

Coercive Abortion Prevention Act (CAPA)

Questions and Answers

Why are these bills necessary?

The leading cause of death among pregnant women and post-partum women in America is homicide, according to peer-reviewed published studies. In many cases, a woman who refuses to have an abortion is at risk for physical abuse. In addition, thousands of women and minor girls are pressured to abort through financial, relational or emotional forms of blackmail.

What will the bills do? How will they help women?

The bills set up criminal, civil, and procedural protections against coercing a pregnant women into having an abortion. Various acts or threats will be crimes, women can bring civil lawsuits against anyone who coerces her, and abortion providers will be obligated to screen women for potential coercion before scheduling a woman for an abortion.

What would be the punishment?

A person who performs a coercive act that is already a crime under the penal code, such as assault or stalking would get up to double the punishment. Other threats would be punishable by a civil fine. The penalty would be greater if the perpetrator is an adult over 18 and the pregnant woman is a minor, which could include jail time.

How can you enforce it?

When a pregnant woman seeks an abortion, she will be asked questions as to whether she was coerced in specific ways to have this abortion. If she admits to it, she will be referred to a domestic violence shelter or to local law enforcement, and must wait an additional 24 hour protection period before the abortion is scheduled. If she says she was not coerced, she will sign a form that states that she is seeking an abortion of her own free will. A study by Baylor University researchers done at a Planned Parenthood abortion clinic concluded that *all women seeking abortions should be screened for domestic violence.*

How many potential cases could there be? Would this clog up our already overburdened courts?

We do not expect many criminal charges to be brought or law suits to be filed. We expect the law to serve primarily as an educator and a deterrent; these are essential elements of any law. Hopefully, when people understand that it is a crime to pressure a pregnant woman to have an abortion, coercion will no longer pose to be a serious problem. When sexual harassment became a legal violation, people woke up to a new corporate culture practically overnight, which quickly evolved into a new professional ethic, at least in public.

How do you expect a woman who was driven by her coercive boyfriend to the clinic, to admit that she was pressured into having an abortion? She couldn't stand up to him up to that point.

First, we would expect the clinic staff to advocate and intervene on her behalf. Secondly, she will be informed that it is a crime to be coerced into having an abortion. Third, she will be given information about local domestic violence programs. She will then have 24 hours to consider her options, and can blame the law for the delay.

How can you prove coercion, if its one person's word against another's?

Cases of "he said, she said" will not likely be pursued. Just as in any other legal situation, there must be enough corroborating evidence to prove coercion, blackmail, stalking or threats of violence.

What if parents tell their adult daughter living at home that she cannot raise a child in their house, is that coercing her to abort?

Parents can talk to their daughter about the consequences of a decision to have and keep the child as a single mother (as opposed to placing the child for adoption, or getting married). But if the parents threaten that an abortion is being demanded, *to the exclusion* of other options, this is directly coercion to abort.

What if a husband threatens divorce because his wife is pregnant with another man's child?

The law says that a man cannot threaten divorce conditioned on a his wife having an abortion. If he says, "I'll divorce you if have this baby, but I will stay with you if you abort it," he is coercing the woman to abort. Undoubtedly this is a violation of a woman's civil rights. It is a form of relational (and sometimes financial) blackmail, and the ransom to be paid is an unborn child's life.

Won't this bill make people afraid to suggest abortion as an option for fear they will be charged with coercion? Isn't this bill suppressing free speech?

No. This bill allows discussion by those directly involved on what they think is the best decision for a woman, including personal opinions. It only becomes coercive if someone threatens, "If you don't have an abortion, I will"

How can this be a form of harassment?

Isn't it evident that only women can become pregnant? There are already laws in place to respect gender specific issues and protect women from harassment in the work place, including child birth and pregnancy. This bill *clarifies* the law to include protecting pregnant women from anyone who could trample on her civil right to continue her pregnancy.

What about coercion in the other direction? Couldn't a husband or parents threaten negative consequences of a woman or minor goes through with an abortion?

Women have the right to have a secret abortion without their husbands, boyfriends or parents ever finding out. It happens every day. If a woman knows that the father of the baby or the parents would object to an abortion, they generally keep the pregnancy and the abortion secret.