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The long march: pro-choice advocates face a difficult road ahead in their efforts to ensure reproductive rights.

By Maggie Garb

IF THE WOMEN'S MOVEMENT HAS BEEN DOZING, IT is now fully awake and standing at attention. The Supreme Court, following its Reagan administration mandate, has begun to cut into American women's long-held right to legal abortions. The court's decision in a Missouri case earlier this month, along with its decision to hear three more abortion-related cases next term, has sounded an alarm within the women's movement, mobilizing

ABORTION

pro-choice troops.

The Supreme Court's ruling in *Webster vs. Reproductive Health Services* removes some barriers to state-level restrictions on abortions, moving the abortion battleground from the courts to the state and federal legislatures. While the court let stand the 1973 *Roe vs. Wade* decision that legalized abortion, it upheld a Missouri law that restricts when and where a woman can terminate a pregnancy. The ruling has sent women's groups scrambling to formulate a cohesive political strategy to fight laws that limit abortion rights, to elect pro-choice state and federal legislators, and to make it clear to the high court that future setbacks to *Roe* are unacceptable (see accompanying story).

A big job: Facing pro-choice leaders this summer is the question of whether they have the political savvy and organizational foundation to win this war. While for most the answer is an emphatic yes, many agree that the Equal Rights Amendment defeat, coupled with uphill battles in almost every other women's political issue, are chilling reminders that the women's movement confronts a near-Herculean task.

Although pro-choice leaders expected the court's anti-abortion ruling, they have not yet mapped out a concrete and coordinated political strategy to fight the passage of laws similar to Missouri's in other states. Pro-choice leaders speak in general terms about lobbying

Pro-choice advocates girding for the big one

state legislatures, planning rallies and generating pro-choice votes. But critics charge that, so far, the groups lack the type of sophisticated political vision that propelled small anti-choice groups into political power.

Pro-choice leaders are hoping that media coverage of the *Webster* decision will mobilize what they see as a complacent pro-choice majority. "I don't think we are as rich or as

well organized as the right wing, and we never have been," says Leslie Wolfe, executive director of the Center for Women's Policy Studies. "For too long we assumed that the courts would protect us, and now we have to dig up some old strategies and put together some new ones to win this in the political arena."

"What we do have already is a majority of women who believe they should have a right

to control over their bodies. What we have to find is the way to appeal to these women and to mobilize them."

That strategic planning is beginning. The annual conference of the National Organization for Women (NOW) this week in Cincinnati

For too long the pro-choice forces assumed the courts would protect abortion rights. Now they have to use both old and new strategies to win their fight. They face a challenge of huge proportions.

will focus on responding to the decision. Planned Parenthood last week gathered its affiliate presidents from around the country to a three-day training and strategy session in New York. In addition, a coalition of pro-choice organizations, which was formed in January when the court agreed to hear the Missouri case, has announced that it will fund a multi-million dollar war chest for pro-choice lobbying efforts over the next few years. Coalition members include NOW, the National Abortion Rights Action League (NARAL), Planned Parenthood Federation of America, the American Civil Liberties Union, medical groups, labor leaders and political organizations.

Nikki Heidepriem, a political consultant who works with pro-choice groups and Democratic candidates, compares this coalition to the one that defeated Supreme Court nominee Robert Bork. "Not only do we have pro-choice groups, but the whole spectrum of groups in the progressive community will be involved. We will be working at every level in every kind of way," she says.

Fetal federalism: But decisive battles will be fought on enemy turf—the state legisla-

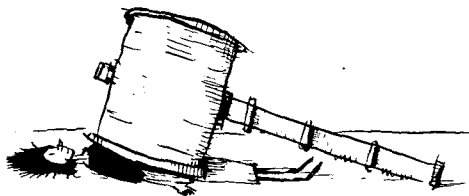
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Supreme Court's dismantling of *Roe* may have only just begun

As Supreme Court Justice Harry A. Blackmun wrote in his dissent on the *Webster* case, "a chill wind blows." Most abortion rights advocates agree that the *Webster* decision was the first step in the court's push to curtail abortion rights.

In the *Webster* ruling, the court upheld the 1973 *Roe vs. Wade* decision, which legalized abortion, but the justices ruled that the state of Missouri could ban the use of any public hospital or other facility from performing abortions not necessary to save the woman's life. Public employees in Missouri are barred from performing abortions and from "encouraging or counseling" women to have abortions unless the pregnancy threatens the woman's life. In addition, for pregnancies of 20 weeks or more, the ruling requires Missouri doctors to determine, when possible, whether the fetus could survive outside the womb.

