The Post-*Dobbs* Landscape

The first anniversary of the Dobbs decision—which overturned *Roe v. Wade* by holding that there is no right to abortion under the US Constitution—was June 24.[1] Americans should celebrate the significance of this event.

As the Chairman of the US bishops' Pro-Life Committee, Bishop Michael Burbidge of Arlington remarked,

> We have much to celebrate. By the grace of God, the nearly fifty-year reign of national abortion on demand has been put to an end. *Roe v. Wade*—a seemingly insurmountable blight on our nation—is no more! This is a day for continued joy and for gratitude; a day to recall the countless faithful laborers who have dedicated themselves to prayer, action, witness, and service in support of the cause of life; and a day to thank God for His unending faithfulness.[2]

As Burbidge noted, we—pro-life Americans—have overcome a pro-abortion edifice that lasted fifty years. That edifice was built upon a lie—the lie that "liberty" under the Fourteenth Amendment includes the right to end the life of unborn children. This lie could only have been set right if the Supreme Court admitted it was wrong to try to "settle" the abortion "issue" in *Roe*. That could only happen if the Court were composed of a majority of justices who understood that the Constitution's

1. Dobbs v. Jackson Women's Health Organization, 597 U. S. ___, No. 19-1392 (June 24, 2022) (slip op.); Roe v. Wade, 410 U.S. 113 (1973).
2. Michael F. Burbidge, "Chairman's Statement on *Dobbs* Anniversary," US Conference of Catholic Bishops (Committee on Pro-Life Activities), June 24, 2023, https://www.usccb.org/resources/23-chairman-statement-dobbs-anniversary%20rev%20clean%20BB.pdf.

meaning can be found *in its words*—among which "abortion" is not found—rather than in flights of judicial fancy. Moreover, that could only happen if politicians, responsive to pro-life Americans, confirmed such justices ("originalists") to the Court. The politicians did so, and those justices made up the majority of the Court that overturned *Roe*.[3] This is a great achievement, the triumph of practical politics, of pro-life Americans making sure that elected leaders did not ignore them.

Burbidge goes on to remind us that, with the impediment removed, we begin the task of building a culture of life.

> Each of us is called to radical solidarity with women facing an unexpected or challenging pregnancy. That means doing whatever we can to provide them with the care and support they need to welcome their children. …
>
> We must likewise extend a compassionate hand to all who are suffering in the aftermath of participation in abortion.

This will be a particularly difficult task, because Americans have been taught for fifty years that they have a constitutional "right" to abortion.

> Even as we celebrate, we are reminded that this is not the *end*, but the *beginning* of a critical new phase in our efforts to protect human life. Despite this momentous legal victory, sobering and varied challenges lie ahead of us. Over the past year, while some states have acted to protect preborn children, others have tragically moved to enshrine abortion in law—enacting extreme abortion policies that leave children vulnerable to abortion, even until the moment of birth.[4]

Legislative and Administrative Developments, State and Federal

After *Dobbs*, the battle to protect life will chiefly be fought in state legislatures, in referenda, and in the courts.[5] Decisions will usually turn on what *state* constitutions—and laws thereunder—provide. Many readers are surely highly disappointed with the results of the November referendum in Ohio, which occurred as this issue was going to press. Voters in that mainly conservative state enshrined a right to abortion in the state constitution and cut back sharply on parental rights. I will say more about that vote below, but let me emphasize that the picture is not so gloomy nationwide. According to Americans United for Life, as of the *Dobbs* anniversary, (a) fourteen states have laws that protect life from conception, (b) five protect life

3. President George H. W. Bush—Clarence Thomas; President George W. Bush—John Roberts and Samuel Alito; President Donald Trump—Neil Gorsuch, Amy Barrett, and Brett Kavanagh. These six justices agreed to overturn *Roe* (cf. *Dobbs*, slip op. [Roberts, C.J., concurring in judgment]).
4. Burbidge, "Chairman's Statement on *Dobbs* Anniversary."
5. It is, of course, possible that the Supreme Court will one day find that the Fourteenth Amendment protects the unborn as "persons," which some scholars, such as John Finnis and Robert George, argue is the correct interpretation. See John M. Finnis and Robert P. George, "An Enhanced Amicus Brief in *Dobbs*," SSRN, Elsevier, November 2, 2021, doi: 10.2139/ssrn.3955231; Robert P. George and John Finnis, "Elective Abortion and the 14th Amendment: A Reply to Jonathan Adler," *National Review*, June 3, 2022, https://www.nationalreview.com/bench-memos/elective-abortion-and-the-14th-amendment-a-reply-to-jonathan-adler/.

after detection of a heartbeat, and (c) two protect life after twelve weeks.[6] Though this picture keeps changing, it does correctly indicate that pro-life laws govern about half of America. In those states, pro-life Americans can begin to build the culture of life—the impediment of *Roe* has been removed. Those states, essentially, face no restraints in enacting pro-life law and policy.

