

UNITED STATES DEPARTMENT OF JUSTICE

THE DEMOCRATIC COALITION,)
SCOTT DWORKIN AND JON COOPER,)
Complainants)
v.) COMPLAINT
BRETT KAVANAUGH,)
Defendant)
_____)

INTRODUCTION

1. This is a complaint against Brett Kavanaugh (hereinafter “Kavanaugh”). The complaint is based upon evidence that Kavanaugh repeatedly committed perjury, concealed information and made false statements in testimony before the Senate Judiciary Committee. Kavanaugh committed these offenses when he testified as a nominee to serve on United States Court of Appeals and in September of 2018 when he testified in the United States Senate in relation to his nomination to become an Associate Justice of the Supreme Court of the United States. Kavanaugh received stolen information taken from Democratic members of the Senate Judiciary Committee while he worked in the White House and he perjured himself while testifying about the matter in Congress.

PARTIES

2. The complainant Democratic Coalition is a nationwide political committee working to promote democracy and the rule of law. It is headquartered in Washington, D.C..
3. The complainant Scott Dworkin is an individual and co-founder of the Democratic Coalition. He resides in Washington, D.C..
4. The complainant Jon Cooper is an individual and co-founder of the Democratic Coalition. He resides in New York.

5. The defendant Kavanaugh currently serves as a judge on the United States Court of Appeals for the District of Columbia Circuit.

STATEMENT OF FACTS

PERJURY AND FALSE STATEMENTS CONCERNING RECEIPT OF STOLEN DOCUMENTS

6. In 2002 Manuel Miranda, a Republican staff member on the Senate Judiciary Committee, stole thousands of documents belonging to committee Democrats.
7. At the time, Kavanaugh was a White House lawyer working on judicial nominations. Kavanaugh worked closely with Manuel Miranda.
8. On July 28, 2002, Kavanaugh received an email from Miranda. The email stated in part: “I would ask that no action be taken by any of your offices on this for now except as I request. It is important that it be confidential to the recipients of this email and up your chains of authority only. As I mentioned on Friday, Senator Leahy’s staff has distributed a ‘confidential’ letter to Dem Counsel on Thursday from Collyn Peddie, who served as the attorney for ‘Jane Doe’ in some or several of the Texas bypass cases.”
9. The July 28, 2002 email and other emails from Miranda to Kavanaugh in 2002 referenced confidential documents of Democratic Senator Leahy’s staff.
10. Kavanaugh knew that the information in emails was stolen from the Democrats because emails he received from Miranda in July of 2002 and March of 2003 counseled Kavanaugh to conceal and not distribute the information.
11. On April 9, 2003, Kavanaugh sent an email to another member of the White House staff with information he received from Miranda. It was vote information on 15 Democratic senators, on a contentious issue, that was obtained from “Democrat sources.”

12. In 2003, President Bush nominated Kavanaugh to his current position on the United States Court of Appeals and his confirmation hearing was held in 2004.
13. During his 2004 hearing Kavanaugh denied ever receiving any of the stolen documents. Asked if he “ever come across memos from internal files of any Democratic members given to you or provided to you in any way?” he replied, “No.” In 2006, also under oath, he again denied ever receiving stolen documents.
14. Kavanaugh testified extensively and under oath concerning the stolen documents in 2004.
15. In response to questioning by Senator Orin Hatch, Kavanaugh provided the following testimony to the Senate Judiciary Committee:

Hatch: Now, this is an important question. Did Mr. Miranda ever share, reference, or provide you with any documents that appeared to you to have been drafted or prepared by Democratic staff members of the Senate Judiciary Committee?

Kavanaugh: No, I was not aware of that matter ever until I learned of it in the media late last year.

Hatch: Did Mr. Miranda ever share, reference, or provide you with information that you believed or were led to believe was obtained or derived from Democratic files?

Kavanaugh: No. Again, I was not aware of that matter in any way whatsoever until I learned it in the media.

16. In response to questioning by Senator Chuck Schumer, Kavanaugh provided the following testimony to the Senate Judiciary Committee:

Schumer: I just want to clear up the questions that Orrin asked. You had said that Mr. Miranda never provided these documents, you know, that were from this.

Kavanaugh: Right.

Schumer: Had you seen them in any way? Did you ever come across memos from internal files of any Democratic members given to you or provided to you in any way?

Kavanaugh: No.

17. In response to questioning by Senator Ted Kennedy in 2006, Kavanaugh provided the following testimony to the United States Senate:

Kennedy: Have you ever gone back, now that you are aware of it, and seen what decisions you may or might not have taken on the basis of documents that were illegally taken? ...

Kavanaugh: Senator, there's a very important premise in your question that I think is incorrect, which is I didn't know about the memos or see the memos that I think you're describing. So, I think –

Kennedy: Oh, you never saw any of those?

Kavanaugh: No, senator, that's correct. I'm not aware of the memos, I never saw such memos that I think you're referring to. I mean, I don't know what the universe of memos might be, but I do know that I never received any memos and was not aware of any such memos. So, I just want to correct that premise that I think was in your question.

