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Abortion: Politicians' Nightmare

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Report Outline

Special Focus

Introduction

Last summer, when the Supreme Court ruled that some state regulation of abortion was permissible, anti-abortion activists were ecstatic. Their ecstasy soon turned to concern, however, as they watched their opponents use the decision as a catalyst. Now, far from seizing the opportunity to restrict abortion further, most politicians are running away from the explosive issue altogether.

Overview

After such a heady victory as Webster v. Reproductive Health Services, one might assume the state of Missouri would want to test the anti-abortion waters even further. After all, in upholding Missouri's law restricting abortions, the high court issued an invitation to the states to challenge the very essence of Roe v. Wade, the 1973 Supreme Court decision that legalized most abortions.

But when the Missouri Legislature returned to work on Jan. 3 for the first time since Webster, there was no mention of abortion at all on its agenda. Bridges and budgets, roads and schools, yes. But not abortion. "We did not see any need for added legislation in this area at this particular time," Bob F. Griffin, the Speaker of the Missouri House of Representatives, dryly told reporters.

Maybe so. But even Missouri politicians—in the vanguard of the anti-abortion movement—are now acting very much like their counterparts around the country: gun-shy and equivocating. It's not that they haven't had the opportunity to do more. Missouri's Legislature had already adjourned at the time of the court ruling, so Gov. John Ashcroft, an anti-abortion Republican, named a task force to propose new restrictions. But six months later, the task force had yet to propose anything. What's more, several prominent legislators who had voted for earlier anti-abortion bills, including Griffin, now say they want to see abortion remain legal. And William L. Webster, the Missouri attorney general whose name has become synonymous with the Supreme Court's new posture, is looking for ways to downplay the issue if he pursues his well-publicized interest in the 1992 governor's race.

A similar shift is being felt throughout the country. If in the past politicians paid lip service to the anti-abortion movement, they did so with little fear of retribution from defenders of abortion rights. Such is no longer the case. "It was fun while they could all posture and demagogue on it," says Texas political commentator Molly Ivins. "But now that it's there for them [to decide], they all want it to go away: 'Let this cup pass from me.'"

Unfortunately from the politicians' point of view, as committed as they are to avoiding the issue, activists on both sides are committed to battle. Webster has galvanized abortion-rights organizations. Before Webster, supporters of abortion rights seemed to believe that the gains of the anti-abortion movement were generally irrelevant, that a woman's right to an abortion, at least in the early months of pregnancy, had been held as inviolable by the highest court in the land. Although they had seen the Supreme Court's majority shift against abortion in recent years, it took a relevant decision by that court to make them realize that Roe v. Wade was no longer safe and could be overturned or at least dismantled "doorjamb by doorjamb," as Justice Antonin Scalia put it in his concurring opinion in the Webster case.

In short, Webster did for abortion defenders what Roe had done for abortion opponents 16 years earlier: It turned like-minded but complacent individuals into a potent electoral force. Without meaning to, the justices took the most electrifying issue of our time and reversed its polarity. The abruptness of the switch shocked several candidates already committed to major races in 1989. In New York, New Jersey and Virginia, top-of-the-ticket contests were won by defenders of abortion rights who used the issue aggressively. In Virginia, abortion set the tone and the course for the fall campaign.

And abortion-rights momentum was felt at the national level last fall, too, as the U.S. House of Representatives voted to liberalize abortion funding for the first time in a decade. (Bills to that effect met a succession of vetoes by President Bush.)

But it is at the state level that the abortion issue has been felt the most strongly, because that is the political arena into which it was pushed by the Webster decision. There, advocates of abortion rights have not only been able to put the brakes on anti-abortion moves in many states, but have even mobilized to pressure state legislatures to expand or codify existing abortion rights in several states. "It's phenomenal to see an issue move like that, from flat to front-and-center, after having been around for so long," says Kathy Bonk, organizer of Communications Consortium, a group that advocates abortion rights.

Since Webster, only Pennsylvania has put new restrictions into statute form. Although Michigan's Legislature has united behind a requirement of parental consent, and Louisiana's has resolved to return to the pre-Roe law if it can, in most states the fate of new restrictions remains both legislatively and politically problematic.

For the politicians, there may be no good time for so emotional an issue as abortion to emerge. But 1990, in which 36 states elect governors and all but a few elect legislatures, poses particular problems. It is the year of the decennial census. And the governors and legislatures in place in 1991 will draw the new lines for state and congressional election districts, creating the political game board on which state and national politics will be played for the rest of the century. Adding abortion introduces a volatile variable in an already high-risk equation.

As the 1990 political year takes shape, things appear increasingly unsettling for the anti-abortion movement. Perhaps the most important trend is the fact that politicians are modifying their previous positions on the issue and are becoming friendlier to abortion rights. Major gubernatorial contenders in both parties have moved from the anti-abortion to the abortion-rights side of the aisle (or, at least, into the center of the aisle) in Massachusetts, New Jersey, Illinois, Ohio, Florida and Texas—just to mention some of the larger states. At the same time, and perhaps more chilling for the anti-abortion forces, not a single statewide officeholder or major office

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candidate has shifted the other way, toward a more anti-abortion stance, since the *Webster* decision. Without such counterbalancing movement, it is extremely difficult to fight the perception of abortion-rights momentum.

When this is coupled with the reluctance of all politicians to take on the issue, the prospect of new restrictions on abortions in dozens of states simply may not be realized. There are indications that this may be fine with the voters. Although activists on both sides of the abortion issue may want to slug it out, the public seems to want the issue just to go away. "People today are in a quandary," said Mark Lubbers of the conservative Hudson Institute in Indianapolis. "They understand both, sides and they say, 'Don't make me think about it. Leave it like it is.'"⁴

The activists, however, are likely to make them think about it, and make the politicians think about it, too—in the legislative chambers, on the stump and at the polls. "They [the politicians] want to avoid the issue in 1990," said Samuel Lee, the chief lobbyist for Missouri Citizens for Life. "I keep telling them that it can't be avoided."⁵ How the issue finally plays out may depend on which side can best frame the issue to win the support of a nervous and ambivalent public, which seems to be staking out a militantly middle-of-the-road position. If either extreme gets control of the agenda, it is likely to lose.

Of polls, politics and professional pols

If self-interest makes politicians duck the issue, their discomfort also suggests the deeper unease the subject inspires in the public. Reputable opinion polls confirm this, finding most people flummoxed when asked to make public policy decisions based on their own personal, private views.

