

August 31, 2018

VIA ELECTRONIC TRANSMISSION

Senator Chuck Grassley
Chairman
Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

Senator Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

RE: APPOINTMENT OF JUDGE KAVANAUGH

Dear Senator Feinstein:

On behalf of the Center for Law and Social Policy (CLASP), I am writing to express our strong opposition to the appointment of Judge Kavanaugh to the Supreme Court of the United States. His appointment will have a devastating impact on people with all levels of income, but particularly for children, women, and families across the country who are low-income. For this reason and those expanded on below, we urge you to oppose his nomination, and encourage others to do so.

CLASP advocates for public policies that reduce poverty, improve the lives of people living in poverty, and create ladders to economic security for all, regardless of race, gender, or geography. We target large-scale opportunities to reform federal and state programs, funding, and service systems, then work on the ground for effective implementation. Our research, analysis, and advocacy foster new ideas and position governments and advocates to better serve low-income people. We also work at the state and local levels, providing technical assistance regarding the implementation of federal policies and programs.

We believe that quality, affordable healthcare is critical for everyone, but for many women, children, and families, particularly women and families of color and those who are low-income, medical care often remains inaccessible. If Kavanaugh were to be appointed, based on his previous record and dissenting opinions, there is cause to be concerned that he would vote to overturn current health protections. He suggested that a President could choose not to enforce the individual mandate of the Affordable Care Act if he "...concludes that enforcing it would be unconstitutional." This would have potentially devastating effects on ensuring health coverage for those with pre-existing conditions, thereby increasing the possibility that millions would be without access to affordable and reliable health care.

Additionally, as state Medicaid waivers are being deliberated on, there exists the possibility that provisions in some of these harmful waivers could rise to the level of the Supreme Court. CLASP has submitted several comments against work requirements and other proposed rescissions to key protections,ⁱ all of which may be in jeopardy if the Supreme Court votes to uphold waivers with

provisions that would harm low-income people, or cut back on federal oversight of state Medicaid programs. CLASP has shown our support through letters expressing this opinion.^{ii,iii}

Additionally, Judge Kavanaugh has consistently ruled against workers and their families. He has demonstrated an undue deference to large employers over working people. His hostility towards workers fighting discrimination and mistreatment on the job threatens workers' ability to exercise their statutory rights, including the right to privacy, to organize, to be protected from discrimination, and to a safe workplace. His past judicial opinions and dissents raise concerns about his hostility towards immigrant workers, his willingness to exclude groups of workers from basic labor standards, and his lack of respect for precedent. If confirmed, he will likely undermine protections for the most vulnerable workers, including women, immigrants, and undocumented workers.

We believe that Judge Kavanaugh's appointment would widen the gap in care for needed services for low-income populations in the U.S., strip basic rights for workers, and create further strain on communities of color and immigrant communities. To address these and other concerns, CLASP urges you to reject Kavanaugh's appointment, and encourage other Senators to do so.

If you have any questions, please contact Alexandra Costello, Director of Legislative Affairs, at acostello@clasp.org.

Sincerely,



Hannah Matthews
Deputy Executive Director for Policy

ⁱ CLASP. Medicaid Waivers. <https://www.clasp.org/tags/medicaid-waivers>

ⁱⁱ National Partnership for Women and Families. www.nationalpartnership.org/research-library/judges-supreme-court/judicial-nominations/national-partnership-letter-to-congress-on-kavanaugh.pdf

ⁱⁱⁱ Families USA. <https://familiesusa.org/sites/default/files/Sign-On%20-%20SCOTUS%20Health%20Care%20Stakes%208.14.18.pdf>