

**From:** "Kenny, Steve (Judiciary-Rep)" (b)(6)

**To:** "Fragoso, Michael (OLP)" (b)(6), (b)(6) Brett Talley (OLP)

**Cc:** "Burton, Larry (Sullivan)" (b)(6)

**Subject:** SCOTUS Nomination Controversies

**Date:** Mon, 1 Oct 2018 21:40:31 +0000

**Importance:** Normal

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Hi Mike and Brett,

Hope you're doing well. Larry Burton, Senator Sullivan's chief of staff, reached out to me wondering if there are materials that cover the history of contentious SCOTUS nominations—i.e., Fortas, Haynsworth, Bork, Thomas—and Democrats' escalations of the judicial confirmation wars over the past three decades. I thought OLP might have some resources on this.

I've cc'ed Larry on this email.

Thanks,

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

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

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

**Subject:** SCOTUS -- Letter from the Chairman to Dr. Ford's Attorneys

**Date:** Wed, 3 Oct 2018 20:22:42 +0000

**Importance:** Normal

**Attachments:** 181003\_-\_Ltr\_to\_Grassley.pdf

**Inline-Images:** image001.gif

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**From:** Debra Katz [mailto:katz@kmblegal.com]

**Sent:** Wednesday, October 03, 2018 2:22 PM

**To:** Davis, Mike (Judiciary-Rep) <(b)(6)> Lisa Banks <banks@kmblegal.com>; Joseph Abboud <Abboud@kmblegal.com>; Michael R. Bromwich <(b)(6)>

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

**Subject:** RE: SCOTUS -- Letter from the Chairman to Dr. Ford's Attorneys

Mr. Davis,

Please see attached.

Sincerely,

 **KATZ, MARSHALL & BANKS, LLP**

[Debra S. Katz](mailto:katz@kmblegal.com)

1718 Connecticut Ave., N.W.

Sixth Floor

Washington, D.C. 20009

Tel: 202-299-1140

Fax: 202-299-1148

Email: [katz@kmblegal.com](mailto:katz@kmblegal.com)

Website: [www.kmblegal.com](http://www.kmblegal.com)

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---

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

**Sent:** Tuesday, October 02, 2018 8:08 PM

**To:** Debra Katz <katz@kmblegal.com>; Lisa Banks <banks@kmblegal.com>; Joseph Abboud <Abboud@kmblegal.com>; Michael R. Bromwich <(b)(6)>

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

**Subject:** SCOTUS -- Letter from the Chairman to Dr. Ford's Attorneys

**Importance:** High

Counsel:

Please find the attached letter from the Chairman.

Thank you,  
Mike Davis

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

(b)(6) (direct)

(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 the Chairman to Dr. Ford's Attorneys

**Date:** Wed, 3 Oct 2018 00:09:28 +0000

**Importance:** High

**Attachments:** 10.02.18\_CEG\_to\_Ford\_Attorneys.pdf

---

**From:** Davis, Mike (Judiciary-Rep)

**Sent:** Tuesday, October 02, 2018 8:08 PM

**To:** Debra Katz <katz@kmblegal.com>; Lisa Banks <banks@kmblegal.com>; Joseph Abboud <Abboud@kmblegal.com>;

'Michael R. Bromwich' <(b)(6)>

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

Sawyer, Heather (Judiciary-Dem)

<(b)(6)>

**Subject:** SCOTUS -- Letter from the Chairman to Dr. Ford's Attorneys

**Importance:** High

Duplicative Material

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

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

**Subject:** SCOTUS -- Chairman's Second Letter to Dr. Ford's Attorneys Re Secret Evidence

**Date:** Fri, 5 Oct 2018 03:32:48 +0000

**Importance:** Normal

**Attachments:** 10.04.2018\_CEG\_to\_Ford's\_Attorneys\_SENT.pdf; 181003\_-\_Ltr\_to\_Grassley.pdf;  
10.02.18\_CEG\_to\_Ford\_Attorneys.pdf

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**From:** Davis, Mike (Judiciary-Rep)

**Sent:** Thursday, October 04, 2018 11:32 PM

**To:** Debra Katz <katz@kmblegal.com>; Lisa Banks <banks@kmblegal.com>; Joseph Abboud <Abboud@kmblegal.com>;  
'Michael R. Bromwich' <(b)(6)>

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

**Subject:** SCOTUS -- Chairman's Second Letter to Dr. Ford's Attorneys Re Secret Evidence

Counsel:

Attached is a 10/4/2018 letter from the Chairman. I have also attached the Chairman's 10/2/2018 letter, along with your response letter on 10/3/2018.

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: Judge Kavanaugh's Calendars

**Date:** Thu, 27 Sep 2018 06:41:10 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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**From:** Hartmann, George (Judiciary-Rep)

**Sent:** Wednesday, September 26, 2018 10:15 AM

**To:** Foy, Taylor (Judiciary-Rep) <(b)(6)> Hartmann, George (Judiciary-Rep)

<(b)(6)>

**Subject:** Judge Kavanaugh's Calendars

Good morning,

Last night, Judge Kavanaugh's legal team provided the Senate Judiciary Committee with copies of calendar pages from the summer of 1982. The calendars provide an accounting of Kavanaugh's activities for the months of May, June, July and August of 1982. Those pages can be found [HERE](#).

The calendars were provided pursuant to Chairman Grassley request that Judge Kavanaugh provide any and all documentary evidence he may possess relating to the allegations raised by Dr. Ford. You can find Chairman Grassley document request letter [HERE](#). This was part of a broader effort to [seek evidence](#) relating to these allegations.

Thank you,  
George Hartmann

---

**George Hartmann** | *Press Secretary*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-7494 | [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: Judge Kavanaugh's Calendars

**Date:** Wed, 26 Sep 2018 14:16:47 +0000

**Importance:** Normal

**Inline-Images:** image001.png

---

Good morning,

Last night, Judge Kavanaugh's legal team provided the Senate Judiciary Committee with copies of calendar pages from the summer of 1982. The calendars provide an accounting of Kavanaugh's activities for the months of May, June, July and August of 1982. Those pages can be found [HERE](#).

The calendars were provided pursuant to Chairman Grassley request that Judge Kavanaugh provide any and all documentary evidence he may possess relating to the allegations raised by Dr. Ford. You can find Chairman Grassley document request letter [HERE](#). This was part of a broader effort to [seek evidence](#) relating to these allegations.

Thank you,  
George Hartmann

---

**George Hartmann** | *Press Secretary*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-7494 | [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: Updated Timeline with Feinstein

**Date:** Fri, 28 Sep 2018 13:13:25 +0000

**Importance:** Normal

**Attachments:** Timeline\_with\_dems.docx

---

Thank you,  
Mike Davis

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

(b)(6) (direct)

(b)(6) (cell)

202-224-9102 (fax)

(b)(6)

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**From:** McGlynn, Megan (Judiciary-Rep)

**Sent:** Friday, September 28, 2018 9:11 AM

**To:** Davis, Mike (Judiciary-Rep) <(b)(6)> Kenny, Steve (Judiciary-Rep)

<(b)(6)> Ferguson, Andrew (Judiciary-Rep) (b)(6)

; Mehler, Lauren (Judiciary-Rep) <(b)(6)>

**Subject:** Updated Timeline with Feinstein

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



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

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

**Subject:** SCOTUS: DKE Party At Yale

**Date:** Tue, 2 Oct 2018 19:01:48 +0000

**Importance:** Normal

**Attachments:** 10.02.18\_Ceg\_to\_Coons\_re\_allegations.pdf

---

**From:** Davis, Mike (Judiciary-Rep)

**Sent:** Tuesday, October 02, 2018 2:57 PM

**To:** Songer, Erica (Judiciary-Dem) <(b)(6)>

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

Sawyer, Heather (Judiciary-Dem)

<(b)(6)>

**Subject:** RE: DKE Party At Yale

Erica,

Attached is a letter from my boss to your boss, regarding your email below. We are delivering a hard copy now.

Thank you,  
Mike Davis

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

(b)(6) (direct)

(b)(6) (cell)

202-224-9102 (fax)

(b)(6)

---

**From:** Songer, Erica (Judiciary-Dem)

**Sent:** Monday, October 01, 2018 11:40 AM

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

Duck, Jennifer (Judiciary-Dem)

<(b)(6)>

**Cc:** Crawford, Andrew (Judiciary-Dem) <(b)(6)>

**Subject:** FW: DKE Party At Yale

Please see below, which the sender asked me to share with your offices.

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**From:** (b)(6)

**Sent:** Monday, October 01, 2018 10:57 AM

**To:** Songer, Erica (Judiciary-Dem) <(b)(6)>

**Subject:** DKE Party At Yale

Senator Chuck Grassley  
135 Hart Senate Office Building  
Washington, D.C. 20510

*Via Email*

Dear Sir,

(b) (6)

Please let me know if you, your office or your Committee would be interested in hearing more.

Best regards,

(b)(6)

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

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

**Subject:** SCOTUS -- committee investigators receive 6th allegation against Judge Kavanaugh, this time an anonymous allegation relayed by Senator Kamala Harris's office

**Date:** Thu, 27 Sep 2018 05:57:36 +0000

**Importance:** Normal

**Attachments:** Envelope\_re\_anonymous\_letter\_to\_San\_Diego\_office.pdf; scan.pdf

---

See below and attached anonymous letter from a "Jane Doe" in "(b)(6)," forwarded by Senator Kamala Harris's office.

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

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

[September 17, 2018 Transcript](#)

[September 25, 2018 Transcript](#)

Thank you,  
Mike Davis

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

(b)(6) (direct)

(b)(6) (cell)

202-224-9102 (fax)

(b)(6)

---

**From:** Hsu, Josh (Harris)

**Sent:** Wednesday, September 26, 2018 1:13 PM

**To:** Davis, Mike (Judiciary-Rep) <(b)(6)> Duck, Jennifer (Judiciary-Dem)

<(b)(6)>

**Cc:** Mehler, Lauren (Judiciary-Rep) <(b)(6)> Kenny, Steve (Judiciary-Rep)

<(b)(6)> Lay, DeLisa (Judiciary-Rep) <(b)(6)> Sawyer,

Heather (Judiciary-Dem) <(b)(6)> Owens, Annie (Judiciary-Dem)

<(b)(6)> Brest, Phillip (Judiciary-Dem) <(b)(6)>

**Subject:** RE: Jane Doe Mail

Copy. Thanks.

---

**From:** Davis, Mike (Judiciary-Rep)  
**Sent:** Wednesday, September 26, 2018 1:10 PM  
**To:** Hsu, Josh (Harris) <(b)(6)> Duck, Jennifer (Judiciary-Dem) <(b)(6)>  
<(b)(6)>  
**Cc:** Mehler, Lauren (Judiciary-Rep) <(b)(6)> Kenny, Steve (Judiciary-Rep) <(b)(6)>  
<(b)(6)> Lay, DeLisa (Judiciary-Rep) <(b)(6)> Sawyer, Heather (Judiciary-Dem) <(b)(6)> Owens, Annie (Judiciary-Dem) <(b)(6)>  
<(b)(6)> Brest, Phillip (Judiciary-Dem) <(b)(6)>  
**Subject:** RE: Jane Doe Mail

Thank you, Josh. The committee investigators are investigating. Senator Harris received and has possession of the letter. She can call the FBI.

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:** Hsu, Josh (Harris)  
**Sent:** Wednesday, September 26, 2018 1:05 PM  
**To:** Duck, Jennifer (Judiciary-Dem) <(b)(6)> Davis, Mike (Judiciary-Rep) <(b)(6)>  
<(b)(6)>  
**Cc:** Mehler, Lauren (Judiciary-Rep) <(b)(6)> Kenny, Steve (Judiciary-Rep) <(b)(6)>  
<(b)(6)> Lay, DeLisa (Judiciary-Rep) <(b)(6)> Sawyer, Heather (Judiciary-Dem) <(b)(6)> Owens, Annie (Judiciary-Dem) <(b)(6)>  
<(b)(6)> Brest, Phillip (Judiciary-Dem) <(b)(6)>  
**Subject:** RE: Jane Doe Mail

Mike et al.,

Per my email yesterday, I am now attaching a PDF of the envelope of the letter. My boss is asking if the committee can confirm that it is: (1) investigating the letter; and (2) referring the letter to the FBI.

Thanks much,

Josh

---

**From:** Duck, Jennifer (Judiciary-Dem)  
**Sent:** Tuesday, September 25, 2018 10:20 PM  
**To:** Davis, Mike (Judiciary-Rep) <(b)(6)>  
**Cc:** Hsu, Josh (Harris) <(b)(6)> Mehler, Lauren (Judiciary-Rep) <(b)(6)>  
<(b)(6)>; Kenny, Steve (Judiciary-Rep) <(b)(6)> Lay, DeLisa (Judiciary-Rep) <(b)(6)>  
<(b)(6)> Sawyer, Heather (Judiciary-Dem) <(b)(6)>  
<(b)(6)>; Owens, Annie (Judiciary-Dem) <(b)(6)> Brest, Phillip (Judiciary-

Dem) <(b)(6)>

**Subject:** Re: Jane Doe Mail

Adding folks here as well.

On Sep 25, 2018, at 10:17 PM, Davis, Mike (Judiciary-Rep) <(b)(6)> wrote:

Appreciate it, Josh.

I am copying others from the Chairman's team.

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:** Hsu, Josh (Harris)

**Sent:** Tuesday, September 25, 2018 10:16 PM

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

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

**Subject:** Re: Jane Doe Mail

I have requested the envelope and will get the envelope in PDF for you tomorrow, as our San Diego office is closed now.

On Sep 25, 2018, at 10:14 PM, Davis, Mike (Judiciary-Rep) <(b)(6)> wrote:

Thank you, Josh.

Do you have a copy of the envelope?

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)

202-578-6194 (cell)

202-224-9102 (fax)

(b)(6)

---

**From:** Hsu, Josh (Harris)

**Sent:** Tuesday, September 25, 2018 10:09 PM

**To:** Davis, Mike (Judiciary-Rep) <(b)(6)> Duck, Jennifer (Judiciary-Dem)

<(b)(6)>

**Subject:** Fwd: Jane Doe Mail

Mike and Jennifer,

Attached is a letter addressed to Senator Grassley about Judge Kavanaugh that was sent to our San Diego office. The letter is in PDF form and attached.

My boss asked that I send it over to the Committee for its investigation and to refer to the FBI. Please confirm that you have received and let me know if there's anything I need to do to follow up. Thanks.

