

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



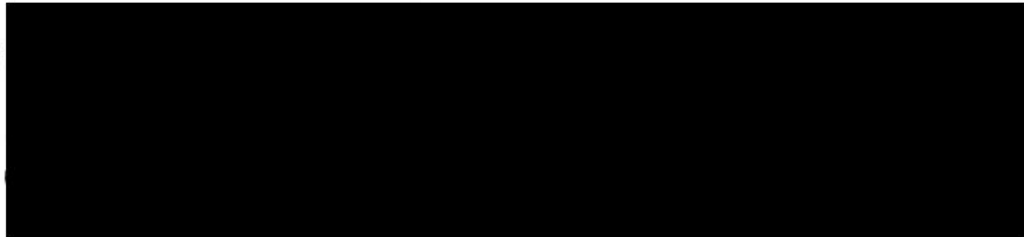
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866
202-216-7340



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 M. KAVANAUGH
Court: US COURT OF APPEALS, DC 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: _____

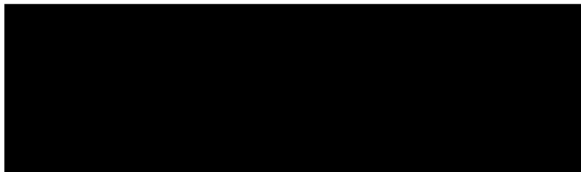
Present status of the appeal: _____

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.

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: Sept. 30, 2018

COMPLAINT OF JUDICIAL MISCONDUCT: BRIEF STATEMENT OF FACTS
September 30, 2018

The Honorable Merrick Garland, Chief Judge
United States Court of Appeals, District of Columbia Circuit
Via Office of the Circuit Executive
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, DC 20001

Dear Judge Garland,

I have prepared this letter to accompany the enclosed complaint form regarding the impartiality of a judge in your circuit. It serves as my "Brief Statement of Facts" to fulfill Section 5 of the complaint.

I am not a lawyer. I am not filing this complaint on behalf of any group or in coordination with other individuals. I am a 68-year-old citizen of the United States, residing and voting in ██████████ Massachusetts. I believe deeply in the importance of maintaining the integrity of the federal judiciary for the benefit of all Americans. I have read the Code of Conduct for United States Judges and the Rules for Judicial Conduct and Judicial Disability. Respectfully, I believe that Judge Brett M. Kavanaugh violated that code and those rules, and I ask that you and your colleagues consider an appropriate sanction.

On September 27, 2018, Judge Kavanaugh testified before the Senate Judiciary Committee and, knowing that his words would reach millions of Americans, he read a prepared statement that contained a section comprising a bitter, mocking condemnation of a prominent political party and United States Senators aligned with that party. Judge Kavanaugh accused the Senators and their allies of a secretive, well-financed, systematic, conspiratorial attack on his character that he alleged was fueled by anger at the current President of the United States and revenge on behalf of a defeated presidential candidate. He imputed these corrupt motivations while offering no evidence.

Please refer to a transcript of the September 27 Kavanaugh testimony (or the YouTube video). I relied on this transcript from Bloomberg Government via the Washington Post:

https://www.washingtonpost.com/news/national/wp/2018/09/27/kavanaugh-hearing-transcript/?utm_term=.63a2b7d8d3c8

While the full testimony provides important context and contains other comments that raise questions about Judge Kavanaugh's impartiality, I ask that you focus on a specific section of his opening statement, beginning with the sentence "This confirmation process has become a national disgrace" and ending with the sentence "No one can question your effort, but your coordinated and well-funded effort to destroy my good name and to destroy my family will not drive me out." [Text of this extract is enclosed separately.]

In particular, the following paragraph, taken from the section cited, stands out for its partisan nature: "This whole two-week effort has been 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."

These remarks challenged the integrity and motivations of US Senators. They were deliberate; Judge Kavanaugh stated that he had written them the day before. Given their content and tone and the size of

the broadcast audience, the comments violated the Federal judiciary's rules barring judges from making inappropriately partisan statements and violated standards in place to preserve the integrity and independence of the judiciary. The judge's statements will result in a substantial and widespread lowering of public confidence in the impartiality of the courts among reasonable people. Whatever the stakes or personal pressures, no Federal judge should broadcast such a diatribe, treating others in such a demonstrably egregious and hostile manner, whether inside a courtroom or out.

