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To: "Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested) (IPM
Return Requested) ("Goodling, Monica" <Monica.Goodling@usdoj.gov> (Receipt Notification Requested)
(IPM Return Requested) [UNKNOWN]), Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP
[WHO]), Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO]), P6/b(6)

P6/b(6)

Cc: "Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) ("Willett, Don" <Don.Willett@usdoj.gov> (Receipt Notification Requested) (IPM Return
Requested) [UNKNOWN]), Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

Subject: : This Week's Confirmation Hearing

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[P_D6TK6003_WHO.TXT_2.wpd](#)

[P_D6TK6003_WHO.TXT_3.wpd](#)

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CREATOR:"Keefer, Wendy J" <Wendy.J.Keefer@usdoj.gov> ("Keefer, Wendy J"
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CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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Good Morning:

Attached please find positive talking points on most of the nominees
scheduled for hearing this Thursday. Also attached is information on the
circuit court nominee Jeffrey Howard, both positive and responsive
(responding to already reported and public issues, although not all of the
issues was made public in reaction to his nomination). Most of the
information is the same as the positive talkers prepared earlier.

We are also preparing some positive and responsive talking points on Michael Baylson and may be preparing some additional responsive talking points regarding one issue that may be raised regarding Joan Lancaster.

Let me know if you have any questions.

Wendy Keefer

- anderson tps.wpd - cynthiarufe.wpd - griesbach.wpd - lancaster tps.wpd - John Walter TPs.doc - HowardTPsPositive.wpd - HowardTPsPublic.wpd

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PERCY ANDERSON

Nominee to be United States District Judge for the Central District of California

- Percy Anderson has been involved in the private practice of law for the last 17 years, having served as a partner at Bryan Cave, L.L.P, and now as a partner at Sonnenschein Nath & Rosenthal in Los Angeles.
- Prior to entering private practice, Mr. Anderson served as an Assistant United States Attorney for the Central District of California for 6 years (1979-1985).
- From 1975-1978, Mr. Anderson was the directing attorney for the San Fernando Valley Neighborhood Legal Services, Inc.
- Mr. Anderson has also been a lecturer at the UCLA School of Law (1977-1978) and a consultant for the Legal Services Corporation (1978-1979).
- He received both his undergraduate and J.D. degree from UCLA.
- Mr. Anderson enjoy bipartisan support, having been recommended by the bipartisan judicial screening committee in Los Angeles, which includes representatives of both California senators.
- Mr. Anderson served for several years on the board of directors of both the Western Center on Law and Poverty and the Los Angeles Legal Aid Foundation. He has also been a member of the U.S. Magistrate Selection Panel and the U.S. District Court Disciplinary Committee.
- Mr. Anderson was appointed deputy counsel on the Christopher Commission, headed by Warren Christopher, and formed to develop reforms for the Los Angeles Police Department following the Rodney King incident.

CYNTHIA M. RUFÉ
Candidate to be United States District Judge for the Eastern District of
Pennsylvania
(Philadelphia)

- Judge Rufe has been a judge on the Court of Common Pleas since 1994.
- Judge Rufe served in private practice from 1982 to 1993.
- Judge Rufe was a Solicitor for the Bucks County Children and Youth Social Services Agency from 1984 to 1988.
- Judge Rufe served in the Bucks County Public Defender's Office from 1977 to 1982.
- Judge Rufe is a former school teacher.
- Judge Rufe is a 1977 graduate of SUNY-Buffalo Law School and a 1970 graduate of Adelphi University.

WILLIAM C. GRIESBACH

Candidate to be United States District Judge for the District of Wisconsin

- William Griesbach is highly qualified for an appointment to the federal district bench.
 - He is currently a judge of the Wisconsin Circuit Court from Brown County, to which he was appointed in 1995. His docket has included the full range of cases appearing before a state trial court, including criminal, civil, juvenile, and domestic matters. In 1998, he was ranked highest among local circuit judges in several categories, including temperament, fairness, and judicial scholarship.
 - Judge Griesbach served as an Assistant District Attorney in Brown County from 1987-1995. He gained distinction in that office for successful prosecutions of a variety of crimes, including homicides, sexual assaults, arsons, robberies, and drug offenses.
 - In private practice in Green Bay from 1982-1987, Judge Griesbach handled primarily civil cases, including personal injury, insurance, commercial, and employment litigation.
 - Judge Griesbach serves as a Staff Attorney to the U.S. Court of Appeals for the Seventh Circuit from 1980-1982 and was a law clerk to Chief Justice Bruce Beilfuss of the Wisconsin Supreme Court from 1979-1980.
- Judge Griesbach served on the Board of Directors of Legal Services of Northeast Wisconsin from 1986 to 1990 and is a former President of the Brown County Bar Association. He has also served as Vice-Chair of the Brown County Domestic Violence Interagency Committee and as a member of the board of directors of Wisconsin Family Ties.
- He earned a Bachelor's degree from Marquette University in 1976 and a law degree from Marquette University Law School in 1979.
- Judge Griesbach will be appointed to a newly created U.S. District Court seat in Green Bay, Wisconsin. He resides in Green Bay with his wife, Joanne. They have four children.

