

# The 50th Senate District... a Microcosm

The 50th Senate District race provides a microcosm of the reaction to abortion as an issue in this year's State Legislature campaigns.

It has a veteran Republican state senator, Thomas Laverne, who voted for the Cook-Dominick reform bill in the 1970 legislative session.

It has Democrat Howard A. McGee, an Irondequoit insurance man, who opposes the abortion law and is intent on making it a major issue in the campaign.

It has Conservative Gregory Sampson, an unsung third man, who, if elected, would try to repeal the law.

The district includes part of the city of Rochester and the towns of Irondequoit, Webster, Penfield, Brighton, Henrietta, Pittsford, Perinton, Rush, and Mendon.

Sen. Laverne indicated in the Courier-Journal Election '70 Survey that he would retain the present law "until such time as any abuses are uncovered which may require correction."

Candidate McGee called for reform of the law because "abortion should be restricted to cases where physical or mental health of the mother is in danger."

He also feels that the husband's consent should be required; a six-month residency requirement imposed, which could be waived by court order in special cases; and a panel of

at least three doctors should make the decision.

He concludes that he "might consider cases of rape or incest" if the other requirements are met.

Sampson is the only one of the three candidates to call for outright repeal of the law.

"I support repeal of the bill simply because I happen to believe in the humanity of the unborn child. And, believing in this, I find no reason compelling enough to remove his right to live."

Laverne, in explaining his eye vote on the abortion bill, said:

"My decision was not easy. As a Catholic I have always been opposed to abortion. I would not allow it within my own family. As an attorney I have always counseled against abortion and will continue to do so."

He said he voted for the law "because the criminal sanctions against abortion did not prevent abortions and had spawned serious public health problems... While encouraging backroom butchery, the criminal penalties against abortion were obviously not effective in preventing abortion but they did prevent pregnant women from receiving the benefit and counsel of their doctors."

"I am confident that most responsible doctors would recommend abortion only as a last resort, if the woman could not be persuaded otherwise or

if her life or physical or mental health was in imminent danger. Instead of such advice, the criminal sanctions would force a frightened and often hysterical woman to seek the services of the backroom butcher."

"While the legislature recognized it had a duty to preserve the life of unborn children, it also saw immediate necessity of protecting the basic health and welfare of women."

The senator continued:

"I have been asked how I as a Catholic could support a position contrary to that of my Church. This was a hard decision. While abortion is a serious violation of my Catholic beliefs, I felt that my Catholic moral belief must stand on its own merits."

"In this ecumenical age I found it contradictory to impose my beliefs as a Catholic on all others through public law. In fact, my vote to repeal the abortion restrictions was a statement that abortion should be a matter of private morality enforced by the moral teachings of the Church and parents rather than by criminal sanctions as a matter of public law."

The abortion question in the 50th Senate District campaign received impetus as the result of a paid McGee advertisement appearing in the Courier-Journal. The ad showed a fetus in a bucket and read: "Senator Laverne voted for the bill legalizing abortion. Howard McGee thinks abortion is wrong."

The ad prompted a flock of



SEN. LAVERNE



HOWARD MCGEE

letters and phone calls to the Courier, many protesting its "poor taste" and others defending it as "blunt but true."

Sen. Laverne referred to the ad:

"Photos have been circulated showing in ghastly detail an allegedly discarded unborn fetus, implying that I am a child murderer. Of course, photos of mutilated women and unwanted children could be displayed to invoke the same kind of horror and disgust on the other side. At best, such representations are calculated to bypass reason and to excite passion. At worst, they are a cheap and tawdry effort to gain unfair political advantage. I will not resort to such tactics."

McGee, in defending the ad, stated:

"Some people stated that it was repugnant. Yes, it was repugnant, but so is abortion and that is just the point I was trying to make."

He continued, "Those who understand what abortion really is would not find my ad in bad taste — they would find the law in bad taste. My ad was to show what is happening in actuality but evidently some who condone abortion cannot face what it really means."

"When it comes to moral issues, a politician cannot act from expediency. A politician must uphold moral issues above all else because already the moral fiber is weakened beyond what is good for a nation. The time has also come when we must remember that what is legal is not half as important as what is right."

