

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 7:47 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- request for evidence

FYI, Mr. Clune is going on CNN tonight to complain about the Senate Judiciary Committee.

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 7:45 PM
To: 'Garnett, Stan' (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: John Clune (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; William Pittard (b) (6) >
Subject: RE: SCOTUS -- request for evidence

Mr. Clune,

This is now my **6th request for evidence** from Ms. Ramirez that I have made **over the last 48 hours**. Please see below.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Garnett, Stan (b) (6)]
Sent: Tuesday, September 25, 2018 4:48 PM
To: Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: John Clune (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; Davis, Mike (Judiciary-Rep) (b) (6) >; William Pittard (b) (6) >
Subject: Re: SCOTUS -- request for evidence

I will not be on tonight's call. Bill Pittard will be on the call.

Stanley L. Garnett
Brownstein Hyatt Farber Schreck, LLP
410 Seventeenth Street, Suite 2200
Denver, CO. 80202
(b) (6) tel

(b) (6) cell

(b) (6)

On Sep 25, 2018, at 2:44 PM, Sawyer, Heather (Judiciary-Dem) (b) (6)

> wrote:

Senator Feinstein's staff can do that time. It will be me and Jennifer Duck and we can be reached at (b) (6).

Mike, if you or others on the Grassley team want to join, send us a number and we'll loop you in.

Thank you,

Heather

From: John Clun (b) (6)]

Sent: Tuesday, September 25, 2018 3:55 PM

To: Sawyer, Heather (Judiciary-Dem) (b) (6) >

Cc: Garnett, Stan (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6)

(b) (6) >; Davis, Mike (Judiciary-Rep) (b) (6) >

Subject: Re: SCOTUS -- request for evidence

Are we confirmed for a call at 5pm MDT?

Sent from my iPhone

On Sep 25, 2018, at 8:45 AM, Sawyer, Heather (Judiciary-Dem) (b) (6)

> wrote:

Duplicative Material (Document ID: 0.7.22222.224824)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 8:07 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: SCOTUS -- request for evidence
Attachments: 09252018 Rameriz Emails.pdf

Email exchange also attached in PDF.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
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From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 8:05 PM
To: Sawyer, Heather (Judiciary-Dem) (b) (6) >; Garnett, Stan (b) (6) >
Cc: John Clune (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; William Pittard (b) (6) >
Subject: RE: SCOTUS -- request for evidence

Heather,

I have not refused to speak with anyone. I am simply requesting – for the **7th time now over the last 48 hours** – that Ms. Ramirez’s attorneys provide the Senate Judiciary Committee with any evidence that they have before we move to the next steps.

This is the same process that we have used for every other person who has brought allegations to the Senate Judiciary Committee related to this nomination, including most recently with attorney Michael Avenatti. And as we saw, Mr. Avenatti has failed to come forward with any evidence, after making his outlandish claims nearly 48 hours ago.

Again:

1. Does Ms. Ramirez have any other evidence, including other statements, in addition to those that are contained in the New Yorker article?
2. Is Ms. Ramirez willing to provide her evidence, including her testimony, to committee investigators?

Again, we welcome the receipt of Ms. Ramirez’s (and anyone else’s) evidence in the form of a letter or email to the

Chairman and Ranking Member, a letter or email from counsel to the Chairman and Ranking Member, or a statement to committee investigators.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
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From: Sawyer, Heather (Judiciary-Dem)
Sent: Tuesday, September 25, 2018 7:54 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >; Garnett, Stan (b) (6) >
Cc: John Clune (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; William Pittard (b) (6) >
Subject: RE: SCOTUS -- request for evidence

Mike,

As you're aware, Ms. Ramirez's counsel have repeatedly requested to speak with the Committee, on a bipartisan basis, to determine how to proceed. You refused. I've never encountered an instance where the Committee has refused even to speak with an individual or counsel. I am perplexed as to why this is happening here, except that it seems designed to ensure that the Majority can falsely claim that Ms. Ramirez and her lawyers refused to cooperate. That simply is not true.

If you're willing, I propose we schedule a time to talk – in a bipartisan fashion – with Ms. Ramirez's counsel. I can make myself available when convenient for you and for her team.

Thank you,

Heather

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 7:45 PM
To: Garnett, Stan (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: John Clune (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; William Pittard (b) (6) >
Subject: RE: SCOTUS -- request for evidence

Duplicative Material (Document ID: 0.7.22222.225239)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 10:11 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Grassley Hires Experienced Prosecutor to Question Witnesses



-
FOR IMMEDIATE RELEASE

Tuesday, September 25, 2018

Grassley Hires Experienced Prosecutor to Question Witnesses During Thursday's Session of Kavanaugh Confirmation Hearing

WASHINGTON — Senate Judiciary Committee Chairman Chuck Grassley said he has asked Rachel Mitchell, a career prosecutor with decades of experience prosecuting sex crimes, to question the witnesses scheduled to testify on Thursday at the committee's continuation of its hearing to consider the nomination of Judge Brett Kavanaugh to serve on the United States Supreme Court.

Mitchell is serving as nomination investigative counsel for the majority members on the committee for consideration of this nomination.

"As I have said, I'm committed to providing a forum to both Dr. Ford and Judge Kavanaugh on Thursday that is safe, comfortable and dignified. The majority members have followed the bipartisan recommendation to hire as staff counsel for the committee an experienced career sex-crimes prosecutor to question the witnesses at Thursday's hearing. The goal is to de-politicize the process and get to the truth, instead of grandstanding and giving senators an opportunity to launch their presidential campaigns. I'm very appreciative that Rachel Mitchell has stepped forward to serve in this important and serious role. Ms. Mitchell has been recognized in the legal community for her experience and objectivity," Grassley said. "I've worked to give Dr. Ford an opportunity to share serious allegations with committee members in any format she'd like after learning of the allegations. I promised Dr. Ford that I would do everything in my power to avoid a repeat of the 'circus' atmosphere in the hearing room that we saw the week of September 4. I've taken this additional step to have questions asked by expert staff counsel to establish the most fair and respectful treatment of the witnesses possible."

Mitchell came to the committee staff from Arizona, where she is on leave as Deputy County Attorney in the Maricopa County Attorney's Office in Phoenix and the Division Chief of the Special Victims Division, which consists of sex-crimes and family-violence bureaus. She had served as a prosecutor since 1993. She previously spent 12 years running the bureau in the Division responsible for the prosecution of sex-related felonies, including child molestation, adult sexual assault, cold cases, child prostitution and computer-related sexual offenses. She also supervised a satellite bureau responsible for the prosecution of felonies

including child molestation, adult sexual assault, child physical abuse and neglect, elder abuse, stalking, and domestic violence. She is a widely recognized expert on the investigation and prosecution of sex crimes, and has frequently served as a speaker and instructor on the subject. In particular, Mitchell has for many years instructed detectives, prosecutors, child-protection workers and social workers on the best practices for forensic interviews of victims of sex crimes.

In 2013, Mitchell received the David R. White Excellence in Victim Advocacy Award from the Arizona Prosecuting Attorneys' Advisory Council. In 2006, she was named Prosecutor of the Year by the Maricopa County Attorney's Office, and she received the Outstanding Child Abuse Legal Professional Award for Excellence from the Arizona Children's Justice Task Force. And in 2003, she was recognized by Governor Janet Napolitano and Attorney General Terry Goddard as the Outstanding Arizona Sexual Assault Prosecutor of the Year.

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

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Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 11:37 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: SCOTUS -- request for evidence
Attachments: 180925 - Ltr to Davis.pdf; 09.23.18 CEG to BMK Attorneys.pdf

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 11:05 PM
To: (b)(6) Beth Wilkinson > (b)(6) Beth Wilkinson > (b)(6) Alexandra Walsh > (b)(6) Alexandra Walsh >
Cc: 'Michael R. Bromwich' (b)(6) >; 'Lisa Banks' (b)(6) > (b)(6) Debra Katz > (b)(6) Debra Katz >; Duck, Jennifer (Judiciary-Dem) (b)(6) >; Sawyer, Heather (Judiciary-Dem) (b)(6) >; Covey, Jason (Judiciary-Rep) (b)(6) >; Mehler, Lauren (Judiciary-Rep) (b)(6) >; Kenny, Steve (Judiciary-Rep) (b)(6) >; Ferguson, Andrew (Judiciary-Rep) (b)(6) >
Subject: FW: SCOTUS -- request for evidence

Ms. Wilkinson and Ms. Walsh,

Attached are the materials submitted by Dr. Ford to the Senate Judiciary Committee, for purposes of Day 5 (Thursday, 9/27/2018) of the public nomination hearing for Judge Brett Kavanaugh to serve as an Associate Justice on the Supreme Court of the United States.

Per the attached 9/23/2018 document request sent by the Chairman, please provide Judge Kavanaugh's responsive evidence on or before tomorrow.

I have copied Dr. Ford's legal team, along with the Chairman and Ranking Member's staff. Please copy all of these individuals on your email submission.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
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From: Joseph Abboud (b)(6)]
Sent: Tuesday, September 25, 2018 9:18 PM
To: Davis, Mike (Judiciary-Rep) (b)(6) >; 'Michael R. Bromwich' (b)(6) >; Lisa Banks (b)(6) >; Debra Katz (b)(6) >

Cc: Sawyer, Heather (Judiciary-Dem) (b) (6) >
Subject: RE: SCOTUS -- request for evidence

Mr. Davis,

Please see attached.

Thanks,



[Joseph E. Abboud](#)

Associate

1718 Connecticut Ave., N.W.

Sixth Floor

Washington, D.C. 20009

Tel: 202-299-1140

Fax: 202-299-1148

Email (b) (6)

Website: www.kmblegal.com

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From: Davis, Mike (Judiciary-Rep (b) (6))]

Sent: Sunday, September 23, 2018 4:26 PM

To: 'Michael R. Bromwich' (b) (6) >; Lisa Banks (b) (6) >; Debra Katz (b) (6) >; Joseph Abboud (b) (6) >

Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >

Subject: SCOTUS -- request for evidence

Counsel:

Please find the attached letter from the Chairman.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
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CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
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THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

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AMY KLOBUCHAR, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
KAMALA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

September 23, 2018

DELIVERED VIA EMAIL

Ms. Beth Wilkinson
Ms. Alexandra Walsh
Wilkinson Walsh & Eskovitz
2001 M Street NW
10th Floor
Washington, D.C. 20036

(b)(6) Beth Wilkinson
(b)(6) Alexandra Walsh

Dear Ms. Wilkinson and Ms. Walsh:

As you are aware, the Senate Judiciary Committee will hear testimony from Dr. Christine Blasey Ford and your client, Judge Brett M. Kavanaugh, during the continuation of Judge Kavanaugh's confirmation hearing on September 27, 2018. This session of the hearing is an important part of the Senate's constitutional duty to advise the President on his nominee and, if the circumstances merit, to consent to the nomination. To assist the Committee in performing this duty, and to make the hearing a productive one, I ask that you provide the Committee the following documents:

1. Copies of any and all written, audio-visual, or electronic materials relating to the allegations raised by Dr. Ford against Judge Kavanaugh;
2. Copies of all written, audio-visual, or electronic materials upon which Judge Kavanaugh intends to rely for his written or oral testimony before the Committee.

I recognize that Dr. Ford has not submitted any statement or other evidence to the Committee as of today, and that it may be unfair in some sense to require your client to submit evidence in response to allegations that have not yet been made to the Committee. Nevertheless, the general nature of Dr. Ford's allegations are publicly known. That is why I ask you to provide the materials identified above. Please provide the requested materials to the Committee no later than Tuesday, September 25. But, consistent with fundamental notions of due process, your client may submit additional evidence on September 26 in response to evidence submitted by Dr. Ford of which he was previously unaware.

Committee rules also require that Judge Kavanaugh submit his biography and written testimony by 10:00 a.m. on Wednesday, September 26. I thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a large, stylized "C" and a long, sweeping underline.

Chuck Grassley
Chairman



Joseph E. Abboud, Associate

By Electronic Mail
September 25, 2018

Mike Davis, Esquire
Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Davis:

Attached please find materials responsive to the requests for documents contained in Senator Grassley's letter dated September 23, 2018. We reserve the right to provide supplemental documents as necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Abboud".

Joseph E. Abboud
Attorney for Dr. Christine Blasey Ford

Encl.

cc: Heather Sawyer, Esquire

July 30, 2018

CONFIDENTIAL

Senator Dianne Feinstein

Dear Senator Feinstein:

I am writing with information relevant in evaluating the current nominee to the Supreme Court. As a constituent, I expect that you will maintain this as confidential until we have further opportunity to speak.

Brett Kavanaugh physically and sexually assaulted me during High School in the early 1980's. He conducted these acts with the assistance of his close friend, Mark G. Judge. Both were 1-2 years older than me and students at a local private school. The assault occurred in a suburban Maryland area home at a gathering that included me and 4 others. Kavanaugh physically pushed me into a bedroom as I was headed for a bathroom up a short stairwell from the living room. They locked the door and played loud music, precluding any successful attempts to yell for help. Kavanaugh was on top of me while laughing with Judge, who periodically jumped onto Kavanaugh. They both laughed as Kavanaugh tried to disrobe me in their highly inebriated state. With Kavanaugh's hand over my mouth, I feared he may inadvertently kill me. From across the room, a very drunken Judge said mixed words to Kavanaugh ranging from "go for it" to "stop". At one point when Judge jumped onto the bed, the weight on me was substantial. The pile toppled, and the two scrapped with each other. After a few attempts to get away, I was able to take this opportune moment to get up and run across to a hallway bathroom. I locked the bathroom door behind me. Both loudly stumbled down the stairwell, at which point other persons at the house were talking with them. I exited the bathroom, ran outside of the house and went home.

I have not knowingly seen Kavanaugh since the assault. I did see Mark Judge once at the Potomac Village Safeway, where he was extremely uncomfortable seeing me.

I have received medical treatment regarding the assault. On July 6, I notified my local government representative to ask them how to proceed with sharing this information. It is upsetting to discuss sexual assault and its repercussions, yet I felt guilty and compelled as a citizen about the idea of not saying anything.

I am available to speak further should you wish to discuss. I am currently vacationing in the mid-Atlantic until August 7th and will be in California after August 10th.

In Confidence,

Christine Blasey

Palo Alto, California

[REDACTED]

By Electronic Mail
September 18, 2018

The Honorable Charles E. Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for reaching out yesterday afternoon. Dr. Christine Blasey Ford looks forward to working with you and the Committee.

As you know, earlier this summer, Dr. Ford sought to tell her story, in confidence, so that lawmakers would have a fuller understanding of Brett Kavanaugh's character and history. Only after the details of her experience were leaked did Dr. Ford make the reluctant decision to come forward publicly.

In the 36 hours since her name became public, Dr. Ford has received a stunning amount of support from her community and from fellow citizens across our country. At the same time, however, her worst fears have materialized. She has been the target of vicious harassment and even death threats. As a result of these kind of threats, her family was forced to relocate out of their home. Her email has been hacked, and she has been impersonated online.

While Dr. Ford's life was being turned upside down, you and your staff scheduled a public hearing for her to testify at the same table as Judge Kavanaugh in front of two dozen U.S. Senators on national television to relive this traumatic and harrowing incident. The hearing was scheduled for six short days from today and would include interrogation by Senators who appear to have made up their minds that she is "mistaken" and "mixed up." While no sexual assault survivor should be subjected to such an ordeal, Dr. Ford wants to cooperate with the Committee and with law enforcement officials.

As the Judiciary Committee has recognized and done before, an FBI investigation of the incident should be the first step in addressing her allegations. A full investigation by law enforcement officials will ensure that the crucial facts and witnesses in this matter are assessed in a non-partisan manner, and that the Committee is fully informed before conducting any hearing or making any decisions.

The Honorable Charles E. Grassley
Chairman, Committee on the Judiciary
September 18, 2018
Page 2

We would welcome the opportunity to talk with you and Ranking Member Feinstein to discuss reasonable steps as to how Dr. Ford can cooperate while also taking care of her own health and security.

Sincerely,



Debra S. Katz



Lisa J. Banks
Attorneys for Dr. Christine Blasey Ford

cc: The Honorable Dianne Feinstein
Ranking Member, Committee on the Judiciary

September 22, 2018

Dear Senator Grassley:

There has been a lot of back and forth between your staff and my counsel, and I appreciate the chance to communicate with you directly. I kindly ask you to use your best discretion regarding this personal letter.

When I first learned that Brett Kavanaugh was on the short-list of nominees to fill a Supreme Court vacancy, prior to the President's selection among a list of what seemed to me as similarly-qualified candidates, I contacted my Congressperson's office in an attempt to provide information that could be useful to you and the President when making the selection from among a list of candidates. The decision to first report the assault to my Congresswoman, Rep. Anna Eshoo, was a very difficult one, but I felt that this was something that a citizen couldn't NOT do. I felt agony yet urgency and a civic duty to let it be known, in a confidential manner, prior to the nominee being selected. While it was difficult, I was able to share my information with two contacts during the period between the short list announcement and Mr. Kavanaugh's selection.

Mr. Kavanaugh's actions, while many years ago, were serious and have had a lasting impact on my life. I thought that knowledge of his actions could be useful for you and those in charge of choosing among the various candidates. My original intent was first and foremost to be a helpful citizen – in a confidential way that would minimize collateral damage to all families and friends involved.

I then took the step of sending a confidential letter to one of my Senators, Ranking Member Feinstein, and I understand that you have a copy of that letter. I am certainly prepared to repeat the facts in the letter and to provide further facts under oath at a hearing. I would welcome the opportunity to meet with you and other Senators directly, person to person, to tell you what occurred. I will answer any questions you have. I hope that we can find such a setting and that you will understand that I have one motivation in coming forward – to tell the truth about what Mr. Kavanaugh and his friend Mark Judge did to me. My sincere desire is to be helpful to persons making the decision.

In addition to talking with you and other Senators directly, I have asked my lawyers to continue discussions with your staff about the conditions you have proposed. As I am not a lawyer or a Senator, I am relying on them and you to ensure that the Committee will agree to conditions that will allow me to testify in a fair setting that won't disrupt families and become a media TV show. While the nationwide outpouring of love has been heartwarming, I am spending considerable time managing death threats, avoiding people following me on freeways, and disconcerting media intrusion, including swarms of vans at my home and unauthorized persons entering my classroom and medical settings where I work. I have received an inordinate number of requests to appear on major TV shows to elucidate further information, to which I have not responded. My goal is to return soon to my workplace, once it is deemed safe for me and importantly, for students. Currently, my family has physically relocated and have divided up separately on many nights with the tremendous help of friends in the broader community. Through gracious persons here and across the country, we have been able to afford hiring security. While I am frightened, please know, my fear will not hold me back from testifying and

you will be provided with answers to all of your questions. I ask for fair and respectful treatment.

Kind regards,

Christine Blasey

DECLARATION OF RUSSELL FORD

I, Russell Ford, hereby state that I am over eighteen (18) years of age, am competent to testify, and have personal knowledge of the following facts:

1. I have a Master of Science degree and a Doctor of Philosophy degree in mechanical engineering from Stanford University.
2. I have been married to Christine Blasey Ford since June 2002. We have two children.
3. The first time I learned that Christine had any experience with sexual assault was around the time we got married, although she did not provide any details.
4. Christine shared the details of the sexual assault during a couple's therapy session in 2012. She said that in high school she had been trapped in a room and physically restrained by one boy who was molesting her while another boy watched. She said she was eventually able to escape before she was raped, but that the experience was very traumatic because she felt like she had no control and was physically dominated.
5. I remember her saying that the attacker's name was Brett Kavanaugh, that he was a successful lawyer who had grown up in Christine's home town, and that he was well-known in the Washington, D.C. community.
6. In the years following the therapy session, we spoke a number of times about how the assault affected her.
7. The next time she mentioned that Mr. Kavanaugh was the person who sexually assaulted her was when President Trump was in the process of selecting his first nominee for the Supreme Court. Before the President had announced that Judge Neil Gorsuch was the nominee, I remember Christine saying she was afraid the President might nominate Mr. Kavanaugh.

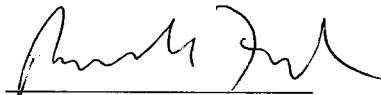
8. These conversations about Mr. Kavanaugh started again shortly after Justice Anthony Kennedy announced his resignation and the media began reporting that Mr. Kavanaugh was on the President's "short list."

9. Christine was very conflicted about whether she should speak publicly about what Mr. Kavanaugh had done to her, as she knew it would be emotionally trying for her to relive this traumatic experience in her life and hard on our family to deal with the inevitable public reaction. However, in the end she believed her civic duty required her to speak out.

10. In our 16 years of marriage I have always known Christine to be a truthful person of great integrity. I am proud of her for her bravery and courage.

I solemnly swear or affirm under the penalties of perjury that the matters set forth in this Declaration are true and correct to the best of my personal knowledge, information, and belief.

Executed on this 25th day of September, 2018.



Russell Ford

DECLARATION OF KEITH KOEGLER

I, Keith Koegler, hereby state that I am over eighteen (18) years of age, am competent to testify, and have personal knowledge of the following facts:

1. I graduated from Amherst College in 1992 with a Bachelor's Degree in History. I earned my Juris Doctor degree from Vanderbilt Law School in 1997.

2. I have known Christine Blasey Ford and her husband, Russell Ford, for more than five years, and consider them close friends.

3. We met when I was coaching their son's baseball team. Our children are close friends and have played sports together for years. I have spent a lot of time with Christine and her husband traveling to and attending our kids' games. Our families have also gone on vacation together.

4. The first time I learned that Christine had experienced sexual assault was in early summer of 2016. We were standing together in a public place watching our children play together.

5. I remember the timing of the conversation because it was shortly after Stanford University student Brock Turner was sentenced for felony sexual assault after raping an unconscious woman on Stanford's campus. There was a common public perception that the judge gave Mr. Turner too light of a sentence.

6. Christine expressed anger at Mr. Turner's lenient sentence, stating that she was particularly bothered by it because she was assaulted in high school by a man who was now a federal judge in Washington, D.C.

7. Christine did not mention the assault to me again until June 29, 2018, two days after Justice Anthony Kennedy announced his resignation from the Supreme Court of the United States.

8. On June 29, 2018, she wrote me an email in which she stated that the person who assaulted her in high school was the President's "favorite for SCOTUS."

9. On June 29, 2018, I responded with an email in which I stated:

"I remember you telling me about him, but I don't remember his name. Do you mind telling me so I can read about him?"

10. Christine responded by email and stated:

"Brett Kavanaugh"

11. In all of my dealings with Christine I have known her to be a serious and honorable person.

I solemnly swear or affirm under the penalties of perjury that the matters set forth in this Declaration are true and correct to the best of my personal knowledge, information, and belief.

Executed on this 29th day of September, 2018.



Keith Koegler

DECLARATION OF ADELA GILDO-MAZZON

I, Adela Gildo-Mazzon, hereby state that I am over eighteen (18) years of age, am competent to testify, and have personal knowledge of the following facts:

1. I have known Christine Blasey Ford for over 10 years and consider her to be a good friend. Our children attended elementary school together.
2. In June of 2013, Christine and I met at a restaurant that was then called Pizzeria Venti Mountain View, located at 1390 Pear Avenue, Mountain View, California.
3. I remembered the year of the meeting because I was temporarily working in the South Bay at that time. I would pass Mountain View on my way home, so that restaurant was a convenient place to arrange a meeting. I believe this was the only time I ever went to this restaurant. I also have a receipt from the restaurant from that meal.
4. During our meal, Christine was visibly upset, so I asked her what was going on.
5. Christine told me she had been having a hard day because she was thinking about an assault she experienced when she was much younger. She said that she had been almost raped by someone who was now a federal judge. She told me she had been trapped in a room with two drunken guys, and that she then escaped, ran away, and hid.
6. Christine said it was a scary situation and that it has impacted her life ever since.
7. The last time I saw Christine was in May 2018.
8. After reading her first person account of the assault in *The Washington Post* on September 16, 2018, I contacted Christine's lawyers to advise them that she had told me about this assault in 2013.

Page 2

I solemnly swear or affirm under the penalties of perjury that the matters set forth in this Declaration are true and correct to the best of my personal knowledge, information, and belief.

Executed on this 24th day of September, 2018.

A handwritten signature in black ink, appearing to read 'Adela Gildo-Mazzon', written over a horizontal line.

Adela Gildo-Mazzon

DECLARATION OF REBECCA WHITE

I, Rebecca White, hereby state that I am over eighteen (18) years of age, am competent to testify, and have personal knowledge of the following facts:

1. I have been friends with Christine Blasey Ford for more than six years. We are neighbors and our kids went to the same elementary school.
2. In 2017, I was walking my dog and Christine was outside of her house. I stopped to speak with her, and she told me she had read a recent social media post I had written about my own experience with sexual assault.
3. She then told me that when she was a young teen, she had been sexually assaulted by an older teen. I remember her saying that her assailant was now a federal judge.
4. I have always known Christine to be a trustworthy and honest person.

I solemnly swear or affirm under the penalties of perjury that the matters set forth in this Declaration are true and correct to the best of my personal knowledge, information, and belief.

Executed on this 25 day of Sept, 2018.


Rebecca White

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 11:29 AM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: SCOTUS -- Avenatti claim of evidence
Attachments: scan-3.pdf

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 11:26 AM
To: 'Michael J. Avenatti' <mavenatti@eaganavenatti.com>
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >
Subject: RE: SCOTUS -- Avenatti claim of evidence

Mr. Avenatti,

The Chairman's team of committee investigators have immediately started looking into these allegations made by your client.

I have also copied Jennifer Duck and Heather Sawyer from Ranking Member Feinstein's staff.

Are you and your client willing to speak with the Chairman and Ranking Member's committee investigators? If so, when are you available?

As for your request for an FBI investigation, here is the list of FBI field offices:

<https://www.fbi.gov/contact-us/field-offices>

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Michael J. Avenatti [<mailto:mavenatti@eaganavenatti.com>]
Sent: Wednesday, September 26, 2018 10:41 AM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: RE: SCOTUS -- Avenatti claim of evidence
Importance: High

Dear Mr. Davis:

I simply do not understand why there has been no response to my emails below from Monday. This is an urgent matter that deserves your immediate attention and that of the Committee. Time is of the essence and we renew our requests in my emails below.

In addition, attached please find a sworn declaration from my client regarding the allegations at issue. We demand an immediate FBI investigation as previously requested.

Please respond to my emails of Monday as soon as possible.

Regards,

Michael

From: Michael J. Avenatti
Sent: Monday, September 24, 2018 4:33 PM
To: Davis, Mike (Judiciary-Rep)
Subject: Re: SCOTUS -- Avenatti claim of evidence

Dear Mr. Davis:

I have yet to receive any response to my email below. We are still awaiting answers to the questions and requests I set forth.

Please respond in full so that this can be handled in a timely manner. Time is of the essence.

Thank you.

Michael

Michael J. Avenatti, Esq.

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On Sep 24, 2018, at 6:16 AM, Michael J. Avenatti <mavenatti@eaganavenatti.com> wrote:

Mr. Davis:

Good morning. In furtherance of our communications last night regarding the nomination of Brett Kavanaugh, please note the following:

FBI Investigation. We are demanding that the Committee and Senator Grassley immediately refer this matter to the FBI for a complete and fair investigation. My client is prepared to meet with the FBI forthwith to disclose how she was victimized and what she observed. She is also prepared to disclose multiple additional witnesses with knowledge of the conduct of Brett Kavanaugh and Mark Judge, as well as additional evidence.

Polygraph Examination.My client is prepared to undergo a polygraph examination in further substantiation of her claims provided that Mr. Kavanaugh likewise agrees to undergo an examination. As you know, while the results of such an examination are generally not admissible in a court of law, they are routinely used in the federal government for the granting of security clearances and the like at the highest levels, including at our intelligence agencies. There is no reason why they cannot be used in this circumstance.

Mark Judge.I am still awaiting an answer as to if the Committee has requested that Mark Judge appear to testify and if not, why not. Mr. Judge has detailed knowledge of the conduct of Mr. Kavanaugh and witnessed it firsthand. In short, there is no excuse for the Committee refusing to make a demand that he testify. The Committee must be focused on a search for the truth as opposed to ensuring that Mr. Kavanaugh is automatically confirmed. In this vain, Mr. Judge is a critical witness and the Committee should be insisting that he do so. Please provide answers to my questions regarding Mr. Judge's testimony.

Questions Posed to Mr. Kavanaugh. Has the Committee posed the questions I listed to Mr. Kavanaugh last night? If so, what were his responses? If not, why not?

Mr. Kavanaugh's Yearbook and Calendar.There are references within Mr. Kavanaugh's yearbook and calendar to "FFFFFFFourth of July" and a "Devil's Triangle." A similar entry was made for Mark Judge. We have reason to believe that (1) the first entry stands for Find them, French them, Feel them, Finger them, F*ck them, and Forget them and (2) the second entry refers to a situation where two men engage in sex with a woman at the same time, which is consistent with the allegations in my email of yesterday. We request that Mr. Kavanaugh provide an answer as why these entries were made and what they stand for.

Knowledge by the Committee. Press reports have stated that certain members of the Committee were aware of allegations similar to those set forth in my email of last night well before last night. Is this accurate? If so, please provide the details of this knowledge and explain why it was not investigated sooner.

I look forward to your responses to the above so that we may proceed in a timely manner.

Regards,

Michael Avenatti

From: Michael J. Avenatti
Sent: Sunday, September 23, 2018 7:29 PM

To: Davis, Mike (Judiciary-Rep)

Subject: Re: SCOTUS -- Avenatti claim of evidence

Thank you Mike. I read the link but it does not answer the question.

Is the Committee refusing to request that Mark Judge testify? If so, why?

Thank you.

Michael

Michael J. Avenatti, Esq.

The preceding email message (including any attachments) contains information that may be confidential, protected by the attorney-client or other applicable privileges, or constitutes non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

On Sep 23, 2018, at 7:24 PM, Davis, Mike (Judiciary-Rep) (b) (6) >
wrote:

Mr. Avenatti,

Thank you for the email.

Here is the Committee's position on witnesses:

<https://www.judiciary.senate.gov/press/rep/releases/dr-blasey-ford-judge-kavanaugh-to-testify-thursday>

I look forward to receiving your evidence in a timely manner.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Michael J. Avenatti [<mailto:mavenatti@eaganavenatti.com>]

Sent: Sunday, September 23, 2018 10:16 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Subject: Re: SCOTUS -- Avenatti claim of evidence

Mike: I represent a client. And seeing as we are talking about an appointment to the SCOTUS, there is nothing wrong with this process being public.

What is the status of Mark Judge's testimony?

I look forward to receiving the answers to the questions.

Michael

Michael J. Avenatti, Esq.

The preceding email message (including any attachments) contains information that may be confidential, protected by the attorney-client or other applicable privileges, or constitutes non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

On Sep 23, 2018, at 6:26 PM, Davis, Mike (Judiciary-Rep) (b) (6) > wrote:

Mr. Avenatti,

Thank you for reaching out to me. I noticed that you just publicly Tweeted our email conversation below.

In your email below, you mentioned "we" several times. To clarify, are you representing a client? Or are you making these allegations yourself? On behalf of anyone else?

I look forward to receiving your evidence.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Michael J. Avenatti [<mailto:mavenatti@eaganavenatti.com>]
Sent: Sunday, September 23, 2018 9:07 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: RE: SCOTUS -- Avenatti claim of evidence

Dear Mr. Davis:

Thank you for your email. We are aware of significant evidence of multiple house parties in the Washington, D.C. area during the early 1980s during which Brett Kavanaugh, Mark Judge and

others would participate in the targeting of women with alcohol/drugs in order to allow a "train" of men to subsequently gang rape them. There are multiple witnesses that will corroborate these facts and each of them must be called to testify publicly. As a starting point, Senate investigators should pose the following questions to Judge Kavanaugh without delay and provide the answers to the American people:

1. Did you ever target one or more women for sex or rape at a house party? Did you ever assist Mark Judge or others in doing so?
2. Did you ever attend any house party during which a woman was gang raped or used for sex by multiple men?
3. Did you ever witness a line of men outside a bedroom at any house party where you understood a woman was in the bedroom being raped or taken advantage of?
4. Did you ever participate in any sexual conduct with a woman at a house party whom you understood to be intoxicated or under the influence of drugs?
5. Did you ever communicate with Mark Judge or anyone else about your participation in a "train" involving an intoxicated woman?
6. Did you ever object or attempt to prevent one or more men from participating in the rape, or taking advantage, of a woman at any house party?

Please note that we will provide additional evidence relating to the above conduct both to the Committee and the American public in the coming days.

Regards,

Michael Avenatti

From: Davis, Mike (Judiciary-Rep) (b) (6)]
Sent: Sunday, September 23, 2018 4:42 PM
To: Michael J. Avenatti
Subject: SCOTUS -- Avenatti claim of evidence

Dear Mr. Avenatti,

According to your Tweet from 7:33 p.m. E.T. this evening, you claim to have information you consider credible regarding Judge Kavanaugh and Mark Judge. Please advise of this information immediately so that Senate investigators may promptly begin an inquiry.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

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1 of Brett Kavanaugh during the 1980s, especially as it relates to his actions toward
2 women.

3 7. Following that first introduction, I attended well over ten house parties in the
4 Washington, D.C. area during the years 1981-1983 where Mark Judge and Brett
5 Kavanaugh were present. These parties were a common occurrence in the area and
6 occurred nearly every weekend during the school year. On numerous occasions at these
7 parties, I witnessed Mark Judge and Brett Kavanaugh drink excessively and engage in
8 highly inappropriate conduct, including being overly aggressive with girls and not taking
9 "No" for an answer. This conduct included the fondling and grabbing of girls without
10 their consent.

11 8. I observed Brett Kavanaugh drink excessively at many of these parties and
12 engage in abusive and physically aggressive behavior toward girls, including pressing
13 girls against him without their consent, "grinding" against girls, and attempting to remove
14 or shift girls' clothing to expose private body parts. I likewise observed him be verbally
15 abusive towards girls by making crude sexual comments to them that were designed to
16 demean, humiliate and embarrass them. I often witnessed Brett Kavanaugh speak in a
17 demeaning manner about girls in general as well as specific girls by name. I also
18 witnessed Brett Kavanaugh behave as a "mean drunk" on many occasions at these
19 parties.

20 9. I have been told by other women that this conduct also occurred during the
21 Summer months in Ocean City, Maryland on numerous occasions. I also witnessed such
22 conduct on one occasion in Ocean City, Maryland during "Beach Week."

23 10. I have reviewed Brett Kavanaugh's recent claim on Fox News regarding his
24 alleged "innocence" during his high school years and lack of sexual activity. This claim
25 is absolutely false and a lie. I witnessed Brett Kavanaugh consistently engage in
26 excessive drinking and inappropriate contact of a sexual nature with women during the
27 early 1980s.

28

1 11. During the years 1981-82, I became aware of efforts by Mark Judge, Brett
2 Kavanaugh and others to "spike" the "punch" at house parties I attended with drugs
3 and/or grain alcohol so as to cause girls to lose their inhibitions and their ability to say
4 "No." This caused me to make an effort to purposely avoid the "punch" at these parties.
5 I witnessed efforts by Mark Judge, Brett Kavanaugh and others to "target" particular girls
6 so they could be taken advantage of; it was usually a girl that was especially vulnerable
7 because she was alone at the party or shy.

8 12. I also witnessed efforts by Mark Judge, Brett Kavanaugh and others to cause
9 girls to become inebriated and disoriented so they could then be "gang raped" in a side
10 room or bedroom by a "train" of numerous boys. I have a firm recollection of seeing
11 boys lined up outside rooms at many of these parties waiting for their "turn" with a girl
12 inside the room. These boys included Mark Judge and Brett Kavanaugh.

13 13. In approximately 1982, I became the victim of one of these "gang" or "train"
14 rapes where Mark Judge and Brett Kavanaugh were present. Shortly after the incident, I
15 shared what had transpired with at least two other people. During the incident, I was
16 incapacitated without my consent and unable to fight off the boys raping me. I believe I
17 was drugged using Quaaludes or something similar placed in what I was drinking.

18 14. I am aware of other witnesses that can attest to the truthfulness of each of the
19 statements above.

20 I declare, under penalty of perjury and under the laws of the United States of
21 America, that the foregoing is true and correct. I have executed this declaration on
22 September 25, 2018.

23
24
25 
26 Julie Swetnick
27
28


Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 2:26 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- request for evidence
Attachments: 180926 - Ltr to Davis.pdf

From: Debra Kat (b) (6)]
Sent: Wednesday, September 26, 2018 2:13 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Sawyer, Heather (Judiciary-Dem) (b) (6) (b)(6) Michael Bromwich ; Debra Katz (b) (6) >; Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Kelly Dolphin (b) (6) >
Subject: SCOTUS -- request for evidence

On behalf of Debra Katz.

Best,
[Kelly Dolphin](#)
Office Manager

 **KATZ, MARSHALL & BANKS, LLP**
1718 Connecticut Ave., N.W.
Sixth Floor
Washington, D.C. 20009
Te (b) (6)
Fax: 202-299-1148
Email (b) (6)
Website: www.kmblegal.com

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Debra S. Katz, Partner
Lisa J. Banks, Partner

By Electronic Mail
September 26, 2018

Mike Davis, Esquire
Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Davis:

Attached please find additional materials responsive to the requests for documents contained in Senator Grassley's letter dated September 23, 2018. We reserve the right to provide supplemental documents as necessary.

We will not produce copies of Dr. Christine Blasey Ford's medical records. These records contain private, highly sensitive information that is not necessary for the Committee to assess the credibility of her testimony. Our client has already been forced to compromise her privacy and safety in order to provide the Committee with important information about the nominee's past conduct, and she will be available to answer any questions the Committee may have when she testifies tomorrow. Any request that she expose her private medical records for public inspection represents an unacceptable invasion of privacy to which no reasonable person would consent. Under no circumstances will we grant any such request.

