

Elections Have Consequences

Does it matter to the pro-life cause whether a President is pro-life or not? Does it matter how many pro-life people are elected to Congress?

Part of the responsibility pro-life educational organizations like Priests for Life is to familiarize people with the electoral process and its implications.

The present document, therefore, explores the progress made for the pro-life cause under a pro-life administration, and the possible impact of a pro-abortion one.

PRO-LIFE ACCOMPLISHMENTS OF THE BUSH ADMINISTRATION

- 1) **Appointed Chief Justice John Roberts and Justice Samuel Alito** to the Supreme Court. The appointments resulted in the upholding of the federal partial-birth abortion ban by a 5-4 decision.
- 2) **Reinstated the Mexico City Policy**, begun by the Reagan Administration and reversed by the Clinton Administration (when Congress tried to reinstitute the policy, Clinton vetoed the bill), that bars foreign aid funding to groups that perform or advocate for abortions. In 2003, the Bush Administration expanded the Mexico City Policy to include not just funds dispensed by the U.S. Agency for International Development (USAID), but also the State Department.
- 3) Discouraged advancement of pro-abortion legislation by **announcing early in his administration that he would veto legislation that threatened pro-life policy.**
- 4) **Signed the Born-Alive Infant Protection Act**, which made it a federal crime not to treat babies who survive abortion.
- 5) **Signed the Partial-Birth Abortion Ban of 2003.**
- 6) **Signed Unborn Victims of Violence Act**, recognizing the unborn child as a separate crime victim if injured or killed during an assault.
- 7) **Cut off all federal funds to the United Nations Population Fund (UNFPA)** for its involvement in China's one-child policy which includes forced abortion and sterilization. President Bush sent a fact-finding mission to China which found that the nation's one-child policy was indeed coercive in nature and that the UNFPA was an integral part of implementing that policy, placing the UNFPA in clear violation of the Kemp-Kasten Amendment that prohibits any aid to any program that involves forced abortion or forced sterilization. Tens

of millions of dollars that otherwise would have gone to the UNFPA were redirected to maternal and child health programs.

- 8) **Thwarted efforts at the United Nations to promote abortion** by instructing U.S. delegates to state at every appropriate opportunity that America does not regard anything in any document before the U.N. to establish any international right to abortion.
- 9) **Issued Executive Order banning the use of new lines of embryonic stem cells in federally funded experiments.** Later vetoed legislation passed by Congress to permit federal funding of embryonic stem cell research.
- 10) **Signed the Stem Cell Therapeutic and Research Act of 2005**, which will fund research using umbilical cord and adult stem cells. The measure provides funding to increase the inventory of cord blood units available to match and treat patients and to link cord blood banks so that doctors have a single source to search for cord blood and bone marrow matches. It also reauthorizes the National Bone Marrow Registry.
- 11) **Launched public awareness of adoption campaign**, working with the National Council for Adoption and pregnancy help centers across the country. The campaign sponsored conferences encouraging faith based communities to promote adoption and produced public service announcements featuring the First Lady urging the adoption of foster children.
- 12) **Established the first federal government and national website listing and showing children available for adoption across the country** (www.AdoptUSKids.org).
- 13) **Increased the tax credit for adoption related expenses from \$5,000 to \$10,000**; for special needs children, the credit was raised from \$5,000 for qualified adoption related expenses to \$10,000 for any adoption related expenses. This was done as part of the President's tax relief bill.
- 14) **Annually declared Sanctity of Human Life Day.**
- 15) **Issued a federal regulation allowing states to include unborn children in the federal/state S-CHIP program**, which provides health insurance for children in poor families. This allowed states to include pre-natal care in the health insurance they offer to poor children under the program.
- 16) **The Bush Administration did what it could to stop assisted suicide from taking further hold in Oregon.** The state of Oregon passed an assisted suicide law that allows doctors to prescribe federally controlled drugs in lethal amounts to certain of their patients who say they want to die. Federal law holds that federally controlled drugs may only be prescribed for legitimate

medical purposes. During the Clinton Administration, Attorney General Janet Reno decreed that assisted suicide was a legitimate medical purpose in those states that permit it.

During the Bush Administration, Attorney General John Ashcroft changed that ruling, saying that assisted suicide was not a legitimate medical purpose, thereby barring doctors from prescribing lethal drugs. A lawsuit was filed and ultimately, the Supreme Court ruled in favor of allowing the drugs to be used for assisted suicide.

- 17) **Signed legislation making it possible for a federal court to hear whether Terri Schiavo's constitutional rights had been violated** by being denied hydration and nutrition.
- 18) **Dramatically increased funding for abstinence education through the Department of Health and Human Services**, although Congress did not approve the full amount the Bush Administration requested.

