



Written by [Michael Tennant](#) on August 3, 2022

Murkowski, Collins Cosponsor Bill to Make Abortion-on-demand Federal Law

Two liberal Republican senators joined two ultraliberal Democrats in introducing legislation that would make abortion-on-demand once more the law of the land.

Senators Lisa Murkowski (R-Alaska) and Susan Collins (R-Maine), along with Senators Tim Kaine (D-Va.) and Kyrsten Sinema (D-Ariz.), on Monday introduced the [Reproductive Freedom for All Act](#), which would codify *Roe v. Wade* and other Supreme Court decisions that were either overturned or, in these senators' view, imperiled by the court's recent ruling in *Dobbs v. Jackson Women's Health Organization*.



AP Images
Lisa Murkowski and Susan Collins

"After the Supreme Court gutted a woman's right to make personal health care decisions, Congress must restore that right," Kaine said in a [statement](#). "That's why I've worked with my colleagues to find common ground on this bipartisan compromise that would do just that. The *Reproductive Freedom for All Act* would restore the right to abortion and protect access to contraception by enshrining those freedoms into federal legislation."

The bill would prohibit states from restricting access to contraceptives and from imposing an "undue burden" on a woman's ability to abort her pre-viability baby. While it allows states to "regulate the termination of a pregnancy after fetal viability," it does not permit them to prevent an abortion that "is medically indicated to protect the life or health of the pregnant woman."

That last clause is "a loophole big enough to drive a tank through," observed [HotAir's Allahpundit](#). "If a woman goes to Planned Parenthood in her third trimester and says she's bummed out that she's having a baby, is that enough of a 'health' concern (depression!) to justify an immediate termination?"

The Reproductive Freedom for All Act is similar to the Women's Health Protection Act, which passed the House of Representatives twice but flopped in the Senate. Collins voted against the earlier bill on the grounds that it did not protect conscience rights for healthcare workers. The new bill at least does that, stating, "Nothing in this act shall be construed to have any effect on laws regarding conscience protection."

"By reinstating — neither expanding nor restricting — the longstanding legal framework for reproductive rights in this country, our bill would preserve abortion access along with basic conscience protections that are relied upon by health care providers who have religious objections," said Collins.

In the "findings" section of their bill, the senators argue that the legislation is necessary because *Roe* and other Supreme Court decisions "created a society whereby Americans expect to make certain reproductive decisions without undue government interference," and *Dobbs* "reversed five decades of jurisprudence." That same body, however, also created a society in which allegedly separate-but-equal



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facilities for whites and blacks were the law of the land for nearly 60 years. Would these senators have recommended that Congress codify this doctrine after *Brown v. Board of Education* (1954) because people had come to expect it?

The senators contend that Congress has the authority to enact their bill under the 14th Amendment, which guarantees equal protection under the law. Even more absurdly, they claim that the bill “will improve the general welfare for generations of American women,” presumably making it constitutional under Article 1, Section 8. If that weren’t enough, they also assert that the act falls under Congress’ power to regulate interstate commerce “because contraception and abortion services are economic transactions that frequently involve the shipment of goods, the provision of services, and the travel of persons across state lines.”

In reality, of course, the Reproductive Freedom for All Act would be just as unconstitutional as *Roe* for the simple reason that the Constitution does not grant Congress authority over contraception, abortion, or any other medical treatment or procedure. Thus, as the 10th Amendment declares, such matters are left to the states to regulate as they see fit.

The good news is that the bill stands very little chance of becoming law. “To pass the U.S. Senate, legislation needs 60 votes to overcome a filibuster,” noted [LifeNews.com](#). “The chamber is split 50-50 down party lines, so even with Collins and Murkowski, the legislation almost certainly will fail.” If not, one trusts that the same court that finally rectified the injustice of *Roe* would be similarly unsparing in its treatment of any attempt to reinstate it by other means.



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