

## **NCJW Testimony in Opposition to Senate Bill 27**

**By Cheryl Pentella, NCJW Columbus Advocate and Past President**

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On behalf of The National Council of Jewish Women, I am writing to oppose the passage of Senate Bill 27 because it imposes an undue burden on a woman seeking an abortion. Senate Bill 27 also violates the First Amendment's religious freedom provision as it imposes a Christian interpretation on those of us who follow the Jewish religion.

For more than 125 years NCJW has fought to protect life and support women, children and families. We have created programs and have supported bills to protect babies from shaken syndrome; support to new mothers and aging adults; and protect women from human trafficking. We have supported better education for all children and have worked to help those who need more education access it.

For years in Ohio, we have advocated for safe sex education and protecting women's rights to access basic health care which includes contraceptives to reduce unintended pregnancies. We have opposed unscientific efforts to infringe upon a woman's right to choose a safe and legal abortion.

Under the guidelines of our religion, we put the life of the living mother above the life that she carries until that life emerges from her womb. In our religion, the Torah lays out certain laws about how to live. Until birth, the fetus is regarded as a part of the mother's body and not a separate being. No branch of Judaism considers a fetus a person at the time the sperm meets the egg. In our religion, the life of the mother comes before the life of the child to be born, the fetus and in some instances, an abortion is acceptable.

The religious practice and its rules differ from Catholic and Evangelical Christian beliefs. We respectfully request to be able to practice our religion and follow its laws, something that anti-abortion laws and now this fetus burial law would undercut.

In the Jewish tradition the death of a fetus or newborn is a death of a potential life that never became a "viable" person. The soul of the baby remains pure and holy. There is thus no need to engage in rituals to "elevate" the soul. There are no formal mourning rituals mandated for Jews to follow when a Jewish woman has a miscarriage or an abortion. A fetus miscarried after 21 weeks can be buried, but not before. There is no requirement or recommendation that parents attend such a burial and, until recently, the Jewish parents were discouraged from participating in the burial ceremonies of stillborn babies. However, the State now wants to mandate a burial for all fetuses.

Senate Bill 27 requires a woman to choose a burial or a cremation for a fetus expelled from her body when she has an abortion. However, the woman who has a miscarriage is not mandated to make this choice or to ensure her fetus is buried or cremated. This legislation, therefore, is designed to penalize a woman who decides she must have an abortion. If that woman is a victim of a rape, or worse, a young girl who is pregnant because of coercion by a male step parent or relative, having to be involved in any way with the burial or cremation of the fetus, is an additional pain and trauma added to an already painful situation, already destructive to the young girl or raped woman.

Of course, how much worse for that young girl or a raped woman to have to carry the fetus to birth. That adds a constant reminder of the rape or of the total betrayal of someone who should have been protecting her from harm.

We strongly oppose Senate Bill 27 as it undercuts the requirements of the Jewish religion for the first 21 weeks of a pregnancy, mandating a burial or cremation when the religion doesn't encourage burial for fetuses and forbids cremation for any Jew.

We are in a pandemic and far too many people need medical care to help them survive the virus. Even more individuals need financial help to survive the economic disruptions that have occurred because so many people have become ill from the virus. Instead of passing this legislation – an act that can only be described as punitive on mothers and families -- and that would infringe upon women's First Amendment rights, why not focus on protecting the lives of those individuals already born. It seems that this General Assembly is not focusing on preserving life, but is, instead, to penalize women who need an abortion and who cannot afford to travel to where abortions are safe and legal.

So, we are arguing not only for the right as intelligent human beings to be able to make medical decisions about our issues in consultation with our doctors and our loved. We ask for the freedom to observe our Jewish religion and to adhere to its values -- putting the life of the living mother before the life of the fetus she carries, because our religion holds that prior to a late stage in labor, the fetus is considered part of the mother.