

Babette G. Augustin/Staff photographer

While serving a 15-day sentence at the Monroe County Jail on a harassment charge, Father Anthony Mugavero makes a collect phone call to rearrange his weekend commitments for first Holy Communion.

Priest spends week in jail for pro-life action

By Rob Cullivan
Staff writer

ROCHESTER — As if singing to the Lord Himself, Father Anthony Mugavero, clothed in prison garb, crooned the words to an old spiritual he learned years before:

"Oh don't spare me any pain/That would glorify your name/For to serve you, there's no price I wouldn't pay."

The smiling parochial vicar of St. Theodore's Parish in Gates paid the price of missing last Saturday's Rally for Life in Washington, D.C., because he was in Monroe County Jail serving a 15-day sentence for harassment.

The priest received his sentence on Thursday, April 26, following a three-hour trial on charges stemming from his attempt to stop a county jail inmate from having an abortion last January 30.

On that date, the inmate, Michelle An-

draws, was being escorted by jail counselor Patricia Carrigan to Dr. Morris Wortman's Brighton office when Father Mugavero and two unidentified companions approached the two women in an attempt to speak with Andrews.

She had been counseled by Father Mugavero prior to her appointment with Dr. Wortman, the priest said during an interview in a jail visiting room last Monday, April 30. A fellow inmate of Andrews had persuaded her to contact the priest, he said, after Andrews expressed ambivalence over having an abortion.

Father Mugavero was accused of blocking the entrance to the doctor's office and preventing Andrews from keeping her appointment. After finding him guilty of harassment on April 26, Brighton Town Justice James E. Morris sentenced Father Mugavero to jail, citing the priest's prior

convictions for his participation in pro-life "rescue missions" at the offices of doctors performing abortions.

In particular, the judge pointed to the fact that Father Mugavero broke the law just two days after being sentenced in Rochester City Court for his participation in blocking the entrance to a Rochester doctor's office in December, 1989.

Father Mugavero was surprised by his sentence, given that Andrews — who had been brought to court by Brighton police — recanted her earlier signed statement that the priest harassed her.

Father Mugavero said that Andrews told Judge Morris before she was put on the stand: "I just want to make one thing clear. I do not want to testify against this man."

John J. LaDuca, Father Mugavero's attorney, said that Andrews' testimony corroborated that of the priest, who said he had only attempted to speak with Andrews and had not blocked the doctor's office entrance or in any way harassed Andrews and Carrigan.

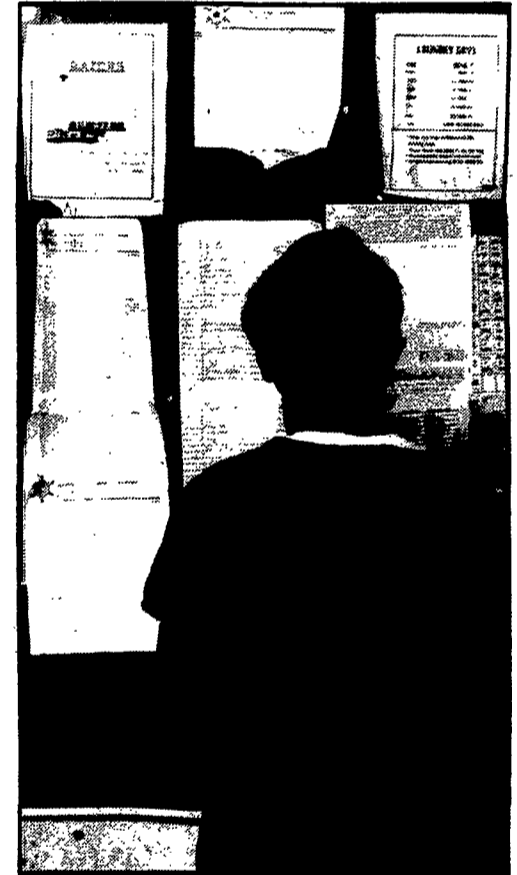
But Carrigan testified that the priest had blocked the door and engaged in "constant physical and verbal abuse," Father Mugavero said.

Neither Carrigan nor Andrews could be contacted for a response in time for the *Catholic Courier's* deadline Monday. But similar Gannett newspaper accounts of the contradictory court testimony of Andrews and Carrigan were confirmed as accurate by a courtroom witness who asked not be identified.

When Judge Morris was asked April 30 why he had chosen to believe Carrigan over Andrews, he replied that the charges of harassment included those made by Carrigan — not just Andrews — and that Carrigan's testimony confirmed her earlier statements. He also pointed out that Andrews admitted she was upset and humiliated when Father Mugavero approached her.