Josh

Begin forwarded message:

**From:** "Rodriguez, Julie (Harris)" <(b)(6)>  
**Date:** September 25, 2018 at 8:16:38 PM EDT  
**To:** "Hsu, Josh (Harris)" <(b)(6)> "Barankin, Nathan (Harris)"  
<(b)(6)> "Adams, Lily (Harris)" <(b)(6)>  
"Kosoglu, Rohini (Harris)" <(b)(6)> "Odom, Clint (Harris)"  
<(b)(6)>  
**Subject:** Fwd: Jane Doe Mail

FYI - Attached is an anonymous letter that was sent to Grassley accusing (b)(6) that our office received today.

There was no return address or info on the envelope but it was marked urgent.

Julie Chavez Rodriguez  
*State Director*  
U.S. Senator Kamala D. Harris

---

**Subject:** Kavanaugh Jane Doe Mail

Hello,

Attached is a piece of mail the San Diego District Office opened today. The letter is postmarked 9/19 and does not have a return address. The envelope is labeled urgent. Thank you.

Best,  
(b)(6)

<scan.pdf>

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

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

**Subject:** SCOTUS: Transcript of Judge Kavanaugh's 9/26/18 committee interview

**Date:** Mon, 1 Oct 2018 02:23:36 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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Good evening,

The transcript of Judge Brett Kavanaugh's September 26, 2018, interview with the Judiciary Committee is now [publicly available](#). In this interview, Judge Kavanaugh was questioned about separate allegations raised by Julie Swetnick and an unnamed woman who contacted a Senate office. Judge Kavanaugh denied both sets of allegations under penalty of felony.

Best,  
Taylor

**Taylor Foy** | *Communications Director*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-6708 | [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: Prepared Testimony from Judge Kavanaugh

**Date:** Wed, 26 Sep 2018 17:42:19 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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Good afternoon,

Today, Judge Kavanaugh submitted to the committee his prepared testimony for tomorrow's hearing. He again categorically and unequivocally denies the allegations against him in his prepared statement. You can find that testimony here: <http://bit.ly/2xSqWsy>.

Thank you,  
George

---

**George Hartmann** | *Press Secretary*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-7494 | [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:** "Rothenberg, Laurence E (OLP)" <(b)(6)>

**To:** "Talley, Brett (OLP)" <(b)(6)> "Fragoso, Michael (OLP)" <(b)(6)>

**Subject:** ICYMI

**Date:** Thu, 20 Sep 2018 17:40:49 +0000

**Importance:** Normal

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<https://yaledailynews.com/blog/2018/09/20/a-flag-of-underwear-photo-from-kavanaugh-s-time-shows-dke-hijinks/>

in his first year of college, Kavanaugh joined an organization notorious for disrespecting women: the campus chapter of the Delta Kappa Epsilon fraternity.

Laurence E. Rothenberg  
Deputy Assistant Attorney General  
Office of Legal Policy  
U.S. Department of Justice

(b)(6)

**From:** Brett Talley <(b)(6)>

**To:** "Talley, Brett (OLP)" <(b)(6)>

**Subject:** Letter

**Date:** Fri, 28 Sep 2018 11:24:11 -0400

**Importance:** Normal

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

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

**Subject:** SCOTUS: MUST WATCH: During Thomas-Hill hearings, Biden angrily DISMISSED notion that FBI report had any value. Video per NTK Network, appx 1 minute

**Date:** Tue, 25 Sep 2018 21:54:29 +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:** (b)(6)

**Sent:** Tuesday, September 25, 2018 5:17 PM

**To:** (b)(6)

**Subject:** MUST WATCH: During Thomas-Hill hearings, Biden angrily DISMISSED notion that FBI report had any value. Video per NTK Network, appx 1 minute

<https://www.youtube.com/watch?feature=youtu.be&v=vNK1dVleYWo&app=desktop>

"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!"

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

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

**Subject:** SCOTUS -- Judiciary Committee Seeks Documentary Evidence, Releases Original Ford Letter Ahead of Kavanaugh Hearing

**Date:** Sun, 23 Sep 2018 23:57:57 +0000

**Importance:** Normal

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

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**COMMITTEE** *on the* **JUDICIARY**  
CHAIRMAN CHUCK GRASSLEY [WWW.JUDICIARY.SENATE.GOV](http://WWW.JUDICIARY.SENATE.GOV)

FOR IMMEDIATE RELEASE

Sunday, September 23, 2018

## Judiciary Committee Seeks Documentary Evidence, Releases Original Ford Letter Ahead of Kavanaugh Hearing

**WASHINGTON** – The Senate Judiciary Committee today called on Judge Brett Kavanaugh and Dr. Christine Blasey Ford to disclose before Thursday’s hearing evidence related to Dr. Ford’s allegations dating back to their high school days more than 35 years ago. Chairman Grassley also released the original letter that Dr. Ford first sent to Ranking Member Dianne Feinstein back in July, which Feinstein kept hidden from most of her colleagues for nearly six weeks, until last Thursday.

The letters follow:

[2018-07-30 Ford to Feinstein – Kavanaugh Allegations](#)

[2018-09-23 Grassley to Ford – Evidence Request](#)

[2018-09-23 Grassley to Kavanaugh – Evidence Request](#)

-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: Vote summary: Cloture on the nomination of Judge Brett Kavanaugh to the Supreme Court

**Date:** Thu, 4 Oct 2018 21:38:03 +0000

**Importance:** Normal

**Inline-Images:** image001.jpg; image002.jpg; image003.jpg; image004.jpg; image005.jpg

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**From:** Parets, Brendan (RPC)

**Sent:** Thursday, October 04, 2018 4:54 PM

**Subject:** Vote summary: Cloture on the nomination of Judge Brett Kavanaugh to the Supreme Court

Tomorrow, the Senate is expected to vote to invoke cloture on the nomination of Judge Brett Kavanaugh to the Supreme Court.

**Biography:** Judge Brett Kavanaugh has been a [judge](#) on the D C Circuit Court of Appeals since 2006. Before his appointment to the bench, Judge Kavanaugh [served](#) in several senior positions in the George W. Bush White House. He was assistant to the president and staff secretary from 2003 to 2006, senior associate counsel to the president in 2003, and associate counsel to the president from 2001 to 2003. Judge Kavanaugh was a partner in the Washington, D.C., office of Kirkland & Ellis LLP from 1997 to 1998 and 1999 to 2001. From 1994 to 1997, and for a portion of 1998, Judge Kavanaugh was associate counsel in the Office of Independent Counsel. He also worked in the Office of the Solicitor General from 1992 to 1993.

Judge Kavanaugh graduated and received his law degree from Yale. He clerked for Judge Walter K. Stapleton on the Third Circuit, Judge Alex Kozinski on the Ninth Circuit, and Justice Anthony Kennedy on the Supreme Court.

**Senate Action:** Judge Kavanaugh was [nominated](#) to the Supreme Court on July 9, 2018. The Judiciary Committee held [four](#) days of hearings on his nomination from September 4 to September 7. Over 500,000 [pages](#) of documents created by and about Judge Kavanaugh were available for senators to review. Following the hearings, Judge Kavanaugh answered [1,287](#) questions for the record.

A bit more than a week after Judge Kavanaugh's hearing, a serious allegation regarding Judge Kavanaugh's conduct while he was in high school became public. Although Senator Dianne Feinstein, the top Democrat on the Judiciary Committee, had apparently known of the allegations since July, Republicans on the committee learned of the allegations only after Judge Kavanaugh's confirmation hearings had already concluded. Immediately after finding out about the allegations, the Republicans on the committee began an investigation, which culminated in a public [hearing](#) on September 27. At the hearing, Judge Kavanaugh [strongly](#) denied the allegations against him.

On September 28, the Judiciary Committee favorably reported out Judge Kavanaugh's nomination by a party-line [vote](#) of 11 – 10. Following the vote, the Judiciary Committee [requested](#) "that the administration instruct the FBI to conduct a supplemental FBI background investigation with respect to the nomination of Judge Brett Kavanaugh to be an Associate Justice on the Supreme Court." The committee asked that the investigation "be limited to current credible allegations against the nominee and . . . be completed no later than one week from today." Soon thereafter, the president [ordered](#) the FBI to conduct a supplemental investigation with the scope and timeline as requested by the Judiciary Committee. The Senate received the supplemental background investigation report early this morning. It was made available for senators to review today.

**Considerations:** The ABA [gave](#) Judge Kavanaugh its highest possible rating, unanimously well qualified. It reaffirmed that rating last week.

During Judge Kavanaugh's 12 years on the D.C. Circuit, the Supreme Court has [adopted](#) his reasoning 13 times. The Supreme Court has reversed him only once, and then only partially. As liberal constitutional scholar and Yale Law School professor Akhil Reed Amar [explained](#), "Judge Kavanaugh commands wide and deep respect among scholars, lawyers, judges, and justices." He noted that many of "Kavanaugh's biggest ideas have found their way into Supreme Court opinions." Highly cited statutory interpretation expert William Eskridge, also a professor at Yale, called Judge Kavanaugh "one of the most learned judges in America on a variety of issues, ranging from theories of statutory interpretation to separation of powers."

At Judge Kavanaugh's confirmation hearing, he recalled that as a judge, he [has](#) "ruled sometimes for the prosecution and sometimes for criminal defendants, sometimes for workers and sometimes for businesses, sometimes for environmentalists and sometimes for coal miners." In each case, he "followed the law." He explained that he does not "decide cases based on personal or policy preferences." He is "not a pro-plaintiff or pro-defendant judge" or "a pro-prosecution or pro-defense judge." Instead, he is a "pro-law judge."

Judge Kavanaugh highlighted the importance of an independent judiciary, which he called "the crown jewel of our constitutional republic." He said that "a judge must be independent, not swayed by public pressure." He noted that in "our independent judiciary, the Supreme Court is the last line of defense for the separation of powers, and the rights and liberties guaranteed by the Constitution."

#### **Brendan Parets**

Policy Counsel

Judiciary, Technology, Commerce & Banking

--

U.S. Senate Republican Policy Committee

Chairman John Barrasso



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: Ford and Kavanaugh Document Productions

**Date:** Fri, 28 Sep 2018 04:58:19 +0000

**Importance:** Normal

**Attachments:** Map\_1\_-\_Neighborhood.pdf; Map\_3\_-\_Straight-Line\_Distances\_to\_Blasey\_Home.pdf;  
Map\_2\_-\_Neighborhood\_Zoomed\_Out.pdf

**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  
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**From:** Chairman Grassley (Judiciary-Rep)

**Sent:** Thursday, September 27, 2018 12:32 PM

**To:** Foy, Taylor (Judiciary-Rep) <(b)(6)> Hartmann, George (Judiciary-Rep)

<(b)(6)>

**Subject:** Ford and Kavanaugh Document Productions

Good afternoon, The Committee asked that Dr. Ford and Judge Kavanaugh to provide any evidence related to allegations raised by Dr. Ford.

Here's what was submitted:

[Dr. Ford Document Production](#) | [Dr. Ford Polygraph notes](#)

Note: Raw data from the polygraph examination, including any charts, baseline questions, or notes of other physiological observations, were not provided.

Note: Dr. Ford's counsels have declined to produce therapy notes, "[portions of which were provided by Ford and reviewed by The Washington Post.](#)"


[Judge Kavanaugh Document Production](#)

Attached are maps referenced in today's hearing.

Best,  
Taylor

**Taylor Foy** | *Communications Director*



 [Senate Judiciary Committee](#)  
Chairman Chuck Grassley (R-Iowa)  
202-224-6708 | [Get The SCOOP](#)

**From:** "Davis, Mike (Judiciary-Rep)" <(b)(6)>  
**To:** "Davis, Mike (Judiciary-Rep)" <(b)(6)>  
**Subject:** RE: SCOTUS -- background on FBI BIs  
**Date:** Thu, 4 Oct 2018 07:21:55 +0000

**Importance:** Normal  
**Attachments:** BI\_MOU.PDF

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FYI, after 2:30 am, the Senate Judiciary Committee received a sealed box containing the FBI's supplemental background investigation (BI) report on Judge Kavanaugh. Two committee aides immediately delivered the sealed box to a vault in the Office of Senate Security, together with the FBI's 6 prior FBI BI reports on Judge Kavanaugh going back to 1993. Following a bipartisan agreement between Chairman Grassley and Ranking Member Feinstein yesterday, the Republican and Democratic senators are allotted equal time slots today for briefings. The Republican senators' briefing is scheduled for 10 am in the large conference room in SVC-217 (Senate SCIF).

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)  
**Sent:** Wednesday, October 03, 2018 9:47 PM  
**To:** Davis, Mike (Judiciary-Rep) <(b)(6)>  
**Subject:** SCOTUS -- background on FBI BIs

CONFIDENTIAL

GOP Senate Offices:

Tonight, the Senate will receive an FBI supplemental background investigation (BI) report related to Judge Kavanaugh's nomination.

These FBI BI reports contain very sensitive and confidential FBI "raw" investigatory statements by FBI special agents, contained in FD-302 reports, related to a **nominee's character and fitness to serve**. These are **not criminal investigations**. The FBI special agents are not sent to solve crimes. These FBI BI reports are **Executive Branch property, ON LOAN to the Senate**. The attached 2009 memorandum of understanding (MOU) – signed between the Obama White House Counsel and then-Chairman Leahy – is the latest memorialization of this "loan agreement." Senators Schumer, Feinstein, Durbin, and others served on the Senate Judiciary Committee at the time. They did not object to this MOU in 2009.

Again, these **FBI BIs are not Senate property**. Only senators and 10 designated staffers (6 for Chairman Grassley; 4 for Ranking Member Feinstein) may read FBI BIs. We cannot copy the BIs. We cannot distribute them. We cannot leave with any notes. Not only would these actions constitute potential violations of federal law (such as the Federal Privacy Act), they also constitute clear violations of the MOU (which incorporates Senate Rule XXIX(5) as a sanction).

We are following the bipartisan and long-standing practice of the Senate in how we obtain, read, and brief on these FBI BI reports for nominees before the Senate Judiciary Committee. In fact, just today, Ranking Member Feinstein fully agreed, blessed, and reaffirmed the approach that we are taking on the receipt, reading, and briefing of all senators related to this supplemental FBI BI report.

Leader McConnell's office is in contact with your schedulers about the briefing tomorrow morning.

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

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

**Subject:** RE: SCOTUS -- Schumer and the 2009 MOU between Obama WH and Senate Judiciary Committee that controls FBI background investigations of nominees

**Date:** Tue, 2 Oct 2018 16:10:29 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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And the FBI did not brief senators on the FBI BI reports during the confirmation of then-Judge Clarence Thomas to the Supreme Court. Then-Chairman Biden and then-Ranking Member Thurmond simply received the FBI BI supplement report related to Anita Hill, containing the FBI FD-302 reports related to Anita Hill's allegations. Biden and Thurmond made the reports available for senators to read, as they saw fit.

