

May 26, 2017

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

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

Enclosed please find my response to one additional question submitted by Senator Leahy on May 25, 2017, following my appearance before the Senate Judiciary Committee on May 10, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read 'Makan Delrahim', with a stylized flourish at the end.

Makan Delrahim

cc: Senator Patrick J. Leahy
Senate Committee on the Judiciary

**QUESTION POSED TO
MAKAN DELRAHIM
NOMINEE TO BE ASSISTANT ATTORNEY GENERAL
OF THE ANTITRUST DIVISION**

FOLLOW UP QUESTION FROM SENATOR PATRICK J. LEAHY

1. In your response to my first question, you state: “I would also like to note that to the best of my knowledge, Mr. Miranda’s activities accessing the documents occurred while he was on Senator Frist’s staff and not on the Senate Judiciary Committee staff.”

According to the Pickle Report (redacted version available at <http://news.findlaw.com/cnn/docs/senate/pickle30404rpt1.html>), “The Nominations Unit clerk reported that he had access to the home directories of other users shortly after beginning his employment in the fall of 2001 until the spring of 2003.” During that time, in concert with Mr. Miranda, “over the course of accessing other users’ files for approximately 18 months, the clerk downloaded thousands of documents.” Mr. Miranda did not join Senator Frist’s staff until January 2003. You were Staff Director during the 18 months noted in the Report.

Q: Is it your contention then that, notwithstanding the facts presented in the Pickle Report, there was no access to Democratic computer systems by Mr. Miranda or others on your staff during your tenure as Staff Director?

RESPONSE: I appreciate the opportunity to clarify my May 22, 2017, written response to your question for the record (question #1). I do not dispute the findings of the Pickle Report. When responding to your question #1, I had not re-read the Pickle report, which was issued over a decade ago. I have since reviewed the report and the timelines regarding Mr. Miranda’s and another junior staff member's actions, including any overlap with my tenure as Staff Director for the Senate Judiciary Committee. As stated in my previous response, at the time I was Staff Director I was not aware of any of the misconduct at issue. I learned of this misconduct through public reporting after I had left the Committee staff. I find the misconduct described in the report to be completely inappropriate, do not excuse it, and deeply regret that any such conduct by Senate Judiciary Committee staff occurred.