18. In testimony before the Senate Judiciary Committee on September 5, 2018 and September 6, 2018 related to his confirmation to the Supreme Court of the United States, Kavanaugh falsely testified under oath that he had no knowledge that Miranda had infiltrated Democratic files, concealed the fact that he knowingly received and read information about the stolen documents and concealed his prior false testimony to the Senate in 2004 and 2006. The July 28, 2002 email from Miranda to Kavanaugh and other emails

recently released to the public establish that Kavanaugh gave false testimony before the Senate Judiciary Committee on September 5, 2018 and September 6, 2018. They also show false testimony to the Senate in 2004 and 2006.

19. Emails from Miranda to Kavanaugh that support the allegations in this complaint, and other relevant emails, are attached hereto as Exhibit “A.”

COUNT 1

VIOLATION OF 18 U.S.C. § 1621 - PERJURY

20. The allegations in the preceding paragraphs are incorporated by reference as if fully set forth.

21. 18 United States Code § 1621 provides:

“Whoever—

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

22. There is probable cause to charge Kavanaugh with perjury by reason of his violation of 18 U.S.C. § 1621.

COUNT 2

VIOLATION OF 18 U.S.C. § 1001

MAKING FALSE STATEMENTS, CONCEALING & COVER UP

23. The allegations in the preceding paragraphs are incorporated by reference as if fully set forth.
24. 18 United States Code § 1001 provides in relevant part:
- (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.
25. There is probable cause to charge Kavanaugh with willfully and knowingly making false statements, concealing and cover up in violation of 18 U.S.C. § 1001.

WHEREFORE, the Complainants demand:

- A. a full, fair and impartial investigation of this complaint by the Public Integrity Section, Department of Justice, Criminal Division;
- B. a complete and thorough presentation of all relevant evidence to a federal grand jury;
- C. indictments against Kavanaugh based on his violations of federal laws, including but not limited to indictments for violations of 18 U.S.C. §§ 1001 and 1621.
- D. such other relief as is just, equitable or proper.

Respectfully submitted,
THE DEMOCRATIC COALITION,
SCOTT DWORKIN and
JON COOPER,
by their attorney,



J. Whitfield Larrabee
Law Office of J. Whitfield Larrabee
251 Harvard Street, Suite 9
Brookline, MA 02446
jw.larrabee@verizon.net
(617) 566-3670

CERTIFICATE OF SERVICE

I, J. Whitfield Larrabee, hereby certify that on September 7, 2018 I mailed an original of this complaint the Public Integrity Section, Department of Justice, Criminal Division, Bond Building, 12th Floor, 1400 New York Avenue, N.W., Washington, D.C. 20005. I also provided a copy of this complaint to the Department of Justice by email.



J. Whitfield Larrabee

“A”

From: Manuel Miranda (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
To: Dinh; Viet <Viet.Dinh@usdoj.gov>; Willett; Don <Don.Willett@usdoj.gov>; Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/18/2002 8:34:56 AM
Subject: : Highly confidential

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN])

CREATION DATE/TIME:18-JUL-2002 12:34:56.00

SUBJECT:: Highly confidential

TO:"Dinh; Viet" <Viet.Dinh@usdoj.gov> ("Dinh; Viet" <Viet.Dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Willett; Don" <Don.Willett@usdoj.gov> ("Willett; Don" <Don.Willett@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Brett,

It looks like Biden's staff is asking him not to attend the hearing. This does not bode well. It means that they will depend on paper since they have refused to meet with her. This increases reliance on Leahy's staff. Think thru what options you all have down there. If we think that it is better for him to be there, perhaps Hatch could call him but Hatch may not want to. Hatch may need a butch from the WH to call Biden. Is any direct pressure on Biden possible...a Gonzales meeting?

On a related note, the Nation article linking Owen to Rove is being distributed by the Leahy staff.

Manny

From: Manuel Miranda (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN])
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Sales; Nathan <Nathan.Sales@usdoj.gov>; Koebele; Steve <Steve.Koebele@usdoj.gov>; Willett; Don <Don.Willett@usdoj.gov>
Sent: 7/28/2002 2:38:29 PM
Subject: : Help requested

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN])

CREATION DATE/TIME:28-JUL-2002 18:38:29.00

SUBJECT:: Help requested

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:"Sales; Nathan" <Nathan.Sales@usdoj.gov> ("Sales; Nathan" <Nathan.Sales@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Koebele; Steve" <Steve.Koebele@usdoj.gov> ("Koebele; Steve" <Steve.Koebele@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

TO:"Willett; Don" <Don.Willett@usdoj.gov> ("Willett; Don" <Don.Willett@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

I would ask that no action be taken by any of your offices on this for now except as I request. It is important that it be confidential to the recipients of this email and up your chains of authority only.

