

## Supreme Court should interpret Constitution

■ **OUR OPINION:** Highest court serves the nation best by enforcing, not making laws

As mentioned in this space just two days ago, the U.S. Supreme Court began its 1995-96 session on Monday. So what? How incredibly boring. What could be even vaguely interesting about nine people wearing stuffy and uncomfortable-looking black robes, squirming as they try to sit still in high-backed, hard, wooden chairs and mumbling to each other in legalese as they wade through piles and piles of boring legal papers and documents?

In reality, this, the highest court in the land, makes decisions that affect our everyday lives. This elite body of judges determines the outcome of the laws we live by today and the laws we will have to adhere to tomorrow.

As long as the Supreme Court remains a neutral entity that interprets the Constitution rather than making law, it will be doing what it is supposed to do.

Something to watch this court for will be whether or not the conservative justices will once again stand together in their voting. Chief Justice William Rehnquist heads the court's conservative segment, made up of Justices Antonin Scalia and Clarence Thomas. In several key cases during the last session, conservative victories, often won by a single swing vote, were aided by the usually moderate votes of Justices Anthony Kennedy and Sandra Day O'Connor.

Justices Stephen Breyer,

Ruth Bader Ginsburg, John Paul Stevens, and David Souter make up the liberal arm of the court.

While some members of the American Civil Liberties Union believe the court's "moderate middle" experienced an all-out collapse last year that forced justices to align themselves with either the left or the right, others detect signs of a more cooperative 1995-96 session.

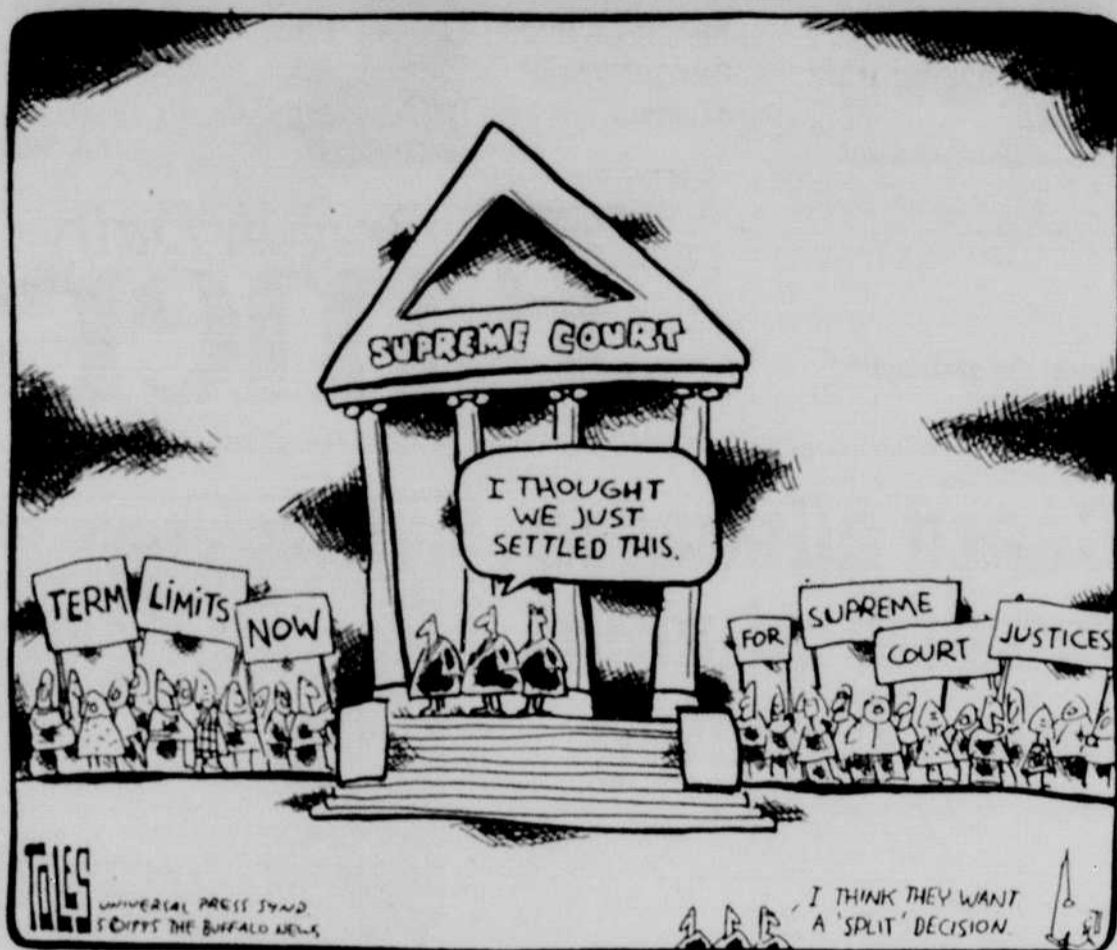
One such signal is the court's definition of religion.

