

World & Nation

C-J Capsules

Study shows collection drop

Chicago (NC) — Dissatisfaction with Church teachings on sex and with Church authority is costing the Church billions in annual contributions, according to a report by Father Andrew Greeley.

Based on findings from six national surveys conducted between 1960 and 1984, the report said Catholics are contributing half as much to the Church as they did 24 years ago. Father Greeley attributed the slump to "a selective alienation related to a decline in acceptance of the Church's authority, and especially its authority on sexual matters."

Planning for priestless future

Milwaukee (NC) — Wisconsin's Catholic bishops are consulting with priests and deacons across the state to form a common policy on lay-led Sunday worship services in priestless parishes.

Diocesan liturgy personnel of the state's five dioceses drafted a 25-page working paper on the theological and pastoral issues, liturgical norms and lay training needs that arise when the worshipping community has no priest to lead the celebration of the Eucharist.

Some parishes in the Wisconsin dioceses of Superior and La Crosse have been worshipping on Sundays with lay leaders.

'Glory of God' donations fall

Washington (NC) — Donations to the leading Catholic television preacher, Father John Bertolucci, have fallen \$70,000 a month in the wake of scandals surrounding Protestant TV evangelist Jim Bakker, said a producer of Father Bertolucci's program.

Bobby Cavnar — president of the St. Francis Association for Catholic Evangelism, which produces Father Bertolucci's weekly "The Glory of God" program — estimated the contribution slump at a 50 percent decline.

Cardinal issues statement

Chicago (NC) — Anticipating "that gay rights legislation may soon be introduced in the Chicago City Council," the Archdiocese of Chicago issued a six-point position statement condemning "arbitrary discrimination and prejudice" against people of homosexual orientation.

The statement said, however, that the archdiocese opposes "any legislation which explicitly or implicitly implies acceptance or approval of homosexual acts or advocacy of a lifestyle that encourages such acts."

The archdiocese said, however, that it would not engage in negotiation over specific bills.

Court rules on life support

Newark, N.J. (NC) — Saying patients' interests must come before those of the state, the New Jersey Supreme Court in three rulings June 24 expanded its guidelines for the termination of life-support systems to comatose patients.

In the three cases, two involving requests to remove feeding tubes from comatose nursing-home patients, the court said the wishes of the patient or of family members must be paramount in deciding whether life-sustaining measures can be removed in cases in which there seems no chance for recovery.

The decisions immediately came under attack from the New Jersey Catholic Conference.

Postal hike for Catholic press?

Washington (NC) — Catholic and other non-profit publications could face dual rate hikes for 1988 if Congress in its budget deliberations eliminates an across-the-board subsidy known as "revenue foregone," and if the U.S. Postal Service is allowed an across-the-board rate increase.

The House Appropriations Committee subcommittee dealing with postal issues has voted to cut off revenue-foregone funding — a partial subsidy the postal service grants to the non-profit press and others in the form of reduced mailing costs.

The postal service also has filed a request for an across-the-board rate hike. The Postal Rate Commission must make a decision on the proposal by May.

Powell retires from bench; 'swing voter' on abortion

By Stephenie Overman

Washington (NC) — Supreme Court Justice Lewis F. Powell Jr., who announced his retirement June 26, has been seen as the swing vote in cases involving abortion, the death penalty and separation of church and state.

Powell, 79, was appointed to the Supreme Court in 1972 by President Richard Nixon. He cited previous health problems as his reason for retirement. No successor has been announced.

Powell's retirement is expected to provide abortion opponents with an opportunity to have the balance of the court tipped to their side.

Powell voted with the 7-2 majority in the landmark 1973 Roe vs. Wade case, which struck down most states' abortion laws. Two other justices who voted with the majority in the 1973 abortion case — Warren E. Burger and Potter Stewart — have since been succeeded by Sandra Day O'Connor and Antonin Scalia, both considered to be abortion opponents. The two dissenters in the 1973 decision — William H. Rehnquist and Byron R. White — remain on the court.

Powell took prominent roles in other pro-abortion decisions. In June, 1983, he wrote the majority decision when — by a 6-3 vote — the Supreme Court struck down the major provisions of the Akron, Ohio, abortion ordinance, which was a model for many other local ordinances throughout the United States.

According to the Akron ordinance, abortions after the first trimester of pregnancy were to be performed in a hospital instead of a clinic; physicians were to inform women about the procedure and discuss fetal development; and a 24-hour period was to elapse from the time a consent form was signed until the time an abortion was performed.

The ordinance also required the consent of a parent or legal guardian in cases of minors under 15, unless the minors obtained a court order.

Powell also voted in the 5-4 majority in June, 1986, when the court struck down the Pennsylvania Abortion Control Act. The Pennsylvania law required that a woman considering an abortion be given information regarding possible risks from the abortion, the probable age of the fetus, and the fact that medical assistance could be made available to her if she decided to continue the pregnancy. The law also required the filing of a report on each abortion.

