


[Home](#)
[Welcome](#)
[News](#)
[Voter Info](#)
[Resources](#)
[Donation](#)
[Volunteer](#)

## ELECTION 08: OBAMA COVER-UP REVEALED ON BORN-ALIVE ABORTION SURVIVORS BILL



*The following statement was issued on Monday, August 11, 2008, by the National Right to Life Committee (NRLC) in Washington, D.C.*

New documents just obtained by NRLC, and linked below, prove that Senator Obama has for the past four years blatantly misrepresented his actions on the Illinois Born-Alive Infants Protection bill.

*Summary and comment by NRLC spokesman Douglas Johnson:*

*"Newly obtained documents prove that in 2003, Barack Obama, as chairman of an Illinois state Senate committee, voted down a bill to protect live-born survivors of abortion -- even after the panel had amended the bill to contain verbatim language, copied from a federal bill passed by Congress without objection in 2002, explicitly foreclosing any impact on abortion. Obama's legislative actions in 2003 -- denying effective protection even to babies born alive during abortions -- were contrary to the position taken on the same language by even the most liberal members of Congress. The bill Obama killed was virtually identical to the federal bill that even NARAL ultimately did not oppose."*

In 2000, the Born-Alive Infants Protection Act (BAIPA) was first introduced in Congress. This was a two-paragraph bill intended to clarify that any baby who is entirely expelled from his or her mother, and who shows any signs of life, is to be regarded as a legal "person" for all federal law purposes, whether or not the baby was born during an attempted abortion. (To view the original 2000 BAIPA, click [HERE](#).)

In 2002, the bill was enacted, after a "neutrality clause" was added to explicitly state that the bill expressed no judgment, in either direction, about the legal status of a human prior to live birth. (The "neutrality" clause read, "Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being 'born alive' as defined in this section.") The bill passed without a dissenting vote in either house of Congress. (To view the final federal BAIPA as enacted, click [HERE](#). To view a chronology of events pertaining to the federal BAIPA, click [HERE](#).)

Meanwhile, Barack Obama, as a member of the Illinois State Senate, actively opposed a state version of the BAIPA during three successive regular legislative sessions. His opposition to the state legislation continued into 2003 -- even after NARAL had withdrawn its initial opposition to the federal bill, and after the final federal bill had been enacted in August 2002.

When Obama was running for the U.S. Senate in 2004, his Republican opponent criticized him for supporting "infanticide." Obama countered this charge by claiming that he had opposed the state BAIPA because it lacked the pre-birth neutrality clause that had been added to the federal bill. As the *Chicago Tribune* reported on October 4, 2004, "Obama said that had he been in the U.S. Senate two years ago, he would have voted for the Born-Alive Infants Protection Act, even though he voted against a state version of the proposal. The

federal version was approved; the state version was not. . . . The difference between the state and federal versions, Obama explained, was that the state measure lacked the federal language clarifying that the act would not be used to undermine *Roe vs. Wade*, the 1973 U.S. Supreme Court opinion that legalized abortion."

During Obama's 2008 run for President, his campaign and his defenders have asserted repeatedly and forcefully that it is a distortion, or even a smear, to suggest that Obama opposed a state born-alive bill that was the same as the federal bill. See, for example, [this June 30, 2008 "factcheck" issued by the Obama campaign](#), in the form that it still appeared on the Obama website on August 7, 2008. The Obama "cover story" has often been repeated as fact, or at least without challenge, in major organs of the news media. (Two recent examples: [CNN reported on June 30, 2008](#), "Senator Obama says if he had been in the U.S. Senate in 2002, he, too, would have voted in favor of the Born Alive Infant Protection Act because unlike the Illinois bill, it included language protecting *Roe v. Wade*." The *New York Times* reported in [a story on August 7, 2008](#) that Obama "said he had opposed the bill because it was poorly drafted and would have threatened the Supreme Court decision in *Roe v. Wade* that established abortion as a constitutional right. He said he would have voted for a similar bill that passed the United States Senate because it did not have the same constitutional flaw as the Illinois bill.")

National Right to Life and other pro-life observers have always regarded Obama's "defense" as contrived, since the original two-paragraph BAIPA on its face applied only after a live birth; the "neutrality clause" added in 2001 merely made this explicit, and therefore the new clause did not change the substance of the original bill.

Moreover, the overwhelming majority of liberal, pro-abortion members of the U.S. House of Representatives did not embrace the initial NARAL position that the original bill was an attack on *Roe v. Wade*. The Democratic members of the House Judiciary Committee, then as now, were a solidly liberal group, yet only one of them voted against the original BAIPA, without the "neutrality clause," and he cited a different reason. Congressman Jerrold Nadler (D-NY), who supported the bill and who described himself as "as pro-choice as anybody on Earth" -- argued that under his understanding of *Roe* "if an abortion is performed, or a natural birth occurred, at any age, [even] three months, and the product of that was living outside the mother, and somebody came and shot him, I don't think there's any doubt that person would be prosecuted for murder." When the original bill -- with no "neutrality clause" -- came up on the House floor on September 26, 2000, it passed 380-15.

