

## Danger in Black Robes

**B**ush "is substantiating fears that he would attempt to turn the federal judiciary into a right-wing monster." (*Detroit Free Press*) To do so he has committed himself to packing the courts. Without exception, all of Bush's nominations are adamantly anti-choice.

Three candidates for the federal bench, which is a lifetime appointment, have been nominated by Bush: Charles Pickering, Michael McConnell, and Carolyn Kuhl, each with frightening track records on civil rights in general and reproductive rights in particular.

• **Charles Pickering** is being considered for the U.S. Court of Appeals for

the 5<sup>th</sup> Circuit. He presently serves as U.S. district judge in Mississippi, having been appointed by Bush Sr. He is a staunch opponent of abortion rights who believes *Roe v. Wade* should be overturned. As a state senator, he voted for a constitutional convention to overturn *Roe* and he voted against state funding for family planning services. At the 1976 Republican Party convention, while serving as a Mississippi Republican party official, he chaired the platform subcommittee that called for a constitutional amendment banning abortion.

Charles Pickering also views the federal bench as a pulpit. Although the

Bible is not considered a controlling legal authority in American jurisprudence, Pickering, in one of his few published opinions, cited Exodus. Unfortunately, this promotion of religion from



*Sen. Chuck Schumer, Senate Judiciary Committee member, opposes the Pickering nomination.*

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## Attorney General Investigates CPCs

**C**risis Pregnancy Centers (CPCs) are now widely recognized as the true houses of ill-repute. These centers, often strategically located near abortion clinics, provide anti-abortion counseling and materials, along with pregnancy testing. Patients are promised caring medical attention, but instead are shown horror films about abortion and are told lies about the psychological impact of the procedure.

These business practices aroused the interest of Attorney General Eliot Spitzer who has been concerned that CPCs might be using deceptive advertising and/or practicing medicine without a license. In January the Attorney General's office issued subpoenas to nine entities that operate CPCs. On February 28<sup>th</sup> Spitzer announced an agreement with the entity Birthright of Victor New York, Inc.



*Attorney General Eliot Spitzer*

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## Playing Politics with Our Health

**T**his session of the NYS Legislature saw a major breakthrough on the Women's Health and Wellness bill — but the deal is not yet sealed.

Women's Health and Wellness has stagnated in Albany for the past four years due to the Senate's insistence on a broad opt-out for religious institutions that do not support birth control. Senate Majority Leader Joseph Bruno, after a long struggle, agreed to narrow the exemption, and, in February by an overwhelming bi-partisan vote of 50 to 8, the revamped legislation passed that chamber.

The differences between the Assembly and the Senate versions must still be reconciled. The Assembly bill is still the better one; it eliminates deductibles and co-pays that may prevent women from getting life-saving cancer screenings. Also, there is no so-called "conscience clause" whatsoever. Any employer who provides insurance coverage for prescriptions must also cover prescriptive birth control.

The biggest impediment to enacting into law Women's Health and Wellness had been the Senate's gaping birth control opt-out. Now the major obstacle is that the Senate version includes deductibles and co-pays which pose a serious problem for lower-income working women.

Advocates are unsure that the differences between the Assembly and new Senate versions can be ironed out now that the special elections of February 12<sup>th</sup> have passed. There was pressure on both chambers of the legislature to pass a

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# Patriot: That's Me!

by Catherine Lederer-Plaskett  
WCLA Board Chair



What does it mean to be a good parent? Is it someone who accepts his or her child's behavior blindly, declaring that only unqualified acceptance is the sign of true love? Is it the refusal to provide constructive criticism out of fear of being labeled abusive and uncaring? No. It is facing the ongoing challenge of providing your child with structure, support and insights—shining a light on his or her actions and asking her or him to do better, reach higher, to be the best person that child can be. We love our children not because they are perfect but because they are ours. The goal is to enable our children to choose the right path, not the easy one.

Then why is it deemed unpatriotic to ask of our country what we ask of our children? Right wing zealots have reserved the term "patriotic" only for those who accept the Bush administration's agenda blindly and without a sound. Those of us who hold up a mirror, who decry the systematic dismantling of basic civil rights, who demand that our government live up to promises made long ago in our Constitution and Bill of Rights are being labeled traitors. The basic rules of parenting are being replaced by the bully tactics of the playground.

I criticize my country because that is my responsibility; I love this country and want it to be all that it can be. To close my eyes to its flaws would be unpatriotic. To succumb to the name-calling and intimidation of the fanatical conservatives who are trying desperately to hold on to power is to allow terrorism to win. It is your job and mine to be the very best parents that we can be to our country—to shine a light on every action and reaction. There were founding fathers AND mothers; now there are legal guardians—us.

**Westchester Coalition for Legal Abortion, Inc. © 2002**

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Circulation: 70,000

Founded in 1972

# On the Ex-President's Mind

By Polly Rothstein



One thing on my mind is the large envelope bulging from extraordinary letters and notes, an outpouring of compassion, affection, and gratitude. These kindhearted missives started coming after I explained in two columns that sepsis after back surgery left me permanently handicapped, and continued coming after my stupendous birthday/retirement dinner on October 27, the articles in *The Journal News* by David McKay Wilson and in *The New York Times Westchester* section by Kate Stone Lombardi, and my emotional final fund-raising letter in December. I'd like to thank each person who wrote by mail and email or phoned, but that goal is becoming more remote. There are simply too many. I am more grateful than I can say to those who took the time to express themselves to me and say such memorable things.

My health largely dictated my decision to retire, but those who predicted it wouldn't be easy were right. After building WCLA and running the show for nearly 30 years, exiting is an emotional emery board. My head is still in issue politics: reproductive rights of course, but also gay rights, separation of government and religion, and protecting the earth from human damage — to name a few.

If not for the Internet, I would be uninformed and not even know it; that is, I'd be restricted to what's in *The New York Times*, *The Journal News*, and the radio, mostly NPR. Online reports convinced me that George and Jeb, Katherine Harris, their lawyers and thugs illegally manipulated vote counting in Florida and stole the election. The partisan Supreme Court majority then gave the election to Resident Bush.

I'm having fits over Dubya's ultra-conservative domestic policies, pandering to the religious right in anticipation of the 2002 and 2004 elections. Take reproductive rights: counting embryos as children under Medicaid, calling for spending for abstinence-only education equal to spending for birth control (family planning) clinics, cutting off funds for international family planning and UNFPA. In his welfare reform plan, Bush is allocating \$100 million to push poor women

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## The Tycoons Club

The Guinness Book of World Records, 2002 edition, had a disarming piece of trivia in the *Influential People* section. It turns out President George W. Bush's cabinet is the wealthiest one in U.S. history. Of the 16 full cabinet members, 13 are millionaires; seven of the 13 own assets worth more than \$10 million. They're nicknamed the "Tycoons Club."

This bit of trivia raises some interesting questions: Whom does this cabinet represent? Can a multi-millionaire — or even a mere millionaire for that matter — understand the financial constraints facing the average working woman? On what basis have Bush cabinet members decided that prescription birth control should not be covered by insurance? Have they, their wives or daughters ever been forced to start a pill pack late, or not at all, because there was no money to pay the pharmacist? What do they know of needing a Medicaid card to deal with an unwanted pregnancy?

It seems safe to bet that Bush cabinet members have never stood in a grocery check-out line searching their pockets for money with which to pay for food for their *already* born children. Maybe, instead of a Tycoons Club we need a People's Club.

## Does It Look Familiar?

We at WCLA were curious about a certain sameness in the anti-choicers' "Letters to the Editor" that appear frequently in many of our local and out-of-town newspapers and magazines. It seems that anti-choicers always have something to say about anything related to women's reproduction—especially abortion—and are able to tie it in to the most seemingly-unrelated news article. The points raised are always similar.

We wondered about this until we found their source: a website lists 430-odd suggested sample letters, sorted and organized by topic, making it all-so-simple to come up with those "Letters to the Editor." Pick one sentence or thought from column A, one from column B, and voilà—a real, live Letter to the Editor. The original letters appear to be the work of Mark Crutcher, we think. He includes a lesson on manipulating the media into allowing these letters into mainstream print. Crutcher waives copyright permission for use of his letters if you're anti-choice. It's on the Priests for Life website ([www.priestsforlife.org](http://www.priestsforlife.org)).

They call it a "resource." When we were in high school, we called it something else.

## Book Review You Can Be Catholic and Pro-Choice

by Neil McCarthy

The Vatican and U.S. Conference of Bishops have strongly criticized Catholics who are pro-choice. This is bad politics by the Church but here's something most Catholics don't know: it's also bad theology.

