# Chronology of court rulings shows 20 years of upheaval

**Washington, D.C.** — Here is a chronology of the Supreme court's major abortion decisions since its 1973 ruling legalizing abortion.

**January 22, 1973:** In *Roe v. Wade*, the court legalized abortion nationwide. The court based its 7-2 ruling on "a woman's constitutional right to privacy."

The court said a woman's decision to destroy her child must be left to her.

**January 22, 1973:** In *Doe v. Bolton*, the court struck down by a 7-2 vote restrictions on facilities that could be used to perform abortions. The decision gave rise to a new kind of medical facility, the abortion clinic. The decision also eliminated the certain strictures, making abortion available for economic, social, and medical reasons throughout all nine months of a child's prenatal development.

**July 1, 1976:** In *Planned Parenthood v. Danforth*, the court, by a 6-3 vote, said states cannot give husbands veto power over their pregnant wives' decision to destroy their unborn children. By a 5-4 vote, the court said parents of minor, unwed girls cannot be given absolute veto over abortions.

**June 20, 1977:** In *Maher v. Roe*, the court ruled 6-3 that states have no legal obligation to pay for "non-therapeutic" abortions sought by women on welfare.

**January 9, 1979:** In *Colautti v. Franklin*, reached by a 6-3 vote, the court reaffirmed its intention to give doctors broad discretion in determining the timing of "fetal viability" — when a baby can live outside the mother's womb.

**July 2, 1979:** In *Bellotti v. Baird*, the court, 8-1, implied that states may be able to require a pregnant, unmarried minor to obtain parental consent to an abortion so long as the state law provides an alternative procedure to parental approval, such as letting the minor seek a state judge's approval instead.

**June 30, 1980:** In *Harris v. McRae*, the 5-4 court said the federal government and individual states are under no legal obligation to pay for even medically necessary abortions sought by women on welfare.

**March 23, 1981:** In *H.L. v. Matheson*, the court ruled, 6-3, that states may require doctors consulted by some minors to try to inform parents before performing a requested abortion.

**June 15, 1983:** In three decisions led by one called *City of Akron v. Akron Center for Reproductive Health*, the court said, 6-3, that states and local communities may not require all abortions beyond the first trimester be performed in a hospital.

**June 11, 1986:** In *Thornburgh v. American College of Obstetricians and Gynecologists*, the court struck down, 5-4, Pennsylvania abortion regulations that would have required doctors to inform women seeking abortions about potential risks and about available medical assistance benefits for prenatal care and childbirth.

**July 3, 1989:** In a series of split votes on *Webster v. Reproductive Health Services*, the court provided states with new authority to limit a woman's right to abortion.

The ruling allowed Missouri to restrict the use of public money, medical personnel or facilities in performing abortion procedures. Also upheld was a requirement that doctors determine, when possible, whether a baby at least 20 weeks old is capable of surviving outside the womb by testing lung capacity and conducting other tests.

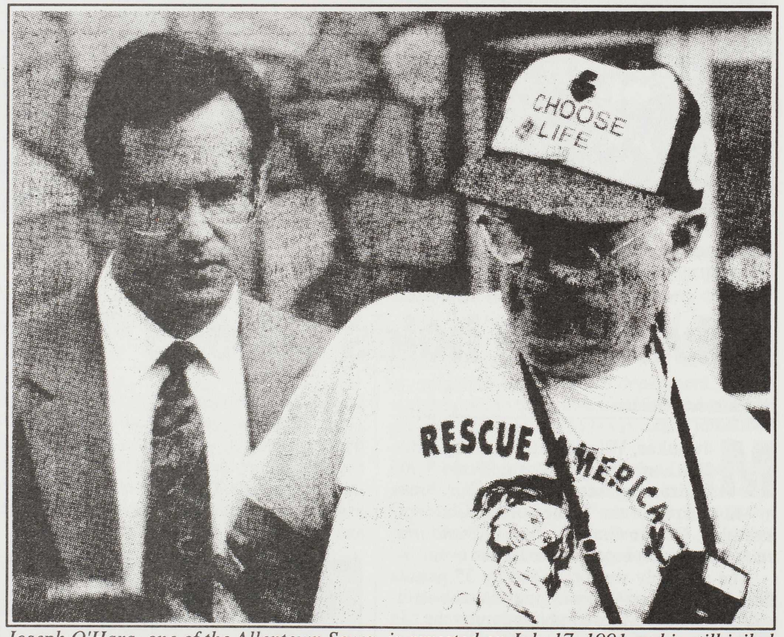
**June 25, 1990:** The court, in two decisions, made it significantly more difficult for minors to obtain legal abortions without first notifying their parents.

