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“Unprecedented Interference” by Obama Pushes Pro-abortion Constitution

Excerpts by Rep. Chris Smith, July 30, 2010
Ranking Member, Subcommittee on Africa and Global Health
(Former Chairman, Africa, Global Human Rights,
and International Operations Subcommittee)

Next Wednesday, August 4, millions of Kenyans will go to the polls either to affirm or reject a sweeping new constitution in a nationwide referendum.

According to *all.Africa.com*, yesterday, the Catholic Church,

...renewed its call for the rejection of the proposed constitution, warning that a ‘Yes’ vote would endanger the nation.

At a press conference, Nairobi archbishop John Cardinal Njue defended the church’s stand, particularly on the abortion clause, saying it was a moral and not a political one.

The duty of the church, he said, was to warn Kenyans of the dangers the proposed law posed.

“We fulfill our mission by trying to explain to you the dangers posed by the proposed constitution. We pray that you will choose life, so that you and your generations may live,” Cardinal Njue said.

He warned that the church would not accept any law that seeks to terminate life, hence its opposition to the proposed constitution.

Cardinal Njue, who read a letter signed by all Catholic bishops, accused the Committee of Experts of failing to incorporate the views of the church and the majority of Kenyans when formulating the clause on the right to life.

“Abortion is not good for our country, and the majority of Kenyans do not want abortion in this country.

“It has been introduced in this process contrary to the majority’s wish, making the proposed law an undemocratic document,” said the cardinal.

In the run up to the August 4th referendum on the Constitution—just like any other election—the United States and other interested parties have a profoundly important, but narrow role to play. And that is to ensure to the greatest extent possible that the referendum is free, fair and peaceful.

Under no circumstances should the U.S. government take sides by supporting, facilitating and funding projects designed to identify and motivate votes for either side.

Yet that is precisely what the Obama Administration has done.

And because the proposed Constitution significantly alters existing abortion law in Kenya, expending U.S. taxpayer funds used in support of the “Yes” campaign is also illegal.

To date, the preliminary, irrefutable evidence gathered by an independent watchdog—the United States Agency for International Development (USAID) Inspector General (IG)—clearly shows that the Obama Administration has funded grantees with the express purpose of identifying and mobilizing tens of thousands of “yes” votes.

Several grantees even have specific quotas of producing 20,000 “yes” votes per grantee built right into their USAID contract.

According to the USAID Inspector General Donald Gambatesa, more than \$23 million U.S. taxpayer funds have either been spent or obligated. A chart provided by USAID’s Inspector General shows that 60 sub-recipients got funds for activities that include transportation, fuel, road shows, voter ID and “yes” vote “buy in” for professional elites.

It is unconscionable that U.S. taxpayers are subsidizing a massive one sided political campaign thinly disguised as “civic education” in another sovereign nation. This is a very bad precedent. As a matter of fact, these activities constitute unprecedented political interference with U.S. taxpayer funds in a sovereign nation’s election. And it is illegal.

U.S. law prohibits using taxpayer funds to lobby either for or against abortion (proviso eight under the heading “Global Health and Child Survival” of division F of Public Law 111-117, [123 Stat. 3035]).

If approved, the proposed Kenyan Constitution will fundamentally change Kenyan law which currently permits abortion in situations to save the life of the mother. The proposed constitution would allow abortion for undefined “health” reasons which history and experience worldwide has shown often means just about any reason. Since the life of the mother exception

is included in the proposed Constitution as well as “health”, it is clear that the Constitution drafters intended that health means circumstance and exceptions entirely different from a “life of the mother exception.”

Additionally, under the proposed Constitution, a trained “health care professional” will determine the “need” for an abortion. There is no indication as to what that means. It certainly does not restrict the determination to a medical doctor, thus, putting women’s health and lives at risk. This too would be a significant change in Kenyan law thus precluding expenditures of U.S. funding to support its adoption.

Making matters worse, several pro-abortion NGOs received U.S. taxpayer funding and their influence in support of the abortion provisions is under investigation by the USAID IG.

For example:

- The Kenyan Federation of Women Lawyers (FIDA-Kenya) is a member of the Kenyan Reproductive Health and Rights Alliance (RHRA), which is supported by the Planned Parenthood Federation of America (PPFA). According to the PPFA website, the RHRA’s activities include “drafting reproductive health provisions for the revised constitution.” PPFA’s work in Kenya includes “increasing the availability of affordable... abortion services and supporting advocates to decriminalize abortion in the country.” FIDA-Kenya helped to draft controversial legislation and launched a campaign in 2008 to liberalize Kenya’s abortion law. It is receiving assistance not only from PPFA through the RHRA, but also \$85,363 from USAID for advocacy activities related to the draft constitution.
- The Committee of Experts on Constitutional Review in Kenya, which drafted the abortion-related provisions in the proposed constitution, received over \$180,000 of US taxpayer monies for office equipment and networking capability. The Committee rejected the life of the mother only exception to abortion inserted into the draft constitution by a Parliamentary committee, and added a “health” exception to abortion. It is commonly known that health exceptions to abortion often lead to abortion on demand owing to the broad definition of health that includes socio-economic reasons as exemplified in the US Supreme Court decision on abortion in 1973.
- Development Alternatives, Inc. (DAI), which is receiving almost \$3 million as a primary grant recipient, advised USAID in 2000 that USAID/Kenya would benefit by supporting civil society organizations that are advocating for “efforts to eventually legalize abortion in Kenya.” While acknowledging that such activity would be “politically sensitive,” DAI suggested that USAID might support local advocacy groups in their efforts as part of USAID’s democracy and governance strategic objectives component that supports civic society organizations.

Finally, while the work and final report of the IG remains unfinished, significant new questions have been raised concerning recent actions taken by the Obama Administration.

After first trivializing, dismissing and denying our concerns of serious illegal activity, the U.S. Embassy spokeswoman Katya Thomas in Nairobi admitted on Friday, July 16, 2010, to an AP reporter that nine grantees had been suspended or their work concluded, presumably because of issues we and the IG have raised.

Last week, we asked the USAID IG to investigate and report on exactly what that means, when were the grant recipients actually suspended or their work concluded, will they be required to return U.S. taxpayer funds, and who in the U.S. government is responsible and should be held liable for these matters? In other words, who knew and did what and when.

I talked to the Deputy IG a couple of hours ago—they are still probing these matters and hope to have accurate answers soon.

We are also deeply concerned that the nine grantees may be only a tip of the iceberg. The information we have obtained thus far from the USAID IG is based solely on a brief summary of the grant agreements. We have asked and are awaiting a response from the IG to comprehensively and with utmost urgency, ascertain whether other grant recipients are also illegally pushing the “YES” campaign at U.S taxpayer expense.