

**U.S. Senator Maria Cantwell**

**U.S. Senate Floor Speech on *Dobbs v. Jackson Women's Health Center***

**December 1, 2021**

[\[VIDEO\]](#) [\[AUDIO\]](#)

**Cantwell:** Mr. President, I come to the floor and join my colleague from Washington to support a woman's right to choose and to make sure that we are making our voices heard loud and clear about the discussion that's happening before the Supreme Court and why it's so important to have the full reproductive health care choices for women in the United States of America.

In 1973, the Supreme Court decided the Constitution protects a woman's right to privacy and thus the choice to have a safe and legal abortion without excessive government restrictions. And so the now that these cases are before the court, it's important for our colleagues to know that the majority of Americans support *Roe v. Wade*.

In my state in 1970, the people voted to legalize early abortions and in 1991, by a vote of the people in an initiative process, we supported that, quote, "Every individual possesses a fundamental right to privacy with respect to personal reproductive decisions," codifying *Roe v. Wade* into state law. That was in 1991.

So it is concerning to people of the State of Washington to hear now that these other states once coming here to talk about just certain restrictions, are now coming to talk about overturning *Roe v. Wade*. Women should be allowed to have these fundamental rights dependent not where they live, but to make sure that they have access. And my colleague from Washington just expressed why it's so important for women and families to have access to those full reproductive rights.

Women across the country for 50 years have come to rely on these constitutional protections to make decisions for themselves, about their reproduction, their families, and their bodies. That is why it's important to realize that *Roe* is based on our privacy protections in the Constitution. The justices wisely understood that, that a woman's right to choose was about privacy, a personal issue, a medical choice, one in which the state had very limited roles subject to the highest standards and scrutiny of the court.

But some of my colleagues believe that it is their choice to make. They believe they should decide for all women, they believe that they should not make the decision for just themselves, but for other people and for other people's family when to have a child. I know that in Mississippi legislators have decided that rather than viability after 15 weeks, the state should take the choice away from women.

In Texas, the legislature decided that the choice should be taken away at six weeks, typically long before a woman might know she is pregnant. Why are these people who claim that they should be making decisions for women across the country now supporting efforts to take away these important rights. The court in *Casey* said, quote, "The proper focus of constitutional

inquiry is the group for whom the law is a restriction, not the group for whom the law is irrelevant.”

But let's look at what happened in Mississippi. In 2018, Mississippi enacted a state law which banned abortion after 15 weeks. Notably, there's no exception for rape or incest, and no exception for the health of the mother. They say that is their government's choice. Well, I asked them, where is the right of the mother and the individual? Where's the right for that family to ask about the life of the mother.

To quote an amicus brief to the court on behalf of over 500 public health professionals, quote, “Any ban on pre viability abortion such as Mississippi, carries major public health implications, because it forces a woman to carry pregnancies to term under adverse circumstances marked by substantially greater increases to their health and that of their families.” Any ban, continuing to read from the quote, “any ban will disproportionately affect young women, women of color, low income women and communities who are already vulnerable to elevated health and social risks and reduce access to necessary health care,” end quote.

This is what we're talking about. A woman's right to choose. Her family's right to choose. And people want to see these rights eroded. I think that these are public health concerns that we all should be concerned about. I think we should be concerned that a legislature wanted to change these laws. In 2018, some in the state legislature may have just had had the objective of narrowly undermining *Roe*. But now, they recently are changing their position and are asking that *Roe v Wade* be overturned.

So all of these are important decisions. As the *Casey* court held, overruling precedent would come, quote, “at a cost of profound and unnecessary damage.” I couldn't agree more. Because of *Roe* and *Casey*, abortions are safe and are available. Women are in control of their bodies, families can plan. These are important issues for every woman in America. These are their choices. This decision, a very difficult decision can be theirs and theirs alone. And that is why it is a matter of choice.

So I hope our colleagues will be paying close attention to what is happening at the Supreme Court. I guarantee you, the people of the State of Washington are who as I said, codified *Roe v. Wade* into statute by a vote of the people. The majority of Americans support *Roe v. Wade*. And this is now a law that people are trying to overturn and overturn our privacy constitutional rights.

I thank the President. I yield the floor.