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Subject/Description: GEORGE W. BUSH CONFIRMATIONS FOR MAY 26 06: -- BRETT M. KAVANAUGH -- UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT
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Appointed: 5/30/06
Brett M. Kavanaugh
Nominee To The U.S. Court Of Appeals For The D.C. Circuit

Throughout His Career, Brett M. Kavanaugh Has Demonstrated Legal Excellence And The Fair-Minded Temperament To Serve As A Federal Appellate Judge. Kavanaugh has an extraordinary range of experience in the public and private sectors. He has dedicated the majority of his 16 years of practice to public service as an appellate lawyer, a government lawyer, and an Assistant to the President.

Brett M. Kavanaugh Is Superbly Qualified For The D.C. Circuit

Kavanaugh Now Serves As Assistant To The President And Staff Secretary. He is responsible for coordinating virtually all documents to and from the President. He previously served as Senior Associate Counsel and Associate Counsel to the President, during which time he worked on numerous constitutional, legal, and ethical issues.

Prior To His Service In This Administration, Kavanaugh Was A Partner At The Law Firm Of Kirkland & Ellis, Where His Practice Focused On Appellate Matters. Kavanaugh also served as an Associate Counsel in the Office of Independent Counsel, where he handled a number of difficult constitutional issues presented during that investigation. Kavanaugh specialized in appellate law and has extensive experience in the Federal appellate courts, both as a law clerk and as counsel. Kavanaugh has argued both civil and criminal matters before the U.S. Supreme Court and appellate courts throughout the country.

Kavanaugh Clerked For U.S. Supreme Court Justice Anthony Kennedy, As Well As Judge Alex Kozinski Of The Ninth Circuit And Judge Walter Stapleton Of The Third Circuit. Prior to his Supreme Court clerkship, Kavanaugh earned a prestigious fellowship in the Office of the Solicitor General of the United States. The Solicitor General's office represents the United States before the Supreme Court.

The American Bar Association (ABA) Has Consistently Rated Kavanaugh "Well Qualified" Or "Qualified" To Serve On The D.C. Circuit. The ABA has rated Brett Kavanaugh qualified to serve on the D.C. Circuit on three separate occasions. In other words, 42 out of 42 ABA individual ratings found that Mr. Kavanaugh is either Well Qualified or Qualified to serve on the D.C. Circuit. And the majority of those 42 raters found Mr. Kavanaugh to be Well Qualified to serve on the D.C. Circuit.

Kavanaugh Has Impeccable Academic Credentials. He received his B.A. cum laude from Yale College and his law degree from Yale Law School, where he served as Notes Editor of the Yale Law Journal.

Kavanaugh Has Offered His Legal Expertise And Personal Time To Serving His Community. While in private practice, Kavanaugh took on pro bono matters, including representation of the Adat Shalom congregation in
People From Across The Political Spectrum Support Brett M. Kavanaugh's Nomination To The D.C. Circuit

Bipartisan Group Of Former U.S. Attorneys General: "Mr. Kavanaugh is particularly known for his intelligence, commitment to public service, and integrity. Throughout his career, Mr. Kavanaugh has shown a dedication to the legal profession and the rule of law, and his professional accomplishments speak volumes to his ability to serve as a federal judge.... We believe that Mr. Kavanaugh possesses each characteristic of an outstanding nominee to the U.S. Court of Appeals for the D.C. Circuit, including academic and professional credentials and integrity." (William P. Barr On Behalf Of Griffin B. Bell, Edwin Meese, III, Dick Thornburgh, and John Ashcroft, Letter To Sen. Arlen Specter (R-PA), 5/5/06)

Bipartisan Group Of Kavanaugh's Classmates From The Yale Law School Class Of 1990: "We have known Brett Kavanaugh for almost two decades and we are convinced that he would be fair and impartial on the bench. He has the integrity, honesty, good sense, and temperament to apply the law fairly and with intellectual honesty as a judge on the United States Court of Appeals for the District of Columbia Circuit." (Bipartisan Group Of Brett Kavanaugh's Classmates From The Yale Law School Class Of 1990, Letter To Sen. Arlen Specter (R-PA) And Sen. Patrick Leahy (D-VT), 5/3/06)

