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LDF Statement on Judge Brett Kavanaugh’s Nomination to the U.S. Supreme Court

President Donald Trump announced today that he has nominated Judge Brett Kavanaugh to replace Justice Anthony Kennedy on the U.S. Supreme Court. [Sherrilyn Ifill](#), President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), issued the following statement:

“This nomination is a turning point for our country. We have litigated racial discrimination issues at the Supreme Court since 1940, and Justice Kennedy’s replacement could transform that institution in a way that we have never seen before, jeopardizing the progress we have achieved over the last 78 years. The very integrity of our justice system and the rule of law are at stake—and we cannot afford to approach this nomination as business as usual.

“The stakes could not be higher. Our voting rights are on the line. Fair housing and affirmative action are on the line. The right to choose and access to healthcare are on the line. And our most highly valued democratic principles, such as equal justice and opportunity, are on the line.

“The current pace of this nomination process is alarming. The President chose Judge Kavanaugh from a list that was pre-approved by the Federalist Society, a right-wing legal organization whose hostility toward bedrock civil rights precedents is well known. The President also leads a severely divided country, is facing multiple legal challenges, and is under multiple federal investigations any one of which could become the subject of an appeal before this very Court.

“Indeed, Judge Kavanaugh’s nomination has the potential to influence the outcome of Special Counsel Robert Mueller’s ongoing investigation of potential criminal activity by members of the President’s campaign. The President has asserted novel claims of constitutional law, such as the idea that he can pardon himself, if needed. Nominating a justice to the Supreme Court under these conditions is tantamount to nominating his own jury. The Supreme Court requires independence and legitimacy to function properly. We continue to call on the Senate to delay Judge Kavanaugh’s confirmation because no nominee for a lifetime appointment to the Supreme Court should be confirmed when members of the Administration are under ongoing criminal investigation.

“Should the Senate advance an ill-advised confirmation process, it must take seriously its constitutional obligation to ‘advise and consent’ on judicial nominations. That includes a rigorous vetting of the nominee and voting down any person who does not represent the ideals of our democracy or is otherwise unqualified to serve on the highest court in our nation. Senators must critically evaluate Judge Kavanaugh’s record to determine whether he would defend the hard-won rights of African Americans, women, and members of the LGBT community or rollback critical civil rights protections.

“Initial review of Judge Kavanaugh’s record indicates a troubling and expansive vision of executive power – a position that is incredibly dangerous under this current President’s tenure. Given his past deference to major corporations and hostility to vulnerable communities, his record raises serious questions about whether he will protect the rights of the most vulnerable among us. LDF will continue to review Judge Kavanaugh’s record, but we are already worried about what we’ve seen.

“One of the last remaining bulwarks of democracy is at risk. We must protect the Supreme Court so that it can protect all of us.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.