



AGAINST OUR WILL

How National Anti-Choice Groups are Targeting the Pro-Choice Majority in Colorado

ACKNOWLEDGEMENTS

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In 1973 the Supreme Court handed down a seven to two ruling in the landmark case of *Roe v. Wade* that declared a Texas state law banning abortions as unconstitutional. Recent polling indicates only 20% of Americans wanted *Roe v. Wade* overturned, down from 31 percent in 2003 and 34 percent in 1992. Example 1992. Example 1992 in 10 Americans steady, and actually has increased in recent years. In 2016, despite 7 in 10 Americans not wanting *Roe v. Wade* overturned, anti-choice groups continue to push their ideologically motivated legislative agenda on the pro-choice majority.

Americans draw a <u>stark line between</u> their judgements of morality for a private decision such as abortion and what they think the government should ban.ⁱⁱⁱ This reiterates that a majority of Americans know that their personal moral or religious beliefs should not interfere with the individual and very personal decisions of women regarding the range of reproductive options.

A recently published peer-reviewed <u>study</u> found that, of the sample population of hundreds of women who had abortions, more than 95 percent reported that an abortion was the right decision for them, even over the three years following their decision.^{iv}

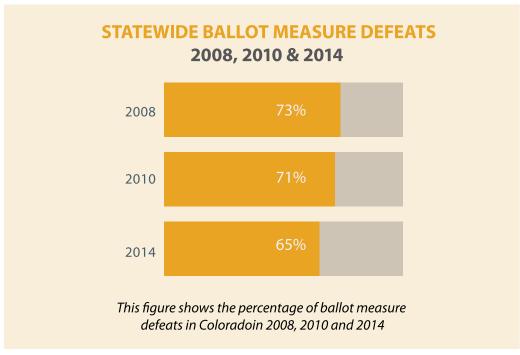
Colorado is unique as it has seen four attempts to establish personhood with a statewide ballot initiative campaign. In 2008, 2010 and 2014, it was a statewide ballot measure. In 2012, there were not enough verifiable signatures collected to place the measure on the ballot. In 2014 Colorado voters handily defeated a third attempt at establishing personhood since 2008, with 64.87% of voters rejecting Amendment 67. Life News admitted that the Amendment did not exempt abortion and thus was unconstitutional.



Sarah Weddingto

The three statewide ballot measures have led to voters discussing the issue of abortion access in a direct manner, and galvanized support for the general notion that Colorado voters do not support a ban on abortion. Colorado voters have been specifically asked this question over seven years, representing a consistent opposition to this concept. This is distinctive at a time when more than 500 anti-choice bills have been attempted in state legislatures across the country, and over 230 anti-choice bills have been passed into law since 2010.

These votes alongside the polling results of the national and state-specific 7 in 10 research positions Colorado has intentionally indicating there is a pro-choice majority.



NARAL Pro-Choice Colorado

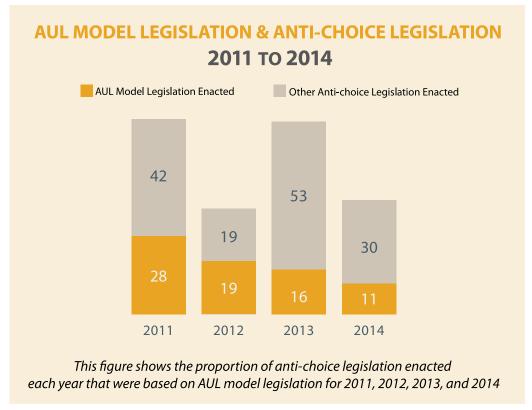
Despite this data and relative consistency of position, Americans United for Life and Alliance Defending Freedom are two national groups intent on forcing their anti-choice agenda on the pro-choice majority around the country, including opening a new front in Colorado.



AMERICANS UNITED FOR LIFE

Americans United for Life (AUL) is an anti-choice organization based in Washington, D.C., intent on reversing the *Roe v. Wade* decision and enacting fetal personhood legislation throughout the country. In fact, the organization calls itself the "legal architect of the pro-life movement."

