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1. [\*President Trump Picks Judge Brett Kavanaugh as His Nominee to Replace Justice Anthony Kennedy in the Supreme Court; The White House Says That They Expect Kavanaugh to be Confirmed by October 1st; Democrats are All In a Fight Mode to Oppose President Trump's Pick Whoever It Is, But Some Running for Re-Election May Have Second Thoughts on Voting No for Kavanaugh; FBI Agent Peter Strzok's Lover, Lisa Page Has Officially Been Subpoenaed and She is Expected to Appear Before a Closed-Door Congressional Hearing this Wednesday\*](#)

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**President Trump Picks Judge Brett Kavanaugh as His Nominee to Replace Justice Anthony Kennedy in the Supreme Court; The White House Says That They Expect Kavanaugh to be Confirmed by October 1st; Democrats are All In a Fight Mode to Oppose President Trump's Pick Whoever It Is, But Some Running for Re-Election May Have Second Thoughts on Voting No for Kavanaugh; FBI Agent Peter Strzok's Lover, Lisa Page Has Officially Been Subpoenaed and She is Expected to Appear Before a Closed-Door Congressional Hearing this Wednesday**

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**Guests:** Jay Sekulow

## **Body**

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SEAN HANNITY, FOX NEWS HOST: And this is a Fox News alert and we are only moments away from one of the most important and consequential decisions in American history -- President Trump about to announce his pick to the U.S. Supreme Court. The "A.P." just moments ago reporting that it will be Brett **Kavanaugh**.

We're going to have full complete reaction to the president's nomination and analysis. Ed Henry, Shannon Bream, Jay Sekulow, Judge Jeanine Pirro, Andy McCarthy, Gregg Jarrett, and later, we have an opening monologue that we will tell you all about the president's selections.

But joining us from the White House is our own John Roberts -- John.

JOHN ROBERTS, FOX NEWS CHIEF WHITE HOUSE CORRESPONDENT: Hi, Sean. Good evening to you.

For the past hour or a little more, Shannon Bream and I have been saying that we have been getting strong lead toward Brett **Kavanaugh** from the D.C. Circuit Court of Appeals. So, as they open the doors here of the East Room, with the Cross Hall in the background, we expect to see the president, as well as judge and, soon to be, if the president gets his way, Justice Brett **Kavanaugh** walk up. He is a veteran of the D.C. Court of Appeals, often called the farm team for the Supreme Court.

So many different I have to get down here, so many different justices, current and past, from the D.C. Circuit Court of Appeals. There are a lot of people who thought that this was maybe too much of an establishment choice, that maybe he should have gone with Amy Coney Barrett, but the intelligence that I've been getting all day today, Sean, is that Amy Coney Barrett might have been a difficult confirmation this year. The next time around, if another justice steps down while the president is still sitting in the Oval Office, Amy Coney Barrett would likely be his next choice -- Sean.

President Trump Picks Judge Brett Kavanaugh as His Nominee to Replace Justice Anthony Kennedy in the Supreme Court; The White House Says That They Expect Kavana....

HANNITY: All right. We were only ten seconds away. The president of the United States banking because big announcement. The "A.P." reporting in fact that it is Judge Kavanaugh, which have been rumored most of last week. And again, I would confirm -- there is the president now headed to the podium and what is history in the making, this now his second Supreme Court nominee.

Here is the president.

(SUPREME COURT ANNOUNCEMENT)

HANNITY: All right. There you see -- President Trump has nominated Judge Brett Kavanaugh now to the highest court in the land.

We have a lot of news, information and background on him that we will be giving you all throughout the hour. My opening monologue coming up in mere minutes.

Jay Sekulow will be checking in, Gregg Jarrett, Ed Henry, and so much more, Judge Jeanine Pirro, Andy McCarthy.

But, first, we go outside the Supreme Court where our own "Fox News @ Night" anchor, Shannon Bream. She, of course, knows the Supreme Court well. She's covered it for years -- is outside -- Shannon.

SHANNON BREAM, FOX NEWS HOST: Sean, it's a raucous night out here. We have folks on all sides of every issue out here jostling, demonstrating and chanting and not reacting to the pick that we have come Judge Brett Kavanaugh. He actually was a clerk for Justice Kennedy, actually a co-clerk with the man who is now the new justice, Neil Gorsuch. So, they may serve on this bench together now.

He's a graduate of Yale. He's been on the bench, the federal bench for 12 years or so because now there's going to be a very long record for people to go through, sifting through his opinions, his decisions, his majority opinions, his dissent, and he's weighed in on a number of tough issues.

One area to watch for a possible Republican objection, Senator Rand Paul, because this judge has ruled that bulk metadata collection does not violate the Fourth Amendment. That's something that Rand Paul expresses concern about, but he's got to win the 50 votes. He's got to make the rounds. He's going to start that on the Hill tomorrow.

