

**Whitaker, Matthew (OAG)**

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**From:** Whitaker, Matthew (OAG)  
**Sent:** Tuesday, September 11, 2018 5:41 PM  
**To:** Wiles, Morgan (OAG)  
**Subject:** Re: Weekly Agency Chiefs of Staff Meeting

I want to go to chiefs meeting

On Sep 11, 2018, at 4:16 PM, Wiles, Morgan (OAG) (b) (6) > wrote:

Fox News will be here at the time of this meeting. Let me know if you want me to RSVP you for the Chief's meeting.

Thanks

Morgan Wiles  
Special Assistant  
Office of the Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave N.W.  
Washington, D.C. 20530

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**From:** McBride, Emily J. EOP/WHO (b) (6) >  
**Sent:** Tuesday, September 11, 2018 4:14 PM  
**To:** McGinley, William J. EOP/WHO (b) (6) >  
**Subject:** RE: Weekly Agency Chiefs of Staff Meeting

Good afternoon everyone-

As Bill mentioned in this morning's meeting, **next week's Agency Chiefs of Staff Meeting will take place at the ODNI Headquarters.**

The meeting will be at 10:30 AM as usual. If you plan to attend, please RSVP to (b)(6) per ODNI and me ASAP and provide the following:

1. Full name
2. DOB
3. SSN

There will be parking available, so if you plan to drive or have a driver wait on site for you, please provide the following:

1. Car make
2. Car model
3. Car color

*For White House staff planning to attend: Please RSVP like everyone else. I will be coordinating a van or bus to take us to ODNI, and we will be departing from West Exec around 9:30-9:45 AM Tuesday morning.*

The address is: 1500 Tysons McLean Dr, McLean, VA 22102

I'll be updating the calendar invite momentarily. Hope most of you can make it!

Thanks,

**Emily J. McBride**  
Associate Director  
Office of Cabinet Affairs  
The White House

(b) (6)

(b) (6)

(b) (6)

-----Original Appointment-----

**From:** McBride, Emily J. EOP/WHO

**Sent:** Wednesday, September 5, 2018 12:28 PM

**To:** McBride, Emily J. EOP/WHO; Meyer, Joyce Y. EOP/WH (b) (6); Paranzino, Anthony M. EOP/WHO; Mallon, Emily R. EOP/WHO; Walk, John EOP/WHO; Galkowski, James J. EOP/OMB; Pinkos, Stephen M. EOP/OVP; Renner, Elino (b) (6)

(b) (6); Flynn, Matthew J. EOP/WHO; FELICIAJ0; Connor, Cameron M.

EOP/WH (b) (6); Greer, Jamieson L. EOP/UST (b) (6)

(b) (6); Ayers, Nick N. EOP/OVP;

Hoelscher, Douglas L. EOP/WH (b) (6); Nasim, Laura F. EOP/WHO;

(b) (6) Liddell, Christopher P. EOP/WH (b) (6) Greenwood, Daniel Q.

EOP/WHO; McCann, Meghan B. EOP/WHO; Thompson, Reagan P. EOP/WH (b) (6)

Joannou, Tom W. EOP/WH (b) (6)

(b) (6); Belur, Pradeep S (b) (6) Marshall, Kirk R.

EOP/WH (b)(3), (b)(6) per ODNI; Swonger, Amy H. EOP/WH (b) (6)

Harmsen, Breanne M. EOP/OV (b) (6)

(b) (6) Cypher, Catharine D. EOP/WHO; Henning, Alexa A. EOP/WHO; Ditto, Jessica E.

EOP/WHO; Coia, Giovanna T. EOP/WHO; Purucker, Katherine M. EOP/OVP; Moorhead, Quellie U.

EOP/WHO; Magyarits, Caroline S. EOP/WHO; Schlapp, Mercedes V. EOP/WHO (b) (6)

Hughes, Andre (b)(6) Errical Bryant; Hudson, Renee R. EOP/WHO; Doyle, Emma K. EOP/OMB;

Whitaker, Matthew (OAG; Gidley, Hogan H. EOP/WHO; Mocarski, Ashley D. EOP/WHO;

(b) (6); Morrone, Vanessa M. EOP/WHO; Policy Coordinator; Cabinet Affairs; Leggitt,

Lance B. EOP/WHO; Davis, May M. EOP/WHO; Conway, Kellyanne E. EOP/WHO; Butterfield, Nicholas W.

EOP/WHO; Kirkland, William H. EOP/OVP; Thurman, Melissa Maj SD; Dickerson, Aaron;

(b) (6); Glaccum, David M (USUN New York); McGinley, William J.

EOP/WHO; Levell, Leah; Collins, Rachel E. EOP/WHO; 'Wiles, Morgan (OAG)'; Shuford, Campbell - OSEC,

Washington, DC; Olmem, Andrew J. EOP/WHO (b) (6); Bibbs-Daniels, Rita (OST);

Geale, Nicholas C. - OSEC; Wiggins, Jeremy G. EOP/WHO; COSVA; Abrames, Katherine O; Brechbuhl,

Thomas U; Powers, Pamela; Mock, Teresa J.; Parkinson, Zach Z. EOP/WHO; Verga, Peter SES SD; Walsh,

Michael (Federal); Williams, Sarah M.; Hughes, Evan; Lim, Evelyn; Shine, Bill J. EOP/WHO

**Subject:** Weekly Agency Chiefs of Staff Meeting

**When:** Occurs every Tuesday effective 9/11/2018 from 10:30 AM to 11:30 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Secretary of War Suite, EEOB 230A

Cabinet Affairs hosts this meeting **every Tuesday** from 10:30 AM - 11:30 AM in Secretary of War Room, 230A in the EEOB. Please let me know if your principal is unable to attend. We kindly ask no plus ones or proxies for the Chiefs.

## Schedule, AG84 (OAG)

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**From:** Schedule, AG84 (OAG)  
**Sent:** Monday, August 6, 2018 1:36 PM  
**To:** Schedule, AG84 (OAG); Watson, Theresa (OAG)  
**Cc:** Jackson, Wykema C. (OAG (b)(6), (b)(7)(C) per FBI (SECD) (FBI); Tucker, Rachael (OAG); Whitaker, Matthew (OAG); Williams, Toni (OAG); Hilliard, Everett R (JMD); Schreiber, Jayne (OAG (b)(6), (b)(7)(C) per FBI (SECD) (FBI); Bennett, Catherine T (OAG); Washington, Tracy T (OAG (b)(6), (b)(7)(C) per JMD (JMD (b)(6), (b)(7)(C) per JMD (JMD); AGPD; Hamilton, Gene (OAG); Barnett, Gary E. (OAG); Cutrona, Danielle (OAG); Morrissey, Brian (OAG); JCC (JMD); Bumatay, Patrick (OAG); Avery, Charles W (JMD); Wiles, Morgan (OAG); Allen, Alexis (OAG); Holden, Ronald (OAG); Bryant, Errical (OAG)  
**Subject:** AG's Calendar for Tuesday, August 7, 2018  
**Attachments:** Tuesday, August 7.pdf

