



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

August 27, 2018

William A. Burck  
Quinn Emanuel  
1300 I Street, NW  
Suite 900  
Washington, DC 20005

Dear Mr. Burck:

I am writing to ask for an explanation regarding Brett Kavanaugh's White House counsel records that you have provided to the Committee. In particular, I seek an explanation regarding any redactions, alterations, or omissions in the documents that we have received thus far and a request that, going forward, any changes or omissions are identified and explained.

As you know, rather than receiving documents from the National Archivist and Bush Library directly, the Committee has been receiving Judge Kavanaugh's White House counsel documents from you and your team. Under the normal process, the nonpartisan Archivist would review documents and make redactions as necessary, including for privacy reasons. Those redactions would be clearly marked, along with the legal basis for each redaction.

In this case, however, the documents the Committee has received from your team appear to have redactions and alterations that are not identified. In addition, several documents reference attachments, memos or emails that have not been provided. As far as I am aware, the Committee has not received any explanation of whether and on what grounds documents may have been altered or why referenced documents are missing. In addition, your team has not provided a privilege log so we have no way of knowing how to interpret these omissions.

Given this opaque process, and the lack of a privilege log listing the documents that are being withheld, I am writing to ask that you clarify which documents produced by your team have been modified, why they were modified, whether documents have been withheld altogether and, if so, why.

Specifically, please provide the following:

1. A list of all emails and documents that have been altered or redacted;
2. An explanation of your redaction process, including the reasons for redacting information;
3. An explanation of the reasons for withholding documents from the Committee, including any privileges or other exemptions;
4. To the extent any document has not been produced based on a privilege or exemption of any kind, please describe each such document by date, author(s), addressee(s), recipients(s), title, and subject matter, and set forth the nature of the claimed privilege or exemption with respect to each.

Judge Kavanaugh's records are critically important for the Senate to perform its due diligence and fulfill our constitutional advice-and-consent responsibility. There are legitimate reasons for information to be redacted, and possibly withheld altogether. But without any explanation of what is being done and why, we cannot have confidence in the integrity of the documents that we have received, which unfortunately still represents only a fraction of Judge Kavanaugh's full record.

Please provide this information for the documents already provided to the Committee no later than Wednesday, August 29, 2018 and for any additional documents as they are produced. Thank you for your prompt attention to this matter.

Sincerely,

  
Dianne Feinstein  
United States Senator