



**Denise Leipold
Outgoing Executive Director**

Testimony in Support of Sub. SB157

**House Families, Aging & Human Services Committee
November 18, 2021**

Chairman Manchester, Vice Chair Cutrona, Ranking Member Liston & committee members:

Due to illness, I am unable to testify in person, so I thank you for allowing me to submit this written testimony in support of Sub. SB157 known as the Born Alive Infant Protection Act.

According to the Ohio Revised Code 9.041, it is the public policy of the state of Ohio to prefer childbirth over abortion to the extent that is constitutionally permissible. This seems to conflict with liberal opinions that abortion is totally acceptable. Since 1973, a great many of our society fail to regard that abortion is the intentional ending of a human life inside of the womb. In debate after debate, the loud voices of abortion-supporting individuals state that preborn human beings in the womb are not human at all and have no legal protections under the law. How can it be, then, that those same pre-born human beings are recognized as persons under the Unborn Victims of Violence Act in which an individual can be convicted of a dual murder if they cause the death of a pregnant woman and her preborn child? How also can it be that the Supreme Court has left it up to the states to allow preborn children to inherit property? Are these children magically human only if they fit the criteria of specific situations?

While this testimony is not for the purpose of answering these questions, we need to recognize that most abortion supporting individuals believe that human beings do not acquire legal status under the law until birth. It abhors me that anyone can think that a human life in the womb is disposable, but it sickens me even more that we need to debate whether or not a child who HAS made it past birth should be protected.

I was present in the gallery in March 2019 when Ohio Senate Resolution 41 was passed urging the U.S. Congress to enact the federal version of the Born Alive Abortion Survivors Protection Act. The Ohio Senate voted unanimously to pass this resolution. Senators who normally do not support pro-life legislation made comments on the floor during the discussion before the vote that while they would support women ending the life of their child in the womb, that once a child was born, it deserves to live.

Federal law prohibits individual states from stopping the horrendous practice of abortion prior to gestational viability. Because of this, 20,605 children were legally put to death through abortion in Ohio in 2020, according to the most recent report by the Ohio Department of health. There was no debate about the methods, or whether or not the innocent child would suffer, such as the debate that is continuing over the medicine cocktails to be used for death row inmates. There was no due process of law for these abortion victims like should have been afforded them by the 14th amendment, and no appeals process for the death sentence they experienced. It is sickening that a civilized nation could legally kill preborn children and call it health care.

In 2002, the original “Born-Alive Infants Protection Act” easily passed Congress — through a voice vote in the House and unanimous consent in the Senate. It recognized that killing a baby once it is born is a homicide. We shouldn’t have to have pass another law to protect those

children. However, that law is being twisted to ignore the intentional neglect of some abortion survivors so that they die as originally intended. In addition, previously passed laws do not accommodate for the reporting of the death of infants who survive abortions. Intentionally allowing a child who has survived an abortion to die by denying it health care should be considered a homicide as well. Senate Bill 157 specifies that failure to attempt to preserve the health of life of a child who survives an attempted abortion will be considered abortion manslaughter, a felony of the first degree. Any physician who does not attempt to save the life of an abortion survivor should be prosecuted.

One of the biggest objections opponents of this bill have is that they say that the cases of born alive abortions were rare or non-existent across the country. This is really a conundrum. Are we to believe them? Where do they get this information if it is not reported? Even when the law requires reporting of certain information, we don't always get it.

This is a no-brainer. As a civilized nation, there should be no abortion. To be debating whether or not to preserve the health of a human being who survives an attempt at its life in the womb and is born alive is ludicrous. A child born alive is recognized as a person and should have full constitutional rights under the law. The 14th amendment, as I referred to previously, says that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." To neglect to preserve the health of a child is as intentional as a forceful homicide. We cannot let that happen in Ohio. To those who oppose this bill simply because it features a reporting requirement for something they say doesn't happen, what are you afraid of? Is it because now there will be proof that it happens as opposed to anecdotal evidence? No matter how many or how few children

survive an abortion are left to die, each of those lives should be protected. The Democratic majority in the federal legislature is not allowing the federal version of this bill to advance. Let's not have this tragedy occur in Ohio. I urge you to pass this bill out of committee and advance it to the House floor.