

Arguments begin in case involving fired professor

CINCINNATI (CNS) — Arguments were heard Dec. 1 in the 6th U.S. Circuit Court of Appeals court in Cincinnati in the case of a Catholic professor at a Catholic university fired because his conscience forbade him to join the teachers' union over its abortion stand.

Bruce Cameron, an attorney for electrical engineering professor Robert Roesser, argued Roesser was within his rights to offer the University of Detroit Professors' Union that he give an amount equal to his union dues to charity, because the union's parent, the National Education Association, favors a woman's right to abortion.

David Smith, a lawyer representing the university, said the university had its hands tied because the contract it negotiated with the professors' union calls for professors to be fired if they refuse to join the union.

The university, Smith said, would likely have been charged with unfair labor practices by the National Education Association under the National Labor Relations Act had it retained Roesser. A union victory would have forced his discharge.

Roesser was fired in 1984. He told CNS he became aware in 1982 that the National Education Association took a position for abortion.

He had never joined the union before, but had paid "agency fees" equivalent to union dues for union-derived benefits from contracts with the university. But when he discovered the union's abortion stand he refused even to pay those fees.

When negotiations between Roesser, the union and the university broke down, the university complied with the union's demand that he be fired.

The National Labor Relations Board in 1984 denied Roesser's request for rein-

statement. Roesser sued the University of Detroit and the National Education Association in U.S. District Court, but the court dismissed the suit in 1988.

Roesser seeks reinstatement and back pay. He said he was offered a teaching job at a university outside Michigan, but could not arrange for suitable housing nearby.

Cameron, an attorney for the National Right to Work Legal Defense Foundation, said Title 7 of the Civil Rights Act of 1964 allows for employees not to join unions if it violates their religious beliefs.

Cameron said the provision is most often used in the case of Seventh-day Adventists, whose teachings do not permit union membership.

Roesser's religious beliefs were such, Cameron said, that "he couldn't associate with any group promoting abortion."

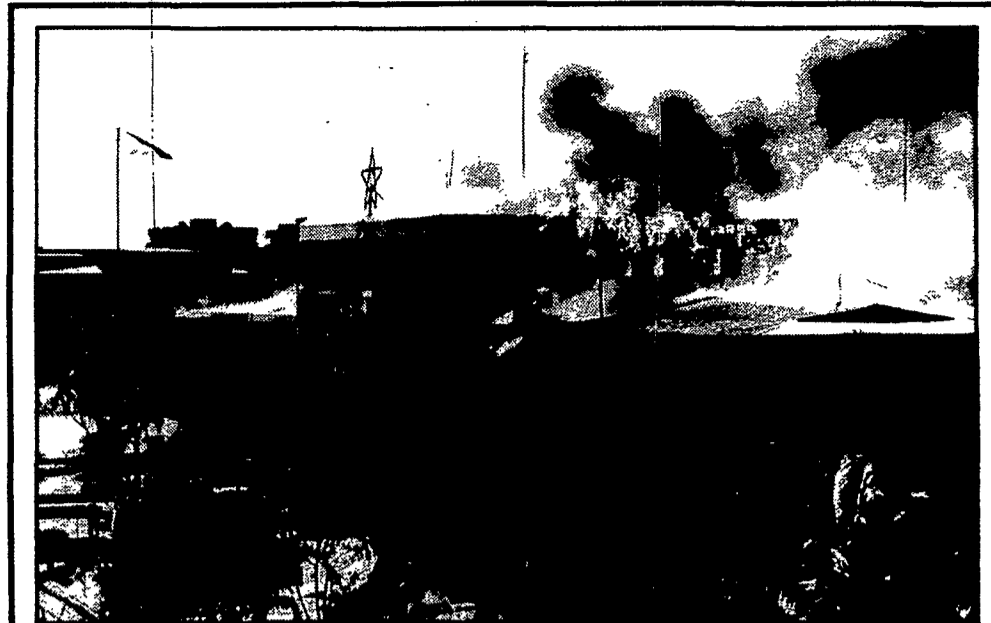
Peter Shinevar, an attorney representing the National Education Association, said the union's offer to rebate a proportionate share of Roesser's union dues used for political purposes was "reasonable as a matter of law."

If the circuit court rules in Roesser's favor, the case could be sent back to district court for a full trial. An appeal to the U.S. Supreme Court is also possible, Cameron said.

A decision is not expected until at least February, attorneys said. Smith said "it may be years" before courts have the last word in the case.

