



July 9, 2018

Statement on the Nomination of Judge Brett Kavanaugh to replace Justice Anthony Kennedy on the Supreme Court of the United States

We are at a turning point for civil rights in America. President Trump has announced that he will nominate Judge Brett Kavanaugh to replace Justice Anthony Kennedy on the Supreme Court. The importance of the upcoming fight over Judge Kavanaugh's confirmation is clear: a single decision by the Supreme Court can have drastic implications for the lives of people with disabilities. Everything will be at risk, from the protections of the Americans with Disabilities Act (ADA), including *Olmstead v. L.C.* (in which the Court held that needlessly institutionalizing people with disabilities is a form of discrimination under the ADA), to the protections of the Affordable Care Act (in *National Federation of Independent Business v. Sebelius*, the Court upheld the Affordable Care Act's individual mandate).

We are extremely concerned that if the Senate confirms any jurist who has not demonstrated a strong and unwavering commitment to civil rights and liberties, it will signal a devastating blow to the rights of people with disabilities. This appointment will fundamentally realign the Court for decades to come. We already have concerns about Judge Kavanaugh's demonstrated hostility to civil rights and will carefully scrutinize his record, including decisions on the Affordable Care Act, the ADA, Medicaid, and other issues. Conservatives and liberals alike have long championed the rights of people with disabilities, but extreme nominees place our decades of progress at risk.

The Bazelon Center will fight to ensure that the Supreme Court is a forum where the rights and concerns of people with disabilities are taken seriously.