

### Sen. John McCain (R-AZ)

Sen. John McCain served in the U.S. House of Representatives from 1983 to 1986 and in the U.S. Senate from 1987 to present. During his four years in the House, then-Rep. McCain cast 11 votes on abortion and other reproductive-rights issues.<sup>1</sup> Ten of these votes were anti-choice. In the Senate, Sen. McCain has cast 119 votes on abortion and other reproductive-rights issues,<sup>2</sup> 115 of which were anti-choice.

In addition to his solidly anti-choice record, Sen. McCain has never cosponsored or supported legislation that would prevent unintended pregnancy or reduce the need for abortion.<sup>3</sup>

A description of Sen. McCain's key votes and a selection of his public statements on reproductive-health issues follow.

# Preserving Roe v. Wade and a Woman's Right to Choose

- Voted against a resolution in support of *Roe v. Wade* and a woman's constitutional right to safe and legal abortion services.<sup>4</sup>
- Repeatedly voted for (and cosponsored) the Federal Abortion Ban, a law that criminalizes some abortion services, with no exception to protect a woman's health, and carries up to a two-year prison sentence for doctors.<sup>5</sup>
- Supported the Unborn Victims of Violence Act, a law that grants separate legal status to an embryo or fetus,<sup>6</sup> which anti-choice Sen. Orrin Hatch (R-UT) boasted "undermines abortion rights."<sup>7</sup>
- Voted to codify a controversial regulation that allows states to make an embryo or fetus but not a pregnant woman eligible for health-care coverage.8
- Voted in favor of President Bush's nomination of John Ashcroft to be the U.S. Attorney General.<sup>9</sup> Ashcroft has called abortion "an atrocity against the future" <sup>10</sup> and expressed his "hope that the [U.S.] Supreme Court announces it is overturning the *Roe* decision." <sup>11</sup>

Voted in favor of four anti-choice U.S. Supreme Court nominees:

Samuel Alito, nominated to be associate justice. 12 After joining the Court, Justice Alito cast the deciding vote upholding the Federal Abortion Ban, a ban that

- criminalizes some abortion services, with no exception to protect a woman's health, and carries up to a two-year prison sentence for doctors.<sup>13</sup>
- John Roberts, nominated to be chief justice. <sup>14</sup> After joining the Court, Chief Justice Roberts voted to uphold the Federal Abortion Ban, a ban that criminalizes some abortion services, with no exception to protect a woman's health, and carries up to a two-year prison sentence for doctors. <sup>15</sup>
- Clarence Thomas, nominated to be associate justice. <sup>16</sup> After joining the Court, Justice Thomas joined opinions stating that "Roe was wrongly decided... it can and should be overruled" <sup>17</sup> and described the Court's decision in Roe as "grievously wrong." <sup>18</sup>
- Robert Bork, nominated to be associate justice.<sup>19</sup> During his confirmation hearings, Bork stated, "There is a need for stability and continuity in the law. There is a need for predictability in legal doctrine. And it is important that the law not be considered as shifting every time the personnel of the Supreme Court changes." However, years later, when asked how America would be different had he been confirmed, Bork responded, "Well, America would be different in the sense that Roe against Wade would have been overruled." <sup>21</sup>

#### Voted in favor of six anti-choice lower-court nominees:

- William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit,<sup>22</sup> called *Roe v. Wade* "the worst abomination of constitutional law in our history."<sup>23</sup>
- Janice Rogers Brown, nominated to the U.S. Court of Appeals for the D.C. Circuit,<sup>24</sup> dissented from a ruling that upheld a law requiring insurance plans that cover prescription drugs also to cover birth control, suggesting that a corporation's female employees were free to find "more congenial employment"<sup>25</sup> if they did not like being discriminated against.
- Priscilla Owen, nominated to the U.S. Court of Appeals for the Fifth Circuit, 26 issued a dissent in a parental-notification case that her then-colleague on the Texas Supreme Court (and later, attorney general) Alberto Gonzales characterized as "an unconscionable act of judicial activism." 27
- J. Leon Holmes, nominated to the U.S. District Court for the Eastern District of Arkansas, <sup>28</sup> criticized *Roe v. Wade* declared that abortion "is the simplest issue this country has faced since slavery was made unconstitutional. And it deserves the same response." <sup>29</sup>
- Carolyn Kuhl, nominated to the U.S. Court of Appeals for the Ninth Circuit, 30 co-authored a Supreme Court brief arguing that *Roe v. Wade* "is so far flawed that this court should overrule it." 31

Charles Pickering, nominated to the U.S. Court of Appeals for the Fifth Circuit,<sup>32</sup> supported a resolution urging Congress to pass a constitutional amendment to ban abortion under most circumstances while serving in the Mississippi State Senate.<sup>33</sup>

