of mankind, schools and the means of education shall forever be encouraged." And, in his Farewell Address to the nation in 1796, George Washington declared that "religion and morality are indispensable supports [for] political prosperity," and he further warned that we could not expect "that national morality can prevail in the exclusion of religious principle."

(Undoubtedly, these would also be found to be unconstitutional by our modern-day Supreme Court. However, in all fairness it should be noted that Justices Rehnquist, Scalia, Thomas, and White have challenged the "wall of separation" doctrine and dissented from Kennedy's school prayer ruling.)

A few days after issuing the graduation prayer ruling, the Supreme Court let stand a ruling holding that the Constitution prohibits an elementary school teacher from silently reading the Bible to himself during class time while his students read secular books. The court declined to review a decision of the 10th Circuit Court of Appeals that a fifth-grade public school teacher in Denver violated the Constitution by reading the Bible to himself during the classroom's "silent reading period."

The 10th Circuit had ruled that even having the Bible on the top of the teacher's desk in sight of the students violated the First Amendment, as did the inclusion of two Christian books—*The Bible in Pictures* and *The Story of Jesus*—in his 240-volume classroom library.

In another case, the Supreme Court let stand a decision that an Illinois town had violated the Constitution's mandate of separation of church and state by sponsoring a Roman Catholic mass as part of a festival celebrating Italian culture. Two summers ago, the Village of Crestwood hosted "A Touch of Italy" festival, which was to include a mass celebrated by an Italian-speaking priest, in a town park.

And in still other cases, the court refused to hear an appeal brought by the Illinois communities of Rolling Meadows and Zion, thereby letting stand lower court rulings that their municipal seals unconstitutionally endorse a particular religion. However, in a Texas case, the court let stand a controversial decision that the permanent logo of the city of Austin—which includes a cross—does not violate the Constitution.

Rob Sherman, a member of American Atheists who challenged the seals in the Illinois case, said the contradiction is not as great as it would seem. He said the crosses are the "focal point" on the Rolling Meadows and Zion seals, but that on the Austin seal is only incidental to the family crest of the town's founder. "I feel wonderful. What a blessing the Lord has bestowed on me today," Sherman said. "It proves the adage that if there is a god, she must be an atheist."

Rolling Meadows city manager Bob Beezat said he wondered whether the ruling could force changes in the names of Corpus Christi, St. Paul, or St. Louis. "What do you do with Los Angeles, the city of angels?"

Court in business of 'abortion umpiring'

by Linda Everett

On June 29, the last day of its term, the U.S. Supreme Court handed down a sharply fragmented decision in the case of *Planned Parenthood of Southeastern Pennsylvania v. Casey,* a decision that, as Justice Antonin Scalia writes, will be "keeping us in the abortion-umpiring business." The court's 7-2 decision upheld most of the provisions of Pennsylvania's Abortion Control Act as constitutional, while reaffirming 5-4 the "central holding" of *Roe v. Wade,* the 1973 Supreme Court decision that gave women the "constitutional right" to abortion.

The majority ruling was written jointly by Justices Sandra Day O'Connor, Anthony M. Kennedy, and David H. Souter, in which Justices Harry Blackmun and John Paul Stevens concurred in part, and dissented in part. The ruling, one of five opinions comprising 165 pages, was both hailed and denounced by those hundreds of state legislators, U.S. congressmen, and medical, religious, pro-life, pro-abortion, and zero-growth groups who entered friend of the court briefs on both sides of the issue.

Kate Michelman of the National Abortion Rights Action League (NARAL) called the decision "devastating to women." Pennsylvania Gov. Robert Casey (D), the respondent in the case, said, "The decision moves the country sharply away from abortion-on-demand and begins to reestablish in our law, in a balanced and reasonable way, the historic and traditional rights . . . of the family, of women, their unborn children, parents."

Provisions of the Pennsylvania law

At issue are five provisions of Pennsylvania's Abortion Control Act which was passed overwhelmingly by both Houses of the General Assembly, with strong bipartisan support, and signed into law by Governor Casey. The law's provisions require a woman's informed consent prior to an abortion, a mandatory 24-hour waiting period after she is given certain medical and other information and before the abortion occurs, and spousal notification. It also requires that minors under the age of 18 receive informed parental consent or a judge's permission for the abortion. These requirements are exempted in medical emergencies. Also, abortion facilities must file medical and other reports.

