

SYMPOSIUM REMARKS

REMARKS ON “ONE YEAR LATER: THE CHANGED LANDSCAPE OF REPRODUCTIVE RIGHTS ON THE ANNIVERSARY OF *DOBBS*”

FROM U.S. REPRESENTATIVE PRAMILA JAYAPAL*

Thank you all for having me here today. It is always an honor to return to Georgetown and speak with students and faculty here. Thank you to the *Georgetown Journal of Gender and Law* for inviting me to speak at this critical and frankly frightening moment in our fight for our basic freedoms.

This is the one-year anniversary of a post-*Roe* America, an America with an extreme right MAGA Supreme Court that, after half a century, took the unprecedented step of rolling back the constitutional right to abortion for women and pregnant people across our country. An America where generations of people who grew up assuming certain things were here to stay now face a future where they have fewer rights than their parents and grandparents. An America where once again, fear is rippling through particularly poor, Black, Brown, and Indigenous women who were already struggling with far less access to healthcare and now are facing even more extreme barriers. An America where extreme right-wing legislatures are so out of step with their own constituents that they want to take away fundamental freedoms that a majority of the American people support: freedom to make decisions about our own bodies, freedom to have economic security, freedom to chart the course of our own lives.

Now, as an immigrant woman of color, I know, as do you, that the fight for gender, racial, and economic justice has never been easy. I spent fifteen years as an organizer on the outside before coming to Congress. And what I learned is that these moments of struggle are the moments where we are forced to stop, regroup, sharpen our strategy, and strengthen our resolve—to achieve not just what we lost but perhaps—if we do our work right—achieve something even better, more just than before. It is precisely in these moments of struggle that strength emerges.

So hear me when I say this: we *will* enshrine and codify abortion rights, never to be taken away again. We *will*.

I say this as a member of Congress. I say this as a lifetime activist for gender justice. And I say this as one of the one-in-four women in America who has had an abortion.

* Congresswoman for Washington’s 7th Congressional District and Chair of the Congressional Progressive Caucus. I am grateful to all those who spend their days fighting for abortion rights across our country. © 2023, Pramila Jayapal.

It was just four years ago that I decided to publicly share, for the first time, my own abortion story. It was a moment when conservative legislators across the country were just beginning to introduce hundreds of bills stripping the right to abortion, when the extreme MAGA right wing of the Republican party was salivating at the prospect of a Supreme Court that was poised to do the unthinkable and overturn precedent of a half century simply for political gain. And as I watched this happening around me, I realized that as a member of Congress, I had a new platform, a big platform, and that I needed to speak out—for my own children, for all of our children, sisters, and siblings.

My abortion story started with the birth of my daughter, Kashi. Kashi was born unexpectedly prematurely, at 26.5 weeks, while I was on a two-year fellowship in India. She weighed just one pound, fourteen ounces and upon birth went down to a weight of just twenty-one ounces. She was so small, she fit into the palm of my hand, no bigger than a medium-sized squash. For three months, we did not know if Kashi would live or die. She needed multiple blood transfusions, had to be fed drop by drop, and constantly had her heart stop and restart.

To top it all off, because I refused to leave Kashi's bedside while she was in this life-or-death situation, I missed a deadline by which I had to return to the United States (U.S.) in order to keep my legal permanent resident status. Despite being married to a U.S. citizen and now having a U.S. citizen child, I lost my green card and my ability to return to America. Thanks to some amazing advocates, I was finally able to return to the U.S. after three months, provided that I started from scratch to qualify for citizenship all over again.

Those early years of Kashi's life were incredibly difficult. She had a series of conditions related to her prematurity: hydrocephalitis (water in the brain), seizures, and repeatedly returned to the emergency room because of life-threatening pneumonia.

