

Ferrier, Antonia (McConnell)

From: Ferrier, Antonia (McConnell)
Sent: Saturday, September 8, 2018 10:36 AM
To: Shah, Raj S. EOP/WHO
Cc: Lacy, Megan M. EOP/WHO; Fragoso, Michael (OLP); Kupec, Kerri A. EOP/WHO
Subject: Re: [EXTERNAL] Free Beacon: Kamala Harris Tweets Out Deceptively Edited Video to Smear Brett Kavanaugh

He sent over to Kessler and added the warren tweet. It'd be fantastic if we could get a clerk to write a piece saying this is garbage. To run in WashPost or some place like that.

Could he clarify further is QFRs?? Then we could use that too.

Sent from my iPhone

On Sep 8, 2018, at 10:14 AM, Shah, Raj S. EOP/WHO (b) (6) wrote:

What else should we be doing?

Antonia, can Stew check in with Kessler?
Do we need more tweeting?

Sent from my iPhone

Begin forwarded message:

From: Scotus News Alerts <ScotusNewsAlerts@gop.com>
Date: September 8, 2018 at 10:03:52 AM EDT
To: undisclosed-recipients;;
Subject: [EXTERNAL] Free Beacon: Kamala Harris Tweets Out Deceptively Edited Video to Smear Brett Kavanaugh

Kamala Harris Tweets Out Deceptively Edited Video to Smear Brett Kavanaugh
Washington Free Beacon
Alex Griswold
September 8, 2018 – 9:39 AM
<https://freebeacon.com/blog/kamala-harris-tweets-deceptively-edited-video-smear-brett-kavanaugh/>

I've seen my share of deception and chicanery from politicians in my thankfully brief time on this earth. And sure, I expected dumb hatchet jobs and pointless grandstanding in reaction to something as big as an open Supreme Court seat. But this tweet from California Senator Kamala Harris really takes the cake.





Kamala Harris 
@SenKamalaHarris



Kavanaugh chooses his words very carefully, and this is a dog whistle for going after birth control. He was nominated for the purpose of taking away a woman's constitutionally protected right to make her own health care decisions. Make no mistake - this is about punishing women.

2:45 PM - Sep 7, 2018

 19.5K  13.1K people are talking about this

"Kavanaugh chooses his words very carefully, and this is a dog whistle for going after birth control," the likely 2020 Democratic presidential candidate insisted. Ironically, Harris was the one choosing the words for him. The video in the tweet selectively quotes Brett Kavanaugh in a way that completely changes his meaning.

Here's what you hear Kavanaugh say in the ten-second video:

"Filling out the form would make them complicit in the provision of the abortion-inducing drugs that they were, as a religious matter, objected to."

Here's [the longer, fuller quote](#):

*"It was a technical matter of filing out a form in that case. **But they said** filling out*

the term would make them complicit in the provision of the abortion-inducing drugs that they were, as a religious matter, objected to."

The "they" Kavanaugh is alluding to is the pro-life Catholic Priests for Life, who sued for a religious exemption to the Affordable Care Act under the Religious Freedom Restoration Act. When the case came before the Tenth Circuit, Kavanaugh dissented from the decision not to take up the case, and Texas Republican Senator Ted Cruz asked during the hearing why he did so.

As the bolded section makes perfectly clear, Kavanaugh was summarizing the Priest for Life's position in that case, which is that the law made them complicit in the provision of birth control to their employees, contrary to Catholic teachings. Sure enough, the priest's brief said they objected to "abortion-inducing products, contraception ... sterilization, or related counseling."

Kavanaugh made no comments during the hearing or in his opinion that suggesting he agreed with the priests' assessment of some forms of birth control. Nor did he need to. In religious liberty cases, it's irrelevant whether or not the judges believe the petitioner's religious beliefs are logical or rational. Surely eight Supreme Court justices didn't endorse the use of mind-altering drugs when they upheld Native Americans' right to use them in religious ceremonies (although some of Ginsburg's dissents make me wonder).