Of the 118 state laws restricting abortion access from 2011 to 2014, nearly one third were based on model legislation from the AUL or with assistance from AUL staff and supporters.^{ix}



NARAL Pro-Choice Colorado

AUL Action, the legislative arm of the organization, provides personnel to offer witness testimonies during committee hearings, including General Counsel Ovide Lamontagne and Executive Director Dr. Charmaine Yoest. Dr. Yoest is not a medical doctor—she has a Ph.D. in politics.*

"AUL asserts that their model legislation "enables legislators to easily introduce bills without needing to research and write the bills themselves. XIII

The organization's annual publication *Defending Life* summarizes "life" legislation by state, with a ranking of the states by "life" legislation and a list of model legislative priorities for each state. "Completing the publication are model legislation outlines for bills such as *Women's Health Protection Act*, the *Women's Ultrasound Right to Know Act*, and the *Crimes Against the Unborn Child Act*.

Sound familiar? They should—AUL has worked in all 50 states to try to impose this anti-choice legislation under the guise of protecting women's health. Xii By promoting this anti-choice legislation under the façade of women's health, AUL is trying to impede abortion access one step at a time with the end goal of overturning *Roe v. Wade* and eliminating a woman's right to make her own reproductive choices.

AUL asserts that their model legislation "enables legislators to easily introduce bills without needing to research and write the bills themselves."xiii This means that legislators who introduce bills based on this model legislation do not have to think through the bills they are introducing and might not fully understand the requirements and implications of such bills, relying instead on the misleading titles.

One example of misleading anti-choice model legislation is the dubiously named *Women's Right to Know Act*, which would introduce fetal personhood language into the law and mandate that women have an ultrasound at least 24 hours prior to an abortion. Thus effectively requires two separate visits to the clinic, with optional sections on sharing information on supposed fetal pain and the unsupported claim of chemical abortion reversal.*iv The ultrasound image must be "of a quality consistent with standard medical practice in the community."*vv For those women seeking an abortion at or before 12 weeks of pregnancy, which accounted for 89 percent of abortions in 2010, this would require a transvaginal ultrasound, wherein a 10 inch medical probe is inserted into the vagina.*vvi,xvii

AUL is a partner organization of World Congress of Families (WCF), an organization explicitly opposed to homosexuality, divorce, and women's choice. xviii, xix In the April 2009 WCF newsletter, Dr. Yoest was applauded for her contributions to the "pro-family movement"—on the page following WCF's positive note on Uganda's resistance to legalize homosexuality in consideration of a law that would penalize same-sex relations (This was given the nickname of the "Kill the Gays" bill by the media.). xx,xxii William Saunders, Senior Vice President for Legal Affairs and Senior Counsel for AUL spoke at the 2004 and 2009 WCF Congresses opposing not only abortion, but also stem cell research and in vitro fertilization. xxiii, xxiii

AUL also joined with Alliance Defending Freedom to file an <u>amicus brief</u> opposing in vitro fertilization in Costa Rica. xxiv

In 2015 Colorado legislators introduced five bills and one resolution based on AUL model legislation:

