

# **George W. Bush Presidential Library**

**Collection:** Counsel's Office, White House

**Series:** Kavanaugh, Brett - Subject Files

**Folder Title:** Judges - PFA (Progress for America)

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	List	PFA Key Contacts	2	N.D.	P5;

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Judges - PFA (Progress for America)

**FRC ID:**

9797

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

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**Records Not Subject to FOIA**

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## JUDICIAL NOMINEES GRASSROOTS CAMPAIGN

### I. CAMPAIGN MANAGEMENT

Viet Dinh, Assistant Attorney General, Office of Legal Policy, at the US Department of Justice sets the pace of the grassroots campaign for judicial nominees.

1. Provides updates on status of nominees
2. Provides background information on all nominees
3. Conducts weekly meetings/conference calls with the White House and other key players in the effort to review status
4. Provide regular updates on top tier nominees
5. Acts as campaign manager for this campaign

### II. NATIONAL COALITION

Progress for America organizes and sustains a massive coalition to build a grassroots effort. PFA works side by side with the White House and Department of Justice on messaging, priorities, timeline, and targeting.

- within DC  
- out in 50 states

#### A. Building the Coalition

- WMC ←
1. Distributes timely talking points to key players throughout US
  2. Monitors grassroots, provides background information, sample letters, etc.
  3. Builds "teams" in circuits to carry out grassroots effort
  4. Organizes weekly conference calls with key players throughout the country to provide update from White House

#### B. Grassroots Activists/Influencers

1. Law school deans and students
2. Lawyers for Bush-Cheney and other prominent local attorneys
3. Retired judges
4. Minority associations
5. Key issue advocacy groups (pending docket info)
6. Law enforcement groups
7. Conservative activists

→ former staffers/friends // of senators  
→ state legislatures put heat on Senate

### III. COALITION MANAGEMENT

Progress for America works closely with third party groups and other coalitions in order to streamline grassroots efforts. PFA will ensure that efforts to date continue to reach out to all segments and communities involved with this effort.

#### A. Inside the Beltway

1. Coordinate weekly meetings with Administration officials and DC coalitions and groups
2. Provide updates from Capitol Hill
3. Keep momentum moving within the coalition, provide background materials, op-eds, studies on what like minded groups are doing

#### B. Conservative Base

1. Generate support within conservative groups and builds upon existing grassroots network to generate support
2. Key players in this base participate in bi-weekly conference calls with Administration officials
3. Keep groups focused and motivated on this effort through state statistics, docket issues, etc.

### IV. SPOKESPEOPLE

1. Viet Dinh – Assistant Attorney General, US Dept. of Justice
2. Tom Jipping – Free Congress Foundation
3. Kay Daly – Coalition for a Fair Judiciary
4. Tony Feather – Political Director, Bush-Cheney 2000
5. Betsy DeVos
6. Jay Sekulow – American Center on Law & Justice
7. Michael Toner – Lawyers for Bush-Cheney
8. Ben Ginsberg – Lawyers for Bush-Cheney
9. Senator Mitch McConnell – (KY)
10. Senator Bill Frist (TN)
11. Randy Barnett – Law Professor (Boston U), Law Professors for Bush-Cheney
12. Alan North – former 6<sup>th</sup> circuit judge (OH)
13. Hispanic/minority leaders
14. Women
15. ... others?

## V. TACTICS & MOBILIZATION

Organize key constituency groups around this effort to support the nominees and educate the public on importance of the cause through the following methods.

1. Letters to Members of Congress
2. Letters to the Editor
3. Talk Radio
4. Phone Programs
5. Regular conference calls with team leaders and White House officials
6. Website activity – action alerts, petitions, information distribution, etc.

## VI. MESSAGING & TARGETING

Progress for America will work closely with the White House and Department of Justice to maximize opportunities for press coverage, strategic messaging and targeting through the following:

1. Administration provides the nominee backgrounder and talking points and they are disseminated to the coalition executive committee. Members of the coalition tailor the message for each specific constituency.
2. The coalition works with WH Legislative Affairs to develop a target list and prioritize activities based on those targets.
3. Targeting and messaging are updated at bi-monthly meetings of the executive committee.
4. Emergency meetings are called with all relevant members of the Administration and the coalition executive committee when situations arise.
5. Utilizing the "Warroom" in conjunction with WH Communications and press staff of participating groups, we place op-eds and book coalition spokespersons in targeted markets. Arrange for follow-up letters-to-the-editor and talk show callers.



