



Written by [Bruce Walker](#) on March 26, 2011

Arizona Bans Racial or Gender Biased Abortions

Is state sanctioned pre-natal infanticide (i.e. abortion under *Roe v. Wade*) inherently racist? Go back to the early decades of the 20th Century and there would be no doubt about the answer: eugenics, the science of population control, assumed that the perfectibility of man was possible by culling out the “weaker” strains of our species. If certain groups of human beings were seen as obviously inferior — blacks, Indians, and so on — then aborting their children had the same effect as sterilizing those members of the “inferior” race who were able to procreate.



The perfectibility of man, not undertaken through belief in God but rather by vain trust in the genius of man, was at the heart of Nazism and of other equally odious systems. We are not cattle and treating us as if we were cattle leads to horrors.

This horror usually starts out in seemingly harmless ways. Hitler, for example, ordered the execution of those with incurable and debilitating illnesses, conditions which required constant care. Then it was extended to inferior races, like Jews and Gypsies and Poles. At the same time, Nazis had the equivalent of “stud farms” in which pure Aryan maidens would be impregnated by pure Aryan young men, often officers in the SS (whose racial purity had already been established.) If men are soulless animals, if men are not creatures formed divinely in the image of the Almighty, then treating men like livestock is simply good animal husbandry. Although the Nazis were particularly sadistic in their implementation of “mankind as cattle,” that need not be so. Most farmers treat their livestock well and when a deformed animal is born, they dispatch the animal with a quick, painless shot.

The Arizona Legislature has confronted that particular moral component of abortion directly: House Bill 2443, authored by Republican State Representative Steve Montenegro (pictured above), would impose serious sanctions on any physician who performed an abortion based upon the race or gender of the fetus. The penalties would include the loss of the doctor’s medical license and imprisonment for up to seven years. Montenegro said that he fears that women choose to abort certain unborn children based upon the pre-natal infant’s race or sex. The Republican legislator noted a Planned Parenthood study which showed that 42 percent of all pregnant black women had their unborn child aborted. Senator Don Shooter cited a study by the Frederick Douglass Foundation which showed the 30 percent of all abortions in America are performed on black women, far greater than their percentage of the national population.

The bill would grant rights to the father of the unborn child and the parents or guardians of the mother of an unborn child, if the mother is a minor, to take legal action against any physician who performed a “race-selection or sex-selection abortion.” This would include civil damages “all injuries, whether psychological, physical or financial, including loss of companionship and support resulting from a sex-selection or race-selection abortion.” Attorney’s fees and costs of litigation could be awarded as well.



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House Bill 2443 would exempt the mother from liability for any abortion performed in violation of this proposed statute. The bill would also require the physician or health care provider involved in the abortion to sign an affidavit swearing that the abortion was not being done based upon race or gender. The Attorney General or county attorney in which such abortions were performed could also bring an action to enjoin such abortions in the future (which would make any physician who performed a sex-selection or race-selection abortion potentially in contempt of court.)

The final version of the bill passed the Arizona House of Representatives by a vote of 41 to 18, having passed the Senate earlier by a vote of 21 to 5. The votes have largely been along party lines, with Republicans favoring the legislation and Democrats opposing it. Support or opposition to the bill has largely broken along party lines. All nine of the sponsors of the bill in the Arizona House and Arizona Senate are Republicans, including the Senate President Russell Pearce who said: “We have an obligation to protect the most innocent among us, the unborn. Whatever we can do to limit the number of deaths of these unborn children, I’m always a ‘yes’ vote.” Democrat Representative Katie Hobbs of Phoenix said that there was little or no evidence that abortions were being performed based upon race or gender, as Representative Montenegro argued. Democrat Representative Eric Meyer of Paradise Valley, himself a physician, observed that the sanctions in the bill’s final version were even harsher than in the bill as it was originally passed. Senator Linda Lopez, a Democrat from Tucson, called the bill to ban sex-based and race-based abortions “one of the most offensive, odious pieces of legislation I have ever seen.”

The name of the legislation is intended to show how abortions deprive black Americans and women of their most fundamental right: the right to be born. The legislation is called the “Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act of 2011.” It now goes to Governor Jan Brewer for signature or veto after it received final legislative approval in the Arizona House of Representatives on Wednesday. Matthew Benson from the Governor’s office said that she would study the bill over the next few days. Benson added “I would not [speculate, but?] Governor Brewer has a strong pro-life record,” although he would not elaborate on that comment. Mr. Benson also did not need to remind anyone that Governor Brewer’s tough stand on Arizona’s controversial immigration law last year demonstrates that she is not afraid of taking heat for decisions that she believes are right.

Some opponents have accused supporters of the bill of reacting to a problem that does not exist — sex-selection of infants — in America. These opponents acknowledge that in nations like India and China, parents are choosing to abort unborn female children in significantly greater numbers than unborn male children are aborted, but that practice does not exist in America ... yet. Supporters of the bill argued that this sort of law is necessary to keep America from drifting down the path of those two Asian nations.

The Arizona law is only one many bills traveling through state legislatures, particularly in the more conservative parts of our nation where Republicans made major gains in November. North Dakota has passed groundbreaking legislation defining human life. Nebraska is attacking abortion from the standpoint of fetal pain. The Pro-Life movement, which has never given up on the rights of the unborn, is slowly winning battles on behalf of our tiniest Americans, state by state.



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