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Big Guns Lined Up for Battle over Textbook Law

Washington — (NC) Siege guns are being wheeled into position for final battle over validity of the 1966 New York State law providing free textbooks in parochial and other nonpublic schools.

The battleground will be the United States Supreme Court, which has yet to give the word for the start of arguments in the showdown conflict.

Arrayed on one side are New York Attorney Gen. Louis J. Lefkowitz, representing Education Commissioner James R. Allen Jr.; Porter Chandler,

New York attorney, and William B. Ball, general counsel, Pennsylvania Catholic Conference, representing a group of parents of parochial school students, and T. Robert Taylor of Denver, Stuart D. Hubbell of Traverse City, Mich., and Herman Cahn of New York, counsel for Citizens for Educational Freedom, in an amicus curiae, (friend of the court) action, — all contending the textbook law is unconstitutional.

The opposition is headed by Marvin E. Pollock and Alan H. Levin, New York attorneys for the boards of education of two New York school dis-

tricts who succeeded in upsetting the law in a lower New York state court.

Background of Case

Under the law, local school boards of New York State were required to buy and lend nonreligious textbooks to pupils in grades 7 to 12 in nonpublic and public schools.

In August 1966, New York Supreme Court Justice T. Paul Kane ruled the measure unconstitutional on the grounds that beneficiaries of the law would be the schools, not the pupils. Justice Kane held this would violate the Blaine amendment of the New

York Constitution, which prohibits direct or indirect aid to nonpublic schools.

But in December 1966, the five-judge Appellate Division of the New York State Supreme Court, dismissed the suit which Justice Kane had decided, holding that the county school board which originated the action was "a creature of the state" and had no right to sue.

Justice J. Clarence Herlihy, who wrote the decision for the appellate division, also commented that the majority of the court "is satisfied that the statute does not contravene the

Constitution of the United States or that of the State of New York."

The Opposing Views

Gist of the argument supporting the law in the brief filed by Atty. Gen. Lefkowitz is: "No one will question that a state may not use tax money for the support of religion. That, however, is not at issue in this case. What is at issue here is a statute which provides for the loan of secular textbooks, by public school authorities, to all children enrolled in grades 7 to 12 of any school, public or private, which complies with the state's compulsory education law.

"This provision of textbooks to school children does not constitute aid to religion. The textbooks are loaned to children, not schools. The sectarian schools did not previously provide textbooks, so that no relief from previously existing financial burden has been provided to sectarian schools. The only beneficiaries of this law are students and their parents. On that basis the law cannot be said to be an establishment of religion," the brief asserts.

The brief filed for the objecting county school boards by attorneys

(Continued on Page 2)

Bishops Seek Reforms in Mexico

By ELSBETH CAMPBELL
NC News Service

Mexico City — A call to Mexican Catholics to face up to the nation's social and economic problems has been issued by the 80 bishops who form the Episcopal Conference of Mexico.

The joint pastoral letter, while making it clear that the Church has no desire to enter partisan politics, points out that in Mexico "lack of civic maturity is apparent in the scarce interest and even in the incompetence with which many citizens view the political problems of the nation."

The pastoral letter praises the policies of President Gustavo Diaz Ordaz that aim at "integral development." It also praises Mexican agrarian reform.

The pastoral comments that in general "the problem in Mexico is that development has been only partial and regional. A phenomenon exists here which some call 'dualism': the existence of two worlds or sectors of the population which live in completely different circumstances: the rural and urban standards of life are totally different but even within the city, the economic and cultural strata are utterly divergent.

"The greatest poverty is in the rural and often marginal sector, the small farmers and Indians. All sectors of the population — all Catholics — must refuse to let this partial development go on happening."

The pastoral urges the formation of labor unions, labor education, rural education, the formation of "intermediary organizations" — co-operatives, family and parent groups, educational groups. It calls on social leaders, on existing Catholic organizations and on religious communities to aid overall development.

In regard to the problem of population explosions and birth control, the pastoral letter admits that "government and other institutions are within their own rights in giving useful instruction, but the limiting of the number of children is a matter which only parents can decide. It (birth control) should never be enforced upon them, nor be contrary to the teachings of the Church."

The pastoral states that there is a need, in Mexico, for improved legislation on the rights of women. It calls on youth to play its part in aiding development and integration and asks "for that union and peace which sometimes fails to exist between brothers, for lack of dialogue between them."

Got a Problem? Try 'Pat Answers'

Should priests give you advance notice when they plan to drop in for a visit? That's what "Busy Housewife" asked "Pat Answers" this week. And as usual this new Courier-Journal feature had the answer. See Page 7.

And former Democrat and Chronicle TV critic Pat Costa has joined the expanding Courier-Journal staff. Her first column appears on Page 14.

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Nun and the Bullfight

Malaga, Spain — (RNS) — An American nun goes through all sorts of emotions as she watches a bullfight for the first time. The scene was at the ring in Malaga, Spain. The nun was not identified.

