Supreme Court: Obamacare mandate is a non-tax tax

In a 5 to 4 decision, with Chief Justice Roberts writing the majority opinion, the individual mandate in Obamacare has been declared constitutional. The government can require people to buy insurance.

The logic to get to that point seems convoluted. The following is information presented by James Bopp, Jr., J.D., Burke Balch, J.D., and Jennifer Popik, J.D., at the National Right to Life Convention.

There were four basic issues before the court.

Issue 1. Should the court even consider the merits of Obamacare?

There's a statute called the Anti-Injunction Act, which says to the court that it can consider the constitutionality of many issues. However, if the issue is a tax, then that issue must be treated in a particular way that protects taxes. The issue can only be brought to the court after other procedures have been followed. (Detail on page 2)

So, with respect to the requirement that everyone purchase health insurance, Congress imposed a penalty on anyone who doesn't buy it.

If that penalty is really a tax, then the court cannot consider it under these circumstances.

Justice Roberts and the four conservatives said that this is not a tax, but a penalty. Therefore they could consider the merits of the case. (The four liberals said that it was a tax and that the Court could not consider the merits of the case.)

Issue 2. The next issue, then, is: Is the penalty, and therefore the mandate, constitutional? For this there are two possible source of authority.

a. One possible source of authority is the Commerce Clause. Here, the question is: Does the Commerce Clause extend so far as to be able to require you to buy a product.

Roberts and the four conservatives said that the Commerce Clause could not require you to buy a product. (The four liberals said it could.)

Life-Lines, published 4 times per year by Rochester Area Right to Life 675 Ling Road, Suite 3; Rochester, NY 14612 585-621-4690; <u>RARTL@righttoliferoch.org.</u> www.righttoliferoch.org. United Way ID #1087 "Members of this Court are vested with the authority to interpret the law; we possess neither the expertise nor the prerogative to make policy judgments. Those decisions are entrusted to our Nation's elected leaders, who can be thrown out of office if the people disagree with them. It is not our job to protect the people from the consequences of their political choices." Chief Justice John Roberts http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf

b. However, the other possible source has to do with the taxing and spending power of the government, under which the government could indeed force you to pay a tax. One might supposed that, since the first issue already determined that penalty is NOT a tax, this question would be irrelevant.

However, Roberts and the liberals said that within the taxing and spending power of the Constitution, the penalty IS a tax and is therefore constitutional. (The conservatives said that it is NOT a tax and is unconstitutional.)

In summary, the majority opinion says that, under the Anti-Injunction Act, the penalty is NOT a tax, but, under the taxing and spending power of the Constitution, the penalty IS a tax and therefore the mandate is legal. Since the penalty is a tax, the government can require you to buy insurance.

Issue 3. Had the mandate been declared unconstitutional, then the question of severability would arise, the question of whether the whole law must therefore be thrown out. However, since the mandate was not declared unconstitutional, this question is irrelevant.

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Issue 4. The fourth issue is the expansion of Medicaid for everyone with an income less than 133% of the poverty level. This now becomes a universal healthcare system for the poor, a system that many states said would bankrupt them.

It was supposed to be optional, but any states refusing to participate would lose ALL their Medicaid funding/reimbursement. Is this coercion permissible?

Seven justices agreed that the Medicaid expansion was really a whole new program. It is not permissible to penalize a state with the withdrawal of the benefits of an existing system because of the refusal of the state to accept a new program. Congress is not allowed to condition a state's continued participation in Medicaid on their agreement to participate in a whole new system. It must be truly optional.

PRENDA fails Obama fine with sex-selection abortion

As you probably know, the Prenatal Nondiscrimination Act would have banned any abortion which the doctor knew was being performed specifically because of the gender of the unborn child.

There were 246 votes in favor of PRENDA in the US House of Representatives, but 17 representatives did not cast a ballot and 168 opposed the measure. Those who opposed the measure were saying that discrimination against little girls should remain legal.

