

1 GAVIN NEWSOM'S SCHEME TO EXALT ABORTION AT THE EXPENSE OF REAL HEALTH CARE

4 PRO-LIFE ADVOCATES FACE WAVE OF ATTACKS

6 LEGALLY ENSURING HUMANE END-OF-LIFE CARE

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LIFELINE

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GAVIN NEWSOM'S SCHEME TO EXALT ABORTION AT THE EXPENSE OF REAL HEALTH CARE

On March 22, 2022, Governor Gavin Newsom signed SB245 into law. Proponents of this law claimed the bill's provisions would be a "critical step forward to ensuring that equitable, timely access to healthcare services [would be] attainable to all Californians" "regardless of an individual's income, insurance type, status, race, zip code, or bank account." They stressed that healthcare deductibles and co-pays made healthcare "cost-prohibitive for low- and middle-income families" and created a "barrier to care" which this bill would overcome.



Corrina Konczal

Unfortunately, the only "healthcare" affected by SB 245 is abortion. The full name of SB 245 is the Abortion

Accessibility Act. It was introduced by state senator Lena Gonzalez (D-33) on January 22, 2021. It will go into effect for all new insurance plans after January 1, 2023.

Under existing law, women on Medi-Cal are already able to receive tax-payer funded abortions. All other insurance plans in California must provide

coverage for elective abortion as "basic health care." Many of these private plans, however, require women to pay co-pays or meet certain deductibles before coverage for medical costs, including abortion, kicks in. This new Act prohibits insurance companies from charging any deductibles or copays for abortions (as well as pre-operation or follow-up appointments).



CONTINUED FROM PAGE 1

Life Legal Defense Foundation reached out to several crisis pregnancy centers to discuss the implications of this Act on their services. Although the Senate Appropriations Committee expected only 97 women statewide would choose free abortion who might otherwise have chosen life, the implications of providing free abortion while prenatal doctor's visits and childbirth remain expensive, could have severe consequences for the clients of these pregnancy centers—and the ability of pregnancy centers to offer them meaningful help. Many women who come to them seeking their services are on the fence, with money being a significant factor in their decision-making. Unfortunately, it will become much harder for pregnancy centers to convince poor and disadvantaged women to choose life for their unborn children when they can have a free abortion next door tomorrow.

Life Legal filed a lawsuit against the Act on October 5, 2022, on behalf of

four California pregnancy centers. We followed shortly thereafter with a Motion for Preliminary Injunction, asking the judge to prevent the law from going into effect on January 1, 2023. A hearing was held on December 2, 2022. By the time of publication, the Court had not yet released its decision. However, LLDF is optimistic at our chances, since we have a very strong case.

YET THEY GAVE NO THOUGHT TO WOMEN WHO MUST SCRAPE TOGETHER THE MONEY NEEDED TO PAY FOR THEIR CHILDBIRTH.

At that hearing, attorney Katie Short argued the highlights of Life Legal's brief. First, the "right to privacy" in California specifically includes the right to choose *whether or not* to bear a child. In a remarkable case of history repeating itself—though in reverse—the California Supreme Court has already ruled upon a situation where the government has

tried to fund only one of these choices. In 1978 the California legislature enacted a budget that limited funding for abortions under Medi-Cal while continuing to fully fund medical expenses for pregnancy under the same program. The Committee to Defend Reproductive Rights sued, claiming that these provisions, by distinguishing abortion from childbirth, violated a woman's right to privacy, as guaranteed by the California Constitution.

The state Supreme Court considered whether the government may withhold benefits from some people "because such persons seek to exercise their constitutional right of procreative choice in a manner which the

state does not favor and does not wish to support." (*Comm. to Defend Reprod. Rights v. Myers* [1980] 29 Cal. 3d 252, 256-57.) It held that women have a fundamental right to choose "whether or not to bear a child" and that restrictions that favored one over the other were unconstitutional. In fact, it explicitly held that, were the circumstances reversed, and abortion favored over childbirth, that law would be

equally unconstitutional. It held that the government simply may not intrude into the private decision of whether or not to bear a child.

Confronted with this clear precedent requiring government neutrality, the Attorney General now is arguing, in response to Life Legal's lawsuit, that ordering insurance companies to provide a service is not a "government benefit" and is, therefore, not covered by *Myers*. We pointed out, however, that ordering a farmer's market to provide free apples to consumers is just as much of a benefit as the government giving money to people to buy apples for themselves at no cost. The government cannot hide its unconstitutional actions behind a directive to the insurance companies to provide free services.

