



www.kfl.org

State Office
2501 East Central
Wichita, KS 67214
(800) 928-LIFE (5433)
Fax (316) 687-0303
kfl@kfl.org

Legislative Office
929-A S. Kansas Ave.
Topeka, KS 66612
(785) 234-2998
Fax (785) 234-2939
topeka@kfl.org

K.C. Regional Office
7808 Foster
Overland Park, KS 66204
(913) 642-LIFE (5433)
Fax 642-7061
kansansforlife@aol.com

PROPONENT, SB 141

Senate Health Committee
Sen. Mary Pilcher-Cook, chair

Feb. 11, 2013

Good afternoon chairwoman Pilcher-Cook and members of the committee.

I am Kansans for Life's senior lobbyist, Jeanne Gawdun, here to testify in support of SB 141, an act to save our littlest children from violent gender discrimination through sex-selection abortion.

Thirty years ago, opponents who challenged the Pennsylvania Abortion Control Act never challenged the part of the law which banned sex selection abortions. They didn't challenge it because arguing about gender discrimination undermines their argument that the so-called 'reproductive rights' movement exists to prevent discrimination against women.

Ending the life of a baby girl or baby boy because of her or his sex is an acute form of discrimination that Democrats, Republicans and Independents recognize. A 2006 Zogby International Poll (1) surveying over thirty thousand, showed 86% support enacting a ban on sex-selection abortion, including support from those identified as supporting legal abortion.

- Sex selection abortion is banned in Illinois (1975), Pennsylvania (upheld in the 1992 *Casey* ruling), Oklahoma (2010), and Arizona (2011).
- The Kansas House last year banned sex-selection abortion as a provision of the Pro-Life Protections Act, H Sub SB 313, by a vote of 88-31.
- Other states have drafted legislation for such a ban and Congress has been attempting to pass one, called PRENDA.

How long has sex-selection abortion been happening nationally?

Sex-selection abortions were common enough to warrant concern in major medical journals soon after the 1973 *Roe v Wade* ruling. A 1975 study in *The Medical World News* (2) showed:



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99 mothers were informed of the sex of their children. 53% of these unborn children were boys and 46% girls. Of this number, **only one mother elected to kill her boy**, while 29 elected to kill their girls.

In 1979, the New England Journal of Medicine published a National Institute of Health researcher's reflection on the prevalence of women aborting because they were pregnant with a girl and wanted a boy. (3)

Another study, in 1985, revealed that two thirds of 295 geneticists surveyed would perform prenatal diagnosis (28%) or refer patients to a doctor to do it (34%) even if parents had said they'd abort on the basis of the baby being the wrong gender. (4)

The New York Times revealed in 1988 that every one of more than a dozen geneticists interviewed regularly receive requests for prenatal diagnosis for sex selection. (5)

USA Today in 1989 cited a Detroit Ob/Gyn that: "Probably 99% of non-medical requests for prenatal diagnosis are made by people who want a boy."(6)

In the 1990s, labs began creating 'noninvasive' prenatal testing—first using samples of the mother's blood, then urine-based tests were developed. These tests have multiplied and are directly marketed to parents intent on getting a girl or boy. A recent review of these tests showed that after 7 weeks gestation, (5 weeks post-conception) the detection of a female is 99% and of a male 96%.(7)

Invasive extraction of fetal cells (including CVS and amniocentesis) is done for a variety of purposes, but poses various risks for miscarriage. Ultrasound does not pose that risk. Currently, as a general rule, prenatal care includes ultrasounds taken at 11-12 and 18-20 weeks and the sex can be confidently ascertained in the latter.

Real 'war on women'

A 2008 National Academy of Science published report (see appendix A) examines "son bias" in America, and concludes, (emphasis added):

We interpret the found deviation in favor of sons to be evidence of sex selection, most likely at the prenatal stage. Since 2005, sexing through a blood test as early as 5 weeks after conception has been marketed directly to consumers in the U.S., raising the prospect of sex selection becoming more widely practiced in the near future."

This past year, pro-life activists at Live Action have gone undercover with video cameras to Planned Parenthood and National Abortion Federation clinics. The discussions caught on tape leave no doubt about the gender motivation, yet no clinic visited refused to arrange abortions specifically for sex selection. These are not "doctored" tapes that mislead what really transpired. Live Action releases both edited and real-time versions in each case.(8)

Also caught on tape in Texas was the abortion clinic counseling for the woman to 'get on pregnancy Medicaid' to pay for a pre-natal sonogram that would verify the unborn baby's sex before she returned to the clinic to abort. Not only is this practice morally reprehensible, it appears to include Medicaid fraud!

