

She continues:

So, because of the strong pro-choice views I held at that time, I thought this assignment would be no problem for me.

But I was wrong. I stood at the doctor's side as he performed the partial-birth abortion procedure—and what I saw is branded on my mind forever.

I worked as an assistant nurse at Dr. Haskell's clinic for 3 days—September 28, 29, 30, 1993.

She continues:

On the third day, Dr. Haskell asked me to observe as he performed several of these procedures that are the subject of this hearing. Although I was in the clinic on the assignment of the agency, Dr. Haskell was interested in hiring me full-time, and I was being oriented in the entire range of procedures provided by that facility.

I was present for three of these partial-birth procedures. It is the first one that I will describe to you in detail.

The mother was 6 months pregnant, 26½ weeks. A doctor told her that the baby had Down Syndrome, and she had to have an abortion. She decided to have this abortion. She came in the first 2 days and have the laminaria inserted and changed, and she cried the whole time she was there. On the third day, she came in to have the partial-birth abortion procedure.

Dr. Haskell brought the ultrasound in and hooked it up so that he could see the baby. On the ultrasound screen, I could see the heart beat. As Dr. Haskell watched the baby on the ultrasound screen, the baby's heart-beat was clearly visible on the ultrasound screen.

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 arms—everything but the head. The doctor kept the head right inside the uterus.

Senators this is a baby that was a little bit smaller than the baby that I actually saw that day.

She held something up.

This is a mechanical model of a baby.

The baby's little fingers were clasp and unclasp, 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, and stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp.

I was really completely unprepared for what I was seeing. I almost threw up as I watched Dr. Haskell doing these things.

Next, Dr. Haskell delivered the baby's head. 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. I saw the baby move in the pan. I asked another nurse, and she said it was just reflexes.

I have been a nurse for a long time, and I have seen a lot of death—people maimed in auto accidents, gunshot wounds, you name it. I have seen surgical procedures of every sort. But in all my professional years, I had never witnessed anything like this.

The woman wanted to see her baby, so they cleaned up the baby and put it into a blanket and handed it to her. She cried the whole time. She kept saying, "I am so sorry, please forgive me." I was crying, too. I couldn't take it. That baby boy had the most perfect angelic face I think I have ever seen in my life.

I was present in the room during two more such procedures that day, but I was really in

shock. I tried to pretend I was somewhere else, to not think about what was happening. I just couldn't wait to get out of there. After I left that day, I never went back. The last two procedures, by the way, involved healthy mothers with healthy babies.

That was the testimony of the nurse, testimony that has never been controverted. In fact, I will not take the Senate's time to read this in its entirety, but this is the actual paper that Dr. Haskell prepared that has been quoted before in this procedure. It is a paper delivered by Martin Haskell, presented at the National Abortion Federation, Risk Management Seminar, September 13, 1992. You can track in Dr. Haskell's own words exactly what nurse Shafer said.

The doctor uses medical terminology. Part of this has already been read today by Dr. FRIST, Senator FRIST, when he gave his very eloquent comments in opposing the Daschle amendment. I will point out one thing that is very evident when you look at this description by Dr. Haskell of what this partial-birth abortion procedure is, that it takes 3 days, day 1, day 2, day 3. That was confirmed by what Nurse Shafer said. The dilation occurs in the first 2 days. They go in, go back home or go to a motel, and then come back the third day for the procedure itself. But actually the whole procedure takes 3 days.

We have also learned not only what the procedure is, we have learned a lot about why it is done.

Again, maybe the best evidence is to listen to the people who perform the abortions.

Dr. McMahon has told us, he has said that a number of these were done for nothing more serious than cleft palates. Seven, eight, possibly nine, for cleft palates, the life was snuffed out.

Dr. Haskell has told us that 80 percent—80 percent—of the abortions he performs are elective. The evidence is overwhelming of why these are done and under what circumstances.

Mr. President, during the just concluded debate, a number of my colleagues spoke of how this issue has deeply divided this country. One even said that nothing really has divided this country as much as the abortion debate has since the debate over slavery prior to and leading up to and including the Civil War.

I think that is correct. Few issues in our whole country's history have been so divisive. I would argue, Mr. President, this debate over abortion has been so protracted and intense because in a sense in a government of "we the people," we are still trying to figure out who "we"—what that means, who is included.

I say, Mr. President, that the vulnerable babies that we have heard about are us. And whether or not we are willing to speak out, whether or not we are willing to say enough is enough, not only will determine whether some of these babies will live or die, but it also will determine what kind of a people

we are, what kind of a society we want to live in, who we really are, who we are as a people, what do we value and what do we not value, what do we become indignant about, and what do we walk away from.

How bad do things have to be before we speak up and say enough is enough? This is something we simply, even in 1997, this is something we will not tolerate. It is wrong. We will not put up with it. We will not allow it to occur in a civilized society. So, in a sense, not only is this a debate about the babies, not only a debate about who will live, it is also a debate about who all of us are and what kind of a country we have, what kind of a country we want.

I think we have an obligation to speak up. I think that many times the sins that we commit as a people, as individuals, are sins of omission, what we do not do when we do not speak up.

I would like to quote from my friend, HENRY HYDE, from a book that he wrote that I think summarizes what I believe. This is what Congressman HENRY HYDE said:

I believe . . . that when the final judgment comes—as it will surely—when that moment comes that you face Almighty God—the individual judgment, the particular judgment—I believe that a terror will grip your soul like none other than you can imagine. The sins of omission will be what weigh you down; not the things you've done wrong, the chances you've taken, but the things you failed to do, the times that you stepped back, the times you didn't speak out.

