, Nov. 28, 2005**.

This annual conference is one of the premiere gatherings of business CEOs and senior executives in the West. It is being held this year at the Boulders Resort, one of the nation's most unique convention sites, nestled against 12-million-year-old boulder outcroppings in the scenic foothills near Scottsdale, AZ. You can see info on the Boulders here: <http://www.wyndham.com/hotels/PHXTB/main.wnt>

This year's Summit meeting is focusing on three issues critical to the future of the West: Endangered Species Act reform, NEPA reform and global climate change. You can see a detailed agenda here: <http://www.westernroundtable.com/agenda.htm>. However, we would be honored to have you speak on any issue of your choice.

Of course, we will be glad to reimburse you for transportation and lodging expenses. Alternatively, if you are "stuck" in DC at that time, we can arrange for a live satellite link for your appearance.

To see more information on our Summit, please go here: http://www.westernroundtable.com/2006_Summit_Info/default.asp. Thank you for considering this request. We hope to hear from you soon!

A handwritten signature in black ink, appearing to read "Jim Sims", written in a cursive style.

Jim Sims
Executive Director



dr *NRW*

676620

AUG 16 2005
1:40 p.m.

Center for Strategic & International Studies
Washington, DC

Karl Rove

Aug. 16, 2005

Dear Karl;

Many thanks for yesterday's note.

Attached is an interesting analysis which arrived this morning in my office from one of Japan's most famous economists.

Hope you get a little break this month. You surely deserve one.

Best Wishes;

Richard McCormack

P.S. China, of course, is rapidly moving up the food chain, and steadily displacing more and more of the imported components of assembled products with local manufactures. This trend will undoubtedly continue. You see the impact already in the attached analysis.

Oil prices and the economies of Asia

Soaring oil prices have had a severe impact on the economies of developing nations across the globe. As was the case in Japan in the 1970s, fast-growing economies have borne the brunt of this pain due to their increasing dependency on hydrocarbons. The suffering has been nowhere near as acute in developed countries such as the U.S., where a rise in gasoline prices from \$1.5 per gallon to about \$2 per gallon has barely stimulated any additional energy-conservation efforts. This implies that there is room for oil prices to rise yet further.

The impact of the oil-price spike on fast-growth Asian economies is reflected in deteriorating trade balance numbers across the continent. Thailand's trade balance, for example, has already turned to deficit, while Taiwan's trade surplus is about to disappear, partly as a result of a decline in exports to China. Production activity in these economies has therefore stagnated. Moves by Asian central banks to diversify their surging foreign reserves (by exchanging their dollars for euros or yen) have largely been responsible for the dollar's softening since the beginning of 2002. Yet the foreign reserves of these Asian nations – China aside – have hardly grown at all since the spring.

Excess production capacity is making it very difficult for operators in export-driven Asian economies, led by China, to allow rising input costs to feed through into higher selling prices. This scenario is squeezing corporate profit margins, and should thus precipitate a decline in capital investment. Meanwhile, Chinese manufacturers are under mounting pressure to expand exports of cheap goods, which is having a deleterious effect on China's Asian neighbors.

Thus far, the United States' ravenous appetite for imports has cushioned the various blows suffered by Asian economies. But the inescapable end of the U.S. housing bubble – the primary driver of the nation's consumption binge – will trigger a new round of economic hardships throughout Asia. This compels us to question the popular view that the 21st century will be an Asian one.

The recent oil-price bonanza has already damaged the Japanese economy by reducing Japan's exports to other Asian nations. But the full impact of the oil spike has yet to materialize. Measured in 2004 dollars, it is true that oil prices in 1980 hit \$80 per barrel,

well above the current \$65. But it is also worth remembering that oil prices have tripled over the past four years.

676690

THE WHITE HOUSE
WASHINGTON

Date: 10/18/05

To: Sara Taylor

From: Deputy Chief of Staff J. Roney

6-4574

- FYI
- Appropriate Action
- Direct Response
- Prepare Response For My Signature
- Per Our Conversation
- Let's Discuss
- Per Your Request
- Please Return w/ recommendation for
- Deadline 10/21
- Other

Comments: Karl is inclined to decline
What do you recommend? Thanks!



check with OPA to see if
 this is recommended
 (we inclined
 not to due
 to schedule)

The Mahoning Valley William McKinley Club

SEP. 14 2005
 11:15 AM

Ed Crepage, Jr.
 5808A Herons Boulevard
 Austintown, Ohio 44515
 Phone: 330-793-7402

September 14, 2005

Mr. Taylor Hughes
 Executive Assistant to Deputy Chief of Staff
 and Senior Advisor Karl Rove
 The White House
 Washington, D.C.

Dear Mr. Hughes:

In reference to your letter of May 18, 2005, I am following up on our May 6 invitation to Mr. Rove to be our guest speaker at the 91st Annual Mahoning Valley McKinley Club Banquet on January 6, 2006. We are flexible with the date to accommodate his schedule.

We sincerely hope his schedule will allow him to accept our invitation. He will be well received. Attached is some information about the McKinley Memorial Library where the banquet will be held.

Sincerely,

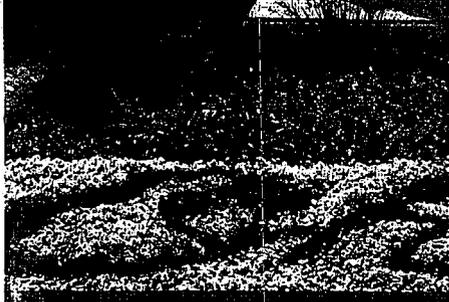
Ed Crepage Jr.

Ed Crepage, Jr.
 President
 Mahoning Valley McKinley Club

Visit historical treasures honoring
U.S. President William McKinley in the town of his birth

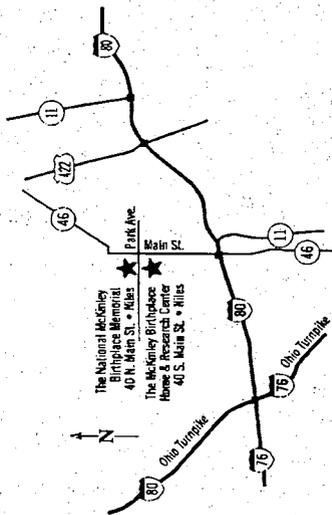
Niles, Ohio

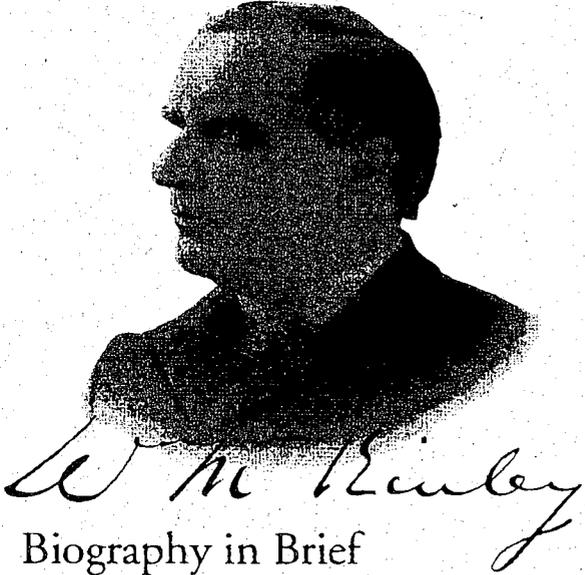
The National McKinley Birthplace Memorial



*and The McKinley Birthplace
Home & Research Center*

**The National McKinley Birthplace Memorial
40 North Main Street • Niles, OH 44446**





Biography in Brief

William McKinley served as the 25th President of the United States from March 4, 1897 to September 14, 1901. He was born in 1843 in Niles, Ohio. As a young man, he served in the Civil War and then studied law.

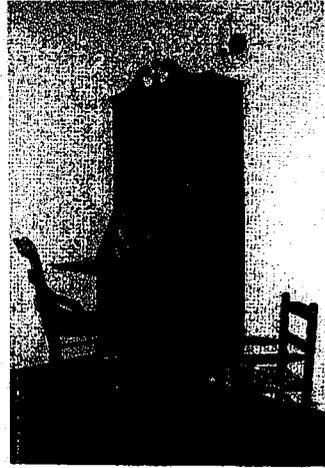
McKinley was the father of two daughters, both of whom died as children, and a devout husband to Ida, who suffered from epilepsy.

