



**NARAL**  
Pro-Choice America

## **Bush Administration and Congressional Anti-Choice Actions**

*Question: Does he want it [Roe v. Wade] overturned?*

*McClellan: Well, currently, there's not enough support in Congress to get it done at this point – has been the president's view, but that we should work toward that goal.*

- White House Press Secretary Scott McClellan, November 16, 2004

In 2000 NARAL Pro-Choice America predicted that, if elected, George W. Bush would use the many powers of the presidency over reproductive freedom and choice to the detriment of our rights. Unfortunately, those predictions have proven correct. In late 2003, Bush became the first president in our nation's history to criminalize abortion. In addition, he has used his power to issue executive orders, promulgate regulations, make executive and judicial appointments, support legislation, promote or obstruct research, and file briefs to the detriment of women's reproductive rights.

While for the first year and a half of the Bush administration the Senate was controlled by pro-choice leadership, the 2002 elections shifted power to anti-choice forces, thus removing the last firewall against anti-choice nominees and legislation. President Bush won a second term in 2004 and anti-choice majorities were solidified in both chambers of Congress. While his first term passed without a Supreme Court vacancy, in 2005 Bush seized two openings on the Court to extend his anti-choice dominance to the third branch of government. First, in July, Justice Sandra Day O'Connor announced her retirement. Then, two months later, Chief Justice William Rehnquist passed away. To fill these vacancies, Bush nominated ardent conservative John Roberts and White House Counsel Harriet Miers - who was subsequently forced to withdraw her name from consideration because the right wing deemed her insufficiently conservative. After accepting Miers' withdrawal, Bush nominated Samuel Alito, whose anti-choice record is troublingly clear. An anti-choice-controlled Senate confirmed both Chief Justice Roberts and Justice Alito.

Roused by six years of anti-choice attacks at every level of the federal government, pro-choice Americans turned out in droves in the 2006 mid-term elections and ousted the anti-choice congressional leadership. Pro-choice lawmakers took back control of Congress for the first time since 1994, picking up 23 net pro-choice seats in the House and three net pro-choice seats in the Senate. Although anti-choice lawmakers still retain numerical majorities in both chambers of Congress, these pro-choice pick-ups will prove crucial in stopping President Bush and his relentless anti-choice allies from advancing bills to dismantle reproductive freedom any further. Moreover, by taking back control of the Senate, pro-choice senators now have a greater say in

moderating President Bush's conservative judicial nominees, which will be especially vital should another vacancy open up on the Supreme Court while Bush is still in office.

The following summarizes key anti-choice congressional and administration activities since President Bush took office:

## **BUSH ADMINISTRATION**

*The following items appear in reverse-chronological order – most recent actions first.*

**Largest Internet Database on Reproductive Health Censors Abortion Research** – In April 2008, sources informed NARAL (and the media later confirmed) that Popline, the U.S. government-funded medical information website often cited as the world's largest database on reproductive health, had blocked searches on the word "abortion" for several months. The website is managed by Johns Hopkins University and features over 360,000 articles related to family planning and reproductive health. Reportedly, the decision to censor was made when officials from the U.S. Agency for International Development, which funds the website, complained about articles featuring "abortion advocacy." Fortunately, the university's public-health school dean reversed the decision immediately and launched an inquiry to determine why the change had occurred. While results of that inquiry are still pending, sources inform NARAL that one of the articles in question still has not been reposted to the website.

**Bush Appoints Another Anti-Choice Activist to Head Nation's Family-Planning Program** - In October 2007, in yet another move placing politics before women's health, President Bush named Susan Orr, a right-wing activist with ties to anti-birth-control groups, as acting director of the federal office that oversees the nation's Title X family-planning program. Orr's temporary appointment comes months after another controversial anti-contraception leader, Eric Keroack, resigned from the same position (*see below*).

Prior to joining the Bush administration, Orr was senior director for marriage and family care at the Family Research Council (FRC) – an anti-choice group notorious for its attacks on contraception. While at FRC, Orr made the following comment after Bush proposed cancelling federal employees' contraceptive coverage: "We're quite pleased because fertility is not a disease. It's not a medical necessity that you have it."

**Bush Administration Censors Nation's Top Doctor on Choice-Related Issues** <sup>1</sup>- In July 2007, former U.S. Surgeon General Richard Carmona publicly disclosed that Bush administration officials censored him on issues relating to contraception and "abstinence-only" programs, as well as stem-cell research. During his testimony before the House Oversight and Government Reform Committee, Dr. Carmona - who served as surgeon general from 2002 to 2006 - said "anything that doesn't fit into the political appointees' ideological, theological or political agenda is often ignored, marginalized or simply buried."

**Bush Administration Distorts the Facts on Government Website** – In July 2007, NARAL Pro-Choice America discovered that the Department of Health and Human Services (HHS) revised a government website, [www.4parents.gov](http://www.4parents.gov), and replaced factual data designed to help parents talk to their kids about sex with biased and misleading claims. The site now includes deceptive and unfounded “information” telling parents, for example, that “abortions can have complications” and that abortion may have negative health consequences, such as depression and substance abuse.

**Bush Pledges to Veto Any Bill That Eases Restrictions on Abortion, Family-Planning**<sup>2</sup> - In May 2007, at the behest of anti-choice activists and lawmakers, President Bush sent a letter to Democratic congressional leaders vowing to veto any spending bill that eases funding restrictions on abortion care or family-planning services. To date, the president has reissued the threat in at least five Statements of Administration Policy.

**Bush Appointees Reverse Court Precedent, Uphold Federal Abortion Ban**<sup>3</sup> - In April 2007, in a stunning retreat from more than three decades of precedent, the Supreme Court upheld the Federal Abortion Ban, which outlaws certain second-trimester abortions and has no exception in cases when a woman’s health is in danger. This decision represents a monumental departure from prior cases, and with it the Court effectively eliminated one of *Roe v. Wade*’s core protections: that a woman’s health must always be paramount. Perhaps most ominously, it was President Bush’s appointees to the Court that provided the critical votes needed to erase this core protection of *Roe* – therefore likely signaling a seismic shift in the Court’s future rulings on the choice issue. The ramifications of the decision are not limited to a single statute. The Roberts Court not only upheld a dangerous and invasive federal law, it gave the green light to anti-choice politicians to enact new restrictions to test the shrinking contours of the right to privacy. Furthermore, just days after the Court’s decision, two previously enjoined state laws were allowed to go into force.

