JUDGE KAVANAUGH MUST FULLY ANSWER QUESTIONS ABOUT HIS VIEWS ON PERSONAL RIGHTS AND LIBERTIES

The right to liberty protected by the Due Process Clause of the Fifth and Fourteenth Amendments covers personal decisions essential to an individual's dignity and autonomy. These include the rights to marry, to form intimate relationships, to use contraception, to start a family, and have an abortion.

President Trump's Supreme Court nominee, Judge Brett Kavanaugh, has a troubling record on personal liberty issues:

- He has ruled in favor of restricting women's access to abortion.[1]

- He has argued that boss's religious beliefs should override an individual's right to insurance coverage of birth control.[2]

- He has ruled to allow the DC government to operate on people with intellectual disabilities without considering their wishes. [3]

These cases demonstrate profound disrespect for individuals' ability to make fundamental decisions about their bodies and futures. In addition, President Trump promised to appoint justices who would overrule *Roe v. Wade*, a decision that not only recognizes the right to decide whether to have an abortion, but also provides the foundation for other important personal liberty rights.[4]

During the confirmation hearings, Judge Kavanaugh must fully and completely answer questions about his views on the right to privacy and liberty, and whether the Constitution protects the most fundamental decisions people make about whether and how to start a family, whom to marry, and how to raise their children. It is not enough for him to talk about "respecting precedent," "settled law" or provide other vague non-answers, when talking about *Roe v. Wade* or other key cases that protect the right to liberty.

Voters want to hear Judge Kavanaugh explain his views on individual rights and liberties:

- According to a recent poll commissioned by the National Women's Law Center Action Fund and Planned Parenthood Action Fund, 87% of likely voters said it was important to them that Kavanaugh discuss his beliefs on whether the Constitution protects the individual right of all people to make personal decisions about their bodies and relationships, including the right to use contraception and to have an abortion. 82% of Republicans thought it was important to hear from Kavanaugh on these vital topics.[5]

- According to a poll among 1,000 likely voters in 8 Supreme Court battleground states commissioned by a range of groups including the National Women's Law Center Action Fund, 64% of voters agree that the Senators should not only consider a nominee's qualifications and character but also should consider his positions on legal and constitutional issues. 82% of voters would approve of Senators who will only support Kavanaugh if he pledges to uphold the constitutional right to personal privacy.[6]

The Senate should only confirm a justice who affirmatively declares that they agree the Constitution protects individual liberty and the right to make personal decisions about our bodies and personal relationships – including the right to use contraception, to have an abortion, and to build the kind of families we want.

1   *Garza v. Hargan*, 874 F.3d 735 (D.C. Cir. 2017).

2   *Priests for Life v. Dept. of Health & Human Servs.*, 808 F.3d 1 (D.C. Cir. 2015).

3   *Doe ex. Rel. Tarlow v. D.C.,* 489 F.3d 376 (D.C. Cir. 2007).

4   NWLC Factsheet, Even More than Abortion: The Constitutional Importance of *Roe v. Wade* and the Right to Privacy

5   Perry Undem/ Global Strategy Group Kavanaugh's Nomination Polling Results commissioned by the NWLC Action Fund and Planned Parenthood Action Fund

6   Hart Research Associates Findings on Kavanaugh's Nomination Polling Results dated July 31, 2018, commissioned by Alliance for Justice Action Campaign, AFL-CIO, AFSCME, Human Rights Campaign, Leadership Conference on Civil and Human Rights, National Education Association, National Women's Law Center Action Fund, People for the American Way, Service Employees International Union, on file with NWLC.