

DIOCESAN NEWS

Federal court injunction restricts activist's efforts

By Rob Cullivan
Staff writer

Since she began praying outside abortion clinics, Mary Melfi has had several opportunities to persuade a woman to reconsider her decision to have an abortion. However, her chances have diminished somewhat in the last year and a half.

Melfi has been "sidewalk counseling," talking to women and men outside abortion clinics, since the mid-1980s, she said. For example, she and other pro-life activists used to stand on the sidewalk outside the office of what is now Planned Parenthood of Rochester Syracuse Region Inc., on University Avenue in Rochester, distributing pro-life literature to people as they came and went from the office, and talking to those willing to listen about her stance against abortion. The literature contained information on alternatives to abortion, she said, including referral numbers for crisis pregnancy centers.

Since a federal court ruling widened the distance she's allowed to be from the clinic, however, Melfi has had to stand across the street from Planned Parenthood and further away from other abortion clinics. She is also no longer allowed by the ruling to use a bullhorn she once used to attract the attention of people. She said that many people going into and out of the clinic may not even know she's available to talk to them. But Melfi noted that she and other pro-life activists were motivated to keep up this kind of work, restricted as it is, by a desire to spare women the regret they may feel after having an abortion and to protect the unborn children slated to die.

"We feel very strongly that we're the voice of the voiceless," said Melfi who attends St. Cecilia's Church, Irondequoit.

Life changed for Melfi with the arrival of Operation Save America, a protest, in part, against abortion clinics in Buffalo and Rochester, that took place in April 1999. Prior to the protests, New York State Attorney General Eliot Spitzer and a group of pro-choice plaintiffs from Buffalo and Rochester, including Planned Parenthood, had sought a temporary restraining order against the OSA organizers, Operation Rescue National, a national pro-life protest

group, and 69 other pro-life groups and activists, including Melfi.

In response to Spitzer's and the plaintiffs' demands, U.S. District Court Judge Richard J. Arcara of Buffalo temporarily widened the buffer zone around clinics from 15 feet to between 50 and 60 feet. (The U.S. Supreme Court — examining a previous Arcara ruling in a similar pro-life/pro-choice case — ruled such zones were permissible in 1997.) He also barred protesters from using megaphones and loudspeakers outside the abortion clinics.

The temporary order moved one step closer to becoming permanent in early August this year when Judge Arcara handed down a preliminary injunction against the activists. However, Mary E. Aramini, a Rochester attorney who represented several of the pro-life activists, including Melfi, said Arcara's ruling is being appealed to a federal court in New York City, in part, on grounds that it has unreasonably restricted the protesters' First Amendment rights. Normally, she said, a temporary order extends for no more than 20 days. This ruling, however, has been in place for more than a year and a half, she said.

"Obviously we have a constitutional ground to object to restricting First Amendment freedom of speech for that long a time," said Aramini, who attends Holy Spirit Church in Penfield. She added that the appeal could take from one to two years to be heard.

Till then, Melfi said, she plans to abide by the ruling unless she feels a "prompting from the Holy Spirit" to do otherwise. She noted that going to jail for violating the injunction would deprive her of the ability to help women seek alternatives to abortion. She estimated that since the mid-1980s, at least six women she and other pro-life activists have talked to changed their minds and decided not to abort. She added that she had heard of other women who took her literature and later changed their minds about having an abortion, although she said could not give an exact figure of such women. But numbers are not what her sidewalk counseling is about, Melfi said.

"It's worth it if you're there for 20 years to save one baby," she said. "It's saving a life."



John Powell/Photo intern

Auburn anniversaries

Bishop Matthew H. Clark speaks to Samuel, 3, and Hannah 7, and their parents Fred and Maura Delfavero, after Mass at St. Alphonsus Church in Auburn, Sept. 30. The Mass celebrated the 50th anniversary of Catholic education on Genesee Street — at St. Joseph School, which Samuel and Hannah attend, and the former St. Alphonsus and Blessed Trinity schools. It also marked the 70th anniversary of the church building.

