



For Immediate Release

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Judge Kavanaugh Worked As White House Staff Secretary During Major Controversies. What Are Republicans Trying To Hide?

JUDGE KAVANAUGH HIMSELF POINTED TO HIS EXPERIENCE AS STAFF SECRETARY AS DIRECTLY APPLICABLE TO HIS ROLE AS A JUDGE

Senate Republicans [say](#) that as Staff Secretary, Judge Kavanaugh was “more or less a traffic cop.” But Judge Kavanaugh’s own words show that is simply not true. Asked what has been most useful for him as a judge, Judge Kavanaugh said that his time as Staff Secretary was “the most interesting and most instructive.”

What exactly did Judge Kavanaugh do as White House Staff Secretary? According to his own statements:

- Kavanaugh “was able to participate in how should he [the president] pick someone for the Supreme Court,” following the death of Chief Justice Rehnquist.
- Kavanaugh acted as “an honest broker for the president; someone who tries to ensure that the range of policy views on various subjects in the administration are presented to the president in a fair and even- handed way.”
- Kavanaugh “participated in the process of putting together legislation,”
- Kavanaugh “worked on drafting and revising executive orders, as well as disputes over executive branch records.”

- Kavanaugh “was involved in the process for lots of presidential speeches.”
- Kavanaugh attended “the president’s meetings and discussions with world leaders, President Putin and President Musharraf and President Karzai and Prime Minister Blair and Pope John Paul.”

Kavanaugh says his time in the White House made him “a better interpreter of statutes.” He says the job “gave me, I think, a keen perspective on our system of separated power.” He cited his work as Staff Secretary as “especially” “useful” to him as a judge.

[Sources: Remarks at Opening Session of the ninetieth Annual Meeting of the American Law Institute, [5/20/13](#); [VIDEO](#); Marquette Lawyer Magazine, [Fall 2016](#); [Remarks to Inn of Court, [5/17/10](#); From the Bench: The Constitutional Statesmanship of Chief Justice William Rehnquist, [12/1/17](#); Judiciary Committee Hearing, [5/9/06](#)]

WHILE SERVING AS WHITE HOUSE STAFF SECRETARY (2003-2006), JUDGE KAVANAUGH HANDLED DRAFT SIGNING STATEMENTS ON CONTROVERSIAL TOPICS, INCLUDING THE USE OF TORTURE

New York Times: Bush Claimed Power to Override a Torture Ban. What Did Brett Kavanaugh Think About That? “When Brett M. Kavanaugh came before the Judiciary Committee in May 2006 for his nomination to be an appeals court judge, senators pressed him on his role in President George W. Bush’s use of signing statements to claim the power to bypass new laws — like a much-disputed assertion the previous December that he could override a ban on torture. Judge Kavanaugh, who at the time was the White House staff secretary, acknowledged handling draft signing statements to ensure that ‘relevant members of the administration have provided input’ before presenting them to Mr. Bush. But the nominee sidestepped questions about any advice or views he had about them, refusing to discuss ‘internal matters’ and pivoting instead to a description of a 1952 Supreme Court opinion that explains how to analyze separation-of-powers disputes in general.” [New York Times, [7/29/18](#)]

DURING JUDGE KAVANAUGH’S TIME AS WHITE HOUSE STAFF SECRETARY, THE WHITE HOUSE WAS EMBROILED IN CONTROVERSY AFTER CONTROVERSY. THE AMERICAN PEOPLE DESERVE TO KNOW WHAT ROLE HE PLAYED. WHAT ARE REPUBLICANS TRYING TO HIDE?

New York Times: C.I.A. Seeks Inquiry Into Naming of an Operative. “The C.I.A. has asked the Justice Department to investigate whether senior Bush administration officials broke the law by revealing the identity of an agency operative, a government official said today. The operative is the wife of a former envoy to Iraq, Joseph C. Wilson IV, who publicly voiced skepticism about the Bush administration's policies on Iraq and on Iraq's reported weapons program. After Mr. Wilson went public with his criticism, his wife was identified as a Central Intelligence Agency operative by the columnist Robert Novak, who attributed the information to senior administration officials.” [New York Times, [9/28/03](#)]

Washington Times: Bush signs partial-birth ban. “President Bush yesterday signed into law a ban on partial-birth abortion, vowing to ‘vigorously defend this law against any who would try to challenge it in the courts.’ He didn’t have to wait long: Less than an hour after the president signed the legislation passed overwhelmingly last month by a bipartisan majority of Congress, a federal judge in Nebraska issued a limited temporary restraining order against the new law. The judge questioned the law’s constitutionality and expressed concern that the ban contains no exception for the mother’s health. But White House spokesman Scott McClellan said, ‘Congress worked to address those issues. We believe it is constitutional.’” [Washington Times, [11/5/03](#)]

New York Times: Bush Backs Ban in Constitution on Gay Marriage. “President Bush said today he supported a constitutional amendment banning gay marriage, declaring that such a measure was the only way to protect the status of marriage between man and woman, which he called ‘the most fundamental institution of civilization.’ In an announcement fraught with social, legal and political implications, Mr. Bush urged Congress to act on the amendment quickly and send it on to the state legislatures. Quick action is essential, he said, to bring clarity to the law and protect husband-and-wife marriages from a few ‘activist judges.’ ‘The voice of the people must be heard,’ Mr. Bush said in a brief White House speech that Senator John F. Kerry of Massachusetts, the front-runner for the Democratic presidential nomination, called an attempt to find ‘a wedge issue to divide the American people.’” [New York Times, [2/24/04](#)]

