



September 13, 2018

The Honorable Charles Grassley
Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley:

Conservatives for Property Rights (CPR), a coalition of policy organizations representing tens of thousands of Americans and standing for the central importance of private property rights to the welfare and flourishing of the American people, supports the nomination of Judge Brett Kavanaugh to the U.S. Supreme Court.

In his 12 years on the bench of the U.S. Court of Appeals for the D.C. Circuit, Judge Kavanaugh has scrupulously applied the law according to statutory language, rather than substituting his personal wishes. His jurisprudence gives assurance that Judge Kavanaugh would perform the duties of Supreme Court justice in accord with the actual Constitution.

Legal observers have noted that Judge Kavanaugh has exhibited insistence on the rule of law and due process. For instance, Judge Kavanaugh joined a 2015 opinion criticizing the Copyright Royalty Board's arbitrary rate-setting outside the statutory constraints of the Administrative Procedure Act, report Bloomberg Law and IPWatchdog. In a 2009 concurrence, he noted how a "statutory structure raises a serious constitutional issue. Under the Appointments Clause, principal officers of the United States must be nominated by the President and confirmed by the Senate. . . . Copyright Royalty Board members plainly are officers of the United States. And they appear to be principal officers — not inferior officers — because they are not removable at will and their decisions regarding royalty rates apparently are not reversible by the Librarian of Congress or any other Executive Branch official."

We expect a Justice Kavanaugh would safeguard sacred, constitutional private property rights. For example, Judge Kavanaugh's dissent in *Jones v. U.S.*, a Fourth Amendment case involving use of GPS tracking device on an automobile without a search warrant, explained how this violated Jones's right to use his private property, as well as his privacy. Justice Scalia wrote the Supreme Court opinion, reversing the circuit, on the basis of the Fourth Amendment's protection of private property rights as well as there being an illegal search and seizure.

CPR urges the Judiciary Committee and the U.S. Senate to confirm Judge Kavanaugh as Justice Kavanaugh.

Respectfully,

James Edwards
Executive Director
Conservatives for Property Rights

Rick Manning
President
Americans for Limited Government

C. Preston Noell III
President
Tradition, Family, Property, Inc.

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