It has been that way for some time. The *Webster* decision may have galvanized the abortion-rights movement, but it seems to have changed very few opinions. "On every question you have to stop and say whether you're talking about elite opinion or general public attitudes," says Everett Carl Ladd, senior editor of *The American Enterprise* (formerly *Public Opinion*) and director of the Roper Center at the University of Connecticut. "In the general public there's been no change on abortion in the last five years and no change in the wake of *Webster*."

And what Americans have believed about abortion cannot be stated simply. Polls both before and after the *Webster* decision, for example, found a clear majority of respondents willing to call the procedure "murder." Yet the same polls found that a clear majority still wanted abortion to be legally available.

It seems that the issue boils down to circumstances: Americans are opposed to some abortions, but not opposed to others. The standing joke is that most Americans would say they are opposed to abortion except for rape, incest, the life of the mother, or me. As facetious as such a joke may be, it does contain important elements of truth.

A number of polls, for example, have shown that clear majorities support the right to an abortion deemed medically necessary to save the life of the mother. Similar majorities would permit abortion when a fetus has gross abnormalities. Somewhat smaller majorities, but majorities nonetheless, would permit the procedure in cases of rape or incest.

Support falls well below a majority, however, when abortion is chosen because of a woman's career, finances or marital status. And support shrinks still further when abortion is used as a means of birth control or of selecting a child's sex.

One of the largest nationwide polls on the abortion issue, published in *The Los Angeles Times* on March 19, 1989, is illustrative.⁶ The poll has been used by both sides of the abortion debate because its findings offer ammunition to both. Anti-abortion activists, for example, use these results:

- 52 percent of those interviewed opposed the use of any tax money to pay for abortions.
- A tremendous majority (81 percent) agreed that minors should get parental permission prior to an abortion (some 53 percent would also require consent of the minor's natural father, even if he no longer lived in the home).
- 61 percent of the respondents were willing to say that abortion was morally wrong. Nearly as many (57 percent) agreed with the statement that abortion was murder.⁶

Nonetheless, there were elements of the poll that were heartening for abortion-rights activists. Most importantly, a stunning 74 percent agreed with this statement: "I personally feel abortion is morally wrong, but I also feel that whether or not to have an abortion is a decision that has to be made by every woman for herself." The *Times* called this question "the key to understanding the overriding attitude of Americans toward abortion." An intensive illustration of this wrong-but-permissible judgment was provided by a question the poll addressed to women respondents. Eight percent of the women said they had undergone at least one abortion. Of this group, 37 percent said abortion was morally wrong; nearly as many said it was murder (33 percent). Yet they had abortions.

Despite this overwhelming sentiment to allow women to choose whether to have an abortion, the detailed opinions of the public on such issues as parental consent and disallowing the use of tax money to pay for abortions show the way for the anti-abortion forces to gain control of the debate: Concentrate on the possible and avoid the extreme.

Part of the movement believes fervently that the ultimate goal—a ban on all elective abortions—should be always held uppermost. "You have to go for 100 percent in every state, set your sights on accomplishing the maximum possible," says Judie Brown, president of the hard-line American Life League. "Our ultimate goal is protecting every unborn child as a person under the Constitution."

But many who share her ultimate goal, including columnist George F. Will, strenuously oppose her strategy. They argue for reducing the phenomenon of abortion by increments. Will recalls the Abraham Lincoln of the 1850s, who wanted to address slavery first by limiting its growth and by moving the society as a whole toward defining it as an evil.⁷ In that spirit, the largest anti-abortion organization, the National Right to Life Committee, has outlined an eight-point legislative agenda that can be tailored for use from state-house to statehouse. The list begins with the Pennsylvania restrictions, and lengthens to include a ban on abortions for birth control and abortions performed in state facilities, requirements for public information campaigns on abortion, parental consent and the funding of abortion alternatives.

The legislative strategy is closely aligned with the electoral, because wherever this program of limits on abortion can be brought to a vote, it will produce a record that can be used for or against candidates in the 1990 races, says Burke Balch, state legislative director for the National Right to Life Committee. While a vote for an outright ban on abortions might work against the anti-abortion movement, a vote against parental notification might work in its favor.

As the most effective elements of the anti-abortion movement reach for the middle by nibbling away at abortion with restrictions that garner the most public support, the most effective elements of the abortion-rights movement are reaching for the middle by linking it with the issues that garner the most public support for *their* point of view. The extreme position on their side—that all abortions should always be legal—is as unlikely to win support as the extreme anti-abortion position. Susan Carroll, a political scientist at Rutgers University and a senior research associate at its Women in Politics Center, says some restrictions, such as the emphasis on "stronger forms of consent requirements," have strong appeal even in New Jersey, where basic abortion rights enjoy unusually high support in polls.

Where abortion-rights advocates are most effective is when they can paint the issue as one of a woman's right to choose by herself vs. the government's desire to impose the decision on her. When the issue is framed in those terms, abortion rights wins nearly every time. Marcia D. Greenberger, managing attorney for the National Women's Law Center, struck that nerve on the day of the *Webster* decision, which she characterized as saying "Big Brother is watching you, government can restrict your freedoms, government can make personal decisions about your life."

Legislative results, legislative prospects

Most state legislatures were no longer in session in July when the Supreme Court handed down the *Webster* decision and changed the

rules on abortion restrictions. The few that were still around generally found it prudent to let the dust settle before adding so contentious a subject to end-of-session business. Decisive action was taken in only three states, and even there the desired ends have been at least partially and temporarily thwarted by the threat of a governor's veto or by court proceedings.

In **Louisiana**, traditionally the most Catholic state of the South, anti-abortion feeling has always run high. After the *Webster* ruling, the Legislature passed a resolution instructing prosecutors to enforce the state's 1855 abortion law. Among other things, the antebellum statute banned the sale of abortion devices for women. John Baker, the Louisiana State University law professor working on the case for the state, said the idea was to have abortion doctors "close up shop, move to another state or get into another line of work."⁸

The law was immediately enjoined by a federal court and is now on appeal. Harry Connick, state's attorney for New Orleans Parish (county), argued that *Webster* changed the standard for passing constitutional muster, allowing each state to re-test its old laws. But the American Civil Liberties Union maintained that without an overturn of *Roe*, the right to an abortion remained intact. It also argued that even with the overturn of that ruling, new laws would have to be passed to clarify the pre-*Roe* law and conform with other legislation passed in the meantime.

Louisiana's case could well have significance elsewhere, because 20 other states have pre-*Roe* statutes that would make abortion a crime. Several more have anti-abortion "trigger laws," written to take effect after a *Roe* reversal. Most of the states without a specific trigger law might well choose to begin enforcing their old one, without passing it again or seeking a court review. An attempt to block such enforcement in the courts might well turn on the outcome of the Louisiana matter.

