Photos by Susan McKinney

Something New for Rochester

A model of the Los Flamboyanes housing project, photo above, caught everyone's eye during the recent ground breaking ceremony at the north corner of North Clinton and Lowell streets. Bishop Dennis W. Hickey delivered the dedication prayer at the ceremonies.

Liturgical Institute Slated

"Liturgy Yesterday, Today and Tomorrow," is the theme of a special workshop on worship slated by the diocesan liturgical commission with Bishop Joseph L. Hogan, later this summer.

Father Robert Hovda, a widely known writer and lecturer from the National Liturgical Conference, will be the principal speaker for the Aug. 17-18 gathering at St. John Fisher College.

According to Sister Margaret Mary Mattle, secretary of the liturgical commission, the workship will attempt to develop both regional and parish leadership and "to celebrate together our common striving toward renewal and to focus together on common programs of worship renewal for regions and parishes."

Local leaders will run practical workships on the organization of worship committees, on planning liturgies and on techniques for leadership in liturgy, Sister Margaret Mary said.

One of the objectives of the sessions will be to develop worship committees at the parish level following the diocesan regionalism program.

TOWARD TOMORROW
Fr. Henry Atwell

When people talk about "the changes which so much upset them, few are even aware of one of the most momentous changes to take place in our lifetime.

Less than a year ago, President Nixon signed into law the State and Local Fiscal Assistance Act. This new law will dump $30,200,000,000 (that's over thirty billion dollars) onto the laps of state and local governments to be spent over the next five years according to the discretion of state and local officials.

This procedure, called revenue sharing, reverses a system of federally decided projects, a system which has steadily grown especially from the New Deal era. The idea behind the new procedure is that local governments are more knowledgeable and more responsive to the needs of their residents.

The first checks, sent out last December, covered the period January through June; the second set of checks, sent in January, covered the July through December period. Beginning in April, checks began to be sent on a quarterly basis (July, October, January and April) and this schedule will be continued through January 1977.

Virtually every governmental unit — state, county, city, town, village — will receive such a check varying from thousands of dollars to literally millions of dollars. Local officials now have vast sums of money at their disposal. Special interest groups have already pressured these officials into allocating funds for their own projects but the average citizen is still quite unaware of the whole new arrangement for spending his tax-paid money.

These huge sums of money have few strings attached so they will be spent either wisely or foolishly according to the wisdom and sensitivity of the local officials who control them.

The revenue sharing law lists "limits" so broad that the funds can really be spent for almost anything. The list, for example, mentions public safety, law enforcement, fire protection, sewage disposal, sanitation, pollution control, streets and roads, health, recreation, libraries and, toward the bottom of the list, social services for the poor and the aged, and then the wide area of "ordinary and necessary capital expenditures authorized by law."

"The poor and the aged," you notice, can very easily get lost behind new roads, new firetrucks, new ball parks or better golf courses.

The new law provides for public hearings or forums to alert government officials to local needs they may not be aware of. Has your community conducted such a hearing? Did you, or anybody you know, know about it or attend it?

Here, I think, is an opportunity and a responsibility for such groups as parish Human Development Committees and other concerned citizens to seek our local needs and to propose specific programs.

As Christians we are expected to be our brother's keeper. For the first time we now have unimagined amounts of money available to assist our neighbors in need. Informed, imaginative, persistent people can now fullfill dreams previously prevented by federal red-tape. But if we irresponsibly drift along, letting a handful of officials make all the decisions, then the pity is compounded — for neither we nor the needy will be benefited.

The Supreme Court Decisions . . . an Analysis

BY J. K. O'LOANE

On June 25 the Supreme Court handed down several decisions relating to aid to students in God-centered institutions, or to the institutions themselves. One of these, **Hunt** v **McNair,** dealt with aid to a Baptist college for completing construction of a dining hall and refinancing capital construction. The court upheld this aid in South Carolina by a vote of 6 to 3, as it had upheld similar aid in Connecticut in the **Tilton** case in 1971.

The **Hunt** case is important for two reasons. First, it shows the continued efforts of the Secular Humanists to prevent aid at all levels, not just K-12. We who believe that true education must be God-centered must realize that we are not in a live-and-let-live situation. Unless we realize soon that we are engaged in a fight to the finish in the field of education, we'll simply be knocked out of the ring.

Second, **Hunt** shows that our opponents intend to keep up the battle, hoping that a change in the prepossessions of the Supreme Court justices will enable them to score a victory. And score they have in these most recent decisions.

Of the several cases decided on June 25 by far the most important is **Committee for Public Education and Religious Liberty** v **Nyquist.** This controls the other two major decisions, **Sloan** v **Lemon,** and **Levitt** v **Committee.** The committee here referred to is better known by its acronym, PEARL.