As President, McKinley guided the country through the Spanish-American War. He used the slogan, "Remember the Maine," to encourage the public to support the war, which lasted 110 days and gave the U.S. acquisition of Puerto Rico, Guam and the Philippines. With the accession of these lands, the U.S. became a world power under President McKinley. His other accomplishments included the signing of the Gold Standard Act and the annexation of Hawaii.

President McKinley was shot by Leon Czolgosz at the Pan-American Exposition in Buffalo, New York, on September 6, 1901. Due to infection, William McKinley died on September 14 and became the third President to be assassinated.

McKinley Birth Home & Resea

is a reconstruction of the home McKinley was born. The hou by the McKinley Memorial Li was dedicated on May 4, 200 of the original McKinley hom



Furnishings represent a typical home of the period.

to the 1930s, both sections of and moved to Tibbet's Corne McKinley Heights. It was op memorial to President McKir led the house to close to the p and it burned down in 1937.

In the 1990s, the McKi Memorial Library Board of T worked to obtain the land wh the original house was locate constructed the McKinley Bi place Home & Research Cen

The Research Center is attached to the back of the h and features information on:

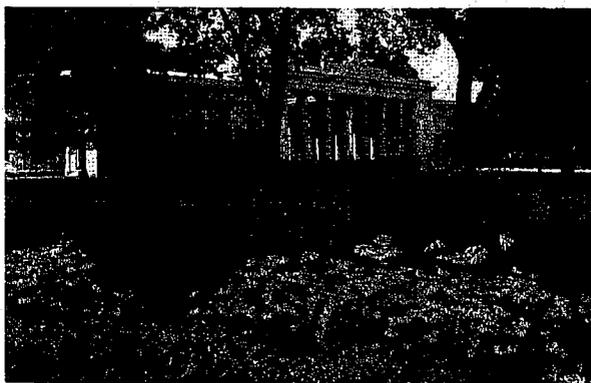
- McKinley's life in Ohi
- McKinley's preside
- other presidential-rela materials.

A small gift shop, a me room and a computer lab cc the building.

eight
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McK
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city

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beca
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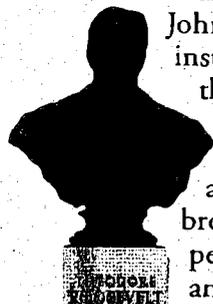
The National McKinley Birthplace



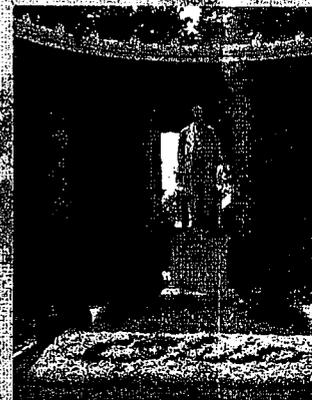
The National McKinley Birthplace Memorial is an excellent example of Greek Classic architecture. Designed by McKim, Mead and White and erected in two years, the memorial celebrated its dedication in 1917.

Worldwide contributions paid for the construction of the building. Marble for the memorial was quarried in Georgia and shipped by rail to Niles. The 232-foot by 136-foot monument is constructed with two lateral wings. One wing houses the McKinley Memorial Library and the other contains the McKinley Museum and an auditorium.

The center Court of Honor is supported by 28 imposing columns and features a heroic statue of William McKinley, sculptured by John Massey-Rhind. Busts of men instrumental in the development of the Mahoning Valley, politicians, industrialists and financiers line the Court of Honor, the auditorium and library. These bronze busts, mounted on marble pedestals, weigh between 800 and 1,100 pounds each.



William McKinley attended a one-room schoolhouse that once stood on the Memorial grounds.



William McKinley was born in Niles, Ohio, in 1823.

McKinley was the first presidential candidate to extensively use campaign buttons and memorabilia to increase electoral appeal.

Birthplace Memorial Graces Niles, Ohio



The McKinley Museum

The McKinley Museum is located in the balcony of the right wing of the National McKinley Birthplace Memorial. The museum contains memorabilia from William McKinley's early life in Niles, artifacts from the Civil and Spanish-American wars, and items from his presidencies and campaigns. Other items displayed in the museum include mannequins of President and Mrs. McKinley, a loom and spinning wheels owned by the president's mother, and his law desk and sleigh.

McKinley was the only President from the Civil War era to have entered the Union Army as an enlisted man.

His vice presidents were Garret Hobart and Theodore Roosevelt.

McKinley wore a frock coat, vest, pinstriped trousers, stiff white shirt, black satin tie, gloves, a top hat and a scarlet carnation in his buttonhole every day.



The National McKinley Birthplace Memorial
40 North Main Street
Niles, OH 44446
www.mckinley.lib.oh.us

HOURS —
Museum and Library
• Mondays through Thursdays
9 a.m. – 8 p.m.
• Fridays and Saturdays
9 a.m. – 5:30 p.m.
• Sundays
1 – 5 p.m.
(Library is closed Sundays
May – September)

There is no admission fee.
Phone ahead for group tours:
(330) 652-1704, ext. 202
mckinley@mcklib.org

.676690

THE WHITE HOUSE
WASHINGTON

Date: 10/17/05

To: Aimee

From: Deputy Chief of Staff

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

Comments: Karl would like
Communications to tell him no -
please advise when this has occurred.

*No - have communications
tell him no*

Hughes, Taylor A.

From: Karl Rove [kr@georgewbush.com]
Sent: Tuesday, October 11, 2005 12:04 AM
To: Hughes, Taylor A.
Subject: FW: Lebanese documentary

----- Forwarded Message

From: <(b)(6)>
Date: Tue, 11 Oct 2005 11:15:50 -0400
To: "Karl Rove" <kr@georgewbush.com>
Subject: Lebanese documentary

Karl,

Previous I submitted a request to interview President Bush for a documentary about the Lebanese immigrants in America.

I was told that it was passed on to the appropriate department for consideration. If possible I would like to know who I can follow up with.

Thanks so much,

Tony Nassif

(b)(6)

----- End of Forwarded Message

Hughes, Taylor A.

From: Hughes, Taylor A.
Sent: Monday, September 12, 2005 10:21 AM
To: Violette, Aimee E.
Subject: FW: Interview request with the President

FYI, not sure if Karl e-mailed this to Dan or not

From: Karl Rove [mailto:kr@georgewbush.com]
Sent: Monday, September 12, 2005 10:19 AM
To: (b)(6)
Subject: Re: Interview request with the President

I have passed this information on to the communications shop at the White House. They will be the people to frame a recommendation on your request. I think it unlikely that the President would appear. He has done only a handful of the many requests he gets for interviews and documentaries.

On 9/12/05 10:11 AM, (b)(6) wrote:

Karl,

I am following up on the package I gave to Annie Mayol who then forward to your office regarding a request to interview President Bush for a documentary I am producing on the Lebanese immigrants to America.

The package I sent demonstrates the importance for our nation and will build the image of America at home and abroad because, for example,:

In the 20th century 90% of immigrants to America were Lebanese Christians

They came to America and became one of the most prosperous and successful groups.

This documentary will show that America became the benefactor to Middle East Arabic speaking people. Not of welfare but of opportunity.

It will show how they (the Lebanese/Arabic speaking immigrants) became loyal and dedicated Americans e.g. America's first jet Ace was a Lebanese American.

If you have any questions please feel free to contact me at any time.

I look forward to meeting you in the near future and interviewing President Bush.

Best regards,

Tony Nassif

(b)(6)

PS You may have on file the letter of introduction Mr. Bert Boeckmann submitted on my behalf.

Cc: Annie Mayol

SR. STAFF

From Sen. Lieberman

676690

F: Iraq

Iraq Referendum a Key Step Toward a New Iraq
By Joseph I. Lieberman and Jon Kyl

Today's referendum on a new Iraqi constitution is a critical step in that nation's transition from decades of repression to representative government. Its predicted ratification will be another powerful statement by the majority of Iraqis that they prefer democratic government to the violence of foreign terrorists and diehard Saddamists.

In a recent article in "The New York Review of Books," Ambassador Peter W. Galbraith wrote "The [Iraqi] constitution has many flaws, but it provides a peace plan that might work, and it is therefore the most positive political development in Iraq since the fall of Saddam Hussein from power."

We agree.