President Bush signed the Federal Abortion Ban into law in November 2003, becoming the first president in our nation’s history to criminalize abortion and outlaw safe medical procedures. But it’s clear that this administration considers the Federal Abortion Ban as just a first step towards outlawing abortion in all cases. Only one year after the ban was signed into law – and while the courts were still considering its constitutionality, a former Bush Justice Department official who coordinated the government’s defense of the law wrote an article openly advocating for *Roe v. Wade* to be overturned. He wrote, “major advances in both ‘hard and social science’ since the 1973 *Roe* decision make the case for constitutional protection of abortion increasingly difficult to maintain with a straight face.”

**Bush Administration Threatens to Cut Funding for FDA Office of Women’s Health**<sup>4</sup> - In February 2007, national media outlets reported that the Bush administration planned to cut funding for the Food and Drug Administration (FDA)’s Office of Women’s Health (OWH) from \$4 million to \$2.8 million. Some observers saw the cut as political retaliation against the OWH

for its support of progressive women's health policies – such as over-the-counter sales of emergency contraception.

The OWH was created in 1994 to ensure that the FDA addresses the specific health needs of women. This role includes advocating for scientific research on behalf of women, correcting sex-based disparities in the FDA's testing and regulation of drugs and devices, and promoting issues of key importance to women's health within the FDA.

When plans of the pending cuts were leaked, lawmakers, women's health experts, and advocates – including NARAL Pro-Choice America – responded with outrage. Fortunately, the administration recanted quickly and in March announced that the OWH would receive \$4 million as promised.

**Bush Appoints Birth-Control Opponent to Head Nation's Family-Planning Program** <sup>5</sup> – In November 2006, just weeks after pledging to work in bipartisan spirit with the newly elected Democratic Congress, President Bush appointed birth-control opponent Eric Keroack to be chief of the nation's family-planning program, responsible for advising Secretary Michael Leavitt on reproductive-health issues and overseeing \$283 million in annual Title X family-planning grants. Keroack was formerly affiliated with the organization A Woman's Concern, which promotes the "abstinence-only" approach, opposes contraception, and refuses to distribute any information about birth control at its six centers in Massachusetts. According to the group's website, "A Woman's Concern is persuaded that the crass commercialization and distribution of birth control is demeaning to women, degrading of human sexuality and adverse to human health and happiness."

Keroack eventually stepped down from the post for unrelated reasons in the spring of 2006, but nonetheless, his appointment, which did not require Senate confirmation, sent a clear signal to pro-choice Americans that the Bush White House will stubbornly refuse to heed voters' call for an end to divisive, politically motivated attacks on women's reproductive health.

**For More Than Three Years, Bush Administration Stalls on the "Morning-After" Pill** <sup>6</sup> - On August 24, 2006, after more than three years of delay, President Bush's Food and Drug Administration finally agreed to allow individuals ages 18 and older to purchase the emergency contraceptive pill Plan B<sup>®</sup> (also called the "morning-after" pill) without a prescription. Throughout the delay, it became increasingly clear that the agency was allowing politics to trump sound science. In rejecting the original Plan B<sup>®</sup> application, the FDA ignored research proving emergency contraception to be safe and effective, the overwhelming (23-4) recommendation of its own hand-picked scientific advisory committee, the opinions of more than 70 leading medical and public-health organizations, and the advice of its own professional staff. In November 2005, a Government Accountability Office report confirmed that senior FDA officials did not follow normal procedures in making the scientific assessment of the Plan B<sup>®</sup> proposal. Anti-choice lawmakers and groups made repeated false claims about the safe, effective drug – and for more than three years, the White House bent to their demands, putting

politics above Americans' right to an independent, reliable, and apolitical drug-approval process.

Ultimately, the FDA's decision to allow adults to purchase Plan B® over the counter is a big step forward for women's reproductive health and privacy. However, it is important to note that public-health experts agree the age restriction is unnecessary, so unfortunately, the FDA decision will do little to stem the teen-pregnancy epidemic in America. Requiring those under age 18 to get a prescription and find a pharmacist means some teens simply won't have access to the medication, and will face unintended pregnancy – and for some, abortion – as a result. Worse yet, Andrew von Eschenbach, President Bush's nominee to be commissioner of the FDA, admitted at his Senate confirmation hearing that the age restriction – which the FDA insisted upon before finally approving the Plan B® application - was not based on scientific or medical data. Perhaps anti-choice politics is still playing a role at the Bush FDA...

**Below is a brief timeline of the Plan B® application:**

- July 1999: FDA approves Plan B® for prescription use.
- February 2001: NARAL Pro-Choice America files citizen's petition requesting the FDA switch Plan B® from prescription-only to over-the-counter status.
- April 2003: Women's Capital Corporation files application with FDA to allow over-the-counter sales of Plan B®.
- December 2003: FDA Advisory Committee on Reproductive Health Drugs and Nonprescription Drugs recommends approving the application, 23-4.
- February 2004: FDA delays a decision on the application for 90 days.
- March 2004: Lester Crawford becomes acting commissioner of the FDA.
- May 6, 2004: FDA denies Plan B® application.
- July 2004: Following the FDA's suggestions, Barr Laboratories (which acquired Plan B® from Women's Capital Corporation) submits a new application proposing to market Plan B® over-the-counter for women ages 16 and up.
- January 2005: FDA delays decision.
- February 2005: President Bush nominates Lester Crawford to be commissioner of the FDA.
- June 2005: Senators place hold on Crawford's nomination in protest over the agency's mishandling of Plan B®.
- July 15, 2005: HHS Secretary Mike Leavitt sends the Senate a written promise that the FDA will act on Plan B® by September 1.
- July 18, 2005: Senate confirms Crawford.
- August 26, 2005: Breaking its explicit promise to the Senate, the FDA delays decision again.
- August 31, 2005: Dr. Susan Wood resigns as director of the FDA's Office of Women's Health, stating: "I can no longer serve as staff when scientific and clinic evidence, fully evaluated and recommended for approval by professional staff here, has been overruled."

- September 23, 2005: Crawford resigns from the FDA. He gives no reason for his action.
- March 2006: President Bush nominates Andrew von Eschenbach to be commissioner of the FDA; Sens. Clinton and Murray immediately announce their intention to block his nomination until the agency makes a final decision on the Plan B® application.
- July 31, 2006: One day before his Senate confirmation hearing, von Eschenbach sends a letter to Barr Laboratories indicating that the FDA may be willing to approve Plan B® for over-the-counter sales for adults only.
- August 24, 2006: The FDA finally approves Plan B® for over-the-counter sales, but only for individuals ages 18 and older.

**Bush Nominates Anti-Choice Samuel Alito to Fill O’Connor Seat on the Supreme Court** <sup>7</sup>—In October 2005, Bush nominated Samuel Alito to replace retiring Justice Sandra Day O’Connor. White House Counsel Harriet Miers was nominated first but was forced to withdraw after the right wing attacked her as insufficiently ideologically reliable.