# **Ensuring Access to Abortion Services**

- Repeatedly voted to deny low-income women access to abortion care except in cases of rape, incest, or life endangerment, <sup>34</sup> even voting once to prohibit federal Medicaid funds for abortion services *in any case*. <sup>35</sup>
- Voted to permit federally funded Title X family-planning clinics to decline to counsel women on abortion services.<sup>36</sup>
- Voted to deny all federal health grants to any health center that provides abortion care with other funds, a move that would defund family-planning clinics nationwide.<sup>37</sup>
- Voted against lifting the ban that forbids U.S. servicewomen from obtaining abortion services at overseas military hospitals with their own funds.<sup>38</sup>
- Voted against lifting the ban that forbids federal employees from choosing health insurance that includes abortion coverage.<sup>39</sup>
- Repeatedly voted to prohibit the District of Columbia from using federal funds or *its own locally raised revenues* to provide abortion services for low-income women.<sup>40</sup>
- Voted to require Title X family-planning clinics to notify a teen's parent before providing abortion services.<sup>41</sup>
- Voted in favor of a law that would have jeopardized young women's health and safety by making it a federal crime for anyone other than a parent including a grandparent, adult sibling, or religious counselor to accompany a young woman across state lines for abortion care if the home state parental-involvement mandate has not been met.<sup>42</sup>
- Voted for a proposal that would have endangered young women's health and safety by imposing a new, impossibly complex national patchwork of parental-notification mandates on doctors and young women.<sup>43</sup>

# **Protecting Women and their Doctors**

Voted against the Freedom of Access to Clinic Entrances Act (FACE), which established criminal and civil penalties for those who use force, threat of force, or physical obstruction to interfere with access to reproductive-health facilities.<sup>44</sup>

Voted against a measure to amend bankruptcy laws so that perpetrators of violence or harassment at reproductive-health clinics cannot evade financial responsibility for their illegal activities.<sup>45</sup>

# **Preventing Unintended Pregnancy**

- Voted to terminate the Title X family-planning program, which provides millions of women with health-care services ranging from birth control to breast cancer screenings.<sup>46</sup>
- Voted against funding teen-pregnancy-prevention programs and ensuring that "abstinence-only" programs are medically accurate.<sup>47</sup>
- Voted for the domestic gag rule, which would have prohibited federally funded family-planning clinics from providing women with access to full information about their reproductive-health options.<sup>48</sup>
- Voted to uphold the global gag rule, a policy that bans overseas health clinics from receiving U.S. family-planning aid if they use *their own funds* to provide legal abortion services, give referrals, or even take a public pro-choice position.<sup>49</sup>
- Voted to de-fund the United Nations Population Fund (UNFPA), an organization that provides family-planning services not abortion for the world's poorest women.<sup>50</sup>
- Voted to earmark one-third of all HIV/AIDS prevention funds for ineffective, unproven, and dangerous "abstinence-unless-married" programs.<sup>51</sup>
- Voted to take \$75 million from the Maternal and Child Health Block Grant to establish a new "abstinence-only" program that censors information about birth control.<sup>52</sup>
- $\ensuremath{\,\sqrt[5]{3}\,\,}$  Voted to impose a federal parental-consent law on teens seeking birth control.  $\ensuremath{^{53}}$
- Declined to help reduce the need for abortion and improve maternal health by opposing effort to require insurance coverage for prescription birth control, improve access to emergency contraception, and provide more women with prenatal health care.<sup>54</sup>
- Voted against legislation that would have prevented unintended pregnancy by investing in insurance coverage for prescription birth control, promoting family-planning services, implementing teen-pregnancy-prevention programs, and developing programs to increase awareness about emergency contraception.<sup>55</sup>

# **Promoting Women's Health**

- Voted against two pro-choice U.S. surgeon general nominees: Dr. Joycelyn Elders<sup>56</sup> and Dr. Henry Foster.<sup>57</sup>
- Voted for a pro-choice U.S. surgeon general nominee: Dr. David Satcher. 58
- Voted to allow medical residency training programs in obstetrics and gynecology to receive federal assistance even if they ignore the Accreditation Council for Graduate Medical Education's abortion training requirements.<sup>59</sup>

### In His Own Words

- "I do not support *Roe v. Wade.* It should be overturned." 60
- Sen. McCain's 2008 presidential campaign website states that he "believes  $Roe\ v$ . Wade is a flawed decision that must be overturned."  $^{61}$
- Discussing his pro-life voting record, McCain said, "I have many, many votes and it's been consistent. And I've got a consistent zero from NARAL throughout all those years.... [M]y record is clear. And I think the important thing is you look at people's voting record because sometimes rhetoric can be a little... misleading.... As you know I don't support *Roe v. Wade....* I thought it was a bad decision, and I think that the decision should be made in the states." 62
- "I'm proud that we have Justice Alito and Roberts on the United States Supreme Court. I'm very proud to have played a very small role in making that happen." 63 McCain explained further that he "will try to find clones of Alito and Roberts" to fill future court vacancies. 64
- "If I am fortunate enough to be elected as the next President of the United States, I pledge to you to be a loyal and unswerving friend of the right to life movement."
- When asked about whether he supported supplying condoms to Africa to assist in the fight against HIV/AIDS, McCain had the following exchange with a reporter:
  - Reporter: "What about grants for sex education in the United States? Should they include instructions about using contraceptives? Or should it be Bush's policy, which is just abstinence?"
  - Mr. McCain: (Long pause) "Ahhh. I think I support the president's policy."
  - Reporter: "So no contraception, no counseling on contraception. Just abstinence. Do you think contraceptives help stop the spread of HIV?"
  - Mr. McCain: (Long pause) "You've stumped me." 66

