



## **URGENT ACTION ALERT**

SEE HOW  
MEMBERS OF  
THE JUDICIARY  
COMMITTEE  
VOTED

**DATE:** September 28, 2018  
**TO:** Concerned Parties  
**FROM:** Hilary O. Shelton, Director, NAACP Washington Bureau

***SUPREME COURT NOMINEE BRETT KAVANAUGH VOTED OUT OF  
SENATE JUDICIARY COMMITTEE 11-to-10  
NOMINATION NOW MOVES TO THE FULL SENATE FOR A VOTE IN ONE WEEK,  
AFTER THE COMPLETION OF AN FBI INVESTIGATION  
CONTACT BOTH OF YOUR SENATORS AND URGE THEM TO  
VOTE "NO"***

### **THE ISSUE:**

After four days of routine hearings which began on Sept. 4, and one day of an extraordinary hearing on Sept. 27, President Trump's nomination of Judge Brett Kavanaugh to serve as an Associate Justice on the U.S. Supreme Court was sent to the floor of the full Senate with a positive recommendation. The motion to send the nomination was approved by a party-line vote of 11 yeas to 10 nays, but a caveat at the last minute authored by Senator Jeff Flake (AZ) and Senator Chris Coons (DE) directed that the final vote on the nomination on the floor of the full Senate be delayed by one week, so that an FBI investigation into allegations of sexual misconduct by the nominee can be conducted and completed.

The NAACP has expressed grave concerns about this nomination and about the unnecessary and reckless rush to confirmation. This nomination is too important to rush. The country desperately needs a fair-minded and independent jurist on the Supreme Court whose honesty and integrity are unquestionable. We do not need a divisive, untrustworthy, biased ideologue with a demonstrated animus against women, who will further shake the American people's faith in our nation's justice system.

At least three women have alleged that Judge Kavanaugh illegally tried to force himself on them. Until these allegations are thoroughly investigated and resolved by a non-partisan authority such as the FBI, the vote on the nomination should be suspended. As the attorneys for one of the alleged victims wrote, "As the Judiciary Committee has recognized and done before, an FBI investigation of the incident should be the first step in addressing her allegations. A full investigation by law enforcement officials will ensure that the crucial facts and witnesses in this matter are thoroughly assessed in a non-partisan manner, and that the Committee is fully informed before conducting any hearing or making any decisions."

In addition to the new allegations, we do not yet have a full accounting of the nominee's complete policy beliefs, and there remain accusations of perjury before the US Senate Judiciary Committee thirteen years ago when he was being vetted for his current position on the US Court of Appeals. Thus, we are left with a candidate of questionable morals whose incomplete record demonstrates him to be an extremist with no empathy for the very real concerns and needs of most working middle-class Americans or for the unique challenges and concerns of racial and ethnic minority Americans or other historically marginalized people. The NAACP continues to strongly oppose Judge Kavanaugh's nomination.

By most estimates, Judge Kavanaugh's vetting by the Senate Judiciary Committee included less than 10% of the documents from his legal and administrative carrier in the White House and the federal government. This is a huge disservice to the American people. As a judge, Mr. Kavanaugh's actions are bound by precedents of the Supreme Court. However, Supreme Court Justices are able to overturn those precedents and apply their own interpretations of the Constitution. Crucial information continues to be withheld on a Supreme Court nominee from review by the Senate Judiciary Committee, the full Senate and the American people.

This nomination, and the US Supreme Court, are too important. We should not rush. The nomination should only be considered by the Senate elected by the American people in November, 2018, after all the allegations have been resolved by trained, non-partisan individuals and after every Senator has had adequate time to fully review all of the relevant records; after the 116<sup>th</sup> Congress is seated in January 2019. The American people are owed the complete and unvarnished truth.

## **THE ACTION WE NEED YOU TO TAKE:**

Contact both your Senators **and URGE THEM TO REJECT THE NOMINATION OF BRETT KAVANAUGH TO THE US SUPREME COURT.** To contact your Senators you may:

✓ **Make a Phone Call:**

Call your Senators in Washington by dialing the Capitol Switchboard and asking to be transferred to your Senators' offices. The switchboard phone number is **(202) 224-3121** (see message section, below).

✓ **Write a Letter**

To write letters to your Senators, send them to:  
The Honorable (name of Senator)  
U.S. Senate  
Washington, D.C. 20510

**A SAMPLE  
LETTER IS  
ATTACHED**

✓ **Send a Fax**

If you would like to send a fax, call your Senators' offices (through the Capitol switchboard) and ask for their fax numbers (you can use either the attached sample letter or the message box, below).

✓ **Send an E-Mail**

To send an e-mail to your Senators, go to [www.senate.gov](http://www.senate.gov); click on "Find Your Senators". Look up your Senators by state; go to their web sites to send an e-mail message OR included in the following list are the e-mail addresses of the individuals who are providing staff support for each of the committee members.

