



Planned Parenthood®

# Monday *MONITOR*

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Contact: Michelle Trupiano – 573.424.8717 (cell)

## STATEWIDE, EDITORIALS OPPOSE HB1831/SB1058—ABORTION RESTRICTION BILL OF 2008:

### **COERCION: THE LATEST ABORTION GAMBIT**

*Henry J. Waters III, Columbia Daily Tribune, 4.21.08*

The anti-abortion legislative tactic is distressingly clear by now: Its proponents dream up a maddening array of proposals aimed at harassing anyone who seeks to exercise her legal right to an abortion. Giving them credit for ordinary intelligence, I daresay they know their odd ideas will not survive constitutional court tests, but never mind. They simply want to keep throwing stuff against the wall hoping a miracle will happen and some court might uphold one of their proposals. If not, they still have been able to make defenders of legal choice spend another bundle filing lawsuits.

Give them credit for imagination. Their latest thing is a bill making it a crime for anyone to "coerce" a woman seeking or obtaining an abortion. This could include an employer who threatens to fire a pregnant woman or an official taking away her college scholarship unless she has an abortion. If a doctor performs an abortion on a woman he believes has been coerced, he can get up to seven years in prison.

Supporters of the bill say they merely want to protect the rights of the unborn. The House gave first-round approval to this outlandish concoction.

If this bill becomes law, the courts will throw it out because it puts an "undue burden" on a woman seeking a legal abortion, the criterion established by the U.S. Supreme Court. Speaking of burdens, if we are to be weighed down with an anti-abortion majority in our state legislature, which seems likely awhile yet, we need a governor who will promise to veto any and every abortion bill it passes.

This will be one of the strongest attributes of Democrat Jay Nixon as he squares off against an anti-abortion Republican candidate. It's possible, of course, to be personally "pro-life" but determined not to let that sentiment show up in lawmaking, which should be a separate matter. Today this seems an impossible nuance for Missouri Republicans pandering to the anti-abortion lobbies.

### **NEW INTRUSIONS ON ABORTION IN KANSAS AND MISSOURI**

*Kansas City Star, 4.22.08*

The malicious creativity of Kansas and Missouri lawmakers is boundless when it comes to interfering with the right of women to obtain abortions. Kansas Gov. Kathleen Sebelius on Monday appropriately vetoed a bill that proposed shocking intrusions into a woman's privacy and authority to make her own medical decisions. Siblings, parents, grandparents and spouses of pregnant woman could seek court orders to stop abortions after the 21st week of pregnancy. The bill gives those same individuals broad leeway to sue doctors in the aftermath of abortions. It also would make it easier for county and district attorneys to gain access to medical records. And any group with as few as 10 people could sue the Kansas Department of Health and Environment, challenging its annual report of abortion statistics.

Supporters of this proposal, led by Rep. Lance Kinzer, an Olathe Republican, have couched it as protection against women being coerced into having abortions. But proponents have presented no reliable data that coercion is widespread. The real motive is to ease the way for anti-abortion activists to harass providers and get their hands on sensitive medical records. Members of the House and Senate should uphold the governor's veto.

In Missouri, the House has passed a bill that would place more pointless restrictions on abortion providers and on women seeking the procedure. The Missouri bill also takes up the issue of coercion, the talking point in vogue among abortion opponents. The bill defines coercion too broadly and could leave doctors reluctant to perform abortions because of unnecessary legal complexities. In fact, the House's new provisions seem designed to intimidate doctors.

The Senate should slam the door on this intrusive piece of legislation.

## **COERCION AND CONSENT**

***St. Louis Post Dispatch, 4.24.08***

No pregnant woman should be forced to have an abortion. All reasonable people can agree on that.

But drawing the line between coercion and consent is more difficult than it may seem. Is a woman coerced if she terminates a pregnancy rather than tells a partner who previously has abused her that he is — or is not — the father? Is she coerced if caring and providing for the children she has means that she can't afford to miss work to give birth and care for a newborn? What if a man impregnates a woman and then says he won't help rear the child? Is that coercion?

Yes, yes and yes, according to the Missouri House of Representatives.

This week, the House approved a bill that supposedly is aimed at coercion in connection with abortions. In fact, however, the bill is overly broad and overly vague. Its constitutionality would be highly suspect if enacted. Its provisions wander far beyond relatively clear-cut cases of coercion. And it would be almost impossible to enforce. For example, under this bill, a man would be guilty of coercion if he urged his partner to have an abortion, even if it turned out that she were not pregnant and never got the procedure. A business that threatened to fire a pregnant employee could be guilty of coercion. It also could be guilty if it threatened to cut the pay or change the benefits of the pregnant employee. Schools and civic organizations couldn't threaten or revoke the scholarships of pregnant students without risking prosecution for coercion. Terminating a pregnancy that resulted from a rape could be considered coercion as well, and doctors could be charged with a felony if they performed such a procedure.

The bottom line is that House Bill 1831, sponsored by Rep. Bob Onder, R-Lake St. Louis, would do more to limit women's rights than protect them. To be sure, the bill contains a number of problematic provisions. Among many: It would create new burdens that would make it especially difficult for women to get abortions if they live outside of urban areas. It would require doctors to offer an experimental anesthesia that may put some women at risk. And it would mandate signs posted in abortion clinics making false promises of state assistance to women if they continue their pregnancies all the way to term.

Its worst feature, by far, is the creation of the new crime of coercion. Enforcement would be impossible. How could police and prosecutors establish beyond a reasonable doubt what has transpired between two people speaking in private? How would they separate false claims of coercion — say, a poorly performing employee who misses work but claims she was fired for refusing to have an abortion — from legitimate ones, such as those of a battered wife?

Parents and guardians of children and people with mental disabilities, meanwhile, usually make medical decisions on their behalf. This bill would make it possible to prosecute them for coercion, even for consenting to an abortion that was medically necessary.

H.B. 1831 is unconstitutional, unrealistic and unnecessary. The Senate should refuse to play along.

## **HOUSE BILL ON ABORTION DISRESPECTFUL OF WOMEN'S RIGHT TO CHOOSE**

**R-E-S-P-E-C-T!**

The Missouri House of Representatives has passed another in a long line of bills that would restrict abortion access in our state. HB1831 would add more hoops for women to jump through in the informed consent process and would create a new crime of "coercing" abortion. Those who support the bill claim that they are acting out of respect for women. Of course women should be fully informed and not coerced in any decision they make, but this bill shows a serious lack of respect for women in Missouri.

It shows a lack of respect for a woman's ability to make an informed decision about her body by requiring that even more detailed information be given to the woman, despite the fact that the informed consent process for abortions in Missouri is already more highly regulated than for any other medical procedure. The bill seems to work under the assumption that any woman who would choose to terminate an unplanned pregnancy must be completely ignorant of what's going on in her own body. This is patently insulting to women, especially because more than 60 percent of women seeking abortions already have children.

The bill also shows a lack of respect for women in domestic violence situations. Under the new laws in the bill, a woman would be considered "coerced" if she attempted to have an abortion because she did not want to bring a child into a violent situation. The language of the bill essentially states that a coerced woman is incapable of giving consent for the procedure. This is outrageously disrespectful to women because of the underlying assumption that a woman in an adverse situation is unable to make an informed decision.

Ultimately, the new rules and criminal penalties in HB1831 show no respect for women. They assume that women must be "protected" from their decisions and that they aren't competent to understand their own pregnancies. Let's hope that Missouri senators have more respect for women than their colleagues in the House. ***Letter to the Columbia Tribune from Kristen Walle, Columbia, 4.24.08***