Alito’s anti-choice record is clearly troubling. When applying for a job in the Reagan Department of Justice, Alito wrote: “It has been an honor and a source of personal satisfaction for me to serve in the office of Solicitor General during President Reagan’s administration and help advance legal positions in which I personally believe very strongly. *I am particularly proud of my contributions in recent cases in which the government has argued in the Supreme Court... that the Constitution does not protect a right to an abortion.*”

As a lawyer with the Solicitor General’s office in 1985, Alito wrote a memo recommending that the Reagan administration intervene in two abortion-related cases, *Thornburgh* and *Diamond*. Alito wrote, “We should file a brief as amicus curiae supporting appellants in both cases. In the course of the brief, we should make clear that we disagree with *Roe v. Wade* and would welcome the opportunity to brief the issue of whether, and if so to what extent, that decision should be overruled.” In the memo, Alito advocates that *Roe* should be overturned—but acknowledges the difficulties in doing so and thus outlines an incremental strategy of erecting as many new barriers as possible to legal abortion. Until *Roe* can be overturned, Alito urged, this strategy would, in his words “mitigat[e] [*Roe*’s] effects.”

Throughout her tenure on the Court, Justice O’Connor served as a moderate jurist who repeatedly voted to uphold women’s rights and protect women’s health. On numerous occasions she cast the deciding vote on critical choice-related cases, so President Bush’s selection of Alito to replace her is cause for very grave concern.

After rejecting a filibuster, the Senate confirmed Alito, 58-42, on January 31, 2006.

**Bush Nominates Ardent Conservative John Roberts to Replace Chief Justice Rehnquist on Supreme Court** <sup>8</sup>—Just three weeks after Justice Sandra Day O’Connor announced her intention to retire, President Bush nominated John Roberts to the post of Associate Justice. But when Chief Justice Rehnquist passed away in September 2005, President Bush announced the

elevation of Roberts' nomination from Associate Justice to Chief Justice. While Roberts has led a distinguished legal career, he also has a clear record of hostility to a woman's right to choose.

During his tenure in both the Reagan and first Bush administrations, Roberts was an architect of the administrations' efforts to abridge women's rights and access to abortion services – including co-authoring a brief advocating the overturn of *Roe v. Wade* and filing a brief in support of the right-wing fringe group Operation Rescue. Moreover, during his confirmation hearings, Roberts carefully avoided answering questions about his judicial philosophy – specifically, he refused to say whether the right to privacy includes a woman's right to choose.

Roberts was confirmed by the Senate, 78-22, on September 29, 2005.

### **Bush Administration Files Anti-Choice Supreme Court Brief in Abortion-Restriction Case**<sup>9</sup> –

On August 8, 2005, President Bush's Solicitor General's office filed a brief in the Supreme Court case *Ayotte v. Planned Parenthood of Northern New England* in which the administration argued that the Court should: (1) abandon its longstanding requirement that women's health must always be protected when the state regulates abortion; and (2) establish a much tougher standard of review for most laws restricting abortion, making it nearly impossible for these laws to be struck down. In January 2006, the Court unanimously acknowledged that precedent requires that abortion restrictions must not endanger women's health and sent the case back to the lower court to remedy this defect in the law.

**Bush Taps Anti-Choice Michael Leavitt to Be Secretary of HHS**<sup>10</sup> – On December 13, 2004, Bush announced his selection of then EPA administrator and former Utah Governor Michael Leavitt to head the Department of Health and Human Services (HHS). As governor, Leavitt made a number of troubling statements concerning his views on reproductive health and rights, most clearly stated when he said, "I am strongly pro-life and anti-abortion." Now elevated to this new position, Leavitt is responsible for overseeing a number of programs of critical importance to women's health and serves as the president's top advisor on health-related matters, including abortion, contraception, and embryonic stem-cell research.

**Bush Appoints Anti-Choice Activist to FDA Advisory Panel on Women's Health**<sup>11</sup> – On December 24, 2002, Bush appointed W. David Hager, an anti-choice activist to the FDA Reproductive Health Drugs Advisory Committee. (He reappointed him on June 28, 2004 for an additional term of one year.) Hager has a long history of trying to undermine women's reproductive rights: an avowed opponent of legal abortion and common forms of contraception, he helped the anti-choice Christian Medical Association spearhead a "citizen's petition" in 2001 calling for the FDA to revoke approval for mifepristone. He also has reportedly refused to prescribe intrauterine devices or emergency contraception, and as a physician, will only prescribe contraceptives to unmarried women after they have endured a moralistic and patronizing lecture on remaining abstinent outside of marriage. Predictably, during Hager's first term on the committee, he put his personal anti-choice views ahead of science and public

health. He voted to oppose the over-the-counter sale of Plan B® emergency contraception, despite overwhelming support by the medical community and the vast majority of his fellow committee members. Press reports later revealed that Hager played a pivotal role in the agency's decision to deny the application. In a previously unreported sermon that was given in October 2004 at Asbury College in Kentucky, Hager admitted that, after the advisory panel he serves on overwhelmingly voted in favor of the application, he was asked to write a memo critical of the drug to the commissioner of the FDA. Hager claimed that his memo played a central role in the agency's decision and bragged that the FDA's rejection of the petition for over-the-counter sales of the morning-after pill marked only the second time in 50 years the FDA overruled its advisory panels.

**Bush Administration Cancels Funding for Public-Health Conference it Deems Too Diverse** <sup>12</sup> — On April 26, 2004, the Bush administration announced that it would rescind financial support for a public-health conference sponsored by the Global Health Council—a meeting that has been funded by the federal government for the past 30 years—solely because pro-choice groups were participating in the conference.

**Bush Advisor Likens Pro-Choice Values to Those of September 11 Terrorists** <sup>13</sup> — In an attempt to explain away the overwhelming attendance at the March for Women's Lives, Bush confidante Karen Hughes suggested that pro-choice Americans have as little respect for human life as terrorists. On April 25, 2004, Hughes told CNN: "I think after Sept. 11th, the American people are valuing life more and realizing that we need policies to value the dignity and worth of every life ... the fundamental issue between us and the terror network we fight is that we value every life."

**Bush-Cheney Advisor Calls 1.15 Million Marching Americans "Irrelevant"** <sup>14</sup> — On April 22, 2004, Mary Matalin, a senior Bush-Cheney advisor, denigrated the American tradition of peacefully marching for civil rights by labeling the more than one million women, men, and children who attended the March for Women's Lives "irrelevant."

**Vice President Cheney Threatens Further Action Against A Woman's Right to Choose** <sup>15</sup> — At a speech before the National Right to Life Committee on April 21, 2004, Vice President Dick Cheney bragged of President Bush's "historic action" to roll back a woman's constitutional right to privacy. Cheney cited the president's signature of the new "Unborn Victims of Violence Act" law, among other anti-choice actions, and he vowed to defend "vigorously" the Federal Abortion Ban Bush signed in November 2003. Finally, Cheney made the ominous statement that "America still has some distance to travel" to achieve President Bush's goal of ending legal abortion.

