

# Messenger

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## *The Pro-Life Movement Post-Roe*

On June 24, 2022 – the Feast of the Sacred Heart of Jesus – the U.S. Supreme Court overturned *Roe v. Wade*, the ruling that established a constitutional right to abortion in 1973. “The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision, including the one on which the defenders of *Roe* and *Casey* now chiefly rely — the Due Process Clause of the Fourteenth Amendment,” Justice Samuel Alito wrote in the majority opinion for *Dobbs v. Jackson Women’s Health Organization*. The decision was one that the pro-life movement had worked and prayed for during the nearly 50 years following *Roe*. The historic ruling now returns the abortion issue to the individual states. In this issue of *Messenger*, we will provide an overview of the Court’s decision in *Dobbs* and what it means for the pro-life movement in Missouri and across the nation.

### Background

In the 1973 case, *Roe v. Wade*, the Supreme Court found that a woman has a fundamental right of privacy to obtain an abortion. However, that right must also be weighed by the State’s interest in protecting the mother and in protecting the “potential” life of the unborn child. Because of a woman’s right to privacy in this matter, the Supreme Court ruled that a state could not prohibit abortion before “viability” — the time that the unborn child could survive outside of the womb. In most cases, viability will occur around 22 weeks post-fertilization, although medical advances continue to push the point of viability to an earlier gestational age. **continued on next page...**



Carter Snead, law professor and director of the de Nicola Center for Ethics and Culture at the University of Notre Dame, and Jamie Morris, legislative counsel for the MCC, discuss the significance of the Court’s decision in *Dobbs* and what is next for the pro-life movement in this episode of MCC from the Capitol podcast.

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The *Roe* court also used a trimester framework to set limits on the State’s ability to regulate abortion. The Court held that in the first trimester, the State may not restrict access to abortion for any reason, including the life of the unborn child. In the second trimester, the State may regulate abortion only for the purpose of protecting the life of the mother. After viability, the Court held that the State may regulate and even prohibit abortion, unless an abortion is necessary to protect the life and health of the mother. *Doe v. Bolton* (1973), decided on the same day as *Roe*, clarified that the health of the mother was to be broadly interpreted to include any aspect of the mother’s well-being, including physical, emotional, psychological, and mental health. When taken together, these cases held that states may prohibit abortions after viability as long as there are exceptions for the life and health of the mother, with health being broadly defined to include both physical and mental health.

In *Planned Parenthood v. Casey* (1992), the Court recognized that the State had a substantial interest in the potential of human life, but ultimately upheld *Roe*. The Court eliminated the trimester framework of *Roe* and provided a new test — an abortion law is unconstitutional if its purpose is to place an “undue burden” (defined as a “substantial obstacle”) upon a woman seeking an abortion prior to fetal viability. Where *Roe* relied upon a privacy right, *Casey* relied upon a liberty interest, stating that it is, at its heart, “the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.”

***Dobbs v. Jackson Women’s Health Organization***

The law at issue in *Dobbs* was a 2018 Mississippi statute that banned nearly all abortions in the state after 15 weeks, in clear violation of *Roe* and *Casey*. In his lengthy majority opinion, Justice Alito explained that the Constitution makes no reference to abortion and that a guaranteed right to an abortion was not “deeply rooted in this Nation’s history and tradition.” As Alito explained, when the Fourteenth Amendment – the provision on which defenders of *Roe* and *Casey* relied – was adopted, abortion was banned in three-quarters of the states. By the end of the 1950s, all but four states and the District of Columbia prohibited abortion unless to save the life of the mother.

In addition, the right to an abortion was fundamentally different to other unnamed rights the Court had held to fall within the Fourteenth Amendment, as abortion destroys an unborn human being. “*Roe* was egregiously wrong from the start,” continued Alito. “Its reasoning was exceptionally weak, and the decision has had damaging consequences... It is time to heed the Constitution and return the issue of abortion to the people’s elected representatives.”

**Missouri’s “Trigger Law”**

The *Dobbs* ruling now returns the abortion issue to the individual states. The Missouri General Assembly passed “The Right to Life of the Unborn Child Act” – a near-total ban on abortions in the state – as part of the 2019 landmark pro-life bill, HB 126. Section 188.017, RSMo. states that “no abortion shall be performed or induced upon a woman, except in cases of medical emergency.” Section B of HB 126 stated that the ban in Section 188.017 would become effective upon notification to the Revisor of Statutes by an opinion from the Attorney General, a proclamation from the Governor, or adoption of a concurrent resolution by the General Assembly that *Roe v. Wade* had been overturned.

