



Written by [Michael Tennant](#) on September 22, 2023

Tuberville, Still Contesting Pentagon Abortion Policy, Wins PR Victory as Senate Confirms Military Nominees

Pro-life senator and former college-football coach Tommy Tuberville (R-Ala.) scored a field goal Thursday in his ongoing battle over the Pentagon's abortion policy when the Senate finally confirmed three of President Joe Biden's military nominees individually despite Tuberville's hold on confirming blocs of nominees — proving that Senate leadership, not Tuberville, has been responsible all along for the nomination backlog.



AP Images
Tommy Tuberville

On Wednesday, Senate Majority Leader Chuck Schumer (D-N.Y.) announced that he had “just filed cloture on the chairman of the Joint Chiefs of Staff, the commandant of the Marine Corps, and the army chief of staff,” meaning their nominations would now be considered, one by one, by the Senate.

“These men should have already been confirmed. They should already be serving in their new positions,” Schumer said. “The Senate should not have to go through procedural hoops just to please one brazen and misguided senator. But this is where we are.”

That “brazen and misguided senator,” Tuberville, in March [placed a hold](#) on the usual Senate process of confirming groups of military nominees by unanimous consent. His reason: the Biden Defense Department's policy, announced in February, of paying for service members and their family members to travel from states with abortion restrictions to states where they can obtain abortions — and giving them paid leave to boot.

This action would appear to violate federal law, which states: “funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.”

The Biden administration claims that the Pentagon isn't paying for abortions, so its policy is therefore legal.

“It's not an abortion policy. The Department does not have an abortion policy. We have a healthcare policy and we have a travel policy that allows for our service members to take advantage of healthcare that should be accessible to them,” a Pentagon spokeswoman [said](#) last month.

Republicans aren't buying it. In March, Representative Mike Johnson (R-La.) [told](#) Defense Secretary Lloyd Austin, “I get that you're trying to find a crafty workaround, but it's a blatant violation.”

As Tuberville has repeatedly explained over the last six months, his hold has never prevented the



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Senate from voting on military nominees individually. Nevertheless, he has been vilified by Democrats as a national-security threat.

To prove his point, Tuberville was preparing Wednesday to bring his own motion on General Eric Smith's promotion to Marine Corps commandant, forcing a vote on the nomination. On X, Schumer [dubbed](#) this "an act of desperation" — yet he was the one who felt the need to preempt it by announcing his own cloture motions.

"One of us was bluffing," Tuberville [posted on X](#) Wednesday afternoon. "It wasn't me."

"Senator Tuberville's rarely used procedural maneuver would have threatened Senator Schumer's power by forcing a vote on the nomination," Clint Brown, vice president of government relations at the Heritage Foundation, told the [Daily Signal](#). "Rather than give up power, Schumer decided to schedule votes himself."

"Through this trick play, Senator 'Coach' Tuberville forced Schumer to show his hand that the Senate could have been voting on these nom[inee]s all along," Brown added. "This proves that it is Democrats who are unwilling to do the work to move these nominations. Still, if Democrats are unwilling to do the work of voting on each individual nominee, they could pressure [the Defense Department] to rescind the immoral and legally suspect abortion policy."

Schumer tried to spin things in his own favor, saying that the Senate's confirming the three nominees despite the continuation of the Pentagon's abortion policy would demonstrate that Tuberville had "accomplished nothing."

Greg Price, communications director for the State Freedom Caucus Network, [countered on X](#):

"[Schumer] could have done this anytime he wanted over the last few months but Democrats care more about forcing you to fund the killing of unborn babies than military readiness."

Tuberville, naturally, concurred.

"It's his fault," Tuberville said. "We could have been confirming one or two a week for the last 200 days ... but we didn't. We took another angle of just sitting back and watching. Chuck Schumer refused again, again, and again. We don't have a lack of leadership in our military. We have a lack of leadership in the United States Senate."

Some of Tuberville's Republican colleagues echoed his sentiments.

"Senator Schumer has had this opportunity for months now. He is the one who has been holding hostage the military men and women who serve this country," Senator Joni Ernst (R-Iowa) said during a Wednesday press conference. "So why the heck didn't he do it sooner?"

Senator Katie Boyd Britt (R-Ala.), likewise, stated, "Senator Schumer has the power to schedule votes on each of these nominees. Today's move only confirms this has been true all along."

Moreover, as the Daily Signal pointed out, "Unless the Senate is willing to vote individually on all the military nominees," Schumer's assertion that Tuberville has failed is "likely not true — Tuberville will still be able to hold up nominees over the Pentagon's abortion policy."

"My hold is still in place," Tuberville declared. "The hold will remain in place as long as the Pentagon's illegal abortion policy remains in place. If the Pentagon lifts the policy, then I will lift my hold. It's as easy as that."



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