



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

October 5, 2018

Mr. Gabe Roth
Fix the Court
1440 G Street NW, Suite 801
Washington, DC 20005
gabe@fixthecourt.com

Re: DOJ-2018-007104 (OLP)
18-cv-02091 (D.D.C.)
VRB:SJD

Dear Mr. Roth:

This is an interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on July 24, 2018, for correspondence between the Office of Legal Policy and Brett Kavanaugh from January 20, 2001 to May 30, 2006. This response is made on behalf of the Office of Legal Policy (OLP).

Please be advised that initial searches have been conducted on behalf of OLP, and records responsive to your request have been located. At this time, I have determined that seventy-four pages containing records responsive to your request are appropriate for release with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Laura Hunt of the Department's Civil Division, Federal Programs Branch at (202) 616-8207.

Sincerely,

A handwritten signature in blue ink, appearing to read "V-R-B", with a long horizontal flourish extending to the right.

Vanessa R. Brinkmann
Senior Counsel

Enclosures

Willett, Don

From: Willett, Don
Sent: Wednesday, April 24, 2002 9:53 AM
To: Dinh, Viet; Newstead, Jennifer; 'brett_m._kavanaugh@who.eop.gov'; Bartolomucci (E-mail); Brad Berenson (E-mail); Goodling, Monica; Anne Womack (E-mail); 'tim_goeglein@who.eop.gov'; Heather Wingate (E-mail); Alex Dahl (E-mail); Manuel Miranda (E-mail)
Subject: CJ Rehnquist Statements from the 2001 Year-End Report re. the Vacancy Crisis
Attachments: TPs -- Chief Justice 2001 Report.wpd

Quotations by Chief Justice William Rehnquist*

Terrorist Attacks

- "During times such as these, the role of the courts becomes even more important in order to enforce the rule of law. To continue functioning effectively and efficiently, however, the courts must be appropriately staffed. This means that necessary judgeships must be created and judicial vacancies must be timely filled with well-qualified candidates." (p. 2)

Lengthy Confirmation Process Deters Qualified Candidates

- "It is becoming increasingly difficult to find qualified candidates for federal judicial vacancies. This is particularly true in the case of lawyers in private practice. There are two reasons for these difficulties: the relatively low pay that federal judges receive, compared to the amount that a successful, experienced practicing lawyer can make, and the often lengthy and unpleasant nature of the confirmation process." (p. 2)
- "But for lawyers coming directly from private practice, there is both a strong financial disincentive and the possibility of losing clients in the course of the wait for a confirmation vote." (p. 4)

Chief Justice Specifically Urges Prompt Action

- "The Senate ought to act with reasonable promptness and to vote each nominee up or down. The Senate is not, of course, obliged to confirm any particular nominee. But it ought to act on each nominee and to do so within a reasonable time. I recognize that the Senate has been faced with many challenges this year, but I urge prompt attention to the challenge of bringing the federal judicial branch closer to full staffing." (p. 3)
- "On behalf of the Judiciary, I ask Congress to raise the salaries of the federal judges, and I ask the Senate to schedule up or down votes on judicial nominees within a reasonable time after receiving the nomination." (p. 5)

Alarming Number of Judicial Vacancies

- "Despite an alarming number of judicial vacancies, our courts continue to serve as a standard of excellence around the world." (p. 17)

**Source for all quotations is the Chief Justice's 2001 Year-End Report on the Federal Judiciary, released on Tuesday, January 1, 2002.*

Willett, Don

From: Willett, Don
Sent: Friday, July 12, 2002 3:17 PM
To: (b)(6) Barbara Ledeen Senate Email; Keefer, Wendy J; Corallo, Mark; Goodling, Monica; Dinh, Viet; Koebele, Steve; Sales, Nathan; Remington, Kristi L; Charnes, Adam; O'Brien, Pat; 'Tim_Goeglein@who.eop.gov'; 'anne_womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; (b)(6) Jennifer Oschal email; 'alex_dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'heather_wingate@who.eop.gov'; (b)(6) Kay Daly email; (b)(6) Kay Daly email
Subject: Re: anti-Owen briefing by TPJ at the Nat'l Press Club nex

BL, I'm in a mtg right now with GOP counsels on Judiciary, and there's strong agreement here that there needs to be a strong jam-back in the same new cycle. Having CFJ folks there at the TPJ event to buttonhole media and rebut charges is terrific, but the consensus at this R-side counsel mtg is that there needs to be an immediate and more formal countervailing event, maybe sponsored by CFJ, but featuring strong, articulate folks who can effectively separate fact from fiction re. Justice Owen and her record.

--- Sent from my BlackBerry.

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

From: Barbara Ledeen <(b)(6) Barbara Ledeen Senate Email>
To: Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>; Willett, Don <Don.Willett@USDOJ.gov>; Corallo, Mark <Mark.Corallo@USDOJ.gov>; Goodling, Monica <Monica.Goodling@USDOJ.gov>; Dinh, Viet <Viet.Dinh@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>; Sales, Nathan <Nathan.Sales@USDOJ.gov>; Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Charnes, Adam <Adam.Charnes@USDOJ.gov>; O'Brien, Pat <Pat.O'Brien@USDOJ.gov>; 'Tim(u)Goeglein(a)who.eop.gov' <Tim_Goeglein@who.eop.gov>; 'anne(u)womack(a)who.eop.gov' <anne_womack@who.eop.gov>; 'brett(u)m.(u)kavanaugh(a)who.eop.gov' <brett_m._kavanaugh@who.eop.gov>; (b)(6) Jennifer Oschal email; (b)(6) Jennifer Oschal email; 'alex(u)dahl(a)judiciary.senate.gov' <alex_dahl@judiciary.senate.gov>; 'Manuel(u)Miranda(a)judiciary.senate.gov' <Manuel_Miranda@judiciary.senate.gov>; 'heather(u)wingate(a)who.eop.gov' <heather_wingate@who.eop.gov>; (b)(6) Kay Daly email
Sent: Fri Jul 12 14:00:01 2002
Subject: Re[2]: anti-Owen briefing by TPJ at the Nat'l Press Club nex

The tort reform people cannot come to town on Monday--they will be here wed. so i think we will have the members of the coalition for a fair judiciary on monday and the tort reofrm people and the lowyers on wed. OK?

Barbara Ledeen
Director of Coalitions
Senate Republican Conference
(b)(6)

Reply: Senator

Subject: Re: anti-Owen briefing by

_____ Reply Separator _____ Subject: Re: anti-Owen briefing by TPJ at the Nat'l Press Club next M Author: "Keefer; Wendy J" <Wendy.J.Keefer@usdoj.gov> Date: 7/12/2002 1:43 PM

Great idea, I actually just got a message from ATRA that they are standing by to help on all our judicial nominees. I will send the contact info to Barbara

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

From: Barbara Ledeen <b(6) Barbara Ledeen Senate Email>
To: Willett, Don <Don.Willett@USDOJ.gov>; Corallo, Mark <Mark.Corallo@USDOJ.gov>; Goodling, Monica <Monica.Goodling@USDOJ.gov>; Dinh, Viet <Viet.Dinh@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>; Sales, Nathan <Nathan.Sales@USDOJ.gov>; Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Keefer, Wendy J <Wendy.J.Keefer@USDOJ.gov>; Charnes, Adam <Adam.Charnes@USDOJ.gov>; O'Brien, Pat <Pat.O'Brien@USDOJ.gov>; Tim Goeglein (E-mail) <Tim_Goeglein@who.eop.gov>; Anne Womack (E-mail) <anne_womack@who.eop.gov>; brett_m._kavanaugh@who.eop.gov <brett_m._kavanaugh@who.eop.gov>; Jennifer Oschal (E-mail) <b(6) Jennifer Oschal email>
Alex Dahl (E-mail) <alex_dahl@judiciary.senate.gov>; Manuel_Miranda@judiciary.senate.gov <Manuel_Miranda@judiciary.senate.gov>; Heather Wingate (E-mail) <heather_wingate@who.eop.gov>; Kay Daly (E-mail) <b(6) Kay Daly email>
Sent: Fri Jul 12 11:03:51 2002
Subject: Re:anti-Owen briefing by TPJ at the Nat'l Press Club next Mo

I think we should get the American Tort Reform Association, the Texas Tort Reform group and any other organizations of that sort to have a counter press conference at the same time.

Barbara Ledeen
Director of Coalitions
Senate Republican Conference

(b) (6)

_____ Reply Separator _____ Subject: anti-Owen briefing by TPJ at the Nat'l Press Club next Mon.
Author: "Willett; Don" <Don.Willett@usdoj.gov> Date: 7/12/2002 9:38 AM

July 15, 2002

ORGANIZATION: Texans for Public Justice - holds a briefing to oppose Priscilla Owen's nomination to the Fifth Circuit Court of Appeals.

TIME: 10 a.m.

LOCATION: National Press Club, 14th and F Streets NW, Zenger Room, Washington, DC

CONTACT: 512-472-9770

TYPE: Briefing

SUBJECT: Judiciary;

LOAD-DATE: July 11, 2002

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 004210A1; Fri, 12 Jul 2002 10:55:31 -0400 Received: from wdcsun022.usdoj.gov (wdcsun4.usdoj.gov) by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10) with SMTP id <0GZ5004JV5G8JC@mailsims1.senate.gov> for **b(6) Barbara Ledeen Senate Email** Fri, 12 Jul 2002 10:55:21 -0400 (EDT) Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15) with ESMTMP id GZ55FW00.X1G; Fri, 12 Jul 2002 10:55:08 -0400 Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_24419)/8.9.3) id KAA16422; Fri, 12 Jul 2002 10:55:07 -0400 (EDT) Received: by TELEMAIL; Fri, 12 Jul 2002 09:38:47 -0400 Date: Fri, 12 Jul 2002 09:38:48 -0400 From: "Willett, Don" <Don.Willett@usdoj.gov> Subject: anti-Owen briefing by TPJ at the Nat'l Press Club next Mon.

To: "Corallo, Mark" <Mark.Corallo@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Dinh, Viet" <Viet.Dinh@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Koebele, Steve" <Steve.Koebele@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Charnes, Adam" <Adam.Charnes@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "O'Brien, Pat" <Pat.O'Brien@usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Tim Goeglein (E-mail)" <Tim_Goeglein@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested), "Anne Womack (E-mail)" <anne_womack@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested), "Brett Kavanaugh (E-mail)" <brett_m._kavanaugh@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested), "Jennifer Oschal (E-mail)" **b(6) Jennifer Oschal email** (Receipt Notification Requested) (IPM Return Requested), "Barbara Ledeen (E-mail)" **b(6) Barbara Ledeen Senate Email** (Receipt Notification Requested) (IPM Return Requested), "Alex Dahl (E-mail)" <alex_dahl@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested), "Manuel Miranda (E-mail)" <Manuel_Miranda@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested), "Heather Wingate (E-mail)" <heather_wingate@who.eop.gov> (Receipt Notification Requested) (IPM Return Requested), "Kay Daly (E-mail)" **b(6) Kay Daly email** (Receipt Notification Requested) (IPM Return Requested) Message-id: <"JMD0081-020712133847Z-392276*/PRMD=USDOJ-JCON/ADMD= /C=US/"@MHS>

Autoforwarded: FALSE Content-identifier: anti-Owen briefi MIME-version: 1.0 X-Mailer: NetJunction (NetJunction 5.1.1-p2)/MIME Content-type: TEXT/PLAIN; CHARSET=US-ASCII Importance: Normal Original-encoded-information-types: IA5-Text Priority: Normal Precedence: first-class UA-content-id: anti-Owen briefi X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US;/JMD0081-020712133847Z-392276] X-Priority: 3 (Normal) Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 00422E45; Fri, 12 Jul 2002 13:43:55 -0400 Received: from wdcsun022.usdoj.gov (wdcsun4.usdoj.gov) by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10) with SMTP id <0GZ5008GMD9GKX@mailsims1.senate.gov> for **b(6) Barbara Ledeen Senate Email** Fri, 12 Jul 2002 13:44:05 -0400 (EDT) Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15) with

wt6.usdoj.gov (localhost [127.0.0.1]) by wt6usdoj22.usdoj.gov (Netscape Messaging Server 4.10) with
ESMTP id GZ5D9301.Q51; Fri, 12 Jul 2002 13:43:51 -0400 Received: (from x400@localhost) by
wt6.usdoj.gov (8.9.3 (PHNE_24419)/8.9.3) id NAA04434; Fri, 12 Jul 2002 13:43:51 -0400 (EDT)
Received: by TELEMAIL; Fri, 12 Jul 2002 13:43:09 -0400 Date: Fri, 12 Jul 2002 13:43:10 -0400
From: "Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> Subject: Re: anti-Owen briefing by TPJ at the
Nat'l Press Club next Mo To: "Willett, Don" <Don.Willett@usdoj.gov>, "Corallo, Mark"
<Mark.Corallo@usdoj.gov>, "Goodling, Monica" <Monica.Goodling@usdoj.gov>, "Dinh, Viet"
<Viet.Dinh@usdoj.gov>, "Koebele, Steve" <Steve.Koebele@usdoj.gov>, "Sales, Nathan"
<Nathan.Sales@usdoj.gov>, "Remington, Kristi L" <Kristi.L.Remington@usdoj.gov>, "Charnes, Adam"
<Adam.Charnes@usdoj.gov>, "O'Brien, Pat" <Pat.O'Brien@usdoj.gov>, "b(6) Barbara Ledeen Senate Email"
<[REDACTED]>, "Tim_Goeglein@who.eop.gov"
<Tim_Goeglein@who.eop.gov>, "anne_womack@who.eop.gov" <anne_womack@who.eop.gov
>, "brett_m._kavanaugh@who.eop.gov" <brett_m._kavanaugh@who.eop.gov>, "b(6) Jennifer Oschal email"
<[REDACTED]>, "alex_dahl@judiciary.senate.gov" <alex_dahl@judiciary.senate.g
ov>, "Manuel_Miranda@judiciary.senate.gov" <Manuel_Miranda@judiciary.senate.g
ov>, "heather_wingate@who.eop.gov" <heather_wingate@who.eop.gov>, "b(6) Kay Daly email"
<[REDACTED]> Message-id: <"JMD0081-020712174309Z-395927*/PRMD=USDOJ-JCON/A
DMD= /C=US/"@MHS> Autoforwarded: FALSE Content-identifier: Re: anti-Owen br MIME-version: 1.0 X-
Mailer: NetJunction (NetJunction 5.1.1-p2)/MIME Content-type: TEXT/PLAIN; CHARSET=US-ASCII
Importance: Normal Original-encoded-information-types: IA5-Text Priority: Normal Precedence: first-
class UA-content-id: Re: anti-Owen br X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US;/JMD0081-
020712174309Z-395927] X-Priority: 3 (Normal)

