

to be sent out of state without first checking to see if they are needed by citizens of the Pelican State. The legislature also passed a resolution directing state Attorney General Richard Ieyoub to challenge the legality and constitutionality of the federal regulation. The resolution stated that organs donated in Louisiana "are to be considered a state resource and used when possible as a resource in the state."

Ieyoub, who in 1977 donated a kidney to his youngest brother, agreed to initiate the legal action, arguing that the current decentralized state and regional system works well because it both promotes donations and makes the best use of the donated organs. Ieyoub said people are more likely to donate if they know it may help a relative, friend, or neighbor rather than going to a large city, such as Philadelphia, where it may possibly never be used. The attorney general flatly stated that, if the new federal system is implemented, the Louisiana donation system would be destroyed and people would die. The suit was filed, implementation of the federal program was blocked, and Louisiana's position was upheld by the Fifth Circuit Court of Appeals.

The *coup de grace* to nationalization was given by U.S. Representative Robert Livingston of Louisiana when he cosponsored legislation placing a one-year moratorium on the proposed federal program and then protected it during budget negotiations in Congress.

Probably no issue has more alienated Louisiana from the federal government than has abortion. The state has had a running battle with Washington over regulation of the most basic of all human rights, the right to life. While forced by *Roe v. Wade* to allow abortion in the first 13 weeks of life, Louisiana legislators have crafted some of the most restrictive abortion laws in the nation. After the first 13 weeks, abortions are allowed only "for the express purpose of saving the life of the mother," and in cases of rape or incest.

The state's latest battles with the federal government have been over taxpayer-funded abortions and the state's ban on partial-birth abortion. Last October, a 26-year-old Louisiana woman on Medicaid made national headlines when the state refused to pay for her abortion. The woman, who is awaiting a heart transplant, sought the abortion in the third month of pregnancy, but doctors at the Louisiana State University Medical Center in Shreveport refused to perform it because of a state law which prohibits the use of public funds for abortions unless the pregnancy puts the mother's life at risk or resulted from incest or rape. (Louisiana had been forced several years ago to offer abortions for Medicaid patients under the threat of a cutoff of all Medicaid money from Washington. However, the state placed the strictest possible regulations on Medicaid-funded abortions.) To obtain an abortion after 13 weeks, a panel of doctors must rule that there is at least a 50-percent chance that the mother will die unless she has the abortion. In this case, the abortion was denied. The National Abortion Federation in Washington, D.C., eventually covered the costs for the procedure, which was performed in Houston, Texas.

Still unresolved, as of this writing, is the Louisiana partial-birth abortion ban, which was blocked by a federal judge before it could be put into effect. When President Clinton vetoed a partial-birth abortion ban for the second time, the Louisiana legislature passed such a law for the state. Last November, in the U.S. District Court for the Eastern District of Louisiana, the state defended the law, arguing that a child in the process of being born has never been stripped of his personhood; *Roe v.*

Wade, therefore, does not apply. Louisiana claimed the right to protect the child's life because pregnancy ended when the birth process began. "It comes down to how you decide when pregnancy ends and when birth begins," Assistant Attorney General Roy Mongrue told the court. The state's medical experts testified that pregnancy is terminated by the onset of the birth process. Partial-birth abortion would thus be infanticide, not abortion, and the state would have every right to regulate it.

Arguing for abortion proponents, Priscilla Smith, an attorney for the Center for Reproductive Law and Policy in New York, said the state was attempting to stop all abortions. "They are trying to change the constitutional definition of a person by moving up a few inches into the woman's body and defining a person to be a fetus partly within the uterus and partly out of a uterus even though it's in the woman's body," she said.

As the battles over partial-birth abortion and organ donation show, Louisiana's state sovereignty amendment was not an isolated, feel-good measure that means nothing, as some media elites would like to believe. Rather, it was a logical continuation of an ongoing struggle by Louisianians and most of their elected officials to recover some measure of their lost independence and states' rights. If other states follow suit, there may still be some hope of reviving the federalist system instituted by the Founding Fathers. ©

The Dead Poet

by Timothy Murphy

At last the path runs straight
from his hovel to the skies
and the bolted postern gate
of the Western Paradise
where seven times seven
Immortals judge a throng,
admitting some to heaven
for the pittance of a song.

