

# Praise, distress greet decision on abortion

WASHINGTON — Despite disappointment that the U.S. Supreme Court did not overturn *Roe vs. Wade* in upholding Pennsylvania's abortion law, church and pro-life leaders nonetheless hailed the June 29 decision for making progress toward protection of mothers, pregnant teens and unborn children.

"I am deeply gratified by the actions of the U.S. Supreme Court today," said Cardinal Anthony J. Bevilacqua of Philadelphia, who called the decision "an important step in protecting minors from the tragedy of abortion and giving mothers full information and a time for reflection about abortion."

But Wanda Franz, president of the National Right to Life Committee, expressed disappointment at the decision, calling it "a loss for unborn children and a victory for pro-abortion forces."

She said she was "glad that the Supreme Court has upheld a woman's right to know information about abortion and alternatives to abortion" and said the pro-life movement "will work 20 more years, if that is what it takes, to overturn *Roe vs. Wade*."

The *Planned Parenthood vs. Casey* decision upheld provisions in the Pennsylvania law requiring parental consent for minors, a 24-hour waiting period before an abortion, filing of detailed reports about each abortion and distribution of information about alternatives to abortion. It struck down a requirement that married women notify their husbands before having an abortion.

The court's decision produced mixed reactions in the Rochester diocese and on the state level.

Father George R. Norton, public information officer for the Diocese of Rochester, said, "Today's decision is encouraging since it affirms the right of a state to provide meaningful information and protection to a woman and her family regarding her pregnancy."

"Since, however, the Pennsylvania law upheld today does not prohibit one single abortion, but merely regulates the conditions under which some

abortions can be carried out, the decision falls far short of providing the full protection to which the life of each unborn child is entitled," he added.

Likewise, David Long, executive director of Rochester-based Christians in Action, noted that — while it was a step in the right direction — the decision did not go far enough.

"We could have hoped for more, but we are thankful to God for what we got," Long said. "Today we begin to right the terrible wrong of *Roe vs. Wade*. We begin the process of repenting from a national sin — the sin of destroying America's pre-born babies and of abusing their mothers."

Nevertheless, Long said, he was disappointed that the decision did not challenge abortion's constitutionality.

"The court has essentially established that the right to abortion is a constitutional right," Long stated. "We have a lot of work ahead of us."

Gregory Soehner, executive director of Planned Parenthood of Rochester and the Genesee Valley, Inc., declared, "Today's Supreme Court decision is an outrage to the millions of pro-choice Americans and is an insult to American women."

"The court ruling is a thinly veiled attempt to overturn *Roe vs. Wade*," added Soehner, a McQuaid Jesuit High School graduate. "We feel basically the Supreme Court has gutted *Roe*."

Michael Arnum, executive director of the Rochester Right to Life Committee, said the high court's decision did not go as far as pro-life activists would have liked.

"Certainly we're pleased that they upheld most of the provisions in the Pennsylvania law, but we're disappointed that they did not overturn *Roe vs. Wade*," he said — a decision, he added, he had not expected anyway.

That assessment was shared by John Kerry, executive director of the New York State Catholic Conference.

"We are somewhat dismayed that the court did not rule that *Roe vs. Wade* was invalid and unconstitutional," Kerry said.

Soehner said, however, that he saw statements in the decision upholding



AP/Wide World Photos  
**PROTESTERS ARRESTED** — Police arrest a young pro-life activist as other pro-life demonstrators cheer at a downtown Milwaukee, Wisc. abortion clinic June 25. The young protesters were trying to block the path of pro-choice activists who were providing escorts to the clinic. Nearly a dozen children were arrested.

abortion's constitutionality as "a smoke screen to confuse people."

"It is clear that the Bush administration will not be satisfied until abortion is once again illegal and women are stripped of their fundamental right to choose," Soehner said. He predicted that the court will overturn *Roe vs. Wade* in its next term.

Cardinal John J. O'Connor of New York, chairman of the U.S. bishops' Committee for Pro-Life Activities, said the decision upheld "moderate, reasonable and compassionate regulations on the practice of abortion" and was "encouraging."

But, he added, it is "deeply disappointing" that *Roe vs. Wade* was not overturned and that "the court did not see fit to acknowledge the rights of the father of an unborn child to know that the mother is considering an abortion."

Howard Fetterhoff, executive director of the Pennsylvania Catholic Conference, said he was "extremely disturbed and dismayed" that the court reaffirmed *Roe*, but expressed hope that the Pennsylvania law would "encourage other states to enact provisions that can provide some protec-

tion to women and their unborn children."

