

PRIESTS FOR LIFE



Activating the Church to End Abortion

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Planting the Seeds for Reversing Roe
By Fr. Frank Pavone, National Director

(This article originally appeared at Newsmax.com, where Fr. Frank is a regular contributor.)

It has been 47 years since the *Roe vs. Wade* Supreme Court decision decriminalized abortion throughout all nine months of pregnancy.

Roe has been reaffirmed by the Supreme Court in numerous other decisions about abortion. It is “precedent,” or, as was said in the Kavanaugh hearings, “precedent upon precedent.”

So can the day come when the Court issues a ruling reversing its holding in *Roe vs. Wade*?

The answer is yes. The Supreme Court has the authority to reverse its own decisions. Legal experts and Supreme Court justices themselves have laid out the various circumstances. Sometimes history teaches us that a decision is unworkable, or that the people the Supreme Court thought it was helping were actually hurt by what it decided.

That’s why, in 1954, the Supreme Court, in *Brown vs. Board of Education*, overturned nearly 60 years of precedent set by the same court’s 1896 *Plessy vs. Ferguson* decision which established the doctrine of “separate but equal” when it came to segregation. Time proved, however, that separate meant unequal.

It hasn’t been that long since *Roe vs. Wade*, but the evidence continues to mount that the women the Court thought it was helping by legalizing abortion have in fact been deeply damaged by abortion. Whether by scientific studies, or the personal testimonies of those who have had abortions, the evidence cannot be ignored.

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Dr. Theresa Burke (l.) is the founder of Rachel’s Vineyard, a ministry of Priests for Life. As such, she’s a fulltime member of our pastoral team and was at headquarters recently to do some filming and meetings with Fr. Frank Pavone and Janet Morana (r.), our Executive Director. They are standing with the newly-released stand-up banner for Rachel’s Vineyard that will be used at various conferences where Priests for Life exhibits.

25th Anniversary: The Gospel of Life
Fr. Frank Pavone, National Director

I can remember vividly first reading the announcement from Rome that Pope John Paul II would be issuing an encyclical called “*The Gospel of Life*” (*Evan-gelium Vitae*). My heart leapt; I smiled widely. I knew the encouragement this would bring to pro-life activists everywhere. I knew this would be a *Magna Charta* for the pro-life movement.

I had only been working for a couple of years as the fulltime National Director of Priests for Life. Cardinal John O’Connor had granted me permission to fulfill what I had described to him as a “call of conscience” to devote my entire life and ministry to ending abortion.

Now, he – as a close advisor of John Paul II – was part of creating a document that would affirm not only the

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Moreover, perhaps no Supreme Court decision has been more widely criticized by federal judges. A lower court cannot overturn Supreme Court precedent, but it can certainly criticize it, and that has been done repeatedly, right up to our day, to *Roe vs. Wade*.

Books like “The Law of Judicial Precedent,” co-authored, among others, by Brett Kavanaugh and Neil Gorsuch, describe conditions under which the Supreme Court can reverse even longstanding precedent. Many of those conditions, including sustained public dissatisfaction and severe criticism of the decision, and the creation of general injustice, are undeniably present when it comes to the *Roe vs. Wade* abortion decision.

But recently, Justice Clarence Thomas, in a concurring opinion in a case not even dealing with abortion, laid further groundwork for the eventual reversal of *Roe*, and in fact simplified the argument.

In the *Gamble vs. US* decision, Justice Thomas agrees with the majority not to overturn precedent regarding the doctrine of dual sovereignty.

But then he takes the opportunity to explain, in a 17-page opinion, that the Supreme Court certainly *can* overturn its own precedent, and that such a step does not even have to wait for the various criteria that other judges and legal authors have established.

It is, he says, sufficient for the Court to conclude that the original case was wrongly decided. If the Court was wrong in its judgment about what the Constitution requires, then reaffirming that wrong decision multiple times cannot make it right and should not let it stand.

There is certainly a role for precedent – that is, the doctrine of “*stare decisis*” (a Latin term meaning “to stand with the things that have been decided”) – but not when it simply becomes another way for the Court to invent new rights that do not exist in the Constitution, or to express its own preference about public policy.

Justice Thomas reviews a history of *stare decisis*, and points out that in the English common-law system from which we inherited it, *stare decisis* had more force because “judges were expected to adhere to precedents because they embodied the very law the judges were bound to apply.”

But today, he goes on to explain, “Federal courts... look to different sources of law...the Constitution; federal statutes, rules, and regulations; and treaties. That removes most (if not all) of the force that *stare decisis* held in the English common-law system.”

Justice Thomas’ opinion gives crystal clarity to the

proper role of the Court, saying, “The Judiciary lacks “force” (the power to execute the law) and “will” (the power to legislate).” Therefore, he says, “We should restore our *stare decisis* jurisprudence to ensure that we exercise “mere judgment,” which can be achieved through adherence to the correct, original meaning of the laws we are charged with applying.”

And if the law, or the Constitution, was wrongly applied in a past decision, *stare decisis*, he asserts, should not be used to reaffirm it.

He references, in his opinion, two abortion-related cases – one that reaffirmed *Roe* based on *stare decisis* (the 1992 Casey decision) and another that, for the same reason, led to what he calls “disastrous ends” in affirming partial-birth abortion (*Stenberg vs. Carhart, 2000*).

