

August 7, 2018

The Honorable Charles E. Grassley, Chairman
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

I write in support of the confirmation of Judge Brett M. Kavanaugh for the position of Associate Justice of the Supreme Court of the United States.

I served as a United States District Judge in the Eastern District of California from 1990 until 2007 when I became the dean of the Duke Law School, a position I held until this past June. As a judge and as a dean, I became well acquainted with Judge Kavanaugh. I came to know him both personally and through his opinions and reputation. As a dean, I particularly recall the occasion when he came to Duke Law School several years ago to preside at the finals of our Dean's Cup moot court competition. He did a wonderful job in taking the students through a hard series of questions while maintaining an encouraging and gracious demeanor. One could see what a fine judge he is and what a fair courtroom he would run, one in which every advocate and every party would feel heard and respected. As a judge, I knew him mostly by reputation, one that quickly formed around him as one of the brightest and most thoughtful judges on the bench.

I have read some of the comments by fellow deans and academics, and by former law clerks of Judge Kavanaugh. I find it quite extraordinary that Judge Kavanaugh has such a broad base of support among academics, who highly respect him for his inspiration of their students and for the brilliance of his judicial opinions, and among his former law clerks, who have found him such a wonderful mentor and example. I can assure you that this kind of deep, broad, and enthusiastic support is unusual and telling of the character and ability of Judge Kavanaugh.

There can be no serious doubt that Judge Kavanaugh is eminently qualified by his ability, training, education, character, judicial demeanor, and record on the bench. I am certain that the committee will see these attributes during the confirmation hearings.

I hope it is appropriate if I suggest that the confirmation of Judge Kavanaugh is an important opportunity for the two of you, who are so admired, and your colleagues on the Senate Judiciary Committee, to reaffirm your faith in the rule of law. There is an ecology to judging

which in turn influences the culture of the federal bench. Now is the time to re-affirm that judges are not and should not be political actors, and while they may disagree – far less often than is assumed – and may have different judicial philosophies, they are not and should not be partisan. I hope that this confirmation process may be an opportunity to demonstrate to the American people the committee's adherence to these shared values.

Sincerely,


David F. Levi