

JUDICIAL COUNCIL OF THE DISTRICT OF COLUMBIA CIRCUIT COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

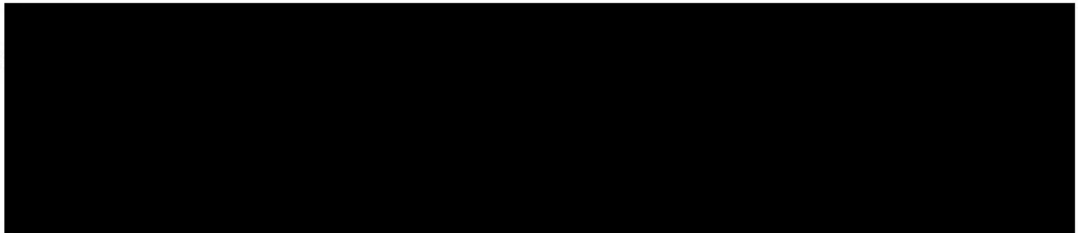
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866
202-216-7340



This form should be completed and mailed to the above address to the attention of the "Circuit Executive". The envelope should be marked "JUDICIAL MISCONDUCT COMPLAINT" or "JUDICIAL DISABILITY COMPLAINT". Do not put the name of the judge on the envelope.

The "Rules for Judicial-Conduct and Judicial-Disability Proceedings", adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. Your complaint (this form and the statement of facts) should be typewritten and must be legible. Only the original form and up to a five page statement of facts should be submitted. No copies are required.

1. Name of Complainant:
Address:
Telephone:



2. Name(s) of Judge(s) complained about: Judge Brett Kavanaugh
Court: DC Circuit Court of Appeals

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?
 Yes No

If "yes" give the following information about each lawsuit (use reverse side if more than one):

Court: _____
Case number: _____

- Are (were) you a party or lawyer in the lawsuit?
 Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:



Docket number(s) of any appeals of above case(s) to the Court of Appeals, D.C. Circuit:

4. Have you filed any lawsuits against the judge?

Yes No

If "yes" give the following information about each lawsuit (use the reverse side if more than one)

Court: _____

Case number: _____

Present status of lawsuit: _____

Your lawyer's name: _____

Address: _____

Telephone: () -

Court to which any appeal has been taken in the lawsuit against the judge: _____

Docket number of the appeal: _____

Present status of the appeal: _____

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based on up to five double-sided pages (8.5 x 11"). Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation. See Rule 6 (a) for further information on what to include in your statement of facts.

Declaration and Signature:

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Signature: 

Date: 9/9/18

Judge Brett Kavanaugh LIED to Congress FIVE (5) times and MUST withdraw SCOTUS nomination before it goes to vote. Also, He must be either censured OR removed from DC Circuit Court of Appeals. (Please see attached incl. Sens. Leahy + Durbin's facts)

The following facts were taken from a 9/6/18 article from Mother Jones, written by Pema Levy + Dan Friedman: "Five Times

In 2002, a GOP aide on the Senate Judiciary Committee, Manuel Miranda, stole thousands of documents belonging to the committee's Democratic staff. At the time, Kavanaugh was a White House lawyer working on judicial nominations, which included working alongside Miranda. In 2003, President Bush nominated Kavanaugh to his current position on the DC Circuit Court of Appeals and his confirmation hearing was held in 2004—though he was not confirmed until two years later. During his 2004 hearing, Kavanaugh denied ever receiving any of the documents Miranda stole. 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.

But newly released documents show that Miranda had indeed sent Kavanaugh information from the stolen internal documents. The nominee continues to deny he knew the information was stolen. But he can no longer deny he received it.

From Senator Leahy's Twitter:

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".

Brett Kavanaugh
Appears to Have
Lied to Congress
While Under Oath."

It may be best
to Google article
to view since
the printer did
not number
pages. In any
event, you probably
have enough to go
on here.

THANK YOU for
your service,

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/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.
(Frist)" <Manuel_Miranda@frist.senate.gov> [UNKNOWN]
CREATION DATE/TIME: 18-MAR-2003 15:53:29.00
SUBJECT: : For use and not distribution.