They also argued that women do not choose abortion solely because of financial reasons, without acknowledging that a lack of finances in the short term can indeed convince a woman to have an abortion (especially a free one), which is the very reason pregnancy centers exist—to help women think long term about their futures when they are in a crisis.

Secondly, the Equal Protection Clause of the Constitution requires that persons, and classes of persons (like pregnant women), must be given equal treatment under the law. The government has a very high burden to meet when justifying denial of equal protection on a fundamental constitutional right, such as the right to privacy (here, the right to choose abortion *or* childbirth). Life Legal's Motion for Preliminary Injunction points out that, when it comes to funding, low-income women who desire to give birth to their children should be treated equally to women who choose to abort their children.

Proponents of the Act stressed the difficulty many women face in trying to scrape together the money to pay their co-pay or deductible for their abortions. Yet they gave no thought to women who must scrape together the money needed to pay for their childbirth—or the costs that come before. In fact, 73% of women in one study said they chose abortion because they "can't afford a baby now," another found that 40% of women cited "financial reasons" as a reason they wanted an abortion. And, unfortunately, a large portion of women who said they were seeking an abortion due to "possible

PROPONENTS OF SB245 PUSHED THROUGH A BILL THAT FORCES WOMEN TO CHOOSE BETWEEN A FREE ABORTION AND THE CHOICE OF A MORE EXPENSIVE, MORE DANGEROUS PREGNANCY.

fetal health problems" were, in fact, just concerned about the health of their infant due to their lack of prenatal care.

The State argued that women who were denied a "wanted abortion" due to its cost would suffer a variety of harms—including increased risk of poverty and needing financial assistance, access to prenatal care, and maybe even specialized health care for high risk pregnancies. We pointed out that these are the same exact things that women who were denied financial assistance for wanted pregnancies also need. Without additional funding, these women are at a higher risk of serious injuries or even death from

their pregnancies. For example, black women are two to four times likely to die from pregnancy related complications than white women, in large part because they cannot afford medical care generally, or prenatal care specifically. Yet the State passed a law to help only those women who wanted abortions, not those who wanted to keep their children. This is not equal treatment. Proponents of SB245 pushed through a bill that forces women to choose between a free abortion and the choice of a more expensive, more dangerous pregnancy. So much for healthcare. So much for choice.

Finally, the Motion points out that enjoining the Act will maintain the status quo—those who want abortions will continue to pay for them themselves. However, if the Act goes into effect, poor women will be forced to weigh a free abortion versus a pregnancy that may not include much, if any, prenatal care, which will put themselves and their children at risk. The pregnancy centers that strive to support these women will be put at a disadvantage, too, working uphill to convince women to choose life while the State has made it so easy to reject life.

We hope to be able to report positive news to you in our next issue. Whether or not the judge rejects our Motion for Preliminary Injunction, rest assured that we will litigate this case all the way to the finish line in order to have this law found unconstitutional and removed from the books. If the State of California wants to order insurance companies to provide free abortions, then Life Legal will be here to insist that the State must also order insurance companies to provide free maternity care. **L**

PRO-LIFE ADVOCATES FACE WAVE OF ATTACKS



Allison Aranda

Just a few months ago, life advocates gathered outside the United States Supreme Court prayerfully anticipating the landmark decision that would overturn *Roe v. Wade*. When the decision in *Dobbs v. Jackson Women's Health Organization* was announced, America took the first steps toward reclaiming its responsibility to protect the unborn.



In the wake of the *Dobbs* decision, the number of abortion clinics is dwindling as states are now free to pass laws to protect the unborn from being murdered in the womb. As pro-life advocates focus their life-saving efforts at the abortion clinics that remain open, the clinics are more desperate than ever to silence their message of help and hope. Consequently, the Biden administration is using the FACE Act to intimidate, bully, and persecute peaceful sidewalk counselors. We've seen a drastic rise in the number of civil and criminal FACE actions brought by the Department of Justice in recent months.

What is the FACE Act? The Freedom of Access to Clinic Entrances (FACE) Act, passed by Congress in 1994, was designed to protect abortion providers and women seeking abortions from threats and physical violence.

