



'Sexuality' Authors Meet

Sister Agnes Cunningham, SSCM, and Father Anthony Kosnik of Detroit, two of five theologians who wrote "Human Sexuality: New Directions in American Catholic Thought," are shown at recent meeting of the Catholic Theological Society of America in Toronto. At the meeting, a motion to disassociate the society from the controversial study failed, and the membership voted overwhelmingly to reaffirm the society's usual practice of receiving, neither endorsing nor rejecting, studies it commissions.

Supreme Court Rules On Education Services

Washington, D. C. (RNS) — Portions of an Ohio statute authorizing the state to provide non-public (including church-related) schools with books, standardized testing and scoring, diagnostic service, and therapeutic and remedial services have been ruled constitutional by the U.S. Supreme Court.

Held unconstitutional by the Supreme Court were those portions of the Ohio law relating to instructional materials and equipment and field trip services.

The 24-page opinion, written by Associate Justice Harry A. Blackmun, was handed down June 24. It contains eight parts, each having a different vote by the nine members of the Court. Parts 3 through 8 deal with the specific items or services, and the vote on each was as follows:

Part 3 — textbooks, 6-3; Part 4 — testing and scoring, 6-3; part 5 — diagnostic services, 8-1; Part 6 — therapeutic services, 7-2; Part 7 — instructional materials and equipment; rejected 3-6; Part 2 — field trips, rejected, 3-6.

The case, *Benson A. Wolman vs. Franklin B. Walter*, was appealed by citizens and taxpayers of Ohio (represented by Wolman) from the U.S. District Court for the Southern District of Ohio.

The appellants challenged all but one of the provisions of the Ohio Revenue Code Section 3317.06 (supp 1976) which authorizes various forms of aid. The appellees are the State Superintendent of Public Instruction and other Ohio state officials.

The initial biennial appropriation (in 1975) by the Ohio Legislature for implementation of the statute was \$88 million, the court's decision noted. It covered both public and non-public schools.

During the 1974-75 school year, it was noted, there were 720 "chartered non-public schools" in Ohio, of which all but 29 were religion-related. More than 96 per cent of the non-public enrollment attended sectarian schools, and more than 92 per cent attended Roman Catholic schools the decision said.

"In order to pass muster," Justice Blackmun wrote in the majority opinion, "a

statute must have a secular legislative purpose, must have a principal or primary effect that neither advances nor inhibits religion, and must not foster an excessive government entanglement with religion.

"In the present case," he continued, "we have no difficulty with the first prong of this three-part test. We are satisfied that the challenged statute reflects Ohio's legitimate interest in protecting the health of its youth and in providing a fertile educational environment for all the school children of the state."

"As is usual in our cases," Justice Blackmun noted, "the analytical difficulty has to do with the effect and entanglement criteria.

"We have acknowledged before, and we do so again here, that the wall of separation that must be maintained between church and state is blurred, indistinct, and variable barrier depending on all the circumstances of a particular relationship," he said.

Associate Justice William J. Brennan, Jr., in his dissenting opinion, commented "the Ohio statute in its entirety offends the First Amendment's prohibition against laws 'respecting an establishment of religion'."

He dissented from parts 3, 4, 5 and 6 of the majority opinion.

Associate Justice Thurgood Marshall, who dissented from parts 3, 4 and 6, noted in his opinion that the Court, in its Board of Education vs. Allen (1968), "upheld a textbook loan program in the assumption that the sectarian school's twin functions of religious instruction and secular education were separable.

"In *Meek vs. Pittenger* (1975), we flatly rejected that assumption as a basis for allowing a state to loan secular teaching materials and equipment to such schools.

Stating he would overrule Board of Education vs. Allen and hold the Ohio statute unconstitutional, Justice Marshall said, "By overruling *Allen*, we would free ourselves to draw a line between acceptable and unacceptable forms of aid that would be capable of consistent application.

Associate Justice Lewis F. Powell, Jr., dissented from parts 7 (concurring only in the judgment) and 8. "I am not persuaded, nor did *Meek* hold," he wrote, "that all loans of secular instructional material and equipment (have) the primary effect of providing a direct and substantial advancement of the sectarian enterprise."

Associate Justice John Paul Stevens, dissenting from parts 3 and 4 of the Court's opinion, noted:

"The line drawn by the establishment clause of the First Amendment must also have a fundamental character. It should not differentiate between direct and indirect subsidies, or between instructional materials, like globes and maps on the one hand, and instructional materials, like textbooks on the other."

Associate Justices Byron R. White and William H. Rehnquist filed a statement concurring in the judgment in part and dissenting from parts 7 and 8 of the opinion: They made no specific comment.

More Opinions

New Mass Needs 'Heart'

Editor:

The kindest thing I can say about today's liturgists is that they simply do not understand the human heart.

They in a perfect frenzy of updating, have swept from our lives all that was rooted in our earliest and fondest recollections, all the gentle peace and reverence, all the hymns of simple and childlike love, every trace of our beloved Latin.

At the blessing of a priest the angels kneel. Yet the liturgists proscribe that we mere mortals must stand like a bunch of heathens — and who dares to be different?

It's a cardinal sin today!

So now we scour record catalogs and religious stores for crumbs to feed our languishing hearts. We gather together in little groups, under our lady's banner, and honor our loves, the Immaculate Heart of Mary and the Sacred Heart of Jesus, in the ways that are dearest and most meaningful to us.

But before too much longer, the cold sterility of most of the new hymns and liturgies must once again become truly and distinctively Catholic.

The hunger in our hearts is becoming unbearable and surely our beloved Lord, the champion of the little and the weak, and his tender and merciful Mother will not leave us orphans!

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Workshop Questioned

Editor:

In the past numerous conflicts of opinion have

erupted over whether our local high schools and colleges are teaching Catholic truths. According to an article in the local press, there is no doubt in my mind that Nazareth College, for one, cannot possibly claim to be Catholic, save in name only.

Observe that a "values clarification workshop" is scheduled at Nazareth, and is being sponsored by the National Humanistic Education Center and Planned Parenthood of Rochester. Now if anyone has followed Nancy Murphy's column at all, one must have more than a hint of who these amiable parties are and what they represent.

One might venture defensively and say, if one knew no better, that this workshop is essential to a pluralistic society. Possibly, but of what a society: one which promotes abortion and undermines the beliefs of the Catholic Church?

In any case I certainly feel that the onus of proof to be a true Catholic institution lies quite heavily indeed upon Nazareth College in view of their new coalition with the hostile opponents of Christ and his Church.

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'Old' Catholics Keep the Faith

Editor:

In reply to the article by Father Henry Atwell, *Courier-Journal* 6-15-77.

I sincerely sympathize and admire the courage and deep faith of those "old Catholics" who would rather drive ten miles for a Latin Mass than go down a block to the English Protestant Mass next Sunday.

Father Atwell makes a

mockery of and discriminates against members of the parish by calling them "old Catholics", "nostalgic" and "traditional."

The so-called liberals and modernist Catholics have taken power in our churches to destroy our own freedom of belief and worship.

It seems to me that test should be given to those new-breed Catholics who are putting our church to shame every time they express their odd ideas to discredit the teaching authority of the Church.

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