

# Ruling Shows ERA Is Pro-Abortion: Pro-Lifers

By NC News Service

A Pennsylvania state court's ruling March 9 linking abortion to the state's Equal Rights Amendment has been cited by pro-life groups as a warning that a federal ERA also would be read as pro-abortion.

The ruling, by Judge John A. MacPhail of the Commonwealth Court in Harrisburg, Pa., the state's court of appeals, was believed to be the first time that a court has accepted the argument that a constitutional amendment on equal rights affects the ability of the state to restrict abortion.

Howard J. Fetterhoff, executive director of the Pennsylvania Catholic Conference, called the decision "very disappointing to everyone who is trying to protect unborn children" and said the ruling "would seem to suggest that the ERA can and is being used to guarantee a right to abortion."

MacPhail ruled that the 1980 state law prohibiting public funding of abortion violates the equal protection clause of the Pennsylvania constitution and the state ERA.

The state ERA, McPhail wrote, "is meritorious and sufficient in and of itself to invalidate the statutes before us in that those statutes do unlawfully discriminate against women with respect to a physical condition unique to women."

The ruling came in a lawsuit (Fischer vs. Commonwealth of Pennsylvania) filed by Planned Parenthood of Southeastern Pennsylvania and other pro-abortion plaintiffs, who argued that limiting Medicaid funding of

abortion to cases of rape, incest and when the mother's life was endangered was a form of sex discrimination.

The ruling will be appealed either to the full Commonwealth Court of nine judges or to the state Supreme Court, according to Bernard Shure, a spokesman for the Pennsylvania Catholic Conference.

Father Edward M. Bryce, director of the U.S. bishops' Office for Pro-Life Activities in Washington, said in a statement that "while this court ruling is a terrible blow to the taxpayers of Pennsylvania, who will be forced to pay for elective abortions for the foreseeable future, it may help to prevent a disaster on the federal level."

Father Bryce, a priest of the Diocese of Pittsburgh, Pa., said the decision provides "substantial corroboration of what many legal scholars have warned, namely that the Equal Rights Amendment will be a threat to abortion funding restrictions unless amended to specify otherwise."

Father Bryce said Congress should resolve the issue by approving a modification such as the proposed anti-abortion addition to the ERA sponsored by Rep. F. James Sensenbrenner Jr., R-Wis.

Douglas Johnson, legislative director for the National Right to Life Committee, also said the decision would have a major impact on prospects for approval of the proposed federal ERA.

"Pro-ERA groups have been playing a dishonest game with Congress — claiming that ERA has nothing to do with abortion, but at the same time arguing exactly the opposite in the state courts," said Johnson. He added that the Pennsylvania ruling "demonstrates how the proposed

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federal ERA would result in tax-funded abortion on demand.

Johnson called the ruling "one more nail in the coffin of ERA, as it is currently worded. ERA will never become part of the Constitution unless it is amended to be neutral on abortion."

The proposed federal ERA states that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The Pennsylvania ERA reads, "Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual."

# Cardinal Asks More Debate on 'Seamless Garment'

St. Louis (NC) — Cardinal Joseph L. Bernardin of Chicago urged a wider debate on his controversial thesis on the "seamless garment" of life during a speech March 11 at Jesuit-run St. Louis University.

A "vigorous debate" has emerged since December, when he urged Catholics to link abortion, nuclear war, capital punishment and other "multiple threats to the sacredness of life," Cardinal Bernardin said.

"I seek to enlarge (the debate), not to end it," he

told his St. Louis audience.

At stake, he said, is "the positive potential of the Catholic moral and social tradition" in the United States.

Cardinal Bernardin's December speech, at Fordham University in New York, another Jesuit institution, provoked sharp criticism from some anti-abortion leaders. They said that the linkage of abortion with capital punishment, the nuclear threat and other life issues cited by the cardinal would diminish the importance of

the abortion issue and undermine the anti-abortion struggle.

Abortion is a qualitatively different issue, critics said, because of the actual and ongoing deaths of millions of unborn babies.

"In response to those who fear otherwise," said Cardinal Bernardin, "I contend that the systemic vision of a consistent ethic of life will not erode our crucial public opposition to the direction of the arms race; neither will it smother our persistent and

necessary public opposition to abortion."

The "systemic vision" that shows a "common foundation" to specific life issues serves "both Church and society," he said.

"The range of application is all too evident: nuclear war threatens life on a previously unimaginable scale; abortion takes life daily on a horrendous scale; public executions are fast becoming weekly events in the most advanced technological society in history; and euthanasia is now

openly discussed and even advocated," he said.

"Each of these assaults on life has its own meaning and morality; they cannot be collapsed into one problem, but they must be confronted as pieces of a larger pattern."

The Chicago cardinal, who heads the U.S. bishops' Committee for Pro-Life Activities, said "a consistent ethic does not say everyone in the Church must do all things... It is not necessary or possible for every person to engage in each issue."

But it does require that

those witnessing to life on one issue "not be seen as insensitive to or even opposed to other moral claims on the overall spectrum of life," he said.

A consistent ethic "does not equate" direct taking of life with questions of promoting human dignity through housing or health care, he said.

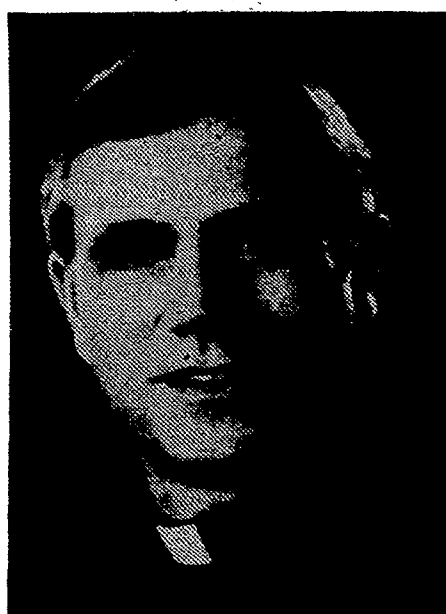
"But a consistent ethic identifies both the protection of life and its promotion as moral questions," he said.

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