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# “Do you think this is not happening?”: Rhetorical laundering and the federal hearings over Planned Parenthood

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**Abstract:** This essay offers a rhetorical reading of Congressional hearings investigating the Center for Medical Progress’s (CMP’s) videos falsely accusing Planned Parenthood of selling fetal tissue. Despite the suspect nature of the allegation at the time it was levied, and subsequent investigations rejecting the CMP’s claims, the notion that Planned Parenthood profits from the sale of fetal tissue has persisted alongside accelerated antiabortion jurisprudence and vitriolic rhetoric. This acceleration and persistence may be the result of what I term “rhetorical laundering” wherein suspect evidence is justified as worthy of study in a credible public forum, only to have its treatment in that forum insulate the evidence from criticism such that it adopts the weight and character appropriate to federal hearings. By virtue of its treatment by politicians, the evidentiary force of the CMP videos changed from questionable to actionable and facilitated uncompromising antiabortion legislation and jurisprudence suggesting abortion is a social ill. This transfiguration of the videos afforded a fringe antiabortion political imagination, one that envisions those who seek and perform abortions as indices of social rot, urgency that justifies the (violent) removal of abortion providers generally and Planned Parenthood specifically by importing moralizing and dehumanizing language into the broader political culture. The essay concludes with implications of this laundered evidence for both communication studies and public policy.

**Keywords:** abortion, public policy, political communication, congress, political violence

IN 2015, THE ANTIABORTION GROUP Center for Medical Progress (CMP) released undercover videos alleging Planned Parenthood violated federal law by profiting from the sale of fetal tissue. The videos presented CMP employees posing as buyers for fetal tissue to suggest Planned Parenthood was illegally selling human remains through the organization’s programs for fetal tissue donation for medical research. Forensic analysis revealed the videos were edited to imply illegal behavior, and CMP’s allegations were suspect when the videos were viewed in full. Among the almost 90 minutes of excluded footage, the distributed videos removed dialogue in which Dr. Deborah Nucatola, the senior director of medical services at Planned Parenthood, says “affiliates are not looking to make money by doing this.” They “just want to break even. Every penny they save is just pennies they give to another patient” (Levitan, 2015, para. 4–5). In one video alone, CMP excluded over four

thousand words and 30 minutes of footage, including statements contextualizing Planned Parenthood's donation programs while explicitly denying profit from the sale of fetal tissue (Levitan, 2015). Specifically, reimbursement for costs associated with facilities maintenance and transportation is allowed by federal laws governing exchange of tissue for medical and research purposes, whereas profiting from the sale of that tissue is not. The CMP videos featured undercover individuals discussing with Planned Parenthood representatives how the organization received remuneration for the storage and transportation of fetal tissue and, when antiabortion activists selectively edited, conflated profit seeking behavior with reimbursement.

Despite exculpatory analysis commissioned by Planned Parenthood, 12 states launched investigations into clinics within their borders. Three federal investigations were formed as well, with former Speaker of the House John Boehner (R-OH) contending, "Recent videos exposing the abortion-for-baby parts business have shocked the nation, and demanded action" (Planned Parenthood's Federal Funding, 2015). No investigation returned evidence of substantive wrongdoing (Wolf, 2018). Even after Planned Parenthood's apologies for Nucatola's seemingly callous tone portrayed in the videos and discontinuation of their tissue donation programs, the push to defund the organization continues unabated today and includes ballot initiatives in states like Kansas and Kentucky working to ban abortive services under the guise of "protecting taxpayer dollars." Indeed, despite skepticism towards CMP's allegations at the time based on their ethically questionable "undercover" activism, exculpatory evidence prior to and after the federal investigations, and CMP's head David Daleiden eventually being fined over two million dollars for trespassing and defamation in the production of the accusatory videos (Hellman, 2019), the federal hearings allowed for the (re)circulation of longstanding antiabortion tropes and a newfound urgency in vilifying abortion providers. Ultimately, the 2015 Planned Parenthood controversy offered partisan ideologues a justification for defunding abortion providers to transcend the discursive gridlock endemic to the U.S. abortion debate pre-*Dobbs v. Jackson Women's Health Organization* (2022; Coker, 2017; 2020), and laid some rhetorical groundwork for

the eventual overturn of *Roe v. Wade* (1973) in *Dobbs v. Jackson Women’s Health Organization* (2022).

The justification results from a process in the federal hearings whereby the CMP videos adopt a two-fold insulation from criticism to facilitate their integration into popular political discourse. First, GOP politicians and witnesses obfuscate the videos’ problematic attributes by using the documentary flow of federal hearings to elevate and insulate the videos from criticism. Second, the debate engendered and bolstered by the videos offers a foothold for a punitive antiabortion political imagination (e.g., Asen, 2002; Coker, 2020) through seemingly damning confirmatory evidence that empowers states to act against abortion providers generally, and Planned Parenthood specifically. I conceptualize this phenomenon as “rhetorical laundering” that (re)configures problematic evidence for broader public consumption. I build on that theorizing through rhetorical analysis of the mode by which some evidence acquires force, be it virality, ideology, or, in this case, legitimacy granted by political treatment.

This essay joins an ongoing conversation concerning how questionable evidence derives and maintains its justificatory force even in the face of refutation, a question important to movements for gender equality and reproductive justice (Dubriwny & Siegfried, 2021). In *Awful Archives*, Rice’s (2020) study of conspiracy rhetoric and the evidentiary practices that surround outlandish claims, she implores scholars to consider the “narrativity” (p. 21) of evidence by attending to the multiple registers through which evidence operates. By considering evidence beyond questions of its veracity, scholars locate contributory forces like magnitude, location, and affect that transform the impact evidence can have when woven into a broader totality. This study answers Rice’s call by considering how participants in federal hearings laundered the CMP videos from questionable to actionable, and by attending to how that laundering implicates movements for reproductive justice and movements invested in gender equality. Indeed, the laundering of the CMP videos empowered rollbacks of reproductive rights through statutory frameworks barring organizations from federal funding on spurious grounds (North, 2018), and normalized otherwise extreme antiabortion language like “abortionist,”

which appeared over twenty times in Justice Alito's Supreme Court opinion overturning *Roe* (*Dobbs v. Jackson Women's Health Organization*, 2022).

