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**The City of New York
Community Board 8 Manhattan
Women & Families Committee Meeting
June 22, 2022 - 6:30 PM
This meeting was conducted via Zoom**

CB8 Members Present: Vanessa Aronson, Elizabeth Ashby, Gayle Baron, Lori Bores, Alida Camp, Saundrea Coleman, Rebecca Dangoor, Valerie Mason, Rita Popper, Peggy Price, Judy Schneider, Marco Tamayo, Shari Weiner.

1. Forum on Abortion Rights: Implications of the Supreme Court’s Ruling, and New York’s Response.

Two days before the Supreme Court’s momentous decision on abortion rights, the committee addressed both the threat (since realized) to a woman’s right to choose and New York’s new abortion safeguards.

Speakers included State Sen. Liz Krueger, Assembly Member Rebecca Seawright and Prof. Susan Appleton, a law professor and professor of women, gender, and sexuality studies at Washington University.

To Prof. Appleton, the high court’s draft opinion, leaked in May, showed the Court’s “utter contempt for Roe. It said Roe was remarkably loose in its treatment of Constitutional text and it described Roe’s reasoning as extremely weak.” Overlooked, she said, “were all the nuances and the difficult decisions that Roe had confronted, analyzed and resolved.”

Moreover, in its draft opinion, the Supreme Court rejected what has been a mounting pro-choice argument: that abortion freedom is necessary to achieve gender equality.

As Prof. Appleton explained, erasing the nearly 50-year right to an abortion raises innumerable questions. High among them: Does a woman whose state bans abortion have the right to travel out-of-state to end her pregnancy? How much protection from prosecution is there for an abortion provider who ends the pregnancy of a woman whose home state bars abortion? Will red states restrict access to medication abortions? Will abortion patients become a target of prosecution? And if abortion is punished, what could the penalties entail?

Despite protections for abortion providers in New York, California, Connecticut, Massachusetts and Michigan, no state can fully eliminate risks for providers, Prof. Appleton held. That’s because “states can have policies that apply to their residents even when their residents leave the state.” This extra-territorial reach can take several forms. It could be a civil cause of action for damages, as the Texas law provides. Moreover, potentially, a state’s criminal laws could reach beyond a state’s border if that state clearly says so and as long as there’s a policy advanced by the law.

The various questions raise Constitutional issues—ranging from First Amendment rights if an abortion entails counseling, to the due process clause of the 14th Amendment, and beyond.

Further, the rise of medication abortions presents threats as well as opportunities for women. Since the pills have no identifiable provider, potentially, states could make users of them subject to penalties.

And beyond abortion, the Court’s June ruling could set the stage for further erosion of human rights. “Constitutional protection for access to and use of birth control rest on the same Constitutional foundation (the right to privacy) as Roe. So does protection of sexual autonomy and marriage equality. So,” Prof. Appleton questioned, “can the Court pull the plug on the abortion right without affecting these other rights”?

And, what about gender equality, she asked. If Roe versus Wade isn’t the law of the land, what happens to all the other Court protections that promote and ensure gender equality?

The following two speakers, New York State Sen. Liz Krueger and New York State Assembly Member Rebecca Seawright, agreed that a strategy to overturn Roe v. Wade has been in the works for decades. As it became increasingly likely this year that Roe would be overturned, the two legislators cited Albany’s urgent response: A newly passed package of protections for abortion in New York, and the creation of a sanctuary state here, where women could obtain an abortion if unable to in their home state. In addition, both speakers, who have been vocal proponents of abortion rights, sponsored legislation to codify an equality amendment to the NY State Constitution. (Since the June 19 forum, the first leg of that legislation has passed in the state’s Senate and Assembly. To be adopted into the state’s Constitution, the amendment must pass again in the next legislative session and be approved by the voters in a statewide referendum.)

Behind the need for a Constitutional amendment affirming equality—including protection of abortion rights—speakers cited a grim reality: that without protections in the State Constitution, abortion rights can be eradicated in the future. But expanding and securing protections are not easily achieved, they noted. For example, Sen. Krueger introduced the Woman’s Reproductive Health Act in 2007 and had to continuously lobby for it until it passed two years later.

Beyond abortion rights, the rollback of Roe v. Wade could threaten such other freedoms as contraception, same-sex marriage and voting rights, the speakers said.

On a positive note, both Sen. Krueger and AM Seawright advocated for the package of six abortion protections, which passed in the legislature and were signed into law on June 13th by Gov. Kathy Hochul.

The bills in this nation-leading legislative package include:

S.9039A/ A.10094A - Establishes a course of action for unlawful interference with protected abortion rights

S.9077A/A.10372A - Provides legal protections for abortion service providers

S.9079B/A.9687B - Prohibits misconduct charges against health care practitioners for providing reproductive health services to patients who reside in states where such services are illegal

S.908B/A9718B - Prohibits medical malpractice insurance companies from taking adverse action against a reproductive health care provider who administers legal care

S.9384A/A9818A - Includes abortion providers and patients in the Address Confidentiality Program

S.470/A.5499 - Authorizes a study to examine unmet health and resource needs and the impact of limited service pregnancy centers

Supporting the above legislation, the state added \$35 million to the budget for abortion services, with \$25 million allotted for current abortion services, and \$10 million for expansion of clinics.

A robust question and answer period followed the speakers' presentations.

Gayle Baron and Margaret Price, Co-Chairs