The court has done American society a huge favor in its interpretation of religious cases. The court has begun to make decisions from the viewpoint of religion not being so much a belief in a supreme being as much as it is a matter of metaphysics, i.e., the right to debate and address questions such as: Who are we, where are we from, and where are we going?

This new approach to an old controversy allows new individual freedom of expression in the never-ending battle over religion. As it now stands, the protection of human conscience from government coercion is intact.

As long as the court continues to discover new ways of interpreting the Constitution based on the review of cases already tested and proven through the jurisdiction of lower court rulings, U.S. citizens will continue to enjoy the rights of life, liberty and the pursuit of happiness — without government intervention.

If this high court begins to legislate, something the separation of powers tries to prevent, we should all be alarmed.



## 'Celebrating diversity' should extend to all

**D**o you remember that little ditty by John Mellencamp that went, "I was born in a small town, and I lived in a small town"? Well, that's pretty much me: Gilroy, California. Not that Gilroy was a bad place to grow up, but once the childhood joys of cow-tipping and toilet-papering expired, it came time for me to seek out new horizons, and I found myself in our beloved Eugene.

Now, making my annual trek from Gilroy to Eugene at each summer's close, a sense of excitement enlivens me. I no longer have to listen to the small ideas that seem to dominate my small town.

And what better way to embark on another year of dwelling in the land of tolerant thinkers than to take part in the festivities at the Eugene Celebration?

Yes, from dancing the mambo to drinking the micros, every kind of activity, affiliation and attitude is accepted here. Now throw in a little Catholic bashing, and you've got diversity ... Eugene-style.

The defamation of St. Mary's Church during the Eugene Celebration parade sadly indicates that when it comes to accepting others, this community still has a long way to go.

The prejudice was expressed by a group called the The Righteous Rickies. As an entry in the annual parade, the 20 or so Rickies masqueraded through city streets as flying nuns, caricatured monks and pope-like clowns. When the "holy" entourage reached St. Mary's Church, several of the Rickies ran onto the church steps, lifted their cassocks and habits, and proceeded to bow and prostrate themselves toward the church's interior. For their witty display of good-spirited fun, the Rickies were awarded second runner-up and a \$200 prize.

The startling aspect of this whole debacle is that the response from those who adhere the "Celebrate Diversity" sticker to their school binders, work cubicles and curtained Volkswagens has been a concordant cry of, "What's the big deal?"

Although it is disheartening to hear this question even being posed, allow me to answer it in universal terms.

We all have convictions that are deeply personal and are sometimes difficult to explain. But we have them, and we know that without them, we would be missing something.

Many Catholics look to the pope as their spiritual leader. It's not difficult to understand why these people would be offended by having this figure dressed as a clown. That is not to say that

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**Keith Cunningham**

Pope John Paul II and his decrees on such issues as sexual orientation and female clergy are not clown-like. But these issues should be addressed in the arena of fair, public debate and should not be held up to public mockery where differing beliefs are debated.

Once the Rickies began genuflecting toward the inside of St. Mary's, the attack moved from tasteless spoof to bigoted defamation of a place of worship. There is one place, and one place only, to which Catholics genuflect: the tabernacle. For Catholics, the tabernacle is the receptacle of the holy Eucharist, which is believed to embody the living presence of Christ. Whether you find this belief misguided, archaic or quaint is not the issue. The worship Catholics give to Christ is their own and should be respected, period.

However, at present, Catholics in Oregon are being denied peaceful existence, let alone respect. Since last month's parade, Catholic pastors have received anonymous, threatening phone calls. One week ago, a statue of The Virgin Mary was stolen from St. Mary's. Last year, roadside billboards were posted in Portland and southern Oregon that associated the Catholic Church with the "masterpiece of Satan's power."

But this is Eugene, not some podunk, close-minded, southern Oregon community. This is the place where deviation from the norm is a way of life. We wouldn't be caught dead being confused with those fascists who dwell in the state's countryside.

Why, then, must our community embrace the history and bigotry of the rest of the state with such complete and utter conformity?

As we embark on the inevitable religious debates that appear so frequently on this page, perhaps we should keep a few things in mind: Rational dialogue is one thing, and mean-spirited attacks are quite another; some Catholics believe that structural change of church dogma can occur from within, and some of us can reverse the church and still recognize its faults.

We all should be comfortable enough in our agnosticism, Judaism or Catholicism to allow other beliefs to coexist with our own. However, if that comfort level actually existed, we would be living in the community of celebrated diversity that's referred to in the rhetoric of so many, yet embodied in the actions of so few.

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