That's the message two professors — Daniel A. Dombrowski and Robert Deltete — offer in their recent book, *A Brief, Liberal, Catholic Defense of Abortion* (U. of Illinois Press, 2000).

The Church hierarchy says life (or personhood) begins at conception and that abortion is, therefore, murder. But two of the Church's premier fathers — St. Augustine and St. Thomas — didn't agree. According to them, the body and soul of a fetus develops organically, and abortion never results in the death of a person until the later stages of a pregnancy.

Science and reason support this view. A fetus cannot feel anything until neural paths are sufficiently developed to transmit messages across synapses. This occurs at about the third trimester. And most fertilized eggs are never implanted in the uterus. Thus, the biggest abortionist is Nature, not any particular physician who provides abortions to many women.

So why is today's Church so opposed to abortion? Alas, as Dombrowski and Deltete point out, the answer is "politics." The view that abortion kills a human person is of recent vintage in Church history. It developed initially in the 17th and 18th centuries, when primitive microscopes saw fetuses which appeared to be, but in fact were not, miniature persons. It reached full flower in the mid 19th century, when the Vatican lost its papal states and substituted assertions of moral authority for the absence of political power.

The Church's current position is a blend of ignored theology, bad science, and political jealousy. But Dombrowski and Deltete offer pro-choice Catholics some good news: being pro-choice is not just consistent with our politics, it's also consistent with our faith.

### Flash

Former WCLA President Polly Rothstein will be honored by the New York City chapter of the ACLU at a reception May 21. The festivities will be held at a private residence in Manhattan from 6 to 8 p.m. Tickets are \$150.00. Other honorees are Michaele White, who built The Door into a national model for health care and support services for young people, and Nairobi Shellow, who is a New York City youth leader in HIV/AIDS prevention. The ACLU will also honor their peer educators. For further information or ticket reservations, please call the ACLU at 212-344-3005.

# Merging and Submerging

Under the guise of public service and a mission of charity, religiously-sponsored hospitals are using public funds to practice sectarian medicine.

Until recently it seemed palatable for religious hospitals to practice faith-based medicine in institutions supported by church funds. A patient disagreeing with those policies could, after all, go to another hospital. However, the recent trend toward merging religious and secular hospitals (with both hospitals then practicing sectarian medicine) may force patients to lose their access to full health care services. Denominations that have been known to limit health care on religious grounds include Catholics, Baptists, the Church of Latter Day Saints, and Seventh-Day Adventists.

Using public funds, faith-based hospitals (or merged hospitals that limit treatment on religious grounds) may deny HIV prevention counseling. Catholic hospitals have also chosen to compromise reproductive health care for women. Women wanting reproductive services such as contraception, abortion, voluntary sterilization, and emergency contraception for rape victims may not find it at Catholic hospitals. Faith-based directives may also limit end-of-life care for the terminally ill.

MergerWatch in Albany monitors hospital mergers and presses for only

those mergers which are palatable to people of any faith. In their recently published study entitled "No Strings Attached," MergerWatch carefully documents public funding of religiously-sponsored hospitals in the United States. It has always been assumed that Catholic hospitals, for example, are financially backed by the Church, giving weight to their claims of self-determination. Not so. "No Strings Attached" presents 1999 national data which show that 56% of inpatient days at religious hospitals were paid for by Medicare or Medicaid. The other 44% included commercial insurance, private pay, and other third parties.

In fact, religious hospitals receive only limited funding from church sources. In California, the analysis found that in 1998 only .0015 percent of religious hospitals' operating revenues came from unrestricted contributions, such as charitable donations from church members.

Using public funds, they may limit medical or clinical research and clinical trials (which are often the "cutting edge" of cancer treatment) because of a religious attitude towards certain kinds of research, most notably stem cell research. Adventist hospitals, which use public monies, have a religiously motivated proscription against bargaining with employee unions. While religious in name and official sponsorship and committed to carrying out their faith-based directives, many religious hospitals rely almost entirely on non-religious and public sources of funding for day-to-day operation, with OR without mergers with sectarian hospitals.

Two key bills approved by the NY Assembly Health Committee would provide citizens greater information about pending hospital mergers or takeovers that result in restrictive religious rules limiting health care options in a community. One bill (A.118) would require the Department of Health to notify the public of any proposed hospital mergers, affiliations, or consolidations. The other bill (A.2674) would ensure state oversight when a hospital planned to eliminate any services.

## Westchester Medical Center and St. Agnes Share Facilities

The Westchester Medical Center has recently finalized a contractual relationship with St. Agnes Hospital (White Plains) to relieve overcrowding at the Medical Center. The 1000-bed WMC facility will remain the County's principal tertiary and Level 1 trauma center, but under the terms of the agreement, patients needing care for non-life-threatening ailments may be admitted to St. Agnes by their WMC physicians. St. Agnes has historically been underutilized and plagued with money problems. The partnership is not a full-fledged merger of WMC with St. Agnes.

St. Agnes remains an independent, Catholic-owned institution, governed by the *Ethical and Religious Directives for Catholic Health Care Services*. Since these Directives prohibit the provision of some reproductive health services, preclude the provision of "safer sex" and condom information for HIV/AIDS patients and limit patients' end-of-life options, it is anticipated that there will be limits to the kinds of patients who will be admitted or transferred from the Medical Center to St. Agnes. Edward Stolzenberg, chief WMC administrative officer, asserts that the contractual arrangement will result in no loss of services to the public. The Medical Center, he says, stands on its record of provision of comprehensive reproductive care, including abortion services, and will ensure that reproductive rights are not in any way abrogated by its business relationship with St. Agnes.

Meanwhile, St. Agnes and several other ailing hospitals around the state have been targeted for an infusion of cash through an interest-free loan from the state's Health Care Restructuring Pool. St. Agnes will receive \$5.5 million, according to *Crain's Health Pulse* (2/19/02).

### Farewell to Frankie!

Frankie Stein retired at the end of 2001. At the 25<sup>th</sup> annual Family Planning Advocates conference held in January in Albany, Stein,



former CEO of Planned Parenthood of Hudson Peconic, received the Alfred F. Moran Public Advocacy Award. This prestigious award recognizes her many years of promoting public policies to guarantee reproductive rights.

# Eliot Spitzer Uses FACE to Keep Protesters Out of Yours

**A** U.S. Department of Justice speaker at the Family Planning Advocates legislative conference in Albany in January thought that his audience might not realize that a state attorney general can bring a lawsuit under the federal Freedom of Access to Clinic Entrances law (FACE). But the speaker underestimated his well-informed audience, who knew that New York Attorney General Eliot Spitzer has used FACE to keep anti-abortion protestors in line.

In 1998, Spitzer defeated incumbent Attorney General Dennis Vacco with the strong support of abortion rights groups. WCLA-PAC made 86,000 get-out-the-vote calls for him, and he remembers it. Shortly after taking office, Spitzer created the first Reproductive Rights Unit, and recruited Jennifer Brown, a Yale Law graduate then in the U.S. Attorney's Office, to lead it.

Spitzer works to balance patients' rights to unimpeded access to abortion and birth control with the free speech rights of protesters. He saw his first opportunity in late 1998 when anti-abortion leaders announced plans for massive protests. This was just weeks after an abortion foe allegedly murdered Dr. Barnett Slepian, a Buffalo ob/gyn who performed abortions. Spitzer's attorneys, working with counsel for several providers, won a temporary restraining order that permitted the protests to go forward but prevented disruption of medical services. Observing the unflagging obstruction of medical offices, the legal team went to trial and showed that blocking clinic driveways, holding huge signs that impede access to clinics, and blocking patients as they approach doorways, violate FACE by making clinic access "unreasonably difficult or hazardous." They won a preliminary injunction that is unprecedented in scope, creating fifteen-foot buffer zones in seventeen counties in western New York. In a landmark ruling issued in December 2001, the U.S. Court of Appeals for the Second Circuit agreed that obstructive protest activities outside clinics violate FACE.

The next FACE case built on the first. The attorneys obtained a permanent injunction against a family of protesters who habitually harassed patients and staff at Planned Parenthood clinics in Utica and Lowville. The judge imposed thousands of dollars in penalties and damages against the defendants for violating FACE.

