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August 23, 1988

Robert P. Joy, Esq.
Deutsch Williams, Brooks, DeRensis,
Holland & Drachman
1 Liberty Square
Boston, MA 02109

Dear Mr. Joy,

On September 24, 1988 at 10 a.m. at the Cathedral of the Holy Cross in Boston there will be celebrated a Red Mass to mark the opening of the 1988-1989 Court year. The mass has been organized by the Catholic Lawyers Guild of the Archdiocese of Boston, and will be celebrated by Bernard Cardinal Law, Archbishop of Boston.

At the lunch following the Mass, the Honorable Antonin Scalia, Associate Justice of the United States Supreme Court, will be the guest speaker.

I hope that you will be able to attend the Mass and lunch, both of which are open to all attorneys and judicial officers, Catholic and non-Catholic.

According to the New Catholic Encyclopedia (1967) the Red Mass is "a solemn votive Mass in honor of the Holy Spirit, celebrated annually at the opening of the judicial year. Judges and lawyers attend in a body, joined by public officials and law faculty members...The inauguration of the Red Mass in the United States occurred in New York City on Oct. 7, 1928...In the U.S. not only Catholic but also Protestant and Jewish members of the juciciary and the legal profession attend the Mass...The Red Mass is offered to invoke divine guidance and strenth during the coming term of court. It is celebrated in honor of the Holy Spirit as the source of wisdom, understanding, counsel, and fortitude, gifts which must shine forth preeminently in the dispensing of justice in the courtroom as well as in the individual lawyer's office."

See also: "The Red Mass: A Legal and Judicial Tradition" 18 U.Det L.J. 59 (1954); "The Votive Mass of the Holy Spirit" 1 Catholic Lawyer 215 (1955); "Background of the Red Mass" 17 The Ave Maria N.S. 519 (Oct. 21, 1959); "The Red Mass for Judges and Lawyers" 67 America 712 (Oct. 3, 1942).

GORMLEY & KEEFE

From these sources, it is seen that the purpose of the Mass is to invoke the Holy Spirit to foster wisdom and understanding on both Catholic and non-catholic members of bench and bar.

The purpose of the Guild, which was reconstituted in Boston in July, 1987, is to promote high standard of religious, social and ethical ideals and practices among lawyers. The Catholic Lawyers Guild of Boston seeks to promote the intellectual and spiritual welfare of its members and to safeguard the legal and moral rights of all people in a manner consistent with the teaching of the Roman Catholic Church.

I enclose two tickets to the lunch which will follow the Mass. I sincerely hope that you will consider spending Saturday, September 24th with us at the Mass and lunch, and that you will invite partners and associates from your office, and your friends in the profession. I also enclose an application for membership in the Guild, which, if you have not yet joined, I recommend for your consideration.

If you are able to attend, please return a check to the Guild Office (please reference the ticket numbers on your check) at 20 Beacon Street, Boston, MA 02108. If you are unable to attend, please return the enclosed two tickets to the Guild.

Additional tickets are available, and questions answered, through the Guild office, at Tel. 523-2640.

Very truly yours,

John L. Keefe

John L. Keefe

JLK/tlw
Encs.

14:cathrm

UNIVERSITY OF DETROIT LAW JOURNAL

THE RED MASS

A LEGAL AND JUDICIAL TRADITION

EDWARD R. TIEDEBOHL*

In the early days of the thirteenth century, across all of what was then totally Catholic Europe, there arose almost spontaneously a contemporary adaptation of the Mass, the Church's age old expression of dependence on God, to the peculiar needs and institutions of the courts and the law. This Mass, according to the earliest traditions, was called from the outset the Red Mass, so designated because of the color of the vestments used by the priest in celebrating this central ritual of the Church.

The earliest records of the thirteenth century indicate that the Mass arose principally in England, France and Italy. The most careful research, however, up to the present day has given no full documentation of its early origins.

The English Tradition

The peculiarly English tradition of the Red Mass commenced, as far as is known, during the reign of Edward I, about the year 1310. As in France and Italy, the Bench and Bar had but one purpose in joining the ordinary and traditional celebration of Mass to the traditions and processes of the Courts and the Law. In essence, the Red Mass was meant to call upon God the Holy Ghost, the Third Person of the Trinity, to grant light and inspiration to the lawyer in pleading and to the judge in adjudicating during the coming term of court.

From the very beginning it was the custom for the entire Bench and Bar to attend the Red Mass at the opening of each term of court. In England the legal year was divided into four terms: Hilary, Easter, Trinity and Michaelmas. The feast of Saint Hilary came on January 11th; Saint Michael's on September 29th. On a date close to Michaelmas, the first term, the courts, Parliament and the universities all began the legal activities of the year. The early tradition of celebrating Mass at the beginning of each of the four terms gradually lapsed into desuetude, and today throughout the modern world the celebration of the Red Mass can be seen only at the beginning of the year.

*LL.B., Northwestern University. Member of Rosenthal, Kurz and Tiedebohl. Member of Chicago Bar. Present President of Catholic Lawyers Guild of Chicago.

The Mass At Westminster

In the days of Edward I, twelve judges of the High Court sat on the King's Bench at Westminster. These judges, who were all doctors of the law, wore the impressive robes belonging to that office and attended the Red Mass in a body. Again, tradition seems to be unable to determine the exact location of the principal Mass. It was celebrated either in the famous Chapel of Saint Stephen in the palace of Westminster or in Westminster Abbey itself. Due to the confusion on this point, it is highly possible that the Masses were celebrated first in one and then in the other on alternate terms.

Since the priest celebrant, or more properly the Cardinal Archbishop, garbed in red vestments, always offered a Votive Mass of the Holy Spirit, the judges, conforming to the ecclesiastical traditions, appeared at the Mass in a deep liturgical red. It is interesting to note, as some historians wish to point out, that this scarlet of the early judges became the distinctive hue of the later university doctoral gowns. This also explains rather obviously why this judicial gathering was called popularly the Red Mass.

In England in more recent times, notably from the late eighteen hundreds until the early nineteen hundreds, the Red Mass has been said at the Chapel of Saints Anselm and Cecilia, Lincoln's-Inn-Fields, commonly known as the Sardinian Chapel (from its former connection with the Sardinian Embassy). In 1904, however, the Mass was moved to the new cathedral in Ashley Gardens where it is now celebrated on October 24th.

The Tradition In France

The venerable King Louis IX, who was later raised to the altars as Saint Louis, built in France the famous *La Sainte Chappelle* to house the precious relic of the Holy Crown of Thorns which he had obtained from Constantinople while on the Crusades. For many centuries *La Sainte Chappelle* was the chapel of the Order of Advocates and was designed for the exclusive use of the Courts of Justice. It is associated with the Paris Bar as no other place in the City, for the *Messe Rouge* existed as an immemorial custom dating its inception to 1245 A.D. Thus, it would seem that France could rightly claim to precede England in celebrating this particular judicial function and ecclesiastical rite.

It is rather appropriate that in France as the centuries passed, the *Messe Rouge* in certain localities was celebrated in honor of the famous lawyer saint, Ives. Born in Brittany in 1253 A.D., Ives was canonized in 1347 A.D. His feast is kept on the nineteenth of May. Since he is the universal patron of lawyers throughout the world, it is understandable that the French should

particularly honor him in the Mass which was primarily offered to invoke the light of the Holy Spirit on the conduct of the courts and the law.

However, in 1906, in keeping with the modern tendencies of the French people a majority in the *Parlement* considered such an observance of religious faith by the elite of the Paris Bar, if not of the nation, to be offensive to their current conception of liberty of conscience. Thus, a resolution was passed secularizing the *Chappelle* and prohibiting the celebration of the *Messe Rouge.* However, during the Great War a temporary suspension of the resolution was obtained by the Paris Bar, and once again the *Messe Rouge* was celebrated by the Cardinal Archbishop of Paris out of respect to the lawyers who had died in the battle for France and humanity. This unfortunately was not to continue and a few years later the same decree of secularization was passed and the *Messe Rouge* in France once again passed into history.

Italy and Rome

The Red Mass in Rome and Italy has always centered around the Roman Rota, which is the supreme judicial body of the Roman Church. The Rota itself was instituted during the reign of Innocent IV, circa 1243 A.D. It was this same Innocent who appointed the auditors of the Rota as the first permanent jurists for the provinces of the Pontifical States.

Whether the Red Mass began in the earliest days of the Rota or was of later institution is unknown. It has been established, however, that the Red Mass was inaugurated for the specific purpose of calling down divine assistance on the work of the Rota and asking the Holy Spirit to inspire these judges in the conduct of their ecclesiastical affairs.

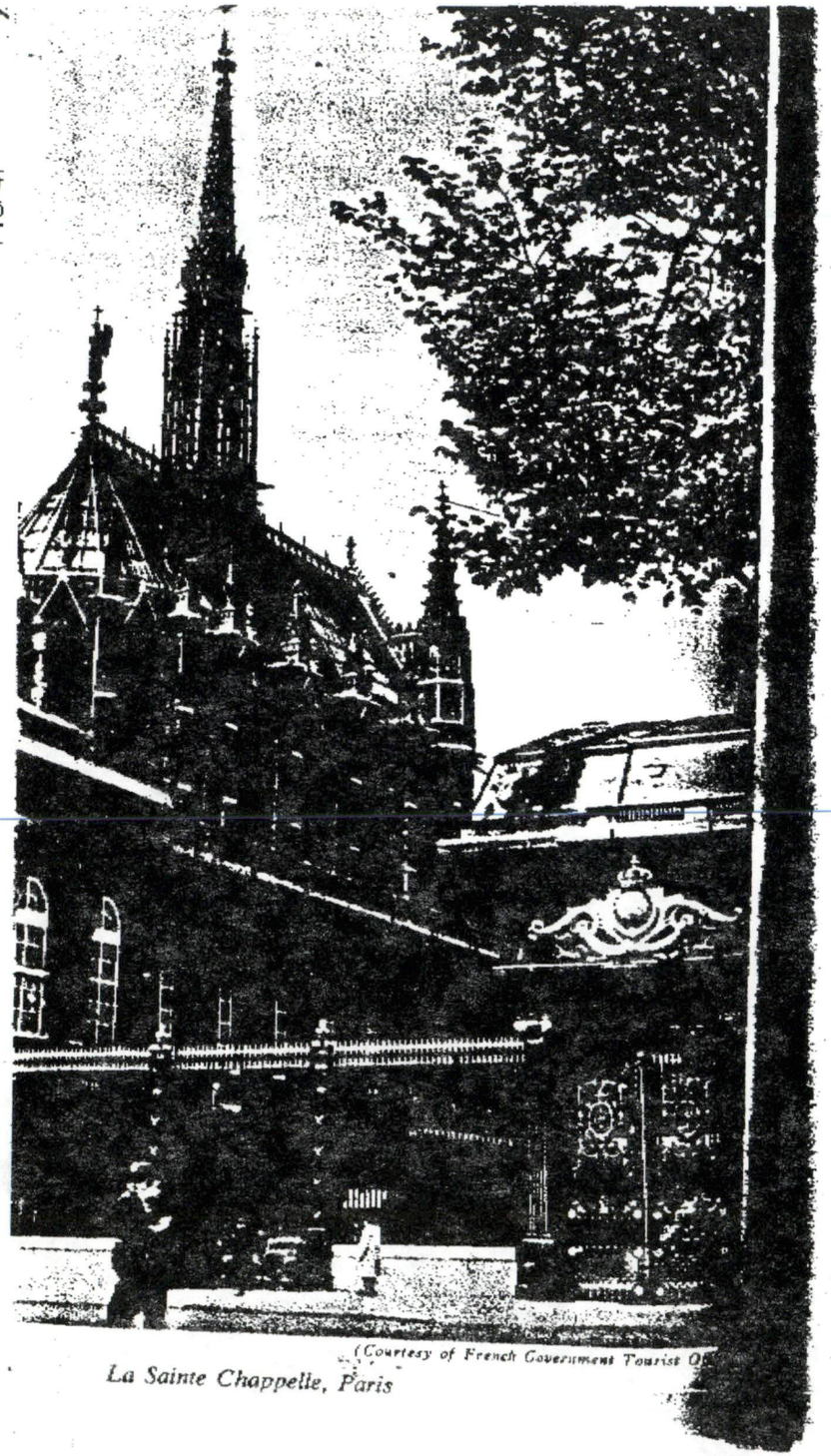
The Mass Today

The late Right Reverend Monsignor William E. Cashin of Saint Andrew's Church of New York City had the honor of reviving the Red Mass in the United States. In 1928 he caused to be celebrated the first Red Mass for the Guild of Catholic Lawyers in New York City.

There are today about fifteen cities in the world where the Red Mass is an institution, and in about twenty or more where the early beginnings of the tradition can be seen.

The Significance Behind the Mass

So it is an old custom coming down to us through the centuries for the jurists of a community once a year to gather before the Altar of God while assisting at Holy Mass to ask the light and the strength which only God's love can give them to fulfill their high public responsibility.



(Courtesy of French Government Tourist Office)

La Sainte Chappelle, Paris

*This article is based upon "The Red Mass: Its Origin and Early Tradition," by Edward R. Tiedebohl, Esq., 18 University of Detroit Law Journal 59 (1954).**

The Votive Mass of the Holy Spirit

The Red Mass appears to have been an almost spontaneous adoption of the Mass, the Church's age old expression of dependence on God, to the peculiar needs and institutions of the courts and the law.

