ACLU vows to fight efforts to re-enact abortion laws

By JOE GYAN JR.
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NEW ORLEANS — The American Civil Liberties Union of Louisiana accused the Legislature and Orleans Parish District Attorney Harry Connick of “political grandstanding” Tuesday and vowed to fight the state every step of the way over the abortion issue.

Shirley Pedler, executive director of the Louisiana ACLU, said state lawmakers and Connick have displayed a “flagrant disregard of the U.S. Constitution” in their efforts to re-enact Louisiana’s anti-abortion laws in the wake of last week’s Supreme Court ruling giving states the freedom to impose new restrictions on abortions.

“What’s going on here (in Louisiana) is lawless,” Pedler said during a news conference at the Delta Women’s Clinic on St. Charles Avenue in New Orleans. “That is, a lot of public officials don’t seem to be constrained by the rule of law to go about getting what they want through proper and orderly channels.”

Also Tuesday, a half-dozen members of a local National Organization for Women chapter marched in front of Connick’s office to protest his plans.

The Supreme Court ruled in its landmark 1973 decision known as Roe vs. Wade that women have a right to abortions. Louisiana’s anti-abortion statutes were never repealed by state legislators and are still on the books.

On July 3, the high court stopped short of overturning Roe vs. Wade in upholding several key provisions of a Missouri law that imposed new restraints on abortions.

The Legislature wasted little time in approving a resolution Saturday asking prosecutors to resume enforcement of those criminal abortion laws, which carry — among other penalties — a 15-year prison sentence at hard labor for people convicted of performing an abortion.

Connick took a step in that direction Monday by asking a federal court in New Orleans to reconsider a 1978 order forbidding Louisiana to enforce its criminal law banning all abortions.

A Louisiana woman, who was represented by the ACLU, sued Connick and other state officials shortly after the Roe vs. Wade decision affirmed a woman’s right to an abortion. Three years later, a three-judge federal court panel issued an injunction prohibiting state law enforcement authorities from enforcing the contested statutes.

U.S. District Judge Martin L.C. Feldman has scheduled a hearing for Aug. 9 on Connick’s motion that he be allowed to return to court and argue for a different ruling in the 1973 suit against Louisiana officials.

Attorneys with the ACLU’s Reproductive Freedom Project in New York will attend the federal court hearing, Pedler promised.

“The ACLU will meet Mr. Connick in court. The national organization will be here,” she said. “We are prepared to defend against the removal of that injunction and the attempt to immediately reinstate Louisiana laws criminalizing abortion.

“We don’t think there are weaknesses (in the high court’s ruling July 3 in a case from Missouri called Webster vs. Reproductive Health Services),” Pedler said. “We don’t think there are loopholes. We think that we will prevail.”

Pedler stressed that Connick has no legal standing to request that the case be reheard because Roe vs. Wade was not struck down by the high court.

“First, there is simply no point in seeking to lift the injunction because there has been no change in the law, which is to say that Roe vs. Wade — which gave women the right to choose abortion — is still the law of the land,” she said. “The repeal of the injunction would not change this.

“Second, we believe Mr. Connick to be acting without legal authority in seeking a repeal of the injunction. The law which authorizes such a measure requires the judgment upon which the injunction was granted (Roe vs. Wade, in this case) to have been reversed or otherwise vacated.

“This is not the case here, as Mr. Connick should know,” Pedler said. “Again, Roe vs. Wade remains in force, and abortion is a legal medical procedure in this country.”

The Legislature and Connick are wasting taxpayer money, she charged.

“It is most unfortunate that highly placed public officials have chosen to act rashly and irresponsibly and to waste taxpayers’ money in this most impoverished state,” Pedler said.

“If the state of Louisiana wishes to test Roe vs. Wade, there are legal means whereby to accomplish just that — namely for the Legislature to pass new laws outlawing abortion and to underwrite the cost of defending that legislation all the way to the United States Supreme Court,” she said.

“These current maneuvers are a waste of everyone’s time and money and demonstrate a shocking disregard for the rule of law on the part of people elected and sworn to uphold the law,” Pedler added, though, that Louisiana now represents the “first and most serious challenge” to Roe vs. Wade since last week’s Supreme Court ruling.

Pedler accused state legislators and Connick of “playing football with women’s reproductive rights” and putting women who want abortions “in a state of confusion.”

“I think that is cruel. I think that is inhumane. I think that is base. I think that is disgusting to make a political issue out of this at the expense of the lives of people needing that service,” she said.

Toni Scott, director of the Delta Women’s Clinic, said the recent Supreme Court ruling, the state legislative resolution and Connick’s actions have confused women seeking abortions.

“They’re not sure if abortion is still legal,” Scott said. “Women are calling to find out if they can come in today or next week. I’m really there just to tell them that abortion is legal, that Delta is performing the procedures as usual.”