No. 88-605.

In the

Supreme Court of the United States.

OCTOBER TERM, 1988.

WILLIAM L. WEBSTER, ET AL.,
APPELLANTS,

v.

REPRODUCTIVE HEALTH SERVICES, ET AL.,
APPELLEES.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT.

Brief Amicus Curiae for American Jewish Congress, Board of Homeland Ministries — United Church of Christ, National Jewish Community Relations Advisory Council, The Presbyterian Church (U.S.A.) by James E. Andrews as Stated Clerk of General Assembly, The Religious Coalition for Abortion Rights, St. Louis Catholics for Choice, and thirty other religious groups.

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Brief Amicus Curiae for Albuquerque Monthly Meeting of Religious Society of Friends, American Friends Service Committee, American Humanist Association, American Jewish Committee, American Jewish Congress, Americans for Religious Liberty, Anti-Defamation League of B'nai B'rith, B'nai B'rith Women, Board of Homeland Ministries — United Church of Christ, Commission on Social Action of Reformed Judaism, The Episcopal Diocese of Massachusetts — Women in Crisis Committee, The Episcopal Diocese of New York, Episcopal Women's Caucus, Federation of Reconstructionist Congregations and Havurot, General Board of Church and Society — The United Methodist

Church, Institute of Women Today, Jewish Labor Committee, NA'MAT, National Assembly of Religious Women, National Council of Jewish Women, National Federation of Temple Sisterhoods, National Jewish Community Relations Advisory Council, North American Federation of Temple Youth, The Presbyterian Church (U.S.A.) by James E. Andrews as Stated Clerk of General Assembly, The Religious Coalition for Abortion Rights, St. Louis Catholics for Choice, Union of American Hebrew Congregations, Unitarian Universalist Association, Unitarian Universalist Women's Federation, United Church of Christ Coordinating Center for Women, United Church of Christ Office of Church in Society, Washington Ethical Action Center of the America Ethical Union, Women in Ministry — Garrett Evangelical Seminary, Women in Mission and Ministry — Episcopal Church U.S.A., Women's League for Conservative Judaism, The Right Reverend Bill Burrill, Bishop of the Episcopal Church of Rochester; The Right Reverend Barbara C. Harris, Suffragan Bishop of the Episcopal Church of Massachusetts; The Right Reverend Edward W. Jones, Bishop of the Episcopal Church of Indianapolis; The Right Reverend David E. Johnson, Bishop of the Episcopal Church of Massachusetts; The Right Reverend Coleman McGehee, Bishop of the Episcopal Church of Michigan; The Right Reverend John S. Spong, Bishop of the Episcopal Church of Newark; The Right Reverend John T. Walker, Bishop of the Episcopal Church of Washington, D.C., and The Right Reverend O'Kelley Whitaker, Bishop of the Episcopal Church of Central New York, as Amicus Curiae Supporting Appellees.

Interest of Amici Curiae.

Amici are religious organizations and representatives of religious groups dedicated to preserving religious freedom for

all persons, and to protecting a woman's right to terminate her pregnancy in consultation with her religious conscience. Associated with a variety of religions, amici are organizations including the American Friends Service Committee, the American Jewish Committee, the American Jewish Congress, the Anti-Defamation League of B'nai B'rith, the Episcopal Diocese of New York, the Presbyterian Church (U.S.A.) by James E. Andrews as Stated Clerk of General Assembly, the Religious Coalition for Abortion Rights, and the St. Louis Catholics for Choice. The thoughtful statements of interests provided by individual organizations, included here as Appendix A at 1a, demonstrate their unique and contrasting perspectives on the issues of religious conscience and abortion, and their shared commitment to the Constitution's removal of these issues from governmental control. A full listing of the amici curiae signing this brief in support of respondents appears as Appendix B at 14a. Amici received leave to file this brief from the parties in this action.

As organizations representing a variety of sincere religious perspectives, the amici object to any governmental attempts to interfere in the exercise of individual religious conscience with regard to procreative choice. Because the amici recognize the many divergent theological answers to the questions raised by abortion, the amici agree that each woman should be free to consult with her religious convictions, as well as her best medical advice, without governmental coercion or constraint when exercising religious and personal conscience in making a decision whether to terminate her pregnancy. The amici therefore object to Missouri's attempts to regulate a woman's decision whether to obtain an abortion, and support the reaffirmation of *Roe* v. *Wade*, 410 U.S. 113 (1973), as a necessary means of protecting each person's ability to exercise freedom of religion and conscience.

Statement of the Case.

Amici adopt the Statement of the Case set forth by the appellees.

Summary of Argument.

Abortion is undoubtedly one of the most hotly debated issues in this country. The debate reveals profound religious disagreement. Views range from the belief that abortion is a sin forbidden by divine authority to the view that abortion may be a religious obligation if needed to preserve the life or well-being of the pregnant woman. Even a brief examination of the religious beliefs of the Roman Catholic Church, the Baptist Churches, the Episcopal Church (USA), the United Church of Christ, the Presbyterian Church, the United Methodist Church, and the Orthodox, Conservative, Reform, and Reconstructionist traditions of Judaism reveals the immensely varied and intensely sincere religious differences about this important issue of procreative judgment.

Given the dramatically contrasting religious views about whether and when abortion is permitted or required, state statutes drastically curtailing access to abortion unacceptably interfere with constitutionally protected religious and private conscience. Missouri's ban against abortion in public facilities, its ban against counseling about abortion by public employees, and its pronouncement that life begins at conception impermissibly invade religious liberty and freedom of conscience. Even though the Missouri law makes no mention of religion, it violates the Free Exercise Clause of the First Amendment. Especially in this sensitive area of great religious concern, public orthodoxy must be restrained and private conscience must be protected.

The Court of Appeals for the Eighth Circuit properly concluded that the Missouri statutes restricting abortion violated the constitutional injunction to place certain kinds of governmental activities out of bounds. This constitutional injunction relies on the First Amendment's guarantees of religious freedom as well as the right to privacy founded in the Fourteenth Amendment. The Missouri statutes thus are doubly defective: they abridge the right to privacy and also the doctrines preserving freedom of conscience and religion.

Both the right of individual privacy and the right of religious liberty protect critical decisions about whether to marry or divorce, and whether to conceive and bear a child. The Constitution has long provided, and must continue to assure, protection against governmental arrogation of crucial decisions which require the guidance of religious teachings and individual conscience.