*place to go*

\* make permanent

## Warroom Overview

bindes

### **Message Management**

The warroom would receive the nominee backgrounder and talking points and disseminate to the coalition executive committee. The warroom would also work with members of the coalition to tailor the message for their specific constituency.

### **Targeting**

The warroom team would work with WH Congressional Affairs to develop a target list and prioritize activities based on those targets.

### **Media Placement**

A team within the warroom would work with coalition spokespersons and WH Communications to generate opinion-editorial placements, speaking opportunities, and talk radio and TV interviews. This team would base this effort on the congressional targeted as well as the targeted constituency.

### **Media Monitoring**

Using a variety of media tracking programs our team creates a daily clip report on articles/op-eds/editorials related to the judicial nomination campaign. The team will maintain an extensive archive and has the ability to provide articles in the proper format to be used for the following:

- Distribution at coalition meetings
- Leave behind packets for meetings with Senators
- Press conferences
- Print and/or TV ads
- Direct mail

### **Writing Requests**

The warroom would be capable of quickly fulfilling requests for sample letters, op-eds, letters to elected officials, etc., as well as requests for customized letters and op-eds to be utilized by coalition members.

### **Research**

Our research staff works with the Administration and coalition members to streamline all available research for use in talking points and earned media. This staff could also be tasked with conducting specific research projects.

### **Task Management & Reporting**

The warroom as directed by Jennifer Oschal will track all of the specific tasks the campaign undertakes and draft reports for the regular meetings with the coalition executive committee.

# Withdrawal Marker

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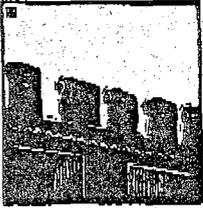
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## EDITORIALS



# Justice held hostage

*Fill those vacancies*

IT WAS about a year ago now that President Dubya nominated Lavenski Smith—one of Arkansas' best and brightest—to fill a vacancy on the Eighth Circuit Court of Appeals. We still believe what we said when the announcement was made: Lavenski Smith is the right man for the job. He understands what the law requires of our judges—scholarship, care, labor, personal responsibility, restraint, patience and the courage to make decisions that may not please everyone or even anyone.

We also said something else: "Lavenski R. Smith will offer the Senate Judiciary Committee a splendid opportunity to do the right thing."

That was in May of 2001.

As of this date, the Senate Judiciary Committee hasn't even bothered to schedule a confirmation hearing, let alone do the right thing.

Why not? The record is replete with testimonials to Judge Smith. He's described—accurately—as a man of integrity, intelligence and compassion. Governors, judges, senators—all have applauded Vince Smith's nomination. The praise is bipartisan, bicameral, bi-extraordinary.

Lavenski Smith isn't alone. Although the president has nominated some 90 judges for vacancies across the country, the U.S. Senate has refused to confirm—or even reject—a majority of them. Like Arkansas' own Vince Smith, these nominees have been left in limbo while the U.S. Senate plays politics.

It wouldn't be the first time.

Back in 1997, William Rehnquist, the chief justice of the U.S. Supreme Court, was forced to chide the Republicans in the Senate for not confirming another president's nominations. "Whatever the size of the federal judiciary," Justice Rehnquist wrote, "the president should nominate candidates with reasonable promptness, and the Senate should act within a reasonable time to confirm or reject them."

The Democrats in the Senate, who were in the minority then, agreed. Loudly. To quote Patrick Leahy, now the chairman of the Senate Judiciary Committee: "Those who delay or prevent the filling of these vacancies must understand that

they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges."

Well said, senator. But were you listening? Now you're the one presiding over the Senate's graveyard of judicial nominations. How memory can fade, and words spoil, in the blink of a campaign year. Now that Chairman Leahy controls the Judiciary Committee, and a rascally Republican is president, Patrick Leahy seems to have forgotten his former concern about the slow wheels of justice.