These facts should give pause to those who have unskeptically accepted Obama's claim that the Illinois BAIPA bills that he opposed in 2001 and 2002, which were modeled on the original federal BAIPA, were crafted to attack *Roe v. Wade*.

For the moment we can set that debate aside, however, for this reason: *Documents obtained by NRLC now demonstrate conclusively that Obama's entire defense is based on a brazen factual misrepresentation.*

The documents prove that in March 2003, state Senator Obama, then the chairman of the Illinois state Senate Health and Human Services Committee, presided over a committee meeting in which the "neutrality clause" (copied verbatim from the federal bill) was added to the state BAIPA, *with Obama voting in support of adding the revision.* Yet, immediately afterwards, *Obama led the committee Democrats in voting against the amended bill, and it was killed, 6-4.*

The bill that Chairman Obama killed, as amended, was virtually identical to the federal law; the only remaining differences were on minor points of bill-drafting style. To see the language of the two bills side by side, click [HERE](#).

To see the official "Senate Committee Action Report" on this meeting, click on one of the links below. (The document is dated March 12, 2003, which is the day that the committee convened, but Chairman Obama recessed the meeting until March 13, which is the day that these votes actually occurred.)

Here are links to the official document that records these votes, in three different formats.

[Senate Committee Action Report in HTML \(web browser\) format](#)  
[Senate Committee Action Report in JPG \(photo\) format](#)  
[Senate Committee Action Report in PDF \(Adobe document\) format](#)

In this report, the left-hand column shows the roll call vote on adoption of "Senate Amendment No. 1," which was verbatim the neutrality clause copied from the federal bill. The right hand column shows the roll call by which Obama and his Democratic colleagues then killed the amended bill -- the bill that was virtually identical to the federal law that Obama, starting in 2004, claimed he would have supported if he'd had the opportunity.

To view the text of SB 1082 as it was originally introduced (without the neutrality clause), click [HERE](#). To view the text of Senate Amendment No. 1 (the neutrality clause copied from the federal law), which Obama and his colleagues added to the bill at the March 13 meeting (before killing the bill), click [HERE](#).

NRLC has also obtained two additional documents that report information on these events that is fully consistent with the Senate Committee Action Report.

To see the "Senate Republican Staff Analysis: Senate Bill No. 1082," click [HERE](#). (If this Word document requests a password, simply hit "cancel" and it will be displayed.) The first portion of this analysis was written before the March 12-13, 2003, meeting of the committee that Senator Obama chaired. The committee's actions, amending the bill to exactly track the federal born-alive law, and then defeating the bill, are reported on the bottom half of the second page.)

Finally, to see an Associated Press dispatch dated March 13, 2003, reporting on the 6-4 committee vote that killed the bill, click [HERE](#).

Less than two years after this meeting, Obama began to publicly claim that he opposed the state BAIPA because it lacked the "neutrality" clause, and that he would have supported the federal version (had he been a member of Congress) because it contained the "neutrality" clause. His claim has been accepted on its face by various media outlets, producing stories that have in turn been quoted by the Obama campaign and Obama defenders in attacking anyone who asserts that Obama opposed born-alive legislation similar to the federal bill. It has also been forcefully repeated by advocacy groups such as NARAL (see, for example, [this June 30, 2008 "alert" from NARAL](#)).

It appears that as of August 7, 2008, only one writer -- Terence Jeffrey, a contributing editor to HumanEvents.com -- had correctly reported the essence of this story, in a column posted on January 16, 2008 (read it [HERE](#)), but his report was ignored by the Obama campaign and overlooked by others at the time.

Now, the uncovering of the Senate Committee Action Report and the contemporary Associated Press report shed new light on Senator Obama's four-year effort to cover up his real record of refusing to protect live-born survivors of abortion.

#### **ADDITIONAL RESOURCES:**

[Index of Documents Regarding Obama Cover-up on Born-Alive Abortion Survivors Bill](#) (will be updated as new items come in)

[Timeline of important events in the history of the federal Born-Alive Infants Protection Act](#)

[NRLC archive on the federal Born-Alive Infants Protection Act](#)

[NARAL press release, July 20, 2000, expressing strong opposition to the original federal Born-Alive Infants Protection Act \(H.R. 4292\).](#)

The [official report of the Judiciary Committee of the U.S. House of Representatives](#), explaining the intent of the federal Born-Alive Infants Protection Act (H.R. 2175), and explaining why such legislation was necessary (August 2, 2001)

---

## ELECTION 08: OBAMA TELLS GROUP HE WILL "NEVER BACK DOWN" IN HIS SUPPORT OF LEGAL ABORTION

---

**NEW YORK** --With his support of abortion rights under attack by John McCain and pro-life groups, Democrat Barack Obama responded aggressively July 10, calling it an issue from which he will "never back down."

