

Factcheck.org on the GOP and Abortion

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Factcheck.org, a project of the Annenberg Public Policy Center at the University of Pennsylvania, often plays a useful role in exposing lies by political candidates. Sometimes, however, its factchecking is rather tendentious. Its coverage of the abortion stance of the 2012 Republican Party platform is a case in point.

Factcheck.org is right that the Obama campaign has overstated its critique of Mitt Romney's position on abortion. Trying to pin the slippery Romney down on anything is rather difficult, but it seems clear that Romney has indicated often enough that he now favors the outlawing of abortion in all cases, except rape, incest, and the life of the mother. These are the same exceptions supported by Bush senior and junior. These account for under 5 percent of all abortions, so while Romney and the two Bushes did not want to end legal abortion in every case, they do or did favor ending it in at least 95 percent of cases.

But what about the Republican Party platform? According to Factcheck.org, the GOP's 2012 anti-abortion plank is agnostic on the question of exceptions:

"The Obama campaign is falsely accusing the Republican Party's platform of calling for banning abortions even in cases of rape or incest. That's not true. The 2012 platform is silent on exceptions — leaving that decision up to Congress and the states — just as it was in 2008 and in previous presidential election years."

But silence on exceptions is not the same as being open-minded on the question. If someone says "I believe X, period," we do not assume that they mean "I believe X, with the following list of unstated exceptions." If someone says "I want to outlaw capital punishment," with no further qualification then we properly conclude that their opposition to the death penalty does not recognize an exception, say, for aggravated murders. If they favored such exceptions then they would have had to say something like, "I want to outlaw capital punishment in most cases."

Factcheck.org says that the 2012 GOP platform leaves the decision on exceptions "up to Congress and the states." But there's no mention of Congress and the states in the platform plank in question. Obviously, party platforms do not make law and so before there could be any enactment of an abortion ban, Congress would have to act. That doesn't mean, however, that every platform plank is actually a call for Congress to enact whatever exceptions to the plank it feels like enacting.

There is presumably no one who believes that abortion should be legal in every case — for example, after 8 months and 29 days of gestation because the eye color is not the desired one. Therefore, according to Factcheck.org's odd logic, even a strong pro-choice advocate would be happy with the Republican platform, since by its silence on exceptions it allows any conceivable exception (no pun intended), and hence pro-choicers too support the plank — with an exception for abortions performed before the ninth month.

So what exactly does the platform wording say on abortion? The abortion plank begins:

"Faithful to the "self-evident" truths enshrined in the Declaration of Independence, we assert the sanctity of human life and affirm that the unborn child has a fundamental

individual right to life which cannot be infringed. We support a human life amendment to the Constitution and endorse legislation to make clear that the Fourteenth Amendment's protections apply to unborn children."

This certainly doesn't suggest any agnosticism on exceptions. If the "unborn child has a fundamental individual right to life which cannot be infringed," then rape and incest would no more allow an abortion than they would infanticide.

Factcheck.org then tries to substantiate its claim that the platform language is totally permissive by checking with the author of the abortion plank:

"Just to be sure we weren't missing anything, we contacted the amendment's author, James Bopp, who is also co-chairman of the party platform's Subcommittee on Restoring Constitutional Government. He told us what he has told others in the news media:

'James Bopp, Aug. 23: The Republican Party plank endorsing a Human Life Amendment does not take a position on which version of a Human Life Amendment should eventually be adopted. We leave that decision to Congress and the people of the United States at that time. Thus, we do not take a position on which exceptions should be included in a Human Life Amendment.'

It's no surprise that GOP bigwigs would try to fudge party support for a position rejected by an overwhelming majority of the population, a stance that is especially toxic now in the aftermath of Todd Akin's crude remarks on rape. What is surprising though is that Factcheck.org would take this as definitive evidence of the meaning of the platform plank.

But here's the thing. We don't need to ask Bopp or Factcheck.org how they interpret the GOP platform. We can consider how Romney interprets the platform. On August 27, CBS's Scott Pelley questioned him:

"The platform does not allow for exceptions on abortion with regard to the health of the mother or rape or incest. Is that where you are?"

Romney replied, "No, my position has been clear throughout this campaign," and he went on to affirm his support for the exceptions (though with a little hedging on health of the mother versus life of the mother). He offered no dissent from Pelley's summary of the platform.

Reince Preibus, Chairman of the Republican National Committee, told MSNBC: "This is the platform of the Republican Party; it's not the platform of Mitt Romney."

But the most telling confirmation of the proper way to interpret the platform language on abortion comes from rank-and-file GOP delegates interviewed by the Daily Show's Samantha Bee. These enthusiastic delegates had no problem with Romney taking a different view from the platform because they believe in "choice": no one should have the right to tell others what to believe on these matters. Hilarious.

The Daily Show with Jon Stewart

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