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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---

**From:** Davis, Mike (Judiciary-Rep)

**Sent:** Tuesday, October 02, 2018 11:33 AM

**To:** Mike Davis (b)(6)

**Subject:** SCOTUS -- Schumer and the 2009 MOU between Obama WH and Senate Judiciary Committee that controls FBI background investigations of nominees

Be prepared for the Senate Democrat leadership to attempt to move the goalpost yet again . . .

Indeed, Schumer made the following remarks on the Senate floor yesterday:

WHETHER YOU ARE FOR OR AGAINST JUDGE KAVANAUGH GOING TO THE SUPREME COURT, IT WILL ONLY BENEFIT THE COUNTRY IF THE INVESTIGATION IS REGARDED AS FAIR, CLEAR, AND NOT CONSTRAINED PARTICULARLY BY PARTISAN MEANS. FOR THAT REASON, WE HOPE THE F.B.I. WILL BE AVAILABLE TO BRIEF THE SENATE ON THE RESULTS OF THE INVESTIGATION BEFORE A FINAL FLOOR VOTE. DEMOCRATS ARE NOT INTERESTED IN DELAY FOR THE SAKE OF DELAY. THIS CAN ALL BE COMPLETED QUICKLY, BUT IT MUST BE DONE RIGHT. MR. PRESIDENT, WE'RE A SOCIETY BASED ON THE RULE OF LAW.

But this is simply not how the process works. The attached 2009 memorandum of understanding (MOU) between the Counsel to President Obama and then-Chairman Leahy and then-Ranking Member Sessions controls the Senate's access to FBI background investigation (BI) reports of all nominees, including Supreme Court nominees.

The FBI does not brief senators on nominees. The Senate receives the FBI's BI reports, which contains the FD-302 reports from the FBI agents who performed the interviews. One of the 10 designated committee staffers, not the FBI, briefs senators on the BIs for Supreme Court nominees:

- 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 Senator upon request.

Schumer and his Democrat colleagues are – or certain should be – aware of this process, considering that the Obama White House Counsel worked with then-Chairman Leahy to setup this process.

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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**From:** "Davis, Mike (Judiciary-Rep)" <(b)(6)>

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

**Subject:** SCOTUS: Dr. Ford's Lawyer: 'We're Going To Object, Mr. Chairman'

**Date:** Sun, 30 Sep 2018 18:54:17 +0000

**Importance:** Normal

**Inline-Images:** image001.jpg



Senate Republican  
Communications Center

202 • 228 • NEWS

**Contact:**

Antonia Ferrier 202.228.NEWS

<https://bit.ly/2OtmH12>

## Dr. Ford's Lawyer: 'We're Going To Object, Mr. Chairman'

SEN. GRAHAM: *'[Dr. Ford] Didn't Know That The Committee Was Willing To Go To California Again.'*

SEN. COTTON: *'They Pointed to Her Lawyers Who...Did Not Tell Her That The Staff Was Willing To Go To California'*

SEN. LINDSEY GRAHAM (R-SC): "I'm shocked not one media outlet is reporting that during the hearing, **[Dr. Ford] didn't know that the committee was willing to go to California again.** If the shoe were on the other foot, the Republicans had done this, we would be destroyed. We would be under ethical investigation." (ABC's "This Week," 9/30/2018)

SEN. TOM COTTON (R-AR): "There is a well-established process of confidentiality on the committee. Dianne Feinstein could have showed that to Chuck Grassley, shared it with the FBI who could have discretely conducted this in July and in August without betraying Ms. Ford's confidences. **They pointed her to lawyers who lied to her and did not tell her that the staff was willing to go to California...**" (CBS' "Face The Nation," 9/30/2018)

### Dr. Ford's Lawyers Didn't Tell Her That The Judiciary Committee Offered To Interview Her In California

SEN. CHUCK GRASSLEY (R-IA), Judiciary Committee Chairman: "Dr. Ford. I'm going to correct the record but it's not something that I'm saying that you stated wrongly because **you may not know the fact that when you said that you didn't think it was possible for us to go to California as a committee or our investigators to go to California to talk to you, we did, in fact, offer that to you and we had the capability of doing it and we would've done it anywhere or anytime.**" (U.S. Senate Judiciary Committee Hearing, 9/27/2018)

RACHEL MITCHELL: "[I]t's been reported by the press that you would not submit to an interview with the committee because of your fear of flying. Is that true?"

DR. FORD: "Well, I was willing -- I was hoping that they would come to me, but then I realized that was an unrealistic

request.... So that was certainly what I was hoping, was to avoid having to get on an airplane, but I eventually was able to get up the gumption with the help of some friends, and get on the plane.”

...

**MITCHELL:** “Was it communicated to you by your counsel or someone else that the committee had asked to interview you and that they offered to come out to California to do so?”

**MICHAEL BROMWICH, Counsel for Dr. Ford:** “We’re going to object, Mr. Chairman, to any call for privileged conversations between counsel and Dr. Ford. It’s a privileged conversation...”

...

**DR. FORD:** “Can I say something to you -- do you mind if I say something to you directly?”

**SEN. GRASSLEY:** “Yes.”

**DR. FORD:** “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.”

(U.S. Senate Judiciary Committee Hearing, 9/27/2018)

###

**SENATE REPUBLICAN COMMUNICATIONS CENTER  
202.228.NEWS**

Thank you,  
Mike Davis

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

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

**Subject:** FW: SCOTUS

**Date:** Sun, 23 Sep 2018 17:37:08 +0000

**Importance:** Normal

---

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
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---

**From:** Davis, Mike (Judiciary-Rep)

**Sent:** Sunday, September 23, 2018 1:36 PM

**To:** Dove, Laura (Rep-Secretary) <(b)(6)> Soderstrom, Sharon (McConnell)

<(b)(6)> Stewart, Don (McConnell) <(b)(6)> John

Abegg (b)(6)

**Subject:** SCOTUS

I am not even sure that this is possible. But it would REALLY rally our base, if we stayed through the weekend – including all night, if needed, to confirm BK by 8 am on Monday, 10/1.

If there is a way to do this, we should.

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: Process Complaints by Senate Democrats

**Date:** Thu, 4 Oct 2018 16:10:21 +0000

**Importance:** Normal

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

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**From:** Chairman Grassley (Judiciary-Rep)

**Sent:** Thursday, October 04, 2018 9:24 AM

**To:** Hartmann, George (Judiciary-Rep) <(b)(6)>

**Subject:** Process Complaints by Senate Democrats

Good morning,

Regarding unprecedented efforts to make public the supplemental background investigation completed last night by the FBI, please see this [2009 bipartisan memorandum of understanding](#) between the Obama administration, then-Chairman Leahy and then-Ranking Member Sessions that strictly maintains the confidentiality of FBI files on nominees. Minority Leader Schumer was then a [member](#) of the Senate Judiciary Committee and raised no issue about this well-established process. *Every* senator will be able to view the FBI's supplemental files or be briefed by designated committee staff members for both the majority and minority.

Please also note [Ranking Member Dianne Feinstein](#) also "indicate[d] that the FBI report on Kavanaugh should NOT be made public" just this week.

Chairman Grassley's tweets about this process from this morning can be found [here](#), [here](#) and [here](#), as well as below.

On Tuesday, Chairman Grassley [made clear](#) that he has full confidence that the FBI would not succumb to public political pressure regarding how it conducts its business, stating "Respectfully, the career public servants and professionals at the FBI know what they're doing and how best to conduct a background investigation...I hope my Democratic colleagues do not attempt to interfere in that process."

From this morning:



**ChuckGrassley** ✓

@ChuckGrassley

Following



Supplemental FBI background file for Judge Kavanaugh has been received by @senjudiciary Ranking Member Feinstein & I have agreed to alternating EQUAL access for senators to study content from additional background info gathered by non-partisan FBI agents 1/3

1:07 AM - 4 Oct 2018

2,112 Retweets 5,773 Likes



**ChuckGrassley** ✓

@ChuckGrassley

Following



FBI supplement requested Friday sept 28 by bipartisan group of senators w specific scope of current/credible allegations. Dr Ford & Judge Kavanaugh had opportunity to testify under oath b4 public/cmte to tell senators what they know 2/3

1:09 AM - 4 Oct 2018

1,210 Retweets 2,997 Likes





**ChuckGrassley** ✓

@ChuckGrassley

Following



This FBI material will b handled per 2009 memorandum of understanding/MOU signed btwn Obama WHCounsel & then-SJC Chairman Leahy. Thats latest memorialization of this "loan agreement" of ExecBranch material. Feinstein, Durbin, Schumer, & others were on SJC in 09 & didnt object 3/3

1:11 AM - 4 Oct 2018

1,936 Retweets 4,449 Likes



**George Hartmann** | *Press Secretary*

[Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-7494 | [Get The SCOOP](#)

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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**From:** "Davis, Mike (Judiciary-Rep)" <(b)(6)>

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

**Subject:** SCOTUS: Democrats Again Withholding Information

**Date:** Mon, 24 Sep 2018 02:41:46 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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Good evening,

Yet again, Senate Democrats actively withheld information from the rest of the Committee only to drop information at politically opportune moments. It increasingly appears that they are more interested in a political takedown than pursuing allegations through a bipartisan and professional investigative process.

Of course, we will attempt to evaluate these new claims.

**On Ramirez allegations:**

The committee's majority staff learned the allegations made by Deborah Ramirez about Judge Kavanaugh from this evening's New Yorker report. Neither she nor her legal representative have contacted the chairman's office. The article reports that Democratic staff were aware of these allegations, but they never informed Republican staff.

**On Avenatti tweet:**

Shortly after Mr. Avenatti announced that he may have information pertinent to the committee's consideration of the Supreme Court nomination, the chairman's office emailed him directly to request any relevant information he might have. Mr. Avenatti publicly Tweeted his response to committee staff. The committee staff requested that Mr. Avenatti provide any evidence that he claims to have.

**Taylor Foy** | *Communications Director*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-6708 | [Get The SCOOP](#)

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 -- Stand With Susan Collins

**Date:** Sat, 6 Oct 2018 21:59:43 +0000

**Importance:** Normal

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Yesterday, Senator Collins gave one of the most epic floor speeches ever:

<https://www.collins.senate.gov/newsroom/senator-collins-announces-she-will-vote-confirm-judge-kavanaugh>

<https://twitter.com/SenatorCollins/status/1048314564826292227>

This speech moved Chairman Grassley to tears on the Senate floor.

Following the speech, Chairman Grassley sent out these two Tweets:

<https://twitter.com/ChuckGrassley/status/1048306228701663232>

<https://twitter.com/ChuckGrassley/status/1048306419433447424>

Now, everyone who supports **Justice** Kavanaugh should step up and help defend Senator Collins from the leftwing onslaught that she will face in the coming weeks. Many of these leftwing activists are vicious, angry, and even dangerous. We must not let this mob rule prevail.

Please step up and thank Senator Collins for her bold and courageous decision to support Justice Kavanaugh's nomination. This includes speeches, letters to the editor, op-eds, and social-media posts on Facebook, Twitter, and the like. This is particularly important in Maine – not exactly a bastion of conservatism.

1. You can submit a 650-750 word "Maine Voices" column to the Portland Press Herald at this email address: [mainevoices@pressherald.com](mailto:mainevoices@pressherald.com)
2. You can submit a 600-700 word op-ed to the Bangor Daily News here: <https://bangordailynews.com/opinion/submit/>
3. You can submit a 650-750 word "Maine Compass" column to the Kennebec Journal and Morning Sentinel at this email address: [letters@centralmaine.com](mailto:letters@centralmaine.com)

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  
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Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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(b)(6)

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

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

**Subject:** SCOTUS -- latest background materials

**Date:** Sun, 30 Sep 2018 02:21:08 +0000

**Importance:** Normal

**Attachments:** Post-Hearing\_TPs.pdf; Hearing\_Process\_TPs.pdf; Ford\_Hearing\_&\_Investigation\_TPs.pdf

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Attached are the background materials that the Chairman's team has drafted since the last time the Chairman's team sent out background materials before Day 1 of the hearing on September 4, 2018.

NOTE: Yesterday, at the request of undecided members, the Senate Judiciary Committee requested a supplemental background investigation (BI) and report from the FBI. Some of the attached background materials address why the Committee did not request an FBI investigation before yesterday.

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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(b)(6)

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

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

**Subject:** SCOTUS: GOP response to Dem presser; Declaration from Georgetown Prep classmate

**Date:** Thu, 4 Oct 2018 16:28:23 +0000

**Importance:** Normal

**Inline-Images:** image001.jpg; image002.jpg; image003.png

---

**From:** Chairman Grassley (Judiciary-Rep)

**Sent:** Thursday, October 04, 2018 11:48 AM

**To:** Hartmann, George (Judiciary-Rep) <(b)(6)>

**Subject:** GOP response to Dem presser; Declaration from Georgetown Prep classmate

Good morning,

Please see the committee's response to Sens. Schumer and Feinstein's press availability below.

Please also see this [declaration from Michael Fegan](#), who attended Georgetown Prep High School with Judge Brett Kavanaugh.

<https://twitter.com/senjudiciary/status/1047866674563698688>



<https://twitter.com/senjudiciary/status/1047868226473013249>

<https://twitter.com/senjudiciary/status/1047871313833021446>





school as well. I also attended 'Beach Week' with him in June 1982. **I have never seen Brett out of control from drinking alcohol.** I have never seen Brett out of control in any situation, whether it be in the classroom, on the football field, on the basketball court or in any social setting."

- "Regarding the allegation by Christine Blasey Ford, I never heard of such a gathering. We were a tight knit group, and I believe that if anything happened like Professor Ford described, I would have known about it."
- "I urge all senators to vote to confirm Judge Brett Kavanaugh. He is one of the most ethical and moral men I know, and has been for the almost 40 years that I have known him."

Text of the declaration, given to the Senate under felony penalty, can be found below.

October 1, 2018  
Michael C. Fegan  
6809 Dorsey Road  
Laytonsville, MD 20882

Chairman Grassley  
Senate Judiciary Committee  
Room SD-224  
Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Grassley,

I am writing to you regarding the character of Judge Brett Kavanaugh. Brett and I attended Georgetown Prep High School together from 1979 to 1983. We were classmates, teammates and friends. I attended most of the same social events that Brett attended in high school, and many after high school as well. I also attended "Beach Week" with him in June 1982. I have never seen Brett out of control from drinking alcohol. I have never seen Brett out of control in any situation, whether it be in the classroom, on the football field, on the basketball court or in any social setting.

Regarding the allegation by Christine Blasey Ford, I never heard of such a gathering. We were a tight knit group, and I believe that if anything happened like Professor Ford described, I would have known about it. I never met Christine Blasey, and had never heard her name until mid-September 2018.

