



August 17, 2018

The Honorable Charles E. Grassley, Chairman
The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

This letter is in further response to your August 3, 2018, letter to David S. Ferriero, Archivist of the United States, requesting Office of Independent Counsel Kenneth W. Starr (Starr OIC) records concerning Judge Brett M. Kavanaugh, who served as an Associate Counsel in the Office of Independent Counsel Kenneth W. Starr from September 6, 1994, until November 20, 1997, and again from April 27, 1998, until December 1, 1998. You requested the following records:

- (1) Documents from Brett M. Kavanaugh's service as Associate Counsel in the Office of Independent Counsel, including all documents preserved in his staff files and all documents he authored in whole or in part, edited, revised, or approved;
- (2) All memos, letters, or electronic mail sent by or received by Brett M. Kavanaugh during his tenure in the Office of Independent Counsel, including any such memos, letters, or electronic mail on which he was a carbon copy or blind carbon copy recipient, and including any documents attached to such memos, letters, or electronic mail.

As previously referenced in my August 9, 2018 letter, NARA has been processing for public release, on an expedited basis, all of the Starr OIC records that we can identify as related to Judge Kavanaugh, based on the information available to us on these records. NARA has now completed its review.

The enclosed DVDs (a copy set for each of you) represents the second and final release of responsive records to the Committee. The discs contain copies of an additional 12,349 pages of records that we have processed – in which 9,809 pages are released in full, and 2,540 pages are withheld (i.e., redacted) in full or in part (each page withheld in full is represented by a withdrawal sheet that indicates the applicable FOIA exemption) – this includes approximately 224 pages that were processed in response to earlier FOIA requests. Information in this release is being withheld in full or in part in accordance with relevant and applicable FOIA exemptions, including: exemption (b)(3), for grand jury information; exemption (b)(6), for personal privacy

NATIONAL ARCHIVES *and*
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information; exemption (b)(7)(C), for law enforcement privacy information; and exemption (b)(7)(D), for information concerning law enforcement confidential sources. Please note that no information is being withheld on the basis of any constitutional or common-law privileges. A spreadsheet that lists each of the folders, the total number of pages, the number of pages redacted, and the applicable FOIA exemptions is also included. We expect to be able to post these records on our website by Monday, August 20, 2018.

As previously discussed with both of your staffs and agreed on, NARA is providing these records in the same form that we are releasing them to the public, recognizing that the Committee reserves the right to subsequently request, on a "Committee Confidential" basis, specific documents that would otherwise be exempt.

If you have any questions concerning this request, please feel free to have your staff contact me at 301-837-3026.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary M. Stern", with a long horizontal flourish extending to the right.

GARY M. STERN
General Counsel

Enc.

cc:

Mr. Donald McGahn
Counsel to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500