

August 28, 2018

The Honorable Charles 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:

Judge Brett Kavanaugh would be an extraordinary Associate Justice of the Supreme Court of the United States. I urge the Senate to confirm him with bipartisan support.

I first crossed paths with Brett in the mid-1990s, when we found ourselves lined up on opposite sides of the decade's biggest legal battle. At the time, I was serving as President Clinton's personal lawyer in the Paula Jones case. Brett had just joined the Office of Independent Counsel under Ken Starr, then investigating the President.

That hardly seems like the winning recipe for a close friendship. Much like politics, litigation often brings out people's worst tribal instincts, and the temptation to view your opponent as a villain can be especially overwhelming when the stakes are high. Despite being on opposite sides of the Starr investigation, however, Brett and I managed to avoid falling prey to that trap. Credit goes in large part to Brett, who, as far back as I can remember, has had an innate sense of fairness and civility that has governed his relationships with allies and adversaries equally.

Brett's integrity quickly won me over, and we became close friends despite our differences (and the differences between the Presidents we served). After getting to know him well over many years, I have learned that his outstanding reputation from the Starr years onwards is, if anything, understated: Brett is an all-star in both his professional and his personal life.

As a Washington attorney, I can attest to the high esteem in which the bar holds Brett. Lawyers love arguing before him because they know he will approach every case with an open mind. To him, it does not matter whether you are bringing a "conservative" case or a "liberal" case; what matters is whether you can support your case with solid arguments grounded in the law. That leads him to be an unusually balanced questioner, one who will rigorously test the case brought by each side rather than concentrating his fire on only one advocate. On the bench, Brett is not trying to score points so much as tally them.

Unsurprisingly, his even-handedness during oral argument translates into a steady stream of balanced and thoughtful opinions. Brett is widely respected by liberals and conservatives alike as independent, smart, experienced, and nuanced. When he writes an opinion, people pay attention. They know that Brett is a “judge’s judge,” someone doing his absolute best to follow the law rather than his policy preferences. And even when Brett rules against parties, they know he gave them a fair hearing and thoughtful explanation for his position.

Brett is as unfailingly decent off the bench as he is on it. His family is the center of his world. It is nearly impossible to walk away from a conversation with Brett without realizing the depth of his love for his wife, Ashley, and their two daughters, Margaret and Liza. I still remember Brett bringing Margaret and Liza to our house when they were younger for Halloween trick-or-treating. These days, he proudly recounts their scholastic and athletic accomplishments to anyone who will listen. (The public got a small taste of that at his White House nomination, when Brett couldn’t help but mention that Margaret’s basketball team had “just won the city championship.”) Even more important, Brett often talks about their strong character and commitment to serving others, values that he and Ashley have taught powerfully through their words and their examples.

Brett is the most qualified person any Republican President could possibly have nominated. Were the Senate to fail to confirm Brett, it would not only mean passing up the opportunity to confirm a great jurist, but it would also undermine civility in politics twice over: first in playing politics with such an obviously qualified nominee, and then again in losing the opportunity to put such a strong advocate for decency and civility on our Nation’s highest court.

Socrates contended that a judge must do four things: listen courteously, answer wisely, consider soberly, and decide impartially. He must have been thinking of Brett Kavanaugh. I hope that the Senate can follow Brett’s example, put aside politics, and confirm such a qualified nominee to the Supreme Court.

Sincerely,

Robert S. Bennett