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# **Brett Kavanaugh Supreme Court nomination**

President Donald Trump nominated Judge Brett Kavanaugh to become an Associate Justice of the Supreme Court of the United States on July 9, 2018, filling the vacancy left by the retirement of Anthony Kennedy. When nominated, Kavanaugh was a sitting judge of the United States Court of Appeals for the District of Columbia Circuit.

The <u>Senate Judiciary Committee</u> began Kavanaugh's confirmation hearing on September 4.<sup>[1]</sup> At the end of the confirmation process, Kavanaugh was accused of sexually assaulting <u>Christine Blasey Ford</u> thirty-six years prior, while they were both in high school in 1982. The Senate Judiciary Committee postponed its scheduled vote to allow both Blasey Ford and Kavanaugh to respond.<sup>[2][3][4]</sup>



Kavanaugh and his family with President Donald Trump during his announcement as nominee in 2018

In the interim, two other women (Deborah Ramirez and Julie Swetnick) alleged separate instances of sexual assault. Kavanaugh categorically denied allegations made by Ford, Ramirez and Swetnick. [5][6][7][8]

Both Kavanaugh and Blasey Ford were questioned by members of the Judiciary Committee and Arizona-based sex crimes prosecutor Rachel Mitchell on September 27. The following day, the Judiciary Committee voted 11–10 to send the nomination to the floor. Senator Jeff Flake (R-AZ) and later the full Senate Judiciary Committee requested a week-long FBI supplemental background investigation into the sexual assault allegations. [9][10][11] On October 6, the Senate voted 50–48 to confirm Kavanaugh's nomination to the Supreme Court. [12]

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# **Background**

<u>Associate Justice</u> <u>Anthony Kennedy</u> (generally considered a moderate "swing" vote on the court) announced his retirement from the Supreme Court on June 27, 2018, after having served on the court for over 30 years. His resignation took effect on July 31, 2018. [13] From 1993 to 1994, Kavanaugh served as a law clerk for Justice Kennedy. [14]

# **Nomination to the Supreme Court**

Kavanaugh was officially announced as the nominee for Associate Justice of the Supreme Court of the United States on July 9, 2018, selected as the Supreme Court nominee from among a list of "25 highly qualified potential nominees" considered by the Trump Administration. [15] Reasons cited by President Trump for the nomination of Kavanaugh included his "impeccable credentials, unsurpassed qualifications, and a proven commitment to equal justice under the law" with the emphasis that "what matters is not a judge's political views, but whether they can set aside those views to do what the law and the Constitution require." [16]

# **Voting alignment**

In reference to Kavanaugh's voting alignment if confirmed, <u>FiveThirtyEight</u> used Lee Epstein et al.'s Judicial Common Space scores<sup>[17]</sup> (which are not based on a judge's behavior, but rather the ideology scores of either home state senators or the appointing president) to find that Kavanaugh would likely be more conservative than Justices <u>Samuel Alito</u> and <u>Neil Gorsuch</u>, but less conservative than Justice <u>Clarence Thomas</u>, if placed on the Supreme Court.<sup>[18]</sup> During the confirmation process, Senator <u>Ted Cruz</u> stated that Kavanaugh joined Judge <u>Merrick Garland</u>'s (President Obama's Supreme Court pick) rulings on 28 out of 30 cases, and he joined his opinions in 27 out of 28 cases.<sup>[19]</sup>

*The Washington Post*'s statistical analysis estimated that the ideologies of most of Trump's announced candidates were "statistically indistinguishable" and placed Kavanaugh between Justices Neil Gorsuch and Samuel Alito. [20]

# **Reactions and responses**

## **American Bar Association rating**

The American Bar Association (ABA) gave Kavanaugh a unanimous "well qualified" rating for his nomination. [21] After Kavanaugh was accused of sexual impropriety, the president of the ABA issued a statement that the nomination should not be voted on until the allegations have been investigated by the FBI. [22] On October 5, 2018, the chairman of the ABA Standing Committee on the Federal Judiciary announced that the committee had reopened its evaluation "regarding temperament" and that reassessment and re-vote would not be completed before the Senate vote. [23][24] After Kavanaugh's confirmation, the standing committee discontinued the re-evaluation because there is "no process for the evaluation of sitting judges or justices." [23][25]

## Support

Senate Republicans expressed support for Kavanaugh's nomination. Senate Majority Leader Mitch McConnell stated his intent to support the nomination, referring to Kavanaugh as "highly regarded throughout the legal community". At the time of the nomination, the Republican Party held a functional 50–49 majority in the Senate, with Arizona Senator John McCain's treatment for glioblastoma brain cancer keeping him from the Senate since December 2017. After McCain's death on August 25, 2018, the governor of Arizona Doug Ducey named former Senator Jon Kyl as his replacement. Kyl was sworn in on September 5, 2018. Prior to the selection, Kyl had been working for Kavanaugh's confirmation. [28][29][30][31]

Yale Law School's professor Akhil Reed Amar, a leading expert on Constitutional Law and Originalism, [32] whose notable students include Kavanaugh, Chris Coons, and Cory Booker, called the nomination of Kavanaugh Trump's "finest hour, his classiest move". Amar also remarked that Kavanaugh "commands wide and deep respect among scholars, lawyers, and jurists". [33] Robert S. Bennett, an attorney who represented President Bill Clinton during the Lewinsky scandal (opposite Kavanaugh, who worked for independent counsel Kenneth Starr), stated that he supported Kavanaugh's confirmation. [34]

In their blog, The Libre Initiative, a group funded by Freedom Partners, a nonprofit group backed by the Koch brothers and other conservative donors, [35] encouraged Latinos to support Kavanaugh. [36] The Latino Coalition (TLC), established in 1995 by Hispanic business owners and whose chairman is Hector Barreto, [37] Administrator of the United States Small Business Administration from 2001 – 2006, [37] also supported Kavanaugh. [38]

# Opposition

A number of Senate Democrats, including <u>Senate Minority Leader</u> <u>Chuck Schumer</u>, stated intent to oppose Kavanaugh's confirmation. [26]

It was also reported by <u>Vox</u> that some <u>social conservatives</u> are disappointed that Trump nominated Brett Kavanaugh. The <u>American Family Association</u>, a socially conservative organization founded in 1977, immediately called on its members to rally against Kavanaugh. <u>March for Life</u> also expressed concerns that Kavanaugh's leadership bore similarities to that of Vice President Mike Pence, saying that the judge lacked the "backbone" to overturn *Roe v. Wade*. [39]

An <u>open letter</u> rebuking Yale Law School over a <u>press release</u> celebrating Kavanaugh's nomination was signed by over 600 of its alumni. [40][41]

The American Civil Liberties Union has stated that Kavanaugh's record "demonstrates hostility to international law as a constraint on government action as well as an unwillingness to hold the government to account when it violates the constitutional and human rights of U.S. citizens and noncitizens" and that his "approach would give the president exceedingly broad and dangerous powers". [42]

