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Supreme Court 2, Unborn 0



Photo by Terrance J. Brennan

The Lady is a Ringer

Alice Gillette, 87, a resident of the Rochester United Methodist Home, shows off her one-eyed concentration during the horseshoes competition at the fourth annual Sunshine Olympics last Tuesday, June 14, at the Park Ridge Nursing Home. More than 200 residents from 10 area facilities competed. Other nursing homes represented were the Episcopal Church Home, Fairport Baptist Home, Flower City Nursing Home, Jewish Home and Infirmary, Monroe Community Hospital, Rochester Friendly Home, St. Ann's Home/The Heritage, and St. John's Home.

By Jim Lackey
Washington (NC) — The Supreme Court June 15 struck down major provisions of an Akron, Ohio, ordinance which attempted to regulate abortions within the parameters of the high court's abortion rulings.

In a major defeat for the pro-life movement, the court in a 6-3 decision struck down Akron's requirements that abortions after the first trimester be performed in hospitals, that women seeking abortions be informed by their physicians of the development of the fetus and the complications that could arise from an abortion, and that a 24-hour waiting period take place before the abortion is performed.

The ruling in the Akron case came in one of the most detailed abortion decisions issued by the court since its landmark abortion ruling 10 years earlier in Roe vs. Wade.

The high court, in addition to the Akron case:

- Struck down a similar Missouri law requiring abortions after 12 weeks of pregnancy to be performed in hospitals;

- Upheld a Missouri law requiring the presence of a second physician during abortions performed after viability;

- Upheld another Missouri law requiring a pathology report for each abortion performed, and

- Upheld the conviction of a Virginia obstetrician-gynecologist for violating a state law requiring second-trimester abortions to be performed in a hospital or licensed clinic. The doctor had performed the abortion in his unlicensed clinic.

In upholding the Missouri statutes and the conviction of the Virginia doctor the court kept pro-lifers from a total defeat. But those minor victories were small consolation for the defeat of the Akron ordinance, which had become a model for other abortion control ordinances around the country.

In the majority opinion, written by Justice Lewis F. Powell Jr., the court also noted that it had been urged

to throw out its 1973 abortion decision. But citing the legal doctrine of "stare decisis," which holds that previous court opinions should be reversed only for overwhelming reasons, Powell wrote that "we...reaffirm Roe v. Wade."

In a dissenting opinion, Justice Sandra Day O'Connor said that "neither sound constitutional theory nor our need to decide cases based on the application of neutral principles can accommodate an analytic framework that varies according to 'stages' of pregnancy."

She was joined in dissent by Justices Byron R. White and Justice William H. Rehnquist.

The Akron abortion ordinance was enacted in 1978 and originally established 17 provisions regulating the performance of abortions in the city.

After several legal challenges in lower courts disposed of a majority of the provisions, only five were at issue before the high court in City of Akron vs. Akron Center for Reproductive Health:

- The requirement that all abortions after the first trimester be performed in hospitals;

- A requirement for notification and consent of parents before abortions may be performed on unmarried minors;

- The requirement that the woman's physician make certain specified statements "to insure that the consent for an abortion is truly informed consent."

- The requirement for a 24-hour waiting period between the time a woman signs a consent form and the time the abortion is performed, and

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Leading the Dissent ...Justice O'Connor

Washington (NC) -- In a stinging dissent from the majority opinion, Supreme Court Justice Sandra Day O'Connor argued that the high court should abandon its reliance on the trimesters of pregnancy as a guide for determining when the state can regulate abortions.

Writing for herself and two other justices who dissented from the court's ruling striking down a series of abortion regulations in Akron, Ohio, Justice O'Connor said that instead the court should examine whether such regulations are "unduly burdensome" on a woman's right to obtain an abortion. Dissenting with her were Justice Byron R. White and William H. Rehnquist.

Using that criterion, she said, the Akron regulations should have been upheld because they were not unduly burdensome and were rationally related to legitimate state interests.

Justice O'Connor's dissent in City of Akron vs. Akron Center for Reproductive Health marked the first occasion since her appointment to the court that she took a position on an abortion-related case.