If you would like to know how your Representative voted, go to http://clerk.house.gov/evs/2012/roll299.xml. . You might want to make a phone call or write a letter afterwards. Be sure to be polite even if your Representative voted to allow this lethal form of discrimination.

Chen Guangcheng, the blind Chinese crusader fighting against the one-child policy and forced abortions, arrived in the U.S. after escaping from a brutal form of house arrest in China. If he was following the news, he must have wondered if he had really escaped.

It is strange, with all the publicity about the onechild policy in China and the resulting gender imbalance in the population, that the President opposed the Prenatal Nondiscrimination Act.

Obama's statement said he opposed "gender discrimination in all forms"; however, "all forms" apparently did not include abortion, because the U.S. government "should not intrude in medical decisions or private family matters in this way." He therefore opposed the bill

http://abcnews.go.com/blogs/politics/2012/05/legislation-about-gender-selection-and-abortion-todays-q-for-os-wh-5302012/

A fifth issue was severability of the Medicaid expansion. In a 5 to 4 decision, the justices agreed that the rest of the health care law could stand.

So how would the Anti-Injunction Act apply to a tax?

For instance, suppose you say, "The IRS is raising my income tax. That's unconstitutional." You can't simply challenge it with a lawsuit. Instead you have to follow the IRS process:

- 1. You refuse to pay the tax.
- 2. The IRS assesses the tax.
- 3. You pay the tax.
- 4. You file for a refund.
- 5. You wait 6 months for a refund.
- 6. THEN, if they refuse to give you a refund you can sue.

Population shifts in the Muslim world

Contraception and abortion have long been promoted by the various United Nations groups as a way to lift the population of poor countries out of poverty.

Muslim cultures have traditionally been associated with large families. Some new data specifically for Muslim-majority countries calls into question trying to raise wealth by distributing contraceptives to reduce family sizes.

The 48 countries in the study all have experienced varying fertility rate decreases of an estimated average of 2.6 births per woman over the last 30 years. It is "a markedly larger absolute decline than estimated for either the world as a whole (-1.3) or the less developed regions as a whole (-2.2) during those same years." They range from "marginal" in places like Sierra Leone and Niger to "truly extraordinary." In Omar, the most extreme case, the total fertility rates "plummeted by an astonishing 5.6 births per woman during those 30 years."

As the authors state, "Proponents of "developmentalism" are confronted by the awkward fact that fertility decline over the past generation has been more rapid in the Arab states than virtually anywhere else on earth — while well-informed observers lament the exceptionally poor development record of the Arab countries over that very period."

However, it is a warning to those at the UN intent on reducing population size that reducing births is not a panacea for poverty.

Nicholas Eberstadt and Apoorva Shah "Fertility Decline in the Muslim World", Policy Review, June 2012, No. 173, carried on www.hoover.org/publications/policy-review/article/118261



A big thank-you – and super-size it!

Gerry Oftedahl has retired from her 37 years as the volunteer editor of RARTL's newsletter, Life-Lines.

Gerry? Retired? Actually, we're not sure she really knows how to do that. Gerry is past president of RARTL and of New York State RTL and was the founder of the Leo Holmsten Human Life Award committee. She retired as president of RARTL due to health issues, took a little recovery time, and then promptly started up the Adult Stem Cell Initiative.

We were fortunate that when she retired as president of RARTL she did not retire from writing the newsletter. RARTL has therefore continued to benefit from her encyclopedic understanding of the pro-life movement and its issues, as well as her dedication to the pro-life cause and her willingness to do hard work.

It will take multiple people to replace her. As editor, she collected information on current topics of the day, researched the topics she selected for the newsletter, and then wrote most of the articles, too. And she formatted the newsletter for publication. Yes, the only question is how many people it will take to do what she was doing single-handedly. We wish Gerry well and she goes with our most heartfelt gratitude. Thank you, Gerry.

Who should make policy?

"It is not our job to protect the people from the consequences of their political choices."

Chief Justice John Roberts
http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf

Pro-lifers throughout the land are disappointed that the Supreme Court has left the country with a healthcare plan that uses tax dollars to pay for the death of children and forces a rationing of health care on the elderly, who will not even be permitted to use their own savings to save their own lives.

