Colorado Right To Life

Summary of the Ruling Upholding the Partial-birth Abortion Ban

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(for *Colorado Right to Life*)

Shirley Dobson, on the day of the ruling, agreed with talk show host Hugh Hewitt that the Supreme Court upholding the partial-birth abortion ban, "is an answer to prayer." The tragedy, which she was unaware of, but which Hewitt as a lawyer should have known, is that not a single abortion, late-term or otherwise, has been or will be, canceled due to this ban. And THE BAN ITSELF NEVER HAD EVEN THE POSSIBILITY OF PREVENTING A SINGLE ABORTION. Fifteen years of focused effort went toward achieving this ban, and tens of millions of dollars have been raised to continue that long fight, and during those years U.S. abortionists have killed 20,000,000 children. And now that we have our PBA ban in place, law enforcement cannot use it to protect the life of even a single pre-born child. The justices of the 5-to-4 majority, all of whom were appointed by Ronald Reagan, George Bush, or George W. Bush, namely, Kennedy, Roberts, Scalia, Thomas, and Alito, rendered a ruling that has no moral component whatsoever and is merely regulatory. On page 30 at Section IV (A), these men optimistically suggest that, "The medical profession, furthermore, may find different and *less shocking methods to abort the fetus in the second trimester*, thereby accommodating legislative demand."

Our Christian leaders have misled millions into thinking this ban would prevent at least some abortions. In reality, pro-lifers volunteered, they made phone calls, and gave money, all to promote a ban that utterly lacked the authority to save even a single baby. Sadly, our leaders are not wiser than that. Rank-and-file pro-lifers were never told that this ban had no ability to actually save a child, and instead was a public relations event "to keep the issue in the news." But the children deserved better. Almost all our leaders, from the protestant Dr. James Dobson of *Focus on the Family*, to the Roman Catholic president of *National Right to Life* Wanda Franz, led Christians to believe that the PBA ban would reduce *late term abortions*. Two less-known syndicated Christian radio hosts, unnamed, were saying exactly that while celebrating this ruling until they took a call from *Colorado Right To Life* board member Lolita Hanks, RN, MS, who informed them that *late-term abortionists will continue unabated under this ruling* because the ban only prohibits a particular technique, and does NOT prohibit the murder of even a single child.

Even the justices themselves wrote, on page 26 at Section IV, that, "The question is whether the Act... imposes a substantial obstacle to late-term... abortions. The Act *does not* on its face impose a substantial obstacle..." The following analysis documents the ruling's repeated and aggressive affirmation of the right to kill unborn children, whether inside *or significantly outside* the womb, including by pulling the arms and legs of babies out of the birth canal and ripping them off. Many pro-lifers now celebrating would probably shed tears if they actually read the ruling itself. The opinion, quoted extensively below, is repeatedly vulgar in its affirmation of the brutal tearing apart of living unborn children. Section III (C) (1) for example, regarding the late-term abortion procedure called *dilation and evacuation*, which this ruling repeatedly upholds as remaining legal, states that "D&E will often involve a physician pulling a 'substantial portion' of a still living fetus, say, an arm or leg, into the vagina prior to the death of the fetus." Then for the purpose of *this current opinion*, Kennedy, Roberts, Scalia, Thomas, and Alito ruled that, "the removal of a small portion [such as 'of a still living fetus, say, an arm or leg,' first pulled outside of the mother, as far as up to the navel] of the fetus *is not prohibited*." (See documentation below).

Gonzales v. Carhart, April 18, 2007 (Upholding Congress' 2003 PBA Ban)

Verbatim quotes from the ruling follow, with all our comments appearing [in brackets]. Bold and underlined emphasis can bring the reader quickly to the key factual, and the most egregious, portions of the decision. (The entire ruling is here at SupremeCourtUS.gov.)

