



Written by [Jack Kenny](#) on January 7, 2010

In Abortion Fight, Stupak's Not Nelson

Congressional battles are about who gets what, it is sometimes said, while presidential elections are about who and what we are as a people. One of the issues to be settled in the House and Senate conference over healthcare insurance reform is who and what U.S. Rep. Bart Stupak is.

The Michigan Democrat may hold the key to whether the legislation that President Barack Obama and his congressional allies desperately want passed will survive a committee of conference or whether it will go down in flames, as have so many other efforts to corral the nation's vast and complex healthcare systems. The question may have to do less with the merits of the legislation than with the soul of Bart Stupak. In the end, will he be Bart Stupak? Or will he be Ben Nelson?



Nelson is the Democratic Senator from Nebraska who started holding out for restrictions on abortion coverage, but wound up selling out for more pork for his state. So while the bill passed by the Senate on Christmas Eve, with Nelson's support, contained no restriction on abortion coverage, it did include increased largesse for Nelson's Nebraska. Other Senators, including Joe Lieberman (I-Conn.) cut similar deals. But at least Lieberman made no pretense of holding out for the sanctity of human life. Stupak appears to be one of a different breed of legislative cat. He may be part of a vanishing cast of critters not on the Environmental Protection Agency's list of endangered species. Bart Stupak may stand to the end on principle, even if it means healthcare reform is stillborn again in Congress.

"It's not the end of the world if it goes down," Stupak told the *New York Times*, though a great many Democrats, including the top Democrat in the White House, will no doubt work to make it the end of Bart Stupak in national politics. The Stupak amendment to the bill that passed the House late last year will, if preserved in the final legislation, prevent women who receive federal insurance subsidies from buying abortion coverage. Critics claim it could also cause women who buy their own insurance difficulty in obtaining coverage, the *Times* reported.

Stupak says he does not intend to give up on his amendment and people who know him take him at his word. Bart Stupak is not a man who changes his convictions easily. He has not, for example, wavered in his support of the right to keep and bear arms, even though his son killed himself using the congressman's own gun.

"I can't tell you how many New Yorkers have called me up and yelled at me about this Stupak guy." Scott Schloegel, his chief of staff, told the *Times* reporter. Whether the legislation passes, with or without the Stupak amendment, the representative from the frozen district of Michigan's Upper Peninsula will no doubt be the target of every abortion "rights" group imaginable. He can avoid all that



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and no doubt win a bushel of political plums for himself, his friends, and his constituents if he would just come down off his high horse of principle and play the political game-if he would, in other words, be Ben Nelson.

Last fall, Mr. Stupak told constituents that even if his amendment failed, he would still vote yes on the overall health care legislation, the *Times* reported. Now he says that statement applied only to the bill's early version.

"You fight for a principle you've believed in your whole life, then you fold up the tent?" he said.

To make matters even worse for the Democratic leadership, so dependent on its feminist and abortion "rights" constituencies, Stupak is a Roman Catholic who appears to be even more resolute in opposing abortion funding than either the U.S. Conference of Catholic Bishops or the National Right to Life Committee. Democrats are learning that when they won back the "Reagan Democrats" they had lost in previous elections, those Democrats brought with them their traditional values and core convictions. The abortion issue may yet be the Achilles' heel of the Democratic Party.

Stupak says his amendment would merely preserve existing law. Under the Hyde Amendment to the Medicaid law, an amendment sponsored by former Rep. Henry Hyde, (R-Ill.) federal funds may not be used for purely elective abortions. They may be used if the mother's life is in danger or an abortion is deemed necessary because the pregnancy resulted from rape or incest. Stupak's amendment passed the House last fall with the support of 64 Democrats. "Before, when we talked about pro-life Democrats, you'd get a snicker and a laugh," he said. "We were just always overlooked. We're not overlooked anymore."

Still a pro-life stand is a lonely one for Democrats, while the majority of Republicans at least pay lip service to the right to life. When Stupak won his party's primary, beating a "pro-choice" Democrat enroute to his first election to the House in 1992, he was unable to hire a Democratic political consultant for the general election. They all refused to work for a candidate with his views, he said. As a freshman congressman, he requested, but was denied, a seat on the powerful Energy and Commerce Committee.

"I had one or two members tell me I'd never get on because I'm right-to-life," he told the *Times*. He believes he cannot realistically run for governor because no one with his stands on guns and abortion can win in Michigan, he said.

Yet Stupak, 57, is the kind of working man's candidate that has traditionally been the heart, soul and backbone of the Democratic Party. His father attended seminary before marrying and later sent his ten children to Catholic schools until tuition money ran out. A former state trooper, Stupak, the *Times* reported, worked the highways but also trailed Ku Klux Klan members and drove home drunken state legislators. He attended law school at night and spent a term in the state Legislature before running for Congress. He is tough and not just at election time. In his trooper days, he blew out a knee chasing a suspect and has had so many operations on it since that he now returns to work on the day of an operation, the *Times* said, "toting crutches and ice."

There is already a growing "Stop Stupak!" movement, but while his opponents may yet stop him, they will likely not turn him around. The temperature around Bart Stupak may drop precipitously as he becomes increasingly isolated. But he is used to that, hailing as he does from the frozen tundra of the Upper Peninsula.

If Stupak is sticking to his guns because of his convictions as a Catholic and as a moral man, that is



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commendable. But it would be even more reassuring if it also had something to do with the oath he and his colleagues take to defend and uphold the Constitution of the United States. Because, while it is nowhere mentioned in the *Times* article, the Constitution contains no provision authorizing the Congress to pass health care or insurance legislation. And it nowhere authorizes the funding of abortion. And while the Supreme Court of the United States has claimed to have discovered the "right" to abortion in the penumbras emanating from a right of privacy implicit in other rights expressly granted, the right to have abortions subsidized by a federally funded program appears nowhere in the Constitution.

Unless, perhaps, it is the grandchild of a penumbra or the second cousin of an emanation, twice removed.

Photo of U.S. Rep. Bart Stupak: AP Images



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