However, as the Ohio referendum demonstrates, pro-abortion forces are seeking to amend state constitutions in conservative states to advance abortion. They are likely to outspend the pro-lifers, perhaps two to one, as they did in Ohio. As in Ohio, they will promote an amendment along the lines of "reproductive rights."[7] After all, no one wants to have his or her "rights" taken away, and, sadly, this was effective. Some pro-life politicians, such as in Virginia, have tried to appeal to jittery citizens by proposing merely to "enact" *Dobbs*'s *result*—legislating a state ban from fifteen weeks. Pro-life candidates were specific that this was what they wanted to enact; they aimed to force pro-abortion politicians (who were hiding behind slogans about restoring "constitutional rights") to try to defend permitting abortion *after* fifteen weeks. Sadly, this did not work, as Virginia voters in November chose—by razor thin margins—pro-abortion politicians for both chambers of the state legislature.

However, again, we must keep in mind that is not the whole picture. For instance, in North Carolina, pro-life forces prevailed, overriding a pro-abortion governor's veto. The law in question was the Women, Children & Families Act. It provides $160 million for support for childcare, postpartum medical care, paternal leave and funding of pregnancy resource centers. However, it drew the governor's ire because it reduced the state's ban on abortion from twenty to twelve weeks.[8]

In two other states—Indiana and South Carolina—state supreme courts issued opinions finding that abortion is protected under their respective state constitutions, but also holding that the state legislature "retains broad legislative discretion" to enact restrictions on abortion.[9]

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6. "One Year Later: The Landscape of America's Life-Protecting Laws After Dobbs," American United for Life, June 22, 2023, https://aul.org/2023/06/22/one-year-later-the-landscape-of-americas-life-protecting-laws-after-dobbs/.
7. In Ohio, the approved amendment protects the "right to make and carry out one's own reproductive decisions" and mandates that "the State shall not, directly or indirectly, burden, penalize, prohibit, interfere with, discriminate against" such right. Ohio Constitution, Article I, sec. 22. Thoughtful commentators have pointed out this will "impose . . . a regime of no-limits abortion up to the time of birth and also of . . . gender-transition procedures, regardless of age, overriding the involvement of parents in the case of minors." Carrie Campbell Severino and Frank J. Scaturro, "Ohio Taxpayers Shouldn't Be Forced to Fund Abortion," *National Review*, October 31, 2023, https://www.nationalreview.com/2023/10/ohio-taxpayers-shouldnt-be-forced-to-fund-abortion/.
8. Valerie Richardson, "North Carolina 12-week Abortion Bill Becomes Law after Republicans Override Veto," *Washington Times*, May 17, 2023, https://www.washingtontimes.com/news/2023/may/16/north-carolina-senate-overrides-governors-veto-abo/.
9. Medical Licensing Board of Indiana v. Planned Parenthood Great Northwest, No. 22S-PL-338 (Ind. June 30, 2023) (Molter, J.), p. 3, https://law.justia.com/cases/indiana/supreme-court/2023/22s-pl-00338.html; Planned Parenthood of South Atlantic v. State, Opinion No. 28174 (S.C. August 23, 2023), https://law.justia.com/cases/south-carolina/supreme-court/2023/28174.html.

