

NLWJC - Kagan

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Abortion Partial Birth - Press

Barbara Kagan Fyfe

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A careful re[unclear] impression [unclear] have been more at least, is set a reforms. And th[unclear] gress has set up independent experts (including Mr Krepinovich), to assess the QDR and provide an alternative view by the end of the year.

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no meaning; the term is an invention of the anti-abortion movement. The rhetoric and images have all been about one method of abortion, known technically as intact dilation and extraction. But the wording of the bill is vague, and would actually apply to other methods of abortion that are used in the second trimester (12-24 weeks), before the fetus is viable, and are therefore protected under law.

Taken as a whole, the 24 years since *Roe v Wade*, when the Supreme Court decided that abortion was a constitutional right, have actually seen an increasing number of restrictions on it. But the change has happened gradually. The most recent moves, the recurring debates over late-term abortions, are an attempt to alter attitudes more radically, by shifting the focus of the argument away from the health of the mother to that of the developing child.

The tension in all thinking about abortion is between the health and well-being of the mother and that of the fetus. As a pregnancy progresses, this balance changes, and current American law already recognises this. Late-term abortions of any kind are relatively rare. In a given year, just 1% of all abortions in America take place after 20 weeks; fewer than 600 are thought to happen after 26 weeks, and at that stage are almost always because of severe fetal abnormalities. As Mr Santorum has admitted, his bill would do nothing to reduce the total number of abortions in America.

Yet that is not his point. By shifting the attention from mother to child, the anti-abortion lobby hopes to increase the discomfort that most Americans to some degree feel about abortion. With the politicians, this approach is succeeding. In each of the previous two votes on this issue in the Senate, the vote has inched upwards. With the public, however, little has changed. Belief in the right to an abortion remains stronger than distaste for it. Efforts to restrict earlier abortions will be more difficult. In any case, RU486, the so-called abortion pill for use early in pregnancy, is likely to be available in America by the end

Abortion

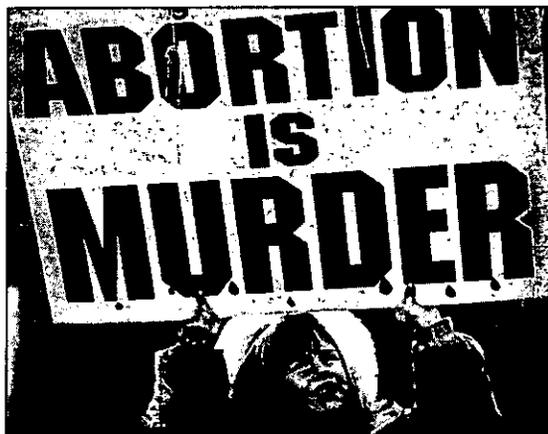
From mother to child

WASHINGTON, DC

HAS the earth moved in the abortion debate? On May 20th, after two weeks of acrimonious and sanctimonious rhetoric, the Senate voted 64-36 in favour of a bill proposed by Rick Santorum, a Republican from Pennsylvania. The Santorum bill would outlaw a medical procedure which the bill calls "partial-birth abortion" unless a woman's life—not merely her health—is at risk.

The day before, the American Medical Association changed its long tradition of neutrality on abortion legislation, supporting the bill after technical changes were made to narrow the definition of the procedure and to protect doctors from liability. However, the American College of Obstetricians and Gynaecologists, which represents the doctors who are actually involved, opposed the bill, calling it "ill-advised and dangerous".

Both sides of the debate were hampered by lack of hard data, and both were disingenuous. The National Coalition of Abortion Providers argued that the procedure in question was very rare; but their executive director later announced that it was performed far more often than he had said, and usually on healthy mothers with healthy fetuses. On the other side, the Santorum bill itself is a disingenuous piece of legislation. In medical parlance, "partial-birth abortion" has



Should Congress agree?

o he has created a task force to by December, on how to imency further.
R makes two groups of people defence contractors are de not a single equipment pros been cancelled. So are the ser who like to buy lots of current and generally dislike radical

re are two groups of disgruntled :husiasts for the revolution in airs think it ridiculously expen- practical, to stick to the policy e to fight two wars at once. They xisting programmes and forces .AD on unmanned aircraft and ure. "We should be prepared to hort-term risks, now that no su- ureatens, in order to prepare for hallenges," says Andrew r, director of the Centre for Stra- udgetary Assessments, a think- ld we go ahead with so many s for fighters when their for- and aircraft carriers—would le to missile attack?" he asks.

ond sulking group, those who ke the Department of Defence nt, are dismayed that, although ays the right things, he has pro- modest changes. Since 1989 the active military personnel has %, but the number of bases has 1%. Eric Pages, of Business Exec- ational Security, a consultancy, t more aggressive base closures, n and outsourcing could save -30 billion a year. "The DOD s on its core business of war," he of its 650,000 staff performing i functions could be replaced by ractors."

ir to Mr Cohen, he knows—as a

*Abortion - partial birth - press. and
Women's Issues - contraceptive*

of the year.

The current debate also ignores the fact that most abortions could be prevented with better contraception. The range of contraceptives available in America is much smaller than in most of Western Europe; education is scanty; access is harder and more expensive. Unsurprisingly, the rate of unintended pregnancies is far lower in Europe. Many insurance companies and managed-care organisations will pay for abortions, but few cover the cost of contraceptives. When will some enterprising politician take up that cause?

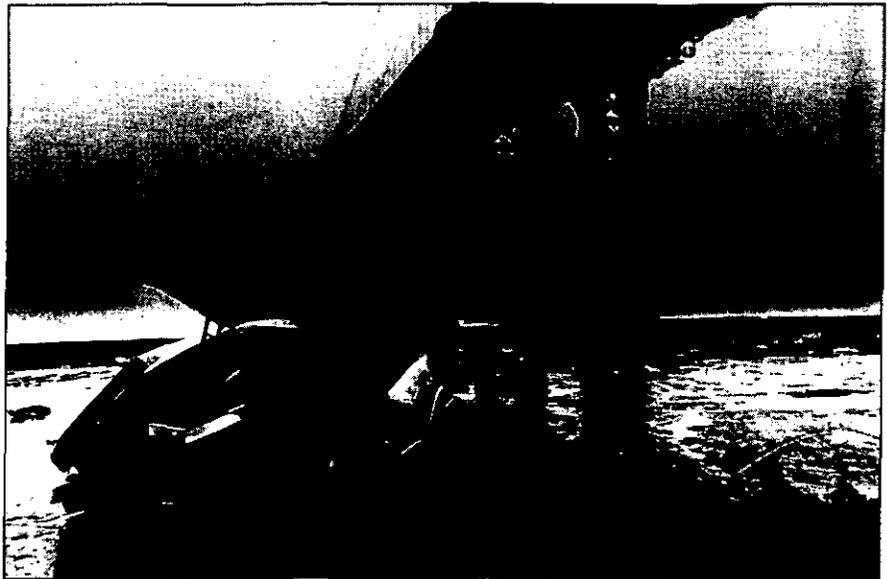
Car insurance Auto-da-fé

NEW YORK

BACK in the 1980s, the life expectancy of a Chevrolet Corvette parked on one of New York's meaner streets was rumoured to be less than 30 minutes. Cars are a little less vulnerable these days. A mere 59,440 were stolen in the city last year, down from a peak of 146,925 in 1990 (see chart). Oddly, the car-insurance premiums paid by New Yorkers have yet to reflect this hefty decline. The State Insurance Department estimates that the annual premium for a 35-year-old male rose by an average of 47% between 1994 and 1996—a period in which vehicle theft fell by 38%. So, in an election-year defence of the man in the driving seat, Mayor Rudolph Giuliani aims to set motorists on the road to a refund.

