



For Immediate Release

Date: July 25, 2018

Judge Kavanaugh's Own Words About His Time As White House Staff Secretary Demonstrate The Need For Access To His Full Record As A Top White House Staffer

Judge Kavanaugh Specifically Cited His Experience As Staff Secretary As "Instructive" In His Role As A Judge

At His Confirmation Hearing, Kavanaugh Cited His Experience as Staff Secretary As Qualification For Judgeship

Schumer To Grassley: "In order for the public to be informed and the Senate to perform its constitutional obligations in relation to the Kavanaugh nomination, I strongly urge you to sign that request as soon as possible."

Last night, Democratic Leader Chuck Schumer (D-NY) sent a letter to Judiciary Committee Chairman Chuck Grassley (R-IA) urging him to support the Kagan standard for document production, including a full request of Judge Kavanaugh's documents while he worked in the White House. In 2006, Senate Democrats joined with Senate Republicans to request a full and complete accounting of Elena Kagan's time in the Clinton White House. Now, Republicans are arguing that Kavanaugh's time as Staff Secretary is somehow irrelevant. Judge Kavanaugh's own comments show that his experience as Staff Secretary are relevant to his views and philosophy as a judge. Senator Schumer urged Chairman Grassley to sign the request for Kavanaugh's records as soon as possible. You can read the letter [here](#).

REPUBLICANS ARE SEEKING TO WITHHOLD KEY DOCUMENTS FROM JUDGE KAVANAUGH'S TIME IN THE BUSH WHITE HOUSE, LEAVING THE AMERICAN PEOPLE IN THE DARK

Judiciary Committee Chairman Chuck Grassley (R-IA): "I've 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 also a waste of taxpayer money." [Floor Remarks, 7/24/18]

Republican Whip and Judiciary Committee Member John Cornyn (R-TX): "The one that just seems to be a bridge too far that the Democrats never requested before his 2006 confirmation to the D.C. circuit are the staff secretary documents, which aren't really his documents," Cornyn said. "He was more or less a traffic cop." [Washington Post, [7/24/18](#)]

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

Judge Brett Kavanaugh: "I've been a judge on the D.C. Circuit for more than eight years. And as Dean Joseph Kearney pointed out in introducing me, I did not arrive to the D.C. Circuit as a blank slate. People sometimes ask what prior legal experience has been most useful for me as a judge. And I say, 'I certainly draw on all of them,' but I also say that my five-and-a-half years at the White House and especially my three years as staff secretary for President George W. Bush were the most interesting and informative for me. My job in the White House counsel's office and as staff secretary gave me, I think, a keen perspective on our system of separated powers. And that's what I'm going to talk about today. I participated in the process of putting together legislation. I helped out, whether the subject was terrorism insurance or Medicare prescription-drug coverage. I spent a good deal of time on Capitol Hill, sometimes in the middle of the night, working on legislation—it's not a pure or pristine process, just in case you weren't aware of that. I worked on drafting and revising executive orders, as well as disputes over executive branch records. I saw regulatory agencies screw up. I saw how regulatory agencies try to comply with congressional mandates. I saw how agencies try to avoid congressional mandates. I saw the relationship between agencies and the White House and the president. I saw the good and the bad sides of a president's trying to run for reelection and to raise money while still being president. I was involved in the process for lots of presidential speeches. I traveled almost everywhere with the president for about three years. I mostly recall the massive decisions that had to be made on short notice. Hurricane Katrina—one of the worst weeks of the Bush Presidency—I remember it so well. I remember sitting on my couch that Saturday night and getting a call from Communications Director Dan Bartlett saying, 'Chief Justice Rehnquist died. The president wants to meet tomorrow morning at 7:00 to discuss whom to nominate for chief justice and to announce it before we go back to New Orleans on Monday.' And I sat on my couch trying to absorb all that—from Katrina to the chief justice—and the enormity of the decisions that had to be made so quickly. And from that White House service, you learn how the presidency operates in a way that I don't think people on the outside fully appreciate. I've said often, and I'll say again, we respect and revere the job of president of this country, and I think we know how hard a job it is. But even then I think we dramatically underestimate how difficult the job is, as compared to being a

judge or a member of Congress, or even a justice. The job of president is extraordinarily difficult. Every decision seems to be a choice between really bad and worse. And you have to simultaneously think about the law, the policy, the politics, the international repercussions, the legislative relations, and the communications. And it's just you. It's just one person who's responsible for it all." [Marquette Lawyer Magazine, [Fall 2016](#)]

