

Dates to Remember

November 1 — US Supreme Court will hear two challenges to the Texas Heartbeat Law: one by the US Department of Justice and the other by a national abortion chain.

December 1 — US Supreme Court oral hearings for Mississippi's pre-viability abortion ban.

January 20, 2022 (Thursday) — Local **Candlelight Vigil** and bus send-off in Sidney. Details TBA.

January 21, 2022 (Friday) — **National March for Life in Washington DC** and anniversary of Roe v. Wade and Doe v Bolton. *See bus trip registration information on pages 2 and 4.*

May of 2022 — Important primary elections. It's not too early to promote pro-life candidates.

Local Life Chain Event Promotes Message of Hope and Healing

About 75 people attended the National Life Chain event, in October, held at the court square in Sidney, for Respect Life month. Attendees heard from one of the winners of the 2021 Pro-Life Oratory Contest, Becca Seger from Russia, who is studying Marketing at Wright State Lake



campus. A time of peaceful prayer and witness for the respect of all human life followed, as participants dispersed evenly around the court square holding signs with messages such as "Life: the First Unalienable Right," "Choose Love, Choose Life," "Abortion Hurts Women," and "Jesus Forgives and Heals." Opening and closing prayers were given, respectively, by Rev. Martin Fox of St. Remy Parish (Russia) and Rev. Dave Boley of Sidney Apostolic Temple. Shelby County Right to Life program director, Anne Schmiesing, closed the event by encouraging participants to continue to pray throughout the day for those who witnessed the event; "You never know who witnessed our message of hope and healing today; who may have recalled painful memories of an abortion and is in need of healing." Schmiesing also noted that successful programs for post-abortion healing are available in Sidney and Dayton, which have brought peace and healing to many people through The HOPE Project (hopeafterabortiondayton.org).

Thrift Shop Report

Month of September
390 Customers
3 Work-to-Earn Shifts
175 Units, Assistance Program

Pray for each US Supreme Court justice: *Clarence Thomas, Stephen G. Breyer, Chief Justice John G. Roberts, Jr., Samuel A. Alito, Sonia Sotomayor, Elena Kagan, Neil Gorsuch, Brett Kavanaugh, Amy Coney Barrett*, and all federal justices, to rule with integrity on pending cases involving abortion legality.



Legal Experts Say Viability Rule Abortion Law Was Political, Not Science-Based

By Carole Novielli, August 20, 2021, from Live Action

The Supreme Court has acknowledged that a “fetus is a living organism while within the womb before and after viability,” argues Mississippi Attorney General Lynn Fitch in her recently submitted [brief](#) in the *Dobbs v. Jackson Women’s Health Organization* case. Therefore, the AG writes, “A viability rule has no constitutional basis, it harms state interests, and it produces other severe negative consequences.”

The *Dobbs* case centers around a Mississippi abortion law which prohibits abortion after 15 weeks gestation and is soon to be heard by the United States Supreme Court based upon the question, “**Under the Constitution, may a State prohibit elective abortions before viability?**” According to author and legal scholar Clarke Forsythe in his book, “Abuse of Discretion,” Justice Harry Blackmun’s opinion in *Roe v. Wade*, which legalized abortion throughout the nation, defined “viability” as “the ability for the unborn child to survive *outside* the mother’s womb.” (Emphasis added.) [One point Blackmun’s statement failed to address is that a healthy pre-born child is viable during the entire pregnancy as long as he is in the womb where he is supposed to be.]

[As] John Hart Ely, a Yale Law School Professor, seemed to say when he [wrote](#) in 1973, “The Court’s response here is simply not adequate. It agrees, indeed it holds, that after the point of viability (a concept it fails to note will become even less clear than it is now as the technology of birth continues to develop) the interest in protecting the fetus is compelling. Exactly why that is the magic moment is not made clear....”

Likewise, [according to University of Georgia School of Law Professor Randy Beck], “In recent decades, advances in care before and after birth have permitted larger percentages of preterm infants to survive at progressively earlier points in gestation...” *Continued on page 3.*

March for Life 2022 Bus Trip Details

Shelby County Right to Life is sending two 56-passenger buses to Washington DC for the National March for Life, January 21, 2022.

Cost: \$85 per seat. (SCRTL subsidizes the trip, so cost is already reduced from actual expenses.)

Schedule: The trip involves an overnight trip to and from Washington DC.

Thursday, January 20, around 7:30pm—Depart from Sidney;

Friday morning—Arrive in Washington DC;

Friday, around 6:30pm—Buses leave DC for return trip home;

Early Saturday morning (around 4:00 or 5:00am)—Buses arrive in Sidney.

Most of Friday will be spent outdoors, with no bus access. Friday morning, passengers will be dropped off for Mass before the March. Let us know if your group will not be attending Mass.

Reservations: Reserve your spot soon. Over half of the 112 seats are already reserved. Once registered, final itinerary and travel info will be sent by email. Payment is required to reserve a seat.

