

# Pro-life forces applaud Supreme Court ruling

By Nancy Frazier O'Brien  
Catholic News Service

WASHINGTON — The Supreme Court ruled 5-4 May 23 that the federal government's ban on abortion counseling in its Title X family planning program does not violate free-speech rights or a woman's right to an abortion.

In *Rust vs. Sullivan*, the only abortion-related case to come before the court during its 1990-91 session, new Associate Justice David H. Souter sided with the majority in upholding the ban.

The decision will allow regulations affecting some 4,000 federally funded family planning clinics nationwide to take effect. The regulations, first proposed in 1987

during the Reagan administration but never enforced because of court challenges, say clinics receiving Title X funds must not "encourage, promote or advocate abortion."

"In these circumstances, the general rule that the government may choose not to subsidize speech applies with full force," said the majority opinion, written by Chief Justice William H. Rehnquist, who was joined by Justices Byron H. White, Anthony M. Kennedy, Antonin Scalia and Souter.

"Here the government is not denying a benefit to anyone, but is instead simply insisting that public funds be spent for the purposes for which they were authorized,"

said the majority opinion.

"The ... regulations do not force the Title X grantee to give up abortion-related speech; they merely require that the grantee keep such activities separate and distinct from Title X activities," it added.

In a dissenting opinion, Justice Harry A. Blackmun said, "Until today, the court never has upheld viewpoint-based suppression of speech simply because that suppression was a condition upon the acceptance of public funds."

"In its haste further to restrict the right of every woman to control her reproductive freedom and bodily integrity, the majority disregards established principles of law and contorts this court's decided cases to arrive at this preordained result," he added.

Justices Thurgood Marshall and John Paul Stevens joined in Blackmun's dissent. Justice Sandra Day O'Connor wrote her own separate dissenting opinion.

The *Rust vs. Sullivan* case arose from

challenges by various groups to the regulations. Dr. Irving Rust is medical director of Planned Parenthood of New York City's clinic in the South Bronx and Dr. Louis Sullivan is secretary of the U.S. Department of Health and Human Services, which administers the Title X program.

Some five million low-income women visit family planning clinics under the Title X program each year. In 1989, the clinics received about \$140 million in federal funds.

The May 23 decision does not affect the 1973 *Roe vs. Wade* decision, which legalized abortion. The Bush administration, in a brief filed by U.S. Solicitor General Kenneth W. Starr, had asked the court to consider overturning *Roe vs. Wade* in its *Rust vs. Sullivan* decision.

"We continue to believe that *Roe* was wrongly decided and should be overruled," said the Bush administration brief.

Among others filing friend-of-the-court

Continued on page 5



**MALNOURISHED CHILD** — A Somali mother comforts her baby as flies swarm over his malnourished body in a medical tent set up by an international relief agency in Teferiber, Ethiopia May 23. Officials estimate that 10 refugees are dying every day in the camps, which are being flooded by thousands of exiles.

AP/Wide World Photos

## House approves abortion funding

By Jerry Filteau  
Catholic News Service

WASHINGTON — The U.S. House of Representatives May 22 passed a defense budget authorization bill that would allow client-paid abortions at military hospitals overseas.

The abortion provision was attached to the bill as an amendment by Rep. Les AuCoin, D-Ore. The House approved the amendment 220-208 after a fierce debate between abortion opponents and advocates.

If it becomes law, it would reverse a three-year-old Defense Department policy not to permit abortions in military facilities "except where the life of the mother would be endangered if the fetus were carried to term."

An easing of abortion restrictions could affect some 65,000 military women and

400,000 dependents in overseas posts. After approving the amendment, the House passed the \$291 billion military authorization bill for fiscal year 1992 by a vote of 268-161.

Last year the Senate gave majority support to a similar amendment in the military authorization, but the House defeated it 216-200.

Vincian Father John Gouldrick, the U.S. bishops' secretary for pro-life affairs, called it "ironic" that the abortion measure was approved shortly after the Persian Gulf War, in which the United States made "every effort" to assure that U.S. armed forces did not "ever directly attack non-aggressing civilians."

During the House debate Rep. Henry Hyde, R-Ill., said the provision would "turn our military hospitals into abortion mills."

Under its terms there would be no limitations on late-term abortions or abortions for reasons such as sex selection, he said.

AuCoin angrily asked Hyde if he thought "the values of our brave service people are so loose they would abort for sex selection."

Since 1978 Congress has prohibited use of federal funds to pay for abortions in the military except to save the life of the mother. Before the prohibition took effect, the Defense Department had paid for up to 26,000 abortions a year.

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