REC:Brett M. Kavanaugh | CN=Brett M. Kavanaugh/OU=WHG/C
READ:UNKNOWN

End Original APMS Header

Please see information below. Also, Kennedy speech about
for legal memos from the Kleinfelder nomination. Also,
on a Robert Jackson quote from 1941 and Kuhl's memos re
University which were disclosed by the Justice Department
Committee in the 1980s.

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

Points they make:

- Rather than face the facts of past precedent and begin
negotiating the terms of the release to the Senate of
by Miguel Estrada, Republicans insist on asserting, with
basis, that the appeal memos written by Attorneys to the
General were stolen or leaked. This claim defies the facts
very misleading. They alternatively claim that only a few
been disclosed but only in narrow circumstances related
criminal misconduct or malfeasance. Again, that is false.
Justice Department claims that not even it has reviewed
implying that this is how sensitive such documents are.
Department acted much more responsibly and responsibly
a few examples.

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

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

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

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

"All documents constituting, describing, referring or :

Committee Confidential

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First, it is clear that the Reagan Justice Department :

was in the hands of the subcommittee members of the committee.

In a letter dated August 10, 1977, the Honorable James
H. Easton, Director of the Department of Justice, advised the
subcommittee that the Department had received a request from the
Justice Department to provide to the subcommittee a
report pursuant to the following:

"All documents, materials, memoranda, information and

Committee Confidential

in respect to Robert H. Bell and any other persons
during 1944-1977 by the Executive Branch of the United
States or any agency or component thereof or a third person
in violation of applicable disclosure laws and policies
pertaining to this request, please provide any response
the possession, custody or control of the FBI, Justice
Department, predecessor agency, or any agency component of
any of the above."

- I think we can all agree that this was a very serious
and sensitive on behalf of the Government when we received
this request from 1977 to 1977. It is also apparent that
allocation of resources or influence at the present
stage.

The request for these files was merely an effort to
understand the Department's position on these important
files' involvement in supporting or taking legislative
action in response to recommendations by Departmental
institutions from the client agency in which employees
was then known as the Health, Education, and Welfare
Department.

What was the Justice Administration's response?

Yes they say - I think the Administration does not
allow you such documents on the ground that because that

and they claim that past document disclosure laws
of the Government. Because that was not true.

And they assert that they could not challenge Justice
Department's ability to disclose such files.

But they accept that the request was not made on
of a very expedient that it was to be made.

And they claim that they could not provide at that
executive level report.

Well, what did they say then? They said in a letter
dated 24, 1977. This was the Department's response.



[Sen. Patrick Leahy](#)

✓ [@SenatorLeahy](#)

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".

[1:24 PM - Sep 6, 2018](#)

28.1K

17.8K people are talking about this

[Twitter Ads info and privacy](#) **Warrantless wiretapping:** At a 2006 confirmation hearing, Kavanaugh told Sen. Patrick Leahy (D-Vt.) that he knew nothing of the NSA's warrantless wiretapping program, launched under President George W. Bush, until the *New York Times* [revealed](#) it publicly in 2005. Kavanaugh insisted he'd heard "nothing at all" about the program before that, even though he was a senior administration aide. But a September 17, 2001 [email](#) provided to the *New York Times* this week shows that Kavanaugh was involved in at least initial discussions about the widespread surveillance of phones that characterized the NSA program. In the email to John Yoo, then a Justice Department lawyer, Kavanaugh asked about the Fourth Amendment implications of "random/constant surveillance of phone and e-mail conversations of non-citizens who are in the United States when the purpose of the surveillance is to prevent terrorist/criminal violence?" Kavanaugh said Wednesday that his 2006 testimony was "100 percent accurate." But the email, which describes the gist of the wiretapping program, which Bush approved in 2002, calls Kavanaugh's claims of ignorance into question.

Torture: During the same 2006 confirmation hearing, Kavanaugh told Sen. Dick Durbin (D-Ill.) that he "was not involved" in legal questions related to the detention of so-called enemy combatants. But Durbin [said](#) Thursday that records show that there are at least three recorded examples of Kavanaugh participating in discussions of Bush administration detainee policy. Kavanaugh stood by his prior answer.