IF AN ABORTION SUPPORTER BECAME PRESIDENT....

- 1) Supreme Court appointments

If the next president serves one term, given the current ages of Supreme Court Justices and the average age of the last six Justices to leave the Court, he will likely make at least one, probably two, and possibly more appointments to the nation's highest court.

If the next president serves two terms, he will likely appoint at least three Supreme Court Justices, perhaps six.

Based on the average term of service of the last six Justices to leave the Court, the newly appointed Justices of the next president will each serve an average of 23 years.

Because the two Justices most likely to retire next are both pro-abortion, it is not an overstatement to say that the next President could shape abortion jurisprudence for the next generation. This will be an incontrovertible fact if the next president appoints six justices.

In short, whether *Roe v. Wade* is overturned or enshrined for another 30-40 years could be determined by the next president.

Supporting data:

<u>Current Justices</u>	<u>Age*</u>	<u>Years on Court**</u>
John Paul Stevens	89	33
Ruth Bader Ginsburg	76	15
Antonin Scalia	73	22
Anthony Kennedy	72	20
Stephen Breyer	70	14
David Souter	69	18
Clarence Thomas	60	17
Samuel Alito, Jr.	58	3
John G. Roberts	54	3

* Age when new President inaugurated in Jan. 2009.

** As of Jan. 2009

Last six Justices to leave the Court:

<u></u>	<u>Age Ret'd/Died #</u>	<u>Years Served</u>
Sandra Day O'Connor	75	25
William Rehnquist	81	33
Lewis Powell	80	15
Harry Blackmun	85	24
Warren Burger	79	17
Thurgood Marshall	83	24
	AVG.	80.5
		23

Age when Justice retired or died while serving on the Court.

2) Freedom of Choice Act (FOCA)

The Freedom of Choice Act goes beyond Roe v. Wade. It would establish abortion on demand with no restrictions whatsoever as the law of all 50 states.

FOCA, which has been introduced in Congress since the 1990s but is now regaining attention, would wipe out all state laws on abortion, including parental notification or consent acts, public funding restrictions, 24-hour waiting period requirements, and women's right to know measures, whereby a woman must be told of the risks caused by abortion and about the development of her unborn child. If the next Congress has a pro-abortion

majority, a pro-abortion president could sign FOCA into law, eliminating 35 years of laws that have reduced the number of abortions in the United States.

3) Hyde Amendment

The Hyde Amendment, which has prevented almost all abortions from being federally funded through Medicaid for the last 30 years, could be eliminated by a pro-abortion President and Congress. While some states use their own money to subsidize abortions for poor women, the Hyde Amendment has protected federal taxpayers from being forced to bankroll these procedures. The Clinton Administration lobbied for its repeal.

4) Embryonic Stem Cell Research Funding

A pro-abortion president could sign a bill authorizing taxpayer money to be used for stem cell research experiments that kill human embryos. Such measures have passed Congress already, but were vetoed by President Bush.

5) National Health Insurance

A pro-abortion president would undoubtedly include abortion as a covered procedure in any national health care/insurance plan, thereby making abortions more available and forcing taxpayers to subsidize them.

When Hillary Clinton introduced her nationalized medicine plan in 1993, it included provisions that not only would have forced taxpayers to pay for all abortions, it would have superseded any state law restricting abortion and it would have required medical schools to train doctors to perform abortions, among other pro-abortion features. Any national system of health care coverage must be closely monitored as such a system is a potential backdoor vehicle for abortion on demand.

6) Mexico City Policy

A pro-abortion President could issue an Executive Order on his first day in office, as President Clinton did, eliminating the Mexico City Policy established by President Reagan and adopted by both Presidents Bush. The policy bars U.S. foreign aid money from being given to groups that perform or promote abortion overseas.

7) Partial-birth Abortion

A pro-abortion Congress and a pro-abortion President could repeal the federal ban on partial-birth abortion passed and signed into law by President Bush in 2003 and upheld by the Supreme Court in 2007. Earlier versions were either vetoed by President Clinton or struck down by the Supreme Court.

8) Unborn Victims of Violence Act

A pro-abortion Congress and a pro-abortion President could repeal the federal law making the killing of an unborn child during the commission of a federal criminal offense a separate crime. Under the law, if a pregnant woman is killed on a military base or in a federal building, the perpetrator could be charged with the separate crimes of murdering the mother and murdering the child. It took five years for this measure to be enacted by Congress. Pro-aborts have always opposed it because it recognizes the unborn child as a human being.

