

Manuel\_Miranda@frist.senate.gov

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**From:** Manuel\_Miranda@frist.senate.gov  
**Sent:** Tuesday, April 22, 2003 5:08 PM  
**To:** Dinh, Viet; Brett\_M.\_Kavanaugh@who.eop.gov  
**Subject:** another Hispanic  
**Attachments:** (b) (6).DOC

This fellow is interested in being a judge. He is particularly interested in the Court of Claims. Just passing it on. Do y'all have a finders fee?

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Tuesday, March 18, 2003 8:00 PM  
**To:** 'Miranda, Manuel (Frist)'  
**Subject:** RE: updated editorial information

Manny,

I talked with Judge Hogan re your event--he would love to help. why dont we plan on calling him together tomorrow, or if you can put on one sheet of paper all the relevant info, I can fax it to him. thanks

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

**From:** Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
**Sent:** Tuesday, March 18, 2003 6:54 PM  
**To:** Dinh, Viet  
**Subject:** RE: updated editorial information

They are collected and updated and a copy is kept in the cloak room.

We are now collecting eds and op-eds on constitutional clamoring.

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

**From:** Dinh, Viet [mailto:Viet.Dinh@usdoj.gov]  
**Sent:** Tuesday, March 18, 2003 6:45 PM  
**To:** Miranda, Manuel (Frist)  
**Subject:** RE: updated editorial information

I hope these are collected, or at least hypertexted, at a website somewhere.

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

**From:** Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
**Sent:** Tuesday, March 18, 2003 6:25 PM  
**To:** Goodling, Monica; Benczkowski, Brian A; Dinh, Viet; (b)(6) Kay Daly email  
Sean Rushton; Ledeen, Barbara (Republican-Conf);  
Brett\_M.\_Kavanaugh@who.eop.gov; asnee@who.eop.gov; Stevenson, Bob  
(Frist); Jacobson, Paul (Frist); Hoover, Margaret; Wichterman, Bill  
(Frist); Sharon Castillo - Communications; Lizette Jenness Olmos -  
Communications  
**Subject:** updated editorial information

subject: updated editorial information

117 anti-filibuster/pro-Estrada editorials from 82 newspapers in 31 states and the District of Columbia

16 pro-filibuster/anti-Estrada editorials from 12 newspapers from only 7 states.

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Tuesday, March 18, 2003 8:00 PM  
**To:** 'Miranda, Manuel (Frist)'  
**Cc:** Benczkowski, Brian A  
**Subject:** RE: updated editorial information

Manny, can you give us a copy of the binder? thanks

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

**From:** Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
**Sent:** Tuesday, March 18, 2003 6:54 PM  
**To:** Dinh, Viet  
**Subject:** RE: updated editorial information

# Duplicative Records

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Tuesday, February 25, 2003 10:03 AM  
**To:** 'Miranda, Manuel (Frist)'  
**Subject:** RE: Invite Carmona to Luncvh today

has anyone alerted Ted? should I?

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

**From:** Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
**Sent:** Tuesday, February 25, 2003 9:15 AM  
**To:** Dinh, Viet; Benczkowski, Brian A; Brett\_M.\_Kavanaugh@who.eop.gov;  
Wendy Grubbs (E-mail); Abel\_Guerra@who.eop.gov;  
Leonard\_B.\_Rodriguez@who.eop.gov  
**Cc:** Willcox, Lawrence (RPC); Gumerson, Katie (RPC)  
**Subject:** Invite Carmona to Luncvh today  
**Importance:** High

Please Invite Carmona per Policy. Let us know.

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

**From:** Willcox, Lawrence (RPC)  
**Sent:** Tuesday, February 25, 2003 9:07 AM  
**To:** Rodgers, Mark (Republican-Conf); Bainwol, Mitch (Frist)  
**Cc:** Miranda, Manuel (Frist)  
**Subject:** RE: Conference Tomorrow/Thursday

Senator Kyl does NOT want to invite the House members, but he said it was ok to invite the SG. See Manny's email below: PLease have someone alert me to whether he will attend.

[Willcox, Lawrence] The plan to have Martinez and Hatch at a press conference later this week is great. The House Hispanics are great.

But I want to urge the WH and Conference or Steering to get Cardona up here.

(Unfortunately, I dropped that ball in asking Policy to invite him today for lunch. Although perhaps it is not too late?)

Cardona is from Arizona as I recall, and grew up in NYC. He is Puerto Rican as I recall. IF HE CAN ADDRESS HOW THIS IS RESONATING IN THE HISPANIC COMMUNITY and detail the events and the galvanizing effect, it would be even better than Martinez who is Cuban, and we would all be well served.

And did I say that he was from Arizona

And did I say that he was from Arizona.  
We should get him up here.

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Monday, February 3, 2003 12:34 PM  
**To:** 'Miranda, Manuel (Judiciary)'  
**Cc:** 'Ashley\_Snee@who.eop.gov'  
**Subject:** RE: RNLA Judiciary Advocacy Panel Active

ashley snee. I have forwarded

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

From: Miranda, Manuel (Judiciary)  
[mailto:Manuel\_Miranda@Judiciary.senate.gov]  
Sent: Monday, February 03, 2003 12:04 PM  
To: Benczkowski, Brian A; Dinh, Viet; Goodling, Monica; Remington,  
Kristi L; Brett\_M.\_Kavanaugh@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov;  
Leonard\_B.\_Rodriguez@who.eop.gov; **b(6) Leonard Leo personal email**  
bgray@wilmer.com  
Subject: FW: RNLA Judiciary Advocacy Panel Active

FYI. Let's use these folks. (Who is the Judiciary press person at the WH?)

Brigita Benitez at Wilmer Cutler is in touch with those on this list who are Hispanic and could help on Estrada.

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

From: Craig S Burkhardt [mailto:csburkhardt@sorlinglaw.com]  
Sent: Monday, February 03, 2003 10:14 AM  
To: Miranda, Manuel (Judiciary)  
Cc: Michael Thielen (E-mail)  
Subject: RNLA Judiciary Advocacy Panel Active

Manuel:

You can see the names of our advocacy panel that is activating this week by clicking <http://www.republicanlawyer.com/Speakers.asp>. This is the group that will response to media inquiries for practicing lawyer opinions on the nominees. There are 98 members covering 50 media markets.

Regards,  
Craig Burkhardt  
RNLA President

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Tuesday, January 28, 2003 6:47 PM  
**To:** 'Miranda, Manuel (Judiciary)'; Sales, Nathan; Goodling, Monica; 'Tapia, Margarita (Judiciary)'; 'Delrahim, Makan (Judiciary)'  
**Cc:** Charnes, Adam; Benczkowski, Brian A; Brown, Jamie E (OLA); Corallo, Mark; 'Comisac, RenaJohnson (Judiciary)'; 'Dahl, Alex (Judiciary)'  
**Subject:** RE: Sutton press availability

Sutton is Cuban for surrogates.

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

**From:** Miranda, Manuel (Judiciary)  
[mailto:Manuel\_Miranda@Judiciary.senate.gov]  
**Sent:** Tuesday, January 28, 2003 6:39 PM  
**To:** Sales, Nathan; Dinh, Viet; Goodling, Monica; Tapia, Margarita (Judiciary); Delrahim, Makan (Judiciary)  
**Cc:** Charnes, Adam; Benczkowski, Brian A; Brown, Jamie E (OLA); Corallo, Mark; Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary)  
**Subject:** RE: Sutton press availability

No I meant surrogates, sorry.

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

**From:** Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]  
**Sent:** Tuesday, January 28, 2003 6:32 PM  
**To:** Dinh, Viet; Sales, Nathan; Miranda, Manuel (Judiciary); Tapia, Margarita (Judiciary); Delrahim, Makan (Judiciary)  
**Cc:** Corallo, Mark; Brown, Jamie E (OLA); Benczkowski, Brian A; Charnes, Adam; Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary)  
**Subject:** RE: Sutton press availability

Sutton will take questions from the media? Do you mean Dole?

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

**From:** Miranda, Manuel (Judiciary)  
[mailto:Manuel\_Miranda@Judiciary.senate.gov]  
**Sent:** Tuesday, January 28, 2003 6:27 PM  
**To:** Dinh, Viet; Sales, Nathan; Tapia, Margarita (Judiciary); Delrahim,

Makan (Judiciary)

Cc: Goodling, Monica; Corallo, Mark; Brown, Jamie E (OLA); Benczkowski, Brian A; Charnes, Adam; Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary)

Subject: RE: Sutton press availability

The issues with securing a room are these: we do not have a firm time to give the media and if it is a stake out, we open it up to Democrats and the liberal groups to use. It is also true that everyone and his mother is having a hearing tomorrow.

**(b) (5)**

We will see to it that it is civil. It always has been in the past.

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

From: Sales, Nathan [mailto:Nathan.Sales@usdoj.gov]

Sent: Tuesday, January 28, 2003 5:11 PM

To: Dinh, Viet

Cc: Charnes, Adam; Benczkowski, Brian A; Brown, Jamie E (OLA); Corallo, Mark; Goodling, Monica; Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Miranda, Manuel (Judiciary)

Subject: Sutton press availability

**Duplicative Records**

**Miranda, Manuel (Judiciary)**

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**From:** Miranda, Manuel (Judiciary)  
**Sent:** Tuesday, January 21, 2003 7:05 PM  
**To:** Benczkowski, Brian A; Brett\_M.\_Kavanaugh@who.eop.gov  
**Cc:** Dinh, Viet  
**Attachments:** tmp.htm

Gentlemen,

As you know, we are going to do Committee Majority Reports on key nominees, which will be circulated on the Senate floor and to the press, etc. We will base these on past styles.

However, I would like to use the same opener in each Report that generically describes the process of selection before a nominee is nominated to the Senate. The purpose is to convey the extent of review even before the Committee receives a name.

I anticipate that this would be no more than two or three paragraphs. I was hoping that one or both of you could help me trace that vetting process.

Let me know.  
Manny

Manuel Miranda

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**From:** Manuel Miranda  
**Sent:** Monday, December 9, 2002 12:20 PM  
**To:** Willett, Don  
**Subject:** Re:FW: 3rd Circuit

I do not know (and do not know her but for a few introductions). I can find out informally if you like.

(b) (5), (b) (6)

(b) (5), (b) (6)

, and she is

Hispanic. (b) (5), (b) (6)

\_\_\_\_\_  
Reply Separator \_\_\_\_\_ Subject: FW: 3rd Circuit  
Author: "Willett; Don" <Don.Willett@usdoj.gov> Date: 12/9/2002 9:45 AM

Manny, how strong are (b) (6) PA ties?

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

From: Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
Sent: Thursday, November 28, 2002 2:52 PM  
To: Willett, Don; Dinh, Viet; Brett\_M.\_Kavanaugh@who.eop.gov;  
Bradford\_A.\_Berenson@who.eop.gov  
Subject: 3rd Circuit

I understand that you all are looking for a Hispanic for the 3rd Circuit.

I was with Bernie Dobranski on Weds and he suggested (b) (6).

(b) (6)

. She is very well know, however, as (b) (5)

In any case, we should tap into her as a Hispanic (b) (6) for general purposes.

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP  
(MIME-Version: 1.0) id 000004D3; Mon, 9 Dec 2002 09:45:53 -0500 Received: from

**Sales, Nathan**

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**From:** Sales, Nathan  
**Sent:** Sunday, December 1, 2002 11:13 AM  
**To:** 'Manuel\_Miranda@judiciary.senate.gov'  
**Subject:** Re: Team Owen (Estrada)

Fine with me, Manny. Happy Thanksgiving!

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

From: Manuel Miranda <Manuel\_Miranda@judiciary.senate.gov>  
To: Willett, Don <Don.Willett@USDOJ.gov>; Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>;  
Sales, Nathan <Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>;  
(b)(6) Jennifer Oschal Email Joe Jacquot <Joe\_Jacquot@hutchison.senate.gov>;  
Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>; Alex Dahl  
<Alex\_Dahl@judiciary.senate.gov>; Rena Johnson Comisac </DDV=Rena\_Johnson\_Comisac@judicia  
ry.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/>; Ryan Higginbotham  
</DDV=Ryan\_Higginbotham@judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=GOV+DOJ/A=T  
ELEMAIL/C=US/>; Amy Haywood <Amy\_Haywood@judiciary.senate.gov>; Jason Lundell  
<Jason\_Lundell@judiciary.senate.gov>; Heather\_Wingate@who.eop.gov  
<Heather\_Wingate@who.eop.gov>  
Sent: Wed Nov 27 15:46:13 2002  
Subject: Team Owen (Estrada)

Well folks, while things are peaceful I would like to have either a face to face or a conference call on Thursday, December 5th for the first string of Team Owen at a time in the afternoon that is convenient for all. (See if I left any first stringers off this list.) The purpose is to jump start our preparation for her nomination's defense with the new challenges that await, such as a wider Senate vote and the wider media focus her September vote did not draw. We can shape a task list at the meeting.

Let me know if 2:30 pm works.

It may be that we also schedule a primer meeting on Estrada to follow with more attendees , but we will wait to call that on Tuesday.

