

Supreme Court hears abortion-related case

By Liz Schevtchuk
NC News

WASHINGTON — "Abortion is different. It involves purposeful termination ... of potential life," which many consider "actual human life."

With those words, a special assistant to the U.S. attorney general urged the Supreme Court April 26 to reconsider the court's landmark 1973 abortion decision without tampering with the right to privacy in other issues.

The scene was oral arguments before the high court in the case of *Webster vs. Reproductive Health Services Inc.*, involving a Missouri abortion restriction law gutted by lower court decisions.

"Today, the United States asks this court to reconsider and overrule its decision in *Roe vs. Wade*," the 1973 decision which legalized abortion nationwide, said the attorney, Charles Fried, former U.S. solicitor general.

"We are not asking the court to unravel" all rulings protecting the right to privacy in areas of sexuality but to focus on abortion specifically, Fried said.

"Abortion is different" from other personal decisions involving privacy, such as contraception, he said. "It involves the purposeful termination, as the court said, of potential life. And I would only add that in the minds of many legislators who pass abortion regulation, it is not merely potential life but actual human life."

If the Supreme Court decides not to reconsider *Roe vs. Wade*, he said, "I would ask, at least, that it say nothing here that

would further entrench this decision" on abortion.

But Frank Susman, an attorney for the American Civil Liberties Union from St. Louis who was representing Reproductive Health Services, defended the right to an abortion. If laws like Missouri's remain intact, he said, there will be no stopping the attack on "the full range of procreational rights."

"Procreational interests are indeed" part of traditional liberty, "a liberty that is deeply rooted" in the nation's history, he said.

The Missouri law passed by the state Legislature in April, 1986, but struck down by the lower courts:

- declared that life begins at conception;
- required physicians to perform various viability tests on fetuses apparently 20 weeks old or older, before abortions;
- prohibited public hospitals and personnel from performing any abortion not required to save a woman's life;
- banned use of public funds "for encouraging or counseling a woman to have an abortion not necessary to save her life."

In the declaration of when life begins, "what they really have done is to adopt a particular religious belief" about which there is no consensus, and, through the state Legislature's action, "placed it into the law of the state of Missouri," Susman told the high court.

In a brief filed in November, 1988, by then-Solicitor General Fried, the Reagan White House similarly asked the high court

Continued on page 6



AP Wide World Photos
Police and pro-choice activists tangle at the U.S. Supreme Court Wednesday, April 26, as the court heard arguments in a key abortion-rights case from Missouri. Justices are being asked to overturn or limit the 1973 "Roe vs. Wade" decision that legalized abortion.

Demonstrators' tempers flare during high court proceedings

By Laurie Hansen
NC News

WASHINGTON — Tempers flared outside the Supreme Court when about 200 demonstrators pushed each other around and tried to drown out each other's chants as the court heard arguments April 26 on a Missouri law restricting abortion.

Protesters backing legal abortion outnumbered abortion foes about eight to one in front of the marble-pillared court building on a warm, sunny Washington morning.

"Not the church, not the state, women must decide our fate," shouted protesters, including one man with a T-shirt proclaiming, "You can't make us procreate," and a woman with a broken coat hanger wrapped around her head.

Abortion opponents carried signs urging the justices to remember the unborn. "Suffer the children" and "We pray for equal justice under the law for babies" read two.

Police arrested 24 pro-abortion protesters who attempted to cross police barricades set up to control demonstrations outside the court building. Police had expected thousands of protesters, far more than the estimated 200 who came.

Most interviewed said they did not expect their chants or banners to sway the justices' votes. But their philosophy seemed to be that it didn't hurt to try.

While one pro-abortion group chanted: "Sandra Day, hear what we say, abortion's legal and we like it that way," black abortion foes carried a banner that in large letters said: "Thurgood Marshall, tell me why, our black babies have to die." The slogans referred to Supreme Court Justices

Sandra Day O'Connor and Thurgood Marshall.

Abortion foes, including many church groups, had welcomed the Supreme Court's decision to consider the Missouri law hoping that it could be used to overturn or substantially limit the 1973 *Roe vs. Wade* decision that women have a constitutional right to an abortion.

Father Raymond East, associate pastor of all-black St. Teresa of Avila Parish in Washington, said he came to protest because allowing legalized abortion "smells of genocide" against blacks.

He said that instead of urging poor black women to have abortions, the emphasis should be on "increasing awareness of our fertility" and "teaching men to take responsibility."

Barbara and Jerry Urbik, members of Visitation Parish in Elmhurst, Ill., were in Washington to attend a national meeting of Legatus, an international organization of Catholic business leaders, when they decided to join the protest. Urbik, 59, objected to backers of abortion saying women have a right to do what they want with their bodies. "Why then can't a woman have the right in the privacy of her own home to beat the hell out of her kid?" he asked. Individuals' rights are limited once they infringe on somebody else's, said Urbik.

Washington tourists and student participants in government seminar programs viewed the boisterous crowd with curiosity, snapping photos of demonstrators. Heriberto Baez, 17, a high school student from San Juan, Puerto Rico, participating

Continued on page 16

GRADUATION

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