| BILL NUMBER | BILL TITLE | AUL TITLE | WHAT IT WOULD DO IN CO |
|---|---|---|--|
| SB15-268 (failed to pass House committee) | Offenses Against Unborn Children | Crimes Against the Unborn Child Act | Introduces fetal personhood language into Colorado law |
| Sponsored by Cadmai T., Roberts, Scheffel, S | | rdner, Cookie, Crowder, Lambe | rt, Marble, Martinez, Humenik, Neville |
| SB15-285 (failed to pass Senate committee) | Women's Reproductive Information Guarantee for Health and Transparency (RIGHT) Act | Women's Right to Know Act | Mandatory Ultrasound (transvaginal during first 12 weeks, when nearly 90 percent of abortions occur) At least two separate trips to the provider (increasing cost, time off work, etc.) |
| Sponsored by Neville | T. Cookie, Crowder, Grantham, Ho | lbert, Marble, Woods. Neville | P. and Saine, Humphrey, Buck, Everett |
| HB15-1112 (failed to pass House committee) | Born-Alive Infant Protection Act | Born-Alive Infant Protection Act | Duplicates national legislation |
| | | | Increases threats to and risks for doctors who provide abortions after first trimester |
| Sponsored by Landgro Willett, Windholz | af, Buck, Carver, Humphrey, Joshi, | . Nordberg, Saine, Brown, Cord | am, Lundeen, Neville P., Ransom, Tate, |
| HB15-1128 (failed to pass House committee) | Women's Health Protection Act | Women's Health Protection Act | • Targeted regulation of abortion providers (TRAP) law |
| | | | Medically unnecessary and burdensome regulations designed to close clinics |
| | | | Increases cost with additional fees |
| Sponsored by Neville I Baumgardner, Marbl | P., Humphrey, Saine, Everett, Josh e | i, Nordberg, Ransom, Van Wir | akle. Neville T, Lundberg, Woods, |
| HB15-1162 (failed to pass House committee) | Prenatal Sex Nondiscrimination Act | Prenatal Nondiscrimination Act of [Insert Year] | Stereotypes cultural groups based on history Requires doctor inquiry and judgement of a woman's personal decision |
| | | | • |
| Sponsored by Nordbe | rg, Priola, Humphrey, Van Winkle, | , Carver, Saine, Lundeen, Szab | • |
| Sponsored by Nordber SR15-003 (passed Senate) | rg, Priola, Humphrey, Van Winkle, Senate Resolution Concerning Pregnancy Resource Centers | Joint Resolution | • |



ALLIANCE DEFENDING FREEDOM

Alliance Defending Freedom (ADF) is an anti-choice, anti-LGBT legal organization based in Scottsdale, AZ, that emphasizes, "the right of people to freely live out their faith."xxv Formerly the Alliance Defense Fund, ADF was founded by fundamentalist Christians and remains a "Christ-centered ministry" intent on codifying and protecting what it refers to as religious liberty.xxvi

The ADF website lists a wide array of organizational allies, but a common conservative Christian thread runs through nearly all of them. Allies include Advocates International, the American Center for Law and Justice, the American Freedom Law Center, Americans United for Life, the Bioethics Defense Fund, the Center for Religious Expression, the Christian Law Association, the Federalist Society, the Thomas More Law Center, the Family Research Council, the Heritage Foundation, and Focus on the Family, among others. xxvii

ADF also has over 2,400 <u>allied attorneys</u> who take on pro-bono cases and research involving what ADF deems challenges to religious freedom.

xxviii These include opposition to bills that provide a harassment-freespace around abortion clinics and policies that support a safe space for students who identify as part of the LGBT community.

xxix,xxx

During the 2015 legislative session in Colorado, <u>ADF senior counsel</u> <u>Michael J.</u>

Norton testified on at least six bills, of which four were based on model legislation from Americans United for Life.xxxi He represented Colorado Family Action, an anti-choice organization associated with CitizenLink, Focus on the Family, ADF, and Family Research Council, on at least four bills and Colorado Christian University on one bill.xxxii Norton's wife Jane, former Colorado Lieutenant Governor under Bill Owens from 2003 to 2007, is a <u>Centennial Institute Fellow</u>, advising policy in support of Colorado Christian University's strategic objectives.xxxiii

ADF is also a proponent of Religious Freedom Reformation Acts, or RFRAs. ADF attorney Joseph La Rue testified in favor of Arizona's SB-1062 in 2014, and ADF attorney Doug Napier criticized Arizona Governor Jan Brewer's decision to veto the controversial bill. XXXIV Anderson Cooper reported that ADF representatives, along with the Center for Arizona Policy, "didn't just push for the bill, they also helped write the bill."

