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Testimony of Senator Eric Brakey

Presenting L.D. 771, "An Act to Protect a Woman's Right to Withdraw Consent for an Abortion"

Before the Judiciary Committee

Friday, May 5, 2023

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary I am Senator Eric Brakey, representing the people of Auburn, New Gloucester, Poland, and Durham I am before you today to present L D 771, *An Act to Protect a Woman's Right to Withdraw Consent for an Abortion*

This legislation seeks to protect a woman's right to choose

In recent years, Congresswoman Cori Bush (D-MO) shared a personal story about her experience, at the age of 19, as a young woman who was the victim of a forced abortion According to a report in the Washington Examiner

"I thought I was ready And I went in, and I went through all the steps because it's almost like an assembly line," Bush recalled in an interview on *Firing Line* "I was helped up onto the table by the nurse And I lay there. And I started to think, 'Well, one, I didn't tell the father, that that was about to happen ' And I just felt like I needed more time "

Bush wrote about the incident in her recently released book, *The Forerunner* It was her second time getting an abortion She initially believed that the process would be straightforward, having gone through it before, but then she grew uneasy about it and thought she needed more time

In response to her pleas to scrap the operation, Bush said that a nurse refused to listen and instead directed her to calm down

"The nurse just wouldn't listen to me, and I said, 'No, I'm not ready' And as I'm saying, 'No,' they continue[d] to pull the instruments and get everything ready And [they were] just like, 'No, calm down,'" Bush recalled.

"I was a young black woman Multiple times, I felt like it was 'oh, well, we know better You don't know what you don't understand We know better,'" she added

Congresswoman Bush is a powerful person today She can share this story and be taken seriously But if this happened to her, it has happened to others

L D 771 would protect a woman's right to withdraw consent for an abortion at any time before the death of her baby After that consent is withdrawn, if the woman's decision is not respected (like Cori Bush's decision was not respected), the performance of that abortion against the mother's wishes would be a Class C crime

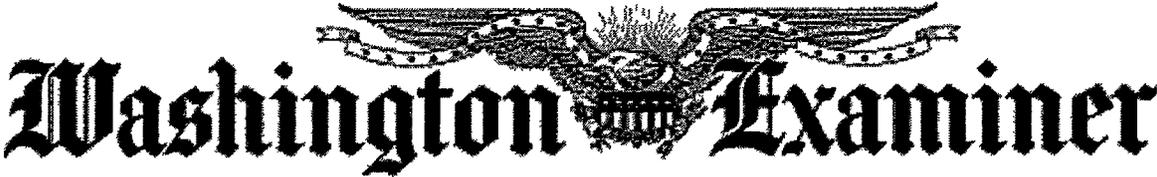
Why a Class C crime? I looked to the law for a comparable violation Putting aside the question of the wrongful taking of life, I am focusing with this legislation on the violation of the mother's rights While it is not a perfect comparison, sexual penetration of an individual who has not consented is a Class C crime

§255-A. Unlawful sexual contact

B The other person has not expressly or impliedly acquiesced in the sexual contact, the actor is criminally negligent with regard to whether the other person has acquiesced and the sexual contact includes penetration. Violation of this paragraph is a Class C crime, [PL 2021, c 608, Pt E, §3 (AMD)]

This seemed a comparable basis for classifying the crime and ensuring a woman's right to withdraw consent for abortion is protected.

Thank you all for your time and consideration on this matter I would be happy to take questions to the best of my ability



Washington Examiner

'I needed more time': Cori Bush recalls being a victim of a forced abortion

by Ryan King, Breaking Politics Reporter | October 07, 2022 02:47 PM

Rep. Cori Bush (D-MO) opened up about a forced abortion she had at the age of 19.

At the time, she went to an abortion clinic, initially set on terminating her pregnancy, before she began having second thoughts. She told the nurse to stop, but her pleas were ignored, and the abortion provider continued putting the "instrument" inside her and finished the procedure.

"I thought I was ready. And I went in, and I went through all the steps because it's almost like an assembly line," Bush recalled in an interview on *Firing Line*. "I was helped up onto the table by the nurse. And I lay there. And I started to think, 'Well, one, I didn't tell the father, that that was about to happen.' And I just felt like I needed more time."

Bush wrote about the incident in her recently released book, *The Forerunner*. It was her second time getting an abortion. She initially believed that the process would be straightforward, having gone through it before, but then she grew uneasy about it and thought she needed more time.

In response to her pleas to scrap the operation, Bush said that a nurse refused to listen and instead directed her to calm down.

"The nurse just wouldn't listen to me, and I said, 'No, I'm not ready.' And as I'm saying, 'No,' they continue[d] to pull the instruments and get everything ready. And [they were] just like, 'No, calm down,'" Bush recalled.

"I was a young black woman. Multiple times, I felt like it was 'oh, well, we know better. You don't know what you don't understand. We know better,'" she added.

Bush previously opened up about the first abortion she received. She explained that, in hindsight, she believes that she was raped and felt she was not given adequate resources to contend with her pregnancy.

"Instead of being told, like, 'hey, there are there's the option of adoption or like talking about other things,' it was 'your baby is underweight and you can always get pregnant again. You need to go ahead and have this done. You're going to end up on welfare. You're not going to have a future,'" she recently recounted on *The View*. "I just turned 18 [and] I felt like I had disappointed my parents."

However, after talking to the medical professionals at the clinic, Bush stumbled upon a few white women in the next room who had a different experience. They were told that they could keep the baby. The women weren't privy to her situation, but she said it was devastating to hear

"I was the only black girl, but hearing the white girls talk about 'oh, they were so nice. And they told me, you know, that I could go ahead and have it, and they [had] a set of resources for me.' They were just having a conversation that I walked in on, and I was crushed. Why was my story different? Why was I treated different?" Bush said.

The progressive firebrand and member of "the Squad" in Congress has been an outspoken advocate of abortion rights. Following the overturn of *Roe v. Wade*, she embarked on the "Roe The Vote: Reproductive Freedom Tour" across Missouri, hoping to promote abortion rights in the ruby-red state.