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# COURIER-JOURNAL

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## Supreme Court: Must Resume Payments For Medicaid Abortions

Washington (RNS) — The federal government has been ordered to resume payments for all medically approved Medicaid abortions, while the U.S. Supreme Court reviews a New York ruling invalidating the Hyde Amendment restrictions on such payments.

The justices voted, 6-3, to review the January decision by U.S. District Judge John Dooling that the Hyde Amendment is unconstitutional and the federal government must resume Medicaid abortion payments. The court refused to block implementation of the New York order while the Supreme Court reviewed the case.

Officials of the U.S.

Department of Health, Education and Welfare said orders have been issued to resume Medicaid abortion payments for all eligible persons. Under Judge Dooling's orders, all "medically necessary" abortions will be funded.

The Hyde Amendment, named for its sponsor, Rep. Henry J. Hyde, sharply restricted Medicaid abortion payments — causing a 99 percent reduction in federally funded abortions. The latest version of the amendment permits Medicaid abortions only to safeguard the life of the mother and in cases of rape and incest.

A federal court in Chicago also has ruled that the Hyde

Amendment is unconstitutional. The Supreme Court had already agreed to review the Chicago case. The court said it will hear both the Chicago and New York City cases sometime after April 10.

The number of federally funded abortions dropped from about 300,000 a year in 1976-77 to 2,421 in 1978, after the Hyde Amendment went into effect.

Judge Dooling said the amendment was unconstitutional because it violated the rights of liberty guaranteed under the Fifth Amendment and religious freedom to choose abortion guaranteed under the First Amendment.

## School Assistance OK

By Joan M. Smith

Last week in a close decision, (5-4), the U.S. Supreme Court upheld a 1974 New York State law providing reimbursement to parochial schools for expenses incurred while meeting state attendance, testing and reporting requirements.

When contacted about the decision, Sister Roberta Tierney, director of the Rochester Diocesan Education Department, was optimistic. She sees the action as a beginning of the court's discernment between what is

of a religious nature and what is of a secular one. "I hope," she commented, "that this is the end of a long up-hill struggle to justify the constitutionality of reimbursement for the required services."

In discussing the complicated methods involved in Supreme Court decisions she further explained that there are three criteria court members use to aid them in deciding First Amendment cases such as this one. First, that the services are of a secular nature; secondly, that

the primary effect of the services does not advance or inhibit religion; and finally there is no excessive entanglement with religion. She further explained that the services, Pupil Evaluation Program testing (PEP), attendance records, Regents testing and the Basic Education Data Survey (BEDS), are not diocesan programs but are done in cooperation with state requirements so that the State Education Department when looking at the state's academic data, receives a whole picture and not just that of the public sector.



Florida State University students hold a sign as they listen to campus speeches denouncing the proposed draft registration of 19- and 20-year-old men and women. (RNS)

## Religious Groups, Feminists Assail Draft Registration

Washington (RNS)— President Carter's decision to reinstate registration for the military draft has raised a predictable pacifist protest among religious, women's and social activist groups.

But a uniform position on the prospect of drafting women has eluded these groups. Some women's organizations are torn between their pacifist stance and their drive to achieve equal responsibility with men in all fields.

Several Protestant church leaders have been campaigning against draft registration, and a number of Catholic bishops have been outspoken in their opposition to registration proposals, although the National Conference of Catholic Bishops has not made a formal statement on the issue.

Edward Snyder, head of the Friends National Committee on Legislation, a Quaker

lobbying group here, says, "Registration is the draft." And the draft would increase "the likelihood of recourse to violence in international disputes," according to Dr. Joseph Fahey, chairman of Pax Christi U.S.A., a Catholic anti-war group.

Reinstatement of the draft has been opposed also by the World Peace and Overseas Ministries divisions of the United Methodist Church and the 1979 General Assembly of the United Presbyterian Church, U.S.A. The Catholic prelates who argue publicly against the draft are Bishops Maurice Dingman of Des Moines, Carol Dozier of Memphis, Walter Sullivan of Richmond, Charles Buswell of Pueblo, Colo., and Auxiliary Bishop Thomas Gumbleton of Detroit.

President Carter's plan to register women as well as men 19 and 20 years old confirms, he said, "what is already obvious throughout our

society—that women are now providing all types of skills in every profession. The military should be no exception."

While expressing unqualified opposition to draft legislation, feminist leaders acknowledge that the goal of equality of the sexes would be seriously compromised if men, and men only, should be conscripted.

"If women don't register, we're back to having two classes — men as the protectors, women as the protectees," said Carol Parr, head of the Women's Equity Action League.

Rep. Barbara Mikulski (D-Md.) predicted "a terrible backlash" if women are not registered. In her Baltimore district, "we've told the guys in the unions and on the construction sites to 'move over and make room for sisterhood.'" If the women

## Msgr. Duffy Dies at 86

Msgr. John M. Duffy, who was the first full-time superintendent of diocesan schools and, later, pastor of St. Augustine's for 23 years, died Feb. 19, 1980. He was 86 years old and had been retired since 1968.

Bishop Matthew H. Clark celebrated the Mass of Christian Burial Friday at Our Mother of Sorrows, Msgr. Duffy's home since his retirement. The Mass of Christ the High Priest was celebrated on the previous evening by Bishop John E. McCafferty at St. Augustine's. Burial will be in

St. Thomas Cemetery, Red Creek.

Born in Red Creek June 9, 1893, Msgr. Duffy attended the village schools and went on to Oswego Normal in 1912. After graduation, he taught in Corning public schools. He then prepared for the priesthood at St. Andrew's and St. Bernard's seminaries and was ordained June 9, 1923, at old St. Patrick's Cathedral. His initial assignment at St. Anthony's, Rochester, was followed by three years of teaching at Aquinas Institute. He then served at Holy Family,



MSGR. DUFFY

Auburn, from August, 1927, until his appointment as school superintendent. He held that post, and also was

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