

Statement of the Brookline Commission for Women on the U.S. Supreme Court Decision in *Dobbs v. Jackson*

With the U.S. Supreme Court's overturning of *Roe v. Wade* and *Casey v. Planned Parenthood*, the Brookline Commission for Women is re-releasing our statement after the earlier, leaked decision in *Dobbs v. Jackson*. The actual decision is not a surprise, but nonetheless a shock. And while we are enraged and fearful of what this means for millions of people, we are not done doing the business of advocating for the reproductive rights of women. We are also ready to fight again, should the need arise, to be certain that women continue to have the right to privacy in choosing to prevent pregnancy and to choose their spouse.

The rights conferred by the Constitution must be enjoyed equally by every citizen of the United States, not just the privileged few, or they are not rights at all. As Justices Breyer, Kagan, and Sotomayor stated in their dissenting opinion, “[Y]esterday, the Constitution guaranteed that a woman confronted with an unplanned pregnancy could (within reasonable limits) make her own decision about whether to bear a child, with all the life-transforming consequences that act involves. And in thus safeguarding each woman’s reproductive freedom, the Constitution also protected ‘[t]he ability of women to participate equally in [this Nation’s] economic and social life’ (citation omitted). But no longer.”

The Brookline Commission for Women will continue our work to ensure these rights for all women in Brookline and in Massachusetts who woke up on the morning of June 24th with more right to make essential life choices than they had when the sun set that day. To join us in this work, please read our previous statement that follows:

There is no decision more personal and consequential than whether and when to bear a child. The right to make that decision privately and to safely exercise the option to prevent or end a pregnancy has been guaranteed for 50 years by the Supreme Court’s decision in *Roe v. Wade*. Reversing *Roe* and the subsequent decision in *Casey* is devastating.

For the first time in American history, the U.S. Supreme Court has overturned precedent to withdraw, rather than expand, established individual rights. The immediate impact of triggering abortion restrictions in about half the states will most harm people who already face injustice in the form of racism, ableism, and poverty. Without safe and legal abortion, women and transgender people who are pregnant risk death.

The Commission for Women condemns in particular the multiple citations in the decision to the 17th century “legal” opinions of Sir Matthew Hale, a leading apologist for marital rape, as well as the grotesque suggestion that family leave and safe haven laws allowing someone who has given birth to relinquish the newborn somehow solves the problem of the government forcing a woman to bear that child.

This decision is both cruel and shameful. It is wrong. But it has become our reality. The question we ask, therefore, is not “how can this be?” but rather, “what can we do?”

What Can We Do to Protect Access to Care? Massachusetts took important steps by passing the Roe Act in recent years, but there is still much more to be done here and in other states. We can:

- pass legislation to require public universities to provide medical abortion through campus health clinics (H2399, S1470);
- join or support the work of some of MA's best local organizations who are working to protect access to the full spectrum of reproductive health care:

<https://reproequitynow.org/>

<https://www.plannedparenthood.org/planned-parenthood-massachusetts>

<https://massbeyondroe.com/>

What Can We Do to Support Clinics, Clinicians, and Patients?

The Commission for Women is proud to have honored as a 2022 Brookline Woman of the Year Dr. Lolly Deli-Bovi, founder and medical director of Women's Health Services in Brookline. For 30 years, WHS has courageously been providing safe, compassionate, and affordable reproductive health care. This is the kind of supportive care that should be available to everyone who needs it, but independent clinics are already struggling under inadequate funding and high operating costs, and soon that care will be entirely out of reach for millions of people.

By giving our time, our dollars, and our voices, we can support clinics like WHS and the patients whose access to care will be blocked in their home state.

- To support patient access: <https://abortionfunds.org/>
- To support clinicians/providers: <https://prochoice.org/>
- To support independent clinics: <https://abortioncarenetwork.org/>

What Can We Do to Pass More Laws Like the Roe Act?

Criminalizing abortion is dangerous in many ways. In states that do not have laws protecting safe abortion access, the Court's decision may make doctors unwilling even to provide life-saving treatment for devastating conditions such as ectopic pregnancy, a septic uterus, or miscarriage when the body won't release the fetus. Care in each of those cases requires a procedure that some state laws will consider abortion, and where there is no exception to save the life of the mother. In addition, trigger laws already passed in some states would attempt to gut contraceptive access to emergency contraception and IUDs.

These laws need to be rejected at the state level or overruled by federal legislation codifying the protections in *Roe v. Wade*. By supporting candidates in every state and at every level who support all forms of contraception, access to safe abortion, and protecting private medical decisions made by a patient and their doctor, we can pass strong, protective laws.

- To find strong candidates: <https://www.votechoice.us/>

This is not just a passing political hiccup. It is the lives and futures of families, mothers, wives, daughters, sisters, aunts, and cousins. In a real way, it is about the future of our democracy because the inescapable and chilling message of the opinion in *Dobbs v. Jackson* is that the highest court in the land views the "unalienable rights" of life, liberty, and the pursuit of happiness as rights that belong only to men.