

September 17, 2015

Dear Member of the Senate:

We write to you as organizations strongly opposed to S. 1553¹, an unconstitutional and dangerous limitation on abortion that puts women's health and rights at risk. The bill's provisions represent an appalling lack of compassion for—or trust in—the women who would be affected by this ban. By significantly interfering in both women's personal decisions and their relationships with their healthcare providers, this bill is part and parcel of a nationwide campaign that has only one ultimate goal: to forever eliminate women's access to reproductive health care.

S. 1553 is unconstitutional. S. 1553 violates established constitutional standards by imposing a pre-viability abortion ban. Furthermore, the bill's failure to include a health exception also violate the constitutional standards. Each time a pre-viability ban on abortion has been challenged in court, it has been blocked.² In January of 2014, the Supreme Court refused to hear an appeal of a similar abortion ban passed in Arizona, thereby leaving in effect an appellate court ruling striking down the ban as unconstitutional.³ Despite the clear Supreme Court precedent, the sponsors of S. 1553 and state legislators press forward with these bills precisely because they want to directly challenge the constitutional standards established in *Roe v. Wade*.

S. 1553 endangers women by interfering with the provider-patient relationship. It ties the hands of providers, preventing them from providing their patients with the best, individualized medical care most appropriate to the patient's circumstances and health needs. Instead, the bill requires a provider to give patients medically inappropriate information and to deny care to those who do not meet the bill's narrow and constitutionally inadequate exceptions. Even if a woman meets the restrictive criteria of the bill and is able to receive abortion care, the provider is prevented from offering the patient the full range of care she may need. Not only does this put the provider in an ethically untenable situation, but it also seriously threatens the patient's health. Women's health, not politics, should drive important medical decisions. Politicians are not medical experts and this is not an area where politicians should be meddling.

This draconian ban on abortion twenty weeks after fertilization would make it harder for a woman who is already facing difficult circumstances. Because each woman's situation is different, we should not deny any woman the ability to make her own decisions in consultation

¹ S. 1553 is the Senate counterpart to H.R. 36, which the House of Representatives passed on May 13, 2015.

² For the cases striking down bans on abortion twenty weeks post-fertilization: see *McCormack v. Hertzog*, No. 13-35401, 788 F.3d 1017 (9th Cir. May 29, 2015) (Idaho law); *Paul A. Isaacson, M.D. et al. v. Tom Horne, Attorney General of Arizona, et al.* 716 F.3d 1213 (2013) (Arizona law), cert. denied, 134 S. Ct. 905 (2014); *Lathrop, et al. v. Deal, et al.*, No. CV224423, (Sup. Ct. of Fulton Cnty., Ga., Dec. 21, 2012) (Georgia law). For the cases striking down laws that would impose earlier bans on abortion: see *MKB Mgmt. Corp. v. Stenehjem*, No. 14-2128, 2015 WL 4460405 (8th Cir. July 22, 2015) (holding as unconstitutional North Dakota's six week ban); *Edwards v. Beck*, No. 14-1891, 786 F.3d 1113 (8th Cir. May 27, 2015) (Arkansas law) (holding as unconstitutional Arkansas' twelve-week abortion ban because "the Act prohibits women from making the ultimate decision to terminate a pregnancy at a point before viability." *Id.* at *7.).

³ Lawrence Hurley, *Supreme Court Will Not Hear Arizona Abortion Law Appeal*, REUTERS, (Jan. 13, 2015), <http://www.reuters.com/article/2014/01/13/us-usa-court-abortion-idUSBREA0C0VM20140113>.

with those she trusts the most. No one would stand for a politician telling them they can't get a mammogram, cervical cancer screening, or maternal health care. Abortion care is no different. That is why the public disapproves of Congress' focus on passing these restrictions instead of focusing on priorities that matter to the public.⁴ And it is why the only time such a ban was put to a popular vote – in Albuquerque, New Mexico in 2013 – voters rejected it by a double-digit margin.⁵

The Senate should reject S. 1553. It is a blatant attempt to deny women their constitutional right to abortion and threatens the health of women in the United States. Unfortunately, Senate consideration of S.1553 is only one of many recent attempts across the country to take away women's access to abortion and birth control. This effort includes releasing heavily-edited, deceptive videos that make false claims about Planned Parenthood, the nation's leading provider of high-quality, affordable health care for women, men, and young people, in an attempt to advance an extreme political agenda. It includes states passing 282 restrictions on abortion in the past five years, and over 60 anti-choice attacks we have seen from Congress this year.