JUSTICE KENNEDY delivered the opinion of the Court.
[John Roberts, Antonin Scalia, Clarence Thomas, and Samuel Alito joined.]

p.3, I (A)
Between 85 and 90 percent of the approximately 1.3 million abortions performed each year in the United States take place in the first three months of pregnancy, which is to say in the first trimester. The most common first-trimester abortion method is vacuum aspiration (otherwise known as suction curettage) in which the physician vacuums out the embryonic tissue.

pp. 3-4, I (A)
Of the remaining abortions that take place each year, most occur in the second trimester. The surgical procedure referred to as "dilation and evacuation" or "D&E" is the usual abortion method in this trimester.

p. 4, I (A) [The ruling will build upon this description of a procedure that remains legal as of this opinion.]
Some [doctors] may keep dilators in the cervix for two days, while others use dilators for a day or less… **The doctor grips a fetal part with the forceps and pulls it back through the cervix and vagina**, continuing to pull even after meeting resistance from the cervix. The **friction causes the fetus to tear apart. For example, a leg might be ripped off the fetus as it is pulled through the cervix** and out of the woman. **The process of evacuating the fetus piece by piece continues until it has been completely removed.**

p. 5, I (A)
Some doctors, especially later in the second trimester, may kill the fetus a day or two before performing the surgical evacuation. They inject digoxin or potassium chloride into the fetus, the umbilical cord, or the amniotic fluid. Fetal demise may cause contractions and make greater dilation possible. Once dead, moreover, the fetus' body will soften, and its removal will be easier. Other doctors refrain from injecting chemical agents, believing it adds risk with little or no medical benefit.

p. 6, I (A)
For discussion purposes this D&E variation will be referred to as *intact* D&E. The main difference between the two procedures is that in intact D&E a doctor extracts the fetus intact or largely intact with only a few passes. There are no comprehensive statistics indicating what percentage of all D&Es are performed in this manner.

p. 6, I (A)
…the doctor extracts the fetus in a way conducive to pulling out its entire body, instead of ripping it apart. One doctor, for example, testified:

> "If I know I have good dilation and I reach in and the fetus starts to come out and I think I can accomplish it, the abortion with an intact delivery, then I use my forceps a little bit differently. I don't close them quite so much, and I just gently draw the tissue out attempting to have an intact delivery, if possible."

Rotating the fetus as it is being pulled decreases the odds of dismemberment.

pp. 6-7, I (A)
A doctor also "may use forceps to grasp a fetal part, pull it down, and re-grasp the fetus at a higher level—sometimes using both his hand and a forceps—to exert traction to retrieve the fetus intact until the head is lodged in the [cervix]."

p. 7, I (A)
Intact D&E gained public notoriety when, in 1992, Dr. Martin Haskell gave a presentation describing his method of performing the operation. …

> "At this point, the right-handed surgeon slides the fingers of the left [hand] along the back of the fetus and 'hooks' the shoulders of the fetus with the index and ring fingers (palm down). While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of bluntcurved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger. [T]he surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening. The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient."

p. 7-8, I (A)
Here is another description from a nurse who witnessed the same method performed on a 26½-week fetus and who testified before the Senate Judiciary Committee:

p. 8, I (A)

> "Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the head right inside the uterus... The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp… He cut the umbilical cord and delivered the placenta. He threw the baby in a pan, along with the placenta and the instruments he had just used."

p. 8, I (A)
Dr. Haskell's approach is not the only method of killing the fetus once its head lodges in the cervix, and "the process has evolved" since his presentation. Planned Parenthood, 320 F. Supp. 2d, at 965.

p. 8, I (A)
Another doctor, for example, squeezes the skull after it has been pierced "so that enough brain tissue exudes to allow the head to pass through." … Still other physicians reach into the cervix with their forceps and crush the fetus' skull. … Others continue to pull the fetus out of the woman until it disarticulates at the neck, in effect decapitating it. These doctors then grasp the head with forceps, crush it, and remove it.

p. 9, I (A)
Yet one doctor would not allow delivery of a live fetus younger than 24 weeks because "the objective of [his] procedure is to perform an abortion," not a birth. … <u>The doctor thus answered in the affirmative when asked whether he would "hold the fetus' head on the internal side of the [cervix] in order to collapse the skull" and kill the fetus before it is born</u>. … <u>Another doctor testified he crushes a fetus' skull not only to reduce its size but also to ensure the fetus is dead before it is removed</u>. **<u>For the staff to have to deal with a fetus that has "some viability to it, some movement of limbs," according to this doctor, "[is] always a difficult situation.</u>**"
[Thus PBA, which was one of the quickest ways to kill the baby, was also the *most difficult to witness* for staff, the pro-life community, and the general public. Other late-term techniques that remain legal are typically more painful for the child and impose longer suffering, but are less visibly obvious as the murder of a living child. This ban has no authority to save a single child's life, but what it does unwittingly is to push the crime of late-term abortion back into the darkness of the womb, where it lurks out of the public consciousness.]

