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## Efforts to Sell Obama to Pro-Life Americans Collide with His Support for Sweeping Pro-Abortion Policy Changes

By DOUGLAS JOHNSON  
NRLC LEGISLATIVE DIRECTOR

WASHINGTON (September 30, 2008)—The Barack Obama “messaging machine” is now in full overdrive mode, seeking to mislead religiously committed Americans into thinking that Obama has a middle-of-the-road position on abortion policy and will promote “abortion reduction.”

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*Pro-abortion Democratic presidential nominee Sen. Barack Obama*



*Pro-life Sen. John McCain and  
Pro-life Gov. Sarah Palin are campaigning all-out.*

## Important Last-Minute Reminder: It All Begins With You

By JACKI RAGAN

Like all of you, the last few weeks have been immensely busy for NRLC but satisfying beyond words. Like you, we work on behalf of the powerless and the neglected. Late, late into the evening, knowing that what you and I do is making a difference keeps us going more than any jolt of caffeine.

This campaign has gone on so long it almost seems as if it started in the last century. But in a curious way, this long-drawn-out campaign has served a very important purpose. We know with utter clarity that John McCain and Sarah Palin make a powerful pro-life team. Likewise, for all his efforts to hide his voting record and his remarks, Sen. Barack Obama heads a ticket that would give the Abortion Establishment everything it wants, and more.

At this late date, we will not grow weary. I know with utter conviction that each and every pro-life citizen across this great nation will do their part.

*See REMINDER, page 8*

## Obama Tries to Hide BAIPA Votes

By DAVE ANDRUSKO

Sometimes you wonder if the shield most of the media has erected around pro-abortion Democratic Presidential nominee Sen. Barack Obama can be pierced. It can, and when it is, Obama’s hypersensitivity to his true stance on life is shown loud and clear.

When an ad ran that challenged him for his votes on Illinois’s Born-Alive Infants Protection Act (BAIPA), Obama responded guns a’ blazing. As a state Senator Obama worked overtime to throttle the measure, intended to protect babies born alive after induced abortions, and has spent the last four years trying to keep this seriously inconvenient truth buried.

The ad that sparked Obama’s ire features Gianna Jessen, a young woman who survived a saline abortion 31 years ago. She tells the audience, “Four times, Barack Obama voted to oppose a law to protect babies left to die after a failed abortion. Senator Obama, please support born alive infant protections. I’m living proof these babies have a right to live.”

The Obama ad went for the throat. In only 30 seconds it illustrated both just how afraid his campaign is of the impact of his votes on BAIPA will have and how willing he is to Photoshop the truth when it serves his purposes.

The ad is sleazy from before you hear the first syllable out of the woman’s voice-

*See BAIPA VOTES, page 11*

## Efforts to Sell Obama to Pro-Life Americans Collide with His Support for Pro-Abortion Policy Changes

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In late September, the Obama campaign kicked off a “Faith, Family & Values Tour.” A team of Obama surrogates—including Pepperdine University law school professor Douglas Kmiec, evangelical author Donald Miller, and former congressman Tim Roemer of Indiana—will travel from state to state, seeking the votes of religiously committed Americans. According to a report on *Beliefnet.com*, the surrogates will be “doing grass-roots evangelizing for Obama in community centers (neutral sites—no houses of worship) and homes. The Tour will continue for weeks in most of the key battleground states.”

Another article, on *ChristianityToday.com*, said that the states to be visited by the tour during the next month include Colorado, Indiana, North Carolina, Georgia, Michigan, Ohio, Pennsylvania, Missouri, Florida, New Mexico, Virginia, and Wisconsin.

One important part of the “faith outreach” sales pitch has been to insist that Obama would promote “abortion reduction” policies—that is to say, policies that would have the practical effect of reducing the number of abortions performed, without actually restricting abortion directly. This spiel was really a public relations strategy cooked up at a liberal think tank called Third Way, where veteran pro-abortion activists develop “messaging” strategies to help pro-abortion politicians camouflage their positions. The Third Way “Culture Program” (responsible for the “abortion reduction” strategy, among other projects) is directed by Rachel Laser, whose previous job was with the Health and Reproductive Rights group at the National Women’s Law Center, and who before that worked for Planned Parenthood of Metropolitan Washington, a major abortion provider.

But despite such efforts, more and more Americans are learning that the real Barack Obama is firmly committed to an agenda of sweeping pro-abortion policy changes that, if implemented, could be expected to drastically increase the numbers of abortions performed.

One component of the Obama abortion agenda, the so-called “Freedom of Choice Act” (FOCA, S. 1173), is coming under

increased scrutiny from many quarters. The FOCA is the most sweeping piece of pro-abortion legislation ever proposed in Congress. It is a bill that would establish a federal “abortion right” broader than *Roe v. Wade* and, in the words of the National Organization for Women, “sweep away hundreds of anti-abortion laws [and] policies.”

