PRENATAL NONDISCRIMINATION ACT (PRENDA) OF 2016

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION AND CIVIL JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

H.R. 4924

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PRENATAL NONDISCRIMINATION ACT (PRENDA) OF 2016

THURSDAY, APRIL 14, 2016

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON THE CONSTITUTION AND CIVIL JUSTICE

COMMITTEE ON THE JUDICIARY

Washington, DC.

The Subcommittee met, pursuant to call, at 3 p.m., in room 2237, Rayburn House Office Building, the Honorable Trent Franks (Chairman of the Subcommittee) presiding.

Present: Representatives Franks, Goodlatte, King, Gohmert, Jordan, Cohen, Conyers, Nadler, Deutch, and Chu.

Staff Present: (Majority) Paul Taylor, Chief Counsel; Tricia White, Clerk; (Minority) James Park, Minority Counsel; Matthew Morgan, Professional Staff Member; and Veronica Eligan, Professional Staff Member.

Mr. FRANKS. The Subcommittee on the Constitution and Civil Justice will come to order. Without objection the Chair is authorized to declare recesses of the Committee at any time. I want to thank all of you for being here.

You know, given the subject of this hearing, it seems appropriate to me that we all remind ourselves that the very bedrock foundation principle that gave birth to America in the first place was the conviction that all human beings are children of God and that they are created equal in his sight.

Throughout America's history we have struggled to fulfill that conviction in our national life. It took a Civil War in this Nation to make the 7,000-year-old, State-sanctioned practice of human slavery to come to an end, and ultimately it did so across the world.

American women overcame the mindless policy that deprived them of the right to vote in America. Then this Nation charged into Europe and arrested the hellish Nazi holocaust. We crushed the Ku Klux Klan and prevailed in the dark days of our own civil rights struggle.

And so, in many ways we have made great progress in the area of civil rights in this country. But there is one glaring exception: We have overlooked unborn children and that life itself is the most foundational civil right of all. The result is that today in America between 40 and 50 percent of all African-American babies, virtually

1 in 2, are killed before they are born, which is a greater cause of death for African-Americans than heart disease, cancer, diabetes, AIDS, and violence combined.

An Hispanic child is three times more likely to be aborted than a White child. A Black child is five times more likely to be aborted than a White child. More than 14 million African-American babies have been aborted since *Roe v. Wade*. It translates to over one-fourth of the African-American population in America today. When you add that to the thousands of little girls who have been aborted in America simply because they are little girls instead of little boys, these are travesties that should assault the mind and conscience of every American.

In the course of the Committee's investigation into Planned Parenthood, we have discovered that it is training clinic staff to answer questions from patients about sex selection and race selection abortions. Planned Parenthood physicians are clearly being confronted with the issue of whether or not a child can knowingly be aborted when the underlying reason is discriminatory.

Currently only eight States prohibit abortions for the reason of sex selection at some point during the pregnancy. My home State of Arizona also prohibits sex selection and race-based abortions.

Now, the subject of the hearing today, the Prenatal Nondiscrimination Act, restricts sex selection abortion and race selection abortion, and the coercion of a women to obtain either. The bill holds abortionists who prey on women accountable for their actions while holding the women on whom the abortion is performed harmless under the law.

Now, there will be those who will say that this bill has a much larger agenda; and let me respond simply by saying that I sincerely and passionately hope that they are right. I truly hope that the debate and passage of this bill will call all Americans in and outside of Congress to an inward and heartfelt reflection upon the humanity of unborn children and the inhumanity of what is being done to them in 2016 in the land of the free and the home of the brave.

Across human history the greatest voices among us have always emphasized the critical responsibility of each of us to recognize and cherish the divine light of eternity shining in the soul of every last one of our fellow human beings.

In 1847, Frederick Douglass said, "Right is of no sex, truth is of no color, God is the father of us all and all our brethren." In Matthew 25, Jesus said, "Inasmuch as you have done and one of the least of these my brethren and you have done it under me." Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Ladies and gentlemen, I know that when the subject is related in any way to abortion, the doors of reason and human compassion in our minds and hearts often close, and the humanity of the unborn can oftentimes no longer be seen. But this is the civil rights struggle that will define our generation. And I hope this hearing today will begin to open our hearts and minds again.

And with that, I would now yield to the Ranking Member for his opening statement.

Mr. COHEN. Thank you, Mr. Chair. I know that you are sincere about your beliefs and I know that reasonable people can differ and

we do, but I know that you are sincere and this is a heartfelt position for you. Nevertheless, I am disturbed that we have this hearing today. And I am disturbed because of the fact that first I do believe—and you mentioned in your opening statement that somebody would mention this, and yes, I am going to mention it—that this is really an assault on the woman's right to choose and not simply anything to do with sex and race.

And I am also concerned that this bill at one time was—no longer is, but one time had the name of Frederick Douglass in it and I think it besmirched the name of Frederick Douglass, who is one of the greatest Americans of all time. And that bothered me the last time we had this up and I opposed it.

And in your opening statement you were right that our Declaration of Independence, our Constitution, wonderful documents and said something in there about all men are created equal, they had inalienable rights, et cetera, but that was words on paper because we had slaves; and it did not end with the Civil War. It went on in the South at least until the 1960's and the Voting Rights Act, the Civil Rights Act, *Brown v. Board of Education*.

And it did not end there because in the South where I am from, which was the focus of the Voting Rights Act for good reason, people do not let—old times there are not forgotten and rarely given up. And segregation and racial injustice carried on into the 1970's and the 1980's and they carry on today. And we do not have Governors in the South now with interposition dripping off their lips standing in the schoolhouse door.

But what we have got is Governors and legislators, not just in the South and as the Supreme Court did get it correct to some extent in the Voting Rights Act when they said it is not just a problem in those select States in the South, it is a problem all over the country and that they should not be specifically limited in the South, well, I do not know that they should have just been limited.

The South is the worst at doing this and there may be problems in other parts in the country, indeed there are, with racial gerrymandering and impediments to people voting, but the South does it best. It is one of the South's deals: We have got barbeque, we have got good football, and we do the best job if you want to really thwart a person's opportunity to vote, the South does it.

And so there should have been special circumstances there. But unfortunately it is a national problem, but the South is kind of the leader there. So all attempts to stop people from voting, which our Judiciary Committee has not taken up voting rights, that is where we should be looking at. We can give people an opportunity to vote. And if we can do things to give people opportunities to have a good living, have women have equal pay and to get jobs and get proper education, and poor people get education and be able to afford and well take care of children, you would cut down the rate of abortion in the African-American community.

You are not going to do it with some bill like this. You are going to do it by giving African-American women better job opportunities and better pay and look out for them in every way possible so they can have a child and know they can afford it and that child will be brought into a house and a home with a mother that can take care of them.

Those are the issues we have got to be dealing with. And I know that these issues—the Chairman and the members of his party are aware of them, but they are not bringing bills to deal with them. We are saying if you have a job now you are losing your SNAP payments. But just because you have got a job does not mean you do not need assistance and that you and your family do not need some help.

So this bill, which is opposed by about every group that cares about women's choice and constitutional rights of a woman, is here like other bills we have had to really be an assault on *Roe v. Wade*. We have got an entire Committee set up to be an assault on *Roe v. Wade*. And yet we have got folks that need job training and monies for education. And we have got voting rights issues and we got healthcare issues. And we are not dealing with those things. We are not dealing with what causes the problem. And we really need—we are kind of picking these issues.

And I understand the Chairman. The Chairman is very, very strong on this issue and he has got a heartfelt belief that really—I may be wrong, if I am wrong I do not mean it in an adverse way upon you—but I do not think you want abortion to be legal under any circumstances. And I understand your position, but I think women have a right to choose. I think *Roe v. Wade* was right. And I do not think we should be spending time on these type of issues, attack *Roe v. Wade* and women's choice; and we should be dealing with voting rights and human rights and civil rights, and not under the guise of using those issues to frame a bill and a conversation that intends to overrule *Roe v. Wade*.

So I would like to introduce for the record a statement from the Black Women Reproductive Justice Organizations, they oppose this bill; and also one from the physicians, the American College of Obstetricians and Gynecologists. And without objection I would ask they be made part of the record.

Mr. FRANKS. Without objection.

[The information referred to follows:]

House Judicial Subcommittee on Constitution and Civil Justice
Hearing on H.R. 4924
Prenatal Nondiscrimination Act (PRENDA) of 2016

Written Testimony from Black Women Reproductive Justice Organizations

April 14, 2016

We write to you in one voice on behalf of Reproductive Justice for Black women, immigrant women, young women and low-income women. We, the undersigned organizations, write to state for the record that we are adamantly opposed to the proposed Prenatal Nondiscrimination Act (PRENDA), H.R. 4924.

This legislation, as with similar federal legislation introduced in 2008, 2009, 2011 and 2013[i], is a blatant attempt to limit abortion access and is an affront to Black women's right to decide what is best for us and our families. Since it was first proposed in 2008 it has served as a blueprint for states to introduce "race- and sex-selection" abortion bans. As of March 2016 eight states ban abortions for reason of sex selection, one state prohibits abortions for reasons of race, and one state prohibits abortions when the fetus may have a genetic anomaly.[ii] The attack on abortion continues at all levels, and is relentless and strategic.

PRENDA purports to support gender and civil rights but that is false. In actuality it is baseless, as there is no evidence to support the assertion that Black women have more abortions as a result of racial preferences. And, this ongoing attempt by politicians or anti-choice advocates to co-opt the civil rights movement on the backs of Black women is offensive.

In actuality the higher abortion rates among Black women can be attributed to unintended pregnancies due to, among other things, barriers to effective contraceptives and comprehensive sex education that includes pregnancy prevention.[iii] No one can know all the reasons a woman may choose to terminate a pregnancy. This legislation seeks to define "acceptable " and "unacceptable" reasons for having an abortion. And undermines the legal right a woman has to make that decision for herself.

Additionally, this legislation perpetuates hurtful racial stereotypes about Black women. The implication is that we are incapable of making "right" and "sound moral" reproductive health decisions. The inference of this and similarly written legislation is an affront to the many Black women of faith who choose and support access to safe and legal abortions as a necessary healthcare option for themselves and all women.

Unlike the speakers, we TRUST Black women to make the important personal decisions about abortion that are right for themselves and their families. In fact, when asked if they agreed with the statement "When it comes to abortion, we should trust Black women to make the important personal decisions that are best for themselves and their families" 85 percent said yes.[iv] And 89 percent agreed with the statement "Every person's case is different and very private and personal, so we should leave decisions about abortion up to the individual woman." This agreement cut across age, education and religious affiliation.

This proposed legislation puts the health and wellbeing of Black women and all women at risk by interfering with the patient-provider relationship. Getting quality health care is based on a trust

relationship between a patient and her healthcare provider. This ban interferes with that trust. For fear of criminal prosecution doctors would be put in the position of interrogating and passing judgment as to a woman's motivation for accessing reproductive health services. "No woman should ever be scrutinized based on her racial or ethnic background, but this is exactly what these bans encourage."[v]

We have seen these tactics before, in the form of billboards vilifying Black women as dangerous to our own children.[vi] Used in an attempt to drive a wedge between Black women and the Black communities across the country on the issue of abortion rights, their tactics failed. In fact, their efforts had the opposite impact - galvanizing Black women, Black men and civil rights organizations to stand together in opposition to these racist billboards.

As in the past, we stand united to represent and speak to the rights of Black women and women of color to make the reproductive choices that are best for them with dignity and self-determination.

We stand firm in our opposition to PRENDA and urge Members of Congress to voice their opposition as well.

Sincerely,

Access Reproductive Care-Southeast (ARC-Southeast)
The Afiya Center
Black Women for Wellness
Black Women's Health Imperative
In Our Own Voice: National Black Women's Reproductive Justice Agenda
New Voices for Reproductive Justice
SisterLove, Inc.
SisterReach
SisterSong National Women of Color Reproductive Justice Collective
SPARK Reproductive Justice Now
Trust Black Women
Women Engaged
Women With A Vision

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[i] National Latina Institute for Reproductive Health. Press Release, *"Race and Sex Selection" Abortion Bans: Misleading and Harmful*, http://latinainstitute.org/sites/default/files/NLIRH_PRENDA_FactSheet_Eng_R10.pdf. March 2015.

[ii] Guttmacher Institute. *State Policies in Brief, Abortion Bans in Cases of Sex or Race Selection or Genetic Anomaly*, https://www.guttmacher.org/sites/default/files/pdfs/spibs/spib_SRSGAAB.pdf. March 2016.

[iii] In Our Own Voice: National Black Women's Reproductive Justice Agenda. Fact Sheet: *Contraceptive Equity*, http://www.blackrj.org/wp-content/uploads/2015/10/Contraceptive-EquityFS.pdf. September 2015.

[iv] *African-American Attitudes on Abortion, Contraception, and Teen Sexual Health* (2013). Belden-Russonello Strategists LLC., Washington DC. February 2013. http://www.blackrj.org/wp-content/uploads/2015/01/media-memo.pdf.

[v] National Asian Pacific American Women's Forum. Issue Brief, *Race and Sex Selective Abortion Bans: Wolves in Sheep's Clothing*, https://napawf.org/wp-content/uploads/2009/10/PRENDAIssueBrief_8.5_Final.pdf. July 2013.

[vi] SisterSong Reproductive Justice Collective. *Policy Report, Race, Gender and Abortion: How Reproductive Justice Activists Won in Georgia*, http://www.trustblackwomen.org/SisterSong_Policy_Report.pdf. October 2010

April 14, 2016

The Honorable Trent Franks
Chair, Subcommittee on the Constitution and Civil Justice
Judiciary Committee
2435 Rayburn House Office Building
Washington, DC 20515

The Honorable Steve Cohen
Ranking Member, Subcommittee on the Constitution and Civil Justice
Judiciary Committee
2404 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks and Ranking Member Cohen:

We, the undersigned medical and public health organizations, stand in strong opposition to the Prenatal Nondiscrimination Act (PRENDA) of 2016. We are extremely concerned that this bill represents government intrusion into the clinical exam room, by allowing the government to inappropriately interfere with confidential communications between patients and their providers.

If passed into law, PRENDA would require that medical and mental health professionals violate patient-provider confidentiality and report "known or suspected violations" of the law to law enforcement authorities. The penalty for failure to report is a fine and/or incarceration for up to one year.

We strongly believe that the government should not interfere in the patient-provider relationship and providers should not be threatened with criminal penalties for open, honest communication with their patients. This legislation potentially puts providers in an untenable position of risking disciplinary proceedings and criminal prosecution in order to meet ethical obligations to patient autonomy and communications. PRENDA is written so broadly that a patient's simple comment "We hope it's a girl" could put a health professional at risk of incarceration should they not report the conversation to law enforcement.

PRENDA would chill communications between providers and patients—providers because they might hear something that would put them at risk for criminal prosecution and patients because they would fear that their conversations with their providers would not remain private. A provider's exercise of clinical judgment is already subject to peer review processes and regulation by the state licensing boards. Health professionals abide by a code of conduct to ensure patient informed consent and to guard against coercion. The American College of Obstetricians and Gynecologists' Committee Opinion on Informed Consent (Number 439) in particular discusses the importance of "obtaining informed consent for medical treatment" and this act "expresses respect for the patient as a person; it particularly respects a patient's moral right to bodily integrity, to self-determination regarding sexuality and reproductive capacities…Communication is necessary if informed consent is to be realized, and providers can and should help to find ways to facilitate communication."[1] Open and honest communication between providers and patients is crucial to proper medical care.

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[1] Informed consent. ACOG Committee Opinion No. 439. American College of Obstetricians and Gynecologists. Obstet Gynecol 2009; 114:401–8. *Reaffirmed 2015*. See attached. Available at https://www.acog.org/-/media/Committee-Opinions/Committee-on-Ethics/co439.pdf?dmc=1&ts=20160408T1635464999

Furthermore, the American Medical Association Policy on Freedom of Communication between Physicians and Patients, H-5.989, stresses this important principle: "It is the policy of the AMA: (1) to strongly condemn any interference by the government or other third parties that causes a physician to compromise his or her medical judgment as to what information or treatment is in the best interest of the patient."[2]

Communication free from government interference allows patients and providers to openly discuss all medical issues and is vitally important to high quality health care. PRENDA jeopardizes the patient-provider relationship and our organizations oppose this interference.

Sincerely,

American College of Nurse-Midwives
American Congress of Obstetricians and Gynecologists
American Medical Student Association
American Medical Women's Association
American Nurses Association
American Psychological Association
American Public Health Association
American Society for Reproductive Medicine
Jacobs Institute of Women's Health
Medical Students for Choice
National Abortion Federation
National Association of Nurse Practitioners in Women's Health
National Family Planning & Reproductive Health Association
National Medical Association
National Physicians Alliance
Physicians for Reproductive Health
Planned Parenthood Federation of America
Society for Maternal-Fetal Medicine

[2] American Medical Association. Policy on Freedom of Communication between Physicians & Patients, H-5.989 (see attached).

American College of Obstetricians & Gynecologists'
Committee Opinion on Informed Consent Number 439

Informed consent is an ethical concept that has become integral to contemporary medical ethics and medical practice. In recognition of the ethical importance of informed consent, the Committee on Ethics of the American College of Obstetricians and Gynecologists (ACOG) affirms the following eight statements:

1. Obtaining informed consent for medical treatment, for participation in medical research, and for participation in teaching exercises involving students and residents is an ethical requirement that is partially reflected in legal doctrines and requirements.
2. Seeking informed consent expresses respect for the patient as a person; it particularly respects a patient's moral right to bodily integrity, to self-determination regarding sexuality and reproductive capacities, and to support of the patient's freedom to make decisions within caring relationships.
3. Informed consent not only ensures the protection of the patient against unwanted medical treatment, but it also makes possible the patient's active involvement in her medical planning and care.
4. Communication is necessary if informed consent is to be realized, and physicians can and should help to find ways to facilitate communication not only in individual relations with patients but also in the structured context of medical care institutions.
5. Informed consent should be looked on as a process rather than a signature on a form. This process includes a mutual sharing of information over time between the clinician and the patient to facilitate the patient's autonomy in the process of making ongoing choices.
6. The ethical requirement to seek informed consent need not conflict with physicians' overall ethical obligation of beneficence; that is, physicians should make every effort to incorporate a commitment to informed consent within a commitment to provide medical benefit to patients and, thus, to respect them as whole and embodied persons.
7. When informed consent by the patient is impossible, a surrogate decision maker should be identified to represent the patient's wishes or best interests. In emergency situations, medical professionals may have to act according to their perceptions of the best interests of the patient; in rare instances, they may have to forgo obtaining consent because of some other overriding ethical obligation, such as protecting the public health.
8. Because ethical requirements and legal requirements cannot be equated, physicians also should acquaint themselves with federal and state legal requirements for informed consent. Physicians also should be aware of the policies within their own practices because these may vary from institution to institution.