Sincerely,

A handwritten signature in black ink, appearing to read "De 16", likely representing Debra S. Katz.

Debra S. Katz

A handwritten signature in black ink, appearing to read "LJ Banks", likely representing Lisa J. Banks.

Lisa J. Banks

Attorneys for Dr. Christine Blasey Ford

Encl.

cc: Heather Sawyer, Esquire

POLYGRAPH EXAMINATION REPORT

Date of Report

08/10/2018

Date of Examination

08/07/2018

Location of Examination

Hilton Hotel, 1739 West Nursery Road, Linthicum Heights, MD 21090

Examinee's Name

Christine Blasey

Synopsis

On August 7, 2018, Christine Blasey reported to the Hilton Hotel, 1739 West Nursery Road, Linthicum Heights, MD 21090, for the purpose of undergoing a polygraph examination. The examination was to address whether Blasey was physically assaulted by Brett Kavanaugh while attending a small party in Montgomery County, MD. This assault occurred in the 1980's when Blasey was a high school student at the Holton-Arms School. Accompanying Blasey was Attorney Lisa Banks of the firm Katz, Marshall & Banks. After introductions were made, this examiner left the room so Blasey and Attorney Banks could discuss this matter. During this discussion, Blasey provided a written statement to Banks detailing the events that occurred on the evening of the assault. The statement was provided to this examiner when he returned. Blasey stated that the statement was true and correct and signed it in the presence of this examiner and Banks attesting to its accuracy. A copy of this statement is attached to this report. After a brief discussion, Banks departed.

Blasey was then interviewed in an effort to formulate the relevant questions. During this interview, Blasey described the events that occurred on the night of the assault. She stated she attended a small party at a house where the parents were not home. Those attending the party were drinking beer. Blasey stated that Kavanaugh and his friend, Mark, became extremely intoxicated. Blasey stated that she had met Kavanaugh before at previous parties and she briefly dated one of his friends. She stated that Kavanaugh attended Georgetown Preparatory School and she previously attended parties hosted by students of this school. Blasey remembers another male at this party, PJ, who she described as a very nice person. At some point in the evening, Blasey went upstairs to use the restroom. When she got upstairs, she was pushed into a bedroom by

either Kavanaugh or his friend, Mark. The bedroom was located across from the bathroom. She was pushed onto a bed and Kavanaugh got on top of her and attempted to take her clothes off. She stated she expected Kavanaugh was going to rape her. Blasey tried to yell for help and Kavanaugh put his hand over her mouth. Blasey thought if PJ heard her yelling he may come and help her. Blasey stated that when Kavanaugh put his hand over her mouth that this act was the most terrifying for her. She also stated that this act caused the most consequences for her later in life. Blasey stated that Kavanaugh and Mark were laughing a lot during this assault and seemed to be having a good time. Kavanaugh was having a hard time trying to remove Blasey's clothes because she was wearing a bathing suit underneath them. She stated Mark was laughing and coaxing Kavanaugh on. Blasey recalls making eye contact with Mark and thinking he may help her. Mark continued to encourage Kavanaugh. On a couple of occasions, Mark would come over and jump on the bed. The last time he did this, all three became separated and Blasey was able to get free and run to the bathroom. She stated she locked herself in the bathroom until she heard Kavanaugh and Mark go downstairs.

Following this interview, Blasey was given a polygraph examination consisting of the following relevant questions:

Series I

- A. Is any part of your statement false? Answer: No
- B. Did you make up any part of your statement? Answer: No

Four polygraph charts (which included an acquaintance or "stim" chart) were collected using a Dell Inspiron 15 notebook computer and Lafayette LX4000 software. This software obtained tracings representing thoracic and abdominal respiration, galvanic skin response, and cardiac activity. All of these physiological tracings were stored in the computer along with the time that the questions were asked as well as text of each question.

The format of the test was the two question Federal You Phase Zone Comparison Test (ZCT). As part of a 2011 meta-analysis study done by the American Polygraph Association (APA), the ZCT is one of the polygraph examinations considered valid based upon defined research protocol. As part of the validation process, the APA chose techniques that were reported in the Meta 22 Analytic Survey of Validated Techniques (2011) as having two, independent studies that describe the criterion validity and reliability. The ZCT includes relevant questions addressing the issues to be resolved by the examination, comparison questions to be used in analysis, symptomatic questions, and neutral or irrelevant questions. All questions were reviewed with Blasey prior to the test. The charts collected were subjected to a numerical evaluation that scored the relative strength of physiological reactions to relevant questions with those of the comparison questions. An analysis was conducted using a three (3) point scale (-1, 0, +1). If reactions were deemed to be greater at the relevant questions, then a negative score was assigned. If responses were deemed to be greater at the comparison questions, then a positive score was assigned. A decision of deceptive is rendered if any individual question score is -3 or less or the grand total of both questions is -4 or less. A decision of non-deceptive is rendered if the grand total of both questions is +4 or more with a +1 or more at each question.

Examinee's Name: Blasey, Christine
Date: 08/10/2018

Blasey's scores utilizing the three (3) point scale are +4 at Question A and +5 at Question B with a total score of +9. Based upon this analysis, it is the professional opinion of this examiner that Blasey's responses to the above relevant questions are **Not Indicative of Deception.**

A second analysis was conducted utilizing a scoring algorithm developed by Raymond Nelson, Mark Handler and Donald Krapohl (Objective Scoring System Version 3) which concluded "**No Significant Reactions- Probability these results were produced by a deceptive person is .002.**" Truthful results, reported as "No Significant Reactions," occur when the observed p-value indicates a statistically significant difference between the observed numerical score and that expected from deceptive test subjects, using normative data obtained through bootstrap training with the confirmed single issue examinations from the development sample. **Truthful results can only occur when the probability of deception is less than .050.**

Deceptive results, in which an observed p-value indicates a statistically significant difference between the observed numerical score and that expected from truthful persons, and are reported as "Significant Reactions."

When the observed p-value fails to meet decision alpha thresholds for truthful or deceptive classification the test result will be reported as "Inconclusive." No opinion can be rendered regarding those results.

A third analysis was conducted utilizing a scoring algorithm developed by the Johns Hopkins University Applied Physics Laboratory (PolyScore Version 7.0) which concluded "**No Deception Indicated—Probability of Deception is Less Than .02.**"

One ^{summer} ~~While~~ in high school in ~~early~~ 80's, I went to a small party in the Montgomery County area. There were 4 ~~people~~ boys and a couple of girls. At one point, I went up a small stairwell to use the restroom. At that time, I was pushed by ~~two~~ ~~persons~~ into a bedroom and was locked in the room and pushed onto a bed. ^{Two boys were in the room.} ~~Brat~~ ~~boy~~ laid on top of me and tried to remove my clothes while groping me. He held me down and ~~at~~ put his hand on my mouth ~~so~~ to stop me ~~from~~ ~~is~~ screaming for help. His friend Mark was ^{also} in the room and both were laughing. Mark jumped on top of us 2 or 3 times. I tried to get out from under unsuccessfully. Then Mark jumped ~~again~~ and he toppled over. I managed to run out of the room across to the bathroom and lock the door. Once ~~that~~ I heard them go downstairs, I ran out of the ~~house~~ and went home.

Christy Blazy August 7, 2018

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 4:20 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: SCOTUS -- Avenatti claim of evidence

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 4:20 PM
To: Michael J. Avenatti <mavenatti@eaganavenatti.com>
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6); Sawyer, Heather (Judiciary-Dem) (b) (6) >
Subject: RE: SCOTUS -- Avenatti claim of evidence

Mr. Avenatti,

On July 9, 2018, the President announced Judge Kavanaugh's nomination to the Supreme Court of the United States. Judge Kavanaugh has served on the most important federal appellate court in the country for the last 12 years. Before that, he held some of the most sensitive positions in the federal government. The President added Judge Kavanaugh to his short list for the Supreme Court more than 9 months ago -- on November 17, 2017. As part of Judge Kavanaugh's nomination to the Supreme Court, the FBI conducted its 6th full-field background investigation of Judge Kavanaugh since 1993 – 25 years ago. Nowhere in any of these 6 FBI reports, which committee investigators have reviewed on a bipartisan basis, was there ever a whiff of any issue – at all – related in any way to inappropriate sexual behavior.

Before his hearing, Judge Kavanaugh met privately with 65 senators, including Ranking Member Dianne Feinstein. The Senate Judiciary Committee held its 4-day public hearing from September 4 to September 7, 2018. Judge Kavanaugh testified for more than 32 hours in public. We held a closed session for members to ask sensitive questions on the last evening, which the Ranking Member skipped. Judge Kavanaugh answered nearly 1,300 written questions submitted by senators after the hearing -- more than all prior Supreme Court nominees combined. Throughout this period, you never made any of the accusations that you made for the first time today.

Going back to last Sunday evening (9/23), you Tweeted anonymous accusations against Judge Kavanaugh. Within 10 minutes, I emailed you and requested that you provide to the Senate Judiciary Committee the specific allegations and any evidence. The Chairman's committee investigators immediately started inquiring about your anonymous allegations. On Tuesday (9/25), the committee investigators questioned Judge Kavanaugh, under penalty of felony, about all pending and specific allegations against him, including your then-anonymous allegations and questions. He unequivocally denied the allegations. He has called them a smear – and worse. Staff for the Ranking Member sat through this interview with Judge Kavanaugh.

Altogether, this is my 6th email to you since your Sunday night Tweet, to seek your cooperation in obtaining evidence about your allegations.

Please let me know immediately whether your client will agree to an interview by committee investigators today. We can do a telephone interview anytime this afternoon or evening.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Davis, Mike (Judiciary-Rep)

Sent: Wednesday, September 26, 2018 12:28 PM

To: Michael J. Avenatti <mavenatti@eaganavenatti.com>

Cc: Duck, Jennifer (Judiciary-Dem) (b) (6); Sawyer, Heather (Judiciary-Dem)

(b) (6) >

Subject: Re: SCOTUS -- Avenatti claim of evidence

Mr. Avenatti,

Today is the first day that you have provided us with any evidence, including the name of and statement from your client. I immediately instructed the Chairman's committee investigators to investigate this evidence. I then reached out to you, requesting a meeting with the Chairman's and Ranking Member's committee investigators.

And you are simply wrong that the committee investigators are just now starting an inquiry into your allegations. In fact, yesterday, committee investigators interviewed Judge Kavanaugh again, under penalty of felony. Committee investigators specifically asked Judge Kavanaugh about all pending accusations, in specificity. This included your then-anonymous allegations and questions. He unequivocally denied all of the allegations, testifying that there was not a kernel of truth in any of these allegations. We have a transcribed interview. Judge Kavanaugh understood that he testified under penalty of felony, subject to up to 5 years of imprisonment. The Ranking Member's staff sat through the interview.

Committee investigators will have a followup interview with Judge Kavanaugh today, now that we have your client's name and a statement. Judge Kavanaugh has fully cooperated with committee investigators, including answering every question posed.

Is your client willing to have a similar interview with committee investigators?

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

----- Original message -----

From: "Michael J. Avenatti" <mavenatti@eaganavenatti.com>

Date: 9/26/18 11:50 AM (GMT-05:00)

To: "Davis, Mike (Judiciary-Rep)" (b) (6) >

Cc: "Duck, Jennifer (Judiciary-Dem)" (b) (6) >, "Sawyer, Heather (Judiciary-Dem)" (b) (6) >

Subject: Re: SCOTUS -- Avenatti claim of evidence

Mr. Davis: Please respond in detail to my email of Monday. I expect answers to each of my questions forthwith.

Why are you just now beginning to make inquiry? You have wasted days in your rush to confirm Brett Kavanaugh.

Regards,

Michael

Michael J. Avenatti, Esq.

The preceding email message (including any attachments) contains information that may be confidential, protected by the attorney-client or other applicable privileges, or constitutes non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

> On Sep 26, 2018, at 10:26 AM, Davis, Mike (Judiciary-Rep) (b) (6) > wrote:

Duplicative Material (Document ID: 0.7.22222.225474)

> Importance: High

>

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 7:01 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Judiciary Committee Releases Transcripts of Kavanaugh Interviews



FOR IMMEDIATE RELEASE

Wednesday, September 26, 2018

Judiciary Committee Releases Transcripts of Kavanaugh Interviews

WASHINGTON – The Senate Judiciary Committee today released the transcripts of two interviews committee investigators conducted with Judge Brett Kavanaugh following allegations published in recent news reports. The first interview was conducted on Monday, September 17, 2018, one day after the *Washington Post* revealed Dr. Christine Blasey Ford’s identity. Committee Democrats were invited but refused to take part in the interview. The second interview was conducted Tuesday, September 26, following allegations by Deborah Ramirez were published in the *New Yorker*. Committee Democrats were reportedly investigating Ramirez’s claims, but did not share such information with Committee Republicans. Committee Democrats attended this interview but declined to participate.

Both interviews were conducted under penalty of felony. In both interviews, Judge Kavanaugh denied the allegations against him. Judge Kavanaugh has agreed for the transcripts to be released.

[September 17, 2018 Transcript](#)

[September 25, 2018 Transcript](#)

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building

Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 8:54 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Letter from Kavanaugh High School Friends
Attachments: 2018-09-26 Letter in Response to Avenatti Allegation.pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

September 26, 2018

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

We are men and women who knew Brett Kavanaugh well in high school. We have seen reports today that Julie Swetnick, who says she graduated from Gaithersburg High School, submitted a declaration to the Committee alleging that Brett participated in horrific conduct during high school, including targeting girls for gang rape. Nonsense. We never witnessed any behavior that even approaches what is described in this allegation. It is reprehensible.

In the extensive amount of time we collectively spent with Brett, we do not recall having ever met someone named Julie Swetnick. Nor did we ever observe Brett engaging in any conduct resembling that described in Ms. Swetnick's declaration.

Brett Kavanaugh is a good man. He has always treated women with respect and decency. He is a man of honor, integrity, and compassion. These shameful attacks must end. This process is a disgrace and is harming good people.

Russell Aaronson
Daniel Anastasi
Steve Barnes
Patrick Beranek
Michael Bidwill
Michael Boland
David Brigati
Missy Bigelow Carr
Sharon Crouch Clark
Steve Combs
Citsi Conway
Mark Daly
DeLancey Davis
Julie DeVol
Meg Williams Dietrick
Paula Duke Ebel
Michael Fegan
Maura Fitzgerald
Susan Fitzgerald
Jim Foley

Timothy Gaudette
James Gavin
William Geimer
Mary Beth Greene
Mary Ellen Greene
Daniel Hanley
Melissa Hennessy
Beccy Moran Jackson
Brian H. Johnston
Maura Kane
Kevin Kane
Thomas Kane
Amarie Kappaz
George M. Kappaz
Timothy Kirlin
Kelly Leonard
Maura M. Lindsay
John F. Loome, IV
Suzanne Matan
Meghan McCaleb

Scott McCaleb
Bernard McCarthy, Jr.
Michael R. McCarthy
Stephanie McGill
Stephanie McGrail
Byron J. Mitchell
Sean Murphy
Paul G. Murray
Douglas D. Olson
John F. Ostronic
Elizabeth (Betsy) Manfuso Pothier
Matthew Quinn

Mark A. Quinn
Mae Joyce Rhoten
Mark Richardson
L. Maurice Rowe, IV
Stephen Royston
Alice Kelley Scanlon
James Sullivan
Cynthia Urgo
Donald Urgo, Jr
Patrick T. Waters
Megan Williams
Jodi Yeager

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 10:45 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Summary of Actions on the Allegations Made and Dispute Regarding Judge Brett Kavanaugh



COMMITTEE *on the* **JUDICIARY**
CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

Summary of Actions by Chairman Grassley and the Senate Judiciary Committee Related to Allegations Made and Disputed Regarding Judge Brett Kavanaugh

A 38-year member of the Senate Judiciary Committee, Chairman Grassley has worked to secure a thorough, credible and effective committee process as the U.S. Senate meets its constitutional duty of advice and consent in considering the nomination of Judge Brett Kavanaugh to serve on the U.S. Supreme Court. Grassley reopened the hearing after four days and 32 hours of testimony from the nominee during the week of September 4, including a closed session available to all Judiciary Committee members to scrutinize any issues or concerns about the nominee that involve confidentiality. Chairman Grassley has planned a hearing day scheduled for September 27 to give a fair and professional forum for Dr. Christine Blasey Ford to share allegations she made about the nominee in a July 30 letter and subsequently in a September 16 newspaper story, and for the nominee to respond to questions and address those allegations.

Additionally, Chairman Grassley has conducted extensive review and investigation of the allegations made by Dr. Ford and comments and statements made by others both in news media reports and in messages to other senators that have been given to the Judiciary Committee. A description of those efforts is provided here.

July 30	<ul style="list-style-type: none">• Dr. Ford drafts letter to Sen. Feinstein.
Thursday, September 13	<ul style="list-style-type: none">• Sen. Feinstein transmits Dr. Ford's letter to the FBI.• Sen. Feinstein tells Sen. Grassley of the existence of Dr. Ford's letter after the Committee Executive Business Meeting to hold over the nomination of Judge Kavanaugh to be Associate Justice of the Supreme Court.• Contents of letter leak to media.
Friday, September 14	<ul style="list-style-type: none">• <i>New Yorker</i> publishes substance of Dr. Ford's allegations, but does not identify her by name.• Mark Judge interviews with <i>Weekly Standard</i> and denies Dr. Ford's allegations.

Sunday, September 16	<ul style="list-style-type: none"> • <i>Washington Post</i> publishes article containing Dr. Ford's allegations and her identity. Dr. Ford names Judge Kavanaugh and Mark Judge as perpetrators and identifies two other individuals at party who are unnamed in <i>Washington Post</i> article. <i>Washington Post</i> says that four boys and Dr. Ford attended the party. • Sen. Grassley learns Dr. Ford's identity from <i>Washington Post</i> report. • Sen. Grassley instructs staff to begin investigation.
Monday, September 17	<ul style="list-style-type: none"> • Dr. Ford's counsel appears on morning shows saying her client wants public hearing to tell her story. • Sen. Grassley invites Sen. Feinstein's staff to join the staff interview of Judge Kavanaugh, Dr. Ford and other witnesses in a member-level phone call. Sen. Feinstein declined to have her staff participate in the routine follow-up calls when new information is provided to the Committee from the FBI for the nominee's background file. • CNN publishes redacted version of letter originally sent by Dr. Ford to Ranking Member. • Committee notices hearing for following Monday, September 24 and invites Dr. Ford and Judge Kavanaugh to testify. • Committee investigative staff sent three emails to Dr. Ford's lawyers with no response. • Committee investigative staff requests interviews with Dr. Ford and Judge Kavanaugh with Republican and Democratic investigators. • Judge Kavanaugh submits to interview with Republican staff. Democratic staff refuses to participate in interview. Judge Kavanaugh asks for a hearing as soon as possible. • Dr. Ford does not submit to interview.
Tuesday, September 18	<ul style="list-style-type: none"> • Committee investigative staff sent an additional email and placed two additional phone calls to Dr. Ford's lawyers with no response. • Committee investigative staff contacts Mark Judge and requests an interview. • Committee investigative staff learns identity of two witnesses identified by Dr. Ford but not named in <i>Washington Post</i> article—Patrick J. Smyth and Leland Ingham Keyser—and requests interviews. • Counsel for Mark Judge submits statement from Mark Judge in which he denies knowledge of party described by Dr. Ford and states he "never saw Brett act in the manner described by Dr. Ford." He further states he has no other information to offer the Committee and does not wish to speak publicly regarding the allegations.

	<ul style="list-style-type: none"> • Counsel for Mr. Smyth submits statement from Mr. Smyth in which he denies any knowledge of the party described by Dr. Ford or of the allegations of improper conduct. He also states he “never witnessed any improper conduct by Brett Kavanaugh towards women.” He asks that the Committee accept the statement in response to any inquiry it has. • As far as we know, Democratic staff did not reach out to these witnesses. • At 7:57 p.m. Sen. Grassley hears from Dr. Ford’s attorney for the first time. Dr. Ford’s attorney submits letter to Sen. Grassley asking for a delay in the hearing. She does not address Committee’s request for interview with investigative staff. • Contemporaneously with the release of the letter, Dr. Ford’s attorney appears on a cable news show asking for hearing to be delayed.
Wednesday, September 19	<ul style="list-style-type: none"> • Sen. Grassley sends letter to Dr. Ford’s attorney that offers Dr. Ford the opportunity for a public or private hearing. • Sen. Grassley reiterates request that Dr. Ford agree to an interview with Committee investigative staff. Dr. Ford’s attorneys do not respond to request.
Thursday, September 20	<ul style="list-style-type: none"> • Committee staff has phone call with Dr. Ford’s attorneys regarding the conditions under which she would testify before the Committee. Committee staff offers a public hearing, a private hearing, a public staff interview, or a private staff interview. • Sen. Feinstein’s staff gives unredacted copy of Dr. Ford’s letter to Sen. Grassley’s staff after Sen. Grassley requested access and had yet to see unredacted version of the July 30 letter.
Friday, September 21	<ul style="list-style-type: none"> • Committee staff reiterates request that Dr. Ford agree to an interview with Committee investigative staff. Committee staff offers to fly to California to obtain testimony. Dr. Ford’s attorneys do not respond to request. • Committee staff again reaches out to Ms. Keyser requesting an opportunity to conduct an interview regarding Dr. Ford’s allegations. • Dr. Ford’s attorneys asked on Thursday call with staff that their 10 a.m. deadline for accepting the Judiciary Committee’s invitation to testify at the September 24 hearing be extended. Sen. Grassley accommodated their request and extends to Friday at 5 p.m. • Sen. Grassley again extends Dr. Ford’s invitation to the hearing to 10 p.m. Friday. • Sen. Grassley responds to Dr. Ford’s attorney’s “modest proposal” for an additional day and extends the deadline to accept Dr. Ford’s invitation for the hearing by 2:30 p.m. on Saturday. This was the third extension to accommodate Dr. Ford’s decision to appear before the Committee.
Saturday, September 22	<ul style="list-style-type: none"> • Counsel for Ms. Keyser—the fourth witness named by Dr. Ford and her

	<p>“lifelong friend”—submits statement from Ms. Keyser in which she denies any knowledge of the party described by Dr. Ford. She further states she doesn’t know Judge Kavanaugh and doesn’t recall ever being at a party with him.</p> <ul style="list-style-type: none"> • Dr. Ford accepts invitation to appear before the Committee, but pending further negotiations.
Sunday, September 23	<ul style="list-style-type: none"> • Dr. Ford’s attorneys agree that Dr. Ford will appear at a public hearing on Thursday, September 27. • Committee staff sends to Dr. Ford’s and Judge Kavanaugh’s lawyers requests for the submission of relevant evidence in advance of the hearing. • Michael Avenatti tweets that he has a client with allegations and evidence implicating Judge Kavanaugh. • Within minutes, Committee staff reaches out to Mr. Avenatti to request client’s allegations and evidence. Mr. Avenatti declines to provide any allegations or evidence. • <i>New Yorker</i> publishes article containing allegations made by Deborah Ramirez that Judge Kavanaugh exposed himself to her during a college party. • Committee staff reaches out to Ms. Ramirez’s attorney within hours of the article’s publication and requests an interview with Ms. Ramirez.
Monday, September 24	<ul style="list-style-type: none"> • Committee staff makes three more requests for any statement, testimony, or evidence from Ms. Ramirez. Ms. Ramirez’s attorneys decline to submit such materials. • Two Senate offices refer additional allegations to Committee staff. The first is an anonymous allegation in a letter given to the Chairman by Senator Gardner, posted from Denver. The letter claims that Judge Kavanaugh once forcefully and “sexually” shoved a woman he was dating into a wall at a bar in 1998. The second is an allegation from a man (whose name Senator Whitehouse has demanded we keep from the public) in Rhode Island relayed to Committee staff by Senator Whitehouse’s staff. The Rhode Island man claims that two men named “Brett and Mark” raped a woman on a boat in Newport in 1985, after which the man making the allegation claims he and a friend beat up “Brett and Mark.” • Committee staff request an interview with Judge Kavanaugh to question him regarding the allegations raised by Ms. Ramirez, Mr. Avenatti, the anonymous Denver letter, and the Rhode Island man. • Committee staff again requests Mr. Avenatti shares his client’s allegations and evidence. Mr. Avenatti declines to provide any allegations or evidence.

	<ul style="list-style-type: none"> Committee staff have first interview with a man who believes he, not Judge Kavanaugh, had the encounter with Dr. Ford in 1982 that is the basis of his complaint. He submitted a written statement earlier in the day.
Tuesday, September 25	<ul style="list-style-type: none"> Committee investigative staff interview Judge Kavanaugh for approximately 90 minutes regarding Ms. Ramirez's allegations in the <i>New Yorker</i> and the allegations received by two Senate offices. For the first time, Democratic staff attended the call, but expressly declined to ask Judge Kavanaugh any questions. Judge Kavanaugh denies each allegation. Committee staff makes three more requests for any statement, testimony, or evidence from Ms. Ramirez. Ms. Ramirez's attorneys decline to submit such materials. The Committee receives from Senator Harris an anonymous letter, postmarked 9/19 and signed "Jane Doe, Oceanside CA," alleging that Judge Kavanaugh and others raped the author in the backseat of a car. The letter does not identify place, date, or the identity of the alleged accomplices. Committee staff have a second interview with a man who believes he, not Judge Kavanaugh, had the encounter with Dr. Ford in the summer of 1982 that is the basis of her allegation. He described his recollection of their interaction in some detail. Committee staff interviewed a former Georgetown Prep student who was familiar with "party houses" in the Columbia Country Club area during the time in question and knew Judge Kavanaugh. He spoke in support of Kavanaugh's good character. After that interview, Committee staff interviewed that man again along with another person who knew Judge Kavanaugh in the 80s and was familiar with the houses at which Georgetown Prep students partied during the 1980s. Both spoke in favor of Kavanaugh and to his strength of character. Committee staff requested to speak another person they suggested contacting. Committee staff received a statement from another classmate of Kavanaugh at Georgetown Prep who provided information about the captions in the yearbooks. Committee investigative staff also have received additional information, including regarding the characters of Dr. Ford and Judge Kavanaugh, have followed up on each one, and will continue to do so.
Wednesday, September 26	<ul style="list-style-type: none"> Committee staff receives statement from Julie Swetnick, represented by Mr. Avenatti. Committee staff responds asking that Ms. Swetnick be made available for an interview with committee staff. Mr. Avenatti returns an email, but does not respond to this request. Committee staff follows up with Mr. Avenatti twice more asking that Ms. Swetnick be made available for an interview.

	<ul style="list-style-type: none"> • Committee investigative staff questions Judge Kavanaugh a third time this week on the allegations contained in the statement provided by Mr. Avenatti, along with any anonymous allegations made by a purported resident of San Diego. • Committee investigative staff spoke with a friend of Ms. Swetnick about her allegations and any related information. The friend indicated that Ms. Swetnick had never previously mentioned either Judge Kavanaugh or this alleged incident. • Committee staff receives a more in-depth written statement from the man interviewed twice previously who believes he, not Judge Kavanaugh, had the encounter in question with Dr. Ford. • Committee investigative staff spoke via phone with another man who believes he, not Judge Kavanaugh, had the encounter with Dr. Ford in 1982 that is the basis of her allegation. He explained his recollection of the details of the encounter. • Committee investigative staff spoke via phone with a former classmate who provided information about the captions in the yearbooks, explaining they were innocuous but sometimes insensitive inside jokes. • Committee staff interviewed Judge Kavanaugh via phone for a third time about the allegations against him. He emphatically, categorically and unequivocally denied each of them. Democratic staff was present, but refused to ask questions.
	<p>**Committee investigation is ongoing. This document details investigative action through 9:00 PM, September 26.</p>

Witnesses provided categorical, unequivocal statements denying any memory of events matching Dr. Ford’s allegations. Lying in those statements is punishable under the same federal law as lying in an interview with other federal investigators. Given that the witnesses’ statements were categorical, an interview or deposition was unlikely to reveal any new information. The Democrats, of course, have not even joined the chairman’s requests for witness interviews.

Background of Secret Evidence

On July 9, 2018, the President announced Judge Kavanaugh’s nomination to serve on the Supreme Court of the United States. Judge Kavanaugh has served on the most important federal appellate court in the country for the last 12 years. Before that, he held some of the most sensitive positions in the federal government. The President added Judge Kavanaugh to his short list for the Supreme Court more than 9 months ago – on November 17, 2017. As part of Judge Kavanaugh’s nomination to the Supreme Court, the FBI conducted its 6th full-field background investigation of Judge Kavanaugh since 1993 – 25 years ago. Nowhere in any of these 6 FBI reports, which committee investigators have reviewed on a bipartisan basis, was there ever a whiff of any issue – at all – related in any way to inappropriate sexual behavior.

Dr. Ford first raised her allegations in a secret letter to the Ranking Member nearly two months ago in July. The Ranking Member took no action. The letter wasn’t shared with the Chairman, his colleagues, or his staff. These allegations could have been investigated in a way that maintained the confidentiality Dr. Ford

requested.

Before his hearing, Judge Kavanaugh met privately with 65 senators, including the Ranking Member. But the Ranking Member didn't ask Judge Kavanaugh about the allegations when she met with him privately in August. The Senate Judiciary Committee held its 4-day public hearing from September 4 to September 7, 2018. Judge Kavanaugh testified for more than 32 hours in public. The committee held a closed session for members to ask sensitive questions on the last evening, which the Ranking Member did not attend. Judge Kavanaugh answered nearly 1,300 written questions submitted by senators after the hearing – more than all prior Supreme Court nominees combined. Throughout this period, the Chairman did not know about the Ranking Member's secret evidence.

Only at the eleventh hour, on the eve of Judge Kavanaugh's confirmation vote, did the Ranking Member refer the allegations to the FBI. And then the allegations were leaked to the press. This is a shameful way to treat Dr. Ford, who insisted on confidentiality, and Judge Kavanaugh, who has had to address these allegations in the midst of a media circus.

When the Chairman received Dr. Ford's letter on September 13, he and his staff recognized the seriousness of these allegations and immediately began the Committee's investigation, consistent with the way the Committee has handled such allegations in the past. Every step of the way, the Democratic side refused to participate in what should've been a bipartisan investigation.

After Dr. Ford's identity became public, the Chairman's staff contacted all of the individuals she said attended the 1982 party described in the *Washington Post* article. Judge Kavanaugh immediately submitted to an interview under penalty of felony for any knowingly false statements. He denied the allegations categorically. Democratic staff was invited to participate—and could've asked any questions—but they declined.

The Chairman's staff contacted the other individuals allegedly at the party—Mark Judge, Patrick J. Smyth and Leland Ingham Keyser. All three submitted statements to the Senate under penalty of felony denying any knowledge of the events described by Dr. Ford. Dr. Ford's lifelong friend, Ms. Keyser, stated she doesn't know Judge Kavanaugh and doesn't recall ever attending a party with him.

The Chairman's staff made repeated requests to interview Dr. Ford during the past eleven days, even volunteering to fly to California to take her testimony. But her attorneys refused to present her allegations to Congress. The Chairman nevertheless honored her request for a public hearing, so Dr. Ford today has the opportunity to present her allegations under oath.



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
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202-224-9102 (fax)

(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 11:58 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Corrected Written Testimony
Attachments: 180926 Ltr to Davis.pdf

From: Lisa Bank (b) (6)]
Sent: Wednesday, September 26, 2018 7:50 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: Debra Katz (b) (6) >; Michael Bromwich (b) (6) >; Joseph Abboud (b) (6) >
Subject: Corrected Written Testimony

Dear Mr. Davis,

Please see attached.

Sincerely,
Lisa Banks



Lisa J. Banks
Partner
1718 Connecticut Ave., N.W.
Sixth Floor
Washington, D.C. 20009
Te (b) (6)
Fax: 202-299-1148
Email (b) (6)
Website: www.kmblegal.com

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Debra S. Katz, Partner
Lisa J. Banks, Partner

By Electronic Mail
September 26, 2018

Mike Davis, Esquire
Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Davis:

We are resubmitting the written testimony of Dr. Christine Blasey Ford to correct a scrivener's error on page five.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debra S. Katz".

Debra S. Katz

A handwritten signature in blue ink, appearing to read "Lisa J. Banks".

Lisa J. Banks

Attorneys for Dr. Christine Blasey Ford

Encl.

cc: Heather Sawyer, Esquire
Michael R. Bromwich, Esquire

Written Testimony of Dr. Christine Blasey Ford
United States Senate Judiciary Committee
September 26, 2018

Chairman Grassley, Ranking Member Feinstein, Members of the Committee. My name is Christine Blasey Ford. I am a Professor of Psychology at Palo Alto University and a Research Psychologist at the Stanford University School of Medicine.

I was an undergraduate at the University of North Carolina and earned my degree in Experimental Psychology in 1988. I received a Master's degree in 1991 in Clinical Psychology from Pepperdine University. In 1996, I received a PhD in Educational Psychology from the University of Southern California. I earned a Master's degree in Epidemiology from the Stanford University School of Medicine in 2009.

I have been married to Russell Ford since 2002 and we have two children.

I am here today not because I want to be. I am terrified. I am here because I believe it is my civic duty to tell you what happened to me while Brett Kavanaugh and I were in high school. I have described the events publicly before. I summarized them in my letter to Ranking Member Feinstein, and again in my letter to Chairman Grassley. I understand and appreciate the importance of your hearing from me directly about what happened to me and the impact it has had on my life and on my family.

I grew up in the suburbs of Washington, D.C. I attended the Holton-Arms School in Bethesda, Maryland, from 1980 to 1984. Holton-Arms is an all-girls school that opened in 1901. During my time at the school, girls at Holton-Arms frequently met and became friendly with boys from all-boys schools in the area, including Landon School, Georgetown Prep, Gonzaga High

School, country clubs, and other places where kids and their families socialized. This is how I met Brett Kavanaugh, the boy who sexually assaulted me.

In my freshman and sophomore school years, when I was 14 and 15 years old, my group of friends intersected with Brett and his friends for a short period of time. I had been friendly with a classmate of Brett's for a short time during my freshman year, and it was through that connection that I attended a number of parties that Brett also attended. We did not know each other well, but I knew him and he knew me. In the summer of 1982, like most summers, I spent almost every day at the Columbia Country Club in Chevy Chase, Maryland swimming and practicing diving.

One evening that summer, after a day of swimming at the club, I attended a small gathering at a house in the Chevy Chase/Bethesda area. There were four boys I remember being there: Brett Kavanaugh, Mark Judge, P.J. Smyth, and one other boy whose name I cannot recall. I remember my friend Leland Ingham attending. I do not remember all of the details of how that gathering came together, but like many that summer, it was almost surely a spur of the moment gathering. I truly wish I could provide detailed answers to all of the questions that have been and will be asked about how I got to the party, where it took place, and so forth. I don't have all the answers, and I don't remember as much as I would like to. But the details about that night that bring me here today are ones I will never forget. They have been seared into my memory and have haunted me episodically as an adult.

When I got to the small gathering, people were drinking beer in a small living room on the first floor of the house. I drank one beer that evening. Brett and Mark were visibly drunk. Early in the evening, I went up a narrow set of stairs leading from the living room to a second floor to use the bathroom. When I got to the top of the stairs, I was pushed from behind into a bedroom. I couldn't see who pushed me. Brett and Mark came into the bedroom and locked the door behind

them. There was music already playing in the bedroom. It was turned up louder by either Brett or Mark once we were in the room. I was pushed onto the bed and Brett got on top of me. He began running his hands over my body and grinding his hips into me. I yelled, hoping someone downstairs might hear me, and tried to get away from him, but his weight was heavy. Brett groped me and tried to take off my clothes. He had a hard time because he was so drunk, and because I was wearing a one-piece bathing suit under my clothes. I believed he was going to rape me. I tried to yell for help. When I did, Brett put his hand over my mouth to stop me from screaming. This was what terrified me the most, and has had the most lasting impact on my life. It was hard for me to breathe, and I thought that Brett was accidentally going to kill me. Both Brett and Mark were drunkenly laughing during the attack. They both seemed to be having a good time. Mark was urging Brett on, although at times he told Brett to stop. A couple of times I made eye contact with Mark and thought he might try to help me, but he did not.

During this assault, Mark came over and jumped on the bed twice while Brett was on top of me. The last time he did this, we toppled over and Brett was no longer on top of me. I was able to get up and run out of the room. Directly across from the bedroom was a small bathroom. I ran inside the bathroom and locked the door. I heard Brett and Mark leave the bedroom laughing and loudly walk down the narrow stairs, pin-balling off the walls on the way down. I waited and when I did not hear them come back up the stairs, I left the bathroom, ran down the stairs, through the living room, and left the house. I remember being on the street and feeling an enormous sense of relief that I had escaped from the house and that Brett and Mark were not coming after me.

Brett's assault on me drastically altered my life. For a very long time, I was too afraid and ashamed to tell anyone the details. I did not want to tell my parents that I, at age 15, was in a house without any parents present, drinking beer with boys. I tried to convince myself that because Brett

did not rape me, I should be able to move on and just pretend that it had never happened. Over the years, I told very few friends that I had this traumatic experience. I told my husband before we were married that I had experienced a sexual assault. I had never told the details to anyone until May 2012, during a couples counseling session. The reason this came up in counseling is that my husband and I had completed an extensive remodel of our home, and I insisted on a second front door, an idea that he and others disagreed with and could not understand. In explaining why I wanted to have a second front door, I described the assault in detail. I recall saying that the boy who assaulted me could someday be on the U.S. Supreme Court and spoke a bit about his background. My husband recalls that I named my attacker as Brett Kavanaugh.

After that May 2012 therapy session, I did my best to suppress memories of the assault because recounting the details caused me to relive the experience, and caused panic attacks and anxiety. Occasionally I would discuss the assault in individual therapy, but talking about it caused me to relive the trauma, so I tried not to think about it or discuss it. But over the years, I went through periods where I thought about Brett's attack. I confided in some close friends that I had an experience with sexual assault. Occasionally I stated that my assailant was a prominent lawyer or judge but I did not use his name. I do not recall each person I spoke to about Brett's assault, and some friends have reminded me of these conversations since the publication of *The Washington Post* story on September 16, 2018. But until July 2018, I had never named Mr. Kavanaugh as my attacker outside of therapy.

