

Scalia nomination furthers 'Catholic agenda,' leaders say

Washington (NC) — In nominating Judge Antonin Scalia to the U.S. Supreme Court June 17, President Reagan appointed a Catholic who opposes abortion and supports tuition tax credits.

Scalia's position on those two issues — along with Reagan's nomination of Justice William Rehnquist as chief justice — prompted some Catholic leaders to predict a shift on the court that could boost their agenda.

Scalia, who would be the seventh Catholic to serve as a Supreme Court justice, would replace Rehnquist, whom Reagan nominated to become chief justice upon the retirement in July of Chief Justice Warren Burger.

If confirmed by the Senate, Scalia also would be the first American of Italian descent to sit on the Supreme Court and, at 50, would be its youngest current member.

One other Catholic currently serves on the court: Justice William J. Brennan Jr., 80, who was appointed in 1956.

Scalia, who has been a judge of the U.S. Circuit Court of Appeals for the District of Columbia since 1982, is known for his emphasis on the separation of powers in government. He is also known as a conservative activist and an opponent of abortion, although as a judge he has not ruled on any abortion cases.

In a 1984 article, the magazine Policy Review described Scalia as personally opposed to abortion and said his first involvement in politics was in a fight for tax credits for tuition paid by parents of children in non-public schools.

While he was a law professor at the University of Chicago, Scalia testified before congressional subcommittees in 1978 and 1981 in favor of tuition tax credits.

At Senate subcommittee hearings in 1978, he said the Senate should consider its own role in the development of constitutional law, rather than following any dictate of the Supreme Court on the tax-credit issue.

Scalia made similar comments in his 1981 testimony before a House subcommittee, saying Supreme Court decisions on issues of public aid to religiously run schools or their students form a "conflicting, bewildering, positively embarrassing line" that was best ignored by the legislators.

He also told the House subcommittee that federal tuition tax-credit legislation could help "soften the constraint upon freedom of religion" that arises when states base educational subsidies on a student's attendance at public schools.

Michael Schwartz, director of the Catholic Center in Washington and a former official of the Catholic League for Religious and Civil Rights, said Scalia's positions make him strong on what Schwartz characterized as "the Catholic agenda."

Schwartz said Scalia's testimony on tuition

tax credits gave "good insights into the dynamics of the First Amendment and civil rights."

The father of nine, Scalia was born March 11, 1936, in Trenton, N.J. He graduated from Georgetown University in 1957 and received his law degree from Harvard in 1960. He is a member of St. John's Parish in McLean, Va., a Washington suburb.

Rehnquist, meanwhile, also has been an opponent of abortion and a supporter of tax relief for non-public school tuition in his 14 years on the high court. He was a 47-year-old assistant attorney general when President Richard M. Nixon nominated him to the court in 1971.

Rehnquist was sworn in Jan. 7, 1972. Only

Bishops' meeting addresses issues of vocations

Washington (NC) — In the relaxed, shirt-sleeve atmosphere of rural Minnesota, 259 U.S. bishops met June 9-16 to consider the complex and seemingly contradictory issue of vocations.

Gathering at Benedictine-run St. John's University in Collegeville, Minn., the bishops combined a religious retreat with a series of presentations ranging from the theology of vocation to lay vocations to the vocation of the ordained.

Although the meeting was closed to the press and observers, the texts of the presentations were released after the conference.

At the assembly's conclusion, the bishops had reached this general agreement:

- 1) That the U.S. Church is in the midst of a crisis in ordained and religious vocations;
- 2) That solutions to that crisis do not include a married priesthood or women priests; and
- 3) That the crisis in vowed and priestly vocations exists alongside an "explosion" of lay ministries.

On the opening day of the assembly, Cardinal Carlo Martini of Milan, Italy, the spiritual director for the meeting, conducted a day of recollection. He also presented a series of reflections during morning prayers throughout the meeting.

The prelates also heard from Archbishop Pio Laghi, apostolic pronuncio to the United States, who read a message from Pope John Paul II.

The bishops then settled in to a routine of listening to morning presentations followed by afternoon small-group discussions.

In his talk on a theology of vocation, Cardinal Bernard F. Law of Boston said the vocation crisis is actually "a crisis of faith, a crisis of our call to holiness." The human vocation is one of sacrificial love, of total self-giving, Cardinal Law said, while sin "is the refusal of vocation."