Judge Brett Kavanaugh: "When people ask me which of my prior experiences has been most useful to me as a judge, I tell them that all of them have been useful, and I certainly draw on all of them. But I also do not hesitate to say that **my five and a half years in the White House – and especially my three years as Staff Secretary for President Bush – were the most interesting and in many ways among the most instructive.** As Staff Secretary, I sat in meetings where he talked with President Hu and then-President Musharraf and President Karzai and Prime Minister Blair and Pope John Paul. I was at the G-8 in Scotland when the London subway bombing occurred. I saw and participated in the process of putting legislation together, whether it was terrorism insurance or Medicare prescription drug coverage or attempts at immigration reform. I worked on drafting and revising executive orders. I remember times on the Hill negotiating last-minute changes in legislation. I saw regulatory agencies screw up. I saw how they might try to avoid congressional mandates. I saw the relationship between independent agencies and executive agencies and the President and White House and OMB. I saw FOIA requests." [Remarks to Inn of Court, [5/17/10](#); p. 639-644]

Judge Brett Kavanaugh: "William Rehnquist died on Saturday, September 3, 2005. I remember it vividly. At the time, I was working as staff secretary to President George W Bush. Hurricane Katrina had hit earlier that week. I was distressed about how the week had unfolded for the people of New Orleans and the Gulf Coast, for the country, and for the president himself. I sat late that Saturday night on my couch at home with my then-two-week-old daughter, Margaret, on my shoulder and a college football game on TV. I got a call on my cell from Dan Bartlett, who was communications director for the president. He said simply, 'Rehnquist just died; the president wants to meet tomorrow morning.' I was profoundly sad, but I had no time to dwell on it. **As staff secretary, I was responsible for hustling into the White House right away, contacting the president, immediately getting out a presidential written statement, and working with the speech-writers to help prepare the president's remarks for the following morning,** which he delivered from the White House at 10:00 a.m. that Sunday morning. At that time, John Roberts was the pending nominee for the vacancy created by Sandra Day O'Connor's retirement earlier that summer. Roberts had been a Rehnquist clerk and would be a pallbearer at his funeral. **When all of us met with the president in the Oval Office on Sunday morning, it did not take long for the president to settle on nominating John Roberts for the Rehnquist vacancy;** he decided that he would worry about the O'Connor vacancy after Roberts was confirmed. The president then publicly announced John Roberts' nomination early on Monday morning before we all took off for another trip to New Orleans and the Gulf Coast." [From the Bench: The Constitutional Statesmanship of Chief Justice William Rehnquist, [12/1/17](#)]

Judge Brett Kavanaugh: “First, my chief takeaway from working in the White House for five-and-a-half years--and particularly from my nearly three years of work as Staff Secretary, when I was fortunate to travel the country and the world with President Bush--is that the job of President is far more difficult than any other civilian position in government. It frankly makes being a member of Congress or the judiciary look rather easy by comparison.” ... “Having seen first-hand how complex and difficult that job is, I believe it vital that the President be able to focus on his never-ending tasks with as few distractions as possible. The country wants the President to be ‘one of us’ who bears the same responsibilities of citizenship that all share. But I believe that the President should be excused from some of the burdens of ordinary citizenship while serving in office.” [Minnesota Law Review, [May 2009](#)]

Brett Kavanaugh: “And your question really goes to how do you assess someone's record? And I think that's done through an assessment of going back, in my case, 16 years of my career and looking at the kinds of things I've done in the staff secretary's office, now where I'm an honest broker, where I have to be fair and even-handed in the kind of role I perform for the president -- some of the work I've done in the counsel's office on judges. [Judiciary Committee Hearing, [5/9/06](#)]