The proposed Iraqi constitution resolves sectional conflicts with a federalist system, combines respect for Islam with clear grants of human rights, and provides a mechanism for resolving other sectional disputes - including fights over oil revenues - with a balance of national and regional power.

As important as the document itself is the historic process that produced it. The Iraqi people - eight million of them - came out to vote for national, provincial and regional assemblies in January.

The elected National Assembly then produced this constitution in September after a lengthy drafting process, which engaged the Shia, Kurd and Sunni political leadership in difficult negotiations. It wasn't always an attractive process, but it certainly was a lot better than violent confrontation and civil war.

Many of Iraq's Sunnis boycotted voting for the National Assembly in January and are now disappointed with the draft constitution. But they are expressing their disappointment with a very aggressive voter registration campaign, not by resorting to violence.

And just this week, Shia and Kurdish leaders promised that a commission would be formed in the next National Assembly to revisit and revise the constitution if necessary - giving the Sunnis another chance to play a larger role in the process of building a new nation, and leading Sunni leaders to urge their supporters to vote "yes" in the referendum.

Sunnis are now expected to join with Shiites and Kurds in today's referendum and to vote in strong numbers. And regardless of how they vote, the fact that they will vote will make them fuller participants in the nation's new democracy, which can draw more of the Sunni insurgents away from violence and into politics.

Whatever the results of the referendum, the democratic process will continue. If Iraqis approve the constitution, they will vote in December for a permanent government that will serve for four years. If they turn it down, they will vote instead in December for another transitional National Assembly that will produce another constitution for popular consideration next October. In either case, the Sunnis will be more involved and that will further separate them from the Zarqawi-led, Al-Qaeda-associated terrorists.

The Iraqi Center for Development and International Dialogue recently surveyed Iraqis and found almost 80 percent in favor of the new constitution, including more than half those polled in the Sunni provinces.

Mehdi Hafedh, director for the Center, told the Reuters news agency his findings show that “the Iraqi people want to finalize the political process as soon as possible”; they want to establish “a normal government and institutions” and they want the violence to end.

For Iraqis, this constitutional referendum is a huge step along the road to building a true democracy. It is important to remember that they would not have had this opportunity if American and coalition forces had not overthrown Saddam Hussein. Nor could they now - without our military presence - provide the security necessary to take advantage of this opportunity to govern themselves.

And we Americans continue to have a national security interest in giving the Iraqi people the help they need to stabilize their country, and push back the Islamist terrorists who attacked us on 9-11 and who will do so again unless we stop them.

The Iraqi constitution is a symbol of the progress that Iraq has made in achieving self-determination and, taken together with the January election results, is strong evidence that a free and democratic Iraq is possible and deserving of our support.

Senators Joseph I. Lieberman (D-CT) and Jon Kyl (R-AZ) are honorary co-chairs of the Committee on Present Danger, a bipartisan education and advocacy group committed to fighting terrorism and the ideologies that drive it.

Withdrawal Marker

The George W. Bush Library

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

FOLDER TITLE:

676690 [3]

FRC ID:

9749

OA Num.:

10773

NARA Num.:

10831

FOIA ID and Segment:

2015-0037-F

RESTRICTION CODES

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THE WHITE HOUSE
WASHINGTON

received 9/28/05

PRESIDENTIAL SPEECHWRITING INPUT TODAY'S DATE: 9/27/05

TO: William McGurn
Assistant to the President
for Presidential Speechwriting
and Policy Advisor

FROM: STEVE HADLEY *SH*

DATE & TIME OF
EVENT: September 30, 2005
10:00 a.m. - 11:00 a.m.

LENGTH & TIME OF
REMARKS: Brief remarks

THEME: Armed Forces Farewell Tribute in honor of
General Richard Myers

CONTEXT: General Richard Meyers is retiring after
serving 4 years as the Chairman of the
Joint Chiefs of Staff and 40 years of
military service.

MOST ESSENTIAL
POINTS TO MAKE:

- Command pilot who has logged over 4,000 flying hours in T-33, C-21, F-16, F-15, and F-4, including 600 combat hours in F-4 over Viet Nam and Laos.
- Became the 15th Chairman of the Joint Chiefs of Staff days after the nation was attacked on September 11, 2001.
- On October 7, 2001, launched Operation ENDURING FREEDOM against terrorist safe havens in Afghanistan and toppled Taliban government.
- On March 23, 2003, launched Operation IRAQI FREEDOM and toppled Saddam Hussein's brutal dictatorship.

MOST ESSENTIAL
POINTS TO MAKE:

- Resolved broad spectrum of international conflicts and natural disasters:
 - Peacekeeping operations in Balkans;
 - Counter-drug efforts in South America;
 - Trained international partners to fight terrorism; and
 - Humanitarian relief to Indonesia after devastating tsunami.

ADDITIONAL POINTS:

- Improved joint warfare by developing and publishing a new National Military Strategy and the first National Military Strategic Plan for the War on Terrorism.
- Secured a major change in the NATO command structure and to strengthen coalition support to ongoing operations.
- Worked rigorously to transform the U.S. Armed Forces in response to evolving national security threats.
- Developed a new Unified Command Plan that established U.S. Northern Command that would focus on homeland defense and a new U.S. Strategic Command with expanded global missions.
- With tireless advocacy, ensured military received raises in several types of pay including housing, danger pay and separation allowances.

BACKGROUND FACTS:

General Myers will be honored and retired as the 15th Chairman of the Joint Chiefs of Staff on Friday, September 30, 2005, at Fort Myer, VA. Mrs. Myers will also be recognized for her contributions to her husband and the nation. In addition to the President, Secretary Rumsfeld, General Myers, and General Pace will make remarks.

POINTS OF CONTACT:

NSC POC: Andy Haeuptle @Defense x69191
OSD POC: Col Will Grimsley (703) 692-7100

cc: Lindsey Drouin

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Immigration Policies and Laws that Are Contrary to Current...	12	N.D.	P5;

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COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

676690 [3]

FRC ID:

9749

OA Num.:

10773

NARA Num.:

10831

FOIA ID and Segment:

2015-0037-F

RESTRICTION CODES

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Fluor Corporation

F:Katrina

676690

SEP 29 2005
4:45 pm

FLUOR[®]

Facsimile

Urgent Review Comment Reply

To: Carl Rove
Fax: (202) 456-1907
Phone:
Date: 9/29/05
Subject: Minority Hiring Initiatives

From: Lee C. Tashjian
cc:

Sr. Staff

Xc: Ken
Ravry
Brian Hook

Number of Pages (including lead sheet) 3

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FLUOR®

September 29, 2005

To: Karl Rove
The White House

From: Lee C. Tashjian
Vice President, Corporate Communications
Fluor Corporation

Minority Hiring Initiatives

In the wake of Hurricanes Katrina and Rita, the Fluor Corporation continues to advance its initiatives to hire minority-owned firms or individual members of minority groups. Many of these initiatives were outlined in my memo to you on September 26, 2005. Since then, Fluor has made good progress, which I would like to share with you. We have:

- Placed the first wave of recently-trained displaced persons in their new jobs installing temporary houses. They are currently working at sites in New Orleans, Monroe, and Vidalia, Louisiana. Approximately 90 percent of the trainees are African Americans and 70 percent are women.

Training for the second wave of displaced persons will begin later this week. Their training was suspended due to safety concerns related to Hurricane Rita.

- Launched a website, "Jobs 2 Help," to facilitate linking people in need of work with our company. We will be aggressively promoting the website in print and broadcast media throughout affected areas of the Gulf Coast. Those who find themselves in shelters as a result of the hurricanes will receive preferential treatment, followed by others who have been displaced but are not living in shelters.
- Sent an email about our training program and our labor needs to more than 20,000 craft workers in Louisiana, Mississippi, and Alabama. Fifteen percent of those who received the email registered their interest in being trained for jobs. Another 80,000 emails will be sent in the coming weeks to additional craft workers in these three states.
- Established a program with area community colleges to provide training facilities and help train displaced persons currently residing in shelters. We estimate that 75 to 80 percent of these individuals are minorities.
- Ensured that minority-owned firms have been included in a request for bids to provide security services for Fluor operations in Louisiana.

- Met with educational leaders and administrators of vocational schools in Louisiana to discuss the possibility of a craft training program that would target 10,000 people in the Gulf Coast region.
- Placed special emphasis on including minority, women-owned, and small businesses on our list of Louisiana-based subcontractors. Currently, 30 percent of our subcontractors fall into this category.
- Engaged in discussions with a local minority contractor, who will provide laborers from the local Laborers International Union on an as needed basis. The meeting with the local minority contractor and union representatives is scheduled for tomorrow. We see this as a great opportunity to tap in to the local minority labor pool.
- Arranged to participate in a job fair this Saturday in Jackson, Mississippi.

