

To the members of the House Human Services Committee:

I write in opposition to H.57, a bill about which you are holding a public hearing today.

Although I hope and expect the repeal of Roe vs. Wade and understand that each state would then have the right to make its own abortion law, H.57 as currently written is so much worse than current law that I would oppose it even if I supported Roe and the court decisions that followed it. Roe limited abortion to pre-viable infants, and Doe vs Bolton created the health exception, so vague that it rendered the limitation meaningless in practice. Even years after Doe, however, Planned Parenthood vs. Casey spoke of the states' interest in protecting life in the womb. This bill, as you know well, drops all pretense of protection.

I don't think I have ever seen a law specifically stating that a whole class of human beings has no rights at all. I tried to find one on the internet, and all I could find was the Chinese exclusion act, which concerned the subsidiary right of immigration, not the fundamental right to life. Perhaps the last state statutes this radical were those that established and maintained chattel slavery. In a state which sent the most young men of any to fight and die in a war that ended that institution, it is truly shocking that any law creating a similar arbitrarily-determined situation for anyone would even be considered.

A cursory reading reveals that the law is problematic in other ways. Here are a few of its problems: 1.It contains no protections for health care workers who don't want to be associated with abortion in any way. 2.It does not require that a woman be informed of any alternatives to abortion. 3.It does not require even asking the woman if she is acting under pressure. 4. It contains no regulations on the sale of or research on organs obtained from aborted children. 5. It does not protect a born child who survives an abortion 6. It does not prohibit research on an abortion survivor while he or she is still alive.

I have strong experience-based reason to believe that poor women in VT have been pressured by social workers to have abortions; a woman who was young, had two children, and was on probation for a minor criminal offense told me she was told by her case worker that she would be sent back to jail unless she had an abortion of her third pregnancy. The only possible good thing about this bill is that its establishment of the right to carry a pregnancy to term would make this kind of pressure a crime. It is unlikely, however, that a woman who already has a case worker, two kids, and a criminal record at the age of 20 would have the level of confidence or the access to a lawyer to fight for her right to give birth. A bill purporting to protect "reproductive rights" should provide for a woman's being informed of that right and being offered a lawyer to help her exercise it. I hope the omission of a requirement to inform was an oversight, not purposeful.

I realize most of the minor, even merely implied, protections of unborn human life under Roe, Doe, and Planned Parenthood are already being ignored in Vermont. That fact does not make codifying this ignoring moral, nor will it make it popular with the more than 60% of the American public which supports meaningful restrictions on abortion and believes these exist.

You are setting the stage for a Personhood Amendment, which I strongly hope will be passed by a future US Congress and upheld by a future Supreme Court.

If you hope to keep abortion legal in the long or even short run, you will enact no new VT law at all at this time.

Thank you,  
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