

Judge allows challenge to Pennsylvania statute

New hearing is set for Aug. 23

PHILADELPHIA (CNS) — Debate over the Pennsylvania abortion law that requires parental consent, a 24-hour waiting period and informed consent will continue in court, a Pennsylvania judge has ruled.

U.S. District Judge Daniel H. Huyett III decided May 12 in favor of allowing a new challenge to the 1989 law, which has never fully taken effect. He set a hearing date of Aug. 23 for the challenge, which was brought by Planned Parenthood of Southeastern Pennsylvania.

Planned Parenthood argued that the U.S. Supreme Court decision on the law last year set new guidelines for laws restricting abortion, saying that the restrictions must not place an "undue burden" on women seeking abortions. The previous standard said laws must show "a compelling state interest."

Attorneys for the abortion providers argued that they never had the opportunity to plead "undue burden," and Huyett, in his ruling, said it would be "fundamentally unfair" not to allow them the chance to show the law is unfair under the new standards.

The 7-2 decision in June 1992 upheld the law's provisions on informed and parental consent and the waiting period, but overturned a requirement of spousal consent.

Huyett said the "brief period" needed to reconsider the law in light of the Supreme Court's *Casey vs. Planned Parenthood* decision was not a significant enough burden on the law's supporters "to outweigh the notable con-

cerns which support reopening of the record."

If he were to decide against reopening the case and another judge were to subsequently overrule him, "women who were deterred from exercising their right in the interim period would suffer unnecessary and irreparable harm, considering the temporary nature of a woman's ability to exercise her constitutional right to choose an abortion," Huyett added.

Pennsylvania Gov. Robert Casey said in a statement that he felt certain the law would be upheld again and called Huyett's ruling "outrageous."

"The constitutionality of this law has been sustained through the Supreme Court of the United States and we remain as confident about its constitutionality today as when the court ruled," he said.

Joan Coombs, executive secretary of Planned Parenthood of Southeastern Pennsylvania, hailed the ruling as "an outstanding victory" for those who believe the Pennsylvania Legislature did not have at heart the interest of women and their "right to legal, safe medical services."

"We are disappointed by Judge Huyett's attempt to re-try this case at a time when we are starting to see a coming together on the reasonableness of the Pennsylvania law," said state Attorney General Ernest D. Preate Jr.

"The U.S. Supreme Court has upheld the Pennsylvania Abortion Control Act," he added. "It is constitutional. Judge Huyett cannot overrule the United States Supreme Court."

Preate had unsuccessfully tried to have Huyett remove himself from the case last December because, he charged, previous statements by the judge created the impression of bias on the

Rains ravage Nicaragua



AP/Wide World Photos

Flooding forces families to relocate

María Vargas, 4, plays in the dirt near a pile of the few belongings her family was able to salvage after recent heavy rains in Managua. The Vargases are one of 63 families the government relocated to another area of Managua after the flooding. The Nicaraguan Red Cross provided food, clothing and tents for two thirds of the relocated families.

abortion issue.

The attorney general said May 13 that he would appeal Huyett's ruling directly to the 3rd U.S. Circuit Court of Appeals in Philadelphia.

"It's almost a kind of double jeopardy," said Cardinal Anthony J. Bevilacqua of Philadelphia. "Now it's going to start all over again even though the Supreme Court has made a de-

cision that certain limitations on abortion are constitutional."

The cardinal, who is also a civil lawyer, said the latest move by Planned Parenthood "might be a ploy, just a delay in the implementation of the Pennsylvania legislation."

Contributing to this story was Lou Baldwin in Philadelphia.

Ethicist

Continued from page 5

tion could succeed without an unacceptably high human toll. He said he was troubled by "the haunting question of proportionality."

Simes said it would be a big mistake for the United States to intervene in Bosnia.

"There can be no excuse for ethnic cleansing, for using military artillery against civilian populations, for using rape against women," he said.

But he argued that the conflict ought to be viewed as "a brutal civil war, not an act of aggression," and as a war in which all three sides — Muslims and Croats as well as Serbs — are committing atrocities.

He said foreign intervention against Bosnian Serbs could draw Serbia into the conflict. Russia, Serbia's traditional ally, has no desire to enter the fray, he said, but that situation could fatally weaken Boris Yeltsin's tenuous hold on power and undermine Russia's fragile democracy.

He also warned against comparisons with the Holocaust, the Nazi campaign to exterminate the Jews, saying that the Bosnian war, while horrible, had "thousands" of historical antecedents.

Colby disagreed. "There are things going on in Bosnia that are an affront to mankind. It might not be a Holocaust, but it's not far from it," he said.

Colby said the United States should not intervene alone, but he argued that it should take the lead, as it did in the Persian Gulf and Somalia.

Mother Teresa remains stable



AP/Wide World Photos

Mother Teresa is under close observation in a Rome hospital after breaking three ribs in a fall.

ROME (CNS) — Mother Teresa of Calcutta was under close observation in a Rome hospital after breaking three ribs in a fall.

The 82-year-old nun was in stable condition and was "reacting fairly well" to treatment, Dr. Vincenzo Bilotta said May 17. She was expected to remain in the Salvatore Mundi Clinic for another week.

Mother Teresa slipped and fell May 12 while visiting a convent in a Rome suburb, he said. She was admitted to the clinic the next day.

Bilotta said the nun experienced considerable pain the first few days after her accident, and "this certainly didn't help her heart."

"The ribs are slowly healing, but the ribs are not the worrisome problem," he said. Mother Teresa has had heart problems in recent years, so she was being carefully monitored, he said. There were no major complications during her first four days in the clinic, he said.

Bilotta said Mother Teresa had tolerated her pain well.

"This is a woman who has also suffered in the past. She offers up all the pain to Jesus," he said.

The founder of the Missionaries of Charity has had an active schedule in Europe in recent weeks. She traveled to Albania, her ancestral country, during a visit there by Pope John Paul II in April, and has spoken with a number of church groups in various Italian cities.

Cardinal

Continued from page 5

in the Bosnia-Herzegovina fighting, the Croatian government should clarify its position. Some diplomats have suggested that Croatia has territorial designs on parts of neighboring Herzegovina and have proposed sanctions against Croatia unless the attacks cease.

The fighting has split an alliance forged in months of armed struggle against a common Serbian enemy.

Cardinal Kuharic said there exists a moral right to self-defense against an aggressor, but always within the limits of ethical norms.

"We condemn every crime, whoever commits it," he said.

The cardinal also said that the proposed Vance-Owen peace plan, which envisages territorial divisions according to ethnic majority, cannot resolve the basic issue of peaceful coexistence between ethnic groups.

"Coexistence between Muslims, Serbs and Croats in Bosnia-Herzegovina is the destiny of this state. Mingling and encounters are inevitable," he said.

"The solution will be found in conversion of the heart," he said.

It pays to advertise in the Catholic Courier