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Letter from Life and Liberty for Women to South Dakota Governor

Mike Rounds

re: February 2006 Abortion Ban

February, 25, 2006

From:

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To:

Governor Mike Rounds

500 E. Capital Ave. Pierre, South Dakota 57501

Re:

HB 1215 - that will ban all abortions in South Dakota except to protect a woman's life

Dear Governor Rounds,

I am not a resident of South Dakota **but I have received calls from women who reside in South Dakota seeking abortion services in Fort Collins, Colorado where I live.** That compels me to speak to you about HB-1215 that will shortly come to your desk for signature.

I listened to the Senate debate on this bill over the Internet and was heartsick about what I heard.

Senator Julie Bartling said something in that debate that was very troubling to me. She said it was time to **"abolish abortion in South Dakota."** **But no law can abolish abortion.** Our own history with illegal abortion makes that abundantly clear. The truth of the reality of what is going on in other parts of the world where abortion is illegal makes that abundantly clear. **And the pictures at the end of my e-mail make that abundantly clear, telling the story**

many in this country seem to have forgotten or don't know at all because they were born post-Roe and no one has bothered to show them what it was like.

From what I read about you and your family on your web site I believe you to be an educated man and most likely a very reasonable man who I am hoping can see his way clear to look beyond the frenzy of the anti-abortion fervor swirling around him to interject some common sense and bring a sense of reality back into the picture.

No matter anyone's personal religious view that abortion is wrong or that Roe vs. Wade may have been decided on less than solid constitutional ground, Roe took a medical surgical procedure out of a secret dangerous underground and ensured the safety of the procedure by making it legal throughout the whole of the United States.

HB-1215, should it ever become law upon the demise of Roe, would do nothing more than push the abortion surgical procedure back into a secret dangerous underground. I believe we all understand – somewhere inside of us – that thousands upon thousands of desperate determined South Dakota women and teenagers **will** terminate their pregnancy no matter the legal status of abortion. I also believe we all understand there's a better way.

Governor Rounds, you were quoted in my local newspaper today saying, "We should do everything we can to save lives." **I believe you mean that.**

That's why I know you will be moved to at least consider that **illegal abortion won't "abolish" or stop abortions from being performed in your state or save babies but illegal abortion will harm and kill women and teenage girls in South Dakota.** I hope you will be moved to consider that there's a better way which intelligent caring pro-life men like you can support.

I am sure you are aware that should HB-1215 ever become law all other abortion laws in your state would be rendered unenforceable and irrelevant. That means

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that South Dakota's parental notice law and mandatory counseling law, which abortion opponents in your state strongly believe have benefited their teens and convinced some women not to have an abortion would no longer create the advantages abortion opponents in your state claim they do.

Pregnant South Dakota teens would undergo surgical abortion in the underground and access black market RU-486 all without a parent ever knowing. This law would allow and even encourage the teenage purchase of RU-486 from in the back of their school, in the back alleys of streets all across South Dakota and at teenage parties. While I'm sure you and I would disagree on the safety of RU-486, think of how much more "unsafe" it will be when sold by "drug dealers" as they would sell cocaine or heroin.

I don't believe that any abortion opponent in your state including you and your wife would tell me that the latter is preferable to the former. If the safety of teens in your state is a priority for you as the Governor, a father and someday a grandfather, as I believe it is, please don't, for the sake of a broad anti-abortion political agenda to challenge Roe or for the sake of a law that won't ever accomplish its stated goal: "abolish abortion in South Dakota" but will deliberately place the lives of South Dakota teens at grave risk, sign this bill.

Governor Rounds, while some women died pre-Roe from so-called back alley butchers, most women died from self-induced illegal abortion. Court TV reported in March of 2005 that a 16-year-old boy in Michigan who hit his girlfriend to end her pregnancy claimed his girlfriend consented to the beatings. He said he hit her in the abdomen with a baseball bat every day for three weeks in September of 2004 with the intention for her to lose the baby. The fetus that was aborted in this manner was not viable so the teens won't be charged with manslaughter. As it stood a year ago, the teenage boy will be charged with assault and face lock-up until he is 21. Can you honestly tell me, Governor Rounds, HB-1215 wouldn't result in thousands of tragedies a year like these?

