



FREEDOM IS FOR  
**EVERYBODY**

**September 23, 2020**

**To: Interested Parties**

**From: NARAL Pro-Choice America**

**Re: Don't get caught up in the "who." Trump's next SCOTUS nominee will threaten reproductive freedom for generations if confirmed.**

Following Supreme Court Justice Ruth Bader Ginsburg's death on September 18, Donald Trump announced that he will name his nominee to replace her this Saturday, September 26. Shortly before Justice Ginsburg's passing, Trump announced his shortlist to fill a vacancy, and it was unsurprisingly rife with anti-choice extremists and radical ideologues. As speculation swirls around who Trump will name in the coming days, one fact is paramount to remember: **No matter who the nominee is, they will be hostile to reproductive freedom and *Roe v. Wade*.**

***Trump says that a commitment to gutting or overturning *Roe* is a litmus test for his judicial nominees. (And no, Trump nominating a woman does not change that.)***

**In 2016, Trump campaigned on his promise to only nominate judges who would work to overturn *Roe v. Wade*.** He delivered on that promise by nominating Justices Neil Gorsuch and Brett Kavanaugh to the Court, tipping its balance to an anti-choice, anti-freedom majority and paying back his debt to the ideological extremists he has relied on throughout his presidency and bid for reelection.

Trump might think that nominating a woman will help spare him some criticism and help assuage the fears of voters, particularly suburban women. **But don't be fooled by this red herring.** The women on Trump's short list — from Amy Coney Barrett to Barbara Lagoa—exemplify an antipathy toward reproductive freedom and gender equity. Whether or not they have long and documented track records, remember: **they meet Trump's anti-choice litmus test.**

Senators like Susan Collins (R-ME) were perfectly willing to gamble with the freedoms of millions of Americans while [falsely claiming Brett Kavanaugh would respect precedent](#), despite a plethora of evidence showing otherwise. Then, when given the opportunity in *June Medical Services, LLC v. Russo*, Kavanaugh did exactly what we knew he would and voted to roll back abortion access and decimate our fundamental freedoms.

***Right-wing forces have executed a decades-long scheme to take over the courts, and sees hostility toward *Roe* as a proxy for opposing broader social progress***

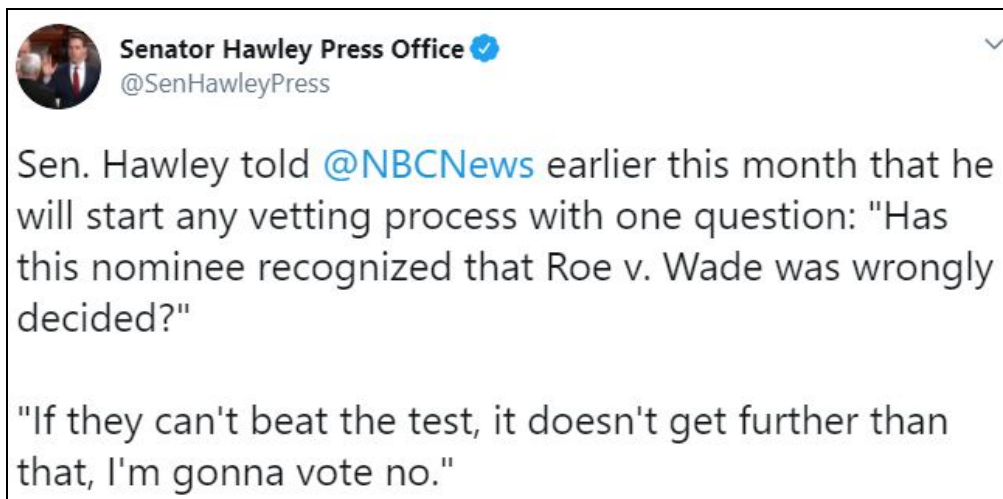
Every one of Trump's possible Supreme Court nominees will be beholden to the anti-choice movement. Radical Right forces, including the Federalist Society, have spent decades operating a coordinated campaign to take over the courts, systematically laying the groundwork to halt progress, end *Roe*, and push ahead their agenda of power and control.

If Trump gets to install a third Supreme Court justice, the anti-choice movement's goal of ending legal abortion will be within ever closer reach. **But it doesn't stop there: The Radical Right's quest for power and control, blocking of economic and social justice, will proceed full steam ahead.**

There's simply no question that a Trump supermajority on the Court would be catastrophic for people's fundamental rights and freedoms in this country.

***Republicans are saying the quiet part loud: Explicit opposition to Roe v. Wade is non-negotiable.***

Republican Senator Josh Hawley (MO) has recently [made clear](#) that he plans to leverage his power as a member of the Senate Judiciary Committee to only confirm a nominee who has "explicitly acknowledged that *Roe v. Wade* is wrongly decided."



In a similar vein, after Trump released his Supreme Court shortlist, several Republicans also doubled down:



Amid a global pandemic, Senate Republicans have [demonstrated](#) that their priority is confirming Trump’s judicial nominees. [Mitch McConnell said](#) he would “leave no vacancy behind” and that “the pandemic will not prevent us from achieving that goal.”

***Support for reproductive freedom and Roe v. Wade is a recipe for victory in November. And the stakes just got even higher.***

Trump, Mitch McConnell, and Senate Republicans are maneuvering to install another Trump ideologue to the Court, threatening reproductive freedom in this country when it is already under unprecedented attack. **But they are doing this against a stark backdrop: Support for Roe and abortion access is soaring in popularity with the American public.**

- **Support for Roe v. Wade is the highest it has been in decades: 77% of Americans** support the legal right to abortion and do not want to see *Roe* overturned ([Marist/ PBS/ NPR, June 7, 2019](#)).
  - An overwhelming minority (**14%** of registered voters and **4%** of registered Democrats) support overturning *Roe*.
- **87% of Democrats** think the Supreme Court should keep *Roe* “as is.” ([CBS, May 21, 2019](#))
- **79%** of Americans think women should make decisions about pregnancy with their doctors, including **94%** of Democrats, **79%** of Independents, and **59%** of Republicans. ([Kaiser Family Foundation, Jan. 22, 2020](#)).

- **Over 70%** of Democratic voters are more likely to vote for a candidate that supports abortion rights ([SuperMajority / PerryUndem, August 22, 2019](#)).

**With voting already underway, there should be no question that it should be left to the American people to decide who gets to nominate the next Supreme Court justice.**