

# #SaveSCOTUS • #StopKavanaugh

## NCJW Message:

The nomination of Judge Brett Kavanaugh to the US Supreme Court threatens women's reproductive rights and access to healthcare for all Americans. Judge Kavanaugh is a narrow-minded ideologue who would favor the wealthy and powerful over protecting the civil and human rights of all individuals. The Supreme Court is the ultimate arbiter of our most cherished rights, and it is no place for someone so far outside of the mainstream who will roll back the clock on hard-won freedoms and rubber stamp the Trump Administration's dangerous agenda. NCJW urges the Senate to reject the nomination of Judge Kavanaugh and insist on a nominee who will uphold the rights of all Americans.

## Talking Points

- **Judge Kavanaugh would allow discrimination under the guise of “religious freedom.”**  
As Jews, we know that the right to religious liberty is meant to be a shield, not a sword. Judge Kavanaugh, on the other hand, believes that employers should be able to use their own personal religious beliefs to obstruct employees' access to birth control. In *Priests for Life v. HHS*, Kavanaugh argued that the Affordable Care Act's (ACA) religious accommodation to the contraceptive coverage policy placed a substantial burden on religious employers' beliefs — and even expressed that it didn't go far enough. And, just last year, Kavanaugh said that the metaphor explaining the meaning of the Establishment Clause to be “a strict wall of separation between church and state” is “wrong as a matter of law and history.”
- **The right to access abortion safely and legally in this country will disappear if Judge Kavanaugh is confirmed.** President Trump has been explicit that he would only nominate someone who would “automatically overturn” *Roe v. Wade*. Judge Kavanaugh was on the list, compiled by the uber-conservative Federalist Society and Heritage Foundation, of candidates who met that criteria. In the well-known “Jane Doe” case, Kavanaugh tried to block a young immigrant woman's access to abortion care, claiming that the court was creating “a new right” for immigrants in custody “to obtain immediate abortion on demand.” Over Kavanaugh's dissent, the DC Circuit rightly allowed the young woman to seek the medical care she needed.

- **A vote to confirm Kavanaugh is a vote to dismantle the Affordable Care Act.** As a DC Circuit Court Judge, Kavanaugh dissented from the opinion upholding the constitutionality of the ACA. And, just weeks before being added to President Trump's aforementioned short list of potential candidates, Kavanaugh criticized Chief Justice Roberts for the reasoning he used in *NFIB v. Sebelius* to uphold the ACA's individual mandate. If Kavanaugh were confirmed, millions of Americans would likely lose their health care.
- **Judge Kavanaugh is not the independent jurist this country needs.** The overreach of the Trump Administration — as well as President Trump's unabashed disrespect for independent judges — underscores why we need a Supreme Court that will serve as a check on politicians in all branches of government. Judge Kavanaugh's writings demonstrate that he would be anything but an independent check on the executive branch. He wrote that a sitting president should never be able to be criminally indicted, and that the president "should have absolute discretion" to decide whether and when he can be investigated, as well as decide who can conduct that investigation. As if that weren't enough, he thinks any special prosecutor should be removable at will by the president. The president isn't above the law — but Judge Kavanaugh thinks he is.
- **Judge Kavanaugh opposes common sense measures that promote gun safety.** In 2008, Judge Kavanaugh was the sole dissenter from an opinion upholding the DC law banning possession of semi-automatic rifles and requiring registration of all guns. He argued that courts and judges have no role in the regulation of guns, and went on to note that semi-automatic rifles are protected by the Second Amendment, which runs counter to many federal court rulings. He even wrote that "there is no meaningful or persuasive constitutional distinction between semi-automatic handguns and semi-automatic rifles." Judge Kavanaugh's extreme views on guns are outside of the conservative mainstream and disqualify him for a role on the Supreme Court.
- **Judge Kavanaugh is not a friend to hardworking Americans.** Judge Kavanaugh believes that the Consumer Financial Protection Bureau, created to protect consumers from unscrupulous financial institutions, is unconstitutional. He has consistently ruled against workers fighting discrimination and mistreatment on the job. He has fought for cable companies and the auto industry, to the consumers' disadvantage. Kavanaugh has repeatedly ruled against protections for clean air and water, and even argued that net neutrality — the principle that internet service providers should enable access to all content and applications regardless of the source, and without favoring or blocking particular products or websites — is unconstitutional. Indeed, he is so extreme that he has the highest number of dissents per year of any judge on the DC Circuit. Judge Kavanaugh is, quite plainly, the wrong nominee for the nation's highest court.