

# Religion Cases Dot Court Docket

Washington, D.C. — (RNS) — "God save the United States and this honorable Court . . ."

With these words, the 1969-70 ("October") term of the Supreme Court of the United States opened here Oct. 6, for its 179th year.

And among about 700 cases on the Court's appellate docket are some having to do with religion in one sense or other.

Probably of more interest to more persons in churches and synagogues is how the Court will rule on the issue of property tax exemptions for religious groups. The issue came before it last June and was put over to the current term.

At a time when some religious bodies are experiencing a decline in giving, a ruling against those exemptions could cause even greater problems while adding billions of dollars to tax rolls of state and local governments.

Religious groups are believed to have real estate holdings estimated at \$80 to \$100 billion or more. As much as \$1.5 bil-

lion could be extracted from these properties if fully taxed.

The tax issue was raised by a Staten Island, N.Y., attorney who contends that exemption for church-owned real estate raises his property tax, and that he is thus being forced to support religion through this "support."

The Supreme Court's agreement to hear Frederick Walz' constitutional complaint came as somewhat of a surprise to observers here. Twice before — in 1958 and 1961 — the Court had dismissed similar challenges.

In another case to come before the Supreme Court during its present term, the question of governmental financial assistance to a Roman Catholic college in Vermont is at issue.

The Vermont Educational Buildings Financing Agency established under state statutes, entered into an agreement with the College of St. Joseph the Provident at Rutland, Vt. in the construction of buildings on its property.

The principal questions presented are: Whether the state act establishing the agency to effect financing for a sectarian college constitutes state aid to religion prohibited by the First and Fourteenth amendments of the U.S. Constitution;

Whether the action of the agency, undertaking to effect financial assistance to a sectarian college, constitutes state aid to religion prohibited by the same two amendments.

Of all the cases challenging the nation's draft laws to come before the Court, perhaps the most unique is one in which the Court has been asked to decide whether the Military Selective Service Act of 1967 can be applied under the Constitution to require induction into armed forces of a young man who is a non-religious conscientious objector to the Vietnam war.

The case, involving John Hefron Sisson, Jr., of Boston, captured headlines around the country earlier this year. Mr. Sisson's petition asks:

"Does the appropriate United States code, which creates

exemption from combatant training and service and service in the armed forces for persons, who, by reason of religious training and belief, (are) conscientiously opposed to participation in war in any form, unconstitutionally discriminate between religious and non-religious conscientious objectors?"

Another case involves a church that used a crude skin galvanometer to "audit" human lips, and whose machinery and literature were seized by government officials.

Involved is the founding Church of Scientology of Washington, D.C., which maintains that its literature concerns religious doctrine not subject to the labeling requirements under the Food, Drug and Cosmetic Act. Two questions are presented for the Court's ruling:

"Does the First Amendment bar the seizure and destruction of harmless instruments, which are integral to the religious tenets and practices of the church, together with church literature setting forth the use of such instruments in the practice of the religion, which allegedly constitute 'devices' and accompanying 'false and misleading' labeling?"

The controversial civil rights priest, Father James Gropp, has asked the Court to decide whether the due process and

equal protection clauses are violated by a Wisconsin statute that prohibits a change of venue in his misdemeanor prosecution for resisting a Milwaukee policeman in August 1967.

The question, as phrased in the brief filed with the Court last June, reads: "Whether a section of the Wisconsin statutes, which prohibits Wisconsin trial courts from granting a change of venue when an impartial trial cannot be had because of community prejudice in a misdemeanor case, violate the due process and equal protection clauses of the Fourteenth Amendment?"

Other cases before the Court of interest to religious groups are those involving the ban on the mailing of "erotically arousing or sexually provocative" matter to persons who object; obscenity in motion pictures, magazines, in "topless" dancing; in search and seizure; discrimination and welfare.

It has been reported that the new Chief Justice wants his own court and all other lesser courts, federal and state, run with "dispatch and administrative clarity."

Chief Justice Burger is said to see his own personal role as a kind of chairman-of-the-board for law reform generally, and time will reveal how he succeeds in this capacity.

