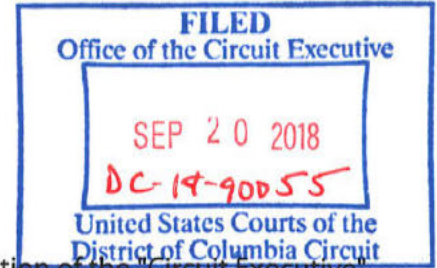


**JUDICIAL COUNCIL OF THE DISTRICT OF COLUMBIA CIRCUIT
COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**



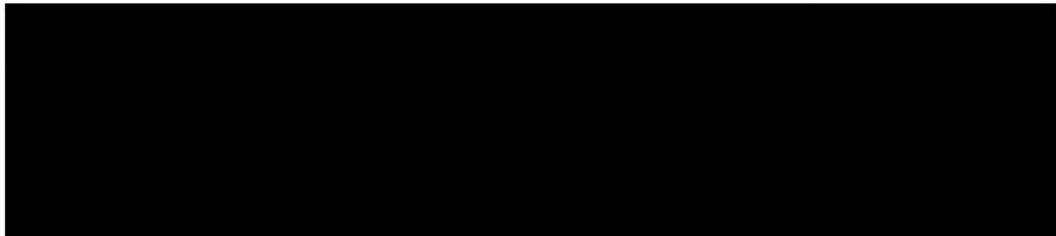
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866
202-216-7340



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: Brett Kavanaugh

Court: U.S. Court of Appeals, D.C. 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 (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: _____

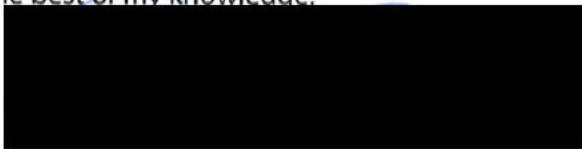
5. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based on up to five double-sided pages (8.5 x 11"). Include what happened, when and where it happened, and any information that would help an investigator check the 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.

See attached complaint.

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: 9.10.18

UNITED STATES DEPARTMENT OF JUSTICE

[REDACTED])
)
 Complainants)
)
 v.) COMPLAINT
)
 BRETT KAVANAUGH,)
)
 Defendant)
)
 _____)

INTRODUCTION

1. This is a complaint against Brett Kavanaugh (hereinafter “Kavanaugh”). The complaint is based upon evidence that Kavanaugh repeatedly committed perjury, concealed information and made false statements in testimony before the Senate Judiciary Committee. Kavanaugh committed these offenses when he testified as a nominee to serve on United States Court of Appeals and in September of 2018 when he testified in the United States Senate in relation to his nomination to become an Associate Justice of the Supreme Court of the United States. Kavanaugh received stolen information taken from Democratic members of the Senate Judiciary Committee while he worked in the White House and he perjured himself while testifying about the matter in Congress.

PARTIES

2. The complainant [REDACTED] is a nationwide political committee working to promote democracy and the rule of law. It is headquartered in Washington, D.C..
3. The complainant [REDACTED] is an individual and co-founder of [REDACTED]. [REDACTED] resides in [REDACTED].
4. The complainant [REDACTED] is an individual and co-founder of the [REDACTED]. [REDACTED] resides in [REDACTED].

5. The defendant Kavanaugh currently serves as a judge on the United States Court of Appeals for the District of Columbia Circuit.

STATEMENT OF FACTS

PERJURY AND FALSE STATEMENTS
CONCERNING RECEIPT OF STOLEN DOCUMENTS

6. In 2002 Manuel Miranda, a Republican staff member on the Senate Judiciary Committee, stole thousands of documents belonging to committee Democrats.
7. At the time, Kavanaugh was a White House lawyer working on judicial nominations. Kavanaugh worked closely with Manuel Miranda.
8. On July 28, 2002, Kavanaugh received an email from Miranda. The email stated in part: “I would ask that no action be taken by any of your offices on this for now except as I request. It is important that it be confidential to the recipients of this email and up your chains of authority only. As I mentioned on Friday, Senator Leahy’s staff has distributed a ‘confidential’ letter to Dem Counsel on Thursday from Collyn Peddie, who served as the attorney for ‘Jane Doe’ in some or several of the Texas bypass cases.”
9. The July 28, 2002 email and other emails from Miranda to Kavanaugh in 2002 referenced confidential documents of Democratic Senator Leahy’s staff.
10. Kavanaugh knew that the information in emails was stolen from the Democrats because emails he received from Miranda in July of 2002 and March of 2003 counseled Kavanaugh to conceal and not distribute the information.
11. On April 9, 2003, Kavanaugh sent an email to another member of the White House staff with information he received from Miranda. It was vote information on 15 Democratic senators, on a contentious issue, that was obtained from “Democrat sources.”