In essence, the Mass was instituted as an invocation to the Holy Spirit, soliciting His assistance during the coming term of court.

Although the exact date of its inception is unknown, available documentation places its origin somewhere around the middle of the thirteenth century. Records of that era show that the Red Mass (so designated because of the color of the vestments worn by the officiating clergy) was celebrated principally in France, Italy and England.

The Red Mass in France

The venerable King Louis IX, who was later raised to the altars as Saint Louis, built in Paris the famous *La Sainte Chappelle* to house the precious relic of the Holy Crown of Thorns which he had obtained from Constantinople while on the Crusades. For many centuries *La Sainte Chapelle* was the chapel of the Order of Advocates and was designed for the exclusive use of the Courts of Justice.

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However, in 1906, a majority in the *Parlement* considered such an observance of religious faith by the elite of the Paris Bar, if not of the nation, to be offensive to their current conception of liberty of conscience. Thus, a resolution was passed secularizing the *Chappelle* and prohibiting the celebration of the *Messe Rouge*. However, during the Great War, as a mark of respect to the lawyers who had died in the battle for France and humanity, a temporary suspension of the resolution was obtained by the Paris Bar, and once again the *Messe Rouge* was celebrated by the Cardinal-Archbishop of Paris.

The Red Mass in England

The English tradition of the Red Mass began, as far as can be ascertained, about the year 1310, during the reign of Edward I.

*Reprints of this article with the Votive Mass of the Holy Spirit appended are available by contacting the University of Detroit Law Journal, 651 E. Jefferson, Detroit 26, Mich.

From the time of its inception it was the custom for the entire Bench and Bar to attend the Red Mass at the opening of each term of court. In England the legal year was divided into four terms: Hilary, Easter, Trinity and Michaelmas. The feast of St. Hilary came on January 11th; St. Michael's on September 29th. On a date close to Michaelmas, the first term, the courts, Parliament and the universities all began the legal activities of the year.

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The early tradition of celebrating Mass at the beginning of each of the four terms gradually lapsed into desuetude, and today in England the celebration of the Red Mass occurs only at the beginning of the court year.

The Mass and the Roman Rota

The Red Mass has always been closely identified with the Sacred Roman Rota, the supreme judicial body of the Roman Catholic Church. The Rota itself was instituted during the reign of Innocent IV, circa 1243 A.D. It was this same Innocent who appointed auditors of the Rota as the first permanent jurists for the provinces of the pontifical states.

Whether the Red Mass began in the earliest days of the Rota or was of later institution is unknown. It has been established, however, that the Red Mass was inaugurated for the specific purpose of calling down divine assistance on the work of the Rota and asking the Holy Spirit to inspire these judges in the conduct of their ecclesiastical affairs.

Significance Behind the Mass

It is most probable that the expression "Red Mass" is attributable to the color of the gowns worn by the jurists and the vestments worn by the celebrants. Many, however, would attach an even deeper meaning to the appellation.

From the beginning, this Mass was celebrated as an invocation of the Holy Spirit. The red robes and the red vestments of the celebrant were the red of Christian signifi-

(Continued on page 253)

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ity" and Judge Frank [who
ised the word "adultery" (see
n Clerk's Office, U.S. Ct. of
No. 230, Oct. Term, 1954,
497)] substitutes the words
of offenses." Yet neither the
nor Gratian, nor Fortescue,
en, specifies any particular
whatsoever.

treatment of this famous
ppear in a subsequent issue
LIC LAWYER. Meanwhile in-
s are referred to Kuttner,
e History of a Canonical
ditio 129-214 (1945).

*judges expressed a desire to
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otnotes indicating sources
the Commission for Codifi-
d to the official text in some
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in Catholic books, such as
., 6 Barclay St., New York

ow, there is no unannotated

edition of the entire Code in English. C
American publication offers nearly all
Canons of the Code in English translatio
each Canon is followed by a few lines
several pages of comment, depending up
the importance or difficulty of the text. T
work is "A Practical Commentary on
Code of Canon Law," by Woywood an
Smith, volumes 1 and 2 bound togethe
1952, Joseph F. Wagner, Inc., New Yo
City.

There are several texts and commentaries
widely used in the United States. Some
the best known are: "Canon Law"
Bouscaren and Ellis, 2d revised edition
1951, Bruce Publishing Company, Milwau
kee, Wis.; "Manual of Canon Law"
Ramstein, 1948, Terminal Printing and
Publishing Co., Hoboken, N. J.; "The
Sacred Canons," by Abbo and Hannan, tw
volumes, 1952, B. Herder Book Co., S
Louis, Mo. None of these offers the text
all the Canons; they omit entirely or tre
very summarily the Canons of the Fourth
Book of the Code, *De Processibus*. Mo
signor Doheny, an American priest who
an Auditor of the Sacred Roman Rota, h
written two treatises on "Canonical Proc
dure in Matrimonial Cases," the greater pa
of the text being in English. One of thes
volumes treats the formal process and t
informal process is the subject of the othe
Both are published by Bruce Publishin
Co., Milwaukee. An excellent work
background and introduction to the Code
"Canon Law" by the present Aposto
Delegate to the United States, Archbish
Cicognani, 1935, Dolphin Press, Philad
phia, Pa.

The English text of official documents
terpreting or supplementing the Code,
well as digests of some notable decisions
the church courts are found in "The Ca

Law Digest," by Bouscaren, published by
Bruce. It is now in three bound volumes, the
latest dated 1953. It is kept up to date with
an annual supplement, the last to appear
was dated August 11, 1954.

Question

We are interested in securing reprints of the prayer and picture of St. Thomas More appearing on page 127, Volume 1, Number 2 of THE CATHOLIC LAWYER. *If you can give me any information as to where these can be obtained, it would be appreciated.*

Answer

The prayer card mentioned can be se-
cured from THE CATHOLIC LAWYER, 98
Schermerhorn St., Brooklyn 1, New York
at $1.75 for 50 and $3.00 for 100.

A card containing prayers dedicated to Our Lady of Equity by Dr. John C. H. Wu may be obtained by writing to either the Reverend Nicholas Maestrini, P.I.M.E., Provincial Superior of the Missionaries of Saints Peter and Paul, 121 East Boston Boulevard, Detroit 2, Michigan or The Catholic Lawyers Society, c/o Rev. Charles J. Malloy, 1234 Washington Blvd., Detroit 26, Michigan.

VOTIVE MASS *(continued)*

cance. So close in the life of the lawyer is the truth inspired by the Holy Spirit and the willingness to defend that truth at the cost of blood that it takes little effort for the Christian lawyer to join the two together as he stands at the beginning of the term of court. He implores the help of God on his work and asks the Holy Spirit to keep him true to the truth of justice even to the shedding of blood. This devotion then is called the Red Mass.

The Mass Today

The late Right Reverend William E. Cashin of St. Andrew's Church of New York City had the honor of initiating the tradition of the Red Mass in the United States. In 1928 he arranged for the celebration of the first Red Mass for the Guild of Catholic Lawyers of New York City.

There are today eighteen cities in the United States where the Red Mass is celebrated* and twenty-one others contemplating such an observance in the near future.

*Boston, Massachusetts; Chicago, Illinois; Cincinnati, Ohio; Detroit, Michigan; Dubuque, Iowa; Joliet, Illinois; Kansas City, Missouri; New Orleans, Louisiana; New York, New York; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Rockford, Illinois; St. Louis, Missouri; St. Paul, Minnesota; San Francisco, California; Topeka, Kansas; Tucson, Arizona; Washington, D. C.

THE AVE MARIA

VOL. 72 (N. S.) NO. 17 [Copyright, 1950: Ave Maria Press] OCTOBER 21, 1950

World News in Brief

HE CHURCH Tokyo: the number of Catholics in-reased nearly thirty per cent in Japan ring the last nine years. . . . ¶ Wash-gton: John F. Cronin will conduct five scussions on the Hour of Faith pro-ram on the Christian way of manage-ent. . . . ¶ New York: twelve Sisters of e Precious Blood left by plane to be esent at the beatification of their undress, Maria de Mattias. . . . ¶ Phil-lelphia: the founder of the Sisters of . Joseph of Cluny will be beatified on tober 15. . . . ¶ Maryknoll: Bishop trick Byrne, Apostolic Delegate to rea, has been reported imprisoned. . ¶ Rome: the United States ambassa-r to Greece, John E. Puerifoy and his fe, were granted a special audience th the Pope. . . . ¶ Covington: the *ademy of Pharmacy News* says that sale of contraceptives will be banned Northern Kentucky and Cincinnati. . . . antiago: the Masons have tried to p a bill in Chile making religious tructions in the public schools manda-y. . . . ¶ Paris: as a result of bomb-10,000 churches were destroyed in nce during World War II. . . . ¶ Lis-: ten of the eleven children of Dom-os Ferreira da Silva, a textile worker, in the religious life. . . . ¶ Des ines: Fulton Oursler's book *Why I e There Is a God* is being published serial form in more than a dozen ers. . . . ¶ New Orleans: a new mari-e club has been opened for Catholic nen. . . . ¶ Chicago: informed politi-circles here believe that President man will appoint an ambassador to Vatican in the second week of Octo-. . . . ¶ Frankfurt: Oswald Pohl, a war criminal condemned to death, converted while attending Mass.

ABROAD Karacha: Pakistan has announced that its north-ern border has been invaded by Af-ghanistan. . . . ¶ South Korea: it was esti-mated that 10,000 were massacred by the communists in Seoul before the Northern army was driven from the capital by the Americans. . . . ¶ South-ampton: according to Ernest Bevin, the Russians pushed the North Koreans into the war. . . . ¶ Berlin: an American con-gressman has pierced Russia's Iron Cur-tain in Germany and was an eyewitness to soviet baby tanks and jet planes all ready for war. . . . ¶ Margate, England: left-wing members of parliament have forced Prime Minister Attlee to retreat from his wage-freeze policy. . . . ¶ Czechoslovakia: fifteen-year-old school girls are being recruited by the Reds to serve as nurses in the place of nuns who have been imprisoned or deported.

AT HOME Chicago: in driving tests given to 6,000 high school seniors, girls showed more ability in handling a car than boys. . . . ¶ Wash-ington: it is reported here that Fred-erick Vanderbilt is doing all in his power to raise funds for Red China. . . . Fifty-one communists in thirty-eight states were given secret notice to organize their forces to sabotage the defense program. . . . ¶ Turkey has accepted an offer from the North Atlantic Pact council to coop-erate in defense plans for the Mediter-ranean area. . . . Senator Styles Bridges has charged that the state department is plotting a great sellout to Chinese com-munists. . . . A new form of insulin ap-proved for commercial distribution offers improved treatment for severe cases of diabetes.

No. 88-605

In The

Supreme Court of the United States

October Term, 1988

WILLIAM L. WEBSTER, ET AL.,

Appellants,

v.

REPRODUCTIVE HEALTH SERVICES, ET AL.,

Appellees.

On Appeal From The United States Court
Of Appeals For The Eighth Circuit

BRIEF FOR THE CATHOLIC LAWYERS GUILD OF THE ARCHDIOCESE OF BOSTON, INC. AS AMICUS CURIAE SUPPORTING APPELLANTS

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INTEREST OF THE CATHOLIC LAWYERS GUILD OF THE ARCHDIOCESE OF BOSTON, INC.

The Catholic Lawyers Guild of the Archdiocese of Boston, Inc. is an organization of over 400 attorneys. Its members ascribe, *inter alia*, to promote the science of ethics, particularly the systematic application of ethical principles to concrete legal issues and to seek to protect the legal and moral rights of all people. Owing to these ideals, the membership feels compelled to address certain issues necessarily underlying this appeal, specifically:

(1) the sanctity of human life, (2) the unalienable character of life, and (3) the supremacy of life over all other rights and privileges, constitutional or otherwise, in American legal heritage. As practitioners who, in part, define their identities as well as derive their livelihood from the system of American jurisprudence, the members of the Guild submit that they have a direct and substantial interest in this Court's resolution of the conflicting values presented by this appeal.[1]

STATEMENT

In 1986, the State of Missouri enacted a statute regulating abortions. Among its provisions, the statute contains a declaration that "[t]he life of each human being begins at conception," and a requirement that all state laws be construed to confer upon unborn children all the rights provided to other persons "subject only to the Constitution of the United States, and decisional interpretations thereof by the United States Supreme Court." Mo. Stat. Ann. §1.205. 1-2.

Five doctors and nurses and two corporations brought a class action suit challenging the constitutionality of the Missouri statute. The district court struck down the provisions, J.S. App. A1-A55, and the court of appeals affirmed. *Id.* at A56-A84.

[1] The written consents of counsel of record have been filed with the clerk of this Court.

The court of appeals concluded that the declaration that life begins at conception was "simply an impermissible state adoption of a theory of when life begins to justify its abortion regulations." *Id.* at A64. The court also rejected Missouri's reliance on the express qualification to the declaration which required compatibility with the Constitution and with Supreme Court decisional law. *Id.* at A64-A65. The court of appeals reasoned that a mere recitation of the Supremacy Clause "cannot . . . validate state laws that are in fact incompatible with the constitution."[2] *Id.* at A64. In invalidating this and all other provisions of the Missouri statute the court relied on the right to abortion guaranteed by this Court's decision in *Roe v. Wade*, 410 U.S. 113 (1973) and its progeny. *Id.* at A61, A73, A79.

