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U.S. HOUSE VOTES TUESDAY ON D.C. LATE ABORTION BAN, AS FEDERAL JUDGE IN ARIZONA UPHOLDS BAN ON BASIS OF UNBORN PAIN

WASHINGTON (July 30, 2012) -- One day before the U.S. House of Representatives is scheduled to vote on a bill to overturn the current policy in the District of Columbia of allowing legal abortion, for any reason, until the moment of birth, a federal judge in Arizona today upheld a new state law generally prohibiting abortions after 20 weeks of pregnancy (18 weeks fetal age), based primarily on “the substantial and well-documented evidence that an unborn child has the capacity to feel pain during an abortion by at least twenty weeks gestational age.”

The ruling by U.S. District Judge James A. Teilborg came in a legal challenge brought by the Center for Reproductive Rights and the ACLU on behalf of abortion providers, which asserted that the law was unconstitutional because it restricted abortions prior to “viability.” The Arizona law generally allows abortion after 20 weeks of pregnancy (18 weeks after fertilization) only when necessary to prevent the mother’s death or “serious risk of substantial and irreversible impairment of a major bodily function.”

Judge Teilborg specifically found that “by 20 weeks, sensory receptors develop all over the child’s body” and “when provoked by painful stimuli, such as a needle, the child reacts, as measured by increases in the child’s stress hormones, heart rate, and blood pressure.” Teilborg quoted a U.S. Supreme Court decision describing the D&E method of abortion used at this age: “[F]riction causes the fetus to tear apart. For example, a leg might be ripped off the fetus . . .” He described another method also used: “In an induction procedure, the fetus is injected with a medication that induces a heart attack.”

Judge Teilborg continued, “Given the nature of D&Es and induction abortions, . . . this Court concludes that the State has shown a legitimate interest in limiting abortions past 20 weeks gestational age.”

“This recognition by a federal court that a general prohibition on abortion after 20 weeks of pregnancy is constitutional, based chiefly on ‘substantial and well-documented evidence that an unborn child has the capacity to feel pain during an abortion,’ makes it even more indefensible for any House member to vote to continue the current policy of legal abortion for any reason until the moment of birth in our nation’s capital,” said Douglas Johnson, legislative director for the National Right to Life Committee (NRLC).

The bill to be voted on Tuesday by the U.S. House, the *District of Columbia Pain-Capable Unborn Child Protection Act* (H.R. 3803), is strongly backed by the National Right to Life Committee (NRLC), the nationwide federation of state right-to-life organizations.

The Council of the District of Columbia, employing authority delegated by Congress, repealed the entire D.C. abortion law. Thus, in the nation’s capital, abortion is currently legal for any reason through all nine months of pregnancy. (See confirmation by the

Associated Press, [here](#).) H.R. 3803, sponsored by Congressman Trent Franks (R-Az.), was approved by the House Judiciary Committee on July 18, and is being brought to the House floor on a fast-track procedure. In the bill, Congress adopts findings that by 22 weeks of pregnancy (20 weeks after fertilization), the unborn child has the capacity to experience great pain. (Note that this is two weeks later than the line established in the Arizona law upheld today.) The bill prohibits abortion after that point, except when an acute physical condition endangers the life of the mother. Seven states have already enacted legislation very similar to H.R. 3803 (Nebraska, Kansas, Idaho, Oklahoma, Alabama, Georgia, and Louisiana); no court orders have blocked enforcement of any of those laws.

“This roll call will be a landmark – the House has never before voted on the question of whether to endorse legal abortion for any reason until birth,” said NRLC Legislative Director Douglas Johnson. “Under the Constitution, members of Congress and the President are ultimately accountable for the current abortion-until-birth policy. Any lawmaker who votes against this bill is voting to ratify the extreme policy currently in effect in the nation’s capital, where abortion is perfectly legal for any reason until the moment of birth.”

“If we can achieve a big majority on this groundbreaking initial vote, it will lay the foundation to achieve legal protection for pain-capable unborn babies in the not-distant future,” Johnson said.

The District Clause of the U.S. Constitution (found in Article I, Section 8) provides that “Congress shall . . . exercise exclusive legislation in all cases whatsoever, over such District . . .” Like any other “legislation,” of course, it is subject to the president’s review. The White House has not yet taken any position on H.R. 3803, although it has [223 House cosponsors](#).

According to a nationwide live telephone poll of 1,000 adults (MOE +/-3.1%), conducted July 12-15, 2012 by The Polling Company, Inc./WomanTrend, 58% of American adults would be more likely to vote for lawmakers who support this legislation (62% of women were more likely). In a separate question, 63% favored a policy of not permitting abortion anywhere “after the point where substantial evidence says that the unborn child can feel pain unless it is “necessary to save a mother’s life.” (The questions and response totals are available in a document [here](#).)

The NRLC website provides links to abundant documentation on the scientific authorities that support the bill’s findings that unborn children, by 20 weeks fetal age if not before, have the capacity to experience great pain, [here](#). A compilation of citations to medical journal articles on the subject is posted [here](#). The abortion method most often used at this stage, the “D&E,” is depicted in a medical illustration, [here](#). The poll results and other information on the legislation is also posted at http://www.nrlc.org/abortion/Fetal_Pain/index.html

Founded in 1968, the National Right to Life Committee (NRLC), the federation of 50 state right-to-life affiliates and more than 3,000 local chapters, is the nation’s oldest and largest grassroots pro-life organization.