

Abortion Dispute May Reach Supreme Court

By CLARENCE BURNHAM

Washington — (NC) — "The 20th century condemns ancient Rome for the law of 'paterfamilias' by which the state granted the Roman father the power of life and death over his offspring. Today the New Jersey legislature is being urged to pass a law of 'materfamilias,' thereby granting the power of life and death over her offspring to the American mother."

Father Thomas F. Dentici, director of the Trenton diocese's Family Life Bureau, was speaking in the New Jersey context in his dissent from a legislative study commissions recent report recommending relaxation of the state's abortion law. His words, however, have wider application.

News Analysis

In the past year the idea of "materfamilias" — specifically, the assertion that every woman has an inherent "right" to abortion — has become the key issue in the continuing battle over abortion laws. This alleged right has moved to the fore in debates now being heard in state legislatures and courts throughout the country.

It is not the only significant recent development in the abortion controversy, however. Two others stand out:

• "Liberalization" of abortion laws, allowing termination of pregnancy in some new circumstances but not all, has been de-emphasized in favor of pressure for abortion on demand.

• Increasingly, the spotlight is being turned on the courts, as pro-abortion groups seek rulings overturning existing laws on constitutional grounds.

All three developments — the focus on women's "right" to abortion, the drive for abortion on demand, and the growing resort to the courts — are linked.

Militant feminists and their supporters argue that women have an unlimited right to abortion. From this it follows that only abortion on demand can adequately accommodate the "right". Finally, the quickest way of reaching abortion on demand, in the estimate of many pro-abortion strategists, is through the courts rather than the state legislatures.

That doesn't mean nothing has been happening in the legislatures. Since 1967, 11 states have adopted abortion "liberalization" laws that recognize some new grounds (such as fetal defect, the mother's emotional condition, pregnancy resulting from rape or incest) for abortion. So far this year, legislatures in five other states—New York, Hawaii, Maryland, Washington, and Virginia — have

passed new legislation on abortion.

Reflecting the changed emphasis in the abortion fight, the measures approved in New York, Maryland, Hawaii and Washington provide for abortion on demand.

In at least a dozen more states, abortion bills have either been introduced or soon will be. Multiple abortion bills are pending in a number of legislatures. At least nine legislative proposals for abortion on demand have been or are expected to be introduced.

Although this represents a substantial legislative effort, pro-abortion groups are giving at least as much attention to the courts as to the legislatures.

The role of the courts has become of central importance with almost startling speed. A year ago there was only one serious legal challenge to an existing abortion law anywhere in the country. Since then, cases have proliferated. Challenges have cropped up in state and federal courts in California, the District of Columbia, New York, Wisconsin, and New Jersey. Others are expected to get under way soon.

The U.S. Supreme Court is the ultimate goal of the backers of all these cases. If the high court ever goes on record striking

down a restrictive abortion law on constitutional grounds, it will provide fresh ammunition for assaults on such laws in all other states that have them.

The first of the new rash of test cases reached the Supreme Court several months ago, but in February the court sidestepped it.

The case originated in California and focused on that state's old law on abortion, which was superseded in 1967 by California's present "liberal" statute. Last September the state supreme court held that the old law was unconstitutional because its wording was too vague for a doctor to be certain he was violating it.

The state appealed this ruling to the U.S. high court. But in February the court refused, without comment, to review it. Since there are many reasons why the Supreme Court may choose not to hear a particular case, this refusal gives little or no insight into its attitude on the constitutionality of abortion laws.

Its immediate effect, however, was to leave standing the California Supreme Court's ruling that the law is unconstitutional.

It is unlikely that the high court will be able permanently to avoid considering and ruling

on an abortion law test case. Another one — from the District of Columbia — has already been appealed to the court and in late April the court tentatively agreed to consider it, although indicating that it has not yet resolved the question of its jurisdiction.

In that case U.S. District Judge Gerhard A. Gesell ruled last November that the D.C. abortion statute was unconstitutionally vague. But Judge Gesell went further, alluding to the possible existence of a woman's "right to remove an unwanted child at least in early stages of pregnancy."

