Don't bother abortion law ban, Guste asks

By CARL REDMAN
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Attorney General William Guste asked lawmakers Monday not to suspend any portion of the recently enacted abortion ban law.

In a letter to legislators, Guste said the abortion ban in its current form is more defensible from a legal standpoint than it would be if lawmakers go along with an effort to make the bill more stringent.

The Legislature can suspend portions of a law for a little more than a year at a time, and state Rep. Louis "Woody" Jenkins, D-Baton Rouge, has proposed suspending those portions of the abortion ban that allow abortions in cases of rape and incest.

If Jenkins were to succeed, the new abortion ban would allow abortions only when the life of the mother is in jeopardy. Jenkins has championed that approach in the past, and a bill to do that is locked in a Senate committee.

Although Jenkins wanted a very strict abortion ban, lawmakers balked and agreed to an anti-abortion bill by Rep. Sam Theriot, D-Abbeville, that includes exceptions for pregnancies from rape or incest as well as when the life of the mother is in danger.

Jenkins angered many lawmakers last week when he announced — on the heels of the Legislature overriding Gov. Buddy Roemer's veto of the Theriot bill — that he would try to suspend the rape and incest exceptions.

Such a resolution can be passed by a simple majority in each house and would not be subject to veto by the governor.

Speaking to a rally on the Capitol steps on Sunday, Jenkins said an abortion ban with exceptions only to save the life of the mother has a better chance to be ruled constitutional by the courts.

In a letter to lawmakers, Guste said the Supreme Court does not appear ready to outlaw abortions in America.

"It is my constitutional duty and responsibility to defend the laws and statutes of the state of Louisiana. I'm prepared to do so. I sincerely hope you will consider my opinion in regard to Act 26 (the abortion ban) prior to your vote on the suspensions. I urge you not to participate in this effort."

Last week, U.S. District Judge Adrian Duplantier in New Orleans set a July 23 date to discuss the merits of the new abortion ban law, which calls for fines of up to $100,000 and prison terms of up to 10 years for doctors who perform illegal abortions.