**August 7, 2018**

**Tuesday**

**7:40 AM - 7:40 AM**

**En Route to Personal Appointment**

In Limo: AG and Jane Ritchie

**8:00 AM - 9:45 AM**

**Private Appointment**

[REDACTED]

**9:45 AM - 9:45 AM**

**En Route to AG's Home**

Attendees: AG and Jane Ritchie

**10:15 AM - 10:15 AM**

**En Route to DOJ**

AG Only

**11:15 AM - 11:45 AM**

(b)(7)(E) per FBI

**Case Review -- AG's Office**

POC: David Rybicki

Attendees: David Rybicki

**12:15 PM - 1:15 PM**

**LUNCH with Laura Ingraham, Fox News -- AG's Dining Room**

POC: Sarah Flores

Attendees: AG, Matt Whitaker (optional)

Outside Attendee: Laura Ingraham

Total for lunch prep: 3

**1:30 PM - 2:30 PM**

**FBI Briefin (b)(7)(E) per FBI -- JCC**

POC: Rachael Tucker

Attendees: Matt Whitaker, Rachael Tucker, DAG Rod Rosenstein, Tash Gauhar, John Turne (b)(6), (b)(7)(C) per FBI, Ed O'Callaghan John Demer (b)(6), (b)(7)(C) per FBI, George Toscas, Brad Wiegmann, and Adam Hickey

**3:15 PM - 3:15 PM**

**En Route to WH**

In Limo: AG and Adam Hickey (pending)

**3:30 PM - 4:30 PM**

(b) (5)

**Meeting -- WH**

Attendees: AG and Adam Hickey(Pending)

**4:30 PM - 4:30 PM**

**En Route to DOJ**

In Limo: AG and Adam Hickey (pending)

**Davis, Mike (Judiciary-Rep)**

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**From:** Davis, Mike (Judiciary-Rep)  
**Sent:** Tuesday, October 2, 2018 7:20 PM  
**To:** Davis, Mike (Judiciary-Rep)  
**Subject:** SCOTUS -- Grassley Letter Senate Judiciary Committee Democratic Members  
**Attachments:** 10.02.18 CEG to SJC Minority.pdf; Summary of Judiciary Committee Investigation of Allegations Against Judg....pdf; 2018.09.26 Jud Dems to Trump re Kavanaugh Allegations.pdf

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**From:** Davis, Mike (Judiciary-Rep)  
**Sent:** Tuesday, October 02, 2018 7:19 PM  
**To:** Duck, Jennifer (Judiciary-Dem) (b) (6) >; Marc A. Hearron (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Brest, Phillip (Judiciary-Dem) (b) (6) >; Pendle, David (Judiciary-Dem) (b) (6) >; Swanson, Daniel (Judiciary-Dem) (b) (6) >; Aronson, Alex (Judiciary-Dem) (b) (6) >; Farrar, Elizabeth (Judiciary-Dem) (b) (6) >; Songer, Erica (Judiciary-Dem) (b) (6) >; Simon, Sam (Judiciary-Dem) (b) (6) >; Greenfeld, Helaine (Hirono) (b) (6) >; Berger, Christine (Judiciary-Dem) (b) (6) >; Boyd, Tona (Judiciary-Dem) (b) (6) >; Hsu, Josh (Harris) (b) (6) >  
**Subject:** SCOTUS -- Grassley Letter Senate Judiciary Committee Democratic Members

All:

Attached is a letter from my boss to your bosses.

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
Senator Chuck Grassley (R-IA), Chairman  
224 Dirksen Senate Office Building  
Washington, DC 20510  
(b) (6) (direct)  
(b) (6) (cell)  
202-224-9102 (fax)  
(b) (6)

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**From:** Hearron, Marc (Judiciary-Dem)  
**Sent:** Wednesday, September 26, 2018 1:05 PM  
**T** (b)(6) Donald McGahn (b)(6) Megan Lacy  
**Cc:** Davis, Mike (Judiciary-Rep) (b) (6) >  
**Subject:** Letter from SJC Democratic Members

Please see the attached letter addressed to President Trump from the Democratic Members of the Senate Judiciary

Committee.

Best regards,

Marc A. Hearron  
Senior Counsel  
Office of Senator Dianne Feinstein, Ranking Member  
U.S. Senate Committee on the Judiciary

(b) (6)

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
BEN SASSE, NEBRASKA  
JEFF FLAKE, ARIZONA  
MIKE CRAPO, IDAHO  
THOM TILLIS, NORTH CAROLINA  
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA  
PATRICK J. LEAHY, VERMONT  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE K. HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
KAMALA D. HARRIS, CALIFORNIA

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

October 2, 2018

The Honorable Dianne Feinstein, Ranking Member  
The Honorable Patrick J. Leahy  
The Honorable Richard J. Durbin  
The Honorable Sheldon Whitehouse  
The Honorable Amy Klobuchar  
The Honorable Christopher A. Coons  
The Honorable Richard Blumenthal  
The Honorable Mazie K. Hirono  
The Honorable Cory A. Booker  
The Honorable Kamala D. Harris  
United States Senate Committee on the Judiciary  
Washington, D.C. 20510

Dear Colleagues:

Last Wednesday, September 26, I received a letter signed by all of you, the ten Democratic members of the Senate Judiciary Committee, calling for delay in consideration and/or the withdrawal of Judge Brett Kavanaugh's nomination to the Supreme Court of the United States, based on the allegations of Ms. Julie Swetnick, who is represented by Michael Avenatti.

Yesterday, in an interview with Kate Snow of NBC News, Ms. Swetnick backtracked on some of the claims she made in a sworn statement to Congress. The interview can be accessed here: <https://www.nbcnews.com/politics/supreme-court/kavanaugh-accuser-julie-swetnick-speaks-out-sexual-abuse-allegations-n915641>.

I've enclosed a timeline of the activity I've driven as Chairman of the Judiciary Committee, which reflects a serious approach to addressing concerns in good faith as we fulfill our duties as an independent branch of government, charged by the Constitution to give advice and consent on judicial nominations made by the President. I've received blatantly frivolous referrals during the past week. Out of respect for my colleagues, I've devoted committee investigative resources to looking into those referrals, including one that was quickly recanted.

In addition, as it stands today, the FBI is conducting a supplemental background investigation of current credible allegations against the nominee. The report is expected this week. This supplemental investigation was requested by undecided members of both parties to help them determine whether to support Judge Kavanaugh's confirmation. Am I to understand from your request that all of you are reconsidering your opposition to Judge Kavanaugh depending on what the FBI comes back with?

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a large, stylized "C" and "G".

Chuck Grassley  
Chairman

## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 26, 2018

The President  
The White House  
1600 Pennsylvania Ave NW  
Washington, D.C. 20500

Dear Mr. President:

We are writing to request that you immediately withdraw the nomination of Brett Kavanaugh to be an Associate Justice on the Supreme Court or direct the FBI to re-open its background investigation and thoroughly examine the multiple allegations of sexual assault.

