



Bishop Kearney's Appointments

MAY

- Monday — St. Pius Church, Cohocton, N.Y. — Confirmation — 7:30 p.m.
- Tuesday — Our Lady of the Genesee Abbey, Pliffard, N.Y. — Blessing of new Priests' Retreat House — 4:00 p.m.
St. Thomas Aquinas Church, Leicester, N.Y. — Confirmation — 7:30 p.m.
- Wednesday — Sacred Heart Church, Perkinsville, N.Y. — Confirmation — 7:30 p.m.
- Thursday — St. Monica's Church — St. Monica Sodality Mass — 9:00 a.m.
Chamber of Commerce — Opening Community Chest Dinner — 6:30 p.m.
- Friday — St. Bernard's Seminary — Conference — 5:30 p.m.
- Saturday — Upstate Chapter, Good Counsel College Alumnae — Mass and Luncheon — 12:00 noon.
- Sunday — St. Joseph's Church — Jubilee Mass, Rev. Joseph Wincek, CSSR — 7:30 a.m.
St. Joseph's Church, Livonia, N.Y. — Preside and Preach, Golden Jubilee of Parish — 12:15 p.m.
Anabel Taylor Hall, Cornell University — Low Mass and Sermon — 5:00 p.m.
- Monday — Powers Hotel — Nazareth Academy Alumnae Banquet — 6:30 p.m.
- Tuesday — Columbus Civic Center — Enrollment, Ladies of Charity Affiliate — 11:30 a.m.
Nazareth Academy — Bishop's Oratorical Finals — 8:00 p.m.
- Wednesday — Nazareth Academy — May Day — 10:00 a.m.
St. Salome's Church — Confirmation — 7:30 p.m.
- Thursday — Nazareth College — May Day — 2:30 p.m.
- Friday — St. John Fisher College — Low Mass and Blessing of Rings — 9:00 a.m.
St. Bernard's Church, Scipio Center, N.Y. — Confirmation — 7:30 p.m.
- Saturday — St. Joseph's Church — I.F.C.A. Mass and Breakfast — 12:00 noon.
Sheraton Hotel — Knights of Columbus Dinner — 7:00 p.m.
- Sunday — St. Hilary's Church, Genoa, N.Y. — Preside and Preach, Golden Jubilee of Parish — 10:30 a.m.
Nazareth College — Capping of Nurses, Low Mass — 4:00 p.m.
St. John Fisher College — Glee Club Concert — 8:00 p.m.
- Monday — Dryden Catholic Chapel — Confirmation — 7:30 p.m.
- Saturday — Nazareth College — D.C.C.W. Tea — 3:00 p.m.
- Sunday — Immaculate Heart of Mary Seminary — Geneva, N.Y. — Jubilee Mass — 11:00 a.m.
St. Mary's Church, Elmira, N.Y. — Blessing of School — 3:00 p.m.
St. Mary's Church, Corning, N.Y. — Blessing of School — 5:00 p.m.
- Monday — Sacred Heart Cathedral — Address, Rosary Guild Banquet — 6:30 p.m.
- Tuesday — Columbus Civic Center — Clergy Conference — 4:00 p.m.
Assumption Church, Fairport, N.Y. — CCD Graduation — 8:00 p.m.
- Wednesday — St. Agnes High School — May Day — 9:00 a.m.
Our Lady of Mercy High School — Sodality Reception — 2:30 p.m.
- Thursday — Sacred Heart Academy — Pontifical Mass — 9:00 a.m.
St. Mary's Church — Silver Jubilee, Rt. Rev. Msgr. Arthur Ratigan — 12:00 noon.
- Friday — Our Lady of Mercy High School — May Day — 9:00 a.m.
- Saturday — Chatterbox Club — Holy Angels Guild Tea — 3:00 p.m.
- Sunday — Holy Trinity Church, Webster, N.Y. — Low Mass and Sermon, Centenary of Parish 11:00 a.m.
St. Joseph's Church — St. Joseph's Commercial School Graduation — 7:30 p.m.
- Wednesday — Cathedral Church, Toronto, Canada — Episcopal Consecration of Most Rev. G. B. Flahiff, C.S.B., Archbishop of Winnipeg.



