

HAWAII BAR NEWS



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Hawaii Women Lawyers

By Ellen Godbey Carson
President

WEBSTER AND THE FUTURE OF REPRODUCTIVE RIGHTS

A crucial public battle is being waged in the U.S. Supreme Court over women's right to safe and legal abortions. The resolution of this battle may set the future course for legal access to abortion, contraception, sterilization, and other privacy rights.

Hawaii Women Lawyers has joined as *amicus curiae* — "Friend of the Court" — with the Women's Legal Defense Fund in *Webster v. Reproductive Health Services*. HWL also co-sponsored the April 6, 1989, Pro-Choice Rally for Reproductive Freedom at the State Capitol, to coincide with the Supreme Court's hearing of the *Webster* case. While we recognize a diversity of personal views regarding abortion, HWL strongly supports a woman's right to exercise her own *choice* in matters of reproduction.

Webster concerns a statute that restricts women's right to choose abortion by: (1) defining human life as beginning at conception, (2) requiring expensive testing to determine "viability" of the fetus, (3) prohibiting abortions in public facilities, and (4) prohibiting public funds and employees from being used to inform or encourage a woman regarding abortion, even where serious health problems may be present. The Eighth Circuit ruled the law unconstitutional under *Roe v. Wade*. However, Missouri — and the U.S. Department of Justice — have asked the Court to use *Webster* to overrule *Roe v. Wade*.

The *amicus* briefs ask that women never be forced to return to the back alleys where they risked — and lost — their lives trying to secure the rights *Roe v. Wade* recognized as fundamental. The National Organization for Women reports that

pre-*Roe*, about 1 million abortions were performed annually, with 100 deaths for every 1,000 abortions performed outside hospitals by non-medically trained persons. Here in Hawaii, medical experts report that 50% of maternity deaths pre-*Roe* were due to botched and illegal abortions.

The HWL/WLDF brief argues that depriving women of their ability to control reproductive functions (via contraception, sterilization, and abortion), denies their ability to make fundamental life decisions guaranteed by the constitution, and infringes on women's equal participation in the workplace, family, and political structure. *Roe v. Wade* is consistent with other legal doctrines prohibiting forced intrusions on bodily integrity (such as forced organ/tissue donations or forced life-saving actions).

Retreat from *Roe v. Wade* threatens the same privacy doctrine as the right to obtain and use contraceptives, *Griswald v. Connecticut*, and to voluntary sterilizations, *Skinner v. Oklahoma*. Indeed, defining human life as beginning at conception would criminalize many effective means of birth control, including the Intra-Uterine Device (IUD) and some forms of birth control pills.

It is now almost two decades since Hawaii became the first state to legalize abortion, and more than fifteen years after we thought the rights in *Roe v. Wade* were secure. Yet we face yearly assaults and intrusions on the reproductive rights of those who have the least ability to protect themselves — minors, poor women, and those needing governmental assistance. Thus, in 1989, the right to safe and legal abortion, contraception, and reproductive freedom hangs in precarious balance on the steps of the U.S. Supreme Court and in the halls of every state legislature. HWL seeks your active support of these important constitutional rights.

Long-Range Planning Committee

By Sue Lin Chong

The Long-Range Planning Committee is one of the permanent standing committees of the Hawaii State Bar Association (HSBA). The committee is responsible for formulating a long-range plan for the HSBA, presenting the plan to the board of directors for approval, monitoring and reporting to the board of directors concerning implementation of the plan and periodically revising the updating the plan. Constitution and By-Laws of the Hawaii State Bar Association, Article X, Section 2(a).

In January 1984, then-president of the HSBA David Fairbanks appointed the first members of the long-range planning committee. That committee worked for over a year to develop its long-range planning report, which was presented to the executive board in June 1985. Many of the recommendations of that report were made part of the Constitution and By-Laws at the 1985 Annual Bar Convention. In its report to the executive board, the committee recognized that the planning function has to be ongoing, and recommended annual updates of a formal long-range plan. The plan itself, the committee recommended, should be for three years in advance.

Today the HSBA still has its original 1985 long-range plan. HSBA president Charles Key has asked several members to serve on the newly revived long-range planning committee. The co-chairs are Sue Lin Chong and Francis P. Hogan. Unfortunately, where the Constitution and By-Laws call for nine members, only two other volunteers are on the committee, Steven Geshell and Linda Martell. We are actively seeking additional committee members from all segments of the bar: large and small firms, those in government service, and those who serve as in-house counsel to corporations and other organizations.

Our major goal is to review and recommend to the Board of Direc-

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