Set all that aside. Harris (or, let's be honest, her staff) took the video of Kavanaugh's comments and cut it off mid-sentence, and only left off the parts that indicated Kavanaugh was alluding to someone else's beliefs. The video even capitalizes "Filling" in the video's subtitles, making it seem like it was the start of a sentence. There's no way they didn't know what they were doing, and they did it with clear malice aforethought.

The best I can say for Harris is that she didn't come up with this lie, she was merely mimicking the hacks on social media who have gone gaga for her and her financial backer, Planned Parenthood. The latter was even almost-sort-of-kind-of called out by CNN in their story on Kavanaugh's comments:

In a press release, however, Planned Parenthood drew attention to the exchange but left out the words "they said," making it appear as if Kavanaugh was speaking for himself.

Beth Lynk, a spokeswoman for Planned Parenthood Federation of America, acknowledged the error, but still took issue with the fact that she said Kavanaugh had mischaracterized the case and also used a controversial term used by groups opposed to abortion.

Ah yes, it was an "error" that led Planned Parenthood to selectively quote the nominee they oppose. That's the sort of leeway that explains why they felt like they could get away with it in the first place. My hope is that they don't, that mainstream fact-checking websites and media outlets take a look at what Planned

Parenthood, Harris, and other are spreading and call it what it is: a desperate, pathetic smear.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, July 8, 2018 10:17 AM
To: Fragoso, Michael (OLP)
Subject: Fwd: Bennet for CA9

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

----- Original message -----

From: "Davis, Mike (Judiciary-Rep)" (b) (6)
Date: 7/8/18 10:12 AM (GMT-05:00)
To: "Holland, James" <JHolland@nrahq.org>
Subject: Re: Bennet for CA9

Roger.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

----- Original message -----

From: "Holland, James" <JHolland@nrahq.org>

Date: 7/8/18 9:41 AM (GMT-05:00)

To: "Davis, Mike (Judiciary-Rep)" (b) (6)

Subject: Re: Bennet for CA9

We oppose the confirmation but aren't scoring it. I can explain more over the phone on Monday morning.

Sent from my iPhone

On Jul 7, 2018, at 7:58 PM, Davis, Mike (Judiciary-Rep) (b) (6) > wrote:

Just tried to call you. Sorry. Been crazy.

Trying to get a read on where the NRA is on Bennet.

Despite all his political rhetoric while Bennet served as Hawaii AG, he was one of the most solid and impressive nominees at his hearing for CA9. He had the best constitutionalist testimony of any judicial nominee so far this Congress.

Happy to discuss.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Holland, James [<mailto:JHolland@nrahq.org>]

Sent: Friday, July 06, 2018 1:35 PM

To: Davis, Mike (Judiciary-Rep) (b) (6)

Subject: Re: Bennet for CA9

Crap. Our phones are down and internet too. (b) (6) is my cell phone.

Sent from my iPhone

On Jul 6, 2018, at 1:29 PM, Davis, Mike (Judiciary-Rep) (b) (6) wrote:

Your phone is not working.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Holland, James [<mailto:JHolland@nrahq.org>]

Sent: Friday, July 06, 2018 1:28 PM

To: Davis, Mike (Judiciary-Rep) (b) (6)

Subject: Re: Bennet for CA9

Yes. (b) (6)

Sent from my iPhone

On Jul 6, 2018, at 12:35 PM, Davis, Mike (Judiciary-Rep) <(b) (6)> wrote:

Following up on this. Free for a call?

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Davis, Mike (Judiciary-Rep)

Sent: Thursday, June 28, 2018 7:33 PM

To: JHolland@nrahq.org

Subject: Bennet for CA9

Are you free for a call?

