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[Brett Kavanaugh]: Kavanaugh - Letters & OpEds

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	Editorial Draft	2	N.D.	P5;
002	Report	Kavanaugh Op-Ed [with attachments]	4	N.D.	PRM;
003	Letter	[Letter] - To: Arlen Specter - From: Brian Benczkowski	1	N.D.	P6/b6;

COLLECTION TITLE:

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[Brett Kavanaugh]: Kavanaugh - Letters & OpEds

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[Brett Kavanaugh]: Kavanaugh - Letters & OpEds

FRC ID:

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OA Num.:

6323

NARA Num.:

6124

FOIA IDs and Segments:

2018-0009-P

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May 3, 2006

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Client No.

The Honorable Arlen Specter
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Specter:

As former Solicitors General of the United States, we write to urge this Committee and the Senate to vote to confirm Brett Kavanaugh to the United States Court of Appeals for the D.C. Circuit. 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.

Each of us has practiced extensively in the federal courts of appeals and the Supreme Court of the United States. Our experience has given us invaluable insight into the essential qualities of a good federal appellate judge. A federal judge must be completely impartial and dedicated to the rule of law, intelligent, reflective, and even tempered.

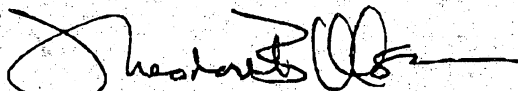
Mr. Kavanaugh thoroughly embodies these qualities, and we would welcome the opportunity to practice before him. His academic credentials are impeccable, and his professional accomplishments great and varied. Mr. Kavanaugh has extensive appellate experience, including both civil and criminal matters, in the courts of appeals and the Supreme Court of the United States. Perhaps most importantly of all, he is rightly known for his absolute integrity and sustained dedication to public service.

GIBSON, DUNN & CRUTCHER LLP

The Honorable Arlen Specter
May 3, 2006
Page 2

We have absolutely no hesitation endorsing Mr. Kavanaugh. He is exceptionally well qualified to serve on the Court of Appeals for the District of Columbia and would be a great credit to the judiciary. We therefore urge this Committee, and the Senate as a whole, to act promptly to confirm him.

Very truly yours,



Theodore B. Olson, Solicitor General, 2001-2004

On behalf of:

Kenneth W. Starr, Solicitor General, 1989-1993
Charles Fried, Solicitor General, 1985-1989

cc: The Honorable Patrick J. Leahy
Office of Legal Policy, U. S. Department of Justice

Rao, Neomi J.

From: White House Communications [WhiteHouseCommunications@whitehouse.gov]
Sent: Wednesday, May 10, 2006 5:39 PM
To: Rao, Neomi J.
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

Congress Daily: "Kavanaugh Breezes Through 2nd Judicial Nomination Hearing." "An unruffled Brett Kavanaugh weathered a barrage of critical Democratic questions Tuesday and pledged to be nonpartisan if confirmed as a judge on U.S. Circuit Court of Appeals for the District of Columbia." (Michael Posner, "Kavanaugh Breezes Through 2nd Judicial Nomination Hearing," *Congress Daily*, 5/10/06)

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)

National Review's Edward Whelan: Kavanaugh "Has A Remarkable Breadth Of Experience That Few Judicial Nominees Could Match." (Edward Whelan, Op-Ed, "A Public Disservice," *National Review*, 5/3/06)

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. Majority Leader Bill Frist (R-TN): Kavanaugh's "Forthcoming And Candid Responses Before The Senate Judiciary Committee [On Tuesday] Further Confirm That He Will Be The Kind Of Fair And Independent Judge America Expects In Its Courtrooms." (David G. Savage, "Bench Nominee Denies Role In Controversies," *Los Angeles Times*, 5/10/06)

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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Rao, Neomi J.

From: White House News Update [News.Update@WhiteHouse.Gov]
Sent: Thursday, May 04, 2006 6:51 AM
To: Rao, Neomi J.
Subject: WSJ - (Editorial) The Next Filibuster?

The Next Filibuster? Republicans should welcome a judicial brawl.

