

# RESOURCE ROUNDUP

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## *The Hippocratic Resource*

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**"I will give no deadly medicine to anyone if asked ... I will not give to a woman an instrument to produce an abortion"**

### **Dear Colleague:**

By now, everyone is aware that, **on April 18, 2007, the U.S. Supreme Court declared constitutional, and thus upheld, the Partial Birth Abortion Ban Act of 2003.** In so doing, the Roberts Court, in its *Gonzales vs. Carhart* decision, rendered that "*gruesome, brutal, barbaric and uncivilized*" procedure unlawful, asserting that "*Respondents [the challengers] have not demonstrated that the Act, as a facial matter, is void for vagueness, or that it imposes an undue burden on a woman's right to abortion based on its overbreadth or lack of a health exception [emphasis ours]. For these reasons the judgments of the Courts of Appeals for the Eighth and Ninth Circuits [whose ruling of unconstitutionality was being challenged] are reversed.*" **Gonzales v. Carhart is a very significant victory for those who adhere to what has been called "the culture of life,"** i.e. the intuitive and medical/biologic recognition that the unborn child is human and thus deserves the full respect due that innocent humanity, which is not to be minimized.

#### **What the Court banned is described in the following verbatim extract from its decision:**

*"In the usual intact D&E the fetus' head lodges in the cervix, and dilation is insufficient to allow it to pass. ... Haskell explained the next step as follows:*

*"At this point, the right-handed surgeon slides the fingers of the left [hand] along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). "While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger. "[T]he surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening. "The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient.'" H. R. Rep. No. 108-58, p. 3 (2003). **The above is an abortion[ist's]...clinical description.***

**Here is another description from a nurse who witnessed the same method performed on a 26½-week fetus, and who testified before the U.S. Senate Judiciary Committee:**

*"Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the head right inside the uterus....*

*"The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall. "The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp.... "He cut the umbilical cord and delivered the placenta. He threw the baby in a pan, along with the placenta and the instruments he had just used."*

**Notwithstanding its significance, this was a very narrow ruling that simply bans a single abortion procedure, and does not prevent the legal killing *in utero* of a child by any other method, even until the day of what would have been his or her birth** (as was permitted by the *Doe v. Bolton* ruling accompanying the *Roe v. Wade* decision of 1973). And the Court clearly recognized that it is killing, acknowledging that "*Dr. Haskell's approach is not the only method of killing the fetus once its head lodges in the cervix ...*" **Nor does it provide any legal support for the humanity of the unborn child.** For that, we must continue *(continued on p.2)*

**Roster Changes:** Please note necessary changes to several roster listings on next page

to work – and pray – toward the time when the obvious humanity of our offspring will be firmly asserted by law. Hopefully, that will not take another 34 years!!

W. “Al” Krotoski, M.D, etc. and Francis Rinaudo, Jr., D.D.S.

### **Membership Drive**

As indicated in our last newsletter, Katrina & Rita took their toll on our membership roll, and we need to recruit some additional blood to our ranks. We are enclosing a standard recruitment “packet,” and ask that you give it to a colleague who, you feel, could be interested in *The Hippocratic Resource*. Then, please, follow up a short time later for encouragement.

### **Roster Changes**

Since our new roster was issued, several changes have become necessary, as follows:

(Information removed to protect promised privacy).

Please let us know of any others. Also, several (non-essential) typos were found. Our apologies!

### **Louisiana Legislature, 2007**

The 2007 Legislative Session of our Legislature got off to such a quick start that, despite the fact of its being a “fiscal only” session (with legislators limited to introducing no more than five non-fiscal bills each), some of the bills of *Hippocratic Resource* interest have already progressed to the floor of their respective chambers! A summary of selected bills and our recommendations are enclosed; complete texts are available on the Louisiana Legislature website, at <[www.legis.state.la.us](http://www.legis.state.la.us)>. We will be testifying and lobbying in favor of these bills as they make their way from House to Senate and *vice versa*. Do let us have your comments, and

**Please contact your Louisiana Representative and Senator as soon as possible, and request that they act on these bills in a Hippocratic direction (as we have indicated)!**

### **National Legislation**

In addition to the above, two very important *federal* bills are about to be actively considered in Washington, and your help is definitely needed to oppose them both:

**S. 1173 (Boxer, D-CA)** and **H.R. 1964 (Nadler, D-NY), “FOCA.”** No sooner had the Supreme Court upheld the constitutionality of the Partial birth abortion ban, than the pro-abortion-choice side introduced legislation to nullify *Gonzales v. Carhart* in the guise of a so-called “Freedom of Choice Act” that “would bar government – at any level – from interfering with a woman’s fundamental right [sic] to ... terminate a pregnancy.” The fight to re-institute a culture of life is hardly over – it has just begun in earnest!

