

August 31, 2018

The Honorable Charles Grassley  
Chairman  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member  
U.S. Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: Nomination of Judge Brett Kavanaugh to Associate Justice of the Supreme Court

Dear Chairman Grassley and Ranking Member Feinstein,

The undersigned religious, religiously affiliated and faith-centered organizations and communities collectively represent millions of people of faith committed to ensuring that all women have equitable and affordable access to healthcare and that their individual reproductive choices are respected. We write to express our concern regarding the nomination of Judge Brett Kavanaugh to the Supreme Court of the United States.

We are deeply troubled by Judge Kavanaugh's record of statements and decisions on issues related to reproductive health and the right to make private decisions without impediment or imposition. President Trump promised to appoint Justices who will overrule *Roe v. Wade*; Judge Kavanaugh's history suggests he may rule in favor of eroding the rights fortified in *Roe* and reaffirmed in *Planned Parenthood v. Casey* (1992) and *Whole Woman's Health v. Hellerstedt* (2016). We fear that Judge Kavanaugh, if confirmed, will not uphold the right of each pregnant woman to make the best choice for her circumstance — including the choice to seek an abortion — by her own conscience in consultation with her doctor, faith and values.

Religious leaders and many in our communities have a long history of supporting women regardless of their choice to continue or to terminate a pregnancy. Both before *Roe* and since that decision, clergy have counseled women as they make a decision regarding pregnancy, and many people of faith have worked to ensure that abortion is safe, legal, and accessible to all who need it. We support the constitutional right to privacy, including the right to choose abortion, because of and not in spite of our religious values. We are extremely concerned that this right and these values are at risk should Judge Kavanaugh be confirmed.

Our varied religious traditions support the moral authority of women to make their own decisions about abortion, and we all share a dedication to helping those who are vulnerable. The vast majority of people of faith believe that all women — regardless of income — are moral agents. We believe this entitles each person to follow her own inner compass when making decisions about her reproductive health, free from undue constraint or impediment. Although we come from diverse traditions, we are united in our alarm that, should the Supreme Court turn back the clock on a woman's right to choose the reproductive healthcare that best suits her particular needs — including abortion — the consequences for society will be devastating, especially for women of color, LGBTQ women, and low-income women. Judge Kavanaugh's views on the civil right to choose abortion and the sacred right to bodily autonomy give us great pause over his confirmation to the highest court in our land.

The Supreme Court's jurisprudence establishing a constitutional right to access abortion protects the moral decision making and religious liberty that benefit both people of faith and non-theists alike. Judge Kavanaugh's record indicates that this precedent may be undone if he is confirmed to the Supreme Court. His recent record of blocking the autonomous decision of a young immigrant trying to obtain an abortion in the 2017 case *Garza v. Hargan* is gravely troubling and further indicative of his disregard for religious freedom, legal precedent and the fundamental values of moral agency and social justice that we hold dear. By siding with the government when it blocked an unaccompanied minor immigrant woman from getting an abortion, Judge Kavanaugh upheld an outrageous subjugation of the women's will and violated her right to exercise her conscience-based decision to seek an abortion. His remarks and decisions do not represent the beliefs of the majority of people of faith, including his fellow Catholics, who recognize and affirm the importance of legal, safe and affordable access to abortion.

Moreover, if *Roe* were to be overturned or undermined, it is the most vulnerable of our society who would be disproportionately affected — low-income women, women of color, rural women, young women, women in abusive relationships, LGBTQ women, and women unable to travel to obtain abortion care. Our commitment to them and to the principles of social justice demand that we fight with and beside them to ensure their decision making and health needs are respected. Any nominee to the Supreme Court has the potential to enormously impact women's lives and health, and could severely restrict the individual autonomy we are all given by our Creator; therefore, each nominee must be carefully considered in light of these principles.

It would be a travesty — and contrary to the wishes of the majority of Americans and people of faith — if Judge Kavanaugh and other conservatives on the Court were to overturn *Roe*. Eliminating the right to abortion, or reading *Roe*, *Casey* and *Whole Woman's Health* so narrowly as to provide no meaningful access to abortion, would weaken the foundation for other critical constitutional rights. *Roe* protects rights to liberty, equality, dignity, autonomy, intimate personal decision making and religious pluralism.

As organizations and communities committed to the protection of religious freedom for every individual, we both expect respect for our own sincerely held beliefs and believe it is wrong to impose those beliefs on others. We are deeply troubled by Judge Kavanaugh's misinterpretation of the foundational principle of religious liberty as that which protects only the expression of one narrow set of religious beliefs. We strongly believe, as people of faith, that it is wrong to allow the imposition of one set of beliefs on society as a whole at the behest of a powerful few. The religious freedom guaranteed by our Constitution encompasses both freedom of religion and the freedom from any one set of religious beliefs being encoded into public law.

In light of President Trump's explicit promise to nominate Justices who will overrule *Roe*, and of Judge Kavanaugh's past statements and rulings, we urge the Committee to carefully scrutinize Judge Kavanaugh's entire record and demand clear, direct and substantive answers. We further hope the Senate will reject any nominee who will not safeguard individual moral agency or the fundamental principles of religious freedom enshrined in our Constitution.

Respectfully,

A Critical Mass: Women Celebrating Eucharist  
Auburn Theological Seminary  
Bend the Arc: Jewish Action  
Call To Action  
Catholics for Choice  
Central Conference of American Rabbis  
Colorado Religious Coalition for Reproductive Choice  
Concerned Clergy for Choice  
CORPUS  
Disciples for Choice  
Disciples Justice Action Network  
Illinois Affiliate - Religious Coalition for Reproductive Choice  
Jewish Alliance for Law and Social Action  
Jewish Women International  
Keshet  
Metropolitan Community Church of New York  
Michigan Unitarian Universalist Social Justice Network  
Muslims for Progressive Values  
National Council of Jewish Women  
Ohio Religious Coalition for Reproductive Choice  
Planned Parenthood Federation of America Clergy Advocacy Board  
Presbyterian Feminist Agenda Network  
Presbyterians Affirming Reproductive Options (PARO)  
Reconstructionist Rabbinical Association  
Quixote Center / Catholics Speak Out  
Religious Coalition for Reproductive Choice  
Religious Institute  
The Global Justice Institute  
Union for Reform Judaism  
Unitarian Universalist Women's Federation  
Women's Alliance for Theology, Ethics, and Ritual (WATER)  
Women of Reform Judaism

CC: Members of the U.S. Senate Committee on the Judiciary