Karl, as I indicated in my previous memo, Fluor understands the importance of providing employment opportunities to as many of those affected by Hurricanes Katrina and Rita as possible – particularly members of minority cohorts. As you can see, we are working on many fronts to accomplish that.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Harriet Miers - Speeches	18	N.D.	P5;

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F:Harriet

676690

Hughes, Taylor A. ✓

From: Kropp, Emily L.**Sent:** Friday, October 14, 2005 8:11 AM**To:** West, Christal R.; Weinstein, Jared B.; Hughes, Taylor A.; Hoare, Thomas H.

Did you all see this by David Kuo?

Obeliefnet

 print this page close window**Shooting from the Heart**
David Kuo

The Harriet Miers I Know

M&Ms, lock-jaw determination, and boundless compassion

White House staffers used to refer to getting documents past Harriet Miers to the President as attempting to "run the gauntlet." She was staff secretary during her first three years at the White House. Her job was to ensure the absolute accuracy and consistency of every memo, every event, everything that was to go to President Bush. We all had nightmares that she'd call us the night before a memo was to be seen by the President and tell us we were incompetent Communists. She never did such a thing, of course, and typically handled mistakes with grace, kindness, and an implicit understanding that if such a mistake ever occurred again we'd be executed by ninjas in the middle of the night.

There was another gauntlet, however, that was easier to run. Harriet used to keep a humidior full of M&Ms in her West Wing office. It wasn't a huge secret. She'd stash some boxes of the coveted red, white, and blue M&Ms in specially made boxes bearing George W. Bush's reprinted signature. Her door was always open and the M&Ms were always available. I dared ask one time why they were there. Her answer: "I like M&Ms and I like sharing."

Do these things matter at all when it comes to her qualifications for being an Associate Justice on the United States Supreme Court? Yes. They speak to her character. And in matters of justice, matters of character count.

What makes a great Supreme Court justice? Ideological liberals and conservatives agree that the only answer is an exacting paper trail of decisions on key issues. The problem, of course, is that getting these ideological judges confirmed takes huge political capital, a presidential willingness to fight the battle, and an extraordinary woman or man to endure the process.

Clearly, President Bush was unwilling to engage in a battle over a nominee with a paper trail. There are two possible reasons. First, he found himself too politically damaged and weak to do it. Second, in Harriet Miers he found what he was looking for.

It seems pretty clear that the second choice is the most logical. As Richard Land of the Southern Baptist Convention said in his Tuesday statement about Miers, "This President has kept no promise more faithfully than his promise in 2000, and again in 2004, that he would nominate only strict constructionist, original intent jurists to the Supreme Court." What Land refers to is the fact that President Bush has continually nominated conservative judges to every available open seat. Why, Land asks, should conservatives fear that he has suddenly changed course?

They shouldn't. First, as everyone now knows, she is an "evangelical Christian" a fact that is intended to assure conservative Catholics and Protestants that her theological orthodoxy translates into a legal orthodoxy as well. Second, as the president's supporters know, George W. Bush does and says what he pleases. Indecisiveness is not a major character trait. It is precisely that cowboy attitude that has so endeared him to conservatives when it comes to the war on terror, cutting taxes in the face of massive deficits, and other initiatives. Conservatives elevated President Bush to near-Reagan levels just a year ago during the 2004 campaign. If he was worthy of the voters' trust then, why isn't his choice worthy of their trust now?

Mostly because it's the Supreme Court itself they don't trust. The court has long been viewed by conservatives as a legal Sodom and Gomorrah—a place good conservatives enter only to leave as whimpering liberals. Look no further, they say, than Anthony Kennedy, who morphed from an arch-conservative into an arch-moderate. Harriet Miers, this reasoning goes, doesn't stand a chance. She'll want to become more liberal to accommodate her moderate colleagues. She doesn't have the core convictions of a true conservative.

Perhaps that is true. Maybe she isn't a "true conservative" although I tend to believe that she will be more conservative in her jurisprudence than Justice Sandra Day O'Connor. But I do know that her character isn't going to change. And I believe she has the core convictions of a true Christian, in the best sense of the word.

When she was elevated from staff secretary to Deputy Chief of Staff for Policy everyone was shocked. She didn't know policy. She wasn't a wonk. In fact, a lot of policy staffers rolled their eyes when she instituted new procedures for launching initiatives, managing information, and reviewing policy. But she never changed. Plus, the M&Ms were still there.

None of this will reassure conservatives wanting to know if she'll continue the "neutrality doctrine" on church-state matters or oppose gay marriage or uphold abortion restrictions. But conservatives can take solace in knowing that if she's a conservative going in she will remain a conservative throughout.

A final anecdote. A junior White House staffer got very, very sick. As this person lay dying in the hospital, Harriet visited constantly. Toward the end of this person's life, Harriet delicately asked whether a will should be executed. One hadn't been written. No one really wanted to think that the end could be so near. Harriet did it herself, with tears held back and a lock-jawed determination that her young friend's wishes be honored. All present were awed by Harriet.

I don't know much about Harriet's legal philosophy, but I do know that I want that kind of compassion on my supreme court.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Fact Sheet	[Harriet Miers Allegations and Facts]	12	10/05/2005	P5;

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Hughes, Taylor A.

From: Jackson, Barry S.
Sent: Thursday, October 13, 2005 9:00 AM
To: Rove, Karl C.; KR@georgewbush.com
Cc: Hughes, Taylor A.
Subject: FW: Enforcement Letter list

F: Immigration

This letter is supposedly heading our way (or maybe is already here) with 67 House GOP signatures.

The Honorable George W. Bush
President of the United States
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President,

We write as Members of Congress concerned about immigration. Recently there has been much discussion of new guestworker or temporary worker programs. However, we believe that there should be no new guestworker program or any expansion of the number of lawful residents in our country until the Executive Branch better enforces current immigration laws.

History has shown that enforcement provisions are ignored and underfunded while guestworker and amnesty provisions are always implemented.

The 1986 Immigration Reform and Control Act contained amnesties for farm workers and other illegal aliens as well as employer sanctions and other enforcement provisions. Unfortunately, the amnesties were carried out and the enforcement was not.

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act also contained enforcement provisions that were not implemented. For instance, the bill mandated the implementation of a national exit-entry tracking system for all aliens. Nine years later the exit-entry system is still not near completion.

Today an estimated 12 to 20 million illegal aliens are in the United States. They know that if they successfully enter the country and find a job, they will likely be able to stay for the rest of their lives because the government has shown little interest in enforcing its own laws. Employers also know that once they hire an illegal alien, it is unlikely that they will ever be investigated or prosecuted for doing so. Enforcement of the laws against illegal immigration and employing illegal aliens is necessary.

The American people need to see that the current laws against illegal immigration are being enforced before any guestworker program can be considered.

Sincerely,

Signers of Enforcement Letter

1. Hostettler
2. Lamar Smith
3. Tancredo
4. Hayworth
5. Paul
6. Steve King
7. Sullivan
8. Rohrabacher
9. Norwood
10. Goode
11. Marchant
12. Culberson
13. Dave Weldon
14. Coble
15. Brown-Waite
16. Duncan
17. Pete Sessions
18. Bilirakis
19. Walter Jones
20. Garrett
21. Gutknecht
22. Barrett
23. McCotter
24. Deal
25. Royce
26. Sodrel
27. Bradley

28. Wamp
29. Blackburn
30. Ney
31. Jenkins
32. McKeon
33. Poe
34. Jo Ann Davis
35. Burton
36. Hunter
37. Capito
38. Hefley
39. Cunningham
40. Carter
41. Istook
42. Burgess
43. Cubin
44. Gary Miller
45. Platts
46. Stearns
47. McHenry
48. Akin
49. Sam Johnson
50. Mike Rogers (MI)
51. Issa
52. McCaul
53. Myrick
54. Curt Weldon
55. Hayes
56. Rob Bishop
57. Westmoreland
58. Aderholt
59. Bachus
60. Manzullo

61. Foxx

62. Bartlett

63. Boozman

64. Ryun

65. Gingrey

66. Jeff Miller

67. Kevin Brady

Hughes, Taylor A.