What was the impetus for such a law in the first place? The pro-abortion lobby

justified the need for the FACE Act by pointing to rare, isolated incidents of real violence against abortionists and abortion clinics. The abortion industry professed before Congress that these incidents were increasing in frequency and threatened the safety of abortion providers.

The FACE Act purported to curb violence, *not* to eradicate pro-life speech in front of abortion clinics altogether. Notably, §248(d)(5) of the Act states expressly that nothing in it “shall be construed or interpreted to prohibit any expressive conduct (including picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution.”

Ironically, the law that expressly provides protection for pro-life free speech activities is being wielded as a sword, once again, by an extremely hostile President. Shortly after the Supreme Court overruled *Roe v. Wade*, Biden's

Department of Justice announced the establishment of the Reproductive Rights Task Force. The task force was specifically designed to target, intimidate, and harass pro-life advocates who dare to lovingly speak truth and offer life-saving alternatives outside of our nation's deathcamps.

This isn't the first time we've seen a politicized DOJ launch an all-out attack on pro-life advocates. In 2009, just months after Obama took office, his administration convened a meeting of the National Task Force on Violence Against Reproductive Health Care Providers in June 2009. As a result, the DOJ began conducting nationwide FACE Act trainings in collaboration with its regional offices, local law enforcement agencies, and Planned Parenthood. Immediately following the Task Force announcement and trainings, several peaceful pro-life sidewalk counselors came under investigation. And, in less than three years after the task

force declared war against the pro-life movement, the Department of Justice had filed nine civil lawsuits under the Freedom of Access to Clinic Entrances Act, a statistic they touted before the Senate Judiciary Committee.

FACE persecutions are not limited to governmental overreach. Recently in the Middle District of Tennessee, the *abortion clinic itself* filed a lawsuit against peaceful pro-life advocates, claiming they violated the FACE Act.

Operation Save America (OSA) hosted a week of education and outreach entitled “Foundations of Freedom” during the last week of July 2022. A.J. Hurley, Executive Director of Survivors of the Abortion Holocaust, attended the event and was one of the guest speakers. On July 26, attendees gathered outside of the Carafem abortion clinic in Mt. Juliet, Tennessee, to pray, worship, and hold signs in celebration of its anticipated closure in the wake of the Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization*. Tennessee is one of the states that had a law on the books banning abortion once *Roe* was overturned. The law, known as a “trigger law,” was set to go into effect 30 days after “the issuance of a judgment” by the Supreme Court overturning *Roe*.

Many of the attendees at the event did not realize that the Supreme Court issues “judgments” 30 days after its decisions are announced. Thus, the *judgment* in *Dobbs* was not issued until July 26, and abortion did not become illegal until August 25.

When A.J. Hurley and members of OSA learned the Tennessee clinic was still scheduling abortions, they approached security guards outside to find out if the clinic was in fact still performing abortions and possibly violating the law. The men had a peaceful conversation with the guards. At no time did the group enter the building, nor did they prevent others from entering or exiting

the building. In fact, in a video posted by Brent Buckley, one can see Hurley and OSA members instructing the guards to move out of the way so that others could enter and exit the building. After a peaceful conversation with the police about the specific timing of the “trigger law,” the men returned to the



**LIFE LEGAL HAS,
AND ALWAYS WILL,
STAND FOR THE
RIGHTS OF SIDEWALK
COUNSELORS AND
PRO-LIFE ADVOCATES
ACROSS THE NATION.**

public sidewalk and continued their constitutionally protected free speech activities.

One might be thinking, what’s the big deal? I don’t see anything illegal about what the men did; after all, the FACE Act only prohibits, “by force or threat of force or physical obstruction,” “intentionally injuring, intimidating, or interfering” persons seeking to provide or obtain abortions. Hurley and the others’ actions were anything but that. And you are correct! The legislative history reveals that lawmakers claimed before Congress,

“The Act is carefully drafted so as not to prohibit expressive activities that are constitutionally protected, such as peacefully carrying picket signs, making speeches, handing out literature, or praying in front of a clinic.”

It seems even the Mt. Juliet police understood the law quite clearly. Not once did the police demand that Hurley or the others cease their activities or tell them that they were violating the law. In a report of the incident, the police acknowledged that “although the men covered a large portion of the entrance ... [the] video ... showed other patrons coming and going freely from the building with no obstruction.”

