

OAKLAND CITY COUNCIL

DRAFT
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. _____ C. M. S.

2005 JAN -6 AM 9:08

INTRODUCED BY COUNCILMEMBER Nancy J. Nadel

Resolution recognizing January 22nd, 2005 as "Stand Up for Choice Day"

WHEREAS, the United States Supreme Court decided *Roe v. Wade* (the "Roe decision"), the landmark decision which recognizes that the right of women to control their reproductive lives is central to their ability to participate fully and equally in the economic and social spheres of society; and

WHEREAS, the Roe decision states that (1) the decision to have an abortion is accorded the highest level of constitutional protection, like any other fundamental constitutional right, (2) state laws regarding abortion must be neutral with respect to influencing a woman's decision whether or not to have an abortion, (3) in the period before a fetus is viable, the government may restrict abortion only to protect a woman's health, and (4) after a fetus becomes viable, a state government may prohibit abortion, provided that such state's laws must permit abortion where necessary to protect a woman's health or life; and

WHEREAS, the protected right to make childbearing decisions, including abortion, has enabled women to pursue educational and employment opportunities that were often unattainable prior to the Roe decision; and

WHEREAS, the Center for Reproductive Rights reports that prior to the Roe decision, between 200,000 and 1.2 million illegally induced abortions occurred in the United States each year; and

WHEREAS, in 1992, the United States Supreme Court decided *Planned Parenthood of Southeastern Pennsylvania v. Casey* (the "Casey decision"), where, although it upheld a woman's right to choose, it also allowed federal, state and local laws that favor fetal rights and burden a woman's choice to have abortion, as long as the burden is not "undue;" and

WHEREAS, the Casey decision has unlocked the door to hundreds of state and federal criminal restrictions designed to discourage women from accessing abortion and to promote the rights of the fetus throughout pregnancy; and

WHEREAS, according to the Allen Gutmacher Institute (AGI), since 1996, more than 300 criminal abortion restrictions have been enacted by state and federal legislatures, none of which would have been constitutional under the original Roe decision; and

WHEREAS, according to Planned Parenthood, only eight states, including California, do not mandate parental involvement before a minor can obtain an abortion; and

WHEREAS, according to AGI, as of January 1, 2004, 21 states will have laws in effect that require a woman to wait for a period of time, usually 24 hours, but up to as many as 72 hours, after receiving state-directed counseling before she can receive an abortion; and

WHEREAS, these restrictions on access to abortion particularly discriminate against young women, poor women and women of color; and

WHEREAS, AGI indicates that 87 percent of all counties in the United States do not have an abortion provider; and

WHEREAS, for the first time since *Roe v. Wade* was decided, anti-choice officials are firmly in control of both the executive and legislative branches of the federal government; and

WHEREAS, the United States Supreme Court is only one vacancy away from eliminating the Constitutional right to abortion; and

WHEREAS, anti-choice leaders in the Bush Administration and the federal government are imposing their anti-choice ideology on the world's most vulnerable women worldwide by blocking international family planning funding and promoting ineffective and harmful abstinence-only programs abroad; and

WHEREAS, on Saturday, January 22nd, people from Oakland, San Francisco and from all over the Bay Area and beyond will gather to defend one of our most prized rights and liberties: the freedom of women to control their reproductive health, lives and futures; now, therefore, be it

RESOLVED, that the Oakland City Council recognizes January 22nd, 2005 as "Stand Up for Choice Day" in honor of the landmark 1973 United States Supreme Court decision of *Roe v. Wade*, which established a woman's constitutional right to decide when and if to have a child; and, be it

FURTHER RESOLVED, that the Oakland City Council fully supports efforts to ensure the protection of the right of women to control their reproductive health, lives and futures in an ever-increasingly hostile anti-choice climate on the federal level and in state legislatures and courts throughout the country.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE,

NOES-

ABSENT-

ABSTENTION-

ATTEST:

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California