

Disaster for Internet Freedom

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Trump Supreme Court Pick Despises Net Neutrality But Loves Mass Surveillance

Trump's SCOTUS pick Brett Kavanaugh is "an enemy of net neutrality" and a "notorious" defender of mass government spying.



In addition to the mountain of much-discussed reasons the American public should be [alarmed](#) by President Donald Trump's Supreme Court pick Brett Kavanaugh—from his anti-abortion views to his past opinions favoring the interests of big polluters—advocacy groups are warning that the 53-year-old judge's established record of hostility to net neutrality and support for mass surveillance shows that his confirmation would spell "[disaster for internet freedom](#)."

"Trump's SCOTUS pick Brett Kavanaugh is an enemy of net neutrality and has sided with big cable companies in the lower courts," noted Demand Progress on Twitter following Trump's official selection of Kavanaugh Monday night, citing his previous argument that net neutrality rules violate the free speech of internet service providers.

In an analysis of Kavanaugh's past opinions late Monday—which include his assertion that net neutrality rules are "unlawful and must be vacated"—Slate's April Glaser [notes](#) how the record of Trump's pick for the court reveals a judge who is vastly more "sympathetic to the handful of companies that control the internet...than to the hundreds of millions of Americans who use it."

While the net neutrality protections established in 2015 were officially [rolled back](#) by FCC chair and former Verizon lawyer Ajit Pai last month, this telecom-backed move is facing a slew of legal challenges from advocacy groups and state attorneys general that could ultimately make it to the nation's highest court.

"If any of those cases do make it to the Supreme Court, Kavanaugh probably feels that net neutrality isn't something the federal government should take strides to preserve," Glaser writes.

While Kavanaugh's past rulings as a federal appeals court judge demonstrate his concern for the rights of giant corporations, they also lay bare his apparent contempt for the privacy rights of Americans.

As Politico [reported](#) ahead of his nomination, Kavanaugh "has a history of embracing warrantless surveillance and rejecting Fourth Amendment challenges to it."

In a concurring opinion in 2015, Kavanaugh argued that the National Security Agency's warrantless metadata collection program—which was exposed by whistleblower Edward Snowden in 2013—is "consistent with the Fourth Amendment" and insisted that "critical national security need outweighs the impact on privacy occasioned by this program."

Glaser of Slate argued that, if confirmed by the Senate, Kavanaugh will "cement a conservative majority that is likely to agree that the government should be allowed to make broad requests to access the data that companies collect on us without a warrant."

"Many of the major problems we have on the internet today—dragnet corporate and government surveillance, a handful of powerful companies that are allowed to control how we use the internet—could be deepened by a Supreme Court justice who could well be there for decades," Glaser concluded.

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