



Baby-saving made easy

Any bill that protects against infanticide should be backed

Defenders of abortion rights think the Born-Alive Infants Protection Act is just another tactical ploy in the abortion wars. In part, it is. Opponents of abortion want to see if the abortion lobby is really going to come out against a proposed law that simply says babies born alive are persons. Sure enough, it did, thus fulfilling the safe prediction that the abortion lobby will always adopt the most extreme position available.

The National Abortion and Reproductive Rights Action League (NARAL) put out a hot statement announcing that "this bill attempts to inject Congress into what should be personal and private decisions about medical treatment." Translation: Killing babies born accidentally as a result of botched abortions has to be legal because we want it to be. Antiabortion people simply said: We told you so. We predicted that court approval of those grisly "partial-birth" abortions would lead to demands that infanticide should be legal too.

The "Born-Alive" bill was introduced by Rep. Charles Canady, a Florida Republican, and approved 22 to 1 by the House Judiciary Committee. It defines the term "born alive" as meaning "complete expulsion or extraction from its mother" of "a member of the species *Homo sapiens* . . . who after such expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord or definite movement of voluntary muscles . . ." New York Democrat Jerrold Nadler, an abortion-rights supporter, voted in favor of the bill but seemed mystified by it. "As far as I can tell," he said, "this bill does nothing except restate current law."

Babies' rights. Not so, says Canady. The bill recapitulates existing law in 40 states, the lawmaker explains, and will bring their standard up to the federal level. In effect, the bill says that babies born during abortions must be put on the same plane and extended the same care and constitutional protections as other babies. Once born, they cannot be discriminated against, killed, or allowed to die simply because they are unwanted.

Nurses testified before the Judiciary Committee about how medical personnel deal with the results of "induced-labor abortion" at Christ Hospital in Oak Lawn, Ill. Under this technique, a drug forces the woman's cervix open, and the woman expels a premature baby who dies during the process or soon afterward. Most are disabled and too small to survive. Jill Stanek, one of the Christ Hospital nurses, said she retrieved a 10-inch, 21-week Down's Syndrome baby from a laundry room and cradled and rocked him for the 45 minutes that he lived. One nurse, Stanek

said, told her of an aborted baby who was supposed to have spina bifida but was delivered with an intact spine.

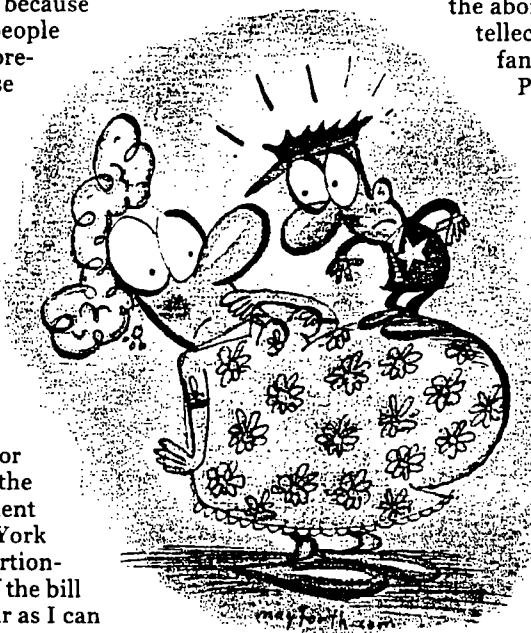
Last year, *Alberta Report* magazine said that Foothills Hospital in Calgary, Alberta, was conducting two or three induction abortions a week, many of which resulted in live births. Afraid of losing their jobs, but repelled by hospital policy, four nurses spoke out anonymously. All protested the killing of the unborn because they may be defective. One said that doctors are frequently wrong about diagnosing a serious mental or physical defect, but even when a baby is born apparently healthy the doctors often choose to hide their mistakes and let the baby die.

Here's why the Canady bill is more than a gambit in the abortion wars. We live at a time when the intellectual groundwork for the promotion of infanticide is already in place and spreading.

