

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

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

Subject: SCOTUS -- Michael Avenatti and Julie Swetnick

Date: Wed, 3 Oct 2018 02:52:06 +0000

Importance: Normal

Attachments: SCOTUS_--_Avenatti_Emails_To_Grassley_Staff_I.pdf; scan-3.pdf; SCOTUS_--_Avenatti_Emails_To_Grassley_Staff_II.pdf; Declaration.pdf; 2018.09.26_Jud_D_ltr_to_CEG_re_swetnick_withdrawl_or_investigate.pdf; 2018-10-02_Signed_Ketterer_Statement_-_Swetnick_Allegations.pdf; 10.02.18_CEG_to_SJC_Minority.pdf; Summary_of_Judiciary_Committee_Investigation_of_Allegations_Against_Judg....pdf

Inline-Images: image002.png; image003.png; image004.png; image005.png; image006.jpg

Attached are background emails and letters on the Avenatti-Swetnick saga.

Below are 2 press releases from earlier today, one from Grassley's office and the other from McConnell's office.

The wheels have fallen off the clown car.

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

FOR IMMEDIATE RELEASE

Tuesday, October 2, 2018

Judiciary Committee Receives Statement Regarding Swetnick Allegations

WASHINGTON – The Senate Judiciary Committee today received a signed statement from Mr. Dennis Ketterer, the former Democratic candidate for Congress and weatherman for WJLA Channel 7 in Washington, regarding the recent allegations made by Julie Swetnick against Supreme Court nominee Judge Brett Kavanaugh. Mr. Ketterer had a relationship with Ms. Swetnick in the 1990s.

Below are excerpts of the signed statement, which was provided to the committee under penalty of felony.

“During a conversation about our sexual preferences, things got derailed when Julie told me that she liked to have sex with more than one guy at a time. In fact sometimes with several at one time. She wanted to know if that would be ok in our relationship.

“I asked her if this was just a fantasy of hers. She responded that she first tried sex with multiple guys while in high school and still liked it from time-to-time. She brought it up because she wanted to know if I would be interested in that.”

...

“Julie never said anything about being sexually assaulted, raped, gang-raped or having sex against her will. She never mentioned Brett Kavanaugh in any capacity.”

...

“Because I had lost Julie’s number I called her father to get it. When I talked to him about possibly bringing her on to help with my campaign, he told me that she had psychological and other problems at the time.”

...

“I know what it’s like to be sexually assaulted and not be believed. I was 9 years old when it happened at the hands of my grandfather’s best friend.”

...

“My heart still feels heavy, for me as well as Julie and the Kavanaughs. That said, based on my direct experience with Julie, I do not believe her allegations against Mr. Kavanaugh.”

The full statement submitted to the committee can be found [HERE](#).

-30-



Senate Republican
Communications Center

2 0 2 • 2 2 8 • N E W S

Contact:

Antonia Ferrier 202.228.NEWS

<https://bit.ly/2NhlLf>

Julie Swetnick’s ‘Credibility Issues’

‘NBC News Was Unable To Independently Corroborate Swetnick’s Claims,’ And ‘There Are Things That She Told Us On Camera That Differ From Her Written Statement’ While

Swetnick's Ex-Boyfriend Says 'She's Not Credible At All'

RICHARD VINNECCY, Swetnick's Ex-Boyfriend: "Never, never once [did] she mention that to me. We used to talk just about everything, and she never once mentioned that at all." ([Fox News' "The Ingraham Angle," 10/01/2018](#))

'Does [Julie Swetnick] Have Credibility Issues?' 'I Would Say Yes'

MSNBC's CRAIG MELVIN: "Credibility. Does she [Julie Swetnick] have credibility issues?"

NBC's KATE SNOW: "I would say yes because there are—just to be clear there are things that she said to me that differ from her initial statement, which was a sworn statement last week, submitted to the Judiciary Committee. So I think that, in many people's minds, raises a credibility question." ([MSNBC's "MSNBC Live," 10/02/2018](#))

KATE SNOW: "... NBC News, for the record, has not been able to independently verify her claims. There are things that she told us on camera that differ from her written statement last week." ([MSNBC's "The Beat with Ari Melber," 10/01/2018](#))

- "NBC News was unable to independently corroborate Swetnick's claims and has not spoken with anyone who says they saw Swetnick at parties with Brett Kavanaugh. Kavanaugh has said he does not know Swetnick and has called her claims a farce." ([NBC News, 10/01/2018](#))

SNOW: "We've been trying independently to reach out to anyone who remembers ... and we've been asking her attorney for names. So far we've not found anyone who remembers that." ([MSNBC's "The Beat with Ari Melber," 10/01/2018](#))

- "Swetnick provided NBC News with the names of four friends who she said went to the parties with her. One is deceased, while two others did not respond to requests for comment. A fourth told NBC News he didn't remember Swetnick and didn't think he'd socialized with her." ([NBC News, 10/01/2018](#))

Swetnick Claims She Decided To Come Forward 'About Six Weeks Ago' Only After Learning Of Dr. Ford's Accusations, But Those Only Became Public A Little More Than Two Weeks Ago

SNOW: "She's also unclear about when she first decided to come forward." ([MSNBC's "The Beat with Ari Melber," 10/01/2018](#))

JULIE SWETNICK: "I wouldn't be here today except for about six weeks ago, I happened to learn about Brett Kavanaugh becoming one of the people who was short listed to go to the Supreme Court."

SNOW: "This is in July, summer?"

SWETNICK: "I don't remember exactly. But it was about six weeks ago. And then I became aware of Dr. Ford and her description of what had happened to her at a party one time, that also had Brett Kavanaugh involved."

...
SNOW: "So you only thought about coming forward when you learned about Dr. Ford?"

SWETNICK: "Yes. Because I did not know how close Brett Kavanaugh was to possibly becoming the next Supreme Court justice."

SNOW: "I just want to get the timeline right about this, because he was nominated in July. Christine Ford, Dr. Christine Blasey Ford, came forward in *The Washington Post* more recently in September. So was it in September that you —"

SWETNICK: "Uh, it's been several weeks. But I'm not somebody who follows the news. I'm not political at all." ([MSNBC's "The Beat with Ari Melber," 10/01/2018](#))

Swetnick's Ex-Boyfriend, Richard Vinneccy: 'She's Not Credible At All,' 'Everything That Came Out Of Her Mouth Was Just Exaggerations,' 'She Was Always Wanting To Be The Center Of Attention'

VINNECCY: "I know a lot about her.... She's not credible at all. Not at all." (["Ex-boyfriend Filed Restraining Order Against Third Kavanaugh Accuser," Politico, 9/26/2018](#))

- "Vinneccy made clear that he did not believe her story. 'I have a lot of facts, evidence, that what she's saying is not true at all,' he said. 'I would rather speak to my attorney first before saying more.'" (["Ex-boyfriend Filed Restraining Order Against Third Kavanaugh Accuser," Politico, 9/26/2018](#))

VINNECCY: "You know, she was always wanting to be the center of attention. And she always wanted to do something major. She was always trying to impress me with everything. She basically was telling me that she was exaggerating everything. If anybody knows Julie, and I know because I lived with her, and everything that came out of her mouth was just exaggerations. And she never mentioned that to me at all. That was something that I was very surprised to hear this. Actually, I was very surprised to actually see her making these accusations because she had never, ever mentioned that to me at all." ([Fox News' "The Ingraham Angle," 10/01/2018](#))

- **VINNECCY:** "Like I said before, if anybody knows the Julie Swetnick I know, she is--if you asked me personally if I believe her, I don't believe her. Personally, I don't believe her. I really don't believe her.... Nobody knows Julie Swetnick better than me.... But the facts are that I know her. And that is why I came here to tell the truth. I mean I know how she is." ([Fox News' "The Ingraham Angle," 10/01/2018](#))

"Vinneccy, 63, is a registered Democrat, according to Miami-Dade County voting records." (["Ex-boyfriend Filed Restraining Order Against Third Kavanaugh Accuser," Politico, 9/26/2018](#))

Vinneccy Filed A Restraining Order Against Her After He Says She Threatened To Kill Him And His Family

FOX NEWS' LAURA INGRAHAM: "Now, you claim, Richard, that Ms. Swetnick threatened you after you broke up with her. What types of threats are you alleging?"

VINNECCY: "Right after I broke up with her, she basically called me many times and at one point she basically said you will never, ever see your unborn child alive and I'm just going to go over there, I'm going to kill you guys."

INGRAHAM: "She said she was going to kill you?"

VINNECCY: "Yes. And that really scared me a little bit." ([Fox News' "The Ingraham Angle," 10/01/2018](#))

"Julie Swetnick ... had a restraining order filed against her years later in Miami by her former boyfriend. A Miami-Dade County court docket shows a petition for injunction against Swetnick was filed March 1, 2001, by her former boyfriend, Richard Vinneccy, who told POLITICO Wednesday the two had dated for four years before they broke up." (["Ex-boyfriend Filed Restraining Order Against Third Kavanaugh Accuser," Politico, 9/26/2018](#))

- "According to Vinneccy, Swetnick threatened him after they broke up and even after he got married to his current wife and had a child. 'Right after I broke up with her, she was threatening my family, threatening my wife and threatening to do harm to my baby at that time,' Vinneccy said in a telephone interview with POLITICO." (["Ex-boyfriend Filed Restraining Order Against Third Kavanaugh Accuser," Politico, 9/26/2018](#))

VINNECCY: 'She Talked About Lawsuits,' 'You Are Going To Have To Stop This Lawsuit Thing Because It's Ridiculous'

VINNECCY: "But the more I saw her, I mean the more I saw her, I basically experienced the things that she was doing. I just didn't like it, and the fact that she was lying to me, she pretty much talked about everybody. She talked about lawsuits.... She was trying to—at one point, I remember she told me that she was filing a lawsuit, harassment lawsuit against American Airlines. So I finally said, 'Listen, you are going to have to stop this lawsuit thing because it's ridiculous.'" ([Fox News' 'The Ingraham Angle,' 10/01/2018](#))

Swetnick Filed A Personal Injury Lawsuit In Maryland Against The Washington Metro (WMATA) Claiming 'She Lost More Than \$420,000 In Earnings After She Hurt Her Nose In A Fall On A Train In 1992.'

"Swetnick was on the other side of a civil case in 1994, as a plaintiff, when she filed a personal injury lawsuit in Maryland against the Washington Metropolitan Area Transit Authority. She claimed she lost more than \$420,000 in earnings after she hurt her nose in a fall on a train in 1992. Swetnick, who described herself in court records as a model and actor, claimed she had "numerous modeling commitments" with several companies at the time of the accident but missed out them because of her injuries." ([3rd Kavanaugh Accuser Has History Of Legal Disputes,' The Associated Press, 9/30/2018](#))

- "To support her claim for lost wages, Swetnick named 'Konam Studios' as one of the companies promising to employ her. A court filing identified Nam Ko, a representative of 'Kunam Studios,' as a possible plaintiff's witness for her case. Ko, however, told AP on Friday that he was just a friend of Swetnick's and that he had never owned a company with a name spelled either way and had never agreed to pay her money for any work before she injured her nose. He said he first met Swetnick at a bar more than a year after her alleged accident. ([3rd Kavanaugh Accuser Has History Of Legal Disputes,' The Associated Press, 9/30/2018](#))
- "I didn't have any money back then. I (was) broke as can be,' Ko said. Ko said he has a hazy memory of Swetnick asking to use him as a 'character reference' but doesn't recall hearing about her lawsuit. 'I thought it was for a job application,' he said." ([3rd Kavanaugh Accuser Has History Of Legal Disputes,' The Associated Press, 9/30/2018](#))

Swetnick Filed A Sexual-Harassment Complaint A Decade Ago In Which She Was Represented By Debra Katz's Law Firm

"Roughly a decade ago, Ms. Swetnick was involved in a dispute with her former employer, New York Life Insurance Co., over a sexual-harassment complaint she filed, according to people familiar with the matter. Representing her in the complaint was the firm run by Debra Katz, the lawyer currently representing Dr. Ford." ([Third Woman, Julie Swetnick, Makes Allegations Against Supreme Court Nominee Brett Kavanaugh,' The Wall Street Journal, 9/26/2018](#))

- "The company ultimately reached a financial settlement with Ms. Swetnick, the people said. A spokesman for New York Life confirmed that Ms. Swetnick worked there as an agent for less than two years, from 2006 to 2008." ([Third Woman, Julie Swetnick, Makes Allegations Against Supreme Court Nominee Brett Kavanaugh,' The Wall Street Journal, 9/26/2018](#))

Swetnick Was Sued For Defamation By An Oregon Company And A Woman For 'Unwelcome, Sexually Offensive Conduct' And For 'Ma[king] False And Retaliatory Allegations'

"Julie Swetnick, one of the women accusing Supreme Court nominee Brett Kavanaugh of sexual misconduct, faced allegations of her own misconduct during a short stint at a Portland tech company 18 years ago." ([Julie Swetnick, A Brett Kavanaugh Accuser, Faced Misconduct Allegations At Portland Company,' The Oregonian, 9/29/2018](#))

Swetnick was sued for defamation in 2000 by Webtrends Corporation in Oregon and a woman named Margie Huetter who appears to have been their HR Director. (Webtrends Corporation vs. Julie Swetnick, Oregon Judicial Department, Case Number 001112165, 11/27/2000)

- **“The suit also alleges Swetnick ‘engaged in unwelcome, sexually offensive conduct’ while at Webtrends and ‘made false and retaliatory allegations that other co-workers had engaged in inappropriate conduct toward her.’ The suit alleges Swetnick ‘engaged in unwelcome sexual innuendo and inappropriate conduct’ directed at two male employees during a business lunch, with Webtrends customers present.** Swetnick claimed two other employees had sexually harassed her, according to the suit. Webtrends’ suit said it determined Swetnick had engaged in misconduct **but could not find evidence to support her allegations** against her colleagues. **Later, the company alleged, Swetnick took medical leave and simultaneously claimed unemployment benefits in the District of Columbia.”** ([“Julie Swetnick, A Brett Kavanaugh Accuser, Faced Misconduct Allegations At Portland Company,” *The Oregonian*, 9/29/2018](#))

“Company officials later determined, the suit said, that Swetnick had provided false information on her employment application. The suit alleged that she had misrepresented the length of time she worked at a previous employer and falsely claimed that she’d earned an undergraduate degree in biology and chemistry from Johns Hopkins University.” ([“3rd Kavanaugh Accuser Has History Of Legal Disputes,” *The Associated Press*, 9/30/2018](#))

- “In the suit, Webtrends alleged Swetnick claimed to have graduated from Johns Hopkins University but the company said it subsequently learned the school had no record of her attendance. Webtrends said she also ‘falsely described her work experience’ at a prior employer.” ([“Julie Swetnick, A Brett Kavanaugh Accuser, Faced Misconduct Allegations At Portland Company,” *The Oregonian*, 9/29/2018](#))

###

**SENATE REPUBLICAN COMMUNICATIONS CENTER
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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)" (b)(6)

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

Subject: FW: Kavanaugh Nomination - Allegations of Julie Swetnick

Date: Tue, 2 Oct 2018 21:35:23 +0000

Importance: Normal

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, October 02, 2018 5:35 PM

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

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

(b)(6)

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Avenatti:

We have already reviewed your client's allegations. We focus on credible allegations. Please stop emailing me.

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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Washington, DC 20510

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

Sent: Tuesday, October 02, 2018 5:22 PM

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

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

(b)(6)

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Davis:

Stop playing games. If you are the Chief Counsel, then you need to do your job. Please respond to our requests.

Michael

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

Sent: Tuesday, October 02, 2018 2:11 PM

To: Michael J. Avenatti

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

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Avenatti:

I noticed that you copied Jennifer Duck (staff director) and Heather Sawyer (general counsel) from Ranking Member Dianne Feinstein's office. And Senator Feinstein is your home-state senator. So you should contact her office directly. Time is of the essence.

Jennifer or Heather, do you want me to give Mr. Avenatti your direct numbers?

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
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224 Dirksen Senate Office Building
Washington, DC 20510

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

Sent: Tuesday, October 02, 2018 4:59 PM

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

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

(b)(6)

Subject: Re: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Davis:

Respond to my emails in substance. You may think you are above the law but you are not. You are paid by the taxpayers - not the Republican Party.

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 Oct 2, 2018, at 4:57 PM, Davis, Mike (Judiciary-Rep) (b)(6) wrote:

Mr. Avenatti:

I would like to direct you (and your Twitter followers) to two press statements made by the Chairman's office:

<https://www.judiciary.senate.gov/press/rep/releases/judiciary-committee-receives-statement-regarding-swetnick-allegations>

<https://www.judiciary.senate.gov/press/rep/releases/judiciary-committee-refers-potential-false-statements-for-criminal-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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From: Michael J. Avenatti [<mailto:mavenatti@eaganavenatti.com>]

Sent: Tuesday, October 02, 2018 4:39 PM

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

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

(b)(6)

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Importance: High

Mr. Davis:

On repeated occasions, you have failed to respond to my correspondence relating to the nomination of Brett Kavanaugh and the ability of my client Ms. Swetnick to sit down with the FBI and share facts and witnesses regarding what she witnessed. This is entirely unprofessional and demonstrates a complete lack of good faith on your part and those that you report to. I once again ask that you immediately respond and take all steps to arrange an FBI interview.

Further, attached please find another declaration from another witness who supports a number of allegations of Ms. Swetnick. She knows both Ms. Swetnick and Dr. Ford. The identify of this witness will be released to the FBI once they contact me to arrange an interview as she does not want her name publicly disclosed at this time.

Time is of the essence. Please respond.

Michael

From: Michael J. Avenatti

Sent: Friday, September 28, 2018 2:13 PM

To: Davis, Mike (Judiciary-Rep)

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

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Davis:

Please respond. Time is of the essence.

Regards,

Michael

From: Michael J. Avenatti

Sent: Friday, September 28, 2018 11:03 AM

To: Davis, Mike (Judiciary-Rep)

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

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Davis:

We are STILL awaiting a response to my email. It has now been over 30 hours and you have failed to respond. We have heard nothing from the Committee.

In light of Senator Flake's comments moments ago, please let us know when we can meet with the FBI and provide the facts and evidence supporting my client's sworn declaration. Time is of the essence.

Regards,

Michael

From: Michael J. Avenatti
Sent: Thursday, September 27, 2018 3:05 PM
To: Davis, Mike (Judiciary-Rep)
Cc: Duck, Jennifer (Judiciary-Dem); Sawyer, Heather (Judiciary-Dem)
Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Davis:

I sent the below e-mail nine (9) hours ago and have yet to receive any response. As you know, time is of the essence.

As stated below, my client Julie Swetnick is prepared to come to Washington, D.C. to testify under oath before the Committee. I also believe that at least one, if not two, other witness(es) are likewise prepared to come to Washington, D.C. to testify as to the accuracy of the statements in my client's declaration.

Please confirm that my client and the supporting witness(es) will be permitted to testify under oath before the Committee ASAP. Under no circumstances should a vote be taken on the nominee without first hearing from my client and the supporting witness(es).

Please get back to me as soon as possible.

Thank you.

Michael

From: Michael J. Avenatti
Sent: Thursday, September 27, 2018 5:58 AM
To: Davis, Mike (Judiciary-Rep)
Cc: Duck, Jennifer (Judiciary-Dem); Sawyer, Heather (Judiciary-Dem)
Subject: Kavanaugh Nomination - Allegations of Julie Swetnick

Mr. Davis:

As you know, I represent Ms. Julie Swetnick, a woman that has provided a detailed declaration under *penalty of perjury* relating to the claimed abhorrent conduct of Brett Kavanaugh, including sexual assault.

You and the Committee leadership first learned of these allegations on Sunday and yet have done basically nothing to investigate them. In fact, after I emailed you in detail on Monday morning, you failed to even respond for days. Simply put, you blew us off all day Monday and Tuesday. It

was not until yesterday that you finally responded and you only did so then because the press started contacting you for comment.

Your conduct does not evidence any desire to get to the truth or to fulfill your duties to the American people (who pay your salary). To the contrary, you and the leadership seem intent on confirming Brett Kavanaugh as quickly as possible so as to avoid any real investigation into the facts and circumstances surrounding the allegations made by my client and many other women.

To be clear, my client Ms. Swetnick demands the following:

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

In my experience, women that are fabricating stories do not offer to immediately meet with FBI agents to discuss their allegations. The FBI is used to investigate the many of the most serious allegations and crimes in America every day (i.e. 9/11 and the Oklahoma City bombing). *Why are you and Senator Grassley refusing to refer this matter to the FBI for investigation or request that they intervene?*

Sworn Testimony Before the Committee. Ms. Swetnick demands the opportunity to present sworn testimony before the Committee as to what she witnessed and how she was victimized. She is prepared to be questioned as to her allegations for as long as it takes to get to the truth. Please confirm that she will be allowed to testify and contact me so that we may agree on the logistics.

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. Please confirm that both polygraph examinations will proceed.

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. As detailed in my client's sworn declaration, Mr. Judge has detailed knowledge of the conduct of Mr. Kavanaugh and witnessed it firsthand. This is likewise true as it relates to other allegations from other women. Thus, there is no excuse for the Committee refusing to make a demand that he testify. Indeed, seeing as Mr. Judge is one of Mr. Kavanaugh's closest friends from the time period at issue, one would think that Mr. Kavanaugh

would want him to testify unless he is hiding something. Please confirm that Mr. Judge is being asked to provide sworn testimony.