As I mentioned on Friday, Senator Leahy's staff has distributed a ?confidential? letter to Dem Counsel on Thursday from Collyn Peddie, who served as the attorney for ?Jane Doe? in some or several of the Texas bypass cases. According to either the letter or the Leahy staff Ms. Peddie sent this letter in the strictest confidence because she is up for partner, and believes she will be fired if it is publicized. Several members of her firm are lead supporters of the Owen nomination. Leahy's staff is only sharing with Democratic counsels. However, we might expect this letter to be used like the Brenda Polkey in Pickering at a moment when we are unable to respond.

Ms. Peddie is being portrayed as a small oppressed lawyer fearing repercussions if her name gets out and the brave attorney who represented the ?girl in trouble? in Jane Doe 1. In fact, she is the attorney for Planned Parenthood who argued JD cases and the Buffer Zone case and on the board of Planned Parenthood of Texas, among other things. I will copy you on our research on her.

For now I need priority help early Monday from the A team in briefly commenting on these items (two or three sentences). I have not seen the letter but it strongly criticizes Owen's actions on the Doe cases, especially for her ?appalling insensitivity? to the pregnant minors before her court.

Owen violated the confidentiality of the Jane Does in her written opinions. Specifically, Peddie accuses Owen of publishing ?dissents and concurrences in which paragraph after paragraph of confidential testimony was quoted in great detail.?

Owen sought delay of order granting bypass

Owen sought to stop the entry of Jane Doe 1's bypass until the court had published all its opinions. The court issued the order over Owen's objection, but if the Court had adopted Owen's position, the pregnant minor would have had to wait three more months to get the abortion.

3. Owen's Dissent in Jane Doe 4

Peddie criticized Owen's dissent in Jane Doe 4 which argued that parental rights should trump the risk that ?parents would throw a minor girl out on the street upon finding out she was pregnant.?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
<Manuel_Miranda@judiciary.senate.gov>
CC: sales; nathan <nathan.sales@usdoj.gov>;koebele; steve <steve.koebele@usdoj.gov>;willett; don
<don.willett@usdoj.gov>
Sent: 7/28/2002 3:03:12 PM
Subject: : Re: Help requested

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 28-JUL-2002 19:03:12.00

SUBJECT:: Re: Help requested

TO: Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN])

READ: UNKNOWN

CC: "sales; nathan" <nathan.sales@usdoj.gov> ("sales; nathan" <nathan.sales@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

CC: "koebele; steve" <steve.koebele@usdoj.gov> ("koebele; steve" <steve.koebele@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

CC: "willett; don" <don.willett@usdoj.gov> ("willett; don" <don.willett@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

End Original ARMS Header

Nathan and Steve should elaborate, but my preliminary take:

1. First, the name Jane Doe is used precisely to protect privacy of the individuals. Second, all Justices in these cases discussed and quoted from the record extensively. See the majority opinion in Doe 2, the Gonzales opinion in Doe 3, the Enoch opinion in Doe 3, the majority opinion in Doe 4, etc. This is simply a bogus charge to direct at Owen.
2. Justice Owen believed that opinions could be written in a few days as courts often do in emergency cases of this nature. She specifically stated that the judgment with opinions should have been issued on March 13 instead of a summary order without opinions on March 10. She did not suggest delaying decision "for months."
3. In this case, the court unanimously agreed that the record did not meet the standard for a bypass. Six Justices concluded that a remand was appropriate. Justice Owen and two others argued, however, that Doe simply failed to make the required showing and that a remand was inappropriate. Justice Owen argued, moreover, that the potentially negative reaction of the parents of a pregnant minor when the minor becomes an adult does not meet the statutory "best interest" standard for a bypass.

Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)

07/28/2002 06:33:10 PM

Record Type: Record

To: "Willett; Don" <Don.Willett@usdoj.gov>, "Sales; Nathan" <Nathan.Sales@usdoj.gov>, "Koebele; Steve" <Steve.Koebele@usdoj.gov>,

Brett M. Kavanaugh/WHO/EOP@EOP

CC:

Subject: Help requested

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3. Owen's Dissent in Jane Doe 4

Peddie criticized Owen's dissent in Jane Doe 4 which argued that parental rights should trump the risk that ?parents would throw a minor girl out on the street upon finding out she was pregnant.?

From: Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: dinh; viet <viet.dinh@usdoj.gov>; Heather Wingate/WHO/EOP@EOP [WHO] <Heather Wingate>; willett; don <don.willett@usdoj.gov>
Sent: 7/30/2002 8:30:08 AM
Subject: : Re[2]: NEWS
Attachments: P_OGI49003_WHO.TXT_1.pcx

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN])

CREATION DATE/TIME:30-JUL-2002 12:30:08.00

SUBJECT:: Re[2]: NEWS

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"dinh; viet" <viet.dinh@usdoj.gov> ("dinh; viet" <viet.dinh@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

CC:Heather Wingate (CN=Heather Wingate/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC:"willett; don" <don.willett@usdoj.gov> ("willett; don" <don.willett@usdoj.gov> [UNKNOWN])

READ:UNKNOWN

End Original ARMS Header

They appear not to be worried about Kohl.