This all changed in early July 2018. I saw press reports stating that Brett Kavanaugh was on the "short list" of potential Supreme Court nominees. I thought it was my civic duty to relay the information I had about Mr. Kavanaugh's conduct so that those considering his potential nomination would know about the assault.

On July 6, 2018, I had a sense of urgency to relay the information to the Senate and the President as soon as possible before a nominee was selected. I called my congressional representative and let her receptionist know that someone on the President's shortlist had attacked me. I also sent a message to *The Washington Post's* confidential tip line. I did not use my name, but I provided the names of Brett Kavanaugh and Mark Judge. I stated that Mr. Kavanaugh had assaulted me in the 1980s in Maryland. This was an extremely hard thing for me to do, but I felt I couldn't NOT do it. Over the next two days, I told a couple of close friends on the beach in California that Mr. Kavanaugh had sexually assaulted me. I was conflicted about whether to speak out.

On July 9, 2018, I received a call from the office of Congresswoman Anna Eshoo after Mr. Kavanaugh had become the nominee. I met with her staff on July 18 and with her on July 20, describing the assault and discussing my fear about coming forward. Later, we discussed the possibility of sending a letter to Ranking Member Feinstein, who is one of my state's Senators, describing what occurred. My understanding is that Representative Eshoo's office delivered a copy of my letter to Senator Feinstein's office on July 30, 2018. The letter included my name, but requested that the letter be kept confidential.

My hope was that providing the information confidentially would be sufficient to allow the Senate to consider Mr. Kavanaugh's serious misconduct without having to make myself, my family, or anyone's family vulnerable to the personal attacks and invasions of privacy we have faced since my name became public. In a letter on August 31, 2018, Senator Feinstein wrote that she would not share the letter without my consent. I greatly appreciated this commitment. All sexual assault victims should be able to decide for themselves whether their private experience is made public.

As the hearing date got closer, I struggled with a terrible choice: Do I share the facts with the Senate and put myself and my family in the public spotlight? Or do I preserve our privacy and allow the Senate to make its decision on Mr. Kavanaugh's nomination without knowing the full truth about his past behavior?

I agonized daily with this decision throughout August and early September 2018. The sense of duty that motivated me to reach out confidentially to *The Washington Post*, Representative Eshoo's office, and Senator Feinstein's office was always there, but my fears of the consequences of speaking out started to increase.

During August 2018, the press reported that Mr. Kavanaugh's confirmation was virtually certain. His allies painted him as a champion of women's rights and empowerment. I believed that if I came forward, my voice would be drowned out by a chorus of powerful supporters. By the time of the confirmation hearings, I had resigned myself to remaining quiet and letting the Committee and the Senate make their decision without knowing what Mr. Kavanaugh had done to me.

Once the press started reporting on the existence of the letter I had sent to Senator Feinstein, I faced mounting pressure. Reporters appeared at my home and at my job demanding information about this letter, including in the presence of my graduate students. They called my boss and co-workers and left me many messages, making it clear that my name would inevitably be released to the media. I decided to speak out publicly to a journalist who had responded to the tip I had sent to *The Washington Post* and who had gained my trust. It was important to me to describe the details of the assault in my own words.

Since September 16, the date of *The Washington Post* story, I have experienced an outpouring of support from people in every state of this country. Thousands of people who have had their lives dramatically altered by sexual violence have reached out to share their own experiences with me and have thanked me for coming forward. We have received tremendous support from friends and our community.

At the same time, my greatest fears have been realized – and the reality has been far worse than what I expected. My family and I have been the target of constant harassment and death threats. I have been called the most vile and hateful names imaginable. These messages, while far fewer than the expressions of support, have been terrifying to receive and have rocked me to my core. People have posted my personal information on the internet. This has resulted in additional emails, calls, and threats. My family and I were forced to move out of our home. Since September 16, my family and I have been living in various secure locales, with guards. This past Tuesday evening, my work email account was hacked and messages were sent out supposedly recanting my description of the sexual assault.

Apart from the assault itself, these last couple of weeks have been the hardest of my life. I have had to relive my trauma in front of the entire world, and have seen my life picked apart by people on television, in the media, and in this body who have never met me or spoken with me. I have been accused of acting out of partisan political motives. Those who say that do not know me. I am a fiercely independent person and I am no one's pawn. My motivation in coming forward was to provide the facts about how Mr. Kavanaugh's actions have damaged my life, so that you can take that into serious consideration as you make your decision about how to proceed. It is not my responsibility to determine whether Mr. Kavanaugh deserves to sit on the Supreme Court. My responsibility is to tell the truth.

I understand that the Majority has hired a professional prosecutor to ask me some questions, and I am committed to doing my very best to answer them. At the same time, because the Committee Members will be judging my credibility, I hope to be able to engage directly with each of you.

At this point, I will do my best to answer your questions.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Thursday, September 27, 2018 12:39 AM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- committee investigators swiftly debunk outrageous smear by Rhode Island resident Jeffrey Catalan
Attachments: RE: Letter from Chairman Grassley.msg; Letter from Chairman Grassley.msg; RE: RE: RE: RE: RE: RE: Re:.msg; RE: RE: RE: RE: Re:.msg; RE: RE: RE: Re:.msg; ; RE: Letter from Chairman Grassley.msg; Letter from Chairman Grassley.msg; RE: RE: RE: RE: RE: RE: RE: Re:.msg; RE: RE: RE: RE: Re:.msg; RE: RE: RE: Re:.msg; Untitled.msg; SW to CEG 9-25-18.pdf; 09.26.18 CEG to Whitehouse.pdf; SCOTUS: Judiciary Committee Releases Transcripts of Kavanaugh Interviews.msg

Below and attached are emails and letters related to Senator Whitehouse's involvement with the latest (recanted) smear of Judge Kavanaugh by Jeffrey Catalan, a Rhode Island resident who claimed the following on 9/24/2018:

Our office received a call this morning from a Rhode Island constituent, Jeffrey Catalan, who made allegations regarding U.S. Supreme Court nominee Brett Kavanaugh. Catalan reported that early on a Sunday morning in August of 1985, a close acquaintance of the constituent was sexually assaulted by two heavily inebriated men she referred to at the time as "Brett and Mark." The event took place on a 36' maroon and white boat in the harbor at Newport, Rhode Island, after the three had met at a local bar. According to Catalan, when he learned of the assault at approximately 5:00 a.m. that same morning, he and another individual went to the harbor, located the boat the victim had described, and physically confronted the two men, leaving them with significant injuries. Catalan recently realized that one of the men was Brett Kavanaugh when he saw Kavanaugh's high school yearbook photo on television over the weekend. He promptly reported the incident to our office on Monday morning, September 24, 2018.

Following the swift investigation by the Chairman's committee investigators, including the committee investigators' interview of Judge Kavanaugh and the public release of the transcript of his testimony under penalty of felony, Mr. Catalan Tweeted the following:

 **Jeffrey Catalan** @JeffreyCatala16

Follow @JeffreyCatala16
More

Do everyone who is going crazy about what I had said I have recanted because I have made a mistake and apologize for such mistake

4:51 PM - 26 Sep 2018

<https://twitter.com/JeffreyCatala16/status/1045098674081214464>

In other words, the committee investigation swiftly got to the truth – that Jeffrey Catalan made up a smear against Judge Kavanaugh, which he quickly recanted when publicly aired.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Wednesday, September 26, 2018 10:25 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Davis, Kolan (Judiciary-Rep) (b) (6) >; Duck, Jennifer (Judiciary-Dem)

(b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6)

(b) (6) >

Subject: Re: Time-sensitive Letter to Chairman Grassley

We did not “put him in touch” with anyone. We gave him a name, as he asked, took notes, and passed those notes along in a responsible fashion. We did not talk to press and did not follow up to see what he had decided to do (we did follow up to say a transcript would be released, to our dismay). But people easily found his twitter account and threatened him, and somehow Sean Hannity knows exactly how it came to pass that Kavanaugh was asked the questions he was. It’s good to know how investigations work.

On Sep 26, 2018, at 10:18 PM, Davis, Mike (Judiciary-Rep) (b) (6) > wrote:

I would not have put him in touch with a reporter, like Whitehouse’s office did.

Before releasing the transcript:

1. We redacted Mr. Catalan’s name.
2. We redacted his hometown.
3. We redacted his Twitter handle.

Mr. Catalan should not peddle slanderous – and likely felonious – smears about anyone, especially not a Supreme Court nominee pending before the Senate Judiciary Committee.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Wednesday, September 26, 2018 10:09 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Davis, Kolan (Judiciary-Rep) (b) (6) >; Duck, Jennifer (Judiciary-

Dem) (b) (6) >; Sawyer, Heather (Judiciary-Dem)

(b) (6) >

Subject: Re: Time-sensitive Letter to Chairman Grassley

Mike—

Serious question: What would you like members to do when they receive calls like the one we received? Ignore them or turn them over to the “investigators?”

On Sep 26, 2018, at 9:55 PM, Davis, Mike (Judiciary-Rep) (b) (6) >
wrote:

Your constituent Jeffrey Catalan sent this Tweet:

[<image001.png>](#) **Jeffrey Catalan** @JeffreyCatala16

Follow Follow @JeffreyCatala16
More

Do everyone who is going crazy about what I
had said I have recanted because I have
made a mistake and apologize for such
mistake

4:51 PM - 26 Sep 2018

<https://twitter.com/JeffreyCatala16/status/1045098674081214464>

He is a disgrace.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Wednesday, September 26, 2018 8:55 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Davis, Kolan (Judiciary-Rep) (b) (6) >; Duck, Jennifer
(Judiciary-Dem) (b) (6) >; Sawyer, Heather (Judiciary-

Dem) (b) (6) >

Subject: Re: Time-sensitive Letter to Chairman Grassley

We are disappointed our constituent is being harassed because of your having asked Judge Kavanaugh questions about his twitter account. These questions had no investigative purpose whatsoever (why on earth would the judge have been familiar with those tweets) and, as I feared, and he is now a target. Contrary to your assertions, he did not seek the limelight and nothing was in the press until your transcript was released.

This sends an unfortunate message about passing along information and trying to follow protocol.

On Sep 25, 2018, at 4:19 PM, Davis, Mike (Judiciary-Rep) (b) (6)

> wrote:

Thanks. I passed along to the Chairman.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 4:09 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >;

Davis, Kolan (Judiciary-Rep) (b) (6) >

Cc: Duck, Jennifer (Judiciary-Dem) (b) (6)

>; Sawyer, Heather (Judiciary-Dem)

(b) (6) >

Subject: Time-sensitive Letter to Chairman Grassley

Please find attached a letter to the Chairman from Senator Whitehouse, asking that the Rhode Island constituent's name and personally-identifying information be redacted. He also left the Chairman a voice-mail.

Thank you.
Lara

Lara Quint
Chief Counsel
Senator Sheldon Whitehouse
Subcommittee on Crime & Terrorism
Senate Committee on the Judiciary

(b) (6)

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 26, 2018

Dear Senator Whitehouse:

I write in response to your letter dated September 25 questioning my handling of allegations of sexual assault against Judge Brett Kavanaugh. These serious allegations were brought by one of your constituents on behalf of an unnamed third party.

I would like to thank you for referring these allegations to the Senate Judiciary Committee as soon as you were aware of them. This allowed Committee staff to conduct its initial investigation into this allegation in a way that protects the confidentiality of all those involved. This is in stark contrast to the Ranking Member's handling of Dr. Christine Blasey Ford's allegations. She sat on these allegations for nearly seven weeks, foregoing numerous opportunities to question Judge Kavanaugh in public or private about them.

As to your concern that we shared these allegations with Judge Kavanaugh, this practice is consistent with the Committee's established process for handling allegations made against a nominee. The standard protocol is to raise any negative information the Committee possesses about a nominee in an interview with the nominee to determine what, if any, knowledge he or she has regarding the information. Statements made to the Committee during such interviews are subject to a felony penalty under 18 U.S.C. § 1001 for any knowingly false statements. Committee staff **always** asks nominees about negative information in the course of evaluating their backgrounds.

You are correct that we did not limit ourselves to your proposed questions. For good reason. Your proposed questions would have artificially restricted my investigators to asking only whether Judge Kavanaugh was ever in Newport, RI or on a boat in the summer of 1985. These questions are quite obviously not designed to allow investigators to address meaningfully the substance of the allegations—that Judge Kavanaugh allegedly raped a woman in 1985 with a man named “Mark” and was then apparently beaten by your constituent. Judge Kavanaugh's answers to your proposed questions would have shed no light on the allegations regardless of how he answered them.

As my staff has already told you, we will redact your constituent's name on any publicly released document. I have a long history of protecting the identities of whistleblowers and will of course honor your request.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a large, stylized "C" and "G".

Chuck Grassley

Quint, Lara (Judiciary-Dem)

From: Quint, Lara (Judiciary-Dem)
Sent: Monday, September 24, 2018 6:25 PM
To: Davis, Kolan (Judiciary-Rep); Davis, Mike (Judiciary-Rep); Duck, Jennifer (Judiciary-Dem); Sawyer, Heather (Judiciary-Dem)
Cc: Aronson, Alex (Judiciary-Dem)
Attachments: Letter to DF and CEG - 9-24-18 re RI constituent.pdf

All—

Please find attached a letter from Senator Whitehouse to Chairman Grassley and Ranking Member Feinstein. I believe he handed your bosses hard copies at the vote. Below is a summary of the substance of the allegations referenced in the letter:

Our office received a call this morning from a Rhode Island constituent, Jeffrey Catalan, who made allegations regarding U.S. Supreme Court nominee Brett Kavanaugh. Catalan reported that early on a Sunday morning in August of 1985, a close acquaintance of the constituent was sexually assaulted by two heavily inebriated men she referred to at the time as "Brett and Mark." The event took place on a 36' maroon and white boat in the harbor at Newport, Rhode Island, after the three had met at a local bar. According to Catalan, when he learned of the assault at approximately 5:00 a.m. that same morning, he and another individual went to the harbor, located the boat the victim had described, and physically confronted the two men, leaving them with significant injuries. Catalan recently realized that one of the men was Brett Kavanaugh when he saw Kavanaugh's high school yearbook photo on television over the weekend. He promptly reported the incident to our office on Monday morning, September 24, 2018.

If your office wishes to pursue this matter, we can provide contact information for Mr. Catalan. It is not clear that the victim is aware that Mr. Catalan has brought these allegations forward or that she wishes to come forward herself.

Thanks,

Lara

Lara Quint

Chief Counsel

Senator Sheldon Whitehouse

Subcommittee on Crime & Terrorism

Senate Committee on the Judiciary

(b) (6)

SHELDON WHITEHOUSE
RHODE ISLAND

COMMITTEES:
BUDGET
ENVIRONMENT AND PUBLIC WORKS
FINANCE
JUDICIARY

United States Senate
WASHINGTON, DC 20510-3905

<http://whitehouse.senate.gov>

(202) 224-2921
TTY (202) 224-7746

170 WESTMINSTER STREET, SUITE 200
PROVIDENCE, RI 02903
(401) 453-5294

September 24, 2018

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

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
331 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

This morning, a constituent contacted my office to report another allegation of sexual misconduct by Judge Brett Kavanaugh, nominee to be Associate Justice of the Supreme Court of the United States. At the constituent's request, I provided the constituent with the contact information of a reporter who might investigate the allegation. I have also alerted the Federal Bureau of Investigation.

I look forward to hearing what further action you would like to take.

Sincerely,


Sheldon Whitehouse
United States Senator

Kenny, Steve (Judiciary-Rep)

From: Kenny, Steve (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 3:36 PM
To: Quint, Lara (Judiciary-Dem); Aronson, Alex (Judiciary-Dem)
Cc: Davis, Mike (Judiciary-Rep)
Subject: Letter from Chairman Grassley
Attachments: 09.26.18 CEG to Whitehouse.pdf

Please find correspondence from Chairman Grassley to Senator Whitehouse.

Steve Kenny
Nominations Counsel
United States Senate Judiciary Committee
(b) (6)

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 26, 2018

Dear Senator Whitehouse:

I write in response to your letter dated September 25 questioning my handling of allegations of sexual assault against Judge Brett Kavanaugh. These serious allegations were brought by one of your constituents on behalf of an unnamed third party.

I would like to thank you for referring these allegations to the Senate Judiciary Committee as soon as you were aware of them. This allowed Committee staff to conduct its initial investigation into this allegation in a way that protects the confidentiality of all those involved. This is in stark contrast to the Ranking Member's handling of Dr. Christine Blasey Ford's allegations. She sat on these allegations for nearly seven weeks, foregoing numerous opportunities to question Judge Kavanaugh in public or private about them.

As to your concern that we shared these allegations with Judge Kavanaugh, this practice is consistent with the Committee's established process for handling allegations made against a nominee. The standard protocol is to raise any negative information the Committee possesses about a nominee in an interview with the nominee to determine what, if any, knowledge he or she has regarding the information. Statements made to the Committee during such interviews are subject to a felony penalty under 18 U.S.C. § 1001 for any knowingly false statements. Committee staff always asks nominees about negative information in the course of evaluating their backgrounds.

You are correct that we did not limit ourselves to your proposed questions. For good reason. Your proposed questions would have artificially restricted my investigators to asking only whether Judge Kavanaugh was ever in Newport, RI or on a boat in the summer of 1985. These questions are quite obviously not designed to allow investigators to address meaningfully the substance of the allegations—that Judge Kavanaugh allegedly raped a woman in 1985 with a man named “Mark” and was then apparently beaten by your constituent. Judge Kavanaugh's answers to your proposed questions would have shed no light on the allegations regardless of how he answered them.

As my staff has already told you, we will redact your constituent's name on any publicly released document. I have a long history of protecting the identities of whistleblowers and will of course honor your request.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a large, stylized "C" and "G".

Chuck Grassley

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 12:11 PM
To: Quint, Lara (Judiciary-Dem); Sawyer, Heather (Judiciary-Dem)
Cc: Davis, Kolan (Judiciary-Rep); Duck, Jennifer (Judiciary-Dem); Aronson, Alex (Judiciary-Dem)
Subject: RE: RE: RE: Re:
Attachments: RE: RE: RE: Re:.msg

Our emails crossed. Attached is my last email.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)
Sent: Tuesday, September 25, 2018 12:10 PM
To: Sawyer, Heather (Judiciary-Dem)
Cc: Davis, Mike (Judiciary-Rep) ; Davis, Kolan (Judiciary-Rep) ; Duck, Jennifer (Judiciary-Dem) ; Aronson, Alex (Judiciary-Dem)
Subject: Re: RE: RE: Re:

The threshold question is whether he was in Newport. That's fine. If he says no and has corroboration, fine. But then no need to tell him what we shared with you. We want the claim looked into—we're not blasting it out and would appreciate your not telling others (including judge or WH) either for the moment.

On Sep 25, 2018, at 12:00 PM, Sawyer, Heather (Judiciary-Dem) (b) (6) >
wrote:

As I understand it, Republican staff plan to talk with Judge Kavanaugh at 12:30. We have just learned this but my understanding is that they plan to inform him of the claims.

On Sep 25, 2018, at 11:56 AM, Quint, Lara (Judiciary-Dem) (b) (6) >
wrote:

I am with my boss now. He would like to know what the game plan is: what a call would involve (specifically, he would like his staff to be on the call with his constituent) and what any follow-up would entail. He would like you to ask Kavanaugh on any calls you may have with him whether he was in Newport in the summer of 1985 and whether he was on a boat at any point that summer. As he emphasized to your boss, he thinks it would be highly inappropriate for you to share with anyone at the White House or Kavanaugh what our constituent shared, but he would like answers to the Newport and boat questions. Thank you.

On Sep 24, 2018, at 8:15 PM, Davis, Mike (Judiciary-Rep) (b) (6)

(b) (6) > wrote:

Thank you, Lara.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Monday, September 24, 2018 8:14 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Davis, Kolan (Judiciary-Rep) (b) (6) >;

Duck, Jennifer (Judiciary-Dem) (b) (6) >;

Sawyer, Heather (Judiciary-Dem) (b) (6)

>; Aronson, Alex (Judiciary-Dem) (b) (6)

>

Subject: Re: RE: Re:

Thanks, Mike. I'll speak with him in the morning and let you know. I believe he exchanged emailed with the Chairman this evening as well.

On Sep 24, 2018, at 7:31 PM, Davis, Mike (Judiciary-Rep)

(b) (6) > wrote:

Please let me know when Senator Whitehouse is comfortable providing the Chairman's staff with the contact information, so the committee investigators can immediately investigate this matter. The Chairman's staff invites the Ranking Member's staff to participate in every step.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Monday, September 24, 2018 6:58 PM

To: Davis, Mike (Judiciary-Rep) (b) (6)

>; Davis, Kolan (Judiciary-Rep)

(b) (6) >; Duck, Jennifer

(Judiciary-Dem) (b) (6) >;

Sawyer, Heather (Judiciary-Dem) (b) (6)

>

Cc: Aronson, Alex (Judiciary-Dem) (b) (6)

>

Subject: RE: Re:

Hi Mike—

Senator Whitehouse is not comfortable sharing contact information until he has a sense of what any bipartisan plan for outreach would look like. He has already provided contact information to appropriate contacts at the FBI and wrote to your bosses this afternoon primarily to document and share the actions he had taken.

Thank you.

From: Davis, Mike (Judiciary-Rep)

Sent: Monday, September 24, 2018 6:37 PM

To: Quint, Lara (Judiciary-Dem) (b) (6)

(b) (6) >; Davis, Kolan (Judiciary-Rep)

(b) (6) >; Duck, Jennifer

(Judiciary-Dem) (b) (6) >;

Sawyer, Heather (Judiciary-Dem) (b) (6)

(b) (6) >

Cc: Aronson, Alex (Judiciary-Dem) (b) (6)

(b) (6) >

Subject: Re:

Please send me the contact information.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations

United States Senate Committee on the Judiciary

Senator Chuck Grassley (R-IA), Chairman

224 Dirksen Senate Office Building

Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

----- Original message -----

From: "Quint, Lara (Judiciary-Dem)"

(b) (6) >

Date: 9/24/18 6:30 PM (GMT-05:00)

To: "Davis, Kolan (Judiciary-Rep)"

(b) (6) >, "Davis, Mike

(Judiciary-Rep)" (b) (6) >,"

"Duck, Jennifer (Judiciary-Dem)"

(b) (6) >, "Sawyer,

Heather (Judiciary-Dem)" (b) (6)

(b) (6) >

Cc: "Aronson, Alex (Judiciary-Dem)"

(b) (6) >

Subject: RE:

Following up—since this is a constituent, Senator Whitehouse would like to clarify that he would like to be apprised of, and involved in, any plans for outreach. Thank you.

From: Quint, Lara (Judiciary-Dem)

Sent: Monday, September 24, 2018 6:25 PM

To: Davis, Kolan (Judiciary-Rep) (b) (6)

(b) (6) >; Davis, Mike (Judiciary-Rep)

(b) (6) >; Duck, Jennifer

(Judiciary-Dem) (b) (6) >;

Sawyer, Heather (Judiciary-Dem) (b) (6)

(b) (6) >

Cc: Aronson, Alex (Judiciary-Dem) (b) (6)

(b) (6) >

Subject:

All—

Please find attached a letter from Senator Whitehouse to Chairman Grassley and Ranking Member Feinstein. I believe he handed your bosses hard copies at the vote. Below is a summary of the substance of the allegations referenced in the letter:

Our office received a call this morning from a Rhode Island constituent, Jeffrey Catalan, who made allegations regarding U.S. Supreme Court nominee Brett Kavanaugh. Catalan reported that early on a Sunday morning in August of 1985, a close acquaintance of the constituent was sexually assaulted by two heavily inebriated men she referred to at the time as "Brett and Mark." The event took place on a 36' maroon and white boat in the harbor at Newport, Rhode Island, after the three had met at a local bar. According to Catalan, when he learned of the assault at approximately 5:00 a.m. that same morning, he and another individual went to the harbor, located the boat the victim had described, and physically confronted the two men, leaving them with significant injuries. Catalan recently realized that one of the men was Brett Kavanaugh when he saw Kavanaugh's high school yearbook photo on television over the weekend. He promptly reported the incident to our office on Monday morning, September 24, 2018.

If your office wishes to pursue this matter, we can provide contact information for Mr. Catalan. It is not clear that the victim is aware that Mr. Catalan has brought these allegations forward or that she wishes to come forward herself.

Thanks,

Lara

Lara Quint

Chief Counsel

Senator Sheldon Whitehouse

Subcommittee on Crime & Terrorism

Senate Committee on the Judiciary

(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 4:16 PM
To: Quint, Lara (Judiciary-Dem)
Cc: Goodstein, Sam (Whitehouse)
Subject: RE: RE: RE: RE: RE: RE: RE: Re:

Understand.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)
Sent: Tuesday, September 25, 2018 4:15 PM
To: Davis, Mike (Judiciary-Rep)
Cc: Goodstein, Sam (Whitehouse)
Subject: Re: RE: RE: RE: RE: RE: Re:

My boss just left yours a voicemail asking him not to take any steps that cannot be undone (ie transcript release) until they have chatted. Thanks!

On Sep 25, 2018, at 3:28 PM, Davis, Mike (Judiciary-Rep) (b) (6) > wrote:

Appreciate it, Lara.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)
Sent: Tuesday, September 25, 2018 3:28 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Goodstein, Sam (Whitehouse) (b) (6) >
Subject: Re: RE: RE: RE: RE: RE: Re:

Yes. That is his request. Thank you.

On Sep 25, 2018, at 3:19 PM, Davis, Mike (Judiciary-Rep) (b) (6) > wrote:

And I just tried to call Lara.

Is Whitehouse's position that we should redact the accuser's name?

We are getting the transcript later today.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 3:08 PM

To: Quint, Lara (Judiciary-Dem) (b) (6) >

Cc: Goodstein, Sam (Whitehouse) (b) (6) >

Subject: RE: RE: RE: RE: RE: Re:

Great. I stand by them.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 3:08 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Goodstein, Sam (Whitehouse) (b) (6) >

Subject: RE: RE: RE: RE: RE: Re:

Mike,

I'm adding my Chief of Staff here, who will determine how to deal with these personal accusations toward my boss.

Thanks.

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 3:06 PM

To: Quint, Lara (Judiciary-Dem) (b) (6) >

Cc: Aronson, Alex (Judiciary-Dem) (b) (6) >

Subject: RE: RE: RE: RE: RE: Re:

If your constituent seeks the public limelight by talking to a reporter about his phony allegations, then he should have no problem with the public scrutiny. This is a disgraceful, last-minute, political drive-by shooting. I get why Whitehouse wants to distance himself from this now.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 3:00 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Aronson, Alex (Judiciary-Dem) (b) (6) >

Subject: RE: RE: RE: RE: RE: RE:

Wow. Yes, a constituent asked us in writing for the name of a reporter. We gave him a name at his request and were completely transparent about that with your boss. That does not mean we spoke to a reporter or anyone else about his claims.

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 2:55 PM

To: Quint, Lara (Judiciary-Dem) (b) (6) >

Subject: RE: RE: RE: RE: RE: RE:

"At the constituent's request, I provided the constituent with the contact information of a reporter who might investigate the allegation." – Senator Whitehouse's 9/24/2018 letter to Chairman Grassley

Senator Whitehouse had no problem helping to peddle these absolutely garbage allegations to a reporter. He politicized this, not us.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 2:49 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Subject: RE: RE: RE: RE: RE: RE:

My concern is that this transcript release will be used for political ends, when we went out of our way to follow protocol. I have read plenty of inaccurate stories about Democratic "coordination" and such, and want it crystal clear we simply passed along information in a bipartisan way. I simply don't see why releasing the constituent's name in this climate advances anything at all. Why is it necessary, and how does putting his name in the public have anything to do with 1001?

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 2:43 PM

To: Quint, Lara (Judiciary-Dem) (b) (6) >

Subject: RE: RE: RE: RE: RE: RE:

Part of the committee's investigation is asking the nominee about allegations raised against him. We did that immediately today. We do not need any pre-investigation or pre-approval for committee investigators to do their job and investigate.

We will consider Whitehouse's request to redact the accuser's name. Just because the accuser is a constituent does not mean that he is not accountable for the allegations that he makes to Congress, subject to 18 U.S.C. Section 1001.

Thank you,

Mike Davis
Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 2:38 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Subject: RE: RE: RE: RE: RE: Re:

Please call me. We thought it was premature to raise the allegations with BK—they haven't even been investigated. My boss will be writing to yours, and asks that you please redact anything containing our constituent's name from any public release. If he gets outed and hounded simply for telling us something in confidence, that will be very disappointing. As I said, we have told nobody other than you, Feinstein, and FBI about this as our intention was not to do anything beyond pass something along.

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 2:30 PM

To: Quint, Lara (Judiciary-Dem) (b) (6) >

Subject: RE: RE: RE: RE: RE: Re:

FYI, we just asked Judge Kavanaugh about these allegations in his interview subject to felony. Judge Kavanaugh agreed to the public release of his transcript.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 1:59 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Subject: RE: RE: RE: RE: RE: Re:

Could you give me a ring? I am very concerned about anything about this allegation entering the public realm. We passed something along with the expectation it would be investigated. We have told nobody outside the Feinstein staff and yourselves and the FBI. We are not vouching for the constituent because we don't know enough and it would be irresponsible to do so.

I'm a (b) (6) .

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 12:24 PM

To: Quint, Lara (Judiciary-Dem) (b) (6) >

Cc: Sawyer, Heather (Judiciary-Dem) (b) (6) >; Davis, Kolan (Judiciary-Rep) (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; Aronson, Alex (Judiciary-Dem)

(b) (6) >

Subject: RE: RE: RE: RE: RE: Re:

Understand. That is our goal.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 12:23 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Sawyer, Heather (Judiciary-Dem) (b) (6) >; Davis, Kolan (Judiciary-Rep) (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; Aronson, Alex (Judiciary-Dem) (b) (6) >

Subject: Re: RE: RE: RE: RE: Re:

Our main concern is this resulting in attacks on our constituent, who has not gone around talking about this. We have not told others and simply wanted to pass along an allegation for preliminary investigation in a bipartisan, responsible way. We just ask for respect for the constituent and to keep this contained as we investigate.

On Sep 25, 2018, at 12:15 PM, Davis, Mike (Judiciary-Rep) (b) (6)

> wrote:

Lara,

Sorry, I did not read the emails between Whitehouse and Grassley. I was going off of our emails from last night. We are following our routine investigative procedures. Happy to discuss via phone.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 12:13 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Sawyer, Heather (Judiciary-Dem) (b) (6)

>; Davis, Kolan (Judiciary-Rep) (b) (6)

>; Duck, Jennifer (Judiciary-Dem) (b) (6)

>; Aronson, Alex (Judiciary-Dem) (b) (6)

>

Subject: Re: RE: RE: RE: Re:

But they haven't even been investigated. We wanted you, the Committee, to investigate. There may be something to it, there may not. We're a separate branch. He didn't want anyone else to have it and told your boss in writing in

no uncertain terms.

On Sep 25, 2018, at 12:09 PM, Davis, Mike (Judiciary-Rep)

(b) (6) > wrote:

Lara,

I am just seeing your emails below from.

We setup a routine call with Judge Kavanaugh at 12:30 pm today, so we can ask him about these allegations, along with others.

We sent Judge Kavanaugh's counsel, along with the appropriate DOJ officials, a copy of the allegations, so Judge Kavanaugh can respond to them.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Quint, Lara (Judiciary-Dem)

Sent: Tuesday, September 25, 2018 12:04 PM

To: Sawyer, Heather (Judiciary-Dem)

(b) (6) >

Cc: Davis, Mike (Judiciary-Rep) (b) (6)

>; Davis, Kolan (Judiciary-Rep)

(b) (6) >; Duck, Jennifer
(Judiciary-Dem) (b) (6) >;

Aronson, Alex (Judiciary-Dem) (b) (6)

>

Subject: Re: RE: RE: Re:

My boss made very clear in writing to Senator Grassley that, while asking Kavanaugh about whether he was in Newport etc is completely appropriate, telling him about the allegations or constituent's name is not at this point.

On Sep 25, 2018, at 12:00 PM, Sawyer, Heather (Judiciary-Dem) (b) (6) > wrote:

Duplicative Material (Document ID: 0.7.22222.225679-000007)



Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 26, 2018 7:01 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Judiciary Committee Releases Transcripts of Kavanaugh Interviews



FOR IMMEDIATE RELEASE

Wednesday, September 26, 2018

Judiciary Committee Releases Transcripts of Kavanaugh Interviews

WASHINGTON – The Senate Judiciary Committee today released the transcripts of two interviews committee investigators conducted with Judge Brett Kavanaugh following allegations published in recent news reports. The first interview was conducted on Monday, September 17, 2018, one day after the *Washington Post* revealed Dr. Christine Blasey Ford’s identity. Committee Democrats were invited but refused to take part in the interview. The second interview was conducted Tuesday, September 26, following allegations by Deborah Ramirez were published in the *New Yorker*. Committee Democrats were reportedly investigating Ramirez’s claims, but did not share such information with Committee Republicans. Committee Democrats attended this interview but declined to participate.

Both interviews were conducted under penalty of felony. In both interviews, Judge Kavanaugh denied the allegations against him. Judge Kavanaugh has agreed for the transcripts to be released.

[September 17, 2018 Transcript](#)

[September 25, 2018 Transcript](#)



Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

September 25, 2018

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

Dear Chairman Grassley:

I write to follow up on yesterday's communications regarding a Rhode Island constituent who reached out to my office with allegations about Judge Brett Kavanaugh, nominated to be Associate Justice of the United States Supreme Court. As I stated to you, and as my staff relayed to yours, my goal in sharing the allegation with you, Ranking Member Feinstein, and the FBI was simply to follow protocol and ensure that the information was reported so that the professional staff at the FBI could determine whether any follow-up was warranted. As I made clear, we did not undertake an investigation on our own and could not provide an assessment of the claims – something that would have been premature and irresponsible given the nature of the allegation and the fact that there has been no investigation.

As I made clear, I have not shared the information, which was provided to me in confidence, with my caucus. I did not hold press conferences or spread rumors among my colleagues; I asked that the FBI and Committee consider appropriate next steps.

Without any consultation, your staff elected to share these allegations – including the name of my constituent – with Judge Kavanaugh and his lawyers. We learned from Senator Feinstein's office that your staff intended to do this thirty minutes before a call that you scheduled with Judge Kavanaugh. We immediately contacted your staff and asked that you not reveal my constituent's name and, to the extent you determined any follow-up was appropriate, you ask a threshold question – whether Judge Kavanaugh was present in the location contained in the claim. If the answer was "no," we asked that you go no further.


Instead, you revealed my constituent's name, and apparently questioned Judge Kavanaugh extensively about unrelated statements on the constituent's social media account. It is not clear what legitimate investigative purposes this served and raises additional concerns that the steps being taken by your staff have been driven by political interests.

The protocol that you set forth – under which you requested that Members immediately share confidential information with you – is exactly what I did here. Yet without consulting with me, your staff then shared my constituent's name and claims with Judge Kavanaugh, and you now intend to make the transcript of that discussion public. When my staff asked to have the constituent's name redacted, your staff responded that this individual was subject to potential

criminal penalties for coming forward to Congress. But criminal penalties have no bearing on a request for confidentiality and this response appears to be nothing other than a threat to anyone who might be considering coming forward.

I ask that you redact my constituent's name and any other personally identifiable information from the transcript. Going forward, I would request that you provide a written protocol explaining how information conveyed to Committee Members in confidence will be treated by your office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sheldon Whitehouse', is written over the typed name.

Sheldon Whitehouse

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Thursday, September 27, 2018 1:24 AM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- in 2 days, committee investigators debunk another anonymous allegation against Judge Kavanaugh, this time from Colorado
Attachments: Anonymous Letter and Envelope.pdf; 09272018 Email for Judge Dabney Friedrich_Redacted.pdf; 09 26 2018 SJC letter.pdf

See attached. An anonymous accuser from Colorado wrote to Senator Gardner's office, who immediately passed along the allegation to the Committee:

I will remain anonymous but I feel obligated to inform you of this 1998 incident involving Brett Kavanaugh.

When he was author of the Starr Report, my daughter (from Boulder Colorado) occasionally socialized with Brett Kavanaugh. She and a group of four (including Kavanaugh met in a Washington D.C. bar). Her friend was dating him. When they left the bar (under the influence of alcohol) they were all shocked when Brett Kavanaugh shoved her friend up against the wall very aggressively and sexually. There were at least four witnesses including my daughter. Her friend (still traumatized) called my daughter yesterday (Sept 21, 2018) wondering what to do about it. They decided to remain anonymous.

Tonight, Judge Dabney Friedrich (Judge Kavanaugh's girlfriend in 1998) wrote the following to committee investigators:

I write in response to a phone call I received this evening from Mike Davis, Chief Nominations Counsel for the Committee. In our phone call, Mr. Davis read to me an anonymous letter sent to Colorado Senator Cory Gardner dated September 22, 2018. Mr. Davis asked me (1) whether I dated Brett Kavanaugh in 1998 and (2) whether he ever shoved me against a wall. Mr. Davis also emailed me the attached letter and asked me to provide an immediate and written response to the Committee. As I informed Mr. Davis, I dated Brett Kavanaugh in 1998. To the extent the attached letter is referring to me as the "friend [who] was dating him," the allegations it makes are both offensive and absurd. At no time did Brett ever shove me against a wall, including in an "aggressive[]" and "sexual[]" manner. When we dated, Brett always treated me with the utmost respect, and we remain friends to this day. I have never observed (nor am I aware of) Brett acting in a physically inappropriate or aggressive manner toward anyone.

