

Court battle over federal abortion law begins in three cities

NEW YORK (AP)—Legal challenges to the Partial-Birth Abortion Ban Act are under way in three courtrooms across the nation, with one government lawyer defending the law as an attempt to end an “inhumane and gruesome procedure that causes pain to the fetus.”

An attorney arguing earlier this week for plaintiffs looking to strike down the law said its “stunning breadth” threatens the health of some mothers.

Assistant U.S. Attorney Sean H. Lane said the procedure, which opponents refer to as partial-birth abortion, “blurs the line between live birth and abortion” and is never necessary to protect a woman’s health.

Lane spoke as simultaneous trials began the first of this week in three courtrooms across the country on the constitutionality of the law, signed by President Bush in November — the first substantial limitation on abortion since the

Supreme Court’s landmark Roe v. Wade decision.

The contentious nature of opening statements in Manhattan before U.S. District Judge Richard C. Casey reflected the emotions over the nation’s 1.3 million annual abortions. Other trials started in San Francisco and Lincoln, Neb.

Attorney A. Stephen Hut Jr. for abortion rights activists warned Casey that graphic descriptions of surgery on fetuses may add “an element of emotion.”

Lane countered that “it is the nature of this procedure itself that gives discomfort.”

Hut argued that the law “in its stunning breadth would ... remove the range of abortion alternatives available to women in the second trimester” and threaten the health of women because it allows no exceptions.

Hut said the law was “hopelessly unclear,” so poorly written that it “threatens virtually all second tri-

mester abortions,” or about 10 percent of the abortions performed each year nationally.

Doctors, he said, will testify that 95 percent of the women who undergo the abortions wish they could continue the pregnancy but choose to terminate them because of abnormalities of the fetus or because the woman’s health or life is in danger.

He said state laws already make it a crime to perform an abortion past the age at which a fetus could live outside the woman’s body unless the life or health of the woman is threatened.

“So it is totally a misnomer to say, as was said in Congress and the popular press, that this ban deals with so-called ‘late-term abortions,’” he said. “It does not.”

The law’s words were “so stunningly ill chosen,” that doctors will find it difficult to perform any second trimester abortions without fearing prosecution and a prison sentence of up to two years, Hut said.

Lane praised the law’s history,

saying evidence heard by Congress over eight years should not be disregarded based on the “anecdotal conclusions of several doctors” to be called as witnesses by the plaintiffs — The National Abortion Federation, Planned Parenthood Federation of America and a handful of doctors.

He said evidence would prove “Congress reasonably concluded that partial birth abortion blurs the line between live birth and abortion and is an inhumane procedure that causes pain to the fetus.”

Doctors performing the abortions act as if they are assisting a live delivery, using the same terminology and techniques as obstetricians, just before they “end the life of a partially born fetus just inches from birth,” often by suctioning brain tissue, Lane said.

Lane said the law is specific in banning a never medically necessary abortion procedure in which a doctor intentionally partially delivers a living fetus at least to the navel before killing it when it is

largely outside the mother.

He said the law does not ban abortions in which the fetus is destroyed while it is still in the woman’s body or when a plan to destroy it in the body accidentally results in a partially delivered fetus, “because there is no intent to take the steps prohibited by the Act.”

In San Francisco, Maureen Paul, a chief medical officer for Planned Parenthood, testified that she chooses to perform methods of abortion that violate the new law because they are among the safest options.

She testified that her “purpose in

bringing the fetus out past the navel ... is to empty the uterus in the safest way possible.”

She said inserting a needle into the woman’s uterus to kill the fetus before it is partially out of the body carries risks.

In Nebraska, a judge said he was troubled by an apparent lack of research done by Congress before passing the law.

“I have to tell you, I don’t see that Congress spent much time” adequately looking at the issue, U.S. District Judge Richard Kopf said. “What deference then do I give Congress and its findings?”

Clerics say they will pray about slain workers

FALLUJAH, Iraq (AP) — A senior Islamic cleric said preachers in mosques across this defiant Muslim city would use weekly prayers on Friday to condemn the mutilation of four slain American contractors, but he did say if that would include their deaths.

U.S. officials, meanwhile, promised to hunt down those responsible but said clashes could be avoided if city officials act promptly against the insurgents. No U.S. forces were seen in the city, 35 miles west of Baghdad.

Senior Fallujah cleric Sheik Khalid Ahmed said Muslim preachers would tell their followers that the mutilation of the bodies was wrong.

He did not say whether they would condemn the killings of the

Americans, whose charred remains were dragged through the streets for hours after insurgents ambushed their SUVs on Wednesday.

“Prophet Muhammad prohibited even the mutilation of a dead mad dog and he considered such a thing as religiously forbidden.

“What happened in Fallujah is a distortion of Islamic principles and it is forbidden in Islam.

“We condemn such acts and all Fallujah clerics will do so during the Friday prayers,” he told The Associated Press.

Brig. Gen. Mark Kimmitt pledged to hunt down those who carried out Wednesday’s killings — but he added that clashes could be avoided if Fallujah city officials arrest those responsible for the murders.

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