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 client's declaration well before Sunday. Is this accurate? If so, please provide the details of this knowledge and explain why it was not investigated sooner.

Please respond to the above as quickly as possible as time is of the essence. Once again, this process must be a search for the truth as opposed to a partisan attempt to ram a Supreme Court nominee through at all costs, including at the expense of women who claim to be victims of sexual assault.

Regards,

Michael

<Declaration.pdf>

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

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

Subject: FW: Kavanaugh Nomination - Allegations of Julie Swetnick

Date: Tue, 2 Oct 2018 21:12:11 +0000

Importance: Normal

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, October 02, 2018 5:12 PM

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

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

(b)(6)

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Duplicative Material



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

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

Subject: FW: Kavanaugh Nomination - Allegations of Julie Swetnick

Date: Tue, 2 Oct 2018 21:02:47 +0000

Importance: Normal

The wheels have fallen off the clown car . . .

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
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From: Michael J. Avenatti [mailto:mavenatti@eaganavenatti.com]

Sent: Tuesday, October 02, 2018 4:59 PM

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

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

(b)(6)

Subject: Re: Kavanaugh Nomination - Allegations of Julie Swetnick

Duplicative Material

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

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

Subject: FW: Kavanaugh Nomination - Allegations of Julie Swetnick

Date: Tue, 2 Oct 2018 20:57:43 +0000

Importance: Normal

Attachments: Declaration.pdf

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, October 02, 2018 4:57 PM

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

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

(b)(6)

Subject: RE: Kavanaugh Nomination - Allegations of Julie Swetnick

Duplicative Material

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

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

Subject: SCOTUS -- Avenatti claim of evidence

Date: Sun, 23 Sep 2018 23:50:41 +0000

Importance: High

From: Davis, Mike (Judiciary-Rep)

Sent: Sunday, September 23, 2018 7:43 PM

To: 'mavenatti@eaganavenatti.com' <mavenatti@eaganavenatti.com>

Subject: SCOTUS -- Avenatti claim of evidence

Importance: High

Duplicative Material

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

To: "Megan Lacy (b)(6) [redacted], "Mark Champoux (b)(6) [redacted], (b)(6) Brett Talley (OLP) [redacted], (b)(6) Michael Fragoso (OLP) [redacted]"

Subject: FW: SCOTUS -- Avenatti claim of evidence

Date: Sun, 23 Sep 2018 23:48:01 +0000

Importance: High

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) [redacted] (direct)

(b)(6) [redacted] (cell)

202-224-9102 (fax)

(b)(6) [redacted]

From: Davis, Mike (Judiciary-Rep)

Sent: Sunday, September 23, 2018 7:43 PM

To: 'mavenatti@eaganavenatti.com' <mavenatti@eaganavenatti.com>

Subject: SCOTUS -- Avenatti claim of evidence

Importance: High

Duplicative Material

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

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

Subject: SCOTUS -- Summary of Actions on the Allegations Made and Dispute Regarding Judge Brett Kavanaugh

Date: Thu, 27 Sep 2018 02:45:20 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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.

<p>Sunday, September 16</p>	<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.
<p>Monday, September 17</p>	<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.
<p>Tuesday, September 18</p>	<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

	<p>other information to offer the Committee and does not wish to speak publicly regarding the allegations.</p> <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.
<p>Wednesday, September 19</p>	<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.
<p>Thursday, September 20</p>	<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.
<p>Friday, September 21</p>	<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

	<p>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.</p>
<p>Saturday, September 22</p>	<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.
<p>Sunday, September 23</p>	<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.
<p>Monday, September 24</p>	<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.

	<ul style="list-style-type: none"> • Committee staff again requests Mr. Avenatti shares his client’s allegations and evidence. Mr. Avenatti declines to provide any allegations or evidence. • 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.
<p>Tuesday, September 25</p>	<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.
<p>Wednesday, September 26</p>	<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.

	<ul style="list-style-type: none"> • Committee staff follows up with Mr. Avenatti twice more asking that Ms. Swetnick be made available for an interview. • 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

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202-224-9102 (fax)

(b)(6)

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

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

Subject: SCOTUS -- Senate Judiciary Committee's Ongoing Investigation

Date: Thu, 4 Oct 2018 17:34:00 +0000

Importance: Normal

Attachments: Summary_of_Judiciary_Committee_Investigation_of_Allegations_Against_Judg....pdf;
Allegations_Against_Judge_Kavanaugh.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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202-224-9102 (fax)

(b)(6)

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

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

Subject: SCOTUS -- status update

Date: Mon, 1 Oct 2018 22:47:23 +0000

Importance: Normal

Attachments: Summary_of_Judiciary_Committee_Investigation_of_Allegations_Against_Judge_Kavanaugh_OI.pdf; Allegations_Against_Judge_Kavanaugh_Redacted.pdf

1. Latest Update of the Senate Judiciary Committee's Investigation of the Allegations Made Against Judge Kavanaugh

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 10 months ago – on November 17, 2017. As part of Judge Kavanaugh's nomination to the Supreme Court, the FBI conducted its sixth full-field background investigation of Judge Kavanaugh since 1993 – 25 years ago. As part of these 6 prior FBI investigations, the FBI interviewed nearly 150 different people who know Judge Kavanaugh personally. Nowhere in any of these six 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 or alcohol abuse.

Dr. Ford first raised her allegations in a secret letter to the Ranking Member more than two months ago in July. The Ranking Member took no action. The letter was not 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 did not 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 Democrat side refused to participate in what should have been a bipartisan investigation.

At Dr. Ford's and Judge Kavanaugh's requests, the Chairman re-opened Judge Kavanaugh's confirmation hearing for a 5th day last Thursday, to provide a safe, comfortable, and dignified forum to hear Dr. Ford's and Judge Kavanaugh's testimony.

Following a bipartisan recommendation, the Committee hired Rachel Mitchell, who has served for nearly 25 years as a career prosecutor of sex-related and other crimes in Arizona, to question the witnesses. The goal was to de-politicize the process and get to the truth, instead of grandstanding and giving senators an opportunity to launch their presidential campaigns. Mitchell came to the following conclusion in [this memo](#):

A “he said, she said” case is incredibly difficult to prove. But this case is even weaker than that. Dr. Ford identified other witnesses to the event, and those witnesses either refuted her allegations or failed to corroborate them. For the reasons discussed below, I do not think that a reasonable prosecutor would bring this case based on the evidence before the Committee. Nor do I believe that this evidence is sufficient to satisfy the preponderance-of-the-evidence standard.

Several other accusers, some named and some anonymous, have made allegations against Judge Kavanaugh since Dr. Ford’s allegations became public.

Attached are summaries of the Committee’s investigations of these various allegations.

The Committee favorably reported (voted) Judge Kavanaugh’s nomination to the Senate floor on Friday, with the understanding the FBI would conduct a supplemental FBI background investigation into current credible allegations against the nominee and which must be completed no later than on this Friday.

Here are Chairman Chuck Grassley’s public statements and releases:

<https://www.judiciary.senate.gov/press/majority>

2. Takeaway

- a. We are witnessing a [smear campaign](#) by [partisan liberal lawyers and activists](#), who seem to care more about politics and stopping Judge Kavanaugh at all costs than about the women who have made allegations.
- a. Nothing an investigator, including career FBI special agents, does will ever be good enough to satisfy the Democrat leadership in Washington, who staked out opposition to Judge Kavanaugh before he was even nominated, as part of its campaign to destroy the Trump presidency. Partisan Democrats are going to call the FBI’s investigation a “sham” – no matter what.

3. Distribution List

Please feel free to forward these emails. And I am happy to add anyone to my distribution list. Please just email me.

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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(b)(6)

From: "Davis, Mike (Judiciary-Rep)" (b)(6)
To: "Davis, Mike (Judiciary-Rep)" (b)(6)
Subject: SCOTUS -- UPDATED summary of committee investigation
Date: Fri, 28 Sep 2018 05:31:23 +0000

Importance: Normal

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_Kavanau
gh_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

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202-224-9102 (fax)

(b)(6)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 28, 2018 1:18 AM
To: Mike Davis (Mike_Davis@judiciary-rep.senate.gov) <Mike_Davis@judiciary-rep.senate.gov>
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

(b)(6) (direct)

(b)(6) (cell)

202-224-9102 (fax)

(b)(6)

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

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

Subject: SCOTUS -- updated summary of committee investigation

Date: Fri, 28 Sep 2018 05:18:05 +0000

Importance: Normal

Attachments: SCOTUS_--

_Summary_of_Judiciary_Committee_Investigation_of_Allegations_Against_Judge_Kavanaugh.pdf

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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Washington, DC 20510

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(b)(6)

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

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

Subject: SCOTUS -- ABA Standing Committee Letter Reaffirming Unanimously Well-Qualified Rating of Judge Kavanaugh

Date: Fri, 28 Sep 2018 21:24:26 +0000

Importance: Normal

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)

(b)(6) (cell)

202-224-9102 (fax)

(b)(6)

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

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

Subject: SCOTUS -- committee investigators swiftly debunk outrageous smear by Rhode Island resident (b)(6)

Date: Thu, 27 Sep 2018 04:39:16 +0000

Importance: Normal

Attachments: SW_to_CEG_9-25-18.pdf; 09.26.18_CEG_to_Whitehouse.pdf

Embedded: unnamed; unnamed(1); unnamed(2); unnamed(3); unnamed(4); unnamed(5); unnamed(6)

Below and attached are emails and letters related to Senator Whitehouse's involvement with the latest (recanted) smear of Judge Kavanaugh by (b)(6), a Rhode Island resident who claimed the following on 9/24/2018:

(b)(6)

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, (b)(6) Tweeted the following:

(b)(6)

In other words, the committee investigation swiftly got to the truth – that (b)(6) 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

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(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)

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 (b)(6) name.
2. We redacted his hometown.
3. We redacted his Twitter handle.

(b)(6) 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)

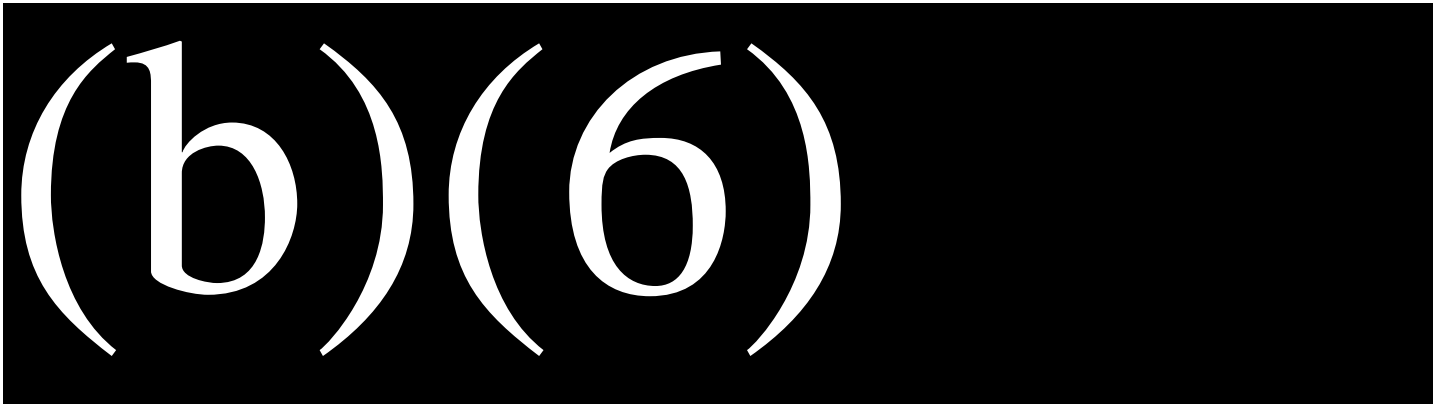
Subject: Re: Time-sensitive Letter to Chairman Grassley

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 (b)(6) sent this Tweet:



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)

From: "Davis, Mike (Judiciary-Rep)" (b)(6)
To: "Davis, Mike (Judiciary-Rep)" (b)(6)
Subject: FW: SCOTUS -- Criminal Referral from Chairman Grassley to the AG and FBI
Date: Mon, 1 Oct 2018 22:08:15 +0000
Importance: Normal
Attachments: 10.01.18_CEG_to_Whitehouse_re_FBI_Referral.pdf;
09.25.18_Whitehouse_to_CEG_re_Constituent_Claim.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: Davis, Mike (Judiciary-Rep)
Sent: Monday, October 01, 2018 6:07 PM
To: Quint, Lara (Judiciary-Dem) (b)(6)
Subject: RE: SCOTUS -- Criminal Referral from Chairman Grassley to the AG and FBI

Lara,

Please find the attached letter from the Chairman to Senator Whitehouse.

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: Quint, Lara (Judiciary-Dem)
Sent: Monday, October 01, 2018 9:08 AM
To: Davis, Mike (Judiciary-Rep) (b)(6)
Subject: Re: SCOTUS -- Criminal Referral from Chairman Grassley to the AG and FBI

As Senator Whitehouse's Chief Counsel, I am simply trying to gather information so that I can give him the most informed advice I can. As Senator Whitehouse stated in his letter, he is primarily trying to understand the process the

majority is following, since he did everything he understood to be within proper protocol. What information gets out? Who gets referred for potential mistakes contained in statements made to the Committee (or not even to the Committee)? The answers to these questions should not depend on the identity of the individuals involved, obviously.

So to answer your question, I am making the request in order to try to provide answers to questions and concerns of Senator Whitehouse.

On Oct 1, 2018, at 8:48 AM, Davis, Mike (Judiciary-Rep) (b)(6) wrote:

Is Senator Whitehouse making the request? Or his staff?

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: 10/1/18 7:29 AM (GMT-05:00)
To: "Davis, Mike (Judiciary-Rep)" (b)(6)
Subject: Re: SCOTUS -- Criminal Referral from Chairman Grassley to the AG and FBI

Sorry—I just meant our office by we!

On Oct 1, 2018, at 7:13 AM, Davis, Mike (Judiciary-Rep) (b)(6) wrote:

Thank you, Lara. I will look into the request in your email below. For clarification, who is the "we" making the request 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
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(b)(6) (cell)
202-224-9102 (fax)

(b)(6)

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

From: "Quint, Lara (Judiciary-Dem)" (b)(6)
Date: 10/1/18 6:40 AM (GMT-05:00)
To: "Davis, Mike (Judiciary-Rep)" (b)(6)
Subject: Re: SCOTUS -- Criminal Referral from Chairman Grassley to the AG and FBI

I'm pasting below a release from Senator Whitehouse's office. I'm not sure if you've seen the emails between our bosses; we do not reference their existence, but they include some of the assurances that are referenced and that we believe were violated. (Also, again, the allegation was never that Judge Kavanaugh raped anyone. I continue to see this term used in your materials).

May we please see any materials you may have regarding the two men who claimed that they, rather than Judge Kavanaugh, assaulted Dr. Ford? We make the request pursuant to Rule 26. It's my understanding that these two men have not been criminally referred? We are not advocating referrals for anyone in this context, but are concerned the selective referrals are being used for political ends.

Thank you.

FOR IMMEDIATE RELEASE
September 30, 2018

Contact: Rich Davidson
(202) 228-6291 (press office)

Whitehouse Responds to Meritless FBI Referral of Rhode Islander over Kavanaugh Allegations

Washington, DC – Senator Sheldon Whitehouse (D-RI), following a groundless FBI referral by Senate Judiciary Chairman Charles Grassley (R-IA) of a Rhode Islander's allegations of sexual assault by Supreme Court nominee Brett Kavanaugh, disclosed details of the handling of his constituent's allegations by Republican Judiciary Committee staff.

"Chairman Grassley's referral is meritless," Whitehouse spokesman Rich Davidson said. "When Senator Whitehouse's office received these allegations, Whitehouse immediately alerted Judiciary Committee leadership and the FBI for further investigation, as is proper. The FBI never contacted the constituent. The staff of Senator Grassley publicly released the allegations, and laid a roadmap to identify the accuser, violating a direct request for confidentiality for his constituent by Whitehouse to Grassley pending investigation, and causing a cascade of abuse aimed at the constituent."

Whitehouse [released](#) a letter to Grassley dated September 25 specifically asking to respect the confidentiality of his constituent and detailing his referral to Committee leadership and the FBI.

"During Committee proceedings on Friday, Republican Senator Lindsey Graham said Senator Whitehouse 'did absolutely the right thing' in his handling of this matter," Davidson continued. "As to our constituent, this meritless referral should be withdrawn immediately. If the deliberate outing of this constituent, and now this meritless referral of him to the FBI, are meant as a threat to discourage the cooperation of others with the FBI investigation, this is a dark day for the Senate Judiciary Committee."

In the wake of other, credible allegations of sexual assault against Supreme Court nominee Brett Kavanaugh, the constituent alleged to Whitehouse's office that Kavanaugh committed sexual assault in Newport, Rhode Island in the summer of 1985. Whitehouse immediately reported the claim to Chairman Grassley and Ranking Member Dianne Feinstein (D-CA) and to the FBI for further investigation. Whitehouse also proposed that Kavanaugh's summer calendar be reviewed to test the allegation. The FBI did not interview or take a statement from the constituent. It is not clear whether the calendar was ever reviewed; Democratic staff were never shown it. The constituent also asked for contact information for a reliable reporter, which Whitehouse provided.

The constituent later recanted the allegations. The constituent never contacted or spoke with Republican committee staff or Chairman Grassley or his office. The FBI never contacted the constituent. The reporter never published anything relating to the allegations. Whitehouse and his staff did not ask or encourage the constituent to go public, nor

were his allegations made public, prior to Republican staffers releasing both his allegations and unrelated information allowing the constituent to be identified.

###

On Sep 29, 2018, at 9:03 PM, Davis, Mike (Judiciary-Rep) (b)(6) wrote:

See the attached press release.

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: Saturday, September 29, 2018 9:02 PM

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

Subject: Re: SCOTUS -- Criminal Referral from Chairman Grassley to the AG and FBI

I see you've already informed Fox. Could you do me the courtesy of letting me know whether the entire referral, including the individual's name, is public?

On Sep 29, 2018, at 7:50 PM, Davis, Mike (Judiciary-Rep) (b)(6) wrote:

Mr. Boyd:

Please find the attached letter (and enclosures) 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)

(b)(6) (cell)

202-224-9102 (fax)

(b)(6)

<09.29.18 CEG to DOJ FBI .pdf>

<Letter to DF and CEG - 9-24-18 re RI constituent.pdf>

<Quint Email.pdf>

<(b)(6) Tweet.pdf>

<09.25.18 BMK Interview Transcript.pdf>

<mime-attachment>

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

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

Subject: SCOTUS: Dems Embrace Avenatti Circus Allegations

Date: Wed, 3 Oct 2018 17:55:31 +0000

Importance: Normal

Inline-Images: image001.jpg



Senate Republican
Communications Center

2 0 2 • 2 2 8 • N E W S

Contact:

Antonia Ferrier 202.228.NEWS

<https://bit.ly/2OxGL1X>

Dems Embrace Avenatti Circus Allegations

Senate Democrats 'Including ... The Democratic Leader Have Tried To Get Judge Kavanaugh To Withdraw From This Process Because Of These Uncorroborated And Sometimes Ridiculous Allegations'

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "[T]his mudslide has been actively embraced, urged on, and capitalized upon by Democrats inside this chamber and organized far-left special interests outside it. It hasn't been about getting to the truth or giving anyone a fair hearing. It has seemingly been about one thing: The far left's hunger to bring down Judge Kavanaugh's nomination by any means necessary.... **Colleagues including my friend the Democratic Leader have tried to get Judge Kavanaugh to withdraw from this process because of these uncorroborated and sometimes ridiculous allegations.**" ([Sen. McConnell, Remarks, 10/03/2018](#)).

Senate Dems Cite Outlandish Allegations By Michael Avenatti To Call For Judge Kavanaugh To Withdraw

All 10 Judiciary Committee Democrats: "... today, another woman, Julie Swetnick, has submitted a sworn affidavit to the Senate Judiciary Committee ... It should not have required multiple women with consistent accounts of serious sexual misconduct by Judge Kavanaugh to trigger a meaningful nonpartisan investigation.... **We therefore ask that you immediately direct an FBI investigation or withdraw this nomination.**" ([Sen. Feinstein, Press Release, 9/28/2018](#)).

SEN. CHUCK SCHUMER (D-NY): "Republicans need to immediately suspend the proceedings related to Judge Kavanaugh's nomination, and the president must order the FBI to reopen the background check investigation. **There are now multiple, corroborated allegations against Judge Kavanaugh, made under the penalty of perjury, all of which deserve a thorough investigation. I strongly believe Judge Kavanaugh should withdraw from consideration.** If he will not, at the very least, the hearing and vote should be postponed while the FBI investigates all of these allegations." ([Sen. Schumer, Press Release, 9/26/2018](#)).

- “Senate Minority Leader Charles Schumer (D-N.Y.) on Wednesday said Brett Kavanaugh should withdraw his Supreme Court nomination after a third woman came forward to accuse him of sexual misconduct.... Schumer’s comments come after lawyer Michael Avenatti on Wednesday released the identity of his client who is accusing Kavanaugh of being present for a ‘gang rape’ where she was a victim.” ([“Schumer: Kavanaugh Should Withdraw His Nomination,” The Hill, 9/26/2018](#))

Avenatti’s Client Julie Swetnick Has Serious ‘Credibility Issues’

MSNBC’s CRAIG MELVIN: “Credibility. Does she [Julie Swetnick] have credibility issues?”

