

United States Senate

WASHINGTON, DC 20510-3205

May 12, 2022

The Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, D.C.
20301-1000

Dear Secretary Austin,

Last week, a draft opinion for *Dobbs v. Jackson Women's Health Organization* was published in the press and the Supreme Court verified its authenticity.¹ While the final opinion could change, a final decision from the Court undermining fifty years of precedent established by *Roe v. Wade* would destroy the fundamental human and reproductive rights of millions of women, willfully disregarding public opinion and court precedent. As we await the Court's final decision, we cannot wait to act.

If the opinion goes into effect, hundreds of thousands of troops, dependents, and DOD civilians will lose access to safe abortions and potentially face criminal prosecution for exercising a fundamental human right—creating a scenario where servicemembers' reproductive and healthcare rights would become dependent on their duty station. A soldier at Fort Drum would retain their personal autonomy while a soldier at Fort Hood would not. A servicemember raped by their supervisor in Mississippi, Kentucky, or Oklahoma would not be permitted to obtain an abortion in those states. In places like Missouri, legislators have sought to ban abortions even for ectopic pregnancies, leaving a servicemember or their dependent facing a choice of death or criminal activity. This outcome would violate the trust servicemembers place in the Armed Forces when they swear an oath to defend the Constitution.

This decision will serve as a threat to recruitment and retention as servicemembers elect to leave the military rather than PCS to a duty station where they and their family will be denied fundamental rights. Others will forego military service entirely. Good order and discipline is placed at risk as servicemembers must consider whether to break state law—including proposed laws that would seek to criminalize crossing state lines to obtain an abortion.

As the leader of our military services, it falls upon you to preserve the health and welfare of our Soldiers, Sailors, Airmen, Marines, and Guardians. With our country facing the likely rollback of personal rights, what are you and your staff doing in preparation to protect the health and welfare of those under your command? What steps will you take to assist servicemembers in need of an abortion? At a minimum, you and your staff should consider implementing policy changes to allow servicemembers to obtain, for example, special liberty or permissive temporary additional duty permissions in order to travel out of state for

¹ [Press Releases - pr_05-03-22 - Supreme Court of the United States.](#)

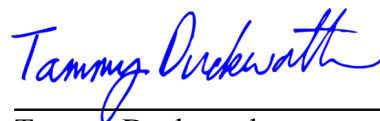
reproductive healthcare and abortions if they are stationed in a jurisdiction that curtails these rights after the *Dobbs* decision is issued.

The men and women who join the military sacrifice an incredible amount in order to serve their country. We owe it to these servicemembers to look after them and ensure they have the ability to continue accessing safe reproductive healthcare no matter where in the nation their military service sends them.

Sincerely,



Kirsten E. Gillibrand
United States Senator



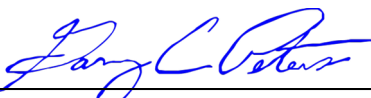
Tammy Duckworth
United States Senator



Mazie K. Hirono
United States Senator



Elizabeth Warren
United States Senator



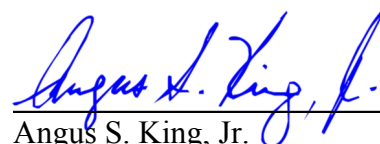
Gary C. Peters
United States Senator



Jeanne Shaheen
United States Senator



Jacky Rosen
United States Senator



Angus S. King, Jr.
United States Senator

CC:

The Honorable Christine Wormuth, Secretary, United States Army

The Honorable Carlos Del Toro, Secretary, United States Navy

The Honorable Frank Kendall III, Secretary, United States Air
Force