

WORLD & NATION

Court considers local protest case

By Patricia Zapor
Catholic News Service

WASHINGTON — An injunction creating a 15-foot "bubble zone" to limit protesters' access to abortion clinic clients is an inappropriate "one-size-fits-all" approach that violates free speech rights, a lawyer told the Supreme Court Oct. 16.

In the latest legal challenge to laws controlling protests at abortion clinics, attorney Jay Alan Sekulow told the court that First Amendment rights are jeopardized by the 15-foot limit in a court-ordered injunction on protests that applies to clinics in western New York.

Sekulow said his clients, the Rev. Paul Schenck, an Assemblies of God minister, and attorney Dwight Saunders, were not challenging the injunction's provisions that apply to touching or otherwise physically interfering with access to clinics.

"The question should be, 'Did the injunction bar more speech than necessary?'" Sekulow told the court.

Rev. Schenck and Saunders were among protesters at clinics in the Buffalo and Rochester areas who argue that their free speech rights should not be infringed to spare abortion clinic patients and staff from potentially unpleasant encounters.

The attorney for the Pro-Choice Network of Western New York, Lucinda M. Finlay, said the 15-foot zone provides plenty of opportunity for abortion opponents to convey their messages to people with business in the clinics. She said allowing closer encounters would create a risk of "medically risky, intimidating behavior" from people trying to talk women out of abortions.

The justices questioned Sekulow about what types of speech might be impeded by the 15-foot limit, noting that he stood about that distance from them in the courtroom and could be heard even without the help of microphones.

But protests at abortion clinics are much noisier, both by virtue of occurring on city sidewalks and because of the cacophony of voices from protesters and clinic escorts who try to shield patients from protesters, Sekulow contended. He also said the conversations that "sidewalk counselors" attempt to have with women entering abortion clinics are of a more intimate nature than is appropriate from 15 feet away.

The Supreme Court previously has upheld the constitutionality of buffer zones



A pro-choice demonstrator (center) taunts a pro-life protester reading the Bible at the "Spring of Life" protests in Buffalo in April 1992. The U.S. Supreme Court is considering a case stemming from those protests.

at clinics, within which certain behavior is prohibited or restricted. But several justices seemed troubled by the free-speech implications of the New York injunction, which effectively creates a 15-foot circle around anyone approaching a clinic, within which no one may speak without the individual's permission.

Justice Stephen Breyer asked Sekulow to explain what kind of discussion might take place between a sidewalk counselor and a patient that would require being closer than 15 feet. Sekulow said some sidewalk counselors try to get people to read pamphlets or Bible passages.

Justice David Souter suggested that if people with conflicting views about abortion are closer to each other it's more likely that physical confrontations will occur.

But the federal judge who imposed the injunction tailored prohibitions to address that, Sekulow noted. Anyone who grabs at, or otherwise physically threatens someone at such a protest is subject to arrest.

Finlay referred to testimony in lower court proceedings about "social impact theory," to suggest that women preparing to have abortions or another type of medical treatment at a clinic would be subjected to unhealthy stress by having to listen at

er range to abortion protesters and sidewalk counselors.

Justice Anthony M. Kennedy likened the situation to workers who might have to cross a picket line to get to their jobs. "Anybody who walks through a picket line to take a job is subject to emotional stress," he said, adding that the court has never addressed that kind of impact in ruling on labor protests.

Acting U.S. Solicitor General Walter Dellinger, arguing on behalf of the clinics, said by creating the 15-foot zone, the lower court was trying to ensure that clinic patients were subject to no more potential intimidation than necessary while still providing protesters some freedom to speak.

"What's a trial judge supposed to do?" he asked.

"One of the things he's supposed to do is read the First Amendment," Kennedy said. Because the injunction is prohibiting conduct based on speech, the injunction must be tailored precisely to protect First Amendment rights, he said.

The court is expected to issue a ruling in the case by July.

Liturgists seek linkage of liturgy and devotion

MINNEAPOLIS — Representatives of more than 115 U.S. diocesan liturgical commissions and offices have called for a forum of scholars to help bishops and liturgists develop sound criteria for relating church liturgy and Catholic devotional life.

The forum on liturgy and devotion was one of several proposals approved by more than 240 professional liturgical leaders who attended the national meeting of the Federation of Diocesan Liturgical Commissions Oct. 9-13 in Minneapolis.

Bishops consider plans for young adult pastoral

WASHINGTON — At their November meeting in Washington, the U.S. bishops are to vote on a pastoral plan for ministry with young adults.

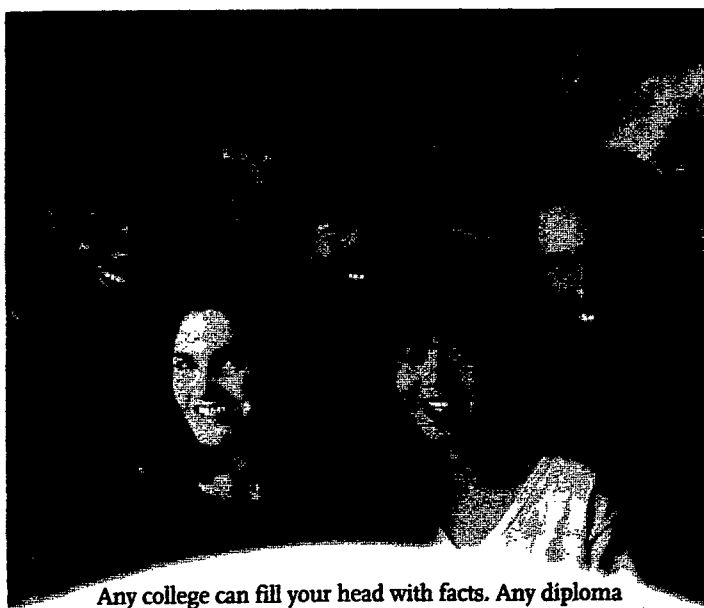
Also on the bishops' agenda are a proposed statement of economic justice principles, norms for Catholic higher education, several liturgy decisions, and plans for restructuring the National Conference of Catholic Bishops and U.S. Catholic Conference, the bishops' twin national conferences.

Cardinal urges greater dialogue among faiths

ST. PAUL, Minn. — Through dialogue with people of non-Christian faiths, Catholics not only strengthen their own faith but also awaken to their responsibilities as followers of Christ, said Cardinal Francis Arinze.

"The other religions can challenge Catholics to live up to ideals of the Christian faith," Cardinal Arinze said during a lecture at the University of St. Thomas.

Cardinal Arinze, a native of Nigeria, said the church should dialogue with Muslims, Buddhists, Jews and members of Africa's traditional religions especially because Christians form only a third of the world population, and Catholics only 18 percent.



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