Payment can be made to [Shelby County Right to Life](#) by check or [online](#), along with required contact info form. *All passengers under age 18 must be accompanied by an adult or chaperoned group.*

Contingencies: All checks received will be held until January, in case of an unforeseen cancellation of the trip, in which case we will do our best to refund each participant.

Viability Rule Was Political, Not Science-Based *Continued from page 2.*

“The change in viability statistics over time highlights one of the unfortunate consequences of using viability, a concept developed for medical purposes, as the basis for determining an individual’s legal status under the Constitution.”

How did Roe decide viability? [The arbitrary nature of the cut off]

In his book “Defenders of the Unborn,” author Daniel K. Williams points out that Blackmun recognized, “At some point during pregnancy... the state might have a ‘compelling interest’ in protecting fetal life.”

“He was not sure though where that was,” Williams wrote.

Blackmun originally set the cutoff at end of the first trimester, or first 13 weeks of pregnancy, **wrote** Journalist Bob Woodward who **reviewed** correspondence between the Justices on the subject. “This is arbitrary,” Woodward quoted Blackmun as claiming.

“But perhaps any other selected point, such as quickening or viability (of the fetus), is equally arbitrary,” Blackmun wrote, according to Woodward.

“Blackmun’s use of the term ‘arbitrary’ was unusual even in a confidential memo, according to half a dozen legal experts who were read portions of the Roe memos,” Woodward pointed out. “None of these experts could recall reading such a statement in internal communications among the justices or published court opinions.”

Blackmun’s 13-week line received pushback from other Justices, according to the memos Woodward reviewed.

Justices Thurgood Marshall and Lewis Powell advocated “drawing the line at viability...” or the time when the preborn child could survive on her own outside the womb, Williams claimed. Marshall’s concern over Blackmun’s “end of thirteen weeks” line seemed to have little to do with actual science but leaned more toward allowing women additional time to make the decision to have an abortion. “Blackmun changed the opinion somewhat to accommodate Marshall’s concerns, saying that after approximately the first trimester, the states could regulate abortion to protect the health of the mother,” wrote Woodward.

Blackmun eventually compromised and settled on the end of the second trimester, or 24 weeks.

Viability was political, not scientific

“The viability rule that the Court debuted in Roe did not originate as a legal standard,” Beck **pointed out**. “Indeed, Justice Blackmun borrowed the concept of viability from the **medical community**,” he added.

According to Forsythe, the Justices’ adoption of “viability” had nothing to do with law or safety. Calling the Court’s rationale “careless,” Forsythe described it as nothing less than a “pragmatic motivation of expanding the time allowances in pregnancy for abortions.”

Geoffrey R. Stone, then-Dean of the University of Chicago Law School, agreed, **telling** the Washington Post in 1989, “Everyone in the Supreme Court, all the justices, all the law clerks knew it was ‘legislative’ or ‘arbitrary.’”

States have an interest in protecting the previable human

In her *Dobbs* brief, AG Fitch argues that a state has an interest in protecting previable life and therefore the “viability rule” is not based on the Constitution. “The unprincipled nature of a viability rule harms the Judiciary...” the AG wrote. “A viability rule makes constitutionally decisive such factors as the state of medicine and a woman’s proximity and access to sufficient medical care.”

“No matter what a State learns — about fetal pain, about when unborn life takes on the human form, about women’s health, about what effect performing abortions has on doctors — the State cannot fully act on that knowledge before viability,” the AG wrote, stating *Roe* and *Casey*’s “defense of a viability-based regime is circular and without substance.”

“A viability rule erects an arbitrary line that produces arbitrary results. That cannot stand from the Branch that must act based on principle...” Fitch states, concluding that, “There is no persuasive reason for a viability rule.”

Article from Live Action: <https://www.liveaction.org/news/legal-experts-viability-abortion-constitutional/>

Generous Donation *from Our Community to Our Community*

Thrift Shop Manager, Jen Bohman (pictured left), with Dorothy Love quilters who have donated many quilts to Shelby County Right to Life to donate to families with newborns.



2022 March for Life Trip Registration Form

Passenger Name _____ Age _____

Name of adult/group leader accompanying passenger if under age 18 _____

Passenger's Cell Phone _____

Can this cell phone number be included in the bus handout Yes / No

Emergency Contact Name: _____

Emergency Contact Phone: _____

Mailing Address (of passenger/or responsible party): _____

Email Address _____

Will you attend the Mass in Washington DC before the rally and March begin? Yes / No

Make Checks payable to Shelby County Right to Life at \$85 per seat.

Mail payment and form to Shelby County Right to Life, PO Box 72, Sidney, OH 45365

Or pay via our website donations button at <http://www.shelbycountyrighttolife.org/>

And email form to director@shelbycountyrighttolife.org

Questions: Call Anne Schmiesing at 937-658-3535.



2022 National March for Life Theme