

In the Supreme Court of the United States

OCTOBER TERM, 1991

PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA, REPRODUCTIVE HEALTH AND COUNSELING CENTER, WOMEN'S HEALTH SERVICES, INC., WOMEN'S SUBURBAN CLINIC, ALLENTOWN WOMEN'S CENTER, AND THOMAS ALLEN, M.D., ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED,

Petitioners/Cross-Respondents,

v.

ROBERT P. CASEY, ALLAN S. NOONAN, AND ERNEST D. PREATE, JR., PERSONALLY AND IN THEIR OFFICIAL CAPACITIES,

Respondents and Cross-Petitioners.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

SUPPLEMENTAL BRIEF FOR PETITIONERS AND CROSS-RESPONDENTS

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IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1991

NOS. 91-744 and 91-902

PLANNED PARENTHOOD OF SOUTHEASTERN
PENNSYLVANIA, REPRODUCTIVE HEALTH
AND COUNSELING CENTER, WOMEN'S
HEALTH SERVICES, INC., WOMEN'S
SUBURBAN CLINIC, ALLENTOWN WOMEN'S
CENTER, and THOMAS ALLEN, M.D., on behalf
of himself and all others similarly situated,

Petitioners and Cross-Respondents,

- v. -

ROBERT P. CASEY, ALLAN S. NOONAN, and
ERNEST D. PREATE, JR., personally and in their
official capacities,

Respondents and Cross-Petitioners.

SUPPLEMENTAL BRIEF
FOR PETITIONERS AND CROSS-RESPONDENTS

Following the filing of the Reply Brief in this case, the United States Court of Appeals for the Ninth Circuit issued its opinion in *Guam Society of Obstetricians and Gynecologists v. Ada*, No. 90-16706 (9th Cir. Apr. 16, 1992), affirming the decision of the district court, 772 F.

Supp. 1422 (D. Guam 1990), invalidating Guam's criminal statute banning abortion. The court of appeals predicated its decision on finding that the strict scrutiny standard of *Roe v. Wade*, 410 U.S. 113 (1973), remains the appropriate standard for evaluating the constitutionality of abortion regulations. See 12sa ("If the core of *Roe* remains good law, then, the Act is clearly unconstitutional."). Supporting petitioners' argument that the reliance on *Roe* by a generation of Americans counsels strongly in favor of adherence to *stare decisis*, the court of appeals specifically recognized that *Roe* "has affected the lives and rights of millions of people," 16sa. The court of appeals also recognized that "[t]here clearly must be limits to the ability of a state's interest in potential life . . . to override all conflicting interests." 14sa. Otherwise, a state could forbid contraception, or "requir[e] regular sexual intercourse by all fertile persons." 15sa. See P.B. 29-30, 40. The opinion is attached as Appendix A.

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