

A Primer on Partial-Birth Abortion

Christian Life Resources

Description:

An abortion technique used to kill second- and third-trimester unborn babies by removing the baby's entire body, except for the head, and then sucking out his or her brains. Click below for medical illustrations describing the abortion technique.

Specifically, a surgeon partially pulls the baby out of the birth canal feet first, punctures the base of the skull with a scissors or other sharp instrument to insert a catheter into the skull to remove its contents, then collapses the skull so that the head can be delivered without harming the woman's reproductive organs.

Other Euphemisms:

"Dilation & Extraction" ("D & X"); "Late-Term Abortion"; "Intact Dilation & Extraction" ("IDE"); "PBA"

Background:

Dr. Martin Haskell, an Ohio abortionist, is the pioneer of the partial-birth abortion technique. In September 1992, Dr. Haskell first explained the technique at a risk management seminar (Martin Haskell, M.D., "Dilation and Extraction for Late Second Trimester Abortion," Paper presented at the National Abortion Federation Risk Management Seminar, September 13-14, 1992, Dallas, Texas).

When PBAs Are Performed:

According to Ron Fitzsimmons, then and now the executive director of the National Coalition of Abortion Providers, a trade association of hundreds of abortion providers, told the *New York Times* on February 26, 1997: "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."

Medical Necessity for Partial-Birth Abortion:

"With all that modern medicine has to offer, partial-birth abortions are not needed to save the life of the mother, and the procedure's impact on a woman's cervix can put future pregnancies at risk."

– Former Surgeon General C. Everett Koop, M.D. Letter to the Editor *The New York Times*, September 26, 1996.

“Most partial-birth abortions are performed on healthy mothers with healthy babies,” and “there is no obstetrical situation that requires the willful destruction of a partially delivered baby to protect the life, health or future of a woman.”

– Nancy Romer, M.D., Curtis Cook, M.D., Pamela Smith, M.D. and Joseph DeCook, M.D.
Letter to the Editor,

The Wall Street Journal, October 14, 1996.

Number Performed Per Year:

The annual performance of partial-birth abortions is not known since state-reporting is not mandated. Dr. Martin Haskell reported in his 1992 presentation (see above) that, at that time, he had performed 700 partial-birth abortions in his practice. Abortion-industry groups state that the yearly total ranged from 2,200 for the year 2000 (The Alan Guttmacher Institute [AGI], an affiliate with the Planned Parenthood Federation of America [PPFA], a major abortion provider) to 3,000-5,000 (in 1997, by Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers).

Pain of the Unborn During Partial-Birth Abortions:

As a result of testimony brought forth from partial-birth abortion ban trials in San Francisco, Nebraska, and New York regarding fetal pain during a partial-birth abortion, the Unborn Child Pain Awareness Act was introduced in the U.S. Senate and U.S. House on May 20, 2004. The bill requires abortionists to inform women that their unborn child can feel pain at the child's point of gestation. It further gives a woman the option to anesthetize her child before a late-term abortion. Medical experts discussed overwhelming scientific evidence that shows a human unborn child can experience pain at 20 weeks' gestation.

History of the Partial-Birth Abortion Ban Act:

The Partial-Birth Abortion Ban Act was introduced by Congressman Charles Canady (R-Fl.) on June 14, 1995. The House first passed the bill on November 1, 1995, by a 288-139 vote. The Senate first passed the bill on December 7, 1995, by a 54-44 vote. In the 104th and 105th Congresses, Congress approved the ban, but President Clinton vetoed the bills; in both of those congresses, the House overrode but the Senate sustained. In the 106th Congress, both the House and Senate passed similar bills, but no final bill was approved. In the 107th Congress (2002), the House passed the ban, but the measure was blocked from coming to the Senate floor. In 2003, the bill won final approval in the House on October 2 by a vote of 281-142 and in the Senate on October 21, 64-34.

On June 1, 2004, U.S. District Judge Phyllis Hamilton issued a permanent injunction against the ban on partial-birth abortion. Judge Hamilton declared the Partial-Birth Abortion Ban Act of 2003 unenforceable in regard to Planned Parenthood clinics. Rulings from courts in New York and Nebraska are pending.

On August 26, 2004, Federal District Judge Richard Casey in New York ruled that the federal government cannot enforce the Partial-Birth Abortion Ban Act because the law conflicts with an earlier 5-4 Supreme Court ruling in favor of partial-birth abortion.

On September 8, 2004, U.S. District Judge Richard Kopf declared the nation's ban on partial-birth abortions unconstitutional because it did not contain a disputed health exception. The decision sets up the next stage of the legal battle in a federal appeals court.

The 8th U.S. Circuit Court of Appeals ruled on July 8, 2005, the national ban on partial-birth abortions was unconstitutional citing the ban does not contain a "health of the mother" exception.

On September 12, 2005, U.S. District Court Judge Denise Page Hood in Detroit declared unconstitutional a Michigan law that supporters said would ban a late-term abortion procedure. Hood stated the Legal Birth Definition Act could not be upheld because she ruled it placed an "undue burden" on a woman obtaining a legal abortion. Hood also claimed the law was vague and its exceptions for the life of the mother were unconstitutional.

The Bush administration asked the Supreme Court to reinstate the national ban on partial-birth abortion. The appeal was filed September 23, 2005.

On January 31, 2006, two Federal Appellate Courts – in San Francisco and Manhattan – ruled that the Partial Birth Abortion Ban Act of 2004 is unconstitutional, saying it lacks an exception for cases in which a woman's health is at stake.

On February 21, 2006, the U.S. Supreme Court announced it would hear the case involving the constitutionality of the Partial Birth Abortion Act.

On August 14, 2006, the Supreme Court set the date it would hear two challenges to the 2003 Partial-Birth Abortion Ban Act. The justices selected November 8 as the day they would hear back-to-back oral arguments in *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood*.

The U.S. Supreme Court in a 5-4 decision on April 18, 2007, ruled to uphold the ban on partial-birth abortion.

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