

From Kavanaugh's 2004 hearing:

Chairman HATCH. Now, this is an important question. Did Mr. Miranda ever share, reference, or provide you with any documents that appeared to you to have been drafted or prepared by Democratic staff members of the Senate Judiciary Committee?

Mr. KAVANAUGH. No, I was not aware of that matter ever until I learned of it in the media late last year.

Chairman HATCH. Did Mr. Miranda ever share, reference, or provide you with information that you believed or were led to believe was obtained or derived from Democratic files?

Mr. KAVANAUGH. No. Again, I was not aware of that matter in any way whatsoever until I learned it in the media. [46]

Senator SCHUMER. Thank you, Mr. Chairman. And thank you, Mr. Kavanaugh. First, I just want to clear up the questions that Orrin asked. You had said that Mr. Miranda never provided these documents, you know, that were from this.

Mr. KAVANAUGH. Right.

Senator SCHUMER. Had you seen them in any way? Did you ever come across memos from internal files of any Democratic members given to you or provided to you in any way?

Mr. KAVANAUGH. No.

Senator SCHUMER. Thank you. [47]

Senator DURBIN. I guess what it boils down to is this. Since you've worked up here for so long. You had to be able to spot things that were being said that looked revealing. When Manny Miranda has a revelation about questions that might be asked of a nominee or what the schedule is going to be under a Democratic Chairman, did that ever come up, and did it ever raise a question in your mind that perhaps he knew just a little bit too much for a staffer on Capitol Hill?

Mr. KAVANAUGH. There was—I have thought about this, Senator—there was nothing out of the ordinary of what Senate staffs would tell us or what we would hear from our Legislative Affairs folks. That said, I cannot tell you whether something that he said at some point, directly or indirectly, derived from his knowledge that may have come from these documents. I just cannot speak to that at all. I can say, in direct response to your question, that, no, I never suspected anything untoward. Had I suspected something untoward, I would have talked to Judge Gonzalez about it, who I know would have talked to Senator Hatch about it, but I never did suspect anything untoward. [71-72]

From Kavanaugh's combined response to a long set of questions on the matter submitted to him after the hearing:

“Before there was a public revelation of the matter in late 2003, I was not aware nor did I suspect that information related to the Senate’s judicial confirmations process had been obtained from Democratic computer files. I was informed that I am not a target or subject of the investigation into this matter.

“I knew Mr. Miranda, as he and many other Senate staffers were part of regular meetings, telephone calls, and emails about the judicial confirmation process. These meetings, calls, and emails were typical of how judicial confirmations have been handled in past Administrations. I never knew or suspected that he or others had obtained information from Democratic computer files. I know of no one in the Administration or elsewhere who had any such knowledge or suspicion. I assumed that he, like many staffers and legislative affairs personnel in the Administration and on the Committee, talked often to the staffs of Democratic members to appropriately obtain as much information as possible about the hearings, questions, concerns, individual nominees, and the like. Such inquiries and conversations are standard and appropriate on both sides, and they tend to generate and reveal a great deal of relevant information that is shared by both sides of the Committee with the other side and with the Administration. In my experience, the Senators on the Committee and their staffs have been open about likely questions and general concerns, and many Senators and staffers on both sides have provided helpful information with respect to timing of hearings, specific concerns about nominees, and overall plans and strategy. Usually, for example, Senators on both sides would explain any areas of concern to the Administration and often directly to the nominees well before any individual hearings. As I explained to Senator Durbin at my hearing, I cannot be sure which of the information orally or in writing by Senate staffers or others may have been derived in whole or in part from information obtained from Democratic computer files. To reiterate, before there was a public revelation of the matter in late 2003, I was not aware nor did I suspect that information related to the Senate judicial confirmations process had been obtained from Democratic computer files.” [115-116]

From Kavanaugh's 2006 hearing:

Senator DURBIN. Did you ever work with [Manny Miranda] in terms of judicial nominations?

Mr. KAVANAUGH. He was part of a group of Senate staffers that did work on judicial nominations with people at the Department of Justice and the White House Counsel's Office. We talked about this last time. I did not know about any memos from the Democratic side. I did not suspect that. Had I known or suspected that, I would have immediately told Judge Gonzales, who I'm sure would have immediately talked to Chairman Hatch about it. Did not know about it, did not suspect it. He was part, however, of the staff, of course, that worked on judicial nominations, including with—on both sides. [27]

Senator KENNEDY. OK. Just finally, on the documents that were taken here from the Committee and that you have the familiarity— and you have indicated that you, in reviewing

them, had no understanding or awareness that they had been taken, been stolen. Have you ever gone back, now that you are aware of it, and seen what decisions you may or might not have taken on the basis of documents that were illegally taken? To see whether you may have made some judgments or decisions to reach certain conclusions, now that you know that they were not properly taken? Have you ever thought, well, I ought to go back, I might have made some judgments or decisions when I was working for the President and I ought to take a look at this, since you know that these documents now were taken? Have you ever thought about that?

Mr. KAVANAUGH. Senator, there's a very important premise in your question that I think is incorrect, which is I didn't know about the memos or see the memos that I think you're describing. So I think—

Senator KENNEDY. Oh, you never saw any of those?

Mr. KAVANAUGH. No, Senator, that's correct. I'm not aware of the memos, I never saw such memos that I think you're referring to. I mean, I don't know what the universe of memos might be, but I do know that I never received any memos and was not aware of any such memos. So I just want to correct that premise that I think was in your question. [31-32]