Fittingly for the man who, as a prosecutor, busted Michael Milken, the mayor is filing suit against seven of America's biggest car-insurance firms, among them State Farm, Aetna, Allstate and GEICO. The lawsuit, which aims to force insurers to cut New York's comprehensive rates by as much as half, is being brought alongside a class-action suit filed on behalf of motorists who hold comprehensive policies (as opposed to basic car insurance, which does not cover theft). Around 80% of the claims made on comprehensive policies in New York are the result of theft—so, reasoned the mayor's task-force on insurance rates, which was formed last September, when theft declines, rates ought to follow suit.

Mr Giuliani claims that the city's lawsuit is the first of its kind, but it is by no means the only attempt by state or local authorities to curb soaring car-insurance rates. Two years ago, in the wake of a successful anti-



Last exit to Brooklyn

car-theft drive in Houston—and subsequent lobbying by the city's mayor—the Texas Department of Insurance cut “benchmark” car-insurance rates by one-third. Such an outcome would be impossible in New York, however, according to a report produced by Mr Giuliani's task-force. It is highly critical of the State Insurance Department's pro-insurer stance on rate regulation.

Several states have also introduced—or are drafting—legislation that would reduce car-insurance rates for drivers agreeing to a “no-fault” policy that restricts their right to sue (and ability to be sued) for the “pain and suffering” caused by a car accident. Insurers claim that the increasing incidence of such lawsuits, which are often frivolous, is the main reason why all types of vehicle premiums have risen in recent years. The Auto Choice Reform Act, a bill introduced last month by a bipartisan group of senators (among them Daniel Patrick Moynihan and Mitch McConnell), would allow nationwide use of no-fault policies—and save drivers up to \$45 billion a year, according to the Joint Economic Committee of Congress.

Unsurprisingly, Mr Giuliani supports such legislation, which is unlikely to become law any time soon. But what are the chances that his own attack on insurance rates will succeed? Testifying before the mayor's task-force, the car insurers maintained that the average cost of each claim had risen sharply during the 1990s—by 69% in the four years to 1995, according to Allstate—and that this had more than off-

set the effect of declining theft. But such an argument is specious: to offset New York's 60% reduction in theft this decade, the average cost of each claim would have to have soared by 150%. Nor did insurers explain why, despite their boast that comprehensive rates have been cut in New York in recent years, the average car-insurance premium is higher than ever.

Using the insurance industry's own definition of what represents “excellent profitability” as a guide, Mr Giuliani's task-force calculates that car insurers in New York city made windfall (ie, excess) profits of well over \$40m in each of the past two years alone—and it is these that the mayor intends to recoup for car owners.

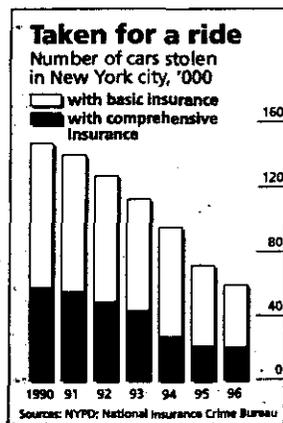
Mr Giuliani may not be fighting solo for long. In Chicago—where car theft has fallen by 30% since 1990—consumer-affairs agencies have already contacted New York officials to seek advice on launching their own attack on insurers; authorities in other cities where car theft has fallen sharply, such as Dallas and San Diego, are watching closely. Insurers, naturally, view New York's lawsuit as no more than an irritant. But that is what tobacco companies used to think about anybody who sued them, too.

California politics

An eerie silence

SAN FRANCISCO

THESE are strange days in California politics: so strange, that people are calling them the “dark time”. Malign astrological influences? No; it is simply that no money is being collected for or against candidates in next year's elections. Indeed, no money is even being sought. In normal



Hypocritic Oath

Riddle: How do you find a doctor who says there's no need to worry about smoking? Answer: Consult the American Medical Association.

In 1964, when the Federal Trade Commission proposed that cigarette packages carry health warnings, the A.M.A. broke with the American Cancer Society and other public-health groups to oppose the plan. Why? The A.M.A. was violently opposed to the creation of Medicare — which it saw as a threat to physicians' bank accounts — and needed the support of tobacco-state Congressmen to derail it.

The secret A.M.A.-tobacco interests quid pro quo — which did slow the arrival of both Medicare (by one year) and health warnings in cigarette ads (by five-plus years) — was first reported by the muckraking Washington columnist Jack Anderson, who called it "the weirdest lobbying alliance in legislative history." Though the A.M.A. denied the story at the time, it has since been confirmed by Howard Wolinsky and Tom Brune of The Chicago Sun-Times, who provide a full account in their 1994 book, "The Serpent on the Staff."

Last week history repeated itself. On the eve of the Senate's vote on "partial birth" abortion, the A.M.A. board, which only five days earlier had issued a report backing a doctor's discretion in choosing the safest abortion procedure for a patient, did an abrupt about-face. Suddenly it endorsed Senator Rick Santorum's "partial birth" ban — once the Senator made a few small changes designed to protect doctors, not women. As in 1964, the A.M.A. not only contradicted its own medical judgment but broke with other public-health organizations — this time the American College of Obstetricians and Gynecologists, the American Medical Women's Association and the American Nurses Association.

Why? Once again a journalist rakes in a clue. In this week's Modern Healthcare magazine, Jonathan Gardner reports that on the same day — May 19 — that the A.M.A. announced its "partial birth" switcheroo, its executive vice president, P. John Seward, sent an eight-page letter to Newt Gingrich (a copy of which I've now seen) that amounts to a Christmas list of requests in the latest battle over Medicare. Under the budget deal, Congress is squeezing Medicare spending by \$115 billion over five years, and, needless to say, Dr. Seward has a detailed plan to

stall or minimize any cuts that might come from physicians' hides.

As it did when caught in bed with Big Tobacco, the A.M.A. has vehemently denied any quid pro quo for its Medicare deathbed conversion on "partial birth" abortion: "Our positions on public health issues are done one at a time. There's an absolutely compelling need to look at things in isolation," said its spokesman to Modern Healthcare.