On the day of the *Dobbs* ruling, Missouri Attorney General Eric Schmitt immediately issued a notification to the Revisor of Statutes, triggering “The Right to Life of the Unborn Child Act.” “Today, following the United States Supreme Court’s ruling that overturned *Roe v. Wade*, with the issuance of an attorney general opinion, my Office has yet again reinforced Missouri’s dedication to protecting the sanctity of life, both born and unborn,” Attorney General Schmitt said. “With this attorney general opinion, my Office has effectively ended abortion in Missouri, becoming the first state in the country to do so following the Court’s ruling.”

Governor Mike Parson followed with a proclamation activating the law. “Nothing in the text, history, or tradition of the United States Constitution gave un-elected federal judges authority to regulate abortion. We are happy that the U.S. Supreme Court has corrected this error and returned power to the people and the states to make these decisions,” Governor Parson said. “With *Roe v. Wade* overturned and statutory triggers provided in HB 126, we are issuing this proclamation to restore our state authority to regulate abortion and protect life.”

With these actions, all abortions, except in cases of medical emergency, are now illegal in Missouri.

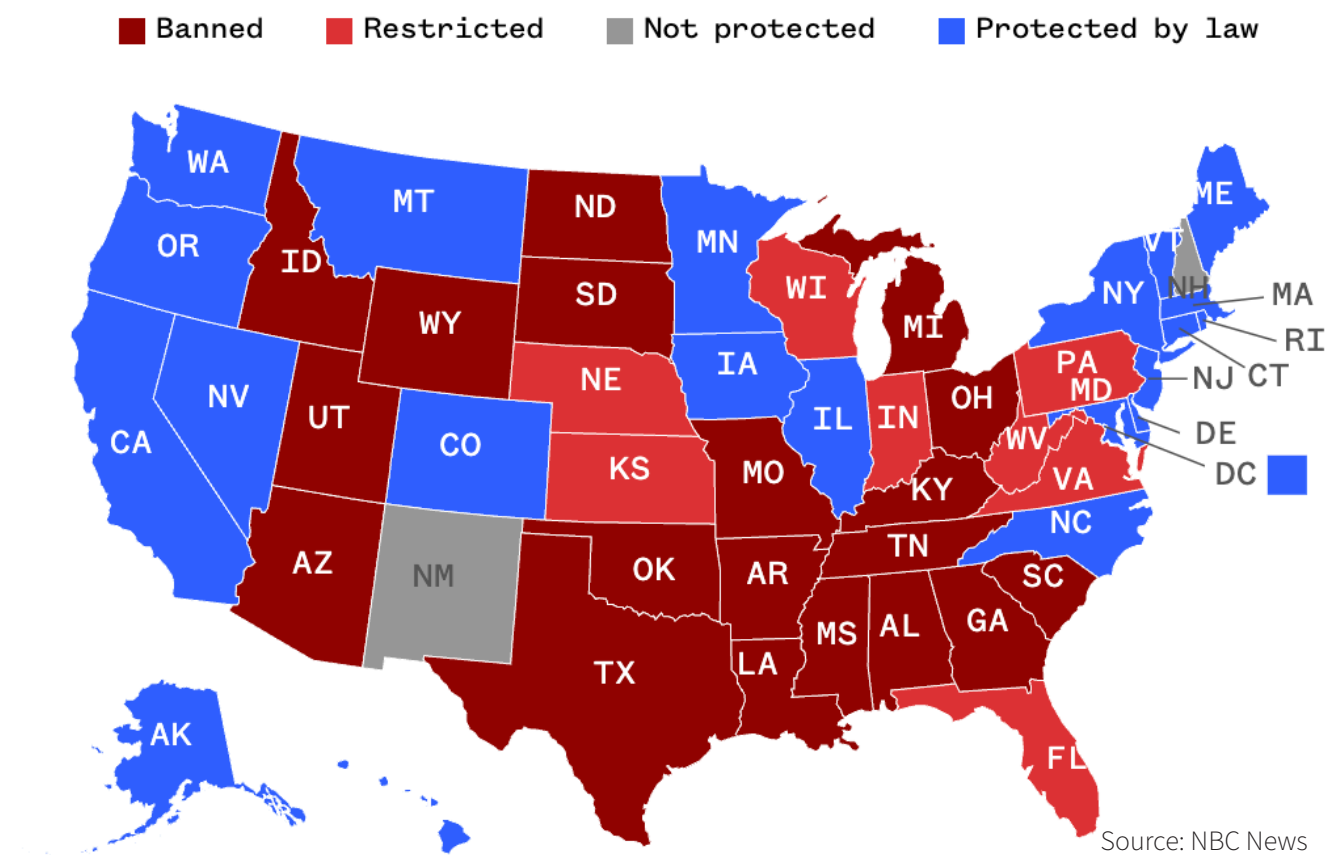


***“[I]t is not enough to remove unjust laws. The underlying causes of attacks on life have to be eliminated, especially by ensuring proper support for families and motherhood.”***



***– Pope John Paul II,  
Evangelium vitae, 90***

# Where States Stand on Abortion



## What Comes Next

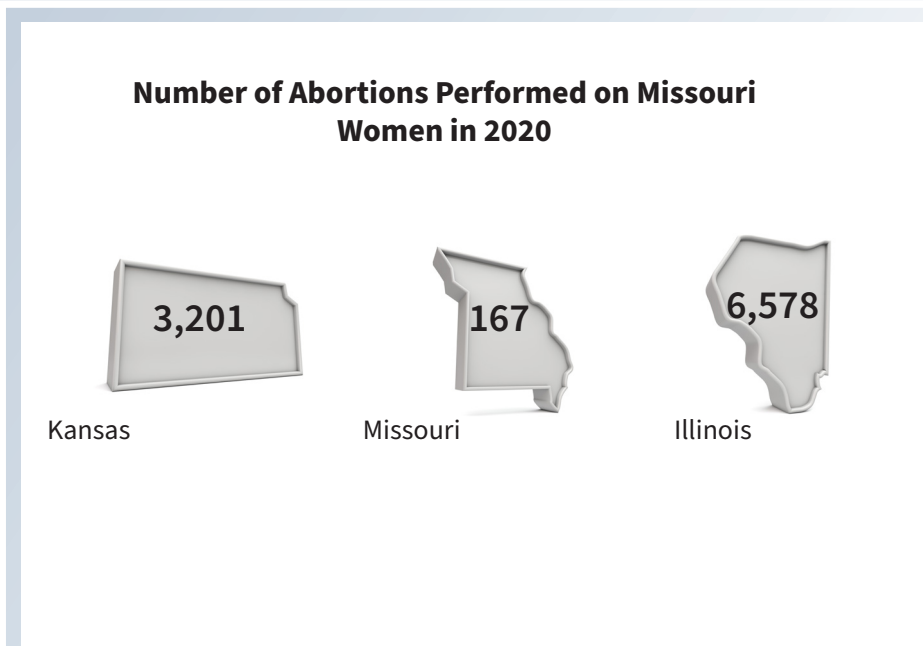
