

Supplementary Material

Chapter 11: The Contemporary Era—Individual Rights/Personal Freedom and Public Morality

The Pain-Capable Unborn Child Protection Act (2013)

*The proposed Pain-Capable Unborn Child Protection Act and similar state measures are the most recent skirmish points in the abortion wars. Proponents of these measures, which would ban abortion after twenty weeks, insist such prohibitions serve compelling interests in light of new scientific evidence they believe demonstrates that fetuses can feel pain during the second trimester of a pregnancy. Pro-life advocates also point to the conviction of Dr. Kermit Gosnell, who was performing illegal and unsanitary third-term abortions in Philadelphia,¹ as demonstrating the need for more aggressive efforts to police and prevent late-term abortions. Opponents of these measures insist that no substantial evidence exists that fetuses experience pain during the second trimester and that proposed bans are based on hostility to abortion rather than concern for women. The House of Representatives by a partisan 228–196 vote passed the Pain-Capable Unborn Child Protection Act in June 2013. The Democratic-controlled Senate is not expected to take any action on the measure. Several state legislatures have passed similar measures, but they have so far not survived constitutional attack in federal courts. The Court of Appeals for the Ninth Circuit in *Isaacson v. Horne* (2013) declared unconstitutional Arizona’s ban on aborting “pain-capable” fetuses after twenty weeks. Judge’s Berzon’s majority opinion declared that “viability marks the earliest point at which the State’s interest in fetal life is constitutional adequate to justify a legislative ban on nontherapeutic abortions.”*

The excerpts below are from the June 2013 debate in the House of Representatives over the Pain-Capable Unborn Child Protection Act. What are the major arguments in favor of that ban? What are the major arguments against the measure? Both sides in the debate engaged in story-telling. What stories did they tell? How did those stories fit into their broader arguments? How does constitutional story-telling in a legislature differ from story-telling in a courtroom? The parties to the debate dispute the scientific evidence on fetal pain. The American Congress of Obstetricians and Gynecologists maintains that legislative proposals to ban abortion after twenty weeks are not based on “sound science”

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*The medical profession produced a rigorous scientific review of the available evidence on fetal pain in the *Journal of the American Medical Association* (JAMA) in 2005. The review concluded that fetal perception of pain is unlikely before the third trimester. No new studies since the publication of the JAMA paper have changed this dominant view of the medical profession. Supporters of HR 3803 only present studies which support the claim of fetal pain prior to the third trimester. When weighed together with other available information, including the JAMA study, the supporters’ conclusion does not stand.²*

¹For pro-life and pro-choice perspectives on the arrest and conviction of Dr. Gosnell, see Samuel Calhoun, “Stopping Abortion Provider Kermit Gosnell and Preventing Others Like Him: An Outcome That both Pro-Choicers and Pro-Lifers Should Support,” 57 *Villanova Law Review* 1 (2012); Penelope Pether, “Engaging in Good Faith: Ethics, Archives, and Critical Constitutionalisms,” 57 *Villanova Law Review* 79 (2012).

²ACOG Statement on HR 3803, <http://www.acog.org/~media/Departments/Government%20Relations%20and%20Outreach/20120618DCAborStmnt.pdf>. For a lay summary of the debate on fetal pain, see Annie Murphy Paul, “The First Ache,” *New York Times Magazine* (February 10, 2008).

Some experts challenge this conclusion. Pro-life advocates often cite the work of Dr. Sunny Anant, whose research has convinced him that fetuses late in the second trimester are capable of feeling pain. How did each side to the debate treat the scientific evidence? How should a court treat the scientific evidence?

H3730 – The Pain-Capable Unborn Child Protection Act

Section 2

Congress finds and declares the following:

....

(2) By 8 weeks after fertilization, the unborn child reacts to touch. After 20 weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human. . . .

....

(6) The position, asserted by some physicians, that the unborn child is incapable of experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominantly rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

....

(12) It is the purpose of Congress to assert a compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) The compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of the compelling governmental interest in protecting the lives of unborn children from the stage of viability, and neither governmental interest is intended to replace the other.