Although many of its own clinics already complied with the new provisions, Planned Parenthood of Southeastern Pennsylvania brought suit in federal District Court, which

struck down the law. Last October, the Court of Appeals for the Third Circuit reversed this, upholding all but the spousal notification provision as constitutional. In Planned Parenthood's brief to the Supreme Court, Kathryn Kolbert of the American Civil Liberties Union (ACLU) Reproductive Freedom Project argued that the court could not uphold Pennsylvania's abortion law without overruling *Roe v. Wade*. NARAL's Michelman claimed that upholding the Pennsylvania law would cause America to "return to an ugly past where women are forced into deadly back alleys for health care."

But the facts speak differently. As Pennsylvania Attorney General Ernie Preate, Jr., who argued the case before the Supreme Court on April 22, said, "We are asking the Supreme Court to render a decision based on what *Roe* actually said, not what the abortion-industry petitioners say it said." The dozens of organizations joining Pennsylvania in *amici curiae* briefs to the Supreme Court included the American Association of Pro-Life Obstetricians, U.S. Catholic Conference, Texas Black Americans for Life, and Agudath Israel, the nation's leading Orthodox Jewish advocacy group. Briefs were also filed by 600 legislators from 50 states, Puerto Rico, and Guam, 41 members of the U.S. Congress, and the Bush administration.

The Supreme Court reaffirmed *Roe* as a constitutionally protected "liberty" right of a woman to terminate her pregnancy, stemming from the due process clause of the Fourteenth Amendment: No state shall "deprive any person of life, liberty or property, without due process of law." But, Chief Justice Rehnquist points out in his dissent—with Justices White, Scalia, and Thomas concurring in part, dissenting in part—unlike those other personal privacy "liberty" rights of marriage, procreation, and contraception, abortion "involves the purposeful termination of potential life." There is nothing in our historical traditions that supports the view that the right to terminate one's pregnancy is "fundamental," the chief justice wrote. Statutory prohibitions on abortion were in place at the time the Fourteenth Amendment was adopted, and an overwhelming majority of states prohibited abortion, except to preserve the life or health of the mother, when *Roe* was passed. *Roe*, the chief justice wrote, "reached too far" when it "deemed the right to abortion fundamental," and should be overturned.

'Stare decisis' invoked

Citing the principle of *stare decisis* or adherence to judicial precedents, the majority felt compelled not to overrule *Roe*. It is not "unworkable," and no development of constitutional or legal principle has made it weaker. "For two decades

Abortion industry's lies

The American Civil Liberties Union (ACLU) brief on behalf of Planned Parenthood of Southeastern Pennsylvania was created to whip up national hysteria about Pennsylvania's Abortion Control Act. The abortion industry says that *Roe v. Wade* gave women the absolute right to abortion on demand and *any* state restriction on *Roe* violates that right.

The ACLU's brief to the Supreme Court repeatedly misrepresents the Pennsylvania law. For instance, for maternal health purposes, the law requires doctors to file medical reports on medical causes for performing third trimester and emergency abortions. The ACLU told the press that these confidential reports will be used to badger doctors. They fail to mention to the public that it is their right to know—as the law states—the affiliations of the abortion clinics that receive their state tax dollars.

Pennsylvania Attorney General Ernest D. Preate repeatedly debunked the abortion lobby's misinformation, using court testimony presented by Planned Parenthood's own clinic directors. The law requires that 24 hours before an abortion, the operating doctor must give the pregnant woman medical information, including aprising her of the risks involved. Other medically unqualified staff can give the required information on childbirth or paternal support, material on fetal development, and alternatives to abortion. The ACLU calls the state approved material "inflammatory" and the informed consent provision "a radical departure from accepted medical practice." Yet, all the Planned Parenthood clinics the ACLU represents in this brief have counselors who give women the same information that the ACLU says is biased.

The law requires minors to obtain a parent's informed consent or a judge's approval for abortion. The law does not state, as the ACLU claims, that parents must be physically in the clinic to be informed of abortion risks. Most clinics encourage minors to discuss the decision with parents, or require either that an adult accompany a minor, or provide written parental consent. Sixty percent of the minors the clinics see for abortion are accompanied by a parent.

The law requires spousal notification—not consent. Only 20% of women who obtain abortions are married, and 95% of them do notify their husbands. But the ACLU says that battered women are so fearful of their husbands that they are unable to avail themselves of the law's many reasonable exemptions to this provision.

of economic and social developments, people have organized intimate relationships and made choices that define their relationships and made choices that define their views of themselves and their places in society, in reliance on the availability of abortion."