But equally compelling is the additional recent evidence suggesting that the A.M.A.'s priority is not public health but the wooing of the cur-

The A.M.A.'s bad medicine.

rent Congressional leadership, which it regards as its meal ticket in Medicare reform. In the 1995 debate over Medicare cuts, the A.M.A. was also caught by journalists in the act of making behind-closed-door sweetheart deals with Speaker Gingrich. In 1996, the A.M.A.'s campaign contributions overwhelmingly favored G.O.P. candidates.

That the A.M.A., like any labor union, should lobby intensely to bolster its members' incomes is hardly unexpected. What makes its last-minute effort to sway the abortion debate so noxious is that both it and its Congressional benefactors pretended that the A.M.A. board was handing down a principled medical judgment about women's health rather than just playing political pool. As Mr. Wolinsky and Mr. Brune detail in their book on the A.M.A.; its position on abortion has always shifted "with the political winds as it suited the organization's purposes." The A.M.A. is pro-doctors' choice above all.

Such is the anguish among A.M.A. members that the board action could yet be rescinded when the association's full House of Delegates meets in June. Nor was the A.M.A. able to swing a veto-proof margin for the Santorum bill. But the organization's hardball Washington tactics nonetheless leave other drive-by casualties — kids who might have been educated earlier about the dangers of smoking in the 1960's, the elderly who might not get a fair economic shake in Medicare reform today. □

Foreign Affairs

THOMAS L. FRIEDMAN

Put Up, Shut Up, Hang Up

WASHINGTON

As the Arab-Israeli peace process continues sliding downhill, American officials say they may soon have to opt for one of two extremes: either "The Plan" or "The Phone Number." Either the President lays down, publicly, exactly what steps the U.S. believes Israelis and Palestinians must take to get the process back on track, or he gives them both the White House phone number, 202-456-1414, and tells them to call when they're serious. As one top White House official put it: "Either we step forward or we step backward, but where we are now is not working."

The temptation to walk is great. It would leave Yasir Arafat and Benjamin Netanyahu both standing stark naked before their own publics, without any U.S. mediators to hide behind or blame. But such strategic neglect would come at a price the U.S. may not want to pay. Here's why:

Mr. Arafat is not and has never been a democrat. He is at heart a typical Arab autocrat, for whom corruption, censorship and abuse of political opponents come naturally. Yet as a result of the Oslo process, Mr. Arafat has also presided over the creation of a Palestinian parliament, in the freest election ever in the Arab world. Palestinian elites were hopeful that as Mr. Arafat shifted the basis of his authority from leader of an armed struggle to leader of a peace process bringing Palestinians land and prosperity, he would be willing to — indeed would have to — tolerate more democracy within Palestinian life. In Jordan, too, King Hussein began fostering a freely elected Parliament and freer press to broaden his legitimacy for making peace with Israel and reforming Jordan's economy.

With the collapse of the Oslo process these baby steps toward democratization are being quashed, and

The peace process and Arab democrats.

Mr. Arafat and King Hussein are reverting to form. This is, in part, because both men had made huge bets on Oslo. As it crumbles, they feel increasingly politically exposed. Their critics are now out in full force, declaring, "I told you this would never work." And so their natural inclination is to silence all critics before they become a serious political challenge.

Mr. Arafat's outrageous arrest of one of the finest Palestinian journalists, Daoud Kuttab, is a good example. Mr. Kuttab's sin was that his infant Palestinian educational television station, a direct outgrowth of the peace process and the only real competitor to Mr. Arafat's official station, was broadcasting debates of the Palestinian legislature, another outgrowth of the peace process. The Palestinian legislators often criticize Mr. Arafat's rule. When things were going well he was ready to ignore much of it, but with his peace strategy in shambles he sees this sort of criticism as a more serious threat, and so he arrests Mr. Kuttab. (He finally released him Tuesday.) In Jordan, King Hussein, also feeling besieged, has been clamping down on the press and tightening rules for who can run for office.

Mr. Netanyahu loves to lecture the Arab states about how they must become democracies. But he is just trying to score propaganda points. Because Bibi is utterly blind to the relationship between the peace process and the process of internal change in the Arab world, Yitzhak Rabin chose not to build in Jerusalem because King Hussein wrote him and said such a move would badly undercut the King at home. With Bibi, King Hussein comes to Israel, asks him not to build in Jerusalem, and Bibi announces — at a joint news conference with the King — that he is going ahead anyway. Hello?

It would be absurd to suggest that the peace process is a cure-all for Arab politics. Democratization will only come to the Arab world after fundamental changes in Arab political culture. But the peace process helps promote internal changes, opens Arab societies and business to more outside contacts and puts some power in the hands of Arab democrats, like Daoud Kuttab. That is exactly why Syria's Hafez al-Assad fears the peace process. It's also why fledgling Arab democrats in Palestine or Jordan will be much worse off without it.

Which is also why, as much as I'd love to stick Mr. Arafat and Mr. Netanyahu with the phone number, that would be too easy on them. They might never dial the phone. The U.S. needs to come up with a clear-cut plan that engages every Israeli and Palestinian, presents them with some real choices and, ideally, enlists their pressure to move forward. □

The New York Times

THURSDAY, MAY 29, 1997

Stop the Ticket Scalpers

Every frustrated theater, sports or music fan is familiar with the problem. After a huge buildup, tickets go on sale for a big game or entertainment event and are almost immediately sold out. Then suddenly it seems as if every broker, scalper or entrepreneur with an 800 number has seats available, but at several times the price of the original ticket. There ought to be a law preventing so many tickets ending up in the hands of price-gouging ticket agents, you say. Well, there is. The problem is that it is rarely enforced. Now the New York State Legislature is giving some thought to tightening the law and stiffening the penalties for scalping. Its efforts are welcome.

At first it looked as if the Legislature would adopt an approach that would only make the ticket-scalping problem worse. Republicans in the State Senate wanted to deregulate the resale of tickets altogether. Current law limits scalper markups to a cap of \$5 or 10 percent, whichever is greater, beyond the face value of any ticket. But Republicans argued that since this regulatory cap is widely ignored, getting rid of it entirely might at least encourage more brokers to enter the business and drive ticket prices down by free competition.

Theater owners and many other sponsors of entertainment events are strongly opposed to removing the ceilings on prices altogether. They argue that doing so would only unleash higher prices, turn off customers and encourage more scalpers into the business of buying up more tickets for themselves. As a result of the pressure from theaters and sponsors of sporting and other entertainment events, the idea of outright deregulation has been scrapped in Albany. Instead the debate is focused on where to set the new cap.

