

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 16, 2021

1:33 p.m.

MEMBERS PRESENT

Senator Lora Reinbold, Chair
Senator Mike Shower, Vice Chair (via Teams)
Senator Shelley Hughes
Senator Robert Myers
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Peter Micciche
Representative Kevin McCabe

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 4, Proposing an amendment to the Constitution of the State of Alaska relating to abortion.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SJR 4

SHORT TITLE: CONST. AM: ABORTION/FUNDING

SPONSOR(s): SENATOR(S) HUGHES

01/22/21	(S)	PREFILE RELEASED 1/8/21
01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	HSS, JUD, FIN
03/16/21	(S)	HSS AT 1:30 PM BUTROVICH 205
03/16/21	(S)	Heard & Held
03/16/21	(S)	MINUTE(HSS)
03/23/21	(S)	HSS AT 1:30 PM BUTROVICH 205
03/23/21	(S)	Moved SJR 4 Out of Committee
03/23/21	(S)	MINUTE(HSS)
03/24/21	(S)	HSS RPT 3DP 1DNP 1NR

03/24/21 (S) DP: WILSON, COSTELLO, HUGHES
03/24/21 (S) DNP: BEGICH
03/24/21 (S) NR: REINBOLD
04/16/21 (S) JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

LOREN LEMAN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SJR 4.

JIM MINNERY, Executive Director
Alaska Family Council
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SJR 4.

BOB BIRD, Chair
Alaska Independence Party
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SJR 4.

LISA HART, Staff
Senator Shelley Hughes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a PowerPoint on SJR 4.

WINDY PERKINS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SJR 4.

MORGAN LIM, Government Relations Manager
Planned Parenthood Alliance Advocates - Alaska
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

MARY ELIZABETH KEHRHAHN-STARK, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4 based on Alaskans' constitutional right to privacy.

PATRICK MARTIN, President
Alaska Right to Life
Wasilla, Alaska

POSITION STATEMENT: Testified in support of equal justice to all from the moment of conception until natural death, which is not present in SJR 4.

ROBIN SMITH, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4 to protect a women's right to privacy.

LARRY CLEMENT, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SJR 4 because life begins at conception.

JULIE SMYTH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

KASEY CAFORT, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

MIKE COONS, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SJR 4.

KATELYN AVERY, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

JAN CAROLYN HARDY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4 to protect individual rights.

KAREN BAKER, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

RILEY CHIEN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4 to preserve individual rights.

DAWN DULEBOHN, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

KATIE BOTZ, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SJR 4 because life begins at conception.

LYNETTE PHAM, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

LISA GENTEMANN, representing self
Eagle River, Alaska

POSITION STATEMENT: Testified in support of SJR 4.

JENNIFER EUBANK, representing self
Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

SERENE O'HARA-OLLEY, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4 to protect individual rights and freedoms.

HAL GAGE, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

KATHERINE LYLE, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

PAMELA SAMASH, representing self
Nenana, Alaska

POSITION STATEMENT: Testified in support of SJR 4.

DIANA REDWOOD, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

KEVIN THOMAS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SJR 4.

BILL MOSER, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

MOIRA PYHALA, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

HEIDI FROST, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

SARAH GROCOTT, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

BERNIE HOFFMAN, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SJR 4.

ACTION NARRATIVE

[1:33:43 PM](#)

CHAIR LORA REINBOLD called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Myers, Kiehl, Hughes, Shower (via Teams), and Chair Reinbold.

SJR 4-CONST. AM: ABORTION/FUNDING

[1:34:28 PM](#)

CHAIR REINBOLD announced the consideration of SENATE JOINT RESOLUTION NO. 4, Proposing an amendment to the Constitution of the State of Alaska relating to abortion.

[This was the first hearing on SJR 4.]

[1:36:01 PM](#)

SENATOR HUGHES explained that SJR 4 proposes an amendment to the Alaska State Constitution to restore to voters and the legislature the power to set public policy related to saving the unborn. She said that this power was usurped in recent decades by a series of court decisions. Most prominently in 1973, Roe v. Wade declared a right to an abortion, which is an alleged right in her view. However, the US Supreme Court has allowed states to impose certain restrictions, which has saved many babies. For example, some states require parental involvement prior to an abortion being performed on a minor, restricting public funds for abortions, and disallowing certain procedures, including partial-birth abortions.