## The Senate

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majority of his constituency would want — "I would never allow my personal conscience to be the determining factor in voting for or against a law."

In the 50th District (part of Monroe County), the abortion law has already become a heated campaign topic.

Democratic candidate Howard A. McGee has called for reform of the bill, urging more restrictions, while the incumbent, veteran Sen. Thomas Laverne, one of those who voted for the bill in April, favors its retention. The third candidate, Conservative Gregory R. Sampson wants outright repeal of the measure.

(Because the 50th Senate District race may well represent a microcosm of the state-wide debate over abortion, the feelings of the candidates are more fully presented on Page 2A.)

The incumbent senator in the 51st district, another Monroe County district, James Powers, said he had to favor both the

reform and retain positions.

"During the 1970 sessions," he said, "I co-sponsored legislation which permitted abortions under certain circumstances and for certain reasons. This was not reported out of committee. . . . Although the Cook-Dominick bill was more liberal than my proposal it was the only way to amend the law and I supported it."

The Republican-Conservative candidate, Joseph W. Campbell, takes an opposite stance, urging the law's repeal. "The fact that the New York State Medical Association set guidelines much more restrictive than the new law is evidence, in my opinion, that the abortion bill passed in 1970 is a 'bad' bill," Campbell stated.

Sarah Jones, the Liberal candidate, did not comment.

Neither of the candidates in the 54th district (Livingston, Wyoming and part of Erie counties) answered. They are incumbent Thomas McGowan (Rep.-Lib.), who voted against the bill in April, and Democratic-Conservative Ronald Norman.

### State Senate Roundup

#### 48th DISTRICT

(The Counties of Tioga, Steuben, Chemung and Tompkins)  
Smith (Rep.-Cons.) ..... Reform  
Schamel (Dem.-Lib.) ..... Reform

#### 49th DISTRICT

(The Counties of Cayuga, Ontario, Schuyler, Seneca, Wayne and Yates)  
Day (Rep.-Cons.) ..... Commented  
Parker (Dem.) ..... Reform

#### 50th DISTRICT

(Part of Monroe County)

Laverne (Rep.-Lib.) ..... Retain  
McGee (Dem.) ..... Reform  
Sampson (Cons.) ..... Repeal

#### 51st DISTRICT

(Part of Monroe County)

Campbell (Rep.-Cons.) ..... Repeal  
Powers (Dem.) ..... Reform/Retain  
Jones (Lib.) ..... No Comment

#### 54th DISTRICT

(Part of Erie County, and the Counties of Livingston and Wyoming)

McGowan (Rep.-Lib.) ..... No Comment  
Norman (Dem.-Cons.) ..... No Comment

Courier-Journal

## COURIER / Election '70

# Rocky: Change May Come; Adams Urges Law's Repeal

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to my duties as state comptroller.

Conservative nominee Anthony R. Spinelli, however, said he favors repeal and a return to the original statute.

No answer was received from Republican Edward M. Regan.

Atty. Gen. Louis J. Lefkowitz declined to answer and pointed out that as the state's legal officer "it is my statutory duty to uphold and defend the laws of the state as enacted by the Legislature and without regard to my personal views on the merits of the legislation."

He also said that he couldn't make public comment on laws which may become involved in litigation.

Leo J. Kesselring, the Conservative candidate, however, strongly asserted that he would like the law repealed.

"I believe," he stated, "that there is substantial medical evidence to support the contention of critics of the new law that the fetus is viable far in advance of the 24th week . . . where any such doubts exist they should be resolved in favor of the right to live."

"The shocking instances of abuse revealed in recent news stories make it imperative that this new law be repealed, or

at least subjected to major modifications, as soon as the 1971 State Legislature convenes."

Adam Walinsky, the Democratic candidate, did not answer.

How the survey on abortion broke down along party lines:

Conservative: Repeal 9; reform 4; retain 1; no comment 4.

Democratic: Repeal 3; reform 8; retain 2; no comment 8.

Liberal: Repeal 1; reform 2; retain 2; no comment 1.

Republican: Repeal 6; reform 11; retain 3; no comment 9.

## Breakdown By Parties

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**In Next Week's**

**COURIER / Election '70**

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**Do you favor any form of public aid to private schools?**

Wednesday, September 30, 1970