

**Received(Date):** 2 DEC 2001 09:37:07

**From:** Cindy Roth [redacted] P6/b(6)

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

**Subject:** : from Doug Badger

[P\\_1EWV4004\\_WHO.TXT\\_1.html](#)

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Cindy Roth [redacted] P6/b(6)

CREATION DATE/TIME: 2-DEC-2001 09:37:07.00

SUBJECT:: from Doug Badger

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

READ:UNKNOWN

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

Brett, sending this from home. This letter ran in today's Tacoma News Tribune. FYI. Doug

Murray and Cantwell delaying judicial selection process

JENNIFER DUNN, U.S. Representative, 8th Congressional District;  
Washington, D.C.

You got it just wrong in your Nov. 25 editorial on federal judicial selections. It would have been helpful if you had spoken with both sides before writing your editorial. Obviously a bipartisan commission is the answer. The details are the sticking points.

The U.S. Constitution, in Article II Section II, requires that the president select federal judges with the advice and consent of the senators. The model I proposed involves an equal, bipartisan commission identical to the one used by Sens. Patty Murray and Slade Gorton in 1998 (not 1997, which was a two-to-one commission favoring the Democrats) and producing, by a majority vote, at least three candidates whose names are forwarded to the White House.

The commitment that the senators support any of the three is the quid pro quo for the president's agreement to use a bipartisan commission instead of his own selection committee. The senators' involvement through interviews with the candidates and advice to the White House is encouraged.

The sticking points were not only that Washington's two Democratic senators refused to agree to support the bipartisan commission's recommendations, but they also wanted to choose one single name from the three to forward to the president, thus determining his choice for him.

Since negotiations apparently ceased in August with no response to letters from me or the White House legal counsel or my letters, we have moved ahead to fill the vacancy through an interviewing commission made up of the incoming president of the Washington State Bar Association and several other respected members of the legal community.

For the senators to cry "foul" after having delayed and denied the very

bipartisan process they say they seek seems to me to be disingenuous at best. Let's get on with it.

JENNIFER DUNN

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_1EWW4004\_WHO.TXT\_1>

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