

Abortion... Decision May Lie with Courts

By RELIGIOUS NEWS SERVICE

For many, abortion is a theologically-grounded issue with moral arguments on both sides of the question, but judging from recent developments it is the courts — not the Churches — which are likely to play the significant role in the issue.

New York City has become the focal point of efforts to blunt liberalized abortion drives in the U.S. And conversely, Washington, D.C.—the home of the U.S. Supreme Court — is ground zero for efforts to abolish strict abortion laws throughout the nation.

The similarity between the two efforts is that both anti-abortion and pro-abortion forces are using "constitutional" approaches; the difference is that each is addressing itself to the defense of different parties and rights.

Anti-abortion forces claim that constitutional-based rights protecting the unborn child (fetus) are being violated by permissive abortion laws.

On the other hand, pro-abortion people declare that strict abortion laws in most states interfere — unconstitutionally — with women's control over their own bodies.

For many observers, it is becoming increasingly clear that ultimately the nation's Supreme Court may have to decide — based on the First and 14th Amendment — which takes precedence, the rights of women to choose for or against childbirth or the right of the unborn to life.

Arguments are building; doctors, parents, clergy and inter-

ested laymen are to be found on both sides.

Responding to a U.S. Senate bill that would liberalize abortion laws nationwide, Rep. Lawrence J. Hogan, R-Md., a Catholic, declared that opponents of permissive abortion "are quite prepared to leave theology out of the picture entirely."

"The Constitution of the United States by itself provides sufficient reason to reject elective abortion," he said. "The purely theological question as to when a soul . . . is infused into each new human . . . is irrelevant . . ." He noted that the Constitution takes into account the rights of all people.

Conversely, Roy Lucas of the James Madison Constitutional Law Institute of New York, a top attorney in abortion law cases, has argued that in all other areas of medicine, an individual can seek care without fear of prosecution, "but if a pregnancy is complicated by physiological or psychological factors, the patient must suffer (in most states) any and all consequences short of near death."

Specifically, the constitutional challenges — pro and con — on abortion in the U.S. center around two judicial actions now underway.

In New York City, a Fordham University law professor instituted a court action in which he was named legal guardian of all unborn babies in the state whose mothers were awaiting abortions. Later, he secured a state court injunction barring abortions in New York City's 18 municipal hospitals.

While the injunction was suspended by an appellate court

and abortions allowed to continue, a trial is still pending which, if held, will test New York's 18-month-old liberalized abortion law.

The professor, Robert M. Byrn, has challenged the law on the grounds that it violates the constitutionally-guaranteed rights of the unborn to life.

In granting the injunction to stop abortions, Judge Francis X. Smith of the New York State Supreme Court (Queens County) noted that the "unborn child ranks first among the unprotected-for and unprotected human beings."

In the appeal, state and city officials asked the court to over-rule the preliminary injunction against abortions, dismiss the original suit brought by Byrn, and vacate the lower court appointment of the law professor as legal guardian of fetuses.

Whatever the court rules, the proceedings are apt to wind up at the nation's high court.

Already before the Supreme Court is a challenge to the constitutionality of abortion laws in Texas and Georgia which, it is claimed, interfere with a woman's right to determine whether or not she will give birth.

In her challenge to the Texas law, which permits abortion only to preserve the life of the mother, Mrs. Sarah R. Waddington, an attorney from Austin, said the 9th Amendment, which bars the government from exercising rights "retained by people" is violated by anti-abortion laws.

Mrs. Margie Pitts Hames, an attorney from Atlanta, challenged the Georgia statute — which allows abortions in cases

of rape, defective fetuses and to preserve the mother's health — on the grounds that to deny women, physicians and nurses the right to seek and administer medical aid is to deprive them of liberty without due process of law.

In the Georgia and Texas cases, the U.S. Supreme Court received an "amicus curiae" brief and motion from 220 physicians supporting a contention that an unborn fetus is an autonomous human being entitled to full protection of the law.

The physicians, including many fellows of the American College of Obstetrics and Gynecology, and representatives of 39 medical schools, contend that the Texas and Georgia courts neglected to consider whether the victim of abortion, the unborn, has constitutionally protected rights.

The physicians charged that it is a "medical fallacy" to say that the pregnant woman can be treated as a patient alone. "No problem in fetal health or disease can any longer be treated in isolation . . . two people are involved . . ."

Abortions in areas such as New York, Maryland, Colorado and nine other states where liberalized laws are in effect, continue at a strong pace.

The differences in abortion outlook can be seen in the actions and goals of many diverse groups, picked at random:

● A women's Methodist organization in Minneapolis called for the removal of abortion regulations from the criminal codes and said "parents seriously violate their responsibility when they bring into the world children for whom they cannot pro-

vide love."

● A Lutheran lawyer, on the other hand, writing in Atlantic magazine, said the pro-abortion drive is aimed at the "destruction of Christianity."

● Some Southern Presbyterians in Arkansas have designated a special fund for abortions.

● A New York Orthodox Jewish group sponsored a pro-life rally and attacked legalized abortions in the state, comparing them with programs in Nazi Germany.

● The president of the black National Baptist Convention, U.S.A., Inc., condemned abortion and compared it to euthanasia as a "destroyer of life." He added that legalized abortion is "materialistic and selfish."

