

Testimony of Colleen E. Roh Sinzduk

Mr. Chairman, Ranking Member Feinstein, and members of the Committee:

Thank you for the opportunity to address the Committee about my former Harvard Law School professor, Judge Kavanaugh. I took Judge Kavanaugh's Separation of Powers class in the Winter Term of 2009. In the years since, he has served as a trusted mentor to me. My experience as Judge Kavanaugh's student and mentee has led me to offer my firm support of his nomination to the Supreme Court of the United States.

In some ways, my support for Judge Kavanaugh is unsurprising. A recent New York Times article catalogued the exceptionally strong reviews that Judge Kavanaugh's students have given to his teaching. Over the years, students' anonymous feedback forms have consistently lauded the judge as an outstanding professor, one who strives to present a balanced view of the material in class and who makes himself uniquely accessible to students outside the classroom. I wholeheartedly agree with that praise.

Multiple articles have also detailed Judge Kavanaugh's role as a mentor and sponsor for young lawyers, many of them females and minorities. You have heard about Judge Kavanaugh's impressive record of hiring women and diverse law clerks, but Judge Kavanaugh's efforts as a mentor are not limited to his clerks. He also works to maintain connections with countless law students and young lawyers across the country. Judge Kavanaugh is an invaluable resource and advocate for those starting out in the profession, and a champion of diversity in the legal world. Ever since I took his class, he has been a mentor and a sponsor, offering friendly advice, helpful support, and a listening ear as I've navigated the stages of my legal career. When I was considering applying for a Supreme Court clerkship, Judge Kavanaugh generously offered his advice and support, helping me to obtain a clerkship with Chief Justice Roberts. And when I went back to work after having my first child, a lunch with Judge Kavanaugh helped bolster my enthusiasm for my legal career.

In other ways, however, my support for Judge Kavanaugh may strike some as surprising. I am a registered Democrat, and from 2010-2011, I had the great honor of serving as a law clerk for then-Judge now Chief Judge Merrick Garland on the D.C. Circuit. In that role, I experienced firsthand what an exceptionally brilliant, fair, and kind jurist he is. I believe the judiciary—and the country as a whole—has suffered greatly from the failure to confirm Chief Judge Garland to the Supreme Court. I nonetheless support Judge Kavanaugh's confirmation. In my view, preserving and protecting the integrity of the judiciary means supporting and confirming highly qualified judicial nominees, regardless of whether one agrees with the politics of the party that nominated them. In my experience, Judge Kavanaugh has the traits that make him eminently qualified to serve as a justice on the United States Supreme Court. His impressive intellect is obvious. But the Judge is also open-minded; he is principled; and he is evenhanded. I'd like to speak a little more about each of those qualities.

First, in my interactions with Judge Kavanaugh he has always demonstrated open-mindedness and intellectual integrity. When I think back on the Judge's Separation of Powers class, it isn't his lectures I remember; it is his insightful questions and the classroom debates they sparked. The course touched on some of the most important issues in our constitutional democracy, but rather than telling us what to think about them, the Judge asked questions that enabled us to develop our own views and share them with the class. More than that, he seemed genuinely interested in hearing our varying perspectives. One of my favorite law school memories is engaging in a fierce debate with a Separation of Powers classmate over whether *INS v. Chadha* was rightly decided. Judge Kavanaugh seemed delighted to hear both sides, and he encouraged us to develop our conflicting views. With Judge Kavanaugh, I was confident that if I could make the right argument, he would accept my position.

My belief in Judge Kavanaugh's open-mindedness has deepened over the years through my one-on-one conversations with him. I often can't resist sharing my views on separation of powers issues, and he is invariably an engaged listener and an insightful questioner, despite the fact that we come from different sides of the political aisle.

Second, in my experience Judge Kavanaugh is highly principled. By that I mean something very specific: He carefully delineates the difference between policy preferences and what the law demands. In the Separation of Powers class, we often discussed current events and the way they implicated various constitutional concerns. Policy considerations inevitably came up, and we certainly discussed those, but the Judge would repeatedly remind us that those policy concerns are beside the point if the Constitution dictates a different outcome. More generally, the Judge taught us that the way to discern the legal principles that undergird our democratic system is to look to the text, history, and precedents regarding the Constitution, not our policy preferences.

Third, Judge Kavanaugh is evenhanded and treats people fairly and with respect. In class, he gave the same consideration to the views of all students. I consistently felt he was judging our answers based on our ability to reason clearly and support our points, not based on any political or ideological standard.

Judge Kavanaugh's evenhandedness goes beyond respect for varying ideologies. In my experience, he treats everyone equitably regardless of their gender, race, or background. One would think—or at least hope—that in 2018, that should not be remarkable. But as a woman, I know that explicit and implicit bias continue to plague the legal profession just as they plague the rest of society. Far too often in my career, I have felt I was being treated as a *female* lawyer, rather than just as a lawyer. But with Judge Kavanaugh, I have never felt that way. In my interactions with him, I know I am being judged on the merits of what I say — nothing less and nothing more.

I believe that a person with such sterling credentials and experience as a judge who so clearly values integrity, principle, and fairness is eminently qualified to serve on the Supreme Court. I therefore enthusiastically support Judge Kavanaugh's nomination.

Thank you for your time.