Reply Separator

Subject: Re: NEWS
Author: Brett_M._Kavanaugh@who.eop.gov
Date: 7/30/2002 11:45 AM

What about Kohl?

(Embedded
image moved Manuel_Miranda@judiciary.senate.gov (Manuel
to file: Miranda)
pic23048.pcx) 07/30/2002 11:43:04 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, "Willett; Don"
<Don.Willett@usdoj.gov>,
"Dinh; Viet" <Viet.Dinh@usdoj.gov>, Heather Wingate/WHO/EOP@EOP

cc:
Subject: NEWS

I have it on 100% info that Leahy is trying to convene the Dems this
afternoon

after Policy Lunch to check on where they stand on Owen. He is seeking to place Owen on for this Thursday with the view that we would hold over. Feinstein and Feingold are still not saying how they will vote and this bothers them. The bad news is that they are not concerned about Biden. That bothers me.

Suggested action. WH should intervene with Feingold and Feinstein as soon as possible. OLP might write Leahy and remind him that he promised Owen the ample opportunity to respond to questions (Kennedy's came out today. In either case, refer only to rumor, not to me.

Received: from mailsims1.senate.gov ([156.33.203.10]) by mailexch.senate.gov with SMTP (IMA Internet Exchange 3.13) id 004B95E5; Tue, 30 Jul 2002 11:48:34 -0400
Received: from eop1.eop.gov (eop151.eop.gov) by mailsims1.senate.gov (Sun Internet Mail Server sims.3.5.2000.03.23.18.03.p10) with SMTP id <0H0200658JVFBI@mailsims1.senate.gov> for Manuel_Miranda@judiciary.senate.gov; Tue, 30 Jul 2002 11:47:44 -0400 (EDT)
Received: from CONVERSION-DAEMON by EOP.GOV (PMDF V5.2-33 #41062) id <01KKPDRUE11S9PP30Z@EOP.GOV> for Manuel_Miranda@judiciary.senate.gov; Tue, 30 Jul 2002 11:46:39 -0400 (EDT)
Received: from mhub2.eop.gov ([198.137.241.11]) by EOP.GOV (PMDF V5.2-33 #41062) with ESMTP id <01KKPDRFVRD290FKRE@EOP.GOV>; Tue, 30 Jul 2002 11:46:09 -0400 (EDT)
Received: from sgeop03.eop.gov ([165.119.1.37]) by mhub.eop.gov (PMDF V6.1-1 #41014) with SMTP id <01KKPDR7AALI9D9D1R@mhub.eop.gov>; Tue, 30 Jul 2002 11:45:56 -0400 (EDT)
Received: by sgeop03.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999)) id 85256C06.0056956D ; Tue, 30 Jul 2002 11:45:43 -0400
Date: Tue, 30 Jul 2002 11:45:37 -0400
From: Brett_M._Kavanaugh@who.eop.gov
Subject: Re: NEWS
To: Manuel_Miranda@judiciary.senate.gov (Manuel Miranda)
Cc: "willett; don" <don.willett@usdoj.gov>, "dinh; viet" <viet.dinh@usdoj.gov>, Heather_Wingate@who.eop.gov
Message-id: <85256C06.00569447.00@sgeop03.eop.gov>
MIME-version: 1.0
Content-type: MULTIPART/MIXED;
BOUNDARY="Boundary_(ID_otFiB0RhPTts2y0ROlJJug)"
X-Lotus-FromDomain: EOP
- pic23048.pcx
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_OGI49003_WHO.TXT_1>

From: Manuel Miranda) (Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>; Willett; Don
<Don.Willett@usdoj.gov>
Sent: 8/13/2002 2:45:08 PM
Subject: : Sept 5th

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) (
Manuel_Miranda@judiciary.senate.gov (Manuel Miranda) [UNKNOWN])
CREATION DATE/TIME:13-AUG-2002 18:45:08.00
SUBJECT:: Sept 5th
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:"Willett; Don" <Don.Willett@usdoj.gov> ("Willett; Don" <Don.Willett@usdoj.gov> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Two things about Sept 5th. My info is that it is a go unless, according to the Leahy staff, there is a problem with the Dem vote count. This means that, as of today, they are not certain about their count.

From: Sales, Nathan <Nathan.Sales@usdoj.gov>
To: 'Manuel_Miranda@frist.senate.gov' <Manuel_Miranda@frist.senate.gov>; Benczkowski, Brian A <Brian.A.Benczkowski@usdoj.gov>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 2/14/2003 3:06:24 PM
Subject: : Re: Estrada event on Tuesday

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Sales, Nathan" <Nathan.Sales@usdoj.gov> ("Sales, Nathan" <Nathan.Sales@usdoj.gov> [UNKNOWN])

CREATION DATE/TIME: 14-FEB-2003 20:06:24.00

SUBJECT: : Re: Estrada event on Tuesday

TO: "'Manuel_Miranda@frist.senate.gov'" <Manuel_Miranda@frist.senate.gov> ("'Manuel_Miranda@frist.senate.gov'" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])

READ: UNKNOWN

TO: "Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> ("Benczkowski, Brian A" <Brian.A.Benczkowski@usdoj.gov> [UNKNOWN])

READ: UNKNOWN

CC: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

End Original ARMS Header

I have no way of guessing. Several thousand pages, I would think, but short of sitting down and counting, there's no way to know for sure. Also, my connections with law firms aren't the greatest, since I've never worked at one, so I'm not going to be much help there either.