SUMMARY OF THE ARGUMENT

The trimester approach provided in *Roe v. Wade*, and relied upon by the court of appeals, does not provide a conceptually accurate or workable framework for analyzing either society's or women's interests regarding abortion. (pp. 5-17). The trimester approach is premised on the existence of determinate and definable "stages" of

[2] Judge Arnold dissented from this portion of the court's decision. J.S. App. A83-A84. Judge Arnold maintained that Missouri's declaration of when life begins should be upheld "insofar as it relates to subjects other than abortion," such as "creating causes of action against persons other than the mother" for wrongful death or bringing fetuses within the protection of criminal law. *Id.* at A83-A84.

fetal life development which have been invalidated by advances in medical technologies. (pp. 5-8). In addition, the concept of trimesters or life "stages" is itself inherently arbitrary, because fetal development progresses in a continuum and because neither medicine, philosophy, nor law otherwise attribute identifiable, distinguishable or qualitative significance to any particular "stages" of fetal development. (pp. 8-10).

The determination that life has variant comparative values at different stages of fetal development, that variant comparative values may be allocated to life according to temporal criteria, and that innocent life may be deliberately terminated at an early stage of temporal development violates principles of Natural Law. (pp. 10-17). In this regard, the authority of Natural Law is supreme (pp. 11-13), the character of life is unalienable (pp. 13-15), and the nature of the privacy interests implicated are necessarily qualified. (pp. 15-17).

The Court has the obligation to reexamine *Roe v. Wade*. (pp. 17-28). Principles of *stare decisis* compel, rather than preclude, the Court from such reexamination. (pp. 17-20). Upon reexamination, the Court should overrule *Roe* and proclaim that fetuses are protected under the Fourteenth Amendment from the moment of conception because: (1) the rationale underlying *Roe* is no longer valid (pp. 20-22), (2) the fetuses' unalienable rights to life are paramount (pp. 22-25), and (3) women's basic liberties in areas other than abortion are properly secured by distinct laws and constitutional principles. (pp. 25-28).

ARGUMENT

I. The Trimester Approach Provided in *Roe v. Wade* Does Not Provide a Conceptually Accurate or Workable Framework for Analyzing Either Society's or Women's Interests Regarding Abortion.

The rationale expressed in *Roe v. Wade, supra*, assumes the existence of, and is necessarily premised upon, determinate and definable "stages" of fetal life development. 410 U.S. at 732. As the discussion *infra* reveals, this rationale is not supported by medical consensus, is intrinsically arbitrary, and is morally, philosophically and legally unsound. Accordingly, this Court should overrule *Roe v. Wade*, reverse the court of appeals in this case, and proclaim that Missouri's declaration that life begins at conception (Mo. Stat. Ann. §1.205. 1-2) is consistent with the Fourteenth Amendment.

A. Medical Technologies Have Evolved Since *Roe* and Have Invalidated the Criteria and Rationale Identified in *Roe* As Supporting the Concept of Finite Trimester "Stages."

As Justice O'Connor predicted in *City of Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. 416 (1983),

> "[t]he *Roe* framework . . . is clearly on a collision course with itself. As the medical risks of various abortion procedures decrease, the point at which the State may regulate for reasons of maternal health is moved further forward to actual childbirth. As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception."

Id. at 459 (O'Connor, J., dissenting).

The criteria used by the Court in *Roe* to estimate fetal viability are especially outdated. Dr. Bernard Nathanson, an obstetrician and gynecologist, a former member of the board of the National Abortion Rights League (which he helped found in 1969), and a former director of the largest abortion clinic in the world, has criticized the viability standards in *Roe* as being inaccurate and obsolete. "The concept [of viability] is fluid and is constantly being pushed backward." Nathanson, *Aborting America* (New York: Doubleday, 1979) at 207-208. Developments in medical technology which have advanced the point of viability include

> "sophisticated incubators with efficient oxygenators, humidifiers, temperature controls, cardiac-monitoring systems, artificial respirators, ventilators, methods for determining arterial blood gases, complex new intravenous feeding solutions and equipment for administering them, and an infinite variety of new diagnostic techniques such as ultrasonography and computerized X-ray scanning. . . ."

Id. at 280-281.

Medical studies continuously demonstrate increasingly earlier fetal viability. The *New England Journal of Medicine* has concluded that "[a]dvances in perinatal care have been accompanied by improved survival among infants born in the middle to late second trimester, who were previously considered nonviable." *New Eng. J. of Med.*, March 6, 1986 at 660. The 14th edition of L. Hellman & J. Pritchard, *Williams Obstetrics* (1971) at 493, on which the court relied in *Roe* for its understanding of viability, stated that "[a]ttainment of a [fetal] weight of 1,000 g. [or a fetal age of approximately 28 weeks' gestation] is . . . widely used as the criterion of viability." A three year

study at MacDonald Hospital in Cleveland, Ohio reported in the *New England Journal of Medicine* in 1986, however, concluded that the survival rate among infants weighing 750 to 999 g. was 67 percent (49 of 73) and 26 percent (20 of 77) among those weighing 500 to 749 g. *New Eng. J. of Med.*, March 6, 1986 at 660. Over a decade ago, the Children's Hospital Medical Center in Boston recommended that intensive supportive care be considered on fetuses weighing 600 g. *New Eng. J. of Med.*, January 23, 1975 at 4. A child weighing 440 g. at birth has survived. *Providence Journal*, January 10, 1988 at A-24.

Medical advances have unequivocally established that the criteria underlying the trimester framework in *Roe* have become conceptually incompatible and inconsistent, particularly with regard to fetal viability. See *City of Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. at 457-458 n.5 (O'Connor, J., dissenting) (citing four medical treatises). See also *Medical World News*, September 14, 1981 at 30 ("[N]eonatologist Elizabeth R. Brown reported that among babies born in Harvard's joint neonatology program from 1975 to 1978, survival rates were 44% among those weighing 751 to 1,000 g."); *New Eng. J. of Med.*, November 22, 1979 at 1164 ("[I]ncreasing numbers of infants weighing less than 750 g. at birth are now being admitted to the nursery."); *Medical World News*, October 3, 1977 at 15 (At Cedars-Sinai Medical Center in Los Angeles, "of 75 low-birth weight babies who had been admitted to the hospital between 1973 and 1975 [,t]hirty of the infants (40%) survived, including six who had weighed less than 750 g. at birth."); Reid, Ryan & Benirschke, *Principles and Management of Human Reproduction* at 255 (Philadelphia: Saunders Co., 1972) ("Viability,

though, is a changing concept. Medical advances in the treatment of the premature make it possible to anticipate that even these very small abortuses of 20 weeks' gestation may soon have a greater chance of survival. . . .").

B. The Concept of Trimesters or Life "Stages" Expressed in *Roe* Is Itself Inherently Arbitrary.

The "line-drawing" inherent in *Roe's* trimester framework is not premised upon any medical, philosophical or legal principle or theory and is necessarily arbitrary in origin. As Justice White pointed out in *Thornburgh v. American College of Obstetricians*, 476 U.S. 747, 792 (1986) (dissenting opinion), "there is no nonarbitrary line separating a fetus from a child or, indeed, an adult human being." Medical science does not attribute identifiable, distinguishable or qualitative significance to any particular "stages" of fetal development. To the contrary, as a biological fact, fetal development progresses in a continuum: all cells essential to the fetus' development are present from the earliest stages of pregnancy.

Each person begins life as a single cell. The biological process which began at that moment in our life has continued without interruption to the moment that this sentence is being read. Modern genetics clearly substantiates that a new individual human life begins at fertilization. A human being originates in the union of two gametes, the ovum and the spermatozoon, which contain *all* characteristics and attributes which the new child has inherited genetically from his or her parents. Roberts, *An Introduction to Medical Genetics* (London: Oxford University Press, 1965) at 1. Children and ultimately adults are who they are because of the hereditary combination

which they originally received at the time of their fertilization.

> "[F]rom the moment of fertilization, when the deohyribose nucleic acids from the spermatozoon and the ovum come together to form the zygote, the pattern of the individual's constitutional development is irrevocably determined; his future health, his future intellectual potential, even his future criminal proclivities are all dependent on the sequence of the purine and pyrimidine bases in the original set of DNA molecules of the unicellular individual."

Gordon, "Genetical, Social and Medical Aspects of Abortion," *South African Medical Journal* (July, 1968) at 721-730.

The fertilized ovum represents a full human genetic package of 46 chromosomes, a unique combination of chromosomes which does *not* genetically change as fertilization is followed by cell division, growth, and systematic and orderly differentiation. Nardone, "The Nexus of Biology and the Abortion Issue," *The Jurist* (Spring, 1973) at 153. The assignment of the fertilized ovum to the biological species *homo sapiens* occurs at the moment of fertilization and "is determined not by the stage of development, but by the sum total of its biological characteristics – actual and potential – which are genetically determined." *Id.* at 154.

The *Roe* opinion's reference to the early fetus as merely a "potential life", unfairly characterizes the fetus' chances of surviving until birth. Once spermatozoon and ovum meet and the conceptus is formed, there is an 80 percent chance that, unless deliberately aborted, the being will be delivered as a living child. G. Pincus, *The Control of Fertility*, 197 (1963). All that is required for the fetus to grow is continued nourishment. It is significantly

more likely than not that conception will result in a live birth.

The trimester framework expressed in *Roe* is refuted by modern genetics, which attaches no distinguishable or qualitative significance to particular "stages" of fetal development. The trimester framework in *Roe* does not originate from any innate physiological process or condition, but is founded upon an artificial criterion applied by external forces of social policy and administrative convenience. See Woodward, "The Abortion Papers," *Washington Post*, January 22, 1989 at D-1 (correspondence among Justices acknowledging "arbitrary" character of trimester framework). Viability is not a characteristic of the fetus, but rather a condition external to the fetus. The value of a person should not be dependent upon a condition external to the person.

C. The Determination in *Roe* that Life Has Variant Comparative Values at Different Stages of Fetal Development Violates Ultimate Principles of Morality, Philosophy and Natural Law.

The right to abortion created in *Roe v. Wade* necessarily implicates value judgments about the sanctity and importance of human life itself. The decision of when a fetus is entitled to full protection as a person under the Fourteenth Amendment is ultimately not an exercise in evaluating fetal survivability or assessing the current state of the art in incubator science, as *Roe* implies. The determination of who a fetus is as a being is ultimately a judgment of who *we* are as a people and by what tradition, heritage and values, if any, we define our very identity and essence.

1. Supreme Authority of Natural Law.

Natural Law is as old as Aristotle, and as classical as Cicero. See Aristotle, *Rhetoric*, Book 1, Chapter 13 (1373 b 4) (d. *circa* 323 B.C.); Aristotle, *Nicomachean Ethics*, Book 5, Chapter 7 (1134 b 18); Cicero, *De Re Publica*, III, xxii, 33 fl. 1st century B.C. Since the inception of the United States of America, the Nation has defined its essential identity and ultimate being by reference to Natural Law. The supreme authority of Natural Law was first ordained as a self-evident and timeless tenet in our Declaration of Independence. See *Declaration of Independence*, pars. 1-2. As Justice Jackson wrote in *American Communications Association v. Douds*, 339 U.S. 382, 439 (1949), "[t]he men who led the struggle forcibly to overthrow lawfully constituted British authority found moral support by asserting a natural law under which their revolution was justified, and they broadly proclaimed these beliefs in the document basic to our freedom."

The supreme authority of Natural Law represents a fundamental premise underlying the very existence of the Constitution of the United States. See *Declaration of Independence*, pars. 1-2. See generally J. Locke, *The Second Treatise of Government* (J. Gough rev. ed. 1976) (3d ed. 1698). In quoting ancient treatises in *Geer v. Connecticut*, 161 U.S. 519 (1896), this Court noted that:

> "There are things which we acquire the dominion of, as by the law of nature, which the light of natural reason causes every man to see, and others we acquire by the civil law; that is to say, by methods which belong to the government. . . . (quoting Dig. bk. 41, tit. 1, *De Adquir. Rer. Dom.*).

> "The civil law, it is said, cannot be contrary to the natural law. This is true as regards those things which the natural law commands or which it forbids; but the civil law can restrict that which the natural law only permits. The greater part of all civil laws are nothing but restrictions on those things which the natural law would otherwise permit."

Id. at 523-524, quoting Pothier, *Traite du Droit de Propriete*, Nos. 27-28.

In noting that there is no calculus for determining which of the first eight Amendments are incorporated into the Fourteenth Amendment, Justice Frankfurter in *Adamson v. People of State of California*, 332 U.S. 46, 65, (1947) (concurring opinion) wrote

> "[i]n the history of thought 'natural law' has a much longer and much better founded meaning and justification than such subjective selection of the first eight Amendments for incorporation into the Fourteenth."

See *Faretta v. California*, 422 U.S. 806, 831 n.39 (1975), quoting Thomas Paine on a *Bill of Rights*, 1777, reprinted in 1 Schwartz 316 ("[T]he civil right of pleading by proxy, that is, by a council, is an appendage to the natural right [of self-representation]. . . .") (parenthetical in original). See also Cox, *The Role of the Supreme Court in American Government* (New York: Oxford University Press, 1976) at 31-32 ("Belief in natural rights and natural law were deeply ingrained in the eighteenth-century American mind. . . . The conviction that there were such natural rights made it easy to express them in a Constitution, and then to accept the notion that a duly enacted statute in conflict with natural rights was not a binding law. . . . This early belief in the supremacy of natural law and its

survival into our own time, albeit with different intellectual trappings and under other names, helped to secure acceptance of the legitimacy of judicial supremacy on matters of constitutional interpretation.").