Though the continued march of antiabortion legislation, jurisprudence, and demagoguery in America is overdetermined, we ought not discount the suasive force of narratives and evidence brought by politicians and activists from the fringe and elevated via high-profile spaces for mainstream consumption. That elevation alters the contours of what Asen (2002) calls "political imagination," or the collective rhetorical construction of subjects in debates concerning legislation, democracy, and public culture. Despite the comparative recession of punitive antiabortion discourses in the last decade of political culture (e.g., Coker, 2020; Saurette & Gordon, 2015), in the last five years a significant encroachment on reproductive rights has occurred almost entirely unabated in the form of state level limitations and antiabortion jurisprudence alongside a disturbing increase in violent rhetoric demonizing abortion providers and the people who employ their services. As of this writing, conservative media spaces and antiabortion groups continue to peddle the discredited accusation that Planned Parenthood profited from the sale of fetal tissue alongside vitriolic antiabortion rhetoric, including a 2019 resurgence of the suspect allegations from Fox News personality Laura Ingraham.

Additionally, conservative media has recirculated the Planned Parenthood allegations to "mixed" truthfulness ratings from factcheckers as they report on contemporary investigations into Vice President Kamala Harris's legal career concerning California's pursuit of Daleiden and his organizations.<sup>1</sup> This laundering and (re)circulation is troubling because it elevates misleading evidence that confirms a long-held narrative from some antiabortion activists that those who perform abortions are vile, unscrupulous, and must be (violently) removed. By laundering suspect evidence, politicians lent credence to a political imagination that has led to violence

<sup>1</sup> Fox News, the *Washington Examiner*, and the *Federalist* were but three outlets who used the resolution of Planned Parenthood's lawsuit against CMP founder David Daleiden in 2019 to launch further attacks against the organization by reiterating CMP's misleading claims. The proliferation of this misinformation concerning Planned Parenthood on antiabortion websites has continued unabated, even as the federal government and Republican-led states work to remove funding from the organization.

against abortion clinics and justifies draconian restrictions on reproductive services.

The following section highlights the intersection of political imagination and federal hearings through the lens of the U.S. abortion debate to explain how hearings can change the nature of evidence in a political imagination. I then analyze the three House hearings to offer insight into how evidence can be transfigured and incorporated into a longstanding political imagination of the antiabortion movement. I conclude with the implications of rhetorical laundering and suspect evidence for both communication studies and public policy debates.

### **Imagination and Public Policy**

Anderson’s (1991) work on nationhood suggests notions of community are “*imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion” (p. 6). Because of distance, imagination plays a central role as a discursive construction of both the political other, and the results of policy actions (Anderson, 1991; Asen, 2002; Castoriadis, 1997). Political imaginations are both generative of and wedded to the material and social structures through which they take shape. They are discursive constructions that envision both the potential and the subjects of political actions like legislation. These constructions “may not be discerned by aggregating the products of individuals’ imagination. [Collective imagination] emerges instead through social dialogue as people in their everyday lives encounter others in contexts of varying structure, scope, and formality” (Asen, 2002, p. 6). In politics, imagination manifests in how the subjects of legislation and legislation itself both rely on discursive constructions of one to justify the other. The existence of an imagined subject may justify a policy, or legislation may call an imagined subject into being. Considering this reciprocal relationship, political imaginations may supplement extant evidence, or persuade in lieu of that evidence existing.

The difficult relationship between imagination and evidence lies, in part, on the nature of evidence and justification. Rice (2020) suggests that many contemporary debates, political

and otherwise, rely on the palpability of evidence, a sort of “thingfulness” that can be evaluated, manipulated, or used by rhetors to support their contentions (p. 6). Rice suggests scholars and lay persons alike “critique some arguments as ‘lacking evidence,’ a shortcoming that causes teachers to instruct students on the best way of ‘finding evidence’” (p. 6). There is great temptation for scholars to organize evidence by evaluation, demarcating evidence from non-evidence through criteria like authenticity or presence, but that temptation encourages a myopia that (incorrectly) suggests there is “no evidence” for outlandish claims like conspiracy theories or fringe political ideologies. Rice suggests evidence is not simply an emergence of truth, or an event that clarifies a position; rather, performance and discourse can become a mix of “poetics and evidential truth” (p. 8) capable of furnishing support for a contention. Evidence, in Rice’s reading, requires a rhetorical framework that shifts questions away from validity or evaluation towards what evidence “*does* and can potentially *do*” (p. 8).

In the U.S. abortion debate, the relationship between political imaginations and legislation has often rested on questions of what evidence *does*. Stormer (2015) notes the historical frames used to describe those who seek and perform abortions relied on anecdotes and limited evidence confirmatory of broader worldviews on abortion to encourage ways of being against the legality of the procedures. Those worldviews, and the imaginations they inspired and bolstered, were contested via medical discourses, social dialogues, and political fights that haggled over what counts as evidence. Ziegler (2020) corroborates this reading in the present, noting that much of the modern legislative battle over abortion in the United States has centered on what evidence does, specifically evidentiary questions concerning the potential harm abortion poses to both women and children. Ziegler (2020) suggests activists employed strategies to create a rhetorical landscape where “rather than arguing only about core values, those on opposing sides came to disagree about who counted as an expert and what kind of evidence deserved attention” (p. 180). Morality does not entirely recede from view, but medical and political elites privilege technical and evidentiary questions such as when life begins and how clinics ought to be regulated as justifications for legislation

relative to ideological objections to abortion. The evidentiary emphasis has a recursive relationship with public imaginations of abortion; as the legislative process emphasizes evidentiary concerns over moral posturing, imaginations respond by seeking, elevating, or inventing confirmatory evidence.

