

August 29, 2022

Re: Call to Action in Support of a Nationwide Sanctuary Network

Dear Colleagues:

As fellow lawyers engaged in the fight to protect reproductive rights, we write to enlist your support for our model legislation, the Santoro Sanctuary Network Act that would create a nationwide sanctuary network among states committed to protecting the reproductive freedom of people who seek to access safe, legal abortion services, regardless of their geography or economic means. We write to you today because of your pledge committing to offer your pro bono legal services and resources in post-*Dobbs* open letters.

The Supreme Court's ruling overturning *Roe v. Wade* stripped away from individuals a long-held constitutional right to sovereignty over their own bodies and transferred to the states the authority to protect, or restrict, the bodily autonomy and reproductive freedoms of their residents. With this model legislation, we are bringing the fight to the battlefield where the war against reproductive rights is actually being waged now: state legislatures.

As we have seen in the months since the Supreme Court's ruling in *Dobbs*, many states eagerly enacted legislation curtailing access to abortion without regard for the cruel consequences on the most vulnerable. Newly enacted abortion bans in nearly a dozen states make no allowances for victims of rape or incest and leave women without the economic means to travel in the lurch. Recent news reports of the pregnant ten-year-old forced to travel to Indiana for an abortion after Ohio enacted its draconian ban illustrate the immediate impact of these bans. Her story was no outlier.

In the aftermath of the Supreme Court's *Dobbs* decision, the states that have enacted measures protecting reproductive freedom will have to protect and facilitate access for many millions of Americans. We believe a nationwide strategy that utilizes State Action and the robust constitutional protections that come with it is necessary to protect this access. In that spirit, we have drafted the Santoro Sanctuary Network Act,¹ which is designed as model legislation that can be adapted to the needs and existing statutes of states across the country.

The Santoro Sanctuary Network Act will facilitate coordinated action among the states by creating a public-private partnership fund that provides financial assistance for travel and abortion services to states participating in the Nationwide Sanctuary Network, for women and pregnant persons from states where abortions are either illegal or unavailable. The Santoro Sanctuary Network Act also creates a right for anyone to bring a civil action against any person who obstructs, impedes or hinders any person from exercising the right to an abortion created under the Act. The model bill also amends state penal law to create criminal liability for abortion obstruction and envisions a panel of qualified lawyers to defend persons charged with abortion-related crimes.

¹ The Act is named after Geraldine Santoro, a beloved daughter, sister, and mother of two who died from an unsafe abortion in 1964.

New York assemblyman Charles Lavine proposed the Santoro Sanctuary Network Act in May and we plan to reintroduce the bill during the next legislative session. The bill has been covered by publications including [Al Jazeera](#), [Ms. Magazine](#), and has received the support of individuals including Gloria Steinem, Amy Schumer, Aaron Sorkin, Jennifer Lawrence, Daphne Rubin-Vega, Julianne Moore, Yance Ford, Laurie Anderson, Chris Hegedus, Maggie Gyllenhaal, Liza Colón-Zayas, Joanna Natasegara, Cynthia Nixon, Liz Garbus, Mohamed Soltan, Waad Al-Kateab, Michelle Williams, Nathan Lane, Ethan Hawke and many more who signed [an open letter of support](#).

As partners at resource-rich law firms and as members of the bar, our time, resources, and unique abilities will be crucial to creating a war chest for the fight ahead. **We ask that you sign on to be a founding supporter of an open petition in support of the Santoro Sanctuary Network Act and to be part of a network of supporters for bodily autonomy and reproductive freedom. Please find sample language for the petition below. We also ask that you pledge to commit your resources and time, including to defending those facing criminal penalties for abortion-related crimes.**

Please reach out if you or other members of your firm would like to join my firm's efforts and please do not hesitate to contact me at jim@wmhlaw.com with any questions.

Sincerely,



Jim Walden
Walden, Macht & Haran LLP

Create the Nationwide Abortion Sanctuary Network

People seeking abortions have a right to control their bodies and their lives. Following the Supreme Court ruling overturning *Roe v. Wade*, those rights are at now risk but a movement has begun to pass the Santoro Sanctuary Network Act in states across the country and to create a nationwide abortion sanctuary network that ensures access to safe, timely, legal abortion services for all patients in America regardless of geography or economic means.

We are taking this fight to the battlefield in state houses across the country where the war against our rights is being waged. Join our movement now by signing our petition, and sending a clear message to your governor and elected state legislators asking them to pass the Santoro Sanctuary Network Act in your state.

About the Bill

The Santoro Sanctuary Network Act is model legislation that can be adapted to the needs and existing laws of states from coast to coast to protect the fundamental right of patients to control their own bodies. The bill creates a public-private partnership fund that gives financial help to people from states where abortions are either illegal or unavailable so they can travel and receive abortion services in any state that is part of the Nationwide Abortion Sanctuary Network. Under this law, anyone in the United States who seeks an abortion but cannot travel to get one safely and legally is eligible for assistance.

