



Kelly Rosati
LEGISLATIVE REPORT

Surprise late-term abortion provision dropped after outcry

Legalized abortion of third trimester viable babies for any or no reason up to the point of live birth. Sound outrageous? Of course. But this very conduct would have been legalized in Hawaii if a proposal recently heard in the statehouse judiciary committee (HB1242) had passed into law.

Thankfully, the controversial provision was removed from the bill. Not without major effort.

Here's how it happened.

As the first half of the session was winding to a close, and at the Hawaii Family Forum and Hawaii Catholic Conference were pleased with the tone of the 2006 legislature: Affordable housing and homeless issues have been a top priority; physician assisted suicide proposals were not considered; and the two St. Francis Medical Centers remained free to operate in accordance with their religious and ethical directives.

Then, Tuesday, late afternoon ...

A single bill appears on the agenda of the house judiciary committee. Its title simply reads "Relating to section 453-16 Hawaii Revised Statutes." An immediate red flag. We look further. Heart sinks. It is an abortion bill. The first several

paragraphs state that the purpose of the bill is merely to clarify, update, and conform the statutes with current federal and state case law.

As unwavering supporters of the human rights of the pre-born child, we oppose the current legal climate in America where "abortion rights" are enshrined liberties under the U.S. Constitution. However, until the Roe v. Wade decision is overturned, state government efforts to prohibit abortion are largely unconstitutional. Hawaii has several provisions on the books that are, in fact, unconstitutional. The purpose of this bill, so it said, was to "update" that old language.

But, as the saying goes, the devil is in the details.

Further analysis of the bill revealed that tucked away in Section 2, paragraph (b) was a little provision that would have expanded Hawaii's abortion law by eliminating one of Hawaii's only restrictions on the books — the exclusion of "viable fetuses" from the definition of abortion.

This little two-line change, the very essence of which was denied in the bill's own purpose language, would have legalized late-term abortion right up to the point of live birth.

Time to call out the troops.

Wednesday morning ...

Once discovered, the Hawaii Family Forum and Hawaii Catholic Conference communities were alerted to make their opinions known to the legislators. Phone calls were made, e-mails were sent and conversations were held with key lawmakers. Preparations were made for the public hearing.

The faces and voices of the community made plans to alter their schedules in order to take a stand (or a seat, as it were) the next day on behalf of the unborn. Hawaii Family Forum phones rang all day. We were busy. And we were hopeful the people would respond to the call to action.

Thursday ...

More important discussions with key lawmakers. They all appear unaware of what the bill *actually* does. They repeat the purpose language that "this is just a technical bill." They are shown the actual text, which does far more than that. Many are concerned. Some are very concerned.

Meanwhile, many regular folks have said they will come to the hearing to oppose the bill.

We're hopeful but have to wait and see.

Thursday, 4 p.m. hearing ...

One of those concerned enough to change his schedule and attend the hearing was Lt. Gov. James "Duke" Alona. He was joined in the state capitol's room 325, which was packed with pro-life supporters.

The welcome announcement ...

Before public testimony was taken, the presiding legislator, vice chair Rep. Blake Oshiro announced there was a misperception about the bill. He said after talking to the bill's authors, they discovered a "drafting error" which was responsible for the abortion expansion language. Rep. Oshiro said that was not the bill's intent. He pledged two more times — once to the lieutenant governor during his testimony and once to me during mine — that he would not alter the current definition of abortion and therefore not expand Hawaii's current abortion law.

We were very pleased. Many were skeptical about the "drafting error" explanation, but, whatever the reason, Rep. Oshiro's assurance was welcome news.

Others in the room included Christian leaders from various denominations and many moms, dads, aunts and uncles. All of them spoke about the need to defend the human rights of the unborn child and to provide better options for women facing unplanned pregnancies. Some even spoke about their own abortion experiences, their regret, and their forgiveness through Christ.

The tone was civil, even charitable, as it must always be. The message was clear. And the abortion expansion provision was dropped.

HB1242 is still not a good bill. Your legislators still need to hear from you. For more information about HB1242 and its saga to date, to identify your legislators, or to sign up for our e-mail alert list, log on to the Hawaii Family Forum website at www.hawaiifamilyforum.org.

And to those of you who got involved, mahalo! It made a difference — for life.

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