SENATE JUDICIARY
EXHIBIT NO. 4
DATE 4/11/13
BILL NO. HB619

American Civil Liberties Union
of Montana
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RE: HB 619 – Constitutional referendum to specify no right to abortion

Dear Chairman Murphy and members of the Senate Judiciary Committee:

The American Civil Liberties Union of Montana strongly opposes HB 619. HB 619 would allow government intrusion into the most difficult, intimate, and private decisions that families make. This amendment would make a profound change to our state's constitution, and not for the better.

Reasonable, honorable, compassionate and loving people can and do differ on the issue of abortion, just as they do on decisions regarding marriage, religion, and expression of our personal beliefs. Currently, our constitution recognizes that these are the types of decisions that are rightly left to each individual. We may differ in our beliefs, but we can all respect our neighbors' right to make those decisions for themselves.

Our state constitution, at its most basic level, is a set of limitations upon government intrusion. Our constitution grants each person broad protections against government interference. These protections are phrased and framed in the language of certain rights that we feel are so important, so fundamental, that we want to give them as much breadth as possible. The right to privacy enshrined in Article II, Sec. 10 of our constitution is one such fundamental right:

> "The right of individual privacy is essential to the well being of a free society and shall not be infringed without the showing of a compelling state interest."

Succinctly put, Art. II, Sec. 10 protects our right to be left alone, as much as possible. Within this right to privacy are the protections that Montanans treasure most deeply. It guarantees to every person the ability to make their own decisions about the matters that are considered especially private and especially personal; matters in which we don't expect, and don't want, the government to be involved.

And as held by our State Supreme Court in *Armstrong v. State*, matters included in that sphere of privacy include decisions surrounding pregnancy and abortion.

A woman's experience with an unintended pregnancy is intensely personal. The most complex, difficult, and private decisions that most women will make is if, when, and how to become pregnant and give birth. And these are the types of decisions that most Montanans do not want to be making for their neighbors. Most Montanans do not want to be sitting in their neighbors' doctors' offices any more than they want their neighbors – or the government – to be sitting in theirs.

The only thing preventing the state's intrusion into these difficult medical decisions are the privacy rights afforded by our state and federal constitutions. HB 619 proposes to strip that right away from every pregnant Montanan.

This is a dangerous, misguided attempt to ban abortions, but the irony of this amendment is that it will make no difference in a woman's federally protected right to pre-viability abortions. Instead, it will amend our state constitution to strip away the privacy rights of pregnant women and to erode the principle of less government interference. It will set the precedent for our constitution to be used to open the door for government involvement, rather than be a limitation on state government. Our constitution should be an instrument for protecting individual liberty, not for increasing the power of state politicians.

We respectfully urge you to reject this attempt to carve away privacy rights from Montana women and to vote "no" on this measure.

Submitted by:
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