NATIONAL RIGHT TO LIFE NEWS

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2011 Saw a Huge Advance for the Protection of the Unborn

Your donation now can help us save even more lives in 2012!

By Carol Tobias
National Right to Life President

As the end of the year approaches and you consider where your charitable donation may make the most difference, I hope that you will seriously consider National Right to Life.

When the history of the pro-life movement is written, 2011 will prove to have been a very, very important year. In no small measure that will be because of the work of your National Right to Life which your generosity underwrites and makes possible.

Carol Tobias
National Right to Life President

Please go to page five where you will see all the many ways you can help NRLC fight the fight on behalf of unborn babies.

2011 might well be remembered as the year National Right to Life paved the way for a major change in the way that the U.S. Supreme Court applies to so-called "right to abortion." Many, many lives may be saved by such a development, as I will describe in a moment.

Where 2012 will fit in a history of our movement will depend on you.

In 1973, the U.S. Supreme Court handed down one of the most infamous decisions in its history. It was also one of the most one-sided.

Roe v. Wade, taken together with the companion case *Doe v. Bolton* and other rulings in the years that immediately followed, established that in practice, abortion would be allowed for any reason whatever, up to the point that the baby can survive independently of the mother ("viability")—and even *after* that, if an abortionist asserted that it would benefit the mother's "emotional health." The radical 1973 rulings were imposed by votes of 7–2, over the vehement dissent of the late Justice

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Pro-Life House and Pro-Abortion Senate Divided on Pro-Life Issues, As Obama Pushes Pro-abortion Agenda

WASHINGTON (November 23, 2011)—With less than one year to go before the national election, the Obama Administration continues to advance its pro-abortion agenda on multiple fronts—even as most new abortion-related proposals, from either side, are blocked in a divided Congress.

In the current 112th Congress, which convened in January 2011, the House of Representatives is under Republican control. The top Republican leaders, including Speaker John Boehner (Ohio) and Majority Leader Eric Cantor (Va.),

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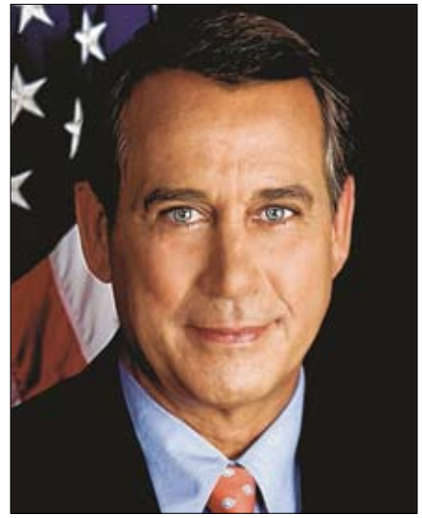
President Barack Obama.
Pro-abortion agenda expands.



House Speaker John Boehner (R-Ohio), House Majority Leader Eric Cantor (R-Va.).
Have challenged Obama on pro-life issues

Recent Elections

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abortion candidates—a net advantage of 14% for pro-life candidates.

Because of this "pro-life increment," the National Right to Life Political Action Committee's track record in 2010 was very impressive. In 2010, NRL PAC actively worked in 130 of the most competitive federal races nationwide. Of those, we won 88.

Because so many pro-life candidates won in 2010 and 2011, Congress

Pro-Life Nevada Congressman Mark Amodei

is debating and voting on pro-life legislation once again. More lives will be saved.

Looking ahead to 2012, it is encouraging that Democrats had to spend $500,000 in an unsuccessful attempt to defend New York's 9th Congressional District, a seat they should have retained easily.

No doubt the unpopularity of pro-abortion President Barack Obama contributed to these defeats. Recent polling has shown that a majority of Independents hold an unfavorable view of President Obama.

Just as did 2010, 2012 holds out the realistic possibility that pro-lifers can win in areas undreamed of only a year ago.

Congress Divided on Pro-Life Issues

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are strongly pro-life. They have pushed major pro-life bills through the House—most recently, in October, the Protect Life Act (H.R. 358), a bill that would nullify the abortion-expanding components of the "ObamaCare" health care law enacted in 2010, and enhance anti-discrimination protections for pro-life health care providers.

The Obama Administration has strenuously resisted pro-life efforts to amend ObamaCare. On October 5, Secretary of Health and Human Services Kathleen Sebelius vehemently defended the health care law in a speech to a NARAL Pro-Choice America fundraiser, saying "we are in a war" with critics of the law. On October 12, the White House issued a formal veto threat against the Protect Life Act.