In **Michigan**, anti-abortion Republicans and Democrats have controlled the Legislature throughout the tenure of Democratic Gov. James J. Blanchard, an abortion-rights proponent. Blanchard has vetoed seven bills passed by the Legislature that would ban public funding of abortion. Supporters of that legislation finally took it to a public referendum and won in November of 1988.

After *Webster*, Blanchard said he would veto any restrictions, but the state Senate passed a parental-consent bill on Oct. 25 by a resounding vote of 29-8. The state House was expected to follow suit swiftly, but the legislation has since slowed its pace and remains before the lower chamber. Blanchard, whose strategy is to stop a veto override in the Democratic House, has also worked to push the vote further into the new year so as to bring the elections ever more immediately to legislators' minds.

The one new set of restrictions to become law post-*Webster* was passed in **Pennsylvania**. On Nov. 17, Gov. Robert P. Casey, a Democrat, signed into law a package of restrictions including bans on abortions when the fetus is viable and when the purpose of the abortion is for "sex selection." The package, which easily passed both houses of the Legislature, also required notification of husbands, 24-hour waiting periods and "informed consent" prior to abortions. On Jan. 11, however, a federal judge in Philadelphia struck down all but the ban on post-viability and gender-selection abortions. The legal blockage had been expected, and even desired, by the anti-abortion lobby in Pennsylvania, which now hopes their case will become the occasion for an overturn of *Roe*.

In other states where the upholding of the Missouri law had been thought likely to spark action, expectations were at least temporarily confounded. In **Florida**, where Republican Gov. Bob Martinez invested his personal prestige in a special session of the Legislature on abortion, the restrictions he proposed did not get out of committee. The result was more than disappointing for Martinez; it stalled his political momentum going into his re-election year. Tom Fiedler, political editor of *The Miami Herald*, says Martinez's campaign was "battered" by the special session on abortion. In a statewide poll for the *Tampa Tribune* in late October, Mason-Dixon Research asked for choices for governor. "Anyone but Martinez" was the most popular response. By a margin of 2-to-1, respondents said the abortion session made them less rather than more likely to vote for Martinez in 1990.⁹

In **Texas**, Republican Gov. William P. Clements Jr. had initially reacted to *Webster* by saying the state "can bet on" a special session of the Legislature to take up abortion bills. But on Oct. 21 (shortly after the Florida special session had ended), Clements announced he had changed his mind. Through a spokeswoman, he said "extraneous issues" would not be added to the call for legislators to return for a special session in December or in 1990. Instead, Clements slated only the issues of workers' compensation and school financing.

Illinois and Indiana were once thought to be among the states most likely to keep up with pace-setters Missouri and Pennsylvania. But in **Illinois**, the Legislature has decided not to take up any abortion legislation until after the March primary. Illinois politicians quickly realized how hot a political branding iron the abortion issue is, as evidenced by the settlement late in 1989 of *Ragsdale v. Turnock*, just two weeks before oral arguments were scheduled before the U.S. Supreme Court. *Ragsdale*, a case involving state standards for abortion clinics so strict that the clinics claimed they would be put out of business, had generally been viewed as the most likely possibility for a 1990 overturn of *Roe*.¹⁰

The settlement was reached by state Attorney General Neil Hartigan, a candidate in the 1990 governor's race. Hartigan, a longtime abortion opponent who recently switched sides, said the settlement accomplished everything that pleading the case before the high court could have done. But anti-abortion activists began to call Hartigan "Neil the Deal."

In **Indiana**, where one of the longest lists of potential anti-abortion legislation has been introduced, the hands-off impulse runs strong. Said Indiana House floor leader Stan Jones: "When *Webster* first hit, a few 'legers' were enthusiastic about the opportunity to have this back in the Legislature. Now, the large number of legislators are saying, 'This is an opportunity we're not sure we want handed to us.'"¹⁰ But the activists are geared up for battle, and the issue is not likely to go away.

In **Alabama**, one of several proposals percolating as the Legislature returned in January would ban all abortions except in cases of rape, incest or a threat to the life of the mother. In order to end "birth control" abortions, the bill would include sharp restrictions on the rape or incest provisions. According to Jean Harpe, legislative director of Alabama Citizens for Life, a woman seeking an abortion would have to prove she reported the rape or incest within hours of its occurrence.

Alabama's Democrat-controlled Legislature is heavily anti-abortion, and its Republican governor, Guy Hunt, is a Primitive Baptist minister who has described himself as "pro-life all my life." Yet the fate of Harpe's proposal is not certain. Hunt has said he would support "anything meaningful"—but that he did not feel impelled to lead the way. "You're not going to find me out there being a lightning rod, stirring up controversy," he said in a Jan. 4 news conference. "It's important that we not get involved in emotional issues with people shouting and calling people names."¹¹

Ironically, a comparably uncomfortable situation has enveloped **Maryland's** Gov. William Donald Schaefer. A Democrat in a generally liberal Democratic state, Schaefer has previously supported abortion rights. This year, he has refused to state his view. Abortion-rights activists, fearful that a reversal of *Roe* would leave them with pre-1973 laws, want the Maryland Legislature to codify existing protections. "We are going for the throat," said Bea Poulin of Marylanders for the Right to Choose. "There's just no dilly-dallying anymore on this issue." But both Schaefer and the Democrats' legislative leadership refuse to commit to a bill. "Why are we going through these agonies at this point in time?" asks Senate President Thomas V. "Mike" Miller Jr.¹²

Reading down a long laundry list

In a few states, new regulations may be proposed on a broad front. **Hawaii's** anti-abortion activists, for instance, may push bills on "fathers' rights," gender-selection, alternative funding and public funding for counseling. In **Virginia**, anti-abortion legislators have spoken of bills on "informed consent," "fathers' rights," parental consent and gender selection. More typically, however, anti-abortion activists in each state are concentrating on whichever particular part of the controversy places them on the firmest political ground. Bills requiring parental notification or consent are especially common, largely because of polls showing that as few as 25 percent of nationwide respondents object to such a requirement.¹³

In **Michigan**, **New Jersey**, **South Carolina** and **Wisconsin**, pending legislation would require one or both parents to consent to a minor's abortion. Thirty-five states already have such requirements. The notification or consent laws of 13 have been found unconstitutional because they do not provide for a judge to grant permission in lieu of a parent, as required by the Supreme Court in post-*Roe* rulings. Ten other states have their version of the requirement under court injunction. The other 12 states' laws, including three that took effect in 1989, have so far passed judicial muster. With two cases now before the Supreme Court dealing with parental

notification (one each from Ohio and Minnesota), hopes are high in the anti-abortion camp that parental-consent laws, either as written or amended, will be operative in the great majority of states by the end of 1990.

