

ACTION ALERT: REMOVE ABORTION AMENDMENT FROM DEFENSE BILL

TO: State and Territorial Court Regents and Legislative Chairs
FROM: Margaret Sitte, National Legislative Chair, Catholic Daughters of the Americas
DATE: June 29, 2010

Action Requested: Contact members of the U.S. Senate through e-mail, phone calls or FAX. Call the U.S. Capitol switchboard at 202-224-3121, or call the local offices of your Senators. Full contact information can be found at www.senate.gov.

Message: “When the Senate debates the National Defense Authorization Act for 2011 (S. 3454), remove the committee amendment to 10 U.S.C. §1093 that authorizes the performance of elective abortions at military hospitals in this country and around the world.”

Background: Cardinal Daniel DiNardo, Chairman of the United States Conference of Catholic Bishops Committee on Pro-Life Activities, wrote a letter to U.S. Senators today, urging them to remove the amendment that authorizes elective abortions at military hospitals from the National Defense Authorization Act for 2011. Cardinal DiNardo said the amendment breaks longstanding federal and military policies on government promotion of abortion.

Asking the Senate to reject the bill unless it maintains current law, as the version from the House of Representatives already does, Cardinal DiNardo concluded that “this amendment presents Congress with the very straightforward question whether it is the task of our federal government to directly promote and facilitate elective abortions. During the recent health care reform debate, the President and congressional leadership assured us that they agree it is not.”

Cardinal DiNardo also said that the current military policy is in keeping with federal policy in general, noting: “Other federal health facilities also may not be used for elective abortions, and many states have their own laws against use of public facilities for such abortions.”

Archbishop Broglio of the Catholic Archdiocese for the Military Services wrote to all Senators on June 17, urging Congress not to impose this tremendous burden on the consciences of Catholic and other health care personnel who joined our armed services to save and protect innocent life, not to destroy it.

Cardinal DiNardo concurred, saying, “... the Department of Defense has barred use of these facilities for elective abortions since 1988. President Clinton reversed the policy in January 1993, but in 1995 Congress voted to restore the ban, and it has remained intact for the last 15 years. During the brief period when these facilities were told to make abortions available, scarcely any military physician could be found in overseas facilities who was willing to perform abortions. Proposals for hiring private physicians from outside the system, or for taking a more coercive attitude toward

military physicians and nurses, were never implemented because Congress acted in a timely way to restore the morally sound policy.”

Full text of the letter can be found online at: www.usccb.org/prolife/DiNardo-Ltr-Military-Abortions-6-29-2010.pdf

Reminder: Make contact as an individual voter using your name and address—not as a member of Catholic Daughters.

Approved: Libby...

Second, pro-abortion groups claim that the longstanding current policy somehow treats military personnel differently from other Americans. On the contrary: Other federal health facilities also may not be used for elective abortions, and many states have their own laws against use of public facilities for such abortions. The vast majority of public *and* private hospitals in the United States do *not* provide elective abortions, and 88% of U.S. counties (97% of non-metropolitan counties) have *no* identifiable abortion provider.

Third, and most disingenuously, the claim is made that the committee amendment is somehow a moderate policy, because Sec. 1093's ban on use of federal funds for the abortion procedure will remain in place – that is, patients will have to pay the facility to perform the abortion. But this is disingenuous, to say the least. Which is a more direct governmental involvement in abortion: That the government reimburses someone else for having done an abortion, or that the government *performs the abortion itself* and accepts payment for doing so? In fact, the Supreme Court has repeatedly upheld bans on use of government facilities and personnel for abortions, on the same basis as it upholds laws against government funding of abortion. In one such decision, 2

Both the U.S. House of Representatives and the U.S. Senate have passed health care reform bills. The Administration and Congressional leadership are talking about bringing the bills back for final passage next week.

The current Senate bill provides public funds for elective abortions and allows taxpayer money to flow to insurance plans that fund elective abortion. Until now, federal policy has always prohibited taxpayer funding of abortion. The United States Conference of Catholic Bishops' spokesperson called the Senate bill "actually the worst bill we've seen so far on the life issues." The Senate bill requires that federal funds subsidize and promote health plans that cover elective abortions. All purchasers of such plans will be required to pay for other people's abortions through a separate payment solely to pay for abortion.

Neither the House nor the Senate bill has adequate conscience protection for health care providers, plans or employers.

