

Received(Date): 30 JAN 2003 09:27:09
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
Subject: : Fw: response to NY Times editorial on Estrada

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 30-JAN-2003 09:27:09.00
SUBJECT: Fw: response to NY Times editorial on Estrada
TO: Hana F. Brilliant (CN=Hana F. Brilliant/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

----- Original Message -----
From: Heather Wingate/WHO/EOP@Exchange
To: Brett M. Kavanaugh/WHO/EOP@EOP,
Ashley Snee/WHO/EOP@Exchange
Cc:
Date: 01/29/2003 11:58:11 AM
Subject: Re: response to NY Times editorial on Estrada

Looks great! I'd love to get this to Members too. Can I distribute to Sen Repubs?

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Wingate, Heather ; <Heather_Wingate@who.eop.gov>; Snee, Ashley <Ashley_Snee@who.eop.gov>
Sent: Wed Jan 29 11:49:17 2003
Subject: response to NY Times editorial on Estrada

[P6/b6] need to know by 12:30 p.m.

Miguel Estrada
Responses to New York Times Editorial of January 29, 2003

ALLEGATION: &People who have worked with him over the years, at the solicitor general ,s office and elsewhere, report that his interpretation of the law is driven by an unusually conservative agenda. 8

FACTS:

Estrada received the highest possible rating of &outstanding 8 in every category in every performance review at the Solicitor General ,s office. ; In addition, the following former colleagues have sent letters to the Committee: ;

Seth Waxman, former Solicitor General to President Clinton

&During the time Mr. Estrada and I worked together, he was a model of professionalism and competence (. I greatly enjoyed working with Miguel,

profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice (I have great respect both for Mr. Estrada ,s intellect and for his integrity. 8 ; (Excerpt from Letter to Senator Leahy, September 17, 2001.)

Ronald Klain, former Counselor to Vice President Al Gore

&Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent... ; Miguel will rule justly toward all, without showing favor to any group or individual.... the challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely devoted to helping those in need. 8 ; (Excerpt from Letter to Senator Leahy, January 16, 2002.)

Bipartisan group of 14 former colleagues in the Office of the Solicitor General at U.S. Department of Justice

&Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge and appreciation for the law. ; Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench. ; In addition, Miguel has a deep and abiding love for his adopted country and the principles for which it stands, and in particular the rule of law. We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints. 8 ; (Excerpt from Letter to Senator Leahy, September 19, 2002.)

ALLEGATION: ; &One way to begin to fill this gap [in the public record], and give the Senate something to work with, would be to make available the numerous memorandums of law that Mr. Estrada wrote when he worked for the solicitor general ,s office, as other nominees have done. 8

FACTS: ; Every living former Solicitor General -- including Archibald Cox, Drew Days, Walter Dellinger, and Seth Waxman -- signed a joint letter to the Committee in response to the Committee ,s request for these memos arguing that the Committee ,s request was unprecedented and would have a debilitating effect on the Office of Solicitor General in representing the United States.

ALLEGATION: ; &In private practice, Mr. Estrada defended anti-loitering laws that civil rights groups have attacked as racist. 8

FACTS: ; In private practice, Estrada ,s primary pro bono work was to defend a death row inmate in the Supreme Court seeking to overturn the death sentence. ; He was retained to defend the anti-gang ordinances, which were enacted in Chicago with the strong support of Democrat Mayor Daley, after being contacted by the Democrat City Solicitor of Chicago.