

In the City Council, November 5, 2020

Upon the Recommendation of Councilor Gina-Louise Sciarra, Councilor William H. Dwight and Councilor Rachel Maiore

R-20.146

A RESOLUTION URGING ACTION ON THE ROE ACT

WHEREAS, the death of Supreme Court Justice Ruth Bader Ginsburg on September 18, 2020 and the appointment of Amy Coney Barrett on October 27, 2020, one week before the presidential election, has put Roe v. Wade (1973) and the subsequent Supreme Court cases that have affirmed the right to make personal medical decisions about when or if to have a child in the most dire jeopardy of their history;

WHEREAS, the Trump-Pence administration has enabled states to implement unconstitutional bans and restrictions to legal and safe abortions, with the end goal of creating legal challenges that could overturn Roe v. Wade if they ascend to the Supreme Court;

WHEREAS, the overturn of Roe v. Wade would leave many states and whole regions of the United States with very restricted or no access to legal and safe abortions, and ten states have already passed “trigger laws” that would ban abortion as soon as Roe is overturned;

WHEREAS, it is essential that states protect and bolster abortion access and stand as bulwarks protecting the right to legal reproductive health care for their own residents and for those that will need to travel out-of-state to obtain safe health care;

WHEREAS, states such as New York, Vermont, Illinois, and the District of Columbia have acted to protect rights to reproductive health care if Roe v. Wade is overturned;

WHEREAS, 74% of Massachusetts residents support legal access to abortion, which is the highest support of any state;

WHEREAS, despite this overwhelming support, there is currently no state law that asserts that abortion is legal in the Commonwealth of Massachusetts, protecting that right outside of the federal right afforded by Roe v. Wade;

WHEREAS, current Massachusetts abortion law includes medically unnecessary and harmful restrictions, incorrect and inappropriate definitions and terminology, and other restrictions that are on the books such as a 24-hour

waiting period, but have been superseded by Roe v. Wade since 1973. If Roe v. Wade is overturned, these will be the standing laws for Massachusetts;

WHEREAS, the Covid-19 crisis has heightened and highlighted the harm and inequities of the 24-week ban and judicial bypass restrictions in Massachusetts. These restrictions force pregnant people to have avoidable exposure or to travel out of state to access care, which is burdensome always but potentially endangering or prohibited during a pandemic;

WHEREAS, the current restrictions disproportionately affect those who are Black, Indigenous, People of Color or those that are low-income, and who already suffer from unequal access and systemic barriers to health care;

WHEREAS, the ROE Act “An Act to Remove Obstacles and Expand Abortion Access,” (S.1209, H.3320), which is co-sponsored by Northampton’s State Senator Joanne N. Comerford, and State Representative Lindsay N. Sabadosa, will codify and protect the right to abortion in the Commonwealth, correct prejudicial and incorrect language in the general law; remove gestational age from the language so termination may still occur for fetal abnormalities, remove judicial bypass, and provide coverage for those who do not qualify for MassHealth;

WHEREAS, On June 20, 2019 the Northampton City Council passed “A RESOLUTION AFFIRMING SUPPORT FOR ACCESS TO SAFE AND LEGAL ABORTION IN THE COMMONWEALTH OF MASSACHUSETTS AND ACROSS THE UNITED STATES,” supporting and urging the passage of the ROE Act by the state legislature and;

WHEREAS, the ROE Act has remained unaddressed in the state legislature’s Joint Committee on the Judiciary since 2019.

NOW THEREFORE BE IT RESOLVED

that the City Council of Northampton hereby reasserts its initial endorsement and asks the State Legislature to move with all deliberate speed and urgency to pass the ROE Act. Without immediate action they jeopardize the rights and health of their constituents, and leave the people of the Commonwealth of Massachusetts at risk of the loss of their current right to safe and legal abortion.

BE IT FURTHER RESOLVED

that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to Massachusetts Governor Charles Baker; Senate President Karen Spilka; House Speaker Robert DeLeo; lead sponsor of S.1209, State Senator Harriet L. Chandler; lead sponsors of H.3320, State Representatives Patricia A. Haddad and Jay D. Livingstone; Chairs of the Joint Committee on the Judiciary State Senator James B. Eldridge and State Representative Claire D.

Cronin; State Senator Joanne N. Comerford; and State Representative Lindsay N. Sabadosa.