Sales, Nathan

From: Sales, Nathan
Sent: Friday, July 12, 2002 6:14 PM
To: Scottfinan, Nancy; **b(6) Jennifer Oschal email**; Willett, Don; Dinh, Viet; O'Brien, Pat; Goodling, Monica; Corallo, Mark; Charnes, Adam; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; 'Anne_Womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; 'Heather_Wingate@who.eop.gov'; 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Googlein@who.eop.gov'; 'Matthew_E_Smith@who.eop.gov'; 'joe_jacquot@hutchison.senate.gov'; **b(6) Kay Daly email**; **b(6) Barbara Ledeen Senate Email**
Subject: RE: REMINDER -- daily conf. call re. Priscilla Owen nomination -- 6:00-6:30

The crack DOJ telecommunications staff screwed it up.

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

From: Scottfinan, Nancy
Sent: Friday, July 12, 2002 6:08 PM
To: **b(6) Jennifer Oschal email**; Willett, Don; Dinh, Viet; O'Brien, Pat; Goodling, Monica; Corallo, Mark; Charnes, Adam; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; 'Anne_Womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; 'Heather_Wingate@who.eop.gov'; 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Googlein@who.eop.gov'; 'Matthew_E_Smith@who.eop.gov'; 'joe_jacquot@hutchison.senate.gov'; **b(6) Kay Daly email**; **b(6) Barbara Ledeen Senate Email**
Subject: RE: REMINDER -- daily conf. call re. Priscilla Owen nomination -- 6:00-6:30

Neither can I! I keep getting country music and recordings that the conference is restricted!

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

From: Jennifer Oschal [mailto:**b(6) Jennifer Oschal email**]
Sent: Friday, July 12, 2002 6:06 PM
To: Willett, Don; Dinh, Viet; O'Brien, Pat; Scottfinan, Nancy; Goodling, Monica; Corallo, Mark; Charnes, Adam; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; Anne_Womack@who.eop.gov; brett_m._kavanaugh@who.eop.gov; Heather_Wingate@who.eop.gov; Alex_Dahl@judiciary.senate.gov; Manuel_Miranda@judiciary.senate.gov; Tim_Googlein@who.eop.gov; Matthew_E_Smith@who.eop.gov; joe_jacquot@hutchison.senate.gov; **b(6) Kay Daly email**; **b(6) Barbara Ledeen Senate Email**
Subject: RE: REMINDER -- daily conf. call re. Priscilla Owen nomination -- 6:00-6:30

Willett, Don

From: Willett, Don
Sent: Friday, July 19, 2002 6:41 PM
To: Koebele, Steve
Cc: Remington, Kristi L; Charnes, Adam; Sales, Nathan; Keefer, Wendy J; Brett Kavanaugh (E-mail); Anne Womack (E-mail); Goodling, Monica; Dinh, Viet; Anne Womack (E-mail); Manuel Miranda (E-mail); Alex Dahl (E-mail)
Subject: RE: Here is the final Version

great letter; let's get a signed PDF version asap so we can blast around

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

From: Koebele, Steve
Sent: Friday, July 19, 2002 6:38 PM
To: Willett, Don
Subject: Fw: Here is the final Version

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

From: Price, Gwen L. <GPrice@lockeliddell.com>
To: Koebele, Steve <Steve.Koebele@USDOJ.gov>
Sent: Fri Jul 19 18:25:36 2002
Subject: Here is the final Version

Signatures in PDF format will be sent to you on Monday.

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

From: Shrader, Duane
Sent: Friday, July 19, 2002 5:16 PM
To: Price, Gwen L.
Cc: Gonzalez, Raul A.
Subject: PDF Document

5jp604!.pdf
<<5jp604!.pdf>>

Sales, Nathan

From: Sales, Nathan
Sent: Sunday, July 21, 2002 6:35 PM
To: Willett, Don; 'Anne Womack (E-mail)'; Goodling, Monica
Cc: Dinh, Viet; Remington, Kristi L; Koebele, Steve; 'Brett Kavanaugh (E-mail)'; 'Manuel Miranda (E-mail)'; 'Alex Dahl (E-mail)'
Subject: RE: we've reformatted the John Hill op-ed (which no paper has picked up) into a strong pro-Owen letter

[Also, we can have a PDF version tomorrow AM.](#)

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

From: Willett, Don
Sent: Sunday, July 21, 2002 6:34 PM
To: Anne Womack (E-mail); Goodling, Monica
Cc: Dinh, Viet; Remington, Kristi L; Sales, Nathan; Koebele, Steve; Brett Kavanaugh (E-mail); Manuel Miranda (E-mail); Alex Dahl (E-mail)
Subject: we've reformatted the John Hill op-ed (which no paper has picked up) into a strong pro-Owen letter

Here it is, complete with electronic signature.

Please blast around far and wide.

<< File: John Hill letter.DOC >>

Willett, Don

From: Willett, Don
Sent: Monday, July 22, 2002 12:58 PM
To: Anne Womack (E-mail); Goodling, Monica; Manuel Miranda (E-mail); Alex Dahl (E-mail); Dinh, Viet; Heather Wingate (E-mail); Brett Kavanaugh (E-mail); Sales, Nathan; Remington, Kristi L; Koebele, Steve; Barbara Ledeen (E-mail); Kay Daly (E-mail)
Subject: new pro-Owen letter from a D
Attachments: robinson.pdf

Below is a letter from a former Texas Supreme Court law clerk (not one of Owen's). The writer is a D and served on Ann Richards' re-election campaign (against then-challenger Bush) in '94.

Worthy of WIDE circulation.

DRW

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

From: Sutton, Jason
Sent: Monday, July 22, 2002 12:53 PM
To: Willett, Don
Subject: robinson.pdf

robinson.pdf



500 N. Akard Street, Suite 4000
Dallas, Texas 75201-3387
Phone: 214.758.1000
Fax: 214.758.1010

July 19, 2002

Senator Patrick J. Leahy
433 Russell Senate Office Building
United States Senate
Washington, DC 20510

Via Facsimile

Re: Justice Priscilla R. Owen

Dear Senator Leahy:

I am a lawyer at Bracewell & Patterson, L.L.P. in Dallas, Texas. I am writing you because I know Justice Priscilla R. Owen personally and am confident that she will be an asset to our Fifth Circuit. I had the privilege to work as a briefing attorney for the Supreme Court of Texas from 1999-2000. In that capacity, I observed Justice Owen on a daily basis. My first impression of her was that she was very quiet, shy, and would not be very vocal during discussions with her colleagues. I was wrong. Justice Owen is extremely intelligent, and more importantly, she took her job as a Justice seriously. I had no doubt that she read all of the numerous petitions we had each week, and she was prepared to advocate her position on each one. I admired her for being a good listener and for standing up for her opinions. When I think of Justice Owen, I think of a judge who is thorough in her analysis, dedicated to doing the "right thing" versus what makes sense politically, and a prodigious writer. Additionally, I recall during oral arguments that Justice Owen was not bashful about asking counsel the most challenging questions. This type of dialogue benefits the bench and bar.

Besides her obvious competency as a Judge, I also admire Justice Owen as a person. She is very humble and kind. She takes a particular interest in women's, children's, and family matters. Each Christmas, the Court had an auction for a children's charity. Justice Owen was an enthusiastic supporter. I also appreciate how much time she volunteers to judge law school moot court competitions. I have been a competitor and now coach of the Southern Methodist University School of Law moot court team. In my five years of participation, I do not recall Justice Owen ever missing an opportunity to judge the final round at the Texas Young Lawyers' Association moot court competition.

This is the first time that I have written to a United States Senator. I grew up in Canton, Ohio, and relocated to Texas when I worked on Governor Ann Richards' re-election campaign in 1994. Although I identify myself as a Democrat, I will always vote for a



Senator Patrick J. Leahy

July 19, 2002

Page 2

person and not for a party. Justice Owen is a person I whole-heartedly endorse because she is a woman with an impeccable character. I am confident that she is the right choice for our Fifth Circuit.

Very truly yours,

Bracewell & Patterson, L.L.P.

A handwritten signature in cursive script that reads 'Tricia J. Robinson'.

Tricia J. Robinson

TJR/jab

171690.1

** TOTAL PAGE.03 **

Sales, Nathan

From: Sales, Nathan
Sent: Monday, July 22, 2002 7:13 PM
To: Willett, Don; Remington, Kristi L; Koebele, Steve; Brett Kavanaugh (E-mail);
Manuel Miranda (E-mail); Alex Dahl (E-mail)
Subject: Fifth Circuit Stats
Attachments: Fifth Circuit Statistics.doc

Per this morning's meeting, here's a one-pager on 5th Cir. stats.

Fifth Circuit Statistics

- Of the **17** authorized seats on the Fifth Circuit, **five** judges were appointed by Democrat presidents and **ten** were appointed by Republicans. There are **two** vacancies, including the one to which Justice Owen has been nominated.
- Prior to the confirmation of Edith Brown Clement on October 4, 2001, the previous **four** appointees were Democrat appointees. The Fifth Circuit had gone an **entire decade** without a Republican appointee.
 - Judge Harold DeMoss, a Bush 41 appointee, began service on December 2, 1991. President Bush subsequently nominated another Fifth Circuit nominee (Sidney Fitzwater), but the candidate never received a hearing.
- The Fifth Circuit's decisions have fared quite well before the Supreme Court, especially in comparison to notoriously activist jurisdictions such as the Ninth Circuit.
 - Between 1985 and 1997, the Supreme Court reversed the Fifth Circuit **61** times, a reversal rate of just **0.16%**. During that same period, the Court reversed the Ninth Circuit fully **142** times, a reversal rate nearly **three times** that of the Fifth Circuit.
 - Between 1985 and 1997, the Fifth Circuit was summarily reversed just **twice**. By contrast, the Ninth Circuit was summarily reversed **fifteen times** over the same period.

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Friday, August 2, 2002 2:30 PM
To: Mashburn, John (Lott)
Cc: Willett, Don; O'Brien, Pat; Dinh, Viet; mashburn, john (lott); lincoln oliphant; gregg willhauck; john abegg; ed_haden@judiciary.senate.gov; **b(6) Stephen Higgins Senate Email** katie_gumerson@aml.senate.gov; makan_delrahim@judiciary.senate.gov; bob_taylor@aml.senate.gov; manuel miranda at judiciary (e-mail); alex dahl (e-mail); brian benczkowski (e-mail); randy brandt (e-mail); barbara ledeen (e-mail); joe matal at judiciary (e-mail)
Subject: judges charts
Attachments: judges chart 8 2 02.doc; judges wait more than a year 8 2 02.doc

some updated charts

(See attached file: judges chart 8 2 02.doc)(See attached file: judges wait more than a year 8 2 02.doc)

Judicial Appointments
Historical Comparison: First Two Years of a Presidency

President	Nominations Submitted	Nominees Confirmed	Percentage Of Nominees Confirmed	Circuit Court Nominations Submitted	Circuit Court Nominees Confirmed	Circuit Court Percentage of Nominees Confirmed
G.W. Bush <small>(as of Aug. '02 Senate recess)</small>	123	72	59%	32	13	41%
Clinton	140	126	90%	22	19	86%
George H.W. Bush	74	70	95%	23	22	96%
Reagan	88	87	99%	20	19	95%

Judicial Appointments
Historical Comparison: First Two Years of a Presidency

President	Circuit Court Nominees who waited more than a year for a hearing
G.W. Bush <small>(as of August 2002)</small>	11
Clinton	0
George H.W. Bush	0
Reagan	0

Sales, Nathan

From: Sales, Nathan
Sent: Friday, August 30, 2002 2:03 PM
To: Dinh, Viet; Charnes, Adam; 'Brett_M._Kavanaugh@who.eop.gov'; Willett, Don; Remington, Kristi L; Goodling, Monica; O'Brien, Pat; Koebele, Steve; Keefer, Wendy J; 'Heather_Wingate@who.eop.gov'; 'Anne_Womack@who.eop.gov'; 'kay daly (e-mail)'; 'barbara ledeen (e-mail)'; 'leonard leo (e-mail)'; 'jennifer oschal (e-mail)'
Subject: Jipping on Owen and Biden
Attachments: WT piece on Owen_.doc

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

From: Tom Jipping [mailto:Tjipping@cwfa.org]
Sent: Friday, August 30, 2002 1:50 PM
To: Sales, Nathan; 'tim(u)goeglein(a)who.eop.gov'; 'ed(u)haden(a)judiciary.senate.gov'; 'manuel(u)miranda(a)judiciary.senate.gov'
Subject: This will be in the Washington Times on Tuesday 9-3-02

The Senate Judiciary Committee's vote on Priscilla Owen's appeals court nomination will reveal the health of the judicial confirmation process.

