

# Edelin's lawyers argue death a factor in abortion

BOSTON (AP) — Lawyers for Kenneth Edelin, the doctor convicted of killing a fetus during a legal abortion, go before the state Supreme Court today to argue that the alleged victim died before birth.

This, they say, is enough reason to throw out the verdict against Edelin, whose sensational manslaughter conviction 14 months ago shocked the medical profession.

In a written argument filed before the appeal, Edelin's lawyer, William Homans Jr., said, "The conviction cannot lawfully be sustained unless there is sufficient evidence . . . that the fetus was born alive outside the body" and the doctor caused its subsequent death by acting "wantonly or recklessly."

"Since the record contains no such evidence, the trial judge erred in failing to direct a verdict of not guilty and to set aside the jury's verdict," he said.

Edelin, 37, an obstetrician at Boston City Hospital, was convicted Feb. 15, 1975, and sentenced to one year's probation. He was accused of killing a 20- to 24-week-old male fetus that he aborted in 1973.

It was one of the most significant abortion cases since the U.S. Supreme Court barred states from interfering in a woman's right to an abortion before the fetus can survive on its own.

After Edelin's conviction, some doctors said they were reluctant to perform abortions after the first three months of pregnancy.

In his instructions to the jury at the conclusion of the trial, Superior Court Judge James McGuire said, "A fetus is not a person and not the subject of an indictment for manslaughter." In

order to become a person protected by law, it must be born outside its mother's body, he said.

The prosecutor, Newman Flanagan, countered in his argument to the appellate court that Edelin tried to asphyxiate the fetus while it was still inside the mother and then failed to save it after it was born.

"The defendant's action, in short, reflects not ignorance but an awareness of consequences, not a passive observance of events taking their course and affecting the child but a positive, gratuitous effort to kill the child in utero (the uterus), not good faith but half truth and concealment," Flanagan said.

Homans said the judge also erred in allowing improper evidence to be shown to the jury, particularly a photograph of the fetus.

"The prosecutor's extraordinary inflammatory use of the photograph, capped by his plea to the jury to 'humanize' the fetus, shows that the true thrust of the photo was directed to the passions and emotions surrounding the powerful yet extraneous ideological issue of the right to life of the unborn fetus," Homans said.

Flanagan said the picture helped the jury understand the testimony of medical witnesses.

For education, lumber industry

## Solon predicts 'bleak' future

By TOM JACKSON  
Of the Emerald

State Rep. David Frohn-mayer, R-Eugene, painted a less than rosy picture for the lumber industry and education in Oregon at a Friday meeting of the Rubicon Society, a weekly political forum sponsored by the Republican party.

Frohn-mayer explained that a large portion of the labor force in Oregon works at lumber and education-related jobs. He called the long-range prospects for lumber "bleak."

The future of education is also in doubt, according to Frohn-mayer because the student population is expected to decline after 1980.

Frohn-mayer, an associate professor of law at the University, is running for re-election to the state legislative district 40 seat.

Pointing to some of Oregon's future problems, Frohn-mayer said "our single greatest failing is in the failure to prepare for the future." He added that Oregon has done better in this than the nation in general.

Penal reforms are also of concern to Frohn-mayer. He said a "reassessment of the criminal justice system" is



Dave Frohn-mayer

necessary and sentences should be "more definite and more equal."

He also feels that more attention should be paid to juvenile offenders. According to Frohn-mayer, a large segment of juvenile offenders become adult offenders. "If we could get to that segment, we could solve the problems of rehabilitation."

Regarding day care, Frohn-mayer favors incentives for privately owned day care centers. "There is simply not enough government money to provide that kind of facility and there never will be," he said. But, he added, it is important to have "equity for women who want to work."

Frohn-mayer also said local government finance, school finance and human rights are important issues.

Citing the 2,500 bills that the last legislative session passed, he said he would prefer a system for spreading the bills out so that more consideration could be given to each one.

"In the state of Oregon, an individual can make a difference. I am proud of the record of the last session," he said, "but I think Oregon can do better."

## CUT THE COST OF CUTTING LOOSE TO AUSTRALIA Roundtrip only \$758

Portland-Sydney-Portland. Open to all University students, staff, faculty, active alumni and their immediate family members. You must book early. For more information see Ralph at the Student Travel Desk

**International Education Center**

202 EMU Ext. 3721

A non-profit educational service agency of the ASUO

ODE.



Jewish Student Union  
Lecture

**John Medved**

Amer. Zionist Youth Federation

"Zionism and the Mideast Crisis"

TODAY 12:30  
ERB Rm. to be posted

### Eugene Secretarial Service

Selectric—CPT Unit  
Programming  
Power Typing  
(multiple originals)

"Metered Mail Service"  
344-8223

Let us type your theses,  
dissertations and resumes.

\*\*\*

**Quality — Efficiency — Dependability**

*Today is the first day  
Of the rest of the week  
And you can probably get  
A table at Mazzi's.*

3377 E. Amazon