



Kavanaugh e-mails: compiled from George W. Bush Library's Feb. 11, 2019, release

January 23, 2002

P_ON305003_WHO.TXT.eml

Kavanaugh flags a "warning sign" on the Charles Pickering nomination via Benjamin Wittes

● CN=Brett M. Kavanaugh/OU=WHO/O=EOP [... January 23, 2002 at 2:49 PM  

: Pickering -- warning sign

To: & 9 more



Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:23-JAN-2002 14:49:26.00
SUBJECT:: Pickering -- warning sign
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN
TO:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ben Wittes of Washington Post editorial page just left me a message. "Thinking about Charles Pickering. Trying to figure out why we should not oppose him. Not writing today."

January 24, 2002

P_1WF15003_WHO.TXT.eml

Kavanaugh shares an op-ed written by Mark Levin, "Let the Executive Branch Be"

● CN=Brett M. Kavanaugh/OU=WHO/... January 24, 2002 at 7:52 PM  

: Mark Levin executive privilege op-ed

To: & 4 more

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JAN-2002 19:52:51.00
SUBJECT:: Mark Levin executive privilege op-ed
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:David S. Addington (CN=David S. Addington/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
End Original ARMS Header

in National Review Online

&Right to Know8
Let the executive branch be.

February 6, 2002

P_BSOA5003_WHO.TXT.eml_RV.pdf

Kavanaugh gets Laura Ingraham set-up with notes on Pickering in time for her show

Received(Date): 6 FEB 2002 15:24:32
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN]),
jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
Subject: :

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 6-FEB-2002 15:24:32.00
SUBJECT::
TO: viet.dinh@usdoj.gov (viet.dinh@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
TO: jennifer.newstead@usdoj.gov (jennifer.newstead@usdoj.gov @ inet [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

hey, can you all send the bullets you have on Pickering to Laura
Ingraham by e-mail to P6/b6 She's doing a show tonight on
it. She needs it by 4:30.

February 26, 2002

P_LCZO5003_WHO.TXT.eml

Kavanaugh forwards email detailing an upcoming CBC Anti-Pickering Press Event

● CN=Brett M. Kavanaugh/OU=WHO/O=EOP... February 26, 2002 at 7:26 PM CK

: CBC Anti-Pickering Press Event on Wed
To: & 5 more

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 26-FEB-2002 19:26:36.00
SUBJECT:: CBC Anti-Pickering Press Event on Wed
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
TO: Timothy E. Flanigan (CN=Timothy E. Flanigan/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
02/26/2002 07:26 PM -----

John.Mashburn@lott.senate.gov (John Mashburn)
02/26/2002 07:22:32 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: CBC Anti-Pickering Press Event on Wed

10 a.m. -- (PICKERING/NOMINATION/HOUSE) NEWS CONFERENCE -- Reps.
Louise Slaughter (D-N.Y.) and Juanita Millender-McDonald (D-Calif.)
hold a news conference to oppose the nomination of Charles Pickering
to the 5th Circuit of Appeals. Also participating are House Democratic
Chief Deputy Whip Rosa DeLauro (D-Conn.) and Reps. Stephanie
Tubbs-Jones (D-Ohio) and Jan Schakowsky (D-Ill.).

Location: The Capitol, Room HC-9

March 6, 2002

P_BGVU5003_WHO.TXT.eml

Kavanaugh espouses his views on the constitutionality, or lack thereof, of restrictions on specific forms of campaign contributions

: Re:

To: & 3 more

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
CREATION DATE/TIME: 6-MAR-2002 09:59:46.00
SUBJECT: Re:
TO: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
CC: noel j. francisco (CN=noel j. francisco/OU=who/O=eop@eop [WHO])
READ: UNKNOWN
End Original ARMS Header

The problem re issue ads in a nutshell is that candidate X is handcuffed in his/her ability to respond to the Sierra Club etc. because of the limits on contributions to his/her campaign. That is grossly unfair to the candidates, and I think it is a serious 1A problem as well. That is why I asked your views re the limits on contributions to candidates. (Is it possible that my 1A views are even purer than yours!!)

Helgard C. Walker
03/06/2002 09:36:52 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: noel j. francisco/who/eop@eop
bcc:
Subject: Re:

Interesting. Two points: I vehemently disagree that when people who happen not to be candidates themselves speak out publicly on behalf of either an issue or a candidate that their speech is mere "background noise." That characterization is a gross demeaning of political speech and participation.

Why is the speech of voters/citizens less valuable in the political process than the speech of candidates (who are most often incumbents trying to protect themselves from public criticism when they regulate to mute all "background noise" but their own speech)? We'd have a pitiful democracy, if one at all, if people were not free to discuss among themselves and persuade each other on matters of public import. Besides, if voters wish to hear candidates debate without being distracted by other "voices," they can turn on the television and watch candidate debates. But preventing regular citizens from trying to talk with each other about political issues and the merits or demerits of candidates for election is no way to run the American political process.

Second, there is a line between individual contributions and parties, and it is this: when an individual gives, he's got his own 1A interest at stake. But when you talk about a party, you have two sets of 1A interests, as the Court has repeatedly recognized: the interest of the party as an institution, but also the associational interests of the people who have come together to form the party as a way of increasing their effectiveness in the process.

