

September 1, 2018

Dear Senator,

On behalf of Alliance for Justice, a national association representing 130 groups committed to justice and civil rights, I write to oppose the confirmation of Brett Kavanaugh to the United States Supreme Court.

There are many compromising circumstances surrounding this nomination. At present, the President of the United States is an unindicted co-conspirator in a felony, according to a guilty plea by his former attorney. Future legal jeopardy for the President looms, and there are serious concerns that this Supreme Court appointment is made with a view primarily to shielding the President from legal consequences of his actions. Kavanaugh is on record opposing the investigation and/or indictment of sitting presidents.

Moreover, the records review process that has been cobbled together to push this confirmation process forward is both inadequate and highly politicized. Only a fraction of the records relating to Kavanaugh's White House tenure has been requested by the Judiciary Committee Chairman. The omitted records cover a significant period in which Kavanaugh served as staff secretary to President George W. Bush. The records that have been requested cannot be reviewed by the National Archives, the customary process, in time for the artificial deadline created by the Chairman when he insisted on a hearing in the first week of September. Therefore, a substitute review process, headed by a Republican lawyer and close associate of the administration, is under way. The only documents being reviewed and released have been carefully screened by partisan participants in what is now a sham review process. And many of these records are being kept under lock and key, hidden from the American people.

Even if these disturbing events had not taken place, Kavanaugh's record alone provides sufficient grounds to reject his nomination. We have serious concerns about Kavanaugh's record on health care and reproductive rights. There is every reason to believe that if he were confirmed to the Supreme Court, Kavanaugh would vote to take health care away from millions of people. He has certainly met President Trump's litmus test as a nominee who would "automatically" overturn or undermine *Roe v. Wade*, stripping women of a constitutionally protected right. On the D.C. Circuit, he ruled to put obstacles in the way of a young immigrant woman seeking to exercise her right to abortion care.

Kavanaugh has shown himself to be strongly biased toward the wealthy and powerful and big corporations, at the expense of workers and consumers. He has fought consumer protections in the areas of automobile safety, financial services, and a free and open internet. He has repeatedly ruled against workers, workplace protections, and safety regulations. Notably, in *SeaWorld of Fla., LLC, v. Perez*, he ruled in favor of the employer in a case in which an animal

trainer lost her life in a performance with a killer whale. In that case, he went so far as to characterize workplace safety protections as “paternalistic.”

With regard to environmental safety, Kavanaugh shows himself to be a friend to polluters, rather than American families; his record reveals hostility toward efforts to combat climate change and the regulation of greenhouse gases. He has repeatedly ruled against protections for clean air.

Our concerns also extend to Kavanaugh’s record on civil rights. Sadly, he has ruled to deny employees protection against discrimination, and to uphold a South Carolina voter photo ID law that disproportionately disadvantaged people of color.

Overall, we find that Brett Kavanaugh’s record shows an alarming propensity to favor the interests of the one percent, of big business and our society’s most privileged, over the rights of all others. It is also a record that is shot through with partisanship, a quality that this administration appears to prize above nearly all others. It is well known that Kavanaugh made a career as a loyal conservative partisan and political operative before joining the D.C. Circuit. On the bench, his rulings suggest that he has never left that political agenda behind.

Our report on Kavanaugh’s record [is available here](#). We urge you to read the report; we believe that when you do you will conclude, as we have, that Kavanaugh is unfit for a lifetime seat on the Supreme Court and will oppose his confirmation.

I and my staff stand ready to answer any questions you may have.

Sincerely,



Nan Aron