As you know, earlier this month, Christine Blasey Ford's credible and serious allegations of sexual assault by Judge Kavanaugh were referred to the FBI for investigation. Since then, Deborah Ramirez has come forward with additional allegations of sexual misconduct and today, another woman, Julie Swetnick, has submitted a sworn affidavit to the Senate Judiciary Committee recounting Brett Kavanaugh drinking excessively at parties and engaging "in abusive and physically aggressive behavior toward girls, including pressing girls against him without their consent, 'grinding' against girls, and attempting to remove or shift girls' clothing to expose private body parts."

It is clear from reporting that there were others present or with knowledge of each of these shocking allegations who also should be interviewed. We have repeatedly asked Chairman Grassley and you to direct the FBI to investigate Dr. Ford's and Ms. Ramirez's allegations.

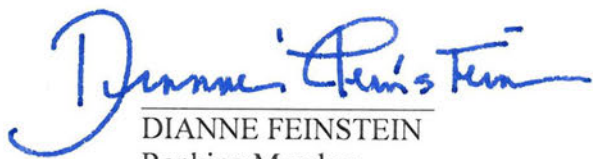
The serious and credible allegations of one woman should have been enough to require a complete investigation by the FBI. It should not have required multiple women with consistent accounts of serious sexual misconduct by Judge Kavanaugh to trigger a meaningful nonpartisan investigation.

Judge Kavanaugh is being considered for a promotion. He is asking for a lifetime appointment to the nation's highest court where he will have the opportunity to rule on matters that will impact Americans for decades. The

standard of character and fitness for a position on the nation's highest court must be higher than this. Judge Kavanaugh has staunchly declared his respect for women and issued blanket denials of any possible misconduct, but those declarations are in serious doubt.

We therefore ask that you immediately direct an FBI investigation or withdraw this nomination.


Sincerely,

  
DIANNE FEINSTEIN  
Ranking Member

  
PATRICK LEAHY  
United States Senator

  
RICHARD J. DURBIN  
United States Senator


  
SHELDON WHITEHOUSE  
United States Senator

  
AMY KLOBUCHAR  
United States Senator

  
CHRISTOPHER A. COONS  
United States Senator

  
RICHARD BLUMENTHAL  
United States Senator

  
MAZIE K. HIRONO  
United States Senator

  
CORY A. BOOKER  
United States Senator

  
KAMALA D. HARRIS  
United States Senator

cc: Hon. Charles E. Grassley, Chairman  
Senate Judiciary Committee

**Actions by Chairman Grassley and the Senate Judiciary Committee related to allegations made and disputed regarding Judge Brett Kavanaugh:**

A 38-year member of the Senate Judiciary Committee, Chairman Grassley has worked to secure a thorough, credible and effective committee process as the U.S. Senate meets its constitutional duty of advice and consent in considering the nomination of Judge Brett Kavanaugh to serve on the U.S. Supreme Court. Grassley reopened the hearing after four days and 32 hours of testimony from the nominee during the week of September 4, including a closed session available to all Judiciary Committee members to scrutinize any issues or concerns about the nominee that involve confidentiality. The supplemental hearing took place on September 27, and it provided a fair and professional forum for Dr. Christine Blasey Ford to share allegations she made about the nominee, and for the nominee to respond to questions and address those allegations.

In addition, Chairman Grassley has conducted extensive review and investigation of the allegations made by Dr. Ford and comments and statements made by others both in news media reports and in messages to other senators that have been given to the Judiciary Committee. A description of those efforts is provided here.

July 9	<ul style="list-style-type: none"><li>• President Trump announces Judge Kavanaugh’s nomination to become an Associate Justice on the Supreme Court of the United States.</li></ul>
July 30	<ul style="list-style-type: none"><li>• Dr. Ford drafts letter to Sen. Feinstein.</li></ul>
July 30 – August 7	<ul style="list-style-type: none"><li>• Dr. Ford consulted with Sen. Feinstein, who recommended Dr. Ford retain Debra Katz and her firm.</li></ul>
August 7	<ul style="list-style-type: none"><li>• Dr. Ford, represented by Debra Katz, takes a polygraph on Katz’s advice.</li></ul>
August 20	<ul style="list-style-type: none"><li>• Sen. Feinstein meets with Brett Kavanaugh, knowing of Dr. Ford’s allegations, and that she has retained Katz as counsel. She mentions neither to Kavanaugh during the meeting.</li></ul>
September 4-7	<ul style="list-style-type: none"><li>• Committee conducts a four day hearing on the nomination of Judge Kavanaugh, including a closed door session on September 6, which Sen. Feinstein did not attend.</li></ul>
September 7-10	<ul style="list-style-type: none"><li>• Judge Kavanaugh receives and responds to 1,287 “Questions for the Record” none of which address Dr. Ford’s allegations.</li></ul>
Wednesday September 12	<ul style="list-style-type: none"><li>• Sen. Feinstein transmits Dr. Ford’s letter to the FBI.</li><li>• Debra Katz leaves Capitol Hill shortly after the <i>Intercept</i> published an article with vague allegations against Judge Kavanaugh.</li></ul>
Thursday, September 13	<ul style="list-style-type: none"><li>• Sen. Feinstein tells Sen. Grassley of the existence of Dr. Ford’s letter after the Committee Executive Business Meeting to hold over the</li></ul>

	<p>nomination of Judge Kavanaugh to be Associate Justice of the Supreme Court.</p> <ul style="list-style-type: none"> <li>• Contents of letter leak to media.</li> </ul>
Friday, September 14	<ul style="list-style-type: none"> <li>• <i>New Yorker</i> publishes substance of Dr. Ford's allegations, but does not identify her by name.</li> <li>• Mark Judge interviews with <i>Weekly Standard</i> and denies Dr. Ford's allegations.</li> </ul>
Sunday September 16	<ul style="list-style-type: none"> <li>• <i>Washington Post</i> publishes article containing Dr. Ford's allegations and her identity. Dr. Ford names Judge Kavanaugh and Mark Judge as perpetrators and identifies two other individuals at party who are unnamed in <i>Washington Post</i> article. <i>Washington Post</i> says that four boys and Dr. Ford attended the party.</li> <li>• Sen. Grassley learns Dr. Ford's identity from <i>Washington Post</i> report.</li> <li>• Sen. Grassley instructs staff to begin investigation.</li> </ul>
Monday September 17	<ul style="list-style-type: none"> <li>• Dr. Ford's counsel appears on morning shows saying her client wants public hearing to tell her story.</li> <li>• Sen. Grassley invites Sen. Feinstein's staff to join the staff interview of Judge Kavanaugh, Dr. Ford and other witnesses in a member-level phone call. Sen. Feinstein declined to have her staff participate in the routine follow-up calls when new information is provided to the Committee from the FBI for the nominee's background file.</li> <li>• CNN publishes redacted version of letter originally sent by Dr. Ford to Ranking Member.</li> <li>• Committee notices hearing for following Monday, September 24 and invites Dr. Ford and Judge Kavanaugh to testify.</li> <li>• Committee investigative staff sent three emails to Dr. Ford's lawyers with no response.</li> <li>• Committee investigative staff requests interviews with Dr. Ford and Judge Kavanaugh with Republican and Democratic investigators.</li> <li>• Judge Kavanaugh submits to interview with Republican staff. Democratic staff refuses to participate in interview. Judge Kavanaugh asks for a hearing as soon as possible.</li> <li>• Dr. Ford does not submit to interview.</li> </ul>
Tuesday September 18	<ul style="list-style-type: none"> <li>• Committee investigative staff sent an additional email and placed two additional phone calls to Dr. Ford's lawyers with no response.</li> <li>• Committee investigative staff contacts Mark Judge and requests an interview.</li> <li>• Committee investigative staff learns identity of two witnesses identified by Dr. Ford but not named in <i>Washington Post</i> article—Patrick J. Smyth and Leland Ingham Keyser—and requests interviews.</li> </ul>

