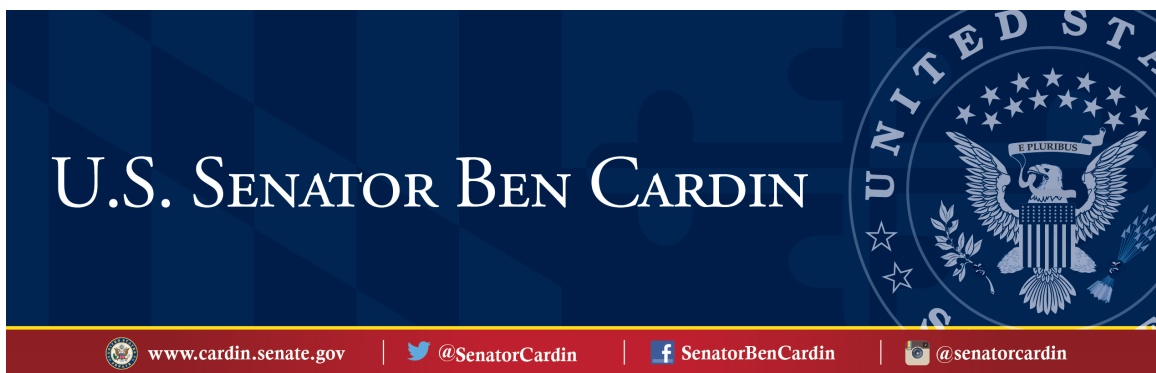


Hanging By A Thread

From: Senator Ben Cardin (senator@cardin.senate.gov)

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December 4, 2021

Dear Fellow Marylander:

How a nation treats its women is a barometer of its success. Today, in the United States of America, women's rights are under attack. This is not hyperbole. The reality of it is unfolding before our eyes.

For nearly 50 years, the right to privacy, as codified in *Roe v. Wade*, along with *Planned Parenthood v. Casey*, which rejected undue burdens on a women's right to choose, has recognized the constitutional right for women to decide what they want to do with their body. This includes basic health care decisions, including whether to continue a pregnancy or have an abortion.

Last Monday, in the Supreme Court of the United States, the highest court of our nation, attorneys for the State of Mississippi explicitly argued that the government should now unravel what has been decided law for five decades and take fundamental rights away from the women of this country — [nearly one in four of who will have an abortion by age 45](#).

The lead litigator against Mississippi's law, Julie Rikelman, argued that "women have an equal right to liberty under the Constitution... if states can take control of women's bodies... then they will never have equal status under the Constitution." Since *Roe v. Wade* was decided in 1973, by a 7-2 margin, generations of women have been able to make decisions on their future based on what is right for them and their family. [Nearly half of all pregnancies](#) in the United States are unintended. And these unintended pregnancies are most likely to occur among those with less access to contraception, including poorer women, women without a high school education, and women living in poverty.

Black women are twice as likely to become pregnant unintentionally than white women.

Until *Roe v. Wade*, [only those with the means](#) to afford contraception or pay out-of-pocket for an abortion had the privilege of choosing their own future in the case of an unintended pregnancy. Others were locked out of opportunities or held down by poverty because they were forced to take on the burden of raising a child they could not handle or afford.

To be clear, having access to abortion services does not mean an abortion must happen. But for nearly 50 years, people have had a choice, a say about what goes on inside of their own bodies. That option is [hanging by a thread](#).

The case before the court, [Dobbs vs. Jackson Women's Health Organization](#), is not based on new facts or legal standing. It was brought forward solely because the Supreme Court has new members who were selected by the previous president explicitly because of their views opposing *Roe v. Wade*. Just last year, the Supreme Court reaffirmed the constitutional right to an abortion in *June Medical Services vs. Russo*.

The law has not changed, only the court.

[Justice Sonia Sotomayor](#), who I was privileged to vet as a member of the Senate Judiciary Committee when she was nominated to the high court, was concerned about that very point. She said during Monday's oral arguments:

"Will this institution survive the stench that this creates in the public perception that the Constitution and its reading are just political acts? I don't see how that is possible."

[U.S. Solicitor General Elizabeth Prelogar](#), who argued for the U.S. government against the blatantly unconstitutional Mississippi law that would ban all abortions after 15 weeks of pregnancy, with no exceptions for rape and incest, also laid out the larger issue for the courts:

"If this court renounces the liberty interests recognized in Roe and reaffirmed in Casey, it would be an unprecedented contraction of individual rights ... The court has never revoked a right that is so fundamental to so many Americans and so central to their ability to participate fully and equally in society."

What else would be at risk from this new politicized Supreme Court after striking down abortion rights? Marriage for LGBT Americans? Or maybe interracial marriage? Property rights? Labor protections? If such a bedrock precedent as *Roe v. Wade* were struck down, is anything really off limits?

If state law protects the rights of women in Maryland to make reproductive choices without government interference, why should we care what happens to

women in Mississippi, Texas or the 24 other states who are [ready to ban abortions](#) as soon as *Roe* is overturned? Because the Constitution binds us together as one nation and every woman should have the unfettered ability to exercise their constitutional rights. Many women in states that ban abortion, those who can afford the time and expense, look to obtain care in states that do not outlaw the practice, overburdening the system in states like Maryland that continue to protect women's constitutional rights.

Women in Maryland, Mississippi, Texas, and nationwide should have the same access to health services without unreasonable restrictions, including family planning and abortion services, when they deem necessary.

I support the Supreme Court's decisions in *Roe v. Wade* and *Planned Parenthood v. Casey*. I trust in the women of this country to make the decisions that are right for them and their families. It's why I signed on to a [bicameral amicus brief](#) to the Supreme Court opposing the Mississippi law. And why the Congress must pass the [Women's Health Protection Act of 2021](#) that would recognize in federal law that "Abortion services are essential health care and access to those services is central to people's ability to participate equally in the economic and social life of the United States. Abortion access allows people who are pregnant to make their own decisions about their pregnancies, their families, and their lives."

This has been a difficult week for women and the men who care about their future. It pains me to know that my granddaughters and this generation of young women may have lesser civil rights than my wife and my daughter had when they were young. Or, for that matter, than they had last week.

Please know that this fight is far from over and I intend to continue to work with my colleagues in Congress, as well as at the state and local levels, to do all we can to preserve women's rights and reproductive rights in this country.

Thank you for your time. Stay safe.



Ben Cardin