From: Wehner, Peter H.
Sent: Monday, October 17, 2005 12:23 PM
To: Hughes, Taylor A.
Cc: Lee, Joey
Subject: Frist statement

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

From: Lee, Joey
Sent: Monday, October 17, 2005 12:22 PM
To: Wehner, Peter H.
Subject: RE: Frist statement

See bolded portion --

The Washington Times
October 14, 2005 Friday

Frist to take on border bill first;
Immigration reform will come later
By Stephen Dinan, THE WASHINGTON TIMES

Senate Majority Leader Bill Frist said yesterday that the Senate will tackle border security and interior immigration enforcement before turning to the broader question of immigration reforms and a guest-worker program.

"It is a separate issue, but it's one that people understand," the Tennessee Republican said of border security. "It's an immediate issue, it needs to be addressed more aggressively, we need to do that."

Speaking with The Washington Times by telephone after a helicopter tour yesterday of 300 miles of the U.S.-Mexico border in Texas, Mr. Frist said he does not know whether an immigration bill can pass this year because of a heavy workload, but the Senate will pass a bill before adjourning next year.

He said the next immigration bill should address border security and could cover interior enforcement as well.

As majority leader, he controls the floor schedule of the Senate, and his decision will please many conservatives, who are calling for enforcement first. But it puts him at odds with President Bush and immigration rights advocates, who have said they want action on a broader guest-worker program this year.

His position on tackling enforcement first is similar to former House Majority Leader Tom DeLay, who says the government must prove to voters that it can enforce immigration laws before Congress turns to a guest-worker plan.

"I think what I'm saying is probably parallel to that," Mr. Frist said. "The understanding of immigration issues will be accelerated by the condition of understanding what border security is about, what internal

enforcement is about."

New House Majority Leader Roy Blunt, Missouri Republican, is also leaning in that direction, said his spokeswoman, Burson Taylor.

"Mr. Blunt's focus with respect to the immigration question is securing the border and enforcing the immigration laws we have on the books," she said, adding that it's the top issue on Republican constituents' minds. "Mr. Blunt was in 10 districts in August, and whether it was in Michigan or Georgia or his own district in Missouri, it is the number one issue."

Several guest-worker plans are circulating in the Senate, and Mr. Frist said Congress eventually will have to address the overall issue of foreign workers and illegal aliens now here, although he is not backing a proposal. However, he did say he's "opposed to amnesty."

Mr. Frist toured the border with Sen. Kay Bailey Hutchison, Texas Republican, and Lynne Underdown, chief of the Rio Grande Valley sector of the U.S. Border Patrol. He said that from the helicopter, he could see the worn paths that illegal aliens have made to the shallowest crossings of the Rio Grande.

"It is a torrential flow of aliens coming across the border that have little difficulty in entering this country and staying illegally," he said.

Congress last week passed the homeland security spending bill, which includes \$10 billion for immigration law enforcement, including 1,000 new Border Patrol agents and more than 600 new immigration investigators and detention personnel to help with interior enforcement.

Mr. Frist said that is a substantive first step, "but when you fly along that long border, you realize that the technology is insufficient, the number of Border Patrol agents is insufficient to address what is an increasing challenge."

He said he was particularly interested in "special-interest aliens" - those from countries where terrorists are active. Last year, 109 of these illegal aliens were picked up in the Rio Grande Valley sector.

"That's useful for me because this being a security issue, a humanitarian issue and an economic issue, the security aspect of it was driven home by the fact there were 109 of these special-interest aliens last year," Mr. Frist said.

The majority leader did not meet with members of the Minuteman Project, who are doing voluntary patrols to try to block aliens from illegally crossing the border. But he seemed to side more with their backers than their opponents - including Mr. Bush, who has called them vigilantes.

"I did ask people over the course of today what their impressions were, and I left with a very positive attitude towards them, at least among the people I talked with - that they were filling a gap that needs to be filled, and that most people feel the government has a responsibility to fill and has not done," he said.

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

From: Wehner, Peter H.

Sent: Monday, October 17, 2005 12:09 PM

To: Lee, Joey

Subject: RE: Frist statement

Yes, please. It was a front page article in the Washington Times in which Senator Frist indicated he was going to push border security on immigration before temporary worker permits. Or something like that.

10/17/2005

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

From: Lee, Joey

Sent: Monday, October 17, 2005 11:34 AM

To: Wehner, Peter H.

Subject: FW: Frist statement

Do you need me to pull this up? If so, what was the context of the statement? Thanks!

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

From: Hughes, Taylor A.

Sent: Monday, October 17, 2005 11:28 AM

To: Wehner, Peter H.

Cc: Lee, Joey

Subject: Frist statement

Could you get the Washington Times Frist statement from over the weekend that we were discussing during Directors? Thanks!

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Positive Economic Indicators	2	10/14/2005	P5;

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676670

THE WHITE HOUSE
WASHINGTON

Date: 10/17/2005

To: *Sara Taylor*

From: Deputy Chief of Staff / *Lacey*

FYI from Karl *6-4574*

Appropriate Action

Direct Response

Prepare Response For My Signature

Per Our Conversation

Let's Discuss

Per Your Request

Please Return

Deadline

Other

Comments: _____

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Fw: Best Practices: Spreading the Word - To: Taylor Hughes - From: Karl Rove	2	10/11/2005	PRM;

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COLLECTION:

Records Management, White House Office of

SERIES:

Subject Files - FG006-27 (Office of Senior Advisor - Karl Rove)

FOLDER TITLE:

676690 [3]

FRC ID:

9749

OA Num.:

10773

NARA Num.:

10831

FOIA ID and Segment:

2015-0037-F

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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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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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Southern Political Report	6	10/10/2005	PRM;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Fax Cover Sheet	[Fax Cover Sheet with attachments] - To: Taylor Hughes - From: Richard Hohlt	3	10/17/2005	PRM;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)	(b)(3) STATUTE(S)
Letter	[Letter] - To: Karl Rove - From: William Bellavia	1	09/22/2005	P3/b3; P6/b6;	10 USC 130b

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AUG 19 2005
1:45 P.M.

10-17-05

MPN 676690
per J. Katz
LL

JOHN NORTON MOORE
PRESIDENT

WASHINGTON • ALEXANDRIA
3-1618, 307 YOAKUM PKY,
ALEXANDRIA, VA 22304
(703) 751-7798

CHARLOTTESVILLE
824 FLORDON DRIVE
CHARLOTTESVILLE, VA 22901
(434) 977-2749

PERSONAL & CONFIDENTIAL

The Honorable Karl Rove
Assistant to the President,
Deputy Chief of Staff & Senior Advisor
West Wing
The White House
Washington, D.C. 20500

August 18, 2005

Dear Mr. Rove:

I write, asking your assistance, on a matter of great concern for a group of extraordinary American heroes. As a former United States Ambassador I believe that this matter is also a matter of considerable importance for the national interests of this Great Nation and for the Presidency of George W. Bush. At present, the Justice Department is in court seeking to erase a judgment against Iraq awarded to 17 American 1991 Gulf War POWs who were brutally tortured by Iraq during the Gulf War and 37 of the POWs' family members. This case now has been extensively litigated, from Federal District Court, to the Court of Appeals, to a *certiorari* petition urging that the Supreme Court take the case submitted on behalf of many groups including the National League of Families of POWs and MIAs, and it is now back before the Federal District Court. It is wrong for the Justice Department to be fighting in court to absolve Saddam Hussein and Iraq of liability for their brutal torture of American POWs and I write in my personal capacity to suggest several specific solutions in the interest of the POWs, the Nation and the Presidency of George W. Bush. What the POWs seek is entirely consistent with the February 7, 2002, order of the President that "[t]he United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law."

The named plaintiff in this case, Marine Colonel Cliff Acree, had the cartilage in his nose smashed into his brain by the Iraqis for refusing to criticize his Commander-in-Chief, President George H.W. Bush. On his return from captivity, Colonel Acree and the other returning American POWs, were greeted by the American people as national heroes. And when Colonel Acree and his courageous wife Cindy wrote a book about their terrible ordeal, George and Barbara Bush wrote the first testimonial on the dust jacket, saying: "We are delighted to add our two voices to praise Cliff's devotion to duty and Cindy's quiet courage."