If this Court were now to overturn its consistent position and to invite state legislation constraining or prohibiting abortion, the result would be extensive and disturbing government embroilment with matters of private religious conscience. Religiously-inspired proponents on all sides of this issue would besiege state legislators. State law-makers would be consumed by the enormous divisions between and even within religious groups on the issue of abortion. Public spaces would be occupied by religious controversies likely to erupt in acts of intolerance and violence. It is just these dangers that the Free Exercise Clause meant to avoid.

This Court's vigilant protection of the privacy of pregnant women is not a decision to favor or even approve abortion, but instead a commitment to preserve individual autonomy. That, of course, must be the lodestar in a country as diverse and as committed to freedom as ours. The Court's role in preserving the space for the free exercise of personal and religious conscience is never more crucial than where there is

massive public turmoil surrounding the subject. Otherwise, majorities, and even effectively mobilized minorities, can invoke the power of the state to curb the religious freedoms of those they do not like. The amici joining in this brief attest to the profound, prayerful commitments of extraordinarily diverse religious groups to this vision of tolerance enacted in our Constitution. It is this nation's strength that our Constitution can elicit the trust of peoples across diverse and clashing faiths. In the face of so complex and inescapably private a matter as the decision to terminate or continue a pregnancy, this Court should not now betray the people's trust by allowing a state to undermine the mandated respect for religious liberty and personal conscience.

Argument.

I. The Missouri Statute Impermissibly Intrudes upon Individual Decisions Protected by the Right to Privacy and by the Free Exercise Clause of the First Amendment.

Decisions about family life are of such pre-eminent, foundational importance in our nation that this Court has afforded the double protection of precedents under the rights of both personal privacy and religious liberty. Both lines of precedent assure not only a limited government, but also a sphere of private pursuits informed by each individual's religious traditions and personal conscience. Missouri's regulation of abortion impermissibly constrains private decision-making over basic family choices accorded protection by this Court. This

Court therefore should affirm the decision by the Eighth Circuit Court of Appeals.[1]

A. *Private Decisions over Family Life Are Doubly Protected by the Constitution's Respect for Individual Privacy and the Constitution's Commitment to Religious Liberty.*

The constitutional commitment to protect personal privacy is part of the larger constitutional scheme that places certain kinds of governmental activities out of bounds. That larger scheme significantly relies on the First Amendment's guarantees of religious freedom as well as the right to privacy founded in the Fourteenth Amendment. The subjects of procreation, contraception, and abortion are private in two major respects: they involve the fundamental privacy of each individual and the importantly private enclaves of religious and community groups. The constitutional challenges to the Missouri law carry the double force of doctrines developed under the right of privacy and doctrines preserving freedom of conscience and religion.

Thus, the Eighth Circuit Court of Appeals reached a conclusion compelled not only by this Court's decisions in *Thornburgh* v. *American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986); *Akron* v. *Akron Center for Reproductive Health, Inc.*, 462 U.S. 416 (1983); *Colautti* v. *Franklin*, 439 U.S. 379 (1979); *Roe* v. *Wade*, 410 U.S. 113 (1973).

[1] The Court of Appeals rejected sections of the Missouri law that banned the use of public funds for encouraging or counseling a woman to have an abortion not necessary to save her life, requiring doctors to perform viability tests, forbidding any public employee from encouraging or counseling a woman to have an abortion not necessary to save her life, forbidding the use of any public facilities for that purpose, and declaring that life begins at conception. Sections 1.205.1(1), 188.025, 188.029, 188.039, 188.205, 188.210, and 188.215 of the Missouri law, which appear in the Jurisdictional Statement Appendix at A87-A91, will hereinafter be described in this brief as "the Missouri law."

In addition, the constitutional right to privacy enforced in these decisions is underscored and bolstered by the command of the Free Exercise Clause of the First Amendment. Together, the right of privacy and the right to religious liberty exclude the state from personal decisions about the critical issues of family life, reproduction, and child-rearing. See *Planned Parenthood* v. *Danforth*, 428 U.S. 52 (1976) (privacy); *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972) (privacy); *Loving* v. *Virginia*, 388 U.S. 1 (1967) (privacy and equality); *Griswold* v. *Connecticut*, 381 U.S. 479 (1965) (privacy); and *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972) (free exercise). Missouri's law impermissibly secularizes these choices. The state law constrains critical, private choices about child-bearing and thereby burdens the free exercise of religion and its crucial component, protection of individual conscience.

It is not by accident that this Court's historic protections for families draw on both notions of individual privacy and notions of religious liberty.[2] Deciding whether to marry or divorce, and whether to conceive and bear a child are simultaneously matters of individual choice and religious significance. The Constitution has provided, and must continue to assure, protection against governmental arrogation of crucial decisions which require the guidance of religious teachings and individual conscience.

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[2] Whatever its specific sources in the Constitution, the privacy right accords with a conception that family decisions should be free from state control. "'[M]arriage, procreation, contraception, family relationships, and child rearing and education' . . . 'while defying categorical description,' identify certain zones of privacy in which personal relationships or decisions are protected from government interference." *Roberts* v. *United States Jaycees*, 468 U.S. 609, 631 (1984) (O'Connor, J., concurring) (citing *Paul* v. *Davis*, 424 U.S. 693, 713 (1976)); *Meyer* v. *Nebraska*, 262 U.S. 390, 399 (1923) ("Without doubt, [liberty guaranteed in the Fourteenth Amendment] denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.")