Princeton's Peter Singer and other influential scholars argue that birth is an arbitrary point for society to bestow personhood (and therefore constitutional protections). They want parents to have some time to decide whether to dispatch the baby or keep it. Jeffrey Reiman, philosophy professor at American University, thinks that infants do not "possess in their own right a property that makes it wrong to kill them." In this growing climate, a slide toward casual euthanasia is possible, and viable babies born as the accidental result of abortions are more vulnerable than ever. Some abortionists routinely let these babies die because they were marked for extinction anyway. Some act on the belief that the mother's intent must govern. Others are simply unwilling to admit incompetence by telling a woman who came in for an abortion that she is now a mother.

The intent of the mother is something of a frontier for abortion supporters. It shifts attention away from the reality of the baby, already born with rights, and back toward the purpose of the operation—to abort. Pro-choice literature is filled with suggestions that the developing life within a mother is an unborn baby if she wants it, simply discardable tissue if she doesn't. The Supreme Court's decision striking down Nebraska's partial-birth-abortion law has some hints that the mother's intent governs. The Third Circuit's July decision striking down New Jersey's partial-birth ban has stronger hints that what the mother means to do is more important than whether the baby is inside or outside of the mother's body during the procedure.

All the more reason to draw the brightest line possible between abortion and homicide. The bill doesn't undermine *Roe v. Wade*. Its point is just that you can't kill babies. Can't both sides of the abortion dispute agree on that? ●



PEOPLE

Knight goes, but not gently



JIM RIDER—SOUTH BEND TRIBUNE / AP

For a man who preached about the virtue of discipline, **Bob Knight** proved incapable of disciplining himself. After a videotape aired in April showing Knight grabbing a player by the throat, the Indiana University basketball coach had been given a final chance by university President Myles Brand to play by school rules. Knight tested the limits. So Brand fired him, citing a "pattern of

unacceptable behavior" since May that he said violated a "zero-tolerance policy" imposed by the administration. Knight disputed the charges. His assistant, Mike Davis, was named interim coach after players threatened to quit.

Knight won three championships at Bloomington; now for the first autumn in 29 years, he will not be sitting courtside. "I'm an unemployed teacher right now, and I am looking for a place to teach," he told ESPN. Friends like Hall of Fame coach Pete Newell expect the 59-year-old will get another chance to add to his 763 career wins. "He's a man of moods, like most of us," says Newell, who hopes Knight will take time to cool off before making a decision. Will Knight listen? "I want to coach in the worst way," he said. Sometimes, it seems, he did. —Mike Tharp

Japan's reluctant star

He is hip, detached, and very popular. When his book *Norwegian Wood* was first published in Japan more than a decade ago, the tale of teen suicide and a young man's tragic first love sold 2 million copies. For **Haruki Murakami**, Japan's literary darling, it was as if Faulkner had outsold *Gone With the Wind*. Murakami was so overwhelmed by his instant celebrity that he fled for the calmer shores of Europe and the United States. At 51, he has finally consented to have his most popular work translated into English; it will be published in the United States this week.

The inheritor of postwar Japanese literary tradition owes more to Western authors than to Yukio Mishima. He wrote most of *Norwegian Wood* in Rome; he has translated Fitzgerald (whom he cites as an influ-



MARION ETTINGER

ence), Raymond Carver, and John Irving; and he taught at Princeton University during a four-year stay in the United States. He'll even run his fourth New York City marathon in November. Western culture permeates *Norwegian Wood*, which is, after all, named for the song by the Beatles. But when Murakami returned to Japan in 1995, after the Aum Shinrikyo cult launched a nerve gas attack in the Tokyo subway, he decided to write about reality. He set aside the fantastical images that dominated much of his earlier work—a ghostly sheep or a library of dreams stored in unicorn skulls. Instead, Murakami wrote *Underground*, available here next year. After more than a year's research for the book, he rediscovered Japan. "I eagerly wanted to know, who are we? Where are we going to go?" —Holly J. Morris

TRANSITIONS

● **Stanley Turrentine** was a versatile jazz sax man, comfortable playing slow blues or full-speed bebop. He said his only musical education came in the Army, yet



he managed to play with greats like Ray Charles and Max Roach. His greatest success coincided with jazz's 1970s decline, when he had hits like "Sugar."

Turrentine died at age 66 last week, before finishing a six-night gig at New York's Blue Note.

