

Briefly noted

News in the [February 10, 2004](#) issue

President Bush used a special presidential prerogative January 16 to get one of his most controversial judicial nominees installed, temporarily, on a federal appeals panel. Just days before Congress returned from its holiday recess to resume its legislative work, Bush used a “recess appointment” to get Charles Pickering installed as a judge on the Fifth U.S. Circuit Court of Appeals. The appointment took advantage of powers Bush has to install members of his administration whose nomination would normally require Congress’s consent. Pickering will be in office for a year but would have to be confirmed by the next Congress. Senate Democrats had filibustered against Pickering’s nomination last year on the urging of several civil-rights, abortion-rights and church-state watchdog groups. Pickering is a member of the First Baptist Church of Laurel, Mississippi, and a former two-term president of the Mississippi Baptist Convention. He also served on the Southern Baptist Convention Peace Committee, which attempted unsuccessfully to reconcile warring fundamentalist and moderate factions in the SBC.

Catholic Bishop Raymond Burke of LaCrosse, Wisconsin, has directed his priests not to give communion to politicians who openly support abortion rights. Burke, who was installed as archbishop of St. Louis on January 26, issued the decree on November 23 but did not publicize it until January 8. It was not immediately clear whether Burke will issue a similar decree in St. Louis, or if his successor in LaCrosse will be bound by the directive. Catholic politicians who oppose church teaching on abortion or euthanasia commit a “manifestly grave sin which is a cause of most serious scandal to others,” Burke said. In January of last year the Vatican issued a similar statement that stopped short of denying politicians the sacrament.

Pope John Paul II made no comment on Mel Gibson’s *The Passion of the Christ* after seeing the film privately at the Vatican late last year, says the pope’s longtime secretary, Archbishop Stanislaw Dziwicz. News reports quoted Dziwicz as conveying a pithy assessment from John Paul, “It is as it was.” But the papal confidant summoned a Catholic News Service correspondent to say, “This is not true. . . . I said the Holy Father saw the film privately in his apartment but gave no declaration to anyone. He does not make judgments on art of this kind; he leaves that to others, to

experts.” In the view of Notre Dame’s Richard P. McBrien, according to the *Los Angeles Times*, “The promoters of this film tried to pull a fast one and got caught.”