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ERA-Abortion Tie Overturned by Pa. Appellate Court

Harrisburg, Pa. (NC) -- A Pennsylvania appeals court has overturned a judge's ruling that the state's Equal Rights Amendment mandated state funding of abortions for indigent women.

The new decision has been appealed to the Pennsylvania Supreme Court.

The original ruling last March, by Judge John A. MacPhail of Pennsylvania's Commonwealth Court, drew national attention because it was the first time a court had used an Equal Rights Amendment as grounds for requiring a state to fund abortions.

It came in the midst of a heated debate over whether a national ERA could be used to reinforce legalized abortion and to force federal funding of abortions for indigent women.

The National Conference of Catholic Bishops declared in April that the U.S. bishops will "have no alternative but to oppose" the federal ERA unless a clause is added that excludes the right to abortion or abortion funding from its scope.

In a 5-2 ruling Sept. 20 the full Commonwealth Court reversed MacPhail's decision on the major points of the

Pennsylvania law. It said neither the equal protection provision nor the ERA of the state constitution prevented the state from restricting the use of public funds for abortion.

The appellate court noted that MacPhail's original decision had called the ERA argument weaker than the argument that the ban violated the state constitution's equal protection provisions. MacPhail had ruled nonetheless that the abortion funding law violated the state ERA because it discriminated against women "in respect to a physical condition which is unique to them."

The full court countered, however, that "the legislation is directed at abortion as a medical procedure, not at women as a class."

In the case before it, "indigent women who choose to carry a fetus to term receive certain benefits which indigent women who choose to terminate their pregnancy do not," the court said. "This simply is not actionable sex discrimination under the provisions of ERA."

Bernard Shire, a spokesman for the Pennsylvania Catholic Conference, said that in 10 years

of state legislative attempts to restrict public funding of abortions, the appellate court's decision marked "the first time any court has upheld" challenged restrictive legislation.

"We're pleased that the Commonwealth Court has overruled the single judge," he said. Its ruling, he added, was based on the same judicial reasoning that has upheld the Hyde amendment to restrict abortion funding at the federal level.

The Pennsylvania court said that a woman's "freedom of choice" over abortion as declared by the U.S. Supreme Court in 1973 "does not carry with it a constitutional entitlement to every financial resource with which to avail herself of the full range of protected choices."

It rejected MacPhail's opinion that Pennsylvania's equal protection provision was violated because restricting public funding of abortion created a "suspect class" based on indigency.

Just as the state may not constrain the rights of freedom of speech or travel, it may not restrict freedom of

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Mini-Marathon

Braving a chilly day, more than 115 St. Thomas More students in grades K-4 participated in a mini-marathon last Thursday, Oct. 4 on the school grounds. Some found it more comfortable to run rather than walk -- one youngster found it possible to drink some juice and run at the same time -- but a few were happy to stop and pose with Chuck-E-Cheese, who was on hand to cheer them on. Grades 5-8 joined in the Catholic School Marathon on Saturday.

Jacquelyn Dobson Named to Black Ministries Post

Jacquelyn T. Dobson has been named director/executive secretary of the Office of Black Ministries, effective Sept. 24.

National ME Gets Award

Ithaca -- Allyn and Joy Smith of the executive team for National Marriage Encounter recently accepted an award on behalf of their organization for outstanding contribution to family life.

The award was made by the National Association of Catholic Diocesan Family Life Ministers at its conference in Louisville, Ky.

National Marriage Encounter is an interfaith movement.

Ms. Dobson succeeds Dr. John Walker at this position. "I've always preferred challenging positions," said Ms. Dobson, "and this is one I very much look forward to."

Ms. Dobson graduated from Nazareth Academy in 1977, and received her bachelors degree in social services in 1981 from North Carolina A&T University.

In August, 1981, she was employed by the diocese as a youth minister through the Office of Black Ministries. Among her duties was the coordination of youth retreats, cultural enrichment and counseling of high school students.

According to diocesan guidelines concerning her new position, Ms. Dobson



MS. DOBSON

will "oversee the day to day activities of the department and will be responsible for the implementation and administration of policies determined by the Office of Black Ministries Board."

She is a member of Corpus Christi Parish.

Vocations Awareness Week Opens Oct. 13

The diocese is launching a major vocations campaign, Vocations Awareness Week, starting this weekend, Oct. 13 and 14.

According to Father Thomas J. Valenti, diocesan director of vocations, the campaign is principally geared to high school seniors and college students.

He said last week that the diocesan Vocations Team has published a brochure featuring people from the diocese presently involved in formation programs for both priesthood and religious life.

In a recent letter, Father Valenti commented that the brochure "was designed primarily for high school seniors and college students in the hope that they may follow the example of their peers and consider the vocation to religious life or priesthood."

In an interview last week, Father Valenti said the brochure is being made available for distribution to campus ministry personnel, those involved in youth retreat programs, seniors in Catholic high schools, pastors and those involved in

religious education programs.

The brochures will be sent to pastors, on request, at the beginning of Vocations Awareness Week.

The event is actually part of a national program, though the diocesan materials were developed locally.

In addition, the diocesan Office of Liturgy has devised prayers of petition suitable for use during Masses celebrated that week.

The brochure features photographs and statements from a number of young diocesans in religious vocation programs.

Father Valenti noted that the intended effect is to allow "peers to invite their peers" to consider religious life and priesthood.

In addition, he also issues an inviting statement: "The Diocesan Vocation Office is eager to help anyone who is considering such a call. Information, counseling and programs are available to help you. I invite you to contact me."

Father Valenti's office may be reached by writing, 1150 Buffalo Road, Rochester, N.Y. 14624; or by calling (716) 328-3210.

