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Human Rights and the Barbaric Partial-Birth Abortion Technique

With the accelerating moral decline in American and Western European societies today, it is important that Orthodox Christians remain sensitive to the critical and tragic issue of abortion, and particularly to the barbaric practice known as “partial birth abortion.” In this column of “Life in Christ” we reproduce one of the best and most succinct recent statements on this practice, taken from LifeNews.com, and dated Feb. 27, 2006.

by John Whitehead

There are some things so evil that, even in a world filled with pain and suffering, it is almost incomprehensible that they exist in a so-called civilized society. What’s more, such evils should be opposed by any and every person who claims to be a champion of human rights. Partial-birth abortion is one such evil. Now the question of whether this gruesome evil will be permitted in American society will be decided by the U.S. Supreme Court.

The law in question is the Partial-Birth Abortion Ban Act, signed into federal law by President Bush in 2003. This act imposes criminal liability on a physician who knowingly performs a partial-birth abortion. While the statute does include an exception to preserve the life of the mother, it does not include one for the health of the mother. The reason for this is that prior to drafting the statute, Congress determined from extensive fact-finding that a partial-birth abortion is never medically necessary to preserve the so-called health of the mother—the

“health of the mother” being a phrase left largely undefined by both the law and the courts that obviously includes mental health.

This law was quickly challenged by abortion rights activists and found unconstitutional by the Eighth Circuit Court of Appeals, as well as several other appeals courts. The Eighth Circuit Court concluded that since the statute fails to include a “health of the mother exception,” it is in clear violation of prior U.S. Supreme Court precedent. The appeals court also determined that it was not bound by Congress’ factual finding that partial-birth abortions are never medically necessary to preserve the health of the mother because there is a significant body of medical opinion suggesting that it is sometimes necessary.

What is the concern over partial-birth abortions? And why is it singled out and prohibited by federal law?

First and foremost, we must not forget that the doors in the United States have opened wide since the Roe v. Wade case. In fact, within a few short years, we were no longer merely talking about women’s rights—the issue had shifted to harvesting aborted babies. President Bill Clinton expanded the Roe philosophy in January 1993 when he lifted the ban on federal funding of fetal tissue research, meaning that tax monies could and would be spent on research using tissue collected from aborted fetuses. Thus, the federal government and taxpayers were forced into a relationship with abortion clinics that were harvesting fetal tissue for experimental research.

Various state and federal provisions have regulated government research involving aborted fetuses since Roe, and the Uniform Anatomical Gift Act (adopted in all 50 states between 1969 and 1973) permits the donation of a dead fetus for research or therapeutic purposes. The matter of fetal tissue experimentation, however, was renewed inasmuch as new late-term abortion techniques made it possible to “harvest” tissue and/or organs from a baby who is not yet “born” but who is not yet dead.

One such late-term death technique is partial-birth abortion—meaning that it occurs within the last three months of pregnancy when the child is most likely viable and could live outside the womb. It is a grisly and inhumane technique that makes it possible for the medical community to “harvest” tissue and organs from babies who are not technically “born”—but who also are not dead. In this

horrific procedure, ultrasound is used to identify how the unborn child is oriented in the womb.

The doctor pulls the child's legs and torso out of the woman's uterus, hooks his index and ring fingers over the baby's shoulders and uses his middle finger to hold the woman's cervix away from the baby's neck. The doctor then takes a pair of blunt-tipped surgical scissors and, after locating the base of the baby's skull, removes the brain from the still-breathing child. Even when anesthesia is used, many medical experts now say that the pain experienced by the unborn child during this barbaric ritual is not eliminated.

Another method involves the use of specially-designed tools to dismember the baby and crush its skull. This is all done without fetal anesthetic.

Unfortunately, abortion proponents and many in the medical profession have realized for years that they have been killing human beings who are not yet born and who obviously experience excruciating pain in these primitive killings. For example, in January 1996, the British Commission of Inquiry into Fetal Sentience, after a year of collecting and evaluating evidence, found that “[a]most everyone now agrees that unborn babies have the ability to feel pain by 24 weeks after conception, and there is a considerable and growing body of evidence that the fetus may be able to experience suffering from around 11 weeks of development. Some commentators point out that the earliest movement in the baby has been observed at 5.5 weeks after conception, and that it may be able to suffer from this stage.”

Within hours of the Supreme Court's decision to rule on this issue, the rhetoric began flying—much of it so politically charged that it made no sense. One such argument by pro-abortion activists is that outlawing this barbaric procedure is a frontal assault on *Roe v. Wade* and that it threatens the very right to abortion. Nothing could be further from the truth. For example, there are approximately 2,000 partial-birth abortions performed each year in the U.S., as compared to a total of 1.3 million abortions performed annually. What this means is that the pro-abortion lobby wants no exception to *Roe v. Wade*, no matter how minimal or horrific it may be.

The humaneness of any society hinges on how it takes care of the disabled, the infirm and the helpless. And there is nothing more helpless than an unborn child faced with the prospect of having its brains sucked out by a physician.

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