

THE NEED FOR AN ABORTION LAW “TRANSITION PERIOD”

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The Supreme Court decision which reversed *Roe v. Wade* threatens to drag America down into a pit that will be so bitterly divisive, disruptive, and destructive, that it can only be compared to the era which led to the Civil War. The January 6 assault on the Capitol ended within just a few hours; by contrast, the anger and yelling that will follow the Supreme Court decision will last for years. So, a question arises, which can be posed in either of two ways, and both ways are worth considering, because they can both shed light on the subject:

1. What should Democrats do, to bring the scales back into better “balance”? I’m asking this question, as a Democratic candidate for high office, hoping Democratic voters will recognize and respect the proposals below.

2. Are there useful and helpful things that moderates, and/or those who feel like they are somewhere in the middle -- in between (caught between) the arguing and yelling combatants on both sides, to try to get those combatants to agree to a partial truce, in the hope of allowing others among our group to spend more time and attention working on ways to deal with gun violence, out-of-control deficits, global warming, and other problems?

I’d like to offer several distinct proposals, for the debates. None of these claim or pretend to be comprehensive answers; however, even partial answers can be very, very helpful (as an analogy is, if a balloon is about to pop, it can be helped, a lot, by letting even just a little air out of it).

Proposal 1: Aiming for County-by-County Choices

Anyone who wants to help “stabilize” the abortion issue, and take it to a more useful, less hateful level, should seriously consider aiming for a compromise which would allow each *COUNTY* to reach its own decision. There are fundamental, profound and primal differences between *URBAN* life versus *RURAL* life. If we claim and assert that “we the people” are the ultimate authority, let’s prove it, and act like it. People in Missouri who support the trimester approach, set forth in *Roe v. Wade*, should begin trying to get the state legislature to pass a law which will require every *COUNTY* in Missouri to vote, this coming November (since elections are already being held, any added costs would be minimal), as an uncluttered, yes-or-no decision on whether *THAT COUNTY* wants to adopt and use – or, reject and prohibit – the trimester approach. If the Missouri legislature refuses to go along with a request to let the voters decide, they can be attacked and criticized in a dozen ways, starting with accusations that they are working a lot harder to keep their campaign contributions rolling in, than to serve the voters and taxpayers of Missouri.

If given the choice, the voters in St. Louis and Kansas City would almost certainly vote to keep the trimester system in place, *in those cities*, while most *RURAL* voters probably would ban abortion, *in their counties*. As for Jefferson City, Columbia, Springfield, etc., I won’t even try to guess which option

they would choose; since their decisions won't affect anyone who doesn't live in those counties, we can just stand aside, and let them reach their own decisions. And, it should not upset or anger any abortion rights advocates, if any particular county votes no. For decades, abortions have not been available in more than 90% of the counties in the U.S., and yet, they were available.

I trust voters to do what is right, in such decisions, more than I trust legislators who want, first and foremost, to keep their "base" of voters angry, upset, and willing to keep making campaign contributions. Just as voters, as a group, are entirely willing to accept that states like Utah or Wyoming should not be forced to live by the same rules as people in New York or San Francisco, most rural voters in Missouri will accept and tolerate the idea that some laws not only *can* be, but *should* be different, in big cities. The basic ethos seems to be, if the folks from the big cities won't bother them, then they won't bother the folks in the big cities. If rural voters can say, "We don't allow any abortions, at all, *here*," most of them would be entirely willing to settle for the '*here*' being their county, instead of demanding that their opinions have to rule the entire state.

Counties are truly useful, helpful, and functional levels of government, and they need to be respected and used, today, in ways that too many state officials would prefer to ignore, as rivals for power. If we want to help reduce the endless angry and unsolvable arguments over abortion, so that we can focus on and maybe even solve some of the other problems facing us, we should seriously consider county-by-county control.

Proposal 2: Get Congress to Support/Require State Referendums

The phrase used above, "People in Missouri who support the trimester approach ... should begin **trying to get the state legislature to pass a law . . .**" was used, because the deadline already passed (in May 2022) for "public initiative" efforts (which require tens of thousands of signatures) to get a referendum put on the ballot in November 2022.

However, put bluntly, the Republican-dominated Missouri legislature is NOT likely to support putting such referendums, onto the ballot. Among other obstacles to getting their support, that would deprive incumbent legislators who are running for re-election, of a truly powerful and effective way to raise more and bigger campaign contributions.