Judge Kavanaugh also unequivocally denied these anonymous allegations in his interviews with committee investigators, subject to felony prosecution for lying. The committee should release the transcript from the 9/26/2018 sometime later today (9/27/2018), once the court reporter gets us the transcript.

On 9/26/2018, the Committee publicly released these 2 transcripts of committee-investigator interviews with Judge Kavanaugh, in which Judge Kavanaugh unequivocally denied 5 other allegations of sexual misconduct:

September 17, 2018 Transcript: <<https://www.judiciary.senate.gov/download/091718-bmk-interview-transcript-redacted?peek=EK4Ujckl1L6%2BXpPbo9Puse9B1L%2FJ1aQ2AYDy3%2FjqSvIELGs>>

September 25, 2018 Transcript: <<https://www.judiciary.senate.gov/download/092518-bmk-interview-transcript-redacted>>

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

September 26, 2018

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein,

I write in response to a phone call I received this evening from Mike Davis, Chief Nominations Counsel for the Committee. In our phone call, Mr. Davis read to me an anonymous letter sent to Colorado Senator Cory Gardner dated September 22, 2018.

Mr. Davis asked me (1) whether I dated Brett Kavanaugh in 1998 and (2) whether he ever shoved me against a wall. Mr. Davis also emailed me the attached letter and asked me to provide an immediate and written response to the Committee.

As I informed Mr. Davis, I dated Brett Kavanaugh in 1998. To the extent the attached letter is referring to me as the “friend [who] was dating him,” the allegations it makes are both offensive and absurd. At no time did Brett ever shove me against a wall, including in an “aggressive[] and sexual[]” manner. When we dated, Brett always treated me with the utmost respect, and we remain friends to this day. I have never observed (nor am I aware of) Brett acting in a physically inappropriate or aggressive manner toward anyone.

Sincerely,

Dabney L. Friedrich

From: [Dabney L. Friedrich@Redacted](#)
To: [Davis, Mike \(Judiciary-Rep\)](#)
Cc: [Kenny, Steve \(Judiciary-Rep\)](#); [Ferguson, Andrew \(Judiciary-Rep\)](#)
Subject: Re: FW: anonymous letter
Date: Thursday, September 27, 2018 12:36:48 AM
Attachments: [Anonymous Letter and Envelope.pdf](#)
[09 26 2018 SJC letter.pdf](#)

Mike,

Sorry for the delay. I can't seem to get our home scanner to work, so I'm sending you this unsigned copy now. As soon as I get to work tomorrow (around 8am), I'll send you a signed copy.

Thanks,

Dabney

From: "Davis, Mike (Judiciary-Rep)" (b) (6) >
To: "dabney_l._friedrich@Redacted" <dabney_l._friedrich@Redacted >
Date: 09/26/2018 10:35 PM
Subject: FW: anonymous letter

Judge,

Per my phone call with you tonight, attached is the email that we discussed as part of the committee's investigation into the attached allegations. I look forward to your immediate written response.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Rogers, Natalie (Gardner)
Sent: Monday, September 24, 2018 5:50 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: anonymous letter

Mike,

Attached is a copy of the anonymous letter and the envelope that were sent to our Denver office.

Natalie

Natalie Farr Rogers

Chief of Staff

Senator Cory Gardner (CO)

(b) (6) Redacted

Sept. 22, 2018
Denver, Colorado 80211

Dear Cory Gardner,

I will remain anonymous but I feel obligated to inform you of this 1998 incident involving Brett Kavanaugh.

When he was author of the Starr Report, my daughter (from Boulder Colorado) occasionally socialized with Brett Kavanaugh. She and a group of four (including Kavanaugh met in a Washington D.C. bar). Her friend was dating him. When they left the bar (under the influence of alcohol) they were all shocked when Brett Kavanaugh shoved her friend up against the wall very aggressively and sexually.

There were at least four witnesses including my daughter. Her friend (still traumatized) called my daughter yesterday (Sept 21, 2018) wondering what to do about it. They decided to remain anonymous.

DENVER, CO
80211

DENVER CO 802

22 SEP 2018 PM 6:1



SENATOR CORY GARDNER

721 19TH ST.

SUITE 150

DENVER, CO

80202

80202-250425



Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Thursday, September 27, 2018 2:31 AM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Elizabeth Rasor
Attachments: SIGNED LETTER TO SENATORS.pdf

From: Roberta Kaplan [mailto:rkaplan@kaplanhecker.com]
Sent: Wednesday, September 26, 2018 1:39 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >; Hearron, Marc (Judiciary-Dem) (b) (6) >
Cc: Julie Fink (b) (6) >
Subject: Elizabeth Rasor

Dear Messrs. David and Hearron:

Please see the attached.

Very truly yours,

Roberta Ann Kaplan

Kaplan Hecker & Fink LLP
350 Fifth Avenue, Suite 7110
New York, NY 10018
(212) 763-0883
(b) (6)

This email and its attachments may contain information that is confidential and/or protected from disclosure by the attorney-client, work product or other applicable legal privilege. If you are not the intended recipient of the email, please be aware that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the message from your computer system. Thank you.

KAPLAN HECKER & FINK LLP

Direct Dial: (b) (6)

Direct Email: (b) (6)

350 Fifth Avenue
Suite 7110
New York, NY 10118
(212) 763-0883
www.kaplanhecker.com

September 26, 2018

Honorable Diane Feinstein
Member
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington D.C. 20510-6275

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington D.C. 20510-6275

Re: Nomination of Judge Brett Kavanaugh

Dear Senators Feinstein and Grassley:

We have been retained to act as counsel for Elizabeth Rasor. As you are no doubt aware, Ms. Rasor was quoted in an article by Ronan Farrow and Jane Mayer in the New Yorker published on September 23rd regarding a conversation she had with Mark Judge potentially relevant to the nomination of Judge Brett Kavanaugh to the United States Supreme Court.

Ms. Rasor's recollection of what occurred is stated accurately in the New Yorker piece and she would welcome the opportunity to share this information with agents of the FBI as part of a re-opened background investigation. In the event that that does not occur, although Ms. Rasor does not welcome the unwanted attention that would inevitably result if she were to testify before the Senate Judiciary Committee, she believes that it is her duty as a citizen to tell the truth about what happened.

Accordingly, please contact me at your earliest possible convenience to make appropriate arrangements.

Very truly yours,



Roberta Kaplan, Esq.

cc: Julie Fink, Esq.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Thursday, September 27, 2018 2:32 AM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Letter from SJC Democratic Members
Attachments: 2018.09.26 Jud Dems to Trump re Kavanaugh Allegations.pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Hearron, Marc (Judiciary-Dem)
Sent: Wednesday, September 26, 2018 1:05 PM
T (b)(6) Donald McGahn (b)(6) Megan Lacy
Cc: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: Letter from SJC Democratic Members

Please see the attached letter addressed to President Trump from the Democratic Members of the Senate Judiciary Committee.

Best regards,

Marc A. Hearron
Senior Counsel
Office of Senator Dianne Feinstein, Ranking Member
U.S. Senate Committee on the Judiciary
(b) (6)
(b) (6)

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 26, 2018

The President
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear Mr. President:

We are writing to request that you immediately withdraw the nomination of Brett Kavanaugh to be an Associate Justice on the Supreme Court or direct the FBI to re-open its background investigation and thoroughly examine the multiple allegations of sexual assault.

As you know, earlier this month, Christine Blasey Ford's credible and serious allegations of sexual assault by Judge Kavanaugh were referred to the FBI for investigation. Since then, Deborah Ramirez has come forward with additional allegations of sexual misconduct and today, another woman, Julie Swetnick, has submitted a sworn affidavit to the Senate Judiciary Committee recounting Brett Kavanaugh drinking excessively at parties and engaging "in abusive and physically aggressive behavior toward girls, including pressing girls against him without their consent, 'grinding' against girls, and attempting to remove or shift girls' clothing to expose private body parts."

It is clear from reporting that there were others present or with knowledge of each of these shocking allegations who also should be interviewed. We have repeatedly asked Chairman Grassley and you to direct the FBI to investigate Dr. Ford's and Ms. Ramirez's allegations.

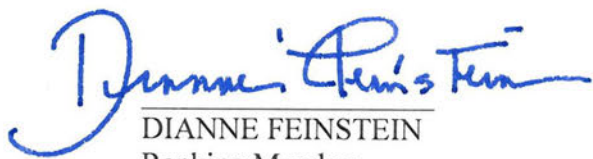
The serious and credible allegations of one woman should have been enough to require a complete investigation by the FBI. It should not have required multiple women with consistent accounts of serious sexual misconduct by Judge Kavanaugh to trigger a meaningful nonpartisan investigation.

Judge Kavanaugh is being considered for a promotion. He is asking for a lifetime appointment to the nation's highest court where he will have the opportunity to rule on matters that will impact Americans for decades. The

standard of character and fitness for a position on the nation's highest court must be higher than this. Judge Kavanaugh has staunchly declared his respect for women and issued blanket denials of any possible misconduct, but those declarations are in serious doubt.

We therefore ask that you immediately direct an FBI investigation or withdraw this nomination.


Sincerely,



DIANNE FEINSTEIN
Ranking Member


PATRICK LEAHY
United States Senator


RICHARD J. DURBIN
United States Senator

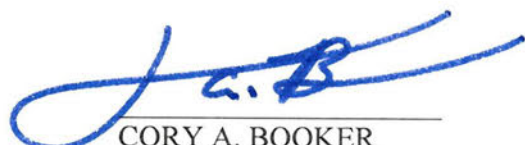

SHELDON WHITEHOUSE
United States Senator


AMY KLOBUCHAR
United States Senator


CHRISTOPHER A. COONS
United States Senator


RICHARD BLUMENTHAL
United States Senator


MAZIE K. HIRONO
United States Senator


CORY A. BOOKER
United States Senator


KAMALA D. HARRIS
United States Senator

cc: Hon. Charles E. Grassley, Chairman
Senate Judiciary Committee

Whitaker, Matthew (OAG)

From: Whitaker, Matthew (OAG)
Sent: Thursday, September 27, 2018 8:31 AM
To: Morrissey, Brian (OAG)
Cc: O'Malley, Devin (OPA)
Subject: Re: Sorry guys, didn't see the recusal email

I assume it regards the fake news, which I worked for

On Sep 27, 2018, at 8:28 AM, Morrissey, Brian (OAG) (b) (6) > wrote:

No worries.

From: O'Malley, Devin (OPA)
Sent: Thursday, September 27, 2018 8:27 AM
To: Morrissey, Brian (OAG) (b) (6) >; Whitaker, Matthew (OAG)
(b) (6) >
Subject: Sorry guys, didn't see the recusal email

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Offic (b) (6)
Cel (b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Thursday, September 27, 2018 10:39 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Letter from Mark Judge
Attachments: attachment 1.pdf; ATT00001.htm

From: Van Gelder, Barbara (b) (6)]
Sent: Thursday, September 27, 2018 10:33 PM
To: Kenny, Steve (Judiciary-Rep) (b) (6) >
Cc: Davis, Mike (Judiciary-Rep) (b) (6) >; Mehler, Lauren (Judiciary-Rep) (b) (6) >
Subject: Re: Letter from Mark Judge

Mr Kenny,
Per your request, attached please find Mr Judge's statement.
Biz Van Gelder

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

On Sep 27, 2018, at 8:02 PM, Kenny, Steve (Judiciary-Rep) (b) (6) wrote:

Ms. Van Gelder,

I am a counsel for the Senate Judiciary Committee asking that your client, Mark Judge, submit a letter signed by him to the Committee. The previous letter submitted by you on his behalf contains a statement from him, but the Committee needs the statement to be signed by him.

This is an urgent request and I ask that it be submitted tonight.

Thank you,

Steve Kenny
Nominations Counsel
United States Senate Judiciary Committee
(b) (6)



September 27, 2018

VIA E-MAIL

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

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

Dear Chairman Grassley and Ranking Member Feinstein:

As I stated in my attorney, Barbara Van Gelder's September 18, 2018, letter, I did not ask to be involved in this matter nor did anyone ask me to be involved. We have told the Committee that I do not want to comment about these events publicly. As a recovering alcoholic and a cancer survivor, I have struggled with depression and anxiety. As a result, I avoid public speaking.

Brett Kavanaugh and I were friends in high school, but we have not spoken directly in several years. I do not recall the events described by Dr. Ford in her testimony before the US Senate Judiciary Committee today. I never saw Brett act in the manner Dr. Ford describes.

I am knowingly submitting this letter under penalty of felony.

Sincerely yours,

Mark Judge

A handwritten signature in black ink, appearing to read 'Mark Judge', is written over the printed name.

Witnessed By:

Barbara Van Gelder, counsel for Mark Judge

A handwritten signature in black ink, appearing to read 'B. Van Gelder', is written over the printed name.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 28, 2018 1:12 AM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- 9/26/2018 committee-investigator interview with Judge Kavanaugh
Attachments: #81575 - Senate Judiciary Committee - Confidential Interview - September....pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
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(b) (6)

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SENATE JUDICIARY COMMITTEE
U.S. SENATE
WASHINGTON, D.C

INTERVIEW: [REDACTED]

WEDNESDAY, SEPTEMBER 26, 2018

The interview convened at 8:07 p.m.

1 [REDACTED] -- 80.

2 [Telephone number dialed.]

3 ██████████ Are we ready?

4 XXXXXXXXXX Mm-hmm.

5 [Telephone ringing.]

6 Kavanaugh Staff. Judge Kavanaugh's chambers.

7 [REDACTED] Hi, this is [REDACTED] from the Senate
8 Judiciary Committee. We are calling to speak with Judge
9 Kavanaugh.

10 Kavanaugh Staff. Okay. I'll transfer you. One
11 moment, please.

12 [REDACTED] Thank you.

13 [Brief pause.]

14 Judge Kavanaugh. Hello?

15 [REDACTED] Hi, Judge Kavanaugh. This is [REDACTED]

16 [REDACTED] calling from the Senate Judiciary Committee.

17 Apologies for the slight delay. I'm here with several
18 colleagues, so I will let them introduce themselves before
19 we get started.

20 [REDACTED] for

21 Chairman Grassley.

22 [REDACTED] Hello, Judge. [REDACTED]

23 [REDACTED] for Chairman Grassley.

24 [REDACTED] Hi, Judge. [REDACTED] again from Ranking
25 Member Feinstein.

1 [REDACTED] Hi, Judge. [REDACTED] also with Ranking
2 Member Feinstein. Before [REDACTED] right?

3 [REDACTED] Correct.

4 [REDACTED] Gets started with her questioning, I just
5 want to make a brief statement. As we mentioned yesterday,
6 we'd like to make clear that the Democratic members have
7 asked the FBI to investigate these allegations. They
8 believe an FBI investigation is necessary for fairness and
9 a fair process. The Democratic members do not believe it's
10 appropriate for staff to be discussing allegations with you
11 that have not yet been investigated by the FBI.

12 In addition to Ms. Swetnick's sworn statement, the
13 committee received today a letter from Roberta Kaplan. She
14 is representing Elizabeth Rasor and affirms that Ms.
15 Rasor's statements in *The New Yorker* article were truthful.
16 Ms. Rasor has also expressed her desire for an FBI
17 investigation, but is willing to testify. So, in addition
18 to Ms. Swetnick's claims, there are more witnesses. And to
19 be clear, these are not anonymous individuals, but women
20 who have come forward, identified themselves, and confirmed
21 their willingness to cooperate with an investigation of
22 these matters.

23 The Democratic members strongly object to moving
24 forward in this manner. At a minimum, we need to hear from
25 all parties and gather all additional evidence. And,

1 again, we want to reiterate that the Democratic members do
2 not believe that this is a fair or sufficient process, and
3 this is not how the committee usually handles these kinds
4 of allegations. Thank you.

5 [REDACTED] The chairman's position is is we can have
6 these political arguments between the offices and not waste
7 the witness' time with political arguments now. Our job
8 right now is to try to find the facts and so we can move
9 forward.

10 [REDACTED] All right. And just for a more full
11 introduction, I'm [REDACTED] and I am [REDACTED]
12 [REDACTED] for the Senate Judiciary Committee.

13 Judge Kavanaugh, you've already done two of these --

14 Judge Kavanaugh. Can I just interrupt? I'm here with
15 Alex Walsh, my counsel.

16 [REDACTED] Thank you, Judge.

17 [REDACTED] Thank you. Judge Kavanaugh, you've
18 already done two of these calls, so you're familiar with
19 the process, but I'd like to say a few words before we
20 begin. This call is part of the Senate Judiciary
21 Committee's investigation of new allegations raised against
22 you, the nominee for a vacancy on the Supreme Court. The
23 committee is gathering evidence in the form of your
24 testimony today. For your awareness, this conversation is
25 being transcribed.

1 In speaking to the committee, you are speaking under
2 penalty of felony. 18 U.S.C. 2001 applies.

3 [REDACTED] 1001.

4 [REDACTED] 1001, apologies. 1001 applies. We plan
5 to discuss two allegations today. The first allegation
6 comes from Ms. Julie Swetnick, a woman represented by
7 Michael Avenatti. The second is from someone who goes by
8 "Jane Doe." She submitted a letter to a senator's office
9 last week. Judge Kavanaugh, you previously answered a few
10 questions about Ms. Swetnick's allegations when her
11 attorney, Mr. Avenatti, made some general statements on
12 Twitter. Now that we have Ms. Swetnick's declaration, we
13 would like to follow up with a few additional questions.

14 Judge Kavanaugh, Michael Avenatti has publicly posted
15 allegations from Ms. Julie Swetnick. Do you know Ms.
16 Swetnick?

17 Judge Kavanaugh. No, don't know her.

18 [REDACTED] Okay. Ms. Swetnick raises several
19 specific allegations related to house parties that occurred
20 in the Washington, D.C. area from 1981 to 1983. I'm going
21 to ask you about some of her claims.

22 Ms. Swetnick claims that she observed you being overly
23 aggressive with girls during these house parties. Did you
24 ever become abusive or physically aggressive with women at
25 house parties between 1981 and 1983?

1 Judge Kavanaugh. No, and she's lying. She was
2 supposedly at Gaithersburg High School. I don't know. I
3 don't know her. I don't know anyone like her. This is
4 just total B.S.

5 [REDACTED] She also alleges that you fondled girls
6 without consent between 1981 and 1983. Did you fondle
7 girls without consent between 1981 and 1983?

8 [REDACTED] No, she's lying. I don't know her.
9 I didn't -- we didn't hang out. I didn't know people from
10 Gaithersburg High School, which is way out 270. This is a
11 joke. She supposedly -- how old is she? She's supposed --
12 like class of '80? Give me a break. This whole thing is a
13 farce.

14 [REDACTED] Okay. Moving on to some of her additional
15 allegations. Did you grab girls without consent at parties
16 between 1981 and 1983?

17 Judge Kavanaugh. No.

18 [REDACTED] Did you press girls against your body
19 without their consent between 1981 and 1983?

20 Judge Kavanaugh. No.

21 [REDACTED] Did you attempt to shift a woman's
22 clothing to expose her breasts or genitals without her
23 consent at a party between 1981 and 1983?

24 Judge Kavanaugh. No.

25 [REDACTED] Did you attempt to remove a woman's

1 clothing to expose her breasts or genitals without her
2 consent?

3 Judge Kavanaugh. No.

4 [REDACTED] Did you make statements designed to demean
5 female partygoers between 1981 and 1983?

6 Judge Kavanaugh. No.

7 [REDACTED] Did you make statements designed to
8 humiliate female partygoers between 1981 and 1983?

9 Judge Kavanaugh. No.

10 [REDACTED] Did you make statements designed to
11 embarrass female partygoers from 1981 to 1983?

12 Judge Kavanaugh. No.

13 [REDACTED] Ms. Swetnick makes reference to Beach Week
14 in her allegations. Did you engage in any abusive conduct
15 toward women at Beach Week?

16 Judge Kavanaugh. No, and obviously she -- you know,
17 it seems very likely that she saw my calendars, which I
18 submitted last night. I mean, give me a break. But "no"
19 is the answer to your question.

20 [REDACTED] Ms. Swetnick also makes allegations
21 related to drugging women at these parties, so I'm going to
22 ask you a few questions related to those allegations. At
23 any time, did you attempt to add grain alcohol to punch at
24 parties in an effort to take advantage of women?

25 Judge Kavanaugh. No.

1 ██████████ Did you attempt to add drugs, including
2 Quaaludes, to punch at house parties in an effort to take
3 advantage of women?

4 Judge Kavanaugh. No.

5 ██████████ Have you ever given Quaaludes to a woman?

6 Judge Kavanaugh. No.

7 ██████████ Did you ever take part in the gang rape of
8 an inebriated woman?

9 Judge Kavanaugh. No. By the way, can I just ask that
10 you make part of the record the letter that was sent today?
11 I think it was by about 60 people or so, men and women who
12 knew me in high school and said this is nonsense and this
13 needs to stop for the good of the country. I'm
14 paraphrasing that last part. But can you make sure that's
15 part of the record of this proceeding? They put that
16 together, like, an hour after seeing this nonsense today.

17 ██████████ Judge, have the Department of Justice
18 submit it to the committee, and we will ensure that it is
19 part of the record.

20 Ms. Walsh. We will make sure that happens.

21 [The information appears in the appendix.]

22 \ COMMITTEE INSERT

23 ██████████ All right, a few additional questions.
24 Going back to these allegations of gang rape, did you ever
25 line up outside a bedroom to await a turn raping an

1 inebriated woman?

2 Judge Kavanaugh. No.

3 [REDACTED] Did you observe men taking part in the
4 gang rape of an inebriated woman?

5 Judge Kavanaugh. No.

6 [REDACTED] Did you ever observe men at a party lining
7 up for the purpose of gang raping an inebriated woman?

8 Judge Kavanaugh. No.

9 [REDACTED] Did you ever know about gang rapes taking
10 place at a high school party?

11 Judge Kavanaugh. No. I mean, in the whole country,
12 that question is -- I've heard about allegations, you know,
13 around the country, but not anything -- so I just want to
14 be careful in her phrasing. Have I ever read about that
15 occurring somewhere else is -- so just be careful in the
16 question there. But "no" is the answer to anything I ever
17 observed, saw, knew about with me or my friends.

18 [REDACTED] So, did you ever attend a party and hear
19 about a gang rape taking place at that same party?

20 Judge Kavanaugh. No.

21 [REDACTED] All right, and those were the questions
22 that I had related to Ms. Swetnick's allegations. I'll
23 open it up to anyone else in the room if they had
24 questions.

25 [REDACTED] Does the minority have any questions of

1 Judge Kavanaugh?

2 [REDACTED] No.

3 [REDACTED] Judge, I just want to get your general
4 reaction to these allegations.

5 Ms. Walsh. I'm amazed in the United States that you
6 can get the amount of attention for a totally bogus, B.S.
7 charge that this received, just made up about me and
8 friends of mine, too. And, you know, this is just a --
9 it's a disgrace. It's a circus. I don't know where this
10 ends, but, you know, I always said I'm on the sunrise side
11 of the mountain, optimistic, see the day that's coming.
12 You know, this -- I fear for the future. That's it.

13 [REDACTED] Thank you, Judge. We're going to discuss
14 one more allegation, and [REDACTED] will go through that.

15 Judge Kavanaugh. Can you hold on one second?

16 [REDACTED] Yes.

17 [Brief pause.]

18 Judge Kavanaugh. Okay. Okay.

19 [REDACTED] All right, moving on to the next
20 allegation. Judge Kavanaugh, we received another anonymous
21 allegation against you that we would like to address.
22 These allegations regard behavior by you and an unnamed
23 friend when you offered to give a woman, who is going by
24 "Jane Doe," a ride home from a party. According to her
25 allegations, you were driving, the woman was in the

1 passenger seat, and your male friend sat behind her. Have
2 you ever given a woman a ride home from a party with a
3 friend and committed any form of sexual assault, attempted
4 rape, or rape against her?

5 Judge Kavanaugh. No.

6 [REDACTED] Have you ever kissed a woman against her
7 will when driving her home from a party?

8 Judge Kavanaugh. No.

9 [REDACTED] Have you ever put your hand on --

10 Judge Kavanaugh. Well, can I just ask a question? I
11 don't think I've even seen this letter.

12 Ms. Walsh. Yeah, this is Ms. Walsh. I don't believe
13 we have seen this allegation or know the form in which it
14 came.

15 [REDACTED] Do we have the letter?

16 Judge Kavanaugh. What is this thing?

17 [REDACTED] This -- Judge, this is an anonymous letter
18 that came -- that went to Senator Cory Gardner's office.

19 [REDACTED] This one was Kamala Harris.

20 Judge Kavanaugh. This is the Colorado thing?

21 [REDACTED] I apologize. I'm confused. There are so
22 many --

23 Judge Kavanaugh. Yeah.

24 [REDACTED] -- anonymous allegations flying around,
25 I'm getting them mixed up. I apologize. This is an

1 anonymous letter that we received from San Diego -- San
2 Diego, California. Senator Harris' office in San Diego,
3 California received a letter, and Senator Harris -- Senator
4 Harris received this letter and passed it along to the
5 chairman and ranking member to do our due diligence.

6 Judge Kavanaugh. Is there -- is there a date, a
7 place, anything?

8 [REDACTED] There is not, but we will -- we will read
9 the letter to you in its full -- in its entirety. It is --
10 it is a --

11 Judge Kavanaugh. How long is it?

12 [REDACTED] It is a handwritten two-and-a-half page
13 letter from an anonymous.

14 Judge Kavanaugh. I don't -- I don't need the whole
15 thing. You can just ask the questions.

16 Ms. Walsh. Could you please send a copy of it to me,
17 though?

18 [REDACTED] We will. I apologize. I thought that we
19 sent you a copy ahead of time, and so, I apologize.

20 Judge Kavanaugh. Okay.

21 [REDACTED] It was -- it was a little bit fast moving.

22 [REDACTED] All right.

23 [REDACTED] [REDACTED], why don't you -- why don't we do
24 this so we establish a record? Read the letter.

25 [REDACTED] Okay. "Dear, Senator Grassley, et al.

1 The current situation regarding the accusations made by Dr.
2 Ford against Brett Kavanaugh have prompted me to write you
3 today. I have moved on with my life since he forced
4 himself on me as well. The times were so different, and I
5 didn't expect to be taken seriously, embarrass my family,
6 be believed at all.

7 I was at a party with a friend. I had been drinking.
8 She left with another boy, leaving me to find my own way
9 home. Kavanaugh and a friend offered me a ride home. I
10 don't know the other boy's name. I was in his car to go
11 home. His friend was behind me in the backseat. Kavanaugh
12 kissed me forcefully. I told him I only wanted a ride
13 home. Kavanaugh continued to grope me over my clothes,
14 forcing his kisses on me and putting his hand under my
15 sweater. 'No,' I yelled at him.

16 The boy in the backseat reached around, putting his
17 hand over my mouth and holding my arm to keep me in the
18 car. I screamed into his hand. Kavanaugh continued his
19 forcing himself on me. He pulled up my sweater and bra
20 exposing my breasts, and reached into my panties, inserting
21 his fingers into my vagina. My screams were silenced by
22 the boy in the backseat covering my mouth and groping me as
23 well.

24 Kavanaugh slapped me and told me to be quiet and
25 forced me to perform oral sex on him. He climaxed in my

1 mouth. They forced me to go into the backseat and took
2 turns raping me several times each. They dropped me off
3 two blocks from my home. 'No one will believe if you tell.
4 Be a good girl,' he told me.

5 Watching what has happened to Anita Hill and Dr. Ford
6 has me petrified to come forward in person or even provide
7 my name. A group of white men, powerful senators who won't
8 believe me, will come after me. Like Dr. Ford, I'm a
9 teacher, I have an education, a family, a child, a home. I
10 have credibility. Just because something happens a long
11 time ago, because a rape victim doesn't want to personally
12 come forward, does not mean something can't be true.

13 Jane Doe, Oceanside, California."

14 [REDACTED] And read the envelope for him that was
15 sent to Senator Harris' office.

16 [REDACTED] The envelope has the word "urgent" across
17 the top. It is addressed to Kamala Harris, Senate
18 Judiciary Committee, 600 B Street, Suite 2240, San Diego,
19 California, 92101. And it is postmarked from San Diego,
20 California on September 19th, 2018.

21 [REDACTED] I just want to establish a couple things
22 because Judge Kavanaugh has not seen this letter because of
23 Chairman Grassley's staff mistakes, so I apologize again
24 about that. Just to be clear, there -- [REDACTED], there is
25 no date on this letter. Is that correct?

1 [REDACTED] That is correct.

2 [REDACTED] And there's no return address anywhere on
3 this letter. Is that correct?

4 [REDACTED] That is correct.

5 [REDACTED] And there's no contact information on this
6 letter anywhere. Is that correct?

7 [REDACTED] That is correct.

8 [REDACTED] And there's no date of the allegation. Is
9 that correct?

10 [REDACTED] There is no date of the allegation.

11 [REDACTED] Okay. So, now you can proceed with your
12 questions.

13 Judge Kavanaugh. Nothing -- the whole thing is
14 ridiculous. Nothing ever -- anything like that, nothing.
15 I mean, that's -- the whole thing is just a crock, farce,
16 wrong, didn't happen, not anything close.

17 [REDACTED] Okay. I'm going to go through a few of
18 the specific allegations just to have your responses. Have
19 you ever kissed a woman against her will while driving her
20 home from a party?

21 Judge Kavanaugh. No.

22 [REDACTED] Can you repeat that answer?

23 Judge Kavanaugh. No.

24 [REDACTED] Have you ever put a hand under a woman's
25 sweater while your -- while your friend put his hand over

1 her mouth or held her arm?

2 Judge Kavanaugh. No.

3 [REDACTED] Have you ever put your hand under a
4 woman's sweater after she told you she only wanted a ride
5 home?

6 Judge Kavanaugh. No.

7 [REDACTED] Have you ever put a hand under a woman's
8 sweater after she yelled "no?"

9 Judge Kavanaugh. No.

10 [REDACTED] Have you ever had a friend silence a woman
11 while you were engaged in a physical encounter with her?

12 Judge Kavanaugh. No.

13 [REDACTED] Have you ever used fingers to penetrate a
14 woman's vagina against her will?

15 Judge Kavanaugh. No.

16 [REDACTED] Have you ever slapped a woman and told her
17 to be quiet while forcing her to perform oral sex on you?

18 Judge Kavanaugh. No.

19 [REDACTED] Have you and a friend ever taken turns
20 raping a woman?

21 Judge Kavanaugh. No.

22 [REDACTED] Have you ever told a woman you assaulted
23 "no one will believe if you tell, be a good girl?"

24 Judge Kavanaugh. No.

25 [REDACTED] Those are the questions that I have

1 related to that allegation. I'll open it to anyone else in
2 the room.

3 [REDACTED] Does the minority have questions?

4 [REDACTED] We don't. We would just repeat the
5 statement that we made at the start of the call.

6 [REDACTED] And I would repeat my response. Judge, do
7 you have any further reaction to any of these allegations?

8 Judge Kavanaugh. I think I've covered it.

9 [REDACTED] And I just want to note for the record
10 that separate from Dr. Ford's allegations, we now have
11 these six allegations that have been made against Judge
12 Kavanaugh very late in the proceedings. And this is after
13 the FBI has conducted six full field background
14 investigations going back 25 years to 1993. We've had --
15 we've had 60 -- Judge Kavanaugh has had 65 meetings with
16 senators. He has had numerous staff investigator
17 interviews with the chairman and ranking member staff. He
18 has denied all of these allegations.

19 We have had 4 days of a public hearing with 32 hours
20 of testimony from Judge Kavanaugh. We had a closed session
21 where sensitive matters could've been raised. These issues
22 were not raised then. We've had 1,300 written questions
23 submitted to Judge Kavanaugh after his hearing. He has
24 responded to those questions. This is more questions and
25 answers than all prior Supreme Court nominees combined.

1 It is -- we have a hearing set up. Day 5 of this
2 hearing is set up for tomorrow where we are going to hear
3 from Dr. Ford and Judge Kavanaugh tomorrow at the hearing,
4 and I just wanted to note where we are in the process. Do
5 you have anything further to add, Judge?

6 Judge Kavanaugh. No, thank you.

7 [REDACTED] Thank you.

8 [REDACTED] Public release.

9 [REDACTED] One more question for you, Judge.

10 Judge Kavanaugh. Yes.

11 [REDACTED] This is -- this call is not part of the
12 FBI background investigation because we received these
13 allegations outside of the FBI background investigation.
14 But we want to just find out from you, do you object to the
15 public release of what you have said today on this phone
16 call, including the public release of the transcript?

17 Judge Kavanaugh. I do not object.

18 [REDACTED] Thank you, Judge.

19 [REDACTED] Thank you so much for taking part in this
20 call.

21 Judge Kavanaugh. Thank you.

22 [Judge Kavanaugh and Ms. Walsh disconnected call.]

23 [REDACTED] All right, thank you, guys.

24 [REDACTED] I didn't say this on the call, but you can
25 say that this is a political discussion that has to happen.

1 What I didn't appreciate was when you wasted 20 minutes of
2 his time suggesting that my 2-minute statement was wasting
3 his time. I really -- that's just -- that's --

4 [Whereupon, at 8:28 p.m., the interview was
5 concluded.]

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Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 28, 2018 1:31 AM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- UPDATED summary of committee investigation
Attachments: 09.19.18 CEG to SJC Dems.pdf; Allegations Against Judge Kavanaugh.pdf; Allegations Tracker v.2.xlsx; Summary of Judiciary Committee Investigation of Allegations Against Judge Kavanaugh 09.27.18.pdf

Sorry for the second email.

Attached is another update, with more information, of the committee's investigation.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 28, 2018 1:18 AM
To: Mike Davi (b)(6) Mike Davis (b)(6) Mike Davis >
Subject: SCOTUS -- updated summary of committee investigation

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

September 19, 2018

The Honorable Dianne Feinstein, Ranking Member
The Honorable Patrick J. Leahy
The Honorable Richard J. Durbin
The Honorable Sheldon Whitehouse
The Honorable Amy Klobuchar
The Honorable Christopher A. Coons
The Honorable Richard Blumenthal
The Honorable Mazie K. Hirono
The Honorable Cory A. Booker
The Honorable Kamala D. Harris
United States Senate Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Colleagues:

I received your letter dated September 18, 2018, asking me not to reopen the hearing on Judge Kavanaugh's nomination, scheduled for Monday, September 24. Dr. Christine Blasey Ford has made serious allegations against Judge Kavanaugh. She has said repeatedly that she wants to tell her story. And she has a right to be heard. Holding a hearing is in the best interests of justice and for the parties involved. This will allow Dr. Ford to make her allegations under oath, as her attorney has publicly requested. At the same time, reopening the hearing will allow Judge Kavanaugh, who has categorically denied Dr. Ford's allegations, to address these allegations without further delay.

I understand how difficult it might be for Dr. Ford to publicly testify on this subject. I have therefore offered her many options. We've offered her a public hearing, a private hearing, a public staff interview, or a private staff interview. The staff is even willing to fly to California, or anywhere else, to meet her.

An open session would be a matter of public record, while a closed session will remain confidential. I certainly can understand that Dr. Ford might be distrustful of the Committee's ability to keep matters confidential based on the Democratic members' recent conduct, but I sincerely hope that, if she chooses to testify in a closed session, that my colleagues can see their way to plugging the leaks which have plagued this nomination and gain her trust.

Your letter requests that I demand that the FBI conduct an additional investigation into this matter. This request demonstrates a fundamental misunderstanding of the FBI background investigation process. Before nominating an individual to a judicial or executive office, the White House directs

the FBI to conduct a background investigation. The FBI compiles information about a prospective nominee and sends it to the White House. The White House then provides FBI background investigation files to the Senate as a courtesy to help us determine whether to confirm a nominee. But the FBI does not make a credibility assessment of any information it receives with respect to a nominee. Nor is it tasked with investigating those matters that this Committee deems important. The Constitution assigns the Senate, and only the Senate, with the task of advising the President on his nominees and consenting if the circumstances merit. We have no power to commandeer an Executive Branch agency into conducting our due diligence. The job of assessing and investigating a nominee's qualifications in order to decide whether to consent to the nomination is ours, and ours alone.

Second, your request ignores the fact that Dr. Ford has already made her allegations public. The purpose of the background investigation process is to compile information in a confidential manner. Confidentiality permits people to speak freely and candidly about the character and qualifications of the nominee. The White House requires the Senate to keep background investigation files private so that people can speak anonymously to investigators if they so desire. Because Dr. Ford's allegations are in the public arena, there is no longer a need for a confidential FBI investigation.

In 1991, the FBI's additional investigation into Professor Anita Hill's allegations occurred when the allegations were still non-public. When the Senate received Professor Hill's non-public allegations of sexual harassment, then-Chairman Biden expeditiously notified the White House. (That decision sits in sharp contrast to Senator Feinstein's decision to sit on Dr. Ford's allegations for more than six weeks.) The White House directed the FBI to conduct a handful of interviews regarding Professor Hill's allegations. The FBI completed the interviews within a few days. The White House turned the interview reports over to the Senate as a courtesy. The contents of one of those reports was leaked to the public soon after. The hearing was subsequently reopened five days after the allegations were made public.

We are in the same position the Committee was in *after* Professor Hill's allegations were leaked. After that leak, we did not ask the FBI to conduct an investigation. Instead, we reopened the hearing and assessed the testimony that was given on our own. As in 1991, it is now up to the Senate to gather and assess the relevant evidence.

The Majority staff spoke with Judge Kavanaugh as part of the background investigation. Judge Kavanaugh immediately agreed to cooperate with Senate investigators. He sat for a transcribed interview on Monday. He understood that he was under penalty of felony, if he was not truthful. He fully, candidly, and unequivocally answered all questions. We have no reason to doubt the truthfulness of Judge Kavanaugh's testimony. Judge Kavanaugh volunteered to come back for a public hearing.

As is standard practice, we invited the Minority staff to participate and ask Judge Kavanaugh its own questions, but the Minority staff declined. The Majority staff has also sought to set up interviews with Dr. Ford, Mark Judge, and two other alleged witnesses. The Minority staff is welcome to participate in the investigative process as well, but it has thus far declined.

