THE RECORD(S) OF JUDGE BRETT M. KAVANAUGH: A CASE STUDY OF INFORMATION ACCESS, EXECUTIVE PRIVILEGE AND ACCESS TO EXECUTIVE BRANCH INFORMATION IN THE UNITED STATES SENATE JUDICIARY COMMITTEE

Abstract
This study presents findings from a close examination of five days of hearings before the Senate Judiciary Committee on the Nomination of Judge Brett M. Kavanaugh to the Supreme Court of the United States as a historical case study of federal information policy. I examined the shaping of federal information policy by the Senate Judiciary Committee itself, each Committee members' views on Executive power and Executive privilege as well as current and former President's impact on the process. I also examined the record of
Executive privilege is the power of the President of the United States and other members of the executive branch of the United States Government to resist certain subpoenas and other interventions by the legislative and judicial branches of government in pursuit of information or personnel relating to the executive. The Supreme Court confirmed the legitimacy of this doctrine in United States v. Nixon in the context of a subpoena emanating from the judiciary, instead of emanating from Congress. The Court held that there is a qualified privilege, which once invoked, creates a presumption of privilege, and the party seeking the documents must then make a "sufficient showing" that the "Presidential material". Executive privilege is the right of the president of the United States and other members of the executive branch to maintain confidential communications under certain circumstances within the executive branch and to resist some subpoenas and other oversight by the legislative and judicial branches of government in pursuit of particular information or personnel relating to
those confidential communications. The right comes into effect when revealing information would impair governmental functions. Here are ways that the executive, judiciary, and legislative branches keep one another in line: · The president (head of the executive branch) serves as commander in chief of the military forces, but Congress (legislative branch) appropriates funds for the military and votes to declare war. Both the House of Representatives and the Senate have to pass a bill in the same form for it to become law. · Once Congress has passed a bill, the president has the power to veto that bill. The United States Senate is the upper house of the legislative branch of the federal government, with the House of Representatives referred to as the lower house. In the United States, the terms “upper” and “lower” house are not literal; they date back to a time in the 1780s. · The president (head of the executive branch) serves as commander in chief of the military forces, but Congress (legislative branch) appropriates funds for the military and votes to declare war. Both the House of Representatives and the Senate have to pass a bill in the same form for it to become law. · Once Congress has passed a bill, the president has the power to veto that bill. The United States Senate is the upper house of the legislative branch of the federal government, with the House of Representatives referred to as the lower house. In the United States, the terms “upper” and “lower” house are not literal; they date back to a time in the 1780s. The president (head of the executive branch) serves as commander in chief of the military forces, but Congress (legislative branch) appropriates funds for the military and votes to declare war. Both the House of Representatives and the Senate have to pass a bill in the same form for it to become law. · Once Congress has passed a bill, the president has the power to veto that bill. The United States Senate is the upper house of the legislative branch of the federal government, with the House of Representatives referred to as the lower house. In the United States, the terms “upper” and “lower” house are not literal; they date back to a time in the 1780s. The president (head of the executive branch) serves as commander in chief of the military forces, but Congress (legislative branch) appropriates funds for the military and votes to declare war. Both the House of Representatives and the Senate have to pass a bill in the same form for it to become law. · Once Congress has passed a bill, the president has the power to veto that bill. The United States Senate is the upper house of the legislative branch of the federal government, with the House of Representatives referred to as the lower house. In the United States, the terms “upper” and “lower” house are not literal; they date back to a time in the 1780s.