

August 22, 2018

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

I am writing to respectfully request you share all records under your control pertaining to Judge Brett Kavanaugh's involvement in any matters related to older Americans and Americans with disabilities during his tenure at the White House as Staff Secretary and as White House Counsel. I also respectfully ask that you request all records from the National Archives regarding Judge Kavanaugh's time as Staff Secretary and as White House Counsel related to older adults and people with disabilities and share those with me and my staff.

As the Ranking Member of the Special Committee on Aging, I believe I have a duty to review the Judge's writings and opinions related to seniors and people with disabilities. The Centers for Disease Control and Prevention just released a new study indicating there are over 62 million Americans with disabilities.¹ Many of the decisions Judge Kavanaugh will be asked to make if he is confirmed will affect citizens with disabilities, as well as the 49 million Americans over 65 years of age.²

The Supreme Court's work in recent years has had significant impact on seniors and people with disabilities. The 2017 *Endrew F. v. Douglas County School District* decision defines adequate instruction for students with disabilities. The 2018 *Husted v. A. Philip Randolph Institute* decision will have an impact on voting accessibility for older Americans and people with disabilities. The 2018 *Epic Systems Corp. v. Lewis* decision will have a direct impact on the ability of older Americans to create a class in disputes with employers.

While I have opposed the process by which Judge Kavanaugh has been nominated, as a member of the Senate, I have a responsibility to advise the President and inform the citizens of Pennsylvania regarding the Judge's record. As a co-equal branch of the United States

¹ Centers for Disease Control and Prevention, "Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults — United States, 2016," (Last modified: August 17, 2018), available at: https://www.cdc.gov/mmwr/volumes/67/wr/mm6732a3.htm?s_cid=mm6732a3_w

² Administration for Community Living, "2017 Profile of Older Americans," (April 2018), available at: <https://www.acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2017OlderAmericansProfile.pdf>

government, the Supreme Court's influence on all Americans is substantial. Our courts are designed to provide equal protection to all Americans. Older adults and people with disabilities need to know that members of the highest court will hear their cases fairly. Access to Judge Kavanaugh's record relating to older Americans and Americans with disabilities will allow me to carry-out my responsibility to represent my constituents as I advise the President on this nominee.

I look forward to reviewing the documents held by the Judiciary Committee and those from the National Archives related to older Americans and Americans with disabilities.

Please contact Kevin Barstow at (202) 224-0086 or via email at kevin_barstow@aging.senate.gov, or Michael Gamel-McCormick at (202) 224-4193 or via e-mail at michael_gamel-mccormick@aging.senate.gov if you have questions.

Sincerely,

Robert P. Casey, Jr.
Ranking Member
Special Committee on Aging