With abortions virtually eliminated in the state, there is much to be thankful for. Nevertheless, we know that our work is not done. The challenges for the pro-life movement in Missouri remain much the same in a post-Roe world because in many ways, the State has been operating in a post-Roe climate in recent years. In 2020, there were fewer than 200 abortions conducted in the state of Missouri. This was a result of decades of work by the pro-life movement in the state and of incremental legislative victories in the Missouri General Assembly. However, we know that many Missouri residents still sought abortions in nearby states with fewer pro-life legal protections. In 2020, 6,578 Missouri women obtained abortions in the state of Illinois.<sup>1</sup> In that same year, 3,201 Missouri women obtained abortions in Kansas, accounting for over 40 percent of that state’s abortions.<sup>2</sup>

The demise of *Roe* and *Casey* represents the end of unjust Constitutional protections for abortion, but not the end of unplanned pregnancies or difficult circumstances for pregnant women. We are reminded of Pope Saint John Paul II’s challenge to political leaders in his encyclical, *Evangelium vitae* (The Gospel of Life) – “[I]t is not enough to remove unjust laws. The underlying causes of attacks on life have to be eliminated, especially by ensuring proper support for families and motherhood.”<sup>3</sup>

1 <https://dph.illinois.gov/data-statistics/vital-statistics/abortion-statistics.html>.  
2 <https://www.kdhe.ks.gov/DocumentCenter/View/10433/Abortions-in-Kansas-2020-PDF>.  
3 Pope John Paul II, *Evangelium vitae*, 90.

