



**Jessica Koehler**

**Proponent Testimony on Senate Bill 145**

**Senate Judiciary Committee**

**Tuesday, June 20, 2017**

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and distinguished members of the committee, thank you for allowing me to testify today on Senate Bill 145. My name is Jessica Koehler and I am the Director of Legislative Affairs for Ohio Right to Life. Today, I speak on behalf of our Board, our affiliated chapters, and members of our organization in support of Senate Bill 145, Ohio's Dismemberment Abortion Ban.

I understand that what we will be discussing today is a difficult subject, and I want to thank you in advance for listening to my testimony, and to the testimony of my colleagues. We believe that today's testimonies will give strong clarity to the legal, ethical, and medical reasons for passing this legislation now.

Ten years ago, a similar law, known as the Partial-Birth Abortion Ban, came before the Supreme Court of the United States. Eventually, the Supreme Court decided that the law was in fact constitutional, for the first time empowering states to prohibit a type of abortion based on its brutality. Justice Anthony Kennedy, widely considered the swing vote on the abortion issue, authored the opinion of the Court, including important information regarding what we are here to discuss today.



First, let's consider the term, "dismemberment abortion." Dismemberment abortion refers to dilation and evacuation (D&E), a procedure in which the abortionist first dilates the woman's cervix and then uses steel instruments to dismember and extract the baby from the uterus. The D&E abortion procedure is usually performed between thirteen and twenty-four weeks LMP, when the baby is somewhere between the size of a lemon and a cantaloupe. By this stage the baby has brainwaves, a heartbeat, and all of her organ systems in place. In 2015, the Ohio Department of Health reported nearly 3,000 D&E abortions in the state of Ohio.

In the *Carhart* decision, Kennedy wrote, "No one would dispute that, for many, D&E is a procedure itself laden with the power to devalue human life." By drawing this parallel between dismemberment abortion and partial-birth abortion, the Court set an important legal precedent for today's legislation, opening the door for considering the constitutionality of a law such as this.

Not only is there a strong legal precedent for this legislation, there are also strong ethical and reasons to pass it. Ethically speaking, dismemberment abortion simply does not belong in the medical profession, and it does not belong in any part of civil society.

The Hippocratic Oath, which all physicians take, gives a very basic instruction: First do no harm. This is a baseline requirement in ethics, a requirement which we would do well to apply across society.

There is no doubt that dismemberment abortion inflicts a direct harm on the unborn child. Dismemberment abortion, as defined by National Right to Life, means:



*“With the purpose of causing the death of an unborn child, purposely to dismember a living unborn child and extract him or her one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors or similar instruments that, through the convergence of two rigid levers, slice, crush, and/or grasp a portion of the unborn child’s body to cut or rip it off. This definition does not include an abortion which uses suction to dismember the body of the developing unborn child by sucking fetal parts into a collection container.”*

Justice Kennedy himself described dismemberment abortion in a simple but powerful way: “The fetus, in many cases, dies just as a human adult or child would: It bleeds to death as it is torn from limb from limb. The fetus can be alive at the beginning of the dismemberment process and can survive for a time while its limbs are being torn off.”

We do not permit this kind of brutal treatment of born persons, nor should we permit it of unborn persons.

There is simply no justification for this procedure. Medically speaking, dismemberment abortion is never necessary to preserve the life of a mother in acute medical emergencies. Dilation of the cervix alone can take at least 36 hours—an eternity when a woman’s life is on the line.

Furthermore, dismemberment abortion in the tragic case of fetal anomalies is not medically necessary either. These unborn babies have disabilities, and should be treated with the same dignity and care as born persons with disabilities. As Senator Huffman said last week, they are equally valuable. Instead, when posed with a fatal diagnosis, parents should be offered perinatal hospice as a humane and positive alternative to the trauma of aborting a child.



Today you are going to hear from several other perspectives and why they each support this legislation. We have a doctor, a nurse, a student, and two chapters of Ohio Right to Life represented here today, and I ask that you also pay attention to the written testimony that was submitted by several people who could not be here today: Dr. Donna Harrison from the American Association of Pro-Life Obstetricians and Gynecologists, Jim Tobin from Ohio Catholic Conference, Dr. Alicia Thompson, Dr. Bill Polzin, and Jennifer Popick from National Right to Life. Each of them provide a unique and important perspective from their respective fields of law, religion, and medicine.

Before closing, I would like to introduce a brief video in which a former abortionist describes the process of dismemberment abortion. Dr. Anthony Levatino is a board certified obstetrician-gynecologist with 40 years of medical experience. He is a physician and lawyer, and taught as associate professor of OB-GYN at Albany Medical Center, where he also served as the Medical Student Director and Residency Program Director. In the early part of his career, Dr. Levatino performed over 1,200 abortions in the first and second trimesters. Dr. Levatino has practiced obstetrics and gynecology in Florida, New York, and currently practices in New Mexico.

In closing, I will quote Justice Ginsburg in her dissent opinion on the Partial Birth Abortion Ban as she argues that there is no inherent difference in the two procedures, *"... the Court emphasizes that the Act does not proscribe the nonintact D&E procedure... But why not, one might ask. Nonintact D&E could equally be characterized as "brutal,"... involving as it does "tear[ing] [a fetus] apart" and "ripp[ing] off" its limbs... "[T]he notion that either of these two equally gruesome procedures . . . is more akin to infanticide than the other, or that the State furthers any legitimate interest by banning one but not the other, is simply irrational"* On behalf of Ohio Right to Life, I ask that you vote in favor of Senate Bill 145.