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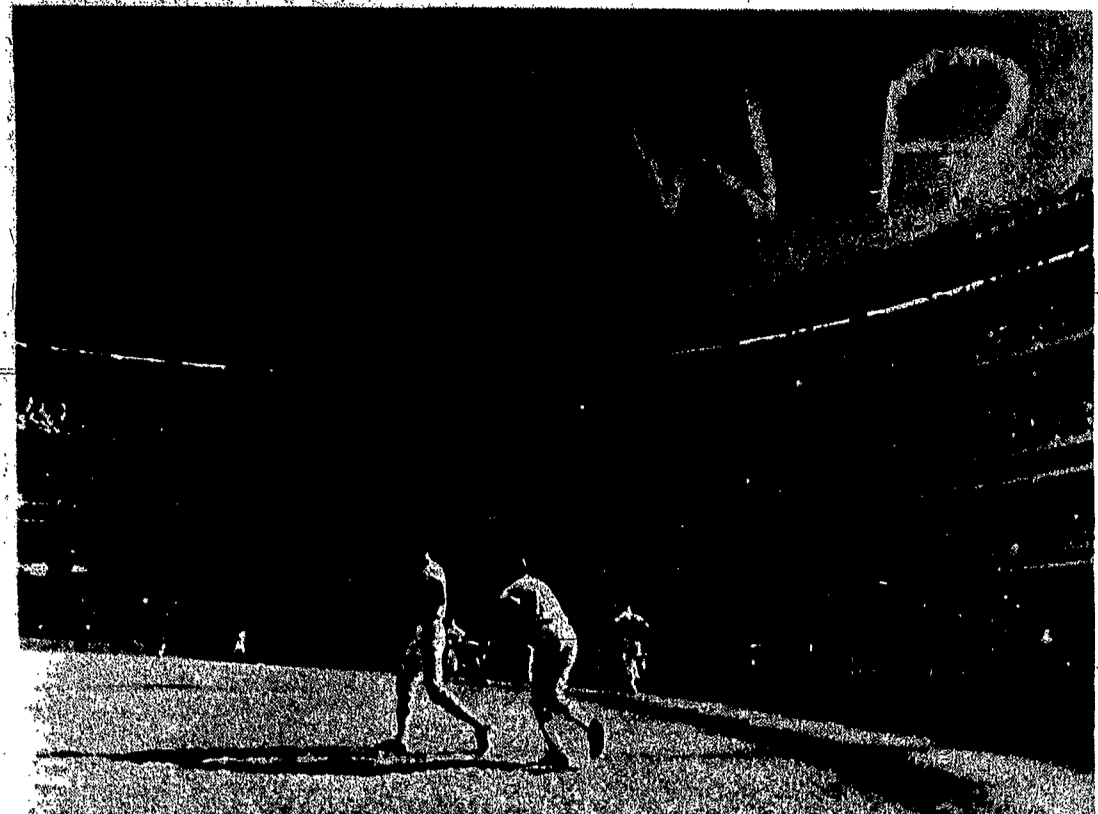
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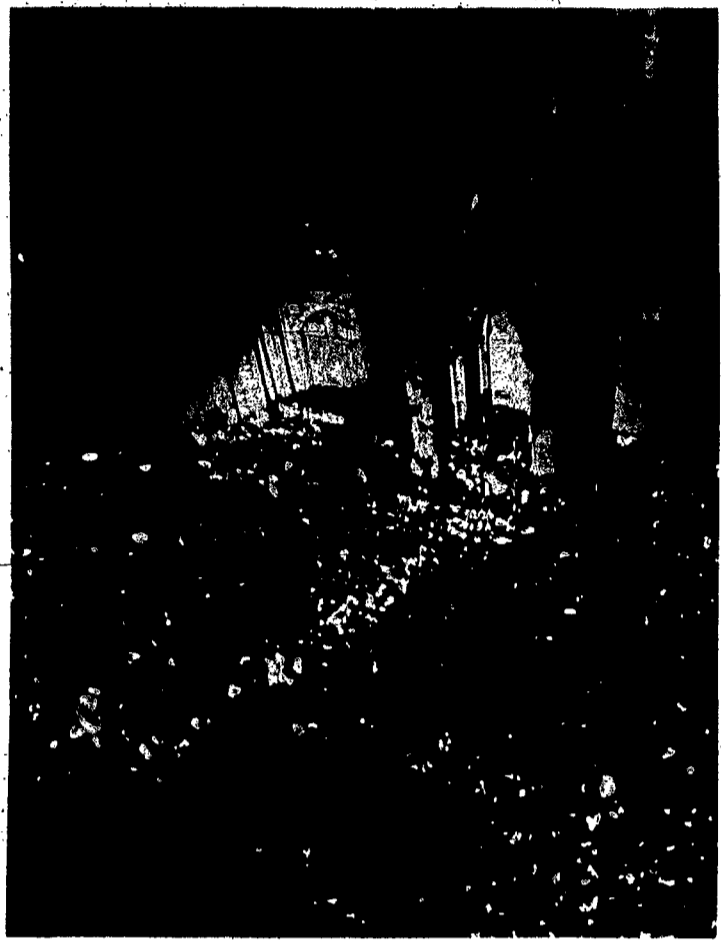
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A skywriter (above) fills the sky with his "Stop War" sign, over Shea Stadium during the fourth game of the World Series between the Mets and the Orioles. To the right, a crowd of 15,000 rally before St. Patrick's Cathedral in New York in a candlelight peace service. (RNS)

## Moratorium

A skywriter (above) fills the sky with his "Stop War" sign, over Shea Stadium during the fourth game of the World Series between the Mets and the Orioles. To the right, a crowd of 15,000 rally before St. Patrick's Cathedral in New York in a candlelight peace service. (RNS)



## LITURGY

### Changes in Relation to Jewry

New York—(RNS)—Two recent and significant developments from Vatican II's Declaration on the Jews are now being approved. Changes in the liturgy will be introduced shortly, according to a leading Catholic authority on Christian-Jewish relations.

Addressing the 15th annual Communion Breakfast sponsored by the Edith Stein Guild, Msgr. John M. Oesterreicher disclosed that a new change had been made in the Good Friday service during which the Church prays for all men and particularly for the Jewish people.

