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Key Facts on Partial-Birth Abortion

February 14, 2003

For further information, contact the Federal Legislation Department at the National Right to Life Committee (NRLC) at Legfederal@aol.com or 202-626-8820, and visit the Partial-Birth Abortion section of the National Right to Life website at www.nrlc.org/abortion/pba/index.html, especially www.nrlc.org/abortion/pba/test.html.

! The Partial-Birth Abortion Ban Act (H.R. 760, S. 3) would ban performance of a partial-birth abortion except if it were necessary to save a mother's life. The bill defines partial-birth abortion as an abortion in which "the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother," and then kills the baby. The bill would permit use of the procedure if "necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself."

! In a partial-birth abortion, the abortionist pulls a living baby feet-first out of the womb and into the birth canal (vagina), except for the head, which the abortionist purposely keeps lodged just inside the cervix (the opening to the womb). The abortionist punctures the base of the baby's skull with a surgical instrument, such as long surgical scissors or a pointed hollow metal tube called a trochar. He then inserts a catheter (tube) into the wound, and removes the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now-dead baby. (See www.house.gov/burton/RSC/haskellinstructional.pdf)

! The January 2003 Gallup poll found that 70% favored and 25% opposed "a law that would make it illegal to perform a specific abortion procedure conducted in the last six months of pregnancy known as 'partial birth abortion,' except in cases necessary to save the life of the mother." (margin of error +/- 3%)

! The term "partial-birth" is perfectly accurate. Under both federal law and most state laws, a "live birth" occurs when a baby is entirely expelled from the mother and shows any signs of life, however briefly -- regardless of whether the baby is "viable," i.e., developed enough to be sustained outside the womb with neo-natal medical assistance. Even at 4½ months (20 weeks), perinatologists say that if a baby is expelled or removed completely from the uterus, she will usually gasp for breath and sometimes survive for hours, even though lung

KEY FACTS ON PARTIAL-BIRTH ABORTION, 2

development is usually insufficient to permit successful sustained respiration until 23 weeks.

! Some prominent defenders of partial-birth abortions, such as NARAL's Kate Michelman and syndicated columnist Ellen Goodman, insisted that anesthesia kills the babies before they are removed from the womb. This myth has been refuted by professional societies of anesthesiologists. In reality, the babies *are alive and experience great pain* when subjected to a partial-birth abortion. [Documentation on request.]

! Partial-birth abortions are performed thousands of times annually on healthy babies of healthy mothers. In 1997, Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers (1997), estimated that the method was used 3,000 to 5,000 times annually. "In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along, Fitzsimmons said." (*The New York Times*, Feb. 26, 1997, p. A11.) (See clippings at www.nrlc.org/abortion/pba/index.html, in the late 1996 and early 1997 archive.) In January 2003, even the Alan Guttmacher Institute – an affiliate of Planned Parenthood – published a survey of abortion providers that estimated that 2,200 abortions were performed by the method in the year 2000. While that figure is surely low (see www.nrlc.org/press_releases_new/release011503.html), it is *more than triple* the number that AGI estimated in its most recent previous survey (for 1996).

! In January 1997, the PBS program *Media Matters* showed that in 1995-96, the news media largely swallowed a pro-abortion "party line" that partial-birth abortions are performed rarely and only in extreme medical circumstances -- claims later discredited. (See www.pbs.org/wnet/mediamatters99/transcript2.html)

! "Phony ban" counterproposals advanced by Reps. Steny Hoyer (D-Md.) and Jim Greenwood (R-Pa.) would place no limits on partial-birth abortions in the fifth and sixth months of pregnancy, when the vast majority of partial-birth abortions occur. Furthermore, these "phony bans" would allow an abortion even in the seventh month and later if an abortionist asserts that a baby is not "viable" or that an abortion is required to preserve "health." Reps. Hoyer and Greenwood admitted that their proposal would allow third-trimester abortions even for (in their words) "mental health" reasons. (www.nrlc.org/abortion/pba/Phony%20ban%20on%20late-term.pdf)

! Another "phony ban" substitute amendment proposed in the past by Senator Tom Daschle (D-SD) and Richard Durbin (D-Il.) would not affect the typical partial-birth abortions performed in the late second trimester. Even in the seventh month and later, the substitute would permit abortions based on any degree of "risk" of "grievous injury to her physical health." Dr. Warren Hern, a leading practitioner of very late abortions who wrote the textbook *Abortion Practice*, commented on the Daschle amendment, "I say every pregnancy carries a risk of death," and therefore, "I will certify that any pregnancy is a threat to a

KEY FACTS ON PARTIAL-BIRTH ABORTION, 3

woman's life and could cause 'grievous injury' to her 'physical health.'" (in *USA Today* and *Washington Times*, both May 15, 1997) In other words, under the Daschle-Durbin amendment, any pregnant woman would qualify for an abortion even in the seventh month and later.

! Although usually used in the fifth and sixth months, the partial-birth abortion method is also used to perform abortions in the third trimester -- that is, the seventh month and later. In Kansas, the only state in which the law requires separate reporting of partial-birth abortions, abortionists reported in 1999 they had performed 182 partial-birth abortions on babies who were defined by the abortionists themselves as "viable," and they also reported that all 182 of these were performed for "mental" (as opposed to "physical") health reasons. See page 11 of this state report: www.kdhe.state.ks.us/hci/99itop1.pdf

! In a written submission to the House Judiciary Committee in June, 1995, the late Dr. James McMahon -- who is considered to be the developer of the method -- explicitly acknowledged that he performed such abortions on babies with no "flaw" whatever, even in the third trimester, for such reasons as mere youth of the mother or for "psychiatric" difficulties. Indeed, even at 29 weeks -- well into the seventh month -- one-fourth of the babies that McMahon aborted had no "flaw," however minor. Moreover, McMahon's submission showed that in a "series" of about 2,000 such abortions that he performed, only 9% were performed for "maternal [health] indications," and of that group, the most common reason was "depression."

! The Physicians' Ad Hoc Coalition for Truth (PHACT) -- a group of over 600 physician-specialists (mostly in obstetrics, perinatology, and related disciplines) -- has spoken out to dispute claims that some women need partial-birth abortions to avoid serious physical injury. PHACT said: "We, and many other doctors across the United States, regularly treat women whose unborn children suffer these and other serious conditions. Never is the partial-birth procedure medically indicated. Rather, such infants are regularly and safely delivered live, vaginally, with no threat to the mother's health or fertility." In September, 1996, former Surgeon General C. Everett Koop and other PHACT members said that "partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both."

! In May, 1997, the Partial-Birth Abortion Ban Act (then H.R. 1122) was endorsed by the American Medical Association. In a letter to Senator Rick Santorum (R-Pa.), AMA Executive Vice President P. John Seward, M.D., wrote, "Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine."