

# United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 18, 2018

Honorable Charles Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairman Grassley:

We write in response to yesterday's announcement of a hearing next Monday regarding Dr. Blasey Ford's credible allegations of sexual assault by Supreme Court nominee Brett Kavanaugh. Given the seriousness of these allegations, and the scrutiny the Committee is under, we are disappointed you decided to move forward without consulting the minority, without confirming witnesses, without demanding the FBI complete an independent review, and without allowing the Committee to perform its duties.

Once again, Republicans are refusing to perform basic due diligence in a rush to confirm Judge Kavanaugh. First, Republicans refused to review Judge Kavanaugh's full White House record from his position as Staff Secretary and from the White House Counsel's office. Now, in this same rush to push a nominee through without thorough vetting, Republicans are again rejecting basic past practices.

We are concerned that the Majority's actions both repeat mistakes of the past and fail to treat these allegations and the witnesses with the respect and carefulness that is required. In 1991, within a week after Anita Hill's allegations of sexual harassment became public, the Judiciary Committee held three days of controversial hearings. These hearings took place *after* the White House directed the FBI to conduct an immediate investigation and that investigation was

completed. Nonetheless, the Senate's handling of those allegations – and the shameful treatment of Anita Hill – has been roundly criticized.

Now, just two days after Dr. Blasey Ford shared her story with the public, Republicans are again rushing forward with a hearing within a week. This time, they are doing so without demanding the FBI perform a background investigation like it did in 1991. As you know, the FBI is not being asked to perform a criminal investigation; rather it is being asked to do an evaluation of the allegations as part of its review of Judge Kavanaugh's record. Like in 1991, this is an important step in providing the Committee the facts. In this case, it is particularly important as there have been press reports about a polygraph test, medical records, and multiple witnesses.

Unfortunately, the Majority also announced the hearing without confirming whether Dr. Blasey Ford is available on that date. We also understand Republicans are planning on only inviting Judge Kavanaugh and Dr. Blasey Ford to testify. While the Committee unquestionably needs to hear from both, there are other relevant witnesses who should be questioned under oath, in a public setting. This includes Mark Judge, who Dr. Blasey Ford identified, and others that might be identified through the FBI's investigation or subsequent due diligence by the Committee itself.

By contrast, even the flawed handling of Anita Hill's claims, involved three days of hearings with four panels of witnesses beyond Professor Hill and Judge Thomas. In total, the Committee heard from 22 witnesses, including experts on sexual harassment and character witnesses.

This nomination should not be railroaded through the Committee in an effort to meet an artificial, outcome based deadline. The Senate's handling of these serious allegations will rightly be scrutinized by all Americans. Failing to even perform the basic due diligence that was done under the Bush Administration, and repeating the mistakes of the past will not reflect well on the Majority or this institution.

The American people must have confidence in the integrity of the process and the willingness of the Senate to hold Supreme Court nominees to the highest

standards of character and fitness. We urge you to join our demand for an FBI investigation, allow the Committee to perform its due diligence, and work with us to find a fair, bipartisan path forward that treats these allegations with the respect that is required.

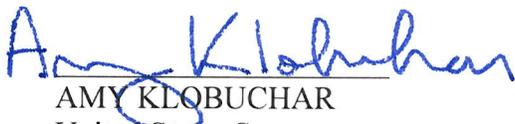
Sincerely,

  
DIANNE FEINSTEIN  
Ranking Member

  
PATRICK LEAHY  
United States Senator

  
RICHARD J. DURBIN  
United States Senator

  
SHELDON WHITEHOUSE  
United States Senator

  
AMY KLOBUCHAR  
United States Senator

  
CHRISTOPHER A. COONS  
United States Senator

  
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CORY A. BOOKER  
United States Senator

  
KAMALA D. HARRIS  
United States Senator