In **Minnesota, Nebraska and New Hampshire**, anticipated legislation will probably address the use of public funds, employees and facilities in any abortion not performed to save the mother's life or in any counseling that would encourage such an abortion. Minnesota may also consider an informed-consent law and a ban on abortion "as a means of birth control." In **Oklahoma** and some of the other nine states without such requirements, pending legislation would require that all abortions and complications from abortions be reported to the state board of health.

A few states have pending legislation that would *liberalize* current abortion law or codify the status quo produced by *Roe* and subsequent rulings. In **New Hampshire**, a bill to protect "every woman's right ... to begin or end a pregnancy" has been reintroduced after having been vetoed last year by Republican Gov. Judd Gregg. In **Mississippi**, a bill would permit the use of fetal tissue in operations. And in **Ohio**, a bill introduced in November would state that a woman's decision on whether to bear a child is protected from all governmental interference.

All this cross-cutting and contradiction illustrates the difficulty of categorizing the prospects for legislation on abortion from state to state. A strong predominance of anti-abortion sentiment among legislators does not guarantee a smooth handling of the issue. Nor does the predominance of legislators who support abortion rights, or a commonality of party control in both chambers or even a party match between legislature and governor.

And even where the desire to shunt the issue aside may be strongest, the voices of dissenters from both directions, amplified by attentive news media, are sure to be heard. **Iowa** provides a case in point. A poll by The Associated Press, conducted just after *Webster*, found three legislators out of five did not want to change state law.¹⁴ As 1990 began, multiple bills were introduced, including a ban on gender-selection abortions and a requirement for informed consent. But none has been placed on the agenda to date, and if they are, few would predict that any proposals would pass in 1990.

But the political cauldron will be stirred by the U.S. Senate election, which matches incumbent Democrat Tom Harkin against GOP Rep. Tom Tauke. Harkin and Tauke are among Congress' most outspoken advocates of the abortion-rights and anti-abortion viewpoints, respectively, and will attract considerable national funding as a result.

Abortion may also trouble the waters in **Massachusetts**, one of the nation's most Democratic and most liberal states. There, abortion remains a perennial hot button in part because so many of the liberal Democrats are also Catholics who categorically oppose abortion. Boston Mayor Raymond L. Flynn, the epitome of this genre, may well be the party's nominee for governor. But another Democrat who wants that job, Boston University President John R. Silber, has taken a softer stand on the issue. He recently wrote that he considers abortion "morally wrong" but also as "an issue that cries out for toleration."¹⁵

No picnic for the national parties

The abortion issue freely crosses party lines. Many Democrats are anti-abortion and many Republicans support abortion rights. But the issue is affecting the national parties nonetheless, and it is the GOP that is feeling the most heat, primarily because of the hard-line position it took in its 1984 and 1988 platforms (the latter said an unborn child's "fundamental right to life cannot be infringed"). In recent months the party has backpedaled. Republican National Committee Chairman Lee Atwater now uses the metaphor of an "umbrella" or a "tent" to describe his party, suggesting that all points of view can be tolerated. President Bush, while steadfast in his opposition to abortion, has campaigned openly for GOP candidates who support abortion rights. "If Republicans are forced to defend the letter of their platforms, they'll lose," says Everett Ladd of the Roper Center. "If Democrats were forced to do the same, they would lose."

But anti-abortion sentiment runs high in the Republican Party, and it is not at all clear that the rank and file will buy Atwater's metaphor or agree to Ladd's analysis. "If you go around saying our party is big enough for people no matter what their view on abortion, I think you signal that it's not an important issue," said Gary Bauer, an abortion opponent who was President Ronald Reagan's domestic policy adviser. "We would not go around saying that the party is big enough for people who want to raise taxes, and we would not go around saying the party is big enough for people who want to gut the defense budget."¹⁶

Bauer's statement illustrates the Republicans' dilemma. Many point them toward pluralism, and there is even a group organized on the issue called the Republican Mainstream Committee. But allowing broad disagreement on matters of fundamental concern is not in the party's nature.

Republicans have prospered as the party of settled consensus. Most recently, the GOP has dominated national elections with a coherent measure of economic, social and cultural conservatism. But the precise flavor of the message may be no more important than the consistency with which it is delivered. Internal unity is more than a desirable condition; as a minority party for half a century, the GOP needs unity to survive as a political force.

In the aftermath of two Electoral College landslide victories for Ronald Reagan in the 1980s, plus the Bush victory in 1988, talk of turning the GOP into a true majority party has enjoyed a vogue. Indeed, Republicans have made inroads into the hardest blocs of the old Franklin D. Roosevelt coalition: Southern white Protestants (especially in rural areas) and Northern ethnic Catholics (especially in the cities and blue-collar suburbs), all traditional Democrats, have been lured into at least temporary alliance with the party of the blue blocs. Inflation helped, but social issues such as crime, school busing and general permissiveness proved at least as effective.¹⁷

In fact, abortion has been one of the "wedge" issues used to pry people away from the Democrats. And the "right-to-life" voters became some of the firmest and most faithful of the new Republicans. "By endorsing the right-to-life position, the party gets the support of the religious right," political analyst William Schneider has written. "But by failing to deliver on an abortion ban, the GOP escapes the wrath of those, including many Republicans, "who would deeply resent such a measure."¹⁸ But the *Webster* decision took away the possibility of maintaining this win-win situation. The legal roadblocks to delivering on an abortion ban are starting to fall, and in this new climate, the core of the new Republican coalition could prove more molten than solid.

The national Democratic hierarchy suffers a parallel dilemma, but one less severe in the short term. The Democratic chieftains have seemed comparatively happy with their 1988 platform's reference to abortion as "a fundamental right." But on most of the hard questions—Should parental consent be required? Should gender-selection abortions be prohibited?—the platform falls silent. And the party itself makes no effort to discipline its many officeholders and candidates who actively advertise another view.

But then again, unlike the Republicans, the Democrats have a tradition of pluralism. It is even a kind of Democratic creed. No one expects to find harmony at a Democratic convention or a national committee meeting. This means that the Democrats can now enjoy their own win-win situation: They can be "the party of choice" on one hand, and smile while trotting out examples of longstanding abortion foes (such as Casey in Pennsylvania) on the other.

For the short term, Republicans will hope to hold their coalition together by having President Bush stand firm against abortion-related thrusts from Congress, while individual candidates at all levels cut their own deals. In most states, GOP candidates can moderate their positions and still remain more acceptable to anti-abortion voters than the Democratic alternatives.

