



Unfavorable

HB 1171 – Declaration of Rights – Right to Reproductive Liberty

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On behalf of the Board of Directors of Maryland Right to Life, our Chapters and members across the state, I write in defense of the Constitution of the State of Maryland and of the God-given right to life which it guarantees. House Bill 1171 is regressive, oppressive and coercive and we urge your unfavorable report.

HOUSE BILL 1171 IS REGRESSIVE

As the Supreme Court of the United States considers restoring to the states the right to regulate abortion, the abortion lobby is attempting to hold the people of Maryland hostage to the antiquated and disproven abortion propaganda of 1973 that has led to the state-sanctioned killing of more than 63 million American children.

Under Supreme Court precedent, Maryland lawmakers have the right to pass laws to protect women's health throughout pregnancy, to restrict abortion after viability, and to ban ALL public funding for abortion. But this proposed Abortion Amendment would take the power to regulate abortion away from our elected representatives, remove all existing safeguards for women, and force health providers and taxpayers to promote and fund abortion in violation of our natural rights guaranteed by the Constitution.

Maryland law already is extreme on abortion. The *Maryland Freedom of Choice Act* (1991) allows abortion-on-demand, for any reason and up until birth. Maryland is one of only four states that forces taxpayers to pay for other people's abortions. Maryland is one of only three states that shield abortionists from liability by refusing to report abortion data to the CDC.

With reckless disregard for human life, Maryland Democrats are now attempting to create a state Constitutional right to **fully funded abortion-on-demand** in the name of "reproductive liberty". But women in Maryland already have reproductive freedom and may exercise their right to plan and prevent pregnancy - often free of charge or at taxpayer expense.

But once a woman becomes pregnant, she already has reproduced and that new human being deserves the Equal Protection of our laws and Constitution. Abortion does not stop REPRODUCTION, it mercilessly stops the beating heart of a human being *who already has been produced*. No woman's freedom must be bought at the expense of her child's life.

If the objective of this legislature is to promote reproductive freedom, they must first answer the question, “*Why should we continue to force Maryland taxpayers to fund an organization that for the past 50 years has dramatically increased its share of abortion sales **while utterly failing to prevent unplanned parenthood**, provide effective family planning, contraceptive care, or to solve the underlying social and economic problems that force women into abortion?*”

By passing this bill, Democrat lawmakers will be **violating your sworn oaths of office** to defend the Constitution and breaking your contracts with the people of Maryland.

By passing this bill, Democrat lawmakers will be declaring war against the children of Maryland.

By passing this bill, Democrats will be infringing on the rights of the people to free speech, free exercise of religion, and violating the conscience rights of providers and taxpayers.

By passing this bill, Democrats will be guilty of enshrining GENOCIDE as a Constitutional right in Maryland.

60% of Democrat lawmakers in the Maryland General Assembly were endorsed by the National Abortion Rights Action League (NARAL) in the last election. This abortion activism in the Democrat Caucuses has enabled the multi-billion dollar abortion industry to **put abortion profits before patients**.

Maryland Democrats have repeatedly disregarded the will of the people and trampled upon the rights of Maryland citizens, the vast majority of whom oppose public funding for and want reasonable restrictions on abortion. As a result of this ABORTION EXTREMISM, the State of Maryland has failed to meet the legitimate needs of women and their families and effectively deprived women REAL REPRODUCTIVE CHOICE.

The abortion industry is only concerned with abortion remaining legal. The state of Maryland has a duty to ensure that abortion is safe and must intervene on behalf of women and girls by enacting and enforcing reasonable regulations on abortion providers and abortion drugs.

GOVERNMENT MUST NOT INFRINGE ON THE UNALIENABLE RIGHT TO LIFE

The humanity of the fetal human child is now firmly established in scientific fact and is no longer being denied by policymakers or even by abortionists. Each new human life comes into existence at the moment of fertilization, when all 46 chromosomes are present. This is not a matter of opinion or religious dogma- but of *scientific fact*.

The Constitution is silent on abortion but clear on the right to Life.

