



**NARAL
Pro-Choice New York**

**Testimony of NARAL Pro-Choice New York
before
The New York City Council
Committee on Women's Issues
regarding
Resolution commemorating the 40th anniversary of *Roe v. Wade* (Res. 1635-A)
January 18, 2013**

Good morning and thank you, Chairwoman Ferreras and members of the Committee for offering me the opportunity to speak in favor of this resolution. My name is Andrea Miller and I am the president of NARAL Pro-Choice New York, a political and advocacy organization, and the National Institute for Reproductive Health, our innovative educational and policy arm. We work here in New York and across the country to ensure that every woman has the right and the ability to make decisions about her reproductive health that are best for her life and her family. This includes preventing an unintended pregnancy, bearing healthy children, and choosing safe, legal abortion.

The resolution before you marks the 40th anniversary of *Roe v. Wade*, the landmark Supreme Court decision that recognized a woman's constitutional right to determine the course of her pregnancy, invalidated criminal abortion bans all across the nation, and led to an immediate and dramatic reduction in maternal mortality and morbidity.

Roe also helped to level the playing field for women, giving us the opportunity to determine our futures and become more equal members of society. Indeed, as former Justice Sandra Day O'Connor – the first woman to serve on the U.S. Supreme Court -- stated so eloquently in 1992 when she refused to become the fifth vote to overturn *Roe* – “The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.”

Unfortunately, a barrage of federal and state legislation over the last 40 years has undermined the true promise of *Roe*. And these onerous laws have taken a disproportionate toll on low-income women. We thank the Council for choosing to not only commemorate this important anniversary, but also to draw attention to the work

that must be done to correct the unjust policies that withhold coverage for abortion services for women who rely on public insurance programs.

Current federal policies – and a host of copycat state laws – withhold coverage from women who have the least access and the fewest options to obtain a safe, legal abortion. This includes women who qualify for Medicaid, as well as women in the military, federal employees, Peace Corps volunteers, women in federal prison, and Native Americans covered by the Indian Health Service. Congress also unfairly restricts the District of Columbia from using even its own funds to provide abortion coverage for low-income women.

New York State has, commendably, stepped up to provide coverage for the full range of reproductive health services to New Yorkers who qualify for Medicaid. But that still leaves more than 170,000 women in New York City alone who are unable to use their health coverage for abortion services because they or their family members are federal employees or members of the military.

In bringing forth this resolution, the City Council is taking a principled stance against politicians who, unable to achieve their goal of making abortion fully illegal and inaccessible, have instead callously limited abortion access for some of the most vulnerable women among us. One of *Roe's* central tenets is that a woman should be able to make her own reproductive health care decisions without government interference. This right should not be made contingent upon her economic circumstances or the type of insurance she has.

I want to thank the Councilmembers for calling upon the United States Congress to support funding for comprehensive reproductive health care. This resolution epitomizes the kind of bold, forward-thinking action that cities and municipalities across the country can and do take to meet the real needs of women and families. This resolution brings home the message of the U.S. Conference of Mayors, which last year adopted a resolution spearheaded in part by our own Mayor Bloomberg which “urges Congress and the states to pursue a positive agenda that reaffirms fundamental rights and improves women’s access to safe and comprehensive reproductive health-care.”

NARAL Pro-Choice New York and the National Institute for Reproductive Health are honored to add our voices of support to the New York City Council as it considers this resolution, and we look forward to continuing to work with local elected officials and agencies here in New York and in cities across the nation who are united in our support for access to reproductive health care and women’s full equality under the law.



**Testimony of the New York Abortion Access Fund
before
The New York City Council
Committee on Women's Issues
regarding
Proposed Resolution No. 1635-A
January 18, 2013**

Thank you to the New York City Council for introducing this important resolution.

My name is Alison Turkos and I am a Member of the Board of Directors of the New York Abortion Access Fund, NYAAF. NYAAF supports anyone who is unable to pay fully for an abortion and is living in or travelling to New York State by providing financial assistance and connections to other resources. When a clinic we work with sees a patient who needs assistance, NYAAF is one of the potential funding sources to which they turn. Over the last ten years, we've pledged over \$232,000 to help 764 people access abortion services. We are run completely by volunteers, and 100% of donations made to NYAAF go directly to helping people in need pay for abortion services.