I cannot speak for the allegation from the Yale student, Deborah Ramirez, because I did not attend Yale. I can tell you that what Ms. Ramirez described would be completely out of character of the man I have known for almost 40 years.

As to the allegation made by Julie Swetnick, I have never heard of Ms. Swetnick. My understanding is that she graduated from Gaithersburg High School three years before we graduated from Georgetown Prep. During my high school years, I did not know any girls from Gaithersburg High School. We did not socialize with girls from Gaithersburg High School. We did not have any kind of punch drinks, hard liquor or drugs at our parties. I never witnessed any kind of sexual situation at any of our parties. If there was any kind of mistreatment of girls at any of our parties, I assure you that my friends and I, including Brett Kavanaugh, would have put a stop to it immediately and would have reported it to the Montgomery County, MD Police Department.

I know that last week was tough on you, as it was for many people throughout our country, and I appreciate the way that you have conducted the confirmation hearings. I urge all senators to vote to confirm Judge Brett Kavanaugh. He is one of the most ethical and moral men I know, and has been for the almost 40 years that I have known him.

I appreciate your time in this matter and for your service to our country.

Sincerely,

Michael C. Fegan

---

**George Hartmann** | *Press Secretary*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-7494 | [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: Vague, Uncorroborated Allegations

**Date:** Tue, 25 Sep 2018 23:15:18 +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/2N4Dt1L>

## Vague, Uncorroborated Allegations

*'No Memory,' 'I Have No Idea,' 'Does Not Know Mr. Kavanaugh'*

**SENATE MAJORITY LEADER MITCH McCONNELL (R-KY):** "Look -- the American people know that sexual misconduct is gravely serious. They expect this to be treated seriously and addressed promptly. That's precisely what Chairman Grassley has done and is doing. **But the American people also insist that vague ... and uncorroborated allegations of 30-plus-year-old misconduct -- where all the supposed witnesses either totally deny it or can't confirm it -- is nowhere near grounds to nullify someone's career or destroy their good name.**" ([Sen. McConnell, Remarks, 9/25/2018](#))

### **Those Identified In Dr. Ford's Letter Either Have No Recollection Of The Alleged Party Or Incident -- Or Don't Even Know Kavanaugh**

**LELAND INGHAM KEYSER:** "Simply put, Ms. Keyser does not know Mr. Kavanaugh and she has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford." (Howard Walsh, Representative for Leland Keyser, Email to Senate Judiciary Committee, 9/22/2018)

**PATRICK J. SMYTH:** "I have no knowledge of the party in question; nor do I have any knowledge of the allegations of improper conduct ... leveled against Brett Kavanaugh.... I have never witnessed any improper conduct by Brett Kavanaugh towards women." ("Eric B. Bruce, Attorney for Patrick J.Smyth, Letter to Sens. Grassley and Feinstein, 9/18/2018)

**MARK JUDGE:** "I have no memory of this alleged incident. Brett Kavanaugh and I were friends in high school but I do not recall the party described in Dr. Ford's letter. More to the point, I never saw Brett act in the manner Dr. Ford describes." (Barbara Van Gelder, Attorney for Mark Judge, Letter to Sens. Grassley and Feinstein, 9/18/2018)

**JUDGE BRETT KAVANAUGH:** "This is a completely false allegation. I have never done anything like what the accuser describes—to her or to anyone. Because this never happened, I had no idea who was making the accusation until she identified herself ..." ([Brett Kavanaugh Dismisses Sexual Assault Allegations As 'Completely False,' Fox News, 9/17/2018](#))

## **A Classmate Of Dr. Ford's Retracted A Post Suggesting She Heard About The Alleged Incident: 'That It Happened Or Not, I Have No Idea'**

"A former schoolmate of Brett Kavanaugh's accuser wrote a Facebook post saying she recalls hearing about the alleged assault involving Kavanaugh, though she says she has no first-hand information to corroborate the accuser's claims." ([NBC News, 9/19/2018](#)).

"A former classmate of Christine Blasey Ford tells NPR that she does not know if an alleged sexual assault by Supreme Court nominee Brett Kavanaugh took place as she first suggested on social media. 'That it happened or not, I have no idea,' Cristina King Miranda told NPR's Nina Totenberg. 'I can't say that it did or didn't.'" (["Kavanaugh Accuser's Classmate: 'That It Happened Or Not, I Have No Idea,'" NPR, 9/20/2018](#)).

- "That's different from what Miranda wrote Wednesday in a now-deleted Facebook post that stated definitively, 'The incident DID happen, many of us heard about it in school.' ... Miranda noted on Twitter that she did not have 'first hand knowledge' of the incident. Miranda said staff from the Senate Judiciary Committee had reached out to her, something she was not expecting." (["Kavanaugh Accuser's Classmate: 'That It Happened Or Not, I Have No Idea,'" NPR, 9/20/2018](#)).

## **No Eyewitness Could Confirm Ms. Ramirez's Allegation, No One Could Confirm Kavanaugh Was Even Present, And She 'Could Not Be Certain [He] Was The One'**

**THE NEW YORKER:** "*The New Yorker* has not confirmed with other eyewitnesses that Kavanaugh was present at the party." (["Senate Democrats Investigate a New Allegation of Sexual Misconduct, from Brett Kavanaugh's College Years," The New Yorker, 9/23/2018](#)).

- **THE NEW YORK TIMES:** "The New Yorker did not confirm with other eyewitnesses that Judge Kavanaugh was at the party. The Times had interviewed several dozen people over the past week in an attempt to corroborate her story, and could find no one with firsthand knowledge. Ms. Ramirez herself contacted former Yale classmates asking if they recalled the incident and told some of them that she could not be certain Mr. Kavanaugh was the one ..." (["Christine Blasey Ford Reaches Deal to Testify at Kavanaugh Hearing," The New York Times, 9/23/2018](#)).

**CBS' JOHN DICKERSON:** "Jane, the corroborating witness, which you said has all the details, including Kavanaugh's name, where did that witness come from, where did that witness get the information about this from, if that person doesn't know Ramirez?"

**THE NEW YORKER'S JANE MAYER:** "He remembers it from—he was in the same dorm, same little building on Yale's Old Campus. And he remembers it clearly. I asked him—"

**DICKERSON:** "Did he see it?"

**MAYER:** "No. As I've said, he heard it from someone who was there." ([CBS' "CBS This Morning," 9/24/2018](#)).

"She was at first hesitant to speak publicly, partly because her memories contained gaps because she had been drinking at the time of the alleged incident." (["Senate Democrats Investigate a New Allegation of Sexual Misconduct, from Brett Kavanaugh's College Years," The New Yorker, 9/23/2018](#)).

- "After six days of carefully assessing her memories and consulting with her attorney, Ramirez said that she felt confident enough of her recollections ..." (["Senate Democrats Investigate a New Allegation of Sexual Misconduct, from Brett Kavanaugh's College Years," The New Yorker, 9/23/2018](#)).

"The Ramirez accusation has been floating around several news outlets in the past week, including NBC, NYer, New York Times, & the Washington Post per five sources." ([New York Magazine's Yashar Ali, @yashar, Twitter, 9/23/2018](#)).

## **Another Charge Refuted: 'Outrageous, 100% False'**

**“Yale Law School professor Amy Chua denied allegations that she coached female students to dress in an ‘outgoing’ fashion when interviewing for clerkship positions with Judge Brett Kavanaugh, now a nominee for the Supreme Court.”** ([“Yale Law Professor Amy Chua Rejects Charge She Coached Female Students on How to Dress for Kavanaugh,” \*The Wall Street Journal\*, 9/22/2018](#)).

- **“Everything that is being said about the advice I give to students applying to Brett Kavanaugh—or any judge—is outrageous, 100% false, and the exact opposite of everything I have stood for and said for the last fifteen years,’ said Ms. Chua ...”** ([“Yale Law Professor Amy Chua Rejects Charge She Coached Female Students on How to Dress for Kavanaugh,” \*The Wall Street Journal\*, 9/22/2018](#)).

###

SENATE REPUBLICAN COMMUNICATIONS CENTER  
202.228.NEWS

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

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

**Subject:** SCOTUS | ICYMI Summary on Recently Released Documents

**Date:** Mon, 1 Oct 2018 22:44:05 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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Good evening,

Here's a recap of a few items related to the nomination of Judge Brett Kavanaugh from the last few days:

- **NEW:** [Grassley letter to Whitehouse – FBI Referral](#)  
*NOTE: "False reports unfairly diminish the power of survivors' stories. We have to ensure that survivors will not only feel safe telling their stories, but that when they do, they will be treated with the respect and seriousness they deserve."*
  - [Judiciary Committee Refers Potential False Statements for Criminal Investigation](#)
- [Memorandum](#) to Republican senators from Ms. Rachel Mitchell analyzing Dr. Ford's allegations.  
*NOTE: "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."*
- [Transcript](#) of Judge Kavanaugh's September 26 staff interview with the Judiciary Committee in which Kavanaugh was questioned about separate allegations raised by Julie Swetnick and an unnamed woman who contacted a Senate office. Judge Kavanaugh denied both sets of allegations under penalty of felony.
- [Chairman Grassley's letter to Senator Sanders](#) regarding the FBI's supplemental background investigation.  
*NOTE: "Your public statements clearly reveal how unimportant it is to you to review any facts related to this nomination. So you can imagine my surprise at receiving your letter regarding the supplemental FBI background investigation. ... Am I to take from your letter that you are now undecided and willing to seriously engage with the Senate's advice-and-consent constitutional duties related to the nomination of Judge Kavanaugh to serve as an Associate Justice on the Supreme Court of the United States?"*
- [American Bar Association reaffirms](#) Judge Kavanaugh's unanimous rating of "Well Qualified" to serve on the U.S. Supreme Court.

Best,  
Taylor

**Taylor Foy** | *Communications Director*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-6708 | [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: Committee Receives Signed Letter from Mark Judge

**Date:** Fri, 28 Sep 2018 04:47:53 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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Good evening,

Tonight, Mark Judge [reiterated in a signed statement](#) that he has no recollection of the gathering alleged by Dr. Christine Blasey Ford, and that he has never seen Judge Kavanaugh act in the manner that Dr. Ford described. Mr. Judge had previously provided a [similar statement](#) to the committee through his attorney. False statements to the Judiciary Committee are subject to penalty of felony.

Mr. Judge was one of five people alleged to have attended a gathering where Dr. Ford said she was sexually assaulted. Dr. Ford shared the allegations with Ranking Member Dianne Feinstein in a July 30 letter, which was first brought to Chairman Grassley's attention on September 13. After learning of Dr. Ford's identity from a [Washington Post report on September 16](#), Grassley's investigative counsels 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.

Judge Kavanaugh has repeatedly denied the allegations in [sworn testimony today](#) and in [multiple interviews](#) with the Judiciary Committee.

Best,  
Taylor

**Taylor Foy** | *Communications Director*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-6708 | [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 -- Grassley Repeats Request of Katz, Bromwich, Banks to Provide Evidence Cited, Reported But Never Provided to Committee

**Date:** Fri, 5 Oct 2018 03:44:28 +0000

**Importance:** Normal

**Inline-Images:** image002.png; image003.png; image004.png; image005.png

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**COMMITTEE** *on the* **JUDICIARY**  
CHAIRMAN CHUCK GRASSLEY [WWW.JUDICIARY.SENATE.GOV](http://WWW.JUDICIARY.SENATE.GOV)

FOR IMMEDIATE RELEASE

Thursday, October 4, 2018

## Grassley Repeats Request of Katz, Bromwich, Banks to Provide Evidence Cited, Reported But Never Provided to Committee

**WASHINGTON** – Senate Judiciary Committee Chairman Chuck Grassley renewed his request for evidence, for a third time, in another letter to attorneys Debra Katz, Michael Bromwich and Lisa Banks, following a “non-sequitur” response from the lawyers to a letter sent by the senator earlier this week.

Grassley said the evidence in question has been referenced numerous times as part of the allegations made by Dr. Christine Blasey Ford against Supreme Court nominee Judge Brett Kavanaugh, including in a story reported by *The Washington Post* on Sunday, September 16, 2018. The newspaper said it had reviewed some of this evidence.

Grassley asked the lawyers for Ford to provide the material to committee members last week during day five of the Judiciary Committee hearing on the nomination and again in a [letter dated Oct. 2](#). In [response](#) to the Oct. 2 letter, the lawyers said they’d turn the documents over to the FBI. In his request tonight, Grassley said this answer doesn’t make sense because the Senate has a constitutional obligation to investigate Ford’s allegations independently of the FBI and that the Senate advises on nominations, not the FBI. If the evidence went to a national newspaper, “there is no reason for you to not produce the evidence to the Senate,” Grassley said.

The full text of Grassley’s letter follows or can be found [here](#).

October 4, 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'm writing in response to your response to my letter dated October 2. You said that Dr. Ford is willing to turn her documents over to the FBI, but my request of you was not for documents to be turned over to the FBI. I asked you to provide the documents to the Senate Judiciary Committee. Your response on behalf of your client is a non-sequitur. The Constitution charges the Senate with advising the President on his nomination. Senators have a constitutional obligation to investigate and evaluate independently the President's nominees. Our obligation is unrelated to anything the FBI does. That's why we don't just vote on nominees after the President loans us the FBI background investigation. We have to make our own assessment.

The U.S. Senate doesn't control the FBI. If you have an objection to how the FBI conducts its investigations, take it up with Director Wray. But don't raise that objection as a reason not to respond to this Committee's demand for relevant evidence. The FBI's investigative decisions aren't our concern. Even if the FBI never interviews Dr. Ford, or interviews her ten times, this Committee has a constitutional obligation to investigate Dr. Ford's allegations, and that's what we've been doing since we became aware of her allegations.

It's not even clear to me what purpose turning over these materials to the FBI would accomplish. The FBI would simply turn over that evidence to the Senate. That is precisely the outcome I seek with this request.

You have claimed repeatedly that the evidence I have requested supports Dr. Ford's allegations against Judge Kavanaugh. She even provided some of this evidence to national news organizations. Accordingly, there is no reason for you to not produce the evidence to the Senate. Indeed, if the evidence supported your client's allegations, you surely would produce it as quickly as you could.

But you have repeatedly refused to produce this evidence to the Senate. In doing so, you are preventing the Senate from considering the evidence most crucial to Dr. Ford's allegations. I don't know what other inference we should draw from your refusal but that the withheld evidence does not support Dr. Ford's allegations in quite the way you have claimed.

