Most Of State Abortion Laws Thrown Out By Judge

NEW ORLEANS (AP) — A federal judge has thrown out most of the Louisiana laws that made abortions more expensive or harder to get, and one of the main challenges of those laws says the ruling should prompt the Legislature to stop passing unconstitutional laws.

The ruling by U.S. District Judge Robert Collins released Monday left intact the laws requiring a minor to get advice from parents or courts but allowing emergency abortions to protect a woman's health, and requiring that details of the abortion procedure be explained to the woman.

The 100-page opinion includes some written reasons for several rulings Collins issued without explanation three years ago.

Martha Kegel, director of the New Orleans chapter of the American Civil Liberties Union, said Collins' opinions were all attempts to make abortions less available to women who wanted them and to harass women by seeking to make them feel guilty.

Several times in his written opinions, Collins noted that references to a fetus as a "child" or "unborn child" seemed to him to be an attempt to make a woman feel guilty about seeking an abortion.

The lawsuit against the abortion laws was originally filed in 1978 by two pregnant women, three physicians and five women's clinics which performed abortions on demand. It was amended after the Legislature approved new laws in 1980 and 1981.

One of the two women filing the lawsuit was a 17-year-old identified only as Linda S., about 10 weeks pregnant at the time.

"She claims that both of her parents are vehemently opposed to abortion and she would be afraid to ask their consent," Collins explained in his opinion.

Furthermore, she maintained that she had no knowledge of how to get a court order or how to conduct herself during an involved procedure of hearings required by the law.

Collins upheld part of the package, explaining that while there might be some emotional and physical distress involved for the pregnant minor, the law still "provides an appropriate regulation of the conflicting rights involved, that is, the right of a minor to secure an abortion and the right of the state to further a constitutionally permissible end by encouraging an unmarried pregnant minor to seek the help and advice of her parents in making a very important decision, whether or not to bear a child."

That requirement could be suspended in the case of an emergency that might damage the pregnant minor's health, Collins said, upholding that portion of the state's package.

He said it seemed like good medical practice to inform a woman about an abortion and its possible risks, but trained counselors could provide the information instead of doctors.

Ms. Kegel said the organization has already appealed to the 5th U.S. Circuit Court of Appeals on the parts of the package upheld by Collins.

"The entire decision isn't any surprise to observers of the constitutional right to an abortion because of the fact that just last summer the U.S. Supreme Court upheld that right and struck down legislative actions that restricted those rights and harassed women seeking an abortion," she said.

"Judge Collins is one of the first to rule in keeping with that Supreme Court decision," Kegel said. "Included in the laws declared unconstitutional by Collins on Monday was the requirement that an ultra-sound picture be taken of the developing fetus before any abortion. Louisiana was the first state to enact such a provision."

"The evidence reveals that this ultra-sound testing requirement would increase the cost of each abortion in Louisiana by at least $100," he said.

"The overwhelming mass of the evidence indicates that ultra-sound testing is not medically indicated for all pre-abortion cases."

He said. Also declared unconstitutional were requirements that abortions after the first three months be performed in a hospital; that remains of the fetus be buried or cremated as if it had been born; that no experimentation be performed on tissue of the aborted fetus; and that an involved list of medical, emotional and technological information be given to all women seeking abortions.

"They say she believes the Legislature will abide by Collins' decision and let the matter die."

"I think that they are beginning to see the fiscal reality of enacting unconstitutional laws," she said.

"The taxpayer pays for them. It's really irresponsible to pass legislation that everyone knows is unconstitutional," she said. "I think there's more awareness of that particular financial situation."

Bazin Uddo of the New Orleans unit of the Right to Life Inc., which opposes abortion, said Collins' opinion follows previous federal court rulings that "demonstrate they are the champions of unfettered abortion on demand."

Rep. Woody Jenkins of Baton Rouge, an opponent of abortion, said: "The courts have effectively permitted abortion. The only solution is to amend the U.S. Constitution to restrict abortion. Further state-level efforts will be of no avail."

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