As a new mom taking care of a very sick baby and recovering from major surgery myself, I was struggling. I experienced severe postpartum depression and post-traumatic stress disorder that was only diagnosed after I contemplated suicide and realized I needed to seek help. My marriage did not survive, we split custody of Kashi, and I was a part-time single parent.

Shortly after, I met a wonderful man who is my husband today. I knew I was not ready to have another child, so I religiously took my daily contraceptive pill. Despite that, I became pregnant. I consulted with my doctors who told me that any future pregnancy would likely also be high-risk to me and the child, similar to what I had gone through with Kashi. I was still struggling with taking care of Kashi and my own mental health. I very much wanted to have more children, but the risks were too high, and I knew I could not go through what I had gone through with Kashi again.

After discussions with my partner, who was completely supportive of whatever choice I made, I decided to have an abortion. Two decades later, I think about those moments on the table in the doctor's office, a doctor who was kind and

compassionate and skilled, performing abortions in Washington state— a place that recognizes a person’s constitutional right to make their choices about their reproductive care. Even then, I did not suffer from the lack of access and barriers that too many poor women suffer from.

For me, terminating my pregnancy was not an easy choice, *but it was my choice*. I do not try to tell other people to have an abortion, and I do not want anyone to tell me to not have an abortion. That is a decision that is intensely private, has enormous consequences for the pregnant person’s future health and economic situation, and must be between her, her doctor, and loved ones she chooses to consult. It should not matter whether a choice is easy or hard. None of those circumstances should matter—it should simply be our choice, our path, our freedom.

When I published my story in the *New York Times* in 2019, I had never spoken publicly or even privately about my abortion. In fact, I did not even tell my mother about it until that minute. Some of it was because as an immigrant from a culture that—like in America—still stigmatizes abortion, suicide, and mental health needs, I felt shame that I should never have felt. Some of it was because we should not *have* to tell our stories, unless we want to. But this was a moment that I felt I had to. And in doing so, I became only the second member of Congress to ever speak publicly about my abortion.

That op-ed generated a flurry of responses. Other Members of Congress began sharing their stories, including several strong women of color. Conversations began around kitchen tables, where daughters, friends, and siblings began to talk about their own abortions or how they helped a friend whose parents did not know.

These conversations were part of a truth telling of the intersections of race, gender, class, and what it means to have the freedom to make our own decisions. They were a truth-telling about the fact that reproductive justice *is* economic justice, and that when we cannot determine what happens with our own bodies, then we no longer have the freedom to have economic security. They were also a truth telling of what life would be like if we lost these freedoms, if the right-wing majority on the Supreme Court overturned settled law to strip away our constitutional rights.

And of course, exactly one year ago, that is exactly what happened. And now, fourteen Republican-led states have banned abortion and Georgia has a six-week ban in place, before many people even know they are pregnant.

So today, we are here because our work is to now get back to work, to turn our anger into action, and to take heart from the incredible movement across the country that we have seen organizing to block abortion bans in five states across the country, to defeat abortion bans at the ballot box in Kansas, and to keep abortion legal with new protections in twenty states.

Our work now is to strengthen the foundational premise of our fundamental freedoms, to center the stories of those who are most disproportionately burdened, and to build a more intersectional movement that recognizes that even

when *Roe* was the law of the land, we had a long way to go to get to true reproductive *justice*.

So, this is a moment for learning, for new coalitions, for broader and more diverse organizing, and for stronger protections for *all* of us. So I want to talk about what we are fighting for and how we get there.

Under the leadership of House Democrats in the last session, we passed the Women's Health Protection Act in the U.S. House, federal legislation that creates new legal protections for the right to provide and access abortion care, free from medically unnecessary restrictions and bans on abortion. Our legislation addresses not just the right to abortion, but also *access* to reproductive health. It addresses the destructiveness of unnecessary waiting periods, inaccurate informed consent materials, pointless and expensive in-person visits, and restrictions on why people might have an abortion. It gives providers the right to offer abortion care, and their patients the right to receive that care, free from state regulations that impede access and treat abortion differently than similar healthcare services. States passing new laws would have to show that regulation makes abortion services significantly safer or protects patients' health.