On the federal level, there is, of course, no obligation to promote abortion after *Dobbs*. However, the highly misleading "rights" rhetoric of the pro-abortion forces in the states was given a boost by a "statement of principles" by thirty *Catholic* Democrats in the House.[10] They issued a statement claiming abortion is a personal choice, which, under conscience, can be made consistent with the teaching of the Church. Further, they claim that laws against abortion violate "separation of church and state." The USCCB issued a strong rebuttal:

> It is wrong and incoherent to claim that the taking of innocent human life at its most vulnerable stage can ever be consistent with the values of supporting the dignity and wellbeing of those in need. …
>
> Consicence is not a license to commit evil and take innocent lives. Conscience cannot and does not justify the act or support of abortion.[11]

Still, another Catholic Democrat, President Joe Biden, and his administration are doing everything they can to advance abortion. For instance, Health and Human Services (HHS) has proposed an administrative rule that would deny foster care funding to anyone who does not agree with the administration on LGBT issues, as well a rule permitting HHS to pay for travel for minors to get abortions.[12] Catholics in the House (H.R. 15) and Senate (S. 5) were among those sponsoring the Equality Act, which if passed, would deny the application of the Religious Freedom Restoration Act (RFRA) to new protections on LGBT matters.[13] This is quite significant, because protection of religious freedom has long been prized by Democrats as well as Republicans, and RFRA has protected it for several decades. Indeed, it was Democrat Chuck Schumer when he was in the House who first introduced RFRA, which was passed by the Congress in 1994 and was signed by another Democrat, Bill Clinton.[14] The evaporation of Democrat support for religious exemptions from policies affecting life and family in particular is a very troubling development.

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10. Rosa DeLauro et al., "Renewed Statement of Principles," United States Representative Rosa DeLauro, US House of Representatives, June 24, 2023, https://delauro.house.gov/media-center/press-releases/delauro-leads-catholic-lawmakers-releasing-renewed-statement-principles.
11. Timothy P. Broglio, Michael F. Burbidge, and Daniel E. Flores, "U.S. Bishops' President and Chairmen Rebuke Distortion of Church Teaching in Abortion Statement by Members of Congress," statement, US Conference of Catholic Bishops, June 28, 2023, https://www.usccb.org/news/2023/us-bishops-president-and-chairmen-rebuke-distortion-church-teaching-abortion-statement.
12. US Department of Health and Human Services (HHS) Administration for Children and Families, Safe and Appropriate Foster Care Placement Requirements for Titles IV-E and IV-B, proposed rule, 88 Fed. Reg. 66752 (September 28, 2023), to be codified in 45 CFR 1355, https://www.federalregister.gov/documents/2023/09/28/2023-21274/safe-and-appropriate-foster-care-placement-requirements-for-titles-iv-e-and-iv-b; HHs Administration for Children and Families, Unaccompanied Children Program Foundation Rule, proposed rule, 88 Fed. Reg. 68908 (October 4, 2023), to be codified in 45 CFR 410, https://www.federalregister.gov/documents/2023/10/04/2023-21168/unaccompanied-children-program-foundational-rule.
13. Equality Act, H. R. 15, 118th Cong. (2023); Equality Act, S. 5, 118th Cong. (2023).
14. Religious Freedom Restoration Act of 1993, 42 U.S.C. chap. 21B §§ 2000bb–2000bb-4.

Litigation Developments

Indeed, the Biden administration continued Democrat battles against nuns.[15] In *Sisters of Mercy v. Becerra*, a federal court ruled that the government could not force medical providers to do gender transition surgery.[16] Probably fearing affirmation of that upon appeal, the government chose not to appeal. Thus, this case will not reach the Supreme Court for a final, precedent-setting decision. However, it is at least some indication of the weakness of the government's argument and may bode well for future cases.

The Supreme Court was relatively quiet on life and religious freedom decisions during the term ending in late June (relative, that is, to its usual blockbuster decisions in controversial cases such as *Dobbs*). However, it did issue at least two decisions that merit discussion.

I will turn to those two cases in a moment, but first it is worth mentioning the campaign to undermine the legitimacy of the (present) Court after the *Dobbs* decision on the part of those supporting abortion. While there has been much talk about "expanding" the Court by increasing the number of justices (an obviously feckless suggestion since filling such an expanded Court would be open to future conservative—as well as present liberal—presidents, and, hence, would not guarantee control of the Court to the Left), the main effort seems to be to claim conflicts of interest on the part of the conservative justices, in particular the most conservative justices, Samuel Alito and Clarence Thomas. It is beyond the limits of this article to review this matter thoroughly. However, I would refer interested readers to Samuel Alito's article, "ProPublica Misleads Its Readers," published in the *Wall Street Journal* on June 20. His article carefully shows how the allegations of nondisclosure and demands for recusal were unmerited.[17] I would also refer readers to the editorial in the same publication by the Editorial Board on May 1, titled "The 'Ethics' Assault on the Supreme Court,'" which demonstrates the politically partisan nature of the charges against Alito and Thomas (for instance, the same accusers fail to complain about similar conduct by liberal justices).[18]