It's merely taken three years, but Brett Kavanaugh's nomination to the D.C. Circuit Court of Appeals is scheduled to come for a vote before the Senate Judiciary Committee today. Democrats are likely to oppose him in lock-step, and some on the left are urging them to use the F-word.

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. Then again, no one ever got rich overestimating the intelligence of the political class.

Mr. Kavanaugh is one of the "left-behind" nominees, who weren't covered one way or another by the bipartisan Gang of 14's no-filibuster deal last year. In a rational world, he wouldn't be considered anything close to controversial enough to trigger that accord's "extraordinary circumstances" exception. But the anti-Bush, anti-conservative animus isn't rational, and the main (only) charge against Mr. Kavanaugh is that he's allegedly too "partisan" to sit on the bench.

In the charming and revealing phrase of New York Democrat Chuck Schumer, Mr. Kavanaugh's nomination is "payment for political services rendered." Translation: Mr. Kavanaugh's career has been closely associated with some prominent conservatives. By this standard, Supreme Court Justices Stephen Breyer, who once worked for Senator Ted Kennedy, or Ruth Bader Ginsburg, who was general counsel of the American Civil Liberties Union, also don't deserve to sit on the bench because they were liberal partisans. Not to mention Brandeis, Douglas, Fortas, Goldberg, Mikva and other prominent liberal jurists.

Mr. Kavanaugh's first sin is to work for President Bush as White House staff secretary, a little known but powerful position. Withdrawn Supreme Court nominee Harriet Miers once held this job, whose duties include deciding which pieces of paper get sent into the Oval Office. Defeating Mr. Kavanaugh would be a personal slap in the face to the President.

His past transgressions include working for Alberto Gonzales, when he was White House Counsel. This has given an opening to Senator Patrick Leahy, the ranking Democrat on Judiciary, to demand a second hearing for Mr. Kavanaugh on grounds that he wants to explore the nominee's possible role in the Administration's secret wiretapping program. The White House says that he did not play an active role in those deliberations, but even if he did, so what? The President approved these wiretaps and key Members of Congress were well aware of them.

We suspect that what really makes Mr. Kavanaugh radioactive to Democrats is his work on the staff of Whitewater Independent Counsel Kenneth Starr. Never mind that Mr. Starr's mandate to cover the Paula Jones episode was issued by President Clinton's own Attorney General, Janet Reno. And never mind that the special counsel probe was originally requested by Mr. Clinton himself and urged on by liberals in

Congress and the media. Now they apparently want to disqualify Mr. Kavanaugh for executing an assignment they demanded be done.

Mr. Kavanaugh also participated in the Florida recount in 2000 -- which prominent lawyer didn't, on either side? -- and he represented Elian Gonzalez pro bono (at the behest of the Democratic mayor of Miami) in the Cuban boy's appeal to the Supreme Court after an appeals court upheld his deportation order.

As for a filibuster, it's possible Democrats will hold fire on Mr. Kavanaugh in favor of filibustering Fourth Circuit nominee Terrence Boyle, whom Senate Majority Leader Bill Frist also wants to vote on by Memorial Day. Mr. Boyle, a federal judge in North Carolina, has been waiting even longer than Mr. Kavanaugh. He was in Mr. Bush's first group of nominees announced on May 9, 2001.

In either case, Republicans would then have the chance to resort to the "nuclear option" of changing Senate rules to do away with the filibuster against judicial nominees. A majority of 51 votes would be enough to confirm, which is what the Constitution's advice and consent power anticipates. A filibuster fight would be exactly the sort of political battle Republicans need to energize conservative voters after their recent months of despond. Senator Schumer, make Bill Frist's day.

More likely is the Samuel Alito scenario. Senators John Kerry and Ted Kennedy tried to rally (or faked) a Democratic filibuster against Mr. Alito's Supreme Court nomination, but the full Senate confirmed him by 58-42. Though the ultimate 42 "no" votes would have been enough to sustain a filibuster (only 41 votes are needed to prevent cloture), enough Democrats decided to "split" their votes by opposing the filibuster and then opposing the nominee. As long as Republicans hold together, Mr. Kavanaugh should be sworn in and sitting on the bench by summer.

