

WORLD & NATION

Rochester activist hails Supreme Court ruling

WASHINGTON (CNS) — The U.S. Supreme Court's Feb. 19 ruling that allows some "buffer zones" to keep protesters away from abortion clinic patients and staff was hailed as a partial victory by some pro-life activists, including one in Rochester.

The ruling upheld a New York judge's injunction requiring abortion protesters and "sidewalk counselors" in Buffalo and Rochester to stay 15 feet away from clinics, their driveways and entrances.

But the justices threw out a portion of the injunction that established "floating" buffer zones to keep the protesters 15 feet away from individuals as they approach the clinics.

Writing for the majority who supported that part of the ruling, Chief Justice William Rehnquist said the concept of a floating no-speech zone that surrounds anyone approaching a clinic "burdens more speech than necessary."

The ruling stemmed from a 1992 injunction against pro-life protesters im-

posed by U.S. District Judge Richard J. Arcara in Buffalo. Judge Arcara's ruling had created the floating buffer zones around individuals entering abortion clinics.

The judge had made the ruling at the behest of Buffalo-area abortion providers. As the case wound its way through the courts, the Buffalo providers were joined in 1994 by another abortion provider, Planned Parenthood of Greater Rochester and the Genesee Valley, which operates in the same federal court district as Buffalo.

According to spokespersons for both sides of the case, Planned Parenthood in Rochester joined the case in 1994 when it began providing abortions, and asked that the buffer zone ruling be applied to several area pro-life activists. Those activists included Father Anthony P. Mugavero, pastor of St. Bridget's Church in Rochester, and Carol Crossed, a Catholic consistent life ethic activist who has been arrested several times for civil disobedience in demonstrations against war, nu-

clear arms and abortion.

"I think it's a fantastic victory," Crossed said of the ruling. "We were never concerned about whether we could be prosecuted for getting closer (to the clinics). We were concerned about being prosecuted for being even further away."

Carol Love, executive director of Planned Parenthood of Rochester and the Genesee Valley, said she could understand why the high court struck down the buffer zones.

"I think the fact that it's difficult to assess the 15 feet from a moving person or vehicle is a factor that makes it understandable," she said of the decision.

She also expressed pleasure at the ruling that upheld the stationary buffer zones outside clinics.

"We're pleased that the Supreme Court upheld the 15-foot zone," she said, adding that her organization will seek to expand the size of such zones.

Judge Arcara's ruling was upheld by the U.S. Circuit Court of Appeals in September 1995. But the Supreme Court agreed to review the size of buffer zones in March 1996, after an appeal was filed by two Buffalo-area pro-life activists, the Rev. Paul Schenck, an Assemblies of God minister, and attorney Dwight Saunders. The duo argued that the buffer zone injunction restricted their free speech rights more than necessary to accomplish the goal of protecting people with business at the abortion clinics.

Tony Adams, attorney for Crossed, Father Mugavero and other Rochester-pro-life activists, told the *Catholic Courier* he was not involved in the Supreme Court case because the appeal had been filed by an attorney for Rev. Schenck and Saunders. However, Adams said that he will return to the federal district court in Buffalo this spring to argue, on several different grounds, why the Rochester defendants should never have been included in the case in the first place.

"We've been kind of bystanders watching all this," he said of the Rochester defendants.

Around the country, pro-life groups both derided and hailed the decision.

A statement from the National Right to Life Committee argued that by upholding part of the injunction, the court affirmed the attitude that some people's free speech rights may be targeted "because of the content of their speech."

"These decisions and the penalties associated with them are not applied to other activists, who also engage in lawful protest," the statement continued.

But the president of the American Life League, Judie Brown, said the ruling highlighted "that pro-life Americans still have First Amendment rights."

"The bad news is that if an abortion profiteer can obtain a court injunction, those First Amendment rights vaporize within 15 feet of his business building," her statement said.

A statement from the American Center for Law and Justice called the decision "a tremendous victory."

"The court sent a resounding message that you cannot silence a message you disagree with," said the statement from the center's chief counsel, Jay Sekulow, who argued on behalf of the protesters in *Schenck vs. Pro-Choice Network of Western New York*.

"This decision clearly means that the First Amendment applies to the pro-life message and there is no longer an exception to the free speech clause when the issue deals with abortion," Sekulow said.

This article contains additional reporting by Rob Cullivan.



CNS photo/Reuters

Cloned lamb stirs debate

The world's first clone of an adult mammal, a 7-month-old sheep named Dolly, stands in its pen at the Roslin Institute in Edinburgh, Scotland, Feb. 23. The announcement of the successful cloning prompted immediate discussion on the ethics of such procedures and the potential for human clones.



Holy Sepulchre Cemetery
2461 Lake Avenue, Rochester, NY 14612
716-458-4110

St. Ann's Home Connection

The best of both worlds.



Home Connection offers older adults and persons with disabilities the best of both worlds. It enables them the opportunity to live at home and spend their days at St. Ann's, where they can take advantage of fully-staffed health services along with leisure time activities in a safe, secure environment. Services include:

- Personal care and bathing
- Hot meals and nutritional counseling
- Physical, occupational and speech therapies
- Hearing evaluations
- Health monitoring & skilled nursing care
- Case management & counseling
- Religious & educational activities
- Social activities & field trips
- Transportation
- Individual & group exercise programs

We will also arrange special services like podiatry, dental hygiene, mental health referrals, lab & diagnostic work, and trips to St. Ann's beauty salon, barber shop and the Peartree Store.

Home Connection can mean something special for people who need help. In addition, Home Connection offers a much needed break for family members who help care for a person at home.



Recreation Therapist, Tammy Brooks with Home Connection Participant, Anna Smeltzer

If you would like more information about Home Connection, please call us at 342-1700, ext. 440.

HART MONUMENT COMPANY

Since 1856

Monuments, Markers
and Cemetery Lettering

2301 Dewey Avenue
(OPPOSITE HOLY SEPULCHRE CEMETERY)
(716) 865-6746

Mass for Gay & Lesbian Catholics & their families & friends

Saturday, March 1 • 2 p.m.
Sacred Heart Cathedral
296 Flower City Park, Rochester

Presider and homilist:
Bishop Matthew H. Clark

Hosted by the Diocese of Rochester and
Catholic Gay and Lesbian Family Ministry

For information call Karen Rinefield at
716/328-3210 or 1-800-388-7177

Interpreted for the hearing impaired

(paid advertisement)

Catholic Courier (USPS 135-580) Vol. 108
No. 20 February 27, 1997

Published weekly except the first Thursday in January.

Subscription rates: single copy, 75¢; one-year subscription in U.S., \$20.00; Canada and foreign \$20.00 plus postage. Offices: 1150 Buffalo Road, Rochester, N.Y. 14624, 716/328-4340. Periodicals postage paid at Rochester, N.Y.

POSTMASTER: Send address changes to Catholic Courier, P.O. Box 24379, Rochester, N.Y. 14624.