



Nancy Pelosi
Democratic Leader

October 10, 2018

Mr. David M. Hardy
Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, Virginia 22602-4843

Dear Mr. Hardy:

On Saturday, the Senate confirmed Brett Kavanaugh to be an Associate Justice of the U.S. Supreme Court. Due to credible allegations of sexual assault, Justice Kavanaugh was the subject of a Federal Bureau of Investigation (FBI) supplemental background investigation. However, the FBI's supplemental background investigation appears to have been significantly limited in scope to ensure that a thorough investigation would not take place, numerous witnesses would not be questioned, and numerous questions would not be asked - including whether Justice Kavanaugh deliberately misled Congress on multiple subjects.

The FBI did not question many witnesses suggested by counsel of Dr. Ford and Ms. Ramirez nor did the FBI question Dr. Ford or Justice Kavanaugh for the FBI supplemental investigation. According to media accounts, numerous collaborating witnesses called into the FBI to offer assistance - and those witnesses were disregarded.

The failure to conduct a thorough investigation raises profound questions about the legitimacy of the Supreme Court. The public must know what limitations were imposed on the FBI and who imposed them, so this never happens again.

At the outset, I request that the FBI preserve all materials related to the nomination of Brett Kavanaugh to be an Associate Justice of the U.S. Supreme Court, including materials related to the FBI's supplemental background investigation. Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of the Department of Justice (DOJ), 28 C.F.R. Part 16, I make the following request for records:

- 1) the FBI's supplemental background investigation report of Justice Brett Kavanaugh, delivered to the Senate on October 3, 2018;
- 2) any other summary, report, or other summation of the FBI's supplemental background investigation of Justice Brett Kavanaugh, such as any material prepared for FBI or DOJ leadership, the White House, or the Senate;

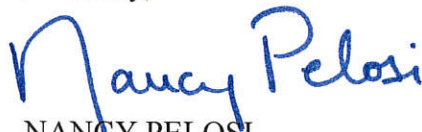
- 3) all records of the underlying interviews undertaken during the FBI's supplemental background investigation of Justice Brett Kavanaugh;
- 4) all notes taken by investigators during the FBI's supplemental background investigation of Justice Brett Kavanaugh;
- 5) all documents concerning the decision whether or not to interview Dr. Ford or Justice Kavanaugh;
- 6) all documents concerning Justice Kavanaugh's honesty during his confirmation process, including his Senate testimony;
- 7) all communications between the FBI and any person in the White House, including but not limited to White House Counsel Don McGahn, regarding the scope and content of the FBI's supplemental background investigation of Justice Brett Kavanaugh;
- 8) all communications between the FBI and any person in the Department of Justice regarding the scope and content of the FBI's supplemental background investigation of Justice Brett Kavanaugh;
- 9) all communications between the FBI and any Senator or Senate staff, including but not limited to any Member or staff of the Senate Judiciary Committee, concerning the scope and content of the FBI's supplemental background investigation of Justice Brett Kavanaugh; and
- 10) all internal communications within the FBI concerning the scope and content of the FBI's supplemental background investigation of Justice Brett Kavanaugh, including communications within the Office of the Director, the Office of the Deputy Director, and any individuals who participated in conducting or scoping the investigation.

Given the public interest in preserving the integrity of the Supreme Court, the information requested here should be provided as soon as possible. It is my expectation that the FBI will respond to this request expeditiously. As noted, I am requesting these materials pursuant to the Freedom of Information Act, and expect the FBI to make the appropriate determinations within the statutorily-defined 20-day deadline.¹ Please send the FBI's responses to this request to H-204, U.S. Capitol, Washington, D.C. 20515.

¹ Under FOIA, I am entitled to a fee waiver. 5 U.S.C. § 552(a)(4)(A)(iii); 28 C.F.R. § 16.10(k). The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. There is significant public interest in understanding the scope of the supplemental investigation of Justice Kavanaugh given the serious allegations of misconduct he faces and public reporting that the White House directed the FBI to severely limit its investigation in time and scope. The public deserves to know whether the FBI conducted an investigation intended to uncover the truth about the background of a Supreme Court nominee, or if the parameters of the FBI's investigation were narrowly limited for political reasons. I have the capacity and intention to inform a broad audience about government activities that are the subject of these records.

Thank you for your attention to this matter.

Sincerely,



NANCY PELOSI

House Democratic Leader

cc: The Honorable Christopher Wray
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, Northwest
Washington, D.C. 20535

Moreover, the request is primarily and fundamentally for non-commercial purposes. As a Member of Congress, I do not have a commercial purpose when I conduct my constitutional oversight responsibility. I am committed to taking the information I learn from these records to inform the public and have the platform to do so.