Brett M. Kavanaugh
03/06/2002 09:15:45 AM
Record Type: Record

To: Helgard C. Walker/WHO/EOP@EOP
cc: Noel J. Francisco/WHO/EOP@EOP
Subject:

Just so you know, I agree that the issue ad restrictions are blatantly unconstitutional -- although I think the policy goal of allowing the candidates to debate each other without background noise that overwhelms the candidates/campaigns themselves is quite laudable (albeit unconstitutional). And beyond the background noise issue, it also seems clear to me that the issue ads are often done in coordination with candidates because the candidates do not have enough money because, in turn, of the limits on contributions to campaigns. So Mr. Big Donor is solicited to contribute to Sierra Club for them to run an ad attacking Governor Bush rather than to the Gore campaign for it to run an ad attacking Governor Bush. I can see why people think that is a circumvention of the limits on contributions to candidates. That does not mean the restriction on issue ads is any more constitutional, but we lose credibility if we pretend that that scenario is not happening a lot.

As to the soft money limits, I have constitutional concerns but I do not see how limits on contributions to candidates (and the longstanding ban on corporate and union contributions to candidates) can be meaningfully distinguished from contributions to political parties. That line between candidate and party does not make sense to me as a constitutional matter, nor (I am quite sure) does it remotely reflect the reality of political campaigns. Therefore, it seems to me that limits on contributions to candidates and limits on contributions to political parties are not readily distinguishable as a constitutional matter. And I have heard very few people say that the limits on contributions to candidates are unconstitutional, although I for one tend to think those limits have some constitutional problems.

July 12, 2002

P_4YLP8003_WHO.TXT.eml_WS.eml

Kavanaugh appears to be a part of a daily conference call regarding the Owen nomination.

: RE: REMINDER -- daily conf. call re. Priscilla Owen nomination ---

To: b6 Cc: & 20 more

THIS RECORD IS A WITHDRAWAL SHEET
Date created: Thu Aug 02 15:51:04 EDT 2018

Releasability: Withheld In Part

Reasons for Withholding:

b(6),P6

Notes:

Case ID: gwb.2018-0012-P

Additional Information:

July 15, 2002

P_5E1Q8003_WHO.TXT.eml

Kavanaugh prepares another for a meeting that included the president and Owen

● **CN=Brett M. Kavanaugh/OU=WHO/O=EOP [...]** July 15, 2002 at 7:54 AM

: materials for Tuesday meeting with Priscilla Owen

[Details](#)

CK

To: & 3 more

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-JUL-2002 07:54:39.00

SUBJECT: materials for Tuesday meeting with Priscilla Owen

TO: Stuart W. Bowen (CN=Stuart W. Bowen/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: Elizabeth N. Camp (CN=Elizabeth N. Camp/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Stuart: The group that will participate in tomorrow's meeting of the President and Priscilla Owen is being finalized this morning. We will submit the briefing paper to you this morning after that group is finalized. Also, we have a 1-page talking points document that we will provide to you this morning for staffing (needing quick turn-around obviously). Please let me know if you have any additional thoughts. Thanks.

July 18, 2002

P_3HPU8003_WHO.TXT.eml_RV.pdf

Kavanaugh sends a fact sheet on Justice Priscilla Owen

Received(Date): 18 JUL 2002 16:30:20
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: P6(b)(6)
Subject: FACT SHEET: JUSTICE PRISCILLA OWEN

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 18-JUL-2002 16:30:20.00

SUBJECT: FACT SHEET: JUSTICE PRISCILLA OWEN

TO: P6(b)(6)

READ: UNKNOWN

End Original ARMS Header

Priscilla Owen

Today's Presidential Action:

President George W. Bush today met with Justice Priscilla Owen, nominee to the 5th Circuit Court of Appeals, and a bipartisan group of her supporters from Texas. Justice Owen was scheduled to have a hearing before the Senate Judiciary Committee this week, but after one year of delay, her hearing has been postponed again. She is an accomplished jurist of exceptional integrity, character, and intellect and an extraordinarily well-qualified nominee. She deserves a hearing from the Judiciary Committee and a prompt confirmation.

? Justice Owen's integrity and accomplishments have earned her the respect of her colleagues and the people of Texas.

? Justice Owen has served with distinction on the Texas Supreme Court since first being elected in 1994.

? During her reelection bid in 2000, every major newspaper in Texas endorsed her, and she was reelected by an overwhelming majority.

? A bipartisan group of 15 past presidents of the State Bar of Texas have written to Chairman Leahy urging an affirmative vote by the Judiciary Committee.

? Democrat former Texas Supreme Court Justices Raul Gonzales and Rose Spector wrote to Chairman Leahy on behalf of Justice Owen.

? Tom Phillips, Chief Justice of the Texas Supreme Court has characterized Justice Owen's work as fair and diligent. Houston Chronicle, May 10, 2001

? The American Bar Association has unanimously rated Justice Owen & well qualified, 8 its highest possible rating. This ABA rating has been called the &Gold Standard 8 by Democrats on the Judiciary Committee.

? Justice Owen has superb professional and academic credentials.

? Justice Owen practiced commercial litigation in Texas for 17 years before becoming a judge and was a partner at the national law firm of Andrews & Kurth.

? Justice Owen graduated cum laude from Baylor University and Baylor Law School and was a member of the Law Review at Baylor Law School.

? Justice Owen earned the highest grade on the Texas Bar Exam.

? Justice Owen has demonstrated a strong commitment to her community.

? Justice Owen has served as the Texas Supreme Court Liaison to

statewide committees regarding legal services to the poor and pro bono legal services.

? She was part of a committee that successfully encouraged the Texas Legislature to enact legislation that has resulted in millions of dollars per year in additional funds for providers of legal services to the poor.