-----Original Message-----

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>; Sales, Nathan <Nathan.Sales@USDOJ.gov>
CC: Brett M. Kavanaugh@who.eop.gov <Brett_M._Kavanaugh@who.eop.gov>
Sent: Fri Feb 14 19:17:42 2003
Subject: RE: Estrada event on Tuesday

Can one of you price it for us? Figure out how many pages will need to be copied 49 times?

That is necessary to push it on a firm. Of course it would be great if a law firm took the job on an emergency basis to copy the 49 sets. Any chance?

-----Original Message-----

From: Sales, Nathan [mailto:Nathan.Sales@usdoj.gov]
Sent: Friday, February 14, 2003 7:05 PM
To: Benczkowski, Brian A; Miranda, Manuel (Frist)
Subject: Re: Estrada event on Tuesday

Leonard Leo will know. We probably don't want the fed soc paying for it, but he might know some generous donor.

Would Gibson Dunn pay?

-----Original Message-----

From: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>
To: 'Manuel_Miranda@frist.senate.gov' <Manuel_Miranda@frist.senate.gov>
CC: Sales, Nathan <Nathan.Sales@USDOJ.gov>
Sent: Fri Feb 14 19:00:56 2003
Subject: Re: Estrada event on Tuesday

Tough. Can the WH pony up for 49 boxes of goodies?

-----Original Message-----

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>
CC: Sales, Nathan <Nathan.Sales@USDOJ.gov>
Sent: Fri Feb 14 18:32:56 2003
Subject: RE: Estrada event on Tuesday

The trouble is we need to copy that 49 times. We need an outside group or law firm to pay for it. Any thoughts?

I have not spoken to Boyden about the cost yet and may not make contact until Tuesday unless he returns the call.

And we will need to have it by 2 pm on Tuesday!!!!

My cell is 262-7789, over the weekend, and I will also be at my desk most of that time. 224-3749

-----Original Message-----

From: Benczkowski, Brian A [mailto:Brian.A.Benczkowski@usdoj.gov]
Sent: Friday, February 14, 2003 6:27 PM
To: Miranda, Manuel (Frist)
Cc: Sales, Nathan
Subject: Re: Estrada event on Tuesday

Manny-

We have assembled a litigation box full of Miguel's record, which I thought had been sent up to you. In addition to the info in the binders we sent up, the box has every brief Miguel has ever authored, plus other stuff. Nathan has the box. This might be the best set of docs for you guys to use. Let me know what you want us to do with it.

BAB

-----Original Message-----

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Benczkowski, Brian A <Brian.A.Benczkowski@USDOJ.gov>; Keys, Elizabeth (Republican-Conf) <Elizabeth_Keys@src.senate.gov>; Ledeen, Barbara (Republican-Conf) <Barbara_Ledeen@src.senate.gov>; wgrubbs@who.eop.gov <wgrubbs@who.eop.gov>; Comisac, RenaJohnson (Judiciary)
</DDV=Rena_Johnson_Comisac@Judiciary.senate.gov/DDT=RFC-822/O=INETGW/P=G OV+DOJ/A=TELEMAIL/C=US/>
CC: Brown, Jamie E (OLA) <Jamie.E.Brown@USDOJ.gov>; krdaly@aol.com <krdaly@aol.com>; Leonard_B._Rodriguez@who.eop.gov <Leonard_B._Rodriguez@who.eop.gov>
Sent: Fri Feb 14 18:12:16 2003
Subject: RE: Estrada event on Tuesday

See attached

-----Original Message-----

From: Keys, Elizabeth (Republican-Conf)
Sent: Friday, February 14, 2003 6:04 PM
To: Miranda, Manuel (Frist); Ledeen, Barbara (Republican-Conf); wgrubbs@who.eop.gov; Comisac, RenaJohnson (Judiciary); Benczkowski, Brian A
Cc: Jamie.E.Brown@usdoj.gov; krdaly@aol.com; Leonard_B._Rodriguez@who.eop.gov
Subject: RE: Estrada event on Tuesday

I have requested for set-up 30 chairs theatre style with a row in the middle, podium, mike/mult and next to the podium a long table with tablecloth for the documents.

