

JUDGE BRETT KAVANAUGH ON RELIGION, LIFE, AND CONSCIENCE

Top Line

- Judge Kavanaugh defends Americans' right to practice their faith without government intrusion.
- He respects the government's interests in protecting life and not facilitating abortion.
- Judge Kavanaugh is a devoted Christian who lives his faith through his dedication to public service.

Refuses to Banish Religion from the Public Square

- In *Newdow v. Roberts*, Judge Kavanaugh upheld the opening prayer and invocation of God at government ceremonies. He suggested that “stripping government ceremonies of any references to God or religious expression . . . would, in effect, ‘establish’ atheism.”
- At oral argument in *Archdiocese of Washington v. WMATA*, Judge Kavanaugh called D.C. Metro's ban on religious advertising, including Christmas ads, “pure discrimination” and “odious” to the First Amendment. The *Washington Post* called his questioning “unrelenting.” (The case remains pending.)

Upholds Conscience Rights

- In *Priests for Life v. HHS*, Judge Kavanaugh voted to block the Obama Administration from forcing religious entities to violate their consciences and be complicit in providing contraceptive and abortifacient coverage to their employees. He argued that it is “crystal clear” that “when the Government forces someone to take an action contrary to his or her sincere religious belief . . . the Government has substantially burdened the individual's exercise of religion.”

Backs the Government's Interest in Protecting the Unborn While Respecting Precedent

- In *Garza v. Hargan*, Judge Kavanaugh rejected the ACLU's assertion of a new constitutional right for illegal-immigrant minors in U.S. custody to obtain immediate abortion on demand. He emphasized the government's “permissible interests in favoring fetal life” and “refraining from facilitating abortion.”

Gives of His Time to Advance Religious Liberty and Serve God and His Neighbor

- While in private practice, Judge Kavanaugh served as Chairman of the Federalist Society's Religious Liberty Practice Group.
- In private practice, Judge Kavanaugh authored pro bono amicus briefs on behalf of religious groups in the Supreme Court:
 - In *Santa Fe Independent School District v. Doe*, Judge Kavanaugh argued that a public school policy permitting student-led, student-initiated prayer at high school football games did not violate the Establishment Clause.
 - In *Good News Club v. Milford Central School*, he argued that a public school that allows after-school use of its facilities by clubs must allow similar use by religious clubs.
- Judge Kavanaugh, a product of Catholic schools, is a reader at his local Catholic parish and coaches CYO (Catholic Youth Organization) basketball.
- Judge Kavanaugh serves meals as part of Catholic Charities' St. Maria's meals program, tutors at local elementary schools, and is on the board of the Washington Jesuit Academy.