**Bush Signs New Law Granting Unprecedented Legal Status to an Embryo and Fetus** <sup>16</sup> — In April 2004, President Bush signed the "Unborn Victims of Violence Act" (*see below*), which creates a new, separate federal crime for harm to an embryo or fetus, and is an attempt to

undermine the basic tenets of *Roe v. Wade*. The women's community has long recognized that violence against women – especially pregnant women – is tragic and must be vigorously prosecuted and punished, and has been at the forefront of such efforts. Strong steps to prevent and punish such attacks must recognize the unique harm faced by a woman who loses her pregnancy as a result of violence. Yet that is not the purpose of this new law. Anti-choice Sen. Orrin Hatch – who stood with the president during the bill-signing – has admitted: "They say it undermines abortion rights. It does. But that's irrelevant." Even more tellingly, during congressional consideration of the bill, lawmakers in both chambers – at the specific urging of the Bush administration – rejected an alternative proposal that would have created a separate offense for harm to a pregnant woman, and would have done so without entangling the issue in abortion politics.

**Bush Administration Department of Justice Fails to Include Emergency Contraception in National Protocol for Rape Victims**<sup>17</sup> – In September 2004, the Department of Justice released a national protocol for the medical examination of sexual-assault victims. The final protocol omitted all mention of emergency contraception and its potential to help women who have suffered a sexual assault avoid the additional trauma of an unintended pregnancy – despite reports that earlier versions included this critical information. Timely provision of emergency contraception could help the estimated 25,000-32,000 women who become pregnant each year as a result of rape avoid pregnancy, and it should be the standard of care in all hospital emergency rooms.

**John Ashcroft Subpoenas Women's Private Medical Records**<sup>18</sup> – As part of ongoing litigation over the constitutionality of the Federal Abortion Ban signed by President Bush in late 2003 (*see above*), John Ashcroft's Justice Department in early 2004 began flooding health-care providers with subpoenas for thousands of women's private medical records. Incredibly, the women whose records Ashcroft demanded were not even parties in the lawsuit. The administration's actions stand in stark contrast to previous proclamations from the Bush White House (including from both the president and attorney general themselves) on the importance of protecting the privacy of medical records. In response, pro-choice lawmakers introduced new legislation, the Patients' Privacy Protection Act, to provide explicit protection for the privacy of personal medical records.

**Bush Administration Singles Out "Hit List" of Public-Health Researchers for Special Scrutiny**<sup>19</sup> – In yet another display of willingness to hold science hostage to anti-choice politics, the Bush administration in October 2003 began warning selected public-health researchers that they had been placed on a "hit list" and could be subject to exceptional oversight by the National Institutes of Health (NIH). More than 150 scientists conducting federally funded research in the areas of sex, contraception, and HIV were reportedly identified by anti-choice activists and placed on a list – and were subsequently contacted by NIH and warned that their work could be subject to additional scrutiny. The scientific community has responded in force

by decrying what they describe as “scientific McCarthyism” and objecting to this new injection of politics into research and public health.

**Bush Expands Global Gag Rule to Cover All State Department Programs** <sup>20</sup> – In late August 2003, President Bush expanded his notorious policy on international family-planning programs, known as the global gag rule. This policy forces overseas health clinics to agree not to use their own, non-U.S. funds to provide or counsel patients about abortion, or to take a public pro-choice position. Previously, the gag rule applied only to groups that receive grants from the U.S. Agency for International Development's family-planning program. Under the new expansion, the policy is imposed on the entire State Department budget - over \$8 billion.

**Bush Cuts Off Funding to International AIDS Program** <sup>21</sup> – In late August 2003, the Bush administration de-funded an experienced, professional consortium that assists refugees, because one of the groups works in China. The State Department made the unsubstantiated allegation that, because the organization provides abortion services (among other primary health-care services) and also works in China, it is somehow complicit in the Chinese government's coercive-population practices. This action is inconsistent with the many other levels in which President Bush's government is actively involved with the Chinese government, from directly funding HIV and SARS programs to pursuing a myriad of free-trade initiatives. Yet inexplicably, groups that provide contraception and abortion services are the only ones punished for working in China.

**Embryos Classified as "Human Subjects" of Scientific Research, Elevating Anti-Choice Politics Over Women's Health** <sup>22</sup> – In October 2002, the Bush administration directed HHS's Advisory Commission on Human Research Protections to consider embryos as “human subjects.” By elevating the “rights” of embryos, this action not only helps establish a legal pathway to restricting women's reproductive freedom, but also has potential consequences for vital biomedical research and health services. Research on Parkinson's disease, Alzheimer's, spinal cord injuries, stroke, burns, heart disease, and reproductive-health technologies such as in-vitro fertilization are all potentially at risk.

**Regulations Make Embryos and Fetuses Eligible for State Children's Health Insurance Program** <sup>23</sup> – In 2002, the Bush administration issued new regulations making embryos and fetuses – but not pregnant women – eligible for the State Children's Health Insurance Program (SCHIP). In 2007, lawmakers tried to codify this anti-choice regulation (*see below*).

The administration's policy is designed to establish an embryo, from the moment of conception, as a separate beneficiary of government programs. (Similar strategy is echoed in the anti-choice law, the Unborn Victims of Violence Act). If the administration were sincere about extending health-insurance coverage to more low-income pregnant women, it could simply use its existing authority to approve state waivers expanding SCHIP programs, or alternatively, could support one or more pieces of legislation long pending before Congress to expand SCHIP's reach statutorily. Tellingly, the administration chose to take neither of these courses, and in fact,

withdrew its earlier support for the legislation, revealing its true intent: to undermine a woman's right to choose.

**Anti-Choice Judicial Nominations** <sup>24</sup> – Since taking office, President Bush has moved to remake the federal judiciary with judges hostile to freedom of choice and other fundamental civil rights and constitutional liberties. More than 300 of his nominees have been confirmed to sit on the nation's lower federal courts. At stake for Americans is not just the right to privacy and a woman's right to choose, but such other basic freedoms as the right to be free from discrimination based on race, national origin, religion, gender, sexual orientation, or disability; worker rights; the right to clean air and water; and the right to equal opportunity in employment and education.