(14) Congress has authority to extend protection to pain-capable unborn children under the Supreme Court's Commerce Clause precedents and under the Constitution's grants of powers to Congress under the Equal Protection, Due Process, and Enforcement Clauses of the Fourteenth Amendment.

Section 3

....

(2)(A) Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age . . . of the unborn child is 20 weeks or greater.

(B) . . . [S]ubparagraph (A) does not apply if—

(i) in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman. . . .

(ii) the pregnancy is the result of rape, or the result of incest against a minor, if the rape has been reported at any time prior to the abortion to an appropriate law enforcement agency, or if the incest against a minor has been reported at any time prior to the abortion to an appropriate law enforcement agency or to a government agency legally authorized to act on reports of child abuse or neglect.

REPRESENTATIVE AMI BERA (Democrat, California)

Today, a bill is going to come before this body that is a blatant attempt to take away those individual rights, those individual freedoms – freedoms that are core to who we are. This bill aims to take

away individual decisions from America's mothers, America's sisters, and America's daughters. This bill is a travesty and a slap in the face of those core values of individual liberty and individual freedom, and this bill criminalizes doctors for doing our jobs.

Now I'm a doctor. Core to the oath that I took was to sit with my patients, answer their questions and empower them to make the decisions that best fit their faith circumstances, their individual circumstances, their family circumstances. That's core to my job. The bill that's coming to the floor today takes those values and slaps them in the face. They put government right in the middle of my exam room, but the government has not place between the doctor and patient.

REPRESENTATIVE JACKIE WALORSKI (Republican, Indiana)

I believe it is critical for Congress to act today to protect human life and to treat women and the unborn children with the protection they deserve from the dangers of late-term abortions. We are talking about the next generation of moms and grandmothers, of aunts and sisters and of our loved ones. There is not a price that can be put on the value of an innocent human life. I have been a strong supporter of life and of defending the unborn, and I feel that it's our responsibility to protect the most vulnerable who cannot protect themselves.

REPRESENTATIVE MICHAEL QUIGLEY (Democrat, Illinois)

We cannot ban abortions after 20 weeks, first because it's unconstitutional, and, second, because we cannot know the individual situation of every woman.

What if a woman gets cancer during her pregnancy?

What if she gets pre-eclampsia, which could cause seizures and kidney damage?

What if a woman's fetus is diagnosed with a severe fetal abnormality, making it unable to survive pregnancy or delivery?

Women and their families are often faced with impossibly difficult decisions but they are their decisions to make, not ours.

REPRESENTATIVE SAM JOHNSON (Republican, Texas)

Late term abortion isn't rare. I was dismayed and disheartened to hear of the horrors from the Kermit Gosnell trial. Worse, this past month, in my home state of Texas, former employees of the abortionist Douglas Karpen alleged he killed babies born alive.

These acts are inexcusable, immoral and unjustifiable. It's time we got rid of this gruesome and barbaric procedure to prevent future cases like Gosnell's and Karpen's once and for all. The procedure is not only unethical but unessential. There's extensive evidence that unborn babies aborted in this manner are alive until the end of the procedure and fully experience the pain associated with the procedure.

REPRESENTATIVE DINA TITUS (Democrat, Nevada)

I rise today in opposition to H.R. 1797. This bill is not only a direct challenge to the Supreme Court ruling in *Roe v. Wade* (1973), but it's a dangerous new attack on women's reproductive rights.

The proposed ban in this bill does not include an exception for the physical or emotional health of a woman; it fails to provide sufficient protections for victims of rape and incest; and it has a very narrow exception in cases when a woman's life is in danger.

H.R. 1797 would significantly reduce the safe, legal options that women have and would prevent doctors from providing the most medically appropriate care for their patients.

Republicans have repeatedly demonstrated a lack—a lack—of understanding about basic women's health care, and this bill is just one more example of their continuing attack on women's rights. It is a step backward for women's health and a distraction from the critical work we should be doing to pass legislation regarding immigration reform, strengthening our economy and creating jobs.

