

PARTIAL-BIRTH ABORTION BAN  
ACT OF 2002

SPEECH OF

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 24, 2002*

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to the rule on H.R. 4965, the so-called "Partial Birth Abortion Ban Act of 2002," a measure that is probably unconstitutional, an end-run on established laws protecting a woman's right to choose, and will do little to end late term abortions.

Mr. Speaker, the House has addressed this matter four separate times in the last seven years, only to return back to square one. What makes this latest attempt even more puzzling is that the Supreme Court, in the *Carhart v. Stenberg* case in 2000, held that Nebraska's own late term abortion ban was unconstitutional. The Supreme Court explained that such bans unconstitutionally burden a woman's protected right to choose her own health-related decisions, and lack the necessary exception to protect a woman's health.

Even with these standards in place, today's measure proceeds defiantly into certain legal peril, as it refuses to make the health-related exception. The measure's proponents instead argue that it is sufficient to include congressional findings in the bill stating that no such health exception is necessary. Such so-called "findings," however, no matter how extensive they may be, cannot magically turn an unconstitutional piece of legislation into one that passes legal muster, as any first-year law student can tell you. Indeed, a number of prominent health groups, including the American College of Obstetricians and Gynecologists, with more than 40,000 members representing approximately 90 percent of all board-certified obstetricians and gynecologists in the U.S., has consistently opposed efforts to ban such practices. The Congress must understand that such medical and health decisions are best left to women and their doctors, not to legislators intent on promulgating their divisive and narrow agenda.

Despite all these difficulties, the leadership, as anticipated, has refused to allow for amendments, cutting off debate on what is an extraordinarily important issue area. If the leadership were truly interested in examining all viable alternatives, they would have allowed for amendments, including H.R. 2702, the Hoyer-Greenwood "Late Term Abortion Restriction Act," of which I am a cosponsor. This amendment would present a sound alternative to H.R. 4965, as it bans all late-term abortions, makes the necessary health-related exception, and is consistent with the Supreme Court's dictates. Because I believe that abortion should be safe, legal, and rare, I would have supported this amendment had it been allowed in this debate.

Mr. Speaker, this bill ignores potential adverse complications in pregnancies, and thus effectively bans any semblance of compromise or informed discussion on this issue. This measure tells American women that it is more important for the leadership to score political points than it is to show concern for their health. As the measure is unwise, unyielding, and for all practical purposes unconstitutional, I must vote against both the rule for H.R. 4965 and the underlying legislation.

IN RECOGNITION OF CHIEF COMMANDER ARTHUR FARR AND THE CITY OF MANITOWOC

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 25, 2002*

Mr. GREEN of Wisconsin. Mr. Speaker, today before this House I recognize and honor Past Chief Commander Arthur Farr of the United States Power Squadrons, as well as the city of Manitowoc, a Wisconsin community that has fought to preserve the causes of freedom and democracy through its superior ship building enterprise.

When the drums of war sound, and our Nation is obliged to heed the calls of the oppressed and threatened, the citizens of the United States dutifully step up—as exemplified by the people of Manitowoc and Past Chief Commander Farr.

Commander Farr served as a naval submarine officer aboard the distinguished USS *Guitarro* throughout World War II. During his service, Commander Farr helped see the *Guitarro* safely through five treacherous war patrols in the Pacific, a tenure that yielded four battle stars and the Navy Unit Commendation. The achievements of Commander Farr and the *Guitarro* are truly deserving of our highest recognition and most earnest thanks.

To equip our forces with the vessels essential for victory during World War II, the citizens of Manitowoc and its neighboring communities rallied to fill posts in the shipyard, often at incredible sacrifice. Farmers milked their cows by day and welded submarines by night. It was the tireless efforts of these citizens that fueled the production of superior vessels, like the *Guitarro*, and ensured naval success and eventual victory for the allies.

The dedication and often unrecognized contributions of Americans like Past Chief Commander Farr and the citizens of Manitowoc are a true testament to the strength and excellence of this great Nation.

PAYING TRIBUTE TO JONI FAIR

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 25, 2002*

Mr. McINNIS. Mr. Speaker, I stand before you to salute an incredible individual of the Colorado Health Community who is one of the six recipients of the 2002 YWCA Anna Tausig Tribute to Women Award. Joni has committed herself to the study and evaluation of hospices around the world to increase the ability of others to care for the terminally ill. She has an unrelenting passion for her work, which has been illustrated countless times through her dedication to improve hospice conditions. It is my pleasure to honor her today before this body of Congress and this nation.

Joni Fair is the President and Chief Executive Officer of the Sangre de Cristo Hospice in Colorado, and has traveled across the world to educate caretakers about the terminally ill; her latest trip to Japan led to the establishment of the first hospice ever in Japan. Joni refuses to allow financial status to defer a pa-

tient from staying in a hospice and leaves her doors open to all who qualify for hospice care. For her passion, devotion and spirit, Joni has earned the El Pomar Foundation Award for Excellence, Colorado Hospice Program of the Year Award, National Hospice Award of Excellence, and the President's Award. Her diligence and integrity, established a precedent in the medical community worldwide.