The U.S. bishops also remind us that the time to begin the work of building a post-Roe America is now. “It is a time for healing wounds and repairing social divisions; it is a time for reasoned reflection and civil dialogue, and for coming together to build a society and economy that supports marriages and families, and where every woman has the support and resources she needs to bring her child into this world in love.”

The MCC stands ready to redouble our efforts to advocate on behalf of expectant mothers and their unborn children. While we continue to give thanks for the end of *Roe*, we know the work to build a culture of life continues.







The U.S. bishops have encouraged the faithful to come together and build a society where “every woman has the support and resources she needs to bring her child into this world in love.” That work can begin in each of our parishes and neighborhoods. As Pope Francis reminds us, the parish is “a sanctuary where the thirsty come to drink in the midst of their journey, and a center of constant missionary outreach.”<sup>1</sup>

In his papal encyclical, *Evangelium vitae* (The Gospel of Life), Pope John Paul II reaffirmed the Church’s teaching on the value and inviolability of every human life. *Evangelium vitae* reminds us that, “where life is involved, the service of charity must be profoundly consistent. It cannot tolerate bias and discrimination, for human life is sacred and inviolable... We need then to ‘show care’ for all life and for the life of everyone.”<sup>2</sup> The 25th anniversary of *Evangelium vitae* in 2020 gave the Church a wonderful opportunity to begin to assess, expand, and communicate resources to pregnant moms and families in need. Parishes are invited, through the support of their bishop and pastor, to join this nationwide effort entitled, Walking with Moms in Need.

To support this initiative, the United States Conference of Catholic Bishops’ (USCCB) Pro-Life Committee has developed educational, pastoral, and action-oriented resources for parish use, including:

- Tools for documenting an inventory of local resources for pregnant mothers in need.
- Ideas for improving parish responses.
- Prayers for building a culture of life and a civilization of love.
- Reflections on the teachings of *Evangelium vitae*, *Evangelii gaudium*, and *Laudato si’*.

Through the continued efforts of parishes nationwide, we look forward to that day where every pregnant mother in need has the resources and support to choose life. Please visit [WalkingWithMoms.com](http://WalkingWithMoms.com) to learn more about this initiative and to pledge to prayerfully walk with mothers in need.

<sup>1</sup> Pope Francis, *Evangelii gaudium*, 28.

<sup>2</sup> Pope John Paul II, *Evangelium vitae*, 87.



Project Rachel is a diocesan-based network of specially trained priests, religious, counselors, and laypersons who provide a team response of care for those suffering in the aftermath of abortion. In addition to referring for Sacramental Reconciliation, the ministry provides an integrated network of services, including pastoral counseling, support groups, retreats and referrals to licensed mental health professionals. Learn more at [hopeafterabortion.com](http://hopeafterabortion.com).

**“...Our first thoughts are with the little ones whose lives have been taken since 1973. We mourn their loss, and we entrust their souls to God, who loved them from before all ages and who will love them for all eternity. Our hearts are also with every woman and man who has suffered grievously from abortion; we pray for their healing, and we pledge our continued compassion and support. As a Church, we need to serve those who face difficult pregnancies and surround them with love...”**  
**-Exerpt from USCCB Statement on Dobbs Decision**

### **MCC Statement on Dobbs**

The Missouri Catholic Conference welcomes the Supreme Court decision in *Dobbs v. Jackson Women’s Health Organization*, overturning *Roe v. Wade* and *Planned Parenthood v. Casey*. The MCC has worked and prayed with other pro-life organizations for this day since the Court issued the *Roe* decision in 1973. With the return of the issue to the states, we know our work is not done. The Catholic Church stands ready to continue providing spiritual and material support to expectant mothers and their families through our parishes and ministries, and to advocate on their behalf and on behalf of their unborn children at the state and federal level. We look forward to the day when every child, born and unborn, has the love and support needed to thrive and reach his or her full potential.