A brief summary of some of Bush's most notable choices follows:

Initially installed by a recess appointment in February 2004, **William Pryor** was renominated and confirmed by the Senate on June 9, 2005 to the Eleventh Circuit Court of Appeals by a vote of 53 to 45. A committed legal activist, Pryor speaks openly of his deeply held anti-choice views and his belief that the Constitution does not protect women's reproductive freedom. He opposes abortion even in cases of rape and incest, and has called *Roe v. Wade* "the worst abomination of constitutional law in our history." Moreover, as a state attorney general, Pryor – who has bragged, "I became a lawyer, because I wanted to fight the ACLU" – has repeatedly used the extensive powers of his public office to further his personal political agenda of ending legal abortion. His activist positions, coupled with his politicized view of the role of the courts, make it highly unlikely that he will be capable of fairly hearing cases involving reproductive rights.

**Janice Rogers Brown** is yet another dangerous Bush appointee with an anti-choice record and a history of far-right judicial activism. She was confirmed by the Senate to the D.C. Circuit Court of Appeals on June 8, 2005 by a vote of 56 to 43. As a California Supreme Court Justice, she wrote a scathing abortion-related dissent in direct conflict with the state constitution's guarantee of privacy. She was widely known as the most conservative justice on the California Supreme Court, and the State Bar of California recommended against her appointment because her "judicial opinions were insensitive to established precedents and improperly reflected [her] philosophical and political views." Her hostility to reproductive rights, her ultra-conservative ideology, and her lack of judicial temperament demonstrate that Brown will be a troubling addition to the federal judiciary.

On May 25, 2005, the Senate confirmed **Priscilla Owen** to the Fifth Circuit Court of Appeals by a vote of 55 to 43. Owen is a dedicated conservative judicial activist who repeatedly demonstrated a willingness to rewrite Texas statutes on the right to choose during her time on the State Supreme Court. The legislatures of Louisiana, Texas, and Mississippi, which encompass the Fifth Circuit Court of Appeals, are among the most aggressively anti-choice in the nation, greatly increasing the likelihood that Owen will hear cases challenging state

restrictions on the right to choose. The decisions she will make in that role may affect women's reproductive freedom for a generation to come.

On July 6, 2004, the Senate confirmed **James Leon Holmes** to the U.S. District Court for the Eastern District of Arkansas by a vote 51 to 46. Holmes, formerly an attorney in private practice, is a former president of Arkansas Right to Life and served as secretary of the Unborn Child Amendment Committee. He believes "the abortion issue is the simplest issue this country has faced since slavery was made unconstitutional," and has compared pro-choice advocates to Nazis. In opposing even a rape victim's right to choose, he demonstrates not only callousness but also ignorance of human biology: "[C]oncern for rape victims is a red herring," he has said, "because conceptions from rape occur with approximately the same frequency as snowfall in Miami." In fact, an estimated 25,000 to 32,000 women each year become pregnant as a result of rape in the United States, and about 50 percent of these pregnancies end in abortion.

**Bush Cancels UNFPA Funding** <sup>25</sup> – At the behest of anti-choice lawmakers, the Bush administration in July 2002 zeroed out the nation's entire \$34 million budget for the U.N. Population Fund (UNFPA). He subsequently canceled funding for the FY'03, FY'04, FY'05, FY'06, FY'07 and FY'08 cycles as well. UNFPA provides reproductive-health care, including family-planning services but not abortion, to the world's poorest women, and specializes in caring for refugees and addressing other crises. The administration's actions not only do irrevocable harm to the good work UNFPA does around the world, they belie the administration's claim of support for programs that enhance the health, status, and well-being of the world's poorest women. The annual loss of funding is having a severe impact in the developing countries that UNFPA serves. Each year, the cancelled funds could prevent the following: 2 million unintended pregnancies; nearly 800,000 abortions; 4,700 maternal deaths; nearly 60,000 cases of serious maternal illness; and more than 77,000 infant and child deaths.

**Holding Science Hostage to Anti-Choice Politics, Bush Administration Censors Medical Information on Government Websites** <sup>26</sup> – Anti-choice lawmakers began a campaign in 2002 to use the levers of government to misinform and alarm women. Despite a lack of credible scientific evidence, anti-choice advocates long have alleged that abortion leads to increased rates of breast cancer. In early 2002, 28 anti-choice lawmakers led by Reps. Chris Smith (R-NJ) and Dave Weldon (R-FL) began lobbying the Bush administration to have a National Cancer Institute (NCI) fact sheet on the subject removed. Shortly thereafter, the NCI removed the fact sheet from its website and later replaced it with a "revised" version that more closely reflected misinformation from the anti-choice movement. In early 2003, a panel of scientists convened by NCI to study the matter concluded that no link exists between abortion and breast cancer, causing NCI to correct the fact sheet.

The administration's censorship of medical information at the behest of anti-choice activists does not stop with the NCI's fact sheet on breast cancer. In 2002, the Centers for Disease Control and Prevention removed a number of condom fact sheets from its website, and subsequently "revised" them to cast doubt on the effectiveness of condoms in HIV and

pregnancy prevention. Later, in 2007, HHS revised a government website, [www.4parents.gov](http://www.4parents.gov), replacing factual data designed to help parents talk about preventing teen pregnancy with biased and misleading claims. The site now includes deceptive and unfounded “information” telling parents, for example, that “abortions can have complications” and that abortion may have negative health consequences such as depression and substance abuse.

**Attacks on RU 486 and the FDA Drug-Approval Process** <sup>27</sup> – The Centers for Disease Control and Prevention, Food and Drug Administration, and outside experts met in May 2006 to explore the alleged “health implications” of RU 486. Anti-choice activists have repeatedly called for the drug to be pulled from the American market, using each rare case of an adverse event to renew their demands. (RU 486, also known as mifepristone, has been used by more than 735,000 American women to date and is proven to be very safe and effective. However, like every drug, it can cause occasional side effects or, very rarely, serious adverse effects.) It is certainly legitimate for federal public-health agencies to evaluate a drug’s safety; however the fact that this study results from political pressure has caused observers to wonder whether other drugs are also being similarly scrutinized—or whether mifepristone is being singled out for additional “study” for political reasons.

Attacks on the drug are also coming from Congress. There are two anti-choice proposals to restrict or revoke women's access to mifepristone: The first, the "RU 486 Patient Health and Safety Act," was initially proposed immediately after the FDA's approval of mifepristone in 2000. It would impose a number of onerous and unnecessary restrictions on the drug’s availability – making it virtually impossible for any doctor to meet all its requirements. The second proposal, the "RU 486 Suspension and Review Act," goes even further. First introduced in late 2003 by anti-choice lawmakers, the bill would pull mifepristone off the market altogether, and demand a “study” of the FDA’s approval of the drug.

**Bush Restriction on Stem-Cell Research Threatens Life-Saving Medical Advances** <sup>28</sup> – In August 2001, President Bush reversed the Clinton administration's policy allowing embryonic stem-cell research to move forward with federal funding. The Bush policy – which prohibits funding for research on all new embryonic stem-cell lines – has had the effect of slowing research that scientists believe could lead to breakthroughs in treatment for Parkinson’s disease, cancer, heart disease, diabetes, and other diseases.

