

Indiana Right to Life Position on Legislative Strategy

January 3, 2017

Indiana Right to Life is committed to ending abortion in Indiana and understands there are many other organizations that share this same goal while embracing different strategies for achieving this goal.

Indiana Right to Life's strategy for pursuing prolife legislation and policies is based on a realistic view of current judicial scrutiny. Our approach has resulted in the Indiana General Assembly passing laws that have contributed to Indiana being one of the most pro-life states in the nation. Abortion numbers in Indiana have dropped for seven consecutive years, bringing Indiana to its lowest number of abortions since 1975 and fewer than half of the abortions committed in Indiana's all-time high of 16,505 abortions in 1982. Much of this can be directly attributed to our hard fought battles at the Statehouse to pass dozens of laws that underscore the humanity of the unborn, including the law we helped pass that requires abortion providers to inform women that human physical life begins at fertilization and the Dignity for the Unborn Act that makes Indiana the first state in the nation to recognize the civil rights of unborn children. We've also fought hard to crack down on abortion businesses, resulting in four of Indiana's ten abortion facilities closing since 2013. We firmly believe this strategy of relentlessly whittling away at the business of abortion while upholding the value of babies and women will result in Indiana becoming the first abortion-free state in the nation.

Indiana Right to Life works tirelessly at building relationships and coalitions through our 38 county and regional affiliates. This includes building strong ties with agencies that help women in need, as well as, working to elect and support prolife state and federal legislators, and persons in various leadership levels throughout our state. We build these relationships on communication, respect and diplomacy, with the resulting fruit being a strong collaborative effort to protect life in Indiana.

We recognize there are individuals and organizations that disagree with our approach, preferring to pursue total abortion ban legislation. We believe this approach will not withstand judicial scrutiny; and worse, could result in a Supreme Court ruling that goes far beyond *Roe vs. Wade* in legally protecting a so called right to abortion. Such a ruling would be nuclear in dismantling many if not all of the pro-life laws we have passed since 1973. This is exactly what Justice Ginsberg has advocated for, and despite the election of Donald Trump, it remains a very realistic threat. It must be noted that only two justices on the current Court, Alito and Thomas, appear to be willing to go as far as to reverse *Roe vs. Wade*. There will need to be at least three additional justices in agreement with Alito and Thomas added to the Court to make a reversal of *Roe* possible. Forcing the issue before a pro-life majority of Supreme Court justices exist risks saddling future generations of pro-life activists with a precedent that more deeply entrenches abortion.

Indiana Right to Life does not agree with the philosophy of passing something now in hopes that the Supreme Court will have a favorable majority of justices by the time a new case banning abortion can be heard -- if it is heard at all. We know the makeup of the current Court contains dangerously progressive justices seeking to do grave injury to the cause of protecting life. For this reason, Indiana Right to Life will continue to pursue its proven strategy of dismantling abortion piece-by-piece, with a realistic view of judicial scrutiny and culture, until there is a clear pro-life majority of justices on the Court who are willing to end abortion once and for all. While respectfully recognizing the rights of others to embrace a different strategy, we believe that steering away from Indiana's successful approach to passing prolife legislation only diverts limited resources and unnecessarily strains relationships with lawmakers and between fellow citizens who share the goal of ending abortion.