

Dear Senator Hashim,

I write to you as both a colleague and a constituent here in Windham County, to share my thoughts in re Governor Scott's appointments of Nolan and Drescher, which appointments require confirmation by the Senate. My views on these appointments are made as an attorney practicing for 32 years in Vermont courts and as Vermont citizen concerned with the future of our judiciary, our democracy, and our country's continued existence. In short, I do not think that either appointee should be confirmed.

Neither of these appointees has any judicial experience. None. None whatsoever. Both of these appointees, these attorneys, should perhaps aspire to a Superior Court judicial appointment, but not to the Supreme Court. As practitioners, we regularly deal with new, inexperienced trial court judges as they scale the learning curve, we do not need two Supreme Court justices in that predicament at the same time. While I have practiced, I remember only two attorneys, Amestoy and Robinson, being appointed straight to the Supreme Court but they were not appointed at the same time and they did not serve together on the Court. Those appointments, while arguably political, reflected the spirit of the best of Vermont. Amestoy was a widely popular, seven-time elected Attorney General, a Republican appointed by a Democratic Governor. Robinson had successfully pursued the landmark case first legalizing civil unions and then passage of the marriage equality act. These appointees, Nolan and Drescher, do not similarly represent or reflect Vermont as its majority knows and loves it.

Both Nolan and Drescher served in the US Attorney's Office – Nolan as Vermont's US Attorney – under Trump's administrations. It has been said that Nolan was/is willing to return to that position but for this nomination. Nothing the Trump administrations have done reflects the spirit of the best of Vermont. Indeed, those doings reflect and are supported by only the darkest most hateful parts of Vermont.

That Drescher would tell your committee that it would have been unethical to step down rather than pursue an abhorrent prosecution on behalf of Trump is ridiculous. Resigning would have been the most ethical, most noble, thing he could have done. And then, I read, he said that he was "just doing his job"? It's hard to believe that anyone could have such historical amnesia as to repeat that old line in your committee room.

Bear in mind that Nolan had to actually accept her appointment as US Attorney under Trump. It was not passive, she had to swear, "Yes, I will do that." A person who can say, "Yes", to that either agrees with Trump politically or is someone willing to compromise their values to achieve the promotion. Frankly, I don't want a Trumper or an ass kisser on my the Vermont Supreme Court.

And what of this changing story of bringing a gun into a Courthouse? All of her different explanations that I've heard all overlook the fact that she did it and she refused to take responsibility for it. I have heard – I do not know – that she turned down an offer of Diversion. Diversion, as you know, requires a participant to admit the act of which they are accused and then, upon successful completion, they have no criminal record. You do some criminal defense work. Why turn down Diversion? Why would Nolan turn down

Diversion? I'm only going on my long ago years of criminal defense work but I'm guessing she was playing brinkmanship with the State's Attorney's Office, essentially saying, "Do you dare criminally charge a former US Attorney whom you know is on Scott's short list for the Supreme Court?" I'd rather have a Supreme Court justice who said, "Yeah, I screwed up, thank you for the generous offer of Diversion which I will accept". Maybe it's just me but I like nominees for important positions to be upstanding people who will admit – and take responsibility for – mistakes if they make them.

Whether I like it or not, Scott is a Republican. Even though he vocally rejects the current state of his party, he has not left it. It has always been the goal of the Republican party, whether pre-Trump or presently, to control the Courts for they know, regardless of separation of powers, the Courts will be the final arbiter of so many disputes and issues. I get it, Scott wants to appoint Republicans to the Supreme Court. For that he has to find Republican Vermont attorneys to consider. So where can Scott find a couple of Vermont Republican lawyers to appoint to the Supreme Court at the same time? Trump's US Attorney's office, of course. I do not want anyone who has ever had Trump's approval for anything to be on the Vermont Supreme Court and I do not want anyone who has ever approved of Trump, even tacitly, to be on Vermont's Supreme Court.

And let me be clear, I do not think either appointee is qualified. I am concerned that some might think that allowing one of them on the bench would be OK if the other is rejected. Thinking, maybe, that Nolan, a former female prosecutor, is the perfect replacement for Carroll, a former female prosecutor. That's no way to pick a life-tenured Supreme Court justice and having worked opposite the prosecutor Karen Carroll as a defense contractor, I feel safe saying that Christina Nolan is no Karen Carroll. I have no doubt that there are other women, other prosecutors and maybe other female prosecutors that have been vetted by the JNC.

Please be mindful of the future. We are only one year into this sadistic Federal administration. It is not unlikely that there will come a time that our Supreme Court may be asked to rule on issues of vital importance to our free society. Even at the State level, do we really want anyone who has ever sworn to uphold Trump-law to be on the Vermont Supreme Court? I implore you and your Senate colleagues to vote against confirming both appointees.

Walter G. French
Newfane