

From: "Jaso, Eric (USANJ)" <Eric.Jaso@usdoj.gov>
To: "Kavanaugh, Brett M."
Subject: RE: More News re Brett Kavanaugh
Sent: Fri, 12 May 2006 14:23:31 -0500

Something along the lines of, "I can't believe this guy is considered a serious, even esteemed, journalist." The article sounded like the Washington DC version of some cutesy-yet-fashionably-liberal Time Magazine piece. [REDACTED] b(6)

[REDACTED] b(6)
[REDACTED] b(6) Whisper nice things in Harriet's ear for me, will ya? Good luck with the confirmation! EHJ

<http://www.wonkette.com/politics/dana-milbank/poll-dana-milbank-is-171025.php>

From: Kavanaugh, Brett M. [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, May 11, 2006 8:45 PM
To: Jaso, Eric (USANJ)
Subject: RE: More News re Brett Kavanaugh

At least they used a good photo with it; that's about all I can say for it. What was your comment going to be??

From: Jaso, Eric (USANJ) [mailto:Eric.Jaso@usdoj.gov]
Sent: Wednesday, May 10, 2006 3:14 PM
To: Dreiband, Eric; Bittman, Robert; Kavanaugh, Brett M.; Jackie M. Bennett; TSusanin@gibbonslaw.com; Scolloton@aol.com; binhaks@gtlaw.com; sol@wisenberglaw.com; wrjahn@aol.com; Rosenzweig, Paul; Emmick, Mike (USACAC); maw@bpslaw.com; kmartines@kirkland.com; ken.starr@pepperdine.edu; AMcLeanVA@aol.com; kstarr@kirkland.com; joseph.ditkoff@suf.state.ma.us; jay_Apperson@chambliss.senate.gov; GMaggs@main.nlc.gwu.edu; epage@carltonfields.com; cbakaly@strategicadvisor.com; Alex.Azar@hhs.gov; aleipold@law.uiuc.edu; Amy_St_Eve@ilnd.uscourts.gov; John_D._Bates@dcd.uscourts.gov; stephenbates@earthlink.net; clerner@gmu.edu; rrotunda@gmu.edu; neille@starpower.net; julie_myers@yahoo.com; bberenson@sidley.com; Heaton, Rodger (USAILC); Jahn, Leroy (USATXW); Steven.Kubiatowski@usdoj.com; tom@bienertlaw.com; Rod.J.Rosenstein@usdoj.gov; Timothy.Mayopoulos@bankofamerica.com; Barger, David; Lynda Flippin; keith.ausbrook@mail.house.gov; Heaton, Rodger (USAILC); Carone, Judy (USATNW)
Subject: RE: More News re Brett Kavanaugh

Hello all - I was going to comment on this article, but I'll let it speak for itself . . .

Fealty to President and Precedent

By Dana Milbank
Wednesday, May 10, 2006; A02

Sen. John Cornyn, Republican from the state of Truculence, was spoiling for a fight.

Before yesterday's Senate Judiciary Committee hearing into White House aide Brett Kavanaugh's

nomination to be an appellate judge, Cornyn's staff distributed an opening statement that sought to light a match beneath the culture wars.

"There are some in this country who have views that are so liberal they have no chance to persuade the American people to accept them," the Texan's statement said. "There are some who want to end traditional marriage between only one man and one woman. There are some who want to continue the barbaric practice of partial birth abortion. There are some who even want to abolish the Pledge of Allegiance."

But yesterday provided none of the sparks Cornyn and his GOP colleagues on the committee had hoped for. Democrats steered away from social issues that might inflame Republican voters, quizzing Kavanaugh instead about the Bush administration's torture policies and White House ties to the Jack Abramoff scandal. And Kavanaugh had nothing to say about same-sex marriage, abortion, the pledge -- or, for that matter, pretty much anything else.

Kavanaugh, rubbing his hands together nervously and jiggling his leg, proved elusive even on such simple matters as why it took him so long to respond to the committee's questions after his first hearing two years ago. "Why did you take seven months?" asked Sen. Patrick Leahy (Vt.), the ranking Democrat.

"Senator, I take responsibility for that," the nominee replied.

"Why did you take seven months?" Leahy repeated.

"Senator, again, I take responsibility for that."

"The question isn't responsibility," Leahy pressed. "Why seven months?"

"Senator, there was --," Kavanaugh began, and then he caught himself. "I take responsibility for that. There was a misunderstanding, and it was my responsibility."

Leahy was digging in. "What was the misunderstanding?"

"Senator, I take responsibility." The room was filling with laughter.

"I asked you why."

Finally, Kavanaugh said he thought the answers were not expected because the committee wasn't ready to act on his nomination. "It appears I had a misunderstanding," he said once again. "I take responsibility for that."

Republicans had revived debate on Kavanaugh and another Bush appellate nominee, Terrence Boyle, in hopes of changing the pre-election subject from Iraq, high gasoline prices and bribery scandals. The Senate Judiciary Committee is also readying constitutional amendments against flag burning and same-sex marriage. Cornyn, speaking to reporters before the Kavanaugh hearing, said: "If there's going to be a fight, then I think we ought to take it on and let the American people decide which side of the fight that they agree with."

But it's not working out that way. Boyle's nomination is in trouble even among Republicans worried about his conflict-of-interest problems. And Democrats seemed to have no appetite for a fight on Kavanaugh, who distanced himself from all matters of controversy. Torture memos? Never saw 'em. Abramoff? Don't know him. Warrantless wiretapping? Doesn't ring any bells. Kavanaugh even had unkind things to say about his old boss, Kenneth Starr, saying that Starr had "too much jurisdiction" and that there was "a real problem" with the way the Monica Lewinsky report was released.

Kavanaugh was contentious about only one thing: his determined deference to his current employer,

President Bush.

Asked by Chairman Arlen Specter (R-Pa.) to introduce his 8-month-old daughter and the rest of his family, Kavanaugh responded by saying, "I'm grateful to the president for nominating me."

"There's a question pending," Specter reminded Kavanaugh, directing him again to introduce the family.

Kavanaugh spoke as if his closeness to the executive were an asset to an independent jurist. "I've worked closely with the president and the senior staff at the White House," he said. "I think I've earned the trust of the president. I've earned the trust of the senior staff."

Sen. Dianne Feinstein (D-Calif.) wondered if he might recuse himself in cases involving his former White House colleagues and boss. "I will analyze those closely" was all he would commit to.

His constant demurrals thwarted the Democrats. After four minutes of ineffectual questioning, Sen. Russ Feingold (D-Wis.) announced, "My time is up," even though it wasn't.

Cornyn was similarly frustrated in his efforts to draw Kavanaugh into a discussion about social issues by asking him about liberals' "hostility to all things religious in public life." The nominee promised only to "follow the precedent."

After the ritual heaping of praise for the nominee -- "I'm just reading a few accolades," announced Sen. Orrin Hatch (R-Utah), after Sen. Jeff Sessions (R-Ala.) falsely proclaimed that the American Bar Association gave Kavanaugh its "highest possible rating" -- Sen. Charles Schumer (D-N.Y.) was ready to call it a day. "Everyone on the other side is going to vote for you no matter what you say," the New Yorker complained.

Specter pointed out that chances were equally slim that all the Democrats "might not vote against him."

It had all settled into a dreary routine. At her husband's confirmation hearing, Martha-Ann Alito cried. In the front row at yesterday's hearing, Kavanaugh's wife, former Bush personal secretary Ashley Estes, could be seen yawning.