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Doctor to Testify Against Abortion Ban

The federal law prohibits doctors from committing an "overt act" designed to kill a partially delivered fetus.

The federal act carries a maximum two-year prison term for doctors convicted of performing the procedure. The issue is expected to reach the Supreme Court.

Also party to the Lincoln case is Dr. Jill Vibhakar, who practices medicine at Emma Goldman Clinic for Women and at the University of Iowa College of Medicine Hospital in Iowa City, Iowa.

Vibhakar testified Tuesday that the term "overt act" was vague in the law.

Enforcing the ban might force her to quit doing abortions in the second trimester of pregnancy, Vibhakar said. It would force other doctors to inject drugs such as digoxin to induce fetal demise before a late D&E, after 20 weeks, she said.

"I might not be willing to incorporate that into my practice," she said.

In issuing a temporary restraining order last year blocking enforcement of the federal ban, Kopf cited concerns that the law did not contain an exception for preserving the health of a woman seeking the abortion.

Congress declared that "a partial birth abortion is never necessary to preserve the health of a woman" and is "outside the standard of medical care."

The American Medical Association does not encourage use of D&X, but says it should not be banned. The College of Obstetricians and Gynecologists says alternatives to D&X usually exist, but that in some circumstances, it may be the best procedure.

An estimated 2,200 to 5,000 such abortions are performed annually in the United States out of 1.3 million total abortions.

Also party to the lawsuit in Lincoln are Dr. William Fitzhugh of Richmond, Va., and Dr. William Knorr, medical director and co-owner of the Savannah Women's Medical Clinic in Savannah, Ga.

On the Net:

U.S. District Court of Nebraska:<http://www.ned.uscourts.gov/>

Center for Reproductive Rights:<http://www.crlp.org/>

The National Right to Life Committee:<http://www.nrlc.org>

U.S. Supreme Court:<http://www.supremecourtus.gov/>

Planned Parenthood:<http://www.plannedparenthood.org>

Justice Department:<http://www.usdoj.gov>

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