● A survey conducted by the Opinion Research Corp., of Washington, D.C., said last October that more than half the U.S. population now favors liberalized abortion policies and characterized this finding as a "dramatic change" from earlier surveys.

A 1965 Opinion Research Corp. survey showed that 91 per cent of the U.S. public disapproved of liberalized abortion policies.

Considering the whole picture, there is little likelihood that any consensus among Americans concerning abortion can be reached — at least not on the philosophical or theological level.

But it is apparent that the entire legal question of abortion is coming to a head in the courts.

Our Men in Bolivia:

Good and Bad News from La Paz

By FATHERS ED GOLDEN and PAUL FREEMESSER

La Paz — Many things have happened this year and the hope is that the sufferings and trials of last year will unite our parish even more.

The clinic has become self-supporting for the most part. They still need our help with medicines and expensive equipment. We have added a maternity ward which provides adequate medical care. We now have a doctor, a dentist, two nurses and a secretary. Thanks to your generosity there are many who now enjoy good health because of these simple additions and staff.

Carmen, our cook, continues in good health and is responsi-

ble for the good health of the padres. Manuela, our laundress, keeps us in clean clothes. Our handymen, Don Silverio and Don Rogaziano, keep the place in very-good shape. This year they have added a tower and bell (donated by Bishop Joseph Hogan) to the church. They have spent the last three or four months in constructing and improving the playing field next to the church. The U.S. government donated a thousand dollars to the parish to build this area for the youth of our zone. It is just about finished and we should be able to hold soccer games, basketball games, volleyball games and all kinds of meetings and reunions of an athletic nature. The parish has had to add some of its

funds since it will cost more than a thousand dollars to complete. The church, the house and the clinic are all in good shape thanks to our workers.

January should see the completion of the sewer project in the alley that faces the church. It has been a long struggle but it has brought a sense of unity and purpose to the people.

Christmas here was good and bad. The good—the youth of the parish put on a play during the Midnight Mass dramatizing the Gospel from the birth of John the Baptist to the birth of Christ. We even had a real baby who played both parts—he cried for the birth and then promptly fell asleep for the rest of the Mass. The youth also formed a choir under the direction of Cacho, our co-worker, and they sang beautifully. A young Bolivian nun was here for the holidays, Sr. Mary Figaredo, and she did an excellent job in organizing talks for the teen-agers of the parish. Spiritually it was very impressive.

The bad—the government wanted to give out toys and unfortunately there were not enough to go around. Tragically, the adults of the whole city were like a herd of wild cows pushing and shoving to make sure they got something for their children. In one zone, two children were suffocated by the pushing and shoving. To top it off the blame fell upon the men and women of the neighborhoods who tried to organize and give out the toys as fairly as possible. In our zone we had to suspend the distribution because the people just wouldn't allow any type of lines or order in the distribution.

We thank all of you for your kind remembrances and wishes

during the Christmas season. Our Midnight Mass was offered for you along with our people and it is our prayer that this year will bring you God's choicest blessings. Let us hope that 1972 will find us united as the brothers and sisters of

Christ and that by our efforts the Kingdom of God will be more a reality than it was in 1971. Let us work together for peace that these horrible wars will stop soon and find us truly a world of United Nations. God's blessings to all.

Business in the Diocese



WOLFE

Father Charles J. Lavery CSB, president of St. John Fisher College, announced last week the creation of the Charles P. Wolfe Accounting Award, established by former professional colleagues of Mr. Wolfe, professor of accounting at Fisher for the past eleven years. The award will be given annually to a senior student majoring in accounting.

Wolfe, who lives at 195 Gregory Hill Rd., Rochester, joined the Fisher faculty in 1961, after ten years in the public accounting field. He was employed as a senior accountant with Williams, Clapp & Co. from 1951-56 and as an in-charge accountant with Haskins and Sells from 1956-59. He headed his own firm from 1959-61.

James Giaconia has been elected president of the Metropolitan Chevrolet Dealers of Rochester for a one-year term.

Giaconia is the general manager of Hallman Chevrolet and has been with the agency for 32 years.

A member of St. Rita's Parish, the Rochester Chamber of Commerce and the Rochester Club, Giaconia resides at Woodsboro Farms, Webster.

Gordon B. Kidder has been appointed director of the new Learning Foundations Center which opens today, Jan. 26 at Brighton-Henrietta Townline Road. Learning Foundations offers advanced as well as remedial tutoring for students and adults and provides a full curriculum of basic school subjects and adult education courses.

Through individually prescribed programs, 84% of all Learning Foundations students are assured they will score 90% comprehension in their studies, a spokesman said. School teachers have reported remarkable improvement in students' grades, not only in specific subjects studied at Learning Foundations Centers, but in their other school subjects as well, the spokesman added.



Harrisburg 7 Trial Opens

The trial of the "Harrisburg 7" began its jury selection Monday, Jan. 24. The seven on trial are charged with conspiracy to commit offenses against the United States. Three of the defendants are shown above: (l-r.) Fathers Joseph Wenderoth, Neil McGlaughlin and Sister Elizabeth McAllister. John Glick, second from right, was originally a member of the group but has severed his case from the others because he will conduct his own defense.