NEWS TIP:
DELLINGER SAYS PROTECTION OF REPRODUCTIVE RIGHTS REMAINS UNCERTAIN AFTER COURT RULING

Walter E. Dellinger III, professor at the Duke University School of Law, had this response to the decision handed down today by the Supreme Court of the United States regarding Pennsylvania v. Casey:

"The best news from today's ruling is that a bare majority still recognizes as legitimate the notion that the Constitution protects basic reproductive rights. As a result of this decision, it should be more difficult for any future court to justify, as a matter of constitutional principle, the express overruling of Roe. The weight of stare decisis and respect for precedent remains with Roe v. Wade. The problem is that four justices (Chief Justice Rehnquist, and justices Byron White, Antonin Scalia and Clarence Thomas) are prepared to abandon all constitutional protection of reproductive rights as soon as a new justice arrives.

"Eleven of the 15 justices on the court since 1973 have now confronted the basic issue presented in Roe and have agreed that there is a core of constitutional protection for reproductive choice. The only four justices who have rejected Roe are presently on the court, however, and show no sign whatsoever of respecting in any way the increasing weight of precedent, even after today's decision.

"The protection of reproductive rights remains uncertain after today's decision. The court may be prepared to sustain regulations which have a significantly adverse impact on women who are hostage to youth, geography, poverty and lack of education. It is essential that Congress act to provide a clear national standard, protecting the right of every American woman, no matter what state she calls home.

"The worst news from today's decision is that the court remains only one justice away from having a majority that would allow states to make virtually every abortion a crime."

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