RFRAs would not just legalize discrimination against same-sex couples and LGBTQ individuals for religious reasons, but would also, for example, allow pharmacists and pharmacies to refuse to fill valid birth control, emergency contraception, or other prescriptions if they objected on religious grounds. ADF's litigation counsel *Kellie Fiedorek stood behind *Indiana Governor Mike

Pence at the private signing of the RFRA bill in 2014, and ADF senior counsel Michael J. Norton testified on behalf of Colorado HB15-1171, a "State Freedom of Conscience Protection Act," sponsored by *Rep. Gordon Klingenschmitt (R-HD15, Colorado Springs), which died in committee in March 2015. **xxvi**

In <u>2010</u> and <u>2011</u> ADF donated a total of \$20,000 to Rep. Klingenschmitt's <u>The Pray in Jesus Name Project</u>, which is listed as an <u>anti-LGBT hate</u> group by the Southern Poverty Law Center. **xxvii, xxxviii, xxxxii*

In a published list of perceived <u>attacks from the Obama administration</u> <u>on religious freedom</u>, ADF includes actions such as:

- Signing the "Hate Crimes" law;
- Requiring federal housing programs to recognize and allow families with same-sex couples;
- Recording an introduction to Cosmos: A Spacetime Odyssey;
- Approving over-the-counter sale of Plan B emergency contraception to women of any age, including those under age 18;
- Allowing the Air Force Academy to permit cadets to opt-out of saying "So help me God" at the end of the honor code; and
- Issuing a commemorative stamp of assassinated GLBT leader Harvey Milk.xl

"In 2010 and 2011 ADF donated a total of \$20,000 to Rep. Klingenschmitt's The Pray in Jesus Name Project, which is listed as an anti-LGBT hate group by the Southern Poverty Law Center.





In 2003, ADF Counsel of Record Glen Lavy submitted an amicus brief on behalf of the Texas law criminalizing sodomy between same-sex couples. When the U.S. Supreme Court struck down laws criminalizing gay sex, ADF emphasized their perseverance in criminalizing, or not decriminalizing, gay sex. That same year, ADF President and CEO Alan Sears co-authored the 2003 book The Homosexual Agenda: Exposing the Principal Threat to Religious Freedom Today with Craig Osten.

ADF efforts to criminalize gay sex go beyond just the United States. The Southern Poverty Law Center asserted in 2013 that ADF supplied lawyers and legal advice in the case in Belize seeking to maintain the criminalization of gay sex, punishable by a 10-year sentence. Local Belizean Pastor Scott Stirm, an advocate of the anti-sodomy law, admitted that ADF had provided "advice, legal assistance and strategies" to uphold the criminality of same-sex relation. Local Belizean Pastor Scott Stirm,

Speaking in reference to the 2013 decision of the India Supreme Court to uphold criminalization of same-sex intercourse, ADF International Executive Director Benjamin Bull declared, "When given the same choice the Supreme Court of the United States had in *Lawrence vs. Texas*, the Indian Court did the right thing."

ADF's anti-choice rhetoric is extreme. Sofia Martinez, legal counsel for ADF International in Latin America, opposed a Colombian law that would include "abortion as a right for women in armed conflict who are victims of sexual violence."xlvii, ADF also supported Costa Rica's ban on in vitro fertilization filing an amicus brief in the Inter-American Court of Human Rights. xlviii, xlix Bull opposes any form of civil union or domestic partnership that is not marriage, in the "traditional" sense of the word, as well as families that lack the "legitimacy" of a marriage.

Alliance Defending Freedom (and formerly the Alliance Defense Fund) is a <u>partner</u> of the <u>World Congress of Families (WCF)</u>, an organization explicitly opposed to women's choice, homosexuality, and divorce. In 2013 ADF International Executive Director Benjamin Bull was on the <u>WCF planning committee</u> for the Congress to be held in Moscow in 2014, which also discussed a special forum with <u>Yelena Mizulina</u>, one of the forces behind Russia's law banning promotion of homosexual rights to minors.

