

Continuation of Senate Proceedings of August 1, 1989, Issue No. 106; and Proceedings of August 2, 1989, Issue No. 107.

Vol. 135

WASHINGTON, WEDNESDAY, AUGUST 2, 1989

No. 107

Congressional Record



United States
of America

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

United States
Government
Printing Office

SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, \$300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U S Government Printing Office
(USPS 087-390)

be denied, funds for abortions will be denied without exception, without exception in the case of the safety and life of the mother, among others; is that correct?

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(At the request of Mr. AuCOIN, and by unanimous consent, Mr. DORNAN of California was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. Mr. Chairman, will the gentleman yield further?

Mr. DORNAN of California. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, does the gentleman think that is fair?

Mr. DORNAN of California. Number one, the direct answer to the gentleman's question is that I do not know. Last year, the gentleman from California [Mr. DIXON] will recall that I accepted it on a voice vote, so I do not know.

Mr. AuCOIN. Well, I am reading the gentleman's statement.

Mr. DORNAN of California. But if we were to have a recorded vote, the gentleman is absolutely correct. Members would be technically on its face voting on the clean language that is required by parliamentary procedure that no funds for abortion, period.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield further?

Mr. DORNAN of California. I yield to the gentleman from Oregon.

Mr. AuCOIN. Members then, Mr. Chairman, will make a record by their votes on this issue that in voting for an amendment that denies funding for abortions; even without the exception giving protection when the life of the mother is at stake?

Mr. DORNAN of California. May I respond?

Mr. AuCOIN. It is the gentleman's time.

Mr. DORNAN of California. The gentleman is once more correct; however, every prolife voting Member in this House has been called on to do that at least twice before because of parliamentary procedure, and not one of them has ever come up to me and said he was ever called to an accounting for that in his district where he was not able to easily dismiss it by saying he knew it would be corrected in conference, and it was.

Mr. AuCOIN. One other question, if I may.

Mr. DORNAN of California. Yes.

Mr. AuCOIN. I am looking at line 19 of the bill, from line 19 to 22 of the bill, which the gentleman also strikes with his amendment. The way I read that, the gentleman strikes funding for contraceptive devices.

So is it also then true that Members in voting for his amendment would be making a personal record that they oppose funding of contraceptive devices; is that not correct?

Mr. DORNAN of California. May I answer with a slight amplification. Technically again, the gentleman is

correct, except there is a division in the minds of I believe a majority in this House between an abortifacient and simply a pill that stops conception. We will be debating that, I predict without fear of contradiction, for the rest of our lives in this House. If there is a potential JAMIE WHITTEN in this Chamber who is going to be here for 40 years, we will debate that on foreign aid, on the RU-486 pill from France, only two countries have approved that so far, we will be debating it on the China policy probably into the next century.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(At the request of Mr. AuCOIN, and by unanimous consent, Mr. DORNAN of California was allowed to proceed for 1 additional minute.)

Mr. AuCOIN. Mr. Chairman, will the gentleman yield to me one more time?

Mr. DORNAN of California. Yes, I yield to the gentlemen from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman explaining explicitly what is in his amendment.

I would ask the gentleman only one other question, and that is this. How do the people of this country judge what the Members of this body believe in if not through their votes, by record vote, on language presented to them with the "i's" dotted and "t's" crossed exactly as presented to them? On what fair basis do they have to vote on to be held accountable?

Mr. DORNAN of California. That is a fair question, posed more rhetorically, so for the remainder of the minute I will be glad to yield to my friend, the gentleman from New Jersey, who has worked this abortifacient versus regular birth control issue, which this Member does not care, that is her conscience, but the abortifacient issue is something else.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I would ask the gentleman, if he would, and hopefully the gentleman from Oregon [Mr. AuCOIN] and other Members who do not support our position on this, if they would not object to an unanimous-consent request which would restore the life of the mother exception. I would hope the gentleman would make it and nobody on that side of the issue would object. Then we would have a clearup or down vote on the Hyde type language.

