



Spring Newsletter 2018



*Protecting the Family Through Prayer and Action*

## Planned Parenthood's Criticisms of Law Rectified

For You created my inmost being; You knit me together in my mother's womb. -Psalm 139:13

[SB 110](#), the major pro-life bill of 2018, is now law. Gov. Dugaard signed the bill on March 7, with sponsors and pro-life lobbyists present, including your CWA of South Dakota leaders. SB 110 brings transparency to the disclosure of information given to women seeking abortions at Planned Parenthood in Sioux Falls, our only remaining abortion facility, and sets aright the wrong done to our legislators and governor who passed and signed revisions to our abortion disclosure law in previous years.

Planned Parenthood has now been exposed in their failure to adequately present the disclosures (informed consent) as required by state law. Pregnancy Help Centers will now also provide certain disclosures, ensuring pregnant mothers receive accurate information when considering an abortion. Recall that disclosures are found in statute at [34-23A-10.1](#) and include known medical risks, name of abortionist, probable gestational age of the unborn child, that

information on discontinuing a drug-induced abortion is on the Department of Health website, as well as:

- ◆ that the abortion will terminate the life of a whole, separate, unique, living human being;
- ◆ that the pregnant woman has an existing relationship with her unborn child, that the relationship enjoys protection under the U.S. Constitution and under the laws of South Dakota, and that by having an abortion, her existing relationship and her existing constitutional rights with regards to that relationship will be terminated;

- ◆ a description of all known medical risks and significant risk factors to which the pregnant woman would be subjected, including depression and related psychological distress and increased risk of suicide ideation and suicide.

When the *Planned Parenthood vs. Rounds* court case began in June 2008, the abortion facility was required to provide its procedure for meeting requirements in South Dakota abortion disclosure law. Depositions that came forth in hearings showed that abortion clients were given the following document, which includes, in part:

*Politicians in the State of South Dakota require us to*

*tell you that some studies have found that women who have had abortions have a higher rate of suicide or thoughts of suicide than other women. We dispute this statement..."*

But this statement is incorrect and false. It is not "politicians" but "state law" that requires the facility to give correct and proper informed consent. This was an affront to our legislators, our governor, and to the

rule of law itself. Moreover, anyone who disagrees with a law is not given the right to dispute it rather than obeying it, but instead should seek to change that law. We have not seen Planned Parenthood or anyone else coming forth with a new bill to seek that change. Therefore, it is incumbent upon them to obey that law and all laws passed by our legislature.

SB 110 passed with overwhelming support, 27-8 in the Senate and 56-9 in the House. If you wish to view the bill's history and votes, [click here](#).



# You've Gotta Love Gerber

He made us, and not we ourselves. -Psalm 100:3

Gerber chose one-year-old Lucas Warren from Dalton, Georgia, as their 2018 Gerber baby. What's so special about that? Lucas is the first child with Down syndrome to be chosen.

Well done, Gerber!

Whether they know it or not, Gerber is showing the beauty and worth of these children at a time when Down syndrome babies are being targeted for extermination because of their disability.

It might not seem like much, but to affirm the intrinsic value of all human life requires courage in our day and age.

Gerber is not merely being charitable with their pick. One look at baby Lucas, and anyone can easily see that this is a special child whose smile represents the best of our humanity.

Bill Partyka, CEO and president of Gerber, said, "Every year, we choose the baby who best exemplifies Gerber's longstanding heritage of recognizing that every baby is a Gerber baby. This year, Lucas is the perfect fit."

Lucas' mom, Cortney, said, "We're hoping when he grows up and looks back on this, he'll be proud of himself and not ashamed of his disability."

What beautiful words. May God bless this mother and family and especially this baby boy.

This story reminds us of the transcendent truth that we are all created in the image of God (Genesis 1:26-27). It is He who gives life.

Therefore, when we respect and celebrate each other, we respect and celebrate our Maker.