SENATOR HUGHES related that the Alaska Supreme Court in Valley Hospital Association, Inc. v. Mat-Su Coalition for Choice, [948

P.2d 963 (Alaska 1997)] found that the Alaska Constitution contained a previously unknown "right to abortion." She offered her belief that the court erred in its decision. The word "abortion" is not found anywhere in the Alaska Constitution, nor is there a shred of evidence that the delegates to the Alaska Constitutional Convention met to protect abortions. When the Alaska Constitution was drafted, abortion was illegal throughout the US. She highlighted that the right to privacy has been used to strike down laws that the Alaska legislature has passed. However, when the Alaska Constitution was drafted, the right to privacy became an issue because there were grave concerns about data mining when computer informational systems were just starting up. She stated that the Constitutional Convention delegates had specific language drafted related to surveillance and data mining but ultimately allowed the legislature to make those decisions.

[1:39:40 PM](#)

SENATOR HUGHES said that in the Valley Hospital Association, Inc. v. Mat-Su Coalition for Choice, the Alaska Supreme Court declared that the judicially-manufactured right to abortion protects abortion. The court did so in a very broad manner. She said the US Supreme Court justices ruled, in her view erroneously. The result is that laws that could have saved unborn babies in Alaska were found invalid even though similar laws in other states withstood challenges.

SENATOR HUGHES summarized that Alaska Supreme Court rulings have demonstrated that other states' laws are not possible in Alaska. For example, in Alaska, a girl as young as 13 could be brought to an abortion clinic by an older boyfriend without any parental knowledge or involvement. The only reason for this deplorable situation is that the Alaska Supreme Court demands it, she said. Alaska voters, the legislature, and all of Alaska governors for the last 18 years have supported parental involvement. She said that the decisions of four unelected Alaska Supreme Court justices not supporting the right of parental involvement in abortion decisions is an outrage. This needs to be fixed, she said. SJR 4 would not set policy, but it will determine who will set it. It would empower elected officials acting directly through the initiative process to set consistent policy with Alaskan values. Other states have passed constitutional amendments that protect the rights of voters and elected officials to determine abortion policy. She offered her belief that it is time for Alaska to do the same.

CHAIR REINBOLD turned to invited testimony.

1:42:32 PM

LOREN LEMAN, representing self, Anchorage, Alaska, stated he represented parts of west, downtown and northwest Anchorage during his 14 years of legislative service. He said he also served as Lieutenant Governor for four years. He offered his support for SJR 4 as an important step to restore to the people of Alaska and the legislature the ability to set policy on abortion. As Senator Hughes stated, that authority has been usurped for more than two decades by Alaska courts, he said.

MR. LEMAN related his 24-year journey defending the rights of parents to be involved in the lives of their minor daughters. He said:

Although this effort has been disrupted and delayed by what I consider to be misrepresentation of our state constitution by the courts, I'm not defeated, and I'm not giving up. In 1997, I sponsored SB 24 to enable the state to enforce a law on the books since 1970 that required a doctor to obtain parental consent before performing an abortion on a girl under 18 years of age in Alaska.

MR. LEMAN related that an opinion issued by then-Attorney General Avrum Gross said that the law was unenforceable because a US Supreme Court ruling required that parental involvement laws allow minors to seek a waiver in court. This is commonly known as a judicial bypass. However, he said the state has ignored enforcing the parental consent law.

1:43:59 PM

MR. LEMAN said he introduced a bill to add a judicial bypass provision in full compliance with the rulings of the US Supreme Court. At the time, that court had responded to several state bills with the judicial bypass. The US Supreme Court had most recently issued a 9-0 decision in a case from Montana, saying in effect not to send the court any more of these cases because the court has already ruled that it approves parental involvement statutes with these provisions. Even Justice Ruth Bader Ginsburg agreed, he said. Senate Bill 24 passed the legislature with supermajority support, enough to override a veto from then-Governor Tony Knowles. The Parental Consent Act was tied up in court for 10 long years. He said he was extremely disappointed when the Alaska Supreme Court struck it down in a 3 to 2 decision. In the majority opinion, Justice Dana Fabe stated in

clear language that a less restrictive law, such as requiring only parental notification, would be acceptable.

MR. LEMAN said that a bill was introduced in the legislature to do this, but it was not advanced in the legislature. He subsequently joined with two other Alaskans to sponsor a voter initiative to pass a law requiring parental notice. In 2010 more than 56 percent of Alaskan voters, over 90,000 voters, approved Ballot Measure 2.