Qualifications really mattered once. On June 24, 1986, Judiciary Committee member Joseph Biden (D-DE) explained that he would vote for judicial nominees with "the earmarks of excellence, intellectual capability, high achievement, and demonstrated excellence in the law and the requisite judicial temperament." A member of the Texas Supreme Court since 1994, Justice Owen received a unanimous "Well Qualified" rating from the American Bar Association, once praised by Democrats as the "gold standard."

Democrats once opposed partisanship. On March 19, 1997, Judiciary Committee member Edward Kennedy (D-MA) said it is "time to end the excessive partisanship over judicial nominations." On June 16, 1997, Judiciary Committee Chairman Patrick Leahy (D-VT) said that "if there is one area where partisan politics should not be allowed, it is in the area of the federal judiciary."

Democrats once opposed litmus tests. On April 14, 1994, then-Chairman Biden condemned as "inappropriate" the fact that some critics of a female appeals court nominee "object to some of her decisions and therefore her confirmation on ideological grounds." On March 19, 1997, he said if judicial nominees "will be [persons] of their word and follow [precedent], it does not matter to me what their ideology is." On July 10, 1997, Sen. Leahy said he hoped "that no senator is imposing an ideological litmus test on judicial nominations." On March 17, 1998, he warned the Senate not to head "down a road toward an ideological litmus test."

Democrats once said that judicial nominees deserve a vote by the full Senate. On March 19, 1997, Sen. Biden said that "everyone who is nominated is entitled to ... have a hearing and to have ... a vote on the [Senate] floor.... We in the Judiciary Committee have the right to give advice to the Senate, but it is the Senate that gives its advice and consent on judicial nominations." On September 28, 1998, Judiciary Committee member Richard Durbin (D-IL) said that 150 days was too long for a nominee to wait without a full Senate vote (Justice Owen was nominated 476 days ago). In fact, in the past 60 years, the Senate Judiciary Committee has voted to prevent a judicial nominee from reaching the full Senate just five times.

That was then, this is now. Despite Justice Owen's qualifications, community service, and widespread support in Texas, far-left political interest groups have ordered Democrat senators to oppose her on purely ideological grounds. Abortion extremists, for example, say Justice Owen has a "strong personal bias against the right to choose" based on a few votes in parental notification cases. Yet Justice Owen was in the majority in nine of those 12 cases, dissenting only three times to uphold the decision of two lower courts requiring notification. The liberal Washington Post said on July 24 that these three votes were not "beyond the range of reasonable judicial disagreement." Will senators once opposed to litmus tests vote against a qualified nominee because of three votes that even a liberal editorial page says are reasonable?

Sen. Biden has outlined the better course. On April 19, 1994, he said he would support nominees who have “the capacity, competence, and temperament,” who are “of good character” and “free of conflict of interest,” and who will “faithfully apply the Constitution and the precedents of the Supreme Court.” According to the ABA, its “well qualified” rating means that Justice Owen is “at the top of the legal profession” and has “outstanding legal ability, breadth of experience,” and “the highest reputation for integrity.”

As if he were speaking today about the Owen nomination, Sen. Biden said on June 24, 1986, that a judicial confirmation “is not about right to life, it is not about conservative or liberal, it is not about Democrat or Republican. It is about intellectual and professional competence to serve as a member of the third coequal branch of the government.” And so it should be today.

Will senators capitulate to the far-left groups that want them to ignore qualifications and impose ideological litmus tests? Will they vote against Justice Owen because they disagree about the outcome of some cases? Or will they instead use the standard Sen. Biden outlined on September 17, 1986: “[T]he fact that I may disagree with the nominee about the outcome of one or another matter within the legitimate parameters of debate is not enough” to oppose a nominee?

The Judiciary Committee’s vote will speak volumes.

Thomas L. Jipping, J.D., is Senior Fellow in Legal Studies at Concerned Women for America, the nation’s largest public policy women’s organization.

Koebele, Steve

From: Koebele, Steve
Sent: Wednesday, September 04, 2002 12:26 PM
To: 'Manuel_Miranda@judiciary.senate.gov [b(6) Barbara Ledeen Senate Email]';
'heather_wingate@who.eop.gov'; 'Anne_Womack@who.eop.gov'; Remington,
Kristi L
Cc: 'brett_m._kavanaugh@who.eop.go [b(6) Jennifer Oschal email]'; Dinh, Viet; Charnes,
Adam; Willett, Don
Subject: Editorial - Owen in DMN - Attached
Attachments: Editorial-DMN 09-04-02.pdf

Attached in PDF form is the Owen confirmation endorsement editorial that was published in today's Dallas Morning News.

Thank you, Steve.

The Dallas Morning News

Established October 1, 1885

Wednesday, September 4, 2002

EDITORIALS

Confirm Her

Senate panel should approve Priscilla Owen

The president has nominated. The Senate Judiciary Committee has reviewed. And the moment has arrived for a vote. The committee should confirm Texas Supreme Court Justice Priscilla Owen's nomination to the 5th U.S. Circuit Court of Appeals when it reconvenes Thursday. The panel should move speedily to send her nomination to the Senate floor.

Democratic Sens. Dianne Feinstein and Joseph Biden will feel pressure to join the panel's Democrats in opposing Justice Owen. But we urge the pair to support the justice in light of her strong credentials. Both senators enjoy a reputation for fair-mindedness, and they could lead by rising above the gamesmanship that has gripped both parties in approving judicial appointments lately.

Priscilla Owen is not a judicial lightweight. Sens. Feinstein and Biden may disagree with some of her conclusions, but the Baylor Law School graduate is not outside the norms of American jurisprudence. Indeed, the American Bar Association has given her a unanimous "well-qualified" rating. And the ABA has never been accused of being a hideout for conservative extremists.

What's more, Ms. Owen scored higher than

any other applicant when she took the Texas bar exam. She served 17 years as a lawyer for Andrews & Kurth, one of Texas' premier law firms. These credentials and her personal integrity explain why a bipartisan group of Texas bar leaders — including former Texas Supreme Court member and Attorney General John Hill, a prominent Democrat — went to Washington in July to support her nomination.

Though her opponents have tried to paint Ms. Owen as someone tainted by campaign contributions, her record shows that, to the contrary, she has been a staunch supporter of judicial reform who has placed voluntary limits on donations to her campaigns.

The judicial nomination process has become a raw game of power. The party that does not control the presidency tries to block nominations until the next election. We would understand why Democrats would not want to appoint Ms. Owen if she were unfit. But she has the brainpower, experience and temperament to serve ably on an appellate court.

By recognizing those qualities, Sens. Biden and Feinstein could make sure that the Owen nomination moves to the Senate floor when the Judiciary Committee reconvenes Thursday. The gamesmanship needs to end.

Koebele, Steve

From: Koebele, Steve
Sent: Thursday, September 5, 2002 9:29 AM
To: 'Manuel Miranda@judiciary.senate.gov' b(6) Barbara Ledeen Senate Email
b(6) Jennifer Oschal email b(6) Kay Daly email Willett, Don; Remington, Kristi L; Dinh,
Viet; Charnes, Adam
Cc: 'Ed_Haden@judiciary.senate.gov'; 'heather_wingate@who.eop.gov';
'brett_m._kavanaugh@who.eop.gov'; 'Anne_Womack@who.eop.gov'
Subject: Wall Street Journal - Owen Editorial
Attachments: Editorial-WSJ 09-05-02.pdf

Attached in PDF form is today's WSJ editorial. Thank you, Steve.

Too Smart for the Senate

Priscilla Owen isn't exactly a household name. But what happens to her today in the Senate Judiciary Committee will say a lot about President Bush's legacy in the federal courts—to wit, whether the 10 liberal Democrats who form the majority will allow him to have one.

The Gang of Ten is scheduled to vote on Judge Owen's nomination to the Fifth Circuit Court of Appeals, and she ought to be an easy sale. Currently on the Texas Supreme Court, she is one of the best legal minds of her generation and at age 47 is potential Supreme Court material. She's a conservative, but the liberal American Bar Association gave her its highest rating—a unanimous well-qualified.

There was a time that jurists of her intellectual caliber were welcomed by Senators of both parties, but no more. Barring a last-minute bout of conscience, Democrats seem ready to pull a Pickering—that is, kill Judge Owen's nomination in committee and deny her a vote of the full Senate. This was the treatment meted out to Charles Pickering Sr. last March, when the Mississippi judge's nomination was stopped before moderate Democrats got a chance to vote for him. If Judge Owen were to reach the Senate floor, she too would be confirmed with Democratic support.

Political war over judges isn't new, but the Judiciary Democrats are taking it to an entirely new level. Chairman Pat Leahy won't even schedule hearing dates for the best appeals-court nominees; six of Mr. Bush's first 11 picks are still waiting, 16 months after being

nominated. That includes legal luminaries Miguel Estrada, Jeff Sutton, John Roberts and Michael McConnell, who, like Judge Owen, are potential Supreme Court candidates—which is their real sin in liberal Democratic eyes.

But maybe they're

Senate Democrats prepare to kill one more judicial nomination.

the lucky ones. Judge Pickering had to endure race-baiting that African-Americans in

his home state deplored. D. Brooks Smith was confirmed, amid phony charges of sexism, only because Senator Arlen Specter called in chits for his fellow Pennsylvanian.

Judge Owen's fate is to be called "anti-abortion" because she's upheld Texas's parental-notification law—a view supported by more than two-thirds of Americans and the U.S. Supreme Court. Her critics also make the dishonest charge that even the President's own lawyer, Alberto Gonzales, who served with her on the Texas Supreme Court, thinks she's a judicial "activist." Mr. Gonzales has denied this repeatedly, and as White House counsel had a big say in her nomination.

There's more at stake here than the fate of one accomplished jurist. There's also the Constitutional "advise and consent" process that throughout U.S. history has meant that the entire Senate should work its will. The liberal Judiciary 10 are denying to this President a Constitutional right that Presidents Reagan, Clinton and George H.W. Bush were all granted by Senates controlled by the opposite party. We hope those Senate Democrats who want to be President understand that the same thing could happen to them.

Sales, Nathan

From: Sales, Nathan
Sent: Thursday, September 12, 2002 12:02 PM
To: Charnes, Adam; **(b) (6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'
Subject: RE: Miguel Estrada Conference Call

That conflicts with a 6:00 McConnell conference call. Is there any way to have the Estrada call earlier?

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

From: Charnes, Adam
Sent: Thursday, September 12, 2002 12:01 PM
To: Charnes, Adam; **(b) (6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'
Subject: RE: Miguel Estrada Conference Call
Importance: High

The time for this call today has been changed to 6:15 pm. Sorry for any inconvenience. The dial-in info stays the same.

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

From: Charnes, Adam
Sent: Wednesday, September 11, 2002 1:54 PM
To: **(b) (6)**; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'
Subject: RE: Miguel Estrada Conference Call

The dial-in info:

Dial In: **(b) (6)**
Passcode: **(b) (6)**

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

From: Jennifer Oschal [mailto:**(b) (6)**]
Sent: Tuesday, September 10, 2002 11:13 AM
To: Charnes, Adam; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; Manuel Miranda (E-mail); Brett M. Kavanaugh (E-mail)
Subject: RE: Miguel Estrada Conference Call

time works fine. I will let others know and let you know who I've invited

Sales, Nathan

From: Sales, Nathan
Sent: Thursday, September 12, 2002 6:03 PM
To: Charnes, Adam; **b(6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'; 'Rena Johnson'
Subject: RE: Miguel Estrada Conference Call

Fine by me.

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

From: Charnes, Adam
Sent: Thursday, September 12, 2002 6:02 PM
To: **b(6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'; 'Rena Johnson'
Subject: RE: Miguel Estrada Conference Call

I am told that 11:00 doesn't work for the folks on the Hill, whose email isn't working. Can we say 1:30 pm Friday?

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

From: Charnes, Adam
Sent: Thursday, September 12, 2002 4:46 PM
To: Charnes, Adam; **b(6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'; 'Rena Johnson'
Subject: RE: Miguel Estrada Conference Call

Hearing no objections, the call will be 11 am Friday, same call-in info.

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

From: Charnes, Adam
Sent: Thursday, September 12, 2002 12:12 PM
To: **b(6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'
Subject: RE: Miguel Estrada Conference Call

I am advised that this call now conflicts with a McConnell call. Any objections to moving this call until 11 am tomorrow morning?

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

From: Charnes, Adam
Sent: Thursday, September 12, 2002 12:01 PM
To: Charnes, Adam; **(b)(6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'
Subject: RE: Miguel Estrada Conference Call
Importance: High

The time for this call today has been changed to 6:15 pm. Sorry for any inconvenience. The dial-in info stays the same.