**June 29, 1992:** In its most important abortion ruling since 1973, the court voted 5-4 to uphold the core of its *Roe v. Wade* decision and ban states from outlawing most abortions. But, by a 7-2 vote, the court said states may raise new hurdles for women seeking to end their pregnancies.

The court's decision in *Planned Parenthood v. Casey* abandoned the trimester-by-trimester approach of its 1973 ruling and adopted a new test — abortion regulations will not be allowed if they represent an "undue burden" on a women's constitutional right.

**January 13, 1993:** The court, by a 5-4 vote, ruled that an 1871 law known as the Ku Klux Klan Act cannot be invoked to get federal court injunctions barring protesters from trying to block women's access to abortion clinics.■

# Allentown Seven still jailed




*Joseph O'Hara, one of the Allentown Seven, is arrested on July 17, 1991 and is still jailed for refusing to promise not to rescue.*

by John McCormick

**Allentown, PA** — As of December 26, seven men and women remained in Lehigh County Prison after serving more than double their minimum sentence. Although they could be released immediately by agreeing to conditions of probation, they refuse to violate their consciences by accepting terms of parole that go against their principles.

Their imprisonment resulted from charges from a rescue on July 17, 1991. Pennsylvania State Police originally charged the group with felony and misdemeanor charges including criminal trespass, criminal conspiracy, defiant trespass, and disorderly conduct after they entered the Allentown Women's Center and locked into a pipe lock device fashioned by them for the rescue. Pennsylvania State Police were unable to break the locks and the group remained in the clinic until it closed for business for the day.

The group was sentenced by Judge James Knoll Gardner to varying periods of confinement. Those with the least number of prior convictions were given a sentence of one month to one year while those with the greatest number of convictions were sentenced to three months to one year in jail.

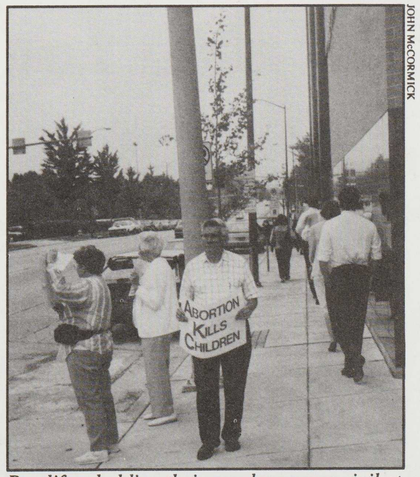
The men were originally held in a minimum security facility. In July of this year they were transferred to the main Lehigh County Prison after refusing to accept work assignments, which, they stated would violate their consciences by "supporting a system which condones the killing of preborn children." Because of their refusal to work, the men have been held in "administrative isolation" for more than five months. They are kept in individual cells for 22 hours a day and are only allowed out for two hours of recreation per day. Visits to the men are limited to a single, 30-minute, non-contact visit per week.

One of the men, Mark Nelson, was married to Gretchen Schmiedicke on May 2, 1992 just two weeks before being remanded to prison. The couple have been unable to visit due to "security reasons" and they communicate by mail with letters going outside the prison to a third party who then must re-address and re-mail their letters. The three women are being held with the regular female prison population and are also restricted in visitation due to what authorities claim are "limited visiting facilities" in the prison.

Area pro-life supporters have held regular prayer vigils at the jail and at Lehigh County Courthouse and have also picketed the residence of Judge Gardner. Thus far the judge has refused to rule on an October 1, 1992 motion by attorneys for the group requesting that they be released without agreeing to conditions of probation.