[1:47:40 PM](#)

MR. LEMAN offered his view that the Alaska Supreme Court decisions are not made by following the law but by personal ideology. He characterized that as a big problem. Legislators make public policy decisions influenced by their values, life experiences and the people who elected them. Legislators earn that right by winning an election, but unelected judges have not earned that right. He said when judges exceed their authority, they deserve an aggressive response.

MR. LEMAN said this resolution by itself does not change abortion law. Instead, it restores to elected leaders and the people of Alaska the proper role of setting abortion policy. Once passed by the legislature and the voters of Alaska, it will invite considerably more discussion on what type of protections Alaska wants for parents and their children. He said he hoped to participate in that discussion.

[1:50:00 PM](#)

JIM MINNERY, Executive Director, Alaska Family Council, Anchorage, Alaska, stated he is a lifelong Alaskan and the council is a pro-family policy group. He offered his view that SJR 4 is a separation of powers issue as much as it is an abortion issue. He opined that the Alaska Supreme Court has abused its authority in claiming that the Alaska Constitution contains an inherent right to abortion at taxpayer expense.

[1:51:30 PM](#)

MR. MINNERY related other states' actions on abortion rights include passing amendments in some of the strongest pro-life states in the country similar to the language in SJR 4, including Tennessee, Alabama and Louisiana. In fact, 62 percent of voters in Louisiana approved an amendment, supported by the Louisiana Right to Life and the Louisiana Conference of Catholic Bishops. One of the nation's foremost legal experts on state abortion policies, Paul Linton, served as special counsel for Americans United for Life and authored a book providing a state-

by-state analysis on abortions. He quoted Mr. Linton's comments on the Alaska Supreme Court's decisions, "It is apparent that the State of Alaska could not prohibit abortions at least before viability even if Roe were overruled unless the state constitution is amended to overturn the holdings in those decisions." Thus, the state has little authority to regulate abortion even with current federal constitutional limits because any such regulations would need to satisfy the strict scrutiny standard of judicial review. SJR 4 is precisely what Mr. Linton recommends, a clear and concise amendment that states there is no right to abortion or funding for an abortion in the Alaska Constitution.

MR. MINNERY offered his view that pro-life critics will not succeed in Alaska because the same strategies did not prevail in other states. He recalled an article related to a 2014 Tennessee Constitutional Amendment upheld by the Fifth Circuit Court of Appeals, which is similar to SJR 4. He stated that Tennessee's strategy did not prevent laws from being challenged. What happened was it did exactly what was intended, which was preventing the Tennessee Constitution from stating there is an inherent right to an abortion. Ultimately, that case may go to the US Supreme Court. As Mr. Leman said, SJR 4 will not create abortion law, but it will clarify that the Alaska Constitution is neutral on abortion, that there is no inherent right to abortion and the people should decide on the issue. He offered his view that SJR 4 will restore the balance of power.

[1:55:18 PM](#)

BOB BIRD, Chair, Alaska Independence Party, Anchorage, Alaska, stated that he is the past President of the Alaska Right to Life organization founded in 1969 by Wayne Anthony Ross.

MR. BIRD agreed with Senator Hughes that the courts have usurped or overthrown the Alaska Constitution with the Valley Hospital Association, Inc. v. Mat-Su Coalition and Baker v. City of Fairbanks. He stated the most important part of the Alaska Constitution is Art. I, Sec. 22, the right to privacy, which states that the right of the people to privacy is recognized and shall not be infringed. However, if the legislature does not define it, the "sky is the limit," he said. The Alaska Constitution provides the legislature authority by stating, "The legislature shall implement this section."

[1:57:40 PM](#)

MR. BIRD stated the Alaska Right to Life position is that states need to pass statutes to regain power. He said he was astonished

when the court ruled that the right to privacy included abortion rights and an expectation of funding for abortions. He offered his belief that the courts have overreached their authority in many ways not related to SJR 4, including the governor's line-item veto power and the legislature's right to override the governor's veto. He argued that every single time the legislature has refused to fund abortion, it does not recognize the right to privacy granted by Art. I, Sec. 22.

[1:59:53 PM](#)

MR. BIRD recalled former President Reagan stated that the oath of office required him to enforce all US Supreme Court decisions even ones he does not agree with, but many of the US founding fathers found otherwise. He said this flies in the face of Thomas Jefferson who refused to enforce the Sedition Act as did then-President Andrew Jackson in Worcester v. Georgia. He paraphrased the Federalist Papers: No 78, which indicates that governors do not need to enforce US Supreme Court decisions [Original punctuation provided]:

The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment.

