

Democrats to fight abortion law revival

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Calling the Illinois Supreme Court's revival of an abortion law a political move, Democratic lawmakers vowed Tuesday to vigorously fight the resurrection of a parental-notification law passed 11 years ago but never enforced.

But a spokesman for the Illinois Supreme Court said the ruling was not political, but based solely on legal judgment. He said that, in the unanimous decision, four Democrats on the court agreed with three Republicans to take up the matter.

The state court decided Monday that it would issue rules for a parental-notification law passed by the General Assembly in 1995. The law had never gone into effect because the court in the 1990s declined to write rules that would enforce it. The rules would govern how minors could seek exceptions to the law's requirements.

The current court has only one justice from the earlier group.

"It's not a political issue; it's a legal issue on which this court disagreed with an earlier court," court spokesman Joseph Tybor said.

Nevertheless, some Democrats said they would mount a campaign to repeal the law although they did not think it would come to that.

"There will be a concerted effort to stop this," said state Rep. Sara Feigenholtz (D-Chicago). "What exactly that will be I do not know. But I can hardly see the pro-choice community sitting back and letting this move forward."

But until the Supreme Court officially acts, there would appear to be little that the legislature can do about a law that was passed in the 1990s and not enforced. The General Assembly won't be in session again until Nov. 14.

State Sen. Kirk Dillard (R-Hinsdale), who sponsored similar parental-notification bills in the 1990s, predicted that the General Assembly would not repeal the law.

Dillard said Gov. Jim Edgar, who favored abortion rights, signed the bill into law. He also pointed out that states throughout the Midwest have similar notification laws in place.

"I don't believe that the pro-choice community will be able to garner enough votes that could overcome a bill that was approved by a pro-choice governor like Jim Edgar," Dillard said.

Feigenholtz, meanwhile, blasted the court for picking up the issue just weeks before a statewide election.

"The politics stinks," Feigenholtz said. "There's no reason the Supreme Court had to announce this now."

In his successful 2002 campaign for the Supreme Court, Chief Justice Bob Thomas did not hide his strong anti-abortion sentiments, but he maintained then that he would look at cases based on the law and not his personal views. Thomas declined to comment Tuesday on the court's decision, Tybor said.

Tybor also said Thomas had been looking at the matter since spring and did not have politics on his mind. Tybor dismissed charges from Democrats that the decision was prompted by pressure from anti-abortion activists or a letter from Birkett, the DuPage County state's attorney and the Republican nominee for lieutenant governor.

"It wasn't political, and the outside pressure had nothing to do with it," Tybor said.

Feigenholtz and state Sen. Carol Ronen (D-Chicago), both allies of Gov. Rod Blagojevich, noted that the law passed in 1995 when Republicans briefly controlled both chambers of the state legislature and that subsequent attempts to pass similar legislation failed.

Ronen said she still remained cautiously optimistic that rules would never be enacted. She said Illinois Atty. Gen. Lisa Madigan would have a voice in the matter. Madigan would have to ask a U.S. judge to lift his 1996 order disallowing the law to take effect because the law came without specific rules.

Gov. Rod Blagojevich also said the rule-making process would need to be carefully reviewed.

"We have every expectation that the attorney general will make sure the rules are written in a way that protects the safety of young victims of rape and incest," Blagojevich spokeswoman Abby Ottenhoff said in a statement.

A spokeswoman for Madigan said she would look at the rules when they come to her and declined to comment further.

Ronen blamed Birkett for pushing the issue around election time.

"They're trying to inject politics into the safety of young girls, and I think that's very unfortunate," she said. "This looks kind of suspicious."

Republican Judy Baar Topinka, Birkett's running mate, said she favors abortion rights, but "believes it is common sense for parents to be involved in their child's decision to have an abortion," said a statement from a campaign spokesman.

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