American Medical Association Policy on Freedom of Communication between Physicians and Patients, H-5.989

It is the policy of the AMA: (1) to strongly condemn any interference by the government or other third parties that causes a physician to compromise his or her medical judgment as to what information or treatment is in the best interest of the patient;

(2) working with other organizations as appropriate, to vigorously pursue legislative relief from regulations or statutes that prevent physicians from freely discussing with or providing information to patients about medical care and procedures or which interfere with the physician-patient relationship;

(3) to communicate to HHS its continued opposition to any regulation that proposes restrictions on physician-patient communications; and

(4) to inform the American public as to the dangers inherent in regulations or statutes restricting communication between physicians and their patients. (Sub. Res. 213, A-91; Reaffirmed: Sub. Res. 232, I-91; Reaffirmed by Rules & Credentials Cmt., A-96; Reaffirmed by Sub. Res. 133 and BOT Rep. 26, A-97; Reaffirmed by Sub. Res. 203 and 707, A-98; Reaffirmed: Res. 703, A-00; Reaffirmed in lieu of Res. 823, I-07; Reaffirmation: I-09; Reaffirmation: I-12; Reaffirmed in lieu of Res. 5, I-13)

Mr. COHEN. I yield back the balance of my time.

Mr. FRANKS. And I thank the gentleman and I would now yield to the Ranking Member of the full Committee, Mr. Conyers of Michigan.

Mr. CONYERS. Thank you, Chairman Franks. I am very delighted to be here with you and my good friend, Ranking Subcommittee Member Cohen and the highly-esteemed Judy Chu. To my friends here and our guests that are witnesses and our friends in the audience, this Prenatal Nondiscrimination Act is the latest attempt to erode the constitutional right to an abortion guaranteed by *Roe v. Wade* for over 40 years. Among other things, the bill would make it a crime for a doctor to perform an abortion if he or she knows that the procedure is being done because of the race or sex of the fetus or the race of one of the parents regardless of viability.

As I noted in an earlier Congress, the 112th, when we last considered this bill, it is flawed and patently unconstitutional because it bans certain pre-viable abortions. The *Roe* case already mentioned is clear that a woman has an absolutely constitutional right to have an abortion prior to fetal viability. And this legislation is another deliberate attempt by anti-choice activists to undermine and ultimately overturn *Roe*.

In addition, this measure has nothing to do with civil rights. For instance, the bill proponents offer no evidence that women are choosing race-selective abortions. Indeed, these proponents do not even bother to make the claim that African-American women, for example, choose to abort their fetuses because the fetus or one of the parents is African-American. They do not make this argument because it is absurd on its face. And yet that is exactly the type of conduct that the bill supposedly prohibits.

The bill's proponents try to sidestep this obvious flaw by arguing instead that the bill is needed because abortions are disproportionately common in communities of color. But to the extent abortions are performed disproportionately in minority communities, the disparity points to broader socio-economic inequalities that banning abortion will not solve.

The African-American and Hispanic communities are underserved when it comes to prenatal, maternal, and child healthcare services. This lack of access to reproductive healthcare results in African-American women being three to four times more likely to die from pregnancy-related causes than White women. And barriers to effective contraceptives and effective sex education, among other things, leads to the unintended pregnancy rate for African-American women being 67 percent versus 40 percent for White women. Minority communities lack access to adequate health care.

Yet rather than addressing these disparities, the bill only reinforces them through its criminal penalties, which will create a chilling effect on doctors serving these communities.

So finally I reject in the strongest possible terms the slander that Planned Parenthood and other abortion providers are inherently racist. Planned Parenthood is a leading provider of high quality health care for women serving 2.7 million Americans a year. It provides many critical health services, such as annual wellness claims, cancer screenings, contraception, and the study of sexually transmitted diseases.

My hero in all of this and many other issues, Dr. Martin Luther King, Jr., strongly supported the work of Margaret Sanger, Planned Parenthood's founder, and emphasized the importance of access to family planning resources for African-Americans.

On accepting the Margaret Sanger Award from Planned Parenthood in 1966, Dr. King stated, and I quote, and as I conclude, "There is a striking kinship between our movement and Margaret Sanger's early efforts. She, like we, saw the horrifying conditions of ghetto life. Like we, she knew that all of society is poisoned by cancerous slums. Like we, she was a direct actionist, a non-violent resister. African-Americans have no mere academic nor ordinary interest in family planning. They have a special and urgent concern."

My friends, I concur with Dr. King and reject the sponsor's preposterous and offensive argument that legalized abortion and its providers are racist.

And I thank you for this opportunity, Mr. Chairman, and I am concluded at this point.

Mr. FRANKS. And I thank the gentleman. And without objection, the other Members' opening statements will be made part of the record.

And before I introduce the witnesses, it looks like they have called votes on us and I cannot imagine that the leadership would dare call a vote without checking with us first, but that is what they have done. So we will be breaking momentarily, but before we break I would first like to ask for unanimous consent to submit three items for the record.

The first is a statement prepared by Alveda King, who currently serves as pastoral associate and director of Civil Rights for the Unborn and for Priests for Life. She is also the daughter of Reverend A.D. King and the niece of Dr. Martin Luther King. She has also submitted to this Committee a blog post she posted on February 3, 2014, and I am grateful for her post and for her contribution.

Last, I would like to submit for the record a statement prepared by Reggie Littlejohn on sex selection abortion occurring in the United States and abroad and without objection it would be entered into the record.

[The information referred to follows:]

Remarks Regarding PreNDA 2016 Submitted by Evangelist Alveda King

for Hearing Scheduled for April 14, 2016

"If a mother can kill her own child – what is left for me to kill you and you to kill me – there is nothing between." —Mother Teresa

Today, the HR Prenatal Nondiscrimination Act (PRENDA) of 2016 is before you. This bill calls for Congress to cure the injustices regarding race selection abortions and sex-based abortions. Yes, among the many reasons babies are aborted includes someone who is pregnant with a girl or a boy wants to bring about the birth of a child of the opposite sex;or not wanted a "mixed" or ethnically blended baby.

This may seem unbelievable but it is true; people sometimes abort babies for these reasons. The PRENDA Bill (Prenatal Nondiscrimination Act) responds to this mentality with a resounding "No!" The problem is that PRENDA was watered down the first time around; by excluding the race provision and weakly supporting the sex-based clause. The initial bill didn't pass, and for certain political reasons, including closet racism, it hasn't been receiving much attention since that time; until today.

Racism isn't new; unfortunately racism has not been eradicated even until now in the 21st Century. Racism still wears many hats and faces. For the majority of our nation's history, there have been people who, while giving lip service to racial equality, secretly support racism, including race selection abortions by looking the other way against the truth; or even going so far as to support genocidal eugenics organizations like Planned Parenthood out in the open.

Planned Parenthood is the largest abortion provider in America. They were founded by Margaret Sanger whose "Negro Project" in the 1930s was designed to reduce the births of black children. Today 78% of Planned Parenthood clinics are in minority communities. Every day hundreds of black babies are aborted in America.

Call this what you will — when the slaughter has an ethnic target on his or her face and the abortion percentages are double those of the Caucasian community and the abortionists are almost all Caucasian, with the exception of those like abortionist Kermitt Gosnell and his "house of abortion horrors," something is going on in America that should compel more of the abolitionists, voices of racial equality and racial harmony wake up and cry out for justice for the pre-born.

Again, let it be clearly stated for the record. Racism isn't new; for centuries, lethal beatings, shootings, and lynching of African Americans have occurred all too frequently and, in numbers that will never be truly known. Even now, many of these atrocities remain hidden without penalty of identification, official notice or legal consequence.

This same scenario is present with abortion today. Undocumented race abortions and sex-based abortions are occurring penalty of identification, official notice or legal consequence.

Over fifty years ago, the Civil Rights Act of 1964 promised to change that racial climate in America. Following the passage of that historic law, our federal government had a new basis upon which to prosecute those who took innocent lives on the basis of race – thereby denying and withholding the victims' civil rights.

Today, let's advance the process of including the womb babies in the Civil Rights struggle. Let's regard everyone's dignity and civil rights as worthy of equal protection under the law; for the born and pre-born.

By law, from the moment after we're born, we are not to be discriminated against because of our race or our sex. Without PRENDA however, during all the moments before a baby is born, he or she can be denied civil and human rights because of race, sex, or for any reason at all.

"When we truly believe in the sacredness of human personality, we won't exploit people, we won't trample over people with the iron feet of oppression; we won't kill anybody." — Dr. MLK 1967 Christmas Sermon

For much of our African American history and in more places than we'd like to admit, African Americans could be kidnapped, beaten, and left in shallow unmarked graves. Today, if you're still growing in the womb you can be grabbed, dismembered, and your remains hauled away, and sometimes even sold with no one ever hearing of you again.

We had "non-persons" then; in chains. We have "non-persons" now; in the womb. PRENDA can help level the playing field.

PRENDA is simple, direct, and should be non-controversial. It just declares that an abortionist cannot perform an abortion if he or she knows that the baby is being aborted because the race or sex of the child or the race of a parent is a factor. What's more, the bill states that no one can coerce a woman into having an abortion because of the race or sex of her baby.

Urge Congress to help end racism and end the war on women. Urge a PRENDA re-vote with a unanimous PASS.

Planned Parenthood and other pro-choice organizations are upset by this Act and believe this is simply a moralistic effort to end abortion completely. PRENDA reaches beyond the moral implications to the civil rights and human rights of the babies targeted for abortion due to sex or race selection.

Congressman Trent Franks has put it very plainly: "I hope for a day when all children, regardless of race or color – all children because they are children – will be protected. But right now regardless of what the long term impact of this might be the short term impact is very simple: Can we not agree that aborting a child based on a child's race or sex is wrong?"

It is an awful yet realist reality in our modern times that children are being aborted based on their race or gender. This reality must be faced. Thank you Congressman Trent Franks and other pro-life leaders for stepping up and fighting for the rights of these and other innocent children who are unjustly killed.

Statistics bear witness that roughly one in four African Americans into the thousands who otherwise might be alive today, has been consumed in the holocaust of legal abortion. Because of the disproportionate number of Blacks who have been aborted, it's difficult not to make the connection between Martin Luther King's dream and the nightmare of abortion. We must now ask: Have not the last 40 plus years of Roe significantly undermined the cause that King so tirelessly gave himself to until 1968?

Racism might — and often did — result in the killing of innocent humans; in our history, it often did. Abortion always results in the killing of innocent humans. Between 1882 and 1968, 3,446 Black people were lynched in America. Today more Black babies are killed by white abortionists every three days than all who were lynched in those years.

The Black community is roughly 13% of America's population, yet nearly 1/3 of abortions have occurred in the Black community. There is a hidden agenda here.

In the duplicitous process of defending abortion, America has tragically been fueled by the fire of "women's rights," so long that we have become deaf to the outcry of the real victims whose rights are being trampled upon, the babies. Added to these atrocities is the truth that the mothers are often injured and sometimes killed in the process. And the truth of unforetold numbers of the innocent dead babies and wounded mothers is lurking in the shadows.

What about the female rights of each baby girl who is artificially breached before coming to term in his or her mother's womb, only to have her skull punctured, or chemicals destroy her while she feels, yes agonizingly "feels" the life run out of her before she takes her first breath of freedom. What about the rights of these women who have been called to pioneer the new frontiers of the new millennium only to have their lives snuffed out before the calendar even turns? What about the females who will never be born because they were aborted, who will never live to cast a vote to determine the rights of the pre-born?

Oh, God, what would my uncle Martin Luther King, Jr., who dreamed of having his children judged by the content of their characters do if he'd lived to see the contents of thousands of children's skulls emptied into the bottomless caverns of the abortionists pits?

It is time for America, perhaps the most blessed nation on earth to lead the world in repentance, and in restoration of life! . . . Abortion is at the forefront of our destruction.

Some would have you believe that MLK would support abortion today. They would have you believe that he would support an innocent baby's being torn apart, or chemically slaughtered in the womb of his or her mother, and aborted before birth. Citing the Margaret Sanger Award which his wife read a speech written by someone other than her husband, and accepted instead of

him in 1966, Planned Parenthood supporters try to claim the dream of MLK for their own. Dr. Martin Luther King, Jr. was never pro-abortion.

Because I honor the dream of my uncle Dr. Martin Luther King, Jr., today I ask you how can the dream survive if we murder our children in the wombs of their mothers? Please consider the irony.

Oh, God, what would Martin Luther King, Jr., who dreamed of having his children judged by the content of their characters do if he'd lived to see the contents of thousands of children's skulls emptied into the bottomless caverns of the abortionists pits?

Uncle M.L. once said: "The Negro cannot win as long as he is willing to sacrifice the futures of his children for comfort and safety." He said: "Injustice anywhere is a threat to justice everywhere."
How can the "Dream" survive if we murder the children? Every aborted baby is like a slave in the womb of his or her mother. If the Dream of Dr. Martin Luther King, Jr. is to live, our babies must live. Our mothers must choose life. If we refuse to answer the cry of mercy from the pre-born, and ignore the suffering of the mothers, then we are signing our own death warrants. When a mother is being coerced to abort her baby because his or her skin is "the wrong color," or because of the baby's sex, then the mother needs protection from her oppressors. She should not be coerced into having an abortion.

I too, like Martin Luther King, Jr., and my father Rev. A. D. King, and their father and my Granddaddy King, have a dream. Granddaddy convinced my mother not to abort me over 65 years ago, because Granddaddy had seen me in a dream three years before I was conceived by my parents. He described me down to my skin color, sex and hair color.

Yes, I have a dream that the men and women, the boys and girls of America will come to our senses, and humble ourselves before God Almighty and pray for mercy, and receive His healing grace. I pray that this is the day, the hour of our deliverance. May God have mercy on us all.

Evangelist Alveda King is Director of Civil Rights of the Unborn, the African American Outreach of Priests for Life.

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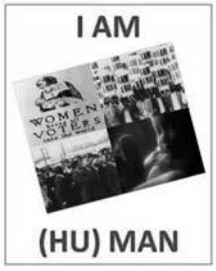
Archive for the 'PreNDA' Category

Fifty Years After the Civil Rights Act, It's Time for Congress to Fight Race and Sex-Based Discrimination Again

Monday, February 3rd, 2014



"If a mother can kill her own child – what is left for me to kill you and you to kill me – there is nothing between." —Mother Teresa

Should you be killed because of your race? Congressman Trent Franks and perhaps millions of Americans don't think so. But you wouldn't know it by looking at the congressional record or lack thereof of genuine legislation that combats racism on every front; beginning with our children in the wombs of oppressed mothers.

Not long ago, Congressman Franks bravely introduced a bill in Congress to answer the issue regarding race selection abortions and sex-based abortions. Yes, among the many reasons babies are aborted includes not wanting a girl or a boy; or not wanted a "mixed" or ethnically blended baby. Unbelievable but true; people sometimes abort babies for these reasons. The PRENDA Bill (Prenatal Nondiscrimination Act) responds to this mentality with a resounding "No!" The problem is that PRENDA was watered down the first time around; by excluding the race provision and weakly supporting the sex-based clause. The initial bill didn't pass, and for certain political reasons, including closet racism, it hasn't been receiving much attention since that time.

Racism isn't new and has not been eradicated even until now in the 21st Century. Racism still wears many hats and faces. For example, recently an MSNBC employee stirred up racial strife with a tweet over a Cheerios Cereal Commercial featuring an interracial family. "Maybe the rightwing will hate it, but everyone else will go awww: the adorable new #Cheerios ad w/biracial family." was what was tweeted. Well, the conservative community didn't roll over and play dead. There was a big hue and cry because of the unseemly race baiting complications.

For the majority of our nation's history, there have been people who, while giving lip service to racial equality, secretly support racism, including race selection abortions by looking the other way against the truth; or even going so far as to support genocidal eugenics organizations like Planned Parenthood out in the open. Racism isn't new; for centuries, lethal beatings, shootings, and lynching of African Americans happened all too frequently and, in numbers that will never be known, without official notice or legal consequence. The same thing is happening with abortion today. Undocumented race abortions and sex-based abortions are happening without official notice or legal consequence.

Fifty years ago, the Civil Rights Act of 1964 promised to change that racial climate in America. Following the passage of that historic law, our federal government had a new basis upon which to prosecute those who took innocent lives on the basis of race – the denial of the victims' civil rights.

This year, let's include the womb babies in the 50th anniversary of the Civil Rights Act. Let's regard everyone's dignity and civil rights as worthy of equal protection under the law; for the born and pre-born.

By law, from the moment after we're born, we are not to be discriminated against because of our race or our sex. Without PRENDA however, during all the moments before a baby is born, he or she can be denied civil and human rights because of race, sex, or for any reason at all.

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For much of our history and in more places than we'd like to admit, African Americans could be kidnapped, beaten, and left in shallow unmarked graves. Today, if you're still growing in the womb you can be grabbed, dismembered, and your remains hauled away with no one ever hearing of you again.

We had "non-persons" then; we have "non-persons" now. PRENDA can help level the playing field.

PRENDA is simple, direct, and should be non-controversial. It just declares that an abortionist cannot perform an abortion if he knows that it's being done because of the race or sex of the child or the race of a parent. What's more, the bill states that no one can coerce a woman into having an abortion because of the race or sex of her baby.

Urge Congress to help end racism and end the war on women. Urge a PRENDA re-vote with a unanimous PASS.

Posted in Abortion, African-American, Civil Rights, PreNDA |

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McKee: Growing Army of Black Pro-Lifers Targets Abortion

Friday, June 15th, 2012

1919 Gunston Way, San Jose, CA 95124 310.592.5722
English: www.womensrightswithoutfrontiers.org
Chinese: www.nvquan.org

It's a Woman's Right to Give Birth to her Daughter

Statement of Reggie Littlejohn
President, Women's Rights Without Frontiers
April 14, 2016
House Judiciary Committee
Subcommittee on the Constitution and Social Justice

According to a U.N. expert, up to 200 million women are missing in the world today due to gendercide, sex-selective abortion. This number is greater than all the casualties of all the wars of the twentieth century combined. This is the true "war on women."

Sex-selective abortion is the ultimate violence against females. Aborting a baby just because she is a girl is the ultimate act of gender discrimination. It says that females are so worthless we don't deserve to be born, to draw breath on this earth. Can we credibly say that we stand for women's rights without standing against the sex-selective abortion of future women?

Sex-selective abortion is strongly related to forced abortion. Some say sex-selective abortion is protected by a woman's right to choose to terminate a pregnancy for any reason. This view ignores the crushing social, economic, political and personal pressures that trample women carrying girls in cultures with a strong son preference. All too often, women in these cultures do not choose to abort their daughters. They are forced.

A woman need not be dragged out of her home and strapped down to a table to be a victim of forced abortion. Persistent emotional pressure, estrangement from the extended family, threat of abandonment or divorce, verbal abuse, and domestic violence often overpower women who otherwise would otherwise choose to keep their daughters. And when people from cultures of violent son preference move to another country, such as the United States, these same pressures follow them.

For example, a 2011 study by Dr. Sunita Puri of the University of California at San Francisco found that 89 percent of immigrant Indian women interviewed in

California, New Jersey and New York, who became pregnant with girls during the study period, had abortions. None who were pregnant with boys aborted them. The participants identified pressure from their husbands and mothers-in-law as "sources of significant pressure" for the sex-selective abortion. *See,* "Pressure to Bear Sons Leads Some Indian Immigrant Women to Sex Selection, Abortion, Study Finds." http://coe.ucsf.edu/coe/news/sex_selection.html

Systematic, sex-selective abortion constitutes gendercide. Because of this gendercide, there are an estimated 37 million more men than women in China today. The presence of these "excess males" is the driving force behind human trafficking and sexual slavery, not only within China but from surrounding nations as well.