This elevation and invention of evidence sidelines political imaginations which identify abortions and the women who seek them as immoral and deserving punishment. The shift away from punitive discourse came after backlash against antiabortion violence and altered rhetoric from the pro-choice movement (Saurette & Gordon, 2015). Perhaps the clearest demonstration of this shift towards evidence with underlying moral tension is the mid-2000s battle over “partial birth abortion,” or abortions performed in the second or third trimester after the point of viability. Ziegler (2020) notes that antiabortion political imaginations animated by disgust, such as rhetoric describing the closure of Kermit Gosnell’s clinic in visceral terms to foster outrage and moral indignation (Winderman & Condit, 2015), may have structured the political beliefs of some segments of the population. However, those imaginations receded due to Congressional testimony on the medical merits of specific procedures. The prevalence of regulation and paternalistic rhetoric in the modern abortion debate is an index of the importance of evidence, and a predictor of the kinds of regulations that government will implement. As imaginations of abortion emphasized medical necessity with distinct risks, the orientation of subsequent policies leaned towards regulation over outright bans. In turn, as the debate focused primarily on the technical elements of abortion access, those proffering a political imagination centering on the technical (lack of) danger abortion presents bolstered political support for regulation.

As evinced by the expansion of Women Protective Anti-Abortion Arguments (WPAAs) in the 2010s, a political imagination prioritizing regulation for the sake of women’s health suggests abortion harms women and that women are incapable of advocating for themselves without paternalistic intervention from the state (Coker, 2020; Saurette & Gordon, 2015). Rather than imagining abortion providers as indicators of social rot to be excised (Stormer, 2015), prior to the overturn



of *Roe v. Wade* (1973), antiabortion discourses typically privileged regulation in the name of women's safety as seen in *Women's Health v. Hellerstedt* (2016), and *June Medical Services LLC v. Russo* (2020). Despite the gradual closure of clinics, Ziegler (2020) notes impatience from both antiabortion politicians and activists who wished for (and were eventually granted) the full removal of *Roe v. Wade* (1973). Those advocates wish to curtail abortion access without requiring pretense, condition, or debates about medical evidence, an unpopular proposition as evinced in part by the public opinion fallout from the 6-3 decision in *Dobbs v. Jackson Women's Health Organization* (2022) removing the constitutional right to reproductive medicine (Majority of Public, 2022). Though a plurality of Americans identified as pro-life in 2009, Pew Research Center data in the last five years suggests a wide acceptability of abortion under specific conditions even considering increases in ideological polarization (Public Opinion, 2017), numbers which increased after overturn of *Roe v. Wade* (1973). Ultimately, absent a significant evidentiary shift, outright bans on abortion rely on brute partisanship and largely unpopular actions.

The federal hearings over the CMP videos constitute the conditions for such an evidentiary shift, however, as the hearings supplement and legitimate an otherwise fringe political imagination of abortion: namely, one that envisions abortion as a social disease, and those who seek and perform them as violent immoral agents. That legitimation occurs within the hearings partially through what Park (2021) calls "grandstanding" behavior wherein politicians circulate incendiary contentions or evidence that simultaneously validate like-minded partisans while engaging opposing partisans through mediated channels that cultivate outrage. Though the public rarely consumes footage of federal hearings in its totality, news networks across the ideological spectrum routinely treat those hearings as events worth (re)circulating for the sake of punditry, engagement metrics, and (occasionally) the public good. That circulation tracks with both the rise of ideological news networks such as Fox News and MSNBC, and the increased tendency for politicians to use hearings to advance "electoral and public policy goals" (Dancey et al., 2020, p. 2).

Ultimately, as recent scholarship on Supreme Court confirmation hearings demonstrates (e.g., de Saint Felix & Corrigan, 2022; Coker, In Press), the formation and execution of government hearings provide opportunity for (re)negotiating issues of public importance. Hearings influence the prevalence or credibility of representations by amplifying and twice circulating them; once in a serious setting with policy consequences, and again in using depictions as justification for a policy’s enactment (Asen, 2002). The depictions that circulate during a hearing suggest what legislators *believe* to be true about a subject or wish to be true as a justification for enacting policies and, as such, evidence’s existence in a federal hearing amplifies the possibility of repetition, (re)circulation, or (re)integration into a broader public debate (Duffy, 2015).

Beyond amplification, the very character of evidence may shift because of its existence in a hearing. Politicians reserve federal hearings for issues of public importance, such as the enforcement of laws or current events that warrant investigation. From that presupposition, there exists the capacity for rhetorical laundering wherein evidence can appear more legitimate by virtue of its treatment in a federal hearing, thereby sustaining the circulation of that evidence. Rice (2020) argues that locations where one treats evidence, be that an archive, a police evidence locker, or an attic, influence evidentiary weight and force by contextualizing bits of data and aiding in the ability for citizens and scholars to “assign a fixed form to buzzing and unruly sensations” (p. 135). That assignment of meaning is made simpler through frameworks like federal hearings that contextualize controversial pieces of evidence within and against investigations into legitimacy. Keremidchieva (2013; 2014) suggests the Congressional Record is less a mediator of rhetoric than it is an agent of institutional contextualization. Politicians use public statements and the formal structures of Congress to “assemble the disparate elements that would constitute the terrains of government, the essence of political issues, and the norms of congressional deliberation” (p. 57). This assemblage constitutes a mode of (re)configuring the relationship between political imaginations and evidence such that the evidence

adopts the “weight” appropriate of the documentary flows of the state.

In that vein, the discussion of the CMP videos in the federal hearings laundered otherwise suspect evidence which enhanced the justificatory force of a receded facet of an antiabortion political imagination. In legal parlance, laundering refers to making illicit profits appear legal or legitimate through a variety of means including moving the profits through multiple convoluted structures or fraud. As demonstrated in the analysis below, rhetorical laundering relies on similarly convoluted discursive moves including flattening differences between kinds and veracity of evidence, integration into broader political imaginations that lend credence to the evidence and utilizing the documentary flow of the state to obfuscate the problematic nature of evidence. This process is distinct from propaganda or general mis and disinformation (see Freelon & Wells, 2020), as it concerns specifically the transfiguration of the character of evidence rather than the gestalt of a narrative or the constant (re)circulation of demonstrably false statements. The CMP hearings demonstrate a process by which suspect evidence is suggested, via the force of a political imagination, to be worthy of investigation. That investigation lends credence to the notion that the evidence *could* be legitimate, a form of laundering that removes doubts or objections to the CMP videos. Once laundered, the videos are (re)integrated into the same antiabortion political imagination that justified investigation in the first place.