But that did not stop the Carafem clinic from filing a lawsuit falsely claiming that the men trespassed, played loud noise causing a nuisance, and physically blocked people from entering and exiting the building in violation of the FACE Act. And the Biden Administration filed a brief in support of the clinic’s lawsuit, arguing that FACE should be construed “broadly.”

Remember, the lawful activities of the life advocates were videorecorded, so the evidence speaks for itself. Not to mention the fact that the police did not arrest the men for any violation of law!

Life Legal attorneys and local affiliates are fighting this frivolous lawsuit. We will not tolerate abuse of power by the government or patently false legal accusations from abortion profiteers whose chief agenda is to bully and silence peaceful pro-life advocates. Life Legal has, and always will, stand for the rights of sidewalk counselors and pro-life advocates across the nation. **L**

<https://www.facebook.com/100005473300370/videos/1410649672795727/>

<https://www.facebook.com/100005473300370/videos/1506335053150349/>

LEGALLY ENSURING HUMANE END-OF-LIFE CARE

Mark Price, R.N.

Life Legal intervenes in many cases involving the decision to withhold or withdraw nutrition and hydration from a patient—usually someone with an injury, illness, or disability. Often, the patients are in their thirties and forties. They don't have an advance healthcare directive or other document stating their wishes in the event they are not able to make their own health care decisions.

For example, Tabettha was only 32 when she suffered a heart attack that left her incapacitated. She could not speak and could only respond by blinking. Less than 48 hours after her heart attack, a decision was made to place Tabettha in hospice care without nutrition and with minimal hydration. John, Tabettha's fiancé, called us and begged us to help save Tabettha from death by dehydration and starvation. He could see that Tabettha's condition was improving and that she was trying to speak. Still, the hospice doctors refused to change course.

Life Legal connected John with a local attorney who went to court to fight for Tabettha's life. The court ordered the reinstatement of Tabettha's nutrition and hydration and her condition began to improve. Within a few weeks, Tabettha had made nearly a complete recovery!

She is not the only one. We have seen many similar cases. Earlier this year, we represented the boyfriend of a young woman who had a severe asthma attack. The lack of oxygen resulted in a brain injury that rendered her completely disabled. She was dependent on a ventilator and a feeding tube. Doctors said she would never recover and never breathe or eat on her own and

made plans to remove her feeding tube. Last week, I received a text from the boyfriend saying "She drank a whole bottle of water on her own and she is just an incredible girl. She handled it. She is beginning to speak!"

In these and other cases, we were able to successfully get court orders requiring the person to receive nutrition and hydration. But what happens when the plan to remove food and water is carried out?

Starvation occurs when a person is deprived of nourishment to sustain bodily processes and organ function. The rate of progression of symptoms varies on the length of time a person has been deprived of sustenance.

The first changes are usually digestive. Initially, the hunger sensation is notably increased and there is a "ravenous" need for food. This may last for several days. Pain develops in the stomach followed by digestive issues. Thirst also rapidly increases. Whether we realize it or not, there is hydration in our food. The process, stated simply, is that the body begins a series of adaptative phases that ultimately end in a painful death.

Physiologically, the body wants sugar to use for energy. It also requires essential

nutrients to maintain bodily function. When starvation begins, the body relies on the sugar (glucose) that it has stored for fuel. The first contributor is the liver. The liver will release what little sugar it has in store for cells to function. When those sugars have been depleted then insulin production will begin to slow. Insulin is the enzyme released by the body to regulate glucose levels in the blood and maintain proper cell function in the vital organs (brain, heart, lungs, and kidneys). When the body needs sugar, getting rid of it is not an option. Thus, insulin stops. Another source of glucose-type energy, called glycogen, is stored in fat reserves in the body. Simply put, the body will start to use glycogen stores to fuel the vital organs. This begins the wasting of body fat. This is when a victim will look drawn through the eyes and cheeks.

Eventually, there is no more sugar (glucose/glycogen). What next? Protein and amino acids become the next source of fuel that the body uses to create sugar in a process called gluconeogenesis. This can only happen with one end result. The muscle tissue is consumed by the body for its own survival. The process of breaking down proteins causes high



BUT WHAT HAPPENS WHEN THE PLAN TO REMOVE FOOD AND WATER IS CARRIED OUT?

levels of acid production that force the kidneys to work excessively hard. This can cause labored and rapid breathing. The drop in sugar levels can cause cloudiness of thought, restlessness, and even hallucinations. In the end, the absence of vital nutrients, such as iron, will cause severe anemia and loss of blood volume. The heart will struggle to beat fast enough to move the lower levels of blood to the body tissues until the result is cardiac arrest—which is the leading cause of death in starvation.

