

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 18, 2018

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Donald F. McGahn, II
Counsel to the President
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear Director Wray and Mr. McGahn:

As you know, we wrote yesterday seeking to confirm that the White House has directed the FBI to perform its due diligence and conduct an investigation into Dr. Blasey Ford's allegations of misconduct against Brett Kavanaugh. We are extremely disappointed to learn from press reports that the FBI is apparently declining to take any action.

The need for the FBI to perform its due diligence has become even more important in light of Chairman Grassley's announcement that he plans to move forward with a hearing on this matter next Monday. The Committee should have the completed report before any hearing occurs and we ask that you take immediate steps to make sure that we have the FBI's report before we proceed. Please notify us as soon as possible whether this can be completed in time.

In referring these allegations to the FBI, Ranking Member Feinstein has repeatedly made clear that the request is not for a criminal investigation. Instead, the request is for the FBI to conduct appropriate follow-up, including interviewing Brett Kavanaugh, Mark Judge, Christine Blasey Ford, other attendees at the party and all other relevant witnesses, as part of its background investigation of Judge Kavanaugh in connection with his Supreme Court nomination.

This is especially important here, as the allegations involve reports of medical evidence and a polygraph test as well as multiple witnesses. The FBI routinely considers information that does not implicate federal crimes when it conducts background investigations on judicial nominees.

Moreover, when Anita Hill alleged that Supreme Court nominee Clarence Thomas had sexually harassed her, the Judiciary Committee asked for an FBI

investigation before it proceeded. Those claims did not implicate a federal criminal matter. Yet, the same day the White House received this request, then-White House Counsel C. Boyden Gray directed the FBI to investigate. In retrospect, this process has been heavily criticized as being rushed and incomplete, yet even then Republicans ensured the FBI performed an investigation and submitted a report before the Judiciary Committee moved forward with public hearings.

The American people need to have full confidence that these credible allegations have been treated seriously and examined carefully. This nomination should not be treated differently simply because of an artificial deadline to rush the confirmation process. We again ask that the Administration immediately conduct an FBI investigation of Dr. Blasey Ford's claims.

Sincerely,

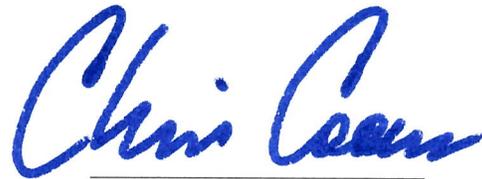

DIANNE FEINSTEIN
Ranking Member


PATRICK LEAHY
United States Senator


RICHARD J. DURBIN
United States Senator

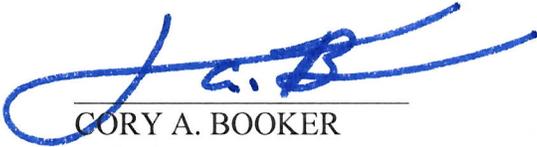

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United States Senator

cc: The Honorable Charles E. Grassley