## Willett, Don

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**From:** Willett, Don  
**Sent:** Wednesday, November 6, 2002 7:05 PM  
**To:** 'Alex Dahl (E-mail)'; 'Jennifer Oschal (E-mail)'; 'Ed Haden (E-mail)'; 'Manuel Miranda (E-mail)'; 'anne.kienlen@wilmer.com'; 'Brett Kavanaugh (E-mail)'; Bryant, Dan; 'ashley\_snee@who.eop.gov'; Goodling, Monica  
**Subject:** judges break-out session

Thank you all again -- very much -- for agreeing to participate in Friday morning's discussion (9:15-11:15) re. judicial nominations and confirmations.

Bottom line: we want to emerge from these 2 hours with a concrete list of action items for moving forward -- how best we should flex our regained majority muscle.

There is not a highly prescriptive agenda for our discussion. We want it to be focused and fruitful, but I think that too much structure can impede our time together.

At the outset, I anticipate asking each of you to give a minute or two of whatever opening comments you wish to make (key issues/challenges moving forward, how you see the 2003 landscape shaping up; whatever you want to emphasize in a minute or so).

Then I thought folks would be interested to hear Boyden take a few minutes to discuss (i) how the confirmation process has evolved/devolved from Bush 41 to Bush 43 and what lessons we should learn from our recent wilderness, and (ii) the genesis and origin of the Committee for Justice.

I'll then ask Brett to discuss briefly the President's proposed protocol for filling judicial vacancies (and also to demystify for folks, to the degree he can, the WHCO role in the first step of this whole process: the President's selection of judicial nominees).

After that, we'll spend the bulk of our time fleshing out a concrete action plan for moving forward:

- possible confirmation activities during the lame duck session
- **MAIN DISCUSSION:** exercising GOP control in 2003 (Committee reorganization logistics; the timing, pace, and order of confirmation hearings; the timing and pace of mark-ups; dealing with filibusters; etc.)
- continued activities to win in the court of public opinion
- preparing for a possible USSC vacancy and how that may affect action on other nominees

Thanks so much.

I leave early Thurs. a.m. for MD, and will have my BlackBerry if anyone needs to reach me. I'll see you all on Friday morning.

DRW

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

**From:** Willett, Don  
**Sent:** Wednesday, November 06, 2002 3:39 PM  
**To:** Alex Dahl (E-mail); Jennifer Oschal (E-mail); Ed Haden (E-mail); Manuel Miranda (E-mail); Charlotte Montiel (E-mail); 'anne.kienlen@wilmer.com'; Brett Kavanaugh (E-mail); Bryant, Dan  
**Subject:** final retreat agenda ...

**Sales, Nathan**

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**From:** Sales, Nathan  
**Sent:** Friday, September 20, 2002 4:50 PM  
**To:** 'Estrada, Miguel A.'; Benczkowski, Brian A; Manuel Miranda (E-mail)  
**Subject:** RE: Tapes

Manny, do you have a copy of the Raggi transcript? Miguel would like to review it before his hearing next week.

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

**From:** Estrada, Miguel A. [mailto:MEstrada@gibsondunn.com]  
**Sent:** Friday, September 20, 2002 4:46 PM  
**To:** Sales, Nathan; Benczkowski, Brian A  
**Subject:** RE: Tapes

Somebody also said that I would get a transcript of Rena Raggi's hearing. Is that available?

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

**From:** Benczkowski, Brian A [mailto:Brian.A.Benczkowski@usdoj.gov]  
**Sent:** Friday, September 20, 2002 4:42 PM  
**To:** Sales, Nathan; Estrada, Miguel A.  
**Subject:** RE: Tapes

I asked the SJC again today for copies. Have not heard back regarding whether they keep them on file, or whether we would need to go through C-Span or some other avenue...

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

**From:** Estrada, Miguel A. [mailto:MEstrada@gibsondunn.com]  
**Sent:** Friday, September 20, 2002 4:39 PM  
**To:** Benczkowski, Brian A; Sales, Nathan  
**Subject:** Tapes

Any luck in getting the tapes of the Owen and McConnell hearings?

Miguel A. Estrada  
Gibson, Dunn & Crutcher LLP  
202.255.8257, D.C.

**Charnes, Adam**

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**From:** Charnes, Adam  
**Sent:** Thursday, September 19, 2002 11:42 AM  
**To:** 'Manuel Miranda'; Benczkowski, Brian A; Willett, Don  
**Cc:** Brett M. Kavanaugh (E-mail)  
**Subject:** RE: Another request

Miguel has a scheduling conflict and is uncomfortable with the event in general; we will discuss with him at noon.

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

**From:** Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
**Sent:** Thursday, September 19, 2002 11:38 AM  
**To:** Charnes, Adam; Benczkowski, Brian A; Willett, Don  
**Subject:** Another request

Is there any way that the conference calls today and tomorrow can be at 5:00? Also we should include Ed Haden.

Oh, and the TVC meeting with Pastors on Monday has Hatch at 11:00. If you want MAE to be there, he should show up at 11:15 so that Hatch can speak freely without embarrassing MAE. He should expect to be done at 11:45, unless Andrea Lafferty is inviting Miguel for lunch which would be good.

**Charnes, Adam**

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**From:** Charnes, Adam  
**Sent:** Monday, September 16, 2002 1:10 PM  
**To:** 'Manuel\_Miranda@judiciary.senate.gov'; Willett, Don  
**Cc:** 'Brett\_M.\_Kavanaugh@who.eop.gov'  
**Subject:** Re: Miguelinos

I think Brett can answer that question.

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

**From:** Manuel Miranda <Manuel\_Miranda@judiciary.senate.gov>  
**To:** Charnes, Adam <Adam.Charnes@USDOJ.gov>; Willett, Don <Don.Willett@USDOJ.gov>  
**Sent:** Mon Sep 16 13:03:06 2002  
**Subject:** Miguelinos

Adam,

Can you tell me who were the Hispanic folks who were on the Estrada call the other day? We would like to have Hispanic groups in for a Hispanic groups meeting as soon as possible as we did with religious groups for McConnell.

Manny

\_\_\_\_\_ Reply Separator \_\_\_\_\_ Subject: Reminder: Miguel Prep  
Sessions Author: "Charnes; Adam" <Adam.Charnes@usdoj.gov> Date: 9/16/2002 11:56 AM

**Duplicative Records**

Sales, Nathan

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**From:** Sales, Nathan  
**Sent:** Friday, September 13, 2002 5:40 PM  
**To:** Remington, Kristi L  
**Subject:** RE: RE: McConnell

maybe we can (b) (5)

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

**From:** Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
**Sent:** Friday, September 13, 2002 5:37 PM  
**To:** Remington, Kristi L; Sales, Nathan  
**Cc:** Alex Dahl  
**Subject:** Re:RE: McConnell

Dean Kmiec is worth anything we can send him. He undertokk to do an enormous amount for us today.

Even if it's the email transmission of the binder...which by the way we need too.

\_\_\_\_\_ Reply Separator \_\_\_\_\_ Subject: RE: McConnell  
Author: "Sales; Nathan" <Nathan.Sales@usdoj.gov> Date: 9/13/2002 5:30 PM

I don't know that we have many spare copies. Maybe we can send the talking points instead?

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

**From:** Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
**Sent:** Friday, September 13, 2002 5:28 PM  
**To:** Remington, Kristi L; Sales, Nathan  
**Cc:** Alex Dahl  
**Subject:** Fwd:McConnell

Can I ask you to overnight the briefing book to Dean Kmiec at Catholic.

And anything else of value.

Thanks

Forward Header

Subject: McConnell

forward reader

subject: mcConnell

Author: "Kmiec; Douglas" <KMIEC@law.edu> Date: 9/13/2002 12:50 PM

Thanks for the good meeting.

It would help me if I had:

- \* whatever briefing book exists on Mike
- \* the specific materials where he advocates the importance for religious education
- \* the date, place and time of the hearing.

Many thanks. I will contact Tribe, Sullivan and Hesburgh and may -- if time permits -- crankout an op-ed as well.

Doug

Douglas W. Kmiec

Dean & St. Thomas More Professor

The Catholic University of America School of Law Cardinal Station Washington, D.C. 20064-8005

voice: (202) 319-5139 fax: (202) 319 5473 email: Kmiec@cua.edu Received: from

mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP

(IMA Internet Exchange 3.13) id 005F7997; Fri, 13 Sep 2002 12:58:22 -0400 Received: from

navgw2.senate.gov by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.0

3.p10) with SMTP id <0H2D008RMZ3SOF@mailsims1.senate.gov> for manuel\_miranda@judiciary

.senate.gov; Fri, 13 Sep 2002 12:58:53 -0400 (EDT) Received: from exchsrvb.cua.edu

([136.242.11.82]) by navgw2.senate.gov (NAVGW 2.5.1.12) with SMTP id M2002091312574529047

for <manuel\_miranda@judiciary.senate.gov>; Fri, 13 Sep 2002 12:57:45 -0400 Received: by

exchsrvb.cua.edu with Internet Mail Service (5.5.2650.21) id <SY3YGNWH>; Fri, 13 Sep 2002

12:50:04 -0400 Date: Fri, 13 Sep 2002 12:50:01 -0400 From: "Kmiec, Douglas" <KMIEC@law.edu>

Subject: McConnell To: "manuel\_miranda@judiciary.senate.gov" <manuel\_miranda@judiciary.sen

ate.gov> Message-id: <6FE0B5A51164D411934400508BDFDDB1096C7A7B@exchsrvb.cua.edu>

MIME-version: 1.0 X-Mailer: Internet Mail Service (5.5.2650.21) Content-type: text/plain;

charset=iso-8859-1 Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov

with SMTP

(IMA Internet Exchange 3.13) id 005FA75E; Fri, 13 Sep 2002 17:32:19 -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 <0H2E00MQUBUX7K@mailsims1.senate.g

ov>; Fri, 13 Sep 2002 17:33:05 -0400 (EDT) Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by

wdcsun022.usdoj.gov (Netscape Messaging Server 4.15) with ESMTP id H2EBSA03.J9U; Fri, 13 Sep

2002 17:31:22 -0400 Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3

(PHNE\_24419)/8.9.3) id RAA09986; Fri, 13 Sep 2002 17:31:21 -0400 (EDT) Received: by TELEMAIL;

Fri, 13 Sep 2002 17:30:33 -0400 Date: Fri, 13 Sep 2002 17:30:33 -0400 From: "Sales, Nathan"

Sales, Nathan

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**From:** Sales, Nathan  
**Sent:** Wednesday, September 4, 2002 2:20 PM  
**To:** 'Manuel\_Miranda@judiciary.senate.gov'  
**Subject:** Re: Increasingly pessimistic

Not at all. I'd only ask that you not associate my name, or doj, with it.

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

**From:** Manuel Miranda <Manuel\_Miranda@judiciary.senate.gov>  
**To:** Sales, Nathan <Nathan.Sales@USDOJ.gov>  
**Sent:** Wed Sep 04 14:08:41 2002  
**Subject:** Re:Increasingly pessimistic

do you mind if I saher your letter with other R counsel?

Sales, Nathan

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**From:** Sales, Nathan  
**Sent:** Tuesday, September 3, 2002 11:28 AM  
**To:** 'Manuel Miranda'  
**Subject:** RE: RE: This will be in the Washington Times on Tuesday 9-3-0

Manny, I've asked our press people to look into getting this reprinted in Delaware. In the meantime, do you think it would be worthwhile getting this in front of Biden some other way? Maybe staff to staff? Or maybe ask Specter to hand deliver it to Biden directly?

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

From: Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
Sent: Tuesday, September 03, 2002 9:05 AM  
To: Sales, Nathan; Ed Haden; 'Tom Jipping'; 'tim (u)goeglein (a)who.eop.gov'  
Subject: Re:RE: This will be in the Washington Times on Tuesday 9-3-0

Tom,

Thanks very much for the piece. You might see if the WT has no problem with you placing it as well in the News Journal in Delaware.

Manny

\_\_\_\_\_ Reply Separator \_\_\_\_\_ Subject: RE: This will be in the Washington Times on Tuesday 9-3-02 Author: "Sales; Nathan" <Nathan.Sales@usdoj.gov> Date: 8/30/2002 2:00 PM

Tom, this is very strong. This could prove very helpful in the Biden strategy. Thanks for helping to hold him to his own standard.

Manny, once this appears in print, do you think it would be worth hand-delivering to Biden's staff, the way you sent the Lubett piece to Feingold's people?

-----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

**Manuel Miranda**

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**From:** Manuel Miranda  
**Sent:** Wednesday, August 28, 2002 8:35 PM  
**To:** Charnes, Adam; Benczkowski, Brian A; Willett, Don; Corallo, Mark; Goodling, Monica; Dinh, Viet; Brett\_M.\_Kavanaugh@who.eop.gov; Margarita Tapia; Patricia DeLoatche; Alex Dahl; Rena Johnson; Heather\_Wingate@who.eop.gov; Barbara Ledeen; Bradford\_A.\_Berenson@who.eop.gov; Tim\_Goeglein@who.eop.gov  
**Subject:** Hispanic issue  
**Attachments:** RHRecord.doc

As discussed at the Estrada meeting last week, (b) (5) [REDACTED]  
[REDACTED]. As we pointed out, and the attached outline makes clear, (b) (5) [REDACTED]  
[REDACTED] the Hispanic issue. Do not forward the attached outside your offices.

