

# Nebraska Right to Life

State Affiliate to the National Right to Life Committee



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April 2017

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## NRLC LETTER IN SUPPORT OF GORSUCH CONFIRMATION

Dear Senator:

On behalf of the National Right to Life Committee (NRLC), the federation of state right-to-life organizations, we write to urge your full support to achieve the confirmation of Judge Neil Gorsuch as an associate justice of the United States Supreme Court — including support for the procedural steps necessary to accomplish this, as discussed below.

Legal abortion on demand was imposed on the U.S. by seven Supreme Court justices in *Roe v. Wade*. That 1973 ruling lacked any real basis in the text of the Constitution; the policy that it imposed was completely at odds with the intent of the lawmakers who crafted and ratified the 14th Amendment. The ruling was aptly branded “an exercise of raw judicial power” by dissenting Justice Byron White. Yet, when *Roe* was challenged in the 1992 case of *Planned Parenthood v. Casey*, a 5-4 court affirmed the core holdings of *Roe* on grounds that can be fairly summarized as, “Because we said so – that’s why.”

A recent manifestation of the Supreme Court as Super-Legislature is found in *Whole Women’s Health v. Hellerstedt*,

handed down June 27, 2016. A 5-3 majority found that modest health-based regulations on abortion providers — adopted by Texas in the wake of multiple criminal convictions of the notorious Pennsylvania abortionist Kermit Gosnell — would diminish untrammelled access to abortion for some women and therefore violated the judge-made right to abortion. As Justice Thomas said in his cogent dissent, “The State’s burden [in regulating abortion] has been ratcheted to a level that has not applied for a quarter century ... the majority’s undue-burden balancing approach risks ruling out even minor, previously valid infringements on access to abortion. ... As the Court applies whatever standard it likes to any given case, nothing but empty words separates our constitutional decisions from judicial fiat.”



Judge Neil Gorsuch

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## LB 59 WOULD STRENGTHEN INFORMED CONSENT ON ABORTION STATUTE

*Nebraska Right to Life (NRL) President Sandy Danek testified*



**NRL President Sandy Danek testifies in support of LB 59.**

*March 22nd in front of the Legislature’s Health & Human Services Committee in support of LB 59. This is the third time since 2013 that NRL has worked on a variation of this bill to strengthen our existing statute on Informed Consent for Abortion. Main opponents were Planned Parenthood of the Heartland and ACLU-Nebraska. Following is Sandy’s testimony to the Committee:*

LB 59 is a simple, common-sense bill which seeks to strengthen Nebraska’s Informed Consent on Abortion statute. The aim of our existing statute, passed

in 1993, is to provide information for women and teenage girls who may be seeking an abortion so they may make a fully informed decision prior to an invasive medical procedure or chemical process which takes the life of their unborn child.

Some of the information that the law is to provide includes a list of methods and complications of abortion, a list of pregnancy help centers around the State where alternatives to abortion can be discussed and a list of agencies

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# MORE THAN 4,500 NEBRASKANS WALK FOR LIFE



The 43rd annual Nebraska Walk for Life, sponsored by Nebraska Right to Life, was held Saturday, January 14th at the State Capitol and UN-L Student Union in Lincoln.

More than 4,500 pro-lifers from around the State took part in the brief program at the Capitol and then marched down 14th Street to the Union to hear keynote speaker Rebecca Buell. She told the story of how she reversed her RU-486 chemical abortion through a new medical regimen being pioneered by a few Doctors. She brought her 3-year-old son, Zachariah, to show the crowd that miracles can happen, as he is the child who was saved via the new abortion reversal technique.



## NRLC LETTER IN SUPPORT OF GORSUCH CONFIRMATION

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To our knowledge, Judge Gorsuch has not commented on the constitutional soundness of any of these Supreme Court rulings, nor has he personally ruled as a judge in any case directly implicating the putative “right to abortion.” So then, why are organizations that advocate for unrestricted abortion, and the political arms of the abortion industry, with one voice demanding that senators employ the filibuster to block Judge Gorsuch’s confirmation? We believe it is because Judge Gorsuch has applied a belief that the Constitution does not confer on judges the authority to impose by decree the public policies that they consider enlightened or fashionable, nor authority to remove such issues from the normal democratic political processes — except when enforcing authentic constitutional prohibitions.