I urge you once again, now for the third time in writing, to turn over the therapy notes, polygraph materials, and communications with *The Washington Post* that Dr. Ford has relied upon as evidence. In addition to the evidence I requested in my October 2 letter, in light of recently uncovered information, please turn over records and descriptions of direct or indirect communications between Dr. Ford or her representatives and any of the following: (1) U.S. Senators or their staffs, particularly the offices of Senators Feinstein and Hirono, other than your communications with me and my staff in preparation for the September 27 hearing; (2) the alleged witnesses identified by Dr. Ford (Leland Keyser, Mark Judge, and Patrick "P.J." Smyth); and (3) Debbie Ramirez, Julie Swetnick, or their representatives.

Sincerely,

Chuck Grassley  
United States Senator  
Chairman, Committee on the Judiciary



Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
Senator Chuck Grassley (R-IA), Chairman  
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**From:** "Davis, Mike (Judiciary-Rep)" <(b)(6)>

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

**Subject:** SCOTUS: Sen. Hatch in WSJ: Brett Kavanaugh's Righteous Anger

**Date:** Wed, 3 Oct 2018 00:13:42 +0000

**Importance:** Normal

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<https://on.wsj.com/2Ngll3H>

### **Brett Kavanaugh's Righteous Anger**

*His foes seem to think a good judge would respond like a robot to scurrilous personal attacks.*

By Sen. Orrin Hatch Wall Street Journal op-ed October 3, 2018

A notable shift occurred in the left's anti-Kavanaugh campaign over the weekend. Attention has turned away from Christine Blasey Ford's allegations of sexual assault—the entire reason for last week's hearing and the ensuing delay in Judge Brett Kavanaugh's confirmation vote—and toward his behavior at the hearing.

We're starting to see arguments like the following: Even if Judge Kavanaugh is innocent, what he said at the hearing, and how he said it, is disqualifying.

This is rich. The hearing occurred in the first place only because of Democratic duplicity. It occurred only because Senate Democrats sat on Ms. Ford's allegations for six weeks rather than referring them to committee investigators, as they should have done immediately. It occurred only because Ms. Ford's lawyers—recommended to Ms. Ford by Senate Democrats—refused to tell their client of our invitation to testify privately in California, as she said she preferred.

That Judge Kavanaugh had the temerity to defend himself vigorously is now being counted as a strike against him. Over and over we hear him described as "angry," "belligerent" or "partisan," followed by the claim that his conduct at the hearing shows that he lacks a judicial temperament. Even "Saturday Night Live" got in on the action.

You've got to be kidding me. Do the people making this argument really expect a man who until five seconds ago had an unblemished reputation to sit passively while his reputation is viciously and permanently destroyed? While he is accused of the most horrific and obscene acts imaginable? Judge Kavanaugh's critics seem to be aghast that he is a human being who is unwilling to take slander lying down.

Had Judge Kavanaugh sat dispassionately through Thursday's hearing and denied the allegations weakly, his critics would have taken his lack of forcefulness as proof of guilt. We all know this. We're not stupid. Spare us the pearl-clutching.

More to the point, this whole "temperament" argument is a non sequitur. Obviously Judge Kavanaugh would recuse himself if his own case came before the court. We're told that a man who reacts with understandable indignation when he is falsely accused cannot be a dispassionate arbiter of disputes involving third parties.

But we don't need to guess about how Judge Kavanaugh behaves when he's actually on the bench. He has a 12-year track record. And here's what the American Bar Association had to say about him after interviewing more than 100 fellow judges and lawyers who know and have appeared before him: "Lawyers and judges overwhelmingly praised Judge Kavanaugh's judicial temperament."

Then there's the matter of Judge Kavanaugh's alcohol consumption. Not since Prohibition have so many news outlets reported on drinking habits with such interest.

Countless articles have been written about how Judge Kavanaugh "lied" about his high-school and college drinking at the hearing, thereby calling into question his honesty. These articles claim the judge portrayed himself as a "choirboy" who, in the words of the New York Times, enjoyed "a beer or two as a high school and college student." Then they hit back with quotes from college acquaintances who say they saw the judge drink quite a lot.

This is known in the business as a straw man. Judge Kavanaugh never claimed he always drank in moderation. To the contrary, he admitted, "Sometimes I had too many beers." If Judge Kavanaugh's opponents want to claim he lied about his drinking when he was younger, perhaps they should stop lying about what he actually said.

A slightly different straw man concerns Judge Kavanaugh's statements at the hearing that he never blacked out from drinking. The Times and others have gathered testimonials from classmates who say they heard the judge "slur his words" and saw him "staggering" from alcohol consumption, as if this were proof that he blacked out from drinking. But of course

Judge Kavanaugh never denied that he slurred his words or staggered. He said he never blacked out. Even a teetotaling Mormon knows the difference.

What's going on here is obvious. Having failed to bring down Judge Kavanaugh with unsubstantiated allegations of sexual abuse, his opponents are now trying to call into question his character in defending himself from those allegations. It's the ultimate set-up job. If the initial charges don't work, we'll destroy him when he defends himself. The good judge is damned no matter what he does.

This is further evidence that this whole sordid saga was never about the truth. It was never about justice for Ms. Ford. It was always and only about defeating Judge Kavanaugh by any means necessary. If the claims about sexual assault—a serious and important topic that deserves respectful consideration, not this farce—fail to stick, we'll take him down with straw men about drinking and nitpicking about yearbooks.

The latest claim is that Judge Kavanaugh lied when he testified that he first learned about Deborah Ramirez's allegations of lewd conduct from "the New Yorker story." NBC News reports he might have discussed the matter with fellow Yale alumni before the story's publication. In fact, he testified he'd heard "that she was calling around to classmates trying to see if they remembered" the events she described. The New Yorker quotes him denying the allegations—so it seems a fair conclusion he learned of the precise claim from the New Yorker story as it was being prepared for publication.

He also reportedly threw ice at someone in a bar in 1985. So there's that.

I for one have had enough of this charade. Judge Kavanaugh is a good man and a good judge who doesn't deserve this treatment or anything like it. What he does deserve is confirmation.

*Mr. Hatch, a Utah Republican, is president pro tempore of the U.S. Senate and a member of the Judiciary Committee.*

Thank you,  
Mike Davis

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

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

**Subject:** SCOTUS: AP: 'Thorough' FBI report bolsters GOP hopes for Kavanaugh

**Date:** Fri, 5 Oct 2018 02:34:18 +0000

**Importance:** Normal

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<http://bit.ly/2Ctght6>

## 'Thorough' FBI report bolsters GOP hopes for Kavanaugh

By Lisa Mascaro and Alan Fram Associated Press October 4, 2018

WASHINGTON — A pair of undeclared Republican senators accepted a confidential new FBI report into sex-abuse allegations against Brett Kavanaugh Thursday as "thorough," bolstering GOP hopes for confirmation as the Senate plunged toward showdown votes on President Donald Trump's embattled Supreme Court nominee.

One of the senators hinted he was open to supporting Kavanaugh as party leaders set a pivotal preliminary vote for 10:30 a.m. Friday. If that succeeds, a final roll call was expected Saturday as the long, emotional battle over the conservative jurist drew toward its climax.

Six days after Trump reluctantly ordered the FBI to scrutinize the accusations— which allegedly occurred in the 1980s and Kavanaugh has denied — leading GOP lawmakers briefed on the agency's confidential document all reached the same conclusion: There was no verification of the women's past claims and nothing new.

Democrats complained that the investigation was shoddy, omitting interviews with numerous potential witnesses, and accused the White House of limiting the FBI's leeway. Those not interviewed in the reopened background investigation included Kavanaugh himself and Christine Blasey Ford, who ignited the furor by alleging he'd molested her in a locked room at a 1982 high school gathering.

A week after a televised Senate Judiciary Committee hearing at which Kavanaugh and Ford transfixed the nation, the Capitol campus remained a stew of tension as the election-season cliff-hanger neared its conclusion. A hefty police presence added an air of anxiety, as did thousands of noisy anti-Kavanaugh demonstrators who gathered outside the Supreme Court and in Senate office buildings. U.S. Capitol Police said 302 were arrested — among them comedian Amy Schumer, a distant relative of Senate Minority Leader Chuck Schumer, D-N.Y.

"What we know for sure is the FBI report did not corroborate any of the allegations against Judge Kavanaugh," Senate Majority Leader Mitch McConnell, R-Ky., told reporters about the document, which was sent to Congress overnight. On the Senate floor, he witheringly called the accusations "uncorroborated mud."

Earlier, Sen. Jeff Flake of Arizona, one of the publicly undecided Republicans, told reporters that "we've seen no additional corroborating information" about the claims against the 53-year-old conservative jurist and said the investigation had been comprehensive.

A second undeclared Republican, Susan Collins of Maine, also expressed satisfaction with the probe, calling it "a very thorough investigation" and paid two visits to the off-limits room where the document was being displayed to lawmakers. She told reporters she'd not announce her position until Friday.

Alaska Sen. Lisa Murkowski, said she was "still reviewing" her decision.

While GOP leaders were not saying they'd nailed down the support needed, backing from two of those three would ensure Kavanaugh's confirmation because every other Republican was poised to back him. Republicans have a narrow 51-49 Senate majority, and Vice President Mike Pence will be available to cast a tie-breaking vote.

The trio of GOP moderates, leery of three women's claims of alcohol-fueled sexual misconduct by Kavanaugh, had refused to let his nomination proceed last week until Trump ordered the FBI probe. The three were briefed together on the investigation in the secure room senators were using to view the report. They skirted reporters for much of the day, sometimes shielded by Capitol Police.

Underscoring the hardening partisan lines, one of the two undecided Democratic senators said she'd oppose Kavanaugh. North Dakota Sen. Heidi Heitkamp, who faces a difficult re-election race next month, cited concerns about his "past conduct" and said she felt his heated attacks on Democrats during last week's Judiciary Committee hearing raised questions about his "current temperament, honesty and impartiality."

West Virginia's Joe Manchin, the other undeclared Democrat, spent time looking at the report and said he would resume reading it Friday.

Sen. Dianne Feinstein of California, the Judiciary Committee's top Democrat, said while her party had agreed to a week-long FBI probe with a finite scope, "We did not agree that the White House should tie the FBI's hands."

Democrats also objected to a statement by committee Chairman Chuck Grassley, R-Iowa, who said the investigation "found no hint of misconduct." The Judiciary panel's 10 Democrats said in a statement that based on their briefing and study of the document, "That is not true."

Grassley also said the FBI could not "locate any third parties who can attest to any of the allegations," and he said there is "no contemporaneous evidence."

Neither side specified what they were referring to. Under rules Congress and the White House have used for years, FBI background checks are considered confidential, and lawmakers and aides are not supposed to reveal details.

White House spokesman Raj Shah rebuffed Democrats' complaints, saying, "What critics want is a never-ending fishing expedition into high school drinking." He said the FBI reached out to 10 people and interviewed nine, including "several individuals at the request of the Senate, and had a series of follow-up interviews ... following certain leads."

Senators said the documents they examined totaled about 50 pages. Some said there were notes on interviews with nine people, though others said 10.

Trump, who Tuesday scornfully mocked Ford's Judiciary panel testimony, tweeted that Kavanaugh's "great life cannot be ruined by mean" and "despicable Democrats and totally uncorroborated allegations!"

Sen. John Kennedy, R-La., said five of the witnesses involved Ford's claims and four were related to Deborah Ramirez, who has asserted that Kavanaugh exposed himself to her when both were Yale freshmen.

Sen. Bob Corker, R-Tenn., said senators would sit around a rectangular table reading different sections of the report while a committee aide read other parts aloud. Senators were allowed to take notes but not remove them from the room, he said. The chamber, in the Capitol Visitor Center adjacent to the Capitol, is also used for secret intelligence briefings. Some lawmakers said they'd not been able to schedule time in the room until Friday.

Corker said nine of the pages were about Mark Judge, the Kavanaugh friend who Ford said also jumped on her while Kavanaugh assaulted her. Judge has said he doesn't recall the incident.

While the FBI interviews were to focus on sexual assault allegations, Democrats have also questioned Kavanaugh's drinking habits during high school and college and dishonest comments they say he has made about his background. Kavanaugh has said stories of his bad behavior while drinking are exaggerated.

Barring leaks, it was unclear how much if any of the FBI report would be made public.

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: Senate Judiciary Committee Receives Supplemental Background Investigation File on Kavanaugh Nomination

**Date:** Thu, 4 Oct 2018 16:09:17 +0000

**Importance:** Normal

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

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CHAIRMAN CHUCK GRASSLEY [WWW.JUDICIARY.SENATE.GOV](http://WWW.JUDICIARY.SENATE.GOV)

FOR IMMEDIATE RELEASE

Wednesday, October 4, 2018

## Senate Judiciary Committee Receives Supplemental Background Investigation File on Kavanaugh Nomination

**WASHINGTON** – Pursuant to last Friday’s [request](#) from the Senate Judiciary Committee, the administration instructed the FBI to conduct a supplemental background investigation with respect to the nomination of Judge Kavanaugh to the Supreme Court. The FBI has now concluded that supplemental investigation, and the White House delivered the updated file to the committee at approximately 2:30 this morning.

As with all background investigation (BI) files, the file and the information therein is held confidential under a [2009 memorandum of understanding](#) between the White House and the committee. All 100 senators and a very limited number of cleared committee staff can have access to the information in the BI file. This is how such files have been handled for several administrations.

As a security and confidentiality precaution, this BI file will be held in the Office of Senate Security. Amidst concerns over recent leaks of sensitive or confidential information, the legal restrictions imposed by the *Privacy Act* and the expected interest among senators to review the information, the use of the Senate’s secure space will best facilitate access for senators. The use of the secure space in this case will satisfy the physical custody requirements outlined in the memorandum of understanding.

### What Democrats have said about an FBI Supplemental Background Investigation:

- “It will not take a “tremendous amount of time,” but it is necessary if you truly want the facts to be known.” –[Sens. Chuck Schumer \(D-N.Y.\) and Dianne Feinstein \(D-Calif.\)](#)
- “It will only take a few days.” –[Sen. Chuck Schumer](#)
- “The FBI has ample resources to do this within the 1-week period requested by the members of the Judiciary Committee. No one is asking that it take longer than a week ...” – [Sen. Chuck Schumer](#)

- “I have proposed and talked to some of my colleagues, and I know others have as well, about a finite period for an FBI investigation, maybe a week. George H.W. Bush ordered that in the Anita Hill case, a three-day investigation. That happened.” – [Sen. Amy Klobuchar \(D-Minn.\)](#)
- “I think I'm satisfied. ... This is a very small universe of witnesses here and a very big FBI.” – [Sen. Sheldon Whitehouse \(D-R.I.\)](#)
- “And I have conveyed to my friends and colleagues that I had wished we would take a one-week pause, one week only.” – [Sen. Chris Coons \(D-DE\)](#)

-30-



Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
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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: Get your mind out of the gutter (Boofing, Devil's Triangle)

**Date:** Thu, 4 Oct 2018 23:58:52 +0000

**Importance:** Normal

**Inline-Images:** image001.png

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**From:** Chairman Grassley (Judiciary-Rep)

**Sent:** Thursday, October 04, 2018 6:14 PM

**To:** Hartmann, George (Judiciary-Rep)

**Subject:** Get your mind out of the gutter (Boofing, Devil's Triangle)

Good evening,

First – a quick note about how senators spent their time during Dr. Ford's testimony can be found [here](#).

