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June 1, 2015

RE: Pain-Capable Unborn Child Protection Act

Dear Senator:

Senator Graham has announced that he will introduce, during the week of June 8, the Pain-Capable Unborn Child Protection Act. The National Right to Life Committee (NRLC), the nationwide federation of state right-to-life organizations, urges you to sign on as an original cosponsor of this landmark pro-life legislation.

The operative language of the proposal that Senator Graham intends to introduce is the same as the Pain-Capable Unborn Child Protection Act as approved by the House of Representatives on May 13 (H.R. 36, as revised by the Franks Substitute Amendment). Like earlier versions of the legislation, the House-passed bill extends general protection to unborn children who are at least 20 weeks beyond fertilization (which is equivalent to 22 weeks of pregnancy -- about the start of the sixth month).

There is abundant evidence – summarized in the findings of the bill – that by this point in development (and probably earlier), the unborn child has the capacity to experience excruciating pain during typical abortion procedures. On this basis, the bill prohibits abortion after that point, except when an acute physical condition endangers the life of the mother, or in cases of rape, or cases of incest against a minor. The revised bill spells out the procedural requirements that abortionists must follow when performing an abortion under these exceptions, including seeking to preserve the life of the child whenever this is feasible. The bill also creates specific requirements for the protection of infants who are born alive during these late abortions.

It is now commonplace to read about evidence that, by 20 weeks fetal age and even earlier, an unborn child responds to many forms of stimuli, including music and the mother's voice. Claims that the same child is nevertheless insensible to the violence done to her body during an abortion should engender strong skepticism. Abortions at this stage are performed using a variety of techniques, but most often by a method in which the unborn child's arms and legs are twisted off by brute manual force, using a long stainless steel clamping tool. A medical illustration of this common method is posted here:

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<https://www.nrlc.org/abortion/pba/deabortiongraphic/>

Some of the extensive scientific evidence that unborn children have the capacity to experience pain, at least by 20 weeks, is available at these URLs:

<https://www.nrlc.org/abortion/fetalpain/>

<http://www.doctorsonfetalpain.com>

<http://www.nrlc.org/uploads/fetalpain/AnandPainReport.pdf>

It should be noted that late abortions are not “rare.” At least 275 facilities offer abortions past 20 weeks fetal age.

In a nationwide poll of 1,623 registered voters in November 2014, The Quinnipiac University Poll found that 60% would support a law such as the Pain-Capable Unborn Child Protection Act prohibiting abortion after 20 weeks, while only 33% opposed such legislation. Women voters split 59-35% in support of such a law, while independent voters supported it by 56-36%.

Should you have any questions, please contact us at 202-626-8820, or via e-mail at federallegislation@nrlc.org. In order to sign on as an original cosponsor, please notify David_Glaccum@judiciary-rep.senate.gov.

Thank you for your consideration of NRLC’s position on this vital legislation.

Respectfully,



Carol Tobias
President



David N. O’Steen, Ph.D.
Executive Director



Douglas D. Johnson
Legislative Director



Susan T. Muskett, J.D.
Senior Legislative Counsel