---

Excerpt from President Bush's Remarks on August 23, 2002

You know, education is the pathway to success, and there's just example after example of people who came here with nothing except a dream or a hope and love and got a good education and succeeded. That's what America is about. That's what I love about our country. That's the hope. That's what distinguishes us from many other countries, that we welcome people from all walks of life. We proudly call you an American. We don't say, show us your birth certificate, how you're born, where you're born; you're American and we love you for being in America. We welcomed you to this country.  
(Applause.)

And, you know, I've got a shining example right there in Washington I want to share a story with you about, because it's a we've got a little problem up there with this particular fellow.

His name is Miguel Estrada. He's a young guy. He came to our country as a teenager. He barely spoke English. He had trouble with the language, because he didn't spend any time learning the language. And he got here, and he worked hard, and as a result of a good brain, brilliant mind, he now has argued 15 cases before the United States Supreme Court.

I've named him to a high bench, but the Senate won't give him a hearing. Here's a kid who comes to our country, works hard, learns the language. He's a brilliant jurist. He can't even get a hearing. I nominated him over a year and a half ago. I want this man to serve as a bright example of

Sales, Nathan

---

**From:** Sales, Nathan  
**Sent:** Wednesday, August 28, 2002 12:43 PM  
**To:** 'Manuel Miranda'  
**Subject:** RE: This is a score...

That's the best we can hope for. Translation: "Vote against Owen, because she's an extremist, not because she's unethical." This is just like the Post op-ed on Pickering.

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

From: Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
Sent: Wednesday, August 28, 2002 12:31 PM  
To: Charnes, Adam; Sutton, Jason; Remington, Kristi L; Goodling, Monica;  
Sales, Nathan; O'Brien, Pat; Koebele, Steve; Dinh, Viet; Alex Dahl;  
'anne(u)womack(a)who.eop.gov'; (b)(6) Barbara Ledeen Senate Email  
brett\_m.\_kavanaugh@who.eop.gov; heather\_wingate@who.eop.gov;  
(b)(6) Jennifer Oschal Email (b)(6) Kay Daly Email (b)(6) Leonard Leo personal email  
Matthew\_E.\_Smith@who.eop.gov; 'Tim\_Goeglein@who.eop.gov'; 'Leonard Leo  
(E-mail)'; Makan Delrahim  
Subject: This is a score...

Maybe Lubet appreciated that Hatch did not name him on C-Span in the Smith debate when we showed 4 million viewers his photo atop a police car.

---

\The Atlanta Journal and Constitution  
August 28, 2002 Wednesday Home Edition  
SECTION: Editorial; Pg. 22A

LENGTH: 448 words

HEADLINE: Sniping fails to study judge's merits

BYLINE: STEVEN LUBET

SOURCE: For the Journal-Constitution

BODY:

There are both good and bad reasons to be unhappy about President Bush's nomination of Priscilla  
Quinn Cuneo, a justice of the Supreme Court of Texas, to the important Fifth Circuit Court of

**Charnes, Adam**

---

**From:** Charnes, Adam  
**Sent:** Wednesday, August 21, 2002 9:12 AM  
**To:** 'Manuel Miranda'; Willett, Don; 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'robyn@progressforamerica.org'; 'j (b)(6) Jennifer Oschal Email'; 'Heather\_Wingate@who.eop.gov'  
**Cc:** Benczkowski, Brian A; Sales, Nathan; Koebele, Steve  
**Subject:** RE: Re[2]: Estrada meeting/ Wednesday

Ok with me.

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

From: Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
Sent: Tuesday, August 20, 2002 5:54 PM  
To: Charnes, Adam; Willett, Don; Brett\_M.\_Kavanaugh@who.eop.gov; robyn@progressforamerica.org (b)(6) Jennifer Oschal Email; Heather\_Wingate@who.eop.gov  
Cc: Benczkowski, Brian A; Sales, Nathan; Koebele, Steve  
Subject: Re[2]: Estrada meeting/ Wednesday

Might I suggest to go forward with this one tomorrow for the more political brainstorming that needs some planning, and then schedule another next Wednesday that could concentrate a bit more on the In Hearing issues.

\_\_\_\_\_  
Reply Separator \_\_\_\_\_ Subject: Re: Estrada meeting/  
Wednesday Author: Brett\_M.\_Kavanaugh@who.eop.gov Date: 8/20/2002 5:26 PM

If so, can we reschedule for monday?

-----  
Sent from my BlackBerry Handheld.

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

From:<Adam.Charnes@usdoj.gov>  
To:<Don.Willett@usdoj.gov>,  
<Manuel\_Miranda@judiciary.senate.gov>,  
<robyn@progressforamerica.org>,  
(b)(6) Jennifer Oschal Email  
Brett M. Kavanaugh/WHO/EOP@EOP

Cc:<Brian.A.Benczkowski@usdoj.gov>,  
<Nathan.Sales@usdoj.gov>,  
<Steve.Koebele@usdoj.gov>  
Date: 08/20/2002 05:19:06 PM  
Subject: Re: Estrada meeting/ Wednesday

Manny, unfortunately, a meeting that I need to attend has been scheduled for tomorrow afternoon. Can we reschedule for later in the week? I apologize for the inconvenience.

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

From: Manuel Miranda <Manuel\_Miranda@judiciary.senate.gov>  
To: Charnes, Adam <Adam.Charnes@USDOJ.gov>; Willett, Don  
<Don.Willett@USDOJ.gov>; robyn@progressforamerica.org  
<robyn@progressforamerica.org>; (b)(6) Jennifer Oschal Email 'Brett  
Kavanaugh' <Brett\_M.\_Kavanaugh@who.eop.gov>  
CC: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>; Sales, Nathan  
<Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>  
Sent: Tue Aug 20 12:23:17 2002  
Subject: Estrada meeting/ Wednesday

The meeting will be in Dirksen 152. I would like to move it to 2:30 if OK with everyone. If there is anyone that I should invite off Senate let me know.

\_\_\_\_\_  
Reply Separator \_\_\_\_\_ Subject: RE: RE: RE: Estrada  
Author: robyn@progressforamerica.org Date: 8/20/2002 12:13 PM

Do you have a place for the meeting on Wednesday?

Robyn G. Judelsohn

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

From: Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
Sent: Thursday, August 15, 2002 12:24 PM  
To: Charnes; Adam; Alex Dahl; Willett; Don; (b)(6) Jennifer Oschal Email 'Brett  
Kavanaugh'  
Cc: Benczkowski; Brian A; Sales; Nathan; Koebele; Steve; 'Robyn  
Judelsohn'  
Subject: Re:RE: RE: Estrada

I would suggest a small meeting on atmospheric on Wednesday at 2:00. recognizing that not all

I would suggest a small meeting on Wednesday or Thursday, depending on who will be in town.

It is possible that they will delay but I think unlikely. The pressure of Hispanic Heritage Month suggests to me that they want this hearing that week.

---

Reply Separator Subject: RE: RE: Estrada  
Author: "Charnes; Adam" <Adam.Charnes@usdoj.gov> Date: 8/15/2002 12:10 PM

I think a meeting makes sense, though I am out Monday and Tuesday. If you (and others on the Hill), Jennifer and Brett are available Wed. morning or early afternoon, we could meet then.

Because of the Hispanic activities there and the White House that week, do you think that Leahy will move the hearing?

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

From: Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
Sent: Thursday, August 15, 2002 12:06 PM  
To: Charnes, Adam; Willett, Don; (b)(6) Jennifer Oschal Email; 'Brett Kavanaugh';  
Alex Dahl  
Cc: Benczkowski, Brian A; Sales, Nathan; Koebele, Steve; 'Robyn  
Judelsohn'  
Subject: Re:RE: Estrada

Adam and Jennifer,  
Perhaps we might have a small face to face meeting early next week on Estrada.

Jennifer,  
I met Tuesday with Marta Metelko at RNHA to discuss some Estrada ideas, you might touch base with her and plan on attending their Hispanic groups meeting two Tuesday from now.

You should know that the Senate will have a conference with 350 Hispanic leaders the week of the expected Sept 19th hearing. I am coordinating to see that some of those folks stay over for the hearing.

---

Reply Separator Subject: RE: Estrada  
Author: "Charnes; Adam" <Adam.Charnes@usdoj.gov> Date: 8/15/2002 11:16 AM

We are already drafting a longer piece on Miguel which may be appropriate; I'll discuss with Brian, et al.

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

From: Willett, Don  
Sent: Thursday, August 15, 2002 11:11 AM  
To: (b)(6) Jennifer Oschal Email; 'Manny Miranda'; 'Barb Ledeen';  
'Heather(u)Wingate'; 'Brett Kavanaugh'; 'Tim Goeglein'  
Cc: 'Robyn Judelsohn'; Charnes, Adam; Benczkowski, Brian A; Koebele,  
Steve; Sales, Nathan  
Subject: RE: Estrada

Thanks, Jennifer. The talented Adam Charnes is point on Estrada within OLP, so I'll copy him on this reply. (FYI, other members of the Estrada team are Benczkowski, Koebele and Sales.)

DRW

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

From: Jennifer Oschal (b)(6) Jennifer Oschal Email  
Sent: Thursday, August 15, 2002 10:57 AM  
To: Willett, Don; Manny Miranda; Barb Ledeen; Heather(u)Wingate; Brett  
Kavanaugh; Tim Goeglein  
Cc: Robyn Judelsohn  
Subject: Estrada

We are working to get a number of hispanic groups (mostly local) set up to visit hill offices in early September to talk about ESTRADA. The thinking is that we can put positive info on him in front of the dems before they have a chance to say "we haven't heard from anyone but ralph neas, etc."

Don - let's think about background material that can be distributed and left behind in offices with some REAL information on Estrada - not just talking points.

Thoughts, suggestions?

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 00540541; Thu, 15 Aug 2002 11:17:18 -0400

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 <0H0W000RF54HP4@mailsims1.senate.gov> for manuel\_miranda@judiciary.senate.gov; Thu, 15 Aug 2002 11:17:43 -0400 (EDT)

Received: from wdcsun022.usdoj.gov ([149.101.1.103]) by navgw2.senate.gov (NAVGW 2.5.1.12) with SMTP id M2002081511181803029 for <manuel\_miranda@judiciary.senate.gov>; Thu, 15 Aug 2002 11:18:18 -0400

Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov (Netscape Messaging Server 4.15) with ESMTP id H0W53V00.I3Y; Thu, 15 Aug 2002 11:16:43 -0400 Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE\_24419)/8.9.3) id LAA03984; Thu, 15 Aug 2002 11:16:42 -0400 (EDT) Received: by TELEMAIL; Thu, 15 Aug 2002 11:16:22 -0400 Date: Thu, 15 Aug 2002 11:16:22 -0400 From: "Charnes, Adam" <Adam.Charnes@usdoj.gov> Subject: RE: Estrada

Aug 2002 11:10:22 -0400 From: Charnes, Adam <Adam.Charnes@usdoj.gov> Subject: RE: Estrada

To: "Willett, Don" <Don.Willett@usdoj.gov>, (b)(6) Jennifer Oschal Email, 'Manny

Miranda' <manuel\_miranda@judiciary.senate.gov>, (b)(6) Barbara Ledeen Senate Email

v>, "'Heather(u)Wingate'" <Heather\_Wingate@who.eop.gov>, 'Brett Kavanaugh'

<Brett\_M.\_Kavanaugh@who.eop.gov>, 'Tim Goeglein' <tim\_goeglein@who.eop.gov>

Cc: "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>, "Koebele, Steve"

<Steve.Koebele@usdoj.gov>, "Sales, Nathan" <Nathan.Sales@usdoj.gov>, 'Robyn Judelsohn'

<robyn@progressforamerica.org>

Message-id: <"JMD0081-020815151622Z-17964\*/PRMD=USDOJ-JCON/ADMD= /C=US/"@MHS>

Autoforwarded: FALSE

Content-identifier: RE: Estrada

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Importance: Normal Original-encoded-information-types: IA5-Text Priority: Normal Precedence: first-

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020815151622Z-17964]

X-Priority: 3 (Normal)

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(IMA Internet Exchange 3.13) id 00540E50; Thu, 15 Aug 2002 12:11:19 -0400

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sims.3.5.2000.03.23.18.03.p10) with SMTP id <0H0W005U07NTBG@mailsims1.senate.gov>;

Thu, 15 Aug 2002 12:12:03 -0400 (EDT) Received: from wdcsun022.usdoj.gov ([149.101.1.103]) by

navgw2.senate.gov (NAVGW 2.5.1.12) with SMTP id M2002081512123831407 ; Thu, 15 Aug 2002

12:12:38 -0400 Received: from wt6.usdoj.gov (localhost [127.0.0.1]) by wdcsun022.usdoj.gov

(Netscape Messaging Server 4.15) with ESMTP id H0W7ME00.25G; Thu, 15 Aug 2002 12:11:02 -

0400 Received: (from x400@localhost) by wt6.usdoj.gov (8.9.3 (PHNE\_24419)/8.9.3) id MAA03823;

Thu, 15 Aug 2002 12:11:01 -0400 (EDT) Received: by TELEMAIL; Thu, 15 Aug 2002 12:10:43 -0400

Date: Thu, 15 Aug 2002 12:10:43 -0400 From: "Charnes, Adam" <Adam.Charnes@usdoj.gov>

Subject: RE: RE: Estrada To: "Willett, Don" <Don.Willett@usdoj.gov>, 'Manuel Miranda'

