

## **Engaging Communities of Color on a SCOTUS Vacancy**

*Results from a National Survey among Communities of Color*

*Who Do Not Want Roe v. Wade Overturned*

*August 27, 2018*

The National Latina Institute for Reproductive Health, In Our Own Voice: National Black Women's Reproductive Justice Agenda, National Asian Pacific American Women's Forum, and the National Women's Law Center commissioned PerryUndem to conduct a survey to inform communications to communities of color around the current SCOTUS vacancy.

The survey was conducted online, from July 20 through August 1, 2018, using YouGov's online panel. The survey is among n = 600 Black, n = 600 Latinx, and n = 600 Asian/Pacific Islander (API) adults who say they do not want the Roe v. Wade decision overturned (the traditional Roe v. Wade question). The survey was conducted in English.

Following are key takeaways and recommendations.

### **Key Takeaways**

1. Most respondents feel things in the country are heading off on the wrong track (88% of Black respondents and 75% of Latinx and API respondents).
2. Among respondents who feel the country is off on the wrong track, most feel determined to change things, at least part of the time (73% of Black respondents; 70% of API respondents; and 65% of Latinx respondents). We do not find much evidence of fatigue.

3. Large majorities across respondents believe the chances are 50-50 or better that the next Supreme Court will:
  - Side with President Trump over immigrant rights;
  - Side with President Trump in ways that give him more power;
  - Restrict women’s access to abortion;
  - Overturn Roe v. Wade;
  - Side with white people over people of color;
  - Restrict the rights of women, people of color, immigrants, and LGBTQ people; and
  - Restrict people’s access to health care.
4. More than seven in ten respondents across communities say it is personally important to them that a new Supreme Court justice rule to uphold access to safe, legal abortion.

Higher proportions of respondents say it is important that a new justice uphold “a woman’s access to safe, legal abortion” than “uphold the Roe v. Wade decision” (85% v. 72% “uphold Roe” among Black respondents; 73% v. 67% of Latinx respondents; 83% v. 81% of API respondents).

5. Majorities of respondents across the board find a number of issues that the Supreme Court could make decisions on “extremely” important. Among the top are:
  - Racism and racial justice (80% of Black; 61% of Latinx; and 53% of API respondents);
  - Civil rights (79%; 60%; 55%);
  - Access to clean water (78%; 70%; 66%);
  - Access to quality, affordable health care (76%; 63%; 63%); and
  - A criminal system that is fair and just (78%; 61%; 56%).
6. Judge Kavanaugh’s beliefs around presidential power and investigations are signs to a majority of respondents that Kavanaugh would have a negative impact on their lives.
7. By the end of the survey, respondents move toward wanting to contact their senator to voice their opinion. The biggest barrier is a lack of information about what to do.

## Communications Guidance

1. Among those who are less informed, messages should include:
  - a. Informing audiences of a SCOTUS vacancy; and
  - b. Briefly explaining the purpose of the Supreme Court.
2. Remind and confirm the sense that the President has nominated a conservative nominee.
3. Be descriptive and outcome-oriented: “Judge Kavanaugh will turn the balance of the Court conservative....” You can also use a description other than “conservative,” such as “against access to abortion” and “against people’s civil rights.” But use the phrase “turn the balance of the Court.”
4. First and foremost, connect a conservative Justice / Kavanaugh / Court to President Trump and his administration. For example, talk about Kavanaugh’s record in relationship to presidential power and control (see #6 below).
5. To make the issue more relevant, also connect the Supreme Court, future cases, and anything relevant from Kavanaugh’s record to the issues communities of color care most about personally.

Most important issues personally	
Among broad audiences of color	<ul style="list-style-type: none"> <li>• Racism and racial justice</li> <li>• Civil rights</li> <li>• Access to clean water</li> <li>• Access to quality, affordable health care</li> <li>• A criminal system that is fair and just</li> </ul>
Also for Black supporters	<ul style="list-style-type: none"> <li>• Overpolicing of Black and Brown people</li> <li>• Voting rights</li> <li>• Job opportunities that pay a livable wage</li> </ul>
Also for Latinx supporters	<ul style="list-style-type: none"> <li>• Gun violence / laws</li> <li>• Workers’ rights</li> <li>• Immigrant justice</li> </ul>
Also for API supporters	<ul style="list-style-type: none"> <li>• Gun violence /laws</li> <li>• Immigrant justice</li> </ul>

6. Highlight these aspects of Kavanaugh’s record that are most likely to be seen as a sign that Kavanaugh will negatively impact their lives. The first three are slightly stronger than the last two.

