

# FOUR REASONS WHY KAVANAUGH IS A GREAT PICK

All four of President Trump's short list of Supreme Court nominees were splendid selections. Congratulations to his top choice, Judge Brett Kavanaugh. There are four reasons why the Catholic League believes he is a great pick.

1) Kavanaugh came down squarely on the side of Priests for Life in rejecting the Obama administration's claim that there should be no religious exemption from its Health and Human Services mandate. He said that this mandate, which ordered Catholic non-profit organizations to provide for abortion-inducing drugs, contraceptives, and sterilization in their healthcare plans, was in violation of the Religious Freedom Restoration Act.

2) Kavanaugh turned back a challenge to the constitutionality of Inaugural prayers brought by atheist activist Michael Newdow. He did not mince words, saying that the religious significance of this well-established prayer cannot be discounted, and in no way runs afoul of the First Amendment provision regarding separation of church and state.

3) Kavanaugh made a strong case for religious liberty by challenging the right of the Washington Metropolitan Area Transit Authority to censor a Christmas bus ad sponsored by the Archdiocese of Washington. The agency banned the ad because it "depicts a religious scene and thus seeks to promote religion." The scene, which shows a silhouette of shepherds and sheep on a starry night, is inscribed with the words, "Find the Perfect Gift." The ban was criticized by Kavanaugh who called it "pure discrimination."

4) Kavanaugh offered a stinging dissent in a case brought by the ACLU that sued the federal government for not facilitating

an immediate abortion for an illegal minor. He accused the majority of overreaching, of assuming supra-constitutional authority. He also noted that the government had “permissible interests” in “favoring fetal life,” thus sending a clear message to those who deny that there is life in the womb.

For these reasons alone, we are confident that President Trump made the right decision in choosing Judge Brett Kavanaugh to sit on the high court.

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## MORE SURVEY LIES ABOUT ABORTION

An NBC/Wall Street Journal poll released July 23 says that 71% of American voters believe that the 1973 decision in *Roe v. Wade* legalizing abortion should not be overturned. It follows a Gallup poll of July 12 that found that 64% say *Roe* should not be overturned.

Both surveys are deceitful: the “yes/no” simplified choices that respondents had to pick from fail to tap the extent to which the public really approves of the Supreme Court decision. That ruling permits abortion-on-demand, meaning it sets no restrictions on *when or why* abortion should be legal.

When respondents are asked whether abortion should be legal or illegal, in all likelihood the first thing that comes to mind are worst case scenarios. If it is illegal in every instance, that would mean that in cases involving rape, incest, or the death of the mother—however rare they are—abortion would not be permitted. This is what tugs at the conscience of respondents, and what explains their answer. Nevertheless, it is not an accurate picture of what this issue entails.

What makes this particularly galling is that NBC/Wall Street Journal researchers know better. Here's the proof.

An NBC/Wall Street Journal poll released in 2013 found that seven in ten Americans believe *Roe* should stand (the same as today). However, when respondents were asked whether there should be any exceptions, here is what the survey found:

*Always Legal: 31%*

*Legal Most of the Time: 23%*

*Illegal, With Exceptions: 35%*

*Illegal, No Exceptions: 9%*

Those last three figures add up to 67% (2% were undecided).

The *why* question has been answered. Two out of every three Americans reject the unbounded reasons why abortion should be allowed, putting them squarely at odds with *Roe*. But the *Wall Street Journal* article on this survey (January 22, 2013) never mentioned this fact.

Now to the question of when. A Gallup poll released June 13, 2018 asked when abortion should be legal. Here is what it found (the numbers are rounded up):

*Should be Legal in First Three Months of Pregnancy: 60%*

*Should be Legal in the Second Three Months: 28%*

*Should be Legal in the Final Three Months: 13%*

In other words, support for abortion at any time during pregnancy, which is what *Roe* allows, is very thin.

Put together, the reasons *why* and *when* abortion should be allowed are at odds with the Supreme Court ruling in *Roe*.

It is no wonder that a Gallup poll released in 2015 found that only 34% of Americans were "satisfied" with current abortion policies; 48% were dissatisfied. That's a pretty big

indictment of *Roe*.

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## AMERICANS DO NOT SUPPORT ROE v. WADE

As a social scientist who has analyzed and written about polling data for many years, Bill Donohue is always taken aback when he encounters dishonest surveys. The latest example is a survey done by Gallup on the subject of abortion; it follows a pattern established by the Pew Research Center on this subject.

The survey results on abortion taken by these two polling institutions, both of which enjoy a good reputation, were recently cited by those worried that *Roe v. Wade* may be overturned.

On July 12, the *Hill* ran a headline, "Poll Finds Strong Support for *Roe v. Wade*," citing the results of a Gallup poll that was just released; similar headlines appeared in other media outlets.

Pew and Gallup dropped their standards in issuing these surveys. How? By taking a simple-minded approach to a complex issue.

Any poll that offers only two choices on an issue that most Americans have very mixed feelings about is dishonest. The researchers at Pew and Gallup know this to be true—they have even done surveys in the past that accurately tap how conflicted the public is on abortion—yet they undertook a poll that made it impossible to reveal the nuances.

The Gallup poll released July 12 asked respondents, "Would you like to see the Supreme Court overturn its 1973 *Roe v. Wade* decision concerning abortion, or not?" It found that 64% believe the ruling should stand and 28% want it overturned. In January 2017, Pew released its findings showing that the figures were 69% and 28%, respectively.

Last month Donohue wrote a news release titled, "Majority Oppose *Roe v. Wade*." According to the two polls he just cited, he must be wrong. But he is not. They are. To top things off, his proof comes by way of a Gallup poll released on June 11.

That poll found that 53% of Americans said abortion should be legal in only a few circumstances (35%) or in no circumstances (18%). This means that a majority of Americans reject abortion-on-demand, which is what *Roe v. Wade* rendered! Moreover, 48% said abortion is "morally wrong"; 43% disagreed.

His point is that by collapsing the survey responses to a "yes" or "no" on *Roe* does not get at the more nuanced responses that most Americans have about this issue. Most Americans do not think that abortion should be legal for any reason whatsoever, or for any time during pregnancy. Yet that is what *Roe* allows.