



The Right to Life League  
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May 13, 2022

Assembly Appropriations Committee  
1021 O Street, Suite 8229  
Sacramento, California 95814

**Re: Letter in Opposition: AB 2320**

Dear Assemblymember Chris R. Holden and Members of the Assembly Health Committee,

On behalf of the Right to Life League of Southern California and its supporters, I urge you to vote NO on AB 2320 because it is unconstitutional. AB 2320 is a one-sided spending bill using taxpayer funds to subsidize abortions in rural and marginalized areas under the guise of healthcare equality.

Because AB 2320 makes no funding accommodation for access to childbirth services, it blatantly violates the California constitution pursuant to *Committee to Defend Reproductive Rights v. Myers*, 29 Cal.3d 252 (1981).

In 1981, conservative forces in the state legislature sought to limit access to abortion services through various budget acts. In *CDRR v. Myers*, the California Supreme Court struck down the legislature's ban on Medi-Cal funding of abortion. The Court emphasized that the state could not intervene in the very intimate decision about whether to give birth or have an abortion, stating:

By virtue of the explicit protection afforded an individual's inalienable right of privacy by article I, section 1 of the California Constitution, however, the decision whether to bear a child or to have an abortion is so private and so intimate that each woman in this state -- rich or poor -- is guaranteed the constitutional right to make that decision as an individual, uncoerced by governmental intrusion. Because a woman's right to choose whether or not to bear a child is explicitly afforded this constitutional protection, in California the question of whether an individual woman should or should not terminate her pregnancy is not a matter that may be put to a vote of the Legislature.

If the state cannot directly prohibit a woman's right to obtain an abortion, may the state by discriminatory financing indirectly nullify that constitutional right? Can the state tell an indigent person that the state will provide him with welfare benefits only upon the condition that he join a designated political party or subscribe to a particular newspaper that is favored by the government? Can the state tell a poor woman that it will pay for her needed medical care but only if she gives up her constitutional right to choose whether or not to have a child?

There is no greater power than the power of the purse. If the government can use it to nullify constitutional rights, by conditioning benefits only upon the sacrifice of such rights, the Bill of Rights could eventually become a yellowing scrap of paper.

In *CDRR*, the Court determined that the legislature violated the California state constitution when it financially favored childbirth over abortion using a “conditioning of public benefits” framework.

Today, more than forty years later, the Assembly Appropriations Committee must respect our state Supreme Court in its funding decisions. Because AB 2320 is so one-sided in its funding of abortion, this Committee must either reject the bill outright or move to amend the bill so as to allocate an equal amount of tax dollars to fund all aspects of childbirth and health care and support for women who choose birth and adoption, including prenatal and postnatal maternal care, food security and housing.

Very Truly Yours,



Susan S. Arnall, Esq.



Vice President of Legal Affairs  
Right to Life League