"**President Obama won enactment of ObamaCare in 2010 partly by pretending that the bill did not expand abortion—but now that mask is coming off,**" commented NRLC Legislative Director Douglas Johnson.

Despite such efforts by the House Republican leadership, prospects for such pro-life bills are dim in the Senate, where Democrats hold a 53–47 majority, and where 60 votes are usually needed to pass new legislation.

Under Senate rules, Senate Majority Leader Harry Reid (D-Nv.) has powers that have allowed him to thus far prevent most pro-life measures from even coming to a vote, including the Protect Life Act and the No Taxpayer Funding for Abortion Act (H.R. 3).

The No Taxpayer Funding for Abortion Act, which would create a permanent and government-wide prohibition on subsidies for abortion, was passed by the House in May by a vote of 251–175. Every Republican House member who was present—235 lawmakers—voted in favor of this bill, joined by 16 Democrats. Every one of the 175 negative votes was cast by a Democrat. (See June/July *NRL News*, page 1.)

Like the Protect Life Act, the No Taxpayer Funding for Abortion Act was targeted with a formal written veto threat from the White House.

"There are over one million Americans who are alive today because of the Hyde Amendment policy," commented NRLC's Johnson. "But President Obama, although he claims to seek abortion reduction, continues to work against that policy—in this case, by threatening to veto the legislation that would codify it."

Pro-Abortion Senate

On measures that actually have come to a vote in the Senate, the pro-life side has been on the losing end. In February, for example, the House voted largely along party lines to approve a bill to cut off all federal funds from the Planned Parenthood Federation of America (PPFA) and its affiliates—but the bill failed in the Senate, 42–58 (see April/May *NRL News*, page 21).

On the other hand, during this Congress, pro-abortion lawmakers also have been unsuccessful in their efforts to get new pro-abortion legislation to the President's desk.

For example, in early November, Democratic Leader Reid tried to bring to the Senate floor a so-called "mini-bus"—a bill constructed by coupling together three separate appropriations bills that had been written in the Senate Appropriations Committee. NRLC analysts found seven pro-abortion provisions woven into the measure, including repeal of a longstanding ban on funding of abortions for federal employees, and a prohibition on any future president cutting off funds to groups that promote abortion in foreign nations. NRLC alerted pro-life senators to what it termed "a pro-abortion express train." As a result, a group of senators, including Jim DeMint (R-SC), David Vitter (R-La.), Rand Paul (R-Ky.), and Mike Lee (R-Utah), creatively employed Senate rules to erect a procedural barrier that prevented the entire bill from reaching the Senate floor. Reid announced that he was "terribly disappointed" with this outcome.

However, NRLC's Johnson warned of likely further attempts by the Senate Democratic leadership to attach pro-abortion provisions to various funding bills, right up to the time that Congress takes a break for Christmas.

"We'll be keeping a hawk-like gaze on all of these appropriations bills," he said.

One issue that remains in contention is whether government funds will be used to fund abortion on demand in the District of Columbia, a city that the Constitution places exclusively under federal jurisdiction. Congress had banned such funding for many years, but in 2009 President Obama and the Democrat-controlled 111th Congress lifted the ban, with the result that the city government resumed paying for abortion on demand. However, in April 2011 House Speaker Boehner succeeded in getting a reluctant Obama to accept restoration of the pro-life policy as part of a compromise on a government-wide funding bill.

Because this pro-life policy is attached to an annual funding bill, it must be renewed periodically, and some key pro-abortion lawmakers have vowed to strongly resist any renewal of the ban. The "mini-bus" blocked by the pro-life senators

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contained a provision that would have repealed the pro-life policy.

Administration Actions

As the contending forces in Congress engage in thrust and counter-thrusts over such issues, the Obama Administration continues to advance a pro-abortion agenda through the use of executive powers and administrative decisions. Many of these policies may draw little attention from the news media or the general public, but their aggregate impact, over a four-year period, may be very considerable.

The Obama Administration's pro-abortion ideology has found its fullest expression in overseas activities—perhaps because Administration officials believe they are less likely to draw widespread public attention in the U.S.

