

State court overturns decision not to open abortion clinics

ALBANY (NC) — New York's highest court has turned aside an effort by the Diocese of Albany to block the opening of two abortion clinics.

The New York State Court of Appeals, reversing two lower court decisions, ruled unanimously Dec. 17 that the state government had followed proper procedures in granting permits for the opening of the two clinics, in Albany and nearby Hudson.

Bishop Howard Hubbard of Albany had taken the issue to court to prevent the opening of the clinics, claiming that the state had used improper methods in determining that the clinics were warranted.

A statement by the diocese said church officials had "mixed emotions" over the decision.

"We regret that the court has not agreed with the majority decision of the Appellate Division of the State Supreme Court and the decision of the Special Term of the State Supreme Court relative to the merits of the case," the statement read.

The Special Term court is a one-judge lower court, while the Appellate Division is an intermediate-level court.

"Four out of five of these justices found that the State Health Department indeed employed improper procedures in granting approval for two abortion clinics," the statement said, referring to the 3-1 Appellate Division decision and the lower court judge who also had ruled that improper procedure had been followed.

The statement added, however, that "we

are pleased that the Court of Appeals ... left undisturbed the question of standing, in effect, allowing consumers the right to seek judicial review of state agency decisions affecting their lives."

"Standing" is a legal term referring to the right of the diocese to challenge the clinics in court. The judge who initially heard the case by himself, while agreeing that the state had acted improperly, said the diocese did not have the right to sue but that individuals did.

In June, the Appellate Division disagreed with that aspect of the ruling and said the diocese did have the right to sue.

When asked Dec. 18 whether the diocese might try to take the case to the U.S. Supreme Court, Father Michael Farano said, "We've never judged ahead of time what we

would do in any case." Father Farano, chancellor and information director of the Albany diocese, said that diocesan attorneys and officials would need to review their options.

The case started in September, 1983, when news of approval of the two abortion clinics was publicized. According to Father Farano, no public hearings had been held before the decision was made.

The priest said such hearings normally are required before action is taken. A public hearing was later held, but it was an after-the-fact event, he said. Court action then ensued.

The Dec. 17 ruling disagreed with the lower courts' interpretations of the rules and said the state regulations were simply guidelines.

Bishop leads silent march on abortion clinic

HEMPSTEAD, N.Y. (NC) — Joined by nearly 3,000 people for a silent march on an abortion clinic in Hempstead, Bishop John R. McGann of Rockville Centre said the walk was held to focus on life issues and the need for prayer.

About 230 priests and members of religious orders also marched with the bishop at the clinic, just outside of Rockville Centre on Long Island.

It was the first time in New York state that a diocesan bishop had led such a walk, according to diocesan records.

"I think the walk proclaimed very strongly people's support of a consistent life ethic," Bishop McGann said later.

He told some 1,400 people at a one-hour prayer service held before the march that the "evil of abortion" is a core issue "in the whole panorama of the disrespect for life we witness each day."

The bishop also reiterated his opposition to such actions as the bombing of abortion

clinics and underscored the importance of other pro-life issues including care for the elderly and the terminally ill, the danger of nuclear weaponry, child abuse, domestic violence and poverty.

Bishop McGann also announced a \$75,000 grant to promote a media campaign to let people, especially the young, know that there are alternatives to abortion.

The clinic's owner, abortion advocate William Baird, led a counterdemonstration involving 300 abortion supporters.

Baird, who runs two clinics in New York and one in Boston, had written a letter to Bishop McGann asking him to cancel the march, calling it "belligerent" and "divisive."

Bishop McGann received letters of support for his actions from several religious leaders, including Cardinal John J. O'Connor of New York and Archbishop Pio Laghi, papal pronuncio to the United States.

Cardinal to be celebrant at pro-life vigil

Washington (NC) — Cardinal Joseph Bernardin of Chicago, chairman of the National Conference of Catholic Bishops' Committee for Pro-Life Activities, will be the main celebrant and homilist Jan. 21 at a Mass for the annual Prayer Vigil for Life.

The NCCB Office for Pro-Life Activities announced the vigil, which will be held in Washington at the National Shrine of the Immaculate Conception on the eve of the 13th annual March for Life.

The March for Life Jan. 22 will commemorate the 1973 U.S. Supreme Court's decision that struck down state laws against abortion. Pro-lifers throughout the nation also hold marches and rallies to protest the abortion decision.

The theme of the march in Washington is "Unity on the Life Principles — No Exceptions, No Compromises," according to Nellie J. Gray, president of March for Life.

Marchers will gather at the Ellipse, between the White House and the Washington

Monument, to hear pro-life speeches and prayers, then parade to the Capitol and Supreme Court building.

The fourth annual rose dinner will follow the march. U.S. Rep Jack Kemp, R-N.Y., and Auxiliary Bishop Thomas W. Lyons of Washington will be among the speakers at the dinner.

District of Columbia police estimated that 71,500 people gathered at the Ellipse for last January's march.

The prayer vigil Jan. 21 is sponsored by the Archdiocese of Washington, the National Shrine and the NCCB Office for Pro-Life Activities.

Bishop Michael Dudick of the Byzantine Rite Diocese of Passaic, N.J., will conduct an afternoon liturgy at the shrine on Jan. 22.

Father Edward Bryce, director of the NCCB pro-life office, said both services would be broadcast by the Mutual Radio Network and he suggested dioceses check with local stations on availability of the broadcast.

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