9) Restore Funds for UNFPA

A pro-abortion President could restore the tens of millions of dollars in annual funding that President Bush has denied the United Nations Population Fund because of the fund's support for China's policies of forced abortion and sterilization.

10) United Nations Treaties and Conferences

A pro-abortion President would end U.S. opposition to continued United Nations efforts to impose abortion "rights" on the over 100 countries that still significantly restrict abortion. While no U.N. treaty officially mentions "abortion," U.N. bodies consistently seek to interpret treaty references to "human rights," "women's rights" and "reproductive health" as including abortion, interpretations opposed by pro-life American administrations. A pro-abortion administration would promote the inclusion of pro-abortion language in international treaties and at international conferences, thereby adding to the pressure on predominantly Third World countries to adopt liberal abortion laws.

11) Push Abortion on Foreign Countries

In addition to using the United Nations to try to coerce foreign nations to adopt abortion on demand, a pro-abortion president could ask U.S. ambassadors to urge host nations to adopt more liberal abortion laws.

12) Abortions in Military Hospitals

In 1988, President Reagan issued an Executive Order banning abortions at military hospitals worldwide, except in cases of rape, incest, or where the mother's life was endangered. This ban continued until President Clinton revoked it with another Executive Order in one of his first acts as President. Two years later, Congress reinstated the ban through a funding restriction in the Defense budget. This ban has remained in effect to this day despite repeated efforts by pro-aborts in Congress to provide funding for military hospital abortions or even to allow privately funded abortions in those hospitals. Should pro-aborts in Congress lift the ban, a pro-abortion president would not veto the move.

13) RU-486

With more deaths being attributed to the abortion pill, RU-486, the next administration will have to reexamine whether it should be available to the public. A pro-abortion president would do nothing to protect women from this dangerous killer.

PRESIDENTIAL APPOINTMENTS AFFECTING LIFE ISSUES

As the expression goes, "personnel is policy." To have his policies carried out, a President must have like-minded individuals in key positions. When we elect a President, then, we also elect an entire army of people appointed by the President who will affect policy at all levels of government, including deciding which private groups participate in federal programs or receive federal grants.

Every President fills over 7,000 positions in the White House, federal departments and agencies, and advisory panels. This figure does not include Judicial Branch appointments. A complete list of all positions filled by presidential appointment is available in the "Plum Book," the latest edition of which is available at <http://www.gpoaccess.gov/plumbook/2004/index.html>.

The following list contains some of the key appointments a President makes that can affect the Culture of Life:

Supreme Court Justices (lifetime tenure)

President Ronald Reagan appointed three and promoted Justice Rehnquist to Chief Justice.

President George H.W. Bush appointed two.

President Bill Clinton appointed two.
President George W. Bush appointed two.

Federal Circuit Court of Appeals Judges (lifetime tenure)

Ronald Reagan appointed	83
George H.W. Bush	42
Bill Clinton	66
George W. Bush	57

Federal District Court Judges (lifetime tenure)

Ronald Reagan appointed	290
George H. W. Bush	148
Bill Clinton	305
George W. Bush	237.

White House

Chief of Staff

Counsel to the President

Assistant to the President for Domestic Policy

Director, Office of Faith-Based and Community Initiatives

Special Assistants for Legislative Affairs (lobby Congress to implement proposals backed by White House; at least 11 of these Assistants)

Office of Policy Development (13 appointments)

Office of Management and Budget (sets the federal budget sent to Congress; at least 29 appointments here)

Justice Department

Attorney General (12 appointments to the Office of the Attorney General)

Office of the Solicitor General (the Administration's counsel before the Supreme Court; 7 appointments)

Executive Office for United States Attorneys (includes over 100 U.S. Attorneys across the country who bring prosecutions for federal crimes, such as, perhaps, partial-birth abortion)

Office of the Associate Attorney General (includes numerous appointees, including those for the Civil Rights Division, which defends the rights of the disabled, among others)

Department of Health and Human Services

Secretary of Health and Human Services (20 appointments, such as Chief of Staff, Deputy Chief of Staff for Policy, Special Assistant for Grants, and Counselor to the Secretary)

Office of the General Counsel (30 appointments)

Assistant Secretary for Public Health and Science (17 appointments, including Surgeon General)

Office of Global Health Affairs (5 appointments)

Office of the Assistant Secretary for Legislation (10 appointments)

Office of the Assistant Secretary for Children and Families (34 appointments)

Centers for Disease Control and Prevention (14 appointments)
Among other things, keeps track of abortion statistics.

