

June 10, 2021

The Honorable Roy Cooper
Governor of the State of North Carolina
20301 Mail Service Center
Raleigh, NC 27699-0301

Re: H.B. 453 Veto Request

Governor Cooper,



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Kenneth Wade
President

Chantal Stevens
Executive Director

Each and every North Carolinian has the freedom to define their own path -- including the right to decide if and when one wants to become a parent. That decision belongs to the pregnant person alone, and is not for anyone else, let alone the government, to make for them. H.B. 453 is a direct, unconstitutional attack on that right, as it bans abortions if any part of the decision to terminate the pregnancy is based on the race or sex of the fetus, or a fetal diagnosis of Down syndrome. If enacted, H.B. 453 would enable the government to become gatekeepers to medical care based on moral judgments of individuals' personal decisions. Rather than deferring to the personal autonomy of patients and the relationships they cultivate with their doctors in navigating challenging medical decisions, sponsors of H.B. 453 are demanding that doctors interrogate the reasons for their patient's decisions and deny healthcare depending on their answers. In short, the bill enlists doctors to act as the government's thought police.

This bill is an unconstitutional ban on abortions prior to viability. U.S. Supreme Court precedent clearly prohibits states from placing bans on abortion before that point at which the fetus is viable. As the Court has emphasized, "viability marks the earliest point at which the State's interest in fetal life is constitutionally adequate to justify a legislative ban on nontherapeutic abortions." The right to terminate a pregnancy "before viability is the most central principle of *Roe v. Wade*." Pre-viability bans based on an individual's reasons are a clear violation of the Constitution; under decades of established precedent, no state interest is "strong enough to support a prohibition of abortion" prior to viability.

H.B. 453 purports to prevent discrimination, but it does nothing to improve the well-being of people with Down syndrome or their families, nor does it address the realities of racism and sexism. In fact, this bill co-opts the mantels of racial justice and disability rights in pursuit of its ultimate goals of limiting access to abortion and curtailing people's rights to determining their own path. If supporters of this bill had an earnest interest in ameliorating racism and ableism, they would work to

support and protect the ability of educators to teach about legacies of discrimination by rejecting H.B. 324 and other bills that undermine equity.

On behalf of our thousands of members statewide, we urge you to veto this harmful and unconstitutional legislation.

Sincerely,

Liz Barber

Liz Barber
Policy Analyst