It is a woman's right to choose to give birth to her daughters. Together, China and India comprise one third of the world's population. That one-third of the world's women live in a culture that pressures them to selectively abort girls is the biggest women's rights abuse on earth. It deserves a passionate response from groups that stand for women's rights.

Our "Save a Girl" Campaign is saving the lives of baby girls in China. We reach out to women who are contemplating abortion of their baby girls, who are being pressured to abandon their baby girls after birth, or who are so desperately poor that their baby girls are at risk. We encourage these women to keep their baby girls and offer them support for a year to help them care for their daughters. With our intervention, the vast majority of women choose to let their baby girls live and raise them as their beloved daughters. Our Campaign, which has now helped more than 200 baby girls, shows the effectiveness of simple, compassionate intervention. We are working to turn the tide against gendercide in China, one baby girl at a time.

Learn more about our Save a Girl Campaign here:
http://womensrightswithoutfrontiers.org/index.php?nav=end-gendercide-and-forced-abortion

Mr. FRANKS. And at this time, then, I will adjourn the Committee and we will come back and we will introduce all of you and proceed with testimony. I am sorry the vote is going be a little bit long, but we will get back as soon as we can. Thank you all, and we are in recess.

[Recess]

Mr. FRANKS. This meeting will come to order. Thank you all for waiting so patiently. And we will now introduce our witnesses.

And our first witness is Catherine Davis. Ms. Davis is a founding member of the National Black Pro-Life Coalition, and founder and president of the Restoration Project. She often partners with the National Black Pro-Life Coalition, the Network of Politically Active Christians, and the Frederick Douglas Foundation, in an ongoing effort to educate Americans about the issues that are impacting the Black community.

Our second witness is Anna Higgins. Ms. Higgins is an attorney and associate scholar at the Charlotte Lozier Institute, a research and education institution dedicated to bringing together physicians, sociologists, statisticians, and policy researchers on a wide range of life issues. She has previously held the position of director of the Center for Human Dignity at the Family Research Council.

Our third witness is Miriam Yeung. Ms. Yeung is the executive director of the National Asian Pacific American Women's Forum, a multi-issue progressive organization dedicated to social justice and human rights for Asian, and Pacific Islander women and girls in the U.S.

The current priorities include winning rights for immigrant women, organizing nail salon workers for safer working conditions, conducting community based participatory research with young API women, and ending human trafficking.

Our fourth and final witness is Reverend Derek McCoy. Reverend McCoy is the National Clergy Relations Director for the Center of Urban Renewal and Education, a non-profit think tank dedicated to addressing the issues of race and poverty through the principals of faith, freedom, and personal responsibility. He previously served as the president of the Maryland Family Alliance, and Maryland Family Council. I just want to welcome all of you. Thank you for being here.

Now, each of the witnesses written statements will be entered into the record in its entirety. And I would ask that each of you summarize your testimony in 5 minutes or less. To help you stay within that time there is a timing light in front of you. The light will switch from green to yellow, indicating that you have 1 minute to conclude your testimony. When the light turns red it indicates that the witness' 5 minutes have expired.

And before I recognize the witness, it is the tradition of the Subcommittee that they be sworn. So, if you please stand to be sworn.

Do you solemnly swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you god? Please be seated.

Let the record reflect that the witnesses answered in the affirmative. And I would now recognize our first witness, Ms. Davis. And, Ms. Davis, if you pull that microphone to you and turn it on before beginning.

Ms. DAVIS. Thank you, Congressman.
Mr. FRANKS. Thank you for being here.

TESTIMONY OF CATHERINE DAVIS, FOUNDING CORE MEMBER, NATIONAL BLACK PRO-LIFE COALITION, AND PRESIDENT, THE RESTORATION PROJECT

Ms. DAVIS. Thank you so much for allowing me to come and address this issue, which is at the core of the reason for why the National Black Pro-Life Coalition exists. There are some in America today who want us to ignore the motives of organizations that have been targeting women of color, but we cannot. Race became an issue in the reproductive healthcare debate with the introduction of Margaret Sanger and Clarence Gamble's Negro Project in 1939 that sought to bring about a major birthrate reduction among American Negroes.

The Planned Parenthood Federation of America has never renounced this project, and we believe it is in operation today. In fact, Alan Guttmacher, the president of Planned Parenthood from 1962 to 1974 was a eugenicist. And, for a time, his presidency at Planned Parenthood overlapped his vice-presidency at the American Eugenics Society that championed racial betterment, eugenic health, and genetic education.

It was with this ideology that he guided the organization into the era of abortion on demand. In the *Roe v. Wade* decision, Mr. Justice Blackman said, "In addition, population growth, pollution, poverty, and racial overtones tend to complicate and not to simplify the problem." Without explanation for why the court felt it important to mention this in the opinion, it was this statement that introduced race and population control into abortion practices.

Supreme Court Justice Ruth Bader Ginsburg's 2009 New York Times magazine interview seemed to confirm race was an issue, when she said, "She had thought that at the time *Roe v. Wade* was decided there was concern about population growth and particularly growth in populations we do not want too many of."

No one doubted that the population they did not want too many of were the Negroes in Planned Parenthood's Negro Project. The march toward controlling the Black birth rate through abortion has accelerated, and larger and larger surgical abortion facilities are being erected in densely populated Black and Latino neighborhoods. A 2012 study completed by Protecting Black Life of Cincinnati, Ohio revealed that more than 79 percent of Planned Parenthood's surgical centers are located within a two-mile walking radius of a Black or Latino neighborhood.

In their 2008/2009 tax filing, Planned Parenthood acknowledged their mission is to achieve a United States population of stable size. One example of the tools that they use to achieve that goal is found in the certificate of public need submitted to the Virginia Department of Health in 2012. Planned Parenthood of Virginia Beach cited Black infant and maternal mortality rates to justify the construction of a third surgical room where they could terminate up to 1,800 babies each year.

In hearings for a PRENDA-like bill in Georgia in 2010, a young White female testified that she had gotten pregnant at age 14 by a Black male. Her mother forced her to abort the child, stating that

she could not bring that little Black so-and-so into her home. Despite telling every worker in the Augusta, Georgia Planned Parenthood, including the doctor, that she wanted her child they aborted her baby.

Margo Davidson, a Black Pennsylvania Democrat, was endorsed by Planned Parenthood in her 2010 race for the State House. Ms. Davidson's cousin, Semika Shaw, was 5 months pregnant, and she died after a botched abortion in Gosnell's center. When Davidson chose to vote to close the regulatory loophole, Planned Parenthood withdrew their support and fielded a candidate to run against her.

In 2012, an abortion doctor in Charlotte, North Carolina publically stated his motive for doing abortions was "to keep ugly Black babies from being born, and a burden to taxpayers."

We are asking that the Congress take action to provide relief through enacting PRENDA. Thank you so much.

[The prepared statement of Ms. Davis follows:]

Prepared Statement of Catherine Davis, Founding Core Member, National Black Profile Coalition, and President, The Restoration Project

Statement of the National Black Prolife Coalition

The National Black Pro-Life Coalition is a network of Pro-Life and Pro-Family organizations committed to restoring a culture that celebrates life and family cultivating hope in the Black community. Our message and campaigns informs, educates, activates and transforms the culture of death to a culture of life.

Race became an issue in the population control debate with the introduction of Margaret Sanger and Clarence Gamble's Negro Project in 1939 that "... sought to bring about a major birth-rate reduction among American Negroes".[1] Sanger employed ministers to deliver her message of birth control to straighten us out "...if it ever occurs to any of their more rebellious members" they wanted to exterminate us. The Planned Parenthood Federation of America has never renounced this project. In fact, on their website they modified Sanger's statements, cutting out phrases like "more rebellious members" in order to frame her bigoted beliefs in civil and women's rights terminology to cast an acceptable light of protecting the health of Black and poor women. The articles published in her Birth Control Review have been re-scripted or attributed to others on their website to change the narrative that her eugenics based belief system controlled her actions when dealing with Negroes.

But her eugenic quest was made clear in many of her own writings and in one article she said America should "...apply a stern and rigid policy of sterilization and segregation to that grade of population whose progeny is already tainted... to apportion farm lands and homesteads for these segregated persons where they would be... for the period of their entire lives"[3]. This mindset contributed to the establishment of eugenic boards in more than 30 states that forced the sterilization of more than 65,000 Americans. Elaine Reddick is one example. Elaine was raped by a neighbor when she was 13 years old. The North Carolina Eugenics Board ruled her feeble-minded and ordered her sterilized after coercing her grandmother to give permission lest she lose her government assistance. It was not until Elaine was 19 and married that she learned she had been sterilized.

But no amount of changing the narrative and reframing birth control and abortion in civil rights terms can change the reality that Alan Guttmacher, the President of Planned Parenthood from 1962 – 1974 was a eugenicist and for a time that overlapped his presidency, was Vice President of the American Eugenics Society that "championed racial betterment, eugenic health, and genetic education". [4] Population control by skin color was the basis by which he guided the organization into the era of abortion on demand.

Population control by skin color was also a desire of the 37th President of the United States, Richard Milhous Nixon. In 1969 he appointed by John D. Rockefeller, III to head the commission on Population Growth and the American Future. It was this

Commission that encouraged America "to make population choices, both in the individual family and society at large, on the basis of greater rationality rather than tradition or custom, ignorance or chance"[5].

We later learned Nixon supported legalizing abortion in America believing Black babies would be the ones aborted. In 1972 he said: "A majority of people in Colorado voted for abortion, I think a majority of people in Michigan are for abortion, I think in both cases, well, certainly in Michigan they will vote for it [abortion] because they think that what's going to be aborted generally are the little Black bastards.[6]"

In the 1973 Roe v. Wade decision, Mr. Justice Blackmun said "In addition, population growth, pollution, poverty, and racial overtones tend to complicate and not to simplify the problem". It was this seemingly innocuous statement that introduced race and population control into the abortion public discourse. Supreme Court Justice Ruth Bader Ginsburg sent shockwaves through the Black Pro-life community when she stated in a 2009 New York Times Magazine interview that she "had thought that at the time Roe was decided, there was concern about population growth and particularly growth in populations that we don't want to have too many of". No one doubted that the population they didn't want too many of were the Negros in Planned Parenthoods' Negro Project. This was especially true because the organization was headed by an open eugenicist, Alan Guttmacher, when the case was decided and the environment of America tolerated eugenic principles in population control discussions and practices as was made clear by Nixon's backroom conversations.

Since then the march toward controlling the Black birth rate through abortion has increased and in the past ten years has exploded reaching into every corner of the Black and increasingly Latino communities. And that reach is an "intentional abortion performed for purposes of eliminating an unborn child because the child or a parent of the child is of an undesired race" as outlined in the PRENDA bill. Here are a few examples.

In 2006, Cecile Richards, the current President of Planned Parenthood assumed the helm of that organization. Shortly thereafter a pattern began to emerge. Larger and larger surgical abortion facilities were being erected within a two mile radius of Black and Latino neighborhoods such as Planned Parenthood Gulf Coast (the second largest abortion facility in the world), Virginia League for Planned Parenthood, Hampton, VA, Planned Parenthood Greater Texas, Dallas, Texas; Kissimee Health Center, Kissimee, FL, and the proposed new center in New Orleans, LA. A 2012 study completed by Protecting Black Life of Cincinnati Ohio revealed more than 79% of the Planned Parenthood surgical centers have been placed, deliberately, within a two mile radius of a Black or Latino neighborhood.

In 2007, Live Action, a Washington, DC pro-life group, conducted an investigation into Planned Parenthood's financial dealings and made a shocking discovery. They "obtained the information by having an actor call clinics across the country and pose as a donor. The actor communicated to the Planned Parenthood representative a very racist agenda—the one that Margaret Sanger, Planned Parenthood's founder, had envisioned. He then asked to donate money specifically for the abortions of African-American babies in order to "lower the number of blacks in America.

Despite his bigoted requests, no Planned Parenthood employee (or director of development, in one case) declined the tainted money. Some even asked to speak with other employees to get permission. In the first day of calling seven clinics, not a single Planned Parenthood representative expressed outrage or concern at the racism behind donations specifically "to reduce the number of blacks." In fact, some even went as far as agreeing with the anti-black agenda"[6].

In 2008-2009 tax filing, Planned Parenthood acknowledged their mission is to achieve a "U.S. population of stable size in an optimum environment" [7]allowing the reviewer to draw their own conclusion about what an optimum environment is. We believe that environment is one with a significantly reduced number of Blacks and Planned Parenthood uses Black facts to achieve that goal. For example, in the Certificate of Public Need submitted to the Virginia Department of Health in 2012, Planned Parenthood cited the Black infant and maternal mortality rates to justify construction of a third surgical room. Though the only surgery they provide at that facility is abortion, they were using the mortality rates of Black women and infants to justify the construction of a room to terminate the lives of Back babies. We submit that every pregnancy terminated in that room on a Black woman was because of the race of the baby or mother.

The idea of achieving a population of optimum size by terminating the lives of Black babies was the sentiment in some state governments as well. In 2008, The Speaker of the Georgia House of Representative was reported to have said, each time a pro-life piece of legislation was offered, things like "passing that piece of legislation would result in GA being "overrun with black babies" and if the funds for birth control were halted it would "result in the birth of more black babies" and "more black babies would be born and on the dole". That the Speaker made these comments was confirmed by the Speaker himself in a conversation with Catherine Davis and Alveda King (niece of Martin Luther King, Jr.) in February 2008. He said he did not say the words quoted above but he may "have said something like that". As a legislator, his motive to defeat pro-life legislation was perfectly aligned with terminating pregnancies to control the Black birth rate.

In legislative hearings for a PRENDA like bill in Georgia in 2010, a young white female testified that she had gotten pregnant at age 14 by a 22 year old Black male. Her mother forced her to abort the child stating she could not bring that little Black (expletive) into

her home. Despite telling every worker in the Augusta, GA Planned Parenthood, including the doctor, she wanted her child, they aborted her baby. They did not allow her to see the ultra sound or hear the heartbeat, in violation of Georgia law. They also failed to report the statutory rape of a minor, and they readily participated in the forced abortion.

Margo Davison, a Black Democrat from the Philadelphia, PA area, was endorsed by Planned Parenthood in her 2010 race for the state house. She won. The Grand Jury report that resulted in the indictment of Kermit Gosnell, the Philadelphia abortionist who was birthing babies alive and then killing them, revealed that the death of Ms. Davison's cousin, Semika Shaw was at the hands of Gosnell. Semika died a tortuous death after a botched abortion at 5 months left her body raging with infection. Davison sought to safeguard other young women from the butchery of substandard abortionists like Gosnell and voted to close the regulatory loophole that allowed his long term substandard practice to exist. Planned Parenthood's response not only withdrew their endorsement and financial support, but also they found a candidate to run against Ms. Davison when she sought re-election[8]. Their rabid thirst for controlling the Black birth rate by abortion is so out of control, they advocate abortion be unrestricted and unregulated, even if it is performed in a substandard clinical environment that results in the death of the mother.

In 2012 an abortion doctor in Charlotte, NC publically stated his motive for doing abortions was to keep ugly Black babies from being born and a burden to tax payers.

By 2015, Planned Parenthood's Negro Project has become a thriving industry luring many of those in 3% of America's child bearing aged women into the abortion centers that dot their neighborhoods. And with those increased visitations came a new stream of revenue for their population control mission. Planned Parenthood had finally assigned value to the people of color when they began selling the body parts of those they were aborting. The centers most engaged in these sales, were among the largest of those nestled in Black and Latino neighborhoods including Houston, TX, San Jose, CA, and Orange, CA. The Center for Medical Progress Human Capital Project has documented center after center engaging in the trafficking of baby body parts.

In response to the allegations Planned Parenthood is violating federal law by selling baby parts, Cecile Richards and others have repeatedly signaled that to remove federal funds from their coffers would result in removing access to "reproductive healthcare" from poor women in communities of color. This repeated statement is a clear acknowledgement that Planned Parenthood is directing their population control efforts toward America's Black and Latino women. Planned Parenthood rarely, if ever, state the removal of taxpayer funding will result in denying access to healthcare to Caucasian women.

Most of America believed the ability to target or treat people differently based on the color of their skin ended with the signing of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. With Planned Parenthood's implementation of the Negro Project, and the acceptance of eugenics based population control through abortion centers, Blacks and other people of color continue to face discrimination that today has risen to the legal definition of genocide as outlined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (1948). We urge the Congress to take action to provide relief to those most impacted by enacting the Prenatal NonDiscrimination Act (PRENDA) 2016.

Pastor Stephen Broden
Protect Life and Marriage, Texas

Arnold Culbreath
President and Founder Breath of Life Foundation

Catherine Davis
President, The Restoration Project

Walter & Lori Hoye
Issues4Life Foundation

Dean Nelson
Chairman, The Frederick Douglass Leadership

1. https://www.pop.org/content/betting-lives-clarence-gamble-and-pathfinder-international#endnote_anchor-21, last accessed April 1, 2016
2. *Margaret Sanger's December 19, 1939 letter to Dr. Clarence Gamble, 255 Adams Street, Milton, Massachusetts. Original source: Sophia Smith Collection, Smith College, North Hampton, Massachusetts.*
3. Margaret Sanger, Birth Control Review, "Plan for Peace" April 1932, Vol 26, Number 4

4. https://library.missouri.edu/exhibits/eugenics/aes.htm
5. http://www.population-security.org/rockefeller/001_population_growth_and_the_american_future.htm#Chapter 1 (last accessed April 11, 2016)
6. White House Tape 697/29 — Thursday, March 30th, 1972
7. Planned Parenthood now denies this statement was made by them with the IRS, however no corrected copy is available. PlannedParenthood_2009-131644147.pdf
8. http://thefederalist.com/2014/03/21/why-is-planned-parenthood-working-to-unseat-gosnell-victims-cousin/ (last accessed April 11, 2016)

Mr. FRANKS. Thank you Ms. Davis. I now recognize our second witness, Ms. Higgins. And, Ms. Higgins, if you will pull that microphone toward you and make sure that it is on.

TESTIMONY OF ANNA HIGGINS, J.D., ASSOCIATE SCHOLAR, CHARLOTTE LOZIER INSTITUTE

Ms. HIGGINS. All right. Here we go. Mr. Chairman Franks, Ranking Member Cohen, and distinguished Members of the Subcommittee, I am grateful to have asked by the Subcommittee to testify today in support of the Prenatal Nondiscrimination Act of 2016, or H.R. 4924.

Passing this bill is a necessary and proactive step in the fight to end gender inequality domestically and abroad. Many people in the United States assume that sex discrimination has been all but eliminated here. Yet, a violent form of sex discrimination in the form of sex selective abortion, practiced on girls in particular, is still permitted within our boarders.

Sex selective abortion is choosing to abort a preborn child based solely on that child's sex. Any discrimination against a unique human individual based on sex alone constitutes sex discrimination, and it cannot stand. Congress has the opportunity here, through the passage of the Prenatal Nondiscrimination Act to prohibit the discriminatory practice of sex selective abortion, thereby confirming the fact that women have the same inherent civil and human rights as men.

