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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
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September 19, 2018

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

Dear Senator Feinstein:

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

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

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

You have said that you didn’t raise Dr. Ford’s allegations previously because you wanted to protect Dr. Ford’s anonymity. But these allegations could have been raised to me, or to Judge Kavanaugh,

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

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

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

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

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

Sincerely,



Chuck Grassley
Chairman