I have scheduled the hearing continuation for this Monday because Dr. Ford, through her counsel, expressed the desire to tell her story under oath. It is my understanding that Dr. Ford has been represented by counsel in this matter for months and thus should be adequately prepared to testify. I am following the same timeline Chairman Biden did after Professor Hill's allegations were made public. It would be a disservice to Dr. Ford, Judge Kavanaugh, this Committee, and the American people to delay this hearing any further.

Of course, we wouldn't find ourselves in this position if we had been made aware of the allegations in a timelier manner. The Ranking Member was aware of these allegations since July. But her staff did not ask Judge Kavanaugh about them during routine background investigation phone calls in late-August. Senator Feinstein did not ask Judge Kavanaugh about these allegations during her closed-door meeting on August 20. The Ranking Member withheld this serious information about Judge Kavanaugh from her colleagues, 64 of whom had private meetings with Judge Kavanaugh and could have asked him about the allegations directly. She did not ask about them when Judge Kavanaugh appeared before the Committee for more than 32 hours of testimony over 3 days. Nor did she attend the closed session of the hearing when members can ask Judge Kavanaugh about sensitive matters. And she did not ask any questions about these allegations among the nearly 1,300 written questions sent to Judge Kavanaugh after the hearing.

Senator Feinstein only informed the FBI of the allegations after they were leaked to the media on the eve of a confirmation vote. The proper course of action would have been to investigate Dr. Ford's serious allegations as quickly and as thoroughly as possible, as I did as soon as these allegations were made known to me.

I'm also concerned what the recent events mean for whistleblowers, especially victims of sexual assault. Dr. Ford expressed the desire that her allegations remain non-public. I can't emphasize how important it is to respect whistleblowers' and victims' desire for confidentiality. But notwithstanding her wishes for confidentiality, her allegations became public. I fear that the leaks of confidential information will discourage whistleblowers and victims from coming forward in the future.

This is but the latest—and most serious—of your side's abuse of this confirmation process. There has been delay and obstruction of this process at every turn and with every argument available. Therefore, I will view any additional complaints about the process very skeptically.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Chuck Grassley
Chairman

Allegations Against Judge Kavanaugh

Alleged Victim (Date of Allegation)	Allegation	Committee Response/Status
Dr. Christine Blasey Ford (anonymously reported on 9/14; named on 9/16)	At a high-school party, Kavanaugh pinned her to a bed and attempted to rape her while Mark Judge watched.	<ul style="list-style-type: none"> SJC investigators immediately contacted her attorneys and scheduled a hearing. SJC offered Ford her choice of a public hearing, a private hearing, a public interview, or a private interview. The Committee also offered to interview her in California. SJC investigators spoke with all other named party goers. Leland Keyser, Mark Judge, and PJ Smyth denied the allegations. Keyser's attorney told SJC, "Simply put, Ms. Keyser does not know Mr. Kavanaugh and she has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford." Keyser is a lifelong friend of Ford. SJC investigators interviewed and investigated Stan Gorski and Jim Casey, who each claim to be responsible for the attempted assault. SJC investigators contacted Ed Scheetz (the Georgetown Prep yearbook editor), Brian Merrick (Ford's ex-boyfriend), Donny Urgo (Kavanaugh's best friend), Lisa Everett (Ford's classmate), and two people who identified what they believe to be the house described by Ford (Jeff Meshinsky and Michelle Meshinsky). Kavanaugh unequivocally denied the allegations.
Deborah Ramirez (9/23)	Kavanaugh exposed himself to her and "thrust his penis in her face" at a college dorm-room party.	<ul style="list-style-type: none"> SJC investigators immediately contacted Ramirez's attorneys, requested that they provide any evidence to SJC, and asked whether Ramirez would be willing to provide testimony to SJC. Ramirez's attorneys have refused seven requests for cooperation. SJC investigated claims by James Roche (Kavanaugh's college roommate) and determined that he has no knowledge of the substantive allegations. Kavanaugh unequivocally denied the allegations.
Julie Swetnick (anonymously reported on 9/23; named on 9/26)	Kavanaugh participated in the systematic and premeditated gang rape of multiple drugged women while in high school.	<ul style="list-style-type: none"> SJC investigators contacted her attorney, Michael Avenatti, as soon as the allegations were made public and before Avenatti or his client contacted SJC. Avenatti provided SJC with a signed affidavit from Swetnick, but he has refused to produce any evidence to substantiate Swetnick's allegations. SJC investigators interviewed and investigated Walter Burdick (Swetnick's ex-boyfriend) and Tom Jewsbury (Swetnick's friend). Kavanaugh unequivocally denied the allegations.

Anonymous Colorado Resident (9/24)	Kavanaugh shoved his daughter's friend against a wall "very sexually and aggressively" in 1998.	<ul style="list-style-type: none"> • Senator Gardner referred the letter to SJC. • Kavanaugh unequivocally denied the allegations. • SJC investigators immediately contacted Judge Dabney Friedrich, who dated Judge Kavanaugh in 1998. In a letter to SJC, she called these allegations "offensive and absurd," and she denied that Kavanaugh ever shoved her against a wall. She has "never observed (nor [is she] aware of) Brett acting in a physically inappropriate or aggressive manner toward anyone."
Jeffrey Catalan (referred to SJC without identifying information on 9/25)	In August of 1985, a close acquaintance was sexually assaulted by Kavanaugh and a man named Mark on a boat at a Newport, RI harbor. Catalan and another individual learned of the incident a few hours later and "physically confronted" Kavanaugh and his friend.	<ul style="list-style-type: none"> • Senator Whitehouse relayed the allegations to SJC. • Because Catalan provided no details except Kavanaugh's name, SJC investigators could only investigate by speaking to Kavanaugh. • Kavanaugh unequivocally denied the allegations. • Catalan tweeted at 4:51 PM on 9/26, "Do [<i>sic</i>] everyone who is going crazy about what I had said I have recanted because I have made a mistake and apologize for such mistake."
Anonymous Jane Doe from Oceanside, California (9/25)	According to a handwritten letter, Kavanaugh and his friend, among other things, took turns raping her in the backseat of a car.	<ul style="list-style-type: none"> • Senator Harris referred the letter to SJC. • Because the allegations contain only one name and no other details, SJC investigators were only able to investigate by speaking to Kavanaugh. • Kavanaugh unequivocally denied the allegations.

Who is alleging?	What are they alleging?	When did we first learn of it?	What was our response?
Dr. Christine Blasey Ford	Sexual Assault - pushed her into a bedroom, groped her, attempted to remove her clothing, covered her mouth, possibly in 1982	September 14, 2018, PM - anonymous September 16, 2018, PM - named	September 17, 2018 - request to Dr. Ford and Judge Kavanaugh to conduct follow-up investigation (Judge Kavanaugh agrees and is interviewed, Dr. Ford refuses); Judge Kavanaugh unequivocally denies the claims September 17, 2018 - schedule a hearing for September 24 September 18, 2018 - request interviews with Mark Judge, Leland Keyser, and PJ Smyth (receive statements from Mark Judge and PJ Smyth) September 19, 2018 - offer Dr. Ford a public or private hearing; second request for interview with Dr. Ford September 20, 2018 - phone call with counsel regarding Dr. Ford's conditions for testifying (negotiations begin); third request for interview with Dr. Ford September 21, 2018 - offer to fly to Dr. Ford for interview; fourth request for interview with Dr. Ford September 21, 2018 - second request for interview with Leland Keyser September 22, 2018 - receive statement from Leland Keyser September 23, 2018 - agree to move hearing to September 27 at Dr. Ford's request; send requests to Dr. Ford and Judge Kavanaugh for any evidence relevant to the hearing September 25, 2018 - investigate Stan Gorski who claims to be the man Dr. Ford is actually referring to in her allegations (interview & statement) September 26, 2018 - investigate Jim Casey who claims to be the man Dr. Ford is actually referring to in her allegations (interview) Various - interviews with Ed Scheetz (yearbook editor), Brian Merrick (Ford ex-BF), Donny Urgo (Kavanaugh best friend), Lisa Everett (Ford classmate), Jeff Meshinsky (identified a house where it allegedly occurred), and Michelle Meshinsky (identified the house where it allegedly occurred)
Avenatti on behalf of anonymous woman & witnesses	Repeated and systematic drug-fueled gang rape	September 23, 2018, 7:33PM - general allegations September 26, 2018, 10:41AM - specific allegations	September 23, 2018, 7:43PM - request Avenatti advise Senate investigators of any information he may have, so they may begin an inquiry September 23, 2018, 9:26PM - follow-up email with Avenatti inquiring if he is representing a client or making the allegations himself September 23, 2018, 10:25PM - respond to Avenatti's email with second request for evidence September 24, 2018 9:16AM - receive list of demands from Avenatti September 25, 2018, 11:42AM - inform counsel for Judge Kavanaugh that we intend to ask him about the allegations September 25, 2018, 12:30PM - ask Judge Kavanaugh about the allegations in routine follow-up call; he unequivocally denies the claims September 26, 2018, 10:41AM - receive statement from Avenatti's client regarding allegations, demands FBI investigation September 26, 2018, 12:28PM - request to interview Avenatti's client September 26, 2018, 2:00PM - investigate email from Nick Owens regarding accuser's ex-boyfriend September 26, 2018 - set up second interview with Judge Kavanaugh regarding these allegations now that the accuser has been identified; Judge Kavanaugh unequivocally denies the claims September 26, 2018 - interviewed Walter Burdick (Swetnick's ex-BF), Tom Jewsbury (friend of Burdick)
Deborah Ramirez	Exposing himself - large dorm party featuring heavy drinking, he exposed himself and forced her to push him out of the way	September 23, 2018, PM	September 23, 2018, 9:43PM - request interview with Ramirez September 24, 2018, 3:11PM - second request for any evidence in the possession of Ramirez or counsel September 24, 2018, 3:47PM - third request for any evidence or testimony September 24, 2018, 7:11PM - fourth request for evidence September 25, 2018, 10:05AM - fifth request for evidence September 25, 2018, 11:04AM - counsel advises they have not referred the matter to the FBI September 25, 2018, 11:42AM - inform counsel for Judge Kavanaugh that we intend to ask him about the allegations September 25, 2018, 12:30PM - ask Judge Kavanaugh about the allegations in routine follow-up call; he unequivocally denies the claims September 25, 2018, 3:42PM - investigate claims by James Roche, determine he has nothing to say about substantive allegations September 25, 2018, 3:48PM - Grassley responds to Feinstein's request for delay September 25, 2018, 7:00PM - call between counsel and Democratic staff September 25, 2018, 7:45PM - sixth request for evidence September 25, 2018, 8:05PM - seventh request for evidence

Colorado Anonymous on behalf of daughter's friend	Aggressive pushing - aggressively and sexually pushed the girl he was dating against a wall	September 24, 2018, 5:50PM	September 25, 2018, 11:42AM - inform counsel for Judge Kavanaugh that we intend to ask him about the allegations September 25, 2018, 12:30PM - ask Judge Kavanaugh about the allegations in routine follow-up call; he unequivocally denies the claims September 26, 2018, PM - call with Judge Friedrich who was Judge Kavanaugh's girlfriend at the time of the allegation, she unequivocally denies it ever occurred
Jeffrey Catalan on behalf of anonymous woman	Sexual Assault - on a 36' boat in Newport, RI in August 1985, Catalan claims to have given Judge Kavanaugh significant injuries	September 24, 2018, 6:25PM	September 24, 2018, 6:37PM - request contact information for Jeffrey Catalan September 24, 2018, 7:31PM - second request for contact information when Sen. Whitehouse is comfortable September 25, 2018, 11:42AM - inform counsel for Judge Kavanaugh that we intend to ask him about the allegations September 25, 2018, 12:30PM - ask Judge Kavanaugh about the allegations in routine follow-up call; he unequivocally denies the claims September 25, 2018, 3:29PM - agree to redact Jeffrey Catalan's name in the call transcript September 26, 2018, 7:51PM - Jeffrey Catalan recants his claim publicly via tweet
California Anonymous	Rape - very graphic	September 25, 2018, 10:09PM	September 25, 2018, 10:14PM - request the envelope from the letter September 26, 2018 - set up interview with Judge Kavanaugh to discuss allegations; Judge Kavanaugh unequivocally denied the claims

Actions by Chairman Grassley and the Senate Judiciary Committee related to allegations made and disputed regarding Judge Brett Kavanaugh:

A 38-year member of the Senate Judiciary Committee, Chairman Grassley has worked to secure a thorough, credible and effective committee process as the U.S. Senate meets its constitutional duty of advice and consent in considering the nomination of Judge Brett Kavanaugh to serve on the U.S. Supreme Court. Grassley reopened the hearing after four days and 32 hours of testimony from the nominee during the week of September 4, including a closed session available to all Judiciary Committee members to scrutinize any issues or concerns about the nominee that involve confidentiality. Chairman Grassley held a hearing on September 27, which offered a fair and professional forum for Dr. Christine Blasey Ford to share allegations she made about the nominee in a July 30 letter and subsequently in a September 16 newspaper story, and for Judge Kavanaugh to respond to questions and address those allegations.

Additionally, Chairman Grassley has conducted extensive review and investigation of the allegations made by Dr. Ford and comments and statements made by others both in news media reports and in messages to other senators that have been given to the Judiciary Committee. A description of those efforts is provided here.

July 30	<ul style="list-style-type: none">• Dr. Ford drafts letter to Sen. Feinstein.
July 30 – August 7	<ul style="list-style-type: none">• Dr. Ford consulted with Sen. Feinstein, who recommended Dr. Ford retain Debra Katz and her firm.
August 7	<ul style="list-style-type: none">• Dr. Ford, represented by Debra Katz, takes a polygraph on Katz’s advice
August 20	<ul style="list-style-type: none">• Sen. Feinstein meets with Brett Kavanaugh, knowing of Dr. Ford’s allegations, and that she has retained Katz as counsel. She mentions neither to Kavanaugh during the meeting.
Thursday September 13	<ul style="list-style-type: none">• Sen. Feinstein transmits Dr. Ford’s letter to the FBI.• Sen. Feinstein tells Sen. Grassley of the existence of Dr. Ford’s letter after the Committee Executive Business Meeting to hold over the nomination of Judge Kavanaugh to be Associate Justice of the Supreme Court.• Contents of letter leak to media.
Friday, September 14	<ul style="list-style-type: none">• <i>New Yorker</i> publishes substance of Dr. Ford’s allegations, but does not identify her by name.• Mark Judge interviews with <i>Weekly Standard</i> and denies Dr. Ford’s allegations.
Sunday September 16	<ul style="list-style-type: none">• <i>Washington Post</i> publishes article containing Dr. Ford’s allegations and her identity. Dr. Ford names Judge Kavanaugh and Mark Judge as perpetrators and identifies two other individuals at party who are unnamed in <i>Washington Post</i> article. <i>Washington Post</i> says that four boys and Dr. Ford attended the party.• Sen. Grassley learns Dr. Ford’s identity from <i>Washington Post</i> report.• Sen. Grassley instructs staff to begin investigation.
Monday September 17	<ul style="list-style-type: none">• Dr. Ford’s counsel appears on morning shows saying her client wants public hearing to tell her story.

	<ul style="list-style-type: none"> • Sen. Grassley invites Sen. Feinstein’s staff to join the staff interview of Judge Kavanaugh, Dr. Ford and other witnesses in a member-level phone call. Sen. Feinstein declined to have her staff participate in the routine follow-up calls when new information is provided to the Committee from the FBI for the nominee’s background file. • CNN publishes redacted version of letter originally sent by Dr. Ford to Ranking Member. • Committee notices hearing for following Monday, September 24 and invites Dr. Ford and Judge Kavanaugh to testify. • Committee investigative staff sent three emails to Dr. Ford’s lawyers with no response. • Committee investigative staff requests interviews with Dr. Ford and Judge Kavanaugh with Republican and Democratic investigators. • Judge Kavanaugh submits to interview with Republican staff. Democratic staff refuses to participate in interview. Judge Kavanaugh asks for a hearing as soon as possible. • Dr. Ford does not submit to interview.
Tuesday September 18	<ul style="list-style-type: none"> • Committee investigative staff sent an additional email and placed two additional phone calls to Dr. Ford’s lawyers with no response. • Committee investigative staff contacts Mark Judge and requests an interview. • Committee investigative staff learns identity of two witnesses identified by Dr. Ford but not named in <i>Washington Post</i> article—Patrick J. Smyth and Leland Ingham Keyser—and requests interviews. • Counsel for Mark Judge submits statement from Mark Judge in which he denies knowledge of party described by Dr. Ford and states he “never saw Brett act in the manner described by Dr. Ford.” He further states he has no other information to offer the Committee and does not wish to speak publicly regarding the allegations. • Counsel for Mr. Smyth submits statement from Mr. Smyth in which he denies any knowledge of the party described by Dr. Ford or of the allegations of improper conduct. He also states he “never witnessed any improper conduct by Brett Kavanaugh towards women.” He asks that the Committee accept the statement in response to any inquiry it has. • As far as we know, Democratic staff did not reach out to these witnesses. • At 7:57 p.m. Sen. Grassley hears from Dr. Ford’s attorney for the first time. Dr. Ford’s attorney submits letter to Sen. Grassley asking for a delay in the hearing. She does not address Committee’s request for interview with investigative staff. • Contemporaneously with the release of the letter, Dr. Ford’s attorney appears on a cable news show asking for hearing to be delayed.
Wednesday September 19	<ul style="list-style-type: none"> • Sen. Grassley sends letter to Dr. Ford’s attorney that offers Dr. Ford the opportunity for a public or private hearing.

	<ul style="list-style-type: none"> • Sen. Grassley reiterates request that Dr. Ford agree to an interview with Committee investigative staff. Dr. Ford’s attorneys do not respond to request.
Thursday September 20	<ul style="list-style-type: none"> • Committee staff has phone call with Dr. Ford’s attorneys regarding the conditions under which she would testify before the Committee. Committee staff offers a public hearing, a private hearing, a public staff interview, or a private staff interview. • Sen. Feinstein’s staff gives unredacted copy of Dr. Ford’s letter to Sen. Grassley’s staff after Sen. Grassley requested access and had yet to see unredacted version of the July 30 letter.
Friday September 21	<ul style="list-style-type: none"> • Committee staff reiterates request that Dr. Ford agree to an interview with Committee investigative staff. Committee staff offers to fly to California to obtain testimony. Dr. Ford’s attorneys do not respond to request. • Committee staff again reaches out to Ms. Keyser requesting an opportunity to conduct an interview regarding Dr. Ford’s allegations. • Dr. Ford’s attorneys asked on Thursday call with staff that their 10 a.m. deadline for accepting the Judiciary Committee’s invitation to testify at the September 24 hearing be extended. Sen. Grassley accommodated their request and extends to Friday at 5 p.m. • Sen. Grassley again extends Dr. Ford’s invitation to the hearing to 10 p.m. Friday. • Sen. Grassley responds to Dr. Ford’s attorney’s “modest proposal” for an additional day and extends the deadline to accept Dr. Ford’s invitation for the hearing by 2:30 p.m. on Saturday. This was the third extension to accommodate Dr. Ford’s decision to appear before the Committee.
Saturday September 22	<ul style="list-style-type: none"> • Counsel for Ms. Keyser—the fourth witness named by Dr. Ford and her “lifelong friend”—submits statement from Ms. Keyser in which she denies any knowledge of the party described by Dr. Ford. She further states she doesn’t know Judge Kavanaugh and doesn’t recall ever being at a party with him. • Dr. Ford accepts invitation to appear before the Committee, but pending further negotiations.
Sunday September 23	<ul style="list-style-type: none"> • Dr. Ford’s attorneys agree that Dr. Ford will appear at a public hearing on Thursday, September 27. • Committee staff sends to Dr. Ford’s and Judge Kavanaugh’s lawyers requests for the submission of relevant evidence in advance of the hearing. • Michael Avenatti tweets that he has a client with allegations and evidence implicating Judge Kavanaugh. • Within minutes, Committee staff reaches out to Mr. Avenatti to request client’s allegations and evidence. Mr. Avenatti declines to provide any allegations or evidence.

	<ul style="list-style-type: none"> • <i>New Yorker</i> publishes article containing allegations made by Deborah Ramirez that Judge Kavanaugh exposed himself to her during a college party. • Committee staff reaches out to Ms. Ramirez’s attorney within hours of the article’s publication and requests an interview with Ms. Ramirez.
Monday September 24	<ul style="list-style-type: none"> • Committee staff makes three more requests for any statement, testimony, or evidence from Ms. Ramirez. Ms. Ramirez’s attorneys decline to submit such materials. • Two Senate offices refer additional allegations to Committee staff. The first is an anonymous allegation in a letter given to the Chairman by Senator Gardner, posted from Denver. The letter claims that Judge Kavanaugh once forcefully and “sexually” shoved a woman he was dating into a wall at a bar in 1998. The second is an allegation from a man (whose name Senator Whitehouse has demanded we keep from the public) in Rhode Island relayed to Committee staff by Senator Whitehouse’s staff. The Rhode Island man claims that two men named “Brett and Mark” raped a woman on a boat in Newport in 1985, after which the man making the allegation claims he and a friend beat up “Brett and Mark.” • Committee staff request an interview with Judge Kavanaugh to question him regarding the allegations raised by Ms. Ramirez, Mr. Avenatti, the anonymous Denver letter, and the Rhode Island man. • Committee staff again requests Mr. Avenatti shares his client’s allegations and evidence. Mr. Avenatti declines to provide any allegations or evidence.
Tuesday September 25	<ul style="list-style-type: none"> • Committee investigative staff interview Judge Kavanaugh for approximately 90 minutes regarding Ms. Ramirez’s allegations in the <i>New Yorker</i> and the allegations received by two Senate offices. For the first time, Democratic staff attended the call, but expressly declined to ask Judge Kavanaugh any questions. Judge Kavanaugh denies each allegation. • Committee staff makes three more requests for any statement, testimony, or evidence from Ms. Ramirez. Ms. Ramirez’s attorneys decline to submit such materials. • The Committee receives from Senator Harris an anonymous letter, postmarked 9/19 and signed “Jane Doe, Oceanside CA,” alleging that Judge Kavanaugh and others raped the author in the backseat of a car. The letter does not identify place, date, or the identity of the alleged accomplices. • Committee staff interviewed a man who leased a home in the Columbia Country Club area where the Kavanaugh/Ford event allegedly occurred. His sister knew Kavanaugh and dated one of his good friends. He spoke in support of Kavanaugh’s good character. • After that interview, Committee staff interviewed the sister and brother together. The sister ran in the same social circles as Kavanaugh in the mid-late 80s. She dated his good friend and her college roommate dated

	<p>Kavanaugh for a summer. That summer, the sister, roommate, and Kavanaugh allegedly spent time at a beach house together. Both sister and brother spoke in favor of Kavanaugh and to his strength of character. Committee staff requested to speak with the college roommate.</p> <ul style="list-style-type: none"> • Committee staff received a statement from the former editor of Georgetown Prep yearbook, who said that the captions in the yearbooks were meant to push the envelope to see what they could get by the school. • Committee investigative staff also have received additional information, including regarding the characters of Dr. Ford and Judge Kavanaugh, have followed up on each one, and will continue to do.
Wednesday, September 26	<ul style="list-style-type: none"> • Committee investigative staff interview Judge Kavanaugh for half an hour, asking him questions about Mr. Avenatti's clients allegations, and the anonymous California allegation. Judge Kavanaugh forcefully denied all allegations. • Committee investigators learned of a woman who dated Judge Kavanaugh in 1998, the same time as the anonymous allegation to Sen. Gardner's office. That girlfriend, Judge Friedrich of the District Court of the District of Columbia, wrote a letter to the Committee, strongly denying she was at the incident in question and testifying that Judge Kavanaugh never acted that way around that time or ever. • Committee investigators contacted six people with knowledge of the individuals making allegations against Judge Kavanaugh. These interviews, all under penalty of felony, yielded information about Judge Kavanaugh's yearbook, the credibility of Ms. Swetnick, and Judge Kavanaugh's lack of interactions with Dr. Ford in high school, among other subjects.
Thursday, September 27	<ul style="list-style-type: none"> • Senate Judiciary Committee holds hearing on Dr. Christine Blasey Ford's allegations.

We asked the witnesses identified by Dr. Ford to submit to interviews. They did not agree to interviews but submitted under penalty of felony categorical and unequivocal statements denying any memory of events matching Dr. Ford's allegations. Lying in those statements is punishable under the same federal law as lying in an interview. We can't force them to interview without a subpoena. Indeed, Dr. Ford's attorneys repeatedly declined to accept our offer of an interview.

The only remaining option would be to subpoena the witnesses. Given that the witnesses' statements were categorical, an interview or deposition was unlikely to reveal any new information and therefore not worth the substantial cost and time needed to obtain and enforce the subpoenas.

The Democrats, of course, did not even join our requests for witness interviews. But they insisted on subpoenas knowing they would take a long time to process.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 28, 2018 9:13 AM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Updated Timeline with Feinstein
Attachments: Timeline with dems.docx

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: McGlynn, Megan (Judiciary-Rep)
Sent: Friday, September 28, 2018 9:11 AM
To: Davis, Mike (Judiciary-Rep) (b) (6) >; Kenny, Steve (Judiciary-Rep) (b) (6) >; Ferguson, Andrew (Judiciary-Rep) (b) (6) >; Mehler, Lauren (Judiciary-Rep) (b) (6) >
Subject: Updated Timeline with Feinstein

Attached is the updated timeline from yesterday with all of Senator Feinstein's contacts with Judge Kavanaugh. Senator Feinstein's many opportunities to raise Ford's allegations are bolded.

Timeline

Date	Event	Description/Notes	Citation
July 6	Ford speaks with Eshoo's staff.	Ford called Eshoo's office and requested a meeting. A staffer spoke with Ford in advance of the meeting. In her letter to Feinstein, Ford wrote, "On July 6 I notified my local government representative to ask them how to proceed"	Casey Tolan, <i>Congresswoman Anna Eshoo First To Hear Blasey Ford's Story: 'I Told Her I Believed Her,'</i> Mercury News (Sep. 18, 2018), https://www.mercurynews.com/2018/09/18/christine-blasey-ford-first-meeting-anna-eshoo-brett-kavanaugh/ ; <i>Read the Letter Christine Blasey Ford Sent Accusing Brett Kavanaugh of Sexual Misconduct</i> , CNN (Sep. 17, 2018), https://www.cnn.com/2018/09/16/politics/blasey-ford-kavanaugh-letter-feinstein/index.html .
	Ford texts the <i>Washington Post</i> tipline using What's App.		Produced documents
July 9	Ford speaks with Eshoo's staff on the phone.		Transcript
July 10	Ford contacts the <i>Washington Post</i> again.	"Been advised to contact senators or NYT. Haven't heard back from WaPo."	Produced documents
At some point between July 10 and September 16	Ford speaks with Emma Brown, a <i>Washington Post</i> reporter.		Transcript
July 18	Ford meets with Eshoo's staff.		Transcript
July 20	Ford speaks with Eshoo.	Ford and Eshoo met for "more than an hour and half" in a "conference room." Eshoo suggested that she write a letter detailing her claims to Senator Feinstein.	Casey Tolan, <i>Congresswoman Anna Eshoo First To Hear Blasey Ford's Story: 'I Told Her I Believed Her,'</i> Mercury News (Sep. 18, 2018), https://www.mercurynews.com/2018/09/18/christine-blasey-ford-first-meeting-anna-eshoo-brett-kavanaugh/ .
July 30	The letter, dated July 30, is delivered to Feinstein's D.C. office.	"Eshoo said she hasn't met with the professor since that July afternoon, although her staff has been in contact with her since she came forward."	Casey Tolan, <i>Congresswoman Anna Eshoo First To Hear Blasey Ford's Story: 'I Told Her I Believed Her,'</i> Mercury News (Sep. 18, 2018), https://www.mercurynews.com/2018/09/18/christine-blasey-ford-first-meeting-anna-eshoo-brett-kavanaugh/ .

Between July 30 and August 7	Ford speaks by phone with Senator Feinstein.		Transcript
After July 30	Ford speaks with Feinstein's staff, who recommends that she engage Debra Katz.		Transcript
August 7	Ford takes a polygraph test after she engages Katz.	Ford took a polygraph test administered by a former FBI agent. Katz provided the results to the <i>Washington Post</i> . They showed that she "was being truthful when she said a statement summarizing her allegations was accurate."	Emma Brown, <i>California Professor, Writer of Confidential Brett Kavanaugh Letter, Speaks Out About Her Allegation of Sexual Assault</i> , Washington Post (Sep. 16, 2018), https://www.washingtonpost.com/investigations/california-professor-writer-of-confidential-brett-kavanaugh-letter-speaks-out-about-her-allegation-of-sexual-assault/2018/09/16/46982194-b846-11e8-94eb-3bd52dfe917b_story.html .
August 20	Feinstein meets one-on-one with Kavanaugh.		Michael Macagnone & Jimmy Hoover, <i>Kavanaugh Meets Top Senate Dem Opposing His Confirmation</i> , Law360 (Aug. 20, 2018), https://www.law360.com/articles/1075169/kavanaugh-meets-top-senate-dem-opposing-his-confirmation .
August 28	Feinstein's staff participates in the first Background Investigation (BI) call.	Phil and Gab from Feinstein's staff participated on the call.	Committee records
September 4-7	SJC holds a public hearing on Kavanaugh's nomination.		Committee records
September 6	SJC gives Senators an opportunity to question Kavanaugh at a closed session.		Committee records
September 12	The <i>Intercept</i> reports that SJC Democrats have requested to view a "Kavanaugh-related document" in the possession of Feinstein	The article reported that a letter in the possession of Feinstein "purportedly describe[d] an incident that was relayed to someone affiliated with Stanford University, who authored the letter and	Ryan Grim, <i>Dianne Feinstein Withholding Brett Kavanaugh Document From Fellow Judiciary Committee Democrats</i> , Intercept (Sep. 12, 2018), https://theintercept.com/2018/09/12/brett-kavanaugh-confirmation-dianne-feinstein/ .

		sent it to Rep. Anna Eshoo, a Democrat who represents the area.”	
September 13	Feinstein refers the letter to the FBI.		Burgess Everett & Edward-Isaac Dove, <i>Feinstein Asks Feds To Investigate Kavanaugh Claims in Letter</i>, Politico (Sep. 30, 2018), https://www.politico.com/story/2018/09/13/feinstein-kavanaugh-investigation-letter-822902.
September 14	The <i>New Yorker</i> reports on an interview with Ford but does not identify her by name.	The article described the incident in detail.	Ronan Farrow & Jane Mayer, <i>A Sexual-Misconduct Allegation Against the Supreme Court Nominee Brett Kavanaugh Stirs Tension Among Democrats in Congress</i> , New Yorker (Sep. 14, 2018), https://www.newyorker.com/news/news-desk/a-sexual-misconduct-allegation-against-the-supreme-court-nominee-brett-kavanaugh-stirs-tension-among-democrats-in-congress .
September 16	The <i>Washington Post</i> reports on an interview with Ford.	The article described the incident in detail.	Emma Brown, <i>California Professor, Writer of Confidential Brett Kavanaugh Letter, Speaks Out About Her Allegation of Sexual Assault</i> , Washington Post (Sep. 16, 2018), https://www.washingtonpost.com/investigations/california-professor-writer-of-confidential-brett-kavanaugh-letter-speaks-out-about-her-allegation-of-sexual-assault/2018/09/16/46982194-b846-11e8-94eb-3bd52dfe917b_story.html .
September 17	SJC has a follow-up BI call with Kavanaugh on the Ford letter. Feinstein does not participate.	Feinstein’s staff did not show up.	Committee records
September 25	SJC speaks with Kavanaugh about the allegations against him.	Feinstein’s staff declared that they were present “under protest” and did not participate.	Committee records
September 26	SJC speaks with Judge Kavanaugh about the allegations against him.	Feinstein’s staff declared that they were present “under protest” and did not participate.	Committee records

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Friday, September 28, 2018 3:58 PM
To: Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG); Flores, Sarah Isgur (OPA); O'Callaghan, Edward C. (ODAG)
Subject: FYI



COMMITTEE *on the* **JUDICIARY**
CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

FOR IMMEDIATE RELEASE

Friday, September 28, 2018

Statement from the Senate Judiciary Committee

WASHINGTON – The Senate Judiciary Committee will request that the administration instruct the FBI to conduct a supplemental FBI background investigation with respect to the nomination of Judge Brett Kavanaugh to be an Associate Justice on the Supreme Court.

The supplemental FBI background investigation would be limited to current credible allegations against the nominee and must be completed no later than one week from today.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 28, 2018 5:24 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- ABA Standing Committee Letter Reaffirming Unanimously Well-Qualified Rating of Judge Kavanaugh
Attachments: 2018-9-24 Chair to Grassley Feinstein re Rating of Brett Kavanaugh (00405242xB00C1).pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

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AMERICAN BAR ASSOCIATION

Standing Committee on
the Federal Judiciary

CHAIR

Paul T. Moxley
111 E. Broadway, 11th Floor
Salt Lake City, UT 84111

FIRST CIRCUIT

Peter Bennett
Suite 300
121 Middle Street
Portland, ME 04101 7123

SECOND CIRCUIT

Vincent Chang
500 Fifth Ave.
New York, NY 10110

THIRD CIRCUIT

Adriane J. Dudley
Suite 3
5194 Dronningens Gade
St. Thomas, VI 00802 6921

FOURTH CIRCUIT

Pamela J. Roberts
Suite 1200
1441 Main Street
Columbia, SC 29201

FIFTH CIRCUIT

J. Douglas Minor, Jr.
Suite 400
188 E. Capitol Street
Jackson, MS 39201 2100

SIXTH CIRCUIT

John B. Pinney
Suite 1800
312 Walnut Street
Cincinnati, OH 45202

SEVENTH CIRCUIT

John Skilton
Suite 201
One East Main Street
Madison, WI 53703

EIGHTH CIRCUIT

Cynthia E. Nance
1653 N. Applebury Drive
Fayetteville, AR 72701 2418

NINTH CIRCUIT

Marcia Davenport
Suite 200
900 North Last Chance Gulch
Helena, MT 59601

TENTH CIRCUIT

Laurence Pulgram
12th Floor
555 California Street
San Francisco, CA 94104 1503

ELEVENTH CIRCUIT

Jennifer Weddle
Suite 2400
1200 17th Street
Denver, CO 80202

D.C. CIRCUIT

Robert L. Rothman
Suite 2100
171 17th Street, NW
Atlanta, GA 30363 1031

FEDERAL CIRCUIT

Robert P. Trout
Suite 300
1350 Connecticut Avenue, N.W.
Washington, D.C. 20036

STAFF COUNSEL

Denise A. Cardman
Suite 400
1050 Connecticut Avenue, NW
Washington, DC 20036 5306

Please respond to:

Paul T. Moxley
Cohne Kinghorn, P.C.
111 E. Broadway, 11th Floor
Salt Lake City, UT 84111
E-mail: pmoxley@cohnkinghorn.com

September 28, 2018

VIA E-MAIL ONLY

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

VIA E-MAIL ONLY

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

**Re: Nomination of Brett M. Kavanaugh to be Associate Justice
of the Supreme Court of the United States**

Dear Chairman Grassley and Ranking Member Feinstein:

The correspondence by Robert Carlson, President of the American Bar Association, of September 27, 2018, was not received by the American Bar Association's Standing Committee on the Federal Judiciary prior to its issuance. The Standing Committee on the Federal Judiciary acts independently of ABA leadership.

The Committee conducts non-partisan, non-ideological, and confidential peer review of federal judicial nominees. The ABA's rating for Judge Kavanaugh is not affected by Mr. Carlson's letter.

Sincerely,



Paul T. Moxley

cc: Mike Davis, Chief Counsel for Nominations, United States Senate
Committee on the Judiciary (via e-mail only)
Lola A. Kingo, Chief Nominations Counsel, Office of Legal Policy,
U.S. Department of Justice (via e-mail only)
ABA Standing Committee on the Federal Judiciary (via e-mail only)
Denise A. Cardman, ABA Standing Committee on the Federal Judiciary,
Staff Counsel (via e-mail only)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 28, 2018 7:30 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Letter from Mark Judge
Attachments: 2.28.18 Letter to Chairman Grassley and Ranking Member Feinstein.pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
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202-224-9102 (fax)
(b) (6)

September 28, 2018

VIA E-MAIL

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

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

Dear Chairman Grassley and Ranking Member Feinstein:

In response to the Committee's request for information, I, MARK JUDGE, declare:

1. The allegations in the Swetnick affidavit are so bizarre that, even while suffering from my addiction, I would remember actions so outlandish. I categorically deny them.
2. I do not know Julie Swetnick.
3. I do not recall attending parties during 1981-1983 when I fondled or grabbed women in an aggressive or unwanted manner.
4. I have never spiked punch to get anyone drunk or disoriented. Nor have I witnessed Brett Kavanaugh spike punch.
5. I have never engaged in gang rape of any woman, including Ms. Swetnick.
6. I will cooperate with any law enforcement agency that is assigned to confidentially investigate these allegations.

I am submitting this letter under penalty of felony.

Sincerely,



Mark Judge

From: The Well News
Sent: Saturday, September 29, 2018 12:29 AM
To: (b)(6) Matthew Whitaker
Subject: 4 Key Republican Senators Sighted at Dinner Post-Kavanaugh Vote, Farm Bill Expiring on Sunday, BiPartisan Legislation to Fight Opioid Epidemic

Click [here](#) to subscribe.



PRESENTED BY IRAQ AND AFGHANISTAN VETERANS OF AMERICA (IAVA)

Straight from The Well

Saturday, September 29, 2018

SIGHTED FRIDAY NIGHT IN DC: After this week's controversial confirmation hearings for prospective Supreme Court nominee Brett Kavanaugh, Republican Senators Lindsey Graham, Jeff Flake, Lisa Murkowski and Susan Collins were spotted having dinner at Washington, DC restaurant Cafe Berlin. Shortly after arriving the curtains to the private room were closed. Oh, to have been a fly on that wall!