REPRESENTATIVE YVETTE CLARKE (Democrat, New York)

Mr. Speaker, today I rise in opposition to H.R. 1797. This act is both dangerous and unconstitutional and violates the rights of women who are in need of an abortion. It is blatantly unconstitutional and in clear violation of more than 40 years of Supreme Court precedent that protect women's access to abortion prior to viability, that is, prior to 24 not 20 weeks. This precedent was first established in *Roe v. Wade* and affirmed in *Planned Parenthood v. Casey* (1992).

Make no mistake, pregnancy due to violent and unfortunate circumstances such as rape and incest happens to thousands of women every year, not to mention medical complications that imperil the life of the mother. Women impacted by rape and incest must not be further victimized by this misguided legislation.

REPRESENTATIVE DONNA EDWARDS (Democrat, Maryland)

With a total of 25 States introducing 64 similar abortion-ban measures in the last three years, this bill is yet another assault on women's reproductive rights and is blatantly unconstitutional.

Abortion care in this country is a private, medical decision that's made between a woman and her health care provider. Those are the only people who should be in the room. And yet here in this legislation they've created just a narrow exception that doesn't even take into account the risk to a woman's health and would subject physicians to criminal penalties for caring about their patients.

H.R. 1797 contains unreasonable, unjustified penalties for doctors, including 5 years in jail, and would have a negative impact on abortion care and reproductive health across the country. By jeopardizing and criminalizing abortion care, we limit the opportunities women have to receive comprehensive reproductive health care. And these limitations could lead women to access abortion care that is both unsafe and dangerous to their health.

REPRESENTATIVE LOUISE SLAUGHTER (Democrat, New York)

Now, in State Houses all over this country, and in Governors' mansions and Halls of Congress, the majority's antichoice agenda is driven by men in blue suits and red ties who seem to believe that once they get elected to something, they have a right to play doctor. . . .

Already, because of the majority's efforts, women in eight States are required to undergo an ultrasound before they can exercise their constitutionally protected right to a safe and legal abortion—an ultrasound that is not medically necessary, an ultrasound that is medically contradicted, and an ultrasound for which they are required themselves to pay. . . .

More telling is right now more States have a waiting period for abortions than a waiting period to buy a gun. . . .

....
The majority has argued the legislation is in response to new science, even though if there has ever been a House of Representatives that cared not a whit for science. I can't imagine they would come even close on this one. When a fetus feels pain is the new idea. [T]heir so-called new findings are nothing more than the marginal views that fly in the face of established science."

The fact of the matter is that today's legislation is unconstitutional and contains a narrow and adequate exception for the life of a woman and a victim of rape and incest. No man on any of those committees, no man on any of those panels, is ever going to have to face that problem himself of rape and incest. How strange it is that they knew the precise answer for people who are victimized by it.

Many serious health conditions actually materialize or worsen after the 20-week mark in a pregnancy and can seriously compromise the health of the mother. A physician has to be able to provide the best care for their patients; and in cases where a woman's health is exacerbated by pregnancy, politicians have no right in intruding in the doctor-patient relationship and criminalizing those trying to protect their patients' lives and treatments.

Furthermore, the majority's requirement that a victim of rape or incest report the crime to authorities before receiving an abortion effectively prevents many victims from exercising their right to choose. More than half of all rape victims, as we know, don't report, and that is a sad thing.

The requirement in today's bill ensures that a woman who has been a victim of rape or incest faces massive barriers to exercising her right to safe and legal reproductive health care. Mr. Speaker, from requiring woman to undergo mandatory ultrasounds to applying police reporting requirements for victims of rape, the majority has made it very clear that they just don't trust women. In fact, it came up at the Judiciary Committee that one of the reasons they needed to report it to police is because women would lie. I think they make an exception in that case for their sisters, their daughters, their mothers, perhaps. It is just the rest of us who can't be trusted.

Try as he might, no man will ever understand the choice that faces a young woman who is told who suffers from severe valvular heart disease and that, if she carries a child to term, her life and the life of that child are at risk, or the choice of a woman who is violently raped and would be reminded of the crime against her every moment of every day if she is forced to carry the pregnancy to term.

