

ICYMI: Grassley confirms - Kavanaugh puts Roe at risk

During the first day of Brett Kavanaugh's Senate hearing, Sen. Chuck Grassley confirmed that Kavanaugh's nomination to the Supreme Court puts the constitutional right to safe, legal abortion at risk.

Sen. Grassley: "Justice Kagan, when asked about *Roe v. Wade* said the following, 'I do not believe it would be appropriate for me to comment on the merits of *Roe v. Wade* other than to say it is a settled law, entitled to precedential weight. The application of *Roe* to future cases and even its continued validity are issues likely to come before the court in the future.' Senators were satisfied with these answers on precedent. So senators should be satisfied if Judge Kavanaugh answers similarly."

FACT CHECK: Justice Kagan continued on to speak about the judicial principle of right to privacy that undergirds the decisions in *Roe v. Wade* (access to legal abortion), *Griswold* (birth control) and *Obergefell* (marriage equality). "I actually think that the holding in *Griswold* does have grounding in the constitutional text...when it guarantees such liberty it means more than freedom from physical constraints, and it also guarantees more than procedural protections, that there is some substantive protection of liberty that's incorporated within the Fourteenth Amendment of the Constitution."

"Senator Grassley confirmed that women's rights are at stake with this nomination, but said we should simply accept Kavanaugh's evasive answers that he will 'respect precedent.' But we can't. We know that Brett Kavanaugh will use the first opportunity he gets to gut the right to abortion in the country," said Dawn Laguens, Executive Vice President, Planned Parenthood Action Fund. **"This fight is personal and people across the country know what's at risk and they call on Senators to reject Kavanaugh's nomination."**

[Seventy-one percent](#) of American voters believe that *Roe v. Wade*, which established a woman's legal right to an abortion, should not be overturned. The majority of Republican voters – 52 percent – also believe the Supreme Court decision on abortion rights should not be overturned. The same NBC/WSJ poll found: "That's the highest level of support for the decision – and the lowest share of voters who want *Roe v. Wade* overturned – in the poll's history dating back to 2005."

Voters [overwhelmingly believe](#) a new Supreme Court justice should uphold women's constitutional right to abortion. Furthermore, voters are more likely to support Senators who oppose a nominee who would restrict women's access to abortion – consistent with numerous recent independent surveys that show broad-based, bipartisan opposition to overturning *Roe v. Wade*.