

Mark Anthony
Senate Bill 23 – Six-Week Abortion Ban
Opponent Testimony
Ohio House Health Committee

Chairman Merrin, Vice Chair Manning, Ranking Member Boyd, and members of the House Health, Human Services, and Medicaid Committee. Thank you for reading my testimony regarding Senate Bill 23.

My name is Mark Anthony and my address is 2430 Barnett Drive, Bellbrook Ohio. I write to oppose passage of the so-called “Heartbeat Bill by the Ohio General Assembly. By way of background, I am a 59 year old man who has lived in Ohio all his life. I was raised Roman Catholic and remained a member of that church for nearly 45 years. During that time, I attended Catholic seminary and worked professionally and as a volunteer in several Catholic parishes as a teacher and Director of Religious Education. For reasons unrelated to the Catholic Church’s teaching on abortion, I now worship as a member of the United Church of Christ and am seeking ordination in that denomination. I also have been trained as a lawyer. I have worked as a lawyer and a paralegal for nearly 30 years.

For most of my life I identified as Pro-Life. Temperamentally, I continue to have emotional leanings in that direction. Nonetheless, I identify today as Pro-Choice, for reasons I will set out below. I do not approach this issue as good v. bad, or even right v. wrong. I come at the question as one trained in the law, and as a Christian believer. My faith requires me to oppose the kind of laws that are promoted as “Pro-Life” in the present political environment, such as the bill before you now.

I oppose this law for the following reasons:

1. **It violates the law.** There is simply no way around this obvious fact. The decision of the United States Supreme Court in *Roe v. Wade* clearly states that during the period before viability (roughly the first three months), the woman’s right to decide the fate of a pregnancy supersedes any power of the State to restrict or regulate abortion access. Cases following *Roe* reiterated this principle.

There is no reasonable expectation of viability for a six week old fetus. That is a medical impossibility. Therefore, this proposed legislation is illegal and unconstitutional on its face. Perhaps the law is proposed to create a test case, but I oppose such a move. To pass a law that a state knows is unconstitutional on the hope it might prove otherwise is irresponsible and erodes respect for the law.

2. **It is akin to Jim Crow laws.** When a constitutional right exists but is blocked or made virtually impossible to perform by the imposition of intervening laws, it is as wrong as denying the right directly. Ohio has passed other laws of this type, such as the law requiring clinics get privileges with a local hospital and then passing another law forbidding public hospitals from granting such privileges. The law at question would ban abortions before most women even know they are pregnant, and leave precious little, if any, time to make an informed decision. Such a misuse of the legislative power is cynical and, again, erodes respect for the law and the political process.

3. **It deprives a woman of a basic right.** Any law that would effectively force a woman to carry a pregnancy to term when she does not wish to do so, stripping from her the ability to make an alternative decision legally, is morally wrong. No such laws exist as to men's health care rights, nor should they. To enact such a law as this is to grant the State the power to force a woman, against her will, through the State's criminal code, to serve as an incubator. This is utterly unacceptable.

For these reasons, I oppose the "Heartbeat Bill" and ask that you not pass this legislation.