Spitzer supports clinic access beyond the courtroom. The Reproductive Rights Unit has prepared and distributed a pamphlet explaining FACE, and Jennifer Brown has met with clinic staff and law enforcement to explain how the law applies to particular protests. Spitzer was a vocal supporter of the 1999 New York clinic access statute, which gave local and state officials the same powers as their federal counterparts to prosecute persons who commit acts of force,



*Comptroller H. Carl McCall*

# NYS Comptroller Promotes Women's Rights

A Message from  
H. Carl McCall,  
Comptroller,  
State of New York

**I**n January we marked the 29th anniversary of the Supreme Court decision *Roe v. Wade* which affirmed women's right to choose. Over the last generation, women have made significant strides in every area. Laws to combat discrimination have led to tremendous progress in education and in the workforce — including the legal profession, medicine, and government. But our work is not done yet.

My career has been dedicated to creating opportunity for all. As a state senator in the 1970s I was a reliable pro-choice vote, and frequently met with Polly Rothstein of WCLA. I was honored to speak at her birthday-retirement dinner in October.

For the past eight years, as your State Comptroller, I have worked with organizations throughout the State to shore up the eroding commitment to a woman's right to choose. As sole trustee of the \$112 billion State pension fund, I initiated a policy to oppose all shareholder resolutions that seek to end corporate support for Planned Parenthood or other family planning service organizations. I have been a frequent critic of the New York State Department of Health's policies that separate family planning services from the rest of the health care package offered to women.

Recently I released two reports on women's access to family planning services in New York. These reports emphasize that family planning is a basic health care need for women and that certain State policies have adversely affected women's reproductive health choices. The State's current policies in public programs can frustrate access to these important services and the private market often fails to provide adequate insurance coverage. My reports offer specific recommendations that I believe would support the rights of New York women to easily access the full range of health services including all forms of family planning.

These recommendations include the passage of the Women's Health and Wellness Bill which would require insurance companies to include prescription contraceptives in their prescription drug benefits; ending the practice of automatically assigning women of childbearing age to Medicaid managed care plans that do not provide family planning services; allowing women enrolled in Child Health Plus or Family Health Plus to obtain family planning services

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Please see McCall on page 12

# Bush Defunds Family Planning for World's Poorest Women

by Rep. Nita M. Lowey

While the Bush Administration has focused most of its attacks on a woman's right to choose here at home, it has lost no ground in undermining the rights and health of the poorest women around the world. In fact, one of President Bush's first official actions upon taking office was to reinstate the global gag rule — a Reagan-era provision prohibiting U.S. funding for international family planning organizations that talk about abortion with clients or government officials.

As if that were not enough, the Administration has now gone after the United Nations Population Fund (UNFPA), an organization that provides life-saving family planning, safe motherhood, and HIV/AIDS prevention services to poor women in 156 different countries.

As Ranking Democrat on the House Appropriations subcommittee that provides foreign assistance, I helped negotiate a groundbreaking bipartisan agreement late last year to substantially increase the U.S. commitment to international family planning. The deal provided a total of \$446.5 million for bilateral family planning programs, an increase of \$21.5 million over the previous year, and a total of \$34 million for the UNFPA, an increase of \$12.5 million over the previous year. This agreement was made with the full knowledge of the Administration and was signed by the President in early January, 2002.

But almost immediately, the President took aim at the UNFPA. Spurred on by Rep. Chris Smith, the President froze current funding to the UNFPA and proposed cutting all UNFPA funding for next year. UNFPA funds remain in limbo, pending an Administration investigation into charges that the fund supports coercive abortion practices in China.

This recycled canard has been used for years by UNFPA opponents to discredit the fund's lifesaving work. UNFPA has refuted these allegations time and again, stressing its opposition to coercive practices in China. In fact, the UNFPA program in China works to overturn these practices, helping Chinese women to enjoy the freedom of choice and access to family planning services that Americans value so highly.

The Administration's current attack on UNFPA is puzzling for other reasons, as well. In 2001, the Secretary of State released \$21.5 million to the organization without incident. The President specifically requested \$25 million for UNFPA for 2002. Finally, last November, the Administration gave the UNFPA \$600,000 in emergency funds to provide birthing kits and sanitary supplies to women in and around Afghanistan.



Rep. Nita M. Lowey

What changed between November and January? Absolutely nothing, if you consider the merits of the UNFPA program. But the Administration is not considering this issue on its merits. Instead, the President may decide to endanger the lives of the poorest women around the world to appease anti-choice activists.

All the anti-choice rhetoric in the world cannot distort the facts. 600,000 women around the world die each year of preventable, pregnancy-related causes. An estimated 40 million or more unintended pregnancies end in abortion each year - many due to lack of access to safe, reliable contraception. Some 70,000 women die each year as a result of unsafe abortion. The UNFPA works to erase all of these tragic statistics.

The UNFPA estimates that basic reproductive health care costs as little as \$30 per woman per year. At that rate, the \$34 million frozen by the President could prevent 77,000 child and infant deaths, 60,000 maternal infections and injuries, 4,700 maternal deaths, and 2 million unintended pregnancies.

Many of my colleagues in Congress understand this, and more than 120 of them joined me in writing a letter to the President, urging him to release these funds immediately. You can be sure I will continue to fight to restore U.S. support for the UNFPA.

## Availability Is the Key— in Canada and France

Emergency contraception (EC) is now available from Quebec pharmacists without a doctor's prescription.

EC is highly effective against pregnancy if taken within 72 hours following unprotected sexual intercourse. As reported in the *Canadian Press*, EC was previously available on a walk-in basis at some Quebec community clinics and hospitals. However, as in New York, clinics are sometimes closed and the wait in an emergency room can last many hours. Now that pharmacists are allowed to serve as an alternative source of EC, these potentially dangerous delays can be avoided. Under the new regulations pharmacists must undergo additional training prior to being approved to dispense the time-sensitive drug and must also consult with the woman prior to providing EC.

In France access to EC has been extended to minors as well. Earlier this year the French government issued a decree stating that minors will now be able to obtain EC from a pharmacy, free of charge, and without the necessity of a doctor's prescription or authorization from a parent. As in Quebec, the pharmacists will be required to consult with the recipients. The French already allow EC to be distributed by nurses in both junior and senior high schools.

**Protect your right to  
choose — VOTE!**

# The Cloning Controversy

## YES for Research; NO to Produce Babies

by Polly Rothstein

To many, "cloning" is making exact copies of humans, an unacceptable scientific pursuit. That idea is clouding and delaying the debate over basic embryonic stem cell research. It is important for lawmakers and the public to understand the fundamentals.

- **Therapeutic cloning** does not produce an individual; it produces stem cells – master cells that have the potential to turn into any type of cell in the body – for research and to cure disease and injury.

- **Reproductive cloning** would create a genetically identical being. Human cloning is opposed by nearly everyone and is headed for political defeat in Congress. We can still sing, "There will never be another you."

Advanced Cell Technology of Worcester, Mass., claims it can create human embryos by tricking an ovum to begin to develop without help from sperm. But the company declared that it intends to create new sources of stem cells, not to create a person. ACT plans to use a person's own DNA to make an embryo or, in the case of a woman, her own egg to make an embryo. The stem cells extracted from these embryos could be used to grow cells or tissues the person might need – even whole organs for transplantation. This procedure would prevent organ rejection because the replacements would come from an embryo created from the recipient's own DNA.

Therapeutic cloning has widespread support. The National Academy of Sciences wants to ban reproductive cloning, but favors therapeutic cloning for disease research. Thirty-three Nobel laureates argue that funding therapeutic cloning for such research is "a moral imperative" because of its "enormous potential for the effective treatment of human disease..." and that the cells used for research "are not embryonic cells because they cannot become a human being, nor can they undergo embryological development."

In February the presidential Council

### *Bush's Appointees Make the Wrong Choice*

The United States is participating in the U.N. Committee on an International Convention Against the Reproductive Cloning of Human Beings. There is widespread support throughout the U.N. for a ban on reproductive cloning, but not for a ban on therapeutic cloning. The European and Asian conference delegates have made clear they are against a comprehensive ban on cloning research because it would close the door to future scientific breakthroughs. The Japanese representative Yoshiyuki Motomura has supported that position. Many scientists have attempted to persuade Congress and the Bush administration to allow therapeutic cloning for research while maintaining a ban on reproductive cloning. The U.S. delegation (specifically the Bush appointees), however, wants a "global and comprehensive ban." Sean Tipton, spokesperson for American Society for Reproductive Medicine summed it up, "It's bad enough that the administration would seek to impose its views [on cloning research] on the American people, let alone the entire world. We need to keep these avenues of research open."

on Bioethics agreed to oppose reproductive cloning. There was less agreement about therapeutic cloning because abortion politics elbowed out serious debate. Conservative columnist Charles Krauthammer called a cloned embryo "a human being" deserving of the "highest respect." Michael Sandel, a Harvard professor, stated that an embryo is "something in between a thing and a person – deserving of respect but not as much as society affords humans." Paul McHugh, a Johns Hopkins psychiatrist, said that the cloned embryos in question were "fundamentally different" than embryos created for reproduction and should not even be called "embryo[s]."

