



December 12, 2016

The Honorable John R. Kasich
Governor, State of Ohio
77 South High Street, 30th Floor
Columbus, OH 43215

Re: Pain Capable Unborn Child Protection Act (Sub S.B. 127)

Dear Governor Kasich,

On behalf of the Ohio Right to Life Society and our members, we write to express our steadfast pro-life support for the Pain Capable Unborn Protection Act, commonly referred to as the 20-week ban. Very soon this legislation will be presented to you for review and consideration. We respectfully request your support for such legislation as it is recognized in Ohio and across the nation as the best and only realistic approach to not only save unborn lives now but also to serve as a direct challenge to *Roe v. Wade*.

Currently, twelve states have enacted pain capable laws that have not received a court challenge to include Wisconsin, Texas, South Carolina, Nebraska and Alabama. The legislation would protect unborn babies beginning at 20 weeks – more than halfway through pregnancy. Scientific evidence reveals that an unborn child can feel pain by at least 20 weeks. The bill is the top priority for our organization as well as many of the national pro-life groups, including the National Right to Life and the Susan B. Anthony List. In concert with such reputable national pro-life organizations, Ohio Right to Life is convinced that there is no other viable legislative solution to ending abortion at this time.

The Supreme Court signaled in the *Carhart* decision a willingness to reconsider the point at which an unborn baby is viable. It is the collective opinion of most pro-life legal scholars that the Supreme Court eventually will return to the opening it presented in *Carhart*, and we believe that the pain capable restriction in the second trimester of pregnancy has the best chance of successfully passing the Court's scrutiny.

While other legislation exists seeking similar outcomes as Sub. SB 127, that approach in other states has been declared unconstitutional twice before and the Supreme Court of the United States has not taken up challenges to those lower court decisions. Given the recent judicial

history, it is hard to understand how a serious, studied analysis can conclude that there is any other viable way forward in our effort against abortion except Sub. SB 127. That is why Ohio Right to Life has not endorsed Am. Sub. HB 493 but has only supported Sub. SB 127. It is our collective recommendation that you sign Sub. SB 127. We simply cannot recommend that you sign any other legislation at this time.

The Ohio Right to Life strategy has been transparent since your first day as our Governor. We have been blessed to have you sign every piece of pro-life legislation to date which has led to a historic decrease in the number of abortions in Ohio as well as the fewest number of abortion clinics. Pro-Life Ohio is proud to have your unwavering trust and support. We respectfully request your continued efforts in supporting the pain capable legislation as the credible and strategic next step in our advancement of Life.

If our collective goal is to overturn *Roe v. Wade*, then the pain capable approach should become Ohio law. With the backing of twelve other states, Ohio can lead the charge of a court challenge to the tragic 1973 decision which has led to the death of over 50 million babies.

Thank you Governor Kasich for your historic support of the pro-life movement. Truly, your leadership has saved countless lives in our state – both mother and her child.



Marshal M. Pitchford
Chairman
Ohio Right to Life



Michael L. Gonidakis
President
Ohio Right to Life