p. 9, I (A)
Doctors also may abort a fetus through <u>medical induction</u>. The doctor medicates the woman to induce labor, and contractions occur to deliver the fetus. Induction, which unlike D&E should occur in a hospital, can last as little as 6 hours but can take longer than 48. It <u>accounts for about five percent of second-trimester abortions before 20 weeks</u> of gestation <u>and 15 percent of those after</u> 20 weeks. Doctors turn to two other methods of second-trimester abortion, <u>hysterotomy and hysterectomy</u>, only in emergency situations because they carry increased risk of complications. In a hysterotomy, as in a cesarean section, the doctor removes the fetus by making an incision through the abdomen and uterine wall to gain access to the uterine cavity. A hysterectomy requires the removal of the entire uterus. These two procedures <u>represent about .07% of second-trimester abortions</u>.

p. 10, I (B)
Congress found, among other things, that "[a] moral, medical, and ethical consensus exists that the practice of performing a partial-birth abortion … is a gruesome and inhumane procedure that is never medically necessary and should be prohibited." Second, and more relevant here, the Act's language differs from that of the Nebraska statute struck down in Stenberg.

p. 11, I (B) [Quoting Congress' 2003 PBA Act]
This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother…

[A doctor trying to save the mother's life never has to stop to first intentionally kill the baby. The PBA ban from its inception never had even the possibility of preventing a single abortion, and yet even at that, it contains horrendous and destructive particulars and precedents.]

pp. 15-16, II
[Any legal process, ruling, or law that violates *Do not murder* is inherently lawless and should be opposed. Meanwhile, this Section II excerpt implies that at least one justice in the future may rule against abortion itself (at least late-term), but is overruling and violating for now the ultimate legal principal *Do not murder*.]
We assume the following principles for the purposes of this opinion. Before viability, **a State "may not prohibit any woman from making the ultimate decision to terminate her pregnancy**." … It also **may not impose upon this right an undue burden** which exists if a regulation's "purpose or effect is to place a substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability." … **On the other hand**, "**[r]egulations** which do no more than create a structural mechanism by which the State, or the parent or guardian of a minor, **may express profound respect for the life of the unborn** are permitted, **if they are not a substantial obstacle to the woman's exercise of the right to choose**." ... **Casey, in short, struck a balance**…. **We now apply its standard to the cases at bar**.

p. 16, III [Implies the AG could expand his opposition to abortion in another case.]
In this litigation the Attorney General does not dispute that the Act would impose an undue burden if it covered standard D&E.

p. 17 III (A)
…the Act's definition of partial-birth abortion **requires the fetus to be delivered "until**… in the case of breech presentation, **any part of the fetal trunk *past the navel* is outside** the body of the mother."
[This could produce gruesome new abortion techniques, such as delivery to the naval, then killing the baby by stabbing him from belly to heart, or cutting off his legs for him to bleed to death, prior to final "extraction."]

p. 17 III (A)
For purposes of criminal liability, the overt act causing the fetus' death must be separate from delivery. And the overt act must occur after the delivery to an anatomical landmark.
[The PBA Ban Act and this ruling permit the abortionist to remove the baby up to the navel, and then kill him.]

p. 18 III (A)
If a living fetus is delivered past the critical point by accident or inadvertence, the Act is inapplicable. …no crime has occurred.
[The abortionist can still perform a text-book PBA if he was *attempting* to remove the baby only to the navel, but it *unintentionally* slipped out farther, as Planned Parenthood testimony claims occurs occasionally when dilation is greater than expected. Of course an abortionist would have few witnesses to this, and could claim any *intent*, and possibly continue to perform PBAs as desired. As a bad law goes, this PBA ban never had even the possibility of preventing a single abortion, and further, it's not even a very effective prohibition of the procedure itself.]

p. 20, III (C)
We next determine whether the Act imposes an undue burden, as a facial matter, because its restrictions on second-trimester abortions are too broad... The Act prohibits *intact* D&E… it does not prohibit the D&E procedure in which the fetus is removed in parts.

p. 20, III (C) (1)
The Act's intent requirements, however, limit its reach to those physicians who carry out the intact D&E after intending to undertake ***both*** steps at the outset.