Mr. AuCOIN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. AuCOIN asked and was given permission to revise and extend his remarks.)

Mr. AuCOIN. Mr. Chairman, I rise in strong opposition to the pending amendment. And I urge my colleagues, for a whole range of reasons that

other speakers will get into, to defeat the Dornan amendment.

I just want to say the following things to my colleagues, as they consider this amendment:

This is the first congressional vote on abortion and the right to choose since the Supreme Court decision on the Webster case. The first vote by the House of Representatives, the people's representatives, since the women of American learned that the Supreme Court will no longer be there for them in protecting their right to freely exercise their conscience on the most private, sensitive, and tormenting decision a woman can ever conceivably be called upon to make.

And so a new political era begins right now, friends.

Right now with this debate and with this vote. Those of us who defend a woman's freedom of choice are drawing a line in the sand today, a line of decency, a line of fair play—and a line of serious politics.

We are saying if you cross that line, if you step into the privacy of individuals, if you violate that privacy, if you support the Dornan amendment and amendments like the Dornan amendment that may be offered later in this Congress, it is not a free political ride any more.

□ 1640

If you vote for those amendments, you will be held accountable in ways you have never dreamed possible at ballot boxes all over this country. The prochoice movement is mobilized. And from this day forward it is going to take names and kick ankles.

We recognize that this fight will be a long, tough struggle, but we are in it until every woman in this country has the right to freely choose an abortion or to freely choose not to have an abortion.

It is going to be a war fought in every precinct, in every district, in every State of this Union. And, my friends, it is a war that revolves around one simple question: Who decides? Who decides? Who decides the most personal, the most private, the most tortuous decision a woman could ever possibly encounter?

The author of this amendment, the gentleman from California [Mr. DORNAN], says that the state should decide. The power of the state, he says, should be used to stifle the free exercise of individual conscience on the part of American citizens.

The author of this amendment, the gentleman from California [Mr. DORNAN], has told us that he is the father of three daughters. I am the father of a daughter. And I remember asking one of the antiabortion colleagues of the gentleman from California [Mr. DORNAN], who also is the father of a daughter, what his attitude on abortion would be if, God forbid, his daughter were raped.

Should she be forced to have the rapist's child? Do you know what that Member told me? He said he and his wife would sit down with his daughter, the three of them, and they would make a decision to minimize the pain of her ordeal.

But notice this: He was talking about a private decision on their part, not one most Americans would choose, I dare say, but a personal decision that they would make on that question.

Let us make it clear. The prochoice community and this Member of Congress, who is prochoice and proud of it and profamily as well, the prochoice community would not argue with that antiabortion Member's daughter's choice to produce the rapist's child. We would not argue with that.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

(At the request of Mr. GREEN and by unanimous consent, Mr. AuCOIN was allowed to proceed for 5 additional minutes.)

Mr. AuCOIN. But Mr. Chairman, we do argue with politicians like the gentleman from California [Mr. DORNAN] and others who would impose their view on every woman in America through the use of the power of the state.

Who decides?

Who decides?

That is the question.

I want to tell the Members something, that if the nightmare that I just described would ever happen in my family, I would not want my daughter's fate to be decided by the 435 Members of this House of Representatives, or by any State legislature in this country.

The gentleman from California [Mr. DORNAN] does not seem to mind in the case of his own daughter, but I mind very much.

I want my daughter's fate decided by her conscience, by her judgment, by her morality, and by her good sense, and I do not think the Government or Mr. DORNAN or any of you have any right telling her what to do.

That is the difference. That is the issue.

Those of us who are for a woman's right to choose did not ask for this fight. We did not ask for it. We are willing to let antiabortionists make their own decisions. The trouble is they refuse to let other people make their own private and personal decisions. They insist on the use of the power of the state, the whims of politicians gathered here or gathered in State legislatures, to impose their views on everyone else.

Over the last few years we all know that they have been winning. They might even win today. Maybe so. But mark my words, friends: This is a skirmish. It ain't the war. The war we will win.

