

Statement of Kenneth C. Christmas, Jr. before the Senate Committee on the Judiciary in support of the Nomination of Judge Brett Kavanaugh to the Supreme Court

September 7, 2018

Chairman Grassley, Ranking Member Feinstein, and other distinguished Members of this Committee:

I am honored, grateful, and humbled to appear before you and endorse the nomination of Judge Brett Kavanaugh to sit as an Associate Justice of the United States Supreme Court.

I have known this nominee for three decades. He is a close personal friend. I hope my testimony today will illuminate a side of Judge Kavanaugh that is not often seen in media accounts.

I met Judge Kavanaugh in 1988 during my first year at Yale Law School, when he was a second-year law student. In addition to both of us pursuing our love of the law, we both enjoyed watching SportsCenter, playing pick-up basketball and going to Yale football games. We became fast friends. The following year, we roomed together along with six other law school students in a house behind the Yale gym.

I have always admired Judge Kavanaugh's ability to create deep relationships with people from all walks of life--conservative, liberal, athlete, academic, male, female, White, Black. I think one reason for that is he never assumes he's the smartest person in the room. Judge Kavanaugh deeply believes he can learn something from everyone. A wonderful confidant, Judge Kavanaugh has always made me feel comfortable speaking to him about basically anything because he genuinely cares how others feel and authentically tries to understand how they think.

During law school, I often sought out Judge Kavanaugh's advice. He would implore me to first understand the issues from the points of view of all involved. "Put yourself in their shoes," I recall him advising me. "How would that make you feel?" Then, he would challenge me to "demand of [myself] that which you ask from others". Should he be fortunate enough to be confirmed, I believe Judge Kavanaugh will bring that same humility and compassion to the Supreme Court.

It's who Judge Kavanaugh is.

Since graduation, the same eight law school roommates have spent a long weekend together every year, with an astonishingly minimal absentee rate. And, Judge Kavanaugh has been no exception. These 26 annual reunions have kept all of us close, even as our families and careers demanded more time from each of us.

I will never forget a long drive we took to Bucks County, Pennsylvania, for one of our early annual reunions. Judge Kavanaugh listened and asked questions for the whole ride as I

explained my bewilderment over those who deny the continuing effects of slavery and Jim Crow laws. While I was raised in California, I have deep family roots in Mississippi. I believed then, as I still do now, that the laws of our country must remain responsive to historical prejudice, discrimination, oppression and mistreatment of African-Americans. There was no doubt left in my mind following that ride that Judge Kavanaugh deeply cared—and still cares— about truly understanding my Black experience and point of view.

Over the years, Judge Kavanaugh and I have traveled together many times in and outside the country. I drove with Judge Kavanaugh to Boston to watch him run his first Boston Marathon. Judge Kavanaugh made the trip to California for my wedding and I flew back to Washington, D.C., for his. While our age is no longer conducive to pick-up basketball games, we have been able to commiserate over coaching our children and learning that the first rule of being a good youth basketball coach is understanding you are no longer a player.

Our support for one another has been a steady and reliable force as we move through life's ups and downs. Earlier this year, Judge Kavanaugh and I, along with our other law school roommates and friends, gathered over a weekend for the funeral of the son of another roommate. I witnessed Judge Kavanaugh's love, care and support of our friend during this most difficult of times. He attended dinners, participated in fellowship well into the night and spent the day at the funeral service in support of the family. In a time of personal crisis, I won't need to look far for my friend because Judge Kavanaugh will already be there.

So, you may ask what does coaching basketball, showing up at each other's wedding, listening to my experiences as a Black man living in America or attending a funeral have to do with determining whether Judge Kavanaugh should become a Supreme Court Justice? The answer is it speaks directly to his humanity. Judge Kavanaugh cares. He is far from being an ideologue. He does naturally what a good judge should do: Seek to understand before offering an opinion. Judge Kavanaugh is a tremendous son, friend, husband and father. He's honest, empathetic and intellectually curious.

That's the person I know.

Over the course of my life, I have found that the true test of a friendship is when support for a friend is inconvenient. For me, from the perspective of a lifelong Democrat, it is inconvenient to support Judge Kavanaugh, especially during this time of an unprecedented partisan divide and polarization among Americans.

But I know it is the right thing to do.

As an American, I am quite concerned about the attacks on our esteemed institutions, like the judiciary. My expectation of any judicial nominee I support, especially when it is for the Supreme Court, is that he or she possess a powerful sense of fairness and impartiality. As an African-American, I expect a nominee I support to have a deep sense of obligation to protect the

interests of the disempowered, particularly those whose voices are too often drowned out of our political discourse and cannot be heard. Again, all this requires a judge who is compassionate, humble and principled.

Judge Kavanaugh is such a nominee.

Everyone here today is well aware of Judge Kavanaugh's extraordinary qualifications, both educationally and professionally. However, it is Judge Kavanaugh's humanity that compelled me to come here today to testify on his behalf. For this reason, without equivocation or reservation, I respectfully urge this Committee and the Senate to confirm Judge Brett Kavanaugh as an Associate Justice for the United States Supreme Court.

Thank you.