People come from all over the country to access abortion services in New York City. At NYAAF, we've helped people from as close as Pennsylvania and New Jersey to as far as California, Texas, Utah, and Bermuda. Some people find that abortion is more affordable in NYC than in their home states, while others come from areas where there are no abortion providers at all. Others come because they may be able to have procedures done in later stages of pregnancy.

The need for abortion funding is so great that there are more than 100 abortion funds across the country. In New York, we are fortunate enough to be one of the 17 states where Medicaid covers abortion. NYAAF works primarily with people who are uninsured, undocumented, or for one reason or another, don't qualify for Medicaid. Believe it or not, most other abortion funds would call us lucky. Why? Because most funds are located in states where Medicaid does **not** cover abortion, or only covers abortion in very limited, rare circumstances. The Hyde Amendment, passed in 1976, prohibits Medicaid from covering abortion services. In fact, abortion is the *only* medical procedure banned from Medicaid coverage.

The intent of the Hyde Amendment is to make it more difficult for low-income people to get the abortions they need. Because of the Hyde Amendment, low-income people sell their belongings, go hungry for weeks as they save up their grocery money, or risk eviction by using their rent money to pay for an abortion. Some people never manage to get the money they need to pay for their abortion – which means that they are forced to carry the pregnancy to term.

Abortion funds work every day to make sure this doesn't happen. We are privileged to live in a state where we have Medicaid coverage of abortion, but we know that is not enough. We are thankful for these courageous city council members who recognize that abortion must be safe and legal, but it also has to be accessible, affordable, and covered by health insurance. We hope



this resolution will push people to think about abortion not just as a matter of choice, but as a matter of economic and reproductive justice. Thank you.

PLANNED PARENTHOOD OF NEW YORK CITY

EXECUTIVE OFFICE

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New York City Council, Women's Issues Committee Testimony in Support of Resolution 1635-A

**Joan Malin, President and CEO
Planned Parenthood of New York City
January 18th, 2013**

Good morning. My name is Sasha Ahuja and I am testifying on behalf of Joan Malin, President and CEO of Planned Parenthood of New York City. I am pleased to be here today to provide testimony in support of Resolution 1635-A, truly important resolution that will ensure that New York City continues to lead our nation in ensuring access to reproductive healthcare.

I want to first thank the Chair of the Women's Issues Committee, the Hon. Julissa Ferreras, for introducing this resolution and holding this hearing. I also want to especially thank the many Council Members who have already signed onto Resolution 1635-A. Our Board, staff, and our patients are grateful for your support. I also want to take this opportunity to recognize Council Speaker Christine Quinn who has shown unwavering leadership on issues regarding women's health. We look forward to continuing to work in partnership with Speaker Quinn and the New York City Council to promote the health and well-being of New York's women, men and teens.

For almost 100 years, Planned Parenthood has been the most trusted name in reproductive health. In the past year alone we provided high-quality, personalized care to over 50,000 women, men, and adolescents at our four health centers in the Bronx, Brooklyn, and Manhattan, and Staten Island. We reached an additional 58,000 people through Project Street Beat, Planned Parenthood of New York City's unique HIV prevention and access-to-care program that serves women, men, and teens who live and work on New York City's streets. We also connected 20,000 New Yorkers – youth and adults – to comprehensive sexual and reproductive health education services throughout the five boroughs.

Planned Parenthood offers a full range of reproductive health services including gynecological care, life-saving cancer screenings, male reproductive health services, contraception, pregnancy testing, abortion, testing and treatment for sexually transmitted infections, and HIV testing and counseling. Through a threefold mission of clinical services, education, and advocacy, PPNYC is bringing better health and more fulfilling lives to each new generation of New Yorkers. As a voice for reproductive justice, PPNYC supports legislation and policies to ensure that all New Yorkers—and, in fact, people around the world—will have access to the full range of reproductive health care services and information.

