



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

1156 15TH STREET, NW SUITE 915 · WASHINGTON, DC 20005 · P (202) 463-2940 · F (202) 463-2953

E-MAIL: WASHINGTONBUREAU@NAACPNET.ORG · WEB ADDRESS WWW.NAACP.ORG

August 13, 2018

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

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

RE: NAACP OPPOSITION TO THE NOMINATION OF BRETT KAVANAUGH TO THE U.S. SUPREME COURT; QUESTIONS HE MUST ANSWER DURING HEARING ON THE NOMINATION; SUPPORT FOR POSTPONING CONSIDERATION AND A VOTE ON THE NOMINATION UNTIL THE 116TH CONGRESS IS SEATED IN JANUARY, 2019

Dear Chairman Grassley and Ranking Member Feinstein,

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to oppose the nomination of Judge Brett Kavanaugh to the U.S. Supreme Court. Furthermore, I urge you to support delaying this vital decision and the important hearings into the judicial temperament of any nominee until after the November 2018 midterm election and the seating of the 116th Congress in January, 2019. Lastly, when hearings on any nominee are held, there are questions that must be asked and answered; the responses which all Americans deserve to know.

Our nation still struggles to realize the promise of equality; equal protection and equal opportunity under law for all Americans regardless of race, gender, ethnicity, point of national origin, sexual orientation, gender assignment or other differences. The next Supreme Court justice will play an outsized role in determining whether African Americans and other racial and ethnic minorities can enjoy our rights to equal protection and equal opportunity under law as guaranteed by the U.S. Constitution. Through his writings, his public statements for the record, and his decisions as a Judge on the U.S. Court of Appeals for the D.C. Circuit, Mr. Kavanaugh's record demonstrates that he is a judicial extremist who does not empathize with the very real needs of working middle-class Americans or with the unique challenges facing racial and ethnic minority Americans. The Supreme Court is meant to be an unbiased guardian of the rights and liberties of all Americans. At this point in our nation's history, we need a fair-minded and independent jurist on the Court, not a divisive and biased ideologue who will further shake the public's faith in our nation's justice system.

If Judge Kavanaugh is confirmed to a lifetime appointment on the U.S. Supreme Court, we could see reversals of hard-won gains securing equal opportunity in areas including education, voting, employment, criminal justice, and housing, among others. We could see further exclusion of communities of color from full participation in our democracy. We could see racist policies and discussions continue to flourish within the criminal justice system. We could see the elimination of effective tools for proving discrimination and addressing it. We could see the overturning of the

guarantee to quality accessible health care for millions of Americans. The rights of African Americans and all racial and ethnic minorities to fully participate in our democracy and in every facet of political, educational, social, and economic life, on an equal basis, is on the line.

The constitutional process for appointing and confirming the next justice must be thoughtful, careful, deliberative, and conducted with well-informed, bipartisan support. The Senate should not consider a nominee until a new Senate is seated next year, after the results of the midterm election are in place. This will fully allow the American people, those who will be most affected by the confirmation, to have a voice in the selection of the nominee.

Regardless of who the ultimate nominee may be, I urge you to ask him or her questions that will interest and affect all Americans. The next Supreme Court Justice must tell the American people, point blank, if he or she believes if the Constitution, if our nation, is one in which people are guaranteed the right to pursue life, liberty, and prosperity. Does the nominee believe in adequate access to affordable health care for every American, regardless if his or her race, ethnicity, age, gender, or station in life? The next Supreme Court Justice needs to be asked if he or she believes that the President, or any individual, is above the law. The next Supreme Court nominee must clearly state whether he or she will protect Americans' most important right — the right to be safe from gun violence — or whether he or she will let virtually anyone carry any gun, anytime, anywhere. Does the nominee believe that racism still exists in almost every facet of American society, and that it should be effectively and affirmatively addressed?

The next U.S. Supreme Court Justice will play a central role in determining the fate of rights of all Americans for at least a generation – voting rights, equal opportunity programs like affirmative action, fair housing, fair employment, affordable health care, environmental justice, workers' rights, women's rights and the right to be free from racism in the criminal justice system. I thus urge you, in the strongest terms possible, to fully investigate the past record of any and every nominee for this position and weigh his or her answers, not on partisan standards, but rather on what is best for all of the American people.

Thank you for your attention to the concerns of the NAACP; should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,



Hilary O. Shelton
Director, NAACP Washington Bureau &
Senior Vice President for Policy and Advocacy

cc: Members, Senate Judiciary Committee