

Hendriksen rips Hatfield's anti-abortion bill

By Cort Fernald
Of the Emerald

Eugene's Democratic state representative Margie Hendriksen is leading the local opposition to Sen. Mark Hatfield's (R-Ore.) anti-abortion bill, that will soon be debated on the floor of the U.S. Senate.

Hendriksen, speaking last month to the annual convention of the National Abortion Rights Action League in Washington D.C., denounced Hatfield's anti-choice bill before the partisan crowd.

"As an Oregonian, I am very unhappy to see the senior Senator Mark Hatfield's leadership role in suppressing freedom of choice," she said. "SB2372 is not a compromise, but rather a dangerous attack on our constitutional freedom and an affront to women."

Hendriksen was one of two pro-choice legislators asked to speak before the NARAL convention. She considers Hatfield's bill extremely one-sided, calling it "anti-woman legislation."

Hatfield, who Hendriksen calls a "radical rightist" because of his anti-choice record, has authored "one of the worst bills (as far as its ramifications) introduced." She strongly objects to the bill "as a legislator, as a person who has worked in the area of abortion reform, as an attorney."

Hendriksen brought four key arguments against Hatfield's bill before the NARAL convention. SB2372 subordinates adult women to fertilized eggs, destroys academic freedom, disrupts due process of law, and has the federal government coercing medical programs.

"The bill makes legislative findings that our lives and welfare are subordinate to the fertilized eggs," she said.

After the 1973 Supreme Court decision *Roe v. Wade*, anti-choice groups changed tactics by clarifying what is a fertilized egg, Hendriksen says. SB2372, according to Hendriksen, has a statement of legislative findings that unborn children are members of the human species.

"In the past (the 19th Century) . . . when there were criminal abortion laws, fetuses or eggs were never considered people in the sense that adults or someone is after they're born," she said. "It wasn't that the thought was it was homicide with respect to the fetus, it was health considerations for the women."

She adds that the law might "recognize some limited rights of the fetus, but only . . . if they were born live." SB2372 says that all unborn children would immediately come under protection of Title 42 of the U.S. code, a code that implements the 14th amendment to the U.S. Constitution. The 14th amendment administers civil rights legislation.

Hendriksen pointed out in her speech that SB2372 would "attempt to destroy academic freedom and professional competency by denying federal funds to medical schools that taught how to do abortion techniques."

Possibly the most atrocious aspect of Hatfield's bill, in Hendriksen's view, is the way it apparently circumvents the legal process.

"It destroys and disrupts traditional notions of due process and jurisprudence by its standing provisions and expedited hearings to validate state laws which violate women's fundamental rights," Hendriksen told the NARAL audience.

From the point of view of the court system, Hendriksen says section III of Hatfield's bill "eliminates the standing requirement" by allowing "any person" to initiate civil action over an abortion alleged to involve federal funds.

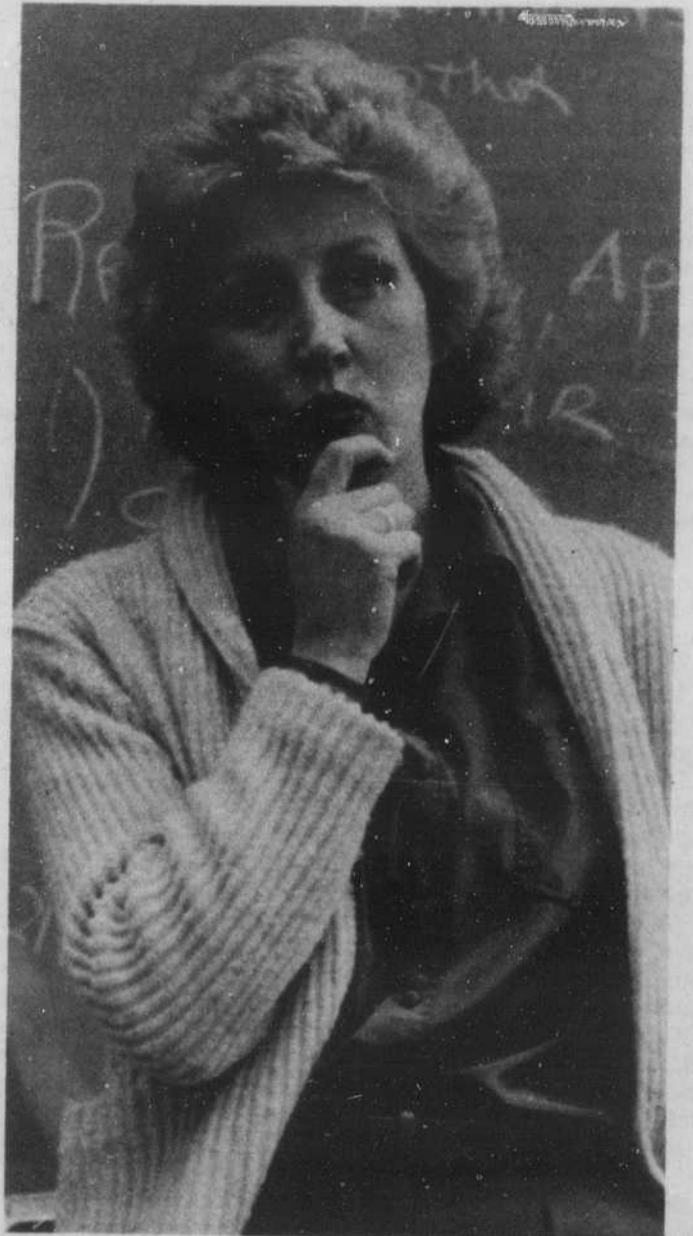
The principle of standing "means you have to have a concrete interest in the outcome of a case before you can sue," Hendriksen says. Without the standing requirement one unrelated and disinterested party can bring suit against a second.

Hatfield's bill also makes it easier for states to uphold anti-choice legislation, Hendriksen says. This means that if a state passes pro-choice legislation it would be in violation of the federal statute.

Hendriksen says the bill's chances of passage are very good. "For one thing, because of Hatfield's prestige . . . He's not viewed as a 'crazy' like (Sen. Jesse) Helms," she says. Two other conditions that almost assure passage according to Hendriksen are that "It's not a constitutional amendment, it's only statutory . . . and because he's not having any hearings on it."

A major "floor fight" is expected in the Senate, however, when SB2372 is brought for a vote.

"The irony is that we've got both U.S. Senators (Senators Hatfield and Bob Packwood) that'll be arguing the lead points on both sides," Hendriksen says.



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"SB2372 is not a compromise but rather a dangerous attack on our constitutional freedom and an affront to women,"

— Rep. Margie Hendriksen

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