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Brett Kavanaugh Supreme Court Nomination:
A Nonpartisan Guide

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Supreme Court nominee Brett Kavanaugh

If the Senate confirms Judge Brett Kavanaugh as a Supreme Court Justice, how could he change U.S. laws?

Nominated by President Trump to replace frequent swing vote Justice Anthony Kennedy, the 53-year-old Kavanaugh could have a profound effect on our nation's legal system for as long as Kennedy's 30 years on the Court. We know:

- Kavanaugh's legal views on some key issues likely to come before the Court.
- How Justice Neil Gorsuch has ruled since Trump appointed him in the wake of Senate Majority Leader Mitch McConnell's refusal to consider Obama nominee Merrick Garland. Both supporters and opponents consider Kavanaugh as conservative as Gorsuch.
- The kinds of key decisions that Kavanaugh could reverse or change if confirmed.

If you believe this Supreme Court appointment matters, **contact your Senator here** to express your support or opposition. **And vote in November**, because your vote may affect future judicial nominations.

Selected Positions of Judge Kavanaugh

Abortion	In 2017, Kavanaugh argued in a dissenting opinion **against allowing** an undocumented teenager at a Texas detention center to have an abortion.
Contraception and Employee/Employer Rights	Kavanaugh wrote in a dissent that Obamacare's requirement that employers cover contraception in their employees' health-insurance plans **violated religious liberty protections**.
Environmental Regulation	Kavanaugh has often judged environmental laws to be **illegal restrictions on business**. For example, Kavanaugh ruled that an Obama-era regulation limiting emissions from power plants was illegal and that the government must consider the costs to businesses when making environmental health regulations.
Gun Regulation	Kavanaugh believes the **Second Amendment prohibits** the government from banning many specific types of guns, like semiautomatic rifles and weapons with high-capacity magazines.
Health Care	Kavanaugh dissented from the D.C. Circuit's rejection of major health insurer Anthem's proposed $54 billion acquisition of Cigna Corp. The Court's majority upheld a trial judge's decision to block the deal as it would substantially reduce competition. Kavanaugh said the Anthem-Cigna **merger should be approved** because it would save consumers money.
Presidential Power	In a 2009 law review article, Kavanaugh argued that Congress should pass a law to **forbid the questioning of a sitting president** in a criminal investigation and to prohibit criminal prosecutions or civil suits against sitting presidents, because such investigations, prosecutions or suits interfere with presidential duties.
Wall Street Regulation	In a dissent, Kavanaugh, argued that the Consumer Protection Bureau—the agency created to regulate Wall Street after the 2008 financial crisis—**was unconstitutional**.

Impact of Justice Neil Gorsuch, President Trump's Previous Supreme Court Pick

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If confirmed to the Court, Kavanaugh would likely decide cases much like President's Trump previous nominee, Neil Gorsuch. The Court decided these cases 5-4, with Gorsuch casting a deciding vote:

Abortion/Contraceptives National Institute of Family and Life Advocates v. Becerra	The Court ruled that it was an unconstitutional restriction on speech for California to require "crisis pregnancy centers" that counsel women against abortion to display written information about abortion access and to disclose that they lack licensed medical providers, so are not actual medical facilities.
Election Gerrymandering Abbott v. Perez	Reversing a lower court, the Court upheld all but one of 11 Texas Congressional districts that plaintiffs accused of embodying racially-based gerrymandering, and refused to overturn heavily gerrymandered Congressional districts in Maryland and Wisconsin. Justice Gorsuch argued that the Voting Rights Act doesn't apply to redistricting.
Travel Ban Trump v. Hawaii	The Court ruled that the third version of President Trump's Travel Ban was constitutional. The ban prohibited travel from Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen.
Unions Janus v. AFSCME	Overturning earlier precedents, the Court ruled that mandatory public-sector union fees were unconstitutional. This now makes paying any public employee union dues entirely voluntary, while requiring unions to represent all members, including those who choose not to pay dues—a major blow to the economic base of these unions.
Voting Rights Husted v. A. Philip Randolph Institute	The Court ruled that states could purge voters from the voter rolls if they fail to vote within 2 years and ignore or don't receive mailed notices asking them to confirm they're still living at their registered address. Studies have found such approaches disproportionately affect minority voters and other voters who frequently move.

Important Supreme Court Decisions that Kavanaugh Could Reverse or Change

Abortion Roe v. Wade (1973)	7-2	The Court ruled that the Constitution protects abortion as part of a right to personal privacy, while letting states place limited restrictions to protect maternal health and the "potential life" of the fetus once it's viable. [Kavanaugh has called dissenting Justice William Rehnquist his "first judicial role model"]
Campaign Finance Citizens United v. FEC (2010)	5-4	The Court ruled that limitations on independent political spending by unions and corporations are unconstitutional. This furthered the creation of "superPACs," which can accept unlimited money from donors to support a candidate.
Climate Change Massachusetts v. EPA (2007)	5-4	The Court ruled that the Clean Air Act (1970) requires the EPA to regulate greenhouse gases if they pose a threat to human health.
LGBTQ Rights Obergefell v. Hodges (2015)	5-4	The Court ruled that states cannot prohibit same-sex couples from marrying.
Obamacare National Federation of Independent Businesses v. Sebelius (2012)	5-4	The Court ruled that Obamacare's tax on individuals who did not purchase insurance was constitutional, while letting states opt out of expanding Medicaid to additional low-income citizens, without threat of losing government funding. Here's how Kavanaugh's previous opinions might affect decisions in this area.
Voting Rights Arizona v. Arizona Independent Redistricting Commission (2015))	5-4	The Court held that it is constitutional for voters of a state to vote to create a bipartisan commission to draw congressional districts to combat partisan redistricting.