I intend to testify to the existence of sex discrimination through sex selective abortion, the seriousness of it, and the justifications in enacting this bill. My comments are condensed from my extensive research paper just published by Charlotte Lozier Institute this week. The findings on sex selective abortion in this bill are quite extensive, and I think they highlight the prevalence of the problem here in the United States, and the problem globally of sex discrimination against girls via abortion.

Ban on sex selective abortion to protect girls, in particular from the practice of gendercide. We know that studies show that at conception and at birth the ratio of males to females, naturally, biologically, is about equal.

Additionally, there is little to no variation in sex ratios in relation to maternal race or age. So, any kind of skewed sex ratio at birth cannot be explained away by natural variations. There are well documented practices of infanticide and sex selective abortion of female children, and that has resulted in upwards of 160 million missing girls across the globe.

So, what we are saying here is it is affecting the human society in general. Sex selection in favor of males is known to be a problem in certain cultures based on the idea of son preference, but the practice of son preference is not limited to certain cultures or countries. In fact, European countries have numbers similar to that skewed numbers of China and India, particularly the Caucasus.

Opponents of these bans will claim that this precaution is not needed, because the ratio is balanced in the United States overall. That balanced ratio belies the fact that Western nations such as the U.K. and the U.S. have seen a spike in sex ratio imbalance within certain subpopulations inside our own borders. Studies have

shown that. And another two studies out of Canada came out this week confirming those very numbers in extreme sex imbalance ratios.

Additionally, we have a lot of commercial advertisements. I saw three websites this week that advertise in the United States finding out the gender of your child as early as 10 weeks gestation for the purpose of family balancing. There's no way to family balance past pregnancy without sex selective abortion.

The abysmal state of abortion reporting data does not allow us, in the United States, to have exact numbers. But the question before us is not, "What are the exact numbers?" The question before us is whether any abortion done for reasons of sex selection is permissible in light of our tradition, and laws protecting persons from discrimination based on sex alone.

The American public overwhelmingly supports bans on sex selective abortion, because they understand this violates American tradition of holding up the idea that women and men are equal under the law, and should be thusly protected. Sex discrimination through sex selective abortion is a violent form of sex discrimination, and needs to be eliminated, not just globally, but also here in the United States.

We have seen Congress say that this is not permissible practice overseas. We have seen Secretary of State Clinton, the United Nations, all come out against sex selective abortion. But, if we do not address this here, we have no right to address it elsewhere. So, we must accept that this occurs globally. And Congress can take their first step in eliminating the reprehensive practice of discriminating against women by banning sex selective abortion here in the United States, and thereby retain its moral authority to say, "This should not happen anywhere." Thank you.

[The prepared statement of Ms. Higgins follows:]

CHARLOTTE
LOZIER
INSTITUTE

Anna Higgins, J.D.
Associate Scholar
Charlotte Lozier Institute

Hearing of the House Judiciary Committee, Subcommittee on the Constitution and Civil Justice
Regarding H.R._____, the Prenatal Nondiscrimination Act (PRENDA) of 2016

April 14, 2016
3:00 p.m.
2237 Rayburn Building

Hon. Trent Franks, Chair
Hon. Steve Cohen, Ranking Member
Honorable Members
United States House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution and Civil Justice
2237 Rayburn House Office Building
Washington, DC 20515-6216

Mr. Chairman Franks, Ranking Member Cohen, and Distinguished Members of the Subcommittee:

I am grateful to have been asked by the Subcommittee to testify today in support of the Prenatal Nondiscrimination Act (PRENDA) of 2016, H.R. _____.

Passing this bill is a necessary and proactive step in the fight to end gender inequality domestically and abroad. Many assume that blatant acts of sex discrimination have been all but eliminated in the United States, yet a violent form of discrimination in the form of sex selective abortion, practiced on girls in particular, is still permitted within our borders.

Sex selective abortion is defined as choosing to abort a preborn child based solely on the child's sex. Any discrimination against a unique human individual based on sex alone constitutes sex discrimination. Congress has the opportunity, through the passage of H.R. _____ to prohibit the discriminatory practice of sex-selective abortion, thereby confirming the fact that women have the same inherent human and civil rights as men.

I intend to testify to the existence of sex discrimination through sex-selective abortion, the seriousness of such discrimination, and the legal and moral justifications for the enactment of this

legislation. My comments are condensed from my extensive research paper, just published by the Charlotte Lozier Institute.[1]

The findings on sex-selective abortion listed in the proposed Prenatal Nondiscrimination Act are extensive. They serve to highlight the prevalence of the problem of sex discrimination against females via abortion, the consequences of the practice, and the necessity of protective measures to prevent it.

The Prevalence of Sex Selective Abortion as a Tool for Sex Discrimination

A ban on sex selective abortion is necessary to protect girls in particular from the practice of "gendercide."

One of the newest and most comprehensive analysis of prenatal sex ratios, conducted by Orzack et al. confirms the biological fact that about half of all babies at conception are male. "Our estimate of the sex ratio at conception is 0.5 (proportion male), which contradicts the common claim that the sex ratio at conception is male biased."[2] Additionally, there is little to no variation in sex ratios in relation to maternal race or age.[3] The ratio of boys to girls at birth consistently averages around 103-106 boys for every 100 girls (a ratio of 1.03-1.06); thus China's 2014 sex ratio at birth of 115.88,[4] for example, is too high to be explained away by non-existent "natural variations" or expensive pre-conception gender selection procedures. Well-documented practices of infanticide and sex selective abortion of female children have resulted in sex ratios at birth (SRBs) so skewed that it is estimated that there are

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[1] Higgins, A. (2016, April 12). Charlotte Lozier Institute. American Reports Series. *Sex-Selection Abortion: The Real War on Women*. Retrieved from https://lozierinstitute.org/sex-selection-abortion-the-real-war-on-women

[2] 9 Orzack S. H., et al. (2015) The human sex ratio from conception to birth. Proc Natl Acad Sci USA, 10.1073/pnas.1416546112 at 1.

[3] Id. at 3. Orzack et al. further explained the methodology, "We analyzed maternal age (MA) as a metric predictor of the CSR (Table 4). The model without age has strong support (ER ~ 33), which suggests that there is no association between the CSR and maternal age; most studies indicate that maternal age has little or no influence on the sex ratio at birth (45–46). Analysis of limited data (n = 819) suggested that there is no association between mother's race and the CSR. We compared an overall model, a model stratified between black and nonblack mothers, and a model stratified between white and nonwhite mothers. The overall model had substantially greater support than either stratified model." Orzack's research does not indicate that birth order affects the consistent CSR – an approximately equal balance of boys and girls at conception.

[4] Littlejohn, R., Women's Rights Without Frontiers. (2015, April 9). *Chinese Men Outnumber Women by 33 Million After Decades of Gender Bias*. Retrieved from http://www.womensrightswithoutfrontiers.org/blog/?p=1969

upwards of 160 million "missing" girls from the global population.[5] Such a disparity has been shown to lead not only to increased violence in societies with extremely high SRBs, but also to increases in instances of human trafficking of girls in places where the female population is a fraction of the male population. [6]

Sex selection in favor of males is known to be a problem in certain cultures based on the idea of "son preference," or the tendency to value a male child for economic reasons or for the purpose of carrying on a family name. The practice of son preference is not limited to Asian cultures or countries. In fact, several European countries have numbers similar to that of China and India, particularly in the Caucasus.[7]

Opponents of sex selective abortion bans claim this precaution is not needed in the United States because sex ratios overall in the U.S. appear to be balanced (105 males to100 females). The balanced ratio belies the fact that western nations such as the UK and the United States have seen a spike in sex ratio imbalance within certain immigrant populations (specifically "Asian-Pacific") inside their borders within the last twenty years.[8] The most comprehensive study on the incidence of sex ratio imbalance in the U.S. among immigrant populations, conducted by Almond and Lena Edlund, found the most significant imbalance occurred in families with two daughters. Third births revealed an extreme imbalance of 151 boys to 100 girls.[9] The latest research out of Canada, released just this

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[5] Hvistendahl, M. (2011) *Unnatural Selection: Choosing Boys over Girls, and the Consequences of a World Full of Men,* Public Affairs Publishing, p. 5-6. Hvistendahl estimates that 163 million females were demographically "missing" from Asia alone as early as 2005. See also, It's a girl, http://www.itsagirlmovie.com/; *The Economist.* The War on Baby Girls, Gendercide. March 4, 2010. http://www.economist.com/node/15606229; United Nations Population Fund, Prenatal Sex Selection. http://www.unfpa.org/prenatal-sex-selection#sthash.lGF4HN5f.dpuf.; Littlejohn, R., Women's Rights Without Frontiers. (2015, April 9). *Chinese Men Outnumber Women by 33 Million After Decades of Gender Bias*. Retrieved from http://www.womensrightswithoutfrontiers.org/blog/?p=1969; A.R. Chapman, P.A. Benn (Autumn 2013). Noninvasive Prenatal Testing for Early Sex Identification: A Few Benefits and Many Concerns. *Perspectives in Biology and Medicine*, VOL. 56 NO. 4, pp. 530-547. Johns Hopkins University Press. DOI: 10.1353/pbm.2013.0034.

[6] A.R. Chapman, P.A. Benn (Autumn 2013). Noninvasive Prenatal Testing for Early Sex Identification: A Few Benefits and Many Concerns. Perspectives in Biology and Medicine, VOL. 56 NO. 4, pp. 530-547. Johns Hopkins University Press. DOI: 10.1353/pbm.2013.0034.

[7] Gendercide in the Caucasus, Son-preference, once suppressed, is reviving alarmingly. (2013, September 21). *The Economist*. Retrieved from http://www.economist.com/news/europe/21586617-son-preference-once-suppressed-reviving-alarmingly-gendercide-caucasus

[8] Nicholas Eberstadt, "The Global War Against Baby Girls," *The New Atlantis*, Number 33, Fall 2011, pp. 3-18. Noting, "In both the United States and the United Kingdom, these gender disparities were due largely to sharp increases in higher-parity SRBs, strongly suggesting that sex-selective abortions were the driver. The American and British cases also point to the possibility that sex-selective abortion may be common to other subpopulations in developed or less developed societies, even if these do not affect the overall SRB for each country as a whole." Retrieved from http://www.thenewatlantis.com/publications/the-global-war-against-baby-girls

[9] Almond, D. & Edlund, L. (2008) Son-Biased Sex Ratios in the 2000 United States Census 105 PNAS 5681

week, confirms this phenomenon. The first study, which examines variations in male–female infant ratios among births to Canadian- and Indian-born mothers, from 1990–2011 found that by the third birth, 138 boys were born to Indian-born mothers for every 100 girls, and by the fourth birth, 166 boys were born to every 100 girls.[10] The second study more closely implicates the culprit of such skewed ratios – sex-selective abortion. The study compared sex ratios at birth after induced abortion among Canadian-born and non-Canadian-born women. The study found that within the province (Ontario), women from India who already had two daughters gave birth to 196 boys for every 100 girls. If an Indian-born mother with two daughters received an abortion before her third child, the ratio jumped to 326 boys for every 100 girls, and 409 boys for every 100 girls if the mother had multiple abortions.[11]

Additionally, in the U.S., sex selective abortion and advanced medical technologies traditionally used to diagnose disease - preimplantation genetic diagnosis and noninvasive prenatal testing - are being used to select the sex of offspring, a practice called "family balancing." Multiple countries, including Canada, have banned the practice of in vitro fertilization for the purposes of sex selection. The commentary on the two new Canadian studies suggests that people in countries that have banned the practice may be taking advantage of the lax regulation in the U.S. by traveling here to practice sex-selective IVF.[12]

Finally, although we know from studies and personal testimony that sex selective abortion is taking place in the U.S., because the U.S. does not currently require mandatory reporting of abortion statistics, there is no way to actually quantify the number of sex selective abortions that take place. The sex ratio at conception and birth remains almost 50:50 (with a slight male-bias) without regard to race or maternal age.[13] Because this number is so reliable, an analysis of induced abortions in the U.S. should shed light on whether or not a bias exists. However, the abysmal state of abortion data in the U.S. prevents us from making such an important determination.

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[10] Urquia ML, Ray JG, Wanigaratne S, et al. Variations in male– female infant ratios among births to Canadian- and Indian-born mothers, 1990–2011: a population-based register study. CMAJ Open 2016; 4(2):E116-23.
[11] Urquia ML, Moineddin R, Jha P, et al. Sex ratios at birth after induced abortion. CMAJ 2016 Apr. 11 [Epub ahead of print].
[12] Abdool S. Yasseen III MSc GDip, Thierry Lacaze-Masmonteil MD PhD. early release COMMENTARY Male-Biased Infant sex ratios and patterns of induced abortion. CMAJ, April 11, 2016 DOI:10.1503 /cmaj.160183

[13] 9 Orzack SH, et al. (2015). The human sex ratio from conception to birth. Proc Natl Acad Sci USA, 10.1073/pnas.1416546112

If researchers and policy-makers are truly interested in obtaining more accurate numbers of abortions done for reasons of sex selection in the U.S., then rather than deny the need for bans on sex-selective abortion in the U.S., they would do well to make an effort to push for mandatory reporting of abortion data.

No matter the scale of the sex selective abortion practice in the U.S., the fact remains that it exists. Thus, the question before us is whether any abortion done for reasons of sex selection is permissible in light of our tradition and laws protecting persons from discrimination based on sex alone. The American public is overwhelmingly supportive of sex selective abortion bans. The latest poll conducted by the Charlotte Lozier Institute in 2012[14] found that 77% of respondents opposed abortion in instances of sex selection (specifically abortion of girls). These results reflect the long-held legal traditions and mores of Americans in support of individual equality without respect to race, ethnicity, or sex.

Legal Justifications of a ban

Sex discrimination violates a fundamental liberty guaranteed by the Constitution – equal protection under the law. The equal protection standard is applicable to gender-based classifications and "require[s] 'an exceedingly persuasive justification' in order to survive constitutional scrutiny."[15] Sex discrimination is also prohibited by Title VII of the Civil Rights Act of 1964[16] which addresses

[14] Charlotte Lozier Institute, Sex-selection Abortion: Worldwide Son-bias Fueled by Population Policy Abuse, May 30, 2012. https://www.lozierinstitute.org/sex-selection-abortion/. Noting that, "The CLI poll of 1,016 U.S. adults found that, overall, 77 percent of respondents answered 'yes' when asked, "When the fact that the developing baby is a girl is the sole reason for seeking an abortion, do you believe that abortion should be illegal?" Only 16 percent of all respondents said that abortion should be legal in this circumstance. Among women, support for a law making sex-selection abortion illegal is higher (80-13 percent) than it is among men, who favor such a law by a margin of 74-18 percent. Support for a protective law is found among all age groups, but is highest among those age 45-54 where a ban is supported 87-11 percent. By region, support for a ban ranges from a high of 81 percent in the Midwest and South to 68 percent in the West."

[15] J. E. B. v. Alabama ex rel. T. B. 511 U.S. 127 at 136 (1994).

[16] Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241 (1964), "An Act: To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes."

discriminatory employment practices, prohibiting employment discrimination on the basis of sex, race, color, religion, or national origin.[17]

If addressed by a U.S. court, the issue of a sex-selective ban would be one of first impression. Opponents of sex-selective bans assert that such abortions fall under laws protecting reproductive autonomy. If analyzed in that context, the ban would be subject to the "undue burden standard," which says that a state may not place a substantial obstacle in the path of a woman seeking an abortion prior to viability.

Sex-selection bans do not violate that standard. A ban on sex-selective abortion is, for the state, an expression of respect for life and a mechanism by which it can protect a person from sex discrimination. A ban on sex selective abortion eliminates only a single discriminatory reason to obtain an elective abortion. Based on the Supreme Court's reasoning in upholding a ban on partial birth abortion in Gonzales v. Carhart, because numerous other options exist for a woman seeking an elective abortion, the "substantial obstacle" argument collapses.

Second, the abortion right is balanced in light of the legitimate state interest in protecting the health of the mother and life of the fetus from the outset of pregnancy.[18] The state's interest in regulation was highlighted in Gonzales v Carhart: "[r]egulations which do no more than create a structural mechanism by which the State, or the parent or guardian of a minor, may express profound respect for the life of the unborn are permitted, if they are not a substantial obstacle to the woman's exercise of the right to choose."[19] Sex-selective bans not only prohibit discrimination against a person based on sex—a compelling governmental interest--they also protect the pregnant woman from cultural or familial pressure to have an abortion by penalizing such coercion.[20]

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[17] Id. at Title VII, making it unlawful to "fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."
[18] Planned Parenthood of Southeastern Pennsylvania v. Casey 505 U.S. 833 at 846 (1992).
[19] *Gonzales* v. *Carhart*, 550 U.S. 124 (2008)
[20] See also, Testimony of Steven H. Aden, Vice President/Senior Counsel, Human Life Issues, *Alliance Defense Fund*. Hearing of the House Judiciary Committee, Subcommittee on the Constitution Regarding H.R. 3541, the Prenatal Nondiscrimination Act. (2011 December 6). Testifying that "[T]he Supreme Court has made it clear that

Third, and on top of all this, construing the abortion right to include sex-discrimination abortion would take the Court and the country in the wrong direction. Aborting a child for reasons of sex alone is not an exercise of reproductive autonomy, but rather one of discrimination based on immutable characteristics. The real issue when it comes to aborting a child based on sex alone, as articulated by Barbara Katz Rothman in her book on prenatal diagnosis, is not *whether* or not to have a child, but rather, what *kind* of child to have.[21] The abortion right should not include the right "to bear or abort a *particular* child" based on particular traits such as gender.[22]

Moral Considerations

The practice of sex-selective abortion implies a right to choose not just whether or not to have a child, but the right to choose the characteristics of a child. The ethical implications of such a practice are numerous and unacceptable. The result of continuing to allow this practice is an implicit approval of the practice of assigning value to a person based on his or her sex alone.

As noted in the findings of this bill, Congress has "expressed repeatedly, through Congressional resolution, strong condemnation of policies promoting sex-selective abortion in the 'Communist Government of China.'" Additionally, the U.S. delegation to the Commission on the Status of Women, The United Nations Commission on the Status of Women, The American Congress of Obstetricians and Gynecologists, The American Society of Reproductive Medicine, a working paper from the President's Council on Bioethics, Secretary Clinton, the WHO, and Nobuko Horibe, the Director of the United Nations Population Fund's Asia and Pacific Regional Office, among others,

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States have a compelling interest in eliminating discrimination against women and minorities. Moreover, the *Casey* Court also affirmed the principle that "the State has legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the fetus…." [punctuation is off here – quotation marks]

[21] Chapman and Benn referencing Barbara Katz Rothman, *The Tentative Pregnancy: Prenatal Diagnosis and the Future of Motherhood*. (1986).