**S. 1 “Lobbying reform bill,” the “Meehan Amendment” to.** In an attempt to reverse a (negative) Senate vote and to control the type of “grassroots lobbying” that we – and you – can do, pro-abortion Cong. Meehan (D-MA) has introduced an amendment that would severely hamper our efforts in the “culture of life-” and other arenas, through ‘constrictive’ federal regulation. This amendment is scheduled for a **hearing before the House Judiciary Committee considering S. 1 on May 15<sup>th</sup>**, then, **before the full House on May 22<sup>nd</sup>**. It deserves only a negative vote!

Also,

**S. 21/H.R. 819, (Reid, D-NV *et al.*) “Prevention First Act.”** This misnamed Act would: increase funding under Title X, raising the taxpayers' tab to \$700 million in direct funding for abortion providers like Planned Parenthood in 2008 alone; direct taxpayer funding to pay for abortions obtained by Medicaid recipients; and mandate that insurance companies cover abortion procedures, thus forcing policyholders to directly fund the killing of the unborn.

**Please contact your U.S. Congressman and Senators as soon as possible, and request them to oppose these bills!**

## **Hippocratic Resource Summary of Selected Bills, 2007 Legislature** (5/11/07)

### **HB 25 (Crowe), "Woman's Right to Know" re fetal pain**

(This bill has just passed the Louisiana House with amendments, and is on its way to the Senate Health & Welfare Committee). **HB 25, now with 45 co-sponsors, seeks to ensure that every woman considering abortion receives full information regarding fetal pain during the abortion, as well as an option to view obstetrical ultrasound of her unborn child** in the context of informed consent. Despite some conceptual problems regarding the administration of anesthesia/analgesia, as well as the weakness of the language regarding optional ultrasound, we fully support the intent of this bill, and unequivocally hope that it passes. Nevertheless, we are still working to effect language changes that would make the ultrasonography less "optional." (**Support strongly**)

### **HB 614 (Beard & Scalise), To ban partial-birth abortion**

**This bill is basically a Louisiana equivalent of the recently passed and constitutionally just upheld federal Partial Birth Abortion Ban Act.** Given strong efforts at the federal level to introduce legislation (Freedom of Choice Act) that could nullify *any* restrictions on abortion nationwide (see National Legislation, below), it has become prudent to assert our own ban. We have suggested some strengthening language to the proponents of HB 614, specifically (1) the addition of "as concurred in by two licensed, board-certified obstetricians" to the end of the section providing an exception to save the life of the mother (to decrease the likelihood of an abortionist self-certifying a need for this gruesome, barbaric, uncivilized, and totally unnecessary procedure), and (2) raising the proposed statutory damages from 3 to 5 times the cost of the partial birth abortion (given that a recent charge for an abortion of over 24 weeks gestation by a Metairie gynecology group was "only" \$1,680). (**Support Strongly**)

### **SB 161 (Nevers), To ban partial-birth abortion**

**SB 161 is basically the Senate-equivalent of the HB 614.** Strengthening language similar to that proposed for the latter was also suggested for SB 161. (**Support Strongly**)

### **HB 866 (Beard), Stem cell research tax credits, etc.**

**This bill would provide Louisiana tax credits for stem cell research involving morally/ethically legitimate cell sources, such as mature ("adult") tissue, placentas, umbilical cords, amniotic fluid, or other *non-embryonic* sources.** The biggest single concern with this bill is the relative ease with which it could be modified to include and support *embryonic* stem cell research or cloning; therefore, some strengthening and potential loophole-closing language modifications were suggested to Rep. Beard. (**Support strongly**)

