Partial Birth Abortion – From a Biblical Perspective

A Commitment to Gruesomeness

This year is the twenty-seventh year of legal abortion, and the only thing that appears to have changed in the debate is the addition of newer and more gruesome abortion procedures. At the top of the list is partial birth abortion.

The first legislative debate on partial birth abortion took place back in 1995 when Representative Charles Canady introduced a bill to ban this unknown procedure. Congressional testimony revealed that a fetus was delivered feet first, up to the head, so that the skull could be pierced and the brain suctioned out.

Canady's bill was a response to a paper delivered by Martin Haskell, a doctor from Dayton, Ohio, at the National Abortion Federation. At the time, reaction to Haskell's practice ran high in Ohio and eventually nationwide. The state of Ohio became the first state to prohibit the procedure and Canady's bill began to focus the issue on a national level.

Who would have predicted that such a long and protracted battle would take place over the last five years? And perhaps that shows how extreme the abortion lobby has become by its willingness to defend any abortion procedure no matter how far advanced the pregnancy might be. It also demonstrates the judiciary's willingness to defend abortion at every turn.

Although Charles Canady's bill was passed by both the House (288 to 139) and Senate (54 to 44), it was vetoed by President Clinton in April of 1996. Meanwhile, pro-life advocates were turning their energies to state legislatures. Partial birth abortion bans spread like wildfire through the legislatures.

Today nearly three out of every five state legislatures have passed a ban, and some of these bans have been passed over gubernatorial vetoes. Unfortunately, liberal judges in various judicial jurisdictions have overturned many of these bans, alleging that they are vague or could threaten the life of the mother.

Congress has also reconsidered the issue again. Senator Rick Santorum reintroduced the ban in January 1997. A month later the newspaper *American Medical News* published an interview with Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers. He admitted that he lied on national television regarding the number of partial birth abortions performed and the reasons for them. This was a stunning revelation that thousands of such abortions had been performed and usually for no medical indications. The momentum for a ban on partial birth abortions seemed to be growing. And the bill again passed both houses of Congress with a larger margin. But the Senate vote (64 to 36) was still not quite large enough to ensure an override of the expected veto by President Clinton.

Currently Congress is considering the issue again. And there are many political commentators who wonder if the margin may grow again since this is an election year. Also, as we will discuss in more detail, the Supreme Court seemed poised to act on the issue as well. While that does not insure that a federal ban on partial birth abortion will pass this year, it does raise the stakes over this controversial and gruesome procedure. Will Congress or the courts eventually ban this procedure? That seems more likely now than at any time in the past. Certainly the next few months will tell. But how will that take place?

The Current Climate

Publicity over the partial birth abortion procedure has helped build momentum. During the debate in October of 1999, Senator

Rick Santorum and Senator Barbara Boxer engaged in the following exchange.

> *Santorum: But, again, what you are suggesting is if the baby's toe is inside the mother, you can, in fact, kill that baby.*
>
> *Boxer: Absolutely not.*
>
> *Santorum: Okay. So if the baby's toe is in, you can't kill the baby. How about if the baby's foot is in?*
>
> *Boxer: You are the one who is making these statements.*
>
> *Santorum: We are trying to draw a line here.*
>
> *Boxer: I am not answering these questions.*
>
> *Santorum: If the head is inside the mother, you can kill the baby.*

Discussion and dialogue like this has helped solidify and bolster public opposition to partial birth abortion. Democratic Senator Daniel Patrick Moynihan has called this procedure "near-infanticide." Opinion polls show that he is not alone in his assessment. Even citizens and politicians who are sympathetic to abortion rights are repulsed by partial birth abortion.

Throughout this year the battle against partial birth abortion will be fought on two fronts: Congress and the courts. Pro-life advocates point out that vote counts in the Senate show they are getting very close to a veto-proof margin. Key senators forced to vote on this measure during an election year might make the difference.

Meanwhile, federal courts have forced the Supreme Court to deliberate on the issue. This fall federal judges in Wisconsin and Illinois found the partial birth abortion bans in their

states to be constitutional. Before the laws could be implemented, Supreme Court Justice John Paul Stevens issued a stay that holds the two state laws in limbo until the high court disposes of the appeals.