<Manuel\_Miranda@judiciary.senate.gov>, (b)(6) Jennifer Oschal Email, 'Brett

Kavanaugh' <Brett\_M.\_Kavanaugh@who.eop.gov>, 'Alex Dahl' <Alex\_Dahl@judiciary.senate.gov>

Cc: "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov>, "Sales, Nathan"

<Nathan.Sales@usdoj.gov>, "Koebele, Steve" <Steve.Koebele@usdoj.gov>, 'Robyn Judelsohn'

<robyn@progressforamerica.org>

Message-id: <"JMD0081-020815161043Z-18695\*/PRMD=USDOJ-JCON/ADMD= /C=US/"@MHS>

Autoforwarded: FALSE

Content-identifier: RE: RE: Estrada

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: RE: Estrada X400-MTS-identifier: [/P=USDOJ-JCON/A= /C=US;/JMD0081-

020815161043Z-18695]

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 0055BBCD; Tue, 20 Aug 2002 12:12:50 -0400 Received: from navgw2.senate.gov by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.0 3.p10) with SMTP id <0H1500MH1H1MGT@mailsims1.senate.gov>; Tue, 20 Aug 2002 12:13:32 -0400 (EDT) Received: from ms0313.newborders.com ([208.247.14.180]) by navgw2.senate.gov (NAVGW 2.5.1.12) with SMTP id M2002082012140003066 ; Tue, 20 Aug 2002 12:14:01 -0400 Received: from ROBYNG ([12.23.209.196]) by ms0313.newborders.com (Post.Office MTA v3.5.2 release 221 ID# 0-72019U1000L100SOV35) with ESMTP id com; Tue, 20 Aug 2002 09:14:11 -0700 Date: Tue, 20 Aug 2002 12:13:23 -0400 From: robyn@progressforamerica.org Subject: RE: RE: RE: Estrada In-reply-to: <0047776E.C22124@judiciary.senate.gov> To: 'Manuel Miranda' <Manuel\_Miranda@judiciary.senate.gov>, "'Charnes; Adam'" <Adam.Charnes@usdoj.gov>, 'Alex Dahl' <Alex\_Dahl@judiciary.senate.gov>, "'Willett; Don'" <Don.Willett@usdoj.gov>, [REDACTED], 'Brett Kavanaugh' <Brett\_M.\_Kavanaugh@who.eop.gov> Cc: "'Benczkowski; Brian A'" <Brian.A.Benczkowski@usdoj.gov>, "'Sales; Nathan'" <Nathan.Sales@usdoj.gov>, "'Koebele; Steve'" <Steve.Koebele@usdoj.gov> Message-id: <006b01c24864\$82924a30\$c302a8c0@ROBYNG> MIME-version: 1.0 X-Mailer: Microsoft Outlook, Build 10.0.2627 Content-type: text/plain; charset=us-ascii Content-transfer-encoding: 7bit Importance: Normal X-MSMail-Priority: Normal X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2600.0000 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 0055E6DC; Tue, 20 Aug 2002 17:28:12 -0400 Received: from navgw2.senate.gov by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.0 3.p10) with SMTP id <0H150013HVNJ1N@mailsims1.senate.gov> for Manuel\_Miranda@judiciary.senate.gov; Tue, 20 Aug 2002 17:28:55 -0400 (EDT) Received: from eop2.eop.gov ([198.137.241.53]) by navgw2.senate.gov (NAVGW 2.5.1.12) with SMTP id M2002082017291228070 for <Manuel\_Miranda@judiciary.senate.gov>; Tue, 20 Aug 2002 17:29:12 -0400 Received: from CONVERSION-DAEMON by EOP.GOV (PMDf V5.2-33 #41062) id <01KLJ1T3BPBK9R12LC@EOP.GOV> for Manuel\_Miranda@judiciary.senate.gov; Tue, 20 Aug 2002 17:27:36 -0400 (EDT) Received: from mhub2.eop.gov ([198.137.241.11]) by EOP.GOV (PMDf V5.2-33 #41062) with ESMTP id <01KLJ15QCMKU9OJKIQ@EOP.GOV>; Tue, 20 Aug 2002 17:27:17 -0400 (EDT) Received: from sgeop03.eop.gov ([165.119.1.37]) by mhub.eop.gov (PMDf V6.1-1 #41014) with SMTP id <01KLJ15E21T29DBCJ4@mhub.eop.gov>; Tue, 20 Aug 2002 17:26:59 -0400 (EDT) Received: by sgeop03.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id 85256C1B.0075D28B ; Tue, 20 Aug 2002 17:26:56 -0400 Date: Tue, 20 Aug 2002 17:26:53 -0400 From: Brett\_M.\_Kavanaugh@who.eop.gov Subject: Re: Estrada meeting/ Wednesday To: Adam.Charnes@usdoj.gov, Don.Willett@usdoj.gov, Manuel\_Miranda@judiciary.senate.gov, robyn@progressforamerica.org, [REDACTED], Brett\_M.\_Kavanaugh@who.eop.gov Cc: Brian.A.Benczkowski@usdoj.gov, Nathan.Sales@usdoj.gov, Steve.Koebele@usdoj.gov Message-id: <85256C1B.0075D185.00@sgeop03.eop.gov> MIME-version: 1.0 Content-type: text/plain; charset=us-ascii Content-disposition: inline X-Lotus-FromDomain: EOP

**Willett, Don**

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**From:** Willett, Don  
**Sent:** Wednesday, July 31, 2002 12:01 PM  
**To:** 'Barbara Ledeen'; Goodling, Monica; Dinh, Viet; 'ann\_womack@who.eop.gov'; 'manuel\_miranda@judiciary.senate.gov'  
**Subject:** RE: CONFIDENTIAL OPED

Monica or Anne -- anything you can do to aid acceptance by the Post (or another outlet)?

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

**From:** Barbara Ledeen (b)(6) Barbara Ledeen Senate Email  
**Sent:** Wednesday, July 31, 2002 11:52 AM  
**To:** Willett, Don; Goodling, Monica; Dinh, Viet; ann\_womack@who.eop.gov; manuel\_miranda@judiciary.senate.gov  
**Subject:** CONFIDENTIAL OPED

Victor Schwartz has submitted the attached oped to the WASHPOST. This is fyi only.

Barbara Ledeen  
Director of Coalitions  
Senate Republican Conference

(b) (6)

Sales, Nathan

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**From:** Sales, Nathan  
**Sent:** Tuesday, July 2, 2002 4:22 PM  
**To:** 'Manuel Miranda'  
**Subject:** RE: Durbin story

The anonymous quotation of "one of Pickering's critics" is an effective way for Durbin to endorse the criticism without having to take responsibility for it.

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

**From:** Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
**Sent:** Tuesday, July 02, 2002 4:03 PM  
**To:** Willett, Don; Sales, Nathan; Dinh, Viet;  
Brett\_M.\_Kavanaugh@who.eop.gov; Bradford\_A.\_Berenson@who.eop.gov; Alex  
Dahl  
**Subject:** Durbin story

You might have noticed the article in the WTimes on June 27 and the response by Senator Durbin today. Attached is the letter in question. The funny thing about this letter is that Durbin describes with great drama being the lone soldier on the Senate floor when Republicans led by Orrin Hatch came to the Senate floor after the vote on Charles Pickering. Hatch never went to the Senate floor that night. I guess Durbin doesn't believe in letting the facts stand between him and a good story. Manny

Dinh, Viet

---

**From:** Dinh, Viet  
**Sent:** Friday, May 10, 2002 4:55 PM  
**To:** Willett, Don  
**Subject:** FW: Nominee?

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

**From:** Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
**Sent:** Friday, May 10, 2002 4:28 PM  
**To:** Dinh, Viet  
**Subject:** Nominee?

Viet,

Do you know if (b) (6) is being considered for the USDC for  
(b) (6) ?

Manny

**Benczkowski, Brian A**

---

**From:** Benczkowski, Brian A  
**Sent:** Thursday, February 6, 2003 10:30 AM  
**To:** 'Duffield, Steven (RPC)'; Dinh, Viet; Brown, Jamie E (OLA); 'Delrahim, Makan (Judiciary)'; 'Comisac, RenaJohnson (Judiciary)'; 'Soliemanzadeh, Payam (Judiciary)'; 'Higginbotham, Ryan (Judiciary)'; 'Dahl, Alex (Judiciary)'; 'Lundell, Jason (Judiciary)'; 'Prior, Swen (Judiciary)'; 'Haywood, Amy (Judiciary)'; 'Willcox, Lawrence (RPC)'; 'Vogel, Alex (Frist)'; 'Miranda, Manuel (Judiciary)'; 'Bainwol, Mitch (Frist)'; 'Ueland, Eric (Frist)'; 'Gold, Martin (Frist)'  
**Subject:** RE: see attached statements from Leahy  
**Attachments:** Senate Dems on Judges.doc

Please see the attached. A bevy of quotes from Dems on judicial noms, including on up or down votes, use of filibuster, etc.  
Enjoy.

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

**From:** Duffield, Steven (RPC) [mailto:Steven\_Duffield@rpc.senate.gov]  
**Sent:** Thursday, February 06, 2003 10:18 AM  
**To:** Benczkowski, Brian A; Dinh, Viet; Brown, Jamie E (OLA); Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Soliemanzadeh, Payam (Judiciary); Higginbotham, Ryan (Judiciary); Dahl, Alex (Judiciary); Lundell, Jason (Judiciary); Prior, Swen (Judiciary); Haywood, Amy (Judiciary); Willcox, Lawrence (RPC); Vogel, Alex (Frist); Miranda, Manuel (Judiciary); Bainwol, Mitch (Frist); Ueland, Eric (Frist); Gold, Martin (Frist)  
**Subject:** RE: see attached statements from Leahy

Makan:

I am preparing on judicial filibusters that Sen. Kyl hopes to present at the Policy Lunch next Tuesday. The research you mention is part of that paper. I have accumulated a decent number of these quotes so far, esp. from Leahy and Biden. (Tom Jipping did some solid work researching this as well.) My expectation is that I will do the comprehensive search tomorrow or this weekend.

Brian, if you have somebody doing this work, please have him/her call me (224-3463) so that we can exchange information.

# Past Statements by Senate Democrats on Judicial Nominations

## Statements by Senator Daschle

### On the Vacancy Crisis

- “The Chief Justice of the Supreme Court, William Rehnquist, calls that ‘vacancy crisis’ a ‘most serious problem. He warns that ‘vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.’ We cannot wait for the judicial system to collapse before the Senate acts. I call upon Senate Republicans to reject partisan politics and significantly accelerate the pace of scheduled judicial confirmations before the Senate adjourns n October.” *Congressional Record, June 24, 1998.*

### Discussing the High Vacancy Rate

- “Today, there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as ‘judicial emergencies.’ The failure to fill these vacancies is straining out Federal court system and delaying justice for people all across this country.” *Congressional Record, March 8, 2000.*
- “The failure to fill Federal court vacancies harms plaintiffs and defendants alike. Both are forced to wait too long for justice. The failure to fill Federal court vacancies also imposes heavy and unjustifiable burdens on judicial nominees and their families.” *Id.*

### On Putting Holds on Judges

- “We have people who are maintaining holds on judges, which is also very unfortunate. A hold is nothing more than an intent to filibuster. So I hope our colleagues will drop their holds and will recognize that taking hostages in this form is not the right way to proceed and does not live up to the traditions of the Senate when it comes to the expeditious consideration of individuals who want to serve in public life. *Congressional Record, October 1, 1999.*

### Encouraging an Up or Down Vote

- “As Chief Justice Rehnquist has recognized: ‘The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.’ An up or down vote, that is all we ask for Berzon and Paez. And, after years of waiting, they deserve at least that much. The Republican majority should not be allowed to cherry-pick among nominees, allowing some to be confirmed in weeks, while letting other nominations languish for years.” *Congressional Record, October 5, 1999.*

- “What the Constitution does not contemplate is for one or two Senators to grind a nomination to a halt on the basis of a ‘secret’ hold. This cowardly, obstructionistic tactic is an anathema to the traditions of the Senate. Thus, today, I implore, one more time, every Senator to follow Senator Leahy’s advice, and treat every nominee with ‘dignity and dispatch.’ Lift your holds, and let the Senate vote on every nomination.” *Id.*

#### Promising a hearing to Miguel Estrada

- “QUESTION: Senator, Senator Schumer last week said that the [\*\*\*\*] would come up for a vote this year. Is that accurate? And what about other [\*\*\*\*]?”  
  