In mid-September, every congressional office received a pointedly worded two-page letter on the FOCA from the U.S. Conference of Catholic Bishops



*Cardinal Justin F. Rigali: Warns against FOCA danger in letter to Congress*

(USCCB), signed by Cardinal Justin Rigali, archbishop of Philadelphia and chairman of the USCCB’s Committee on Pro-Life Activities. Rigali notes, in his opening paragraph, “Pro-abortion groups and some of the bill’s congressional sponsors have said they want this legislation enacted soon.”

Personally, I am aware of only one congressional sponsor of the “Freedom of Choice Act” who has said anything publicly, in the past year or so, to indicate that he would like to see the bill enacted soon. That sponsor is the Democratic

nominee for President of the United States, Senator Barack Obama.

Obama is not “merely” a cosponsor of the bill, but someone who has declared enactment of the FOCA to be a top priority. In his too-little-noted speech to the Planned Parenthood Action Fund on July 17, 2007, Obama said, “The first thing I’d do as president is sign the Freedom of Choice Act. That’s the first thing that I’d do.”

Rigali’s letter and an accompanying six-page memorandum from the USCCB’s legal office explain with great clarity the sweeping power of the language contained in the FOCA. Both the letter and the memorandum deserve a wide reading. Here, I will quote only briefly from Rigali’s letter:

“First it [the FOCA] creates a ‘fundamental right’ to abortion throughout the nine months of pregnancy, including a right to abort a fully developed child in the final weeks for undefined ‘health’ reasons. No government body at any level would be able to ‘deny or interfere with’ this newly created federal right. Second, it forbids government at all levels to ‘discriminate’ against the exercise of this right ‘in the regulation or provision of benefits, facilities, services, or information.’ For the first time, abortion on demand would be a national entitlement that government must condone and promote in all public programs affecting pregnant women.”

Rigali also wrote:

“However, there is one thing absolutely everyone should be able to agree on: We can’t reduce abortions by promoting abortion. ... We cannot reduce abortions by insisting that every program supporting women in childbirth and child care must also support abortion. No one who sponsors or supports legislation like FOCA can credibly claim to be part of a good-faith discussion on how to reduce abortions.”

### Mainstream Media Negligence

The mainstream news media have, with few exceptions, been very compliant with Obama’s recent efforts to downplay his hard-line pro-abortion history and policy

commitments, for the purpose of winning the general election.

For example, major media comparisons of the “abortion” positions of Obama and McCain often describe Obama’s supposed position in brief, vague terms, such as “supports abortion rights” or “supports *Roe v. Wade*,” which will be interpreted in very different ways by different people, and that avoid giving readers or viewers information about the specific abortion-related policies to which Obama is committed. These opaque characterizations are set side-by-side with detailed explorations of whether McCain supports any exceptions, the exact meaning of the Republican platform plank on abortion, and so forth.

The describing of Obama’s position in brief, vague ways is not the result of any dearth of detailed information. During Barack Obama’s entire political career, he has consistently supported the most expansive and hard-line “abortion rights” policies. For example, it is well documented that in the Illinois state Senate, Obama led the opposition to legislation to protect babies who are born alive during abortions, and persisted in his opposition even after Congress had enacted a virtually identical federal bill without a single dissenting vote. Obama has in numerous ways actively misrepresented the content of this legislation, and his actions on it, but even when such misrepresentations were proved by NRLC and others, the major media simply let Obama abandon them and fall back to a different set of equally misleading claims.

During the Democratic primary campaign, Obama and his operatives energetically challenged any suggestion that his past record on abortion or future pledges were in the slightest degree less supportive of abortion than those of Senator Hillary Clinton. And, that was true. Indeed, Clinton had voted for a federal Born-Alive Infants Protection Act (BAIPA) that was virtually identical to the Illinois BAIPA that Obama personally killed, in the committee he chaired, the following year.

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Across the nation, crisis pregnancy centers (CPCs) provide all manner of assistance to women who are experiencing crisis pregnancies, and they save the lives of many children. Some states have obtained a modest amount of federal funding for such programs. Late last year, *RHrealitycheck.org*, a prominent pro-abortion advocacy website, submitted in writing the following question to the Obama campaign (as part of a candidate questionnaire): “Does Sen. Obama support continuing federal funding for crisis pregnancy centers?” The Obama campaign response was short, but it spoke volumes: “No.”

Yet, as soon as Obama had secured the Democratic presidential nomination, the Obama machine started sending out very different messages in an attempt to present Obama as a middle-of-the-roader on abortion, a moderate, someone with a “nuanced” position on abortion, someone committed to government programs that would result in “abortion reduction.” Obama gave an interview to a religious publication in which he suggested he favored significant limits on “late-term” abortions (whatever that means). He quickly amended that statement to clarify that he only meant that a woman should not be able to get a “late-term” abortion merely because she was “feeling blue,” although even that hypothetical “restriction” would clearly be impermissible under the FOCA.