**REMEMBER TO CONTACT BOTH YOUR SENATORS!!!!**

### **THE MESSAGE**

- The allegations of sexual misconduct against Judge Kavanaugh should be fully investigated and resolved by a non-partisan authority such as the FBI, and a thorough and complete vetting of his character and beliefs should be conducted after the 116<sup>th</sup> Congress is sworn in before any votes on his confirmation take place;
- As the Judiciary Committee hearings have already made it clear, a number of questions regarding Judge Kavanaugh's beliefs and his judicial temperament are still unclear and incomplete;
- The hearings did demonstrate, however, that Brett Kavanaugh does not empathize with the crucial needs of working middle-class Americans or the unique concerns of racial and ethnic minorities, the LGBT community, women, or others who comprise our diverse nation.
- His record shows a willingness to allow law enforcement to use the repugnant and counter-productive tactic of "racial profiling," an open hostility to the Affordable Care Act and access to health care for all Americans, as well as sensible measures to protect Americans from the growing crisis of gun violence.
- This nomination is too important to rush. The country desperately needs a fair-minded and independent jurist on the Supreme Court, not a divisive and biased ideologue who will further shake the American people's faith in our nation's justice system.

**THANK YOU FOR YOUR ATTENTION TO THIS IMPORTANT MATTER!!!**

If you have any questions, call Hilary Shelton at the Washington Bureau at (202) 463-2940.

**MEMBERSHIP IS POWER! JOIN THE NAACP TODAY.**

To become an NAACP member or to sign up for e-mail legislative and press updates, visit [www.naacp.org](http://www.naacp.org)

No time  
for the US  
mail! Call,  
fax, or  
e-mail  
**TODAY**

# Sample Letter

(date)

The Honorable \_\_\_\_\_  
United States Senate  
Washington, D.C. 20510

**RE: THE NEXT U.S. SUPREME COURT NOMINEE**

Dear Senator \_\_\_\_\_;

I strongly support the decision to delay the vote by the full US Senate on the nomination of Brett Kavanaugh for one week until the FBI conducts its review of sexual misconduct allegations against the nominee. This nomination is too important to rush. The country desperately needs a fair-minded and independent jurist on the Supreme Court whose honesty and integrity are unquestionable. We do not need a divisive, untrustworthy, biased ideologue who will further shake the American people's faith in our nation's justice system.

The hearings conducted by the Senate Judiciary Committee in early September made it clear that a number of questions regarding Judge Kavanaugh's beliefs and his judicial temperament remain ambiguous, at best. What we do know of the nominee is that he does not empathize with the crucial needs of working middle-class Americans or the unique concerns of racial and ethnic minorities, the LGBT community, women, or others who comprise our diverse nation. Furthermore, the recent allegations of perjury and sexual misconduct only add to the list of unknowns. The questions that are being raised are serious. They should be reviewed and resolved by non-partisan professionals, such as the men and women of the FBI. I fully agree with the attorneys for one of the victims, who wrote, "As the Judiciary Committee has recognized and done before, an FBI investigation of the incident should be the first step in addressing her allegations. A full investigation by law enforcement officials will ensure that the crucial facts and witnesses in this matter are assessed in a non-partisan manner, and that the Committee is fully informed before conducting any hearing or making any decisions."

I have grave concerns about this nomination and about the unnecessary and reckless rush to confirmation. This nomination should only be considered by the Senate elected by the American people in November, 2018, after all the allegations have been resolved by trained, non-partisan individuals and after every Senator has had adequate time to fully review all of the relevant records; after the 116<sup>th</sup> Congress is seated in January 2019. The Supreme Court is too important. The American people, myself included, are owed the complete and unvarnished truth.

Please contact me in the very near future and let me know what you intend to do and if there is anything more I can do to make my voice heard.

Sincerely,

(sign and print your name and  
remember to include your address

***Remember to contact  
BOTH your Senators.***

## HOW THEY VOTED:

### HOW THE MEMBERS OF THE SENATE JUDICIARY COMMITTEE VOTED ON THE NOMINATION OF JUDGE BRETT KAVANAUGH TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT (vote cast Friday, 9/28/2018)

<b>NAME</b>	<b>STATE</b>	<b>VOTE</b>
Charles Grassley	IA	AYE
Dianne Feinstein	CA	NAY
Orrin Hatch	UT	AYE
Patrick Leahy	VT	NAY
Lindsey Graham	SC	AYE
Richard Durbin	IL	NAY
John Cornyn	TX	AYE
Sheldon Whitehouse	RI	NAY
Mike Lee	UT	AYE
Amy Klobuchar	MN	NAY
Ted Cruz	TX	AYE
Chris Coons	DE	NAY
Ben Sasse	NE	AYE
Richard Blumenthal	CT	NAY
Jeff Flake	AZ	AYE
Mazie Hirono	HI	NAY
Michael Crapo	ID	AYE
Cory Booker	NJ	NAY
Thom Tillis	NC	AYE
Kamala Harris	CA	NAY
John Kennedy	LA	AYE

The NAACP had consistently urged a “nay” vote. Judge Kavanaugh’s nomination was confirmed by the Committee by a vote of 11 yeas to 10 nays. The nomination now goes to the floor of the full Senate for a final vote, although there was an agreement that it would be delayed by one week so that the FBI could conduct and complete its investigation into sexual misconduct allegations.