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Congress of the United States

House of Representatives

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DEAN, NEW JERSEY DELEGATION

The Revelation of Legal Abortion Until Birth, For Any Reason, in Our Nation's Capital— How Will We Respond?

Dear Colleague:

At this moment, in the nation's capital, abortions can legally be performed for absolutely any reason, until the very moment of birth.

Do you find that hard to believe? The Associated Press also found it hard to believe, so they asked District officials if it was true—and the local officials gave the AP misinformation. To its credit, the AP corrected its error within a few days. Here is the correction.

Correction: Fetal Pain story

By Associated Press, Published: May 23

WASHINGTON—In a May 17 story about a bill that would ban abortion in the District of Columbia after 20 weeks of pregnancy, The Associated Press, relying on information provided by district officials, erroneously reported that abortion of a viable fetus is legal in the district only to protect the life or health of the mother. Abortions for any reason are legal in the district. [Emphasis Added]

The U.S. Constitution makes it clear where the ultimate responsibility rests for the protection of human life. And within the District of Columbia the Constitution is even more emphatic restating this responsibility lies with: the Congress and the President. Article 1, Section 8 (the "District Clause") says that Congress shall "exercise exclusive legislation in all cases whatsoever, over such District . . ." Of course, bills passed under the District Clause, like other bills, are subject to being signed or vetoed by the President.

When the District Council (city council) repealed the entire abortion law, it did so with authority delegated by the Congress. Certainly, the majority of members of the Congress did not intend such delegated authority to be exploited to enact such an extreme policy -- a policy that only a small fraction of Americans would support. **If you believe, as I do, that the current District policy is utterly indefensible, then I urge you to cosponsor (if you have not already done so) the *District of Columbia Pain-Capable Unborn Child Protection Act* (H.R. 3803). This measure would prohibit abortion within the District after 20 weeks fetal age, unless the mother's life is endangered. H.R. 3803 already has 203 cosponsors.**

At a May 17 hearing, the House Judiciary Constitution Subcommittee received compelling and very credible testimony from multiple highly credential medical witnesses that by 20 weeks fetal age, an unborn child will experience great pain as he or she is dismembered, by brute manual force, in a "D&E" abortion, which is the method most commonly used in the late second trimester. One abortion facility not far from the White House openly advertises such dismemberment abortions to 26 weeks.

Now that the District's current policy of legal abortion for any reason until the moment of birth has been brought to our attention, we are accountable for how we address it—or for our failure to do so. I urge you to join me in active support of H.R. 3803.

Sincerely,



CHRISTOPHER H. SMITH
Member of Congress