It may work, but the Democrats are still likely to use the abortion issue to lure two important elements of the Republican coalition—the woman who is both a lifelong Republican and a supporter of Planned Parenthood, and the youthful, affluent libertarian whom the party captured in the 1980s on the strength of economic issues. At the same time, Republicans, although moderating their abortion views, will continue to go after the traditional Democrats who park their pickups outside the Baptist church or take the subway to mass. And as Ladd of the Roper Center points out, "the Democrats are at least as vulnerable" as the Republicans. "Their coalition is still replete with persons who are highly religious and of low formal education; indeed more of these groups presently identify themselves as Democrats than as Republicans."

Nevertheless, those who still call themselves Democrats have weathered the contradiction for two decades. The Republicans have just begun to feel the pressure on the same fissure within their foundation. And so far they are having problems with it. "The New Jersey and Virginia candidates [for governor] did not deal with this issue very well," says Brad Minnick, campaign manager for an anti-abortion

GOP candidate for governor of Massachusetts. "The poohbahs will be sorting out the results of 1989 until it's 1991, so every [1990] candidate is a guinea pig in terms of this issue."

The debate reaches a (debatable) crossroads

"Thirty years from now we may look back at this and think it very strange," says Rutgers' Carroll. She believes that new abortion drugs may "transcend the legal and political debate in the not too distant future," by turning abortion into a much less public action. If so, the post-*Webster* moment may not have all that much weight. The poll numbers are not moving by much; legislators are ambivalent and unlikely to act. *Roe* now seems likely to stand through at least this session of the Supreme Court.

Yet 1990 may still be a political crossroads year for the abortion debate because so many people seem to think it is. And since *Webster*, the abortion-rights forces have successfully captured the public's attention. They have cast the current stage of the issue's evolution as a crucial stage. And they have begun to bend policy-makers' will.

It has become an article of faith in the anti-abortion movement (and among conservatives more generally) that the news media are responsible for this perceptual coup d'état because of a reportorial bias toward the abortion-rights side. "Whenever the pro-abortion candidate has won, it has been ballyhooed as proof that a pro-abortion voting bloc has awakened," says Jacki Ragan, director of state organizational development for the National Right to Life Committee. "When the pro-life candidate has won, our victory has invariably been disparaged as due to factors other than abortion."

But in reality there have been no statewide or major-office anti-abortion victories since *Webster*, there has been much political movement away from the anti-abortion position, and, perhaps most importantly, there has been no perceptible movement toward the anti-abortion position. This represents a major shift in American politics. The media always pay attention to the new, the different and the unexpected, and those elements have been on the side of abortion-rights advocates.

After *Webster*, old assumptions about garnering votes on the issue were reversed. Instead of running away from their views on abortion, pro-abortion-rights Democrats and Republicans alike saw dividends in advertising them. Their side suddenly found fresh horses. Some were the famous flip-flopping candidates already mentioned. But more significant in the long run may be the new organizations such as the National Coalition of Republicans for Choice and Pro-Choice Orange County, which is dominated by Republicans.

When California state Assemblywoman Lucy Killea, an abortion-rights Democrat, was elected to the state Senate Dec. 5, she not only tipped the balance on the issue in that chamber but captured a rock-ribbed Republican district. And there have been other upsets by abortion-rights candidates in California and South Carolina. Some of these results were influenced by internecine competition between anti-abortion candidates, and some of the seats affected may well return to anti-abortion control in the future. But in the meantime, they are part of the perceptual crossroads at which the issue now stands.

So, too, is the emergence of a winning emphasis for the abortion-rights argument. Setting aside all questions of right and wrong, even conceding some of them, the movement can still prevail on an appeal to the separation of church and state and the primacy of an individual's interest over that of the society at large.

The final political significance of all this is in the timing—which may prove excruciating for the anti-abortion side. Because 1990 is the year so many voters choose the governors and legislators who will draw the new electoral districts, 1990 is a bad year to have opponents aroused and controlling the debate.

On the other hand, even if the battle lines are drawn, the battle is just now getting under way. And many of the politicians do not want a war.

Writing in the Catholic journal *Commonweal*, John E. Brandl, a Minnesota state legislator and a professor of public affairs at the University of Minnesota, pleads for tolerance—religious tolerance, if you will. He quotes "the greatest of American Catholic philosophers," John Courtney Murray, saying of another controversy: "The law is required to be tolerant of many evils that morality condemns."¹⁹ Legislatures are generally not known for tolerance. But if forbearance in 1990 has the side-benefit of easing re-election, then that virtue may enjoy an unusually good year in the nation's capitol.

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Barnes usually writes for the politically ambidextrous *New Republic*, but in the decidedly conservative confines of the *Spectator* he can ventilate his anti-abortion views fully. The thrust here is that media bias and a shrewd approach to the issue post-*Webster* has lent the upper hand to the abortion-rights activists. Barnes prescribes a compound of renewed resolve and cleverer tactics.

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About a fifth of the abortions performed annually in the United States are done in one state, California. Here the courts have acted as decidedly in favor of abortion rights, enshrining it in the state constitution. But the faces on the bench are changing, and the Legislature's range of feeling reflects the state's profoundly heterogeneous character.

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1989.

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A carefully collected look at states' laws before *Webster* by a senior research analyst in the NCSL's national office in Denver. The study has since been regularly supplemented with updates by Tami Yellico.

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This compilation of legislative and political information from all 50 states, the District of Columbia and the U.S. Territories runs to more than 100 pages and is the most extensive resource of its kind to be made generally available. The book is pre-*Webster* and will need updating, but less than once thought.

Newsletters

***The Abortion Report*.**

This is a daily offering from the American Political Network, publishers of the *Hotline* service that gained fame during the 1988 presidential election cycle. Editor Valerie Syme and her staff monitor developments nationwide and deliver a distillation of media coverage of the issue as well.

***The American Political Report*.**

Published by the American Political Research Corp. in Washington D.C., this biweekly addresses the national political scene and includes brief notes on developments state by state. Although its scope is as broad as any political newsletter, editor-publisher Kevin Phillips has a strong interest in social politics and has devoted considerable space and analysis to the abortion issue.

***Conscience: A Newsjournal of Prochoice Catholic Opinion*.**

Published by Catholics for Free Choice in Washington, D.C., the bi-monthly *Conscience* provides sophisticated and literate reviews of court cases, legislation and other political events—including debates within the Catholic Church itself.

***Lifeletter*.**

Published in New York by the Ad Hoc Committee in Defense of Life, *Lifeletter* is an aggressively written, densely packed review of abortion and anti-abortion news nationally (and even internationally), with a smattering of commentary. There were 14 issues in 1989.

