

SCOTUS - Brett Kavanaugh Issue

Why in news?

U.S. Senate Judiciary Committee held hearing on Kavanaugh's sexual assault allegations.

Who is Brett Kavanaugh?

- He is US President Trump's nominee for the Associate Justice of Supreme Court of the United States (SCOTUS).
- If appointed, he will be Supreme Court's 114th justice.
- The vast majority of Kavanaugh's professional life has been in government jobs rather than private practice.

How US Supreme Court Judge is appointed?

- The power to appoint Supreme Court justices belongs exclusively to the President of the United States.
- According to U.S. Constitution. Supreme Court nominees, after being selected by the president must be approved by a simple majority vote of the Senate (Upper House).
- The requirement for the Senate to confirm the president's nominees for Supreme Court Justices enforces the concept of checks and balances.

What is the process of appointment?

- US President prepares lists of possible Supreme Court nominees.
- As their Constitution does not set any qualifications for service as a Justice, it is under discretion of the President to nominate.
- Once the Senate receives the nominee list, it is referred to the Senate Judiciary Committee.
- The Judiciary Committee sends the nominee a questionnaire.
- The questionnaire requests the nominee's biographical, financial and employment information, and copies of the nominee's legal writings, opinions issued, testimony and speeches.
- The Judiciary Committee holds a hearing on the nomination.
- The nominee makes an opening statement and then answers questions from the Committee members.
- The hearing can take several days and the questioning can become politically partisan and intense.
- After the hearing is completed, Committee members are given one week to submit written follow-up questions.
- The nominee submits written responses.
- Finally, the Committee votes on the nomination.
- The Committee can vote to send the nomination to the full Senate with a recommendation of either approval or rejection.
- After receiving the recommendation of the Judiciary Committee, the full Senate holds its own hearing and debates the nomination
- Finally, the full Senate will vote on the nomination.
- A simple majority vote of the Senators present is required for the nomination to be confirmed.

- If the Senate confirms the nomination, the nominee usually goes directly to the White House to be sworn in.

What is the problem in appointment?

- Dr. Ford, a psychology professor in California, accused the nominee Brett Kavanaugh of groping and attempting to rape her.
- The reported incident took place in 1982.
- Christine Blasey Ford, a research psychologist, recently testified about the assault by Kavanaugh that left her traumatised and changed her life.
- Brett Kavanaugh also testified in front of the Senate Judiciary committee over sexual assault allegations.
- However the Committee voted 11:10 in favour of Kavanaugh.

Source: Business line, The Indian Express