Accordingly, Democrats in Missouri should begin asking **Democrats in Congress, to begin proposing and working on passing a law creating "a transition period"**, to give citizens across America time to adapt to the new set of laws. It was easy for even *pro-choice* female GOP Senators to come up with reasons for refusing to adopt *Roe v. Wade*. By contrast, it would be *much, MUCH* harder for them to refuse to allow some sort of logical, reasonable, appropriate transition, from *one* legal status, to a *very different* legal status. *Any* moderate and reasoning voter can understand the need for an appropriate transition, to allow people time to adjust their lives, in the face of an abrupt discontinuity. If Republicans refuse to allow even *that*, they will make themselves look abusive, uncompassionate, and driven solely by dogma. Moderates will recognize that, and likely can be persuaded to act accordingly.

Skilled political operatives in Congress will need to create detailed proposals, for how they think "a transition period" should function, and any Democrats who get involved should actively try to add and include some Republicans who represent heavily pro-choice districts. One proposal I hereby

nominate, for their consideration, would provide a limited amount of federal money to help the states organize and conduct referendums, *this coming November*, which would allow *the voters of each state* to vote, directly, on simplified, yes-or-no, up-or-down choices, to either: (i) adopt “the trimester system” (as set forth in *Roe v. Wade*) for that state; or, (ii) ban abortions in that state (with two additional clauses also on those ballots, to let the voters say whether they want to allow exceptions for rape, and/or incest).

A *SECOND* proposal which I also nominate – for consideration by Democrats who will be negotiating with Republican Senators for support, to overcome the filibuster – is aligned directly with the comments above, say that **EACH COUNTY** within any state – possibly on a mandatory nationwide basis; or, possibly to be decided by each state – should get to make its own *county-specific* decision, to either: (i) adopt the trimester system; or, (ii) ban abortions entirely, *within that county*. Offering those types of options, and allowing Republicans to choose the option(s) that **THEY** prefer, might end up making a crucial difference, in getting past the Senate filibuster obstacle.

Proposal 3: Congressional Judiciary Committees Should ask *THIS* Question

People who want to support abortion rights should try to persuade some Democrats on the House or Senate Judiciary committees, to get the Chairmen of either committee to send letters to *all* of the Supreme Court Justices, raising a serious legal question which truly deserves an answer. The basic rule is that if a Supreme Court decision directly, clearly, and explicitly states, "This is a constitutional right," then that thing remains as a constitutional right, *UNLESS AND UNTIL* that earlier decision is overturned, by a *subsequent* Supreme Court decision. So, how can the Supreme Court's decisions, *MONTHS AGO*, which refused to *suspend* enforcement of several new state abortion laws -- *until AFTER the Supreme Court ruled on Roe v. Wade* -- be reconciled with that basic rule of law?

The question is NOT one of *SUBSTANCE*; it is one of *TIMING*. It is abundantly clear that the goal and intent of the Texas, Mississippi, and other anti-abortion laws was *to deliberately violate a constitutional right as set forth in Roe*, which - for right or wrong, better or worse - remained as valid law, *until it was overturned*, which did *NOT* happen until June 24, 2022. So, why did (*how could?*) the justices on the Supreme Court approve and even encourage open and deliberate violations of valid federal constitutional rights?

A letter from either or both of the Congressional judiciary committees can (and in my opinion should) ask each and every Supreme Court Justice to explain: 'How do you justify the decision to allow certain states to directly violate something which had been directly declared to be a federal constitutional right, *BEFORE* that right was modified by a subsequent Supreme Court decision? Please explain that dilemma, and apparent contradiction.'

A set of questions like that -- which clearly would put the 6 conservatives who voted to overturn *Roe*, in an uncomfortable and awkward position -- might actually help improve the tone, and reduce the stridency, of the angry arguments and debates that are coming our way. I would even propose that each justice be asked to reply in both of two different formats: (i) in writing, with all the details, logic, and precedents they want to include; and, (ii) in a video, up to, say, 50 minutes long, which can be created either privately, using a cell phone, etc., or as a speech, given to a friendly audience.

Proposal 4: Creating Exceptions for Rape and Incest

I would plead with anyone and everyone *on the anti-abortion side of the arguments* to recognize and accept that exceptions need to be carved out, for rape and incest. If an innocent woman has been violently and criminally raped, *it is utterly wrong, on all levels*, to quite literally *FORCE* her to carry and then bear the child of that rapist.