Former U.S. Solicitors General Theodore Olson, Kenneth Starr, And Charles Fried: "Mr. Kavanaugh embodies all of the characteristics that make an outstanding federal court of appeals judge: exceptional appellate experience, stellar academic credentials, and unquestioned integrity." (Theodore B. Olson On Behalf Of Kenneth W. Starr and Charles Fried, Letter To Sen. Arlen Specter (R-PA), 5/3/06)

Judge Walter K. Stapleton, U.S. Court Of Appeals For The Third Circuit: "In my opinion, Mr. Kavanaugh is superbly qualified to serve as a United States Circuit Judge, and I have no reservations whatever in predicting that he would make an extraordinary contribution to the administration of justice in any Court of Appeals." (Judge Walter K. Stapleton, Letter To Sen. Arlen Specter (R-PA), 5/3/06)

Former Counsels And Deputy Counsels To The President: "In our view, Mr. Kavanaugh possesses all of the requisite qualifications for such an appointment, including outstanding academic credentials, keen intellect, a calm and thoughtful demeanor, and exceptional analytic skills." (Fred F. Fielding On Behalf Of Arthur B. Culvahouse, Jr., Peter J. Wallison, Phillip D. Brady, Richard A. Hauser, Timothy E. Flanigan, David G. Leitch, John P. Schmitz, and Jay B. Stephens, Letter To Sen. Arlen Specter (R-PA), 5/5/06)

Mark H. Tuohey, III, Former President Of The District of Columbia Bar: "[Kavanaugh] is exceptionally well qualified to serve on one of the nation's most important appellate courts, as he possesses keen intellectual prowess, superior analytical skills and a strong commitment to applying the role of law in a fair and impartial manner." (Mark H. Tuohey, III, Letter To Sen. Orrin Hatch (R-UT), 4/26/04)

Pamela Harris, Washington, D.C., Attorney And Yale Law School Class Of 1990: "...Brett stands out as someone who refuses to personalize policy disagreements.... His long-standing friendships with those outside his political circle attest to the fact that he continues to command the respect and affection of political adversaries." (Pamela Harris, Letter To Sen. Orrin Hatch (R-UT), 4/27/04)

Editorial On Brett M. Kavanaugh's Nomination To The D.C. Circuit

The Wall Street Journal: In A "Rational World," Kavanaugh "Wouldn't Be Considered Anything Close To Controversial Enough" To Merit A Filibuster. "Anything is possible, but it's hard to believe Democrats are nuts enough to launch a judicial filibuster in the middle of an election year with a GOP President so low in the polls. Talk
about a get-out-the-vote gift for Republicans. ... In a rational world, he wouldn't be considered anything close to controversial enough to trigger that accord's 'extraordinary circumstances' exception." (Editorial, "The Next Filibuster?" The Wall Street Journal, 5/4/06)

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Sent: Monday, May 08, 2006 8:02 PM
To: McCathran, William W.
Subject: SETTING THE RECORD STRAIGHT: The ABA Finds Brett Kavanaugh Is "Indeed Qualified To Serve On The Federal Bench"
Attachments: 5.8.06 Kavanaugh.pdf

Setting The Record Straight:

The ABA Finds Brett Kavanaugh Is "Indeed Qualified To Serve On The Federal Bench"

"In 42 votes cast in the three ABA reviews, all 42 found Mr. Kavanaugh to be well qualified or qualified to serve on the DC Circuit. The ABA itself says that even the lowest of the three ratings is, in its words, "a very high standard."

