

World & Nation

Court allows suit claiming 'wrongful birth' of Downs baby

Washington (NC) — A three-judge panel of the District of Columbia Court of Appeals has reinstated a "wrongful birth" suit brought against an obstetrician by the mother of a child with Down's syndrome.

A Catholic pro-life official said January 6 that by upholding such suits courts become "tools" of those who advocate abortion and also could make it "legally and financially impossible" for pro-life physicians to practice obstetrics.

In a unanimous decision released December 31, the court reinstated a suit brought by Carolyn B. Haymon against her obstetrician, Dr. Marciana W. Wilkerson.

The mother has claimed her doctor deprived her of the right to decide whether to have an abortion and thus avoid the birth of her daughter.

Judge Judith W. Rogers wrote for the court that if Haymon could prove at a trial that Dr. Wilkerson "deprived her of the

parental right to choose whether to avoid the birth of a child afflicted with Down's syndrome, Dr. Wilkerson can be held liable for the extraordinary medical and other expenses attributable to the care of that child."

Richard Doerflinger, assistant director of the National Conference of Catholic Bishops' Office for Pro-Life Activities, said courts "unintentionally make themselves into tools of pro-abortion advocacy" by upholding such suits against physicians "who fail to facilitate the abortion of a mentally disabled child."

"These suits could make it legally and financially impossible for pro-life physicians to practice obstetrics," Doerflinger said.

He urged state legislatures that have not already done so act to invalidate such suits.

The state Supreme Court of North Carolina and the legislatures of some states, including Minnesota and Idaho, have refused

to allow "wrongful birth" suits.

"Wrongful birth" and "wrongful life" suits "classify the lives of human beings with disabilities as 'wrong' and ... they tend to coerce physicians against their better judgment to promote prenatal diagnosis and selective abortion," Doerflinger said.

A "wrongful life" suit involves parents who claim a physician should pay for the suffering of an unhealthy child whose life might have been avoided through abortion.

In the Haymon case, Haymon, who was 34, claimed she was worried about becoming pregnant at that age and asked her obstetrician about amniocentesis, which can detect genetic defects in fetuses. She claims the doctor recommended against it.

Citing the 1973 Supreme Court abortion decision Roe vs. Wade, the appeals court judges in their decision said Haymon had a valid suit in claiming her physician negligently deprived her of her constitutional

right "to decide whether to terminate her pregnancy."

But Doerflinger said the case "involved no particular advocacy on the physician's part."

He said Dr. Wilkerson "simply used good medical judgment in recommending against amniocentesis for a 34-year-old woman, since at this maternal age the chance that the amniocentesis will accidentally cause a miscarriage of a healthy child is higher than the chance that it will detect a genetic defect."

"Freedom of choice" is a meaningless slogan if the only 'choice' to be legally protected is the one most likely to produce more abortions," he added.

Douglas Johnson, legislative director for the National Right to Life Committee said January 7 that the appeals court decision was "ominous and appalling for doctors who don't want to be accomplices in killing unborn children. It violates the conscience rights of a lot of doctors."



1987 Wedding Guide

DRESSMAKING

Partridge's FABRIC HOUSE Bridal and Special Occasion Fabrics 631 Pittsford Victor Rd. Rte. 96 behind Hitching Post Plaza Bushnell's Basin, New York (716) 248-2362

HOTELS

Luxury Budget Inns ROCHESTER LOCATIONS Greece (716) 621-2060 Brighton (716) 427-0130 TOLL FREE 800-441-4479

NEWSPAPERS

The New York Times 351 Furedy by Manson News Distributors, Inc. 14 South Avenue Rochester, New York 14620

THE DOOD POST

We have the reputation for making your big day one to remember at a cost you can afford. We also specialize in... Rehearsal Dinners & Private Parties Call us for Details 898 Buffalo Rd. Rochester, NY 14624 235-3775

Three Acres Party House COMPLETE BANQUET FACILITIES 88 WHITTIER ROAD 594-9700 ROCHESTER, NY 14624 328-9845

