

United States Senate

WASHINGTON, DC 20510-4704

August 20, 2018

The Honorable Chuck Grassley
Chairman
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley,

I write today regarding Judge Kavanaugh's troubling views on women's reproductive rights, including the constitutional right to safe, legal abortion, and the importance of making sure all Senators are given the opportunity and sufficient time to review all the documents relevant to his views on these incredibly important topics. I'm deeply concerned by your plans to hold hearings starting on September 4 on Judge Kavanaugh's nomination to be Associate Justice for the Supreme Court of the United States. Failing to release all available documents on Judge Kavanaugh will deny the Senate the ability to fully and adequately review his record. Women and men across the country know how important women's reproductive rights are for them and their families. They absolutely want us to have a clear understanding of Judge Kavanaugh's views as we consider him for a lifetime appointment, where he will make decisions that will impact the lives of people across the country for generations to come.

The documents currently available to the Senate and the public are wholly inadequate for the Senate to understand Judge Kavanaugh's judicial philosophy. Not only were they vetted by a private, partisan attorney before being released, they also represent just two percent of Judge Kavanaugh's available White House records. There are large and important gaps in the record that we need to fill. For example, Judge Kavanaugh described his role as White House Staff Secretary as the most formative preparation he had for becoming a judge, yet none of the records from that time are expected to be released to the public or even to the U.S. Senators who are responsible for giving their advice and consent as a part of the confirmation process. Furthermore, the full extent of records from his time with White House Counsel will not be released prior to the start of his confirmation hearings. At every step, this process fails to allow the Senate sufficient information or time to analyze whether Judge Kavanaugh's views and judicial philosophy are those we want represented on the Supreme Court for generations to come.

The documents that are available make clear that Judge Kavanaugh was a key voice in decisions and discussions related to women's reproductive health during his time working for President George W. Bush. Publicly released emails show Judge Kavanaugh corresponding with the Department of Justice (DOJ) regarding parental notification and stem cell research cases and suggest an ongoing dialogue with DOJ on these matters; however they do not provide a full picture into his views or his role in nominations or policies related to abortion access while he was in the White House.

I am also very concerned that Senators and families across the country do not have adequate information on Judge Kavanaugh's role in many other reproductive health issues the White House was actively working on while he was there. During Judge Kavanaugh's time at the White House, a judicial nominee faced questions about her unsuccessful attempt to make it harder for a minor in Texas to obtain an abortion using the state's judicial bypass process, the House of Representatives passed a parental notification bill, the State Department was implementing President George W. Bush's global gag rule, the National Institutes of Health was implementing President Bush's ban on stem cell research, and the Food and Drug Administration was mired in an ideological fight against over-the-counter sales of Plan B—to give just a few examples.

Families across the country care deeply about reproductive rights and understand how important they are for women's health, economic security, and freedom. We owe it to them to do a thorough job examining any Supreme Court nominee's record on these issues and many others—Judge Kavanaugh is no exception. In order for the Senate to understand the experiences that shape his judicial philosophy, it is vital that you make all documents relevant to Judge Kavanaugh's record available to your fellow Senators. I urge you to release the records necessary for the Senate to fulfill its constitutional duty to consider Judge Kavanaugh's nomination and to do so well in advance of any hearings that the Judiciary Committee holds on this nomination.

Sincerely,

A handwritten signature in blue ink that reads "Patty Murray". The signature is written in a cursive, flowing style.

Patty Murray
United States Senator