



## Deliberative forum on the issue of abortion tackles restrictions | Opinion

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**By Robert Cavalier**

Almost 50 years after the Supreme Court Decision on *Roe v. Wade*, the political debate over the issue of abortion continues. Since the 1990s this debate has moved to the state houses, and during the past two years alone dozens of bills have been introduced to regulate access to abortion.

Most recently, states like Georgia have introduced ‘heart beat laws’ that would prohibit abortions around six weeks of pregnancy; Missouri at eight weeks with no exceptions for rape or incest, and Alabama has passed the country’s most restrictive abortion legislation.

In doing so, states are returning the battle over abortion to the Supreme Court in the hopes of overturning *Roe v Wade* in light of the Court’s new appointees.

In October 2018, a cross-state PA Deliberative Forum was held on the Issue of abortion in America, with a focus on clinic regulations. Deliberative Forums differ from standard opinion polls and focus groups. They are designed to give participants the opportunity to learn about an issue and engage in structured, moderated conversations. Discussion tables formulate questions for an expert panel and fill out an exit survey containing questions about the topic and the process itself. Replies to questions are both quantitative and qualitative. The latter allows for participants to give *reasons* for their opinions.

Earlier this month the results of the forum were presented to the PA State Women’s Health Caucus, with a special focus in HB 2050. This bill would prevent termination of pregnancies if based solely on the diagnosis of Down Syndrome.

Down syndrome is a congenital, chromosome abnormality causing developmental delays and physical limitations impacting a child’s height and facial appearance.

Those arguing in support of the bill note that advances in medicine have extended the life expectancy and quality of life of children with Down Syndrome. Those arguing against this bill note that it is still a matter of family choice, as difficult and complex as this may be, and that the law would take this choice away from the individual and place it within the jurisdiction of the state of Pennsylvania.

In analyzing responses to this bill, approximately 23 percent supported the bill while almost 50 percent opposed the bill. Exit surveys showed participant concerns with the bill by recognizing that such decisions are complex (involving a host of factors) and that enforcement of this kind of law would be problematic.

Participants noted the range of reasons individuals and families will consider in coming to their decision. These can involve consideration of emotional and financial resources, maturity, family size and dependency and whether the individual is in a failing relationship. In other words, case types protected by *Roe v Wade*.

In this session sponsors omitted the criterion of “solely” in HB 321. By fixing the premise they have made the policy worse.

Comments during the deliberative forum pointed to two problems with HB 2050: the *inability to prove* that Down Syndrome was the only reason and the *impracticality of enforcement*. Now we are left with a strict prohibition and a form of law enforcement that will hover above families already struggling with a difficult decision. Many who have chosen to accept with open arms the loving care and responsibilities of raising a child with Down Syndrome do not expect their choice to control the choice of others who bring a host of real world personal challenges to their decision. But now the state has stepped in to manage that decision for them.

One of the survey comments applies just as clearly to HB 321 as it did to HB 2050: “Those arguing against this bill note that it is still a matter of family choice as difficult and complex as this may be and that the law would take this choice away from the individual and place it within jurisdiction of legislators.”

Nonetheless, on Tuesday, May 14, the PA State House passed by a vote of 117 to 76 legislation that would prevent terminations of pregnancies involving the diagnosis of Down Syndrome.

Once again a state house has overstepped in ways that some think *Roe v Wade* did in 1973. Citizens at Deliberative Forums often exhibit a kind of middle ground common sense in these matters, what those in the community of deliberative democrats call “public judgment.”

Sadly, this kind of informed citizen feedback is often missing from bills such as these.

For more information on this Forum, go to [hss.cmu.edu/pdd/iaia/F18/](http://hss.cmu.edu/pdd/iaia/F18/)  
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