Abortion had been a major issue at her confirmation hearings before the Senate Judiciary Committee in 1981 after some abortion opponents questioned whether she would fulfill President Reagan's pledge to name only pro-life judges to the federal judiciary.

Her 25-page dissent in the Akron case also was unusual because, though it came from the court's most junior member, it challenged one of the main underpinnings of



JUSTICE O'CONNOR

1973 Decision 'Is Clearly on A Collision Course With Itself'

the court's landmark Roe vs. Wade decision legalizing abortion a decade earlier.

That underpinning was the court's reliance on the three trimesters of pregnancy as a guide for determining when the state had a rational interest in regulating abortion. It said in Roe that in the first three months of pregnancy the state could do nothing to interfere with a woman's abortion decision, in the second three months it could regulate abortions only to the extent that the regulations were related to maternal health, and that in the final three months, when "viability" occurred, the state may proscribe abortion altogether.

But the court's decision in the Akron case, particularly the aspect in which it struck down an Akron requirement that abortions after the first three months take place in a hospital, has rendered the trimester approach "com-

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Abortion Quiz

How many readers understand the 1973 Supreme Court decision legalizing abortion? Do you? To find out, try the quiz on Page 7.

Fr. Leary Dies In Elmira

Elmira — Funeral rites were celebrated last Thursday and Friday for Father John J. Leary who died June 13, 1983, nine days after his 46th anniversary of ordination.

Bishop Frank Harrison of Syracuse, his seminary classmate, presided at the Mass of Christ the High Priest on Thursday. Bishop Harrison joined Bishops Matthew H. Clark, Dennis W. Hickey and Joseph L. Hogan for the Mass of Christian Burial on Friday.

The son of John J. and Mary Sweeney Leary was born in Geneva in 1910 and attended St. Stephen's School and DeSales High School.

He went to St. Andrew's and St. Bernard's seminaries



FATHER LEARY

and was ordained in 1937, a member of the last class to be ordained in Rochester's old St. Patrick's Cathedral, by Archbishop (later Cardinal) Edward Mooney.

He was first assigned as assistant pastor of St. John

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Continue Human Rights Fight, Pontiff Tells Polish Bishops

By Father Kenneth J. Doyle
Czestochowa, Poland (NC) -- Pope John Paul II June 19 spoke out in strong support of the bishops of Poland and urged them to continue their active defense of human rights in their troubled nation.

The pope, addressing the 85 bishops of his homeland at the monastery of Jasna Gora, said that such a mission responded to the need of society "to hear the truth."

Praised by the pope was a joint statement made by the bishops in May. It urged the release of political prisoners, the end of martial law restrictions, the restoration of personal liberties and the rehiring of workers fired

Pope John Paul II's message delivered at the Warsaw cathedral June 16 may be found on Page 15.

because of their refusal to sign loyalty oaths to the Polish government.

Such postulates, said the pontiff, "correspond to the deepest requirements of the Christian ethos and of the ethos of love of the homeland."

The pope urged the bishops to work diligently to deepen the sacramental and moral life of their people, but indicated that this task was inseparable from their social mission, which he said was "faithful to the spirit of the Gospel and of the Second Vatican Council."

"The Church in Poland," said the pope, "is intimately bound up with the life of the nation."

Polish society has a "strict right...to all the rights which flow from the very nature of the human person," the pope said.

"There exists the need for concern for every man, for the defense of every citizen, for protection for every life, for preventing injuries, which occur so easily in the case of beatings, especially in the case of young and weak organisms," he added.

On June 2, Poland's

primate, Cardinal Jozef Glemp of Gniezno and Warsaw, had spoken out strongly against the death of 18-year-old Grzegorz Przemyski, who had died of massive internal bleeding after he was detained for several hours by police.

The pontiff also told the bishops that "the social doctrine of the church and the true aspirations of workers do not pass alongside each other, but truly meet."

"The Christian doctrine of work," he added, "postulates both the solidarity of workers among themselves and the need for

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