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June 10, 2023

Committee Chair, Chris Holden  
Assembly Appropriations  
1021 O Street, Suite 8220  
Sacramento, California 95814

Committee Chair, Al Muratsuchi  
Assembly Education Committee  
1020 N Street, Room 159  
Sacramento, California 95814

**Re: Letter opposing AB 598 as Unconstitutional**

Dear Chairs and Members of the Assembly Appropriations and Education Committees,

On behalf of the Right to Life League and our supporters, we urge you to reject AB 598 for three reasons:

First, AB 598 is unconstitutional and discriminatory in its use of taxpayer funds to advocate abortion over pro-life services. Second, the bill also violates the religious freedoms and conscience rights that flow from both the U.S. Constitution as well as Article I of the California Constitution by compelling teachers to promote abortion. Third, by forcing teachers to speak positively about abortion with children, AB 598 also erodes parental rights to protect and guide their children free from state influence.

**AB 598 violates the California Constitution.**

If signed into law, AB 598 will require California schools to teach middle and high schoolers about abortion and direct children as young as 12 years old to abortion businesses. This is an abhorrent misuse of taxpayer funding specifically targeting children in order to encourage abortion access through public schools.

The bill amends the Education Code to read: "Each school district shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education.... at least once in junior high or middle school and at least once in high school."

Subsection 8 (A) of the bill mandates that the students learn. "[I]nformation about local resources, how to access local resources, and pupils' legal rights to access local resources for sexual and reproductive health... including, but not limited to, information regarding . . . [p]regnancy prevention and care, including, but not limited to, guidance regarding contraceptive methods and abortion."

Under AB 598 subsection 8 (B), all students "shall receive a physical or digital resource detailing the local resources" described in subparagraph (A)" -- in other words, how and where to get abortions.

This mandated tax-payer funding of government advocacy in school to promote abortion over childbirth offends our supreme court's decision in *Committee to Defend Reproductive Rights v. Meyers*, (1979) 93 Cal.App.3d 492. The California supreme court emphasized that the state could not intervene in the very intimate decision about whether to give birth or have an abortion, e.g.,:

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.



### **AB 598 violates Teachers' First Amendment Protections**

Because AB 598 compels teachers to teach “[p]regnancy prevention and care, including, but not limited to, guidance regarding contraceptive methods and abortion”, the bill violates educators’ individual constitutional rights to be free from government-compelled professional speech. *See NIFLA v. Becerra*, 585 U.S. \_\_\_, 138 S. Ct. 2361; 201 L. Ed. 2d 835 (2018). Teachers who disapprove of contraceptive methods and abortion could face reprisals by either refusing to inform students how to get an abortion or by providing the information in a negative light by teaching students that abortion is murder.

AB 598 impermissibly chills the free speech and conscience rights of teachers, for “the right to remain silent in the face of an illegitimate demand for speech is as much a part of First Amendment protections as the right to speak out in the face of an illegitimate demand for silence.” *Russo v. Central Sch. Dist. No. 1*, 469 F.2d 623, 634 (2d. Cir. 1972) (“To compel a person to speak what is not in his mind offends the very principles of tolerance and understanding which for so long have been the foundation of our great land. “If there is any fixed star in our constitutional constellation,” Mr. Justice Jackson said in *Barnette*, “it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.” *West Virginia State Bd. of Educ v. Barnette*, 319 U.S. 624, 642, 63 S.Ct. at 1187 (1943)).

### **AB 598 violates Parents' Rights**

Legislators already know full well that a child *of any age* — even below the age of sexual consent — can obtain birth control and undergo abortions without even informing their parents. AB 598 further undermines parental rights to raise their children without the undue influence of conflicting state-sponsored ideology surrounding reproduction by pushing abortion by positively promoting abortion through authority figures whom children trust.

Please vote NO on AB 1432 in its current form, and recommend the author expand insurance protections to include childbirth services.

Very Truly Yours,



Susan S. Arnall, Esq.  
Vice President of Legal Affairs  
Right to Life League

