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NCLU director questions constitutionality of state's law

Editor's note: Tomorrow is the third anniversary of the U.S. Supreme Court's decision which made elective abortions legal. While the law provides protection against prosecution for those who decide to have an abortion, it does not assure equal accessibility to the medical procedure for all. In this issue of Third Dimension, we have tried to answer the question "How available are abortions in Nebraska?"

Analysis by Theresa Forsman

After the Jan. 22, 1973 U.S. Supreme Court decision making voluntary termination of pregnancy legal, the Nebraska Legislature grudgingly followed suit that year and revised its 1943 abortion statute, which allowed abortion only to preserve the life or health of the mother.

The new abortion law, LB286, still is on the books and the attitudes of several 1973 legislators is evident in its wording.

LB286 assures Nebraskans that the act "is in no way to be construed as implementing, condoning or approving abortions at any stage of unborn development." In fact, the law states that the Legislature "expressly deprecates the destruction of the unborn human lives which has and will occur in Nebraska as a consequence of the Supreme Court's decision on abortion."

The bill accuses the Supreme Court of intruding upon the state's legislative rights.

Parental approval

Nebraska law not only does not comply with the spirit of the Supreme Court decision, that of a woman's right to control her own body, it also is questionable whether the statute complies with the letter of the higher law. Nebraska requires parental consent before giving a minor an abortion and requires a spouse's consent before a married woman can have an abortion.

"We're sure these provisions are unconstitutional," said Barbara Gaither, executive director of the Nebraska Civil Liberties Union (NCLU).

The NCLU is willing to test several provisions of LB286 in court, she said, but can only do so if a patient or doctor files a complaint with them. She said many persons are reluctant to do so because they expect a certain amount of hassle when dealing with abortions

or don't want to prolong what might have been an unpleasant experience.

Perhaps part of the reason these clauses in the 1973 law still are on the books is because abortions may be obtained in Nebraska upon demand. That is, if you don't mind going the clinic route, which means a trip to one of Nebraska's two abortion clinics in Omaha. These clinics are the Ladies Center and Women's Services.

Gaither said that women wanting abortions who live out-state usually go to Denver or some other nearby city partly because they are closer, preferred over small-town hospitals and usually less expensive than hospitals.

A 1974 survey of Nebraska hospital administrators indicates that most out-state hospital directors did not know the general provisions of Nebraska's new abortion law because they never had reason to, Gaither said.

The Supreme Court decision did not require that hospitals provide personnel or facilities for the abortions they legalized. Thus, in Nebraska, medical institutions and medical personnel can refuse to perform abortions on moral or religious grounds.

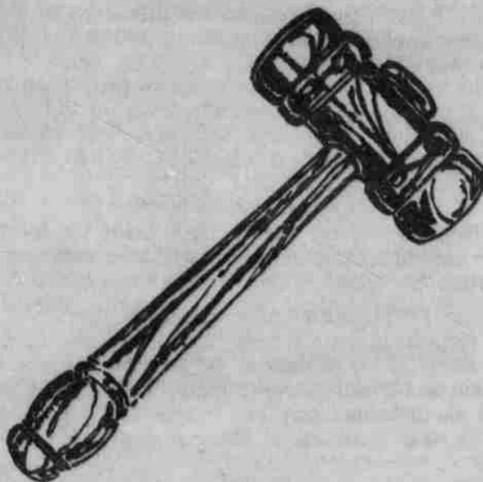
Not all states comply

This makes it difficult for some people in one-hospital towns to receive abortion on demand, Gaither said.

Nebraska is not unique because several states have abortion laws not completely in compliance with the federal statute, she added.

The Supreme Court has refused to hear some cases involving alleged discriminatory state abortion laws. Gaither said she was not optimistic about possible revision of the abortion legislation this year.

It's taken a lot of energy just to maintain the current abortion laws let alone making any progress toward what she called fairer laws, she said. Gaither was referring to work involved in counteracting the lobbying and legislation introduced by pro-life, anti-abortion groups.



Abortion clinics offer counsel, therapy

By Liz Crumley

Counseling, examination and abortions are available to any woman who wants a legal abortion in Nebraska. But their cost and availability varies.

Planned Parenthood of Lincoln offers counseling and examination upon request.

According to Peggy Bergstrasser, Planned Parenthood counselor, abortion as an alternative to pregnancy is suggested only by the woman herself.

If a woman decides on abortion, she said, Planned Parenthood refers her to places offering them. It also tells her of available types and costs of abortions, Bergstrasser said.

Planned Parenthood refers women to Womens Services and The Ladies Center Clinics, both of Omaha, and to two Lincoln doctors.

Usually appointments can be scheduled a few days later.

The University Health Center also refers women to the two Omaha clinics and one Lincoln doctor. It has about the same counseling and referral procedures as Planned Parenthood, but can help only university students, according to Sheryl Bellinger, health center community health nurse.

Dr. Kenneth Hubble, health center director, said guidelines within the center limit its activities to students paying fees.

If a woman is five-to-seven-weeks pregnant, she is referred to the Lincoln doctor, Bellinger said. The doctor said he did not want to be identified because he would consider it advertising. He said he performs a simple abortion procedure in his office at a total cost of about \$50.

The doctor said he also performs suction aspiration abortions in a Lincoln hospital for pregnancies that are between the seventh and twelfth week. He said average cost is about \$350 for the suction aspiration, which includes hospital charges and doctor's fees.

Clinics cost less

The Ladies Center and Womens Services clinics also perform suction aspiration abortions. The cost is considerably less because the procedure is done in the clinic in one day, according to officials at the two clinics.

The Ladies Center charges \$185 for a suction aspiration and Womens Services charges \$250. Womens Services also provides the simpler, earlier abortions for about \$60.

All fees include a three-week, post-abortion checkup. Linca Koch, director of The Ladies Center, described the nearly four-hour process a woman goes through to have an abortion at the Ladies Center.

When the woman arrives, Koch said, she goes through patient interviews to determine her state of mind. Most are nervous about the medical procedure, she said.

Then they go to the laboratory for blood and pregnancy tests and return to the waiting room until counseling begins.

During this session, the abortion procedure is described and the women's feelings usually are ventilated, she said. Their medical history is taken and birth control counseling is offered.

The abortion then is performed and the woman is taken to the recovery room for about an hour where her vital signs are monitored every 15 minutes.

Hospitals take serious patients

If medical problems develop, arrangements have been made previously with a hospital, which will accept the clinic's patient, Koch said.

Womens Services has about the same procedures.

State law requires parental consent for abortions for women under age 19. However, according to Diane Kimmons, office manager of Womens Services, proof of age is not required unless the patient looks very young.

Birtright also offers abortion counseling. However, they try to give women an alternative route to abortion, according to director Mary Pratt. If a woman decides to have an abortion, Birtright discontinues counseling and will not refer the girl to anyone who will perform the abortion.

At the Ladies Center Clinic in Omaha, the abortion service begins with a one-hour counseling session. A forty-five minute stay in the recovery room completes the procedure. The counseling and recovery are designed for groups, according to Linda Koch, director, because other women provide the best source of therapy and moral support for the abortion patient.

Photos by Steve Boerner

