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**Landmark Lawsuit Challenges New York's Reproductive Health Act**

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A federal class action lawsuit filed on January 12, 2021, by victims of domestic and intimate partner violence, along with others, claims New York's Reproductive Health Act (RHA) puts "women in danger," and violates the fundamental rights of women and children, including viable unborn children, or fetuses capable of surviving outside the womb.

In an unprecedented lawsuit involving a New York abortion statute, the action alleges the RHA unconstitutionally escalates the risk of violence and interferes with U.S. Constitutional rights for three distinct categories of people, pregnant women, viable unborn children, and infants born alive during attempted abortions. Plaintiffs are represented by a team of women attorneys, who also serve as special counsel to the Women's Alliance Against Violence, an initiative created to challenge State laws that destructively impact women and children.

Feminists Choosing Life of New York (FCLNY), according to its mission, is a state-wide human rights organization that promotes principles of non-violence and non-discrimination. "We applaud the efforts of the Women's Alliance Against Violence," says FCLNY's board president, Carol Crossed. "Not only do we condemn violent protests, we oppose publicly sanctioned lethal violence, like capital punishment, abortion and war." For instance, the group has spoken out against the execution of Lisa Montgomery.

FCLNY believes the RHA is anti-woman. "How can a society advance peace if it simultaneously protects some lives and ignores others? Human rights don't eliminate human beings," says Cecelia Hayes, FCLNY's board vice president. The lawsuit claims, the RHA permits the on-demand killing of viable unborn children by abortion up to twenty-four weeks gestation.

After 24 weeks, the RHA permits aborting viable fetuses for what may be interpreted as broad, non-medical health reasons, including a woman's age or familial status, explains the complaint. Absent a threat to a mother's life or a serious risk to her physical health, nothing in U.S. abortion jurisprudence, including *Roe vs. Wade*, confers upon any person a right to kill a viable unborn child, asserts the lawsuit.

The Fourteenth Amendment's guarantees are expansive enough to include viable humans in utero, claims the lawsuit. The complaint asserts, current medical knowledge regarding the humanity of viable unborn children compels their inclusion.

“This is feminism in action,” says Michele Sterlace, Executive Director of FCLNY. Sterlace, an attorney, also serves as counsel to the Women’s Alliance Against Violence, along with three other lawyers. “Feminism is inclusive regarding human rights. Human beings are not property, to be bought, sold or disposed of.”

The RHA also repeals any reference to abortion and unborn children from NY’s penal codes, including NY’s long-standing fetal homicide law, which criminalized the killing of viable fetuses by third party criminal assailants, including perpetrators of domestic and intimate partner violence.

“The RHA allows intimate partner and domestic violence to run rampant in NY, by legalizing feticide,” says Hayes. The literature is replete with the understanding that criminal laws deter harmful conduct. “Fetal homicide laws are no exception,” says Caroline Bennett, M.Ed., FCLNY board member. “Domestic violence has increased against NY women since the passage of the RHA,” Bennett adds. Studies show pregnancy substantially increases the risk of violence against women. Homicide is a leading cause of death for pregnant women.

The complaint outlines the numerous pregnant women and unborn children murdered in NY by intimate partner and domestic violence, after the RHA became law.

By decriminalizing the killing of unborn children by third party assailants, the RHA deprives women of their First Amendment right to petition courts for relief for the loss of unborn children, including wanted viable children in utero, alleges the complaint. “This demeans women. When the law says your wanted unborn child is so irrelevant that he or she can be murdered without fear of prosecution, the status of women as mothers is diminished,” says Hayes.

The legal action challenging the U.S. Constitutionality of New York’s Reproductive Health Act was filed in the United States District Court— Northern District of New York in Albany.

*The Women’s Alliance Against Violence is an initiative of the Thomas More Society.*  
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