Mr. Speaker, I ask you to join me in thanking Joni for her contributions and dedication to the comfort of her patients. I ask that this body recognize her efforts to make patient hospice life less distressful. She is a beacon of care in her community whose passion will shine beyond her legacy. Joni, Congratulations on your latest achievements and good luck in your future endeavors.

INDIA: NOT ACTING DEMOCRATIC

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 25, 2002*

Mr. TOWNS. Mr. Speaker, apparently the efforts of some of us in this House to set the record straight about India's repression of its minorities in making an impression. Recently, Indian Ambassador Lalit Mansingh felt compelled to lash out at me and a couple of my colleagues for our statements in this House about the violations of human rights in India. I am tempted to say that I am honored that Mr. Mansingh noticed, but his response is full of misleading and hurtful statements. Everything that we have stated about India is based on the documented record, as Mr. Mansingh well knows.

Let me review the recent information about Indian activities. Recently, India has been cited as a violator of religious freedom by the U.S. Government. While no action has followed this designation so far, it clearly exposes the true nature of Indian democracy.

How can India be called democratic when last year a Cabinet member said that everyone who lives in India must either be a Hindu or be subservient to Hindus? The pro-Fascist RSS, the parent organization of the ruling BJP, published a booklet on how to implicate religious minorities in fake criminal cases. Prime Minister Vajpayee implicitly endorsed these extremist views when he told a audience in New York, "I will always be a Swayamsewak."

The recent massacres in Gujarat are another example of how India treats its minorities. Recently, the New York Times reported that the police stood aside while Hindu militants murdered Muslims, which, as I pointed out previously, is similar to the *modus operandi* they used in the 1984 massacre of Sikhs. The Hindu newspaper quotes a Gujarati police officer as saying that the police were ordered not to intervene to stop the violence, which is also reminiscent of the Delhi massacres. According to Human Rights Watch, the entire incident was pre-planned with government involvement. Does Ambassador Mansingh dispute the credibility of these sources?

Mr. Mansingh attacks my colleague, the gentlewoman from Georgia, for saying that in India a Hindu life is worth twice as much as a Muslim life. Yet News India-Times, a New

York-based Indian-American newspaper, reported that the government is paying 200,000 rupees to the families of Hindu victims of the Gujarat violence and just 100,000 rupees—half as much—to the families of Muslim victims.

In addition, Mr. Mansingh flatly rejected holding the referendum on the independence of Kashmir that India promised the United Nations it would hold in 1948 and also rejected a free and fair plebiscite on independence in Punjab, Khalistan. He simply ignored the other countries like predominantly Christian Nagaland which also seek their independence. If India is the democracy it claims to be, then why are there 17 freedom movements within its borders? If there is no support for independence in Punjab, Khalistan, as India claims, then why not just hold a free and fair vote and prove it? If that claim is true, then it should be massively rejected, shouldn't it? What is India afraid of?

Instead, India has killed over 250,000 Sikhs since 1984, according to *The Politics of Genocide* by Inderjit Singh Jaijee, who gathered these figures from figures put out by the Punjab State Magistracy, which represents the judiciary of Punjab. It has also killed over 75,000 Kashmiri Muslims, more than 200,000 Christians in Nagaland and tens of thousands of other minorities. According to the Movement Against State Repression, 52,268 Sikh political prisoners are still being detained in Indian jails.

Mr. Speaker, America is founded on the idea of freedom. We believe in freedom for ourselves and all the people of the world. We should work to bring real freedom to all the peoples and nations of South Asia. To do so, we should stop American aid to India until it respects basic human rights and we should continue to call for a free and fair vote on independence for the people of Kashmir, of Punjab, Khalistan, of Nagaland, and all the other peoples seeking their freedom.

Mr. Speaker, Gurmit Singh Aulakh, the President of the Council of Khalistan, wrote an excellent letter to the *Washington Times* refuting the false statements of Mr. Mansingh. I would like to place it in the *RECORD* at this time to help set the *RECORD* straight about what is really going on in India.

[From the *Washington Times*, May 19, 2002]

#### INDIA DOESN'T ACT LIKE A DEMOCRACY

In his May 14 Embassy Row column, James Morrison reports that Indian Ambassador Lalit Mansingh is accusing Reps. Dan Burton, Edolphus Towns and Cynthia A. McKinney of spreading "false, hurtful" information about India. This is ludicrous. Mr. Morrison has been sent the proof of the statements that Mr. Mansingh questions, yet he made no apparent effort to get the other side. He should stop repeating Mr. Mansingh's disinformation.

We understand that tyrants are hurt when their crimes are exposed. Yet they do not show any concern for the rights of minorities. Last year, a member of the Indian Cabinet said everyone who lives in India must either be Hindu or be subservient to Hindus. The Rashtriya Swayamsevak Sangh (RSS), which was formed in 1925 in support of the fascist and is the parent organization of the ruling Bharatiya Janata Party, published a booklet on how to implicate Christians and other minorities in fake criminal cases. Yet Prime Minister Atal Bihari Vajpayee told an audience in New York City, "I will always be a Swayamsevak." This belies Mr. Mansingh's

claim that "[a]ll citizens of India . . . enjoy equal rights and equal protection of law."

