

April 21, 2016

Rep. Trent Franks
Chairman, Subcommittee on the Constitution
House Judiciary Committee
2435 Rayburn HOB
Washington, DC 20515

Rep. Steve Cohen
Ranking Member, Subcommittee on the Constitution
House Judiciary Committee
2404 Rayburn HOB
Washington, DC 20515

Dear Chairman Franks, Ranking Member Cohen, and Members of the Subcommittee:

We, the undersigned 56 people of color, write to you with concerns as to the future of access to safe abortion care and the needs of people seeking abortions. We are appalled at the introduction of H.R. 4924, the *Prenatal Nondiscrimination Act* (PRENDA), which is yet another attempt to deny abortion care to people of color, in particular, Asian American and Pacific Islanders (AAPI), Black people, and Latin@s. As people of color who have had abortions, we are vehemently opposed to this legislation.

H.R. 4924 seeks to codify pernicious racist and sexist stereotypes about women of color into law, while denying us our Constitutional right to abortion. There is no basis for this bill and it seeks only to erect a political divide between us and the compassionate clinicians who provide our abortion care. In reality, this bill would force abortion providers to interrogate our reasons for having an abortion, rather than supporting us in accessing the health care that's safe and best for our lives. We are people of color who have had abortions. We made the best decisions for us and our circumstances. We should be trusted to make decisions for ourselves, free from political interference, stigma, paternalism, and racism. Racial profiling is not an American value, and this bill would legitimize and set a dangerous standard in the practice in health care.

The decision to become a parent is a deeply personal one, one that politicians have no business inserting themselves in. We all deserve basic human rights, which include the right to be able to decide if, when, where, and how to build our families, and to raise our families with dignity, respect, in healthy communities, and free from violence. *We* should be trusted, not politicians or ideologues. *We* knew abortion was best for us.

The rhetoric around this bill is offensive and seeks to shame people of color for choosing abortion. Data from Centers for Disease Control shows that no racial or ethnic group makes up the majority of those who have abortions¹, and yet this committee seeks to push the myth that when we have abortions it is somehow more egregious or different than our White counterparts.

¹ *Abortion Surveillance - United States, 2012*, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) (Nov. 26, 2015), http://www.cdc.gov/mmwr/preview/mmwrhtml/ss6410a1.htm?s_cid=ss6410a1_e (last visited April 20, 2016).

The racist stereotype that Asian American and Pacific Islander communities prefer male children over female children is a gross mischaracterization, and posits politicians to be experts in health care over clinicians and patients themselves. Indeed, Aruna Papp MA, ADR, one of the researchers cited in the bill itself, submitted testimony that her work is being mischaracterized by the majority². The most recent research on AAPI sex ratios at birth in the U.S. shows that people in this community are actually having *more* girls on average than white Americans are³, and opinion polling of AAPIs shows no preference for sons or daughters⁴. This bill would turn us into suspects in the exam room. Moreover, it is not a solution to gender inequality. If lawmakers truly want to prevent sex selection, they would pass legislation that creates an environment in which girls and women are valued in the first place -- like equal pay and parental leave. In the hearing, the sponsors of PRENDA claimed to care about women and girls, yet didn't ask Asian American and Pacific Islander women what support is needed for full gender equality in their own community. Instead, they spoke over Miriam Yeung, Executive Director of National Asian Pacific Women's Forum, as she attempted to make final remarks.

In the hearing, witnesses used our nation's horrific history of eugenics as a reason for this bill, ignoring the reality that Black women have the agency to make their own pregnancy decisions. Furthermore, it is offensive that politicians and the hearing witnesses used this bill as a vehicle to make derogatory claims that Black women would intentionally harm our families based on race, and allowed witnesses to equate us to slave owners and White supremacists. We were floored to hear a witness make claims that Civil Rights elders like Reverend Dr. Martin Luther King, Jr. and United States Representative John Lewis (GA-5) 'did not march across the Edmund Pettus Bridge and experience brutal attacks on Bloody Sunday so that Black women could have abortions.' Not only was this comment disrespectful in nature, it is inaccurate. Dr. King believed access to family planning was key to the success of Black families⁵. An outspoken voice in support of abortion rights and the fight for reproductive justice, Representative Lewis is a co-sponsor of both the Equal Access to Abortion Coverage in Health Insurance (EACH Woman) Act (H.R. 2972) and the Women's Health Protection Act (S.R. 217, H.R. 448), a bill that would make legislation such as H.R. 4924 unlawful. To not trust Black women with their own bodies is racist and a reflection of how little the sponsors of this bill value Black people's autonomy, intelligence, and dignity. We rebuke these assumptions and this attack on Black people by Congress. As Yeung said in the hearing, "Black women are not the genocidal actors."⁶ In fact, the overwhelming majority (80 percent) of Black people support access to abortion care and

² *H.R. 4924 the Prenatal Nondiscrimination Act (PRENDA) of 2016 Before the Subcomm. On the Constitution and Civil Justice of the H. Comm. on the Judiciary*, 114th Cong. (2016) (statement of Aruna Papp MA, ADR).