In another recent opinion (*Box vs. Planned Parenthood*) he declared, “The Constitution itself is silent on abortion.” And in an opinion on June 28th, regarding the Court’s decision not to hear a case on the Alabama law protecting children from dismemberment abortion, Justice Thomas said, “*The notion that anything in the Constitution prevents states from passing laws prohibiting the dismembering of a living child is implausible.*”

Justice Thomas is sending some clear signals here, which judges everywhere should heed.

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Church’s position on abortion, but the reasons why it is *a more serious and fundamental moral issue* than the many other moral challenges of our time.

Now it has been 25 years since *The Gospel of Life* was published (March 25, 1995).

John Paul II has been declared a saint. Cardinal O’Connor, along with many others who collaborated with John Paul II on this document (such as Cardinal Elio Sgreccia) have been called home to the Lord.

The gift has been placed in our hands, and it is up to us now to unpack its riches and wisdom for a new generation.

Shortly after *Evangelium Vitae* was issued, I had the privilege of working at the Vatican for two years, in the office that coordinated pro-life ministry for the whole Church. I saw the importance that John Paul II placed on this document; I spoke with him about it, and with many of those who collaborated with him to write it.

And from them I learned what I have seen over
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these 25 years: this document is meant to light a fire, to mobilize a movement, to sustain a self-sacrificing effort to defend the weakest among us.

And it does precisely that. It has encouraged people already active in the pro-life movement and has brought new people into it. It has helped Catholic priests and theologians present the pro-life message and it has nourished and inspired clergy of other Christian denominations, many of whom have spoken to me of their love for this document.

The Gospel of Life was placed in our hands when we in the United States were in the shadow of the very pro-abortion Clinton Administration. He permitted the most gruesome forms of abortion – twice vetoing the ban on partial-birth abortion – exported abortion overseas, and punished pro-life leaders and activists for peaceful pro-life activity.

We very much needed the robust call to action that this document contains.

We needed its words of mercy for those who have had abortion, and as you will see in further comments in this study guide, those words have born great fruit.

We needed its affirmation of the central and fundamental importance of the right to life, and the reasons abortion deserves priority attention among our moral concerns.

And we need all these things today. The pro-life movement has been nurtured and has grown under *The Gospel of Life*. We have had seasons of strong political and legislative support for the unborn, despite the continued war against them. We have indeed seen the abortion debate take on even more prominence in our public discourse, just as this document says it must. We have seen more and more clergy and laity develop resources and projects based on the vision of this marvelous document. And we have seen prayer efforts multiply, just as *Evangelium Vitae* calls for.

So today, a quarter of a century after this document was published, we can rejoice in the fruits it has borne, and we can take it up again as if on the first day, to forge a path in what is still a culture of death, but to do so with even more confidence in the victory of life!

For more: www.PriestsForLife.org/GospelOfLife

ProLifePrayers.com

ProLifePrayers.com is our main prayer website. Visit there often for prayer campaigns, intentions, and resources.

March intention:
That children may witness to their peers about the sanctity of life.

April intention:
That religious, by their consecration, lead many to discover that true freedom is found in obedience.

March 25: Annunciation
(www.PrayerCampaign.org/Annunciation)

March 31: Anniversary of the death of Terri Schiavo (2005)
(www.PrayerCampaign.org/Terri)

April 12-May 21: Easter Prayer for Life
(www.PrayerCampaign.org/Easter)

April 28: Feast of St. Gianna Beretta Molla, Patroness of Mothers and Physicians.
(www.PrayerCampaign.org/Gianna)

Follow Fr. Frank Pavone on Twitter

Priests for Life is a leading force for prolife social media. Here is one of the recent tweets on Fr. Frank’s Twitter account, @frfrankpavone that was retweeted by President Trump! Please make sure you’re following them both!



Pro-life Donations Today and In Your Will

Priests for Life is not funded by Church entities, but by individual donors. We rely on your generosity! Please help us save lives by donating at our secure site,

www.ProLifeDonation.org, or sending a check made out to "Priests for Life" to Priests for Life, PO Box 236695, Cocoa, FL 32923

You can also sign up to be a monthly donor, which helps us plan future events more effectively! See the options on our website, or call (321) 500-1000 for assistance!

And you can **remember us in your will** and other forms of planned giving. Find out more about joining our **Priests for Life Legacy Family** at PriestsForLifeLegacy.com or calling (321) 500-1000.

Thank you in advance for your generosity!

www.ProLifeDonation.Org

ProLifeSocialMedia.com

Connect with us on social media so we can exchange encouragement and information.

At www.ProLifeSocialMedia.com, you will find a multitude of platforms that Priests for Life manages. Follow us, friend us, like us, and communicate with us. Among our largest platforms are the following:



facebook.com/fatherfrankpavone



facebook.com/SilentNoMoreJanet



Twitter: @frfrankpavone



Twitter: @janetmorana



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Featured Products



A Study Guide to Evangelium Vitae (The Gospel of Life) by Priests for Life
A new and updated spiritual guide for the 25th Anniversary of the Encyclical.



The Next Step: Ending Late Term Abortion
A new brochure from Priests for Life focusing on late-term abortion as the door to the larger abortion debate our nation needs to have.

Find more great Pro Life products at ProLifeProducts.org!

Order at ProLifeProducts.org or use this order form and mail in the enclosed envelope to:
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Address: _____

City: _____ State: _____ Zip: _____

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Send ____ Study Guide to Evangelium Vitae (#1786) for \$7.00 (Call for quantity discount pricing) each for a total of \$ _____

Send ____ The Next Step: Ending Late Term Abortion (#3889) at \$20.00 for 100 for a total of _____
We would appreciate an extra donation to cover shipping and handling.

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