As we go to press, the Supreme Court adopted a code of conduct. As the Court explains,

> For the most part these rules and principles are not new: The Court has long had the equivalent of common law ethics rules, that is, a body of rules derived from a variety of sources, including statutory provisions, the code

15. President Barrack Obama's "contraception and abortifacient mandate," as I detailed in many of my prior columns, began that battle, seeking to force the sisters to fund insurance coverage of these things despite their religious objections to doing so.
16. Religious Sisters of Mercy v. Becerra, No. 21-1890 (8th Cir. December 9, 2022), https://law.justia.com/cases/federal/appellate-courts/ca8/21-1890/21-1890-2022-12-09.html.
17. Samuel A. Alito Jr., "ProPublica Misleads Its Readers," opinion, *Wall Street Journal*, June 20, 2023, https://www.wsj.com/articles/propublica-misleads-its-readers-alito-gifts-disclosure-alaska-singer-23b51eda.
18. The Editorial Board, "The 'Ethics' Assault on the Supreme Court," *Wall Street Journal*, May 1, 2023, https://www.wsj.com/articles/supreme-court-ethics-reform-hearing-senate-democrats-john-roberts-clarence-thomas-ketanji-brown-jackson-sonia-sotomayor-d0304d65.

> that applies to other members of the federal judiciary, ethics advisory opinions issued by the Judicial Conference Committee on Codes of Conduct, and historic practice.

Why did they adopt this new code?

> The absence of a Code, however, has led in recent years to the misunderstanding that the Justices of this Court, unlike all other jurists in this country, regard themselves as unrestricted by ethics rules. To dispel this misunderstanding, we are issuing this code, which largely represents a codification of principles that we have long regarded as governing our conduct.[19]

The code is comprised of five canons, which are explained in some detail in the appended commentary. The following excerpt should be noted as it shows the spuriousness—and partisan nature—of the allegations against Alito and Thomas. Regarding "recusal" due to alleged conflicts, the commentary notes,

> Because of the broad scope of the cases that come before the Supreme Court, and the nationwide impact of its decisions, this provision should be construed narrowly. …
>
> The Canon's recusal provisions depend on the Justice's knowledge of certain relations or interests. The court receives approximately 5,000 to 6,000 petitions for [review] each year. Roughly 97 percent of this number … are denied at a preliminary stage. … Recusal issues must be considered in light of this reality. In view of [the relevant] Canon's knowledge requirement and the large volume of cases docketed, the Justices rely on the disclosure statements required under the Court's rules in identifying interested parties that may present grounds for recusal. …
>
> … The Supreme Court receives up to a thousand *amicus* [or friend-of-the-court non-party briefs] each Term. … In light of the Court's permissive *amicus* practice, *amici* and their counsel will not be a basis for an individual Justice to recuse.[20]

Returning to the Court's decisions this past year, the first that I want to discuss is *Groff v. DeJoy*. The case involved a mail carrier who was required to work on Sunday despite his religious beliefs to the contrary. The decision turned on the interpretation of a statutory (i.e., not a constitutional) provision that required that his request not to work on Sunday be accommodated unless it imposed an "undue hardship." The Supreme Court held, despite an earlier decision that "undue hardship" meant "more than a de minimis cost"—in other words, a test that indicated that the employer would win if he could show any minor inconvenience—that "undue hardship" requires that the employer show "that the burden of granting an accommodation would result in substantial increased costs in relation to the

19. Supreme Court of the United States, Code of Conduct for Justices of the Supreme Court of the United States, "Statement of the Court Regarding the Code of Conduct," Novemeber 13, 2023, https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf.

20. Supreme Court of the United States, Code of Conduct for Justices of the Supreme Court of the United States, "Commentary," November 13, 2023, p. 11, https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf.

conduct of its particular business."[21] In sum, albeit a decision of somewhat limited effect (though it does mean that employers must make reasonable efforts to accommodate employee requests motivated by religious beliefs), it demonstrates the more important point that the current Supreme Court is the most friendly to religious freedom in decades, perhaps ever.