NBC’s KATE SNOW: “I would say yes because there are—just to be clear there are things that she said to me that differ from her initial statement, which was a sworn statement last week, submitted to the Judiciary Committee. So I think that, in many people’s minds, raises a credibility question.” ([MSNBC’s “MSNBC Live,” 10/02/2018](#))

- “NBC News was unable to independently corroborate Swetnick’s claims and has not spoken with anyone who says they saw Swetnick at parties with Brett Kavanaugh. Kavanaugh has said he does not know Swetnick and has called her claims a farce.” ([NBC News, 10/01/2018](#))

RICHARD VINNECCY, Swetnick’s Ex-Boyfriend: “I know a lot about her.... She’s not credible at all. Not at all.” ([“Ex-boyfriend Filed Restraining Order Against Third Kavanaugh Accuser,” Politico, 9/26/2018](#))

- **VINNECCY:** “Never, never once [did] she mention that to me. We used to talk just about everything, and she never once mentioned that at all.” ([Fox News’ “The Ingraham Angle,” 10/01/2018](#))
- **VINNECCY:** “You know, she was always wanting to be the center of attention. And she always wanted to do something major. She was always trying to impress me with everything. She basically was telling me that she was exaggerating everything. If anybody knows Julie, and I know because I lived with her, and everything that came out of her mouth was just exaggerations. And she never mentioned that to me at all. That was something that I was very surprised to hear this. Actually, I was very surprised to actually see her making these accusations because she had never, ever mentioned that to me at all.” ([Fox News’ “The Ingraham Angle,” 10/01/2018](#))

###

SENATE REPUBLICAN COMMUNICATIONS CENTER
202.228.NEWS

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

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

Subject: SCOTUS -- Ford's Attorney Responds to Judiciary Committee

Date: Wed, 19 Sep 2018 02:11:52 +0000

Importance: Normal

Inline-Images: image005.png; image006.png; image007.png; image008.png



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

FOR IMMEDIATE RELEASE

Tuesday, September 18, 2018

Ford's Attorney Responds to Judiciary Committee

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley issued the following statement tonight after lawyers for Christine Blasey Ford [sent a letter](#) to the Judiciary Committee responding to its invitations for her to share her story with committee members.

"Nobody should be subject to threats and intimidation, and Dr. Ford is no exception. These are serious allegations and Dr. Ford deserves to be heard."

"Immediately after learning of Dr. Ford's identity from news reports Sunday, committee staff started working to gather facts related to her claims. We've offered Dr. Ford the opportunity to share her story with the committee, as her attorney said yesterday she was willing to do. We offered her a public or a private hearing as well as staff-led interviews, whichever makes her most comfortable. The invitation for Monday still stands."

"Dr. Ford's testimony would reflect her personal knowledge and memory of events. Nothing the FBI or any other investigator does would have any bearing on what Dr. Ford tells the committee, so there is no reason for any further delay."

Contrary to suggestions by Dr. Ford's attorneys, the committee had no plans to place Dr. Ford and Judge Kavanaugh on a panel together, and never indicated plans to do so. Grassley's staff offered Dr. Ford multiple dates as well as a choice of providing information in a public or private setting.

Ranking Member Feinstein first received a letter with allegations against Judge Brett Kavanaugh from Dr. Ford in July. However, Feinstein neglected to notify Committee Republicans of the letter until the day of the first Committee markup, six weeks after receiving the letter and well after the vetting and hearing process had concluded. Feinstein referred the letter to the FBI, which added it to Kavanaugh's background investigation file.

She should have treated these allegations seriously, as Grassley has done, in immediately acting upon hearing of them.

The FBI has indicated to the committee and in public statements that it considers the matter closed. The FBI does not make credibility determinations. The FBI provides information on a confidential basis in order for decision makers to determine an individual's suitability. The Senate has the information it needs to follow up with witnesses and gather and assess the relevant evidence.

Grassley's staff has sought to work with the Democratic staff to reach out to relevant witnesses. The Democratic staff declined to participate in a follow-up call with Judge Kavanaugh Monday regarding these allegations. And they have declined to join efforts to conduct a bipartisan investigation of the allegations.

-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)

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

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

Subject: SCOTUS -- Letter from Chairman Grassley to Committee Democrats Re Dr. Ford

Date: Wed, 19 Sep 2018 19:58:42 +0000

Importance: Normal

Attachments: 09.19.18_CEG_to_SJC_Dems.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: "Davis, Mike (Judiciary-Rep)" (b)(6)

To: "Megan Lacy (b)(6) [redacted], "Mark Champoux (b)(6) [redacted], (b)(6) Brett Talley (OLP) [redacted], "Fragoso, Michael (OLP)" (b)(6)

Subject: FW: 6pm start

Date: Mon, 17 Sep 2018 23:49:40 +0000

Importance: Normal

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: Monday, September 17, 2018 7:49 PM

To: Brest, Phillip (Judiciary-Dem) (b)(6); Kenny, Steve (Judiciary-Rep)

(b)(6); (b)(6) Lola Kingo (OLP); Fragoso, Michael (OLP)

(b)(6); Davis, Kolan (Judiciary-Rep) (b)(6); Kader, Gabe

(Judiciary-Dem) (b)(6); Mehler, Lauren (Judiciary-Rep) (b)(6)

(b)(6); Turner, Roslyne (Judiciary) (b)(6); Lay, DeLisa (Judiciary-Rep)

(b)(6)

Subject: RE: 6pm start

Noted.

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: Brest, Phillip (Judiciary-Dem)

Sent: Monday, September 17, 2018 6:12 PM

To: Kenny, Steve (Judiciary-Rep) (b)(6); (b)(6) Lola Kingo (OLP); Fragoso, Michael

(OLP) (b)(6); Davis, Mike (Judiciary-Rep) (b)(6); Davis, Kolan (Judiciary-Rep) (b)(6); Kader, Gabe (Judiciary-Dem) (b)(6); Mehler, Lauren (Judiciary-Rep) (b)(6); Turner, Roslyne (Judiciary) (b)(6); Lay, DeLisa (Judiciary-Rep) (b)(6)

Subject: RE: 6pm start

Steve and all,

As we indicated in our email at 3:58 pm, Ranking Member Feinstein has stated her objections to moving forward with staff-level calls before the FBI has completed its work or re-opened the background investigation.

Thanks,

Phil

From: Kenny, Steve (Judiciary-Rep)
Sent: Monday, September 17, 2018 6:04 PM
To: (b)(6) Lola Kingo (OLP); Fragoso, Michael (OLP) (b)(6); Brest, Phillip (Judiciary-Dem) (b)(6); Davis, Mike (Judiciary-Rep) (b)(6); Davis, Kolan (Judiciary-Rep) (b)(6); Kader, Gabe (Judiciary-Dem) (b)(6); Mehler, Lauren (Judiciary-Rep) (b)(6); Turner, Roslyne (Judiciary) (b)(6); Lay, DeLisa (Judiciary-Rep) (b)(6)
Subject: Re: 6pm start

Phil and Gabe,

We are starting the call shortly unless you're on your way.

Steve

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

From: "Kenny, Steve (Judiciary-Rep)" (b)(6)
Date: 9/17/18 5:53 PM (GMT-05:00)
To: (b)(6) Lola Kingo (OLP), "Fragoso, Michael (OLP)" (b)(6), "Brest, Phillip (Judiciary-Dem)" (b)(6), "Davis, Mike (Judiciary-Rep)" (b)(6), "Davis, Kolan (Judiciary-Rep)" (b)(6), "Kader, Gabe (Judiciary-Dem)" (b)(6), "Mehler, Lauren (Judiciary-Rep)" (b)(6), "Turner, Roslyne (Judiciary)" (b)(6), "Lay, DeLisa (Judiciary-Rep)" (b)(6)
Subject: RE: 6pm start

Phil and Gabe,

Confirming that Judge Kavanaugh is available at 6pm. We will meet in SD 181 as planned.

Thanks,
Steve

From: Kenny, Steve (Judiciary-Rep)

Sent: Monday, September 17, 2018 5:33 PM

To: (b)(6) Lola Kingo (OLP); Fragoso, Michael (OLP) (b)(6); Brest, Phillip (Judiciary-Dem)
(b)(6); Davis, Mike (Judiciary-Rep) (b)(6); Davis,
Kolan (Judiciary-Rep) (b)(6); Kader, Gabe (Judiciary-Dem) (b)(6)
(b)(6); Mehler, Lauren (Judiciary-Rep) (b)(6)

Subject: 6pm start

Apologies for the late notice, but would Judge Kavanaugh be available for a call at [6:00pm](#)?

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

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

Subject: SCOTUS: Biden On FBI: 'They Do Not Reach Conclusions'

Date: Wed, 26 Sep 2018 00:16:33 +0000

Importance: Normal

Inline-Images: image001.jpg; image002.png



Senate Republican
Communications Center

202 • 228 • NEWS

Contact:

Antonia Ferrier 202.228.NEWS

<https://bit.ly/2R14ZAr>

Biden On FBI: 'They Do Not Reach Conclusions'

Then-Judiciary Committee Chairman JOE BIDEN (D-DE) In 1991: The 'FBI Explicitly Does Not, In This Or Any Other Case Reach A Conclusion, Period'



Click [HERE](#) to watch Sen. Biden.

SEN. JOE BIDEN (D-DE), then-Judiciary Committee Chairman: "And the last thing I will point out, the next person who refers to an FBI report as being worth anything, obviously doesn't understand anything. FBI explicitly does not, in this or any other case reach a conclusion, period, period." ([U.S. Senate Judiciary Committee Hearing, 10/12/1991](#))

- **BIDEN:** “The reason why we cannot rely on the FBI report, you would not like it if we did, because it is inconclusive. They say he said, she said, and they said, period. So when people wave an FBI report before you, understand they do not, they do not, they do not reach conclusions. They do not make, as my friend points out more accurately, they do not make recommendations.” ([U.S. Senate Judiciary Committee Hearing, 10/12/1991](#)).

###

**SENATE REPUBLICAN COMMUNICATIONS CENTER
202.228.NEWS**

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

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

Subject: SCOTUS -- RESCHEDULED Notice and Agenda for a Committee Executive Business Meeting

Date: Tue, 25 Sep 2018 22:26:40 +0000

Importance: Normal

From: Chairman Grassley (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 6:26 PM

To: Foy, Taylor (Judiciary-Rep) (b)(6); Hartmann, George (Judiciary-Rep)

(b)(6)

Subject: RESCHEDULED Notice and Agenda for a Committee Executive Business Meeting

As a procedural matter, the Judiciary Committee today noticed a potential executive business meeting for Friday, September 28 at 9:30 a.m. Committee rules normally require executive business meetings to be noticed three days in advance, so an executive business meeting is being noticed tonight in the event that a majority of the members are prepared to hold one on Friday.

September 25, 2018

RESCHEDULED NOTICE OF COMMITTEE EXECUTIVE BUSINESS MEETING

The Executive Business Meeting originally scheduled by the Committee on the Judiciary for Monday, September 24, 2018 at 10:00 a.m., in Room 226 of the Dirksen Senate Office Building **has been rescheduled** for **Friday, September 28 at 9:30 a.m.**

By order of the Chairman.

AGENDA

Senate Committee on the Judiciary
Dirksen Senate Office Building, Room 226
Friday, September 28, 2018 at 9:30 a.m.

I. Nominees

Brett M. Kavanaugh, to be an Associate Justice of the Supreme Court of the United States

Jonathan A. Kobes, to be United States Circuit Judge for the Eighth Circuit

Kenneth D. Bell, to be United States District Judge for the Western District of North Carolina

Stephanie A. Gallagher, to be United States District Judge for the District of Maryland

Mary S. McElroy, to be United States District Judge for the District of Rhode Island

Carl J. Nichols, to be United States District Judge for the District of Columbia

John M. O'Connor, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma

Martha Maria Pacold, to be United States District Judge for the Northern District of Illinois

Mary M. Rowland, to be United States District Judge for the Northern District of Illinois

Steven C. Seeger, to be United States District Judge for the Northern District of Illinois

II. Bills

S.2785, DETER Act (Durbin, Graham, Blumenthal, Cruz)

S. 3178, Justice for Victims of Lynching Act of 2018 (Harris, Scott, Feinstein, Leahy, Durbin, Whitehouse, Klobuchar, Coons, Blumenthal, Hirono, Booker)

-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)

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

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

Subject: SCOTUS: Grassley Statement on Supplemental FBI Background Investigation

Date: Tue, 2 Oct 2018 22:03:35 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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

FOR IMMEDIATE RELEASE

Tuesday, October 2, 2018

Grassley Statement on Supplemental FBI Background Investigation

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley of Iowa issued the following statement regarding the ongoing supplemental FBI background investigation for the nomination of Judge Brett M. Kavanaugh to serve as an Associate Justice of the Supreme Court.

“The FBI conducts background investigations in accordance with the agency’s standard operating procedures, and it has done so six previous times for Judge Kavanaugh. I’m confident that the FBI agents tasked with this responsibility will not succumb to public political pressure or politicians telling the agency how to do its job. Respectfully, the career public servants and professionals at the FBI know what they’re doing and how best to conduct a background investigation. The FBI’s business should be carried out independent of political or partisan considerations. I hope my Democratic colleagues do not attempt to interfere in that process.”

-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)

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

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

Subject: SCOTUS: Grassley: With FBI Work Complete, It's Time to Vote

Date: Thu, 4 Oct 2018 16:12:42 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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

FOR IMMEDIATE RELEASE

Thursday, October 4, 2018

Grassley: With FBI Work Complete, It's Time to Vote

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley of Iowa issued the following statement about the nomination of Judge Brett Kavanaugh to serve as an Associate Justice on the Supreme Court of the United States.

"I've now received a committee staff briefing on the FBI's supplement to Judge Kavanaugh's background investigation file. There's nothing in it that we didn't already know. These uncorroborated accusations have been unequivocally and repeatedly rejected by Judge Kavanaugh, and neither the Judiciary Committee nor the FBI could locate any third parties who can attest to any of the allegations. There's also no contemporaneous evidence. This investigation found no hint of misconduct and the same is true of the six prior FBI background investigations conducted during Judge Kavanaugh's 25 years of public service.

"I trust that the career agents of the FBI have done their work independent of political or partisan considerations. That's exactly what senators from both sides asked for. Now it's up to senators to fulfill their constitutional duty and make a judgment.

"No one is on trial and the Senate is not a courtroom. But our nation's tradition of fairness still applies. A presumption of innocence is how the American justice system works, and it should remain our guidepost in the Senate. Abandoning that principle would cut a sad path for the Senate as an institution.

"Here is what we know: Judge Kavanaugh's former clerks, colleagues and friends from high school to the present acclaim his personal integrity and character. His neighbors and community members recognize his positive contributions to their schools and churches. And his fellow members of the legal profession know him to be a thoughtful and respectful jurist. His judicial record shows that he is fair and rules impartially and without prejudice.

"Fundamentally, we senators ought to wipe away the muck from all the mudslinging and politics and look at this nomination with clear eyes. Judge Kavanaugh is one of the most qualified nominees to ever come before the

Senate. He's served with distinction for twelve years on the nation's most important circuit court and dedicated himself to serving the American public. We know that he will be an excellent justice because he's been an excellent judge.

"It's time to vote. I'll be voting to confirm Judge Kavanaugh."

-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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202-224-9102 (fax)

(b)(6)

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

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

Subject: SCOTUS -- Judiciary Committee to Hear from Kavanaugh, Ford in Public Hearing

Date: Tue, 18 Sep 2018 01:05:44 +0000

Importance: Normal

Inline-Images: image009.png; image010.png; image011.png; image012.png

FYI, Judge Kavanaugh requested a public hearing, so he can respond to the allegations by Dr. Ford.



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

FOR IMMEDIATE RELEASE

Monday, September 17, 2018

Judiciary Committee to Hear from Kavanaugh, Ford in Public Haring

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) today announced that the Committee will hold a public hearing with Supreme Court nominee Judge Brett Kavanaugh and Dr. Christine Blasey Ford.

“As I said earlier, anyone who comes forward as Dr. Ford has done deserves to be heard. My staff has reached out to Dr. Ford to hear her account, and they held a follow-up call with Judge Kavanaugh this afternoon. Unfortunately, committee Democrats have refused to join us in this effort. However, to provide ample transparency, we will hold a public hearing Monday to give these recent allegations a full airing,” Grassley said.

Below is the official notice for Monday’s hearing.

NOTICE OF COMMITTEE HEARING CONTINUATION

The Senate Committee on the Judiciary hearing on the nomination of the Honorable Brett M. Kavanaugh to be an Associate Justice of the Supreme Court of the United States will continue Monday, September 24, 2018 at 10:00 a.m. in Room 216 of the Hart Senate Office Building.

By order of the Chairman.

-30-



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

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

Subject: SCOTUS -- Ranking Member Refuses to Disclose Secret Allegations Even After Dr. Ford Goes Public

Date: Wed, 19 Sep 2018 22:39:01 +0000

Importance: Normal

Inline-Images: image005.png; image006.png; image007.png; image008.png



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

FOR IMMEDIATE RELEASE

Wednesday, September 19, 2018

Ranking Member Refuses to Disclose Secret Allegations Even After Dr. Ford Goes Public

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) today made a [formal request](#) for a copy of the letter Ranking Member Feinstein received in July alleging misconduct by Judge Brett Kavanaugh as a teenager. While Feinstein eventually referred the letter to the FBI last week, which was then redacted and added to Judge Kavanaugh’s background file, committee Republicans have not yet been able to access an unredacted version of the letter.

“My staff has made repeated requests for this document-which has become a significant piece of evidence in Judge Kavanaugh’s confirmation process-but your staff has so far refused to provide a copy of the letter. You are able to share this unredacted copy with all the members of your caucus and their staff, as well as anyone else you choose. The only version we have of this letter is a redacted version contained in the supplemental FBI background investigation file that only senators and a handful of very select staff are authorized to read,” Grassley said in the letter.

Grassley’s staff continues its work to investigate claims raised by Dr. Christine Blasey Ford and has invited her to share her story with the committee. It’s critical for the full committee to have access to the original letter in order to conduct a fair and thorough investigation.

“Sexual assault allegations deserve serious attention, and those who make such allegations must be heard. They should not be deployed strategically for political gain,” Grassley said.

Full [text of the letter](#) follows:

September 19, 2018

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

Dear Senator Feinstein:

I am writing to request that you provide me a copy of the letter dated July 30, 2018, that you received from Dr. Christine Blasey Ford containing allegations of sexual assault against Judge Brett Kavanaugh. My staff has made repeated requests for this document—which has become a significant piece of evidence in Judge Kavanaugh’s confirmation process—but your staff has so far refused to provide a copy of the letter. You are able to share this unredacted copy with all the members of your caucus and their staff, as well as anyone else you choose. The only version we have of this letter is a redacted version contained in the supplemental FBI background investigation file that only senators and a handful of very select staff are authorized to read.

Sexual assault allegations deserve serious attention, and those who make such allegations must be heard. They should not be deployed strategically for political gain. You received this letter approximately seven weeks ago. But the contents of the letter were leaked only last week when it appeared the Senate was about to confirm Judge Kavanaugh. There were numerous opportunities to raise the serious allegations made in the letter during the course of this nomination process. They could have been raised in your closed-door meeting with Judge Kavanaugh on August 20. Sixty-four other senators also met with Judge Kavanaugh prior to his confirmation hearing. These senators could have asked Judge Kavanaugh about these allegations if you had shared the letter.

Your staff could have raised these allegations during routine background investigation phone calls in late-August. Questions about these allegations could have been asked of Judge Kavanaugh during his more than 32 hours of testimony before the Committee over the course of three days. You could have asked him about these allegations during the closed session of his confirmation hearing, where sensitive material can be discussed. But you did not attend the closed session. Finally, these allegations could have been addressed in one of the nearly 1,300 written questions issued to him after the hearing—more written questions to any Supreme Court nominee than *all* prior Supreme Court nominees *combined*.

You have said that you didn’t raise Dr. Ford’s allegations previously because you wanted to protect Dr. Ford’s anonymity. But these allegations could have been raised to me, or to Judge Kavanaugh, while protecting Dr. Ford’s anonymity. Indeed, the only version of her letter that I have is the redacted version from the FBI, which protected Dr. Ford’s anonymity. Had Dr. Ford not made her allegations public via the *Washington Post* over the weekend, I still would not know her identity. The fact is that these allegations could have been raised both within the last seven weeks *and* in a way that protected Dr. Ford’s anonymity. Instead, you chose to sit on the allegations until a politically opportune moment. I cannot overstate how disappointed I am in this decision. It has caused me to have to reopen the hearings for the fifth day of testimony, when we easily could have—and should have—raised these issues before or during the first four days of the hearing.