Taken together, this section considers the intersection of political imagination and evidence use in the context of the U.S. abortion debate to demonstrate the conditions under which a process of evidentiary transfiguration—conceptualized here as rhetorical laundering—can take place. In the subsequent analysis, I demonstrate, first, how this process occurs within the federal hearings over the CMP allegations through politicians’ use of a fringe political imagination as justification for investigation. Second, I isolate the rhetorical moves that abstract the videos through the documentary flow of the hearings, and finally I conclude by substantiating how opponents cast Planned Parenthood as a prototypical villain in an antiabortion political imagination to cement the plausibility of the CMP allegations.

## **Imagination and the Federal Hearings**

The CMP videos presented a justificatory problem, as they were suspect on several grounds, and politicians, abortion supporters, and Planned Parenthood itself refuted the CMP’s accusations prior to the federal hearings. Planned Parenthood hired Fusion GPS, a Washington DC based firm, to analyze the videos to determine veracity. The firm’s conclusions, released prior to the hearings, suggested significant issues with CMP’s claims resultant from selective and malicious editing (Levitan, 2015). Additionally, Congressional Democrats had engaged in fact-finding inquiries prior to the three Republican-led hearings and concluded the CMP videos did not represent evidence of wrongdoing. These actions compounded an existing legitimacy problem; David Daleiden, the founder of CMP, had been part of antiabortion advocacy through Live Action, an organization that liberals accused of misleading editing in the past following the release of different undercover videos at Planned Parenthood (Redden, 2016). In the hearing *Planned Parenthood’s Federal Funding Cecile Richards*, then CEO of Planned Parenthood, indicated politicians ought to be investigating Daleiden’s record of deceptive practices, if the videos were to be taken as evidence. Furthermore, in 2019 a federal jury in California awarded Planned Parenthood two million dollars in damages from Daleiden, finding his organization had engaged in “fraud, trespassing and illegal secret recording” in the process of creating and releasing the CMP videos (Hellmann, 2019, para. 2).

The purpose of the above is not to demonstrate or suggest whether the hearings were necessary, or the questions “resolved;” from a technical perspective, there are few rules concerning when and why Congress can empanel a hearing. Rather, the notion that the accusations from the videos were widely disputed in 2015, and subsequently demonstrated to be maliciously edited, suggests the extent to which partisan ideologues would have to work to present the evidence as a legitimate basis of political action. Against this backdrop, a defense of the hearings was necessary. As such, politicians mobilized a fringe antiabortion political imagination to justify interrogation of the CMP videos.

In what follows, I analyze the transcripts of three federal hearings empaneled to investigate the CMP’s allegations. Of the

three investigations between August and September of 2015, only one included a representative from Planned Parenthood, and none included representatives from the CMP. I divide the analysis into three parts. The first segment details the importation of a fringe antiabortion imagination into the federal hearings over Planned Parenthood. This importation constitutes the first move of laundering evidence, as the force of the imagination lends credence to the CMP's claims and justifies investigation rather than dismissal. The second portion isolates the rhetorical moves used to justify treating the videos as evidence of wrongdoing independent of their veracity, thus facilitating their laundering. The final section explains how Planned Parenthood figures into the antiabortion political imagination vis-à-vis the videos, thereby justifying political action and completing the laundering of the evidence.

### *Establishing Imagination*

As established in the prior section, in the last 20 years, the antiabortion movement has been divided on regulation versus full abortion bans, a division demonstrating competing imaginations of women who seek abortions and doctors who perform them (Ziegler, 2020). The division concerns the acceptability of abortion on moral versus technical grounds. As evinced by legislative regulation over outright bans, antiabortion political imaginations based in totalizing morality and disgust at abortion have receded relative to technical framings of the procedure that justify limitations in the name of women's health. However, in the federal hearings over the CMP's claims, two elements of that fringe antiabortion imaginary circulate to establish the CMP accusations as plausible to justify investigation. The first is fetal centric framing which conflates the term "fetus" with "baby" or "child" to generate disgust at abortion consistent with the CMP's accusations (Rowland, 2017). The second is invoking the specter of the "abortionist," a greedy villain looking to exploit women, again achieving consistency with the CMP's claims.

Fetal centric framing begins with the assumption that a child in utero, at virtually all stages of pregnancy, constitutes a human in need of protection (Rowland, 2017). The simplest way to elevate the status of a fetus is by subbing the technically accurate

“fetus” or “child in utero” for the affectively charged “baby” or “child.” In the Oversight and Government Reform hearing *Planned Parenthood’s Taxpayer Funding* (2015), for example, former Rep. Steve Russell (R-OK) notes “We’ve heard testimony today that 2.7 million received services [from Planned Parenthood] in the last reported year. That number is actually over 3 million when you add the 327,000 aborted children” (p. 79). Similarly, antiabortion activist Gianna Jessen’s testimony in the Judiciary hearing, “Planned Parenthood receives \$500 million of taxpayer money a year to primarily destroy and dismember babies. Do not tell me these are not children. A heartbeat proves that, so does 40 ultrasounds” (*Planned Parenthood Exposed*, 2015, p. 17). Rowland (2017) suggests humanizing a fetus as a class in need of protection indistinct from an infant or a toddler is a way to demobilize rhetoric of choice. By skirting past both legal and medical understandings of viability, antiabortion politicians and activists center the fetus in the conversation as indistinguishable from a living, breathing child.

This conflation facilitates laundering the CMP videos through the affective force of an antiabortion imagination driven by disgust and outrage, as it implies abortion disregards the life of a sacrosanct protected class, a transgression consistent with trafficking in fetal tissue. Note that this disregard is animated not by the technical elements of medical procedures that had previously been privileged as evidence in federal hearings over issues like late term abortion (Ziegler, 2020). Rather, disgust activates moral sensibilities and binary thinking that override technical framing to recenter the unobjectionable unspoiled innocence of children against women’s needs for medical autonomy (Winderman & Condit, 2015). Fetal-centric language disguised as child-centric language, then, justifies investigation into the CMP’s claims on moral grounds that demote technical concerns like accuracy or veracity.

