

September 25, 2018

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley:

I write to follow up on yesterday's communications regarding a Rhode Island constituent who reached out to my office with allegations about Judge Brett Kavanaugh, nominated to be Associate Justice of the United States Supreme Court. As I stated to you, and as my staff relayed to yours, my goal in sharing the allegation with you, Ranking Member Feinstein, and the FBI was simply to follow protocol and ensure that the information was reported so that the professional staff at the FBI could determine whether any follow-up was warranted. As I made clear, we did not undertake an investigation on our own and could not provide an assessment of the claims – something that would have been premature and irresponsible given the nature of the allegation and the fact that there has been no investigation.

As I made clear, I have not shared the information, which was provided to me in confidence, with my caucus. I did not hold press conferences or spread rumors among my colleagues; I asked that the FBI and Committee consider appropriate next steps.

Without any consultation, your staff elected to share these allegations – including the name of my constituent – with Judge Kavanaugh and his lawyers. We learned from Senator Feinstein's office that your staff intended to do this thirty minutes before a call that you scheduled with Judge Kavanaugh. We immediately contacted your staff and asked that you not reveal my constituent's name and, to the extent you determined any follow-up was appropriate, you ask a threshold question – whether Judge Kavanaugh was present in the location contained in the claim. If the answer was "no," we asked that you go no further.

Instead, you revealed my constituent's name, and apparently questioned Judge Kavanaugh extensively about unrelated statements on the constituent's social media account. It is not clear what legitimate investigative purposes this served and raises additional concerns that the steps being taken by your staff have been driven by political interests.

The protocol that you set forth – under which you requested that Members immediately share confidential information with you – is exactly what I did here. Yet without consulting with me, your staff then shared my constituent's name and claims with Judge Kavanaugh, and you now intend to make the transcript of that discussion public. When my staff asked to have the constituent's name redacted, your staff responded that this individual was subject to potential

criminal penalties for coming forward to Congress. But criminal penalties have no bearing on a request for confidentiality and this response appears to be nothing other than a threat to anyone who might be considering coming forward.

I ask that you redact my constituent's name and any other personally identifiable information from the transcript. Going forward, I would request that you provide a written protocol explaining how information conveyed to Committee Members in confidence will be treated by your office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheldon Whitehouse", with a stylized, flowing script.

Sheldon Whitehouse