Despite the protracted battle, Roesser, now an electrical engineer for General Motors, said he would do it again.

"It had a reinforcement" on his faith, Roesser said. "I've become a stronger Catholic because of it. If you encounter a conflict with your religion, you should fight it, not back away from it."



Headquarters at Camp Crame, inside the Philippines Constabulary, burns after rebels bombed the building during an attempt to overthrow President Corazon Aquino. Time and much work will be needed to heal the wounds of the coup attempt, said several of the country's bishops.

Masses mark archbishop's death

By Tracy Early
Catholic News Service

NEW YORK — The 10th anniversary of the death of Archbishop Fulton J. Sheen was marked by remembrance of his ministry at Masses and an announcement that a foundation is being formed to promote his teachings.

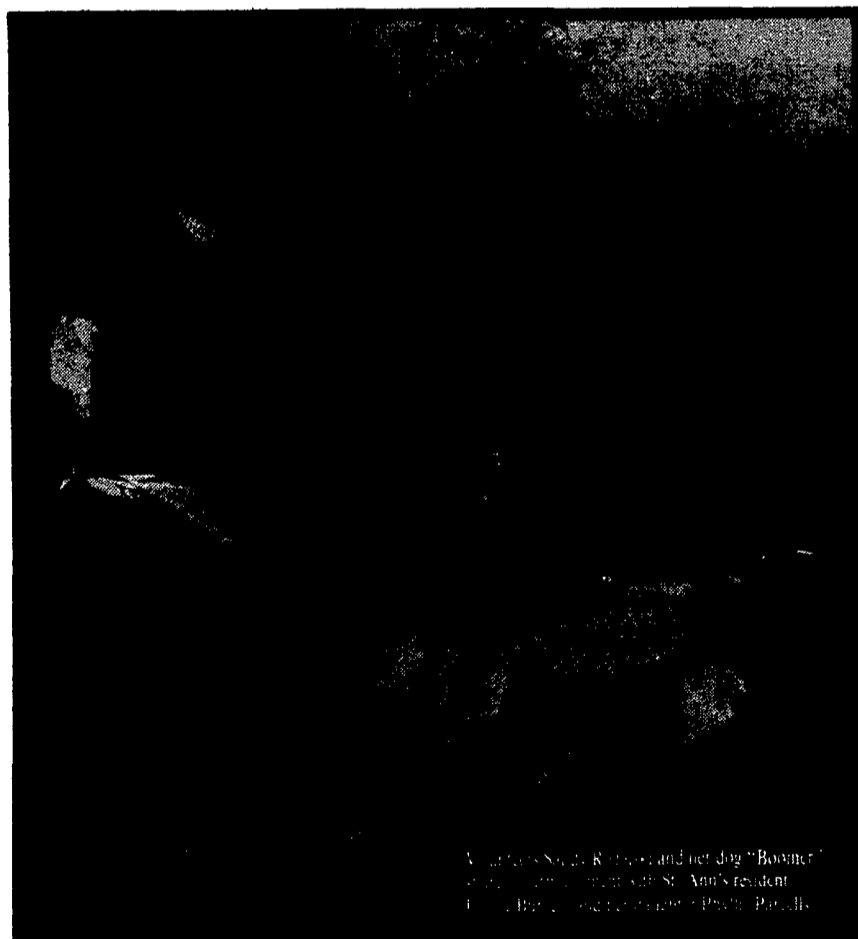
Known to the public primarily for his preaching and lecturing — much of it broadcast by radio and television — Archbishop Sheen also taught philosophy at The Catholic University of America in Washington from 1926 to 1950, directed the Society for the Propagation of the Faith from 1950 to 1966 and served as Bishop of Rochester from 1966 to 1969. He received the title of archbishop upon retiring.

In remarks at the beginning of Mass at

St. Patrick's Cathedral Dec. 10, Cardinal John J. O'Connor recalled that upon Archbishop Sheen's death Dec. 9, 1979, he was "given the unusual honor, highly deserved, of being buried beneath the high altar here in the cathedral, an honor usually reserved for ordinaries of the Archdiocese of New York."

"Many believe that no voice ever proclaimed the truths of our faith more powerfully, more eloquently yet more compassionately than did the voice of Archbishop Sheen, and that no voice ever will do so again," the cardinal said.

Archbishop Sheen was also remembered at a Mass Dec. 7 at St. Agnes Church, a midtown-Manhattan parish where he often preached.



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