### ***New York Times*: “Lies” So Easily Proved as True**

The mainstream media’s complicity in Obama’s soft-pedal strategy is illustrated by an editorial that appeared in the *New York Times* on September 21, titled “Right to Smear.” The editorial expressed the hope that the federal courts and the Federal Election Commission would prevent a group called The Real Truth About Obama, Inc., from disseminating an ad that, the *Times* said, “trashes the candidate’s nuanced position [on abortion]. It even employs an Obama-like voice pledging to make taxpayers pay for abortions, help minors conceal abortions from their parents, and legalize

late-term abortions. To spread these lies, the group wants an injunction ... .”

Well. Any *Times* editor with a computer and a rudimentary familiarity with Google could have established, within 10 minutes, that each of the three specific statements that the *Times* refers to as “these lies” is, in fact, a position which Obama firmly supports, and indeed took pains to highlight to various liberal groups during his primary campaign against Hillary Clinton. In fact, the *Times* editorial itself provides a pretty good illustration of why citizen groups ought to be able to present important information and

abortion (a.k.a. “reproductive health care”) will be part of his national health insurance plan, and he has said that “the first thing I’d do as president” is sign the FOCA, which would clearly invalidate all state and federal policies limiting funding for abortion, as the bill’s chief sponsors and advocates openly proclaim. Moreover, in the Illinois Senate Obama voted against restricting public funding for elective abortions.

Obama also advocates repeal of the Hyde Amendment, the law that since 1976 has blocked almost all federal funding of abortion. This has been one of

abortion groups periodically put out papers complaining about this effect. According to a 2007 NARAL factsheet, “A study by The Guttmacher Institute shows that Medicaid-eligible women in states that exclude abortion coverage have abortion rates of about half of those women in states that fund abortion care with their own dollars. This suggests that the Hyde amendment forces about half the women who would otherwise have abortions to carry unintended pregnancies to term and bear children against their wishes instead.”

In 1993, there was debate in Congress over whether to continue the Hyde Amendment. The Congressional Budget Office (at that time under Democratic control) wrote, “Based on information from the Centers for Disease Control and from States that currently pay for abortions using state funds, the federal government would probably fund between 325,000 to 675,000 abortions each year [if the federal government resumed Medicaid funding for abortion]. The increase in the total number of abortions would be smaller, however, because some abortions that are currently funded by other sources would be partially or totally paid from federal funds ... .”

Although Speaker Nancy Pelosi and most other Democratic congressional leaders are hostile to the Hyde Amendment, the law has been extended anyway because President Bush issued a letter in early 2007 saying that he would veto any bill that weakens any existing pro-life policy. However, because the Hyde Amendment (and a number of similar provisions that govern other federal programs) must be renewed annually, things could change quickly under a president determined to re-establish federal funding of abortion on demand.

(2) Regarding Obama’s desire to “help minors conceal abortions from their parents,” all laws requiring parental notification or consent for a minor daughter’s abortion would without doubt be invalidated by the FOCA. Moreover, since entering the U.S. Senate, Obama has



*Barack Obama: “First thing I’d do” is sign FOCA*

opinions, regarding those who seek public office, directly to the public, without government-imposed restrictions or rationing, and without being filtered by “gatekeepers” such as the editors at the *New York Times*.

Let’s take a closer look at three purported “lies” that the *Times* wants the machinery of the federal government to suppress:

(1) Regarding “pledging to make taxpayers pay for abortions,” Obama has done just that. He has pledged that

the most successful “abortion reduction” policies ever adopted. By even the most conservative estimate, there are more than one million Americans alive today because of the Hyde Amendment. Even the Alan Guttmacher Institute (linked to Planned Parenthood) and NARAL admit that the Hyde Amendment (and the similar policies adopted by many states) have resulted in many, many babies being born who otherwise would have been aborted—indeed, the pro-

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had two opportunities to vote directly on the question of parental notification for interstate abortions on minors, and he voted no both times. (Voted against the Child Custody Protection Act [S. 403], July 25, 2006, Senate Roll Call No. 216, and voted against cloture on the Child Custody Protection Act as amended by the House to include provisions of the Child Interstate Abortion Notification Act, September 30, 2006, Senate Roll Call No. 263.)

More than half of the states have parental notification or consent laws in effect, which the Supreme Court has said are permitted under *Roe v. Wade* as long as they meet certain requirements, including availability of judges to authorize abortions without parental notification or consent. A recently released study by Michael New, Ph.D., assistant professor of political science at the University of Alabama, found that laws requiring notification to or consent of at least one parent prior to a minor's abortion have reduced the abortion rate among minors, in states that have enacted such laws, by approximately 13.6 percent on average (even though these laws have court-mandated judicial bypass provisions). In states that enact laws requiring the involvement of both parents, the in-state abortion rate among minors dropped by about 31 percent.