#### Notes:

#### <sup>1</sup> Anti-choice House votes:

- Smith amendment to FY'84 Treasury, Postal appropriations bill, H.R.3191, 6/8/83.
- Conte amendment to FY'84 Labor, HHS, and Education appropriations bill, H.R.3913, 9/22/83.
- Motion to rise on Smith amendment to FY'84 Treasury appropriations bill, H.R.4139, 10/27/83.
- Siljander amendment to Civil Rights Act of 1984, H.R.5490, 6/26/84.
- Boxer amendment to FY'85 Treasury, Postal appropriations bill, H.R.5798, 6/27/84.
- Waxman motion to suspend rules and pass Family Planning Programs authorization bill, H.R.2369, 6/18/85.
- Smith motion to rise on FY'86 Commerce, Justice, State appropriations bill, H.R.2965, 7/17/85.
- Smith motion to rise on FY'86 Commerce, Justice, State appropriations bill, H.R.2965, 7/17/85.
- Dixon motion to rise on FY'86 District of Columbia appropriations bill, H.R.3067, 7/30/85.
- Smith amendment to FY'86 District of Columbia appropriations bill, H.R.3067, 7/30/85.

#### Pro-choice House vote:

 Fascell amendment to International Security and Development Cooperation Act, H.R.1555, 7/10/85.

### <sup>2</sup> Anti-choice Senate votes:

- Harkin motion to table Nickles amendment to FY'88 District of Columbia appropriations bill, H.R.2173, 9/30/87.
- Vote to confirm nomination of Robert Bork to U.S. Supreme Court, 10/23/87.
- Weicker/Kennedy/Metzenbaum/Packwood amendment to Civil Rights Restoration Act, S.557, 1/28/88.
- Danforth/Wilson amendment to Civil Rights Restoration Act, S.557, 1/28/88.
- Harkin motion to table Exon amendment to FY' 89 District of Columbia appropriations bill, H.R.4776, 7/7/88.
- Harkin motion to table Humphrey amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 7/7/88.
- Weicker motion to table Helms amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/25/88.
- Chiles motion to table Helms amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/25/88.
- Weicker motion to table Helms amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/27/88.
- Weicker motion to table Helms amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/27/88.
- Exon amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/27/88.
- Chiles motion to table Weicker motion to insist that the Senate retain Exon amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 9/13/88.

- Chiles motion to table Weicker motion to insist that the Senate retain Exon amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 9/13/88.
- Nickles motion to table Bradley motion to disagree with Dornan House amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 9/30/88.
- Humphrey motion to table Humphrey amendment to Technical Corrections Act, S.2238, 10/6/88.
- Cranston (non-binding) amendment to Technical Corrections Act, S.2238, 10/7/88.
- Mikulski motion to table Kasten amendment to FY'90 Foreign Operations appropriations bill, H.R.2939, 9/20/89.
- Leahy motion to disagree with House amendment to FY'90 Foreign Operations appropriations bill, H.R.2939, 11/15/89.
- Vote to appeal ruling of the chair on germaneness of Adams amendment to FY'90 supplemental appropriations bill, H.R.4404, 4/27/90.
- Vote on germaneness of Adams amendment to FY'90 supplemental appropriations bill, H.R.4404, 4/27/90.
- Motion to invoke cloture on Wirth/Glenn amendment to FY'91 Department of Defense authorization bill, S.2884, 8/3/90.
- Motion to table Helms amendment to Bradley amendment to FY'91 Treasury, Postal appropriations bill, H.R.5241, 9/11/90.
- Chafee/Jeffords amendment to Family Planning Amendments Act, S.110, 9/25/90.
- Lieberman motion to table Lieberman amendment to Family Planning Amendments Act, S.110, 9/26/90.
- Motion to invoke cloture on Family Planning Amendments Act, S.110, 9/26/90.
- Harkin motion to table Armstrong amendment to FY'91 Labor, HHS, and Education appropriations bill, H.R.5257, 10/12/90.
- Dole motion to table Wirth amendment to FY'91 Foreign Operations appropriations bill, H.R.5114, 10/19/90.
- Durenberger amendment to Family Planning Amendments Act, S.323, 7/16/91.
- Coats amendment to Family Planning Amendments Act, S.323, 7/16/91.
- Motion to invoke cloture on Wirth amendment to FY'92-93 Department of Defense authorization bill, S.1507, 8/2/91.
- Nickles amendment to FY'92 Labor, HHS, and Education appropriations bill, H.R.2707, 9/11/91.
- Vote to confirm nomination of Clarence Thomas to U.S. Supreme Court, 10/15/91.
- FY'92 Labor, HHS, and Education appropriations bill, H.R.2707, 11/7/91.
- Wirth appeal of ruling of the chair on Lautenberg amendment to FY'92 supplemental appropriations bill, H.J.Res.157, 11/22/91.
- Coats amendment to FY'93 Department of Defense authorization bill, S.3114, 9/18/92.
- Vote to override veto of Family Planning Amendments Act, S.323, 10/1/92.
- Germaneness of Nickles amendment to FY'94 Treasury, Postal appropriations bill, H.R.2403, 8/3/93.
- Vote to confirm nomination of Dr. Joycelyn Elders to be U.S. Surgeon General, 9/7/93.
- Vote to strike provisions in FY'94 Labor, HHS, and Education appropriations bill, H.R.2518, 9/28/93.
- Hatch amendment to Freedom of Access to Clinic Entrances Act, S.636, 11/16/93.

