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Abortion cases spawn lingo feud

BY DAVID KRAVETS

SAN FRANCISCO - An "abor-

tion" versus a "procedure." A "baby" versus a "pregnancy." "Dismembered" versus "disarticulated."

In the three federal courtrooms where a controversial abortion method has been on trial, the gulf between the two sides is so wide that they cannot agree on basic terminology.

At issue is the Partial-Birth Abortion Ban Act, signed by President Bush last year. In simultaneous trials held in New York, San Francisco and Lincoln, Neb., judges are considering whether the law violates the constitutional right to abortion.

Inside and outside the courtroom, the two sides often have differing vocabularies, beginning with the very name of the banned

Congress and opponents of the

abortion." Doctors and activists on the other side of the issue use the medical term "intact dilation and extraction.

"There is no such thing as a 'partial-birth abortion,'" Gloria Feldt, President of Planned Parenthood Federation of America, declared outside the courthouse in San Francisco.

The language reflects a fundamental disagreement over whether the fate of the fetus or the mother's right to choose is paramount.

Much of the abortion debate involves "the politics of euphemisms," said Alison Renteln, a University of Southern California political science pro-

"It all depends on how you conceptualize the life that is at stake," said Renteln, whose book "The Cultural Defense" analyzes how courts deal with defendants' cultural backgrounds. "That the

procedure call it "partial-birth government and their witnesses use the word 'abortion' openly in court and the other side is sometimes reluctant to do so says a

> In the banned procedure, a doctor partially removes a living fetus from the womb and then punctures or crushes its skull. The fetus is then removed whole.

The Bush administration has argued that the procedure is gruesome, inhumane, painful to the fetus, and never medically necessary. Abortion providers insist it is sometimes necessary to preserve a woman's health.

In the courtroom, Justice Department lawyers and government witnesses freely talk about "abortion" and "aborting"; the abortion-rights side generally speaks of "the procedure" or "evacuating a pregnancy."

The government's side speaks of "the baby." The other side sometimes uses the term "fetus," but often refers to it as "the pregnancy."

During the banned procedure, the anti-abortion side says, the baby is "partially delivered"; the other side says the fetus undergoes "intact dilation and extrac-

On the stand in San Francisco, Dr. Maureen Paul, the chief medical officer of Northern California's Planned Parenthood chapter, described how in a conventional abortion not barred by the new law, doctors "disarticulate" the fetus. The other side often uses the term "dismember."

Language has always been a battleground in the debate over abortion - partisans prefer "prolife" and "pro-choice" to the neutral terms "anti-abortion" and "abortion rights." Abortion foes speak of the "unborn child" instead of, say, the "fetus" or "pregnancy.'

"What you're seeing is how intense the issue is and how, over 30 years since Roe v. Wade, the debate hasn't changed," said Edward Lazarus, who in 1998 wrote "Closed Chambers: The Rise, Fall and Future of the Modern Supreme Court." "Those supporting abortion often depersonalize it and speak of it in terms of a woman's choice and those against abortion speak of its cruelty."

In one courtroom exchange last week, Planned Parenthood attorney Eve Gartner said that because of the new law, doctors may stop doing abortions altogether to avoid risking prosecu-

"It's like having an elephant in the room with you, wondering if some prosecutor is going to interpret it in a certain way or not," she said.

Scott Simpson, a Justice Department lawyer, countered: "There's no elephant in the room. There's a baby.'

The judges have tentatively blocked the law from being enforced while they consider the legal challenges. Closing arguments were held Friday in the San Francisco case, and are planned for June in the Nebraska case. The New York trial also continues.

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