At the same time, he said, an even more significant change in relation to the Jewish people has been approved in the Offertory prayer of the Mass.

"You all know," Msgr. Oesterreicher told a large audience of priests, nuns and lay, "the Good Friday text which had prayed for the conversion of the 'unbelieving Jews,' but which was altered by Pope John XXIII to pray instead for the Jews that they might acknowledge Christ."

"The prayer was altered again at the start of Pope Paul VI's reign, and now it has been changed a third time," he said. "We now pray for the Jews as the descendants of Abraham, the bearer of God's promise, and simply ask that the people whom

God made His own attain to the fullness of salvation."

Of much greater significance still in the context of Christian-Jewish relations, Msgr. Oesterreicher went on, "has been a change in the new Missal approved by the Vatican earlier this year."

"In the future," he said, "the priest will say at the offering of the bread, 'Blessed are you, O Lord Our God, King of the Universe. From Your gracious hand, we have received the bread that we now offer.'"

"This invocation," the monsignor noted, "was patterned after the Jewish Berachah, the blessing of bread that Jesus must have used many, many times in His life."

Washington (NC) — The National Council of Catholic Women has appointed a special committee, the Task Force on Women in the Liturgy, to study participation of Catholic women in parish liturgical services.

The NCCW has sent questionnaires to parishes across the country requesting information on items from the number of women on parish councils to the participation of women in writing and leading the Prayers of the Faithful at Mass.

The study, authorized by the NCCW board of directors, is being conducted by a committee of 20, including theologians, liturgists and sociologists.

Margaret Mealey, NCCW

executive director, said, "there are a lot of aspects we are interested in. The number of women on the diocesan liturgical commission, for example, and what kind of training, if any, they have been given."

The Task Force on Women in the Liturgy has been instructed to analyze the completed questionnaires, determine the maximum possibilities of female participation under present legislation, consider creative possibilities for women's participation in the liturgy, and make recommendations.

Coordinator for the committee is Mrs. Arlene Swidler of Philadelphia, national chairman of the NCCW Church Communities Commission.

## Diocese Forms Department of Communications

Davenport, Iowa (NC)—A department of communications, with Father Francis C. Henriksen as director, was established by Bishop Gerald O'Keefe for the Davenport diocese.

The department will include an office of information, diocesan activities in the use of local radio and television, diocesan outlet for the National Catholic Office for Motion Pictures (NCOMP) and the Catholic Messenger diocesan newspaper, the bishop said. Father Henriksen has headed the office of information and been managing editor of the Messenger for two years.

## Anglican Archbishop Disputes Rev. Paisley

Dublin — (RNS) — An Anglican leader and the head of militant Protestants in strife-torn Northern Ireland have exchanged charges and counter-charges in much-publicized correspondence.

Archbishop-elect Alan Buchanan of Dublin, soon to leave his diocese headquartered in Clogher, warned the Rev. Ian Paisley, a leader of anti-Catholic forces in Northern Ireland, that he might unwittingly start a "blaze" he could not extinguish.

In an open letter critical of Mr. Paisley's activities, the Archbishop-elect said that

both he and Mr. Paisley claimed to serve the one Lord, but "there seem to be two Christs."

"The one I serve loves man and died for all without distinction," he told the militant. "Your policy sets man against his neighbor."

In a reply, Mr. Paisley said, "All your cant about love fails to conceal the hatred of your pen."

Drawing attention to Mr. Paisley's attendance at a rally at Burntollet, where some months previously Catholics had been ambushed and beaten up by Protestant extremists, the Anglican churchman made this retort:

"Surely your presence there recently does not mean that you now condone those methods of which, I thought, you formerly disapproved?"

Mr. Paisley replied: "You object to my going to Burntollet to conduct what, in spite of the Roman Catholic agitators, was a peaceful meeting. Why? Since when was this part of Ulster exempted from the great commission: 'Go ye into the whole world? You know perfectly well that I have always repudiated violence, yet in order to smear me you link me with it. Is this your idea of Christianity?"

Cardinal Heenan chided priests who publicly criticize Catholic newspapers or ban their sale from churches because they have published something with which they disagree.

## Role of Catholic Paper Praised by Cardinal

London—(RNS)—Catholic newspapers are sometimes "quite wrong" in what they write but their journals are more important than ever, according to John Cardinal Heenan of Westminster.

His views were expressed in a message read in all archdiocesan churches on Press Sunday 1969. In a separate covering letter to priests, he said it was ill-advised for a priest to ban a paper because it had made an error.

In his letter to the laity, Cardinal Heenan said that Catholic news was featured more and more frequently in Britain's national secular newspapers, but, he said, "newspapers can't afford space for the full story of what is happening in the church. That is why today Catholic papers are more

than ever important. "Catholic papers are not, of course, the official voice of the Church. That is why today Catholic journalists are sometimes quite wrong. That is not the point. We need Catholic papers because they alone are in a position to give the whole truth when the Church is in the news."

"Religious practice may be on the decline, but public curiosity about the Catholic Church was never greater. That is why we have a duty to take a Catholic paper."

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