

2009 HOUSE HUMAN SERVICES

HCR 3015

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3015

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9189

Committee Clerk Signature



Minutes:

**Chairman Weisz called meeting to order on HB 3015.**

**Rep. Wald from District 37, sponsored and introduced the bill:** This resolution is in opposition of the so called Freedom of Choice Act which would invalidate every (inaudible) and regulation by this legislation and the state of ND. If you look at lines 5, 6, and 7 in my mind any federal law that would invalidate state laws, is clearly unconstitutional. Opposition to the tenth amendment and I believe we are going (inaudible) of the tenth amendment if you don't know what it is. But, it says, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This is clearly an unconstitutional move. (Read parts of the bill, see digital recorder 41 min. 46 seconds.)

**Rep. Conrad:** It is not on the floor, not even in the (inaudible). Congress said they are not going to introduce it. Why are we even responding to this?

**Rep. Wald:** It's got to be introduced, the President said so, and I'm assuming he is keeping his promises.

**Rep. Grande:** This is a proactive move on behalf of the legislative body to let our Congressional leaders understand where our state stands on our own laws overturned by the

federal government. The Constitution states that the federal government will not overturn our laws. **See handout #1.** This will stop and tell our Congressional leaders we do not support that and ND does not want their laws overturned. Handed out testimony from ND Right to Life, **See Testimony #2.** Also handed out testimony from Chris Dobson from ND Catholic Conference, **See Testimony #3.** I'd like to have both of those in the record. On Mr. Dobson's testimony, I'd like you to go to page 2, it talks about what laws are being jeopardized from ND. That List of those 18 laws, gives you an idea of what happens when the federal government tries to overstep their boundaries and take away North Dakota's right. This is being done to every state, if they do it. Laws get wiped off the book. We need to stand up for our state's rights.

**Rep. Damschen:** So often it seems like inevitably when we hear bills on dealing with abortion, and there's no good argument against it, someone will attempt to intimidate us with the threat of the cost of a law suit. Would you think that if this proposal was introduced or passed, that there would be a number of states that would ban together and try to stand up for state's rights?

**Rep. Grande:** Absolutely. This has been an issue that has gone on that goes on a number of occasions we deal with those who are on Transportation Committee see it all the time. They come down and say, if you don't change your seatbelt laws or the DUI laws we are going to take away your money. They try to control the states from the federal government with money. I think the states will stand up together united.

**Rep. Damschen:** We wouldn't be alone in that battle.

**Rep. Grande:** No, I don't believe we would be alone.

**Rep. Conklin:** (Inaudible)?

**Rep. Grande:** (Inaudible). Yes, we did and this is what we are coming to.

**Rep. Conrad:** These are laws on our books.

**Rep. Grande:** Correct.

**Rep. Conrad:** And we don't have a bill in Congress right now. There was one in the last session, but there is not one right now. Congressional delegations certainly read our laws and representing them. And so this is a message to the delegation? Is that right?

**Rep. Grande:** Be it therefore resolve the Secretary of State forward copies of this resolution to each member of the ND delegation.

**Rep. Conrad:** My question is, is it necessary to tell them this besides what we have already done?

**Rep. Grande:** As Rep. Wald stated, there is discussion in Washington right now to take this bill either in pieces or as a whole and be introduced. This was discussed by the current

President that this is what his wishes would be. We are being proactive in this state and ND is not the only one with this particular resolution in front of them. We are being proactive to allow our representatives in Washington know our feelings. That is our job as citizens of ND to keep our people informed.

**Chairman Weisz:** I assume Rep. Grande if this legislation is going to be introduced, there isn't going to be a whole lot opportunity to (inaudible) wishes known.

