

High Court Rulings Draw Stinging Criticism

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position of executive director of the Federation of Catholic School Parents in July, Banaszewski said a new attempt will be made to find viable options for aid on the federal level.

A bill, labeled "HR-49," is now before the House Ways and Means Committee dealing with tax credit for parents. The federation will examine what the rulings do to the bill, Banaszewski said.

Two other programs which had been declared invalid by the U.S. District Court for the Southern District of New York were affirmed by the Supreme Court.

The first section provided money grants to "qualifying non-public schools to be used for maintenance and repair of facilities and equipment to ensure the students' health, welfare and safety," according to the court's syllabus.

Annually the schools would be

granted \$30 per student or \$40 if the school's facilities were more than 25 years old. The grant could not exceed 50 per cent of the average per pupil costs for equivalent services in the public schools.

The second section established a tuition reimbursement plan for parents of children attending non-public schools (\$50 for elementary and \$100 for secondary) providing the parents' income was less than \$5,000 annually and the reimbursement did not exceed 50 per cent of actual tuition paid.

The cost of educating the diocese's 28,182 elementary school children is \$39,454,800 and \$12,290,000 is spent for the 8,779 pupils in secondary schools, an expense that would be dumped on the laps of taxpayers if further legislation means the demise of the Catholic schools.

However, Father Brent indicated that there are no plans to eliminate any school altogether

although consolidation will continue. "No student is being excluded from the religious education program," he said.

The enrollment in diocesan schools has been dropping a steady 5 per cent each year. Many parents can't afford to send their children to the Catholic schools in spite of available parish aid. "The parents think it's easier to withdraw than to ask for help," he explained.

Dwindling enrollments are more "a function of a declining birth rate" according to the superintendent who stated that each year the Catholic schools attract 30-35 per cent of all Catholic children of school age.

A large loss equaling approximately \$1 million per year will be suffered by the schools as a result of the third ruling by the Supreme Court against appropriations for "mandated services." It was another affirmation of the ruling made by the U.S. District Court which

declared reimbursement of non-public schools for administrative expenses in connection with examinations and records to be unconstitutional.

Father Brent said that the schools would have been granted \$27 per pupil in grades 1-6 and \$45 per pupil in grades 7-12. A suit has been filed with the State Court of Claims to collect one last payment which is due to the schools. The lower courts had ruled the law unconstitutional in mid-year and the schools are suing for the payment totaling \$1/2 million due them from the first half of the 1971-1972 school year.

"We were letting the issue lie dormant until after the Supreme Court ruling. If we had won it would not have been necessary to sue," Father Brent commented. A recent Pennsylvania ruling allowed back payments to be made which Father Brent hopes has set a precedent.

The eight to one decision

struck down the request for support of mandated services because it constitutes "impermissible aid to religion."

While in the diocese only 30 minutes per day is spent in actual religious instruction, Father Brent said he agrees with the courts: "Catholic schools are in business to create a climate of religious awareness. The schools were created by religious motivation intended to teach students an appreciation of the reality of God in areas other than formal training," he said.

One aspect of the decision which "drives me bananas" is the court's argument that the involvement of religious groups in public issues is divisive and must be opposed, according to Father Brent.

"The country runs on people being able to work for the changes they want. The courts are saying it is all right for everybody else to work for the schools but not the religious."

Cardinal Cites 'Terrible Blow'

New York [RNS] — Expressing "great disappointment" over the new U.S. Supreme Court stand barring varying forms of aid to non-public school children, Cardinal Terence Cooke of New York called the decisions a "terrible blow at our American tradition of freedom."

"These rulings will cause much dismay for nonpublic school parents and children," Cardinal

Cooke said. "However, I wish to urge all such parents not to despair for the cause of non-public education. Our schools have served our country well and it is inconceivable that they will disappear from the American scene."

Cardinal Cooke held that "the essential right of parents to a free choice in the education of their children is a keystone in the

American system . . . People of religious conviction will resent and reject the comments of some members of the Supreme Court on divisiveness."

"This action by the Court is a step to deny freedom of choice in education to all but the affluent," Cardinal Cooke said. "It is a terrible blow at our American tradition of freedom in the important area of education."