The ceiling ought to be fixed at a reasonable rate for ticket brokers, perhaps 30 percent above the face value of the ticket, without the possibility of

special charges added on beyond that. The new law should also contain stiff fines for anyone found guilty of charging more than the cap. Since many ticket brokers have moved out of the state to New Jersey and other parts of the region, the Attorney General or some other law enforcement authority should be given the power to require that all sellers in the secondary market register in New York, and then punish anyone who tries to sell a ticket to a New York event for an exorbitant price.

Some Democrats in Albany want another provision requiring Madison Square Garden and other places to disclose to the public how many of their tickets are held back from public sale. Three years ago, many fans were outraged that shows like Barney the dinosaur at Radio City Music Hall, and the Barbra Streisand concert at the garden, were sold out within minutes, at least partly because the people who put on those shows kept back large numbers of tickets for themselves.

Gov. George Pataki, Mayor Rudolph Giuliani and the Republicans in the Legislature, however, oppose the disclosure provision as an onerous burden on producers and promoters. Surely disclosure is a reasonable requirement in a regulated industry, though it should not be allowed to block passage of a bill placing a more realistic ceiling on ticket prices.

No matter what happens in Albany, the problem of exorbitant prices for the hottest tickets is not likely to go away. As long as there are people with money and the desire to get a ticket for a big game or hot show at the last minute, they will find the way to pay for it. But the Legislature should do what it can to prevent the problem from getting worse. The current law expires at the end of May and will be replaced by an old set of restrictions that will be even less likely to be enforced. It makes the most sense to ease the curbs somewhat and then enforce them aggressively.

Mr. de Klerk's Siege Mentality

When he served as South Africa's last white President, F. W. de Klerk could be a man of vision and pragmatism. He saw that apartheid was collapsing, and recognized that a negotiated transition was the only way to salvage some power for whites. He freed Nelson Mandela from jail and managed a transition to majority rule.

This month, however, Mr. de Klerk seems to have put his blinders back on. In dealing with his nation's Truth and Reconciliation Commission and with the future of his own National Party, he has retreated to narrow and unrealistic decisions. He is damaging his own reputation, the fortunes of his party and the chance that South Africans can live together in peace.

Earlier this month, Mr. de Klerk disbanded a National Party task force charged with redesigning the party. It was led by Roelf Meyer, the leader of the party's young generation and once Mr. de Klerk's most trusted lieutenant. Mr. Meyer won the respect of many black South Africans when he and Cyril Ramaphosa of the African National Congress led the teams negotiating the details of the transitional constitution. Mr. de Klerk set up the task force to help make the party into a conservative alternative to the A.N.C. for voters of all races.

Mr. Meyer feels that the party, which now enjoys the support of only 14 percent of South Africans, is doomed unless it is reconstituted with a mostly black leadership. He is certainly right, but the party hard-liners did not appreciate this view. They persuaded Mr. de Klerk to close down the task force. Mr. Meyer then resigned from the party to start a new political movement.

Also this month, Mr. de Klerk announced that

the National Party would no longer cooperate with the country's Truth Commission. His statement came after commission leaders questioned his testimony that he knew nothing about apartheid-era atrocities. Archbishop Desmond Tutu, who heads the commission, said that he himself had come to Mr. de Klerk when he was President with information about police brutality.

The National Party's withdrawal will probably not block the commission's quest to uncover the truth about apartheid-era crimes. The commission retains subpoena power, and those who have applied for amnesty for their crimes cannot turn back. The change will mean the National Party will no longer participate in party testimony, where it had provided little of value anyway. But the withdrawal will hurt the commission symbolically, fueling the erroneous but widespread feeling among whites that it is targeting the apartheid-era governments.

Mr. de Klerk's decisions show he has not yet come to grips with the consequences of the process he set in motion. His father was one of apartheid's architects, and he apparently cannot bring himself to admit that its top leaders knew of the crimes that were necessary to prop up minority rule. People who know him say he is bitter, feeling that blacks and particularly Mr. Mandela owe him gratitude he is not receiving.

South Africa needs a full accounting of the past, and a political system where parties are divided by ideology, not race. Mr. de Klerk's siege mentality is a setback to both goals. He would do his reputation, and his country, a service if he either returned to the leadership qualities that marked his presidency or got out of politics altogether.

The New York Times

THURSDAY, MAY 29, 1997

Abortion - partial birth -
press

Date: 05/20/97 Time: 11:31

AGOP amends abortion bill slightly, wins AMA endorsement

WASHINGTON (AP) Republican sponsors of legislation to ban a late-term abortion procedure hope a few changes to the bill that won an endorsement from the American Medical Association will swing enough votes their way to overcome a presidential veto.

Still hunting for the necessary votes in the Senate, lawmakers agreed Monday to minor changes in the bill and received a stamp of approval from the nation's largest medical group in return. The Senate approved the amendments today without objection and planned to vote this afternoon on the bill.

The AMA, which had declined to endorse the measure last week and remained neutral, voted Monday to support the ban on what abortion opponents call "partial birth" abortions.

"We think that with the AMA endorsing it in the last 24 hours there is some churning, some potential movement," Senate Majority Leader Trent Lott said today. "We hope the president will consider the modifications that were made."

"I think this gives our effort ... a real boost," said Rep. Charles Canady, R-Fla., who sponsored the original bill almost two years ago in the House. "I think we're within sight of a veto-proof majority."

In a statement, the AMA said its board decided to support the bill because it has been "significantly changed" to meet the organization's own criteria for abortion legislation.

Sponsors said the measure, among other changes, now protects doctors from prosecution when they are intending to deliver a baby but are forced to resort to the abortion procedure to save the mother's life.

"Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated," AMA executive vice president P. John Seward wrote in a letter to Sen. Rick Santorum, R-Pa., sponsor of the bill.

Seward said the bill "now meets both those tests."

The National Right to Life Committee welcomed the AMA endorsement, but Kate Michelman, president of the National Abortion and Reproductive Rights Action League, accused the group of opening the door to "politicians' intrusion into doctors' professional decision-making."

The endorsement, she said in an interview, will leave doctors vulnerable to "political whims while sacrificing the health of women and the privacy and the sanctity of the doctor-patient relationship."

The American College of Obstetricians and Gynecologists, the leading medical organization in women's health care, continues to oppose the bill on grounds it is "inappropriate, ill-advised and dangerous" for lawmakers to meddle in medical decision-making.

If the Senate approves the amended bill, the House would have to agree to the changes before the measure could be sent to President Clinton for an expected veto.

The House earlier passed the ban, which provides exceptions only when the mother's life is at risk, by a veto-proof margin of 295-136.

Santorum told reporters he had 62 solid votes in support of the bill and that odds of winning a veto-proof majority were improving. Overriding a veto requires 67 votes if all senators are present.

"We believe there are more than enough members still undecided on this issue to make the difference," Santorum said.