● The spot selling a Shirley Temple video collection that aired during **Laura Schlessinger's** new television show was hardly standard daytime fare. But since Schlesinger offended homosexuals by calling them "deviant," big companies such as Procter & Gamble are steering clear. So are viewers. Ratings for her debut were rock bottom.



● And the winner of "Best New Artist" at last week's Latin Grammy Awards? None other than **Ibrahim Ferrer**, the 73-year-old Cuban singer who was featured in the 1999 film *The Buena Vista Social Club* and has been performing in Cuba since he was 14.



Panel Approves Bill on Rights Of Newborns

Despite admitted "paranoia" from members on both sides of the abortion debate, the House Judiciary Committee gave overwhelming bipartisan approval July 26 to legislation that would codify in federal law that babies born alive are human beings who have constitutional protections.

The bill (HR 4292), introduced by Charles T. Canady, R-Fla., defines "born alive" to mean that the baby has undergone "complete expulsion or extraction" from the mother "at any stage of development" — which some groups say could include pre-viable fetuses — and that the baby shows such signs of life as breathing, a heartbeat or voluntary muscle movement.

No companion legislation has been introduced in the Senate, and the bill is unlikely to reach the House floor in the final weeks of the session in September.

Canady, a long time opponent of abortion rights, said his legislation had no broader implications than to prevent the murder of newborns and was not aimed at curbing existing abortion laws. "Anytime we have tried to impose any little, tiny restraint on the most ruthless [assaults] against the tiniest members of the human family, we have met with vociferous opposition," Canady said.

While Canady said his bill was not an attack on abortion rights, he said the language was needed in the wake of the June 28 Supreme Court ruling in *Stenberg v. Carhart*, which struck down a Nebraska ban on a procedure in which a fetus is partially delivered out of a woman's womb before a pregnancy is terminated. The procedure has been labeled partial-birth abortion by its opponents.

"If the right to abortion entails the right to kill without regard to whether the child remains in the mother's womb, it would seem to follow that infants who are marked for abortion but somehow survive have no legal right to appropriate medical care or to any care at all," Canady said.

But the National Abortion and Reproductive Rights Action League (NARAL) said the bill's reference to live births "at any stage of development" could grant legal protections to pre-viable fetuses and infringe on abortion rights.

Judiciary members who support abortion rights said they were suspicious that the bill was meant as a first step to outlaw abortions. "There is some paranoia that the real purpose of this bill . . . is to try to undermine the *Carhart* decision and by a back door, try to outlaw so-called partial-birth abortions," said Jerrold Nadler, D-NY.

He continued: "We all agree that [a newborn] is a person . . . and is alive at that point. I regard it as a slander to suggest anyone means differently. Maybe this bill is intended to paint us as that [but] we're not going to fall into that trap."

In the end, the bill was approved by a vote of 22-1. Rep. Melvin Watt, D-N.C., voted against it, saying members were not given adequate time to review the legislation. He said he feared it could have legal implications beyond the abortion debate — including such issues as child tax credits and survivor benefits.

Canady introduced the bill April 13. The Judiciary Subcommittee on the Constitution held a hearing July 20, but did not vote on the measure. ♦

Box Score

Bill:

HR 4292 — Defining "human being." The bill seeks to protect infants born alive at any stage of pregnancy.

Latest action:

House Judiciary Committee approved the bill 22-1 on July 26.

Next likely action:

None this year.

Reference:

Supreme Court ruling, *CQ Weekly*, pp. 1669, 1612.

Go to oncongress.cq.com for more

Conflict Over Contraceptives Stalls D.C. Bill

A fierce floor fight over a rider to restrict insurance coverage for contraceptives stalled House action on the fiscal 2001 District of Columbia spending bill (HR 4942) and complicated prospects for its passage as a stand-alone measure.

House Republicans had hoped to pass the \$414 million bill before leaving town for the August recess, but the public spat between supporters of the District and conservatives — who perennially try to reshape or overrule social policy decisions by city officials — left the measure hanging.

When legislators return, they will also face debate on several other contentious issues, including the city's needle exchange program for drug abusers and an amendment that would ban children under 18 from possessing tobacco.

