

Supreme Court Keeps “Partial Birth” Abortion Legal

Prominent Pro-life Leaders Makes False Claims About Effectiveness of Ruling

Editors Note: Following is an analysis of the U.S. Supreme Court Ruling in Gonzales v Carhart, and the reaction of several major Pro-Family and Pro-Life organizations. Readers may download the complete text of the Supreme Court decision at www.SupremeCourtUS.gov

In the wake of the Supreme Court’s ruling in Gonzales v Carhart, several major Pro-life organizations have applauded “pro-life Justices” nominated to the court by “pro-life Presidents”—stating for example; “the Supreme Court has affirmed the value of human life.” In reality, these Justices concur on page 30 of the ruling that, “The medical profession [abortionists] may find different and *less shocking methods to abort the fetus...*” Therefore, it is false to claim the Justices showed any concern for the child; rather, the ruling’s real concern is to improve the public-relations image of the abortion industry (as we will show).

Contrary to the opinions expressed by some prominent Christian leaders ([Open Letter to Dr. James Dobson](#)), the Justices referred to as “pro-life” did not “affirm” the life of the unborn but upheld a mere “regulatory” law “under the Commerce

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Clause” (p. 36). In fact, they *actually suggest* other ways for abortionists to kill the fully intact, late-term child to comply with their regulation, such as “*an injection that kills the fetus*” (p. 34).

Imagine the horror to come now that many prominent Christian leaders are willing to call good evil, and evil good.

Throughout the ruling, Justices Kennedy, Roberts, Scalia, Thomas, and Alito concur that both the partial-birth abortion (PBA) ban, *and their ruling*, allow the abortionist to deliver a late-term baby *all the way up to the navel* and then kill him (especially pp. 17-26). **To actually violate this regulation “requires the fetus to be delivered “until... any part of the fetal trunk *past the navel* is outside the body of the mother”** (p. 17) as in a standard breech (feet-first) abortion.

In response to this destructive language, some in the pro-life industry said, “thank God for this victory that affirms the value of human life,” but this vulgar ruling actually instructs on *how to perform just another form of partial-birth abortion*—just not “past the navel.” **And they celebrated this even though it affirms causing “the fetus to tear apart”** (p. 4).

The Justices build upon the late-term abortion procedure called *dilation and evacuation*, which this ruling repeatedly upholds as remaining legal, stating (p. 21) that “D&E will often involve a physician pulling a ‘substantial portion’ of a still living fetus, say, an arm or leg, into the [birth canal] prior to the death of the fetus.” Then *for the purpose of this current opinion*, Kennedy, Roberts, Scalia, Thomas, and Alito, regarding a still living

unborn child, ruled that (p. 22): “the removal of a small portion [‘say, an arm or leg’] of the fetus *is not prohibited*” and that’s after the baby is pulled outside the mother as far as to his bellybutton (p. 22).

“If a living fetus is delivered past the critical point [the bellybutton] by accident or inadvertence [and then killed] no crime has occurred” (p. 18).

False Claims by Prominent Pro-Life Leaders

Many in the pro-life industry misled Christians claiming this ruling will “protect children.” *The court granted no authority to save the life of even a single child.* The ruling indicates the abortionist can still legally perform a textbook partial-birth abortion, if for example the mother is over “dilate[d]” (p. 24) and the baby, by “inadvertence,” is delivered up to the neck as in typical PBA. Then the abortionist can kill him by “intact D&E” (p. 24), i.e., by PBA. An abortionist only needs to maintain that his original “*intent*” was to deliver the baby *up to the navel* before killing him. “If a living fetus is delivered past the critical point [the bellybutton] by *accident or inadvertence* [and then killed] *no crime has occurred*” (p. 18).

At the urging of “pro-life & pro-family” groups, pro-lifers have donated millions to the political campaigns of President George W. Bush, and others while being misled that this ban had the authority to save the lives of at least some unborn children. Groups like National Right to Life, Focus on the Family, and others have championed President Bush and his Supreme Court nominees. Some of the misrepresentation has been committed by members of the **Evangelical Council for Financial Accountability** which requires that, “There must be no material... exaggerations of fact.”