### **Therapeutic Cloning Is Not 'Cloning'**

Reuters reports that a group of scientists said that the scientific process used to create human embryonic stem cells for medical research and treatment "should not be called 'cloning' – therapeutic or otherwise." In an editorial in a February issue of the journal *Science*, they stated that "precise terminology is important" because of the proposed ban on therapeutic cloning in the United States. They explained that cloning means trying to create a carbon copy of an individual organism. A more

accurate name for the process used to create stem cells — in which the nucleus from a cell is extracted and then transplanted into an egg that has had its nucleus removed, is "nuclear transplantation" — and nuclear transplantation is not cloning.

### **Congress weighs in**

Religious conservative Sen. Sam Brownback (R-Kan.) and the Bioethics Project, a conservative think tank, will launch a lobbying and advertising campaign to pressure the Senate to follow the House's lead and ban all forms of cloning. However, there is strong support for federal funding of embryonic stem cell research, which would benefit all of us.

### **WCLA's Believe It or Not**

More than 50 Catholic students from Archbishop Wood High School in Pennsylvania earned extra class credit for protesting outside a suburban Philadelphia Planned Parenthood clinic. Their religion teacher said she granted the extra credit because she wanted to reward students for "giving of their time."



# A Salute to Polly

## Our Fearless Leader Retires

### October 27, 2001







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**ACTION  
ALERT!  
ACTION  
ALERT!**

**These elected officials represent you.  
Hold them accountable.  
Urge them to support only those judicial nominees  
who respect women's reproductive rights.**

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CBL 17 Jose Alvarado [-], D, W

### Key

+	Pro-choice	I	Independence
-	Anti-choice	L	Liberal
+/-	Mixed, qualified	RTL	Right to Life
D	Democrat	W	Working
R	Republican	◇	Has run on RTL
C	Conservative		

**This list keeps improving because YOU elect pro-choice candidates.**

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letters to  
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numbers.

# Emergency Contraception: *Two NYS Bills To Watch*

**E**mergency contraception has leapt from relative obscurity to common parlance in the New York State legislature. Familiarly known as EC, it is the subject of two high-priority bills. One bill was introduced in the 2001 session; the other was introduced as the 2002 legislative session commenced.

## EC in the ER

Assemblywoman Susan V. John and Westchester's Senator Nick Spano have again introduced legislation for rape survivors requiring all hospital emergency rooms to offer EC immediately and on-site. The Assembly overwhelmingly passed this legislation last year and again in the opening days of the 2002 session. EC in the ER attracted strong bi-partisan support.

Spano promoted his companion bill for the Senate at the 2002 Family Planning Advocates conference, and again when appearing with FPA's CEO JoAnn Smith at a press conference. Spano's position as a leader in the majority in the NYS Senate gives pro-choice advocates hope that rape survivors may finally get the medical attention they deserve.

Emphatic opposition to easing access to EC comes from religious hospitals, particularly those run by Roman Catholic groups. The Catholic Conference, asserting that any provision of contraception contravenes church doctrine, insists that EC should be provided only if it has been medically proven that the rape victim was not ovulating when she was raped – in other words, when it is highly unlikely that she could have become pregnant. They demand a "conscience clause" which would exempt all Catholic hospitals from the obligation to offer EC to their patients.

*Pro-choice NYS Senator Ruth Hassell-Thompson enjoys a visit with WCLA's Nancy Montagnino and other members of the Westchester delegation to the 2002 Family Planning Advocates (FPA) conference in Albany. More than 90 pro-choice advocates represented Westchester County at the FPA meeting held in January. Besides attending highly informative workshops on key reproductive health care issues, they also took the opportunity to visit members of the State Senate and Assembly. For other articles related to the conference please see pages 4 and 12.*



## EC — Over the Counter

Westchester County's Amy Paulin has introduced an EC bill which would enable women to obtain pills "over the counter," i.e., without prescription. Similar legislation has been in place in Washington state for several years and more recently in Alaska and California. Paulin stated, "We want to reduce the high rate of unwanted pregnancies and abortions in New York. My bill gives women access to a less invasive method to be in charge of their own bodies."

Polls conducted in New York show that EC's time has come. More than 90 percent of women and over 84 percent of men, regardless of age or political party, favor the reduction of barriers to EC.

As discussed in last summer's issue of *ProChoice*, EC is often confused with RU-486 ("medical abortion"). EC pills taken within 72 hours of unprotected sex prevent fertilization and implantation. In other words, EC does not cause an abortion; it is a contraceptive which, by definition, prevents pregnancy.

Each year, more than 25,000 American women become pregnant as a result of rape. According to the *American Journal of Preventive Medicine*, 22,000 of those pregnancies could have been prevented if emergency contraception had been used within 72 hours of the sexual assault.



*Assemblywoman Amy Paulin*

# Pataki Counts Women Out

When Governor Pataki presented his budget in January he either did not know or did not care that:

- NYS ranks 38<sup>th</sup> in the country in serving women in need of family planning and contraceptive services;
- Only 37 percent of the more than one million women in need of services are getting them.

That means there are thousands of unintended pregnancies in New York each year that could be prevented.

As in his 2000 budget, Pataki has once again cut \$3 million in state money for family planning funding from his executive budget. Out of an \$88.6 billion budget he only allocated \$18.3 million in state money for funding for family planning. Ten million federal dollars will be provided for

TANF – Temporary Assistance to Needy Families – but that infusion scarcely makes up the difference.

Family Planning Advocates of NYS testified at the state legislature's joint public budget hearings on Health and Medicaid in early February. They urged legislators to: restore the \$3 million in state funds for family planning that was cut in the executive budget; invest an additional \$2 million for family planning; and add to the funds in TANF allocated for pregnancy prevention.

For each year an adolescent postpones having her first baby, the odds that her family will NOT live below the poverty level improve by 22 percent — a significant statistic for us all to remember.

## Health from Page 1

women's health bill prior to special elections. This race included a high profile contest between two pro-choice candidates to fill the seat vacated by Sen. Roy Goodman, a Manhattan Republican. The seat fell into Democratic hands with the victory of Liz Krueger. Now that the elections are over, a spokesperson for Bruno sees nothing more to negotiate, as reported in *The New York Times* (2/28/02). The prime sponsors in the Assembly, Deborah J. Glick and Speaker Sheldon Silver, both Democrats of Manhattan, don't agree with that assertion. They want the issue of deductibles and co-pays addressed.

If neither chamber is willing to accept the other's version, women will lose once again.

## CPCs from Page 1

In a related development the Attorney General's office has withdrawn the other CPC subpoenas, as settlement discussions with the centers have commenced.

To avoid investigations like that pursued by Spitzer's office, many crisis pregnancy centers have resorted to purchasing expensive medical equipment, hiring physicians and expanding their services in order to qualify as actual medical facilities. Alarming, but not surprisingly, CPCs have found allies at the federal and state levels who are working to provide funding for these business expansions/conversions, using our tax dollars. In Congress, Rep. Cliff Stearns (R-FL) proposed legislation which would put \$3 million of HHS funds in federal grants for ultrasound equipment to "community-based pregnancy help medical clinics." Some states are using the proceeds of license plates reading "Choose Life" to fund CPCs.

## Who's Raising \$\$ for Whom?

Ralph Reed, former executive director of the Christian Coalition and chair of the Georgia Republican Party, has refused a request by Republican National Committee officials to nominate Lewis Eisenberg to the post of national finance chair. As reported in the *Washington Times*, Reed rejected Eisenberg because he is founder of the Republican Leadership Council — a group that supports abortion rights. Conservative RNC member Michael Retzer offered to make the nomination instead. Retzer said the objections of the conservatives were "misplaced because it's the proper role for liberals in our party to raise money to support the goals and achievements of the conservative wing of the party."

## FACE from Page 5

threaten force, or physically obstruct clinic access.