? She was instrumental in organizing a group known as Family Law 2000 that seeks to find ways to educate parents about the effect the dissolution of a marriage can have on their children and to lessen the adversarial nature of legal proceedings when a marriage is dissolved.

? Justice Owen has the strong support of her home state Senators. Senators Hutchison and Gramm wrote to Chairman Leahy, & Justice Owen is eminently qualified to serve on the Fifth Circuit bench (8

? The people of the 5th circuit in Texas, Louisiana and Mississippi need Justice Owen on the bench. Justice Owen is the kind of judge that the people of the 5th Circuit need on the bench) an experienced jurist who follows the law and uses good common sense. She's been nominated to a seat that has been classified as a &judicial emergency 8 by the Judicial Conference of the United States, one of 36 such emergencies around the country.

? The Senate has not acted quickly enough on the President's judicial nominees. There are presently 93 vacancies in the federal courts

The President has nominated 108 individuals to serve as federal judges, but only 54% of them have been confirmed, and 50 nominees are pending. The President has nominated 32 individuals to the circuit courts, but only 31%, or 10 judges have been confirmed. In the past three administrations, the confirmation rate of circuit court nominees in the first two years in office was 86% for President Clinton, 96% for President Bush and 95% for President Reagan.

July 22, 2002

P_JSHW8003_WHO.TXT.eml RV.pdf

Kavanaugh asks Owen for some time to talk on the phone with him directly

P6/(b)(6)

Received(Date): 22 JUL 2002 08:45:29
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: "Priscilla R. Owen" [REDACTED]

Subject: [REDACTED]

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-JUL-2002 08:45:29.00
SUBJECT: [REDACTED]
TO: "Priscilla R. Owen" [REDACTED]
UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

please let me know what time you would like to talk this morning.
It is best for me if it is 9:45 or earlier, but I will make time whenever
is best for you.

July 22, 2002

P_XYCX8003_WHO.TXT.eml

Kavanaugh is "in an owen prep session now"

☆ CN=Brett M. Kavanaugh/OU=WHO/O=EOP [W...

July 22, 2002 at 4:54 PM

[Details](#)

CK

: Re: memo on tx law

To: & 1 more



Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 22-JUL-2002 16:54:55.00
SUBJECT: Re: memo on tx law
TO: Kristen Silverberg (CN=Kristen Silverberg/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

I need to talk to you. In an owen prep session now but will be back in
about an hour

Sent from my BlackBerry Handheld.

July 23, 2002

P_6LAY8003_OPD.TXT.eml

Kavanaugh will have to miss a meeting because he will still be at the Owen hearing on the Hill

● CN=Brett M. Kavanaugh/OU=WHO/O=EOP [...]

July 23, 2002 at 1:48 PM

CK

: Re: Meeting with John Schmitz re. Burton language in Homeland b...

[Details](#)

To: & 1 more

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 23-JUL-2002 13:48:36.00
SUBJECT: Re: Meeting with John Schmitz re. Burton language in Homeland bill and tort
reform
TO: Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN
End Original ARMS Header

Looks like the priscilla owen hearing will go past 5 and I am at it here
on Hill so I will be unable to attend this mtg at that time

Sent from my BlackBerry Handheld.

July 28, 2002

P 74Q29003 WHO.TXT.eml

Kavanaugh provides Manuel Miranda his preliminary take on "a confidential letter to Dem Counsel" from Senator Leahy's staff that Miranda somehow gained access to (and Kavanaugh doesn't question)

● CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WH... July 28, 2002 at 7:03 PM

Details



: Re: Help requested

4 recipients

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JUL-2002 19:03:12.00
SUBJECT: Re: Help requested
TO: Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov)
READ: UNKNOWN
CC: "sales; nathan" <nathan.sales@usdoj.gov> ("sales; nathan" <nathan.sales@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
CC: "koebele; steve" <steve.koebele@usdoj.gov> ("koebele; steve" <steve.koebele@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
CC: "willett; don" <don.willett@usdoj.gov> ("willett; don" <don.willett@usdoj.gov> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Nathan and Steve should elaborate, but my preliminary take:

1. First, the name Jane Doe is used precisely to protect privacy of the individuals. Second, all Justices in these cases discussed and quoted from the record extensively. See the majority opinion in Doe 2, the Gonzales opinion in Doe 3, the Enoch opinion in Doe 3, the majority opinion in Doe 4, etc. This is simply a bogus charge to direct at Owen.
2. Justice Owen believed that opinions could be written in a few days as courts often do in emergency cases of this nature. She specifically stated that the judgment with opinions should have been issued on March 13 instead of a summary order without opinions on March 10. She did not suggest delaying decision "for months."
3. In this case, the court unanimously agreed that the record did not meet the standard for a bypass. Six Justices concluded that a remand was appropriate. Justice Owen and two others argued, however, that Doe simply failed to make the required showing and that a remand was inappropriate. Justice Owen argued, moreover, that the potentially negative reaction of the parents of a pregnant minor when the minor becomes an adult does not meet the statutory "best interest" standard for a bypass.