**Rep. Grande:** I wouldn't mind an emergency clause that wouldn't hurt my feelings in the least.

**Chairman Weisz:** (Inaudible) obviously (inaudible) past resolutions.

**Rep. Grande:** Correct, but at least it's on the books.

**Christina Rondeau from ND Family alliance read testimony for Tom Freier: See Testimony #4.**

**Daniel Woodard for ND Life League: Testified in support. See Testimony #5.**

**Susan Sund, Director of New Life Pregnancy Care Center:** Testified in support. Rep. Wald and Rep. Grande are being proactive. The President of the U.S. had made it clear this is what he wanted. We don't want everything that ND has done in the past 30 years to be wiped out.

**OPPOSTION:**

**Tim Stanley, from Planned Parenthood:** Spoke in opposition. **See Testimony #6.**

**Rep. Damschen:** Do you have copies of your testimony?

**Tim Stanley:** Yes.

**Rep. Holman:** We are in the 8<sup>th</sup> circuit court. What kind of appointees were made (inaudible).

**Tim Stanley:** Eighth circuit is known as one of the most conservative circuit courts.

**Chairman Weisz:** You mentioned that we should be (inaudible) government (inaudible), seems to me that's what this resolution is about its opposing (inaudible) federal government to keep the state's rights, which are in our Constitution. You are opposing the resolution, but you say we should oppose government intrusion.

**Tim Stanley:** I'm trying to say exactly that, this is speculative in nature.

**Rep. Damschen:** Mr. Stanley you wouldn't be implying our President wasn't on the level when he promised to introduce this, are you?

**Tim Stanley:** I think the President has one strong voice and I think I could probably miss several pledges made by presidential candidates on the campaign trail, which is the only quote I know about the Freedom of Choice Act that he made and the one that seems to be closely replicating that was pledged here or repeated here. That was a campaign trail promise that he would sign it, if it got to him. I don't see it getting to him. I don't see it getting introduced, so I think we've got several (inaudible.)

**Rep. Damschen:** Was that a yes or a no?

**Tim Stanley:** I don't know if I really understood your question Representative. If you are asking me if the president is truthful, I believe the president is a very honest, truthful man. I think that on the heat of the campaign trail that many things can be said, so then they end up being taken back.

**Susan Sund:** May I make a correction of something I said. Rep. Grande pointed out after I sat down and realized this.

**Chairman Weisz:** Would that be the comment where you talked about the Freedom of Choice Act.

**Susan Sund:** Yes.

**Chairman Weisz:** We will let you correct that.

**Susan Sund:** It's kind of misleading, because of freedom of choice.

**Chairman Weisz closed the hearing on HCR 3015.**

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3015

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9191

Committee Clerk Signature

*Wicky Crabtree*

Minutes:

**Chairman Weisz:** HB 3015.

**Rep. Porter:** Motion for a Do Pass.

**Rep. Damschen:** Second.

**Roll Call Vote:** 10 yes, 2 no, 1 absent, Rep. Potter

**MOTION CARRIED ON A DO PASS.**

Date: 2-11-09

Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3015

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. PORTER Seconded By Rep. Damschen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN		✓
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD		✓
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	A	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 10 No 2

Absent 1 Rep. POTTER

Bill Carrier Rep. Uglen

If the vote is on an amendment, briefly indicate intent:

*Motion Carried  
on DO PASS*

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Human Services Committee (Rep. Weisz, Chairman) recommends DO PASS**  
(10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3015 was placed on the  
Eleventh order on the calendar.

2009 SENATE HUMAN SERVICES

HCR 3015

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3015

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 03/17/2009

Recorder Job Number: 11111

Committee Clerk Signature

*Mary K Monson*

Minutes:

**Chairman J. Lee** Opened the hearing on HCR 3015.

**Representative Frank Wald** District #37. Introduced HCR 3015 and spoke in support, see attachment #1. The resolution before you has 8 where-as sections which he walked through with the committee. This bill relates to the 10<sup>th</sup> amendment and state's rights.

**Senator Dever** In the resolve where it says to reject any component, is that a reference to congress rejecting it or the fact that we should be able to reject it under the 10<sup>th</sup> amendment?

