

Appeals court dismisses suit against church

By Jerry Filteau
Catholic News Service

WASHINGTON — The 2nd U.S. Circuit Court of Appeals Sept. 6 dismissed a 9-year-old Abortion Rights Mobilization lawsuit challenging the U.S. Catholic Church's tax-exempt status.

In a 2-1 ruling the three-judge appeals panel denied the legal standing of ARM to sue. Its decision could mark the end of a tortuous legal wrangle that went all the way to the U.S. Supreme Court on two separate occasions.

Since 1986, the U.S. bishops have lived with the threat of \$100,000-a-day fines hanging over their heads for their refusal to obey a federal judge's subpoenas for internal church records sought by ARM in the case.

The threat posed by the suit has also been a constant backdrop affecting the style of church involvement in elections and public policy issues since 1980.

The Sept. 6 decision of the appellate court was a dramatic reversal of its own holding two years ago, when it said the National Conference of Catholic Bishops and U.S. Catholic Conference had no grounds to challenge ARM's right to sue.

The NCCB-USCC appealed that 1987 ruling to the Supreme Court, and in June, 1988, the high court ordered the appeals court to hear the NCCB-USCC motion on its merits.

In its new judgment the appellate court decided that ARM and other plaintiffs had showed no "personalized injury in fact" that could be traced to the alleged failure of the Internal Revenue Service to enforce the tax law against the church. Since the plaintiffs had no legal standing to bring the lawsuit, the appeals court said, the federal courts have no jurisdiction to hear the case.

Archbishop John L. May of St. Louis, NCCB-USCC president, hailed the decision, saying it "finally gives the conferences justice and vindicates our action in pursuing this matter in the United States Supreme Court."

He said the appeals court action frees churches and similar organizations to "participate in the public debate" on controversial issues without "the threat of retaliatory litigation" by people who disagree with their views.

In his statement, released through the NCCB-USCC offices in Washington, the archbishop also thanked the National

Council of Churches and other religious organizations and denominations which supported the Catholic Church in its legal battle.

ARM and several other proponents of legal abortion had filed the original lawsuit on Oct. 2, 1980, in the U.S. District Court, Southern District of New York. It was placed in the hands of U.S. District Judge Robert Carter.

The plaintiffs charged that actions by various U.S. Catholic officials and groups had violated Internal Revenue Service regulations prohibiting partisan political campaigning by tax-exempt charitable or religious organizations. They sued the IRS and the federal Treasury Department to force the government to withdraw the tax exemption granted to parishes, dioceses and other Catholic organizations nationwide through the NCCB-USCC.

At one early point in the lawsuit the NCCB and USCC were added as co-defendants along with the government. The twin conferences were subsequently dropped as defendants but were brought into the case as witnesses.

The first time the case reached the Supreme Court was in February, 1986. After

the appeals court denied an IRS motion for summary dismissal of the case, the IRS made the same motion before the Supreme Court. The high court also denied it.

Three months later Carter cited the NCCB and USCC for contempt of court for refusing to obey subpoenas for evidence. He levied \$50,000-a-day fines on each of the bishops' national agencies.

The bishops consistently fought the subpoenas, arguing that ARM was a third party with no right to sue and no right to see the church's internal documents.

They argued that even the threat of such a third-party intrusion on internal church matters through the federal courts was a violation of their religious freedom and could have a chilling impact on the involvement of all churches in controversial issues of public policy.

NCCB-USCC general counsel Mark E. Chopko said the dismissal of the case brought "a well-deserved measure of relief" to the bishops, who "believed so strongly in their cause that they took contempt (of court) to appeal the issue."

After the bishops' conferences were excluded as defendants in the case, they had

Continued on page 20

Priest calls charges 'baseless,' refuses comment

By Jerry Filteau
Catholic News Service

WASHINGTON — Father George A. Stallings Jr., who defied Catholic authorities this summer to form an African-American church, has labeled "baseless" a page-one report Sept. 4 by *The Washington Post* alleging that he had a history of homosexual activity.

The Post said it had a sworn statement from a 28-year-old man saying that in 1977, when he was 16 and an altar boy, Father Stallings initiated repeated sexual relations with him. It also cited unidentified sources saying the priest was refused a pastorate earlier this year because of concerns by church authorities about his lifestyle and possible sexual behavior.

Father Stallings, who was suspended from priestly ministry by Cardinal James A. Hickey of Washington after he formed the breakaway Imani Temple African-American Catholic Congregation in June, said he would not "dignify with a response the scurrilous and baseless" allegations in the *Post*.

The Post reported that Father Stallings had refused its repeated efforts to interview him and get his side of the story.

Cardinal Hickey, following a Labor Day Mass at a local parish at which Imani Temple followers picketed him, read a brief statement to reporters.

"I was sorry to read the allegation in today's *Post*," the cardinal said. "If it is true, then I feel great sorrow and sympathy

for everyone involved in what was described in today's *Post* story, especially the young man."

Cardinal Hickey said he would be watching developments "very carefully," but "as has been my policy in this matter, I will have no further comment."

In a brief written statement released Sept. 4, Father Stallings said he would not give interviews or comment further on the *Post* story.

Efforts by Catholic News Service to reach him for comment Sept. 6 were unsuccessful.

The Post said the young man who allegedly had a sexual relationship with Father Stallings asked not to be named in the newspaper "because he is not openly gay and his mother still lives in the area."