Bishop Casey's Appointments

MAY

- Monday — St. Francis de Sales, Geneva — Opening, Financial Campaign — 7:30 p.m.
St. Stephen's, Geneva — Opening, Financial Campaign — 8:15 p.m.
- Tuesday — St. Salome, Ft. Pleasant — Blessing of New Convent, Pontifical Low Mass — 7:00 a.m.
St. Monica — Confirmation — 7:45 p.m.
- Wednesday — Holy Family — Confirmation — 7:45 p.m.
- Sunday — St. James, Waverly — Confirmation — 1:30 p.m.
St. Mary, Elmira — Confirmation — 3:30 p.m.
St. Anthony, Elmira — Confirmation — 5:00 p.m.
- Monday — Our Mother of Sorrows, Greece — Confirmation — 7:45 p.m.
- Tuesday — Nativity of the Blessed Virgin Mary, Brockport — Confirmation — 7:45 p.m.
- Saturday — Sacred Heart Cathedral — Pontifical Low Mass, First Holy Communion — 8:00 a.m.
- Sunday — St. John the Evangelist, Greece — Confirmation — Girls — 4:30 p.m. Boys — 7:30 p.m.
- Monday — Sacred Heart Cathedral — Girl Scout Marian Awards — 7:45 p.m.
- Tuesday — St. Margaret Mary — Confirmation — 7:45 p.m.
- Wednesday — St. Paul of the Cross, Honeoye Falls — Confirmation — 7:45 p.m.
- Thursday — Sacred Heart Hall — Men's Club Annual Dinner — 6:30 p.m.
- Sunday — Sacred Heart Cathedral — Adult Confirmation — 4:00 p.m.
Corpus Christi — Adult Confirmation — 7:45 p.m.
- Monday — Sacred Heart Hall — Rosary Guild Annual Dinner — 7:00 p.m.
- Tuesday — Columbus Civic Center — Deanery Clergy Conference — 4:00 p.m.
Immaculate Conception, Ithaca — Confirmation, Graduation Exercises of Lay Catechists — 7:45 p.m.
- Thursday — St. Mary, Canandaigua — Confirmation — 7:45 p.m.
- Friday — St. Mary, Bath — Dedication of New School — 7:30 p.m.
- Saturday — St. Mary, Corning — Priesthood Ordination — 10:00 a.m.
- Sunday — St. Lawrence, Greece — Dedication of New Church, Pontifical Low Mass — 11:00 a.m.
St. Lawrence — Confirmation — 4:30 p.m.
- Monday — Sacred Heart Cathedral — Sodality May Day Exercises — 7:45 p.m.
- Wednesday — St. Michael's Cathedral, Toronto — Consecration of Most Rev. George B. Flahiff, C.S.B., Archbishop of Winnipeg — 10:00 a.m.
Sacred Heart Hall — Kindergarten Graduation (Morning Class) — 8:00 p.m.

Senator Keating On Aid To Schools

(Following is the text of the remarks of Sen. Kenneth B. Keating of New York on the Senate floor in analysis of the administration's brief on Federal aid to church-supported schools.)

A number of people have asked my opinion as a lawyer of the brief of the Department of Health, Education and Welfare on the constitutionality of Federal aid to church-supported elementary schools. During the partial Easter recess I had an opportunity to study the brief in detail. I would like today to analyze the brief from a strictly legal point of view and without regard to the policy considerations which are relevant to this subject. I will discuss the brief point by point in the same order and under the same headings as the brief contains.

Introduction: The brief, noting the general difficulties in securing judicial review of the lawfulness of Federal expenditures, concludes that this imposes "a solemn responsibility upon both Congress and the Executive to be especially conscientious in studying the Constitution and relevant Supreme Court decisions so that any enactment will scrupulously observe constitutional limitations."

This statement warrants several comments. First of all, it must be recognized that the "difficulty" referred to would handicap judicial review by supporters of aid to church schools if such schools were excluded from the program to the same extent as it would handicap judicial review by the opponents of aid to church schools if such schools were included in the program.

Hence any difficulties which might exist in obtaining judicial review argue as much for as against inclusion of church schools. This is particularly true since constitutional problems can be raised by unreasonable exclusion as well as improper inclusion of children not attending public schools.

Apart from this, however, the statement in the brief is misleading. Judicial review of Federal expenditures may be difficult, but as this same brief points out 40 pages later, "If Congress wishes to make possible a constitutional test of Federal aid to sectarian schools, it might authorize judicial review in the context of an actual case or controversy between the Federal Government and an institution seeking some form of assistance."

In such a case, the brief goes on to say, "the applicant could then in effect litigate the constitutional question in court."

Constitutional limitations should always be "scrupulously observed" in the enactment of legislation. But in this situation as in most others, it will be the Supreme Court not the Congress which makes the final legal determination. We should always be careful in considering legislation to comply with constitutional limitations, but the suggestion in the brief that Congress and not the courts will have the last word on this issue is decidedly misleading.