MR. BIRD credited Montesquieu as recognizing that of the three powers of government, the judiciary is next to nothing. He concluded that there are not three equal branches of government. He referred to Art. IV, Sec. 1 of Alaska's Constitution, which read, in part, "The jurisdiction of courts shall be prescribed by law." This language mimics Art. III, Sec. 2 of the U.S. Constitution, which states that Congress has the power to exempt the courts from laws as they may direct. He pointed out that Alaska would not have been able to construct the Trans-Alaska Pipeline System (TAPS) without an amendment by Congress [to provide for an improved vessel traffic control system for Prince William Sound].

[2:01:38 PM](#)

MR. BIRD opined that these provisions allow the legislature a means to assert itself by regaining what is already in the Constitution in Art. I, Sec. 22. It may be difficult to pass a statute but it's easier than passing a constitutional amendment

which requires a two-thirds vote by the House and Senate and to persuade the public, which the press can sway, he said. He said the only thing that keeps the Alaska Supreme Court from being impeached is constitutional ignorance, a subservient press, and a lack of will buy the other two branches of government to reclaim their constitutional powers.

2:03:34 PM

SENATOR HUGHES agreed that the legislature could define privacy in the statutes. She offered her belief that the courts would overturn that definition since Alaska Constitution's provides the right to equal protection. She pointed out that impeachment requires a two-thirds vote by the House and the Senate, a very high bar. In addition, some confusion exists between jurisdiction and power in terms of what the legislature can do. Jurisdiction relates to the type of cases. For example, the jurisdiction granted to the US Supreme Court allows cases between two states and several other entities. The legislature determines the jurisdiction of Alaska's courts in terms of whether the cases will be civil or criminal ones. Jurisdiction is the type and manner and power is the authority. The US Constitution states that the US Constitution is the supreme law of the land. The courts have the power and authority to review issues according to the law. Thus, limiting judicial review might backfire. She acknowledged that this was done with the Alaska pipeline, which may have deterred a case, but it has never really been tried. She asked members to imagine if the legislature passed a ban on gun ownership and attached an amendment that says it is not subject to review by the judiciary. She said she did not believe an amendment would work.

2:06:09 PM

LISA HART, Staff, Senator Shelley Hughes, Alaska State Legislature, Juneau, Alaska, began a PowerPoint on SJR 4. She turned to slide 2 to a map depicting eight states, including Alaska, that have minimal or no restrictions for abortion. She said state-level abortion legislation has been at the forefront of much-needed debate, specifically the role of separation of powers within state government.

2:07:33 PM

MS. HART turned to slide 3, highlighting that 42 of 50 states took action on pro-life legislation. Across the country state lawmakers have used the legislative process to reflect the will of the voters. However, this has not been the case in Alaska, but not for lack of trying.

MS. HART turned to slide 4, What about Alaska?
[Original punctuation provided]:

The Alaska Supreme Court has determined that the Alaska Constitution provides broader abortion rights than those interpreted in the U.S. Constitution.

Passing SJR 4 will ensure that unelected judges cannot strike down pro-life laws that are passed by Alaska's legislative body or through a citizens' ballot initiative process.

[2:08:04 PM](#)

MS. HART turned to slides 5-8, titled, "Abortion-Related Laws Overturned in Alaska." [Original punctuation provided]:

1997: Hospital forced to be involved in abortion. When the Alaska Legislature legalized abortion in 1970, lawmakers included a provision stating that neither hospitals nor health care workers had to participate in abortion.

The Alaska Supreme Court declared a policy by a private institution, Valley Hospital, to be unconstitutional to not allow abortions to be performed in its facility (Valley Hospital Association v. Mat-Su Coalition for Choice).

MS. HART paraphrased slide 6 [Original punctuation provided]:

2007: Law requiring parental consent struck down. The Supreme Court struck down a 1997 law passed by the Legislature which ensured that Alaska's law requiring parental consent before abortion could be enforced.

The court also stated in its ruling that a policy requiring only parental notification, not consent, could be upheld as constitutional (State of Alaska v. Planned Parenthood).

[2:09:20 PM](#)

MS. HART paraphrased slide 7 [Original punctuation provided]:

2016: Law requiring parental notice struck down. As a result of the overturned parental consent law, a citizen-led voter initiative was passed. The sponsors relied in good faith on the court's 2007 indication

that a parental notification statute would be constitutional.

Yet in violation of their own precedent, the Supreme Court overruled the people and struck down the parental notification law (Planned Parenthood of the Great Northwest v. Alaska).