Under the Constitution, this Court consistently has guarded family decisions from invasive state regulations. The Court has guaranteed parents the right to select private, religious schools for instructing their children, *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925) and the right to an exemption from compulsory schooling laws where those laws contradicted a particular religious way of life, *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972). Similarly, the Court has rejected state efforts to burden access to divorce, *Boddie* v. *Connecticut*, 401 U.S. 371 (1971), and also rejected state burdens on access to marriage even when pursued to enforce previously incurred child support obligations, *Zablocki* v. *Redhail*, 434 U.S. 374 (1978). Deference to the special, even sacred, realm of the family guides the Court's guarantees of private choice about marriage, procreation and contraception. *Griswold* v. *Connecticut*, 381 U.S. 479 (1965): "We deal with a right of privacy older than the Bill of Rights — older than our political parties, older than our school system. Marriage is a coming together for better or for worse, hopefully enduring, and intimate to the degree of being sacred." *Id.* at 486. Similarly, this Court has long "'respected the private realm of family life which the state cannot enter.'" see *id.* at 495 (Goldberg, J.) (quoting *Prince* v. *Massachusetts*, 321 U.S. 158, 166 (1944)). See also *Moore* v. *East Cleveland*, 431 U.S. 494 (1977) (city's zoning restrictions cannot prevent family members' choice to live together). The Court's vigilant protection of family privacy properly and necessarily allocates to private individuals the decision to proceed with or to terminate a pregnancy before the state's interest in potential life develops sufficient strength to overcome the state's interest in preserving the health, welfare, and choice of the woman. This Court has properly respected the demand for particularized decisions made in the context of any individual woman's life, personal autonomy, religion, and medical advice. No generalized legislative decision, removed from the

particular family context, could protect the private realm nor acknowledge the critical role for individual religious belief and conscience in what may be a most difficult moment.

The Court's position on this issue is not a decision to favor or even approve abortion, but instead a commitment to preserve the privacy and autonomy of a pregnant woman. Her decision, made in the context of her unique family and community situation, is a matter of her own conscience. This explains *Thornburgh* v. *American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986); *Akron* v. *Akron Center for Reproductive Health, Inc.*, 462 U.S. 416 (1983); *Planned Parenthood* v. *Danforth*, 428 U.S. 52 (1976); *Roe* v. *Wade*, 410 U.S. 113 (1973). Any contrary course would permit — indeed, elicit — state encroachment into this constitutionally protected subject. It would inject secular authority where only religious and private conscience belong. That is precisely what both the right to privacy and the Free Exercise Clause of the First Amendment prohibit. State regulations of abortion like the Missouri statute not only violate the sanctity of individual decisions about family life, but also intrude upon intense religious controversies over matters reserved by the Constitution to private individuals.

B. *By Restricting Abortion, the Missouri Statute Unconstitutionally Invades Private Religious Freedoms Assured Protection for Individuals by the Free Exercise Clause and Demanded by the Variety of Religious Views About Abortion.*

Abortion is undoubtedly one of the most hotly debated issues in this country; the debate reveals profound religious disagreement. Views range from the belief that abortion is a sin forbidden by divine authority to the view that abortion may be a religious obligation if needed to preserve the life or well-being

of the pregnant woman. Still another view maintains that promotion of responsible parenthood and preservation of the health and well-being of existing, living persons rank among the highest, religiously commanded obligations. The issue of abortion obviously raises fundamental questions of sincere religious belief and intense religious differences.

Over 200 diverse religious groups in the United States[3] espouse starkly different and mutually inconsistent views about abortion.[4] For example, the official doctrine of the Roman Catholic church declares abortion to be immoral and asserts that life must be safeguarded from conception.[5] Some Roman Catholics, however, have explored and advocated religious views that tolerate abortion under some circumstances.[6]

Among the Baptist Churches, denominational pronouncements reflect the views and guidance of elected representatives, but are non-binding in matters of conscience. Historically, abortion has been treated generally as a matter for individual conscience in keeping with the religion's foundation in indi-

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[3] See Constant Jacquet, ed., Yearbook of American and Canadian Churches 238 (1984) (describing 219 religious bodies in the United States).

[4] This summary draws in part on testimony relied on by the district court in *McRae* v. *Califano*, 491 F. Supp. 630, 697-698 (E.D.N.Y. 1980). Although this Court reversed the decision in that case, and upheld the Hyde Amendment forbidding the use of federal Medicaid funds for abortion except where the woman's life would be endangered, the Court relied on a defect in party standing and did not pass on the free exercise claim for which the district court's opinion is cited here. This Court has also indicated that a special concern for burdens on free exercise of religion are raised where government funds are conditioned upon restrictions on abortion. *Maher* v. *Roe*, 432 U.S. 464, 474 n.8 (1977).

[5] The Declaration on Abortion of the Sacred Congregation for the Doctrine of Faith (1974), cited in *McRae* v. *Califano*, 491 F. Supp. 630, 693 (E.D.N.Y. 1980).

[6] See, e.g., Baum, Abortion: An Ecumenical Dilemma, Commonweal 231 (Nov. 30, 1973); Segers, Abortion and the Culture, in Abortion 229 (S. Callahan & D. Callahan, eds., 1984). See also L. Pfeffer, Religion, State, and the Burger Court 240-241 (1984) (describing Catholic groups for private choice over abortion).

vidual voluntary baptism and commitment to responsible families and parenthood. See *McRae* v. *Califano*, 491 F. Supp. 630, 697-698 (E.D.N.Y. 1980) (citing testimony of Dr. James Wood, Executive Director of the Baptist Joint Committee on Public Affairs). In 1967, the American Baptist Churches, USA, adopted a resolution to support legalization of abortion to protect the physical and mental health of the mother, to provide choices for women whose pregnancies resulted from rape, incest, or failed contraception or other unwanted circumstances. *Id.* at 699. The General Board of American Baptist Churches, USA, opposed the efforts of the National Conference of Catholic Bishops to use secular law to prohibit abortion, and resolved that ". . . we believe that the present effort of the National Conference of Catholic Bishops in the U.S.A. to coerce the conscience and personal freedom of our citizens through the power of public law in matters of human reproduction constitutes a serious threat to that moral and religious liberty so highly prized by Baptists." *Id.* at 699. Some Baptists have dissented from this view and organized religious groups against abortion. The denomination's stand was changed in 1988 to reflect the diversity of theological beliefs about abortion present within its membership.

The Episcopal Church USA reaffirmed in its 1988 General Convention its support for women's rights over their own bodies through a resolution first passed in 1967. That resolution states: "Resolved: The position of this Church, stated at the 62nd General Convention of the Church in Seattle in 1967, which declared support for the 'termination of pregnancy' particularly in those cases where 'the physical and mental health of the mother is threatened seriously, or where there is substantial reason to believe that the child would be badly deformed in mind or body, or where the pregnancy has resulted from rape or incest' is reaffirmed. Termination of pregnancy for these reasons is permissible." Letter from Ann Smith, Office

of the Presiding Bishop and the Executive Council of the General Convention, The Episcopal Church Center (March 6, 1989). Authorities for the Church note that this position has been consistent and unchanging, and that the Church stands firm in its resolve both to be pastorally supportive of women in their choices and to work to maintain a society where they do indeed have constitutionally guaranteed choices.

