



Retired Justice Anthony M. Kennedy administers the Judicial Oath to Judge Brett M. Kavanaugh in the Justices' Conference Room, Supreme Court Building. Mrs. Ashley Kavanaugh holds the Bible.

The Senate Confirms Brett Kavanaugh

Judge Brett Kavanaugh was sworn in as the 114th Supreme Court justice on October 6, 2018. This came hours after the Senate narrowly confirmed Kavanaugh to the high court with 50 votes “for” and 48 votes “against.” It became the tightest successful Supreme Court confirmation vote in over 100 years. The vote was mostly along party lines. For Kavanaugh to be confirmed to the Supreme Court, he needed to get a simple majority of the 100 senators.

Kavanaugh’s July nomination to the high court was followed by nearly three months of controversy, including a pair of confirmation hearings that consumed Washington — one that examined his judicial thinking, and the other in which the nominee denied allegations involving sexual misconduct by several women.

The Tilt of the Supreme Court

After Anthony Kennedy announced his retirement from the Supreme Court, the ideological balance of the high court was most certainly going to shift more to the right — cementing a solid 5-4 conservative majority for many years to come. The result of the Republican control of the presidency and Congress.

Though a Republican president Ronald Reagan appointed him, Kennedy had a strong libertarian streak, and he was often the swing vote on the court. A *swing vote* is a vote that has a decisive influence on the result of a Supreme Court decision (or another type of election).

The Supreme Court is the ultimate check on the president and Congress. Republicans will want Kavanaugh to deliver on a conservative agenda. With Judge Kavanaugh (age 53) being relatively young it will give him plenty of time to influence the court.

The confirmation of Justice Kavanaugh gives President Donald Trump his second Supreme Court appointment in as many years. In April 2017, President Trump selected Neil Gorsuch to replace Justice Antonin Scalia after his unexpected death.

Filling the Vacancy

As we know, the president appoints a high number of officials in the executive branch as well as justices in the judicial branch. Per U.S. Constitution (Article II, Section 2, Clause 2) states that the president “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the Supreme Court.”

Each federal judge holds office for life and may be removed only by impeachment. There are no expressed qualifications for federal judges in the Constitution.

The Career of Brett Kavanaugh

The highlights of Judge Kavanaugh’s career include being a federal appeals court judge, a former aide to President George W. Bush, a former clerk to the retiring Anthony Kennedy, and one-time investigator of President Bill Clinton. He has a conservative record and deep ties among the Republican legal groups that have advanced conservatives for the federal bench.

Kavanaugh is the second member of the current Supreme Court to graduate from Georgetown Preparatory School, the elite Jesuit high school in suburban D.C. Justice Neil Gorsuch, Trump’s first nominee to the high court, graduated from the school in 1985, two years after Kavanaugh did. Kavanaugh went on to Yale College and Yale Law School.

Conclusion

The Supreme Court consists of nine Justices, each with their views and beliefs which may align with the Democratic (liberal) or Republican (conservative) parties. As we have studied, federal courts are often called the “guardians of the Constitution” because their rulings protect rights and liberties guaranteed by the Constitution. Through fair and impartial judgments, the Supreme Court Justices interpret and apply the law to resolve disputes.

REVIEW QUESTIONS

FILL IN THE BLANKS

- Which article of the Constitution mentions the nomination of Supreme Court Justices? _____
- What is a *swing vote*? _____

- Who are the two Supreme Court Justices that President Trump has appointed? _____

- Why are Supreme Court justices considered “guardians of the constitution”? _____