p. 20, III (C) (1)
The Act excludes most D&Es in which the fetus is removed in pieces, not intact.
[Late-term abortion remains legal. Throughout the 15 years that millions of Christian pro-lifers supported this effort, many, if not most, were led to believe that thi s PBA ban was going to outlaw *all* late-term abortions. The responsibility for that flow of misinformation and the wasted years, money, and blood, lies squarely with our local and national pro-life ministries, our "conservative" media personalities, and our Christian and pro-life leaders.]

p. 21, III (C) (1)
The statute in Stenberg prohibited "'deliberately and intentionally delivering into the vagina a living *unborn child*, or a substantial portion thereof…" … Congress, it is apparent, responded to these concerns because the Act *departs in material*

ways from the statute in Stenberg. It adopts the phrase "delivers a living *fetus*," …instead of "'delivering… a living *unborn child*, or a substantial portion thereof…"
[The court identified changes in the PBA bans that help it meet with their approval, and they first list the change of "child" to "fetus." This ruling has no positive moral component, but is merely regulatory.]

p. 21, III (C) (1) [concurring with their Stenberg ruling from 2000:]
"D&E will often involve a physician pulling a 'substantial portion' of a still living fetus, say, an arm or leg, into the vagina prior to the death of the fetus."

p. 22, III (C) (1)
…the removal of a small portion [such as "say, an arm or leg"] of the fetus is not prohibited.

p. 23, III (C) (1)
The fatal overt act must occur after delivery to an anatomical landmark [the navel]…
[As long as the abortionist delivers the baby only to his navel, killing him at that point remains absolutely legal, and according to the justices, it is that very fact that leads them to uphold this PBA ban.]

p. 24, III (C) (2)
…respondents say… doctors cannot predict the amount the cervix will dilate before the abortion procedure. It might dilate to a degree that the fetus will be removed largely intact. To complete the abortion, doctors will commit an overt act that kills the partially delivered fetus. Respondents thus posit that any D&E has the potential to violate the Act… Brief for Respondent Planned Parenthood… This reasoning, however, does not take account of the Act's *intent* requirements, which preclude liability from attaching to an accidental intact D&E.
["Accidental" partial-birth abortions remain legal, and the great majority of such "accidents" would likely never even be reported to authorities by the abortion clinic staff or the mother.]

p. 26, III (C) (2) **[<u>Now that the court has upheld the PBA Ban Act, the law will simply be</u>]**
Respondents have not shown that **requiring doctors to *intend* dismemberment *before delivery* to an anatomical landmark [past the navel]** will prohibit the vast majority of D&E abortions. [Therefore, exactly because late-term abortion remains legal with this ruling, the justices reasoned:] **The Act, then, cannot be held invalid**…

p. 26, IV
Under the principles accepted as controlling here [principles which violate, *Do not murder*]**, the Act**, as we have interpreted it, **would be unconstitutional "if its purpose or effect is to place a substantial obstacle in the path of a woman seeking an abortion** before the fetus attains viability."

p. 26, IV
The question is whether the Act, measured by its text in this facial attack, **imposes a substantial obstacle to late-term**, but previability, **abortions. The Act does not on its face impose a substantial obstacle**…

p. 27, IV (A)
Under our precedents it is clear the State has a significant role to play in regulating the medical profession.
[This majority upheld this ruling because it is merely "regulating" a technique. As to the actual issue of the personhood of the child, and the murder of the innocent, consider what Justice Antonin Scalia saidon Feb. 4, 2002 at a *Pew Forum* on Religion, Politics, and the Death Penalty. "[T]he only one of my religious views that has anything to do with my job as a judge is the seventh commandment – thou shalt not lie. … I will strike down Roe v. Wade, but <u>I will also strike down a law that is the opposite of Roe v. Wade</u>. … One [side] wants no state to be able to prohibit abortion and the other one wants every state to have to prohibit abortion, and they're both wrong..." All Christians should grieve at this. That is not pro-life, it is pro-choice, by process. Scalia, a hero of the pro-life community, hereby grotesquely rejects God's enduring command, Do Not Murder, as the most fundamental of all legal principles. What is the good of not lying, if you then honestly rule to kill the innocent? Our pro-life and Christian leaders have turned the wicked humanist values of moral relativism and legal positivism into the greatest obligation of government. And many conservative judges, who grew up with an inclination toward Judeo-Christian morality and absolutes, could have developed into heroes of life, but instead, they utterly destroy the ultimate legal defense of the unborn, which is not based upon following an arbitrary, man-made, legal process, but only upon personhood and the God-given right to life.]

