

FACT CHECK: The Real Ginsburg Standard

FACT: Brett Kavanaugh can and should give straight answers to a straight questions. During her confirmation, Justice Ruth Bader Ginsburg gave real answers and affirmatively declared the constitutional right to safe, legal abortion.

Justice Ginsburg: “The argument was it's her right to decide either way, her right to decide whether or not to bear a child. . . But you asked me about my thinking about equal protection versus individual autonomy, and my answer to you is it's both. This is something central to a woman's life, to her dignity. It's a decision that she must make for herself. And when Government controls that decision for her, she's being treated as less than a fully adult human responsible for her own choices.”

FACT: Justice Ginsburg said that a judge should not opine on SPECIFIC CASES or abstract issues that may come before the Court, but indicated that one can (in fact she did) comment on and opine on one's judicial philosophy. Affirmatively declaring the constitutional right to safe, legal abortion is the real Ginsburg Standard. Kavanaugh should be held to it and should give clear answers on individual liberty and the rights of all people to make personal decisions about their bodies and personal relationships.

Justice Ginsburg: “Each case comes to court based on particular facts and its decision should turn on those facts and the governing law, stated and explained in light of the particular arguments the parties or their representatives present. A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of the particular case, it would display disdain for the entire judicial process.”

FACT: Kavanaugh will duck questions about his views on abortion because he knows the American people won't like what he has to say. [The vast majority of Americans do not want to see Roe overturned](#), and Kavanaugh [has already ruled to limit access to safe, legal abortion](#).