

Reaction here predictably split on rulings

ask
By Richard DeUriarte
The Phoenix Gazette

Reaction in Arizona to today's U.S. Supreme Court rulings on abortion was predictable, with opponents comforted somewhat by Justice Sandra O'Connor's votes.

"No question it is a bad day for those who are opposed to abortion," said a despondent Rep. Jim Skelly, R-Scottsdale, one of the Arizona Legislature's most outspoken right-to-life advocates.

"The court has made it more difficult to take even limited steps to protect the lives of the unborn," he said.

Skelly described as "disgraceful" the high court's vote to strike down the so-called "informed consent" provision of a 1978 Akron, Ohio, ordinance requiring a physician to tell a woman seeking an abortion "the unborn child is a human life from the moment of conception" and give her an anatomical description of the fetus in her womb.

Pro-choice supporters, who had not seen the texts of the decisions, were heartened by the rulings.

"It sounds as if the Supreme Court is affirming its 1973 decision," said Gloria Feldt, executive director of Central and Northern Arizona Planned Parenthood. "They have affirmed that the decision about an abortion is one of a woman's right to privacy, between a woman and her physician."

Feldt said the decision recognizes that abortion is more a "personal decision" than one involving the public interest.

And she said that most of the provisions struck down in today's rulings had been proposed by Skelly and others in anti-abortion bills offered in recent legislative sessions.

Abortion foes were heartened that Arizona's O'Connor dissented in each of the three rulings.

"Yeaaaa," screamed former state Rep.

Donna Carlson West, a staunch East Valley conservative who testified on O'Connor's behalf during Senate Judiciary Committee hearings in 1981.

O'Connor was the target of much criticism by anti-abortion activists after President Reagan nominated her as the first woman justice.

"I'm proud of her in this decision," West said.

Dr. Carolyn Gerster, a Scottsdale internist and right-to-life leader in Arizona, said she was "gratified" by O'Connor's votes but said the decisions show the "extremism" of the Supreme Court on the issue.

"As far as the right-to-life movement goes, it means we're going to have to pay more attention to federal judicial appointments because there is a real tyranny of the judiciary," she said.

Skelly, who became involved in a major political controversy when he announced his opposition to O'Connor's appointment, was

also gratified by her consistent stands in favor of state's rights to determine such controversial social issues.

"Super, I'd much rather stand up and say 'mea culpa' than have Sandra O'Connor side with those who would not protect the unborn," he said.

For O'Connor, it was the first time she came to grips with the issue that has bedeviled her public life. And she voted with the minority (with Byron White and fellow Arizonan William Rehnquist) on all three cases that struck down as unconstitutional a variety of state restrictions on abortions.

However, in a 5-4 decision, the court upheld several Missouri restrictions, one of which requires consent from parents or a juvenile court before an abortion can be performed on a minor.

Arizona law, in a measure passed two years ago, calls for parental notification or a juvenile court order for minors.

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O'Connor urges judges to tailor rulings



U.S. Supreme Court Justice Sandra O'Connor jokes with graduates at the National Judicial College in Reno, Nev.

Associated Press

RENO, Nev. — U.S. Supreme Court Justice Sandra O'Connor urged state judges Friday to tailor decisions carefully so that fewer cases reach the high court.

O'Connor, speaking to graduates of the financially strapped National Judicial College, also called for greater emphasis on judicial education and training.

She said state-court judges don't realize that many of their rulings could be final if they are based solely on state law rather than federal law.

"The Supreme Court is bound to accept the highest state-court view on issues of state law," O'Connor told 105 judges from around the nation completing sessions at the college.

"State courts have the power, in effect, to grant or withhold jurisdiction from the Supreme Court ... merely by the choice and articulation of the grounds of the state-court decision," she said.

O'Connor added that as a state-court judge in Arizona, "I didn't fully appreciate the extent to which the manner of my resolution of a case could determine" whether it could be appealed to federal courts.

O'Connor is the first high-court justice to have attended the Judicial College, which offers training and refresher courses for the nation's judges.

She attended while still a Superior Court judge in Arizona.

O'Connor joked that she is proud to have attended an institution "which has never had a losing football team and never sends me letters asking for money."

The Judicial College has been in financial difficulty ever since an annual grant from the now-defunct Fleischmann Foundation ended last year. The college is asking the Nevada Legislature for a grant that would allow it to remain on the University of Nevada-Reno campus.

O'Connor dissents

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WASHINGTON (UPI) — Justice Sandra Day O'Connor, whose nomination to the nation's highest court was opposed by anti-abortion groups, Wednesday left no doubt that she adamantly opposes abortion.

Dissenting from the high court's rulings in three cases, Mrs. O'Connor, 53, squarely backed state limits on abortions and used her chance to write against the majority view as a platform to criticize the landmark 1973 Supreme Court ruling legalizing abortion.

Mrs. O'Connor, the first woman on the high court, disagreed with most of her colleagues who declared an array of state restrictions on obtaining abortions are unconstitutional.

Writing the dissent in a case from Akron, Ohio, she said the legislature is the "appropriate forum" for deciding such "extremely sensitive issues" as abortion.