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

From: Charnes, Adam
Sent: Wednesday, September 11, 2002 1:54 PM
To: **(b)(6) Jennifer Oschal email**; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; 'Manuel Miranda (E-mail)'; 'Brett M. Kavanaugh (E-mail)'; 'robyn@progressforamerica.org'
Subject: RE: Miguel Estrada Conference Call

The dial-in info:

Dial In: **(b) (6)**
Passcode: **(b)(6)**

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

From: Jennifer Oschal [mailto:**(b)(6) Jennifer Oschal email**]
Sent: Tuesday, September 10, 2002 11:13 AM
To: Charnes, Adam; Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; Manuel Miranda (E-mail); Brett M. Kavanaugh (E-mail)
Subject: RE: Miguel Estrada Conference Call

time works fine. i will let others know and let you know who i've invited...

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

From: Charnes, Adam [mailto:Adam.Charnes@usdoj.gov]
Sent: Monday, September 09, 2002 6:11 PM
To: Brown, Jamie E (OLA); Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; Willett, Don; Manuel Miranda (E-mail); Brett M. Kavanaugh (E-mail); Jennifer Oschal (E-mail)
Subject: Miguel Estrada Conference Call

I think it makes sense for us to have a conference call later this week for everyone to provide a status report on efforts being made in preparation for Miguel's hearing. If people are available at 5 pm on Thursday, I will send around a conference number. Please advise.

Brett, please invite the appropriate White House people, including Hispanic liaison people. Manny, please invite the appropriate individuals on the Hill. Jennifer, please invite any people from outside groups you think should participate.

Thanks very much.

Benczkowski, Brian A

From: Benczkowski, Brian A
Sent: Wednesday, September 25, 2002 11:29 AM
To: Benczkowski, Brian A; Dinh, Viet; 'Leonard_B._Rodriguez@who.eop.gov'; Charnes, Adam; Bryant, Dan; Brown, Jamie E (OLA); Benedi, Lizette D; Goodling, Monica; Scottfinan, Nancy; Sales, Nathan; O'Brien, Pat; Koebele, Steve; Keefer, Wendy J; Hall, William; 'joschal@att.net'; Willett, Don; 'Brett_M._Kavanaugh@who.eop.gov'; 'Rena_Johnson@judiciary.senate.gov'; 'alafferty@traditionalvalues.org'; 'rdeposada@hbrt.org'; Willett, Don; 'Tim_Goeglein@who.eop.gov'; 'Kyle_Sampson@who.eop.gov'; 'Heather_Wingate@who.eop.gov'; **b(6) Barbara Ledeen Senate Email**; 'Matthew_E._Smith@who.eop.gov'; **b(6) Kay Daly email**; 'alex_dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Rena_Johnson@judiciary.senate.gov'; Charnes, Adam; Brown, Jamie E (OLA); Sales, Nathan; Koebele, Steve
Subject: Estrada conference call

Tonight at 6 pm. Note additional passcode and number change

telephone number - **(b) (6)**
passcode - **(b) (6)**

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, September 25, 2002 8:06 PM
To: Charnes, Adam; Benczkowski, Brian A; Bryant, Dan; Willett, Don; Brown, Jamie E (OLA); Goodling, Monica; Scottfinan, Nancy; Sales, Nathan; O'Brien, Pat; Koebele, Steve; Dinh, Viet; Keefer, Wendy J; Hall, William; **b(6) Kay Daly email**; Leonard_B._Rodriguez@who.eop.gov; **b(6) Jennifer Oschal email**; rena_johnson@judiciary.senate.gov; alafferty@traditionalvalues.org; rdennsada@hhrt.org; Tim_Goeglein@who.eop.gov; **b(6) Barbara Ledeen Senate Email**; Matthew_E._Smith@who.eop.gov; alex_dahl@judiciary.senate.gov; manuel_miranda@judiciary.senate.gov; Mercedes_M._Viana@who.eop.gov
Subject: President's comments tonight on judges at NRSC dinner

And for a stronger America, we need good judges. We need people who will not write the law from the benches, but people who strictly interpret the Constitution. I have been appalled at what has taken place in the United States Senate recently. I named two good judges, one from Mississippi and one from my home state of Texas -- Charles Pickering, Pricilla Owen. Their records were distorted. I don't think they were given a fair hearing. Special interests got a hold of the committee. It is not right that these two fine, fine people were denied the bench.

Soon the Senate will take up the nomination of Miguel Estrada. Miguel Estrada is an excellent lawyer. He's a fine man. He's an American success story. The Senate should not play politics with this nomination, for he will be an outstanding judge. One of the reasons to change the United States Senate is to make sure the good judges I nominate get a fair hearing, a swift vote, and approval. (Applause.)

Benczkowski, Brian A

From: Benczkowski, Brian A
Sent: Thursday, September 26, 2002 5:38 PM
To: Benczkowski, Brian A; Dinh, Viet; 'Leonard_B._Rodriguez@who.eop.gov'; Charnes, Adam; Bryant, Dan; Brown, Jamie E (OLA); Benedi, Lizette D; Goodling, Monica; Scottfinan, Nancy; Sales, Nathan; O'Brien, Pat; Koebele, Steve; Keefer, Wendy J; Hall, William; **(b)(6) Jennifer Oschal email**; Willett, Don; 'Brett_M._Kavanaugh@who.eop.gov'; 'Rena_Johnson@judiciary.senate.gov'; 'alafferty@traditionalvalues.org'; 'rdeposada@hbrt.org'; Willett, Don; 'Tim_Goeglein@who.eop.gov'; 'Kyle_Sampson@who.eop.gov'; 'Heather_Wingate@who.eop.gov'; **(b)(6) Barbara Ledeen Senate Email**; 'Matthew_E._Smith@who.eop.gov'; **(b)(6) Kay Daly email**; 'alex_dani@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Rena_Johnson@judiciary.senate.gov'; Charnes, Adam; Brown, Jamie E (OLA); Sales, Nathan; Koebele, Steve
Subject: Estrada conference call
Importance: High

Tonight at 6 pm.

telephone number - **(b)(6)**

passcode - **(b)(6)**

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, November 27, 2002 3:03 PM
To: Manuel Miranda
Cc: Willett, Don; Dinh, Viet; alex dahl; Heather_Wingate@who.eop.gov
Subject: Re:RE: Your help
Attachments: pic13064.pcx

I will ask Mehlman today about that date.

(Embedded
image moved Manuel_Miranda@judiciary.senate.gov (Manuel
to file: Miranda)
pic13064.pcx) 11/27/2002 02:57:08 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: Re:RE: Your help

We could also hold it at a nearby site such as Heritage, if that solves a problem, if there is one.

Reply Separator _____ Subject: RE: Your help Author: "Dinh;
Viet" <Viet.Dinh@usdoj.gov> Date: 11/27/2002 2:43 PM

Manny,

Thanks for your message. I do think it would be helpful for us to attend; whether doing so would be appropriate for OLP folks as DoJ officials is a matter that I will have to consider after proper consultations. Many thanks,

Viet

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

From: Manuel Miranda [mailto:Manuel_Miranda@judiciary.senate.gov]
Sent: Wednesday, November 27, 2002 2:38 PM
To: Willett, Don; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov;
Heather_Wingate@who.eop.gov; Alex Dahl
Subject: Your help

Brett,

I mentioned to you that Makan thought it would be useful to schedule a visit from Ken Melman and others to do a presentation for all Judiciary counsel and staff on the results of the election, particularly if they can extrapolate any conclusions regarding our issues, especially judges.

I thought that we might invite the OLP staff and you all to join us, and perhaps key others.

As Grover Norquist did, once the WH team is scheduled we will invite a couple of other outside groups with polling analysis to do their presentations to follow.

All of this will be very helpful as we develop message and strategy in the months to come.

The target date and time might be Wednesday, Dec 4 at 3:00, and if not on Thursday afternoon anytime.

Please let me know.

Thanks, Manny

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 00066844; Wed, 27 Nov 2002 14:44:23 -0500 Received: from navgw2.senate.gov by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10) with SMTP id <0H69003V82YT4Y@mailsims1.senate.gov>; Wed, 27 Nov 2002 14:47:17 -0500 (EST) Received: from wdcsun022.usdoj.gov ([149.101.1.103]) by navgw2.senate.gov (SAVSMTP 3.0.0.44) with SMTP id M2002112714414329796 ; Wed, 27 Nov 2002 14:41:43 -0500 Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15) with ESMTP id H692TJ01.B6E; Wed, 27 Nov 2002 14:44:07 -0500 Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE_24419)/8.9.3) id OAA14129; Wed, 27 Nov 2002 14:44:06 -0500 (EST) Received: by TELEMAIL; Wed, 27 Nov 2002 14:43:24 -0500 Date: Wed, 27 Nov 2002 14:43:24 -0500 From: "Dinh, Viet" <Viet.Dinh@usdoj.gov> Subject: RE: Your help To: "Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested), 'Manuel Miranda' <Manuel_Miranda@judiciary.senate.gov> (Receipt Notification Requested) (IPM Return Requested), "'Brett_M._Kavanaugh@who.eop.gov'" <Brett_M._Kavanaugh@who.eop.gov> (Receipt Notification Requested), "'Heather_Wingate@who.eop.gov'" <Heather_Wingate@who.eop.gov> (Receipt Notification Requested), 'Alex Dahl' <Alex_Dahl@judiciary.senate.gov> (Receipt Notification Requested) Message-id: <"JMD0081-021127194324Z-108595*/PRMD=USDOJ-JCON/A DMD= /C=US/"@MHS> Autoforwarded: FALSE Content-identifier: RE: Your help MIME-version: 1.0 X-Mailer: NetJunction (NetJunction 5.1.1-p2)/MIME Content-type: TEXT/PLAIN; CHARSET=US-ASCII Importance: Normal Original-encoded-information-types: IA5-Text Priority: Normal Precedence: first-class UA-content-id: RE: Your help X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US;/JMD0081-021127194324Z-108595] X-Priority: 3 (Normal)

Message Sent To: _____

"Dinh; Viet" <Viet.Dinh@usdoj.gov>

Alex_Dahl@judiciary.senate.gov (Alex Dahl)

"Willett; Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested)

Willet, Don <Don.Willet@usdoj.gov> (Receipt Notification
Requested)
Brett M. Kavanaugh/WHO/EOP@EOP
Heather Wingate/WHO/EOP@EOP

Keefer, Wendy J

From: Keefer, Wendy J
Sent: Wednesday, December 18, 2002 2:56 PM
To: OLP-ALL; Goodling, Monica; Ciongoli, Adam; Wiggins, Mike; Jaso, Eric; Jordan, Bill; Olson, Theodore B; Duffy, Stacey; Bryant, Daniel E; Gibson, Joseph; O'Brien, Pat; Scottfinan, Nancy; Bass, Amy; Beach, Andrew; Richmond, Susan; 'Brett_M._Kavanaugh@who.eop.gov'; 'H._Christopher_Bartolomucci@who.eop.gov'; 'Jennifer_G._Newstead@who.eop.gov'; 'Bradford_A._Berenson@who.eop.gov'; 'Noel_J._Francisco@who.eop.gov'; Bybee, Jay; Bradshaw, Sheldon; **(b) (6) Barbara Ledeen Senate Email**; 'Manuel_Miranda@judiciary.senate.gov'; Daniels, Deborah; Henke, Tracy; Schauder, Andrew; Day, Lori Sharpe; Clement, Paul D; Higbee, David; Levey, Stuart; Bell, Michael J (OLA); Ho, James
Subject: Goodbye

All:

I wanted to take some time before I left today, my last day, and thank all of you for being such wonderful people and such great assets for our country. I have enjoyed working with each of you and encourage any of you to contact me if you ever make it down in the direction of Charleston. I would be happy to hear from you.

Wendy J. Keefer
Senior Counsel and Chief of Staff
Office of Legal Policy
(202) 616-2643

Forwarding Information:

(b) (6)
(b) (6)

Willett, Don

From: Willett, Don
Sent: Monday, December 30, 2002 6:12 PM
To: 'Manuel Miranda'; Dinh, Viet; 'Brett_M._Kavanaugh@who.eop.gov'; Charnes, Adam
Subject: RE: January 23 meeting

Viet's office has RSVPd yes to Connie for Jan. 23rd.

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

From: Manuel Miranda [mailto:Manuel_Miranda@judiciary.senate.gov]
Sent: Monday, December 02, 2002 6:45 PM
To: Willett, Don; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: Fwd:January 23 meeting

This "summit" is a "for real" gathering of legitimate (law abiding) organizations. They are seeking to meet with Viet and Judge Gonzalez. The letter is self explanatory. They will be sending formal letters. The meeting is unofficial. But let me know if deputies are more advisable. What they do not want is outreach folks.

This unofficial leaders group will be key in shaping the reaction to the President's S.Ct nominees and communicating in general on nominations in general.

Forward Header Subject: January 23 meeting Author:

b(6) Connie Marshner email Date: 12/2/2002 6:29 PM

Dear Manny,

I'm writing to ask your help. On January 23, 2003, the Life Forum group will be meeting. As you know, this is the off-the-record, invitation-only, confidential summit meeting of the leaders of about 50 different major pro-life organizations.

You haven't heard of the Forum because in its nearly 12 years of existence it has not appeared in print. The group includes all the legitimate streams of the movement: educational, political, and care ministries, and deals with life issues ranging from abstinence to bioethics, all the way through what is usually considered "life".

