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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

October 1, 2018

The Honorable Sheldon Whitehouse  
Member, United States Senate Committee on the Judiciary  
United States Senate  
530 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Whitehouse:

I write in response to your letter dated September 25, 2018, and your press release dated September 30, 2018. As you know, I've spent much of my time in the Senate advocating for survivors of sexual harassment and assault. As Chairman of the Whistleblower Protection Caucus, I've worked with colleagues in both parties to encourage survivors to come forward and to protect them when they do. As Chairman of the Judiciary Committee, I've given survivors a voice by holding multiple hearings on sexual abuse and harassment, including in the federal judiciary. With bipartisan support, I shepherded the Sexual Assault Survivors Bill of Rights through this Committee and the Senate, and it is now the law of the land.

False reports unfairly diminish the power of survivors' stories. We have to ensure that survivors will not only feel safe telling their stories, but that when they do, they will be treated with the respect and seriousness they deserve. Like all senators, I hear often from constituents and others—sometimes anonymously—alleging wrongdoing by public officials. During a high-profile nomination like Judge Kavanaugh's, these "tips" can reach a fever pitch. It is crucial that we distinguish between credible and spurious tips, so that investigators do not waste their time running down dead ends.

One of your constituents recently made a dead-end accusation against Judge Kavanaugh. You referred the claim to me for investigation by Committee staff after you referred the constituent to a reporter, presumably to help him go public with his claim. Less than a day later, after Committee staff had diverted significant resources to investigating the claim—including conducting a follow-up interview with Judge Kavanaugh about it—the constituent publicly recanted. In the midst of this Committee's investigations into Dr. Christine Blasey Ford's allegations, we wasted resources on this spurious accusation that you had referred to me. Worse, I'm sure you can see how false claims like your constituent's can cause some people wrongly to discount survivors' stories.

That's why I referred your constituent's statement to the FBI. If his statement was false or obstructed this Committee's investigation, justice should be done.

No one in this body has worked harder to protect whistleblowers than I have. Given my record, of course I do not want to “discourage the cooperation of others with the FBI investigation” as you suggested in your press release today. But I absolutely want to discourage false statements that obstruct Committee investigations and cheapen the courageous act of coming forward with meritorious claims of wrongdoing—including sexual assault. Whistleblower protection is for people who expose—not perpetuate—crimes and other corruption. Every senator should agree with me on this.

I appreciate your interest in the details of the Committee’s investigation into claims about Judge Kavanaugh. Up to this point, the majority has had to conduct this investigation alone because the minority has refused to cooperate. It would be nice to have some help.

Finally, based upon your prior service as the U.S. Attorney in Rhode Island, I hope that you will lend your important voice to my reminder to our colleagues of the impropriety of politicians and their staffs attempting to meddle in potential or ongoing federal investigations, including with press or other public statements.

Sincerely,



Chuck Grassley  
Chairman