In an act of continuing courage which required them to give their home addresses to Iraq while Saddam Hussein was still in power, something the POWs had refused to do even under torture, Cliff, Cindy and fifty two others joined in a landmark civil action against Saddam Hussein and Iraq to hold them accountable for the brutal torture the POWs endured and to add serious deterrence against the future torture of American POWs. The action was brought with the full knowledge of the Administration -- indeed the State Department served process on Saddam Hussein and Iraq -- and the action was begun by a

former Legal Adviser to the Department of State as co-counsel with me. To the astonishment of all concerned, after winning a substantial judgment against Saddam Hussein and Iraq, the POWs were greeted by Justice Department attorneys appearing on the Iraqi side of the courtroom seeking to set aside their judgment and urging that any funds toward satisfying the judgment for the POWs were needed for the reconstruction of Iraq. The Justice Department has been unrelenting ever since, and repeated efforts with State and Justice to encourage talks on a compromise, as urged by the Federal District Court Judge in the case, have been met with silence. Scott McClellan, when asked repeatedly about the case by the White House press corps, was forced to repeat five times only that: "there is simply no amount of money that can truly compensate these brave men and women for the suffering that they went through at the hands of Saddam Hussein's brutal regime."

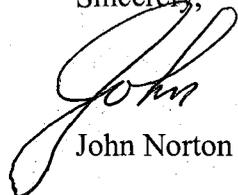
In candor, the President has been burned by bad advice with respect to certain matters concerning treatment of detainees. Abu Ghraib, which of course does not reflect Presidential policy, has nevertheless hurt the Presidency and the Nation. Bad advice in this matter too can hurt both the Presidency and the Nation. How this matter is handled is not simply an obscure legal dispute, but is of first rank importance for the President and the Nation. Decisive action by the President now, to do justice for these POWs, can immediately turn this matter from an embarrassment to one that can both serve the national interest and offset some of the damage done by Abu Ghraib.

I attach for your consideration, first a brief statement of why prompt settlement of this matter is in the interest of the POWs and their family members, the Nation, the War in Iraq, and the Presidency. Attached second are two alternative proposals, submitted in my personal capacity, as to how this matter might be promptly resolved as a win for all concerned. One of these proposals is accompanied by a short draft Presidential statement illustrating its potential. I will be submitting the second of these proposals, that of a low key legal settlement also included here, directly to the Attorney General. Finally, as a former National Security Council official who understands the importance of getting full information to the President, I believe you should be aware of the arguments you might hear from some against the President taking this action and why they are wrong. Thus, I also attach a brief statement of arguments against settlement and responses to them.

Something has indeed gone wrong when our Government is fighting tortured American POWs who simply want to hold their torturers liable. I believe that if our President has an opportunity to review this matter, he will agree.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Norton Moore".

John Norton Moore

- Attachments:
- 1) Reasons Supporting Prompt Settlement
 - 2) Proposals for Settlement
 - 3) Arguments Your Might Hear Against Settlement and Why They Are Wrong

REASONS SUPPORTING PROMPT SETTLEMENT

For the POWs

- This Nation owes more to our servicemen who have been brutally tortured while held as POWs than simply fighting them in court.
- These POWs, and their family members, have suffered terrible and lasting injury. They deserve the support of their Government for substantial compensation.
- The Government knew of the POWs landmark case against Iraq the day it was filed, the complaint was served on Saddam Hussein and Iraq by the Department of State itself, and copies of the complaint were couriered immediately to high level Administration officials. As such, it is not right for the Government to wait for months, even until *after* the POWs had been awarded a judgment, to go to court seeking to erase their effort.
- It is not right for Secretary Rumsfeld to publicly pledge to Congress that the United States will compensate the victims of Abu Ghraib for *mistreatment* at the hands of a few bad actors while simultaneously seeking to absolve Saddam Hussein and Iraq of their liability for the *brutal command directed torture* of these American POWs.
- It is wrong to ask individual American POWs brutally tortured by Iraq to pay with their legal rights for the reconstruction of Iraq, a public purpose and responsibility.
- It is wrong to continue to pay Kuwait and Saudi infrastructure damage from the Gulf War while refusing to pay the claims of tortured American POWs;
- It is manifestly unfair to have paid almost \$100 million to American civilian hostages simply held by Iraq during the 1991 Gulf War while declining to compensate the American POWs who were brutally tortured in core violation of one of the clearest prohibitions in international law.
- The American people do not want their national heroes to be treated as the POWs are being treated here; left to suffer in silence with no response from the Government to their requests for closure.

For the Nation

- This case was brought to add serious deterrence against the torture of American POWs. The judgment was a real contribution to that deterrence in implementing one of the core deterrent mechanisms built into the POW Convention, that of holding the torturing state accountable. It is important that Iraq be held accountable for at least some portion of that judgment.
- The combination of Abu Ghraib, though not reflecting the policy of the United States, and the United States Government actively in court to absolve those who have brutally tortured American POWs of liability, which sadly seems to be the present reality even if not consistent with Presidential order, will create a "perfect storm" encouraging the torture of American service men and women held by our enemies in future wars.

- The United States has a binding treaty obligation in Article 131 of the Third Geneva Convention never to “absolve” a torturing state of “any liability” for the torture of POWs.
- As experienced former high level military told the Supreme Court in their *amicus* brief in this case, the spectacle of the United States Government siding with the torturers of our POWs can potentially harm troop morale and inhibit recruitment. The apparent current posture of the Justice Department in this case, siding with the torturers of our own POWs in violation of our national POW Convention obligation, could also be used as devastating enemy propaganda against American POWs held in captivity in future wars.
- In the same way that foreign nations and leaders recognize the United States unwavering commitment to democracy, freedom and the rule of law, our commitment to the security and humane treatment of POWs should never be questioned. United States actions in this case will be of great importance in this regard.

For the War in Iraq

- The original judgment against Iraq, determined by a Federal District Judge after full consideration of comparable recoveries for torture, was approximately \$950 million, including over \$300 million in punitive damages. While no one can predict the course of future litigation, a settlement now, as the Federal District Court judge urged, could waive all punitive damages as well as a substantial part of the compensatory damages in recognition of the new Government in Iraq.
- An Iraq Government agreement to compensate the American POWs could generate considerable good will for Iraq in the American public.
- One of the risks in successful conclusion of the Iraq War is that the American people may become alienated by perceptions of ingratitude or failure to adhere to the rule of law by the new regime in Iraq. Settlement of this matter by a prompt agreement with the new Iraqi Government would assist in creating a positive image of the new Government and its commitment to the rule of law. And it would provide a sharp contrast with the Saddam Hussein regime which ordered the command-directed torture against the American POWs.
- An appropriate settlement in such a matter of “national honor” for the United States could be used to encourage other holdout nations to further reduce their Iraq debts, returning much more to Iraq than the cost of the settlement.

For the Presidency

- Settlement would implement the President’s order of February 7, 2002, where he directed “The United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law.” The POWs judgment runs precisely against the state of Iraq and the organizations and individuals who tortured them in violation of the Geneva POW Convention binding on both Iraq and the United States. To seek to absolve Iraq of liability for its brutal torture of our POWs is flatly inconsistent with this Presidential directive.

- Settlement provides an opportunity, if desired, for the President to reiterate his strong opposition to the torture of POWs and, thereby, further distance himself from the continuing Abu Ghraib controversy, without referring to that controversy. In the alternative, a low key settlement is available with no necessity of Presidential action. Moreover, in the wake of Abu Ghraib the President properly pledged to work for this Nation to fully adhere to the Geneva Conventions. A settlement of this matter would be consistent with that pledge by implementing our obligation under Article 131 of the POW Convention never to “absolve” a torturing state of “liability” for torturing POWs.
- The spectacle of the Administration in federal court on the side of Saddam Hussein and Iraq against tortured American POWs is, in my judgment, a continuing embarrassment for the Administration. There has already been one very negative *60 Minutes* program on the Administration’s opposition to the POWs effort to hold their torturers accountable. Whatever happens now in Federal District Court this matter will not go away.
- A settlement supporting our tortured American POWs will be well received by the uniformed military that looks to their Commander-in-Chief for leadership and protection against torture of our POWs.
- A settlement will provide an opportunity to bring the POWs and their family members to the White House. The President will find that these POWs have never lost faith in their Commander-in-Chief, they have never criticized the President even throughout their ordeal in this case, and that they can be powerful spokesmen with the American people.
- Settlement now will respond to Congressional support urging the President to endorse the claims of the POWs. The Senate has already twice unanimously passed a resolution urging Presidential support for the POWs in settling this matter. And both houses of Congress have repeatedly adopted unanimous resolutions condemning Iraq for its torture of our POWs during the 1991 Gulf War.
- Settlement by espousal of the claims of our POWs strengthens the Presidency by exercising the authority of the President to espouse claims of Americans against foreign nations;
- Settlement now ensures that this Administration will be a key player. Litigation in this case, if it is permitted to continue unresolved, could easily drag on into the next Administration, depriving this Administration of a voice.
- Settlement now would be an appropriate response to the letter supporting the POWs’ suit against Iraq sent to the President from twenty distinguished former high level national security officials of the United States, including Admiral Thomas H. Moorer, a former Chairman of the Joint Chiefs of Staff, John Lehman, a former Secretary of the Navy, two former Legal Advisers to the Department of State, Ambassador Max Kampelman, the former United States SALT and CSCE negotiator, and Vice Admiral James H. Doyle, Jr., a former Deputy Chief of Naval Operations.
- On a more personal note it would certainly be appropriate for the President to take note that the Plaintiff for whom this case takes its name, marine Colonel Cliff Acree, endured a perfect hell of torture requiring him to endure one painful