³ NAPAWF, et al., *Replacing Myths with Facts: Sex-Selective Abortion Laws in the United States* (June 2014), <https://napawf.org/wp-content/uploads/2014/06/Replacing-Myths-with-Facts-final.pdf>.

⁴ *Id.* at 20

⁵ *Family Planning – A Special and Urgent Concern*, PLANNED PARENTHOOD GULF COAST, INC., <https://www.plannedparenthood.org/planned-parenthood-gulf-coast/mlk-acceptance-speech> (last visited April 20, 2016) (providing the remarks delivered by Mrs. Coretta Scott King on behalf of her husband, Reverend Dr. Martin Luther King, Jr., on May 5, 1966).

⁶ Christine Grimaldi, *House Hearing Becomes Forum for Anti-Choice Misinformation Campaign*, REWIRE (Apr. 15, 2016), <https://rewire.news/article/2016/04/15/house-hearing-forum-anti-choice-misinformation-campaign/> (last visited April 20, 2016).

access to contraception⁷. Congress, a body that has historically dehumanized Black bodies, may not accuse Black people of murdering their own families.

This rhetoric casting Black women as ‘dangerous’ towards their children has been helicoptered into our communities for years through anti-abortion billboards⁸ claiming a Black woman’s womb to be a harmful place. Similarly, racially-charged tactics have been deployed in Latin@ communities proclaiming, “El lugar mas peligroso para un Latino es el vientre de su madre,” translated to mean “The most dangerous place for a Latino is in the womb.” This is not a value that reflects our culture. Polling has showed that 78 percent⁹ of Latin@s believe that a person has the right to make their own decisions about abortion, even if they disagree with their reasons. Latin@ communities value family, culture, support and love. We trust one another to make the best decisions for ourselves. When will Congress trust us?

Our decisions to have abortions have nothing to do with racism or sexism, but all to do with a need for health care, ending cycles of poverty, and a desire to raise our families as we see fit. We do not need politicians to enact additional restrictions on abortion. What we need is for Congress to introduce legislation addressing unemployment, health care disparities such as the high rates of maternal health and infant mortality, and to ensure that public assistance programs are fully funded to nourish the families we are raising.

States continue to defund family planning clinics which are an important source of access to healthcare for communities of color. We are left without basic access to contraception, and studies have shown this is having a detrimental impact on our health¹⁰ and economic opportunity. If Congress cared about our health and wellbeing they’d stop this charade immediately.

This bill is an injustice to people of color. If the sponsors of this bill truly sought to empower people of color, they would ask us what our communities need, not silence our voices. Research has demonstrated that women of color experience disproportionately high rates of unintended pregnancy¹¹ and are more likely to live in poverty¹². Additionally, women of color are more

⁷ BELDEN RUSSONELLO STRATEGISTS, LLC, *African-American Attitudes on Abortion, Contraception and Teen Sexual Health* (Feb. 2013), <http://www.brspoll.com/uploads/files/African-American%20Attitudes%20on%20Abortion%20Contraception%20and%20Teen%20Sexual%20Health.pdf>.

⁸ Titania Kumeh, *Mother Sues Anti-Choice Groups Behind Billboards*, MOTHER JONES (Apr. 20, 2011), <http://motherjones.com/mixed-media/2011/04/mother-sues-anti-abortion-groups-billboards> (last visited April 20, 2016).

⁹ PERRYUNDEM RESEARCH/COMMUNICATION, *Latino/a Voters’ Views on Abortion: Findings from a National Survey* (Feb. 29, 2016), http://latinainstitute.org/sites/default/files/NLIRH%20Public%20Survey%20Report_Final.pdf.

¹⁰ Amanda J. Stevenson, M.A., et al., *Effect of Removal of Planned Parenthood From the Texas Women’s Health Program*, 374 N. ENG. J. MED. 853, 853-860 (March 3, 2016), <http://www.nejm.org/doi/pdf/10.1056/NEJMsa1511902>.

¹¹ GUTTMACHER INSTITUTE, *Despite recent declines, unintended pregnancy rates in the U.S. remain high among women of color* (2015), https://www.guttmacher.org/sites/default/files/infographic_attachment/unintendedpregnancy-declines.pdf (showing a rate of 79 per 1,000 Black women and 58 per 1,000 Hispanic women aged 15-44 in 2011, compared to a rate of 33 per 1,000 among white women).

likely to be uninsured¹³, thus are often unable to afford the out-of-pocket costs associated with health care, including abortion¹⁴. We know those who are unable to access the abortion they seek are more likely to live in poverty¹⁵ two years later. Congress *must* trust us to make decisions about our own lives and pregnancies.