However, in one sense, it was not the Supreme Court's duty to avert those awful consequences.

This legislation should never have passed the two houses of Congress. We who are disappointed with the verdict need to remember it when we are considering who to honor with our votes in November.

We also need to make sure we understand the positions of our elected representatives currently in office if we are considering voting to keep them in office.

We have the power to repeal this law, which, at the moment seems to be the only way to save the babies and the ill elderly.

Life beginning at conception? Never heard of it.

A pro-life doctor said that after he gave a talk at a medical school, a 4th year medical student commented that it was the first time he had been told that life begins at conception.

Dr. John Bruchalski, National Right to Life Convention 2012, in "Cultural Changes in the Post-Abortion Healing Landscape."

Newsletter help needed

Do you like this newsletter?
Do you like to write? Do you like looking into pro-life topics and explaining them to other people? Are you a rabid proofreader? Are you a fiend for grammar? Do you do cartoons or have other unusual talents?

With Gerry Oftedahl's retirement, we will need multiple talents to produce a newsletter four times per year. If one of these talents (or some other talent) might be yours and you would like to help, please e-mail Anne LeBlanc at LeBlancaj@aol.com or leave a message at the office.

Adult stem cells and bone dust to repair hips

Poor blood supply can cause severe hip arthritis and even collapse of the hip joint. A new procedure developed by Doug Dunlop and Richard Oreffo, in Southampton, England. When poor blood supply has caused significant bone damage (osteonecrosis), surgeons clear the dead and damaged tissue from the joint. The holes left by the surgeon are then filled with a mix of the patient's own stem cells and cleaned, crushed bone from someone else.

Professor Oreffo said, "By using stem cells to send out chemical signals to blood vessels, we hope the body will continue to create new vessels in the hip which supply enough nutrients to maintain bone strength."

Dunlop indicated that they have used the process with several patients and the initial results are quite favorable.

Rebecca Smith

http://www.telegraph.co.uk/health/healthnews/9306075/Thousandscould-be-spared-hip-replacement-with-stem-cell-treatmentdoctors.html

Congratulations, pro-lifers! PepsiCo is no longer using fetal cells

Thank you to those of you who wrote to the PepsiCo, lending your support to the pro-life side. Debi Vinnedge, of Children of God for Life, states that Pepsi has indeed changed its testing process to match its corporate policy and they will no longer use fetal cells in the testing. Their current form letters to inquirers do not indicate any previous wrongdoing, but they have indeed changed their processes.

The original issue was the use of stem cells from an aborted fetus by a company called Senomyx. PepsiCo and other companies use Senomyx to do testing for them on a contract basis. Senomyx was using the fetal cells in a fairly standard way to identify potential new flavors that Pepsi might want to follow up for further testing, to improve the taste of their products.

Vinnedge identified the problem over a year ago. She asked Pepsi to change their contract with Senomyx to require that the fetal cells not be used.

Pepsi refused and Vinnedge initiated a boycott of Pepsi products. Although Pepsi was initially not very concerned with the boycott, a shareholder resolution filed in November last year caused the beginnings of re-evaluation. Their corporate policy had stated that they would not use techniques like the fetal cells, and they were not following their own policy. Adding to the pressure was a heavy boycott in their international market, led by Poland, where the boycott group was running daily radio ads on all the radio stations, thanks to the help of strong pro-lifers there.

A complaint filed with the SEC led to a statement by the SEC that PepsiCo was not required to disclose the information to their shareholders. Although it was an apparent victory for Pepsi, it made for unpleasant publicity when Children of God for Life replied with publicity blasting Pepsi and President Obama's administration.

Kudos to Debi Vinnedge, Children of God for Life, and the many pro-lifers whose dedication produced a successful outcome.

Peter Singer receives award for bio-WHAT?

