EXHIBIT 1
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SB 327

# Dallas Erickson Testimony
## Senate Bill 327
House Judiciary Committee
March 20, 2009

Mr. Chair and Members of the Committee,

I am Dallas Erickson and I represent Montana Citizens for Decency though Law.

First let me tell you a story: Its Aug. 26, 1999, in Little Rock, Ark. One day before her predicted full-term delivery date, 23-year-old college student Shiwona Pace is brutally beaten in her apartment by three men. As she curls up on the floor sobbing, the men choke her, punch her, hit her in the face with a gun, and repeatedly kick her in the abdomen as they yell "f*** you, your baby is dying tonight." A half hour later, at the hospital, doctors find that Heaven, her unborn baby girl, had died in her mother's womb that night. Investigations later reveal that the three men who murdered little Heaven were paid $400 by Shiwona's ex-boyfriend to do so.

Now that I've told you this story, let's talk results: How many victims were there that night? Did a murder take place? What should those three men be charged with?

Only a month before, a state law took effect that recognized unborn children as crime victims. Therefore, the three men were prosecuted not only with assaulting Shiwona, but with the murder of her baby as well. However, if this same attack occurred today in Montana, the law would say that there was only one victim that night – Shiwona Pace. The men who killed Shiwona's baby could only be prosecuted for assault. The courts would say that nobody died that night. And that is a lie.

This legislation would create a separate criminal offense if an individual kills an "unborn child" while committing a state crime against a woman. Therefore, unborn children would be recognized as victims under Montana State laws dealing with murder. The specific language of the bill would also mean that for the first time, a zygote (a fertilized egg), embryo (through week eight of a pregnancy) and a fetus would each be recognized as a person distinct from the pregnant woman.

Abortion rights groups like we may hear from today continue to insist that such crimes only have one victim, because they heartlessly refuse to acknowledge the unborn baby as a loss of life in order to support their own pro-abortion agenda.

Although the legislation clearly excludes voluntary abortion, opponents of this legislation believe that by creating separate legal rights for the fetus, the law is "eroding a woman's right to reproductive choice." This couldn't be less true. The law is not forcing a woman to have sexual intercourse, nor is it impeding in any way on her "right to choose" whether or not she puts herself in a situation where she may become pregnant. The law is not even forcing a woman to have an abortion, or prohibiting her from doing the same. The law is simply aimed at protecting the life of an innocent, unborn child. Period.

This bill is about giving a woman the freedom of choice to bring her child to term in safety. In anticipating the birth of her baby, she has become emotionally attached to it, and in an assault against the unborn will experience the greatest violation of her right and freedom possible - the criminal assault and death or injury to her child that she loves and wants to protect.

Please support this bill.

Thank you.

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