Beyond intensifying the affective impact of the CMP allegations, centering the fetus illustrates the moral calculation of subsets of the antiabortion movement: that abortion is murder in all instances and is therefore morally impermissible (see Packer, 2013). Former Rep. Bob Goodlatte (R-VA), Chairman of *Planned Parenthood Exposed*, calls the session to order by declaring, “Any discussion of abortion is inherently difficult as it is unquestionably

the taking of a human life” (Planned Parenthood Exposed, 2015, p. 4). Similarly, former Rep. Joe Pitts (R-PA), Chairman of the Committee on Energy and Commerce Subcommittee on Health hearing *Protecting Infants: Ending Taxpayer Funding for Abortion Providers who Violate the Law* (2015), notes “What must such a baby feel when she is approached by doctors who come to kill rather than to cure?” (p. 4). Humanization of the fetus necessitates its protection, thus justifying a hearing over the CMP allegations even if extant evidence and political discussion suggested that Planned Parenthood neither harmed nor exploited any literal children.

The moral overweighing the technical is furthered, also, by conflating the vast majority of abortive procedures conducted at Planned Parenthood, those induced via a pill or a procedure called dilation and evacuation (D&E), with comparatively rare circumstances of terminations after the point of viability. In these hearings, abortive procedures that are now defunct or illegal are described in gruesome detail to illustrate abortion in the political imagination as consistent with the CMP accusations of trafficking in fetal tissue, thereby facilitating antiabortion activists and politicians’ laundering of the videos. When asked by former Rep. Trey Gowdy (R-SC) to describe a partial birth abortion in *Planned Parenthood Exposed* (2015), antiabortion activist and lawyer James Bopp Jr. responds:

A partial birth abortion, as defined under Federal law, is where a physician partially delivers, usually the trunk and legs, of the baby, leaving only the head in the birth canal, and the baby is alive. And then takes an act to kill the baby at that point, usually thrusting scissors into the back of the skull in order to kill the baby, and then completes the delivery. (p. 172)

Aside from the relatively astounding grandstanding—“partial birth” abortion is not an accepted medical term, and the closest procedure, intact dilation and extraction for miscarriages or second and third trimester abortions, are rare and entirely unlike Bopp’s explanation—this description in the context of the CMP videos encourages politicians and the public to view Planned Parenthood with extreme prejudice. Gratuitous details, including the description of scissors with the modifier “usually” betrays the importation of a moralizing antiabortion political

imagination into the hearings. The importation does not simply nod towards outrage. Rather, the combination of viscera with an unfeeling doctor activates an affect of disgust at the center of fringe antiabortion imaginations (Winderman & Condit, 2015). The transposition of disgust describes a way of being against abortion, an orientation that precludes the acceptability of the procedure or those who perform it based not on technical expertise or safety but rather moral depravity. Winderman and Condit (2015) note that disgust, rather than simply anger or horror, is a trope of some antiabortion activists relying on intimate and grisly details toward the end of banning abortion. That trope bolsters indignation and moral certitude at the core of antiabortion activism, and rarely will disgust manifest in the liberalization of abortion policies which often rely on technical and medical designations (Winderman & Condit, 2015). Disgust, in this context, proscribes a specific target, abortionists, and implies action must be taken to right this moral wrong, especially considering the CMP’s allegations. Similarly, Rep. Pitts in *Protecting Infants* (2015), describes a horrific scene detailed in one CMP video. A fetus is off camera, and two individuals are shown about to perform a medical procedure. The fetus:

had a face. It wasn’t completely torn up. Its nose was very pronounced. It had eyelids. Since the fetus was so intact, she said: Okay, well, this is a really good fetus, and it looks like we can procure a lot from it. We are going to procure a brain. That means we are going to have to cut the head open. (p. 43)

The visceral imagery inspires disgust, and that disgust is then transposed onto a generalized imagination of abortion consistent with the CMP videos to launder the evidentiary quality of the allegations.

An exchange between former Rep. Steve King (R-IA) and pro-choice lawyer Priscilla Smith in *Planned Parenthood Exposed* (2015) illustrates how this conflation of procedures offers the capacity for indignation and disgust:



KING: You would not assert that it is inhumane to dismember an unborn baby.

SMITH: I would not say it that way. I would say it is not inhumane to perform a D&E abortion on a pre-viable fetus, absolutely.

KING: A pre-viable fetus would be an unborn baby, would they not? We are back to that. (p. 157)

The insistence that every abortive procedure, at every part of a pregnancy, constitutes murder demobilizes arguments defending Planned Parenthood and increases the plausibility of the CMP's allegations. Dubriwny (2005) notes the normalization of abortion as a safe medical procedure was a necessary response to rhetoric setting abortion apart from routine medicine. Though visibility of medical procedures may center the debate on women, rather than moral abstractions, discussing a procedure can generate disgust directed at supporters of abortion rights. In the hearings, understanding abortion as a routine medical procedure is disrupted by indignation, thereby justifying investigation into CMP's claims. Consider Rep. Larry Bucshon's (R-IN) contention:

I am a physician who has operated on premature babies as young as 23 weeks' gestation ... I find the discussion, the callousness of the discussion, particularly appalling in the videos based on that, as well as the fact that I am a father of four and a pro-life person. (Protecting Infants, 2015, p. 128)

Bucshon demonstrates the interplay of disgust and morality; because of the appalling nature of a callous discussion of destroying innocent life, it is impossible for him to be anything but antiabortion.

Ultimately, when politicians and activists employ the language of fringe elements of an antiabortion political imagination, they complicate the ability to contest the pretext of hearings and, indeed, the presuppositions of the videos themselves. Following justifying the hearings, rhetorical laundering manifested in strategies designed to treat the videos as evidence of wrongdoing independent of their veracity.

*Integrating Suspect Evidence*

One core strategy used to skirt past the evidentiary problems with the CMP videos concerned framing the questions and testimony as normal, rigorous investigation without ideological lean. This framing launders the CMP videos from manipulations to bits of neutral evidence in a broader political debate. At the beginning of *Planned Parenthood's Taxpayer Funding* (2015), former Rep. Jason Chaffetz (R-UT) states: “We hope to have a good, lively debate. This is what Congress is intended to do, and we need everybody in this room—we need everybody’s participation along the way” (*Planned Parenthood's Taxpayer Funding*, 2015, p. 1). Emphasizing what Congress is “intended” to do normalizes the investigations into clearly manipulated videos, skirting past assertions that the pretense of the hearing was questionable. Hearings are clearly partisan tools, but they routinely feature falsifiable statements characteristic of a deliberative democracy (Park, 2021). By naturalizing a partisan investigatory process, rhetors establish a framework through which those investigating view subsequent testimony and evidence.