JOAN E. LANCASTER
Nominee to the United State District Court
for the District of Minnesota

- Justice Lancaster has served as a Justice on the Minnesota Supreme Court since 1998 and was previously a judge on the district court for the 4th judicial district of Minnesota from 1995-1998. Governor Arne Carlson appointed Justice Lancaster to both courts, and she subsequently retained her seat on each through popular election.
- Justice Lancaster served as Assistant United States Attorney in Minnesota from 1983-1993.
- She was a partner with the Minneapolis law firm of Leonard, Street, and Deinard from 1993-1995.
- Justice Lancaster earned a bachelor's degree *magna cum laude* from St. Olaf College in 1954 and a law degree *cum laude* from the University of Minnesota Law School in 1978.
- After graduating from law school, Justice Lancaster practiced with the law firm of LeFevere, Lefler, Kennedy, O'Brien & Drawz, and she served as an Assistant City Attorney for the cities of Crystal and Robbinsdale, Minnesota.
- Justice Lancaster has focused on issues related to children both in her judicial capacity and as a private citizen. While sitting on the District Court, she was given a specialty assignment to the Hennepin County Juvenile Court from 1996-1998. She currently serves on the board of directors of the Friends of the Children Foundation. In addition, she has chaired the Minnesota Fetal Alcohol Syndrome Coordinating Board and the Juvenile Justice Services Task Force.
- Justice Lancaster's nomination has been endorsed by the *Minneapolis Star Tribune* and the *St. Paul Pioneer Press*.

John F. Walter
Nominee to be United States District Judge for the Central District of California

- John Walter currently is a partner in the Los Angeles law firm of Walter, Finestone & Richter. He has been in private practice for some 30 years. Mr. Walter has extensive courtroom experience; he has tried both civil and criminal cases, on behalf of both the plaintiff/prosecution and the defense.
- In addition to his career in private practice, Mr. Walter has extensive experience as a public servant. He served as an Assistant United States Attorney for almost 3 years. He was a Judge Pro Tem for the Los Angeles Municipal courts for 11 years, and currently serves as an arbitrator for the Los Angeles Superior Court. Mr. Walter also has been affiliated with the Federal Indigent Defense Panel for 20 years.
- During his work for the Federal Indigent Defense Panel, Mr. Walter argued and won a Supreme Court case that enhanced the rights of persons who are suspected of crimes. In *United States v. Johnson*, 457 U.S. 537 (1982), Mr. Walter convinced a 5-4 majority to hold that the rule announced in *Payton v. New York*, 445 U.S. 573 (1980)—that the Fourth Amendment prohibits police officers from entering an routine felony suspect's home to make a warrantless arrest—applies retroactively to all convictions that were not yet final when *Payton* was handed down.
- Mr. Walter unanimously was rated “well qualified” by the American Bar Association. He received the same rating when he was nominated to the same post in 1992 by the first President Bush. (Mr. Walter never received a hearing.)
- Mr. Walter has broad bipartisan support, having been recommended by California's bipartisan judicial selection commission. The commission includes representatives of California's two Democratic Senators, Dianne Feinstein and Barbara Boxer.
- In 1962, Mr. Walter matriculated at Loyola University of Los Angeles, which awarded him a B.A. in sociology, with a minor in philosophy, in 1966. Mr. Walter remained at Loyola for his legal education, and he received his J.D. in 1969.
- Mr. Walter was born on November 3, 1944 in Buffalo, NY. He currently resides with his wife in Pacific Palisades, California.

Jeffrey R. Howard
Nominee to the U.S. Court of Appeals
for the First Circuit

- Jeff Howard has a broad and impressive array of legal experience, including civil and criminal litigation and government and private practice work, that well qualifies him to be a federal appellate judge.

✓ Jeff Howard graduated *summa cum laude* from Plymouth State College in 1978. He graduated from Georgetown Law School in 1981, where he served as the Editor of the *American Criminal Law Review*.

✓ Jeff Howard joined the Office of the New Hampshire Attorney General in 1981 as an attorney and served in that office until 1989, at which time he was Deputy Attorney General. Much of Jeff Howard's experience in this office was in the area of consumer protection laws.