PEARL was founded by Leo Pfeffer, counsel for the American Jewish Congress, from the headquarters of the AJC, and is a front for the latter. Locally, as MCPEARL, it has carried on a campaign of misrepresentation, always ignoring the basic issues.

Committee v **Nyquist** has to do with three New York laws: maintenance and repair grants for the upkeep of school buildings in areas with a high percentage of children from low-income families; limited tuition reimbursement to parents with annual taxable income less than $5,000 per year, if they send their children to nonpublic schools; and tax deductions to similar parents in the middle-income group. **Sloan** v **Lemon** deals with a Pennsylvania law making partial tuition grants to parents of children in nonpublic schools. **Levitt** v **Committee** is concerned with a New York law reimbursing schools for expenses incurred in keeping records and giving examinations mandated by the state. The Court voted against the first two, 6 to 3, and against the third, 8 to 1. Chief Justice Burger, and Justices White and Rehnquist dissented in the first two; White in the third.

To understand these decisions one must realize that the Court, over the last twenty-five years, has evolved what Justice Powell, who wrote the **Nyquist** and **Sloan** decisions, calls a three-part test. ". . . to pass muster under the Establishment Clause the law in question, first must have a clearly secular legislative purpose . . . second, must have a primary effect that neither advances nor inhibits religion . . . and, third, must avoid excessive government entanglement with religion."

Dr. O'Loane is research chairman for the Citizens for Educational Freedom. At the request of the Courier-Journal, he wrote the following commentary on recent Supreme Court decisions affecting Catholic schools.

The Court granted that New York had a proper secular legislative purpose, and recognized the State's interest in promoting pluralism and diversity in education. It admitted that the public schools would suffer if a significant percentage of children now attending non-public schools began to attend public schools.

The Court did not consider that it had to investigate whether there was any danger of excessive government entanglement with religion. This had been a crucial factor in the **DiCenso** (Rhode Island) case, and the **Lemon** (Pennsylvania) case of 1971. The reason for this was that the Court found that all three parts of the New York law — maintenance and repair, limited tuition reimbursement and tax deduction — advanced religion, and thus violated the Establishment Clause.

In arriving at this last conclusion the Court indulged in some of the finest sleight of hand and fancy footwork that it has ever been my misfortune to encounter. Although Justice Powell had begun, as stated above, by saying that the second part of the three-part test was that legislation "must have a primary effect that neither advances nor inhibits religion" THE COURT NOWHERE ACTUALLY USED THAT CRITERION.

What the Court actually did, repeatedly, was to say that one or the other of the three parts of the law advanced religion. This, of course, is not the question, nor is it what the criterion the justices say they accept calls for. In fact, at the bottom of page twenty-five of the majority opinion the Court explicitly rejects the idea that it had to determine whether aid to religion is **primary.** It ended up by **saying** that the aid of all three parts **is** primary, but **proved** it **nowhere.**

In his excellent book **American Nonpublic Schools,** Patterns of Diversity, Dr. Otto Kraushaar, a Protestant, and former president of Goucher College, speaks of "hard-core separationists." The Court, in this decision, has followed their line.

The flights of fancy in which hard-core separationists indulge on the school question was equalled by the Court (p. 36) when it contended that the New York legislation benefits a special group. Common sense, however, shows the truth of Chief Justice Burger's dissent (concurred in by Justices White and Rehnquist):

"It is beyond dispute that the parents of public school children in New York and Pennsylvania presently receive the 'benefit' of having their children educated totally at state expense; the statutes enacted in those States . . . merely attempt to equalize that 'benefit' by giving to parents of private school children . . . what the parents of public school children receive . . . It is no more than simple equity to grant partial relief to parents who support the public schools they do not use."

In the last section of their decision, as in the **Lemon** and **DiCenso** cases, the judges worry that if parents who prefer sectarian schools press for their rights "divisiveness" along religious lines will result. This thinking is even worse than their bad decision.

Prior to the end of the Revolutionary War, Catholics in the Colony of New York were not allowed to vote. This was tyranny by the majority. The present question is not a Catholic one, though as Chief Justice Burger points out, some of the wording of the Court makes it look that way.

A Democrat and Chronicle "Spotlight Poll" reported on May 13 that in seven Upstate areas a majority favored more aid to non-public schools. The answer to judicial tyranny is to unite and carry our case to the public.

SPECIAL MASS

On Monday, July 16, the feast of Our Lady of Mount Carmel, a special concelebrated Mass will be offered in honor of Our Lady, at the Carmelite Monastery, 1931 West Jefferson Rd., at 9 a.m. Bishop John McCafferty will be the principal celebrant and give the sermon. The public is invited.

AOH OFFICERS

Two Rochesterians were elected to high office in the Ancient Order of Hibernians at the recent state convention in Syracuse.

Mrs. Vern Calnan of Furlong Street was named president of the Ladies Auxiliary. Francis McDonough of Rugby Avenue was chosen director for the western district of the state, in the men's division.