Under GOP questioning:

- Ford spoke **29 mins & 6 secs**
- Ford was asked **175 questions**

Under Democratic questioning:

- Ford spoke **10 mins & 24 secs**
- Ford was asked **34 questions**

Every senator had 5 mins. Republicans were interested in the truth. Democrats were interested in politics.

Second, it turns out that "boofing" and "the devil's triangle" isn't so scandalous after all and Judge Kavanaugh was being completely honest in his descriptions of both. This is according to multiple new statements that were provided to the Senate Judiciary Committee under penalty of felony from former Georgetown Prep classmates of Judge Kavanaugh's and friends of a Georgetown Prep graduate who were classmates with Kavanaugh.

Donald Urgo, Jr., who has known Kavanaugh since he was in the fourth grade, provided a statement under penalty of felony in which he states, "I have reviewed Brett's testimony about the meaning of certain terms used in that yearbook: 'boofed,' 'Devil's Triangle,' and 'Renate Alumnus.' Brett's testimony about the meaning of each term is entirely correct and consistent with my independent understanding." Urgo also said, "I never saw Brett pass out or drink so much that he would black out." Urgo's statement can be found [here](#) and text of the statement can be found below.

Four classmates of Kavanaugh's from Georgetown Prep wrote to Grassley "to clear up any misunderstanding about the phrase 'Devil's Triangle,'" which they said "was a drinking game we came up with in high school." They also said that "none of us used the phrase 'Devil's Triangle' in our yearbook to refer to any kind of sexual activity. To us, it was just a game with glasses in the shape of a triangle."

The letter from Kavanaugh's classmates from his time at [Georgetown Prep can be found here](#). It was signed by DeLancey Davis, Bernard McCarthy, Jr., Paul Murray and Matthew Quinn. Two friends of Quinn's also wrote to Grassley stating that he taught them the game during their time together in college. That letter [can be found here](#).


Full text of Urgo's statement can be found below.

**Statement of Donald Urgo, Jr.**

1. I am over 18 years of age. I make this declaration from my own personal knowledge. If called upon as a witness, I could competently testify to the facts below.
2. I have known Brett since the 4<sup>th</sup> grade. He is an honorable man with a strong character.
3. I was Brett Kavanaugh's classmate at Georgetown Preparatory School from 1979 to 1983. I appear in, and am familiar with, the Georgetown Preparatory School yearbook issued in 1983.
4. I have reviewed Brett's testimony about the meaning of certain terms used in that yearbook: "boofed," "Devil's Triangle," and "Renate Alumnus." Brett's testimony about the meaning of each term is entirely correct and consistent with my independent understanding.
5. I attended a significant amount of high school parties with Brett. I never saw Brett engage in any behavior like that described by Dr. Ford, Ms. Swetnick, or Ms. Ramirez.
6. I attended Georgetown Prep's beach week in Ocean City, Maryland, at least two times with Brett. I never saw anything like the behavior described by Ms. Swetnick.
7. I never saw Brett pass out or drink so much that he would black out.
8. Brett had a weak stomach and would throw up after consuming quantities of alcohol that the rest of us had no problems keeping down.
9. I never saw Brett engage in any sexual misconduct of any kind, nor did I ever hear of any allegations, prior to the news stories, suggesting that Brett engaged in any sexual misconduct of any kind in high school or any time thereafter.
10. I have known Brett to have a number of good friends that were women and he has always been respectful to them.
11. I have no recollection of Dr. Ford or Ms. Swetnick attending any high school party that I was present at.
12. I understand that I have made this statement under penalty of felony.

---

**George Hartmann** | *Press Secretary*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

202-224-7494 | [Get The SCOOP](#)

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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**From:** "Davis, Mike (Judiciary-Rep)" <(b)(6)>

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

**Subject:** SCOTUS: Leland Keyser

**Date:** Sat, 29 Sep 2018 19:59:01 +0000

**Importance:** Normal

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**From:** Davis, Mike (Judiciary-Rep)

**Sent:** Saturday, September 29, 2018 3:58 PM

**To:** Duck, Jennifer (Judiciary-Dem) <(b)(6)>

Sawyer, Heather (Judiciary-Dem)

<(b)(6)>

Hearron, Marc (Judiciary-Dem) <(b)(6)>

**Subject:** FW: Leland Keyser

Thank you,

Mike Davis

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

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**From:** Howard Walsh [[\(b\)\(6\)](mailto:(b)(6))]

**Sent:** Friday, September 28, 2018 11:52 PM

**To:** Mehler, Lauren (Judiciary-Rep) <(b)(6)>

**Cc:** Leland Keyser <(b)(6)>

**Subject:** Leland Keyser

Dear Ms. Mehler,

(b)(6)

However, as my client has already made clear, she does not know Judge Kavanaugh and has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford.

(b)(6)

Nonetheless, she looks forward to being of any assistance she can.

Sincerely,

--

Howard J. Walsh III, Esq.  
7101 Wisconsin Ave  
Suite 1200  
Bethesda, MD 20814-4884  
301-602-8721  
301-576-7900 (fx)



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

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

**Subject:** SCOTUS: Ramirez allegation against Kavanaugh

**Date:** Sat, 29 Sep 2018 21:32:20 +0000

**Importance:** Normal

**Attachments:** 20180924\_220851\_resized.jpg; 20180924\_220743\_resized.jpg

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**From:** Davis, Mike (Judiciary-Rep)

**Sent:** Saturday, September 29, 2018 5:28 PM

**To:** Duck, Jennifer (Judiciary-Dem) <(b)(6)>

Sawyer, Heather (Judiciary-Dem)

<(b)(6)>

**Subject:** FW: Ramirez allegation against Kavanaugh

WARNING: (b)(6)

Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
Senator Chuck Grassley (R-IA), Chairman  
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**From:** (b)(6)

**Sent:** Saturday, September 29, 2018 5:04 PM

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

**Subject:** Ramirez allegation against Kavanaugh

Mike:

(b)(6)

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

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

**Subject:** SCOTUS: Judiciary Committee Releases Transcripts of Kavanaugh Interviews

**Date:** Wed, 26 Sep 2018 23:00:45 +0000

**Importance:** Normal

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

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FOR IMMEDIATE RELEASE

Wednesday, September 26, 2018

## Judiciary Committee Releases Transcripts of Kavanaugh Interviews

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

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

[September 17, 2018 Transcript](#)

[September 25, 2018 Transcript](#)

-30-



Thank you,  
Mike Davis

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



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

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

**Subject:** SCOTUS -- 9/26/2018 committee-investigator interview with Judge Kavanaugh

**Date:** Fri, 28 Sep 2018 05:12:20 +0000

**Importance:** Normal

**Attachments:** \_81575\_-\_Senate\_Judiciary\_Committee\_-\_Confidential\_Interview\_-\_September....pdf

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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  
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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: Judiciary Committee Refers Potential False Statements for Criminal Investigation

**Date:** Sat, 29 Sep 2018 23:58:50 +0000

**Importance:** Normal

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

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FOR IMMEDIATE RELEASE

Saturday, September 29, 2018

## Judiciary Committee Refers Potential False Statements for Criminal Investigation

**WASHINGTON** – The Senate Judiciary Committee today referred for criminal investigation apparent false statements made to committee investigators alleging misconduct by Judge Brett Kavanaugh. In a letter to Attorney General Jeff Sessions and FBI Director Chris Wray, Chairman Chuck Grassley sought a criminal review of the actions by a named individual who provided Congress with the information, diverting Committee resources from an ongoing investigation.

Committee investigators have actively pursued a number of tips the committee has received regarding the nomination of Judge Kavanaugh to the Supreme Court, though the committee has not been able to substantiate any allegations of wrongdoing by Judge Kavanaugh. One tip was referred to the committee by staff for Sen. Sheldon Whitehouse (D-R.I). While Whitehouse referred the accuser to a reporter, the committee took the claim seriously and questioned Judge Kavanaugh about the allegations under penalty of felony. Judge Kavanaugh denied any misconduct. After the [transcripts of that interview](#) became public, the individual recanted the claims on a social media post.

***“The Committee is grateful to citizens who come forward with relevant information in good faith, even if they are not one hundred percent sure about what they know. But when individuals provide fabricated allegations to the Committee, diverting Committee resources during time-sensitive investigations, it materially impedes our work. Such acts are not only unfair; they are potentially illegal. It is illegal to make materially false, fictitious, or fraudulent statements to Congressional investigators. It is illegal to obstruct Committee investigations,”*** Grassley said in the letter.

Grassley has called on the Justice Department and the FBI to review the matter as a possible violation of 18 U.S.C. §§ 1001 and 1505, portions of the U.S. code criminalizing the sharing of materially false information with committee investigators and obstruction of proceedings of congressional committees.

Grassley letter to DOJ and FBI is available [HERE](#).

-30-



Thank you,  
Mike Davis

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

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

**Subject:** SCOTUS: Update on the Senate Judiciary Committee's Investigation into Allegations Involving Supreme Court Nominee Judge Brett M. Kavanaugh

**Date:** Sun, 23 Sep 2018 20:20:24 +0000

**Importance:** Normal

**Inline-Images:** image002.png; image003.png; image004.png; image005.png

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FOR IMMEDIATE RELEASE

Sunday, September 23, 2018

## Update on the Senate Judiciary Committee's Investigation into Allegations Involving Supreme Court Nominee Judge Brett M. Kavanaugh

**WASHINGTON** – For the last week, the Judiciary Committee has been investigating Dr. Christine Blasey Ford's allegation that Judge Brett M. Kavanaugh sexually assaulted her at a house party while in high school approximately 36 years ago.

Dr. Ford first alerted the Ranking Member of her allegations in a letter dated July 30, 2018. The Ranking Member did not disclose the existence of this letter to the Committee or the FBI until September 13, 2018—after Judge Kavanaugh's confirmation hearing and a full six weeks after she first received them.

The Committee became aware of the substance of the allegations in [media reports](#) the next day. The Committee also learned from press reports that the person raising the allegations also claimed that Mr. Mark Judge had been in the room when the incident allegedly took place. Mr. Judge denied those allegations [in interviews with the press](#). Judge Kavanaugh similarly denied the allegations in a written statement.

The Committee learned of Dr. Ford's identity in a [Washington Post article](#) on September 16, 2018. The *Washington Post* article reiterated the claim that Judge Kavanaugh and Mr. Judge were both in the room when the alleged incident took place. We also learned that Dr. Ford alleged that "there were four boys at the party" and that her therapist's notes referenced in the article also stated that there were four boys at the party (and in the room where the assault took place). Dr. Ford also "named two other teenagers who she said were at the party" in addition to Judge Kavanaugh and Mr. Judge. The article claimed that those two other individuals did not respond to the *Post's* inquiries.

The Committee did not learn of the actual contents of the letter until [CNN published a redacted version](#) of the letter on September 17. We do not know who leaked this letter to the press, notwithstanding Dr. Ford's request

for confidentiality. Despite revelations of Dr. Ford's identity, the Ranking Member and Dr. Ford's attorneys to date still have not publicly released a copy of the original version of the letter or shared it more broadly than the 21 members and senior staff of the Judiciary Committee. The Chairman has [repeatedly called](#) for the public release of this hidden evidence.

In the course of the Committee's investigation, it also learned the identities of the four other individuals Dr. Ford claimed were at the party when the incident took place. They were not, however, all boys, as Dr. Ford apparently told her therapist and the *Washington Post*. The four individuals Dr. Ford claimed attended the party were Judge Kavanaugh, Mr. Judge, Mr. Patrick J. Smyth, and Ms. Leland Ingham Keyser. The Committee reached out to each person and asked for the opportunity to conduct a confidential interview.

**Judge Kavanaugh** submitted to an interview, where he reiterated his unqualified and categorical denial of Dr. Ford's allegations.

**Mr. Judge** submitted to the Committee a [statement through counsel](#) on September 18 in which he stated: **"I do not recall the party described in Dr. Ford's letter. More to the point, I never saw Brett act in the manner Dr. Ford describes."**

**Mr. Smyth** similarly [provided a statement](#) to the Committee through counsel on September 19 in which he said **"I have no knowledge of the party in question; nor do I have any knowledge of the allegations of improper conduct she has leveled against Brett Kavanaugh."**

**Ms. Keyser** [stated to the Committee](#) through her counsel last night that she **"does not know Mr. Kavanaugh and has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford."** News reports identify Ms. Keyser as a lifelong friend of Dr. Ford's.

A former schoolmate of Dr. Ford's—Ms. Christina King Miranda—claimed on social media posts on September 20 that "[t]his incident did happen, many of us heard about it in school." Hours later, the Committee reached out to Ms. Miranda and asked her to participate in a confidential interview on Dr. Ford's allegations with Committee investigators. Shortly thereafter, however, she deleted her posts and [claimed on National Public Radio](#) that she **"ha[d] no idea" whether the incident "happened or not."** She further stated that she would not participate in an interview with the Committee.

The Committee asked Dr. Ford to participate in a confidential interview with Republican and Democratic Committee staff the day after learning of her identity. The Committee has reiterated that request over the last week.

The Committee has therefore sought information from six individuals—five who were allegedly present at the party when the incident took place, and one who claimed to have secondhand knowledge of the incident. Four of those allegedly present at the party have provided statements to the Committee—Judge Kavanaugh, Mr. Judge, Mr. Smyth, and Ms. Keyser. Judge Kavanaugh has flatly denied the allegations, and Mr. Judge, Mr. Smyth, and Ms. Keyser deny having knowledge of any party matching Dr. Ford's description. Ms. King subsequently recanted her claim of secondhand knowledge and publicly refused to cooperate with the Committee's investigation.

Dr. Ford is the only first-hand witness not to provide a statement to, or interview with, the Committee. The Committee expects to hear from Dr. Ford at a [hearing on Thursday](#).



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: Senate Update // Judge Kavanaugh confirmation vote today - between 3:30 - 3:45 pm

**Date:** Sat, 6 Oct 2018 17:28:53 +0000

**Importance:** Normal

**Inline-Images:** image001.jpg

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**From:** Soares, Erica (McConnell)

**Sent:** Saturday, October 06, 2018 1:07 PM

**To:** Soares, Erica (McConnell) <(b)(6)>

**Subject:** Senate Update // Judge Kavanaugh confirmation vote today - between 3:30 - 3:45 pm

Hi everyone – The Senate is currently in the 30 hours post-cloture debate on Judge Kavanaugh's nomination -- **Executive Calendar #1127, Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.**

**UPDATE:** The Senate will proceed to a **roll call vote on confirmation** between **3:30 pm and 3:45 pm today**. Many thanks to the unrelenting, unwavering hard work of Chairman Grassley and the Senate Judiciary Committee staff, and so many others.

