

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
August 23, 2018**

Good morning. Today, we have twelve judicial nominees on the agenda as well as the nominee to serve as Director of National Drug Control Policy. At the request of the minority, we will hold over these nominees. If we have enough members, we'll also vote on three U.S. Attorney nominees.

Before we turn to today's agenda, I'd like to speak briefly on the Supreme Court nomination. Over the past few days, several of my Democratic colleagues issued statements demanding that Judge Kavanaugh's confirmation hearing be delayed. They claim this is necessary because President Trump's former lawyer recently pleaded guilty to criminal violations of campaign finance law, allegedly at President Trump's direction. But the Senate Democrats are not united on their demand for delay. Senator Manchin, for example, wants Judge Kavanaugh's hearing to proceed as planned. I agree.

I'm not going to delay Judge Kavanaugh's confirmation hearing.

There's no precedent for delaying a hearing in these circumstances. In fact, there's clear precedent pointing the other way. In 1994, President Clinton nominated Justice Breyer to the Supreme Court. President Clinton was, at the time, under investigation by Independent Counsel Robert Fiske in connection with the Whitewater land deal. Indeed, President Clinton's own records were under a grand jury subpoena. Yet the Senate confirmed Justice Breyer during all this by a vote of 87-9.

Moreover, President Clinton was under investigation for much of his presidency and was eventually impeached for committing perjury. But the Senate didn't stop confirming his lifetime appointments to the bench. President Trump is not even close to being in the same situation as President Clinton.

My colleagues' pleas to delay the hearing ring hollow. I'll tell you why. Liberal outside groups and Senate Democratic leaders decided to oppose the President's Supreme Court nominee by any means necessary. Some even announced their opposition before Judge Kavanaugh was nominated. Minority Leader Schumer said he'd fight Judge Kavanaugh with everything he's got. Some Members of this Committee announced their opposition before giving him any consideration whatsoever. The goal has always been the same: delay the confirmation process as much as possible and hope Democrats take over the Senate in the midterm elections.

I'd like to address a few other inaccuracies about the confirmation process. Yesterday, my friend, the senator from Illinois, said that only 6% of Judge Kavanaugh's Executive Branch documents are available to the public. That's some fuzzy math. To get to this absurd figure, you have to

assume that the universe of documents includes emails sent by other people in the White House merely mentioning Brett Kavanaugh's name during the eight years of the Bush Administration.

Why would my friend use that figure in his calculations? After all, we didn't receive documents merely mentioning Justice Kagan's name—only those documents to and from her. When you use the actual numbers of documents we requested versus documents we've made public, it's clear that a substantial number of Judge Kavanaugh's documents are available to the public.

My friends on the other side also claim that 99% of Justice Kagan's documents were disclosed. Not true. They apply a different standard than the one they apply to calculate Judge Kavanaugh's figure. They don't include the 60,000 or so documents mentioning Justice Kagan's name in their calculations. But they include mentions of Judge Kavanaugh's name in saying we've only seen 6% of his documents. They also don't include Justice Kagan's Solicitor General documents, saying they're only looking at White House records.

This is just pure partisan math. All to distract from the fact that we have received almost three times the number of pages for Judge Kavanaugh than we received for Justice Kagan. This is on top of the fact that we have Judge Kavanaugh's twelve-year judicial record to look at, while we didn't have any judicial writings to review for Justice Kagan. This is the most transparent and open Supreme Court confirmation process of all time. You're entitled to your own opinions about Judge Kavanaugh, but you're not entitled to your own facts about the transparency of this confirmation process.

We are working to make as many of the documents we receive publicly available as soon as possible. It's common practice to receive documents as "committee confidential". We've done it in each of the last two Supreme Court confirmations. Here, we are holding documents confidential until we can assure ourselves that we won't disclose sensitive, confidential information to the public.

My goal is to make as many publicly available as possible. I have instructed my staff to work with the legal teams for President Bush and President Trump to waive "committee confidentiality" for specific documents that my colleagues would like to use at the confirmation hearing. This is also consistent with how the Judiciary Committee has handled this issue in the past.

And, of course, all my Senate colleagues are welcome to review "committee confidential" documents at their convenience. We already have several computer stations setup for any senator to go—anytime, 24/7—and read any of the documents produced to the committee. Simply get in touch with my staff. They will make sure that each member has full access to the range of "committee confidential" documents.