



Kagan's Radical Pro-Abortion Record

- **Believes the gruesome and discredited practice of partial-birth abortion should be used in certain circumstances**

Though recognizing that, “A select panel convened by [the American College of Obstetricians and Gynecologists] could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman,” she advised President Clinton to keep this inhumane process legal as “the only certain way to protect the health of women.”¹ [Emphasis in original].

- **Is still one of the very few extreme radicals who disputes the harmful effects abortion can have on women**

Kagan dismisses the harmful effects of abortion as “widely contested,” noting that it is why we have such a divide on the issue.² In doing so, she stands in stark opposition to most Americans and the Supreme Court which has said: “It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull and vacuum the fast-developing brain of her unborn child. ...”³

- **Believes laws preventing taxpayer funding of programs promoting abortion amount to unconstitutional “viewpoint discrimination”**

“How better, then, to communicate an anti-abortion message: through direct speech or through selective subsidization of health care providers? The latter course amplifies the government’s own message at the same time as (and partly because) it wreaks havoc on the ability of those private parties in the best position to challenge the message to provide a counterweight to government authority.”⁴

- **Has a lifetime of dedicated service to, and financial support of, those who promote a woman’s so-called “right” to an abortion**

From contributing to the pro-abortion National Partnership for Women and Families to working for pro-abortion candidates like Michael Dukakis and President Obama to clerking for pro-abortion judges like Judge Abner Mikva and Justice Thurgood Marshall, Kagan has been a loyal soldier of the “pro-choice” movement.

¹ Elena Kagan, Domestic Policy Council - Boxes 69 & 70, 069-001, Abortion – Partial Birth ACOG.

² Elena Kagan, *Regulation of Hate Speech and Pornography after R.A.V.*, 60 U. Chi. L. Rev. 873, 898 (1993).

³ *Gonzales v. Carhart*, 550 U.S. 124 (2007).

⁴ Elena Kagan, *The Changing Faces of First Amendment Neutrality: R.A.V. v. St. Paul, Rust v. Sullivan, and the Problem of Content-Based Underinclusion*, 1992 Sup. Ct. Rev. 29 (1992).