

## Senate Judiciary Committee Considers Kavanaugh Nomination

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**(CNSNews.com)** - The Senate Judiciary Committee on Tuesday was considering the nomination of Brett Kavanaugh to a seat on the U.S. Court of Appeals for the District of Columbia Circuit, and groups on both sides of the political spectrum weighed in beforehand.

The Committee for Justice calls Kavanaugh a "rising-star constitutionalist" who deserves committee support -- as well as an up-or-down vote on the Senate floor. But Earthjustice, a liberal environmental group, is questioning Kavanaugh's qualifications for the job as well as his role in selecting "anti-environmentalist" judicial nominees.

According to the Committee for Justice, Kavanaugh is "immensely intelligent and capable," and it points to his resume as proof.

"His record is stellar," said Committee for Justice Chairman C. Boyden Gray in a press release.

Gray noted that Kavanaugh has double degrees from Yale; clerkships with two Circuit Court judges as well as Supreme Court Justice Anthony Kennedy; a fellowship with the Office of Solicitor General; he argued both civil and criminal matters before the Supreme Court and appellate courts throughout the country; he was an associate counsel with the Office of Independent Counsel (he worked with Kenneth Starr on the Whitewater and Monica Lewinsky investigations); he was a partner with Kirkland & Ellis; senior associate and associate counsel to the President; and currently serves as an assistant to the President and staff secretary.

"Kavanaugh's work record shows him to be sober in judgment, low key in approach, and fair-minded to all sides," Gray said.

But Earthjustice takes exception to Kavanaugh's role -- when he worked in the Office of White House Counsel -- in choosing "anti-environmental judicial nominees."

"The Bush administration has nominated a series of anti-environmental extremists to lifetime federal judgeships including to the critically important DC Circuit Court of Appeals," said Glenn Sugameli, senior legislative counsel for Earthjustice.

"The Senate should thoroughly review Mr. Kavanaugh's role in selecting these activist judges, and consider carefully whether he is likely to become an activist judge himself." (Those "activist" judges include Priscilla Owens and Miguel Estrada.)

Earthjustice also said Kavanaugh lacks the "relevant trial, appellate or academic scholarship experience for this critically important court," and it suggested he was nominated more for his personal and political views than for his qualifications for the bench.

Given its "unique jurisdiction" over national clean air, clean water and other environmental laws,

Earthjustice describes the D.C. Circuit as "the second most powerful environmental court in the country, surpassed only by the Supreme Court."

Earthjustice is urging the Senate Judiciary Committee to "fully explore and carefully consider Mr. Kavanaugh's record, particularly his role as White House Counsel, responsible for vetting a number of the judicial nominees whom Earthjustice has opposed due to their extreme anti-environmental activism and related issues.

But the Committee for Justice said liberal opposition to Kavanaugh should be dismissed as payback for Kavanaugh's position with the Office of Independent Counsel.

"The record clearly shows Kavanaugh to be a reasonable man, and a talented and honorable public servant," Gray said.

The Committee for Justice says it believes that a judge's proper role is to be a neutral interpreter of established law, not a pioneer of new law or social policy through judicial activism.