I. The Constitutional Principles: The portion of the brief explains that "the first amendment does not require government to be hostile to religion, nor does it permit governmental discrimination against religious activities. The objective is neutrality, however difficult it may be to be neutral or to determine what neutrality requires in relation to particular factual situations."

This fine statement of principles with which I agree is completely ignored in the remainder of the brief. It gives evidence of having been written by someone who was barred from any further participation in the preparation of the brief.

II. The Judicial Precedents: This section of the brief is replete with quotations from dissenting opinions and in almost every case gives more weight to what was said by way of dictum than to what the cases actually held. As every lawyer knows, dictum can be found for almost any proposition and dissenting opinions have academic value only, unless they are subsequently adopted by a majority of the court. It is the decision or holding of the court that is of crucial significance not the window dressing in which it is presented or the contrary views of the dissenters.

had adopted a view similar to Justice Rutledge, the case would have decided the other way. The truth is that Justice Black said that the provision for transportation was valid and Justice Rutledge said it was invalid. These views are not similar, they are conflicting and it was Justice Black who was writing for the Court.

This shows the difference between the holding or decision of a case and hypothetical discussions in the Court's opinions which do not have any weight in determining the law of the case.

In the first of these cases (McCullum v. Board of Education, 333 U.S. 203) the Court held that it was unlawful for the State to release public school children from some of their classes on condition that they attend religious classes on the school premises. The Court made it clear that the States could not utilize their compulsory education system to "coerce" attendance at religious classes.

In the second case (Zorach v. Clauson, 342 U.S. 306) the "released time" plan permitted students actually to be released from the public schools at their parents' requests in order to obtain religious instruction elsewhere. The Court held that this voluntary arrangement was lawful, commenting that "we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence."

These cases are the only Federal decisions cited in the brief for the conclusion that "tuition payments for all church school pupils are invalid since they accomplish by indirection what grants do directly." Some States court decisions are also cited but they are concededly conflicting.

The controlling authorities, accordingly, are the Everson case upholding payment for transportation to church schools, the Zorach case upholding the release of public school pupils to attend religious classes on a voluntary basis, and the McCullum case prohibiting the coerced attendance of public school children in religious classes. These decisions just do not add up to anything like what is claimed for them in the Administration's brief.

III. The Relevant Criteria: This section of the Health, Education and Welfare brief reads as though each paragraph was written by a different person. The first of the relevant criteria it sets forth is "whether a given legislative proposal is honestly designed to serve an otherwise legitimate public purpose and is not a mere subterfuge for religious support."

The Everson case certainly is good authority for this proposition. Within the space of one page, however, this proposition is radically amended and the statement is made that "where the means employed result in fact in support of religious institutions, the constitutional judgment cannot be avoided."

Perhaps all this statement means is that a constitutional judgment cannot be avoided, i. e. either a favorable or an adverse judgment. No one could argue with this observation. But if it means that an adverse constitutional judgment cannot be avoided, then the statement finds no support in the decisions in any of the cases cited.

Actually neither the "legitimate public purpose" or the "support of religious institutions test" is ultimately relied upon. The "true" test, it develops a few paragraphs later, is whether the benefit to the religious institutions is "merely incidental." It is by this standard that the brief goes on to judge all of the specific proposals for aid-to-education.

As interesting as the test itself are the criteria set forth for determining whether a benefit is merely incidental. They are: "(1) how closely the benefit related to the religious aspects of the institutions aided? (2) of what economic significance

is the benefit? (3) to what extent is the selection of the institutions receiving the benefits determined by Government? and (4) what alternative means are available to accomplish the legislative objectives without resulting in the religious benefits ordinarily proscribed? Could these benefits be avoided or minimized without defeating the legislative purpose or without running afoul of other constitutional objections?"

One thing must be made clear about this elaborate description of the applicable constitutional criteria. The whole thing is simply the view of the authors of this brief. There are no cases which set forth any such tests or criteria. The rationale of the brief may appeal to some as a desirable approach to the subject, but it can make no claim as an authoritative statement of the present law. Any such pretensions must be exposed as presumptuous and unjustified.

IV. Legislative Program and Proposals: This portion of the brief raises serious question about virtually every legislative proposal applicable to church-supported non-profit schools. It concludes

that Federal school aid grants made available directly to sectarian schools "are the clear case of what is proscribed by the Constitution."

With respect to long-term low-interest loans the brief states "this proposal is no less a form of support than grants and is equally prohibited by the Constitution." Special purpose programs depend for their validity on "the extent to which the specific objectives being advanced are unrelated to the religious aspects of sectarian education." Not too much hope is suggested for programs which go beyond those which happen to be in effect now.