	<ul style="list-style-type: none"> <li>• Counsel for Mark Judge submits statement from Mark Judge in which he denies knowledge of party described by Dr. Ford and states he “never saw Brett act in the manner described by Dr. Ford.” He further states he has no other information to offer the Committee and does not wish to speak publicly regarding the allegations.</li> <li>• Counsel for Mr. Smyth submits statement from Mr. Smyth in which he denies any knowledge of the party described by Dr. Ford or of the allegations of improper conduct. He also states he “never witnessed any improper conduct by Brett Kavanaugh towards women.” He asks that the Committee accept the statement in response to any inquiry it has.</li> <li>• As far as we know, Democratic staff did not reach out to these witnesses.</li> <li>• At 7:57 p.m. Sen. Grassley hears from Dr. Ford’s attorney for the first time. Dr. Ford’s attorney submits letter to Sen. Grassley asking for a delay in the hearing. She does not address Committee’s request for interview with investigative staff.</li> <li>• Contemporaneously with the release of the letter, Dr. Ford’s attorney appears on a cable news show asking for hearing to be delayed.</li> </ul>
Wednesday September 19	<ul style="list-style-type: none"> <li>• Sen. Grassley sends letter to Dr. Ford’s attorney that offers Dr. Ford the opportunity for a public or private hearing.</li> <li>• Sen. Grassley reiterates request that Dr. Ford agree to an interview with Committee investigative staff. Dr. Ford’s attorneys do not respond to request.</li> </ul>
Thursday September 20	<ul style="list-style-type: none"> <li>• Committee staff has phone call with Dr. Ford’s attorneys regarding the conditions under which she would testify before the Committee. Committee staff offers a public hearing, a private hearing, a public staff interview, or a private staff interview.</li> <li>• Sen. Feinstein’s staff gives unredacted copy of Dr. Ford’s letter to Sen. Grassley’s staff after Sen. Grassley requested access and had yet to see unredacted version of the July 30 letter.</li> </ul>
Friday September 21	<ul style="list-style-type: none"> <li>• Committee staff reiterates request that Dr. Ford agree to an interview with Committee investigative staff. Committee staff offers to fly to California to obtain testimony. Dr. Ford’s attorneys do not respond to request.</li> <li>• Committee staff again reaches out to Ms. Keyser requesting an opportunity to conduct an interview regarding Dr. Ford’s allegations.</li> <li>• Dr. Ford’s attorneys asked on Thursday call with staff that their 10 a.m. deadline for accepting the Judiciary Committee’s invitation to testify at the September 24 hearing be extended. Sen. Grassley accommodated their request and extends to Friday at 5 p.m.</li> <li>• Sen. Grassley again extends Dr. Ford’s invitation to the hearing to 10 p.m. Friday.</li> </ul>

	<ul style="list-style-type: none"> <li>• Sen. Grassley responds to Dr. Ford’s attorney’s “modest proposal” for an additional day and extends the deadline to accept Dr. Ford’s invitation for the hearing by 2:30 p.m. on Saturday. This was the third extension to accommodate Dr. Ford’s decision to appear before the Committee.</li> </ul>
Saturday September 22	<ul style="list-style-type: none"> <li>• Counsel for Ms. Keyser—the fourth witness named by Dr. Ford and her “lifelong friend”—submits statement from Ms. Keyser in which she denies any knowledge of the party described by Dr. Ford. She further states she doesn’t know Judge Kavanaugh and doesn’t recall ever being at a party with him.</li> <li>• Dr. Ford accepts invitation to appear before the Committee, but pending further negotiations.</li> </ul>
Sunday September 23	<ul style="list-style-type: none"> <li>• Dr. Ford’s attorneys agree that Dr. Ford will appear at a public hearing on Thursday, September 27.</li> <li>• Committee staff sends to Dr. Ford’s and Judge Kavanaugh’s lawyers requests for the submission of relevant evidence in advance of the hearing.</li> <li>• Michael Avenatti tweets that he has a client with allegations and evidence implicating Judge Kavanaugh.</li> <li>• Within minutes, Committee staff reaches out to Mr. Avenatti to request client’s allegations and evidence. Mr. Avenatti declines to provide any allegations or evidence.</li> <li>• <i>New Yorker</i> publishes article containing allegations made by Deborah Ramirez that Judge Kavanaugh exposed himself to her during a college party.</li> <li>• Committee staff reaches out to Ms. Ramirez’s attorney within hours of the article’s publication and requests an interview with Ms. Ramirez.</li> </ul>
Monday September 24	<ul style="list-style-type: none"> <li>• Committee staff makes three more requests for any statement, testimony, or evidence from Ms. Ramirez. Ms. Ramirez’s attorneys decline to submit such materials.</li> <li>• Two Senate offices refer additional allegations to Committee staff. The first is an anonymous allegation in a letter given to the Chairman by Senator Gardner, posted from Denver. The letter claims that Judge Kavanaugh once forcefully and “sexually” shoved a woman he was dating into a wall at a bar in 1998. The second is an allegation from a man (whose name Senator Whitehouse has demanded we keep from the public) in Rhode Island relayed to Committee staff by Senator Whitehouse’s staff. The Rhode Island man claims that two men named “Brett and Mark” raped a woman on a boat in Newport in 1985, after which the man making the allegation claims he and a friend beat up “Brett and Mark.”</li> <li>• Committee staff request an interview with Judge Kavanaugh to question him regarding the allegations raised by Ms. Ramirez, Mr. Avenatti, the anonymous Denver letter, and the Rhode Island man.</li> </ul>