operation after another on his return because of his courageous refusal to criticize President George H.W. Bush to his Iraqi capturers.

- The legacy of President George W. Bush should include his personal endorsement of this historic effort adding serious deterrence to the torture of American POWs. The past record of sweeping the problem of brutal torture of American POWs under the rug is not worthy of the United States or the obligation of the Commander-in-Chief to do everything possible to protect our troops. This decisive President can do better.

PROPOSALS FOR SETTLEMENT*

ALTERNATIVE I: A "PRESIDENTIAL LEADERSHIP" SETTLEMENT

This alternative is an exercise in Presidential leadership. It would simultaneously reinforce the legal obligations of the United States against command-directed torture of POWs, serve the interests of the War effort and the reconstruction of Iraq, and assist in generating a positive attitude of the American people toward the new Iraq Government. It can be implemented solely on Presidential determination with, of course, agreement of the POWs and the current Government of Iraq, to this settlement alternative. It builds on an ordinary power of the Presidency, that of espousal of claims of Americans against other Governments. As a settlement even of a "debt of honor" by the United States for approximately only 17% of a legal judgment issued against Iraq, this settlement would be available to be used by the United States to further pressure other nations who have been reluctant to reduce their claims against Iraq.

Action Required

If the POWs agreed, the President could approach the current Iraqi Government for agreement on a quick stand-alone settlement of the claims of the POWs. In doing so the President's Representative could note for the Iraqis that at present there is litigation in Federal Court in the United States that has already resulted in a nearly billion dollar judgment against Iraq and that despite the efforts of the Administration is still before the Courts. He could further note that the Plaintiffs in that case have agreed to a settlement waiving all punitive damages and three-quarters of all compensatory damages in the interest of assisting in the reconstruction of Iraq (for an overall waiver of approximately 83% of the damages in their original judgment against Iraq) provided that Iraq agreed now to a satisfactory settlement which would entail a payment of \$40 million by January 2007, and the remainder of the 25% of the compensatory damages in the original judgment in installments over the next three years as mutually agreed. If desired, this claims settlement agreement could run directly between Iraq and the Plaintiffs in the *Acree* case. The President's Representative could also point out that a settlement now, with Iraq agreeing to compensate the American POWs for the brutal torture inflicted on them during the Gulf War, would both satisfy the Treaty obligation of Iraq under Article 131 of the POW Convention, and likely contribute to good will within the United States toward the new Iraq Government. And the substantial settlement of this "debt of honor" would then be available to be used to further pressure other creditor nations of Iraq to reduce their outstanding claims against Iraq.

* These informal proposals are made by John Norton Moore in his personal capacity to illustrate possible settlement options. Ambassador Moore is co-counsel for the POWs and their family members in *Acree v. Iraq*, along with the law firm of Steptoe & Johnson. Any settlement of this matter would, of course, require the approval of the individual POWs and their family members. Figures used in these proposals for compromise of the judgment are taken from a draft resolution on the Hill and are used here as illustrative only.

While this proposed solution need not be accompanied by a Presidential statement, I believe that such a statement would be consistent with the decisive leadership of this President and would be in the interest of the Nation and the Presidency. Such a statement, for example, would simultaneously provide leadership in deterring the torture of American POWs in the future while making it clear that this President will be a leader in implementing the obligations of the United States under the POW Convention. And it would further distance the President from the excesses at Abu Ghraib while not re-raising that issue. A draft statement the President might consider is as follows:

Illustrative Draft Presidential Statement that Might Accompany
Alternative I

One of the many evils of Saddam Hussein and his regime in Iraq is that during the 1991 Gulf War they directed brutal torture of our American POWs. Our POWs were horribly beaten, whipped, burned, shocked and forced to live in filth. One of our POWs was beaten so badly it was as though his whole body was covered with indigo ink. Another was starved so severely that he was forced to eat the scabs off his body. One courageous Marine was knocked unconscious so many times that he lost count, simply for refusing to criticize his Commander-in-Chief. This is the evil regime that this Administration has removed from Iraq.

Today I am pleased to announce that the new Government of Iraq, in sharp contrast with the Saddam Hussein regime, has agreed to make amends to these courageous American POWs. It has entered into a settlement of their claims with them. This agreement will make it clear, as the Geneva POW Convention provides, that there is state liability for the torture of POWs. This implementation of a core provision of the Convention should enhance deterrence against any future torture of American POWs.

As Commander-in-Chief I have a special obligation to ensure the utmost this Nation can do to protect the brave Americans who go in harms way. And I have pledged that I will seek to ensure that this Government fully adheres to the Geneva Conventions. This agreement, which implements Article 131 of the POW Convention, is supportive of that obligation and that pledge. I take special satisfaction in assisting in resolving this matter in a way which both makes the point of the POWs and their family members that we must hold accountable those who torture American POWs, yet which also accommodates the needs of the new Iraqi Government as we seek to build a democratic Iraq. In turn, the leadership of the new Government of Iraq, in satisfying a major human rights obligation of Iraq toward our POWs, gives us yet another welcome indication that the new Government of Iraq honors the rule of law.

It is a special honor and pleasure to be accompanied today by the named Plaintiff in the historic case brought against Iraq, Marine Colonel Cliff Acree, and his wife Cindy. Our Nation is deeply honored by their service and sacrifice, and that of their fellow POWs and family members, as it is on a daily basis by the men and women in our armed services who go in harms way. By their courage and determination in bringing this action against Iraq, Colonel Acree and his fellow POWs have made an important contribution to the rule of law and to protecting future generations of American service personnel from torture.

*ALTERNATIVE II:
A "LOW KEY" LEGAL SETTLEMENT*

This alternative is a "low key" settlement of the legal action between the POWs and the United States Government. It would not require a Presidential statement or new determination of policy. And it would not require an agreement between the United States and the new Government of Iraq. Rather, as a matter involving ongoing litigation, it can be undertaken solely on the authority of the Attorney General in agreement with the POWs, with the final approval of the Federal District Judge. It would honor the Treaty obligation of the United States not to "absolve" Iraq of "liability" for the torture of our POWs, while ending the threat of enforcement of a large judgment against Iraq or interference with the War effort. It would reflect a compromise consistent both with the protection of American POWs from command-directed torture and recognition of the importance of the War effort. Moreover, again, as a settlement even of a "debt of honor" by the United States for approximately only 17% of a legal judgment, this settlement would be available to be used by the United States to further pressure other nations who have been reluctant to reduce their claims against Iraq.

This alternative would be in the tradition of the claims settlement made by American victims of Pan Am 107 with Libya, not requiring an agreement between Libya and the United States, but rather reached through settlement of litigation between the Plaintiffs and the Government of Libya. This alternative, however, *would* envision a settlement agreement between the United States, now an intervenor in the case, and Plaintiffs, in order to meet the concerns of the United States. It would then leave for later negotiation between the Plaintiffs and Iraq, subject to limits agreed between the United States and the Plaintiffs, the timing and manner of payments to the Plaintiffs, or failing agreement, the time and manner the Plaintiffs could seek satisfaction of their judgment. And it would be structured to create incentives encouraging Iraq to agree to a substantial compromise for satisfying the judgment.