**Wald** It's a two way street, both.

**Representative Bette Grande** District #41. Spoke in support of 3015. The only thing I would like to add that on the house side the questions was asked, if congress isn't doing anything on this, why are you pushing it? The reason I am pushing this is that parts of this could come out at any time. As we are ending our session soon and will be unable to address anything until 2011, we would like to have a directive in place by then. I do not want to see the diminishing or removal of any state laws that we as ND legislators or ND citizens have put in place. We are also all aware of the diminishing of the 10<sup>th</sup> amendment and the issue is coming to the forefront with the stimulus plan.

**Chairman J. Lee** Thank you, it looks like this is a clean bill with no amendments. I think we should add in all that stuff about the 10<sup>th</sup> amendment!

Laughter

**Grande** I have talked with Senator Dever about adding something relating to the tenth amendment but have not spoken to Representative Wald.

**Senator Dever** It seems to me that just because congress enacts a federal law it does not necessarily negate state law until the court says so. It seems to me that the law would have to stand up to the 10<sup>th</sup> amendment.

Discussion about federal laws and the money involved to entice states to follow the laws. This bill does not have money so Grande feels it is more of a command. Chairman J. Lee is not comfortable with expanding this particular resolution to subsume all 10<sup>th</sup> amendment issues.

**Janne Myrdal** State Director of Concerned Women for America. Spoke in support of 3015. See attachment #2.

**Stacey Pflieger** Legislative Director of the ND Right to Life Association. Spoke in support of 3015. See attachment #3.

**Christopher T. Dodson** Executive Director ND Catholic Conference. Spoke in support of 3015. See attachment #4.

**Tom Freier** ND Family Alliance. Spoke in support of 3015. See attachment #5.

Brief Discussion

**There was no opposition or neutral testimony provided.**

**Chairman J. Lee** Closed the public hearing on HCR 3015

**Senator Dever** I move **Do Pass**

**Senator Erbele** Second

The Clerk called the role on the motion to **Do Pass. Yes: 5, No: 1, Absent: 0.**

**Senator Dever will carry the bill.**

Date: 3/17/09

Roll Call Vote #: \_\_\_\_\_

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. ACR 3015

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Rerefer to Appropriations  
 Adopt Amendment  Reconsider

Motion Made By Sen. Dever Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy		✓

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Dever

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 17, 2009 3:50 p.m.

**Module No: SR-48-5158**  
**Carrier: Dever**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS**  
**(5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3015 was placed on the**  
**Fourteenth order on the calendar.**

2009 TESTIMONY

HCR 3015



#2

North Dakota Right to Life Association

Same testimony given to Senate

Testimony before the HOUSE HUMAN SERVICES COMMITTEE  
House Concurrent Resolution 3015  
February 11, 2009

Chairman Weisz, members of the committee, I am Stacey Pflieger, Legislative Director of the North Dakota Right to Life Association. I am here today in support of HCR 3015 urging Congress to reject the bill known as the Freedom of Choice Act.

The North Dakota Century Code states in Chapter 14-02.1: "The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged, healthy or sick." HCR 3015 continues this purpose by urging the North Dakota Congressional Delegation to reject the bill known as the Freedom of Choice Act, which would invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials and to reject any component of the Freedom of choice Act contained in other legislation.

North Dakotans, through their elected officials, have worked tirelessly for the past 36 years to protect every human life from conception to natural death. If the Freedom of Choice Act is enacted the following North Dakota laws are at risk:

- North Dakota's informed consent law;
- North Dakota's two-parent - parental consent law;
- The prohibition of the use of tax dollars from being used to pay for abortions on demand; and
- Invalidating the requirement that only licensed physicians perform abortions.

North Dakota's Abortion Control Act is at stake today. I respectfully request the committee to give HCR 3015 a **DO PASS** recommendation.

Thank you for the opportunity to testify today. I would be happy to answer any questions the committee may have.