These conclusions follow logically enough from the negative considerations advocated earlier in the memorandum. They are no stronger, however, than the premises on which they are based. Both the premises and conclusion reveal a basically hostile attitude towards non-discriminatory Federal grant-aid programs. The absence of any attempt at reconciliation is apparent from the whole tone of the brief. Lip service is given to the dual principles of non-discrimination

and dis-establishment, but isolation of non-public education is the dominant motive of the Government's memorandum.

V. Higher Education: A sharp distinction is drawn in the brief between elementary and college education largely on the basis that elementary education is compulsory while higher education is voluntary. The college student who chooses an institution where religious instruction is mandatory "is merely asserting his constitutional right to the 'free exercise' thereof," it is said in the brief.

Moreover, the brief points out, at the college and graduate levels public institutions alone "could not begin to cope" with the problems involved. Accordingly it concludes that "to the extent that Congress finds it appropriate to encourage the expansion of our university and college facilities, Congress must be free to build upon what we have, the private as well as, the public institutions."

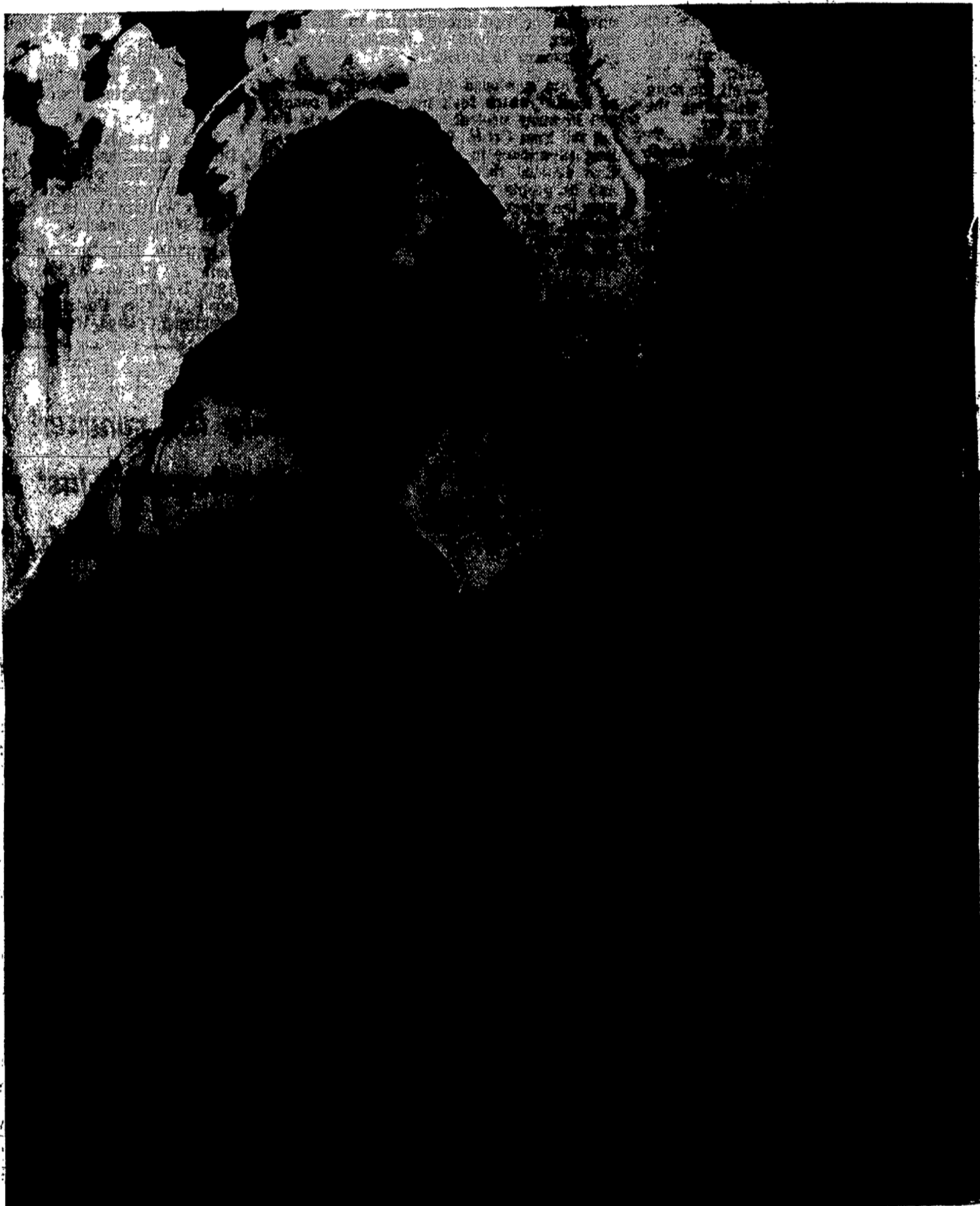
On this basis the brief justified scholarships for sectarian schools, and both direct assistance and loans to such colleges, all of which

