

P6/(b)(6)

Received(Date): 18 JUL 2002 16:30:21
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: [REDACTED]
Subject: Judge Gonzales op-ed

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 18-JUL-2002 16:30:21.00
SUBJECT: Judge Gonzales op-ed
TO: [REDACTED]
READ: UNKNOWN
End Original ARMS Header

Dallas Morning News, July 16, 2002
Alberto Gonzales: Justice Owen is a jurist of integrity
07/16/2002

By ALBERTO GONZALES

Both the president and the Senate have constitutionally assigned roles in the appointment of federal judges. President Bush has fulfilled his responsibility by submitting highly qualified nominees who will be common-sense federal judges, such as Priscilla Owen, my former colleague on the Texas Supreme Court who has been nominated to the 5th U.S. Circuit Court of Appeals.

Justice Owen will receive her Senate Judiciary Committee hearing on Thursday, which regrettably is more than 14 months after the president submitted her nomination to the Senate. Although the Senate has made progress in confirming federal trial court judges, it has failed to act promptly on the president's appeals court nominees, as illustrated by its delay in considering Justice Owen's nomination. Indeed, 23 of the president's 32 appeals court nominees still haven't received Senate votes, and 11 of the president's appeals court nominees, including Justice Owen, have been forced to wait more than a year just for hearings.

As a result of those delays, our courts of appeals are nearly 20 percent vacant, and many of the vacancies, including the 5th Circuit vacancy in Texas, have been classified as emergencies by the Judicial Conference of the United States. Chief Justice William Rehnquist recently labeled the situation "alarming" and echoed Mr. Bush's call for the Senate to grant prompt hearings and up-or-down votes for all judicial nominees.

Now that she finally is receiving her hearing, Justice Owen should be promptly confirmed by the Senate. She possesses exceptional integrity, character and intellect; extensive experience as a judge and lawyer in private practice; and the strong support of both senators from Texas. She has served with distinction on the Texas Supreme Court since 1995 (where I served with her).

Texas holds elections for judges: Priscilla Owen was re-elected in 2000 by an overwhelming majority, and every major newspaper in Texas endorsed her. Before becoming a judge, Justice Owen practiced law at a leading firm in Texas for 17 years. Her academic credentials are impeccable, having graduated with honors from Baylor Law School. She received the highest grade on the Texas Bar Exam. The American Bar Association unanimously rated her "well qualified," its highest possible rating.

Justice Owen also has used her talents to benefit others. She served as the Texas Supreme Court liaison to statewide committees regarding legal services to the poor and pro bono legal services. She worked on a committee that successfully encouraged the Texas Legislature to enact legislation that has resulted in millions of dollars in additional funds for providers of legal services to the poor. She helped organize a group that seeks to lessen the adversarial nature of legal proceedings when a marriage is dissolved.

As someone who had the privilege of serving with Priscilla Owen on the Texas Supreme Court, I can say without hesitation that she is extraordinarily well qualified to serve as a judge on the federal appeals court. Some have questioned Justice Owen's qualifications because she and I disagreed at times on the interpretation of a new Texas parental notification statute in 2000. As all judges know, cases of statutory construction often result in disagreements among judges honestly struggling to interpret the statute, particularly when the statute is vague or ambiguous.

The fact that Justice Owen and I disagreed in some cases is unremarkable. My experience serving with Justice Owen squares with the combined judgment of the president, Sen. Phil Gramm, Sen. Kay Bailey Hutchison, the American Bar Association

and many others: She is an outstanding jurist and will perform superbly as a federal appeals court judge.

The Senate should confirm Justice Owen promptly and then move quickly to schedule hearings and votes for all of the president's other long-pending nominees.

Alberto R. Gonzales is counsel to the president.