Similarly, the General Synod of the United Church of Christ resolved in 1979 to reaffirm full freedom of choice for the persons concerned in making decisions regarding pregnancy, to affirm "the fact that, since life is less than perfect and the choices that people have to make are difficult, abortion may sometimes be considered," and to affirm that "God calls us when making choices, especially as these relate to abortion, to act faithfully." United Church of Christ, Abortion: A Resolution of the 12th General Synod of the United Church of Christ, 1979 (Public Policy Pamphlet 12GS-12).

Some organized religious groups adhere to basic respect for individual conscience about abortion precisely because of the variety of views held by members of those groups. Thus, the policy statement contained in Covenant and Creation: Theological Reflections on Contraception and Abortion, adopted by the 195th General Assembly of the Presbyterian Church (1983), states that "The Presbyterian Church exists within a very pluralistic environment. Its own members hold a variety of views. It is exactly this plurality of beliefs that leads us to the conviction that the decision regarding abortion must remain with the individual, to be made on the basis of conscience and personal religious principles, free from governmental interference." Just as the decision to become a parent requires a responsible exercise of stewardship, reflecting moral and religious concerns, so does the decision to not become a parent. Moreover, this Presbyterian approach emphasizes that God alone is Lord of the conscience, and that God gives each indi-

vidual faced with a moral choice arising from sexual activity the power and the freedom to make moral choices regarding even the most serious questions. *Id.* at 49.

In addition, through its General Assembly, the Presbyterian Church (U.S.A.) by James E. Andrews as Stated Clerk of General Assembly has stated that any decision concerning an abortion should be made as early as possible, generally within the first trimester of pregnancy, for reasons of a woman's health and safety. It affirms, however, that abortions should not be used as a method of birth control; it also maintains that abortions later in pregnancy should be an option, particularly in the case of women of menopausal age who do not discover they are pregnant until the second trimester, women who discover through fetal diagnosis that they are carrying a fetus with a grave genetic disorder, or women who did not seek or have access to medical care during the first trimester. This Presbyterian statement adds that at the point of fetal viability, abortions should be available only in the rarest of instances involving, for example, the late diagnosis of grievous genetic disorders.

Other Protestant Churches have declared their support for a woman's choice regarding abortion because of potential risks to the life or physical or mental health of the mother, because of concerns about the social situation in which the infant might be born, and because of instances of severe deformity of the fetus. *McRae* v. *Califano*, 491 F. Supp. 630, 700 (E.D.N.Y. 1980) (citing testimony of Reverend John Wogaman, United Methodist minister). As a matter of religious belief, many Protestant theologians maintain that "human personhood . . . does not exist in the earlier phases of pregnancy." *Id.* at 701 (testimony of Reverend John Wogaman). The United Methodist Church, for example, resolved in 1976 to affirm the " 'principle of responsible parenthood' and the right and duty of married persons prayerfully and responsibly to control conception according to their circumstances." *Id.* at 701. In contrast, repre-

sentatives of the Lutheran Church-Missouri Synod testified before a Senate subcommittee that in their religion, human life begins with fertilization, but any threat to the life of the pregnant woman must be resolved in her favor. *Id.* at 695. That Church also supports private decisions to terminate pregnancies under some other circumstances. *Id.* at 696.

Within the Jewish tradition, there is considerable agreement that the fetus is not a person before birth and that abortion therefore is not murder, and may be permitted, and indeed required in situations where the life of the mother is threatened. D. Feldman, Marital Relations, Birth Control, and Abortion in Jewish Law 271-284 (1974); R. Zwerin and R. Shapiro, Judaism & Abortion 1-4 (1987). See also Rabbi Hayim Halevy Donin, To Be a Jew: A Guide to Jewish Observance in Contemporary Life Selected and Compiled from the Shulhan Arukh and Responsa Literature and Providing a Rationale for the Laws and Traditions 140-141 (1972) ("All halakhic scholars agree that therapeutic abortions — namely, abortions performed in order to preserve the life of the mother — are not only permissible but mandatory.") Beyond these points of virtual consensus, however, different branches of Judaism, and different groups within each branch, hold divergent views about the legal and moral status of abortion and about the circumstances under which it is permitted.

Within the different strands of Orthodox Judaism, for example, there is vehement disagreement as to whether a nontherapeutic abortion is akin to homicide, whether avoiding severe mental anguish of the mother is an adequate basis for permitting an abortion of a fetus with severe defects, and whether it is permissible to include in the choice of an abortion consideration of the potential suffering of a severely disabled fetus carried to term. See D. Feldman, Marital Relations, Birth Control, and Abortion in Jewish Law 284-294 (1974); I. Jacobovits, Jewish Views of Abortion in F. Rosner and J.D.

Bleich, Jewish Bioethics 118 (1979); J.D. Bleich, Abortion in Halachic Literature, in F. Rosner and J.D. Bleich, Jewish Bioethics 134 (1979). See generally F. Rosner, Modern Medicine and Jewish Ethics (1986). It is hardly surprising that there is vigorous disagreement among contemporary Orthodox rabbis, since the great sages such as Maimonides and Rashi expressed contrasting fundamental assumptions concerning abortion.

Conservative, Reform, and Reconstructionist branches of Judaism — and some orthodox groups — share a more liberal approach to abortion in contrast to most Orthodox views, and have endorsed the existing rules set forth in *Roe* v. *Wade* in order to assure that individual women may treat an abortion decision in light of their own religious and moral views. See Statement of Interest of National Jewish Community Relations Advisory Council (Appendix A). Even in these branches, however, authorities differ considerably about the circumstances under which abortion is permitted or required. Many consider abortion to be a religious duty, a duty resembling obligations to observe religious rituals, when a pregnancy threatens a woman's life or health. Some would protect a woman's choice to abort simply as a matter of her entitlement to control her own destiny. M. Bial, Liberal Judaism at Home: The Practices of Modern Reform Judaism 12-13 (Rev. ed. 1971). See also Testimony of Rabbi Balfour Brickner, Statement of the Religious Coalition for Abortion Rights Before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, U.S. House of Representatives (March 24, 1976). Others emphasize the risks to a woman's physical, psychological, and emotional well-being that may be presented by a pregnancy as critical reasons for permitting abortion. The different positions taken in the debates about the Jewish position on abortion reflect not personal preferences, but instead the divergent religious sources, for rabbinic *responsa* — the

answers written by leading rabbis to disputes about observance since the tenth century — permit multiple, conflicting interpretations of the Jewish position on abortion.