As you know, the Senate Judiciary Committee has extended invitations to Dr. Ford and Judge Kavanaugh to testify on Monday, September 24. They have until this Friday at 10:00 a.m. to let us know whether they are coming. Dr. Ford has asked for the opportunity to be heard in a hearing, and I believe she should have that opportunity. I recognize that testifying publicly about sexual assault allegations may be difficult for Dr. Ford, so I have offered her the opportunity to testify in any of four possible venues: (1) a public hearing; (2) a private hearing; (3) a public staff interview; or (4) a private staff interview. I am even willing to have my staff travel to Dr. Ford in California—or anywhere else—to obtain her testimony.

As you know, 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 to 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.

In order to prepare for Monday's hearing, and any discussions with Dr. Ford that occur before then, I must review the unredacted letter that Dr. Ford sent to you, dated July 30, 2018. I ask that you send me a copy of the original, unredacted letter immediately.

-30-



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

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

Subject: SCOTUS: Advisory: Press Conference on Supreme Court Nomination

Date: Thu, 4 Oct 2018 17:24:48 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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

****MEDIA ADVISORY****

Thursday, October 4, 2018

Advisory: Press Conference on Supreme Court Nomination

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley (R-IA) and Senate Majority Leader Mitch McConnell (R-KY) will host a press conference today to discuss the nomination of Judge Brett Kavanaugh to serve as Associate Justice on the United States Supreme Court.

Chairman Grassley will be joined by the following Senators at the press conference:

- Senator Orrin Hatch (R-UT)
- Senate Majority Whip John Cornyn (R-TX)
- Senator Mike Lee (R-UT)
- Senator Thom Tillis (R-NC)

The press conference will take place at approximately **2:15 PM** in the Senate Radio-TV Gallery Studio (S-325).

-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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202-224-9102 (fax)

(b)(6)

From: "Talley, Brett (OLP)" (b)(6)

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

Bcc: "Fragoso, Michael (OLP)" (b)(6)

Subject: Re: SCOTUS Update

Date: Sun, 16 Sep 2018 19:47:05 -0000

Importance: Normal

Inline-Images: image001.png

Thanks Mike.

Sent from my iPhone

On Sep 16, 2018, at 3:12 PM, Davis, Mike (Judiciary-Rep) (b)(6) wrote:

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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(b)(6) (cell)

202-224-9102 (fax)

(b)(6)

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

From: "Chairman Grassley (Judiciary-Rep)" (b)(6)

Date: 9/16/18 3:04 PM (GMT-05:00)

To: "Foy, Taylor (Judiciary-Rep)" (b)(6), "Hartmann, George (Judiciary-Rep)" (b)(6)

Subject: SCOTUS Update

Good afternoon,

It's disturbing that these uncorroborated allegations from more than 35 years ago, during high school, would surface on the eve of a committee vote after Democrats sat on them since July. If Ranking Member Feinstein and other Committee Democrats took this claim seriously, they should have brought it to the full Committee's attention much earlier. Instead, they said nothing during two joint phone calls with the nominee in August, four days of lengthy public hearings, a closed session for all committee members with the nominee where sensitive topics can be discussed and in more than 1,300 written questions. Sixty-five senators met individually with Judge Kavanaugh during a nearly two-month period before the hearing began, yet Feinstein didn't share this with her colleagues ahead of many of those discussions.

It raises a lot of questions about Democrats' tactics and motives to bring this to the rest of the committee's attention only now rather than during these many steps along the way. Senator Feinstein should publicly release the letter she received back in July so that everyone can know what she's known for weeks.

Judge Kavanaugh's background has been thoroughly vetted by the FBI on six different occasions throughout his decades of public service, and no such allegation ever surfaced. Furthermore Judge Kavanaugh and others alleged to have been involved have unequivocally denied these claims from their high school days. The Committee has received letter after letter from those who've known judge Kavanaugh personally and professionally, including 65 women who've known him since high school, speaking to his impeccable character and respect for others, especially women.

- [65 Women Who Know Kavanaugh From High School - Kavanaugh Nomination](#)
- [155 Georgetown Prep Classmates To McConnell, Schumer, Grassley, Feinstein - Kavanaugh Nomination](#)
- [18 Female Former Kavanaugh Clerks To Grassley, Feinstein - Kavanaugh Nomination](#)
- [Yale College Women To Grassley, Feinstein - Kavanaugh Nomination](#)
- [84 Women Form The Bush White House To Grassley, Feinstein - Kavanaugh Nomination](#)
- [80 Of Kavanaugh's Harvard Law Students To Grassley, Feinstein - Kavanaugh Nomination](#)
- [Blessed Sacrament Basketball Parents To Grassley, Feinstein - Kavanaugh Nomination](#)
- [CYO Basketball Parent To Grassley, Feinstein - Kavanaugh Nomination](#)
- [23 Classmates From Yale Law School Class Of 1990 To Grassley, Feinstein - Kavanaugh Nomination](#)

Best,
Taylor

Taylor Foy | *Communications Director*

<image001.png> [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

(b)(6) | [Get The SCOOP](#)



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

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

Subject: FW: SCOTUS Update

Date: Tue, 18 Sep 2018 01:39:25 +0000

Importance: Normal

Inline-Images: image001.png

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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(b)(6) (cell)

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(b)(6)

From: Chairman Grassley (Judiciary-Rep)

Sent: Sunday, September 16, 2018 3:04 PM

To: Foy, Taylor (Judiciary-Rep) (b)(6); Hartmann, George (Judiciary-Rep)

(b)(6)

Subject: SCOTUS Update

Duplicative Material

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

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

Subject: SCOTUS | Keyser Reaffirms Statement to Committee

Date: Sun, 30 Sep 2018 01:21:07 +0000

Importance: Normal

Inline-Images: image001.png

Good evening,

Representatives for Ms. Leland Keyser, who was allegedly present at the gathering described by Dr. Christine Blasey Ford, today reaffirmed that Ms. Keyser does not know Judge Kavanaugh and has no recollection of ever being at a gathering or party where he was present, with or without Dr. Ford.

In an email with Judiciary Committee staff, Ms. Keyser's attorney, Howard Walsh, said that Ms. Keyser will fully cooperate with the FBI's supplemental investigation of Dr. Ford's allegations.

Today's statement reaffirms a [previous statement](#) by Ms. Keyser to the committee. Committee investigators [contacted all of the individuals](#) that Dr. Ford named as being present at the event in question. None were able to corroborate her account.

Best,
Taylor

Taylor Foy | *Communications Director*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

(b)(6) | [Get The SCOOP](#)

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)" (b)(6)

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

Subject: SCOTUS: SEARCH AND DESTROY BY ANY MEANS NECESSARY

Date: Sun, 30 Sep 2018 17:54:01 +0000

Importance: Normal

Inline-Images: image001.jpg



Senate Republican
Communications Center

2 0 2 • 2 2 8 • N E W S

Contact:

Antonia Ferrier 202.228.NEWS

SEARCH AND DESTROY BY ANY MEANS NECESSARY

Dems: 'Block Kavanaugh,' 'Time Is Critical If You Have Information And Do Not Want to See Brett Kavanaugh on the Supreme Court'

SEN. LINDSEY GRAHAM (R-SC): "We're at a new standard here. You destroy man's life. You say he's unfit to judge you, because of the way you treated him. We're not going to play that game...My response to Senator Hirono is...you spoke truth. You said the goal was to delay this hearing to draw it out past the midterms, keep this seat open, have it replaced by a Democrat in 2020. I'm offended by the fact that anybody would hold it against Brett Kavanaugh to be upset by the way he was treated." (ABC, *This Week*, 9/30/2018)

The Democrats' Goal?

BRIAN FALLON, FORMER SPOKESMAN FOR HILARY CLINTON, ERIC HOLDER AND CHUCK SCHUMER: "Saving the Supreme Court from Trump's clutches has always involved a very complicated two-step: first, block Kavanaugh, then fight like hell to win back the Senate. If Kavanaugh drops out, we're halfway there. If Democrats are able to win back the Senate, we'd have a path to blocking Trump from picking any of the archconservatives on his shortlist." ([Peter Baker, The Democratic Dream: Defeat Kavanaugh, Win the Senate and Stop Trump Supreme Court Picks, New York Times, 9/25/2018](#))

SEN. MAZIE HIRONO (D-HI): "I think we've had those kinds of vacancies before, and we certainly had over a one-year vacancy with Merrick Garland. So the world does not come to an end because we don't fill all of the nominees." ([Peter Baker, The Democratic Dream: Defeat Kavanaugh, Win the Senate and Stop Trump Supreme Court Picks, New York Times, 9/25/2018](#))

House Dems Promise MORE Investigations IF They Take Over House & FBI Doesn't Give Them the Results They Want

REP. JERRY NADLER (D-NY): "We would have to investigate any credible allegations of perjury and other things not properly looked into before." (ABC, *This Week*, 9/30/2018)

A Look At Some of Democrats Tactics

- **“Andrea Caputo Rose, executive of a Washington, D.C.,-based legal recruiting firm called Rose Legal Search, was scrambling to find someone to corroborate the meaning of certain entries in Kavanaugh’s high school yearbook.** Anyone who could confirm the salacious meaning, Rose wrote in an email obtained by the Washington Examiner, should contact Debra Katz, the lawyer of one of Kavanaugh’s accusers... “In regard to Julie Swetnick, whose allegations of drugging and gang (“train”) rape just came out through Michael Avenatti today, please also let me or Debra Katz know if you can [corroborate] any of her allegations,” Rose wrote. **“Time is critical [sic] if you have information and do not want to see Brett Kavanaugh sit on the Supreme Court for the next 40 years.”** ([Philip Wegman, 'Corroboration needed': Kavanaugh opponents scrambled to define 'devil's triangle' before hearing,' Washington Examiner, 9/29/2018](#))
- **“Personal information of Republican Sens. Lindsey Graham, Mike Lee and Orrin Hatch were posted by an unknown person located in the House of Representatives on Thursday during the hearing of Supreme Court Nominee Judge Brett Kavanaugh...**The information, which supposedly included home addresses and phone numbers, was posted - or doxxed - on the senators’ respective Wikipedia pages, where users are allowed to update the information at any time.” ([Lukas Mikelionis, 'Republican senators doxxed on Wikipedia by someone from House of Representatives after Kavanaugh hearing,' Fox News, 9/28/2018](#))

###

**SENATE REPUBLICAN COMMUNICATIONS CENTER
202.228.NEWS**

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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(b)(6)

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

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

Subject: SCOTUS: Supplemental FBI Investigation Executive Summary

Date: Fri, 5 Oct 2018 04:04:58 +0000

Importance: Normal

Inline-Images: image009.png; image010.png; image011.png; image012.png



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

Supplemental FBI Investigation Executive Summary

Background

At the Senate Judiciary Committee's request, the FBI opened a supplemental background investigation into Judge Kavanaugh. It's his seventh FBI background investigation in 25 years, going back to 1993. The request was for an investigation into current credible allegations against Judge Kavanaugh.

In the course of its investigation, the FBI decided to reach out to eleven people, ten of whom agreed to be interviewed. The FBI reached out to all witnesses with potential *firsthand* knowledge of the allegations. The FBI provided to the Senate 12 detailed FD-302 reports summarizing their interviews with the witnesses as well as supporting materials cited by the witnesses during their interviews.

Interview Subjects

The FBI interviewed the following ten individuals:

Ford Allegations

- The three individuals identified by Dr. Christine Blasey Ford as having attended the gathering where she was allegedly assaulted.
 - Mark Judge [\[1\]](#)
 - PJ Smyth
 - Leland Keyser
- Two other individuals included on Judge Kavanaugh's July 1, 1982 calendar entry.
 - Timothy Gaudette
 - Christopher Garrett
- An attorney for one of the witnesses

Ramirez Allegations

- Deborah Ramirez
- Two alleged eyewitnesses named by Deborah Ramirez (a third alleged eyewitness refused to submit to an interview)
- Deborah Ramirez's close friend from college

Conclusion

The Supplemental Background Investigation confirms what the Senate Judiciary Committee concluded after its investigation: **there is no corroboration of the allegations made by Dr. Ford or Ms. Ramirez.**



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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202-224-9102 (fax)

(b)(6)

[\[1\]](#) Mr. Judge was also questioned extensively about other allegations besides Dr. Ford's.

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

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

Subject: SCOTUS -- Supplemental FBI Investigation Executive Summary

Date: Fri, 5 Oct 2018 03:09:03 +0000

Importance: Normal

Attachments: Supplemental_FBI_Investigation_Executive_Summary.pdf

Supplemental FBI Investigation Executive Summary

Background

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The Supplemental Background Investigation confirms what the Senate Judiciary Committee concluded after its investigation: **there is no corroboration of the allegations made by Dr. Ford or Ms. Ramirez.**

[\[1\]](#) Mr. Judge was also questioned extensively about other allegations besides Dr. Ford's.

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)" (b)(5)

To: "Davis, Mike (Judiciary-Rep)" (b)(5)

Subject: SCOTUS: Professional Counsel De-Politicizes The Process

Date: Thu, 27 Sep 2018 13:44:15 +0000

Importance: Normal

Inline-Images: image001.jpg



Senate Republican
Communications Center

2 0 2 • 2 2 8 • N E W S

Contact:

Antonia Ferrier 202.228.NEWS

<https://bit.ly/2xQMqfB>

Professional Counsel De-Politicizes The Process

Former Biden Chief of Staff: The 'Best Way To Avoid Speech-Making, Repetition, Grandstanding Or Political Bickering Is To Have Expert Counsel Pose The Questions'

SENATE JUDICIARY COMMITTEE CHAIRMAN CHUCK GRASSLEY (R-IA): "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.... 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." ([U.S. Senate Judiciary Committee, Press Release, 9/25/2018](#))

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "Our goal is to have a respectful hearing, which is what we believe Dr. Ford would like to have. As you know, it is not uncommon to have professional staff do questioning in a situation like this. I'm reminded of Watergate, where Fred Thompson actually did most of the key questioning for Senator Baker, and I believe Sam Dash did it for the Chair.... **We want this hearing to be handled very professionally, not a political sideshow like you saw put on by the Democrats when they were questioning Judge Kavanaugh.**" (Sen. McConnell, Press Conference, 9/25/2018)

RON KLAIN, FORMER CHIEF OF STAFF TO VICE PRESIDENT JOE BIDEN: "Outside counsel with experience in sexual harassment and assault, with particular skill in examining witnesses and developing factual records, should be employed to pose questions at the hearings ... [T]he best way to avoid speech-making, repetition, grandstanding or political bickering is to have expert counsel pose the questions to the key witnesses while senators focus on listening to their answers, not on formulating their next statements." ([Ronald A. Klain, Op-Ed, "The Senate Should Leave The Kavanaugh Questioning To Professionals," The Washington Post, 9/18/2018](#))

- **KLAIN:** "In 1991, senators questioning Thomas and Hill became the subject of national opprobrium, leading to ridicule in one of the most biting 'Saturday Night Live' sketches ever. **Some senators — then and now — are good questioners, some are not, but that is not the principal issue. The more important point is that senators are,**

above all, political actors — as they should be. What these hearings require, however, is focused questioning designed to elicit facts; a quest to learn about events, not demonstrate opinions. This involves sensitive issues of memory and gender dynamics. **Senatorial questioning — racing against the clock, seeking to make points for voters at home — is not the right model.**” ([Ronald A. Klain, Op-Ed, “The Senate Should Leave The Kavanaugh Questioning To Professionals,” *The Washington Post*, 9/18/2018](#)).

THE SENATE HAS PREVIOUSLY USED OUTSIDE COUNSELS:

- 1973 Watergate and Related Activities, Select Committee On Presidential Campaign Activities;** United States Senate: Chairman Sam J. Ervin (D-NC), and three committee staff members/counselors questioned the witnesses. Two Democrats, Samuel Dash (Chief Counsel and Staff Director) and James Hamilton (Assistant Chief Counsel), along with one Republican, Fred D. Thompson (Minority Counsel), questioned the witnesses throughout the hearing.
- 1980 Inquiry Into the Matter of Billy Carter And Libya, Committee On The Judiciary;** United States Senate, Subcommittee To Investigate The Activities Of Individuals Representing The Interests Of Foreign Governments: Subcommittee Chairman Bayh (D-IN) presided over the hearings and the following Senators questioned the witnesses: Senator Pell (D-RI); Senator DeConcini (D-AZ); Senator Leahy (D-VT); Senator Baucus (D-MT); Senator Thurmond (R-SC); Senator Mathias (R-MD); Senator Dole (R-KS); and Senator Lugar (R-IN). After each Senator had two opportunities to question the witness (Billy Carter), Chairman Bayh called on Outside Special Counsel, Judge Tone to take over the questioning.
- 1991 Preliminary Inquiry Into Allegations Regarding Senators Cranston, DeConcini, Glenn, McCain, and Riegle, and Lincoln Savings and Loan, Select Committee on Ethics;** United States Senate: Chairman Howell Heflin (D-AL) presided over the hearings. Special Outside Counsel to the Committee, Robert S. Bennett questioned the witnesses.
- 1995 Investigation of Whitewater Development Corporation and Related Matters, Committee On Banking, Housing, And Urban Affairs;** United States Senate, Special Committee To Investigate Whitewater Development Corp. & Related Matters: Special Committee Chairman Alfonse D’Amato (R-NY) presided over the hearings, and the following individuals questioned the witnesses: Committee Special Counsel Michael Chertoff (R); Democratic Special Counsel Richard Ben-Veniste (D); Chief Counsel Robert J. Giuffra Jr. (R); and Principal Deputy Counsel Lance Cole (D).

(Senate Judiciary Committee, Majority Staff)

###

SENATE REPUBLICAN COMMUNICATIONS CENTER
202.228.NEWS

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

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

Subject: SCOTUS -- POSTPONEMENT Notice for a Committee Executive Business Meeting

Date: Sun, 23 Sep 2018 18:54:00 +0000

Importance: Normal

Attachments: 09232018_Hearing_Invitation_Acceptance_by_Dr._Ford.pdf

Dr. Ford's attorneys accepted the Chairman's offer for Dr. Ford to testify on Thursday, 9/27/2018 at 10 a.m. ET in Dirksen 226. We, therefore, postponed the committee vote scheduled for Monday.

There is a lot of misinformation that parties outside of the Chairman's office have leaked to the press. I want to make this clear: The terms of the Chairman's invitation are non-negotiable. See attached.

September 23, 2018

POSTPONEMENT NOTICE OF COMMITTEE EXECUTIVE BUSINESS MEETING

The Executive Business Meeting scheduled by the Committee on the Judiciary for Monday, September 24, 2018 at 10:00 a.m., in Room 226 of the Dirksen Senate Office Building **has been postponed**.

By order of the Chairman.

Jason A. Covey
Hearing Clerk | Senate Judiciary Committee
<http://judiciary.senate.gov>

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)" (b)(6)

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

Subject: SCOTUS: Byron York: Kavanaugh investigators need to see Christine Blasey Ford's therapy records

Date: Wed, 3 Oct 2018 01:18:02 +0000

Importance: Normal

<https://www.washingtonexaminer.com/opinion/columnists/byron-york-kavanaugh-investigators-need-to-see-christine-ford-therapy-records>

Byron York: Kavanaugh investigators need to see Christine Blasey Ford's therapy records

by [Byron York](#)

| October 02, 2018 08:51 PM

Christine Ford has no contemporaneous evidence to support her allegation that in 1982, when she was 15, a drunken 17 year-old Brett Kavanaugh forced her onto a bed, tried to undress her, and, when she tried to scream, covered her mouth with his hand. Ford says she told no one about the alleged attack for 30 years.

But even then, in 2012, when Ford said she shared her secret, it was under circumstances that are not at all clear today. In statements to the press and in testimony before the Senate Judiciary Committee, Ford has said that in 2012 and 2013 she told therapists about the alleged attack. She said she has reviewed the therapists' notes from those sessions. But by all accounts those notes do not mention Kavanaugh by name. Instead, Ford has explained that her husband, who was present at some of the therapy sessions, remembered that she identified Kavanaugh by name as the person who allegedly attacked her.

Over the summer, as Ford began to pursue her allegation, she provided the therapists' notes to the Washington Post. But she has refused to provide them to the Judiciary Committee. When the committee requested the notes, the Ford legal team said no, arguing that the records "contain private, highly sensitive information that is not necessary for the committee to assess the credibility of [Ford's] testimony."

The first the public heard of Ford's therapists' role in the Kavanaugh allegation was on September 16, when the Post published a [story](#) naming Ford and describing how her claim came to light:

Ford said she told no one of the incident in any detail until 2012, when she was in couples therapy with her husband. The therapist's notes, portions of which were provided by Ford and reviewed by The Washington Post, do not mention Kavanaugh's name but say she reported that she was attacked by students "from an elitist boys' school" who went on to become "highly respected and high-ranking members of society in Washington."

The Post also reported that "notes from an individual therapy session" in 2013 said that "Ford described a 'rape attempt' in her late teens." The paper added that Ford's husband Russell Ford, whom she married in 2002, did not learn details of her claim until 2012 "when the therapist asked her [Christine Ford] to tell the story."

The first thing to note: One would normally assume that Ford's interactions with her psychotherapist are confidential and protected from disclosure. But Ford has "provided" portions of the couples therapist's notes to a press outlet, the Post, and the paper also quoted "notes from an individual therapy session," as well. When one gives medical records to the press, and they are spread around the world on the internet, it is hard to claim they are confidential.

During her testimony before the Senate committee, Ford told at least some of the story of how she came to use her therapists' records against Kavanaugh.

