

Bill proposes care for fetus after abortion

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SPRINGFIELD—Doctors who perform abortions would have to provide medical care to surviving fetuses or risk civil damages under legislation that passed the state Senate on Friday.

A package of bills sponsored by Sen. Patrick O'Malley (R-Palos Park), a staunch abortion critic,

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takes aim at abortions that are performed most often during pregnancies in which the fetus has genetic defects severe enough to limit its life-span once born.

"A child who survives birth is a U.S. citizen," he said. "We need to do everything we can in the state of Illinois . . . to make sure we secure and protect its rights."

Abortion-rights activists immediately labeled his proposals unconstitutional and predicted their defeat in the Democratic-led House.

O'Malley's package provides that a physician other than the one who performed the abortion would have to assess whether a living fetus could survive. It would be considered "born alive" if it has a beating heart or moves voluntarily, regardless of its age.

In such cases, the fetus would be "fully recognized as a human person" and provided "reasonable" medical care under O'Malley's package. Doctors or hospitals failing to provide that care could face lawsuits by parents or county public guardians.

The legislation evolved from a fight O'Malley has had with Christ Hospital in Oak Lawn over its abortion policies. O'Malley, a for-

mer member of the hospital's board of directors who quit that post in protest 18 months ago, cited accounts from a nurse there of fetuses living as long as eight hours after an abortion.

"You have to understand, they're not given any sustenance whatsoever," O'Malley said.

A spokesman for Christ Hospital's parent, Advocate Health Care, said it provides "compassionate care" for its patients and estimated that between 10 percent and 20 percent of fetuses with genetic defects that are aborted survive for short periods outside the womb.

"Advocate's policy allows for termination of pregnancy in those rare cases when there are very severe and complex anomalies in the fetus that wouldn't allow life to be sustained after birth," Advocate spokesman Sue Reimbold said. "This is a legal and approved process."

Sen. Barack Obama (D-Chicago), who voted against O'Malley's abortion bills, predicted they would be struck down by a federal court if they became state law.

"Whenever we define a pre-viable fetus as a person that is protected by the equal protection clause or other elements of the Constitution, we're saying they are persons entitled to the kinds of protections provided to a child, a 9-month-old child delivered to term," he said.

"That determination then essentially, if it was accepted by a court, would forbid abortions to take place."

Mary Dixon, a lobbyist for the American Civil Liberties Union, said her organization would challenge the constitutionality of O'Malley's bills if they pass the House and Gov. Ryan signs them.

"The requirement for physicians to provide medical care, resuscitation or whatever, are completely futile, and they'll completely burden the unconditional constitutional right, pre-viability, to have an abortion," Dixon said.

Two of O'Malley's three anti-abortion bills passed with 34 votes, while the third piece of legislation got 33 votes. In the Senate, 30 votes are needed to pass a bill.

"I'm shocked by the vote on the floor of the Senate, and I think members on the other side have to be called into question as to what their thinking is," O'Malley said. "How could they justify not supporting, protecting and preserving the life, health and safety of an American citizen?"

Friday's developments come one day after the Illinois House approved separate legislation requiring minors 17 and younger to notify their parents, siblings, grandparents or clergy before obtaining an abortion. That plan was watered down by abortion-rights advocates.