Mr. Mansingh might want to explain that to the 250,000 Sikhs who have been murdered by his government. This figure is documented. It was published in "The Politics of Genocide" by Inderjit Singh Jaijee and derived from figures first used by the Punjab State Magistracy, which represents the judiciary of Punjab.

Further, a study by the Movement Against State Repression showed that the Indian government admitted to holding 52,268 Sikh political prisoners under the very repressive so-called Terrorist and Disruptive Activities Act (TADA), which expired in 1995. Amnesty International reported that tens of thousands of other minorities also are being held as political prisoners. Mr. Mansingh undoubtedly is aware of these facts.

Mr. Mansingh is not telling the truth about the massacres in Gujarat. A recent report from Human Rights Watch showed that the massacres were planned in advance. The *New York Times* reported that the police stood aside while militant Hindu nationalists attacked and murdered Muslims in Gujarat, an act reminiscent of the Delhi massacres of Sikhs in 1984, in which Sikh police were confined to their barracks while the state-run radio and television called for more Sikh blood. According to published reports in India, a police officer in Gujarat said the police were ordered to stand aside.

Mr. Mansingh disputes Miss McKinney's statement that in India, a Hindu life is worth twice as much as a Muslim life. He claims Hindu and Muslim families who were victimized by the Gujarat massacre are receiving equal compensation. Yet according to *News India-Times*, the Indian government is paying out 200,000 rupees each to the families of Hindus who were killed but just 100,000 rupees to the family of each Muslim killed. Mr. Mansingh knows this, yet he uses his two high-powered lobbying firms to spin dis-information at gullible reporters such as Mr. Morrison.

Despite India's claim to be democratic, Mr. Mansingh rejected the referendum on the status of Kashmir that India promised in 1948, which still has not been held. Despite India's boast that it is democratic and its claim that there is no support for independence in Punjab, Khalistan, he also rejects a free and fair vote on the issue there. He does not even mention the 15 other nations, such as Christian Nagaland, which are seeking their freedom from India. How can a democratic country reject settling issues by a free and fair vote?

Also, Mr. Mansingh does not even address the fact that the U.S. State Department recently put India on its watch list of countries that violate religious freedom.

India is not a democracy; it is a Hindu fundamentalist theocracy. The United States should work for the release of all political prisoners and halt its aid to this repressive, tyrannical state until all people enjoy their God-given human rights. We also should support freedom for all the nations of South Asia through a free and fair vote. That is the only way to bring democracy, peace, freedom and stability to the region.

GURMIT SINGH AULAKH,  
PRESIDENT, COUNCIL OF  
*Khalistan, Washington.*

#### TRIBUTE TO DUANE SCOTT SPENCER

#### HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 25, 2002*

Mr. EHRLICH. Mr. Speaker, I rise to bring to the attention of this body the passing of Mr. Duane Scott Spencer. Mr. Spencer is an unsung American hero.

Duane Spencer's life was cut short on July 9, 2002, at the age of 36, when he died in an automobile accident while driving home from volunteering at a homeless veterans' shelter, "The Home of the Brave." Mr. Spencer dedicated his life to the empowerment and progress of others through his commitment to the Paralyzed Veterans of America (PVA) and educational efforts on behalf of people with disabilities.

Born on July 12, 1965, in Havre de Grace, Maryland, Duane Spencer was the son of Earl "Dean" Spencer and Elsie "Bobbie" Stephens Spencer. Upon his graduation from high school, Mr. Spencer served his country as a member of the 82nd Airborne Division U.S. Paratroopers in Fort Bragg, North Carolina until an accident that left him paralyzed.

Duane overcame this hardship, becoming a tireless disability advocate, teacher, and role model.

Duane Spencer did not know the meaning of the word "handicapped." As sports director for the Delaware/Maryland PVA he organized and participated in wheel chair basketball and softball, received countless gold and silver medals in the PVA games, and enjoyed trapshooting and fishing. Duane served on the Delaware/Maryland PVA board of directors for several years and later became the Volunteer Liaison Officer for the PVA National Office here in Washington, DC. In this role, he was a frequent visitor to Capitol Hill, advocating for veterans, paralyzed veterans, and the disabled.

Duane will be missed. In addition to his parents, he is survived by his wife of 13 years, Nancy J. Spencer, his step-daughter, Adena J. Hash, two grandsons, Ryan A. and Trent B. Johnson, and sisters Robin and Sherrie Spencer.

The state of Maryland and our great Nation are proud to recognize individuals, such as Mr. Spencer, who overcome and rise above hardship, challenge the concept of personal limitations, and demonstrate true courage. Duane Spencer broke barriers in his life while volunteering to help others. In death, as in life, Duane is an American hero.

#### ESSENTIAL MEDICINES FOR MEDICARE ACT OF 2002

#### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 25, 2002*

Mr. CARDIN. Mr. Speaker, it has been three years since Congress began in earnest to address the issue of prescription drug coverage in the Medicare program. The problems we have faced in creating a drug benefit demonstrate that the solution will be both complex and expensive. America's seniors will be