Those publicly uncommitted include Senate Democratic leader Tom Daschle, whose attempt at a compromise failed last week, and Democratic Sens. Tom Harkin of Iowa, Dale Bumpers of Arkansas and Robert C. Byrd of West Virginia and GOP Sen. Susan Collins of Maine. Santorum declined to identify others. Daschle's office declined comment on the AMA's change in position.

Clinton vetoed a similar bill last year and has promised to do so again because the measure doesn't provide an exemption when women's health is at risk a requirement laid down by the Supreme Court.

The immediate impact of the AMA's decision was unclear, although the bill's supporters previously had been heartened by Daschle's surprise announcement late last week that he might vote for the ban.

Daschle had tried unsuccessfully to fashion a compromise by proposing a ban on a variety of late-term abortions instead of the so-called "partial birth" procedure. But his proposal also would have permitted a broad range of health exceptions. He has said a case can be made that "this abhorrent procedure has to be stopped, regardless of the circumstances."

Santorum said the changes are designed to shelter doctors from overzealous prosecution. Any doctor accused of performing an illegal procedure would have the right to a review by a state medical board before trial. The bill also narrowly defines the proposed outlawed procedure to assure a permissible procedure is not banned.

The bill is H.R. 1122.

APNP-05-20-97 1145EDT

Partial-Birth Abortion: The Spin

New York Gov. George Pataki, who is pro-choice, recently urged that state's senate to vote for a ban on partial-birth abortions. There has been new information, he said. The source of these "revelations" is Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who has dramatically broken ranks by admitting that he "lied through his teeth" during the previous debate on the procedure.

The party line of the abortion-rights establishment is that partial-birth abortion is very rare, occurring in the third trimester, and done only when the woman's life is in danger or in cases of extreme fetal abnormality—or when only this procedure would allow the woman to have children again.

This form of abortion involves the delivery of an intact fetus, feet first, until only the head remains in the birth canal. Until then, the fetus, in most cases, is alive. The head is then punctured by a scissors, the brains are sucked out, the collapsed head is pulled out, and the delivery is completed.

According to Fitzsimmons, the facts are that most of these abortions are not required to save the health or fertility of the mother—or because the fetus is severely deformed. Most of the

operations involved, he said, "a healthy fetus 20 weeks or more old, and a healthy mother."

But this is not new information. Ruth Padawer, a reporter for *The Record* in Bergen, N.J.—and an adjunct professor at the Columbia Graduate School of Journalism—reported in September 1996 that more than 1,500 partial-birth abortions take place every year at the one New Jersey abortion clinic authorized to perform them. In *The Post*, David Brown and Barbara Vobejda disclosed similar information. And the first reporter to break the story of how often partial-birth abortions actually are performed—and at what stage in the pregnancy—was Diane Gianelli, a first class reporter for *American Medical News* (a publication of the American Medical Association.)

Moreover, there were statements and prominent ads by PHACT—a coalition of obstetricians, gynecologists and specialists in fetal medicine around the country. They kept pointing out that not only are there "absolutely no obstetrical situations requiring the destruction of a partially delivered fetus," but also that the procedure involves serious risks of maternal hemorrhage,

uterine rupture and infection. These are provable facts that were not challenged by the abortion rights establishment and were rarely mentioned by the press.

These serious risks for the mother were also ignored by Bill Clinton. Dr. Nancy Romer—clinical professor of obstetrics and gynecology at Wright State University and chairman of both specialties at Miami Valley Hospital in Ohio—noted in the *Wall Street Journal*:

"How telling it is that although Mr. Clinton met with women who claim to have needed partial-birth abortions on account of [certain] conditions, he has flat out refused to meet with women who delivered babies with these same conditions [without partial-birth abortion]—with no damage whatsoever to their health or future fertility."

Last month, Ruth Padawer wrote another illuminating report for the *Record* in New Jersey. She noted that a number of abortion providers around the country are disturbed by the distortions disseminated by abortion rights leaders. Said one of them: "I kept waiting for the National Abortion Federation to clarify it and

they never did. What do we do about this secret? Who do we tell and what happens when we tell? But frankly no one was asking me, so I didn't have to worry."

The pro-choice leaders kept the propaganda coming. Padawer notes that in reaction to the reports last September by her and in *The Post*, the National Organization for Women "issued a release saying such reports were 'planted by abortion opponents' when in fact they were not. They were based on interviews with providers who use the procedure."

Clinton's pledge to sign a bill banning partial-birth abortions only if it includes an exception for the health of the mother is not what it seems. It has been clear since the Supreme Court decision in *Doe v. Bolton*—which came down on the same day as *Roe v. Wade*—that the court's definition of "health" in this context encompasses "physical, emotional, psychological, familial [considerations] relevant to the well being of the patient." Also included, said the court, is "the woman's age."

This is an exception that is so broad as to be yet another spin by Clinton in this grotesque dance of death. On Thursday the House approved the ban on partial-birth abortion, 295 to 136. It is now up to the Senate and the president.

SWEET LAND OF LIBERTY

The Vice President's Role

VICE PRESIDENT Gore turns out to have been not just an accidental tourist at the occasional Buddhist temple but a mighty fund-raiser for his party over the past two years who went so far as to work the phones and solicit individual donors for funds himself, directly. He and his supporters say that's no big deal. They rightly observe that it's not against the law for the vice president to solicit funds and that other officeholders—members of Congress, for example, including some who profess now to be offended by the vice president's behavior—do it all the time.

The White House adds to this its all-purpose gloss for just about everything that happened in the period, which is that the Clinton-Gore operation badly needed the money to get its message out. If you want to know why they served up the president afloat in all that coffee by day, or converted the place into a kind of hotel at night, or didn't bother to dig too deeply into the backgrounds of all the people who happened to give them large amounts of money, the answer is always the same. Rueful aides recall what a wipe-out the 1994 election was for the president and party, how it took them all of 1995 and early 1996 just to fight their way back into contention, and that the Republicans still out-raised them by many millions in the 1995-96 cycle. They add that vice presidents always have had a major role in fund-raising, touring the country to help shake the money tree. The difference between making a speech to a roomful of possible donors and making some telephone calls is said to be only a matter of degree.

But parties have been behind and in need of funds before and not gone this far. And there is a difference between making the speech and making the calls. In the aggregate, the behavior with regard to the raising of money in this last campaign was different not just in degree but in kind. Somewhere in the course of all they did, they crossed a line. We remember writing several years ago about the efforts of Sen. Bob Packwood, then the ranking Republican on the Senate Finance Committee and second-ranking on Senate Commerce, to raise money for his legal defense, and yes, of course, he needed to defend himself and had to raise it somewhere. But from the lobbyists for interest groups with business before his committees?

