La. abortion laws studied

NEW ORLEANS (AP) — Several Louisiana prosecutors appeared Monday before the state’s old criminal law against all abortions can be resurrected in light of Monday’s U.S. Supreme Court upholding Missouri abortion regulations.

"The statute's still on our books. We intend to use that as a vehicle to get back in court," said Harry Connick, district attorney in Orleans Parish.

District Attorney Charles F. Wagner also believes that abortion is homicide and killing of an unborn fetus. If a crime has been committed, we will enforce the law as written here in Rapides Parish," said District Attorney Charles P. Wagner.

But Wagner and other prosecutors said they would have to review Monday’s decision, which gives states more leeway to regulate abortion, before deciding whether to pursue the Louisiana law as Spielberg after the Roe vs. Wade decision which women a right to abortion.

Some prosecutors were flatly daunted.

"I don't think the U.S. Supreme Court has abrogated Wade," said Robert L. Bundle of Lafayette. "I don't think our general statute that says all abortions are prohibited is unconstitutional."

Federal courts ordered Louisiana in 1973 not to enforce that law which carried a penalty of up to 10 years in prison at hard labor. However, it was never ruled unconstitutional, said John S. Baker Jr., a professor at Louisiana State University Law Center. Baker, who argued that case as an assistant district attorney for Orleans Parish, said he and Connick have talked about bringing it back into federal district court but have not decided to do so.

"I told Mr. Connick that, there seems to be an invitation in (Monday's ruling) to raise the issue, and that this case might be a vehicle for doing so," Baker said.

Baker said they probably will decide soon whether to ask the federal court to reconsider the case in light of Monday’s decision.

The state Senate, in a resolution today, urged the state’s 63 district attorneys to enforce whatever laws they consider constitutional.

The resolution was sent back (Continued from page 1)

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Friday by the Senate.
State Rep. Woody Jenkins, who serves as House leader for issues pressed by fundamentalist churches, said prosecutions under the old law would let the court decide whether to uphold or overturn Roe vs. Wade.

Paul Carmouche, district attorney in Caddo Parish, said he didn't like the House resolution pushed by Jenkins.

"Mr. Jenkins was serious, I think he should have sat down with the DAs and talked about it first," said Carmouche. "We're going to do what's right and legal under any circumstances."

"Maybe the district attorneys should sit down and pass a resolution asking the Legislature to sit down and properly do their job. Some of us don't believe they're doing that."

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