Bishop Raymond Lucker of New Ulm, Minn., told fellow bishops that the vocation

a year later in the high court's landmark 7-2 decision legalizing abortion. Rehnquist joined Justice Byron White in the dissenting opinion. More recently he joined the dissent in the court's 5-4 decision June 11 striking down Pennsylvania abortion regulations.

He was also one of the dissenting justices in a July, 1976, ruling striking down a rule on parental consent for abortion and in a 1983 decision that strongly reaffirmed the original 1973 ruling.

But he rarely wrote his own dissenting opinions on abortion, instead joining in the dissents of others.

On the issue of tuition tax relief for parents of parochial school children, Rehnquist in 1983 wrote the court's majority

opinion upholding a Minnesota law allowing all parents to take a tax deduction for the expenses of tuition, textbooks and transportation.

Burger will leave the court this summer with a legacy as a centrist on such issues as abortion, church-state separation and the death penalty.

He joined the 7-2 majority when the court in 1973 legalized abortion, but he qualified his position when he dissented in the June 11 decision striking down the Pennsylvania abortion regulations. His dissent said the 1973 ruling had led to "abortion on demand," which he said had not been envisioned in the original ruling.

of the laity first of all is "to change the society in which they live and work. After that they can be called to ecclesial ministries."

He said the Church has mistakenly reversed the order of the laity's calling, tending to call people first to ministries within the Church community.

In a series of propositions, Bishop Lucker called for, among other things, a "positive theology of sexuality," Church support for women "in their ministries and in true Christian feminism," and a process for clergy listening to the laity "on their turf, in their living situations."

Bishop Lawrence Welsh of Spokane, Wash., summarized recent sociological research to document both the shortage of priests and the "vocational explosion" in lay ministries. Among data from recent research that he cited were several indications that a Church decision to begin ordaining married men or women would reverse the decline in priestly vocations.

A talk on the vocation of the ordained, by Archbishop Daniel Pilarczyk of Cincinnati, was the most well-received, according to several bishops.

Archbishop Pilarczyk said confusion over the nature and purpose of the priesthood, and the value of celibacy have contributed to the decline in vocations. He focused on the distinction between the universal priesthood of all baptized Christians and the ordained priesthood.

The archbishop said that the "universal priesthood of Christians is called upon primarily to contribute to the sanctification of the world," whereas the ordained priesthood "exists primarily for service within the Church."

Cardinal Joseph Bernardin of Chicago summarized the assembly in a concluding presentation. In suggesting a vision of the future, Cardinal Bernardin said the Church community should be one "in which all members, in virtue of their incorporation into Christ through baptism and confirmation, witness to His saving deeds before the entire world."

"It is a community whose designated ministers — whether ordained or lay — understand and accept their uniquely different but complementary and necessary roles, working together for the good of all," the cardinal said.

Appellate judges delay fines against bishops

By Tracy Early

New York (NC) — A federal appeals court panel in New York June 25 further delayed imposition of \$100,000-a-day fines against the U.S. bishops until the court either frees the bishops of subpoenas for their pro-life records or orders them to comply with the subpoenas.

Two judges of the 2nd U.S. Circuit Court of Appeals raised both procedural and substantive questions as they heard the bishops' appeal against the subpoenas. In May, U.S. District Judge Robert Carter imposed the daily fines for contempt of court because the bishops refused to obey the subpoenas. But the fines were then delayed until the appeals court could hear arguments in the case.

In several of their questions, the judges indicated that the case called on them to decide issues for which there was little or no

clear legal precedent.

The bishops' attorney, Wilfred Caron, argued that the original case in which the subpoenas were issued should be dismissed because the plaintiffs had no standing to bring the suit. The case originated in a suit by Abortion Rights Mobilization to force the Internal Revenue Service to revoke the Catholic Church's tax exemption. IRS attorney Gerald Ford joined Caron in pressing the argument for dismissal. Marshall Beil, attorney for Abortion Rights Mobilization and other plaintiffs seeking to end the bishops' tax exemption, argued that standing was not at issue. He said the bishops had conceded the right of the lower court to issue the subpoenas, and that was the only issue that the appeals court should be deciding.

The court gave no date when its decision would be reached.

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