-Elizabeth

-----Original Message-----

From: Miranda, Manuel (Frist)
Sent: Friday, February 14, 2003 5:58 PM
To: Ledeen, Barbara (Republican-Conf); Keys, Elizabeth (Republican-Conf); wgrubbs@who.eop.gov; Comisac, RenaJohnson (Judiciary); Benczkowski, Brian A
Cc: Jamie.E.Brown@usdoj.gov; krdaly@aol.com;
Leonard_B._Rodriguez@who.eop.gov
Subject: Estrada event on Tuesday

I have called Boyden and Brigitta. I will also call Carlos Iturriagui from Hispanic bar. I am copying Kay

We also have to start thinking about who will produce the copies and assemble interns with boxes.

Rena, I assume we can copy the binder that DOJ recently sent us and place the copies in boxes. We do not need the expense of binders.

We will have to make these copies off campus and the expense carried/shared by an outside group. Barbara/ Kay?

Rena and Barbara, we need you to provide interns.

Leonard, can you provide bodies? Also send us a schedule of Hispanic events for the next two weeks.

-----Original Message-----

From: Ledeen, Barbara (Republican-Conf)
Sent: Friday, February 14, 2003 5:24 PM
To: Miranda, Manuel (Frist); Keys, Elizabeth (Republican-Conf); Comisac, RenaJohnson (Judiciary); Dinh, Viet; Brown, Jamie E (OLA); Benczkowski, Brian A; Brett_M._Kavanaugh@who.eop.gov; Delrahim, Makan (Judiciary); wgrubbs@who.eop.gov
Cc: Vogel, Alex (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist)
Subject: RE: Estrada event

yes but you have to clear with boyden because he has that federalist society debate too.

-----Original Message-----

From: Miranda, Manuel (Frist)
Sent: Friday, February 14, 2003 5:16 PM
To: Keys, Elizabeth (Republican-Conf); Comisac, RenaJohnson (Judiciary); Dinh, Viet; Brown, Jamie E (OLA); Benczkowski, Brian A; Brett_M._Kavanaugh@who.eop.gov; Delrahim, Makan (Judiciary); Ledeen, Barbara (Republican-Conf); wgrubbs@who.eop.gov
Cc: Vogel, Alex (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist)
Subject: RE: Estrada event

Brigitta Benitez from Republican National Lawyers Assoc and Carlos Iturriagui from the Hispanic Bar Association,...and then Boyden and Kay.

Does that work?

-----Original Message-----

From: Miranda, Manuel (Frist)
Sent: Friday, February 14, 2003 4:22 PM
To: Comisac, RenaJohnson (Judiciary); Dinh, Viet; Brown, Jamie E (OLA); Benczkowski, Brian A; Brett_M._Kavanaugh@who.eop.gov; Delrahim, Makan (Judiciary); Ledeen, Barbara (Republican-Conf); Keys, Elizabeth (Republican-Conf); wgrubbs@who.eop.gov
Cc: Vogel, Alex (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist)
Subject: RE: Estrada event

we are looking at Boyden and Kay Daly and maybe Tom Jipping. It is developing that these boxes will come from concerned citizens that see that the Senate Democrats need help.

-----Original Message-----

From: Comisac, RenaJohnson (Judiciary)
Sent: Friday, February 14, 2003 3:29 PM
To: Dinh, Viet; Brown, Jamie E (OLA); Benczkowski, Brian A; Miranda, Manuel (Frist); Brett_M._Kavanaugh@who.eop.gov; Delrahim, Makan (Judiciary); Ledeen, Barbara (Republican-Conf); Keys, Elizabeth (Republican-Conf); wgrubbs@who.eop.gov
Cc: Vogel, Alex (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist)
Subject: RE: Estrada event

Who is going to speak at this press conference?

-----Original Message-----

From: Dinh, Viet [mailto:Viet.Dinh@usdoj.gov]
Sent: Friday, February 14, 2003 3:22 PM
To: Brown, Jamie E (OLA); Benczkowski, Brian A; Miranda, Manuel (Frist); 'Brett_M._Kavanaugh@who.eop.gov'; Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Ledeen, Barbara (Republican-Conf); Keys, Elizabeth (Republican-Conf); 'wgrubbs@who.eop.gov'
Cc: Vogel, Alex (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist)
Subject: RE: Estrada event

Sounds good to me; we have the copies ready to transmit.

-----Original Message-----

From: Miranda, Manuel (Frist) [mailto:Manuel_Miranda@frist.senate.gov]
Sent: Friday, February 14, 2003 3:12 PM
To: Brown, Jamie E (OLA); Benczkowski, Brian A; Dinh, Viet; Brett_M._Kavanaugh@who.eop.gov; Delrahim, Makan (Judiciary); Comisac, RenaJohnson (Judiciary); Ledeen, Barbara (Republican-Conf); Keys, Elizabeth (Republican-Conf); wgrubbs@who.eop.gov
Cc: Vogel, Alex (Frist); Jacobson, Paul (Frist); Stevenson, Bob (Frist)
Subject: Estrada event

Folks,

We would like your input on the idea that Heather first floated that we would like to work on for Tuesday implementation. Some of you may already be in the loop.