Such regulations as requiring abortions after the first three months be performed in a hospital are not "undue burdens" on a woman's rights, she said. The majority, however, disagreed.

Nominated to the court by President Reagan, Mrs. O'Connor provided one of only three votes the administration gained in its campaign to persuade the justices that legislatures should make the final decisions on such politically controversial questions.

Court reaffirms abortion rights

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By Jim Mann
Los Angeles Times

WASHINGTON — In its most important pronouncement on abortion in a decade, the Supreme Court Wednesday strongly reaffirmed its 1973 decision that women have a constitutional right to end their pregnancies and



Sandra O'Connor

struck down a far-reaching ordinance in Akron, Ohio, restricting that right.

Led by President Reagan's appointee, Justice Sandra O'Connor, three dissenters on the court made a frontal attack on Roe vs. Wade, the 10-year-old ruling. The nation's first woman justice, who had not taken part in any of the court's prior abortion rulings, contended that the government has a

"compelling" interest in protecting "potential human life" at all stages of a woman's pregnancy.

But O'Connor's effort, supported by Justices William H. Rehnquist and Byron R. White, fell short. The rest of the court members pointed out that the Roe decision had been "considered with special care" before it was issued and said that they abide by it as a precedent under the doctrine of "stare decisis" (Latin for "let the decision stand").

The 6-3 decision, written by Justice Lewis Powell, appeared designed to lay to rest any speculation that the present Supreme Court will change its stance on abortion. The ruling was immediately denounced as a major disappointment by right-to-life groups and praised as a broad victory by groups supporting the right of women to choose an abortion.

The justices ruled unconstitutional all the disputed provisions of the detailed anti-abortion ordinance enacted in 1978 in Akron, Ohio. That law, which attracted nationwide attention as an effort to restrict the operations of abortion clinics, could have been copied by other cities and towns if it had been upheld by the court.

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Specifically, the justices ruled in the Akron case that:

- Government officials may not require that all abortions after the first trimester (the first three months) of pregnancy be performed in a hospital. The court said that the most recent medical evidence shows that many abortions in the second trimester can be performed safely in outpatient abortion clinics.
- Government officials may not force women seeking abortions to wait for a specific "cooling-off" period before the operation is performed. The Akron law had barred doctors from performing abortions for 24 hours after a woman signed a consent form, to give the woman a chance to change her mind.
- Government officials may not require that the "attending physician" who performs an abortion personally give the woman counseling beforehand. Instead, the court held that any "qualified person," such as a trained nurse or social worker, can do the counseling and get a woman's consent to an abortion.
- Finally, government officials do not have "unreviewable authority" to decide what a woman must be told before she consents to an abortion. The justices struck down an Akron regulation that required all women seeking abortions to be given all the anatomical characteristics of the fetus, to be

warned that abortion is "a major surgical procedure" and to be told that "the unborn child is a human life from the moment of conception."

In a separate ruling on a Missouri law, the justices again struck down a requirement that all abortions after the first trimester of pregnancy be performed in a hospital. But in this case, the justices upheld some other regulations on grounds that they do not seriously restrict a woman's right to an abortion.

One of those rules requires a pathology report on any abortion. Another specifies that a second physician be present whenever an abortion is performed in the late stages of pregnancy. The third requires minors to get the approval either of a parent or a juvenile court judge before having an abortion.

Those regulations were narrowly approved, 5-4. Justices Harry Blackmun, John Stevens, William Brennan and Thurgood Marshall said that they believed the court should have struck down these rules too.

In Roe vs. Wade, the court held that the right to privacy, based on the guarantees of liberty in the Constitution, encompasses a woman's right to decide whether to have an abortion. The vote in that case was 7-2, with Rehnquist and White dissenting.

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O'Connor Stands Fast

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ANTI-ABORTIONISTS may be aghast over the U.S. Supreme Court's decision against most state restrictions on abortion, but their worst fears about Justice Sandra O'Connor weren't realized.

What the nation saw once again in the first woman member of its highest court was a jurist true to her principles.

Justice O'Connor dissented from the triple-case ruling.

Although she refused to condemn abortion, she came down on the side of local government and its right to decide whether to impose some regulations on a practice fraught with social and emotional problems.

In the process, she remained firm in her faith in government closest to the people it touches.

The abortion issue is a politically delicate one, she and Justices Byron White and

William Rehnquist said, and local legislatures should have to face it.

The court's majority decided that Akron, Ohio, had gone overboard with its 24-hour waiting period and "informed consent" impediments to abortion — impediments which prompt women to seek often-dangerous "underground" operations.

A major issue in the cases was the requirement that second-trimester abortions be performed in hospitals.

That makes little medical sense — and no economic sense at all with hospital costs already out of control.

Sensibly enough, the court majority left states with the right to determine when a minor may have an abortion.

But Justice Lewis Powell and the Supreme Court's majority clearly confirmed — and even broadened — their 1973 commitment to women's privacy rights.

National



O'Connor

Her Honor objects — Sandra Day O'Connor had to clear only one obstacle to become the first woman Supreme Court justice: She was thought to be in favor of the right to an abortion. But she puts to rest the fears of the enemies of her nomination with a strong objection to the court's latest abortion ruling. **A-3.**