When we celebrate Lucas, we celebrate God.



## The Constitution is Not the Problem

... You shall select out of all the people able men who fear God ... and you shall place these over them as leaders ... -Exodus 18:21

Some say our U.S. Constitution is in great need of revision. They think that if we could just make some changes to restrict our government, elected officials would comply.

The question is, are we willing to risk severe revision to our Constitution---or even just scrap the entire document---based on promises that are false? We at CWA of South Dakota are not willing to take that gamble. One of our "Core Issues" is national sovereignty, and protecting our U.S Constitution is its basis.

Brush off your pocket-sized U.S. Constitution and turn to Article V where the Founders provided a constitutional amendment process. Utilized 27 times, including the addition of the Bill of Rights, the familiar process begins when Congress proposes an amendment with a two-thirds majority in both the House and the Senate. The final step is ratification by three-fourths of the state legislatures *or* state conventions.

Another process, though little known, begins when state legislatures vote to *apply* for a Constitutional Convention usually with the hope it focuses on a particular issue. When two-thirds of the states have *applied*, Congress must *call* the convention. A Constitutional Convention is also known as an Article V Convention, a Convention of States, an Amendments Convention, or a Con Con.

Since this second process has never been used and the Constitution is vague on details for such a convention, we can only look to the precedent of the last Constitutional Convention held in 1787, which produced our current U.S. Constitution. Delegates to that convention were instructed to only *revise* the Articles of Confederation, the "constitution" of the day. These instructions to delegates were violated, and we

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All donations sent to CWA national in response to their mailings are utilized in Washington, D.C.

TWO ways to give your tax-deductible contribution:

1. Mail a check in the envelope provided. Make your check out to "Concerned Women for America" and write "CWA of SD" on the memo line.
2. Or, [click here](#) to give online.

Your renewed  
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have no reason to believe instructions given to delegates would not be violated at a modern day Constitutional Convention!

Interestingly, in Federalist No. 43, James Madison, "father of the Constitution," wrote that Article V should be utilized only for repairing "discovered [constitutional] faults" or for "amendment of [constitutional] errors." The late Justice Antonin Scalia [stated](#) in 2015, "A Constitutional Convention is a horrible idea."

The Constitution grants Congress the authority to *call* the convention, allowing it to make key decisions which would doubtless affect the outcome of any convention, however delegates could totally disregard any proposed rules and make their own, as occurred in 1787. Would attendees elect to use a majority or super-majority vote? Who would select delegates? [All indications](#) point to delegate apportionment according to the Electoral College, rather than "one state, one vote." This would give South Dakota 3 delegates, while California would have 55. Would California delegates have the same common sense values as our South Dakota delegates?

What amendments would be the focus of these conventions? Some believe a Constitutional Convention can be restricted to one issue. However, Article V states "amendments"—in the plural form. The most discussed amendment is a Balanced Budget Amendment. Other ideas are "fiscal restraint" and "limit the power and jurisdiction of the federal government." Though good ideas, these goals are already spelled out in the Constitution, but ignored.

The problem is not the Constitution, which already provides for restraint and accountability. The problem with our "out-of-control" government is that our lawmakers are not in compliance with the Constitution. Our government has far exceeded its Constitutional enumerated powers. Since lawmakers fail to abide by our current Constitution, how can we be certain they will uphold a new one or any new amendments?

Other *applications* coming from the states for a Constitutional Convention include abolishing the [Electoral College](#). This would render lesser populated states powerless.

[Revision](#) and [repeal](#) of the Second Amendment has been suggested, thereby restricting gun ownership to militia only or complete repeal. [Alterations](#) to the First Amendment were recommended by a U.S. senator. Another consideration is the [Equal Rights Amendment](#), which would solidify "abortion rights" into the Constitution.