- Freedom of Access to Clinic Entrances Act, S.636, 11/16/93.
- Helms amendment to Educate America Act, S.1150, 2/8/94.
- Freedom of Access to Clinic Entrances Act, S.636, 5/12/94.
- Helms amendment to FY'95 Foreign Operations appropriations bill, H.R.4426, 7/14/94.
- Motion to invoke cloture on nomination of Dr. Henry Foster to be U.S. Surgeon General, 6/21/95.
- Motion to invoke cloture on nomination of Dr. Henry Foster to be U.S. Surgeon General, 6/22/95.
- Nickles amendment to FY'96 Treasury, Postal appropriations bill, H.R.2020, 8/5/95.
- Nickles amendment to FY'96 Treasury, Postal appropriations bill, H.R.2020, 8/5/95.
- Mikulski amendment to FY'96 Treasury, Postal appropriations bill, H.R.2020, 8/5/95.
- Domenici amendment to Personal Responsibility and Work Opportunity Act, H.R.4, 9/13/95.
- Jeffords amendment to Personal Responsibility and Work Opportunity Act, H.R.4, 9/14/95.
- Helms amendment to FY'96 Foreign Operations appropriations bill, H.R.1868, 9/21/95.
- Smith motion to table Specter amendment to FY'96 Commerce, Justice, State appropriations bill, H.R.2076, 9/29/95.
- Nickles motion to waive Budget Act with respect to Chafee point of order to strike language in Balanced Budget Reconciliation Act, S.1357, 10/27/95.
- Smith motion to instruct on Balanced Budget Reconciliation Act, S.1357, 10/27/95.
- Leahy motion to strike House language in FY'96 Foreign Operations appropriations bill, H.R.1868, 11/1/95.
- Hatfield motion to table House language in FY'96 Foreign Operations appropriations bill, H.R.1868, 11/15/95.
- Boxer amendment to "Partial-Birth" Abortion Ban Act, H.R.1833, 12/7/95.
- Feinstein amendment to "Partial-Birth" Abortion Ban Act, H.R.1833, 12/7/95.
- "Partial-Birth" Abortion Ban Act, H.R.1833, 12/7/95.
- McConnell amendment to FY'96 omnibus appropriations bill, H.R.3019, 3/14/96.
- Boxer amendment to FY'96 omnibus appropriations bill, H.R.3019, 3/19/96.
- Coats/Snowe amendment to FY'96 omnibus appropriations bill, H.R.3019, 3/19/96.
- Coats motion to table Murray amendment to FY'97 Department of Defense authorization bill, S.1745, 6/19/96.
- Domenici motion to waive Budget Act with respect to Exon point of order in FY'97 budget reconciliation, S.1956, 7/23/96.
- DeWine motion to table committee amendment to FY'97 Treasury, Postal appropriations bill, H.R.3756, 9/11/96.
- Vote to override veto of "Partial-Birth" Abortion Ban Act, H.R.1833, 9/26/96.
- President's resolution to authorize release of already appropriated funds from FY'97 omnibus appropriations bill, H.J.Res.36, 2/25/97.
- Feinstein/Boxer amendment to "Partial-Birth" Abortion Ban Act, H.R.1122, 5/15/97.
- "Partial-Birth" Abortion Ban Act, H.R.1122, 5/20/97.
- Kerrey amendment to Balanced Budget Act of 1997, S.947, 6/25/97.
- Murray amendment to FY'98 Department of Defense authorization bill, S.936, 7/10/97.
- DeWine amendment to FY'98 Treasury, Postal appropriations bill, S.1023, 7/22/97.

- FY'99 Foreign Affairs Reform and Restructuring Act, H.R.1757, 4/28/98.
- Murray amendment to FY'99 Department of Defense authorization bill, S.2057, 6/25/98.
- Vote to override veto of "Partial-Birth" Abortion Ban Act, H.R.1122, 9/18/98.
- Lott motion to invoke cloture on Child Custody Protection Act, S.1645, 9/22/98.
- Smith motion to table Murray/Snowe amendment to FY'00-01 Department of Defense authorization bill, S.1059, 5/26/99.
- Smith amendment to "Partial-Birth" Abortion Ban Act, S.1692, 10/21/99.
- "Partial-Birth" Abortion Ban Act, S.1692, 10/21/99.
- Hutchinson motion to table Murray amendment to FY'01 Department of Defense authorization bill, S.2549, 6/20/00.
- Specter/Harkin motion to table Helms amendment to FY'01 Labor, HHS, and Education appropriations bill, S.2553, 6/30/00.
- Bankruptcy Reform Act, H.R.2415, 12/7/00.
- Vote to confirm nomination of John Ashcroft to be U.S. Attorney General, 2/1/01.
- Murray/Snowe amendment to FY'03 Department of Defense authorization bill, S.2514, 6/21/02.
- Murray motion to waive Budget Act to allow vote on Murray/Reid prevention-package amendment to "Partial-Birth" Abortion Ban Act, S.3, 3/11/03.
- Harkin/Boxer (non-binding) amendment to "Partial-Birth" Abortion Ban Act, S.3, 3/12/03.
- Feinstein amendment to "Partial-Birth" Abortion Ban Act, S.3, 3/12/03.
- "Partial-Birth" Abortion Ban Act, S.3, 3/13/03.
- Motion to invoke cloture on nomination of Priscilla Owen to U.S. Court of Appeals for Fifth Circuit, 5/1/03.
- Feinstein amendment to United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, H.R.1298, 5/15/03.
- Murray/Snowe amendment to FY'04 National Defense authorization bill, S.1050, 5/22/03.
- Lugar motion to table Boxer amendment to FY'04-05 Foreign Relations authorization bill, S.925, 7/9/03.
- Motion to invoke cloture on nomination of William Pryor to U.S. Court of Appeals for Eleventh Circuit, 7/31/03.
- "Partial-Birth" Abortion Ban Act, S.3, 10/21/03.
- Motion to invoke cloture on nomination of Charles Pickering to U.S. Court of Appeals for Fifth Circuit, 10/30/03.
- Feinstein amendment to FY'04 Foreign Operations appropriations bill, H.R.2800, 10/30/03.
- Motion to invoke cloture on nomination of Carolyn Kuhl to U.S. Court of Appeals for Ninth Circuit, 11/14/03.
- Motion to invoke cloture on nomination of Janice Rogers Brown to U.S. Court of Appeals for D.C. Circuit, 11/14/03.
- Unborn Victims of Violence Act, H.R.1997, 3/25/04.
- Vote to confirm nomination of J. Leon Holmes to U.S. District Court for Eastern District of Arkansas, 7/6/04.
- Schumer amendment to Bankruptcy Reform Act, S.256, 3/8/05.
- Clinton/Reid amendment to FY'06 Budget Resolution, S.Con.Res.18, 3/17/05.
- Boxer amendment to FY'06-07 Foreign Relations authorization bill, S.600, 4/5/05.