In the 109<sup>th</sup> and 110<sup>th</sup> Congress, both the House and Senate approved bills to loosen the restrictions and allow more research to proceed. However, shortly after the bills arrived at his desk for signature, President Bush exercised his first and third vetoes in office and returned the legislation to Congress without his approval. Unfortunately, to date pro-science lawmakers have failed to muster the two-thirds majority needed to override the presidential vetoes.

**Bush Closes White House Office for Women's Initiatives and Outreach** <sup>29</sup> – Shortly after taking office, President Bush shut down the White House Office for Women's Initiatives and

Outreach. Created under President Clinton, the office ensured that issues of concern to women had a voice within White House walls.

**Bush Dumps the American Bar Association** <sup>30</sup> – Upon taking office, President Bush ended the American Bar Association's longstanding role as impartial reviewer of potential judicial nominees, turning instead for guidance to the conservative Federalist Society, and giving anti-choice administration officials like Attorneys General John Ashcroft and Alberto Gonzales an even greater influence in the judicial selection process.

**Bush Appoints Anti-Choice Tommy Thompson as Secretary of Health and Human Services** <sup>31</sup> – One of the country's most anti-choice governors, Thompson was appointed during Bush's first term to head the department that wields the greatest influence over policies affecting women's reproductive health. Under Thompson, HHS moved to amend the Children's Health Insurance Program to include fetuses and embryos – but not pregnant women; suspended the Clinton administration's plans to move forward with life-saving stem-cell research; and promoted risky and deceptive “abstinence-only” programs.

**Bush Appoints Staunchly Anti-Choice John Ashcroft as Attorney General** <sup>32</sup> – Whereas the Justice Department under the Clinton administration worked to safeguard a woman's right to choose, under Ashcroft – a staunch, lifelong opponent of choice – the department worked to roll back women's constitutional rights. Nowhere has this been more evident than in the DOJ's intervention on behalf of Ohio's unconstitutional abortion ban in the Sixth Circuit Court of Appeals. In that case, the department filed a brief that sought to gut *Roe v. Wade* and render its protections virtually meaningless.

**Bush Reimposes Global Gag Rule on International Family-Planning Programs** <sup>33</sup> – On his first working day in office, President Bush ordered the reinstatement of the global gag rule on international family-planning programs: programs that strive to prevent unintended pregnancy, reduce abortion, and avert hundreds of thousands of infant and maternal deaths worldwide each year. The policy prohibits the USAID from granting family-planning funds to any overseas health clinic unless it agrees not to use its own, private, non-U.S. funds for abortion services, advocacy, or counseling. In August 2003, President Bush expanded the global gag rule even further, applying it not just to USAID dollars, but to all State Department funds (*see above*).

Pro-family-planning lawmakers continue to work to overturn the global gag rule but so far have fallen short in each effort. Most recently, in 2007, both the House and Senate took steps to roll back the policy – but unfortunately, the measure never made its way to the president's desk (*see below*).

**Bush Issues Statements of Support to "March For Life" Participants** <sup>34</sup> – Also on his first business day in office, January 22, 2001 – the 28<sup>th</sup> anniversary of *Roe v. Wade* – President Bush offered a statement of support to "March for Life" participants saying, "The promises of the

Declaration of Independence...are for everyone – including unborn children." Again in 2002, 2003, 2004, 2005, 2006, 2007 and 2008, Bush issued statements of support to the "March for Life." In conjunction with these actions, since 2002, Bush has also issued annual proclamations designating the Sunday closest to January 22 (the *Roe* anniversary) as "National Sanctity of Human Life Day."

### PREVIOUS ANTI-CHOICE CONGRESS ACTED ON MAJOR BUSH-BACKED LEGISLATIVE PRIORITIES

*Administration-Backed Anti-Choice Bills Pass House, Senate*<sup>35</sup> – While in control of Congress from 2003-2006, and with President Bush in the White House, anti-choice lawmakers acted on five separate free-standing bills that undermine a woman's right to choose. President Bush expressed strong support for all five measures:

- "Child Custody Protection Act" (CCPA) – The Senate passed this legislation, by a vote of 65 to 34, in July 2006. CCPA would have imposed criminal penalties on caring and trusted adults – including grandparents, adult siblings, and clergy members - who accompany young women across state lines for abortion care. The House also approved CCPA (or its even broader counterpart, the Child Interstate Abortion Notification Act) on five separate occasions. President Bush endorsed the legislation, but did not have an opportunity to sign it into law.
- "Child Interstate Abortion Notification Act" (CIANA) – The House passed this legislation twice in the 109<sup>th</sup> Congress. An expanded version of the Child Custody Protection Act, CIANA imposes an impossibly complex patchwork of parental-involvement laws on women and doctors across the country, in addition to the CCPA provisions (*see above*). President Bush supported CIANA, which would now be law had the Senate not procedurally blocked the bill, 57 to 42 (with 60 votes needed to end debate), from advancing to the president's desk in September 2006.
- Federal Refusal Clause – In late 2004 Congress enacted, and the president signed, a massive omnibus budget bill. Included within it is the Federal Refusal Clause, one of the most dangerous and sweeping pieces of anti-choice legislation in recent memory. Now any health-care company (including hospitals, health-insurance corporations, and HMOs) may refuse to comply with any federal, state, or local law that assures women have access to abortion services. Importantly, the law is not restricted to just the provision of abortion services themselves, but also allows companies to refuse to give a referral to another provider. Essentially, the law allows any health-care company to gag its doctors from providing or even mentioning abortion as a legal option to women clients.
- "Unborn Victims of Violence Act" – Passed by the House and Senate and signed by President Bush in early 2004, for the first time in federal law this legislation recognized an embryo as

a person with rights separate and apart from the woman's. The bill created a separate federal crime for harming an embryo or fetus, and was intended to undermine the basic tenets of *Roe v. Wade*.

The women's community has long recognized that violence against women – especially pregnant women – is tragic and must be vigorously prosecuted and punished. It has been at the forefront of such efforts. Strong steps to prevent and punish such attacks must recognize the unique harm faced by a woman who loses her pregnancy as a result of violence. While proponents of the bill claim the legislation is designed to protect women from violence, nothing could be further from the truth. Their true intent is to undermine *Roe*. In fact, anti-choice Sen. Orrin Hatch (R-UT) has admitted, "They say [the Unborn Victims of Violence Act] undermines abortion rights. It does. But that's irrelevant."