Legal experts say that the order is written in such a way as to force the court to directly consider the constitutionality of partial birth abortions, or else the court must leave these state laws in place. In either case, this appears to be a pro-life victory.

Last summer in Arizona, an abortionist was performing a partial birth abortion on what he thought was a twenty-three week old. Suddenly he realized the baby was actually thirty-seven weeks old. He stopped the abortion and delivered the baby. The police said that, “At this point it doesn’t appear that anybody will be charged with anything.” The reason? Nothing illegal was done.

President Clinton continues to veto congressional bans on this procedure, and judges continue to overturn state bans on this procedure. But it appears that in the year 2000 that is about to change.

The Biblical Perspective

Before we continue this discussion I wanted to focus on the biblical perspective of abortion. A key passage in this discussion is Psalm 139, where David reflected on God’s sovereignty in his life.

The psalm opens with the acknowledgment that God is omniscient; He knows what the psalmist, David, is doing. God is aware of David’s thoughts before he expresses them. Wherever David might go, he could not escape from God, whether he traveled to heaven or ventured into Sheol. God is in the remotest part of the sea and even in the darkness. David then contemplated the origin of his life and confessed that God was

there forming him in the womb.

> *For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well. My frame was not hidden from you when I was made in the secret place. When I was woven together in the depths of the earth, your eyes saw my unformed body. All the days ordained for me were written in your book before one of them came to be.*

Here David wrote of God's relationship with him while he was growing and developing before birth. The Bible does not speak of fetal life as mere biochemistry. This is not a piece of protoplasm that became David. This was David already being cared for by God while in the womb.

Verse 13 speaks of God as the Master Craftsman, weaving and fashioning David into a living person. In verses 14-15 David reflected on the fact that he was a product of God's creative work within his mother's womb, and he praised God for how wonderfully God had woven him together.

David drew a parallel between his development in the womb and Adam's creation from the earth. Using figurative language in verse 15, he referred to his life before birth when "I was made in secret, and skillfully wrought in the depths of the earth." This poetic allusion hearkens back to Genesis 2:7, which says that Adam was made from the dust of the earth.

David also noted that "thine eyes have seen my unformed substance." This shows that God knew David even before he was known to others. The term translated "unformed substance" derives from the verb "to roll up." When David was forming as a fetus, God's care and compassion were already extended to him. The reference to "God's eyes" is an Old Testament term connoting divine oversight of God in the life of an individual or a group of people.

While there are certainly other passages in the Old and New Testament that speak to the sanctity of human life, I believe that Psalm 139 is sufficient to show why Christians must oppose abortion, especially partial birth abortion. The unborn baby is a human being that God cares for. It should not be sacrificed in the womb for convenience or even for fetal parts that might improve the medical condition of another person. The unborn must be protected at every stage of development.

Partial birth abortion is a controversial and gruesome procedure. It is also against the will of God. Christians must speak out against the horror of this procedure and do whatever they can to make the procedure illegal.

Fetal Tissue Trafficking

I would like to turn our focus to a related issue: the traffic of fetal tissue parts. In the fall of 1999, a pro-life group by the name of Life Dynamics published their two-year investigation of the traffic of fetal body parts. They produced copies of brochures, protocols, and price lists that document the interstate commerce of fetal body parts. One brochure touts “the freshest tissue available.” A price list provides a grim picture of the trafficking in cannibalized body parts: eyes are $50 to $75 depending on the age of the fetus, skin is $100, a spinal cord is $325.

The investigation provided new insight into why the fight against partial birth abortion has been so tough. Partial birth abortion, after all, is a difficult procedure that involves turning the fetus in the womb and removing it feet first. This complicates the abortion and therefore poses more risk to the mother. So why do abortionists do it? Fetal tissue parts. Quite simply, if you want an intact brain, spinal cord, or limbs, partial birth abortion will provide that in ways that other abortion techniques will not.