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 12, 2018 11:34 AM
To: Megan Lacy (b) (6); Champoux, Mark (OLP); Talley, Brett (OLP); Fragoso, Michael (OLP)
Subject: FW: NRA-ILA: Judge Kavanaugh Endorsement letter and Scored Vote Alert
Attachments: Kavanaugh Endorsement Letter.pdf; ATT00001.htm

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Holland, James [mailto:JHolland@nrahq.org]
Sent: Wednesday, September 12, 2018 9:09 AM
To: Davis, Mike (Judiciary-Rep) (b) (6)
Subject: NRA-ILA: Judge Kavanaugh Endorsement letter and Scored Vote Alert

The NRA believes that Judge Kavanaugh will protect the Second Amendment rights of law-abiding Americans and faithfully and accurately interpret our Constitution. For this reason, he has our strongest support.

Because of the importance of this issue to NRA members and gun owners throughout the country, votes on Judge Kavanaugh's confirmation will be considered in future candidate evaluations and we will notify our members accordingly.

Best,

James P. Holland
Federal Liaison
National Rifle Association
(b) (6)

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030

September 12, 2018



NRA

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office
Washington, D.C. 20510

The Honorable Charles E. Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Majority Leader McConnell and Minority Leader Schumer:

I am writing on behalf of the National Rifle Association of America to urge a "yes" vote on the confirmation of Judge Brett M. Kavanaugh as Associate Justice for the United States Supreme Court.

Judge Kavanaugh is, by all accounts, a jurist of integrity and accomplishment. He is not motivated by political ideology, but instead by his commitment to the original intent of the Framers of our Constitution.

Regarding our fundamental, individual right to keep and bear arms, Judge Kavanaugh has espoused a view of the Second Amendment that is consistent with the Supreme Court's landmark decisions in *District of Columbia v. Heller* and *McDonald v. City of Chicago*. In the D.C. Circuit case of *District of Columbia v. Heller (Heller II)*, for example, he explained how he viewed the court's function: "As a lower court ... it is not our role to re-litigate *Heller* or to bend it in any particular direction. "Our sole job is to faithfully apply *Heller* and the approach it set forth for analyzing gun bans and regulations."

Ultimately, Kavanaugh decided that aspects of D.C.'s post-*Heller* gun control laws violated the Second Amendment because "D.C. seemed not to heed the Supreme Court's message." He went on to write that "The D.C. gun provisions at issue here, like the ban at issue in *Heller*, are outliers that are not traditional or common in the United States."

The NRA believes that Judge Kavanaugh will protect the Second Amendment rights of law-abiding Americans and faithfully and accurately interpret our Constitution. For this reason, he has our strongest support.

Because of the importance of this issue to NRA members and gun owners throughout the country, votes on Judge Kavanaugh's confirmation will be considered in future candidate evaluations and we will notify our members accordingly.

Sincerely,

Chris W. Cox
Executive Director

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 16, 2018 10:22 PM
To: Megan Lacy; Champoux, Mark (OLP); Talley, Brett (OLP); Fragoso, Michael (OLP)
Subject: Fwd:

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
202-224-(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

----- Original message -----

From: "Davis, Mike (Judiciary-Rep)" (b) (6)
Date: 9/16/18 10:20 PM (GMT-05:00)
To: Nominations Strategy (b) (6)
Subject:

Just spoke to Leonard Leo for 30 mins. He is pushing BK to call on us to reopen the hearing, so BK can address these allegations.

I made it clear that this is a recipe for disaster. I also asked Abegg to call Leonard, to relay the same message.

I called Travis Lenkner, BK's point man, and relayed the same.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building

227 Dirksen Senate Office Building

Washington, DC 20510

202-224- (b) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

Hon. Thomas Marcelle

From: Hon. Thomas Marcelle
Sent: Friday, May 11, 2018 11:44 AM
To: Fragoso, Michael (OLP)

Mike

I had a nice conversation with Leonard Leo today. He suggested that I call you. I left a message. My cell number is (b) (6)

Thomas Marcelle
Cohoes City Court Judge
97 Mohawk St.
Cohoes, NY 12047
Phone: (518) 453-5501