At various WCF conferences, ADF executives and representatives have presented on how hate speech laws and anti-discrimination laws take away religious liberty and freedom of expression. In 2007, 2009, and 2012 ADF International Executive Director Benjamin Bull spoke on the "traditional" family, including how the aspects of hate speech laws that are "particularly problematic for Christians in particular" are those that refer to perceived critical speech of homosexual behavior and "bans on any expression criticizing aspects of another religious belief system." Iv,Ivi,Ivii

Titles of other WCF presentations from ADF personnel include:

- "Hate Speech Laws and Anti-Discrimination to Marginalize Believers," Paul Coleman, 2012; Viviii
- "Violation of Rights of Conscience: Plenary Session: The Homosexual Lobby," Roger Kiska, 2012; lix
- <u>"The Homosexual Legal Agenda Religious, Freedom and Family: Plenary Session: The Homosexual Agenda,"</u> Alan Sears, 2012; lx and
- "The Threat from Transnationalist Progressivism: Sexual Orientation and International Law," Piero A. Tozzi, 2012. |xi

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CRISIS PREGNANCY CENTERS IN COLORADO

Crisis Pregnancy Centers (CPCs) are a national network of generally unlicensed, unregulated religious extremist anti-choice organizations posing as comprehensive health care clinics, organized by the anti-choice movement to discourage women from choosing abortion. Also referred to as Pregnancy Resource Centers, CPCs do not provide appropriate support and information so that women facing unintended pregnancy can understand all of their options. In addition, the vast majority of clinics across the country do not employ medical doctors, provide medical treatments or test for STD's, STI's or any type of healthcare screenings including for breast cancer.

CPCs consistently use false or misleading advertising to pose as women's clinics to lure in women with unplanned pregnancies, despite often not having a doctor on staff. CPC workers and volunteers use anti-abortion rhetoric with information that is neither medically nor scientifically accurate. Reports indicate that CPCs intentionally misinform women seeking pregnancy-related information. Lxii, Lxiii

A special investigation by the Committee on Government Reform published <u>False</u> and <u>Misleading Health Information Provided by Federally Funded Pregnancy Resource</u> <u>Centers</u> in July 2006, which found that 20 out of the 23 CPCs investigated provided false and/or misleading information regarding a link between breast cancer and abortion, about the effects of abortion on future fertility, and about the mental health effects of abortion. Liviv

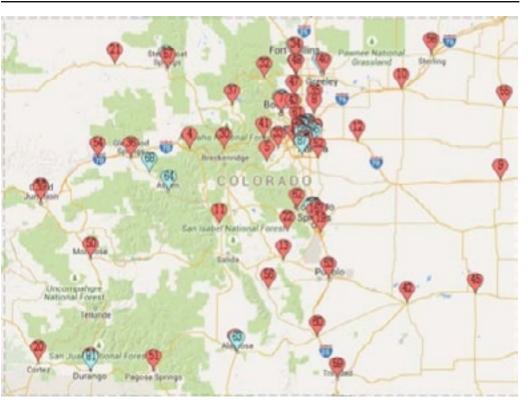
As a Family Research Council report made clear, <u>CPCs target women</u> with unplanned pregnancies who are considering abortion. <u>Ixv NARAL Pro-Choice America</u> published a report on its investigation of CPCs, documenting the anti-choice tactics used to prevent a woman from having full information to make her own decisions about her pregnancy. <u>Ixvi So-called counselors at CPCs are routinely not licensed</u>, but instead are ideologically-motivated peer counselors. <u>Ixvii</u>

A <u>yearlong investigation</u> into pregnancy centers found that many centers shame and harass women who may consider abortion or even adoption, using rhetoric supplied by their umbrella organizations such as Care Net or Heartbeat International. CPCs advertise by suggesting a discussion of options, but do not advertise their ideologically-motivated views or the fact that those options do not include abortion or future contraception. Ixviii

