

Colorado General Assembly  
Colorado State Capitol  
On Behalf of the Undersigned  
Members of the House and  
Joined by Members of the Senate



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Room 307  
Denver, CO 80203

**COLORADO**  
**HOUSE OF REPRESENTATIVES**  
State Capitol  
Denver

July 20, 2022

***In Response to Executive Order D 2022 032, which intends to invite and encourage residents of neighboring states to use Colorado as a center for abortion***

Two weeks ago, Governor Polis issued Executive Order D 2022 032, which, on its face, directs state agencies to “protect access to reproductive health care in Colorado.” The real intent, however, is hidden behind otherwise agreeable words. No one wants the state to block access to health care, but this is not about health care. This is about abortion. And this is not about Colorado, this is about the states closest to us and even those far away.

The Governor’s executive order signals to the rest of the Union and to the world that, post *Dobbs* and the overturning of *Roe v. Wade*, Colorado will proudly abort any unborn child at any time during a pregnancy, irrespective of residency. Moreover, Colorado will largely resist any investigation into an abortion provider that conducts abortions in another state in violation of the will of its people and will even resist investigations into violations of the most basic regulatory, reporting, or other requirements or restrictions since Colorado law generally rejects them.

With the passage of HB22-1279 this past spring, Colorado now has codified one of the most extreme abortion laws in the world, a law even unacceptable by European standards. With the exception of a handful of other countries, including the likes of China and North Korea, if someone wants to end the life of a child moments before delivery, they should come not to the U.S. generally but to Colorado specifically. The Governor’s intent with this order is to invite them and all others wanting an abortion to come to our state to have one.

The order uses other language like “freedom” and “safeguarding fundamental personal health care decisions.” It advocates for “rights” and, strangely, for the economy, with the tragic irony of citing a workforce shortage, but this too is all hiding the issue. We agree with freedom and with the right to make decisions and personal choices. The difference here, however, is not about freedom but responsibility.

In nearly every case, rape excepted, life is naturally created by the conscious choice of two individuals aware of the potential outcome of their decisions. The issue, then, is whether a life created by that informed volitional act can now be taken. Nowhere in law or morals is it otherwise acceptable to end a life because of the imposition of personal hardship or inconvenience resulting from one's own deliberate actions. Outside of due process or self-defense (a genuine risk to the life of the individual), a life cannot be taken in a just society that prizes the dignity of each individual.

We may think it unfair that such an enjoyable activity can lead to such an immense responsibility, but that is more of a complaint about the laws of nature directed to nature's God than a justification for our actions. When we choose to engage in sex, we have made a choice, and like so many other adult activities, our actions can produce unwanted responsibilities. That does not, however, give us a moral right to shirk them.

That said, as a people, whether through individual action, through family, through faith organizations, or united in other ways, we can, and in many ways do, provide numerous support options (with crisis pregnancy centers being a prime example). Many families elect to adopt every year. Parenting support options are prevalent and economic and other forms of support from non-governmental providers are also readily available. The responsibility is real, but it can, to an extent, be shared throughout the community.

As to the father, it should be shared. Colorado law already requires that he, if unmarried to the mother, pay the economic cost of the pregnancy, understanding that he avoids the burden physically. It is unfair for only one party to bear so much of the responsibility for what was a joint decision, and the law should take the risks and burdens of pregnancy, childbirth, and childrearing into full account when determining a father's economic and other obligations. Unlike the times before *Roe*, with modern paternity tests, there is no longer a free pass.

Still, could some churches do more? Yes. Could some families do more? Sure. Could many of the couples who find themselves pregnant after consensual sex have done more to prevent it? Likely (as evidenced by the increased interest in vasectomies and other forms of non-abortion related contraceptives following the *Dobbs* decision). But none of this changes the responsibility. It just goes to how we as a community should support it and as individuals manage it.

A remaining question, then, is about the nature of life. When it begins is a transcendent truth, not a personal choice. Some may argue it is unknown or unknowable, but it is not relative. It does not change based on our personal opinions.

In all other instances in law when the potential endangerment to life is in question, the state compels caution and accountability, not personal preference or indifference. Unless the state can definitively show that the child in the womb is not a life, it must assume that it is. Since the state has the obligation to protect the right to life, the burden is on the state to prove that its laws do so.

Still, the implications of the Governor's order extend beyond even these fundamental issues. Those who sexually traffic young girls and women resort to forcing their victims to have abortions in order to hide the effects of their continued abuse. The state knows this, but the Governor's order further compounds the ability to stop sex trafficking.

In an effort to frustrate abortion bans outside of Colorado, the order mandates that Colorado agencies hide abortion data from law enforcement in those states. It has a carve-out for investigations of activity that would violate Colorado law, but while rulemaking is pending, there are numerous and serious problems with that approach. At best, it will slow these kinds of investigations, which will slow arrests and rescues. At worst, it will block their progress entirely.

Coupled with the Governor's signature on HB22-1279 back in April, mandating that Colorado no longer interfere in any way with an abortion, the message (however intended) is clear. If a perpetrator wants the best chance to avoid detection from the abortion itself, come to Colorado, where even reasonable, basic oversight or reporting requirements could be adjudicated as "interference", and where, unless another state banning abortion already has the individual under investigation, it is unlikely Colorado will share anything about that abortion that would lead them to initiate one.

It is for reasons like these that the Governor must hide his real cause and the order's real effect behind words like health care and freedom. Doing so is necessary to soften the reality of his actions, but even more, using shifting language to cover his true intent, this order does the very thing he purports to prevent. It perpetuates the violation of the rights and liberties of those most vulnerable, and now, under the Governor's direction, it encourages individuals to travel or to traffic others here to do the same.

Governor Polis' executive order, the legislative decriminalization of abortion in 1967, and HB22-1279 are all dark stains on Colorado's largely proud history, but there is hope. The tide is turning, and it will not be long before *Roe* will be remembered alongside cases like *Dred Scott* and *Plessy*. Those who champion abortion with orders like this one and laws like HB22-1279 will have their legacies share a similarly infamous place in history. There is still time, however, to do the right thing, and our hope is that with a renewed debate we could find agreement in both the honest definition of our words and in the understanding of our rights and responsibilities.

*We, the undersigned, hereby affirm that life begins at conception - that this is a transcendent truth applicable to all people at all times; that persons once conceived deserve to have their right to life protected by law; that freedom naturally begets responsibilities, even life changing ones; that we the People, as individuals and through families, faith organizations, and other forms of community, all can and should, without government compulsion, support one another in accordance with one's conscience; and that fathers should be compelled by law to properly share in the full responsibility of the lives they create. We respectfully submit the above to the People of the State of Colorado this twentieth day of July 2022.*

Rep. Mark Baisley, House District 39

Rep. Mary Bradfield, House District 21

Rep. Ron Hanks, House District 60

Rep. Stephanie Luck, House District 47

Rep. Patrick Neville, House District 45

Rep. Rod Pelton, House District 65

Rep. Andres Pico, House District 16

Rep. Kim Ransom, House District 44

Rep. Shane Sandridge, House District 14

Rep. Matt Soper, House District 54

Rep. Toyna Van Beber, House District 48

Rep. Dave Williams, House District 15

*Joined by Senators*

Sen. John Cooke, Senate District 13

Sen. Dennis Hisey, Senate District 2

Sen. Larry Liston, Senate District 10

Sen. Kevin Priola, Senate District 25

Sen. Ray Scott, Senate District 7

Sen. Kevin Van Winkle, Senate District 30