Notwithstanding a particular amendment, the objective of a Con Con is to open the Constitution. Some say the ratification process would prevent any bad amendments from being approved. However, the ratification threshold of three-fourths of the states could be changed by the convention itself, as occurred in 1787. It is Congress who would decide whether ratification would be through the state legislatures *or* at state conventions.

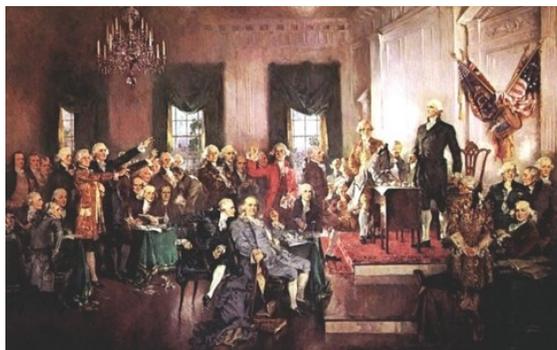
Furthermore, states have ratified bad amendments with the sixteenth, seventeenth or the eighteenth Amendment, if you think prohibition was a bad idea. In the 1970s, the Equal Rights Amendment was within three states required for ratification.

Our U.S. Constitution is the longest surviving constitution of any nation. It is a brilliant document that has lasted over 200 years. President George Washington called it "a miracle." We believe that now is not the time to proceed with an Article V Constitutional Convention. The climate in our nation is one of division, with various outspoken special interest

groups and protesters demanding special rights, while media feeds the frenzy. Former Chief Justice Warren Burger [wrote](#), "A Constitutional Convention today would be a free-for-all for special interest groups." It is just too risky to open our Constitution at this time.

*"Having witnessed the difficulties and dangers experienced by the first Convention ... I should tremble for the result of a second... . The most violent partisans" and "individuals of insidious views" would strive to be delegates and would have "a dangerous opportunity of sapping the very foundations of the fabric" of our Country. -James Madison's letter to G.L. Turberville, 1788*

CWA of South Dakota has actively pursued the defeat of any further *applications* by our South Dakota Legislature to utilize the Article V Constitutional Convention method.



## CWA of South Dakota Establishes Legislative Prayer/Action Team

We are making plans now to up our game in 2019! We need key people in each of our 35 state legislative districts to pray and contact others who will pray and target their legislators on a specific issue or bill during South Dakota's legislative session. Not difficult. If you can make a phone call, you can do this! More info will come in our fall newsletter. Get ready to join the team!

# CWA of South Dakota IN ACTION!

## - 2018 Legislative Session -

For what other great nation has a god so near to it as the Lord our God is whenever we call to Him?  
And what other great nation has statutes and ordinances as just as this entire  
law that I am setting before you today? -Deuteronomy 4:7-9

Focusing on the pro-family/pro-life causes that most interest you, your family and your friends, Linda and I represented you at our State Capitol. We were present 33 of the 38 days of the 2018 Legislative Session. All bills and actions can be found [here](#).

### **ALCOHOL**

House Bill 1132 (Rep. Goodwin/Sen. Nelson) was a bill to change the drinking age for South Dakota military personnel from 21 to 18. HB 1132 did not find favor in House State Affairs, where it was killed 12-1. (Note: HB 1132 was later "hoghoused" or changed into language not related to underage drinking.) We believe moving to a younger drinking age is a bad idea. Do you think the majority of 18-year olds have the maturity needed to handle this well?

### **ARTICLE V - CONSTITUTION**

Senate Joint Resolution 3 (Sen. Curd/Rep. DiSanto), was to *apply for a convention of states under Article V of the U.S. Constitution to impose fiscal restraints ... and limit the power and jurisdiction of the federal government.* We opposed this resolution, which failed 16-18 in the Senate. (For more background on this issue, see page 2.)