--White House Deputy Press Secretary Dana Perino
May 8, 2006

The Associated Press: "ABA Downgrades Rating For White House Aide From Well-Qualified To Qualified."
(Laurie Kellman, "ABA Downgrades Rating For White House Aide From Well-Qualified To Qualified," The Associated Press, 5/8/06)

But According To ABA Review Panel Chairman Stephen Tober, Kavanaugh Is "Indeed Qualified To Serve On The Federal Bench." TOBER: "This nominee enjoys a solid reputation for integrity, intellectual capacity, and writing and analytical ability. ... A substantial majority of the Standing Committee believes that Mr. Kavanaugh is indeed qualified to serve on the federal bench." (Stephen L. Tober, Committee On The Judiciary, U.S. Senate, Testimony, 5/8/06)

Tober Himself Notes That "There Is No Bright-Line Litmus Test As To Whether A Nominee Is 'Well Qualified' Or 'Qualified.'" TOBER: "It is, at its most basic, the difference between the 'highest standard' and a 'very high standard.'" (Stephen L. Tober, Committee On The Judiciary, U.S. Senate, Testimony, 5/8/06)

According To The ABA's "Backgrounder," A "Qualified" Rating Means The Committee Believes A Nominee Will Be Able To Perform "All Duties And Responsibilities" Of A Federal Judge. TOBER: "The Backgrounder also makes clear that '(t)he rating of 'Qualified' means that the nominee meets the Committee's very high standards with respect to integrity, professional competence and judicial temperament and that the Committee believes that the nominee will be able to perform satisfactorily all of the duties and responsibilities required by the high office of a federal judge.'" (Stephen L. Tober, Committee On The Judiciary, U.S. Senate, Testimony, 5/8/06)

(Laurie Kellman, "ABA Downgrades Rating For White House Aide From Well-Qualified To Qualified," The Associated Press, 5/8/06)

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5/9/2006
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McCathran, William W.

From: White House Communications [WhiteHouseCommunications@whitehouse.gov]

Sent: Wednesday, May 10, 2006 5:39 PM

To: McCathran, William W.

Subject: WHAT THEY'RE SAYING: Brett Kavanaugh's Nomination To The U.S. Court Of Appeals For The D.C. Circuit

What They're Saying ...

Brett Kavanaugh’s Nomination To The U.S. Court Of Appeals For The D.C. Circuit

"It is undoubtedly true that Mr. Kavanaugh has been in the center of many legal disputes over the past fifteen years. That strikes me as an unqualified good – he has an enormous breadth of experience that will serve him well. I have watched his career for many years, and it strikes me as one of almost unmatched distinction....I do not believe it appropriate to write to you unless I feel strongly about a particular nominee. I feel strongly now: Brett Kavanaugh should be confirmed to the United States Court of Appeals for the D.C. Circuit."

–Neal Katyal, Georgetown University Law Center Professor, Former Attorney To Vice President Gore, And Former Clinton Administration Official, Letter To Sen. Arlen Specter (R-PA), 5/9/06

Professor Neal Katyal On Brett Kavanaugh’s Nomination

Katyal: Kavanaugh "Would Be A Welcome, Terrific Addition To The United States Court Of Appeals." "I have watched this nomination with strong interest for the past two years, but have stayed silent because I was not sure whether Mr. Kavanaugh had any role in a pro bono case in which I am lead counsel, Hamdan v. Rumsfeld (currently pending at the United States Supreme Court). Because of my uncertainty as to his involvement, I felt it improper to comment on the nomination given my status as counsel for a party. In the hearing before your committee today, however, Mr. Kavanaugh stated that he had no role with respect to Guantanamo Bay policy. I am very grateful for the hearing today, for it has allowed me to write to you. Accordingly, I feel free to say that Mr. Kavanaugh would be a welcome, terrific addition to the United States Court of Appeals." (Neal Katyal, Letter To Sen. Arlen Specter (R-PA), 5/9/06)

Katyal: "This Is An Entirely Unsolicited Letter." "This is an entirely unsolicited letter, I have not spoken with Mr. Kavanaugh for approximately four years, nor have I spoken with anyone else at the White House, U.S. Department of Justice, or U.S. Senate, in conjunction with this nomination." (Neal Katyal, Letter To Sen. Arlen Specter (R-PA), 5/9/06)

