



'Service in 70s'

Father Richard McBrien addresses a sea of nuns in Our Lady of Mercy High School on Sunday, March 5 as part of diocesan Sisters Council's first workshop for all Rochester nuns. Also speaking to the sisters was Sister Ethne Kennedy, coordinator of the National Assembly of Women Religious, who said that the official church has recognized that society has been biased against women, "the most silent majority."

Rocky Bill Said Near on School Aid

Albany — Gov. Rockefeller plans to offer legislation this week to restore \$33 million in aid to the state's nonpublic schools which was cut when a federal court voided a 1971 aid law.

Although details were sketchy, it was felt on Capitol Hill, that at least some of the aid would come in the form of the Mandated Services Law which already provides \$28 million in aid to the private school sector.

This law, passed in 1970, gives funds to the schools for state-required record keeping and other administrative functions mandated by the state.

Whether all of the \$33 million would be provided under mandated services in the governor's plan is still unknown. Another facet to the problem is that the Mandated Services Law is also being tested in court.

ESSAY CONTEST

The National Holy Name Society is sponsoring an essay contest for high school boys. The topic is Youth and the Parish, the deadline is April 15 and rules and entry blanks are available at the organization's office, 141 East 65th St., New York City 10021.

Display to Feature 'Children Who Wait'

The Council of Adoptive Parents will have a special display, "What Is a Family?", at Midtown Plaza Mall from March 20 to 25.

The display will be manned from 11 a.m. to 2 p.m. Monday through Friday and from 11 a.m. to 5 p.m. Saturday as well as Tuesday and Thursday evenings.

The Council of Adoptive Parents is an organization of parents who have adopted hard-to-place children and who hope to

influence other parents to do likewise.

The display will feature pictures of families who already have adopted hard-to-place children and pictures of such children who still wait to be adopted.

General information on present adoption laws and how to go about adoption also will be available. Hard-to-place children generally are categorized as the older child, those with physical handicaps, black and biracial.

Byrn Will Appeal

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tiff's experts, Judge Smith took note of "the development of new and exciting medical specialties . . . all, without exception, establishing the humanity of the unborn child."

Consistent with prior law, Judge Smith held that "when the right to life of the unborn child conflicts with some lesser interest of another then, even if this 'other' be the parent, the child's right is uniformly preferred."

The Appellate Division has reversed Judge Smith.

Although the court admitted that "the medical affidavits submitted by the guardian have not been factually disputed and New York courts have already acknowledged that, in the contemporary medical view, the child begins a separate life from the moment of conception," the court refused to grant the law's protection to the human "child."

Undoubtedly the decision was the result of long deliberation. We do not question the court's good faith or sincerity. We do question the court's judgment. The decision is a human and legal tragedy.

It is a human tragedy because it means that there will continue in New York a mass slaughter of human beings which, if unchecked, will dwarf the genocide practiced in Nazi Germany.

It is a legal tragedy because for the first time in this state a court has held that a "child" is not entitled to the law's protection. Judges in the past have held blacks, Indians and women not to be "legal" persons. We should have come to realize that the human family is one and entire for legal as well as biological and other purposes. For Twentieth Century judges to perpetuate ancient errors that exile any human being from the law's protection is untenable. The principle that holds human beings "too young" to live can readily be applied to hold other human beings "too old" to live. This decision threatens the right to life of every member of the human family.

I have instructed my attorneys to file an immediate notice of appeal to the state's highest court, the Court of Appeals, in Albany, and to prosecute the same as quickly as possible.

Pro - Life Lawyer

(Continued from Page 1)

amendment of the statute before seeking this relief. (Page 10 of the opinion.)

(6) That the guardian has no individual standing. (Page 10 of the opinion.)

(7) That pregnant women scheduled for abortions in municipal hospitals were necessary parties and were not before the court. (Page 11 of the opinion.)

(8) That the guardian's undertaking (\$5,000) was insufficient.

Although the Appellate Division voted four to one against the constitutional proposition that the unborn child is a person within the United States Constitution and the State Constitution, it is of great significance, that they chose to rule directly on the constitutional issue. Because they had the courage to face the constitutional issue of the unborn's right to life (rather than evade it on procedural grounds) the Appellate Division's ruling has assured the unborn child a landmark decision one way or the other in the state's highest court early this year, and the "abortion reform" movement which has for two years sought to prevent such a ruling on procedural grounds has met with a stinging defeat.