FARM BILL SET TO EXPIRE AS HOUSE LEADERSHIP CANCELS ALL LEGISLATIVE ACTIVITY UNTIL NOVEMBER

With the House of Representatives headed home until after the November midterm elections, the Farm Bill is set to expire on Sunday, September 30th. In June, the House passed a Farm Bill along purely partisan lines. Many Democrats referenced the bill's elimination of free school lunch programs from 265,000 households while taking food assistance away from one million households as the reason for their lack of support. The bill also zeroes out Farm Bill funding for Rural Development and Conservation programs. [Read more.](#)

BOOZMAN, HEITKAMP JOIN CENTER FORWARD TO DISCUSS OPIOID EPIDEMIC AS HOUSE PASSES BIPARTISAN LEGISLATION



As the opioid epidemic continues to ravage communities across the United States, Congress – in a rare occurrence of bipartisan cooperation – reached a deal this week on legislation addressing the crisis. The House of Representatives on Friday voted 393-8 to pass the compromise bill, which was the result of months of hearings and deliberation in both chambers. The Senate is also expected to approve the bill in the coming weeks before sending it to President Trump's desk. [Read more.](#)

**FORMER FBI AGENTS SAY THERE ARE
CLUES TO FOLLOW FROM DRAMATIC**

KAVANAUGH HEARING

Source: Los Angeles Times(TNS)

Former FBI officials expressed confidence Friday that agents could quickly interview key witnesses and track down potential leads into Christine Blasey Ford's allegations that Supreme Court nominee Brett Kavanaugh sexually assaulted her when they were both high school students in the early 1980s. Doing so might offer greater clarity than the dueling but inconclusive testimony that emerged in a wrenching Senate hearing Thursday from the 51-year-old California professor and the 53-year-old federal judge. [Read more.](#)

About Iraq and Afghanistan Veterans of
America (IAVA)

IAVA_Ad1_800x80



MISSION STATEMENT

Iraq and Afghanistan Veterans of America (IAVA) is the premier veterans advocacy and support organization on the planet. Every day, we fight for veterans. Hard. We are the tip-of-the spear non-profit engine of impact that connects, unites and empowers over 400,000 [veterans and allies nationwide](#).

**ICYMI: 19 MEMBERS OF CONGRESS
FROM BOTH PARTIES VOW TO**

WITHHOLD SPEAKER VOTE

On Thursday, 19 members of the Problem Solvers Caucus from both parties vowed to withhold their votes for any candidate for Speaker of the House who refuses to support House Rules reforms they argue will break the gridlock in Washington.

The rules package put forth by the group includes proposals to give fast-track priority consideration to bipartisan legislation and guarantees markups on bipartisan legislation from every Member of Congress. [Read more.](#)

2018 MIDTERMS: POLLING AND ADS



Xochitl Torres Small, a water attorney and candidate for New Mexico's 2nd Congressional District, released her campaign's third 2018 election ad, "Too Common." [Click here](#) to watch the ad, which centers on New Mexico's healthcare system.

The Senate Judiciary Committee Sets a New Low

Opinion by Mary Sanchez

Hell hath no fury like an entitled man scorned. America met that man on Thursday, in all his caustic glory. He's federal Judge Brett M. Kavanaugh, now well on his way to becoming the next U.S. Supreme Court justice. What a performance! The belligerent demeanor and the partisan fireballs that Kavanaugh unleashed on the Senate Judiciary Committee alone should disqualify him for the bench. [Read more.](#)

In The News

- [A New York Republican in Trump Country Fights for Survival](#)
By Bridget Bowman
 - [Rosenstein Called to Testify in Private House Hearing, Meadows Says](#)
By Griffin Connolly
 - [Congressional Democrats Can Sue Trump Over Emoluments, Judge Says](#)
By Andrew Harris
 - [White House Formally Taps Rep. Darrell Issa to Lead Trade Agency](#)
By Griffin Connolly
 - [Arsenic at Toxic Levels in North Carolina River, Environmentalists Say](#)
By John Murawski
-

CARTOONS OF THE WEEK





The Well News, 1440 G Street, NW, Washington, DC, 20005

[Unsubscribe](#)

(b)(6): Matthew Whitaker DOJ email account

From: (b)(6): Matthew Whitaker DOJ email account
Sent: Saturday, September 29, 2018 1:58 PM
To: Boyd, Stephen E. (OLA); Escalona, Prim F. (OLA)
Subject: Fwd: Letter from Sen. Hatch to FBI Director Wray
Attachments: Letter to FBI Director Wray, Sept. 29, 2018.pdf; ATT00001.htm

Should I confirm receipt/ send to FBI or should you? Please advise. MW

Begin forwarded message:

From: "Sandgren, Matthew (Hatch)" (b) (6) >
Date: September 29, 2018 at 1:08:44 PM EDT
T (b)(6): Matthew Whitaker DOJ email account
Subject: Letter from Sen. Hatch to FBI Director Wray

Matt,

Please see the attached letter from Senator Hatch to FBI Director Wray. Please confirm receipt.

Best,

Matt

Matt Sandgren
Chief of Staff
Senator Orrin G. Hatch (R-UT)
(b) (6)
(b) (6)

ORRIN G. HATCH
UTAH

MATT SANDGREN
CHIEF OF STAFF

104 Hart Senate Office Building

TELEPHONE: (202) 224-5251
TDD (202) 224-2849
FAX: (202) 224-6331

Website: hatch.senate.gov

United States Senate

WASHINGTON, DC 20510-4402

September 29, 2018

PRESIDENT PRO TEMPORE

COMMITTEES:

FINANCE
CHAIRMAN

JUDICIARY

HEALTH, EDUCATION,
LABOR, AND PENSIONS

AGING

JOINT COMMITTEE
ON TAXATION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Wray:

I write regarding President Donald J. Trump's recent request that the FBI conduct a supplemental investigation to update Judge Brett Kavanaugh's background investigation file. The President noted that this request should be limited in scope and completed in one week from yesterday.

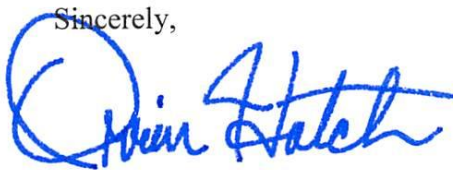
With your leadership and professional career staff handling the matter, I have no doubt that the FBI is capable of conducting the necessary interviews well within that time frame. It is my understanding that Dr. Christine Blasey Ford and those identified as attending the gathering at which the alleged assault took place have publicly agreed to cooperate with the investigation.

I am writing to request, however, that you notify the White House Counsel's Office immediately if any witness(es) or their representatives seek to delay or are uncooperative in this process. One key reason for my concern regarding possible delay comes from testimony during the hearing this past Thursday. According to Dr. Ford, she would have preferred to have been interviewed in California, away from the spectacle of a public hearing. But her lawyers apparently refused to convey to their client numerous offers by Senate Judiciary Committee Chairman Chuck Grassley to conduct a public or private interview in a location of her choosing. The lawyers' refusal led directly to a public hearing, against Dr. Ford's express wishes. This is deeply troubling.

The FBI is widely renowned for conducting fair, thorough, and expeditious investigations. Those Senators and members of the public who feel that additional investigation is required can trust that this matter will be handled fairly.

Thank you for your attention to this matter.

Sincerely,



Senator Orrin G. Hatch

cc: Donald F. McGahn, White House Counsel

PRINTED ON RECYCLED PAPER

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 29, 2018 3:59 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Leland Keyser

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 29, 2018 3:58 PM
To: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Hearn, Marc (Judiciary-Dem) (b) (6) >
Subject: FW: Leland Keyser

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
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202-224-9102 (fax)
(b) (6)

From: Howard Walsh (b) (6)]
Sent: Friday, September 28, 2018 11:52 PM
To: Mehler, Lauren (Judiciary-Rep) (b) (6) >
Cc: Leland Keyser (b) (6) >
Subject: Leland Keyser

Dear Ms. Mehler,

Ms. Keyser asked that I communicate to the Committee her willingness to cooperate fully with the FBI's supplemental investigation of Dr. Christine Ford's allegations against Judge Brett Kavanaugh.

However, as my client has already made clear, she does not know Judge Kavanaugh and has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford.

Notably, Ms. Keyser does not refute Dr. Ford's account, and she has already told the press that she believes Dr. Ford's account. However, the simple and unchangeable truth is that she is unable to corroborate it because she has no recollection of the incident in question.

Nonetheless, she looks forward to being of any assistance she can.

Sincerely,

--

Howard J. Walsh III, Esq.
7101 Wisconsin Ave
Suite 1200
Bethesda, MD 20814-4884
301-602-8721
301-576-7900 (fx)



NOTICES: This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message are prohibited. If you have received this email in error, please destroy it and notify me immediately.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 29, 2018 5:32 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Ramirez allegation against Kavanaugh
Attachments: 20180924_220851_resized.jpg; 20180924_220743_resized.jpg

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 29, 2018 5:28 PM
To: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >
Subject: FW: Ramirez allegation against Kavanaugh

WARNING: The second attached photo contains nudity.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
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(b) (6)

From: Joseph Smith (b) (6)]
Sent: Saturday, September 29, 2018 5:04 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: Ramirez allegation against Kavanaugh

Mike:

I was in the Class of 1988 at Yale, one year behind Brett Kavanaugh and Deborah Ramirez, who were both in the Class of 1987.

I think it's likely that Ramirez is mistaken about Kavanaugh exposing himself at a party. There was one male undergraduate who had a reputation for doing that while I was at Yale, and it was not Kavanaugh. It was another member of Kavanaugh's fraternity name (b) (6), who was a classmate of mine. I saw (b) (6) expose himself at one party. He's also exposing himself in his fraternity's 1988 yearbook picture. I've attached photos of both that picture (he is the guy wearing a bow tie toward the front on the right side of the picture) and his individual entry from the 1988 yearbook.

Yale College is a small school, so I think it would have been widely known if, in addition to (b) (6) another student had also engaged in similar behavior.

It may also be worth noting that (b) (6) was in the same residential college as Ramirez (Pierson), so she was probably aware of him. Kavanaugh was in a different residential college (Stiles).

Joe

(b) (6)

(b) (6)

(b) (6)

(b) (6)

Delta Kappa Epsilon

We are an institution built on friendship, tolerance, and success . . . not to mention on a few six packs and some free love.

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Saturday, September 29, 2018 9:04 PM
To: Whitaker, Matthew (OAG)
Cc: Barnett, Gary E. (OAG)
Subject: Fwd: SCOTUS: Judiciary Committee Refers Potential False Statements for Criminal Investigation

Sent from my iPhone

Begin forwarded message:

From: "Davis, Mike (Judiciary-Rep)" (b) (6) >
Date: September 29, 2018 at 7:58:50 PM EDT
To: "Davis, Mike (Judiciary-Rep)" (b) (6) >
Subject: **SCOTUS: Judiciary Committee Refers Potential False Statements for Criminal Investigation**



FOR IMMEDIATE RELEASE
Saturday, September 29, 2018

Judiciary Committee Refers Potential False Statements for Criminal Investigation

WASHINGTON – The Senate Judiciary Committee today referred for criminal investigation apparent false statements made to committee investigators alleging misconduct by Judge Brett Kavanaugh. In a letter to Attorney General Jeff Sessions and FBI Director Chris Wray, Chairman Chuck Grassley sought a criminal review of the actions by a named individual who provided Congress with the information, diverting Committee resources from an ongoing investigation.

Committee investigators have actively pursued a number of tips the committee has received regarding the nomination of Judge Kavanaugh to the Supreme Court, though the committee has not been able to substantiate any allegations of wrongdoing by Judge Kavanaugh. One tip was

referred to the committee by staff for Sen. Sheldon Whitehouse (D-R.I). While Whitehouse referred the accuser to a reporter, the committee took the claim seriously and questioned Judge Kavanaugh about the allegations under penalty of felony. Judge Kavanaugh denied any misconduct. After the [transcripts of that interview](#) became public, the individual recanted the claims on a social media post.

“The Committee is grateful to citizens who come forward with relevant information in good faith, even if they are not one hundred percent sure about what they know. But when individuals provide fabricated allegations to the Committee, diverting Committee resources during time-sensitive investigations, it materially impedes our work. Such acts are not only unfair; they are potentially illegal. It is illegal to make materially false, fictitious, or fraudulent statements to Congressional investigators. It is illegal to obstruct Committee investigations,” Grassley said in the letter.

Grassley has called on the Justice Department and the FBI to review the matter as a possible violation of 18 U.S.C. §§ 1001 and 1505, portions of the U.S. code criminalizing the sharing of materially false information with committee investigators and obstruction of proceedings of congressional committees.

Grassley letter to DOJ and FBI is available [HERE](#).

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 29, 2018 9:45 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Sanders Letter to Grassley -- Kavanaugh FBI Investigation
Attachments: 09.29.18 CEG to Sanders.pdf; Sanders Letter to Grassley -- Kavanaugh FBI Investigation.pdf

-----Original Message-----

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 29, 2018 9:44 PM
To: Kearns, Lori (Sanders) (b) (6) >
Cc: Compton, Caryn (Sanders) (b) (6) >
Subject: RE: Sanders Letter to Grassley -- Kavanaugh FBI Investigation

Lori,

Attached is my boss's response to your boss's letter from today.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations United States Senate Committee on the Judiciary Senator Chuck Grassley (R-IA), Chairman 224 Dirksen Senate Office Building Washington, DC 2051 (b) (6) (direct)
(b) (6) (cell) 202-224-9102 (fa (b) (6)

-----Original Message-----

From: Kearns, Lori (Sanders)
Sent: Friday, September 28, 2018 11:12 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Compton, Caryn (Sanders) (b) (6) >
Subject: Sanders Letter to Grassley -- Kavanaugh FBI Investigation

Mike,

Please see the attached letter to Chairman Grassley from Senator Sanders.

Best,
Lori

Lori R. Kearns
Counsel
Senator Bernie Sanders

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
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KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 29, 2018

The Honorable Bernie Sanders
332 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Sanders:

Thank you for your letter today. As you know, on July 10, 2018, you stated “[w]e must mobilize the American people to defeat” Judge Kavanaugh. This happened less than 24 hours after Judge Kavanaugh’s nomination was announced. As you also know, all Senators have had access to 307 judicial opinions Judge Kavanaugh wrote during his twelve years on the bench, over 500,000 pages of documents, over 40 hours of live testimony, and answers to more written questions than every prior Supreme Court nominee combined. Nevertheless, you made a decision on this nomination in less than 24 hours.

Your public statements clearly reveal how unimportant it is to you to review any facts related to this nomination. So you can imagine my surprise at receiving your letter regarding the supplemental FBI background investigation. This supplemental FBI background investigation was requested by undecided members of both parties. Am I to take from your letter that you are now undecided and willing to seriously engage with the Senate’s advice-and-consent constitutional duties related to the nomination of Judge Kavanaugh to serve as an Associate Justice on the Supreme Court of the United States? If so, we should have a conversation about what information you need to assist you in making your decision, and I look forward to that conversation.

I appreciate your raising concerns, which others have already raised, at this eleventh hour.

Sincerely,



Chuck Grassley
Chairman

BERNARD SANDERS
VERMONT

COMMITTEES:
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United States Senate

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www.sanders.senate.gov

September 29, 2018

The Honorable Charles E. Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley,

In order for the FBI investigation regarding Judge Brett Kavanaugh's nomination to be complete, it is imperative the bureau must not only look into the accusations made by Dr. Ford, Deborah Ramirez and Julie Swetnick, it should also examine the veracity of his testimony before the Judiciary Committee.

The Senate should not constrain the FBI to one week and must allow time for a full investigation. I would request that you inform the FBI that you will not consider their work complete until they examine the truthfulness of Judge Kavanaugh's statements under oath while testifying before the Senate throughout his career, given the very serious fact that lying to Congress is a federal crime.

If you are concerned with a delay in this confirmation process, remember that Senate Republicans refused to allow the Senate to consider Merrick Garland's nomination to the Supreme Court for nearly a year.

In addition to investigating the accusations made by multiple women, a thorough investigation should include a review of Judge Kavanaugh's numerous untruthful statements in his previous testimony before Congress. Specifically:

- In his previous testimony before Congress, Judge Kavanaugh was asked more than 100 times if he knew about files stolen by Republican staffers from Judiciary Committee Democrats. He said he knew nothing. Emails released as part of these hearings show that these files were regularly shared with Kavanaugh while he was on the White House staff. One of the emails had the subject line "spying." Was Judge Kavanaugh being truthful with the committee?
- In 2006, Judge Kavanaugh told Congress he did not know anything about the NSA warrantless wiretapping program prior to it being reported by the *New York Times*. This year, an email revealed that while at the White House he might have been involved in some conversations about this program. Was Judge Kavanaugh being truthful with the committee?

- In 2004, Judge Kavanaugh testified that William Pryor's nomination to the 11th Circuit "was not one that I worked on personally." Documents now contradict that statement. Newly released documents also call into question whether Judge Kavanaugh was truthful when he stated that the nomination of Charles Pickering "was not one of the judicial nominees that I was primarily handling." Was Judge Kavanaugh being truthful with the committee?
- In 2006, Judge Kavanaugh testified, "I was not involved and am not involved in the questions about the rules governing detention of combatants." New evidence released as part of these confirmation hearing contradicts that assertion. Was Judge Kavanaugh being truthful with the committee?
- Kavanaugh testified before the committee that he did not believe polygraphs were reliable. In 2016 he wrote, "As the Government notes, law enforcement agencies use polygraphs to test the credibility of witnesses and criminal defendants. Those agencies also use polygraphs to 'screen applicants for security clearances so that they may be deemed suitable for work in critical law enforcement, defense, and intelligence collection roles.' . . . The Government has satisfactorily explained how polygraph examinations serve law enforcement purposes." (*Sack v. United States Department of Defense*, 823 F.3d 687 (2016)). What changed his opinion or was he misleading the committee as to his beliefs about the reliability of polygraph tests?

Additionally, several statements made by Judge Kavanaugh under oath regarding his treatment of women and his use of alcohol appear not to be true. The scope of the FBI's investigation must include investigating the following statements:

- Judge Kavanaugh repeatedly told the committee he never drank to the point where he didn't remember something. He also denied ever becoming aggressive when he drinks. However there have been many reports from those Judge Kavanaugh attended high school, college and law school with that contradict this assertion. Was he being truthful with the committee?
- Judge Kavanaugh testified he treated women "as friends and equals" and "with dignity and respect." Numerous entries in his school yearbook would seem to contradict this characterization. Was Judge Kavanaugh's statement to the committee truthful?
- Judge Kavanaugh claimed that he and Dr. Ford "did not travel in the same social circles." Dr. Ford said she dated Chris Garrett, referenced as a friend in his yearbook. In fact, she testified Garrett introduced her to Kavanaugh. Was Judge Kavanaugh's statement to the committee truthful?
- Kavanaugh claimed he did not drink on weeknights but an entry on his calendar for Thursday July 1 states, "Go to Timmy's for Skis w/ Judge, Tom, Pj, Bernie, Squi." Kavanaugh clarified to Sen. Booker that "Skis" referred to beer. Was his original statement to the committee truthful?

A fundamental question the FBI can help answer is whether Judge Kavanaugh has been truthful with your committee. This goes to the very heart of whether he should be confirmed to the court. If a thorough investigation takes longer than a week, so be it. First and foremost, we need the truth.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernard Sanders", with a stylized, cursive script.

Bernard Sanders
UNITED STATES SENATOR

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 29, 2018 10:21 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- latest background materials
Attachments: Post-Hearing TPs.pdf; Hearing Process TPs.pdf; Ford Hearing & Investigation TPs.pdf

Attached are the background materials that the Chairman's team has drafted since the last time the Chairman's team sent out background materials before Day 1 of the hearing on September 4, 2018.

NOTE: Yesterday, at the request of undecided members, the Senate Judiciary Committee requested a supplemental background investigation (BI) and report from the FBI. Some of the attached background materials address why the Committee did not request an FBI investigation before yesterday.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

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202-224-9102 (fax)

(b) (6)

Why shouldn't the FBI investigate?

- We are not going to learn anything from the FBI that we can't learn ourselves. The Senate has our own constitutional duty and our own investigators to follow up on these allegations.
- I'm not going to discredit the Senate's constitutional duty of oversight as a co-equal independent branch of government.
- If Democrats sincerely wanted a FBI investigation, I would ask why the Ranking Member didn't notify me of Dr. Ford's, then confidential letter, in July so the FBI could weigh in? The FBI would honor confidentiality, and so would I. I have a 38 year reputation of protecting confidentiality of whistleblowers.
- Another week for a FBI investigation, as my Democrat colleagues are calling for, would result in another week of brutal attacks on Dr. Ford and Judge Kavanaugh and their families. They don't deserve the vile threats they are receiving and it's unacceptable. Dr. Ford has stated no objection to a FBI investigation, so why has the need for an FBI investigation only come to my attention in the last 10 days? It has been 60 days since Dr. Ford's letter was sent to the Ranking Member.

High School Drinking

- In a hearing that was supposed to be about Dr. Ford's very serious allegations, my colleagues spent almost no time questioning Judge Kavanaugh about those allegations, and an awful lot of time asking him about his high school drinking.
- Now Judge Kavanaugh admitted to liking beer, but he also made a good point. Liking beer does not make somebody guilty of sexual assault. Drinking beer in high school does not make somebody guilty of sexual assault. Drinking on a weekday does not make somebody guilty of sexual assault.
- Now, my colleagues have set a lot of bad precedents during this process with their tactics, but perhaps the most absurd would be that enjoying beer disqualifies you from the Supreme Court. I think that would disqualify most good nominees. Maybe Hatch and I would be the only two left.
- The questions about drinking did serve a purpose though, make no mistake about it. Democrats used this hearing to continue the character attacks on Judge Kavanaugh, because they cannot defeat his nomination on the merits. These attacks have debased the confirmation process.

The Senate Judiciary Committee has engaged in a thorough investigation of each claim lodged against Judge Kavanaugh.

- Regarding Dr. Christina Blasey Ford's allegations:
 - Committee investigators immediately contacted her attorneys and scheduled a hearing. The Committee offered Ford her choice of a public hearing, a private hearing, a public interview, or a private interview. The Committee also offered to interview her in California.
 - Committee investigators heard from all other named party goers. Leland Keyser, Mark Judge, and PJ Smyth denied the allegations. Keyser's attorney told the Committee, "Simply put, Ms. Keyser does not know Mr. Kavanaugh and she has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford." Keyser is a lifelong friend of Dr. Ford.
 - Committee investigators interviewed Judge Kavanaugh, going through each of Dr. Ford's allegations. Judge Kavanaugh unequivocally denied each of the allegations.
 - Committee investigators interviewed two separate individuals who claim that they are actually the man Dr. Ford intended to identify as her attacker.
 - Committee investigators interviewed six others who had knowledge of Judge Kavanaugh's year book and character, Dr. Ford's character, and individuals who may have knowledge about a house matching Dr. Ford's description.
- Regarding Deborah Ramirez's allegations:
 - Committee investigators requested an interview or evidence from Deborah Ramirez's counsel seven times.
 - Committee investigators interviewed Judge Kavanaugh, going through each of Ms. Ramirez's allegations. Judge Kavanaugh unequivocally denied each of the allegations.

- Committee investigators investigated claims by James Roche, Judge Kavanaugh's freshman roommate, and determined he had no knowledge of the substantive allegations.
- Committee investigators spoke to a witness who came forward to discuss Ms. Ramirez's credibility generally.
- Regarding Julie Swetnick's allegations:
 - Committee investigators proactively reached out to Michael Avenatti, Ms. Swetnick's counsel, upon seeing a tweet with anonymous allegations, requesting evidence or interviews with his alleged victim or witnesses.
 - Committee investigators requested evidence or interviews related to these allegations eight times. Mr. Avenatti refused to cooperate.
 - Both before and after Mr. Avenatti revealed his client's identity, Committee investigators interviewed Judge Kavanaugh, going through each of the allegations. Judge Kavanaugh unequivocally denied each of the allegations both times.
 - Committee investigators interviewed and investigated others who came forward with information regarding Ms. Swetnick, including her ex-boyfriend and her friend.
- Regarding the constituent from Rhode Island's allegations:
 - Immediately, upon Senator Whitehouse relaying these allegations to the committee, committee investigators interviewed Judge Kavanaugh, going through each of the allegations. Judge Kavanaugh unequivocally denied each of the allegations.
 - The constituent making these allegations subsequently recanted them.
- Regarding the anonymous allegations from Colorado:
 - Immediately, upon Senator Gardner relaying these allegations to the committee, committee investigators interviewed Judge Kavanaugh,

going through each of the allegations. Judge Kavanaugh unequivocally denied each of the allegations.

- Judge Kavanaugh's girlfriend at the time, the woman he was alleged to have attacked in the third party allegations, has submitted a sworn statement that the allegations were "offensive and absurd" and never happened.
 - There was no additional information in the letter that would allow any further investigation.
- Regarding the anonymous allegations from California
 - Immediately, upon Senator Harris relaying these allegations to the committee, committee investigators interviewed Judge Kavanaugh, going through each of the allegations. Judge Kavanaugh unequivocally denied each of the allegations.
 - There was no additional information in the letter that would allow any further investigation.

Why have Senate Republicans not requested an FBI Investigation?

1. There is no basis for a criminal investigation.
 - The allegations concern an incident from 36 years ago that does not implicate federal law.
 - The FBI does not have jurisdiction to conduct a criminal investigation into these allegations because it implicates state law.

2. The Department of Justice put out a statement over a week ago clearly stating that the matter is closed. The Senate can't order the FBI to do an investigation.
 - The FBI is part of a separate branch of government, and the Senate doesn't have the authority to order it to do anything.
 - The Senate has an independent constitutional obligation and the authority to conduct investigations.
 - The Senate receives FBI background investigation files as a courtesy from the White House, not because the Senate has a relationship with the FBI.

3. An FBI investigation at this point would be completely superfluous.
 - The FBI's role in a background investigation is to uncover allegations or other negative information.
 - The FBI leaves the credibility determinations to the decision-makers, like the Senate. It provides us only with what they discover.
 - Senate staff **routinely** follows up on negative information uncovered by the FBI with the people involved. It doesn't leave that task to the FBI.
 - Dr. Ford's allegation has been uncovered. All of the alleged witnesses have been identified and contacted. The Senate Judiciary Committee is doing exactly what the FBI would do: contact the relevant witnesses and request information.

4. Anita Hill's allegations were referred to the FBI when they were still confidential. It was expected they would remain that way, so a confidential investigation was appropriate. Once the allegations became public, the Senate took over and the FBI was no longer involved.
 - Use of the FBI during the hearings of Justice Clarence Thomas was roundly criticized at the time.

- Jane Mayer and Jill Abramson reported on the “controversial” use of the FBI during the hearings for Justice Clarence Thomas. They wrote that “[t]he FBI’s boss and chief client in any administration is ultimately the president” not the Senate Judiciary Committee.
- Jane Mayer and Jill Abramson specifically noted that the “committee had its own staff of investigators” capable of handling this investigation—the same is true today.

Why We're Not Seeking to Interview Witnesses

- There is no reason to demand more evidence from cooperative witnesses when the key witness's attorneys have refused to cooperate at all. It is seriously unfair to demand further information from anyone except Christine Blasey Ford as long as Dr. Ford's attorneys have been unwilling to provide *any* information to Committee investigators.
- Judge Kavanaugh submitted to a transcribed telephone interview with Committee investigators less than 24 hours after the publication of the Washington Post article. Judge Kavanaugh's interview was taken under penalty of felony and five years imprisonment. Democrat staff refused to participate in the interview.
- Christine Blasey Ford told the Washington Post that three people other than her and Judge Kavanaugh were present at the party where she was allegedly assaulted: Ms. Leland Ingham Keyser, Mr. Mark Judge, and Mr. P.J. Smyth.
- Ms. Keyser, Mr. Judge, and Mr. Smyth all provided the Committee with statements unequivocally denying any knowledge of the party described by Dr. Ford in the Washington Post. All three of these statements—unlike the Washington Post article—were subject to Section 1001 and therefore were given under penalty of felony.
- Ms. Keyser, Mr. Judge, and Mr. Smyth all asked the Committee to respect their privacy and accept their written statements in lieu of interviews or hearing testimony.

- Because their statements were provided voluntarily, there is no way short of a subpoena to compel Ms. Keyser, Mr. Judge, or Mr. Smyth to submit to an interview with Committee investigators.
- Because of the extraordinary time constraints imposed by the Ranking Member's handling of Dr. Ford's allegations, the lengthy process of negotiating and issuing subpoenas is not a realistic option at this point. In light of the Democrats' attempts to delay the Senate's consideration of this nomination, and the minority staff's refusal to cooperate in our investigation thus far, we don't believe they would approach the subpoena process in good faith.
- In their statements, Ms. Keyser, Mr. Judge, and Mr. Smyth unambiguously denied any knowledge of the party Dr. Ford described to the Washington Post. These denials give us no reason to expect that an additional interview would yield any information the Committee does not already have. The Democrats' insistence on subpoenas and interviews is not about getting the truth, but about further delaying the Senate's consideration of this nomination. It's also an attempt to find Judge Kavanaugh guilty by association with Mark Judge, whose past history of substance abuse is very public.

Rachel Mitchell

- Rachel Mitchell is an accomplished prosecutor with decades of experience investigating and prosecuting sex crimes.
 - Before coming to the Senate, Mitchell served as the Deputy County Attorney in the Maricopa County Attorney's Office. In that capacity, she was the Office's chief sex-crimes prosecutor.
 - Before that, Mitchell worked as the Division Chief of the Special Victims Division, an office that handles sex crimes, family violence, and other issues.
 - Mitchell also spent twelve years as a leader in the county bureau responsible for the prosecution of sex-related felonies, including child molestation, adult sexual assault, cold cases, child prostitution, and computer-related sexual offenses.
- Mitchell's many accolades show her professionalism, independence, and care for survivors of sexual assault.
 - In 2012, Mitchell received the David R. White Excellence in Victim Advocacy Award from the Arizona Prosecuting Attorneys' Advisory Council.
 - In 2006, the Maricopa County Attorney's Office named Mitchell Prosecutor of the Year.
 - That same year, she received the Outstanding Child Abuse Legal Professional Award for Excellence from the Arizona Children's Justice Task Force.
 - In 2003, then Governor Janet Napolitano recognized Mitchell as the Outstanding Arizona Sexual Assault Prosecutor of the Year.

- Mitchell shares her expertise by teaching at events that educate and inform professionals and the public about sexual assault, and she is actively engaged in her community through her service on committees tasked with addressing these difficult issues.
 - In addition to her day-to-day work as a prosecutor, Mitchell regularly lectures Arizona Peace Officers, District Attorneys, educators, and medical professionals on topics such as forensic interviewing, courtroom practice, and assessing sex-crime evidence.
 - Mitchell's community engagement is evident from her service on committees such as the Phoenix City Counsel Task Force on Child Prostitution and the Maricopa County Sexual Assault Protocol Committee.
- In sum, Rachel Mitchell is an outstanding and accomplished attorney who has dedicated her career to seeking justice for survivors of sex-related felonies.

Ramirez: Her Allegations' Weaknesses

- Ms. Ramirez has “acknowledged that there are significant gaps in her memories of the evening.” For several reasons, that makes perfect sense.
 - This allegedly happened 35 years ago.
 - She did not come forward with this story. When she was first approached, “she was reluctant to characterize Kavanaugh’s role in the alleged incident with certainty.”
 - It was only after six days of “carefully assessing her memories and consulting with her attorney” that Ms. Ramirez could be “confident enough of her recollections” to speak with Judge Kavanaugh. It is unclear what form her careful assessment took or who assisted with it.
 - *The New York Times* reported that “Ms. Ramirez herself contacted former Yale classmates asking if they recalled the episode and told some of them that she could not be certain Mr. Kavanaugh was the one who exposed himself.”
- Ms. Ramirez’s perception of the event at the time was also unreliable.
 - The article reports that excessive drinking left Ms. Ramirez “on the floor, foggy and slurring her words.”
 - She acknowledged that “her memories contained gaps because she had been drinking at the time of the alleged incident.”

- No media organization has identified any witness with firsthand knowledge who can corroborate her story.
 - In the article's own words: "*The New Yorker* has not confirmed with other eyewitnesses that Kavanaugh was present at the party. The magazine contacted **several dozen** classmates of Ramirez and Kavanaugh regarding the incident. Many did not respond to interview requests; others declined to comment, or said they did not attend or remember the party."
 - The two males that Ms. Ramirez places at the scene have both denied her claim. One says it didn't happen; the other, that he has no recollection of it.
 - *The New York Times* also looked into it and reached the same conclusion. The *Times* "interviewed **several dozen** people over the [week before *The New Yorker* published its article] in an attempt to corroborate Ms. Ramirez's story, and could find no one with firsthand knowledge."
 - No one allegedly present at the event was willing or able to corroborate Ms. Ramirez's identification of Judge Kavanaugh.
- The way the allegations emerged strongly suggests a partisan motive by those who pushed the story.
 - The article makes clear that Ms. Ramirez's allegations had been fed to, and investigated by, Senate Democrats—who withheld the allegations from their Republican colleagues.
 - Ms. Ramirez's attorney is a former Democratic officeholder and a major Democratic donor.
 - Ms. Ramirez described herself as a registered Democrat who "works toward human rights, social justice, and social change."

Ramirez: Committee's Investigation

- When I learned of Ms. Ramirez's allegations, I acted immediately to investigate them—unlike our Democratic colleagues, some of whom sat on her story and, apparently, conducted their own private investigations rather than share it with the Chairman.
- I first learned of her allegations when they became public in an article *The New Yorker* published late Sunday evening, September 23. My staff immediately contacted her counsel asking when she was available for an interview with Committee investigators.
- The next afternoon (Monday, September 24), her counsel responded that Ms. Ramirez “has accurately relayed what she recalls to the *New Yorker*.” Her counsel added, however, that “she would welcome an investigation by the FBI into this investigation and would cooperate with such. On appropriate terms, she would also agree to be interviewed in person.”
- Over the 24th and 25th, the my staff repeatedly asked Ms. Ramirez's counsel two questions before setting up a call to discuss her allegations, so that such a call could actually be meaningful and useful:
 - 1) Whether she had “any other evidence, including other statements, in addition to those that are contained in the *New Yorker* article?”
 - 2) Whether she was “willing to provide her evidence, including her testimony, to committee investigators?”
- My staff repeatedly made clear that it welcomed “the receipt of Ms. Ramirez's (and anyone else's) evidence in the form of a letter or email to the Chairman and Ranking Member, a letter or email from counsel to the Chairman and Ranking Member, or a statement to committee investigators.”

- Ms. Ramirez’s counsel has still not provided any evidence to Committee staff. If evidence emerges, I will proceed as appropriate.
- My staff also acted swiftly to set up an interview with Judge Kavanaugh. He unequivocally denied Ms. Ramirez’s allegations.
- I regret that my Democratic colleagues—again—failed to timely bring this relevant information to his attention. The article makes clear that some Democratic Senators have known of Ms. Ramirez’s allegations for some time. And it quotes one Democratic member of the Committee as saying this allegation “should be fully investigated.” That is exactly what I have done—and what could have been done earlier if Senate Democrats had not kept this information secret for political gain.

Rhode Island Allegation

- A man in Rhode Island wrote a letter to Senator Whitehouse accusing Brett Kavanaugh and Mark Judge of sexually assaulting a woman on a boat off of Newport, Rhode Island. The man claimed that he beat up Kavanaugh and Judge after learning about the assault. The man said that he recently realized one of the assailants was Kavanaugh after seeing his yearbook picture on television.
- Before conducting any investigation, Senator Whitehouse's office referred the man to a reporter.
- In contrast, the majority launched an immediate investigation. The investigation revealed serious credibility issues. The man leveling the accusations had repeatedly called for a military coup and accused President Trump of murdering a Russian woman in 1983. He also tweeted, "the game is afoot GOP, tread lightly."
- Shortly thereafter, the Rhode Island constituent recanted his story and issued a public apology: "Do [sic] everyone who is going crazy about what I had said I have recanted because I have made a mistake and apologize for such mistake." Despite this admission, news outlets like CNN and The Hill continued to report the false allegation for hours, seriously damaging Judge Kavanaugh's reputation.

Staff & Outside Counsel History

I have been asked many questions about why we chose to use staff counsel to ask questions at this hearing. I have heard complaints that this decision is inconsistent with our constitutional duty to advise and consent. Some have even suggested that we are preventing Dr. Ford from being fairly heard.

Nothing could be further from the truth. At some of the Senate's most important investigative hearings, at times when the American public has relied on the Senate to discover the truth, our committees have effectively used outside counsel and staff attorneys to question crucial witnesses. Our actions today are fully consistent with historical practice and Senate precedent.

- The practice of using counsel began with the Watergate hearings in the 1970s. During those hearings, three committee staff members and counselors questioned the witnesses. Democratic and Republican staff alternated asking questions before any committee members spoke. This approach allowed us to get to the bottom of the facts leading to President Nixon's resignation.
- In 1980, the Senate investigated questions regarding the financial relationship between President Carter's brother, Billy Carter, and the government of Libya. In that hearing, Subcommittee Chairman Bayh, a Democrat from Indiana, called on outside counsel for help, and the outside counsel was able to question Billy Carter for hours during the hearing.
- In 1991, Democratic Senators again used outside counsel. During the Savings and Loan investigation, Chairman Heflin hired

Robert Bennett as Special Outside Counsel. And Mr. Bennett did far more than simply question witnesses during the hearing. He also performed extensive investigatory tasks, including interviewing the witnesses before the hearings. Attorneys on staff for the Chairman and other committee members interviewed witnesses for this hearing as well.

