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utes were unconstitutional in light of the US Supreme Court ruling in *Roe v. Wade* in 1973 and *City of Akron v. Akron Center for Reproductive Health* in 1983. Another attorney general preceding incumbent Drew Edmondson issued an opinion embracing Turpen's interpretation, the plaintiffs related.

However, the plaintiffs insist, the same day the nation's high court announced its decision in the Ohio case it also held in *Simopoulos v. Virginia* that regulation of abortions performed in abortion clinics was constitutional and consistent with the provisions of *Roe*. Also, the plaintiffs claim, the US Supreme Court subsequently "opened wide the door for regulation of abortion" by modifying *Roe v. Wade* in 1992 in *Planned Parenthood v. Casey*.

The plaintiffs also note that the Oklahoma Supreme Court held in *York v. Turpen* in 1984 that an attorney general's opinion declaring an act of the Legislature unconstitutional "is advisory only and not binding upon state officials until finally so determined by an action in a court of competent jurisdiction."

The plaintiffs ask the district court to issue writs of mandamus to compel the defendants to comply with state law and enforce state regulations on abortion clinics.

Defendants in the lawsuit are Drs. Dan Fieker, Gordon H Deckert, Glen Diacon Jr., Brent Smith, Jay A. Gregson and John B. Carmichael, along with Frank W. Merrick, Walter Scott Mason III and Beth Anita Gordon, all of whom are members of the Oklahoma State Board of Health; Dr. Jerry Nida, the state health commissioner; and Attorney

General Drew Edmondson.

"Not one of the people named in this lawsuit have the capacity to file a criminal charge against anybody for violation of abortion laws," Edmondson said after learning of the lawsuit. "Only the district attorney in the jurisdiction of the clinics has that capacity. So, they've sued the wrong people."

Edmondson added that none of those involved in the lawsuit had spoken with him about their concerns. "The first contact I had was receipt of a three-page press release informing me that I had been sued. The parties in the lawsuit had not even been served before a three-page press release was issued.

"Clearly, this is nothing more than grandstanding. But this is not a harmless lawsuit. My office is hard-pressed to meet our current caseload in legitimate lawsuits against the state without having to deal with lawsuits brought by members of the legislature for political purposes. It is offensive to me that they are using the courts and taking my staff away from real work to make a political point. In fact, we are researching the possibility of recovering costs of this action."

Besides Ferguson, other plaintiffs in the lawsuit are Reps. Robert Worthen, Dan Webb, Leonard Sullivan, Charles Key, all R-Oklahoma City; Rep. Charles Gray, D-Oklahoma City; Rep. Frank Davis, R-Guthrie; Rep. Tim Pope, R-Mustang; Reps. Joan Greenwood and Carolyn Coleman, both R-Moore; Rep. John Smaligo and Sen. Grover Campbell, both R-Owasso; Reps. Wayne Cozort, Fred Perry, John Sullivan and Mike Thornbrugh, all R-Tulsa; Rep. Scott Adkins, R-Broken Arrow; Rep. Wayne Pettigrew, R-Edmond; Rep. Richard Phillips, R-Warr Acres; Rep. Doug Miller, R-Norman; Rep. Jim Reese, R-Deer Creek; and Rep. Mike O'Neal, R-Enid.

Other plaintiffs are Dr. Craig Evans and Sharon Golmoradi, both of Oklahoma City.

Golmoradi twice had abortions performed in Oklahoma City, the lawsuit petition claims. In one of them "she suffered injury in that the abortionist gave no instructions in regard to what to do if she experienced hemorrhaging as a result of the abortion," which in fact occurred, the petition claims.

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establish minimum safety standards for all entities which perform abortions and for the inspection of abortion clinics by the state's Department of Health, was "a matter of life and death."

"This is not a question about whether a woman has an abortion or not," Webb said. "It's a question about what's going to happen when they're in there."

Webb said he had learned from the health department that current statutes did not go far enough in giving the department the language it needed to deal with abortion clinics.

That point contradicts a claim made by plaintiffs in a lawsuit filed on Monday against the attorney general and Department of Health. The plaintiffs in that case, which includes 22 lawmakers, said the state's statutory definition of hospital is also applicable to abortion clinics.

Webb was criticized by several members of the House for not consulting with Deutschendorf and for making his proposal known only at the last.

"This is the only avenue I've got," Webb said several times.

Several House members also expressed concern that if the abortion-related language is added to the bill that it would kill the origi-

nal legislation. That was the case, Webb noted himself, in a bill by Rep. Mark Seikel, D-Harrah, that died in committee after efforts to add similar language.

Despite the apparent opposition on the floor to Webb's proposal, House members voted 40-53 against accepting the conference committee report as presented. Webb then requested and won approval for the bill to be returned to the conference committee with instructions to add his proposed language.

If the conferees cannot agree on the language, Rep. Jim Glover, D-Elgin, said in response to a question, the conference committee report can be brought back before the House and Deutschendorf can ask that the original report be considered.

"We who lived in concentration camps can remember the men who walked through the huts comforting others, giving away their last piece of bread. They may have been few in number, but they offer sufficient proof that everything can be taken from a man but one thing: the last of human freedoms — to choose one's attitude in any given set of circumstances — to choose one's own way."

Viktor Frankl

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