The Constitution affirms that no one can “be deprived of life, liberty or property” and deliberately echoes the Declaration of Independence’s proclamation that “all” are “endowed by their Creator” with

the unalienable right to Life. The 5th Amendment prohibits the federal government from infringing on the right to life. The 14th Amendment prohibits state and local governments from infringing on the right to life.

The members of the Maryland General Assembly understood this when you repealed the Death Penalty but now you empower mothers to be executioners of their own children.

MARYLAND DECLARATION OF RIGHTS - A right to abortion cannot be found in the text or structure of the Maryland Constitution. The Declaration of Rights of the Constitution of Maryland likewise affirms the right to life.

Article 2 of the Maryland Declaration of Rights states “**The Constitution of the United States**, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and **shall be the Supreme Law of the State**; and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.”

Article 24 of the Maryland Declaration of Rights establishes that “no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or **deprived of his life**, liberty or property, but by the judgment of his peers, or by the Law of the land” (amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978).

COMMON LAW ON ABORTION - **Abortion was a crime at common law in Maryland** at all stages of pregnancy without regard to quickening or viability, except to save the life of the mother (*Lamb v. State*, 1887 Md Court of Appeals). There is no evidence that the framers of the Maryland Constitution of 1867 intended the Declaration of Rights to limit the legislature’s authority to prohibit abortion. In fact, several months earlier the legislature enacted its first abortion statute, prohibiting abortion at any stage of pregnancy except when three practitioners confirmed it was necessary for the safety of the mother.

Prior to 1968, in *Worthington v. State* (1901), the Maryland Court of Appeals, the highest court of Maryland, characterized abortion as an “abhorrent crime”. The Court recognized that the abortion statutes were intended to protect unborn children and that legal rights were extended to unborn children outside the issue of abortion, including wrongful death and inheritance.

HOUSE BILL 1171 IS OPPRESSIVE

Democrat lawmakers are attempting to circumvent the Constitution by denying the humanity of yet another class of persons – the unborn child in his mother’s womb.

There were only two other times in our nation’s history when the government so egregiously denied the very humanity of a class of human beings to justify depriving them of basic human rights. First with the brutal annihilation and subjugation of the Native American people. Then by the inhumane enslavement

and segregation of African American people. In both instances the American people stood up to resoundingly reject these crimes against our human brothers and sisters.

Wasn't it the Maryland Democrat Party who only a few years ago, tore down the statue of Supreme Court Justice Roger Taney who deprived African Americans their freedom and prohibited the states from outlawing slavery on the basis that African Americans do not have the rights of citizens?

But now these same leaders erect this monument of a bill to forever enslave Maryland children in their mother's wombs. Our children are NOT CHATTEL to be disposed of as we see fit.

Justice Taney's abhorrent decision in *Dred Scott v. Sanford*, was met with public disdain and propelled Congressional Republicans to legislative victory in passing the 13th, 14th and 15th Amendments to the Declaration of Rights and re-election.

By denying any class of persons, including fetal human beings, the unalienable right to life that exists in nature independent of government, the government has actively infringed on the rights of the people in violation of the Constitution and of your oath of office to defend the Constitution.

If we are to live together as a civilized people and a just society, we must stand together now to proclaim the humanity of unborn children and guarantee to them, the Equal Protection of our Constitution and laws.

As Maryland's own Frederick Douglas said in response to the Supreme Court in *Dred Scott*: *"The Constitution knows all the human inhabitants of this country as "the people". It makes no discrimination in favor of or against any class of the people, but is fitted to protect and preserve the rights of all, without reference to color, size or any physical peculiarities."*

But because of Abortion Extremism among Democrat lawmakers, abortion is having a genocidal effect on Black lives – as it was intended to do from the start. 20 million Black children have been killed legally by abortion in this nation. Abortion is now the leading killer of Black lives - more than gun violence and the top 20 causes of death combined. At least half of all children conceived by Black women in Baltimore City are killed by abortion violence.

HOUSE BILL 1171 IS COERCIVE

This amendment is really about **abortion coercion**. By making abortion a "fundamental right" Maryland taxpayers will be forced to pay for elective abortions. The Amendment also would compel physicians, hospitals and other healthcare and insurance providers to participate in abortion, in violation of their rights of conscience and free exercise of religion. By passing this bill, the Maryland legislature will be infringing on the Freedom of Speech guaranteed by the Constitution of the United States, by barring future attempts to pass lifesaving legislation such as partial birth abortion or dismemberment bans. Finally, this bill would dramatically increase incidents of abortion coercion against pregnant

women, by denying women lifesaving alternatives to abortion and protection under the law against coercive or abusive partners or sex traffickers.

