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Executive's Office of the Court
United States Court of Appeals for the District of Columbia
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue
Washington, DC 20001

24 October 2018

To the members of the Executive's Office of the Court:

As a citizen of the United States in Albuquerque, New Mexico, I respectfully request that Associate Justice Brett Kavanaugh must be investigated for any and all ethics complaints against him as then-Appellate Court Judge of the United States Court of Appeals for the District of Columbia. His obvious partisanship, threatening and unprofessional behavior before the Senate Judiciary Committee, along with alleged perjury before the that committee suggest that he is unfit to serve on the Supreme Court of the United States and should be stripped of his license to practice the law.

1. In an essay in CBS/AP, 28 September 2018, "[Brett Kavanaugh's attack on Democrats could pose risk to Supreme Court](#)" it was stated, "During his [testimony before the Senate Judiciary Committee](#) on Thursday, the Supreme Court nominee called the sexual misconduct allegations against him a "calculated and orchestrated political hit" *by Democrats* [emphasis added] angry that Hillary Clinton lost the 2016 election. Kavanaugh went further than Clarence Thomas, who in 1991 attacked the confirmation process but didn't single out a person or political party, when he confronted allegations that he sexually harassed Anita Hill.

"What comes around comes around. I am an optimistic guy. I always try to be on the sunrise side of the mountain, to be optimistic about the day that is coming," Kavanaugh said during his opening statement. "But today I have to say that I fear for the future."

"*Singling out Democrats* [emphasis added], he also called the allegations against him a "grotesque and coordinated character assassination" that will "dissuade competent and good people from all persuasions" from serving the country."

2. In an article in *Slate* magazine, by Jeremy Stahl, dated 9/18/2018, "[The Evidence Is Clear: Brett Kavanaugh Lied to the Senate Judiciary Committee](#)", Stahl stated "Documents released last week reveal that in early 2003, Miranda sent Kavanaugh an email with the subject line "[Judiciary Dems obstruct on reorganization](#)." That email contained a draft letter from Democratic Judiciary Committee members to Senate Minority Leader Tom Daschle laying out their desired negotiating

position over a new process for judicial confirmations. Miranda indicated to Kavanaugh that the document was not public at the time he sent it, saying, "I am told that all [Democrats] on the [Judiciary Committee]" were signing on to the document."

Kavanaugh [explicitly denied under oath](#) to have received or read any memos from the Democrats regarding that subject matter.

Therefore, for the actions of Justice Kavanaugh in apparent violation of the Code of Conduct for United States Judges:

1. Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently, particularly (A) Adjudicative Responsibilities. (1) A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism; and
2. Canon 5: "A Judge Should Refrain from Political Activity" and particularly (A) *General Prohibitions*. A judge should not: . . . (2) make speeches for a political organization or candidate, or publicly endorse or oppose a candidate for public office.

Though a Senate hearing is not directly a part of then-Judge Kavanaugh's adjudicative responsibilities, his practiced, raging statements in the hearing show he is "swayed by partisan interests, public clamor [and] fear of criticism". His (as-yet-unrevealed) work for Special Counsel Kenneth Starr on the highly partisan persecution of President Clinton and in the Bush White House also suggest his highly partisan attitudes against liberals and Democrats in particular. Then-Judge Kavanaugh's speech against "his opponents" during the hearing, claiming they wanted "revenge on behalf of the Clintons and millions of dollars in money from outside left-wing opposition groups" also violates Canon 5.

And without a clear, independent, thorough, non-partisan and public investigation of these allegations by the Senate Judiciary Committee and the Federal Bureau of Investigation, I again request that Justice Kavanaugh be investigated or resign because of his public behavior in violation of the Code of Conduct for United States Judges. Justice Kavanaugh should also be disbarred if found to be guilty of perjuring himself before the Senate Judiciary Committee.

Respectfully,