2. Unalienable Right to Life.

As a matter of Natural Law, life is unalienable and necessarily supersedes any rights or privileges conferred by civil authorities. The issue of what is human life and when life can claim the protection of the law is not an inscrutably religious or theological concept or a matter of personal idiosyncratic choice. "Life is the immediate gift of God, a right inherent by nature in every individual. . . ." 1 Blackstone, *Commentaries* 129-130. The Declaration of Independence recognizes as a "self-evident" truth that all persons "are endowed by their Creator with certain unalienable Rights [and] that among these are Life. . . ." *Declaration of Independence*, par. 2.

Even if the disciplines of contemporary medicine, philosophy and theology are unable to arrive at a consensus as to *when* life begins for an individual human, this does not suggest that an ultimate answer or truth to this inquiry does not exist. The Court's admission that it cannot "solve the difficult question of when life begins," *Roe v. Wade*, 410 U.S. at 159, prudentially requires a presumption that personhood begins at conception.

> "Respect for the paramount sanctity of life lies at the center of Western civilization. However narrowly one defines life itself – however uncertain one may be about the correct definition – protecting the penumbra, 'near-life' or 'life becoming' would seem, to promote that central public purpose."

Archibald Cox, quoted in Wauck, *The Decline of Personhood*, 14 Human Life Rev. 54 (1988). Prudential certitude, that quantum of certitude sufficient to act with moral responsibility, is proportionate to the gravity of the matter at hand. Where the matter is serious and there is doubt of fact, there exists a moral obligation to take the safer course. Accordingly, the greatest prudential certitude is required when the lives of persons are at stake.

In light of modern genetics (see discussion *supra* at 8-10) and in the absence of any compelling medical or philosophical basis for attributing any distinguishable or qualitative significance to particular "stages" of fetal development, the process in *Roe* of defining life according to temporal criteria, of allocating variant comparative values to life in accordance with such temporal criteria, and of permitting the termination of innocent life at an early stage of temporal development is baseless, arbitrary, and without moral justification. Every person possesses a fundamental intrinsic worth and value which cannot and should not be diminished by reference to external criteria (e.g. viability, wealth or status) or abilities (e.g., ability to communicate or I.Q.). If the right to life is indeed unalienable, it must be based on the simple fact that a human being is a human being.

> "We may feel safe enough, personally in using the factual inequality and inferiority of the embryo as a ground for treating its life as expendable. After all, we are not now and never again will be unequal and inferior in just the way the embryo is. But in reasoning thus we are being arbitrary, for we are selecting as decisive the characteristics we prefer among all the differences of human beings. . . .

> "To decide that some of these differences, some of these inequalities, some of these ways of being inferior can so detract from the basic worth of a person as to warrant his destruction by another is essentially to decide that all persons have a certain definite and limited worth and that certain facts characterizing persons can lessen that worth in a definite and calculable way. Now, this is precisely the mistake of utilitarianism. It understands human worth not in terms of what is intrinsic to the person and his life – dignity – but in terms of what is extrinsic – value *for something*. Human goods can then be appraised and weighed, and the right to kill will depend upon computation. In effect, utilitarianism puts a price on every man's head. Every person in transformed into an object."

Grisez, *Abortion: the Myths, the Realities, and the Arguments* (New York: Corpus Books, 1970) at 304-305 (emphasis in original).

3. Qualified Nature of Privacy Interest.

Life, being unalienable, necessarily supersedes the right of privacy articulated in *Roe v. Wade*.[3] The right of privacy is derivative of, and dependent upon, Natural Law. See *Griswold v. Connecticut*, 381 U.S. 479, 510 n.1 (1965) (Black, J., dissenting) (" 'A right of privacy in matters purely private is . . . derived from natural law'."), quoting *Pavesick v. New England Life Ins. Co.*, 122 Ga. 190, 194, 50 S.E. 68, 70 (1905).

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[3] "If . . . personhood is established, the appellant's case [the demand for abortion], of course, collapses, for the fetus' right to life would then be guaranteed specifically by the [Fourteenth] Amendment." *Roe v. Wade*, 410 U.S. at 156-157.

The strongest supporters of privacy interests recognize that such rights are qualified in nature and are *not* unalienable. "[T]he 'ability independently to define one's identity that is central to any concept of liberty' cannot truly be exercised in a vacuum. . . ." *Bowers v. Hardwick*, 478 U.S. 186, 205 (1986) (Blackman J., dissenting), quoting *Roberts v. United States Jaycees*, 468 U.S. 609, 619 (1984). See J.S. Mill, *On Liberty*, at 141 (G. Himmelfarb ed. 1985) ("As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it. . . ."). This Court has recognized, for example, that physical intrusions into one's "bodily integrity" are constitutionally permitted in furtherance of important state interests. See *Schmerber v. California*, 384 U.S. 757 (1966) (upholding compulsory blood-test of an accused); *Jacobsen v. Massachusetts*, 197 U.S. 11, 26 (1905) (upholding compulsory vaccination law and rejecting purported "inherent right of every free man to care for his own body").

Accordingly, a mother's rights with respect to her own body and its uses may have a primacy – but *only* up to that point at which other human rights are involved. In abortion, the qualified right of the mother must necessarily give way to the life interest of the fetus *throughout* the developmental duration of the pregnancy, if the unalienable character of life under Natural Law is to be given any meaning.

> "Harm is arguably done, first of all to society, which is deprived of the person that the fetus would have become, and second to the fetus itself, which may after a point be a sentient being even if not a person. . . . In addition, there is a very important consequence for the father, who may against his will be deprived of having a child. Indeed, if it is the decision whether or not to beget a child that is protected, and if that decision is said to be central to a person's identity, then the father's own 'personhood' would appear to be violated whenever the mother has an abortion against his wishes."

Rubenfeld, *The Right of Privacy*, 102 Harv. L. Rev. 737, 758 n.112 (1989).

II. This Court Has the Obligation to Reexamine *Roe v. Wade*, Overrule It, and Proclaim the Constitutional Rights of Fetuses from the Moment of Conception.

A. Principles Underlying *Stare Decisis* Compel, Rather than Preclude, a Reexamination of *Roe v. Wade* in the Circumstances.

As Justice Powell eloquently noted in *Monell v. Dept. of Social Services of the City of New York*, 436 U.S. 658, 710 n.6 (1978) (concurring opinion), "the law has recognized the necessity of change, lest rules simply persist from blind imitation of the past." *Id.* "[H]istory does not impose any rigid formula to constrain the Court in the disposition of cases . . . [and] changes in society or in the law [may] dictate that the values served by *stare decisis* yield in favor of a greater objective." *Vasquez v. Hillery*, 474 U.S. 254, 266 (1986). Precedent must be reexamined where "subsequent events have undermined its continuing validity," *Boys Markets, Inc. v. Retail Clerk's Union, Local 770*, 398 U.S. 235, 256 (1970) (Stewart, J., concurring), as where medical studies have undermined the viability criteria underlying *Roe v. Wade*. Precedent should also be reexamined whenever Natural Law rights are implicated, such as the unalienable rights of fetuses in this case. See Cox, *The Role of the Supreme Court in American Government*,

supra at 112 ("Natural law . . . legitimizes change, if indeed it does not impel it; and it legitimizes for the public and perhaps even for the judge himself a measure of constitutional adjudication as an instrument of reform."). See also *Swift & Co. v. Wickham*, 382 U.S. 111, 116 (1965) ("[W]e would fall short in our responsibilities if we did not accept this opportunity to take a fresh look at the problem. We believe that considerations of *stare decisis* should not deter us from this course. Unless inexorably commended by statute, a procedural principle of this importance should not be kept on the books in the name of *stare decisis* once it is proved to be unworkable in practice; the mischievous consequences to litigants and courts alike from the perpetuation of an unworkable rule are too great.").

This Court has consistently recognized that "*stare decisis* is a principle of policy and not a mechanical formula of adherence to the latest decision, however recent and questionable, when such adherence involves collision with a prior doctrine more embracing in its scope, intrinsically sounder, and verified by experience." *Boys Markets, Inc. v. Retail Clerk's Union, Local 770*, 398 U.S. at 242. See *Patterson v. McLean Credit Union*, ___ U.S. ___, 108 S.Ct. 1419, 1421 (1988); *Helvering v. Hallock*, 309 U.S. 106, 119 (1940). As Justice Jackson wrote in *American Communications Association v. Douds*, 339 U.S. 382, 439 n.11 (1949) (concurring in part and dissenting in part), "[u]nquestioning idolatry of the *status quo* has never been an American characteristic." Justice Douglas commented that:

> "A judge looking at a constitutional decision may have compulsions to revere past history and accept what was once written. But he remembers above all else that it is the Constitution which he swore to support and defend, not the gloss which his predecessors may have put on it. So he comes to formulate his own views, rejecting some earlier ones as false and embracing others. He cannot do otherwise unless he lets men long dead and unaware of the problems of the age in which he lives do his thinking for him.
>
> This re-examination of precedent in constitutional law is a personal matter for each judge who comes along. . . . [It] is the necessary consequence of our system and to my mind a healthy one. The alternative is to let the Constitution freeze in the pattern which one generation gave it. But the Constitution was designed for the vicissitudes of time. It must never become a code which carries the overtones of one period that may be hostile to another."

William O. Douglas, "The Decline of Stare Decisis," *An Autobiography of the Supreme Court* (New York: MacMillan Co., 1963).

In reexamining *Roe v. Wade*, this Court need not be troubled by the frequency with which that case has been cited or the arguable "reliance interest" built upon it. Compare *City of Akron v. Akron Center for Reproductive Health*, 462 U.S. at 420 n.1. The frequency with which a case has been cited is surely not justification alone for adherence to *stare decisis* nor does it warrant a refusal to reexamine the prior precedent. See *Monell v. Dept. of Social Services of the City of New York*, 436 U.S. at 705 (Powell, J., concurring) (overruling *Monroe v. Pape*, 365 U.S. 167, despite fact that "[f]ew cases in the history of

the Court have been cited more frequently than *Monroe*. . . .").[4]

B. The Rationale Underlying *Roe v. Wade* Is Not Valid.

This Court should overrule *Roe v. Wade* since the trimester framework first advanced in that opinion is not supported by medical consensus, is intrinsically arbitrary, is morally and philosophically unsound, and violates Natural Law. The Court's rationale in *Moragne v. States Marine Lines, Inc.*, 398 U.S. 375, 405-406 (1970), overruling *The Harrisburg*, 119 U.S. 199 (1886), is particularly apt. Like *Roe*, the Court's earlier decision in *The Harrisburg*:

[4] Since *Roe v. Wade* purports to rest upon constitutional rather than statutory grounds, a reexamination of this ruling is particularly appropriate. It is "this Court's considered practice not to apply *stare decisis* as rigidly in constitutional as in nonconstitutional cases. . . ." *Glidden Co. v. Zdanok*, 370 U.S. 530, 543 (1962). See *Thomas v. Washington Gas Light Co.*, 448 U.S. 261, 273 n.18 (1980), quoting *Burnett v. Coronado Oil & Gas Co.*, 285 U.S. 393, 407-408 (1932) ("The doctrine of *stare decisis* has a more limited application when the precedent rests on constitutional grounds, because 'correction through legislative action is practically impossible.' "); *Boys Markets, Inc. v. Retail Clerk's Union, Local 770*, 398 U.S. at 260 (Black, J., dissenting) ("In the area of constitutional law, for example, where the only alternative to action by this Court is the laborious process of constitutional amendment and where the ultimate responsibility rests with this Court, I believe reconsideration is always proper."). See also *Welch v. Texas Dept. of Highways and Public Transportation*, 479 U.S. 811, 107 S.Ct. 2941, 2948 (1987); *Vasquez v. Hillery*, 474 U.S. at 267 (Powell, J., dissenting); *Monell v. Dept. of Social Services of the City of New York*, 436 U.S. at 696; *Mitchell v. W.T. Grant Co.*, 416 U.S. 600, 627 (1974) (Powell, J., concurring); *United States v. Barnett*, 376 U.S. 681, 699 (1964).

> "rested on a most dubious foundation when announced, has become an increasingly unjustifiable anomaly as the law over the years has left it behind, and . . . has produced litigation-spawning confusion in an area that should be easily susceptible of more workable solutions. The rule has had a long opportunity to prove its acceptability, and instead has suffered universal criticism and wide repudiation. To supplant the present disarray in this area with a rule both simpler and more just will further, not impede, efficiency in adjudication. Finally, a judicious reconsideration of precedent cannot be as threatening to public faith in the judiciary as continued adherence to a rule unjustified in reason. . . ."

Moragne v. States Marine Lines, Inc., supra at 405-406.

