Proponent Testimony on Amended Substitute House Bill 258

December 4th, 2018

Senate Health, Human Services and Medicaid Committee

Chairman Burke, vice chair Beagle, ranking member Tavares and members of the committee, thank you for allowing me to testify today in support of House Bill 258, the Ohio Human Heartbeat Protection Act.

My name is Meg Wittman, and I am the Executive Director of Cincinnati Right to Life – a decades old organization founded by pro-life warriors Jack and Barbara Willke. Cincinnati Right to Life is part of the Right to Life Action Coalition which is a statewide network of organizations who stand together to uphold protections for defenseless unborn life. Other member organizations include Toledo Right to Life, Dayton Right to Life, Cleveland Right to Life and numerous other local and regional organizations.

I’ve been in my role as Director of Cincinnati Right to Life only about six months, but I have been pro-life forever. I often spend Monday evenings praying with my friends in front of Planned Parenthood in Cincinnati. We pray for babies in danger of being killed by abortion, and we pray for mothers and fathers in crisis. Standing outside in the bitter cold and (this time of year) in the dark, is NOT fun and none us particularly enjoy it. But, we know that we cannot just stand by while innocent children fall victim to society’s desire for convenience. It is that same conviction that brings me here today.

House Bill 258 is an important bill in many ways. Foremost, it offers the strongest legal protection of defenseless unborn human life that our state has considered, by prohibiting abortions upon the detection of a fetal heartbeat.

It is this provision which seems to be drawing the most attention and the most objection from those whose business success thrives on terminating defenseless lives. This committee will likely be told by opponents that this bill is “unconstitutional”. However, this obscures a simple fact—the US Supreme Court has been moving in a direction with cases post-Roe that call for optimism and indicate opportunity for bold, decisive protections to be put in place by state legislatures.

The Ohio Department of Health statistics on abortion show that in our state 20,893 abortions were committed in 2017. It is estimated that this bill will legally protect over 17,000 unborn Ohioans by prohibiting abortions being performed when a heartbeat can be detected.

I would like to share information from attorney Walter Weber, senior counsel for the American Center for Law and Justice, who testified on previous iterations of this bill. He says,

“Critics argue that this prohibition is incompatible with repeated Supreme Court precedents disallowing either bans or “undue burdens” on abortions done prior to fetal “viability.” Nevertheless, the Supreme Court’s precedents contain as well the strands of a more life-protective jurisprudence. As far back as *Doe v. Bolton*, 410 US 179, 191-92 (1973), the companion case to *Roe v. Wade*, 410 US 113 (1973), the Supreme Court upheld a law that prohibited any abortion that was not “necessary”.”

“Much later, in *Gonzales v. Carhart*, 550 US 124 (2007), the Court ruled that precedent it assumed to be controlling ‘confirms the State’s interest in promoting respect for human life **at all stages of the pregnancy,**’ *id*. At 163 (emphasis added). As Justice Kennedy wrote in dissent in *Stenberg v. Carhart*, 530 US 914 (2000), a dissent subsequently vindicated in *Gonzales*, ‘States also have an interest in forbidding medical procedures which, in the State’s reasonable determination, might cause the medical profession or society as a whole to become insensitive, even disdainful, to life, including the life of the human fetus.’ *Stenberg*, 530 US at 961.”

I submit that all reasonable minds can agree that acquiescing to the killing of a living unborn human child with a beating heart qualifies as ‘insensitive, even disdainful, to life.’

It is estimated that 1/4- 1/3 of my own generation has been killed by abortion. In the United States, over 60 million babies’ heartbeats have been silenced forever since 1973.

It is an undeniable fact that a heartbeat indicates life.

This is indeed what we are talking about at the ‘heart’ of this bill. And this is why our Coalition strongly supports our state, through you our elected officials, taking that interest in the life of the human fetus seriously enough to legally protect over 17,000 of our fellow citizens whose beating hearts bear witness that they are just as alive as you and I, and just as equally deserving of legal protections upon that life.

House Bill 258 does just that, and so we respectfully request that this committee adopt this bill. Thank you for your kind attention. I would be happy to try to answer questions you may have.