"It'll be wrapped up as one of the last bills of the year," said James P. Moran of Virginia, ranking Democrat on the District of Columbia Appropriations Subcommittee. "I don't know whether it'll be the engine or the caboose, but it'll be on that train."

'Conscience Clause'

The July 26 debate — prefaced by protesters yelling "Free D.C." and "D.C. votes no" from the public gallery — centered on a D.C. Council measure that would require employer-sponsored health plans to cover contraceptives.

D.C. Appropriations Subcommittee Chairman Ernest Istook, R-Okla., introduced an alternative amendment, approved by voice vote July 20, to allow the policy if it contained a "conscience clause" exempting employers on religious or moral grounds.

Istook's amendment irked Democrat Eleanor Holmes Norton, the District's non-voting delegate, who protested that District Mayor Anthony Williams had publicly promised to pocket-veto the council bill and had written Istook pledging to add a conscience clause — removing the need for congressional action.

"It is clear that the elected officials of the District of Columbia are united in

By Rebecca Adams

By Karen Foerstel



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'Born-Alive' Bill Moved Out by House Judiciary Panel

By David Hess
National Journal News Service

WASHINGTON (July 26, 2000) -- A minor
skirmish in the endless abortion wars was waged
in the House Judiciary Committee on
Wednesday, and the two sides fought to a draw.

House Judiciary

H.R. 4292

As the pro-life and pro-choice camps looked on, the committee approved, by
a 22-1 margin [Vote 1], the "Born-Alive Infants Protection Act of 2000,"
which, in the end, appeared simply to reiterate and underscore existing law
that has long outlawed letting distressed or biologically-damaged newborns
-- whether premature or not -- die for lack of treatment.

Rep. Charles Canady, R-Fla., a veteran opponent of abortion, said he
authored the legislation (H.R. 4292) to "reassert and codify the long-standing
law" in light of a recent U.S. Supreme Court decision that struck down
Nebraska's ban on a late-term abortion procedure (dilation and extraction)
that pro-life advocates have labeled "partial-birth abortions."

Canady denounced the court's decision as paving the way to legalized
infanticide. "If a child born alive after a botched abortion does not receive
the protection of the law," he asked rhetorically, "what is to prevent an
abortionist from simply delivering a child and then killing it?"

In response, Rep. Jerrold Nadler, D-N.Y., said existing law prohibits such
behavior -- but eventually voted for Canady's bill because he said it
apparently didn't affect that law. "As far as I can tell, this bill does nothing
except restate current law. It is unnecessary if the purpose is to protect
against allowing infants to die or to protect against infanticide."

The Canady bill defines "born alive" as meaning the "complete expulsion or
extraction from its mother" of "a member of the species homo sapiens ...
who after such expulsion or extraction breathes or has a beating heart,
pulsation of the umbilical cord, or definite movement of voluntary muscles,
regardless of whether the umbilical cord has been cut, and regardless of
whether the expulsion or extraction occurs as a result of natural or induced
labor, caesarian section, or induced abortion."

The bill also directs courts to define "every infant member of the species
homo sapiens who is born alive at any stage of development" as a "person,"
"human being," "child," or "individual" when such reference is made in a
law, ruling, regulation or interpretation of official federal documents and
writings.

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Several members of the Judiciary panel expressed wonder about the motive behind Canady's bill, and Nadler surmised that the reason for introducing it was rooted in the mutual "paranoia" that pro-life and pro-choice lawmakers have about any initiative by the other side.

Democrats attempted, in vain, to slow down the bill -- which was rushed through subcommittee last week and on to the full committee this week -- but eventually voted for it (with one exception) when they became uneasily convinced that it was not a backdoor ploy to get around the high court's decision in the Nebraska case.

The one exception was Rep. Mel Watt, D-N.C., who complained that no one had had time to figure out its impact on the thousands of federal laws and regulations, criminal as well as civil and commercial, that might be affected by Canady's definitions. "What impact on the child tax credit?" he asked. "On determining the survivor benefit on life insurance? On a veteran's benefit for a child that was born?"

Committee chairman Henry Hyde, R-Ill., insisted that the "bill is not all that complicated," arguing that the word "person," for instance, "has vested with it considerations of due process and equal protection of the law. That's all. Very simple -- either you're for it or you're not."