A number of progressive groups have joined together to launch a campaign known as #WhipTheVote to rally opposition to Kavanaugh's nomination, aimed particularly among moderate and conservative Democrats. "Democratic senators should be united in opposition to Kavanaugh, instead of letting Republican senators ram through the confirmation of a nominee who was selected to protect the president from prosecution," reads a statement from the effort's website. [43] An open letter from Native Americans called upon Senators to closely examine Kavanaugh's record regarding Native peoples, and they felt that he had failed to acknowledge the sovereignty, natural resources, and history and heritage of native people. [44]

Benjamin Wittes, an official at the Brookings Institution and the Hoover Institution and a vocal critic of Donald Trump, initially also expressed support for Kavanaugh but said that he would be confirmed "for all the wrong reasons" in an article attacking partisanship surrounding Supreme Court nominations. [45] Wittes withdrew his support after Ford and Kavanaugh's testimony before the Senate, finding Ford "wholly credible" and Kavanaugh's account not credible on his drinking habits and his performance improper and "unacceptable in a justice." [46]

More than 2,400 American law professors signed a letter opposing Kavanaugh's confirmation on the basis of his "intemperate, inflammatory and partial manner" during his congressional testimony, without referencing any of the accusations about his behavior decades earlier.<sup>[47]</sup>

Former Supreme Court justice <u>John Paul Stevens</u>, 98 years old at the time, stated on October 4, 2018 that he previously thought Kavanaugh "had the qualifications for the Supreme Court should he be selected," but "his performance in the hearings ultimately changed my mind."<sup>[48]</sup>

The Washington Post editorial board opposed Kavanaugh's confirmation, their first opposition to a nominee since Robert Bork in 1987, citing his "hyperpartisan rhetoric" that "poisoned any sense that he could serve as an impartial judge." [49]



Following Kavanaugh's confirmation, several protests were held around the United States by women's rights activists.



Deb Haaland and Native American women at Stop Kavanaugh Rally on US Capitol Grounds, September 4, 2018

On October 4, 2018, three of Kavanaugh's Yale "drinking buddies" published an opinion piece opposing his confirmation, asserting he was dishonest in his sworn testimony and in a Fox News interview, without referencing any of the sexual abuse accusations against him.<sup>[50]</sup>

# **Public reactions and polling**

The Senate Judiciary hearings were interrupted by a number of protesters, at least 227 of whom were arrested. [51]

Between September 10 and 16, 2018, Kavanaugh had the highest opposition (42%) of any of the eleven Supreme Court nominees Gallup has polled about since Robert Bork in 1987. [52][53][54][55] A YouGov/The Economist poll on September 23–25 found 55% of Republicans thought he should be confirmed even if the allegations of sexual assault were true, compared to 28% of the whole sample and 13% of Democrats. [56]

# **Senate confirmation**

Kavanaugh's nomination was officially sent to the Senate on July 10, 2018.<sup>[57]</sup> His nomination was done before the <u>Senate Judiciary Committee</u>, which holds 11 Republican members and 10 Democratic members.<sup>[58]</sup> As with any confirmation process, prior to the official hearings Kavanaugh and participating Senators chaired mock sessions and hearings in order to create a smooth process and identify proper conduct for the Senators and Kavanaugh.<sup>[59]</sup>

## **Meetings with Senators**

Date	Meeting with	Total
July 10, 2018	Senate Majority Leader Mitch McConnell and Committee on the Judiciary Chairman Chuck Grassley* <sup>[60]</sup>	
July 11, 2018	Orrin Hatch*, <sup>[61]</sup> John Cornyn*, Lindsey Graham*, Mike Crapo*, and Rob Portman	7
July 12, 2018	Dan Sullivan, Ben Sasse*, Shelley Moore Capito, and Deb Fischer <sup>[62]</sup>	11
July 17, 2018	Thom Tillis*, <sup>[63]</sup> Ted Cruz*, Steve Daines, Johnny Isakson, and Todd Young	16
July 18, 2018	Mike Lee* <sup>[64]</sup>	17
July 19, 2018	Bob Corker, <sup>[65]</sup> Jeff Flake*, Dean Heller, David Perdue, James Lankford, and Mike Enzi	23
July 24, 2018	John Kennedy*, <sup>[66]</sup> Richard Burr, and Rand Paul	26
July 25, 2018	John Barrasso, Mike Rounds, <sup>[67]</sup> Bill Cassidy, Cindy Hyde-Smith, and Tim Scott	31
July 26, 2018	Cory Gardner, Pat Toomey, Jim Inhofe, Lamar Alexander, and Pat Roberts	36
July 30, 2018	Richard Shelby, Joni Ernst, and Joe Manchin <sup>[68]</sup>	39
July 31, 2018	Roy Blunt	40
August 1, 2018	Jim Risch, <sup>[69]</sup> Roger Wicker, Tom Cotton, John Hoeven, John Thune, John Boozman, and Marco Rubio	47
August 15, 2018	Joe Donnelly, Heidi Heitkamp, <sup>[70]</sup> Ron Johnson, and Jerry Moran	51
August 20, 2018	Committee on the Judiciary Ranking Member Dianne Feinstein*	52
August 21,	Susan Collins, Claire McCaskill, Patrick Leahy*, Senate Minority Leader Chuck	58



Kavanaugh with Chuck Grassley

2018	Schumer, <sup>[71]</sup> Amy Klobuchar*, and Kamala Harris*	
August 23, 2018	Dick Durbin*, <sup>[72]</sup> Sheldon Whitehouse*, Chris Coons*, Cory Booker*, Lisa Murkowski, and Tim Kaine	64

<sup>\*</sup> Indicates member of the U.S. Senate Committee on the Judiciary

## **Documents**

Judge Kavanaugh had over 4,800 pages of opinions provided for review. On the evening of September 3, just hours before the hearing began, as part of the nomination process around 457,000 additional documents had been produced in response to his nomination as of September 3, 2018.<sup>[73]</sup> A nominee questionnaire was also returned with 17,000 pages of supporting documents. Over 267,000 of the documents not already public as part of his service in the Bush administration have been released publicly.<sup>[74][75][76][77]</sup> The White House of the Trump administration has used presidential privilege to prevent the public release of over 100,000 pages of Kavanaugh's records of his service for the Bush administration.<sup>[78]</sup>

Controversially, Bill Burck, a former Bush attorney, is a vetter of Kavanaugh documents.<sup>[79]</sup> Burck reportedly is a longtime friend of Kavanaugh's.<sup>[79]</sup> Burck has represented <u>Don McGahn</u>, <u>Reince Priebus</u>, and <u>Steve Bannon</u> (current or former Trump White House officials) regarding Special Counsel Robert Mueller's investigation.<sup>[79]</sup>

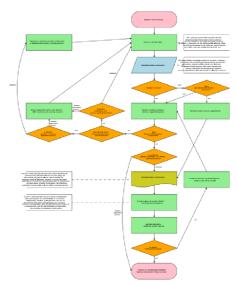
On September 6, during hearing proceedings, Senator <u>Cory Booker</u> released a series of documents<sup>[80]</sup> to the public during a line of questioning about documents that had been deemed confidential by the committee. While releasing the documents, Booker stated; "I'm going to release the email about <u>racial profiling</u>., I understand the penalty comes with potential ousting from the Senate." [81] Separately, another confidential email from 2003, concerning <u>abortion</u> was leaked to <u>The New York Times</u>. [82] The documents themselves had been cleared for release the night before. [83]

