



On *Roe*'s 32nd Anniversary, Anti-Choice Gains in the Senate Create New Challenges for Reproductive Freedom

On the 32nd anniversary of the landmark Supreme Court ruling, *Roe v. Wade*, reproductive rights are at their most fragile point in years. The significant anti-choice gains in the Senate during the 2004 elections have weakened one of the last remaining bulwarks against the foes of reproductive freedom at the federal level. With both the White House and the House of Representatives also firmly in anti-choice hands, we expect legislative attacks on reproductive freedom to achieve new momentum.

Building on the passage of the first-ever federal ban on abortion in 2003 and the passage of other measures aimed not only at undermining the right to choose abortion, but also at restricting reproductive health services more broadly, Congress is poised to push ahead with an extreme anti-choice agenda. In the last year, for example, Congress increased to record levels funding for dangerous and misleading abstinence-unless-married sex education programs. These unproven programs censor valuable information about contraception and condoms that young people need to protect themselves from unintended pregnancy and sexually transmitted infection. As a successful ACLU lawsuit in Louisiana proved, many of these programs also misuse taxpayer dollars to promote religion.

The following overview looks at some of the most dangerous measures we anticipate fighting during this session of Congress and provides links to action items for you to use to voice opposition to these extreme measures.

Teen Abandonment Act

Named the “Child Custody Protection Act” by proponents, but more aptly called the Teen Abandonment Act, this bill would make it a federal crime for any person other than a parent to help a minor cross state lines for an abortion unless the minor had already fulfilled the requirements of her home state’s law restricting minors’ abortion access. This bill is not only unconstitutional; it is also harmful to young women.

The bill would isolate pregnant teens by discouraging them from turning to trusted adults for help and would instead force them to travel alone if they sought care out of state. Experience tells us that family communication cannot be legislated. While studies have found that a majority of young women who are pregnant and seeking an abortion involve a parent in their decision, other teens have valid reasons for not doing so. Of those teenagers who do not tell their parents about a pregnancy, a significant percent have already been the victims of family violence, including physical, emotional, and/or sexual abuse, and fear it will recur.

This bill has been considered in Congress several times before. It passed the House in 1999 and 2002. We expect it to come up again this session and will need to mobilize vocal opposition to defeat it.

For more information and to find out how you can help, go to:

<http://www.aclu.org/ReproductiveRights/ReproductiveRights.cfm?ID=9989&c=143>

Broad Federal Refusal Clause

Congress included in its omnibus spending bill for fiscal year 2005 a provision (sometimes referred to as the Weldon Amendment) that would allow virtually any health care entity to refuse to provide, cover, or even refer for abortions where they are otherwise legally mandated. As a result of passage of this measure, any federal, state, or local government or agency that enforces laws designed to protect the public health and ensure access to abortion services risks losing all Labor-Health and Human Services-Education FY 2005 funds. A number of efforts to repeal this provision are expected during the upcoming year.

Laws requiring abortion services tend to apply only in extreme circumstances – such as when a pregnancy is the result of rape or incest or when a woman’s life or health is threatened by a pregnancy. This broad abortion refusal clause could allow health insurance companies, health plans, hospitals, providers, and others to ignore these laws with impunity.

For example, this federal refusal clause could allow health plans that cover Medicaid patients to refuse to pay for abortions even in cases of rape, incest, or where the pregnancy endangers a woman’s life, situations in which coverage is mandated by other federal law. It could also allow clinics receiving federal family planning dollars to refuse even to give women referrals for an abortion, even though other federal law requires such referrals. Although the meaning of the provision is not entirely clear, hospitals could even try to use this measure to turn away women who need emergency abortions because they are hemorrhaging or suffering from other grave conditions, even in the face of other federal law mandating the care.

For more information and to find out how you can help, go to:

<http://www.aclu.org/ReproductiveRights/ReproductiveRights.cfm?ID=17230&c=30&cfnoarchive=true>

Bill to Block Access to the Early-Abortion Pill

In September 2000, after more than a decade of careful study, the Food and Drug Administration approved mifepristone, also known as RU-486, as a safe and effective early-option abortion pill. The approval of this drug represented a significant breakthrough in reproductive health care for American women, increasing access to a safe, private, and early option for ending an unintended pregnancy.

Access to mifepristone is threatened, however, by anti-choice extremists who have announced that they intend to introduce legislation that would remove the drug from the market for at least six months and maybe longer. This proposal is based on unfounded assertions that

the drug is dangerous and that the FDA failed to follow its own regulations when it approved the drug. Anti-choice politicians must not be allowed to block beneficial medical developments for women. Politics should not trump science when it comes to drug safety.

We will need to mobilize to protect women's access to this important drug.

For more information and to find out how you can help, go to:

<http://www.aclu.org/ReproductiveRights/ReproductiveRights.cfm?ID=9987&c=143>

Other Likely Threats

We expect Congress to attack reproductive freedom in a variety of other ways this year, as well. For example, Congress is likely to consider measures requiring teenagers to obtain parental consent to receive contraception in Title X (a program that provides federally funded contraception to low-income women), banning emergency contraception in school-based health centers, barring organizations that perform abortions with their own funds from receiving federal family-planning dollars, and significantly increasing funding for abstinence-only-until-marriage sex education. As these provisions demonstrate, the upcoming assaults on reproductive freedom will go far beyond restrictions on abortion to include attacks on contraception and health information.

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The right to reproductive choice faces one of its most daunting challenges in the 32 years since *Roe* was decided. In this climate, blocking these dangerous measures will require renewed passion, commitment, and resolve.

Sign up for the ACLU's Action List to help us protect your right to reproductive freedom. Go to <http://www.aclu.org/TakeAction/TakeActionList.cfm?c=242> to receive regular updates on federal legislation and become part of the ACLU Action Network.