Abortion advocates for a half-century have sought public acceptance of an ideological doctrine that, stripped of its euphemistic trappings, allows no meaningful legal protection for unborn humans at any point prior to birth — or even, in the abortion context, immediately after a live birth. Although they have found considerable support among certain elites e.g., the entertainment industry and the mainstream news media — and in some locales, the majority of Americans continue to reject this callous dehumanizing of the unborn child. As a result, abortion advocates find that they must frequently avail themselves of policy-committed judges, in order to nullify the actions taken by democratically elected policymakers. In order to perpetrate this long-running anti-democratic exercise, they seek to exclude from the Supreme Court those jurists who will not commit to preserve and protect their policy agenda.

Based on the evidence available, it appears that Judge Gorsuch is the type of nominee that the abortion advocates

fear most — one who will take seriously his oath to defend the Constitution, even when this produces results that may outrage certain elites. They fear that Judge Gorsuch will fail to find in the Constitution any provision that denies a self-governing people the right to fashion laws that recognize the humanity of unborn members of the human family. We agree with that assessment, because there is no such provision to find.

Therefore, National Right to Life intends to include in our scorecard of key right-to-life roll calls of the 115th Congress, the roll call(s) that we determine most fairly reflects the commitment of senators regarding the pending matter. This intention encompasses reserving the right to score the anticipated roll call on cloture, a possible roll call to create a symmetrical cloture precedent applicable to all nominations, and/or the roll call on the confirmation of the nominee.

We will not assert that a positive vote on one or all of these questions should be read to necessarily convey agreement by a senator so voting with our position on Roe, Casey or Hellerstedt. But in our view, it can be fairly stated that a negative vote on any of these three questions is indeed a vote to perpetrate the type of jurisprudence that these rulings represent. Beyond inclusion in our scorecard, the overriding importance of these roll calls — particularly those deemed procedural — will be clearly conveyed to our members, supporters and affiliates nationwide.

Thank you for your consideration of our perspective regarding this matter of gravest import.

Respectfully,

*Carol Tobias, President; David N. O’Steen, Ph. D., Executive Director; and Douglas D. Johnson, Senior Policy Advisor*

## SCHOLARSHIPS AVAILABLE

High School Seniors have until April 28th to submit their application for the John Nolan Warrior for Life Scholarship, awarded from Nebraska Right to Life.

The \$500 Scholarship is presented on behalf of longtime pro-life activist John Nolan of Lincoln. A World War II veteran buried with military honors at Arlington National Cemetery, he was a tireless advocate for unborn babies and their mothers outside the Lincoln abortion facility and a NRL volunteer. Scholarship applications are available on NRL social media and by emailing [nebraskartl@gmail.com](mailto:nebraskartl@gmail.com)

## NEBRASKA RIGHT TO LIFE OPPOSES ANTI-LIFE LEGISLATION

Nebraska Right to Life sent testimony on three anti-life bills this legislative session:

- LB 450, Senator Ernie Chambers' continued attempt to pass Physician-Assisted Suicide.
- LB 529, which would expand the universe of where and how minors can access judicial bypass for abortion without consent of a parent.
- LB 120, which seeks to expand family planning funding, including funding for Planned Parenthood of the Heartland. NRL opposed this on the basis of fungibility of funds and the fact that increased funding to PPH in one area frees up its ability to use other funds for abortion advocacy.

## SENATORS RECEIVE FLOWERS

NRL recently delivered pink and blue carnations to State



Senators' offices to commemorate the nearly 60 million unborn babies who died since the Roe v. Wade decision in 1973. More than 185,000 babies have been aborted in Nebraska during the same period.

been aborted in Nebraska during the same period.

# LB 59 WOULD STRENGTHEN INFORMED CONSENT ON ABORTION STATUTE

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around the State where free ultrasounds of a pregnancy can be obtained, among other things.

The initial statute was passed before the advent of technology which has now allowed everyone to use their smart devices to Google information. One of the methods for supplying information at the time was via a booklet developed by the Nebraska Department of Health & Human Services. A key element of the booklet was to provide accurate information at two-week gestational increments of the development of the unborn child from fertilization through birth.