[2:09:51 PM](#)

MS. HART paraphrased slide 8 [Original punctuation provided]:

2019: Law defining "medically necessary" abortions struck down.

In 2014, relying on the Supreme Court's previous ruling that the State was constitutionally obligated to pay only for medically necessary abortions, the Legislature passed a bill (SB 49) that carefully defined what abortions were medically necessary.

The Alaska Supreme Court handed down a 4 to 1 decision, striking down SB 49 (State of Alaska v. Planned Parenthood of the Great Northwest).

MS. HART stated that this was another instance of the court striking down a law that the legislature passed.

[2:10:26 PM](#)

MS. HART presented the sectional analysis shown on slide 9:

[Original punctuation provided]:

Section 1 - Article I, Constitution of the State of Alaska, Page 1, Lines 3-7

Amends the Constitution of the State of Alaska by adding a new section, Section 26. Abortion. The amendment states that in order to protect human life, nothing in this constitution may be construed to secure or protect a right to an abortion or require the State to fund an abortion.

Section 2 - Article I, Constitution of the State of Alaska, Page 1, Lines 8-10

Adds that the amendment proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1,

Constitution of the State of Alaska, and the election laws of the state.

[2:11:35 PM](#)

SENATOR KIEHL said he thought Senator Hughes' response to one of the invited testifiers was apt when she noted that the legislature could not ban guns because the courts would protect Alaskans' rights from that level of enactment. He asked how that is different from the cases cited. The Alaska Supreme Court has protected Alaskans' rights to medical care, in the form of abortion when the legislature passed laws that infringed on Alaskan's constitutional rights.

SENATOR HUGHES responded that it is evident that the US Constitution's Second Amendment provides the right to bear arms. However, nothing in the US Constitution or the Alaska Constitution provides citizens with the right to an abortion, so it is different.

[2:13:44 PM](#)

CHAIR REINBOLD opened public testimony on SJR 4.

[2:14:13 PM](#)

WINDY PERKINS, representing self, Anchorage, Alaska, spoke in support of SJR 4. She offered her view that most people will agree that the court has overstepped its authority in terms of abortion.

[2:15:35 PM](#) }

MORGAN LIM, Government Relations Manager, Planned Parenthood Alliance Advocates - Alaska, Juneau, Alaska, spoke in opposition to SJR 4. He urged the committee not to move the resolution from the committee.

MR. LIM stated that Alaska is experiencing health crises on multiple fronts, including the ongoing pandemic, rising sexually transmitted infections (STIs), and pervasive structural racism.

[2:16:12 PM](#)

MR. LIM highlighted that supporters of SJR 4 will say it is about judicial overreach. Still, the reality is that it is about abortion, restricting health care access and putting the government in the middle of personal health care decisions. With the budget in crisis and people rebuilding their lives as the state recovers from COVID-19, Planned Parenthood asks legislators to reject this attack on the public's access to safe and legal abortion care by voting no on SJR 4. This will impact

those already experiencing barriers to reproductive health care in Alaska. American Indian and Alaska Native people have endured a history of state-controlled reproductive coercion and denial of bodily autonomy. Banning abortion in Alaska will continue this legacy by denying people the ability to consider all options available to them, threatening their health and lives in the process.

MR. LIM continued. Furthermore, people in Alaska do not want SJR 4. Alaskans know that access to abortion is critical to their health, the health of their families, and the stability of their communities. It is more important than ever that the Alaska Constitution protect the right to obtain or reject medical treatment without governmental interference in personal, private decisions. He urged the committee to reject SJR 4 and instead devote its time and energy to proactive policies to improve public health and ensure access to sexual and reproductive health care across Alaska.

[2:18:42 PM](#)

MARY ELIZABETH KEHRHAHN-STARK, representing self, Fairbanks, Alaska, spoke in opposition to SJR 4. She offered her belief that SJR 4 will affect the most vulnerable women since the typical abortion patient is disproportionately single, very poor and living below the federal poverty level. She opined that SJR 4 creates sex-based, social and economic discrimination related to medical treatment. She said she opposes SJR 4 because the Alaska Constitution, as written, protects each Alaskan regardless of their sex and income level. Currently, Alaska's Constitution protects the right to obtain or reject medical treatment without government interference in people's personal and private decisions. It offers everyone the opportunity to control their own lives at the most basic level, including their bodies, families, and choices. She said:

The Alaska Constitution is dedicated to the principle that all persons have a natural right to life, liberty, and the pursuit of happiness and the enjoyment of the rewards of their own industry, that all persons are equal and entitled to equal rights, opportunities and protections under the law and that all persons have corresponding obligations to the people and to the state.