Over the years, our agenda has had a recurring item on the topic of judicial nominations. This forthcoming meeting seems a very apropos time to revisit that topic. I would like to invite Al Gonzales and Viet Dinh to speak to the group, along with yourself.

It is important that this group have a high level of confidence in the decisionmaking process of the Administration. As you know, the yappers-at-the- heels on the fringes will be negative, but if the mainstream, which is what the group primarily is, has confidence, that fringe group will be relegated to precisely that -- the fringes.

I believe if the White House and the Department of Justice were to honor us with their presence, it would go a long way to building a good working relationship with this important part of the coalition.

I would appreciate any influence you could bring to bear to speak to these gentlemen, or their deputies, to dispose them to look with favor on an invitation to the Life Forum on January 23.

Thank you very much.

Sincerely yours,

Connie Marshner
Chairman, Life Forum

Washington, Tracy T

From: Washington, Tracy T
Sent: Monday, January 27, 2003 8:39 AM
To: Adam Charnes; alex_dahl@judiciary.senate.gov; alex_vogel@frist.senate.gov; Andrew Schauder; ASnee@who.eop.gov; Bradford_A._Berenson@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Brian Benczkowski; Dan Bryant; Don Willett; H._Christopher_Bartolomucci@who.eop.gov; Heather Cutchens; Heather_Wingate@who.eop.gov; Jamie Brown; **b(6) John Abegg Senate Email** **b(6) Jennifer Oschal email** Kristi Remington; Kyle_Sampson@who.eop.gov; Lizette Benedi; Lori SharpeDay; makan_delrahim@judiciary.senate.gov; manuel_miranda@judiciary.senate.gov; Margarita_Tapia@Judiciary.senate.gov; Matthew_E._Smith@who.eop.gov; Monica Goodling; Nancy Scottfinan; Nathan Sales; Pat O'Brien; rena_johnson_comisac@judiciary.senate.gov; Steve Koebele; Tim_Googlein@who.eop.gov; Viet Dinh; William Hall
Subject: Test for William Hall ONLY...

Bill,

I have your name on my JCWG email listing, but for some reason, the email may be dropping your name. Please let me know if you received this email. To all others, please disregard.

Thanks,

Tracy T. Washington
U.S. Department of Justice
Office of Legal Policy
Main Building, Room 4234
(202) 514-2737

Washington, Tracy T

From: Washington, Tracy T
Sent: Monday, February 10, 2003 3:10 PM
To: Adam Charnes; alex_dahl@judiciary.senate.gov; alex_vogel@frist.senate.gov; Andrew Schauder; ASnee@who.eop.gov; Bradford_A._Berenson@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Brian Benczkowski; Dan Bryant; Don Willett; H._Christopher_Bartolomucci@who.eop.gov; Heather Cutchens; Heather_Wingate@who.eop.gov; Jamie Brown; **b(6) John Abegg Senate Email** **b(6) Jennifer Oschal email** Kristi Remington; Kyle_Sampson@who.eop.gov; Lizette Benedi; Lori SharpeDay; makan_delrahim@judiciary.senate.gov; manuel_miranda@judiciary.senate.gov; Margarita_Tapia@Judiciary.senate.gov; Matthew_E._Smith@who.eop.gov; Monica Goodling; Nancy Scottfinan; Nathan Sales; Pat O'Brien; rena_johnson_comisac@judiciary.senate.gov; Steve Koebele; Tim_Googlein@who.eop.gov; Viet Dinh; William Hall
Subject: CANCELED -- 4:00 p.m. Judicial Working Group Conference Call, Monday, February 10.
Importance: High

Tracy T. Washington
U.S. Department of Justice
Office of Legal Policy
Main Building, Room 4234
(202) 514-2737

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Wednesday, March 5, 2003 1:34 PM
To: Benczkowski, Brian A; Brown, Jamie E (OLA); Corallo, Mark; Goodling, Monica; Dinh, Viet; manuel_miranda@frist.senate.gov; rena_johnson_comisac@judiciary.senate.gov; **b(6) Barbara Ledeen Senate Email**; steven_duffield@rpc.senate.gov; srushton@cagw.org; alafferty@traditionalvalues.org; alex_dahl@judiciary.senate.gov; margarita_tapia@judiciary.senate.gov; **b(6) Stephen Higgins Senate Email**; makan_delrahim@judiciary.senate.gov; **b(6) Kay Daly email** **b(6) Jennifer Oschal email**; **b(6) Don Stewart Senate Email** **b(6) Steven Duffield personal email**; **b(6) Elizabeth Keys Senate Email**; bill_wichterman@frist.senate.gov; alex_vogel@frist.senate.gov; bob_stevenson@frist.senate.gov; paul_jacobson@frist.senate.gov; Mercedes_M._Viana@who.eop.gov; Tim_Goeglein@who.eop.gov; Abel_Guerra@who.eop.gov; Leonard_B._Rodriguez@who.eop.gov; neil.bradley@mail.house.gov; kyle_simmons@mccconnell.senate.gov; **b(6) John Abegg Senate Email**; katie_gumerson@rpc.senate.gov; margaret.hoover@mail.house.gov; omar.franco@mail.house.gov; ashley_snee@oa.eop.gov; Wendy_J._Grubbs@who.eop.gov; Jeanie_S._Mamo@who.eop.gov; Matthew_E._Smith@who.eop.gov; scastillo@rnchq.org
Subject: Judge Gonzales 3/5 letter to Senator Daschle and copied to all Senators
Attachments: 3 05 03 WH Daschle Letter.pdf

(See attached file: 3 05 03 WH Daschle Letter.pdf)

THE WHITE HOUSE

WASHINGTON

March 5, 2003

Dear Senator Daschle:

As you know, some Democrat Senators have engaged in a filibuster to prevent a vote on Miguel Estrada's nomination. They have stated that they want more information about Mr. Estrada's record before they will end the filibuster and allow the full Senate to vote up or down on the nomination. We strongly believe that the Senate has sufficient information and should hold an immediate up or down vote. In an effort to be responsive, however, I wrote to you on February 27 to indicate that Senators who want more information can and should avail themselves of three different and important sources: Senators should meet with Mr. Estrada, pose written questions to him, and/or pose inquiries to his former superiors in the Department of Justice and Judiciary. Since my offer of February 27, however, I understand that no Senator has submitted any questions to Mr. Estrada and that no Senator has submitted any inquiries to his former superiors. And only one Senator, Senator Byrd, has scheduled a meeting with Mr. Estrada.

We are deeply disappointed by and do not understand the near-uniform lack of response thus far to my suggestion of ways in which Senators could gather more information about Mr. Estrada. Being respectful of those who have stated that they want more information, however, I want to reiterate what I stated in my letter of February 27. I urge Senators engaged in the filibuster to avail themselves of the existing opportunities to gather additional information. Senators who want more information can and should promptly meet with Mr. Estrada, pose written questions to him, and/or pose inquiries to his former superiors in the Department of Justice and Judiciary. If the asserted basis for the filibuster -- the need for more information -- is the actual motivation, Senators who have engaged in the filibuster should avail themselves of these existing sources of information.

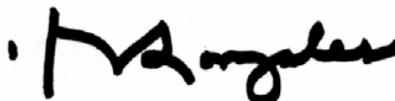
My renewed invitation is not to suggest that we find merit in the contention that Senators currently do not have sufficient information to vote up or down on Mr. Estrada. In that regard, I ask all Senators who have engaged in the filibuster to carefully compare the extensive transcript of Mr. Estrada's hearing, as well as his subsequent written answers, to the transcripts of the hearings of President Clinton's three appointees to the D.C. Circuit: David Tatel, Judith Rogers, and Merrick Garland. (Two of these three nominees had no prior judicial experience, like Mr. Estrada.) Such a comparison demonstrates beyond any reasonable debate that Mr. Estrada was asked for and has already provided far more information than any of those three appointees. Judge Tatel was asked a total of three questions at his hearing. Judges Rogers and Garland were each asked fewer than 20 questions at their hearings. The three appointees of President Clinton -- combined -- thus answered fewer than half the number of questions at their hearings that Mr. Estrada answered at his hearing. What is more, both Judge Rogers and Judge Garland declined to give their personal views on disputed legal and policy questions. Judge Rogers refused even to give her views when asked about the notion of an evolving Constitution. And

Judge Garland did not answer questions about his personal views on the death penalty and on various Supreme Court precedents, stating only that he would follow the precedents. In short, we believe that the criticism of Mr. Estrada's answers at his hearing is misplaced and reveals an unfair double standard being applied to Mr. Estrada.

We strongly believe that the record justifies an immediate up or down vote. I also respectfully urge those Senators who continue to filibuster on the ground that they need more information to avail themselves of the existing sources of information.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Gonzales". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Alberto R. Gonzales
Counsel to the President

The Honorable Thomas A. Daschle

Copy: The Honorable Bill Frist
All United States Senators

Washington, Tracy T

From: Washington, Tracy T
Sent: Monday, March 24, 2003 2:48 PM
To: Adam Charnes; alex_dahl@judiciary.senate.gov; alex_vogel@frist.senate.gov; Andrew Schauder; ASnee@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Brian Benczkowski; Dan Bryant; Don Willett; H._Christopher_Bartolomucci@who.eop.gov; Heather Cutchens; Heather_Wingate@who.eop.gov; Jamie Brown; **b(6) John Abegg Senate Email**; **b(6) Jennifer Oschal email**; Kristi Remington; Kyle_Sampson@who.eop.gov; Lizette Benedi; Lori SharpeDay; makan_delrahim@judiciary.senate.gov; Manuel_Miranda@frist.senate.gov; Margarita_Tapia@Judiciary.senate.gov; Matthew_E._Smith@who.eop.gov; Monica Goodling; Nancy Scottfinan; Nathan Sales; Pat O'Brien; Rena_Johnson_Comisac@Judiciary.senate.gov; Sheila Joy; SRushton@CommitteeforJustice.org; Steve Koebele; Viet Dinh; Wendy_J._Grubbs@who.eop.gov; William Hall
Subject: Monday, March 24, 2003, 4:00pm Judicial Working Conference Call is cancelled.

Tracy T. Washington
U.S. Department of Justice
Office of Legal Policy
Main Building, Room 4234
(202) 514-2737

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, April 1, 2003 6:03 PM
To: 'Miranda, Manuel (Frist)'; Benczkowski, Brian A; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Principal's Meeting

I have testimony on Victims Rights Amendment before SJC next tuesday morning, but am clear thereafter.

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

From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Tuesday, April 01, 2003 3:18 PM
To: Benczkowski, Brian A; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: FW: Principal's Meeting

Viet and Brett,

Can you tell me what day early next week works for you for a Principal's Meeting? Monday?

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

From: Bainwol, Mitch (Frist)
Sent: Tuesday, April 01, 2003 3:09 PM
To: Miranda, Manuel (Frist); Vogel, Alex (Frist)
Subject: RE: Principal's Meeting

Frist wants to do one next week. Thurs or Fri seem risky, so would do earlier.

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

From: Miranda, Manuel (Frist)
Sent: Tuesday, April 01, 2003 2:18 PM
To: Bainwol, Mitch (Frist); Vogel, Alex (Frist)
Subject: Principal's Meeting

We might want to start the process of identifying a day for a Principal's Meeting by inquiring on day availability for Judge Gonzalez and Viet Dinh. Then pick a time around the Leader's schedule.

Also Senator Cornyn has asked to be included, and we might do well to include Specter on this one. The old regulars were leadership plus self-selected JC members, but leadership now includes three of these:

McConnell, Kyl and Sessions. We might consider newly asking other JC members if they want in.

