Opinion



Demonstrators gather outside the U.S. Supreme Court in Washington July 9. President Donald Trump later that night named Brett Kavanaugh, of the U.S. Court of Appeals for the District of Columbia Circuit, to succeed 81-year-old Justice Anthony Kennedy, who is retiring July 31. (CNS/Tyler Orsburn)



by Michael Sean Winters

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The responses to the nomination of Brett Kavanaugh are disturbing insofar as they were so entirely predictable. Has our culture lost the ability to generate anything new? It is an important question, grounded ultimately in our appreciation for the Ultimate.

Among the funniest responses were those at the Federalist. Before the nomination, they expressed reservations about Kavanaugh and specifically his record on religious liberty, which is a big issue for the conservative Catholics who run the Federalist Society. But, within moments of the announcement that their effort to derail Kavanaugh had failed, they posted a reprinted article from the Cato Institute entitled, "Kavanaugh is a Strong Pick for the Supreme Court."

Kavanaugh has no real record on abortion issues, but that did not keep the Susan B. Anthony List from rushing out its endorsement of the president's pick within minutes of the announcement. SBA List President Marjorie Dannenfelser said the president was "keeping his promise to nominate only originalist judges to the Court." But that was not all Trump promised. He promised to appoint only "pro-life" justices. Either Dannenfelser has some inside information, and that would be worth a question or two at Kavanaugh's confirmation hearing, or she is simply loyal to her leader more than to her cause. Neither choice is a happy one.

The response from the left was just as predictable and just as sad. Emily's List, which supports pro-choice Democratic women candidates, had a fundraising pitch in my email inbox before bedtime. MoveOn.org had an email out that night also, pledging grassroots opposition to the "extreme" nominee.

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But the award for "Living Up to the Caricature" goes to Think Progress, put out by the Center for American Progress, which ran an article the day of the nomination chastising — well, chastising everyone, even those on the left — for failing to note that it is not only women who need access to abortion but transgender people as well. The article, by Amanda Michelle Gomez, was itself an example of exclusionary writing as she did not specifically consider the reproductive rights of transgender Inuit. What about them?

At TalkingPointsMemo, Josh Marshall cuts through all of the incense and nonsense surrounding Judge Kavanaugh and shows that his jurisprudence tends to follow his politics. I like Marshall's use of the adjective "eager" to describe Kavanaugh. As I get older, I find I have less and less patience for those who can be so described.

At Politico, John Harris and Matthew Nussbaum provide some fresh air and insightful analysis, noting the degree to which the members of the court are not like the American people. "Kavanaugh's ascension would further ratify a trend that has been building for a generation: A Court of careerists," they write. "A generation of apple-polishers and resume jockeys is one byproduct of the decades-long partisan war over control of the Court." They also note, as I did previously, that the court would benefit from having a member with previous experience of one of the other branches of government. Justice Sandra Day O'Connor was the last such person.

[Michael Sean Winters covers the nexus of religion and politics for NCR.]

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