Most of La. abortion law overturned

By AUSTIN WILSON
Associated Press writer

NEW ORLEANS (AP) — A federal judge Monday knocked down all of the Louisiana laws that made abortions more expensive or harder to get, leaving intact only the laws requiring a minor to get advice from a parent or a court and requiring a doctor to detail the abortion procedure.

U.S. District Judge Robert Collins included in the 100-page opinion released Monday some written reasons for several opinions he issued without explanation three years ago.

The action was originally filed by two pregnant women, three physicians and five women's clinics that performed abortions on demand. One of the women 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 lengthy opinion.

Furthermore, in her suit seeking to have the laws declared unconstitutional, 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 that part of the package, saying 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 another portion of the state's anti-abortion package.

Also upheld was the portion of the law that requires a doctor to tell a pregnant woman what procedure he will use and what risks and side effects might be present in getting the abortion.

Most of that law was merely obstructionism, requiring physicians to provide in-depth counseling and detailed records, Collins said. But the part requiring a doctor to explain to a patient what might be involved seemed to be just part of medical practice, he said.

Martha Kegel, director of the New Orleans chapter of the American Civil Liberties Union, said the organization already has 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 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 allowed on tissue of the aborted fetus; and that an involved list of medical, emotional and technological information be given to all women seeking abortions.

"The rest that he struck down all had one thing in common," Ms. Kegel said. "They were all attempts to make abortions less available to women or harass women by seeking to make them feel guilty."

Several times in his written opinions, Collins noted that reference 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.

Ms. Kegel said she feels the Legislature will abide by Collins' decision and let the matter lie.

"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 in this particular financial situation."

The office of Louisiana Attorney General William Guste said he would withhold a comment until he had read the opinion.