



United States Senate
WASHINGTON, DC 20510-0504
<http://feinstein.senate.gov>

October 5, 2018

Donald F. McGahn, II
Counsel to the President
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. McGahn:

My office was contacted by a reporter who said he had multiple sources who said the White House has proffered an offer on the three California vacancies for the Ninth Circuit. We were told the White House would support a package including Judge Lucy Koh, James Rogan and Daniel Collins.

As you know, Senator Harris and I in May recommended Judge Lucy Koh, Judge Andrew Guilford and Boris Feldman as they are well-qualified candidates and were the top three choices of my bipartisan judicial selection committees.

While the White House rejected my initial offer, I remain hopeful that we can work together to come to consensus on a package of three nominees. As such, I am happy to agree to Lucy Koh from my list, and James Rogan from the White House list and work with you on the third nominee—whether it be Daniel Collins or another nominee from one of our two lists. I hope to work with you to resolve this matter as soon as possible.

Sincerely,


Dianne Feinstein

cc: The Honorable Charles E. Grassley