

Brett Kavanaugh - Dodge, Dodge, and a Roadmap to Overturning Roe

Brett Kavanaugh's testimony for the day is only halfway done and already he has done everything he can to avoid giving clear answers on *Roe vs. Wade*. He has...

- Refused to respond whether Roe was rightly decided -- minutes after he did make clear he thought the Nixon case was rightly decided.
- Ducked a question about his views on abortion while he was in the Bush White House.
- Refused to answer whether he agreed that a woman's right to control her reproductive life impacts her ability to participate in the economic and social life of the nation.

And, with the coaching of Senator Graham (who personally introduced a 20-week abortion ban that directly flouts *Roe*), laid out the roadmap for how he would overturn *Roe*

Graham: when it comes to overruling a longstanding precedent of the court, is there a formula you use? an analysis?

Kavanaugh: first of all, you start with the notion of precedent, and as i've said to Senator Feinstein in this context, this is a precedent that's been reaffirmed many times over 45 years, including in *Planned Parenthood versus Casey* where they specifically considered whether to overrule and reaffirmed and applied all the factors that apparently became precedent on precedent in this context. but you look at -- there are factors you look at whenever you're considering any precedent.

Graham: so there is a process in place that the court has followed for a very long time. is that correct?

Kavanaugh: that is correct, senator.

Quote from Dawn Laguens, Executive Vice President of Planned Parenthood Action Fund:

"Kavanaugh's dodging as soon as he's asked about *Roe v. Wade* tells us everything we need to know. As soon as the issue of abortion came up, Kavanaugh ran for the hills. Kavanaugh did everything he could to avoid giving a clear answer on whether he believes *Roe v. Wade* was rightly decided, and whether he believes women have the constitutional right to have an abortion. It's not that hard -- just answer the question."

BACKGROUND:

1 -- Justice Ginsburg clearly answered questions on her judicial philosophy on people's individual rights and freedoms.

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: 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](#).

2 -- Kavanaugh says he can't give “thumbs up or down” to Supreme Court cases, yet he's already praised four cases during the hearing. Brett Kavanaugh is picking and choosing which cases he answers questions about.

- U.S. v. Nixon (which he previously said was wrongly decided)
- Brown v. Board
- Youngstown Steel
- Texas v. Johnson (during opening statement yesterday, said it was one of Justice Kennedy's “greatest opinions”)

3 -- During their confirmation hearings Justices Kennedy and Roberts both commented on cases, Brown v. Board of Education and Griswold v. Connecticut, respectively. Just like Brett Kavanaugh, they picked which questions they wanted to answer. Roberts and Kennedy also refused to answer questions about Roe v. Wade and then when seated on the Supreme Court, ruled to undermine access to safe, legal abortion.