 “DASCHLE: I haven’t talked to Senator Leahy about the Estrada nomination, except to have it reconfirmed to me by Senator Leahy that a hearing on Mr. Estrada is scheduled. Beyond that, I can’t say, and I’d have to talk to Senator Leahy.” *Press Conference, April 18, 2002.*

### **Statements by Senator Leahy**

#### Encouraging an Up or Down Vote

- “I have said on the floor, although we are different parties, I have agreed with Gov. George Bush, who has said that in the Senate a nominee ought to get a vote, up or down, within 60 days.” *Congressional Record, October 11, 2000.*
- “The Republican nominee for President, George W. Bush, has said that what the Senate ought to do on all these nominees is, within 60 days, vote them up or down, but at least bring them to a vote.” *Congressional Record, October 6, 2000.*
- “[E]very Senator can vote against any nominee. Every Senator has that right. They can vote against them [in] this committee and on the floor. But it is the responsibility of the U.S. Senate to at least bring them to a vote.” *Congressional Record, October 22, 1997.*
- “I urge the Senate Republican leadership to heed the words of Justice Rehnquist: ‘Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.’” *Congressional Record, September 29, 1999.*
- “The Founding Fathers certainly intended that the Senate ‘advise’ as to judicial nominations, i.e. consider, debate, and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give advice and consent or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for years.” *Statement to Judiciary Committee, May 10, 2000.*

### On the Pace the Senate Should Meet for Confirming Judges

- “The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed without justification for too long . . . . That is our constitutional responsibility. It should not be shirked.” *Congressional Record, July 25, 2000.*
- “[In] the 1994 session, [the] Democratic Senate worked hard to consider and confirm 101 judges, including a Supreme Court justice. To make a difference, however, the Senate in 1998 need only maintain the pace that it reached last fall- 27 judges every nine weeks. That should be the measure of the Senate’s efforts this year. It will be easy to monitor our progress. Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis. Any fortnight in which we have gone without a judicial hearing marks two weeks in which the Senate is falling further behind.” *Press Release of Senator Leahy, January 28, 1998.*
- “I have challenged the Senate to regain the pace it met in 1998 when the Committee held 13 hearings and the Senate confirmed 65 judges.” *Congressional Record, May 24, 2000.*

### Responsibility of Senate

- “The Senate should get about the business of voting on the confirmation of the scores of judicial nominations that have been delayed with[out] justification for too long. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility.” *Statement to Judiciary Committee, June 16, 1999*
- “For the past several months I have spoken about the crisis being created by the almost 100 vacancies that are being perpetuated on the Federal courts around the country and the failure of the Senate to carry out its constitutional responsibilities to advise and consent to judicial confirmations. . . . Confirming federal judges should not be a partisan issue. The administration of justice is not a political issue. Working together, the Senate should do our constitutionally mandated job and proceed to confirm the judges we need for the Federal system.” *Congressional Record, May 15, 1997.*

### On the Vacancy Crisis

- In July 1998, at a time when there were 68 vacancies, Senator Leahy said: “Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.” *Congressional Record, July 7, 1998*

### On the D.C. Circuit

- “But we should also remember that when we just put numbers here, numbers do not tell the whole story. The D.C. Circuit’s docket is, by far, the most complex and difficult in the Nation.” *Congressional Record, March 19, 1997.*

### Promising a Hearing to Estrada, Owen, and McConnell

- “Secondly, we will include hearings for a number of controversial nominees who do not have a blue slip problem. We will convene a hearing the week after next on the nomination of Charles W. Pickering for the Fifth Circuit Court of Appeals. I fully expect we will also have hearings on other nominations for which consensus will be difficult, including such nominees as Judge Priscilla Owen, Professor Michael McConnell, and Miguel Estrada.” *Congressional Record, January 25, 2002.*

### Statements by Senator Biden

#### Encourage Up or Down Vote

- “I also respectfully suggest that everyone who is nominated is entitled to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor.” *Congressional Record, March 19, 1997.*

#### Bring Nominees to the Floor

- “My reading of the Constitution, though, is the Judiciary Committee is not mentioned in the Constitution. The Judiciary Committee is not mentioned. The Senate is. We only 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. . . . But it is not, I will respectfully request, Madam President, appropriate not to have hearings on them, not to bring them to the floor and not to allow a vote, and it is not appropriate to insist that we, the Senators--we, the Senators--get to tell the President who he must nominate if it is not in line with the last 200 years of tradition.” *Id.*

#### On the DC Circuit

- “Mr. President, 2 of the 12 seats on the District of Columbia Court of Appeals are currently vacant. Some have argued that the vacancy to which Merrick Garland has been nominated should not be filled because the D.C. circuit is overstaffed. But the reasons Congress gave for approving 12 seats for the D.C. circuit remain compelling today and justify filling this vacancy.” *Id.*

#### On the Politicization of the Nominations Process

- “What I am quarreling with is a different kind of politicizing, and that is drawing the conclusion that because I now control the Senate, I am not going to let the President of the United States have nominees whether or not I have an ideological problem with them.” *Id.*

### On How the Senate Should Evaluate a Nominee

- “I respectfully suggest that it is a rare-it is a rare-district court nominee by a Republican President or a Democratic President who, if you first believe they are honest and have integrity, have any reason to vote against them.” *Id.*
- (Discussing How to Evaluate District and Circuit Nominees) “I urge my colleagues to reject this ideological test for nominees for the lower court while again emphasizing that I do not criticize and I would suggest that it is appropriate and necessary for Senators to apply such an ideological test for the Supreme Court.” *Congressional Record, April 14, 1994*
- “[T]he fact that I may disagree with the nominee about the correct outcome of one or another matter within the legitimate parameters of debate is not enough, by itself, to lead this Senator to oppose a nomination.” *Congressional Record, September 17, 1986.*

### On How Nominees’ Views are Mischaracterized

- “Well, the point I am trying to make is a broad point, which is that if you take any one case of any one judge, particularly if you are not a trained lawyer or an academician, and you look at it, you can easily-with positive intentions, not attempting to misrepresent anything-come up with a very skewed picture. *Congressional Record, October 4, 1994*

## **Statements by Senator Kennedy**

### Encouraging an Up or Down Vote

- “Whatever the size of the federal judiciary, the president should nominate candidates with reasonable promptness, and the Senate should act within a reasonable time to confirm or reject them . . . The Senate is, of course, very much a part of the appointment process for any Article III judge. One nominated by the President is not "appointed" until confirmed by the Senate. The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.” *Congressional Record, March 7, 2000*
- “We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. But give them a vote.” *Congressional Record, February 3, 1998.*
- “Of the 77 judicial nominations pending last year, only 36 were confirmed-less than half . . . That's a scandal. Nominees deserve a vote. If our Republican colleagues don't like them, vote against them. But don't just sit on them-that's obstruction of justice.” *Congressional Record, January 28, 1998.*

### On the Vacancy Crisis

- “Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.” (At the time there were 76 vacancies.) *Congressional Record, March 7, 2000*
- “As a result, caseloads are backlogged throughout the country, and the victims of this situation are the American people. Justice delayed is justice denied. Thousands of Americans with legitimate grievances cannot get their day in court, because there are few Federal judges to hear their cases. Citizens must wait excessive lengths of time to resolve disputes, answer constitutional questions, and obtain justice.” (Speaking at a time when there were 99 vacancies- roughly the same as now) *Congressional Record, May 14, 1997*
- “If the Federal courts were a business, they would be in bankruptcy. There are over 90 vacancies in judgeships today.” *Congressional Record, March 19, 1997*

### On Justice Scalia

- “Although I am troubled by some of the views expressed by Judge Scalia in some of the decisions he has written, I too find that Judge Scalia is clearly in the mainstream of thought of our society and I would hope that he would demonstrate the kind of opportunities for growth and sensitivity on many of these issues and questions.” (Comments during the confirmation hearing for Justice Scalia) *Congressional Record, September 17, 1986.*

## **Statements by Senator Schumer**

### Obligation of Senate to Vote on Nominees

- “The basic issue of holding up judgeships is the issue before us, not the qualifications of judges, which we can always debate. The problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and we are charged with voting on the nominees. The Constitution does not say if the Congress is controlled by a different party than the President there shall be no judges chosen.” *Congressional Record, March 7, 2000.*
- “I also plead with my colleagues to move judges with alacrity-vote them up or down. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo.” *Id.*

### Promising a Hearing to All Nominees and then Recanting

- “CAMERON: On the Hill, when reporters mentioned delays to Schumer, he acknowledged inaction. But a Democratic staffer contradicted the senator when he began to say all the nominees would soon have their hearings.

“SCHUMER: Correct. And they all will this year. Doesn’t that--No, sorry, nope. Mr. Estrada will get his hearing.” *Fox Special Report with Brit Hume, April 10, 2002.*

### Statements by Senator Feinstein

#### Obligation to Vote (Particularly for 9<sup>th</sup> Circuit Nominees)

- “I think what we on this side are encountering is the holding up of judges, particularly on the Ninth Circuit Court of Appeals. . . . That must stop. A nominee is entitled to a vote. Vote them up; vote them down. . . . These judges are necessary. If someone has opposition to a judge, which I believe to be the case in at least one [instance], they should come to the floor and say that.” *Congressional Record, September 16, 1999.*
- “What this does to a judge's life is, it leaves them in limbo-I should say, a nominee's life-whether they have a place to live, whether they are going to make a move. It is our job to confirm these judges. If we don't like them, we can vote against them. That is the honest thing to do. If there are things in their background, in their abilities that don't pass muster, vote no. I think every one of us on this side is prepared for that. The problem is, we have a few people who prevent them from having a vote, and this goes on month after month, year after year.” *Id.*
- “Mr. President, the time has come to act on these nominations. I'm not asking for a rubber stamp; let's hold hearings on those nominees who haven't had them, and vote on all of them, up or down, yes or no.” *Congressional Record, May 14, 1997.*
- “Last we looked, the U.S. Constitution grants the President the power to nominate and directs the Senate to ‘advise and consent,’ not stonewall. The 26 nominations now pending would be a good place to start.” *Id.*

### Statements by Senator Durbin

#### Admitting Democrats Avoiding Hearings on “Controversial” Nominees

- “The Democratic leadership has worked hard, in just a few months, to confirm men and women of real integrity and accomplishment to the Federal judiciary. We have advanced judges who enjoy widespread bipartisan support. They have records which demonstrate a commitment to mainstream American values, including the protection and advancement of civil rights and civil liberties for everyone. We have intentionally avoided a contentious and draining fight over controversial nominees.” *Congressional Record, December 19, 2001.*

### On the Vacancy Crisis

- “I submit that this debate is not just about numbers. It is about the administration of justice; the fair, prompt, equitable, and thorough administration of justice is at stake.” *Congressional Record, March 19, 1997.*

### The Senate’s Obligation To Advise and Consent

- “Just as the President has a responsibility to forward nominees to the Senate in a timely fashion, we in the Senate have a concomitant obligation to discharge our constitutional prerogative of advice and consent on those candidates in an efficient and expeditious fashion.” *Congressional Record, September 28, 1998.*

### Senate’s Duty to Vote up or Down (talking about amendments he supported to expedite process)

- “One amendment would provide that any nomination submitted to the Senate that is pending before a Senate committee for 150 calendar days shall on the day following such 150th day, be discharged and placed on the Senate executive calendar and be considered as favorably reported. Another amendment would require the Senate to take up for a vote any nomination which has been pending on the Executive Calendar in excess of 150 days. Such Senate consideration must occur within 5 calendar days of the 150th day. In effect, it creates an end point after which we can no longer hold up a nominee. I am not suggesting that we would give our consent to all of these nominees. I am basically saying that this process should come to a close. The Senate should vote. It should make its decision.” *Congressional Record, September 28, 1998.*

### Discussing that He Would Rather Err on Side of Too Many Judges

- “In all fairness, I must confess that I would rather err on the side of too many judges than too few. I would rather have too many judges doing too thorough and too thoughtful a job than too few judges rushed and careless in frantic efforts to handle their caseload.” (In the context of debate on the DC Circuit) *Congressional Record, March 19, 1997.*

### **Statement by Senator Kohl**

#### Should Treat All Nominees the Same

- “. . . [T]here are many other deserving nominees out there. Let's not play favorites. These nominees, who have to put their lives on hold waiting for us to act, deserve an "up or down" vote. And, more importantly, the American people deserve prompt action, so that our courts can stay on top of their workload, and continue putting criminals behind bars.” *Congressional Record, September 21, 1999.*

### **Statement by Senator Edwards**

#### **The Composition of a Particular Court Should Not Matter in Evaluating a Nominee**

- “This body should act on the qualification of those men and women to serve on the court, not based upon the Republican or Democratic composition of the court. It is just that simple. This should be totally nonpartisan.” *Congressional Record, October 3, 2000.*

**Benczkowski, Brian A**

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**From:** Benczkowski, Brian A  
**Sent:** Wednesday, January 29, 2003 7:50 PM  
**To:** 'alex\_dahl@judiciary.senate.gov';  
'rena\_johnson\_comisac@judiciary.senate.gov';  
'Manuel\_Miranda@judiciary.senate.gov'  
**Cc:** Corallo, Mark; Cutchens, Heather; Dinh, Viet; Charnes, Adam; Brown, Jamie E  
(OLA)  
**Subject:** Estrada materials  
**Attachments:** former SG's.pdf; Gonzales.pdf; Waxman.pdf; Estrada Chart.doc

Folks-

Attached is a chart which compares allegations in today's NYT editorial with those on the PFAW website, and adds a third column which notes many of the important facts omitted from both. (b) (5)

[REDACTED]

I also have attached PDF copies of a few important documents, including the Gonzales letter re: Miguel's performance reviews, the Waxman support letter, and the one from 7 living ex-SG's. Additionally, we can provide additional support for all of the facts rebutting the NYT editorial and FPAW allegations.

This might make a good handout at tomorrow's hearing, and could also be sent to friends in the press.