This alternative would also seem appropriate in view of Attorney General Gonzales' pledge at his confirmation hearing to "give fresh and full consideration" to this matter. The Attorney General's pledge was in response to a point made by Senator

Leahy that "I, along with many Americans, continue to be dismayed that this Administration has led the fight against their [the POWs] effort in court."

Action Required

If the Attorney General and the POWs mutually agreed they could jointly approach Judge Richard Roberts, the Federal District Judge now handling the matter and suggest the following settlement:

The original judgment, minus the over \$300 million in punitive damages, should be reinstated as based on a cause of action rooted in underlying state or foreign law (which both sides already accept as available in lawsuits under the Foreign Sovereign Immunities Act), subject to a binding agreement between the Plaintiffs and the United States that no attempt will be made to execute on the judgment prior to January 2008, and that the Government of Iraq may satisfy the judgment in full by agreeing no later than February 2007, to a settlement to be offered by the Plaintiffs in the action for payment of only 25% of the compensatory damages.

Judge Roberts, who earlier had urged the parties to reach a settlement, would likely be pleased at this resolution of the matter.

ARGUMENTS YOU MIGHT HEAR AGAINST SETTLEMENT AND WHY THEY ARE WRONG

Argument: The funds are needed for the reconstruction of Iraq.

Response: The reconstruction of Iraq is an important national interest. The deterrence of torture of American POWs is also an important national interest. In reality, funds are available to meet the comparatively modest requirements of a settlement of this case while carrying out the reconstruction of Iraq. As Senators George Allen and Susan Collins wrote in 2004 to Attorney General John Ashcroft in support of protecting the POWs' judgment: "[t]he protection of American POWs is a vital national security interest and the goal of rebuilding Iraq should not be viewed as inconsistent with the goal of protecting future American POWs from torture and abuse. We can and should meet both of these important goals." When this case was brought there was \$1.7 billion in blocked Iraqi assets available to pay any judgment. Approximately \$100 million of this was made available to pay a settlement to American civilian hostages held by Saddam Hussein during the Gulf War. At present it is common knowledge that funds for the reconstruction of Iraq from many sources are in large measure still available. But, more importantly, were this a problem it could be solved by deferred payments from Iraqi oil assets beginning only at some future time such as February 2007, or by Administration support for a special appropriation until such time as the funds can be recouped from Iraq. And as a matter of fundamental principle, why should the public purpose of reconstruction of Iraq be funded by taking the legal rights of American POWs brutally tortured by Iraq?

Argument: The POWs have gotten a nearly billion dollar judgment against Iraq. This could be crippling for the new government.

Response: The substantial size of the original judgment is precisely a reason why settlement, rather than continued litigation, is in the interest of the new Government of Iraq. In recognition of the reality that there is a new Government in Iraq it seems likely that a settlement now could waive all punitive damages and a substantial percentage of compensatory damages. For example, one draft measure already on the Hill would waive all punitive damages and three-quarters of all compensatory damages. Moreover, the argument itself is an overstatement. There are vastly larger debts owed to Kuwait and Saudi Arabia which they have not waived, as well as those to other nations all over the world. Iraq has the second largest oil reserves in the world and, following this period of transition, it can certainly pay its "debt of honor" to American POWs.

Argument: The new government of Iraq should not be held responsible for the actions of the Saddam Hussein regime.

Response: International law, and the official view of the United States Government, is that states, rather than governments, are liable. Governments come and go but the state remains liable. Indeed, given the United States national interest in supporting

stable economic relations around the world, a principle that only governments are liable, rather than the state, would do serious damage to the international financial system. If the United States and Iraq are to adhere to their treaty obligations in this matter, it is clear that neither government can “absolve” Iraq of “any liability” for the torture of our POWs. This is an obligation in the Geneva Conventions shared by both Iraq and the United States and intended specifically to ensure that neither party could at the end of a war absolve the other of liability for torturing POWs, whatever the reason. In turn, this is a core deterrent mechanism built into the POW Convention against the torture of POWs. Moreover, the Presidential order of February 7, 2002, is clear in directing that “[t]he United States will hold *states* . . . responsible . . .” (Emphasis added).

Argument: We are not able to provide but fairly small compensation for Americans killed in action in Iraq. Why should tortured POWs get more?

Response: This argument is a bad analogy. The issue here is not that of a new U.S. Government insurance or compensation system for tortured service personnel or even victims of terror. It is resolution of a judicial action against Iraq begun pursuant to Congressional empowerment for such suits and which resulted in a very substantial judgment against Iraq prior to the United States seeking to set it aside. And that judgment was determined after a full hearing on behalf of the plaintiffs in the action. Indeed, the damages set in this case were determined by a Federal District Judge – not a jury -- after reviewing the evidence of brutal command-directed torture by Iraq with respect to each individual POW and family member and were based on previous judicial awards for victims, including torture victims, in comparable civil suits. These judgments ranged from \$26 million (the *Flatow* case); \$27 million (the *Eisenfeld* case); \$35 million (the *Polhill* case); \$47 million (the *Anderson* case); \$56 million (the *Sutherland* case); \$57 million (the *Higgins* case); \$73 million (the *Cicippio* case); \$94 million (the *Hill* case); to \$97 million in the *Alejandre* case. And this action on behalf of the POWs and their family members has fifty-four Plaintiffs. Moreover, these judgments were not simply aimed at compensation but crucially sought to add substantial deterrence against such actions directed at Americans. It is also relevant to note the statement of the President’s press secretary with respect to this case—not accidental since precisely repeated five times—that “there is simply no amount of money that can truly compensate these brave men and women for the suffering that they went through.”

Insurance for Americans killed in action in war is, of course, part of a United States Government insurance compensation system for our service personnel. Holding Iraq accountable for its brutal command-directed torture is an entirely different matter aimed not only at compensation but also at deterrence against such actions in the future. It is not illegal during wartime to kill the enemy. And there is no international liability in a war for lawful actions directed at the killing of enemy combatants. But, in contrast, the torture of prisoners of war is one of the clearest violations of international law. The Geneva POW Convention has 192 parties, including Iraq and the United States, and it establishes state liability for such torture.

Only Nauru is a non-party and there is, quite literally, no Convention in the world with greater international adherence than the POW Convention. Torture of POWs is illegal under multiple provisions of the Convention and state liability for such torture is intentionally even made unabsolvable. Moreover, we frequently go over general service member insurance limits in other settings involving American service personnel, including most recently an average award for the 54 military victims of 911 of \$1.89 million in U.S. Government compensation payments in a setting with zero deterrent component. Also, civilian victims of 911 received payments up to \$8 million. Insignificant payments to POW victims of real command-directed torture will not in the slightest deter such torture. This argument made by comparison to U.S. Government insurance with no deterrent component is particularly galling when advanced in a setting where, as here, the tortured American POWs are to be deprived of their *entire judgment* – that is to receive nothing whatever.

Argument: It would not be fair to the American POWs tortured in other wars to permit recovery by the Gulf War POWs.

Response: The recovery in this case was made possible by the Congress in its 1996 Amendments to the Foreign Sovereign Immunities Act. It is not appropriate to seek to set aside the law because it does not include all possible claimants. Moreover, sadly we need to recognize that past Administrations have not taken effective action to add deterrence against the torture of American POWs held by the enemy. This Administration should not follow their lead any more than it would on any other area of failed policy. This President is a decisive leader. And he has a unique opportunity here to decisively lead in seeking to deter the torture of the sons and daughters of America held in the future as POWs by a ruthless enemy.

Argument: Torture is simply a normal part of war fighting and there should be no accountability for such actions.

Response: In the aftermath of Abu Ghraib, which did not even involve command-directed torture, the bankruptcy of this statement when applied to command-directed torture as was employed against our POWs in Iraq should be evident. The torture of POWs is a clear violation of a universally accepted principle of international law giving rise to both criminal and civil liability. We must never accept command-directed torture of POWs as somehow simply acceptable. Further, the President of the United States, as our Commander-in-Chief, has a special obligation to take steps to deter torture against Americans held as POWs. And the Congress of the United States has unanimously passed numerous resolutions condemning Iraq for its torture of American POWs during the Gulf War.

Argument: Settlement of this matter would not be consistent with Security Council Resolution 1483 (2003), which seeks to protect Iraqi assets during reconstruction.

Response: To the contrary, the preamble of this Resolution affirms “the need for accountability for crimes and atrocities committed by . . . [Iraq],” which is a core