Next, South Dakota's enforceable ban on post viability abortions would be rendered irrelevant and in the underground there really would be what there really is not today and that is abortions being performed at all stages of pregnancy for any reason in unsafe conditions and on teenage girls. http://www.lifeandlibertyforwomen.org/printer_friendly_pages/issues_partial_birth_abortions.pdf

HB-1215 says abortion should be prohibited in order to "protect the life of her unborn child." Outside the four corners of this bill, Governor Rounds, abortion opponents claim abortion is murder and claim that to be the rational for making abortion a crime. Yet that is only implied in this statement from the bill. Why? Because if the sponsors of the bill had come right out and said that abortion is "murder" they would have had to include a penalty for women and teenagers who seek to "murder" their babies, something the sponsors knew would garner an instant and unbelievable public outcry they could never overcome.

But Governor Rounds, **in our society we punish the solicitor of a murder not just the murderer.** There is an inescapable consequence to the anti-legal abortion claim that the reason abortion should be a crime is that it is murder.

If I were one of the abortion providers who flies into South Dakota to perform safe abortions for women determined to have an abortion and would therefore be subject to arrest and imprisonment, I would file suit and allege that the law wrongly treats the individual who performs an abortion that kills pre-viable human life differently and unfairly from the solicitor of the abortion that kills pre-viable human life. I would also argue that it is unjust and unfair not to punish a woman in the same manner as I would be who acts as her own abortionist and by her own hand "terminates the life of the unborn human being" she carries.

Governor Rounds, this is a major flaw in this bill. If abortion is murder, if it "terminates the life of the unborn human being" and should be criminalized as anti-legal abortion legislators in South Dakota claim, then

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South Dakota legislators cannot now, in this bill not equally punish the solicitor of that murder or a woman who acts as her own abortionist. I'm not a lawyer, but I don't think you have to be to understand that this is a serious legal flaw in the bill that will come back to "bite you" if this bill ever becomes law in South Dakota.

Governor Rounds, I understand your Catholic religious beliefs support an anti-abortion position and I respect that but I ask you if it is pro-life and consistent with your faith and understanding of God to knowingly advocate for and sanction civil public health legislation that won't solve for the stated problem – abolish abortion in South Dakota – and which creates a dangerous deadly disadvantage not found in the status quo – the maiming and killing of women? Is such a law a good moral law?

Surely you would not violate the deeply held tenants of your faith if you were to veto this bill in favor of an abortion reduction strategy that will do what you said we should do, "everything we can to save lives." I don't believe you want any woman or teenage girl in South Dakota to lose her life to an unsafe illegal abortion when there's a better way.

If we worked together to reduce unintended pregnancy we could, without a doubt, significantly reduce the number of abortions in this country. With abstinence-based comprehensive sex education, more birth control research, better birth control availability like emergency contraception made available for over-the-counter use and health insurance companies forced to cover female hormonal birth control along with more men correctly and consistently using condoms, we could significantly and in short order reduce the number of abortions in the United States.

Governor Rounds, please, before you sign this bill into law, **before you make this your legacy**; consider carefully the very real consequence to the lives of women and teenagers in South Dakota should this bill ever become law in your state.

In addition to the very real possibility that South Dakota women and teenage girls

would be maimed and killed by this public health policy, **it's important to think about the enforcement of this law.**

How do you prove a woman has had an illegal abortion? Authorities would have to be able to access the medical records of any woman or teenager they suspect of having an illegal surgical or medical abortion. That means in South Dakota no woman could be legally guaranteed any semblance of the medical confidentiality they now enjoy, feel safe with, and depend on. That would include your wife, daughter, daughter-in-law, and some day your granddaughters.

In addition South Dakota women and teenagers suspected of having an illegal abortion would also be subject to a gynecological exam by a South Dakota state employed physician for the purpose of gathering evidence needed to prosecute any one suspected of performing an abortion for her. Then of course she would be forced to testify in court about the abortion. In a court room where the proceedings would be televised on Court TV and beamed worldwide over the Internet and where one likely focus of questions would be about the details of her sexual life.

The day will come – sooner than later I would argue – that the definition of when life begins contained in this bill is used by South Dakota legislators opposed to abortion to make the case to amend this law to declare that hormonal birth control and IUD interfere after conception and therefore must be banned as abortifacients. At that point all women and teenagers in South Dakota would be subject to not just the seizure of their medical records but medical exams and blood tests to determine if they were using a banned birth control.

