

Committee Chair and members,

I thank you for taking time to read my testimony. I lead a civic action group where we engage in various states across the nation promoting liberty and justice. In my line of work, I have come to know many women who have told me that they wish a law would have been in place before they had their abortion because it would have been a deterrent. One woman told me: "My parents talked me into the abortion when I was 18. They were law-abiding people, and if a law were in place, there would have been no way they would have broken it. I still regret what I did that day." One of my good friends, a 62-year-old man, told me with tears in his eyes that he paid for his girlfriend's abortion decades ago. He still feels the heavy weight of what he did.

Abortion is an injustice to an innocent human being who has no voice. Our group is dedicated to being a voice for the voiceless, and in the process of doing that, we sometimes need to point out injustice. Unfortunately, injustice is written into the law in North Dakota with respect to abortion. I would like to point it out and ask for a clear path forward, which is to pass HB1373 and provide equal protection for all human beings.

Please consider the following excerpts from the North Dakota Constitution and the law:

(What is consistent)

Article I Declaration of Rights

Section 1. All individuals are by nature equally free and independent and have certain inalienable rights.

Section 9. All courts shall be open, and every man for any injury done him in his lands, goods, person, or reputation shall have remedy by due process of law.

North Dakota Century Code:

12.1-17.1-02. Murder of an unborn child.

1. A person is guilty of murder of an unborn child, a class AA felony, if the person:
 - Intentionally or knowingly causes the death of an unborn child;

(What is inconsistent)

12.1-19.1-02. Abortion prohibited – Penalty. It is a class C felony for a person, *other than* the pregnant female upon whom the abortion was performed, to perform an abortion.

It is undeniable that an unborn baby is an individual and, therefore, has by nature inalienable rights. The Constitution guarantees the right to a remedy for injury, by due process of law. If another person would be guilty of murder for intentionally killing an unborn child, then we must ask: Why has the law in 12.1-19.1-02 carved out an exception for the mother to be able to intentionally kill her own child?

Equal Protection Under the Law: The North Dakota Constitution guarantees that all individuals are equally free and independent and have certain inalienable rights. It also guarantees equal protection under the law. If the state recognizes an unborn child as a person for the purpose of protecting them from murder, then it is inconsistent and unjust

to allow the same unborn child to be intentionally killed under the exception carved out for abortion. The principle of equal protection demands that the rights of the unborn be treated the same as the rights of all other persons in North Dakota. To do otherwise is to create an arbitrary and unjust distinction.

Please consider the following:

1. God has made every person in His image.
2. God has commanded that no one may shed the blood of the innocent.
3. The North Dakota Constitution guarantees rights to people.
4. The law has established penalties for murder.
5. The U.S. Constitution guarantees that all people will be treated equally under the law.

Because of the above facts, 12.1-19.1-02 has a glaring legal inconsistency that targets a pregnant woman for legal immunity to kill her own child in the womb.

For this reason, I respectfully ask you to pass HB1373 for the sake of the unborn who are the primary victims and for the sake of all people who may otherwise consider abortion in the future.

God bless you, and may God bless North Dakota with justice for all.

Daryl Groves
Red State Reform