Decision Upsets Diocesan Officials

Diocesan officials involved in the issue took various positions, but all in opposition, to the decision.

Father Charles Mulligan, director of the diocesan Division of Social Ministries, said that "the decision demonstrates that we need an amendment to restore to the community the ability to control this issue. Obviously, much more than just the right to privacy of the woman is concerned.

"It seems to me," he continued, "that the Supreme Court has demonstrated a lack of any kind of trust in the political process on this particular issue. *It constitutes, I feel, an intrusion into* medicine; the court is forming parameters of medical practice."

Father Mulligan said he favors passage of the Hatch-Eagleton Amendment for these reasons. He added:

"The court has underlined that it has legitimized abortion in the third trimester when the infant could be fully sustained or could be put to death. They have underlined the fact that we are killing viable infants under the mantle of the original decision (1973). The policy of the U.S.A. is the most liberal in the world on abortion. Abortion is permitted anytime from conception up to days before natural birth.

"The fact that patients should not be informed of all complications is a blow ... in all other areas, patients must be fully informed -- even prescription drugs must list possible side-effects. Why is the court saying it cannot be done with abortions -- is it a demonstration of the court's pro-abortion stance?

Frank Staropoli, director of the diocesan Office of Family Life, says that because the court has made a "basic decision that the fetus is not a human being" it is being forced by "demands of consistency to make decisions which will be more and more difficult to justify."

For instance, if you think the fetus is not a human being "why should the abortion decision be treated any differently than a malignant tumor? Why should eight months be any different than a one-month pregnancy? If a woman has the right to abortion why not at any age . . . I think it is incredible that the court is upholding the maturity of a 14-year-old pregnant, unwed girl" to make such a decision all by herself.

"I think (Justice) O'Connor is on the right track," Staropoli said. "Clearly the court is on a collision course with itself. As for the future, we have got to plug for the Hatch Amendment but it probably doesn't have a chance. This should show us the long-term nature of the struggle. My hope is that people will see the ultimate illogic of the whole question. We have got to keep educating on that point.

Father James Hewes, chairman of the Human Life Commission, said,"What I felt all along is true -- with the present makeup of the Supreme Court we cannot rely on them to protect the unborn. No one really should be surprised by this latest decision."

Father Hewes mentioned two places where pro-lifers could put their effort and hope: "One way is towork even diligently for the Human Life Amendment. We are going to have a long struggle as with the civil rights movement."

But he also saw another possibility: "In 10 years, it may be possible to remove the infant at 6 to 8 weeks of age from the mother to an artificial placenta and then an artificial womb. What the court is really saying is that a woman has the right to be free of her baby. With such technology that would be possible and also give the infant the chance to survive. Lf course, we will probably have to fight the argument that the woman would still hacve the right to have the baby destrohed."

But Fatrher Hewes mentioned another aspect ofsuch technology. "I have hope that such technology, done humanely, will show all the beauty, uniqueness and humanness of the unborn child. To this end, we must pray to the Lord. I think we really need His helpl now."

The diocesan Human Life Commission coordinator, Anita Maruggi, said it would be uplifting "to view this as an opportunity rather than as a defeat -- to motivate pro-lifers to work harder for a reversal of the 1973 decision."

"The situation is getting so ridiculous," she said, "that it is providing a good time for pro-lifers to work more strongly to enact legislation (to repeal the decision)."

"I, too, support the Hatch Amendment," she said, "but it is only just the basis for future changes -- just a place to start."

COURIER-JOURNAL Special Report

Reagan: Congress Must Act

Washington (NC) — President Reagan called on Congress June 16 to take steps to curtail abortions, expressing "strong disappointment" over a Supreme Court decision which reaffirmed its 1973 ruling legalizing abortion.

"The issue must be resolved by our democratic process," Reagan said. He cited Justice Sandra Day O'Connor's dissent, which said the legislature is the appropriate forum for resolving the issue.

"Once again, I call on Congress to make its voice heard against abortion on demand and to restore legal protections for the unborn, whether by statute or constitutional amendment," the president said in a statement.