The public and scholarly reactions to *Roe v. Wade* have been tumultuous and highly critical.[5] The rationale underlying *Roe* and the privacy right recognized in the opinion are especially vulnerable for lacking a substantive constitutional origin. See Tribe, *The Supreme Court, 1972 Term – Forward: Toward a Model of Roles in the Due Process of Life and Law*, 87 Harv. L. Rev. 1, 7 (1973) ("One of the most curious things about *Roe* is that, behind its own verbal smokescreen, the substantive judgment on

[5] See, e.g., Cox, *The Role of the Supreme Court in American Government, supra* at 51-55; Linsky, *By What Right? A Commentary on the Supreme Court's Power to Revise the Constitution* at 15-21, 99-100 (1975); Byrn, *An American Tragedy: The Supreme Court on Abortion*, 41 Fordham L. Rev. 807 (1973); Ely, *The Wages of Crying Wolf: A Comment on Roe v. Wade*, 82 Yale L.J. 920 (1973); Espstein, *Substantive Due Process by Any Other Name: The Abortion Cases*, 1973 Sup. Ct. Rev. 159; Rice, *The Dred Scott Case of the Twentieth Century*, 10 Hous. L. Rev. 1059 (1973). See generally G. Gunther, *Cases and Materials on Constitutional Law* 650-656 (9th ed. 1975).

which it rests is nowhere to be found."); Ely *The Wages of Crying Wolf: A Comment on Roe v. Wade, supra* at 932 n.79 ("Even reading the cases [*Roe*] cited 'for all that they are worth,' it is difficult to isolate the 'privacy' factor that unites them with each other and with *Roe*."). As the Court itself acknowledged recently in *Bowers v. Hardwick*:

> "The Court is most vulnerable and comes nearest to illegitimacy when it deals with judge-made constitutional law having little or no cognizable roots in the language or design of the Constitution. . . . There should be, therefore, great resistance to expand the substantive reach of those clauses, particularly if it requires redefining the category of rights deemed to be fundamental. Otherwise, the Judiciary necessarily takes to itself further authority to govern the country without express constitutional authority."

Bowers v. Hardwick, 478 U.S. at 194-195.

C. This Court Should Proclaim that Fetuses Are Protected under the Constitution from the Moment of Conception.

A pronouncement conferring the constitutional protections of the Fourteenth Amendment upon fetuses would be consistent with principles previously recognized by the Court as well as the unalienable tenets of Natural Law. The Fourteenth Amendment applies to those who "are humans, live, and have their being. . . ." *Levy v. Louisiana*, 391 U.S. 68, 70 (1968). This Court has previously acknowledged that the States' interests in protecting the "potentiality of life" exist "throughout the course of the woman's pregnancy." *City of Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. at 429; *Beal v. Doe*, 432 U.S. 438, 446 (1977). The States have an "important and legitimate interest in potential life." *Roe v. Wade*,

410 U.S. at 164. See *City of Akron v. Akron Center for Reproductive Health, Inc., supra* at 428-429. The States' interests in "encouraging childbirth except in the most urgent circumstances" are "rationally related to the legitimate governmental objective of protecting potential life." *H.L. v. Matheson*, 450 U.S. 398, 414 (1981); *Harris v. McRae*, 448 U.S. 297, 325 (1980).

The rights afforded to fetuses under Natural Law and in all legal contexts (other than the aberration created by *Roe v. Wade*) warrant and compel a pronouncement that life at *all* temporal stages is of compelling constitutional protection.[6] As medical technology has advanced, civil and criminal law have generally recognized fetuses as persons entitled to the full protections of the law. "The ideological history of prenatal injury law, and the more recent development of prenatal death law has consistently moved toward the affirmation of the unborn as a 'person' in the law. . . ." Kader, *The Law of Tortious Prenatal Death Since Roe v. Wade*, 45 Mo. L. Rev. 639, 640 (1980). In tort law, "[w]ith recent advances in embryology and medical technology, medical proof of causation in these cases [of prenatal injury] has become increasingly reliable, which argues for eliminating the viability or

[6] "[I]t is at least arguable that the fetus could be regarded as a holder of rights under the due process clauses of the fifth and fourteenth amendments, as well as the equal protection clause of the latter. Any such 'right to life' could hardly be deemed alienable. . . . The inalienability of that right suggests that the government bears an affirmative duty to protect the interests of the fetus. . . ." Tribe, *The Abortion Funding Conundrum: Inalienable Rights, Affirmative Duties, and the Dilemma of Dependence*, 99 Harv. L. Rev. 330, 340-341 (1985).

constitute such a 'minority'; compared
they do not.") (emphasis in original).

D. The Liberty Interests of the N
gated in *Roe v. Wade* Do Not
ing of Innocent Fetal Life.

Even under the reasoning of *Roe*, a
abortion was never perceived to be ur
lute in character. *Roe v. Wade*, 410 U.
Maher v. Roe, 432 U.S. 464, 474 (19
declare an unqualified 'constitutional
tion' "); *Doe v. Bolton*, 410 U.S. 179, 2
C.J., concurring) ("Plainly, the Court
claim that the Constitution requi
demand.").

Upon reexamination of *Roe*, this
that the mother's qualified right to
"must be considered against importan
abortion," *Roe v. Wade*, 410 U.S. at 15
Akron Center for Reproductive Health, In
but also must be weighed against the
of the fetus to life.

This Court should not be troubled
Roe would produce widespread
women's constitutional liberties genera
maternal privacy right articulated in *R*
cally identified in the Constitution, s
Akron Center for Reproductive Health,
("[The Constitution does not specifi
right [of privacy] . . . "), nor did the p
privacy right fall within the contours

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462 U.S. at 428,
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:ported maternal
f "fundamental"

liberties traditionally characterized by the Court. See *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494, 538 (1977) (Stewart, J., dissenting) ("implicit in the concept of ordered liberty."); *Palko v. Connecticut*, 302 U.S. 319, 325-326 (1937). See also *Thornburgh v. American College of Obstetricians*, 476 U.S. 747, 789-791, (White, J., dissenting). Since the origin of the *"Roe* right" is itself unique and is not shared with the fundamental liberties of women, a reversal of that right would not jeopardize conceptually the fundamental constitutional liberties which protect women.

The basic liberties of women should not be considered dependent philosophically upon *Roe v. Wade*, since the purported right in *Roe* necessarily implicates the diametrically countervailing, irreconcilable, and unalienable natural right of life. No individual right is truly "fundamental" or worth preserving if it is inherently based upon the destruction of another person's life. "If . . . personhood is established, the appellant's case [the woman's demand for abortion], of course, collapses, for the fetus' right to life would then be guaranteed specifically by the [Fourteenth] Amendment." *Roe v. Wade*, 410 U.S. at 157-158.

Under the law, the basic liberties of women are plainly not dependent upon *Roe v. Wade*. Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), prohibits discrimination in any employment practice on the basis of sex. The Equal Pay Act of 1963, 29 U.S.C. §206(d)(1), prohibits discrimination by covered employees on the basis of sex. The Equal Credit Opportunity Act prohibits discrimination "with respect to any aspect of a credit transaction on the basis of . . . sex." 15 U.S.C. §1691(a)(1).

Title IX of the Education Amendment Act of 1972 prohibits "discrimination under any education program or activity . . . on the basis of sex. . . ." 20 U.S.C. §1681(a). In addition, this court has decisively invalidated gender-based classifications. *Frontiero v. Richardson*, 411 U.S. 677, 689 (1973). See *Roberts v. United States Jaycees*, 468 U.S. 609 (1984) (state's compelling interest in eradicating gender-based discrimination superseded First Amendment associational freedoms of national civic membership organization); *Nashville Gas Co. v. Satty*, 434 U.S. 136 (1977) (employer's policy of denying employees returning from pregnancy leave their accumulated seniority acts both to deprive them "of employment opportunities" and "to adversely affect [their] status as an employee" because of their sex in violation of §703(a)(2) of Title VII); *Califano v. Goldfarb*, 430 U.S. 199 (1977) (gender-based distinction in eligibility for 42 U.S.C. §402(f)(1)(D) Social Security survivors' benefits violated Due Process Clause of Fifth Amendment); *Craig v. Boren*, 429 U.S. 190 (1976) (gender-based differential for age at which persons were permitted to procure alcohol constituted invidious discrimination in violation of Equal Protection Clause); *Stanton v. Stanton*, 421 U.S. 7 (1975) (support payments statute which identified 21 years as majority age for males and 18 as majority age for females violated Equal Protection Clause of Fourteenth Amendment); *Turner v. Dept. of Employment Security and Board of Review of Industrial Commission of Utah*, 423 U.S. 44 (1975) (unemployment compensation statute's conclusive presumption of incapacitation of pregnant woman for specified period violated due process); *Weinberger v. Wiesenfeld*, 420 U.S.

636 (1975) (gender-based distinction in survivors' benefits mandated by 42 U.S.C. §402(g) of Social Security Act violated Due Process Clause of Fifth Amendment); *Taylor v. Louisiana*, 419 U.S. 522 (1975) (women may not be systematically excluded or automatically exempted from jury service based solely on sex); *Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974) (mandatory termination provisions in maternity leave policy violates Due Process Clause of Fourteenth Amendment); *Reed v. Reed*, 404 U.S. 71 (1971) (provision in probate code which gave preference to men over women when persons of the same entitlement class applied for appointment as administrator of decedent's estate violated Equal Protection Clause of Fourteenth Amendment).

CONCLUSION

This case profoundly challenges the Court to review Natural Law and, in a very real sense, to define our Nation's legal heritage, essence, and foundation. In *Bowers v. Hardwick*, it was said that "the most comprehensive of rights and the right most valued by civilized men" is "the right to be let alone." See *Bowers v. Hardwick*, 478 U.S. at 199 (Blackmun, J., dissenting), quoting *Olmstead v. United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting). While the right to privacy is no doubt important, the *amicus* Catholic Lawyers Guild calls upon the Court to assess whether our Constitution stands for any higher or more fundamental ideal than merely the "right to be let alone." See *id.* The *amicus* Catholic Lawyers Guild submits that the unalienable right to life is such an ideal, that the right to life intrinsically supersedes any

and all rights or privileges conferred by civil authorities, and that any and all doubts regarding the potentiality or definition of life must be properly resolved in favor of assuming the existence of human life from the moment of conception.

Accordingly, this Court should overrule *Roe v. Wade*, reverse the court of appeals in this case, and proclaim that all humans are entitled to the full protections of the Fourteenth Amendment from the moment of conception.

Respectfully submitted,

Catholic Lawyers Guild of the Archdiocese of Boston, Inc.

CALUM B. ANDERSON
LEONARD F. ZANDROW, JR.
PARKER, COULTER, DALEY & WHITE
One Beacon Street
Boston, Massachusetts 02108
(617) 723-4500

Date: February 23, 1989

APPENDIX

Fourteenth Amendment

"All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. Amend. XIV, §1.

---

refuse life-sustaining treatment
ied the state's interest in preserv-
'The ventilator to which he is at-
not prolonging his life; it is pro-
his death," said Johnson. With
's authorization, McAfee plans to
om a nursing home to a friend's
nt and end his life by using a
ctivated timer to shut off the ven-
fter medical personnel have se-
n.
fee's situation has revived a smol-
ontroversy over whether health-
viders should help the disabled
suicide. In July a paraplegic in
successfully petitioned a court to
respirator turned off. Some offi-
ounced that action, saying it set a
s example for the handicapped
raging them to end their lives
an strive for a meaningful exis-
McAfee's case, Judge Johnson
erated anyone who helps the pa-
y out his plan. John Banja, a pro-
nedical ethics at Emory Univer-
s that hospitals have no clear

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E MAGAZine SE

ite for "treatment discontinuance," e role of doctors and nurses in these remains murky. However, adds "this is a clear-cut case of a rational The decision lets McAfee decide if is meaningful or not."

e McAfee case comes at a time the right-to-die issue is taking on gency in the U.S. Most such cases, McAfee's, involve comatose pa- whose families are seeking to with- ife-support systems. This fall the preme Court will rule on such a sit- for the first time when it considers e of Nancy Cruzan, 32, a Missouri worker who has been in an irre- vegetative state for six years. The as been asked to decide whether s a constitutional right of privacy nough to allow Cruzan's family to ect the feeding tubes that nourish l thereby to let her die. An alliance bility-rights activists and antiabor- ups has already begun to clash with ' advocates and civil libertarians in omises to be a bitter battle. ■

T 18 1989

THE CATHOLIC LAWYERS GUILD OF THE ARCHDIOCESE OF BOSTON, INC.

September 14, 1989

Ms. Christina Martin
122 OEBO
Washington, DC 20007

Dear Ms. Martin:

Per our phone conversation today, enclosed please find the following materials concerning the Red Mass, Catholic Lawyers Guilds, and The Catholic Lawyers' Guild of the Archdiocese of Boston.

1. Press kit issued August 23rd containing an August 18 press release, a brief description of the Red Mass, and a brief description of the Guild.

2. A copy of a letter I sent to some lawyer friends last year inviting them to the Red Mass, which contains a quote from the New Catholic Encyclopedia (1967) and citations to the following articles, each of which is enclosed.

   a.) "The Red Mass: A Legal and Judicial Tradition" 18 U. Det L.J. 59 (1954);

   b.) "The Votive Mass of the Holy Spirit" 1 Catholic Lawyer 215 (1955);

   c.) "Background of the Red Mass" 17 The Ave Maria N. S. 519 (Oct. 21, 1959);

   d.) "The Red Mass for Judges and Lawyers" 67 America 712 (Oct. 3, 1942).

3. The amicus legal brief to the United States Supreme Court filed by the Guild in the Webster case.

4. A brief mention of the Cruzan case in this week's Time Magazine. This is the United States Supreme Court case in which the Guild is preparing to file an amicus brief supporting the Missouri Supreme Court's decision not to allow the parents to disconnect a naso-gastric tube from a comatose patient.

20 BEACON STREET BOSTON MASSACHUSETTS 02108 (617) 523-2640

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I will inquire among the Guild members for examples of public service, and pro bono publico legal work which may provide anecdotal material for you.

