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**From:** "Weissmann, Henry" <WeissmannHX@mto.com> ( "Weissmann, Henry"  
<WeissmannHX@mto.com> [ UNKNOWN ] )

**To:** "Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] ), Brett M. Kavanaugh ( CN=Brett M.  
Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

P6/b6

**Subject:** : RE: Kuhl

[P\\_ZIJXG003\\_WHO.TXT\\_1.html](#)

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Weissmann, Henry" <WeissmannHX@mto.com> ( "Weissmann, Henry"  
<WeissmannHX@mto.com> [ UNKNOWN ] )

CREATION DATE/TIME: 4-JUN-2003 13:17:42.00

SUBJECT:: RE: Kuhl

TO:"Miranda, Manuel (Frist)" <Manuel\_Miranda@frist.senate.gov> ( "Miranda, Manuel (Frist)"  
<Manuel\_Miranda@frist.senate.gov> [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

P6/b6

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Here is a Word version of the letter.

-----Original Message-----

From: Weissmann, Henry

Sent: Wednesday, June 04, 2003 9:41 AM

To: 'Brett M. Kavanaugh@who.eop.gov'; 'Miranda, Manuel (Frist)'

Cc: 'whighber@lasuperiorcourt.org'; 'Kuhl'

Subject: Kuhl

P6/b6

I attach a copy of a letter to the editor from Angela Bradstreet that was published in today's Daily Journal. Ms. Bradstreet is past president of California Women Lawyers and of the San Francisco Bar Association. I also believe that she has a good relationship with Senator Feinstein.

Best,

Henry

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

File attachment <P\_ZIJXG003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_ZIJXG003\_WHO.TXT\_2>

Here is a Word version of the letter.

-----Original Message-----

From: Weissmann, Henry

Sent: Wednesday, June 04, 2003 9:41 AM

To: 'Brett\_M.\_Kavanaugh@who.eop.gov'; 'Miranda, Manuel (Frist) '

Cc: 'whighber@lasuperiorcourt.org';

Subject: Kuhl

P6/b6

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Best,

Henry

## **Judge Carolyn Kuhl - To Filibuster or Not to Filibuster?**

**By Angela M. Bradstreet\***

I have not met nor spoken with Judge Carolyn Kuhl. I have, however, reviewed much of her testimony before the Senate Judiciary Committee and her record as a judge. As a staunch democrat and a former President of California Women Lawyers and the San Francisco Bar Association, I feel an obligation to pose this question: Why should a judicial nominee, who has unequivocally and repeatedly stated on the record that she will follow and apply existing law, including *Roe v. Wade*, who has the support of over 100 judges, and both sides of the bar, including the Consumer Attorneys' Association, be denied a hearing for having advocated certain positions on behalf of clients in her capacity as an attorney, long before she became a judge?

Judge Kuhl's situation is very different from other recent nominees who have been subject to a filibuster for valid reasons. Justice Estrada repeatedly refused to answer any questions on whether or not he would apply existing law, including *Roe*. Justice Owen's record as a judge is replete with her refusal to follow a Texas statute containing requirements for bypass of parental notification by minors seeking an abortion. Instead, she inserted her own personal beliefs to adopt a much more stringent standard that had no legal basis. Such a record of what White House counsel Albert Gonzalez described as a then Justice on the Texas Supreme Court as "blatant judicial activism" should not be

condoned. Since, however, Judge Kuhl has no such record of judicial activism, has repeatedly stated that she will follow *Roe v. Wade*, and has been widely applauded for her judicial temperament, it is troubling that some of my friends and colleagues in women's bar associations are demanding a filibuster of her nomination. Surely, such a nominee should not be denied a hearing for performing his or her duties as an attorney in zealously representing a client which happens to hold views that others, including myself, vehemently disagree with?

Such an approach does not represent the moderation we are all striving for, nor encourage qualified women candidates to submit to the rigors of the federal judicial selection process if they are not to be permitted a hearing on the merits.

\* Ms. Bradstreet is a partner at Carroll, Burdick & McDonough, and a former President of the San Francisco Bar Association, California Women Lawyers and Queen's Bench.