Amid public outcry, Peter Singer was hired by Princeton for a bioethics chair in 1999. At the time, he argued for infanticide to be a choice for parents of handicapped newborns for a certain period of time. Since then he has continued in what pro-lifers recognize as the wrong ethical direction. He doesn't regard newborns as persons, for instance, and so is not as concerned about killing one of them as he would be about killing "a person."

He has now been awarded Australia's highest civic award "for eminent service to philosophy and bioethics as a leader of public debate and communicator of ideas in the areas of global poverty, animal welfare and the human condition."

Not bad, for someone who, in addition to approving of infanticide, recommends using the disabled in medical experiments, supports health care rationing favoring the young and able-bodied, defends bestiality, and is the founder of the Great Ape Project. The Great Ape Project identified all the great apes, including us, as being on the same level, and, according to him, all have, among other rights, the right to life.

So an adult chimpanzee has a right to life, but your newborn grandchild doesn't? That's ethics? Sad. Read more at Wesley J. Smith http://www.cbcnetwork.org/2012/06/peter-singers-views-deserve-scorn-not-awards/

"After-birth abortion" advocates an apology without a retraction

Life-Lines' last issue carried information on an article by Alberto Giublini and Francesca Minerva advocating "after-birth abortion." That article resulted in what the two authors called "abuse" by many people who read the article online and sent them angry e-mails, even death threats. They were bewildered by the firestorm when, as they said, this debate "has been going on for 40 years."

They said they are so sorry to have upset people, they "never meant to suggest that after-birth abortion should become legal," they are just "philosophers," and they do not deal with "legal policy."

However, they retract nothing of what they said. They did not reject their contention that newborns aren't people, that "merely being human is not in itself a reason for ascribing someone a right to life." Nor do they necessarily recommend adoption, since adoption could be emotionally stressful for the mother. And they do think that society should enshrine their ideas in law.

As Wesley J. Smith says, "Indeed, threats are never permissible. But it was absolutely necessary to push back against their arguments and discredit their ideas." Wesley J. Smith http://dailycaller.com/2012/03/06/after-birthabortion-advocates-non-apology-apology/

Gublini and Minerva article

http://jme.bmj.com/content/early/2012/03/01/medethics-2011-100411.full

Life-Lines 5 Summer 2012

The LHHL Committee Presents the 16th Annual Leo Holmsten Human Life Award to

Anne LeBlanc

- President of Rochester Area Right to Life
- 2nd Vice President New York State Right to Life
- Board member Frederick Douglass Foundation of New York



Join us at the awards dinner: September 21, 2012

Hyatt Regency Rochester

125 E. Main St. Rochester, NY 14604 Parking available in the South Avenue Garage

5:45 PM Reception & Cosponsor Exhibits 6:30 PM Dinner

Reservations:

Cost: \$50 per person - Tables of 8

Please include a check payable to LHHL and send check and reservation including entrée choice to:

M. Diann Conquest 307 Tobey Road Pittsford, NY 14534

For more information

Phone: Dorothy (585/342-4175) or Cathy (585/749-8078)

E-mail: info@lhhl.org

Menu

Salad: Fresh Garden Greens with Cucumbers, Tomatoes, Carrots, and Croutons served with Ranch and Citrus Basil Vinaigrette

Choice of Entrée:

- Pan Seared Chicken Breast with a Roasted Shallot Demi-Glace, Garlic Mashed Potatoes, Broccolini
- Grilled Salmon with a Mango and Red Pepper Salsa, Jasmine Rice, Broccolini
- Napoleon of Grilled Vegetables and Olive Polenta Cake, Broccolini

Dessert: Chocolate Mousse Cake

(We can accommodate special dietary needs.)

Name:		Telephone:	
Address (street, o	city, state, zip):		
Menu choice:	Pan Seared Chicken Breast	Grilled Salmon	Napoleon of Grilled Vegetables
Name:			Telephone:
Address (street, o			
Menu choice:	Pan Seared Chicken Breast	Grilled Salmon	Napoleon of Grilled Vegetables
Name:			Telephone:
Address (street, o	city, state, zip):		
Menu choice:	Pan Seared Chicken Breast	Grilled Salmon	Napoleon of Grilled Vegetables

(For additional registrations, please use a separate sheet.)

