Missouri Right to Life Statement on the Supreme Court's Partial Birth Abortion Ruling

"We are delighted that the U. S. Supreme Court upheld the constitutional validity of the federal partial birth abortion ban today in *Gonzalez v. Carhart*. The Court rightly pointed out that the definition of the procedure in the federal law was far more precise than that of the Nebraska law that was the subject of the Court's opinion in *Stenberg v. Carhart* several years ago. Therefore, the federal statute does not outlaw true abortions, only procedures in which the baby is partially delivered before being killed," said Pam Fichter, President of Missouri Right to Life.

The court ruled that no health exception was needed for the law, because there was conflicting evidence in the lower courts that the law would have any negative effect on women's health. A woman can still obtain an abortion under today's ruling. The Supreme Court even pointed out that the baby can be killed in the womb via drug injection, and then delivered dead, without violating the federal law that was under review. In short, there is no effect on the choice to undergo abortion; the only effect is on the means used for it.

"The decision bodes well for Missouri's Infant Protection Act, which defined the procedure in substantially the same terms as the federal law that was upheld today. The 1999 Missouri law appears to have provided a model for the wording of the 2003 federal law," said Fichter. Credit for the definition of the procedure should be given to Louis DeFeo, Esq., a Jefferson City attorney who served as general counsel for the Missouri Catholic Conference at the time the Missouri General Assembly drafted the Infant Protection Act.

According to public records, a petition for writ of certiorari (appeal) remains pending in the U. S. Supreme Court, apparently awaiting the decision that was handed down today. It is expected that Planned Parenthood's challenge to Missouri's law will be remanded to the U. S. Court of Appeals for the Eighth Circuit for reconsideration in light of *Gonzalez*.