

**Testimony of Cary Franklin before the California State Senate Judiciary  
Committee in support of State Constitutional Amendment 10**

**June 14, 2022**

Good afternoon, Chair Umberg and members.

My name is Cary Franklin. I am the McDonald/Wright Chair of Law at UCLA Law School, where I teach Constitutional Law. I am also the faculty director of UCLA's Center on Reproductive Health, Law, and Policy.

As you know, the U.S. Supreme Court will soon issue a decision in a case that involves a direct challenge to constitutional protections for abortion that have been in place since 1973. The leaked draft decision indicates that the Court is prepared to eviscerate the constitutional privacy rights protected in *Roe v. Wade* and *Planned Parenthood v. Casey*, thereby allowing states to bar access to safe and legal abortions, criminalize patients and providers, and create insurmountable barriers for people attempting to access reproductive healthcare.

Even with *Roe's* protections in place, federal restrictions such as the Hyde Amendment—which prohibits federal funding to be used for abortion services—have had a terrible disparate impact on women and pregnant people who are low income, who are members of historically-subordinated racial groups, and who already face multiple barriers to healthcare. At the same time, anti-abortion legislators in states have passed increasingly restrictive laws that are not rooted in science and are designed solely to make it difficult for people to obtain abortions. The U.S. Supreme Court has recently paved the way for such restrictions by enabling a legal scheme designed to circumvent judicial authority to enforce constitutionally protected abortion rights. This has

allowed abortion bans to go into effect in Texas and Oklahoma, depriving millions of Americans of fundamental constitutional rights.

The leaked opinion suggests the erosion of rights may not stop here. Many of the hard-won rights that fall under the right to privacy—including rights related to the use of contraceptives, sexual intimacy, and marriage equality—are also at risk.

While California currently has robust statutory protections for abortion, SCA 10 will safeguard the right to choose an abortion or use contraceptives regardless of who is in power in the future. It will enshrine these rights in the California Constitution explicitly—it will enumerate them by name for the first time—ensuring these rights are constitutionally protected under California law for generations to come.

SCA 10 also underscores how state constitutional rights to privacy and equal protection are tied to a person's reproductive freedom. In so doing, it—along with other legislative efforts by this body—will help to ensure that people have the basic freedom to access reproductive healthcare, and the liberty and equality to make their own decisions about if and when to grow their families.

Thank you so much.