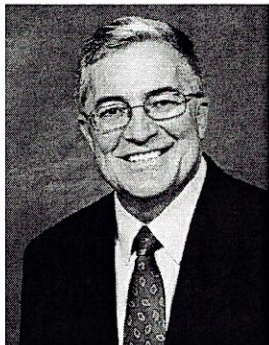


**Moving Arkansas and America to a More
Just and Humane Future**



Arkansas Legislature 2021

Allan E. Parker, Jr.
President, The Justice Foundation
Member of the Bar of The U.S. Supreme Court
www.thejusticefoundation.org

**“There is no matter as “grave as the
determination of whether a human life
should be taken or spared.” *Gregg v.
Georgia*, 428 U.S. 153, 189 (1976) (opinion
of Stewart, Powell and Stevens, JJ.)”**

- Justice Sotomayor, dissent in *U.S. v. Higgs*, 592 U.S. – 2021 (Jan. 15, 2021) Citing Justices Stewart, Powell and Stevens.

Gonzalez v. Carhart **Opinion of the Court**

Quotations from the majority opinion by Justice Kennedy:

- “Respect for human life finds an ultimate expression in the bond of love the mother has for her child... Whether to have an *Abortion requires a difficult and painful moral decision.*”
- “. . . It seem unexceptionable to conclude some women come to regret their choice to abort the *infant life* they once created and sustained. See Brief for Sandra Cano et al. [180 Women Hurt By Abortion] as *Amici Curiae* in No. 05-380, pp. 22-24. *Severe depression and loss of esteem can follow.*” *Ibid.*
- 4,660 Legally admissible written testimonies

Gonzalez v. Carhart **Justice Ginsburg, Dissenting**

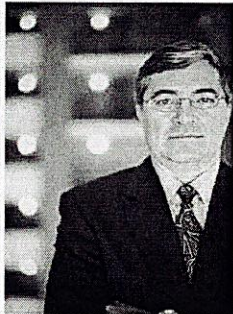
Quotations from Justice Ginsburg:

- “Ultimately, the Court admits that “moral concerns” are at work, concerns that could yield prohibitions on any abortion.”
- “The Court is surely correct that, for most women, abortion is a painfully difficult decision...”

The New York Times

May 22, 2007

Excerpts from
The New York Times
Article by Robin Toner



Allan Parker, President of The Justice Foundation

Read

The Justice Foundation's brief
and the Supreme Court ruling
at www.operationoutcry.org

Abortion Foes See Validation for New Tactic

... [The] **Supreme Court decision** upholding the Partial-Birth Abortion Ban Act **marked a milestone** for a different argument advanced by anti-abortion leaders They say that **abortion, as a rule, is not in the best interest of the woman;** that women are often misled or ill-informed about its risks to their own physical or emotional health; and that the interests of the pregnant woman and the fetus are, in fact, the same.

The **majority opinion** in the court's 5-to-4 decision **explicitly acknowledged this argument**, galvanizing anti-abortion forces and setting the stage for an intensifying battle over new abortion restrictions in the states.

The anti-abortion move-

ment's focus on women has been building for a decade or more, advanced by groups like the conservative **Justice Foundation**

It is also at the heart of an effort — expected to escalate in next year's state legislative sessions — to enact new "informed consent" and mandatory counseling laws that critics assert often amount to a not-so-subtle pitch against abortion.

... **Allan E. Parker Jr., president of the Justice Foundation**, a conservative group based in Texas, compares the campaign intended for women to the long struggle to inform Americans about the risks of smoking.

Legislative Findings in SB6

Moving Forward to a Better Future -
No Going Back

Important New Book, released in 2016
The Law of Judicial Precedent

Co-authored by

Bryan A. Garner

Carlos Bea • Rebecca White Berch

Neil M. Gorsuch • Harris L. Hartz

Nathan L. Hecht • **Brett M. Kavanaugh**

Alex Kozinski • Sandra L. Lynch

William H. Pryor, Jr. • Thomas M. Reavley

Jeffery S. Sutton • Diane P. Wood

Foreword by Justice Stephen Breyer

**“§ 47. Reasons for Overruling
A Supreme Court Opinion”**

“(D)The decision has been met with general dissatisfaction, protest, or **severe criticism**;”

“Similarly, the courts consider whether there has been a **significant change in circumstances** since the legal rule was promulgated.”