This month marks forty years since the landmark Roe v. Wade decision. On the 40th anniversary of Roe, the need for continued access to safe and legal abortion for a woman if and when she needs to consider it could not be more urgent. In the last two years, the anti-women's health agenda that some in Congress have pursued was

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rejected by the American people. There was a powerful and unmistakable message to members of Congress and state legislatures all around the country — that women do not want politicians to meddle in their personal medical decisions. We applaud and stand behind the Resolution 1635-A, calling upon the United States Congress to continue to fund comprehensive reproductive health care for all Americans.

As the nation's leading women's health care provider and advocate, Planned Parenthood knows firsthand why it's so critical that women have access to a comprehensive range of reproductive health care services. From courthouses to statehouses to Capitol Hill, Planned Parenthood works to protect access to health care for women across the country — taking action to ensure that women have access to care, no matter what. We care deeply. We care with respect and without judgment. We are unwavering in our belief that all people deserve high-quality, affordable health care. We are tireless in our efforts to provide education and information so people can make their own health decisions. We proudly fight for women to be able to get the reproductive services they need.

We speak before you at a truly opportune moment. Just last week, New York State Governor Andrew Cuomo prioritized passing a 10-point Women's Equality Act this session, a bold agenda that intends to break down barriers that perpetuate discrimination and inequality based on gender. While New York has historically served as a model for equality and fairness on women's issues, the Women's Equality Act ensures that New York can again be a leader on issues such as pay equity, increasing protections for pregnant workers, strengthening human trafficking laws, increased protections for survivors of domestic violence and more.

The Women's Equality Act encompasses the Reproductive Health Act, which guarantees a woman can make her own personal, private health care decisions, especially when her health is endangered. The Reproductive Health Act fixes a troubling gap in New York's abortion law, making it a potential crime to provide an abortion to protect a woman's health. The Reproductive Health Act will ensure that a woman can access safe, legal abortion if that's what she decides she needs. Planned Parenthood of New York City applauds the call for a Women's Equality Act in New York State, knowing that reproductive health exists at the intersections of the real lives of women and families.

Today, we applaud the New York City Council for taking the lead in moving Resolution 1635-A forward. We urge Congress to continue to champion funding for comprehensive reproductive health care, and hope that New York City can serve as the national model for championing women's health.



NYCLU

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Testimony of the New York Civil Liberties Union

before

The New York City Council

Committee on Women's Issues

regarding

Proposed Resolution 1635-A:

A Resolution Commemorating the 40th Anniversary of Roe v. Wade and Calling on the United States Congress to Support Funding for Comprehensive Reproductive Health Care

My name is Donna Lieberman and I am the Executive Director of the New York Civil Liberties Union ("NYCLU"). I would like to thank the Committee on Women's Issues for inviting the NYCLU to provide testimony today in support of Proposed Resolution 1635-A – a resolution commemorating the 40th anniversary of Roe v. Wade and calling on the United States Congress to support funding for comprehensive reproductive health care.

The NYCLU, the state affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state, and nearly 50,000 members. The NYCLU's mission is to defend and promote the fundamental principles, rights and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the Constitution of the State of New York. This includes the rights to privacy, personal autonomy, and equality that are the foundation of reproductive freedom. The NYCLU strongly supports Proposed Resolution No.

1635-A, honoring the 40th anniversary of the landmark Supreme Court case Roe v. Wade, 410 U.S. 113 (1973) (“Roe”).

Decided in 1973, the Roe decision establishes a fundamental right to choose abortion rooted in the Fourteenth Amendment’s concept of personal liberty. 410 U.S. at 153. The significance of Roe cannot be overstated. The right to decide when, whether, and how to have and parent a child is the cornerstone of women’s equality, autonomy, and dignity. This right necessarily impacts every aspects of a woman’s life – her economic status, educational aspirations, career goals, personal health, as well as the health of her family. As Justice Ginsburg writes, the fundamental right to choose an abortion “center[s] on a woman’s autonomy to determine her life’s course and thus to enjoy equal citizenship status.” Gonzales v. Carhart, 550 U.S. 124, 172 (2007) (Ginsburg, J., dissenting).

