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Dear Member of Congress:

The Supreme Court's 1973 decision in *Roe v. Wade* was issued during the "Dark Ages" in terms of pre-natal medical science. In the ensuing decades, knowledge regarding the development of unborn humans, and their capacities at various stages of growth, has advanced in quantum leaps. For example, improvements in ultrasound and other imaging technologies have allowed doctors to see smaller and smaller details of the unborn child's anatomy. The first open-womb fetal surgery was performed in 1981, and such procedures are now routine at a number of facilities. During fetal surgery, physicians were able to observe unborn children reacting to painful stimuli, and this was one major factor that led to the current recommended practice of administering anaesthesia to the unborn child at around 20 weeks.

Some of the extensive evidence that unborn children have the capacity to experience pain, at least by 20 weeks and possibly earlier, is summarized here:

[http://www.nrlc.org/abortion/Fetal\\_Pain/Fetal-Pain-The-Evidence.pdf](http://www.nrlc.org/abortion/Fetal_Pain/Fetal-Pain-The-Evidence.pdf)

It is long past time for lawmakers to take note of these developments and the implications that they should have for abortion policy. Five states have already done so, during 2010 and 2011, by enacting the NRLC-backed Pain-Capable Unborn Child Protection Act. In these states, legislatures have adopted factual findings regarding the medical evidence that unborn children experience pain at least by 20 weeks after fertilization (about the start of the sixth month), and they therefore prohibit abortion after that point, with narrowly drawn exceptions. Those states are Nebraska, Kansas, Idaho, Oklahoma, and Alabama. There has been no serious legal challenge mounted to any of these laws. Additional state legislatures will be considering such legislation during the months ahead.

The National Right to Life Committee (NRLC) has long been dismayed by the abortion policy that is currently in place in one jurisdiction that is under the direct constitutional authority of the Congress: the Federal District (District of Columbia). While it will come as a shock to many Americans, in the capital of our nation, abortion now is allowed for any reason at any point in pregnancy. Abortions are openly advertised and performed far past the point at which an unborn child becomes pain capable.

The nation's capital belongs to the American people as a whole, and with respect to vital matters of public policy, the U.S. Constitution makes it crystal clear that the buck stops with Congress. The "District Clause" of Article I, Section 8 is unequivocal, stating that Congress shall "exercise exclusive legislation in all cases whatsoever, over such District . . ."

Thus, Congressman Trent Franks yesterday circulated a "Dear Colleague" letter announcing that he will introduce, on January 23, *The District of Columbia Pain-Capable Unborn Child Protection Act*. Essentially, this bill would prohibit, within the Federal District, the abortion of any "pain-capable" unborn child, defined as any unborn child who is 20 weeks or more past fertilization. The bill contains findings and exceptions similar to those enacted in the states named above.

The National Right to Life Committee strongly supports the D.C. Pain-Capable Unborn Child Protection Act, and urges you to sign on as an original cosponsor of this legislation. The "Dear Colleague" letter specifies that this can be done by sending an email to Jacki Pick, counsel to Mr. Franks ([Jacki.Pick@mail.house.gov](mailto:Jacki.Pick@mail.house.gov)).

Enactment of the bans on abortion of pain-capable unborn children is currently a top priority for NRLC.

NRLC also encourages you to cosponsor, if you have not already done so, the Prenatal Nondiscrimination Act (PRENDA, H.R. 3541) and the Child Interstate Abortion Notification Act (CIANA, H.R. 2299). Summaries of these and other worthwhile bills endorsed by NRLC are available at the NRLC Legislative Action Center at <http://www.capwiz.com/nrlc/home/>

Thank you for your consideration of NRLC's position on these important legislative initiatives.

Sincerely,



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Additional resources on the pain of unborn children are available here:  
[http://www.nrlc.org/abortion/Fetal\\_Pain/index.html](http://www.nrlc.org/abortion/Fetal_Pain/index.html)