This is a guy who has run the Boston Marathon twice and so, he actually knows about running the gauntlet. Endurance, he's going to need getting through this because there are plenty of objections from the left, from folks who said from the beginning they would object to anyone this president nominated. So, now, we have the name. He will begin the gauntlet tomorrow.

It is Brett Kavanaugh. He's got detractors on the left and right. He's got plenty of supporters. He's been vetted by the Federalist Society and Heritage. They say that they are confident in his conservative credentials. And so, we'll see, as he goes through the process.

Sean, back to you.

HANNITY: All right. Shannon Bream, thank you for being with us.

Joining us now is Fox News chief White House correspondent. He was in the room for the announcement.

You've kind of been hinting all day because I've been watching your coverage, John Roberts. We kind of are all getting a little wind that, in fact, that was about what was going to happen, although I see Shannon Bream in our shot.

John, what is -- the big announcement, I have a lot of contacts, especially an administrative law conference at George Mason Law, and he actually almost said the very same thing in the speech on originalism, on separation of powers, on fidelity to the Constitution that he mentioned tonight. I will read that later in the show.

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What's the first reaction?

ROBERTS: Well, obviously, by the people in the room here, it is a reaction of welcoming Judge Brett Kavanaugh to the nomination process. I think there were a lot of people who thought that he was the perfect person for the job, with a long history, one of the most powerful circuit courts of appeal in the United States, the D.C. Court of Appeals. John Roberts was from the D.C. Circuit, as was Antonin Scalia, Judge Clarence Thomas, Ruth Bader Ginsburg, Warren Burger, so many famous Supreme Court justices come from the D.C. Circuit.

A lot of people thought, maybe it won't be Brett Kavanaugh because he is an alumnus of the George W. Bush White House, and, of course, the Bush family and the Trumps don't particularly get along.

But George W. Bush sent a note out tonight on the nomination to the Supreme Court saying, President Trump has made an outstanding decision in nominating Judge Brett Kavanaugh to the Supreme Court. Brett is a brilliant jurist. He has faithfully applied the Constitution and laws to his 12 years of the D.C. Circuit. He's a fine husband, father and friend and a man of the highest integrity. He will make a superb justice of the Supreme Court of the United States.

He's got an interesting story that the president really likes. Love the fact that his daughters call him Coach K. Now, they are on to the nomination -- now they're on the confirmation process, rather, Sean, and you know that is going to be a bruising one.

HANNITY: Good point, very predictable. I don't think it mattered, John Roberts, who in fact the president picked. I'll get to that in our opening monologue.

John Roberts, thank you.

Joining us right here on set, Fox News chief national correspondent, he's usually in the White House but he's filling in the 8:00 hour.

Like Brian Kilmeade, you're filling every hour of the day.

ED HENRY, FOX NEWS CHIEF NATIONAL CORRESPONDENT: I was trying to give you a big lead in.

HANNITY: You did.

This is -- what he said about revering the Constitution, about separation of powers. I'm actually going to read from a speech that he gave that to me, it shows his judicial philosophy. At the end of the day, this comes down to originalism, constitutionalism.

The president said, the Constitution as written. Judge Kavanaugh has said the same thing many times.

HENRY: Right.

HANNITY: What's interesting here is very different than what the left wants. If Hillary Clinton had made this decision tonight, and she now picked her Supreme Court nominee, it would be a very different philosophy, one of judicial activism.

HENRY: And what the left is not mentioning that this president was transparent and honest in 2016 about saying, I want originalists who have a strict interpretation of the Constitution on the high court.

HANNITY: Like Scalia and Thomas.

HENRY: Right. He named them, and -- Scalia and Thomas, and, oh, by the way, put a packet together with 25 names and said, these are the people I'll nominate. So, there's no mystery. It was transparent.

HANNITY: He was on the list.

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HENRY: And it was direct.

Judge Kavanaugh was on the list.

The DNC has just put out a statement, the opening line, I won't read the whole thing, Judge Kavanaugh should not be allowed anywhere near our nation's highest bench.

HANNITY: You know what's fascinating?

HENRY: They would be opposed to anybody.

HANNITY: They would have been opposed to anybody. There is nobody that he would have selected. By the way, I'm convinced that the president gave every American \$5 million, the left would still oppose him.

But I think what's interesting, this is going to be a fascinating time. Basically, Dick Durbin said to every red state Democrat, Claire McCaskill - -

HENRY: Joe Manchin.

HANNITY: -- Joe Manchin, Heidi Heitkamp, Bill Nelson, all these people, we want you to commit political suicide.