Pennsylvania Gov. Robert Casey, for whom the case is named, called the decision "a victory for the unborn child" and said it "clearly returns to the people the power to regulate abortions in a reasonable way."

Those on the national level who oppose any restrictions on abortion were critical of the Supreme Court ruling.

"This is an insulting, patronizing and condescending decision (which) sets a frightening precedent for constitutionally protected rights to privacy in general," said Becky Cain, president of the League of Women Voters of the United States.

The reaction among presidential candidates generally reflected party views on abortion. Democratic Gov. Bill Clinton said the decision left "the constitutional right to choose ... hanging by a thread." President Bush said he was pleased that the court upheld "reasonable restrictions on abortion." Unannounced candidate H. Ross Perot had no immediate comment.

Contains reporting by Nancy Frazier O'Brien of Catholic News Service and staff writer Lee Strong.

## High Court comes close to overturning *Roe vs. Wade*

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abortion.

• That minors must get permission from one parent or a judge before having an abortion.

Justices Sandra Day O'Connor, Anthony Kennedy and David Souter delivered the opinion of the court. The three were joined by Justices Harry Blackmun and John Paul Stevens in saying *Roe vs. Wade* remains a workable standard, even though it has required judicial assessment of state laws affecting access to abortion.

But while O'Connor, Kennedy and Souter said Pennsylvania's law was not in conflict with *Roe*, Blackmun and Stevens disagreed.

Blackmun, who wrote the majority opinion in *Roe*, echoed the sentiments of those who favor permitting abortion in calling the ruling a narrow victory.

"Now, just when so many expected the darkness to fall, the flame has grown bright," said Blackmun in a partial dissent. "And I fear for the darkness as four justices anxiously await the single vote necessary to extinguish the light."

The four to whom Blackmun referred

— Chief Justice William H. Rehnquist and Justices Byron R. White, Antonin Scalia and Clarence Thomas — said *Roe vs. Wade* should be abandoned.

"We believe that *Roe* was wrongly decided, and that it can and should be overruled ...," wrote Rehnquist in their partial dissent. He said the majority opinion, "retains the outer shell of *Roe vs. Wade* ... but beats a wholesale retreat from the substance of that case."

Scalia, Rehnquist, White and Thomas joined O'Connor, Kennedy and Souter in upholding all but one of the challenged provisions of Pennsylvania's law.

O'Connor, Kennedy and Souter were joined by Blackmun and Stevens in rejecting the spouse-notification requirement. The other four would have upheld that provision as well.

Despite widespread speculation that the case would provide a basis for the court to overturn *Roe vs. Wade*, the ruling only weakened rights established in *Roe* and its companion case, *Doe vs. Bolton*.

In fact, it brought an unexpected, if narrow affirmation that the court's majority still believes *Roe* remains work-

able.

States may continue to regulate the conditions under which abortion is available, as the court ruled in the 1989 *Webster vs. Reproductive Services* Supreme Court decision from Missouri.

How far states can go with those restrictions, however, remains to be seen. Pennsylvania's statute permits all abortions up to the point of fetal viability. By questioning only parts of the state's laws, Planned Parenthood's case merely left the court to answer what types of state regulations are acceptable in light of the *Webster* ruling.

The Pennsylvania law was passed Nov. 17, 1989. Five days before the law was to take effect in January 1990, U.S. District Judge Daniel Huyett III blocked the spouse-notification and waiting-period requirements.

In a subsequent ruling, Huyett on Aug. 24, 1990, struck down the provisions for parental consent. Other components of the law were not challenged and took effect in January, 1990.

A three-judge panel from the 3rd U.S. Circuit Court of Appeals on Oct. 21, 1991, upheld two of the provisions Huyett struck down, but declared the

requirement to notify husbands unconstitutional.

On April 22 the Supreme Court heard oral arguments in what actually was two cases — Planned Parenthood's appeal of the 3rd Circuit opinion upholding parental consent and a waiting period, and the state's appeal of the finding that the spouse-notification requirement is unconstitutional.

Other laws still in litigation raise the question of whether states can prohibit abortion altogether.

Utah, Louisiana and Guam have passed laws that would make most abortions illegal, with a few exceptions. All three statutes are unenforced pending court action, however.

Any one of them could be used by the Supreme Court to push the boundary line between *Webster* and *Roe* back to give states total control of whether abortion is generally available, or to limit regulatory control.

Guam's law has been ruled unconstitutional by the 9th U.S. Circuit Court of Appeals and Gov. Joseph Ada is expected to ask the Supreme Court this summer to review the ruling.