

CHRISTOPHER COX
CHAIRMAN
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BENEDICT COHEN
EXECUTIVE DIRECTOR

House Policy Committee
Congress of the United States
Washington, DC 20515-6549

May 25, 2001

The Honorable Alberto Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Judge Gonzales:

I want to thank you for your willingness to consider me for nomination to the Ninth Circuit Court of Appeals. The confidence that you and the President have shown in me is humbling, and I will always work to repay it.

None of us could have predicted the events of recent days. Now, in light of Senator Jeffords' party switch and the change in partisan control of the Senate, the appointment of a new Judiciary Committee Chairman will protract the debate over whether a single Senator has the right to block a hearing and democratic vote on even a Court of Appeals nominee. Even if the Senate ultimately denies Sen. Boxer that opportunity in my case, the delay that is now certain to ensue in resolving this issue requires that I ask you not to consider me for a judicial nomination.

As you know, under California law, Gov. Davis would be required to call a special election within 90 days of my Senate confirmation, but only if the confirmation vote were to occur this year. If the Senate confirmation vote were delayed until next year, then Gov. Davis would have the discretion not to call a special election at all.

Particularly in light of our unexpected loss of Senate control, I am unwilling to risk further reducing our already slim Republican margin in the House—or to leave 700,000 people in Southern California unrepresented in Congress for up to a year. The prospect of such an indefinite "blue slip" delay as we now expect is simply unacceptable in my circumstances. This is an ironic turn of events, since I was pleased to learn yesterday that Sen. Feinstein has informed you that she would not join Sen. Boxer in blocking my nomination.

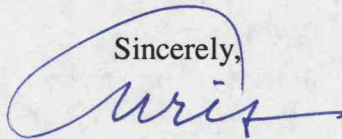
But of course irony, and unpredictability, is the stuff of politics. I will simply redouble my efforts to advance the Bush agenda in Congress, and hopefully serve our country in an equally important and useful capacity in the years ahead.

The Honorable Alberto Gonzales
May 25, 2001—Page Two

While I am of course disappointed, the experience of working with you and your superb colleagues has been exceptionally positive. You are a remarkably strong leader, a courageous and persuasive advocate for the President's views, and—as your first batch of nominees so well illustrates—a keen judge of talent.

In my continuing role as California's only member of the elected Leadership in the House, and one of only two Counsel's Office alums in Congress, I look forward to working with you, Al. I will never forget your confidence in me, and look forward to being a strong and helpful ally whenever you need one.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cox", with a large, sweeping loop at the end.

Christopher Cox
Chairman

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May 25, 2001

The Honorable George W. Bush
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

I want to thank you for your willingness to consider me for nomination to the Ninth Circuit Court of Appeals.

In light of Senator Jeffords' party switch and the change in partisan control of the Senate, the appointment of a new Judiciary Committee Chairman will reopen the debate over whether a single Senator has the ability to block a hearing and democratic vote on a Court of Appeals nominee. Even if the Senate ultimately denies Sen. Boxer that opportunity in my case, the delay that is now certain to ensue in resolving this issue requires that I ask you not to consider me for a judicial nomination.

Under California law, Gov. Davis would be required to call a special election within 90 days of my Senate confirmation, but only if the confirmation vote were to occur this year. If the Senate confirmation vote were delayed until next year, then Gov. Davis would have the discretion not to call a special election at all.

Particularly in light of our unexpected loss of Senate control, I am unwilling to risk further reducing our already slim Republican margin in the House—or to leave 700,000 people in Southern California unrepresented in Congress for up to a year. The prospect of such an indefinite "blue slip" delay as we now expect is simply unacceptable in my circumstances.

Of course, I will redouble my efforts to advance the Bush agenda in Congress. In my continuing role as California's only member of the elected Leadership in the House, I look forward to working with you, Mr. President—and I will never forget your confidence in me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cox", written over a large, stylized flourish.

Christopher Cox
Chairman