HENRY: Yes, it's more important to stop the president's court nominee, Dick Durbin said, than to worry about the midterm election. Tell that to Joe Manchin, West Virginia. Donald Trump carried that state by 41 points, not by 10 or 20, but 41 points. Now, Joe Manchin is facing the voters in that same state.

A couple quick points. The left is going to oppose this nomination. They're going to come out hard. They already are.

I know Father Ensler, who is mentioned, John Ensler, that Judge Kavanaugh mentioned in Washington, D.C. He runs Catholic Charities. Judge Kavanaugh is somebody with a beautiful family. He works with Father Ensler to feed the homeless.

And, oh, by the way, he noted that he was hired to teach at Harvard Law School by Elena Kagan who is one of the most liberal Supreme Court justices we've ever seen.

So, my point is twofold. One, Judge Kavanaugh, a great family, strong Catholic faith, he's feeding the homeless with Father Ensler. He's hired by Elena Kagan, a liberal justice to teach at Harvard Law. Nonetheless, the left will still find ways to go after his credentials.

Number two, this president likes people, nominee is out of central casting. He needed a defense secretary. He said to get me Mad Dog Mattis.

He didn't like Tillerson at first, get me Mike Pompeo. He's my vision of the secretary of state.

In this case, notice the president said, he teaches at Harvard, Yale and Georgetown -- central casting. It's going to be very hard to beat.

Final point, the president has been telling people in recent days, Amy Coney Barrett is not out of the running. She's 46. Kavanaugh is 53. Give her a few years on the bench. If this president --

HANNITY: I had somebody quote him as saying, she's next.

HENRY: That she will be next.

HANNITY: Yes.

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HENRY: And they anticipate inside this White House, they have at least one or two more picks before he is done as president. And so, the left --

HANNITY: You mean in six years from now? Between six years from now?

HENRY: Sean, I'm a reporter and you're an anchor. I won't --

(CROSSTALK)

HENRY: We'll see whether it's three more years or, you know, six or seven years.

HANNITY: Great reporting tonight. Great job filling in for Tucker.

HENRY: Thanks, Sean.

HANNITY: We're going to be joined by Jay Sekulow in just a few minute. Ed, thank you.

It is official. The president has now nominated Brett Kavanaugh to the U.S. Supreme Court. This is now the second time in 18 months the president will have and has the opportunity to send a judge to the highest court in the land. This is a lifetime position. This is a move that will shake the makeup of the U.S. Supreme Court now for decades and, frankly, generations to come.

Now, all throughout the night, we will analyze the background, the judicial philosophy, which is so important, of Judge of Brett Kavanaugh, and we'll also show you all the ways predictably that the Democrats will try to obstruct, once again, the president's -- what is his constitutional duty. They will start, and it's already started, the smearing, besmirching and fear-mongering and assassinating the character of Judge Kavanaugh.

You saw him and his family tonight. You heard him in his own words tonight. We have over 300 opinions that he has written. He's considered a brilliant judicial mind.

And also tonight, we have the biased, corrupt, anti-Trump FBI agent Peter Strzok. We're just giving you a preview of what's coming up. This is one of the busiest news weeks we will have. Strzok will testify in public on Thursday. Also, Lisa Page behind closed doors on Wednesday.

And we also, as the president now heads to Brussels and London, and then, of course, Helsinki to meet with Vladimir Putin. We will be in all three locations and covering all of it for you. This is going to be one of the busiest news cycles in years, so we hope you'll set tuned.

But first, tonight's breaking news -- yes, we have a new Supreme Court justice nominee. Monologue is straight ahead.

(MUSIC)

HANNITY: All right. We're going to talk to Jay Sekulow, the president's attorney, the chief counsel to the American Center of Law and Justice.

Besides making a call, a president to send American troops into harm's way, this is now the most important decision a sitting president can make. For now the second time in less than two years, President Trump has selected a nominee for the U.S. Supreme Court.

And just moments ago, the president picked Judge Brett Kavanaugh to replace the outgoing Supreme Court Justice Anthony Kennedy.

Of course, this was not a surprise. In an unprecedented move, Judge Kavanaugh was selected from a previously released list of 25 originalist justices, making this just one more example of how this president is most transparent president in history and also keeping a clear promise to the American people.

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Now, clearly, this was not a decision that the president took lightly. Now, President Trump -- in many ways, there's political aspects to this and he had to thread a political needle. And by the way, he has to think about senators like Collins and Murkowski, and then on the other side, Senator Ted Cruz of Texas, Rand Paul of Kentucky. In other words, pick a judge with a very narrow margin in the U.S. Senate who could also successfully maneuver through confirmation hearing and garner the votes from a majority of senators.

Without a doubt, Justice Kavanaugh is an extremely good candidate. Educated at Yale, Kavanaugh clerk under Justice Anthony Kennedy, just like Neil Gorsuch in the 1990's.