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)
07/28/2002 06:33:10 PM

Record Type: Record

To: "Willett; Don" <Don.Willett@usdoj.gov>, "Sales; Nathan" <Nathan.Sales@usdoj.gov>, "Koebele; Steve" <Steve.Koebele@usdoj.gov>, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Help requested

I would ask that no action be taken by any of your offices on this for now except as I request. It is important that it be confidential to the recipients of this email and up your chains of authority only. As I mentioned on Friday, Senator Leahy's staff has distributed a ?confidential? letter to Dem Counsel on Thursday from Collyn Peddie, who served as the attorney for ?Jane Doe? in some or several of the Texas bypass cases. According to either the letter or the Leahy staff Ms. Peddie sent this letter in the strictest confidence because she is up for partner, and believes she will be fired if it is publicized. Several members of her firm are lead supporters of the Owen nomination. Leahy's staff is only sharing with Democratic counsels. However, we might expect this letter to be used like the Brenda Polkey in Pickering at a moment when we are unable to respond. Ms. Peddie is being portrayed as a small oppressed lawyer fearing repercussions if her name gets out and the brave attorney who represented the ?girl in trouble? in Jane Doe 1. In fact, she is the attorney for Planned Parenthood who argued JD cases and the Buffer Zone case and on the board of Planned Parenthood of Texas, among other things. I will copy you on our research on her. For now I need priority help early Monday from the A team in briefly commenting on these items (two or three sentences). I have not seen the letter but it strongly criticizes Owen's actions on the Doe cases, especially for her ?appalling insensitivity? to the pregnant minors before her court. Owen violated the confidentiality of the Jane Does in her written opinions. Specifically, Peddie accuses Owen of publishing ?dissents and concurrences in which paragraph after paragraph of confidential testimony was quoted in great detail.? Owen sought delay of order granting bypass. Owen sought to stop the entry of Jane Doe 1's bypass until the court had published all its opinions. The court issued the order over Owen's objection, but if the Court had adopted Owen's position, the pregnant minor would have had to wait three more months to get the abortion. 3. Owen's Dissent in Jane Doe 4 Peddie criticized Owen's dissent in Jane Doe 4 which argued that parental rights should trump the risk that ?parents would throw a minor girl out on the street upon finding out she was pregnant.?

November 18, 2002

P_M7SRB003_WHO.TXT.eml_RV.pdf

Kavanaugh agrees to participate in/speak at an event hosted by Federalist Society at Yale Law

Received(Date): 18 NOV 2002 20:17:35
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: "Damara L. Griffith" <Damara.Griffith@yale.edu> ("Damara L. Griffith"
<Damara.Griffith@yale.edu> [UNKNOWN])
Subject: : Re: Dinner & Hotel

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-NOV-2002 20:17:35.00
SUBJECT: : Re: Dinner & Hotel
TO: "Damara L. Griffith" <Damara.Griffith@yale.edu> ("Damara L. Griffith" <Damara.Griffith@yale.edu> [UNKNOWN])
READ: UNKNOWN
End Original ARMS Header

Hotel reservation would be great. Also, I will do dinner. Thanks much.

"Damara L. Griffith" <Damara.Griffith@yale.edu>
11/18/2002 05:16:17 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Dinner & Hotel

Brett,

Please let me know if you would like me to make a hotel reservation for you at the Omni. Also, I would appreciate it if you would let me know as soon as you can about whether you would like to have dinner with some students tomorrow evening. I would prefer to have at least several hours lead time before the event to invite the members of the Federalist Society here. However, there are several students here who have already said they would like to go.

I look forward to seeing you tomorrow. Please let me know if you have any questions. I can also be reached via cell phone at [P6/b6]

Damara Griffith
Yale Law School
Class of 2004
127 Wall Street
New Haven, CT 06511

December 16, 2002

P_QPDEC003_WHO.TEXT.eml

Information indicating that Kavanaugh personally interviewed William Pryor for 11th Circuit

★ CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]

: Re: CA11

To: CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO]

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 16-DEC-2002 14:57:43.00
SUBJECT: Re: CA11
TO: Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

call me

Kyle Sampson
12/16/2002 01:35:42 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: CA11

How did the Pryor interview go?

February 13, 2003

P_6KEWD003_WHO.TXT.eml

Kavanaugh alerts others to a report by Media Affairs on Rush Limbaugh taking calls purportedly from Hispanics who left the Democratic party to become Republicans over the Estrada nomination

● CN=Brett M. Kavanaugh/OU=WHO/O=EOP [...]

February 13, 2003 at 2:56 PM

[Details](#)



: RADIO

To: & 2 more

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 13-FEB-2003 14:56:06.00
SUBJECT: RADIO
TO: David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ: UNKNOWN
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

Report from Media Affairs: Rush Limbaugh has been on Estrada for at least the last hour. He's been taking a steady stream of calls from hispanic democrats declaring that this issue has made them Republicans.

February 17, 2003

P_MHJYD003_WHO.TXT.eml

Kavanaugh has some thoughts on the quality of the press releases from Senator Leahy

: Re: You are a "bevy"

To: & 1 more



Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-FEB-2003 09:34:03.00
SUBJECT:: Re: You are a "bevy"
TO:"Charnes, Adam" <Adam.Charnes@usdoj.gov> ("Charnes, Adam" <Adam.Charnes@usdoj.gov>
[UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

pretty hilarious press release, as always, from the good Senator.

"Charnes, Adam" <Adam.Charnes@usdoj.gov>
02/13/2003 03:08:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: You are a "bevy"

<http://leahy.senate.gov/press/200302/021302.html>

U.S. SENATOR PATRICK LEAHY

CONTACT: Office of Senator Leahy, 202-224-4242

VERMONT

Reaction of Senator Patrick Leahy
To The White House Response (Letter From White House Counsel Gonzales)
To The Renewed Democratic Request For Estrada Work Documents
Feb. 12, 2003

"I regret that the White House remains recalcitrant and continues to stand in the way of a solution to this impasse.

"For an Administration that engages in lawyer-bashing at every turn, there is some irony in the fact that the White House has put a bevy of lawyers to work to compose a lawyer's brief rather than a straightforward response to Senator Daschle's good-faith effort to resolve this standoff.

