



The Church and the Supreme Court

(Last in a series)

A refusal of the Supreme Court to hear an appeal from New Jersey barred voluntary prayers in public schools and, therefore, provided further clarification of the 1963 decision outlawing required prayers in the classroom.

Voluntary prayer in the Netcong (N.J.) high school had been prohibited by the New Jersey Supreme Court. The highest federal court concurred.

Decisions on abortion, obscenity and the death penalty in the 1970-71 terms were less conclusive. A strict anti-abortion statute in the District of Columbia was upheld and the Court refused to prohibit the trial of a Minnesota doctor for performing an abortion.

While these actions would seem to approve state laws against abortion, they actually said little about the eventual judicial opinion on the matter. Anti-abortion champions — particularly Catholic — insist that government has the duty to protect yet unborn life. Others feel that states should make no laws whatever on abortion.

The court's hesitance to impose strict censorship on materials some judge obscene was continued in a decision barring the Post Office from seizure of alleged pornographic material while litigations on the nature of the contents are under way.

The court also refused to overturn a lower ruling that no magazine photograph of a nude woman is obscene if sexual activity is not involved, and it affirmed an appeals court decision that a "stag" movie of a woman masturbating is not obscene.

In 1970-71 the high court did not disturb the Post Office's basic censorship statute which makes it a crime to mail obscene material. Problems arise because there is no clear-cut definition of "obscene."

The hopes of the anti-capital punishment forces, which include many churches and religious leaders, were both dashed and heightened in the past Supreme Court term.

Members of the tribunal agreed that a trial jury can apply the death penalty in those states providing for it. This was a decision on procedure and did not, to the disappointment of capital punishment foes, touch the issue of the constitutionality of the death penalty itself. Hope for an end to death sentences was renewed when the justices later announced they will answer the constitutional question in the term beginning next October.

Churchmen concerned with civil rights applauded the unanimous ruling that busing is a constitutional means for dismantling the "dual school systems" in Southern states.

Sex education advocates welcomed the court's refusal to consider a charge that a Maryland program in public schools violates the religious freedom

of some pupils and their parents.

In two cases dealing with work on days of religious observance, the court made surprising decisions. It supported a lower ruling in favor of a California action dismissing a Seventh-day Adventist employee who refused to work on Saturday, his sabbath day. In

most similar cases, Adventists have won.

The second case was that of a member of Reformed Church in America who was laid off by Reynolds Metal for refusing on religious grounds to work overtime on Sunday. The court said the employe must go through union arbitration procedures to sue an employer on charges of religious discrimination.

Appoint Black Bishops, Priest's Suggestion for D.C.

Washington, D.C. — (RNS)— In a letter to the Washington Post, a Roman Catholic priest said the ultimate retirement of Patrick Cardinal O'Boyle here offers the Church the chance to name a black archbishop.

Father Robert W. Hovda, editor of Living Worship magazine, and a contributor to several publications of the National Liturgical Conference, said "it will be hard to miss" all the opportunities resulting from the 75-year-old prelate's retirement.

"I pray that we do not miss the opportunity to name a black archbishop to this see."

"In a central city overwhelmingly black," he said, "... to choose a man who is black, not only in complexion, but also in feelings, would be the kind of service we have a right to expect of the Church of Jesus Christ."

In a recent interview, Cardinal O'Boyle noted that there are 40,000 black Catholics in the 400,000-member archdiocese. Of the 1,800 converts to Catholicism in his see each year, he said, 1,000 are black. Of 23 young men who began studying for the priesthood this year from the Archdiocese of Washington, five are black, and of 17 permanent deacons to be ordained in September, seven are black.

Cardinal O'Boyle integrated Catholic congregations and parochial schools several years before the "landmark decision" of the U.S. Supreme Court.

While Father Hovda said he had "no idea" of the chance that a black prelate might be named, he expressed belief that Church authorities must be considering such a possibility.



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