

Life

The Freedom of Choice Act

NOTES

Right to Life of Michigan

www.rtl.org

Focusing on FOCA

With the election of Barack Obama as President of the United States, prolife people will again deal with the issues presented when a pro-abortion president occupies the White House. This fact sheet will explain one of the most dangerous issues facing the unborn: The Freedom of Choice Act.

What is the Freedom of Choice Act (FOCA) and what would it do?

The Freedom of Choice Act (FOCA) is federal legislation which would enshrine abortion on demand as a “fundamental right” in federal law. It would repeal any federal, state, or local government law, regulation, policy, or action that would “deny or interfere with” a woman’s access to abortion or which would “discriminate against the exercise of” this newly created right in the regulation or provision of any “benefits, facilities, services, or information.”

FOCA is sometimes referred to as a bill to “codify *Roe v. Wade*.” This is misleading because the sponsors and supporters of the bill have acknowledged that it would go far beyond *Roe v. Wade* and eliminate many lifesaving laws which have been upheld by the U.S. Supreme Court. If passed and signed by the president, FOCA would void every local, state and federal law which restricts abortion including laws regulating tax-funded abortions, limits on abortion in public or military facilities, informed consent/waiting period legislation and bans on partial-birth abortion. It would also invalidate all laws requiring parental notification or consent for abortions performed on minors, laws which permit health care providers to opt out of participation in abortion on conscience grounds and laws prohibiting non-physicians from performing abortions.

While they strongly disagree on whether FOCA should become law, there is no debate among prolife and pro-abortion organizations on the ramifications of FOCA. Planned Parenthood, America’s #1 abortion provider, issued a fact sheet on FOCA in 2004 which stated:

“FOCA will supercede anti-choice laws that restrict the right to choose, including laws that prohibit the public funding of abortions for poor women or counseling and referrals for abortions. Additionally, FOCA will prohibit onerous restrictions on a woman’s right to choose, such as mandated delays and targeted and medically unnecessary regulations.”

Continued on the back

FOCA's History

An earlier version of the Freedom of Choice Act was pushed by pro-abortion forces beginning in the late 1980s. In 1989, Senator Alan Cranston and Representative Don Edwards introduced the original version of the Freedom of Choice Act when pro-abortion groups were concerned the U.S. Supreme Court might overturn *Roe v. Wade*. Similar versions of FOCA were introduced until 1995. When President Bill Clinton, a FOCA supporter, took office in January 1993, Planned Parenthood predicted that the FOCA would be law within six months, but the bill died after an education and lobbying campaign by prolife organizations.

Enthusiasm for the original FOCA faded after Republicans took control of the House of Representatives in the 1994 election.

The most recent version of FOCA was introduced in April 2007 following the U.S. Supreme Court's decision in *Gonzales v. Carhart*. *Gonzales v. Carhart* upheld the federal ban on partial-birth abortion. When Congress begins its new session in 2009, it is likely that FOCA will be re-introduced.

The most recent version of FOCA differs from some of the previous versions introduced in the 1990's. Those bills contained specific sections which noted the legislation couldn't be construed to force states to pay for abortions, prevent states from protecting physicians whom object to perform abortions or prevent states from enforcing parental involvement laws. Those sections have been eliminated from the most recent version of FOCA. The most recent version of FOCA also includes a "findings" sections which contains a number of pro-abortion myths including the false claim that thousands of women died annually from illegal abortions before *Roe v. Wade*.

Barack Obama and FOCA

While in the U.S. Senate, Barack Obama became one of only 19 U.S. Senators to co-sponsor the Freedom of Choice Act (S. 1173) introduced by Barbara Boxer in April of 2007. To further show his support for FOCA during the Democratic primary election campaign, Barack Obama said the following in a speech to the Planned Parenthood Action Fund on July 17, 2007:

*"The first thing I'd do as president is sign the Freedom of Choice Act.
That's the first thing that I'd do."*

While it is impossible that signing the Freedom of Choice Act would be the first thing President Barack Obama would do in office, his advocacy for abortion and his promise to pro-abortion groups have shown that he would happily sign FOCA if it passed both the U.S. House and U.S. Senate. In the 111th U.S. Congress, both the U.S. Senate and U.S. House will be controlled by pro-abortion leadership. Prolifers will need to strongly voice their opposition to the Freedom of Choice Act and educate their fellow citizens about the tragic ramifications which would occur if this legislation passes.

Helpful Web Sites Dealing with FOCA

<http://www.rtl.org/html/FrontPageMatter/FOCA.htm>

<http://nrlc.org/FOCA/index.html>

<http://www.fightfoca.com>

<http://www.usccb.org/prolife/issues/FOCA/index.shtml>