

DIOCESAN NEWS

Pro-life protesters benefit from federal court ruling

By Rob Cullivan
Staff writer

A federal appeals court Nov. 26 overturned a lower court's ruling that in 1999 had expanded the "buffer zones" around abortion clinics in Rochester and Buffalo from 15 feet to 60 feet and banned the use of such amplification devices as bullhorns by pro-life protesters.

In April 1999, U.S. District Judge Richard J. Arcara enjoined pro-life protesters from coming within 60 feet of clinics in western New York. He did so at the request of New York State Attorney General Eliot Spitzer, as well as Planned Parenthood of the Rochester/Syracuse Region Inc. and other pro-choice plaintiffs.

The decision was made prior to "Operation Save America," a protest by about 100 pro-life activists, which took place in Rochester and Buffalo April 20-25 at various sites. In calling for the decision, the plaintiffs cited concerns for the safety of abortion clinic employees and patients. The protests were marked by heavy police presence, but there was no violence by pro-life activists, nor any arrests of them, during Operation Save America.

The decision was directed at several pro-life protest groups and individuals, and was appealed by two Rochester activists, the Rev. Michael Warren of Brighton Presbyterian Church, and Mary Melfi, a parishioner at St. Cecilia's Parish, Irondequoit. The United States Court of Appeals for the Second Circuit found that the buffer zone enlargements "are more extensive than necessary" to protect the state's interests and therefore violated the First Amendment to the U.S. Constitution. The appeals court also ruled that banning the use of amplification devices by protesters "burdens more speech than necessary" for the goals of the injunction



Andrea Dixon/Staff photographer

Mary Melfi protests outside Planned Parenthood in Rochester Nov. 28.

to be achieved.

The court of appeals did make one ruling against the interests of the pro-life activists when it threw out an exception in the original ruling that allowed two activists who were "sidewalk counselors" to enter the buffer zone. The counselors generally speak to people going in and out of abortion clinics in an effort to persuade them against abortion.

Melfi regularly prays and protests outside Planned Parenthood in Rochester, as well as Dr. Morris Wortman's office in Brighton, where he performs abortions. She was "elated" about the ruling.

"This is a victory for the pro-lifers," she said, noting that the expanded buffer zone didn't allow her to talk to women seeking abortions "in a normal tone of voice." However, in part because the appeal may itself be overruled in the future, she said she and other activists will continue, for now, to adhere to the expanded buffer zone. Nonetheless, the appeals court ruling is a victory for the free speech and free assembly rights of protesters, she said.

"We should all be thrilled about it because we don't get too many victories," she said.

Marc Violette, a spokesman for Spitzer's office, said that the office may request "modification" and/or "clarification" of the court's ruling. He added that while the court decreased the size of buffer zones, it nonetheless affirmed that they are legal. Carol Love, president/chief executive officer of Planned Parenthood, said she, too, was glad the court upheld buffer zones, but was disappointed about their size.

"The line is right at the edge of our building," she said. "It puts the protesters just feet away from people receiving health care."

SBI event focuses on ethics of downsizing

By Mike Latona
Staff writer

ROCHESTER — Is there an ethical way to tell people their services are no longer required?

Although downsizing has become customary in large companies, the routine of issuing pink slips remains "a very painful process," said Edward Kay, managing partner for PricewaterhouseCoopers LLP. "There's no easy way to deliver that

message," he remarked.

Kay was one of two guest speakers at a business-ethics breakfast on downsizing, held Nov. 16 at the Strathallan Hotel. The event, which drew several leaders in the Rochester business community, was sponsored by St. Bernard's Institute Department of Community Education.

The other guest speaker was Wade Robison, a professor of applied ethics at Rochester Institute of Technology. He and Kay acknowledged that the days when people would spend 30 or more years working for a company such as Eastman Kodak, Xerox and Bausch & Lomb are fast becoming a distant memory.

Robison said he wishes that today's CEOs would consider the long-term before downsizing, rather than give in to stockholders' immediate concerns.

However, Kay said, "A lot of companies say they're prepared for the long-term, but the short-term is brutal." Robison then conceded that his hope is idealistic, saying, "When you're got all these pressures, it's very difficult."

Many who attended the breakfast noted that employees, faced with such uncertainty, are increasingly switching jobs — even if it means moving to another city — to protect themselves.

"It's now a two-way street," Kay observed. The result, he and Robison said, is a vicious cycle where mutual trust between employer and employee has been lowered dramatically.

To Robison, this overall instability is an unfortunate trend. "That model of committing your expertise is disappearing," he said. "What you lose ... are the ideas. It's a real loss to the company and society."

One businessman attending the breakfast, Eastman Kodak's Art Roberts, noted that a very low percentage of today's college graduates will find long-term em-

ployment with a company. Citing a personal example, Roberts said his college-age daughter is considering a job possibility in Cincinnati, but isn't sure she wants to live there.

"I told her 'Take it, because you'll be in another city in a few years anyway,'" remarked Roberts, who serves as Kodak's director of human resources in its 4,000-employee Research and Development Division.

Roberts, a parishioner of St. Louis in Pittsford, asserted that people just beginning their careers haven't been briefed about these trends well enough.

"We have to get people over the notion of being a victim," Roberts stated. "We haven't educated people, except through the newspaper, that they've got to be flexible. We've done them a disservice."

The business-ethics breakfast was a first-time venture for St. Bernard's Institute. SBI's president Sister Patricia Schoelles, a Sister of St. Joseph, remarked that the discussion brought home to her the challenge of applying Catholic ideals and values in a business setting.

"Maybe the church people can be educated by the business community," Sister Schoelles said.

Roberts said the event's subject matter appealed to him because even in a downsizing climate, he strives "to treat people fairly and ethically. Whether it's one, 200, or more, we want to treat everybody as an individual and not a mass of numbers."

Deacon Thomas Driscoll, SBI's director of community education, was pleased with the turnout of more than 40 people, saying he had hoped for 25 to 30. Most of the participants were Catholic, he said. Deacon Driscoll, who served as moderator, added that SBI will offer further business-ethics seminars beginning in February.

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