In a 6-3 decision June 15, the court said government cannot interfere with a woman's "fundamental right" to abortion, unless it is clearly justified by "accepted medical practice."

"Our society is confronted with a great moral issue — the taking of the life of an unborn child," the president said.

Reagan said he joined "millions of Americans expressing profound disappointment at the decisions announced by the Supreme Court in striking down several efforts by states and localities to control the circumstances under which abortions may be performed."

Pro-Lifers Seek Congressional Aid

By NC News Service

In a swift reaction, pro-life groups June 15 decried the Supreme Court's ruling earlier that day striking down restrictions on abortion and said the decision points to the need for congressional action.

Pro-choice advocates, by contrast, lauded the decision -- one of the most important abortion rulings by the high court since Roe V. Wade, its landmark 1973 decision legalizing abortion.

Groups opposed to abortion denounced the high court for its "extremism" and for making laws by judiciary decision. Groups favoring legal abortion said the ruling reiterates a woman's basic right to abortion.

The court's action makes congressional action to outlaw abortion more imperative than ever, according to pro-life organizations.

"Today's decisions underscore the need for congressional action, by constitutional amendment or other remedy, and for the appointment of judges who will not impose their pro-abortion extremism on the nation," said Dr. John C. Willke, president of the National Right To Life Committee. "The court has defended the interests not of women but of ttHe assembly-line abortion industry," Willke said. "There can no longer be any legitimate doubt that the Supreme Court has imposed abortion on demand, throughout pregnancy, on the nation."

"We're very disappointed," said Gary Curran, legislative consultant to the American Life Lobby. "It's clear that a majority of the justices on the Supreme Court care nothing for the humanity of the unborn. This confirms, via judge-made law, abortion on demand."

"This will spark further efforts to enact the Paramount or Unity constitutional amendments (against abortion), which are the only ones which will specifically overturn Roe v. Wade," Curran said.

The Paramount and Unity proposed constitutional amendments are only two of a number of legislative measures to outlaw or restrict abortion. Another proposal, the Hatch-Eagleton amendment, would state that nothing in the Constitution guarantees the right to an abortion.

The National Abortion Rights Action League described the court ruling as a "clear pro-choice victory."

"Leave it alone -- that's the message the Supreme Court has sent to those who would set up roadblocks to woman's basic constitutional right to choose," said NARAL executive director Nanette Falkenberg. "The court, in effect, has said that you cannot interfere with a woman's right to choose."

Sen. Orrin Hatch (R-Utah), sponsor of the Hatch-Eagleton amendment, said that "when the courts start placing themselves in the position of the parent in this country it's a pathetic, miserable, abominable situation."

"Today's Supreme Court ruling is just another reason why it is important to debate this issue on the floor of the Senate," he added. "We're going to do that within the next couple of weeks and for the first time in the history of this country a constitutional amendment on this issue will allow a full debate on the merits."

Hatch has said, however, that chances of passing the proposed amendment are slim because constitutional amendments traditionally do not fare well.

Benson Wolman, executive director of the Ohio American Civil Liberties Union, which filed the challenge in the Akron case, said the court's ruling represented "a very major victory on the whole issue of women's right to choose."

Supreme Court

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-- A requirement that fetal remains be "disposed of in a humane and sanitary manner."

On the hospitalization requirement the court noted that in its Roe decision it had held that the state's interest in health regulation "becomes compelling" at approximately the beginning of the second trimester of pregnancy.

But the court said that the Akron hospitalization "places a significant obstacle in the path of women seeking an abortion." It also said that the safety of second trimester abortions "has increased dramatically" in the past decade.

On Akron's notification and consent requirements for minors seeking abortions the court noted that in previous cases it had held that a minor must be able to receive consent for her abortion either from a parent or from a court. Akron officials had argued that minors could seek such permission from Ohio Juvenile Court.

But the court said the Akron measure, by not creating specific procedures for seeking court approval of a minor's abortion, did not go far enough in creating such an opportunity for those minors.

As to the Akron requirement that physicians give information to a patient so that her decision to obtain an abortion will be "truly informed," the court said the real reason for the provision was to block an abortion altogether.

