

Brett Kavanaugh: A Record of Siding With the Wealthy and Powerful

As [dark money conservative groups](#) and the [billionaire Koch brothers](#) spend millions to install their hand-picked choice for the Supreme Court, a review of Brett Kavanaugh's record shows he would side with these wealthy, secret donors time and time again, no matter the impact on Americans' ability to be heard and counted in our democracy.

For a full analysis of Kavanaugh's record on these issues, please read this [Campaign Legal Center and Demos report](#).

Top Lines:

- Brett Kavanaugh's record suggests he'd give the wealthy and powerful even more influence in politics, make it harder for working people and people from diverse communities to vote, and insulate the president from the rule of law.
- Kavanaugh authored a DC Circuit opinion that laid the groundwork for *Citizens United* and if confirmed to the Supreme Court, his record suggests he'd go even further by gutting transparency laws and allowing foreign adversaries to spend money in our elections. He'd allow lawmakers to rig the rules of our democracy to make it harder for everyday people to be heard.
- Kavanaugh's extreme views on whose voices should be protected in our democracy run counter to the overwhelming public belief that the wealthy and powerful have too much influence in our political system.
- He was [hand-picked](#) by dark money groups and their billionaire backers. He'll side with them--and the president--time and time again.
- Rigging the rules in favor of corporate special interests and wealthy donors will give them more power to undermine laws protecting our healthcare, our environment, and our civil rights.

His Record

Brett Kavanaugh believes the president is above the law.

- In his writings and remarks, Brett Kavanaugh has made it clear that he believes the president is above the law, going as far as to say they should be free from "distracting" investigations and lawsuits. It's no wonder he went to the top of President's Trump list of nominees.
- With the ongoing investigation into Russian interference in the 2016 elections, and Trump facing other legal challenges, we need a Supreme Court justice who'll be a check on presidential power. Kavanaugh won't be.

See: Minnesota Law Review article (p1 of CLC/Demos report), [CNN](#)

Brett Kavanaugh would open the door to foreign adversaries legally spending money to influence our elections.

- Brett Kavanaugh went out of his way to leave the door open to foreign government spending in our elections. His narrow interpretation of the law would make much of what the Russians did to interfere in the 2016 elections perfectly legal.
- Already, one of his decisions is [being used by a Russian company](#) that interfered in our elections to have its case dismissed.
- A respected election law attorney Professor Rick Hasen [said](#), “I believe that a Justice Kavanaugh could well vote with a new SCOTUS majority to hold that laws effectively limiting foreign influence in our elections violate the First Amendment.”

See: *Bluman v. FEC* (p4 of CLC/Demos report), [Washington Post](#), [Every Voice](#)

Brett Kavanaugh would allow wealthy donors and corporations to influence our politics in secret.

- Judge Kavanaugh’s approach to transparency in political spending suggests he’d make it even harder for voters to know who’s trying to influence our elections.
- Kavanaugh went to great lengths to keep a challenge to certain federal disclosure provisions alive even though the Supreme Court had twice upheld them, raising concerns that he’d strike down laws protecting the right to know who’s influencing our elections. This suggests Kavanaugh would be to the right of Anthony Kennedy and every sitting Justice other than Thomas on disclosure.
- Transparency is a critical aspect of our democracy. Kavanaugh’s approach on disclosure, combined with his views on foreign spending could open the door to secret, but legal political spending by foreign adversaries like Russia.

See: *Independence Institute v. FEC* (p3 of CLC/Demos report)

Brett Kavanaugh would give wealthy donors and corporate interests more power in politics.

- Brett Kavanaugh paved the way for super PACs and his record suggests he’d go even farther in allowing wealthy donors, corporations, and special interests to influence our elections.
- He struck down rules that address outside spending in our elections with complete disregard for the corrupting impact that spending has on our politics.
- His views are out of touch with the majority of Americans who believe wealthy donors and lobbyists have too much influence in our politics and everyday people too little.

See: *EMILY’s List v. FEC* (p2 of CLC/Demos report)

Brett Kavanaugh would make it harder for people to vote.

- Brett Kavanaugh upheld South Carolina’s voter ID law, even though there was strong evidence it was created to intentionally discriminate against African-Americans.
- Our nation has a long history of excluding people with low incomes and those from diverse communities from the democratic process. Kavanaugh’s record suggests he’d look the other way as politicians pass unfair, discriminatory policies that make it harder for people to vote.

See: *South Carolina v. United States* and *Greater New Orleans Fair House Action Center v. HUD* (p6-7 of CLC/Demos report), [Ari Berman’s New York Times op-ed](#)