CATERING

Burdett's Catering Service 19 So. Main St. Pittsford, NY 14534 (716) 586-3644 FULL SERVICE CATERING "YOU'LL LOVE OUR STYLE!" Wedding Cakes From Our Bakery

FLORISTS

Filmora Florist "FLOWERS SAY IT ALL" Wedding Packages Starting at \$99.00 382 State Street Rochester, New York 14608 Opposite Eastman Kodak Offices (716) 546-1155

INSURANCE

Permanent Life • Term Life • Retirement, pension and group plans. Call: Richard A. Guilo, DLU, ChFC. (716) 482-0738 212 1/2 East Main Street Rochester, New York 14609

PHOTOGRAPHERS

WEDDING CANDIDS by Burt Shapiro PHOTOGRAPHY STUDIO 25% Off Wedding Invitations Free Tux for the Groom Burt Shapiro Photography (716-244-3554)

EMPIRE LANES

Newly Remodeled Banquet Rooms For All Types of Parties Accommodations For Up To 250 People Private entrance to banquet rooms. Plenty of free parking for your guests. Air conditioned. 2400 EMPIRE BLVD., WEBSTER • 674-2666

RENTAL

For your special event consider the alternative: RENTING! Hank Parker's RENTAL CENTER 540 Whitney Rd. Fairport, NY (716) 586-0901

Lou Nigro's Luigi's Party Catering Dinner & Party Buffets Party Trays (716) 241-0955

FIORVANTI FLORIST, INC. For that one special occasion you'll want perfection. 2279 Clifford Ave. (near Culver Rd.) 482-1001

INVITATIONS

WALDEN WEDDINGS Invitations, Announcements, Informals Complete Line of Wedding Accessories For Personal Service, Call (716) 467-2072

new vision photography 10% Discount on Weddings reserved 4 months or more before your wedding day. Call today: (716)723-0860

FORNATARO'S "Anywhere Else is Merely a Restaurant" Perfect For Your Rehearsal Dinner 246-1240 2155 Long Pond Rd. - Roch., NY 14606

Rent All Your Party Needs... For small, intimate gatherings or large, lavish affairs. 150 Orchard St. Webster, NY (716) 872-2770

Les Belle Femmes "Wedding Specialists" Elegant Occasion Planning 342-6805

Flowers by Fedele Serving All Your Floral Needs Weddings • Funerals • Hospitals • Gift Baskets • Plants • Fruit Baskets Gifts • Favors • Balloons • Cakes Silk & Dried Flowers 1418 Ridge Road East Rochester, New York 14621 (716)342-4581 If No Answer Call 225-0054 10% Discount with presentation of this ad.

Copying, Printing, Express Orders Quality Quick Printing Commercial Printing DISCOUNT WEDDING INVITATION SPECIALISTS 1279 Chili Ave. 2781 W. Henrietta Rd. 235-8775 427-0010

Have your Rehearsal Dinner or Small Wedding (Maximum 75 with us) ENJOY OUR RELAXED, PRIVATE ATMOSPHERE AND HEARTY GERMAN AND AMERICAN FOOD Hof-Brau Haus 408 Lyell Ave., Rochester, N.Y. PHONE: 254-9880

VIDEO EASTERN VIDEO / JVP PRODUCTIONS, INC. Professional Editing System • Single or multiple cameras • Fully Insured • 3/4" Broadcast Available 1997 Penfield Rd. Near Rte. 441 & 250 Office hours by appointment 381-6350

Arthur Murray Learn to Dance For Your Special Day Mon.-Fri. 1-10 p.m. 87 Clinton Ave. N. Sat. by Appointment (716) 262-3310

Wagnons Floral Design Shoppes Perinton 223-4052 Penfield 248-3072 Mt. Read 663-4120 Pittsford 248-8687 Britton Rd. 621-7250 Ridge-Culver 342-2876 Hyman Dr. 424-7388 Please ask for Ext. 131

