



Cases in Supreme Court Pipeline Show Dangers of Kavanaugh Confirmation

The enclosed report lists cases now pending in the Supreme Court and lower courts that a hard-right 5-4 Court majority, which would be formed by confirming Brett Kavanaugh, could use to overturn precedents and harm Americans' rights starting as soon as 2019 or 2020.

Healthcare and the ACA: Several pending cases could be used by a 5-4 Court to overturn the ACA requirement that insurers cover pre-existing conditions or otherwise harm ACA.

Women's Reproductive Freedom: Cases now in the lower courts challenge severe state abortion restrictions and could lead a 5-4 Court to overturn or severely limit *Roe v. Wade*.

Immigration and Child Separation and Imprisonment: A 5-4 Court could use a number of pending cases to authorize the president's cruel policies in this area and do other harm.

Voting Rights and Gerrymandering: Several pending cases would permit a 5-4 majority to completely immunize partisan gerrymandering from review and otherwise harm voting rights.

Other Civil Rights Issues: With Kavanaugh added, the Court could allow anti-LGBTQ discrimination even when prohibited by law and harm age, sex, and other anti-bias protections.

Other Workers' Rights: A 5-4 Court could weaken job safety protections, authorize local laws that interfere with unionized employees' rights and do other harm based on pending cases.

Presidential Power and Lawsuits against Trump: Aside from possible Mueller lawsuits, pending cases could uphold Trump's claim that he can stifle regulation and violate the Constitution's Foreign and Domestic Emoluments Clauses.

Consumer Protection and Gun Violence: Pending cases could allow a 5-4 Court to further harm the rights of consumers against corporations and make it impossible to regulate even bump stocks and semi-automatic weapons.

Environment: Cases already before the Court and lower courts could severely weaken protections against pollution, potentially dangerous uranium mining and harm to endangered species.

Other: Cases already on the Court's docket for 2018–2019 could further harm the rights of workers and consumers with respect to arbitration and revive a discredited doctrine that was used in the 1930s to strike down New Deal provisions.