[Senator Dick Durbin](#)

✓ [@SenatorDurbin](#)

[Sep 5, 2018](#)

Q How would this show that there was evidence of self-grounded claims of Foundation that were being being written in the collection of these papers? You would not believe that the above were being written, but that's all right.

Q If several people were across from the State position.

Q In a letter dated August 10, 1967, then-Deputy Attorney General for the Justice Department and reported various papers.

Q Included in this request was what was identified as a number 14. This request asked for the Justice Department the records, including documents concerning, including what it is part of the participation of Solicitor General in the Foundation, of the position of the subject.

Q In the Solicitor General's office, some attorneys and Solicitor General, in the past have as attorney, with recommendations to the Solicitor General analyzing what should be and whether the case would help cover the fact or another.

Q In those appeals, a lower level attorney would write having the recommendation, that would be reviewed by the Solicitor General and then submitted to the Solicitor General. There would be a copy to the Solicitor General and a copy to the Solicitor General. After reviewing these would be the Solicitor General then decide whether the Solicitor General the recommendation and, if so, whether they had the in the publicly filed briefs of appeal as history.

Q If the recommendations were accepted and appeal to the Solicitor General, then the lower attorney would be asked to write a letter, into the Solicitor General's office with the recommendations, they would be reviewed by a head of the office (the) and the Solicitor General to the Supreme Court, or a Deputy Solicitor General, if the case were going to a circuit court, and circuit court.

Q Many of the records relating to appeal requests and if in back's movements were written to Earl, not by back.

Q What was the Reagan Administration's response to the et memo by the attorneys to Solicitor General Earl?

Q And that you think that Administration (Reagan) would often put such documents in the post? No, because that

Q And they claim that wire document disclosures were in state of wrongdoing? No, because that was not true.

support for William Pryor's nomination to the 11th Circuit, given that Pryor had called *Roe v. Wade* "the worst abomination of constitutional law in our history." Kavanaugh responded, "That was not one that I worked on personally." Newly released documents suggest otherwise. Emails from the Bush White House show that Kavanaugh was involved in selecting Pryor, interviewing him, and shepherding his nomination through the Senate.

Sen. Patrick Leahy

✓ [@SenatorLeahy](#)

In 2004, Judge [#Kavanaugh](#) distanced himself from the controversial Judge Pryor nomination. He testified—repeatedly—that he “was not involved in handling his nomination.” Thanks to documents released at 3AM this morning, we now know that’s not true.

[3:42 PM - Sep 6, 2018](#)

12.3K

• [8,269 people are talking about this](#)

[Twitter Ads info and privacy](#)

The nomination of Charles Pickering: During his 2006 confirmation hearing, Kavanaugh downplayed his role in the nomination of Charles Pickering, a controversial judicial appointee. (For instance, Pickering once reduced the sentence of a man who burned a cross in front of an interracial couple's house.) “This was not one of the judicial nominees that I was primarily handling,” Kavanaugh said. But new emails show he may have been more involved than he let on.

[Replying to @SenatorDurbin](#)

Now he acknowledges he was involved with the rules for access to counsel for detainees and the detention of U.S. citizen enemy combatants, as well as the signing statement for the McCain



Torture Amendment. But he still claims his 2006 testimony was accurate.

[Senator Dick Durbin](#)

✓ [@SenatorDurbin](#)

Judge Kavanaugh says he is a textualist. But he is twisting the plain meaning of the word "detention" to serve his own interests. It's simply not credible.

pic.twitter.com/1Mwkej4Hvg

5:10 PM - Sep 5, 2018

Senator Durbin: What was your role in the
Haynes nomination and decision to confirm
him? And at the time of the nomination, did you
know about Mr. Haynes's role in the Bush
administration's detention and interrogation
policies?

Mr. Kavanaugh: Senator, I did not
directly involve myself in the nomination
process and am not involved in the confirmation
process about the rules governing detention
and interrogation—and so I do not have the involvement
you're talking about. And with respect to Mr. Haynes's role,
I've—I know Jim Haynes, but it was his
nominations that I handled.

The nomination of Judge William Pryor: In
Kavanaugh's 2004 confirmation hearing, Sen. Ted
Kennedy (D-Mass.) asked the nominee about his