Our rights should never be limited by those who are not from our communities and refuse to give us a seat at the table. Politicians continue to deny us a voice as they spoke over the women of color present at the hearing, many of whom have had abortions. We write to you to testify about what our communities need. These laws have nothing to do with protecting anyone, but everything to do with controlling our bodies and denying us the rights, autonomy, and full protections afforded to us by the United States Constitution.

As Black people, Latin@s, and Asian American and Pacific Islanders, we testify that we are autonomous and we decided to have abortions of our own volition. There was no wool pulled over our eyes by abortion providers -- we are capable of making our own choices and any questioning of that fact demeans our humanity. We will not sit silently while we are exploited for the passage of yet another abortion restriction. We testify we will not stand for the continued Congressional attacks on access to abortion care. We testify in support of the abortion providers who care for us, and denounce any attempts to criminalize their work. We testify that we deserve dignity and respect.

We testify that we had abortions and we will never be silenced.

Sincerely,¹⁶

The undersigned 56 people of color who had abortions.

Dian Alarcon, Cali, Colombia, 1990

“Fue una experiencia traumatica, pasar por un aborto clandestino donde nadie se preocupa de ti y donde es un procedimiento inseguro y sin los controles de higiene necesarios. solo una mujer sabe lo dificil que es tomar esta decision y solo puede jugarse en el context de tu historia en ese momento de tu vida, la falta de educación sexual que nos dan a los adolescentes en las escuelas y los tabues que tienen nuestras familias con la religion hace que seamos mas vulnerables, no tenemos acceso a los metodos de planificación todo esta mal si tiene que ver con la salud

¹² Alana Eichner & Katherine Gallagher Robbins, *National Snapshot: Poverty Among Women & Families, 2014*, NATIONAL WOMEN’S LAW CENTER (Sept. 2015), <http://nwlc.org/wp-content/uploads/2015/08/povertysnapshot2014.pdf>.

¹³ THE HENRY J. KAISER FAMILY FOUNDATION, *Women’s Health Insurance Coverage* (Feb. 2, 2016), https://www.guttmacher.org/sites/default/files/state_policy_overview_files/spib_oal.pdf.

¹⁴ Rachel K. Jones, PhD, et al., *At What Cost? Payment for Abortion Care by U.S Women*, 23 WOMEN’S HEALTH ISSUES e173, e175 (2013), <https://www.guttmacher.org/sites/default/files/pdfs/pubs/journals/j.whi.2013.03.001.pdf>.

¹⁵ Joshua Lang, *What Happens to Women Who Are Denied Abortions?*, NEW YORK TIMES MAGAZINE (June 12, 2013), <http://www.nytimes.com/2013/06/16/magazine/study-women-denied-abortion.html> (last visited April 20, 2016).

¹⁶ Signatories have listed the location and year of their abortion(s) and any additional comments.

reproductiva y solo nos exponen como jovenes a pasar historias dificiles que la sociedad hace aun más dificiles al no tener acceso a lugares seguros donde una mujer pueda practicarse un aborto seguro y donde ella pueda retomar su vida hacia el futuro tal vez en otro momento seas madre y una Buena madre pero preparada para serlo.

Aimee Arrambide, Laredo, Texas; San Antonio, Texas, 1993; 2005

“This bill perpetuates and codifies racial inequality and injustice. The individuals affected by this bill vote and will work to ensure that those of you that support it will no longer be able to dictate any part of our lives.”

Maura Bairley, San Francisco, California, 1990

“I have never regretted this abortion. 20 years later, I look back at this as one of the most clear decisions of my life.”

Orisha Bowers, Memphis, Tennessee, 1998

Shanel Boyce, New York City, New York, 2012

Renee Bracey Sherman, Chicago, Illinois, 2005

“I had an abortion. It was the best decision of my life. You will hear my voice. You will hear that this legislation is racist and misogynistic. You will let us testify.”

Jasmine Burnett, Indianapolis, Indiana, 1998

“This legislation is racist and disrespectful to women of color and in particular Black women. I sign this letter as a woman who knew she wanted an abortion as soon as I saw the outcome of my pregnancy test. I do not regret it and I believe it was one of the best decisions I had made for me at 19 years old and now at 37 years old I still believe it to be one of the best decisions I made for my life. Stay out of my choices and stop shaming Black women!”

