

# Santorum v. Boxer

There is an old principle in debating circles that goes like this: “The person that defines the terms wins the argument.” This principle is almost always true. That is why most debates are a war of words, a battle over semantics. However, on very rare occasions defining the terms, or term, can be a shortcut to disaster. This is because by doing so the advocate of a point will have to reveal the true facts of his or her argument—facts that could alienate the very people he or she is trying to persuade. Such was the case on the floor of the United States Senate on October 20, 1999. There, Senator Rick Santorum (R. Pa.) and Senator Barbara Boxer (D. Ca.) became engaged in a debate over the banning of partial birth abortions. Senator Santorum was the chief architect of a bill attempting to ban this procedure while Senator Boxer was, and is a staunch supporter of abortion rights, including the right to a partial birth abortion.

To set the stage for this exchange it is necessary to understand what Senator Santorum was attempting to eliminate and what Senator Boxer was trying to defend. Therefore the following is a brief description of a “partial birth abortion.”

## **D & X (Partial Birth) Abortion:**

Under this procedure the cervix is dilated to allow passage of ring forceps. A foot or lower leg of the infant is located and pulled into the vagina. The baby is then extracted in breech fashion until the head is just inside the cervix. At this point the baby's legs hang outside its mothers body. With the baby face-down, scissors are plunged into its head at the nape of the neck and spread open to enlarge the wound. A suction tip is then inserted and the baby's brain is removed. Once this is done the skull collapses and the baby is delivered. Suction curettage is continued until the walls of the womb are clean.

Based on this description it is difficult to see how anybody would oppose banning such a horrific procedure. But Senator Boxer's pro-abortion zeal is legendary and she was adamant in her support of Roe v. Wade. The problem for her was that Senator Santorum would press her on defining what a birth was. If she answered this question honestly, abortion would be exposed for what it truly is...and she knew it. Therefore, she was extraordinarily evasive, an approach that is very telling. The following is a transcript of their exchange.

## **Santorum v. Boxer October 20, 1999**

**Senator Santorum:** I think the issue of where we draw the line constitutionally is very important. And I'm sure the Senator from California agrees with me. I think the senator from California would say that she and I, and the senator from Illinois and the senators from Arkansas and Kansas here, we are all protected by the Constitution with a right to life. Would you agree with that, senator from California -- [would you] answer that question?

**Senator Boxer:** I support the Roe versus Wade decision.

**Santorum:** So you would agree any child that's born has the right to life, is protected under the Constitution? Once that child is born?

**Boxer:** I agree with the Roe v. Wade decision. And what you are doing goes against it and will harm the women of this country. And I will speak to that issue when I get the floor myself.

**Santorum:** But I would like to ask you a question. You agree, once that child is born, is separated from the mother, that that child is protected by the Constitution and cannot be killed? Do you agree with that?

**Boxer:** I would make this statement: That this Constitution, as it currently is -- some of you want to amend it to say that life begins at conception. I think when you bring your baby home, when your baby is born -- and there is no such thing as partial-birth -- the baby belongs to your family and has all the rights. But I am not willing to amend the Constitution to say that a fetus is a person, which I know you would. But we will get into that later. I would prefer to address -- I know my colleague is engaging me in a colloquy on his time, and I appreciate it -- I will answer these questions. I think what my friend is doing, by asking me these questions, is off point. My friend wants to tell the doctors in this country what to do. My friend from Pennsylvania says they are "rogue" doctors. The AMA will tell you they no longer support you. The American nurses don't support you. The obstetricians and gynecologists don't support you. So my friend can ask me my philosophy all day. On my own time I will talk about it.

**Santorum:** If I can reclaim my time: First of all, the AMA still believes this is bad medicine. They do not support the criminal penalties provisions in this bill, but they still believe -- I think you know that to be the case -- that this procedure is not medically necessary, and they stand by that statement. I ask the senator from California, again: I believe, you said, "once the baby comes home." Obviously, you don't mean they have to take the baby out of the hospital for it to be protected by the Constitution. Once the baby is separated from the mother, you would agree -- completely separated from the mother - - you would agree that baby is entitled to Constitutional protection?

**Boxer:** I will tell you why I don't want to engage in this. You did the same conversation with a colleague of mine, and I never saw such a twisting of his remarks. [This is a reference to an exchange between Senator Santorum and Senator Russ Feingold (D-Wi.).]

**Santorum:** Well, be clear, then. Let's be clear.

**Boxer:** I am going to be very clear when I get the floor. What you are trying to do is take away the rights of women and their families and their doctors to have a procedure. And now you are trying to turn the question into, "When does life begin?" I will talk about that on my own time.

**Santorum:** What I am trying to do is get an answer from the senator from California as to where you would draw the line? Because that really is the important part of this debate.

