



"Faith by itself, if it is not accompanied by action, is dead." James 2:17

Janet Porter Responds to Heartbeat Opponents Quoted in Ohio Senate President's Letter

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A letter dated May 2, 2012 from Senate President Tom Niehaus said that because H.B. 125, the Heartbeat Bill, offers a challenge to *Roe v. Wade*, it is somehow misleading to state what the bill, when enacted, will do. As Right to Life founder Dr. Willke stated, the Heartbeat Bill will protect 90-95 percent of the babies who would otherwise be aborted. Using a very conservative estimate, based on the annual number of [Ohio abortions](#), the Heartbeat Bill would, indeed, save 26,000 babies each year--more than 70 each day--which is more than can fit into any school bus.

While it is true that the Senate has passed several regulatory bills, every Senator who ran on a pro-life platform promised to vote to *end* abortions, not merely regulate them. It is also true that the Ohio Senate has had the Heartbeat Bill since last June--for nearly a year. As Dr. Willke said in his letter, "After forty years and 54 million dead babies, don't ask us to wait any longer." The pro-life people of Ohio agree and that agreement is demonstrated with more support than for any bill in Ohio history-- 500 national and state pro-life leaders, dozens of the nation's leading pro-life attorneys, and a poll that revealed support from 2 out of 3 likely voters in Ohio--more support than for any bill of its kind.

President Niehaus points to a few naysayers who fear our attempt to protect babies, "might fail." They fail to realize that doing nothing to protect babies is a *guaranteed* loss of tens of thousands of lives the Heartbeat Bill could save.

While Dr. Willke recognized that a lower court would likely find the Heartbeat Bill "unconstitutional," make no mistake: this bill was crafted with the *Supreme Court* in mind. Those who say the bill is "unconstitutional," fail to realize that it is *Roe v. Wade* that is unconstitutional and the only way to reverse it is with a challenge.

If the few who stand against the Heartbeat bill want a gutted, 'informed consent only' bill, the best thing the Ohio Senate can do is to pass *the strongest* Heartbeat Bill now. If the naysayers are right and the courts say "no" to legal protection, the severability clause will ensure that they still get everything they say they want: Informed Consent.

Meanwhile, the 'trigger clause' in the bill will restore legal protection to babies with a favorable High Court ruling in the future. There simply is no downside. As a former President of Ohio Right to Life, Jane Grimm said, "The Heartbeat Bill is a win-win for everyone. Let the judges decide what's Constitutional and let the Senate do what we elected them to do: Protect human life."

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Disagreement is nothing new. Every bill that passes the Ohio General Assembly does so even though some people may disagree. However, the majority overwhelmingly stands in support of the Heartbeat Bill. Here are some of the nation's top attorneys who stand with the majority of the pro-life legal community in favor of the Heartbeat Bill:

- “Ohio's Heartbeat Bill is a giant step toward the goal of ending all abortions. The lives of thousands of unborn Ohio babies will be saved with its enactment, and to stand by and do nothing because of political calculations is immoral. Those who oppose it on the grounds that 'it's too soon,' or 'the time is not right,' should heed the words of Martin Luther King Jr. who had to contend with the same 'wait' argument from his fellow preachers. In his famous letter from the Birmingham Jail he warned, 'wait' has always meant 'Never.' I pledge the Thomas More Law Center's support of the Bill and offer whatever legal assistance is needed to defend it.” -- **Richard Thompson, President and Chief Counsel, Thomas More Law Center**
- “As long as abortion is allowed to continue, every American has blood on his hands. The killing of helpless children with beating hearts is not a constitutional right; it is a moral wrong of the greatest magnitude. To refuse to pass the Heartbeat Bill for fear of what the Supreme Court might do is not wisdom, but cowardice. It is high time we took back our right to protect life, and end the ongoing slaughter of the unborn.” -- **Stephen M. Crampton, Vice President for Legal Affairs and General Counsel, former Chief Counsel American Family Association Center for Law & Policy, Litigation Counsel for Mississippi Personhood Amendment, Lead Counsel defending Personhood Ohio.**
- “One thing's for certain: doing nothing guarantees the brutal death of 26,000 Ohio babies each year. That outweighs every argument of 'what might happen' from the opposition. If there was ever a time to pass the Heartbeat Bill, it is now.” -- **David Gibbs, General Counsel, Christian Law Association, Attorney for Terri Schiavo, Constitutional Litigation Attorney**
- “When there is doubt, as to life, a civilized and humane society should always err on the side of protecting life. When there is a detectable heartbeat, there is no longer any doubt as to life and a just and moral society has an obligation to protect and nurture that life. Nothing less than our posterity, and our moral and legal legitimacy, are at stake.” -- **John G. Farnan, President, National Lawyers Association, and Former President, Cleveland Right to Life**
- “Courts never change their minds unless they are invited to... At the minimum, the heartbeat testing and informed consent provisions should have a direct and indirect effect of saving hundreds of lives. And based on Ohio's abortion statistics, if the full bill goes into effect, either now, or revived at a later date, many more thousands could be saved...HB 125, the Heartbeat Bill, is the most valuable for protecting the lives of the unborn. With this law, I say unhesitatingly, there is much to gain, and nothing to lose.” -- **Constitutional Law Professor David F. Forte, Appointed Chief Counsel to the U.S. Delegation to the United Nations, Consultor to the Pontifical Council for the Family under Pope John Paul II, and Pope Benedict XVI, Visiting Scholar Princeton. Senior Editor of “The Heritage Guide to the Constitution.” Taught Constitutional Law for over 30 years.**

We will now take this message to the pro-life people of the state who elected these Senators based on their campaign promises to end abortion. This phase of the Heartbeat Bill Campaign will begin with targeted ads in the districts beginning tomorrow.

Attached is the letter from Right to Life founder Dr. Jack Willke which ran as full page ads in the *Columbus Dispatch*. Also attached is tomorrow's ad which focuses on members of Senate leadership, who after nearly a year, have not yet brought the Heartbeat Bill to the floor for a vote. **The Heartbeat Bill is not about politics or personalities. It is about babies with beating hearts and the Ohio Senators we elected to protect them.**