

Court nominee avoids comment on abortion

By Laurie Hansen
Catholic News Service

WASHINGTON — In testimony before the Senate Judiciary Committee, Supreme Court nominee Judge David H. Souter said flatly he had no position on abortion rights, agreed with the high court's 1954 school desegregation ruling and favored limits on death-penalty appeals.

On Sept. 13, the first day of his confirmation hearing — which was interrupted by an outburst from gay-rights protesters who were quickly hauled out of the Hart Senate Office Building meeting room — Souter made reference to abortion, saying it would be "inappropriate for me to comment" on the wisdom or the future of the "one case that has been on everyone's mind and everyone's lips since the moment of my nomination."

But faced with repeated inquiries, he broke his pattern of not commenting the

mind on the question of abortion rights, and would consider both sides if he were confirmed.

"I have not got any agenda on what should be done with *Roe vs. Wade*," Souter, a 50-year-old Episcopalian, told the Judiciary Committee Sept. 14. The 1973 Supreme Court ruling on *Roe vs. Wade* made abortion a legal right.

He also told the committee he had voted to allow abortions to be performed while a member of the board of trustees at a New Hampshire hospital in the mid-1970s.

Legalized abortion was the "law of the land" at the time, and while some trustees might have been opposed to abortion "we did not believe it was appropriate to impose those views on the hospital," he told the senators.

The nomination of the New Hampshire federal appeals court judge to replace retired Supreme Court Justice William J. Brennan comes at a time when the national abortion debate has heated up. If confirmed, Souter will be the fourth Supreme

Court justice named in nine years.

Souter told the senators Sept. 13 he believed the Constitution protects individuals' right to privacy. The *Roe vs. Wade* decision was based on the constitutionally protected right to privacy.

He also said that he believed married couples had the right to use artificial contraception. "There is a core of privacy that is marital privacy and should be described as fundamental," he said.

The nominee praised the high court's 1954 *Brown vs. Board of Education* ruling on school desegregation, saying that when interpreting the Constitution judges must "look for the principle that was intended" by the writers of the Constitution — as the Supreme Court did in *Brown* — rather than taking the Constitution only at face value.

Concerning the death penalty, Souter said that adequate counsel should be provided to death-row inmates at the initial state and federal stages of litigation. Once that is done, he would favor "limits for appeal" which are clogging up the system, he said.

Sen. Edward M. Kennedy, D-Mass., voiced concern that as New Hampshire's attorney general, Souter had argued against the Voting Rights Act's elimination of New Hampshire's literacy test for voters, saying the state had no history of discrimination.

In response, Souter drew a distinction between "me today as opposed to me as advocate" working for the New Hampshire governor. Kennedy countered that as attorney general Souter had taken an oath of office that spoke of his responsibility to the public.

Souter, in response to a query from Sen. Alan K. Simpson, R.-Wyo., said he was not a racist.

The nominee, who hails from the small New England town of Weare, N.H., said he supposed "that answer would be more impressive if I'd grown up in a place with racial problems."

He cited two close friends, Sen. Warren



AP/Wide World Photos
Eight-year-old Michael Gerber Fried of Somerville, Mass., (right) adjusts his mask during a Sept. 12 demonstration in Boston. Fried and his fellow protesters — wearing judicial robes, and masks of President George Bush and former President Ronald Reagan — turned out to show their opposition to the nomination of Judge David Souter to the U.S. Supreme Court.

B. Rudman, R-N.H., a Jew, and Thomas D. Rath, a New Hampshire lawyer who is Irish, saying that they had shared with him their experiences of past discrimination.

"So if you want to know whether I have got the vision ... I'll be content to have you look to my friends," Souter said.

The questioning frequently returned to the topic of abortion.

Asked by Sen. Howard M. Metzenbaum, D-Ohio, if he could empathize with a woman agonizing over an unwanted pregnancy, Souter recalled counseling the girlfriend of a fellow student while in law school.

"I spent two hours in a small dorm room listening to her, trying to counsel her. I learned that afternoon what was at stake. I hope since then I have learned what is at stake on both sides of the controversy,"

Souter said.

"I am open to listening. I think I have a record as judge that indicates I will continue" to listen, he said.

In Sept. 14 testimony the nominee said that he had been obligated as a state official to defend limits on the separation of church and state but that he probably would have ruled against such a defense had he been the judge.

Souter also said he believed judges should be as objective as possible and not impose their own views over the law in their decisions.

A judge "has got to guard constantly against substituting his values for the values he has sworn to uphold," said the nominee. "We (must) guard against imposing our views of morality or public policy," he added.

