



A Union of Professionals

AFT's Concerns with Nomination of Kavanaugh to Supreme Court

A Supreme Court nominee should be fair, independent, and committed to safeguarding the rights and freedoms that protect every one of us. Judge Brett Kavanaugh not only has a long history of siding with corporations when workers try to stand up for themselves, but also stood with CEOs when they wanted to discriminate against their employees, fire their workers unfairly, or infringe on the health and safety of consumers. And now, he wants to turn a blind eye to President Trump's lawless behavior. He's written that presidents shouldn't be indicted or subject to investigation.

Education:

- **Vouchers and school choice:** Kavanaugh served as the co-chairman of the Federalist Society's School Choice Practice Group and worked on school choice litigation in Florida for a reduced fee.
- **Prayer in schools:** Kavanaugh wrote an amicus brief in favor of a Texas high school's policy allowing the use of a public address system for prayers at school football games.
- **Affirmative action in higher education:** With Robert Bork, Kavanaugh co-authored an amicus brief on behalf of the Center for Equal Opportunity, a group that opposes race-based affirmative action in college admissions.
- **Access to services for students with disabilities:** In 2007, Kavanaugh wrote the opinion that ruled against a student who sought compensatory special education services from the District of Columbia Public Schools for time he spent incarcerated in Maryland. The school system had agreed to provide the services to the student, then 17, while in prison, but Maryland prison officials refused to allow them and provided their own services instead.

Workers' rights:

- **Collective bargaining:** Kavanaugh authored an opinion that would allow the secretary of defense to "abolish collective bargaining altogether."
- **Treatment of vulnerable employees:** Kavanaugh dissented from a majority decision that ordered a company to bargain with a union, arguing that undocumented immigrants were ineligible to vote.
- **Employee safety:** Kavanaugh dissented from a majority opinion upholding a safety citation against SeaWorld following the death of a trainer.
- **Right to protest:** Kavanaugh reversed and remanded a National Labor Relations Board decision that a hotel engaged in unfair labor practices when it requested police officers issue criminal citations to union demonstrators who were legally protesting.

Healthcare:

- **Affordable Care Act:** Kavanaugh has criticized the rationale Chief Justice John Roberts invoked in upholding the Affordable Care Act. He also has offered Trump an open invitation to disregard the ACA

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

Randi Weingarten
PRESIDENT

Loretta Johnson
SECRETARY-TREASURER

Mary Cathryn Ricker
EXECUTIVE VICE PRESIDENT

American Federation of Teachers, AFL-CIO • 555 New Jersey Ave. N.W. • Washington, DC 20001 • 202-879-4400 • www.aft.org



and continue to sabotage insurance markets. Kavanaugh has written that the president may decline to enforce a statute that regulates private individuals when the president deems the statute unconstitutional, even if a court has held, or would hold, the statute constitutional.

- **Reproductive rights:** Kavanaugh blocked an undocumented minor in government custody from exercising her constitutionally protected right to an abortion.

Favoring corporations over individuals:

- **Consumer protections:** Kavanaugh believes the Consumer Financial Protection Bureau, which was created to protect consumers from unscrupulous financial institutions, is unconstitutional.
- **Net neutrality:** Kavanaugh argued that the Federal Communications Commission's net neutrality rule benefiting millions was unconstitutional.
- **Access to basic health and safety:** Kavanaugh has repeatedly ruled for corporations and against protections for clean air and clean water.