The remarks call into serious question Judge Kavanaugh's ability to impartially adjudicate future cases involving contentious governmental issues where political parties are in sharp disagreement. The fact that his seat is on an appellate court that hears a disproportionately large number of such cases should result in frequent recusals. Specifically, I ask that you consider the application of the Code of Conduct:

Canon 1. "A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved."

Canon 2. "An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired....The duty under Canon 2 to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary applies to all the judge's activities, including the discharge of the judge's adjudicative and administrative responsibilities. The duty to be respectful includes the responsibility to avoid comment or behavior that could reasonably be interpreted as harassment, prejudice or bias."

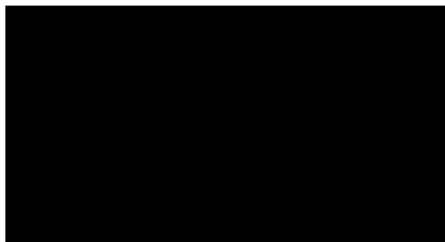
Canon 4: "A judge should not participate in extrajudicial activities that detract from the dignity of the judge's office, interfere with the performance of the judge's official duties, reflect adversely on the judge's impartiality, lead to frequent disqualification, or violate the limitations set forth below...."

Canon 5. "A judge should not make speeches for a political organization or candidate, or publicly endorse or oppose a candidate for public office."

Judge Kavanaugh's accusations evinced deep bias. As a citizen who depends, like any other, on the fair administration of justice, I respectfully ask that you promptly enforce all relevant rules and codes in this matter to ensure a credible standard of impartiality and integrity in the federal courts.

Thank you for considering this complaint.

Sincerely,



By Transcript courtesy of Bloomberg Government September 27

SENATE JUDICIARY COMMITTEE HEARING ON THE NOMINATION OF BRETT M. KAVANAUGH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT, DAY 5, FOCUSING ON ALLEGATIONS OF SEXUAL ASSAULT

SEPTEMBER 27, 2018

KAVANAUGH: ...

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.

Since my nomination in July, there's been a frenzy on the left to come up with something, anything to block my confirmation. Shortly after I was nominated, the Democratic Senate leader said he would, quote, "oppose me with everything he's got." A Democratic senator on this committee publicly — publicly referred to me as evil — evil. about that word. It's said that those who supported me were, quote, "complicit in evil." Another Democratic senator on this committee said, quote, "Judge Kavanaugh is your worst nightmare." A former head of the Democratic National Committee said, quote, "Judge Kavanaugh will threaten the lives of millions of Americans for decades to come."

I understand the passions of the moment, but I would say to those senators, your words have meaning. Millions of Americans listen carefully to you. Given comments like those, is it any surprise that people have been willing to do anything to make any physical threat against my family, to send any violent e-mail to my wife, to make any kind of allegation against me and against my friends. To blow me up and take me down.

You sowed the wind for decades to come. I fear that the whole country will reap the whirlwind.

The behavior of several of the Democratic members of this committee at my hearing a few weeks ago was an embarrassment. But at least it was just a good old-fashioned attempt at Borking. Those efforts didn't work. When I did at least OK enough at the hearings that it looked like I might actually get confirmed, a new tactic was needed.

Some of you were lying in wait and had it ready. This first allegation was held in secret for weeks by a Democratic member of this committee, and by staff. It would be needed only if you couldn't take me out on the merits.

When it was needed, this allegation was unleashed and publicly deployed over Dr. Ford's wishes. And then — and then as no doubt was expected — if not planned — came a long series of false last-minute smears designed to scare me and drive me out of the process before any hearing occurred.

Crazy stuff. Gangs, illegitimate children, fights on boats in Rhode Island. All nonsense, reported breathlessly and often uncritically by the media.

This has destroyed my family and my good name. A good name built up through decades of very hard work and public service at the highest levels of the American government.

This whole two-week effort has been 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.