Please let me know if you need additional information.

Very truly yours,

John L. Keefe

JLK/pcs
Enclosures
52: prescvlt

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20 BEACON STREET BOSTON MASSACHUSETTS 02108 (617) 523-2640

THE CATHOLIC LAWYERS GUILD OF THE ARCHDIOCESE OF BOSTON, INC.

THE CATHOLIC LAWYERS' GUILD

The Catholic Lawyers' Guild of the Archdiocese of Boston, Inc. is a not-for-profit institution dedicated to religious and educational purposes. "Our mission," says Wilson D. Rogers, Jr., Clerk of the Guild, "is identical to that of every other Catholic Association: to serve God and society."

The purposes of the association, as set forth in its charter, are to:

* Promote among lawyers and others high standards of religious, social and ethical ideals and practices.
* Promote and provide instruction in the science of ethics, particularly in the systematic application of ethical principles to concrete legal issues.
* Promote the intellectual and spiritual welfare of its members.
* Safeguard the legal and moral rights of all people.

Since its founding in 1987, the Catholic Lawyers' Guild has grown to approximately 400 members from all geographic areas of the Archdiocese of Boston. Activities sponsored by the Guild include: a monthly First Friday Mass at St. Thomas More Oratory on Franklin Street in Boston followed by a continental breakfast, retreats for spiritual enrichment and the dissemination of academic periodicals. The most significant event sponsored each year by the Guild is the annual Red Mass celebrated by Cardinal Law at the Cathedral

THE CATHOLIC LAWYERS GUILD OF THE ARCHDIOCESE OF BOSTON, INC.

of the Holy Cross. The Red Mass is followed by a luncheon at the Park Plaza Hotel. In 1988, Associate Justice of the United States Supreme Court, Antonin Scalia, addressed the membership, and this year the President of the United States, George Bush, will be the speaker.

Wilson Rogers says of the Guild's goals and purposes: "In recent years, there has been an increased awareness among the practicing bar of the moral and ethical implications of their everyday work. Hopefully, we are assisting all attorneys, Catholic and non-Catholic alike, in their quest to serve society." As interest in the Guild grows, plans are underway to further serve the general public by offering seminars on legal/ethical issues as well as by improving access to the legal system for those outside the mainstream of society, notably the poor and infirm.

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THE RED MASS

On Saturday, September 23, 1989, His Eminence Bernard Cardinal Law, Archbishop of Boston will celebrate the traditional Red Mass to mark the opening of the 1989 - 1990 Court year in Massachusetts. The Red Mass will be celebrated at 10:00 A.M. at the Cathedral of the Holy Cross in Boston's South End. The Red Mass is offered to invoke the guidance of the Holy Spirit among lawyers and judges in the practice of their professions. It is a long-standing tradition among members of the Bar in many countries of the world. Records from early in the thirteenth century indicate that the tradition arose principally in England, France, and Italy. The Mass became known as the "Red Mass" in England under the reign of Queen Anne in the early 18th Century. The priest celebrant - typically the Cardinal Archbishop - is garbed in red vestments in offering a Votive Mass of the Holy Spirit. At the time of Queen Anne, the judiciary, conforming to ecclesiastical tradition, appeared at the Mass in deep red, liturgical robes. The popular name arose out of the splendor and solemnity of the occasion.

The celebration of the Red Mass in the United States began in 1928. Sixty years later, the Mass is an annual event in many of the major cities of the country. The Mass continues to attract members of the legal profession - Catholic and non-Catholic alike. Those attending do so

THE CATHOLIC LAWYERS GUILD OF THE ARCHDIOCESE OF BOSTON, INC.

in recognition of the practical wisdom of invoking the gifts of the Holy Spirit - wisdom, understanding, counsel and fortitude - in everyday practice. These virtues are necessary to all, both as members of the legal profession and as individual members of the local community.

In September, 1988, Cardinal Law celebrated the first Red Mass of the modern day Guild. "We gather," said the Cardinal, "with the firm conviction that the teaching of the Church can contribute to the pursuit of that justice which is the purpose, the end of your profession." In his homily given at the Red Mass, Cardinal Law referred to the Second Vatican Council's teaching on the role of the laity in the modern world: "Let the laity by their combined efforts remedy any institution and conditions of the world which are customarily inducements to sin, so that all things may be conformed to the norms of justice and may favor the practice of virtue rather than hinder it." The Cardinal continued, "It is my fervent prayer that through the efforts of the Catholic Lawyers' Guild the richness of the Church's teaching will...be put at the disposal of our society's quest for justice and peace."

At the luncheon following the September, 1988 Red Mass, Associate Justice of the United States Supreme Court, Antonin Scalia, spoke on the Constitutional framework within which issues of church and state are resolved.

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THE CATHOLIC LAWYERS GUILD OF THE ARCHDIOCESE OF BOSTON, INC.

Contact: John L. Keefe, Esq., KEEFE & ASSOCIATES
57 River Street, Wellesley, MA 02181
(617) 235-2244

FOR IMMEDIATE RELEASE

BOSTON, MA. AUGUST 18, 1989

PRESIDENT BUSH TO ADDRESS CATHOLIC LAWYERS' GUILD

President George Bush will speak before the Catholic Lawyers' Guild of the Archdiocese of Boston at its annual Red Mass Luncheon on Saturday, September 23, 1989. The luncheon will be held at the Park Plaza Hotel in Boston following the Red Mass.

His Eminence Bernard Cardinal Law will be the celebrant of the Red Mass at the Cathedral of the Holy Cross in Boston at 10:00 A.M. The Red Mass is an annual judicial tradition open to lawyers and judges of all denominations seeking divine guidance and strength during the coming term of court. Named for the red vestments worn by the celebrants of the Mass, this tradition, dating back to the thirteenth century, was introduced into the United States in New York in 1928. The Red Mass is celebrated in honor of the Holy Spirit as the source of wisdom, understanding, counsel and fortitude - gifts which should be brought to bear on the dispensing of justice in the courtroom as well as in the individual lawyer's office.

For further information about the Red Mass and luncheon, please contact the Catholic Lawyers' Guild of the Archdiocese of Boston at (617) 523-2640.

*****PRESS KIT TO BE MAILED ON WEDNESDAY, AUGUST 23, 1989.*****

52:prredmas.30

9/21/89

527-5153 Nome

TO: Stephanie Blessey

FM: John Wheeler 382-2159 Jack

RE: EDUCATION SUMMIT -- Sept 27 and 28
Charlottesville, Virginia -- ENVIRONMENTAL EDUCATION

The President's remarks and talking points could include mention of some key matters about education and the environment. I think it is important to do so.

The hottest issues in education right now include (a) how to inspire people to become teachers, (b) drug awareness and refusal skills and (c) teaching kids in grades K through 12 about the earth's ecology.

Here are topics on ecology and the environment that should be considered for the President's remarks:

- o Importance of teaching kids in grades K - 12 about the ecology. Has to be taught not just in "Science" but woven into all courses, like Social Studies and History. INFO: DOUG COOPER, 382-4700.
- o There is pending in Congress S. 1076, the National Environmental Education Act. See p. S 5701 of the May 18, 1989 Congressional Record. It gives a good rundown on the issues and has the language of the bill. INFO: GORDON BENDER, 382-4700.
- o Importance of professional training in the Environment-- scientists and engineers. INFO: GORDON BENDER, 382-4700. Especially Pollution Prevention: Jerry Kotas, 245-3557.
- o Two days of hearings held last week by the EPA on Education and the Environment, with experts from all over country speaking. INFO: KATE CONNORS at 475-9484

*****

In the campaign the President committed to education and environment. Here is a chance to combine both in solid remarks and show he is keeping his promise.

Finally, in general, education is lifelong, only perhaps 20% from formal "School". Rest is parents, media our friends and worklife!

Stephanie — Best to you. Felicia says hi!

S

People who will be seated at the Head table are as follows:

President and Mrs. Bush
Governor and Mrs. John Sununu

Cardinal Law
Bishop Robert J. Banks
Auxiliary Bishop of Boston, Vicar General
Bishop Lawrence J. Reily
Auxiliary Bishop of Boston
Bishop Daniel A. Cronin
Msgr. Timothy J. Moran
Cabinet Secretary of the Archdiose of Boston

Fr. Dennis Burns
Chaplain of Catholic Lawyers Guild
Judge and Mrs. Joseph Nolan
President of Catholic Lawyers Guild
Mr. and Mrs. Wilson D. Roger, Jr.
General Counsel of Catholic Lawyers Guild

Chief Justice Liacof
Supreme Court of Boston
Gov. Michael Dukakis

DATE: SEPTEMBER 21, 1989

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NUMBER OF STORIES FOUND WITH YOUR REQUEST THROUGH:
LEVEL 1... 5

1ST STORY of Level 1 printed in FULL format.

June 26, 1989, UNITED STATES EDITION

SECTION: SOCIETY; Religion; Pg. 61

LENGTH: 315 words

HEADLINE: Help Wanted: A Few Good Fishers of Men

BODY:

The Roman Catholic Church badly needs a few good men, especially in Boston. In the past year, the arch-diocese ordained only five priests -- 45 fewer than it needs to maintain current meager staffing levels. Like the Marines before them, church leaders have now taken their recruiting to television. A fortnight ago the chancery unveiled a glitzy advertising campaign hoping to attract men to the seminary. The 30-second spot, released to Boston-area stations as a public-service announcement, has already drawn the attention of at least three other dioceses -- Cincinnati, San Francisco and Omaha.

Produced free of charge by Boston ad agency Emerson Lane Fortuna, the fast-paced, eye-catching ad features a blur of affluent images -- a gold watch, a diamond bracelet, champagne, cocktails, pearls, poker chips and caviar -- and then goes black. Then, the tag line appears: "A world that doesn't deny itself anything could use a few men who do." Fade to a dramatically lit picture of a priest's hands raised to consecrate the bread of the eucharist. "We made it deliberately glossy so a viewer wouldn't quite be sure of what he's watching," says Michael Fortuna, ELF's senior vice president. Fortuna initiated the project eight months ago when he asked his local priest how he could help ease the clergy shortage.

Will the spot attract young men? The Rev. Francis LeBlanc, director of vocations, has already received two inquiries, one from a 28-year-old schoolteacher and another from a 22-year-old Air Force cadet. Either would help lower the average age of Boston priests, now 56.

Not everyone has been enthusiastic about the church's new commercial. One station has rejected it as inappropriate and some parishioners are displeased too. Cardinal Bernard F. Law disagrees: "If he were here today, Saint Paul would be Madison Avenue. " God knows he'd be welcome.

2ND STORY of Level 1 printed in FULL format.

The Associated Press

June 7, 1989, Wednesday, PM cycle

SECTION: Domestic News

LENGTH: 391 words

HEADLINE: Boston Archdiocese Pitches Priesthood in New 30-Second Television Spot

BYLINE: By LESLIE DREYFOUS, Associated Press Writer

DATELINE: BOSTON

KEYWORD: Video Priests

BODY:

Roman Catholic leaders facing a shortage of priests have moved into the video age with a 30-second commercial that asks young Bostonians to abandon society's self-indulgent values for the religious life.

"If St. Paul were alive today, he would be on Madison Avenue," Cardinal Bernard Law joked on Tuesday in unveiling the TV spot.

"We have in our seminary some very successful yuppies," said Law, whose 2 million-member archdiocese is the nation's third-largest. "They were in that scene but felt it wasn't responding to the deepest feelings in their heart."

The church hopes stations will run the ad for free as a public service announcement. It was developed for free by an ad executive.

"The attitude in the last 10 years has been 'you can have it all and you don't have to feel guilty about anything,"' said Michael Fortuna, who put his agency to work on the campaign after reading about the shortage of priests.

Law said his archdiocese is short about 28 assistant pastors.

The ad isn't much more than a blur of decadent visions: expensive jewelry, fast cars, caviar and champagne. But at the end, the screen goes black and a pair of hands emerge holding the Eucharist.

"A world that doesn't deny itself anything could use a few men that do," says an on-screen message followed by a telephone number.

The Rev. Frank Silver, who worked with Fortuna, said the church has to take a more progressive approach if it's to compete with things of the flesh.

"Priests don't get hit by a bolt of lightning. They go through a natural process," he said. "And we have to recognize the impact the media has on people today. It's how we communicate."

The Rev. Gregory Sakowicz of Niles College, a Chicago seminary, said he has used billboards to advertise the priesthood in his diocese. He said a flashier approach to promoting the priesthood wasn't necessarily less sincere.

"I certainly believe the priesthood is a call from God," he said. "A billboard or television ad isn't going to create a vocation ... but it's planting a seed."

However, Sakowicz said the ads have not been "real successful in terms of actually getting men to the front door."

The Rev. John West tried to plant similar seeds in the Detroit archdiocese in 1987 when he launched a campaign that included radio spots and ads in Sports Illustrated and People magazine.

3RD STORY of Level 1 printed in FULL format.

The Associated Press

June 6, 1989, Tuesday, AM cycle

SECTION: Domestic News

LENGTH: 322 words

HEADLINE: Boston Archdiocese Pitches Priesthood in New 30-Second Television Spot

BYLINE: By LESLIE DREYFOUS, Associated Press Writer

DATELINE: BOSTON

KEYWORD: Video Priests

BODY:

Roman Catholic leaders Tuesday unveiled a television advertisement they hope will spur young Bostonians to consider a life of service rather than self-indulgence.