12. In 2003, President Bush nominated Kavanaugh to his current position on the United States Court of Appeals and his confirmation hearing was held in 2004.
13. During his 2004 hearing Kavanaugh denied ever receiving any of the stolen documents. 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.
14. Kavanaugh testified extensively and under oath concerning the stolen documents in 2004.
15. In response to questioning by Senator Orin Hatch, Kavanaugh provided the following testimony to the Senate Judiciary Committee:

Hatch: Now, this is an important question. Did Mr. Miranda ever share, reference, or provide you with any documents that appeared to you to have been drafted or prepared by Democratic staff members of the Senate Judiciary Committee?

Kavanaugh: No, I was not aware of that matter ever until I learned of it in the media late last year.

Hatch: Did Mr. Miranda ever share, reference, or provide you with information that you believed or were led to believe was obtained or derived from Democratic files?

Kavanaugh: No. Again, I was not aware of that matter in any way whatsoever until I learned it in the media.
16. In response to questioning by Senator Chuck Schumer, Kavanaugh provided the following testimony to the Senate Judiciary Committee:

Schumer: I just want to clear up the questions that Orrin asked. You had said that Mr. Miranda never provided these documents, you know, that were from this.

Kavanaugh: Right.

Schumer: Had you seen them in any way? Did you ever come across memos from internal files of any Democratic members given to you or provided to you in any way?

Kavanaugh: No.

17. In response to questioning by Senator Ted Kennedy in 2006, Kavanaugh provided the following testimony to the United States Senate:

Kennedy: Have you ever gone back, now that you are aware of it, and seen what decisions you may or might not have taken on the basis of documents that were illegally taken? ...

Kavanaugh: Senator, there's a very important premise in your question that I think is incorrect, which is I didn't know about the memos or see the memos that I think you're describing. So, I think –

Kennedy: Oh, you never saw any of those?

Kavanaugh: No, senator, that's correct. I'm not aware of the memos, I never saw such memos that I think you're referring to. I mean, I don't know what the universe of memos might be, but I do know that I never received any memos and was not aware of any such memos. So, I just want to correct that premise that I think was in your question.

18. In testimony before the Senate Judiciary Committee on September 5, 2018 and September 6, 2018 related to his confirmation to the Supreme Court of the United States, Kavanaugh falsely testified under oath that he had no knowledge that Miranda had infiltrated Democratic files, concealed the fact that he knowingly received and read information about the stolen documents and concealed his prior false testimony to the Senate in 2004 and 2006. The July 28, 2002 email from Miranda to Kavanaugh and other emails

recently released to the public establish that Kavanaugh gave false testimony before the Senate Judiciary Committee on September 5, 2018 and September 6, 2018. They also show false testimony to the Senate in 2004 and 2006.

19. Emails from Miranda to Kavanaugh that support the allegations in this complaint, and other relevant emails, are attached hereto as Exhibit "A."

COUNT 1

VIOLATION OF 18 U.S.C. § 1621 - PERJURY

20. The allegations in the preceding paragraphs are incorporated by reference as if fully set forth.

21. 18 United States Code § 1621 provides:

“Whoever—

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

22. There is probable cause to charge Kavanaugh with perjury by reason of his violation of 18 U.S.C. § 1621.

COUNT 2

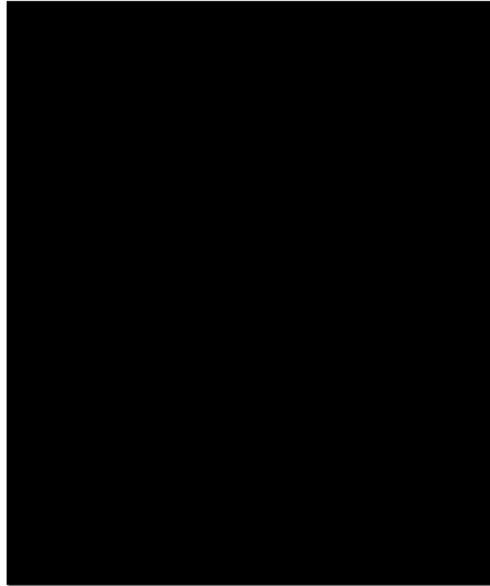
VIOLATION OF 18 U.S.C. § 1001

MAKING FALSE STATEMENTS, CONCEALING & COVER UP


23. The allegations in the preceding paragraphs are incorporated by reference as if fully set forth.
24. 18 United States Code § 1001 provides in relevant part:
- (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.
25. There is probable cause to charge Kavanaugh with willfully and knowingly making false statements, concealing and cover up in violation of 18 U.S.C. § 1001.

WHEREFORE, the Complainants demand:

- A. a full, fair and impartial investigation of this complaint by the Public Integrity Section, Department of Justice, Criminal Division;
- B. a complete and thorough presentation of all relevant evidence to a federal grand jury;
- C. indictments against Kavanaugh based on his violations of federal laws, including but not limited to indictments for violations of 18 U.S.C. §§ 1001 and 1621.
- D. such other relief as is just, equitable or proper.



CERTIFICATE OF SERVICE

I,  hereby certify that on September 7, 2018 I mailed an original of this complaint the Public Integrity Section, Department of Justice, Criminal Division, Bond Building, 12th Floor, 1400 New York Avenue, N.W., Washington, D.C. 20005. I also provided a copy of this complaint to the Department of Justice by email.

