

Court rejects abortion provider's effort to get bishops' internal documents

WASHINGTON — The U.S. Supreme Court Feb. 19 rejected hearing an appeal from Whole Woman's Health, a Texas-based abortion facility chain, which aimed to get the Texas Catholic bishops' internal communications about abortion.

In December 2016, Whole Woman's Health sued over a Texas law that requires abortion facilities to bury or cremate aborted human remains.

The Texas Catholic bishops offered to provide burials to all unborn children who were aborted, which led to the abortion chain subpoenaing decades of internal religious deliberations among the bishops regarding abortion, even though they were not part of the lawsuit.

"Thank goodness the Supreme Court saw this appeal for what it was: a nasty attempt to intimidate the bishops and force them to withdraw their offer to bury every child aborted in Texas," said Eric Rassbach, vice president and senior counsel at Becket, a nonprofit, public-interest law firm, which represented the Texas Catholic Conference, which represents the bishops on public policy matters.

"Abortion groups may think the bishops 'troublesome,' but it is wrong to weaponize the law to stop the bishops from standing up for their beliefs," said Rassbach in a statement.

Last June, when a trial judge ordered the bishops to hand over their private religious deliberations, Becket filed an emergency appeal to the 5th U.S. Circuit Court of Appeals, based in New Orleans. The 5th Circuit granted the bishops temporary protection, then made the protection permanent in July 2018.

On Aug. 16, 2018, the full 5th Circuit rejected Whole Woman's Health's petition for a rehearing of the case. The abortion provider then appealed to the U.S. Supreme Court.