LaDuca charged that politics, and not the truth, motivated Morris to hand down a jail sentence. "I think it's much more advantageous for any political person to be pro-choice rather than pro-life in Brighton" LaDuca said.

Morris dismissed LaDuca's contention by saying he shouldn't "dignify" the attorney's claim with an answer.



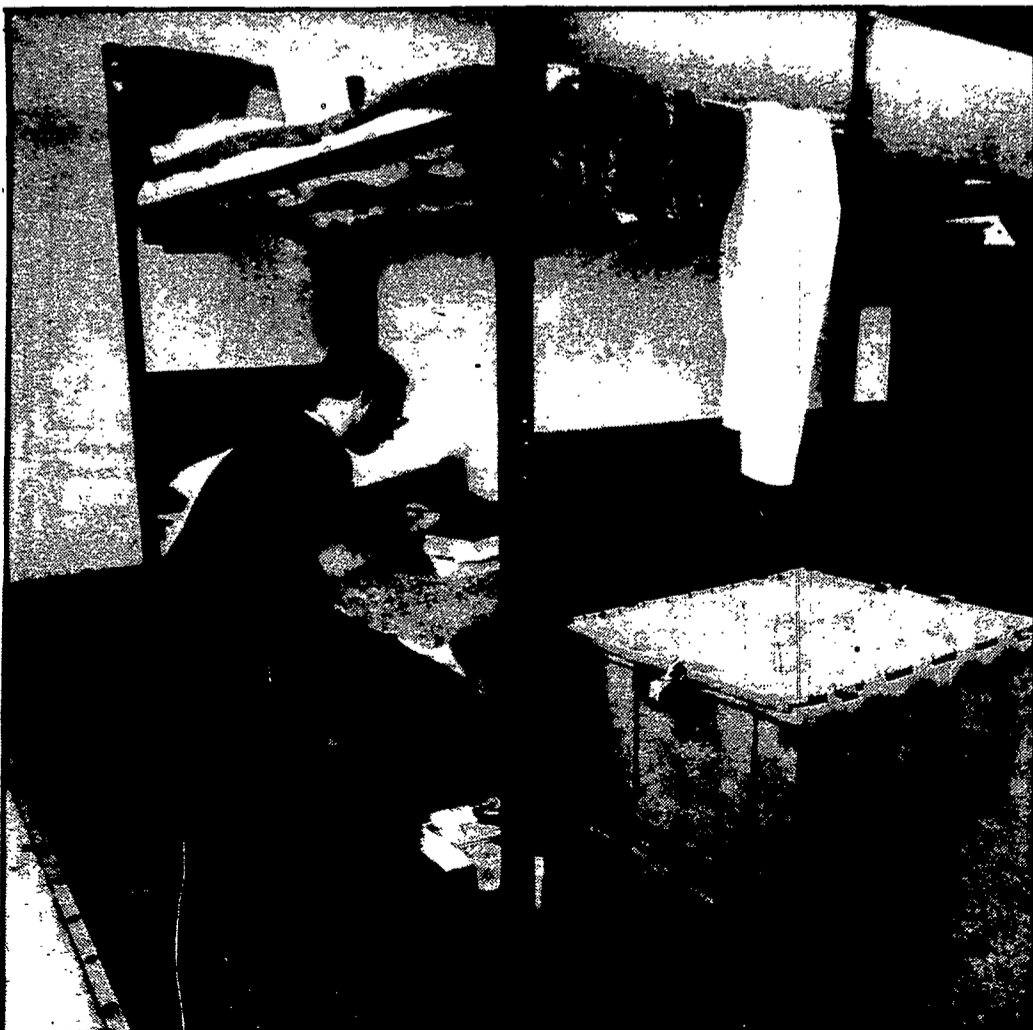
Babette G. Augustin/Staff photographer
Rules and regulations that govern everyday life at the jail are posted on the bulletin board.

Nonetheless, he commented that he wasn't a "political" person, having run unopposed for his judgeship in last year's election.

"I absolutely have never made a decision based on anything but the facts of the case," Morris said, adding that if he did, he would not be "fit for office." The judge also pointed to the fact that Monroe County Court Judge Patricia Marks denied an appeal for a stay of Father Mugavero's sentence on Friday, April 27, as vindication of his decision.

Father Mugavero asserted that Judge Morris had "made up his mind what to do" before the priest's trial. He protested that his actions have been characterized in the news media as premeditated civil disobedience when in fact he had no desire to break the law when he approached Andrews and Carrigan. He maintained he was well within his constitutional rights of free speech when he tried to persuade Andrews not to have an abortion.

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Father Mugavero kneels by his cot to pray.