He served as an associate counsel for Ken Starr, that of course during the investigation into then President Bill Clinton during that time. It's interesting Kavanaugh did push a controversial opinion that Bill Clinton had in fact obstructed justice by sometimes making false public statements or sending surrogates out to do such about Starr's investigation.

Judge Kavanaugh in a very interesting piece that he talked about in 2009 he did change course, and he publicly changed his opinion on the issue of obstruction in what was a very powerful article that was in the Minnesota law review. We'll go over that in more details.

In 2006 he was appointed by George W. Bush to serve on the U.S. Court of Appeals for the D.C. circuit, where he amassed a lengthy record of very key important decisions. It's considered one of the most important courts in the land including multiple opinions against the overreach of then President Obama's EPA.

Other opinions that in fact, bolstered our Second Amendment rights. One point of concern was Judge Kavanaugh's mixed track record on one issue, Obamacare. But after years on the D.C. court of appeals, what is his originalist and constitutional's track record is fairly extensive and fairly robust.

And by the way, to all of you never-Trumpers out there all across America, you tried so hard to prevent the Trump presidency. Are you happy tonight at all? Can you admit you're wrong at all? Are you happy about let's see. Tax cuts, promises made and promises kept? Are you happy that this was not Hillary Clinton tonight appointing a judicial activist or a left-wing activist to the Supreme Court?

Are you happy you don't have too radical justices on the Supreme Court? Would you rather have Hillary Rodham Clinton making this decision tonight?

Now in moment we're going to give more analysis of Judge Kavanaugh. It is also important to review the extreme measures that the left in America will take in order to besmirch the reputation of Judge Kavanaugh and also his family that you saw tonight.

It's a story as old as time, for decades, every single solitary nomination to the U.S. Supreme Court by a Republican president has been met with the same destructive tactics from the Democratic Party.

Now regardless of who was nominated, regardless of what their qualifications, regardless of their track record, even an adherence to the U.S. Constitution, the foundation of our laws in this, of course, republic that we live in, a constitutional republic. You have the left, you have Democrats and their friends in the media that their echo chamber always conducting what was a malicious campaign to impugn the character of good people, the track record of good people.

Frankly, anybody that President Trump would have nominated to the Supreme Court. The language gets downright apocalyptic and this time is no different. Let's just go back, let's take a look at how the left was treating President Trump's nomination before the announcement tonight. It is really bordering on insanity. Watch this.

(BEGIN VIDEO CLIP)

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JEFFREY TOOBIN, CNN SENIOR LEGAL ANALYST: You just have to remember how extensive the conservative agenda is here for the Supreme Court. It's not just rolling back abortion rights, it's not just rolling back gay rights, it's not just eliminating affirmative action. It's not just expanding the death penalty.

UNIDENTIFIED FEMALE: I never recall a previous president outsourcing at least the initial selection process to an outside interest groups the way that this president has for the Federalist Society.

SEN. CHUCK SCHUMER (D), NEW YORK: A woman's freedom to make sensitive healthcare decisions hang in the balance with this nominee. It is near impossible to imagine that President Trump would select a nominee who is in hostile to our healthcare law, and health care for millions and millions and millions of Americans, who is in hostile to a woman's freedom to make her own healthcare decisions.

UNIDENTIFIED MALE: For the president, it's going to be all about the personal connection, who he feels comfortable with in the moment.

UNIDENTIFIED MALE: So you are saying he's going to pick the man, the white man.

NINA TOTENBERG, LEGAL AFFAIRS CORRESPONDENT, NPR: So as REM once put it, it's the end of the world as we know it.

UNIDENTIFIED MALE: I've never seen the president of the United States in effect to make himself a puppet of outside groups and choose from a group of white wing fringe ideologues.

UNIDENTIFIED MALE: I frankly don't even think we should be considering this nominee.

(END VIDEO CLIP)

HANNITY: And none of this rhetoric is surprising or new. None of it is new. One of the most notable smear campaigns from the Democrats took place in the 1980s during Ronald Reagan's nomination of an originalist intellectual to the Supreme Court. His name was Judge Robert Bork.

And by the way, he was never confirmed to the U.S. Supreme Court in large part because of what was lying and fear mongering and just frankly, smearing, by people such as Senator Ted Chappaquiddick Kennedy.

You may remember this. Take a look.

(BEGIN VIDEO CLIP)

FORMER SEN. TED KENNEDY, MASSACHUSETTS: Robert Bork's America is a land of which women will be forced into back alley abortions. Blacks would sit at segregated lunch counters. Rogue police could break down citizen's doors and midnight raids. And schoolchildren could not be taught about evolution. Writers and artist would be censored at the whim of government.