On the other hand, Powell helped abortion opponents gain a victory when he voted with the 5-4 majority in June, 1980, to uphold congressional restrictions on abortion funding.

Powell was also the swing vote in a major



NC News/UPI
NOT HOLY WATER — Teddy Spickler, 2, of Huntington Woods, Mich., plays in a Pope John Paul II sprinkler in Detroit as temperatures reach the high 80s. The sprinkler is the creation of Robert Lebow and Peter Gahan of Detroit, who also make sprinklers that resemble Elvis Presley, Liberace, President Reagan and Jim and Tammy Bakker.

church-state case affecting parochial schools. In a case decided in July 1985, *Aguilar vs. Felton*, the court ruled 5-4 that public school teachers may not provide remedial instruction in parochial school classrooms because it entangles church and state.

The decision disrupted remedial education for parochial school students around the country. Catholic education officials have complained that although disadvantaged students in their schools are still legally entitled to receive remedial instruction, many programs are now difficult or impossible for them to attend.

In his concurring opinion Powell wrote that he agreed that using federal funds for remedial education in parochial schools violates the Establishment Clause of the Constitution "because there is too great a risk of government entanglement in the administration of the religious schools."

"This risk of entanglement is compounded by the additional risk of political divisiveness stemming from the aid to religion at issue here," he wrote. "I do not suggest that at this point in our history the Title I program or similar parochial aid plans could result in the establishment of a state religion. There likewise is small chance that these programs would result in significant religious or denominational control over our democratic process."

"Nonetheless, there remains a considerable risk of continuing political strife over the propriety of direct aid to religious schools and the proper allocation of limited governmental resources," Powell added.

His concurring opinion noted that he did not read the majority opinion as precluding

indirect aid to parochial schools, such as tax deductions for educational expenses, provision of secular textbooks and reimbursements for bus fare to school. In these cases the programs made funds available equally to public and non-public schools without entanglement, according to Powell.

This April 22, Powell wrote the decision when the Supreme Court, again by a 5-4 vote, upheld Georgia's capital-punishment system, despite statistical evidence of racial bias. The case was one of the last sweeping challenges to the way the death penalty has been carried out in the United States since the Supreme Court reinstated capital punishment 11 years ago.

The ruling was attacked by the U.S. Catholic Conference. Asserting that race often plays a prominent role in determining whether criminals will live or die, Monsignor Daniel F. Hoye, USCC general secretary, said the application of capital punishment in a racially discriminatory way is one of the reasons "for our continued opposition on moral grounds" to the death penalty.

Powell was also in the 6-3 majority when the high court ruled in 1985 that an Alabama law calling for a public school "moment of silence" that specifically included optional prayer violates the Constitution's ban on government establishment of religion.

He also sided with the 7-2 majority just a week before his retirement, when the court ruled that the Louisiana creationism law violates the constitutional requirement of separation of church and state.

Court upholds civil-rights exemption for churches

Washington (NC) — The Supreme Court has upheld a federal provision allowing church institutions to exercise employment discrimination against non-church members, even for non-religious jobs.

In a case involving the Church of Jesus Christ of Latter-day Saints (Mormons), the court ruled unanimously June 24 that a 1972 anti-bias law which exempts such employment discrimination by church groups is constitutional.

The decision reversed the ruling of a federal district court, which had declared unconstitutional the church-group exemptions to some civil-rights laws.

The U.S. Catholic Conference, public policy arm of the U.S. bishops, had urged the high court to uphold the discrimination exemption and to reverse the lower court.

Justice Byron R. White, writing for the court, said that "a law is not unconstitutional simply because it allows churches to

advance religion, which is their very purpose." For a law to be struck down, he said, "it must be fair to say that the government itself has advanced religion through its own activities."

In concurring opinions, four justices emphasized that the ruling involved an exemption only for non-profit activities, which usually involve operations central to a church's religious mission.

The case — *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints vs. Amos* — arose when a Mormon-owned, non-profit company fired Arthur Mayson, a Mormon employee who failed to attain a demanded level of church perfection. Others fired for the same reason joined in a suit brought against the church. Mayson was a janitor responsible for maintaining a church-owned gymnasium.

In the earlier ruling, U.S. District Judge David K. Winder of Utah said that religious

employers may refuse to hire people outside their faith for religious activities only, not for secular or non-religious jobs.

He said that a 1972 exemption to the 1964 Civil Rights Act ban on discrimination based on religion, race, color, sex and national origin could "advance religious tenets and practices" and thus violated the First Amendment's ban against establishment of religion.

The 1964 law generally bans discrimination in employment based on religion, but it made an exception to allow religious employers to restrict employment to "individuals of a particular religion to perform work connected with (their) religious activities."

In the 1972 amendment, Congress deleted the word "religious" from the exemption, thus allowing religious employers to hire only members of their faiths, whether or not the work is religious in nature.