

Press Conference -- 4/27

A Woman's Right to Choose--and the Political Process

Last Wednesday, the Supreme Court heard arguments in the case of Planned Parenthood of Southeastern Pennsylvania versus Robert P. Casey. As most Americans know, this case is about whether the Supreme Court will reverse Roe v. Wade, and either outlaw abortion or set drastic limits on the right of a woman to choose.

The lawyer who argued for the right of a woman to choose, Kathryn Kolbert, made clear the historic importance of this case. Here is what she said: "Never before has this Court bestowed and taken back a fundamental right that has been part of the settled rights and expectations of literally millions of Americans for nearly two decades." The issue in this case is not only choice, but whether every basic freedom that has been guaranteed by the Supreme Court will now be chipped away or denied.

Bad news is likely to arrive in mid-summer to the 57% of Americans who believe that every woman has the right to make her own decisions about child-bearing up through the first trimester of pregnancy. The bad news is likely to come because the last time the Court heard an abortion case, the a woman's right to make decisions about her own body was upheld by the narrowest of margins, by 5-4. Since then two of those five justices who supported the right to abortion have retired, and they have been replaced by Clarence Thomas and David Souter. If only one of these two men votes against abortion, Roe v. Wade goes out the window. ? woman?

There is not much citizens can do about the specific case before the court: in our system, the Supreme Court operates independently of public opinion. The Supreme Court will either overturn Roe v. Wade entirely, or allow so many restrictions on it that it is no longer the effective principle governing American law about choice. I signed an friend of the court brief which asks the Supreme Court to reaffirm Roe v. Wade and to strike down restrictions on abortion like mandatory husband notification, jail terms for wives who do not inform their husbands, a 24 hour waiting period, mandatory state propaganda about abortion, and mandatory parental consent for teenagers. But I am not optimistic that the Court will listen to those arguments.

But none of us--not women, not citizens, not Congressional representatives--should feel that this momentous issue has been taken out of our hands. It hasn't.

Every citizen can and should act to make the momentous decision about abortion a public and not a judicial decision. There is a piece of legislation before the Congress, H.R. 25, which will make the Court's decision irrelevant.

H.R. 25, the Freedom of Choice Act, has a simple purpose, which is to protect the reproductive rights of women. It is less than a page long. Very simply, it says, and I quote, "A state may not restrict the right of a woman to choose to terminate a pregnancy before fetal viability; or at any time if such termination is necessary to protect the life or health of the woman."

At this historic moment, there is an important role for people to play. American women need not be at the mercy of a Supreme Court made up of eight men and one woman. They need not be at the mercy of a Supreme Court packed by a President who subjected each of his nominees to a litmus test on whether they opposed abortion.

American women, and American men, can insist that the Congress pass legislation which makes freedom of choice the law of the land.

If George Bush vetoes the Freedom of Choice Act, American women, and American men, can insist that the Congress override his veto and make freedom of choice the law of the land.

The bad news is that our rights are under attack. The good news is that there is something we can do. If people all across America stand up in defense of our precious rights, including the right to choose, those rights can and will be protected.

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