Media Reports And Editorials On Brett Kavanaugh’s Nomination


The Washington Post: Kavanaugh "Does Not Appear To Be An Ideologue." "Yet Mr. Kavanaugh is a talented attorney. He has been involved in controversies, but he does not appear to be an ideologue. While Democrats complain that his experience is thin, it is no more so than others who have won confirmation and served on that
court. Senate Judiciary Committee Chairman Arlen Specter (R-Pa.) is holding a second hearing on Mr. Kavanaugh's nomination today. If it produces nothing new, he should be confirmed." (Editorial, "A Tale Of Two Judges," The Washington Post, 5/9/06)


The Wall Street Journal: In A "Rational World," Kavanaugh "Wouldn't Be Considered Anything Close To Controversial Enough" To Merit A Filibuster. "In a rational world, he wouldn't be considered anything close to controversial enough to trigger that accord's "extraordinary circumstances' exception." (Editorial, "The Next Filibuster?" The Wall Street Journal, 5/4/06)

The Washington Times: "After Nearly Three Long Years Since He Was First Nominated, Mr. Kavanaugh Should Finally Get His Long-Deserved Vote On The Senate Floor." "After Senate Judiciary Committee Chairman Arlen Specter received a letter from the seven Democratic members of the 'Gang of 14' promising not to support a filibuster against Mr. Kavanaugh's nomination if he appeared before the committee a second time, the chairman scheduled today's hearing. A committee vote could come Thursday. Before the Memorial Day recess, after nearly three long years since he was first nominated, Mr. Kavanaugh should finally get his long-deserved vote on the Senate floor." (Editorial, "The Kavanaugh Hearing," The Washington Times, 5/9/06)

Senators On Brett Kavanaugh's Nomination


Sen. Orrin Hatch (R-UT): Kavanaugh "Merits Our Support And When Confirmed Will Serve The Public Well As A Fair And Impartial Jurist." "I have confidence that Mr. Kavanaugh will again today demonstrate his deep understanding and knowledge of the law. I expect that he will once again display his intellect, sound judgment and judicial temperament. I have no doubt that [he] fully appreciates the proper role and limitations placed on federal appellate judges in our constitutional system. ... I only hope that we focus on the qualifications and character of the nominee we have before us today. If we do that, I have no doubt that Brett Kavanaugh merits our support and when confirmed will serve the public well as a fair and impartial jurist." (Sen. Orrin Hatch (R-UT), "Sen. Hatch Comments On Kavanaugh's Nomination," Press Release, 5/9/06)

Sen. John Cornyn (R-TX): Kavanaugh "Is An Outstanding Nominee And Someone Who I Think Should Be Confirmed To The District Of Columbia Circuit Court Of Appeals." (Sen. John Cornyn (R-TX), Media Availability, 5/9/06)

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5/11/2006
Mc Cathran, William W.

From: bounce-232942-254308@list.whitehouse.gov on behalf of White House Press Releases
[Press.Releases@WhiteHouse.Gov]

Sent: Friday, May 26, 2006 10:05 AM

To: McCathran, William W.

Subject: STATEMENT BY THE PRESIDENT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

STATEMENT BY THE PRESIDENT

May 26, 2006

I applaud the Senate’s vote to confirm Brett Kavanaugh to the U.S. Court of Appeals for the District of Columbia Circuit. Brett Kavanaugh is superbly qualified for the Court of Appeals and will be a brilliant, thoughtful, and fair-minded judge. I appreciate his distinguished service in the Executive Branch for the last five years, as Associate Counsel and then Senior Associate Counsel to the President, and since July 2003 in the vital role of Staff Secretary. I congratulate Brett and his family on today’s confirmation and thank him for his continued service to the law and our Nation.