SB6 - Legislative Findings

5 Reasons – Good News For America

1. **NEW** Argument that Abortion is a **Crime Against Humanity**
2. **NEW**, better alternative to abortion – a massive “change in circumstances”- **Safe Haven Laws.**
3. **NEW** evidence shows **Abortion Hurts Women**
4. **NEW** – a million people are waiting to **Adopt Healthy Newborn Infants**
5. **NEW** scientific evidence (since 1973 and 1992) shows **Life Begins at Conception**

1. Abortion is a Crime Against Humanity - The Greatest Injustice in the World Today

(not a fundamental human right)

- Like *Dred Scott Case* (slavery forever)
- Like *Plessy v. Ferguson* – “separate but equal” doctrine
- *Brown v. Board of Education* was great because it reversed a 58 year old precedent, it did not create new rights. “separate, but equal” is not equal
- A crime against humanity occurs “when the government withdraws legal protection from a class of human beings.”
- In this case, the class is “children in the womb”.

2. Safe Haven Laws - A New, Arkansas' Better Alternative to Abortion that did not exist in '73 or '92 eliminates the need for abortion - "A Change In Circumstances"

- Why do women get abortions? For many reasons, but in summary, because they feel they **can not** or **do not want** to care for a child.
- Arkansas Safe Haven law allows women to leave the hospital without the child or drop it off at a Safe Haven within 30 days of birth. No questions, no legal procedure, no cost. www.safehavenalliance.org
- All "burden" or responsibility for child care can now be transferred to society without killing the child.

**3. New Evidence Since 1973
Abortion Hurts Women**

- A. Gonzales v. Carhart – Supreme Court Ruling on Partial Birth Abortion
- B. Women's Testimonies – The Justice Foundation collected over 4,660 legally admissible testimonies of women hurt by abortion in all 50 states. They have been used by state legislatures to support pro-life laws.
- C. Scientific Literature - e.g. *"Overall, the results revealed that women who had undergone an abortion experienced an 81 percent increased risk of mental health problems, and nearly 10 percent of the incidence of mental health problems were shown to be directly attributable to abortion."* - Dr. Priscilla K. Coleman, The British Journal of Psychiatry, Aug 2011, 199 (3) 180-186.
- D. Over 100 Scientists, Medical and Mental Health Professionals Agree

4. 1-2 million people a year are desperately waiting to adopt healthy newborn infants

- Eliminates cost of adoption
 - Which averages \$10,000 - \$20,000 per child.
 - American Adoptions - www.americanadoptions.com

5. Life Begins at Conception

- New Scientific Evidence since '73 and '92, 47 years of new science
- We now “know” that human life begins at conception, unlike *Roe* Court
- When do “human rights” begin – When we become human - at conception
- The life created at conception is and never becomes anything but human – our species.

New Trends at the Supreme Court

Justice Kavanaugh's Analysis in *Ramos v. Louisiana* (S.Ct. 2020) (overturning a 1972 Supreme Court Case and requiring unanimous jury verdicts)

“These 3 Factors can help guide the inquiry and help determine what constitutes a ‘special justification’ or ‘strong grounds’ to overrule a prior constitutional decision.”

- **“First, is the prior decision not just wrong, but grievously or egregiously wrong? A garden-variety error or disagreement does not suffice to overrule a case.”**
- **“Second, has the prior decision caused significant negative jurisprudential or real-world consequences?”**
- **“Third, would overruling the prior decision unduly upset reliance interests?”**

Conclusion

- **Justice** for the child – Don't kill your child
- **Mercy** for the Mother – We will help you – you don't have to care for the child, don't hurt yourself
- **Walk humbly** with our God



The Justice Foundation

info@txjf.org

www.thejusticefoundation.org

www.themoraloutcry.com

www.operationoutcry.org



TO THE HONORABLE MEMBERS OF THE ARKANSAS LEGISLATURE:

My name is Allan Parker. I am a former Professor of Law. I am licensed to practice law and currently do so before The United States Supreme Court. I am also the President of The Justice Foundation, a non-profit 501(c)3 public interest litigation foundation. A more complete bio is attached to my testimony. I represent thousands of women hurt by abortion and everything I know about how abortion hurts women comes from women. I will provide you with their testimony as well.

Having reviewed SB6 by Senator Rapert, I am of the opinion SB6 is an excellent vehicle for improving the health and safety of women in Arkansas and moving towards a more just and humane society. Since Arkansas already has a Safe Haven law, as does every other state in the nation, no woman in Arkansas would have to take care of an unwanted child if the bill was passed. On the other hand, Senator Rapert's SB6 is an excellent vehicle for challenging the Supreme Court's current view on *Roe v. Wade*, *Doe v. Bolton*, and *Planned Parenthood v. Casey*.

