

September 12, 2018

Office of Senator Jeff Flake  
2200 East Camelback Road, Suite 120  
Phoenix, AZ 85016

Dear Senator Flake:

We are strongly opposed to the confirmation of Judge Brett Kavanaugh to a lifetime seat on the United States Supreme Court. Judge Kavanaugh is an unacceptable choice for the Supreme Court for many reasons, and we urge you to reject his nomination.

Judge Kavanaugh's lengthy record on the federal bench exposes him as a judge who has used cases to effectively rewrite statutes, creating new obstacles for agency regulation and scuttling protective regulatory outcomes. His hundreds of judicial opinions and legal writings reveal a judicial philosophy that is hostile to government (especially agencies such as the Environmental Protection Agency), and that values corporate profits over people and public health. Moreover, Judge Kavanaugh's decisions reveal a tendency to limit the public's right to access justice through the courts (such as by adopting obstructive "standing" requirements), while at the same time removing barriers for polluters. As a result, a Supreme Court informed by Judge Kavanaugh's brand of judging would mean that courthouse doors will often be closed to us, your constituents who care deeply about protecting the air we breathe, the water we drink, and the planet on which we live and our future family members will inherit.

We are especially concerned that Judge Kavanaugh will push an agenda to roll back actions on climate change, one of the biggest threats we face as a nation and something that is affecting us significantly here in Arizona. We see rising temperatures, more intense drought, more extreme weather events, and an increase in the intensity of fires. We just cannot afford an obstructionist judge when it comes to climate action.

The stakes for the current Supreme Court vacancy could not be higher. United States Supreme Court Justices do not simply decide cases; they determine whether and how the law works, and for whom. They define what the law means for generations to come, and the lower federal courts are bound to follow the precedent they set. An appointment of a new Justice affects the very nature of our democracy, fundamentally defining the landscape of American law.

Who serves as a Supreme Court Justice is among the most profoundly important choices we make as a nation, and one of the most solemn duties that our constitution entrusts to the U.S. Senate. In carrying out that duty, it is incumbent on the Senate to carefully, and thoroughly, scrutinize every nominee, to thoughtfully consider every aspect of his or her judicial record and legal philosophy, and to ensure a robust, fully informed, and transparent confirmation process.

The integrity of our system of laws, and our faith in government, depend on vetting that is open and honest. Therefore, if the Senate cannot review all pertinent records from Judge Kavanaugh's years as a political lawyer in the George W. Bush White House (as provided under the Presidential Records Act), then the only sound course of action would be to vote NO on his nomination.

In the end, a nominee to the Supreme Court should be rejected unless he or she is willing to uphold the values, protect the rights, and serve the interests of the American people – not just corporations, the wealthy, and the political elites.

Sincerely,

Sandy Bahr  
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Chapter

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CEO  
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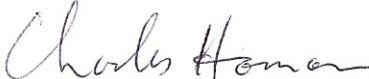
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