

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REPRESENTATIVE DENNIS KUCINICH,
et al.,

Plaintiffs,

v.

GEORGE W. BUSH, President of the
United States, et al.,

Defendants.

Civ. No. 02-1137 (JDB)

**DEFENDANTS' RESPONSE TO PLAINTIFFS' STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE**

Defendant responds to the individually numbered paragraphs of Plaintiffs' Statement of Material Facts As To Which There is No Genuine Issue as follows:

1. Undisputed.
2. Undisputed.
3. Immaterial and disputed. See, e.g., Testimony of Deputy Secretary of Defense Paul Wolfowitz Before the House Armed Servs. Comm. on Ballistic Missile Defense, at 7 (July 19, 2001) (located at <http://www.pentagon.mil/speeches/2001/s20010719-depsecdef2.html>) (discussing possibility that congressional action might “leave the president no choice but to withdraw from the [ABM] treaty unilaterally”).
4. Undisputed.
5. Immaterial but undisputed that this paragraph correctly describes H.R. 313 (107th Cong.).

6. Immaterial but undisputed that the quoted language comes from the referenced statements of Senator Thomas Daschle. The remainder of this paragraph contains plaintiffs' characterizations of these statements, and not facts.

7. Immaterial but undisputed that the quoted language comes from the referenced statement issued by Senator Carl Levin. The remainder of this paragraph contains plaintiffs' characterizations of this statement, and not facts.

8. Immaterial but undisputed that this paragraph correctly describes the referenced statements of Senator Joseph Biden.

9. Immaterial but undisputed that this paragraph correctly describes the referenced resolution.

10. Immaterial but undisputed.

11. Immaterial but undisputed that this paragraph correctly describes the referenced resolution.

12. Immaterial but undisputed.

13. Undisputed.

Dated: September 13, 2002

Respectfully submitted,

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