On his third day in office, President Obama nullified an executive order previously issued by President Bush, usually referred to as the "Mexico City Policy," which had barred U.S. funding to private organizations that perform and promote abortion as a method of family planning in foreign nations. Since then, the Administration has pumped large amounts of U.S. money to organizations that aggressively campaign to expand access to abortion in many parts of the world, including the United Nations Population Fund (UNFPA), which participates in China's coercive population-control program.

The State Department is led by officials deeply committed to the pro-abortion ideology, including Secretary of State Hillary Clinton, who openly testified at a 2009 House hearing that "we are now an administration that will protect the rights of women, including their rights to reproductive health care," that "reproductive health includes access to abortion," and that the Administration intends to advocate for this right "anywhere in the world."

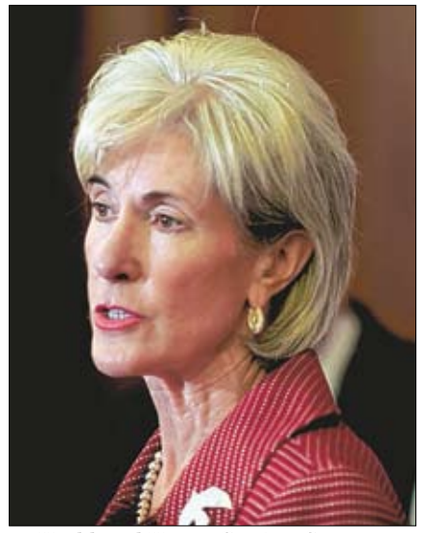
When the government of Kenya was drafting a new constitution, the Administration gave about $400,000 to a private group that played a key role in lobbying the drafting committee to include language that gravely weakened legal protections for unborn children. The new constitution was adopted in August 2010. Some details of the Administration-funded activity were documented in a report issued in October by the Government Accountability Office (GAO).

Congressman Chris Smith (R-NJ), chairman of the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, and co-chair of the House Pro-Life Caucus, has charged that in Kenya the Administration violated a law dating back to 1981 (sometimes called the "Siljander Amendment") that prohibits use of U.S. funds "to lobby for or against abortion" in foreign nations.

"The Obama Administration basically hired surrogates to do its dirty work of abortion promotion in Kenya," Smith said. "U.S. policy on international constitutional reform is, by law, supposed to be abortion-neutral. This new report shows that at a minimum the Obama Administration ignored the prohibition, with the end result being a new Kenyan constitution that vastly expands access to abortion in Kenya, courtesy of the U.S. taxpayer."

Smith also noted that a senior State Department official, Under Secretary of State for Democracy and Global Affairs Maria Otero, ignored repeated GAO requests to be interviewed as part of the GAO investigation. "That a high-ranking official in the Obama Administration ... chose not to cooperate with the GAO as they uncovered procedural and funding problems begs for further investigation and review," Smith said. "What else might they be hiding?"

(For a related story on pro-abortion activity at the United Nations, see "UN General Assembly Told that Every Nation Must Legalize Abortion," page 27.)



Health and Human Services Secretary Kathleen Sebelius. Says Administration is "in a war" with critics of healthcare law.

Attacks on Pro-Life Health Care Providers

Another area in which the Obama Administration has revealed its true pro-abortion colors pertains to the rights of health-care providers who do not wish to participate in abortion.

In May 2009, Obama gave a speech at the University of Notre Dame in which he said he wanted to "honor the conscience of those who disagree with abortion." In a July 2009 interview with journalists for religious publications, he offered assurances that his Administration would adopt a "robust conscience clause."

But in reality, Obama's Administration has engaged in multiple actions that have weakened protections for health-care providers who do not wish to participate in or facilitate abortion.

In 2009 and 2010, President Obama worked actively with Democratic leaders in Congress to successfully block strong conscience-protection language from being included in the final health care bill that he signed. In 2011, the Administration "rescinded" (nullified) a regulation issued by the Bush Administration that provided stepped-up enforcement mechanisms for existing federal "conscience protection" laws.

This October, the Department of Health and Human Services decided not to renew a grant to the U.S. Conference of Catholic Bishops (USCCB) to help victims of human trafficking (modern-day slavery), substantially because the USCCB refuses to facilitate abortions for such victims.

As the *Washington Post* reported on October 31, "On the trafficking contract, senior political appointees at HHS awarded the new grants to the bishops' competitors despite a recommendation from career staffers that the bishops be funded based on scores by an independent review board, according to federal officials and internal HHS documents. That prompted a protest from some HHS staffers, who said the process was unfair and politicized, individuals familiar with the matter said. Their concerns have been reported to the HHS inspector general's office."

