

World & Nation

Supreme Court to review bishops' appeal in abortion case

By Jerry Filteau

Washington (NC) — The U.S. Supreme Court agreed December 7 to hear an appeal from the nation's Catholic bishops of a federal court order to turn over extensive files on their pro-life activities to Abortion Rights Mobilization (ARM) or face \$100,000-a-day fines for contempt of court.

The high-court decision to hear the appeal marks a major new phase in seven years of procedural wrangling over Abortion Rights Mobilization's court efforts to force the withdrawal of the tax-exempt status of the Catholic Church in the United States.

In the underlying lawsuit, the abortion rights organization accuses the Church of having violated Internal Revenue Service laws for tax-exempt religious and charitable organizations by politicking for anti-abortion candidates and against pro-abortion candidates.

Monsignor Daniel F. Hoye, general secretary of the National Conference of Catholic Bishops and U.S. Catholic Conference said in a statement released shortly after the Supreme Court announcement that he hoped acceptance of the case by the high court "signals that a favorable end to this burdensome and intrusive case is in sight."

He said federal courts so far have been "insensitive" to objections raised by the government and the Church over whether the courts have jurisdiction to intervene in the case.

He added that he expected the high court to hear oral arguments in the case in the spring. If it does, a decision in the case would most likely be issued before the end of the court's current term next summer.

The court's December 7 action further delayed imposition of the \$100,000-a-day fines, which were first imposed — but then delayed pending appeal — in May 1986 by U.S. District Judge Robert Carter of New York, who has been hearing the underlying case.

The federal government and a wide coalition of non-Catholic church groups had joined the NCCB-USCC in asking the Supreme Court to hear the appeal. Along with the bishops, those groups argued that the lower court overreached its authority in its acceptance and pursuit of the case, infringing on the First Amendment rights of the Church and the proper discretionary powers of the executive branch.

Abortion Rights Mobilization and fellow plaintiffs in the original suit urged the high court to dismiss the appeal, arguing that the lower court was acting properly and the bishops were "recalcitrant witnesses" with no legal basis for questioning the plaintiffs' right to sue.

At issue in the underlying lawsuit is the tax-exempt status of more than 20,000 parishes, schools, dioceses and other Catholic agencies and organizations across the country which are certified as a group for tax exemption through the NCCB-USCC.

Abortion Rights Mobilization cites controversial statements by individual Catholic bishops and newspapers in the late 1970s and in 1980, and the U.S. bishops' 1975 Pastoral Plan for Pro-Life Activities as evidence for their claim that the Church engaged in illegal politicking. The organization claims that the Church's tax-exempt status has given it an unfair advantage in the political arena

against abortion-rights organizations and clergy of other faiths who favor legalized abortion, but obey the IRS's rule against politicking.

The National Council of Churches, leading an interfaith coalition which filed a friend-of-the-court brief supporting the NCCB-USCC appeal to the Supreme Court, backed the basic arguments of the NCCB-USCC but went beyond them to question the constitutionality of the anti-politicking rule itself. According to the council of churches, the rule infringes on constitutionally protected religious rights and should be abolished.

Cardinal Krol's successor named

By Jerry Filteau

Washington (NC) — Pope John Paul II has named Bishop Anthony J. Bevilacqua of Pittsburgh to succeed Cardinal John J. Krol of Philadelphia, who will retire February 11.

The retirement and appointment were announced in Washington December 8 by Archbishop Pio Laghi, papal pronuncio to the United States.

Cardinal Krol, 77, is a former president of the National Conference of Catholic Bishops and U.S. Catholic Conference and has been the senior cardinal still active in the U.S. hierarchy since 1974.

A bishop since 1953 and archbishop of

Philadelphia since 1961, he was named a cardinal in 1967.

Archbishop Bevilacqua, 64, was named an auxiliary bishop in his native diocese of Brooklyn, N.Y., in 1980. He was named Bishop of Pittsburgh in 1983.

The announcement said Pope John Paul had determined that Cardinal Krol would remain archbishop of Philadelphia until Feb. 11, when Archbishop Bevilacqua will take canonical possession of the Philadelphia Archdiocese.

Feb. 11 will be the 27th anniversary of Cardinal Krol's appointment to Philadelphia.

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