

ELECTIONS

Yvonne Burke goes for state office

By Emily Gibson

YVONNE BRATHWAITE BURKE may well become the first black woman attorney general in the state of California. Having emerged victorious in a nip-and-tuck race with Los Angeles City Attorney Burt Pines for the Democratic Party nomination, Burke is gearing up for what will likely be a much tougher race come November.

Burke was a practicing attorney for ten years before being elected to the California State Assembly in 1966, and then to three terms as a member of the U.S. House of Representatives. She is now pitted against California's leading proponent of the death penalty—state Senator George Deukmejian (R-Long Beach) in the November contest for California attorney general.

In the wake of some skepticism about her decision to give up her congressional seat for a bid to become attorney general, Burke held her ground. Detractors among her political peers said the post would be a step down from Congress, but Burke didn't buy that.

"I will merely be making a move from representing a district to statewide representation," Burke said in a recent Los Angeles news conference.

Burke sees it as a challenge because only two other blacks in California history—Lt. Gov. Mervyn M. Dymally and state superintendent of public instruction, Wilson Riles—have been elected to statewide offices.

The office of attorney general has been monopolized for the past eight years by Republican Evelle Younger, who won his party's gubernatorial nomination earlier this month.

Largely because of his political posture, Younger was viewed by many as the state's "top cop" during his reign as attorney general.

Burke, on the other hand, wants people to see the attorney general's office in another light: "Most people see the attorney general's office as being one which is law enforcement. What I have to do is try to educate them that it is, of course, leadership in law enforcement, but...much more than that, it's a consumer protection job. It's a job where you advise the state government."

Burke said she would like to utilize her background to ensure that the attorney general's office places emphasis on such issues as producing more legislative programs on economy, transportation, the environment and energy.

The June primaries for attorney general drew very little media attention. The race took a back seat to the heady campaign waged by proponents of Proposition 13 (the Jarvis-Gann tax initiative) and to the colorful contest between former Los Angeles Police Chief Ed Davis and Evelle Younger for the Republican gubernatorial nomination.

Another reason for lack of attention to the attorney general race was that voters were not able to see any real differences between Burke and her Democratic opponent, Burt Pines.

It was a lackluster race, with both candidates agreeing on major legal issues. Both had stated opposition to the death penalty, but both said they would uphold the law that reinstated capital punishment.

They parroted each other on the issues of organized crime and agreed that "the Mafia," as well as street and prison gangs, pose a potential threat to California.

Both were vociferous in condemnation of an anti-gay initiative sponsored by state Senator John V. Briggs (R-Fullerton). And, although both would probably deny it, their statewide TV advertising campaigns had some similarities.

The Pines commercial focused on "law

After giving up her seat in Congress to run for attorney general, Yvonne Burke scored a narrow victory in the June primary. The election ahead promises to be a tough one.

and order" and, while Burke's was less dramatic, she came across clearly—particularly at one point when she made her appeal for election in what appeared to be a police officer's uniform.

The biggest dispute centered on a local police file-shredding controversy. In the last leg of the primary Burke criticized the unlawful destruction of more than four tons of Los Angeles police records by Pines' office in May 1976.

Her campaign took out a full-page ad in the *Los Angeles Times* charging that, "As a result of the unlawful destruction of official records, the courts were compelled to dismiss more than 130 criminal cases against persons accused of assaulting police officers or resisting arrest."

Pines, who tried unsuccessfully to block public disclosure of the file-shredding, also sought to prevent a court hearing or to suppress the testimony of key witness-



Yvonne Brathwaite Burke hopes to be the third black elected to high state office in California.

es against the police in at least three cases, the advertisement said.

Burke beat Pines 52 to 48 percent.

The November race will be a tough one. Burke will again be fighting to hold her own.

Her political career has not been spectacular, but she is far from the stereotype affixed to her by *New West* magazine

writer Marlene Marks, who called Burke "the Diana Ross of politics." Her congressional record is sound enough that *Redbook* recently said that she is among the most effective of 18 congresswomen, "second only to Texas' Barbara Jordan," who also is retiring from the House this year.

Emily Gibson is a writer in Los Angeles.