"Buried within the 15-page letter signed by Mr. Gonzales and prepared by his staff is an admission that the Justice Department and Senate Republicans had previously refused to make. The Administration has finally acknowledged that there is precedent for providing the very types of documents the Judiciary Committee requested almost a year ago in connection with Mr. Estrada's nomination.

"Interestingly, the Administration in this letter makes no claim of legal privilege or executive privilege to withhold these documents from the Senate. Instead, the White House Counsel's office insists on substituting its judgment for the Senate's and tells the Senate that we already have sufficient information about this nominee.

"We are making the simple request that judicial nominees for these lifetime positions fully and forthrightly answer legitimate questions so the Senate can make informed decisions. We are standing for the straightforward principle that no nominee should be rewarded with a lifetime appointment to the second-highest court in the land for stonewalling the Senate and the American people. Getting a lifetime post on the federal courts is a privilege, not a right.

"I have voted for many, many judges whose judicial philosophy I disagreed with, but at least I knew what their judicial philosophies were. In fact the Democratic Senate confirmed 100 of President Bush's judicial nominees by the end of last year.

"I hope that after getting this letter off its chest, the Administration will now begin to work with us. If they did we could end the stalemate they've created."

#####

February 27, 2003

P_TRQ8E003_WHO.TXT.eml

Kavanaugh on Biden, albeit without much context

● **CN=Brett M. Kavanaugh/OU=WHO/O=EOP...**

February 27, 2003 at 12:50 PM

[Details](#)



: Re: John

To: [& 1 more](#)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-FEB-2003 12:50:47.00

SUBJECT:: Re: John

TO:H. Christopher Bartolomucci (CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Biden has lost it

H. Christopher Bartolomucci

02/27/2003 12:49:27 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: John

Got Kohl, Feinstein and Edwards.

Date: April 9, 2003

00000000F8DF5088AA946A4695F739D607C3FCA124AD2300.eml

Information from Manny Miranda on Democratic senators' concerns about filibustering judicial nominees

● "Kavanaugh, Brett M."

April 9, 2003 at 1:27 PM



From Manny on Frist's staff

To: "Grubbs, Wendy J."

"According to Democrat sources, several Democrat Senators have expressed concern about any filibuster of a judicial nominee that is based on substance, as opposed to process. The Senators that may be wavering or opposed to an extended debate are: Lincoln, Pryor, Carper, Graham, Nelson (FL), Nelson (NE), Bayh, Landrieu, Breaux, Dorgan, Conrad, Baucus, Hollings, Bryd and Miller."

April 25, 2003

00000000CAF75936B732BC4CA83D351BFD27735E645B2900.eml

Kavanaugh comments on Sen. Schumer saying that the ABA is the gold standard for judicial nominations

● "Kavanaugh, Brett M."

April 25, 2003 at 11:06 AM



Re: ABA - Stephen Robinson

[Details](#)

To: "Newstead, Jennifer G.", Cc: "Ulyot, Theodore W.", "Addington, David S." & 7 more

Since Sen. Schumer was one of two signatories on the infamous March 2001 "ABA gold standard" letter that we have cited back at them AD NAUSEUM, this letter should be v. interesting.

Jennifer G. Newstead

04/25/2003 11:02:51 AM

Record Type: Record

To: Patrick J. Bumatay/WHO/EOP@Exchange

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

bcc:

Subject: Re: ABA - Stephen Robinson

We now have four pending NY district court nominees with unanimous WQ from the ABA -- Holwell, Feuerstein, Castel and Robinson. I am working on a letter to the Senators urging a hearing for the four of them. Wesley is also pending with a unanimous WQ for the CA2.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 04/25/2003 10:58:04 AM

Record Type: Record

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

cc:

Subject: ABA - Stephen Robinson

Stephen Robinson, USDC, Southern District of New York, is unanimously rated "Well Qualified" by the ABA.

Thanks

April 29, 2003

00000000AAACFB96551ED54A81374C23E2E8FE07A4882900.eml_RV.pdf

Letter to Robert Mueller edited by Kavanaugh commending the FBI's work

From: "Kavanaugh, Brett M."
To: "Bumatay, Patrick J."
Subject: Re: Thank you note for
Received(Date): Wed, 30 Apr 2003 17:20:35 -0500

slightly edited

April 29, 2003

Dear Director Mueller:

On behalf of President Bush, I write to commend the extraordinary work of the FBI's Special Inquiry and General Background Investigation Unit. Over the last several months, they have completed over six dozen intensive judicial investigations - many of which were done on very short notice. Because of the impressive work of the men and women of the SIGBIU, we have been able to accomplish the President's goal for the timely nomination of judges. My staff and I greatly appreciate their service to the President and the country.

[P6/b6/b7c/b7e/b7f]

Sincerely,

Alberto R. Gonzales

Counsel to the President

May 28, 2003

000000008D80BFD25637FB44AC32BA0F199807A1041F2800.eml

Op-ed apparently written by Kavanaugh on the "double-standard" used by Democrats concerning judicial nominations



John Roberts gets sworn in Monday; a hook for submitting this to Post??

To: "Snee, Ashley"

This Monday [June 2], John Roberts will take the oath of office to be a judge on the U.S. Court of Appeals for the D.C. Circuit. Roberts has served as Principal Deputy Solicitor General of the United States, Associate Counsel to President Reagan, and Law Clerk to then-Justice Rehnquist. He has argued numerous cases before the U.S. Supreme Court and is widely recognized as one of the very best appellate lawyers in America. The American Bar Association unanimously rated him well qualified. In short, John Roberts exemplifies the kind of judge President Bush has nominated to the federal courts, and will be a distinguished judge on the D.C. Circuit.