While the importance of Roe to women’s lives looms large, the promise of Roe has become a fiction for many women. Political, economic, and social inequalities prevent women from accessing abortion care. Discriminatory restrictions on public funding across the nation make abortion services unavailable for many low-income women. As of January 2013, 32 states and the District of Columbia restrict low-income women’s access to abortion. And while Roe both prohibits states from interfering with a woman’s decision to terminate a pregnancy prior to viability and considers the life and health of the woman paramount, an astounding number of restrictions have passed that seek to burden women’s ability to access abortion. In 2012 alone, 42 such measures were enacted in other states such as bans on pre-viability abortion care, prohibition of coverage in the states’ health-insurance exchanges, and defunding family planning facilities, among others. And these attacks are far from over.

On the eve of its 40th anniversary, we should not only commemorate Roe's promise of women's equality, we should use it as a rallying cry. To turn the tide on the anti-woman forces that are sweeping the country, New York must recapture its position as a leader for reproductive freedom.

The NYCLU applauds Governor Cuomo's Women's Equality Agenda and its bold promise to break down barriers to women's full and equal participation in society by plugging loopholes in existing law to achieve pay equity for women, enhance protections for pregnant workers and workers who are sexually harassed in the workplace, end housing discrimination for victims of domestic violence, and protect a woman's freedom of choice by enacting the Reproductive Health Act, among others. While each of these measures are part and parcel of women achieving meaningful equality, on the anniversary of Roe, we call on New York to pass the Reproductive Health Act.

Currently, New York law does not adequately protect the right to seek abortion and contraception, and ultimately prevents health care providers from offering the best reproductive health care possible. The Reproductive Health Act guarantees every woman in New York can make her own personal health care decisions based on medical, personal, and family considerations and not because of a politician's political agenda. This bill puts abortion where it belongs – in the law addressing public health and medical practice – not in the penal law. A doctor should never face criminal prosecution for providing medically appropriate care to a woman whose health is endangered by a pregnancy.

The NYCLU is grateful for the New York City Council's steadfast support of reproductive freedom. It is this continuing support that will ensure that New York reclaims its status as a national, progressive leader and a champion for women.

Testimony in Support of New York City Council Resolution 1635A

**New York City Council
Committee on Women's Issues**

January 18, 2013

Jordan Goldberg, J.D.¹
State Advocacy Counsel
Center for Reproductive Rights

Thank you for the opportunity to testify today. My name is Jordan Goldberg and I am the State Advocacy Counsel in the United States Legal Program at the Center for Reproductive Rights. I am here on behalf of the Center to testify in support of Resolution 1635A.

The Center is a global human rights organization that promotes women's equality worldwide by securing reproductive rights as constitutional and international human rights that all governments around the world must respect, protect, and fulfill. We work in the United States and in countries all over the world on a wide-range of reproductive health and rights issues, including access to contraception, pregnancy care, abortion services, and medically accurate and unbiased reproductive health information.

Resolution 1635A commemorates the 40th Anniversary of the landmark Supreme Court decision, *Roe v. Wade*. The Court in *Roe v. Wade* recognized that the right to privacy as protected by the United States Constitution extends to individuals' right to choose when and whether to have children. *Roe v. Wade*, 410 U.S. 113, 153 (1973). Twenty years later, in *Planned Parenthood v. Casey*, the Supreme Court reaffirmed the bedrock principles of *Roe v. Wade*. To quote that decision, written in 1992: "[F]or two decades of economic and social developments, people have organized intimate relationships and made choices that define their views of themselves and their places in society, in reliance on the availability of abortion in the event that contraception should fail. The ability of women to participate equally in the economic

¹ Ms. Goldberg is admitted to the bars of the State of New York and the State of New Jersey.

and social life of the Nation has been facilitated by their ability to control their reproductive lives.”

Abortion is one of the most common surgical procedures sought by women in America. In fact, by the age of forty-five, approximately one in three women in this country will have had an abortion. Women seek abortions for many reasons: some choose to terminate unwanted pregnancies, while other women with wanted pregnancies ultimately seek abortions to protect their own health, to allow them to seek critical and sometimes life-saving medical treatment such as chemotherapy, or because of a serious fetal anomaly.

However, as the Council recognizes in Resolution 1635A, those who oppose abortion have spent the last forty years trying to prevent women from exercising their constitutional rights. Stymied by the fact that the United States Constitution protects women’s ability to make their own reproductive decisions, opponents of abortion rights have increasingly used laws and regulations designed to make abortion inaccessible and unaffordable.