The process laid out in 1993 has never really provided all of the information stipulated under the law in an easily accessible fashion. Abortion facilities were to inform women seeking counseling that by law, DHHS had information that they could access to help make their decision. The abortion facilities were supposed to have booklets on hand to give to people in counseling or to mail them out in a timely fashion. Some abortion facilities had women listen to a recording to contact DHHS at an 800 number to ask for information.

The original toll free number set up by DHHS is not working and the new toll free number under the Nebraska Resource & Referral System takes one into prompts to leave a message.

Since we started the discussion with DHHS about four years ago, we are encouraged that they have listened to suggestions and have made some improvements. One can now keyword search Abortion on the DHHS home page and Abortion: Informed Consent comes up with a separate page. And while they have put some of the information on that page, not all of it is accessible. For instance, a list of pregnancy help centers located around the State are not found by a search, and not all of the pregnancy help centers that offer free ultrasounds are listed.

LB 59 would take advantage of current technology by providing a link of DHHS's choosing on the Informed Consent page which would connect to an unbiased, scientifically accurate website of fetal development images and videos.

In the attached handout from the Kansas Department of Health Informed Consent on Abortion webpage, you will see that 4-D ultrasound videos pop up

automatically. The key component of requiring abortion facilities to provide a link on their websites to the DHHS Informed Consent page is the hammer that would ensure that the abortion facilities are also fulfilling their duty to provide access to information under the law.

Concerns about directing private entities to link to the DHHS page can be addressed by the fact that Kansas and Louisiana laws do have abortion facilities in those States linking to their DHHS pages. Currently, Planned Parenthood of the Great Plains provides a link to the Kansas Informed Consent page, as does South Wind Women's Center in Wichita. Hope Medical Center abortion facility in Louisiana links to that State's webpage. Questions about Planned Parenthood of the Heartland being able to link to a Nebraska DHHS site when it covers multiple States appear to be moot when PPH currently handles business on its website for other States by linking directly to information in those States.

We ask your help in bringing needed updates and technology into the Informed Consent process with the passage of LB 59. Thank you.

**NEBRASKA RIGHT TO LIFE BOARD OF DIRECTORS**

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**Nebraska Right to Life**

State Affiliate to the National Right to Life Committee

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**FIND US ON FACEBOOK, TWITTER**



Facebook: Search Facebook using Nebraska Right to Life: State Affiliate to National Right to Life



Twitter: Search Twitter using NERightToLife.

Both sites are updated daily with video/links/posts from national and State sources. Tell your friends and family on these sites to join the NRL pages.



**HASTINGS**



South Central Nebraska Right to Life, St. Michael's Catholic Church Pro-Life Committee and UN-K Students for Life sponsored the Respect Life Dinner March 19 in Hastings. Sue Thayer, former Storm Lake, Iowa, clinic director, was the keynote speaker.



**HASTINGS**

**LOCAL CANDIDATE SURVEY 2017**

The following are responses to our local candidate survey. To view the questions, please visit us on social media or our website.

**SURVEY KEY**

Y = Yes, Pro-Life In Most Cases  
 N = No, Against Pro-Life in Most Cases  
 -- = Did Not Answer  
 \* = Comments on File

**CANDIDATE RESPONSES**

	1A	1B	1C	1D	1E	2	3	4	5	6	7	8
<b>MAYOR OF OMAHA</b>												
Jean Stothert	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y
<b>OMAHA CITY COUNCIL, DIST. 6</b>												
Dwite Pedersen	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
<b>OMAHA CITY COUNCIL, DIST. 7</b>												
Aimee Melton	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<b>LINCOLN CITY COUNCIL, AT-LARGE</b>												
Roy Christensen	--	Y	--	--	--	Y	Y	Y	Y	Y	Y	Y
Brayden McLaughlin	N	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
Tom Nesbitt	--	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y
<b>LINCOLN SCHOOL BOARD, DIST. 5</b>												
Lanny Boswell	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y

Only candidates who responded to our survey are included. This is strictly an educational survey and not an endorsement.

**Lincoln General Election: May 2nd**  
**Omaha General Election: May 9th**