WISCONSIN RIGHT TO LIFE

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Wisconsin Right To Life

Heather Weininger

Legislative Director

Email: hweininger@wrtl.org

Phone: 877-855-5007

Barbara Lyons

Executive Director

Email: blyons@wrtl.org

Phone: 877-855-5007

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Supreme Court Inaction Does Not Affect NRLC Model Laws Protecting Pain-Capable Unborn Children

Ten states have passed the Pain-Capable Unborn Child Protection Act

WASHINGTON -- Today's decision by the U.S. Supreme Court not to hear an appeal in the case of an Arizona abortion ban does not affect abortion laws passed in ten states that prohibit abortion after 20 weeks fetal age on the basis that these unborn children are capable of feeling pain. The National Right to Life Committee (NRLC) model Pain-Capable Unborn Child Protection Act was enacted in Nebraska in 2010. Since then, nine other states have passed the landmark legislation.

"The Pain-Capable Unborn Child Protection Act, as it was first passed in Nebraska, differs greatly from the Arizona law struck by the 9th Circuit U.S. Court of Appeals, and today's decision by the U.S. Supreme Court to let that decision stand has no impact on these laws protecting from abortion unborn children who can feel pain," observed Mary Spaulding Balch, J.D., National Right to Life director of state legislation. **"We remain confident that when the U.S. Supreme Court has the opportunity to review the Nebraska-model Pain-Capable Unborn Child Protection Act, they will affirm the law as constitutional."**

The NRLC model legislation has been enacted in ten states (Nebraska, Kansas, Idaho, Oklahoma, Alabama, Georgia, Louisiana, Arkansas, North

Dakota and Texas). The laws in Idaho and Georgia are currently enjoined pending litigation.

Balch noted that the Court's action in the Arizona case is not unexpected, explaining that it is common for the U.S. Supreme Court to reject a case for argument when an issue has only been ruled on by one of the nation's thirteen circuit courts of appeals.

"We will continue to work with our state affiliates to make enactment of the Pain-Capable Unborn Child Protection Act our chief legislative priority in the state legislatures," added Balch. "Wisconsin Right to Life, as an affiliate of the National Right to Life Committee, remains committed to enacting this legislation in Wisconsin," stated Barbara Lyons, Executive Director of Wisconsin Right to Life.

In a nationwide poll of 1,003 registered voters in March, The Polling Company found that 64% would support a law such as the Pain-Capable Unborn Child Protection Act prohibiting abortion after 20 weeks – when an unborn baby can feel pain – unless the life of the mother is in danger. Only 30% opposed such legislation. Women voters split 63%-31% in support of such a law, and 63% of independent voters supported it.

The U.S. House of Representatives approved a federal version of the bill (H.R. 1797) on June 18, 2013, 228-196. Sen. Lindsey Graham (R-S.C.) introduced the landmark legislation as S. 1670 in the U.S. Senate in November.

The federal Pain-Capable Unborn Child Protection Act would allow abortion after 20 weeks post-fertilization if the mother's life is endangered, or in cases of rape and incest reported prior to the abortion to appropriate authorities.

The federal bill contains congressional findings of fact regarding the medical evidence that unborn children experience pain at least by 20 weeks "post-fertilization age," or the start of the sixth month.

Some of the extensive evidence that unborn children have the capacity to experience pain, at least by 20 weeks fetal age, is available on the National Right to Life website at **http://www.nrlc.org/abortion/fetalpain** and also here: **http://www.doctorsonfetalpain.com/**

These late abortions of pain-capable unborn children are performed using a variety of techniques, including a method in which the unborn child's arms and legs are twisted off by brute manual force, using a long stainless steel clamping tool. A medical illustration of this common method ("D&E") is posted here: **http://www.nrlc.org/abortion/pba/DEabortiongraphic**.

"The Pain-Capable Unborn Child Protection Act is National Right to Life's primary congressional priority," noted Douglas Johnson, National Right to Life legislative director. **"It is time for the Senate to take action on the Pain-Capable Unborn Child Protection Act, and we urge Senator Reid to allow the bill to come before the Senate for a vote."**

Media Contact: Barbara Lyons 414 778-5780

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Wisconsin Right To Life
Online: www.wrtl.org
Contact Us | News Room | Who to Contact for Interviews
9730 W. Bluemound Rd., Suite 200, Milwaukee, WI 53226
Phone: (414) 778-5780 | Fax: (414) 778-5785 | Email: wrtl@wrtl.org