

## Opposition to Criminal Penalties for Women in State Abortion Laws

In May 2022, at a pivotal moment in the national debate over abortion policy, more than 70 leading pro-life organizations came together to issue a unified and unequivocal message to state lawmakers: women who have abortions should not be criminalized. The joint letter, spearheaded by National Right to Life and signed by a broad coalition of state, national, and international pro-life leaders, reflected a longstanding principle within the pro-life movement—one grounded in compassion, justice, and a clear understanding of who bears responsibility for abortion.

The letter was released as news reports intensified around possible state legislative responses to a potential overturning of *Roe v. Wade*. While welcoming the possible return of abortion policymaking to elected legislators, the coalition warned that this moment of opportunity also carried serious responsibility. Laws intended to protect unborn children, the organizations stressed, must not inflict further harm on women, many of whom are already suffering the physical, emotional, and psychological consequences of abortion.

As the letter explains, abortion produces two victims: the unborn child who loses her life, and the woman who is left to bear the aftermath—often abandoned by an abortion industry that promised care but delivered neither accountability nor long-term support. The coalition emphasized that women who undergo abortions are frequently exploited, misled, or pressured, and that criminal penalties aimed at them fundamentally misunderstand both the nature of abortion and the proper focus of pro-life policy.

National Right to Life underscored this distinction, noting that women who have abortions need compassion and support, not prosecution. The letter makes clear that while pro-life advocates rightly seek accountability for abortion providers and an industry driven by profit and disregard for human dignity, punishing women is neither just nor effective.

Rooted in decades of advocacy and experience, the signatories reaffirmed that criminalizing women is incompatible with the pro-life movement's mission. Instead, they called on lawmakers to enact policies that protect unborn children while strengthening life-affirming resources for women facing unplanned or crisis pregnancies.

The following letter reflects that unified stance and serves as a clear statement of principle from across the pro-life movement, urging legislators to reject measures that would treat women as criminals rather than as individuals deserving care and protection.

May 12, 2022

## **An Open Letter to State Lawmakers from America's Leading Pro-Life Organizations**

To all State Legislators in the United States of America,

With the leak of a draft U.S. Supreme Court opinion written by Justice Samuel Alito in *Dobbs v. Jackson's Women's Health Organization* that appears to show a majority of the Court may be in favor of reversing *Roe v. Wade* and *Planned Parenthood v. Casey*, there has been increasing news coverage of state-level momentum to enact laws that protect mothers and their unborn children from the tragedy of abortion.

Over the past 50 years, under the shadow of *Roe v. Wade* and *Doe v. Bolton*, abortion has taken the lives of more than 63 million unborn American children<sup>1</sup>. But the tragedy of abortion isn't limited to the unborn child who loses her life. The mother who aborts her child is also *Roe's* victim. She is the victim of a callous industry created to take lives; an industry that claims to provide for "women's health," but denies the reality that far too many American women suffer devastating physical and psychological damage following abortion.

The abortion industry tries to dismiss reports and studies of post-abortive trauma. But even as far back as the 1980s, scientific researchers and the mainstream media were documenting the reality of abortion's consequences.

Studies examining the records of over 50,000 California Medicaid patients from 1989-1994 found women who underwent abortions experienced 2.6 times more psychiatric admissions in the first 90 days following pregnancy than women who gave birth, and 17% higher mental health claims over the following four years.<sup>2</sup>

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<sup>1</sup> National Right to Life estimate based on data reported by the U.S. Centers for Disease Control and Prevention through 2019 and the Guttmacher Institute through 2017. See *The State of Abortion in the United States, 2022*, updated release May 5, 2022, [www.nrlc.org/uploads/communications/stateofabortion2022.pdf](http://www.nrlc.org/uploads/communications/stateofabortion2022.pdf)

<sup>2</sup> Priscilla Coleman, et al, "State-Funded Abortions vs. Deliveries: A Comparison of Outpatient Mental Health Claims Over 4 Years," *American Journal of Orthopsychiatry* Vol. 72, No. 1 (2002), pp. 141-152 compared claims for first time outpatient mental health treatment in California between 14,297 aborting women and 40,122 women who gave birth four years after the event and found the rate of care 17% higher among the aborting group. Another study by P. Coleman and colleagues, "Psychiatric admissions of low-income women following abortion and childbirth," *Canadian Medical Association Journal*, Vol. 168, No. 10 (May 13, 2003), available at [www.cmaj.ca/cgi/content/full/168/10/1253](http://www.cmaj.ca/cgi/content/full/168/10/1253), looked at the records of 56,741 women in the California Medical system and found aborting women having 2.6 times more psychiatric admissions than women giving birth in the 90 days following the event.

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A 1989 *Los Angeles Times* survey<sup>3</sup> found 56% of women who had abortions felt guilty about them, and 26% mostly regretted the abortion. Subsequent studies suggest that these numbers may be low, reporting that adverse emotional and psychological effects are sometimes delayed, not surfacing for 5 or even 10 years after the abortion<sup>4</sup>.

