

U.S. SUPREME COURT AND LIFE ISSUES

Next high court justice unlikely to lead directly to overturn Roe

BY STEVE LARKIN
Catholic News Service

WASHINGTON (CNS) - During his 30 years on the Supreme Court, Justice Anthony Kennedy was usually in the middle of the court on life issues.

While he voted with the majority in *Planned Parenthood v. Casey*, which reaffirmed the central holding of *Roe v. Wade*, he was in the minority in *Hill v. Colorado*, which limited the ability of pro-life activists to distribute pamphlets and engage in sidewalk counseling outside abortion clinics. He also was in the minority in a decision striking down a state ban on partial-birth abortion.

Although many in the conservative movement have been hoping that, after Republican presidents appoint enough justices, *Roe v. Wade* will be overturned, it seems unlikely that President Donald Trump's pick to replace Kennedy will lead directly to an overturn.

"What will probably happen is that the Supreme Court would be more open to the states regulating and restricting abortion. An outright reversal of *Roe* is less likely," said Michael Moreland, a professor of law and religion and director of the Eleanor H. McCullen Center for Law, Religion and Public Policy at Villanova University.

"In a limited number of cases they'll make a sweeping decision - *Roe*, *Obergefell* - but the courts tend to take these things in multiple steps. They might not go all the way," he said.

Moreland added that the court overturning *Roe* and finding a right to life in the due process clause of the 14th Amendment is extremely unlikely. That clause says that no one shall be "deprived of life, liberty or property without due process of law."

"Even (former Justice Antonin) Scalia thought the Constitution left the abortion issue to the states," he told Catholic News



Young pro-life advocates hold signs outside the U.S. Supreme Court on June 26 in Washington. Many in the conservative movement have been hoping after Republican presidents appoint enough justices to the court, *Roe v. Wade* will be overturned, but legal experts interviewed by Catholic News Service said it seems unlikely that President Donald Trump's pick to replace Justice Anthony Kennedy will lead directly to an overturn. (CNS photo/Leah Millis, Reuters)

Service.

A Pew Research poll conducted in January found that 69 percent of Americans did not want to see *Roe v. Wade* overturned.

"One way in which Kennedy was an originalist was that he didn't consider assisted suicide to be a constitutional right," said Cathleen Kaveny, a professor of theology and law at Boston College.

Kennedy was on the Supreme Court when it heard its first right-to-die case in 1990. He was part of a 5-4 majority that upheld the lower court's decision that the parents of someone in a vegetative state could not direct the hospital to remove the feeding tube without adequate proof that their daughter would make the same decision.

He also was on the court for a unanimous ruling in *Washington v. Glucksberg* in 1997 that assisted suicide is not protected by the due process clause.

In 2006, he was part of

a majority in *Gonzalez v. Oregon*, in which the court found that the Controlled Substances Act could not be enforced against doctors who, following the Oregon state law, prescribed medicine that would allow patients to end their life.

Kennedy also voted in favor of several restrictions on the use of the death penalty while on the court.

In *Atkins v. Virginia*, he was part of a majority that ruled the use of the death penalty unconstitutional if the offender has an intellectual disability; in *Roper v. Simmons* he wrote the majority opinion, which states that executing minors constitutes cruel and unusual punishment, and in *Kennedy v. Louisiana* he wrote for the court that imposing the death penalty for child rape where the child did not die also constitutes cruel and unusual punishment.

"Maybe those limits on the death penalty will go and maybe they won't," Kaveny said.

ENGAGING THE SPIRIT

Whiting-Robertsdale's synod plan gets off to a sweet start

BY VANESSA NEGRETE
Northwest Indiana Catholic

The spread of chocolate-dipped biscotti, oatmeal cookies and chocolate chip cookies alongside a pot of coffee might look like a typical church fellowship setup, but to synod leaders in Whiting, it is the start of something bigger.

"Hospitality is a major focus for us," said Jamie Sandona. "If they don't feel welcome, they're not going to come."

Sandona, a member of the Synod Implementation Commission at the diocesan level, also is part of the Whiting-Robertsdale Catholic Community synod planning team, which represents St. John the Baptist, St. Adalbert and Sacred Heart.

"Cookies are the superficial first step to Evangelization 101," she said.

The cookies and coffee after Mass are part of an effort called Summer Sundays, an idea suggested by Father Mark Peres, Sandona said.

The idea is to keep

things simple. Parish volunteers set up a couple of tables and put out cookies and coffee after Sunday Mass. The Saturday Vigil Masses will have pizza and punch monthly. The goal is twofold: to make people feel welcome and to invite those in the pews to become more engaged in parish life, fostering a community of faith.

Sandona said she was amazed the first week when she walked to the breezeway area at St. John the Baptist where the coffee and cookies were set up and saw about 30 people standing around in the grass, chit-chatting and laughing.

"It's something so welcoming here," she said. "We needed that. We really want to build a family community."

The synod team vision is that people who set up for Summer Sundays and those who participate in it will see the positive impact, join the hospitality committee and then take on a role at the parish, such as greeting people before Mass.

"It is powerful to see

the unfolding of the bigger vision," Sandona said. "Layer upon layer, it builds. It's a natural progression."

The vision to build a community of faith kicked off with a ministry fair. Then the Summer Sundays idea came to fruition. Soon, there will be a back-to-school picnic and family-led Masses, in which family members take on responsibilities during the Mass.

Along with the ecclesial area of evangelization, the synod planning team is focusing on young Catholics and discipleship/formation.

Among the ideas in their plan is to have a "retreat for busy people," which entails a presenter talking at Mass and then setting up shop at a church office that week and meeting with people to talk about spiritual growth and related topics, Sandona said.

To tell us how your parish is following the Holy Spirit's lead in this synod process, contact Vanessa Negrete at vnegrete@dcgary.org or (219) 769-9292, ext. 246.



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~ JAMIE SANDONA,

A MEMBER OF THE SYNOD IMPLEMENTATION COMMISSION AT THE DIOCESAN LEVEL