It starts today by taking the names on the rollcall vote that is going to follow at the end of this debate. And

all across this country the names of antichoice Members will be known, and all across this country the newly energized prochoice movement is going to say to supporters of amendments like this, "If you are antichoice, when we, the voters, go to the ballot box, we will not choose you."

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I am happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I was very much struck by the gentleman's comment that this is the first time we are going to be voting on abortion since the Webster case.

The Webster case was not decided as I would have liked to have seen it decided, but plainly the trend the Webster case was indicating is that the Supreme Court is going to give people at the State level more ability to regulate and deal with the abortion situation. That is why it seems to me that the home-rule aspect of what we are being asked to debate today is so important. Because when the gentleman from California talks about "no voice, no choice," what he is saying is that the people of the District of Columbia shall have no voice and no choice, because we are going to step in and take away their right to make decisions that we promised them they could make under home rule.

I think it is important, whatever a Member's views on the choice issue-at large, that antichoice Members recognize that if the trend of the Supreme Court decisions continues as you want it, then you really owe it to the people of the District of Columbia to give them a voice, to give them a choice on this issue by voting down the amendment of the gentleman from California.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I am happy to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Chairman, I just wanted to clarify just the gentleman's argument that it is a private choice. I just wondered if the gentleman believes that all moral questions are individual choices.

Mr. AuCOIN. I do not think I need to get into that question.

Mr. WEBER. That is the gist of the gentleman's argument in this case. I just wanted to ask if that is his principle.

Mr. AuCOIN. My point on this is that I may or may not differ with the gentleman on his view of what is generally moral. But on this question of such sensitivity, such debate, such controversy, such division in this country I do disagree with him. The gentleman can take his choice and run with it, impose it on his family if he will. If he believes that way, fine. But he should not push his choice over on me or my daughter or on any other woman in this country who does not happen to agree with him. That is what the issue is.

Mr. WEBER. Mr. Chairman, will the gentleman yield further?

Mr. AuCOIN. The gentleman has my answer. I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

Mr. DIXON. Mr. Chairman, I, after talking with the gentleman from New Jersey, would ask unanimous consent that on the Dornan amendment, and any amendments thereto, 40 minutes be established for that debate, to be divided equally between the pro and con of that amendment. That would allow 20 minutes on each side.

The CHAIRMAN. The Chair understands that the gentleman from California [Mr. DORNAN] would control the time in opposition.

Mr. DIXON. That is agreeable. I will be beat up on for more time, but that would be agreeable, and the gentleman from New Jersey [Mr. GALLO] would control the 20 minutes over there. The gentleman from California [Mr. DORNAN] would control the time over there.

Mr. GALLO. Mr. Chairman, I would ask that the time be controlled by the proponents of the amendment.

Mr. DIXON. Mr. Chairman, I believe this is agreeable with the gentleman from California [Mr. DORNAN]. I discussed it with him.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. DIXON]?

There was no objection.

The CHAIRMAN. Therefore, all the debate will end on the Dornan amendments and amendments thereto within 40 minutes, equally divided between the gentleman from California [Mr. DIXON] and the gentleman from California [Mr. DORNAN] 20 minutes on each side of the debate.

Mr. GONZALEZ. Mr. Chairman, I have an amendment to the Dornan amendment.

The CHAIRMAN. The Chair does not recognize the gentleman at this point under the time limitation. The gentleman from Texas will be recognized later during the debate.

PARLIAMENTARY INQUIRY

Mr. DIXON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DIXON. Mr. Chairman, I did not know if the Chair ruled on my unanimous-consent request.

The CHAIRMAN. The Chair heard no objection, so the 40-minute time limit is in effect right now.

Mr. DIXON. I thank the Chair.

□ 1650

The CHAIRMAN. The gentleman from California [Mr. DIXON] will be recognized for 20 minutes, and the gentleman from California [Mr. DORNAN] will be recognized for 20 minutes.