As you know, *Roe v. Wade* has never been uniformly accepted by the American people. In fact, it is the subject of "severe criticism", which is one reason for overturning Supreme Court precedent. SB6 is based on The Moral Outcry Petition. There are already 350,000 signers of The Moral Outcry Petition calling Abortion a Crime Against Humanity, which it is. A Crime Against Humanity occurs when the government withdraws legal protection from a class of human beings, resulting in severe deprivation of rights, including death.

Abortion obviously results in loss of "infant life" as even the Supreme Court has acknowledged in *Gonzales v. Carhart*, 550 U.S. 124 (2007). The Court in that case also admitted that abortion hurts women. The Court acknowledged that "some women come to regret aborting the infant life she once created and sustained". "Whether to have an abortion requires a difficult and painful moral decision" and is "fraught with emotional consequence." The Court also noted that "severe depression and loss of esteem can follow" an abortion. *Ibid*.

Thus, Arkansas has the chance to lead the nation in using *stare decisis*, the law of judicial precedent, which all of the members of the Supreme Court have sworn to follow, to lead to the reversal of *Roe*, *Doe* and *Casey*. The Supreme Court has overturned its prior opinions over two hundred times, including even in what Justice Kavanaugh calls its single most important decision, *Brown v. Board of Education*, which overturned a 58 year old precedent allowing segregation which millions of American's had unjustly relied upon. The Court overturned a 1972 opinion just last term.

Now under the principles set forth in "The Law of Judicial Precedent" co-authored by Justice Kavanaugh and Gorsuch, *et.al*, with a forward by Supreme Court Justice Stephen Breyer, there is a clear pathway for reversing *Roe*.

In short, Arkansas can stop killing "**infant life**", instead it already provides a government safety net to help women through the Arkansas Safe Haven law. Finally, there are one to two million people waiting to adopt newborn children in America. https://www.americanadoptions.com/pregnant/waiting_adoptive_families. There will be no burden of foster care for children for the State of Arkansas. It is a win-win for everyone in America, including the women who might otherwise choose abortion today.

I would like to provide to you 4,661 legally admissible written sworn testimonies of Women Hurt By Abortion. The first 108 are from Arkansas. See <https://www.dropbox.com/sh/8lksxqweaer4g0u/AAC3I3beB4p7co5cbvMrSrxKa?dl=0>.

These testimonies from around the nation also document the terrible pain of abortion:

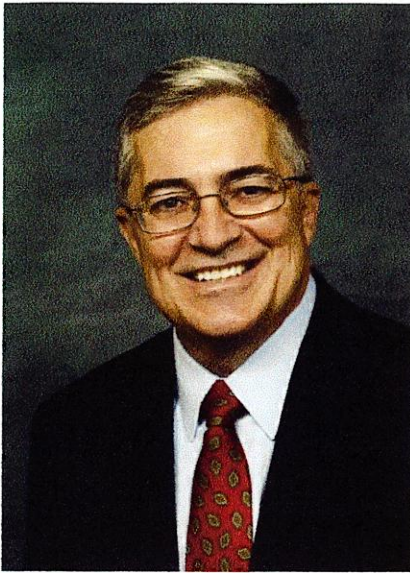
<https://www.dropbox.com/sh/t0i6esr58vwy2df/AAC8IVWfkKPITs0zVKki78yZa?dl=0>

Also, here is a link to the Task Force Report of South Dakota which studied the issue carefully: <http://www.dakotavoice.com/Docs/South%20Dakota%20Abortion%20Task%20Force%20Report.pdf>

Judge Edith Jones of the 5th Circuit Court of Appeals has said the Supreme Court should reevaluate *Roe v. Wade*. See *McCorvey v. Hill*, 385 F. 3d 846 (5th Cir. 2004) (cert. denied). In *Wayne Stenehjem, et al v. MKB Management Corp, et al*, 795 F. 3d 768 (8th Cir. 2015) (cert. denied) the 8th Circuit Court of Appeals unanimously said abortion should be reevaluated. Now, Arkansas can help that occur.