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May 5, 2006

The Honorable Arlen Specter
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Specter:

We are writing to offer our strong support for the confirmation of Brett Kavanaugh to the United States Court of Appeals for the D.C. Circuit. We have each served as Counsel or Deputy Counsel to the President, and believe that Mr. Kavanaugh has the qualifications and experience necessary for the D.C. Circuit.

As former Counsel and Deputy Counsel to the President, we understand the importance of judicial appointments, particularly those to the federal courts of appeals. 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 analytical skills. He has extensive relevant professional experience, including arguments before the Supreme Court of the United States and the federal courts of appeals.

We would also like to emphasize the critical nature of the position that Mr. Kavanaugh currently holds as Staff Secretary. The importance of this position, as well as its substantive nature, is not always well known or understood outside the White House. As Staff Secretary, Mr. Kavanaugh is responsible for ensuring that all relevant views are concisely and accurately presented to the President. The ability to assess presentations of differing arguments on a wide range of topic areas is a skill that would serve him well on the D.C. Circuit.

The Honorable Arlen Specter
May 5, 2006
Page 2

Mr. Kavanaugh would be a fair and impartial judge, dedicated to the rule of law. He possesses the highest personal integrity and is exactly the type of individual this country needs on the federal appellate bench. We urge the Senate to act promptly to confirm him to the U.S. Court of Appeals for the D.C. Circuit.

Sincerely,



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
Jay B. Stephens

cc: The Honorable Patrick J. Leahy

5/9/2006

Senator Arlen Specter
Chairman, United States Senate Judiciary Committee
Washington, DC

Dear Senator Specter:

I write in support of the nomination of Brett Kavanaugh to the United States Court of Appeals for the District of Columbia Circuit. 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.

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. Six years ago, I invited him to speak in a two-hour class I was teaching about the Clinton impeachment. I, and the 75-person class, found him open-minded, smart, and principled. In fact, after the class, I wound up sending one of my best students, who happened to be quite liberal, to work with him for a time. I recall her telling me that he was principled in his fealty to the law to a fault, and never let ideology get in the way of judgment.

I think the *Washington Post* today, in its editorial urging Mr. Kavanaugh's confirmation, hit the nail on the head when it said that the Democrats have understandable concerns with Mr. Kavanaugh that necessitated this second hearing given his position in the Administration. But now that the hearing has taken place, it is high time to confirm him.

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 would strongly caution any who might read into his service for the Administration a lack of judicial independence. That is not what I have seen in Mr. Kavanaugh, and not what one should

expect. As you reminded people in today's hearing, Justice Jackson handily showed his independence from the President despite his service as Attorney General.

I have only written one letter in support of a judicial confirmation before, for a nominee of either political party, and that was for then-John Roberts to serve on the D.C. Circuit. (As *Hamdan* was pending at the Supreme Court, I stayed silent with respect to the high-court nominations.) 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.

At the same time, I also have strong concerns about the need for balance on this Court. At present, six of the nine sitting Judges on the D.C. Circuit were nominated by Republican Presidents, and only three by Democrats. Some of that imbalance is the unfortunate result of not providing up-or-down confirmation votes on President Clinton's nominees in the 1990s. I note that the Senate has done a much better job of confirming judges in recent years (including two Judges recently to the D.C. Circuit). Senators from both parties, and your stewardship of the Committee in conjunction with Senator Leahy, have done so much to move past the acrimonious 1990s. In the future, it is my fervent hope that the Administration, and the Senate, strive toward a bench in D.C. that mirrors the heartland of the American people.

I hope this helps as your committee evaluates Mr. Kavanaugh's nomination.

Sincerely,



Neal Katyal
Professor of Law
Georgetown University

May 5, 2006

The Honorable Arlen Specter
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Specter:

As former Attorneys General of the United States, we write in strong support of Brett Kavanaugh's nomination to the United States Court of Appeals for the D.C. Circuit. Our past experiences as Attorneys General include extensive involvement in the selection of judges combined with a comprehensive knowledge of and familiarity with our federal court system. From that vantage point, we can each state with certainty that Mr. Kavanaugh is an outstanding nominee to the federal bench.