ABORTION

Hyde amendment challenged in court

Plaintiffs in a suit described as "the most comprehensive challenge yet" to the Hyde amendment, which restricts the use of federal funds for abortion payments, are about to wrap up their arguments in the U.S. District Court for the Eastern District of New York. The decision, expected sometime before October, when a 1978 version of the amendment would go into effect, will have broad implications in the fight for poor women's abortion rights.

At issue in the national class action suit, *McRae vs. Califano*, is the constitutionality of the Hyde amendment.

Pro-choice attorneys with the Center for Constitutional Rights, Planned Parenthood and the American Civil Liberties Union are seeking to have the 1976 and 1977 anti-abortion amendments declared invalid, and seek an injunction against enforcement of a renewed amendment. They are arguing that the amendment violates the equal protection clause of the 14th Amendment to the Constitution, as well as the clause of the First Amendment separating church and state.

The suit is being brought by Cora McRae and several other low-income women unable to obtain abortions because of the Hyde amendment. The plaintiffs also include doctors wishing to provide and be reimbursed for abortion services, Planned Parenthood of New York City and the Women's Division of the Board of Global Ministries of the United Methodist Church. The church is arguing for Methodist women, particularly poor Methodist women, whose religious beliefs do not prohibit abortions but who have been prevented from obtaining abortions, because of an act, they say, that embodies one set of religious beliefs.

The New York City Health and Hospitals Corporation, in a companion suit, is seeking to protect its right, as a public agency providing medical care to indi-

viduals, to receive federal reimburse-

ment for Medical abortions. The defendant in both suits is Health Education and Welfare Secretary Joseph A. Califano, who is legally responsible for implementing the Hyde amendment.

Isabella Pernicone, a member of the National Right to Life Committee, is an intervenor—defendant in behalf of "unborn life." Representative Henry Hyde (R-IL), James Buckley, the former Republican Senator from New York; and Senator Jesse Helms (R-NC) each has a similar status in behalf of taxpayers opposed to the expenditure of public funds for abortions.

Some 35 witnesses, including many medical professionals and religious representatives, brought in by pro-choice lawyers, have testified since the trial started last summer. The trial record includes some 200 exhibits and well over 4,000 pages of transcripts.

Perhaps the most controversial arguments have been those saying that the Hyde amendment violates separation of church and state. The First Amendment clause establishing this states, in part: "Congress shall make no law respecting an establishment religion or prohibiting the free exercise thereof..."

To be legal, the plaintiffs claim, a statute must have a secular purpose, must neither advance nor inhibit one religious view and must not promote excessive government intervention with religion. The plaintiffs' lawyers charge that the Hyde amendment is religiously motivated and promotes one religious view at the expense of others.

Religious leaders have testified on behalf of the plaintiffs, describing how their respective faiths either do not prohibit or actually support abortion as an option in various cases.

At issue also during the presentation of religious testimony was the involvement of the Catholic hierarchy in the fight against abortions. The court record in-

cludes considerable evidence showing that the Roman Catholic hierarchy has devoted money, personnel and organizational resources to the fight against abortion in general and against public funding of abortions for the poor in general.

The doctors who testified addressed the amendment's concept of "medical necessity" as well as the constitutional principles of due process and equal protection under the law.

Pro-choice advocates have had to wage a fight on many fronts. The Hyde amendment must be voted on each year by both the House and Senate. State governments are also free to decide whether or not to provide their half of the Medicaid payments for poor women who want abortions.

Demonstrators demanding that the Hyde amendment be rescinded have greeted Califano, its administrator, at almost every speaking engagement since the act was passed. At one such demonstration in New York City last fall, over 2,000 protesters filled the streets in front of New York University when Califano appeared to give a speech before the law school.

Opponents of the Hyde amendment have also criticized the government's continued funding of sterilization while abortion funding is denied.

"Medicaid cutbacks for abortion," said a spokesperson for the Coalition for Abortion Rights and Against Sterilization Abuse in New York last fall, "means the increasing sterilization of poor and minority women."

"Right to Life" forces have escalated their fight too, organizing state by state for resolutions calling for a national constitutional convention to amend the U.S. Constitution to give personhood to the fetus. Thus all abortions, not just those funded by Medicaid, would be made illegal.

—Liberation News Service