And finally, Governor Rounds, when a court declares that it's unfair for the state to punish only the abortion provider for terminating the life of an unborn child and not the solicitor of that termination or murder, then women and teenage girls will be subject to prison terms. Again that is the consequence when abortion opponents claim abortion is murder and must therefore be legally banned.

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Governor Rounds, a **veto of this bill** would give you an opportunity to identify these flaws in the bill for the public and put South Dakota anti-legal abortion legislators on notice that there is so much more to be considered in the very serious step of banning abortion in South Dakota than just a simple three-page law saying it's banned and laying out a punishment only for abortion providers.

It is very clear that in their zeal to be the first state to challenge Roe, a challenge many, including you, have said is probably way too premature to be successful, has not been well vetted by South Dakota legislators as to its consequences upon the lives of South Dakota women, teenage girls and their families, including the men in their lives.

This is your opportunity Governor Rounds to set a precedent and set the bar in the vetting and airing to the public of all the various consequences to criminalizing abortion. During the Senate debate last week, an amendment that would have allowed a vote by the citizens of South Dakota on whether to criminalize abortion in South Dakota was defeated. Why? Because if the great citizens of your great state had the opportunity to learn about these very real and very serious consequences of criminalizing abortion they would have said no with their vote? And what would be wrong with that sir?

As Governor, looking out for what's in the best interest of all South Dakotans, I would ask you veto this bill and ask that the legislature send this question to the citizens of South Dakota giving them the time and the opportunity to understand exactly what criminalizing abortion in South Dakota will mean to their lives and the lives of their families.

Thank you Governor Rounds. I appreciate the time you have taken to consider my concerns with HB-1215.

Peggy Loonan, founder and executive director, Life and Liberty for Women

***FYI: Learn more about the history of illegal abortion in the US:**

– Leslie J Reagan, *“When Abortion Was A*

Crime,” 1997.

– Rickie Solinger, *“The Abortionist: A Woman Against The Law,”* 1994 about Ruth Barnett who did 40,000 safe but illegal abortions in her lifetime.

– Carol Joffe, *“Doctor’s of Conscience,”* 1995

– Laura Kaplan, *“The Story of Jane, The Legendary Underground Feminist Abortion Service”* 1995 in Chicago pre-Roe.

**** Also FYI: From the Alan Guttmacher Institute:** About 26 million women worldwide have legal abortions each year and another 20 million women have abortions in countries where abortion is restricted or prohibited by law. 56% of all abortions worldwide occur in countries where it's legal and 44% of all abortions worldwide occur in countries where abortion is illegal.

*****ALSO from the Alan Guttmacher Institute:** Abortion mortality rates are hundreds of times higher in developing countries, where abortion is often illegal or highly restricted, than in developed countries. According to World Health Organization: WHO estimates unsafe abortions account for 13% of all maternal mortality worldwide which means that 68,000 of the more than 520,000 pregnancy –related deaths that occur each year result from unsafe abortions and most of the unsafe abortions occur where abortion is illegal.

*****Reuters September 1, 2004** Nearly 70,000 women, almost half of them in Asia die from unsafe abortions each year...40 women every minute undergo an unsafe abortion and 200 are dying every day.

*****Reuters June 27, 2005** In Colombia, women can be imprisoned for up to four and half years for having abortions even in cases of rape or when their lives are at risk. An estimated 450,000 abortions occur every year in Columbia where it is illegal. **Recent studies indicate that a higher proportion of adolescent girls than adult women undergo illegal abortions.**

*****Alan Guttmacher Institute:** 43% of women having abortions in the US identify themselves as Protestant, 27.5% Catholic

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and 13% of abortion patients say they are "born-again or evangelical Christians."

Gerri Twerdy Santoro

The name of the woman pictured below is Gerri Twerdy Santoro. She was just 28 years old. She was a sister, a daughter, and she was the mother of two daughters when she died a very painful and frightening death.



This New York coroner's picture first appeared in MS Magazine in April 1973. When Gerri's picture appeared in MS, no one knew her name or all the circumstances that surrounded her death from an illegal abortion. While it was assumed that she died at the hands of a back alley butcher, the family later confirmed that she died the way most women died before Roe vs. Wade legalized abortion in this country in 1973; she died from a self-induced illegal abortion.