Given the contrasting views about abortion within and across religious groups, it is obvious that many strongly held religious beliefs directly clash with the Missouri law.[7] That law interferes with the religious lives of those who are adherents to these beliefs, just as interference with religious beliefs would arise if a state were to adopt a law mandating abortion under specified circumstances. Adjudicating among diverse religious beliefs is precisely what the government must not do under the constitution. Political contests animated by the contrasting views of religious groups over religious practices are precisely what the Free Exercise Clause sought to seal off from governmental purview. The government must not intervene to try to settle the critically important, vociferous, multi-sided religious argument. As this Court announced in *United States* v. *Ballard*, 322 U.S. 78, 87 (1944): "The Fathers of the Constitution were not unaware of the varied and extreme views of religious sects, of the violence of disagreement among them and of the lack any one religious creed on which all men would agree. They

[7] This is not a claim, under the Establishment Clause, that the government may not adopt one religious view over others if, as this Court decided *Harris* v. *McRae*, that the law happens to coincide with the religious views of some. 448 U.S. 297, 319-320 (1980). Instead, the objection here is that certain topics require protection against state regulation if the free exercise of religion is to mean anything. Basic decisions about procreation and termination of pregnancies epitomize such topics, in light of the massive and deep disagreement among religions over these issues. We do not argue here for religious exemptions to Missouri's law not only because that would be impracticable, given the large numbers of people whose religious beliefs are burdened by the law. Even more importantly, any process providing for exemptions would be insufficient protection of religious freedom, given the intrusion any process for considering exemption would itself place on the individuals facing intimate decisions involving procreation and termination of pregnancy. This Court's rulings on the dangers of government entanglement with religion would apply in any case-by-case evaluation of religious beliefs about abortion. See *Lemon* v. *Kurtzman*, 403 U.S. 602 (1971).

fashioned a charter of government which envisaged the widest possible toleration of conflicting views."[8]

For vast numbers of people, abortion raises issues of religious belief and individual conscience. Regulation of abortion by the states — regulations like Missouri's ban against abortion in public facilities, and its ban against counseling about abortion by public employees, invade religious liberty and freedom of conscience.[9] That people disagree intensely over abortion is no reason for this Court to fail to protect religious liberty here. As this Court announced in *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624, 642 (1943), the Free Exercise Clause most importantly protects views over which people vehemently disagree: "freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order." See also *Wooley* v. *Maynard*, 430 U.S. 705 (1977).

Nor can the Missouri statute avoid challenge because it makes no mention of religion or because organized religious groups themselves disagree about abortion. This Court has held, time and time again, that a facially neutral statute may

[8] The opinion continued, "Man's relation to God was made no concern of the state. He was granted the right to worship as he pleased and to answer to no man for the verity of his religious views." *Id.*, at 642. Given the presence of Edna Ballard as one of the respondents in that case, "man" here was obviously meant to include women whose religious views and private decisions are of prime significance in this case.

[9] For some people, decisions about procreation and abortion are fundamentally matters of personal conscience. For them, no less than for those who cite religious belief, the First Amendment guarantees protection. Religious freedom belongs with freedom of speech together in the First Amendment because "[t]he First Amendment gives freedom of mind the same security as freedom of conscience." *Thomas* v. *Collins*, 323 U.S. 516, 531 (1945). See also *Prince* v. *Massachusetts*, 321 U.S. 158, 164-165 (1944). Both for pregnant women contemplating abortion and for governmental health care professionals who deal with pregnant patients, Missouri's statute presents untenable restrictions on the mere discussion of the possibility of terminating a pregnancy.

offend the Free Exercise Clause, *Hobbie* v. *Unemployment Appeals Comm'n*, 480 U.S. 136 (1987); *Wisconsin* v. *Yoder*, 406 U.S. 205, 220 (1972). See also *Bowen* v. *Roy*, 476 U.S. 693, 728-732 (1986) (O'Connor, J., concurring in part and dissenting in part) (rejecting argument that any facially neutral and uniformly applied governmental requirement can withstand challenge under the Free Exercise Clause if it is a reasonable means of promoting a legitimate public interest). A person's religious beliefs that diverge from views held by others within a given faith have long been, and must be protected by the Free Exercise Clause, for it to be a guarantee of *individual* religious liberty. See *Thomas* v. *Review Board of the Indiana Employment Sec. Division*, 450 U.S. 707, 715 (1981). Cf. *United States* v. *Seeger*, 380 U.S. 163, 176 (1965) (interpreting statutory exemption from military draft to encompass not only religious belief in a Higher Being but also "A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption").

The Free Exercise Clause of the First Amendment should control this case. Missouri cannot claim that the Free Exercise Clause guarantees only people's freedom to hold pro-choice views, but not their freedom to obtain an abortion in any public facility, to discuss the matter with any public employee, or to act contrary to a state law declaring that human life begins at conception. The Free Exercise Clause guards much religiously inspired conduct, not just religious views. *Wisconsin* v. *Yoder*, 406 U.S. 205, 219-220 (1972); *Cantwell* v. *Connecticut*, 310 U.S. 296, 303-304 (1940). In the context of religious freedoms, this constitutional protection applies where the government withholds a benefit as much as when it imposes a penalty. *Sherbert* v. *Verner*, 374 U.S. 398, 404 (1963); *Bowen* v. *Roy*, 476 U.S. 693, 726-733 (1986) (O'Connor, J., concurring in part and dissenting in part). Finally, Missouri cannot justify

the burdens on religious belief imposed by its law by referring to its preamble, deeming the fertilized egg a human life, as the kind of compelling state interest required by this Court to overcome the demands of the Free Exercise clause. This Court rejected the idea that "when life begins" can be treated as a factual question, *Roe* v. *Wade*, 410 U.S. 113 (1973). As a matter of faith, the question thus falls within the sphere guarded from public orthodoxy by the Free Exercise Clause.[10]

II. The Free Exercise Clause Withdraws Subjects of Religious Conscience from the Vicissitudes of Political Controversy and Is Never More Important than when Heated and Hostile Political Debate Endangers Religious Freedom.

