

REPRODUCTIVE FREEDOM

ISSUE BACKGROUND

Almost 50 years ago, the U.S. Supreme Court decided *Roe v. Wade*, the landmark case that secured a national right to abortion. While abortion has been legal for nearly five decades, many communities have never experienced true access to abortion care because of policies rooted in systemic racism. Since abortion became legal, politicians have consistently pushed abortion care out of reach for those struggling financially, young people, LGBTQ people, Black people, Indigenous people, and people of color.

In recent years, Iowa has been the site of some of the most aggressive attempts to restrict the right to abortion in the country. This includes a 6-week abortion ban law, and so-called 72-hour waiting period abortion law which in reality could delay an abortion by weeks. The ACLU of Iowa has been successful challenging some anti-abortion laws, resulted in these laws being declared unconstitutional.

In 2018, the Iowa Supreme Court established the right to an abortion under the Iowa Constitution. The court wrote: *“Autonomy and dominion over one’s body go to the very heart of what it means to be free. At stake in this case is the right to shape, for oneself, without unwarranted governmental intrusion, one’s own identity, destiny, and place in the world. Nothing could be more fundamental to the notion of liberty.”*

ACLU OF IOWA POSITION

The ACLU works to ensure that every person can make the best decision for themselves and their family about whether and when to have a child without undue political interference. We work to ensure Iowans can get the reproductive health care they need without shame, obstacles, or stigma. We agree with the Iowa Supreme Court that autonomy over one’s body is fundamental to the notion of liberty.

The Supreme Court of the United States and the Iowa Supreme Court have recognized that the right to safe, legal abortion is fundamental and protected by both the federal and Iowa Constitutions. Through litigation, advocacy, and public education, we’re committed to protecting that right and fighting for reproductive freedom.

LEGISLATIVE CONTEXT

Last session, the Iowa legislature took the first step toward a constitutional amendment designed to undermine a person’s fundamental right to a safe and legal abortion. This constitutional amendment is the most serious threat to reproductive freedom in Iowa in recent history. Politicians in Iowa have already been trying for years to ban abortion and severely limit who can access it. If this proposed constitutional amendment became law, nothing in the Iowa Constitution would keep them from doing so.

They are trying to do something that a majority of Iowans across the political spectrum oppose—remove the state constitutional protection that recognizes Iowans fundamental right to an abortion.

A constitutional amendment must follow a three-step process:

1. Legislation for the amendment passes one General Assembly. This has happened.
2. The same amendment also passes the next General Assembly, which starts in 2023.
3. If it passes, it then goes to a vote of the people. This means all Iowa voters would vote directly on whether to add this amendment to our state constitution.

Learn more about this three-step process [here](#).

The legislature is unlikely to take any more action on the amendment this session, but it’s likely it will attempt to pass even more anti-abortion laws.

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HAVE A QUESTION?

Email us at outreach@aclu-ia.org.

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Iowa