Hence, terminating 1.6 million lives yearly for birth control, convenience, economic relief, job advancement, or gender selection, is such a fundamental part of our culture, according to the Supreme Court, that it cannot be reversed. The majority writes that to overturn a "watershed" opinion "under fire" without a most compelling reason would subvert the court's legitimacy. And, given the abortion controversy, we cannot do so without "some special reason over and above the belief that a prior case was wrongly decided."

Even so, the abortion industry is up in arms over the ruling because the Supreme Court says the 1973 *Roe* ruling never gave women an "unqualified constitutional right to abortion." The opinion says court decisions since *Roe* have expanded a woman's abortion rights to the detriment of substantial state interests in protecting the woman's health and "the life of the fetus that may become a child." *Roe* "gives" a woman the right to terminate a pregnancy before viability, the point at which there is the possibility of maintaining life outside the womb. The majority found that independent existence of the second life "can in reason and all fairness be the object of state protection that now overrides the rights of the woman."

While *Roe*'s trimester framework forbids any state regulation aimed at protecting potential life before viability, this court maintains that a state's profound interests in protecting potential life exist throughout pregnancy. The court abandoned *Roe*'s trimester framework (it "undervalues" state interests) and *Roe*'s "strict scrutiny" standard, which bans all abortion restrictions but those narrowly tailored to "the most compelling" state interest. The court's new standard allows state regulations meant to further states' interests of potential life, as long as the regulations do not impose an "undue burden" or a substantial obstacle for women "seeking an abortion of a nonviable fetus." Using the "undue burden" test, the majority upheld all but the spousal notification provision of Pennsylvania's law.

The majority writes, "Some of us find abortion offensive to our most basic principles of morality, but that cannot control our decision. Our obligation is to define the liberty of all, not to mandate our own moral code." And, later, "An entire generation has come of age free to assume *Roe*'s concept of liberty."

Perhaps what is most malevolent about this "concept of liberty," is that not only has it spawned a "reliance," as the majority puts it, on killing some 1.6 million people every year as a resolution to problems, but it also fosters the same "trashing" mentality to those other "problems" around us: the one in five children who are malnourished, homeless men and women, the abandoned elderly.

Court's okay to kidnap may explode debt bomb

The Ibero-American Solidarity Movement issued a statement on June 30 denouncing the Rehnquist Supreme Court's ratification of the Thornburgh Doctrine, under which the United States claims the right to go into any sovereign nation, take foreign citizens hostage, and bring them back for trial. The statement demands that the nations of Ibero-America respond to this outrage with their most effective weapon, a debt moratorium, and a halt to all negotiations on the North American Free Trade Treaty.

The Ibero-American Solidarity Movement was founded May 17-22 in Mexico by forces from most of the leading nations in Spanish- and Portuguese-speaking America, allied to the ideas of the U.S. political prisoner and presidential candidate Lyndon LaRouche. It describes itself as a continent-wide movement for national sovereignty and solidarity, as that concept is defined by St. Paul's Epistles to the Corinthians, which inspired the evangelization of the Americas 500 years ago.

We here publish excerpts of the statement, "A Call from the Ibero-American Solidarity Movement: End the Subservience to the U.S.! A Debt Moratorium and the Suspension of NAFTA Are the Only Worthy and Effective Responses to the Alvarez Machaín Case."

The sanctioning by the U.S. Supreme Court of the kidnaping of Dr. Humberto Alvarez Machaín is not an isolated case, but further proof that the United States has become a renegade nation under international law and is committed to violating all international treaties, to becoming a planetary policeman, and to dragging the world down to judicial barbarism.

This criminal international policy of the government of the United States is only the external manifestation of the sick situation that now prevails inside the country, expressed in the growing judicial racism, in "Confederate justice," as evidenced by the recent summary executions of condemned prisoners, most of whom are blacks and Hispanics. Many of these could have proven their innocence. One of the most recent cases was that of Roger Coleman, executed by the state of Virginia despite significant proof of his possible innocence.

It goes beyond racism; there is a trend toward totalitarianism that is threatening to become hegemonic. The most important precedent was the jailing of Lyndon LaRouche and six of his collaborators on Jan. 27, 1989. At the time he