These harmful attacks on women's reproductive health must end. We ask you to reject S. 1553/H.R. 36, and take a strong stand in support of women making their own health care decisions with those she trusts the most.

Sincerely,

Abortion Care Network
Abortion Conversation Project
Abortion Rights Fund of Western Mass
Access Reproductive Care-Southeast (ARC-Southeast)
ACCESS Women's Health Justice
Advocates for Youth
All Families Healthcare
All God's Children Metropolitan Community Church
Allentown Women's Center
American Association of University Women (AAUW)
American Civil Liberties Union
American Medical Student Association
ANSIRH
Anti-Defamation League
Aphrodite Access Fund
Atlanta Women's Center
A-Z Women's Center

⁴ Civis Analytics, Polling on Support for 20 Week Ban in Key Congressional Districts, (Jan. 21, 2015), http://www.prochoiceamerica.org/media/press-releases/2015/pr01212015_banabandoned.html; Hart Research Associates, A Deeper Look at Voters' Opinions on 20-Week Abortion Ban, (Aug. 28, 2013), <http://www.plannedparenthood.org/about-us/newsroom/press-releases/new-poll-shows-americans-strongly-oppose-20-week-abortion-bans-when-they-understand-reality-of-the-issue>.

⁵ Fernanda Santos, *Albuquerque Voters Defeat Anti-Abortion Measure*, N.Y TIMES, (Nov. 20, 2013), http://www.nytimes.com/2013/11/20/us/albuquerque-voters-defeat-anti-abortion-referendum.html?_r=0

Black Women's Health Imperative
Blue Ridge AAF, Inc.
Carolina Abortion Fund
Catholics for Choice
Center for Reproductive Rights
Center on Reproductive Rights and Justice at UC Berkeley School of Law
Cherry Hill Women's Center
Chicago Abortion Fund
Choice LA
Complete Women's Health
DC Abortion Fund
Delaware County Women's Center
Emergency Medical Assistance, Inc.
Feminist Majority Foundation
Fund Texas Choice
Hartford GYN Center
Ibis Reproductive Health
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Integrative Therapy of Greater Washington
Institute for Science and Human Values
Jane Fund of Central Massachusetts
JWI
Kentucky Health Justice Network
Medical Students for Choice
Methodist Federation for Social Action
NARAL Pro-Choice America
National Abortion Federation
National Asian Pacific American Women's Forum
National Center for Lesbian Rights
National Council of Jewish Women
National Family Planning & Reproductive Health Association
National Health Law Program
National Latina Institute for Reproductive Health
National Network of Abortion Funds
National Organization for Women
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
Network for Reproductive Options (NRO)
New Orleans Abortion Fund
New York Abortion Access Fund
NM Religious Coalition for Reproductive Choice
Options Fund
People For the American Way
Philadelphia Women's Center
Physicians for Reproductive Health
Planned Parenthood Federation of America

Population Connection Action Fund
Preterm
Pro-Choice Resources
Religious Coalition for Reproductive Choice
Reproductive Health Access Project
Reproductive Health Technologies Project
Rose Fund
Santa Fe NOW
Secular Coalition for America
Service Employees International Union
Sexuality Information and Education Council of the U.S. (SIECUS)
SisterReach
SisterSong
Tampa Woman's Health Center
The CAIR Project
The Freedom Fund
The Lilith Fund
Third Wave Fund
UCSF
UltraViolet
Unitarian Universalist Association
Unitarian Universalist Women's Federation
URGE: Unite for Reproductive & Gender Equity
Women's Health & Education Fund of Rhode Island
Women's Medical Fund, Philadelphia