

# Who wanted to ban 'partial birth abortion'?

By WARREN M. HERN

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GUEST OPINION

Both houses of Congress have voted to ban, for the first time in the history of the nation, a specific surgical operation. There are only a few physicians in Congress and only one in the United States Senate, but that comprehensive lack of informed opinion did not prevent Congress from interfering with the surgical and medical judgment of doctors.

Not only that, Congress voted to ban an operation that doesn't exist. The "Partial Birth Abortion" prohibited by the House of Representatives in July and by the Senate on Dec. 7 has never been described in the medical literature. The bill refers to some aspects of an operation performed by one physician in Ohio and on occasion by an unknown number of physicians under emergency conditions throughout the nation. But the same procedures have been used by doctors under emergency conditions for hundreds if not thousands of years. Surgical instruments found in the ruins of Pompeii suggest similar procedures may have been performed then – nearly 2000 years ago.

The graphic, stomach-churning language describing the Congressional version of a late abortion procedure and the pejorative terms describing doctors used by Sen. Smith (R-New Hampshire) on the floor of the Senate in televised debate were highly effective attacks on public support for reproductive freedom. They were also effective in demonizing doctors who provide this vital aspect of health care for women.

Passage of the law opens the door for other legislative attacks on abortion services and restrictions on other completely different kinds of medical and surgical procedures.

While Sen. Smith persuaded Sen. Hank Brown (R-Colorado) to vote for the bill on the grounds that the language is highly specific to one operation, the bill's language is so broad that any doctor could be prosecuted for performing any second trimester or later abortion, even if the woman's health is severely endangered.

Who wanted this legislation? Not the doctors who perform abortion services. Not the women who have late abortions (four women who have had very late abortions by a similar procedure were present to testify against the bill). Although I did not have an opportunity to testify, my statement in opposition was included in the record by Sen. Brown. Organized medicine such as the American Medical Association did not request this legislation.

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Women who seek late abortions, which require a variety of techniques to perform safely, do so for serious reasons. After 24-26 weeks of pregnancy, abortions are almost always sought for reasons of catastrophic fetal abnormality or severe health risks to the woman. In my medical practice and experience, late abortion is frequently a life-saving procedure. The legislation just passed is a cynical political exploitation of intense private grief and anguish.

In June 1995, when this legislation was first introduced in the House of Representatives, Republican leaders Newt Gingrich and Dick Armey described it as part of “pay-back time” to the radical anti-abortion Christian right for helping the Republicans win control of Congress in 1994. In July, 13 pieces of legislation aimed at destroying reproductive freedom and abortion rights in particular were advanced in the House of Representatives.

In the United States Senate, two outspoken supporters of the “Partial Birth Abortion Ban Act” were Bob Dole and Phil Gramm, both Republican candidates for president.

The so-called “Partial Birth Abortion Ban Act of 1995” is not about medicine, it’s about politics. It’s about winning elections for Republican candidates for Congress.

Opposition to abortion has proven to be a highly effective campaign issue for the Republican Party and Republican candidates for 20 years. It is a key to Republican domination of Congress and the national agenda at this time. It allows Republican candidates to be for motherhood and against sin at election time. It works.

At this time in history, as long as the radical right wing of the party controls the legislative branch of government, a vote for a Republican candidate is a vote against reproductive freedom.

*(Warren Hern is director of the Boulder Abortion Clinic)*