BAB

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**MIGUEL ESTRADA: FACT vs. FICTION**

<p align="center"><i>New York Times</i> editorial “An Unacceptable Nominee” January 29, 2003</p>	<p align="center">People for the American Way Website</p>	<p align="center">Facts You Won’t Hear From PFAW or the NYT</p>
<p>“People who have worked with [Estrada] over the years, at the solicitor general’s office and elsewhere, report that his interpretation of the law is driven by an unusually conservative agenda. Paul Bender, a law professor and former deputy solicitor general, has called Mr. Estrada an ideologue and said he ‘could not rely on his written work as a neutral statement of the law.’”</p>	<p>“His former supervisor at the Justice Department concluded that Estrada ‘lacks the judgment’ and is ‘too much of an ideologue to be an appeals court judge.’”</p>	<p>While serving as Estrada’s supervisor at DOJ, Paul Bender signed Mr. Estrada’s performance reviews from 1994 1996. He gave Mr. Estrada the highest possible rating (“outstanding”) in each conceivable job performance category.</p> <p>Bender also noted that Estrada “states the operative facts and applicable law completely and persuasively” and “inspires co workers by example.”</p> <p><b>Seth Waxman</b>, former Solicitor General in the Clinton Administration and Estrada’s former boss noted in a letter to the Judiciary Committee that “during the time Mr. Estrada and I worked together, he was a model of professionalism and competence... I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office...”</p>

Bender allegations (cont.)	Bender allegations (cont.)	<p><b>Ron Klain, Vice President Gore’s Chief of Staff</b>, wrote to the Judiciary Committee that “Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent... Miguel will rule justly toward all, without showing favor to any group or individual.... the challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need.”</p> <p><b>A bipartisan group of 14 former OSG colleagues</b> wrote the Judiciary Committee that “Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge and appreciation for the law. Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench....We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints.”</p>
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<p>“In private practice, Mr. Estrada defended anti loitering laws that civil rights groups have attacked as racist.”</p>	<p>“As a lawyer in private practice, Estrada has sought to defend so called anti loitering statutes and ordinances, which have been demonstrated to disproportionately harm African Americans and Latinos in much the same manner as racial profiling.”</p>	<p>Estrada took the case after being contacted by the Corporation Counsel for the City of Chicago, Bena Solomon, a <b>Democrat</b>.</p> <p>The champion of the statute in Chicago was none other than Democrat Mayor <b>Richard Daley</b>, who the <i>New York Times</i> described as “the law’s fiercest advocate.”</p> <p>Mayor Daley noted the need for such a law by stating: “<b>I tell you one thing, those drug dealers and gang-bangers are terrorists, too.</b>”</p> <p>Daley also noted “we have to ask ourselves if it is constitutional for gang bangers and drug dealers to own a corner.”</p>
<p>“Unlike many nominees who are named to an appeals court after years as a trial judge or professor, Mr. Estrada has put few of his views in the public record. One way to begin to fill this gap, and give the Senate something to work with, would be to make available the numerous memorandums of law that Mr. Estrada wrote when he worked for the solicitor general's office, as other nominees have done. But the White House has refused senators' reasonable requests to review these documents.”</p>	<p>“As several Senators have explained, Mr. Estrada has a limited paper trail, particularly because the Justice Department has refused to release the legal memoranda he wrote while serving in the Department.”</p>	<p>All seven living former Solicitors General, (Seth Waxman, Drew Days III, Walter Dellinger, Kenneth Starr, Charles Fried and Robert Bork) have written the Judiciary Committee, defending the need to keep such documents confidential.</p> <p>The letter noted that the SG’s Arelid on frank, honest and thorough advice from [their] staff attorneys like Mr. Estrada@ and that the open exchange of ideas which must occur in such a context Asimply cannot take place if attorneys have reason to fear that their private recommendations</p>

SG memos (cont.)	SG memos (cont.)	<p>are not private at all, but vulnerable to public disclosure.</p> <p>On May 28, 2002, the <i>Washington Post</i> editorialized that the Committee's request "for an attorney's work product would be unthinkable if the work had been done for a private client.... [and] legal advice by a line attorney for the federal government is not fair game either.@</p> <p>According to the <i>Post</i> editorial, A...in elite government offices such as that of the solicitor general, lawyers need to speak freely without worrying that the positions they are advocating today will be used against them if they ever get nominated to some other position.@</p> <p>There are seven former Deputy or Assistants to the Solicitor General now serving on the federal Courts of Appeals. None had any prior judicial experience, and the Committee did not ask the Justice Department to turn over any confidential internal memoranda those nominees prepared while serving in the SG's Office. Why is Estrada treated differently?</p>
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**Sales, Nathan**

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**From:** Sales, Nathan  
**Sent:** Friday, September 27, 2002 4:07 PM  
**To:** Manuel Miranda (E-mail)  
**Subject:** Schumer letter  
**Attachments:** Hatch-schumer estrada letter.wpd

[Manny, how does this look?](#)

September 27, 2002

The Honorable Charles Schumer  
United States Senate  
Committee on the Judiciary  
Washington, DC 20510

Dear Senator Schumer:

Thank you for chairing yesterday's hearing on the nomination of Mr. Miguel A. Estrada to the Court of Appeals for the District of Columbia Circuit. I write to seek your clarification on a matter which you raised at the hearing.

You reiterated your belief that the Department of Justice should turn over certain appeal, certiorari and amicus recommendations that Mr. Estrada authored when he served as an Assistant to the Solicitor General. As precedent for this request, you noted that during the nomination of Judge Frank Easterbrook to the Seventh Circuit Court of Appeals, similar memos were turned over to the Committee. You produced those documents and placed them into the hearing record. However, you did not explain whether the Committee had ever formally requested those documents from the Department of Justice, or whether the Department of Justice consented to their disclosure.

The written record of Judge Easterbrook's hearing contains no such documents, or even a mention of them. So that the record of Mr. Estrada's hearing is as complete as possible, please advise whether you have any information that the Committee requested the Easterbrook documents from the Department of Justice and whether the Department consented to their disclosure to the Committee. If the documents were not requested of nor produced by the Department of Justice, please indicate the manner in which the Committee came to possess them.

I share, of course, your interest in evaluating the qualifications of all judicial nominees. However, I continue to agree with all seven living former Solicitors General, who wrote to the Committee that disclosing these documents would chill the candid advice from career attorneys such as Mr. Estrada, which is so critical to the proper functioning of their office.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

**Benczkowski, Brian A**

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**From:** Benczkowski, Brian A  
**Sent:** Friday, September 27, 2002 3:24 PM  
**To:** Dinh, Viet; Charnes, Adam; 'manuel\_miranda@judiciary.senate.gov'; Sales, Nathan  
**Subject:** Letter to Schumer  
**Attachments:** Schumer927.wpd

Brian A. Benczkowski  
Counsel  
Office of Legal Policy  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Room 4533  
Washington, DC 20530  
Telephone: (202) 616-2004  
Fax: (202) 514-1685  
E-mail: Brian.A.Benczkowski@usdoj.gov

September 27, 2002

The Honorable Charles Schumer  
United States Senate  
Committee on the Judiciary  
Washington, DC 20510

Dear Senator Schumer:

Thank you for chairing yesterday's Senate Judiciary Committee hearing on the nomination of Mr. Miguel A. Estrada to the Court of Appeals for the District of Columbia Circuit. I write to ask your clarification on a matter which was raised at the hearing.

During the hearing, you expressed your belief that the Department of Justice should turn over certain appeal, certiorari and amicus recommendations that Mr. Estrada authored when he served as an Assistant to the Solicitor General in the Clinton and Bush I Administrations. As precedent for this request, you noted that during the nomination of Judge Frank Easterbrook to the Seventh Circuit Court of Appeals, memos of the same nature were turned over to the Committee. You also produced those documents and placed them into the hearing record. However, you did not explain whether the Committee had ever formally requested those documents from the Department of Justice, or whether the Department of Justice ever formally consented to their disclosure. In fact, you never explained how the Committee obtained the Easterbrook memos. The written record of the Easterbrook hearing contains no such documents, or even a mention of such documents.

So that the record of Mr. Estrada's hearing will be as complete as possible, could you please advise me and the Committee whether you have any evidence that the Committee requested the Easterbrook documents from the Department of Justice, and whether the Department of Justice consented to their disclosure to the Committee.

I am mindful of the Committee's legitimate need to evaluate the qualifications of all judicial nominees. However, I continue to agree with the seven living former Solicitors General, who wrote to the Committee that disclosing these documents would chill the candid advice from career attorneys such as Mr. Estrada, which is so critical to the proper functioning of their office. Absent compelling evidence that the Department of Justice in the past has consented to the disclosure of such documents, I see no reason to ignore the advice of the Solicitors General.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

## Sales, Nathan

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**From:** Sales, Nathan  
**Sent:** Thursday, July 11, 2002 12:57 PM  
**To:** 'Manuel Miranda'; Charnes, Adam; Willett, Don; Sutton, Jason; Remington, Kristi L; Corallo, Mark; Goodling, Monica; O'Brien, Pat; Koebele, Steve; Keefer, Wendy J; 'Alex Dahl'; 'Anne(u)Womack(a)who.eop.gov'; 'brett\_m.\_kavanaugh@who.eop.gov'; b(6) Barbara Ledeen Senate Email gov'; 'Heather\_Wingate@who.eop.gov'; b(6) Jennifer Oschal email; 'Tim\_Googlein@who.eop.gov'; 'Matthew\_E.\_Smith@who.eop.gov'; 'Joe\_Jacquot@Hutchinson.senate.gov'; 'John Abegg'  
**Subject:** RE: McCain

I noticed in yesterday's Post that Richard Carmona--the Arizona physician whom the President tapped to be Surgeon General--is likely to win approval from the Senate Health, Education, Labor, and Pensions Committee.

<http://www.washingtonpost.com/wp-dyn/articles/A46260-2002Jul9.html>

Once Carmona is on the Executive Calendar, it may be a useful strategy to force McCain's hand by bringing him up for a vote--i.e., make McCain try to obstruct the confirmation of an Arizona nominee. It's a win-win situation. If McCain caves on Carmona, he'll look like a hypocrite if he tries to obstruct judges. Or, if he obstructs a native son, he'll get the hometown "recall McCain" folks fired up.

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

**From:** Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
**Sent:** Thursday, July 11, 2002 12:34 PM  
**To:** Charnes, Adam; Willett, Don; Sutton, Jason; Remington, Kristi L; Corallo, Mark; Goodling, Monica; Sales, Nathan; O'Brien, Pat; Koebele, Steve; Keefer, Wendy J; Alex Dahl; 'Anne(u)Womack(a)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; 'Tim\_Googlein@who.eop.gov'; Matthew\_E.\_Smith@who.eop.gov; Joe\_Jacquot@Hutchinson.senate.gov; John Abegg  
**Subject:** McCain

Since Senator McCain is so worried about the appearance of impropriety of Harvey Pitt at the SEC, someone might ask him if he is concerned if Weintraub's being married to the Feingold's staffer who wrote McCain-Feingold disqualifies her from being appointed to the FEC.

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Saturday, July 13, 2002 11:10 AM  
**To:** 'Manuel Miranda'; Charnes, Adam; Willett, Don; Remington, Kristi L; Corallo, Mark; Goodling, Monica; Scottfinan, Nancy; Sales, Nathan; O'Brien, Pat; Koebele, Steve; Keefer, Wendy J. [b(6) Kay Daly email]; 'Alex Dahl'; 'Anne\_Womack@who.eop.gov'; 'brett m. kavanaugh@who.eop.gov'; 'Heather\_Wingate@who.eop.gov'; [b(6) Jennifer Oschal email]; 'Tim\_Goeglein@who.eop.gov'; 'Matthew\_F\_Smith@who.eop.gov'; 'joe\_jacquot@hutchison.senate.gov'; [b(6) Barbara Ledeen Senate Email]  
**Subject:** RE: Re[2]: REMINDER -- daily conf. call re. Priscilla Owen nomin

I agree--all plans continue.

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

**From:** Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]  
**Sent:** Friday, July 12, 2002 6:40 PM  
**To:** Charnes, Adam; Willett, Don; Remington, Kristi L; Corallo, Mark; Goodling, Monica; Scottfinan, Nancy; Sales, Nathan; O'Brien, Pat; Koebele, Steve; Dinh, Viet; Keefer, Wendy J. [b(6) Kay Daly email]; Alex Dahl; Anne\_Womack@who.eop.gov; brett m. kavanaugh@who.eop.gov; Heather\_Wingate@who.eop.gov [b(6) Jennifer Oschal email]; Tim\_Goeglein@who.eop.gov; Matthew\_F\_Smith@who.eop.gov; joe\_jacquot@hutchison.senate.gov; [b(6) Barbara Ledeen Senate Email]  
**Subject:** Re[2]: REMINDER -- daily conf. call re. Priscilla Owen nomin

Not if their's is going forward. The plan appears to be to change the date to Wednesday.

\_\_\_\_\_  
Reply Separator Subject: Re: REMINDER -- daily conf. call re. Priscilla Owen nominati Author: [b(6) Kay Daly email] Date: 7/12/2002 6:32 PM

I am having heart palpitations.....does this mean that we cancel the press conference on Monday that we just spent hours and hours and hours putting together?