Also in 1999, Spitzer's office filed a friend of the court brief on behalf of New York and 17 other states, urging the U.S. Supreme Court to uphold a Colorado law that established an eight-foot "no approach" zone outside reproductive health offices. Last year, Brown testified for Spitzer in favor of a similar proposal in New York City.

In addition to taking cases that fulfill the promise of the Freedom of Access to Clinic Entrances Act, Attorney General Eliot Spitzer's Reproductive Rights Unit engages in advocacy and analysis on a broad array of pertinent issues on behalf of the people of New York State.

## McCall from Page 5

from any willing provider; and evaluating the impact of State contracting with managed care plans that do not cover family planning services.

The reports point out that when women do not receive family planning services there are economic implications as well as serious social consequences. I have urged the Governor and Legislature to change State policies and improve health care for all women.

We face important challenges. We can meet these challenges together. You can count on me to work with you to create a New York where every woman has what she needs to achieve her own vision of a happy, healthy, successful life.

Please donate!  
Use the coupon  
page 19

## New York Plays Major Role In Protecting Choice

by State Senator Suzi Oppenheimer



State Sen. Suzi Oppenheimer

When the United States Supreme Court issued its landmark 1973 decision in *Roe v. Wade*, decriminalizing abortion services throughout the nation, it was undoubtedly the most important victory in the history of the fledgling abortion rights movement. Finally, a woman's right to choose had been affirmed by the highest court in the land.

It is only natural, then, that many of us think of Congress and federal and state courts as the ultimate battlegrounds in protecting this right. But in truth, the struggle to maintain reproductive freedom for all women is being waged over and over again, year by year, in state legislative chambers across the United States.

Our state is no exception. Although New York is considered one of the more progressive pro-choice states, having legalized abortion three years prior to the *Roe v. Wade* ruling, we must remain ever vigilant in protecting a woman's right to choose. Throughout my years in the State Senate, and before that as a long-time pro-choice advocate, I have actively opposed countless legislative efforts to erode abortion rights.

For example, a number of proposals to restrict access to abortion – including bills to outlaw all abortions under the guise of banning late-term abortions, end Medicaid funding for abortion services, and require young women seeking abortions to obtain parental consent – continue to come before the State Legislature from time to time without success. While it is disturbing that these proposals continue to enjoy a measure of support and attention from anti-choice forces, it is also important to note that pro-choice advocates do not sit idly by. We have successfully advanced a number of progressive measures in recent years, including the 1999 clinic access law which protects patients and workers from harassment and violence. We have mobilized grassroots support to defeat some restrictive bills.

During this legislative session, debate is continuing on at least two important issues affecting reproductive freedom, if not specifically access to abortion. I hope both will be resolved this year, with the help of advocates from throughout New York. Requiring insurance coverage for prescription contraceptives is highest priority. The Senate has passed a Women's Health and Wellness bill that includes this provision, albeit with an exemption for religious institutions if they employ and service primarily members of their own faith. The Assembly version of this legislation provides no exemptions,

Please see Suzi on page 18

## Finding Yourself in Westchester

by Phillip Chonigman  
Partner - GeoPolitical Strategies

We've all heard about how redistricting can affect the outcome of elections, but do you know why it's such an important piece of the political process? First, let's start by clearly defining the terms. Redistricting is the changing of legislative district lines to equalize the population in each district; reapportionment is the changing of the number of seats in a legislative body and modifying the district lines to reflect that change. Redistricting and reapportionment must be completed as soon as possible after release of the decennial Census of Population.

In New York State, we are required to reapportion our Congressional Districts since we lost two seats (we are going from 31 to 29 representatives) due to slower population growth here than in the rest of the country. The NYS Senate appears to be considering the addition of one seat (going to 62 senators) and therefore would need to reapportion, while the NYS Assembly must hold at 150 seats and hence will just redistrict.

The change of district lines that result from this process can often change who your representatives will be. For example, the current proposal put forth by the Legislative Task Force handling NYS redistricting calls for shifting Eastchester from the current Senate District of Nick Spano to one where Guy Velella would be the incumbent; while on the Assembly side, Willis Stephens would become the incumbent in Somers and North Salem, currently represented by Naomi Matusow, and in Yorktown, which Sandy Galef now represents. Changes such as these will be occurring in many areas of the county.

The significance of such changes cannot be underestimated. Many incumbents will be faced with campaigning in unfamiliar territories among voters that are unfamiliar with them. This effectively removes some of the inherent advantages of incumbency. On the other hand, the redistricting process can be used to manipulate likely results by drawing district lines that benefit incumbents of one political party over those of another, and sometimes even eliminating incumbents by putting them in the same district.

Incumbent representatives are likely to be more vulnerable to challenges in the election following a redistricting. Supporters may need to turn out in force to help protect a favorite legislator, or perhaps seek to oust a foe of important causes, such as reproductive choice. 2002 is a critical year in which to be politically active and to encourage voter education.

Protect your right  
to choose

# Thompson Proposes Care for Pre-Persons

**A**s Brian Lehrer of National Public Radio has observed, the Bush administration may be pro-life, but they're not stupid. Under the guise of a simple regulatory change, they are now cleverly pretending that they want to grant health care benefits to the needy when they are in fact engaged in yet another boldfaced attack on abortion rights.

On January 31, DHHS Secretary Tommy G. Thompson announced his plan to issue a regulation allowing states to extend the State Children's Health Insurance Program (SCHIP) to pregnant women for their "unborn children" [sic]. According to Thompson, this is an altruistic effort to "help poor mothers be able to take care of their unborn children and get the medical care they absolutely, vitally need."

But watch that language: "unborn children." If the administration were really interested in helping the needy families, there are several straighter paths they could have followed. But by allowing embryos to qualify for SCHIP, the administration has made its intent clear. Forget that poor, pregnant women are people; simply convey "personhood" to the unborn. Pretend to talk about prenatal care when the true focus is an all-out attack on abortion.

If extension of prenatal care coverage were the real objective, they could provide it directly to pregnant women by obtaining waivers to existing rules limiting coverage of prenatal care. In New Jersey and Rhode Island, these waivers have been granted and women are receiving the care they need. This is a complicated procedure but far less tangled with red tape than the new regulations proposed by Thompson.

Alternatively, Bush could work to convince Congress to change the SCHIP statute in order to allow states to cover pregnant women without a waiver — AND to provide the concomitant increase in funding. But Thompson has not chosen to do that either.

Imagine the complications of the fetal personhood plan. As Lehrer noted in his radio broadcast February 2, "unborn children" would probably need a Social Security number to get government money. But to get their Social Security card, wouldn't they need a name? Before a name can be chosen the sex of the fetus must be determined; hence amniocentesis appears to be necessary. Don't forget that the moment of conception must be pinpointed so that the government could figure out the date that the zygote starts to be eligible for health care.

Many have said that the Thompson plan, scheduled to be published in May, is nothing more than a political payoff to the Bush administration's anti-abortion supporters. Certainly, increasing access to prenatal care could be achieved far more easily without redefinition of a fetus as an "unborn child."

Bottom line: Don't delude yourself for a moment into thinking that the Bush administration cares in the least about financially distressed pregnant women. The tycoons of the Bush regime have other matters on their mind.

## Judges from Page 1

the bench was not an isolated incident. Pickering's ability to separate his private religious beliefs from his public sector duties was questioned at his 1990 confirmation hearings for Circuit Court. The Senators' cause for concern stemmed from a 1984 address Pickering gave while serving as President of the Mississippi Baptist Convention. He said that the Bible should be "recognized as the absolute authority by which all conduct of man is judged...."

On February 14<sup>th</sup> U.S. Senator Chuck Schumer announced his opposition to the Pickering nomination. Sen. Schumer, a member of the Senate Judiciary Committee and Chairman of the Courts Subcommittee, said his decision to vote against the nomination stems from concerns over Pickering's judicial record on issues like civil rights and women's rights, as well as the high number of reversals in cases where the Fifth Circuit Appellate Court found Pickering's opinions to be extremely flawed.

- **Professor Michael McConnell** has been nominated to the Court of Appeals, 10<sup>th</sup> Circuit. McConnell has signed a petition asking Congress to outlaw all abortions, including those in cases of rape or incest. He also opposed the Freedom of Access to Clinic Entrances Act.

- **Carolyn Kuhl** has been nominated to the Court of Appeals, 9<sup>th</sup> Circuit. At present, she is a Superior Court Judge for Los Angeles County, having been appointed by former Governor Pete Wilson. As a Deputy Solicitor General during the Reagan administration, Ms. Kuhl was outspoken in calling for the reversal of *Roe v. Wade*, which she called "flawed." In private practice she was also a proponent of the infamous "domestic gag rule."

