

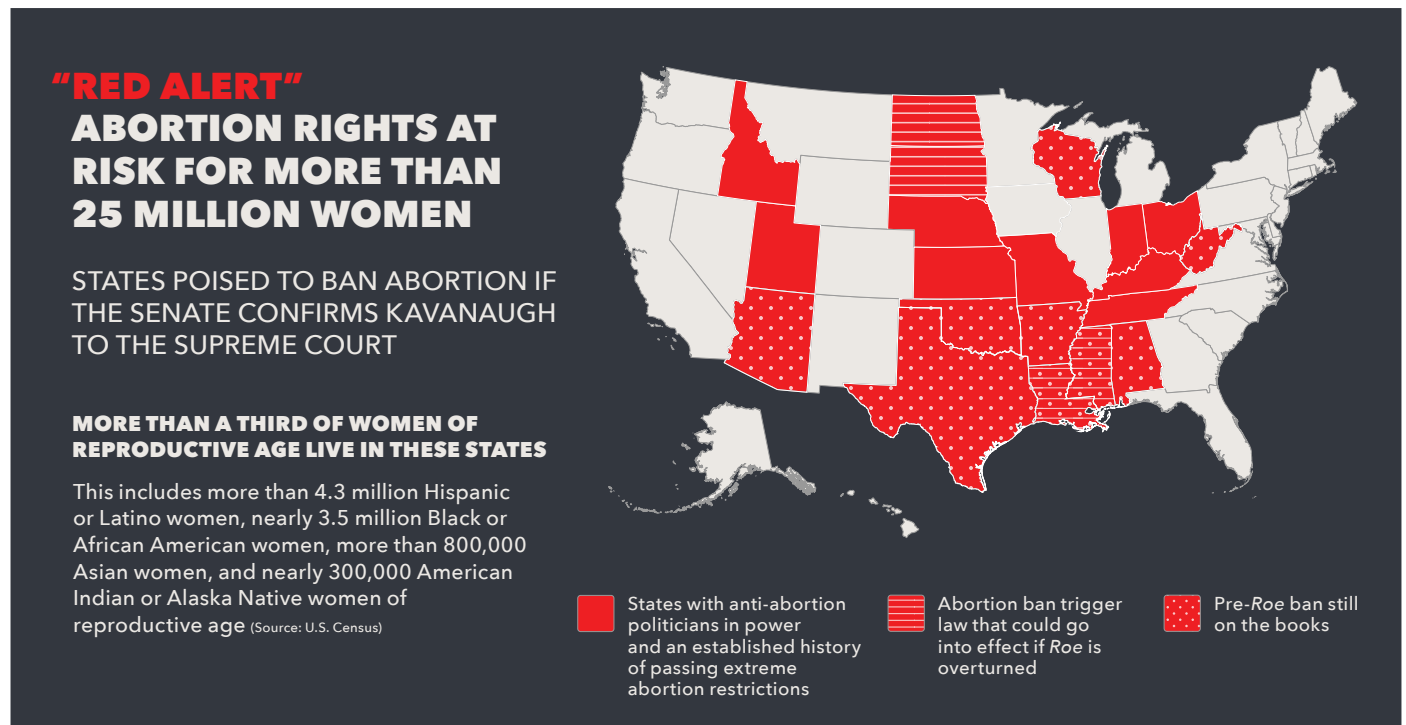
RED ALERT

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NEW REPORT: 25 Million Women At Risk of Losing Abortion Access If Kavanaugh Is Confirmed

New research from Planned Parenthood Action Fund and reproductive justice organization, In Our Own Voice: National Black Women's Reproductive Justice Agenda shows the dire impact Brett Kavanaugh would have on abortion access in the states if he is confirmed to the Supreme Court. This new report finds that more than **25 million women** of reproductive age across America are poised to lose access to abortion in their home states if Brett Kavanaugh becomes the fifth vote to overturn *Roe v. Wade*. As shown in the research below, the dangerous impact of rolling back these fundamental rights will disproportionately harm women of color, women with low incomes, and women in rural areas.

