

## **‘Incredibly frustrated’: Inside the GOP effort to save Kavanaugh amid assault allegation**

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preview.msn.com, 23 Sept, 2018



Just as he did several weeks ago to prepare for his confirmation hearings for the Supreme Court, Brett M. Kavanaugh was back inside a room at the Eisenhower Executive Office Building — again facing questioners readying him for a high-stakes appearance in the Senate.

This time, the questions were much different. An array of White House aides, playing the role of various senators on the Judiciary Committee, quizzed Kavanaugh last week about his sex life and other personal matters in an attempt to prepare him for a hearing that would inevitably be uncomfortable.

In his answers during the practice runs, aides said, Kavanaugh condemned sexual assault and carefully avoided seeming to discredit Christine Blasey Ford, a psychology professor in Northern California who has accused the nominee of pinning her to a bed, groping her and putting his hand over her mouth to stifle her screams as he tried to take off her clothes at a drunken high school party in the early 1980s.

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But Kavanaugh grew frustrated when it came to questions that dug into his private life, particularly his drinking habits and his sexual proclivities, according to three people familiar with the preparations, who requested anonymity to discuss internal deliberations. He declined to answer some questions altogether, saying they were too personal, these people said.

“I’m not going to answer that,” Kavanaugh said at one point according to a senior White House official, who said that the questions were designed to go over the line and that he struck the right tone.

The tense preparations underscore the monumental stakes of public testimony from Kavanaugh and Ford, who signaled on Saturday through her lawyers that she has accepted the Judiciary Committee’s request to speak about her allegation next week, though there is no final agreement and Republicans viewed the response as a delaying tactic.

How Kavanaugh weathers the storm — and if enough Senate Republicans stand by him — will help determine the ideological balance of the Supreme Court for a generation. A handful of GOP senators are undecided about how they will proceed on Kavanaugh’s confirmation, particularly in light of Ford’s accusation, and the party faces a broader political challenge: Keep their right flank satisfied by confirming a reliable conservative to the court, while minimizing backlash among female and independent voters ahead of the November midterms.

“The Republicans need women voters, but all hell will break loose (or it will be chaos) if this nomination unravels,” Dan Eberhart, an Arizona-based GOP donor, wrote in an email. “If we can’t get the nomination done, why vote Republican?”

© Alex Brandon/AP President Trump's Supreme Court nominee, Brett M. Kavanaugh, testified before the Senate Judiciary Committee on the third day of his confirmation hearing Sept. 6. The epicenter of the scramble to rescue Kavanaugh’s nomination was inside the second-floor office of outgoing White House counsel Donald McGahn — the nominee’s lead champion in the West Wing who, in coordination with Senate Republicans, had helped engineer a rapid transformation of the federal judiciary and was about to secure a second seat on the Supreme Court for President Trump.

But instead of making the final rounds with senators and locking down pivotal swing votes last week, Kavanaugh was calling Republicans on the Judiciary Committee and other key allies, urging them to publicly support him and determining what questions he would face in a hearing that inevitably draws comparisons to the 1991 proceedings with Anita Hill, who had accused now-Justice Clarence Thomas of sexual harassment.

In one key call, Kavanaugh told Sen. Orrin G. Hatch (R-Utah) that Ford had the wrong guy in mind, saying he had not attended a party like the one she described to The Washington Post. He and his allies also privately discussed a defense that

would raise doubts that the attacker was Kavanaugh, rather than try to dispute that an incident involving Ford had happened.

In a preparation session on Tuesday, Kavanaugh faced more than a dozen White House aides in the Eisenhower building, during which aides played different senators for more than two hours.

Kavanaugh has complained about the stories focusing on his family and has grown “incredibly frustrated” at times, in the words of one associate, but he has not sought to drop out of the running, two people who spoke to him said. He has said privately and publicly that he is eager to testify.