The five-to-four decision did not deal directly with the legality of abortion, but the justices let stand a non-binding preamble to the Missouri law, which says that life starts at conception. The majority



opinion, written by Chief Justice William H. Rehnquist and supported by Justices Anthony M. Kennedy, Antonin Scalia, Byron R. White and Sandra Day O'Connor, reflected the court's readiness to overturn *Roe*. Of the five majority justices, only O'Connor, who wrote a separate, but concurring, opinion, voiced concerns about fully reversing the 1973 decision.

The court also announced that it would hear three other cases that involve abortion rights restrictions next term.

Ohio vs. Akron Center for Reproductive Health involves the right of teen-age girls to obtain abortions without parental notification. The Court of Appeals for the Sixth Circuit in Cleveland declared unconstitutional a 1985 Ohio law that required doctors to notify at least one parent.

Hodgson vs. Minnesota, Minnesota vs.

Hodgson is a twin appeal of a Minnesota law requiring both parents be notified before a teenage girl can receive an abortion. The Court of Appeals for the Eighth Circuit in St. Paul upheld the law.

Turnock vs. Ragsdale concerns an Illinois law that requires clinics performing abortions in the first trimester to meet technical standards similar to those of operating rooms in full-care hospitals. The U.S. Court of Appeals for the Seventh Circuit in Chicago barred enforcement of the law. This case is considered to be the most offensive to abortion-rights advocates because, if upheld, the law would effectively close all abortion clinics in the state.

The *Ragsdale* case, which involves state power to regulate private abortion clinics, presents the justices with a clear choice between state and federal regulation of abortion rights. Although *Ragsdale* involves many legal technicalities, making its final fate difficult to predict, many observers on both sides of the issue say that this case could deal the deathblow to *Roe*.

—M.G.

By John B. Judis

WASHINGTON

THE STRUGGLES SPURRED BY THE SUPREME Court's 1954 school desegregation decision, *Brown vs. Board of Education*, dominated American politics for the next two decades. Now the court's July 3 decision to weaken its historic 1973 ruling that affirmed abortion rights, *Roe vs. Wade*, threatens to make abortion an over-riding political issue of the '90s.

Since 1978, New Right candidates have been using abortion to attract Catholic and fundamentalist Democrats. But the court's ruling in *Webster vs. Reproductive Health Services* has mobilized proponents as well as opponents of abortion rights (see story on page 6). In upcoming governors' races in 1989 and 1990, the pro-choice movement is beginning to play the same ruthless game of single-issue politics that abortion opponents had previously played.

The question is whether liberals or conservatives, Democrats or Republicans, will benefit by this increased attention to abortion. There's little doubt that from *Roe vs. Wade* to *Webster* the Republicans have come out ahead on the abortion issue. But Democrats and liberals could emerge victorious in the forthcoming civil war over reproductive rights.

Restricted abortion rights: Opinion polls on abortion reveal contradictory sentiments among Americans. In a recent survey, conducted this spring by the *Los Angeles Times*, 61 percent of the respondents thought abortion was "morally wrong," 57 percent believed it was "murder" and 57 percent (vs. 34 percent) opposed women being able to get an abortion "no matter what the reason." But 62 percent opposed a constitutional amendment prohibiting abortion. And according to a *Time-CNN* poll, 57 percent of Americans don't think the Supreme Court should overturn the *Roe vs. Wade* decision.