Twenty states are poised to ban abortion if *Roe v. Wade* is overturned. This means over 25 million women of reproductive age – that's more than a third of women of reproductive age in America – could lose access to safe, legal abortion.



Anti-abortion ideologues have been strategizing and mobilizing for years to push anti-abortion legislation in the states and fill the judicial pipeline with challenges to *Roe v. Wade*. Since January 2011, states have enacted more than 400 [abortion restrictions](#), and now 20 states are poised to ban abortion if *Roe v. Wade* is overturned. Four of those states – Louisiana, Mississippi, North Dakota, and South Dakota – have trigger laws on the books that could swiftly ban abortion if *Roe* is overturned. In the remaining 16 states, legislators have pushed through restrictions with one clear motive – to make abortion inaccessible. Justice Anthony Kennedy’s retirement poses a grave risk for the 20 states where anti-abortion lawmakers control the legislatures.

- **Twenty states are at high risk for banning abortion, including:** Alabama, Arizona, Arkansas, Idaho, Indiana, Kansas, Kentucky, Louisiana (trigger law), Mississippi (trigger law), Missouri, Nebraska, North Dakota (trigger law), Ohio, Oklahoma, South Dakota (trigger law), Tennessee, Texas, Utah, West Virginia, Wisconsin

Why women of color will be hit the hardest if Brett Kavanaugh is confirmed:

Because of the history of systemic racism and discriminatory public policy in this country, women of color have less access to health care. Even though the rate of unintended pregnancy has fallen to a 30-year low, racial health disparities still exist due to lack of health insurance and limited access to birth control, meaning women of color are still roughly [twice as likely to experience an unintended pregnancy](#) as White women. This helps explain why women of color [have more abortions](#) than White, non-Hispanic women, according to the Guttmacher Institute. Racism and other systemic barriers have also contributed to the disproportionate income inequality that makes Black people and Latinos in the U.S. [more likely](#) to use federally funded insurance – which, in a majority of states, is barred from covering abortion in almost all cases – in order to access health care.

- The 25 million women include more than 4.3 million Hispanic or Latino women, nearly 3.5 million Black or African American women, more than 800,000 Asian women, and nearly 300,000 American Indian or Alaska Native women of reproductive age (see [U.S. Census](#)).
- The Indian Health Service (IHS) provides all members of federally recognized Native American tribes and their descendants with health care, and federal policy requires that the IHS provide abortion in select cases. However, the Native American Women’s Health Education Resource Center found that more than [85 percent of IHS facilities were non-compliant](#) and, in fact, did not provide abortion or refer patients to other abortion providers.
- In some states, legislators have used [cultural misinformation to craft restrictions](#) used to target Asian American women’s access to abortion.
- Latina women and non-Hispanic Black women are [less likely to have access to family planning services](#), which can result in significantly lower rates of contraceptive use.
- For many women, these barriers effectively ban abortion. Many of the patients Planned Parenthood serves work jobs that don’t offer paid time off or sick days. The cost of transportation, childcare, and time off work puts access to abortion just out of reach. This is hardest on people who already face barriers to accessing health care such as people of color, young people, and people with low incomes.
- Black, Hispanic, and Native American women experience poverty at [more than twice the rate](#) of non-Hispanic White women, and may lack the financial resources or job flexibility to make the multiple trips required due to state restrictions. [[Status of Women in the States](#)]

Everything we know about Brett Kavanaugh makes it clear that if the Senate confirms him, he will turn the balance of the Supreme Court against women’s constitutional rights, including the right to abortion.