The Women's Health Protection Act lays new ground in abortion law by embracing an intersectional and forward-looking approach. It acknowledges that not all people who become pregnant identify as women. It recognizes that abortion care is a public health issue deeply connected with economic and racial justice. And it both blocks current laws that prevent people from receiving care and anticipates future measures that will undermine abortion rights.

I am also the proud sponsor of a bill called the EACH Act that addresses the longstanding economic costs and barriers to abortion. The EACH Act would require public health insurance programs, including Medicaid, to provide coverage for abortion care, mandate that federally supported healthcare facilities provide care for eligible individuals, and repeal the Hyde Amendment—the long-standing budget rider that prohibits using federal dollars to pay for abortion care. The truth is that because of these barriers, there are still too many poor people across this country, largely people of color, who simply cannot have access to care with these restrictions in place. If we are truly to achieve reproductive justice, we must recognize the way that our laws influence health outcomes and entrench inequality.

Now, I want to be clear about something. In order to pass the Women's Health Protection Act or the EACH Act, Democrats must retake the House in 2024, and we *must* expand our majority in the Senate so we can eliminate the racist, Jim Crow-legacy filibuster. We need at least fifty Democratic Senators who understand that allowing the filibuster to stay is counter to our democracy. Giving forty Senators who represent just 11% of the country's population the ability to block legislation from being heard on the floor, much less given a vote, is simply wrong and it has hobbled the country and made people lose faith in our government.

Despite the fact that House has passed a \$15 minimum wage, pay equity, collective bargaining, getting money out of politics, the John Lewis Voting Rights Act, the George Floyd Justice in Policing Act, and, yes, the Women's Health Protection Act, every single one of these bills has died in the Senate because of the filibuster's sixty vote requirement. Too many people don't understand the filibuster and its consequences but we need to explain it. It is, to me, one of the most important structural changes we must make if we are to restore our democracy. People deliver us simple majorities in the House, the Senate, and the White House and they expect us to get things done. But the rules do not allow it—so what do we do? We change the rules!

Just two years ago, we did not even have forty-eight Democrats in the Senate willing to abolish the filibuster to codify abortion rights. Nor did we have a President that supported that. But today, because of you, because of movements across this country, because of organizing across America and the actions of this extremist Supreme Court majority, we today have President Biden and forty-eight Senate Democrats who support carving out exceptions to the filibuster to codify abortion rights and voting rights. We just need two more!

Two more! We can do that. That is what our work now must be about. Building an intersectional, forward-looking movement that represents all of us. This is achievable. It is winnable. It is possible.

As an activist, whenever people would tell me that I had to give up what I was fighting for, that I was too idealistic or naive, that politics was the art of the possible, I would tell them what I will tell you today. If politics is the art of the possible, then it is our job as activists, organizers, scholars, lawyers, and politicians, to move the boundaries of what is *seen* as possible. You see, the possible is not static. It changes and can be changed by *you*, by our movements for justice.

Many of you will be involved in the legal fights surrounding abortion rights. Many will be involved in protests, rallies, and organizing movements on the ground. Some of you may have family members or friends who are abortion providers who are being criminalized. Others may be called upon to help your own friends and family members who live in states that have now banned abortion. You will all have opportunities to use your platforms to strip away the stigma surrounding abortion rights in America and to build a stronger movement that helps people understand what is at stake and the very achievable path to getting to a victory in two years.

So, *you* are on the frontlines of this fight. We need you there. And I want you to know that you have millions of people across the country who agree with and depend on you. Bring them into every room you are in. Hear their stories. Lift up their voices. You can speak truth to power. You must speak truth to power.

So many before us refused to give up in order to give us the freedoms we have today. Now it is our turn. And I *know* that we can win this.

Thank you.