The money-raising seemed to us to fail a test, if not of law then of seemliness and egregiousness. It smelled. So here as well. We have no illusions about what the office of vice president demands of its holders; it has tended over the years to a less than majestic calling. But the vice president of the United States ought not be hustling donors over the phones. Someone else can do that. Mr. Gore said at a news conference yesterday that he did nothing either wrong or new in American politics and was proud of what he had done. But not so proud that he didn't also announce "a policy of not making such calls [from government buildings] ever again." Why? someone asked him. "If I had realized in advance that this would cause such concern, then I wouldn't have done it," he replied. It was not a reassuring answer.

Time for a Hearing

FOR SOME WEEKS Sen. Richard Shelby (R-Ala.) has been picking over Anthony Lake's career in and out of government in apparent search of material that might impede his confirmation as the president's intelligence director. So what has he found? The best evidence that he hasn't yet found any zingers is that the long run-up to a confirmation hearing—where Mr. Shelby, chairman of the Senate Intelligence committee, would have to show his cards—is continuing. The chase after FBI raw files has the smell of an investigation that has lost its way; perhaps that helps explain why even the Senate majority leader now sees a need to cut it off.

If Sen. Shelby has something important, he should produce it at a hearing where Mr. Lake would have the opportunity to respond. If he doesn't have much, he should allow the nomination to move forward expeditiously.

It's not that there aren't questions Mr. Lake, the president's first-term national security adviser, should have to answer. We have expressed our own reservations about his failure to inform Congress of Iran's secret arming of Bosnia and about his seeming indifference to financial-disclosure rules. The credit his boss gave him for being the architect of peace in Bosnia is certainly also

worth exploring in relation to what is happening there now. But these are questions to be addressed in a hearing in which Mr. Lake is given an opportunity to respond. They are not automatic disqualifiers by any means. It is unfair to prolong the present cat-and-mouse game.

Mr. Lake has the political enemies befitting the scars he has incurred and inflicted in years of bureaucratic strife. Those who think the priority of Bill Clinton's second-term foreign policy ought to be the repair of the shortfalls in his first term are especially anxious. But on the basis of what is known so far, none of these considerations seems to rise to the level of a nomination stopper. Mr. Clinton is not starting over in foreign policy; he is moving on. Policy continuity dictates a certain amount of personnel continuity.

Lacking substantive grounds to derail the nomination, those Senate Republicans (not all of them) who oppose it would do better to lay a basis for effective legislative oversight. That requires showing some skepticism to the candidate but showing some readiness for cooperation as well. Not partisanship but seriousness: It is a hard balance to strike, but experience on the Hill proves it is not beyond the reach of legislators who make the effort.

The Washington Post

TUESDAY, MARCH 4, 1997

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Lies and Late-Term Abortions

LAST YEAR President Clinton vetoed the bill to outlaw partial-birth abortion, a particularly gruesome procedure in which a fetus is killed after its entire body, except for the head, has emerged from the birth canal. In explaining his decision to veto, the president said that such second- and third-trimester abortions are extremely rare and that this particular procedure was used almost exclusively in cases where the fetus was grossly deformed or the mother's life or ability to bear future children threatened. His arguments were those of the lobbyists opposing the ban on these late-term abortions, which he bought into.

Now Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, has admitted in an interview to be published in the *American Medical News* that he, and by implication other pro-choice groups, lied about the real reasons women seek this particular kind of abortion. At a taping for ABC's "Nightline," Mr. Fitzsimmons says he "just went out there and spouted the party line" even though he knew from personal research that most of these abortions are elective. They are performed on healthy fetuses and healthy mothers.

This is the position that had been asserted by those favoring the ban at the time and denied by those who opposed it. One of the doctors who had performed hundreds of these abortions said that about 80 percent of his patients had no medical reason for the abortion. Those favoring a ban on such abortions also cited figures greatly at odds with pro-choice claims and argued that the procedure was used thousands of times a year, not 200 to 300, as its defenders asserted.

Mr. Fitzsimmons's revelation is a sharp blow to the credibility of his allies. These late-term abortions are extremely difficult to justify, if they can be justified at all. Usually pro-choice legislators such as Sen. Daniel Patrick Moynihan and Reps. Richard Gephardt and Susan Molinari voted for the ban last year. Opponents of the ban fought hard, even demanding a roll call vote on their motion to ban charts describing the procedure from the House floor. They lost. And they lost by wide margins when the House and Senate voted for the ban. They probably will lose again this year when the ban is reconsidered. And this time, Mr. Clinton will be hard-pressed to justify a veto on the basis of the misinformation on which he rested his case last time.

Off the Screen Again

LAST OCTOBER the Nobel Peace Prize went to two leaders of East Timor, a distant South Pacific island where a small population has been valiantly resisting Indonesian colonization for more than two decades. The prize brought a brief flare of publicity to East Timor's just but long-neglected cause, and then—just as Indonesia's government hoped—world attention again turned elsewhere. Last week, one of the Nobel laureates, José Ramos-Horta, came to Washington, hoping to put East Timor back on the international agenda.

Over the years, the United States has offered little assistance. Anxious to please a Cold War ally, U.S. officials looked the other way when Indonesia occupied East Timor in 1975 and when tens of thousands there died from what the Nobel committee listed as "starvation, epidemics, war and terror." President Clinton, early in his term, seemed ready to reverse traditional U.S. policy.

His administration supported a United Nations resolution criticizing Indonesia on human rights, and in 1993 Mr. Clinton raised the issue of East Timor with Indonesian President Suharto. But then Mr. Clinton decided that trade mattered above all, and the plight of East Timor again receded from U.S. policy screens.

Last week, Mr. Ramos-Horta, a kind of unofficial foreign minister, for the first time secured a meeting with senior officials in the State Department. This is a positive, if small, step forward. It should be followed by more action. Indonesia is a modernizing nation of nearly 200 million people who live on 6,000 islands. Its own interests are not served by keeping captive 600,000 Timorese living on one of those. Mr. Ramos-Horta is asking only for a plebiscite so the East Timorese can decide their own future. It's a reasonable request.

The Washington Post

TUESDAY, MARCH 4, 1997

Abortion Vote S

By KATHARINE Q. SEELYE

WASHINGTON, March 22 — The House vote this week to ban what critics call "partial-birth abortion" shows just how much the public debate has changed in the three years since abortion opponents first brought the subject to the fore.

**News
Analysis**

But it also shows how remote the political debate is from the reality of law under *Roe v. Wade* and *Planned Parenthood v. Casey*, two landmark decisions that asserted and affirmed a woman's right to an abortion.

The tenor of this week's debate, and the surprisingly strong majority that it produced, made clear that the political ground has shifted substantially. It also exposed the weaknesses within the abortion-rights movement, its lack of leadership and its inability to respond to the changed political landscape.

Today, a woman's right to an abortion is safe not because of the abortion-rights interest groups but because of the protections provided by the Supreme Court, said David J. Garrow, a historian at the Emory University School of Law and the author of "Liberty and Sexuality" (Macmillan, 1994), a history of abortion rights.