- Finally, in 1995 during the investigation of Whitewater Development Corporation and its ties to the Clintons, the Chairman of the Banking Committee, this time a Republican, also asked special counsel and committee attorneys to question witnesses at the hearings.

Each of these previous hearings involved complex and important questions. And in those hearings, outside counsel and committee staff were entrusted with questioning elected officials and their family members.

Although the topic is different, this hearing requires the same level of attention to detail and thoroughness in getting to the truth. It also requires that we be respectful of our witnesses and set aside political and personal agendas long enough to seek out the truth and listen to what they say. Asking Ms. Mitchell to do the questioning for the majority Senators accomplishes this goal and is consistent with over 40 years of Senate precedent.

Staff & Outside Counsel Examples

- Congress has a long history of using staff and outside counsel to question witnesses during hearings, particularly when the hearings involve controversial or sensitive allegations requiring extensive interviews and fact-finding.
- Permitting counsel to conduct investigations and question witnesses is not a new or partisan endeavor. It ensures the nonpartisan quality of the investigation, its integrity and thoroughness, and has been used numerous times dating back to even before the Pentagon Papers and Watergate scandals.
- In 1974, during the **Watergate** investigation, Senate Committee staff counsel questioned the witnesses. It was during this investigation that minority counsel Fred Thompson, asked Alexander Butterfield the famous question “were you aware of the existence of any listening devices in the Oval Office of the President?”
 - During the Watergate investigation, the Committee drafted a document that stated that **only** “committee members and authorized committee staff personnel” were allowed to interrogate witnesses. It did not delineate a specific procedure for how questioning was to occur, beyond the fact *that the Chairman* controlled “[t]he time and order of interrogation.”

- In 1980, a Senate Judiciary Subcommittee hired outside counsel, Judge Phillip W. Tone, in an inquiry into the Billy Carter and Libya matter. Judge Tone asked Billy Carter questions for hours without any Senator interjecting. Subcommittee Chairman Bayh, a Democrat from Indiana, presided over the hearings and emphasized that the reason behind the Subcommittee retaining outside counsel was “to ensure the nonpartisan quality of the investigation, and its integrity and thoroughness.”
 - Judge Tone was hired as outside counsel specifically because he was in a better position to perceive any “gaps” in the investigation and work to establish a complete set of facts.
- In 1991, the Chairman of the Senate Select Committee on Ethics, Chairman Howell Heflin, a Democrat from Alabama, allowed outside counsel to present a statement and question witnesses during the Committee’s **Keating Five** inquiry.
- In 1995, Committee Chairman Alfonse D’Amato (R-NY), presided over the **Whitewater** hearing. Both the Majority and Minority hired outside counsel to ask questions. Senators made the choice to either ask their own questions or yield to outside counsel.

Benefits of Counsel Investigations/Questioning

- Staff counsel also helps depoliticize the process. We want to elicit facts, not craft soundbites. That is why the Committee hired counsel with decades of experience handling sex crimes, to question the witnesses.
- I'm committed to providing a safe, comfortable, and dignified forum for both Dr. Ford and Judge Kavanaugh to testify in, and that will best position the Committee to discover the truth. Our staff counsel has decades of experience as a sex-crimes prosecutor, and even lectures on how to best conduct forensic interviews of assault survivors. She is very equipped for the job.
- I followed the bipartisan recommendation to hire a staff counsel for the committee. (Ronald A. Klain, lawyer in the Obama White House, wrote a piece for the Washington Post on Sept. 18, calling for questioning to be done by outside counsel to avoid interrogation by political actors)
- I promised Dr. Ford that I would do everything in my power to avoid a repeat of the circus atmosphere we witnessed in the hearing room the week of September 4. To that end, I asked expert staff counsel to establish the most fair and respectful treatment of the witnesses possible.

No Basis for Opposing Outside Counsel

- There is no basis for opposing the use of outside counsel to examine Judge Kavanaugh and Dr. Ford.
- Chairman Grassley has worked tirelessly so that Senators can *hear* her account, notwithstanding continual obstruction and an ever-evolving series of delaying tactics and unreasonable demands from Dr. Ford’s attorneys.
- The suggestion that Senators “should have to shoulder their responsibility to ask [Dr. Ford] questions” is nonsensical. That is precisely why the Senate has engaged counsel. Senators are not avoiding responsibility—they are going above and beyond to get to the truth, as the Senate has done numerous times in the past in very important fact-finding endeavors. There is no reason Dr. Ford can answer questions from Senators but not senatorial staff.
- All Senators, if they wish, are free to question Dr. Ford and Judge Kavanaugh.
- As the examples above demonstrate, the minority has no basis for objecting to the Majority’s decision to use expert legal professionals to conduct these highly sensitive examinations.

Outside Staff Counsel Rachel Mitchell's Bone Fides:

- Rachel Mitchell is on leave as a Deputy County Attorney in the Maricopa County Attorney's Office in Phoenix, AZ, where she was Division Chief of the Special Victims Division responsible for prosecution of sex related felonies, child molestation, adult sexual assault, child physical abuse and neglect, elder abuse, stalking, and domestic violence.
- Mitchell is a widely recognized expert on investigation and prosecution of sex crimes, and has frequently taught and spoken on the subject.
- Mitchell has instructed numerous detectives, prosecutors, child-protection workers, and social workers on the best practices for forensic interviews of sex crimes.
- Mitchell has been recognized from both the left and the right for her work.

The Julie Swetnick Declaration

“That’s totally false and outrageous. I’ve never done any such thing, known about any such thing. . . . I’ve never sexually assaulted anyone.”

--Judge Kavanaugh, September 24, 2018

- Swetnick declared on September 25: “I attended well over ten house parties in the Washington, D.C. area during the years 1981-83 where Mark Judge and Brett Kavanaugh were present.”
 - Over 60 men and women who knew Judge Kavanaugh in high school wrote, “In the extensive amount of time we collectively spent with Brett, we do not recall having ever met someone named Julie Swetnick.”
 - Swetnick attended these high-school parties as a college student and legal adult. During this time period, Judge Kavanaugh would have been a sophomore, junior, or senior in high school. Swetnick, meanwhile, graduated from high school in 1980.
 - In other words, Swetnick is alleging that, as a local community college student, she regularly attended parties with high-school students who attended elite prep schools.
- At these parties, Swetnick “witnessed efforts by Mark Judge, Brett Kavanaugh and others to cause girls to become inebriated and disoriented [using drugs] so they could then be ‘gang raped.’”

- Swetnick is alleging that she time and again chose to return to parties where she knew women would be systematically drugged and gang raped.
- Remarkably, Swetnick repeatedly observed rampant sexual assault as a legal adult, but she never reported it to law enforcement and in fact continued attending the parties where this assault took place.
- Through his lawyer, Mark Judge has flatly denied the allegations. Judge Kavanaugh has also denied these allegations in an interview with Committee staff.
- Swetnick declared, “These parties were a common occurrence in the area and occurred nearly every weekend during the school year.”
 - Swetnick claims that these parties were regularly occurring. But Megan McCaleb, who has known Judge Kavanaugh for 38 years, declared at a press conference that “[m]ore than five dozen” women who “hung out with him virtually every weekend, had no choice but to stand up and say: ‘that’s not the Brett I know.’ He stood out as the most responsible guy who treated us with kindness and respect.” Swetnick is accusing these 65 women of lying. Plain and simple.
- Swetnick declared that she regularly observed the premeditated gang rape of multiple women and that she has “a firm recollection of seeing boys lined up outside rooms at many of these parties waiting for their ‘turn’ with a girl inside the room.”
 - Although this scheme was apparently highly visible and included multiple victims and numerous perpetrators, no other person reported it at any point in the last 35 years.

- Swetnick declared, “In approximately 1982, I became the victim of one of these ‘gang’ or ‘train’ rapes where Mark Judge and Brett Kavanaugh were present.”
 - Swetnick does not allege that Judge Kavanaugh ever raped anyone.
 - Through his lawyer, Mark Judge has flatly denied the allegations. Judge Kavanaugh has also denied these allegations in an interview with Committee staff.
- Swetnick declared, “I observed Brett Kavanaugh . . . engage in abusive and physically aggressive behavior toward girls” and “be verbally abusive towards girls.” And she alleged that this behavior was widely known and discussed by other women.
 - But 65 women “who have known Brett Kavanaugh for more than 35 years and knew him while he attended high school between 1979 and 1983” wrote that Judge Kavanaugh “has always treated women with decency and respect. That was true when he was in high school, and it has remained true to this day.”
 - This directly contradicts Swetnick’s account. These women went to several high schools throughout the D.C. area and knew Judge Kavanaugh through “social events, sports, church, and various other activities.” If this behavior was as well-known and blatant as Swetnick alleges, it surely would have been known to at least some of these 65 women.
- Swetnick alleges that she witnessed Judge Kavanaugh behaving inappropriately towards women “on one occasion in Ocean City, Maryland during ‘Beach Week.’”

- This is the sole occasion where Swetnick provides any level of detail about the location or timing of any party. Swetnick made this allegation only after Judge Kavanaugh publicly produced a calendar that showed he participated in a “Beach Week” in June of 1982.
 - Notably, this is not even one of the instances where she alleges that high-school boys were systematically raping women.
- Swetnick has previously alleged sexual harassment against her former employer, and she was represented in that litigation by Debra Katz’s law firm, which currently represents Dr. Ford.
 - Swetnick is currently represented by a radically liberal lawyer and was previously represented by a long-term partisan advocate who is currently representing another of Judge Kavanaugh’s accusers.
 - Between her highly litigious history (she has filed at least five lawsuits), significant tax liens (over \$100,000 in debts), and longstanding relationship with Debra Katz, it is becoming increasingly clear that this is a coordinated partisan smear campaign.

TOP VICTIMS' RIGHTS INITIATIVES

As chairman of this committee, I've actively pursued a victims' reform agenda:

- I've used this Committee to give survivors a voice, by holding multiple hearings about sexual abuse and human trafficking.
- I've sponsored bills to extend programs for sex trafficking survivors and equip investigators with new tools to pursue perpetrators. I've cosponsored measures to help sexual assault victims in the military, in athletic programs, and on college campuses. I shepherded a Sexual Assault Survivors Bill of Rights through this Committee and the Senate, and it is now the law of the land.
- I've repeatedly championed funding for Violence Against Women Act programs, by calling on appropriators and the President to prioritize funding for survivors' services.
- I've sponsored a measure requiring all members of Congress to reimburse taxpayers for amounts paid to settle harassment complaints. I wrote a bipartisan resolution calling for every Senator and Senate employee to receive anti-harassment training.
- I sponsored a 2018 law that will improve the investigation and prosecution of elder abuse crimes, which disproportionately affect older women.
- I've sponsored several bills to help protect children against sexual abuse, including the Missing Children's Assistance Act.

Why Investigative Counsel

- The Senate Judiciary Committee Majority is committed to providing a forum that is fair and respectful. With this goal in mind, the Majority determined that questioning should be conducted by an investigative counsel with experience handling sensitive sex assault allegations.
- The reasons for this decision are twofold. First, the Majority does not want the members' history with Judge Kavanaugh to impact the questions asked of either the nominee or Dr. Ford. Second, the Majority recognizes that a seasoned expert in the field of sexual misconduct will perform the investigative function more effectively and with concern for the sensitive issues at play.

Reason 1: History with Judge Kavanaugh

- The Majority recognizes that members of the Committee have spent a great deal of time with Judge Kavanaugh during this confirmation process.
 - Committee members have engaged in one-on-one meetings with the nominee, listened to Judge Kavanaugh as he provided more than thirty-two hours of testimony, heard from him in a closed session, and submitted over 1300 follow-up questions asking him to clarify or expand upon his hearing testimony.

- Eight members of this Committee voted on Judge Kavanaugh's confirmation to the D.C. Circuit Court of Appeals. Two worked with Judge Kavanaugh as members of the George W. Bush Administration. And one litigated a case with him prior to his time in the Bush Administration.
- Through these interactions, members of the Committee have developed a history with Judge Kavanaugh—both good and bad. He's said things that each of us has liked and some things each of us has disliked during our history with him.
- Outside investigative counsel is free from these past impressions and personal experiences with the nominee, which will ensure fair questioning for both Dr. Ford and Judge Kavanaugh.

Reason 2: Expertise

- The Majority recognizes the sensitive and deeply personal nature of the allegations raised by Dr. Ford, and the profound impact on both Judge Kavanaugh and Dr. Ford's lives both of the allegations and this proceeding.
- Although the Committee is well suited to determine if a nominee has the open-mindedness, temperament, and intellect to serve on the nation's highest court, the Committee has no experience testing the credibility of fact witnesses or exploring allegations of sexual misconduct from decades ago.

- An expert in this field will ensure that questioning is meaningful and probative. Our counsel's contributions will ensure we have a productive hearing.

Why we scheduled a markup for Friday

- We **tentatively** scheduled a Friday markup in case a majority is prepared to hold a vote at that time.
 - Committee rules require scheduling these meetings 72 hours in advance. Chairman Grassley had to calendar this hearing on Tuesday to preserve the possibility of holding the markup on Friday if Members are prepared to do so.
- We can continue investigating after the hearing if necessary.
 - If additional investigation is necessary at the conclusion of Thursday's hearing, the Committee can delay the markup and so. Scheduling the markup simply preserves the option of voting on Friday if a majority of the Committee is ready to do so.

Response: Process is Unfair

I'm disappointed with some of my colleagues' remarks concerning the fairness of this process. I pride myself on holding fair hearings and treating all Senators with respect, regardless of their political party.

In fact, many members of this Committee praised my commitment to fairness during Justice Gorsuch's confirmation hearing. The Ranking Member noted that the Committee "had four days of full and fair hearings." Senator Whitehouse thanked my staff and me for the "wholesome and collegial way" the hearing was handled. Senator Durbin thanked me for my "fair administration of this hearing." And Senator Blumenthal thanked me and the Ranking Member for conducting the "hearing in such a fair and enlightening way."

I worked hard to run this confirmation process as I did last year. I had the same process for receiving Committee Confidential documents. I had the same process for handling requests to make confidential documents publicly available in time for the hearing.

I expanded access to Committee Confidential documents to all senators—not just committee members—and all Judiciary Committee staffers—not just a select few—and made them available 24/7 in electronic and searchable format, not binders of paper. My staff also attempted to negotiate with the Minority staff to obtain some Staff Secretary documents through the use of search terms.

I understand that Democratic leaders were outright opposed to Judge Kavanaugh from the very beginning. But that doesn't justify mischaracterizing this process as anything but thorough, transparent, and fair.

Ginsburg Rule

I'd like to reiterate the importance of not punishing the nominee for declining to say how he would rule on a particular case or his personal opinions on specific Supreme Court precedent. Justice Ruth Bader Ginsburg and subsequent nominees explained to us the importance of providing “no hints, no previews, and no forecasts” on cases and issues that might come before the Court.

The Ginsburg Rule is important for two reasons. First, it maintains judicial independence. We can't expect an independent judiciary if senators require assurances from nominees on specific cases in exchange for a confirmation vote. Second, it's unfair to litigants. If a litigant knows he's walking into a courthouse where the judge has pre-judged the issue, the litigant wouldn't get a fair shake.

Justice Kagan, when she was a nominee, followed the Ginsburg Rule closely. She refused to grade the Supreme Court on its past cases. She said:

- “I do not believe it would be appropriate for me to comment on the merits of *Roe v. Wade* other than to say that it is settled law entitled to precedential weight. The application of *Roe* to future cases, and even its continued validity, are issues likely to come before the Court in the future.”
- Also: she said it would be “inappropriate for a nominee to ever give any indication of how she would rule in a case that would come before the Court. And I think, too, it would be inappropriate to do so in a somewhat veiled manner by essentially grading past cases.”

Senators were satisfied with Justice Kagan’s responses, and they should be satisfied with Judge Kavanaugh’s similar responses.

Dark Money

We've heard quite a bit about supposed "dark money groups" supporting Judge Kavanaugh's confirmation. My friends neglect to mention the dark money groups opposing Judge Kavanaugh's confirmation as well as those groups that have been politicizing the judiciary for years. Left-wing interest groups—like Alliance for Justice and other groups supported by George Soros—treat judges like politicians and the nomination process like a political campaign.

The newest dark money group on the scene, Demand Justice, has outdone all the rest in hiding its donors. This group has spent millions of dollars on ads attacking Judge Kavanaugh, as if he were a candidate for elected office.

What makes this group different from other so-called dark-money groups is the extra efforts they've taken to hide their big donors. Demand Justice is sponsored by another dark-money group, Sixteen Thirty Fund.

Under this arrangement, the media reports, “Demand Justice won’t be required to file its own 990 tax returns with the IRS, and donors to the group will disclose giving money to the Sixteen Thirty Fund rather than Demand Justice. That adds an additional layer of secrecy to who is giving to the group.” In other words, two dark money groups in one!

I of course have no objection to donor privacy. But my Democratic friends claim they do. I guess we’ll see if my Democratic colleagues attack Demand Justice—the darkest dark-money group of them all—as aggressively as they attack conservative groups.

Democratic Leaders Announced Outright Opposition

My colleagues on the other side have been fixated on the issue of Judge Kavanaugh's documents. But they can't dispute the fact that this Committee has more materials for Judge Kavanaugh's nomination than any previous Supreme Court nomination.

The real reason they want to see more documents on top of the record-setting number we already have is they want to stall. They want to bury this Committee in mountains of irrelevant paperwork to delay Judge Kavanaugh's confirmation vote as long as possible. They hope that Democrats can take over the Senate and block Judge Kavanaugh's confirmation forever.

How do we know this? Liberal outside groups and Democratic leaders have been outright opposed to Judge Kavanaugh's nomination since the President selected him.

Several Democratic senators announced they would oppose **any** of the **25** potential Supreme Court nominees. Many others announced their opposition immediately after Judge Kavanaugh's nomination before having a chance to review his record.

Minority Leader Schumer said he would fight this nomination with everything he's got. Members of this Committee likewise opposed Judge Kavanaugh almost immediately. One member said: "Brett Kavanaugh represents a fundamental threat to that promise of equality." Another said that voting for Judge Kavanaugh is "complicit in evil."

This is why my colleagues are pretending that this confirmation process—in which senators have access to more materials than ever before—is lacking in transparency. More documents won't reveal more about Judge Kavanaugh than we already know. How much more do you need to know to vote "no?"

Biden Rule Doesn't Apply in Midterm Election Years

My colleagues are pretending there's no difference between a midterm election and a presidential election year. They want to argue that the Biden Rule—which bars the confirmation of Supreme Court nominees who were nominated during a presidential election year—applies to a midterm election year.

Now, many of these same senators argued in 2016 that the Biden Rule doesn't even exist. Leaving that aside, the Biden Rule applies only to presidential election years. We know this by looking at the actions of its namesake, then-Senator Joe Biden.

In 1992, when Senator Biden was Chairman of the Judiciary Committee, he observed that a Supreme Court nomination fight during a presidential election year would be overly-political, supercharged, and unfair to the nominee.

But then, two years later, during a midterm election year, he presided over confirmation hearings for Justice Stephen Breyer during a midterm election year. Clearly, Senator Biden didn't apply his rules to midterm election years.

Indeed, as recently as 2010, President Obama nominated then-Solicitor General Elena Kagan to the Supreme Court during a midterm election year. It was his second nomination during the first two years of his presidency. If this sounds familiar, it is because this is the exact same scenario we have today.

And of course, impartial observers—like the *Washington Post* fact-checker—have agreed that the Biden Rule didn't apply during midterm election years.

So there we have it: the Biden rule only applies during presidential election years, not midterm election years.

Judicial Record is Most Relevant

My Democratic colleagues seem preoccupied with arguing over whether I should have requested irrelevant Staff Secretary documents on top of the record-setting number of documents we already have. But they're all but ignoring the most revealing part of Judge Kavanaugh's record: his twelve years as a judge on the D.C. Circuit, the most important federal circuit court in America.

During Justice Sotomayor's hearing, Senator Schumer said to Justice Sotomayor: "We have heard precious little about the body and totality of your 17-year record on the bench, which everybody knows is the best way to evaluate a nominee."

He also said: "I want to turn to your record on the bench, which I believe is the best way to get a sense of what your record will be on the bench in the future."

Chairman Leahy said, “We have Judge Sotomayor’s record from the Federal bench. That is a public record that we had even before she was designated by the President. Judge Sotomayor’s mainstream record of judicial restraint and modesty is the best indication of her judicial philosophy. We do not have to imagine what kind of a judge she will be because we see what kind of a judge she has been.”

Judge Kavanaugh has been on the appellate bench longer than Justice Sotomayor was. In his twelve years of service on the second highest court in the land, Judge Kavanaugh wrote 307 opinions and joined hundreds more. More than 10,000 pages of judicial writings are publicly available right now. Under the Leahy-Schumer Standard, these are the most relevant documents for assessing Judge Kavanaugh’s fitness for the Supreme Court.

Mueller Investigation / Cohen Conviction

Some of my Democratic colleagues have said that the confirmation vote on Judge Kavanaugh should be delayed because of the legal troubles facing some of the President's former associates.

But there's absolutely no reason for a delay. The President's constitutional powers aren't suspended just because of legal proceedings against other people. What other constitutional duties do my colleagues suggest he give up? Does the President also have to temporarily stop protecting America, as the Commander-in-Chief?

The Senate confirmed Justices Ginsburg and Breyer despite investigations into President Clinton's involvement in Whitewater. Indeed, when we confirmed Justice Breyer, the independent counsel had Clinton's records under a grand jury subpoena. President Clinton was in a more precarious position than President Trump is now. Yet we confirmed Justices Ginsburg and Breyer overwhelmingly.

And we confirmed 298 lower court judges to lifetime appointments during the period of the Clinton presidency when he was under investigation.

Furthermore, my colleagues forgot their own principles about a week ago, when they voted without any objection to the confirmation of six new federal judges for lifetime appointments.

My Democratic colleagues' argument is unsupported by law or history and is just another attempt to delay the process Judge Kavanaugh's confirmation.

Staff Secretary Documents Are Least Relevant & Most Sensitive

My friends on the other side have been fixated on Judge Kavanaugh's Staff Secretary documents. But those documents are the least useful for understanding his legal views and the most sensitive to the Executive Branch.

The Staff Secretary serves as the inbox and outbox to the Oval Office. The Staff Secretary is primarily responsible for managing the paper that crosses the President's desk. His job is to make sure the President sees the advice of **other** advisors, not provide his own advice.

One of President Clinton's Staff Secretaries, Todd Stern, described the job this way: "The staff secretary's job is not to influence the president but to ensure he gets a balanced diet of viewpoints from all the relevant people on staff. . . . You're certainly not trying to put your thumb on the scale between options."

Reviewing Judge Kavanaugh's Staff Secretary documents would teach us nothing about his legal views. For that, we have the 307 opinions he wrote and the hundreds more he joined – totaling more than 10,000 pages of judicial writings.

We also have more than 17,000 pages of speeches, articles, teaching materials, and other materials that Judge Kavanaugh attached to his 120-page written response to the Senate Judiciary Questionnaire – the most robust questionnaire ever submitted to a Supreme Court nominee.

And we also have more than 480,000 pages of emails and other documents from Judge Kavanaugh's service as an executive branch lawyer. This is a half-million pages of paper – more than the last 5 confirmed Supreme Court nominees, *combined*.

In addition to not shedding light on Kavanaugh's legal views, the Staff Secretary documents are very sensitive to the Executive Branch.

These documents contain highly confidential advice—including national security advice—that went directly to the President from his advisors. It would threaten the candor of future advice to the President if advisors knew their advice would be broadly disclosed.

Senators have more documents for Judge Kavanaugh than any nominee in Senate history. Democratic leaders' insistence on getting Staff Secretary documents are about burying the Committee in paperwork, not getting insight into Judge Kavanaugh's legal thinking.

Document Request Based on Kagan Precedent

The request I sent for Judge Kavanaugh's White House documents was based on the documents we received in connection with Justice Kagan's nomination. We requested a large number, but not all, of the relevant documents from her time in the Executive Branch.

In 2010, both sides agreed not to request internal documents from Justice Kagan's time as Solicitor General. Both sides agreed that it would be detrimental to the candor of internal deliberations if such documents were disclosed.

Staff Secretary documents are even more sensitive because they contain advice sent directly to the President from high-ranking officials throughout the Executive Branch.

We didn't ask for Justice Kagan's Solicitor General documents even though she explicitly told Senators that her work as Solicitor General would have been the most revealing of how she'd be as judge.

Justice Kagan's Solicitor General documents would have been very useful for us in particular because Justice Kagan had no judicial record. Judge Kavanaugh, by contrast, has a 12-year record of judicial service on the most important federal circuit court in the country. He has written 307 opinions and joined hundreds more, totaling more than 10,000 pages of judicial writings.

By contrast, Justice Kagan had **zero** years of judicial experience – and **zero** pages of judicial writings – before her appointment to the Supreme Court. Yet, we have received **significantly more** pages of documents for Judge Kavanaugh, despite having a less compelling need for them than we did for Justice Kagan.

Kagan Solicitor General Documents, continued

One of my colleagues said during the hearing that the only reason we didn't receive Justice Kagan's documents from her time in the Solicitor General's Office was because all her documents concerned pending cases. Not true. Many cases her office was involved in, including high-profile ones like Citizens United, finished well before she was nominated.

And she didn't mention this as a reason for not producing Solicitor General documents during her hearing. She said in response to Senator Sessions asking about these documents:

"I was just going to say that, in fact, every living Solicitor General did say that those documents ought not to be produced, and they said that because of an understanding about how the office works and how important confidentiality within the office is to effective decision-making. ...

I do think that the Office of Solicitor General is a very special kind of office where candor and internal really truly thorough deliberation is the norm and that it would very much inhibit that kind of appropriate deliberation about legal questions if documents had the potential to be made public generally in that way.”

She didn’t say anything limiting this reasoning to pending cases only—her reasoning applies to **all** Solicitor General documents. Just like we didn’t ask for sensitive internal documents from Justice Kagan’s time as Solicitor General, we didn’t ask for documents that are even more sensitive from Judge Kavanaugh’s time as Staff Secretary.

10% vs. 99% Is Misleading

The members of this Committee have access to almost 500,000 pages of material from Judge Kavanaugh's time as a judge and Executive Branch lawyer. That's hundreds of thousands of pages more than any previous Supreme Court nomination.

Still, my colleagues on the other side have been throwing around phony numbers to try to convince the American people that we don't have as much material as we had during Justice Kagan's confirmation. Some of my colleagues keep saying that we have 10 percent of Judge Kavanaugh's White House records, but had 99 percent of Justice Kagan's White House records.

They're using bad math. That 10 % calculation includes the **estimated** page count of Judge Kavanaugh's emails by the National Archivists before the actual review took place.

The **actual** number of pages turned out to be significantly less than the initial estimate.

Also, the 10% calculation includes millions of pages of Staff Secretary documents that we never requested because they are completely irrelevant to assessing Judge Kavanaugh's legal thinking. To be clear, we requested **100%** of the non-privileged documents from Judge Kavanaugh's time as an Executive Branch attorney.

On the other hand, we received zero records from Judge Kagan's time as Solicitor General. Those documents would have been extremely helpful because Justice Kagan had no judicial experience before her appointment. And we also didn't receive 60,000 emails we requested from Justice Kagan's time in the White House. So we received much less than 99% of her records as a government lawyer.

I hope my colleagues will correct their math.

Majority Staff Tried to Compromise with Minority

At the start of this process, my staff reached out to the Committee's Democratic staff to strike a compromise on the records issue. Even though I did not – and still do not – believe the records are relevant to Judge Kavanaugh's legal thinking, I was willing to request a reasonable number of records that were of interest to Democratic members from Judge Kavanaugh's time as Staff Secretary. But I wasn't going to put American taxpayers on the hook the Senate Democratic leaders' fishing expedition into millions and millions of pages of irrelevant documents.

My staff offered to run search terms of the Staff Secretary documents to target those of the most interest to Democratic members. But they wouldn't agree to this. Instead, they demanded the search of every page of every email and every other record from every one of the hundreds of White House aides who came and went during the entire eight years of the Bush presidency.

They wanted every email, even if Judge Kavanaugh never wrote or even saw the email!

After two weeks with no progress in negotiations, I realized the Minority staff was only interested in slowing down the process by burying the Committee in mountains of irrelevant papers. How else do you explain not willing to agree to search terms to target the documents that they said were of most interest to them?

Despite this lack of cooperation, we were still able to obtain more pages of documents than we ever received in connection with a Supreme Court nomination. In fact, we have received more than the last 5 confirmed nominees, combined.

**Staff Secretary Documents Are Not Necessary to
Evaluate Accuracy of Kavanaugh's 2006 Testimony**

My friends in the minority say we need Judge Kavanaugh's Staff Secretary documents to know whether he helped develop the Bush Administration's torture and enhanced interrogation policies. That's not correct.

The only time Judge Kavanaugh would've been involved in developing policies related to torture and interrogation is when he was in the White House Counsel's Office. We requested and received all non-privileged documents from this period—over 480,000 pages in total. Those documents gave no indication that Judge Kavanaugh was involved in crafting these policies.

The Staff Secretary would not have been involved in developing policy in this area. That's because the Staff Secretary's job is to be the inbox and outbox of the Oval Office. He's not responsible for developing policy advice.

And at the beginning of this process, we offered the Ranking Member's search terms to target any Staff Secretary record they wanted. But they flatly refused to utilize search terms to narrow the universe of records for review. Instead, they demanded the search of every email and every other record from every White House aide who came and went for the entire 8 years of the George W. Bush Administration. As I have said repeatedly, I am not going to put the American taxpayers on the hook for the Senate Democratic leaders' fishing expedition.

We don't need Judge Kavanaugh's Staff Secretary documents to conclude he wasn't involved in developing policies related to torture and enhanced interrogation because the Staff Secretary wouldn't be responsible for such policymaking in the first place. And Judge Kavanaugh was never read into those closely compartmentalized intelligence programs.

Bill Burck Isn't a "Partisan Lawyer"

Some of my colleagues have unfairly criticized President Bush's attorney, Bill Burck, for his role in helping us and the American people consider Judge Kavanaugh's record.

Mr. Burck has been President Bush's Presidential Records Act representative since 2009. By law, he and his team help President Bush review records requested by the Senate. He did that for Justice Gorsuch's documents before his confirmation hearing. Just as he did it for Judge Kavanaugh's documents.

Democratic leaders say Mr. Burck is a "partisan." That's not true. He's a leading attorney in his field and a partner at one of America's most liberal law firms.

My friends on the other side didn't complain when Democratic lawyers helped us review Justice Sotomayor's and Justice Kagan's records.

Leslie Kiernan, who went on to work in the Obama White House, reviewed documents for us before Justice Sotomayor's hearing.

And Bruce Lindsey reviewed documents for us before Justice Kagan's hearing. He was President Clinton's national campaign director in 1992; a senior lawyer and "fixer" in the Clinton White House; and then CEO of the Clinton Foundation for ten years. You can't get much more partisan than that.

Democrats didn't complain when Mr. Burck reviewed Justice Gorsuch's documents last year. What changed since then? It's clear Democratic leaders are throwing everything they can at the wall. Their attack now is just another example of political opportunism.

National Archives Not Cut Out

My colleagues on the other side of the aisle have criticized the Committee's process for obtaining Judge Kavanaugh's records. They have accused us of cutting the National Archives out of the process. Let me set the record straight.

President Bush acted consistent with federal law when he expedited the process and gave us unprecedented access in record time to Judge Kavanaugh's record. But we have worked hand-in-glove with the Archives throughout this process, and the documents this Committee received are **the same** as if the Archives had done the initial review.

In fact, the Archives **is not permitted by law** to produce records to the Committee without giving both President Bush and the current President an opportunity to review them first.

The National Archives was **not** cut out of this process. As President Bush's representative informed the Committee: "Because we have sought, received, and followed NARA's views on any documents withheld as personal documents . . . the **resulting production of documents to the Committee is essentially the same as if NARA had conducted its review first** and then sought our views and the current Administration's views, as required by law."

In other words, the documents this Committee received are the same as if the Archives had done the initial review. We were just able to get the documents faster by doing it this way, which gave the Senate and the American people unprecedented access in record time to a Supreme Court nominee's record.

Committee Confidential Documents

My colleagues have criticized my decision to receive some documents as Committee Confidential. But I've done exactly what I did during Justice Gorsuch's confirmation and what Chairman Leahy did during Justice Kagan's. This is another example of Democrats treating regular committee practices as somehow out of the ordinary.

Presidential records we receive often contain highly sensitive advice to the President as well as personal privacy information, like full names, dates of birth, social security numbers, and bank account numbers. Like my predecessor, I agreed to receive some presidential records as Committee Confidential so both Democrats and Republicans could begin reviewing Judge Kavanaugh's materials earlier. I don't know why my Democratic colleagues objected to receiving documents faster.

But not all of these presidential records remained confidential. In fact, nearly two-thirds already became public. These records are posted on the Committee's public website and available to the American people. As a result, we've provided unprecedented public access to a **record number** of presidential records, in **record time**.

The most sensitive presidential records remain Committee Confidential under federal law—just as they were during the nominations of Justices Kagan and Gorsuch.

But we have expanded access to these documents also. Instead of just providing access to Committee members, we've provided access to **all** senators. Instead of just providing access to a very few Committee aides, we've provided access to **all** Committee aides. And, instead of just providing access to physical binders of paper, we've provided **24/7 digital and searchable** access. This is unprecedented access to Committee Confidential material.

I'd like to add that my staff set up work stations and have been available 24/7 to help senators who are not on Committee access confidential materials. But not one senator showed up. I guess senators complaining about lack of access to confidential documents weren't really interested in seeing them in the first place.

But I want to emphasize: more documents are more widely available than in any prior Supreme Court confirmation.

Not “Hiding” Committee Confidential Documents

Some of my colleagues have accused me of “hiding” documents. They’re suggesting that some of the Committee Confidential documents contain information that would be of great interest to the public.

Well, just as I did last year during Justice Gorsuch’s confirmation, I put a process in place that would allow my colleagues to obtain the public release of confidential documents for use during the hearing. All I asked was my colleagues to identify the documents they intended to use, and I would work to get the Department of Justice and Former President Bush to agree to waive restrictions on the documents. Senator Feinstein secured the public release of 19 documents last year under this process, and, as I mentioned at the hearing, Senator Klobuchar secured the release of four documents this year.

If my colleagues truly believe that other Committee Confidential documents should have been made public, they never told me about them.

Instead of scaring the American people by suggesting I'm hiding some incriminating documents, they should have made a request that I work to get the Committee Confidential designation removed. This year, I received no such requests besides Senator Klobuchar's request, which was honored and resulted in the disclosure of the documents she wanted to use at the hearing last week.

We're Not Going to Demand Privileged Documents

My colleague has said that we should demand the documents that President Trump has withheld as privileged. I'm not going to do that.

In our bipartisan letter for Justice Gorsuch's records last year, the Ranking Member and I didn't request privileged records. We specifically said that we'd "respect the invocation of privilege by a co-equal branch of our government." I followed this precedent here. I didn't request privileged documents and promised to honor invocations of privilege. I'm not going back on my word.

In 2005, the Department of Justice asserted privilege to withhold 10% of the documents requested by the Committee. We declined to demand those documents then. I see no reason to do so now.

And this Committee has long declined to go after highly sensitive documents for Supreme Court nominees.

We didn't go after Justice Kagan's Solicitor General documents because they were highly sensitive and likely subject to claims of privilege, even though they would have been revealing of her views as a judge in light of her lack of a judicial record. And we didn't get Justice Alito's Solicitor General documents or documents from his time in the Office of Legal Counsel because of their sensitivity.

And courts have long said that we can access privileged records only if we really need them. In light of the nearly half-million pages of records and all of Judge Kavanaugh's judicial decisions, we simply don't need these privileged records.

It's obvious to me that this demand is little more than another attempt to delay Judge Kavanaugh's confirmation process. I'm not going to allow it.

The Privilege Claims Are Legitimate

My colleagues on the other side are accusing the Trump Administration of using executive privilege to hide documents from the Committee. They're wrong about that.

Unlike President Obama's outrageous assertion of executive privilege during Fast and Furious, this assertion is legitimate. Judge Kavanaugh was a senior lawyer in the White House. He advised the President on judicial nominations, provided legal advice on separation of powers issues, and handled litigation matters. As the Supreme Court has put it, "unless the President can give his advisers some assurance of confidentiality, a President could not expect to receive the full and frank submissions of facts and opinions upon which effective discharge of his duties depends." The issues Judge Kavanaugh worked on are *exactly* the sorts of issues that require "some assurance of confidentiality."

We in the Senate, and everyone else in America, expect the exact same sort of confidentiality. Most senators would not agree to turn over their staffs' communications to anyone. For example, we didn't ask that Justice Kagan's records from her service with then-Senator Biden be turned over during her nomination.

And because of attorney-client privilege, everybody has a right to keep communications from their lawyers out of the government's hands. We therefore didn't ask for Justice Ginsburg's documents from her time with the ACLU. We didn't ask for Justice Sotomayor's confidential documents from her time in private practice. It can't be that the Senate and the ACLU are entitled to *more* protection than the President of the United States.

President Has the Power to Privilege

My colleagues on the other side are accusing the Trump Administration of using executive privilege to hide documents from the Committee. They're wrong about that.

The President needs candid advice from his lawyers and other advisors in order to carry out his constitutional duties. If the President's advisors thought that the whole world might read their advice one day, they wouldn't be as frank and honest as they need to be for the President to do his job. As the Supreme Court has put it, "unless the President can give his advisers some assurance of confidentiality, a President could not expect to receive the full and frank submissions of facts and opinions upon which effective discharge of his duties depends."

To ensure that the President gets honest advice, the Constitution gives the current and former Presidents the power to prevent some of his and his advisors' records from becoming public by asserting constitutional privilege.