Obama appeared in New York alongside his former rival, Sen. Hillary Clinton, at a fundraiser sponsored by a group dubbed "Women for Obama." The presumptive Democratic nominee, Obama called abortion rights a "critical issue in this election." His speech came one day after he was endorsed by Planned Parenthood, the nation's largest abortion provider.

"Sen. McCain has made it abundantly clear that he wants to appoint justices like [Supreme Court Justices John] Roberts and [Samuel] Alito and that he hopes to see Roe overturned," Obama said, referencing President Bush's two nominees.

"I was proud to get Planned Parenthood's endorsement [July 9], but I have to say that when you look who's got a 100 percent rating from Planned Parenthood, and you've got another candidate [McCain] with a zero percent rating from Planned Parenthood, then it's not really a nail-biter [in deciding whom to support]," he said to laughter.

"I stand by my votes against confirming Justices Roberts and Alito. I've made it equally clear that I will never back down from making sure that women have their reproductive rights here in this country. That's what's at stake in this election," he added to a standing ovation.

Earlier in the week McCain criticized Obama on abortion while appearing at a town hall meeting in Ohio near the West Virginia and Kentucky border. Answering a question about divorce rates, McCain said one way to improve the state of the American family would be to "respect human life, both born and unborn," Politico.com reported. The comment led to loud applause and to a standing ovation from many in the audience, the website reported.

"Sen. Obama voted against, as a member of the Illinois state legislature, a ban on partial-birth abortion," McCain said, calling the procedure "one of the most odious things I've ever heard of."

Partial-birth abortion is a late-term procedure in which a doctor partially delivers a baby feet-first, and -- with the head and much of the body still in the birth canal -- uses scissors to

puncture the skull and then suction out the brain, killing the child instantly. Congress passed a federal ban on the procedure, but Obama is co-sponsor of a new bill, the Freedom of Choice Act, aimed at overturning the ban on partial-birth abortion and other pro-life laws nationwide. The law would make abortion a federal right and would keep abortion legal, even if Roe v. Wade is overturned someday. He said in a 2007 speech that the "first thing" he'd do as president is sign the bill.

In endorsing Obama, Planned Parenthood Action Fund President Cecile Richards called the senator from Illinois a "passionate advocate for women's rights."

"As president, he will improve access to quality health care for women [and] support and protect a woman's right to choose ...," she said, according to a statement.

Abortion increasingly is becoming an issue in the presidential race as both candidates seek to solidify their base. Obama's latest statement on abortion came one week after an interview was published in which he told a Christian magazine that late-term abortions shouldn't be allowed for "mental distress" -- a position in direct conflict with his sponsorship of the Freedom of Choice Act. An Obama spokesperson later backtracked; legal experts said Obama's words were in direct conflict with his own previous statements and positions.

Susan B. Anthony List President Marjorie Dannenfelser, whose organization seeks to help elect pro-life women to political office, criticized Obama's interview with the magazine.

"Barack Obama knows his extreme record on abortion doesn't resonate with everyday American voters, so now he's trying to soften his image," she said in a statement. "It won't work. From his active opposition to the Born-Alive Infants Protection Act to his support for the radical Freedom of Choice Act, Barack Obama is anything but moderate on abortion. He's announced abortion on demand as his top legislative priority. So it is not a surprise that Obama's actual voting record shows his commitment to abortion at any time, for any reason, funded by American taxpayers. He has staked out the minority position on an issue about which Americans care deeply."

**POLL FINDS RELIGION DIVIDE** -- Republican John McCain leads among religious voters while Democrat Barack Obama leads among non-religious voters, according to a Gallup poll released July 8.

McCain leads 50-40 percent among registered voters who say "religion is important in my life" while Obama leads 55-36 percent among those who say "religion is not important in my life."

The difference is even greater among some sub-groups. For instance, McCain leads 63-27 percent among white voters who identify as either Protestant or non-Catholic Christian and who say religion is important to them. McCain also leads 53-37 percent among non-Hispanic white Catholics for whom religion is important.

But Obama leads 57-31 percent among Hispanic Catholics who say religion is important, and 90-4 percent among blacks who identify as non-Catholic Christians.

The survey was based on telephone interviews with 94,872 registered voters from March through June.