[2:21:36 PM](#)

PATRICK MARTIN, President, Alaska Right to Life, Wasilla, Alaska, stated that the core issue of SJR 4 is that life begins

at the moment of conception. Equal protection and equal justice are demanded for all human beings from the moment of conception until the natural end of life. He said that overturning a parental consent law does not equally protect human beings from the moment of conception. He said that parental consent transfers the decision of whether to obtain an abortion to the parents of a minor. Alaska could conform to Roe v. Wade and the Valley hospital decision, which would mean regulating abortion with a parental consent law. Another approach would be to confront Roe v. Wade just as Arkansas's Life at Conception Act did, likely going to the US Supreme Court. A third option recognizes that the Alaska Supreme Court's 1997 decision, in his view, effectively nullified the Alaska Constitution.

MR. MARTIN continued. He maintained the necessity to provide equal protection and equal justice to all from the moment of conception, which SJR 4 does not provide. Further, in his view, the US Supreme Court effectively nullified the US Constitution with Roe v. Wade. Since nullifying the Constitution would limit the authority of legislatures and Congress, it makes sense that these bodies should either nullify those decisions or block enforcement of them.

[2:24:14 PM](#)

ROBIN SMITH, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. She reported that Alaska has four times the national average for rape and incest in the US. If any state needs access to abortion, it is Alaska. SJR 4 will erode a woman's right to privacy. In the words of Ruth Bader Ginsburg, "Abortion is a matter of both equal protection under the law and individual autonomy." According to the Institute of Medicine, unwanted pregnancy can cause severe disruptions to other life plans, place strain on marriages, and have a negative psychological impact on the mother and other family members. She agreed with the previous testifier that young women with low income would be impacted by SJR 4. She stated that SJR 4 would severely limit a woman's right to control her body, her health for the future and her family's welfare. She urged members to provide women with contraceptives to limit abortion.

[2:27:16 PM](#)

LARRY CLEMENT, representing self, Anchorage, Alaska, spoke in support of SJR 4 because he believes life begins at conception. He offered his view that most people are pro-life in their opinions. He stated his belief that abortion is murder. Further, abortion destroys future citizens, who might work in many

professions. He said that people should be allowed to vote on SJR 4 rather than have activist judges make those decisions.

[2:28:35 PM](#)}

JULIE SMYTH, representing self, Fairbanks, Alaska, spoke in opposition to SJR 4. She stated that she is an Inupiat mother with mental health issues. She related her circumstances when discovering she was pregnant after a serious relationship ended. Doctors provided her with information on the potential adverse effects prescription drugs she needed to help her function could have on her fetus. She stated that the Alaska Constitution protects people and SJR 4 could have unintended consequences by targeting women of color.

[2:30:37 PM](#)

KASEY CAFORT, representing self, Fairbanks, Alaska, urged members to oppose SJR 4. She offered her view that the Alaska Constitution provides the right to an abortion, which is a fundamental freedom of the right to privacy. It allows people the right to make choices about their future, families and access to health care. Alaska has some of the highest rates of sexual assault in the country. She urged members to provide health care services and solve the budget crisis.

[2:32:02 PM](#)

MIKE COONS, representing self, Palmer, Alaska, spoke in support of SJR 4. He offered his view that the socialist left attacks conservative values negatively. He offered that poor choices lead to abortions and children's lives being taken. He acknowledged that rape and incest should be addressed.

[2:34:37 PM](#)

KATELYN AVERY, representing self, Fairbanks, Alaska, spoke in opposition to SJR 4, which would take away all women's reproductive care rights and autonomy. She pointed out many ways in which the conception date of a child is not counted, including the census, birth dates, or to qualify to receive stimulus checks. She quoted Ruth Bader Ginsburg as saying that a woman's autonomy determines her life course. SJR 4 makes moral decisions for women but does not provide support once they are born. She suggested that members who care about babies should ensure that the state provides prenatal care, pre-K education, and health care for Alaska's children.

[2:37:36 PM](#)

JAN CAROLYN HARDY, representing self, Anchorage, Alaska, said she also serves as vice-president of the ASEA Local 52 Retirees

and vice-president for the Older Persons Action Group but is representing herself today. She stated that she has worked as a teacher, vocational and academic counselor, and administrative and training counselor. Women have made great strides during her lifetime but still struggle to achieve self-determination and equal rights. She said she had observed firsthand the challenges women face, including pay inequity and inequitable opportunities. She said that individual rights and freedoms go to the heart of Alaskan values. She urged members to reject SJR 4 because it is an arcane and reactionary suppression of women's freedom.

