



October 5, 2018

United States Senate
Washington, D.C. 20510

Dear Senator,

I write to supplement our letter of Sept. 24 to reaffirm why the AFT—a union of 1.7 million people who, like Judge Brett Kavanaugh, are predominately employed in public service—opposes his nomination to the Supreme Court.

Yesterday, as the public was prevented from knowing the scope and key findings of the FBI report, something else unprecedented occurred. Former Supreme Court Justice John Paul Stevens, himself nominated by a Republican president, came forward to state unequivocally that Judge Brett Kavanaugh's performance during his confirmation hearing was disqualifying.

That statement comes on top of a letter from 2,400 law professors of all political persuasions stating that, despite their differences of opinions, they stand united "in believing that Judge Kavanaugh did not display the impartiality and judicial temperament requisite to sit on the highest court of our land." It also follows other extraordinary actions, by both the ACLU and the National Council of Churches, calling for putting the brakes on this nomination.

None of these cautions are frivolous or partisan. They all directly address the importance of filling an appointment for life on the Supreme Court with someone who has the temperament, impartiality and judgement to fulfill that role.

In this partisan era, we have no illusions that any of the currently seated GOP senators would agree with the merits of our first letter; the years of the best-qualified nominees for the Supreme Court died when Senate Majority Leader Mitch McConnell refused to even grant Merrick Garland a hearing. However, the Supreme Court has a unique and treasured role in our democracy as a mediating force, a buffer against extremities and the winds of tribalism. The Supreme Court is supposed to be the embodiment of the rule of law: impartial, dispassionate, unprejudiced and, above all, nonpartisan.

This court has historically stood as a co-equal branch of government that interprets the law, not one that exacerbates the tribalism and rancor that characterizes too much of our public life today.

Judge Kavanaugh's testimony last Thursday violated that role.

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

American Federation
of Teachers, AFL-CIO

AFT Teachers
AFT PSRP
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Professionals

555 New Jersey Ave. N.W.
Washington, DC 20001
202-879-4400
www.aft.org

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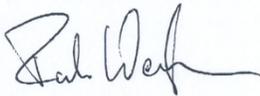
I am a lawyer by training, as well as a former civics teacher. I hold no illusions that any of what we say would deter the senators committed to taking us down this path, but I do offer this:

The choice before the Senate right now is whether, in the pursuit of power, we will abandon our shared commitment to holding judges to a higher standard of justice and to insisting that judicial temperament and character remain critical in the federal judiciary to maintain a healthy and functioning democracy. If you reject this nominee, President Trump would undoubtedly replace him with another individual who holds similar views on all the critical issues of the day. But, at the very least, it would send a message that judicial temperament and fidelity to the rule of law, not raw power or tribal politics, remain cornerstones of American governance.

That is both the Senate's choice and its burden right now.

I beseech you to choose fidelity to our democracy, not tribalism, and reject Judge Kavanaugh's nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Randi Weingarten". The signature is fluid and cursive, with a long horizontal stroke at the end.

Randi Weingarten
President

RW:emc opeiu#2 afl-cio