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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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

February 21, 2017

The Honorable Jeff Sessions
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Sessions:

We write to request that the Department of Justice provide to the Committee certain documents in connection with the nomination of Judge Neil M. Gorsuch to serve as Associate Justice of the Supreme Court of the United States. Judge Gorsuch served as Principle Deputy to the Associate Attorney General from June 2005 to July 2006. We request that you identify and provide to the Committee the following documents relating to Judge Gorsuch's service to the Department:

- (1) Documents from Judge Gorsuch's service as Principal Deputy to the Associate Attorney General, including all documents preserved in his staff files and all documents he authored;
- (2) All electronic mail sent by or received by Judge Gorsuch during his Department of Justice tenure, including any documents attached to such emails.

To expedite your response and to facilitate the Committee's review, please produce documents on a rolling basis as you identify categories responsive to this request.

We recognize that in connection with prior Supreme Court nominations—including most recently the nomination of Justice Kagan, notwithstanding her service as Solicitor General of the United States—the Committee has not sought documents from the Department.

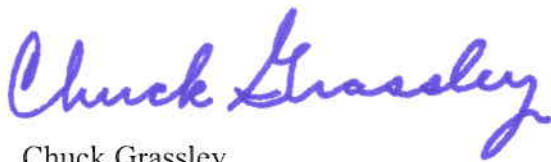
We also recognize the possibility that some documents responsive to our request would not otherwise be available to the public under law, even after the passage of time. Nevertheless, we also have an important responsibility to review Judge Gorsuch's record. We thus ask that you provide to the Committee on a "Committee Confidential" basis those documents that would otherwise be protected from public disclosure under 5 U.S.C. § 552(b). Such documents will be discussed only during a Closed Session of the Committee.

For the documents requested by this letter, the Committee intends to abide by its practice of declining to receive classified national security information or personal privacy information in

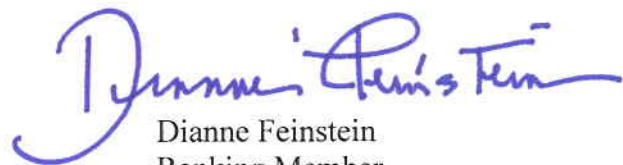
connection with its consideration of a Supreme Court nomination. We recognize that some documents responsive to this request may be protected under constitutional or common law privileges, which we intend to respect. Nevertheless, we hope that the number of documents responsive to our request and subject to such privileges—and for which the Department is unable to waive privilege for institutional reasons—will be as few as possible.

We understand that review and production of these documents is a significant undertaking. We appreciate your cooperation to assist in our review of Judge Gorsuch's nomination.

Sincerely,



Chuck Grassley
Chairman



Dianne Feinstein
Ranking Member

Guidelines

- a) This request is continuing in character. If additional responsive documents come to your attention following your initial production, please provide such documents to the Committee promptly.
- b) As used herein, “document” means the original (or an additional copy when an original is not available), all attached documents, and each distribution copy whether inscribed by hand or by electronic or other means. This request seeks production of all documents described, including all drafts and distribution copies, and contemplates production of responsive documents in their entirety, without abbreviation or expurgation.
- c) In the event that any requested document has been destroyed, discarded, or otherwise disposed of, please identify the document as completely as possible, including the date, author(s), addressee(s), recipient(s), title, and subject matter, and the reason for disposal of the document and the identity of all persons who authorized disposal of the document.