

Administration urges Court to reverse Roe vs. Wade



WASHINGTON (AP) — Seeking a reversal of the Supreme Court's 1973 ruling upholding the right to an abortion,

the Bush administration asked the Supreme Court Monday to uphold a Pennsylvania abortion law that imposes a 24-hour waiting period and requires women to notify their husbands before ending a pregnancy.

In a friend-of-the-court brief, the Justice Department reiterated its long-standing position that women do not have a fundamental right to have an abortion and that the 1973 decision in Roe vs. Wade was wrongly decided.

The brief filed by Solicitor General Kenneth W. Starr asked the high court to uphold Pennsylvania's law and argued that states could impose even stricter curbs.

The Justice Department held that the court could impose an outright ban on abortions because "the protection of human life — in or out of the womb — is certainly the most compelling interest that a state can advance."

If the court declined to overturn Roe, it should apply the reasoning adopted in its 1989 decision in Webster vs. Reproductive Health Services and find that Pennsylvania's abortion law is valid because it advances a "legitimate state interest," according to the brief.

If it takes this narrower approach, according to the brief, the court should "make clear that the liberty interest recognized in Webster does not rise to the exceptional level of a fundamental right."

The administration's filing drew praise from the National Right to Life Committee Inc. By adopting the Justice Department's position, the high court "would effectively overturn Roe vs. Wade and allow the states to directly limit the reasons for which abortions may be performed," the group's legislative director, Douglas Johnson, said in a statement.

The Justice Department action came one day after an estimated 500,000 protesters marched in Washington in the biggest demonstration ever held by abortion rights' activists.

Pennsylvania's law is valid because it advances legitimate state concerns that

women make informed decisions before having an abortion, according to the Justice Department's brief.

The provision requiring a woman to notify her husband of plans to have an abortion "can help protect the life of a fetus, the integrity of the family unit, and the husband's interests in procreation within marriage and the potential life of his unborn child," according to the brief.

Planned Parenthood and other organizations appealed to the Supreme Court last year after a federal appellate court upheld most provisions of the law, including the 24-hour waiting period and one that required parental permission for teen-agers to obtain abortions.

But the 3rd U.S. Circuit Court of Appeals struck down the spousal notification provision, saying it imposed an undue burden on a woman's right to have an abortion under Roe.

The Justice Department brief held that the 3rd Circuit decision was incorrect by applying the "undue burden" test enunciated by Justice Sandra Day O'Connor in a concurring opinion in Webster.

Because abortion is not a fundamental right, the court should apply a more def-

'The protection of human life — in or out of the womb — is certainly the most compelling interest that a state can advance.'

— U.S. Justice Department

erential standard to state legislatures when reviewing abortion laws, according to the Justice Department.

"We believe that the correct standard was the one articulated by the Webster plurality: Is a regulation reasonably designed to serve a legitimate state interest?" according to the brief by Starr, who will argue the government's position when the court hears the case April 22.

The brief suggested that state legislatures could outlaw abortions altogether, arguing, "The state's interest in prenatal life is a wholly legitimate and entirely adequate basis for restricting the right to abortion derived in Roe."

NATIONAL BRIEFS

Court rules against "sting" operation

WASHINGTON (AP) — The Supreme Court on Monday limited some undercover "sting" operations when it ruled that a Nebraska farmer was entrapped by postal agents who coaxed him for two years to buy mail-order child pornography.

By a 5-4 vote, the justices said the farmer lacked predisposition to commit a crime and only purchased the contraband material after the prolonged solicitation of the government.

While the ruling is a defeat for law enforcement officials and a surprise from an increasingly conservative court, its impact could prove limited.

Science fiction writer Asimov dies at 72

NEW YORK (AP) — Isaac Asimov, whose nearly 500 books ranged from science fiction foretelling an era in which mankind and benign robots spread across the galaxy to science fact, histories and humor, died

Monday at age 72.

He died of heart and kidney failure at New York University Hospital, said his brother, Stanley Asimov, a vice president of *Newsday*.

The most popular of Asimov's novels and stories were excursions into a future in which Earth is forgotten by a humanity that spreads through the stars, ruled by a galactic "Foundation" and served by robots.

Clinton, Brown to look for win in NY

NEW YORK (AP) — Democrats Bill Clinton and Jerry Brown traded a final barrage of charges Monday, but then shook hands on the final day of campaigning before high-stakes primaries in New York, Wisconsin and Kansas.

"This is now for the voters to decide," Clinton said. "We each argue that we have better plans for change."

Both candidates said Paul Tsongas, who dropped out of the race three weeks ago, could receive a sub-

stantial number of votes in New York, the biggest prize in Tuesday's balloting with 244 delegates.

The state is crucial for both active candidates: front-runner Clinton is looking for a convincing win to diminish the significance of Brown's challenge; Brown wants a good showing to affirm his status as a serious candidate.

Saddam's nuclear capability still intact

WASHINGTON (AP) — More than a year later, it is clear that the Bush administration was off target in its Gulf War claims that allied bombing "pretty well eliminated" Saddam Hussein's nuclear capability.

Some important nuclear sites were hardly touched, U.N. inspectors have discovered. In other cases, buildings were hit, but the equipment inside unharmed.

Some targets were damaged or destroyed even though allied war planners didn't realize the targets were tied to the nuclear program.

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