REPRESENTATIVE VIRGINIA FOXX (Republican, North Carolina)

In the 2007 case of *Gonzales v. Carhart*, the Supreme Court made clear that there is a "legitimate interest of the government in protecting the life of the fetus that may become a child." The Supreme Court has also made clear that "the government may use its voice and its regulatory authority to show its profound respect for the life within the woman," and that Congress may show such respect for the unborn through "specific regulation because it implicates additional ethical and moral concerns that justify a special prohibition."

Mr. Speaker, I am really troubled by the fact that so many of my colleagues simply refuse to acknowledge that we're dealing with human life in this situation, in the situation of abortion. My heart goes out to any woman who is facing a situation where they're considering abortion. I think every member of our conference feels that way – men and women. Nobody takes the issue of abortion lightly. Unfortunately, not enough attention is being paid to the unborn child.

REPRESENTATIVE JOHN FLEMING (Republican, Louisiana)

At about the time of the 20 weeks midterm, the 4-D ultrasound now gives such an amazing view into the window of that womb. What did I see? I could see that that little girls looks just like her big brother. Number two, in another frame, she is sucking her thumb. Then in another frame, she is holding up two fingers as though to say, Be patient, I'll be out soon.

We have such wonderful technology, such technology that, today, we can actually do surgery on a fetus at 20 weeks in order to fix a heart ailment or some other condition that may kill the baby in the womb or soon thereafter. What have we learned from this technology? We have learned that they feel pain. We have to provide anesthesia.

Mr. Speaker, our friends on the other side of the aisle, when it comes to animals, are all about the Humane Society and about the humane treatment of animals, and I have a high regard for that. When it comes to the issue of torture or even of discomfort for prisoners of war, they are all about supporting that.

But what happens in a midterm or later pregnancy when there is an abortion? What happens is just absolute torture. You realize that, In Washington D.C., today, a woman can go for an abortion while she is in labor at term. And how would you do the abortion? How is it done? . . . You stick a trocar into the skull, suck the brain out, literally dismember the baby limb from limb. What torture and what pain.

REPRESENTATIVE JIM BRIDESTINE (Republican, Oklahoma)

In a report commissioned by the Department of Justice, Dr. Anand, a fetal pain expert, wrote:

It is my opinion that the human fetus possesses the ability to experience pain from 20 weeks of gestation and the pain perceived by a fetus is possibly more intense than that perceived by newborns or older children.

The reality of Dr. Anand's statement is seen in the fact that surgeons routinely administer anesthesia to unborn children before performing neonatal surgery. The truth is that at 20 weeks these unborn children feel every bit of pain inflicted upon them in the name of "choice" and in the name of "convenience."

Mr. Speaker, what we do with this knowledge says a lot about us. If we turn a blind eye to the agony and suffering of our most vulnerable, can we say that we are still a Nation that pursues life, liberty and the pursuit of happiness? If we willingly embrace cruelty in the name of "choice," then can we say with integrity that we continue to secure the blessings of liberty not only for ourselves but for our posterity?

REPRESENTATIVE DAN BENISHEK (Republican, Michigan)

This bill will help to protect those in our society who are least able to defend themselves—the unborn. The Pain-Capable Unborn Child Protection Act will prohibit late-term abortions after the 20th week of a pregnancy for the simple reason that by 20 weeks of development, unborn children are able to feel and react to pain. This time period is based on extensive scientific research, and the majority of the American people are in favor of banning late-term abortions when they know that the unborn child is able to feel pain.

As a doctor, I was horrified to hear the stories of gross misconduct and negligence that came to light in the trial of the Philadelphia abortionist, Kermit Gosnell. The callous disregard for innocent human life that was displayed in the Gosnell clinic extended beyond unborn children to adult patients, and I believe that there is bipartisan agreement that this was terrible. The Pain-Capable Unborn Child Protection Act will help to prevent some of the worst abuses that were perpetrated by Kermit Gosnell and protect patients nationwide.

REPRESENTATIVE FOX

Madame Speaker, this bill is not borne of ignorance but of extremely deep-felt concern for unborn children who suffer pain as they are being murdered.