(END VIDEO CLIP)

HANNITY: What the Democrats did to Judge Robert Bork was so egregious that it inspired a new term called 'Borking,' and years later, 'Borking' was in full play during the confirmation hearings of now Supreme Court Justice Clarence Thomas.

By the way, I think one of the best justices I think we have ever had on the court and in our lifetime. Back in 1991, Democrats rolled out a former colleague, Anita Hill to make allegations against him and it became so nasty that Justice Thomas called it a, quote, "a high-tech lynching." Watch this.

(BEGIN VIDEO CLIP)



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CLARENCE THOMAS, ASSOCIATE JUSTICE, UNITED STATES SUPREME COURT: This is a circus, it's a national disgrace. And from my standpoint, as a black American, as far as I am concerned, it is a high-tech lynching for uppity blacks who in any way deign to think for themselves or do for themselves, to have different ideas.

And it is a message that unless you kowtow to an old order, this is what will happen to you. You will be lynched, destroyed, caricatured by a committee of the U.S. Senate rather than hung from a tree.

(END VIDEO CLIP)

HANNITY: It has already begun right now, by Democrats, to Judge Kavanaugh and to his family. As we speak, it didn't matter who the president would have picked. And by the way, if you ever want to read a fantastic book, "My Grandfather's Son," it was written by Justice Thomas. Amazing book. An amazing family. Amazing life story.

And as we speak, you have this all out effort to Bork Judge Kavanaugh in full swing. Most Democrats will never accept that they lost the election and that President Trump is appointing somebody who believes in infidelity to the Constitution, that believes in separation of powers, that interprets U.S. law based on the clear and written intent of our founders and the clear and written law, as written by a separate branch of government.

In other words, the legislative branch. And values and alienable rights in our Constitution. Above all else, someone that believes in these very important constitutional principles, separation of powers and co-equal branches of government.

Instead the left, what do they want? They prefer Hillary's choices. Judicial activists, people that will legislate from the bench. People that would even go as far as not rely on the Constitution but even use international law to justify their activist decisions, superseding our own Constitution.

Activist justices often creating law instead of interpreting the law and interpreting the Constitution. And given their Democratic friends, well, perfect cover for having to vote on many controversial left-wing issues that they would never get at the ballot box or legislatively.

Now because Judge Kavanaugh is not Justice Ruth Bader Ginsburg or Justice Sotomayor. Get ready, hold tight, buckle up. Democrats are about to tell you, as they have been saying for 12 days now, the sky is going to fall. The world as you know it is going to end. And they want you to believe. They will lie to you.

They want you to believe Judge Kavanaugh is going to lead, OK, just like Republicans. The dirty air, the dirty water, the rise of, let's see -- racism, sexism, misogyny, et cetera, et cetera. And by the way, that America will cease to exist as we know it.

Now my advice to the American people, they are going to lie to you, that's what they do. You have to listen to your own heart and mind, do your own research. We will be presenting as much information as we can on this program.

The Democrats trying to lie for political gain and as always, an originalist, a constitutionalist, an appointment such as this to the Supreme Court strengthens the foundation of this country, the original intent of our founders and of our framers.

The world is not coming to an end, just as it did not come to an end after the successful appointment of Clarence Thomas, Sam Alito, or Neil Gorsuch.

We will have much more analysis coming up in the show. Now let's turn to the deep state.

I want to tell you about two breaking stories that will blow your mind. Trump hating former FBI lawyer Lisa Page has officially been subpoenaed. She is going to appear before a closed-door congressional hearing this Wednesday.

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And by the way, after days of legal hedging, Lisa Page's one-time boyfriend, the disgraced Trump hating FBI agent Peter Strzok he will testify. You will get to see it before the House judiciary and oversight committees. That will be live right here on Fox this Thursday. It will be public and it will be explosive.

And of course, Strzok is the high ranking agent at the heart of this effort to clear Hillary Clinton of all charges, all while opening up a subsequent witch hunt into Donald Trump and so-called Trump-Russia collusion.

So now this Thursday, also Strzok will be forced to answer for his extreme bias and more importantly, be forced to answer questions about the culture of the FBI and what role political prejudice played in the FBI decisions in 2016 and beyond.

By the way, one other note, the show is hitting the road later this week to cover all the breaking developments with the president's trip to Brussels, and London and then of course Helsinki, and of course the important negotiations with NATO and meeting Vladimir Putin. We'll get to all of that.

But joining us, first we want to check in. He is the chief counsel for the American Center for Law and Justice, he is also counsel to the president, and one great attorney that I know from personal experience. Jay Sekulow is with us.

Sir, all right. First of all, I want to read you something very quick and I don't want to take your time, we have very little time.

JAY SEKULOW, MEMBER, PRESIDENT TRUMP'S LEGAL TEAM: Yes.

