

Advocacy for Second Trimester Abortion

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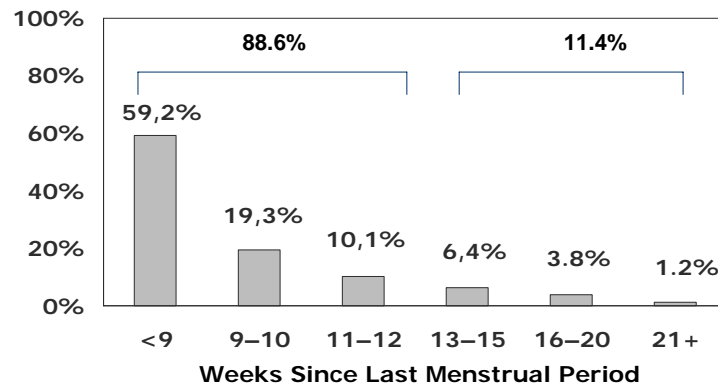
U.S. Law and Second Trimester Abortion

In *Roe v. Wade*, the United States Supreme Court in 1973 ruled:

- **First trimester: state laws and regulations may not interfere with a woman's right to terminate a pregnancy.**
- **Second trimester: state laws and regulations can regulate abortion in order to protect the woman's health.**
- **Third trimester: state laws and regulations may prohibit abortion except when it is necessary to preserve the life or health of the woman.**

Abortions by Gestational Age

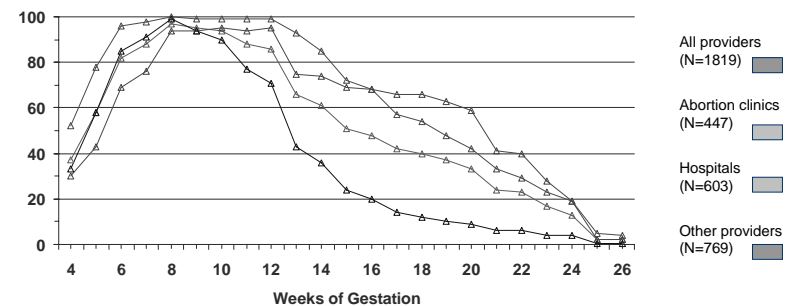
% of abortions out of approximately 1.3 million



Source: Henshaw adjustments to Strauss et al., 2004 (2001 data)

Accessibility of Second Trimester Abortion

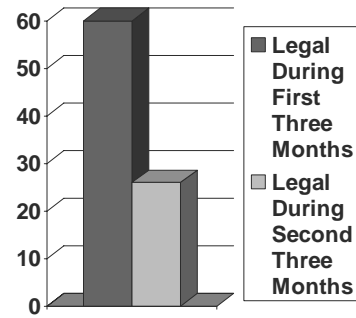
- Although the majority of providers offer abortion in the first trimester, only 66% provide abortion at 13 weeks; this drops to 33% providing abortions at 20 weeks; 23% at 22 weeks; 13% at 24 weeks; and just 2% at 25 weeks.



Source: Henshaw and Finer, The accessibility of abortion services in the United States, 2001. *Perspectives on Sexual and Reproductive Health*, 35(1): 16-24, Figure 1.

Public Attitudes in U.S. towards Abortion

- 60% of Americans believe abortion should be legal during the first three months of pregnancy.
- 26% of Americans believe that abortion should be legal during the second three months of pregnancy.



Source: Harris Poll, February 2005.

Attacks on Second Trimester Abortion

- Federal and State Abortion Bans
- Legislation Regarding the Perception of Pain in the Fetus

Federal Abortion Ban

- Congress first passed the “Partial-Birth Abortion Ban” Act in 1996. Similar bans were then passed in 31 out of 50 states.
- NAF quickly brought forward providers and patients at the federal and state levels to oppose these bans.

Effective Advocacy by Providers to Counter the Federal Abortion Ban

- NAF brought forward abortion providers who:
 - Testified in Congress
 - Briefed legislators
 - Conducted media interviews
 - Brought legal challenges to state bans
- Their medical expertise proved very valuable in advocating against these bans.

Effective Advocacy by Women to Counter the Federal Abortion Ban

- NAF brought forward women who had abortions that would have been made illegal by the ban. They:
 - Testified in Congress
 - Met with legislators
 - Conducted media interviews and submitted op-eds
 - Were the subject of feature stories in newspapers and magazines

Effective Advocacy by NAF to Counter the Federal Abortion Ban

Moved by their stories, President Clinton invited these women and their families to the White House and told them that it was their stories that convinced him to veto the bill.

Effective Advocacy by NAF to Counter the Federal Abortion Ban

In a press conference with these women, President Clinton said, "This country is deeply indebted to them for being able to speak out. We need more families like these."

NAF Members' Activities Challenging State Abortion Bans

- NAF members brought lawsuits and testified in legal challenges to similar state laws throughout the country.
- Based in large part on their testimony, courts throughout the country struck down these bans as unconstitutional.

NAF Members' Activities Challenging State Abortion Bans

- NAF member Dr. Lee Carhart challenged the Nebraska ban all the way to the Supreme Court.
- In 2000, the Court ruled Nebraska's ban was unconstitutional because it was overly broad, and lacked a necessary exception to protect women's health.

NAF's Activities to Counter the Federal Abortion Ban

Despite the Supreme Court's decision, Congress in 2003 again passed a Federal Abortion Ban. This time, President Bush signed it into law.

NAF's Activities to Counter the Federal Abortion Ban

- NAF immediately went to court and successfully obtained a preliminary injunction.
- After a trial, we obtained a permanent injunction when the federal district court struck down the federal ban as unconstitutional because it lacked an exception to protect women's health.
- In November 2006, the Supreme Court heard two similar cases involving NAF members.
- A decision is expected this spring.

Perception of Pain in the Fetus

The "Unborn Child Pain Awareness Act" (UCPAA) would have required a physician to provide a government-scripted statement to women, which included this language:

"There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain...There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain...You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire."

NAF's Advocacy to Counter UCPAA

A task force of NAF's Board of Directors concluded:

- Current medical evidence fails to support the perception of pain in the fetus before the third trimester.
- Any discussion with a patient about the perception of pain in a fetus should be noncompulsory.
- There is no known safe, effective regimen for the administration of anesthesia or analgesia for a fetus during an abortion.
- Administration of anesthesia or analgesia for a fetus during an abortion is experimental. Because it involves maternal risk and unknown fetal benefit, it should not be done outside of an IRB-approved clinical trial.

NAF's Advocacy to Counter UCPAA

- NAF convened meetings of pro-choice organizations to coordinate opposition to this legislation.
- NAF educated legislators about the scientific research.
- NAF staff and our members worked with the media to provide a medical perspective on this issue.
- **This legislation was defeated at the federal level, but states have attempted similar efforts.**

Conclusion

In the U.S., we've found that the voices of abortion providers and their patients are critical in countering attempts to criminalize and prevent access to second trimester abortion.