Concerns about sex selection abortions appeared early after legalization and are not about to disappear. The time to end violent discrimination based on gender is long overdue. Please vote SB 141 favorable for passage.

Thank you, I stand for questions.

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1. Zogby/Associated Television News Poll Reveals: Abortion Tough Issue for Hillary Clinton & '06 Congressional Democrats,
<http://www2.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/03-22-2006/0004325089&EDATE> (last visited Jun. 25, 2012)
 2. Medical World News, with December 1, 1975, Randy Alcorn "Pro-life Answers to Pro-Choice Arguments" (Sisters, Oregon: Multnomah Publishers, 2000), 45
 3. John C Fletcher "Ethics of Amniocentesis for Fetal Sex Identification" Sounding Board, New England Journal of Medicine 301, no. 10 (September 6, 1979) 551
 4. Dorothy C. Wertz and John C. Fletcher "Fatal Knowledge? Prenatal Diagnosis and Sex Selection" Hastings Center Report (May/June 1989) p 21-27
 5. Gina Kolata "Fetal Sex Test Used as Step to Abortion" the New York Times Dec 25, 1988.
 6. Christopher Farley "The Debate Over Uses of Prenatal Testing" USA Today Feb 2, 1989 1D
 7. LiveScience Wed, Aug 10 2011, <http://www.mnn.com/family/babies-pregnancy/stories/controversial-blood-test-reveals-fetus-sex-as-early-as-7-weeks>
 8. Texas <http://www.youtube.com/watch?v=U2H3ZDnBtuw>
NYcity (full length)<http://www.youtube.com/watch?v=BDsgskNaccw>
NYcity <http://www.youtube.com/watch?v=6Fz2KLSxDzc>
Arizona http://www.youtube.com/watch?v=1q6_Nx3f4EU
Hawaii <http://www.youtube.com/watch?v=UKLlIKQ-g74>
North Carolina <http://www.youtube.com/watch?v=Z0pdhjl2XDY>

Son-biased sex ratios in the 2000 United States Census

Douglas Almond*† and Lena Edlund*‡

*Department of Economics, Columbia University, New York, NY 10025; and

†National Bureau of Economic Research, 1050 Massachusetts Avenue, Cambridge, MA 02138

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Results

Using the 2000 U.S. Census, we find that the sex ratio of the oldest child to be normal, but that of subsequent children to be heavily male if there was no previous son. The sex ratio of the second child was 1.17 if the first child was a girl. At third parity, boys outnumbered girls by 1.51:1 if the two previous children were girls. By comparison, White offspring sex ratios varied only slightly with parity and sex composition of previous children, and the tendency was for repetition of the previous sex.

Robustness. Similar results were obtained if we linked children to only mothers or only fathers. The found male bias at higher parity was true irrespective of the mother's citizenship status (a possible marker of cultural assimilation and expectations regarding future dependence on children for old age support). If anything, mothers with citizenship had more male-biased offspring sex ratios, but the difference was not statistically significant.

Discussion

We document son-biased sex ratios at higher parities in a contemporary Western society. We interpret the found deviation in favor of sons to be evidence of sex selection, most likely at the prenatal stage. Since 2005, sexing through a blood test as early as 5 weeks after conception has been marketed directly to consumers in the U.S., raising the prospect of sex selection becoming more widely practiced in the near future.

Son-biased sex ratios were found despite the absence of many of the factors advanced to rationalize son bias in India, China, and Korea, such as China's one-child policy, high dowry payments (India), patrilocal marriage patterns (all three countries) (11), or reliance on children for old age support and physical security.

Materials and Methods

We used the 2000 U.S. Census, 5% public use sample. We restricted the sample to families where both the mother's and the father's race was given as Chinese, Korean, or Indian, where either parent headed the household, and where all children were born in the United States (to ensure that the offspring sex composition was not the result of, for example, China's one-child policy). We excluded families with adopted or step-children. To reduce the probability that there was an eldest child not in the household, we also restricted our sample to families where the oldest child was 12 years or younger. Focusing on parity one through three yielded an analysis sample of 18,557 children in 11,553 families.

We interpret the found deviation in favor of sons to be evidence of sex selection, most likely at the prenatal stage. Since 2005, sexing through a blood test as early as 5 weeks after conception has been marketed directly to consumers in the U.S., raising the prospect of sex selection becoming more widely practiced in the near future.