If this Court were now to overturn its consistent position and to invite state legislation like Missouri's statute, or even more punitive prohibitions of abortion, the result would be extensive and disturbing governmental entanglement with matters of private religious conscience. Religiously-inspired proponents on all sides of this issue would besiege state legislators. State legislatures, in turn, will unavoidably become embroiled in the enormous divisions between and even within religious groups on the issue of abortion. It is just these dangers that the Free Exercise Clause was meant to avoid.

This Court's vital statement is especially apt at this time: "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to estab-

[10] The Missouri law's preamble bears no resemblance to a plausible recognition that changing technology and medical science may alter the timing of viability. Instead, the definition of human life at conception raises the spectre of state regulation of contraception as an alleged interference with human life.

lish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no election." *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624, 638 (1943).

This Court's role in preserving space for the free exercise of religion is never more crucial than when there is massive public turmoil surrounding the subject. Otherwise, majorities, or even effectively mobilized minorities, can invoke the power of the state to curb the religious freedoms of those they do not like; otherwise, we risk escalating intolerance not only toward isolated groups on specific issues, but toward anyone who does not abide by the religiously inspired views pursuing the instruments of state power. History tells us that such intolerance often simmers just beneath the surface; the destruction of the churches of Jehovah's Witnesses who declined to salute the flag[11] and contemporary public violence at abortion clinics provide vivid examples. Vehement public ferment on the subject of abortion is bound to emerge if this Court allows the interference with free exercise represented by the Missouri statute.[12]

The Free Exercise Clause of the First Amendment makes explicit a courageous and unparalleled American vision of tolerance for differences which includes, by necessity, gov-

[11] Rotmem & Folsom, Recent Restraints on Religious Liberty, 36 Am. Pol. Sci. Rev. 1053, 1061-62 (1942).

[12] Withdrawing abortion from the hot lights of politics would not prevent anyone from working for political solutions to the desperate need many women find for a solution to a pregnancy they cannot manage. Efforts to promote contraception, and adoption, to control rape and incest, to enable women to say no to unwanted sexual encounters, and to provide economic security to permit women to bear and raise children would all remain available and potentially effective measures. Giving women choices not to become pregnant before they already are or means to protect the child after birth would reduce, if not eliminate, the place of abortion in private decision-making.

ernmental restraint. " 'If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.' " *Wallace* v. *Jaffree*, 472 U.S. 38, 55 (1985) (quoting *West Virginia State Board of Education* v. *Barnette*, 319 U.S. at 642). This Court has long been the eloquent defender and enforcer of this vision, and adherence to that role has never been more important than at this time.

Conclusion.

For the foregoing reasons, the decision for the Court of Appeals should be affirmed.

Respectfully submitted,

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APPENDIX A

Many of the amici specifically wanted to include in this brief their own individual statements of interests. These statements are printed here in demonstration of the diversity of groups, expressing varied religious positions on abortion, who joined together in this brief to express a shared commitment to the Constitution's guarantee of free exercise of conscience and religion.

Statement of Interest of The American Friends Service Committee

The American Friends Service Committee (AFSC) has a vital interest in this litigation because of Friends' belief in the infinite worth of each human being and the equality of all human beings in the sight of God. Because of this testimony the AFSC has worked since 1917 as a social justice arm of the Religious Society of Friends to root out the causes of violence in our society which lie in poverty, exclusion and denial of equal opportunity and rights and to support rights of conscience. For two decades the AFSC has taken a consistent position supporting a woman's right to follow her own conscience concerning child-bearing, abortion and sterilization, free of coercion, including the coercion of poverty, racial discrimination and unavailability of services to those who cannot pay.

Statement of Interest of The American Jewish Committee

The American Jewish Committee (AJC) is a national organization founded in 1906 for the purpose of protecting the civil

and religious rights of Jews. The AJC believes that this goal can best be accomplished by helping to preserve the constitutional rights of all Americans. The AJC supports access to abortion on a voluntary basis as an important component of comprehensive and effective health care and as part of its traditional concern for individual liberty, privacy and free choice.

Statement of Interest of
The American Jewish Congress

The American Jewish Congress, an organization of American Jews founded in 1918 is dedicated to the protection of the civil liberties and civil rights of Jews and of all Americans and the promotion of the principles of constitutional democracy.

Among the many activities directed to these ends, the American Jewish Congress has in the past filed *amicus curiae* briefs in many of the reproductive freedom cases before this Court.

The American Jewish Congress believes that, in the face of the great moral and religious diversity in American society over abortion and in the light of Jewish traditions which in some cases command abortion, and in many others, permit it, the existing constitutional rules, set down in *Roe* v. *Wade*, should be maintained so that the different traditions may advocate their respective views and the decision left to the individual woman, answering to God and to her conscience.

Statement of Interest of
The Anti-Defamation League of B'nai B'rith

The Anti-Defamation League of B'nai B'rith was organized in 1913 to advance good will and mutual understanding among

Americans of all creeds and races, and to combat racial and religious prejudice in the United States. The Anti-Defamation League believes these principles are best served through the protection of the right to individual conscience and the free exercise of religion. In support of its position, ADL has previously filed as a friend-of-the-court in numerous cases dealing with issues of privacy and religious conscience, see, e.g., *Frazee* v. *Department of Employment Security, appeal pending*, No. 87-1945 (U.S. S.Ct. 1989); *Bowen* v. *Kendrick*, 108 S.Ct. 2562 (1988); *New York State Club Ass'n* v. *New York*, 108 S.Ct. 2225 (1988); and *Wallace* v. *Jaffree*, 472 U.S. 38 (1985).

The League is able to bring to this appeal the perspective of a national organization dedicated to safeguarding all persons' rights of individual conscience.

Statement of Interest of B'nai B'rith Women

B'nai B'rith Women is an organization of 120,000 Jewish women dedicated to promoting social advancement through education, service and action. Since 1968 the organization has held that women should have the right to choose for themselves on matters of reproduction. The organization has reaffirmed that right many times by reiterating its opposition to any legislation that restricts a woman's freedom to choose whether, when or if to bear children.

Statement of Interest of General Board of Church and Society of the United Methodist Church

The United Methodist Church's General Board of Church and Society, a program agency of The United Methodist Church,

which has 9.5 million members, has a strong commitment to women and to the right of women to make decisions such as abortion decisions involved in *Webster* v. *Reproductive Health Services*. The Church's position affirms that Supreme Court decision in *Roe* v. *Wade*, believing that abortion should be a safe and legal procedure, and that a decision about abortion should be made by a woman after prayerful consideration with the assistance of persons she may choose. We believe that abortion should not be used for birth control nor gender selection, but recognize "tragic conflicts of life with life that may justify abortion, and in such cases support the legal option of abortion under proper medical procedures."