p. 29, IV (A)
…some doctors may prefer not to disclose precise details of the means that will be used, confining themselves to the required statement of risks the procedure entails. From one standpoint this ought not to be surprising. Any number of

patients facing imminent surgical procedures would *prefer not to hear all details*, lest the *usual anxiety* preceding invasive medical procedures become the more intense. This is likely the case with the abortion procedures here in issue. [Kennedy, affirmed by Roberts, Scalia, Thomas, and Alito, thus trivializes the grotesque particulars of ripping apart a living baby by comparing it to getting queasy by talk of incisions and blood."]

p. 30, IV (A)
The medical profession, furthermore, **may find** different and **less shocking methods to abort the fetus in the second trimester**, thereby accommodating legislative demand.
[This Gonzales v. Carhart opinion is NOT a pro-life victory. To claim so is ignorance or worse. And *Colorado Right To Life* is committed to dispelling any such ignorance from the movement. There will be opposing camps, but neither side will be able to claim ignorance to the radically pro-abortion findings of this PBA ruling, nor to the utter inability of the PBA ban to protect a single unborn child. Regulating murder is always wrong, and we find it here to be foolhardy also, and the error of regulating murder is not only evident in the ill-conceived PBA ban, but in every example of compromised incrementalism where "pro-life" laws further erode the personhood of the child by concluding with the meaning, "and then you can kill the baby." The "conservative" Supreme Court justices are NOT "moving toward life" as our leaders claim. Rather, the pro-life campaign around the ban, and now around its ruling, is instead a public relations ploy to convince pro-lifers that our ministry leaders are effective and worthy to receive continued donations and support. These justices actually make their own public relations suggestion, that the abortionists might find a less shocking method to kill older children. Congratulations to the ACLJ and Jay Sekulow.]

p. 30, IV (A)
It is objected that the standard D&E is in some respects as brutal, if not more, than the intact D&E…
[After making this observation, the justices do not even attempt to rebut this objection. Their only comment has to do, not with the brutality against the child, but with "the public's perception." Of course, PBA was less "brutal" (it was far quicker and more painless) than the more common, painful, prolonged, and now legally preferred, techniques to kill older kids. Perhaps our Christian leaders will now launch a new 15-year campaign to outlaw some other method, and while they unwittingly continue to undermine the personhood of the child, we will spill the blood of another 20,000,000 kids, after which we pro-lifers can all celebrate another great victory.]

p. 30-37, IV (B) [This section regards PBA and the "health of the mother."]

p. 33, IV (B)
Physicians are not entitled to ignore regulations that direct them to use reasonable alternative procedures.
[Typical of the extreme hubris of humanism, even the "conservative" justices feel safe ignoring God's enduring command, Do not murder, but no abortionist should dare ignore their regulation on how to kill a child. This is the fruit of a quarter-century of Christian legal-positivism on "our own" judges. Thus these "pro-life" judges refer to "the removal of a small portion [such as "say, an arm or leg"] of the fetus" as a "reasonable alternative" procedure.]

p. 33, IV (B)
In Casey the controlling opinion held an informed-consent requirement in the abortion context was "no different from a requirement that a doctor give certain specific information about any medical procedure."
[Fifteen years after pro-lifers celebrated our misguided "Casey" effort, the "conservative" justices, conditioned by our own pro-life efforts, are more entrenched than ever in viewing abortion as a regulatory matter and having NOTHING to do with personhood or a God-given right to life.]

p. 34, IV (B) [partly quoting the National Abortion Federation as though it were legitimate:]
"[e]xperts testifying for both sides" agreed D&E was safe.
["Pro-life" justices call D&E safe? It has a greater than fifty percent fatality rate.]

p. 34-35, IV (B)
If the intact D&E procedure [PBA] is *truly necessary* in some circumstances, it appears likely **an injection that kills the fetus is an alternative** under the Act that allows the doctor to perform the procedure.
[Some pro-lifers who actually read this ruling weep upon realizing they squandered the blood of children killed by partial-birth abortion on a sham victory. Consistent with past behavior, it is likely that many pro-life leaders will not read this ruling either, making it easier for them to celebrate what is actually evil.]