House Joint Resolution 1003 and its companion Senate Joint Resolution 7 (Rep. Johnson/Sen. Greenfield), were to rescind 2015's HJR 1001, an "application for an Article V Constitutional Convention." Although these good resolutions failed in committees unfavorable to our cause, we used the opportunity to hone our talking points, visit with many legislators, and prepare for citizen outreach in the future on the issue of Article V. Watch for updates!

Senate Joint Resolution 1 (Sen. Bolin/Rep. Reed), was a good resolution that passed and will be on the 2018 ballot. SJR 1 would change the current 50% vote to 55% for approval of a South Dakota Constitutional revision. CWA supports this effort because any amendments to our Constitution should be considered with arduous and careful effort.

### **EDUCATION**

Senate Bill 94 (Sen. Kolbeck/Rep. Peterson, S.), the "Opportunity Scholarship" bill, sought equity for homeschoolers who wish to attend South Dakota colleges utilizing this state-funded scholarship. SB 94 passed Senate 25-6 and House 64-1.

House Bill 1120 (Rep. Peterson, S./Sen. Langer), another bill affecting homeschoolers, was to *provide equal access for all students to activities sponsored by the South Dakota High School Activities Association or school districts.* HB 1120 failed in House Education Committee by a vote of 9-5. We expect this topic to return next year.

Senate Bill 117 (Sen. Stalzer/Rep. Heinemann), a "[Partners in Education Scholarship Program](#)" measure, sought to increase efficiency of this parent-student choice plan. It

passed in the Senate by a vote of 29-6 and the House 55-9.

House Bill 1221 (Rep. May/Sen. Killer), another "Partners in Education (PIE) Scholarship" bill, specific for *any tribally controlled school on a federally recognized Indian reservation*, also passed with strong votes in both chambers. Launched in 2016, PIE provides tax credits to insurance companies who donate to provide private school scholarships to students who meet certain income/grade requirements. South Dakota became the 17th state to offer a tax credit scholarship program.

Senate Bill 132 (Sen. Sutton/Rep. Holmes), was the bill to establish an "Early Learning Advisory Council," which would pave the way for universal preschool in South Dakota. We opposed this bill that would continue enticing both parents out of the home and into the workforce. SB 132 was defeated in Senate Education Committee, where Sen. Billie Sutton also called for the tabling of his Senate Concurrent Resolution 10, which called for *recognizing the need for/urging support for early childhood education in South Dakota.* We are well aware that school districts are gradually adding preschools to the public schools, but we wonder if taxpayers are aware that they are funding these.

### **GAMBLING**

House Bill 1279 (Rep. Mills/Sen. Frerichs), a good bill to phase out video lottery by gradually increasing the state's proceeds, was defeated in House Appropriations Committee. Rep. Mills knew the question would be, "How will the state replace the funds?" As a businessman, he prepared a detailed analysis of where current funds come from and where they are spent, showing that little is really gained once social costs are paid. We look forward to another attempt to address video lottery next year.

Senate Joint Resolution 9 (Sen. Tidemann/Rep. Hunhoff), a measure to expand certain types of gambling to Yankton, failed in Senate Local Government 4-3. However, attempts were made to resurrect the resolution on the Senate floor, where SJR 9 again failed.

### **HUMAN TRAFFICKING**

House Bill 1110 (Rep. Holmes/Sen. Kolbeck), a bill we supported, passed House 67-0 and Senate 35-0. HB 1110 strengthens the penalty for those hiring for sex activity or promoting prostitution. We agree that changing a misdemeanor to a felony strengthens South Dakota trafficking law.

### **LIFE**

Senate Bill 110 (Sen. Novstrup /Rep. Haugaard), to *establish certain findings pertaining to pre-abortion counseling practices by abortion providers in South Dakota and to amend provisions regarding mandatory third-party pre-abortion counseling*, passed the Senate 27-8 and the House 56-9. Gov. Daugaard signed SB 110 into law on March 7, and it takes effect on July 1. (More about SB 110 on the front page.)

-Cindy Flakoll, Legislative Liaison