[22] Brief at 18, http://www.adfmedia.org/files/HorneIsaacsonAmicusBDF.pdf. This brief argues more fully, "[T]his Court has never endorsed a right to abort children only because they have been detected to have a disability. In Planned Parenthood v. Casey, 505 U.S. 833 (1992), this Court repeatedly premised its reaffirmation of abortion rights in terms of the right to terminate an unintended pregnancy." The brief goes on to argue "This Court quoted approvingly from its statement in Eisenstadt v. Baird, 405 U.S. 438, 453 (1972), that the liberty under consideration in Casey pertained to "the decision whether to bear or beget a child," Casey, 505 U.S. at 851. This Court has never framed the protected abortion decision as whether to bear or abort a *particular* child based on identified traits of genetic variation, disability, or other health condition. Instead," the brief argues, "Casey formulated the abortion decision as one confronting a woman 'when the woman confronts the reality that, despite her attempts to avoid it, she has become pregnant," id. at 853 – not when she accepts a pregnancy at first, but then comes to perceive the child she is carrying as defective." The same analysis should apply to sex-discrimination abortion.

have expressed ethical concerns and/or disapproval for the practice of eliminating girls through infanticide or sex selection.[23]

Not only is such a choice unethical, there are serious concerns that women who resist getting an abortion for reasons of sex selection are subject to pressure, coercion, and violence. Pressure to abort in communities where son preference exists is a reality for some women in the United States. Dr. Puri documented the sad predicament of women who were aborting their daughters in the United States because of pressure from family members.[24] The findings of this bill note additional research showing the danger of "forced abortion" on women.

Sex-selective abortion bans protect women who find themselves in such situations because they provide for the punishment of persons involved in the coercion.[25] This bill, for instance, would penalize only persons who perform the sex-selective procedure and those who have coerced or solicited the pregnant mother to have the procedure. The mother is excluded from prosecution. Furthermore, intent and/or knowledge are required for liability to attach.[26] Any woman who has been subject to a sex-selective abortion against her will is additionally protected by the ability to bring a civil action against the perpetrator, in which she can receive relief in the form of verifiable money damages as well as punitive damages.[27]

Conclusion

We must accept that sex-selective abortions occur globally, even in the United States, and acknowledge the serious consequences that result from gender imbalances and the refusal to

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[23] H.R. _____ (1) Sec. (H-K); Mitchell, A. (2013). Clinton on women's rights, Middle East peace. *MSNBC*. [Interview Transcript]. Retrieved from http://www.nbcnews.com/id/35877287/ns/msnbc-andrea_mitchell_reports/t/clinton-womens-rights-middle-east-peace/#.VTK4KPnF8bM; Landler, M. (August 18, 2009). Saving the World's Women. A New Gender Agenda. *The New York Times Magazine*. http://www.nytimes.com/2009/08/23/magazine/23clinton-t.html?pagewanted=1&_r=0; World Health Organization Genomic Resource Centre, Gender and Genetics. Sex Selection and Discrimination, Ethical Issues Raised by Sex Selection. http://www.who.int/genomics/gender/en/index4.html; United Nations Population Fund, News. (5 October 2011). *Ending Gender Imbalances Must Remain International Priority, Says UNFPA's Asia-Pacific Director*. Retrieved from http://www.unfpa.org/news/ending-gender-imbalances-must-remain-international-priority-says-unfpa%E2%80%99s-asia-pacific-director

[24] Puri, S. (2011, August 2). I Know it's a Girl and I Need Your Help to Get it Out of Me. *Slate*. Retrieved from http://www.slate.com/articles/double_x/doublex/2011/08/i_know_its_a_girl_and_i_need_your_help_to_get_it_out_of_me.2.html

[25] H.R. 3541 Sec. 3(a), adding Sec. 249(a)(2), (3) of Ch. 13, tit. 18 U.S.C. (2011).

[26] H.R. _____ Sec 250 (a)

[27] H.R. _____ Sec 250 (b)

condemn sex-selective abortion. Sex-selective abortion perpetuates sex discrimination in general and specifically the attitude that male children are preferable and somehow superior to female children.

Reversal of sex discrimination in the United States begins with implementing sex-selective abortion bans such as this proposed Prenatal Nondiscrimination Act, and instituting national abortion reporting requirements. Allowing these facts to inform our public policy and taking the steps necessary to eliminate sex-selective abortion will put the United States squarely on the frontlines in fighting the actual "war on women." Such a stance will create a platform from which the U.S. can affirm the unique value of each individual, and publically condemn unjust discrimination against either sex.

In light of all these considerations, I ask that you vote in favor of the Prenatal Nondiscrimination Act.

Mr. FRANKS. Thank you, Ms. Higgins. And we now recognize Ms. Yeung.

TESTIMONY OF MIRIAM YEUNG, MPA, EXECUTIVE DIRECTOR, THE NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM

Ms. YEUNG. Thank you for allowing me to testify before you today. I lead the National Asian Pacific American Women's Forum, the country's only multi-issue organization dedicated to building a movement for social justice and human rights for Asian American and Pacific Islander women and girls in the United States. On behalf of NAPAWF and the dozens of women's rights reproductive justice and civil rights groups that stand with me, I strongly urge the Members of this Congress to oppose the Prenatal Nondiscrimination Act of 2016.

This bill represents a duplicitous attempt to address racial and gender discrimination, while actually intending to chip away at abortion rights. Not only does this legislation call into question a woman's motives for seeking abortion care, it is especially punishing in the precedent it would set, forcing doctors to scrutinize a woman because of her race or ethnicity. The decision to seek abortion care should be up to a woman with her doctor and her family, not politicians. The majority of Americans support this value, and believe that a woman knows what is best for her and her family.

In a 2015 poll by Hart Research Associates, 65 percent Americans say that Congress should not be spending time debating and passing a sex selective abortion ban. I encourage Members of the Subcommittee to support racial equality in a real way, by addressing healthcare disparities in communities of color, and protecting the sanctity of the doctor/patient relationship by supporting open, honest communication with one's medical provider.

This bill forces doctors to act as police interrogators in the exam room, ultimately making women more reluctant to share their personal experiences for fear of their private information being made public. When medically accurate, safe, and nonjudgmental patient counseling is taken away, women, especially those most vulnerable to domestic violence or trafficking, lose the chance to get the help she needs.

This bill perpetuates the offensive stereotype that Black women are unable to make reproductive health decisions for their own families. It accuses Black women of being irresponsible and worse, intentionally deselecting babies who share their own race. Black women choose abortion care more often than other communities do because of a well-documented, disproportionate lack of access to contraception. This legislation does nothing to address the root causes of unintended pregnancies or historically rooted inequalities within these communities.

In February of 2016, Black women leaders came together in solidarity to affirm Black women's autonomy, and reject legislation like PRENDA that relies on racist claims about Black mothers. In their own words, Monica Raye Simpson, director of the Trust Black Women Partnership said, "Bans on abortion based on race rely on anti-Black and anti-immigrant stereotypes about women of color, and constitutes a direct assault on Black motherhood.

We must remember that this legislation has its origins in the billboards put up here in Atlanta and around the country attacking Black mothers and stigmatizing our decisions about pregnancy, billboards we fought and successfully saw removed." Alicia Garza, cofounder of Black Lives Matter said, "We absolutely have to make sure that reproductive justice, and reproductive freedom is part of the narrative of what it takes to make Black lives matter."

Women of color already face difficulties accessing health care and have poorer health outcomes. Black women are more likely to die from preventable pregnancy related causes than White women, and their unintended pregnancy rate is higher than any other ethnic or racial group. Vietnamese women are five times more likely to die from cervical cancer than White women. High levels of poverty already prevent Asian American women and other women of color from accessing health care every day. Unfortunately, PRENDA would make healthcare outcomes for women of color even worse.

This legislation also perpetuates the offensive stereotype that Asian American families do not value the lives of their girl children, while also not addressing the issue of sex selection by ignoring substantive policy to alleviate the root causes of son preference or gender inequity. While sex selection is an issue abroad, the U.S. is not China or India. In the U.S. researchers have found that there is not a widespread issue and, in fact, Asian Americans are actually having more girls on average than White Americans are.

Gender inequity cannot be solved by banning abortion. An interagency U.N. statement addressing sex selection and gender discrimination clearly explains that countries, "Have an obligation to ensure that these injustices," meaning son preference, "are addressed without exposing women to the risk of death or serious injury by denying them access to needed services, such as safe abortion." Aruna Papp, the Canadian advocate, cited in the findings, concurs with this opinion, and has submitted written testimony opposed to PRENDA for the harm it will do to women.

Asian American and Pacific Islander women know that gender inequities do exist and are working in culturally competent ways to provide long-term, sustainable solutions. NAPAWF and others are working with members of our own community to empower women and girls, thereby challenging norms and transforming values. We cannot help women by taking away women's rights. We cannot eliminate racism by relying on racist assumptions.

I welcome all Members of Congress to pass legislation that truly results in racial justice and gender equality. Thank you.

[The prepared statement of Ms. Yeung follows:]

Prepared Statement of Miriam Yeung, MPA,
National Asian Pacific American Women's Forum (NAPAWF)

Chairman Franks, Ranking Member Cohen, and Members of the Subcommittee:

Thank you for allowing me to testify before you today. I lead the National Asian Pacific American Women's Forum—the country's only multi-issue organization dedicated to building a movement for social justice and human rights for Asian American and Pacific Islander women and girls in the United States.

On behalf of NAPAWF and the dozens of women's rights, reproductive justice, and civil rights groups that stand with me, I strongly urge the members of this Congress to oppose the Prenatal Non-Discrimination Act of 2016.

This bill represents a duplicitous attempt to address racial and gender discrimination, while actually intending to chip away at abortion rights. Not only does this legislation call into question a woman's motives for seeking abortion care, it is especially punishing in the precedent it would set: forcing doctors to scrutinize a woman because of her race or ethnicity. The decision to seek abortion care should be up to a woman, her doctor, and her family, and not politicians. The majority of Americans supports this value and believe that a woman knows what is best for her and her family.[i] This bill would open the door to increased intrusion into a woman's ability to get health care and in the process, perpetuate stereotypes about women of color.

Instead of introducing legislation to restrict abortion rights, I encourage members of the subcommittee to support racial equality in a real way: by addressing health-care disparities in communities of color, and protecting the sanctity of the doctor-patient relationship by supporting open, honest communication with one's medical provider—which we know to be critical to quality medical care. This bill promotes the exact opposite—forcing doctors to act as police interrogators in their exam rooms, ultimately making women more reluctant to share their personal experiences for fear of their private information being made public. When medically accurate, safe, and nonjudgmental patient counseling is taken away, women—especially those vulnerable to domestic violence or trafficking—lose the chance to seek help from their health care providers.

This bill perpetuates the offensive stereotype that Black women are unable to make reproductive health decisions for their own families. It essentially accuses Black women of being irresponsible and, worse, intentionally deselecting babies who share their own race. It is true that black women choose abortion care more often than other communities do, but this is because of a well-documented disproportionate lack of access to contraception.[ii] This legislation does nothing to address the root causes of unintended pregnancies, such as the dearth of reproductive health clinics in Black neighborhoods, economic insecurity, or historically rooted inequalities within these communities.[iii]

In February of 2016, Black women leaders came together in solidarity to affirm Black women's autonomy and reject legislation—like PRENDA—that relies on racist claims about Black mothers. In their own words: Monica Raye Simpson, Director of the Trust Black Women Partnership said, "Bans on abortion based on race rely on anti-Black and anti-immigrant stereotypes about women of color and constitutes a direct assault on Black motherhood. We must remember that this legislation has its origins in the billboards put up here in Atlanta and around the country attacking Black mothers and stigmatizing our decisions about pregnancy, billboards we fought and successfully saw removed." Alicia Garza, co-founder of Black Lives Matter, said:

"We absolutely have to make sure that reproductive justice and reproductive freedom is part of the narrative of what it takes to make Black Lives Matter."

Women of color already face difficulties accessing health care and have poorer health outcomes. Black women are more likely to die from preventable pregnancy related causes than white women,[iv] and their unintended pregnancy rate is higher than any other ethnic or racial group.[v] Vietnamese women are five times more likely to die from cervical cancer than white women.[vi] High levels of poverty prevents Asian American women and other women of color, from accessing healthcare every day, especially when 27 percent of Hmong Americans, 21 percent of Bangladeshi Americans, and 19 percent of Tongan Americans, live in poverty in the United States.[vii] Unfortunately, PRENDA would make healthcare outcomes for women of color *even worse*.

This legislation also perpetuates the offensive stereotype that Asian-American families do not value the lives of their girl children, while also not addressing the issue of sex-selection by ignoring substantive policy to alleviate the root causes of son preference or gender inequity. Son preference is a symptom of deeply rooted social biases and stereotypes about gender. Gender inequity cannot be solved by banning abortion. An inter-agency UN statement addressing sex selection and gender discrimination clearly explains that countries "have an obligation to ensure that these injustices [meaning son preference] are addressed without exposing women to the risk of death or serious injury by denying them access to needed services such as safe abortion."[viii] Aruna Papp, the Canadian advocate cited in the findings concurs with this opinion and has submitted written testimony opposed to PRENDA for the harm it will do to women. South Korea is the only country to dramatically alter its skewed sex-ratio bias, which occurred due to changes at the societal level as social and economic conditions increased professional and educational options for women and girls.[ix]

Asian American and Pacific Islander women know that gender inequities do exist and are working in culturally competent ways to provide long-term, sustainable solutions. NAPAWF and others are working with members of our own community to empower women and girls, thereby challenging norms and transforming values. For example, we are carrying out programs that build the leadership of women, improve our economic standing, create better access to healthcare, and end gender-based violence against us.

Instead of combatting racial and gender discrimination, PRENDA is nothing more than an attempt to limit abortion access for women of color. Under the guise of promoting equity, this bill perpetuates punishing stereotypes about our communities and undermines our constitutional rights.

You cannot help women by taking away women's rights. I welcome all members of Congress to work with NAPAWF, and all other organizations that stand with me, to pass legislation that truly results in racial justice and gender equality. Let's really work together to improve the lives of women. Let's not make women seeking health care into suspects. Let's move away from legislation rooted in racial stereotyping, and instead address the real causes of racial and gender inequality in our country.

Thank you.

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[i] Lydia Saad, *Am. Choose "Pro-Choice" for First Time in Seven Years*, Gallup (May 29, 2015) www.gallup.com/poll/183434/americans-choose-pro-choice-first-time-seven-years.aspx.

[ii] *See generally* Susan A. Cohen, *Abortion and Women of Color: The Bigger Picture*, 11 Guttmacher Pol'y Rev. (Aug. 2008) https://www.guttmacher.org/about/gpr/2008/08/abortion-and-women-color-bigger-picture.

[iii] *Id.*

[iv] Elizabeth A. Howell et al., *Black-white differences in severe maternal morbidity and site of care*, 214 Am. Journal of Obstetrics & Gynecology, 122.e1 (Jan. 2016).

[v] Guttmacher Inst., *Unintended Pregnancy in the U.S.*, (Mar.2016) https://www.guttmacher.org/fact-sheet/unintended-pregnancy-united-states.

[vi] Ctr for Disease Control and Prevention, *HPV in Cmty. of Color*, (May 2015) http://www.cdc.gov/features/preventhpv/.

[vii] Nat'l Coalition for Asian Pac. Am. Cmty Dev., *Spotlight: Asian Am. & Pac. Islander Poverty*, 11 (June 2013) nationalcapacd.org/sites/default/files/u12/aapi_poverty_report-web_compressed.pdf.

[viii] World Health Org., *Preventing gender-biased sex selection: an interagency statement OHCHR, UNFPA, UNICEF, UN Women and WHO* (Geneva: WHO, 2011) http://whqlibdoc.who.int/publications/2011/9789241501460_eng.pdf.

[ix] Woojin Chung & Monica Das Gupta, *Why is Son Preference Declining in South Korea? The Role of Dev. and Public Policy, and Implications for China and India*, 4373 The World Bank Dev. Research Grp. Policy Research Working Paper 2, 10 (Oct. 2007) www.unfpa.org/sites/default/files/pub-pdf/UNFPA_Publication-39869.pdf; *See also* Geeta Anand & Jacycon Woo, *How South Korea turned the tide on a demographic imbalance threatening eco. growth and soc. structures*, Wall Street Journal (Nov. 2015) www.wsj.com/articles/asia-struggles-for-a-solution-to-its-missing-women-problem-1448545813.

Mr. FRANKS. Thank you Ms. Yeung. And I would now—Reverend McCoy please.

Rev. MCCOY. Thank you.

Mr. FRANKS. Let's pull that microphone up close to you, sir, and make sure it is on.

Rev. MCCOY. It is on. Thank you.

Mr. FRANKS. Okay, sir. Thank you.

TESTIMONY OF DEREK McCOY, REVEREND. NATIONAL CLERGY RELATIONS DIRECTOR, CENTER OF URBAN RENEWAL AND EDUCATION

Rev. MCCOY. Chairman Franks, Ranking Member Cohen, and distinguished Members of the Subcommittee, thank you for allowing me to testify today. I serve as the national director of CURE. But, really, we represent over 1,000 voices across the country. Our work is to fight poverty and be voices of the underserved by helping them apply principals of faith, freedom, and personal responsibility. I also serve on two boards that support pregnancy centers as well.

I come today to offer my strong support and endorsement for H.R. 4924, the Prenatal Nondiscrimination Act. Like many liberals in the Black community, I too believe that Black lives do matter. But, I think that the passage of H.R. 4924 would codify this notion into law by not forcing and allowing for race selective abortions. As tragic as all the violent deaths are within the Black community and cities like Chicago, Baltimore, D.C., they pale in comparison to the murders that are taking place within the wombs of Black women every day throughout our Nation.

The rise of feticide in the world is astronomical. On the global front, we are virtually watching and observing entire countries alter birth rates and normal balance of population and gender due to sex selective abortions. My support for this legislation is not only based on my deep personal thankfulness for being born to a Black woman, or my conviction as an African American male that deplores discrimination, or as a citizen of the country that does not want to see sex discrimination, but a citizen who deeply desires the same protections be afforded to them by the Constitution be given to all including the preborn.

My support also comes as a father, and a man who sees the destruction of lives and have heard from and counseled the women who had to deal with the emotional and physical consequences of having lived with the gut-wrenching termination of a pregnancy. Creating a life is an ultimate gift from god. What we do with that life is our gift back to god.

The passage of H.R. 4924 would help ensure that we do not run short of the gifts that we give back to god. As stated years ago by the, then pro-life, Reverend Jesse Jackson in January 1977, "Politicians argue for abortion largely because they do not want to spend the necessary money to feed, clothe, or educate more people. Here arguments for inconvenience and economic savings take precedence over for human value and human life.

Psychiatrists, social workers, and doctors often argue for abortion on the basis that the child will grow up mentally and emotionally scarred. But who of us is complete?" he asked. "If incompleteness

were the criterion for taking on life, would we all be dead? If we can justify abortion on the basis of emotional incompleteness, then your logic could also lead you to killing others for other forms of incompleteness as well, such as blindness, crippledness, or old age." And I would add to that, race and/or gender.

Abortion based on sex selection, race selection, or gender selection is antithetical to our civilized society. If it is illegal to murder based on sex, race, or gender, would it not be equally illegal to murder a child in the womb based on these same characteristics? So, this issue of nondiscrimination brings us back to even what my colleague Ms. Davis said about eugenics.

Ultimately, a Nation will be judged on how they protect the most vulnerable in their society. My job here today is simple, to be a voice to the thousands of Americans that want to see the Constitution applied to the least of these in our society. When one thinks about aborting a child based on race, sex, or gender, many of us reel with disgust because we have seen the effects of such actions in countries like China and other parts of the world where they have a shortage of females; that has become a national security issue. China does not even have enough females for males to marry. So, Chinese males are leaving the country, causing a labor shortage, but also causing a national identity problem.

