

**Statement of NARAL Pro-Choice America**  
**U.S. House of Representatives Committee on Oversight and Reform**  
**Hearing on The Impact of the Supreme Court's *Dobbs* Decision**  
**on Abortion Rights and Access Across the United States**  
**July 13, 2022**

Thank you for the opportunity to submit a statement to the Committee on this critical issue. NARAL Pro-Choice America is a national advocacy organization dedicated to protecting and advancing reproductive freedom. For over 50 years, NARAL has fought to protect and advance reproductive freedom at the federal and state levels—including access to abortion care, birth control, pregnancy and post-partum care, and paid family leave. Through education, organizing, and influencing public policy, NARAL and our 4 million members from every corner of the country work to guarantee every individual the freedom to make personal decisions about their lives, bodies, and futures, free from political interference. For this reason, we are submitting this statement to highlight the far-reaching impact of the U.S. Supreme Court decision to end the constitutional right to abortion on the state and local-levels and to call on Congress to use its authority to remedy the abortion rights and access crisis and reinstate and safeguard access to abortion nationwide.

Abortion rights and access are facing a crisis in the United States. Despite overwhelming public support for the legal right to abortion, we're in the midst of an all-out assault on reproductive freedom. The U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, ending the constitutional right to abortion as we know it and signaling an ominous sign for the future of abortion rights in this country. The Court's ruling has empowered extremist state lawmakers to enforce total bans on abortion—several of which are now in place—and over half of the states in our country are at risk of doing so.

The negative impact this cruel Supreme Court decision is inflicting cannot be overstated. This horrifying rollback of our fundamental rights is causing immediate and devastating harm to millions of people across the country who can no longer access the care they need in their own communities. Bans on abortion most harm those already marginalized at every turn by our systems and institutions, and losing *Roe* only compounds this. Women; Black, Indigenous, and other people of color; those working to make ends meet; the LGBTQ+ community; immigrants; young people; those living in rural communities; and people with disabilities are disproportionately impacted by these attacks on reproductive freedom.

This decision is set against a backdrop of increasingly cruel and draconian restrictions and bans as extremist anti-choice politicians have escalated their quest to end legal abortion. It is part of a decades-long campaign waged by the anti-choice movement and the politicians that did its bidding to end *Roe* and decimate reproductive freedom. Even before *Roe* was overturned by the Court, though it has long not been a reality for millions of people across the country, the further evisceration of abortion access had ramped up. State lawmakers seeking to advance their agenda of power and control have passed hundreds of state-level attacks on abortion

access over the last decade that have made care extremely difficult, if not impossible, to access for many people across the country. According to the Guttmacher Institute, over 500 restrictions on abortion access have been introduced at the state level this year,<sup>1</sup> and now that *Roe* has fallen, we can expect to see even more. These systematic attacks on reproductive freedom and abortion access intentionally push access out of reach, and some go as far as criminalizing pregnant people and doctors who provide abortion care. Now, more than ever, the anti-choice movement is advancing its extremist agenda in plain sight.

The interrogation and punishment of people who are pregnant is not far-fetched—it is already happening. People across the country are already being charged or prosecuted for pregnancy outcomes including pregnancy loss, self-managing abortion care, or even the suspicion of it.<sup>2</sup> Criminalizing people for having an abortion, experiencing a miscarriage or stillbirth, or any other pregnancy outcome only exacerbates racial inequities and is just one of the many ways that Black, Indigenous, and other people of color have been criminalized.

What we're seeing take place in the aftermath of the *Jackson Women's Health* decision is only the beginning. We know that those hostile to abortion never intended to stop with ending *Roe*—all of our most cherished rights and freedoms are also at risk. Anti-choice politicians have only been emboldened by watching the Supreme Court disregard the health and well-being of millions of Americans. Already, Republican lawmakers in Congress have floated the idea of enacting a nationwide abortion ban. Never in our country's history has such a ban existed, and the consequences on our lives and our freedoms would be catastrophic.

The threat to our fundamental rights does not stop there. The same anti-choice, anti-freedom extremists working harder than ever to roll back abortion rights and access are also targeting our other fundamental freedoms, including birth control access, our freedom to vote, LGBTQ+ rights, civil rights, and more. There's simply no low they won't sink to in order to advance their quest for control and political gain.