The established framework offers rhetorical cover for suspect evidence by abstracting it, configuring the videos as part of a larger debate. In *Planned Parenthood Exposed* (2015), Democrats entered into the record documents signed by upwards of two hundred organizations supporting Planned Parenthood’s actions both in general, and specifically in the context of fetal tissue donation. Furthermore, Democrats indicted the veracity of the videos, and questioned the partisan motivation for the hearings. In multiple hearings, they attempted to use procedural measures to object to the showing of the video without context, or to strike elements of testimony when it became apparent that the full videos were not available. Rep. Diana DeGette (D-CO) notes the videos were verified as inaccurate, as Democrats “did a complete investigation into the allegations made in these deeply altered video tapes. The conclusion was that this committee has received no evidence to substantiate the allegations that Planned Parenthood is engaged in the sale of fetal tissue” (*Protecting Infants*, 2015, p. 8).

Despite these corrections, Republican Congresspeople articulated the videos as worthwhile evidence to launder their

problematic qualities. Rep. Tim Wahlburg (R-MI) clarifies in the middle of his questioning time “I just want that stated for the record, Mr. Chairman, as we have a lot of controversy about the videos. And yet, the eyes show it, but ears even more so hear what was said” (Planned Parenthood’s Taxpayer Funding, 2015, p. 37). Keremidchieva (2014) notes an emphasis on the record itself rather than the evidence in question abstracts evidence to divorce it from its wider context and controversy. This severance launders the evidence whereby its evidentiary force is independent of its validity; as the context of the CMP videos recedes, actors were increasingly able to treat the videos as actionable evidence independent of their content.

Having established the capacity for the edited videos to be treated as evidence of wrongdoing, antiabortion participants suggested those in the hearing should overlook the suspect characteristics of the video. When pressed as to whether the majority on the committee was in possession of the full, unedited videos and transcripts, Rep. Franks (R-AZ) replies “The answer is, no, that we are not. But ... we are in possession of enough of it to indicate that living human viable babies are being murdered at Planned Parenthood, and their body parts are being harvested” (Planned Parenthood’s Taxpayer Funding, 2015, p. 168). The veracity of the videos is immaterial; their reality is both unquestionable, and not worth being questioned. Former Rep. Raúl Labrador (R-ID) argues:

I do not know if we are ever going to be able to answer that question whether it was illegal for them to do what they were doing. The real tragedy is that we are confronted today with is that human beings have been reduced to mere commodities in this practice, and Federal dollars are contributing to it. (Planned Parenthood’s Taxpayer Funding, 2015, p. 176).

The existence of the videos is evidence enough, and those presenting and defending the videos use their existence to supplement an imagination of Planned Parenthood.

Though some chose to treat the videos as evidence of wrongdoing, others established frameworks beyond deliberation to launder the videos’ problematic qualities. Former Rep. Joe

Barton (R-TX) argued the accuracy of the videos was immaterial, as Planned Parenthood hadn't denied the claims:

The ranking member of the full committee, Mr. Pallone, has indicated they have been heavily edited, and that may be true. If he says it is true, I am going to assume that it is true. But what has been made available publicly, to your knowledge, has anybody from Planned Parenthood disputed what has been made publicly available? In other words, has anybody said, “That is not true, we don't do that?” (Protecting Infants, 2015, p. 66)

This sleight of hand, wherein explicit denial is the only rhetorical move signaling innocence, precludes a scenario where full denial of the video's content was not possible and thereby launders the video as evidence of illegal activity. This laundering is apparent when one considers Rep. Brett Guthrie (R-KY), who states in *Planned Parenthood's Taxpayer Funding* (2015): “nobody is debating the quotes that are in there. I mean, we need to look at the whole video, I agree with that. Nobody is debating the quotes” (p. 72). There was not, as Guthrie indicated, audio manipulation of Nucatola. Rather, conversations were spliced together to *imply* illegal behavior and clarifying language was edited out. As such, a full denial by Planned Parenthood was not feasible (or, given the legality of their programs, necessary).

The documentary flow of federal hearings can, as Keremidchieva (2014) suggests, encourage individuals to consider not the particularity of evidence but the context into which that evidence is woven, a broader totality that does not rely entirely on the veracity or strength of its individual components. This abstraction sets the stage for a final move in rhetorical laundering: casting Planned Parenthood as an archetypal villain in the antiabortion political imagination, thereby cementing the plausibility of the CMP allegations.

### *Imagining Planned Parenthood*

The final step of laundering the CMP videos occurs when antiabortion politicians and witnesses (re)articulate Planned Parenthood as a proto-typical abortionist organization to clarify the plausibility of the CMP accusations and justify immediate political action. The abortionist is self-interested, looking to profit

from illicit action, and does not consider the impact they have on the women they target (Winderman & Condit, 2015). Rather than treating doctors as professionals engaged in treatment fitting a patient's needs, the abortionist is incompetent, callous, and greedy.

In each hearing, the abortionist is invoked to justify further investigation into the CMP's claims and tie the organization closely to profit motive and loose morals. In *Planned Parenthood Exposed* (2015), former Rep. Trent Franks (R-AZ) argues:

I find it so crushingly sad that the only time this little baby was ever held by anyone in its short life was by those who cut his face open and took his brain. Have we forgotten that it was not so long ago that authorities entered the clinic of Dr. Kermit Gosnell? They found a torture chamber for little babies that really defies description. (p. 5)

Gosnell is a prototypical abortionist, in the sense that he was callous, reckless, and profit-motivated (Winderman & Condit, 2015). These characteristics match those circulated prior to the 1973 decision in *Roe v. Wade* to articulate both abortion, and those who perform the procedures, as indices of "social decay" (Stormer, 2015, p. 351).