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. His academic credentials are superlative, having graduated from Yale University and from Yale Law School. He followed these achievements by clerking for Supreme Court Justice Anthony Kennedy. Mr. Kavanaugh brings a wealth of broad experiences to this nomination, ranging from private practice as an associate and partner at a prestigious law firm to years as a close advisor to the President of the United States. During that time, he has practiced in each level of our judicial system, from trial, to appellate, to the Supreme Court, working on both criminal and civil matters. Mr. Kavanaugh also brings other qualities to the table—namely a warm personality, a strong work ethic, and a good character.

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. We therefore urge this Committee and the Senate to move quickly to confirm Mr. Kavanaugh to the federal bench. America would be well served by Mr. Kavanaugh's prompt confirmation.

Sincerely,



William P. Barr, Attorney General under
President George H.W. Bush, 1991-1993

On behalf of:

Griffin B. Bell, Attorney General under
President Carter, 1977-1979

Edwin Meese, III, Attorney General under
President Reagan, 1985-1988

Dick Thornburgh, Attorney General under
Presidents Ronald Reagan and George H. W. Bush,
1988-1991

John Ashcroft, Attorney General under
President George W. Bush, 2001-2005

cc: The Honorable Patrick J. Leahy

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Rao, Neomi

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May 3, 2006

By Facsimile and U.S. Mail

The Honorable Arlen Specter
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patrick J. Leahy
Ranking Member, Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, D.C. 20510

Re Nomination of Brett M. Kavanaugh for United States Circuit Judge

Dear Chairman Specter and Senator Leahy:

We are a bipartisan group who were classmates with Brett Kavanaugh at Yale Law School in the Class of 1990. Many of us have kept in touch with him ever since and value his friendship greatly. We write in support of his confirmation to the United States Court of Appeals for the District of Columbia Circuit.

We understand that some have questioned whether Mr. Kavanaugh would make a fair and impartial judge, given his political experience in the executive branch. 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, intelligence, honesty, good sense and temperament to apply the law fairly and with intellectual honesty as a judge on the United States Court of Appeals.

From the time we first met him as a classmate, Mr. Kavanaugh has impressed us with his considerable intellect, friendly manner, good sense of humor and humility. His contributions to class discussions as a law student were perceptive, fair-minded, rational and calm. His service as a Notes Editor of the *Yale Law Journal* demonstrated his capacity for hard work, thoroughness, thoughtfulness and collegiality. Mr. Kavanaugh was, and remains, well-liked and respected by those who know him, regardless of their political party affiliations or stands on political issues. In the passionate intellectual atmosphere of Yale Law School, none of us can say that Mr. Kavanaugh stood out as ideological at all. He was not a young man with an agenda. Rather, he was a thoughtful classmate and loyal friend who obviously loved the intellectual challenges of the law and the good company of his peers.

We remember Mr. Kavanaugh from our law school days not just for his hard work on the *Journal* or his wisdom in the classroom, but also for his competitiveness in intramural basketball and his enthusiasm in organizing pre-graduation activities, such as a bus trip to Fenway Park. Brett Kavanaugh is a man anyone would be proud to have as a friend. He is extraordinarily

Senators Specter and Leahy
May 3, 2006
Page 2

bright, yet modest and humble about his intellect. His temperament is extremely well-suited to the federal bench.

Many of us disagree—occasionally strongly—with policy views Mr. Kavanaugh holds. But those disagreements do not diminish our conviction that Mr. Kavanaugh is a fair-minded and reasonable man who would, as a judge, interpret and apply the law fairly. Based on our years of knowing Mr. Kavanaugh, we are firmly convinced that his allegiance as a federal judge would be only to the Constitution and laws of the United States and not to any partisan interests. Many of us served as law clerks to federal judges across America, in chambers for United States District Court and Court of Appeals judges and United States Supreme Court justices. In that experience and in our subsequent legal careers, we have seen many models of outstanding judges, who treat every litigant before them with respect and who work hard to apply the law to reach the correct and just result in every case before them. We believe Mr. Kavanaugh would become such a judge. We doubt that we will agree with every decision Mr. Kavanaugh may make as a judge (and we doubt that the 100 Senators of the United States will, either), but we firmly believe that Mr. Kavanaugh would, through hard work, diligence and thoughtfulness, reach those decisions in a well-reasoned, honest and impartial manner that would bring credit to the distinguished court to which he has been nominated.