Brett Kavanaugh: “In July of 2003, I became staff secretary to President Bush. This is what I call 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. I worked closely with the president and with the senior staff at the White House and other members of the administration for nearly three years. I think I've earned the trust of the president -- I've earned the trust of the senior staff -- that I'm fair and even-handed. This kind of high-level experience in the executive branch has been common for past judicial nominees, especially on the D.C. Circuit, which handles so many important and complicated administrative and constitutional issues.” [Judiciary Committee Hearing, [5/9/06](#)]

Brett Kavanaugh: “Brett M. Kavanaugh, Ms. Miers's successor as staff secretary, said that her critics had overlooked the breadth of issues she had addressed in the White House. ‘For any lawyer in the country to be called upon by the president over the course of the past five years to provide advice on a full range of subjects,’ Mr. Kavanaugh said, ‘from national security law, to the Patriot Act, to any issue that may cross his desk, is a very significant role for any lawyer to play.’” [New York Times, [10/16/05](#)]

SENATE REPUBLICANS HAVE STRESSED THE IMPORTANCE OF JUDGE KAVANAUGH'S TENURE AS STAFF SECRETARY – WHY ARE THEY OBJECTING TO A THOROUGH REVIEW OF THOSE RECORDS NOW?

Former Judiciary Committee Chairman Orrin Hatch (R-UT): “For the last 6 years, he has worked at the White House, first in the White House Counsel's Office--you don't get there unless you are really good--and currently as staff secretary to the President of the United States. Pretty impressive stuff. Some people say just a secretary. Come on, this is a person who vets the documents the President sees. It is a person you trust, whom the President

trusts. It is a person with wisdom and decency and magnanimity. Nevertheless, some opponents of this nomination are suggesting that somehow Mr. Kavanaugh is unqualified to serve on the DC circuit. Come on.” ... **“His background as staff secretary may prove to be particularly good judicial training.** In a letter signed by eight individuals who served as either counsel or deputy counsel to the President, this is how they described that role he fulfilled: The importance of this position, as well as its substantive nature, is not always well known or understood outside the White House. **As Staff Secretary, Mr. Kavanaugh is responsible for ensuring that all relevant views are consistently and accurately presented to the President. The ability to assess presentations of differing arguments on a wide range of topic areas is a skill that would serve him well on the D.C. Circuit.”** [Floor Remarks, [5/25/06](#)]

Republican Whip and Judiciary Committee Member John Cornyn (R-TX): “He has demonstrated his sharp mind and analytical skills in a variety of jobs--working in the White House as a lawyer and as Staff Secretary to the President. By the way, for those who don't know what a Staff Secretary does in the White House, that is the person who has the final eyes on a document before the President is presented something for his signature. **It is a very, very important job.** Brett Kavanaugh was Staff Secretary to the President of the United States during the term of office of President George W. Bush.” [Floor Remarks, [7/10/18](#)]

Republican Whip and Judiciary Committee Member John Cornyn (R-TX): “Most recently, he was Associate White House Counsel, and is currently Staff Secretary to President Bush, **a job whose title belies the very serious and important responsibilities that that individual performs.**” [Floor Remarks, [5/25/06](#)]

JUDGE KAVANAUGH’S TENURE AS WHITE HOUSE STAFF SECRETARY INCLUDED NUMEROUS CONTROVERSIAL DECISIONS BY THE BUSH ADMINISTRATION – WHAT ARE REPUBLICANS TRYING TO HIDE?

CNN: Bush expects 'full cooperation' from staff in leak probe. ‘We will cooperate fully with the Justice Department. I have every confidence in the world that the Justice Department will do a good, thorough job,’ Bush said. Bush talked about the leak while taking questions from reporters at a news conference with Kenyan President Mwai Kibaki. ‘I'd like to know who leaked,’ Bush said. ‘And if anybody's got information inside our government or outside our government who leaked, you ought to take it to the Justice Department, so we can find the leaker.’ Democrats have called for a special prosecutor, saying it would ensure more independence in the investigation.” [CNN, [10/6/03](#)]

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](#)]

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: 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.'" [Washington Post, [2/24/04](#)]

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](#)]