If proponents of the law were truly interested in preventing violence against pregnant women – a goal all Americans undoubtedly share – there are myriad opportunities to do so without undermining freedom of choice. Rep. Zoe Lofgren (D-CA) and Sen. Dianne Feinstein (D-CA) introduced alternative proposals that would have created a separate offense for harm to a pregnant woman, without undermining the legal foundations of a woman's right to choose. Tellingly, anti-choice lawmakers repeatedly opposed these consensus, common-sense alternatives at the Bush administration's urging.

- *Federal Abortion Ban* – Signed into law by President Bush in 2003 (*see above*), this ban represents the first federal law ever to criminalize a safe medical procedure in our nation's history. The law – which was enjoined within 48 hours of its signing – criminalizes certain second-trimester abortions that are safe and, at times, medically necessary. Moreover, the ban contains no exception to protect a woman's health. In 2000, the Supreme Court struck down a nearly identical Nebraska ban. Six lower federal courts found the Federal Abortion Ban unconstitutional; however, in April 2007, the Supreme Court upheld the ban and effectively reversed its 2000 ruling.

## **OTHER ANTI-CHOICE ACTIVITY IN CONGRESS FROM 2000-PRESENT**

**Anti-Choice Lawmakers Attack Family Planning** – During consideration of the FY'08 Labor, Health and Human Services, and Education appropriations bill, both Sen. David Vitter (R-LA) and Rep. Mike Pence (R-IN) offered anti-choice amendments that would essentially defund Title X family-planning clinics. First, in July 2007, Rep. Pence proposed an amendment to disqualify Planned Parenthood, the nation's largest network of reproductive-health providers, from participating in the Title X program. In September 2007, Sen. Vitter offered an amendment to cut off all federal health funding, including Title X dollars, for health centers that provide abortion care. Such a punitive and harmful proposal would virtually dismantle the Title X network, leaving thousands of low-income women without family-planning services in their

communities. Fortunately, pro-family-planning lawmakers in both the House and the Senate soundly defeated both amendments.

**Anti-Choice Senator Tries To Codify “Unborn Child” Regulation** – As an attempt to block reauthorization of the State Children’s Health Insurance Program, anti-choice Sen. Wayne Allard (R-CO) proposed an amendment in 2007 to codify the Bush administration’s controversial “unborn child” regulation (*see above*). When that effort failed, Se. Allard tried again in 2008 to attach the amendment to the FY’09 budget resolution. Fortunately, pro-choice senators rejected this effort as well.

**Anti-Choice Lawmakers Reject Real Solution to Teen-Pregnancy Epidemic** <sup>36</sup> – During consideration of the Child Custody Protection Act in 2006, Sens. Frank Lautenberg and Bob Menendez (both D-NJ) offered a commonsense proposal to fund teen-pregnancy-prevention programs and help parents talk to their kids about tough topics like sex. With approximately 860,000 American teenagers becoming pregnant each year, the United States has the highest rate of teen pregnancy in the Western industrialized world. Unfortunately, anti-choice senators chose to reject this commonsense proposal and instead advanced divisive legislation that will do nothing to prevent teen pregnancy or help teens in trouble.

**Congress Refuses to Fund Pregnancy-Prevention Programs** <sup>37</sup> – Sens. Hillary Rodham Clinton (D-NY) and Harry Reid (D-NV) offered a “prevention amendment” to the FY’06 budget resolution to boost the public-health section of the budget by \$100 million to provide funding for contraceptive equity, family-planning services, teen-pregnancy-prevention programs and emergency-contraception-education programs. Anti-choice lawmakers rejected the effort. Sens. Reid and Clinton stand on opposite sides of the abortion debate - but their cooperation on this amendment shows how we can bridge the pro-choice/anti-choice divide. Anti-choice lawmakers are doing everything they can to make abortion more dangerous and difficult and still will not support attempts from across the aisle to promote consensus, common-sense policies that reduce the need for abortion.

**Anti-Choice Lawmakers Refuse to Protect Women and Doctors from Violence at Clinics** <sup>38</sup> – Since 1999, when Congress began considering legislation to overhaul the federal bankruptcy code, Sen. Charles Schumer (D-NY) and Rep. Jerrold Nadler (D-NY) have worked to include language to prevent perpetrators of clinic violence from using bankruptcy to escape paying the judgments for their illegal acts. Sen. Schumer initially succeeded and the Senate overwhelmingly approved the language in 2000. However, four years later, anti-choice lawmakers prevailed in blocking the entire bill rather than allowing the Schumer provision to become law. Then, in March 2005, the Senate rejected a similar amendment. With a final attempt by Sen. Schumer to include clinic-violence-prevention language in the bill defeated, anti-choice lawmakers moved quickly in the Senate to pass federal bankruptcy reform legislation without these important protections.

***Reproductive Rights Restricted in Appropriations Bills*** – Through the appropriations process, anti-choice lawmakers traditionally attempt to further restrict women’s access to reproductive-health services.

Following is a summary of choice-related provisions traditionally passed by Congress as part of annual appropriations bills:

➤ *Labor, Health and Human Services, and Education* <sup>39</sup>

**Title X** – Each year, more than 5 million young and low-income women receive basic health care through the 4,400 clinics nationwide receiving Title X (ten) funds. In recent years, funding for the nation's cornerstone family-planning program has languished as the Bush administration and anti-choice lawmakers have fought to block much-needed increases. In fact, President Bush has proposed level funding for this vital program in each of his budgets, a stark contrast to his proposal to dramatically increase the funds for abstinence-only programs, which provide no actual clinical health services (*see below*). Fortunately, with control of Congress back in pro-choice hands, FY’08 funding for the Title X program increased by \$22 million, and current funding now stands at \$305 million.

**“Abstinence-Only” Programs** – Funding for “abstinence-only” curricula – that is, programs that censor important health information and forbid discussion of contraception – has exploded in recent years as the Bush administration and anti-choice lawmakers have made these programs a major budgetary priority. Even in the absence of data proving the programs' effectiveness, funding now stands at a record-high \$176 million – and each year Bush has pushed for more.

Pro-choice lawmakers are fighting back, however, and trying to protect young people. For the first time ever, in 2007, both the House and the Senate took important steps toward ensuring that “abstinence-only” programs are medically accurate. And in 2008, pro-choice Rep. Henry Waxman (D-CA) held the first ever federal oversight hearing exposing these dangerous and discredited programs.

**Harmful Amendments** – In addition to the two funding priorities listed above, the Labor-HHS bill often provides an opportunity for anti-choice and anti-family-planning lawmakers to attempt damaging and harmful amendments to domestic reproductive-health policy. For instance, in July 2004, when marking up the FY’05 Labor-HHS funding bill, the House Appropriations Committee adopted a very broad anti-choice amendment known as the Federal Refusal Clause (*see above*).