Christine Carcano, Washington, District of Columbia, 2012

Nancy Cruz-Morning, Brooklyn, New York, 2015

Kersha Deibel, Cincinnati, Ohio, 2009

Sheila Desai, New York City, New York, 2009

Andrea Diaz, Oakland, California, 2012

Kimberly Espinosa, Albuquerque, New Mexico, 2007

Elizabeth Estrada, Atlanta, Georgia; New York City, New York, 2006; 2016

Etan Fraser, San Rafael, California

Liza Fuentes, Washington, District of Columbia, 2001

Misty Garcia, San Antonio, Texas, 2009

Melanie Garza, San Francisco, California, 2013

Victoria Gomez Betancourt, Denver, Colorado, 2011

“I had a safe and legal abortion. As a woman of color, an immigrant, and a Latina, I urge Congress to stop interfering with the decisions people in my community make about our bodies and our futures. Respect our human rights and protect abortion access.”

Shailey Gupta, College Station, Texas; Houston, Texas, 2001; 2006

“I’ve had two abortions, and they are the reason that I am a successful attorney. I would not have accomplished or achieved as much in my life if I had not had the ability to choose to have both abortions.”

Jack Gutierrez, Orlando, Florida, 2011

Damaris Henderson, Atlanta; Chicago; Alabama, 1990; 1992; 2005

Yamani Hernandez, Chicago, Illinois, 1997

Priscilla Huang, San Francisco, California, 2003

“I’m an Asian American woman currently pregnant with my second child. My first was born in 2012, nearly 10 years after my abortion. It’s not easy to parent or be pregnant, and each pregnancy reaffirms the decision I made many years ago. I’m appalled that some members of Congress continue to make racist and sexist assumptions about the reproductive decision-making of women of color. The decision to terminate a pregnancy or carry one to term is a difficult and personal one based on every woman and her family’s circumstances. This legislation is discriminatory, misguided and completely unnecessary. “

Sarina Irizarry, San Francisco, California, 2014

Maryam Janani, San Antonio, Texas, 2011

Ruth Jeannoel, Boston, Massachusetts, 2004

Aziza Jones, Chicago, Illinois, 2012

Shivana Jorawar, New York City, New York, 2002

Kristine A. Kippins, New York City, New York, 1999

Sharon Lagos, Albuquerque, New Mexico, 2016
“Abortion is our desition, nobody can decide for our body.”

Stephanie, Laster, Pensacola, Florida, 1978; 1980

Melissa Madera, New York City, New York, 1997

Phyllis Malone, Decatur, Georgia, 1977

Nia Martin-Robinson, Detroit, Michigan, 1999

Samantha Master

“PRENDA seeks to criminalize abortion, and is an affront to freedom, liberty and justice as articulated by the US constitution. This ploy to vilify women of color and roll back abortion rights must stop immediately.”

Shanelle Matthews, Pasadena, CA, 2002

La'Tasha Mayes, Philadelphia, Pennsylvania, 1996
“#TrustBlackWomen”

Ileana Mendez-Penate, New York City, New York, 2010

Donna Morris, Pittsburgh, Pennsylvania, 1964

Jill Morrison, Cherry Hill, New Jersey, 1989

Brittany Mostiller-Keith, Chicago, Illinois, 2014

Daniela Ochoa Diaz, Washington, District of Columbia, 2015

Sofia Pena, McAllen, Texas, 2009

Imi Rashid, Dhaka, Bangladesh, 1993

Samantha Romero, El Paso, Texas, 2013

Elizabeth San Martin, Miami, Florida, 1999

“Fue una difcíl situación que marco mi vida y que gracias a que no tuve soporte calificado me sentí estigmatizada y dañada sicologicamente por los que no están de acuerdo con mi decision.”

Anise Simon, Chapel Hill, North Carolina, 2012

“My ex boyfriend was very educated and an accomplished leader in our community. I decided to get an abortion because we had only been dating for 10 months and I wasn't ready for kids. A couple of months after I had my abortion procedure, he became abusive. It took me two more

years to leave him. After we broke up, I found out that he owed thousands in back child support for children he hadn't seen in years. I was 23 at the time and making less per year than I owed in student loan debt. I'm 27 now and with someone who is very kind. I have a stable career now and I look forward to having children who will be very much wanted and brought into a safe and loving home.”

Valencia Smith, Atlanta, Georgia, 1985; 1986

Sonya Taylor, Hampton, Virginia, 1998

Rochelle Taylor, Atlanta, Georgia, 1981

Anne Timmons-Harris, Chicago, Illinois, 1973

Amanda Williams, Houston, Texas, 2009

Caitlin Williams, Elizabeth, New Jersey, 2009

“As a mixed-race Asian-American woman, I'm appalled to see members of Congress who have not and do not stand with communities of color insisting that PRENDA has our best interests at heart. How dare you use us as an excuse for this racist and sexist bill. Come to our communities and learn the issues that actually matter to us.”

Son Ah Yun, Atlanta, Georgia, 1993

Jennifer, New Orleans, Louisiana, 2012