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

Missouri Right to Life gladly supports HB 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 Gynacology (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 adult women are victimized by out-and-out physical violence when they refuse to heed a demand to abort a baby. You may remember that just four years ago in St. Louis, it was reported that Lawrence Green savagely beat his pregnant girlfriend, 21-year-old Rashawn Peterson, by kicking her twice in the abdomen and then beating her with a broomstick and his fists. Rashawn went into premature labor at Barnes-Jewish Hospital, but the child did not survive. [Steven Ertelt, "'Missouri Man Faces Charges of Killing His Unborn Daughter,"

Lifenews.com, Feb. 11, 2004.] Late in 1999, it was reported that Jason Hawkins beat his wife, Leah, with a log from a woodpile at their home in Lamar, Missouri, after she refused to have an abortion. Her son was born three months premature as a result of the beating and died December 26, 1999, at a Kansas City hospital. ["Man Charged For Beating Wife Who Refused Abortion." *Joplin Globe,* April 12, 2000.] These examples are not flukes; they are commonplace. As reported by the *Boston Globe* in 1999, a former abortion clinic security guard testified before the Massachusetts legislature that women were routinely threatened and abused by the boyfriends or husbands who took them to the clinics to make sure they underwent their scheduled abortions. [Brian McQuarrie, "Guard, clinic at odds at abortion hearing," *Boston Globe,* April 16, 1999.] Women should not have to undergo abortions in order to save their own lives or their physical safety. It should be a crime to make a threat with the intent to coerce an abortion.

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 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 they have committed on these young women. For example, in Massachusetts, a gymnastics coach was indicted in November, 2007, on charges that he repeatedly raped one girl and took her for an abortion. Prosecutors say Infante had a sexual relationship with a 14-year-old girl that began at that early age and continued until she was 21. When she turned 17, the girl became pregnant and Infante drove her to a local abortion business for an abortion. [Steven Ertelt, "Coach in Abortion-Rape Coverup Was Banned From Sports, Not Arrested," Lifenews.com, Nov. 26, 2007.] A Connecticut pastor who was convicted in December, 2007 of sexually assaulting one young girl has been accused of urging another 13-year-old victim in 2005

to get an abortion to hide his alleged crimes. [Steven Ertelt, "Connecticut Sees Fourth Case of Abortion Used to Hide Sexual Abuse Crimes," Lifenews.com, Dec. 18, 2007.] Other types of coercion are just as wrong as the ones described here.

This bill addresses these situations by making it a crime to induce a woman to have an abortion by the threat of some bad result occurring if she does not. Intimidating women 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 2000 by the committee.

Thank you.