Nadler moved to amend the bill to provide that a fetus had to be removed entirely from "the mother's body" rather than simply from "a mother," as Canady has phrased it. But Canady called his language "crystal clear" and, under questioning from Nadler, made it clear that "complete expulsion or extraction" did not mean a "partial birth." That satisfied Nadler, who withdrew his amendment.

That repartee was another sign of the sensitivity of the abortion arguments that are repeatedly raised in the Judiciary Committee, and of the breakdown in trust between the two sides about the intentions of the other.

As the committee wrangled over the wording of the bill, lobbyists from the pro-life and pro-choice factions sat raptly in the audience, explaining their views to reporters and handing out press releases.

The National Right to Life Committee endorsed the bill and insisted, in a statement by legislative director Douglas Johnson, that infants born alive are indeed "legal persons, regardless of lung development (i.e., 'viability')." And he criticized the National Abortion and Reproductive Rights Action League (NARAL) for "apparently believing that a baby who is entirely outside the mother and breathing can still be considered a 'fetus' and a non-person, if someone deems that infant to be 'non-viable.'"

NARAL had earlier accused "anti-choice lawmakers" of seeking in the bill to "ascribe rights to fetuses 'at any stage of development,' thereby directly contradicting one of the basic tenets" of the 1973 Roe v. Wade decision upholding a woman's right to abortion before viability of the fetus.

Recorded Votes

Bill: H.R. 4292 Vote: 1

Vote to report the bill to the House.

Tally: 22 Yes, 1 No, 14 Not Voting

Republicans (21)
Y Hyde (R-Ill.)
NV Sensenbrenner (R-Wis.)
Y McCollum (R-Fla.)
Y Gekas (R-Pa.)
Y Coble (R-N.C.)
NV Smith (R-Texas)
NV Gallegly (R-Calif.)
Y Canady (R-Fla.)
Y Goodlatte (R-Va.)
Y Chabot (R-Ohio)
Y Barr (R-Ga.)
NV Jenkins (R-Tenn.)
Y Hutchinson (R-Ark.)
NV Pease (R-Ind.)
Y Cannon (R-Utah)
Y Rogan (R-Calif.)
NV Graham (R-S.C.)
Y Bono (R-Calif.)
Y Bachus (R-Ala.)
NV Scarborough (R-Fla.)
Y Vitter (R-La.)

Democrats (16)
Y Conyers (D-Mich.)
NV Frank (D-Mass.)
NV Berman (D-Calif.)
NV Boucher (D-Va.)
Y Nadler (D-N.Y.)
Y Scott (D-Va.)
N Watt (D-N.C.)
NV Lofgren (D-Calif.)
Y Jackson Lee (D-Texas)
NV Waters (D-Calif.)
Y Meehan (D-Mass.)
NV Delahunt (D-Mass.)
NV Wexler (D-Fla.)
Y Rothman (D-N.J.)
Y Baldwin (D-Wis.)
Y Weiner (D-N.Y.)

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April 13, 2000

REP. CANADY INTRODUCES BILL TO PROTECT BORN-ALIVE INFANTS

WASHINGTON, D.C. - U.S. Rep. Charles T. Canady (R-FL) today introduced the "Born- Alive Infants Protection Act of 2000," legislation to ensure that all infants who are born alive are treated as persons for purposes of federal law.

Canady, who is chairman of the House Judiciary Subcommittee on the Constitution, issued the following statement:

"It has long been accepted as a legal principle that infants who are born alive are persons and are entitled to the protections of the law, and that a live birth has occurred whenever an infant is expelled from her mother's body and displays any of several specific signs of life – breathing, heartbeat, and/or definite movements of voluntary muscles. Many states have statutes that, with some variations, explicitly enshrine this principle as a matter of state law, and some federal courts have recognized the principle in interpreting federal criminal laws. But recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question.