\$100 for a threat in South Carolina

Charleston abortionist Dr. Gary Boyle, apparently annoyed at the presence of 40 Days for Life volunteers, pointed a loaded semi-automatic handgun at them as he pulled into a nearby driveway. The pro-lifers were terrified.

Boyle was arrested and charged with "aggravated assault with a firearm." However, this was later reduced to "presenting a firearm" and then again reduced to "disorderly conduct." This is a misdemeanor, punishable by a fine of \$100 or a 30-day jail sentence. Boyle has a gun license and since this is only a misdemeanor his license will not be revoked.

One of the frightened volunteers, John Karafa, read a "victim statement" to the court before sentencing. He said, "On the morning of the gun pointing incident we, the victims were having a discussion and waiting on the sidewalk to give out literature to anyone willing to take it. We had no way of knowing that the abortion doctor was going to turn in there since his business was next door with the entrance on Fussler Street. The video evidence shows that the doctor approached from behind us and made a left turn onto the driveway to the dentist's office, near where we were standing. We did not move but just watched him go by. It was shocking to see that he was pointing a gun at us. We were not aggressive in any way. If the doctor was afraid of us, we gave him no reason to be. He could have driven around to the front of the abortion clinic where he has a security guard and security cameras."

He added, "Dr. Boyle's attorney told the court at the last hearing that ... the Doctor always carries the gun in his lap when going to the abortion clinics. If it is for safety and readily available there was no need to show the gun by pointing it at us since he was in a moving vehicle with the windows up."

Read more at St. Thomas More Society: https://www.thomasmoresociety.org/2012/06/29/gun-wielding-abortionists-chcarges-reduced-to-mere-slap-on-the-wrist/
and John Karafa statement: http://www.scribd.com/doc/98664102/Statement-by-John-Karafa

Ultrasound help for Rochester pregnancy centers

There's a new ultrasound machine in town, be used for referrals by four local pregnancy centers: Embracing Options (Arnett Boulevard), Place of Hope (Bay and Goodman), Birthright (East Rochester with satellite offices), and the FOCUS Pregnancy Center (near Planned Parenthood on University Avenue).

The portable ultrasound machine is in the office of Dr. William Morehouse, whose medical practice is on Arnett Boulevard in Rochester.

The price tag for the machine was \$28,000, half of which was provided by the Supreme Council of the Knights of Columbus, on the condition that the other half be raised locally. Participants in the local effort included the Catholic Diocese of Rochester, 14 parishes in the Diocese of Rochester, the New York State Knights of Columbus, 38 councils in the Finger Lakes Chapter of the Knights of Columbus, and a few individual contributors.

The fundraising was so successful that not only has the machine been paid for, but the maintenance contract and operating costs are funded for the next five years. Congratulations are due to Dean Hamingson and Jann Armantrout for their work in recruiting and coordinating and cajoling and planning and re-planning – a story of remarkable persistence.

The ribbon-cutting ceremony, on June 20, was a step on the way to what Hamingson described as their goal: to reduce abortions and save lives. Not a bad goal.

Tolerance: a choice they didn't make

Colorado residents Keith and Jennifer Mason have three small children, with a fourth due very soon. Shortly after they were profiled in a Newsweek article, a large rock was thrown through the glass of their front door, scattering glass on the children's toys, and vulgarities were spray painted on the front and sides of their house.

A few days later, a volunteer gathering signatures on a petition was assaulted, resulting in injuries that included a broken hip.

Why were they treated so hatefully? They're prolifers. The volunteer was working on Colorado's personhood initiative and the Masons are leaders of Personhood USA. Apparently the pro-life side is the only side required to be tolerant.

http://www.personhoodusa.com/press-release/personhood-leaderssuffer-violent-attacks-pro-abortion-terrorists-following-newsweek-f

Rochester job opportunities at the Women's Care Center

This Catholic pro-life pregnancy center on Lake Avenue is offering part-time **paid** positions. They are looking for an Executive Director and an Assistant Director focusing on program development and client care. An Office Manager position is also open, to do scheduling, records management, material aid requests, and correspondence.. A full description can be found on their website at

http://www.rochesterwomenscare.com/jobs.htm

Call them at (585) 865-0360.