Remember DAHNKEN For Your Rings & Wedding Bands Southtown Plaza 424-1060

Rogers Studio Special Wedding Packages from \$299.50 Call: 454-1270 For Complete Details

The Hospitality House Inc. 2226 Penfield Rd. Penfield, N.Y. 14526 Wedding Information 588-2065 Paula M. Prizzutelli John C. Vullo

WEDDING CAKES by Rochester Israel Bakery Appointments in your own home 1248 Clinton Ave. N. 342-6060 or 266-3444

Beautiful Weddings begin at DAN'S CRAFTS & THINGS "We Specialize in Helping You" 352 Empire Blvd., Between 5th N. and Culver Rd. 654-8388 OPEN Mon., Wed., Fri. 10 A.M. - 5:30 P.M. Tues. & Thurs. 10 A.M. - 8 P.M. Sat. 10 A.M. - 5 P.M., Sunday 1 P.M. - 4 P.M.

MANGURIAN'S FURNITURE CARPETS • BEDDING 531 Monroe Ave. Corner of S. Goodman St.

the SOURCE 560 Ridge Rd. W. East Rochester Pittsford Place (Dvsn Shops) (Techniques Mall) 3300 Monroe Ave. 621-6288 381-5719 586-9185 Buy his wedding band, receive hers free.

Varden Studios Inc. 28 St. Union St. Rochester, N.Y. 14607 (716) 516-2360

Gogan's FOR PRIVATE PARTIES 8 & 9 CANNON'S PARTY HOUSE, INC. WEDDINGS • BANQUETS • DANCES SALES PROMOTIONS • SOULING PARTIES RETIREMENT PARTIES • CLAMBAKES • BUFFETS 1428 Scottsville Road Rochester, N.Y. 14624 Robert O'Connor Richard O'Connor

FOR YOUR WEDDING! We carry a large selection of invitations and Liturgy Program covers • Marriage Candles for your wedding service • Wedding and attendant's gifts, cards, plaques. The Street of Shops 1600 Ridge Rd. West (716)663-5085

WEDDINGS ANNIVERSARIES DANCES MUSIC FOR ANY NIGHT TOP 40 • DANCE • 50'S Jeff Foust - 254-8263.

HONEYMOONS Jean Brown Travel We will customize your honeymoon to fit your budget and lifestyle 3220 Chili Ave., Rochester, NY (716)889-9090

LIMOUSINE SERVICE Chic's Chauffered Limousine Service WEDDINGS, PROMS, ALL OCCASIONS 1565 Ridgeway Ave. Rochester, NY 14606 254-0464

REALTORS MAIN OFFICE 1485 Monroe Avenue Rochester, New York 14618 (716) 442-1800 Nothnagle REALTORS Rochester's Largest Realty Company

Mapledale PARTY HOUSE We treat your wedding like it's our only wedding... 1020 Maple Street 432-2112

Trant's, Inc. Church Supplies & Religious Articles 696 South Ave., Rochester, NY (716) 442-7120 WE CARRY A LARGE SELECTION OF WEDDING CANDLES AND WEDDING BULLETIN COVERS

WEDDINGS ANNIVERSARIES DANCES MUSIC FOR ANY NIGHT TOP 40 • DANCE • 50'S Jeff Foust - 254-8263.

MUSICIANS gold TONES Music For Your Special Occasion: Weddings • Receptions Graduations • Retirements Jerry & Sylvia Schimler (716) 655-2573.

Let us help you make your celebration SPECIAL! 120 First Federal Plaza (716)232-3030

SIMPLICITY, ELEGANCE AND AFFORDABILITY ARE WHAT STRATHALLAN WEDDING PARTIES ARE MADE OF. Strathallan 550 East Avenue Rochester, New York 461-5010

WINDOW FASHIONS WITHSTEAR WINDOWS Specializing in Window Fashions Victor 6432 Manchester Victor Rd. (Rt. 90) 924-2350 Pittsford Barn Bazaar Clover at Jefferson 586-1057