



For Immediate Release

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Judge Kavanaugh Tries To Run Away From His Record On Presidential Accountability

COONS: I think the reason you reached out and volunteered that you would love to overturn *Morrison v. Olson* isn't because Scalia wrote a powerful and moving dissent. It's because of a view of the executive branch having all the power of the executive branch in the president's hands that you've articulated across speeches, interviews, writings and an opinion, an opinion this year. I think that's really your view of the executive branch.

KAVANAUGH: But I've not said –

COONS: And it raises real concerns for me.

KAVANAUGH: I never said that. I've never said that, number one. [Senate Judiciary Committee Hearing, 9/5/18]

JUDGE KAVANAUGH CANNOT ESCAPE HIS OWN RECORD OF RADICAL STATEMENTS ON PRESIDENTIAL POWER

Judge Brett Kavanaugh: “Article II, Section 1, the first fifteen words, ‘The executive Power shall be vested in’ one person—you wonder do they mean that. Yes. You see the debates. There’s discussion of a plural executive. James Wilson, the father of the presidency—one person. One person. They meant one person. That has—we talk about does this have relevance today. Yes. For me, it does at least. When we have cases with agencies that are accountable to the President, yes. I think that’s in tension, as I’ve said, with the one person. But they meant it. It applies still today.” [GW Law School, A Dialogue with Federal Judges on the Role of History in Interpretation, [11/4/11](#)]

Brett Kavanaugh:

LACOVARA: Do you accept the proposition that the attorney general, or the independent counsel, is the country’s chief law enforcement officer?

KAVANAUGH: I do not. The president is the chief law enforcement officer. That is one of the bedrock principles that has gotten lost since *Nixon*. The power of the president in these situations has diminished dramatically. [Wash. Law. 34 (1999), Lawyers' Roundtable: Attorney-Client Privilege; p. [191](#)]

Brett Kavanaugh:

COSSACK: Brett, the independent counsel law is dead and -- but yet we see Janet Reno appoint Senator Danforth to investigate what happened at Waco. It's a different kind of investigation than you worked under. Is it better or worse?

KAVANAUGH: **I think it's better because the attorney general and, ultimately, the president have full supervisory control, which is the way the Constitution set up.** But this shows -- and it's funny to happen so soon after the death of the statute -- when a serious investigation of the administration is needed, people are going to seek out a respected member of the opposite political party to conduct the investigation, whether it's the court appointing him or the attorney general. The same things that are said about Senator Danforth were said about Judge Starr in 1994: a very respected legal figure by both sides. [CNN Burden of Proof, [9/9/99](#); p. 169]

Judge Brett Kavanaugh: "Our Constitution makes one person responsible for the entirety of the Executive Branch, or at least for most of the Executive Branch." [Remarks to Inn of Court, [5/17/10](#); p. 639-644]

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