The incidents allegedly occurred at the rectory of St. Teresa of Avila Church, a Washington inner-city parish where Father Stallings was pastor until 1988, when he was made archdiocesan director of evangelization.

When Father Stallings formed Imani Temple this summer, he told reporters that when he asked Cardinal Hickey for a new parish and began pressing his plans for a new African-American cultural rite, the cardinal urged him to undergo psychological testing at the Servants of the Paraclete hospital in New Mexico. The hospital is widely known to Catholic clergy as one of the main treatment centers in the United States for priests with problems of chemi-

cal dependency or psychosexual problems, including homosexuality and pedophilia.

Father Stallings said at the time that the cardinal had urged testing because he considered the priest "excessively ambitious."

The Post said that according to its sources, Cardinal Hickey's real concerns were based on complaints to the archdiocese about Father Stallings' lifestyle and concerns expressed by several parishioners over the years about the frequent presence of boys and young men at the priest's private home, plus at least one allegation three years ago of homosexual behavior.

That complaint was brought by a family member of the alleged sexual partner, the *Post* said. It said the archdiocese took no action because the person allegedly involved "refused to talk."

In a television interview in Washington Sept. 7, Father Stallings refused to confirm or deny the allegations reported by the *Post*. He also said celibacy for priests will be optional in his new black-culture church.

"I would like to get married and have a wife and children, definitely. There is a whole lot of man in me," he told talk-show host Paul Berry on WJLA-TV, the local ABC affiliate.

Berry said Catholics deserve a "yes or no" to the question, "Have you had any sexual relations with boys?"

Father Stallings said his answer was that "I am the same pastor today as I was 12

years ago... I have not changed. You know that my credentials are impeccable and that my morals are beyond reproach."

Berry said that did not answer his question and added: "You can say, 'No, I've never had any sex relationships with anybody,' if that's true. Is that true?"

"It's not a question of answering yes or no," Father Stallings said.

He said he would not let "a single issue" — his sexuality or anything else — replace "the central issue or focus that there is racism in the Catholic Church."

When he announced formation of the Imani Temple, he said racism has prevented the full development of African-American cultural forms of worship within the Catholic Church.

In a Sept. 10 homily at Imani Temple, Father Stallings said he will not "dignify ... with a response" allegations about his sexual behavior.

"I'll be glad to tell you about my sexuality," Father Stallings said, "when you investigate the cases of priests, sisters, bishops, that have been convicted of pedophilia." Pedophilia is the sexual desire for children.

Father Stallings said a second African-American congregation will open in the Washington area Sept. 30 to celebrate Saturday Masses. It will be named Kujichangulia, which he said means "self-determination."

He said that rather than slow down his work, the allegations have "brought us more people," Father Stallings said. "The more we're in the headlines, the stronger we shall become."

In reporting Sept. 4 the allegations of Father Stallings' sexual misconduct, *The Washington Post* also detailed possible avoidance of local building-permit requirements in the renovation of St. Teresa of Avila Church, where Father Stallings was pastor until 1988, and of Father Stallings' residence and his church headquarters, called Augustus Manor after his middle name.

Estimates of the Augustus Manor renovations are pegged at \$100,000.

When Washington building inspectors arrived at the residence Sept. 8 to examine the house, Stallings turned them away. Washington building officials told the *Post* they hoped to resolve the matter without having to obtain a search warrant.

Mother Teresa said recovering in Calcutta from heart problem

CALCUTTA, India (CNS) — Nobel Peace Prize laureate Mother Teresa was talking and cheerful after being fitted with a pacemaker, said Indian Prime Minister Rajiv Gandhi.

"I was getting quite anxious about her health, and now I am slightly relieved to see her talking and cheerful," he told reporters after a five-minute visit with Mother Teresa Sept. 11.

Mother Teresa, 79, was admitted to the private Woodlands Nursing Home Sept. 5 complaining of high temperature and nausea. A doctor at the nursing home also said she had suffered an artery blockage that led to an irregular heartbeat.

Pope John Paul II sent a telegram Sept. 10 to Mother Teresa assuring her of his "prayers and spiritual closeness" at this time.

"Commending you to the intercession of our loving mother Mary, help of the sick, I

cordially impart my special apostolic blessing as a pledge of strength and comfort in our lord and savior Jesus Christ," the English-language telegram said.

Mother Teresa returned to Calcutta at the end of August after treatment in Rome for ischemia, a condition causing a shortage in the blood supply to the heart.

A tiny woman with a wrinkled face, the Catholic nun first came to Calcutta 40 years ago to work among the destitute and dying in India's poorest and most populous city.

Born in Yugoslavia of Albanian parents, Mother Teresa is regarded as a living saint by some of her followers. She was awarded the Nobel prize in 1979, accepting it "in the name of the hungry, of the naked, of the homeless, of the blind, of the lepers, of all those who feel unwanted, unloved, uncared for throughout society."

KELLY'S FRUIT FARM
Family Owned and Operated For Families

Kelly's SWEET CIDER

Pressing Saturday & Sunday

Come Watch - Free Samples

1st of the Season Apples

- Vegetables
- Corn
- Freestone Peaches


Full Line Of Baked Goods

Ben & Jerry's Ice Cream

Frozen Yogurt

631 Old Wilder Road, HILTON • 392-8102

Hours: Open 7 Days A Week. Weekdays New Hours 9AM-8PM
Weekends 9AM-8PM



Please patronize
our advertisers