



Written by [Michael Tennant](#) on October 8, 2010

Congressional Candidates Try to Silence Pro-life Critics

According to the Associated Press, Americans United for Life, a pro-life organization, is running ad campaigns against 12 Democrats, nearly all incumbents, who voted for — or support — ObamaCare. AUL argues that these candidates should be defeated on the grounds that the healthcare law fails to prevent taxpayer funds from being spent on abortions. The group points out, for example, that while the House of Representatives had passed an amendment to the bill banning federal funding of abortion under ObamaCare, the amendment was not in the final version, yet these allegedly pro-life Democrats voted in favor of the bill anyway.



Democrats have argued that an executive order signed by President Barack Obama is added insurance that federal money won't pay for abortions under the reformed health care system, says the AP. [AUL] said Obama's order could be appealed or overruled by courts and was necessary only because the law didn't clearly ban federally funded abortions in the first place. Furthermore, the AP reports, AUL says the nonpartisan Congressional Research Service found that abortion restrictions ... would not appear to apply to using federal money in pre-existing condition insurance plans that states must create as part of the reforms.

When states began rolling out their high-risk insurance plans this summer, it quickly became clear that [some of them](#) could indeed [cover abortions](#), forcing the Department of Health and Human Services to issue a statement saying that in all states, abortions will not be covered in the Pre-existing Condition Insurance Plan (PCIP) except in the cases of rape or incest, or where the life of the woman would be endangered.

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While to the casual observer this might appear to settle the matter, it demonstrates just how fragile the ban on federal funding of abortions under ObamaCare really is. Without statutory language mandating such a ban, it is entirely at the discretion of the executive branch. Executive orders and department regulations can be changed in the blink of an eye and, as AUL noted, executive orders in particular may not even be enforceable in court. Thus, legislators who claim to be pro-life yet favor ObamaCare are placing their professed pro-life principles at the mercy of the President and other executive-branch personnel reason enough to suspect that politics trump principle for such persons and that they should therefore be defeated.

Two of the candidates targeted by such ads one by AUL ads, the other by similar ads sponsored by the pro-life [Susan B. Anthony List](#) are fighting back. However, they are not defending themselves by offering up an alternative view of their votes for ObamaCare or otherwise trumpeting their pro-life



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votes. Instead, in the time-honored tradition of politicians, they are attempting to silence the opposition.

In Pennsylvania, attorneys for the campaign of Rep. Kathy Dahlkemper, the target of an AUL radio ad, sent letters to four Erie-area radio stations asking them to stop broadcasting the ad because it is slanderous, inaccurate and falsifies ... Dahlkemper's stance on abortion. They also not-so-subtly threatened the stations with the loss of their broadcasting licenses: Were hopeful that the radio stations wont air the ads and be responsible and honor their (Federal Communications Commission) licenses, Erie attorney Philip Friedman told the AP.

The AP explains that Stations cant censor or pull ads paid for by a specific candidate, but they can be held responsible for the content of third-party ads, according to FCC regulations. Stations don't have to absolutely confirm third-party ads, but should investigate any claims brought to their attention to rule out blatant falsehoods. That, in a nutshell, is the prime reason not to put the government in charge of deciding who gets to broadcast and who doesn't: A station can broadcast government propaganda all day long and call it news; but let that same station air an issue ad whose veracity is to some degree a matter of opinion, and the target of the ad can browbeat the station into pulling it with the threat of having its FCC license revoked.

Ohio Rep. Steve Driehaus, likewise, is using legal threats to prevent the SBA List from posting billboards claiming that by voting for ObamaCare he voted for taxpayer-funded abortion. [Politico reports](#) that Driehaus has filed a criminal complaint with the Ohio Elections Commission alleging that the billboards are illegal because the law forbids anyone to post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not. (One wonders how many whoppers Driehaus has told in his decade-plus career in politics.)

The commission will hold a hearing on October 14, after which it will decide if the complaint has merit. If it agrees to move forward, says *Politico*, a second hearing will decide whether to send the complaint to a prosecutor or to issue a letter of reprimand. The commission doesnt have the power to order the billboards taken down.

In fact, the billboards have not even been erected yet; Lamar Advertising, hired to erect them, has agreed to wait for the commissions ruling before proceeding. Of course, with fewer than three weeks separating the first hearing from Election Day, even a favorable ruling for the SBA List wouldnt leave much time for the billboards to be posted before the polls open; and if the case were to go to trial, it is virtually certain that the election would have long since passed by the time a verdict came down.

Both Dahlkemper and Driehaus are trailing significantly in the polls, Dahlkemper by 13 percentage points in an October 6 [poll](#) by *The Hill* and Driehaus by 12 points in a late-September [poll](#) by SurveyUSA, which may explain their desperation. That does not, however, excuse their unconscionable attempts to muzzle their critics in violation of the First Amendment to the Constitution they have both [sworn to uphold](#) as members of Congress. For that, if for nothing else, they deserve to go down in defeat.

Photo: Rep. Kathy Dahlkemper, D-Pa., during a mock swearing-in photo shoot on Capitol Hill in Washington, Jan. 6, 2009: AP Images



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