



Secretariat for Pro-Life Activities

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3070 • FAX 202-541-3054
EMAIL: PROLIFE@USCCB.ORG • WEBSITE: WWW.USCCB.ORG/PROLIFE

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Dear Member of Congress:

In your consideration of the State Department Authorization bill (H.R. 1950), I urge you to vote for the Smith/Oberstar/Hyde Amendment.

This amendment will allow the Kemp-Kasten amendment to the annual foreign operations appropriations bills to operate as it has since 1985. The Kemp-Kasten amendment prohibits U.S. funding of organizations that (as determined by the President) support, or participate in the management of, programs of coercive abortion and involuntary sterilization.

The Crowley amendment to the State Department bill, approved by the narrowest of margins in Committee, earmarks \$50 million to the United Nations Population Fund (UNFPA) and effectively nullifies the longstanding human rights protections in the Kemp-Kasten amendment. Under the Crowley amendment, UNFPA will be ineligible for U.S. funds only if it “knowingly and intentionally” works with the “purpose” of advancing the actual “practice” of coerced abortion and involuntary sterilization, or plays a “primary and essential role” in the “coercive or involuntary aspect” of the program it helps manage. This standard is designed to restore funding to the UNFPA despite its participation in China’s coercive program. The UNFPA can always claim that its “purpose” is something other than to promote coerced abortion as such, and that it is the Chinese government that plays the “primary and essential” role in forcing women to have abortions.

UNFPA’s participation in the oppressive Chinese program was uncovered during an investigation by Chinese human rights advocates. In congressional testimony these investigators provided compelling evidence that UNFPA supports and is even involved in the administration of the Chinese program. The investigators also testified that the program can be violently coercive (House International Relations Committee Hearing on Coercive Population Control in China: New Evidence of Forced Abortion and Forced Sterilization, October 15, 2001).

The investigators conducted their probe in Sihui County, Guangdong Province, a county in which the UNFPA had claimed there is no coercion. There they found the UNFPA office located within the county government’s Office of Family Planning. This program, administered by UNFPA and the Chinese Office of Family Planning, used forced abortion and sterilization and the imposition of fines, destruction of homes and imprisonment of women and their family members for failure to comply with the program. Women in this county spoke of being forcibly aborted and forcibly sterilized. One woman told investigators that when she refused to abort her four-and-a-half-month old unborn child and went into hiding, the Chinese authorities arrested

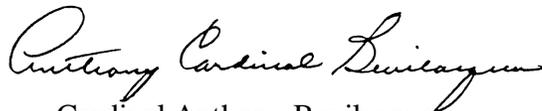
some of her relatives and destroyed the homes of others. Under the Crowley amendment it seems the UNFPA would receive its \$50 million even in the face of such evidence, because UNFPA officials did not order the arrests or operate the jackhammers that razed these victims' homes.

Subsequent to this investigation, in fact, the Bush Administration sent its own investigators to China. Based on their findings, the Administration concluded that "UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion" (Memo from Secretary Powell to Senator Byrd, July 21, 2002). Because of this finding, funding of the UNFPA under the Kemp-Kasten Amendment was not allowed. Instead of contesting this finding, UNFPA's defenders have concluded that they must remove or weaken the relevant legal standard, so the UNFPA will be funded even if the Administration's finding is absolutely correct.

That standard, however, is an essential human rights protection which must not be eroded to serve the interests of any particular organization. Since the time of the Nuremberg trials, an international consensus has condemned coerced abortion as a crime against humanity. Nazi officials argued at those trials that they were not guilty because they did not "participate" in the abortions or in the coercion of women, but only forwarded an order handed down by others and were informed afterward of its effectiveness. They were convicted of committing crimes against humanity nonetheless, because they participated in and helped manage a program that relied on such coercion (*Trials of War Criminals Before the Nuernberg Military Tribunals Under Control Council Law No. 10*, Volume IV, October 1946 - April 1949, pp. 1076, 1090-92). Today there is no reason for the U.S. to hold federal grantees to a lesser standard, particularly when the only "penalty" being discussed is a simple withholding of U.S. funds.

In short, American taxpayers must not be forced to fund organizations that support, condone and defend such violations of human rights. Please stand in defense of the freedom and dignity of women and their unborn children, and support the motion by Representatives Hyde, Oberstar and Smith to strike the Crowley amendment.

Sincerely,



Cardinal Anthony Bevilacqua
Archbishop of Philadelphia
Chairman, Committee for Pro-Life Activities
U.S. Conference of Catholic Bishops