Archdiocese officials said they hoped the $$80,000 ad, donated by a local agency, would be broadcast by local television stations as a public service announcement.

"If St. Paul were alive today, he would be on Madison Avenue, " Cardinal Bernard Law joked.

The half-minute spot isn't much more than a blur of expensive jewelry, fast cars, caviar and champagne. But there's a kicker at the end, when the screen goes to black and a pair of hands holding the Eucharist emerge.

"A world that doesn't deny itself anything could use a few men that do," says an on-screen message, followed by to the archidocese telephone number.

"The attitude in the last 10 years has been 'You can have it all and you don't have to feel guilty about anything,"' said Michael Fortuna, a Catholic who put his ad agency to work on the campaign after reading about the priest shortage.

Church leaders in other cities have also used modern advertising techniques.

The Rev. Gregory Sakowicz of Niles College, a Chicago seminary, said he used billboards, while in Detroit, the Rev. John West launched a multimedia campaign in 1987 that included radio spots and full-page ads in Sports Illustrated and People magazines.

Both men said their tactics had sparked a lot of inquiries, but Sakowicz said they'd not been "real successful in terms of actually getting men to the front door." Still, he said in a telephone interview from Chicago, such campaigns can help.

"I certainly believe the priesthood is a call from God," he said. "A billboard or television ad isn't going to create a vocation ... but it's planting a seed."

In Boston, Law estimates, the archdiocese is short nearly 30 assistant pastors. He said the new video was a hit at a recent meeting of New England church officials.

Christina

(Grant/Martin)
September 19, 1989
Draft Two (B:RED)

PRESIDENTIAL REMARKS: CATHOLIC LAWYERS' GUILD LUNCHEON
PARK PLAZA HOTEL
BOSTON, MASSACHUSETTS
SATURDAY, SEPTEMBER 23, 1989

Ed-head table

12:30 pm

[[ACKNOWLEDGEMENTS]]

For those of you in the back of the room, I'll try to speak up. [[PAUSE]] Cardinal Law warned me that the agnostics in this room are very bad.

We've enjoyed visits by the Cardinal to both Kennebunkport and the White House in recent months, and were happy to accept when he conveyed your kind invitation to lunch. I told my staff to set it up for any Saturday this fall -- so long as Holy Cross wasn't playing B.C. [[BOSTON COLLEGE]]. [[PAUSE]]

Not necessarily landing at airport

I told one aide we were flying up to Logan for the Red [[PAUSE]] Mass. He pulled out a map and asked: "Is that anywhere near Boston, Mass?" [[PAUSE]]

This is quite a gathering. I hear Arthur Miller told one TV show that there hasn't been so much legal talent assembled in one room in Boston since the time he played solitaire. [[PAUSE]]

We're pleased Governor Sununu is here with us today. Like many young Catholics, as a boy John dreamed of one day becoming Pope. It was only after having 8 kids that we got him to settle for Chief of Staff. [[PAUSE]]

Today marks the first day of autumn. It is a season of change, a season of harvest, a season of hope. And it is with

22nd Autumn Equinox

9:20 pm

great respect and reverence that I come to you this day, the day of the Red Mass, a stirring and deeply spiritual tradition.

Today and tomorrow, men and women of the bar will join in solemn prayer, across America and around the world, gathering wherever civilization has been graced with the twin blessings of rule of law and faith in God.

The ancient roots of the Red Mass are so intertwined with the earliest days of the law that its precise origins are, quite literally, lost in time.

Some say this beautiful and inspiring ritual was first observed in 13th century Rome. Others say it ~~began~~ was conceived in King Edward's London, beneath the gothic arches of the Inns of Court. Still others support the theory that it began in Paris.

Wherever the Red Mass was first observed, we can be sure of one thing. A tradition that spans seven centuries was started when **one man with an idea -- one lawyer, or one priest -- stepped forward to act with conviction.**

The Red Mass is a celebration and a renewal, a reminder to every lawyer and judge -- Catholic or Jew, Protestant or Moslem -- that yours is a profession dedicated not merely to practical results or material progress, but to a higher duty, and to the public good.

Many years ago, one of my predecessors, a man trained and accomplished in the same profession as yourselves, found himself facing a crisis of conviction. Many Americans had come to doubt the very foundations upon which this nation was laid.

It was widely suggested that the early, fast success of the United States was an accident of natural wealth. People said that the sophisticated problems of modern times required a re-thinking of the democratic institutions of our nation's youth.

The President saw himself saddled with a troubling question: "Do the founders of our nation have anything to say to the present day -- or is it necessary to start over on a new basis?"

The man was Thomas Jefferson. The occasion, his inaugural address. And the response he made to that crisis is as forceful today as it was in his own age.

For Jefferson understood that **the essence of America lies not in shared real estate -- but in shared values. Not in a common ancestry -- but in a common vision.**

Jefferson spoke of the rights and responsibilities of free citizens. "Every difference of opinion," he warned, "is not a difference of principle."

And he singled out one such unyielding principle as fundamental to our continued life as a nation -- "equal and exact justice to all men, of whatever state or persuasion, religious or political."

The challenge that Thomas Jefferson delivered to his fellow citizens, I deliver to you this afternoon.

I challenge you, as Catholic lawyers, not to give in to the dismay of those today who, in error or alarm, have wandered from the basic convictions to which our nation is pledged. **I challenge you to recover and rekindle a love of justice.**

American justice. A justice that knows no boundaries of race, sex, income, or age. [[PAUSE]]

We're all born with certain talents and abilities, and part of growing up Catholic in America is being reminded of each person's obligation to use the gifts that God gave them.

Perhaps some of you saw this amazing Notre Dame sophomore last Saturday -- Raghib "Rocket" Ismail. Not once but twice he returned kickoffs for record-breaking touchdowns -- the best use of speed since Chuck Yeager broke the sound barrier.

Well, as lawyers, as advocates, part of your task is to use your talents -- to speak for those unable to speak for themselves.

I challenge you to re-articulate those principles that are deeper than our differences. **Give voice to voiceless America.** Give voice to the American consensus: those principles of equal and exact justice, and that vision of free and responsible citizenship, that form our common heritage.

Now, we may be preaching to the converted. None of the judges I've spoken to ever complained of difficulty in getting a group of Boston lawyers to speak their minds. [[PAUSE]]

And it's clear you appreciate the power of communication. We've heard about the arch-diocese's new T.V. recruiting ads. [[PAUSE]] It was Cardinal Law who said: "If he were here today, Saint Paul would be on Madison Avenue." [[PAUSE]]

Still, everyone here is uniquely suited for the task. By virtue of your profession and your faith, you are alive to the

fact that -- if we are indeed "one nation, under God" -- then our responsibilities do not end with simply obeying the law. We must actively work to extend peace, liberty and safety to all our fellow citizens.

As Saint Augustine said: "While law makes us obedient to justice, God... makes us agents of justice, doers of justice, creators of justice."

I challenge you, as men and women of faith, to give voice to this justice. Do it proudly, with the courage of conviction. And carry justice to all our citizens -- especially to those who know it least.

We must devote special attention to the problems of those on the margins, those lacking adequate food or shelter, those addicted or mentally ill, those whose neighborhoods have been decimated by crime.

We must remember the unremembered. Protect the unprotected. And stand up for those who live in this world of hurt: The hungry, the homeless, the haunted and the hunted.

It's not enough to give them justice. We must also give them hope.

Part of this effort belongs in the workplace, where prosecutors and judges fight to protect the innocent, and where private attorneys perform untold good through pro bono efforts.

But to succeed, this effort can't end with the working day. The grassroots campaign we've called "A Thousand Points of Light" must reach out to America's hurting where they are, in classrooms

and church basements, street corners and lonely apartments. The bottom line is this: **From now on in America, any definition of a successful life must include service to others.**

This room is rich with shining examples of good men and women who have devoted their lives to service -- in private, in public, and in the pulpit. And it does inspire.

We hear of one public-minded lawyer who has this recurring nightmare. He is standing in line before the gates of Heaven, just a few persons back from Cardinal Law. Up ahead, St. Peter is slowly shaking his head, and saying to the Cardinal: "Now if only you had given back just a little bit more..." [[PAUSE]]

In all these volunteer efforts, there must be priorities. I am especially concerned that we protect the most defenseless among us, our children. We urge you today to speak out on behalf of our kids. Not as the agenda of yet another special interest group, but as part of our American birthright.

Finally, with particular concern, we challenge you to even greater efforts toward the protection of human life at its most fragile, life in the womb. [[PAUSE]] Use your talents, your energy, and your professional resources to reaffirm the right to life as the most fundamental freedom.

Your contribution to this cause in recent years has been very great indeed. Progress has been made, but it is clear that there is much more work to be done.

The Jeffersonian vision of justice -- of peace, liberty and safety for all -- has permeated our American understanding of

rights, of responsibilities, of life itself. It is evident in one of our symbols, the American flag, but I want to look at something more ordinary than the flag -- a single dime. [[It is more easily carried than a flag, although as many of your profession know particularly well, it is not as flammable.]]

There are three emblems on the back of a dime. An olive branch, a torch, and the limb of an oak.

The olive branch symbolizes our longing for peace, our willingness to live by righteousness, not simply by military might. Next to the olive branch is a torch, the lamp of liberty. And beside the torch lies the oak, the symbol of safety, of security, and of the strength which guarantees them.

Finally, in the midst of the three reads the motto, "E Pluribus Unum." "From the many, one." We are a diverse people, with many backgrounds, many challenges, and many hopes.

I call upon you today, the Guild of Catholic Lawyers, to give voice to the consensus, the oneness of values which lives beneath the diversity. I call upon you, as agents and creators of justice, to help us bring about the peace, liberty and safety we seek for every human being. That is why today we pray for guidance, strength and wisdom.

God bless you and God bless the United States. Thank you.

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Tina

REMARKS: CATHOLIC LAWYERS' GUILD LUNCHEON
PARK PLAZA HOTEL
BOSTON, MASSACHUSETTS
SATURDAY, SEPTEMBER 23, 1989

THANK YOU. AND THANK YOU, JUDGE [[JOSEPH]] NOLAN [[PRESIDENT OF THE CATHOLIC LAWYERS' GUILD]] FOR THOSE WARM WORDS, AND FOR INVITING US TO JOIN THIS FINE GATHERING.

IT'S GOOD TO SEE GOVERNOR DUKAKIS HERE TODAY, AS WELL AS THE CHIEF JUSTICE [[JUSTICE LIACOF, OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS]].

AND WE'RE ESPECIALLY PLEASED TO BE HERE WITH MY GOOD FRIEND, CARDINAL LAW.

FOR THOSE OF YOU IN THE BACK OF THE ROOM, I'LL TRY TO SPEAK UP. [[PAUSE]] CARDINAL LAW WARNED ME THAT THE AGNOSTICS IN THIS ROOM ARE VERY BAD.

WE'VE ENJOYED VISITS BY THE CARDINAL TO BOTH KENNEBUNKPORT AND THE WHITE HOUSE IN RECENT MONTHS, AND WE WERE HAPPY TO ACCEPT WHEN HE CONVEYED YOUR KIND INVITATION TO LUNCH.

I TOLD MY STAFF TO SET IT UP FOR ANY SATURDAY THIS FALL -- SO LONG AS HOLY CROSS WASN'T PLAYING B.C. [[BOSTON COLLEGE]]. [[PAUSE]]

ONE AIDE NOTICED THAT "RED, [[PAUSE]] MASS." WAS ON THE TRIP SCHEDULE. HE PULLED OUT A MAP AND ASKED: "IS THAT ANYWHERE NEAR BOSTON?" [[PAUSE]]

WE'RE PLEASED GOVERNOR SUNUNU IS HERE WITH US TODAY. LIKE MANY YOUNG CATHOLICS, AS A BOY JOHN DREAMED OF ONE DAY BECOMING POPE.

IT WAS ONLY AFTER HAVING EIGHT KIDS THAT WE GOT HIM TO SETTLE FOR CHIEF OF STAFF. [[PAUSE]]

YESTERDAY MARKED THE FIRST DAY OF AUTUMN. IT IS THE SEASON OF HARVEST, THE SEASON OF CHANGE, THE SEASON OF "BACK-TO-SCHOOL" AND NEW BEGINNINGS. AND IT IS WITH GREAT RESPECT AND REVERENCE THAT I COME TO YOU THIS DAY, THE DAY OF THE RED MASS, A STIRRING AND DEEPLY SPIRITUAL TRADITION.

TODAY AND TOMORROW, MEN AND WOMEN OF THE BAR WILL JOIN IN SOLEMN PRAYER, ACROSS AMERICA AND AROUND THE WORLD, GATHERING WHEREVER CIVILIZATION HAS BEEN GRACED WITH THE TWIN BLESSINGS OF RULE OF LAW AND FAITH IN GOD.

THE ANCIENT ROOTS OF THE RED MASS ARE SO INTERTWINED WITH THE EARLIEST DAYS OF THE LAW THAT ITS PRECISE ORIGINS ARE, QUITE LITERALLY, LOST IN TIME.

SOME SAY THIS BEAUTIFUL AND INSPIRING RITUAL WAS FIRST OBSERVED IN 13TH CENTURY ROME. OTHERS SAY IT BEGAN IN KING EDWARD'S LONDON, BENEATH THE GOTHIC ARCHES OF THE INNS OF COURT. STILL OTHERS SUPPORT THE THEORY THAT IT BEGAN IN PARIS.