Beyond references to Gosnell, themselves powerful for mobilizing disgust and outrage to link Planned Parenthood with immoral and illegal activity, witnesses and Republican politicians couple the organization to abortionists through accusations of being profit driven at the expense of their patients. James Bopp Jr. in *Planned Parenthood Exposed* (2015) asserts Planned Parenthood "receives substantial financial incentives for harvesting fetal tissue, and their love of money supersedes all other consideration" (p. 21). Beyond "their love for money," Planned Parenthood is set apart from other medical providers because they operate in the black. Casey Mattox, then Senior Counsel for the Alliance Defending Freedom, suggests in response to questions in *Planned Parenthood's Taxpayer Funding* "there is a substantial reason for the taxpayers to be very concerned this is an organization that is able to profit off of Medicaid. [...] Medicaid is not usually a program that you can profit from, but it seems that Planned Parenthood has found a way" (p. 112). In the same hearing, Rep. Gus Bilirakis (R-FL) asks of Mattox "Unlike other

Medicaid providers, they have been able to avoid some of the oversight and corrective actions that most Medicaid providers would expect. Can you elaborate on what they have been doing to maybe what they have been getting away with all these years?” (p. 111). The thinly veiled accusation of impropriety articulates profit motive alongside the imagination of the abortionist, and Planned Parenthood’s Medicaid remuneration adopts a sinister undertone. This articulation casts the organization as financially motivated at the (implied) expense of women, an articulation consonant with the CMP videos. Recall that this same shell game—treating reimbursement as profit—is at the center of the CMP allegations, thereby laundering the core claims of the CMP videos independent of their suspect quality.

Financial motivation for fetal tissue is set alongside a conversation about the profitability of abortion. Former Rep. Cynthia Lummis (R-WY) insists “Let’s talk about Planned Parenthood revenue from abortions. If you look at the 2013 statistics that you report, abortions from—if you—from revenue would have been over 86 percent of your nongovernment revenue” (Planned Parenthood’s Taxpayer Funding, 2015, p. 23). There are disputes within the hearing concerning the “profitability” of abortion; then-CEO of Planned Parenthood Cecile Richards was unable to say for certain how much money clinics receive in exchange for abortion procedures annually, and many politicians engaged in napkin math wherein they took rough estimates from tax documents to assert the profitability to approaching “86% of nongovernment revenue” (Planned Parenthood’s Taxpayer Funding, 2015, p. 23). Abortion as a means of profit was a trope circulated pre-*Roe* to demonize both those who performed abortive procedures, and motives of individuals advocating for women’s reproductive care (Stormer, 2015). As that trope is consistent with, and reinforced by, the CMP allegations, the discussion of money articulates Planned Parenthood alongside abortionists and launders the plausibility of the videos.

As configured by the fringe antiabortion imagination, Planned Parenthood fails to consider the murders they have committed or the women whose lives they have ruined. Gianna Jessen in *Planned Parenthood Exposed* (2015) bluntly claims:

Planned Parenthood uses deception ... to achieve their monetary aims. I will illustrate how well they employ this technique with the following quote: “The receptivity of the masses is very limited. Their intelligence is small, but their power of forgetting is enormous. In consequence of these facts, all effective propaganda must be limited to a very few points and must harp on these slogans until the last member of the public understands what you want him to understand by your slogan.” Adolf Hitler. (p. 14)

The use of hyperbole, comparing advocacy for Planned Parenthood to Hitler, is closely tied to the CMP videos; one empowers the use of the other. For Planned Parenthood to be capable of the actions described by the CMP, the organization would have to be at a level of moral failing hardly known in modern politics. Consider the opening testimony of antiabortion activist and former CEO of Americans United for Life Charmaine Yoest in *Protecting Infants* (2015):

Today, I will focus on three issues that have received less attention to date, specifically Planned Parenthood’s involvement in killing infants born alive after an abortion, performing illegal partial-birth abortions, and coordinating potentially unethical and illegal organ and body part harvesting at the corporate level. The flagrant disregard for both life and law at Planned Parenthood that the videos depict is, unfortunately, not surprising. (p. 29)

The notion that “flagrant disregard” is “not surprising” belies an underlying imagination of individuals who provide abortive services as an immoral force. The videos are confirmation for what she already knew, thus achieving status as worthwhile evidence.

## **Implications**

This analysis details the laundering of suspect evidence into a broader political imagination via federal hearings such that both the evidence and the imagination justify action against Planned Parenthood. Elevating the CMP’s allegations for public consumption relies on rhetorical laundering that circumvents evidentiary objections and results in further (re)circulation

following their treatment in the federal hearings, as evinced by both statements and actions from the Trump administration, and the persistence of the allegations in conservative news spaces even following the overturn of *Roe v. Wade* (1973). Despite direct attacks on the veracity of the videos, their imagery was incorporated into the antiabortion political imagination and recirculated for public consumption. I conclude with a discussion of (re)circulation facilitated by rhetorical laundering, and the risk of increasing violence against abortion providers even following the overturn of *Roe*.

This study highlights a mode by which politicians and witnesses can (re)interpret evidence in places of rhetorical force to bolster otherwise fringe political imaginations and facilitate circulation for public consumption. Rice (2020) notes that contemporary concerns about support for positions rarely revolve around the *amount* of evidence; there is often a body of evidence for even the most outlandish claims. As such, the character of evidence is of specific interest for scholars of communication and society, as we are often subject to the evidentiary force of “preferred” sites of memory or credibility. If the magnitude or location of evidence transfigures its very character, we may be compelled to take the evidence seriously through informal expectations or formal frameworks. Rice’s (2020) example of a police evidence room is instructive; by simply existing in a precinct’s lock up, the very character of an object changes alongside our expected treatment of it.

In the context of the CMP videos, federal hearings become a “preferred” site of evidence that launders the questionable attributes of the CMP’s claims and bolsters them through attention and repetition of an antiabortion political imagination. The treatment of the videos in the federal hearing generates an “aura of technicality” (Rice, 2020, p. 43) that justifies further exploration and lends credence to an otherwise fringe element of the antiabortion political imagination while normalizing proselytizing on the distinction between moral and technical debates (e.g., *Dobbs v. Jackson Women’s Health Organization*, Kavanaugh Concurrence, 2022). Bad faith actors and partisan pundits have repeated that mode, and will continue to do so; there will be no shortage of questionable evidence in the future,



much of which may be subject to the same laundering seen in this analysis.