When I think about selective abortions, I cannot help but be reminded about eugenics, and the Black community has been one of the most hard hit for the plight of abortions in our communities. About 50 years ago a sociologist, who was also the Secretary of Labor, named Daniel Patrick Moynihan, stated that these trends in the Black community began to change. The Black family at that time had intact families with 78 percent of households having a mom and a dad.

Abortion in our community was not common, and was unthinkable. However, the astute eye of Moynihan saw the scrubbing of our society by god by eliminating prayer in schools in 1963, had started to take effects on the collapse of the family. Marriages began breaking down. And by 1965 we had an all-out war on poverty and began the welfare state.

In the 1960's we allowed unchecked sexual freedom to get out of control, and women's rights group like NOW began influencing NAACP to push for abortions in Black communities under the guise of reducing poverty and the population. Blacks were told, if we were controlled births, we would also escape poverty. Black women were seduced into this lie and are now living with the results of 16 million killed since *Roe v. Wade*, which took place in 1973, a mere 5 years after King's death.

It is ironic that the Fifth Amendment in 1870 to the U.S. Constitution abolished discrimination based on race. A more civilized 1973 U.S. Supreme Court discriminated against the life of the unborn. In closing, I would like to invite each Member to support this legislation. Think long and hard about the America we want to pass along to the next generation a social experiment of genetic engineering at the hands of those who choose who wins and who loses in life. Come to my city. Meet some of the women who have indeed had counseling after having an abortion. I invite you. Thank you for your time.

[The prepared statement of Rev. McCoy follows:]

Submitted by:

Rev. Derek McCoy

National Clergy Center Director, CURE
Heartbeat International Board Member
President of the Board for Pregnancy Clinic in Maryland (Bowie, Annapolis, Severna Park)

Hearing of the House Judiciary Committee, Subcommittee on the Constitution and Civil Justice

Regarding H.R.4924, the Prenatal Nondiscrimination Act (PRENDA) of 2016

April 14, 2016
3:00 p.m.
2237 Rayburn Building

Hon. Trent Franks, Chair
Hon. Steve Cohen, Ranking Member
Honorable Members
United States House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution and Civil Justice
2237 Rayburn House Office Building
Washington, DC 20515-6216

Mr. Chairman Franks, Ranking Member Cohen, and Distinguished Members of the Subcommittee:

Greetings! First I would like to thank you for service to our country and your time and attention to hearing me take a few moments on the vital legislation before us entitled Prenatal Nondiscrimination Act (PRENDA). I submit testimony expressing my support for this legislation.

My name is Derek McCoy and I serve as a National Director for the Center of Urban Renewal and Education aka CURE. I am a native Washingtonian and now a resident of Maryland. In my capacity with CURE we represent the voices of over 1,000 clergy across the country and their respite congregants. Our work is to fight poverty and be a voice for the underserved by applying principles of faith, freedom, and personal responsibility.

Today I come to express my support for this legislation because:

- It is important for the common sense protections afforded to all of us by our Constitution
- It has compelling and common interest for all
- It ensures that no elite group picks winners or losers.

- It addresses protections for one of the most vulnerable populations in our world the child in the womb based on predatory discrimination based on race, gender.

As stated years ago by Rev. Jesses Jackson

"Politicians argue for abortion largely because they do not want to spend the necessary money to feed, clothe and educate more people. Here arguments for inconvenience and economic savings take precedence over arguments for human value and human life... Psychiatrists, social workers and doctors often argue for abortion on the basis that the child will grow up mentally and emotionally scarred. But who of us is complete? If incompleteness were the criteri(on) for taking life, we would all be dead. If you can justify abortion on the basis of emotional incompleteness, then your logic could also lead you to killing for other forms of incompleteness — blindness, crippleness, old age."

(Then pro-life) Jesse Jackson, January 1977

We can add to Rev. Jackson's statement race and gender.

This is one of the reasons why I support the Pre-Natal Non-Discrimination Act. No discrimination should take place! No discrimination based on Gender for sex-selection, or race which brings us back to a eugenic plague.

My job here today is simple. Voice the opinion of so many thousands of Americans that want to see the Constitution apply to the least of these in our society and not see discrimination take place in the lives of the preborn.

When one thinks about aborting a child based upon the gender of the child many of us reel with disgust because we know the atrocities that are taking place in other countries and the abortions based solely on gender selection and yet it continues in the USA. However, when we think about a person who begins to decide to selectively abort based on gender it brings back memories of the Eugenics plot against blacks that was and is some cases is still going forward. The Black community has been one of the most hard-hit from the plight of abortions in our community but it has not always been this way. In the words of Winston Church where he says the farther back you look, the farther forward you are like to see" let's take a look back and see if it can give us some insight into our current dilemma.

About 50 years ago sociologist and assistant Secretary of Labor Daniel Patrick Moynihan started to see the trends in the black community begin to change. The black family at that time had intact families with 78% of households having a mom and a dad. Abortion on our community was not common and was unthinkable However, the astute eye of Moynihan saw what scrubbing our society of GOD by eliminating prayer in schools in 1963 had started to take effect on the collapse of the black family. Marriages began breaking down and by 1965 we had an all out war on poverty that began. Interestingly, with the advent of the feminist movement and the start of National Organization for Women which influenced the NAACP to support abortions as a way to control poverty the illusions and lies persisted in the black communities. In the 60's we allowed unchecked sexual freedom to get out of control and women's rights groups like NOW began influencing the NAACP to push for abortions in black communities to aid "poverty" and truthfully population. They were told that if we control the births they can escape poverty. Black women were seduced and lured into this lie called abortion and we are now living with the results of over 16 million killed since ROE. WADE which took place in 1973. Only 5 years after the death of Dr. King.
Today we now have all over the world people selecting and discriminating abortions based on gender and race in the name populations control and to assist with poverty. Discrimination is discrimination!
As Dr. Martin Luther King,Jr. stated " Discrimination is a Hellhound that gnaws at Negroes in every waking moment of their lives to remind them that the lie of their inferiority is accepted as truth in the society dominating them.

Since the 17th century emergence of critical thinker John Locke, the debate about natural rights has raged, and questions abound on the government's involvement in protecting life, liberty and property. In order to avoid the question of government protection for life in the womb, the Supreme Court accepted arguments that the child in utero is not life until it reaches the level of viability, which they said happens sometime after the first trimester. Like slavery, tension was created in the public square concerning who "qualifies" for natural rights and the protection it affords. In the 1850s, it was the black slave who sought freedom and equal protection under the law. Today it is the unborn child.

If the baby in utero is not a human being in the fullest sense of that term, then he or she has no natural right to life. However, if the opposite is true, then the unborn child is entitled to the right to life, and the mother has no more say in its viability than she does in determining the viability of post-birth children. Ignoring the advent of ultra sound and other medical devices that make it abundantly clear that the baby in

utero is life and indeed human, the natural rights of the baby has been an ongoing topic of discussion in the corridors of the Congress and the halls of federal courts.

The current laws of the land vest in the mother the right to terminate life in the womb. This often creates a relationship conflict between the man and woman, attacking the traditional family model. In fact, the abortion industry has taken great care to promote ideas that clash with traditional family structure and ideology by celebrating a lifestyle that promotes moral decay -promiscuity and abortion as birth control. The current law does not acknowledge the rights of the child; however, deeming "the product of conception" is the equivalent to being the property of the mother, and she alone is the arbiter of the child's life or death.

The current law does not acknowledge the rights of the child; however, deeming "the product of conception" is the equivalent to being the property of the mother, and she alone is the arbiter of the child's life or death William Saunders of the Family Research Council, commenting on Hadley Arkes' Natural Rights and the Right to Choose, had this to say about the parallels between abortion and slavery: "In asserting a 'right to choose,' abortion proponents undermine the concept of natural right, for they deny a nature that transcends the preferences of others. Law is thus reduced to power: it secures the 'right' of the powerful to define who has rights, even to define who is 'human.' It can no more be contained no more be 'contained' than could a 'right to own slaves.' It will seep into areas of care of the elderly, the infirm, and the handicapped. It has already poisoned the policy discussion where the status of the embryo (prior to implantation especially) is at stake. By reducing rights to a mere reflection of the preferences of the powerful, a 'right to choose' puts all rights, even those claimed by abortion proponents, at risk, because such rights are always subject to redefinition when power shifts."

It is ironic that while the Fifteenth Amendment (1870) to the U.S. Constitution abolished discrimination based on race, a more "civilized" 1973 U.S. Supreme Court discriminated against the life of the unborn child, handing down a decision that stripped the most vulnerable among us of rights, once again allowing the powerful to determine exactly who had the right to life. Abortion-rights activists understand that, from a political standpoint, abortion on-demand must not be limited. Rather, for them to muster the greatest amount of political power, they must have a majority of Senators and Representatives who support their

agenda.

Attitudes in society and government have certainly evolved since the time of our nation's inception, when a Judeo-Christian belief system was the premise for government and law. This evolution has moved America further and further away from Biblically- based values, toward a culture that accepts behaviors the Bible calls sin. By 1973, a very liberal U.S. Supreme Court wielded its power and forced all states to abolish any restrictions they might have against abortion in the same way the U.S. Supreme Court allowed the owners of Dred Scott to retain their "property" in 1857. Cultural changes and opinion often influence the federal court system over time, leaving expediency and pragmatism as the order of the day rather than honor and a genuine concern for life.

This evolution also included movement in the religious community toward a doctrine of moral relativism. The Religious Coalition for Reproductive Choice (RCRC) is but one example. Founded by members of old-line/mainline Protestant denominations, such as Episcopalians and Presbyterians, the RCRC targets African-Americans and teenagers in its "outreach."

"Its purpose is to promote the idea that abortion, including partial-birth abortion, is not sometimes a tragic necessity...but is a 'holy work,' and the defense of the unlimited abortion license is, according to RCRC, a holy war. Abandoning its calling to be the standard-bearer for society, the RCRC teaches young people that abortion is a rite of passage to adulthood, and their parents have no right to interfere with their 'reproductive choice.'"

STATS

Black Women and Abortion

- Abortion is the leading cause of death for African Americans, more than all other causes combined, including AIDS, violent crimes, accidents, cancer and heart disease.
- In 2008, Black women had abortions at a rate 3.4 times higher than White women.
- In 2008, Black women received 30% of the abortions even though African Americans are only 12.6% of the population.
- Over their lifetime, Black women average 1.6 more pregnancies than White women but are 5 times more likely to have a pregnancy that ends in abortion.
- More than 16,000,000 Black babies have died by abortion since 1973.
- Approximately 360,000 pre-born Black babies are aborted every year, nearly 1000 per day.

Planned Parenthood has historically targeted African Americans for abortion

- Sanger's "Negro Project" in 1939 was intended to stop the growth of the Black community.
- Sanger persuaded Black pastors to push her population control program within their congregations.
- Black pro-life leaders have long insisted that Planned Parenthood purposely places its abortion facilities in or near Black neighborhoods.
- Life Issues Institute's 2005 study of Census 2000 data confirmed that 60% of PP surgical abortion facilities were located in close proximity to Black neighborhoods and 78% were near Black and/or Hispanic/Latina neighborhoods.

Does Planned Parenthood still target minorities for abortion? New Research from *Protecting Black Life* (an outreach of Life Issues Institute)uses Census 2010 data to reveal that this targeting still exists.

- 62% of Planned Parenthood surgical abortion facilities are within walking distance (2 miles) of relatively high Black populations.
- 79% of Planned Parenthood surgical abortion facilities are within walking distance (2 miles) of relatively high Black and/or Hispanic/Latina populations.

Mr. FRANKS. Well, thank you, Reverend McCoy. We will now proceed under the 5 minute rule with questions. And I will begin by recognizing myself for 5 minutes.

Ms. Davis, I will begin with you, if it is all right. Now, there are critics who say that PRENDA has a much larger agenda. In fact, I think in Ms. Yeung's testimony she states that "this bill represents a duplicitous attempt to address racial and gender discrimination."

The challenge I have with that is that somehow protecting an unborn child from being aborted on the basis of race, that is racism. But taking the life of an unborn child on the basis of race is not racism. And protecting a little girl from being aborted because she is a little girl rather than a little boy, that is gender discrimination; but taking the life of a little girl because she is a little girl instead of a little boy, that is not gender discrimination.

And that is hard for me to understand. Is your testimony intended to be a duplicitous attempt to address racial and gender discrimination? Is that your testimony?

Ms. DAVIS. There is no duplicity here. And, in all honesty, Congressman, I am, along with the National Black Pro-Life Coalition, working to end the targeting of the Black community. It is an all-out war. It truly is, because we are being targeted. And Planned Parenthood is behind that targeting. Here in Congress, in 2012, the Black Congressional Caucus, the women of the Black Congressional Caucus, and the Pro-Life Caucus hosted an event that was funded by the Ford Foundation, on whose board Cecile Richards, the president of Planned Parenthood, sits. And, in that forum, they were training people, the attendees, on how to get around the message that the billboards that went up in 2010 in Georgia, which I was a part of that initiative: how to get around that message.

And they gave them five particular points that included changing the conversation and challenging the pro-life community on why they are trying to make the disparities in health care worse. They told them to change the conversation and talk about access to health care, that Black women lack access to health care.

Well, number one, abortion is not health care. And abortion all across this country is maiming and wounding women, and actually killing them like Tonya Reaves who was killed in a Planned Parenthood at 18 South Michigan Avenue in Chicago, when they botched the abortion and left her laying there for more than 5 hours bleeding before they sought emergency help too little too late.

So, the racial component that PRENDA would provide would have allowed the family of Tonya Reaves, the dad of the baby, and grandparents to pursue Planned Parenthood who was operating their Negro Project when they killed Tonya's 5-month-old baby and Tonya.

Mr. FRANKS. Thank you, ma'am. Ms. Higgins, I am about out of time here, but in light of the Supreme Court's decision and reasoning in Gonzales v. Carhart, they talked about protecting the health of the mother, and also the government interest in protecting the reputation in the medical community, preserving the integrity and ethics of the medical profession, and promoting societal respect for unborn life. What arguments do you believe could be

made in favor of PRENDA, prohibition of both discriminatory abortions and coerced abortions based on that decision?

Ms. HIGGINS. Based on Gonzales v. Carhart, you are correct, Mr. Chairman, in saying that this was a ban on a partial birth abortion. So, that is one practice of abortion. Okay. So, what we are looking at here is a ban on a single reason for an elective abortion that is a single discriminatory reason.

So, what the courts did here in Gonzales is they upheld that prohibition, whether it was pre-viability or post-viability, it did not matter. And the health exception of the mother was not included, because they said, "There is an alternative." There is an alternative to this partial birth abortion, so there is no reason the State cannot prohibit this one practice.

So, this is analogous in that all you are doing is prohibiting one reason, or availability of obtaining an elective abortion that does not implicate the health of the mother. So, it does not present an undue burden standard under Planned Parenthood v. Casey, which is where we look to our abortion jurisprudence standard. And they also said that the State have an interest in regulating abortion if they are instituting a mechanism that shows a profound respect for life, which this bill does.

Mr. FRANKS. Thank you, Ms. Higgins. I thank all of you. And I will now recognize Mr. Deutch for 5 minutes.

Mr. DEUTCH. Thank you, Mr. Chairman. Before I begin I would like to yield 45 seconds to the gentlelady from California, Ms. Chu.

Ms. CHU. Thank you Congressman Deutch for yielding. I want to thank Miriam Yeung for testifying today, and her leadership on issues affecting the Asian American and Pacific Islander or AAPI community.

As chair of the Congressional Asian Pacific Caucus, and as an Asian American woman, I am extremely disappointed and deeply disturbed to see that PRENDA is once again before this Subcommittee. And I will continue to voice my strong opposition to the racist and sexist nature of this bill. I request that my full written statement be entered into the record.

Mr. FRANKS. Without objection.

Ms. CHU. And I also request that three documents be entered into the record. The first is a letter from leading reproductive justice organizations in the U.S., which represents the very women of color this bill claims to protect, unequivocally condemning this legislation.

The second is a letter from the AAPI reproductive justice community, and expresses deep concerns about the dangerous stereotypes that the bill perpetuates about the AAPI community, which could lead to the racial profiling of AAPI women.

Finally, the third is a letter from Aruna Papp, whose testimony is included in the text of PRENDA, and who states that her research has been fundamentally misrepresented and misconstrued, and that PRENDA would only further harm women who are victims of domestic violence. Thank you. And I yield back.*

Mr. FRANKS. All right. Without objection.

***Note:** The material submitted by Ms. Chu is not printed in this hearing record but is on file with the Subcommittee and can also be accessed at:

http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=104783

Mr. Deutch.

Mr. DEUTCH. Thank you, Mr. Chairman. And thanks for holding this hearing. Discrimination based on sex and gender bias are huge and pervasive problems. As the father of two daughters, I want to work toward a world for them that treats them and their brother fairly on the merits of their arguments and their actions, rather than with prejudgments or bias. Our biases about the proper roles of women are so completely pervasive that it feels difficult to even know where to begin.

And while we see examples of gender bias in real life problems, like pay inequality, glass ceilings, the actual problem is so much deeper. From the way we react to girls and boys differently, to the very language we use to describe similar behaviors, these biases are deeply ingrained in our culture.

We even see evidence of this deep seeded bias in the type of futures we as parents imagine for our children. And women experience this bias every day. Will their appearance be valued more than their ideas? Will they be viewed as unprofessional for speaking up and for defending their ideas? Will they be targeted on social media with threats of violence? Will they be able to attend college without fear of sexual assault? And will they be heard when they say, "No?"

With a problem so pervasive, there is no easy fix. Bringing an end to sexism and gender bias requires us to address the root cause of inequality. This means investing in preventative healthcare programs, science based sex education, economic empowerment efforts, and supporting fair housing and employment practices. The most obvious symptom of gender bias is the continuing pay disparity between men and women in the workplace. Two days ago we finally had Equal Pay Day, April 12. April 12 represented how far into the year of 2016 women work to earn as much pay as men.

Women are paid 79 cents for every dollar a man is paid, and the gap is even worse for women of color. At that rate, when we are currently moving toward closing the pay gap, women will still be waiting for a dollar to mean a dollar 44 years from now. My college age daughters will be approaching their retirement. This is the fundamental problem. The ripple effects that working families, whose wages have barely budged since the 1990's, and while pay stays flat costs soar for housing, for childcare, for education, just to name a few.

Unequal pay contributes to broader issues of economic inequality and the disappearing middle class. So, it is good. It really, really is good to see a bill start off with an affirmation of the basic truth that women are a vital part of American society and culture, and possess the same fundamental human rights and civil rights as men. And I hope that we as a Congress can work to live up to the promises underlying that basic truth, the promise of education, the promise of access to health care, the promise of justice for victims of sexual assault, the promise of equal employment opportunities, and the promise of finally closing the inexcusable pay gap.

It is a shame that this Subcommittee's attempt to confront the serious issue of sex discrimination and gender bias is nothing more than this Committee telling women what they can and cannot do with their bodies again. The United States Constitution protects a

woman's right to make the personal, private decision to have an abortion, and pretending that this bill is anything other than an attempt to undermine and weaken that constitutionally protected right is a farce. And, for that reason, I have no questions, and I yield back.