The idea is to have a press event to provide a visual and keep whatever little attention we can on the Estrada nomination over Recess.

We would announce an Estrada press conference at 2 pm on Tuesday in Mansfield (SRConf to do) and start the event by having 10 interns walk in with boxes containing 49 copies of all Estrada Supreme Court filings.

We would separately also communicate to Dem staffs to drop by Mansfield at 2 pm to pick up the Estrada writings. And we tell the press that we did

A possible drawback is that Dems will spin this as "they are only doing this now." But rather, we would announce that these writings are publicly available and have been available for review for over two years, and many were delivered already to the JC, and we are going to the trouble of making sure every Democrat Senator and staff has them to read over the whole Recess week...so we can vote when we return.

Ideas?

Manny

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 3/18/2003 10:53:29 AM
Subject: : For use and not distribution.
Attachments: P_2CBSE003_WHO.TXT_1.html

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ("Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN])

CREATION DATE/TIME:18-MAR-2003 15:53:29.00

SUBJECT:: For use and not distribution.

BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

Please see information below. Also, Kennedy speech about the precedent for legal memos from the Kleindeinst nomination. Also, precedent based on a Robert Jackson quote from 1941 and Kuhl's memos regarding Bob Jones University which were disclosed by the Justice Department to the Finance Committee in the 1980s.

In response to this morning's letter, Dem staffers say that they have confidential information that you all have reviewed the files.

Points they make:

- Rather than face the facts of past precedent and begin a process of negotiating the terms of the release to the Senate of the memos written by Miguel Estrada, Republicans insist on asserting, without any factual basis, that the appeal memos written by attorneys to the Solicitor General were stolen or leaked. This claim defies the facts and is very, very misleading. They alternatively claim that only a few memos have been disclosed but only in narrow circumstances related to claims of criminal misconduct or malfeasance. Again, that is false. Now the Justice Department claims that not even it has reviewed Estrada's memos, implying that this is how sensitive such documents are. Past Justice Department acted much more responsibly and responsively. Here are just a few examples.

- Here are just five examples that clearly refute the Republicans' incorrect claims. Correspondence from the Senate Judiciary Committee clearly shows that memos by attorneys have been requested and provided by prior Administrations that were far more cooperative with the Senate in nominations.

- Past examples include the nominations of Robert Bork to the Supreme Court, William Rehnquist to the Supreme Court, Bradford Reynolds to a term-appointment as Associate Attorney General, Stephen Trott to the Ninth Circuit, and Ben Civiletti to be Attorney General.

First, it is clear that the Reagan Justice Department provided numerous memos to the Senate in the Bork nomination regarding school desegregation cases.

In a letter dated August 10, 1987, then-Chairman Biden wrote to the Justice Department and requested numerous memos. Included in this request was what was identified as request number 9. That request asked for the Justice Department to provide to the Senate, and I will quote that paragraph in its entirety:

"All documents constituting, describing, referring or relating in whole

my 2 cents. Thanks.

(Embedded

image moved "Ho, James (Judiciary)"
to file: <James_Ho@Judiciary.senate.gov>
pic12126.pcx) 03/24/2003 10:14:55 AM

Record Type: Record

To: "Ledeen, Barbara (Republican-Conf)"
<Barbara_Ledeen@src.senate.gov>, Brett
M. Kavanaugh/WHO/EOP@EOP

cc:
Subject: RE: Pro-choice op-eds in support of Justice Owen?

Thanks, Brett. I assume that you didn't find anything substantively
problematic
with the op-ed draft, then? I don't expect any problems, but just
wanted to
make absolutely certain in case you had a chance to read it.

Barbara, I called you earlier this morning and left a message. If I
don't hear
back from you soon, I will just go ahead and contact Ann Stone. I won't
proceed
on the others, however. Let's talk whenever you get the chance.
Thanks!

James C. Ho
Chief Counsel
Senate Subcommittee on the Constitution, Civil Rights & Property Rights
Chairman, Senator John Cornyn
James_Ho@judiciary.senate.gov
(202) 224-9614 (direct line)
(202) 224-2934 (general office number)

PRA 6

Brett M. Kavanaugh@who.eop.gov wrote:
> Her e-mail is **PRA 6**; I alerted her this morning that someone
may
contact
> her about activity this week. I am good with her doing an op-ed.
>
>
> Record Type: Record
> To: Brett M. Kavanaugh/WHO/EOP@EOP
> cc: barbara_ledeen@src.senate.gov
> Subject: Re: Pro-choice op-eds in support of Justice Owen?
>
> I have a one page press release from Ann Stone, dated 7/23/2002, and
her
> two-page letter to Leahy and Hatch. Manny Miranda confirmed that
neither
was