# # #
McCathran, William W.

From: bounce-235618-254308@list.whitehouse.gov on behalf of White House Press Releases [Press.Releases@WhiteHouse.Gov]
Sent: Thursday, June 01, 2006 2:35 PM
To: McCathran, William W.
Subject: CORRECTED: REMARKS BY THE PRESIDENT IN SWEARING-IN CEREMONY FOR BRETT KAVANAUGH TO THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 1, 2006

REMARKS BY THE PRESIDENT
IN SWEARING-IN CEREMONY FOR BRETT KAVANAUGH
TO THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

The Rose Garden

1:06 P.M. EDT

THE PRESIDENT: Please be seated. Thanks for coming. Welcome to the Rose Garden where, in a few moments, Brett Kavanaugh will be sworn in as a judge on the United States Court of Appeals for the District of Columbia Circuit.

Today, a court that is often considered the second-highest in our land gains a brilliant and talented new member. The staff of the White House celebrates a friend they admire and a colleague they will miss. I congratulate a good man and a fine public servant on a job well done.

I'm especially pleased to be with Brett's wife, Ashley -- (laughter) -- whose face I know well and whose marriage was the first lifetime appointment I arranged for Brett. (Laughter and applause.)

We welcome Brett's parents, Martha and Ed, and his mother-in-law and father-in-law, Nancy and John Estes from Abilene, Texas.

I welcome the star of Brett's most recent televised hearing, Margaret Murphy Kavanaugh. (Laughter.) Margaret has his mother's -- has her mother's good looks, and her dad's preference for hearings that do not last too long. (Laughter.)
We're honored this afternoon by the presence of Justice Anthony Kennedy who hired Brett as a law clerk more than a decade ago. He now welcomes him as a fellow judge. And I'm also pleased that Mary Kennedy is with us today. Thanks for coming.

The Vice President has joined us. Mr. Vice President, welcome. Appreciate Al -- Attorney General Al Gonzales for being here. And former Attorney General John Ashcroft is with us, as well. I want to extend a warm welcome to Brett's new colleagues on the D.C. Court of Appeals. Thank you all for coming.

The power to nominate judges is one of the most serious responsibilities the Constitution gives the President. Our founders thought carefully about the role they wanted judges to play in the American Republic. They decided on a court system that would be free of political and public pressure with judges who are prudent in exercising judicial power and firm in defending judicial independence.

When a President chooses a judge, he owes it to the Constitution and to the country to choose with care, and I have done so in choosing Brett Kavanaugh. I chose Brett because of the force of his mind, his breadth of experience, and the strength of his character. Brett grew up in Maryland. In high school, he distinguished himself both in academics and athletics. He graduated from Yale with honors. What did that feel like? (Laughter.) He stayed at Yale to earn his law degree. Brett was an editor of the Yale Law Review, and impressed all around him with his mastery of the law and his strong work ethic.

After Yale, he embarked on a law career that has spanned judicial -- on a career that has spanned the judicial branch, the executive branch, and the private sector. He clerked for Judges Walter Stapleton and Alex Kozinski on the federal appellate courts, and for Justice Kennedy on the Supreme Court. He served in the Solicitor General's Office and in the Office of the Independent Counsel. He was a partner in a leading national law firm. For the past five years, he has served in the White House as Associate Counsel, a senior Associate Counsel, and as Staff Secretary.

Over his career, he's argued cases before the Supreme Court, appellate courts, and trial courts. He has given his time and talent to provide legal services for those in need. He's earned a reputation for integrity and independence. Brett's abilities and professionalism have been recognized by members of both political parties. After I nominated Brett, a bipartisan group of his law school classmates wrote a letter of support saying Brett would bring credit to the distinguished court to which he has been nominated.
Brett's nomination also earned the backing of many leaders of the Bar, including former attorney generals of both parties. And in three separate evaluations by the American Bar Association, all 42 reviewers rated him as well qualified or qualified to serve on the federal bench.

In the history of the D.C. Circuit, no judge has undergone a more thorough and rigorous confirmation process. And all who watched this process saw what I know: That he's a man of fairness, humility, and a reverence for the laws and the Constitution of our country.

Brett Kavanaugh is one of the many highly qualified men and women I've nominated to the federal courts. These nominees come from many different backgrounds, and they bring different experiences to the bench. Yet they all have met the same high standards of legal ability, temperament and judgment. I'll continue to fulfill my responsibility to nominate men and women of character and integrity who administer the law and not legislate from the bench. And I call upon the United States Senate to meet its responsibility to give every nominee a fair hearing and a timely up or down vote.

