

Mid-Terms, 2018

Mixed Results in Washington, Bad Night in Michigan

The good news: pro-lifers reelected majorities in both Michigan House and Senate, though with fewer members. Locally, State Representative Brandt Iden was reelected in a very close election and Matt Hall was elected to serve eastern Kalamazoo County and Calhoun County with a more comfortable 56.6 percent of the vote. The bad news is that we lost just about everything else: governor, US senate, attorney general, secretary of state. Pro-life Supreme Court Justice Elizabeth Clement was reelected.

The voter turnout was exceptionally high, about 900,000 more voters than in the 2014 mid-term election. Why the increase? RLM president Barb Listing rightly identifies the probable reason. Proposition 1 dealt with the legalization of recreational marijuana and supporters (primarily younger voters who typically don't vote in off-year elections) came out in droves to vote...and to vote for the candidates who endorsed the referendum.

At the national level, Republicans lost control of the House of Representatives. At least 35 seats changed hands. With that, pro-lifers who commanded the majority are now relegated to minority status. Pro-abortion Nancy Pelosi will probably reclaim her spot as Speaker of the House. Pro-abortion lawmakers will control the House agenda. Fortunately, the Senate retained its very small pro-life majority to block pro-abortion legislation coming from the House.

Regarding the Senate, the GOP picked up two seats, possibly three. Republican challengers defeated four incumbents (Indiana's Joe Donnelly, Florida's Bill Nelson, Missouri's Claire McCaskill, and North Dakota's Heidi Heitkamp). The Senate race in Florida was a battle of recounts in a very close race but Governor Rick Scott finally was declared the winner on November 17. Republicans lost two seats in Arizona and Nevada. The situation in Mississippi is more unsettled. Current senator Cindy Hyde-Smith (R), filling a vacancy for retiring Senator Thad Cochran, ran for reelection in a special run-off on November 6. She failed to get the required 50 percent so she and the other top candidate will face off again on November 27. Should Hyde-Smith prevail in her race, Republicans will hold a 54 to 46 majority with two independents who caucus with the Democrats. Conversely, should she lose the GOP will retain control with 53 senators. This is vitally important when confirming federal judges.



Prayer for Life

Sunday, January 20, 2019

Bronson Park, 3p.m.

As we remember the "anniversary" of the *Roe v. Wade* decision, we reflect on the loss of 60 million of our unborn brothers and sisters killed by legal abortion. Join us for this short yet reverent prayer service sponsored by the Catholic Diocese of Kalamazoo, St. Michael's Lutheran Church, and Kalamazoo Right to Life.

More details will be announced in our January newsletter or by email.

State Referendums Move the Dial Closer to Overturn *Roe*

On November 6 voters in Alabama approved a measure that recognized a fetus as a person, thus in direct conflict with the majority opinion in *Roe v. Wade* that stated, “a fetus has never been considered a person in the whole sense.” The referendum, approved by 59 percent of voters, was an amendment to the Alabama state constitution which would make it very difficult to reverse. The amendment adds to the state constitution the following: “it is the public policy of this state to recognize and support the sanctity of unborn life and the rights of unborn children.” The amendment also added that the state constitution “does not protect the right to abortion or require the funding of abortion.”

In West Virginia, 52 percent of voters approved their own referendum (also a constitutional amendment) stating that abortion is not a protected right.

Alabama and West Virginia join four other states (Louisiana, Mississippi, North Dakota, and South Dakota) that already have “trigger bans”--abortion would be automatically outlawed if *Roe* is overturned. Nine states have pre-*Roe* anti-abortion laws on the books (INCLUDING MICHIGAN!!) which could be enforced if *Roe* is reversed.

Alabama is the Epicenter

If *Roe* is Reversed, Pro-life Activity in this Southern State may be the Reason

Back in 2016 the Alabama legislature passed a law banning the dilation and evacuation (D&E) abortion method. This “dismemberment” ban would have abolished almost all second-trimester abortions past the 15th week of pregnancy. The law was challenged in federal court and a judge blocked its enforcement. On August 22, 2018 a

three-judge panel of the Court of Appeals of the 11th Circuit agreed and upheld a permanent ban. However, two of the three judges were not entirely satisfied with the outcome. While Judge Ed Carnes, a George H.W. Bush-appointee, ruled that the law violated the 1992 *Casey* decision’s “undue burden” rule, he also noted in his opinion that Supreme Court justices Antonin Scalia and Clarence Thomas opposed *Roe v. Wade*. Said Carnes, “[Scalia and Thomas] have been of the view that there is constitutional law and then there is the aberration of constitutional law relating to abortion. If so, what we must apply here is the aberration.” Judge Joel Dubina, another Bush appointee, agreed with Scalia and Thomas that the right to abortion “has no basis in the Constitution.” He regretted that as an appellate judge he was “bound by my oath to follow all of the Supreme Court’s precedents, whether I agree with them or not.”

Alabama’s Attorney General announced that the state will appeal the decision to the Supreme Court. On October 31, AG Steve Marshall announced that he had asked the Court for an additional 30 days to prepare the petition.