Statement of Interest of
National Assembly of Religious Women

The National Assembly of Religious Women (NARW) is a 20-year-old national organization of Catholic feminist women committed to working and acting collectively to build a world of peace with justice. NARW's agenda emphasizes the "participation of people in the decisions which affect their lives" and calls upon its members to use their organized power to effect a just society. NARW affirms the equal access of all women to the law, and opposes efforts to make abortion a crime. NARW believes that its position is based on gospel values of respect for life, respect for persons' self-determination, fidelity to conscience, and the right to due process of law.

Statement of Interest of
National Council of Jewish Women

Founded in 1893, the National Council of Jewish Women (NCJW) is the oldest Jewish women's volunteer organization

in America. NCJW's 100,000 members in more than 200 Sections across the United States keep the organization's promise to dedicate themselves, in the spirit of Judaism, to advancing human welfare and the democratic way of life through a combination of social action, education and community service. Based on NCJW's concern for individual rights and our National Resolutions which include working for "the protection of every female's right to choose abortion, and the elimination of obstacles that limit reproductive freedom," we join this brief.

Statement of Interest of
The National Federation of Temple Sisterhoods

The National Federation of Temple Sisterhoods represents the women of Reform Judaism. It is the women's affiliate of the Union of American Hebrew Congregations, and comprises more than 100,000 members among its affiliate Sisterhoods. We believe that the right of choice on the question of abortion is a personal decision based on religious, ethical or cultural beliefs and values. This right should not be determined for women based on the convictions of any special interest group. For government to legislate in the matter of abortion violates a woman's fundamental rights to privacy and choice, and is an impermissible derogation from the separation of Church and State. We therefore reaffirm our support of the Supreme Court decision of 1973 relating to abortions.

Statement of Interest of
National Jewish Community Relations Advisory Council

The National Jewish Community Relations Advisory Council (NJCRAC) is the umbrella planning and coordinating body

for the field of Jewish community relations in the United States. It is composed of 113 community member agencies representing all major Jewish communities in the United States and the following national agencies: The American Jewish Committee, American Jewish Congress, B'nai B'rith, Anti-Defamation League of B'nai B'rith, Hadassah, Jewish Labor Committee, Jewish War Veterans of the U.S.A., National Council of Jewish Women, Inc., Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations of America, United Synagogue of America, Women's League for Conservative Judaism and Women's American ORT, Inc. The 106 community member agencies can be found in the appendix to the brief in *County of Allegheny* v. *American Civil Liberties Union*, Nos. 87-2050, 88-90 and 88-96 filed December 1988. The Jewish community, through the actions of NJCRAC's member agencies, have long sought to insure the protections afforded by the Constitution and the Bill of Rights.

The Jewish community shares with others the reverence for life, on the one hand, and the pluralistic society's concern for individual rights and religious liberty. Within the Jewish community itself there is a spectrum of positions on the matter of abortion. For this reason, NJCRAC believes that the Supreme Court should retain the existing rules set forth in *Roe* v. *Wade* so that the abortion decision can be made by individual women in accordance with their own religious and moral views consulting with their physicians and their spiritual advisors.

Statement of Interest of The Presbyterian Church (U.S.A.) by James E. Andrews as Stated Clerk of General Assembly

The Presbyterian Church (U.S.A.) is a national, Christian denomination with churches in all 50 states. Through its antecedent religious bodies, it has existed as an organized religious

denomination within the current boundaries of the United States since 1706. It has approximately 3.1 million active members and approximately 11,600 congregations organized into 172 presbyteries and 16 synods. From a theological perspective, biblical faith depicts individuals as stewards of life, heirs who are responsible for the care of God's world. Through its General Assembly, as its highest governing body, the Presbyterian Church (U.S.A.) has stated that the morality of abortion is a question of stewardship of life and abortion can, therefore, be considered a responsible choice within a Christian ethical framework when, for example, serious genetic problems arise or when resources are inadequate to care for a child appropriately.

The Presbyterian Church (U.S.A.) exists within a very pluralistic environment. Its own members hold a variety of views regarding abortion. Because of this pluralism of beliefs, the General Assembly has repeatedly affirmed that, although abortion should not be used as a method of birth control, the abortion decision must remain with the individual, must be made on the basis of conscience and personal religious principles, and must remain free from governmental interference. Thus, the legal right to have an abortion is a necessary prerequisite to the exercise of conscience in abortion decision. Further, the General Assembly has repeatedly urged Presbyterian congregations and their individual members to provide a supportive community in which a decision concerning the termination of pregnancy can be made in a setting of care and concern, to affirm a woman's ability to make responsible decisions, whether the choice be to abort or to carry the pregnancy to term, to protect the privacy of individuals involved in the abortion decision and to oppose attempts to limit access to abortion through legislation which has the effect of harassing women who are contemplating abortion.

Statement of Interest of Religious Coalition for Abortion Rights And Statements of Its State And Regional Members

The Religious Coalition for Abortion Rights is composed of 30 national religious organizations — Protestant, Jewish and other faith groups. We hold in high respect the value of potential human life; we do not take the question of choice lightly.

Because each denomination and faith group represented among us approaches the issue of choice from the unique perspective of its own theology, members hold widely varying viewpoints as to when abortion is morally justified. It is exactly this plurality of beliefs which leads us to the convictions that the abortion decision must remain with the individual, to be made on the basis of conscience and personal religious principles, and free from governmental interference.

Therefore we reaffirm the Supreme Court ruling of 1973, *Roe* v. *Wade*, which permits a woman to make a decision regarding abortion based on her own conscience and religious beliefs. We oppose efforts to enact into secular law one particular religious doctrine on abortion or the beginning of human life.

Statement of Interest of Religious Coalition for Abortion Rights-Maryland

The Maryland Religious Coalition for Abortion Rights is a statewide organization representing nineteen religious groups in Maryland that support and work to protect religious freedom.

In a pluralistic society each denomination's beliefs must be respected, protected, and free from government intervention.