HANNITY: The president and his appointee took our time. But I want to read this to you. This was in 2006. This is by Judge Kavanaugh. And he actually said this, and I think it goes to the heart of judicial philosophy. And he said there was a conference at George Mason law school.

He said, what Justice Scalia, what did he stand for as a judge? It's not complicated but it's profound and worth repeating. The judge's job is to interpret the law, not to make the law or make policy. Read the words of the statute as written. Read the text of the Constitution as written mindful of history and tradition. Don't make up new Constitutional rights that are not in the text of the Constitution.

Don't shy away from enforcing constitutional rights that are in the text of the Constitution. Changing the Constitution is for an amendment process and changing, by the way, policy within constitutional balance is for the legislative branch.

Remember, that the structure of the Constitution, separation of powers and federalism are not mere matters of etiquette and architecture, but are at least as essential to protecting individual liberty as the individual rights guaranteed in that text.

And remember, that courts have a crucial critical role when a party has standing and enforcing those separation of powers and federalism limits. Simple, but profound.

And then he went on to talk about the 10 principles. As he says, separation of powers. The system is to be an umpire as a judge and it means to follow the law, not remake the law and to be impartial about how we go about doing that. A good umpire should not be making up the strike zone as he or she goes along. Judges likewise should not make up the rules as they go along. We see this in statutory interpretation. A good judge sticks to the established test and tenants of construction that help guide us and interpreting ambiguous texts.

And he talk about Scalia's view of that. Your reaction.

SEKULOW: Well, look, Brett Kavanaugh is a brilliant lawyer. Judge Kavanaugh has been and continues to be a brilliant judge and he is going to be, Justice Kavanaugh, a brilliant justice of the Supreme Court.

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I have had the privilege of litigating cases before the Supreme Court for three decades including the time that Anthony Kennedy was on the bench until his retirement. And I've known Brett Kavanaugh both in private practice on cases and as a judge.

And the president has just nominated not only a well-qualified and brilliant jurist, but someone as you just said, Sean, that understands the role of the judge. And that's critical. If you understand the Constitution you understand the three branches of government, but you also understand the role of the judge.

Brett Kavanaugh has lived that out in his life both in his practice and as a judge and he will be an excellent addition to the Supreme Court.

And Sean, you heard it tonight in his brief statements that Brett made. The fact of the matter is, they are going to come after him, because that's what they do. They won't lay a glove on him. This is guy that has been ready for this moment for a long time.

He's not only well-trained, not only brilliant but he's also someone that understands as I said his role as a textualist as what the Constitution requires of a judge. He's going to call them as he sees them. He's not going to come in with preconceived notions but he's also had 300 opinions. He's heard a lot of cases and made a lot of decisions. So I'm very optimistic and very pleased with this selection.

(CROSSTALK)

HANNITY: A lot of times, the conservatives that I know most worry, it seems that Democratic presidents never make a mistake. They always get a judicial activist that they want. But there have been choices by Republican presidents that, because no nominee will ever talk about specific cases that may come before the court. Ruth Bader Ginsburg famously said that.

SEKULOW: Ruth is right.

HANNITY: So I ask you, your confidence in him, and what I read to you about regionalism, constitutionalism, separation of powers, co-equal branches. How confident on a scale of 1 to 100 are you that this is his real judicial philosophy.

SEKULOW: Look, as I said, I've known Brett for 17 or 18 years, almost 20 years now. And I know his judicial philosophy. Look, any judge is not going -- if they are doing their job correctly will not prejudge the outcome of a case that is likely to come before them.

And Judge -- Justice Ginsburg was right when she said it, you shouldn't be answering those questions. What they want to know from a nominee is where they stand on their view of the Constitution and their role as judge. And Brett Kavanaugh understands exactly what role he has under article three of the United States Constitution.

As I've said, you know, Justice Scalia famously said, a good judge will sometimes come to a conclusion although he doesn't agree with the result, but understands the application and he is required to follow the law even if he would rather see it go in different way.

HANNITY: Hey, Jay.

SEKULOW: What's the role of the judge? Follow the law.

HANNITY: He actually added to that, what the law demands regardless of his own personal view.

SEKULOW: Yes.

HANNITY: That is a very powerful statement by Judge Scalia.

SEKULOW: Yes.

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HANNITY: All right. Jay Sekulow, good to see you. I appreciate you being with us on this important--

(CROSSTALK)

SEKULOW: Thanks, Sean. Yes, sir.

HANNITY: -- historic night in many ways. Joining us now, here with reaction, Fox News contributor Andy McCarthy, and the author of, do you see that book, "Liars, Leakers, and Liberals: The Case Against the Anti-Trump Conspiracy." A good friend of the program. She is gracious to fill in the last week, the host of Justice Judge Jeanine Pirro.