## **Confirmation hearing**

Senate Judiciary Committee Chairman Chuck Grassley announced on August 10 that the hearings would occur prior to the November midterm elections, from September 4 through September 7 or 8.<sup>[84]</sup> It was reported by U.S. Capitol Police that between September 4 to 7, at least 227 protestors were arrested, with most being charged with disorderly conduct, crowding or obstructing with fines paid between \$35 – \$50 USD. Senator Orrin Hatch (R-Utah) said "These people are so out of line they shouldn't even be allowed in the doggone room." His statements were echoed by President Trump who expressed concern over "...why don't they take care of a situation like that..." and "I think it's embarrassing for the country to allow protestors, you don't even know which side the protestors were on." [51]

#### September 4, 2018

The Senate Judiciary Committee confirmation hearings began at 9:30 AM, September 4, 2018, in the Hart Senate Office Building with the first hearing chaired by Senator Chuck Grassley (R-Iowa). The hearing quickly became chaotic with protesters and also Senator Kamala Harris interrupting Senator Grassley's opening statement. The hearings were delayed by one hour because



Flowchart showing process of appointment of United States Supreme Court justices

of procedural questions by Harris, Cory Booker and others, who called for a delay in the proceedings<sup>[1]</sup> because of the last-minute

release by former president George W. Bush's lawyer of 42,000 pages of documents from Kavanaugh's service under then-president Bush.<sup>[73][86]</sup> Senate Minority Leader <u>Chuck Schumer</u> called for a delay prior to the proceedings saying that, "Not a single senator will be able to review these records before tomorrow to delay the proceedings."<sup>[73]</sup>

The Capitol Police reported that 17 protestors were arrested in the first hour of the hearing. [85]

## September 5, 2018

The second day of the hearing began with the Senators asking direct questions at Kavanaugh about specific incidents, or his personal position on cases or general ideas.<sup>[87]</sup> Members of the committee were allowed 30 minutes per individual to question the Judge on his record, with key points being his judicial philosophy, *Roe v. Wade*, and his role in programs implemented after 9/11 by the Bush administration.<sup>[88]</sup> He was also asked by Senator Kamala Harris<sup>[89]</sup> if he [Kavanaugh] had ever discussed the Robert Mueller investigation with anybody at the Kasowitz Benson Torres firm, that was founded by Marc Kasowitz, a personal attorney of Donald Trump.<sup>[90]</sup>

Interruptions from protestors continued to be seen in the courtroom, with both Judge Kavanaugh and Senator Grassley and others speaking about the disruptions, with Grassley placing blame on the Democrat Senators. According to Capitol Police officials, 73 protesters were arrested and charged for unlawful demonstrations during the day of the hearing including 66 who were removed from the hearing room.<sup>[91]</sup>

## September 6, 2018

The third day of the hearing saw Kavanaugh answering and not answering questions posed to him by the Committee. One such refusal was to comment on Senator Blumenthal's concern of Trump's "blatant, craven and repeated attacks" on the federal judiciary, referring to Trump's tweet that Justice Ruth Bader Ginsburg "has embarrassed all by making very dumb political statements about me. Her mind is shot – resign! [93] The hearing also saw highly charged arguing between senators about whether key documents were being withheld, with Booker releasing documents about the judge through social media. [94]

## September 7, 2018

On the fourth day, outside witnesses in support or dissent of Judge Kavanaugh being appointed to the Supreme Court gave testimony to the committee on their position. One such invited individual was John Dean, a former Nixon administration White House counsel, who testified against the administration during the Watergate scandal. Others included a survivor of the Stoneman Douglas High School shooting, the attorney who represented an undocumented teenager whose request for an abortion Kavanaugh was legally involved in, former law clerks, students, representatives of the American Bar Association, former U.S. solicitors general during the Bush administration and former Boston Marathon running partners.

### September 27, 2018

The additional hearing on sexual abuse allegations featured just two witnesses: Kavanaugh and Christine Blasey Ford. Republican members of the committee said they would not question the witnesses directly; they said they would yield their allotted time to Rachel Mitchell, "a career prosecutor with decades of experience prosecuting sex crimes, [who] comes from the Maricopa County Attorney's Office in Phoenix, Arizona where she heads the Special Victims Division, which covers sex crimes and family violence", according to CBS News. [98] Mitchell questioned Ford in five-minute segments, alternating with five-minute segments from the Democratic members of the committee. [99] However, she did not end up questioning Kavanaugh, as most of the Republicans took back their time and used it to defend Kavanaugh. [100]

The session began with statements by Republican Senator Grassley and Democratic Senator Feinstein. Ford gave an opening statement about the accusations and the events that transpired during and after the alleged sexual assault, admitting that she was "terrified" to be testifying.<sup>[101]</sup> She supported her allegations under questioning from Mitchell, saying that she was 100 percent

certain that it was Kavanaugh who assaulted her. Kavanaugh repeated his earlier denials of the accusations against him and angrily blamed them on partisanship. Instead of yielding his time during Kavanaugh's testimony to Mitchell, Senator Lindsey Graham delivered a "prolonged attack" on the Democratic members of the committee, and for the rest of the session, Republicans on the committee spoke for themselves.<sup>[102]</sup>

#### Vote

The Senate Judiciary Committee had been scheduled to vote on the confirmation on September 20<sup>[2]</sup> to determine whether the nomination would go to the full Senate for a vote. In response to the sexual assault allegations, the White House said it would not withdraw its nomination, though President Donald Trump acknowledged there could be a "little delay." Several senators, including Jeff Flake and Lindsey Graham, said the committee should hear from Ford before the vote. In [103][104]

On September 17, it was announced that the nomination would not proceed until the Committee had interviewed both Ford and Kavanaugh,<sup>[4]</sup> who were scheduled to testify before the Committee on September 24.<sup>[4][105][106]</sup> At the conclusion of that hearing the Republican leadership of the committee indicated that they planned to hold a committee vote on the nomination the next day, September 28, with a procedural vote on the Senate floor on September 29.<sup>[22]</sup>

On September 28, the committee voted <u>along party lines</u> to advance the nomination to the full senate; Senator Jeff Flake's vote in support was conditional on a proposal that



Part 1: 'Brett Kavanaugh and Christine Blasey Ford testify before the Senate Judiciary Committee'. Video from Voice of America.