Kavanaugh’s record
Judge Kavanaugh believes that the President can be above the law. For example, he believes a President of the United States should not be investigated, questioned by criminal prosecutors, or indicted while in office.
Judge Kavanaugh believes that the President should be given more power to do what he wants.
In many cases, Judge Kavanaugh has sided with bosses and against workers who have been discriminated against on the job.
Judge Kavanaugh has argued that a boss’s religious views should override an individual's right to insurance coverage for birth control.
Judge Kavanaugh has ruled in past cases to restrict women’s access to abortion.
<i>Also strong among Latinx supporters:</i> Judge Kavanaugh recently used his power to allow the Trump Administration to block a young immigrant woman in U.S. custody from getting an abortion.

7. For overall messaging to engage, choose from these messages:

Overall messaging
The Supreme Court must have justices who uphold the rights, freedoms, and opportunities for everyone, no matter our race or ethnicity or where we come from.
The Supreme Court must have justices who uphold workers’ rights, including protecting workers from sexual harassment.
The Supreme Court will make decisions that affect abortion access; health care access; immigrant justice; and the opportunities for people to be financially stable and live free, safe, and healthy lives.
Supreme Court justices have lifetime appointments to the Court. Judge Kavanaugh would be ruling against people’s civil rights for decades to come.

8. The following table provides guidance specifically on abortion access and Reproductive Justice<sup>1</sup>.

On Reproductive Justice	
Specific language	Talk about “access” - restricting women’s access to abortion / upholding access to safe, legal abortion.
Messages to use	<ul style="list-style-type: none"> <li>• The Supreme Court will make decisions that affect abortion access, health care access, immigrant justice, and the opportunities for people to be financially stable and live free, safe, and healthy lives.</li> <li>• Judge Kavanaugh would turn the balance of the Supreme Court against women’s rights and having access to abortion.</li> <li>• If Judge Kavanaugh is the next Supreme Court Justice, women could be sent to jail if they have an abortion or miscarriage.</li> </ul>
On RJ, connect to these issues (in order)	<ul style="list-style-type: none"> <li>• Access to quality, affordable health care, including abortion and birth control</li> <li>• Racism and racial justice</li> <li>• Civil rights</li> <li>• Access to clean water</li> <li>• A criminal system that is fair and just</li> <li>• Job opportunities that pay a livable wage</li> <li>• Gun violence</li> <li>• Among Black supporters:               <ul style="list-style-type: none"> <li>○ Over-policing of Black and Brown people</li> </ul> </li> <li>• Among Latinx supporters:               <ul style="list-style-type: none"> <li>○ Immigrant justice / family separation</li> </ul> </li> <li>• Among API supporters:               <ul style="list-style-type: none"> <li>○ Immigrant justice</li> </ul> </li> </ul>
On RJ, cite Kavanaugh’s record on these two and add third message	<ul style="list-style-type: none"> <li>• Judge Kavanaugh has argued that a boss’s religious views should override an individual's right to insurance coverage for birth control.</li> <li>• Judge Kavanaugh has ruled in past cases to restrict women’s access to abortion.</li> <li>• If Judge Kavanaugh is the next Supreme Court justice, women could be sent to jail if they have an abortion or miscarriage.</li> </ul>

<sup>1</sup> Reproductive Justice is a human rights framework that centers people of color and stipulates that reproductive oppression is a result of the intersections of multiple oppressions and is

9. On taking action, here are insights from this survey and other recent PerryUndem work:
  - a. Give specific details about what to do, what to say, and when to do it.
  - b. Give a range of options / channels to act (e.g., petition, email, text, and phone).
  - c. Persuasion should be focused on why it will make a difference. Give reminders (e.g., the Affordable Care Act was not repealed because of phone calls, etc.).
  - d. Communicate why it is important to contact senators even if they live in a Blue state and even if they live in a Red state.
  - e. Encourage talking and sharing information with family and friends.

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inherently connected to the struggle for social justice and human rights. Reproductive Justice will be achieved when all people have the social, political, and economic power and resources to make healthy decisions about their gender, bodies, sexuality, reproductions, and families for themselves and their communities.