	<ul style="list-style-type: none"> <li>• Committee staff again requests Mr. Avenatti shares his client’s allegations and evidence. Mr. Avenatti declines to provide any allegations or evidence.</li> <li>• Committee staff have first interview with a man who believes he, not Judge Kavanaugh, had an encounter with Dr. Ford in 1982 that is the basis of her complaint. He describes the encounter as consensual. He submitted a written statement earlier in the day.</li> </ul>
Tuesday September 25	<ul style="list-style-type: none"> <li>• Committee investigative staff interview Judge Kavanaugh for approximately 90 minutes regarding Ms. Ramirez’s allegations in the <i>New Yorker</i> and the allegations received by two Senate offices. For the first time, Democratic staff attended the call, but expressly declined to ask Judge Kavanaugh any questions. Judge Kavanaugh denies each allegation.</li> <li>• Committee staff makes three more requests for any statement, testimony, or evidence from Ms. Ramirez. Ms. Ramirez’s attorneys decline to to submit such materials.</li> <li>• The Committee receives from Senator Harris an anonymous letter, postmarked 9/19 and signed “Jane Doe, Oceanside CA,” alleging that Judge Kavanaugh and others raped the author in the backseat of a car. The letter does not identify place, date, or the identity of the alleged accomplices.</li> <li>• Committee staff have a second interview with a man who believes he, not Judge Kavanaugh, had an encounter with Dr. Ford in the summer of 1982 that is the basis of her allegation. He described his recollection of their interaction in some detail, and described the encounter as consensual.</li> <li>• Committee staff interviewed a former Georgetown Prep student who was familiar with “party houses” in the Columbia Country Club area during the time in question and knew Judge Kavanaugh. He spoke in support of Kavanaugh’s good character.</li> <li>• After that interview, Committee staff interviewed that man again along with another person who knew Judge Kavanaugh in the 80s and was familiar with the houses at which Georgetown Prep students partied during the 1980s. Both spoke in favor of Kavanaugh and to his strength of character. Committee staff requested to speak to another person they suggested contacting.</li> <li>• Committee staff received a statement from another classmate of Kavanaugh at Georgetown Prep who provided information about the captions in the yearbooks.</li> <li>• Committee investigative staff also have received additional information, including regarding the characters of Dr. Ford and Judge Kavanaugh, have followed up on each one, and will continue to do so.</li> </ul>
Wednesday, September 26	<ul style="list-style-type: none"> <li>• Committee staff receives statement from Julie Swetnick, represented by Mr. Avenatti.</li> </ul>

	<ul style="list-style-type: none"> <li>• Committee staff responds asking that Ms. Swetnick be made available for an interview with committee staff. Mr. Avenatti returns an email, but does not respond to this request.</li> <li>• Committee staff follows up with Mr. Avenatti twice more asking that Ms. Swetnick be made available for an interview.</li> <li>• Committee investigative staff questions Judge Kavanaugh a third time this week on the allegations contained in the statement provided by Mr. Avenatti, along with an anonymous allegations made by a purported resident of San Diego. Judge Kavanaugh unequivocally denies both allegations. Democratic staff was present, but refused to ask questions.</li> <li>• Committee investigators learned of a woman who dated Kavanaugh in 1998, the same time as the anonymous allegation to Sen. Gardner's office. That girlfriend, Judge Friedrich of the District Court of the District of Columbia, wrote a letter to the Committee, strongly denying she was at the incident in question, and testifying that Judge Kavanaugh never acted that way around that time, or ever.</li> <li>• Committee investigative staff spoke with a friend of Ms. Swetnick about her allegations and any related information. The friend indicated that Ms. Swetnick had never previously mentioned either Judge Kavanaugh or this alleged incident.</li> <li>• Committee staff receives a more in-depth written statement from the man interviewed twice previously who believes he, not Judge Kavanaugh, had an encounter with Dr. Ford. He described the encounter as consensual.</li> <li>• Committee investigative staff spoke via phone with another man who believes he, not Judge Kavanaugh, had an encounter with Dr. Ford in 1982 that is the basis of her allegation. He explained his recollection of the details of the encounter, and described the encounter as consensual.</li> <li>• Committee investigative staff spoke via phone with a former classmate who provided information about the captions in the yearbooks, explaining they were innocuous but sometimes insensitive inside jokes.</li> <li>• Committee investigators contacted four people with knowledge of the individuals making allegations against Judge Kavanaugh. These interviews, all under penalty of felony, yielded information about the credibility of Ms. Swetnick, Judge Kavanaugh's lack of interactions with Dr. Ford in high school, and Dr. Ford's credibility.</li> <li>• Committee investigative staff interview a friend of Judge Kavanaugh who attests to his character.</li> <li>• Committee investigative staff interview an individual that had a dozen interactions with Ms. Swetnick over a period of four years, who has a negative view of Ms. Swetnick.</li> <li>• Senate investigators speak to a man with personal knowledge of Ford, says Ford assisted her friend in passing a polygraph exam.</li> </ul>
Thursday, September 27	<ul style="list-style-type: none"> <li>• Committee conducts hearing to solicit testimony from Dr. Ford and Judge Kavanaugh regarding Dr. Ford's allegations.</li> </ul>

	<ul style="list-style-type: none"> <li>• Committee receives letter from attorneys for Elizabeth Rasor, who claims to be the former girlfriend of Mark Judge. Rasor states that the <i>New Yorker</i> article accurately stated her recollections.</li> <li>• Committee receives anonymous letter claiming responsibility for the incident with Dr. Ford.</li> <li>• Committee investigative staff again interviewed a friend of Judge Kavanaugh who attests to his character.</li> </ul>
Friday, September 28	<ul style="list-style-type: none"> <li>• Committee investigative staff interview a friend of Ramirez, and determine she has no firsthand knowledge of the misconduct alleged.</li> <li>• Committee investigative staff interview an ex-boyfriend of Swetnick.</li> <li>• Committee investigative staff receives message from Senator Daines regarding a text from a woman who attended Yale with Judge Kavanaugh and resided in the same dormitory.</li> <li>• Committee investigative staff receives an anonymous message claiming the allegations that Judge Kavanaugh pushed a woman against a wall in 1998 were false.</li> <li>• Committee investigative staff attempts to contact a woman who gave no last and who called Chairman Grassley's office and claimed that she has important information related to Judge Kavanaugh.</li> <li>• Senator Blumenthal refers to the Committee several screenshots of a text message conversation regarding the Ramirez allegation.</li> <li>• Senate requests that the White House order the FBI to investigate all "current credible allegations" against Judge Kavanaugh.</li> <li>• Senate investigators speak again to a man with personal knowledge of Ford, says Ford assisted her friend in passing a polygraph exam.</li> </ul>
Saturday, September 29	<ul style="list-style-type: none"> <li>• Committee staff investigates email from a former Yale student related to Ramirez's allegations.</li> <li>• Committee staff investigates email from another former Yale student regarding Ramirez's allegation. He identified a classmate of Kavanaugh's at Yale who was known for exposing himself at parties.</li> <li>• Committee referred for criminal investigation a Rhode Island man's apparent false statements alleging misconduct by Kavanaugh.</li> </ul>
Sunday, September 30	<ul style="list-style-type: none"> <li>• Committee distributes memorandum from Rachel Mitchell outlining her views on the Ford allegations.</li> </ul>
Monday, October 1	<ul style="list-style-type: none"> <li>• Committee staff investigates email from an individual with knowledge about Georgetown Prep academics and uniforms related to allegations by Ramirez and Swetnick.</li> <li>• Committee staff investigates email from an attorney for an individual who was a classmate at Georgetown Prep claiming to have information relating to Renate.</li> </ul>