The more important of the two Supreme Court cases is *303 Creative v. Elenis*. In that case, a graphic designer in Colorado feared being prosecuted by local authorities under that state's Anti-Discrimination Act. She would not—because of her religious beliefs about marriage—agree to design a wedding website for same-sex couples. She claimed she had a right to refuse—and to be protected from enforcement of the anti-discrimination statute against her—not (surprisingly) because her exercise of religious freedom was protected under the First Amendment, but because of her right to (artistic) free speech.[22] So the decision is not about religious freedom as such, but since it involves an increasingly common conflict between nondiscrimination statutes and religious beliefs concerning same-sex marriage, it has obvious relevance.

The Court held—by a six-vote majority of Neil Gorsuch, Clarence Thomas, Samuel Alito, John Roberts, Amy Barrett, and Brett Kavanaugh—that this was pure speech, and that the First Amendment protected her right to refuse. The three dissenters—Elena Kagan, Sonia Sotomayor, and Katanji Jackson—claimed the issue was the denial of service to same-sex couples (what is called "public accommodations" law).

If the dissent had been correct as to the characterization of the facts, then the graphic designer would have lost her case. As the majority itself noted, states may require that goods and services be offered to all, without exception. However, what distinguished this situation was the graphic designer was being required to use her art ("artistic speech") to speak a message (same-sex marriage is truly marriage) with which she did not agree; hence, it was compelled speech, which is unconstitutional. This may be somewhat complicated for non-lawyers, so we may give this example—if you offer to sell something, you must sell it to one and all; however, if you are hired to provide personal services that express your creativity (i.e., much more than merely selling something), you may refuse; the government may not compel you to speak otherwise (i.e., by lending your artistic speech to a message you reject). The reason for the difference, simply, is that the First Amendment protects *speech*.

Apart from cases already decided, there are several cases of consequence that is possible the Court will decide. One is *Vitagliano v. County of Westchester*, the review of which is currently pending with the Court (i.e., whether to grant review of the decision). Vitagliano is a sidewalk counselor at abortion clinics. The question is whether the County of Westchester can mandate that no such counselor be on

21. 42 U.S.C § 2000e(j); Trans World Airlines, Inc., v. Hardison, 432 U.S. 63, 84; Groff v. DeJoy, 600 U.S. 447, 470 (2023), No. 22-174 (preliminary print page proof before publication) (Alito, J.), internal quotations omitted.

22. 303 Creative LLC v. Elenis, 600 U.S. ___ (2023), No. 21-476, slip op.; see U.S. Const. amend. I: "Congress shall make no law … prohibiting the free exercise [of religion]; or abridging the freedom of speech."

the sidewalk near an abortion clinic.[23] A prior Supreme Court case, *Hill v. Colorado* in 2000, held that "buffer zones" *could* be created by states to surround persons seeking to enter an abortion clinic.[24] Vitagliano seeks to overturn that precedent. This, like *303 Creative* above, is a free speech case, not a religious freedom case. Note that a decision for Vitagliano would *not* allow anyone entering a clinic to be assaulted; rather, it would treat pro-life speech at an abortion clinic like any other kind of speech; in other words, if it is peaceful, it is lawful.

Several other cases that are likely to go to the Court are of importance for religious liberty. One is called *Apache Stronghold*; it concerns whether the federal government can destroy ancestral sacred sites for financial reasons (leasing the land). The other is *Fellowship of Christian Athletes v. San Jose Unified School District*. A third case is *Mahmoud v. McKnight*.

The first two cases are both before the Ninth Circuit Court of Appeals, and decisions are expected soon.[25] It is likely that, whatever the outcome, both will be appealed to the Court. The third case is in lower federal court in Maryland. That case, *Mahmoud v. McKnight*, concerns whether public schools must give parents the right to opt their children out of classes using material and teaching lessons to which the parents have objections.[26] If it proceeds in litigation, it will have important ramifications because the school board is imposing a curriculum designed to "disrupt" traditional thinking and parental teaching on gender and sexuality, beginning at age four. Frankly, it is hard to imagine the school board litigating this case—under the Court's test in *Employment Division v. Smith*,[27] it is clear that the rules in question are not neutral or generally applicable but are hostile to religious beliefs. It seems likely the school board will accede to the parents' request. Nonetheless, it indicates what cases are likely to arise in the future.

Fellowship of Christian Athletes presents the Court with the opportunity to overturn, or clarify, a prior case that has hindered religious freedom. In that case, the San Jose school district revoked recognition of the Fellowship as an approved student club. The reason? Because the Fellowship requires its leaders to adhere to the moral requirements of traditional Christianity.

