

Court rules against 'fetal protection' policies

By Laurie Hansen
Catholic News Service

WASHINGTON — The U.S. Supreme Court's March 20 ruling that employers may not ban women of child-bearing age from jobs that may expose fetuses to health hazards drew kudos and criticism.

The decision has been called one of the most important sex discrimination cases in years.

In a statement released March 20, Mark Chopko, general counsel for the U.S. bishops, called the ruling "a good thing ... to the extent that this decision emphasizes the importance of the rights of women in the workplace."

The U.S. Catholic Conference "has long supported equal employment opportunity for all individuals," Chopko said.

But he said equal employment opportunity shouldn't come at the expense of threats to future generations. "For this reason we are concerned about the consequences of workplace and products hazards and protection of the environment," he said.

"I am disappointed that the court did not include the safety of unborn children — our



AP/Wide World Photos
Gloyce Qualls raises her fist in reaction to fellow Johnson Controls workers outside the plant in Milwaukee, Wisc. on March 20. Qualls and several other women sued the battery maker, charging that the policy of barring women from hazardous jobs was discriminatory. The Supreme Court decided against the Milwaukee company last week.

this decision turns women into economic robots," said Brown.

A statement from the Detroit-based United Auto Workers hailed the decision as a "major victory for working women and women's rights." The UAW's 1984 suit against Johnson Controls led to the high court ruling.

The UAW urged companies with fetal protection policies "to take steps to protect the jobs and health of all workers by making their workplaces as safe as possible for everyone."

The USCC, in a friend-of-the-court brief filed at the high court, had declined to take a firm position on either side of the case, but said employers are "properly obliged to protect broadly workers and the public, including future generations, from substantial and foreseeable harm."

Justice Harry A. Blackmun, author of the court's 1973 *Roe vs. Wade* decision making abortion legal, wrote the ruling striking down the fetal protection policies.

"Concern for a woman's existing or potential offspring historically has been the excuse for denying women equal employment opportunities," wrote Blackmun in the 22-page ruling.

He said it was inappropriate for the company to decide that concerns about possible harm to a woman's child outweigh her right to hold a job. "Congress has left this choice to the woman as hers to make," said Blackmun.

Chief Justice William H. Rehnquist and Justices Byron R. White, Anthony M. Kennedy and Antonin Scalia voted with their fellow justices to strike down the firm's policy, but said the court went too far when it ruled that gender-specific fetal protection policies never could be justified as a "bona fide occupational qualification."

Law does not prohibit companies from protecting future, unborn life, the USCC — public policy arm of the U.S. bishops — said in its friend-of-the-court brief.

The auto battery manufacturer was sued by the United Auto Workers union, which claimed the firm's action was discriminatory and was causing women to seek sterilization. Workers also said the lead-related work was better-paying or helped provide experience needed to obtain higher-paying positions.

Israeli army orders keep many from worshiping in Jerusalem

JERUSALEM (CNS) — Many Palestinian Christians living in the occupied West Bank towns of Bethlehem and Ramallah were kept away from Palm Sunday services in Jerusalem March 24 because of Israeli army orders barring them from leaving the towns.

Heavy rains and the 39-month-old Palestinian uprising called the "intifada" also kept attendance low at Christian ceremonies in Jerusalem marking the beginning of Holy Week.

About 500 people participated in a procession led by Latin-rite Patriarch Michel Sabbah of Jerusalem. The procession retraces the path which — according to tradition — Jesus took by donkey from Bethany to Jerusalem, where he was welcomed with palm branches on the Sunday before he died.

It was the fourth year for Holy Week services to take place under the cloud of the "intifada" against Israeli rule in occupied Arab lands in which more than 1,000 Palestinians have died.

Palestinians have avoided all types of celebrations including those for holidays and weddings during the uprising.

Christians attended a morning Mass at the Church of the Holy Sepulcher in Jerusalem's Old City on the site where, according to tradition, Jesus was buried and rose from the dead.

Less than a week before Palm Sunday, Israeli Housing Minister Ariel Sharon an-



AP/Wide World Photos
Muslims, who were barred from entering Islam's third holiest sight, the Dome of the Rock, on the first Friday of Ramadan, March 22, pray in the rain outside the Lions gate in Jerusalem.

nounced that Israel planned to double the Jewish population of the annexed Golan Heights and to build 13,000 new homes in the West Bank over the next two years.

On March 25, Sharon called for the mass expulsion of Palestinian activists from the occupied territories in order to halt a wave of attacks against Jews.

future — as a legitimate consideration" in civil rights law, Chopko said, adding his hope that in the future "courts and legislatures can find ways to accommodate both of these concerns."

The Supreme Court in a unanimous opinion held that so-called "fetal protection" policies violate the civil rights laws that forbid discrimination against women.

The case stems from a refusal by Johnson Controls, a Milwaukee-based car battery manufacturer, to allow women who might someday bear children to hold jobs involving exposure to lead.

Lead, which is harmful to fetuses, can remain in the body for more than five years. In addition to pregnant women, the ban prevented any women capable of someday bearing children from the lead-related work.

In a March 20 statement, Judie Brown, president of the Stafford, Va.-based American Life League, called the ruling "deplorable."

The court, she said, "has decreed that a woman's paycheck — her economic role in society — is more important than her natural role as wife and mother."

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