

Statement in response to the Supreme Court ruling to uphold the Partial Birth Abortion Ban Act of 2003

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In a 5-4 ruling announced today, the U.S. Supreme Court, with its latest appointees weighing in, issued a decision to uphold the Partial Birth Abortion Ban passed by Congress and signed by President Bush in 2003. When the law was passed in 2003, an injunction against the law was immediately filed on behalf of four physicians who perform late-term abortions. Last November, arguments were heard in the *Gonzales v. Carhart* case challenging the ban, and today the Court ruled in favor of the ban. This ruling weakening fundamental legal protections for women signals an alarming shift in the Court.

The United Church of Christ joined an *amicus curiae*, along with the Religious Coalition for Reproductive Choice (of which the UCC is a founding member organization), in support of the injunction. The 2003 Act does not include an exception to protect the health of the woman, only the life of the woman, which we found to be unacceptable. Furthermore, the language in the law is so broad that diverse interpretations could be applied, including what specific medical procedures are banned and when they would be banned.

“Today’s decision is alarming,” writes Justice Ruth Bader Ginsburg in the dissenting opinion. The ruling “refuses to take...seriously” previous Supreme Court decisions on abortion.” This refers, in part, to the opinion of the Supreme Court in *Stenberg v. Carhart*, a 2000 decision which overturned a Nebraska late term abortion ban that did not contain a health exception for the woman. The Supreme Court, in issuing its decision today, has effectively determined that it has the authority to take from physicians the ability to practice medicine in the best interest of their patients.

Rev. Loey Powell, Co-Team Leader in Justice and Witness Ministries and Chair of the Board of Directors of the Religious Coalition for Reproductive Choice, said, “Dr. Carhart is a compassionate doctor. I have talked with him about late-term abortions – how they are performed and when they are necessary to perform. I have learned that this is a very rare procedure done only when a pregnancy reaches a later stage of gestation and either poses a significant threat to the woman’s life or health, or when the fetus is so abnormal that it does not have a chance to live.”

We now know that this Supreme Court is capable of reversing decades of constitutional protections for women in regards to their reproductive health and rights. The United

Church of Christ has supported reproductive rights for more than 30 years, believing that women have the right to determine when and how many children they should have. We also have supported access to safe and legal abortion in order to prevent the unnecessary deaths of women, or permanent damage to them, when illegal procedures are sought. When abortion is legal, it can be regulated by health and safety laws, thus protecting patients and health care providers.

We cannot stand by silently and allow those who are not medically trained and experienced to make decisions about our health care. Nor can we, in this pluralistic society, be silent about the ways in which the religious ideology representing only part of the religious diversity of this land is used to impose legal restrictions which affect us all.