

and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

David Blair, also known as Steve Perry, was found dead by the Ketchikan, AK, police department on July 26, 2001. Terry Simpson, Jr., 19, and Joshua Anderson, 20, were arrested in response to a tip in which the informant said he overheard the two men bragging that they were planning to "beat up and rob Blair because he is a fag."

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

ADVANCING MEDICAL RESEARCH

Mr. BIDEN. Mr. President, I joined 56 of my Senate colleagues and over 200 in the House of Representatives in writing the President asking that he work with the Congress toward a policy that will enable important medical research to proceed utilizing stem cells from frozen embryos that were created to treat infertility problems and which are now slated to be discarded. Continued studies using stem cell technology offer hope for a better future for millions of people afflicted with a wide range of illnesses and conditions, including Alzheimer's disease, diabetes, Parkinson's disease, cancer and others.

Presently there are estimated to be more than 400,000 in vitro fertilized embryos that were developed to enable couples to have children, but that are now not needed for that purpose. These frozen embryos are likely to be destroyed. The President could hasten the progress of this important research by modifying his present policy to permit these embryos to be donated, with the consent of the couple, for stem cell research. I look forward to working with the President toward this goal.

PARTIAL-BIRTH ABORTION RULING

Mr. BROWNBACK. Mr. President, I rise to address the alarming decision handed down earlier this week by a District Court in California on partial birth abortion.

The judge's decision was wrong on many fronts. It is wrong on the medical facts, and it is wrong in its blatant disregard of Congressional findings. Most importantly, the decision is also wrong on the law. This ruling is unconstitutional, as well as violative of fundamental human rights, because it drives a wedge between biological humanity which prenatal human offspring undeniably have, and legal

personhood i.e., the right to the equal protection of the law. The repellant notion underlying *Roe v. Wade*—that there are "subhuman" members of the human species—conflicts directly with the very purposes of the thirteenth, fourteenth, and fifteenth amendments, which undid the great injustice of treating black Americans as slaves and property instead of as human beings entitled at law to full respect. I realize that the Supreme Court has not yet repudiated this holding of *Roe*, which it imposed upon the Nation in 1973, but this case decided by one district court in California is clearly going in a direction that contradicts everything we value about the Constitution and the principles under which this Nation and its people operate.

First, Judge Phyllis Hamilton dismisses the overwhelming medical evidence that it is never medically necessary—to save the life of the mother or any other reason—to perform the gruesome partial-birth abortion procedure—in which a young human is partially born, so that only the head remains in her mother, and then a sharp object pierces the back of the child's head and sucks the child's brain out, killing the child.

Think about that, a baby—a young human baby—is partially born, so that only her head remains in her mother's birth canal. Then an abortion-provider punctures the back of the child's head with a surgical instrument. Then the abortion provider suctions the young human's brains out, leaving the child dead, dead, dead.

There is no recourse for the young human. This is a cold-blooded murder. And if this District Court has its way, the young child will never receive justice for her gruesome murder.

Before I address Judge Hamilton's disregard of Congressional findings, I want to talk in particular about the issue of fetal pain, which Judge Hamilton alleges is "irrelevant."

I would submit that were we to see a puppy have its head punctured and brains sucked out, we would not consider it irrelevant. We would be moved to protect the puppy.

Yet, we are not talking about a dog; we are talking about a young human. And the judge in California says that pain is irrelevant when we are talking about a young human.

We are elected representatives. We have an obligation to defend the Constitution. This includes defending the right to life, liberty and the pursuit of happiness. First among these 3 is life. We have an obligation to defend the right to life for the most defenseless and helpless among us. Our laws should protect the sanctity and dignity of every innocent human life from the moment of conception.

Judge Hamilton notes that there is some debate within the medical com-

munity on the issue of fetal pain. Then she acknowledges that: "the position that Congress has taken [on pain experienced by unborn children] is neither incorrect nor entirely unsupported."

But then she disregards the Congressional finding that partial-birth abortion is never medically necessary and writes something incredibly callous: "[Pain experienced by unborn children] is, however, irrelevant to the question of whether the Act requires a health exception, as discussed in this court's conclusions of law."

Irrelevant? First, partial-birth abortion is never medically necessary, and since the gruesome partial-birth abortion procedure is never medically necessary, an essential reason for abolishing this dreadful form of death is the terrible pain inflicted on the unborn child.

Pain experienced by an unborn child is very relevant.

Just before the recess, I introduced the Unborn Child Pain Awareness Act, S. 2466, with nearly a quarter of the Members of this chamber as original cosponsors.

This legislation would require those who perform abortions on unborn children 20 weeks after fertilization to inform the woman seeking an abortion of the medical evidence that the unborn child feels pain.

The bill would also ensure that the woman, if she chooses to continue with the abortion procedure after being given the medical information, has the option of choosing anesthesia for the child, so that the unborn child's pain is less severe.

Women should not be kept in the dark; women have the right to know what their unborn child experiences during an abortion. Unborn children should be spared needless, deliberately-inflicted pain.

Many among us are unaware of the scientific, medical fact that unborn children can feel, but it is true. Not only can they feel, but their ability to experience pain is heightened. The highest density of pain receptors per square inch of skin in human development occurs in utero from 20 to 30 weeks gestation.

An expert report on fetal development, prepared for the partial birth abortion ban trials, notes that while unborn children are obviously incapable of verbal expressions, we know that they can experience pain based upon anatomical, functional, physiological and behavioral indicators that are correlated with pain in children and adults.

Unborn children can experience pain. This is why unborn children are often