

World & Nation

Justice says year could mark reversal of abortion decision

By Liz Schevtchuk
Washington (NC) — Supreme Court Justice Harry A. Blackmun raised court-watchers' eyebrows and pro-lifers' hopes when he predicted September 13 that the Supreme Court will soon reverse its 1973 abortion ruling.

Blackmun, author of the controversial Roe vs. Wade, decision which legalized abortion nationwide, told law students that "the next question is, 'will Roe vs. Wade go down the drain?' I think there's a very distinct possibility that it will — this term. You can count the votes."

But the possibility of overturning Roe vs. Wade rests on two major factors:

First, the Supreme Court has to agree to consider abortion again.

As of mid-September, when the court was still in recess after completing its 1987-1988 term, it had included no abortion cases on its 1988-89 agenda. Furthermore, unlike the 1973 Roe case, any abortion issue the court does take up probably is not going to involve a direct, yes-or-no vote on abortion itself.

Second, reversing Roe vs. Wade depends on getting Supreme Court justices — historically independent individuals, no matter what the presidents appointing them assume — to vote against a 15-year-old precedent legalizing abortion.

If the high court does take up another

abortion case, it might well be one involving the rights of parents whose teenage daughters want abortions. Another possibility might be a case questioning the rights of a man to prevent his girlfriend or spouse from aborting his unborn child.

The Supreme Court has upheld two types of law providing for parental involvement in abortions for minor girls. In 1981, for example, it upheld a Utah law demanding that doctors notify parents when teens get abortions.

Two years later, it upheld a Missouri law that required parental consent for a teenage girl's abortion, but also allowed the girl to skip parental approval and obtain consent from a court instead.

Since then, other state laws on parental involvement have continued to raise different questions, and federal appeals court judges in August issued contradictory decisions on parental-involvement statutes.

Meanwhile, fathers' rights cases have recently arisen in Indiana and Minnesota, and pro-lifers want the Supreme Court to take up one of the Indiana cases.

In that dispute, a man tried to prevent his estranged wife from aborting their child. The

father obtained a lower state court injunction temporarily forbidding the abortion. But the Indiana Supreme Court subsequently dissolved the injunction and said the man could not stop the abortion, which the woman then obtained.

While the Indiana court proceedings were under way, Chief Justice William H. Rehnquist, one of the Supreme Court justices considered most amenable to pro-life causes, refused to block the Indiana Supreme Court's action allowing the abortion go ahead.

Others justices considered most likely to vote to overturn Roe vs. Wade are Byron R. White and President Reagan's three appointees — Sandra Day O'Connor, Antonin Scalia and Anthony M. Kennedy.

As Blackmun noted, the fate of Roe vs. Wade may hinge on Kennedy's views on *stare decisis*, the legal doctrine that courts do not overturn older, well-established rulings.

Tests on fetal tissue get tentative approval from federal panel

By Julie Asher

Bethesda, Md. (NC) — Recognizing the "moral relevance" in decisions to use human fetal tissue in research, a federal panel in a tentative vote said September 16 that the practice was acceptable but called it "imperative" that safeguards be developed to respect "the principled viewpoints of all affected parties."

The 21-member panel, charged with studying the scientific, ethical and legal questions surrounding the uses of tissue obtained from aborted fetuses, met at the National Institutes of Health in Bethesda September 14-16.

The panel included Holy Cross Father James T. Burtchaell, professor at the University of Notre Dame in Indiana, and three experts from Jesuit-run Georgetown University.

Panel chairman for legal and ethical issues was LeRoy Walters, director of the Center for Bioethics at Georgetown's Kennedy Institute of Ethics.

The first two days were opened to public testimony, most of which focused on the abortion issue.

The U.S. bishops, the Knights of Columbus and other abortion foes condemned the practice of using fetal tissue from deliberate abortions, and said abortion and questions of fetal-tissue use were morally linked and could not be discussed separately.

The abortion foes speculated that in the interest of research women might have "custom pregnancies" just to have abortions and provide tissue, and that abortions would be timed to make optimum use of fetal remains. They also said they feared abortionists would collaborate with researchers in making tissue available.

But abortion supporters accused their opponents of "holding hostage" scientific advances they said offer the only hope to millions of Americans suffering from diseases ranging from diabetes to Alzheimer's.

Panel members Father Burtchaell and Indiana attorney James Bopp Jr., general counsel for the National Right to Life Committee, dissented from the majority opinion that use of fetal tissue would be acceptable.

The panel's general chairman, former federal judge Arlin Adams of Philadelphia, told National Catholic News Service September 19 that the panel's vote was "very tentative" and that members had had time only to address the first question of whether induced abortion was of moral relevance to the decision to use human fetal tissue for research and how the research should proceed.

"Nobody indicated moral approval of abortion, and anyone who would suggest we put a moral imprimatur on abortion is wrong," he said, adding that the panel was scheduled to meet again in mid-October.

A final report from the panel is not expected until December.

Chief among safeguards panel members have suggested would be keeping decisions on abortion totally separate from tissue retrieval, and providing information on the tissue's origin to recipients of the tissue — including researchers, hospitals and others "who would have moral reasons to be concerned with the methods used to obtain the tissue in question."

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