- Vote to confirm nomination of Priscilla Owen to U.S. Court of Appeals for Fifth Circuit, 5/25/05.
- Vote to confirm nomination of Janice Rogers Brown to U.S. Court of Appeals for D.C. Circuit, 6/8/05.
- Vote to confirm nomination of William Pryor to U.S. Court of Appeals for Eleventh Circuit, 6/9/05.
- Vote to confirm nomination of John Roberts to U.S. Supreme Court, 9/29/05.
- Motion to invoke cloture on nomination of Samuel Alito to U.S. Supreme Court, 1/30/06.
- Vote to confirm nomination of Samuel Alito to U.S. Supreme Court, 1/31/06.
- Lautenberg/Menendez amendment to Child Custody Protection Act, S.403, 7/25/06.
- Child Custody Protection Act, S.403, 7/25/06.
- Motion to invoke cloture on House-passed version of Child Interstate Abortion Notification Act, S.403, 9/29/06.
- Allard amendment to Children's Health Insurance Program reauthorization, H.R.976, 8/2/07.
- Vitter amendment to FY'08 Department of State, Foreign Operations, and Related Programs appropriations bill, H.R.2764, 9/6/07.

#### Pro-choice Senate votes:

- Vote to override veto of Family and Medical Leave Act, S.5, 9/24/92.
- Family and Medical Leave Act, H.R.1, 2/4/93.
- Coats amendment to FY'98 Labor, HHS, and Education appropriations bill, S.1061, 9/4/97.
- Vote to confirm nomination of Dr. David Satcher to be U.S. Surgeon General, 2/10/98.

#### <sup>3</sup> See generally:

- Equity in Prescription Insurance and Contraceptive Coverage Act, S.104, introduced on 9/10/01.
- Emergency Contraception Education Act, S.1990, introduced on 3/6/02.
- Freedom of Choice Act, S.2020, introduced on 1/22/04.
- Emergency Contraception Education Act, S.896, introduced on 4/11/03.
- Putting Prevention First Act, S.2336, introduced on 4/22/04.
- Prevention First Act, S.20, introduced on 1/24/05.
- Access to Legal Pharmaceuticals Act, S.809, introduced on 4/14/05.
- Compassionate Care for Rape Emergencies Act, S.1264, introduced on 6/16/05.
- Unintended Pregnancy Reduction Act, S.2916, introduced on 5/19/06.
- Compassionate Care for Rape Emergencies Act, S.3945, introduced on 9/26/06.

<sup>&</sup>lt;sup>4</sup> Harkin/Boxer (non-binding) amendment to "Partial-Birth" Abortion Ban Act, S.3, 3/12/03.

<sup>&</sup>lt;sup>5</sup> Boxer amendment to "Partial-Birth" Abortion Ban Act, H.R.1833, 12/7/95; Feinstein amendment to "Partial-Birth" Abortion Ban Act, H.R.1833, 12/7/95; "Partial-Birth" Abortion Ban Act, H.R.1833, 9/26/96; H.R.1833, 12/7/95; vote to override veto of "Partial-Birth" Abortion Ban Act, H.R.1833, 9/26/96; Feinstein/Boxer amendment to "Partial-Birth" Abortion Ban Act, H.R.1122, 5/15/97; "Partial-Birth" Abortion Ban Act, H.R.1122, 9/18/98; "Partial-Birth" Abortion Ban Act, S.1692, 10/21/99; Feinstein