happen to be provided for in the Administration's bill. The readiness of the Administration's brief to record unqualified recognition to grant-aid programs to sectarian universities sharply contrasts with its attitude towards aid to sectarian elementary schools. The distinctions outlined in the brief are relevant, but they would hardly be considered decisive by any objective observer.

Compulsory education laws are satisfied by attendance at either sectarian or non-sectarian institutions. The grant of aid to both would not make attendance at either type of institution any more or less compulsory. And the practical distinction falls completely when it is recognized that more than 5,000,000 children now attend sectarian schools.

It is about as unrealistic to plan a comprehensive aid-to-higher education bill at the elementary school level which isolates this huge group of children as it would be to plan an aid-to-education which ignored these students attending sectarian colleges.

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An artist's impression of the Blood of Christ seeping from His wounded hands to cover the globe.

Year Of The Precious Blood

By REV. LOUIS J. HOHMAN
Guest Editor

By decree of Bishop Kearney, the year 1961 has been designated as the Year of the Precious Blood. Only last July, Pope John issued an Apostolic Letter (Inde a Primis) on promoting devotion to the Precious Blood.

In our generation the shedding of blood through war and persecution has become so commonplace as to be of little or no meaning. We have forgotten it can be, and often is, the ultimate gift of a human being. Perhaps that is the reason why we must be reminded so forcefully of Christ's shedding of his Blood. This was the ultimate gift of our God, loving us beyond comprehension. This is the gift at whose giving God could say to us, "What more can I do for you that I have not already done?" It was the perfect, eternal proof of his love for us and his concern for our completeness and happiness. For it was the price designated by the Father for that fulfillment.

Our first reaction to Christ's pouring out his Blood should be gratitude lest we be found ungrateful children, "sharper than a serpent's tooth." Next it should be love for such a loving Savior, lest his love go unrequited. Finally, it should be a sharing of his spirit, lest we lose for ourselves the prize Jesus won for us.

What is this sharing of his spirit? Shall we shed our blood for the love of Christ or for our fellow man (which amounts to the same thing)? Perhaps. But probably not. The important thing is the way we think and the way we desire.

What the world needs today is not more bloodshed; that can be tragic waste. What the world needs is more Christians who are willing to give of themselves in a practical manner even to the length of the ultimate shedding of blood. And this for love of Christ and love of man.

The world in which we live calls itself practical, which is a euphemism for selfish. During the Korean War we had the unique and frightening experience of seeing not a few of our young men, the cream of

the nation, back away from their ideals and refuse to fight the Communists while these American boys were their prisoners. Army experts tell us that many hundreds simply gave up and decided nothing in life was really worth fighting or dying for. As a result many died because they had lost the meaning and love of life.

Our young people must somehow be made to realize that there are certain things worth dying for. If the God who made us thought so, should not we? If he could go to the extent of shedding the last drop of his infinitely precious Blood, we must be ready to do the same. Our salvation, our success, our destiny of happiness is all bound up in this loving self-sacrifice. If we are not willing to do what Christ did, his act of dying is incomplete. We must "make up what is lacking in the suffering of Christ," that is, join our own to his.

And this can be applied to world peace. Instead of love among men there is hatred. And hatred is the desire to shed another's blood. Until love replaces this hatred, there can be no peace. There is no love until men are willing to give of themselves, even to shedding their blood for one another, as God has done for each of us. If he thought enough of each of us to pour out his Blood, surely we can find in our neighbor something of that loveableness which he found.

Our children will learn to give of themselves only if their parents teach them. It is not a simple matter. Material values, the worship of comfort, individualistic goals all lead to service of self. Love and service of God and one's fellow man can be taught only by great effort. But it is worth the effort. This is the central lesson of all life, the only thing which can fulfill a person and bring to him the deep peace and satisfaction which go with living as man was intended to live.

The Communists have no trouble finding those who are willing to shed their blood for the cause even though the motives are infinitely inferior to our own. The final test of our survival will be our willingness to follow the Savior who shed his Precious Blood for all. If we are willing, victory is inevitably ours.

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