	<ul style="list-style-type: none"> <li>• Committee staff investigates email from character witness regarding Ramirez.</li> <li>• Committee staff speaks with two employees at a company where Ms. Swetnick worked, regarding her activities and credibility.</li> <li>• Committee staff speak with an attorney for an ex-boyfriend of Ms. Swetnick.</li> <li>• Committee staff spoke with an individual that went to Yale and shared information that cast doubt on Ramirez's story.</li> </ul>
October 2, 2018	<ul style="list-style-type: none"> <li>• Committee staff receives statement containing reports from multiple classmates of Dr. Ford regarding her character in high school.</li> <li>• Committee staff receives letter from a classmate of Brett Kavanaugh's in high school discussing his character as it relates to the Ford and Swetnick allegations.</li> <li>• Committee staff speaks with a college classmate of Ramirez and who knew Kavanaugh while he was in law school regarding Kavanaugh's character.</li> <li>• Committee staff reached out to associates of Dr. Ford and spoke with one of them.</li> <li>• Committee staff receives statement from Dr. Ford's ex-boyfriend stating that she had previously coached someone on a polygraph, contradicting her testimony, and had no claustrophobia or flying issues in the 1990s.</li> <li>• Committee staff talked to three individuals that knew Ms. Swetnick when she was in junior high and some years after and all three shared negative views about her character.</li> <li>• Committee staff spoke with an individual that met Ms. Swetnick at a business meeting.</li> </ul>

We asked the witnesses to submit to interviews. But we can't force them to interview without a subpoena. Witnesses provided categorical, unequivocal statements denying any memory of events matching Dr. Ford's allegations. Lying in those statements is punishable under the same federal law as lying in an interview.

The only remaining option would be to subpoena the witnesses. But that process takes a long time. Given that the witnesses' statements were categorical, an interview or deposition is unlikely to reveal any new information and therefore not worth the substantial cost and time needed to obtain and enforce the subpoenas. Of note, the Democrats have not joined our requests for witness interviews.

### **Background of Secret Evidence**

On July 9, 2018, the President announced Judge Kavanaugh's nomination to serve on the Supreme Court of the United States. Judge Kavanaugh has served on the most important federal appellate court in the country for the last 12 years. Before that, he held some of the most sensitive positions in the federal government. The President added Judge Kavanaugh to his short list for the Supreme Court more than 10 months ago – on November 17, 2017. As part of Judge Kavanaugh's

nomination to the Supreme Court, the FBI conducted its sixth full-field background investigation of Judge Kavanaugh since 1993 – 25 years ago. As part of these 6 prior FBI investigations, the FBI interviewed nearly 150 different people who know Judge Kavanaugh personally. Nowhere in any of these six FBI reports, which committee investigators have reviewed on a bipartisan basis, was there ever a whiff of any issue – at all – related in any way to inappropriate sexual behavior or alcohol abuse.

Dr. Ford first raised her allegations in a secret letter to the Ranking Member more than two months ago in July. The Ranking Member took no action. The letter was not shared with the Chairman, his colleagues, or his staff. These allegations could have been investigated in a way that maintained the confidentiality Dr. Ford requested.

Before his hearing, Judge Kavanaugh met privately with 65 senators, including the Ranking Member. But the Ranking Member did not ask Judge Kavanaugh about the allegations when she met with him privately in August. The Senate Judiciary Committee held its 4-day public hearing from September 4 to September 7, 2018. Judge Kavanaugh testified for more than 32 hours in public. The committee held a closed session for members to ask sensitive questions on the last evening, which the Ranking Member did not attend. Judge Kavanaugh answered nearly 1,300 written questions submitted by senators after the hearing – more than all prior Supreme Court nominees combined. Throughout this period, the Chairman did not know about the Ranking Member’s secret evidence.

Only at the eleventh hour, on the eve of Judge Kavanaugh’s confirmation vote, did the Ranking Member refer the allegations to the FBI. And then the allegations were leaked to the press. This is a shameful way to treat Dr. Ford, who insisted on confidentiality, and Judge Kavanaugh, who has had to address these allegations in the midst of a media circus.

When the Chairman received Dr. Ford’s letter on September 13, he and his staff recognized the seriousness of these allegations and immediately began the Committee’s investigation, consistent with the way the Committee has handled such allegations in the past. Every step of the way, the Democrat side refused to participate in what should have been a bipartisan investigation.

At Dr. Ford’s and Judge Kavanaugh’s requests, the Chairman re-opened Judge Kavanaugh’s confirmation hearing for a 5<sup>th</sup> day last Thursday, to provide a safe, comfortable, and dignified forum to hear Dr. Ford’s and Judge Kavanaugh’s testimony.

Following a bipartisan recommendation, the Committee hired Rachel Mitchell, who has served for nearly 25 years as a career prosecutor of sex-related and other crimes in Arizona, to question the witnesses. The goal was to de-politicize the process and get to the truth, instead of grandstanding and giving senators an opportunity to launch their presidential campaigns. Mitchell came to the following conclusion in this memo:

***A “he said, she said” case is incredibly difficult to prove. But this case is even weaker than that. Dr. Ford identified other witnesses to the event, and those witnesses either refuted her allegations or failed to corroborate them. For the reasons discussed below, I do not think that a reasonable prosecutor would bring this case based on the evidence before the Committee. Nor***

*do I believe that this evidence is sufficient to satisfy the preponderance-of-the-evidence standard.*

Several other accusers, some named and some anonymous, have made allegations against Judge Kavanaugh since Dr. Ford's allegations became public.

Attached are summaries of the Committee's investigations of these various allegations.

The Committee favorably reported (voted) Judge Kavanaugh's nomination to the Senate floor on September 28, with the understanding the FBI would conduct a supplemental FBI background investigation into current credible allegations against the nominee and which must be completed no later than on October 5.

Here are Chairman Chuck Grassley's public statements and releases:  
<https://www.judiciary.senate.gov/press/majority>

## **Tucker, Rachael (OAG)**

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**From:** Tucker, Rachael (OAG)  
**Sent:** Friday, October 5, 2018 2:38 PM  
**To:** Whitaker, Matthew (OAG)  
**Subject:** FW: Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Memorandum in Opposition  
**Importance:** High

Re: the case WHCO called you about on Wednesday (Kavanaugh). We are in a decent place.