Representing the Diocese of Fargo  
and the Diocese of Bismarck

Christopher T. Dodson  
Executive Director and  
General Counsel

*Some  
testimony  
to senate*

*#3*

To: House Human Services Committee  
From: Christopher T. Dodson, Executive Director  
Subject: HCR 3015 - Opposition to Freedom of Choice Act  
Date: February 11, 2009

The North Dakota Catholic Conference supports House Concurrent Resolution 3015 to express the North Dakota Legislative Assembly's opposition to the Freedom of Choice Act.

Some people may argue that the Freedom of Choice Act (FOCA) will never come up for a vote in the U.S. Congress or that the bill does not have enough support in the current Congress to secure passage. Even if those claims are correct, however, we cannot ignore two fundamental facts. First, perhaps never before have we seen such an effort erode protections for the unborn, women, and religious liberty. Second, the FOCA is an unprecedented attack on state's right and will of the people of North Dakota.

Should the FOCA pass in its current form, it would jeopardize or eliminate eighteen state laws and policies. These laws protect women's health, respect the rights of parents, protect the conscience of health care providers, place common-sense limits on abortion, and ensure that taxpayers are not forced to fund actions they find morally objectionable. Moreover, studies demonstrate that these types of laws actually work to reduce abortion.

The people of North Dakota have shown that they care about human life, the health of women, parental rights and involvement, and religious liberty. FOCA would disrespect the wishes of North Dakotans by wiping away years of good work and by preventing the state from moving forward in respecting human rights. The North Dakota Legislative Assembly should express its opposition to FOCA, any similar legislation, and any other effort to infringe upon our state's right to protect human life and religious liberty.

We urge a Do Pass recommendation on HCR 3015.

103 S. 3rd St., Suite 10 • Bismarck, ND 58501  
(701) 223-2519 • 1-888-419-1237 • FAX # (701) 223-6075  
<http://ndcatholic.org> • [ndcatholic@btinet.net](mailto:ndcatholic@btinet.net)

FOCA would eliminate or jeopardize the following North Dakota laws and state programs:

1. Parental Involvement Before a Minor gets an Abortion (14-02.1-03.1)
2. Informed Consent Requirements (14-02.1), under which a woman must be told:
  - The name of the physician who will perform the abortion;
  - The medical risks associated with the abortion;
  - The gestational age of the unborn child;
  - That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;
  - That the father is liable to assist in the support of her child;
  - That she can view materials on fetal development; and
  - That she can have materials on assistance and alternatives to abortion
3. Protection for Health Care Providers from Being Forced to Participate in an Abortion (23-16-14)
4. The Alternatives to Abortion Program
5. Requirement that Abortions be Performed by Licensed Physicians (14-02.1-04)
6. Ban on Partial-Birth Abortion (14-02.6)
7. Ban on Abortion Referrals by School Employees (15.1-19-06)
8. Restrictions on Use of Tax Money for Abortions (14-02.3-01)
9. Required Waiting Period Before an Abortion (14-02.1)
10. Restrictions on Post-Viability Abortions (14-02.1)
11. Requirement to Protect a Viable Fetus Born Alive (14-02.1-08)
12. State Policy of Favoring Childbirth Over Abortion (14-02.3-01)
13. Restriction on the Use of Public Funds for the Referral, and Encouragement of Abortion (14-02.3-02)
14. Restriction on Payment for Abortions in Health Insurance Policies (14-02.3-03)
15. Prohibition on a Health Care Agent's Ability to Order an Abortion on an Incapacitated Person (23-06.5-03)
16. Abortion Reporting Requirements (14-02.1-07)
17. Ban on "Reproductive Cloning" (12.1-39)
18. "Trigger" Ban on Abortion passed in 2007 session.



