

TO: Interested Parties

FROM: Danielle Wells, Planned Parenthood Federation of America

DATE: September 5, 2018

RE: 13 Abortion Cases Kavanaugh Could Rule On

The right to access abortion and basic health care in this country is already at risk -- and, if confirmed, Trump's Supreme Court nominee Brett Kavanaugh would push us over the line. **The Supreme Court will undoubtedly be asked to rule in a pivotal case on abortion, as well as other reproductive rights, in the next year.**

Without question, this nomination will determine the balance of the court and the future of people's reproductive rights in this country for generations to come. Just look at the math: There are four likely votes on the Court to erode abortion access (Alito, Gorsuch, Roberts, and Thomas), and four to support the constitutional right to abortion (Breyer, Ginsburg, Kagan, and Sotomayor). If confirmed, Kavanaugh would shift the balance of the court against abortion rights -- and he wouldn't have to wait long. **In fact, there are already 13 cases on abortion and 24 total cases related to reproductive health that are only one step away from the Supreme Court.** This means we could see a pivotal ruling as early as next summer -- with repercussions for people's rights nationwide. If seated, he could immediately rule on motions for emergency relief.

Every single one of these 13 cases provides an opportunity to overrule or severely weaken a woman's constitutional right to access abortion, including:

- A law in Kentucky that would effectively ban abortion by shutting down the one health center in the state that provides safe, legal abortion. This would force women to travel out-of-state to access an abortion, if they can at all.
- A law in Arkansas that would ban medication abortion entirely and leave only one health center in the state that provides safe, legal abortion. This means women in areas like Fayetteville would be forced to make a 380-mile round-trip to access an abortion in Little Rock or travel out-of-state.
- Missouri continues to enforce similar laws that make abortion nearly inaccessible for countless women.
- A policy of Health and Human Services under the Trump-Pence administration prevents young, undocumented women in the custody of Scott Lloyd and the Office of Refugee Resettlement from accessing safe, legal abortion.

The Court is also poised to determine a person's basic right to access affordable birth control, sex education, and preventive care at Planned Parenthood. For example:

- Cases, from Louisiana and Kansas, that will determine if politicians can block access to birth control, cancer screenings, and other care at Planned Parenthood through Medicaid. Cases in Ohio and Texas are close behind.
- [Three cases](#) that will determine whether the Trump-Pence administration can roll back the birth control benefit, which would allow your employer to refuse to provide you with insurance coverage for affordable birth control.
- Three cases that will decide if the Trump-Pence administration can dismantle the Teen Pregnancy Prevention program and turn it into an abstinence-only program.

- A case to stop the Trump-Pence administration from dramatically remaking Title X -- the nation's program for affordable birth control and reproductive health care -- to focus on abstinence and less effective forms of contraception.

Don't be fooled: Kavanaugh is no moderate. We know that Kavanaugh would overrule *Roe v. Wade* because Trump told us he will only appoint biased justices who would, in his words, "automatically" overturn *Roe v. Wade*. Anti-abortion groups who have the goal of overturning *Roe v. Wade* have praised the choice of Kavanaugh. SBA List called him an "[outstanding choice](#)" and is running [field campaigns](#) in six battleground states to support his confirmation. Texas Right to Life called him the "[beginning of the end](#)" for *Roe v. Wade*. The extreme, and often violent anti-abortion group Operation Rescue [came out in support](#) of Kavanaugh. One of Kavanaugh's former clerks even [stated](#) that "no court of appeals judge in the nation has a stronger more consistent record" than Kavanaugh on "enforcing restrictions on abortion." **Kavanaugh also [praised](#) justice Rehnquist's dissent in *Roe v. Wade*.** He endorsed the idea that the Constitution only protects those rights that go back to before society evolved to recognize basic freedoms like the right to access birth control, LGBTQ rights and the right to access safe, legal abortion.

Kavanaugh's record says it all: he would vote to cause irreparable damage to women's health and lives. Just last year, he blocked a lower court's order requiring the Government to allow an undocumented woman entering the United States to have an abortion. Kavanaugh would have allowed the Government to delay the young woman's abortion by more than one month, pushing her into the second trimester. When this order was overturned by the full D.C. Circuit Court of Appeals, Kavanaugh said that court had created a "new right for unlawful immigrant minors in U.S. Government detention to obtain immediate abortion." *Garza v. Hargan*, 874 F.3d 735 (D.C. Cir. 2017). **And he's just as bad on birth control:** Kavanaugh ruled against the birth control benefit in the Affordable Care Act and believes that employers have the right to deny their employees health insurance coverage for birth control.

Unless the Senate intervenes, Kavanaugh will swing the balance of the court against our constitutional rights and a woman's ability to access abortion and other basic health care in this country. This is not just to protect *Roe*, but for the whole line of cases that hold that the Constitution protects an individual's liberty to make personal decisions about their bodies and relationships. This line of cases affects our fundamental rights and individual liberties, from access to birth control, to abortion, to freedoms for LGBTQ people.

For additional background on key cases or to interview a Planned Parenthood legal expert, please contact media.office@ppfa.org.

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Planned Parenthood is the nation's leading provider and advocate of high-quality, affordable health care for women, men, and young people, as well as the nation's largest provider of sex education. With more than 600 health centers across the country, Planned Parenthood affiliates serve all patients with care and compassion, with respect and without judgment. Through health centers, programs in schools and communities, and online resources, Planned Parenthood is a trusted source of reliable health information that allows people to make informed health decisions. We do all this because we care passionately about helping people lead healthier lives