"New report: crisis pregnancy
centers target and lie to women
about abortion options, naral prochoice america finds

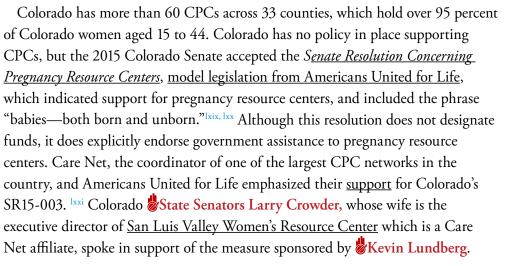
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This map shows the approximate location of crisis pregnancy centers (red) compared to abortion providers (blue). CPCs outnumber abortion providers in Colorado by approximately three to one.

"Because CPC employees typically are not medical professionals or doctors, there is no confidentiality law governing their actions even if the CPC claims confidentiality.



Although individual CPCs may disguise their purpose by saying that they provide full information, the national CPC networks emphasize their anti-choice views in mission and vision statements. For <u>Care Net</u>, that means "a culture where women and men faced with pregnancy decisions are transformed by the gospel of Jesus Christ and empowered to choose life for their unborn children and abundant life for their families." Ixxiii The National Institute of Family and Life Advocates aims to achieve an "abortion-free America." Ixxiii Heartbeat International wants "to make abortion unwanted today and unthinkable for future generations." Ixxiii Heartbeat International wants "to

Because CPC employees typically are not medical professionals or doctors, there is no confidentiality law governing their actions even if the CPC claims confidentiality. CPCs continue to harass a woman after leaving the clinic, such as by contacting the parents of minors to inform them of their daughter's sexual activity or by contacting a woman via phone or mail.

CPCs often set up offices near family planning clinics and/or abortion providers in order to intercept women who might consider abortion. For instance, the following three CPCs are located less than 0.6 miles from a <u>Planned Parenthood clinic</u> that offers abortion services:

- <u>Lighthouse Women's Center</u> (Denver);
- Real Choices Pregnancy Care Center (Boulder); and
- Colorado Springs Pregnancy Center's Westside.

COLORADO CPC CONNECTIONS

Colorado Senator Larry Crowder's wife Cheryl is the executive director of San Luis Valley Women's Resource Center, a CPC in Alamosa and a member of the Care Net network. Senator Owen Hill serves on the board of Save the Storks, an organization that provides mobile units for CPCs to target women who might consider getting an abortion, by stationing outside of universities and in front of clinics that provide abortion services. Served on the Board of directors for Life Choices Pregnancy Centers through at least 2013, though the CPC does not list its current board of directors anymore. Services

CONCLUSION

These anti-choice laws are part of a decades-long effort by national anti-choice groups and funders to overturn Roe at the state level. They are an attempt to make it as difficult, humiliating and expensive as possible for women – especially low-income women – to access abortion care. These laws are political, not medical, and undercut sound medical practice that interferes with the doctor-patient relationship. They form the core of the Texas abortion law case that will be heard at the Supreme Court in Spring 2016.

WHAT THIS MEANS FOR COLORADO

Unlike other states, Colorado's longstanding support for abortion rights has prevented these laws passing here. However, the margins in this past legislature were very thin, often by a single vote in Committee with the backstop of a pro-choice Governor. Without due diligence on where these laws comes from, who is behind the curtain, and holding legislators accountable for their votes, women and doctors in Colorado could be facing the same barriers as other states. We cannot let that happen. That's why NARAL Pro-Choice exists, and why you should check our website regularly for updates and sign up for alerts.