[2:39:52 PM](#)

KAREN BAKER, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. She offered her view that seeking to amend the Alaska Constitution to ban abortion is inappropriate and harmful but limiting access to health care during a pandemic is particularly irresponsible. Alaska has high rates of sexual assault and some of the highest rates of unintended pregnancies in the US. She urged members to ensure much-needed preventive health services. She offered her belief that Alaskans need access to safe, legal abortion care. She said nearly 80 percent of Alaskan voters have doubts about legislative bans on abortion. When the courts overturn anti-abortion legislation, judges are not legislating from the bench but are striking down illegal laws.

[2:41:40 PM](#)

RILEY CHIEN, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. He stated that access to reproductive health care, including abortion, is a fundamental right of Alaskans. However, he urged members not to lose sight of the fact that the goal of SJR 4 is to stop all abortions with no exceptions. He offered his belief that this resolution is a fight about individual rights and public health.

[2:42:39 PM](#)

DAWN DULEBOHN, representing self, Juneau, Alaska, spoke in opposition to SJR 4. She said she researched the Alaska Constitution and the preamble reads:

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do

ordain and establish this constitution for the State of Alaska.

[2:09:51 PM](#)

MS. DULEBOHN stated that liberty is defined as the state of being free in society of oppressive restrictions imposed by authority on one's way of life, behavior, or political views. She said she thought about many things, including that people who push to make abortion illegal have not put the same effort into creating an infrastructure to protect the result of unwanted pregnancies if the pregnancies come to term. Women have the right to personal liberty. It is not a government's right to make sweeping medical decisions that force individuals to do something not right for them. She offered her view that government could provide increased funding for sex education and birth control either in schools or, if too controversial, by Planned Parenthood. This organization dedicates a significant portion of its budget to education and pregnancy prevention. She suggested that government should empower women with education and the tools to prevent unwanted pregnancies.

[2:46:04 PM](#)

KATIE BOTZ, representing self, Juneau, Alaska, stated her belief that abortion is murder. She said her parents put her up for adoption because they could not afford her medical treatment. The judicial system should not strike down laws the legislature passes. She urged members to support all life and pass SJR 4.

[2:48:01 PM](#)

CHAIR REINBOLD stated that the public could also submit written testimony to senate judiciary@akleg.gov.

[2:48:46 PM](#)

LYNETTE PHAM, representing self, Anchorage, Alaska, offered her view that government has a history of controlling indigenous women and their bodies through forced sterilization. She stated that SJR 4 would interfere with a woman's rights to privacy. She said she does not want the legislature to have authority over her uterus or anyone else's uterus. She asked members to consider passing a bill that will provide birth control and not SJR 4, which she believes is unconstitutional.

[2:50:40 PM](#)

LISA GENTEMANN, representing self, Eagle River, Alaska, spoke in support of SJR 4. She read a quote from James Wilson, an original US Supreme Court justice.

[Original punctuation provided]:

With consistency, beautiful and undeviating, human life, from its commencement to its close, is protected by the common law. In the contemplation of law, life begins when the infant is first able to stir in the womb. By the law, life is protected not only from immediate destruction, but from every degree of actual violence, and, in some cases, from every degree of danger.

[2:51:29 PM](#)

MS. GENTEMANN quoted from the Bible to illustrate her belief that life begins when the infant stirs in the womb. Abortion is not health care. She offered her view that the US Supreme Court failed in its obligation to follow precedent in Roe v. Wade. She responded to those testifying that having a baby would interfere with their education by stating that she obtained a master's degree as a single mother. It required being resourceful and working hard, but it was doable. She said Alaskans should protect the rights of the unborn.

[2:52:56 PM](#)

JENNIFER EUBANK, representing self, Kodiak, Alaska, spoke in opposition to SJR 4. The Alaska Constitution protects the right to retain or reject medical treatment without government interference. She urged members to stop trying to restrict women's personal health care decisions by amending the Alaska Constitution by claiming judicial overreach. Women are not second-class citizens. The legislature could fund sex education, support birth control access and support children in the system instead of trying to limit access to women's health care by passing SJR 4.