"The pro-choice movement has let itself go to seed," he said. "As abortion has been increasingly segregated as a medical service, the mainstream medical community that was a central voice for abortion has gone by the board. The only part of the medical community involved in providing abortion is marginalized doctors who want to stay out of the public eye."

Mr. Garrow, like many others, argues that abortion-rights proponents badly mishandled the debate over "partial birth," and that abortion opponents brilliantly executed a long-planned strategy to make the procedure appear as barbaric as possible and as if it were being done for religious reasons.

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Fearing Deportation, Immigrants Try to Beat a Deadline That Isn't

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By CELIA W. DUGGER

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At 3 A.M. yesterday, hundreds of apprehensive immigrants huddled in the darkness outside the Federal Building in lower Manhattan, a hulking monolith that houses offices of the Immigration and Naturalization Service.

Like thousands of others who lined up this week, they had come amid growing anxiety over a new Federal law's provisions that take effect April 1 and that many of them believe — wrongly, officials said yesterday — could lead the Government to deport them or their family members.

Many had only the vaguest sense of what the new law means, but they had heard through the grapevine that they needed to apply to legalize their own or their relatives' immigration status by April 1.

Scores of people slept wrapped in blankets on the ground of the concrete plaza. Snores punctuated the nighttime quiet.

"I'm here because they are giving the deadline of April 1," said Wilbur Hernandez, who said he was applying on behalf of his 62-year-old mother, a Nicaraguan who is in the United States illegally.

Mr. Hernandez, who works at a clothing store in the Bronx, had taken time off from his job to wait in line for three days. He said he had not slept in 72 hours. "If nobody puts the papers in before April 1st, they'll be deported," he said.

The throngs of immigrants outside the Federal Building reflect the widespread uncertainty about what the complex and far-reaching new immigration law will do.

Paul Virtue, the Federal immigration official in charge of putting the new law into effect, said yesterday that the rush to act before April 1 is based on a misunderstanding. There is simply no advantage to applying before April 1, he said. The real deadline is Sept. 30, and it is possible that Congress will extend it.

"Some people are confused," said Mr. Virtue, acting executive associate commissioner at the immigration service in Washington.

That, it seems, is an understatement. Immigration officials, no less than immigrants, do not yet have a full grasp of the new law. Mark Thorn, a spokesman for the New York office of the immigration serv-

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ice, said yesterday that he still could not explain how laws that take effect in less than two weeks will work. He said he is scheduled to get his training on March 31, the day before some parts take effect.

Two weeks ago, the immigration service trained 300 people in the intricacies of the new law over several days at the service's training academy in Glynco, Ga. They and others are now trying to transmit what they learned to the vast immigration officialdom, as well as to myriad immigrant communities speaking dozens of languages.

The rush to apply for legal status appears to have hit some cities and missed others.

An I.N.S. spokesman in Los Angeles said the lines were no longer than usual, while Lynn Ligon, the spokesman in Dallas, said the line of anxious immigrants has stretched around the building every weekday for the last week when he arrives at the office before 5 A.M.

"Yes, indeed," Mr. Ligon said. "And, of course, we have no increase of personnel to handle this. The only thing I've increased is my intake of Excedrin."

Immigration officials say that unfounded concern among immigrants is so great in San Jose, Calif., for example, that the agency plans a radio campaign to spread the word that nothing will change on April 1.

The main confusion appears to be over a provision of the law that affects people who remain in the United States illegally. Under the new law, a clock starts ticking on April 1. Those who remain illegally for six months or more will be barred from re-entering the United States for three years if they leave the United States or if they are deported. Those who stay illegally for a year or more can be barred for 10 years.

Immigrants who remain in the United States will not be affected by that part of the law, Mr. Virtue said.

Legal immigrants and citizens who want to sponsor a family member who is in the United States illegally will still be able to, as long as they pay a \$1,000 fine and file the application by Sept. 30, Mr. Virtue said.

The program that allows the immigrants to live in the United States while their applications for a new legal status are pending will lapse on Sept. 30 unless Congress acts to extend it. The Clinton Administration has asked Congress to do that.

In interviews yesterday, immigration lawyers and officials gave a bewildering variety of interpretations of what the law means.

"It's a situation of complete and utter chaos and confusion among immigrant communities, immigration lawyers who don't know what advice to give, and among the I.N.S. personnel who have to administer the law," said Jeanne A. Butterfield, executive director of the American Immigration Lawyers Association in Washington.

Many people who have been waiting in line for days at the Federal building in Manhattan complained bitterly that not a single immigration official had come out to explain the new law or hear their concerns.

"I waited four days in a row and then they said, 'We can't help you,'" said Bob Tolsiman, 40, a Haitian immigrant who lives in Brooklyn. "They wouldn't give me a ticket for tomorrow. They just said they're finished. I'll have to come back tonight and sleep over."

Mercy Luna Victoria, 20, from Ecuador, who was seeking the right to work legally, had slept for three nights at Federal Plaza and still had not got in to see an immigration officer.

"Why are they against the immigrants?" she said. "If we are the ones who work the hardest, why is there so much abuse? I don't know. I don't know."

Those who had waited all night to get in yesterday and failed lined up again to wait until this morning. A woman who identified herself only as Akilah M., 40, a citizen and a landlord, was there to apply to sponsor her husband, a Trinidadian in the United States illegally. She said she was afraid of immigration authorities and declined to give her full name.

She had heard, inaccurately, that unless she applied on his behalf by April 1, her husband would have to go back to Trinidad, leaving their 5-year-old daughter and 8-year-old son in the United States, to wait for his legal status to be resolved.

"When he goes out, the children cry," she said. "There are so many rules and so many different changes, you don't know what to believe."

Last night, trying to ease the frustration of the waiting immigrants, officials began handing out a statement checked by Mr. Virtue that tried to clarify the law.

It advised people seeking to change their own legal status or that of relatives that they will not be allowed to apply in person, but will have to send in their applications. "Filing prior to April 1 provides no advantage to the applicant under changes in the immigration law which became effective April 1, 1997," the statement said.

Immigrants may call (800) 870-3676 to obtain forms. They may call these numbers for information about their claims: (212) 206-6500 or (800) 375-5283.

Officials warned that lines may be busy.

"We ask their patience," said Eric Andrus, a spokesman for the service. "Our lines are experiencing an unprecedented volume."

The New York Times

FRIDAY, MARCH 21, 1997

Doctors Say It's Just One Way

By DEBORAH SONTAG

During two years of stormy debate over "partial birth" abortions, the doctors who actually perform late abortions sat on the sidelines, listening to the impassioned, and often incorrect, rhetoric wrap itself around a medical procedure that few of them use.

The procedure, which the House of Representatives voted today to ban, is one of three methods to end pregnancies after 20 weeks, they said. It is used more often on poor, young women choosing to end an unwanted pregnancy than on those bearing a severely abnormal fetus. And it is a surgical technique easily modified to circumvent the ban, they said.

