

THE WHITE HOUSE
WASHINGTON

June 23, 2004

Dear Senator Daschle:

This letter serves to memorialize the agreement we reached on May 18, 2004, regarding the Senate's consideration of judicial nominees pending on the Executive Calendar of the Senate. On that date, the President agreed not to recess appoint any circuit or district court nominee through Inauguration Day 2005, and Senate Democrats agreed not to block cloture or use other means to preclude up or down floor votes on the following nominees:

Circuit Court Nominees

Benton
Gruender
Hall
Sykes
Van Antwerpen

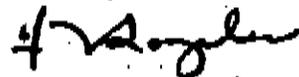
District Court Nominees

Benitez
Boyle
Cooke
Diamond
Duffey
Harwell
Herrera
Holmes
Hopkins
Irizarry
Karas
Kelley
Martinez
Pratter
Robart
Sanchez
Saylor
Schiavelli
Stengel
Townes

Senate Democrats further agreed to work together in good faith with Republicans to schedule up or down floor votes as expeditiously as the calendar permits, but in all events prior to June 26, 2004, and to reach agreement for reasonable debate where sought consistent with the commitment to allow up or down votes by June 26, 2004. There was no agreement that would preclude consideration of other judicial nominees in the usual course of business.

As previously discussed, the President's willingness not to recess appoint any circuit or district court nominee through Inauguration Day 2005, in accordance with our agreement, does not set any precedent for future Congresses.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Thomas A. Daschle
United States Senate
Washington, D.C. 20510