

Golden Gate University Law Review

Volume 25

Issue 3 *Women's Law Forum*

Article 1

January 1995

Preface

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Recommended Citation

Elizabeth A. Kohn and Jason Kuhns, *Preface*, 25 Golden Gate U. L. Rev. (1995).
<http://digitalcommons.law.ggu.edu/ggulrev/vol25/iss3/1>

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PREFACE

In the last year, the issues of domestic violence and abortion rights have had a significant resurgence. The media frenzy surrounding the O.J. Simpson trial has brought the issue of domestic violence into the nation's collective consciousness, just as the Anita Hill/Justice Thomas controversy informed the country about the issue of sexual harassment. The murders of abortion clinic staff in Florida and Massachusetts have also made us aware that although the right to abortion remains legally intact, the mechanics of obtaining a safe abortion are still not in place.

This issue of the Women's Law Forum highlights just a few of the issues that currently affect women as we reach the midpoint of the 1990s. In 1994, the United States Supreme Court announced a new, more demanding standard for reviewing the constitutionality of injunctions that infringe upon First Amendment rights. This new standard threatens to strike down abortion clinic buffer zones throughout the country at a time when the increased violence associated with such clinics suggests that more protection is needed. The Supreme Court has already vacated and remanded a number of state court decisions involving injunctions at abortion clinics.

Also in 1994, the California Supreme Court handed down an opinion holding that the state's murder statute does not require fetal viability to convict a defendant of fetal murder. Although it has no direct impact on women's right to abortion, many abortion activists have interpreted the decision as implicitly determining "when life begins" and also as giving the fetus rights independent of the mother. Because the Legislature defines what acts constitute crime, its response to the Court's interpretation of the statute will be interesting.

Later this year, the California Supreme Court will entertain arguments regarding the constitutionality of the state's "parental consent" statute for minors who seek an abortion. The United States Supreme Court has held that such laws do not offend the Federal Constitution. Nevertheless, the California Court of Appeal found that the statute violates the state's own Constitution and therefore enjoined its enforcement.

The Women's Law Forum contains pieces addressing the

above topics as well as one arguing that minors have a constitutional right to independent counsel in divorce custody proceedings when allegations of child abuse are present. We enjoyed putting the journal together and sincerely hope that it imparts a greater understanding and perspective of the rights of women and their children.

The Editors of the Women's Law Forum wish to thank Professors Maria Ontiveros and Joan Howarth for their suggestions and overall support for the journal; we are especially indebted to Professor Roberta Simon for her tireless work and editorial support. We also recognize our Associate Editors Lyn Agre, Kris Burks, Marty Courson and Eric Strong and thank them for their crucial editorial assistance.

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