The website, KGOV.com documents pro-life organizations misrepresenting this vicious ruling including claims that it outlaws 3rd-trimester abortions, yet the court explicitly stated the PBA ban “does not on its face impose a substantial obstacle” to “late-term” abortion (p. 26). And since this ban cannot prevent a *single* abortion, of course, it imposes *no* actual obstacle, and neither does it “protect children,” a horribly false claim.

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There is nothing new with this ruling that is good, no precedent, no truth, no defense of life, only brutality and death. And yes, there

is “no health exception,” not as a pro-life legal victory, but because the Justices ruled you can *still kill any of these unwanted babies in countless ways, including by a PBA.*

More Wicked than Roe v. Wade

When pressed, prominent pro-life leaders in private have admitted that this ban had no authority to save lives, but that it kept “the issue in the news.” Others misrepresent ruling excerpts that sound encouraging, e.g., “The government may... show its profound respect for the life within the woman” (p. 27). This is just lip-service that the Justices reprint from the *Casey* ruling of 15 years earlier, but this ruling prohibits such respect.

This wicked ruling states it prefers the word “fetus” to “child,” and it trivializes the dreadful account (pp. 8-9) of killing a child whose arms and legs are wiggling outside the mother, callously comparing our revulsion to our reaction to any medical procedure, like being squeamish over getting stitches. The Justices quote an abortionist: “For the staff to have to deal with a fetus that has ‘some viability to it, some movement of limbs, [is] always a difficult situation.’”

With grave wickedness, the “pro-life Justices” observe (p. 29): “Any number of patients facing imminent surgical procedures would *prefer not to hear all details*, lest the *usual anxiety*... become the more intense. *This is likely the case with the abortion procedures here in issue.*” The court, including Roberts and Alito, trivializes the grotesque particulars of causing “the fetus to tear apart” (p. 4) by comparing that to getting queasy by talk of incisions, and the pro-life industry “applauds the court.” We should be appalled.

This wicked ruling is not a ban, but a *partial-birth abortion manual*. These “pro-life Justices” give instructions on what can be called *Navel Birth Abortion*, only a *four-inch variation* from a textbook PBA.

As a fundraiser, PBA brought hundreds of millions to the pro-life industry, as a ban, it lacks the authority to save even a single child. During the long PBA distraction from the actual war, America killed 20 million children. And recently, a major pro-life fundraising firm told *Colorado Right To Life*, “The PBA script gets the best results.”

The pro-life industry should stop foisting its moral relativism onto the church, and should correct their falsehood that this gruesome ruling will “protect children.” For, serious pro-lifers are already looking elsewhere for the strategy and leadership to end legal abortion.

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Steps from the ruling:

- 1) The abortionist may partially deliver the unborn child all the way to the bellybutton, but not “past the navel.”

- 2) Then “a leg might be ripped off,” etc. to “kill the fetus.”
- 3) Or alternatively, “find... less shocking methods to abort...”

What a mockery of the goodwill of rank-and-file pro-lifers.

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respects as *brutal, if not more*, than the intact D&E [PBA].” That is, standard late-term D&E abortion appears to be crueler than PBA. And the Justices *do not rebut that claim*. Their interest is not to *protect children*, but to promote the “integrity and ethics” (p. 27) of the medical and abortion industries and to improve “the public’s perception” (p. 30) of late-term abortion.

Incrementalism is fine; compromised incrementalism violates God’s enduring command, *Do not murder*.

The court ruling celebrated by the pro-life industry results in the legal preference for “reasonable alternative procedures” (p. 33) for killing “late-term” children including “a leg might be ripped off the fetus” and “ripping it apart,” (pp. 4, 6). And the pro-life industry “applauds the court.”

Recommended Resources

At KGOV.com

Order the eye-opening DVD’s, *Forty Years in the Wilderness* & *Focus on the Strategy*

At ColoradoRightToLife.org

- Read a more thorough analysis of the Gonzales v Carhart ruling
- See which pro-life groups celebrate the ruling, and the leaders who condemn the ruling
- Learn to recognize moral relativism in the pro-life industry, which is called legal positivism
- Sign the “40 Years” pledge to never compromise on God’s enduring command: *Do not murder*.