What Others Are Saying

CEF Director

Washington, D.C. [RNS] — Dr. Edward F. Spire, national executive director of Citizens for Educational Freedom (CEF), suggested here that the U.S. Supreme Court's ruling on the New York tax credit case gives Congress the opportunity to enact a national tax credit bill.

He pointed out that the majority decision read, in part, that "our examination of New York's aid provisions, in light of all relevant considerations,

compels the judgment that each, as written . . . offends the constitutional prohibition."

According to Dr. Spire, the phrase "as written" indicated that "Congress now has the opportunity to exercise its authority and amend the Internal Revenue Code to permit a tax credit on tuition which parents pay, according to guidelines spelled out by this court in the 1971 Lemon and DiCenso cases."

Jewish Congress

New York [RNS] — The American Jewish Congress has hailed the new U.S. Supreme Court rulings against state aid to parochial schools, and called upon the Jewish community to support Jewish schools.

"We call upon the Jewish community, and particularly the Jewish Welfare Funds, to increase their support of Jewish schools so as to assure a system of Jewish education independent of government support or domination," Theodore R. Mann, vice president of the organization said.

He expressed hope that "officials of religious schools will recognize the benefits of operating free of the government controls, inevitably accompanying government largesse, which have seriously plagued the operations of many institutions in recent years."

"In this respect and others, the Court has provided a welcome reminder that complete separation of church and state is best for the state and best for religion," Mann asserted.

National Catholic Agency

Washington, D.C. [RNS] — The U.S. Supreme Court decisions against parochial school aid "seem to disregard the legitimate rights of millions of nonpublic school parents to educate their children as they choose," the National Catholic Educational Association said.

The association also predicted that the decisions would lead toward a "Monolithic educational system" for the

nation and make educational change more difficult.

It took issue particularly with arguments by the court that the question of school aid was politically divisive. "It is the right of all components of education to discuss and to argue their relative merits," the association said, commenting that "when this cannot be done, we are no longer functioning in a democratic society."

Catholic Rights League

New York — The action of the Supreme Court in striking down aid to nonpublic schools was described today as an expression of anti-Catholicism in a statement released by the Catholic League for Religious & Civil Rights.

Father Virgil C. Blum, SJ, president, and Stuart D. Hubbell, executive director, said:

"The anti-Catholic posture of the United States Supreme Court has now been rendered explicit and unqualified. Anti-Catholicism has been made a precept of the First Amendment and inequality of Catholics an expression of the 14th Amendment by the effect of this court decision.

PEARL

New York [RNS] — The Committee for Public Education and Religious Liberty (PEARL) views the U.S. Supreme Court decisions barring tax credits and other forms of aid to non-public schools as "a major victory for religious freedom and church-state separation."

"The court's rulings are the most far reaching and significant to be handed down since the historic decisions of June 1971 which voiced attempts by various states to finance secular education in religious schools," said Mrs. Florence Flast, vice chairman of PEARL.

PEARL, a 36-member organization, has been a strong opponent of state aid to parochial schools and was the group which successfully challenged the New York State parochial laws of 1970 and 1972.

PEARL said the recent decisions "may be viewed as a major victory for religious freedom and church-state separation and for the public schools which face increasing financial difficulties from the siphoning off of education dollars for non-public schools."

Day Schools

New York [RNS] — The director of Torah Umesorah, the National Society for Hebrew Day Schools, charged that the Supreme Court decisions against non-public school aid would have the effect of restricting "educational choice" to children of the wealthy.

"Surely, the American Constitution was not designed to lock out millions of nonpublic school students from obtaining equal educational opportunity," said Dr. Joseph Kaminetsky.

"We are confident that the inventive genius of American democracy will find constitutional means to grant the children of the poor and the middle class options in education — as now obtains only for the children of the rich," he said.



Statesman Begins Retirement

A great Irishman steps down. Eamon de Valera, 90, left, leaves the Presidential Mansion in Dublin, beginning his retirement. Thousands jammed the streets outside the official residence to give the president an emotional public farewell. He has been succeeded by Erskine Childers, a Protestant who won election in predominantly Catholic Ireland. [RNS]

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