Madame Speaker, I fear for the conscience of our Nation because the termination of unborn children for any reason is tolerated in some parts of our country throughout pregnancy, even though scientific conclusions show infants feel pain by at least 20 weeks gestation. That means literally that a baby at the halfway point of a pregnancy will experience pain during the violence of a dismemberment abortion, the most common second-trimester abortion wherein a steel tool severs limbs from the infant and its skull is crushed.

Madam Speaker, it's difficult for me to describe this procedure without getting emotional. These procedures are horrific, and in terms of pain, like torture to their infant subjects. As a country, we should leave this practice behind. That's why I'm a cosponsor of the underlying legislation to prohibit elective abortions in the United States past 20 weeks. Since 1973, approximately 52 million . . . children's lives have been tragically aborted in the United States. It is unconscionable that in America, where we fight for life, liberty, and the pursuit of happiness, we tolerate the systemic extermination of an entire generation of the most vulnerable among us.

H.R. 1797 rejects that hypocrisy and provides commonsense protections for unborn children who feel pain, just as you and I do. . . .

In light of the recent convictions of Philadelphia-based, late-term abortionist Kermit Gosnell, who was found guilty of first-degree murder in the case of three babies born alive in his clinic and then killed through a process he called “snipping,” which involved Gosnell inserting a pair of scissors into the baby’s neck and cutting its spinal cord, a procedure that was reportedly routine in his clinic, we cannot stand idly by.

Madame Speaker, some would have us think that Gosnell is an anomaly or an outlier. However, after his conviction, more individuals stepped forward to expose similar practices in other States. Americans should be asking how different are these snipping procedures from abortions performed throughout clinics in the country. Unfortunately, there is little difference between those procedures. The practice of murdering viable, unborn children who can feel pain must end. . . .

REPRESENTATIVE CHRISTOPHER SMITH (Republican, New Jersey)

I note parenthetically, and it may come as a shock to many, but according to the Americans United for Life Legal defense Fund, the U.S. is among only four nations in the world that allows for abortions for any reason after viability and one of only nine nations that allows abortions after 14 weeks. We’re in some pretty bad company, Madam Speaker, because that includes China and North Korea. We are far outside the global mainstream.

I would note, Madam Speaker, that like Gosnell, abortionists all over America decapitate, they dismember, and they chemically poison babies to death each and every day. That’s what they do. Americans are connecting the dots and asking whether what Gosnell did is really different from what other abortionists do. I would note to my colleagues that a D&E abortion, a common method after 14 weeks, is a gruesome, pain-filled act that literally rips and tears to pieces the body parts of a child.

REPRESENTATIVE CAROLYN MALONEY (Democrat, New York)

My colleagues, once again, we need to ask ourselves where were the women when the Judiciary Committee produced this outrageous assault on women’s health and women’s reproductive rights? The answer is very clear. On this panel, there is not one female face participating in this crucial issue in their health care, absolutely nowhere. This is a photo of the members of the Judiciary Subcommittee that held a hearing on the legislation before us, and not one Republican on that panel is a woman.

. . . .

Last November, women came out in droves to say, Keep you laws off our bodies, out of our personal lives, and out from between women and their doctors.

This bill that a man sponsored and that an all-male panel approved jeopardizes the health and well-being of women, and only women; it is indifferent to the rights of women, and it is callous to the concerns of women, and only women.

I can promise you that women will long remember this. They will remember it today, they will remember it tomorrow, and they will remember it at the polls when they select their Representatives.”

REPRESENTATIVE MARSHA BLACKBURN (Republican, Tennessee)

The Unborn Child Protection Act is based in science. This is an area that has overwhelming public support, and it is, indeed, an appropriate response to Kermit Gosnell’s house of horrors and the similar stories that we are hearing emanate across the Nation about what is happening in these abortion clinics.

What this does is to limit abortion at the 6th month of pregnancy and includes exceptions so that we can send the clearest possible message to the American people that we do not support more Gosnell-like abortions.

It does nothing to ban abortion before the 6th month of pregnancy. It does not affect *Roe v. Wade*, and we know that it is a step that needs to be taken to protect life.

Your know, scientific evidence tells us that unborn babies can feel touch as soon as 8 weeks into the pregnancy. They feel pain at 20 weeks. Indeed, some of these marvelous, marvelous fetal surgeries that are performed, they administer an anesthesia to these unborn babies.