See you on the other side of the vote!

Best,  
Erica

Erica Soares  
Policy Advisor  
Office of the Majority Leader  
U.S. Senator Mitch McConnell  
S-230, The Capitol

(b)(6)

(b)(6)

<http://www.republicanleader.senate.gov/>

---

**From:** Soares, Erica (McConnell)

**Sent:** Friday, October 5, 2018 6:03 PM

**To:** Soares, Erica (McConnell) <(b)(6)>

**Subject:** Senate Update // 30 hours post-cloture debate on Judge Kavanaugh // confirmation vote Sat - time TBD

Good afternoon --

Today the Senate voted on the **Motion to Invoke Cloture** on Executive Calendar #1127, **Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States** – cloture was invoked, 51-49 (vote results posted [here](#)).

The Senate is currently in the “up to 30 hours of post-cloture debate time.” When time has expired or is yielded back there will be a vote on confirmation (exact time is TBD; if all time is used it will expire shortly before 5 pm tomorrow, Saturday, October 6).

**Reminder: Senate Procedure notes - ICYMI:**

- Leader McConnell filed cloture on the nomination of Judge Kavanaugh on October 3.



- As a reminder, after filing cloture on a nomination the nomination lays over one (1) day (the “intervening day”).
  - After the intervening day, a vote to invoke cloture occurs the following day (at either a time set by consent, or one hour after the Senate convenes – so e.g. -- if the Senate convenes at noon the cloture vote is at 1 pm; also, if you don’t set a time to convene the Senate automatically comes in at noon). Today’s cloture vote was at 10:30 am.
  - FYI – the Motion to Invoke Cloture is at a simple majority, post rules change.
  - After cloture is invoked, there is up to 30 hours of post-cloture debate (time can be yielded back...),
  - Then a vote on confirmation occurs after the time has expired or yielded back (confirmation is also at a simple majority).
- 
- A note on the Motion to Proceed (MTP) that happened last week – On Friday, Sept. 28, the Senate proceeded to the nomination of Judge Brett Kavanaugh to serve as an Associate Justice of the Supreme Court of the United States by voice vote (the MTP – Motion to Proceed -- was voice voted; no roll call vote). Earlier this week we had been dual tracking the executive and legislative calendars (by consent) in order to process FAA and opioids legislation, while not displacing Judge Kavanaugh’s nomination as the pending business before the Senate.

**Looking Ahead:**

Nominations, Appropriations, and Water Infrastructure.

Please read Leader McConnell’s floor remarks below – he delivered these remarks right before the cloture vote.

Thanks,  
Erica

Erica Soares  
Policy Advisor  
Office of the Majority Leader  
U.S. Senator Mitch McConnell  
S-230, The Capitol

(b)(6)

(b)(6)

<http://www.republicanleader.senate.gov/>



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

For Immediate Release, Friday, October 5, 2018

Contacts: Don Stewart, David Popp  
Robert Steurer, Stephanie Penn  
Release: <https://bit.ly/2zTrbFQ>  
YouTube: <https://bit.ly/2RufYm0>

## **Senate Votes to Advance Nomination of Judge Brett Kavanaugh**

*‘So, today is a pivotal day in the nomination process of this excellent judge. But it is also a pivotal day for the Senate, and for the ideals of justice that have served our nation so well for so long.’*

**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:*

“It was 88 days ago that President Trump announced his nomination of Judge Brett Kavanaugh to fill the current vacancy on the Supreme Court. Judge Kavanaugh is a nominee of the highest caliber -- a brilliant legal mind and an accomplished jurist with a proven devotion to the rule of law. Today, the Senate has the opportunity to advance his nomination. Every one of us will go on the record with one of the most consequential votes you ever cast in the Senate. The stakes are always high for a Supreme Court nomination. But, colleagues, the extraordinary events of recent weeks have raised them even higher this time.

“When we vote later this morning, we will not only be deciding whether to elevate a stunningly-qualified judge to our highest court. Not anymore. Not after all this. The United States Senate will also be making a statement. We will either state that partisan politics can override the presumption of innocence. Or we will reaffirm that, in the United States of America, everyone is innocent until proven guilty.

“We will either state that facts and evidence can simply be brushed aside when politically inconvenient, and signal that media bullying and mob intimidation are valid tactics for shaping the Senate. The mob can attack, and the Senate caves. Or we will stand up and say that serious, thoughtful, fact-based deliberation must still define this body. We will either give notice that totally uncorroborated allegations are now, officially, enough to destroy an American's life. Or we will declare that our society cannot, must not, will not, set the bar so low.

“So, today is a pivotal day in the nomination process of this excellent judge. But it is also a pivotal day for us here in the Senate, and for the ideals of justice that have served our nation so well for so long. Let's step back, and sample a few of the choice moments that the Senate and the American people have been treated to during the disgraceful – absolutely disgraceful -- spectacle of recent weeks. The very night Judge Kavanaugh was announced as the president's choice, we heard the junior senator from Oregon declare that this nominee would ‘pave the path to tyranny.’ His audience? Crowds of far-left protesters, still filling in the blanks on their picket signs. They weren't quite sure who the nominee was going to be yet.

“We have heard the junior senator from New Jersey describe Judge Kavanaugh's nomination as a great moral struggle in which there are really just two camps. Quote: ‘You're either complicit in the evil... or you are fighting against it.’ More recently, we've heard the junior senator from Hawaii argue that her personal disagreement with Judge Kavanaugh's judicial philosophy meant he deserved less of a presumption of innocence when it came to allegations of misconduct. That's right, from a member of the Judiciary Committee: Due process? Only if you think like she does, apparently.

“And even more recently, we saw the junior Senator from Rhode Island hold forth with great confidence, offering his expert interpretations of goofy jokes in a high-school yearbook from the early 1980s. That was incredibly enlightening. Innocent jokes? Beer-drinking references? Oh, no. Our colleague was quite positive there were other hidden or sinister meanings at play. Until, of course, a number of Judge Kavanaugh's classmates set him straight earlier this week. Stop and consider these snapshots. The absurdity. The indignity. This is our approach to confirming a Supreme Court justice? This is the Senate's contribution to public discourse?

“Before the ink had dried on Justice Kennedy's retirement, our Democratic colleagues made it perfectly clear what this process would be about: Delay, obstruct, and resist. And before the ink had dried on Judge Kavanaugh's nomination, colleagues across the aisle -- including Democrat members of the Judiciary Committee -- were racing to announce they'd made up their minds and were totally opposed to his confirmation.

“Mere hours after Judge Kavanaugh was nominated, my friend the Democratic Leader promised -- quote -- ‘I will oppose him with everything I've got.’ Hours after he was nominated. It was thus abundantly clear that his number one political goal was to defeat the nomination by any means necessary. It was right there from the beginning. A clear declaration, plain as day. Nothing -- nothing -- could get most Democrats to consider this nominee with an open mind. It would be delaying tactics, obstruction, and the so-called ‘resistance’ until the final vote was called.

“For a few weeks, their efforts played out along lines that have sadly become somewhat ordinary around here. There were excuses for delay that fell flat. There were gross distortions of Judge Kavanaugh's record that were batted down by outside fact-checkers. And there were all the

usual phony apocalyptic pronouncements that are shouted whenever a Republican president dares to nominate a Supreme Court justice -- hostile to women, hostile to vulnerable people, hostile to workers. The same old tricks. The same old playbook.

"But here was the problem: The old plays weren't working. The distortions were being drowned out by the facts. Senators received and reviewed more pages of background materials on Judge Kavanaugh's nomination than for every previous Supreme Court nomination combined. We read Judge Kavanaugh's twelve-year record of judicial rulings from our nation's second-highest court - 300-plus opinions. We heard sworn testimony and written accounts from hundreds of character witnesses, from all stages of Judge Kavanaugh's life and career. And the picture painted by these facts was nothing like the caricature. So it was clear the old tactics weren't working. The 'resistance' demanded more. Try something new, they said.

"Well, we all know what happened next. Uncorroborated allegations of the most sensitive, most serious sort were quickly sharpened into political weapons. One such allegation, shared by Dr. Ford in confidence with the Democrat side of the Judiciary Committee, somehow - mysteriously - found its way into the press. Well, Chairman Grassley immediately set out on a sober, focused search for the truth. The Committee collected testimony, organized a new hearing, and most recently, asked for the supplemental FBI background investigation. Judge Kavanaugh's *seventh*. Seventh FBI investigation.

"By any fair standard, the facts -- the actual facts -- proved to be straightforward. No corroborating evidence, none, was produced to support any of the allegations leveled against Judge Kavanaugh. No corroborating evidence from the FBI inquiry, or from anywhere else. Nothing. Well, that wasn't enough for our Democratic colleagues, of course. The facts were not exactly the point. When the very FBI investigation for which they'd been clamoring turned up no new evidence, Democrats moved the goalposts yet again.

"I believe the latest story is that the whole investigation is invalid because individuals who had only recently been told -- secondhand or thirdhand -- about nearly 40-year-old allegations weren't treated as essential witnesses. Let me say that again: the latest story is that the whole investigation is invalid because individuals who had only recently been told -- secondhand or thirdhand -- about nearly 40-year-old allegations weren't treated as essential witnesses. Nevermind that they didn't actually witness anything. Let's be clear, these are not witnesses. These are people supposedly in possession of hearsay they first heard 35 years after the supposed fact. What nonsense.

"The people whom Dr. Ford claimed were witnesses? They have spoken with the FBI. We know that because they, through their attorneys, put out public statements saying so. And what we know now is what we knew at this time last week: There is absolutely no corroborating evidence for these allegations. The same thing we heard a week ago. If there were, you bet we'd have heard about it. But there isn't.

"Notwithstanding that, the leak of Dr. Ford's letter -- in violation of her privacy and against her wishes -- opened the floodgates. The feeding frenzy was full on. The weaponization of her letter by the left led to a torrent of other, equally uncorroborated allegations. They were dumped on Judge Kavanaugh and his family. And, breathlessly, the media seized on them -- the more outlandish, the better.

"Americans were informed that Judge Kavanaugh masterminded violent drug gangs as a young teenager... until that accuser walked her story back. We were informed that Judge Kavanaugh beat someone up on a boat in a Rhode Island harbor... until that accuser totally recanted. We heard another tall tale of physical assault... until that account was thoroughly debunked by a sitting federal judge.

"And, yes -- we were informed that juvenile jokes in his high-school yearbook were actually sinister secret references. Oh, the Keystone Cops were on the case. And Senate Democrats cheered them on. They read parts of this uncorroborated, unbelievable mudslide into the Senate record. They cited them in an official letter, demanding that Judge Kavanaugh's nomination be withdrawn.

"Were they true? Well of course, that was quite beside the point -- so long as they were convenient. Every effort was made to ensure that the fact-free verdict of the mob and the media would win out over the actual evidence. Made sure the mob prevailed. But the uncorroborated

mud, and the partisan noise, and the physical intimidation of Members here in the Senate will not have the final say around here. The Senate will have the final say.

“So, we’re almost at the end of the runway. The crosswinds of anger and fear and partisanship have blown strong, these past weeks. They have harmed a good man and his family. They’ve tarnished the dignity of our institution. But all of it can end today. The time has come to vote. The Senate stands on the threshold of a golden opportunity.

“We have the opportunity to advance the nomination of an incredibly well-qualified and well-respected jurist to a post that demands such excellence. We have the opportunity to put Judge Brett Kavanaugh on the Supreme Court, where his distinguished service will make us and our nation proud for years to come. But we have the opportunity to do even more.

“Today, we can send a message to the American people that some core principles remain unfettered by the partisan passions of this moment. Facts matter. Fairness matters. The presumption of innocence is sacrosanct. The Senate has turned its back on these things before. But never for long, and never without deep regret. This institution does not look back proudly on the era of Joseph McCarthy. Nor on any of the other times when the politics of personal destruction poisoned its judgment. No, the Senate looks back on these things with shame -- and with the conviction that we cannot go down this road again.

“We know the Senate is better than this. We know the nation deserves better than this. By confirming Judge Brett Kavanaugh to the Supreme Court, this brilliant jurist will be charged with upholding the rule of law and honoring American justice. We must hold ourselves to that very same standard. We must seize the golden opportunity stands before us today. To confirm a Supreme Court Justice who will make us proud. And to reaffirm our own commitment to the justice that every single American deserves.”

###

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

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

**Subject:** SCOTUS -- RESCHEDULED Notice for a Committee Hearing

**Date:** Sun, 23 Sep 2018 18:15:09 +0000

**Importance:** Normal

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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.

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

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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:** WSJ / Kavanaugh: I Am an Independent, Impartial Judge

**Date:** Fri, 5 Oct 2018 00:24:07 +0000

**Importance:** Normal

**Inline-Images:** image001.jpg

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<https://www.wsj.com/articles/i-am-an-independent-impartial-judge-1538695822>

## I Am an Independent, Impartial Judge

Yes, I was emotional last Thursday. I hope everyone can understand I was there as a son, husband and dad.

By  
Brett M. Kavanaugh  
Oct. 4, 2018 7:30 p.m. ET



United States Supreme Court Building in the evening light of sunset. PHOTO: ISTOCK/GETTY IMAGES

I was deeply honored to stand at the White House July 9 with my wife, Ashley, and my daughters, Margaret and Liza, to accept President Trump's nomination to succeed my former boss and mentor, Justice Anthony Kennedy, on the Supreme Court. My mom, Martha—one of the first women to serve as a Maryland prosecutor and trial judge, and my inspiration to become a lawyer—sat in the audience with my dad, Ed.

That night, I told the American people who I am and what I believe. I talked about my 28-year career as a lawyer, almost all of which has been in public service. I talked about my 12 years as a judge on the U.S. Court of Appeals for the District of Columbia Circuit, often called the second most important court in the country, and my five years of service in the White House for President George W. Bush. I talked about my long record of advancing and promoting women, including as a judge—a majority of my 48 law clerks have been women—and as a longtime coach of girls' basketball teams.

As I explained that night, a good judge must be an umpire—a neutral and impartial arbiter who favors no political party, litigant or policy. As Justice Kennedy has stated, judges do not make decisions to reach a preferred result. Judges make decisions because the law and the Constitution compel the result. Over the past 12 years, I have ruled sometimes for the prosecution and sometimes for criminal defendants, sometimes for workers and sometimes for businesses, sometimes for environmentalists and sometimes for coal miners. In each case, I have followed the law. I do not decide cases based on personal or policy preferences. I am not a pro-plaintiff or pro-defendant judge. I am not a pro-prosecution or pro-defense judge. I am a pro-law judge.

