

August 8, 2018

The Honorable George W. Bush
Office of George W. Bush
P.O. Box 259000
Dallas, TX 75225-9000

Re: Access to records relevant to Brett Kavanaugh Supreme Court nomination

Dear Mr. Bush,

As organizations committed to open government and accountability, we are alarmed by your role contributing to the lack of transparency and selective access to records related to Supreme Court nominee Brett Kavanaugh.¹ In order for the Senate to fulfill its constitutional “advice and consent” responsibility, senators from *both* parties must have equal access to all documents relevant to a nominee, in as timely and complete a manner as possible. Your agreement with Chairman Grassley that allows Republican senators to secure access to records in your possession and dictate which documents will be released threatens the integrity of the Senate’s review of Supreme Court nominees and undermines a process which has enormous consequences for the country.

The records now under review reportedly include only documents from Judge Kavanaugh’s tenure in the White House Counsel’s office, not his time as Staff Secretary, excluding documents that shed light on Judge Kavanaugh’s qualifications to be a Supreme Court Justice.² Minority senators are being denied the right to request documents related to Judge Kavanaugh, while majority senators appear to have access to documents via your Presidential Records Act representatives. Giving such an unfair advantage to senators supporting Judge Kavanaugh’s nomination comes at the expense of a fully transparent process needed for full disclosure and scrutiny by all voting lawmakers.

Selective disclosures of documents with partisan political motivations hinder the Senate’s ability to fully assess Judge Kavanaugh’s background and qualifications. As a former president in possession of archives that are fundamentally important to preserving historical memory of government policy, you have a responsibility to ensure equal access to these records in a non-partisan and transparent manner. The Senate’s decision on whether to confirm a Supreme Court nominee has vast and long-lasting ramifications for the nation, and we implore you to do your part to make certain that lawmakers from all parties are able to request and access the documents they need to make that decision.

We ask that you refrain from continuing selective negotiations with senators for records, and instead ensure that all requests for documents in your possession and in your presidential library related to

¹ Letter to Senator Dianne Feinstein from Archivist David S. Ferriero, July 26, 2018: <https://bit.ly/2M7pPuV>.

² Senator Leahy Remarks on Judge Kavanaugh and Torture, August 1, 2018: <https://cs.pn/2Axsywy>.

Judge Kavanaugh's tenure at the White House are fulfilled, and do you part to provide full transparency and protect the integrity of the nomination process.

Thank you for your attention to these requests. For more information, please contact Lisa Rosenberg at Open the Government, lrosenberg@openthegovernment.org or 202-332-6736.

Sincerely,

American-Arab Anti-Discrimination Committee (ADC)
American Oversight
Campaign for Accountability
Center for Media and Democracy
Defending Rights & Dissent
Demand Progress
Electronic Privacy Information Center
Liberty Coalition
National Coalition Against Censorship
National Religious Campaign Against Torture
National Security Archive
Open the Government
Project On Government Oversight
Sunlight Foundation