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 00426412; Fri, 12 Jul 2002 18:32:52 -0400 Received: from imo-d08.mx.aol.com by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10) with SMTP id <0GZ500DAFQMEUX@mailsims1.senate.gov>; Fri, 12 Jul 2002 18:32:40 -0400 (EDT) Received: from [b(6) Kay Daly email] by imo-d08.mx.aol.com (mail\_out\_v32.21.) id s.9b.2a4a05c3 (4197); Fri, 12 Jul 2002 18:32:11 -0400 (EDT) Date: Fri, 12 Jul 2002 18:32:11 -0400 (EDT) From: [b(6) Kay Daly email] Subject: Re: REMINDER -- daily conf. call re. Priscilla Owen nomination -- 6:00-6:30  
**To:** Nancy.Scottfinan@usdoj.gov, Don.Willett@usdoj.gov, Viet.Dinh@usdoj.gov, Pat.O'Brien@usdoj.gov, Monica.Goodling@usdoj.gov, Mark.Corallo@usdoj.gov, Adam.Charnes@usdoj.gov, Steve.Koebele@usdoj.gov, Wendy.J.Keefer@usdoj.gov, Kristi.L.Remington@usdoj.gov, Nathan.Sales@usdoj.gov, Anne\_Womack@who.eop.gov, brett m. kavanaugh@who.eop.gov, Heather\_Wingate@who.eop.gov

007104-000736

**Dinh, Viet**

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**From:** Dinh, Viet  
**Sent:** Thursday, July 18, 2002 10:08 AM  
**To:** Willett, Don; 'Brett Kavanaugh (E-mail)'; 'Manuel Miranda (E-mail)'; 'Alex Dahl (E-mail)'; Remington, Kristi L; Koebele, Steve; Sales, Nathan; 'Heather Wingate (E-mail)'  
**Subject:** RE: Letter to Leahy about Justice Owen's record on tort law

i defer to you and heather

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

**From:** Willett, Don  
**Sent:** Thursday, July 18, 2002 10:06 AM  
**To:** Brett Kavanaugh (E-mail); Manuel Miranda (E-mail); Alex Dahl (E-mail); Dinh, Viet; Remington, Kristi L; Koebele, Steve; Sales, Nathan; Heather Wingate (E-mail)  
**Subject:** FW: Letter to Leahy about Justice Owen's record on tort law

I spoke with Victor Schwartz (ATRA) at the good guy press event Mon., and he agreed to write a strong, pro-Owen letter stating that Owen's record on tort-liability law -- and Victor's actually read the TPJ report and the underlying cases -- reveals a middle-of-the-road jurist that favors neither side.

His draft letter is below.

Victor's e-mail below suggests holding this letter until Mon. to preclude an ATLA rebuttal. I disagree and plan to encourage him to send it now.

He's also offered to use his good relationship with Sen. Kohl and request a mtg. w/ him to boost Owen. Excellent.

Again, I'll encourage Victor to send his letter in ASAP (unless anyone vehemently disagrees).

Thoughts?

DRW

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

**From:** Schwartz, Victor [mailto:VSCHWARTZ@shb.com]  
**Sent:** Thursday, July 18, 2002 9:44 AM  
**To:** Willett, Don  
**Subject:** Letter to Leahy about Justice Owen's record on tort law

Don,

We have e-mailed you the letter to Leahy. The letter shows that Justice Owen's record on tort or

007104-000742

we have e-mailed you the letter to Leary. The letter shows that Justice Owen's record on tort or liability law is middle of the road and neither pro plaintiff or pro defendant. If our goal is simply to show that opponents have mischaracterized Justice Owen's views on tort law, here is what I suggest.

- 1) We wait until Monday so that opponents do not get some sycophant from ATLA to rebut it.
- 2) I have worked with Senator Hatch and his staff on all liability issues since he was first elected to office.

He is a friend. I would like to alert his staff to the issues and e-mail the letter to him so that he can make use of it as he sees fit in the hearing. If our goal, in addition, is to persuade Democrats to support Justice Owen, I would utilize a good relationship with Senator Kohl's office. Senator Kohl would be very unhappy if Justice Owen's record on liability law was mischaracterized simply for the purpose of scoring political points. I could meet with the Senator and/or his Staff to make the point, but I would have to share the letter as back up.

Please share your thoughts as soon as possible. Thanks in advance.

Victor E. Schwartz  
Shook, Hardy & Bacon L.L.P.  
600 14th Street, N.W., Suite 800  
Washington, D.C. 20005-2004  
Telephone (202) 662-4886  
Fax (202) 783-4211  
vschwartz@shb.com

"MMS <shb.com>" made the following  
annotations on 07/18/2002 08:44:19 AM

From the law offices of Shook, Hardy & Bacon L.L.P.

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person or entity to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Sunday, July 28, 2002 11:25 PM  
**To:** 'Manuel\_Miranda@judiciary.senate.gov'; Remington, Kristi L; 'Brett\_M. Kavanaugh@who.eop.gov'; 'Alex\_Dahl@judiciary.senate.gov'; (b) (5) Alex Dahl personal email  
**Cc:** Willett, Don; Sales, Nathan; Koebele, Steve  
**Subject:** Re: Idea, your thoughts?

(b) (5)

(b) (5)

(b) (5)

I defer to your judgment on timing of vote.

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

From: Manuel Miranda <Manuel\_Miranda@judiciary.senate.gov>  
To: Remington, Kristi L <Kristi.L.Remington@USDOJ.gov>; Dinh, Viet <Viet.Dinh@USDOJ.gov>; Brett\_M. Kavanaugh@who.eop.gov <Brett\_M. Kavanaugh@who.eop.gov>; Alex Dahl <Alex\_Dahl@judiciary.senate.gov>; Alex Dahl (b) (5) Alex Dahl personal email  
CC: Willett, Don <Don.Willett@USDOJ.gov>; Sales, Nathan <Nathan.Sales@USDOJ.gov>; Koebele, Steve <Steve.Koebele@USDOJ.gov>  
Sent: Sun Jul 28 19:30:01 2002  
Subject: Idea, your thoughts?

(b) (5)

(b) (5) this morning on This Week, Sen. Biden said he had not made up his mind but that a vote could "come as early as this week." If they put Owen on the mark-up this Thursday (unlikely) we will hold her over, this means Sept. 5. But this is too soon to the return from everyone's Labor Day vacations for my comfort. If the unlikely happens I want to be able to delay a vote til Sept 12 (assuming she is on Sept 5th and then holding her over til the 12th).

Alex, can we argue that there are questions outstanding on Owen (which Leahy promised she would have ample time to answer) and therefore she should not be on the agenda this Thurs at all? When do they have to be in?

007104-000748

Dinh, Viet

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**From:** Dinh, Viet  
**Sent:** Sunday, July 28, 2002 6:57 PM  
**To:** 'Manuel\_Miranda@judiciary.senate.gov'; Willett, Don; 'Brett\_M.\_Kavanaugh@who.eop.gov'; (b) (6) Barbara Ledeen Senate Email ov'  
**Subject:** Re: Fwd:link

I will work on groner. Can someone work on cal thomas?

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

From: Manuel Miranda <Manuel\_Miranda@judiciary.senate.gov>  
To: Willett, Don <Don.Willett@USDOJ.gov>; Dinh, Viet <Viet.Dinh@USDOJ.gov>; Brett\_M.\_Kavanaugh@who.eop.gov <Brett\_M.\_Kavanaugh@who.eop.gov>; (b) (6) Barbara Ledeen Senate Email  
Sent: Sun Jul 28 18:46:01 2002  
Subject: Fwd:link

recognizing that this piece linked below is critical of Judge G and therefore difficult to use, we should ask someone to do a similar piece which promotes Owen instead, especially in Wisconsin or Delaware...or syndicated but respected like Cal Thomas...or legal like Groner

Forward Header \_\_\_\_\_ Subject: link Author:

(b) (6) Date: 7/10/2002 2:05 PM

<http://www.humaneventsonline.com/articles/06-04-01/jeffrey.html>  
Received: from mailsims2.senate.gov ([156.33.203.11]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 0040FB49; Wed, 10 Jul 2002 14:06:08 -0400 Received: from imo-r02.mx.aol.com by mailsims2.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10) with SMTP id <0GZ1004NFOXLVT@mailsims2.senate.gov> for manuel\_miranda@judiciary.senate.gov; Wed, 10 Jul 2002 14:05:46 -0400 (EDT) Received: from (b) (6) by imo-r02.mx.aol.com (mail\_out\_v32.21.) id v.15f.106e2052 (25101) for <manuel\_miranda@judiciary.senate.gov>; Wed, 10 Jul 2002 14:05:31 -0400 (EDT) Date: Wed, 10 Jul 2002 14:05:31 -0400 (EDT) From: (b) (6) subject: link To: manuel\_miranda@judiciary.senate.gov Message-id: <15f.106e2052.2a5dd16b@aol.com> MIME-version: 1.0 X-Mailer: AOL 7.0 for Windows US sub 10512 Content-type: text/plain; charset=US-ASCII Content-transfer-encoding: 7bit

007104-000747

Texas State Delegate to the American Bar Association's House of Delegates from 1993 through 1999, and has been a member of the House of Delegates for 20 years.

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

From: Manuel Miranda [mailto:Manuel\_Miranda@judiciary.senate.gov]

Sent: Wednesday, August 07, 2002 11:23 AM

To: Charnes, Adam; Willett, Don; Remington, Kristi L; Corallo, Mark;

Scottfinan, Nancy; Sales, Nathan; O'Brien, Pat; Koebele, Steve; Alex

Dahl; 'anne(u)womack(a)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**

leonard.leo@mindspring.com; Matthew\_E.\_Smith@who.eop.gov;

'Tim\_Goeglein@who.eop.gov'; 'Leonard Leo (E-mail)'

Subject: Owen/ NRO

There is a Byron York article today on NRO that might useful to convey to other press and editorial boards. It deals comprehensively with the rushed vote/fairness issue.

**Dinh, Viet**

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**From:** Dinh, Viet  
**Sent:** Friday, September 6, 2002 2:40 PM  
**To:** (b)(6) Jennifer Oschal email; Willett, Don; 'Brett Kavanaugh'; 'Tim Goeglein'; 'Manny Miranda'; 'Tony Feather'; 'Matthew(u)A. (u)Schlapp'  
**Subject:** RE: some post owen thoughts...

These are all good thoughts. Let's think about them and discuss on Monday's conference call. Don will circulate agenda Monday morning. thanks

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

**From:** Jennifer Oschal [mailto:(b)(6) Jennifer Oschal email]  
**Sent:** Friday, September 06, 2002 2:09 PM  
**To:** Willett, Don; Dinh, Viet; Brett Kavanaugh; Tim Goeglein; Manny Miranda; Tony Feather; Matthew(u)A. (u)Schlapp  
**Subject:** some post owen thoughts...

1. Since we never placed the op-ed by the TX Bar Leaders, we should submit it for the Congressional Record for hearing, or on the floor.
2. I've been told that Sensenbrenner has agreed to hold hearings in the House on the impact the vacancies are having. Need to discuss going down this road - pros/cons and potential themes.
3. Now that 2 of 2 nominees to the 5th circuit have been shot down, we need raise hell in those states with the Congressional delegation making a big deal out of it, finding out info on backlogs in courts, and trying to raise money around the effort in those states using Lott.
4. Senators need to be all over TV and radio about this ASAP.
5. Need to find one well known person to be out in front for the next month making a big deal about this, forming a coalition to "fight back" and focusing on this issue, and ONLY this issue (unlike other coalitions).

007104-000767

Remington, Kristi L

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**From:** Remington, Kristi L  
**Sent:** Friday, March 14, 2003 9:51 AM  
**To:** 'Miranda, Manuel (Frist)'; Dinh, Viet; Goodling, Monica; Martinez, Jorge (OPA); Charnes, Adam; Benczkowski, Brian A; 'Duffield, Steven (RPC)'; 'rfernandez@rnchq.org'; 'Sharon Castillo - Communications'; 'Ljenness-Olmos@rnchq.org'; 'Higgins, Stephen (Judiciary)'; 'Tapia, Margarita (Judiciary)'; 'Carter, Josh (Judiciary)'; 'Dahl, Alex (Judiciary)'; 'Comisac, RenaJohnson (Judiciary)'; '(b)(6) Kay Daly email'; Stewart, Don (Cornyn); 'Wichterman, Bill (Frist)'; 'Jacobson, Paul (Frist)'; 'Stevenson, Bob (Frist)'; 'Ueland, Eric (Frist)'; 'Vogel, Alex (Frist)'; 'Bainwol, Mitch (Frist)'; 'Keys, Elizabeth (Republican-Conf)'; 'Ledeen, Barbara (Republican-Conf)'; 'Abel\_Guerra@who.eop.gov'; 'Leonard\_B.\_Rodriguez@who.eop.gov'; 'Leonardo\_F.\_Gorordo@who.eop.gov'; 'Matthew\_E.\_Smith@who.eop.gov'; 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'asnee@who.eop.gov'; 'Wendy Grubbs (E-mail)'; 'Sean Rushton'; 'neil.bradley@mail.house.gov'; 'omar.franco@mail.house.gov'; 'Hoover, Margaret'; Dinh, Viet  
**Cc:** McNaught, Heather  
**Subject:** RE: Estrada Conf Call

10:00 am conference call

Dialin (b) (6) passcode (b) (6)

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

**From:** Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
**Sent:** Thursday, March 13, 2003 5:04 PM  
**To:** Dinh, Viet; Goodling, Monica; Martinez, Jorge (OPA); Charnes, Adam; Remington, Kristi L; Benczkowski, Brian A; Duffield, Steven (RPC); rfernandez@rnchq.org; Sharon Castillo - Communications; Ljenness-Olmos@rnchq.org; Higgins, Stephen (Judiciary); Tapia, Margarita (Judiciary); Carter, Josh (Judiciary); Dahl, Alex (Judiciary); Comisac, RenaJohnson (Judiciary); (b)(6) Kay Daly email; Stewart, Don (Cornyn); Wichterman, Bill (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist); Ueland, Eric (Frist); Vogel, Alex (Frist); Bainwol, Mitch (Frist); Keys, Elizabeth (Republican-Conf); Ledeen, Barbara (Republican-Conf); Abel\_Guerra@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov; Leonardo\_F.\_Gorordo@who.eop.gov; Matthew\_E.\_Smith@who.eop.gov; Brett\_M.\_Kavanaugh@who.eop.gov; asnee@who.eop.gov; Wendy Grubbs (E-mail); Sean Rushton; neil.bradley@mail.house.gov; omar.franco@mail.house.gov; Hoover, Margaret; Dinh, Viet  
**Subject:** RE: Estrada Conf Call

007104-000835

Yes that will be great.