The Supreme Court's decision in *Planned Parenthood v. Casey*, for example, reaffirmed the right of a woman to abort her unborn child, and adhered to the notion that the government's interest in protecting the unborn child is related to "viability," or the point at which an unborn child can survive independently of the mother, with or without medical assistance. The Court's reliance upon the viability concept has caused some to wrongly conclude that even infants who have been born alive are not persons if they are not yet "viable," or were "marked" for abortion. Yet, particularly after the halfway point of pregnancy, many infants are born alive at 20 to 22 weeks and survive for hours, even though their lung capacity does not permit sustained survival. Infants are also born-alive at 23 weeks and have a 39% chance of sustained survival, and at 24 weeks a greater than 50% chance of sustained survival, with the odds improving all of the time. Most of these premature live births occur spontaneously, but some occur during attempted abortions.

The principle that born-alive infants are entitled to the protection of the law is being questioned at one of America's most prestigious universities. Princeton University Bioethicist Peter Singer argues that parents should have the option to kill disabled or unhealthy newborn babies for a certain period after birth. According to Professor Singer, "a period of 28 days after birth might be allowed before an infant is accepted as having the same right to live as others." This is based on Professor Singer's view that the life of a newborn baby is "of no greater value than the life of a nonhuman animal at a similar level of rationality, self-consciousness, awareness, capacity to feel, etc." According to Professor Singer, "killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all."

If ideas such as these are permitted to go unchecked, the end result will be legal and moral confusion as to the status of newborn infants that are on the outskirts of viability or were marked for abortion. Evidence of this confusion can be illustrated by events that happened just this week in Professor Singer's native country of Australia. On April 10, 2000, in Sydney, Australia, a baby survived an abortion and lived for 80 minutes while hospital staff waited for the baby to die. When the midwife nurse called the abortion doctor (who was not present) to inform him that the baby had survived, he responded, "So?" The nurse then did what she could to make the baby comfortable, covering her with a blanket to keep her warm until her breathing and heartbeat slowed and she died.

The coroner who investigated this incident condemned the actions of the abortion doctor, stating that "[t]he [baby] having been born alive deserved all the dignity, respect and value that our society places

on human life. . . . The fact that her birth was unexpected and not the desired outcome of the [abortion] should not result in her . . . being perceived as less than a complete human being." Noting that the old, infirm, sick and terminally ill are all entitled to proper medical and palliative care and attention, the coroner stated that "newly-born unwanted and premature babies should have the same rights. The fact that [the baby's] death was inevitable should not affect her entitlement to such care and attention."

The purpose of this bill is to repudiate the pernicious ideas that result in tragedies such as this and to firmly establish that, for purposes of federal law, an infant who is completely expelled or extracted from her mother and who is alive is, indeed, a person under the law – regardless of whether or not her lung development is believed to be, or is in fact, sufficient to permit long-term survival, and regardless of whether the baby survived an abortion.

The bill would not mandate medical treatment where none is currently indicated. Nothing in the bill would alter the existing standard of medical care. While there is debate about whether or not to aggressively treat premature infants below a certain birth weight, this is a dispute about medical efficacy, not regarding legal status. Medical authorities who argue that treatment below a given birth weight is futile are not arguing that these low-birth weight infants are non-persons, or that it would be legally permissible to dispatch them with hammer blows to the skull.

The bill would also have no impact on any method of abortion. Under the Act, an infant will be considered to have been born alive if she is completely extracted or expelled from her mother and breathes, has a beating heart, a pulsation of the umbilical cord, or definite movement of the voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the baby was born as a result of natural or induced labor, cesarean section, or induced abortion."

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TULSA WORLD July 23, 2000

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TULSA WORLD

July 23, 2000

SECTION: Janet Pearson**LENGTH:** 957 words**HEADLINE:** Reproduction politics Congress, candidates wrestle with abortion issue**BYLINE:** Janet Pearson**SOURCE:** Janet Pearson is an editorial writer for the Tulsa**BODY:**

If you've been paying any attention at all to politics lately -- and you couldn't be blamed if you haven't -- you're probably aware that sex is once again a hot topic.

Not the Clinton-Lewinsky sort, but the more commonplace reproductive issues many Americans face -- what to do about unwanted pregnancies, how to prevent them, what to tell teenagers about sex.

Most Americans would just as soon these matters were decided without government intrusion. But thanks to a small but noisy minority of ideologues -- a few of whom have managed to get elected -- sexual politics continues to make the front pages.