Bishop Thomas Welsh of the Allentown Diocese, along with his staff and local priests and ministers have been publicly supportive of the group. The bishop of Allentown appeared in court on behalf of the "Allentown Seven." In commenting on the harsh sentences meted out to these men and women he stated publicly "enough is enough."

Letters may be sent to the following: Father John Osterhout, T.O.R. #24353, Joseph O'Hara #55134, Joseph McCormick #24354, Mark Nelson #24355, Gretchen Schmiedicke Nelson #24360, Kathleen Doherty #24350, Nancy McNulty #24348. Mail should be sent to the above at: Lehigh County Prison, 38 North 4th Street, Allentown, PA 18102. Letters to the judge can be sent to: Judge James Knoll Gardner, Lehigh County Courthouse, 6th and Hamilton Streets, Allentown, PA 18102.■




JOHN McCORMICK

*Pro-lifers holding their regular prayer vigil at the Lehigh County Prison where the Allentown Seven are being held.*





# Abortion-free zone declared by town board

**Burlington, WI** — In a symbolic move to try to set a standard for the community to live by, the town board of Burlington voted 3-2 to proclaim the town an abortion-free zone.

Although not legally binding, town officials hope the action will deter any abortion clinics from opening in this western Raine County community of 5,386 people.

Town Chairman Bill Korducki, who favored the move, said the high cost to hire police to protect a clinic under protest was one of the main reasons he supported the proclamation.

It cost the city of Milwaukee $1.2 million in 1992 to keep the doors open for abortion clinics during summer protests, he said.

"That is more than what our annual budget is. In the event of a protest, we just could not afford to deal with it," Korducki said.

Korducki was joined by supervisors Ralph Rice and John Auberger in supporting the proclamation, which was presented to the board earlier this month by Herb Goldschmidt Jr., who represents Southern Lakes Churches United For Life.

The proclamation cites the 1992 summer protests at abortion clinics in Milwaukee, which forced some clinics to close or curtail operations.

"Because such protests have reduced the number of clinics operating in large metropolitan areas, the likelihood of such clinics relocating to the town of Burlington has increased," the document states.

It cites the costs involved with protecting such clinics and also suggests such clinics could affect the community's reputation.

"The town wishes to discourage anything in the community that could detract from its charm and character, harm its reputation or otherwise give reason for people of conscience to protest."

No picketers or protesters marched outside the town hall and the crowd of about 75 people inside were unusually calm and reserved when discussing the often highly emotional and volatile issue.

Korducki immediately set down ground rules for discussion. Anyone who engaged in inappropriate or disruptive behavior would be escorted out by police. Three sheriff's deputies stood in the back of the room throughout the meeting.

The majority of residents showed strong support for the pro-life position, applauding regularly for pro-life remarks.

"In our community we stand up against murder and child abuse....We also shouldn't ignore people who don't have the ability to protect themselves," said one woman.

Several residents spoke out against creation of the abortion-free zone, saying it was contrary to the United States Constitution. One Burlington man appealed to the crowd to respect the diverse opinions within the community and recognize that abortion is legal.

Another Burlington resident, Graeme Zielinski, urged the board to not create the zone, saying it would be setting a dangerous precedent.

"You'll be passing a proclamation against something that is protected by the U.S. Constitution," he said.

Town attorney Kirt Ludwig said the proclamation could not prevent a clinic from coming into the town and existing.

To date, the town has not received any requests from anyone to open an abortion clinic in Burlington.

Supervisor Cliff Kinsey, who opposed adoption of the proclamation, said the town has zoning and conditional use laws that are much more powerful tools available to protect the community against "adverse conditions."

Supervisor Barbara Ruud, who also voted against it, has stated she supported legal child-killing and didn't feel it was appropriate for government to address the issue. She questioned after the vote why the crowds didn't turn out for other important town issues.

Rice drew some laughter from residents when he said the only other issue that drew as much attention and emotion from residents was the siting of a gravel pit.

Rice, who seconded Korducki's motion to approve the proclamation, said the town has to set standards and based on a large number of telephone calls he received from people over the past two days, "this is what town residents want," he said.■