### **HB 881 (Scalise), To ban public funding of human cloning**

**Rep. Scalise's HB 881 would serve to ban public funding of human cloning,** a most powerful step. Given that there are a number of immoral/unethical human *embryonic* stem cell research directions currently being explored by those interested in the field, not "just" SCNT, we suggested adding the phrase, "or similar techniques that may lead to a human embryonic stage capable of development along lines akin to that leading to a mature individual, no matter how theoretical" (or some such) to the ban language, similar to that suggested for HB 866. (**Support strongly**)

### **HB 178 (Doerge & Katz), "Children/Abuse: Provides relative to prenatal neglect"**

**HB 178 bill tightens up language favoring implied prenatal humanity, while strengthening protections for the pre-nate (unborn child) in cases of pre-natal drug/alcohol abuse.** This bill has passed the House Committee and the full House, and is on its way to the Senate Judiciary A Committee. (**Support strongly**)

**HB 602 (Jackson), (Changes health care recording, etc.).**

The proposed elimination of (B)(3) of the bill (p. 3, line 4), which currently requires release of gathered data, could limit the availability of (specifically) abortion statistics, depending on who interprets the bill's provisions [three states, accounting for about 24% of all U.S. abortions - California (23%), Alaska, and New Hampshire - no longer report their abortion statistics to the federal government, for example]. However, the amendment inserted on p.3, line 14, could actually improve reporting of abortion statistics; ditto, line 22. All would depend on interpretations, and thus, *potential* trouble for getting the facts out. At this point, we are a bit leery, but are uncertain as to how to counter a shoo-in bill in its entirety; better would be to counter the proposed (B)(3) elimination. Identifying those in favor of the bill - and their pro- or anti-life leanings - probably would tell the tale. (*Will monitor*)

**SB 93 (Nevers), (Mandates health insurance coverages “for the treatment of mental illness, alcoholism and for the treatment of drug abuse)** which are listed as disorders or illnesses in the Diagnostic and Statistical Manual of Mental Disorder published by the American Psychiatric Association, rendered or prescribed by a physician licensed in this state.” We have no problem for such an expansion of coverage, *from a purely medical point of view*. However, fiscally it will be most expensive! (*Moderate support*)

**HB 251 (M. Guillory), (Changes Respiratory Therapy Practice Act)**

(Please check the text of this bill on the internet, at <[www.legis.state.la.us](http://www.legis.state.la.us)>)/

There appear to be no strictly moral/ethical issues involved with this proposed modification of the existing Respiratory Therapy Practice Act. However, referral to those of our members who would have the most interest in respiratory care issues, i.e. pulmonologists, surgeons, cardiologists and respiratory technologists, did reveal some other points of concern. Specifically, we concluded that **there is a valid anxiety about the potential dilution of overall physician responsibility in this frequently life-critical area**, in that the resultant potential for individual disagreements between M.D.s and respiratory therapists could lead to delay of implementation of correct therapy or to administration of incorrect therapy, as well as to hospital tort suits (if those entities are deemed the therapists' direct supervisors, as the proposed changes would suggest). We recommended that:

Sec. 2, par. 3353 (3) [p.2, line 21]:

Should retain the word "licensed" preceding "physician" [line 26].

Should either specify statutorily what medications are involved, and by what routes they are to be administered, or, better, indicate "as ordered by the patient's physician." (e) [p.3, line 12]

Should specify statutorily what kind of "patient-driven respiratory therapy," is covered, or, again better, indicate "as ordered by the patient's physician." (j) [p.3, lines 23-24], and

Sec. 2, par. 3356 (2)(a) [p.6, line 29] and (b) [p.7, line 7]:

Should retain its current makeup of physician members and respiratory therapist members, even perhaps upgrading the physician members to "board certified critical and/or pulmonary care specialists."

**SB 206 (Cassidy), (Mandates paternity definitions based on DNA testing)**

**SB 206 defines the responsibility of the biologic father for his child, using the ultimate identifier, his DNA.** This bill would objectively strengthen paternal responsibility for biologic paternity, although there is some question as to the effect its birth-certification requirement would have on otherwise successfully “blended” families of multiple (“private”) paternities. This bill has passed the Senate Health & Welfare Committee, and is on call for the Senate floor. (*Support*)

*Cautiously*). **Addendum**: Based on questions and concerns brought to Senator Cassidy's attention, he agreed to put the bill back on the calendar until amendments could be worked out to protect children and families.