Another potential case was just decided on October 19, 2018 in *Jesse Phillips v. Alabama*. In 2009 Phillips was charged with killing his wife who was eight weeks pregnant. He was also charged with the death of his unborn child based on the state’s 2006 Brody Bill that treats the unborn child as a victim if killed in an assault on the pregnant mother. Phillips was convicted in 2012 and given a death sentence. Phillips appealed the second homicide claiming that the fetus’s death was unintentional. The state’s Court of Criminal Appeals agreed with the original verdict. It stated, “Because an ‘unborn child’ is a ‘person’ under the intentional-murder statute and because the intentional-murder statute is expressly incorporated into the capital-murder statute to define what constitutes a ‘murder,’ an ‘unborn child’ is definitional a ‘person’ [under the Brody Bill].” Phillips appealed to the state’s highest court. The Alabama Supreme Court affirmed the appellate decision. “The court correctly stated that Alabama recognizes an unborn baby as a life worthy of

respect and protection. In other words...the value of the life of an unborn child is no less than the value of the lives of other persons.”

In a concurring opinion, Justice Tom Parker made many very pro-life statements. His opening paragraph said it all. “I concur fully with the Court’s rationale that unborn children are persons entitled to the full and equal protection of the law. I write specially to...note the continued legal anomaly and logical fallacy that is *Roe v. Wade*. I urge the United States Supreme Court to overrule this increasingly isolated exception to the rights of unborn children.” Parker noted that of the 33 states with the death penalty, 23 have laws prohibiting the execution of a pregnant woman. “If a pregnant woman is sentenced to death, the woman’s sentence is suspended, permitting the unborn child to develop and be born, thus protecting that unborn child’s life.” He also listed examples in tort law in which the unborn were recognized as humans in order to recover damages: prenatal injuries, wrongful death, guardianship law, healthcare law, property law, and family law. He further wrote that the Supreme Court declared that in the abortion context the unborn were not “persons” within the meaning of the 14th Amendment. This stands in “stark contrast to numerous determinations by the

states that unborn children are, in fact, ‘persons’ in virtually all other contexts.” He added that *Roe* “lacks legal foundation and is patently illogical.” In quoting from another opinion, Parker wrote that *Roe* “stands as an indictment against the Supreme Court that ‘our Nation ceases to be governed according to the law of the land and instead becomes one governed ultimately by the law of the judges.’” Later he wrote, “In order for the outdated, isolated, and crumbling *Roe* to endure, liberal Justices must insist, against all scientific evidence and reason, that unborn children are not human.” He finished, “*Roe* [remains] the last obstacle to the states’ ability to protect the God-given respect and dignity of unborn human life.” He urged the Supreme Court to reconsider and overrule this “constitutional aberration [*Roe*]. “Return the power to the states to fully protect the most vulnerable among us.”

Time will tell if the Supreme Court will look at this case. With Justices Gorsuch and Kavanaugh on the Court, the chances have improved that the conservative majority will either approve more pro-life laws, or reverse *Roe* altogether. On November 6, 2018 Tom Parker was elected Chief Justice of the Alabama Supreme Court garnering 57 percent of the vote.

Two photos of the Vote for Life billboards that KRTL sponsored for the elections. The larger photo was taken by Meijer along South Westnedge.



President's Corner

by: Rob Karrer

A few weeks ago my wife and I journeyed up to Grand Rapids to see the movie *Gosnell: The Trial of America's Biggest Serial Killer*. The movie chronicles the heinous crimes of one Dr. Kermit Gosnell, a notorious abortionist in Philadelphia, his arrest and conviction for the deaths of several babies who had survived the abortion procedure. Gosnell's 2013 trial also exposed the truth about journalists and the national media in general. Newspaper editors and broadcast journalists decided that covering the trial was a non-event (or just a local story) that had no national significance. Consequently, the multiple seats reserved for the press in the courtroom was largely empty except for a few local reporters. It wasn't until the national press was shamed did it finally cover the concluding days of the trial. All this is displayed in the movie. The *Gosnell* producers have had a difficult time promoting or distributing the film, logically because liberal Hollywood promoters and others in the movie industry do not want the pro-choice industry to be portrayed in a bad light. The producers attempted to purchase airtime on National Public Radio to promote the movie but were told that they could not use the words "abortionist" or "abortion doctor." NPR demanded that Gosnell would be referred to as "Philadelphia doctor Kermit Gosnell." The producers refused to compromise. "Our movie isn't about a podiatrist or a cardiologist," said one of the producers. "It's specifically about a doctor who performs abortions." My wife and I found the movie very compelling, well-acted, and very painful. It is probably no longer in the area but I highly recommend everyone rent it when it comes out on DVD. Kermit Gosnell's link to the abortion industry is part of historical fact. His crimes exposed the dark, brutal, insensitive killing of innocent unborn babies. We have known this all along. Only now, maybe, the American public will get a better glimpse of abortion's vile cruelty to women and their babies.

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