The Senate recently voted unanimously to confirm Roberts to the D.C. Circuit. The Senate vote is noteworthy for two reasons, both of which demonstrate the breakdown in the Senate confirmation process for federal appeals court nominees about which President Bush and many Senators of both parties have spoken in recent years.

First, the long road from Roberts' initial nomination to his confirmation vote was unfair and is impossible to defend. Roberts was first nominated to the D.C. Circuit in January 1992, yet did not receive a hearing before the end of President George H.W. Bush's term a year later. President George W. Bush then nominated Roberts on May 9, 2001, shortly after taking office. But the Senate Judiciary Committee did not hold a hearing on Roberts' nomination during the entire last Congress, even though no serious objections were lodged against him. President Bush then re-nominated Roberts on January 7, 2003. After two hearings this year, Roberts received his Senate vote on May 8, 2003 -- two years after nomination by President George W. Bush and more than 11 years after his first nomination. And when Roberts finally received that elusive vote, the Senate unanimously confirmed him, which makes the many years of delay all the more difficult to explain and justify.

The Senate's delays and denials of votes on appeals court nominees which have been too common in recent Administrations -- flout the intention of the Constitution and the tradition of the Senate. No judicial nominee ever should have to wait years for a vote in the Senate. So that the federal courts are fully staffed to do their jobs for the American people and in order to attract the best and brightest to judicial service, the Senate should fulfill its constitutional responsibility and ensure that every judicial nominee receives an up-or-down Senate vote within a reasonable period of time after nomination.

Second, the confirmation of John Roberts also dramatically exposes the double standard being applied to the Presidents other D.C. Circuit nominee, Miguel Estrada. The career records of Roberts and Estrada are strikingly similar. Both Estrada and Roberts were unanimously rated well-qualified by the ABA. Both have argued numerous cases before the Supreme Court, including as attorneys in the Solicitor General's office. Both have devoted large portions of their legal careers to public service and also been partners at major Washington law firms. Both have clerked for Supreme Court Justices. Both have the very strong support of prominent Democrat attorneys who served in high-ranking positions in the Clinton Administration. Neither has served previously as a judge or a professor and therefore neither has written widely about their personal views on legal issues. Both have served instead as superb and well-respected and fair-minded lawyers for public and private clients throughout their careers.

Despite the similarities between Roberts and Estrada, 45 Senate Democrats have treated them very differently. Senate Democrats never requested confidential case memoranda written by Roberts during his time in the Solicitor General's office. Yet they are insisting on reviewing memoranda written by Estrada during his tenure in the Solicitor General's office as a condition of ending a 4-month filibuster of his nomination. Consistent with judicial independence and the traditional practice of judicial nominees, Senate Democrats also did not demand that Roberts answer questions about his personal views on legal and policy issues before they voted on him. Yet these Senators are demanding that Estrada answer the same questions as a condition of ending the filibuster on Estrada.

The 45 Senate Democrats who are filibustering Estrada's nomination are applying a double standard. There is no rational or legitimate justification for the disparate treatment of Roberts and Estrada -- particularly by using the extraordinary and unprecedented filibuster against Estrada, who would be the first Hispanic to serve on the D.C. Circuit and has the clear support of a majority of Senators. The President has asked that the Senate Democrats halt the filibuster and allow an up-or-down vote on Estrada. As the President has said, let each Senator vote as he or she thinks best, but end the double standard, stop the delays, and give the man a vote.

June 3, 2003

Discussion concerning letter from Sen. Feinstein to President Bush; Republican staffer had unsigned, unofficial copy but it's unclear how

000000005B7221EAC0ED044D93147BEF22F718DFE44F2D00.eml

● "Kavanaugh, Brett M."

June 3, 2003 at 10:13 AM

RE: Feinstein letter

To: "Bumatay, Patrick J."

you can stand down on this. thx.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/03/2003 09:53:26 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: RE: Feinstein letter

Pls. call me about this. I think I have it, but it is unsigned and not on letterhead.

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

From: Kavanaugh, Brett M.

Sent: Tuesday, June 03, 2003 9:25 AM

To: Bumatay, Patrick J.

Subject: FW: Feinstein letter

Do you have a copy of the Feinstein letter to us?

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/03/2003 09:24 AM -----

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/03/2003 09:23:16 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: Feinstein letter

Do you have this?

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

From: Comisac, RenaJohnson (Judiciary) [mailto:Rena_Johnson_Comisac@Judiciary.senate.gov <mailto:Rena_Johnson_Comisac@Judiciary.senate.gov>]

Sent: Monday, June 02, 2003 9:41 PM

To: Grubbs, Wendy J.

Cc: Green, Tanya (Judiciary)

Subject: Feinstein letter

I have a copy of the 5/6 letter Judge Gonzales sent Feinstein, but I do not have a copy of the 5/5 letter Feinstein sent President Bush that prompted the response from Gonzales. Can you please fax me a copy at 228-1698?

June 6, 2003

00000000D5801D92D561F74C8D8E113E10E6DBA784352E00.eml

Kavanaugh comments on "being a ratchet" in "ratcheting up the confrontation with Senate Democrats"

● "Kavanaugh, Brett M."

Re: you

To: "Snee, Ashley"

June 6, 2003 at 9:07 AM



Happy to be a ratchet. But the other nom will be even more of a ratchet.