# North Dakota FAMILY ALLIANCE

DEDICATED TO STRENGTHENING FAMILIES

#4

*A Trusted Voice*

Tom D Freier  
EXECUTIVE DIRECTOR

*Some testimony given to the Senate*

**House Human Services Committee  
February 9<sup>th</sup>, 2009  
HCR 3015  
Resolution to address FOCA**

Mr. Chairman and members of the House Human Services Committee, I am Tom Freier with the North Dakota Family Alliance, and am here to testify in support of HCR 3015.

The purpose of HCR 3015 is to send a clear message to members of Congress and the President opposing the passage of the Freedom of Choice Act in its entirety, or any component thereof.

If passed, FOCA would invalidate any 'statue, ordinance, administrative rule, decision, policy, practice, or other action' of any state, federal, or local government that would deny or interfere with a woman's right to choose abortion or affect the exercising of that right in relation to regulations pertaining to benefits, facilities, services, and information. In other words, sweeping away all other law, including those crafted by states over the past 35 years.

Our state, with a great amount of study, diligence, and patience, has put in place legislation reflecting the will of the people of North Dakota. The people of this state will and should be offended greatly, to think the federal government would even think of wiping out the efforts of these people.

Passage of FOCA would wipe out no less than 18 state laws passed in North Dakota over the past 35 years, and over 550 nationally. Some of which are: the informed consent requirements, the ban on partial-birth abortions, medical risk disclosure, parental involvement requirements, waiting periods, and ban on tax dollar funded abortions, and many more as outlined in the resolution.

If passed, FOCA would establish the right to abortion as a 'fundamental right' elevating it to the same status as the right to vote and the right of free speech which is specifically mentioned in the U.S. Constitution.

In conclusion, the people of North Dakota, with and through their elected officials have put in place a framework of laws and regulation commensurate to their will. Federal legislation should not infringe on the rights and the will of the people of North Dakota.

Please support HCR 3015 with a 'Do Pass'.

#5

In 1989, pro-abortion groups worked with pro-abortion congressmen to introduce The Freedom of Choice Act. The purpose of this was as a follow up to the US Supreme Court decision in *Webster*. The pro-abortion groups were so threatened by Justice Kennedy's willingness to overturn *Roe v Wade* that they wanted to have Congress pass legislation to entrench a right to abortion.

The most important language of the Freedom of Choice Act states:

**(14) Congress has the affirmative power under section 8 of article I of the Constitution and section 5 of the 14th amendment to the Constitution to enact legislation...to prevent State interference with interstate commerce, liberty, or equal protection of the laws.**

**(b) Prohibition of Interference- A government may not deny or interfere with a woman's right to choose to terminate a pregnancy...**

For all practical purposes, this means that the government may not stop or even slow down a woman's ability to kill her baby by abortion.

It is strange that the pro-abortion groups would try to interpret the 14<sup>th</sup> Amendment of the US Constitution to establish a right to abortion. Because for 16 years prior to 1989, pro-lifers in Congress had been trying to interpret the 14<sup>th</sup> Amendment to establish a ban on abortion.

The Freedom of Choice Act is an unconstitutional concoction that pro-abortion congressmen are trying to use to counteract pro-life efforts to establish preborn personhood under the 14<sup>th</sup> Amendment.

In *Roe v Wade*, Justice Blackmun explicitly states in Footnote 54: "If this suggestion of personhood is established, the appellant's case [the case for abortion], of course, collapses, for the fetus' right to life is then guaranteed by the [14th] Amendment."

Due to this line, the GOP platform has stated since 1980: "The unborn child has a fundamental individual right to life which cannot be infringed... We endorse legislation to make it clear that the 14th Amendment's protections apply to unborn children".

Congressman Hyde and Senator Helms introduced the Human Life Bill (HLB) into the House and the Senate.