Mr. FRANKS. I thank the gentleman. We will take a second round here so that you folks have been so kind to stick around for a while. You know, I have heard a lot here about types of discrimination and gender inequity. And those are all issues that I am deeply concerned about. But it occurs to me that if a little girl is aborted before she is born, based on the fact that she is a little girl rather than a little boy that it then becomes impossible to reach any other area of discrimination that might have occurred in the life she might have had.

Sometimes it is good to come back to earth here a little bit. We are talking around the issue. And, Ms. Higgins, I wonder if you would do us all the favor of saying, specifically in fairly simple terms that those of us who are not lawyers can understand, what does this bill actually do?

Ms. HIGGINS. Thank you, Mr. Chairman. Basically, this bill—it does a couple things. First of all, what you said is, "The reason we are addressing this sex selective abortion in this PRENDA bill, the importance of addressing that, is that it is taking a holistic view." This is the most lethal form of sex discrimination that is practiced globally, and in the United States. It has to be addressed.

Not only am I saying this, but it is something that we have seen former Secretary of State Hillary Clinton say, that we as the U.S. must lead the way to promote women's rights and women's equality, in reference to infanticide and sex selective abortions.

Nobuko Horibe, who is the director of the U.N. Population Fund on Asia and Pacific regional office said, "We have to give priority to programs like PRENDA that foster norms"; she did not say, "like PRENDA," but that is my statement there; "that foster norms in an attitude of zero tolerance for discrimination such as prenatal sex selection."

Gender equality is at the very heart of each country's successful development. Zero tolerance of sex discrimination necessarily involves banning the practice of sex selective abortion. The government has a compelling interest in protecting anyone, whether it is male or female, from any instance of sex discrimination. That is a compelling interest.

And we know that a compelling interest would require that the government have an exceedingly persuasive justification to survive Constitutional scrutiny. Whereas, in abortion jurisprudence, you do not even get to the fundamental rights language. But you do in sex selection, because it amounts to discrimination. And we see that in the Civil Rights Act.

The Civil Rights Act was, basically, also applied to private individuals who discriminate. So, it is in fact a very important government interest. It is a compelling interest. And when we say that PRENDA is not necessary, why are we setting—we are saying it is not necessary here, because we do not have that many sex selective abortions. Well, it happens here.

So, what PRENDA does is eliminate that practice. What we are saying is, "There are no tolerable levels of lethal sex discrimination against girls." There is no tolerable level, whether it is one or 1 million. It is not acceptable. The 14th Amendment guarantees everyone equal protection under the law. That is a compelling government interest that we must protect. We must take a holistic view. And it includes banning sex selective abortion. Otherwise, we cannot be a moral authority overseas and tell people they cannot do it, if we do.

So, the second thing PRENDA does, I think, that is important is it allows women—and we know there are documented instances of women in communities around this country in the United States who are coerced into having sex selective abortions against their will. So, what PRENDA does, it allows that woman an out. It allows them a civil remedy against anyone who has coerced them to have an abortion against their will based on the reasons of sex selection. So, it empowers women to know that the government stands behind them in protecting them from this practice.

So, I think those are the two main things PRENDA does, and I think that they are justified under the Constitution.

Mr. FRANKS. Thank you, Ms. Higgins. And, Reverend McCoy, I will turn to you. You know, I heard again today some concerns about the gender pay gap, and I understand that concern. But, you know, in this case we are trying to—and essentially address a gender survival gap, you know, whether or not these children survive or not. And, unfortunately, across the world, one of the most lethal phrases that you can imagine anymore is, "It is a girl."

And I wonder, you know, there was a famous Democrat running for president, Mr. Humphrey, that said, you know, that, "Society will be judged by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life." And you say something along those lines in your testimony. "A Nation will be judged on how they protect the most vulnerable of their society."

In your opinion, how well have we done that?

Rev. MCCOY. Thank you, Chairman Franks. You know, in my opinion, we are living, you know, in a moral crisis. We are living in a place where—you know, I am 100 percent at the place where many of the other Members already talked about. "Hey. We want to make sure that we talk about equal pay. We want to make sure that we are taking care of many of the people and having these concerns that we are closing the pay equity gap, and making sure that we are taking care of women from their healthcare needs," and an assortment of issues.

But, to answer your question directly, we are at a place where I do not think we have done well in allowing the most unprotected to have protections, and that is that child that is preborn. That is that child that is in the mother's womb. That should not be the most dangerous place for a child.

Now, interesting enough, many people say, and they talk regularly. And I hear this all the time, especially being a male, about, "Well, I am taking away a woman's right." And I hear that. But I will say this. I so appreciate the right that I had to be born. And I do not think any person here would ever say that they are mis-

taking, or they are sorrowful about being able to be born, being able to have Constitutional protections given to them.

And I think that is where we are today in saying we need to make sure that we are taking care of those that are most vulnerable in society, in that they should have those protections, and that they should be taken care of; and that is the preborn. So, thank you for this legislation.

Mr. FRANKS. Thank you Reverend McCoy, and Mr. Deutch.

Mr. DEUTCH. Thank you Mr. Chairman. I will yield to Ms. Chu for some questions.

Ms. CHU. Thank you so much, Congressman Deutch, for yielding. I am just astounded that this bill would force a doctor to make a decision about whether a woman is using sex selection or race selection. And, if he makes the wrong choice, or she, that doctor would end up potentially serving up to 5 years in prison. Not only that, that they would have to show their suspicion that such a thing could happen. Even if they suspect such a thing, they have to report that to the authorities.

So, Ms. Yeung, what kind of effect do you think this legislation will have on a woman's relationship with her doctor, particularly if she is a woman of color, and how do you think this will affect the healthcare outcomes for women?

Ms. YEUNG. Thank you for that question. This has a chilling effect on relationships between doctors and patients. I want to lift up the testimony submitted by members of the healthcare providers who wrote, "PRENDA is written so broadly that a patient's simple comments, 'we hope it is a girl,' could put a health professional at risk of incarceration should they not report the conversation to law enforcement."

I believe, and I have members who have testified, that this leads to racial profiling in the office, that they feel judged when they walk into the doctor's office. And that is not the kind of care that we need. Ultimately, you cannot talk about abortion rights without talking about women. And I want to lift up that there are women in this room who have chosen to have abortions. Women choose to have abortions. And we have to trust women in each of their own decisions. Criminalizing doctors punishes women. There is no doubt about it.

Ms. CHU. Now, do you think that there could be some son preference in some segments of the Asian American community? And is there a more effective way to address these issues wherever they remain? And I know that in South Korea there was some different kinds of approaches to this that show that the answer might possibly not be PRENDA.

Ms. YEUNG. That is right. In the international context, all the experts have documented that lifting the status, the economic and social status of women and girls addresses the root causes of gender inequity, which cause son preference.

To your first point, I do want to enter record that, you know, after the first time we had this conversation in 2011, there was research in the Asian American community where we polled over 6,000 Asian Americans speaking in 10 different Asian languages, that is disaggregatable by top API ethnicities.

And so, to your answer, who prefers sons? About 4 percent of Asian Americans overall. Who prefers girls? About 4 percent of Asian Americans overall. And who has no preference at all? 91 percent. And plus or minus 7 is the kind of, you know, range in this research.

The reality is it is a racist stereotype against Asian Americans that we have a preference for girls or boys.

Ms. CHU. And do you think passing legislation that erodes a woman's Constitutional right to choose is the most effective means of ensuring that women are able to freely and independently make the important and deeply personal decision about when to start a family?

Ms. YEUNG. No. I mean, again, we have to trust women. Women are an important part of this equation that has gotten lost in this conversation. You cannot help women by taking her rights away, just fundamentally is nonsensical. Instead, I think this Committee has so many opportunities to do a lot of work to lift up women's rights. Today is the fight for 15. We know that one in three Asian American women make less than $15 an hour. That would be a significant improvement in a woman's life.

Ms. CHU. And given the disparities in access to quality health care that exists in communities of color and low income communities, what steps can Congress do to improve women's access to health care? How can Congress support women, particularly in low income communities who make decisions regarding their health and family planning under economic stress?

Ms. YEUNG. Health care access is an enormously important issue, and close to my heart. I think culturally competent accessible care, including comprehensive reproductive health care is a necessity for our communities, and one that women of color have always led the fight for. I want to quote a statement by the National Political Congress of Black Women in 1989.

They said, "We understand why African American women risked their lives then, and why they seek safe legal abortions now. It has been a matter of survival. Hunger and homelessness, inadequate housing and income to properly provide for themselves and their children. Family instability, rape, incest, abuse, too young, too old, too sick, too tired, emotional, physical, mental, economic, social; the reasons for not carrying a pregnancy to term are endless and varied, personal, urgent, and private. And for all these pressing reasons, African American women, once again, will be among the first force to risk their lives if abortion is made illegal."

Ms. CHU. Thank you. I yield back.

Mr. FRANKS. Mr. Jordan.

Mr. JORDAN. Mr. Chairman, I would yield my time to the Chair.

Mr. FRANKS. Thank you Mr. Jordan. You know, I think it probably is important to remind ourselves what the bill here before us really does. It says that, "In America you cannot discriminate against an innocent unborn child by subjecting them to an abortion based on their race or sex." We protect people in employment decisions. We protect people in housing decisions. All kinds of things based on race or sex. But when we try to protect little babies from being killed on the basis of race or sex, rather than that being the center of the debate, we get all these other kinds of discussions.

And I would just suggest to you that, if taking the life of a little baby because it is a little girl instead of a little boy—if that is not wrong, then I do not know what is wrong. I mean, I would be open to hearing suggestions. If deliberately targeting a minority community and seeing that community devastated as a result—if that is not wrong, then I do not what is wrong.

Sooner or later, this country will have a time of reflection because future generations will see this change, just as we did in some of the past tragedies. And whatever time we spent ourselves will either be judged in the eyes of history or the eyes of eternity. And I want to thank all of you for coming here. And I would like to ask Ms. Davis if she has a final thought.

Ms. DAVIS. I do, sir. I am deeply saddened sitting in this proceeding today. There is a quote that is attributed to Maya Angelou, and it says, "When someone tells you who they are, believe them." Planned Parenthood has made very plain that they are operating a Negro Project in this country that is targeting Black women to lure them into their abortion centers in order to control the Black birth rate. This bill is not an attack on the woman. It is an opportunity to hold organizations like Planned Parenthood accountable for targeting children based on the color of their skin, and hold all of the abortionists accountable for targeting children based on their gender.

To hear the information being twisted as if this bill is somehow attacking a woman and denying her the right to self-determine her reproductive life is just a travesty. And I pray that this Committee and the Congress would take the—why does abortion get an exception that no other business, no other industry gets? If any other industry showed the kind of data that we can find very clearly documented on what Planned Parenthood is doing, Black people, White people, would be up in arms to shut them down.

Abortion should not be given a pass to target a woman based on the color of their skin as Planned Parenthood has told us they are doing. They told us that in the testimony on them selling body parts that they are reaching women of color. And it is a travesty that anyone elected to office would allow that kind of open discrimination against a group of people in this country to happen.

And I pray that before we end up where we were when John Lewis got clocked on the head on the Pettus Bridge, and those four babies were killed in Birmingham, and Emmitt Till was tortured to death because of the color of his skin, that we would stop this travesty and stop Planned Parenthood from being able to target women of color. Thank you, sir.

Mr. FRANKS. Thank you, Ms. Davis.

Ms. YEUNG. May I comment on that?

Mr. FRANKS. I am sorry, Ms. Yeung. I did not call on you. We are about out of time here. This is my time.

Ms. YEUNG. There are 25 minutes. I would like to make a comment, if you would, Chairman.

Mr. FRANKS. Ma'am, this is my time. I guess, the real question here is does the abortion really kill a little child?

Ms. YEUNG. What is the role of women in this conversation?

Mr. FRANKS. If it does not, then I am through talking about it. But if it does, then those of us in this room, whether we know it

or not, are standing in the midst of the greatest human genocide in the history of humanity. And history will not only reflect that, the posterity——

Ms. YEUNG. Black women are not the genocidal actors. You are accusing Black women of murdering their own people.

Mr. FRANKS. Somehow the notion of protecting little girls because they are not as—somehow, that you think that, somehow, that it is okay to take the life of a little girl because she is a little girl instead of a little boy. If that is your position, I think it speaks for itself.

And, with that, it concludes today's hearing. Thanks to all of our witnesses, and Ms. Yeung, thanks to you for attending.

Without objection, all Members will have 5 legislative days to submit additional written questions for their witnesses, or additional materials for the record. And I thank the witnesses, and I thank the Members, and I thank the audience. And, with that, this hearing is adjourned.

[Whereupon, at 5:22 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

Addendum to the Prepared Statement of Derek McCoy, Reverend, National Clergy Relations Director, Center of Urban Renewal and Education

Hearing of the House Judiciary Committee, Subcommittee on the Constitution and Civil Justice
Regarding H.R.4924, the Prenatal Nondiscrimination Act (PRENDA) of 2016
April 14, 2016
3:00 p.m.
2237 Rayburn Building

Hon. Trent Franks, Chair
Hon. Steve Cohen, Ranking Member
Honorable Members
United States House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution and Civil Justice
2237 Rayburn House Office Building
Washington, DC 20515-6216

Chairman Franks, Ranking Member Cohen, and Distinguished Members of the Subcommittee:

Greetings!

My name is Derek McCoy, a native Washingtonian and a current resident of Maryland.

I serve as the National Director for the Center of Urban Renewal and Education aka CURE. CURE represents the voices of over 1,000 clergy across the country. Our work is to fight poverty and be a voice for the underserved by helping them apply principles of faith, freedom, and personal responsibility into every aspect of their lives.

I would like to thank each of you for your service to our country and for you allowing me the opportunity to give my testimony before this committee.

I come before this committee to offer my strong endorsement of H.R. 4924, the Prenatal Nondiscrimination Act (PRENDA). Like many liberals in the Black community, I too, believe that Black lives matter; and I think the passage of H.R. 4924 would codify this notion into law by not allowing for race-selective abortions.

As tragic as all the violent deaths are within the Black community in cities like Chicago, Baltimore, and Washington, DC, they pale in comparison to all the murders taking place within the wombs of Black women everyday throughout our nation. The rise of feticide in this world is astronomical. On the global front we are virtually watching and observing entire countries alter sex birth rates and the normal balance on population and gender due to sex-selective abortions.

My support for this legislation is not only based on my own deep personal moral conviction, or my conviction as an African American male that deplores discrimination, or as a citizen of this country that does not want to see sex discrimination but as a citizen who deeply desires the same protections afforded to them by the Constitution be given to all including the preborn. My support also comes as a father and a man who sees the destruction of lives and heard from and counseled the women who have had to deal with the emotional and physical consequences of having made the gut wrenching decision to terminate a pregnancy.

Creating a life is the ultimate gift from God; what we do with that life is our gift back to God.

The passage of H.R. 4924 would help ensure that we don't run short of gifts to return back to God.

Abortion based on sex-selection, race-selection, or gender-selection is antithetical to any civilized society. If it is illegal to murder based on sex, race or gender; should it not equally be illegal to murder a child in the womb based on these same characteristics?

So this issue of non-discrimination brings us back to the issue of eugenics.
Ultimately, a nation will be judged on how they protect the most vulnerable of their society. My job here today is simple; to be the voice of the thousands of Americans that want to see the Constitution apply to the least of these in our society.

When one thinks about aborting a child based on sex, race, or the gender of the child, many of us reel with disgust because we have seen the effects of such actions in countries like China; where they have such a shortage of females that it has become a national security issue. China does not have enough females for males to marry, so many Chinese males are leaving the country causing not only a labor shortage, but also causing a national identity problem.

When I think about selective abortions, I can't help but be reminded of the Eugenics plot against blacks that was and is still going on today. The Black community has been one of the most hard-hit from the plight of abortions in our community but it has not always been this way. In the words of Winston Church where he says the farther back you look, the farther forward you are likely to see" let's take a look back and see if it can give us some insight into our current dilemma.

About 50 years ago then sociologist and assistant Secretary of Labor Daniel Patrick Moynihan started to see the trends in the black community begin to change. The black family at that time had intact families with 78% of households having a mom and a dad. Abortion on our community was not common and was unthinkable.
However, the astute eye of Moynihan saw what scrubbing our society of GOD by eliminating prayer in schools in 1963 had started to take effect on the collapse of the black family. Marriages began breaking down and by 1965 we had an all-out war on poverty that began and a Welfare state resulted.

In the 60's we allowed unchecked sexual freedom to get out of control and women's rights groups like NOW began influencing the NAACP to push for abortions in black communities under the guise of reducing poverty and the population. Blacks were told that if we controlled births we could escape poverty.

Black women were seduced and lured into this lie called abortion and we are now living with the results of over 16 million killed since Roe v. Wade which took place in 1973. A mere 5 years after Dr.King's death.
Since the 17th century emergence of critical thinker John Locke, the debate about natural rights has raged, and questions abound on the government's involvement in protecting life, liberty and property.
In order to avoid the question of government protection for life in the womb, the Supreme Court accepted arguments that the child in utero is not life until it reaches the level of viability, which they said happens sometime after the first trimester. Like slavery, tension was created in the public square concerning who "qualifies" for natural rights and the protection it affords. In the 1850s, it was the black slave who sought freedom and equal protection under the law. Today it is the unborn child.

If the baby in utero is not a human being in the fullest sense of that term, then he or she has no natural right to life. However, if the opposite is true, then the unborn child is entitled not be discriminated against based on sex or race and entitled to the right to life, and the mother has no more say in its viability than she does in determining the viability of post-birth children. Ignoring the advent of ultra sound and other medical devices that make it abundantly clear that the baby in utero is life and indeed human, the natural rights of the baby has been an ongoing topic of discussion in the corridors of the Congress and the halls of federal courts. These same tools and technology are being used today to discriminate and abort children based on sex and race.

The current laws of the land vest in the mother the right to terminate life in the womb. This often creates a relationship conflict between the man and woman, attacking the traditional family model. In fact, the abortion industry has taken great care to promote ideas that clash with traditional family structure and ideology by celebrating a lifestyle that promotes moral decay -promiscuity and abortion as birth control.

The current law does not acknowledge the rights of the child; however, deeming "the product of conception" is the equivalent to being the property of the mother, and she alone is the arbiter of the child's life or death.

The current law does not acknowledge the rights of the child; however, deeming "the product of conception" is the equivalent to being the property of the mother, and she alone is the arbiter of the child's life or death William Saunders of the Family Research Council, commenting on Hadley Arkes' Natural Rights and the Right to Choose, had this to say about the parallels between abortion and slavery: "In asserting a 'right to choose,' abortion proponents undermine the concept of natural right, for they deny a nature that transcends the preferences of others. Law is thus

reduced to power: it secures the 'right' of the powerful to define who has rights, even to define who is 'human.' It can no more be contained no more be 'contained' than could a 'right to own slaves.' It will seep into areas of care of the elderly, the infirm, and the handicapped. It has already poisoned the policy discussion where the status of the embryo (prior to implantation especially) is at stake. By reducing rights to a mere reflection of the preferences of the powerful, a 'right to choose' puts all rights, even those claimed by abortion proponents, at risk, because such rights are always subject to redefinition when power shifts."