Back in 1994, a major news item proved unfit for publication in any "mainstream" media outlets in the United States. It concerned the possibility—which turned into a virtual certainty—that the Bosnian Muslim government staged the infamous "marketplace massacre" in Sarajevo, killing 66 of its own people. The U.S. government promptly blamed the Serbs. In subsequent months, a host of European papers published articles on the controversy. Lord David Owen and General Sir Michael Rose referred to an American-engineered cover-up. The American public—*Chronicles* readers expected—remained oblivious.

Plus ça change. . . . In January, America was on the verge (for the second time in four months) of bombing the Serbs because of yet another stage-managed "massacre." This time the venue was the village of Racak, in Kosovo. From New York to Los Angeles, the media went into a state of righteous rage over the discovery of 45 dead Albanians, allegedly "civilians butchered in cold blood." The head of the OSCE observer mission in Kosovo, American diplomat William Walker, immediately blamed the Serbian police. Belgrade's claim that the 45 dead were in fact Kosovo Liberation Army guerrillas killed in a fire-fight was scornfully rejected as "Serbian propaganda." No attempt at "objective reporting" on Racak was made by any of the major dailies in the United States.

But according to Christophe Chatelot in *Le Monde* ("Were the dead in Racak really massacred in cold blood?" January 21), Walker and the Albanian side gave a "version of this event which does not answer many questions":

Isn't the massacre of Racak too perfect? . . . The account of two journalists of the Associated Press TV, which filmed the police operation in Racak, contradicts this report. At about 10:00, when they enter the locality behind an armoured

vehicle, the village is almost deserted. They progress along the streets under the fire of the gunners of the Kosovo Liberation Army . . . These exchanges of gunfire will last all the time of the intervention, with more or less intensity. It is in the woods that the main combat takes place. The KLA is taken in the siege.

At 3:30 P.M., the report goes on, the police complete their operation and leave the village under sporadic fire from the KLA. The Serbs estimate that there are 15-20 combatants dead on the KLA side. The Albanians come out from their shelters and go down toward the village. Three vehicles of the OSCE Verification Mission arrive. *Le Monde* points out that the Serbian operation "was neither a surprise, nor a secret": Journalists and OSCE observers were encouraged by the Serbs to witness the proceedings before the fighting started and allowed into the village afterwards, where they found only four lightly injured civilians. The night falls. With the police and verifiers gone, *Le Monde* reports, the events take an unexpected turn:

The next morning, journalists and verifiers arrive and, guided by armed KLA fighters who regained the village, they discover the ditch with twenty bodies, mostly men. During the day William Walker arrives and expresses horror at "the crime committed by the Serbian police and the Yugoslav army." But many questions remain unclarified. How could the Serb police gather a group of men, and quietly direct them towards the place of the execution, while they were constantly

under the fire of the KLA? How could the ditch at the edge of Racak escape the glance of the inhabitants? . . . And how come the observers, present for more than two hours in this very small village, failed to see the ditch? Why are there only a few cartridge cases around the corpses, and little blood in this sunken lane where 23 people were supposedly shot several times in the head? Weren't the bodies of the Albanians killed in combat by the Serb police, rather, heaped together in the ditch to create a scene of horror to ignite the wrath of public opinion?

In the same vein, Renaud Girard reported in *Le Figaro* ("Massacre under a cloud," January 20) that, "in view of a whole series of confusing facts . . . this matter deserves undivided attention":

If one considers that an AP television crew was invited as early as 8:30 A.M. to film the operation, it seems that the police had nothing to conceal. The OSCE was also notified about the operation, and they sent two cars to the site. Verifiers spent the entire day on a hill, which offered a full-length view of the village. At 3:30 P.M. the police left the village, taking along a 12.7 mm heavy machine-gun, two automatic rifles, two snipers and some thirty Kalashnikovs, of Chinese manufacture.

Le Figaro also pointed out that the "massacre" was unveiled only the following morning, when the KLA was in full