Court kills La. abortion law

Leaders on both sides prepare for next battle

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The U.S. Supreme Court struck down Louisiana's tough anti-abortion law Monday, but leaders on both sides of the explosive issue already were bracing for a new round of bitter debate.

Lawmakers said they expect another turbulent legislative session as they tackle new abortion issues during the coming months.

Legislators who have tried to restrict abortions in Louisiana weren't yet saying what they will propose. They said they will meet in the days ahead to decide what approach they will take.

"We're not going to let this die," said Rep. Sam Theriot, D-Abbeville, author of the 1991 law the Supreme Court refused to revive Monday.

Meanwhile, pro-choice leaders weren't spending much time celebrating the high court's decision, which will allow most abortions to continue in Louisiana.

"We're going to have another ugly, expensive fight," said Ann Schieman, executive director of Louisiana Choice.

"They (pro-life leaders) are going to try to get every kind of restriction that they possibly can," said Terri Bartlett, a pro-choice lobbyist and executive director of Planned Parenthood of Louisiana.

The regular session begins March 26, after the current special session on fiscal matters adjourns.

The law would have prohibited abortion except in cases of rape, incest and to save the life of the mother. It called for prison terms of up to 10 years and fines up to $100,000 for doctors who performed illegal abortions.

Leaders on both sides of the issue expect a wide range of bills to be introduced that would restrict abortions. Some of the measures expected to be pushed would:

- *(Outlined in the margin)*
Abortion

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State Rep. Louis "Woody" Jenkins, D-Baton Rouge, said Monday the high court tossed out Louisiana's law, in part, because it contained exceptions for rape and incest. Jenkins said he is meeting with "legal scholars" and pro-life leaders to determine what action to take.

- Require the consent of both parents instead of just one before a girl under 18 years old can have an abortion unless the permission comes from a legal guardian or a judge.
- Require a "waiting period" such as 24 or 48 hours between the time a woman signs up at a clinic and the time she can get an abortion.
- License abortion clinics to ensure all abortions are performed in a safe and sanitary environment.

Present law exempts hospitals, nursing homes and clinics that perform abortions from licensing. An unsuccessful bill was offered two years ago that would have required the Department of Health and Hospitals to establish rules, regulations and standards for licensure.

Theriot, the anti-abortion lawmaker, said it is premature to say exactly what avenue the anti-abortion community will now take to try to further limit abortions.

Theriot said he expects some legislation attempting to "slow this abortion mill down," but he said pro-life leaders must first meet to determine what course of action should be taken - if any.

Theriot said he was unprepared to discuss possible legislation because "we thought the (Supreme) Court was going to side with us.

"We didn't have a fallback plan," he said.

No matter what action the pro-life community decides to take, state Sen. Mike Cross, D-Baker, said, "the abortion issue is not "something that will go away.""

Cross, a pro-life lawmaker, voted against Theriot's bill in 1991 because, he said, he felt it was unconstitutional.

He suggested the law was not strict enough.

The ruling "just further shows that, if we are to do away with abortions in Louisiana, we have to pass a no-exceptions bill except for the life of the mother," Cross said.

Rep. Jenkins is expected to offer legislation along those lines during the 1993 regular session.

In a prepared statement, Jenkins said the Theriot law was "out of alignment with Louisiana's legal tradition, in that it treated unborn children inconsistently."

"Under this law, all of the unborn were considered legal persons in Louisiana," Jenkins said. "Yet, when someone alleged that a particular child was conceived in rape or incest, that child could be killed without due process of law."

Jenkins said a "no-exceptions" law could pass U.S. Supreme Court muster because it would treat all fetuses equally.

Former Gov. Buddy Roemer, who vetoed Theriot's bill but was overridden by the Legislature, said Monday he was not surprised by the Supreme Court's decision because that law was "clearly unconstitu-