National Right to Life News

The official organ of the nation's largest and best known anti-abortion organization, the *News* is a fortnightly, tabloid-sized newspaper that runs about a dozen to two-dozen pages. Featured material is supplied largely by NRLC officers and staff, as well as reprints from the national press.

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Footnotes

[1] The ruling, U.S. Supreme Court 88–605, was handed down on July 3, 1989.

[2] 410 U.S. 179

[3] Michael Tackett, "Legislators Steer Clear of Abortion," *The Chicago Sun Times*, Jan. 9, 1990.

[4] Quoted by Rob Gurwitt, "Abortion: The Issue Politicians Wish Would Just Go Away," *Governing*, January, 1990, p. 53.

[5] Quoted by Tackett, *op. cit.*

[6] *The number* corresponds closely with the results of other national polls. See, for example, the *New York Times*-CBS News poll of April 26, 1989.

[7] George F. Will, "Abortion: Lincoln Can Save the GOP," *The Washington Post*, Jan. 4, 1990.

[8] *The Wall Street Journal*, Oct. 6, 1989.

[9] *The Tampa Tribune*, Oct. 28, 1989.

[10] Gurwitt, *op. cit.*, pp. 53–54.

[11] *The Birmingham News*, Jan. 5, 1990.

[12] B. Sandy Banisky, "Maryland Abortion Advocates Moving to Pre-empt Supreme Court," *The Baltimore Sun*, Jan. 8, 1990.

[13] See, for example, Yankelovich Clancy Shulman poll for Cable News Network and *Time* magazine, July 6, 1989.

[14] "Legislators Want to Leave Law Alone," *The Des Moines Register*, July 16, 1989 (Associated Press dispatch).

[15] John R. Silber, "An Issue that Cries Out for Toleration," *The Providence Journal-Bulletin*, Jan. 4, 1990.

[16] Robin Toner, "C.O.P. Blurs Abortion Focus, Dismaying Some in the Party," *The New York Times*, Jan. 18, 1990.

[17] See Kevin Phillips, *Post-Conservative America*, Random House: New York, 1982.

[18] William Schneider, "Abortion: Trouble for the GOP," *Public Opinion*, May/June 1989, p. 60.

[19] "Dear Constituent: Here's Where I Stand," *Commonweal*, Dec. 1, 1989, p. 662.

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Ronald D. Elving is a senior writer for Congressional Quarterly Weekly Report.

*Some of the Pennsylvania restrictions have already been overturned by the federal courts. For details, see p. 57.

*Other candidates have endeavored to reinforce their abortion-rights credentials in California, while still others have tried to play down

their unchanged anti-abortion views in Michigan and Nebraska. Some, of course, have stuck to their anti-abortion guns, as senior GOP Sen. Mark O. Hatfield has done in Oregon and gubernatorial hopeful George Voinovich, the mayor of Cleveland, has done in Ohio. But these men, many state political observers believe, endanger their prospects by doing so.

*The pollsters conducted telephone interviews during the week of March 3, 1989, with 3,583 adults, which gives the poll a margin of error of only 3 percent.

*Two other abortion cases still pending in 1990, one from Minnesota and one from Ohio, address parental-notification laws and have been thought lesser candidates for a major court reinterpretation of *Roe*.

Special Focus

The Name Game: More Than Mere Nuance

by Marcus D. Rosenbaum Editor

What's in a name? When it comes to abortion, a great deal. In fact, the argument over nomenclature is close to the essence of the controversy.

Activists who oppose abortion believe that a fetus is a human being, an "unborn child," so they call themselves "pro-life." Their opponents, however, strenuously object to that label. "To say that they're pro-life is to say that we're anti-life or pro-death," says Kate Michelman, executive director of the National Abortion Rights Action League.^[1]

Michelman and her allies call themselves "pro-choice," because they believe the debate should not be over the "life" of a fetus, but whether a woman should be able to choose to have an abortion without government interference. But the term "pro-choice" brings equally strong objections from abortion opponents. "That baby does not get to have a choice," says Judie Brown, president of the American Life League.

This vehement disagreement over labels for activists on either side is no mere semantic squabble. Politically, it may determine which side gets the upper hand. This is because the American public has such ambivalent feelings about the issue. One of the most thorough polls on the issue^[2] showed that 57 percent of the public believed that abortion is murder—and thus would likely be sympathetic to partisans claiming to be "pro-life." But the same poll showed that an overwhelming 74 percent believed that "whether or not to have an abortion is a decision that has to be made by every woman for herself"—and thus would be sympathetic to the term "pro-choice."

Those of us in the business of writing and reporting on the issue understand that the stakes are high, but we have found it nearly impossible to please everyone.

The National Right to Life Committee (NRLC) argues that the news media should be willing to call activists whatever they wish to be called. They offer the civil rights movement as a model, with the near-universal preference for "black" over "Negro" or "colored."

But that does not sit well with some activists—from both sides of the issue. Those on the abortion-rights side say the NRLC's analogy is off-base, because the choice of a preferred term for a race or ethnic group does not denigrate another race or group the way that "prolife" implies that they are "pro-death."

And the anti-abortion side objects, too. "Don't call us pro-life if that means you're going to call them pro-choice," says Brown, explaining that "choice" in this context refers only to the pregnant woman. Brown's focus is on the fetus.

So what to do? After careful consideration, we have decided to call opponents of abortion "anti-abortion" and proponents of permitting women to choose abortion "abortion-rights" advocates or supporters. We do this fully aware that the terminology does not satisfy both sides. In fact, we know that it brings more objections from abortion opponents than from the other side. "In our culture, 'rights' has a positive connotation, and 'anti' a negative one," NRLC President John C. Wilke wrote *The Washington Post*. "To accord supporters of abortions the term 'abortion rights' begs the question of what rights are involved in the issue."^[3]

Perhaps. But until the Supreme Court rules otherwise, women *do* have the *right* to an abortion in the early months of pregnancy, and the fetus does not have any such right. Thus, we choose our terms not out of personal bias, but because we believe they describe the antagonists *most accurately*.

We also believe they carry the least amount of negative connotations. Even if Wilke is correct that "anti" has negative connotations, this is not generally true when the term is connected with another word with negative connotations. After all, few would object to being called "anti-murder."

[1] Some also object to the appropriation of the "pro-life" label by people who often also support other elements of the political-social conservative creed, such as the death penalty or a stronger emphasis on the military.

[2] The poll was published in *The Los Angeles Times* in March 1989. For details, see p. 53.

[3] Letter to *The Washington Post*, April 25, 1989.

Abortion Politics in the Largest States

Here is the status of the abortion issue in the 10 largest states, listed by size according to 1988 population estimates.