From: Ashley Snee/WHO/EOP@Exchange on 06/06/2003 09:06:18 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: you

New York Daily News - <http://www.nydailynews.com> <<http://www.nydailynews.com/>>

Mull Bill probe for fed bench

Friday, June 6th, 2003

A White House lawyer who once investigated the Clintons is being considered for a key judicial nomination that Democrats said would ratchet up the political fight over the federal bench.

President Bush could tap Brett Kavanaugh for the District of Columbia Circuit Court of Appeals, where two of former President Bill Clinton's nominees were blocked from taking seats by Senate Republicans, Democratic congressional aides said yesterday.

Kavanaugh submitted to an FBI background check - a standard first step toward a nomination, the aides said.

He worked for independent counsel Kenneth Starr on the Monica Lewinsky probe; investigated the death of Clinton White House lawyer Vince Foster, an ex-law partner of Sen. Hillary Clinton (D-N.Y.), and helped write Starr's sex-laced Lewinsky report.

Tapping Kavanaugh would "be viewed as a ratcheting up of the confrontation with Senate Democrats" over Bush's judicial picks, a Democratic source said.

Bush nominated another Starr deputy, Karin Immergut, to be the U.S. attorney in Oregon yesterday.

Kavanaugh did not return calls, and White House officials declined to comment last night.

May 2, 2003

P_2D44G003_WHO.TXT.eml

Kavanaugh forwards an email with the Subject Line "Leonard's List" to WH Office of Public Liaison.

CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]

May 2, 2003 at 2:29:45 PM EDT

To: CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO]

: Leonard's list

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-MAY-2003 14:29:45.00

SUBJECT: Leonard's list

TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on

05/02/2003 02:29 PM -----

Brett M. Kavanaugh

10/24/2002 11:54:15 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc:

Subject: Leonard's list

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on

10/24/2002 11:59 AM -----

Jennifer D. Hugo

10/24/2002 11:53:43 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Leonard's list

These people need to be invited to Miguel Estrada's event...

Francisco Ivarra 206-364-5948 American GI Forum
Gilbert Moreno 713-926-4756 Assoc. for the
Advancement of Mexican Americans
Ana Cabral 202-835-9672 Hispanic Association
for Corporate Responsibility
Brigida Benitez Hispanic Bar
Association of DC
Jessica Herrera 703-610-9038 Hispanic Bar
Association of DC
Linda Estrada Hispanic Bar
Association of DC
John Machado 703-715-6880 Hispanic Bar
Association of Virginia
Lisette Mestre Hispanic Bar
Association of Virginia
Roberto de Posada 202-255-1480 Hispanic Business
Round Table
Rosana Jordan 202-776-1754 Hispanic Counsel
of International Relations
Juan Carlos Iturregui 202-419-2022 Hispanic National
Bar Association DC Region
Juan Carlos Dulanto 703-461-0860 InterAmerican
Development Foundation/Peruvian
Civic
Unity/Peruvian American Chamber of Latino Civil Right Center
Brent A. Wilkes 202-833-6130 LULAC
Alma Morales-Rioja 202-833-0060 x13 MANA
John Honaman National Society of
Hispanic MBA's
Ramon Rodriguez U.S. Hispanic Chamber of
Commerce
Al Zapanta 202-371-8680 U.S. Mexico Chamber
of Commerce

May 6, 2003

P_3RZ6G003_WHO.TXT.eml

Email chain with Subject Line "Judges List," included Rudy Giuliani and Bill Barr

CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]

May 6, 2003 at 2:07:01 PM EDT

To: CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO]

: Fw: Judges list

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 6-MAY-2003 14:07:01.00

SUBJECT: Fw: Judges list

TO: Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

Can you and ganter help with this.

.

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

From: Matthew E. Smith/WHO/EOP

To: Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/06/2003 09:44:47 AM

Subject: Judges list

The interns were unable to find good numbers for the following people.

Can you help on some?

----- Forwarded by Matthew E. Smith/WHO/EOP on 05/06/2003

09:44 AM -----

Paul Perkins

05/06/2003 09:43:37 AM

Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP

cc:

Subject: Judges list

We don't have the phone nun

Rudy Giuliani
Gerry Parsky
Lovida Coleman
William Barr
Alan Simpson
Sam Nunn
Robert Litt
Randolph Moss
Griffin Bell
Harold Tyler Jr.
David O'Brien
Daniel Meador
Arlin Adams
Lawrence S. Robbins
Michael Lazerwitz
Christopher Wright
Alan Horowitz
Stepehn Nightingale

May 6, 2003

P_3XX6G003_WHO.TXT.eml

Kavanaugh plans to give briefing on Patricia Owen nomination

CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]

May 6, 2003 at 1:39:29 PM EDT

To: CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO], Steven_Duffield

: Re: Tomorrow 11am

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [

CREATION DATE/TIME: 6-MAY-2003 13:39:29.00

SUBJECT: Re: Tomorrow 11am

TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [V

READ: UNKNOWN

TO: Steven_Duffield@rpc.senate.gov (Steven_Duffield@rpc.senate.gov [UNKN

READ: UNKNOWN

End Original ARMS Header

I can do it. Tell me where and when. Thx.

.

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

From: <Steven_Duffield@rpc.senate.gov>

To: Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 05/06/2003 12:02:59 PM

Subject: Tomorrow 11am

We are doing a briefing on Owen tomorrow at 11am at the RPC. Bencz says he can send somebody, but we thought you should have first shot. Do you want to come? Pls coordinate with Bencz and let me know.