The nominations of both Professor McConnell and Judge Carolyn Kuhl will come under closer scrutiny after the Pickering nomination has taken its course.

Nominations made by the President are examined by the Senate Judiciary Committee which conducts hearings. If a candidate is approved by a majority, the nomination is then passed on to the full Senate which votes after conducting investigatory hearings.

Republicans may attempt to bring all three of the Bush judicial nominations before the full Senate even if the committee votes to reject them. "I'm concerned that what we have with Judge Pickering is a warm-up for a later battle on the Supreme Court," Sen. Arlen Specter (R-Pa.) said. Sen. Richard Durbin (D-Ill.) said he thought the White House was "testing" Senate Democrats to determine whether they would confirm conservative nominees (Petrocelli, *Houston Chronicle*, 3/7/02).

The role of the U.S. Senate is to see that nominees to the federal courts hold views within the constitutional mainstream...not the arch-conservative fringe.

If you want to get e-mail from WCLA, see the instructions on page 19.

# Help Wanted: Independent Thinkers Need Not Apply

Critical health positions in the Bush administration are now vacant. Filling these spots will be difficult because credentials are taking a backseat to abortion politics.

Nominations are expected to be a landmine for President Bush. He has made his views on abortion, abstinence, stem cell research and cloning known. The conservatives who played a major role in his election expect all nominees to be of a similar ilk.

- The National Institutes of Health (NIH) is leaderless. Dr. Anthony S. Fauci had been the presumptive nominee, especially since he had garnered strong support from Secretary Tommy G. Thompson of Health and Human Services. Fauci now heads the National Institute of Allergy and Infectious Diseases (NIAID). He had asked to serve concurrently as both head of NIAID and the NIH. Fauci was told he was "highly unlikely to be nominated." Officials claimed the White House did not wish to grant his dual role request. However, speculation amongst beltway pundits was that Fauci was out of the running because of his steadfast refusal to state his position on abortion. Conservatives have noted that in 1988 Fauci made remarks supporting fetal tissue research.

As *ProChoice* went to press, both *The Baltimore Sun* and *The Washington Post* reported that the nomination of Dr. Elias Zerhouni, executive vice dean of Johns Hopkins University School of Medicine, was imminent. *The New York Times* had previously stated, "A potential complication, though, is that Hopkins has been a pioneer in embryonic stem cell research, and Dr. Zerhouni was instrumental in creating a

new institute at the university to help advance that work and has promised to 'intensely pursue this research because of its huge potential impact on human health.'" Zerhouni, however, has perhaps had a change of heart. It is reported that in order to gain the necessary conservative support for his nomination Zerhouni has signed a document stating his support for Senator Sam Brownback's legislation. This proposed legislation bans all cloning including therapeutic. (According to Congressional sources, Brownback led the fight against Fauci.)

- The nation is also without a Surgeon General. Dr. David Satcher, whose term has now expired, left the administration. Satcher, a Clinton appointee, will not be missed by the Bush White House. Prior to his departure, he released a report extolling the benefits of comprehensive sexuality education. This report put him at loggerheads with the religious right who believe in abstinence-only education.

- Dr. Jeffrey P. Koplan, the director of the Centers for Disease Control, resigned at the end of February, leaving another vacancy to be filled.

- The post of commissioner of the Food and Drug Administration is also vacant.

The need to fill these positions is great but the likelihood becomes increasingly remote. "If the Bush administration disqualifies all candidates with a record of supporting research using the tissue or embryonic stem cells beyond the limits set by President Bush last August, it could end up with a depleted pool of contenders." (*Boston Globe* editorial, 2/28/02)

## Portugal's Back Alleys

The back-alley abortion business in Portugal was spotlighted during the trial of a nurse charged with illegally performing the procedure.

The nurse, Maria do Ceu Ribeiro, was tried along with 42 co-defendants, including 17 women charged with having abortions. Most were acquitted by the four-judge panel due to lack of evidence.

Maria do Ceu Ribeiro was sentenced to eight years in prison for performing abortions and for stealing the equipment, drugs and prescription forms she used from the hospital where she worked.

With the exception of Ireland, Portugal's abortion laws are the strictest of the European Union countries. Abortions are permitted only when the fetus is congenitally deformed; the woman's health is in

danger; or the pregnancy is the result of rape.

However, like the United States prior to *Roe v. Wade*, the law in Portugal has not stopped women from getting abortions. Abortion advocates put the number of women having illegal abortions at somewhere between 20,000 and 40,000 per year. Portugal has approximately 10 million people.

Patricia Muller, a journalist for *Elle*, explains, "In Portugal, everyone has them. If they're rich, they go to Spain, and if they're not, they go to midwives, often in really bad conditions."

Sound familiar?

Visit [wcla.org](http://wcla.org)!

## NYC Reinstates the Necessary

NYC Mayor Michael Bloomberg has revised the current patchwork training curriculum given to OB/GYN residents at the City's 11 public hospitals to include thorough abortion training. The new policy will be enacted at all public hospitals in New York City. However, students will be able to opt out of that training if they have moral objections to abortion.

Abortion rights advocates hailed the change in policy, noting that one in seven American-trained doctors receives instruction in a New York City hospital. As a model for other medical schools nationwide, the Bloomberg plan has enormous potential impact.

The New York State Right to Life Committee is considering a legal challenge to Mayor Bloomberg's policy.

# The Violence Continues

Just so we wouldn't think that street violence at women's health clinics was a thing of the past, Operation Save America (previously known as Operation Rescue) carried out a tenth anniversary siege in Wichita, Kansas last summer. We recall the summer of 1991, when anti-choice protests paralyzed Wichita, and 2,700 anti-choicers were arrested in 45 days of demonstrations. In 2001, Operation Save America fielded a lesser number of protesters, but they were no less fervent in attempts to close Dr. George Tiller's clinic.

On the anthrax scene, Clayton Lee Waagner, who admitted to mailing over 500 supposedly anthrax-laden letters to women's health clinics, also admitted that he was about to launch a nationwide bomb scare against 900

women's clinics when he was finally arrested.

Waagner said that he had threatened to kill abortion providers, and planned to shut down every women's health clinic in America with a bogus "government" fax mailing. Each clinic would be told it contained a bomb. Workers would be instructed to flee immediately without using the phones because the phones could activate the bombs.

Waagner was arrested at a Kinko's store in Ohio in December. He had been a fugitive from justice after he escaped from an Illinois jail ten months earlier where he was being held on charges of bank robbery. In January, 2002, he was sentenced to 30 years on charges unrelated to his anti-abortion activities.

## PAS — An Anti-Choice Sickness

Tabloid headlines read: "Women succumb at alarming rate to post-abortion stress syndrome." "Dramatic increase in incidents of breast cancer - suicide among women who have abortions." There is not one shred of scientific evidence to back up any of these claims. The articles are authored by well-recognized anti-choice leaders intent upon instilling fear through lies.

Post-abortion stress syndrome (PAS) is not an official syndrome or diagnosis recognized by the American Psychiatric Association, the American Psychological Association, or any other mainstream authority. Even such noted anti-choice advocates as President Reagan's Surgeon General C. Everett Koop determined that there was insufficient evidence of trauma related to abortion. Psychological problems were "minuscule from a public health perspective." The American Psychological Association has concluded that terminating an unwanted pregnancy poses no hazard to women's mental health and that the predominant sensation following the termination of an unwanted pregnancy is relief. The only groups subscribing to the existence of PAS are the dozens of anti-choice organizations that have sprung up to produce literature about this fictitious ailment. They also manipulate statistics to fabricate relationships between breast cancer or suicide and abortion but cannot provide documentation.

This PAS approach is a direct assault

on the choice movement. Since legal abortion is a safe surgical procedure David C. Reardon, director of the anti-choice Elliot Institute, and his allies have invented mental pain as a repercussion of abortion. Reardon trumpets a forceful anti-choice message: "Abortion hurts women." He explains, "By demanding legal protection for women forced into unwanted abortions and greater rights for women to sue for post-abortion trauma, we force our opponents to side with us or to be exposed as defending the abortion industry at the expense of women."

Organizations such as SafeHaven, Healing Hearts Ministries and Victims of Choice prey upon the emotions of women at a vulnerable time. While claiming to offer compassionate care these organizations impose a three-step process on their victims to alleviate the "psychological damage" from abortions. To be forgiven for the abortion, women must open their hearts to Jesus Christ, speak out against abortion and, whenever possible, lobby for anti-choice legislation. Final absolution is the promised outcome if the woman sues the abortion provider for malpractice. With frightened women doing their dirty work, these organizations believe they can put abortion providers out of business by making it too risky and too costly to continue functioning.