We did not get here by accident. The threats that our most cherished rights and freedoms face is the result of a decades-long far-right strategy to advance a radical and out-of-touch ideological agenda. In the late 1970s, radical conservatives weaponized the formerly non-political, back-burner issue of abortion rights as political cover for their efforts to maintain white patriarchal control amidst diminishing support for racist policies like school segregation, which had previously been the backbone of their movement. In the years immediately preceding and following *Roe v. Wade*, Evangelical Christians, who now form the backbone of the GOP, were overwhelmingly indifferent on the issue of abortion. But through the carefully crafted messages of Paul Weyrich, Jerry Falwell, and other architects of the Radical Right, abortion became the political tool of choice for a movement determined to maintain control in a changing world, and the trojan horse for a far-reaching array of ideologies meant to thwart social progress.<sup>3</sup>

In the intervening years, opposition to abortion has become a litmus test in far-right circles for a host of political and judicial positions. In order to advance their agenda—one that has always stood in direct opposition to the values of the majority of Americans—they developed and implemented a strategy for capturing and maintaining minority rule. This strategy included pushing regressive boilerplate legislation chipping away at access to abortion through state legislatures and Congress, as well as stacking the federal judiciary with anti-choice ideologues.

Anti-choice activists have spent decades building their influence over the federal judiciary through well-funded, secretive networks like the Federalist Society. Conservative activists have never been shy about the fact that their takeover of the federal judiciary is part of a broad strategy to quell the majority and cement minority rule, but the election of Donald Trump took this tactic to new heights.

In May 2016, Trump pledged to only nominate anti-choice judges, a promise he doubled down on in 2020.<sup>4,5</sup> And with the help of Mitch McConnell, Trump installed anti-choice federal judges with lifetime appointments at a breakneck pace. More than a quarter of currently active federal judges are now Trump appointees, including Supreme Court justices Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett—tipping the balance of the Court to a supermajority unmistakably hostile to reproductive freedom.<sup>6</sup> Now, the work of these extremists has culminated in the end of *Roe v. Wade* and an anti-choice majority on the Court that poses a threat to all of our most fundamental freedoms.

All people—no matter who they are or where they live—should have the freedom to make their own decisions about whether to start or grow a family, free from political interference. While the Court’s egregious decision in the *Jackson Women’s Health* case is nothing short of devastating, the fight for reproductive freedom is far from over. The vast majority of Americans are with us. Polling shows that 8 in 10 Americans support the legal right to abortion.<sup>7</sup> Lawmakers who interfere with our reproductive freedom do not represent the values of the overwhelming majority of people in this country.

---

<sup>1</sup>Elizabeth Nash, Lauren Cross, and Joerg Dreweke, *2022 State Legislative Sessions: Abortion Bans and Restrictions on Medication Abortion Dominate*, GUTTMACHER INSTITUTE, (Mar. 2022), <https://www.guttmacher.org/article/2022/03/2022-state-legislative-sessions-abortion-bans-and-restrictions-medication-abortion>

<sup>2</sup>*Texas Prosecutor Drops Murder Charge Against Woman Arrested for Self-Induced Abortion*, CBS NEWS, (Apr. 10, 2022), <https://www.cbsnews.com/news/lizelle-herrera-abortion-texas-murder-charge-dropped/>

<sup>3</sup>Randall Balmer, *The Real Origins of the Religious Right*, POLITICO MAGAZINE (May 27, 2014), <https://www.politico.com/magazine/story/2014/05/religious-right-real-origins-107133>.

<sup>4</sup>*Trump Letter on Pro-Life Coalition*, Sept. 2016, <https://www.sba-list.org/wp-content/uploads/2016/09/Trump-Letter-on-ProLife-Coalition.pdf>.

<sup>5</sup>*Pro-Life Voices for Trump 2020*, Sept. 3, 2020, [https://cdn.donaldjtrump.com/public-files/press\\_assets/pro-life-letter-potus.pdf](https://cdn.donaldjtrump.com/public-files/press_assets/pro-life-letter-potus.pdf).

---

<sup>6</sup>John Gramlich, *How Trump compares with other recent presidents in appointing federal judges*, PEW RESEARCH CENTER (Jan. 13, 2021), <https://www.pewresearch.org/fact-tank/2021/01/13/how-trump-compares-with-other-recent-presidents-in-appointing-federal-judges/>.

<sup>7</sup>Megan Brennan, *Record-High 47% in U.S. Think Abortion Is Morally Acceptable*, GALLUP, (Jun. 19, 2021), <https://news.gallup.com/poll/350756/record-high-think-abortion-morally-acceptable.aspx>