As they say,

"... the benefits are out of this world ..."

Life-Lines 7 Summer 2012

Suggested prayers

Please become a **prayer partner**. Spend 5-10 minutes daily in prayer about life issues to provide a 24-hour prayer shield over our area. Join in the following monthly prayer themes that

July: freedom isn't free and life and its protection can be very costly. May we be willing to pay the cost in our time and effort.

August: the swimming season that sometimes leads us to consider our minor physical imperfections gives us a new vigor for defending those whose imperfections leave them vulnerable to deliberate death.

September: that with new beginnings we will give thought to the new life that begins at conception.



IN MEMORIAM

Marilyn Doyle

(lifetime membership in Rochester Area Right to Life)

Eileen Wilkin Patrick Donohue Georgia Cowles

(Mary and Wally Jerome)
(Marjorie Knowles)
(Kathleen Owens)
(Mike and Diane General)
(Marilyn Garland)
(Michele and Todd Stone)

CONGRATULATIONS

Kris Zegarelli and Craig Muir, Jr.

Save the date: October 30

RARTL's Annual Meeting with speakers will be Tuesday, October 30. 5:30 PM. Supper followed by speakers. Details to come! No charge! Mark your calendar and plan to bring a friend.

Other dates to save

August 8 – 11 RARTL's garage sale – see back cover. **September 9** Knights of Columbus Golf Tournament to benefit Focus and the Women's Care Center. To register, call (585) 317-1351.

September 21 Leo Holmsten Human Rights Award dinner

October 13 Magnificat breakfast

October 13 Birthright Walk at Roberts Wesleyan

October 14 Birthright Walk at St. John Fisher. For questions, call Birthright at (585) 385-2100.

October 30 RARTL's Annual Meeting

November 6 Election Day – **VOTE!**

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Send to RARTL; 675 Ling Road; Suite 3; Rochester, NY 14612 Donation not required, but most welcome Make tax-deductible check payable to RARTL Education Fund					
Name					
Address					
CityStateZip					
Telephone					
E-mail address					
Enclosed is donation of \$					

RTL MEMORIAL/HONOR TRIBUTE You are welcome to remember an event/achievement or a

NRLC Convention CDs

_Zip__

Address

City_____St.____

For any article in this newsletter that references the National Right to Life Convention, there are audio CDs available for the presentations through NRLC. There are also some private copies here in Rochester that would be available for local loan. Call the office if you have questions.

Rochester Area Right to Life Committee, Inc, Education Fund 675 Ling Road; Suite 3 Rochester, New York 14612

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RARTL's Fundraiser Garage Sale August 8 – 11 Is there STUFF you want out of your house? Please call RARTL!

Shop 9:00 AM – 6:30 PM daily (except for early 3 PM close on Saturday)

Wednesday, Aug 8 through Saturday, August 11 at 2148 Norton Street, Rochester 14609 (Rain dates are August 22 – 25.)

Maxim Sharpeners will be there Wednesday, Thursday, and Friday from 9 AM - 3 PM, so bring your dull kitchen knives and balky scissors and have them sharpened while you shop. Maxim is donating 100% of the proceeds to RARTL.

Do you have some still-useful items around the house that you don't want any more? You could drop them off on Norton Street beginning Monday, July 30, and we will sell them! It's a good idea to call Marylee or Tom (342-1177) first to be sure someone will be

home. To make any other arrangements, call Pat at the office at 621-4690.

Note: Children's clothing is usually in high demand. Also, if you have plastic storage tubs you no longer need, we can use them.

You would like to help, with the setup in the morning, the takedown at night, or any time in between, please let Pat know. Teens especially welcome!

Thank you!