

# DEFY OR COMPLY?



We are grateful for the committee's sincere and earnest deliberation of this important issue. In addition to what has already been discussed, here are a few additional thoughts for your careful consideration.

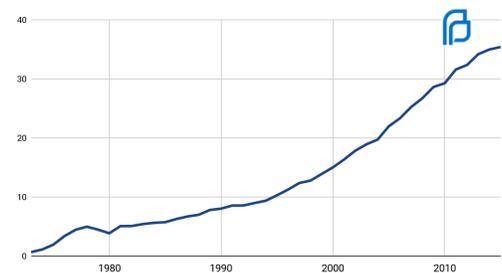
*Ignoring Roe and complying with Roe are incompatible.*

- Roe v. Wade was an unconstitutional decision. We should treat it as such by ignoring it.
- **Every incremental bill which is introduced and passed is written in order to comply with Roe.** Consider this, if there were no *Roe*, would our legislature be discussing bills which say abortionists have to kill a baby *before* her navel is showing (partial-birth abortion ban), lethally inject a child *before* tearing him apart (dismemberment ban), or require mothers to express a reason for killing their child *other than* sex, disability, etc. (PreNDA)? Of course not. If there were no *Roe*, we would demand our legislature pass a bill that outlawed abortion. Consequently, every time we introduce legislation that does anything *less than* outlawing abortion, we are implicitly stating that *Roe* is constitutional—that the Supreme Court has the legitimate authority to compel states to permit abortion. As a result, these bills do not undermine *Roe*, they reinforce and legitimize it.
- **Do you believe that the Supreme Court has the constitutional authority to order states to permit the murder of innocent children?** If you believe it does, incrementalism is the only option open to you. However, if you agree with us that it does not, abolitionism (ignoring *Roe*) is the only option. There is no third option or a mixing of the two. It is either defiance or compliance. You either agree that *Roe* is a legitimate decision and should be complied with as we have for the last 45+ years, or you agree that it was an illegitimate decision and should be ignored.

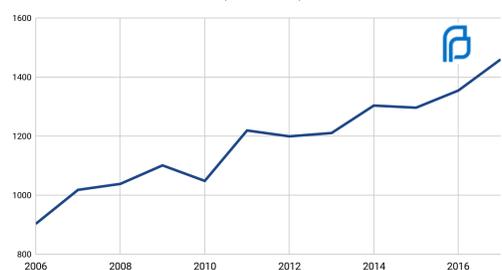
*Incrementalist legislation does more harm than good.*

- The sad truth is that the incrementalist bills we keep passing that merely regulate abortion instead of outlawing it ultimately help eliminate Planned Parenthood's competition and boost its revenues.

Planned Parenthood Market Share



Planned Parenthood Revenue (in millions)



Even Supreme Court Justice Alito has noted this: "*Planned Parenthood is obviously able to comply with the challenged [Texas] H.B. 2 requirements. The president of Petitioner Whole Woman's Health, a much smaller entity, has complained that Planned Parenthood 'put[s] local independent businesses in a tough situation.'*" *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292, 2347 n.23 (2016) (Alito, J., dissenting).

- More importantly, they do more harm than good because they implicitly admit that the Supreme Court is master of our Constitution.

## ANSWERS TO QUESTIONS RAISED

**Aren't we winning the battle by using incrementalism?** Please answer this question, "Do our laws permit anyone who gets pregnant to get an abortion?" The answer is yes. The abortionist may need to have a certain license and perpetrate the murder by a certain time, in a certain way, after giving certain information, and in a certain place, but there is nothing that makes getting an abortion illegal. If that is "winning," then we have different definitions of that word.

Additionally, how is it "winning" when most of the incrementalist bills this state passes just get struck down by the courts and we ultimately consent to paying the attorney's fees of the abortion industry?

**But aren't abortion numbers going down?** First, we believe that incrementalist bills have only a small effect on this. In defending the dismemberment bill in court, Texas stated that the plaintiff's had presented no evidence that the dismemberment ban "would bar a single woman in Texas from getting an abortion. Not one."<sup>1</sup> Secondly, we believe that most of this is in spite of incrementalist legislation, not because of it. Third, contraceptive use is up, as is abortifacient birth control and emergency "contraception," which leads to a huge number of abortions going unreported which were formerly reported.

**Could this lead to a war?** We certainly expect President Trump and our Congress to respect Texas' decision to defend life. If a future president tried to bring sanctions against Texas, there certainly could be a cost, but we should never be the aggressor—violent aggression against other human beings is exactly what we oppose. However, standing up to tyranny sometimes leads tyrants to commit aggression against those who dare to interpose. As mentioned above, we do not expect and would hope and pray it never came to that. However, if it did, shouldn't we be willing to lay down our lives to keep 55,000 innocent children a year safe? If not, then aren't we asking 55,000 innocent children a year to lay down their lives to keep us safe?

**What language does Abolish Abortion Texas suggest?** First, we suggest that attempting to mix defying *Roe* with complying with it is impossible. Secondly, we suggest that vague language about our principles is not the intended purpose of legislative priorities. We suggest something similar to the following:

## PROPOSED LANGUAGE

*We, the delegates of the 2018 Republican Party of Texas State Convention, call upon the 86th Texas Legislature to: **Abolish abortion by enacting legislation to stop the murder of unborn children; to ignore and refuse to enforce any and all federal statutes, regulations, executive orders, and court rulings which would deprive an unborn child of the right to life; and furthermore to enact legislation promoting adoption, providing caring solutions to pregnant women in need, and respecting the value of both mother and child.***

---

<sup>1</sup> Transcript of Hearing on Request for Temp. Restraining Order, at 20-21, No. 1:17-CV-00690-LY (W.D. Tex. Aug. 29, 2017)