In interviews this week, a dozen of the nation's most prominent abortion doctors spoke bluntly and graphically about the medical options available when a woman seeks an abortion after 20 weeks of pregnancy. Only three of the 12 doctors said they preferred the method singled out in the ban, the intact dilation and extraction of a fetus. Opponents of abortion rights call this "partial birth abortion" and the House vote would specifically outlaw it by banning abortions in which "a living fetus" is "partially vaginally delivered" before it is killed.

Of the three, however, one said he already injects the fetus with a fatal solution before delivering it, so the ban would not apply to him. And the other two said they would adopt this practice, too, if the ban became law, although it would not be the best medical approach.

"Clearly, if someone's going to put me in jail, I'll do the injection first," said a Boston specialist who spoke on condition of anonymity. "But it's un-

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necessary, if not risky, medically."

Those three doctors said with unshakeable conviction that the method under attack was the quickest, safest way to abort a fetus after 20 weeks. But other doctors disagreed; the political debate, they said, was focused on a technique they rarely used, especially not in the manner described in the legislation.

"This idea in Washington that most of us postpone fetal demise until delivery is completely out of harmony with what we do," said Dr. George Tiller of Wichita, Kan., who was shot and wounded by an abortion opponent outside his clinic in 1993. He is one of a handful of doctors nationally who performs abortions after 26 weeks of pregnancy.

During the last two years, most of the doctors have been silent because they fear calling attention to themselves. But they have listened to the war of words with great frustration not only because the proposed ban represented an unwelcome intrusion into their practice of medicine, but because it was based on half-truths.

Opponents of the ban, for instance, assert that most women seeking late abortions do so for medical reasons, because they face grave health risks or their fetus has fatal abnormalities. In vetoing the ban last year, President Clinton surrounded himself with five such women.

But the doctors knew otherwise.

"There are a large number of second trimester terminations in this country and they are of two versions," said Dr. Richard Hausknecht, a New York City gynecologist who used to perform late abortions but no longer does so. "There are the women who have seriously abnormal pregnancies, and then the larger group, who are usually young or indigent." Among these women, doctors say, are teen-agers who deny their pregnancies, drug users and women who are menopausal or irregular in their periods.

No statistics exist on the use of the intact dilation and extraction procedure, and so estimates of the numbers of "partial birth" abortions vary widely. Groups opposing the ban originally said there were between 450 and 500 a year, and the Catholic bishops estimated there were between 800 and 2,000.

A representative of abortion providers, Ron Fitzsimmons, came forward last month and said he had lied, in a comment to "Nightline" that was never broadcast, by underestimating the number of these abortions performed a year; there were really several thousand, he said. Ban opponents distanced themselves from him and said he was speaking without statistical evidence.

The doctors interviewed, who believe they know what techniques are used by whom in their small universe, think that intact dilation and extraction is indeed rare; intact D&E's where the fetus is not killed before moving into the vagina are even rarer, they said.

"No one wants something that simulates a living birth," said a New England doctor who specializes in late abortions.

Late abortions are rare in and of themselves; about 1 percent, or 15,000, of the 1.5 million abortions a year take place after 20 weeks of gestation, according to Federal statistics. Most late abortions occur between 20 and 24 weeks.

Those advanced pregnancies are ended by one of three basic methods, and, the doctors say, all of them unpleasant.

"Any procedure at this stage is pretty gruesome," said Dr. Hausknecht, whose specialty is high-risk pregnancies. "When I did second-trimester abortions, I did them late in the day, and when I'd get home, my wife would say, 'You did one today, didn't you?' It would be all over my face."

After 20 weeks, 86 percent of abortions — or about 8,500 — are done by some kind of dilation and evacuation procedure, according to Federal statistics.

Doctors like Philip Darney at San Francisco General Hospital, which performs about 500 second-trimester abortions a year, prefer a classic D&E. They dilate a woman's cervix,

then scrape out the fetus with serrated forceps, dismembering and killing it in the process. Dr. Darney uses ultrasound to guide him in the process, which, at 20 weeks, can take 20 difficult minutes to perform.

Those doctors who prefer the quicker intact D&E, the "partial birth" procedure, say that the classic D&E is risky. The woman's uterus can be perforated by the forceps or by fragments of bone as the fetus disintegrates, they say. It is much safer to manually pull out the fetus intact, they say.

Sitting before a desk strewn with forceps and medical studies in a New York City office, one veteran abortion doctor graphically explained his technique, which he said he has taught to at least a dozen doctors. He himself performs 200 late abortions a year; he attempts an intact dilation and extraction in half, and succeeds in about a quarter, or 50 cases, he said.

Twenty-four hours before the abortion, he begins to dilate a woman's cervix, using laminaria, which are sterilized sticks of seaweed. The next day, he generally gives the patient a local anesthetic and a sedative.

"You go in and fish out a foot and pull the fetus into a breech position," the doctor said. "You turn it so that the backside is up, pull down on its hips and rotate. When you get to the shoulder blade, it's easy to sweep the arms down. Then, most of the time you have to crush or fenestrate the skull so that it can come out."

Congress has debated whether this causes the fetus pain. This doctor said that sedation puts a fetus asleep at the same time as the mother; he does not say that the anesthesia kills the fetus, which was an early contention of abortion rights advocates but was roundly denounced by anesthesiologists.

He also said he and his colleagues do not believe that a fetus, despite having reflexes, is sensate until the end of the last trimester. Ultimately, though, the woman, not the fetus, is their patient.

"Whatever the truth about fetal pain, I think the women are concerned about it," said Dr. Tiller of Kansas. "So I tell them we can take care of that with fetal euthanasia."

Like many others, he injects di-joxin, a heart medication, into the womb. Then he uses the third method, as does Dr. Warren Hern of Boulder, Colo., and the New England doctor: He induces labor after the fetus has died.

"They have a brief labor and delivery," Dr. Tiller said. "It's understandable to the women. We get excellent results and have good patient acceptance."

The New York City doctor and some of his colleagues believe that intact dilation and extraction is far more humane than inducing labor in a mother who will not keep her child. They also insist that it is safer, as abortion rights advocates did during the debate last year.

But no formal scientific studies have been done, partly because of the secrecy surrounding late abortion.

"Doctors need to thrash this out, but in private medical meetings, not in public," Dr. Hern said. He performs hundreds of late abortions every year and has doubts about the safety of the intact dilation and extraction method.

Still, he ended up doing some — about 15 — intact dilation and extraction procedures last year, when the woman's anatomy or the fetus's size and position demanded it. Dr. Darney of San Francisco did one.

"This is not something I rely on, but I find it absolutely bizarre that Congress wants to ban it," Dr. Darney said. "In my view, it's as if they were to forbid me to use a certain kind of suture."

The New York Times

FRIDAY, MARCH 21, 1997