

Hearing on H.R. 3541,
The Susan B. Anthony and Frederick Douglass
Prenatal Nondiscrimination Act (PRENDA) of 2011
Subcommittee on the Constitution

**Testimony of Miriam W. Yeung, MPA
National Asian Pacific American Women's Forum (NAPAWF)**

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Chairman Franks, Ranking Member Nadler, and Members of the Subcommittee:

The National Asian Pacific American Women's Forum (NAPAWF) joins numerous women's rights, civil rights, racial justice, Asian and Pacific Islander (API), and human rights leaders in calling on Congress to oppose the "Prenatal Nondiscrimination Act," which is a thinly veiled attempt to limit abortion access for women of color.

NAPAWF is the only national, multi-issue API women's organization in the country. Our mission is to build a movement to advance social justice and human rights for API women and girls. Since 1996, we have represented API women, who are overwhelmingly pro-choice,¹ in pushing back against abortion bans that disproportionately impact women of color. Therefore, we are compelled to express concern over this dangerous and duplicitous legislation.

This bill is a wolf in sheep's clothing. Its proponents co-opt the language of equality and human rights to be purposely misleading in an effort to pass an anti-choice measure without a fight. We see clearly that this bill is an attack on our right to self-determine whether and when to have children.

Although this bill purports to support gender equity and civil rights, it does neither. It is regrettable that in the past, sponsors of this bill have not demonstrated similar concerns for civil rights, women's rights, or the rights of Asian and Pacific Islanders. For example, this year alone, sponsors voted to defund family planning, eliminate funding for the United Nations Population Fund (UNFPA), reinstate the global gag rule, reinstate the D.C. abortion funding ban, ban abortion coverage in state health insurance exchanges, and allow providers to refuse abortion care even when a woman's life is in danger. And, as evidence of their anti-immigrant stance, sponsors of this bill cosponsored H.R. 997, a xenophobic measure that would declare English the official language of the United States. In addition, another sponsor supported H.R. 1868, which would end birthright citizenship for children of undocumented immigrants—in violation of the Fourteenth Amendment, which this bill purports to enforce—and voted for H.R. 3722, which would require hospitals to report possible undocumented persons that seek treatment, thus preventing immigrants from seeking healthcare.

¹ Nearly 70% of APA women support a woman's decision to have an abortion. Another 20% stated that they would support a woman's decision to have an abortion in certain cases such as rape or incest. National Asian Women's Health Organization, Expanding Options: A Reproductive and Sexual Health Survey of Asian American Women (Jan. 1997).

Put simply, the legislative priority of the committee members who dreamed up this legislation is to take away the rights of women and communities of color, not to help us.

Moreover, consider the media campaign related to this bill, the billboards that read, “Black children are an endangered species,” and “The most dangerous place for an African American is in the womb.” It is easy to follow the money behind these billboards straight to anti-choice organizations such as Georgia Right to Life² and Heroic Media³. This effort is about attacking women of color’s reproductive autonomy and our access to abortion services.

This bill discriminates against women of color. It undermines and calls into question our ability to make decisions about our own bodies. The truth is most Americans believe that a woman knows what is best for her and her family. Further, this bill places an unfair burden on African American and Asian American women that other women do not have to face—increased scrutiny around their motives for seeking abortion care. This scrutiny promotes racial profiling by pushing doctors to assume African American and Asian American women are seeking abortions because of the race or sex of the fetus.

Disturbingly, this measure would make healthcare outcomes for women of color *even worse* than they already are. African American women are already three to four times more likely to die from pregnancy related causes than white women,⁴ and their unintended pregnancy rate is 67% compared to 40% for white women.⁵ Making abortion harder to obtain will cause women to seek unsafe illegal abortions and exacerbate racial disparities in healthcare.

This bill correctly states that the United Nations Commission on the Status of Women urges governments to prevent selective abortions.⁶ However, it omits that the international community, including the UNFPA, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children’s Fund (UNICEF), United Nations Women, and the World Health Organization (WHO), believes that abortion restrictions are not the solution because they put women’s health and lives in jeopardy and violate women’s human and reproductive rights.⁷

Family planning programs allow women of color to access contraceptives, prevent unplanned pregnancies, and improve healthcare outcomes for themselves and their children. Yet, the proponents of this bill, espousing concern for women of color, have repeatedly proposed legislation to cut funding for family planning and women’s healthcare, creating more barriers to access.