As Justice Kennedy showed us, a judge must be independent, not swayed by public pressure. Our independent judiciary is the crown jewel of our constitutional republic. The Supreme Court is the last line of defense for the separation of powers, and for the rights and liberties guaranteed by the Constitution.

The Supreme Court must never be viewed as a partisan institution. The justices do not sit on opposite sides of an aisle. They do not caucus in separate rooms. As I have said repeatedly, if confirmed to the court, I would be part of a team of nine, committed to deciding cases according to the Constitution and laws of the United States. I would always strive to be a team player.

During the confirmation process, I met with 65 senators and explained my approach to the law. I participated in more than 30 hours of hearings before the Senate Judiciary Committee, and I submitted written answers to nearly 1,300 additional questions. I was grateful for the opportunity.

After all those meetings and after my initial hearing concluded, I was subjected to wrongful and sometimes vicious allegations. My time in high school and college, more than 30 years ago, has been ridiculously distorted. My wife and daughters have faced vile and violent threats.

Against that backdrop, I testified before the Judiciary Committee last Thursday to defend my family, my good name and my lifetime of public service. My hearing testimony was forceful and passionate. That is because I forcefully and passionately denied the allegation against me. At times, my testimony—both in my opening statement and in response to questions—reflected my overwhelming frustration at being wrongly accused, without corroboration, of horrible conduct completely contrary to my record and character. My statement and answers also reflected my deep distress at the unfairness of how this allegation has been handled.

I was very emotional last Thursday, more so than I have ever been. I might have been too emotional at times. I know that my tone was sharp, and I said a few things I should not have said. I hope everyone can understand that I was there as a son, husband and dad. I testified with five people foremost in my mind: my mom, my dad, my wife, and most of all my daughters.

Going forward, you can count on me to be the same kind of judge and person I have been for my entire 28-year legal career: hardworking, even-keeled, open-minded, independent and dedicated to the Constitution and the public good. As a judge, I have always treated colleagues and litigants with the utmost respect. I have been known for my courtesy on and off the bench. I have not changed. I will continue to be the same kind of judge I have been for the last 12 years. And I will continue to contribute to our country as a coach, volunteer, and teacher. Every day I will try to be the best husband, dad, and friend I can be. I will remain optimistic, on the sunrise side of the mountain. I will continue to see the day that is coming, not the day that is gone.

I revere the Constitution. I believe that an independent and impartial judiciary is essential to our constitutional republic. If confirmed by the Senate to serve on the Supreme Court, I will keep an open mind in every case and always strive to preserve the Constitution of the United States and the American rule of law.

*Judge Kavanaugh has been nominated as an associate justice of the U.S. Supreme Court.*

Appeared in the October 5, 2018, print edition.

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: Judiciary Committee Receives Statement Regarding Swetnick Allegations

**Date:** Tue, 2 Oct 2018 20:29:00 +0000

**Importance:** Normal

**Inline-Images:** image002.png; image003.png; image004.png; image005.png

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**COMMITTEE** *on the* **JUDICIARY**  
CHAIRMAN CHUCK GRASSLEY [WWW.JUDICIARY.SENATE.GOV](http://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-



Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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**From:** "Davis, Mike (Judiciary-Rep)" <(b)(6)>

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

**Subject:** SCOTUS -- in 2 days, committee investigators debunk another anonymous allegation against Judge Kavanaugh, this time from (b)(6)

**Date:** Thu, 27 Sep 2018 05:23:49 +0000

**Importance:** Normal

**Attachments:** Anonymous\_Letter\_and\_Envelope.pdf; 09272018\_Email\_for\_(b)(6)\_Redacted.pdf; 09\_26\_2018\_SJC\_letter.pdf

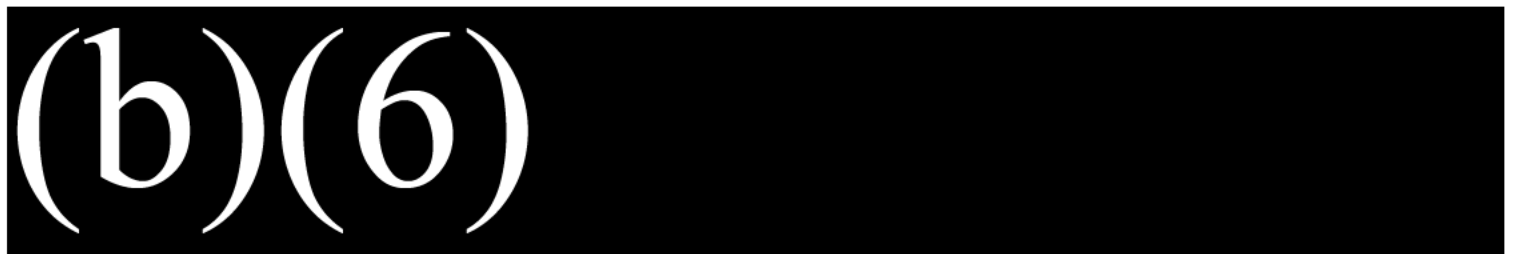
**Inline-Images:** image003.png

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



Tonight, (b)(6) wrote the following to committee investigators:



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

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

September 17, 2018 Transcript: <<https://www.judiciary.senate.gov/download/091718-bmk-interview-transcript-redacted?peek=EK4ujck116%2BXpPbo9Puse9B11%2FJ1aQ2AYDy3%2FjjqSvlElGs>>

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

Thank you,  
Mike Davis

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

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

**Subject:** SCOTUS: Grassley on Judge Kavanaugh: The most qualified Supreme Court nominee in our nation's history

**Date:** Fri, 5 Oct 2018 18:43:06 +0000

**Importance:** Normal

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

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**COMMITTEE** *on the* **JUDICIARY**  
CHAIRMAN CHUCK GRASSLEY [WWW.JUDICIARY.SENATE.GOV](http://WWW.JUDICIARY.SENATE.GOV)

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

On the Nomination of Judge Brett M. Kavanaugh to serve as Associate Justice on the Supreme Court of the  
United States  
October 5, 2018

One-hundred days ago, Justice Kennedy announced his retirement from the Supreme Court. Shortly thereafter, on July 9, the President announced the nomination of Judge Brett Kavanaugh to serve as the newest justice.

Judge Kavanaugh has spent 25 years of his career in public service. He spent the last twelve years on the D.C. Circuit, considered the second-most important federal court in the country. His record there has been extremely impressive: the Supreme Court adopted a position advanced in Judge Kavanaugh's opinions no fewer than a dozen times.

Judge Kavanaugh is also a pillar of his community and the legal profession. He serves underprivileged communities, coaches girls' basketball, and is a lecturer at his church. He has shown a deep commitment to preparing young lawyers for their careers. He has been a law professor at three prestigious law schools and a mentor to dozens of judicial law clerks.

This should've been a respectable and dignified confirmation process. In a previous era, this highly qualified nominee would've received unanimous support in the Senate. Before left-wing outside groups and Democratic leaders had him in their sights, Judge Kavanaugh possessed an impeccable reputation and was held in high esteem by the bench and bar alike. Even the American Bar Association, which the Democrats say is the "gold standard", gave them their unanimously well-qualified rating.

What left-wing groups and their Democratic allies have done to Judge Kavanaugh is nothing short of monstrous. I saw what they did to Robert Bork. I saw what they did to Clarence Thomas. That was nothing compared to what we've witnessed over the last three months. The conduct of the left-wing, dark money groups and their allies in this body have shamed us all.

The fix was in from the beginning. Before the ink was dry on the nomination, the Minority Leader announced that he would oppose Judge Kavanaugh's nomination with everything he's got. Even before he knew the President's nominee, the Minority Leader said he was opposed to all twenty-five well qualified potential nominees listed. One member of my Committee said that those who vote to confirm Judge Kavanaugh would be "complicit in evil." Another member of the Committee revealed the endgame when she suggested that Senate Democrats could hold the vacancy open for two years if they defeated Judge Kavanaugh and took control of the Senate in the midterm elections.

I oversaw the most transparent confirmation process in Senate history. Senators had access to more than 500,000 pages of judicial writings, publications, and documents from Judge Kavanaugh's Executive Branch service. This is on top of the 307 judicial opinions he authored. Despite Democrats' efforts to bury the Committee in even more paperwork, the Senate Judiciary Committee held a timely four-day hearing on Judge Kavanaugh's nomination last month. Judge Kavanaugh testified for more than 32 hours over the course of three days. Judge Kavanaugh showed the nation exactly why he deserves to be on the Supreme Court.

Judge Kavanaugh's antagonists couldn't land a punch on him during his three days of testimony. Even when they made false or misleading arguments, they couldn't touch him. Some of my colleagues accused Judge Kavanaugh of committing perjury. For that false claim The Washington Post fact-checker awarded my colleague three Pinocchios.

Another colleague claimed Judge Kavanaugh described contraceptives as "abortion-inducing" drugs. The video my colleague shared on the internet was doctored to omit the fact that Judge Kavanaugh was describing the plaintiffs' claims in a case he decided, not his own views. My colleague was awarded four Pinocchios—the most you can get.

But they still had one card to play, which they had kept way up their sleeves. In July, the Ranking Member received a letter from Dr. Christine Blasey Ford alleging that Judge Kavanaugh sexually assaulted her in high school 36 years ago. Instead of referring Dr. Ford to the FBI or sharing these allegations with her colleagues—either of which would've respected and preserved Dr. Ford's confidentiality as she requested—the Ranking Member referred Dr. Ford to Democratic-activist attorneys closely tied to the Clintons. The Ranking Member sat on these allegations for nearly seven weeks, only to reveal them at the eleventh hour when it appeared Judge Kavanaugh was headed towards confirmation.

The Ranking Member had numerous opportunities to raise these allegations with Judge Kavanaugh personally. She could've discussed them with Judge Kavanaugh during their private meeting on August 20—a meeting which took place after her staff had sent Dr. Ford to Democratic lawyers—or shared them with 64 of her colleagues who also met with him. The Ranking Member's staff could've raised them with Judge Kavanaugh during a background investigation follow-up call in late August. Senators could've asked Judge Kavanaugh about the allegations during his 32 hours of testimony over the course of three days. Judiciary Committee members could've asked Judge Kavanaugh about this in the closed session of the hearing, which the Ranking Member didn't attend. The closed session is the appropriate place to ask the nominee about sensitive matters like these. And there were no questions about these allegations among the 1,300 written questions sent to Judge Kavanaugh after the hearing. This amounts to more written questions submitted after a hearing to all Supreme Court nominees *combined*.

Keeping the July 30 letter secret deprived senators of having all the facts before them on this nomination.

It wasn't until September 13—nearly seven weeks after the Ranking Member received these allegations and on the eve of a committee vote—that the Ranking Member referred them to the FBI. And somehow, they were

leaked to the press. It wasn't until those news reports on September 16 that I learned of Dr. Ford's identity. This was an outrage. The political motives behind the Democrats' actions are obvious to everyone.

Dr. Ford requested the opportunity to tell her story to the Senate Judiciary Committee. After a lot of foot-dragging by Dr. Ford's attorneys, they finally agreed to a public hearing. As promised, I provided a safe, comfortable and dignified forum for Dr. Ford and Judge Kavanaugh. Dr. Ford was sincere in her testimony, as was Judge Kavanaugh, who emphatically denied the allegations.

It's true that confirmation hearings aren't a trial. But trials have rules based on commonsense notions of fairness and due process, not the other way around. It's a fundamental aspect of fairness and due process that the accuser have the burden of proving allegations. Judge Kavanaugh was publicly accused of a crime, and his reputation and livelihood were at stake. It was only fair that his accuser had the burden of proof. The consensus is that this burden wasn't met.

Ultimately, the existing evidence—including the statements of the three alleged eyewitnesses named by Dr. Ford—refuted Dr. Ford's version of the facts. Our investigative nominations counsel, Rachel Mitchell—who has nearly 25 years of experience advocating for sexual assault victims and investigating sex crimes—concluded that there was lack of specificity and simply too many inconsistencies in Dr. Ford's allegations to establish that Judge Kavanaugh committed sexual assault, even under the lowest standard of proof. She concluded:

“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.”

We have thoroughly investigated Judge Kavanaugh's background. In addition to the prior 6 FBI full-field background investigations with the interviews of nearly 150 people who have known Judge Kavanaugh his entire life, the Committee also separately and thoroughly investigated every credible allegation that we received.

Our more than 20 committee staff members have worked night and day over the last many weeks, tracking down virtually all leads. And at the request of undecided members, the FBI re-opened Judge Kavanaugh's background investigation for another week. The FBI interviewed 10 more people related to the latest credible sexual-assault allegations. And the FBI confirmed what the Senate investigators already concluded.

That is this: There's nothing in the supplemental FBI background-investigation report 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.

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. There is simply no reason to deny Judge Kavanaugh a seat on the Supreme Court on the basis of the

evidence presented to us. The Democrat strategy used against Judge Kavanaugh has made one thing clear, they will never be satisfied no matter how fair and thorough this process is.

Thirty-one years after the Senate Democrats' treatment of Robert Bork, their playbook remains the same. For the left-wing, advice and consent has become search and destroy—a demolition derby.

I'm pleased to support Judge Kavanaugh's confirmation. I'm sorry for what the Kavanaugh family went through the last several weeks. We should all admire Judge Kavanaugh's willingness to serve his country despite the way he's been treated. It would be a travesty if the Senate did not confirm the most qualified nominee in our nation's history. The multitude of allegations against him have proven to be false.

I urge my colleagues to join me in voting for this exceptional nominee.

-30-



Thank you,  
Mike Davis

Mike Davis, Chief Counsel for Nominations  
United States Senate Committee on the Judiciary  
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**From:** "Lichter, Jennifer (OLP)" (b)(6)

**To:** "Talley, Brett (OLP)" (b)(6), "Wong, Candice (OLP)" (b)(6)

**Cc:** "Fragoso, Michael (OLP)" (b)(6)

**Subject:** RE: Transcript

**Date:** Mon, 1 Oct 2018 19:28:46 +0000

**Importance:** Normal

**Attachments:** (b)(5)

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See attached for (b)(5)

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**From:** Talley, Brett (OLP)

**Sent:** Monday, October 1, 2018 8:14 AM

**To:** Wong, Candice (OLP) (b)(6); Lichter, Jennifer (OLP) (b)(6)

**Cc:** Fragoso, Michael (OLP) (b)(6)

**Subject:** Transcript

Hey guys. Can you take some time today and pull (b)(5) I haven't reviewed those transcripts closely. I would say (b)(5). Thanks guys.

Brett