Not only for every idle word but for every idle silence must man render an account. I think that you will be overwhelmed with remorse for the things you failed to do.

Mr. President, let us move to pass this bill. Let us speak out for what is right. And let us hope that the power of the arguments that have been heard on the floor—no, rather the facts that have been clearly disclosed on the floor—will then persuade the President of the United States to rectify a mistake that he made last year when he vetoed this bill. We know more today. Many of the statements that were made by the President in his veto message are clearly, clearly not true. It was clear to many of us at the time they were not true, but now that we have had the opportunity for more debate, more evidence, it is clear that the reasons he gave, the rationales he gave, are simply not there.

So let us pass this bill. Let us send it again to the President. And let us pray that the power of the facts will convince our President to sign the bill.

Mr. President, I thank the Chair and yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CFE FLANK DOCUMENT—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification on the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 ("the CFE Flank Document"), adopted by the Senate of the United States on May 14, 1997, I hereby certify that:

In connection with Condition (2), Violations of State Sovereignty, the United States and the governments of Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey and the United Kingdom have issued a joint statement affirming that (i) the CFE Flank Document does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (B) and (C) of the Treaty) conventional arms and equipment limited by the Treaty on the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party; (ii) the CFE Flank Document does not alter or abridge the right of any State Party under the Treaty to utilize fully its declared maximum levels for conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty; and (iii) the CFE Flank Document does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Document.

In connection with Condition (6), Application and Effectiveness of Senate Advice and Consent, in the course of diplomatic negotiations to secure accession to, or ratification of, the CFE Flank Document by any other State Party, the United States will vigorously reject any effort by a State Party to (i) modify, amend, or alter a United States right or obligation under the Treaty or the CFE Flank Document, unless such modification, amendment, or alteration is solely an extension of the period of provisional application of the CFE Flank Document or a change of a minor administrative or technical nature; (ii) secure

the adoption of a new United States obligation under, or in relation to, the CFE Treaty or the CFE Flank Document, unless such obligation is solely of a minor administrative or technical nature; or (iii) secure the provision of assurances, or endorsement of a course of action or a diplomatic position, inconsistent with the principles and policies established under conditions (1), (2), and (3) of the resolution of advice and consent to ratification of the CFE Flank Document.

In connection with Condition (7), Modifications of the CFE Flank Zone, any subsequent agreement to modify, revise, amend or alter the boundaries of the CFE flank zone, as delineated by the map entitled "Revised CFE Flank Zone" submitted to the Senate on April 7, 1997, shall require the submission of such agreement to the Senate for its advice and consent to ratification, if such changes are not solely of a minor administrative or technical nature.

In connection with Condition (9), Senate Prerogatives on Multilateralization of the ABM Treaty, I will submit to the Senate for advice and consent to ratification any international agreement (i) that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or (ii) that would change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

In connection with Condition (11), Temporary Deployments, the United States has informed all other States Parties to the Treaty that the United States (A) will continue to interpret the term "temporary deployment", as used in the Treaty, to mean a deployment of severely limited duration measured in days or weeks or, at most, several months, but not years; (B) will pursue measures designed to ensure that any State Party seeking to utilize the temporary deployments provision of the Treaty will be required to furnish the Joint Consultative Group established by the Treaty with a statement of the purpose and intended duration of the deployment, together with a description of the object of verification and the location of origin and destination of the relevant conventional armaments and equipment limited by the Treaty; and (C) will vigorously reject any effort by a State Party to use the right of temporary deployment under the Treaty (i) to justify military deployments on a permanent basis; or (ii) to justify military deployments without the full and complete agreement of the State Party upon whose territory the armed forces or military equipment of another State Party are to be deployed.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 14, 1997.

REPORT ON THE CFE FLANK DOCUMENT—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

I am gratified that the Senate has given its advice and consent to the ratification to the CFE Flank Document and I look forward to the entry into force of this important agreement. It will reaffirm the integrity of one of the CFE Treaty's core provisions and will facilitate progress on CFE adaptation and, thus, NATO enlargement, key elements for advancing United States and European security.

I must, however, make clear my view of several of the Conditions attached to the resolution of advice and consent to ratification, including Conditions 2, 3, 4, 6, 7, 9 and 11. These Conditions all purport to direct the exercise of authorities entrusted exclusively to the President under our Constitution, including for the conduct of diplomacy and the implementation of treaties. The explicit limitation on diplomatic activities in Condition 3 is a particularly clear example of this point. As I wrote the Senate following approval of the Chemical Weapons Convention, a condition in a resolution of ratification cannot alter the allocation of authority and responsibility under the Constitution. I will, therefore, interpret the Conditions of concern in the resolution in a manner consistent with the responsibilities entrusted to me as President under the Constitution. Nevertheless, without prejudice to my Constitutional authorities, I will implement the Conditions in the resolution.

Condition (9), which requires my certification that any agreement governing ABM Treaty succession will be submitted to the Senate for advice and consent, is an issue of particular concern not only because it addresses a matter reserved to the President under our Constitution, but also because it is substantively unrelated to the Senate's review of the CFE Flank Document. It is clearly within the President's authorities to determine the successor States to a treaty when the original Party dissolves, to make the adjustments required to accomplish such succession, and to enter into agreements for this purpose. Indeed, throughout our history the executive branch has made a large number of determinations concerning the succession of new States to the treaty rights and obligations of their predecessors. The ABM Succession MOU negotiated by the United States effectuated no substantive change in the ABM Treaty requiring Senate advice and consent. Nonetheless, in light of the exceptional history of the ABM Treaty and in view of my commitment to agree to seek Senate approval of the Demarcation