| MODEL LEGISLATION FROM AUL WHAT IT DOES | | | |
|--|---|--|--|
| Women's Health Defense Act | Bans abortions after 20 weeks gestation with exceptions only for physical harm of the woma Personhood language | | |
| Women's Right to Know Act | Mandatory Ultrasound (transvaginal in first trimester) At least two separate visits (meaning more time off work, more time away from home, more travel time) | | |
| Abortion Patients' Enhanced Safety Act | Targeted regulation of abortion providers (TRAP) | | |
| Abortion-Inducing Drugs Safety Act | Targets low-income women and rural women without an abortion provider in their counties | | |
| Parental Involvement Enhancement Act | • Increases costs of parental consent by requiring notarized documents, government identification, and proof of relationship | | |
| | Requires mental health evaluation for minors seeking judicial bypass to parental involvemen requirements | | |
| Enforcement Module | Outlines criminal and civil liabilities for abortion providers | | |
| Missouri Preamble (Guidance for Interpretation of State Laws) | • Personhood language | | |
| State Constitutional Amendment (Status of Abortion Under State Constitution) | Inserts fetal personhood language into the constitution Eliminates any public funds for abortion, except to save the life of the woman, including for rape or incest | | |
| Joint Resolution Proposing That American People Determine Abortion Law & Policy (Pro-Life State Resolution) | Opposes Roe v. Wade explicitly Establishes state opposition to a woman's right to abortion | | |
| Joint Resolution to Promote Women's Safety by Investigation & Defunding of Planned Parenthood and Other Abortion Providers | Seeks to defund any funding for abortion providers, even if they provide additional healthcare services | | |
| Partial-Birth Abortion Ban Act | Repeats federal legislation Does not provide exceptions for a woman's health Asserts with unsupported information that this poses risks to women's health | | |
| Prenatal Nondiscrimination Act (Ban on Abortions for Sex Selection & Genetic Abnormalities) | Targets cultural groups with history Requires inquiry and judgement of woman's personal decision | | |
| | Mandatory ultrasound before an abortion, which must be transvaginal before 12 weeks, | | |
| Women's Ultrasound Right to Know Act | which composed 89% of abortions in 2010 • Fetal personhood language | | |

| MODEL LEGISLATION FROM AUL | WHAT IT DOES | |
|--|---|--|
| Coercive Abuse Against Mothers Prevention Act | Fetal personhood language | |
| Parental Consent for Abortion Act | Requires notarized consent from parent or legal guardian for minors seeking abortion | |
| Parental Notification for Abortion Act | • 48 hour waiting period for notification of parent or legal guardian of minor seeking abortic | |
| Women's Health Protection Act (Abortion Clinic Regulations) | • TRAP law • Medically unnecessary and burdensome regulations • Fetal personhood language | |
| Abortion Providers' Admitting Privileges Act | Mandates admitting privileges at local hospital, including in rural areas with limited hospital access, even for medical abortions | |
| Abortion Reporting Act | Increases reporting requirements for abortion providers, in some cases including payment method, pregnancy history, and probable time of gestation | |
| Federal Abortion Mandate Opt-Out Act | • Prohibits health insurance plans that cover abortion from participating in the State Health Exchanges | |
| Employee Coverage Prohibition Act | Prohibits State from including insurance that provides coverage for abortion for State employees | |
| Defunding the Abortion Industry and Advancing Women's Health Act (Options to Defund Abortion Providers) | Eliminates funding for all facilities that provide abortions or abortion referrals, even if that facility provides other family planning services Inserts personhood language into law | |
| Joint Resolution Honoring Pregnancy Resource Centers | Honors false clinics that try to shame women into keeping a pregnancy that they don't want | |
| • Fetal personhood language nborn Child Act | | |
| Pregnant Woman's Protection Act | • Fetal personhood language | |
| Born-Alive Infant | Repeats national legislation | |
| Protection Act | • Increases threats to and risks for doctors who provide abortions after second trimester | |
| Unborn Wrongful Death Act | Fetal personhood language | |
| Dignified Final Disposition Act | Mandates cremation or burial of fetal remains, separate from medical waste Requires fetal death certificate for death after delivery, miscarriage, or abortion Requires stillborn certificate | |
| Pharmacist Freedom of Conscience Act | Allows pharmacists and pharmacies to refuse to dispense valid prescriptions, including birth control and emergency contraception, even in places without alternative providers | |

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