National RIGHT TO LIFE
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RE: Scorecard Advisory – S.4554, the so-called "Reproductive Freedom for Women Act"

Dear Senator:

This week, the Senate is expected to consider the *Reproductive Freedom for Women Act* (S. 4554).

The National Right to Life Committee (NRLC), the federation of state right-to-life organizations, urges you to oppose S. 4554 and will include Senate roll call votes on this measure in our scorecard of key pro-life votes of the 118th Congress.

S. 4554 states that "the protections enshrined in *Roe v. Wade*, 410 U.S. 113 (1973) should be restored and built upon…"

In 1973, the Supreme Court generally "federalized" abortion policy in its rulings in *Roe v. Wade* and *Doe v. Bolton*. Those rulings effectively prohibited states from placing any value at all on the lives of unborn children, in the abortion context, until the point that a baby could survive independently of the mother ("viability"). Moreover, these original rulings effectively negated state authority to protect unborn children after "viability."

Contrary to widely held belief, abortions late in pregnancy are not illegal in the United States. Due to the interpretation of "all factors" to include the broad health reasons established in *Doe v. Bolton*, a life-threatening condition is not required for a woman to obtain a third-trimester abortion.

There have been over 65 million total abortions since 1973, including thousands each year late in pregnancy.

Justice Alito, writing for the majority in *Dobbs v. Jackson*, noted:

> We do not pretend to know how our political system or society will respond to today's decision overruling *Roe* and *Casey*. And even if we could foresee what will happen, we would have no authority to let that knowledge influence our decision. We can only do our job, which is to interpret the law, apply longstanding principles of stare decisis, and decide this case accordingly. We therefore hold that the Constitution does not confer a right to abortion. *Roe* and *Casey* must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives.

Since the *Dobbs* decision, in which the Court righted the terrible wrong of *Roe*, we have seen a shift in the abortion landscape as many states enacted laws that would protect unborn children and their mothers from the tragedy of abortion.

Twenty (20) states currently protect unborn children to a greater extent than would be the case if *Roe v. Wade* were restored. Some states protect children throughout gestation (all with medical emergency exceptions) and others protect unborn children at various points in gestation, including when there is a heartbeat, or the baby can feel pain.

S. 4554 would not only express support for *Roe*, which essentially held that there were no limits on abortion, but further, it notes that *Roe* ought to be "built upon." This statement can be reasonably interpreted to signal support for even broader abortion-related measures such as the Women's Health Protection Act (WHPA), or even elimination of bi-partisan limits on taxpayer-funded abortion. The WHPA would enshrine into law abortion-on-demand and would overturn existing pro-life laws and prevent new protective laws from being enacted at the state and federal levels. The WHPA also seeks to strip away from elected lawmakers the ability to provide even the most minimal protections for unborn children, at any stage of their pre-natal development.

National Right to Life strongly opposes S. 4554 and will include the vote in our scorecard of key pro-life votes of the 118th Congress.

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at federallegislation@nrlc.org. Thank you for your consideration of NRLC's position on this resolution.

Respectfully submitted,



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