² Shailla Dewan. “To Court Blacks, Foes of Abortion Make Racial Case.” *The New York Times*. 26 Feb. 2010. Retrieved December 2, 2011, from <http://www.nytimes.com/2010/02/27/us/27race.html?pagewanted=all>

³ Titania Kumeh. “Mother Sues Anti-Choice Groups Behind Billboards.” *Mother Jones*. 29 Apr. 2011. Retrieved December 2, 2011, from <http://motherjones.com/mixed-media/2011/04/mother-sues-anti-abortion-groups-billboards>

⁴ U.S. Department of Health and Human Services Office on Women’s Health, “Pregnancy Related Death.” Last modified 18 May 2010. <http://www.womenshealth.gov/minority-health/african-americans/pregnancy.cfm>

⁵ Guttmacher Institute, “Facts on Induced Abortion in the United States.” Last modified Aug. 2011. http://www.guttmacher.org/pubs/fb_induced_abortion.html

⁶ Section 2. Findings and Constitutional Authority. (a)(1)(H).

⁷ OCHR, UNFPA, UNICEF, UN Women, and WHO. “Preventing Gender-Biased Sex Selection: An Interagency Statement.” World Health Organization, 2011, 7.

As an organization that represents Asian American and Pacific Islander women, NAPAWF is extremely concerned that the anti-choice movement is exploiting the issue of son preference in some Asian cultures while doing nothing to support efforts that truly address the issue. It is true that a few studies⁸ point to the practice of son preference among Chinese-, Indian-, and Korean-American families with more than one child, with results most pronounced for families with two or more children. Researchers are quick to note that this problem is far from widespread. Because of the low fertility rate in the United States, and because those API ethnicities make up less than two percent of the total US population, this phenomenon would in no way result in the skewed sex ratios that cause concern in Asia.⁹

Son preference is a symptom of deeply rooted social biases and stereotypes about gender. Gender inequity cannot be solved by banning abortion. The real solution is to change the values that create the preference for sons. Asian American and Pacific Islander women's organizations know this and are working on this problem in culturally competent ways that provide long-term, sustainable solutions. We are working with members of our own community to empower women and girls, thereby challenging norms and transforming values. For example, we are carrying out programs that build the leadership capacity of women, improve their economic standing, create better access to healthcare for them, and lower the rates of gender-based violence against them. Instead of supporting us in this work, proponents of this bill ignore what Asian American and Pacific Islander women know is best for our own community and undermine our agency by trying to curb our rights.

Anti-choice activists are using the language of gender and racial inequality in the service of efforts to incrementally dissolve abortion rights, which is more politically efficient for them than a flat-out ban. In 2008, Steven Mosher, who is testifying before you today, suggested that, "we—the pro-life movement—adopt as our next goal the banning of sex-selective abortion."¹⁰ For him, sex-selection is the next logical battleground in the abortion wars; not because it discriminates or hurts women, but because it is a cloak to hide under that might gain sympathy and support from individuals who are uninformed on this topic.

In closing, we encourage you to find the right solutions to the right problem. This bill will exacerbate inequities and diminish the health, well-being, and dignity of women and girls by restricting their access to reproductive health care. If members of Congress want to support women and communities of color, we look forward to your swift support of such pending legislative items that address pay equity, access to healthcare, freedom from violence, fair and humane immigration policies, and the ability to control our bodies and our futures. Abortion bans do nothing of the sort.

Thank you for your time and attention to this important issue.

⁸ See Abrevaya, J., 2008. Are there missing girls in the United States? Evidence from birth data. And Almond, D. & Edlund E. 2008. Son-biased sex ratios in the 2000 United States Census.

⁹ Almond, D. & Edlund, E.

¹⁰ Hvistendahl, Mara. *Unnatural Selection: Choosing Boys Over Girls and the Consequences of a World Full of Men*. (New York: Public Affairs, 2011), 240.