**Boxer:** I will repeat. I will repeat, since the senator has asked me a question -- I am answering the question I have been posed by the senator. And the answer to the question is, I stand by Roe v. Wade. I stand by it. I hope we have a chance to vote on it. It is very clear, Roe v. Wade. That is what I stand by. My friend doesn't.

**Santorum:** Are you suggesting Roe v. Wade covered the issue of a baby in the process of being born?

**Boxer:** I am saying what Roe v. Wade says is, that in the early stages of a pregnancy, a woman has the right to choose. In the later stages, the states have the right, yes, to come in and restrict. I support those restrictions, as long as two things happen: They respect the life of the mother and the health of the mother.

**Santorum:** I understand that.

**Boxer:** That is where I stand. And no matter how you try to twist it, that is where I stand.

**Santorum:** I would say to the senator from California, I am not twisting anything. I am simply asking a very straightforward question. There is no hidden question here. The question is –

**Boxer:** I will answer it again.

**Santorum:** Once the baby is born, is completely separated from the mother, you will support that that baby has, in fact, the right to life and cannot be killed? You accept that; right?

**Boxer:** I don't believe in killing any human being. That is absolutely correct. Nor do you, I am sure.

**Santorum:** So you would accept the fact that once the baby is separated from the mother, that baby cannot be killed?

**Boxer:** I support the right -- and I will repeat this, again, because I saw you ask the same question to another senator.

**Santorum:** All the person has to do is give me a straight answer, and then it will be very clear to everybody.

**Boxer:** And what defines "separation"? Define "separation." You answer that question. You define it.

**Santorum:** Well, let's define that. Okay, let's say the baby is completely separated. In other words, no part of the baby is inside of the mother.

**Boxer:** You mean the baby has been birthed and is now in its mother's arms? That baby is a human being.

**Santorum:** Well, I don't know if it's necessarily in its mother's arms. Let's say in the obstetrician's hands.

**Boxer:** It takes a second, it takes a minute – I had two babies, and within seconds of their birth –

**Santorum:** We've had six.

**Boxer:** Well, you didn't have any.

**Santorum:** My wife and I had babies together. That's the way we do things in our family.

**Boxer:** Your wife gave birth. I gave birth. I can tell you, I know when the baby was born.

**Santorum:** Good! All I am asking you is, once the baby leaves the mother's birth canal and is through the vaginal orifice and is in the hands of the obstetrician, you would agree that you cannot abort, kill the baby?

**Boxer:** I would say when the baby is born, the baby is born, and would then have every right of every other human being living in this country. And I don't know why this would even be a question, to be honest with you.

**Santorum:** Because we are talking about a situation here where the baby is almost born. So I ask the question of the senator from California, if the baby was born except for the baby's foot, if the baby's foot was inside the mother but the rest of the baby was outside, could that baby be killed?

**Boxer:** The baby is born when the baby is born. That is the answer to the question.

**Santorum:** I am asking for you to define for me what that is.

**Boxer:** I don't think anybody but the senator from Pennsylvania has a question with it. I have never been troubled by this question. You give birth to a baby. The baby is there, and it is born. That is my answer to the question.

**NOTE:** I wonder if Senator Boxer thought she was not giving birth when she was in transition labor.

**Santorum:** What we are talking about here with partial birth, as the senator from California knows, is a baby in the process of being born –

**Boxer:** "The process of being born." This is why this conversation makes no sense, because to me it is obvious when a baby is born. To you it isn't obvious.

**Santorum:** Maybe you can make it obvious to me. So what you are suggesting is if the baby's foot is still inside of the mother, that baby can then still be killed.

**Boxer:** No, I am not suggesting that in any way!

**Santorum:** I am asking.

**Boxer:** I am absolutely not suggesting that. You asked me a question, in essence, when the baby is born.

**NOTE:** In reality, that is exactly what Senator Boxer was suggesting.

**Santorum:** I am asking you again. Can you answer that?

**Boxer:** I will answer the question when the baby is born. The baby is born when the baby is outside the mother's body. The baby is born.

**Santorum:** I am not going to put words in your mouth –

**Boxer:** I hope not.

**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:** OK. 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! I am not answering these questions.

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It is obvious that Senator Boxer believes that the only baby protected by the Constitution is one completely separated from the mother. This regardless of what she said when pressed by Mr. Santorum. Therefore, if a hand or foot had not come out, that child was still not a person worthy of Constitutional protection. Ms. Boxer was attempting to defend her position by using the term "born" and then being vague when defining it. This is because she saw birth as something that takes place only when the child is freed from the mother. This by the way is the popular view espoused by NOW and Planned Parenthood. Her problem was that her position was exposed as ludicrous and totally out of touch with decency. Therefore, she refused to continue.

Partial birth abortion is not about rights. It's about decency. That child, who is only seconds away and inches from, entering a world of discovery would be deprived of that experience by a senator who quite frankly doesn't have a clue what birth is.