

TESTIMONY OF KENNETH W. SUKHIA
BEFORE THE COMMITTEE ON ENERGY AND COMMERCE
SELECT PANEL ON INFANT LIVES
INVESTIGATIVE PANEL
ON “THE PRICING OF FETAL TISSUE”

APRIL 20, 2016

Madam Chairman Blackburn and Members of the Select Investigative Panel. I am pleased to address the Committee today on the subject of the Panel’s inquiry, “The Pricing of Fetal Tissue.”

I am a former United States Attorney appointed by the first President Bush who served 13 years as a federal prosecutor and who clerked for a Florida Supreme Court Justice and a Judge on the U. S. Court of Appeals for the Eleventh Circuit in Atlanta. I have been a private practitioner for 23 years and during that time I have handle numerous high profile cases, including the federal military and absentee ballot cases representing George W. Bush in the 2000 recount battle and the defense of Florida’s Lobbyist Disclosure Act representing the President of the Florida Senate.

At Governor Bush’s request, I also represented the State of Florida in a hard fought eight-day trial against Planned Parenthood when it challenged to the Constitutionality of Florida’s Parental Notice of Abortion Act. Through that trial I gained unique insight into the workings not only Planned Parenthood, but the abortion industry as a whole. Based on the evidence we presented from clinic operators, former abortion physicians and abortion clinic owners, I can assure this Panel that maximizing profit is a major priority of the abortion industry. The importance of profit to the industry is underscored by testimony in our case that the average time the typical abortion doctor

spends with each patient is approximately 10 minutes. Abortion providers testified it is not uncommon for abortion clinic physicians to perform four or more abortions per hour and one provider indicated that in 20 years he had personally had performed over 100,000 abortions. Depending on the stage of fetal development our evidence showed the typical clinic abortion procedure cost abortions cost between one to three thousand dollars. As the appeals court noted in our case, evidence at trial showed that “the physician-patient relationship is often attenuated in the abortion context, almost to the point of non-existence.” *North Florida Women’s Health and Counseling Services v. State*, 852 So.2d 254, 264 n.3 (Fla. 1st DCA 2003) *rv’d on other grounds*, 866 So.2d 612 (Fla. 2003) (“Abortion patients ordinarily see their physicians only once or twice, very briefly. Most of their interaction is with the clinic's staff. Physicians performing abortions often perform several in the space of a single hour.”). Based on my many months in discovery and my experience in trial, I was not surprised by the profiteering interests of the abortion clinic executives displayed by in the videos released last summer.

However one feels about the sanctity of life, most would agree that trafficking in infant body parts for profit is an abhorrent practice that should never be tolerated in America. Congress made it a crime to do so. Title 42 USC §289 g-2. The release of the Planned Parenthood and abortion clinic videos last summer offered another glimpse into abortion industry’s own dark alleys. Ironically, while state authorities have been aggressively pursuing the investigation and prosecution of those who are alleged to have violated the less serious offense of non-consensually recording videos, federal authorities have been reluctant to investigate the activities and enforce the criminal laws against those whose conduct appears to violate the far more egregious federal offense of profiting

from the harvesting and transferring of unborn human body parts. Accounting and marketing materials from the fetal tissue procurement business demonstrate beyond question that there is more than sufficient cause to support a full investigation by federal authorities to determine if such practices violate the felony provisions of 42 USC §289 g-2. Unfortunately, much like its selective approach to the enforcement of other federal offenses, the Administration has failed to investigate potential violations and enforce our criminal laws in this area.

Civilized societies are distinguished by the protections they afford their weakest and most vulnerable members, and our government acts its noblest when it speaks for those who have no voice. To decry an effort to investigate and enforce our criminal laws forbidding the transfer of fetal body parts for profit in the face of the documents set out in this record is to shirk the government's rightful duty to enforce the Congressional mandate forbidding such practices, and to ignore the government's important responsibility to prevent what the statute's sponsors recognized as an abhorrent practice. To create a market for the sale of unborn human body parts is also to promote an ethic that belies the government's primary purpose of protecting and preserving the lives of its citizens. Our forefathers, who pledged their *own* lives to form the government under which we live, knew this purpose well, and perhaps better than we do today. "The chief aim of government," they said, "is to protect life; abandon that and you have abandoned all."