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Friday, April 04, 2003 5:26 PM
To: Benczkowski, Brian A; Brown, Jamie E (OLA); Dinh, Viet;
manuel_miranda@frist.senate.gov;
rena_johnson_comisac@judiciary.senate.gov; b(6) Barbara Ledeen Senate Email
steven_duffield@rpc.senate.gov; alex_dahl@judiciary.senate.gov;
margarita_tapia@judiciary.senate.gov; b(6) Stephen Higgins Senate Email
makan_delrahim@judiciary.senate.gov; don_stewart@cornyn.senate.gov;
b(6) Steven Duffield personal email b(6) Elizabeth Keys Senate Email
bill_wichterman@frist.senate.gov; alex_vogel@frist.senate.gov;
bob_stevenson@frist.senate.gov; paul_jacobson@frist.senate.gov;
Tim_Goeglein@who.eop.gov; neil.bradley@mail.house.gov;
b(6) John Abegg Senate Email katie_gumerson@rpc.senate.gov;
ashley_snee@oa.eop.gov; Wendy_J._Grubbs@who.eop.gov;
Jeanie_S._Mamo@who.eop.gov; Matthew_E._Smith@who.eop.gov;
b(6) James Ho personal email
Subject: Updated: Status of Circuit Nominees
Attachments: ATTACHMENT.TXT; judges status of circuit nominees 4 04 03.doc

In attached document and in text below:

(See attached file: judges status of circuit nominees 4 04 03.doc)

108th Congress

? Circuit Nominees
(April 4, 2003)

Confirmed (2)

Jay Bybee (9th Nevada)
Tim Tymkovich (10th Colorado)

On Executive Calendar (6)

Miguel Estrada (DC)
John Roberts (DC)
Priscilla Owen (5th Texas)
Ed Prado (5th Texas)
Deborah Cook (6th Ohio)
Jeff Sutton (6th Ohio)

In Judiciary Committee (11)

Richard Wesley (2nd New York)
Michael Chertoff (3rd New Jersey)
Terry Boyle (4th North Carolina)
Charles Pickering (5th Mississippi)
David McKeague (6th Michigan)
Susan Neilson (6th Michigan)
Richard Griffin (6th Michigan)
Henry Saad (6th Michigan)
Steve Colloton (8th Iowa)
Consuelo Callahan (9th California)
Carolyn Kuhl (9th California)

Current vacancies without nominees or publicly announced future retirements (11)

D.C. Circuit
D.C. Circuit
3rd Circuit
3rd Circuit
4th Circuit
4th Circuit
4th Circuit
8th Circuit
9th Circuit
9th Circuit
11th Circuit

**108th Congress – Circuit Nominees
(April 4, 2003)**

Confirmed (2)

Jay Bybee (9th Nevada)
Tim Tymkovich (10th Colorado)

On Executive Calendar (6)

Miguel Estrada (DC)
John Roberts (DC)
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Steve Colloton (8th Iowa)
Consuelo Callahan (9th California)
Carolyn Kuhl (9th California)

Current vacancies without nominees or publicly announced future retirements (11)

D.C. Circuit
D.C. Circuit
3rd Circuit
3rd Circuit
4th Circuit
4th Circuit
4th Circuit
8th Circuit
9th Circuit
9th Circuit
11th Circuit

Washington, Tracy T

From: Washington, Tracy T
Sent: Monday, April 7, 2003 12:13 PM
To: Adam Charnes; alex_dahl@judiciary.senate.gov; alex_vogel@frist.senate.gov; Andrew Schauder; ASnee@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Brian Benczkowski; Dan Bryant; Don Willett; H._Christopher_Bartolomucci@who.eop.gov; Heather Cutchens; Heather_Wingate@who.eop.gov; Jamie Brown; **b(6) John Abegg Senate Email**; **b(6) Jennifer Oschal email**; Kristi Remington; Kyle_Sampson@who.eop.gov; Lizette Benedi; Lori SharpeDay; makan_delrahim@judiciary.senate.gov; Manuel_Miranda@frist.senate.gov; Margarita_Tapia@Judiciary.senate.gov; Matthew_E._Smith@who.eop.gov; Monica Goodling; Nancy Scottfinan; Nathan Sales; Pat O'Brien; Rena_Johnson_Comisac@Judiciary.senate.gov; Sheila Joy; SRushton@CommitteeforJustice.org; Steve Koebele; Viet Dinh; Wendy_J._Grubbs@who.eop.gov; William Hall
Subject: 4:00pm Judicial Working Group Conference Call is CANCELLED.
Importance: High

Tracy T. Washington
U.S. Department of Justice
Office of Legal Policy
Main Building, Room 4234
(202) 514-2737

Washington, Tracy T

From: Washington, Tracy T
Sent: Monday, April 28, 2003 3:51 PM
To: Adam Charnes; alex_dahl@judiciary.senate.gov; alex_vogel@frist.senate.gov; Andrew Schauder; ASnee@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Brian Benczkowski; Dan Bryant; Don Willett; H._Christopher_Bartolomucci@who.eop.gov; Heather Cutchens; Heather_Wingate@who.eop.gov; Jamie Brown; **b(6) John Abegg Senate Email**; **b(6) Jennifer Oschal email**; Kristi Remington; Kyle_Sampson@who.eop.gov; Lizette Benedi; Lori SharpeDay; makan_delrahim@judiciary.senate.gov; Manuel_Miranda@frist.senate.gov; Margarita_Tapia@Judiciary.senate.gov; Matthew_E._Smith@who.eop.gov; Monica Goodling; Nancy Scottfinan; Nathan Sales; Pat O'Brien; Rena_Johnson_Comisac@Judiciary.senate.gov; Sheila Joy; SRushton@CommitteeforJustice.org; Steve Koebele; Viet Dinh; Wendy_J._Grubbs@who.eop.gov; William Hall
Subject: 4:00 p.m. Judicial Working Group Conference Call is cancelled.
Importance: High

Tracy T. Washington
U.S. Department of Justice
Office of Legal Policy
Main Building, Room 4234
(202) 514-2737

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Tuesday, April 29, 2003 2:53 PM
To: Benczkowski, Brian A; Brown, Jamie E (OLA); Corallo, Mark; Goodling, Monica; Dinh, Viet; manuel_miranda@frist.senate.gov; rena_johnson_comisac@judiciary.senate.gov; **b(6) Barbara Ledeen Senate Email**; steven_duffield@rpc.senate.gov; srushton@cagw.org; alafferty@traditionalvalues.org; alex_dahl@judiciary.senate.gov; margarita_tapia@judiciary.senate.gov; **b(6) Stephen Higgins Senate Email**; makan_delrahim@judiciary.senate.gov; **b(6) Kay Daly email**; **b(6) Jennifer Oschal email**; **b(6) Don Stewart Senate Email**; **b(6) Steven Duffield personal email**; **b(6) Elizabeth Keys Senate Email**; bill_wichterman@frist.senate.gov; alex_vogel@frist.senate.gov; bob_stevenson@frist.senate.gov; paul_jacobson@frist.senate.gov; Mercedes_M._Viana@who.eop.gov; Tim_Goeglein@who.eop.gov; Abel_Guerra@who.eop.gov; Leonard_B._Rodriguez@who.eop.gov; neil.bradley@mail.house.gov; kyle_simmons@mccconnell.senate.gov; **b(6) John Abegg Senate Email**; katie_gumerson@rpc.senate.gov; margaret.hoover@mail.house.gov; omar.franco@mail.house.gov; ashley_snee@oa.eop.gov; Wendy_J._Grubbs@who.eop.gov; Jeanie_S._Mamo@who.eop.gov; Matthew_E._Smith@who.eop.gov; scastillo@rnchq.org
Subject: Status of Circuit Nominees
Attachments: ATTACHMENT.TXT

108th Congress

? Status of Circuit Nominees
(April 29, 2003)

COURT OF APPEALS NOMINEES (25)

Confirmed (3)

Jay Bybee (9th Nevada)
Tim Tymkovich (10th Colorado)
Jeff Sutton (6th Ohio)

On Executive Calendar (4)

Miguel Estrada (DC)
Priscilla Owen (5th Texas)
Ed Prado (5th Texas)
Deborah Cook (6th Ohio)

In Judiciary Committee (16)

John Roberts (DC)
Richard Wesley (2nd New York)
Michael Chertoff (3rd New Jersey)
Terry Boyle (4th North Carolina)
Claude Allen (4th Virginia)
Allyson Duncan (4th North Carolina)
Charles Pickering (5th Mississippi)
David McKeague (6th Michigan)
Susan Neilson (6th Michigan)
Richard Griffin (6th Michigan)
Henry Saad (6th Michigan)
Steve Colloton (8th Iowa)
Carlos Bea (9th California)
Consuelo Callahan (9th California)
Carolyn Kuhl (9th California)
Bill Pryor (11th Alabama)

Announced Intentions to Nominate (2)

Michael Fisher (3rd Pennsylvania)
Jay Waldman (3rd Pennsylvania)

ANNOUNCED FUTURE RETIREMENTS OR CURRENT VACANCIES WITHOUT NOMINEES (5)

CADC, CADC, CA4, CA8, and CA9

Dinh, Viet

Subject: Conference Call Re: Priscilla Owen Nomination

Start: Thursday, July 11, 2002 6:00 PM
End: Thursday, July 11, 2002 6:30 PM

Recurrence: Daily
Recurrence Pattern: every day from 6:00 PM to 6:30 PM

Meeting Status: Accepted

Organizer: Dinh, Viet

Required Attendees: O'Brien, Pat; Goodling, Monica; Corallo, Mark; Charnes, Adam; Willett, Don; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; 'Anne_Womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; **(b) (6) Barbara Ledeen Senate email**; 'Heather_Wingate@who.eop.gov' **(b) (6) Jennifer Oschal email**; 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Goeglein@who.eop.gov'; 'Matthew_E._Smith@who.eop.gov'; 'Joe_Jacquot@Hutchinson.senate.gov'

Dial In: **(b) (6)**
Passcode: **(b) (6)**

Dinh, Viet

Subject: Updated: Conference Call Re Priscilla Owen Nomination

Start: Thursday, July 11, 2002 6:00 PM

End: Thursday, July 11, 2002 6:30 PM

Show Time As: Tentative

Recurrence: Daily

Recurrence Pattern: every day from 6:00 PM to 6:30 PM

Meeting Status: Not yet responded

Organizer: Dinh, Viet

Required Attendees: O'Brien, Pat; Goodling, Monica; Corallo, Mark; Charnes, Adam; Willett, Don; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; 'Anne_Womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; **b(6) Barbara Ledeen Senate Email** ; 'Heather_Wingate@who.eop.gov **b(6) Jennifer Oschal email** 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Googlein@who.eop.gov'; 'Matthew_E._Smith@who.eop.gov'; 'Joe_Jacquot@Hutchinson.senate.gov'

Dial In: **(b) (6)**

Passcode: **(b) (6)**

Remington, Kristi L

From: Remington, Kristi L
Sent: Friday, July 12, 2002 4:59 PM
To: Dinh, Viet; Willett, Don; O'Brien, Pat; Goodling, Monica; Corallo, Mark; Charnes, Adam; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; 'Anne_Womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; 'b(6) Barbara Ledeen Senate Email'; 'Heather_Wingate@who.eop.gov'; 'b(6) Jennifer Oschal email'; 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Googlein@who.eop.gov'; 'Matthew_E._Smith@who.eop.gov'; 'Joe_Jacquot@Hutchinson.senate.gov'
Subject: FW: Conference Call Re Priscilla Owen Nomination

-----Original Appointment-----

From: Brewster, Albert **On Behalf Of** Dinh, Viet
Sent: Thursday, July 11, 2002 6:12 PM
To: Dinh, Viet; O'Brien, Pat; Goodling, Monica; Corallo, Mark; Charnes, Adam; Willett, Don; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; 'Anne_Womack@who.eop.gov'; 'brett m. kavanaugh@who.eop.gov'; 'Heather_Wingate@who.eop.gov'; 'b(6) Jennifer Oschal email'; 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Googlein@who.eop.gov'; 'Matthew_E._Smith@who.eop.gov'; 'joe_jacquot@hutchison.senate.gov'; 'b(6) Kay Daly email'; 'b(6) Barbara Ledeen Senate Email'
Subject: Updated: Conference Call Re Priscilla Owen Nomination
When: Thursday, July 11, 2002 6:00 PM-6:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where:

Dial In: (b) (6)
Passcode: (b) (6)

Dinh, Viet

From: Dinh, Viet
Sent: Saturday, July 13, 2002 11:11 AM
To: b(6) Jennifer Oschal email; Willett, Don; O'Brien, Pat; Scottfinan, Nancy; Goodling, Monica; Corallo, Mark; Charnes, Adam; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; 'Anne_Womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; 'Heather_Wingate@who.eop.gov'; 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Googlein@who.eop.gov'; 'Matthew_E_Smith@who.eop.gov'; 'joe_jacquot@hutchison.senate.gov' b(6) Kay Daly email; b(6) Barbara Ledeen Senate Email
Subject: RE: REMINDER -- daily conf. call re. Priscilla Owen nomination -- 6:00-6:30

Hey at least it's country music.

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

From: Jennifer Oschal [mailto:b(6) Jennifer Oschal email]
Sent: Friday, July 12, 2002 6:06 PM
To: Willett, Don; Dinh, Viet; O'Brien, Pat; Scottfinan, Nancy; Goodling, Monica; Corallo, Mark; Charnes, Adam; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; Anne_Womack@who.eop.gov; brett_m._kavanaugh@who.eop.gov; Heather_Wingate@who.eop.gov; Alex_Dahl@judiciary.senate.gov; Manuel_Miranda@judiciary.senate.gov; Tim_Googlein@who.eop.gov; Matthew_E_Smith@who.eop.gov; joe_jacquot@hutchison.senate.gov; b(6) Kay Daly email; b(6) Barbara Ledeen Senate Email
Subject: RE: REMINDER -- daily conf. call re. Priscilla Owen nomination -- 6:00-6:30

can't get into this call....