- Kavanaugh’s record, his speeches, his testimony in front of the Senate Judiciary Committee, and even his email have all shown that he will gut *Roe v. Wade* and undermine abortion access if given the chance.
- President Trump has [promised](#) to only nominate justices to the Supreme Court who would overturn *Roe v. Wade*.
- Kavanaugh [praised](#) a dissent in *Roe v. Wade*, calling the constitutional right to abortion a “freewheeling” reading of the U.S. Constitution.
- Kavanaugh [has already ruled against a woman’s constitutional right to abortion](#). Just last year, he attempted to use his judicial power to prevent a young undocumented woman in U.S. custody from accessing a safe, legal abortion. He did not respect this woman’s constitutional right to abortion, and if he’s appointed to the Supreme Court, he would rule to gut that right for all people.
- When Brett Kavanaugh was asked whether *Roe v. Wade* was decided correctly or whether he recognizes the right to privacy, he [refused](#) to give a straight answer and [dodged](#) the question dozens of times.
- Brett Kavanaugh tried to claim that senators didn’t have anything to worry about by calling *Roe v. Wade* “settled law.” However, that assertion is meaningless – by Kavanaugh’s own admission [in an email](#), it can be overruled by the Supreme Court in the future. Importantly, Kavanaugh’s email contradicts his sworn testimony that *Roe v. Wade* and *Planned Parenthood v. Casey* are “settled law.”

Already for too many women in America, the right to safe, legal abortion exists in theory alone.

The threat Kavanaugh’s nomination poses to our rights and freedoms isn’t theoretical – it’s real, it’s personal, and it’s dangerous.

- Just two months ago, an Arkansas abortion restriction that would ban medication abortion in the state and eliminate access to abortion at all but one health center was allowed to take effect for a few weeks before it was again blocked by a federal court. Planned Parenthood had to immediately turn away patients, cancel appointments, and notify patients that they could no longer access medication abortion at all in the state, even if it’s their strong personal preference or medically recommended.
- Kentucky is fighting to effectively ban abortion by shutting down the one health center in the state that provides safe, legal abortion.
- Missouri continues to enforce numerous laws that make abortion nearly inaccessible for countless women.

If confirmed, Brett Kavanaugh would likely rule on a pivotal abortion case within the next year.

There are currently [13 abortion cases](#) and 25 total cases related to reproductive health care and rights that are one step away from the Supreme Court.

For example:

- The Seventh Circuit recently rejected abortion restrictions in Indiana, and a similar Ohio law is now before the Sixth Circuit. (As the [American College of Obstetricians and Gynecologists](#) said, “These ‘reason bans’ represent gross interference in the patient-physician relationship, creating a system in which patients and physicians are forced to withhold information or outright lie in order to ensure access to care.”)
- Laws in Alabama, Arkansas, Kansas, and Texas threaten to ban the safest method of abortion in the second trimester. The Texas, Alabama, and Arkansas laws are all before their respective circuit courts, and the Kansas law is before the state Supreme Court.
- Just last week, the Fifth Circuit upheld a Louisiana admitting-privileges restriction even though the state has already seen a drop in the number of health centers that provide abortion from 11 to three since 2001. If this ruling is allowed to take effect, it will further decimate access to care.
- The Eighth Circuit recently reversed a preliminary injunction blocking restrictions in Missouri, which will leave many women without access to abortion if they’re allowed to take effect, and are nearly identical to the Texas restrictions struck down in *Whole Woman’s Health v. Hellerstedt*.
- The D.C. Circuit is poised to consider a lawsuit to protect the successful Teen Pregnancy Prevention Program (TPPP) against efforts by the Trump administration to push ineffective abstinence-only-until-marriage programs instead.
- Kansas and Louisiana have already asked the Supreme Court to review cases challenging state actions that threaten people’s access to birth control and other preventive care at Planned Parenthood. The Sixth Circuit is considering a similar case challenging an Ohio law.

Bottom Line: Brett Kavanaugh cannot be put in a position to determine the health and constitutional rights of women for generations. Kavanaugh’s record of blocking abortion access and birth control is already a clear disqualification. The allegations of sexual assault and his hyper-partisan and aggressive testimony are only further proof that he does not have the judgement to serve on the highest court of the land.

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