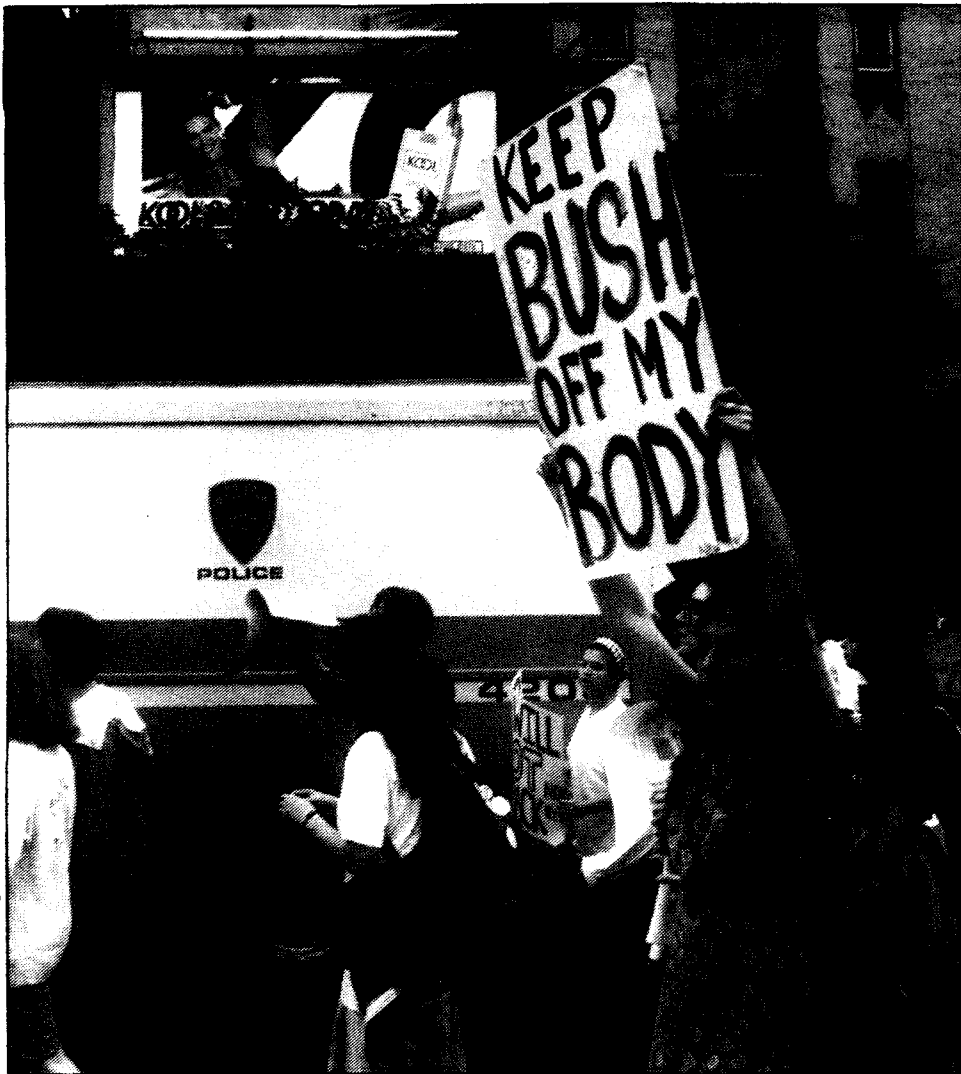
What these kind of surveys reveal is a plurality, if not a majority, in favor of restricted abortion rights. While almost all Americans back abortion in the case of rape, incest or threat to a mother's life, 81 percent in the *Los Angeles Times* survey want parental consent before minors can have abortions. As other surveys have shown, a majority also opposes public funding of abortions.

These figures suggest that voters' attitudes toward abortion depend greatly upon how politicians and partisans frame the issue. If voters feel the issue is whether to ban all abortions, then they are likely to line up with pro-choice politicians; if they feel that the issue is whether to allow unrestricted abortions, then they are more likely to take the pro-life side.

But most important in judging the political effect of abortion is what opinion analysts call "salience"—the degree to which abortion is the determining factor in a voter's decision on a particular candidate.

Rich Republicans, poor Democrats: Since *Roe vs. Wade*, abortion opponents have been much more likely to evaluate candidates on the basis of their abortion votes. In the pre-*Webster* *Los Angeles Times* survey, 47 percent of those who opposed *Roe vs. Wade* said they would switch their vote on the basis of a politician's stand on abortion, while only 25 percent who supported *Roe vs. Wade* said they would. But with the new Supreme Court decision, a higher percentage of pro-choice voters are expected to base their votes on a given politician's abortion stand.

Whether this matters, however, depends



Pro-choice marchers in New York City: are they setting the political agenda of the '90s?

The abortion battle and political choices

on what parties and candidates abortion partisans would otherwise vote for. Two constituencies that have traditionally voted Democratic—white Southern Protestants and urban Catholics—have both abandoned Democratic candidates who favor abortion

DEMOGRAPHICS

rights. In Iowa's 1978 U.S. Senate contest, for instance, Dubuque's anti-abortion Catholics provided the margin of victory for Republican Roger Jepsen's defeat of incumbent Democrat Dick Clark.

