

## 1 SENATE JOINT RESOLUTION NO. 27

2 INTRODUCED BY J. BALYEAT

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA OPPOSING THE FEDERAL FREEDOM OF CHOICE ACT.

6

7 WHEREAS, President Barack Obama, has promised that one of the top priorities of his new  
8 administration is to sign into law the Freedom of Choice Act, which purports to classify abortion as a fundamental  
9 right equal in status to the right to free speech and the right to vote; rights that, unlike abortion, are specifically  
10 enumerated in the U.S. Constitution; and11 WHEREAS, the federal Freedom of Choice Act would invalidate any statute, ordinance, regulation,  
12 administrative order, decision, policy, practice, or other action of any federal, state, or local government or  
13 governmental official that would deny or interfere with a women's right to choose abortion or that would  
14 discriminate against the exercise of the right in the regulations or provisions of benefits, facilities, services, or  
15 information; and16 WHEREAS, the federal Freedom of Choice Act would nullify any federal or state law enacted, adopted,  
17 or implemented before, on, or after the date of its enactment and would effectively prevent the state of Montana  
18 from enacting similar protective measures in the future; and19 WHEREAS, the federal Freedom of Choice Act could be passed as a whole by Congress or, alternatively,  
20 implemented piecemeal through legislation, executive order, or other policy determination made by the new  
21 administration; and22 WHEREAS, the 10th Amendment to the U.S. Constitution provides that the "powers not delegated to the  
23 United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to  
24 the people"; and25 WHEREAS, the power to determine an individual state's abortion policy, including the delineation of  
26 appropriate medical requirements and standards for its provision, has not been delegated in any manner to the  
27 federal government; and28 WHEREAS, beginning with *Roe v. Wade* in 1973, the U.S. Supreme Court has expressly and repeatedly  
29 recognized the right and authority of the states to regulate the provision of abortion; and

30 WHEREAS, the U.S. Supreme Court has long recognized that an individual state, such as the state of

1 Montana, has a legitimate interest in seeing to it that abortion, like any other medical procedure, is performed  
2 under circumstances that ensure maximum safety for the patient; and

3 WHEREAS, the state of Montana and other states thus retain the authority to regulate the provision of  
4 abortion and, in the interest of protecting both women and the unborn, have acted accordingly and appropriately;  
5 and

6 WHEREAS, the federal Freedom of Choice Act would invalidate more than 500 federal and state  
7 abortion-related laws, laws supported by the majority of the American public; and

8 WHEREAS, the federal Freedom of Choice Act will not make abortion safe or rare, but will instead  
9 actively promote and subsidize abortion with state and federal tax dollars and do nothing to ensure its safety; and

10 WHEREAS, the federal Freedom of Choice Act will silence the voices of everyday Montanans and other  
11 Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and  
12 even desirability of abortion.

13  
14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
15 STATE OF MONTANA:

16 (1) That the Legislature strongly opposes the federal Freedom of Choice Act and urges the U.S.  
17 Congress to summarily reject it.

18 (2) That the Legislature strongly opposes the federal Freedom of Choice Act because it seeks to  
19 circumvent states' general legislative authority as guaranteed by the 10th Amendment to the U.S. Constitution.

20 (3) That the Legislature strongly opposes the Freedom of Choice Act because it seeks to undermine the  
21 right and responsibility of the states and the people to debate, vote on, and determine abortion policy.

22 (4) That the Legislature strongly opposes the federal Freedom of Choice Act because the protection of  
23 women's health through state regulations on abortions is a compelling state interest that should not be nullified  
24 by Congress.

25 (5) That the Montana Secretary of State transmit a copy of this resolution to the Governor, to the  
26 President of the United States, and to the President of the Senate and the Speaker of the House of  
27 Representatives of the U.S. Congress.

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