"It is fair to say that much of the information required is designed not to inform the women's consent but rather to persuade her to withhold it altogether," said Powell.

The requirement also is "intrusive upon the discretion of the pregnant woman's physician," according to the co[illegible]

The court ruled that the Akron requirement for a 24-hour waiting period was "arbitrary and inflexible" and said city officials had not shown that the waiting period served a legitimate state interest.

And it struck down the requirement for humane disposal of fetal remains, ruling that the requirement violated due process because it did not give a physician "fair notice that his contemplated conduct is forbidden."

In the Missouri case (Planned Parenthood vs. Ashcroft) the court rejected arguments that because the state does not require two physicians for any other medical procedure it should not also be permitted to require two physicians for post-viability abortions.

"It is not unreasonable for the state to assume that during the operation the first physician's attention and skills will be directed to preserving the woman's health, and not to protecting the actual life of those fetuses who survive the abortion procedure," wrote Powell.

The court also upheld Missouri's requirement for a pathology report after an abortion on the ground that Missouri requires pathology reports after almost every type of surgery and that such a report may answer questions dealing with long-range complications and their effect on subsequent pregnancies.

At the same time the court upheld another provision in Missouri law requiring minors seeking an abortion to secure parental consent or the consent of a juvenile judge. The court said the Missouri statute met the criteria the high court has established in previous cases involving parental consent for abortion.

In the case from Virginia (Simopoulos vs. Virginia) the high court drew a distinction between its decision striking down the Akron and Missouri requirements for hospitalization for second-trimester abortions and its decision to uphold the conviction of Dr. Chris Simopoulos for performing a second-trimester abortion in his office.

The distinction, the court said in a separate 8-1 decision, was that Virginia does not require such abortions to be performed exclusively in "full-service hospitals" but permits their performance in licensed outpatient clinics.

Such a requirement, since it does not go as far as the Akron and Missouri regulations, "is not an unreasonable means of furthering the state's compelling interest" in protecting the health of the woman obtaining the abortion, the court said.

The only dissent in the Virginia case was registered by Justice John Paul Stevens, who said that instead of deciding the Virginia case the high court should have sent Simopoulos' appeal back to the Virginia Supreme Court for further consideration.

Father Leary

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the Evangelist Church on Humboldt Street.

In June 1948, he was named spiritual director of St. Bernard's Seminary, a post he held for 13 years, until he was appointed pastor of St. John the Baptist Church in Elmira.

In 1965, Father Leary was given the pastorate of St. Mary's Church, Elmira.

During his time there, the parish opened a recreational and catechetical center.

Father Leary retired in 1981 and was named pastor emeritus at St. Mary's, where he maintained his residence until his death.

O'Connor

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pletely unworkable," according to Justice O'Connor.

She noted that in 1973, when the original abortion decision was issued, a regulation requiring hospitalization for second-trimester abortions "had strong support" in the medical community. But since then, she said, quoting from the court's majority opinion, "the safety of second-trimester abortions has increased dramatically."

At the same time, she noted, medical advances have meant that fetal viability has come at an earlier stage. In one case, reported in Los Angeles, an infant with a gestational age of 22 weeks at birth was reported to have a "95 percent" chance of survival, she said.

Because of those advances, Justice O'Connor argued, the trimester framework "is clearly on a collision course with itself." She said it forces legislatures, "as a matter of constitutional law," to speculate on current medical practice, then forces the courts to "pretend to act as science review boards and examine these legislative judgments.

Justice O'Connor also rejected the majority view in the abortion cases that state interest in protecting "the potentiality of human life" is determined by trimesters.

"I agree completely that the state has these interests, but in my view the point at which these interests become compelling does not depend on the trimesters of pregnancy. Rather, these interests are present throughout pregnancy," she said, underlining "throughout."

Noting other cases in which the court has upheld unlimited state interest in ensuring that medical procedures are performed safely, she added that "it simply does not follow" that the state has no interest in ensuring that first-trimester abortions are performed safely.

And potential life, she said, "is no less potential in the first weeks of pregnancy than it is at viability."