

Received(Date): 28 JAN 2002 09:23:38
From: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
To: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
Subject: : Re: Press conference on Pickering
[P_NNT25003_WHO.TXT_1.html](#)

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Noel J. Francisco (CN=Noel J. Francisco/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 28-JAN-2002 09:23:38.00
SUBJECT: : Re: Press conference on Pickering
TO: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
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Brett M. Kavanaugh
01/25/2002 09:34:12 AM
Record Type: Record

To: See the distribution list at the bottom of this message
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Subject: Press conference on Pickering

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Matthew E. Smith
01/25/2002 09:14:27 AM
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To: Heather Wingate/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP,
Brett Kavanaugh
cc:
Subject: Press conference report -- w/thanks to FC!

----- Forwarded by Matthew E. Smith/WHO/EOP on 01/25/2002
09:14 AM -----

P6/b6

01/24/2002 07:04:14 PM
Record Type: Record

To:
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P6/b6

Subject: Press conference report -- w/thanks to FC!

Alliance for Justice/PFAW press conference, Thursday January 24, 2002.

The primary speakers were Nan Aron, Hilary Shelton (ph) (of NAACP), Ralph Neas, Kate Michelman, Wade Henderson, and Marcia Greenberger. There were no television cameras, some reporters, and a lot of supporters. Among the media were reporters for Gannett, Scripps-Howard, Roll Call (Kane), and Legal Times (Groner).

Aron: The participants represent millions of Americans. Pickering's confirmation will turn back the clock on the rights all Americans have come to enjoy. Priscilla Owen is also a problem; both ignore civil rights. The Fifth Circuit is the circuit with the highest number of minorities. Can we let them undo 40 years of protection? With Bush nominees, that's what's likely to happen. There's a hearing today, for Melloy. He's a moderate. Bush must understand that experienced moderate candidates will have support, but if he doesn't nominate them, he'll have a fight on his hands.

Shelton: The geography of the Fifth Circuit combines with the history of the civil rights struggle. Pickering is no friend of civil rights; he even criticizes some civil rights complaints as an attempt to cover up past poor job performance. He wrote an article in support of anti-miscegenation statutes. He had contacts with the Sovereignty Commission. Alone, that one is enough to justify his defeat. The right to vote was gained through struggling. Pickering would close the doors of opportunity.

Neas: Pickering has 40 years of demonstrated hostility to civil rights in the public record. What's at stake? Abortion, the environment, &c., &c. Right-wing groups have packing the courts as their No. 1 priority. The Supreme Court is at stake. We've already seen the Orwellian performance of Lott, Ashcroft, and Hatch . . . and their complaints about delays. They created an ideological blockade during the Clinton Administration. You don't hear about the 35% of Clinton nominees who were blocked. They created 80 vacancies. Gonzales said what they did was wrong. Already, 7 of 13 circuits are under Republican control. That's going to increase. Leahy and Daschle are statesmen. They're doing a great job confirming judges; more than in '93. Twice as many as in '89. Leahy must feel like the guy following the circus parade, cleaning up the elephants' mess. Levin and Stabenow are right. McCree Lewis and White weren't treated fairly, and until the Administration makes a deal, there will be no confirmations to the Sixth Circuit.

Michelman: Pickering shows open hostility to abortion. He sought a constitutional amendment to prohibit abortion. The Fifth Circuit is the center of the anti-choice movement. He even supported a bill that would prohibit abortion except to save the life of the mother. He lacks respect for judicial independence (the constitutional amendment shows that [she claimed]). His efforts to limit the tenure of federal judges are further proof. He would use the Fifth Circuit as a platform for judicial activism.

Henderson: Pickering has "immoderate positions." We're discussing this in the context of the circuit to which he is nominated -- now one of the most, if not the most hostile circuits to civil rights. "This court cries out for moderation."

Greenberger: The burden should be on every nominee to demonstrate his or her qualifications. For many, we don't know what their positions ultimately are.

We don't know how they will turn out. Pickering isn't a stealth nominee, though. Also, we haven't had the opportunity to see many of his unpublished opinions.

Greenberger spoke during a question and answer time. I suspect that most questions came from plants in the audience, judging by the way they were worded, &c. A few statements made during the questioning:

Regarding his approval to the district court by a Democrat Senate, Michelman said that he must be judged wholly anew. The stakes are higher and abortion wasn't covered during the first hearing.

Michelman said that restrictions on abortion disproportionately affect the poor, and the Fifth Circuit has more poor people in it than any other circuit.

Neas said that Lott, Ashcroft, et al. are good at the tactics of intimidation.

The whole thing ran for about an hour and 15 minutes. There were handouts from the Leadership Conference on Civil Rights, National Partnership for Women & Families, AFL-CIO, Alliance for Justice, ADA Watch, PFAW, NARAL, American Association of University Women, National Council of Jewish Women, and the National Women's Law Center. PFAW's 24 page report on Pickering was also available.

I distributed FCF's press release and spoke to several reporters.

John A. Nowacki
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Message Sent

To:

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