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

From: Benczkowski, Brian A [mailto:Brian.A.Benczkowski@usdoj.gov]  
Sent: Thursday, March 13, 2003 5:00 PM  
To: Remington, Kristi L; Charnes, Adam; Martinez, Jorge (OPA); Goodling, Monica; Dinh, Viet; Dinh, Viet; Duffield, Steven (RPC); 'rfernandez@rnchq.org'; 'Sharon Castillo - Communications'; 'LJeness-Olmos@rnchq.org'; Higgins, Stephen (Judiciary); Tapia, Margarita (Judiciary); Carter, Josh (Judiciary); Dahl, Alex (Judiciary); Comisac, RenaJohnson (Judiciary); **b(6) Kay Daly email** Stewart, Don (Cornyn); Wichterman, Bill (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist); Ueland, Eric (Frist); Vogel, Alex (Frist); Bainwol, Mitch (Frist); Miranda, Manuel (Frist); Keys, Elizabeth (Republican-Conf); Ledeen, Barbara (Republican-Conf); 'Abel\_Guerra@who.eop.gov'; 'Leonard\_B.\_Rodriguez@who.eop.gov'; 'Leonardo\_F.\_Gorordo@who.eop.gov'; 'Matthew\_E.\_Smith@who.eop.gov'; 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'asnee@who.eop.gov'; 'Wendy Grubbs (E-mail)'; 'Sean Rushton'; 'neil.bradley@mail.house.gov'; 'omar.franco@mail.house.gov'; 'Hoover, Margaret'  
Subject: RE: Estrada Conf Call

Manny-

I am traveling tomorrow, but happy to have our office arrange the call. Others from OLP (perhaps Adam or Kristi) will participate.

Please advise.

BAB

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

From: Miranda, Manuel (Frist) [mailto:Manuel\_Miranda@frist.senate.gov]  
Sent: Thursday, March 13, 2003 4:36 PM  
To: Remington, Kristi L; Charnes, Adam; Martinez, Jorge (OPA); Goodling, Monica; Dinh, Viet; Benczkowski, Brian A; Ledeen, Barbara (Republican-Conf); Comisac, RenaJohnson (Judiciary); Dahl, Alex (Judiciary); Wendy Grubbs (E-mail); asnee@who.eop.gov; LJeness-Olmos@rnchq.org; Sharon Castillo - Communications; Brett\_M.\_Kavanaugh@who.eop.gov; Matthew\_E.\_Smith@who.eop.gov; Keys, Elizabeth (Republican-Conf); Bainwol, Mitch (Frist); Vogel, Alex (Frist); Ueland, Eric (Frist); Stevenson, Bob (Frist); Jacobson, Paul (Frist); Leonardo\_F.\_Gorordo@who.eop.gov; Leonard\_B.\_Rodriguez@who.eop.gov; Abel\_Guerra@who.eop.gov; Hoover, Margaret; omar.franco@mail.house.gov; neil.bradley@mail.house.gov; **b(6) Kay Daly email** Carter, Josh (Judiciary); Sean Rushton; Wichterman, Bill (Frist); Tapia, Margarita (Judiciary); Duffield, Steven (RPC); Higgins, Stephen (Judiciary); Stewart, Don (Cornyn); rfernandez@rnchq.org; Dinh, Viet  
Subject: Estrada Conf Call

007104-000836

Brian or Brett,

Could you set up a conference call for tomorrow morning say 10:00.

- 1) Report
- 2) Brainstorm
- 3) Specifics below and others

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

From: Ledeen, Barbara (Republican-Conf)

Sent: Thursday, March 13, 2003 3:41 PM

To: brian. a. benczkowski@usdoj. gov (E-mail); Miranda, Manuel (Frist)

Subject:

Estrada plans

Here is what we would like to do to mark the 50th day of the Estrada confirmation fight. Can we please have a meeting--or a telephone conference call--with the relevant people to get this accomplished?

Day 50 -- 3/27 (first day was 2/5)

\* op/eds -- national and in-state

\* talk radio -- placement -- national and in-state                      \* in-state rallies w/ Hispanic

lawyers and other coalition reps                      \* BICAM press in-DC -- rally/event (Free Estrada) with  
Hispanic groups

\* House Hispanic repubs radio/reporter conference call in Spanish  
editors from grassroots                      \* call in effort (an E-March)

\* letters-to-the-

\* state legislature resolutions

Barbara Ledeen

Director of Coalitions

Senate Republican Conference

(b) (6)

007104-000837

Barbara\_Ledeen@src.senate.gov

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**From:** (b)(6) Barbara Ledeen Senate email  
**Sent:** Thursday, April 10, 2003 11:49 AM  
**To:** Brown, Jamie E (OLA); Goodling, Monica; Dinh, Viet; Charnes, Adam; Remington, Kristi L; Benczkowski, Brian A; Manuel\_Miranda@frist.senate.gov; asnee@who.eop.gov; James\_Ho@Judiciary.senate.gov; Joe\_Jacquot@hutchison.senate.gov; Rena\_Johnson\_Comisac@Judiciary.senate.gov; (b)(6) Elizabeth Keys Senate Email; Brett\_M.\_Kavanaugh@who.eop.gov; wgrubbs@who.eop.gov; Alex\_Vogel@frist.senate.gov; Makan\_Delrahim@Judiciary.senate.gov; Alex\_Dahl@Judiciary.senate.gov; s (b)(6) Steven Duffield personal email; (b)(6) Kay Daly email; Tim\_Goeglein@who.eop.gov; Matthew\_E.\_Smith@who.eop.gov; Abel\_Guerra@who.eop.gov; leonard\_b.\_rodriguez@who.eop.gov; Leonardo\_F.\_Gorordo@who.eop.gov; Mercedes\_M.\_Viana@who.eop.gov; Antonia\_Ferrier@frist.senate.gov; (b)(6) Stephen Higgins Senate Email; (b)(6) John Abegg Senate Email; Alex\_Vogel@frist.senate.gov; SRushton@CommitteeforJustice.org; joschal@dcigroup.com; SCastillo@rnchq.org; rfernandez@rnchq.org; Ljenness\_Olmos@rnchq.org; Bill\_Wichterman@frist.senate.gov  
**Subject:** RE: ConfCall, Fri 10 am/ Owen - Estrada

I apologize but I am unable to make this call as (b) (6)  
(b) (6) I am free to coordinate for the rest of the day.

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

**From:** Brian.A.Benczkowski@usdoj.gov  
[mailto:Brian.A.Benczkowski@usdoj.gov]  
**Sent:** Thursday, April 10, 2003 9:21 AM  
**To:** Kristi.L.Remington@usdoj.gov; Adam.Charnes@usdoj.gov; Viet.Dinh@usdoj.gov; Monica.Goodling@usdoj.gov; Jamie.E.Brown@usdoj.gov; Miranda, Manuel (Frist); 'asnee@who.eop.gov'; Ho, James (Judiciary); Jacquot, Joe (Hutchison); Comisac, RenaJohnson (Judiciary); Ledeen, Barbara (Republican-Conf); Keys, Elizabeth (Republican-Conf); 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'wgrubbs@who.eop.gov'; Vogel, Alex (Frist); Delrahim, Makan (Judiciary); Dahl, Alex (Judiciary); (b)(6) Steven Duffield personal email; (b)(6) Kay Daly email; 'Tim\_Goeglein@who.eop.gov'; 'Matthew\_E.\_Smith@who.eop.gov'; 'Abel\_Guerra@who.eop.gov'; 'leonard\_b.\_rodriguez@who.eop.gov'; 'Leonardo\_F.\_Gorordo@who.eop.gov'; 'Mercedes\_M.\_Viana@who.eop.gov'; Ferrier, Antonia (Frist); Higgins, Stephen (Judiciary); Abegg, John (McConnell); Vogel, Alex (Frist); 'SRushton@CommitteeforJustice.org'; 'joschal@dcigroup.com'; 'SCastillo@rnchq.org'; 'rfernandez@rnchq.org'; 'Ljenness\_Olmos@rnchq.org'; Wichterman, Bill (Frist)  
**Subject:** RE: ConfCall, Fri 10 am/ Owen - Estrada

Dial in: (b) (6)

007104-000840

**Brett\_M.\_Kavanaugh@who.eop.gov**

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**From:** Brett\_M.\_Kavanaugh@who.eop.gov  
**Sent:** Thursday, September 12, 2002 10:40 PM  
**To:** Willett, Don; Remington, Kristi L; Sales, Nathan; **b(6) Kay Daly email**  
**Subject:** RE: McConnell and "pro-God" groups' efforts  
**Attachments:** judges chart 9 12 02.doc; judges wait more than a year 9 12 02.doc; pic27127.doc

Sorry. I have been up on Hill. Here are the two charts. Am I right from your e-mail that he is on next Wednesday?

(See attached file: judges chart 9 12 02.doc)(See attached file: judges wait more than a year 9 12 02.doc)

(Embedded  
image moved "Willett, Don" <Don.Willett@usdoj.gov>  
to file: 09/12/2002 03:57:05 PM  
pic27127.pcx)

Record Type: Record

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

cc:  
Subject: RE: McConnell and "pro-God" groups' efforts

Many thanks, Kay.

KRISTI: pls. send good McConnell info. per Kay's suggestions below.

NATHAN: pls. send your latest vacancy crisis TPs.

BRETT: can you reply to all w/ your latest historical comparison chart on circuit confirmations in a president's 1st 2 years -- that's VERY persuasive apples-to-apples stuff and captures the issue perfectly.

After the Corrigan confirmation today, there are 78 existing vacancies (28 circuit and 50 district). The

007104-001094

existing vacancy rate is 9.0% overall -- 15.6% at the circuit level, and 7.5% at the district level.

Another stat: # of Reagan circuit noms who wanted more than a year for a hearing? 0

# of Bush 41 circuit noms

.....? 0

# of Clinton circuit noms

.....? 0

# of Bush 43 circuit noms

.....? 11

DRW

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

From: **b(6) Kay Daly email** [mailto:**b(6) Kay Daly email**]

Sent: Thursday, September 12, 2002 3:16 PM

To: Remington, Kristi L; Willett, Don; Sales, Nathan;

**b(6) Barbara Ledeen Senate Email** [mailto:**b(6) Jennifer Oschal email**]

Tim\_Goeglein@who.eop.gov; alex\_dahl@judiciary.senate.gov;

Manuel\_Miranda@judiciary.senate.gov

Subject: Re: McConnell and "pro-God" groups' efforts

Dobson is going to be on Larry King on Wed. night. Any and all information you want him to have needs to get to him this afternoon. Send all info on this to: **(b) (6)** ASAP. Two particular questions that Larry is going to ask are the following:

You are very concerned about what the Senate is doing to Bush's court appointments. Isn't that the advise and consent role described by the U.S. constitution?

He also wants a confirmation % of the nominees in the first year of the Reagan, Bush I, Clinton and Bush II administrations. He also wants to know what % vacancy the federal bench currently has.

Message Sent To: \_\_\_\_\_

"Remington, Kristi L" <Kristi.L.Remington@usdoj.gov> (Receipt Notification Requested)

"Sales, Nathan" <Nathan.Sales@usdoj.gov> (Receipt Notification Requested)

'**b(6) Kay Daly email**' (Receipt Notification Requested) (IPM Return Requested)

""**b(6) Barbara Ledeen Senate Email**"" <Barbara\_Ledeen@src.senate.gov> (Receipt Notification Requested)

**b(6) Jennifer Oschal email** (Receipt Notification Requested)

Tim Goeglein/WHO/EOP@EOP

""alex\_dahl@judiciary.senate.gov"" <alex\_dahl@judiciary.senate.gov>  
(Receipt Notification Requested)  
""Manuel\_Miranda@judiciary.senate.gov""  
<Manuel\_Miranda@judiciary.senate.gov> (Receipt Notification Requested)  
Brett M. Kavanaugh/WHO/EOP@EOP  
""(b) (6) > (Receipt Notification  
Requested) (IPM Return Requested)