Bishop Clark supports move to defer pastoral vote

By Jerry Filteau
Catholic News Service

WASHINGTON — Calling it a "good decision," Bishop Matthew H. Clark said Sept. 18 that he supported the National Conference of Catholic Bishops' move to defer a planned November vote on the pastoral letter on women.

At the same time, Bishop Clark, a member of the committee that wrote the letter, said, "I'm sorry for the further delay."

The decision to delay the vote on the pastoral was announced Sept. 13 by Archbishop Daniel E. Pilarczyk of Cincinnati. Archbishop Pilarczyk, president of the NCCB, said the move to defer a vote on the pastoral was partly inspired by a Vatican suggestion that the U.S. bishops consult with other bishops' conferences before

issuing the letter.

Archbishop Pilarczyk said that when the bishops meet in November they will discuss the current draft "as an information item," but will not vote on the letter until the broader consultation is carried out.

The decision to delay the vote was made by the NCCB's Administrative Committee, a 50-member panel of conference officers and committee chairmen. The executive committee met in Washington Sept. 12-13 to establish the agenda for the bishops' fall meeting.

In his statement, Archbishop Pilarczyk stressed that the Vatican did not order the delay on the pastoral.

"In recent weeks, the Holy See — while leaving a decision on the matter to our own conference — has suggested that consulta-

tion with bishops' conferences of other countries on this pastoral letter would be appropriate, because of the international significance both of our conference and of the topics we are discussing," he said.

He said the administrative committee "deems such a recommendation a wise one and recalls how such international consultation strengthened our pastoral letters on war and peace in 1983 and on the American economy in 1986."

Before the final draft of the peace pastoral, a delegation of U.S. bishops met in Rome with Vatican officials and representatives of several European bishops' conferences.

With the economic pastoral, consultations with other bishops' conferences — especially from Latin America — were made part of the process leading to a final

draft.

Bishop Clark, a member of the NCCB's administrative committee, said, "I'm personally delighted about the consultation. I think the consultation will make this a better effort."

Work on a pastoral letter on women's concerns began in 1983. The letter's writing committee is headed by Bishop Joseph L. Imesch of Joliet, Ill.

The first two drafts of the letter have focused on the dignity and equality of women, stressing the sinfulness of sexism and all forms of discrimination against women.

A number of critics have said the letter suffers an internal contradiction because it insists on women's equality on the one hand, but at the same time supports church positions denying women full equality within the church.

Saying the letter would hurt the church's credibility, several bishops have indicated recently that they planned to oppose passage of the letter this fall.

Archbishop Pilarczyk said the delay in voting on the letter would improve the consultation process within the United States as well.

"Responses to the second draft of the pastoral are still being received from bishops and from dioceses throughout the country, as well as from interested groups and organizations," he said. "The additional time afforded by this rescheduling will allow a more reflective consideration of these responses."

The second draft of the letter was distributed to the bishops and made public last spring.

Three bomb threats disrupt work at USCC-NCCB

WASHINGTON (CNS) — Three telephoned bomb threats on Sept. 12 and 13 forced two disruptions at the headquarters of the National Conference of Catholic Bishops-U.S. Catholic Conference.

According to Monsignor Robert Lynch, general secretary for the bishops' twin conferences, two bomb threats were received at the building's switchboard Sept. 12. On Sept. 13, another bomb threat came in from an individual whose voice closely resembled that of the previous day's caller. The Sept. 13 caller said, "The bomb is still in the building."

Although police believed all three calls to be hoaxes, they evacuated the building both days, using bomb-sniffing dogs to

search the facility.

Francis X. Doyle, NCCB-USCC associate general secretary, said it could not be determined whether the Sept. 12 bomb threats were linked to a meeting of the NCCB Administrative Committee taking place Sept. 11-13 in the headquarters building.

"I don't know how widely known" the bishops' meeting was, Doyle said.

The incidents marked the first bomb threat called into the U.S. bishops' headquarters in his 19 years with the bishops' twin conferences, Doyle said.

Monsignor Lynch said Sept. 13 that police would try and determine the origin of the calls.

Receptionist Cora Hunter, who received

the Sept. 12 calls, said the first call came in shortly after noon. "I really couldn't hear too clearly. It was just inaudible," Hunter said. "I cut them off."

The second call came immediately thereafter. The muffled male voice — sounding much like that of the first caller — said, "There's a bomb in the building. There's a bomb in the building," Hunter said. He repeated the statement upon her requests she said.

When Hunter asked where the bomb was, the caller replied, "I can't tell you. There's a bomb in the building," and hung up.

Police were called in on the case, and made the decision to evacuate and search for the bomb.