We will update you on the progress of the bill and other actions you can take as the campaign evolves, so please stay tuned for new information about how we can band together to protect our rights, our bodies and our lives.

Let's activate and organize to restore our right to bodily control and make the nationwide sanctuary network a reality.

Why is this important?

Our right to control our bodies and our lives is fundamental. Ideological extremists are working systematically and strategically to strip Americans of those rights by passing repressive legislation in state houses across the country. Now is the time for all people who want to protect the right to control our bodies to act and organize like never before. The Santoro Sanctuary Network Act is a vehicle for grassroots groups and state lawmakers to organize and create a safe, nationwide network of states where access to abortion is safe, legal and affordable for everyone, regardless of where they live.

How the law works:

—**Honoring Geraldine Santoro:** The bill is named after Geraldine Santoro, a beloved daughter, sister and mother of two who died from an unsafe abortion in 1964.

—**Overview:** The Santoro Act protects women in the United States in the exercise of their personal control over their bodies and health care decisions, protects commerce between the States, and provides financial assistance to eligible women from outside the State seeking abortions in a participating State. The legislation may be customized and enacted by various state legislatures across the country to create a network of participating Nationwide Sanctuary States that share similar statutes.

—**Public-Private Non Profit Access Fund:** Creates a public private partnership in the form of a not for profit fund to provide financial assistance to support abortion access for all eligible American women, regardless of geography or economic means. The not for profit may be funded by both state funds and private donations.

—**Eligibility:** Assistance will be made available to women who seek an abortion that is either unlawful or unavailable in their state but is both legal and available in a participating Nationwide Sanctuary State, and who do not have the means to pay for medical care or travel.

—**Timely, Medically-appropriate and Compassionate:** The program seeks to provide assistance in a manner that is timely, compassionate and deemed medically-appropriate by a licensed treating physician to address the needs of each applicant.

—**Fast-Track:** In certain circumstances, the department of health of the State will implement a fast-track option for a determination and notice of financial assistance within 48 hours of receipt of an individual's application.

—**Common Carriers:** The State will seek to enter into agreements with common carriers, hotel chains, auto, rail, air travel and other service providers, separately or in cooperation with other sanctuary states, for the purpose of administering the Program in a cost-efficient and compassionate manner

—**Common App:** The State may participate in a common app that a. provides nationwide, universal access to apply for services under the law, b. evaluates applications to determine the closest, most timely and appropriate services for each applicant and c. provides applicants with access to negotiated rates and services with common carriers.

—**Cooperation:** States may seek to enter into pacts with other states that enact laws similar to the Santoro Act so that funds and resources from various states can be pooled. This will allow for resources to be used most efficiently and extended to as many women as possible so that eligible patients can be treated in the most safe, medically appropriate, timely, compassionate and least disruptive manner.

—**Tele-health:** The Department of Health regulations of participating states shall permit physicians within the state to provide medical abortions to out-of-state residents through mail order pharmacies and telehealth consultations, in which the patient would use the medication in their home state, or in a nearby state. All medical services and pharmacy services for Tele-Health will be deemed to be provided within the State where the physician or pharmacy is located, regardless of where the patient resides.

—**Health Insurance:** To the extent permitted by law, the program will seek to obtain reimbursement from the patient’s health insurance.

—**Civil Liability and Private Right of Action:** Any person, other than an officer or employee of a state or local governmental entity in this State, may bring a civil suit against anyone who unduly obstructs or hinders any person from exercising her right to receive abortion services in the enacting State, or against anyone who unduly obstructs or hinders a medical professional from providing abortions or abortion-related services in the enacting State. Civil liability extends to anyone who provides false or misleading information to any woman, within or outside the State, about the availability or medical advisability of an abortion or the right to travel to the state created in the statute.

—**Criminal Liability:** The State’s penal law will be amended to criminalize Abortion Obstruction. A person is guilty of Abortion Obstruction when he or she knowingly obstructs, impedes or hinders, through a physical act or threats of violence any person from exercising the right to access abortion services in the State. Criminal liability extends to anyone who provides false or misleading information directly to a pregnant woman concerning the right to abortion services created by the statute, even if the false or misleading information is disseminated to the victim outside the State.

—**Immunity:** The state shall not participate in or provide information to out-of-state investigations, lawsuits, or criminal prosecutions related to an abortion that is lawfully performed in the participating state, including in response to a subpoena.

—**Non-Extradition:** This State shall not extradite a person to another state for having an abortion in this State under this Act.

— **Legal Defense:** The bill establishes a panel of qualified lawyers to defend people charged with crimes related to receiving or providing abortion services, wherever those charges are brought, at no charge to the accused, using program funds when appropriate.