

United States Senate

WASHINGTON, DC 20510-0504

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September 17, 2018

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

Dear Chairman Grassley:

We write to ask that you delay the vote on Judge Kavanaugh's nomination as Associate Justice of the Supreme Court. There are serious questions about Judge Kavanaugh's record, truthfulness, and character. The Committee should not move forward until all of these questions have been thoroughly evaluated and answered.

As you are aware, Dr. Ford's serious allegations were submitted to the FBI for investigation last week. Now that her story is public, it is even more important that we give the Bureau the time it needs to follow up. All Senators, regardless of party, should insist the FBI perform its due diligence and fully investigate the allegations as part of its review of Judge Kavanaugh's background. Staff-level examination of these allegations should not go forward until the FBI's career professionals with the requisite investigative expertise have completed their review. Once the FBI has completed its independent work, we hope that we can work together in a bipartisan manner to decide on next steps.

In addition, Judge Kavanaugh's testimony during his confirmation hearings and his responses to questions for the record also raise significant questions about his views and character. Throughout the hearings, Judge Kavanaugh provided incomplete and misleading responses to our questions – from his work on the FDA's attempt to block contraception from being available over the counter to his involvement in Enron; and from his engagement on torture, warrantless wiretapping, and detainees to his efforts to push controversial judicial nominations.

In several instances, Judge Kavanaugh's answers went beyond mere evasiveness to defying credibility. His testimony about his receipt of materials that

were stolen from the Democrats' computer files and his answer that it was "common" practice for Democrats and Republicans to share their strategy on pitched nominations battles is just one example.¹ Judge Kavanaugh similarly misrepresented his involvement in the nominations of William H. Pryor Jr. and Charles Pickering as well as his knowledge of their ideology.²

Judge Kavanaugh's answers to questions for the record raised additional questions and concerns about his candor. For example, Judge Kavanaugh was asked whether he had received any emails from former Judge Alex Kozinski's sexually explicit "Easy Rider Gag List" and to review his email accounts, as necessary to answer the question. Judge Kavanaugh responded, "I do not remember receiving inappropriate emails of a sexual nature from Judge Kozinski." This answer is all the more troubling given recent press reports about Kozinski emails and their unforgettable nature.³

The lack of the nominee's full record, combined with his incomplete and misleading answers during the hearing and beyond, demonstrate a clear need for this Committee to postpone moving forward this week.

Sincerely,


DIANNE FEINSTEIN
Ranking Member


PATRICK LEAHY
United States Senator


RICHARD J. DURBIN
United States Senator


SHELDON WHITEHOUSE
United States Senator

¹ Patrick Leahy, "Brett Kavanaugh misled the Senate under oath. I cannot support his nomination," Washington Post (Sept. 13, 2018).

² Aaron Blake, "Brett Kavanaugh's William Pryor denials require some explaining," Washington Post (Sept. 6, 2018); Burgess Everett, "New emails show Kavanaugh's involvement in controversial nomination," Politico (Sept. 12, 2018).

³ Heidi Bond, "I Received Some of Kozinski's Infamous Gag List Emails. I'm Baffled by Kavanaugh's Responses to Questions About Them," Slate (Sept. 14, 2018).



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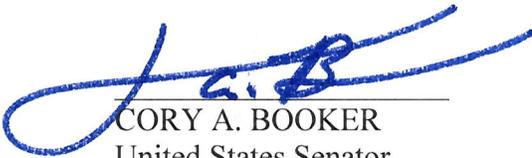
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