Because personhood of the fetus from the moment of conception is a religious teaching of some particular religious denominations, the government must not be for or against abortion.

sion on Social Action in cooperation with the Central Conference of American Rabbis, the National Federation of Temple Sisterhoods, and all other arms of Reform Judaism. The highest policy-making body of the UAHC is the General Assembly. At its 1975 biennial convention, delegates voted overwhelmingly to support the constitutional right of a woman to obtain a legal abortion if she freely chooses to do so, as determined by the Supreme Court in the 1973 landmark decisions of *Roe* v. *Wade* and *Doe* v. *Bolton*. In 1981, at the 56th General Assembly of the UAHC the delegates reaffirmed this position declaring that women must be free to exercise their moral and religious conscience regarding abortion.

Statement of Interest of
Unitarian Universalist Association

The Unitarian Universalist Association is a voluntary religious association of 1,000 congregations in the United States and abroad dedicated to the principles of a free faith, the right to an individual conscience and to the promotion of the inherent worth and dignity of every person.

The Unitarian Universalist Association has long advocated the right of every woman to decide whether she should bear a child. We believe that the issue of abortion is morally complex and thus must be decided by each individual and must remain a legal option.

The Unitarian Universalist Association firmly believes that circumscription or prohibition of the right to terminate a pregnancy by qualified medical practitioners is an affront to human life and dignity.

In the last two decades, the Unitarian Universalist Association has repeatedly affirmed its belief that women of any age or marital or economic status have the right to have an abortion upon medical/social consultation of her own choosing.

Statement of Interest of Women in Mission and Ministry, Episcopal Church USA

The Episcopal Church USA is the United States branch of the Anglican Communion and we represent two million Americans. At our last triennially held General Convention in 1988 we reaffirmed our support for women's rights over their own bodies which was first passed in 1967. The resolution states:

"Resolved:

The position of this Church, stated at the 62nd General Convention of the Church in Seattle in 1967, which declared support for the 'termination of pregnancy' particularly in those cases where 'the physical and mental health of the mother is threatened seriously, or where there is substantial reason to believe that the child would be badly deformed in mind or body, or where the pregnancy has resulted from rape or incest' is reaffirmed. Termination of pregnancy for these reasons is permissible."

The Episcopal Church's position has been consistent and unchanging. We stand firm in our resolve to be pastorally supportive of women in their choices and will work to maintain a society where they do indeed have constitutionally guaranteed choices.

Statement of Interest of Women's League for Conservative Judaism

The Women's League for Conservative Judaism founded in 1918 is an international organization of Jewish women which is associated with the Jewish Theological Seminary and works closely with the United Synagogue of America and the World Council of Synagogues.

It is dedicated to the perpetuation of traditional Judaism in our modern society and the translation of its high ideals into

practice through living Judaism in the home, the Synagogue and the community. Because reverence for life is the cornerstone of the Jewish heritage, it believes that abortion should be "legally available, but ethically restricted."

Statement of Interests of The Right Reverend O'Kelley Whitaker, Episcopal Bishop of Central New York; The Right Reverend Coleman McGehee, Episcopal Bishop of Michigan; The Right Reverend Bill Burrill, Episcopal Bishop of Rochester; The Right Reverend John S. Sprong, Episcopal Bishop of Newark; The Right Reverend David E. Johnson, Episcopal Bishop of Massachusetts; and The Right Reverend Barbara C. Harris, Episcopal Suffragan Bishop of Massachusetts.

As bishops of the Episcopal Church we have several concerns about the Missouri statute. We know that scientists, ethicists, theologians, and other faithful persons differ about the time that life begins, and we worry when states attempt to answer existential questions by statute. Similarly, we recognize the decision to have or not to have an abortion is a profound and personal decision to be made by the moral agent involved (that is to say, by the pregnant woman). We must object to any statute which would deny an individual the information necessary to make an informed decision about her reproductive health or the ability to act upon that decision.

APPENDIX B

Here is a full listing of the organizations joining this brief as amici curiae supporting appellees:

Albuquerque Monthly Meeting of Religious Society of Friends

American Friends Service Committee

American Humanist Association

American Jewish Committee

American Jewish Congress

Americans for Religious Liberty

Anti-Defamation League of B'nai B'rith

B'nai B'rith Women

Board of Homeland Ministries — United Church of Christ

Commission on Social Action of Reformed Judaism

The Episcopal Diocese of Massachusetts — Women in Crisis Committee

Episcopal Diocese of New York

Episcopal Women's Caucus

Federation of Reconstructionist Congregations and Havurot

General Board of Church and Society — The United Methodist Church

Institute of Women Today

Jewish Labor Committee

NA'MAT

North American Federation of Temple Youth

National Assembly of Religious Women

National Council of Jewish Women

National Federation of Temple Sisterhoods

National Jewish Community Relations Advisory Council

The Presbyterian Church (U.S.A.)

The Religious Coalition for Abortion Rights
(including: Buffalo and Western New York Religious Coalition for Abortion Rights; The Religious Coalition for Abortion Rights in Kansas; Maryland Religious Coalition for Abortion Rights; Missouri Religious Coalition for Abortion Rights; New Jersey Religious Coalition for Abortion Rights; New Mexico Religious Coalition for Abortion Rights The Religious Coalition for Abortion Rights of New York State; and The Religious Coalition for Abortion Rights of Northern California)

St. Louis Catholics for Choice

Union of American Hebrew Congregations

Unitarian Universalist Association

Unitarian Universalist Women's Federation

United Church of Christ Coordinating Center for Women

United Church of Christ Office of Church in Society

Washington Ethical Action Center of the American Ethical Union

Women in Ministry — Garrett Evangelical Seminary

Women in Mission and Ministry — Episcopal Church U.S.A.

Women's League for Conservative Judaism

The Right Reverend Bill Burrill, Bishop of the Episcopal Church of Rochester, The Right Reverend Barbara C. Harris, Suffragan Bishop of the Episcopal Church of Massachusetts, The Right Reverend David E. Johnson, Bishop of the Episcopal Church of Massachusetts, The Right Rev-

erend Edward W. Jones, Bishop of the Episcopal Church of Indianapolis, The Right Reverend Coleman McGehee, Bishop of the Episcopal Church of Michigan, The Right Reverend John S. Spong, Bishop of the Episcopal Church of Newark, The Right Reverend John T. Walker, Bishop of the Episcopal Church of Washington, D.C., and The Right Reverend O'Kelley Whitaker, Bishop of the Episcopal Church of Central New York.