



Brett Kavanaugh Dissents Show Why His Supreme Court Nomination Should be Rejected

As documented in the enclosed report, the dissents of Brett Kavanaugh from his colleagues on the D.C. Circuit demonstrate a narrow-minded judicial philosophy that consistently favors big business and harms workers, consumers, and other Americans. His dissents often disagree with other conservative Republicans, and reflect far right views on issues like abortion, the Affordable Care Act (ACA), the environment, gun safety, and consumer protection. He has dissented significantly more frequently each year than any other judge on the court, Republican or Democratic.

Specific examples of extreme arguments by Kavanaugh in his dissents include:

- He claimed that the government should be able to prevent a 17 year-old immigrant from choosing an abortion, which a majority judge explained violated the “demands of the Constitution.”
- He argued that the FCC’s net neutrality rule benefitting millions was unconstitutional, a claim that the majority explained was supported by “no Supreme Court decision.”
- He tried to reverse an EPA penalty against a company that improperly shipped a corrosive chemical that caused “significant risks to public health.”
- He claimed that the Consumer Financial Protection Bureau was unconstitutional, which the majority explained “flies in the face of Supreme Court precedent.”
- He argued that the full D.C. Circuit should review a decision rejecting a challenge to the ACA as unconstitutional because it did not “originate” in the House; the Supreme Court denied review of the case.
- He maintained that the State Department should be totally exempt from federal law banning age discrimination, even though that reasoning would exempt State from laws banning bias based on race, sex, and disability as well.
- He claimed that DC could not ban semi-automatic rifles, an extreme position on the Second Amendment rejected by two other Republican appointees to the court.
- He argued that taxpayers should not be able to challenge a defective IRS refund plan concerning improper long-distance telephone excise taxes that cost “millions” of consumers “billions” of dollars.
- Despite a successful 14-year record of zero drug tolerance, he argued that the US Forest Service could impose a random drug testing plan that the majority explained contradicted Supreme Court and D.C. Circuit precedent.