When Brett Kavanaugh takes his oath this afternoon, he will carry on a fine family tradition. His mother, Martha, was a public school teacher in the District of Columbia and went on to serve as a prosecutor and a state judge in Maryland. Martha instilled in her son a passion for service and raised him to be true to the motto of his Jesuit high school: "Men for others."

Throughout his life, Brett has used his many talents to serve others, and today he walks a new path of service: to administer justice equally, impartially, without fear or favor. Our nation is fortunate that Brett Kavanaugh has accepted these responsibilities, and I'm proud to stand with Brett as he takes his place as a judge on the D.C. Circuit Court of Appeals. And now I ask Justice Kennedy to administer the oath.

(The oath is administered.) (Applause.)

MR. KAVANAUGH: Mr. President, I am honored to have served you and the presidency for the last five-and-a-half years. Ashley and I leave with the deepest gratitude to you and to Mrs. Bush for the many personal courtesies you've extended to us over the years. I depart with the greatest respect for the presidency and for you.

I carry with me a wealth of experiences that I will never forget, lessons that I will never discard, and friends who I'll never lose. Sir, thank you for the privilege of working here, and thank you for the honor of nominating me to the Court.

I also appreciate the opportunity to have served under the Vice
President and under Chiefs of Staff Andy Card and Josh Bolten. The White House staff are dedicated public servants who have been good colleagues and good friends, and I'll miss working with all of you very much.

Many members of the administration worked very hard on my nomination. I appreciate former Attorney General Ashcroft for being here. Judge Gonzales was with me at the starting line, and he was right there with me at the finish line, and I'll always be I'll always be grateful to him. Harriet Miers, David Leitch, Bill Kelley, Dabney Friedrich and Kristi Macklin all spent a lot of long hours, and I thank them. And I thank all the colleagues and friends who have helped me along the way.

I appreciate the Senate, and particularly Senators Frist, McConnell, Specter and Hatch for all their efforts and their strong support.

I now join the judicial branch. Justice Kennedy, thank you for administering the oath, and thank you and Mrs. Kennedy for being here.

Thirty one years ago today, a young Anthony Kennedy took the oath to be a court of appeals judge. Since then he has taught all of his law clerks that the Constitution of the United States is a compact between generations that must be preserved and revered and cherished and passed on. I feel that lesson very powerfully today. And I assume my new responsibilities with humility.

I clerked for two exceptional court of appeals judges, Alex Kozinski and Walter Stapleton, and I'll try to live up to their model of independence and integrity. I've benefited as a lawyer and as a person from my work for Judge Starr, who has always combined devotion to the rule of law with great personal decency. Chief Judge Ginsburg and distinguished judges of the D.C. Circuit, I am honored to have the opportunity to serve with each one of you. And I'm proud to be filling the seat that was held by Judge Laurence Silberman, who continues his extraordinary service to country and to law.

In the Kavanaugh family; Judge Kavanaugh will always be my mom. My mom and dad have been married for 43 years. Almost as impressive, they have sat through two Senate confirmation hearings without changing their facial expressions. (Laughter.) I will continue to follow their lesson and to be a man for others.

Ashley and our little girl Margaret are a daily inspiration. Ashley, as the President noted, is from Abilene, Texas. For those of you who don't know much about Texas geography, it's about halfway between Dallas and Midland. Ashley's parents are here, and I thank them for coming. Ashley likes to remind me that true love, true love
is a Texas girl who is willing to marry a guy with a lifetime appointment in Washington, D.C. (Laughter.)

I revere the law, and I'll do my best every day to live up to the great trust that has been placed in me. I'll exercise the judicial power with modesty and restraint. I'll interpret the law as written. And at all times, I'll work to maintain the absolute independence of the judiciary, which, in my judgment, is the crown jewel of our constitutional democracy. Thank you all. (Applause.)

END

1:18 P.M. EDT