By now the situation has gone from slow to nearly stopped, from embarrassment to emergency. Back in 1998, when Senator Leahy said we faced a "judicial vacancy crisis," there were 50 vacant judgeships. Today, there are nearly a hundred. And the Senate seems to have time for everything but doing its duty.

Judge Gilbert Merritt of the Sixth Circuit Court of Appeals got fed up. He complained to the Judiciary Committee, noting that a fourth of the 16 seats on his court remained unoccupied. "The Court is hurting badly," he wrote, "and will not be able to keep up with its work load. . . . Our Court should not be treated in this fashion. The public's business should not be treated this way."

The good judge wrote that letter in March of 2000, when there were only four vacancies by his count. Now there are eight. The Sixth Circuit is working at half strength. And still the Senate fiddles.

Both of this state's U.S. senators have praised Lavenski Smith's nomination. It was Tim Hutchinson who suggested Judge Smith to the president. Blanche Lincoln hasn't objected. Though as a Democrat, she might do more. She could go to her colleagues—Chairman Patrick Leahy and the majority leader, Tom Daschle—and ask why they're holding up justice in these parts. And why they're snubbing a good man like Lavenski Smith. She might point out that holding judicial nominees hostage for political gain is just as unseemly when Democrats do it. She might even tell them that the public's business ought to come before the partisan's. Even in an election year.

AMERICAN BAR ASSOCIATION

PAST PRESIDENT  
WALLACE D. RILEY

PLEASE REPLY TO:  
7TH FLOOR  
FORD BUILDING  
DETROIT, MICHIGAN 48226  
TELEPHONE: 313 / 962-8255  
ABA / NET: ABA003

February 13, 2002

Senator Patrick Leahy  
U.S. Senate  
443 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Leahy:

I am writing to express my concern that the U.S. Circuit Court of Appeals, the courts of last resort in the vast majority of federal cases, face a particular crisis with 31 vacancies out of 167 authorized judgeships remaining unfilled - and extraordinary 19% vacancy rate.

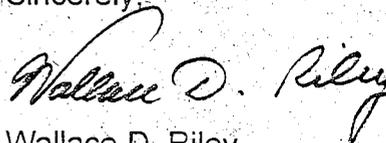
Chief Justice William Rehnquist, who in the past has criticized both Republicans and Democrats for the pace of judicial confirmations, recently concluded that the judicial system is suffering from an "alarming amount of judicial vacancies." In addition, the Judicial Conference of the United States has classified many of these vacancies as "judicial emergencies."

As a litigator and former president of the American Bar Association and the State Bar of Michigan, I share Chief Justice Rehnquist's concerns about the effect continual delays are having on our judicial system. Our Judiciary is already overburdened by its current caseload and further delays could potentially place the federal appellate system on life support.

Numerous businesses and citizens are waiting for cases to be decided that may have substantial effects on their financial and personal futures. Having the resolution of their cases continuously delayed is unjustly punishing these litigants.

I urge you to heed President Bush's call and act not as Republicans and Democrats, but as Americans. It is time the Senate act for the good of our judicial system.

Sincerely,



Wallace D. Riley



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*for*  
**America**

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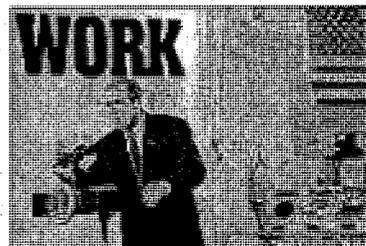
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## The Progress Report 02.21.02

### Economic Report: Tax Relief Package Created Jobs and Softened Recession

"A new report released today by the Council of Economic Advisors provides hard evidence that the tax relief signed into law by the President last year is creating jobs, has provided a powerful economic stimulus, has softened the recession, and has laid the foundation for long run economic growth."



### The Pickering Nomination

"The need on the part of liberal groups and Democratic senators to portray him as a Neanderthal -- all the while denying they are doing so -- in order to justify voting him down is the latest example of the degradation of the confirmation process."

Find useful statistics and information on the judicial vacancy crisis, [click here](#).

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## NEWS

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