She said she "never named Mr. Kavanaugh as my attacker" to anyone, other than in the therapy sessions, until July 2018, when she saw press reports that Kavanaugh was on President Trump's Supreme Court short list. She said she then thought it was her "civic duty" to go to the press about her experience.

Rachel Mitchell, the prosecutor hired by Republicans to question Ford, asked how that worked. Mitchell noted that on July 6, when Ford sent a text to the Post tipline, she said she possessed "therapy records talking about it."

Mitchell wanted to know if Ford had already collected her therapy records before contacting the Post. Yes, Ford answered. "I had looked at them online to see if they existed, yes."

Did that mean the records were online? "Actually, no," Ford said. "It was in the office of a provider. She helped me go through the records to locate whether I had a record of this conversation that I had remembered."

"Did you show a full or partial set of those marriage therapy records to the Washington Post?" asked Mitchell.

"I don't remember," said Ford. "I remember summarizing for her [the Post reporter] what they said. So I'm not -- I'm not quite sure if I actually gave her the record."

"OK, so it's possible that the reporter did not see these notes?" said Mitchell.

"I don't know if she's - I can't recall whether she saw them directly or if I just told her what they said," Ford answered. (As quoted above, the Post reported that "portions of [the notes] were provided by Ford and reviewed by The Washington Post," suggesting that the reporter physically viewed them.)

Later, Mitchell asked, "Dr. Ford, the Washington Post reported in their September 16th article that you did show them therapist's notes. Is that incorrect?"

"I don't remember physically showing her a note," Ford said, again referring to the Post reporter. "Perhaps my counsel did. I don't -- I don't remember physically showing her my copy of the note. I just don't remember. I'm sorry. I have retrieved a physical copy of those medical records."

Ford said she had not shown the notes to anyone else, besides her lawyer. And then, referring specifically to the marriage therapy notes, Mitchell asked, "Would it be fair to say that Brett Kavanaugh's name is not listed in those notes?"

"His name is not listed in those notes," said Ford.

"You also attended individual therapy," Mitchell said. "Did you show any of those notes to the reporter from the Washington Post?"

"Again, I don't remember if I showed her -- like, something that I summarized, or if I just spoke about it or if she saw it in my counsel's office. I can't -- I don't know for sure, but I certainly spoke with her about the 2013 record with the individual therapist."

"And Brett Kavanaugh's name is not in those notes, is that correct?"

"Correct."

If Kavanaugh's name is not in the therapists' notes, how can investigators today be sure that whatever incident Ford told her therapists about was actually an incident involving Brett Kavanaugh? Ford told the Senate that her husband remembered her mentioning the name in their therapy sessions.

"My husband recalls that I named my attacker as Brett Kavanaugh," Ford testified.

Democratic Sen. Amy Klobuchar walked Ford through the notes issue, touching on the fact that the therapist did not write down Kavanaugh's name.

"I understand that your husband was also present when you spoke about this incident in front of a counselor and he recalls you using Judge Kavanaugh's name," Klobuchar said. "Is that right?"

"Yes," answered Ford, adding that the incident was referred to twice in the notes. "I just happen to have it in my record twice. So the first time is in 2012 with my husband in couples therapy with the quibbling over the remodel, and then in 2013 with my individual therapist."

("Quibbling over the remodel" referred to an argument Ford had with her husband about putting two front doors in their house; Ford claimed she wanted two doors because of lingering fears from the 1982 alleged Kavanaugh incident.)

Klobuchar seemed concerned with establishing that the therapists' notes had credibility, even though they did not mention Kavanaugh.

"OK, so if someone had actually done an investigation, your husband would have been able to say that you named his name at that time?" Klobuchar asked.

"Correct."

After Ford's testimony, when Rachel Mitchell wrote an assessment of the evidence, she zeroed in on the notes' credibility issue. "[Ford] has not turned over her therapy records for the committee to review," Mitchell wrote. "No name was given in her 2012 marriage therapy notes. No name was given in her 2013 individual therapy notes."

Mitchell continued: "Dr. Ford's husband claims to recall that she identified Judge Kavanaugh by name in 2012. At that point, Judge Kavanaugh's name was widely reported in the press as a potential Supreme Court nominee if Governor Romney won the presidential election."

"Dr. Ford refused to provide *any* of her therapy notes to the committee."

On Tuesday, the Judiciary Committee renewed its request for the notes. "The Washington Post reported that some notes were provided to the Post, and Dr. Ford's testimony indicated that these notes were highly relevant to her allegations," chairman Charles Grassley wrote in a letter to the Ford legal team. "These notes have been repeatedly cited as corroboration even while written 30 years after the alleged event and in apparent contradiction with testimony and other public statements regarding several key details of the allegations..."

Now, of course, Ford's allegation is also under investigation by the FBI, as Ford requested. Given the therapy notes' central role in the allegation, and given the fact that Ford has already shared them with the press, it seems reasonable to think the FBI will want to see the notes, as well as to interview Ford's husband and her therapists about them. The notes are no longer confidential, and the public importance of the Kavanaugh matter is high. The notes could contain evidence to shed light on this bitter, divisive affair.

From: "Kingo, Lola A. (OLP)" (b)(6)

To: "Talley, Brett (OLP)" (b)(6)

Subject: RE: BI confidentiality

Date: Wed, 3 Oct 2018 18:22:24 +0000

Importance: Normal

Makes sense. Thanks for explaining, Talley San.

From: Talley, Brett (OLP)

Sent: Wednesday, October 03, 2018 2:18 PM

To: Kingo, Lola A. (OLP) <lakingo@jmd.usdoj.gov>

Subject: RE: BI confidentiality

No that's a good point generally, but I think (b)(5)

From: Kingo, Lola A. (OLP)

Sent: Wednesday, October 3, 2018 2 11 PM

To: Talley, Brett (OLP) (b)(6)

Subject: RE: BI confidentiality

Sorry to only send to you—(b)(5)

(b)(5)

Please disregard if that invites unnecessary scrutiny.

From: Talley, Brett (OLP)

Sent: Wednesday, October 03, 2018 1:47 PM

To: Lichter, Jennifer (OLP) (b)(6); Kingo, Lola A. (OLP) (b)(6); Fragoso, Michael (OLP) (b)(6)

Cc: Wong, Candice (OLP) (b)(6)

Subject: RE: BI confidentiality

Betsy approves.

From: Lichter, Jennifer (OLP)

Sent: Wednesday, October 3, 2018 1:42 PM

To: Talley, Brett (OLP) (b)(6); Kingo, Lola A. (OLP) (b)(6); Fragoso, Michael (OLP) (b)(6)

Cc: Wong, Candice (OLP) (b)(6)

Subject: RE: BI confidentiality

Can you pls send us a final version after Betsy reviews, for our TP files?

From: Talley, Brett (OLP)
Sent: Wednesday, October 3, 2018 1:27 PM
To: Kingo, Lola A. (OLP) (b)(6); Lichter, Jennifer (OLP) (b)(6); Fragoso, Michael (OLP) (b)(6)
Cc: Wong, Candice (OLP) (b)(6)
Subject: RE: BI confidentiality

This is great. Thanks Lola! I'll run by Betsy.

From: Kingo, Lola A. (OLP)
Sent: Wednesday, October 3, 2018 1:20 PM
To: Talley, Brett (OLP) (b)(6); Lichter, Jennifer (OLP) (b)(6); Fragoso, Michael (OLP) (b)(6)
Cc: Wong, Candice (OLP) (b)(6)
Subject: RE: BI confidentiality

Please see attached (b)(5). Thank you!

From: Kingo, Lola A. (OLP)
Sent: Wednesday, October 03, 2018 12:34 PM
To: Talley, Brett (OLP) (b)(6); Lichter, Jennifer (OLP) (b)(6); Fragoso, Michael (OLP) (b)(6)
Cc: Wong, Candice (OLP) (b)(6)
Subject: RE: BI confidentiality

Almost done, just adding a few points from the MOU.

From: Talley, Brett (OLP)
Sent: Wednesday, October 03, 2018 12:33 PM
To: Lichter, Jennifer (OLP) (b)(6); Fragoso, Michael (OLP) (b)(6)
Cc: Kingo, Lola A. (OLP) (b)(6); Wong, Candice (OLP) (b)(6)
Subject: RE: BI confidentiality

Thanks for the contact. Any update on the talkers?

From: Lichter, Jennifer (OLP)
Sent: Wednesday, October 3, 2018 10:31 AM
To: Talley, Brett (OLP) (b)(6); Fragoso, Michael (OLP) (b)(6)
Cc: Kingo, Lola A. (OLP) (b)(6); Wong, Candice (OLP) (b)(6)
Subject: RE: BI confidentiality

I would think we could find an existing expert somewhere in CIV – I can ask Alice if they have someone suitable. (b)(5)

From: Talley, Brett (OLP)
Sent: Wednesday, October 3, 2018 10:09 AM
To: Fragoso, Michael (OLP) (b)(6)
Cc: Kingo, Lola A. (OLP) (b)(6); Lichter, Jennifer (OLP) (b)(6); Wong, Candice

(OLP) (b)(6)

Subject: Re: BI confidentiality

I also need someone who understands the privacy act (b)(5).

Sent from my iPhone

On Oct 3, 2018, at 9:47 AM, Fragoso, Michael (OLP) (b)(6) wrote:

I have the MOU

Sent from my iPhone

On Oct 3, 2018, at 7:52 AM, Talley, Brett (OLP) (b)(6) wrote:

One would think it would be obvious, but can someone with an understanding of the MOU and the Privacy Act (b)(5) [redacted] ? Thanks.

Brett

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

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

Subject: FW: CORRECTION: UPDATED Witness List for a Committee Hearing on Thu., September 27 at 10:00 a.m.

Date: Tue, 25 Sep 2018 00:06:17 +0000

Importance: Normal

Updated Witness List
Hearing before the
Senate Committee on the Judiciary
on
Day 5 of The Nomination of Brett M. Kavanaugh to be an Associate Justice
of the Supreme Court of the United States

Thursday, September 27, 2018
Dirksen Senate Office Building, Room 226
10:00 a.m.

Panel VI

Professor Christine Blasey Ford, Ph.D.
Palo Alto University
Palo Alto, CA

Panel VII

The Honorable Brett M. Kavanaugh
Nominee to Serve as an Associate Justice of the Supreme Court of the United States
Chevy Chase, MD

Jason A. Covey
Hearing Clerk | Senate Judiciary Committee
202-224-5225
<http://judiciary.senate.gov>

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)" (b)(6)

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

Subject: SCOTUS: UPDATED Witness List for a Committee Hearing on Thu., September 27 at 10:00 a.m.

Date: Mon, 24 Sep 2018 21:09:57 +0000

Importance: Normal

Updated Witness List
Hearing before the
Senate Committee on the Judiciary
on
Day 5 of The Nomination of Brett M. Kavanaugh to be an Associate Justice
of the Supreme Court of the United States

Thursday, September 27, 2018
Dirksen Senate Office Building, Room 226
10:00 a.m.

Panel VI

Professor Christine Blasey Ford, Ph.D.
Palo Alto University
Palo Alto, CA

Panel VII

The Honorable Brett M. Kavanaugh
Nominee to Serve as an Associate Justice of the Supreme Court of the United States
Chevy Chase, MD

Jason A. Covey
Hearing Clerk | Senate Judiciary Committee
202-224-5225
<http://judiciary.senate.gov>

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)" (b)(6)

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

Subject: SCOTUS: Letter from Kavanaugh High School Friends

Date: Thu, 27 Sep 2018 00:54:15 +0000

Importance: Normal

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)

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

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

Subject: SCOTUS -- Team Grassley Punches Back on Twitter

Date: Tue, 2 Oct 2018 17:52:37 +0000

Importance: Normal

Inline-Images: image008.png; image009.png; image010.png; image011.png; image012.png; image013.png; image014.png

Re: Sen. Schumer's false statement on the Senate floor about Chairman Grassley

<https://twitter.com/senjudiciary/status/1047139537271627776>



Senate Judiciary ✓

@senjudiciary



Democratic Minority Leader [@SenSchumer](#)'s statement on the Senate floor that Chairman [@ChuckGrassley](#)'s staff refused [@SenFeinstein](#)'s staff's request to be on a call with White House Counsel Don McGahn is 100% false & should be retracted immediately. No such request was ever made.

8:01 AM - 2 Oct 2018

Re: The NBC News story last night about texts between former Yale classmates of Judge Kavanaugh's
<https://twitter.com/senjudiciary/status/1047139549229539328> [THREAD]



Senate Judiciary

@senjudiciary



The texts from Ms. Berchem do not appear relevant or contradictory to Judge Kavanaugh's testimony. This appears to be another last-ditch effort to derail the nomination with baseless innuendo by Democrats who have already decided to vote no. 1/6

NBC News @NBCNews
 Mutual friend of Ramirez and Kavanaugh anxious to come forward with evidence, including texts. [nbcnews.com/2NWIFLv](https://www.nbcnews.com/2NWIFLv)

8:01 AM - 2 Oct 2018

167 Retweets 251 Likes



51 167 251



Senate Judiciary @senjudiciary · 3h



Shortly before Friday's committee meeting began, Senator Blumenthal's office forwarded ten emails to the Chairman's office originally from Ms. Berchem. They were immediately passed to Chairman Grassley's oversight and investigations team for review. 2/6

8 53 74



Senate Judiciary @senjudiciary · 3h



Committee investigators advised Senator Blumenthal's staff that they could contact the FBI to pass along that information if they thought it was necessary. Whether Senator Blumenthal's staff chose to do that was up to them. 3/6

9 44 71



Senate Judiciary @senjudiciary · 3h



Separately, it just doesn't make sense to refer conversations between old classmates about a news story to the FBI—and Sen. Blumenthal certainly knows that. 4/6

10 48 83



Senate Judiciary @senjudiciary · 3h



It seems perfectly sensible and predictable for Judge Kavanaugh's associates to engage with Yale friends about rumors given the numerous unsubstantiated allegations that have been picked up by media throughout this process. 5/6

9 58 100



Senate Judiciary @senjudiciary · 3h



In the texts, there's no suggestion that Judge Kavanaugh made any effort to conceal anything or press anyone to say something untrue. This is just the latest ridiculous attempt to smear Judge Kavanaugh's good name. 6/6

29 107 193

<https://twitter.com/senjudiciary/status/1047156856131649536> [THREAD]

Senate Judiciary 
@senjudiciary

As part of Judge Kavanaugh's nomination to #SCOTUS, the FBI conducted its SIXTH full-field background investigation of Judge Kavanaugh since 1993. As part of these 6 prior FBI investigations, the FBI interviewed nearly 150 different people who know Judge Kavanaugh personally. 1/2

9:10 AM - 2 Oct 2018

327 Retweets 547 Likes 

69 327 547 

Senate Judiciary  @senjudiciary - 2h

Nowhere in any of these six FBI reports, which the committee has reviewed on a bipartisan basis, was there ever a whiff of ANY issue – at all – related in any way to inappropriate sexual behavior or alcohol abuse. 2/2

82 267 531 

<https://twitter.com/senjudiciary/status/1047175592247009280>

Senate Judiciary 
@senjudiciary

Saving this here for when @SenSchumer inevitably forces a walk-back. #SCOTUS

Elizabeth Landers  @ElizLanders

.@SenFeinstein indicates that the FBI report on Kavanaugh should NOT be made public: "It would seem to me that if people are going to be identified this ought to be held very close and not."...

10:24 AM - 2 Oct 2018

121 Retweets 196 Likes 

25 121 196 

Re: Sen. Schumer's call for FBI to brief the Senate on its supplemental background investigation <https://twitter.com/senjudiciary/status/1047174704111542272> [THREAD]



Senate Judiciary

@senjudiciary

What is @SenSchumer talking about? He knows @FBI doesn't brief the Senate on background investigations. It provides reports and the Senate makes decisions. That's how it always works, including during Justice Thomas' confirmation. 1/3



The Hill @thehill

Schumer calls for FBI to brief Senate on Kavanaugh investigation before confirmation vote hill.cm/HoDK0hl

10:21 AM - 2 Oct 2018

104 Retweets 143 Likes



13 104 143



Senate Judiciary @senjudiciary · 23m

See 2009 bipartisan memorandum of understanding between the Obama Administration, then-Chairman @SenatorLeahy and Ranking Member Sessions. Minority Leader @SenSchumer was then a member of @SenJudiciary and knows better. He is attempting to move the goal posts yet again. 2/3

COMMITTEE AND THE COUNSEL TO THE PRESIDENT REGARDING FBI BACKGROUND INVESTIGATION REPORTS ON NOMINEES

September 22, 2009

This memorandum of understanding between the U.S. Senate Committee on the Judiciary ("the Committee") and the Counsel to the President sets forth the procedures under which the Committee shall have access to background investigation reports prepared by the Federal Bureau of Investigation ("FBI") on judicial nominees and other Presidential nominees submitted to the Senate for confirmation and referred to the Committee.

1. FBI Background Reports and Summaries

- a. Full FBI background investigation reports shall be provided to the Committee for judicial nominees, United States Attorney nominees, United States Marshal nominees, and nominees for the following senior positions at the Department of Justice: Attorney General, Director of the FBI, Administrator of the Drug Enforcement Administration, Assistant Secretary for Immigration and Customs Enforcement, and Director of U.S. Marshals Service.
- b. Summaries of FBI background investigation reports prepared by the FBI shall be provided for all other Departments of Justice and non-judicial nominees referred to the Committee, except that the full FBI background investigation reports for these nominees shall be provided to the Committee upon request of the Chairman and/or Ranking Member. (Hereinafter, reference to FBI background investigation reports shall include summaries of FBI background investigation reports.)

2. Access to FBI Background Reports

- a. **Senators:** Senators who are members of the Committee, as well as the Majority and Minority Leaders, may review FBI background investigation reports and receive an oral briefing by any Designated Staff Member. House State Senators who are not members of the Committee may receive FBI background reports and receive an oral briefing from a Designated Staff Member with the approval of the Chairman and/or Ranking Member.
- b. **Supreme Court Nominations:** For nominations to the Supreme Court, in addition to the aforementioned Members, an oral briefing conducted by any Designated Staff Member on the contents of the FBI background investigation will be made available to any Member upon request.
- c. **Designated Staff Members:** Six (6) majority staff members and four (4) minority staff members who have "top secret" clearance or interim clearance awaiting final



6 54 83



Senate Judiciary @senjudiciary · 23m

Not that any of this matters to @SenSchumer. If he actually cared about the @FBI's background investigations, he would have reviewed the files already in the committee's possession. Has he? The committee has no record that he has since Judge Kavanaugh's #SCOTUS nomination. 3/3

9 64 110

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

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

Subject: USA Today / Jipping: On Brett Kavanaugh investigation, Democrats will never be satisfied

Date: Tue, 2 Oct 2018 17:30:57 +0000

Importance: Normal

<https://www.usatoday.com/story/opinion/2018/10/01/brett-kavanaugh-investigation-democrats-never-satisfied-editorials-debates/1493514002/>

On Brett Kavanaugh investigation, Democrats will never be satisfied

Thomas Jipping Published 7:30 p m. ET Oct. 1, 2018 | Updated 7:56 p m. ET Oct. 1, 2018

Past FBI background checks on the nominee have found not even a whisper of sexual misconduct: Opposing view

Everything has a frame of reference. That includes whether reopening Supreme Court nominee Brett Kavanaugh's background check to examine specific allegations of sexual misconduct is worthwhile.

The proper frame of reference for this FBI background check is the Senate's confirmation process.

Many people believe every "FBI investigation" involves the use of all techniques and methods available to the bureau. Kavanaugh's opponents know this image is fiction but promote it anyway so they can accuse Republicans of a cover-up and demand still more investigations, hearings and subpoenas.

The FBI is under the executive branch's authority. The FBI may use that full-on approach to solve crime, but its role in the Senate's confirmation process is much more limited. It conducts a background check for nominees or individuals directly appointed by the president. Even if an unusual issue arises, the FBI simply gathers information rather than determine who is telling the truth.

All the past background checks for Judge Kavanaugh have found not even a whisper of sexual misconduct. Yet as soon as Dr. Christine Blasey Ford's allegation was known, Judiciary Committee investigators began interviewing individuals, a process that could have begun earlier if Democrats hadn't hidden those allegations for so long.

Democrats will never be satisfied with the results of the FBI review. Many declared their opposition to Kavanaugh months ago, some before he was nominated. Since the entire confirmation process was irrelevant to their decision, how could this part really matter?

Similarly, they want people to believe that no investigation is adequate or complete until it proves Judge Kavanaugh guilty of all that his accusers allege. The latest background check won't do that, but it will ensure that the Senate has all it needs to make a confirmation decision.

It's time for the Senate to vote.

Thomas Jipping is deputy director of the Edwin Meese III Center for Legal and Judicial Studies and a senior legal fellow at the Heritage Foundation.

Thomas Jipping

Deputy Director of the Edwin Meese III Center for Legal and Judicial Studies and Senior Legal Fellow

The Heritage Foundation

214 Massachusetts Avenue, NE

Washington, DC 20002

(b)(6)

heritage.org

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)" (b)(6)

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

Subject: SCOTUS: ICYMI: Ronald Klain on Counsel Questioning

Date: Tue, 25 Sep 2018 21:59:47 +0000

Importance: Normal

Inline-Images: image001.jpg

<https://twitter.com/RonaldKlain/status/1041722038346547200>

[Ronald Klain](#) Verified account @RonaldKlain Sep 17

More

Here's some advice, based on the Thomas-Hill experience: Both Dems and GOP should want professional, outside counsel to question Kavanaugh and Ford at a public hearing -- not Senators. Make this a search for the truth, not a political platform for Senators of EITHER party.