- amendment to "Partial-Birth" Abortion Ban Act, S.3, 3/12/03; "Partial-Birth" Abortion Ban Act, S.3, 3/13/03; "Partial-Birth" Abortion Ban Act, S.3, 10/21/03.
- <sup>6</sup> Unborn Victims of Violence Act, H.R.1997, 3/25/04.
- <sup>7</sup> Kate Snow, *Laci Peterson Family Endorses" Unborn Victims" Bill*, CNN, May 7, 2003, *available at* http://www.cnn.com/2003/ALLPOLITICS/05/07/laci.bill (last visited May 13, 2007).
- <sup>8</sup> Allard amendment to Children's Health Insurance Program reauthorization, H.R.976, 8/2/07.
- <sup>9</sup> Vote to confirm nomination of John Ashcroft to be U.S. Attorney General, 2/1/01.
- <sup>10</sup> His Crusade Hangs In Balance, ASSOCIATED PRESS, Apr. 16, 1989.
- <sup>11</sup> Ashcroft Assails Abortion, Cites 'Vacuum of Values', ASSOCIATED PRESS, July 2, 1989.
- <sup>12</sup> Motion to invoke cloture on nomination of Samuel Alito to U.S. Supreme Court, 1/30/06; vote to confirm nomination of Samuel Alito to U.S. Supreme Court, 1/31/06. For more information on Justice Alito, see NARAL Pro-Choice America, Liberty at Risk: the Vulnerability of Reproductive Rights under Alito, Dec. 14, 2005, at <a href="http://www.prochoiceamerica.org/assets/files/Courts-SCOTUS-Liberty-at-Risk-Report.pdf">http://www.prochoiceamerica.org/assets/files/Courts-SCOTUS-Liberty-at-Risk-Report.pdf</a> (last visited May 14, 2007).
- <sup>13</sup> Gonzales v. Carhart, 127 S.Ct. 1610 (2007).
- Vote to confirm nomination of John Roberts to the U.S. Supreme Court, 9/29/05. For more information on Chief Justice Roberts, see NARAL Pro-Choice America, Choose Justice: Protect Our Rights; Oppose John Roberts' Nomination, Sept. 1, 2005, at <a href="http://www.prochoiceamerica.org/assets/files/Courts-SCOTUS-Roberts-Report.pdf">http://www.prochoiceamerica.org/assets/files/Courts-SCOTUS-Roberts-Report.pdf</a> (last visited May 14, 2007).
- <sup>15</sup> Gonzales v. Carhart, 127 S.Ct. 1610 (2007).
- <sup>16</sup> Vote to confirm nomination of Clarence Thomas to U.S. Supreme Court, 10/15/91. For more information on Justice Thomas, *see* NARAL Pro-Choice America, *Justice Clarence Thomas*, *at* <a href="http://www.prochoiceamerica.org/assets/files/Courts-SCOTUS-Thomas-bio.pdf">http://www.prochoiceamerica.org/assets/files/Courts-SCOTUS-Thomas-bio.pdf</a> (last visited May 14, 2007).
- <sup>17</sup> Planned Parenthood of Southeastern Pennslyvania v. Casey, 505 U.S. 833, 944 (1992) (Rehnquist, J., dissenting).
- <sup>18</sup> Stenberg v. Carhart, 530 U.S. 914, 980 (2000) (Thomas, J., dissenting).
- <sup>19</sup> Vote to confirm nomination of Robert Bork to U.S. Supreme Court, 10/23/87.
- <sup>20</sup> Robert Bork, in response to a question by Senator Thurmond, *Hearings of the Senate Judiciary Committee on the Nomination of Robert Bork to the Supreme Court*, September 1987.
- <sup>21</sup> Transcript, Hardball with Chris Matthews for August 8 (Aug. 9, 2005).
- <sup>22</sup> Motion to invoke cloture on nomination of William Pryor to U.S. Court of Appeals for Eleventh Circuit, 7/31/03; vote to confirm nomination of William Pryor to U.S. Court of Appeals for Eleventh Circuit, 6/9/05.
- <sup>23</sup> Symposium, *The Federalist Society: Federalism and the Separation of Powers*, Oct. 17, 1997 (comments by William Pryor).

- Motion to invoke cloture on nomination of Janice Rogers Brown to U.S. Court of Appeals for D.C. Circuit, 11/14/03; vote to confirm nomination of Janice Rogers Brown to U.S. Court of Appeals for D.C. Circuit, 6/8/05.
- <sup>25</sup> Catholic Charities of Sacramento, Inc. v. Superior Court, 85 P.3d 67, 105 (Cal. 2004) (Brown, J., dissenting).
- <sup>26</sup> Motion to invoke cloture on nomination of Priscilla Owen to U.S. Court of Appeals for Fifth Circuit, 5/1/03; vote to confirm nomination of Priscilla Owen to U.S. Court of Appeals for Fifth Circuit, 5/25/05.
- <sup>27</sup> In re Doe 1(II), 19 S.W. 3d 346, 366 (Tex. 2000) (Gonzales, J. concurring).
- <sup>28</sup> Vote to confirm nomination of J. Leon Holmes to U.S. District Court for Eastern District of Arkansas, 7/6/04.
- <sup>29</sup> Leon Holmes, Letter to the Editor, Abortion Issue, MOLINE DAILY DISPATCH, Dec. 24, 1980.
- <sup>30</sup> Motion to invoke cloture on nomination of Carolyn Kuhl to U.S. Court of Appeals for Ninth Circuit, 11/14/03.
- <sup>31</sup> Brief for the United States as Amicus Curiae in Support of Appellants, *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986) (Nos. 84-495 and 84-1379).
- <sup>32</sup> Motion to invoke cloture on nomination of Charles Pickering to U.S. Court of Appeals for Fifth Circuit, 10/30/03.
- <sup>33</sup> 1978 MS HCR 3 (Feb. 7, 1979).
- <sup>34</sup> Harkin motion to table Nickles amendment to FY'88 District of Columbia appropriations bill, H.R.2173, 9/30/87; Harkin motion to table Exon amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 7/7/88; Harkin motion to table Humphrey amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 7/7/88; Exon amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/27/88; Chiles motion to table Weicker motion to insist that the Senate retain Exon amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 9/13/88; Chiles motion to table Weicker motion to insist that the Senate retain Exon amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 9/13/88; Nickles motion to table Bradley motion to disagree with Dornan House amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 9/30/88; vote to strike provisions in FY'94 Labor, HHS, and Education appropriations bill, H.R.2518, 9/28/93; Nickles motion to waive Budget Act with respect to Chafee point of order to strike language in Balanced Budget Reconciliation Act, S.1357, 10/27/95; Smith motion to instruct on Balanced Budget Reconciliation Act, S.1357, 10/27/95; Kerrey amendment to Balanced Budget Act of 1997, S.947, 6/25/97.
- <sup>35</sup> Conte amendment to FY'84 Labor, HHS, and Education appropriations bill, H.R.3913, 9/22/83.
- <sup>36</sup> Chafee/Jeffords amendment to Family Planning Amendments Act, S.110, 9/25/90.
- <sup>37</sup> Vitter amendment to FY'08 Department of State, Foreign Operations, and Related Programs appropriations bill, H.R.2764, 9/6/07.

