

TESTIMONY OF MISSOURI RIGHT TO LIFE  
IN SUPPORT OF H.B. 1327 & 2000

Missouri Right to Life gladly supports HB 1327 & 2000 and urges this committee to give it a “do pass” report to the full Senate. It builds on the Women’s Right to Know law that was enacted by the General Assembly over the veto of then-Governor Holden in 2003 in several ways.

First, it makes specific certain types of disclosures to women about the abortion technique to be used, the risks associated with it, the stage of development of the unborn baby, and the existence and locations of alternatives to the abortion procedure. These are the types of information that the U. S. Supreme Court has held are important for a woman to know and proper for a state to require. As the Court said in *Planned Parenthood v. Casey* in 1992:

It cannot be questioned that psychological wellbeing is a facet of health. Nor can it be doubted that most women considering an abortion would deem the impact on the fetus relevant, if not dispositive, to the decision. In attempting to ensure that a woman apprehend the full consequences of her decision, the State furthers the legitimate purpose of reducing the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed. [*Planned Parenthood v. Casey*, 505 U.S. 833, 883 (1992).]

It may be objected here, as it was in the *Casey* decision, that the First Amendment rights of doctors are somehow being infringed by a mandate of what they are to tell patients. The Supreme Court overruled that objection in *Casey* in these words:

[A] requirement that a doctor give a woman certain information as part of obtaining her consent to an abortion is, for constitutional purposes, no different from a requirement that a doctor give certain specific information about any medical procedure. . . . [T]he physician's First Amendment rights not to speak are . . . part of the practice of medicine, subject to reasonable

licensing and regulation by the State. [Citation omitted.] We see no constitutional infirmity in the requirement that the physician provide the information mandated by the State here. [505 U.S. 833, 884.]

Therefore, there is no constitutional objection that is valid that can be mounted against the informed consent portions of the bill.

Second, a new subject for a woman to know about is the probability that in a late abortion, when the baby has developed for 20 weeks (which is 22 weeks of “gestational age” as doctors use the term, that is, the number of weeks after last menses of the woman), the baby will suffer pain from any abortion procedure. A review published in September 1999 in the British Journal of Obstetrics and Gynecology (the leading ob-gyn journal in the UK) concluded: "Given the anatomical evidence, it is possible that the fetus can feel pain from 20 weeks and is caused distress by interventions from as early as 15 or 16 weeks." Dr. Kanwaljeet S. Anand, a pain researcher who holds tenured chairs in pediatrics, anesthesiology, pharmacology, and neurobiology at the University of Arkansas, said in a document accepted as expert by a federal court, "It is my opinion that the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and that pain perceived by a fetus is possibly more intense than that perceived by newborns or older children." A woman should know about this before engaging in an abortion.

Finally, the bill addresses cases where an abortion is not really a choice but the product of coercion. Some minors are victimized by out-and-out physical violence. It is not just physical threats that should be made criminal, but any attempt to coerce abortion. Particularly obnoxious is the pressure that is put on underage women who become pregnant by family members, coaches, teachers, clergy, or other authority figures. They are pressured into abortion not for

their own sakes, but so these men can avoid being brought to justice for the statutory rape or incest they have committed on these young women.

This bill addresses these situations by making it a crime to induce a minor to have an abortion by the threat of some bad result occurring if she does not. Intimidating young girls or women of any age into having abortions should be a crime. If we are serious that abortions should be the product of free choice, then all types of threats against women should be outlawed. Only those persons who have the arrogance to think that abortion is a good thing whether a woman wants one or not will be opposed to outlawing coercion in the context of abortion.

Missouri Right to Life urges quick approval of HB 1327 & 2000 by the committee.

Thank you.