

Congress of the United States
Washington, DC 20515

April 17, 2020

Attorney General Ken Paxton
State of Texas
300 W. 15th Street
Austin, TX 78701

Dear Attorney General Paxton,

For more than three weeks, Texans have been restricted from exercising their Constitutional right to abortion services in our state as a result of your determination that abortion procedures are elective procedures within the scope of Governor Abbott’s COVID-19 emergency declaration.

We ask you to treat abortion like all other medical procedures and allow physicians to determine what care their patients need during this unprecedented time. The American College of Obstetricians and Gynecologists, the American Board of Obstetrics and Gynecology, the American Medical Association, and the American College of Surgeons all agree that abortion care is an essential and time-sensitive medical procedure, and we urge you to respect their expertise.¹

It is incumbent on those of us in government who are entrusted with the health and safety of our citizens to protect rather than undermine their access to the full spectrum of time-sensitive health care they need, including abortion care. Banning abortion at this time does not increase the safety or security of Texans – rather, it creates more barriers to their reproductive health care and limits their constitutional rights.

As you are aware, existing restrictions and barriers to abortion care in Texas already make obtaining abortion services a challenge for many. Now, as a result of the ban, some Texans must travel up to 800 miles² and cross state lines to access the care that they need. Others will be forced to take time off from essential jobs to do so, potentially putting themselves and others at

¹ Am. Coll. of Obstetricians & Gynecologists et al., *Joint Statement on Abortion Access During the COVID-19 Outbreak* (March 18, 2020), <https://www.acog.org/news/news-releases/2020/03/joint-statement-on-abortion-access-during-the-covid-19-outbreak>; Am. Med. Ass’n, *AMA Statement on Government Interference in Reproductive Health Care* (Mar. 30, 2020), <https://www.ama-assn.org/press-center/ama-statements/ama-statement-government-interference-reproductive-health-care> (emphasizing that “physicians—not politicians—should be the ones deciding which procedures are urgent-emergent and need to be performed”); Am. Coll. of Surgeons, *COVID-19 Guidelines for Triage of Gynecology Patients* (Mar. 24, 2020), <https://www.facs.org/covid-19/clinical-guidance/elective-case/gynecology>

² White, Kari et al. *The Potential Impacts of Texas’ Executive Order on Patients’ Access to Abortion Care*. Texas Policy Evaluation Project. (March 2020), <http://sites.utexas.edu/txpep/files/2020/03/TxPEP-Research-Brief-Executive-Order-3-31-20.pdf>

risk, because they know that a delay of only a few weeks can make abortion completely inaccessible.

Now is the time to make health care, including abortion care, more accessible in the communities where people live, not less. Texans already face many barriers to health care, especially in communities of color, low-income families, immigrant families, and families living at the intersections of these identities. They will face even greater challenges and harsh economic consequences arising from this pandemic.³

In this moment of tremendous uncertainty, high unemployment, and increased poverty, Texas families are struggling to pay for basic necessities, including food and housing. Texans are suffering from COVID-19's impact on their physical, mental, and emotional health. Rather than help address these issues, this ban instead drives up the cost of abortion care, which is already high, and places additional burdens those who need to access it. These new, extraordinary measures to limit abortion care put this deeply personal, constitutionally protected, time-sensitive decision out of reach completely for many Texans.

We face an unprecedented health crisis. As Texans, we must work to ensure that every Texan has access to affordable, time-sensitive, and essential health care they need at this time, including abortion care. That is why we ask you to ask you to stop treating abortion differently under Governor Abbott's order and instead allow physicians to make medical decisions about essential health care during this unprecedented global health pandemic on the same terms as all other medical care.

Sincerely,



Lizzie Fletcher
Member of Congress



Al Green
Member of Congress

/S/

Sheila Jackson Lee
Member of Congress



Sylvia R. Garcia
Member of Congress

³ Artiga, Samantha et al. *Communities of Color at Higher Risk for Health and Economic Challenges due to COVID-19*. Kaiser Family Foundation. (April 7, 2020), <https://www.kff.org/disparities-policy/issue-brief/communities-of-color-at-higher-risk-for-health-and-economic-challenges-due-to-covid-19/>



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