**VOTE!!!**

## Florida De-FACES Again

An anti-abortion activist has turned the Freedom of Access to Clinic Entrances (FACE) Act on its head. FACE is the federal statute intended to protect medical clinics, doctors, patients, and staff from intimidation and harassment. Now, an anti-abortion activist is claiming that a pro-choice clinic employee threatened to kill him at an anti-abortion office - and that he can therefore sue under FACE.

As reported by the *Tallahassee Democrat*, the decision by the 11<sup>th</sup> U.S. Circuit Court of Appeals "is the latest in a long line of politically charged rulings generated by intense protests at Florida clinics." The court, in this instance, ruled that an anti-abortion volunteer can bring his cause of action under FACE. The attorney representing the clinic noted that the decision only affected the ability to sue, not whether or not the plaintiff can prove the allegation. The Circuit Court also said the activist's allegation that the incident occurred in January, 1998 was adequate for the pleading.

The other contention of anti-choice activists, that FACE gave them a right to engage in sidewalk counseling, was rejected by the Circuit Court.



# Bush's Appointments: *From the Distressing to the Alarming*

President Bush and his administration appear determined to serve only America's anti-choice population. Pursuing the worst inclinations of the Reagan-Bush years of the '80s, our current President is increasingly alienating members of his own party. A long-standing WCLA donor recently wrote, "I've been a Republican for 50 years, but just can't vote Republican any more because of their stand on the social issues – except for the all too rare Republican who's unabashedly pro-choice."

Prominent presidential appointments illustrate the extent to which Bush is going to align himself with arch-conservatives, leaving people like our contributor exasperated and...in search of a party.

- Ron Haskins, former congressional staffer, is now coordinator of the administration's activities on "Welfare Reform." Haskins became a true conservative Republican party favorite after authoring the abstinence education section of the 1996 welfare bill. Congress used his copious writings to justify spending \$50 million per year on abstinence-only education.
- New Bush appointees to the Presidential Advisory Council on HIV/AIDS (PACHA) include Representative Tom Coburn (R-OK) as PACHA co-chair, Patricia Funderburk Ware, a Bush Sr. bureaucrat, as the new executive director and Joe McIlhaney, M.D., a self-proclaimed sexuality expert from Texas. The common thread of these appointments is the three individuals' insistence on the abstinence-unless-

married approach to public health and their outspoken opposition to condom education and distribution programs, even to stem the AIDS epidemic. Sadly, rather than taking the opportunity to give new energy to a Clinton-era AIDS initiative, Bush has crammed PACHA with anti-choice/anti-birth control devotees. (PACHA advises the White House and federal agencies on HIV/AIDS-related programs, policies, research, prevention and treatment strategies.)

- Dr. Wade Horn, one of the founding members of the Marriage Savers Board, was named by Bush to be Assistant Secretary for Children and Families in the Department of Health and Human Services. Founder and President of the National Fatherhood Initiative, Wade relentlessly pursues an anti-choice, abstinence-only agenda for the nation's welfare program. Horn is best known

for blaming most, if not all, of society's ills (academic failure, emotional and behavioral aberrations, juvenile crime and teenage pregnancy, to name a few) on the absence of a father figure in the home.

- Far and away the most disturbing Bush appointment was his naming of John Ashcroft as Attorney General. Staunchly anti-choice, Ashcroft's pronouncements range from the dangerous to the ludicrous. He has recently been widely lampooned for spending nearly \$9,000 to cover statues of naked women in the Justice Department building because, presumably, the sight of certain marble body parts made him uncomfortable as he made his way to his office suite. This action is reminiscent of another renowned leader, Benito Mussolini, who ordered the Black Shirts to do the same.

## John Ashcroft at Work

Attorney General John Ashcroft is more concerned with enforcing his personal "life" philosophies than the tenets of the U.S. Constitution.

- 2/15/02 John Ashcroft's Department of Justice (DOJ) has intervened in an abortion-related case. The DOJ has filed an amicus brief asking the U.S. Circuit Court of Appeals to uphold the Ohio ban on so-called "partial-birth" abortion.

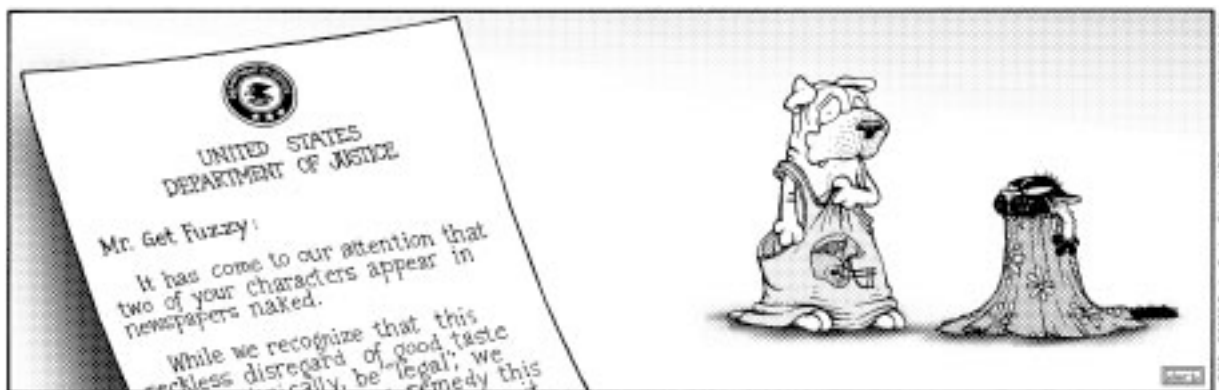
The Ohio ban was previously struck down as being too narrow. Doctors, by law, would not have been able to use a specific procedure even if, in their medical judgment, it was the safest option. A Nebraska ban was held unconstitutional by the U.S. Supreme Court last year in the case, *Stenberg v. Carhart*.

- 11/6/01 John Ashcroft instructed the Drug Enforcement Administration to pursue disciplinary action against doctors who prescribe lethal doses of drugs to terminally ill patients under Oregon's "landmark" physician-assisted suicide law.

Oregon is the only state that permits physician-assisted suicide under the Death with Dignity Act. Ashcroft's directive overturns a 1998 decision by former Attorney General Janet Reno.

Responding to Ashcroft's actions, Oregon Governor John Kitzhaber said, "This is an unprecedented intrusion of Oregon's ability to regulate the practice of medicine."

The spirit of Ashcroft's naked statues decision is aptly captured by Darby Conley in "Get Fuzzy" on February 14:



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# Life Congress: Multiplying and Dividing

**Y**et *another* anti-choice organization! The National Congress for the Protection of Human Life (aka Life Congress) asserts that it is a “no compromise” coalition of groups who are “100 percent, no exception pro-life”; translation: They allow NO exemptions — not for a woman’s life or health, rape or incest. Further, “Lifers”

also condemn the President for capitulating to scientists on the subject of stem cell research. “Lifers” view his so-called compromise, permitting researchers to make use of already extant stem cell lines, as evidence that he does not merit a “100 percent” grade in the anti-abortion grade book and thus deserves condemnation. “Lifers” also

call for “an immediate dismissal of all in government who are ultimately responsible” for abortion, although they don’t specify what kind of “dismissal” (Electoral? Firing?) they have in mind. How would that reflect on President Bush? One can only hope... Meet them at <http://www.lifecongress.org>

## Polly from Page 2

into marriage, requiring even more people work at a time when jobs are tight, backing an effort to revive an Ohio ban on partial-birth abortion, permitting hospitals and health insurance companies to “opt out” of providing abortion services on the grounds of religious or moral objections. As he did when governor of Texas, Bush will sign any anti-abortion bill that hits his desk.

Hypocrisy is embodied in the Bush budget, balancing more tax cuts for his rich friends and corporations with deficit spending (!), starving Social Security and Medicare, and cutting programs for the poor. He wants to privatize Social Security. As he whines about our need for oil, he’s pressing for an insane plan to drill for oil in the pristine Alaskan ANWR, at the same time letting automakers maintain high fuel consumption levels. He’s throwing money at the military for such wasteful programs as the sure-fail missile shield. He plays favorites with corporations and media giants. He wants to give tax dollars to churches via vouchers and funds for social services, a way of ending separation of church and state. His hard-right appointments are epitomized in Attorney General John Ashcroft, the most Christian-right of all senators ever. Ashcroft spent nearly \$9,000 to veil statues in the Justice Building that show women’s breasts.

