

Abortion guidelines set doubtful future

There is little doubt that Monday's Supreme Court decision on abortion is a significant victory for the Bush camp. It upholds restrictions in a Pennsylvania law that make it more difficult to get an abortion, while leaving the door open for other states to enact equally tough or tougher abortion laws.

But while the Pennsylvania ruling could be debated endlessly, the fact remains that it is now in the past. The issue is no longer whether Pennsylvania's laws are constitutional, but instead the impact this will have on future Court rulings.

Louisiana, Utah, and the U.S. territory of Guam all have very restrictive abortion laws that will likely go before the Court at some point. In the Pennsylvania case, only two justices voted to strike down all the Pennsylvania law's provisions. Therefore, seven justices were willing to restrict abortion in some way. One can only assume that of these seven, there are a few who wouldn't mind going further than the Pennsylvania ruling.

On the positive side, the Court made it clear that it isn't ready to outlaw abortion quite yet. By a 5-4 vote, they decided to uphold *Roe v. Wade* until further notice.

They went as far as to include a new "undue burden" test for judging abortion regulation. Essentially, a state cannot impose an "absolute obstacle or severe limitation on the abortion decision," meaning states cannot directly make abortion illegal.

While this does offer a glimmer of hope — maybe Bush's court isn't as conservative as once feared — it is not a sign for rejoicing. The Court may have decided to keep *Roe v. Wade* intact for several different reasons. It could be for political purposes, as an immediate overturning could be damaging to Bush's public image. It could even be for constitutional reasons, as the majority opinion stated a respect for individual liberty.

But in all probability, *Roe v. Wade* will be clinging by its fingertips for the next few years. We must remember that in 1986, the court struck down nearly identical regulations in Pennsylvania. Since then, three of the five majority justices have retired, replaced by Reagan and Bush appointees.

In addition, Justice Harry Blackmun, author of *Roe v. Wade* and one of two justices to vote against the Pennsylvania restrictions, is probably nearing retirement. Pending the outcome of the next election, he could very easily be replaced by a more conservative justice, thereby altering the Court majority.

The Pennsylvania decision wasn't as bad as it could have been. The court has not become a conservative nightmare yet, and *Roe vs. Wade* survives. But the trend away from legal abortion is worrisome. And unfortunately, it's a trend we may have to get used to.



COMMENTARY

Leaders losing fight with OCA

By Ibrahim J. Gassama

As a recent arrival to Oregon, I have found myself fascinated and surprised by a curious aspect of Oregonian politics — the influence of the Oregon Citizens Alliance — that seemingly tireless group of citizens engaged in the all important task of saving civilization from the "homosexual scourge."

It was certainly not what I expected when, after a couple of short visits, I moved to this state last fall. I was fully prepared to be captivated by the sheer beauty of my physical surroundings. My wife and I looked forward to spending weekends on the coast braving the elements from the comfort of an oceanside hotel room.

Having lived in big cities for much of my life, I looked forward with special anticipation to the patience and civility that seems to have escaped those who have spent too much time in those concrete and steel habitats. It would be good, I thought, to spend some time in a community with people who don't honk at you a second after the light turns green, bus drivers who assist folks in wheelchairs and deer that have temerity to graze in your backyard in broad daylight. Of course, I have been around long enough to know that life in Oregon would not be as perfect as it appeared after a couple of short visits.

I must confess, however, that the phenomenon of the OCA was a total surprise. I don't mean its existence. It is to be expected that anywhere in the United States, and indeed, in much of the world, there would

be such groupings of human beings who cannot be at peace with themselves in the presence of others who are and who are not uncomfortable or apologetic about it. It is also to be expected that such groups would tend to prosper as they exploit, not only hate, but the yearning for simple explanations during periods of economic stress.

What accounts for my surprise, and indeed consternation, is the equanimity with which the OCA's exploits have been greeted by the traditional centers of leadership. I keep waiting for the governor, legislature, the heads of business and academia and other such public figures to engage the OCA in a public dialogue about the implications of their objectives.

I would have been willing to accept the silence as perhaps a reflection of native Oregonian reticence if I did not know something about the episodes of exclusion and intolerance that reflect a shameful aspect of Oregon's past. Organized elements of Oregon society in the recent past have waged successful campaigns of hate and intolerance against African-Americans, Asians, Catholics and Jews.

There is a direct parallel between the current effort to deprive Oregonians of their citizenship and fundamental human rights because of their sexual orientation through an amendment to the state constitution, and the successful efforts to exclude blacks from Oregon back in the 1857 Oregon State Constitution. I am confident that then, as now, there were decent, well-meaning people who saw the tragedy un-

folding but were too busy working on other measures.

Time will not be kind to Oregon if instead of focusing its energy toward expanding and modernizing its economy, it continues to expend scarce social, economic and emotional capital in an unending series of initiatives to determine whether some of its citizens should have all the rights and expectations of that status. Isn't it time for all Americans to realize that our obsessions with differences — race, class, gender and sexual orientation — is slowly destroying our capacities to respond to more fundamental challenges?

Now, I do recognize that there are many grassroots efforts to counter the OCA. I also recognize that current sentiments show considerable dissatisfaction with much of our institutional leadership. In fact, the very notion of leadership is now generally called into question and many would rather have these leaders remain out of the issue.

It would be a mistake, however, to absolve from responsibility those who head key sections of our civil society when issues of fundamental rights are involved. Indeed, the very persistence of the OCA affirms the vitality of leadership, even when, as in this case it is bigoted. The problem, I believe, is not with leaders or the concept of leadership. The problem is that we have assigned leadership positions to those who are simply not capable of leading. If such is the case, it is up to us to remind them how to lead — replace them.

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