p. 35, IV (B)
…the Act… does not construct a substantial obstacle to the abortion right.
[Gonzales v. Carhart also here calls abortion rights "constitutional rights," and throughout the ruling reaffirms the "right" to kill an unborn child, further entrenching child killing in legal precedent, and even in the precedent of "conservative" judges, who have a far greater commitment to their own wicked rulings than to God's enduring command, Do not murder. Thus, every time pro-lifers give "our own" justices an opportunity to regulate child-killing, by the force of judicial arrogance, we push those justices even farther from ever outlawing abortion based upon personhood and the God-give right to life.

p. 36, IV (B)
…legitimate abortion regulations [fall] under the Commerce Clause…
[In reality, to the extent the U.S. Constitution is just, it's preamble guarantees its protections to "our posterity," and Amendment V requires that "No person shall be… deprived of life... without due process of law," meaning the government cannot authorize an innocent person to be maimed or killed. Killing innocent children only involves the Commerce Clause for those devoid of moral conscience. Justice Clarence Thomas, joined by Antonin Scalia, in his brief "concurring" opinion, mentioned that the between abortion regulation and the Commerce Clause was "outside the question presented" to the court in this case.]

p. 37-38, V [This Section addressed the "life of the mother" exception to the PBA ban.]
…the proper means to consider exceptions [to the ban] is by as-applied challenge. The Government has acknowledged that preenforcement, as-applied challenges to the Act [are] the proper manner to protect the health of the woman if it can be shown that in discrete and well-defined instances a particular condition has or is likely to occur in which the procedure prohibited by the Act must be used… The Act is open to a proper as-applied challenge in a discrete case.

p. 38, V
No as-applied challenge need be brought if the prohibition in the Act threatens a woman's life because the Act already contains a life exception.
[Of course, if a mother's life were truly at risk, the doctor would never need to further complicate matters by delaying delivery of the baby long enough to first kill it. Further, doctors often perform a Caesarian section in an emergency, and that of course requires no intermediate step to intentionally kill the baby.]

-End of Excerpts-

We conclude this summary with examples of how pro-life ministries are already misrepresenting Gonzales v. Carhart. Nikolas Nikas, president of the pro-life Bioethics Defense Fund, praised this ruling with a celebratory press release which opened with this quote from the decision:

> "The government may use its voice and its regulatory authority to show its profound respect for the life within the woman." - *Justice Kennedy, majority opinion, Gonzales v. Carhart issued 4/18/2007*

The Bioethics Defense Fund misleads pro-lifers even with this quote, which is NOT a new finding. (It appears in the ruling at p. 27, Section IV, A.). The justices regurgitate this from the 1992 *Casey* decision, and since that decision celebrated by pro-lifers as a victory 15 years ago, U.S. abortionists have killed 20,000,000 children. The current decision is purely regulatory, and further destroys personhood and the child's right to life.

Leaders and Ministries Celebrating the Ruling

National Right to Life: "applauds… ruling"
Americans United for Life: "praises ruling"
Family Research Council: "Court no longer endorses… killing of innocent, partially-born babies"
Priests for Life: "we are grateful"
Wendy Wright of Concerned Women for America: "Court votes to protect babies from painful abortion"
Paul Schenck of D.C.'s National Pro-Life Action Center: "the Court… has begun to right a terrible wrong"
Troy Newman of Operation Rescue: "celebrates the… ruling… and hails the victory"
The Christian Coalition: "commends the five justices"

American Family Association Gregory Rummo article: "reason has prevailed"
U.S. Conference of Catholic Bishops: "welcomes [the] decision"
Beverly LaHaye, founder CWA: "justice was served"
D. James Kennedy's Center for Reclaiming America: "enormously good news… for unborn children"
Jay Sekulow of American Center for Law & Justice: "happy to report… a significant victory"
Dr. James Dobson of Focus on the Family: "We thank God for this victory that affirms the value of human life"

Leaders and Ministries Condemning the Ruling

Ambassador Alan Keyes
American Life League and president Judie Brown
Editor Jim Rudd of CovenantNews.com
Operation Save America / Operation Rescue and director Flip Benham
John Archibald, founding board member, National Right to Life, Americans United for Life
Dr. Charles Rice, Professor Emeritus of Law at the University of Notre Dame
Editor John Lofton of The American View
Calvary Chapel South Denver pastor Gino Geraci
Ken & Jo Scott of ProLife Colorado
Crossroad Baptist Church pastor Chuck Baldwin
Colorado Right To Life and president Brian Rohrbough

(Other ministries wishing to be added to the list condemning the ruling, please email your contact information.)

