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.