

September 18, 2018

The Honorable Donald F. McGahn II White House Counsel Office of the White House Counsel 1600 Pennsylvania Ave, NW Washington, D.C. 20500

Dear Mr. McGahn:

As you know, serious and credible allegations of sexual assault and attempted rape have been brought against Judge Brett Kavanaugh, whose nomination to the United States Supreme Court is pending before the Senate. As White House Counsel, you have overseen the Trump Administration's efforts to name and confirm judicial nominees. You accompanied Judge Kavanaugh to his meetings with Senators on Capitol Hill and sat behind him on each day of his confirmation hearings before the Senate Judiciary Committee. Based on your unique role in choosing and vetting judicial nominees for the administration and shepherding Judge Kavanaugh through the Supreme Court nominations process, we have questions about your knowledge surrounding the allegations against Judge Kavanaugh before they became public last week.

These questions do not come to us in a vacuum. Press reports from February of this year indicate that you were aware of the domestic violence allegations against former Staff Secretary Rob Porter over a year before those allegations became public, yet you allowed Mr. Porter to serve in the White House and have access to sensitive and classified information without investigating those accusations further. Additionally, it has been reported that Judge Kavanaugh recommended Mr. Porter for the job of White House Staff Secretary. Your apparent failure to properly address allegations of domestic abuse against administration staff raise several questions about the allegations at issue here. As such, we request responses to the following questions:

- 1. Were you aware of Dr. Ford's allegations of sexual assault and attempted rape against Judge Kavanaugh before those allegations became public?
- 2. When did you become aware of these allegations?
- 3. What details did you have about these allegations before they were public?
- 4. Did anyone else know about these allegations? If so, who?

¹ John Dawsey and Beth Reinhard, "Top White House Officials Knew of Abuse Allegations Against Top Aide for Months," THE WASHINGTON POST, February 8, 2018, https://www.washingtonpost.com/politics/top-white-house-officials-knew-of-abuse-allegations-against-top-aide-for-months/2018/02/08/2faddcf2-0ce9-11e8-95a5-c396801049ef story.html?utm term=.a533a8796f1c

² https://www.washingtonpost.com/politics/whitehouse/the-latest-kavanaugh-hearing-begins-with-partisan-rancor/2018/09/04/c2b6ec3c-b0a9-11e8-8b53-50116768e499_story.html?utm_term=.8cc897741ae5

- 5. Did you investigate these allegations further?
- 6. What steps did you take to investigate them?
- 7. What information did you gather from this investigation?
- 8. Are you aware of any other allegations of sexual assault or misconduct against Judge Kavanaugh?

On September 14, 2018, the Senate Judiciary Committee released a letter signed by 65 women who knew Judge Kavanaugh in high school, attesting to his good character.³ The timing of this letter is highly suspicious. The sexual assault allegations against Judge Kavanaugh were first made public on September 13, 2018.⁴ Yet this letter was released the very next day. The timing raises questions about whether this letter was drafted or coordinated prior to these allegations becoming public, and, if that is the case, whether individuals in the White House and members of the Senate knew about these allegations earlier than they have admitted. As such, we request answers to the following:

- 1. Were you involved in coordinating, drafting, or obtaining signatures for this letter?
- 2. What prompted the drafting of this letter?
- 3. When was the letter first drafted?
- 4. What was the full timeline for asking the 65 signatories for their signatures?
- 5. Whose idea was it to draft this letter? Who was involved in drafting and obtaining signatures for this letter?
- 6. Did you coordinate with the Senate Judiciary Committee to release this letter?
- 7. Was any part of this letter drafted before the allegations against Judge Kavanaugh were made public on September 13, 2018?

In light of these revelations, Chairman Grassley has announced his intention to hold a public hearing before the Senate Judiciary Committee to examine the sexual assault allegations against Judge Kavanaugh on September 24, 2018. We request a response by that date. Thank you for your prompt response to this urgent matter.

Sincerely,

RICHARD BLUMENTHAL

United States Senate

DOUG JONES

United States Senate

³ https://www.judiciary.senate.gov/imo/media/doc/2018-09-

^{%20}Kavanaugh%20Nomination.pdf

⁴ Seung Min Kim and Elise Viebeck, "Bitter Senate Fight to Confirm Kavanaugh Plunges Deeper into Chaos over Letter," The Washington Post, September 13, 2018, https://www.washingtonpost.com/powerpost/feinstein-says-she-referred-letter-concerning-kavanaugh-to-federal-investigators/2018/09/13/d99cfb1c-b775-11e8-a7b5-adaaa5b2a57f story.html?utm term=.c6c6c2e9bf69

PATRICK LEAHY

United States Senate