[Opinions](#)

The Senate should leave the Kavanaugh questioning to professionals



Supreme Court nominee Brett Kavanaugh is sworn in before the Senate Judiciary Committee on Sept. 4. (J. Scott Applewhite/AP)

By [Ronald A. Klain](#)

September 18

There's no way to go back in time and fix all the things that enraged people about the Senate Judiciary Committee's 1991 hearings on Anita Hill's charges against Supreme Court nominee Clarence Thomas. But today's Judiciary Committee — led by a chairman who participated in those hearings and a ranking Democrat first elected in the wave of reaction to them — can learn from that experience and can do better. Here are three ways the committee could do things differently as it investigates Christine Blasey Ford's allegation that Supreme Court nominee Brett M. Kavanaugh sexually assaulted her when they both were in high school — along with one fundamental change that simply must take place.

First, have professionals ask the questions. In 1991, senators questioning Thomas and Hill became the subject of national opprobrium, leading to ridicule in [one of the most biting "Saturday Night Live" sketches ever](#). Some senators — then and now — are good questioners, some are not, but that is not the principal issue. The more important point is that senators are, above all, political actors — as they should be. What these hearings require, however, is focused questioning designed to elicit facts; a quest to learn about events, not demonstrate opinions. This involves sensitive issues of memory and gender dynamics. Senatorial questioning — racing against the clock, seeking to make points for voters at home — is not the right model.

Outside counsel with experience in sexual harassment and assault, with particular skill in examining witnesses and developing factual records, should be employed to pose questions at the hearings — one for the Republicans and one for the Democrats. Senators can suggest questions to these counsels, and — if necessary — be given an opportunity to

raise concerns that the counsels overlook. But the best way to avoid speech-making, repetition, grandstanding or political bickering is to have expert counsel pose the questions to the key witnesses while senators focus on listening to their answers, not on formulating their next statements.

Second, take the time to get prepared before the hearing starts. Yes, both sides feel pressure to get the hearings going, and Republicans are particularly anxious about any unnecessary delay. But in 1991, that same time pressure created some of the worst dimensions of the Thomas-Hill hearings, which were held just five days after Hill's charges became public. That was not enough time for all the pre-hearing witness interviews to be completed or for reaching clear understandings about what would happen at the hearing. Half the staff was taking private statements from witnesses in a back room while the other half was listening to live testimony on television.

The decision to hold these hearings on Monday — just seven days after Ford went public with her allegations — risks repeating this mistake. Hearings should not start until every witness is first interviewed by the FBI and then by committee investigators, follow-up questions to those interviews are resolved, a clear understanding on the roles of committee members is established, rules of conduct for the hearing are set and the witness list is formalized. These events will be etched in our history: A rush to hold this hearing will wind up reflecting poorly on all concerned.

Third, every witness with relevant information must be summoned to testify. For 27 years, the question of why — on a Sunday evening, at the end of a proceeding with an artificial time limit — one of Hill's colleagues at the Equal Employment Opportunity Commission, [Angela Wright](#), was removed from the witness list has been highly controversial. There should be no mystery or confusion this time.

Any witness with potentially relevant information should be directed to testify. This includes anyone who was present at the party where the assault is alleged to have taken place, others those people might have talked to or individuals with whom Ford discussed the incident. Testimony that turns out to be irrelevant can always be ignored; testimony that is never heard cannot help the Senate make this historic decision.

Above all, perhaps the most important change from 1991 is one that no rule or procedures can fix: It is the test of fairness and balance. In 1991, Republican senators largely took on the mantle of defenders of the nominee, lobbing softball questions at him and hurling disparaging points at Hill. Democrats cast themselves as fact-finders, putting neutral questions to both protagonists and declining to ally themselves with Hill specifically. A repeat of that asymmetry would be a grave mistake.

Let lawyers ask the questions, in a well-designed, balanced hearing that is not rushed, and with a witness list that is complete. If the Republicans come after Ford, Democrats should come to her defense — in that case, neutrality would be the opposite of fairness. But best of all would be for the senators on both sides to listen, learn and stake out their positions outside of the hearing room.

[Ronald A. Klain](#), a Post contributing columnist, served as a senior White House aide to both Presidents Barack Obama and Bill Clinton and was a senior adviser to Hillary Clinton's 2016 campaign. [Follow](#)

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

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

Subject: SCOTUS -- Grassley Statement on the Supreme Court Nomination

Date: Mon, 17 Sep 2018 16:21:56 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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

FOR IMMEDIATE RELEASE

Monday, September 17, 2018

Grassley Statement on the Supreme Court Nomination

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley issued the following statement regarding the nomination of Judge Brett M. Kavanaugh to the Supreme Court.

“Anyone who comes forward as Dr. Ford has deserves to be heard, so I will continue working on a way to hear her out in an appropriate, precedented and respectful manner.”

“The standard procedure for updates to any nominee’s background investigation file is to conduct separate follow-up calls with relevant parties. In this case, that would entail phone calls with at least Judge Kavanaugh and Dr. Ford. Consistent with that practice, I asked Senator Feinstein’s office yesterday to join me in scheduling these follow-ups. Thus far, they have refused. But as a necessary step in evaluating these claims, I’ll continue working to set them up.”

“Unfortunately, committee Republicans have only known this person's identity from news reports for less than 24 hours and known about her allegations for less than a week. Senator Feinstein, on the other hand, has had this information for many weeks and deprived her colleagues of the information necessary to do our jobs. The Minority withheld even the anonymous allegations for six weeks, only to later decide that they were serious enough to investigate on the eve of the committee vote, after the vetting process had been completed.”

“It’s deeply disturbing that the existence of these allegations were leaked in a way that seemed to preclude Dr. Ford’s confidentiality.”

“Over my nearly four decades in the Senate I have worked diligently to protect whistleblowers and get to the bottom of any issue. Dr. Ford’s attorney could have approached my office, while keeping her client confidential and anonymous, so that these allegations could be thoroughly investigated. Nevertheless, we are working diligently to get to the bottom of these claims.”



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
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From: "Davis, Mike (Judiciary-Rep)" (b)(6)

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

Subject: SCOTUS: Summary of Senate Judiciary Committee Investigation

Date: Fri, 5 Oct 2018 18:39:04 +0000

Importance: Normal

Inline-Images: image009.png; image010.png; image011.png; image012.png



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

Summary of Senate Judiciary Committee Investigation

(as of October 4, 2018)

Background

The Senate Judiciary Committee has engaged in a thorough and robust investigation of allegations raised against Judge Kavanaugh. Throughout the last month, Committee staff members have collected statements, letters, and calls from individuals around the country. The reports range from substantive allegations of sexual misconduct, to short messages to senators passing along internet rumors and theories.

Committee staff continue to work tirelessly to pursue any and all substantive leads. In the course of the continuing investigation, staff members have spoken with 35 individuals, a task that requires extensive work during nights and weekends. More than 20 Committee staffers have contributed to the investigative efforts. The Committee has not received any evidence that would corroborate the claims made by Dr. Ford, Ms. Ramirez, Ms. Swetnick, or anybody else.

Allegations and Subjects

Ford Allegations

In response to Dr. Ford's allegations, Committee staff repeatedly requested an opportunity to interview Dr. Ford, but her lawyers repeatedly refused. Committee staff offered to fly to California or any other location to interview Dr. Ford. But as Dr. Ford explained at her hearing, she was not clear that this offer had been made.

The Committee thus reopened the hearing on Judge Kavanaugh's nomination.

- During the additional hearing day (Day 5), the Committee solicited more than 8 total hours of public testimony under oath from Dr. Ford and Judge Kavanaugh.
- In connection with the hearing, the Committee collected 24 pages of evidence from Dr. Ford in two productions. The Committee also received Judge Kavanaugh's calendars.

The Committee also received a statement, submitted under penalty of felony, from Dr. Ford's ex-boyfriend, who cast serious doubt on the credibility of some of Dr. Ford's testimony before the Committee.

- Notably, he stated that he had not known her to have any fear of flying or related claustrophobia and that she had previously provided advice to someone on how to successfully take a polygraph, directly contradicting her hearing testimony.
- Despite repeated requests by the Chairman, Dr. Ford still has not supplied several key items, including the charts from her polygraph examination, any recording of her polygraph examination, and the therapy notes that she claimed corroborated her story. Dr. Ford has not provided these therapy notes to the Committee, even though she shared these same notes with the media.

In addition to conducting the hearing, the Committee obtained statements from the three individuals who Dr. Ford identified as being present at the 1982 gathering: PJ Smyth, Leland Ingham Keyser, and Mark Judge (who submitted two statements).

- Each person denied having any knowledge of the alleged gathering. Ms. Keyser stated that she does not even know Judge Kavanaugh and does not recall ever meeting him. And Mr. Smyth and Mr. Judge each said they had never witnessed Judge Kavanaugh engage in conduct of the kind described by Dr. Ford.

The Committee contacted a total of 15 former classmates of Judge Kavanaugh and Dr. Ford. The Committee also received several statements, signed under penalty of felony, that support Judge Kavanaugh's explanation of terms in his high school yearbook.

Finally, prior to Day 5 of the hearing, the Committee staff conducted a transcribed telephone interview with Judge Kavanaugh regarding Dr. Ford's allegations. The Minority staff refused to attend.

Ramirez Allegations

In response to the allegations from Ms. Ramirez, the Committee contacted Ms. Ramirez's counsel 7 times seeking evidence to support the claims made in *The New Yorker*. Ms. Ramirez produced nothing in response. Ms. Ramirez's counsel refused the Committee's request for an interview. Committee staff nevertheless pursued the investigation. Staff interviewed 5 witnesses with relevant information. Committee staff also investigated the public statements of 3 other individuals and found they had no knowledge of the alleged event.

Prior to Day 5 of the hearing, Committee staff conducted a transcribed telephone interview with Judge Kavanaugh, subject to penalty of felony. He denied Ms. Ramirez's allegations. Minority staff attended the interview under protest and refused to participate.

Swetnick Allegations

In response to allegations by Ms. Swetnick, the Committee requested evidence on 6 occasions from her. Ms. Swetnick refused the Committee's request for an interview. Despite this obstruction, Committee staff attempted to pursue the investigation by interviewing 12 witnesses who claimed to have relevant information. Committee staff obtained two sworn statements from individuals with knowledge of Ms. Swetnick's character and allegations.

Prior to Day 5 of the hearing, Committee staff also interviewed Judge Kavanaugh on these allegations on two separate transcribed telephone interviews, subject to penalty of felony—both before (when Ms. Ramirez's allegations were also discussed) and after Ms. Swetnick was identified by name. Judge Kavanaugh denied Ms.

Swetnick's allegations, asserting that he does not even know Ms. Swetnick. Minority staff attended the interview under protest and refused to participate.

Anonymous Allegation from Colorado

In response to an anonymous allegation claiming Judge Kavanaugh pushed his girlfriend against a wall in a violent and sexual manner in 1998, Committee staff obtained a sworn statement from the woman dating Judge Kavanaugh at the time. She unequivocally denied that this incident ever took place.

Committee staff also questioned Judge Kavanaugh on these allegations during a transcribed telephone interview, subject to penalty of felony. Like his then-girlfriend, he denied that the incident ever took place. Minority staff attended but refused to participate in the interview.

Allegations by Others

The author of one allegation recanted in a public Tweet. The Committee referred the individual to the FBI for possible violations of 18 U.S.C. §§ 1001 (materially false statements) and 1505 (obstruction of congressional-committee proceedings). Committee staff questioned Judge Kavanaugh about the allegation during a transcribed telephone interview, subject to penalty of felony. He unequivocally denied the allegation. Minority staff attended but refused to participate in the interview.

A second allegation was completely anonymous. Committee staff questioned Judge Kavanaugh about the allegation during a transcribed telephone interview, subject to penalty of felony. He unequivocally denied the allegation. Minority staff attended but refused to participate in the interview. A woman has subsequently begun contacting Senate offices, claiming to be the author of the anonymous letter. Even though there are doubts about the authenticity of her claim, Committee staff is investigating.

Conclusion

The Committee's investigation, like the FBI supplemental background investigation, has found that **there is no corroboration of the allegations made against Judge Kavanaugh.**



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
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From: "Davis, Mike (Judiciary-Rep)" (b)(6)

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

Subject: SCOTUS -- Summary of Senate Judiciary Committee Investigation

Date: Fri, 5 Oct 2018 05:56:14 +0000

Importance: Normal

Attachments: Summary_of_SJC_Investigation_10.4.18_FINAL.pdf

Summary of Senate Judiciary Committee Investigation

(as of October 4, 2018)

The Senate Judiciary Committee has engaged in a thorough and robust investigation of allegations raised against Judge Kavanaugh.

- Throughout the last month, Committee staff members have collected statements, letters, and calls from individuals around the country.
 - The reports range from substantive allegations of sexual misconduct, to short messages to senators passing along internet rumors and theories.
- Committee staff continue to work tirelessly to pursue any and all substantive leads. In the course of the continuing investigation, staff members have spoken with 35 individuals, a task that requires extensive work during nights and weekends. More than 20 Committee staffers have contributed to the investigative efforts.
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- The Committee also received a statement, submitted under penalty of felony, from Dr. Ford's ex-boyfriend, who cast serious doubt on the credibility of some of Dr. Ford's testimony before the Committee.
 - Notably, he stated that he had not known her to have any fear of flying or related claustrophobia and that she had previously provided advice to someone on how to successfully take a polygraph, directly contradicting her hearing testimony.
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Thank you,
Mike Davis

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

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

Subject: SCOTUS -- Grassley Responds to Feinstein's Request to Delay Thursday's Hearing

Date: Tue, 25 Sep 2018 23:02:07 +0000

Importance: Normal

Inline-Images: image001.png

Good evening,

Senate Judiciary Committee Chairman Chuck Grassley [today replied](#) to Ranking Member Dianne Feinstein's [request](#) to delay Thursday's hearing. In a letter to Feinstein, Grassley said:

"I am not going to silence Dr. Ford after I promised and assured her that I would provide her a safe, comfortable, and dignified opportunity to testify.

"Both Dr. Ford and Judge Kavanaugh have, over the last week, requested the opportunity to testify to Congress regarding Dr. Ford's allegations. After protracted negotiations with Dr. Ford's attorneys, during which we postponed the hearing we had originally scheduled, Dr. Ford's attorneys agreed to a hearing this Thursday. There is no reason to delay the hearing any further.

"Besides being unfair to Dr. Ford, whose attorneys asked for a public hearing one week ago, delaying the hearing further would be unfair to Judge Kavanaugh and his family. He has asked the Committee repeatedly for the chance to testify as soon as possible. He has categorically denied the allegations that have been made public. He did this in a transcribed interview with several Senate investigators, under penalty of up to five years' imprisonment for lying. We can no longer stand in the way of him presenting his testimony before the Committee."

Best,
Taylor

Taylor Foy | *Communications Director*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

(b)(6) | [Get The SCOOP](#)

Thank you,
Mike Davis

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

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

Subject: SCOTUS/CLOTURE/FBI

Date: Thu, 4 Oct 2018 01:57:35 +0000

Importance: Normal

From: Stewart, Don (McConnell)

Sent: Wednesday, October 03, 2018 9:57 PM

Subject: SCOTUS/CLOTURE/FBI

All,

Senate Majority Leader Mitch McConnell just filed cloture on the nomination of Judge Kavanaugh, setting up a cloture vote for Friday. As the Leader said: "This evening, the Senate will receive the results of the FBI's supplemental background investigation of Judge Brett Kavanaugh."

All Senators will be able to review the report over the next couple days.

Here are the Leader's floor remarks from a few minutes ago:

"This evening, the Senate will receive the results of the FBI's supplemental background investigation of Judge Brett Kavanaugh. This is now the seventh time the FBI has looked into Judge Kavanaugh's background. And this information comes on top of what has already been one of the most thorough, most exhaustive Senate reviews of any Supreme Court nominee in our nation's history.

"Five days of public hearings. Sixty-five private meetings with Senators. More than 1,200 responses to written questions from members. More than 500,000 pages of documents for review -- the most produced for any Supreme Court nomination in history. And the 300-plus opinions Judge Kavanaugh has issued during his 12 years on the D.C. Circuit.

"And now, Senators will have the evidence collected by this additional background investigation for their consideration as well. Members will have the opportunity to review the investigators' records. And, as is the standard procedure, designated Judiciary Committee staff members with the required clearances will be authorized to brief members.

"There will be plenty of time for Members to review and be briefed on this supplemental material before a Friday cloture vote. So I am filing cloture on Judge Kavanaugh's nomination this evening so the process can move forward, as I indicated earlier this week."

###

Thank you,
Mike Davis

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

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

Subject: SCOTUS -- Sanders Letter to Grassley -- Kavanaugh FBI Investigation

Date: Sun, 30 Sep 2018 01:45:11 +0000

Importance: Normal

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 20510

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-----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

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

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

Subject: SCOTUS: McConnell: Senate Democrats Continue to Move Goalposts on Judge Kavanaugh's Nomination

Date: Tue, 2 Oct 2018 15:56:10 +0000

Importance: Normal

Inline-Images: image001.jpg



MITCH McCONNELL
SENATE MAJORITY LEADER
U.S. SENATOR for KENTUCKY

For Immediate Release, Tuesday, October 2, 2018

Contacts: Don Stewart, David Popp
Robert Steurer, Stephanie Penn
Release: <http://bit.ly/2QnUfKW>
YouTube: <https://bit.ly/2xVZris>

Senate Democrats Continue to Move Goalposts on Judge Kavanaugh's Nomination

'So I'm confident we'll hear that even the very same supplemental FBI investigation Democrats had so loudly demanded is now, magically, no longer sufficient. Well, after the FBI shares what they've found, Senators will have the opportunity to vote. We'll have the opportunity to vote "no" on the politics of personal destruction. We'll have the opportunity to vote "yes" on this fine nominee.'

WASHINGTON, D.C. – U.S. Senate Majority Leader Mitch McConnell (R-KY) delivered the following remarks today on the Senate floor regarding the president's nominee for the Supreme Court, Judge Brett Kavanaugh:

"Yesterday, I said that if we stop and listen, we can practically hear the Democrats trying to move the goalposts on Judge Kavanaugh's nomination to the Supreme Court. Remember, before Judge Kavanaugh was even named, several Democrats on the Judiciary Committee indicated they'd oppose whomever the nominee might turn out to be.

"The junior Senator from California, for example, explained on television that whoever President Trump chose would bring about -- quote -- 'the destruction of the Constitution of the United States, as far as I can tell.' Of course, mere hours after Judge Kavanaugh was announced, my friend the Democratic Leader made the announcement that has now become famous: 'I will oppose him with everything I've got.'

"And not long after that, another Democrat on the Judiciary Committee proclaimed that anyone supporting Judge Kavanaugh's confirmation was -- quote -- 'complicit in the evil.' These statements are the context for every action the Democrats have taken during this process. These statements remind us: Democrats may be trying to move the goalposts every five minutes -- but their goal has not moved an inch. They will not be satisfied unless they have brought down Judge Kavanaugh's nomination.

"It started with straightforward political maneuvering. None of it worked, of course. But -- whatever excuses they could find to delay, delay, delay. First, back in June, Democrats tried to argue the Senate shouldn't confirm a Supreme Court justice in any even-numbered year. Then they were reminded that Justices Kagan, Breyer, and Souter were all confirmed during midterm election years. And that argument evaporated.

"Next, Democrats said the process should be delayed because too few documents were available from Judge Kavanaugh's past public service. Well, then they received the most pages of documents ever produced for a Supreme Court nomination. Guess what came next? The goalposts moved down the field and the Democrats called for delay because there were too many documents for them to read. I wish this fight could have remained in the realm of normalcy. But when none of these tactics worked -- when Judge Kavanaugh demonstrated his widely-acknowledged brilliance, open-mindedness, and collegiality at his confirmation hearings -- some chose a darker road. The politics of personal destruction were willfully unleashed.

"I've spoken at length about the underhanded way Senate Democrats have treated Dr. Christine Blasey Ford and her allegation. In brief: For six weeks, Dr. Ford's confidential account passed from a Democratic member of Congress, to the Democrat side of the Judiciary Committee, to the Washington D.C. lawyers that Senate Democrats handpicked for her. Then, well after Judge Kavanaugh's hearings had wrapped up, the supposedly confidential letter found its way into the press.

"Shoving aside proper procedure. Shoving aside an accuser's plea for privacy. This is not politics as usual. Because -- let us not forget -- Dr. Ford's allegation is not the only uncorroborated allegation that has been breathlessly paraded around. Oh no. Shortly after Dr. Ford's confidential letter made its way into the press, the floodgates of mud and muck opened entirely on Brett Kavanaugh and his family. Out of the woodwork came one uncorroborated allegation after another, each seemingly more outlandish than the last.

"A tabloid lawyer organized a red-carpet rollout for someone who wanted to accuse Judge Kavanaugh of masterminding some kind of high-school drug and serial sexual assault ring -- hosting one wild party after another, filled with sexual violence, for which there conveniently happen to be zero witnesses, but plenty of people who refute the claims. This didn't stay in the tabloids, by the way. This fantastic story was effectively read into the record of the Judiciary Committee by the Ranking Member, who decided it deserved a mention in her remarks during last Thursday's hearing.