---

**From:** Hunt, Jody (CIV)  
**Sent:** Friday, October 5, 2018 12:26 PM  
**To:** Wall, Jeffrey B. (OSG) (b) (6) >; Panuccio, Jesse (OASG) (b) (6) >; Tucker, Rachael (OAG) (b) (6) >; Hovakimian, Patrick (ODAG) (b) (6) >  
**Cc:** Mooppan, Hashim (CIV) (b) (6) >; LaCour, Alice S. (CIV) (b) (6) >; Shumate, Brett A. (CIV) (b) (6) >  
**Subject:** RE: Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Memorandum in Opposition  
**Importance:** High

See below, FYI . . .

**From:** Womack, Eric (CIV)  
**Sent:** Friday, October 05, 2018 12:19 PM  
**To:** Hunt, Jody (CIV) (b) (6) >; LaCour, Alice S. (CIV) (b) (6) >; Griffiths, John (CIV) (b) (6) >  
**Cc:** Pezzi, Stephen (CIV) (b) (6) >; Humphreys, Bradley (CIV) (b) (6) >  
**Subject:** FW: Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Order on Motion to Expedite

Judge Jackson just denied the motion for expedited relief. And, in addition, she appears to have vacated the need for any hearing whatsoever.

**From:** Pezzi, Stephen (CIV)  
**Sent:** Friday, October 05, 2018 12:16 PM  
**To:** Womack, Eric (CIV) (b) (6) >  
**Subject:** FW: Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Order on Motion to Expedite

### **Stephen M. Pezzi**

Trial Attorney

United States Department of Justice

Civil Division - Federal Programs Branch

(b) (6)

(b) (6)

**From:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov) [[mailto:DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)]

**Sent:** Friday, October 05, 2018 12:09 PM

**To:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)

**Subject:** Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Order on Motion to Expedite

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**U.S. District Court**

**District of Columbia**

### **Notice of Electronic Filing**

The following transaction was entered on 10/5/2018 at 12:08 PM and filed on 10/5/2018

**Case Name:** MERKLEY v. TRUMP et al

**Case Number:** [1:18-cv-02226-ABJ](#)

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**MINUTE ORDER.** The complaint in this case [1] concerns plaintiff Senator Jeff Merkley's access to documents related to Judge Brett Kavanaugh's previous work as a lawyer in the White House Counsel's Office. Senator Merkley seeks these records as part of the "Advice and Consent" process established by the United States Constitution. The complaint alleges, among other things, that on August 31, 2018, defendant William Burck, who was designated to review records from the George W. Bush Presidential Library, informed defendant Charles Grassley, the Chair of the Senate Judiciary Committee, that approximately 100,000 pages of documents would be withheld at the behest of defendant President Donald Trump on the basis of "presidential privilege." The complaint was filed approximately four weeks later, on September 26, 2018, and on October 3, 2018, plaintiff moved for the first time for a temporary restraining order directing defendant President Trump and defendant Burck to provide a privilege log identifying the materials that had been withheld. At a scheduling conference convened by the Court that afternoon, a briefing schedule was established. The Court did not set a hearing date at that time, and it stated that it would schedule a hearing if and when it deemed it necessary to do so after reviewing the defendants' combined motion to dismiss and opposition to the TRO. Later that day, the Court scheduled a hearing simply to ensure that the parties would be available on Tuesday if needed, but under the circumstances, the Court's original approach was the more appropriate one. It is the timing of the Court's full consideration of the legal positions of the parties, and not the timing of a hearing, that will control the timing of a decision. Therefore, the October 3, 2018 Minute Order scheduling a hearing for Tuesday October 9, 2018 is hereby VACATED, and plaintiff's motion [9] to accelerate the date of the hearing is DENIED as moot. The Court notes that the schedule of events related to the confirmation process described in the motion to expedite is not, as stated in the motion, a change of circumstances or a set of "new facts" that "have arisen since the scheduling conference;" the parties specifically informed the Court during the scheduling conference that the cloture vote was likely to take place on Friday and the vote as early as Saturday. While the complaint raises many questions related to the schedule

established by defendants McConnell and Grassley, and the motion for a TRO questions the existence of any urgency requiring a vote while the processing of other Senators' Freedom of Information Act requests for potentially relevant records is ongoing, the motion does not seek any relief, if any could be granted by the Court, related to the schedule of events in the Senate. Signed by Judge Amy Berman Jackson on 10/05/2018. (lcabj3)

**1:18-cv-02226-ABJ Notice has been electronically mailed to:**

Cyrus Mehri (b) (6), [pleadings@findjustice.com](mailto:pleadings@findjustice.com)

Christopher Landau (b) (6)

Stephen M. Pezzi (b) (6)

**1:18-cv-02226-ABJ Notice will be delivered by other means to::**

---

**From:** Wall, Jeffrey B. (OSG)

**Sent:** Thursday, October 04, 2018 5:59 PM

**To:** Hunt, Jody (CIV) (b) (6) >; Panuccio, Jesse (OASG) (b) (6) >; Tucker, Rachael (OAG) (b) (6) >; Hovakimian, Patrick (ODAG) (b) (6) >

**Cc:** Mooppan, Hashim (CIV) (b) (6) >; LaCour, Alice S. (CIV) (b) (6) >; Shumate, Brett A. (CIV) (b) (6) >

**Subject:** RE: Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Memorandum in Opposition

Strong response. Well done.

---

**From:** Hunt, Jody (CIV)

**Sent:** Thursday, October 4, 2018 5:57 PM

**To:** Wall, Jeffrey B. (OSG) (b) (6) >; Panuccio, Jesse (OASG) (b) (6) >; Tucker, Rachael (OAG) (b) (6) >; Hovakimian, Patrick (ODAG) (b) (6) >

**Cc:** Mooppan, Hashim (CIV) (b) (6) >; LaCour, Alice S. (CIV) (b) (6) >; Shumate, Brett A. (CIV) (b) (6) >

**Subject:** FW: Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Memorandum in Opposition

FYI . . .

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**From:** Pezzi, Stephen (CIV)

**Sent:** Thursday, October 04, 2018 5:47 PM

**To:** Hunt, Jody (CIV) (b) (6) >; LaCour, Alice S. (CIV) (b) (6) >; Griffiths, John (CIV) (b) (6) >; Womack, Eric (CIV) (b) (6) >

**Subject:** FW: Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Memorandum in Opposition

Our opposition to Plaintiff's motion to expedite the *Merkley* hearing is on file. Attached.