To demonstrate, (re)circulation of the CMP claims and corresponding antiabortion imagination occurred immediately following the hearings and resurfaced as Planned Parenthood sought legal action against Daleiden in 2019. Shortly after the hearings, in the second Republican Primary debate of 2016, Former Hewlett Packard CEO and presidential candidate Carly Fiorina contended that a video existed showing a Planned Parenthood staffer with “a fully formed fetus on the table, its heart beating, its legs kicking, while someone says we have to keep it alive to harvest its brain” (ThinkProgress, 2015, para. 4). In a later interview, Chuck Todd explained to Fiorina the video was a re-enactment and misrepresented Planned Parenthood’s practices. Fiorina responded: “Do you think this is not happening? ... This is happening in America today. And taxpayers are paying for it. That is a fact. It is a reality” (ThinkProgress, 2015, para. 8).

Similarly, former President Trump relied on disgust to animate antiabortion supporters. In the third presidential debate of 2016, then candidate Trump contended, in response to Clinton’s answer on the question of late term abortions, that “what Hillary is saying, in the ninth month, you can take the baby and rip the baby out of the womb of the mother just prior to the birth of the baby” (Carmon, 2016, para. 8). Antiabortion advocates, politicians, and Trump himself repeated this visceral language throughout his presidency, including in the 2019 State of Union in reference to an upcoming debate on a bill that would have punished doctors who failed to provide care “in the case of an abortion or attempted abortion that results in a child born alive” (Born-Alive Abortion Survivors Protection Act, 2021, sec. 3). The extremity of Trump’s language, and the permissiveness towards his misrepresentations, are overdetermined, but the present study suggests the evidentiary shifts isolated in the analysis set the groundwork for his use of disgust to further mobilize a segment of the electorate. Those evidentiary shifts, in turn, laid the rhetorical groundwork for the majority decision in *Dobbs*; Alito’s use of language like “abortionist” and highly selective narrative of history and the evolution of public opinion capitalized on a legal, political, and rhetorical culture

unconcerned with the veracity or specificity of evidence about abortion (*Dobbs v. Jackson Women’s Health Organization*, 2022).

Beyond illuminating how rhetorical laundering can alter the character of evidence and facilitate (re)circulation, there exist further considerations in the realm of public policy; namely, the way this evidence could be used to justify actions against reproductive healthcare providers even after the 2022 overturn of *Roe v. Wade* (1973). The essay closes with two areas of concern: shifting legal frameworks empowering action against Planned Parenthood on the weight of the CMP evidence and bolstering fringe imaginations supporting the wholesale and violent removal of abortion providers.

First, efforts to defund Planned Parenthood rely on statutory frameworks that vary based on state and federal guidelines responsive to evidence of wrongdoing. Justice Kavanaugh’s concurring opinion in *Dobbs v. Jackson Women’s Health Organization* (2022) explicitly notes the decision “does not prevent the numerous States that readily allow abortion from continuing,” and a good faith reading of the majority and concurrences in *Dobbs* suggests the court is simply relegating the decision back to states (*Dobbs v. Jackson Women’s Health Organization*, Kavanaugh Concurrence, 2022, p. 4). In that same breath, however, the treatment of the CMP videos in the federal hearings offers the possibility that laundered evidence justifies actions against Planned Parenthood *even in states that enshrine abortion access*. Consider statutory changes made by the Trump Administration to reverse Obama era guidance regarding Medicaid reimbursement to increase state flexibility for determining provider standards. That flexibility, when bolstered by laundered evidence of Planned Parenthood’s wrongdoings, could and would be used by state legislators to attempt to lock the provider out of funds (Wolf, 2018). If one state bars Planned Parenthood from funding “for cause,” a labeling made easier through reference to laundered evidence, other states may be obligated to deny Planned Parenthood funding as well (North, 2018). As of this writing, these defunding attempts in multiple states have been subject to legal challenges, albeit now with better prospects than defunding attempts prior to the CMP allegations and *Dobbs v. Jackson Women’s Health Organization* (2022). Ultimately, when paired with statutory changes and antiabortion jurisprudence,

evidence that has moved through the documentary flow of the state adopts a serious and potentially actionable character.

Beyond legal minutia, the laundering of the CMP videos affords weight to fringe elements of the antiabortion imaginary that suggests the immorality of abortion justifies its violent rejection even as the Supreme Court strips abortion access from people across the country. Contemporary scholarship suggests retributive antiabortion discourses implying or justifying violence, such as those resulting from the Gosnell case, are much less common in recent years (Winderman & Condit, 2015; Ziegler, 2020). In their place, some antiabortion groups have employed Women Protective Anti-Abortion Arguments (WPAAs), which use paternalism to limit abortion access. By laundering evidence through a fringe antiabortion political imagination, conservative politicians in the hearings eschewed WPAAs, and the technical solutions they imply, in favor of moral posturing that demonizes Planned Parenthood. The laundering dictated the orientation of the resulting policy; where paternalism imagines incompetent entities to be regulated for their own good (Coker & Coker, 2022), the depravity outlined in the CMP videos justifies wholesale elimination of abortion providers.

More troubling, even following *Dobbs v. Jackson Women's Health Organization* (2022) there exists the possibility of extrajudicial violence by antiabortion zealots may increase considering (re)circulated evidence of Planned Parenthood's guilt. Though there is a temptation to suggest that antiabortion violence will decrease now that the Supreme Court overturned *Roe v. Wade* (1973), the Department of Justice notes that property damage, intimidation, and outright violence against reproductive health care providers have persisted in 2022 (United States Department of Justice, 2022). The language of the CMP allegations facilitated violence; consider the deadly 2015 attacks against a Colorado Planned Parenthood. Assailant Robert Dear Jr. told police, "No more baby parts" after his arrest for an antiabortion terrorist attack resulting in the death of three people (Coffman, 2015, para. 1). Violence against abortion providers often feature discourses which frame abortion as a grave sin to justify violence in contravention of the technical framing endemic to the U.S. abortion debate generally, and even the language of *Dobbs v. Jackson Women's Health Organization* (2022). Though Dear Jr.

was almost certainly not spurred to violence by the federal hearings alone, the amplification of false accusations justifies a dangerous trajectory for antiabortion activism that persists even after *Dobbs* (United States Department of Justice, 2022). If the aftermath of the Planned Parenthood hearings—openly partisan attacks on institutions, politicians continuing to ignore sound science, and outbreaks of violence—are any indication, deeper understandings of public policy rhetoric accounting for this kind of laundered evidence must become the norm.

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