The Human Life Bill of 1981 legally defined the preborn child as a person with all the rights of personhood under the law. To become law the HLB needed only a majority vote in the House and Senate, and the political momentum for passage was there from the earlier November elections. Virtually all pro-life groups backed the effort because, as Professor Charles Rice said, "It was a no lose situation!" Whether voted upon and passed by the Supreme Court or denied by the Supreme Court, we (and the pre-born child!) would come out ahead. Even the Supreme Court's denial of preborn personhood would provide additional evidence of the need for a "Pro-Life Constitutional Amendment." (37)

This preborn personhood bill didn't make it out of committee in 1981. But in 1984, it achieved a floor vote. It was defeated on the floor 186-yes, 219-no, 29-not voting (Roll Call 269). But a number of prominent people voted for it, including Byron Dorgan, Harry Reid, John McCain, and Dick Cheney.

## Key Vote Summary for 041

**Bill Number:** H.R.5490

**Bill Title:** Civil Rights Act of 1984

**Date of Vote:** 06/26/1984

**Short Description:** Personhood of the Unborn: Civil Rights Act

**Vote Summary:** Rep. Mark Siljander (R-MI) offered an amendment to the Civil Rights Act of 1984 (H.R. 5490) stating "For the purposes of this act, the term 'person' shall include unborn children from the moment of conception."

*On June 26, 1984 the House rejected the Siljander amendment, 186-yes, 219-no, 29-not voting (Roll Call 269). "Yes" was a pro-life vote.*

In January of 1988, President Reagan issued a presidential proclamation basically saying that all preborn children are persons under the US Constitution and be protected by all the laws.

The pro-abortion groups were threatened by this, so that's why they introduced The Freedom of Choice Act in 1989.

## **PERSONHOOD PROCLAMATION**

**January 14, 1988**

**By the President of the United States of America**

### **A Proclamation**

**America has given a great gift to the world, a gift that drew upon the accumulated wisdom derived from centuries of experiments in self-government, a gift that has irrevocably changed humanity's future. Our gift is twofold: the declaration, as a cardinal principle of all just law, of the God-given, unalienable rights possessed by every human being; and the example of our determination to secure those rights and to defend them against every challenge through the generations. Our declaration and defense of our rights have made us and kept us free and have sent a tide of hope and inspiration around the globe.**

**One of those unalienable rights, as the Declaration of Independence affirms so eloquently, is the right to life. In the 15 years since the Supreme Court's decision in Roe v. Wade, however, America's unborn have been denied their right to life. Among the tragic and unspeakable results in the past decade and a half have been the loss of life of 22 million infants before birth; the pressure and anguish of countless women and girls who are driven to abortion; and a cheapening of our respect for the human person and the sanctity of human life.**

**We are told that we may not interfere with abortion. We are told that we may not "impose our morality" on those who wish to allow or participate in the taking of the life of infants before birth; yet no one calls it "imposing morality" to prohibit the taking of life after people are born. We are told as well that there exists a "right" to end the lives of unborn children; yet no one can explain how such a right can exist in stark contradiction of each person's fundamental right to life.**

**That right to life belongs equally to babies in the womb, babies born handicapped, and the elderly or infirm. That we have killed the unborn for 15 years does not nullify this right, nor could any number of killings ever do so. The unalienable right to life is found not only in the Declaration of Independence but also in the Constitution that every President is sworn to preserve, protect, and defend. Both the Fifth and Fourteenth Amendments guarantee that no person shall be deprived of life without due process of law.**

**All medical and scientific evidence increasingly affirms that children before birth share all the basic attributes of human personality -- that they in fact are persons. Modern medicine treats unborn children as patients. Yet, as the Supreme Court itself has noted, the decision in Roe v. Wade rested upon an earlier state of medical**

technology. The law of the land in 1988 should recognize all of the medical evidence.

Our nation cannot continue down the path of abortion, so radically at odds with our history, our heritage, and our concepts of justice. This sacred legacy, and the well-being and the future of our country, demand that protection of the innocents must be guaranteed and that the personhood of the unborn be declared and defended throughout our land. In legislation introduced at my request in the First Session of the 100th Congress, I have asked the Legislative branch to declare the "humanity of the unborn child and the compelling interest of the several states to protect the life of each person before birth." This duty to declare on so fundamental a matter falls to the Executive as well. By this Proclamation I hereby do so.