Msgr. Lane, 73, Dies in Elmira

By JOHN DELMONTE

A priest of the diocese, a man who good-naturedly said he'd spent most of his life "behind bars," died last week.

Monsignor Francis J. Lane, 73, who attained national fame during his 37 years as Catholic chaplain at Elmira Reformatory, died on Saturday, March 30, 1968.

Bishop Kearney offered the Requiem Mass for the retired chaplain at St. Andrew's Church in Rochester yesterday (Thursday, April 4, 1968). Burial was in the priests' plot, Holy Sepulchre Cemetery.

The large-framed and large-hearted priest, who lived in retirement in Elmira, suffered a stroke two days before he died at St. Joseph's Hospital in that city.

He is survived by a brother Harold Lane of Henrietta; two nephews and three nieces.

A graduate of Holy Redeemer School, St. Andrew's and St. Bernard's Seminary, Monsignor Lane was ordained in 1920. His first assignment was at Immaculate Conception Church in Rochester, where he was a gift for dealing with boys that was to symbolize his priestly career.

At the Plymouth Avenue South parish, he organized the first group of Catholic Boy Scouts in Rochester, directed the Scout band and orchestra.

Impressed with Father Lane's work with youngsters, the late Archbishop Thomas F. Hickey assigned him to the Catholic chaplaincy of Elmira Reformatory on March 4, 1922. That was to be his life work, as he remained in that post until he retired in 1959.

Msgr. Lane pioneered a number of programs which were hailed by penologists for their effectiveness. One of the first was his practice of keeping in touch with the families of the boys who were inmates.

He began this in an accidental way, as he agreed to visit one of "his boys" families during a trip to New York City. Sensing the value of this in terms of helping the parents to adjust to the painful situation, and of securing their interest in guiding their sons after their release from the institution, he began making a practice of it.

Four or five times a year Msgr. Lane would make a tour of the large cities of New York State, trying to visit as many homes of his charges as possible. His liaison work between the boys and their families became known and emulated in other similar institutions.

Later on, a group of former inmates in New York City formed an



MONSIGNOR LANE

"alumni group," named themselves "Father Lane's Gang," and developed a program to help discharged inmates get started on the right path after leaving Elmira.

He also established an annual weekly mission, which took place shortly after Easter. Former superintendent Dr. Frank Christian used to say, "Mission week is the best week of the year at the reformatory."

The portly priest founded a thriving Holy Name Society, which stressed weekly Communion with great success, and started in 1940 the Don Bosco Bulletin, a four-page paper, which is still coming out under the direction of his successor, Father James Collins.

Realizing early in his chaplaincy the need for better facilities for the religious care of his charges, Monsignor Lane began collecting funds for a new chapel. The chapel, the first Catholic one inside a U.S. prison, was

officially dedicated by Bishop Kearney on June 28, 1938, a date regarded by the chaplain as the high point of his career.

The National Association of Prison Chaplains recognized Msgr. Lane's achievements by electing him president of the group in 1939, and re-electing him in 1940 and 1941. He was the first man ever re-elected by the group. During his administration, a Declaration of Principles for the association was drawn up, and became a set of guidelines for prison chaplains throughout the country.

His work was also recognized by the Church when he was elevated to the rank of Domestic Prelate with the title of Right Reverend Monsignor in October 1947, the first prison chaplain to be so honored.

Msgr. Lane's follow-up program, especially his "Father Lane's Gang," were described in several national magazines. Milton Lomask in a Sign article (August 1953) described how this unique "gang" operated:

"Recently, the wife of a parolee called on the gang. Her husband had gone on a spree. She feared the police might pick him up, in which case his parole would be broken. Six members went to work. In teams of two, they prowled the Brooklyn bars, found the man and got him safely home."

Msgr. Lane was deeply convinced "of the value of religion to keep a boy going straight after he was released from the reformatory. He told one interviewer:

"Education, psychology, physical training, are fine, but of course, they never reformed anybody because that's not their function. Crime is wrongdoing. The opposite of wrongdoing is rightdoing, and religion is the only subject whose function is to teach the difference."

He would add: "Religion is the only subject you can teach in a place like this, confident that if the student follows his teachings when he gets out — he won't come back."

Holy Week Schedule at Cathedral

Palm Sunday—10 a.m., blessing of palms, procession and Mass by Cathedral clergy; 1 p.m., Low Mass by Bishop Sheen who will preach.

Holy Thursday — 6:45 a.m., Low Mass; Noon, Mass of the Chrism, by Bishop Sheen and diocesan priests; 7:30 p.m., Mass of the Last Supper, concelebrated by Bishop Sheen and Cathedral clergy.

Good Friday—1:30 p.m., Liturgy of the Passion and Death of Our Lord, adoration of the cross, distribution of Holy Communion, service by Bishop Sheen.

Holy Saturday — 7:30 p.m., Easter vigil service—blessing of the new fire, Paschal candle, Easter water. Celebrated by Bishop Sheen. 8:30 p.m., Mass.