The U.S. Catholic bishops continue to make the moral case that genuine health care reform must maintain the longstanding policy against federal funding of abortion, include

full conscience protection and assure that health care is accessible and affordable for all. If these criteria are not met, the final bill must be opposed. Please contact your Representative and Senators again today!

WASHINGTON—A Senate committee amendment that would authorize the performance of elective abortions at military hospitals in this country and around the world is “misguided” and should be removed from the National Defense Authorization Act (S. 3454), said the Chairman of the U.S. bishops’ Committee on Pro-Life Activities. In a June 29 letter, Cardinal Daniel DiNardo of Galveston-Houston urged Senators to remove this amendment on the grounds that it breaks with longstanding federal and military policies on government promotion of abortion.

Cardinal DiNardo said it was disingenuous to suggest, as the amendment’s proponents have, that the amendment is “moderate” in requiring patients at military facilities to pay for their abortions. “Which is a more direct governmental involvement in abortion: That the government reimburses someone else for having done an abortion, or that the government *performs the abortion itself* and accepts payment for doing so?” the Cardinal wrote. He cited a 1989 ruling by the U.S. Supreme Court saying that “the State need not commit any resources to facilitating abortions, even if it can turn a profit by doing so.”

Cardinal DiNardo also noted the longstanding nature of the current policy against providing abortions at military health facilities, which has been in place for 22 years with the exception of 1993-1995.

“During the brief period when these facilities were told to make abortions available, scarcely any military physician could be found in overseas facilities who was willing to perform abortions,” the Cardinal added.

Calling on the Senate not to approve the bill unless it maintains current law, as the bill approved by the House of Representatives already does, Cardinal DiNardo concluded that “this amendment presents Congress with the very straightforward question whether it is the task of our federal government to directly promote and facilitate elective abortions. During the recent health care reform debate, the President and congressional leadership assured us that they agree it is not.”

Archbishop Broglio of the Archdiocese of Military Services had written an earlier letter to the Senate against the proposed policy change. Cardinal DiNardo endorsed his letter as well, noting that it urges Congress “not to impose this tremendous burden on the consciences of Catholic and other health care personnel who joined our armed services to save and protect innocent life, not to destroy it.”

When the full Senate takes up the National Defense Authorization Act for 2011 (S. 3454), it should remove from the bill a misguided committee amendment to 10 U.S.C. §1093 that authorizes the performance of elective abortions at military hospitals in this country and around the world. Archbishop Broglio of the Catholic Archdiocese for the Military Services wrote to all Senators on June 17, urging Congress not to impose this tremendous burden on the consciences of Catholic and other health care personnel who joined our armed services to save and protect innocent life, not to destroy it. On behalf of the United States Conference of Catholic Bishops I wholeheartedly endorse his plea, and want to offer some additional considerations in terms of longstanding government policy on abortion.

First, the committee amendment is titled a “restoration of previous policy” on use of military facilities for abortion. But in fact, the Department of Defense has barred use of these facilities for elective abortions since 1988. President Clinton reversed the policy in January 1993, but in 1995 Congress voted to restore the ban, and it has remained intact for the last 15 years. During the brief period when these facilities were told to make abortions available, scarcely any military physician could be found in overseas facilities who was willing to perform abortions. Proposals for hiring private physicians from outside the system, or for taking a more coercive attitude toward military physicians and nurses, were never implemented because Congress acted in a timely way to restore the morally sound policy.

Second, pro-abortion groups claim that the longstanding current policy somehow treats military personnel differently from other Americans. On the contrary: Other federal health facilities also may not be used for elective abortions, and many states have their own laws against use of public facilities for such abortions. The vast majority of public *and* private hospitals in the United States do *not* provide elective abortions, and 88% of U.S. counties (97% of non-metropolitan counties) have *no* identifiable abortion provider.

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citing a consistent line of decisions going back to 1977, the Court memorably observed that “the State need not commit any resources to facilitating abortions, even if it can turn a profit by doing so.” *Webster v. Reproductive Health Services*, 492 U.S. 490, 511 (1989). In short, this amendment

presents Congress with the very straightforward question whether it is the task of our federal government to directly promote and facilitate elective abortions. During the recent health care reform debate, the President and congressional leadership assured us that they agree it is not. The Senate should not approve this legislation until the original version of 10 U.S.C. §1093 is restored, maintaining the longstanding current policy on abortion as the House version of this legislation has already done.