Despite promises from her partner to the contrary, a woman's relationship will often dissolve following an abortion<sup>5,6</sup>. The clinic staff is gone, and the woman has no desire to return to the place she associates with failure<sup>7</sup>. Even friends who know about the abortion hesitate to bring up the subject. When this happens, she is left to deal with her pain, her doubts, her questions all alone<sup>8</sup>.

**Women are victims of abortion and require our compassion and support as well as ready access to counseling and social services in the days, weeks, months, and years following an abortion.**

**As national and state pro-life organizations, representing tens of millions of pro-life men, women, and children across the country, let us be clear: We state unequivocally that we do not support any measure seeking to criminalize or punish women and we stand firmly opposed to include such penalties in legislation.**

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<sup>3</sup> George Skelton, "Abortion often causes guilt, poll finds," *The Sacramento Bee*, March 19, 1989, p. A7.

<sup>4</sup> J. Trybulski warns about uncomfortable emotions and thoughts that surfaced months or years later following a woman's abortion in "Women and abortion: the past reaches into the present," *Journal of Advanced Nursing*, Vol. 54, No. 6 (June 2006), pp. 683-90.

<sup>5</sup> Winfried Barnett, et al, "Partnership After Induced Abortion: A Prospective Controlled Study," *Archives of Sexual Behavior*, Vol. 21, No. 5 (October 1992), pp. 443-455. Barnett and colleagues found that 20 out of the 92 aborting couples, or 22%, in their study group had separated after one year. Among the 2,000 plus cases of post abortion trauma that Theresa Burke worked with, she encountered several women whose marriage dissolved as a consequence of their abortions. See Theresa Burke, *Forbidden Grief* (Springfield, IL: Acorn Books, 2002), pp. 208, 212, 217.

<sup>6</sup> Linda Bird Francke gives classic accounts on pp. 74 and 97 of *The Ambivalence of Abortion*. Burke offers examples from cases in *Forbidden Grief* on pp. 34, Ann Speckhard's study of thirty high stress aborters in *Psychosocial Stress following Abortion* (Kansas City, MO: Sheed & Ward, 1987) found 46% of her subjects reporting a subsequent break up with her impregnating partner, Speckhard observes: As the male partner was often the only other one who knew of the abortion, ending the relationship left a large void in the subject's life, which contributed to feelings of loneliness, isolation, and alienation (p. 54).

<sup>7</sup> Even forty years after her abortion, "Elsa" tells Linda Bird Francke that "even now I have trouble driving by the 72nd Street entrance to the West Side Highway in New York where his office was." Linda Bird Francke, *The Ambivalence of Abortion* (New York: Dell, 1978), p. 313. Burke quotes a woman in *Forbidden Grief* who says "I just can't go near that place. It freaks me out. I'd rather drive a hundred miles than have to pass that place. I just can't do it. It makes me sick" (p. 94; see also pp. 38-39). Also see Magyari, et al, 1987.

<sup>8</sup> An example of such isolation is found in Burke's *Forbidden Grief*, p. 189.

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If the Supreme Court does overturn *Roe v. Wade*, they will be honoring the unambiguous division of powers described in the Constitution, returning abortion policymaking back to our elected state and federal legislators. This will be a tremendous opportunity for states to create durable policy that can stand the test of time. But in seizing that opportunity, we must ensure that the laws we advance to protect unborn children **do not harm their mothers.**

We are America's leading advocates for life. We come from very different backgrounds and perspectives, but we are united in our mission to protect unborn children and American women from the greed of the abortion industry. We have been in this fight for decades – many of us have dedicated our lives to this cause. We understand better than anyone else the desire to punish the purveyors of abortion who act callously and without regard to the dignity of human life. But turning women who have abortions into criminals **is not the way.**

In 1977, then-National Right to Life President Dr. Mildred Jefferson observed in her welcome letter to those attending the annual National Right to Life Convention:

The fight for the right to life is a people's fight for its existence and its continuity. It is a country's fight for its survival and its future. The right-to-life cause is not the concern of only a special few but it should be the cause of all those who care about fairness and justice, love and compassion and liberty with law.

Our charge as a movement has not strayed from those words written by Dr. Jefferson. In fighting for our country's future generations, we are called to act with love and compassion as we seek fairness, justice, and liberty for unborn children and their mothers.

Criminalizing women is antithetical to this charge.

We will continue to oppose legislative and policy initiatives that criminalize women who seek abortions, and we will continue to work for initiatives that protect unborn children and policies that provide and strengthen life-affirming resources for abortion-vulnerable women.

We call upon all pro-life legislators to stand with us. We ask you to continue to act with love and compassion toward abortion-vulnerable women. We urge you to reject any measure that seeks to criminalize women who have abortions.