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

From: Willett, Don [mailto:Don.Willett@usdoj.gov]
Sent: Friday, July 12, 2002 5:05 PM
To: Dinh, Viet (Receipt Notification Requested) (IPM Return Requested); O'Brien, Pat (Receipt Notification Requested) (IPM Return Requested); Scottfinan, Nancy (Receipt Notification Requested) (IPM Return Requested); Goodling, Monica (Receipt Notification Requested) (IPM Return Requested); Corallo, Mark (Receipt Notification Requested) (IPM Return Requested); Charnes, Adam (Receipt Notification Requested) (IPM Return Requested); Willett, Don (Receipt Notification Requested) (IPM Return Requested); Koebele, Steve (Receipt Notification Requested) (IPM Return Requested); Keefer, Wendy J (Receipt Notification Requested) (IPM Return Requested); Remington, Kristi L (Receipt Notification Requested) (IPM Return Requested); Sales, Nathan (Receipt Notification Requested) (IPM Return Requested); 'Anne_Womack@who.eop.gov' (Receipt Notification Requested); 'brett_m._kavanaugh@who.eop.gov' (Receipt Notification Requested); 'Heather_Wingate@who.eop.gov' (Receipt Notification Requested); 'Alex_Dahl@judiciary.senate.gov' (Receipt Notification Requested); 'Manuel_Miranda@judiciary.senate.gov' (Receipt Notification Requested); 'Tim_Googlein@who.eop.gov' (Receipt Notification Requested); 'Matthew_E_Smith@who.eop.gov' (Receipt Notification Requested); 'joe_jacquot@hutchison.senate.gov' (Receipt Notification Requested); b(6) Kay Daly email (Receipt Notification Requested); b(6) Barbara Ledeen Senate Email (Receipt Notification Requested)

Willett, Don

From: Willett, Don
Sent: Tuesday, July 16, 2002 10:48 AM
To: Kay Daly (E-mail); Barbara Ledeen (E-mail); Leonard Leo (E-mail); O'Brien, Pat; Brett Kavanaugh (E-mail); Remington, Kristi L; Koebele, Steve; Sales, Nathan; Dinh, Viet; Charnes, Adam; Keefer, Wendy J; Goodling, Monica; Heather Wingate (E-mail); Anne Womack (E-mail); Manuel Miranda (E-mail); Alex Dahl (E-mail); Tim Goeglein (E-mail); Jennifer Oschal (E-mail)
Subject: FW: willett.pdf
Attachments: willett.pdf

Pls. see below -- pro-Owen letter from several former presidents of the State Bar of Texas.

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

From: Sutton, Jason
Sent: Tuesday, July 16, 2002 10:32 AM
To: Willett, Don
Subject: willett.pdf

willett.pdf

HUGHES | LUCE LLP
ATTORNEYS AND COUNSELORS

1717 Main Street, Suite 2800
Dallas, TX 75201
214.939.5500
214.939.6100 fax

hughesluce.com

July 15, 2002

Darrell E. Jordan
214.939.5050
jdorand@hughesluce.com

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
224 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Leahy:

As past presidents of the State Bar of Texas, we join in this letter to strongly recommend an affirmative vote by the Judiciary Committee and confirmation by the full Senate for Justice Priscilla Owen, nominee to the United States Court of Appeals for the Fifth Circuit.

Although we profess different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit. Based on her superb integrity, competence and judicial temperament, Justice Owen earned her Well Qualified rating unanimously from the American Bar Association Standing Committee on the Federal Judiciary - the highest rating possible. A fair and bipartisan review of Justice Owen's qualifications by the Judiciary Committee certainly would reach the same conclusion.

Justice Owen's stellar academic achievements include graduating *cum laude* from both Baylor University and Baylor Law School, thereafter earning the highest score on the Texas Bar Exam in November 1977. Her career accomplishments are also remarkable. Prior to her election to the Supreme Court of Texas in 1994, for 17 years she practiced law specializing in commercial litigation in both the federal and state courts. Since January 1995, Justice Owen has delivered exemplary service on the Texas Supreme Court, as reflected by her receiving endorsements from every major newspaper in Texas during her successful re-election bid in 2000.

The status of our profession in Texas has been significantly enhanced by Justice Owen's advocacy of *pro bono* service and leadership for the membership of the State Bar of Texas. Justice Owen has served on committees regarding legal services to the poor and diligently worked with others to obtain legislation that provides substantial resources for those delivering legal services to the poor.

Austin | Dallas | San Francisco

Hon. Patrick Leahy
July 15, 2002
Page 2

Justice Owen also has been a long-time advocate for an updated and reformed system of judicial selection in Texas. Seeking to remove any perception of a threat to judicial impartiality, Justice Owen has encouraged the reform debate and suggested positive changes that would enhance and improve our state judicial branch of government.

While the Fifth Circuit has one of the highest per judge caseloads of any circuit in the country, there are presently two vacancies on the Fifth Circuit bench. Both vacancies have been declared "judicial emergencies" by the Administrative Office of the U. S. Courts. Justice Owen's service on the Fifth Circuit is critically important to the administration of justice.

Given her extraordinary legal skills and record of service in Texas, Justice Owen deserves prompt and favorable consideration by the Judiciary Committee. We thank you and look forward to Justice Owen's swift approval.

Sincerely,



Darrell E. Jordan

On behalf of former Presidents of the
State Bar of Texas

Blake Tartt	Jim D. Bowmer
James B. Sales	Travis D. Shelton
Hon. Tom B. Ramey, Jr.	M. Colleen McHugh
Lonny D. Morrison	Lynne Liberato
Charles R. Dunn	Gibson Gayle, Jr.
Richard Pena	David J. Beck
Charles L. Smith	Cullen Smith

cc: The Honorable Orrin G. Hatch
Office of Legal Policy U. S. Justice Department

Sutton, Jason

Subject: Conference Call Re Priscilla Owen Nomination

Start: Tuesday, July 16, 2002 6:00 PM
End: Tuesday, July 16, 2002 6:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Sutton, Jason

Required Attendees: O'Brien, Pat; Goodling, Monica; Corallo, Mark; Charnes, Adam; Willett, Don; Koebele, Steve; Keefer, Wendy J; Remington, Kristi L; Sales, Nathan; 'Anne_Womack@who.eop.gov'; 'brett_m._kavanaugh@who.eop.gov'; 'Heather_Wingate@who.eop.gov' **b(6) Jennifer Oschal email**; 'Alex_Dahl@judiciary.senate.gov'; 'Manuel_Miranda@judiciary.senate.gov'; 'Tim_Goeglein@who.eop.gov'; 'Matthew_E_Smith@who.eop.gov'; 'joe_jacquot@hutchison.senate.gov' **b(6) Kay Daly email**
b(6) Barbara Ledeen Senate Email

Dial In:
Passco

(b) (6)

Sales, Nathan

From: Sales, Nathan
Sent: Monday, July 22, 2002 10:14 AM
To: Willett, Don; 'Anne Womack (E-mail)'; Goodling, Monica
Cc: Dinh, Viet; Remington, Kristi L; Koebele, Steve; 'Brett Kavanaugh (E-mail)'; 'Manuel Miranda (E-mail)'; 'Alex Dahl (E-mail)'
Subject: RE: we've reformatted the John Hill op-ed (which no paper has picked up) into a strong pro-Owen letter
Attachments: John Hill letter.pdf

[All, here's a PDF version of the same letter.](#) Happy distributing!

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

From: Willett, Don
Sent: Sunday, July 21, 2002 6:34 PM
To: Anne Womack (E-mail); Goodling, Monica
Cc: Dinh, Viet; Remington, Kristi L; Sales, Nathan; Koebele, Steve; Brett Kavanaugh (E-mail); Manuel Miranda (E-mail); Alex Dahl (E-mail)
Subject: we've reformatted the John Hill op-ed (which no paper has picked up) into a strong pro-Owen letter

Here it is, complete with electronic signature.

Please blast around far and wide.

<< File: John Hill letter.DOC >>

John L. Hill
JP Morgan Chase Tower
600 Travis Street, Suite 3400
Houston, Texas 77002
(713) 226-1230

July 19, 2002

Via Facsimile (202) 224-9516
and First Class Mail

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Russell Senate Office Building
Washington, D. C. 20510

Dear Chairman:

President Bush honored impeccable integrity, character, and scholarship when he nominated to the U.S. Court of Appeals for the Fifth Circuit a leading voice for reform in the Texas judiciary: Priscilla Owen.

I came to know Justice Owen several years ago during her service on the Texas Supreme Court, where I had previously served as Chief Justice. Then and now, Justice Owen has distinguished herself as a forceful advocate for reforming Texas's system for selecting judges. Under the state Constitution, for more than 125 years, Texas has selected its judges through contested elections, and the law therefore permits judicial candidates to receive campaign contributions. The system has positive aspects, but one of the downsides is that it invites speculation about whether judges should preside in cases where their contributors appear as attorneys or parties. That's why Justice Owen tirelessly has fought to minimize the influence of campaign contributions in judicial elections.

Reflecting her early commitment to the integrity of the courts, Justice Owen signed a judicial reform pledge during her first campaign in 1994. She has championed several proposed constitutional amendments, including an option for judges to run in non-partisan retention elections. She has written to members of the bench and bar, urging them to back reform. She has argued that the judiciary should be above the influence of partisan politics. And in a unique combination of symbolism and substance, Justice Owen *returned* over a third of her campaign contributions after not drawing a Democrat or Republican opponent during her 2000 re-election campaign.

Justice Owen and I would be the first to admit that the Texas judicial-selection system is in need of reform. But some special interest groups confuse flaws in our system with flaws in our judges. These groups insist on denouncing individual members of the judiciary, when reform of the laws they dislike can only come from amending the Texas Constitution, which Justice Owen strongly supports.

The Honorable Patrick Leahy
July 19, 2002
Page 2

Their attacks on Justice Owen in particular are breathtakingly dishonest, ignoring her long-held commitment to reform and grossly distorting her rulings. Tellingly, the groups make no effort to assess whether her decisions are legally sound, and instead are content to fall back on the canard of an "appearance of impropriety." Nor have they so much as acknowledged Justice Owen's unswerving leadership in seeking reform reforms of which they presumably approve. The groups lack credibility when they attack Justice Owen for participating in a system that has been in place longer than a century, is mandated by the Texas Constitution, and is not within her ability to change by herself. I know Texas politics and can clearly say that these assaults on Justice Owen's record are false, misleading, and deliberate distortions.

After years of closely observing Justice Owen's work, I can assert with confidence that her approach to judicial decision-making is restrained, that her opinions are fair and well reasoned, and that her integrity is beyond reproach. I echo the American Bar Association's *unanimous* conclusion that she is "well qualified" for the federal bench the highest rating possible. United States Senators from both sides of the aisle have called the ABA's rating the "gold standard" of a nominee's fitness for the federal bench, and I agree with them. I know personally just how impeccable Justice Owen's credentials are.

After graduating in 1977 from Baylor Law School with honors at the top of her class, Justice Owen earned the highest score on the Texas bar exam. Her academic excellence foreshadowed the exceptional career to follow. Elected twice by the people of Texas, Justice Owen has served with distinction on the Texas Supreme Court for more than seven years. In 2000, every major Texas newspaper endorsed Justice Owen during her successful re-election bid.

President Bush and both Senators from Texas strongly support Justice Owen. I join them and many, many others of all political stripes in calling on the U.S. Senate to give this intelligent, ethical, and gifted woman a fair hearing and swift Senate confirmation.

Very truly yours,



John L. Hill

JLH:br

cc: ***Via Facsimile (202) 228-1698
and First Class Mail***
The Honorable Orrin Hatch
United States Senate
152 Dirksen, Senate Office Building
Washington, D. C. 20510

Willett, Don

From: Willett, Don
Sent: Monday, July 22, 2002 4:23 PM
To: Charnes, Adam; 'alex_dahl@judiciary.senate.gov';
'anne_womack@who.eop.gov' b(6) Barbara Ledeen Senate Email
'brett_m._kavanaugh@who.eop.gov'; 'heather_wingate@who.eop.gov';
'joe_jacquot@hutchison.senate.go' b(6) Jennifer Oschal email b(6) Kay Daly email
Remington, Kristi b(6) Leonard Leo personal email
'manuel_miranda@judiciary.senate.gov'; Corallo, Mark;
'Matthew_E._Smith@who.eop.gov'; O'Brien, Pat; 'Tim_Googlein@who.eop.gov';
Scottfinan, Nancy; Leonard Leo (E-mail); Dinh, Viet; Koebele, Steve; Sales,
Nathan; Sutton, Jason
Subject: Reminder -- 6:00 p.m. Priscilla Owen Conference Call Today...

Dial In: (b) (6)
Passcode: [REDACTED]

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

From: Washington, Tracy T
Sent: Friday, July 19, 2002 5:51 PM
To: Adam Charnes; alex_dahl@judiciary.senate.gov; anne_womack@who.eop.gov;
b(6) Barbara Ledeen Senate Email; brett_m._kavanaugh@who.eop.gov; Don Willett;
heather_wingate@who.eop.gov; joe_jacquot@hutchison.senate.go b(6) Jennifer Oschal email b(6) Kay Daly email Kristi
Remington b(6) Leonard Leo personal email; manuel_miranda@judiciary.senate.gov; Mark Corallo;
Matthew_E._Smith@who.eop.gov; Pat O'Brien; Tim_Googlein@who.eop.gov
Subject: Reminder -- 6:00 p.m. Priscilla Owen Conference Call Today...
Importance: High

Friday, July 19

Dial In: (b) (6)
Passcode: [REDACTED]

Tracy Washington
U.S. Department of Justice
Office of Legal Policy
Room 4640
(202) 514 2737

Sutton, Jason

From: Sutton, Jason
Sent: Tuesday, July 23, 2002 9:47 AM
To: 'alex_dahl@judiciary.senate.gov'; 'anne_womack@who.eop.gov';
b(6) Barbara Ledeen Senate Email 'brett_m._kavanaugh@who.eop.gov';
'heather_wingate@who.eop.gov'; 'joe_jacquot@hutchison.senate.gov';
b(6) Jennifer Oschal email 'b(6) Kay Daly email'; b(6) Leonard Leo personal email';
'manuel_miranda@judiciary.senate.gov'; 'Matthew_E._Smith@who.eop.gov';
O'Brien, Pat; Corallo, Mark; Remington, Kristi L; Willett, Don; Charnes, Adam;
Dinh, Viet; 'Tim_Googlein@who.eop.gov'; Sales, Nathan
Subject: Priscilla Owen Conference Call will be at 5:00 today, not 6:00
Importance: High

Tonight's Priscilla Owen Conference call will be at 5:00 instead of the usual 6:00. Call-in numbers and passcode will remain the same. thank you.

