

# Partial-birth ban passed by House

Nancy Frazier O'Brien/CNS

WASHINGTON — The House's 282-139 vote June 4 in favor of a ban on partial-birth abortions moves the nation one step closer to achieving a goal sought by most Americans, Cardinal Anthony J. Bevilacqua of Philadelphia said in a statement.

"In voting to ban this procedure, one of the most heinous acts ever perpetrated upon an unborn child, Congress is in harmony with the vast majority of Americans who find this violent act intolerable and want it stopped," said the cardinal, who chairs the U.S. bishops' Committee on Pro-Life Activities.

The Senate voted 64-33 in favor of the ban March 13. President Bush has promised to sign the legislation, twice vetoed by President Clinton.

First, the legislation must head to conference committee because of a Senate-passed amendment. Approved in the form of a nonbinding resolution, the amendment endorses *Roe v. Wade*, the 1973 decision that removed most state restrictions on abortion, and says it secured an "important constitutional right."

Cardinal Bevilacqua made no reference to the amendment in his June 4 statement, but in a May 30 letter to fellow bishops he said, "This problematic amendment will need to be removed in a conference committee before the president will sign the ban into law. There is no scheduled timeline for this to happen."

After conference committee changes, both the House and Senate need to vote again on the legislation.

Shortly before the House vote, the White House issued a "statement of administration policy" urging enactment of the legislation without any significant amendments. "The administration strongly believes that enactment of H.R. 760 is both morally imperative and constitutionally permissible," it said.

The bill prohibits doctors from committing an "overt act" designed to kill a partially delivered fetus and includes an exemption in cases where the procedure is necessary to save the life of the mother.

Specifically, it defines partial-birth abortion as one in which either "any part of the fetal trunk past the navel" (in a breech presentation) or "the entire fetal head" is delivered outside the body of the mother before the baby is killed.

Cardinal Bevilacqua noted that opponents of the ban have pledged to

"challenge the constitutionality of the Partial-Birth Abortion Ban Act in court."

"To allow the brutal killing of a child mere inches from being born is barbaric," he added. "To cloak the act in the Constitution is a national disgrace."

In 2000, the U.S. Supreme Court overturned a Nebraska law banning partial-birth abortion in its *Stenberg v. Carhart* decision, saying that the procedure was protected under *Roe v. Wade* and that the ban was unconstitutional because it did not provide an exception for the mother's safety.

Sen. Rick Santorum, R-Pa., the chief Senate sponsor of the legislation, said in March that the new legislation directly addresses the constitutional problems put forward in the vaguely worded Nebraska case by including pages of medical findings proving that "partial-birth abortion is never necessary to preserve the health of a woman," that it "poses serious risks to a woman's health" and "lies outside the standard of care."

The House vote also drew praise from Carl Anderson, supreme knight of the Knights of Columbus, and Douglas Johnson, legislative director for the National Right to Life Committee, among others.

"For almost a decade now, countless Americans, including the members of the Knights of Columbus, have worked long and hard to achieve this ban," Anderson said in a statement. "We must now continue this work, and make the partial-birth abortion ban a foundation on which to build a renewed culture of life."

Johnson stated, "Two-thirds of Congress, 70 percent of the public, and four Supreme Court justices say there is no constitutional right to deliver most of a living baby and then puncture her head with a scissors," he said. "But five Supreme Court justices have said that the right of abortionists to perform partial-birth abortion is guaranteed by *Roe v. Wade*. We hope that by the time this ban reaches the Supreme Court at least five justices will be willing to reject such extremism."

Kate Michelman, president of NARAL Pro-Choice America, formerly the National Abortion and Reproductive Rights Action League, called the legislation "a broad, unconstitutional bill which sacrifices women's health and future fertility on the altar of extreme right-wing ideology."

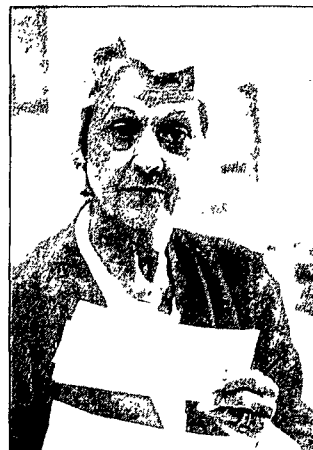


Reuters/CNS

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