Part 2: 'Brett Kavanaugh and Christine Blasey Ford testify before the Senate Judiciary Committee'. Video from Voice of America.

the vote be delayed for a week to allow investigation of the current claims by the FBI. Later, Senators <u>Joe Manchin</u> and <u>Lisa Murkowski</u> also said they would not vote to confirm without an FBI investigation.<sup>[107]</sup> On September 28, due to Flake's request, the Senate Judiciary Committee said there would be a "supplemental FBI background investigation" but "it would be limited to current credible allegations against the nominee and must be completed no later than one week from today."<sup>[108]</sup> Trump then ordered the FBI to conduct such a supplemental background investigation.<sup>[109]</sup>

On the eve of the senate <u>cloture</u> vote to end debate, Kavanaugh published an op-ed in the *Wall Street Journal* saying that he might have been too emotional at times in part due to his overwhelming frustration at being wrongly accused and that there were a few things he should not have said, but that going forward he would be an independent, impartial judge.<sup>[110]</sup>

## Senate action

For Kavanaugh to be confirmed, he needed to receive a majority vote in favor of confirmation from the full Senate. If the vote had been tied, Vice President Mike Pence would have cast the tie-breaking vote. [111][112]

On October 5, the Senate voted 51–49 for cloture, advancing the nomination to a final floor vote on October 6. The vote was almost entirely along party lines, with the exception of Democrat <u>Joe Manchin</u> voting yes and Republican <u>Lisa Murkowski</u> voting no. [113][114]

# **Sexual assault allegations**

During the confirmation process, Kavanaugh was accused of sexually assaulting <u>Christine Blasey Ford</u>, currently a professor in clinical psychology at <u>Palo Alto University</u>, while they were both in high school. The Senate Judiciary Committee had been scheduled to vote on the confirmation on September 20<sup>[2]</sup> to determine whether the nomination would go to the full Senate for a

vote.<sup>[2]</sup> In response to the sexual assault allegations, the White House said it was not withdrawing its nomination.<sup>[3]</sup> On September 17, the Committee announced that the confirmation would not proceed until both Ford and Kavanaugh responded in a hearing.<sup>[4]</sup> The hearing occurred September 27. Both parties were questioned by members of the Judiciary Committee and Arizona-based sex crimes prosecutor Rachel Mitchell.

On September 23, a second woman, Deborah Ramirez, accused Kavanaugh of sexual assault in 1983.<sup>[6]</sup> Kavanaugh categorically denied the allegations by Ford and Ramirez.<sup>[7]</sup> On September 26, Michael Avenatti released a sworn declaration by a third woman, Julie Swetnick, who alleged another incident had occurred.<sup>[8]</sup>

On September 28, 2018 the <u>Senate Judiciary Committee</u> voted 11–10 to send the nomination to the floor, where Senators would decide whether or not to proceed with the confirmation in the following week. [9][10] On the same day, after a request from Senator <u>Jeff Flake</u> (R-AZ), followed by a request from the Senate Judiciary Committee, President Trump ordered a week-long <u>FBI</u> supplemental background investigation into sexual assault allegations against Kavanaugh. [11]

## **Allegations**

### **Christine Blasey Ford**



Christine Blasey Ford

On July 30, 2018, Christine Blasey Ford wrote U.S. Senator Dianne Feinstein letter Kavanaugh of having sexually assaulted her in the 1980s.[115] Ford requested that her allegation confidential.[116] kept be Feinstein did not refer allegation to the FBI until September 14, 2018, [115] after the



Professor Christine Blasey Ford testimony

<u>Senate Judiciary Committee</u> had completed its hearings on Kavanaugh's nomination and "after leaks to the media about [the Ford allegation] had reached a "fever pitch". [117][115]

On September 16, Ford was revealed by <u>The Washington Post</u> to be the author of the allegations against Kavanaugh.<sup>[118][119]</sup> In her report to the *Post*, Ford stated that in the early 1980s, when she and Kavanaugh were teenagers, Kavanaugh and his classmate Mark Judge "corralled" her in a bedroom at a party in Maryland.

According to Ford, Kavanaugh pinned her to the bed, groped her, ground against her, and tried to pull off her clothes and covered her mouth when she tried to scream.<sup>[120]</sup> Ford said that she was afraid Kavanaugh "might inadvertently kill me" during the attack.<sup>[121]</sup> She got away when Judge jumped on the bed, knocking them all over.<sup>[118][122]</sup>

Ford said she later attended couples counseling with her husband where she first talked about the incident in 2012. The therapist's notes from the time, parts of which were released on September 16, 2018, said that she had stated that she was assaulted by students "from an elitist boys' school", who eventually became "highly respected and high-ranking members of society in Washington", although the notes do not name Kavanaugh. Notes from another session a year later say that Ford had previously described a "rape attempt" while in high school.<sup>[118]</sup> In August, Ford took a <u>polygraph</u> test with a former FBI agent, who concluded Ford was being truthful when she endorsed a statement summarizing her allegations as accurate.<sup>[123]</sup>



U.S. Senate Judiciary Committee Ranking Member Dianne Feinstein Calls for Postponement of Kavanaugh Nomination, FBI Investigation

On September 22, it was revealed that Garrett Ventry, who had been assigned by the GOP to promote media campaign Kavanaugh's nomination, resigned from his position communications aide for Senate Judiciary Committee on September 21 following revelations of his own sexual harassment allegations from a previous job. [124][125] Multiple U.S. Senators acquired copies of



President Trump: Judge Brett Kavanaugh Is 'Anxious To Testify'. Video from MSNBC published on September 18, 2018

Judge's books about his time at Georgetown Preparatory School, in order to prepare for questioning of Kavanaugh and Ford before the <u>United States Senate</u> Committee on the Judiciary.<sup>[126]</sup>

#### **Deborah Ramirez**

On September 23, Deborah Ramirez made a second allegation against Kavanaugh relating to sexual assault. The alleged incident occurred in 1983 when Kavanaugh

was 18 years old (the U.S. age of majority). Kavanaugh and Ramirez, both freshman students at Yale University, are described as joining a dorm-room party at Lawrance Hall, in Yale's "Old Campus." In *The New Yorker* reporting of her account, an inebriated Kavanaugh "thrust his penis in her face, and caused her to touch it without her consent as she pushed him away", before pulling his pants back up and laughing at Ramirez. [127] *The New Yorker* also reported that one of Ramirez's classmates had heard about the incident within two days of its supposed happening, and "independently recalled many of the same details offered by Ramirez". [127] The *New York Times* interviewed several dozen of her classmates in an attempt to corroborate her story, and could find no one with firsthand knowledge. [128] The *New York Times* did determine that Ramirez had contacted some of her classmates and said she could not be certain Kavanaugh was the one who exposed himself. [128]

#### **Julie Swetnick**

A third allegation of sexual assault against Kavanaugh was announced by Michael Avenatti, the lawyer for a third woman, on September 23.<sup>[129]</sup> On September 26, the woman, Julie Swetnick, released a sworn statement alleging that she had witnessed Kavanaugh and Mark Judge trying to get teenage girls "inebriated and disoriented so they could then be gang raped in a side room or bedroom by a 'train' of numerous boys".<sup>[130]</sup> Swetnick also alleged Kavanaugh and Judge were both present when she was the victim of one such gang rape.<sup>[8]</sup> The *Wall Street Journal* contacted dozens of her former classmates and colleagues, but couldn't reach anyone with knowledge of her allegations and none of her friends have come forward to publicly support her claims.<sup>[131]</sup>

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US Senate Judiciary Committee Democrats on affidavit of Julie Swetnick