- Motion to invoke cloture on Wirth/Glenn amendment to FY'91 Department of Defense authorization bill, S.2884, 8/3/90; motion to invoke cloture on Wirth amendment to FY'92-93 Department of Defense authorization bill, S.1507, 8/2/91; Wirth appeal of ruling of the chair on Lautenberg amendment to FY'92 supplemental appropriations bill, H.J.Res.157, 11/22/91; Coats amendment to FY'93 Department of Defense authorization bill, S.3114, 9/18/92; Coats motion to table Murray amendment to FY'97 Department of Defense authorization bill, S.1745, 6/19/96; Murray amendment to FY'98 Department of Defense authorization bill, S.936, 7/10/97; Murray amendment to FY'99 Department of Defense authorization bill, S.2057, 6/25/98; Smith motion to table Murray/Snowe amendment to FY'00-01 Department of Defense authorization bill, S.1059, 5/26/99; Hutchinson motion to table Murray amendment to FY'01 Department of Defense authorization bill, S.2549, 6/20/00; Murray/Snowe amendment to FY'03 Department of Defense authorization bill, S.2514, 6/21/02; Murray/Snowe amendment to FY'04 National Defense authorization bill, S.1050, 5/22/03.
- <sup>39</sup> Smith amendment to FY'84 Treasury, Postal appropriations bill, H.R.3191, 6/8/83; motion to rise on Smith amendment to FY'84 Treasury appropriations bill, H.R.4139, 10/27/83; Boxer amendment to FY'85 Treasury, Postal appropriations bill, H.R.5798, 6/27/84; germaneness of Nickles amendment to FY'94 Treasury, Postal appropriations bill, H.R.2403, 8/3/93; Nickles amendment to FY'96 Treasury, Postal appropriations bill, H.R.2020, 8/5/95; Mikulski amendment to FY'96 Treasury, Postal appropriations bill, H.R.2020, 8/5/95; DeWine motion to table committee amendment to FY'97 Treasury, Postal appropriations bill, H.R.3756, 9/11/96; DeWine amendment to FY'98 Treasury, Postal appropriations bill, S.1023, 7/22/97.
- <sup>40</sup> Dixon motion to rise on FY'86 District of Columbia appropriations bill, H.R.3067, 7/30/85; Smith amendment to FY'86 District of Columbia appropriations bill, H.R.3067, 7/30/85; Harkin motion to table Nickles amendment to FY'88 District of Columbia appropriations bill, H.R.2173, 9/30/87; Harkin motion to table Exon amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 7/7/88; Harkin motion to table Humphrey amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 7/7/88; Nickles motion to table Bradley motion to disagree with Dornan House amendment to FY'89 District of Columbia appropriations bill, H.R.4776, 9/30/88.
- <sup>41</sup> Lieberman motion to table Lieberman amendment to Family Planning Amendments Act, S.110, 9/26/90; Harkin motion to table Armstrong amendment to FY'91 Labor, HHS, and Education appropriations bill, H.R.5257, 10/12/90; Coats amendment to Family Planning Amendments Act, S.323, 7/16/91; Nickles amendment to FY'92 Labor, HHS, and Education appropriations bill, H.R.2707, 9/11/91; Helms amendment to Educate America Act, S.1150, 2/8/94.
- <sup>42</sup> Lott motion to invoke cloture on Child Custody Protection Act, S.1645, 9/22/98; Child Custody Protection Act, S.403, 7/25/06.
- <sup>43</sup> Motion to invoke cloture on House-passed version of Child Interstate Abortion Notification Act, S.403, 9/29/06.
- <sup>44</sup> Hatch amendment to Freedom of Access to Clinic Entrances Act, S.636, 11/16/93; Freedom of Access to Clinic Entrances Act, S.636, 11/16/93; Freedom of Access to Clinic Entrances Act, S.636, 5/12/94.

