

National Council of Jewish Women Testimony
Committee on the Judiciary, Subcommittee on The Constitution
United States Senate
Protecting Roe: Why We Need the Women's Health Protection Act
June 16, 2021
Submitted electronically on June 15, 2021

National Council of Jewish Women (NCJW) is a grassroots organization of 180,000 advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. These values teach us to respect the dignity and decisions of all people and, as such, we aim to create a world where everyone — regardless of race, class, gender, sexuality, ability, immigration status, or any other factor — is able to control their body, sexuality, and future.

Since our founding in 1893, NCJW has supported access to family planning and reproductive health care. NCJW was an early advocate for equal access to abortion, and we continue our advocacy today at the local, state, and national levels through 62 sections and action teams across the country as well as a strong State Policy Advocacy network in 16 states. Consistent with the Jewish value of pursuing *tzedek* (justice) for all, NCJW firmly opposes laws that have created a patchwork of abortion access and pushed basic health care out of reach for Black, Indigenous and People of Color (BIPOC); those working to make ends meet; members of the LGBTQI+ community; immigrants; young people; those living in rural communities; and people with disabilities.

Over the past decade, anti-abortion state lawmakers have passed nearly 500 restrictions forcing providers to perform unnecessary tests, regulating the width of clinic hallways, or even banning abortion outright. These oppressive laws have severely reduced or eliminated abortion access in large segments of the country by increasing costs, decreasing efficiency and number of providers, and delaying procedures. Without the ability to access abortion care in their own states and communities, pregnant people must often travel lengthy distances, scramble to find childcare, and contend with the threat of losing their jobs. They could be forced to carry an unwanted or non-viable pregnancy to term or even criminalized for exercising their basic constitutional and human rights.

In this way, abortion bans and restrictions are at odds with our nation's founding principle of religious liberty and trample individual moral agency. Judaism traditionally teaches that the fetus only has the status of personhood at the onset of labor and childbirth and that the health and life of the pregnant individual is paramount at any and all stages of pregnancy. Therefore, policies granting "fetal personhood" rights, establishing that "life" begins at conception, or limiting access to abortion enshrine one religious view into law and directly impede Jews' ability to practice Judaism by making their own, faith-informed decisions about their reproductive health care. This not only violates the Establishment

and Free Exercise Clauses of the First Amendment, but also infringes upon the constitutional right to privacy found in the Fourteenth Amendment. Those who invoke “religious liberty” to discriminate and block access to abortion fundamentally contravene our nation’s Constitution.

NCJW endorses and resolves to work for laws, policies, and programs that protect every person’s right to make decisions about whether to have or not have children and to birth, adopt, and/ or parent with dignity. This is why we support the Women’s Health Protection Act (S 1975), legislation safeguarding access to high-quality care and securing constitutional rights by protecting patients and providers from political interference. The bill guarantee providers the right to deliver abortion care — and people the right to receive that care — without limitations that single out abortion or impede access to care. Importantly, the bill would also establish clear guidance for courts considering whether a requirement impedes access to abortion care in violation of WHPA.

As the Supreme Court is set to review its own abortion precedent in *Dobbs v. Jackson Women’s Health Organization* — a direct challenge to *Roe v. Wade* — and as states across the country work to legislate abortion rights out of existence, it is time for Congress to step in to ensure that every single person has equal access to the full range of reproductive health services without delays, judgment, or misinformation. We call on Congress to pass WHPA to protect access to abortion and to help us build a society where all women, children, and families can thrive in our communities with dignity.

NCJW looks forward to working with the Committee to advance the Women’s Health Protection Act. Thank you for holding a hearing on this critical legislation and for the opportunity to provide testimony. If you have any questions, please contact Shannon Russell, Legislative Counsel, at srussell@ncjw.org.