These days the issues include much more than just abortion. The reproductive-rights debate now includes the "abstinence-only" teen sex-education skirmish, the RU-486 medical-abortion question, gag rules on foreign family-planning groups, even whether warning labels should be placed on condom packages (an idea pushed by an Oklahoma congressman).

Here's an idea of how the political landscape looks now: More Americans by the day are aware that the next president likely will choose several new Supreme Court justices -- which could mean a shift in the court's view of the 1973 decision legalizing abortion. The breakdown currently is 6-3 in support of *Roe vs. Wade*.

Vice President Al Gore's pro-choice stand has been firm and unambiguous. Texas Gov. George W. Bush finds himself in the difficult-if-not-impossible position of trying to be seen as both staunchly anti-abortion yet not too rigid on the subject, lest he alienate pro-choice Republicans.

While presidential contenders wrestle over the subject, Congress continues with its scattershot approach to reproductive issues. Among recent actions:

-- Under consideration in a House subcommittee is the "**Born Alive Infants Protection Act**,"

which purports to protect any fetus born alive but which also would effectively grant legal personhood status to any fetus at any stage of development. Opponents contend the bill would blur the issue of viability and grant fetal recognition and rights under federal law. The law also could impel neonatologists to undertake expensive and futile life-preserving efforts on doomed premature fetuses to protect themselves.

-- For three years U.S. Rep. Tom Coburn, R-Okla., has attempted to block the federal Food and Drug Administration from using any funds to test, develop or approve drugs that induce nonsurgical or medical abortions (mifepristone, or RU-486 is the best known one). The first two years the House approved Coburn's amendment, which was subsequently defeated in the Senate. This year, due to numerous absences, the amendment failed by a close vote. Obviously the concern here is the precedent that would be set by injecting politics into what ought to be a purely scientific, regulatory matter.

-- Coburn had better luck with an amendment to include warning labels on condom packages explaining that condoms do not prevent the transmission of the human papillomavirus, which has been linked to cervical cancer. The Coburn amendment, added to an otherwise popular bill on Medicaid coverage for breast and cervical cancer, is opposed by various medical groups, including the American College of Obstetricians and Gynecologists, which fears such a warning would discourage condom use overall. Opponents argue the benefits of using condoms outweigh the risks of not using them: by slowing the spread of AIDS and reducing the likelihood of pregnancy, for example.

-- It's Oklahoma Republican Rep. Ernest Istook who's among those pushing the abstinence-only sex-education movement, slated this year to receive an increase of \$ 50 million despite little (if any) proof that abstinence-only education works. In fact, the available evidence indicates comprehensive sexuality-education programs are the most effective in keeping teen pregnancy levels down. A recent report from the Alan Guttmacher Institute shows the United States' teen pregnancy rates and abortion rates are similar to those of countries like Belarus, Bulgaria and Romania, while rates in European nations, where comprehensive sexuality education is commonplace, are dramatically lower. Nine European countries had teen pregnancy rates (per 1,000 women ages 15-19) ranging from 12.0 to 32.3, while the U.S. rate was 83.6. Those same nations had abortion rates ranging from 3.6 to 18.7, while the U.S. rate was 29.2.

-- Headed for conference committee are two versions of foreign operations appropriations bills, including a House version that includes a global "gag" rule on international family planning programs. This gag rule forbids foreign groups that provide family-planning services abroad from using their own funds to offer abortion services or advocate for changes in the law in their own countries. Opponents of the gag rule note that 600,000 women die from preventable pregnancy-related causes worldwide each year; an estimated 150 million married women likely would use contraceptives to help plan their families but do not have access to them.

These are but a few of the reproductive issues on the table today; rest assured there will be more. The partial-birth abortion issue will not go away any time soon, especially since a Supreme Court ruling probably has invalidated the 30-plus state laws already enacted. Congress is still trying to get one enacted, too.

Most of us wish this unpleasantness would go away and that American citizens could quietly make these difficult decisions in private. But that won't happen as long as there are those who feel that women, their loved ones and their health-care providers can't be trusted to make decent, moral and appropriate reproductive decisions on their own. World.