And as I said, public opinion polling shows that 60 percent of all Americans, Madam Speaker, they supporting limiting abortion during the second trimester, and 80 percent during the third trimester. So we think it is incumbent upon this body to take the step that we bring before the Chamber today and to recognize science, to bring the law in line with the majority of public opinion, and to stand against what has transpired in the Kermit Gosnell-like abortion clinics.”

REPRESENTATIVE ZOE LOFGREN (Democrat, California)

This bill imposes a nationwide 20-week abortion ban. It’s unconstitutional, but it’s also dangerous to the health and safety of American women. The narrow health exception in the bill only allows for abortions that are necessary to save the life of a pregnant woman. It’s shortsighted at best and cruel at worst.

Many things can go wrong in pregnancy, and this bill would force a doctor to wait until a woman’s condition was life-threatening before performing an abortion.

Nonlife-threatening conditions couldn’t be treated if this bill were law, which could result in permanent health problems for some women, including infertility.

Severe or fatal conditions may also arise with a fetus later in pregnancy and, if enacted into law, this bill would require some women to carry a fetus to term, even in the situation where that fetus has been diagnosed with a lethal medical condition, a heartbreaking scenario.

The rape and incest exceptions are insulting and excessively narrow. The rape and incest exceptions that were added to the bill after the committee’s markup are just incredibly disappointing. They require reporting the crime to law enforcement prior to seeking care. It shows a distrust of women and a lack of understanding of the reality of sexual assault.

Only 35 percent of women report sexual assaults, and there are many reasons for that that are complex, including fear or reprisal—78 percent of rape victims know their offender—shame, wanting to put the incident behind them.

Also, this bill is unconstitutional. It’s a direct challenge to *Roe v. Wade*, where the Court held that, prior to viability, abortions may be banned only if there are meaningful exceptions to protect the woman’s life and health. For over four decades these principles have been upheld, and this bill blatantly disregards them.”

REPRESENTATIVE JERROLD NADLER (Democrat, New York)

Recently added language is supposed to take the heat off the recent uproar over the absence of a rape and incest exception in this bill, but the bill would provide an exception for rape or incest only if the victim first reported it to the authorities. In the best of all possible worlds, every assault would be reported and every rapist prosecuted. But we all know that there are many reasons why rapes and incest often don’t get reported—the toll our criminal justice system takes on rape victims: the humiliation, the harassment, the psychological trauma.

Why force women to be victimized twice? The only reason we have been given by the supporters of this bill is that women lie about having been raped. So the sponsors are telling us not only that women are not competent to make this very personal decision for themselves and that we here are more competent—we should substitute our judgment for theirs—but women are also too dishonest to be believed when they say they were raped.

This bill would use the trauma of the assault to erect another unnecessary and cruel barrier to a raped woman. Congress should not side with her abuser to force her to carry that abuser’s child to term.

The incest exception applies only if the victim was a minor when the incidents occurred. Why? Do my colleagues believe that this was nice, consensual sex? That if a young woman is abused by her father from age 8 and he gets her pregnant at 18, it doesn’t count? Or that she asked for it and deserves it?

REPRESENTATIVE BLACKBURN

Life begins at conception. Throughout the years, as science and technology have evolved and continue to advance, we are changing hearts and minds. We have more and more evidence that life does, indeed, begin at conception.”

We know that after 3 weeks, the baby has a heartbeat. After 7 weeks, the baby begins kicking in the womb. By week 8, the baby begins to hear and fingerprints start to form. After 10 weeks, the baby is able to turn his or head, frown, and even hiccup. By week 11, the baby can grasp with his or her hands. And by week 12, the baby can suck his or her thumb. And by week 20, not only can the baby recognize his or her mother’s voice, but that baby can feel pain.

While killing an unborn child is unacceptable at any time, it is especially abhorrent at the 20-week mark when a child is able to feel the pain of an abortion. Madam Chairman, it is not only the pain of the child that we must be concerned with, but also the pain of the mother.”