"And every Democrat member of the Judiciary Committee seized on this outlandish tale in a formal letter in which they called on Judge Kavanaugh to withdraw his name from consideration. This is how desperate some became for any way to stop this stunningly qualified nominee. I guess upholding any standards, of any kind, was just too much to ask.

"We heard another anonymous, unattributed and now thoroughly debunked account -- this time an anonymous accusation from Colorado alleging physical abuse twenty years ago. A sitting federal district court judge quickly stepped up to bat down this anonymous smear. We heard that Judge Kavanaugh was supposedly responsible for a sexual assault on a boat in Newport, Rhode Island... until that accuser recanted the story completely. But not before many in the media had begun eating it up.

"In short, Democrats' mishandling of Dr. Ford's letter opened the floodgates for this deluge of uncorroborated, unbelievable mud. And the mudslide was cheered on, and capitalized on, at every turn, by the far left that has been so eager to stop this nomination. Just politics? I don't think so.

"And on the other extreme, some of the other lines of attack have been completely trivial. Last night, the New York Times unleashed this 'major' story. Get this -- Judge Kavanaugh may have been accused of throwing some ice -- ice -- across a college bar back in the mid-1980s. Talk about a bombshell. One can only imagine what new bombshell might be published today, or tomorrow. But we know one thing for certain: The Senate will vote on Judge Kavanaugh, here on the floor, this week. Our Democratic friends will try to move the goalposts yet again. Just yesterday, they submitted a list of twenty-four people whom they wanted the FBI to interview.

"So I'm confident we'll hear that even the very same supplemental FBI investigation Democrats had so loudly demanded is now, magically, no longer sufficient. Well, after the FBI shares what they've found, Senators will have the opportunity to vote. We'll have the opportunity to vote 'no' on the politics of personal destruction. We'll have the opportunity to vote 'yes' on this fine nominee."

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

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

Subject: SCOTUS -- Judiciary Committee Continues Effort to Accommodate Testimony from Dr. Ford Next Week

Date: Fri, 21 Sep 2018 22:34:36 +0000

Importance: Normal

Inline-Images: image009.png; image010.png; image011.png; image012.png



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

FOR IMMEDIATE RELEASE

Friday, September 21, 2018

Judiciary Committee Continues Effort to Accommodate Testimony from Dr. Ford Next Week

WASHINGTON – The Senate Judiciary Committee earlier today offered to move next week’s hearing to receive testimony from Dr. Christine Blasey Ford and Judge Brett Kavanaugh to Wednesday, in order to accommodate one of several requests made by Ford’s legal team. The Committee also offered to accommodate certain other terms while respecting fairness, due process and the senators’ ability to fulfill their constitutional duties.

Chairman Grassley issued the following statement:

“Despite the fact that the July 30th letter remains hidden, my committee has been investigating the allegations and has heard from multiple witnesses since Sunday. Ms. Katz has discussed Dr. Ford’s allegations in numerous media interviews and said on TV Monday morning that Dr. Ford wants to share her account with the Senate Judiciary Committee. It’s Friday night and nothing’s been agreed to despite our extensive efforts to make testimony possible,” Grassley said. “I’m extending the deadline for response yet again to 10 o’clock this evening. I’m providing a notice of a vote to occur Monday in the event that Dr. Ford’s attorneys don’t respond or Dr. Ford decides not to testify. In the event that we can come to a reasonable resolution as I’ve been seeking all week, then I will postpone the committee vote to accommodate her testimony. We cannot continue to delay.”

The chairman issued a notice of a committee executive business meeting, at which the committee can vote on the nomination of Judge Brett M. Kavanaugh to be an Associate Justice on the Supreme Court of the United States. The official notice can be found below.

In addition to the delayed hearing date, the committee has also agreed to certain hearing logistics requests and to assist in coordinating security for the hearing. The Committee did not agree to a number of demands regarding witness numbers and speaking orders, as the committee does not accept witness or subpoena requests from other witnesses as a condition of testimony. As a fundamental matter of fairness and due process,

Dr. Ford would provide her testimony containing the allegations and Judge Kavanaugh would be able to respond. The Committee also will determine who will conduct the questioning.

“Consistent with our sincere desire to hear Dr. Ford’s testimony in her preferred setting—while, at the same time, respecting fundamental notions of due process and Committee practice—we are willing to meet you halfway,” a proposal from Committee staff said.

“This Committee has been extremely accommodating to your client. We want to hear Dr. Ford’s testimony and are prepared to accommodate many of your demands, including further delaying a hearing that is currently scheduled for Monday. We are unwilling to accommodate your unreasonable demands. Outside counsel may not dictate the terms under which Committee business will be conducted.”

Full text of the proposal from earlier today follows:

Dear Ms. Katz and Ms. Banks:

I am writing in response to your conditions under which your client, Dr. Christine Blasey Ford, is willing to testify as to her allegations of sexual assault by Judge Brett Kavanaugh while the two individuals were in high school more than 35 years ago. On behalf of Chairman Chuck Grassley, I want to reiterate that the Senate Judiciary Committee considers these serious allegations and wants to honor Dr. Ford’s request to testify. We are committed to providing a secure and respectful setting for her testimony. The Chairman fully agrees with Dr. Ford that we cannot have another “media circus.” The Chairman has offered the ability for Dr. Ford to testify in an open session, a closed session, a public staff interview, and a private staff interview. The Chairman is even willing to fly female staff investigators to meet Dr. Ford and you in California, or anywhere else, to obtain Dr. Ford’s testimony.

Sometime before last Sunday, September 16, your client described her allegations to a reporter for the Washington Post, which published the allegations that Sunday. This was the first time that the Chairman or his staff learned of Dr. Ford’s identity. Dr. Ford had made these allegations privately to her elected representatives, including Senator Feinstein, who was aware of these allegations since July. Neither Senator Feinstein nor her staff asked Judge Kavanaugh about these allegations despite having numerous opportunities to do so, including in a closed-door meeting between the senator and the nominee, during confidential phone calls with Judge Kavanaugh regarding his background, during three days and more than 32 hours of testimony at his public confirmation hearing two weeks ago, during a closed session of that hearing when sensitive information could be discussed—which Senator Feinstein did not attend—or when senators issued Judge Kavanaugh nearly 1,300 written questions after his confirmation hearing, more written questions submitted than were submitted to all previous Supreme Court nominees combined. Senator Feinstein also could have referred these allegations anonymously and confidentially to the FBI when she was made aware of them. That would have protected her anonymity, as Dr. Ford requested.

These actions were profoundly unfair to both parties. Judge Kavanaugh has unequivocally denied Dr. Ford’s allegations. He should have been given the opportunity to say so directly to Senator Feinstein had he been made aware of serious allegations against him. And 64 other senators met with Judge Kavanaugh before his hearing. If Senator Feinstein had made them aware of these serious allegations, those senators could have also questioned Judge Kavanaugh. Dr. Ford requested that her allegations remain confidential. Instead, this confidential information leaked due to the actions of Democratic offices on the Judiciary Committee, and the allegations are now in the public arena, contrary to Dr. Ford’s wishes. The media circus and eleventh-hour intrigue could have been avoided if my colleagues and their staff treated these allegations seriously and responsibly. I’m afraid their actions have undermined the dignity of these proceedings.

Chairman Grassley, when he became aware of Dr. Ford's allegations last Sunday, instructed his staff to begin an immediate investigation. The next day, Ms. Katz went on morning shows asking that the Committee hold a public hearing so that Dr. Ford may offer her testimony. The Committee immediately honored that request, scheduling a hearing for one week later. Chairman Grassley informed you that the hearing could be public or private and that Dr. Ford could also choose to have a public or private staff interview with Democratic and Republican staff.

The next day, you withdrew your request for a hearing until the FBI conducted an investigation. The FBI, however, issued a statement that it considered the matter closed. The Senate does not have the authority to direct an Executive Branch department to conduct further investigation. Moreover, the Senate has a constitutional obligation to conduct its own investigations. Chairman Grassley's staff has tried to work with Democratic staff to conduct an investigation, but they have so far refused to participate. On Monday, September 17, Chairman Grassley's staff interviewed Judge Kavanaugh under penalty of felony. Democratic staff was invited to participate, and they could have asked any question they wanted to, but they declined. Judge Kavanaugh was forthright and emphatic in his testimony. He fully answered all questions. Chairman Grassley's staff also contacted three alleged witnesses named by Dr. Ford and obtained two statements under penalty of perjury. These witnesses directly contradict Professor Ford's allegations against Judge Kavanaugh.

Yesterday, you issued ten demands to us regarding the conditions under which Dr. Ford is willing to testify. Consistent with our sincere desire to hear Dr. Ford's testimony in her preferred setting—while, at the same time, respecting fundamental notions of due process and Committee practice—we are willing to meet you halfway. You demanded that we not hold the hearing on Monday because Dr. Ford needs time to prepare her testimony. Because Dr. Ford's testimony will concern only her personal knowledge of events, events which she already described to the Washington Post, holding a hearing more than one week after she aired these allegations is more than reasonable. We will nevertheless reschedule the hearing for later in the week, as you requested. The Committee will take Dr. Ford's and Judge Kavanaugh's testimony on Wednesday, September 26.

We deplore that Dr. Ford has faced serious threats and harassment over the past week, and we will make every effort to guarantee her safety. At the same time, Judge Kavanaugh and his family, including his two young daughters, have also faced serious death threats and vicious assaults as a result of these allegations. And they're getting worse each day. Judge Kavanaugh unequivocally and categorically denied these allegations. He was willing to testify last week after the allegations were made publicly, and he already accepted our invitation to testify on Monday. It is not fair to him or to his family to allow this situation to continue without a resolution and without an opportunity for him to clear his name. Holding the hearing on Wednesday honors your request for a later hearing date while recognizing that Judge Kavanaugh is entitled to due process. It is the fairest option for both parties.

We also accept some of your other demands. You demanded that Judge Kavanaugh not be in the hearing room during Dr. Ford's testimony. We have no objection to that.

You demanded that only one camera be permitted in the hearing room and that there be limited press access. We have no objection to that.

You demanded that the number of rounds and minutes per round of questions be equal for all senators. We have no objection to that.

You demanded that Dr. Ford be given adequate breaks during her testimony. We of course have no objection to that.

You also expressed concerns about Dr. Ford's safety and that the Senate provide adequate security. This, of course, we will do. The Capitol Police offers more than adequate security. The Senate hosts the President, Vice President, Cabinet secretaries, heads of state, and other prominent public figures all the time with the necessary precautions.

Some of your other demands, however, are unreasonable and we are unable to accommodate them. You demanded that Judge Kavanaugh be the first person to testify. Accommodating this demand would be an affront to fundamental notions of due process. In the United States, an individual accused of a crime is entitled to a presumption of innocence. And, further, the accused has the right to respond to allegations that are made about him. Judge Kavanaugh cannot be expected to respond to allegations that have been made to the press. He is entitled to hear the full, detailed testimony of Dr. Ford before he testifies. You have indicated that Dr. Ford has allegations that she would like to make in public and under oath. She will have the opportunity to do so before we give Judge Kavanaugh the opportunity to respond.

You also demanded that only senators be permitted to ask questions of the witnesses. We are also unable to accommodate this demand. There is no rule of the Senate or the Committee that precludes staff attorneys from asking witnesses questions. We reserve the option to have female staff attorneys, who are sensitive to the particulars of Dr. Ford's allegations and are experienced investigators, question both witnesses. We believe this will allow for informed questioning, will generate the most insightful testimony, and will help de-politicize the hearing.

You demanded that the Committee issue subpoenas for the testimony of Mark Judge and other unidentified witnesses. The Committee is unable to accommodate this demand. The Committee does not take subpoena requests from witnesses as a condition of their testimony. You went on television earlier this week and said Dr. Ford wants the chance to tell her story in public and under oath. This is the opportunity we have given her. We don't need to subpoena additional witnesses to do that.

You demanded that the Committee call additional witnesses that Dr. Ford requests. We are unable to accommodate this demand. The Committee does not take witness requests from other witnesses. Mark Judge and one other alleged witness to the events Dr. Ford has described have already denied the allegations under penalty of felony to the Committee. We can obtain additional testimony through staff interviews, obtaining statements, or other means that are subject to penalties of felony, if necessary.

This Committee has been extremely accommodating to your client. We want to hear Dr. Ford's testimony and are prepared to accommodate many of your demands, including further delaying a hearing that is currently scheduled for Monday. We are unwilling to accommodate your unreasonable demands. Outside counsel may not dictate the terms under which Committee business will be conducted.

Please respond by 5:00 pm to accept the invitation for Dr. Ford to testify on Wednesday according to the terms outlined above. We will have to issue various Committee notices soon after, so timeliness is extremely important.

The notice for committee executive business meeting on Monday, September 24 follows.

September 21, 2018

NOTICE OF COMMITTEE EXECUTIVE BUSINESS MEETING

An Executive Business Meeting has been scheduled by the Committee on the Judiciary for Monday, September 24, 2018 at 10:00 a.m., in Room 226 of the Dirksen Senate Office Building.

By order of the Chairman.

AGENDA
Senate Committee on the Judiciary
Dirksen Senate Office Building, Room 226
Monday, September 24, 2018 at 10:00 a.m.

I. Nominees

Brett M. Kavanaugh, to be an Associate Justice of the Supreme Court of the United States

Jonathan A. Kobes, to be United States Circuit Judge for the Eighth Circuit

Kenneth D. Bell, to be United States District Judge for the Western District of North Carolina

Stephanie A. Gallagher, to be United States District Judge for the District of Maryland

Mary S. McElroy, to be United States District Judge for the District of Rhode Island

Carl J. Nichols, to be United States District Judge for the District of Columbia

John M. O'Connor, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma

Martha Maria Pacold, to be United States District Judge for the Northern District of Illinois

Mary M. Rowland, to be United States District Judge for the Northern District of Illinois

Steven C. Seeger, to be United States District Judge for the Northern District of Illinois

II. Bills

S.2785, DETER Act (Durbin, Graham)

S. 3178, Justice for Victims of Lynching Act of 2018 (Harris, Scott, Feinstein, Leahy, Durbin, Whitehouse, Klobuchar, Coons, Blumenthal, Hirono, Booker)

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

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

Subject: SCOTUS: Logistics and Timing for Tomorrow's Hearing

Date: Wed, 26 Sep 2018 22:49:31 +0000

Importance: Normal

Inline-Images: image001.png



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

Continuation of the Hearing to consider Judge Brett M. Kavanaugh to serve as Associate Justice of the Supreme Court of the United States

Opening:

- The Chairman will gavel the hearing open at **10 a.m. ET**.
- The Chairman and Ranking Member will give opening statements, for which there will be no time limitation.
- Dr. Ford will be sworn, and have the opportunity to give an opening statement, for which there will be no time limitation.
- After Dr. Ford answers questions, Judge Kavanaugh will be sworn. He will then give an opening statement, for which there will be no time limit.

Questions:

- Each senator will have one 5-minute round of questions for each witness.
 - This is pursuant to a request from Dr. Ford.
- If any senator prefers, another committee member or staff counsel can ask questions on behalf of that senator.
- Questioning time will alternate between the Republican and Democrat committee members.
- If a senator yields time to staff counsel, counsel will ask questions in the five minute blocks allotted to the senator yielding time.
- The format for questioning of both witnesses, Dr. Ford and Judge Kavanaugh, will be the same.

Duration:

- There is no estimated total duration for tomorrow's hearing. It depends on a number of factors:
 - Length of the Chairman and Ranking Member's opening statements
 - Length of Dr. Ford's opening statement
 - Length of Judge Kavanaugh's opening statement
 - Breaks—which will be taken upon request of each witness

The hearing will be livestreamed [HERE](#).

As for news media access, Dr. Ford—through her legal team—requested limited access. The request included pool coverage, sought specific organizations to conduct the pool coverage, and other limitations. The chairman and his press team do not and will not pre-select reporters. Last night, the chairman’s press team also relayed the following note via committee counsels to Dr. Ford’s legal team:

As a general matter, press access to Judiciary Committee hearings is limited only by the press seats in the room and photographer space in the well between the dais and the witness table. We do not select which reporters or outlets are able to cover hearings, and have been advising members of the media to reserve spots through their correspondence gallery, which is helping to coordinate press operations. Here’s some additional information regarding video, print and still photographer access:

Video

The room already has 3 robocameras built in for the purposes of streaming the hearing online. This feed cannot be used to pool for media outlets. Typically, CSPAN sets up three cameras in the room to serve as the TV pool feed. One of those cameras is manually operated at the back of the room; the other two are robocams: one in the well and one against the wall beside the witness table for witness profile shots. For this hearing, CSPAN has asked for a fourth camera. That equals seven total video cameras. For context, during the first four days of Judge Kavanaugh’s hearing, the room had a minimum of 28 video cameras in it.

Still photographers

Because the hearing will occur in the Judiciary Committee hearing room rather than the larger hearing room that was used for the first four days of Judge Kavanaugh’s hearing, the space for still photographers will naturally be limited. The minimum pool is typically 7 still photographers. Generally, we allow photographers to cycle in and out of the well during the hearing to ensure greater access. For this hearing we’d like to do that as well, but we are happy to limit the well to seven still photographers at a time. We would also like to set up stationary remote camera trees in the well, which we typically do upon request. This allows for greater access while limiting the number of people in the well. Please let us know if you have any objection to that. Typically, photographers are allowed to move about the well so long as they stay below the lip of the dais. However, for this hearing, the Senate Photographers Gallery will instruct photographers to remain with their backs to the dais at all times and refrain from approaching the witness table before and during the hearing. As a general practice, the official Senate photographer is also in attendance, though those photos are not used by news media and are not part of the pool. So the number of photographers in the well will be limited to eight people at any given time and their proximity to the witness will also be limited. The committee does not pick and choose specific photographers for hearings, but we are happy to request that the wire services you mentioned have an opportunity to attend. For context, there were roughly 50 still photographers in the room for Judge Kavanaugh’s swearing in on September 4, not including remote-operated cameras.

Print/Wire reporters

Print reporters will be limited to 48 available press seats. For context, during the first days of Judge Kavanaugh’s hearing print reporters had 156 seats. The committee does not pick and choose which reporters who cover hearings, but we are happy to request that the specific wire services you mentioned have an opportunity to attend.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
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From: "Davis, Mike (Judiciary-Rep)" (b)(6)

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

Subject: SCOTUS: Grassley Statement at Continuation of the Hearing to Consider Judge Brett M. Kavanaugh

Date: Fri, 28 Sep 2018 04:52:45 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee**

**Continuation of the Hearing to Consider Judge Brett M. Kavanaugh to serve as an Associate Justice on the
Supreme Court of the United States
September 27, 2018**

This morning, we continue our hearing on the nomination of Judge Brett Kavanaugh to serve as an Associate Justice on the Supreme Court of the United States. We will hear from two witnesses, Dr. Christine Blasey Ford and Judge Kavanaugh. I'd like to thank Dr. Ford and Judge Kavanaugh for accepting the Committee's invitation to testify today.

I understand that both Dr. Ford and Judge Kavanaugh have been through a terrible past few weeks. They and their families have received vile threats. What they have endured is unacceptable and a poor reflection on the state of our politics. So I want to apologize to you both for the way you've been treated. I intend to make today's hearing safe, comfortable, and dignified. I hope my colleagues will join me.

With that said, I lament the way this hearing has come about. 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 sixth full-field background investigation of Judge Kavanaugh since 1993 – 25 years ago. Nowhere in any of these six 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 me, our colleagues, or my staff. These allegations could've 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 four-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 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, we did not know about the Ranking Member’s secret evidence.

Only at the eleventh hour, on the eve of Judge Kavanaugh’s committee 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 I received Dr. Ford’s letter on September 13, my staff and I recognized the seriousness of these allegations and immediately began our 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, my 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 they wanted to—but they declined. Which leads me to wonder, if they’re really concerned with getting to the truth, why wouldn’t you want to talk to the accused? This is what the Committee always does when we receive any allegations of wrong-doing.

My staff reached out to 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.

My 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. I nevertheless honored her request for a public hearing, so Dr. Ford today has the opportunity to present her allegations under oath.

As you can see, the Judiciary Committee was able to conduct a thorough investigation into the allegations. Some of my colleagues—consistent with their stated desires to obstruct the Kavanaugh nomination by any means necessary—pushed for an FBI investigation into the allegations. But I have no authority to force an Executive Branch agency to conduct an investigation into a matter it considers to be closed. Moreover, once the allegations became public, it was easy to identify all the alleged witnesses and conduct our own investigation. Contrary to what the public has been led to believe, the FBI doesn’t perform any credibility assessment or verify the truth of any event in these background investigations.

I’ll quote then-Chairman Joe Biden during Justice Thomas’s confirmation hearing:

“The next person who refers to an FBI report as being worth anything obviously doesn’t understand anything. The FBI explicitly does not in this or any other case reach a conclusion. Period. . . . They say he said, she said, and they said, period. So when people wave an FBI report before you, understand they do not, they do not, they do not reach conclusions. They do not make . . . recommendations.”

The FBI provided us with the allegations. Now it's up to the Senate to assess their credibility. Which brings us to today.

