

Abortion decision will reorient moral culture

Calling partial-birth abortion a “gruesome procedure virtually indistinguishable from infanticide,” Cardinal William H. Keeler hailed the U.S. Supreme Court’s 5-4 decision April 18 upholding a ban on the late-term abortion procedure.

The cardinal, former head of the U.S. bishops’ Committee on Pro-Life Activities, said the court has “taken an important step in reorienting the moral culture of our country.”

“This debate has served as a mirror held up for us to see the ugly reality of what we permit in the name of choice,” said Cardinal Keeler. “In passing the Partial-Birth Abortion Ban Act, congress stated that continuing to allow such atrocities would be implicit approval of the idea that no human life, whether a pre-born child or other vulnerable innocent human being, is worthy of protection.”

Cardinal Keeler said the wording of the ban is “very significant” in that it “formally recognizes that many women suffer profoundly following an abortion decision.”

The cardinal said the court has confirmed that the state has an interest in “protecting the integrity and ethics of the medical profession, as this affects directly the ethical fabric of society.”

“While this decision appropriately evokes in us a moment of prayerful thanksgiving, we must never stop working and praying for the day when Roe v. Wade will be overturned,” Cardinal Keeler said.

Justice Anthony Kennedy, writing the majority opinion in the Gonzales v. Carhart and Gonzales v. Planned Parenthood cases, said the law’s opponents “have not demonstrated that the act would be unconstitutional in a large fraction of relevant cases.”

Also voting in the majority were Chief Justice John Roberts and Justices Samuel Alito, Antonin Scalia and Clarence Thomas.

Voting in the minority were Justices Paul Breyer, Ruth Bader Ginsburg, David Souter and John Paul Stevens.

Nancy Fortier Paltell, associate director for the respect for life office of the Maryland Catholic Conference, said she was pleased the justices “listened to the overwhelming medical evidence that partial-birth abortion is never medically necessary.”

Yet Ms. Paltell said many Maryland legislators take “extreme” positions on abortion, which will make it difficult to restrict late-term abortions in the Free State.

“I think the ruling will help show legislators that it’s okay to put restrictions on abortion,” she said. “It’s a landmark ruling.”

In her dissenting opinion, Justice Ginsburg said the decision “tolerates, indeed applauds, federal intervention to ban nationwide a procedure found necessary and proper in certain cases by the American College of Obstetricians and Gynecologists.” She added the decision “refuses to take ... seriously” previous Supreme Court decisions on abortion.

Six federal courts had ruled the act had unconstitutionally restricted a woman’s legal right to an abortion. In October the Supreme Court accepted cases from California - the Planned Parenthood case - and Nebraska - the Dr. Leroy Carhart case.

In what the law calls partial-birth abortion, also referred to as an “intact dilation and extraction,” a live fetus is partially delivered and an incision is made at the base of the skull, through which the brain is removed, and then the dead body is delivered the rest of the way.

In the 1990s, Congress had twice passed a ban on partial-birth abortions. Both times the bills were vetoed by President Bill Clinton.

In 2000, the Supreme Court struck down a Nebraska ban on partial-birth abortions. Writing for a 5-4 majority at that time, Justice Breyer said the law imposed an undue burden on a woman’s right to make an abortion decision. Chief Justice William Rehnquist, who died in September 2005, and now-retired Justice Sandra Day

O'Connor were both on the high court at the time this ruling was issued. Justice O'Connor sided with the majority, and Chief Justice Rehnquist with the minority.

In 2003, Congress again passed a ban on partial-birth abortions. President George W. Bush signed the bill into law, but because of court challenges it never went into effect.

Justice Kennedy's majority opinion said there was "medical disagreement whether the act's prohibition would ever impose significant health risks on women" - a prohibition based in significant part on the finding that the procedure was never medically necessary - and that other procedures exist to abort late-term pregnancies.

President Bush said the decision "affirms that the Constitution does not stand in the way of the people's representatives enacting laws reflecting the compassion and humanity of America."

The president added that the partial-birth abortion ban was passed by a large, bipartisan majority and it represents "a commitment to building a culture of life in America."