✓ From 1989 to 1993, Jeff Howard served as U.S. Attorney for New Hampshire. In that position, he litigated numerous cases at both the trial and appellate level and was a member of the Attorney General's Advisory Committee of U.S. Attorneys. For these efforts he received the Attorney General's Edmund Randolph Award, as well as the U.S. Attorneys' Award.

✓ At the request of then Attorney General Bill Barr, Jeff Howard served as Principal Associate Deputy Attorney General at the U.S. Department of Justice from 1991 to 1992. In that position, he supervised the Department of Justice's Executive Office for Asset Forfeiture and worked to ensure proper application of the national asset forfeiture program.

✓ From 1993 to 1997, Jeff Howard was the Attorney General for the State of New Hampshire, having been appointed by then Governor Stephen Merrill.

✓ After leaving government service, Jeff Howard went to work for the Boston law firm of Choate, Hall and Stewart, leaving that firm in 2000 to run for Governor of New Hampshire. After losing the Republican primary, Jeff Howard became a sole practitioner and is currently practicing law.

- Jeff Howard has been actively involved in the fight against domestic violence.

✓ From 1994 through 1997, he was a member of the New Hampshire Commission on Domestic Violence.

✓ He has sponsored and participated in fundraisers for domestic violence programs and has counseled victims of domestic abuse, donating hundreds of hours of his time.

- ✓ He is recognized in New Hampshire as a leader against domestic violence and has the support of groups such as the New Hampshire Coalition Against Sexual Assault and Domestic Violence.
- ✓ He has participated in the training of over 1500 police officers and physical and mental health care professionals on this issue.
- Much of Jeff Howard's work in the New Hampshire Attorney General's Office was dedicated to consumer protection, including prosecuting businesses for unlawful and deceptive trade practices.
- Jeff Howard has been very active in his community and was awarded the Salisbury, New Hampshire Citizen of the Year Award in the year 2000.

Jeffrey R. Howard
Nominee to the U.S. Court of Appeals
for the First Circuit

Hearing Date: Thursday, April 11, 2002

Allegation: Jeffrey Howard's 2000 Campaign for Governor of New Hampshire participated in anonymous telephone calls and mailings that attacked Republican candidate Gordon Humphrey and his wife and violated New Hampshire's campaign and election laws.

- Jeffrey Howard had no knowledge of the mailings or the telephone calls.
 - ✓ Following a 10-month investigation, conducted by the office of Democrat New Hampshire Attorney General Philip McLaughlin, that office concluded that Howard did not know that two of his former consultants had orchestrated the mailings and telephone calls. The attacks were made the night before the primary.
 - ✓ Despite some allegations that Howard knew about the anti-Humphrey postcards before they were mailed, Kathy Sullivan (Chair of the State Democratic Party) stated, "I don't think this will be more than a footnote in his confirmation." "We've had all that investigation and it's been found that he had nothing to do with it." She further stated, "[h]e could have shown better judgment in looking into these guys when he hired them. But I don't believe he had anything to do with it and he was probably horrified when he found out who did it."
 - ✓ The two campaign consultants, who worked for Howard and were responsible for the attacks, themselves paid for the nearly 37,000 phone calls and 5,000 mailings.
- Howard would not have and did not support the actions taken attacking Gordon Humphrey.

Allegation: Jeffrey Howard is a career prosecutor, who zealously supports the death penalty and who during his campaign for governor stated that Governor Shaheen should have fired the then-Attorney General, Philip McLaughlin, for failing to seek the death penalty in the case of a man who shot an Epsom police officer.

- Howard does support use of the death penalty in appropriate cases, but during his years as both a federal prosecutor as an Assistant U.S. Attorney and his years in the New Hampshire Attorney General's Office, Howard was never involved in a death penalty case and never sought the death penalty. During his time at the Justice Department, he recalls maybe twice when he was asked to review a case to comment on whether the death penalty should be sought.

- Howard believes that the role of a federal judge is to apply the law and not to insert his own personal beliefs or opinions into the decision.

Allegation: Jeffrey Howard is anti-abortion and a threat to the right to privacy.

- Although personally opposed to abortion, Howard has consistently stated that he accepts *Roe v. Wade* as the law of the land and will apply that law.
 - ✓ During his campaign for Governor of New Hampshire, Howard's position was that he accepted *Roe* and would not take actions as governor to overturn or threaten the right to privacy and abortion as set out in *Roe*.
 - ✓ During his campaign for governor, Howard did support the passage of a parental notification statute in New Hampshire.
 - ✓ During his campaign for governor, Howard also supported a ban on late term/partial-birth abortions.
- Despite his personal opposition to abortion, the *Concord Monitor* categorized Howard as pro choice during the 2000 election.