

October 13, 2015
House Criminal Justice Committee
House Bills 4833 and 4834
ACLU of Michigan: Oppose

The ACLU of Michigan works arduously to preserve those freedoms essential to the ordered liberty of this nation. Among the most fundamental of those freedoms is a woman's right to make decisions regarding her body, including in the area of reproductive health. Multiple Supreme Court and lower court decisions have consistently reaffirmed this right explicitly for the past four decades. These decisions make crystal clear that a state legislature cannot prohibit the most common abortion methods. Moreover, courts cannot place a substantial obstacle in a woman's path to obtain such procedures. This makes sense. In our justice system, one's rights and freedoms would be rendered meaningless if our government makes it extremely difficult or impossible to exercise them.

Yet, that is precisely what HB 4833 and 4834 does. By banning one of the safest and most common abortion methods, it could prevent women from obtaining abortions earlier in pregnancy, when abortion is safer—it could actually prohibit some doctors from being able to provide abortions *until* later in pregnancy. And for some women, it could prohibit abortion altogether. This is not only unconstitutional, but dangerous. This is why medical professionals like the Michigan section of the American Congress of Obstetricians and Gynecologists agree this law is without any medical or scientific basis and, indeed, will cause substantial harm to patient care. Federal court decisions striking other Michigan method bans have reached the same conclusion. The ACLU of Michigan strongly discourages this committee from passing an unconstitutional bill that invites costly litigation – over an issue the state of Michigan has already lost multiple times before. In fact, today, the only two states which have similar litigation on the books are currently embroiled in similar legal challenges.

Every woman has a legal and moral right to exercise her constitutional right to abortion in the manner that she and her physician deem the safest and most appropriate. [For many of us, especially those of us who are not doctors, the details of medical procedures, including abortion, can be unpleasant] [But] It is cruel and unlawful for politicians cannot force women to undergo less safe medical procedures simply because they may disagree with her decision.

The criminal laws should not be used to endanger women's health. We therefore urge you to oppose HB 4833 and 4834 because it is unnecessary, unconstitutional, and unsafe.