**NOW, THEREFORE, I, Ronald Reagan, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim and declare the unalienable personhood of every American, from the moment of conception until natural death, and I do proclaim, ordain, and declare that I will take care that the Constitution and laws of the United States are faithfully executed for the protection of America's unborn children. Upon this act, sincerely believed to be an act of justice, warranted by the Constitution, I invoke the considerate judgment of mankind and the gracious favor of Almighty God. I also proclaim Sunday, January 17, 1988, as National Sanctity of Human Life Day. I call upon the citizens of this blessed land to gather on that day in their homes and places of worship to give thanks for the gift of life they enjoy and to reaffirm their commitment to the dignity of every human being and the sanctity of every human life.**

**IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of January, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.**

**Ronald Reagan**

#6



Testimony HCR 3015  
Human Services Committee  
February 11, 2009

Mr. Chair, members of the Human Services committee, my name is Tim Stanley and I am the Senior Director of Government and Public Affairs for Planned Parenthood Minnesota, North Dakota, South Dakota. Thank you for the opportunity to present testimony in opposition HCR 3015

For more than 80 years, Planned Parenthood has worked in our region to make sure all people have the information and the means to decide freely and responsibly whether and when to have children.

Measures such as HCR 3015 serve as an example of the North Dakota legislature ratifying solutions to problems that don't exist. The target of this concurrent resolution, The Freedom of Choice Act, has not been introduced in the 111th Congress. While past legislation bearing the name of the Freedom of Choice Act did seek to codify the rights outlined in the 1973 Roe v. Wade decision, it is speculation to assume that any legislation bearing the name, The Freedom of Choice Act, will be introduced and that it will have the exact same legislative intent.

As you well know, in 1973, the US Supreme Court ruled in *Roe v. Wade* that a woman's right to choose whether or not to have an abortion is protected under the U.S. Constitution's right to privacy. While the Court has held that the government may not place improper restrictions on this right, the decision **did not** establish "abortion on demand through the ninth month of pregnancy," as the proponents of HCR 3015 claim.

The stated intent of the HCR 3015 is based strictly on the hypothetical. Again, no bill has been introduced in the 111<sup>th</sup> Congress; however, when/if a Freedom of Choice Act is introduced, how can the proponents say with such certainty that North Dakota's laws would be overturned? This is an especially fascinating prediction given that I have heard the proponents' state in hearings in this exact room a reluctance to answer questions based on hypothetical situations.

Moreover, the Federal courts are notoriously hard to predict. How can the proponents say with such certainty that FOCA would "invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials"? This prediction is even more astounding considering that almost 300 members of the federal judiciary have been appointed by the Bush administration, an administration that set out

(and was largely successful) to remake the Federal courts - including the U.S. Supreme Court - into an archly conservative branch of government. Ten of the 13 circuit courts are now dominated by conservative appointees, and two ultraconservative justices have been added to the U.S. Supreme Court in just the last few years.

Mr Chair, members of the committee, this legislation doesn't help one woman prevent even one unintended pregnancy, nor does it do anything to reduce the need for abortion in North Dakota. It's time for some common sense public policy, not more government intrusion into personal decisions best left between women and their doctors.

Planned Parenthood is absolutely committed to giving women the information and services they need to stay safe and healthy and helping women avoid unintended pregnancy; it is the core of our mission. We devote significant resources to educating women about contraception and their contraceptive options. Family planning is no easy task. Indeed, a typical woman spends roughly five of her childbearing years trying to become pregnant or being pregnant, and an additional THIRTY years trying to AVOID pregnancy'

Rather than passing laws that do nothing to reduce the need for abortion, elected officials should stop playing politics and address the issues that lead to unintended pregnancy in the first place – such as insufficient access to family planning services. Only by focusing on preventing unintended pregnancy will the need for abortion in North Dakota be reduced.

