

## Blackmun

Continued from page 4

have the constitutional power to prohibit it and would do so, but we skillfully avoid telling them so," he said. "Perhaps those abortions cannot constitutionally be proscribed. That is surely and arguable question, the question that reconsideration of *Roe vs. Wade* entails."

In its decision the court ruled by 5-4 margins that a 1986 Missouri abortion law was within the Constitution in:

- Declaring in a preamble that life begins at conception.
- Forbidding the use of public funds, public facilities or public employees to perform or assist at abortions except to save the life of the mother.
- Requiring doctors to make appropriate tests to determine whether a fetus is viable in any case where the fetus may be 20 weeks old or more.

The court agreed unanimously that, for technical reasons, it did not need to decide on the constitutionality of another part of the law that forbids use of public funds, facilities or personnel to counsel abortion.

The sharp divisions within the court on

*'Never in my memory has a plurality announced a judgment of this court that so foments disregard for the law and for our standing decisions.'*

Justice Harry A. Blackmun

*Now it 'appears the mansion of constitutionalized abortion law, constructed overnight in *Roe vs. Wade*, must be disassembled door-jamb by door-jamb, and never entirely brought down, no matter how wrong it may be.'*

Justice Antonin Scalia

the substantive issues were evident in the fact that the case resulted in five separate opinions — three on the majority side and two on the dissenting side.

Justice John Paul Stevens joined partly with the Blackmun dissent but wrote his own separate opinion in which he argued that the preamble language on when life begins "is manifestly unconstitutional."

The preamble to the law, Stevens said, is "an unequivocal endorsement of a religious tenet of some but by no means all Christian faiths" and therefore "violates the Establishment Clause of the First Amendment."

By placing the beginning of life at conception, he added, the preamble not only touches on abortion but "has substantive impact on the freedom to use contraceptive procedures," since some forms of birth control work by preventing implantation after conception, not by preventing conception.

The Pennsylvania legislature recessed June 30, but will reconvene in September. "Hopefully, by then we will have legislation ready," Shire said.

Abortion rights advocates have made it clear they will work hard to stop the restrictions. "I understand they will be spending money in a big way," he said.

While the Catholic conference may not have the funding to match, he said, "we have a pretty good setup with the dioceses" to disseminate information and rally supporters and letter writers.

## Sister Mary Denise O'Brien, RSM, longtime diocesan school teacher

Sister Mary Denise O'Brien, RSM, who served 32 years in diocesan schools, died July 4 at the Sisters of Mercy Motherhouse infirmary, Rochester, following a brief illness.

She was 84 years old.

Born Eileen O'Brien in Elmira on Jan. 30, 1905, she graduated from Elmira Free Academy in June, 1924. She was an office worker in Elmira businesses until she entered the Mercy congregation at the age of 42 on June 13, 1947. According to family members, she had wanted to enter the congregation earlier, but had waited until her mother's death.

She was received as a novice on July 4, 1948, and professed perpetual vows on Aug. 24, 1953.

Sister O'Brien's teaching career began at St. Ann's, Hornell, where she taught from 1950-51 and 1971-78. She also taught at



St. James, Rochester, (1951-62) and St. Helen's, Rochester, (1962-71). Throughout her career, she taught either first grade or kindergarten. She also did clerical work at Our Lady of Mercy High School, Rochester, (1947-48, 1949-50) and at Notre Dame High School, Elmira, from 1978-80.

After retiring from school work in 1980, she joined the Omega Senior Sisters Community at the motherhouse. In 1983 she moved to the infirmary.

Sister O'Brien is survived by cousins, including Father Bartholomew O'Brien of Horseheads and Sister Rose Alma Hayes, SSJ, of Rochester; nephews and nieces, including Sister Mary Cornelia O'Brien, RSM, parish visitor at St. Patrick's, Owego; great-nieces and nephews; and great-great-nieces and nephews.

Mass of Christian Burial was celebrated Friday, July 7, in the motherhouse chapel, with Father O'Brien as celebrant. She was interred at Holy Sepulchre Cemetery.

## Sr. Mary Gall, SSND, taught at Holy Family

Sister Mary Vincentine Gall, SSND, who taught at Holy Family School in Rochester for 25 years, died Wednesday, June 28, 1989, in the SSND motherhouse in Wilton, Connecticut. She was 85 years old.

Born in Rochester Sept. 24, 1903, Sister Gall was a professed member of the School Sisters of Notre Dame for 55 years.

Sister Gall taught at Holy Family from 1949-57, before spending six years at the former St. Peter Orphanage in New Jersey.

After teaching at St. Margaret Mary School in Rochester from 1963-65, she returned to Holy Family where she taught until 1982, when she returned to the SSND motherhouse in Wilton.

Mass of Christian Burial was celebrated on Saturday, July 1. Interment was in St. Mary's Cemetery in Bethel, Connecticut.

Donations in memory of Sister Gall may be made to: SSND Development Fund, 345 Belden Hill Rd., Wilton, CT 06897.

## Legislatures

Continued from page 4

The Minnesota legislature is expected to consider abortion restrictions when it reconvenes next February. Although the opening session is more than seven months away, the state Catholic conference and other pro-life groups already have begun the groundwork needed to draft legislation.

"One of the things we're looking for is a solid-gold analysis" of the court decision from lawyers for the U.S. bishops and for the state conference, said Monsignor James D. Habiger, executive director of the Minnesota Catholic Conference.

The analysis is needed to draft legislation "that is constitutional and that will protect life as completely as possible," he said.

Monsignor Habiger said the Minnesota legislature, controlled by Democrats, is considered to be "70 percent pro-life," so "a good package to protect unborn life" has a good chance of passing.

"It's a major issue and we will be using major resources, but we also are concerned that we don't become single-issue," Monsignor Habiger said. "We have a single standard — life, from beginning to end."

Lawyers for Catholic and other pro-life groups in Pennsylvania also are "scrutinizing" the court's decision in preparation for new legislation, said Bernard Shire, communications director of the state's Catholic conference.

Pro-life activists in Pennsylvania will launch an effort to enact restrictions similar to those upheld in Missouri and, perhaps, to go beyond those restrictions and bring new legal challenges to the 1973 *Roe vs. Wade* decision, he said.

## Feast day Mass scheduled

The Carmelite Monastery, 1931 W. Jefferson Road, Rochester, will host a special Mass in honor of Our Lady of Mt. Carmel July 16 at 8 a.m. All are welcome.

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