Essentially scientists who need human body parts for research

have found a loophole in the federal law that prohibits the sale of body parts. Abortion clinics provide these companies with whole or dismembered aborted fetuses for a service fee. This is listed as a “site fee” which is “rental on the space” that a body parts company employee occupies within the clinic. The company can, therefore, argue that they are donating the parts, but charging reasonable costs for retrieval which the federal law does allow. As long as the retrieval fees are higher than the site fee, they can make a profit.

Just one look at the “Fees for Services Schedule” can be chilling. Prices for every conceivable body part are listed. But it’s important to notice that an intact embryonic cadaver costs $600. Why should there be a retrieval fee for that? Why not just list the cost of shipping? This discrepancy illustrates how the body parts companies are trying to circumvent the law.

Gene Rudd, an obstetrician and member of the Christian Medical and Dental Society’s Bioethics Commission, said: “It’s the inevitable logical progression of a society that, like Darwin, believes we came from nothing. . . . This is the inevitable slide down the slippery slope.” He is appalled by this “death for profit” scheme that takes the weakest of the species to satisfy our desires.

Apparently women who come into an abortion clinic are asked to sign a document allowing the clinic to donate their aborted baby to research. No fetus may be used without permission. Then the clinic receives orders (usually from their fax machine) for parts that will be retrieved and shipped. Many of the protocols require that the specimens be obtained within minutes after the abortion and frozen or preserved.

Life Dynamics’ two year investigation clearly documents what many of us suspected all along. The fight against partial birth abortion was so tough because a lot of money and fetal tissue was a stake. This procedure has little to do with

providing women with choice and everything to do with the interstate trafficking of fetal body parts.

A technician identified as “Kelly” came to Life Dynamics with this story of the traffic of fetal body parts.

The doctor walked into the lab and set a steel pan on the table. “Got you some good specimens,” he said. “Twins.” The technician looked down at a pair of perfectly formed 24-week-old fetuses moving and gasping for air. Except for a few nicks from the surgical tongs that had pulled them out, they seemed uninjured. “There’s something wrong here,” the technician stammered. “They are moving. I don’t do this.”

She watched the doctor take a bottle of sterile water and fill the pan until the water ran over the babies’ mouths and noses. Then she left the room. “I would not watch those fetuses moving,” she recalls. “That’s when I decided it was wrong.”

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I believe their investigation provided new insight into why the fight against partial birth abortion has been so tough. This procedure provides fetal tissue parts that are intact and thus available to research labs for a profit. And these are respected, tax-funded laboratories pursuing laudable goals like treating diabetes and Parkinson’s disease.

“Kelly” says that it was her job to go to abortion clinics to procure tissue “donations.” She would get a generated list each day of what tissue researchers needed and then look at the particular patient charts to determine where the specimens would be obtained. She would look for the most perfect specimens to give the researchers “the best value that we could sell for.”

Fetuses ranged in age from seven weeks to 30 weeks and beyond. Typically, “Kelly” harvested tissue from 30 to 40 “late” fetuses each week. These are delivered using the partial birth abortion procedure.

“Kelly” and others like her would harvest eyes, livers, brains, thymuses, and especially cardiac blood. Then they would pack and freeze the tissue and send them out by standard couriers (UPS, FedEx) to the research laboratories requesting the material. Life Dynamics has produced copies of forms for fetal parts from researchers. They contain the names of researchers, universities, pharmaceutical companies, and more.

Proponents of the research argue that the goal justifies the means. After all, these babies would have been aborted anyway. Why not use the discarded parts to further science and improve the quality of living of others? Christopher Hook, a fellow with the Center for Bioethics and Human Dignity calls this exploitation of the unborn “too high a price regardless of the supposed benefit. We can never feel comfortable with identifying a group of our brothers and sisters who can be exploited for the good of the whole.” He believes that, “Once we have crossed that line, we have betrayed our covenant with one another as a society and certainly the covenant of medicine.”

This is the sad legacy of partial birth abortion and the international traffic of fetal body parts. Christians must stand up against this gruesome practice and reassert the sanctity of human life and work for the banning of these procedures.

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