The Presidential Records Act, the Archives' regulations, and President Obama's executive order lay out a process by which current and former Presidents can review documents for privilege and make privilege claims. That is precisely what Presidents Bush and Trump have done here. And in our system of separation of powers, they have the authority to do so.

Out of respect for that authority, our bipartisan letter didn't ask for privileged records for Justice Gorsuch. The Ranking Member and I specifically said that we would "respect the invocation of privilege by a co-equal branch of our government." My letter for this nomination said exactly the same thing. I don't understand why the Democrats are objecting to the very thing they offered to do just last year.

Not the First Time Privilege Asserted

My colleague has repeated the line that this is the first time a President has asserted privilege over documents in a Supreme Court nomination. That's not true.

President Reagan claimed privilege over documents from Chief Justice Rehnquist's service in the Department of Justice. President Bush similarly claimed privilege over documents from Chief Justice Roberts' service in the Office of the Solicitor General. The Administration's assertion here is perfectly in line with those precedents.

Moreover, Presidents haven't had to assert privilege in other nominations because we declined to request highly sensitive documents. In Justice Alito's nomination, for example, the Committee didn't receive documents from his service in the Office of the Solicitor General and the Office of Legal Counsel.

And we declined to demand Justice Kagan's Solicitor General documents because of their sensitivity—even though they would've told us the most about her views as a judge.

Kagan Production and Privilege

My colleagues on the other side keep saying that President Obama did not assert privilege over any documents during Justice Kagan's nomination. That's a very misleading statement.

First, Judge Kavanaugh spent 30 months in the White House Counsel's Office. Justice Kagan was only there for 18 months. And Judge Kavanaugh spent much of that time at a higher level of seniority within the office than Justice Kagan. It's not surprising that he had more privileged materials in his record than she did.

Second, we've received nearly **50 times** more emails sent by Judge Kavanaugh than by Justice Kagan during their time in the White House Counsel's Office, and nearly **100 times** more emails received by Judge Kavanaugh than by Justice Kagan. All told, we've received nearly **150 more pages per day** from Judge Kavanaugh's time in the White House Counsel's Office than from Justice Kagan's time.

Again, it's not surprising that Judge Kavanaugh had more privileged material in his records than did Justice Kagan.

Finally, Justice Kagan's responsibilities were very different from Judge Kavanaugh's. She told us that she worked primarily as a lawyer for the White House policy counsels and legislative office. But Judge Kavanaugh worked on judicial nominations, provided legal advice on separation of powers issues, and worked on litigation—matters lying much closer to the core of executive privilege.

Moreover, it's not clear to me that none of Justice Kagan's documents were withheld from the Senate. Although President Obama's lawyer said he would not assert privilege, he also said that President Clinton may have his own "confidentiality interests" in the documents. And some of Justice Kagan's memos were not released until four years after her confirmation.

The Archives Has No Role Regarding Privilege Claims

My colleagues have suggested that if we had obtained documents from the Archives rather than from President Bush, the Archivist somehow could have prevented the President from making privilege claims. That is incorrect.

Privilege assertions over presidential records are governed by the Presidential Records Act, the Archives' regulations, and an executive order signed by President Obama on his second day in office. All three of those laws make one thing perfectly clear: **If the current President asserts privilege, the Archivist may not produce the document.**

Thus, we received from President Bush the same presidential records we would have received from the Archives. The President would have instructed the Archives not to produce the documents to the Committee because they're subject to constitutional privilege. The Archivist would have been prohibited by law from giving us the documents.

Committing to Case Outcomes

Some have complained that Judge Kavanaugh wouldn't commit to compromising the independence of the judiciary and prejudge cases by telling us how he would rule in advance. My friends have forgotten their history.

It was Justice Ginsburg who said, "A judge sworn to decide impartially can offer no forecasts, no hints." And Justice Kagan applied that "Ginsburg Rule" the same way Judge Kavanaugh did. When asked about *Roe*, she said, "I do not believe it would be appropriate for me to comment on the merits of *Roe v. Wade* other than to say that it is settled law entitled to precedential weight. The application of *Roe* to future cases, and even its continued validity, are issues likely to come before the Court in the future." According to Justice Kagan, it would be "inappropriate for a nominee to ever give **any indication** of how she would rule in a case that would come before the Court.

And I think, too, it would be inappropriate to do so in a somewhat veiled manner by essentially grading past cases.”

Justices Ginsburg and Kagan followed the Ginsburg Rule for two simple, but critically important, reasons. First, it maintains judicial independence. We can’t expect an independent judiciary if senators require assurances from nominees on specific cases in exchange for a confirmation vote. Second, it ensures that litigants are treated fairly. If a litigant walks into a courthouse where the judge has prejudged the issue, the litigant wouldn’t get a fair shake. Judge Kavanaugh followed clear nominee precedent when he declined to prejudge cases, and he was right to do so.

Interruptions During the Hearing

Judge Kavanaugh's straightforward, patient, and articulate responses to questions outshined a steady stream of outbursts and interruptions that I have not witnessed in the 14 other Supreme Court nomination hearings that I have attended.

More than 200 people were arrested for "outbursts and disruptions" during the hearing, but it wasn't the result of a groundswell of public opposition. It was instead, according to one organizer, "well-organized and scripted" effort to disrupt the nomination. An NBC journalist reported that "Democrats plotted [their] coordinated protest strategy over the holiday weekend and all agreed to disrupt and protest the hearing."

My colleagues across the aisle praised the protestors harassing the nominee, stating that it was "the noise of democracy," and that the protestors "felt like [their] group had advocates in the hearing room on the dais." One off-committee Senator even went so far as to stop by and thank the protestors.

And it wasn't just protestors devoted to obstructing this Committee's proceedings. My colleagues began interrupting me only fourteen words into my opening statement, and they proceeded to interrupt me 44 times in the first hour alone. It was clear that at least some of my colleagues were positioning for their 2020 presidential campaigns rather than trying to vet the nominee. I'm disappointed that such a superbly qualified nominee was subjected to an ugly display of posturing designed to satisfy the most extreme elements of the Democratic Party.

Leaking Committee Confidential Documents

Some of my Democratic colleagues have broken the rules of the Senate and released documents the Committee had agreed to keep confidential. I want to explain something important. This isn't some minor, technical issue. And it's more than a potential ethical lapse. My colleagues have forever harmed this Committee's ability to obtain sensitive information.

My colleagues keep claiming that it's totally fine to release these documents because they don't contain "classified" or "national security" information. Not so. As was the case with Justice Kagan and Justice Gorsuch, many of Judge Kavanaugh's records contain information restricted from public release by the Presidential Records Act. That law restricts the public from accessing much more than classified information.

It restricts public access to sensitive information like work relating to judicial nominees, confidential advice within the White House, and personal identifying information. Precisely like we did for Justice Kagan and Justice Gorsuch, I agreed to keep documents containing restricted material on a confidential basis.

But I knew my colleagues might find some confidential documents they wanted to use publicly. So I agreed to help them ask President Bush and the Administration to lift the restrictions on certain of those documents. One of my Democratic colleagues, Senator Klobuchar, worked with me just that way—and we got the documents out before the hearing. And when other Democratic Senators asked me to help them obtain the release of other documents during the hearing, we worked with President Bush and the Administration to release 40 additional documents to the public. Not a single request for a specific document was denied.

Nevertheless, some Democratic Senators are releasing documents to the public anyway. We now know that the Archives has independently determined that every single document it has reviewed that's been leaked by the Democrats, except for one, contains information restricted from public access by law. So this is not just a "Bill Burck" issue as the Democrats keep claiming. Even the Archives agrees with President Bush's team that these documents should not have been publicly released.

Let's be clear. My agreement to receive documents on a Committee Confidential basis helped us get more documents more quickly than ever before. That allowed us to begin our review as early as possible, so we could thoroughly vet Judge Kavanaugh.

But by leaking confidential documents, my colleagues gutted the trust the Executive Branch places in this Committee.

Many of the documents we obtain for nominees and in our oversight investigations are voluntarily provided. Similarly, whistleblowers often voluntarily provide us with valuable information. These documents and information are often provided on the condition that we keep it confidential. President Bush asked us to keep certain documents confidential. And we have failed to do so. Who would ever trust us to keep sensitive information confidential again?

Questions about Documents Not in Front of Witness

Last week, several Democratic members of this Committee asked Judge Kavanaugh about documents he did not have in front of him. Even when Judge Kavanaugh asked if he could look at the relevant documents before answering, Democratic members refused to provide them.

That refusal was nothing short of trial by ambush, and the very worst form of D.C. gamesmanship. By denying Judge Kavanaugh the opportunity to see the document he was alleged to have written nearly two decades ago, Democratic members hoped to catch Judge Kavanaugh off guard. They selectively read parts of emails into the record. They recited statements out of context. In short, they engaged in conduct that was unfair to the nominee and deceptive to the American people watching the proceedings.

I've heard from several members of this Committee that the hearing process should operate like a trial. Well, I'm not a lawyer, but even I know that these tactics would not be tolerated by any judge. Trial lawyers don't get to selectively pick passages from documents and put them into evidence; the jury has to see the whole thing. Likewise, a trial judge would never permit a lawyer to examine a witness on a document without permitting the witness to view the document. Judge Kavanaugh deserved the same courtesy.

I'm disappointed by the antics I saw last week. And I applaud Judge Kavanaugh's poise in the face of these underhanded tactics.

Why the Motions to Adjourn Were Out of Order

No Senate or Judiciary Committee rule authorizes a motion to adjourn a committee meeting. The longstanding practice of this Committee is to conduct Supreme Court hearings using the schedule agreed to by the Chairman and the Ranking Member ahead of time, and that's what we did here.

I was repeatedly interrupted on the first day of Judge Kavanaugh's hearing, and the motions and points of order that were made during those interruptions were not in order. Even if I had yielded the floor, those motions and points of order would have been out of order since we were not in executive session.

Rule 4 of the Committee, which one Senator quoted, applies only in executive session. That rule is for "bringing a matter to a vote," which is what we do at our markups—not at hearings.

I've been on this Committee for 37 years and the motions that were made last week had never been done during a confirmation hearing while I was here. That's why I refused to consider the unprecedented, obstructionist "motions" to adjourn or delay the hearing.

Abortion, *Roe*, and Settled Law

CLAIM ONE: Judge Kavanaugh doesn't consider *Roe v. Wade* settled law. In a 2003 email, Judge Kavanaugh said, "I am not sure that all legal scholars refer to *Roe* as the settled law of the land at the Supreme Court level since [the] Court can always overrule its precedent, and three current Justices on the Court would do so."

FACT: Judge Kavanaugh's email does not give any indication about his views on *Roe*.

- As Judge Kavanaugh explained at the hearing last week, he sent the email to provide feedback on a draft op-ed describing the views of legal scholars.
- Judge Kavanaugh thought the language in the op-ed overstated the consensus in the academic community and did not provide "a technically accurate description" of what scholars thought.
- When Senator Hatch asked Judge Kavanaugh to clarify whether he was discussing the views of others or giving his own opinion on *Roe*, Judge Kavanaugh explained, "I was talking about what scholars might say."

- Nothing in the documents received by the Committee suggests Judge Kavanaugh thinks anything other than what he testified last week: “*Roe v. Wade* is an important precedent of the Supreme Court. It’s been reaffirmed many times.” The decision is “therefore entitled the respect under principles of stare decisis.”

CLAIM TWO: During Judge Kavanaugh’s D.C. Circuit confirmation hearing in 2004, he testified that the Bush Administration did not ask judicial nominees or candidates about abortion. But multiple emails call that testimony into question. *First*, a 2001 email suggests Judge Kavanaugh was indeed aware that one judicial candidate was “pro-life” and “goes to mass every day.” *Second*, a 2002 email shows that Judge Kavanaugh coached a judicial candidate opposed by pro-choice activists not to “talk about her views on specific policy or legal issues”—suggesting that the Administration worked to conceal nominees’ positions.

FACT: Democrats have pointed to no evidence that the Bush Administration had any practice of asking judicial nominees

about their views on abortion or any other specific policy or legal issues.

In the first email, one member of the White House Counsel's Office emails Judge Kavanaugh and a third member of the Office about "unsolicited judge recommendations." The email relays "judge advice from an acquaintance" about a proposed candidate for the Southern District of Texas, saying the proposed candidate "goes to mass everyday" and is "pro-life[.]"

- The advice is described as "unsolicited"—by definition, something the Bush Administration had not sought out.
- Judge Kavanaugh's response does not specifically engage with those statements.

In the second email, another member of the White House Counsel's Office wrote Judge Kavanaugh to say Senator Kay Bailey Hutchison had a question about upcoming meetings between now-Judge Priscilla Owen and Senator Diane Feinstein and Senator Herb Kohl. The email says: "Hutchison's office wants to know if there are any subjects we do not want Owen to talk about at these meetings. What do you suggest we tell them?" Judge Kavanaugh responded: "She should not talk about her

views on specific policy or legal issues. She should say that she has a commitment to follow Supreme Court precedent, that she understands and appreciates the role of a circuit judge, that she will adhere to statutory text, that she has no ideological agenda.”

- Although pro-choice activists opposed Judge Owen, the email does not mention abortion.
- The advice Judge Kavanaugh gave is consistent with judicial-ethics principles to which judicial nominees of both parties have adhered for decades.
 - As Justice Ruth Bader Ginsburg explained during her Supreme Court confirmation hearing, a judge seeking confirmation should offer “no hints, no forecasts, [and] no previews” about any specific case or issue.
 - That rule is, as Judge Kavanaugh explained during his own hearing, necessary to preserve judicial independence.

CLAIM THREE: During the hearing last week, Judge Kavanaugh referred to popular birth control methods as “abortion-inducing drugs.”

FACT: Judge Kavanaugh did not say that he believes contraceptives are abortion-inducing drugs. He used the term “abortion-inducing drugs” only when summarizing the legal position of the Catholic nonprofit group that filed suit in *Priests for Life v. Department of Health & Human Services*.

- He testified: “In that case, *they said* filling out the form would make them complicit in the provision of the abortion-inducing drugs that they were, as a religious matter, objected to.” (emphasis added).
- In his dissent from rehearing en banc, Judge Kavanaugh explained that precedent required the court to avoid opining on the correctness or reasonableness of the religious group’s views. Indeed, Judge Kavanaugh emphasized in *Priests for Life* that the views of the plaintiffs were not necessarily true.
- Specifically, Judge Kavanaugh explained that the plaintiffs had complained that “submitting the required form contravene[d] their religious beliefs because doing so, *in their view*, makes them complicit in providing coverage for contraceptives, including some *they believe* operate as abortifacients.” This careful language makes clear that Judge Kavanaugh did not, because precedent demanded that he

could not, independently assess the accuracy of the religious group's claims.

- Far from denigrating the importance of access to birth control, Judge Kavanaugh concluded the government had a compelling interest in ensuring women's access to contraception.

Judge Kavanaugh's Involvement in the Nomination of Judge Charles W. Pickering

CLAIM: Judge Kavanaugh lied during his D.C. Circuit confirmation hearing in 2006 when he denied that he “was primarily handling” the nomination of Judge Charles W. Pickering to the Fifth Circuit.

FACT: The evidence that has been produced is consistent with Judge Kavanaugh's testimony on Judge Pickering's nomination. Although he was involved in some aspects of Judge Pickering's nomination, Judge Kavanaugh did not “primarily handl[e]” the nomination.

- In his 2006 confirmation hearing, Judge Kavanaugh stated that Judge Pickering “was not one of the judicial nominees that I was **primarily handling**.” The evidence that has been produced is consistent with this testimony.
- Judge Kavanaugh did not testify that he had no involvement with the nomination. In fact, he testified in 2004 that “[i]t is fair to say that all of the attorneys in the White House Counsel's office who worked on judges (usually ten

lawyers) participated in discussions and meetings concerning all of the President's judicial nominations."

- Judge Pickering himself said: "While I worked with attorneys in the White House Counsel's office, I cannot recall a single interaction with Brett Kavanaugh about my judicial nomination. I do not even remember knowing his name at the time. His 2006 testimony is accurate."
- Documents received by the Committee identify Noel Francisco as having primary responsibility for the Pickering nomination.
- Judge Kavanaugh's involvement with the Pickering nomination did not rise to the level of his involvement in the nominations of then-Justice Owen, Judge Bea, Miguel Estrada, or Judge Kuhl—the judges that he testified he handled because they were assigned to him. Clearly, Judge Kavanaugh didn't try to hide his work with controversial nominees during his testimony.
- The vast majority of emails to Judge Kavanaugh regarding Judge Pickering are emails to many attorneys in the White House Counsel's Office or are emails that pertained to the

Administration's overall strategy regarding circuit court judicial nominations and obstruction by Senate Democrats.

- The record supports Judge Kavanaugh's statements—the Pickering nomination was not assigned to him and therefore he did not primarily handle it, but he did have some involvement.

Judge Kavanaugh's Involvement in the Pryor Nomination

Claim: Judge Kavanaugh lied during his D.C. Circuit confirmation hearing in 2004 when he denied working on the controversial nomination of now-Judge William Pryor to the Eleventh Circuit.

Fact: Judge Kavanaugh did not testify in 2004 that he had no involvement whatsoever in Judge Pryor's nomination. In fact, Judge Kavanaugh testified that he had some involvement with it but was not in charge of handling the nomination.

- In 2004, Judge Kavanaugh testified that he “was not involved in handling” Judge Pryor’s nomination when he was in the White House Counsel’s Office, meaning—as is clearly apparent from the entirety of his testimony—that he was not principally responsible for the Pryor nomination. He also said that Judge Pryor “was not one of the people that was assigned to me. I am familiar generally with Mr. Pryor, but that was not one that I worked on personally.”
- The evidence that has been produced is consistent with Judge Kavanaugh’s testimony on Judge Pryor’s nomination.

- Judge Kavanaugh did not testify that he had no involvement with the nomination. In fact, he testified in 2004 that “[i]t is fair to say that all of the attorneys in the White House Counsel’s office who worked on judges (usually ten lawyers) participated in discussions and meetings concerning all of the President’s judicial nominations.”
- Documents received by the Committee suggest that Benjamin Powell was the White House lawyer with primary responsibility for Pryor’s nomination.
- Judge Kavanaugh’s involvement with the Pryor nomination did not rise to the level of his involvement in the nominations of then-Justice Owen, Judge Bea, Miguel Estrada, or Judge Kuhl—the judges that he testified he handled because they were assigned to him. Clearly, Judge Kavanaugh didn’t try to hide his work with controversial nominees during his testimony.
- In his 2004 testimony, Judge Kavanaugh also made clear that he ***was*** involved in some aspects of Pryor’s nomination.

- He explained that he “might have attended a moot court session” and that he may have been involved in “internal discussions,” including about press reports.
- That’s how any law office works: lawyers often pitch in on projects that they aren’t in charge of handling.
- Democrats have suggested Judge Kavanaugh denied all involvement in Judge Pryor’s nomination during his 2004 hearing. That’s just not accurate.
- The evidence that has been produced is consistent with Judge Kavanaugh’s testimony on Pryor’s nomination.
 - Judge Kavanaugh was BCC’d on an email announcing a meeting about Pryor’s nomination. The very same sentence makes clear the meeting would also touch on another nomination (Judge Kuhl for the Ninth Circuit) that Judge Kavanaugh was handling.
 - Judge Kavanaugh suggested the White House “should perhaps think about recommending Bill Pryor for CA11.” A few days later, another member of the White House Counsel’s Office asked Judge Kavanaugh: “How did the Pryor interview go?” (to which Judge Kavanaugh responded: “call me”). This is consistent with Judge

Kavanaugh's testimony that he was involved in some aspects of the Pryor nomination but was not in charge of handling it.

Leahy Op-Ed re Manuel Miranda Memos

- Senator Leahy wrote an op-ed in the Washington Post last week. He said that Judge Kavanaugh was untruthful in his testimony in 2004 and 2006 regarding his knowledge that some of the material he received from Republican Judiciary Committee staffer was obtained improperly.
- Senator Leahy said: Kavanaugh “testified repeatedly that he knew nothing about the source of the information; that he received nothing that even appeared to be prepared by Democratic staff; and that he never suspected anything unusual, or ‘untoward.’”
- Judge Kavanaugh also testified: “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.”
- Judge Kavanaugh’s testimony is perfectly consistent with the emails that have been produced to the Senate. There is nothing in any of the emails from Miranda that suggests the contents were obtained improperly.

- Senator Leahy’s accusations are based on some emails being marked “confidential” or “not for distribution.” But emails could be marked like this for any number of reasons and don’t at all suggest the contents were obtained improperly.
- Senator Leahy also bases his accusation on an email that apparently quotes verbatim from a Democratic staffer’s memo. But there’s nothing in the email that suggests the source was a Democratic staffer’s memo. After all, Judge Kavanaugh didn’t do the hacking, so how would he know the true source of the email’s contents?
- Senator Leahy also points to an email containing a letter from Democratic senators that was apparently a draft. But Judge Kavanaugh replied to the email saying, “Who signed this?” This shows Judge Kavanaugh did not realize it was a draft.
- Finally, Senator Leahy cites an email with the subject “Spying.” In the email, a Republican staffer (not Miranda) claimed to have a “mole for us on the left” who was providing insight into the funding and strategy of Democratic groups. Far from suggesting Miranda or anyone else was stealing Democratic files, this email suggests that

someone on the left was feeding the Republican staffer information.

- Miranda himself issued a statement last week explaining that “Brett Kavanaugh was intently ethical in all my experience with him. . . . I can confirm that Brett Kavanaugh knew nothing of the source of any information that we obtained. Nor did I ever meet with him privately or publicly to discuss it.”

Manuel Miranda Memos

CLAIM: Judge Kavanaugh lied in his 2004 and 2006 D.C. Circuit confirmation hearings when he testified that he did not receive materials from Republican Judiciary Committee staffer Manuel Miranda that he believed at the time were drafted by Democratic staff members or obtained from Democratic files.

FACT: The evidence that has been produced is consistent with Judge Kavanaugh's testimony on this subject. None of the documents that Judge Kavanaugh received from Miranda remotely suggests that he was aware that some of the materials were stolen from Democratic files.

- From 2001 to 2003, Judge Kavanaugh worked on judicial nominations in the White House Counsel's Office. Miranda was a Senate Judiciary Committee staffer who sometimes worked with Judge Kavanaugh. Miranda allegedly stole documents from Judiciary Committee Democratic computer files. Miranda shared some of these documents with Judge Kavanaugh and others.
- Judge Kavanaugh testified in 2004 that he met with Miranda "usually to discuss upcoming votes, issues related to press interest in nominations or public liaison activities that

outside groups were interested in.” He testified that nothing he received from Miranda had ever appeared to have been drafted or prepared by Democratic staff members and that he was not aware of Miranda’s activities until they were reported in the news media.

- He further elaborated that “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.”
- He reiterated this testimony in 2006.
- Democrats’ accusation that Judge Kavanaugh lied in 2004 and 2006 is not supported at all by the documents received by the Committee.

- Judge Kavanaugh worked on judicial nominations at the White House, and Miranda was one of several Judiciary Committee staffers who communicated with Judge Kavanaugh and other White House lawyers on nominations issues.
- Consistent with common practice, Miranda provided insights into issues of concern for certain Senators, particularly those on the Judiciary Committee. Although he used the words “intel” or “info” when sharing those insights, none of the emails suggested on their face that the information was improperly obtained.
- None of the emails frequently cited by Democrats support their perjury claims.
 - In a June 2003 email with the subject “Spying,” a Republican staffer (not Miranda) claimed to have a “mole for us on the left” who was providing insight into the funding and strategy of Democratic groups. Far from suggesting Miranda or anyone else was stealing Democratic files, this email suggests that someone on the left was feeding the Republican staffer information.

- In a July 2002 email chain including three DOJ lawyers and Judge Kavanaugh, Miranda asked why Senator Leahy's staff was looking into the connection between a judicial nominee and two organizations. There is no indication in the email exchange that the underlying information had been obtained improperly.
- And in a January 2003 email, Miranda shared a letter from Committee Democrats to Senator Daschle. Senator Leahy described the letter as a draft. But Judge Kavanaugh's response to the email was to ask who had signed the letter, suggesting that he did not understand it to be a draft.
- Miranda issued a statement last week explaining that "Brett Kavanaugh was intently ethical in all my experience with him. . . . I can confirm that Brett Kavanaugh knew nothing of the source of any information that we obtained. Nor did I ever meet with him privately or publicly to discuss it."

Judge Kavanaugh on Native American Issues

CLAIM: Judge Kavanaugh has troubling views on Native Americans and, in particular, Alaska Natives.

FACT: Judge Kavanaugh has never had a case that meaningfully addressed tribal issues. His testimony and the records available from his time in the Bush Administration reveal the respect he has for Native Americans and his efforts to ensure that any legislation enacted to benefit Native Americans would survive constitutional challenge. He never questioned the legality of programs designed to benefit Indian Tribes and Alaska Natives.

- The Supreme Court's decision in *Rice v. Cayetano* was delivered shortly before President Bush took office, and held that a Hawaii law limiting voter eligibility for certain state elections to Native Hawaiians was unconstitutional. Judge Kavanaugh represented an amicus in that case.
- While in the White House Counsel's Office, Judge Kavanaugh was tasked with reviewing bills and the prepared congressional testimony of certain executive branch officials to ensure that it complied with applicable law.

- Given the backdrop of the Supreme Court’s decision in *Cayetano*, Judge Kavanaugh repeatedly sought to ensure that the testimony and legislation designed to benefit or support Indian Tribes, Alaska Natives, and Native Hawaiians, could withstand constitutional scrutiny. He therefore urged caution regarding bills and testimony that treated Native Hawaiians the same as Indian Tribes and Alaska Natives, reminding his clients that the Supreme Court viewed Native Hawaiians differently than Indian Tribes or Alaska Natives in *Cayetano*.
- For example, when reviewing a proposed amendment to the Small Business Act that would have authorized grants to Indian tribal entities, Alaskan Native Corporations, or Native Hawaiian organizations, Judge Kavanaugh cited *Cayetano* to explain that “[t]he Supreme Court has held that Native Hawaiians are not the equivalent of Indian tribes under the Constitution” and that including Native Hawaiians in the bill might raise constitutional concerns. [REV_00339775] He did so to ensure that the programs designed to benefit Native communities, including Native

Alaskan communities, would be upheld, enforced, and actually benefit those communities—whether he agreed with the Supreme Court’s decision, or not.

- This was a lawyer’s advice to a client to ensure compliance with recent Supreme Court precedent. Nothing suggests that this advice reflects his personal beliefs on the constitutionality of the programs or statements or the accuracy of the Supreme Court’s opinion itself.
- Indeed, during his testimony, Judge Kavanaugh repeatedly and specifically emphasized Congress’s “substantial power” with respect to laws that benefit Native Hawaiians, Native Alaskans, and Native Americans. And he testified in response to a question for the record that “the Supreme Court has recognized that Congress has the ability to fulfill its treaty obligations with Native Alaskan Regional or Village Corporations and American Indian tribes through legislation specifically addressed to their concerns. Unlike indigenous peoples of Hawaii, Congress has explicitly recognized in federal law that “Indian tribe” includes any recognized “Indian or Alaska Native tribe, band nation, pueblo, village

or community.” Indeed, my amicus brief made exactly that point, stating that ‘Hawaiians are not a federally recognized Indian tribe.’ Native Alaskans are Indian Tribes and therefore enjoy all of the relevant rights and benefits that come with their trust relationship with the United States.”

- Nothing in the documents or Judge Kavanaugh’s judicial record support these unfounded attacks on his views on Native American issues. And his testimony demonstrates that Judge Kavanaugh recognizes and respects Congress’s constitutional authority to enact legislation benefiting Indian tribes and Alaska Natives.

NSA Surveillance

CLAIM: Judge Kavanaugh lied in his D.C. Circuit confirmation hearing when he said he was not aware of the National Security Agency's (NSA) warrantless wiretapping program, known as Stellarwind, until that program was publicly revealed in the *New York Times* in December 2005.

FACT: The evidence that has been produced is consistent with Judge Kavanaugh's testimony. Nothing in the documents received by the Committee suggests Judge Kavanaugh was involved in, or even aware of, Stellarwind or any other NSA surveillance program until December 2005.

- In his 2006 confirmation hearing, Senator Leahy asked Judge Kavanaugh whether he had seen documents "relating to the President's NSA warrantless wiretapping program." Judge Kavanaugh testified that he had not seen or heard about that program until the *New York Times* ran a story about it in December 2005.
- Some have accused Judge Kavanaugh of lying under oath because an email that the Senate Judiciary Committee received shows that, on September 17, 2001, Judge

Kavanaugh asked John Yoo, a Deputy Assistant Attorney General in the Office of Legal Counsel, whether he had “[a]ny results yet on the 4A implications of random/constant surveillance of phone and e-mail conversations of non-citizens who are in the United States when the purpose of the surveillance is to prevent terrorist/criminal violence?”

- This 2001 email does not conflict with Judge Kavanaugh’s 2006 testimony.
 - First, Senator Leahy’s question to Judge Kavanaugh in 2006 concerned a specific NSA wiretapping program. The 2001 email, in contrast, asks about the constitutional implications of surveillance generally. Judge Kavanaugh’s 2001 email does not reference any specific NSA program or initiative. Nor does the email suggest that the question was posed in connection to a specific program. And that makes sense: Judge Kavanaugh explained last week that he was not “read into” the actual NSA wiretap program authorized by the President in 2002.
 - When Senator Leahy asked at the hearing last week whether Judge Kavanaugh had ever worked

with John Yoo on the constitutional implications of any warrantless surveillance program, Judge Kavanaugh clarified: “I can’t rule that [out.] Right in the wake of September 11, it was all hands on deck on all fronts.” The email from September 17, 2001—just days after the attack—is consistent with that assertion.

- Second, in 2006, Senator Leahy asked about the NSA wiretapping program during a line of questioning related to Judge Kavanaugh’s tenure as Staff Secretary, the position Judge Kavanaugh held from 2003-2006. The 2001 email was from Judge Kavanaugh’s time in the White House Counsel’s Office.
- Finally, John Yoo recently issued a statement regarding Judge Kavanaugh’s role in Stellarwind and other surveillance programs. He said, “Kavanaugh was not cleared to know about Stellarwind or any other counterterrorism surveillance program that I worked on while at the Justice Department. I have never had any conversation with Kavanaugh about those programs, or

even the general subject of presidential power and electronic surveillance. Ever.”

Testimony on Judges

- Democrats have accused Judge Kavanaugh of being untruthful in his testimony in 2004 and 2006 regarding the judicial nominations he worked on during his time in the White House Counsel's Office.
- But all of the documents we received are consistent with Judge Kavanaugh's testimony.
- Judge Kavanaugh was clear in his prior testimony that lawyers in the White House Counsel's Office "divided up appeals court nominations as vacancies arose" and that "all of the attorneys in the White House Counsel's office who worked on judges (usually ten lawyers) participated in discussions and meetings concerning all of the President's judicial nominations."
- Judge Kavanaugh testified that he primarily handled some nominations, including controversial nominees like Priscilla Owen and Miguel Estrada. Clearly, he was not attempting to hide his work on controversial nominees.
- Judge Kavanaugh also testified that he was not the attorney with primary responsibility for some nominees. For example, he said that Judge Pickering "was not one of the judicial nominees that I was primarily handling." With respect to

William Haynes, Judge Kavanaugh said it “was not one of the nominations that I handled.” And he said that Judge Pryor “was not one of the people that was assigned to me” and “was not involved in handling” the nomination.

- Judge Kavanaugh further testified that he nevertheless assisted other attorneys with each of these nominations. During his previous testimony, he said that he might have been involved in a moot session for Judge Pryor and engaged in internal discussions about the nomination. And he responded “yes” when asked by Senator Schumer if he was “involved in discussions involving the nomination[] of Haynes.”
- Judge Pickering himself said: “While I worked with attorneys in the White House Counsel’s office, I cannot recall a single interaction with Brett Kavanaugh about my judicial nomination. I do not even remember knowing his name at the time. His 2006 testimony is accurate.”
- Democrats are misconstruing Judge Kavanaugh’s previous testimony, falsely saying that he denied all involvement with the nominations of Judge Pickering, William Haynes, and Judge Pryor. The entirety of Judge Kavanaugh’s prior

testimony, however, makes clear that he assisted with all of these nominations, but he was not the White House lawyer responsible for handling them.

Judge Kavanaugh's Prior Testimony on Detention / Torture

CLAIM: Judge Kavanaugh lied when he testified in his D.C. Circuit confirmation hearing in 2006 that he was “not involved in questions about the rules governing detention of combatants” while in the White House.

FACT: When viewed in the context of the questions being posed to him in 2006—which related to specific torture and enhanced interrogation programs in place during the Bush Administration—the evidence that has been produced is consistent with Judge Kavanaugh’s testimony.

- Judge Kavanaugh testified in 2006 that he was “not involved in the questions about the rules governing detention of combatants” while working at the White House.
- One year later, the *Washington Post* reported that Judge Kavanaugh, when he was in the White House Counsel’s Office in 2002, was asked to give an impromptu opinion in a meeting about how Justice Kennedy might view an issue. He said that Justice Kennedy was unlikely to “accept absolute presidential discretion to declare a U.S. citizen an enemy and lock him up

without giving him an opportunity to be represented and heard.” He was commenting on the Administration’s litigating position in high-profile federal court cases, not participating in the development of the underlying policies themselves.

- Judge Kavanaugh also acknowledged handling draft signing statements, including the McCain Torture Amendment, while he was White House Staff Secretary to ensure that “relevant members of the administration have provided input” before presenting them to the President.
- Judge Kavanaugh’s 2006 testimony must be considered in light of the questions that Senator Durbin was asking him. Senator Durbin asked Judge Kavanaugh whether he knew about a particular Fourth Circuit judicial nominee’s “role in crafting the administration’s detention and interrogation policies,” including “the use of abusive interrogation techniques, like threatening detainees with dogs, forced nudity, and for forcing detainees into painful stress positions.” Senator Durbin’s previous question concerned Judge Kavanaugh’s knowledge of

the Bybee “torture memo” before Bybee’s nomination to the Ninth Circuit.

- Judge Kavanaugh’s answer was responsive to these questions about a specific controversial program of enhanced interrogation that two nominees had been involved in. As other sources have confirmed, Judge Kavanaugh was not “read into” this highly compartmentalized program and was not authorized to even know about it. Tim Flanigan, who was in the White House Counsel’s Office at the same time as Kavanaugh, said in July of this year that the enhanced interrogation program “was tightly ‘compartmentalized’ and that Kavanaugh was not authorized to know about it.”
- In 2012, the Senate Select Committee on Intelligence, chaired by Senator Feinstein, produced a comprehensive, exhaustively researched, 6,000-page report of the CIA’s Detention and Interrogation Program. Committee staff reviewed more than six million pages of materials in order to conduct a thorough review of the program. Judge Kavanaugh’s name is not mentioned a single time in the report.

- Likewise, the Justice Department's Office of Professional Responsibility in 2009 produced a detailed report on the interrogation program that did not mention Judge Kavanaugh.
- Nothing in the documents we've received contradicts Judge Kavanaugh's testimony that he had no involvement in torture or enhanced interrogation programs. In his recent private meeting with Senator Durbin, Judge Kavanaugh freely acknowledged his limited involvement in detention issues more broadly—such as his response to the question about how Justice Kennedy might rule in a hypothetical detention case and his role in the McCain Torture Amendment signing statement. Had Senator Durbin asked him about these issues in 2006, rather than about enhanced interrogation, Judge Kavanaugh would have answered the question differently.
- As it is, Judge Kavanaugh rightly told Senator Hatch last week that “I told the truth and the whole truth in my prior testimony.”

Judge Kavanaugh's Involvement in the Nomination of William Haynes

CLAIM: Judge Kavanaugh lied during his D.C. Circuit confirmation hearing in 2006 when he denied that he “handled” the nomination of William Haynes to the Fourth Circuit.

FACT: The evidence that has been produced is consistent with Judge Kavanaugh's testimony on Haynes's nomination. Although he was involved in some aspects of Haynes's nomination, Judge Kavanaugh did not “handle[]” the nomination.

- In his 2006 confirmation hearing, Judge Kavanaugh testified, “I know Jim Haynes, but it was not one of the nominations that I handled. I handled a number of nominations in the Counsel's Office. That was not one of the ones that I handled.” The evidence that has been produced is consistent with this testimony.
- Judge Kavanaugh did not testify that he had no involvement with the nomination. Far from it. He unambiguously responded “yes” when asked by Senator Schumer during the same hearing if he was “involved in discussions involving the nomination[] of Haynes.” And he testified in 2004 that

“[i]t is fair to say that all of the attorneys in the White House Counsel’s office who worked on judges (usually ten lawyers) participated in discussions and meetings concerning all of the President’s judicial nominations.”

- Judge Kavanaugh’s involvement with the Haynes nomination did not rise to the level of his involvement in the nominations of then-Justice Owen, Judge Bea, Miguel Estrada, or Judge Kuhl—the judges that he testified he handled because they were assigned to him. Clearly, Judge Kavanaugh didn’t try to hide his work with controversial nominees during his testimony.
- The vast majority of emails to Judge Kavanaugh regarding Haynes’s nomination are emails to multiple attorneys in the White House Counsel’s Office or are emails that pertained to the Administration’s overall strategy regarding circuit court judicial nominations and obstruction by Senate Democrats.
- Senator Durbin has accused Judge Kavanaugh of lying, but his only “evidence”—a single email chain between Judge Kavanaugh and two other White House staffers—comes

nowhere close to contradicting Judge Kavanaugh's testimony.

- Judge Kavanaugh was copied on an email about the possible nomination of Haynes. After two other staffers exchanged emails discussing possible Senate support for the nomination, Judge Kavanaugh wrote, "If the circuit package is Boyle, Duncan, and Haines [*sic*], they could be amenable. Needless to say, we need to resolve quickly."
- This email is entirely consistent with Judge Kavanaugh's testimony. He had some involvement in the big-picture strategy regarding all circuit nominations, including Haynes's nomination, but he did not handle that nomination.