It is ironic that while the Fifteenth Amendment (1870) to the U.S. Constitution abolished discrimination based on race, a more "civilized" 1973 U.S. Supreme Court discriminated against the life of the unborn child, handing down a decision that stripped the most vulnerable among us of rights, once again allowing the powerful to determine exactly who had the right to life. Abortion-rights activists understand that, from a political standpoint, abortion on-demand must not be limited. Rather, for them to muster the greatest amount of political power, they must have a majority of Senators and Representatives who support their agenda.

Attitudes in society and government have certainly evolved since the time of our nation's inception, when a Judeo-Christian belief system was the premise for government and law. This evolution has moved America further and further away values, toward a culture that accepts behaviors that once once unacceptable. By 1973, a very liberal U.S. Supreme Court wielded its power and forced all states to abolish any restrictions they might have against abortion in the same way the U.S. Supreme Court allowed the owners of Dred Scott to retain their "property" in 1857. Cultural changes and opinion often influence the federal court system over time, leaving expediency and pragmatism as the order of the day rather than honor and a genuine concern for life.

This evolution also included movement in the religious community toward a doctrine of moral relativism. The Religious Coalition for Reproductive Choice (RCRC) is but one example. Founded by members of old-line/mainline Protestant denominations, such as Episcopalians and Presbyterians, the RCRC targets African-Americans and teenagers in its "outreach."

"Its purpose is to promote the idea that abortion, including partial-birth abortion, is not sometimes a tragic necessity...but is a 'holy work,' and the defense of the unlimited abortion license is, according to RCRC, a holy war. Abandoning its calling to be the standard-bearer for society, the RCRC teaches young people that abortion is a rite of passage to adulthood, and their parents have no right to interfere with their 'reproductive choice.'"

In closing, I would like to invite each member of this committee to:

1. Support and pass this legislation

2. Think long and hard about the America we want to pass along to the next generations.....a social experiment of genetic engineering at the hands of those who choose who wins or loose at life?

3. Come to my city and meet some of the women that have needed counseling after having an abortion.

Thank You!

STATS

Black Women and Abortion

- Abortion is the leading cause of death for African Americans, more than all other causes combined, including AIDS, violent crimes, accidents, cancer and heart disease.
- In 2008, Black women had abortions at a rate 3.4 times higher than White women.
- In 2008, Black women received 30% of the abortions even though African Americans are only 12.6% of the population.
- Over their lifetime, Black women average 1.6 more pregnancies than White women but are 5 times more likely to have a pregnancy that ends in abortion.
- More than 16,000,000 Black babies have died by abortion since 1973.
- Approximately 360,000 pre-born Black babies are aborted every year, nearly 1000 per day.
- Planned Parenthood has historically targeted African Americans for abortion
- Sanger's "Negro Project" in 1939 was intended to stop the growth of the Black community.
- Sanger persuaded Black pastors to push her population control program within their congregations.
- Black pro-life leaders have long insisted that Planned Parenthood purposely places its abortion facilities in or near Black neighborhoods.
- Life Issues Institute's 2005 study of Census 2000 data confirmed that 60% of PP surgical abortion facilities were located in close proximity to Black neighborhoods and 78% were near Black and/or Hispanic/Latina neighborhoods.

Does Planned Parenthood still target minorities for abortion? New Research from *Protecting Black Life* (an outreach of Life Issues Institute) uses Census 2010 data to reveal that this targeting still exists.

- 62% of Planned Parenthood surgical abortion facilities are within walking distance (2 miles) of relatively high Black populations.
- 79% of Planned Parenthood surgical abortion facilities are within walking distance (2 miles) of relatively high Black and/or Hispanic/Latina populations.

Question for the Record submitted to Miriam Yeung, MPA, Executive Director, The National Asian Pacific American Women's Forum*

ONE HUNDRED FOURTEENTH CONGRESS

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House of Representatives
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May 5, 2016

Miriam Yeung
Executive Director
National Asian Pacific American Women's Forum (NAPAWF)
1735 Caton Avenue #7C
Brooklyn, NY 11226

Dear Ms. Yeung,

The Committee on the Judiciary's Subcommittee on the Constitution and Civil Justice held a hearing on H.R. 4924 the "Prenatal Nondiscrimination Act (PRENDA) of 2016" on Thursday, April 14, 2016 at 3:00 p.m. in room 2237 of the Rayburn House Office Building. Thank you for your testimony.

Questions for the record have been submitted to the Committee within five legislative days of the hearing. The questions addressed to you are attached. We will appreciate a full and complete response as they will be included in the official hearing record.

Please submit your written answers by Friday, May 27, 2016 to Tricia White at tricia.white@mail.house.gov or 362 Ford House Office Building, Washington, DC, 20002. If you have any further questions or concerns, please contact John Coleman on my staff at 202-225-2825.

Thank you again for your participation in the hearing.

Sincerely,

Bob Goodlatte
Chairman

Enclosure

***Note: The Subcommittee did not receive a response from this witness in time for its inclusion in this hearing record.**

Questions for the record from Representative Steve Cohen:

1. If there is anything that was said by any of your fellow witnesses that you would like to respond to, or anything else that you would like to add to your testimony, please do so here.

Prepared Statement of Steven M. Mosher, President, Population Research Institute

Testimony Submitted in Support of PRENDA

by Steven W. Mosher

President, Population Research Institute

As a China expert, I have long been aware that Asians valued sons more than daughters, so much so that unwanted daughters were often killed at birth. But it is one thing to read about this in the history books, and quite another to see it happen before one's own eyes, as I did in China.

The unhappy truth is that Chinese Communist Party has condemned tens of millions of little girls to death. The Planned Birth policy limits how many children couples can have and, the couples themselves, preferring that their allotted children be sons, abort girls in horrific numbers.

Let me give you an example. I went to Topeka in March 2013 to testify in favor of a bill to ban sex selection abortion in the state of Kansas (more about this in a moment.) There I met a Chinese-American woman in her early 20s who told me she had been her mother's eighth pregnancy. The first seven pregnancies had all ended in abortion when her mother discovered that she was carrying girls.

"How did you survive?" I asked her.

"The only reason that I survived is because the ultrasound technician got it wrong," she said with a grimace. "He told my parents that I was a little boy, and so my mother carried me to term. When I was born they were shocked and disappointed but eventually decided, after eight tries, to keep me."

This young woman is determined to make up for her mother's mistakes. She has become a Christian, is engaged to be married, and intends to have many girls. But the story of how her older sisters were, one by one, sacrificed in a sex selective abortion is not unique: It is a daily occurrence in Asian-American communities across the United States.

An analysis of U.S. Census data carried out by two Columbia University economists, Douglas Almond and Lena Edlund, suggest that Chinese, Korean and Asian-Indian parents are selectively aborting unborn baby girls. While the first-born children of such parents come into the world in normal numbers—roughly 106 boys for every 100 girls—the second and third children do not. For second-born children the ratio of the sexes at birth is 120 boys per 100 girls. And the odds are heavily skewed in favor of a son if the couple goes on to have a third child: in such cases there were half again as many sons as daughters.

Almond and Edlund concluded, as any reasonable person would, that this deviation in favor of sons is evidence that sex selection abortions are occurring here in the United States. The logical first step in curbing any heinous practice is to ban it.

This is why we at PRI have been encouraging elected officials at both the state and the federal level to ban the practice of sex selection abortion.

Bans have long been in place in Arizona, Illinois, Kansas, North Carolina, North Dakota, Oklahoma, Pennsylvania and South Dakota. PRI has been involved in many of these efforts.

Just last month, Gov. Mike Pence of Indiana signed a bill into law that not only prohibits sex selection abortions, but abortions done for reasons of race or because the unborn baby has been diagnosed with a disability such as Down syndrome. I have known Gov. Pence personally for many years, dating back to when he served in the U.S. House of Representatives, and he has always been a strong defender of the unborn.

I am happy to support the efforts of Congressman Trent Franks (R-AZ) and others to pass similar legislation on the federal level. Congressman Franks' Prenatal Nondiscrimination Act, or PRENDA, would ban sex- and race-selective abortion. I urge the speedy passage of this legislation in the House and would encourage the Senate to pass a comparable bill.

If thousands of already-born Americans were being killed each year simply because of their sex or race, there would be a nationwide outcry against such "hate crimes." But thousands of pre-born Americans are, in fact, being killed because they are, in the view of their parents or community, the "wrong" sex or race.

These tiny victims of hate crimes deserve our protection from the worst form of discrimination imaginable; a discrimination that kills.

The words, "It's a girl," should not be a death sentence.

Steven W. Mosher was the first American social scientist allowed to do research in the People's Republic of China following the normalization of relations between the U.S. and China in 1979, and is the author of numerous books on China.

Steve Mosher
President,
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p.s. PRI's POP101 Series has 2 million views and counting. Watch it here.

"It is impossible to further the common good without acknowledging and defending the right to life, upon which all the other inalienable rights of individuals are founded and from which they develop" (The Gospel of Life, #101. Blessed John Paul II).

Prepared Statement of the National Asian Pacific American Women's Forum (NAPAWF)

April 21, 2016

Representative Trent Franks, Chairman
Judiciary Subcommittee on the Constitution and Civil Justice
U.S. House of Representatives
Washington, DC 20515

Representative Steve Cohen, Ranking Member
Judiciary Subcommittee on the Constitution and Civil Justice
U.S. House of Representatives
Washington, DC 20515

Testimony on H.R. 4924, the Prenatal Nondiscrimination Act of 2016
Prepared for the House Judiciary Committee
Subcommittee on the Constitution and Civil Justice

Chairman Franks, Ranking Member Cohen, and Members of the Subcommittee:

National Asian Pacific American Women's Forum (NAPAWF) is the only national, multi-issue Asian American and Pacific Islander (AAPI) organization advocating for AAPI women and girls in the country. Our mission is to build a movement to advance social justice and human rights for AAPI women and girls. Since 1996, we have represented AAPI women, who are overwhelmingly pro-choice,[i] in pushing back against abortion bans that disproportionately affect women of color. We unequivocally oppose H.R. 4924, the Prenatal Nondiscrimination Act (PRENDA) of 2016.

PRENDA would criminalize the practice of sex- and race- selective abortions based on the offensive accusation that women of color, specifically AAPI and Black women are more likely to have abortions because of the sex or race of their pregnancy. This legislation requires healthcare providers to police the motivations of, including suspected motivations of, their patients seeking abortion care. This reinforces stereotypes about our communities. There is a

great deal of misinformation associated with laws prohibiting sex-selective abortions and this testimony will highlight some of those inaccuracies and show why such bans uniquely and disproportionately impact Asian American and Pacific Islander women.

This bill is a wolf in sheep's clothing. It purports to further gender equality and civil rights, but in reality, it is just another piece of legislation aimed to chip away at abortion rights for all women. We see clearly that this bill is an attack on our right to self-determine whether and when to have children. PRENDA disproportionately scrutinizes women of color's reasoning for accessing abortion care. Under the guise of promoting gender equity for AAPI women, it offensively echoes anti-immigrant rhetoric and emphasizes the stereotype that AAPI families devalue the lives of their girl children. By questioning women's motives for accessing abortion care, this legislation opens the door to more and more reason-based bans on abortion. For all of these reasons we believe PRENDA is not a solution to race or gender discrimination in this country.

As an organization that represents Asian American and Pacific Islander women, NAPAWF is extremely concerned that the proponents of this legislation are exploiting the issue of son preference in some Asian cultures for the purposes of limiting abortion access in the United States, while doing nothing to support efforts that truly address the gender inequity in this country. In fact, a recent analysis of U.S. Census data from 2007 to 2011 shows that Asian Americans are actually having *more girls on average* than white Americans.[ii] When Asian Americans are asked whether they prefer one gender to the other, Chinese, Korean, and Indian Americans show equal preference for both boys and girls.[iii] Of these Americans, 92% of Chinese, 92% of Indian, and 89% of Korean Americans, stated, "it doesn't matter or they don't care" about the gender of their child.[iv] With a margin of error of about +/- 5%, about 4% of these Asian Americans preferred boys and about 4% preferred girls.[v]

Even the international human rights community agrees that banning abortion is no way to combat gender inequity. The United Nation Population Fund, the World Health Organization, the Office of the High Commissioner for Human Rights, UNICEF, and UN Women issued a clear joint statement affirming that countries "have an obligation to ensure that these injustices

[meaning son preference] are addressed without exposing women to the risk of death or serious injury by denying them access to needed services such as safe abortion." [vi] There is no disagreement that gender inequity is a global concern, but chipping away at abortion rights in the United States is not a solution to this this problem.

Systematic inequities lead to skewed sex ratios in India and China, but the United States is not either of these countries. We do not have a one-child policy or a dowry system that increases the pressure on some families to have boys, and women here have more economic opportunity— so parents do not have to rely only on sons to care for them in their old age.[vii] South Korea is the only country to dramatically alter its skewed sex-ratio bias, and this happened because of changes at the societal level as social and economic conditions increased professional and educational options for women and girls.[viii] AAPI women's organizations are working with members of our own community to empower women and girls, thereby challenging norms and transforming values. AAPI women know what is best for our own community.

AAPI women and all women of color are undermined when our ability to make decisions about our own bodies is questioned. The truth is that we know what is best for us. In fact, the majority of Americans believe that a woman knows what is best for her and her family.[ix] Yet, this bill places an unfair burden on AAPI women that other women do not have to face—increased scrutiny around our motives for seeking abortion care. This scrutiny promotes racial profiling by pushing doctors to assume women of color are seeking abortions because of the race or sex of their pregnancy.

Making abortion harder to obtain exacerbates racial disparities in healthcare. In short, you cannot give women rights by taking away our rights. In fact, the country at large does not support sex-selective abortion bans. Since 2009, 29 states have introduced sex-selective abortion bans, yet the ban passed in only seven states.[x] There was strong opposition in the states where the bill gained traction such as Texas and Louisiana.[xi] Accordingly, the constitutionality of sex- and race-selective abortion bans have been challenged in Arizona and Indiana.[xii] In addition, the cities of Oakland and San Francisco, California passed resolutions affirmatively stating that sex-

selective abortion bans take root in stereotypes about the AAPI community and actually harm women.[xiii]

Consequently, PRENDA would make health care outcomes for AAPI women worse. High levels of poverty already prevent Asian American women, and other women of color, from accessing health care. This is especially true when 27 % of Hmong American, 21.1 % of Bangladeshi American, and 18.9 % of Tongan American women live in poverty in the United States.[xiv] AAPI women are also more likely than many other racial or ethnic groups to not receive preventative health care such as routine mammograms or Pap tests.[xv] Moreover, the AAPI population has some of the highest rates of limited English proficiency (LEP) in the country.[xvi] Making abortion harder to obtain will only exacerbate racial disparities in health care for members of our community who are already medically underserved.

There are many other ways in which an individual may seek to determine the sex of their pregnancy and limiting abortion on the basis of a woman's motivation does not impact sex ratios in the United States.[xvii] This ban just creates additional, unnecessary barriers for women to access abortion services. In fact, in states that needlessly enacted sex-selective abortion bans, there were no associated changes in sex ratios at birth after the law went into effect.[xviii] This impact was measured by looking at sex ratios at birth five years before and five after sex-selective abortion bans went into effect in the state.[xix]

In closing, we encourage you to find the right solutions to the right problem. This anti-choice legislation parading as an anti-discrimination bill is not the way to address racial and gender inequality. Instead, it further exacerbates inequities and diminishes the health, well-being, and dignity of women and girls by restricting their access to reproductive health care. If members of Congress want to support women and communities of color, we look forward to your support of such legislative items that address pay equity, access to health care, freedom from violence, fair and humane immigration policies, and the ability to control our bodies and our futures. Abortion bans do nothing of the sort.

Thank you for the opportunity to provide these comments.

[i] 2012 National Asian American Survey, available on request (78% of AAPI support some form of legal abortion).
[ii] The Uni. of Chi. Human Rights Clinic, et al., *Replacing Myths With Facts: Sex Selective Abortion Laws in the U.S.* 20 (June 2014) https://napawf.org/wp-content/uploads/2014/06/Replacing-Myths-with-Facts-final.pdf.
[iii] *Id.*
[iv] *Id.*
[v] *Id.*
[vi] World Health Org., *Preventing gender-biased sex selection: an interagency statement OHCHR, UNFPA, UNICEF, UN Women and WHO* (Geneva: WHO, 2011) http://whqlibdoc.who.int/publications/2011/9789241501460_eng.pdf.
[vii] *Supra* note ii at 24-25.
[viii] Woojin Chung & Monica Das Gupta, *Why is Son Preference Declining in South Korea? The Role of Development and Public Policy, and Implications for China and India*, 4373 Policy Research Working Paper at 2, 10 (Oct. 2007); *See also* Geeta Anand & Jaeyeon Woo, *How South Korea turned the tide on a demographic imbalance threatening economic growth and social structures*, Wall Street J. (Nov. 2015), available at www.wsj.com/articles/asia-struggles-for-a-solution-to-its-missing-women-problem-1448545813.
[ix] Lydia Saad, *Am. Choose "Pro-Choice" for First Time in Seven Years*, Gallup (May 29, 2015) www.gallup.com/poll/183434/americans-choose-pro-choice-first-time-seven-years.aspx.
[x] On file with Guttmacher Institute, available on request.
[xi] *Id.*
[xii] Kate Sheppard, *ACLU Takes On Ariz. Ban on Sex- and Race-Selective*, Mother Jones, (May 2013) Abortions www.motherjones.com/mojo/2013/05/aclu-lawsuit-arizona-ban-sex-race-abortion (The Arizona case was dismissed. The court did not address the issue of constitutionality); Press release, ACLU of Indiana, *Planned Parenthood Challenge Anti-Abortion Measure* (Apr. 2016), https://www.aclu.org/news/aclu-indiana-planned-parenthood-challenge-anti-abortion-measure (The Indiana case was filed in April, 2016).
[xiii] Nat'l Asian Pacific Am. Women's Forum, *Oakland City Council Denounces the use of racial stereotypes to undermine women's health access* (Mar. 2015), https://napawf.org/2015/03/oakland-city-council-denounces-the-use-of-racial-stereotypes-to-undermine-womens-health-access/.
[xiv] Nat'l Coalition for Asian Pacific Am. Cmty. Dev., Spotlight: Asian Am. & Pacific Islander Poverty, at 11 (June 2013), nationalcapacd.org/sites/default/files/u12/aapi_poverty_report-web_compressed.pdf.
[xv] Scarlett Lin Gomez, et al., *Disparities in mammographic screening for Asian women in Cal.: a cross-sectional analysis to identify meaningful groups for targeted intervention*, BioMed Cent. (Oct. 2007), bmccancer.biomedcentral.com/articles/10.1186/1471-2407-7-201; American Cancer Society, *Cancer prevention and early detection facts and figures* at 42, 45 (2015-2016). http://www.cancer.org/acs/groups/content/@research/documents/webcontent/acspc-045101.pdf
[xvi] Karthick Ramakrishnan & Farah Z. Ahmad, *Language Diversity and English Proficiency*, Ctr. for Am. Progress (May 2014), https://cdn.americanprogress.org/wp-content/uploads/2014/07/AAPI-LanguageAccess.pdf.
[xvii] *Supra* note ii at 2.
[xviii] *Id.* at 12.
[xix] *Id.*