



# Religious Coalition *for* Reproductive Choice

Dear Senator:

On behalf of the Religious Coalition for Reproductive Choice (RCRC), we are writing to express our strong opposition to the nomination of Brett Kavanaugh to the U.S. Supreme Court.

The Religious Coalition for Reproductive Choice (RCRC) is a broad-based, national, interfaith movement that brings the moral force of religion to protect and advance reproductive health, choice, rights and justice through education, prophetic witness, pastoral presence and advocacy.

RCRC values and promotes religious liberty which upholds the human and constitutional rights of all people to exercise their conscience to make their own reproductive health decisions without shame and stigma. RCRC challenges systems of oppression and seeks to remove the multiple barriers that impede individuals, especially those in marginalized communities in accessing comprehensive reproductive health care with respect and dignity.

We joined nearly 40 other national organizations in a letter expressing our concern about Judge Kavanaugh's writing and opinions that indicate his disregard for the separation of church and state which is the linchpin of religious freedom and one of the hallmarks of American democracy.

Judge Brett Kavanaugh appears to reject the commonly accepted legal principle that the First Amendment's Establishment Clause creates a "wall of separation." In a 2017 lecture given to the American Enterprise Institute, he praised former Chief Justice William Rehnquist for, in Judge Kavanaugh's words, "convincing the Court that the wall metaphor was wrong as a matter of law and history." In addition, he issued a dissent in *Priests for Life v. U.S. Department of Health and Human Services*, siding with a religious organization that argued that filling out a form to request a religious exemption burdened its religious exercise. His opinion which would have made it more difficult for the government to ensure that women had access to birth control, is at odds with eight of the nine federal appeals courts that heard challenges to the same religious exemption. This raises concerns that Judge Kavanaugh could require the government to carve out religious exemptions even when they would cause real harm to other people.

Judge Brett Kavanaugh was nominated by President Trump who assured voters that whomever he nominated to the Supreme Court would overturn *Roe v. Wade*, the landmark 1973 decision that recognized the constitutional right to access a safe and legal abortion in the United States. Based on his record, it appears that Judge Kavanaugh would likely do just that. Last year, he tried to prevent a young, undocumented woman in U.S. custody from accessing abortion care and attempted to delay the procedure by a month, pushing her into the second trimester. Fortunately, the full court allowed the young woman access to the health care she needed.

We are concerned that the Senate Judiciary Committee is rushing ahead with Brett Kavanaugh's hearing despite the fact that his full record has not been made available to the senators.

Although we hope that the Senate Judiciary Committee will fully probe Judge Kavanaugh's record and views on the issue of religious freedom, including the separation of church and state and the importance of ensuring every individual's right to make personal decisions about their reproductive health based on their own beliefs without interference from government, employers, or any other entity that seeks to impose their religious views on others, RCRC believes that Judge Kavanaugh's record in this area is troubling and should disqualify him from a seat on the Supreme Court.

Thank you for the opportunity to share our views on this important matter.

Sincerely,

*Lisa Weiner-Mahfuz*

Lisa Weiner-Mahfuz  
Executive for Programs and Strategic Partnerships