The Appellate Division while conceding that the unborn child begins a separate life from the moment of conception, held, however, that legal personality is not synonymous with separate and vital existence within the womb.

The Appellate Division's decision will not stand. Its life expectancy is about the same as that of the Dred Scott decision which decided that the Negro was not entitled to the protection of the federal Constitution because, as the majority ruled, he was not a "legal" personality within the terms of the Constitution at the time it was enacted and ratified in 1789.

Both decisions run counter to the strong current and great sweep of American constitutional law. It is most significant that the Appellate Division repeated the error inherent in

the Dred Scott decision. Our traditions and history confirm that life and its right to protection in law is not conferred by the state and legal personality is not conferred by virtue of color or age or class. Once individual human life exists, legal personality exists. The 14th Amendment's interpretation of the word, "person," is universal, including each and every member of the human family

and was enacted specifically to overrule the Dred Scott decision. This universal interpretation of the word "person" in the 14th Amendment was established in the debates in Congress prior to the enactment and ratification of the 14th Amendment and in the United States Supreme Court itself, although the latter court has never ruled directly in any case involving unborn children.

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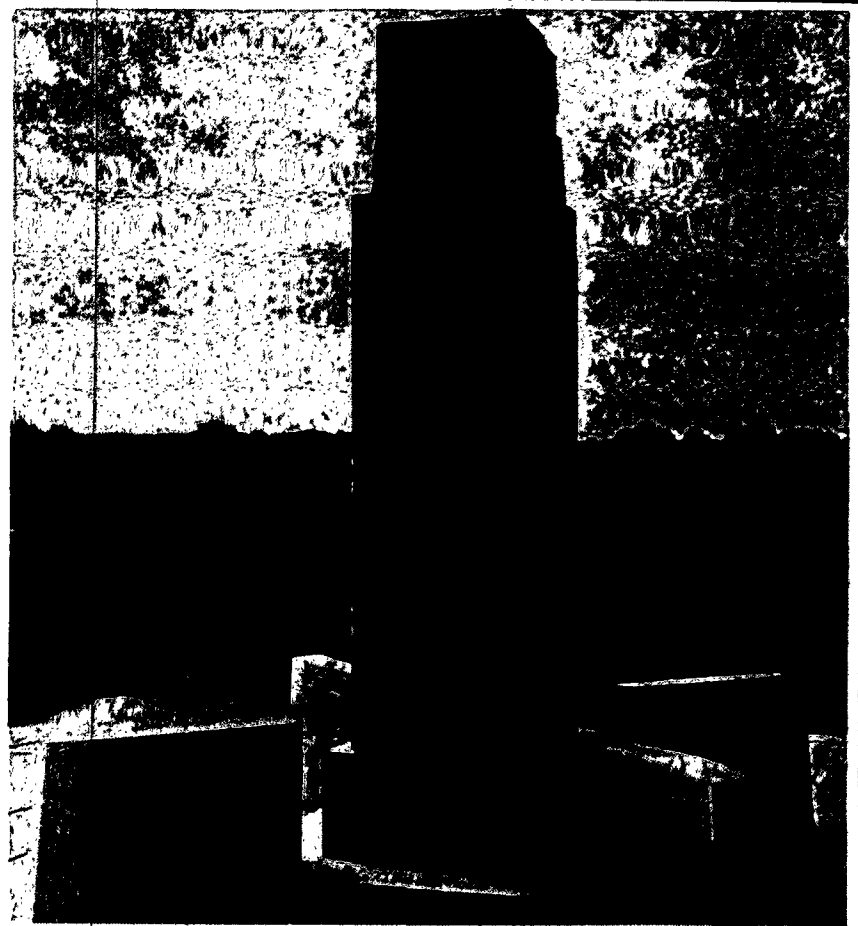
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FOUR CHAPLAINS MEMORIAL

Shown above is a typical section of White Haven, featuring a memorial to Four Chaplains who gave their lives so others might be saved. These devoted men were of three different faiths: Roman Catholic - Hebrew - and Protestant.

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