

# Landmark Abortion Case Under Way in Canada

Toronto (NC) -- In what may become a landmark court decision in Canada, a judge is being asked to determine if an unborn child is legally a person. If so, pro-life groups hope it will mean the voiding of Canada's federal abortion law, since fetuses could qualify for protection under the constitution's Charter of Rights and Freedom.

Section seven of the charter states:

"Everyone has the right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

The case was brought before Judge William R. Matheson of the Saskatchewan Court of Queen's Bench, a court of first instance. Matheson heard three weeks of testimony in May and is expected to issue a

decision in the fall. The decision is expected to be appealed until the case reaches the Canadian Supreme Court.

The case before Matheson was brought by Joe Borowski, a leading Canadian pro-life activist. Borowski's lawyer, Morris Shumiatcher, said the case was brought to strike down the 1969 federal abortion law. He also asked Matheson to end public funding for abortion.

Federal law allows abortions to protect the life or mental and physical health of the mother.

Shumiatcher, supported by the medical testimony of 15 witnesses, argued that life begins at conception and that medical evidence shows that a human being exists in the womb.

Edward Sojony, lawyer for the federal government, defended the law, saying it

strikes a balance between respect for the unborn and the interests of the pregnant woman. Sojony did not present any witnesses. He based his case on documents, including a government report on the functioning of the abortion law and transcripts of the debates preceding the passage of the law and during legislative discussions of its constitutionality.

Among the witnesses presented by Shumiatcher were Dr. William Liley of New Zealand, a consultant to the World Health Organization; Dr. Jerome Lejeune, a genetics professor at the University of Paris who has made important medical discoveries concerning Down's syndrome; and U.S. Dr. Bernard Nathanson, who said he had performed more than 60,000 abortions before becoming a foe of abortion.

Purpose of the medical testimony was to provide evidence that unborn children perform many independent life functions and actions at an early stage of fetal development and that the mother only provides shelter and sustenance.

Liley said life begins at conception and added that the unborn child produces its own blood within 17 to 20 days after conception and the heart begins to beat at about 24 days. Lejeune said that the genetic information that determines growth and development is present at the moment of human fertilization.

If an unborn child is legally declared a person, then he has human rights, said Shumiatcher. "And if he has human rights he can't be put to death...just like that."

Shumiatcher also argued before the court that an unborn child already has some rights recognized by law, such as the right to inheritance and the right to sue for damages. These rights are recognized only if the child is born alive, he added.

"What good are these rights to the unborn, if the

unborn is not given a chance to be born? All these rights depend on the right to live. Therefore, the most important, the pivotal right of all

rights that the unborn has is the right not to be killed in his mother's womb," said Shumiatcher.

During the court testimony

pro-abortion groups demonstrated outside the courthouse, located in Regina, Sask., to protest the proceedings.

Fr. Paul J. Cuddy



On the Right Side

## Keeping Reverence In the Mass

"The Priest" is a monthly magazine which carries articles of interest to priests, including a good book review section by Rochesterian Father Charles Dollen of San Diego, brother of our own Father Bernard Dollen of St. John of Rochester, Fairport.

I am especially grateful for several articles promoting the works and cause of John Henry Newman. Father Geise is the fairly recent editor both of "The Priest" and "Our Sunday Visitor." Both have been consistently faithful to the Holy Father and the Magisterium until his editorship. Of late, an occasional strange article intruded, and one of the meanest is in the June issue of "The Priest." It is entitled "The Presider" by Augustinian Geaney.

In the article, the priest becomes "the presider." The rubrics, regulations to safeguard reverence for Holy Mass are to be supplanted by a kind of free-wheeling cheerleading. Worst of all in its meanness, priests of old — I think of Msgr. Craugh's devout celebration of Mass at St. Bernard's Seminary; Bishop Kearney's celebrations all over the diocese; and the reverent celebration of most priests today — who are made the objects of the Augustinian's ridicule.

When we talk of priesthood, I hope we are talking about HOLY priesthood, which places Our Lord on the pedestal, rather than an inflated ego. Hence this letter to Father Geise, written in some dudgeon:

Editor:

Having just finished Augustinian Geaney's "The Presider" in the June issue of "The Priest", I wondered, has "The Priest" gone bonkers? To insinuate that priests who

follow the rubrics and express reverence for the Holy Mysteries are unfeeling, insensitive, Prussianized robots carries a malice, albeit unconscious, which is weird, especially in a magazine for priests. Give us the reverent celebrations of John Paul II, Padre Pio and holy priests of centuries and of today to your Beaming Wonders.

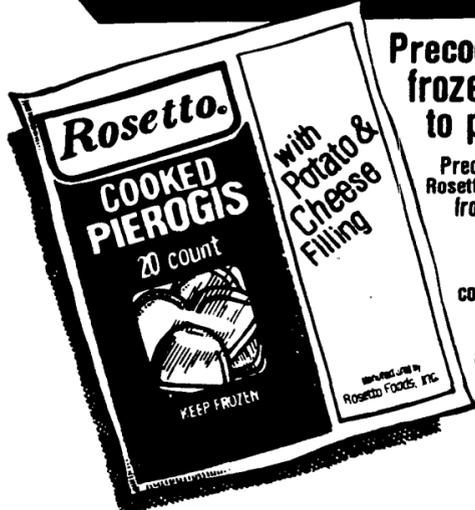
"Every priest knows that the Church's regulations in rubrics and liturgy are safeguards to keep the commemoration of the death, resurrection and ascension of the Lord from banality and cheap exhibitionism. The article makes much of self-awareness, sensation, feeling — and smiling!... with 'cutesies' tossed in to cheer up the congregation. My own observation is the ridiculous sight of a Presider, beaming up over the congregation like a Cheshire cat, declaiming the prayers which are supposed to be directed to Our Sovereign Lord as he eyeballs the congregation from left to right and back again. The people are not the Lord God to Whom he is supposed to be addressing the prayers in the name of the congregation.

"Lacordaire's concept of the holy priesthood is still good theology and Christianity: '...To be a member of every family, yet belong to none; to go daily from man to God to offer Him their homage and petition; to bless and be blessed forever! O God, what a life, and it is thine, O priest of Jesus Christ!' This far better conforms to the words and spirit of the ordination rite than the concept of the chummy Presider.

"Most people want the Divine Mysteries celebrated with a sense of awe and reverence, as directed by the Church. Vaudeville is for the stage, not the sanctuary. Fathers Joseph Champlain, Joseph T. McGloin, SJ, and the French A.M. Rouget are better guides than the author of 'The Presider.'"

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