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23. Vitagliano v. County of Westchester, No. 23-30, 2nd Cir. (June 21, 2023); certiorari was denied on December 11, 2023: 601 U.S. ___ (order list December 11, 2023), https://www.supremecourt.gov/orders/courtorders/121123zor_e29g.pdf.
24. Hill v. Colorado, 530 U.S. 703 (2000).
25. Apache Stronghold v. United States in re, No. 21-15295 (9th Cir., argued en banc March 21, 2023); Fellowship of Christian Athletes v. San Jose Unified School District, No. 22-15827 (9th Cir. en banc, September 13, 2023) (Callahan, J.) (reversing district court's denial of preliminary injunction), https://cdn.ca9.uscourts.gov/datastore/opinions/2023/09/13/22-15827.pdf.
26. Mahmoud v. McKnight in re, Civ. No. DBL-23-1380 (D. Md., August 24, 2023) (parents' motion for preliminary injunction denied), https://caselaw.findlaw.com/court/us-dis-crt-d-mar/114954276.html.
27. Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990).

After the students objected, the school district adopted an "all comers" policy. The prior Supreme Court case mentioned above, *Christian Legal Society v. Martinez*, seemed to indicate that a school could require *all* clubs to welcome "all comers."[28] Commentators on *Martinez* have long noted that this makes no sense. (Would a black fraternity have to admit whites? Or a sorority to admit men?) It is to be hoped the Court will remedy the confusion by holding that hostility to religion may not hide itself behind an "all comers" policy.

A notable victory occurred regarding the use of progesterone to *reverse* a chemical abortion once that abortion has begun. Pro-life advocates such as Life Issues Institute report the procedure has been effective in 68 percent of cases and has saved thousands of unborn children.[29] Some states have passed laws to prevent this despite the fact that the distribution of progesterone is legal for other purposes (such as to combat a miscarriage). One of those states is Colorado.

Bella Health and Wellness (Bella), a religiously based healthcare provider, sued to prevent enforcement of the law. To prevent the issuance of an injunction against the law, Colorado promised not to enforce it pending rulemaking by the state medical licensing boards. When in September those boards did implement the law, the federal district court granted the injunction sought by Bella, meaning the law cannot be enforced against Bella while the lawsuit challenging the law proceeds.[30] Bella's claim is that the Constitution prohibits states from singling out religious-based organizations for harsh treatment, while leaving secular equivalents alone.

International Developments

Under the guise of supporting the Sustainable Development Goals of the United Nations, the White House announced it is investing over $2 billion dollars in foreign assistance programs that "promote gender diversity," which it links with the US *National Strategy on Gender Equity and Equality*.[31] That, in turn, seeks to protect "the constitutional right to safe and legal abortion established in *Roe v. Wade* in the United States, while promoting access to sexual and reproductive health and rights both at home and abroad."[32]

28. Christian Legal Society v. Martinez, 561 U.S. 661, 671, 674, 678, (2010).
29. Bradley Mattes, "New Research on Abortion Pill Reversal's Effectiveness," Life Issues Institute, August 10, 2023, https://lifeissues.org/news/new-research-on-abortion-pill-reversals-effectiveness/; "Frequently Asked Questions," Abortion Pill Reversal / Abortion Pill Rescue Network, 2023, https://abortionpillreversal.com/abortion-pill-reversal/faq.
30. Bella Health v. Weiser in re, No. 1:2023cv00939-DDD-SKC (D. Colo. October 21, 2023) (granting preliminary injunction against the state).
31. "Fact Sheet: U.S. Action on Global Development," release, White House, September 20, 2023, https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/20/fact-sheet-u-s-action-on-global-development/.
32. *National Strategy on Gender Equity and Equality* (Washington, DC: White House, 2021), 18, https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf#_blank.

The Biden administration tried to inject abortion funding into the renewal of PEPFAR (the President's Emergency Plan for AIDS Relief), a program that receives $6 billion annually from US taxpayers. However, Congressman Chris Smith (R-NJ), chair of the House Global Health Subcommittee, was able to block that by attaching provisions requiring that PEPFAR funding could not go to international non-governmental organizations that perform or promote abortion.[33]

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33. Valerie Richardson, "House Adds Anti-Abortion Guardrails to Bill Reauthorizing Global AIDS Relief," *Washington Times*, September 29, 2023, https://www.washingtontimes.com/news/2023/sep/29/house-adds-anti-abortion-guardrails-bill-reauthori.