The partial birth abortion ban has no authority to save even a single child but instead it pushes the killing of late-term babies back into the darkness and out of public view. Thus we have squandered the blood of every child killed by partial-birth abortion using their deaths, not to push for a law that will save any children, but for publicity. And we have helped the abortion industry present itself as more humane by *robbing ourselves of the most powerful visual weapon we would ever have* to convince people of the wickedness of abortion, namely, the blood of the children being killed out in the open for all to see.

Christ has saved us, those of us who trust in Him. But He has not yet redeemed our flesh, which draws all of us toward sin, until we go to be with the Lord. Rank-and-file pro-lifers must raise their voices to insist that our leaders stop misleading us about pro-life strategy. The children deserve better.

Pastor Bob Enyart
Bob Enyart Live
Denver Bible Church
(for Colorado Right To Life)
Please sign the CRTL pledge
titled *40 Years / 50 Million Dead / 1 Commitment*.

40 Years, 50 Million Dead
One Commitment

On the Rule of Law regarding the intentional killing of innocent people,
including by abortion, suicide, and euthanasia,
I commit myself to upholding without exception God's enduring command, "Thou Shall Not Murder."

My commitment to God's prohibition of murder means that:

- I will never approve of any judicial ruling which in any way violates Do Not Murder.
- I will withhold backing from any judge who issues or defends rulings that violate Do Not Murder.
- I will oppose any law which violates Do Not Murder by allowing the intentional killing of any innocent.
- I will never support any law that regulates the killing of the innocent.
- I will never support any law that effectively ends, "and then you can kill the innocent."
- I will agree that, "Do not kill the innocent" (Exodus 23:7) applies even to the baby fathered by a criminal.
- I will recognize that it is morally acceptable to let an irreversibly dying person die.
- I will teach others that it is wrong to starve people to death, including the elderly, infirm, disabled, and infants.
- I will never support any attempt to "do evil that good may come of it" (Romans 3:8).
- I will oppose any man-made process where it requires compromise on "You shall not murder" (Rom. 13:9).
- I will oppose any philosophy that elevates man's law above God's enduring command, "Thou Shall Not Murder."
- I will never allow political goals to move me to compromise on Do Not Murder.
- I will never in any way legitimize the intentional killing of innocent people, from fertilization to natural death.
- I will recognize that any pro-life effort that compromises on Do Not Murder is a false hope.
- I will teach others that whenever these two authorities conflict, "we must obey God rather than men" (Acts 5:29).

Signature: ______________________________ **Date:** ____________ **Print Name** ______________________

City: _________________________________**State:** ________________**Phone:**_______________________

Background: Forty years and fifty-million victims since Colorado became the first state to legalize the killing of the innocent, this *40/50/1 Commitment* comes from Colorado Right to Life, in an effort to correct our own failure. Our state has failed America. And our pro-life community has failed God, because for political reasons we have so often compromised on *Thou Shall Not Murder* that today we have difficulty discerning right from wrong. Many in America's pro-life community have become legal positivists, defending our officials, laws, and rulings that intentionally kill the innocent, as long as they comply with our legal process. Sixty years ago at Nuremberg, America prosecuted German judges who had personally opposed the holocaust, but nevertheless upheld and complied with laws to intentionally kill the innocent; today, our Christian pro-life community holds up such officials as the hope and heroes of the pro-life movement, demonstrating our own slide into moral relativism. We have lost the moral high ground, and now watch the suicide, euthanasia and even child euthanasia movements gain ground. We must never again become accessories in the regulation of killing the innocent in the false hope that we thereby move toward victory. When those who fear God will compromise on murder for political gain, the world becomes increasingly dangerous for children and the vulnerable.

Please register your commitment online, by mail, or by phone at the contact information below and see our website for more information, or just email your name, city, state, and phone to office@coloradorighttolife.org with the Subject: Pledge.

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