Washington Post: U.S. Tries to Calm Furor Caused by Photos. “Arab countries reacted with rage and revulsion yesterday after images of U.S. soldiers abusing Iraqi prisoners were broadcast around the world. Bush administration and U.S. military officials scrambled to contain the furor and to assuage concerns among allies. The photos showed U.S. troops celebrating as prisoners were sexually humiliated and otherwise abused. ‘I shared a deep disgust that those prisoners were treated the way they were treated,’ President Bush said in a Rose Garden appearance with Canadian Prime Minister Paul Martin. ‘Their treatment

does not reflect the nature of the American people. That's not the way we do things in America. And so I didn't like it one bit.' Bush said the abuses will be investigated and the perpetrators 'will be taken care of.' Analysts said the strong response by Bush appeared directed less at an American audience than at an international audience skeptical about U.S. intentions in Iraq. The United States and Britain are struggling to meet a June 30 deadline for a transfer of sovereignty in Iraq, and the images threatened to undermine already tenuous international cooperation." [Washington Post, [5/1/04](#)]

New York Times: Supreme Court Affirms Detainees' Right to Use Courts. "The Supreme Court ruled today that people being held by the United States as enemy combatants can challenge their detention in American courts — the court's most important statement in decades on the balance between personal liberties and national security. The justices declared their findings in three rulings, two of them involving American citizens and the other addressing the status of foreigners being held at the Guantánamo Bay Naval Base in Cuba. Taken together, they were a significant setback for the Bush administration's approach to the campaign against terrorism that began on Sept. 11, 2001." [New York Times, [6/28/04](#)]

McClatchy: Bush Announces Huge Recovery Program For The Gulf Coast. "Speaking from the center of a deserted and devastated city, President Bush on Thursday outlined one of the biggest recovery efforts in history for Hurricane Katrina and promised to overhaul the government's disaster-response plan. 'This government will learn the lessons of Hurricane Katrina,' he said in a nationally televised speech from Jackson Square, in the symbolic heart of New Orleans' French Quarter. He assured Katrina's victims that they would get the help they needed to resume normal lives." [McClatchy DC Bureau, [9/15/05](#)]

New York Times: Bush Lets U.S. Spy on Callers Without Courts. "Months after the Sept. 11 attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials. Under a presidential order signed in 2002, the intelligence agency has monitored the international telephone calls and international e-mail messages of hundreds, perhaps thousands, of people inside the United States without warrants over the past three years in an effort to track possible "dirty numbers" linked to Al Qaeda, the officials said. The agency, they said, still seeks warrants to monitor entirely domestic communications. The previously undisclosed decision to permit some eavesdropping inside the country without court approval was a major shift in American intelligence-gathering practices, particularly for the National Security Agency, whose mission is to spy on communications abroad. As a result, some officials familiar with the continuing operation have questioned

whether the surveillance has stretched, if not crossed, constitutional limits on legal searches.” [New York Times, [12/16/05](#)]

New York Times: Legal Group Says Bush Undermines Law by Ignoring Select Parts of Bills. “The American Bar Association said Sunday that President Bush was flouting the Constitution and undermining the rule of law by claiming the power to disregard selected provisions of bills that he signed. In a comprehensive report, a bipartisan 11-member panel of the bar association said Mr. Bush had used such “signing statements” far more than his predecessors, raising constitutional objections to more than 800 provisions in more than 100 laws on the ground that they infringed on his prerogatives. These broad assertions of presidential power amount to a ‘line-item veto’ and improperly deprive Congress of the opportunity to override the veto, the panel said. In signing a statutory ban on torture and other national security laws, Mr. Bush reserved the right to disregard them. The bar association panel said the use of signing statements in this way was ‘contrary to the rule of law and our constitutional system of separation of powers.’ From the dawn of the Republic, it said, presidents have generally understood that, in the words of George Washington, a president ‘must approve all the parts of a bill, or reject it in toto.’” [New York Times, [7/24/06](#)]

SENATE REPUBLICANS INSISTED ON REVIEWING THE COMPLETE RECORD OF JUSTICE KAGAN’S WORK IN THE CLINTON WHITE HOUSE, AND DEMOCRATS AGREED. YET NOW, SENATE REPUBLICANS ARE TRYING TO WITHHOLD KEY DOCUMENTS FROM JUDGE KAVANAUGH’S TIME IN THE BUSH WHITE HOUSE

Judiciary Committee Chairman Chuck Grassley (R-IA): “I have heard that some of my Democratic colleagues would like to request all of Judge Kavanaugh’s records from his time as White House Staff Secretary, but these documents are both the least relevant to Judge Kavanaugh’s legal thinking and the most sensitive to the executive branch.” ... **“Not only would a broad review of Staff Secretary documents be a waste of time, but it would also be a waste of taxpayers’ money.”** [Floor Remarks, [7/24/18](#)]

Judiciary Committee Chairman Chuck Grassley (R-IA): “Democratic leaders want gratuitous and unnecessary paper from Judge Kavanaugh’s time as White House Staff Secretary. This is an unreasonable request, and I think they know it.” [Floor Remarks, [7/25/18](#)]

Republican Whip and Judiciary Committee Member John Cornyn (R-TX): “I suspect we are going to hear of requests for millions of documents that came across his desk while he was Staff Secretary, virtually none of which will have any bearing whatsoever on his fitness or qualifications to serve on the Supreme Court.” [Floor Remarks, [7/23/18](#)]

Republican Whip and Judiciary Committee Member John Cornyn (R-TX): “But the effort to insist on every document that he touched from the time he was at the Bush White House as Staff Secretary is ludicrous. It is ridiculous. It is nothing less than a fishing expedition designed to delay his confirmation until after the Supreme Court reconvenes in early October.” [Floor Remarks, [7/25/18](#)]

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