Although anti-abortion lawmakers allege that abortion restrictions improve women’s health, the reality is that many of the restrictions create unnecessary and in some cases harmful barriers to accessing an incredibly safe medical procedure. One of the most insidious examples of this type of legislation is the prohibition of both public and private insurance for this essential reproductive health service. Unfortunately, since 1976, the federal government has adopted the Hyde Amendment and related legislation that prevents many of the most marginalized women from accessing coverage for abortion.

Resolution 1635A recognizes that women need access to a full range of reproductive healthcare and health coverage for that care, whether through public or private insurance. Bans on insurance coverage for abortion, including the Hyde Amendment, are harmful, unfair, and disrespectful of women’s autonomy – the heavy hand of the government used to coerce women’s decision-making by withholding coverage that should be available. But the fact is that we don’t always know a woman’s circumstances—we’re not in her shoes. Decisions about whether to choose adoption, end a pregnancy, or raise a child are best left to a woman and her family.

Insurance coverage should provide a full range of legal medical procedures, including abortion, so a woman can make the best decision for her circumstances.

When a woman cannot afford to end a pregnancy when she needs to, the impact on her and her family can be far-reaching. She may put off getting medical care, or shut off her own heat or telephone or take another job just to be able to pay for the medical care she needs. Several years ago, the Center for Reproductive Rights engaged in a fact-finding project in the United States to determine some of the impacts of the Hyde Amendment. We documented stories from women who had gone without food for themselves and their children in order to find the money to pay for an abortion; a story of another woman and her husband who pawned almost everything they owned and still came up short; and other women who worked around the clock to try to save up the money for an abortion. These stories prove the larger point – that this is critical healthcare sought by women who far too often are being forced to make difficult, sometimes untenable, trade-offs in order to access the care they need.

As the Council sponsors have recognized in Resolution 1635A, each woman should have coverage for the full range of reproductive health care, regardless of how her insurance is paid for, to ensure that she has the means to access safe medical care from a trained provider.

For twenty years, the Center for Reproductive Rights has been litigating in courts and engaging in legislative and other advocacy efforts across the country to ensure that the protections of the United States Constitution as recognized in *Roe* and *Casey* continue to be available to women. We have litigated in federal and state courts, challenging laws infringing on women's rights to privacy and equality, and on physician's rights as well. As *Roe* reaches its 40th anniversary, we are thrilled to have this opportunity to urge the Council to adopt Resolution 1635A and to stand with us and so many others in our commitment to protecting and advancing women's reproductive freedom.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ann Davis

Address: 790 RSD NY NY 10032

I represent: Physicians for Reproductive Choice & Health

Address: 55 West 39th Suite 1001

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alison Leigh Tishman

Address: 121 WEL Place 4th Flr Brooklyn NY 11201

I represent: NYAABF - THE NEW YORK ABORTION ACCESS FUND

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/18/13

(PLEASE PRINT)

Name: PHILIP KIM

Address: 52 KENMARK ST

I represent: NYAAF - THE NEW YORK ABORTION ACCESS FUND

Address: _____

Handwritten note: *Handed to 2 members of council on 1/18/13*

**THE COUNCIL
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Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. 1125A
 in favor in opposition

Date: 1/19/13

(PLEASE PRINT)

Name: Judith Goldberg
Address: 8157 77th St Apt 3, Brooklyn NY 11217
I represent: Center for Reproductive Rights
Address: 1100 11th St, 14th fl, NY, NY 10006

◆ Please complete this card and return to the Sergeant-at-Arms ◆

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Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. 1635A
 in favor in opposition

Date: 1/18/13

(PLEASE PRINT)

Name: Andrea Miller
Address: 470 Park Ave S NYC NY
I represent: NARAL Pro-Choice NY
Address: _____

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in favor in opposition

Date: 1/15/13

(PLEASE PRINT)

Name: Buster Alvord

Address: 426 Bleecker St

I represent: Planned Parenthood, NYC

Address: 42 Broadway

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1635-A

in favor in opposition

Date: 1/18/13

(PLEASE PRINT)

Name: Donna Lieberman

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I represent: New York Civil Liberties Union

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