

Mister Speaker, I am concerned that the debate here this evening runs a risk of misleading people. I keep hearing people comment that the aspects of SB106 limiting rights to abortion relate to stopping the commonwealth from paying for elective abortions. That is an unclear statement – no elective abortions are currently paid for by taxpayers – and asserting that they are is factually inaccurate.

I'll repeat – no elective abortions in this commonwealth are paid for with commonwealth funds. However, some here would have you believe that is all SB106 is seeking to prohibit, glossing over the second half of this proposed amendment to our constitution, which provides that there is no constitutional right to abortion.

Those making such comments also state that the abortion control act would continue to be the law of the commonwealth and that abortion would remain legal. They are also many of the same people who sponsor legislation prohibiting abortion and have publicly and repeatedly stated that their goal is to end abortion access in this commonwealth. Most importantly, they are the ones who have the power to enact prohibitions on abortion and overturn or significantly modify the abortion control act.

Imagine if the language were altered – what if this amendment stated there was “no constitutional right to taxpayer-funded firearms or other right relating to firearms.” Like elective abortions, taxpayers already don't pay for private citizens to own guns so nothing there would change, and it wouldn't change the laws in the commonwealth regarding firearms. It would however open the door for those who want to change our firearm laws.

Such an alteration in our constitution would send a clear message of changes to come and the intent to make such changes. So too should this proposed amendment to our constitution. One could assert that it's disingenuous to hide behind implication that this only seeks to change payments for something taxpayers already don't pay for.

Let's be clear, this constitutional amendment is the first step in a path to strip women in the commonwealth from obtaining abortions. It will ensure that a court cannot grant any right to or exception for abortion once the law is changed.

Should HB904 which is a near total ban on abortion – limiting access 7-14 days after an expected missed period – pass, a court could infer no right to an abortion. There is no language in such a bill creating an exception for rape or incest. No language protecting the health of the mother. The child rape victims I represented, preteens, would have to carry to term. A woman diagnosed with a deadly form of cancer who needs to terminate three weeks after her missed period may not be entitled to life-saving cancer care. A woman with an ectopic pregnancy would have to be in imminent risk of death to obtain an abortion to save her life. A court would not be able to intercede.

If we are going to take people's rights to control their own bodies away from them, let's at least have the decency to be clear with them what they are voting on.

Our constitution is the very foundation of our commonwealth and our rights. It is a sacred document. I've stated in the past my concerns about governing by constitutional fiat. We must always remember that we exist in a system of checks and balances with other duly elected officials. Using the constitutional amendment process in order to avoid court determinations or gubernatorial vetoes, as we have in recent years, is beneath us as a chamber and undermines the foundation and balance of our government.

Ideally, things should be taken to the voters and in fact already have been taken to the voters as they made their choices for their governor, their judges and their legislators. For partisan purposes, this body has been manipulating the constitutional amendment process, and therefore voters, for far too long. We need to stop.

We took an oath to this constitution and must stop undermining it. Our continued refusal to bring up bills to fix the constitutional amendment process illustrates our unwillingness to undertake this process in a fair and consistent manner. Sometimes, to confuse this process, we ask unclear questions, such as when we asked whether judges should have to retire when they turn 75 instead of asking whether the judicial age of retirement should be raised from 70-75. Inferring taxpayers are paying for elective abortions, when they are not, muddies the water, hiding the actual intent of the amendment and is disingenuous. Only placing ballot measures on primary elections, which have significantly less turnout and where many voters who aren't republicans or democrats think they're not able to vote, means that we aren't really taking this to the voters. Refusing to hold policy hearings or other information sessions to hear from the public or educate them also shows our intent. Refusing to run any proposed constitutional amendment or amendments thereto sponsored by democrats further illustrates the abuse of this process for partisan gains.

Our abuse of the constitutional amendment process is further illustrated by the fact that these methods work. In the 2021 primary election only around 12% of voting eligible Pennsylvanians voted to modify our constitution. Having our constitution amended by 12% of Pennsylvania adults is not representative of our citizens. However, we as a body, have embraced this system to avoid checks and balances from the judicial and executive branches (all of whom were elected by more voters than any one of us) and we do not seem to care that we are manipulating our constitution for partisan gain.

I believe that abortion is essential healthcare and that I have no business interjecting myself into sometimes difficult decisions best made by a woman and her physician. I am and always have been very clear in my belief in the fundamental right to reproductive autonomy. I think that the people of Pennsylvania deserve the same level of clarity from this general assembly. Instead of obfuscating the intent of this amendment, let's be clear for the sake of the people we represent. This amendment states that there is no right to abortion in the commonwealth. Instead of undermining our constitutional amendment process, let's protect the very foundation of our government by ensuring the questions we ask are clear, that policy hearings and listening tours are undertaken, and that we place all constitutional questions on General Election ballots.