Let me go back to the question that I ask Jay. Democratic presidents never get it wrong, they always get the judicial activists. There is, I think -- I loved what I read, the words of Judge Kavanaugh, and I loved what I heard tonight. But there is always the fear that the originalist is in words only and it doesn't come out?

JEANINE PIRRO, FOX NEWS HOST: You know, I'm not worried about that, Sean. Here's a guy with, a judge with 12 years on the bench, 300 opinions. He's very clear on what he thinks, and you know what is amazing about the left right now? Is that for some reason they think that the United States Supreme Court is not about the Constitution but instead, you know, they see it as a place as a political court, where they are overreaching, or they are activist judges should be able to make the law the way they think it should be.

And the amazing part of all this is, most Americans don't know the names of more than one or two Supreme Court justices, and yet, they are ready to go all out.

(CROSSTALK)

HANNITY: By the way, did you see the opinion -- did you see there is a video out, I'll show it tomorrow night on the program. It is pretty funny. People are saying, what do you think the president Supreme Court nominee? He hadn't picked him yet. It's awful. That's the end of the world.

ANDREW MCCARTHY, FOX NEWS CONTRIBUTOR: Right.

HANNITY: Nina Totenberg who we now remember from the Bill Clinton, her famous comment actually said, "This is the end of the world as we know it." Before he even made the choice.

MCCARTHY: Yes, end of the world as we know it. Twelve years ago he was confirmed by a margin of 21 in the Senate.

HANNITY: It was 57 -- 56 to--

(CROSSTALK)

MCCARTHY: Fifty seven to 36.

HANNITY: Fifty seven and 36, yes.

MCCARTHY: But the point is, so he's confirmed by a comfortable margin and all he's done in the ensuing dozen years has been about the most influential appellate judge in the United States, repeatedly affirmed by the Supreme Court. And now they are going to tell us he's unacceptable?

HANNITY: I thought it was interesting. Harvard, Yale, Georgetown professor, I mean, his credentials are impeccable. I find that interesting that the Supreme Court, and he actually argued before the Supreme Court.

MCCARTHY: Right.

HANNITY: But 11 Supreme Court decisions endorsed his views.

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MCCARTHY: Right.

HANNITY: Which is a pretty remarkable rate. And we now have 300 cases. When we go back to the one case that keeps coming up, it's a fact that on Obamacare that he was willing to thread the needle and allow it to be viewed as a tax even though it was sold to the American people very differently and that would allow the constitutionality of it.

MCCARTHY: Even though, Sean, I think the great thing about him is he doesn't forget who the sovereign is. And what he was trying to do in that case was--

(CROSSTALK)

HANNITY: Explain what that means so people know.

MCCARTHY: What I mean is he wants the American people to be able to rule themselves rather than be ruled by the court, and as a result he's trying to decide cases on a narrow ground as you can decide to leave more space for Democratic choice which is what we want in a judge.

HANNITY: I agree. That's so interesting because the president was very clear, more than any other presidential candidate in our history. He kept his promise about Jerusalem, about taxes, about the Iranian deal. He's going to build a wall which is actually in construction in some places. And he gave us the names.

PIRRO: Ahead of time.

HANNITY: All of them.

PIRRO: All of them is ahead of time.

HANNITY: All of them.

PITTO: But you know, Sean, I have to tell you when I was watching him tonight, we know he's got the credentials. We know that he's smart, he's got the experience. He's got it all, he's got the family. But I liked him. This is the guy who coaches basketball.

HANNITY: We have pictures with that.

PIRRO: Who does and does all kinds of food pantries, he's like your next door neighbor--

(CROSSTALK)

HANNITY: By the way, that family--

PIRRO: -- and his family and he's brilliant.

HANNITY: Take a look at that family. They will smear this man and that family. He's had 300 decisions, which I actually like the fact that we can dig deep into his judicial philosophical mind.

PIRRO: It's all there right before you. And you know what else I like about him?

HANNITY: I watched you smile about something. I knew.

PIRRO: Yes. Well, you know, the guy--

(CROSSTALK)

HANNITY: I watched your monologue, you scare me sometimes.

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PIRRO: He runs marathons. He was a pit bull when he was working with Ken Starr. He's a tough guy but he's a soft guy, he is perfect.

HANNITY: He also changed that view into fascinating in the Minnesota law review in 2009 which I thought was a sign of growth, but I think when he was in his late 20s and early 30s.

Guys, great to see you. Thank you for filling in.

PIRRO: Great to see you.

HANNITY: Congrats on the book. Andy, always good to see you. Welcome aboard by the way to the channel.

MCCARTHY: Thank you.