Abortion Laws Liberalization Hotly Assailed

Albany — The Governor's Commission's "terrible choice" in asking for liberalization of the state's abortion laws was assailed by its minority members as "threatening serious and undesirable social consequences... including the devaluation of human life."

The commission recommendations, endorsed by Gov. Rockefeller, are to go from him to the Assembly and Senate with the request for enactment into law.

The report was assailed by the New York State Catholic Committee, speaking for the eight bishops in the state. The committee, in a statement released by Charles J. Tobin Jr., secretary, called the "solutions offered by the majority report... shocking and appalling."

"We are distressed and deeply concerned that proposals could be so easily offered which urge the destruction of human life for the sake of personal convenience."

The committee — which included Protestant, Catholic and Jewish clergymen as well as physicians, lawyers and a poet — recommended new grounds for abortion, in addition to the one stipulated by the present law: saving the life of the mother. The governor endorsed all but one of the new grounds:

—When the abortion is necessary to save the mother's life.

—When the continuation of the pregnancy would "gravely impair" the mother's physical and mental health

or when the mother has a permanent physical or mental condition which would render her incapable of caring for the child, if born.

— When there is substantial risk that the child, if born, would be "so grossly malformed or would have such serious physical or mental abnormalities as to be permanently incapable of caring for himself."

— When the pregnancy resulted from incest or rape, excluding the case of statutory rape.

— When the pregnancy began while the woman was unmarried and under 16 years of age and she was still unmarried when the abortion was requested.

Rockefeller did not endorse the committee's recommendation that abortions be allowed "where the woman already has four children."

The minority report was signed by Robert M. Byrn, associate professor of criminal law at Fordham University; Dr. John Grant Harrison, former president of the Catholic Physicians Guild of New York State; and Rt. Rev. Msgr. William F. McNamara, director of the Family Life Bureau of the Archdiocese of New York.

The minority said:

"We think it important that the people know that all three theologians on our committee unanimously agreed that the fetus had a right to life, although they obviously did not agree on the qualification of that right or the extent to which it should be protected by statute."

Auburn Catholics Urged To Centralize Schools

By ALEX MACDONALD

Auburn — Auburn Catholics should establish a centralized, non-parochial school system and upgrade the curriculum and staffing of their schools, nationally-known educational consultants advised Auburn pastors this week.

Unification of the city's eight parish schools and one high school into a single system "is needed for the development of a superior program and for proper and efficient use of facilities," the report said.

The study, made at a cost of \$18,000 by the firm of Engelhardt, Engelhardt and Leggett of New York covered in detail the present facilities, financing, staffing, programs and handicaps of the nine schools serving 3,300 students.

An editorial opinion by Rev. Daniel Brent, associate diocesan superintendent of schools, on the Auburn Schools' Survey and its implications for the future of Catholic education, is on page 6.

A key contention in the 188-page report released today stated: "The institution of a quality independent school program for the city of Auburn should be of considerable value to both Catholics and non-Catholics."

"To continue the existing approach of attempting to do much for many under severe financial restrictions, with limited staff and minimum facilities combined with a variety of controls and diversity of goals, would eventually result in a mediocre school program and limited contributions to society as a whole."

Historic Event

This first attempt in diocesan history to provide a professional study of the workings of a community's Catholic schools is expected to arouse keen public discussion here.

Key recommendations touching on future financing, amalgamation of facilities and broadening of academic values will surely be debated in the parish councils of Auburn.

"This study is one of the most com-

plete analyses ever made in the United States of a group of Catholic schools," stated Monsignor James D. Cuffey, president of the Cayuga County Catholic School Board and dean of the county's clergy.

"It may well be the forerunner of similar professional studies elsewhere, especially in view of the financial difficulties Catholic education faces."

The Catholic School Board was unanimous in its vote last Spring to hire the survey firm stating at the time that "the quality of education, both public and private, is a major responsibility of the entire community."

Other Board members are: Rev. Malachy Mahoney, O. Carm., Rev. Edward Shamon, Rev. Felix Brodowski, O.F.M., Sister Joseph Glimery, Sister John Edward, Sister Mary Dorothy and Sister Evarista.

Lay members of the Board are Mrs. Theodore Busch, Joseph Cuddy, Robert Hollman, Samuel Ciachello, Myron Masley, Francis Mastropietro, Constantine Walczyk, Walter Burns, Fred Farrell Jr. and Francis McGarry.

Auburn's Problems

The Engelhardt Report acknowledged that the problems it found in the Auburn Catholic schools were exactly like those in most cities: finances, teachers, equipment, curriculum. But it suggested that the schools' individual and collective needs called for establishment of a "school system which would develop a unique curriculum, oriented for the college-bound student."

This could be done, it suggested, only if there were substantial changes in courses, selection and utilization of personnel, organization of schools into a centralized system, better utilization of buildings and facilities, and

(Continued on Page 2)