Onto the national media, overpopulated with gutless wonders and Bush partisans. I learned a new word:

“Fauxgate,” a phony scandal usually invented by FOX News to smear Democrats. Tamara Baker shined light on Maureen Dowd’s baseless anti-Hillary and Bill Fauxgate involving perfectly legal gifts ([americanpolitics.com](http://americanpolitics.com), 2/16/02). The Fauxgate was exposed, but the RNC and their media sycophants, and not only Dowd, shamelessly revived it and kept it going. The mainstream media, including NPR and the *Times*, wouldn’t run stories such as Democrats.com’s program on the anniversary of the Supreme Court’s gift of the presidency to Bush. Cable networks feature daily briefings by Ari and Rumsfeld, but rarely cover Democratic press conferences. If not for the Internet, much news would stay hidden.

I’ve had a thing about archives since 1970, despite no inkling that abortion would be a political issue in 2002. I was assiduous about cutting-and-pasting clippings, neatly in a standard way, and keeping WCLA papers. This treasure trove is in file cabinets and the computer. It includes *The New York Times* story when the state legislature voted to decriminalize abortion in 1970; the *Times* front page announcing *Roe v. Wade*; the first National Right to Life News; folders for elected officials; candidate questionnaires; and the storied “nonsupportive correspondence.” This archive junkie still takes information off the Internet, gets rid of the pesky ¶’s and >’s with a macro named “DeJunk.” They’re filed in my hard drive — for WCLA.

## Suzi from Page 13

and negotiations are needed to reconcile this difference before a bill can be sent to the governor.

The second issue is the need to provide rape victims with immediate access to emergency contraception (EC) when they seek medical attention related to the attack. Studies have shown that this option is not available in many hospital emergency rooms throughout New York.

We must keep our attention focused on the State Legislature as well as Congress and the courts as we wage the seemingly endless battle to protect and advance reproductive freedom for New York women. We must be on our guard all the time, in Albany and in Washington.

## Learn to Lobby Effectively

**T**he Women’s Campaign School at Yale University, in partnership with Pace Law School and the Westchester Women’s Bar Association, presents a special one-day training session, “LOBBYING, WORKING THE CORRIDORS OF POWER.” The session will be held at Pace Law School, White Plains, New York, Saturday, April 6. Registration at 8:30 a.m.; Class 9 a.m. to 4 p.m.

Learn how to:

- Influence and change public policy at local, state and national levels;
- Understand the legislative and political process;
- Define your issues;
- Develop an action plan;
- Get your message out.

The tuition is \$95 and includes training materials and luncheon. However, we have been told that professional courtesies are being extended. If you mention WCLA on your registration, you will be charged only \$85. There is an online application at: [www.wcsyale.org](http://www.wcsyale.org).

Citizen advocates, take advantage of this learning experience!

# Fetal Homicide — The New Wave of Legislation

If you cause a woman, 13 weeks pregnant, to miscarry, can you be charged with murder? Yes, if you are in the handful of states which have enlarged their homicide statutes to cover fetuses.

In a frontal assault on Roe, some legislators are looking to criminal law to elevate embryos and fetuses to a status equal to that of a woman. By making the embryo a second victim, with rights separate and apart from those of the woman, personhood is granted - and a dangerous precedent set.

The House of Representatives, in 1999 and again in 2001, passed the "Unborn Victims of Violence Act." If this bill becomes law, the federal criminal code would be amended to create a separate offense for causing the death of, or bodily injury to, an "unborn child" (which includes a fertilized egg) during the commission of a federal crime. The bill has not yet passed the Senate. One-third of all U.S. Senate seats are up for election, however, in 2002.

The anti-choice members of the House did not fool the editorial boards of *The New York Times* or *Washington Post* with their crime-fighting claims. Both exposed the Unborn Victims of Violence Act as a means to chip away at abortion rights. The *Times* on April 25, 2001 said, "Lawmakers who care for Roe v. Wade have no business voting for this disingenuous legislation."

The Utah Supreme Court is now defining "unborn child." Roger MacGuire is charged in the killing of his ex-wife who was 13 to 15 weeks pregnant by her new boyfriend. MacGuire is facing two counts of capital murder. A lower court judge, upholding the charges, ruled that, "Reproductive rights cases are simply inapplicable to restrict the state's interest in protecting unborn life." He determined that the Utah legislature intended "unborn children" to mean that life begins at conception.

Right to Life organizations in other states are lobbying for similar legislation. New York is not immune to these proposals. In both 2000 and 2001, a coalition of NY legislators and Right to Life activists urged the state legislature to pass a fetal homicide proposal; the legislation has not passed the Assembly.

## No way to celebrate...

### Bush on Roe anniversary

President George W. Bush used the occasion of the 29<sup>th</sup> anniversary of the Supreme Court's Roe v. Wade decision to underscore his administration's loathing of a woman's right to choose abortion. He proclaimed the Sunday prior to the anniversary "National Sanctity of Life Day."

Bush spoke to those participating in the annual anti-choice demonstration at the Washington Monument via a telephone hookup. It was the first presidential address to the gathering since Bush, Sr. was in office.

In his speech, Bush went through his administration's anti-choice, anti-family planning agenda. Items mentioned included: opposition to so-called partial-birth abortion, opposition to public funding of abortion, support for abstinence-only sex education, crisis pregnancy centers, adoption programs and parental notification laws. Bush also called upon the Senate to pass a ban on all forms of human cloning.

While the organizers of the *March for Life* claimed to have 100,000 people present, the Capitol police initially estimated the crowd at 5,000 to 8,000, and, later in the day, increased their estimate to 15,000.

Abortion-rights advocates also marked the Roe anniversary. Supporters gathered outside the Supreme Court building for a candlelight vigil.

**E-mail users:** We would like to contact you. We won't inundate you, but we send interesting items from time to time and it saves us money on thank-you notes for contributions. Please e-mail us at [WCLA@WCLA.org](mailto:WCLA@WCLA.org). Include your name and, if you can, the 5- or 6-digit code on the left of the line above your name on the mailing label.

### Where would we be without WCLA?

My view: "Without WCLA, \_\_\_\_\_"

Therefore, I will contribute to WCLA: \$35 \$50 \$100 \$150 \$250 \$500 \$1,000 Other \$ \_\_\_\_\_

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I won't vote for candidates who would restrict abortion.

Checks are payable to WCLA. Mail with this coupon to 237 Mamaroneck Ave., White Plains, NY 10605.

Contributions to WCLA are not tax deductible. To phone in a charge, please call (914) 946-5363.

# Lest We Forget...

The clandestine nature of illegal abortions, even if women survived them, sharpened women's awareness of the danger and illegality of abortions.

...A woman who went to Tampa for an abortion in 1963 recalled being examined by the doctor, then being put in a van with several other women, the entire group blindfolded, and then driven to an unknown location where the abortions

were performed. A nineteen-year-old from Madison, Wisconsin, went to Chicago where she "waited on a street corner, was picked up, blindfolded, and driven to a motel in a Cadillac." She commented later, "I know the person who did the abortion was not a doctor. I went through with it because I was desperate."

*When Abortion was a Crime* by Leslie J. Reagan

## Reliable Listing of Abortion Providers

A listing of bona fide clinic-based abortion providers may now be found online at a new site run by the National Coalition of Abortion Providers. Point your browser to: <http://www.abortionclinicdirectory.com> or <http://www.ru486.com> to see a list by state or by services provided. According to the information on line, this Abortion Clinic Directory is a product of the Foundation to Preserve Access to Abortion, a non-profit organization which is the educational arm of the National Coalition.

## Colin Powell Defends His Position on Condom Education

Despite criticism from conservative groups, Secretary of State Colin Powell has urged condom use as a way to prevent the spread of HIV/AIDS. He asserts, "[W]e have to do everything we can to teach people that, if they're going to be sexually active, they have to protect themselves." Since his views on condom education differ strongly from the statements made by most of the other members of the Bush administration, Powell has been asked to defend his position. He states that although U.S. policy rightfully starts with abstinence, "[F]or us to say that we shouldn't encourage people to use the protection that we know is there is irresponsible."

**WCLA appreciates our many volunteers. We can always use their help. (And yours!)**

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For up-to-date information, please point your browser to WCLA's website, [www.wcla.org](http://www.wcla.org).

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