Furthermore, in 2003, anti-choice then-Rep. Vitter succeeded in including new anti-choice report language in the Labor-HHS-Education section of the FY’04 omnibus spending bill. The Vitter language directed the federal government to collect the names of Title X providers who offer abortion services with private funds. (By law, Title X funds may not pay for abortion, and grantees are in full compliance with this requirement.) The report

language also surely served as a precursor to his FY'08 amendment to bar any private hospital or clinic that has ever provided abortion services with private funds from receiving any federal health funding (*see above*).

➤ Foreign Operations <sup>40</sup>

**United Nations Fund for Population Assistance (UNFPA)** – As described above, President Bush has eliminated the entire U.S. contribution to the UNFPA by executive action. Thus, the funding for the program traditionally provided through the Foreign Operations spending bill is moot until Congress lifts the administration's funding restriction. Pro-choice lawmakers attempted to lift the restriction during debate of the FY'03, FY'04, and FY'05, FY'06, FY'07, and FY'08 spending bills, but were ultimately unsuccessful.

**U.S. Agency for International Development (USAID)** – Funding for the USAID's international family-planning program also has been the subject of repeated anti-choice attacks in recent years. Current funding stands at \$461 million, down from the high-water mark of \$541 million in the early 1990s.

**Global Gag Rule** – This harmful policy, imposed by President Bush on his first workday in office (*see above*), prohibits the USAID from granting family-planning funds to any foreign non-governmental organization unless it agrees not to use its own, private, non-U.S. funds for abortion services, advocacy, or counseling. Under anti-choice congressional leadership, pro-family-planning lawmakers repeatedly tried to overturn the policy, but each time were outnumbered by contraception opponents.

In 2007, however, both the House and Senate successfully took action on the issue. The Senate FY'08 foreign-aid bill repealed the global gag rule in its entirety, while the House bill repealed it in part by allowing overseas clinics otherwise ineligible for USAID funding to receive U.S.-donated contraceptives. Unfortunately, facing a veto threat, neither the House nor Senate version made it into the final bill.

➤ Treasury, Transportation, Housing & Urban Development and Judiciary <sup>41</sup>

**Contraceptive Coverage for Federal Employees** – Several years ago, Congress adopted a law guaranteeing that Federal Employee Health Benefit plans cover prescription contraceptive drugs and devices to the same extent as other prescription drugs.<sup>41</sup> In 2001 President Bush recommended repealing the law, but Congress strongly rebuffed him and the policy remains in place.

**Abortion Coverage for Federal Employees** – Since 1995, Congress has barred federal employees from selecting a health-care plan that provides abortion coverage. The Bush administration strongly supports the restriction.

➤ District of Columbia <sup>42</sup> – This bill bars the District from using its own, locally raised revenues to provide abortion services for low-income women. No other state is told by Congress

how to use its locally raised revenue with respect to abortion. The Bush administration strongly supports the restriction.

- Commerce, Justice, State<sup>43</sup> – This bill traditionally bans abortion services for women in federal prison.

In September 2003, the Senate Appropriations Committee included language authored by Sen. Harry Reid (D-NV) in its version of the FY'04 Commerce, Justice, State spending bill to block the Bush administration's expansion of the global gag rule (*see above*). The House bill, which passed in July of that year, contained no parallel provision, however, and the final omnibus spending measure followed the House bill.

**Privately Funded Abortion Access For Women In Military Denied**<sup>44</sup> – Since 1995, current law has prohibited American servicewomen from accessing abortion services with their own funds at overseas military hospitals. In recent years, anti-choice lawmakers have repeatedly resisted pro-choice attempts to repeal this discriminatory ban.

On a separate but related issue, in June 2004, the Senate quietly adopted an amendment offered by Sens. Barbara Boxer (D-CA) and Olympia Snowe (R-ME) to allow publicly funded abortion care for servicewomen who are victims of rape or incest. Unfortunately, the provision was dropped from the final conference report.

**Additional Anti-Choice Legislative Attacks** – In addition to the free-standing bills and the annual appropriations process, anti-choice lawmakers have used various legislative outlets to undermine a woman's right to choose and restrict women's access to reproductive-health services. Below is a list of additional assaults on choice.

**Promotion of Deceptive Abstinence-Only Programs**<sup>45</sup> – In recent years, anti-choice lawmakers and the Bush administration have made deceptive "abstinence-unless-married" programs (that is, programs that censor medically accurate information and forbid discussion of contraception) a major priority. In addition to annual battles over funding for these programs (*see above, "Labor-HHS Appropriations"*), recent congressional action has centered on two fronts:

- **Abstinence-Only Programs Overseas** – When Congress passed the global AIDS authorization bill in 2003, it included a rigid earmark authored by anti-choice Rep. Joe Pitts (R-PA) that requires one-third of all HIV/AIDS prevention funds to be spent on "abstinence-unless-married" programs. During Senate consideration of the bill, Sen. Dianne Feinstein (D-CA) offered, but the Senate narrowly rejected, an amendment to allow more flexibility in granting dollars.
- **Abstinence-Only Programs in Welfare Law** – Of the various programs included in welfare law, reproductive-rights organizations are focusing on one especially egregious provision that funds so-called "abstinence-unless-married" programs. The provision, which is

strongly supported by the White House, provides \$50 million a year for “abstinence-only” programs, requiring them to adhere to an extremely restrictive curriculum that censors discussion of contraception’s benefits for pregnancy and STD prevention. In 2007, the House passed a measure to make sure these programs are medically accurate, proven effective, and to allow states to fund the type of abstinence programs that work best for their teens. To date, the Senate has not followed suit.

**Anti-Choice Senators Block International Women’s Rights Treaty** <sup>46</sup> – In July 2002, the Senate Foreign Relations Committee approved the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) – but anti-choice senators used parliamentary procedures to block the accord from reaching the floor. CEDAW is a landmark international treaty that has been signed by more than 165 countries, but has never been ratified by the United States. The Bush administration has declined to support the treaty, which is strongly opposed by conservative and anti-choice senators. Among the objections to the treaty cited by opponents is the erroneous claim that language stating that all women should have the means and information to control the number and spacing of births would create an international “right” to abortion where none previously exists. In fact, the treaty is silent on the issue of abortion.

**Legislative Assault on Emergency Contraception** <sup>47</sup> – Emergency contraception (EC) has faced a number of legislative attacks in Congress. In particular, anti-choice and anti-family-planning lawmakers want to ban the prescription of EC in school-based health centers. School-based health centers are a critical link to the health-care system designed to serve mostly low-income, uninsured young people who live in rural and underserved areas. A key element of ongoing attempts to restrict EC has been anti-choice lawmakers’ deliberate confusion of EC with mifepristone (RU 486); they calculatingly fail to admit that EC prevents a pregnancy and is not the same as mifepristone, which terminates an early pregnancy.

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