

FACTS ABOUT A SERIOUS ATTACK ON THE NEW YORK STATE ABORTION LAW AND THE RESPONSE OF THE WOMEN'S NATIONAL ABORTION-ACTION COALITION AND OTHER WOMEN'S ORGANIZATIONS

On Friday, December 4, Justice Lester Holtzman appointed a Fordham University professor, Robert Byrn, "legal guardian" of all fetuses of women awaiting abortions in New York City municipal hospitals. The "Guardianship" was granted by the judge on the basis of the 14th Amendment to the U.S. Constitution, which guarantees "equal protection under the law." Prof. Byrn, chairman of the Metropolitan Right to Life Committee, held a press conference sponsored by the New York Archdiocese, in which he announced his intention to seek an injunction prohibiting N.Y. municipal hospitals from continuing to perform abortions. Two hearings were then held to determine if a preliminary injunction should be put into effect before commencement of a trial which might result in a permanent injunction. These hearings took place in the Supreme Court of the County of Queens, before Justice Francis X. Smith, a conservative Catholic judge. The initial defendants in this case were 1) the City Health and Hospital Corporation, which controls the municipal hospitals, and 2) the State of New York, since this case was directly challenging a state law. At the time of the first hearings, Nancy Stearns, attorney from the Center for Constitutional Rights, moved to intervene on behalf of the Women's Health and Abortion Project and individual pregnant women. The rationale for this motion is that Byrn's court actions directly affect these women.

On January 5, Judge Smith issued a preliminary injunction against abortions being performed in municipal hospitals. He also granted the petition that pregnant women and the Women's Health and Abortion Project become co-defendants in this case. The defense then requested a stay on the injunction from another court. This was granted, and means that abortions are still being legally performed in municipal hospitals.

On Jan. 6 the Women's National Abortion Action Coalition chaired a press conference of women representing a broad range of women's organizations. Speakers included Betty Friedan of the Women's National Political Caucus and representatives from the N.Y. Chapter of the National Organization for Women, B'nai B'rith, the United Church of Christ, Bella Abzug's office, and others. At that conference, the participants conveyed their **outrage** at this attack. A city-wide meeting for all women and women's groups wishing to respond to this attack was announced for Sunday, Jan. 9.

Over 100 women from many organizations attended the Jan. 9 meeting. Participants voted to 1) call for a demonstration on Thurs. evening during rush hour in the midtown Manhattan area, 2) organize court presence at the Tues. Jan. 11 Appellate hearing on the case, 3) send a telegram to Kurt Waldheim, Sec'y. General of the U.N., requesting an early meeting to discuss the need for the U.N. to declare abortion a universal human right, and 4) send a letter to Governor Rockefeller requesting that he convene a judiciary committee to investigate the actions of Judges Smith and Holtzman in this case. A press conference was called to announce our plans, at which "right to life" women unsuccessfully tried to disrupt statements of scheduled speakers.

On Jan. 11 this case was brought before the Appellate Division of the Supreme Court to determine whether or not the case should be thrown out of court on the grounds that the proceedings have been illegal from the outset of the guardianship appointment. The panel of judges reserved decision on the appeal for dismissal, but they put a stay on the trial to be held in Judge Smith's court pending the final dismissal decision. They further upheld the stay on the injunction, thus preventing it from going into effect.

It is WONAAC's feeling that the only satisfactory outcome of this case is that it be dismissed. Our right to decide what to do or not do with our own bodies cannot be taken away by a minority of people who are trying to impose their religious and philosophical views on everyone.

For more information call or write to: The Women's National Abortion Action Coalition
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FUNDS ARE URGENTLY NEEDED