

Quick Facts:

Trump Justices on Abortion

Trump said overturning Roe “will happen automatically, in my opinion, because I am putting pro-life justices on the court.”

Before the Nomination

Justice Amy Coney Barrett on Abortion Rights

- **BARRETT REPEATEDLY CRITICIZED ROE v. WADE:** For example, she wrote the “framework of Roe essentially permitted abortion on demand, and Roe recognizes no state interest in the life of a fetus.” Barrett signed a 2006 letter calling for the overturning of Roe v. Wade. Saint Joseph County Right to Life’s two-page newspaper ad stated that the signatories called for putting “an end to the barbaric legacy of Roe v. Wade.” The group has also confirmed that it opposes in vitro fertilization and supports the criminalization of doctors who perform abortions.
- **BARRETT DOES NOT BELIEVE THAT ROE IS A “SUPER PRECEDENT”:** In an article published in 2017, Barrett expressly cited the substantive due process right to an abortion as an example of a ruling that was not, in her eyes, a “‘super precedent’ – cases so deeply embedded that their overruling is off the table,” despite the fact that it was decided over 40 years ago, the Supreme Court has repeatedly upheld its fundamental holding, and countless people’s lives have been shaped by its critical protections.
- **AS A LOWER COURT JUDGE, BARRETT REPEATEDLY RULED AGAINST ABORTION RIGHTS:** Judge Barrett joined a dissent that tried to vacate and reconsider a ruling that blocked an Indiana law that would require anyone under 18 to obtain parental consent to seek an abortion and did not provide for a judicial bypass, contrary to Supreme Court precedent. She also joined a dissent that argued that a state should be able to restrict abortion when the reason for that choice is the fetus’s gender, race, sex, national origin or disability, including life-threatening disabilities, even though that provision was not being considered.

Note: You can find AFJ’s complete pre-confirmation fact sheet on her view on abortion [here](#).

Justice Brett Kavanaugh on Abortion Rights

- On the DC Circuit Kavanaugh tried to block an undocumented minor in government custody from exercising her right to abortion care. When the D.C. Circuit overruled him, Kavanaugh claimed the court was creating “a new right” for immigrants in custody “to obtain immediate abortion on demand.”

Justice Neil Gorsuch on Abortion Rights

- On the Tenth Circuit he joined the original *Hobby Lobby* decision holding that corporations are people whose religious beliefs trump the right of women to receive insurance coverage for contraceptive care. And he voted to uphold the actions of the Governor of Utah when he eliminated federal funding for Planned Parenthood; the programs that would have lost funding supported health education and STD testing.

After the Confirmation

Justices Kavanaugh and Gorsuch Dissent

- In 2020, both justices dissented from the Court’s 5-4 decision that struck down a Louisiana law that would have required abortion providers to have admitting privileges at local hospitals. Despite the fact that the law was identical to a Texas law that the Supreme Court struck down in 2016, Kavanaugh and Gorsuch argued that the law did not violate the constitutional right to an abortion. Had Kavanaugh and Gorsuch’s view prevailed, all but one abortion clinic in Louisiana would have closed.
-

