

October 5, 2018

Betsy Paret  
Office of the Circuit Executive  
United States Courts District of Columbia Circuit  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001

**RE: Judge Brett M. Kavanaugh's Testimony to The United States Senate Judiciary Committee**

Ms. Betsy Paret,

Please accept this correspondence as the statement of facts in a Complaint of Judicial Misconduct against Judge Brett M. Kavanaugh, as enclosed herein.

On September 27<sup>th</sup>, 2018 Judge Brett M. Kavanaugh engaged in partisan political activity, made inappropriately partisan statements and treated members of the Senate Judiciary Committee in a demonstrably egregious and hostile manner. The statements were made on live television to a worldwide audience. His behavior occurred outside the performance of official duties and will have a prejudicial effect on the administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts, among reasonable people. Some of the most concerning events and statements from the Judge's testimony are detailed below.

FIRST: *"This confirmation process has become a national disgrace. The Constitution gives the Senate an important role in the confirmation process, but you have replaced advice and consent with search and destroy."*

Here, the Judge impugns a body of government for exercising their constitutional duty. Implying that witness testimony was orchestrated and presented with malice. The Judge placed his interest in being confirmed to our highest court ahead of the interests of democracy and the Court's credibility.

SECOND: *His accusers along with United States Senators were participants in a "a calculated and orchestrated political hit fueled with apparent pent-up anger about President Trump and the 2016 election, fear that has been unfairly stoked about my judicial record, revenge on behalf of the Clintons and millions of dollars in money from outside left-wing opposition groups. This is a circus."*

Here, the Judge's partisan statements have so damaged appearances of his impartiality that it will have a prejudicial effect on the administration of the business of the Supreme Court. If confirmed, the Judge would have to recuse himself from conflicts involving his political opponents, the Democratic Party, certain advocacy groups or anyone he perceives as left of center in political ideology. This also will undeniably result in a widespread lowering of confidence in the court, amongst reasonable people. Further, the Judge then invoked a veiled threat to these groups in an unbecoming display of vengefulness. *"As we all know, in the political system in the early 2000s, what goes around comes around."* A clear allusion to his days spent embroiled in highly partisan battles in Washington and his intention to exact revenge from the bench.

THIRD: During questioning by Senators Dick Durbin, Amy Klobuchar and Sheldon Whitehouse, amongst others, the Judge was evasive, disrespectful, and scornful as he failed to approach the questioning or the potential investigation with alacrity or candor. Instead, he treated each Democratic Senator with hostility for posing simple, direct questions that dealt with questions of his character and truthfulness.

Senator Klobuchar: *"You're saying you've never had so much to drink that you could not remember what happened or, part of what happened the night before?"*

Judge Brett Kavanaugh: *"You're asking about blackout, I don't know, have you?"*

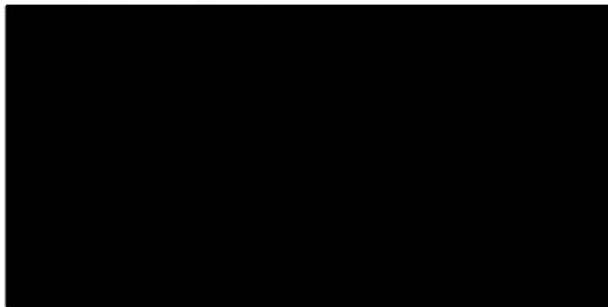
Senator Klobuchar: *"Can you answer the question, Judge? So, that has not happened. That's your answer?"*

Judge Brett Kavanaugh: *"Yeah and I'm curious if you have."*

Here, the Judge's did not display the temperament or candor which is essential to an impartial jurist. These traits are so indispensable to the Court's credibility that the mere *appearance* he may have committed perjury should be fatal to his nomination. The potential damage to the Supreme Court's reputation is so concerning that whether or not the Judge was actually being truthful has been rendered inconsequential. He might not have been, and that is enough.

Thank you very much for your time and consideration on this grave matter.

Most sincerely,



Enclosures: Complaint of Misconduct.  
\*inactive



Judicial Council of the United States Court of Appeals District of Columbia Circuit

**COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

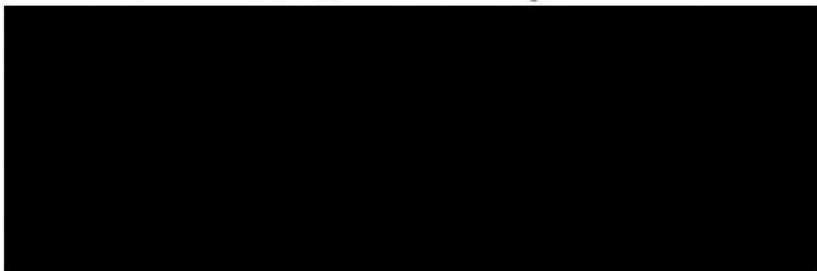
To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The Rules for Judicial-Conduct and Judicial-Disability Proceedings, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks' offices, on individual federal courts' websites, and on [www.uscourts.gov](http://www.uscourts.gov).

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant:

Contact Address:

Daytime telephone:



2. Name(s) of Judge(s):

Brett M. Kavanaugh

Court:

United States Court of Appeals District of Columbia Circuit

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:

Court: \_\_\_\_\_

Case Number: \_\_\_\_\_

Docket number of any appeal to the \_\_\_\_\_ Circuit: \_\_\_\_\_

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:

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4. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. 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.

5. **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) 10/5/18