> submitted into the committee record, so at a minimum we should do that.
>
> Barbara, should the three of us coordinate this morning on how to proceed on
> getting Stone to do the op-ed?
>
> James C. Ho
> 901 North Wayne Street #302
> Arlington, VA 22201
> (202) 224-9614 (direct line)
> (202) 224-2934 (general office line)
> **PRA 6**
> <JamesCHo@stanfordalumni.org>
>
> At 08:28 a.m. 3/24/2003, Brett_M._Kavanaugh@who.eop.gov wrote:
> >Do you have the letter from last summer? Barbara, have you talked to Ann?
I
> am
> >happy to do so again if need be, but you all may have done so.
> >
> > (Embedded
> > image moved "James C. Ho" <JamesCHo@stanfordalumni.org>
> > to file: 03/23/2003 01:20:29 PM
> > pic07668.pcx)
> >
> >Record Type: Record
> >To: See the distribution list at the bottom of this message
> >cc:
> >Subject: Re: Pro-choice op-eds in support of Justice Owen?
> >
> >I have a copy of that, which I'd be happy to provide to anyone who's interested.
> >I don't know if it was in the committee record last time, but we should
> >certainly put it in (again) this time.
> >
> >At 12:15 p.m. 3/23/2003, Brett_M._Kavanaugh@who.eop.gov wrote:
> >>Ann Stone was helpful and did letter/release last summer that should be in
> >>committee record and can be used thursday.
> >>
> >>.br/>> >>
> >>----- Original Message -----
> >>From:<JamesCHo@stanfordalumni.org>
> >>To:Makan_Delrahim@Judiciary.senate.gov,
> >> Rena_Johnson_Comisac@Judiciary.senate.gov,
> >> Alex_Dahl@Judiciary.senate.gov,
> >> Manuel_Miranda@frist.senate.gov,
> >> Barbara_Ledeen@src.senate.gov,
> >> viet.dinh@usdoj.gov,
> >> Steve.Koebele@usdoj.gov,
> >> Kristi.L.Remington@usdoj.gov,
> >> Jamie.E.Brown@usdoj.gov,
> >> Brett M. Kavanaugh/WHO/EOP@EOP,
> >> Wendy J. Grubbs/WHO/EOP@EOP
> >>Cc:
> >>Date: 03/22/2003 08:55:30 PM
> >>Subject: Pro-choice op-eds in support of Justice Owen?
> >>
> >>I learned late Friday that, although high-profile, pro-choice women such as



Sen. Patrick Leahy

@SenatorLeahy

Follow



BREAKING: Kavanaugh testified he never received any docs that even "appeared to ... have been drafted or prepared by Democratic staff." Well, he got 8 pages of material taken VERBATIM from my files, obviously written by Dem staff, LABELED "not [for] distribution".

Begin Original AFMS Header

RECORD TITLE: PRESIDENTIAL (NOTES NKL)
CREATOR: "Miranda, Manuel (Frist)" (Manuel.Miranda@first.senate.gov) ; "Miranda, Manuel (Frist)" (Manuel.Miranda@first.senate.gov) [WORKING]
CREATION DATE/TIME: 18-MAR-2018 15:53:29.00
SUBJECT: For use and not distribution;
SEN:Patrick M. Kavanaugh (@Patrick M. Kavanaugh/DMS#HQC/D=KOP [WHO])
READ:ONKOCOM
End Original AFMS Header

Please see information below. Also, Kennedy speech about the precedent for legal memos from the Eisenhower nomination. Also, precedent based on a Robert Jackson quote from 1941 and Kuhl's memos regarding Bob Jones University which were disclosed by the Justice Department to the Finance Committee in the 1980s.

In response to this morning's letter, Dem staffers say that they have confidential information that you all have reviewed the following:

Points they make:

- Rather than face the facts of past precedent and begin a process of negotiating the terms of the release to the Senate of the memos written by Miguel Estrada, Republicans insist on asserting, without any factual basis, that the appeal memos written by attorneys to the Solicitor General were stolen or leaked. This claim defies the facts and is very, very misleading. They alternatively claim that only a few memos have been disclosed but only in narrow circumstances related to claims of criminal misconduct or malfeasance, again, that is false. Now the Justice Department claims that not even it has reviewed Estrada's memos, implying that this is how sensitive such documents are. Past Justice Department acted much more responsibly and responsively. Here are just a few examples.

- Here are just five examples that clearly refute the Republicans' incorrect claims. Copy evidence from the Senate Judiciary Committee clearly show that Kennedy's suggestions have been requested and provided by prior Administrations that were far more cooperative with the Senate in nominations.

- Past examples include the nominations of Robert Berk to the Supreme Court, William Rehnquist to the Supreme Court, Bradford Reynolds to a term appointment as Associate Attorney General, Stephen Pratt to the Ninth Circuit, and Ben Civiletti to be Attorney General.

First, it is clear that the Reagan Justice Department provided numerous memos to the Senate in the Berk nomination regarding school desegregation issues.

In a letter dated August 10, 1987, then-Chairman Biden wrote to the Justice Department and requested numerous memos. Included in this

10:24 AM - 6 Sep 2018

15,666 Retweets 26,214 Likes



831



16K



26K