Avenatti announced that he had a swom declaration by a fourth but unnamed woman backing up Swetnick's accusations. Subsequently, NBC news reported that the unnamed declarant told them on September 30 (before Michael Avenatti released her sworn statement on October 3 with her name blacked out) that she never thought it was Kavanaugh spiking the punch, and that she never witnessed him act inappropriately towards girls. In a text to NBC News on October 4, the unnamed accuser reiterated, "It is incorrect that I saw Brett spike the punch. I didn't see anyone spike the punch...I was very clear with Avenatti from day one," adding that she would never allow anyone to be abusive towards males or females in her presence. She also expressed that she had

only given her sworn declaration a cursory look. The response to NBC news by Avenatti was that she read, signed and repeatedly stood behind the sworn declaration. The unnamed declarant contacted NBC news October 5 and reiterated her denial of ever seeing Kavanaugh spike punch or act inappropriately toward women, and charged Avenatti with twisting her words.<sup>[132]</sup>

Several Democratic Senators blamed Avenatti as the Swetnick accusation "gave Republicans an opportunity to shift the narrative away from Ford's allegations and make a broader case that the growing accusations of sexual misconduct amounted to an orchestrated Democratic smear campaign". Senator <u>Susan Collins</u>, a Republican swing vote, called the Swetnick allegation "outlandish...[without] any credible supporting evidence", and ended up supporting Kavanaugh's nomination. Senator <u>Gary Peters</u> said that Avenatti's allegations "turns it into a circus atmosphere and certainly that's not where we should be", while another Senate aide said that "Democrats and the country would have been better off if Mr. Avenatti spent his time on his Iowa vanity project rather than meddling in Supreme Court fights". Avenatti fired back, criticizing anonymous Democrats as "cowards", arguing that this showed "failed leadership" in the Democratic Party.<sup>[133]</sup>

On October 25, Judiciary Committee Chairman Chuck Grassley referred Avenatti and Swetnick for criminal investigation, claiming they made potentially false statements.<sup>[134]</sup> Avenatti responded by tweeting that he and his client "welcome[d] the investigation." <sup>[135]</sup>

## **Judy Munro-Leighton**

During the hearings, another accusation of rape surfaced in a letter by "Jane Doe" from Oceanside, California, addressed to Grassley but mailed anonymously to Senator Kamala Harris on September 19. The Senate committee interrogated Kavanaugh about this claim on September 26; Kavanaugh called the accusation "ridiculous".[136]

On November 2, 2018, Grassley announced that a woman called Judy Munro-Leighton, from Kentucky, had come forward by email on October 3 as the anonymous accuser, and admitted that her accusations were fabricated. [136] When committee staff managed to talk with her on November 1, Munro-Leighton changed her story, denying that she had penned the anonymous letter while stating that she had contacted Congress as "a ploy" in order to "get attention". [137] She was referred to the Department of Justice and FBI for making false accusations and obstructing justice. [136]

# Support for parties involved and investigation

#### Kavanaugh

During a cabinet meeting on National Council for American Workers President Trump commented on the initial sexual assault allegation against Brett Kavanaugh for the first time on September 17, 2018, saying, "Judge Kavanaugh is one of the finest people that I've ever known. He's an outstanding intellect, an outstanding judge, respected by everybody. Never had even a little blemish on his record. The FBI has, I think, gone through a process six times with him over the years, where he went to higher and higher positions. He is somebody very special." [138]

Patrick J. Smyth, who attended the same school and graduated in 1983 with Kavanaugh released a statement concerning the allegations. "I understand that I have been identified by Dr. Christine Blasey Ford as the person she remembers as 'PJ' who supposedly was present at the party she described in her statements to the Washington Post," Smyth says in his statement to the Senate Judiciary Committee. "I am issuing this statement today to make it clear to all involved that I have no knowledge of the party in question; nor do I have any knowledge of the allegations of improper conduct she has leveled against Brett Kavanaugh." Ford did not actually identify or name Smyth in connection to the party in her public account. [139]

On September 20, at a <u>Las Vegas</u> rally, Trump again strongly endorsed Kavanaugh, stating that "Brett Kavanaugh is one of the finest human beings you will ever have the privilege of knowing or meeting." Trump also responded to Democrats' insistence upon an FBI probe by asking why the FBI wasn't notified of the alleged attack, 36 years ago. He added, "So we'll let it play out,

and I think everything is going to be just fine. This is a high quality person."[140] That same day, Politico reported that former Democratic staffer Ricki Seidman is serving as an adviser to Ford; Seidman had previously assisted in prepping Anita Hill in her testimony against Clarence Thomas. [141][142] Her involvement was criticized by Cassie Smedile, press secretary for the Republican National Committee who stated "If you're concerned about an appearance of partisanship, hiring a Democratic operative with a history of smearing conservative judges doesn't exactly mitigate that."[143] Kavanaugh has retained litigator Beth Wilkinson to assist in his preparation.[141] At another rally on October 2, Trump mocked the testimony of Professor Ford, specifically the gaps in her memory about the assault and that her accusation had left a man's life in tatters.[144]

#### **Accusers**

On September 19, Ford's schoolmate Cristina King Miranda stated on a Facebook post that while she did not attend the party where the alleged incident happened, she did hear an incident regarding Ford being discussed at their school. However, in a later interview, she stated "That it happened or not, I have no idea." [145] It was also reported that as a result of the allegations, Trump's daughter Ivanka had told her father she would not support Kavanaugh's nomination. [146]

September 24, 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 tanking Member Committee on the Judiciary Inited States Senate 31 Hart Senate Office Building

Dear Chairman Grassley and Ranking Member Feinstein

When I testified in front of the Senate three weeks ago, I explained my belief that fair process foundational to justice and to our democracy.

At that time, I sat before the Senate Judeiary Committee for more than 31 hours and answero questions under oath. I then answered more questions at a confidential session. The following week, I responded to more than 1,200 written questions, more than have been submitted to all previous Supreme Court nominees combined.

Only affer that exhainery process was compared not it raint, through not now incide, about a year-old allignation from high scheds that has the measurant means have after and whileful from the measurant means the measurant means that are all whileful from the measurant means that the measurant m

Last night, another false and uncorroborated accusation from 35 years ago was published. One again, those alleged to have been witnesses to the event deny it ever happened. There is now a firmy to come up with something—anything—that will block this process and a vote on my confirmation from occurring.

These are smears, pure and simple. And they debase our public discourse. But they are also a threat to any man or woman who wishes to serve our country. Such grotesque and obvious character assassination—if allowed to succeed—will dissuade competent and good people of all political persuasions from service.

As I told the Committee during my hearing, a federal judge must be independent, not swayed by public or political pressure. That is the kind of judge I will always be. I will not be intimidated

Kavanaugh letter to U.S. Senate Judiciary Chairman, after second allegation of sexual assault

On September 21, actress and author <u>Patti Davis</u>, the daughter of <u>Ronald Reagan</u>, wrote a <u>op-ed</u> supporting Ford. Davis writes how she herself was sexually assaulted around 40 years ago by an unnamed famous music executive, and that she "never told anyone for decades", not even her husband, due to shame over her own inaction to stop the assault. Davis explained the gaps in Ford's memories with her own experience of "how memory works in a traumatic event" – the haunting memory of the actual sexual assault remained with Davis even while the other details of the event were forgotten.<sup>[147][148]</sup>

On September 24, Yale Law School students staged a sit-in at the law school in protest against the nomination of Kavanaugh, with some professors canceling classes to accommodate the sit-in and not penalize the students. [149]

#### Investigation

On September 18, 2018, Anita Hill penned an op-ed for *The New York Times* in which she compared her accusations of sexual harassment against Clarence Thomas in 1991 to the accusations against Kavanaugh. In it, she wrote, "That the Senate Judiciary Committee still lacks a protocol for vetting sexual harassment and assault claims that surface during a confirmation hearing suggests that the committee has learned little from the Thomas hearing, much less the more recent #MeToo movement." [151][152] She advocated for improvements to the ways in which these accusations are handled, and wrote, "The details of what that process would look like should be guided by experts who have devoted their careers to understanding sexual violence. The job of the Senate Judiciary Committee is to serve as fact-finders, to better serve the American



via Twitter

Statement from President @realDonaldTrump: "I've ordered the FBI to conduct a supplemental investigation to update Judge Kavanaugh's file. As the Senate has requested, this update must be limited in scope and completed in less than one week."