(3) Regarding "legalize late-term abortions," the ad script to which the *Times* was objecting actually says that Obama would "make partial-birth abortion legal." Obama opposed a partial-birth abortion ban in Illinois, and he criticized the U.S. Supreme Court for upholding the federal ban in 2007. The FOCA was reintroduced the day after that Supreme Court decision came down, at which time the FOCA chief sponsors proclaimed that the bill was necessary to (among other things) nullify the Partial-Birth Abortion Ban Act.

### Focus on "FOCA"

It is not hard to understand why those who are trying to package Obama for general-election consumption do not want the spotlight to land on the

"Freedom of Choice Act." It is, as USCCB Associate General Counsel Michael F. Moses wrote in the legal memorandum sent to Congress with the Rigali letter, "a radical measure. ... It would impose upon the entire country an abortion regime far worse than anything wrought by *Roe* or cases decided under it. It would



*Barbara Boxer (D-Ca): Prime FOCA sponsor admits its effects.*

jeopardize many laws enacted by the people and their elected representatives, at the federal and state level, over the last several decades."

Nor are such statements solely the interpretations of critics of the bill. When she re-introduced the FOCA in 2004, the chief Senate sponsor, Senator Barbara Boxer (D-Ca.), issued a press release in which she said: "That [the operative language of FOCA] means women would have the absolute right to choose whether to continue or terminate their pregnancies before fetal viability, and that right would be protected by this legislation. The Freedom of Choice Act also supercedes any law, regulation or local ordinance that impinges on a woman's right to choose."

Boxer went on to spell out some of the tangible effects of the FOCA:

"That means a poor woman cannot be denied the use of Medicaid if she chooses to have an abortion. That means that abortions cannot be prohibited at public hospitals, giving women more choices than private clinics. That means that we respect a woman's ability to make her own decision, and don't force women to attend anti-choice propaganda lectures, which submit women to misleading information, the purpose of which is to discourage abortion. That means that women serving our country in the military overseas would be able to afford safe abortions that can be performed in a military hospital. And, under our law, women who are denied their right to choose, or discriminated against will be able to go to court to enforce the law."

When pressed to address Obama's support for the FOCA, Obama advocate Douglas Kmiec recently said, "I am not convinced this wholesale invalidation of state law is what is intended by the drafters of FOCA; what they have provided for in the draft legislative language; or what the judiciary would construe that language to mean."

Since Kmiec is "not convinced" by the plain language of the bill or by the explicit statements of its chief sponsors, most likely he will also remain "not convinced" by the congruent assessments of the bill disseminated by the groups that lobby for its enactment. For example, a Planned Parenthood Federation of America (PPFA) factsheet explained, "FOCA will supercede anti-choice laws that restrict the right to choose, including laws that prohibit the public funding of abortions for poor women or counseling and referrals for abortions. Additionally, FOCA will prohibit onerous restrictions on a woman's right to choose, such as mandated delays and targeted and medically unnecessary regulations."

The PPFA factsheet also noted: "Parental consent or notification statutes have been used as a tool to deny access to abortion services for minors. When such laws deny or interfere with the ability of minors to access abortion services, they would violate FOCA."

Kmiec's nonchalant suggestion that the federal courts would likely protect the states from the destructive impact of the FOCA is certainly unpersuasive, especially considering the type of result-oriented jurists that Obama can be expected to nominate to the U.S. Supreme Court if he is given the opportunity.

### The "Abortion Reduction" Scam

It was very definitely not part of the Obama "messaging" strategy to talk to the "faith communities" about Obama's commitment to the "Freedom of Choice Act"—a bill that, as Cardinal Rigali points out, "would counteract any and all sincere efforts by government to reduce abortions in our country." It is, however, an honest journalist's job to present information about the contending candidates in a straightforward, symmetrical fashion. That means it is long past time for honest journalists to start mentioning Obama's commitment to the FOCA—and to accurately describe what that bill would do—at least as often as they discuss McCain's position on a constitutional amendment on abortion.

The Constitution does not give the president any formal role whatever in the constitutional amendment process. (A constitutional amendment requires a two-thirds vote in each house of Congress, and ratification by at least 38 state legislatures, but not the president's signature.) With respect to regular bills, however, such as the "Freedom of Choice Act," the president's hand holds great power: to veto the bill—thereby protecting hundreds of pro-life laws and saving potentially millions of human lives, which is what a President John McCain would do if the "Freedom of Choice Act" reaches his desk—or to sign the execution order, as Barack Obama has pledged to do.

*Editor's note: This article originally appeared in slightly different form on NationalReviewOnline (www.national-review.com).*