

Statement in Support of TN SB 1236 (Heartbeat Bill)

The beating heart is proof of life, and even most Democrats support a heartbeat bill to protect the unborn child once he or she has a detectable beating heart. In recent years Ohio, Kentucky, Georgia, Iowa, Louisiana, Mississippi, and Missouri have passed heartbeat bills.

According to a national Barna poll conducted in 2017, 86% of Republicans support the heartbeat bill, 61% of Independents back it, and 55% of Democrats support it. Young voters, 18-34, are even more supportive of these abortion bans than older voters are, according to a Hill-HarrisX survey released this year in May.

At the federal level, the heartbeat bill attracted more co-sponsors than any other pro-life bill in the last session. There are almost no credible, genuine pro-life activists who oppose the heartbeat bill, which prohibits abortion on any unborn child who has a beating heart.

We all receive emails or letters from right-to-life groups trying to raise money by pretending that they are saving unborn children. But the reality is that the abortion rate in the United States is currently higher than in any other country in the world, with the exception of communist and former communist countries and Sweden. Nearly a quarter of American women have an abortion by age 45.

Republicans have a majority in most governing bodies in the United States, and have appointed most of the Supreme Court Justices. The Republican Party attracts voters by campaigning on a pro-life platform. So why is abortion-on-demand still legal and commonplace nationwide, and in Tennessee?

Phony pro-lifers want to pretend to be pro-life on election day and in soliciting contributions, while delaying or blocking real pro-life bills behind the scenes. This recently happened in Ohio, and should not be allowed to occur again here in Tennessee in connection with its Heartbeat Bill, SB 1236.

Ohio Governor John Kasich was elected and reelected by pretending to be pro-life. But Kasich was term-limited, and he wanted to either run for president against Donald Trump, or become a commentator on television as he ultimately did with CNN after he left office.

He vetoed the Ohio Heartbeat Bill in 2016 and again in 2018. But to do so, he needed political cover. That is where Ohio Right to Life stepped in, like several other state “right to life” groups, to provide political cover for phony pro-life politicians.

Ohio Right to Life opposed the Heartbeat Bill in Ohio by making the same fake arguments that Tennessee Right to Life makes now. Absurdities such as pretending that the time is not right now (it is somehow not the time to protect the unborn?), the Supreme Court is not ready (with a 5-4 GOP majority including two Trump nominees, it needs to get ready), and there will be attorneys' fees spent in legal defense of the unborn (aren't the unborn worth it?).

Real pro-lifers in Ohio recognized that the arguments against the Heartbeat Bill were a sham. Kasich was headed for a job with the pro-abortion cable news channel, and he was replaced by the pro-life Mike DeWine as governor.

Ohio Right to Life continued to oppose the Heartbeat Bill until it saw that the bill was going to be signed into law. Then Ohio Right to Life flipped, and shamelessly took credit for itself at the signing ceremony. Such is the business of fund-raising, and the priorities of some "right to life" groups.

Tennessee Right to Life appears to be more of the same. It opposes the meaningful Heartbeat Bill here (SB 1236), which would stop the vast majority of abortions, and instead Tennessee Right to Life supports meaningless legislation which would not protect the unborn child.

For example, only about 1% of abortions are performed after 20 weeks, yet this is where right-to-life groups try to restrict some types of abortion. Why? Because liberal Republicans like John Kasich can then pretend be pro-life by supporting these laws, while actually doing nothing meaningful for the unborn. He and others can support the phony pro-life laws and still attract pro-abortion donations and appear on liberal television channels.

Paul Linton's recent statements against the Tennessee Heartbeat Bill are like a chapter from the same playbook. Linton's positions are most notable for what he apparently does not say. First, there are nearly a million abortions a year in the United States, even based on the data from pro-abortion groups who are likely to underreport it, and the vast majority of those unborn children would be protected by the Heartbeat Bill.

Second, Linton relies on the "trigger" law in Tennessee if the Supreme Court overturns *Roe v. Wade*, but that trigger law never goes into effect if the Supreme Court never directly overrules *Roe*. Most terrible Supreme Court decisions, such as the *Dred Scott* decision denying basic rights to African Americans and the *Buck v. Bell* decision approving forced sterilization of women with supposedly low I.Q., have never been directly overruled by the Court.

Third, Linton was not quoted as saying anything about the U.S. Court of Appeals for the Sixth Circuit, where the undersigned is a member of its bar and where litigation

over the Heartbeat Bill would proceed on appeal in federal court from Tennessee. Thanks to confirmation of six (6) new Trump-nominees to that court, it is now 11-5 GOP-nominated among its active judges, with a solid pro-life majority.

Fourth, Linton, omits how long it takes to get a case to the U.S. Supreme Court, which is typically many years. The finest Justice on the Court, Justice Thomas, could retire before the Heartbeat Bill reaches the Supreme Court, unless promptly enacted.

The Supreme Court tends to follow culture rather than lead it. The pro-abortion side generated significant momentum in order to obtain the *Roe v. Wade* ruling, when its author Justice Blackmun was clipping opinion polls from newspapers. Now is the time to join the growing momentum for the unborn, and GOP politicians should not duck the issue at this pivotal moment.

Finally, the attorneys' fees argument by Linton is a strawman. In a state that spends \$9.5 billion annually on Medicaid, the expenditure of a tiny fraction of that in defending the unborn is proper and desirable. Legal fees on both sides of litigation over the Heartbeat Bill would not total one half of one tenth of one percent of the annual spending on Medicare in Tennessee. The unborn are worth at least that.

It is overdue to have a floor vote on the Heartbeat Bill in Tennessee and send it to the governor for signature. As in Ohio and other states, the opposition to the Heartbeat Bill by Tennessee Right to Life and some politicians is self-serving posturing, rather than standing up for the unborn.

Respectfully submitted,



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