September 28, 2018[150]

public, and the weight of the government should not be used to destroy the lives of witnesses who are called to testify."<sup>[151]</sup> Senator Orrin Hatch, who had previously spoken out against Hill in 1991 (saying "There are a lot of things that just don't make sense to me about Anita Hill's testimony. Some of it just doesn't square with what I think is basic reality and common sense") also spoke out against Ford in 2018, saying that her recollection of events was "mixed up".<sup>[153]</sup>

On September 20, it was revealed that more than 1,000 alumnae of Ford's high school from between the 1940s and present day had signed a letter in support of Ford's call for a "thorough and independent investigation" before she testifies before the Senate Judiciary Committee. [154] The letter also stated that the school has a long history of similar incidents. [154] These signatories also stated that they were "survivors" who either heard about or experienced sex abuse at the school. [154]

## Hearing

Republican Senators had given Ford the option to testify before the Senate Judiciary Committee either in public or in private. [155][156][157] On September 20, Ford lawyers sent a message to the Senate Judiciary Committee stating that Ford was willing to testify, but on a different day. [158] Republican Senators later offered to reschedule the testimony hearings to September 26. [159][160][161] However, Roll Call, which serves as a news source for Capitol Hill, reported that the Senate Judiciary Committee published a notice stating that no rescheduled date had been determined and that the testimony hearing had been postponed. [162]

After much back and forth between Senator Grassley and Ford, she agreed to a hearing before the Senate Judiciary Committee on September 27, to testify against Kavanaugh and share details with the Senate relating to her incident. Ford and Kavanaugh were separately questioned by Rachel Mitchell, a Maricopa County, Arizona prosecutor and members of the Senate Judiciary Committee. [164][165]

After the hearing Mitchell produced a memo stating "there is no clear standard of proof during the Senate confirmation process" and said she would not press charges against Kavanaugh. Mitchell said there were multiple inconsistencies in Ford's testimony. [166] Ford listed multiple people who were present during the party including "Mark Judge, Patrick "PJ" Smyth, and her lifelong friend Leland Keyser". The three named eyewitnesses have submitted statements to the Committee "denying any memory of the party whatsoever". Mitchell said that Ford's case was "even weaker than" the standard "he said, she said" case. [166][167]

Kavanaugh stated his "family and name have been totally and permanently destroyed" by the allegation. [168] Senator Lindsey Graham characterized Kavanaugh as a victim of "the most unethical sham" he had seen in his time in politics, claiming that if Kavanaugh was looking for fair process, he had "c[o]me to the wrong town at the wrong time" and comparing Kavanaugh's experience to "hell". [169] Senator Susan Collins said Kavanaugh's testimony was "very powerful...[especially his] anger and anguish...[given that he was accused of]...being involved in gang rapes of women. So I think it was understandable that he was reacting as a human being as a father, as a father of two young girls". [170]

# **FBI** investigation

Following the committee vote, which Kavanaugh successfully passed, Flake called for a one-week delay to the vote to allow for a brief FBI investigation into the allegations, as was frequently called for prior by Democratic senators.<sup>[171]</sup> Murkowski also came out in support of this investigation.<sup>[172]</sup> In response, Trump opened up a "limited" investigation into the accusations.<sup>[173]</sup>

On September 29, it was reported that the FBI was looking into the second allegations and had contacted Ramirez. [174] On September 30, it was confirmed that the FBI had spoken to her. [175] On October 1, *The New York Times* mentioned that all four people that the White House originally restricted the FBI to interview had been spoken to. [176] Other individuals have spoken to the FBI about the case, such as a classmate of Kavanaugh's from Yale, detailing claims of "violent drunken behavior by Kavanaugh in college" [177] and claims that Kavanaugh lied about the extent of his drinking during the hearing. [178]

#### Reported restrictions on investigation

On September 29, <u>NBC News</u> reported that the White House had set several strict parameters for the investigation; these included heavy restrictions on investigating Mark Judge (including blocking any access to Judge's employment records) and limiting the investigation to looking into only Ford's and Ramirez's allegations; looking into Swetnick's was blocked.<sup>[179]</sup> This report led to widespread controversy; Avenatti responded by calling the report "outrageous" and vowing to "take the facts to the American people" if Swetnick was not included in the investigation.<sup>[180]</sup>

In response, Trump denied the report, stating "I want them to interview whoever they deem appropriate, at their discretion". The White House followed up on this by stating that it was not restricting the investigation but that the investigation should not become a "fishing expedition". However, on September 30, it was confirmed by *The New York Times* that the restrictions were still in effect due to the parameters set by White House counsel Don McGahn. The article also stated that the investigation had been restricted to only 4 individuals that could be interviewed: Judge, Ramirez, Leland Keyser (a friend of Ford's who also attended the party) and P. J. Smyth (another party attendee). Access was denied to Swetnick and to any of Kavanaugh's classmates who stated that he drank heavily. In response to the reports, on September 30, Feinstein called for the White House and FBI to release the scope of the investigation. [183]

On October 1, *The New York Times* reported that the White House had authorized the FBI to expand its investigation and interview "anybody they want within reason". McGahn apparently followed up on this by calling the FBI and stating that the investigation could be expanded. On interviewing Swetnick, Trump stated "It wouldn't bother me at all. Now I don't know all three of the accusers. Certainly I imagine they're going to interview two. The third one I don't know much about."<sup>[176]</sup> Despite this, later reports continued stating that the FBI had not contacted many people due to the White House restrictions, including Ford and Kavanaugh themselves.<sup>[184]</sup>

# Vote

## **Committee vote**

Following testimony from both Ford and Kavanaugh, the <u>Senate Judiciary</u> <u>Committee</u> announced it would hold a vote on the recommendation of Kavanaugh's nomination on September 28. [9][10]

On September 28, 2018, Senator <u>Richard Blumenthal</u> made a motion before the <u>United States Senate Committee on the Judiciary</u> to subpoena Judge to testify about Kavanaugh. [185][186][187] Blumenthal said before calling his motion: "He has never been questioned by any member of our committee. He has never submitted a detailed account of what he knows and so I move ... that we subpoena Mark Judge." [185] He further noted: "The third person in the room was Mark Judge, who was never questioned by the FBI or interviewed by the committee." [187] Republicans defeated the motion for a subpoena on a party-line



