

## The Church and the Supreme Court

Church-state issues and other legal questions having religious implications claimed dramatic and perhaps unprecedented attention in the 1970-71 U.S. Supreme Court term.

Approximately 300 cases on a docket of 1,890 were in some way related to religion and morality.

These included at least 50 appeals on obscenity, 35 on conscientious objection and 16 on abortion. Also considered were various aspects of public aid to church-operated educational institutions, Sabbath work, sex education, capital punishment, church property and desegregation.

The most far-reaching decisions affecting churches and tapping the deep interest of the religious community were those on public aid to private education and conscientious objection.

Of course, the nine justices covered only part of the docket. They handed down 287 written opinions, clearing a total of 126 cases in a term overshadowed at its close by the explosive case of the "Pentagon papers."

The religious segment of the anti-Vietnam war movement warmly greeted the Court's refusal to permit "prior restraint" of the press, thus allowing newspapers to publish articles based on secret military and diplomatic documents on U.S. conduct of the Indo-China conflict.

The long-awaited decision on public aid to private and parochial schools came shortly before adjournment in late June. The justices said that public aid to supplement the salaries of teachers of secular subjects in non-public elementary and secondary schools is unconstitutional.

The decision came on appeals from Pennsylvania and Rhode Island — which had instituted such aid — with a subsequent application to Connecticut.

A disappointment to financially-squeezed parochial institutions (most of them Catholic),

## Divorce Law Upheld in Italy

Rome (RNS) — Italy's Constitutional Court has upheld the constitutionality of the country's seven-month-old divorce law.

The judicial decision thus disposed of fears expressed by pro-divorce groups that the 12-man tribunal would abolish the law by ruling that it infringed upon Italy's 1929 Concordat with the Vatican and the 1948 constitution.

The justices said that by adopting the two agreements, "the state did not assume the obligation not to introduce the institution of divorce into its own system."

In its ruling, the Constitutional Court declared that the Concordat "merely gave civil recognition to religious weddings." "The state," it said, "never intended that religious principles, such as the indissolubility of marriage, should govern civil marriage regulations."

This ruling will mean that scores of Roman Catholic judges will either have to hear divorce cases — even though they disapprove of divorce — or step down for reasons of conscience.

Courier-Journal

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His vindication was seen as a landmark in giving judicial recourse to objector claims of Black Muslims and as giving legal recognition to their religion.

**NEXT WEEK: Abortion and obscenity in the court.**

the ruling did not abolish earlier sanctioned aid in the forms of busing and textbooks.

Nor did it immediately answer all legal questions about private and parochial aid programs in the several states which have adopted such measures.

Church-related colleges, on the other hand, fared better. The court upheld the constitutionality of the 1963 Higher Education Facilities Act. Hundreds of millions of dollars have gone to religious affiliated colleges and universities under the law for academic facilities.

The 5-to-4 decision, did, however, overturn a provision of the act affecting the use of buildings constructed on church college campuses with public funds. Congress originally placed a 20-year limit on government's interest in the structures. This meant, for example, that a science center could not be used for religious purposes during its first two decades.

On conscientious objection, the Court agreed with the government in opposing "selective objection," the right to refuse participation in a particular war.

Selective objection had won the backing of many Protestants, Catholics and Jews over the past three years and has been urged by a large part of the religious organizations and the Churches.

Keen regret among selective CO backers greeted the March Supreme Court declaration that opposition to war must be universal, that is, include all wars, as provided in current law.

The test cases were those of a Catholic and self-described humanist. In April, the court applied its March decision in setting aside a lower ruling that U.S. draft laws discriminated against the religious freedom of Catholics. The defendant had refused to report for induction because he said the Vietnam war violated his conscience.

But young men, objecting to all war, whose CO convictions are "late crystallizing" won a victory in the high court. Justices said that draft age men who apply for objector standing after receiving induction notices must be kept out of combat training while CO applications are handled by the military.

The court also cleared former heavyweight boxer Muhammad Ali (Cassius Clay) of a draft evasion conviction. The prizefighter claimed CO standing for his beliefs as a Black Muslim.

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## Kathy's a Race Driver

BY JOHN DASH

Pretty Kathy Schiefen was the first girl to race in Rochester's Soap Box Derby last week.

The pert driver of the derby's only pink racer is 11 years old and a seventh grader at Christ the King School, Irondequoit.

A couple of days before the race, Kathy confessed to that little bit of tension that hits even the real pros before the big event.

The boys Kathy competed against "treated me regular, but the boys around home, well..." All the girls in her neighborhood, she said, were really rooting for her.

The daughter of Mr. and Mrs. Ronald B. Schiefen of Kearney Drive, Irondequoit had the pluck to hand-letter "Caution — Woman Driver" on her racer.

"That was all my own idea," she said.

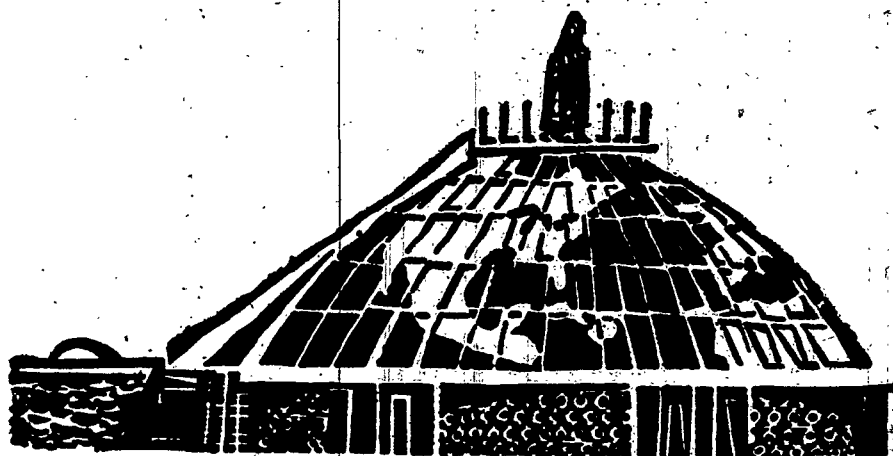
Kathy raised the money to build the racer by doing chores around the house and yard. An older sister gave her a loan, "and my dad helped out."

In the past 16 years of running the race, this was the first year girls were allowed to compete; and the story goes Kathy was the first girl to sign up.

Racing isn't the only athletic thing Kathy does. She's pretty proud of hitting a grand slam home run for her softball team last week.

Kathy has two sisters, both students at Christ the King, Barbara, 12 and Linda, 10.

The derby is sponsored annually by the Metropolitan Rochester Chevrolet Dealers Association.



## EVENTS at OUR LADY OF FATIMA SHRINE

(Barnabite Fathers)

Town of Lewiston, Youngstown, N.Y.

SUNDAY, JULY 25, 1971

- Religious Art Festival from 10 A.M. to 4 P.M.
- Blessing of the Sick and Benediction at 4 P.M.

MONDAY, JULY 26, 1971

- Mass Candlelight Rosary Procession and Devotion in Honor of St. Anne at 7:30 P.M.

THE PUBLIC IS INVITED

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# FESTIVAL

Friday, 23

&

Saturday, 24

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