

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Continuation of the Hearing to Consider Judge Brett M. Kavanaugh to serve as an Associate Justice
on the Supreme Court of the United States
September 27, 2018**

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

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

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

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

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

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

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

After Dr. Ford's identity became public, my staff contacted all of the individuals she said attended the 1982 party described in the *Washington Post* article. Judge Kavanaugh immediately submitted to an interview under penalty of felony for any knowingly false statements. He denied the allegations categorically. Democratic staff was invited to participate—and could've asked any questions they wanted to—but they declined. Which leads me to wonder, if they're really concerned with getting to the truth, why wouldn't you want to talk to the accused? This is what the Committee always does when we receive any allegations of wrong-doing.

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

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

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

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

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

wave an FBI report before you, understand they do not, they do not, they do not reach conclusions. They do not make . . . recommendations.”

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

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

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

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

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