

Trump nominates Judge Brett Kavanaugh to the Supreme Court



Biography

Current position: US Court of Appeals for the District of Columbia

Assumed position: May 30, 2006

Date of birth: February 12, 1965 (age 53)

Home: Washington, D.C.

Education: B.A., J.D., Yale University

Family: Married (Ashley Estes), 2 children

Religion: Catholic

Biography

- Kavanaugh grew up in Bethesda, Maryland and attended Yale University for both his B.A. and J.D.
- In the late 1990s, he worked for Ken Starr during the special investigation that led to the impeachment trial of Bill Clinton.
- From 2001-2003, he was senior associate counsel and later staff secretary to President George W. Bush
- In 2006, Kavanaugh was confirmed to the U.S. Court of Appeals for the District of Columbia Circuit
- On July 9, 2018, President Trump nominated Kavanaugh to the Supreme Court

Notable decisions

- 2011: Wrote a dissent claiming the individual mandate in the Affordable Care Act could be considered a tax, and therefore should not be heard in court until a later date
- 2012: Ruled EPA's programs to regulate air pollution across state lines unlawful for reasons related to states' rights
- 2015: Found that the Consumer Finance Protection Bureau (CFPB) could be sued by entities that it regulated
- *Meshal v. Higgenbotham* (2016): Concurred with throwing out a claim by an American that he had been disappeared by the FBI in a Kenyan black site

Sources: National Journal Research, 2018; Politico Staff: "Brett Kavanaugh's Track Record", *Politico*, July 9, 2018.

Kavanaugh will likely challenge federal regulations and support broad interpretations of religious freedom

Possible constitutional rulings:

Issue	Stance	Details
Second Amendment rights	LIKELY UPHOLDS	In 2011, Kavanaugh dissented against a ban on semi-automatic rifles, saying the Second Amendment included the right to own them
Abortion rights	LIKELY AGAINST	In 2017, Kavanaugh argued that a teenage illegal immigrant should not be released from custody to obtain an abortion, arguing that the government had a “permissible interest in favoring fetal life”
Religious liberty	LIKELY UPHOLDS	In 2015, the DC Circuit Court denied a religious organization’s request for an exemption to the ACA mandate that all health insurance for employees cover contraceptives. Kavanaugh dissented, arguing that the mandate violated religious liberty
Environmental regulations	LIKELY AGAINST	In 2014, Kavanaugh dissented against a Circuit Court ruling that affirmed the EPA’s regulation of power plants, arguing that the EPA’s cost-benefit analysis was insufficient

“*My judicial philosophy is straightforward. A judge must be independent and must interpret the law, not make the law.*”

—Kavanaugh, commenting on his nomination

General legal principles:

- Neutrality: Kavanaugh remarked after being nominated to the Supreme Court that he will “keep an open mind in every case.” He has also expressed that he believes the role of a judge is to neutrally interpret the law, rather than make the law
- Textual originalism: He has said, “A judge must interpret statutes as written. And a judge must interpret the Constitution as written, informed by history and tradition and precedent.”

Sources: Associated Press: “Supreme Court pick Brett Kavanaugh’s notable court opinions,” *CBS News*, July 10, 2018