

NCCB Seeks Anti-abortion Clause in ERA

WASHINGTON (NC) — The National Conference of Catholic Bishops announced April 29 it will "have no alternative but to oppose" the Equal Rights Amendment if a clause is not added excluding abortion and abortion funding from its scope.

In a news release the NCCB said its Administrative Committee in March approved a resolution stating the new position on ERA "because of the serious moral problems" that would be presented by an ERA without the inclusion of an anti-abortion clause.

The NCCB also announced establishment of an ad hoc interdisciplinary committee to study implications of the ERA. The committee is chaired by Archbishop John L. May of St. Louis, NCCB vice president.

Msgr. Daniel F. Hoye, NCCB general secretary, said the Administrative Committee at its March meeting had noted recent developments in Congress and the courts which he said raise questions about ERA's implications not only for abortion but for private educational in-

stitutions, the tax-exempt status of charitable organizations, religious exemptions in federal grant statutes and government aid programs.

"In general, it seems fair to say that the potential gravity of the amendment's implications is the product not so much of its own terms originally understood by sponsors and supporters, as it is of an ambiguous congressional record and the interaction among ERA, legislative enactments and other legal principles," Msgr. Hoye said in a statement.

The ad hoc committee studying the implications of the ERA will present its findings and recommendations to the Administrative Committee in September, the NCCB said.

Previously the bishops have taken no position on the ERA itself. Last fall, without changing its basic neutrality, the bishops' conference announced support for a proposed amendment to the ERA sponsored by Rep. F. James Sensenbrenner, R-Wis., which supporters say would make ERA "abortion neutral."

Major supporters of the ERA, such as

the National Organization for Women, want Congress to resubmit the proposal to the states for ratification without amendment.

The NCCB statement said that at the March Administrative Committee meeting a joint report on the issue was presented by the NCCB Committee on Pro-Life Activities, chaired by Cardinal Joseph Bernardin of Chicago, and by Wilfred Caron, NCCB general counsel.

The statement said the Administrative Committee also discussed a March 9 ruling in which the Commonwealth Court of Pennsylvania used that state's ERA to strike down Pennsylvania's promotions on public funding of abortions. Pro-life groups have argued that a federal ERA similarly could affect federal abortion restrictions.

Msgr. Hoye said the Administrative Committee in its discussion reaffirmed the bishops' commitment to women's rights.

"The discussion made clear the committee's concern that there be no doubt about the conference's fundamental commitment to civil rights and the dignity of the person, and its support of governmental and private efforts to promote fair treatment of all people and prevent all forms of wrongful discrimination between the sexes," he said.

The Administrative Committee is a panel of some 40 bishops which conducts the business of the NCCB between annual general meetings.

The proposed federal ERA states, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

In a column in the National Catholic Register March 11, Russell Shaw, U.S. bishops' secretary for public affairs, said the Catholics could not support the ERA without an anti-abortion clause because courts would interpret the amendment as guaranteeing a "right" to abortion.

ERA and abortion

Without presuming to play political pundit, I take it as a fact that Washington observers know what they are talking about in assuring us the Equal Rights Amendment will be an important issue on Congress' agenda this year. I also take it as a fact that this means the question of ERA's relationship to abortion will receive intense scrutiny.

The point I wish to make is simple: It is necessary to amend ERA in order to ensure that, whatever else it does, it does not confer a right to abortion or public funding of abortion. Before developing that theme, however, I see a need to make certain clarifications and distinctions.

THE FIRST CLARIFICATION is this. Like the rest of the Catholic bishops in the United States, I support equality of rights for women under the law as a noble and necessary goal. Legally imposed or sanctioned discrimination against women has no place in our nation.

But a crucial distinction is also required. Neither I nor the bishops collectively have up to this time taken a position for or against the Equal Rights Amendment as such. There is no inconsistency in that. Whether or not ERA is an appropriate means for achieving equality of rights is a complex question whose answer is far from clear. I am not going to answer it here.

There is, however, much room for concern that ERA, as it stands, might be interpreted by the courts as guaranteeing a right to abortion and the public funding of abortion. True, some of its supporters say this would not necessarily happen. But others, both supporters and opponents, are convinced it would and offer reasons to support their view. What they say must be taken seriously.

AGAIN, I AM NOT going to try to resolve this



'The truth in Christ'

By Cardinal
Bernardin

particular question here. My point is different. There are serious grounds for concern that the Equal Rights Amendment, as it now stands, would be read by the courts as guaranteeing a "right" to abortion and a "right" to tax funds for abortion. Since this is so, there is need to amend the amendment to make sure it doesn't happen.

A proposal to accomplish that was introduced in Congress last year. Its principal sponsor in the House of Representatives is Rep. F. James Sensenbrenner of Wisconsin. Its language is straightforward: "Nothing in this Article shall be construed to grant or secure any right relating to abortion or the funding thereof." I support it, and I believe it deserves the support of anyone who does not wish to see abortion and abortion funding enshrined in the Constitution by a pro-abortion reading of ERA on the part of courts.

The Sensenbrenner amendment has already played a role in the congressional history of the Equal Rights Amendment. Last November ERA came to the floor of the House under a procedure which ruled out debating and voting on proposals for modifying it or clarifying its intent. The dismay of congressmen who opposed this procedure apparently contributed to ERA's failure to receive the two-thirds vote required for passage. I

urgently hope that, when ERA comes up again in Congress, our representatives will have ample opportunity to consider the Sensenbrenner amendment.

LAST NOVEMBER, TOO, the United States Catholic Conference joined other pro-life groups in supporting Congressman Sensenbrenner's proposal. The reason offered in a letter to members of the House by Msgr. Daniel F. Hoye, the Conference's General Secretary, makes good sense: "The Sensenbrenner amendment underlines what is already apparent to many supporters of women's rights — namely, that the equality of women has nothing to do with abortion."

I see little logic in the position of any supporter of the Equal Rights Amendment who would argue that he or she opposes legalized abortion but also opposes amending ERA to make it clear it does not guarantee a right to legalized abortion. At the very least, ERA's thrust and implications on this point are far from clear. The Sensenbrenner amendment would supply the clarity which is now lacking.

THERE IS, HOWEVER, plenty of logic in the stand taken by those who oppose amending ERA along these lines for the very reason that they believe the courts would interpret it as guaranteeing an abortion "right." This in fact seems to be the position adopted by not a few. From a pro-life point of view, that is a further argument for Congressman Sensenbrenner's proposal.

Women's rights deserve legal recognition and protection, but this goal should not be confused with extraneous and unacceptable objectives like guaranteeing a "right" to abortion and abortion funding. As Congress resumes consideration of the Equal Rights Amendment, I hope it will keep this principle clearly in mind.