

Freedom of Choice Act appears dead as backers split on agenda

By ADAM CLYMER

New York Times News Service

WASHINGTON — Legislation to prohibit most state restrictions on abortion appears to be dead for at least this year and perhaps longer.

The measure, known as the Freedom of Choice Act and once the prime legislative goal of people who support the right to an abortion, has lost momentum after a determined assault from opponents.

But there are also other problems. Its supporters are divided about how sweeping a bill is needed or attainable. They are also distracted by other concerns: federal financing for abortions for poor women and abortion coverage in President Clinton's health plan.

"These other pieces of legislation are clearly a priority," said Kate Michelman, president of the National Abortion Rights Action League.

The outcome of those broad issues is unknown, but it now seems likely that the abortion-rights camp will record one clear victory this fall with passage of a bill to make it a federal crime to block abortion clinics or threaten or kill abortion providers. Here, abortion-rights advocates are united and abortion opponents are divided.

The opposite is the case with the Freedom of Choice Act and accounts for its dismal prospects. While hardly any of the bill's supporters will say for the record that it is dead, some will admit that it promised anonymity.

Supporters prefer to say the

measure is on the "back burner," though some will not even allow their names to be connected to that.

An exception is Rep. Charles Wilson, D-Texas. "I think it's dead," Wilson said a few days ago. "It's a bitter disappointment."

In fact, the bill is not listed as a priority for action by House or Senate leaders before Congress adjourns in December. Even its supporters acknowledge they have other priorities.

Their immediate goal is to allow the federal government to resume paying for abortions for the poor under the Medicaid program. Such payments have been banned since 1977 under amendments offered by Rep. Henry Hyde, R-Ill.

The language in this year's amendment is slightly weaker than recent versions, since it would allow federal money to pay for abortions when women say they were impregnated by rape or incest.

On Tuesday the Senate Appropriations Committee agreed, without a vote, to remove the House's limitations on Medicaid abortions. A floor fight is probable later this month, and if the Senate sustains the committee, a tough negotiation with the House will follow.

Decisive action may come first on the bill to protect access to abortion clinics, which the House Judiciary Committee approved, 24-11, on Tuesday. Rep. Barney Frank, D-Mass., said yesterday that the likely passage of this bill had "changed the atmosphere."

The Senate Labor Committee ap-

proved the access bill, 13-4, on June 23, and the bill appears to have the votes to pass in each house.

Efforts to make the right to abortion immune to state limitations began in 1989 after a Supreme Court decision in a Missouri case suggested that the court was about to overrule *Roe vs. Wade*, its landmark 1973 decision upholding the right to abortion.

The pace picked up in early 1992 when the justices agreed to review a Pennsylvania law that would give the court an opportunity to reverse *Roe*, and it did not slow appreciably even after the justices stopped short of that action in June 1992.

As a presidential candidate, Bill Clinton urged adoption of a bill to bar most state restrictions on abortion. But with Clinton's election, the fears of abortion-rights supporters diminished, and they began to argue over allowing state laws requiring parental consent, letting states avoid paying for abortions and clauses letting medical personnel and perhaps hospitals opt out of performing abortions.

Meanwhile, the opponents of the measure held center stage, citing the most uncompromising versions of the bill as the menace they faced and disregarding as irrelevant the less sweeping versions, even when committees adopted them.

That worried lawmakers from states that had imposed some regulations on abortions, and with supporters of the bill arguing among themselves, the attacks from outside went largely unanswered.