California

About a fifth of the 1.5 million abortions in the United States each year take place in California. Democrats control the Legislature, but social-conservative Democrats hold the balance of power. So every year since 1978 both chambers have voted to cut off Medi-Cal (California Medicaid) funding of abortions. The Legislature also passed a parental-consent law. They have been "cheap" votes, however. Legislators know the California Supreme Court has interpreted the state constitution as protecting abortion as a privacy right, and the court has overturned legislative attempts to restrict abortions.

This arrangement could eventually be upset by the latest appointments to the court by anti-abortion GOP Gov. George Deukmejian. But the current court has decided not to review its previous rulings in 1990, an election year in which several justices must face review by the voters.

Meanwhile, the trend is running against anti-abortion Republicans in Deukmejian's mold. Special elections and position shifts in 1989 may even have tilted the state Senate in favor of abortion rights. Deukmejian declined to seek a third term, and his successor will be an abortion-rights supporter. The GOP is all but certain to nominate U.S. Sen. Pete Wilson, who has become more solidly supportive of abortion rights since *Webster*, and the Democrats' two front-runners are unequivocal supporters.

New York

In November, Republican anti-abortion mayoral candidate Rudolph W. Giuliani finished fast and nearly overtook the Democratic favorite, David N. Dinkins, an abortion-rights advocate. During the campaign, Giuliani distanced himself from the issue, saying he would not interfere with the status quo. Consultants who had urged Giuliani to do so took a measure of credit for closing a wide Dinkins lead.

Democratic Gov. Mario M. Cuomo is still the nation's leading Catholic abortion-rights advocate. He is expected to seek a third term in 1990 against token opposition. If so, Republican control of the state Senate, with its anti-abortion majority, will matter little.

Texas

Despite the state's reputation for social conservatism, anti-abortion activism here has never been as strong as in some other states. One reason could be a strong streak of Western individualism that runs through the state; another could be the relatively less militant stance of the Roman Catholic church. All three Democratic candidates for governor are supporters of abortion rights, and the most outspoken of them, state Treasurer Ann Richards, is ahead in the polls. The GOP front-runner has been Railroad Commissioner Kent Hance, who is anti-abortion. But Hance has lost ground recently to two businessmen who favor abortion rights.

The Legislature has no scheduled session in 1990, and Gov. William P. Clements Jr. has already decided against an "abortion session" once.

Florida

Republican Gov. Bob Martinez was advised not to call a post-*Webster* session of the Legislature in the fall of 1989. A September poll financed by four newspapers found only three Floridians in 10 favored additional restrictions on abortion.

But Martinez persisted. The Legislature came to Tallahassee for his agenda of abortion restrictions, stalled them in committee and went home.

In 1990, Martinez is expected to back off the abortion bills and shift the public focus elsewhere. His state party will do the same, hoping to maintain its momentum in legislative elections (where Republicans had hoped to capture the state Senate this year) and congressional races. Republicans have 11 of Florida's 19 seats, the only Southern state with a GOP majority in Congress.

Many Democrats see abortion as an issue with which to regain ground here. But to unhorse Martinez in the 1990 gubernatorial election, the Democrats must unify behind a challenger, and the infighting is already fierce between state Sen. George Stuart, an abortion-rights advocate, and U.S. Rep. Bill Nelson. Although Nelson now talks the abortion-rights line, he has historically been anti-abortion. Stuart has used the shift to whittle away Nelson's early advantage.

Pennsylvania

Although often characterized as Democratic, the Keystone State has shown a heavy preference for Republicans in statewide races. The GOP has reached deep into its rival's blue-collar and ethnic base, adding these take-away votes to its natural strength in the suburbs, smaller cities and rural environs. That dynamic was less successful in the race for governor against Democrat Robert P. Casey, who won in 1986 by stanching the hemorrhage of traditional Democratic Votes. Casey won in part by combining attractive economics with social conservatism.

If anti-abortion Casey harks back to a pre-*Roe* Democratic model, the Pennsylvania GOP has reverted to its historical sympathies by endorsing Barbara Hafer, an abortion-rights advocate and a member of the National Organization for Women (NOW), to oppose the governor. There are now bumper stickers that read, "Not Hafer. Not NOW. Not Ever."

The salient political question here is whether Hafer, if nominated, would gain more Democratic votes on abortion than Casey would gain among Republicans. The more typical abortion-rights scenario has Democrats reaching into GOP ranks for such voters, primarily among women. Will it work as well the other way?

In the meantime, Casey and the split-control Legislature had no trouble getting together on a post-*Webster* package of abortion restrictions. The injunction imposed by a federal judge in January makes this a potential Supreme Court test for *Roe*.

Illinois

No state was more frustrating for anti-abortion forces in 1989 than Illinois, where the outlook suggests continuing adversity on the judicial, legislative and political fronts. Worst among these to date was Attorney General Neil Hartigan's decision to settle the *Ragsdale v. Turnock* case two weeks prior to oral arguments before the Supreme Court. *Ragsdale*, testing the state's power to regulate all abortion clinics (and constrict access to abortion), had been thought to have more potential for overturning *Roe* than other cases now on the high court's docket.

For years, anti-abortion forces here have thrived on a variant of the state's standard political division: Democratic Chicago against the Republican suburbs and outstate counties. Anti-abortion success in the Legislature has relied on ethnic wards of the city in alliance with the Southern-flavored downstate political culture.

But this season, no bills are expected to make progress in Springfield. Anti-abortion activists talk of focusing on elections instead. Their top target is Hartigan, the leading candidate for the Democratic gubernatorial nomination in 1990 who has gone from movement hero to *bête noire*. But the anti-abortion side is suffering from a weak bench. The GOP gubernatorial nod seems likely to go to Secretary of State Jim Edgar, a supporter of abortion rights who nevertheless has President Bush's endorsement. The anti-abortion champion may be Steven Baer, executive director of the far-right United Republican Fund. Meanwhile, no anti-abortion rival has emerged to challenge U.S. Rep. Lynn Martin, the abortion-rights advocate cruising to the GOP nomination to run against Democratic U.S. Sen. Paul Simon (also an abortion-rights advocate).

Ohio

Tough question: Which politician in 1989 made the most sensational switch on abortion? Strong nominee: Anthony Celebrezze, Ohio's Democratic attorney general. Scion of a powerful political family, Celebrezze had been outspoken in his opposition to abortion, even endorsing a constitutional amendment to undo *Roe*. But late in the fall, with the pulse of the 1990 gubernatorial contest quickening, Celebrezze announced he would veto legislation banning abortion. He also said he would support the use of public funding for abortions for the poor.

