national RIGHT TO LIFE committee, inc.

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RE: nullify the D.C. "Reproductive Health Non-Discrimination" law

Dear Member of Congress:

The National Right to Life Committee, the nationwide federation of state right-to-life organizations, urges you to vote in favor of H. J. Res. 43, a resolution introduced by Congresswoman Black to nullify the so-called "Reproductive Health Non-Discrimination Amendment Act" (RHNDA) in the District of Columbia. **NRLC intends to include the roll call on H. J. Res. 43 in our scorecard of key pro-life votes of the 114th Congress.**

The RHNDA prohibits employers within the District from engaging in "discrimination" on the basis of "decisions" reached by employees, or potential employees, regarding "reproductive health" matters. It is not disputed that abortion is among the matters encompassed by the term "reproductive health" as used in the new law. The scope of the RHNDA is very broad, covering any "decisions" that are "*related to* the use . . . of a particular . . . medical service . . ." [emphasis added]

The National Right to Life Committee (NRLC) advocates for recognition that each unborn child is a member of the human family, and that each abortion stops a beating heart and ends the life of a developing human being. That viewpoint is shared by many women who once believed otherwise and submitted to abortions, and by many men who once believed otherwise and were complicit in abortion; such persons number among the most committed activists within our organization and other pro-life organizations. Yet it would be intolerable for an advocacy organization such as ours to be required to hire, or prohibited from firing, a person who makes a "decision" to engage in advocacy or any other activity that is directly antithetical to our core mission to lawfully advocate for the civil rights of the unborn.

Under the RHNDA, using any "decision . . . related to" abortion to inform decisions about hiring, firing, or benefits (among other things) would expose our organization both to enforcement actions by the District government bureaucracy, and to private lawsuits (some of which would likely be engendered by "sting" operations by pro-abortion advocates).

Some have suggested that we would be protected from such results by a clause in the pre-existing D.C. Human Rights Act that makes narrow allowance for "giving preference to persons of the same religion or political persuasion" as a controlling "religious or political organization." But NRLC is neither a political nor a religious organization as those terms are used in the law. NRLC is not "operated, supervised or controlled by" any religious institution or political party, as the law requires to claim the narrow exemption. Moreover, our staff is made up of persons who are personally affiliated with a wide variety of religious bodies, or with none, and persons who belong to a variety of political parties, or to none.

Article I of the U.S. Constitution provides that Congress shall "exercise exclusive legislation in all cases whatsoever" with respect to the seat of government, the federal District. Therefore, the RHNDA has been enacted with legal authority *delegated* to the District Council by Congress; that local body has *no other* political authority whatever under the Constitution. It follows that members of Congress are responsible for, and accountable for, abuses of the legal authority that Congress has delegated to District officials. The RHNDA is just such an abuse of delegated power – it is a politically motivated attack on our organization and the other organizations that seek to vindicate the human rights of unborn children.

The roll call on H. J. Res. 43, the resolution of disapproval, will be accurately described in our scorecard and in reports to our national membership as a fair reading of where each Member of the House of Representatives stands regarding a blatantly political attack on the pro-life movement.

Respectfully,

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Legislative Director

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