

WHAT THE NOMINATION OF JUDGE KAVANAUGH TO THE SUPREME COURT MEANS FOR PEOPLE WITH DISABILITIES

Who is Judge Brett Kavanaugh?

Judge Brett Kavanaugh is a Judge on the U.S. Court of Appeals for the District of Columbia Circuit. This means he is a federal judge who reviews decisions made by other courts and then decides if they made the right decision. His record raises big concerns for people with disabilities.

Judge Kavanaugh has been nominated by President Trump to serve on the Supreme Court.

Why is the Supreme Court Important for People with Disabilities?

The Supreme Court makes the final decisions about what federal laws and the U.S. Constitution mean. The decisions that the Supreme Court makes can change the lives of people with disabilities. For example, in the Olmstead decision, the Supreme Court said that the ADA means that people with disabilities have the right to live in the community.

The Supreme Court makes decisions about many disability laws and programs, like:

- The Americans with Disabilities Act (ADA). The ADA says it is illegal to discriminate against people with disabilities.
- Medicaid. Medicaid provides health care and the services people with disabilities need to live in our communities.
- The Individuals with Disabilities Education Act (IDEA). IDEA says students with disabilities have a right to education.
- The Affordable Care Act (ACA). The ACA made it easier for people to get health care and made it illegal to discriminate against people with disabilities in health care.

If Judge Kavanaugh joins the Supreme Court, he could make decisions about these laws and many others. How Judge Kavanaugh thinks about these laws will have a huge impact on the lives of people with disabilities. His decisions could change how people with disabilities are able to live, learn, and work in the community.

Remember: when the President picks someone to be on the Supreme Court, he is picking someone to be on the court FOR LIFE. If the U.S. Senate approves the President's pick, there is no do-over. No advocacy we can do in the future will get him off the Supreme Court. Since the decisions the Supreme Court makes are so important, advocates want to know how the judges will decide things. The best way to find out how a judge will decide about laws in the future is to look at the decisions they have made in the past. Judge Kavanaugh has made some very concerning decisions.

Serious Disability Concerns in Judge Kavanaugh's Record

- **Health care**
Access to health care is life-and-death for people with disabilities. That is why the disability community fought so hard when Congress tried to repeal the Affordable Care Act (ACA) and cut Medicaid. But those wins are at risk if Judge Kavanaugh is confirmed to the Supreme Court. In the past, Judge Kavanaugh has said that he thinks parts of the ACA might be illegal. If the

Supreme Court decides the ACA is illegal, millions of people will lose access to health care-- especially people with disabilities and other pre-existing conditions.

- **Self-Determination**

People with disabilities are often denied the right to make their own choices. One case in particular shows that Judge Kavanaugh has not respected the rights of people with disabilities.

DC made 2 women with intellectual disabilities have abortions, even though the women didn't want to. DC also made another woman with an intellectual disability have eye surgery. These were *not* surgeries that they needed to save their lives. In general, DC usually didn't ask people with disabilities what they wanted before letting doctors operate on them.

Judge Kavanaugh said that was okay. He said that DC did not need to ask people before letting doctors operate on them. He said that people with intellectual disabilities do not have the right to have any say about their bodies and their health care. He said it was okay for a state to operate on people with intellectual disabilities, even if the person said no. Judge Kavanaugh said it doesn't matter what people with intellectual disabilities want.

Because of Judge Kavanaugh's decision, it took a long time for these women to get justice.

- **Enforcement of Civil Rights Laws**

Congress has passed civil rights laws to help stop discrimination. Judge Kavanaugh has made many decisions that would make these laws more narrow and harder to enforce. His rulings have also made it harder for workers, voters, and people with disabilities to use our rights.

- **Education**

Education is very important to the disability community. IDEA says that all students with disabilities have a right to a Free and Appropriate Education. School voucher programs often make families give up their rights in order to use the voucher. But Judge Kavanaugh has a long history of advocating for vouchers. Advocates are also worried that Judge Kavanaugh's views on vouchers might hurt how he thinks about the rights of students with disabilities in general.

- **Presidential Power**

The President has to follow all of our laws, even if he doesn't like a certain law. Judge Kavanaugh has said that the President should get to choose which laws to follow. That is very dangerous. If the President didn't like an important disability law, like the Affordable Care Act (ACA), Judge Kavanaugh would say that the President could just ignore it. Ignoring the law would hurt people with disabilities.

What Can I Do?

Your Senators decide if Judge Kavanaugh is the right person for the Supreme Court. Visit, write or call to tell them what you think is important in a Justice. Tell them if you are worried about Judge Kavanaugh's record. You can learn more about Judge Kavanaugh's record and read statements from disability groups at the Kavanaugh resource pages from the [Bazelon Center](#) and [Center for Public Representation](#).