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

May 22, 2003

P_5ZONG003_WHO.TXT.eml

Kavanaugh forwards letter from WH to Democratic Senators about Senate needing to vote on nominees to maintain institutional integrity.

THE WHITE HOUSE

WASHINGTON

May 6, 2003

Dear Senator Feinstein:


On behalf of President Bush, I write in response to your letter of May 5.

You propose that the President and the opposite political party select in equal numbers members of citizen judicial nominating commissions in each State who would then select nominees for each judicial vacancy. The President would be required to nominate one of the individuals selected by the commission and the Senate required to vote up or down on that nominee. You propose this as a permanent change to the constitutional scheme for appointment of federal judges.

We appreciate and share your stated belief that the judicial confirmation process is "going in the wrong direction" and is potentially "spiral[ing] out of control." But as explained more fully in my attached letter to Senator Schumer in response to his similar proposal, we respectfully believe that this proposal is inconsistent with the Constitution, with the history and traditions of the Nation's federal judicial appointments process, and with the soundest approach for appointment of highly qualified federal judges, as the Founders determined. Rather, as President Bush and many other Senators of both parties have stated in the past, the solution to the broken judicial confirmation process is for the Senate to exercise its constitutional responsibility to vote up or down on judicial nominees within a reasonable time after nomination, no matter who is President or which party controls the Senate. We thus agree with your statement of September 16, 1999 in which you stated: "A nominee is entitled to a vote. Vote them up; vote them down." As you said on October 4, 1999, moreover, the Senate's "institutional integrity requires an up-or-down vote."

We very much appreciate your open-minded approach to the President's judicial nominees and what I know is your sincere desire to fix this process on a permanent and bipartisan basis. Thank you very much for your letter, and please do not hesitate to contact me at any time about the judicial appointments process.

Sincerely,



Alberto R. Gonzales
Counsel to the President

May 8, 2003

P_E6T9G003_WHO.TXT.eml

Kavanaugh sends email to Leonard Leo about protocol and FedSoc not reaching out to government folks for invitations.

CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]

May 8, 2003 at 2:31:51 PM EDT

To: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO]

: Fed Soc invitations

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAY-2003 14:31:51.00

SUBJECT: Fed Soc invitations

TO: Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

fyi

----- Forwarded by Brett M. Kavanaugh/WHO/EOP on
05/08/2003 02:31 PM -----

Brett M. Kavanaugh
05/08/2003 02:30:36 PM
Record Type: Record

To: lleo@fed-soc.org @ inet
cc: Matthew E. Smith/WHO/EOP@EOP
Subject: Fed Soc invitations

Federalist Society should NOT be calling people in government (Justice and Senate) to invite them. This is presenting protocol issues at Senate and with DOJ. Thanks.

Please make clear to everyone there that our intention from the get-go was to invite any and all comers from OLP for the precise purpose of expressing President's and WH appreciation of the hard work. The problem was that Cabinet Affairs does DOJ invites and does not usually make calls until 2-3 days before event. Meanwhile, Public Liaison handles outside groups and has to give more advance notice. Pub Liaison had called Fed Soc late last week and told them to round up 25-50 people. Fed Soc then stupidly called people in your office and some Senate staffers instead of calling people on the outside. Sorry for confusion, but please make sure people in OLP and FBI unit understand they always were to be invited by us.

May 15, 2003

P_IP6GG003_WHO.TXT.eml_RV.pdf

Much on an e-mail chain with Leonard Leo is redacted

Received(Date): 15 MAY 2003 11:00:21

From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

To: Leonard Leo [P6/b6]

UNKNOWN])

Subject: : Re: OLP Conversation

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 15-MAY-2003 11:00:21.00

SUBJECT:: Re: OLP Conversation

TO: Leonard Leo [P6/b6]

UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

think the train may have left the station. pre-wired.

Leonard Leo [P6/b6]

05/15/2003 12:14:31 AM

Please respond to Leonard Leo [P6/b6]

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: OLP Conversation

Can you give me any sense as to how the idea I floated by you was received?

May 1, 2003

P_XU72G003_WHO.TXT.eml

Kavanaugh and White House trying to figure out way to force the Senate to vote on judicial nominees. Pull language from a 1789 Senate Resolution requiring a date for a nominee to be considered, and an 1829 decision not to act on a nominee

● **CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]**

:

To: CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO]

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAY-2003 09:07:20.00
SUBJECT::
TO:Jonathan F. Ganter (CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

This apparently was adopted in first Congress in 1 J. Exec. 19. Can you find it and get it to me and also ask Library to find any history about this provision:

"Resolved, That when nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration.... All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and the Senators shall signify their assent or dissent by answering, viva voce, ay or no."

● **CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]**

:

To: CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO]

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-MAY-2003 09:55:35.00
SUBJECT::
TO:Jonathan F. Ganter (CN=Jonathan F. Ganter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

also need 5 Reg. Deb. 86-92 (1829) from Senate debates on Justice Crittendon.

June 16, 2003

P_O5Y8H003_WHO.TXT.eml

Kavanaugh discussion with Senator McConnell's Office re: Senate confirmation of Executive Branch nominees.

● **CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]**

:

To: CN=Dina Powell/OU=WHO/O=EOP@Exchange@EOP [WHO]

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-2003 20:03:29.00

SUBJECT::

TO:Dina Powell (CN=Dina Powell/OU=WHO/O=EOP@Exchange@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

I received a call from Senator McConnell's counsel who is quietly interested in reforms to the process for confirming Executive Branch appointees. He mentioned two issues: whether there are too many Senate-confirmed positions and whether there should be timelines on Senate consideration of nominees. Thoughts?