[2:54:15 PM](#)

SERENE O'HARA-OLLEY, representing self, Fairbanks, Alaska, spoke in opposition to SJR 4. Individual rights and freedoms go to the heart of who we are as a state, including the right to access a safe and legal abortion. She expressed concern that legislators want to regulate private medical decisions of women. However, access to care is not a partisan issue. An overwhelming majority of people from all party affiliations in Alaska support the right to choose. Amending the constitutional right to privacy in Alaska, a state that prides itself on a narrative of individualism, is unacceptable. She stated that members took an oath to uphold the Alaska Constitution not to amend it to fit

legislator's moral values or to change it to have power over the lives of those who can become pregnant.

[2:56:26 PM](#)

HAL GAGE, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. He said he appreciated the previous eloquent testifiers who spoke against SJR 4. He urged members not to alter the Alaska Constitution with partisan amendments and affiliated with one religious' outlook.

[2:57:12 PM](#)

KATHERINE LYLE, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. SJR 4 would remove her constitutional rights, which are not "alleged" constitutional rights. She viewed SJR 4 as a constitutional amendment that contains religious views. She pointed out that all the invited testifiers were men. She said, "My body is not up for discussion. My body is not up for regulation." She offered her view that abortion is health care.

[2:58:23 PM](#)

PAMELA SAMASH, representing self, Nenana, Alaska, spoke in support of SJR 4 so people will have an opportunity to vote on this issue. She said that children are blessings from God and are not burdens.

[2:59:54 PM](#)

DIANA REDWOOD, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. She suggested that the legislature should support women who are raising their children and not put in place barriers to abortion for women who choose to end their pregnancies. The Alaska Constitution provides safeguards for the privacy rights of Alaskans. SJR 4 does not advance those values.

[3:00:39 PM](#)

KEVIN THOMAS, representing self, Anchorage, Alaska, spoke in support of SJR 4. He said previous testifiers stated much of what he would like to say. He offered his view that people who support abortions place their bodies, lifestyle, economic situation, color, privacy and self-determination above the rights of an unborn child. He offered his view that people cannot take the lives of humans and be innocent at the same time.

[3:01:51 PM](#)

BILL MOSER, representing self, Juneau, Alaska, spoke in opposition to SJR 4. He offered his view that outlawing or

restricting abortion does not reduce abortions, but it harms women's physical health and restricts access to safe abortions. Studies have shown that reducing abortions require providing access to better health care, services for birth control, access to safe family planning and other health services.

[3:05:02 PM](#)

MOIRA PYHALA, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. As a lifelong Alaskan, she knows firsthand the challenges many individuals face related to health care decisions. Alaska has the highest rate of sexual assault and child abuse in the nation. She stated that she was a victim of sexual assault. SJR 4 will not end abortions, just safe abortions, she said. She recalled horrific stories her grandmother told her about women dying due to unsafe abortions prior to Roe v. Wade. She suggested that the legislature should fund a variety of children's services. She said she was disappointed that the committee took invited testimony from pro-life men rather than experts or those who directly face unwanted pregnancies or had abortions. She asked members to address issues, such as lowering the rate of sexual assault and domestic violence.

[3:07:49 PM](#)

HEIDI FROST, representing self, Anchorage, Alaska, spoke in opposition to SJR 4. She said she was thankful that the Alaska Supreme Court protects us from the legislature's illegal actions by attacking Alaskans' liberties. She offered her belief that access to health care is a right, including reproductive health care. She said she considers it a privacy issue and an equal rights issue. Making abortion illegal will increase women's deaths and lead to risky abortions. She expressed concern about those who want to control women's rights but do not want to pay for childcare after birth. She highlighted that some legislators object to wearing masks during a pandemic, which can protect public health because they view those requirements as interfering with their right to privacy. However, these same legislators object to women's rights to privacy to make personal decisions about their bodies.

[3:09:57 PM](#)

SARAH GROCOTT, representing self, Fairbanks, Alaska, stated that she appreciated those who testified in opposition to SJR 4. She said she loves being a mother but believes in a woman's autonomy over her body and her personal rights. She urged members to please oppose SJR 4.

[3:11:21 PM](#)

BERNIE HOFFMAN, representing self, Fairbanks, Alaska, spoke in opposition to SJR 4. She said she appreciates previous testifiers who spoke in opposition to SJR 4. She suggested that the legislature should focus its energy on other matters.

[3:12:12 PM](#)

CHAIR REINBOLD closed public testimony on SJR 4.

[SJR 4 was held in committee.]

[3:13:49 PM](#)

There being no further business to come before the committee, Chair Reinbold adjourned the Senate Judiciary Standing Committee meeting at 3:13 p.m.