Turning quickly to dehydration, consider the absence of fluid in the body. The human person is composed of roughly 65% water. Water is responsible for the balance of electrolytes. I'm sure we are all familiar with Gatorade. In its simplest form, Gatorade is an electrolyte supplement drink. The three main electrolytes are sodium, potassium, calcium. There are others, but I'll focus on these three, as they are responsible for maintaining electrical impulses along the roughly 100 billion nerve cells in the body. It's quite a balance. Like I tell my students, we are fearfully and wonderfully made. But when the body becomes dehydrated, a harrowing cycle begins. Water and electrolytes must remain in a perfect balance to keep the vital organs functioning. When water content decreases, the concentration of sodium, potassium, and calcium increases.

Let's start with sodium. Sodium's main function is in the kidneys. Too much sodium in the kidneys can cause "crenation" of the cells where water is drawn out of cells to hydrate kidney tissue. Eventually the parts of the kidney that filter our blood become damaged. The unfiltered toxins remain in the bloodstream and the victim becomes septic (infected blood).

Potassium is responsible for pacing the heart. When the heart has a problem pacing, it beats irregularly. This is called dysrhythmia. When the heart is out of pace, it eventually will fall into "arrhythmia" which means the heart stops beating altogether.

Calcium is also at work in the heart but also in the skeletal muscle. It manages contractility. This is the squeeze that your muscles can make. If there is a high level of calcium, the muscles become overly relaxed and do not squeeze or "contract". This means that the heart becomes weakened and will eventually not be able to pump.

The breakdown of these elements in the body are the sentinel moments in the dying process from dehydration. It is a miserable death. The oral membranes become dry, the lips become painfully cracked and flaked. Blood vessels rupture in the eyes and under the skin due to weakness dehydration causes in the capillary walls.

Doctors who advocate for withholding nutrition and hydration often say they want their patients to have a "humane" death. But killing by starvation and dehydration is not humane; it is barbaric. In other contexts, intentional starvation is a crime against humanity.

Purposefully removing food and water to end a patient's life changes the role of physician from healer to instrument of death. It is nothing less than an attempt to override the sovereignty of God, the Author of life.

Your eyes saw my unformed substance; in your book were written, every one of them, the days that were formed for me, when as yet there was none of them.

—Psalm 139:16 

ADVANCE HEALTHCARE DIRECTIVE UPDATE.

Be sure you have a valid advance health care directive in place so your health care wishes are followed, especially during this critical time. For guidance, go to ldf.org/advance-health-care-directives/

HIPAA PERMITS DISCLOSURE OF POL

EMSA MEDICAL SERVICES AUTHORITY
CALIFORNIA
Physician Order

First follow these orders physician. This is a Physician based on the person's current and wishes. Any section not full treatment for that section. treated with dignity and respect

EMSA #111 B
Effective 1/1/2009

A Check One
 CARDIOPULMONARY RESUSCITATION
 Attempt Resuscitation/CPR (Section B: Full Treatment required)
When not in cardiopulmonary arr

B Check One
MEDICAL INTERVENTIONS:
 Comfort Measures Only Use to relieve pain and suffering. Use oxygen and analgesics to promote comfort. Antibiotics only to promote comfort.
 Limited Additional Interventions Use of antibiotics, and IV fluids as indicated. Generally avoid intensive care.

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Coalition Responds to Newsom's Blasphemous Billboards With Pro-Chastity Message

Last September California Governor Gavin Newsom's campaign paid to promote abortion via public billboards in seven states, including Ohio. Some of Newsom's billboards [<https://www.politico.com/news/2022/09/15/gavin-newsom-california-abortion-sanctuary-red-state-billboards-00057060>] used the words of Jesus to invite women to travel to California for abortions: "Love your neighbor as yourself. There is no commandment greater than these." — Mark 12:31

In response to Newsom's blasphemous billboards, a coalition of pro-life organizations is placing billboards in the same locations as Newsom posted his pro-abortion billboards. One such billboard is located in Columbus, OH.

- View the pro-life coalition's billboard at abortionlessfuture.com [<https://abortionlessfuture.com/>]