

Law upheld

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had struck down Missouri's restrictions "on the ground that they violated this court's decision in *Roe vs. Wade* and cases following it. We ... now reverse."

Rehnquist said the court's decision to accept Missouri's 20-week provision for testing fetal viability goes against "the rigid trimester analysis" used by the high court 16 years ago in *Roe*, and to that extent the court now "would modify and narrow *Roe* and succeeding cases."

But the court did not find sufficient reason in the Missouri case to review the basic decision in *Roe*, the chief justice said.

Other members of the court disagreed, but for different reasons.

Justice Harry A. Blackmun, who in 1973 wrote the majority opinion in *Roe*, said the effect of the new decision was to "overrule *Roe*" and "limit abortion rights." He was joined in his dissent by Justices William J. Brennan and Thurgood Marshall.

Justice John Paul Stevens wrote a separ-

ate dissent.

Justice Scalia, while concurring with the majority that the Missouri law is constitutional, also felt that *Roe* had been brought into question and argued strongly that the court should have reconsidered its 1973 decision.

According to Rehnquist's opinion "because none of the challenged provisions of the Missouri Act properly before us conflict with the Constitution, the judgment of the court of appeals is reversed."

In discussing the controversial declaration, found in the preamble to the Missouri law, that life begins at conception, the court held that "certainly the preamble does not by its terms regulate abortion or any other aspect of (doctors') medical practice."

"The court has emphasized that *Roe vs. Wade* 'implies no limitation on the authority of a state to make a value judgment favoring childbirth over abortion,'" it

said, repeating the language found in an earlier 1977 ruling. "The preamble can be read simply to express that sort of value judgment."

'We think that the doubt cast upon the Missouri statute ... is not so much a flaw in the statute as it is a reflection of the fact that the rigid trimester analysis of the course of a pregnancy enunciated in Roe has resulted in subsequent cases ... making constitutional law in this area a virtual Procrustean bed.'

Justice William H. Rehnquist for the majority

On the question of public funding for abortions, it said that the state may refuse to pay for abortions without denying a woman a right to have an abortion.

Rehnquist also noted that "there is no doubt that our holding today will allow some governmental regulation of abortion that would have been prohibited" under the interpretation of some of the court's initial abortion-related rulings after *Roe vs. Wade*.

Joining Rehnquist were Justices Byron R. White and Anthony M. Kennedy. Like Scalia, Justice Sandra Day O'Connor concurred with the majority judgment but wrote a separate opinion.

The court's decision drew reaction from both sides of the abortion battle.

Archbishop John L. May of St. Louis called the court's decision "a victory for life," and the biggest winners "are the tiniest people of all — children within the womb."

The Archbishop, president of the National Conference of Catholic Bishops, said that in upholding the Missouri statute, the Supreme Court has "indicated that *Roe vs. Wade* has been the source of much confusion and has expressed a willingness to reconsider it."

NCCB general counsel Mark E. Chopko observed that the decision offers opportunities and challenges for pro-life forces. "For the first time in 16 years, a majority of the court not only expects but encourages further protection for the unborn," he said. "There will be much work to be done in the legislatures to widen the door opened by the court."

"Our challenge is to take advantage of the new possibilities opened up by the court, for they will become reality only through positive action by our elected representatives," said Father John Gouldrick, director of the NCCB office for Pro-Life Activities.

While vacationing July 3, President George Bush welcomed news of the Supreme Court decision. In a statement issued from his summer home in Kennebunkport, Maine, Bush said that "the court appears to have begun to restore to the people the ability to protect the unborn."

"We continue to believe that *Roe vs. Wade* was incorrectly decided and should be reversed," he added.

White House Chief of Staff John Sununu added that Bush continues to favor a constitutional amendment against abortion.

The president "continues to believe that the best long-term guarantee of the rights of the unborn is a constitutional amend-



ment," Sununu said.

Dr. John Willke, the president of the National Right to Life Committee, called the decision a "major breakthrough" which reflects a "return to sanity."

"We are smiling. We are thumbs up all the way," Willke said.

Barbara Magera, spokeswoman for the Binghamton-based Operation Rescue organization, called the Webster decision a "remarkable victory for us in the pro-life movement. It's the beginning of the end for legalized child-killing in our nation."

Randall Terry, head of the Binghamton-based Operation Rescue organization, predicted an "avalanche of new legislation" coming in state legislatures to restrict abortion.

Abortion backers agreed with Terry's assessment, reacting angrily to the decision and the implications it has for future legislation and court action.

Molly Yard, president of the National Organization for Women, said, "Pretty soon nothing much will be left for a woman in controlling her reproductive life."

Judith Widdecombe, founder of the clinic involved in the decision, said in St. Louis, "This is a serious, serious setback for women and families in this country.... This is an outrage."

"The Supreme Court decision in the Webster case marks the first step in the process of overturning *Roe v. Wade*," said a prepared statement issued by Frances Kissling, president of the national organization Catholics for a Free Choice. "The decision is an open invitation to anti-choice activists to initiate both extensive state legislative action designed to limit access to abortion in the U.S. as well as federal action designed to permanently eliminate any U.S. assistance for reproductive health care overseas."

The statement continued: "Catholics for a Free Choice will monitor this activity and serve as a voice for the majority of American Catholics who do not wish to see church funds used to restrict women's rights and reproductive freedom."

Catholic family fun day planned for Darien Lake

Catholic families from all over the Rochester diocese are invited to take part in a day of fun at Darien Lake on Monday, July 24.

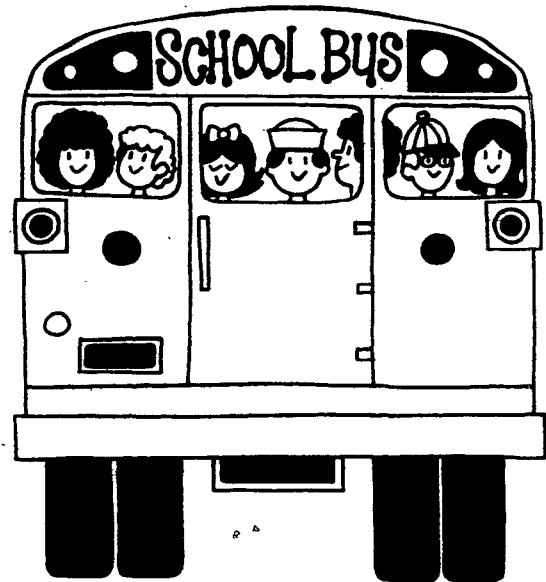
The cost of each ticket for the day-long event is \$7. Tickets can be purchased on or before July 21 by calling the diocesan Office of Youth Ministry at 716/328-3210.

*'... (T)here is no necessity to accept the state's invitation to re-examine the constitutional validity of *Roe vs. Wade* ... Where there is no need to decide a constitutional question, it is a venerable principle of this court's adjudicatory processes not to do so ...'*

Justice Sandra O'Connor



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