



September 4, 2018

VIA EMAIL

The Honorable Charles Grassley
Chair
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C., 20510

Senator Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, D.C., 20510

Dear Senators Grassley and Feinstein,

On behalf of the National Women's Law Center, an organization that has fought to protect women's legal rights and protections for 45 years, I write in strong opposition to the nomination of Brett Kavanaugh as an Associate Justice of the United States Supreme Court. The Center's review of Judge Kavanaugh's record has led it to conclude that his confirmation to the Supreme Court would shift the balance of the Court against our core civil and constitutional rights. The bases for the Center's conclusions are set forth in more detail in the [Center's report](#) on Judge Kavanaugh's record on women's legal rights.

As an initial matter, Judge Kavanaugh's nomination and confirmation process are irreparably tainted, and we firmly believe this sham process should not move forward. President Trump's nomination of Judge Kavanaugh followed Trump's repeated and unprecedented commitments as to the kind of individual he would nominate as a Supreme Court Justice. First, Trump repeatedly committed to nominate only individuals who would vote to overturn *Roe v. Wade* and dismantle the Affordable Care Act (ACA), even declaring that if he were elected *Roe* would be overturned "automatically." Second, he said that he would nominate a Justice "in the mold" of the late Justice Scalia, a justice who, in addition to consistently voting to overturn *Roe v. Wade*, voted to strip legal and constitutional antidiscrimination protections from women and girls at work, at school, and in their communities. Third, Trump promised to only select someone who appeared on lists approved by the Heritage Foundation and the Federalist Society – in effect, outsourcing the vetting of his Supreme Court nominees to these right-wing groups. Judge Kavanaugh, in turn, effectively auditioned to have his name added to this short list. Judge Kavanaugh gave speeches signaling his hostility to the Constitution's protections for personal liberty and disdain for the Affordable Care Act and voted to block a young, immigrant woman from getting an abortion. Within weeks of these actions, he was added to President Trump's short list.

In addition, although it is critical that all senators thoroughly scrutinize Judge Kavanaugh's entire record in order to properly fulfill their constitutional duty of advice and consent on this highly unusual nomination, the hearing is proceeding when only a fraction of Judge Kavanaugh's documents have been released to the Committee and even fewer have been made available to the public. Finally, this nomination is being expedited in the shadow of an ongoing criminal investigation involving President Trump. Any nominee confirmed under this extraordinary process carries the taint of this illegality, and confirmation of such a nominee in this moment would taint the Supreme Court itself.

With the law on your side, great things are possible.

Given Trump's explicit promises, it is especially important to scrutinize Judge Kavanaugh's fitness to serve on this most important court. It is crucial this Committee only advance a nominee who demonstrates an affirmative commitment to precedent and to core constitutional protections, including the right to liberty. Yet, as set forth in the Center's report, our review of Judge Kavanaugh's record reveals a troubling pattern of hostility to the fundamental constitutional rights and legal protections that allow women to make decisions about their own bodies and health care, give women equal opportunity at work and at school, and enable women to live their lives with dignity. Judge Kavanaugh has a very limited view of the right to liberty and the Constitution's protections for women's personal decision-making, including the right abortion and contraception. He has criticized protections that ensure access to quality, affordable health care, including by expressing animosity to the Affordable Care Act and voting to allow employers' religious beliefs to override the right to birth control coverage. He has repeatedly argued to deprive entire categories of workers of critical workplace protections with no regard for the consequences to the workers. And his approach to the law would severely weaken core workplace rights and antidiscrimination protections. In addition, Judge Kavanaugh shows a shocking disregard for Supreme Court precedent, twisting it, and even ignoring it, in order to reach the outcome he desires.

The country needs justices on the Supreme Court who respect core constitutional values of liberty, equality, and justice. Yet, Judge Kavanaugh's record shows his confirmation would pose a dire threat to the core constitutional and legal protections women and girls rely on. We urge you to vote against Judge Kavanaugh's nomination.

Sincerely,



Fatima Goss Graves
President and CEO
National Women's Law Center

With the law on your side, great things are possible.

11 Dupont Circle # Suite 800 # Washington, DC 20036 # 202.588.5180 # 202.588.5185 Fax # www.nwlc.org