Celebrezze is now close to being nominated without serious opposition. The fall contest could turn on abortion if the GOP again turns to Cleveland Mayor George Voinovich, who lost the Senate campaign of 1988 to incumbent Sen. Howard Metzenbaum, who has supported abortion rights. Voinovich ended 1989 saying he would allow abortion only to save the life of the mother. He has since said he would also allow it in cases of rape and incest. That puts him closer to the mainstream, although it may cost him the chance to call Celebrezze a flip-flopper.

Staking out the abortion-rights territory within the GOP is Robert Taft II, who says he supports public funding for poor women's abortions.

Against this political backdrop, Ohio's Legislature is expected to consider a variety of bills restricting abortion but is not expected to pass any of them. If it does, current Gov. Richard F. Celeste, a Democrat, is expected to veto them.

Michigan

Like neighboring Ohio, Michigan is an aging industrial power that, for the past seven years, has had close party splits in the Legislature, anti-abortion majorities in the Legislature and a pro-choice Democratic governor. The difference here is that Gov. James J. Blanchard is running for a third term. At this point, he rates as a solid favorite for re-election despite his vow to veto the highly popular parental-notification bill that is expected to clear the Legislature this year. His veto will probably be overridden in the state Senate, which passed the bill 29-8. But Blanchard has beaten back overrides in the lower chamber before and may do so again. Either way, his credentials with the state's abortion-rights advocates have been burnished once again. If Blanchard prevails on the veto, it is unlikely the Legislature will continue to send him additional abortion restrictions.

Meanwhile, the state GOP is most likely to nominate U.S. Rep. Bill Schuette, an abortion-rights supporter, to run against U.S. Sen. Carl Levin, who also supports abortion rights. Generally a doctrinaire conservative, Schuette has paid a price for his abortion views over the years, but it could pay him dividends in 1990.

New Jersey

After two terms of successful GOP Gov. Thomas H. Kean, New Jersey in November elected a Democratic congressman, James J. Florio, as its new governor. The two men had almost nothing in common politically except their secure position on the abortion-rights

side of the abortion controversy. Florio probably would have won anyway; but his GOP opponent, conservative Congressman Jim Courter, crippled his own general election campaign with maladroit efforts to finesse his longstanding identification with anti-abortion issues.

At the same time, New Jersey voters gave the Democrats a new legislative lease on life. It must be noted that New Jerseyites also elected several anti-abortion candidates over abortion-rights candidates. But the net effect of 1989 here was to confirm polling data showing strong support for abortion rights—data that had been questioned before.

North Carolina

Quietly, and in spite of lacking a well-known "big city," North Carolina has risen into the top 10 states in population. Growth has been rapid in the "research triangle" formed by the universities in Durham, Chapel Hill and Raleigh (the state capital), as well as in Charlotte and the retiree-enticing western highlands. The newcomers are primarily affluent, educated and unbound by local history. They have given both parties a new face.

Even as this dynamic has introduced the state to two-party politics, it has introduced ambivalence into both parties on the subject of abortion. Anti-abortion activism abounds in both, but so do supporters of abortion rights. Activists consider both chambers of the Legislature to be abortion-rights oriented. GOP Gov. James G. Martin is anti-abortion, but partisans on the other side seem confident of their standing here when the Legislature convenes May 21.

Status of State Laws

State	Parental notice	Parental consent	Prohibits use of public funds in most or all cases
Alabama		✓	✓
Alaska		✓	
Arizona		✓	✓
Arkansas	✓		✓
California		✓	✓
Colorado		✓	✓
Connecticut			✓
Delaware		✓	✓
Florida		✓	✓
Georgia	✓		✓
Hawaii			
Idaho	✓		✓
Illinois	✓	✓	✓
Indiana		✓	✓
Iowa			
Kansas			✓
Kentucky		✓	✓
Louisiana		✓	✓
Maine	✓		✓
Maryland	✓		
Massachusetts		✓	✓
Michigan			✓
Minnesota	✓		✓
Mississippi		✓	✓
Missouri		✓	✓
Montana	✓		✓
Nebraska	✓		✓
Nevada	✓		✓
New Hampshire			✓
New Jersey			✓
New Mexico		✓	✓
New York			
North Carolina			
North Dakota		✓	✓
Ohio	✓		✓
Oklahoma			✓
Oregon			
Pennsylvania		✓	✓
Rhode Island		✓	✓
South Carolina		✓	✓
South Dakota		✓	✓
Tennessee		✓	✓
Texas			✓
Utah	✓		✓
Vermont			✓
Virginia			✓
Washington		✓	
West Virginia	✓		

SAGE Recommends

State	Parental notice	Parental consent	Prohibits use of public funds in most or all cases
Wisconsin			✓
Wyoming		✓	✓

One parent.

Both parents.

No judicial bypass; laws overturned by courts.

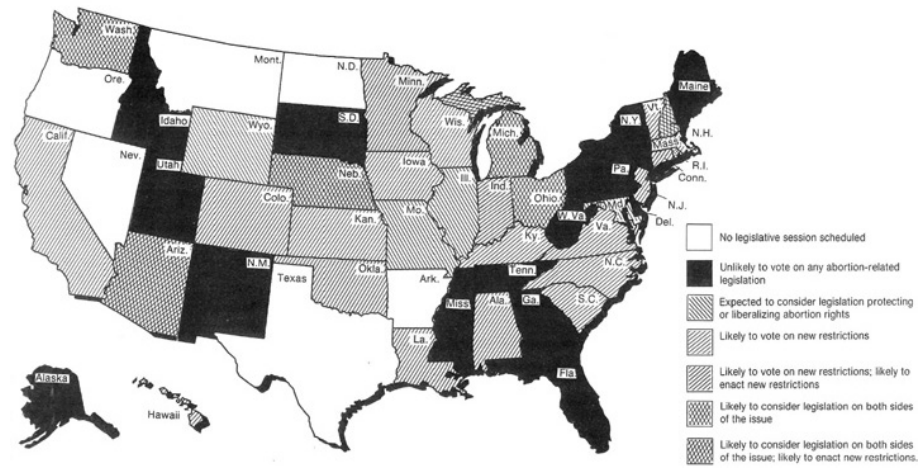
Laws overturned by courts.

Unenforceable; under court injunction.

Sources: National Abortion Rights Action League; National Right to Life Committee; Planned Parenthood Federation; National Conference of State Legislatures.

1990 State Legislative Action

This map presents a state-by-state analysis of likely legislative action on abortion in 1990. Use it in conjunction with the chart on the facing page. Some states, such as Utah, are not taking up the issue this year because they already have passed so much antiabortion legislation that there is little more to be done.



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