Doctors will advise against RU-486

By Kathleen Schwar
Assistant editor

Diocesan officials reacted with sadness to the FDA's Sept. 28 approval of the drug RU-486 for use in abortion.

"Humanity is further degraded when the abortion drugs mifepristone (RU-486) and misoprostol are used to extinguish human life," stated Jann K. Armantrout, diocesan life-issues coordinator. "The approval of RU-486 further dulls our consciences and lessens our respect for human life and dignity. It also increases the chance that even more women will suffer the emotional trauma brought on by abortion."

As the *Catholic Courier* went to press Oct. 3, two Catholic medical practitioners in Monroe County were finishing a letter to advise area physicians of potential hazards to women using the drug. The drug may become available in a month.

Dr. Joseph Di Poala Sr. and Dr. Katherine Lammers were working on the letter, to be sent out by the Monroe County Coalition for Life later in the week. Other physicians were expected to sign it.

"We hope physicians will be wise enough to make a decision and not get involved," Di Poala said. "The major concern is the side effects for women. There are a lot of dangers; women can get pretty sick on this stuff. There also are concerns for doctors who are going to use it. This is going to complicate their abortion procedures quite a bit ..."

"We are concerned for everybody's health. I'm a physician," he continued. "Anybody who is going to be harmed by a drug or procedure, I'm concerned about. Of course we're against all forms of abortion, which is the killing of a child, (we) certain medical professionals who are knowing enough to know human life begins at conception. That's the primary issue, but the health of the woman is very important."

"Mothers have the right to life, too," Lammers agreed. "I think we get in trouble when we want to save fetuses ... and lose compassion for women in these problem pregnancies. A woman who has made a bad choice in pregnancy doesn't deserve to

die for it."

Lammers said her concerns extended beyond the drug being used for abortion. She said that as she understood it, "Any pediatrician, nurse practitioner or family doctor or retired pathologist ... could prescribe this drug. I have another concern that it could be prescribed far from surgical help. If people in remote areas prescribe this or God forbid, pregnant teenagers develop a black market for it, someone may die."

The physicians' concerns mirror those of other critics who cite a failure rate of 2-5 percent, the potential need for a surgical abortion to complete a failed chemical abortion, life-threatening complications and the various side effects.

The drug is approved for use up to 49 days after a woman's last menstrual period. The resulting abortion process can take seven to 15 days, suffered at home, and three to four visits to the doctor's office.

"I don't hold with the morality of surgical abortion, either, but it is much safer (than RU-486) and you don't kill the mothers, too," Lammers said, citing a European fatality related to the drug's use. She also expressed concern for the woman who comes "face to face" with the fetus, its arms and legs when it is aborted at home.

It isn't clear how widespread the use of RU-486 will be. But according to Dr. Eric Schaff, who conducted trials of it with Rochester-area women, "There have been studies by Kaiser nationally that one-third of OB/GYN physicians and one-third of family physicians are willing to use it."

"I realize your constituents don't want this to happen," he told the *Courier*, "but it is a medication approved by a dozen European countries and China, and we know a great deal about the medication. It would not be approved if it were a danger to women's health."

He also said the occurrence of heavy bleeding that requires surgery is similar to what can happen in the event of a natural miscarriage. "Every OB/GYN doctor trained in the United States can do (the necessary surgery), and most family physicians in rural areas and who cover emergency rooms have that skill," he said.

Lammers said she realized that physicians have differing opinions on such life issues as the use of RU-486, but contended they've been kept in the dark about its possible consequences.

"I think it's important that physicians be educated about the whole picture, whatever their feelings are about abortion, that women inform themselves of the physical and psychological risks of the abortion pill," she said, "and that as a society we need to rally and support women in crisis pregnancy situations so they don't have to choose this awful option, ... and pray."

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