WHEREVER THE RED MASS WAS FIRST OBSERVED, WE CAN BE SURE OF ONE THING.

A TRADITION THAT SPANS SEVEN CENTURIES WAS STARTED WHEN ONE MAN WITH AN IDEA -- ONE LAWYER, OR ONE PRIEST -- STEPPED FORWARD TO ACT WITH CONVICTION.

THE RED MASS IS A CELEBRATION AND A RENEWAL, A REMINDER TO EVERY LAWYER AND JUDGE -- CATHOLIC OR JEW, PROTESTANT OR MOSLEM -- THAT YOURS IS A PROFESSION DEDICATED NOT MERELY TO PRACTICAL RESULTS OR MATERIAL PROGRESS, BUT TO A HIGHER DUTY, AND TO THE PUBLIC GOOD.

MANY YEARS AGO, ONE OF MY PREDECESSORS, A MAN TRAINED AND ACCOMPLISHED IN THE SAME PROFESSION AS YOURSELVES, FOUND HIMSELF FACING A CRISIS OF CONVICTION. MANY AMERICANS HAD COME TO DOUBT THE VERY FOUNDATIONS UPON WHICH THIS NATION WAS LAID.

IT WAS WIDELY SUGGESTED THAT THE EARLY SUCCESS OF THE UNITED STATES WAS AN ACCIDENT OF NATURAL WEALTH.

PEOPLE SAID THAT THE SOPHISTICATED PROBLEMS OF MODERN TIMES REQUIRED A RE-THINKING OF THE DEMOCRATIC INSTITUTIONS OF OUR NATION'S YOUTH.

THE PRESIDENT WAS BURDENED BY A TROUBLING QUESTION: DO THE FOUNDERS OF OUR NATION HAVE ANYTHING TO SAY TO THE PRESENT DAY -- OR IS IT NECESSARY TO START OVER ON A NEW BASIS?

THE MAN WAS THOMAS JEFFERSON. \\ THE OCCASION, HIS INAUGURAL ADDRESS. AND THE RESPONSE HE MADE TO THAT CRISIS IS AS FORCEFUL TODAY AS IT WAS IN HIS OWN AGE.

FOR JEFFERSON UNDERSTOOD THAT THE ESSENCE OF AMERICA LIES NOT IN SHARED REAL ESTATE -- BUT IN SHARED <u>VALUES</u>. NOT IN A COMMON ANCESTRY -- BUT IN A COMMON <u>VISION</u>.

JEFFERSON SPOKE OF THE RIGHTS AND RESPONSIBILITIES OF FREE CITIZENS.

"EVERY DIFFERENCE OF OPINION," HE WARNED, "IS NOT A DIFFERENCE OF PRINCIPLE."

AND HE SINGLED OUT ONE SUCH UNYIELDING PRINCIPLE AS FUNDAMENTAL TO OUR CONTINUED LIFE AS A NATION -- "EQUAL AND EXACT JUSTICE TO ALL MEN, OF WHATEVER STATE OR PERSUASION, RELIGIOUS OR POLITICAL."

THE CHALLENGE THAT THOMAS JEFFERSON DELIVERED TO HIS FELLOW CITIZENS, I DELIVER TO YOU THIS AFTERNOON.

I CHALLENGE YOU, AS CATHOLIC LAWYERS, NOT TO GIVE IN TO THE DISMAY OF THOSE TODAY WHO, IN ERROR OR ALARM, HAVE WANDERED FROM THE BASIC CONVICTIONS TO WHICH OUR NATION IS PLEDGED. I CHALLENGE YOU TO REKINDLE AND FOSTER A LOVE OF JUSTICE. AMERICAN JUSTICE. A JUSTICE THAT KNOWS NO BOUNDARIES OF RACE, SEX, INCOME, OR AGE. [[PAUSE]]

WE'RE ALL BORN WITH CERTAIN TALENTS AND ABILITIES, AND PART OF GROWING UP CATHOLIC IN AMERICA IS BEING REMINDED OF EACH PERSON'S OBLIGATION TO USE THE GIFTS THAT GOD GAVE THEM.

PERHAPS SOME OF YOU SAW THIS AMAZING NOTRE DAME SOPHOMORE LAST SATURDAY -- RAGHIB "ROCKET" ISMAIL. NOT ONCE BUT TWICE HE RETURNED KICKOFFS FOR RECORD-BREAKING TOUCHDOWNS -- THE BEST USE OF SPEED SINCE CHUCK YEAGER BROKE THE SOUND BARRIER.

WELL, AS LAWYERS, AS ADVOCATES, PART OF <u>YOUR</u> TASK IS TO USE <u>YOUR</u> TALENTS -- TO SPEAK FOR THOSE UNABLE TO SPEAK FOR THEMSELVES.

I CHALLENGE YOU TO RE-ARTICULATE THOSE PRINCIPLES THAT ARE DEEPER THAN OUR DIFFERENCES. THE PRINCIPLES OF EQUAL AND EXACT JUSTICE, AND THAT VISION OF FREE AND RESPONSIBLE CITIZENSHIP WHICH FORMS OUR COMMON HERITAGE.

NOW, WE MAY BE PREACHING TO THE CONVERTED. NONE OF THE JUDGES I'VE SPOKEN TO EVER COMPLAINED OF DIFFICULTY IN GETTING A GROUP OF BOSTON LAWYERS TO SPEAK THEIR MINDS. [[PAUSE]]

AND IT'S CLEAR YOU APPRECIATE THE POWER OF COMMUNICATION. WE'VE HEARD ABOUT THE ARCHDIOCESE'S NEW T.V. RECRUITING ADS. [[PAUSE]] IT WAS CARDINAL LAW WHO SAID: "IF HE WERE HERE TODAY, SAINT PAUL WOULD BE ON MADISON AVENUE." [[PAUSE]]

EVERYONE HERE IS UNIQUELY SUITED FOR THE TASK. BY VIRTUE OF YOUR PROFESSION AND YOUR FAITH, YOU ARE ALIVE TO THE FACT THAT -- IF WE ARE INDEED "ONE NATION, UNDER GOD" -- THEN OUR RESPONSIBILITIES DO NOT END WITH SIMPLY OBEYING THE LAW. WE MUST ACTIVELY WORK TO EXTEND PEACE, LIBERTY AND SAFETY TO ALL OUR FELLOW CITIZENS.

AS SAINT AUGUSTINE SAID: "WHILE LAW MAKES US OBEDIENT TO JUSTICE, GOD... MAKES US AGENTS OF JUSTICE, DOERS OF JUSTICE, CREATORS OF JUSTICE."

I CHALLENGE YOU, AS MEN AND WOMEN OF FAITH, TO GIVE VOICE TO THIS JUSTICE. DO IT PROUDLY, WITH THE COURAGE OF CONVICTION. AND CARRY JUSTICE TO ALL OUR CITIZENS -- ESPECIALLY TO THOSE WHO KNOW IT LEAST.

WE MUST DEVOTE SPECIAL ATTENTION TO THE PROBLEMS OF THOSE ON THE MARGINS, THOSE LACKING ADEQUATE FOOD OR SHELTER, THOSE ADDICTED OR MENTALLY ILL, THOSE WHOSE NEIGHBORHOODS HAVE BEEN DECIMATED BY CRIME.

WE MUST REMEMBER THE UNREMEMBERED. PROTECT THE UNPROTECTED. AND STAND UP FOR THOSE WHO LIVE IN A WORLD OF PAIN: THE HUNGRY AND THE HOMELESS, THE HAUNTED AND THE HURTING.

IT'S NOT ENOUGH TO GIVE THEM JUSTICE. WE MUST ALSO GIVE THEM HOPE.

PART OF THIS EFFORT BELONGS IN THE COURTROOM, WHERE PROSECUTORS AND JUDGES FIGHT TO PRESERVE JUSTICE, AND WHERE PRIVATE ATTORNEYS PERFORM UNTOLD GOOD THROUGH PRO BONO [[PRO BONE-OH]] EFFORTS.

CONSIDER, FOR EXAMPLE, "OPERATION UPLIFT," BEGUN BY LAWYERS IN MINNEAPOLIS AND NOW SPREADING ACROSS THE COUNTRY.

ITS PREMISE IS SIMPLE. WHEN AN ATTORNEY REPRESENTS A CLIENT PRO BONO, THE CLIENT IS ASKED TO DO VOLUNTEER WORK IN THE NEIGHBORHOOD OR COMMUNITY, PLEDGING ONE HOUR OF SERVICE FOR EVERY HOUR THE ATTORNEY SPENDS WORKING ON THEIR CASE. IT COSTS NOTHING, AND DOUBLES THE GOOD DONE BY PRO BONO EFFORTS.

BUT ULTIMATELY, TO SUCCEED, THIS EFFORT CAN'T END WITH THE WORKING DAY.

THE GRASSROOTS MOVEMENT WE'VE CALLED "A THOUSAND POINTS OF LIGHT" MUST REACH OUT TO AMERICA'S HURTING WHERE THEY ARE, IN THE CLASSROOM AS WELL AS THE COURTROOM, AND IN CHURCH BASEMENTS, STREET CORNERS AND LONELY APARTMENTS. THE BOTTOM LINE IS THIS: FROM NOW ON IN AMERICA, ANY DEFINITION OF A SUCCESSFUL LIFE MUST INCLUDE SERVICE TO OTHERS.

THIS ROOM IS RICH WITH SHINING EXAMPLES OF GOOD MEN AND WOMEN WHO HAVE DEVOTED THEIR LIVES TO SERVICE -- IN PRIVATE, IN PUBLIC, AND IN THE PULPIT.

MAKE COMMUNITY SERVICE CENTRAL TO YOUR LIFE AND WORK. SOMEWHERE, IN YOUR OWN COMMUNITY, THERE IS AN ILLITERATE MAN YEARNING FOR THE GIFT MOST OF YOU HAVE ENJOYED SINCE CHILDHOOD -- THE ABILITY TO READ.

SOMEWHERE, IN YOUR OWN COMMUNITY, THERE IS A HOMELESS FAMILY THAT NEEDS FOOD, CLOTHING AND SHELTER.

AND SOMEWHERE, IN YOUR OWN COMMUNITY, THERE IS A SCARED LITTLE BOY, TEMPTED TO BUY CRACK OR JOIN A GANG, WHO NEEDS THE LOVE AND GUIDANCE OF A BIG BROTHER.

THERE ARE COUNTLESS UNMET NEEDS, COUNTLESS WAYS IN WHICH YOU CAN MAKE A DIFFERENCE FOR THE BETTER.

FOR YOU WHO ARE SENIOR PARTNERS, I URGE YOU TO CONSIDER COMMUNITY SERVICE BY YOUR ASSOCIATES IN HIRING AND PROMOTION DECISIONS.

AT THE END OF THE DAY, LET IT BE SAID ABOUT YOU THAT -- MORE THAN YOUR RECORD IN COURT OR THE HOURS YOU'VE BILLED -- THIS WAS THE WAY IN WHICH YOU TOUCHED THE LIFE OF SOMEONE IN NEED.

FINALLY, WITH PARTICULAR CONCERN, WE CHALLENGE YOU TO EVEN GREATER EFFORTS TOWARD THE PROTECTION OF HUMAN LIFE. [[PAUSE]] USE YOUR TALENTS, YOUR ENERGY, AND YOUR PROFESSIONAL RESOURCES TO REAFFIRM THE RIGHT TO LIFE AS THE MOST FUNDAMENTAL FREEDOM.

THE JEFFERSONIAN VISION OF JUSTICE -- OF PEACE, LIBERTY AND SAFETY FOR ALL -- HAS PERMEATED OUR AMERICAN UNDERSTANDING OF RIGHTS, OF RESPONSIBILITIES, OF LIFE ITSELF.

IT IS EVIDENT IN ONE OF OUR SYMBOLS, THE AMERICAN FLAG, BUT I WANT TO LOOK AT SOMETHING EVEN MORE COMMON THAN THE FLAG -- A SINGLE DIME.

THERE ARE THREE EMBLEMS ON THE BACK OF A DIME. AN OLIVE BRANCH, A TORCH, AND THE LIMB OF AN OAK.

THE OLIVE BRANCH SYMBOLIZES OUR LONGING FOR PEACE, OUR WILLINGNESS TO LIVE BY RIGHTEOUSNESS, NOT SIMPLY BY MILITARY MIGHT. NEXT TO THE OLIVE BRANCH IS A TORCH, THE LAMP OF LIBERTY.

AND BESIDE THE TORCH LIES THE OAK, THE SYMBOL OF SAFETY, OF SECURITY, AND OF THE STRENGTH WHICH GUARANTEES THEM.

FINALLY, IN THE MIDST OF THE THREE READS THE MOTTO, "E PLURIBUS UNUM." "FROM THE MANY, ONE." WE ARE A DIVERSE PEOPLE, WITH MANY BACKGROUNDS, MANY CHALLENGES, AND MANY HOPES.

I CALL UPON YOU TODAY, THE GUILD OF CATHOLIC LAWYERS, TO GIVE VOICE TO THE CONSENSUS, THE ONENESS OF VALUES WHICH LIVES BENEATH THE DIVERSITY. I CALL UPON YOU, AS AGENTS AND CREATORS OF JUSTICE, TO HELP US BRING ABOUT THE PEACE, LIBERTY AND SAFETY WE SEEK FOR EVERY HUMAN BEING.

GOD BLESS YOU, AND GOD BLESS THE UNITED STATES. THANK YOU.

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