REPRESENTATIVE VICKI HARTZLER (Republican, Missouri)

Science and the American public are united on this issue. This gruesome practice has no place in our society. In fact, a recent poll found that 63 percent of women believe abortion should not be permitted where substantial medical evidence says that the unborn child can feel pain. There is also a risk to the mother.

Drawing a line at 20 weeks is not arbitrary. The child suffers great pain and the mother is placed drastically in danger. A woman seeking an abortion at 20 weeks is 35 times more likely to die from abortion than she was in the first trimester. At 21 weeks or more, the chance of death is 91 times higher. Jennifer Morbelli was the recent victim of such a dangerous abortion procedure, at 33 weeks, in Maryland. This abortion was done in a residential condominium complex in Baltimore last February – a tragic end to a young mother and an agonizing death for her child.

REPRESENTATIVE TED DEUTCH (Democrat, Florida)

The sad truth is that for disenfranchised women, it often takes more than 20 weeks to overcome the roadblocks encountered on the path to what is a constitutionally protected procedure. They may struggle to pay for the procedure, risk losing their jobs if they request time off or lack full information about their bodies, having never received sex education or seen a gynecologist.

....

Sandra and her husband had no car, no Internet, and no health care. It took them weeks to find an abortion provider. They had to save up for the procedure for time off from work, for child care for the times, for the 80-mile taxi ride from Clewiston, Florida, to West Palm Beach. By that time, the facility they found could not help her. They had to start over and save up even more, take even more time off to see a Fort Lauderdale doctor who could help them.

....

At 13, Michelle often had irregular periods. Yet when she skipped two, thought she had one and skipped another, she got scared and told her mom. She didn’t know she was pregnant. Her disabled mother was barely able to feed Michelle and her four siblings as it was. So Michelle and her mother agreed that Michelle needed to have an abortion. But this whole process took time. Finally at 22 weeks, Michelle and her mom secured an abortion with a provider, a doctor who could assume the costs.

REPRESENTATIVE MADELEINE BORDALLO (Democrat, Guam)

I believe that H.R. 1797 strikes the right balance as it allows for exceptions in cases of child-incest, rape, or when a mother’s life is in danger, but it also requires that mothers report any instances of abuse to law enforcement prior to seeking an abortion. While many would argue that this provision is too

narrowly written, I believe that it is better than the present unrestricted and unaccountable legal system that makes it far too easy to get an abortion.

REPRESENTATIVE MARTIN STUTZMAN (Republican, Indiana)

The womb should be the safest place in the world for the most weakest among us.
Sadly it is not.

The heart-wrenching case of Kermit Gosnell showed why. The Gosnell case exposed the abortion industry's lies and showed that abortion is anything but safe and it certainly isn't rare.

Kermit Gosnell murdered newborn babies. He jabbed scissors into the necks of newborn babies. He severed their spines. And he stuffed their bodies into freezers. Now that a Pennsylvania jury delivered their verdict, we here in the House, acting on behalf of the American people, must render our verdict on abortion's grizzly truth.

Kermit Gosnell's barbaric crimes shock the conscience of civilized people across this country. However, there is absolutely no moral distinction between ending a baby's life five seconds after birth or five weeks before.

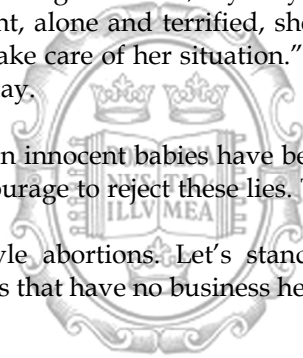
....

Madam Speaker, on a December night in 1975, my 17 year old mother discovered that she was pregnant with her first child. That night, alone and terrified, she decided to find a way to make the 40 mile trip to Kalamazoo, Michigan to "take care of her situation." If she had, Madam Speaker, I wouldn't be standing here on the House floor today.

....

Since 1973, more than 55 million innocent babies have been killed because of Big Abortion's lies. Madam Speaker, my mother had the courage to reject these lies. Today, here in Congress, we have to ask ourselves if we do too.

Let's outlaw these Gosnell-style abortions. Let's stand up for those who cannot speak for themselves and end barbaric procedures that have no business here in the civilized world.



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