National Institutes of Health (20 appointments)

Food and Drug Administration (30 appointments)
Charged with testing, approving, and monitoring drugs for safety, such as RU-486.

State Department

Assistant Secretary of State for Population, Refugees and Migration
\$750 million budget and 140 employees; oversees international family planning programs.

Ambassador to the United Nations

Argues the American position with regard to international treaties, including those dealing with family planning and women's rights.

U.S. Agency for International Development (over 50 appointments)

Administers U.S. foreign aid, including contracts for family planning assistance.

Chairman and 15 Members, President's Council on Bioethics

Head of the Republican National Committee or Democratic National Committee

These committees recruit candidates to run for the House and Senate, thereby having a direct impact on the composition of Congress. They also determine which candidates will get campaign assistance from the party.

THE VETO-PROOF CONGRESS

If the House of Representatives and the Senate pass a bill, the measure is sent to the President for his signature. Under Article I, Section 7 of the Constitution, the President may then veto the legislation and return it to the body where it originated.

Congress may override a presidential veto if two-thirds of those members voting in each house approve the legislation. For example, if only 90 of the 100 Senators are present for a vote to override a veto, 60 votes (two-thirds of those present) would be necessary for the override attempt to be successful. According to the Congressional Research Service, between 1961 and 2005, there were 350 presidential vetoes, 33 of which (9.4 percent) were overridden.

Generally, a "veto proof" Congress is one where the party in opposition to the President controls at least 67 seats in the Senate and 290 in the House. Those numbers would apply, though, only if a vote went strictly along party lines. They would also only apply if every single member of Congress were present for the override vote.

With regard to pro-life/pro-abortion votes in the current House and Senate, there is no fixed number as support for pro-life positions depends on the specific issue involved.

Approximate pro-life and pro-abortion strength could be measured by votes in the most recent Congress.

In the Senate, a move to abandon the Mexico City Policy that bars foreign aid from going to groups that promote abortion was approved in 2007 on a 53-41 vote (six not voting). Thus, 56.4 percent of the Senators voting took a pro-abortion position. A switch of five votes would have made the move to eliminate the Mexico City Policy "veto proof" in the Senate. (NOTE: Of the six Senators who didn't vote, four, Biden, Clinton, Obama, and Lincoln are pro-abort; thus even if everyone had voted, it still would have taken a switch of only five votes to have made the Senate "veto proof" over a pro-life president.)

In the House of Representatives, a 2007 vote to undermine the Mexico City Policy passed 217-205, with 13 not voting. This represented a 51.1 percent pro-abortion majority. Of

those not voting, only three were pro-abortion, so one could say that there were 220 pro-abortion votes on this measure; that would mean a switch of 35 votes would be necessary to obtain a veto-proof pro-abortion majority.

In summary, even if a pro-life president were elected in November, the election of five more pro-abortion Senators and 35 more pro-abortion Congressmen would mean that pro-aborts would be left unchecked to pass and enact deadly, anti-life legislation.

THE FILIBUSTER

In the United States Senate, procedural rules allow for the prolonged delay of a pending vote. This extended delay is called a filibuster.

At one time, rules required that a Senator or Senators actually continue speaking to maintain a filibuster. Today, a Senator only need indicate that he is filibustering, although the Senate Majority Leader has the discretion to require a traditional filibuster, most famously portrayed in the movie "Mr. Smith Goes to Washington," if he chooses.

A filibuster can hold up a vote on a bill for an indefinite period. This usually results in Senators reaching some sort of compromise on the bill or in the bill's withdrawal from consideration. Sometimes, instead of a bill, presidential nominations to executive or judicial posts are filibustered.

Senate rules do permit filibusters to be ended by cloture votes. Invoking cloture, which ends debate and forces a vote on the bill under consideration, requires a three-fifths vote of all currently sworn Senators. Traditionally, then, a Senate is said to be "filibuster proof" if the majority party has at least 60 seats. (NOTE: Less than 60 votes would be required only if there were two or more vacancies in the Senate.)

Presently, pro-lifers are in the minority in the United States Senate. Fifty-seven Senators now favor ending the Mexico City Policy, which forbids foreign aid being given to groups that perform or promote abortion. If the Senate were to gain three more pro-abortion votes, pro-lifers would not be able to filibuster to prevent the end of the Mexico City Policy.

The filibuster could be a crucial pro-life tool in stopping pro-abortion legislation if both Congress and the presidency were controlled by pro-aborts. Most recently, the filibuster was used by pro-abortion forces to block the confirmation of President Bush's nominees to federal courts.

The House of Representatives does not permit filibustering.