- <sup>45</sup> Bankruptcy Reform Act, H.R.2415, 12/7/00; Schumer amendment to Bankruptcy Reform Act, S.256, 3/8/05.
- <sup>46</sup> Weicker motion to table Helms amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/25/88; motion to invoke cloture on Family Planning Amendments Act, S.110, 9/26/90.
- <sup>47</sup> Lautenberg/Menendez amendment to Child Custody Protection Act, S.403, 7/25/06.
- <sup>48</sup> Durenberger amendment to Family Planning Amendments Act, S.323, 7/16/91; FY'92 Labor, HHS, and Education appropriations bill, H.R.2707, 11/7/91; vote to override veto of Family Planning Amendments Act, S.323, 10/1/92.
- <sup>49</sup> Dole motion to table Wirth amendment to FY'91 Foreign Operations appropriations bill, H.R.5114, 10/19/90; Leahy motion to strike House language in FY'96 Foreign Operations appropriations bill, H.R.1868, 11/1/95; Hatfield motion to table House language in FY'96 Foreign Operations appropriations bill, H.R.1868, 11/15/95; FY'99 Foreign Affairs Reform and Restructuring Act, H.R.1757, 4/28/98; Lugar motion to table Boxer amendment to FY'04-05 Foreign Relations authorization bill, S.925, 7/9/03; Boxer amendment to FY'06-07 Foreign Relations authorization bill, S.600, 4/5/05.
- <sup>50</sup> Mikulski motion to table Kasten amendment to FY'90 Foreign Operations appropriations bill, H.R.2939, 9/20/89; Leahy motion to disagree with House amendment to FY'90 Foreign Operations appropriations bill, H.R.2939, 11/15/89; Helms amendment to FY'96 Foreign Operations appropriations bill, H.R.1868, 9/21/95; FY'99 Foreign Affairs Reform and Restructuring Act, H.R.1757, 4/28/98; Lugar motion to table Boxer amendment to FY'04-05 Foreign Relations authorization bill, S.925, 7/9/03; Boxer amendment to FY'06-07 Foreign Relations authorization bill, S.600, 4/5/05.
- <sup>51</sup> Feinstein amendment to United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, H.R.1298, 5/15/03; Feinstein amendment to FY'04 Foreign Operations appropriations bill, H.R.2800, 10/30/03.
- <sup>52</sup> Domenici motion to waive Budget Act with respect to Exon point of order in FY'97 budget reconciliation, S.1956, 7/23/96.
- <sup>53</sup> Waxman motion to suspend rules and pass Family Planning Programs authorization bill, H.R.2369, 6/18/85; Chiles motion to table Helms amendment to FY'89 Labor, HHS, and Education appropriations bill, H.R.4783, 7/25/88.
- Murray motion to waive Budget Act to allow vote on Murray/Reid prevention-package amendment to "Partial-Birth" Abortion Ban Act, S.3, 3/11/03.
- <sup>55</sup> Clinton/Reid amendment to FY'06 Budget Resolution, S.Con.Res.18, 3/17/05.
- <sup>56</sup> Vote to confirm nomination of Dr. Joycelyn Elders to be U.S. Surgeon General, 9/7/93.
- <sup>57</sup> Motion to invoke cloture on nomination of Dr. Henry Foster to be U.S. Surgeon General, 6/21/95; motion to invoke cloture on nomination of Dr. Henry Foster to be U.S. Surgeon General, 6/22/95.
- <sup>58</sup> Vote to confirm nomination of Dr. David Satcher to be U.S. Surgeon General, 2/10/98.

- <sup>59</sup> Coats/Snowe amendment to FY'96 omnibus appropriations bill, H.R.3019, 3/19/96.
- <sup>60</sup> Ann Althouse, Rudy & Mitt Hem & Haw on Abortion, N.Y. TIMES, Feb. 24, 2007.
- <sup>61</sup> John McCain for President 2008, *On the Issues: Human Dignity and the Sanctity of Life, at* <a href="http://www.johnmccain.com/Informing/Issues/95b18512-d5b6-456e-90a2-12028d71df58.htm">http://www.johnmccain.com/Informing/Issues/95b18512-d5b6-456e-90a2-12028d71df58.htm</a> (last visited Apr. 24, 2007).
- <sup>62</sup> Transcript, The Full McCain: An Interview, NATIONAL REVIEW, Mar. 5, 2007, available at <a href="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q=MTMxOWRkYjgyNDhjOTU5ZTY2OWU2ZTg2ZmUxMzQ1NjQ="http://article.nationalreview.com/print/?q="http:/
- 63 Transcript, Republican Presidential Candidates Participate in a Debate (May 3, 2007).
- <sup>64</sup> Carl Tobias, *On judges, don't doubt MCain's conservatism: He pledges to appoint clones of Alito and Roberts,* CHRISTIAN SCI. MONITOR, Feb. 11, 2008.
- <sup>65</sup> Letter from Sen. John McCain to Pro-Life Community (Jan. 23, 2008) (*at* <a href="http://www.catholic.org/politics/story.php?id=26539">http://www.catholic.org/politics/story.php?id=26539</a>) (last visited on Mar. 31, 2008).
- <sup>66</sup> Adam Nagourney, McCain Stumbles on H.I.V. Prevention, THE NEW YORK TIMES, Mar. 16, 2007.