The same "right" was asserted in recent cases in New York and Milwaukee.

(The court left standing, however, Wisconsin's law forbidding abortion of a "quickened" child. "Quickening" refers to the time at which the movements of the unborn child can first be felt, usually after about four months of pregnancy.)

It is generally agreed that one or all of these cases will sooner or later oblige the U.S. Supreme Court to hand down a ruling on the constitutional issues involved in abortion laws. Once the high court has spoken, the entire controversy — at least on the legal level — is likely never to look quite the same again.

Catholics in U.S. Show Decline

New York — (NC) — The 1970 Official Catholic Directory reports the number of Catholics in the United States fell last year for the first time since 1900.

Also lower were the number of priests, nuns, brothers, converts, infant baptisms, schools, students in Catholic schools, and places where Mass is celebrated, according to figures in the annual published by P. J. Kennedy and Sons of New York.

The volume itself — almost 1,700 pages and weighing more than six pounds — is almost the only thing in American Catholicism that remained as big as the year before.

Most significant decrease was in the number of Catholics in the nation. The 1970 directory reported 47,872,089 — a numerical decrease of 1,149 from last year's and a proportional decrease in the percentage of Catholics in the total population. They now number 23.5% of the country's 203,616,268 population.

Diocesan priests in the U.S. decreased 182 from the previous year's total of 37,454 — a smaller drop than partial and unofficial surveys by others had indicated during 1969 — while priests of religious orders shrunk by 246 to 21,920. Orders of religious brothers reported a loss of 132, for a total of 11,623.

Sisters showed the largest decline, losing 6,236 women and standing at a new total of 160,931.

The number of parishes with resident pastors was up by 80 to 177,653 and — along with parishes lacking a resident clergy — meant a record total of 18,224 parishes.

Converts decreased by more than 10 percent to 92,670. The number of infant baptisms was off 8,314 to 1,086,858, while the number of marriages climbed more than 11,000 to 417,271 during the year.

Catholic college and university enrollments decreased by 4,853 students, reversing an annual comparative trend upward each of the previous 16 years. Current enrollments now total 430,863 — compared with 302,908 in 1960 and 252,727 in 1950.

There were 606 fewer educational institutions. Full-time pupils in Catholic elementary and high schools — which total 12,029 schools — declined 6.3 percent in one year and 10.2 percent in two years, for a numerical drop of 313,252. Total pupils are now 4,720,018.

Among institutions, there were 383 fewer places where Mass is celebrated; 32 fewer seminaries with 5,084 fewer seminarians (now 28,906 studying); 9 fewer hospitals; 19 fewer nursing schools; and 10 fewer homes for the aged and invalid.

Jews Note Holocaust Anniversary

New York — (RNS) — The world's largest Jewish community — in New York City — observed Holocaust Memorial Day here with a three-hour ritual of prayer, silence and "remembering."

The international memorial to the 6 million Jews who died at the hands of Hitler's Nazi regime during World War II attracted about 3,000 persons to Hunter College's auditorium, including some survivors of the atrocities.

Benjamin Meed, chairman of the commemoration ceremonies sponsored by a host of Jewish organizations, announced the names of several survivors present and one of them led the gathering in the recitation of the Kaddish, Hebrew prayer for the dead.

Large banners proclaimed: "We shall never forget" and "Remember" in a variety of languages.

A hymn was sung for the 60,000 killed in the Warsaw ghetto uprising in 1943. The ceremony marked the 27th anniversary of that occasion and Mayor John V. Lindsay proclaimed "Warsaw Ghetto Commemoration Day" and additional rites were held at Times Square, renamed "Warsaw Ghetto Square" for the day.



War ...

Construction workers charge into an anti-war rally on New York's Wall Street. Many demonstrators and several policemen were injured. (RNS)



...and Peace

Mrs. Coretta King, widow of Martin Luther King Jr. gives the peace sign to crowd in Washington, D.C. protesting U.S. part in Vietnam war. (RNS)