

**Received(Date):** 6 MAY 2002 19:16:14

**From:** "Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )

**To:** "Goodling, Monica" <Monica.Goodling@usdoj.gov> ( "Goodling, Monica" <Monica.Goodling@usdoj.gov> [ UNKNOWN ] ), "Willett, Don" <Don.Willett@usdoj.gov> ( "Willett, Don" <Don.Willett@usdoj.gov> [ UNKNOWN ] ), "Comstock, Barbara" <Barbara.Comstock@usdoj.gov> ( "Comstock, Barbara" <Barbara.Comstock@usdoj.gov> [ UNKNOWN ] ), Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] ), Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

**Subject:** : Fw: New York Times magazine story on judicial nominations

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Dinh, Viet" <Viet.Dinh@usdoj.gov> ( "Dinh, Viet" <Viet.Dinh@usdoj.gov> [ UNKNOWN ] )

CREATION DATE/TIME: 6-MAY-2002 19:16:14.00

SUBJECT:: Fw: New York Times magazine story on judicial nominations

TO:"Goodling, Monica" <Monica.Goodling@usdoj.gov> ( "Goodling, Monica" <Monica.Goodling@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Willett, Don" <Don.Willett@usdoj.gov> ( "Willett, Don" <Don.Willett@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:"Comstock, Barbara" <Barbara.Comstock@usdoj.gov> ( "Comstock, Barbara" <Barbara.Comstock@usdoj.gov> [ UNKNOWN ] )

READ:UNKNOWN

TO:Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

##### End Original ARMS Header #####

FYI. I will offer up some surrogates.

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

From: Jeffrey Rosen <jrosen@law.gwu.edu>

To: Dinh, Viet <Viet.Dinh@USDOJ.gov>

Sent: Mon May 06 16:59:15 2002

Subject: Re: New York Times magazine story on judicial nominations

(b)(6)

As for the piece -- Friday, alas, I'm in NY: is there any way we could find just a few minutes before then to talk on the phone so I can tell you what I have in mind? School is out and I'm home this afternoon and much of the week at (b)(6) I understand that the nominees probably can't speak on the record, but I need just enough access to be able to describe their backgrounds, humanize them, and make them sympathetic characters, so that the reader feels that they deserve a hearing and are being victimized by an unfair process. Look forward to talking, and to figuring out how best to proceed. Thanks again for the good words.

Best regards,

Jeff

Dinh, Viet wrote:

> Jeff,

>

(b)(6)

>

> W/r/t to your piece, I would love to chat. (Is the Wilkinson speech you are referring to one he gave at the Lib. of Congress last month?) I think it is highly unlikely that we will be able to make the nominees available, but as I deal with them on a daily basis, perhaps I can talk about their situations (but not feelings--I don't do feelings!). I am going to NYC tomorrow, but am pretty open on Friday if that works with your schedule.

>

> All best,

>

> Viet

>

> -----Original Message-----

> From: Jeffrey Rosen [mailto:jrosen@law.gwu.edu]

> Sent: Monday, May 06, 2002 1:13 PM

> To: Dinh, Viet

> Subject: New York Times magazine story on judicial nominations

>

> Dear Viet,

>

(b)(6)

>

> I'm writing now because the New York Times Magazine has asked me  
> to write an article about the deadlock in the judicial confirmation  
> process for lower court nominees. The piece was inspired by J. Harvie  
> Wilkinson's recent speech lamenting the fact that for the past decade or  
> so, highly qualified Republican and Democratic nominees -- including  
> people like John Roberts and Michael McConnell and, in the previous  
> administration, Allen Snyder -- have been unable to get hearings and  
> votes in the Senate. By focussing on a few well qualified nominees, I  
> want to explore why the confirmation process has broken down, as well as  
> examining ways that it might be fixed.

>

> Would it be possible to talk to you in connection with the story?  
> You've been at the center of all this for more than a year, and I'd very  
> much like you to be part of the piece, discussing the sources of the  
> problem as well as potential solutions. I'd also like to discuss with  
> you the possibility of talking to one or two of the nominees -- either  
> on background or on the record -- so that I can dramatize the unfairness  
> of their situation in being unable to get hearings. I understand that

> they're limited in what they can say, but it strikes me that if we could  
> select one or two sympathetic nominees -- I have in mind especially John  
> Roberts and my friend Michael McConnell -- and contrast them with  
> well-qualified Clinton nominees who never got hearings, this would make  
> for a dramatic and compelling story.

>

> In any event, a preliminary conversation would be great to decide  
> the best way to proceed. Many thanks in advance for any time you can  
> spare.

>

> Best regards,

>

> Jeff