The *Post* story quoted USCCB spokeswoman Sister Mary Ann Walsh as saying, "I think it's a sad manipulation of a process to promote a pro-abortion agenda." On the USCCB Media Blog, Walsh wrote on October 13, "There seems to be a

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new unwritten reg at the U.S. Department of Health and Human Services (HHS). It's the ABC Rule, Anybody But Catholics."

Besides these overt evidences of hostility to pro-life conscience rights, Administration officials have not lifted a finger to enforce federal conscience protection laws even in the most egregious cases. When a major hospital in New Jersey allegedly threatened the jobs of surgery-unit nurses who would not assist in providing abortions, the nurses were forced to find private attorneys to file a federal lawsuit on their behalf. Federal HHS officials have done nothing to bring the force of federal law to bear against the hospital. (See "New Jersey Nurses Refuse to Participate in Abortions,

Secretary of State Hillary Clinton. Says Administration will advocate abortion access worldwide.

Take Hospital to Court," page 4.)

"There are plenty of militant pro-abortion organizations that believe that if you won't assist in abortions, you shouldn't be allowed to practice medicine or operate a hospital," said NRLC Senior Legislative Counsel Susan T. Muskett. "These ideologues refer to conscience-protection laws as 'refusal clauses,' and they seek to evade and nullify them. The Obama Administration is populated with people who share this point of view. By its actions and inactions, the Obama Administration has signaled that it is open season on pro-life health care providers."

NRLC has urged Congress to challenge the Administration on the "conscience" issue.

Planned Parenthood

President Obama has demonstrated his deep commitment to protecting federal funding for the Planned Parenthood Federation for America (PPFA), the nation's largest abortion provider. In April, during negotiations with House leaders Boehner and Cantor, Obama made it clear that he would allow the federal government to go into partial shutdown rather than accept House-passed language to cut off funding for Planned Parenthood. (See April/May *NRL News*, page 1.)

Recently, speaking at a dinner for a pro-abortion group, the National Women's Law Center, President Obama ridiculed the efforts of pro-life Republicans to defund Planned Parenthood.

In September, pro-life Rep. Cliff Stearns (R-Fl.), who chairs an investigations subcommittee on the House Committee on Energy and Commerce, sent PPFA a letter requesting detailed documents on its financial operations. Prominent Democrats in the House, led by Rep. Henry Waxman (D-Ca.), denounced the Stearns investigation as a "vendetta," although PPFA said it would respond to the document request.

In a statement issued in September, Stearns said, "Planned Parenthood has an extensive record of violating state sexual assault and child abuse reporting laws, and of encouraging young girls to lie about their ages to circumvent state reporting laws. Although Planned Parenthood is barred from using federal funds to

Rep. Chris Smith (R-NJ). Charges Administration has ignored law to promote abortion.

perform abortions, these funds are fungible and allow the group to use funds from other sources ostensibly for abortions."

In an October 13 interview on CBN's *The 700 Club*, Stearns noted that PPFA receives many millions of dollars annually in government funds, and said: "Really, our investigation is to see how this money is being used, to try and track it, and ... to say, here we are broke in the country, and should we be giving that amount of money to Planned Parenthood, especially in light of their misconduct?"

Other Issues

On a few pro-life issues not directly touching on abortion, pro-life forces have made modest gains in the current Congress.

For example, an eight-year effort, in which NRLC played a key role, culminated in the codification of a prohibition on any patent being issued on a human embryo. Such a ban was originally enacted as a temporary law in 2004, and NRLC had sought codification (permanent enactment) ever since—a goal finally achieved as part of a bill revamping U.S. patent law, signed into law on September 16.

"To achieve enactment of more expansive pro-life protections, we need a pro-life Senate at the same time we have a pro-life House—and of course, we need a pro-life president to sign the bills," concluded NRLC's Douglas Johnson. "Fortunately, the American people will have the opportunity to provide all three, in less than a year."

Resources

For up-to-date congressional action alerts, congressional voting scorecards, and information on whether your federal representatives have co-sponsored specific bills of interest, visit the Legislative Action Center on the NRLC website, at http://www.capwiz.com/nrlc/home/. This site includes easy-to-use tools to assist you in communicating with your federal representatives on timely issues.