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Testimony in Support of SB123

**Senate Health Committee
October 27, 2021**

Chairman Huffman, Vice Chair Antani, Ranking Member Antonio & committee members:

Thank you for allowing me to testify before you today. I am here to support SB123 which would make abortion illegal in Ohio immediately if Roe v Wade is overturned.

To understand why we need this, we must first take a look at the Roe v Wade ruling of 1973. At that time, only 6 states had laws against abortion and Ohio was not one of them, most probably because most people believed that to kill a preborn child in the womb would have been covered under murder statutes. Roe v Wade changed that and essentially took it out of the power of the states to make abortion illegal before viability. If Roe v Wade is overturned, abortion would remain legal in Ohio as it was in 1973.

We need to understand how the court came to its decision to adopt Roe because it makes passing this bill even more critical. It is now verifiable fact that the Roe v Wade decision was noteworthy for its lack of scholarship, extraordinary bias, its pre-medieval approach to pregnancy-related science and its intellectual dishonesty. It ignored and rejected over 400 years of scientific knowledge about human development. In 1973, it was established scientific fact in all medical fields

that the humanity of an unborn child begins at conception. This fact was submitted in several amicus briefs during the Roe v Wade process. However, the court chose instead to rely heavily on the testimony of three pro-abortion advocates to shape its decision. The first was Lawrence Lader, a freelance journalist who wrote a book entitled "Abortion", linking the need for killing an unborn child to feminism based on false statistics, and it was cited at least 9 times by Justice Blackmun (the writer of the court's majority opinion) as a primary reference in Roe v Wade.¹ The second pro-abortion advocate cited at least 7 times by Justice Blackmun was Cyril Means, Jr., a law professor who was a member of NARAL (known then as The National Association for the Repeal of Abortion Laws). Long after Roe v Wade was adopted, it was revealed that much of the false abortion history and statistics in Lader's "Abortion" book was invented and supplied by Cyril Means.² The third pro-abortion advocate was Dr. Bernard Nathanson, who ran the largest abortion clinic in the world based in New York City. He was cited countless times by Justice Blackmun and was considered the star witness. However, Dr. Nathanson lied during most of his testimony and fabricated most of the statistics to which he referred, admitting to this publicly many years after the decision.^{3,4,5}

Justice Blackmun wrote the majority opinion which sealed the legality of abortion in Roe v Wade relying heavily on the testimony of these three individuals and their false and deceptive science.⁶ The opinion also included Justice Blackmun's personal opinion "that the word 'person,' as used in the 14th Amendment, does not include the unborn." Since there is no constitutional text stating explicitly that unborn children are or are not "persons," Justice Blackmun's personal opinion became law.

Roe v Wade has been challenged many times and has been upheld. Again, that precedence and the ruling itself was based on lies and deception.⁶ However, it is not unheard of for precedence to be challenged or overruled. In the case of Roe v Wade, many have been taught over the years that

abortion is acceptable because it is legal. Because the Roe ruling is coming under attack more and more, it is likely that the real truth will prevail. That truth is that abortion is the killing of an unborn human being at its earliest stages of development.

During sponsor testimony last month, Senator Thomas repeated a misconception that making abortion illegal would force women to seek illegal and dangerous back-alley abortions and that many women would die. Nathanson's testimony about this during the Roe v Wade hearings was all a lie.^{3,4,5} The CDC has tracked maternal deaths since the 1940's, long before the adopting of Roe v Wade. If millions of women were dying before 1973, then when abortion became legal everywhere, the maternal death rate should have dropped dramatically and that didn't happen.^{7,8}

The Roe v Wade ruling did not give women a constitutional right to kill their unborn child through abortion.^{9,10} It only declared that abortion was a medical procedure that fell under a phantom right to privacy and took it out of the hands of the states to ban this procedure prior to about 20 weeks gestation. The fact that our state recognizes that childbirth should take precedence over abortion speaks volumes.¹¹

The killing of a child in the womb is not healthcare, nor is it part of reproductive health care. Two people enter an abortion clinic. One of them always dies. Yes, women should have a choice whether or not to have a child. But there is plenty of time and plenty of options to use to make that choice before she has sex and reproduces. An innocent human being should not have to be killed as birth control. That is barbaric.

I urge you to pass SB123 and stop Ohio from the barbaric killing of children in the womb when the condition precedent for this law to take effect occurs.

References

- 1 Dellapenna, Joseph W., Dispelling the Myths of Abortion History, *Carolina Academic Press*; Durham, NC, 2006.
- 2 Browder, Sue Ellen, Subverted: How I Helped the Sexual Revolution Hijack the Women's Movement, *Ignatius Press*, San Francisco, 2013.
- 3 Nathanson, Bernard, Aborting America, *Doubleday and Co.*, Garden City NY, 1979.
- 4 Nathanson, Bernard, The Abortion Papers: Inside the Abortion Mentality; *Frederick Fell Publishers*, New York, 1983.
- 5 Nathanson, Bernard, The Hand of God: A Journey from Death to Life by the Abortion Doctor Who Changed His Mind, *Regnery Publishing*, Washington DC, 2013.
- 6 Forsythe, Clark D., Abuse of Discretion: The Inside Story of Roe v Wade, *Encounter Books*, New York & London, 2013.
- 7 Kessler, Glen, "Planned Parenthood's False Stat: 'Thousands' of Women Died Every Year Before Roe," *The Washington Post*, May 29, 2019.
- 8 The number of maternal deaths from abortions (all causes) in the 10 years prior to Roe v Wade was no greater than 225 and the year before Roe v Wade it was 48 (from the *National Center of Vital Statistics*).
- 9 Liben, P., "What the U.S. Constitution Says: The Law and Abortion," *Freedom Review*, Sept-Oct 1995, NIH National Library of Medicine, available online at <https://pubmed.ncbi.nlm.nih.gov/12346849>.
- 10 Benshoof, J., "Roe v Wade: Revisiting the Fundamentals," *Conscience*, Winter 1998, NIH National Library of Medicine, available online at <https://pubmed.ncbi.nlm.nih.gov/12178876>.
- 11 The Ohio Revised Code 9.041 states that "it is the public policy of the state of Ohio to prefer childbirth over abortion to the extent that it is constitutionally permissible."