Dial In: (b) (6)
Passcode: [REDACTED]

Willett, Don

From: Willett, Don
Sent: Thursday, September 5, 2002 3:56 PM
To: Willett, Don; Remington, Kristi L; Charnes, Adam;
'alex_dahl@judiciary.senate.gov'; 'anne_womack@who.eop.gov';
'b(6) Barbara Ledeen Senate Email'; 'brett_m._kavanaugh@who.eop.gov';
'heather_wingate@who.eop.gov'; 'JCartoon@shb.com';
'joe_jacquot@hutchison.senate.gov'; 'b(6) Jennifer Oschal email'; 'b(6) Kay Daly email';
'b(6) Leonard Leo personal email'; 'manuel_miranda@judiciary.senate.gov';
'Matthew_E._Smith@who.eop.gov'; Goodling, Monica; O'Brien, Pat;
'Tim_Goeglein@who.eop.gov'; 'vschwartz@shb.com'; Sales, Nathan; Brown,
Jamie E (OLA); 'Leonard Leo (E-mail)'; Dinh, Viet; 'Rena Johnson (E-mail)'
Cc: Washington, Tracy T
Subject: BRIEF final Owen Conference Call tonight at 6:00

It'll be short-and-sweet.

Dial In:
Passcode:

(b) (6)

Benczkowski, Brian A

From: Benczkowski, Brian A
Sent: Monday, September 23, 2002 5:41 PM
To: Remington, Kristi L; Charnes, Adam; Willett, Don; Keefer, Wendy J; Benedi, Lizette D; Sales, Nathan; Koebele, Steve; 'Tim_goeglein@who.eop.gov'; 'Kyle_Sampson@who.eop.gov'; 'Heather_Wingate@who.eop.gov'; 'anne_womack@who.eop.gov'; Goodling, Monica **b(6) Jennifer Oschal email**; **b(6) Barbara Ledeen Senate Email**; Hall, William; Brown, Jamie E (OLA); 'matthew_e._smith@who.eop.gov'; **b(6) Kay Daly email**; O'Brien, Pat; 'alex_dahl@judiciary.senate.gov'; Dinh, Viet; Scottfinan, Nancy; 'Brett M. Kavanaugh (E-mail)'; 'Manuel Miranda (E-mail)'; 'Rena Johnson (E-mail)'; Bryant, Dan; 'ed_haden@judiciary.senate.gov'
Cc: Sutton, Jason
Subject: Reminder: Estrada conference call at 6 pm
Importance: High

** Reminder

Conference call re: Estrada nomination tonight at 6:00 pm:

Dial **(b) (6)** then enter **(b) (6)**

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Friday, February 28, 2003 8:59 AM
To: Miranda, Manuel (Frist)
Cc: Benczkowski, Brian A; Brown, Jamie E (OLA); Corallo, Mark; Goodling, Monica; Dinh, Viet; /DDV=rena_comisac_johnson@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/; **b(6) Barbara Ledeen Senate Email** duffield, steven (rpc); srushton@cagw.org; alafferty@traditionalvalues.org; dahl, alex (judiciary); tapia, margarita (judiciary); higgins, stephen (judiciary); delrahim, makan (judiciary); **b(6) Kay Daly email** **b(6) Jennifer Oschal email** stewart, don (cornyn); **b(6) Steven Duffield personal email** keys, elizabeth (republican-conf); wichterman, bill (frist); vogel, alex (frist); stevenson, bob (frist); jacobson, paul (frist); Mercedes_M._Viana@who.eop.gov; Tim_Goeglein@who.eop.gov; Abel_Guerra@who.eop.gov; Leonard_B._Rodriguez@who.eop.gov; neil.bradley@mail.house.gov; simmons, kyle (mcconnell); abegg, john (mcconnell); gumerson, katie (rpc); margaret.hoover@mail.house.gov; omar.franco@mail.house.gov
Subject: CONFERENCE CALL INFO re Estrada Phone Conf/ Friday at 11:15
Attachments: ATTACHMENT.TXT; ATTACHMENT.TXT; pic12193.pcx

Friday, Feb. 28th
11:15am-12:15pm

Dial in #

(b) (6)

(Embedded
image moved "Miranda, Manuel (Frist)"
to file: <Manuel_Miranda@frist.senate.gov>
pic12193.pcx) 02/27/2003 06:39:27 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: margaret.hoover@mail.house.gov, omar.franco@mail.house.gov
Subject: Estrada Phone Conf/ Friday at 11:15

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Thursday, March 6, 2003 10:03 PM
To: Comisac, RenaJohnson (Judiciary)
Cc: Charnes, Adam; Benczkowski, Brian A; Brown, Jamie E (OLA); Koebele, Steve; Dinh, Viet; Wendy_J._Grubbs@who.eop.gov; ho, james (judiciary); jacquot, joe (hutchison); miranda, manuel (frist); delrahim, makan (judiciary); caramanica, jessica (judiciary); snell, bethann (judiciary); dahl, alex (judiciary)
Subject: Re: Team Owen Meeting
Attachments: att1.htm; ATTACHMENT.TXT; pic29570.htm

At the risk of causing major problems, can we move this important meeting to 3:15. I have immovable 2:00 meeting here I have to be at.

(Embedded
image moved "Comisac, RenaJohnson (Judiciary)"
to file: <Rena_Johnson_Comisac@Judiciary.senate.gov>
pic29570.pcx) 03/06/2003 06:08:24 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: "Delrahim, Makan (Judiciary)" <Makan_Delrahim@Judiciary.senate.gov>,
"Caramanica, Jessica (Judiciary)"
<b(6) Jessica Caramanica Senate Email [REDACTED]>, "Snell, BethAnn (Judiciary)"
<b(6) BethAnn Snell Senate Email [REDACTED]>, "Dahl, Alex (Judiciary)"
<Alex_Dahl@Judiciary.senate.gov>
Subject: Team Owen Meeting

There will be a meeting tomorrow at 2 p.m. in Makan's office (SD-147) to discuss strategy for next week's hearing on Priscilla Owen. Please feel free to forward this message to anyone on the team whom I've inadvertently left off the list. Thanks.

Washington, Tracy T

From: Washington, Tracy T
Sent: Monday, March 10, 2003 10:16 AM
To: Adam Charnes; alex_dahl@judiciary.senate.gov; alex_vogel@frist.senate.gov; Andrew Schauder; ASnee@who.eop.gov; Brett_M._Kavanaugh@who.eop.gov; Brian Benczkowski; Dan Bryant; Don Willett; H._Christopher_Bartolomucci@who.eop.gov; Heather Cutchens; Heather_Wingate@who.eop.gov; Jamie Brown; b(6) Jennifer Oschal email Kristi Remington; b(6) John Abegg Senate Email Kyle_Sampson@who.eop.gov; Lizette Benedi; Lori SharpeDay; makan_delrahim@judiciary.senate.gov; Manuel_Miranda@frist.senate.gov; Margarita_Tapia@Judiciary.senate.gov; Matthew_E._Smith@who.eop.gov; Monica Goodling; Nancy Scottfinan; Nathan Sales; Pat O'Brien; rena_johnson_comisac@judiciary.senate.gov; Sheila Joy; Steve Koebele; Viet Dinh; Wendy_J._Grubbs@who.eop.gov; William Hall
Subject: 4:00 p.m. Judicial Working Group Conference Call is Cancelled today.
Importance: High

Tracy T. Washington
U.S. Department of Justice
Office of Legal Policy
Main Building, Room 4234
(202) 514-2737

Brett_M._Kavanaugh@who.eop.gov

From: Brett_M._Kavanaugh@who.eop.gov
Sent: Thursday, March 27, 2003 4:46 PM
To: Benczkowski, Brian A; Brown, Jamie E (OLA); Dinh, Viet;
manuel_miranda@frist.senate.gov;
rena_johnson_comisac@judiciary.senate.gov; b(6) Barbara Ledeen Senate Email
steven_duffield@rpc.senate.gov; alex_dahl@judiciary.senate.gov;
margarita_tapia@judiciary.senate.gov; b(6) Stephen Higgins Senate Email
makan_delrahim@judiciary.senate.gov; don_stewart@cornyn.senate.gov;
b(6) Steven Duffield personal email; b(6) Elizabeth Keys Senate Email
bill_wichterman@frist.senate.gov; alex_vogel@frist.senate.gov;
bob_stevenson@frist.senate.gov; paul_jacobson@frist.senate.gov;
Tim_Goeglein@who.eop.gov; neil.bradley@mail.house.gov;
b(6) John Abegg Senate Email; katie_gumerson@rpc.senate.gov;
ashley_snee@oa.eop.gov; Wendy_J._Grubbs@who.eop.gov;
Jeanie_S._Mamo@who.eop.gov; Matthew_E._Smith@who.eop.gov;
b(6) James Ho personal email
Subject: Updated: Status of Circuit Nominees
Attachments: ATTACHMENT.TXT

108th Congress

? Circuit Nominees

Confirmed (1)

Jay Bybee (9th Nevada)

On Executive Calendar (6)

Miguel Estrada (DC)

John Roberts (DC)

Priscilla Owen (5th Texas)

Jeff Sutton (6th Ohio)

Deborah Cook (6th Ohio)

Tim Tymkovich (10th Colorado)

In Judiciary Committee (12)

Richard Wesley (2nd New York)

Michael Chertoff (3rd New Jersey)

Terry Boyle (4th North Carolina)

Ed Prado (5th Texas)

Charles Pickering (5th Mississippi)

David McKeague (6th Michigan)

Susan Neilson (6th Michigan)

Richard Griffin (6th Michigan)

Henry Saad (6th Michigan)

Steve Colloton (8th Iowa)

Consuelo Callahan (9th California)

Carolyn Kuhl (9th California)

To be nominated (9)

D.C. Circuit

D.C. Circuit

3rd Circuit (Pennsylvania)

3rd Circuit (Pennsylvania)

4th Circuit (NC/VA/MD)

4th Circuit (NC/VA/MD)

9th Circuit (Idaho)

9th Circuit (California)

11th Circuit (Alabama)

Dinh, Viet

From: Dinh, Viet
Sent: Tuesday, April 1, 2003 6:03 PM
To: 'Miranda, Manuel (Frist)'; Benczkowski, Brian A; 'Brett_M._Kavanaugh@who.eop.gov'
Subject: RE: Principal's Meeting

I have testimony on Victims Rights Amendment before SJC next tuesday morning, but am clear thereafter.

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

From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Tuesday, April 01, 2003 3:18 PM
To: Benczkowski, Brian A; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov
Subject: FW: Principal's Meeting

Viet and Brett,

Can you tell me what day early next week works for you for a Principal's Meeting? Monday?

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

From: Bainwol, Mitch (Frist)
Sent: Tuesday, April 01, 2003 3:09 PM
To: Miranda, Manuel (Frist); Vogel, Alex (Frist)
Subject: RE: Principal's Meeting

Frist wants to do one next week. Thurs or Fri seem risky, so would do earlier.

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

From: Miranda, Manuel (Frist)
Sent: Tuesday, April 01, 2003 2:18 PM
To: Bainwol, Mitch (Frist); Vogel, Alex (Frist)
Subject: Principal's Meeting

We might want to start the process of identifying a day for a Principal's Meeting by inquiring on day availability for Judge Gonzalez and Viet Dinh. Then pick a time around the Leader's schedule.

Also Senator Cornyn has asked to be included, and we might do well to include Specter on this one. The old regulars were leadership plus self-selected JC members, but leadership now includes three of these:

McConnell, Kyl and Sessions. We might consider newly asking other JC members if they want in.

Dinh, Viet

From: Dinh, Viet
Sent: Friday, April 25, 2003 2:26 PM
To: 'Manuel_Miranda@frist.senate.gov'; Brown, Jamie E (OLA); Benczkowski, Brian A; 'Brett_M._Kavanaugh@who.eop.gov'; 'wgrubbs@who.eop.gov'
Cc: McNaught, Heather
Subject: RE: Scheduler notification from Capitol Correspond

Unfortunately, I will then be en route to (b) (6), but please do not reschedule on my account. The Department will be well represented by Jamie and Brian.

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

From: Manuel_Miranda@frist.senate.gov
[mailto:Manuel_Miranda@frist.senate.gov]
Sent: Friday, April 25, 2003 2:23 PM
To: Brown, Jamie E (OLA); Benczkowski, Brian A; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov; wgrubbs@who.eop.gov
Subject: FW: Scheduler notification from Capitol Correspond
Importance: High

Regrettably, we need to move the Principals' meeting to Thursday as below. WHF and OGH are clear. Please advise.

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

From: Senator_frist@frist.senate.gov
[mailto:Senator_frist@frist.senate.gov]
Sent: Thursday, April 24, 2003 6:52 PM
To: Vogel, Alex (Frist); Bainwol, Mitch (Frist); Miranda, Manuel (Frist)
Subject: Scheduler notification from Capitol Correspond

SCHEDULING NOTIFICATION

Description: (tentative) Meeting GOP Judiciary Committee Members with Judge Albert Gonzales, WH Legal Counsel and Viet Dinh Status: Approved Start Date: 05/01/2003 Start Time: 04:45 pm End Date: 05/01/2003 End Time: 05:30 pm

Location: S-230
Contact: many coordinating