

Received(Date): 13 NOV 2001 09:22:53
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
Subject: : 2 things

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
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first, can you call Nina Totenberg. This is important and time-sensitive. I believe our approach should be not to make anyone available but rather to point her to (1) Ed Whelan's public testimony (he's Deputy OLC) before House subcommittee last week esp his opening statement; (ii) Judge G's letter to Horn; and (iii) Judge's USA Today op-ed yesterday. That is more than enough material for her. Also, if she wants an outside lawyer who is a constitutional expert and knowledgeable about these issues, Tom Hungar at Gibson Dunn (b)(6) can talk to her, but we obviously should not be identified by her as having provided the name. If she wants an outside historian, tell her that our job was legal and constitutional, but that we are sure historians who have read the relevant materials understand that we must abide by Supreme Court precedent. PLEASE LET ME KNOW HOW THIS GOES BY VOICE MAIL OR E-MAIL. I am away today.

second, what did you think of USA Today yesterday. Other than their deleting "President" before "Bush" I thought it turned out ok.