We appreciate the opportunity to submit this letter in support of Brett Kavanaugh's nomination and we urge the Senate to confirm him to serve as a judge on the United States Court of Appeals for the District of Columbia Circuit.

Respectfully,

James L. Brochin
Trevor A. Brown
Edmund C. Burns
Whit Cobb
Robert E. Easton
Jonathan S. Franklin
Robert H. Griffen
Vernon C. Grigg III
Steven H. Hartmann
C. Corley Holt
John P. Irwin
Paul E. Kalb
Zeb Landsman

Barr Linton
Kyle D. Logue
Mark W. Osler
Michael J. Proctor
Robert Rivera, Jr.
Douglas Rutzen
Austin C. Schlick
Michael A. Schwartz
Floyd G. Short
Jeff Shumway
Kent Sinclair
Richard J. Sullivan

Brian A. Benczkowski

(b)(6)

The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Specter:

I am an attorney in private practice, and a former staffer in the United States Senate and at the United States Department of Justice. I write in support of the nomination of Brett Kavanaugh to serve as a judge on the United States Court of Appeals for the District of Columbia Circuit.

I have known Mr. Kavanaugh for several years, and believe he possesses the appropriate qualifications and temperament to serve in this important position. I am certain that the Committee is well aware of Mr. Kavanaugh's impressive career in public service, and the fact that the American Bar Association has given him their highest "Well Qualified" rating. Those of us who have worked with him and have been impressed by his legal skills understand that this rating is entirely well deserved.

What many may not appreciate is that in his personal and professional life, Mr. Kavanaugh also consistently displays the temperament appropriate for a member of the federal bench. While serving at the Department of Justice, I had occasion to work with him on a variety of projects. Although we may not always have agreed on how to resolve a particular issue, Brett was never argumentative, never arrogant, and always humble—even when, as often was the case, he was right. I have never seen him deviate from this approach to solving problems, which will serve him and the court well if he is confirmed to the D.C. Circuit.

I hope the Committee and the Senate will give Mr. Kavanaugh's nomination full and fair consideration in the coming months. Any objective review of his qualifications should lead to the conclusion that he deserves confirmation to the D.C. Circuit.

Sincerely,



Brian A. Benczkowski

**BARNWELL WHALEY
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† Registered Patent Attorney

Robert A. Patterson (1921-2004)
Nathaniel B. Barnwell (1877-1950)
Ben Scott Whaley (1809-1987)
Samuel J. Coeble (1907-1975)

May 24, 2005

The Honorable Arlen Specter
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Support of Nomination of Brett M. Kavanaugh to the U.S. Court of
Appeals for the D.C. Circuit

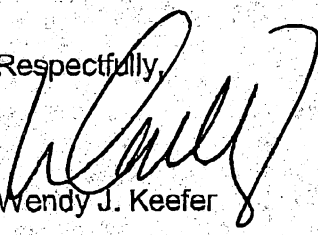
Dear Mr. Chairman:

I am writing this letter to express my strong support for the nomination of Brett Kavanaugh to be a judge on the D.C. Circuit Court of Appeals. I have had the pleasure of getting to know Brett over the past several years and could not think of a finer choice to sit on our appellate courts.

Brett's legal career, and the positive reputation it has earned him, speaks for itself. He has been and remains a shining star in terms of intelligence, temperament, work ethic, honesty and integrity. As I am sure you will agree upon reviewing his resume, his experience makes him well suited to the appellate bench. It is no surprise the ABA gave Brett a well qualified rating for this position. He would be a positive addition to the D.C. Circuit and would undoubtedly apply the law fairly and consistently.

I urge the Judiciary Committee to send this nomination to the floor of the Senate with a positive recommendation so that the full Senate may vote on the nomination of Brett Kavanaugh. Not only does Brett deserve the opportunity to have his nomination considered by the full Senate, he is most deserving of confirmation to the position to which he has been nominated.

Respectfully,


Wendy J. Keefer

cc: The Honorable Patrick J. Leahy