**Stephen M. Pezzi**

Trial Attorney

United States Department of Justice

(b) (6)

(b) (6)

**From:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov) [[mailto:DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)]

**Sent:** Thursday, October 04, 2018 5:45 PM

**To:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)

**Subject:** Activity in Case 1:18-cv-02226-ABJ MERKLEY v. TRUMP et al Memorandum in Opposition

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U.S. District Court

District of Columbia

### Notice of Electronic Filing

The following transaction was entered by Pezzi, Stephen on 10/4/2018 at 5:44 PM and filed on 10/4/2018

**Case Name:** MERKLEY v. TRUMP et al

**Case Number:** [1:18-cv-02226-ABJ](#)

**Filer:** JULIE ADAMS

CHARLES GRASSLEY

MITCH MCCONNELL

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

MICHAEL STENGER

DONALD J. TRUMP

**Document Number:** [10](#)

**Docket Text:**

**Memorandum in opposition to re [9] MOTION to Expedite *Hearing* filed by JULIE ADAMS, CHARLES GRASSLEY, MITCH MCCONNELL, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, MICHAEL STENGER, DONALD J. TRUMP. (Pezzi, Stephen)**

**1:18-cv-02226-ABJ Notice has been electronically mailed to:**

Christopher Landau (b) (6)

Cyrus Mehri (b) (6), [pleadings@findjustice.com](mailto:pleadings@findjustice.com)

Stephen M. Pezzi (b) (6)

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The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**suppressed

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=973800458 [Date=10/4/2018] [FileNumber=5704023-0]

[91bf62b0cbcef9660095e7427ecec02991ad4d0829efbafcf30433251e3cfd4f386

230f88a59d6311c02f4099cdba149af3fe0867d763da7f301b6553c53522]]

Engel, Steven A. (OLC)

---

**From:** Engel, Steven A. (OLC)  
**Sent:** Tuesday, May 7, 2019 9:13 PM  
**To:** O'Callaghan, Edward C. (ODAG); Kupec, Kerri (OPA)  
**Cc:** Boyd, Stephen E. (OLA); Rabbitt, Brian (OAG); Moran, John (OAG); Gannon, Curtis E. (OLC); Lasseter, David F. (OLA); Woltornist, Alexei (PAO); Weinsheimer, Bradley (ODAG)  
**Subject:** RE: Draft Statements  
**Attachments:** OLA to Nadler Requesting Delay of Contempt 5-7-19.docx; 5-8-19 Barr Letter re Mueller Report Protective Assertion 5-7 2000.docx; Mueller Report Protective EP Assertion v2.docx; OLA to Nadler Notifying of Protective Assertion.docx

Just so we have them in one place, here are the four relevant documents.

1. Letter from Boyd to Nadler requesting a delay of Committee vote (b)(5) per OLC [REDACTED]
2. Letter from AG to President requesting a protective assertion of EP (b)(5) per OLC [REDACTED]
3. Memorandum from President to AG making protective assertion (b)(5) per OLC [REDACTED]
4. Letter from Boyd to Nadler conveying protective assertion (b)(5) per OLC [REDACTED]

---

**From:** O'Callaghan, Edward C. (ODAG) <(b) (6)>  
**Sent:** Tuesday, May 7, 2019 9:01 PM  
**To:** Engel, Steven A. (OLC) <(b)(6) per OLC>; Kupec, Kerri (OPA) <(b) (6)>  
**Cc:** Boyd, Stephen E. (OLA) <(b) (6)>; Rabbitt, Brian (OAG) <(b) (6)>  
Moran, John (OAG) <(b) (6)>; Gannon, Curtis E. (OLC) <(b)(6) per OLC>;  
Lasseter, David F. (OLA) <(b) (6)>; Woltornist, Alexei (PAO) <(b) (6)>  
**Subject:** RE: Draft Statements

Edward C. O'Callaghan  
(b) (6)

---

**From:** Engel, Steven A. (OLC) <(b)(6) per OLC>  
**Sent:** Tuesday, May 7, 2019 8:41 PM  
**To:** Kupec, Kerri (OPA) <(b) (6)>  
**Cc:** O'Callaghan, Edward C. (ODAG) <(b) (6)>; Boyd, Stephen E. (OLA) <(b) (6)>; Rabbitt, Brian (OAG) <(b) (6)>; Moran, John (OAG) <(b) (6)>; Gannon, Curtis E. (OLC) <(b)(6) per OLC>; Lasseter, David F. (OLA) <(b) (6)>; Woltornist, Alexei (PAO) <(b) (6)>  
**Subject:** RE: Draft Statements

As the first step in the executive privilege process, OLA would send a letter to HJC requesting that the Committee postpone the vote. (b)(5) per OLC

Attached is the draft. Comments welcome. (b)(5) per OLC

From: Kupec, Kerri (OPA) <(b) (6)>  
Sent: Tuesday, May 7, 2019 4:25 PM  
To: Engel, Steven A. (OLC) <(b)(6) per OLC>  
Cc: O'Callaghan, Edward C. (ODAG) <(b) (6)> Boyd, Stephen E. (OLA) <(b) (6)> Rabbitt, Brian (OAG) <(b) (6)> Moran, John (OAG) <(b) (6)> Gannon, Curtis E. (OLC) <(b)(6) per OLC>; Lasseter, David F. (OLA) <(b) (6)> Woltornist, Alexei (PAO) <(b) (6)>  
Subject: Re: Draft Statements

No matter what version we go with, I want to include (b) (5)

Sent from my iPhone

On May 7, 2019, at 4:20 PM, Engel, Steven A. (OLC) (b) (6) wrote:

Any news from HJC?

A few suggested tweaks --

Statement #2 (b)(5) per OLC

[REDACTED]

(b)(5) per OLC

**From:** O'Callaghan, Edward C. (ODAG) <(b) (6)>  
**Sent:** Tuesday, May 7, 2019 3:18 PM  
**To:** Boyd, Stephen E. (OLA) <(b) (6)> Rabbitt, Brian (OAG)  
<(b) (6)> Moran, John (OAG) <(b) (6)> Engel, Steven A.  
(OLC) <(b)(6) per OLC>; Gannon, Curtis E. (OLC) <(b)(6) per OLC>  
**Cc:** Lasseeter, David F. (OLA) <(b) (6)> Woltornist, Alexei (PAO)  
<(b) (6)> Kupec, Kerri (OPA) <(b) (6)>  
**Subject:** RE: Draft Statements

Some suggestions for #2:

Statement #2 (b) (5)

[REDACTED]

Edward C. O'Callaghan  
(b) (6)

**From:** Boyd, Stephen E. (OLA) <(b) (6)>  
**Sent:** Tuesday, May 7, 2019 2:57 PM  
**To:** Rabbitt, Brian (OAG) <(b) (6)> O'Callaghan, Edward C. (ODAG)  
<(b) (6)> Moran, John (OAG) <(b) (6)> Engel, Steven  
A. (OLC) <(b)(6) per OLC>; Gannon, Curtis E. (OLC) <(b)(6) per OLC>  
**Cc:** Lasseeter, David F. (OLA) <(b) (6)> Woltornist, Alexei (PAO)  
<(b) (6)> Kupec, Kerri (OPA) <(b) (6)>  
**Subject:** Draft Statements

All:

We await the response to our proposal. Here are two draft statements for consideration. I'm passing these off to OPA as a starting point. Suggestions welcome.

Please don't send anything out until we indicate that we have a response.

SB

Statement #1 (b) (5)

[REDACTED]

Statement #2 (b) (5)

[REDACTED]

**Stephen E. Boyd**  
Assistant Attorney General  
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(b) (6)