I look forward to a fair and respectful hearing. Some of my colleagues have complained about the fact that an expert on this side in investigating sex crimes will be questioning the witnesses. I see no basis for the complaint other than base politics. The testimony we will hear today concerns allegations of sexual assault. This is an incredibly complex and sensitive subject to discuss. That is why the senators on this side of the dais believe an expert who has deep experience and training in interviewing victims of sexual assault and investigating sexual assault allegations should be asking questions. This will be a stark contrast to the grandstanding and chaos we saw from the other side earlier in this hearing process.

I can think of no one better equipped to question the witnesses than Rachel Mitchell. Ms. Mitchell is a career prosecutor and civil servant with decades of experience investigating and prosecuting sex crimes. She has dedicated her career to seeking justice for survivors of sex-related felonies. Most recently, Rachel was the Division Chief of the Special Victims Division in the Maricopa County Attorney's Office, which prosecutes sex crimes and family violence. Governor Janet Napolitano previously recognized her as the Outstanding Arizona Sexual Assault Prosecutor of the Year. And she has spent years instructing prosecutors, detectives and child-protection workers on how to properly interview victims of sexual assault and abuse. With her aid, I look forward to a fair and productive hearing.

I understand that there are two other public allegations. Today's hearing was scheduled in close consultation with Dr. Ford's attorneys, and her testimony will be the subject of this hearing. We have been trying to investigate these allegations. At this time, we have not had cooperation from attorneys representing other clients, and they have made no attempt to substantiate their claims. My staff has tried to secure testimony and evidence from attorneys for both Deborah Ramirez and Julie Swetnick. My staff made eight requests for evidence from attorneys for both Deborah Ramirez and Julie Swetnick. My staff made eight requests for evidence from attorneys for Ms. Ramirez and six requests for evidence from the attorney for Ms. Swetnick. Neither attorney has made their clients available for an interview. The Committee can't do an investigation if attorneys are stonewalling.

Additionally, all of the witnesses should know that they have a right, under Senate Rule 26.5, to ask that the committee go into closed session, if a question requires an answer that is a clear invasion of their right to privacy." If either Dr. Ford or Judge Kavanaugh feel that Senate Rule 26.5 ought to be invoked, they should simply say so.

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
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From: "Davis, Mike (Judiciary-Rep)" (b)(6)

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

Subject: SCOTUS -- Dr. Blasey Ford, Kavanaugh to Testify Thursday

Date: Sun, 23 Sep 2018 19:23:16 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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

FOR IMMEDIATE RELEASE

Sunday, September 23, 2018

Dr. Blasey Ford, Kavanaugh to Testify Thursday

WASHINGTON – The Senate Judiciary Committee will hear the testimony of Dr. Christine Blasey Ford on Thursday, September 27. This will occur as a continuation of the hearing to consider the nomination of Judge Brett M. Kavanaugh to serve as an Associate Justice of the Supreme Court of the United States. Following Dr. Ford's testimony, Judge Kavanaugh will appear again before the committee.

Chairman Grassley has also postponed the committee's vote on Judge Kavanaugh's nomination previously scheduled for Monday.

This morning, following a phone call between the chairman's staff, the ranking member's staff and the attorneys for Dr. Ford, the chairman's counsel sent a note to all parties finalizing the agreement to testify. It reads in part:

Mr. Bromwich, Ms. Katz, Ms. Banks, Mr. Abboud, and Ms. Barkoff:

Thank you for the call. We are pleased that you accepted the Chairman's invitation for Dr. Ford to testify on Thursday, 9/27/2018 at 10 am in an open hearing in Dirksen 226, in accordance with the parameters that we outlined in our emails below.

The Chairman asked me to relay again that he will do everything in his power to provide a safe, comfortable, and dignified forum for Dr. Ford to testify. I have noted the issues that you raised on the call. But again, as with any witness who comes before the Senate, the Senate Judiciary Committee cannot hand over its constitutional duties to attorneys for outside witnesses. The Committee determines which witnesses to call, how many witnesses to call, in what order to call them, and who will question them. These are non-negotiable.

...

As noted in the note above, the parameters outlined consist of those [the Chairman's office proposed on Friday](#), save for the adjusted date. The updated hearing notice follows:

September 23, 2018

RESCHEDULED NOTICE OF COMMITTEE HEARING CONTINUATION

The Senate Committee on the Judiciary hearing on the nomination of the Honorable Brett M. Kavanaugh to be an Associate Justice of the Supreme Court of the United States **will continue on Thursday, September 27, 2018 at 10:00 a.m.** in Room 226 of the Dirksen Senate Office Building.

By order of the Chairman.

-30-



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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Washington, DC 20510

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

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

Subject: SCOTUS: Grassley Again Requests Evidence from Attorneys for Dr. Ford

Date: Wed, 3 Oct 2018 21:29:54 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png

NOTE: Dr. Ford's attorneys' response to the below letter can be found [here](#). Chairman Grassley released the following statement regarding Dr. Ford's attorneys' response.

"The Constitution tasks the Senate, not the media or the FBI, with providing advice and consent for Supreme Court nominees. It's disappointing that Dr. Ford's attorneys were willing to share evidence with The Washington Post many weeks ago but to this day refuse to share the same evidence, which Dr. Ford relied on in her testimony, with the Senate," Grassley said.

Grassley [released a statement](#) yesterday regarding the supplemental FBI background investigation in which he expressed confidence that the FBI will not succumb to public political pressure telling the agency how to do its job.



FOR IMMEDIATE RELEASE

Wednesday, October 3, 2018

Grassley Again Requests Evidence from Attorneys for Dr. Ford

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley last night renewed his requests for evidence in a letter to attorneys representing Dr. Christine Blasey Ford. Notably, *The Washington Post* reported that it viewed evidence cited by Ford that has not been turned over to the committee.

"[Dr. Ford's] testimony hinges on evidence to which Dr. Ford has repeatedly referred—some of which has already been provided to a nationally circulated newspaper—but which you have refused to provide to the Senate. If it is necessary to protect certain records from public disclosure, then I'm happy to discuss how to achieve that goal," Grassley wrote.

Specifically, Grassley again requests therapist notes which have been cited as corroboration for Dr. Ford's allegations, the complete set of polygraph records, including charts and recording, along with the full set of materials relevant to Dr. Ford's allegations that have been provided to news media organizations.

Full text of Grassley's letter follows or can be found [here](#).

October 2, 2018

DELIVERED VIA EMAIL

Ms. Debra S. Katz
Ms. Lisa J. Banks
Mr. Joseph E. Abboud
Katz, Marshall & Banks, LLP
1718 Connecticut Avenue NW
Washington, D.C. 20009

Dear Ms. Katz., Ms. Banks, Mr. Abboud, and Mr. Bromwich:

I write to renew my requests for material evidence relevant to allegations of sexual assault made by your client, Dr. Christine Blasey Ford, against Judge Brett Kavanaugh. During the hearing last week, Senator Kamala Harris argued that it was only fair for senators on the Committee to see the evidence that the witness was being asked to address. The same principle applies to this request. Your continued withholding of material evidence despite multiple requests is unacceptable as the Senate exercises its constitutional responsibility of advice and consent for a judicial nomination. I urge you to comply promptly with my requests.

First, I renew my request for the notes from therapy sessions in which Dr. Ford discussed the alleged assault by Judge Kavanaugh. *The Washington Post* reported that some notes were provided to *The Post*, and Dr. Ford's testimony indicated that these notes were highly relevant to her allegations. These notes have been repeatedly cited as corroboration even while written 30 years after the alleged event and in apparent contradiction with testimony and other public statements regarding several key details of the allegations, including when the alleged attack occurred, how many individuals were present in the bedroom in which the attack was alleged to have occurred, and how many individuals attended the party.

Your previous response to this request—that "[t]hese records contain private, highly sensitive information that is not necessary for the Committee to assess the credibility of [Dr. Ford's] testimony"—is not justified, based on the fact that this material has been presented as a key component supporting allegations made by your client, including the presentation made to *The Washington Post*.

Second, I renew my request for copies of all audio or video recordings produced during the course of Mr. Hanafin's polygraph examination of Dr. Ford, as well as all polygraph charts and other data that Mr. Hanafin relied upon in preparing his report. I made these requests both before and during the hearing, but I have yet to receive them. Dr. Ford cited the results of this polygraph examination to support her allegations. It's unfair to rely on the results of a polygraph examination while withholding the materials necessary to assess the accuracy of the results.

The full details of Dr. Ford's polygraph are particularly important because the Senate Judiciary Committee has received a sworn statement from a longtime boyfriend of Dr. Ford's, stating that he personally witnessed Dr. Ford coaching a friend on polygraph examinations. When asked under oath in the hearing whether she'd ever given any tips or advice to someone who was planning on taking a polygraph, Dr. Ford replied, "Never." This statement raises specific concerns about the reliability of her polygraph examination results. The Senate therefore needs this information.

Third, I renew my request for copies of any and all written, audiovisual, or electronic materials relating to the allegations raised by Dr. Ford against Judge Kavanaugh that Dr. Ford or her representative previously provided to any reporter or anyone else at a media organization. On the eve of our Thursday, September 27 hearing, you provided a single screenshot of Dr. Ford's WhatsApp correspondence with *The Washington Post* tip line. But Dr.

Ford testified the next day that she had continued her conversation, "under the encrypted app," with a reporter. Your failure to provide the entirety of Dr. Ford's correspondence with *The Post* again suggests a lack of candor.

That the Senate is not a court of law does not change the reality that Dr. Ford's allegations have put Judge Kavanaugh on trial before the nation. A sitting federal judge and Supreme Court nominee has been accused of committing a violent crime. Dr. Ford, to her credit, offered her testimony to the Judiciary Committee, notwithstanding attempts at obstruction by her attorneys and Senate Democratic leadership. The testimony hinges on evidence to which Dr. Ford has repeatedly referred—some of which has already been provided to a nationally circulated newspaper—but which you have refused to provide to the Senate.

If it is necessary to protect certain records from public disclosure, then I'm happy to discuss how to achieve that goal. And I can certainly understand, in light of Democrats' betrayal of Dr. Ford's desire for confidentiality, that she may hesitate to trust such an arrangement. Still, these records are central to the credibility of Dr. Ford's allegations and must be produced.

Please provide the requested materials to the Senate Judiciary Committee immediately.

Sincerely,

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
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From: "Davis, Mike (Judiciary-Rep)" (b)(6)

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

Subject: SCOTUS: Ford 'Wasn't Clear' Committee Offered California Interview in lieu of Public Washington Hearing

Date: Wed, 3 Oct 2018 00:56:53 +0000

Importance: Normal

Inline-Images: image001.png; image002.png; image003.png; image004.png



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

Ford 'Wasn't Clear' Committee Offered California Interview in lieu of Public Washington Hearing

Ford wanted to avoid "media circus" of public hearing, but was unaware of accommodations offered by the Committee to address her concerns

During the Senate Judiciary Committee hearing on Thursday, Dr. Christine Blasey Ford indicated that she had not been made aware of multiple offers made by Chairman Chuck Grassley to send staff to California to interview her, a format that she said she would have preferred. Those offers were made in public statements and in statements directly to Dr. Ford's attorneys in the days leading up to her public testimony. Here's a summary of those offers:

On three occasions, Grassley and Judiciary Committee staff told Dr. Ford's lawyers that committee investigators were willing to come to her.

- On September 19, Chairman Grassley [sent a letter](#) to Dr. Ford's attorney Debra Katz informing her that committee staff **"would still welcome the opportunity to speak with Dr. Ford at a time and place convenient to her."**
- On September 21, committee staff sent an email to Ms. Katz saying that "[t]he Chairman has offered the ability for Dr. Ford to testify in an open session, a closed session, a public staff interview, and a private staff interview. **The Chairman is even willing to fly female staff investigators to meet Dr. Ford and you in California, or anywhere else,** to obtain Dr. Ford's testimony."
- On September 22, committee staff again wrote an email to Dr. Ford's lawyers, reminding them that "committee investigators are available to meet with Dr. Ford, **anywhere and anytime, if she would prefer to provide her testimony outside of a hearing setting.**"

In a [September 21 tweet](#), Grassley invited Dr. Ford to share her story, saying, "[c]ome to us or we to [you]."

However, despite those offers, at the September 27 hearing, Dr. Ford told the committee that she was not aware of the committee's willingness to meet her anywhere to take her testimony.

- Dr. Ford said, **"I was hoping that they would come to me,** but then I realized that was an unrealistic request."

- When Dr. Ford was asked if her attorneys had told her about the committee’s offer to meet her in California, [her lawyers objected](#) to her answering the question. She answered anyway, saying “I just appreciate that you did offer that. **I wasn’t clear on what the offer was. If you were going to come out to see me, I would have happily hosted you and had you—had been happy to speak with you out there.** I just did not—it wasn’t clear to me that that was the case.”

Clearly, Dr. Ford’s attorneys did not tell her that we could protect her privacy and speak to her in California. The ABA’s Model Rules of Professional Conduct require a lawyer to consult with his or her client about the means to be used to accomplish the client’s objectives—including informing the client of settlement offers. It is deeply unfortunate that Dr. Ford’s Democratic-activist lawyers appear to have used Dr. Ford in order to advance their own political agenda. A lot of pain and hardship could have been avoided had Dr. Ford’s attorneys informed her or the committee’s offer to meet her in California to receive her testimony.

-30-



Thank you,
Mike Davis

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

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

Subject: SCOTUS: WSJ: Kavanaugh and the Senate's Honor

Date: Fri, 5 Oct 2018 02:19:36 +0000

Importance: Normal

<https://on.wsj.com/2pCNUjG>

Kavanaugh and the Senate's Honor

The judge is a distinguished nominee. The charges against him are uncorroborated.

Wall Street Journal editorial October 5, 2018

Majority Leader Mitch McConnell has scheduled a Senate vote for Friday morning to close debate and move Brett Kavanaugh toward a final confirmation vote on Saturday, and it's about time. The undecided Senators have had their extra week for an FBI probe, the review has turned up nothing to support the assault accusations against him, and now Senators should vote to put a worthy judge on the Supreme Court.

Democrats are complaining that the FBI report is incomplete, but then no report would satisfy them unless it found evidence that apparently doesn't exist. "The most notable part of this report is what's not in it," said Dianne Feinstein of California, the top Democrat on the Senate Judiciary Committee. She thinks accusations that have no corroboration are credible because the FBI can't prove that something didn't happen.

The FBI was always likely to turn up little new evidence because Christine Blasey Ford recalls so little about the assault she says took place 36 years ago. The witnesses she says were there, including her best friend, say they don't recall the party or refute that it happened. There are no corroborating witnesses and no incriminating evidence, and Ms. Ford's story about key details also keeps changing.

The best summary of her case is in the memo by Rachel Mitchell, the Arizona prosecutor who specializes in sexual-assault cases and was invited to question Ms. Ford by Judiciary Republicans. "A 'he said, she-said' case is incredibly difficult to prove. But this case is even weaker than that," Ms. Mitchell wrote. "I do not think that a reasonable prosecutor would bring this case based on the evidence before the Committee. Nor do I believe that this evidence is sufficient to satisfy the preponderance-of-the-evidence standard."

You don't have to believe Ms. Ford is lying to vote to confirm Judge Kavanaugh, and we don't doubt her sincerity. You can simply assume that memories can be wrong after so many decades, and that it would be a terrible precedent to disqualify such a distinguished nominee when he categorically denies it and there is no corroborating evidence.

The latest liberal attack is that Judge Kavanaugh's passionate defense of his integrity and his criticism of Democrats at his second hearing shows he lacks proper "judicial temperament." Alaska Republican Lisa Murkowski is said to be vexed by this point, though she didn't raise it when she asked for an additional week for the FBI to investigate.

Mr. Kavanaugh has exhibited impeccable temperament in his 12 years on the federal bench, while teaching at Harvard, and in the rest of his public life. Only after Democrats accused him of vile behavior, and the media amplified it as if it were fact, did the judge react with the indignation that any normal innocent person would.

By this temperament standard, Democrats are entitled to accuse him of abusing women, being a drunk and committing crimes, and he is supposed to take it with a smile and a thank you for the question, good sir. Had he meekly pleaded for mercy at the Democratic Judiciary court, opponents would have said he looked guilty.

Then there is the claim that Mr. Kavanaugh has been treated no worse than Judge Merrick Garland, the Barack Obama nominee who was denied a Senate hearing and confirmation vote in 2016. So destroying a man's reputation and accusing him of gang rape is the same as putting a nomination on hold for several months to let the voters decide who should nominate the next Supreme Court Justice?

The idea of delaying a confirmation vote in a presidential election year was set by none other than current Minority Leader Chuck Schumer. "We should not confirm any Bush nominee to the Supreme Court, except in extraordinary circumstances," Mr. Schumer said in a July 2007 speech to the American Constitution Society. Democrats then held the Senate, and Mr. Schumer was putting down a marker if someone on the High Court were to retire in George W. Bush's final year as President.

Judge Kavanaugh is by all accounts one of the most qualified nominees for the Supreme Court in recent history. He has more appellate-court experience than Antonin Scalia did in 1986, and he has had more of his judicial reasoning adopted by the Supreme Court. Nothing in his three decades of public life echoes the behavior that his accusers claim they saw in his high school and college days. On the merits, confirmation is an easy vote.

Yet the stakes are larger because of the smears and character assassination. To reject Judge Kavanaugh now would ratify these Democratic tactics, with damaging consequences for the Senate, the Supreme Court and American politics. If uncorroborated accusations from decades ago can destroy a distinguished career for political reasons, then the same can happen to anyone and will happen to many.

Democrats have done great damage to the Senate that will take years to undo, but the first crucial step is confirming Brett Kavanaugh.

Thank you,
Mike Davis

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

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

Subject: SCOTUS: Never Enough

Date: Thu, 4 Oct 2018 17:39:49 +0000

Importance: Normal

Inline-Images: image001.jpg



Senate Republican
Communications Center

2 0 2 • 2 2 8 • N E W S

Contact:

Antonia Ferrier 202.228.NEWS

<https://bit.ly/2NmDHBq>

Never Enough

Democrats Demanded Another FBI Investigation, Got Another FBI Investigation, And Now Say It Wasn't Enough

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "This is now the seventh time the FBI has thoroughly reviewed Judge Kavanaugh's background." ([Sen. McConnell, Remarks, 10/04/2018](#))

SEN. McCONNELL: "Our Democratic colleagues have made it abundantly clear they will never, ever be satisfied. Not ever." ([Sen. McConnell, Remarks, 10/03/2018](#))

SEN. LINDSEY GRAHAM (R-SC): "It will never be enough." (Fox News, 10/04/2018)

Senate Democrats Demanded Yet Another FBI Investigation ...

SENS. CHUCK SCHUMER (D-NY) and DIANNE FEINSTEIN (D-CA): "We therefore request that you adhere to precedent and direct the FBI to immediately and thoroughly investigate Dr. Ford's allegations and provide a report to the Senate as soon as possible." ([Senate Democrats, Press Release, 9/23/2018](#))

SEN. DICK DURBIN (D-IL): "Turn it over to the FBI. Let's give it to a third party to investigate." (Sen. Durbin, Press Conference, 9/25/2018)

SEN. AMY KLOBUCHAR (D-MN): "[J]ust ask the president to reopen the FBI investigation." (U.S. Senate Judiciary Committee Hearing, 9/27/2018)

SEN. CHRIS COONS (D-DE): "I know since the day that my Democratic colleagues and I learned these allegations we've have had one consistent request to allow the FBI to investigate them ..." (U.S. Senate Judiciary Committee, Executive Business Meeting, 9/28/2018)

SENS. KLOBUCHAR, KAMALA HARRIS (D-CA), PAT LEAHY (D-VT), SHELDON WHITEHOUSE (D-RI), RICHARD BLUMENTHAL (D-CT), DOUG JONES (D-AL), TOM UDALL (D-NM), and, CATHERINE CORTEZ-MASTO (D-NV): “[W]e urge you to reconsider your decision and ask the FBI to take appropriate action in response to the claims that have been made ...” ([Sen. Klobuchar, Press Release, 9/20/2018](#))

... And Another FBI Investigation Was Completed

SEN. CHUCK GRASSLEY (R-IA), Judiciary Committee Chairman: “I’ve now received a committee staff briefing on the FBI’s supplement to Judge Kavanaugh’s background investigation file. There’s nothing in it that we didn’t already know.... I trust that the career agents of the FBI have done their work independent of political or partisan considerations. That’s exactly what senators from both sides asked for. Now it’s up to senators to fulfill their constitutional duty and make a judgment.” ([Senate Judiciary Committee, Press Release, 10/04/2018](#))

SEN. McCONNELL: “None of these last minute allegations have been corroborated, as is confirmed by the seventh and latest FBI investigation.” ([Sen. McConnell, Remarks, 10/04/2018](#))

But Clearly, ‘It Will Never Be Enough’

SEN. FEINSTEIN: “The most notable part of this report is what’s not in it.... It looks to be a product of an incomplete investigation ...” (Sen. Feinstein, Press Conference, 10/04/2018)

SEN. SCHUMER: “This is not a thorough investigation.” (Sen. Schumer, Floor Remarks, 10/04/2018)

SEN. HARRIS: “The FBI report on Judge Kavanaugh is entirely incomplete and insufficient.” ([Sen. Harris, @SenKamalaHarris, Twitter, 10/04/2018](#))

###

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