Gerri was estranged from her abusive husband when she met Clyde Dixon and became pregnant by him. Terrified that once her abusive husband returned to town and learned it was Dixon's baby she was carrying, he would kill her. She was determined and desperate to end her unintended pregnancy. That desperation and determination made her akin to thousands upon thousands of women in those days that were desperate and determined enough to terminate their unintended pregnancies in spite of the fact that abortion was illegal. Illegality affected the safety of abortion but it never affected the number of abortions that were performed.

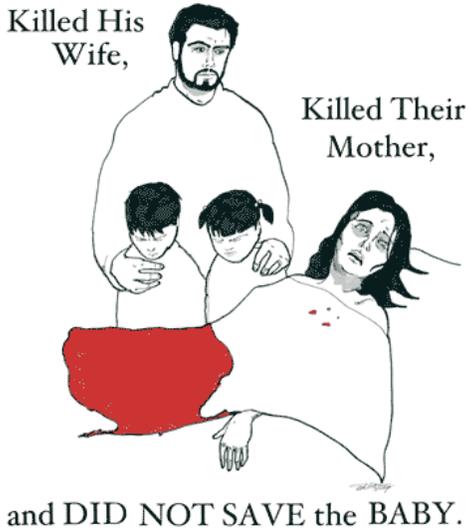
Gerri was 6 ½ months pregnant in June 1964. Gerri's boyfriend obtained a medical book and borrowed some surgical equipment. They went to a motel where Dixon tried to perform the abortion. When the attempt failed, when it all went terribly wrong, Dixon fled the scene, leaving her there to die, alone, in this cold impersonal hotel room. She was bleeding profusely and tried with towels to stop it but she couldn't. How frightened she must have been, knowing she was going to die. She was found like this, on her stomach with her knees under her, her face not visible, bloody, nude, alone and dead.

Two lives were needlessly and sadly lost here. This horrible sad picture of death makes clear that illegal abortion not only harms and kills women, it doesn't "save babies." There's a better way. Legal abortion and reducing unintended pregnancies will reduce the abortion rate without endangering women's lives.

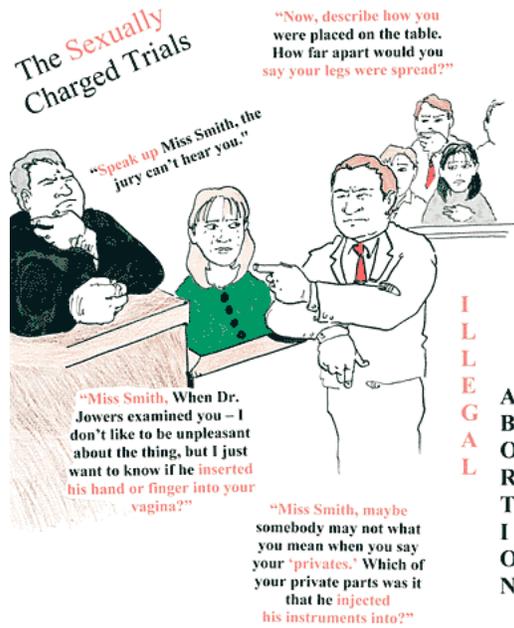
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Illegal Abortion



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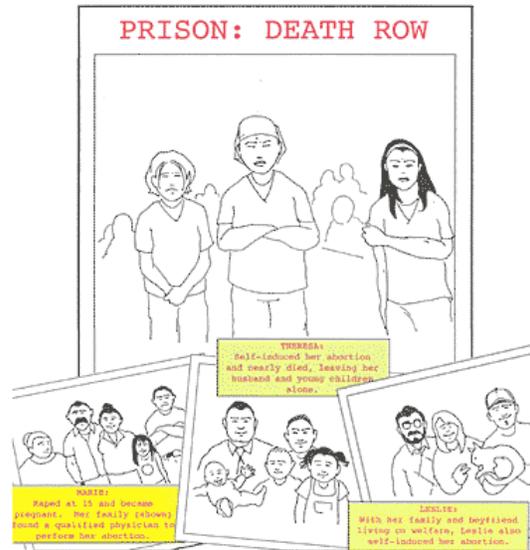
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How Do You Prove A Woman Has Had An Illegal Abortion?



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ILLEGAL ABORTION LOOKS LIKE THIS FOR WOMEN



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