

Court upholds abortion notice

Ohio law requires informing teen-ager's parent in advance

By William Hershey

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The U.S. Supreme Court on Monday upheld an Ohio law requiring a doctor to notify one parent of a woman under 18 at least 24 hours before performing an abortion.

The law, upheld 6-3, allows a pregnant teen-ager to get an abortion without notifying a parent if a judge agrees.

In a separate decision, the court struck down by a 5-4 vote a Minnesota law requiring notification of both biological parents without providing the option of telling a judge instead. And by another 5-4 vote — with Justice Sandra Day O'Connor changing sides — the court upheld a ver-

sion of the Minnesota law that required notification of both parents or a judge.

The 1985 Ohio law was never enforced. It was challenged by the Akron Center for Reproductive Health, two women not then 18, and Dr. Max Pierre Gaujean.

U.S. District Judge Ann Aldrich of Cleveland ruled the law was unconstitutional. That was upheld by the U.S. 6th Circuit Court of Appeals in Cincinnati.

Writing for the Supreme Court majority, however, Justice Anthony M. Kennedy, said the law "does not impose an undue, or otherwise unconstitutional, burden" on a pregnant teen-ager.

"A free and enlightened soci-

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Ohio's abortion-notice law is upheld

1985 measure challenged by Akron clinic

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ety may decide that each of its members should attain a clearer, more tolerant understanding of the profound philosophical choices confronted by a woman who is considering whether to seek an abortion," Kennedy wrote.

5 Justice Harry A. Blackmun, writing for the minority, disagreed, arguing that "for too many young pregnant women, parental involvement in this most intimate decision threatens harm, rather than promises comfort. The court's selective blindness to this stark social reality is bewildering and distressing."

Chief Justice William H. Rehnquist and Justices O'Connor, Antonin Scalia, John Paul Stevens and Byron R. White joined Kennedy in upholding the Ohio law. Justices William Brennan and Thurgood Marshall joined Blackmun in the dissent.

Carol Harding, executive director of the Akron Center for Reproductive Health called the ruling a definite setback. She said that about 40 of the 250 to 300 minors the clinic sees each year would be affected by the ruling.

Both candidates for Ohio governor, Democrat Anthony J. Celebrezze, Jr., the state attorney general, and Republican George Voinovich, applauded the ruling.

Celebrezze was responsible for filing the appeal that resulted in Monday's ruling. After filing the appeal, however, Celebrezze in December reversed his long-standing anti-abortion stand and

said that if elected governor, he would support a woman's right to the procedure.

"Today's ruling recognized the state of Ohio's significant interests in protecting the physical and emotional health of minor children and encouraging parental communication," Celebrezze said. "At the same time, the statute protects the right of a minor child to make a choice about abortion."

Voinovich said he was pleased, adding "parental notification is a reasonable restriction and one that most people support."

Those who support the decision, however, don't include the pro-abortion allies Celebrezze picked up when he switched his position on abortion.

JoAnn Benseler, Ohio president of the American Association of University Women, said she was extremely angry with the decision and disappointed with Celebrezze.

"I feel like the handwriting was there on the wall for everyone to read, but today it's a little more clear," said Ed Markovich, director of Right to Life of Greater Akron. In Minnesota, where the parental notification law had been in operation between 1981 through 1986, teen abortions fell by 34 percent, he said.

But Roberta Aber, director of Planned Parenthood of Summit, Portage and Medina County, said such laws result in more unwanted pregnancies.

"Instead of asking whether minor women are mature enough to chose abortions, a better question is whether a minor woman who does not wish to be a parent is mature enough to bear a child," said Joyce Barolak of Ohio National Organization for Women.

She said it is impossible to

Against the decision

"There are certain cases in which parental notification can be a problem. I've got two daughters myself — I hope they'd come to me for financial, spiritual guidance, for everything (if they got pregnant). But if they didn't, I wouldn't want the law to stand in their way too long."



Vernon Sykes

Rep. Vernon Sykes, D-Akron

"Ohio's notification law is a misguided attempt to reach the laudable goal of increasing parent-child communication in the dreadfully difficult situation of a teen-age girl who becomes pregnant and chooses the option of abortion. . . . I deeply believe that it provides a chilling effect on young women's right to seek an abortion."



Richard Celeste

Ohio Gov. Richard Celeste

force families to communicate — and that although a similar law in Massachusetts has led to a 29 percent decrease in in-state abortions, the number of out-of-state abortions on Massachusetts girls grew 68 percent.

Alissa Rubin of Knight-Ridder's Washington Bureau and Beacon Journal staff writers Thrity Umrigar in Akron and Carol Biliczky in the Columbus Bureau contributed to this report.

What state law requires

Here's what Ohio's parental notification law says:

■ Doctors must notify one parent at least 24 hours before performing an abortion on an unmarried woman younger than 18.

■ If parent can't be reached, the doctor may perform the abortion 48 hours after giving notice by mail.

■ Doctors may perform an abortion without notifying a parent if the minor receives a court order.

Judges may issue the order if:

■ The minor is mature enough to make the decision.

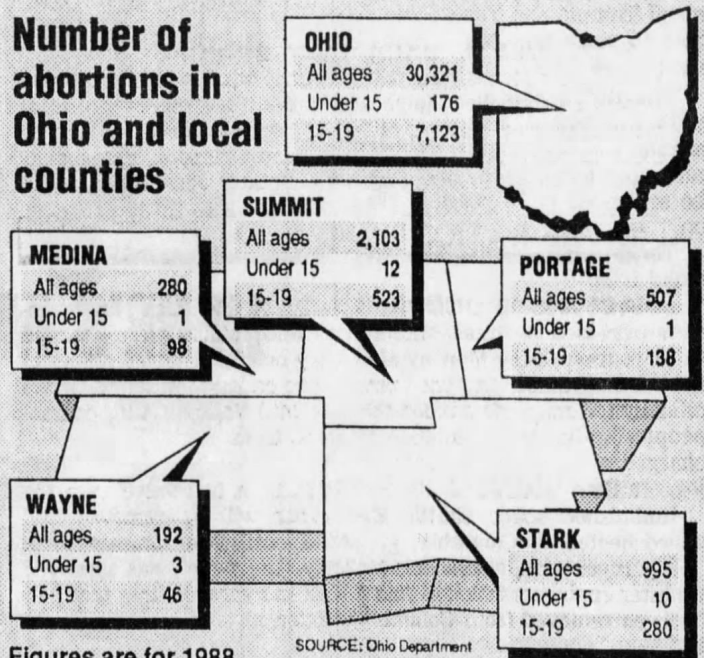
■ Her parents have abused her.

■ Notification is not in the girl's best interests.

■ Judge must hear requests within five days, then rule immediately. Appeals must be decided within nine days.

■ Lower courts say weekends and legal holidays could stretch process to 22 calendar days.

Number of abortions in Ohio and local counties



Figures are for 1988.