

## COLUMN LEFT

# Proposition 73 & Sandra Day O'Connor

By Alon Barlevy, President, Hubert Humphrey Democratic Club

Now that Labor Day is behind us, the campaigning for a November election is in full force. Two thirds of California voters do not typically go to the polls in November of odd years. Voters in our area of Southeast Los Angeles County would typically have very short ballots to consider in November of odd years: a school board race and a college board race. This year, thanks to the special elections called by Governor Schwarzenegger, all Californian voters will go to the polls to vote on a list of eight propositions.

First on the list is Proposition 73, which would require women who have not reached the age of 18 to obtain parental consent prior to terminating their pregnancies. The decision to terminate a pregnancy is undoubtedly a very traumatic event for any woman, especially one who is young and inexperienced. It would definitely be desirable for a minor to seek the advice of her parents when faced with such a choice. The question is, should we require it by law?

Proposition 73's intent is not to build better communication between teenagers and their parents, as it does not do anything to protect teenagers from any physical or emotional abuse they might suffer if they discuss the issue with their parents.

The proposition does not affect teenagers who have good relationships with their parents. What this proposition tries to do is prohibit teenagers who do not have good communications with their parents from terminating their pregnancies.

The backers of Proposition 73 would like to outright outlaw all abortions, under all circumstances. Thanks to Sandra Day O'Connor, though, they are prevented from doing that, as she led the majority opinion in the 1992 Supreme Court case of *Planned Parenthood v. Casey*, in which the right of a woman to choose an abortion was re-affirmed.

In Sandra Day O'Connor's mind, though, the right to choose is not absolute – government can place restrictions on that right. Because O'Connor has held the balance of power during the last 15 years, she alone determined which burdens placed by the government are undue (and therefore unconstitutional) and which burdens were okay to impose on women seeking to terminate unwanted pregnancies.

According to O'Connor, spousal consent, where a woman would be required to get permission from her spouse prior to terminating her pregnancy, is an undue burden, and therefore forbidden by the constitution. However, O'Connor believes that a woman who has yet to turn 18 years of age does not enjoy the same reproductive rights as she does after turning 18. O'Connor cast the deciding votes in both of those cases, and this is why her vision is the law of the land.

California voters can thank Sandra Day O'Connor for having Proposition 73 on the ballot, and Arnold Schwarzenegger for having it on November 8, 2005, rather than on a regularly scheduled election. Because Proposition 73 is nothing more than an attempt to chip away at a woman's right to choose, the Hubert Humphrey Democratic Club has taken the position of No on 73.

## **Text of Article**

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Alon Barlevy, PhD.  
President, Hubert Humphrey Democratic Club

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Proposition 73's intent is not to build better communications between teenagers and their parents, as it does not do anything to protect teenagers from any physical or emotional abuse they might suffer if they discuss the issue with their parents. The proposition does not affect teenagers who have good relationships with their parents. What this proposition tries to do is to prohibit teenagers who do not have good communications with their parents from terminating their pregnancies.

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