Senate Committee votes on the nomination, September 28, 2018. Video from Voice of America

vote. [185][188][189] The committee voted to advance Kavanaugh's nomination to the floor, but Flake insisted on a one-week delay in the floor vote for the FBI to investigate further. [190][191]

## Recommendation by the Senate Judiciary Committee

State	Senator	Party	Vote
Connecticut	Richard Blumenthal	D	Nay
New Jersey	Cory Booker	D	Nay
Delaware	Chris Coons	D	Nay
Texas	John Cornyn	R	Yea
Idaho	Mike Crapo	R	Yea
Texas	Ted Cruz	R	Yea
Illinois	Dick Durbin	D	Nay
California	Dianne Feinstein	D	Nay
Arizona	Jeff Flake	R	Yea
South Carolina	Lindsey Graham	R	Yea
lowa	Chuck Grassley	R	Yea
California	Kamala Harris	D	Nay
Utah	Orrin Hatch	R	Yea
Hawaii	Mazie Hirono	D	Nay
Louisiana	John Neely Kennedy	R	Yea
Minnesota	Amy Klobuchar	D	Nay
Vermont	Patrick Leahy	D	Nay
Utah	Mike Lee	R	Yea
Nebraska	Ben Sasse	R	Yea
North Carolina	Thom Tillis	R	Yea
Rhode Island	Sheldon Whitehouse	D	Nay
	Total votes		11-10

## Senate vote

The Senate began discussion on the confirmation on October 5, 2018.

#### Vote on cloture

A motion to invoke <u>cloture</u> was held on the first day, with the result of 51-49 in favor. The vote was predominantly along party lines, with the only exceptions of <u>Lisa Murkowski</u> (R-AK) voting Nay, and <u>Joe Manchin</u> (D-WV) voting Yea. The motion limited debate to an additional 30 hours and then proceeding to the final vote on the following day.

As with Trump's first Supreme Court appointee, Neil Gorsuch, Kavanaugh's cloture was enabled by a rule change made by the Senate Republican majority in April 2017, via the nuclear option, which allowed nominations to be advanced by a simple majority vote rather than the historical norm of a supermajority vote 193 of 3/5+ those "duly chosen and sworn".

## Vote to invoke cloture on the Kavanaugh nomination

State	Senator	Party	Vote
Tennessee	Lamar Alexander	R	Yea
Wisconsin	Tammy Baldwin	D	Nay
Wyoming	John Barrasso	R	Yea
Colorado	Michael Bennet	D	Nay
Connecticut	Richard Blumenthal	D	Nay
Missouri	Roy Blunt	R	Yea
New Jersey	Cory Booker	D	Nay
Arkansas	John Boozman	R	Yea
Ohio	Sherrod Brown	D	Nay
North Carolina	Richard Burr	R	Yea
Washington	Maria Cantwell	D	Nay
West Virginia	Shelley Moore Capito	R	Yea
Maryland	Ben Cardin	D	Nay
Delaware	Tom Carper	D	Nay
Pennsylvania	Bob Casey	D	Nay
Louisiana	Bill Cassidy	R	Yea
Maine	Susan Collins	R	Yea
Delaware	Chris Coons	D	Nay
Tennessee	Bob Corker	R	Yea
Texas	John Cornyn	R	Yea
Nevada	Catherine Cortez <u>Masto</u>	D	Nay
Arkansas	Tom Cotton	R	Yea
Idaho	Mike Crapo	R	Yea
Texas	Ted Cruz	R	Yea
Montana	Steve Daines	R	Yea
Indiana	Joe Donnelly	D	Nay
Illinois	Tammy Duckworth	D	Nay
Illinois	Dick Durbin	D	Nay
Wyoming	Mike Enzi	R	Yea
lowa	Joni Ernst	R	Yea
California	Dianne Feinstein	D	Nay
Nebraska	Deb Fischer	R	Yea
Arizona	Jeff Flake	R	Yea
Colorado	Cory Gardner	R	Yea
New York	Kirsten Gillibrand	D	Nay
South Carolina	Lindsey Graham	R	Yea
lowa	Chuck Grassley	R	Yea

State	Senator	Party	Vote
California	Kamala Harris	D	Nay
New Hampshire	Maggie Hassan	D	Nay
Utah	Orrin Hatch	R	Yea
New Mexico	Martin Heinrich	D	Nay
North Dakota	Heidi Heitkamp	D	Nay
Nevada	Dean Heller	R	Yea
Hawaii	Mazie Hirono	D	Nay
North Dakota	John Hoeven	R	Yea
Mississippi	Cindy Hyde-Smith	R	Yea
Oklahoma	Jim Inhofe	R	Yea
Georgia	Johnny Isakson	R	Yea
Wisconsin	Ron Johnson	R	Yea
Alabama	Doug Jones	D	Nay
Virginia	Tim Kaine	D	Nay
Louisiana	John Neely Kennedy	R	Yea
Maine	Angus King	Ind.	Nay
Minnesota	Amy Klobuchar	D	Nay
Arizona	Jon Kyl	R	Yea
Oklahoma	James Lankford	R	Yea
Vermont	Patrick Leahy	D	Nay
Utah	Mike Lee	R	Yea
West Virginia	Joe Manchin	D	Yea
Massachusetts	Ed Markey	D	Nay
Missouri	Claire McCaskill	D	Nay
Kentucky	Mitch McConnell	R	Yea
New Jersey	Bob Menendez	D	Nay
Oregon	Jeff Merkley	D	Nay
Kansas	Jerry Moran	R	Yea
Alaska	Lisa Murkowski	R	Nay
Connecticut	Chris Murphy	D	Nay
Washington	Patty Murray	D	Nay
Florida	Bill Nelson	D	Nay
Kentucky	Rand Paul	R	Yea
Georgia	David Perdue	R	Yea
Michigan	Gary Peters	D	Nay
Ohio	Rob Portman	R	Yea
Rhode Island	Jack Reed	D	Nay

State	Senator	Party	Vote
Idaho	Jim Risch	R	Yea
Kansas	Pat Roberts	R	Yea
South Dakota	Mike Rounds	R	Yea
Florida	Marco Rubio	R	Yea
Vermont	Bernie Sanders	Ind.	Nay
Nebraska	Ben Sasse	R	Yea
Hawaii	Brian Schatz	D	Nay
New York	Chuck Schumer	D	Nay
South Carolina	Tim Scott	R	Yea
New Hampshire	Jeanne Shaheen	D	Nay
Alabama	Richard Shelby	R	Yea
Minnesota	Tina Smith	D	Nay
Michigan	Debbie Stabenow	D	Nay
Alaska	Dan Sullivan	R	Yea
Montana	Jon Tester	D	Nay
South Dakota	John Thune	R	Yea
North Carolina	Thom Tillis	R	Yea
Pennsylvania	Pat Toomey	R	Yea
New Mexico	Tom Udall	D	Nay
Maryland	Chris Van Hollen	D	Nay
Virginia	Mark Warner	D	Nay
Massachusetts	Elizabeth Warren	D	Nay
Rhode Island	Sheldon Whitehouse	D	Nay
Mississippi	Roger Wicker	R	Yea
Oregon	Ron Wyden	D	Nay
Indiana	Todd Young	R	Yea
	Total votes		51-49