HANNITY: All right. When we come back, Dr. Gorka and Gregg Jarrett, we'll get their take. More information about Judge Kavanaugh, the president's Supreme Court nominee. Straight ahead tonight on Hannity.

HANNITY: All right. Big news tonight. Judge Brett Kavanaugh has now been nominated by President Trump to the U.S. Supreme Court. By the way, Sarah Sanders just told reporters that the White House expects him to be confirmed by October the 1st.

Joining us now with more reaction, Fox News contributor, Sebastian Gorka. This book up there, "The Russia Hoax" is out in two weeks. That's right. "The Elicit Scheme to Clear Hillary Clinton and To Frame Donald Trump." I'm proud of you for that.

All right. Let's get your reaction and the fear mongering that's already begun and it would have been for any nominee of the president.

GREGG JARRETT, FOX NEWS LEGAL ANALYST: Dick Durbin smeared and led the smear campaign against Kavanaugh 12 years ago, calling Kavanaugh the Forest Gump of Republican politics, which only underscores how too seen partisan Durbin is. It didn't work then and it's not going to work now.

And the left is already conjuring up the hysteria, claiming that this means abortion will be outlawed in America. That's simply untrue. Even if you overturn Roe v. Wade, and I doubt that happens. But if it does means the decision reverts back to the states.

(CROSSTALK)

HANNITY: What I read in the -- that's such an important point by the way, because New York, New Jersey, 45, six, seven, or eight states are not going to -- they might have different views, different restriction first three months. Parental consent of all sorts, but they're going to be very liberal states. It does not mean that abortion is going to be outlawed.

JARRETT: It's a lie perpetuated by the left.

HANNITY: Perpetuated by the left and that's all true. Let me ask a political question, Dr. Gorka. It's now if, again, the White House says they expect him confirmed by October 1st leading into this very important midterm election.

That does mean a couple of things, not the least of which red state Senate Democrats, Manchin, Claire McCaskill, Heidi Heitkamp, and Bill Nelson, they've got themselves a tough decision to make. Dick Durbin is telling them risk your entire political career, and he said it before the nomination was even announced.

SEBASTIAN GORKA, FOX NEWS NATIONAL SECURITY STRATEGIST: Yes, look, the reaction already, Gregg is absolutely right. It's all you need to know about Kavanaugh, the fact that the DNC has already stated that this man shouldn't be anywhere close to the Supreme Court. The fact that Chuck Schumer has just announced that he will use every weapon in his arsenal to stop this nomination before--

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(CROSSTALK)

HANNITY: He said that last week before he was nominated. So that shocker.

GORKA: Right. Right. So this tells you that this is the right man for the job. But it tells you that November is going to be very, very tough for the Democrats. I just want to make sure the White House is listening.

Bill Shine, this is going to be a very important communications message because this is going to be worse than Bork. I give you the prediction now they will use every dirty trick in the book to block this nomination but we can get it through.

HANNITY: I played Ted Kennedy as Robert Bork. It was despicable with that Mr. Chappaquiddick. It was a disgrace to the U.S. Senate. And then what they did to Clarence Thomas was a disgrace to the U.S. Senate.

JARRETT: Absolutely.

HANNITY: But it's going to happen.

JARRETT: Sure.

HANNITY: I've been saying this since for weeks. It's predictable.

JARRETT: And it doesn't matter who President Trump would have nominated, the same smears would have occurred but I admire President Trump. He had the courage to make the right choice notwithstanding the fact that he could have chosen somebody who would've been an easier confirmation, but no. He made an important choice, the right choice, a brilliant jurist, there is no question.

HANNITY: What I read to you about what his judicial philosophy, what he said.

JARRETT: He is a textualist when it comes to statutes, an originalist when it comes to the Constitution. He is young beyond the court for a long time.

(CROSSTALK)

HANNITY: No time, Gregg Jarrett.

JARRETT: No doubt whatsoever, 300 opinions plus prove it.

HANNITY: Yes. OK. So this is why I keep saying, Dr. Gorka, we have less than a minute. This 2018 midterm election is the most important in our lifetime. All of those Senate seats that could change hands and become Republican, the Republicans have a very slim margin. And that means Rand Paul, Ted Cruz. That means Susan Collins and Lisa Murkowski. In that sense, do the president make the right call?

GIRKA: I think he did. I think he absolutely did. You heard the two sentences he made in the east room. He said I do not believe in legislation. I believe that we interpret the law. We don't legislate it. And the Constitution is to be interpreted, not amended. That tells you everything we need to know about 2018. It's even more important than 2016, Sean.

HANNITY: You know, as Judge Scalia once famously said, a good judge will make many considerations as the law demands that they may dislike.

All right. Well, much more tomorrow. Thank you both. When we come back, let not your heart be troubled. Laura Ingraham is next. We'll see you tomorrow night.

## Classification

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