Anti-abortion advocates need to recognize and accept that most moderates -- indeed, all decent and respectful people who have not gotten caught up in fevered dreams, of how they're going to gain true power over others -- find it vile and repulsive to think of some innocent woman being forced to carry, and bear, the child of some brutal and violent criminal who raped her. So, understand that if you go along with and support (even if just passively) leaders who are trying to impose brutal, inflexible, and uncompassionate laws, and if their goal is to force everyone in an entire state into *submission, to them* -- you can, and likely will, be regarded and labeled as part of a fanatic extremist crowd which is supporting a group of *'Taliban wannabes'*. Because those, indeed, are the types of laws that the Taliban want to impose, not just on their followers, but on everyone who lives in any area they control.

If any anti-abortion advocate has not yet seen and recognized the parallels between what the Taliban are trying to do, and what American politicians who refuse to recognize any exceptions for rape or incest are trying to do, that person needs to open his/her/their eyes, and take a hard look at the similarities between them. And the mocking phrases, *Taliban wannabes*, and, *wannabe Talibans*, can validly be used, to drive that point home.

Proposal 5: Bringing good people from both sides of the issue together, and encouraging them to work and cooperate with each other again.

It would seem to me that a direct, straightforward, easily-understood goal, which BOTH sides of the abortion argument can agree upon, is this: ***WE NEED TO BEGIN FINDING BETTER WAYS TO REDUCE THE NUMBER OF UNWANTED PREGNANCIES.***

Are there *ANY* conservatives, who would disagree with that? Seriously -- if anyone truly wants to reduce the number of abortions, then surely, they will recognize that reducing the number of unwanted pregnancies is a good way to do exactly that.

And, are there any liberals, who would openly disagree with that?

And if not, then why don't we at least try to do it?

As an inventor and design engineer, I can readily think of at least a dozen different ways, to at least begin to reduce the number of unwanted pregnancies. But, I'm an old male, and I don't claim or pretend to understand the mentalities, cultures, or practices of young women, today. So, all I would want or hope to do is nominate a few possible approaches, for consideration by a group of experts who actually work with at-risk young women. *THEY*, and not me, would be in charge of: (i) identifying the best high potential proposals; (ii) designing pilot projects, to see how well each selected candidate method can perform, in real life, in actually reducing the number of unwanted pregnancies; and then, (iii) making pitches to government agencies and private foundations, to try to obtain funding for the testing programs.

In addition to hoping that this type of logical, systematic approach can do some real, genuine,

and lasting good for the young women who would be affected by it, I hope and believe that it could provide ways for good, decent, and respectful people, from both sides of the abortion arguments, to at least try to work with each other, again, in ways where they both know they are doing good, without creating rancor. It is those types of interactions, opportunities to cooperate, and ways to get to know each other again, which can begin growing the types of repair tissues which can help close open wounds.

So . . . those are the kinds of things I ask people to consider, and begin discussing, if they want to help society get ready to weather and withstand what looks like a massive and severe storm which is coming at us, and which is already showing horribly huge, dark, and threatening clouds on the horizon. A great deal more *can* be said, and *should* be said, about what our society and community should do, to get ready for that storm. I can only hope that some of the proposals above will be included, and considered, in some of those discussions.

Finally, let me close by saying that I am *not* PRO-abortion, and I am *not* ANTI-abortion. Instead, I am in favor of better government, which needs to create compromises between competing interests, and which needs to find ways to reconcile the conflicting goals, desires, and needs, not just of *ONE* particular group of citizens, but of *MULTIPLE* different and often competing groups of citizens. A huge and crucial part of *THAT* belief, and position, is set forth on the first two pages of my campaign website, at kelly4senate.net. Those web pages contain statements such as the following:

the most divisive, polarizing, antagonizing, and hate-generating issues -- which, today, are tearing apart the fabric, cohesion, commitment, and social order of America -- are **NOT** being solved -- or even improved, to a point where they might become tolerable -- because

MOST POLITICIANS TODAY DON'T EVEN TRY (OR WANT) TO SOLVE THEM.

Instead, politicians have learned how to exploit, manipulate, and 'milk' the most angry, divisive, and polarizing issues, to get: (i) free publicity; (ii) more campaign contributions; and, (iii) hard-working campaign volunteers. As an analogy, steam engines can't run on cold water; someone must start a fire, and then keep it burning, to turn that water into steam, to provide power to that engine. In the same way, **too many politicians have reached a point where they actively WANT to keep terrible problems which are tearing us apart, as angry and as divisive as possible**, because -- regardless of how badly it might be hurting the nation -- **ANYTHING** which can get them **more money, more publicity and attention, and more campaign workers**, is part of a 'Holy Trinity' for politicians trying to win elections.