

# Brett Kavanaugh is One-Step Away from Gutting *Roe v. Wade* and Criminalizing Abortion

*Multiple cases that restrict reproductive freedom are on the verge of reaching the Supreme Court*

Brett Kavanaugh will be **the deciding vote to gut *Roe v. Wade*, criminalize abortion and punish women - all within his first year on the bench.** Kavanaugh has stated that he [agreed with Justice Rehnquist's dissenting opinion](#) on *Roe* and [challenged whether \*Roe\*](#) was “settled law.”

By questioning the landmark *Roe v. Wade* decision, Kavanaugh is calling into question a woman's right to privacy - her right to decide what happens to her own body - and her right to an abortion. Because eliminating women's autonomy and freedom is a goal shared by anti-choice organizations and politicians, they, for years, have been advancing legislation to chip away at these rights and test the Supreme Court's willingness to protect and reaffirm the *Roe* standard.

Simultaneously, the anti-choice movement also has been stacking the lower courts with anti-choice judges - hoping to create a judiciary willing to uphold those anti-choice laws advanced by state legislatures across the country. As a result, it should come as no surprise that there are at least 20 cases in various stages of judicial review that could significantly gut the protections of *Roe*, as well as access to abortion and contraception, as soon as the Supreme Court takes them up.

Just a few of those cases include:

- A Kentucky biased-counseling law that forces doctors to give misinformation to women before they can access abortion care. [EMW Women's Surgical Center et al. v. Andrew Beshear et al.](#)
- An Arkansas law that imposes the same medically unnecessary restrictions on abortion providers that were found to be unconstitutional under the *Whole Woman's Health* case, but applied to medication abortion. The effect of the law is the complete elimination of medication abortion in the state. [Planned Parenthood of Arkansas v. Jegley](#)
- An Alabama law that bans D&E - the most common and medically proven second-trimester abortion procedure. [West Alabama Women's Center v. Williamson](#). Texas and Arkansas have similar laws in the court pipeline.
- Two cases named *Planned Parenthood of Indiana and Kentucky v. Commissioner of the Indiana State Department of Health*. [One](#) criminalizes doctors for the reasons a woman may seek abortion care, including for reasons of fetal anomaly. The [other mandates](#) an 18-hour mandatory delay between the time a woman goes to her first appointment and when she can get the abortion.

- A series of cases, including [Planned Parenthood of Gulf Coast, Inc. v. Gee](#) that will decide if politicians can ban people who get their coverage through Medicaid from accessing care at Planned Parenthood--preventing patients from accessing birth control, cancer screenings, and other care from a trusted provider.
- A series of cases that will determine if the Trump-Pence administration will be allowed to gut [birth control benefits](#) by allowing employers to refuse to provide insurance coverage for birth control for almost any reason.
- A series of cases that will determine if the Trump-Pence administration can gut the Teen Pregnancy Prevention program and [use those funds to promote an abstinence-only agenda](#).
- An outright ban on abortion after 15 weeks in Mississippi. *Jackson Women's Health Organization v. Currier*.

**Additionally, 28 states have a pathway to immediately gut the protections of *Roe* at the state level, providing additional tests for the Supreme Court to weigh whether women in the U.S. still have a right to privacy :**

- Pre-*Roe* Abortion Ban: a near-total criminal ban on abortion enacted before *Roe v. Wade* and nullified by the court's ruling.
- Trigger Ban: a near-total criminal ban on abortion that would go into effect if *Roe* is overturned.
- Expressed Intent: language articulating the state's intention to restrict the right to abortion to the maximum extent allowed by the Supreme Court.
- Anti-choice State Governments: when the governor and both legislative chambers are anti-choice.

## ***Roe* at Risk**

**28** states have a pathway to criminalize abortion almost immediately if *Roe* were overturned.

