



News From
The California Women's Law Center

For Immediate Release
November 7, 2006

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Statement of Katie Buckland, Director of the California Women's Law Center, on oral arguments before the Supreme Court of the United States on the Partial Birth Abortion Ban:

"Today, the Supreme Court of the United States will once again take up the question of whether highly-skilled physicians, working intimately with their patients, should be allowed to determine what procedures are necessary to ensure the patients health and well-being. Or whether a Congress filled with overwhelming male strangers, far removed both physically and metaphorically- with largely no medical training- should decide what care patients receive.

The Supreme Court is set to hear arguments to determine the constitutionality of the Partial Birth Abortion Ban- a made up description designed to manufacture outrage for what is medically known as dilation and extraction - passed by Congress in late 2003. This legislation is nearly identical to the Nebraska law struck down by the Court in 2000. In that case, *Stenberg vs. Carhart*, the court faulted the law for not including an exception for the health of the woman and ruled that the law's definition was too vague, as it would restrict abortions in the early stages of pregnancy as well as later stages.

Restrictions on dilation and extraction, a procedure that affects only a small percentage of abortions performed in dire circumstances, opens the door to the nullification of *Roe V. Wade*. In fact, supporters of the ban on dilation and extraction have been unequivocal in their desire to outlaw abortion completely.

To take away the fundamental right to responsible medical care and safe, legal abortions would be disastrous. Women would be forced to have illegal or unsafe abortions, or attempt to miscarry, jeopardizing their lives in the process. Furthermore, medical testimony has overwhelmingly supported the findings that dilatation and extraction is the safest procedure for a woman to end a pregnancy when certain health conditions make it dangerous to continue. To allow this law to stand without exceptions to protect the health of a woman degrades her life and is unfair to her family.

The legislation has not been revised and nothing in medical practice has changed in the years since the Nebraska law was ruled unconstitutional. What has changed is the Court. A moderate female justice has been replaced by a conservative male justice and, as a

result, abortion foes feel that this is their opportunity to strip women of their right to a safe, legal abortion

The Constitution protects the right of the individual – not the government – to make decisions concerning their own body. For the court to uphold this ban would be nothing less than judicial activism. Failure to affirm their ruling in 2000 would only be the result of a change due to the politics of the individual jurists, not the law. It would be refreshing if, instead of the hypocrisy we are accustomed to getting from Washington, the new conservative majority would prove that it is truly conservative by observing precedent rather than following personal ideology.”

About the California Women’s Law Center

Since its founding in 1989, the California Women's Law Center has worked in collaboration with others to protect, secure and advance the comprehensive civil rights of women and girls. CWLC has unparalleled expertise in strategies to protect and advance women's rights with programs to empower individuals to use the law to address the societal and legal issues that perpetuate ongoing gender inequity, women’s health issues, reproductive justice and violence against women.

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