

April 19, 2007

TO: Interested Parties
FROM: Rachel Laser, Director of the Culture Project
RE: Third Way Talking Points on the Supreme Court Partial-Birth Abortion Decision

In response to the Supreme Court's decision in the partial-birth abortion case, we are providing some talking points based on our reading of the case. We recommend the following three important messages:

1. This decision will polarize our nation rather than bring it together.

- This decision is unabashedly hostile to *Roe v. Wade* and perhaps goes as far as to suggest a willingness to overturn *Roe* in the future. The majority opinion backs away from previous Court pronouncements on *Roe*. For example, the majority opinion only "assume[d]" the essential holding of *Roe* "for the purposes of this opinion," instead of "retain[ing] and . . . reaffirm[ing]" it like in *Casey v. Planned Parenthood* (1992) or even "not revisiting" it in *Stenberg v. Carhart* (2000).
- The decision repeatedly uses polemical language from the far right, such as "abortion doctors" and "killing" to describe the abortion procedure.

2. This decision on its own will not reduce the number of abortions in America.

- So-called "partial-birth" abortions, or intact dilation and extraction (intact D&E abortions), are a tiny fraction (0.17%) of the total number of abortions performed in this country.
- The Court's own reasoning relies on the fact that women to whom the ban applies still have access to other types of abortion procedures.

3. Instead of polarizing people and turning up the heat, let's find common ground - preserving a woman's right to abortion and simultaneously reducing the number of abortions in America *without* imperiling a woman's health or putting anyone in prison.

- The *Reducing the Need for Abortions and Supporting Parents Act*, introduced by pro-life Congressman Tim Ryan and pro-choice Congresswoman Rosa DeLauro, would reduce abortions through the two-pronged approach of preventing unintended pregnancies and supporting pregnant women and new parents.

- The *Prevention First* bill, introduced in the Senate by pro-life Majority Leader Harry Reid and pro-choice Senator Hillary Clinton, and in the House by pro-choice Congresswomen Louise Slaughter and Diana DeGette, would also reduce abortions through a comprehensive package designed to prevent unintended pregnancies.

Please feel free to contact me with any questions at rlaser@third-way.com or (202) 775-3768 x202.