Yet McGahn was originally opposed to a public hearing — as were many within the orbit of Senate Majority Leader Mitch McConnell (R-Ky.) — but it became clear one would have to happen, two people familiar with their comments said. Ford, through her attorneys, said she would be willing to testify publicly, and several potential pivotal votes, such as Sen. Susan Collins (R-Maine) and Sen. Jeff Flake (R-Ariz.), signaled that his confirmation could not move forward unless Ford was given a public airing.

McGahn has kept other key aides out of the process, afraid they would leak damaging material, relying on special counsel Annie Donaldson and spokesman Raj Shah. He has also talked on several occasions with McConnell, who is fond of McGahn.

Both men, along with other senators, have encouraged Trump to keep a low profile during the fight. His tweet on Friday morning in which he directly targeted Ford was not seen as helpful by White House aides, but Trump told senior officials that it was becoming a political issue that could affect the midterms. Republicans did not believe the woman’s claims, Trump added privately.

McConnell called Trump Friday to say that the tweets were not helpful, according to two people familiar with the call, and that they could cause new problems. As of Saturday, Trump had not said anything more directly against Ford.

Even before a final call on when or whether a hearing would happen, the preparations had long begun. Republicans wanted more information on what they viewed as potential gaps in Ford’s recollection of the alleged incident, and to describe the extent of her previous relationship with Kavanaugh, aides said.

Republicans have also talked about enlisting female lawyers on the committee, who Grassley said would be “sensitive to the particulars of Dr. Ford’s allegations and are experienced investigators,” to lead the questioning. They might also help the GOP avoid an optics problem of 11 men grilling a woman about her sexual assault allegation.

The hearing could end “without new conclusive evidence either way,” one senior Republican official said. “Members have to determine their threshold for credibility. And that will be the challenge.”

Senate Republican officials had repeatedly vented in private that it seemed, at least to them, Ford’s lawyers were doing more press than responding to their emails or requests for calls. Her attorneys would return that sentiment in kind, complaining in a late Friday letter to top Grassley aides that they would learn of the Republican hearing counteroffer “through the media” and got it officially through the committee “hours after those media accounts first appeared.” On Saturday they accused GOP senators of “bullying.”

Democrats are also plotting their own strategy for the hearing. Furious about Grassley’s decision to limit testimony to just Kavanaugh and Ford, Democratic aides planned to find other potential witnesses — such as a trauma expert — who could help bolster their case.

If they couldn’t be heard under oath, Democrats discussed holding news conferences where those other experts would speak, aides said. A top priority, according to Democratic officials, was ensuring Ford felt supported, whether it was having enough friends and family in the hearing room with her or finding people who can speak publicly about Ford’s character.

“We’re not accepting the premise that it’s going to be a he-said, she-said hearing,” one senior Senate Democratic aide said.

As for questions for Kavanaugh, Democrats planned to hold nothing back. Democratic staff have been researching the broader culture of the prep academy world in which Kavanaugh lived while reading the writings of Mark Judge, a Kavanaugh friend who Ford said was in the room when Kavanaugh allegedly assaulted her. Judge, who has said he doesn’t want to testify, has written about how much alcohol he and his classmates consumed while in high school and details about other debaucherous behavior.

Democrats also planned to grill Kavanaugh on what he knew about a controversial Twitter thread from Ed Whelan, a prominent conservative lawyer and friend of Kavanaugh who not only theorized that Ford could have been assaulted by another person, but named the person whom Whelan suggested could have perpetrated the attack.

Another point of contention is Ford’s July 30 letter outlining the allegations sent to Feinstein and Rep. Anna G. Eshoo (D-Calif.). Republican senators, initially cut off from accessing the unredacted version of the letter, prodded Feinstein repeatedly to hand over her copy so they could conduct their investigation.

Feinstein gave the full letter to Grassley on Thursday, according to GOP and Democratic aides. Republicans have continued to harp on Feinstein for keeping the

letter private, but she says she was honoring Ford's wishes and, now that it is part of Kavanaugh's background check file, has declined to release it publicly.

"This is just bizarre," one senior Senate GOP official said. "They want her to publicly testify . . . but the infamous letter is still not public. They won't allow it to be."

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