### Vote on the nominee

The full Senate vote on the nomination of Judge Kavanaugh took place on October 6, 2018. Senator <u>Steve Daines</u> (R-MT) was attending his daughter's wedding in Montana that day, but said he was prepared to fly back to Washington that evening to vote for Kavanaugh. To spare him from having to do that, Lisa Murkowski agreed to <u>pair</u> her vote with Daines' by voting "Present" on the nomination, while registering her opposition in the <u>Congressional Record</u>. The Senate voted 50–48 to confirm Kavanaugh's nomination. [12]

## Vote to confirm the Kavanaugh nomination

State	Senator	Party	Vote
Tennessee	Lamar Alexander	R	Yea
Wisconsin	Tammy Baldwin	D	Nay
Wyoming	John Barrasso	R	Yea
Colorado	Michael Bennet	D	Nay
Connecticut	Richard Blumenthal	D	Nay
Missouri	Roy Blunt	R	Yea
New Jersey	Cory Booker	D	Nay
Arkansas	John Boozman	R	Yea
Ohio	Sherrod Brown	D	Nay
North Carolina	Richard Burr	R	Yea
Washington	Maria Cantwell	D	Nay
West Virginia	Shelley Moore Capito	R	Yea
Maryland	Ben Cardin	D	Nay
Delaware	Tom Carper	D	Nay
Pennsylvania	Bob Casey	D	Nay
Louisiana	Bill Cassidy	R	Yea
Maine	Susan Collins	R	Yea
Delaware	Chris Coons	D	Nay
Tennessee	Bob Corker	R	Yea
Texas	John Cornyn	R	Yea
Nevada	Catherine Cortez <u>M</u> asto	D	Nay
Arkansas	Tom Cotton	R	Yea
ldaho	Mike Crapo	R	Yea
Texas	Ted Cruz	R	Yea
Montana	Steve Daines	R	Absent
Indiana	Joe Donnelly	D	Nay
Illinois	Tammy Duckworth	D	Nay
Illinois	Dick Durbin	D	Nay
Wyoming	Mike Enzi	R	Yea
lowa	Joni Ernst	R	Yea
California	Dianne Feinstein	D	Nay
Nebraska	Deb Fischer	R	Yea
Arizona	Jeff Flake	R	Yea
Colorado	Cory Gardner	R	Yea
New York	Kirsten Gillibrand	D	Nay
South Carolina	Lindsey Graham	R	Yea
lowa	Chuck Grassley	R	Yea

State	Senator	Party	Vote
California	Kamala Harris	D	Nay
New Hampshire	Maggie Hassan	D	Nay
Utah	Orrin Hatch	R	Yea
New Mexico	Martin Heinrich	D	Nay
North Dakota	Heidi Heitkamp	D	Nay
Nevada	Dean Heller	R	Yea
Hawaii	Mazie Hirono	D	Nay
North Dakota	John Hoeven	R	Yea
Mississippi	Cindy Hyde-Smith	R	Yea
Oklahoma	Jim Inhofe	R	Yea
Georgia	Johnny Isakson	R	Yea
Wisconsin	Ron Johnson	R	Yea
Alabama	Doug Jones	D	Nay
Virginia	Tim Kaine	D	Nay
Louisiana	John Neely Kennedy	R	Yea
Maine	Angus King	Ind.	Nay
Minnesota	Amy Klobuchar	D	Nay
Arizona	Jon Kyl	R	Yea
Oklahoma	James Lankford	R	Yea
Vermont	Patrick Leahy	D	Nay
Utah	Mike Lee	R	Yea
West Virginia	Joe Manchin	D	Yea
Massachusetts	Ed Markey	D	Nay
Missouri	Claire McCaskill	D	Nay
Kentucky	Mitch McConnell	R	Yea
New Jersey	Bob Menendez	D	Nay
Oregon	Jeff Merkley	D	Nay
Kansas	Jerry Moran	R	Yea
Alaska	Lisa Murkowski	R	Present
Connecticut	Chris Murphy	D	Nay
Washington	Patty Murray	D	Nay
Florida	Bill Nelson	D	Nay
Kentucky	Rand Paul	R	Yea
Georgia	David Perdue	R	Yea
Michigan	Gary Peters	D	Nay
Ohio	Rob Portman	R	Yea
Rhode Island	Jack Reed	D	Nay

State	Senator	Party	Vote
ldaho	Jim Risch	R	Yea
Kansas	Pat Roberts	R	Yea
South Dakota	Mike Rounds	R	Yea
Florida	Marco Rubio	R	Yea
Vermont	Bernie Sanders	Ind.	Nay
Nebraska	Ben Sasse	R	Yea
Hawaii	Brian Schatz	D	Nay
New York	Chuck Schumer	D	Nay
South Carolina	Tim Scott	R	Yea
New Hampshire	Jeanne Shaheen	D	Nay
Alabama	Richard Shelby	R	Yea
Minnesota	Tina Smith	D	Nay
Michigan	Debbie Stabenow	D	Nay
Alaska	Dan Sullivan	R	Yea
Montana	Jon Tester	D	Nay
South Dakota	John Thune	R	Yea
North Carolina	Thom Tillis	R	Yea
Pennsylvania	Pat Toomey	R	Yea
New Mexico	Tom Udall	D	Nay
Maryland	Chris Van Hollen	D	Nay
Virginia	Mark Warner	D	Nay
Massachusetts	Elizabeth Warren	D	Nay
Rhode Island	Sheldon Whitehouse	D	Nay
Mississippi	Roger Wicker	R	Yea
Oregon	Ron Wyden	D	Nay
Indiana	Todd Young	R	Yea
	Total votes		50-48

[195]

# **Swearing-in ceremony**

Hours after his Senate confirmation, Kavanaugh was sworn in at a private ceremony, followed by a public ceremony in the White House on October 7. Chief Justice John Roberts administered the constitutional oath and retired Justice Anthony Kennedy administered the judicial oath. Also in attendance were officials that had supported Kavanaugh's nomination, the justice's wife, children and parents and four of the sitting Judges, while three were unable to attend due to previous engagements. In the past public swearing-in ceremonies have taken place once the newly placed justice's work is well underway rather than before their first official day on the bench. [196][197]

President Trump spoke thanking those in attendance and then apologized to Kavanaugh and his family for "the terrible pain and suffering you have been forced to endure", calling the Senate hearing "a campaign of political and personal destruction based on lies and deception." [198]

Justice Kavanaugh spoke thanking his family, friends, and those that had supported his nomination. He thanked President Trump for his "steadfast and unwavering support" and several Republican senators, including Majority Leader Mitch McConnell and Senator Susan Collins, who cast what was considered the deciding vote in his favor. He also thanked the only Democrat who voted for him, Sen. Joe Manchin III of West Virginia. He closed saying, "As a Justice on the Supreme Court, I will always strive to preserve the Constitution of the United States and the American rule of law." [198]



Retired Associate Justice Anthony M. Kennedy administers the Judicial Oath to Justice Kavanaugh in front of his family and President Trump

## See also

- Appointment and confirmation to the Supreme Court of the United States
- Donald Trump Supreme Court candidates
- Neil Gorsuch Supreme Court nomination (2017)
- Merrick Garland Supreme Court nomination (2016)

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