**Please give HCR 3015 a DO NOT PASS recommendation**

Tim Stanley  
651-335-9644 (cell)  
[tstanley@ppmns.org](mailto:tstanley@ppmns.org)

---

houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

#### Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness-

es against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

#### Amendment VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

#### Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### Amendment IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

#### Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

#

Beverly LaHaye  
Chairman



HCR3015 Senate Human Services March 17, 2009

Mrs. Chairwoman and Members of the Committee, for the record my name is Janne Myrdal and I am the State Director of Concerned Women for America (CWA) of North Dakota. CWA stands in support of HCR3015.

This resolution will send a clear and unmistakable statement to Congress to oppose the Freedom of Choice Act (FOCA). North Dakotans, through their legislature, have worked tirelessly to enact modest restraints and regulations on the abortion industry, defending the right to Life, Liberty and the Pursuit of Happiness for all its citizens. FOCA is simply a federal power grab that would defy and nullify decades of the work of North Dakota's elected officials. In fact, FOCA's legal impact would be devastating, establishing for the first time ever – not even *Roe* or subsequent Supreme Court decisions do this, - abortion as a fundamental Constitutional right. FOCA unapologetically nullifies any *"Federal, State and local statute, ordinance, regulation, administrative order, decision, policy, practice, or other action enacted, adopted or implemented before, on or after the date of enactment."* It is one of the most sweeping legislative acts ever proposed and would wipe out eighteen existing North Dakota state laws on abortion, thereby overriding nearly 40 years of jurisprudential experience on the subject of abortion. FOCA is also unconstitutional in nature, as it seeks to remove the rights of individual states to make law and govern themselves under the provisions of our Constitution.

Planned Parenthood, the nation's largest abortion provider, supports FOCA, as they want to abolish all restrictions on abortion, including eliminating consent for minors, allowing partial birth abortion and mandating taxpayer funding of abortions. Planned Parenthood, by statement on their official webpage, also celebrate the fact that FOCA would *"provide an individual aggrieved by violation of the Freedom of Choice Act a private right of civil action in order to obtain appropriate relief"* which sounds a lot like we will be entertaining lawsuits against people and/or entities who oppose abortion, including houses of worship.

CONCERNED WOMEN FOR AMERICA  
OF NORTH DAKOTA

Beverly Lallaye  
Chairman



North Dakota's common sense abortion regulations have been shown to reduce abortions, yet FOCA would overturn these laws. Studies have shown that states which pass regulations on abortion, such as informed consent laws and bans on spending tax dollars on abortions, have fewer abortions. Conversely, states that enact FOCA type laws experience an increase in abortions.

Let us all be reminded that North Dakota's position on abortion is as follows; *"Between normal childbirth and abortion, it is the policy of the state of North Dakota that normal childbirth is to be given preference, encouragement, and support by law and by state action, it being in the best interests of the well-being and common good of North Dakota citizens."* **14-02.3-01. State policy on abortion and childbirth -**

FOCA is also a radical attempt to prematurely end the debate over abortion. The debate over abortion has raged for almost 40 years; however, this debate will stay with us as long as there are unborn children and their mothers being sacrificed on the altar of convenience and choice in our state and nation. We sincerely hope that we will some day all be able to tell our children and grandchildren that in North Dakota, at least, we did all that was in our power to stop this injustice to women and children, protecting the rights of all North Dakotans.

This resolution is a significant and purposeful way of communicating North Dakota's respect for life, to take a stand for a culture of life and to send a message to Congress and our nation that in North Dakota we truly do believe in the right to life for all, born or unborn. We also believe that as a State, we are and should be allowed under the provisions of the Constitution, to write, amend and protect our State laws without intervention from the Federal Government.

We urge you to vote DO PASS on HCR3015.

Sincerely,  
Janne Myrdal  
State Director  
Web: <http://nd.cwfa.org>

CONCERNED WOMEN FOR AMERICA  
OF NORTH DAKOTA