The threat of Democratic defections is borne out by findings that the less education and income a voter has, the more likely he or she is to oppose abortion. These lower-income, less-educated voters have also been more likely to vote Democratic. Lower- and middle-income blacks tend to be anti-abortion but don't base their party allegiance on this issue. Lower- and middle-income whites are far more likely to jump to the GOP because of the issue.

But, of course, the issue cuts both ways. If pro-choice voters began basing their votes on abortion alone, then large numbers of middle- and upper-income Republicans and independents would cross over to pro-choice Democratic candidates. This might also prove true for a large group of younger voters, who have tended to identify with Republicans but who favor abortion rights. The Republicans could lose as many voters as they have previously gained.

Democrats would, however, pay a certain price for this exchange. Republicans have prospered as a party of wealthy suburbanites and disenchanted blue-collar Democrats.

The infusion of Democrats has allowed country club Republicans to don the mantle of populism and deprive the Democrats of their tag as the party of the people. A Democratic Party that was comprised of minorities and upper-middle-class Republican émigrés disenchanted with the GOP's abortion stand could win some elections. But it would also forfeit its identification with the middle class—an identification upon which any long-term revival of the party must be based.

Pro-choice backlash: The perils of abortion politics become even more apparent when one looks at individual states. Some of the states that appear solidly anti-abortion like Utah, Nebraska and Oklahoma are likely to elect Republicans anyway, while some pro-choice states like Massachusetts, New

With pro-choice forces joining the single-issue game, party alignments may undergo significant changes in the years to come.

York and the District of Columbia are likely to remain in the Democratic column regardless. But in several key states, abortion may decide elections.

There is a dramatic difference between those states that could respond to a Democratic economic appeal and those states that might respond to a pro-choice platform. For instance, Alabama, South Carolina, Louisiana, Missouri and Pennsylvania are

fertile ground for an economic nationalist politics (see *In These Times*, July 5), but they are also the states where opposition to abortion has the strongest appeal. This means that if abortion becomes the dominant issue in 1990 and 1992, it could short-circuit a Democratic realignment along economic lines.

Republicans face, however, a similar dilemma. Republican opposition to abortion could cost the party votes in solidly pro-choice Colorado, California, Oregon and Washington and could destroy the party in the Northeast, where many of the Republican leaders are pro-choice moderates. The question in these states is whether the Republican Party's anti-abortion platform will dampen the GOP's natural appeal to well-to-do voters.

The first test of abortion politics will be the gubernatorial elections scheduled this November. In New Jersey, there are already clear signs that the court's decision in *Webster* has produced a pro-choice backlash. The Republican candidate, Rep. Jim Courter, had consistently voted against abortion in the House and won the endorsement of New Jersey Right to Life, but in the wake of the court decision, Courter toned down his right-to-life rhetoric. "My thinking is there's not the consensus here to modify the laws we now have in order to restrict abortions," Courter told the *Bergen Record*.

Courter may have been responding to the National Abortion Rights Action League's announcement that it would be spending \$1 million in New Jersey to defeat him, but he was probably also worried about New Jersey polls that show 57 percent of voters favoring unrestricted abortion rights.

In Virginia's gubernatorial race, Republican candidate Marshall Coleman cheered the court's decision and promised to restore the "inalienable rights" of Virginia's "preborn children," while his Democratic opponent, Lt. Gov. Doug Wilder, took a more equivocal position, supporting women's right to abortions while opposing public funding and supporting mandatory parental consent for minors. The black Democrat's stance could prove a boon to his candidacy among the white, middle-class suburbanites who live in the corridor stretching from Washington, D.C., to Norfolk. In the '80s, this group has decided Virginia's elections.

The court's ruling is also casting a shadow over 1990 governor's races. Illinois Attorney General Neil Hartigan, who is expected to seek the Democratic gubernatorial nomination, is backing away from a strong anti-abortion stand. In Massachusetts, Boston's populist Mayor Raymond Flynn must consider whether his opposition to abortion will prevent his winning the Democratic gubernatorial nomination. The president of Boston's chapter of the National Organization for Women has already threatened to make abortion a "litmus test issue" in the Democratic primary.

The cases of Courter and Flynn bear out the two sides of the Democratic abortion dilemma. Courter's sudden waffling on the issue shows the extent to which the court's ruling threatens Republicans in states like New Jersey. But the difficulties faced by Flynn, a promising politician with appeal to both urban ethnics and blacks, show how making abortion the determining issue for voters can undermine the Democrats' attempt to recast themselves as the party of the working and middle classes. The Democrats have something to gain from the new abortion politics, but also much to lose.

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