GRAPHIC: Illustration

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Presidential Campaign Press Materials

July 17, 2000

CHARLES T. CANADY

TYPE: PRESS RELEASE

LENGTH: 756 words

HEADLINE: CONSTITUTION SUBCOMMITTEE TO HOLD HEARING ON **BORN ALIVE INFANTS PROTECTION ACT**

BODY:

WASHINGTON, D. C. - The House Judiciary Subcommittee on the Constitution chaired by Rep. Charles T. Canady (R-FL), will hold a hearing this week on legislation he introduced, H.R. 4292, the **Born Alive Infants Protection Act**. The bill is designed to ensure that all infants who are born alive are treated as persons for purposes of federal law. The hearing will take place on Thursday, July 20 at 10:00 am. in room 2237 of the Rayburn Building.

H. R. 429.) firmly establishes that, for purposes of federal law, an infant who is completely expelled or extracted from her mother and who is alive, is indeed a person under the law. The infant's status as a person does not depend upon whether or not her lung development is believed to be, or is in fact, sufficient to permit long-term survival, or whether the baby survived an abortion. The bill would not mandate medical treatment where none is currently indicated. The bill also would have no impact on any method of abortion.

"Just weeks ago, in *Stenberg v. Carhart*, the Supreme Court extended the right to abortion outside of the mother's womb, declaring that Nebraska could not prevent doctors from using partial-birth abortion to kill infants who are almost completely born. If such ideas go unchecked, the end result will be legal and moral confusion as to the status of completely born infants who were marked for abortion or are on the outskirts of viability," Rep. Canady said. "We have a dark future ahead indeed if we deny the basic principle that living babies are persons."

WHY THE BILL IS NEEDED The principle that infants born alive are entitled to the protection of the law - a long accepted legal principle - has been thrown into question by recent changes in the legal and cultural landscape. In addition to *Stenberg v. Carhart*, the Supreme Court's decision in *Planned Parenthood v. Casey* adhered to the notion that the government's interest in protecting the unborn child is related to viability," or the point at which an unborn child can survive independently of the mother, with or without medical assistance. Because of this decision, some have wrongly concluded that even infants who have been born alive are not persons if they are not yet "viable," or were intended to be aborted.

Some in academia have seized on this idea. Princeton University Bioethicist Peter Singer argues that parents should have the option to kill disabled or unhealthy newborn babies for a certain period after birth. According to Professor Singer, "a period of 28 days after birth might be allowed before an infant is accepted as having the same right to live as others." This is based on Professor Singer's view that the life of a newborn baby is "of to greater value than the life of a nonhuman animal at a similar level of rationality, self-consciousness, awareness, capacity to feel, etc. " According to Professor Singer. "killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all."

FACTS AT A GLANCE

WHAT:Constitution Subcommittee Hearing on H.R. 4292, **Born Alive Infants Protection Act**

WHEN:Thursday, July 20 at 10:00 a.m.

WHERE:Room 2237 of the Rayburn Building

INVITED WITNESSES INCLUDE Hadley Arkes

Edward Ney Professor of Jurisprudence and American Institutions, Amherst College Gerard V. Bradley

Professor, Notre Dame Law School Robert P. George

McCormick Professor of Jurisprudence, Department of Politics, Princeton University Watson A. Bowes, Jr., M. D. - Chapel Hill, North Carolina

Professor Emeritus at the University of North Carolina Medical School, Department of Obstetrics and Gynecology. His major professional interests include high-risk obstetrics, pre- term birth.. and all aspects of labor and delivery.

Jill L. Stanek, Mokena, Illinois Delivery nurse at Christ Hospital in Oak Lawn, Illinois. She witnessed babies with non- fatal defects who - after an induced-labor abortion - were alive for hours after birth. Some babies were left in a soiled utility closet to die. Some babies were not given comfort care, such as a warmer.

Allison Baker, Charlottesville, Virginia

Former delivery nurse at Christ Hospital in Oak Lawn, Illinois, who saw one infant left lying naked on a metal table in a utility room, still breathing. The responsible nurse hadn't had "time" to tend to the baby. Nurse Baker also saw a baby after an induced labor abortion lying naked on a scale still alive.

Gianna Jessen, Franklin, Tennessee 23-year old woman who survived an abortion attempt.

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