Maryland law already is extreme on abortion. The *Maryland Freedom of Choice Act* (1991) allows abortion-on-demand, for any reason and up until birth. Maryland is one of only four states that forces taxpayers to pay for other people's abortions. Maryland is one of only three states that shield abortionists from liability by refusing to report abortion data to the CDC.

Because of this Abortion Distortion, the state of Maryland is failing to provide for the legitimate reproductive health needs of Maryland Women. The state is failing to ensure that women have access to quality health care through a licensed physician. The state is failing to ensure that abortion clinics are safe and in compliance with existing health regulations. The state is failing to address incidents of abortion-related maternal injury and death or risks of future miscarriage, pre-term birth or loss of fertility. The state is failing to ensure that reproductive health education in our K-12 public education system is medically accurate or age appropriate. The state is failing to protect women and girls from abortion coercion, sexual abuse and sex trafficking. The state is failing to invest in and promote lifesaving alternatives to abortion like quality prenatal care, the Maryland Safe Haven Program, affordable adoption programs and foster care reform.

Currently, all 50 states have laws requiring healthcare professionals and others to report the suspected sexual abuse of minors including statutory rape. The federal government also mandates that Title X healthcare facilities comply with state criminal reporting laws. However, there is substantial and developing evidence that many family planning and abortion clinics are not reporting all instances of suspected abuse and are, in some cases, advising minors and their abusers on how to circumvent the law. As a result, sexual predators are free to continue to abuse their victims, scarring them for life.

There are documented cases of individuals other than a parent or guardian aiding, abetting, and assisting minor girls to procure abortions without their parents' or guardians' knowledge, consent, or involvement. This includes transporting children across state lines to avoid Maryland's parental notification requirements for abortion.

NO PUBLIC FUNDING - Maryland is one of only 4 states that forces taxpayers to fund abortions. There is *bi-partisan unity* on prohibiting the use of taxpayer funding for abortion. 54% percent of those surveyed in a January 2022 Marist poll say they oppose taxpayer funding of abortion.

INVEST IN LIFE - 81% of Americans polled favor laws that protect both the lives of women and unborn children. Public funds should not be *diverted from* but *prioritized for* health and family planning services which have the objective of saving the lives of both mothers and children, including programs for improving maternal health and birth and delivery outcomes, well baby care, parenting classes, foster care reform and affordable adoption programs.

FUNDING RESTRICTIONS ARE CONSTITUTIONAL - The Supreme Court has held that the alleged constitutional "right" to an abortion "*implies no limitation on the authority of a State to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds.*" When a challenge to the constitutionality of the Hyde Amendment reached the Supreme Court

in 1980 in the case of *Harris v. McRae*, the Court ruled that the government may distinguish between abortion and other procedures in funding decisions -- noting that "*no other procedure involves the purposeful termination of a potential life*" -- and affirmed that *Roe v. Wade* had created a limitation on government, not a government funding entitlement.

ABORTION IS NOT HEALTH CARE – Pregnancy is not a disease and abortion kills, not cures. The fact that 85% of OB-GYNs in a representative national survey will not participate in abortions is glaring evidence that abortion is not an essential part of women’s healthcare. Abortion is never medically necessary and poses risks to women’s physical and emotional health as well as to the health of future pregnancies. Women have better options for family planning and well woman care. For each Planned Parenthood in Maryland, there are 14 federally qualifying health centers and 4 pro-life pregnancy centers providing FREE services for women. The Maryland Department of Health must give women real CHOICE and protect women from abortion coercion, by providing information about and referrals to lifesaving alternatives to abortion.

For these reasons, we respectfully urge you to vote against House Bill 1171 and any other measures to put abortion profits above patients. We appeal to you to prioritize the state’s interest in human life and restore to all people, born and preborn, our natural and Constitutional rights to life, liberty, freedom of speech and religion.