March 29, 2022

Senator Richard Pan, Chair
Senate Health Committee
1021 O Street, Room 3310
Sacramento, CA 95814

Re: Letter in Opposition to SB 1142

Dear Chairman Pan and Members of the Senate Health Committee,

On behalf of the Right to Life League of Southern California and its supporters, I urge you to
vote NO on SB 1142.

SB 1142 proposes to fund abortion services, coordinating a myriad of services to support
abortion all funneled through a state financed website. Because SB 1142 is one-sided in its
funding, making no accommodation for funding childbirth services, it violates the California
constitution.

The unequal financial treatment of abortion and childbirth by the state is unconstitutional,
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. Myer*s, 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, 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.

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, liberal elements in the legislature advance SB 1142 favoring abortion over childbirth. It mandates funding "direct logistical and practical support" only for abortion patients. The practical support services include *"airfare, lodging, ground transportation, gas money, meals, dependent childcare, doula support, and translation services, **to help a person access and obtain an abortion.**"*[1] SB 1142 also funds *"[p]ayment support resources, including coverage options, state programs, and other assistance that is available **to help people with the cost of the abortion** procedure."*[2] SB 1142 does not provide such assistance or benefits to those who choose childbirth.

The state's attempt to financially favor one reproductive choice over another was unconstitutional in 1981 and remains unconstitutional today. Reject SB 1142.

Very Truly Yours,

Susan S. Arnall, Esq.

Vice President of Legal Affairs
Right to Life League

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[1] *Bill text*. Bill Text - SB-1245 Los Angeles County Abortion Access Safe Haven Pilot Program. (n.d.). Retrieved March 29, 2022, from https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1245
[2] *Id.*