Advancing Life, Liberty and Justice in Him,

Allan E. Parker
President
The Justice Foundation
aparker@txjf.org
www.thejusticefoundation.org
210-614-7157



Allan E. Parker, Jr., *President*
The Justice Foundation
Expertise

Women's Health
Limited Government
Parental Rights
Effects of Abortion on Women

Newsmaker

Wall Street Journal
Jim Lehrer News Hour
Hannity and Colmes
Houston Chronicle
Dallas Morning News
Washington Times
Los Angeles Times
O'Reilly Factor
BBC Radio
International Herald Tribune
Co-Host, "*Faces of Abortion*"
Television Program

The Justice Foundation
8023 Vantage Drive, Suite 1275
San Antonio, TX 78230
www.thejusticefoundation.org
www.operationoutcry.org

The Justice Foundation, Operation Outcry,
Center Against Forced Abortion and The Moral Outcry

Allan Parker, President of The Justice Foundation, is a former Professor of Law at St. Mary's University in San Antonio, Texas, where he taught Education Law and Civil Procedure. He was a Visiting Professor at the University of Texas, and studied International Human Rights at the International Human Rights Institute in Strasbourg, France. He taught International Human Rights at the St. Mary's Institute on World Legal Problems in Innsbruck, Austria in 1992.

The Justice Foundation represents the women and men of **Operation Outcry**, a ministry of The Justice Foundation that seeks to end the pain of abortion in America and around the world by mobilizing women and men hurt by abortion to become witnesses who share their true stories of the devastating effects of abortion through courts and legislatures. Operation Outcry holds the largest collection in the world of legally admissible, written testimonies from women hurt by abortion.

The Justice Foundation's **Center Against Forced Abortion (CAFA)** provides free legal resources and training for lawyers, police, school counselors, and pregnancy resource centers and direct legal help to mothers who are being unduly pressured, forced or coerced into an unwanted abortion. We estimate the Center's training, assistance and legal tools save between 1000-2000 mothers and babies annually.

The Moral Outcry is a ministry of The Justice Foundation providing free legal representation to Melinda Thybault and assistance to those who sign her nationwide petition asking the Supreme Court to reverse its abortion cases. This petition serves as a symbol of America's Moral Outcry against abortion. It will wake up the nation and galvanize the national conscience to end the scourge of abortion in America. Sign the petition at www.themoraloutcry.com

Allan Parker, President, was lead counsel for Norma McCorvey, formerly "*Roe*" of *Roe v. Wade*, from 2000 to 2012, and Sandra Cano, the "*Doe*" of *Doe v. Bolton*, until 2014 in their efforts to overturn the two landmark cases that brought legalized abortion on demand to America.

Mr. Parker received his J.D. degree with high honors from the University of Texas School of Law in 1979. He was an Associate Editor of the Texas Law Review, a Chancellor, Order of the Coif, and Order of Barristers for his outstanding advocacy skills. He graduated Phi Beta Kappa from the University of Oklahoma with a B.A. in Economics in 1974.

Frequently Asked Questions about SB6

1. What's new about this bill?

It includes the legislative findings of The Moral Outcry Petition which is a legal strategy based on The Law of Judicial Precedent, co-authored by Gorsuch and Kavanaugh et al. for overturning Supreme Court decisions.

2. What would be the effect of this law if it were allowed to go into action?

No woman in Arkansas would have to care for a child she doesn't want. The Arkansas Safe Haven Law allows a woman within 30 days of birth to drop the baby off at a hospital, emergency room, manned fire station, or at a baby box at a fire station.

3. What about rape?

As a lawyer who has collected the testimonies of over 4,660 women hurt by abortion, I can tell you that based on the testimonies of women who actually suffered rape; that for many women taking the life of her own baby through abortion, even though the father was a rapist, made the woman feel like a murderer and a criminal, whereas before she was just a victim of a crime. This can be devastating; abortion can appear to be a compassionate answer but is not. Second, women who chose to keep the rapist's child often say that giving life to an innocent child was a life affirming and healing thing for the woman. Third, no woman has to care for a child of rape and she would be able to use the Safe Haven Law to give the innocent child to families which are waiting to adopt new born children, thus avoiding any abortion related trauma to the woman. Psychological counseling should be available for her and criminal penalties for the man.

4. Is there an incest exception?

No, because allowing the abuser to take a girl to get an abortion with no reporting allows the incest abuse to continue. On the other hand, a pregnancy of a young girl shows that someone is abusing her, DNA testing can show who the rapist is, and the guilty man should be punished by extensive jail time.

5. Can women be prosecuted?

There are no criminal penalties for the mother herself, only third parties.