

Catholic School Unions Ruled Out of Bounds

Chicago (RNS) — A three-judge federal appeals court here struck down a mandate by the National Labor Relations Board that had ordered Catholic bishops in Chicago and Northern Indiana to bargain with unions representing lay teachers in seminaries and high schools.

The Seventh U.S. Circuit Court of Appeals ruled Aug. 4 that the NLRB has no jurisdiction in teacher-employer relationships in Church schools because such an involvement by a government agency would violate First Amendment guarantees of church-state separation.

Donald Rueben, an attorney for Cardinal John Cody of Chicago, called the appeals court decision "a great, great victory" and said it would be "precedent-setting all over the country." Similar cases are pending in Philadelphia and Los Angeles.

The ruling in effect reinforces arguments against financial aid by government to parochial schools as it uses these arguments to exempt such schools from NLRB jurisdiction.

The appeals court put it this way: "The board (NLRB) is cruelly whipsawing the schools by holding that institutions too religious to receive government assistance are not religious enough to be excluded from its regulation."

The NLRB last year ordered union representation elections for both Quigley North and Quigley South preparatory seminaries in Chicago and for five Catholic high schools in the Fort Wayne-South Bend, Ind. diocese, ruling that the schools were not "completely religious" and therefore subject to NLRB jurisdiction.

After the election was held and the union won collective bargaining rights, the Chicago archdiocese refused to bargain with the Quigley Education Association, claiming that the NLRB had no right to intervene in church affairs, particularly in light of U.S. Supreme Court rulings which barred non-public schools from receiving public aid due to the

possibility of "entanglement of church and State."

In the unanimous opinion written by Judge Wilber F. Pell, the court said "a church which chooses to educate its own young people in schools which it is required essentially to finance without government aid should, because of the essentially religious permeation of curriculum, be equally freed of the obviously inhibiting effect and impact of the restrictions of the National Labor Relations Act in conducting the teaching program of these schools."

Concurring with Justice Pell's opinion were Justices Walter Cummings and Robert Specher. They decided the case argued before them last January by attorneys representing the lay teachers union and the Chicago archdiocese and the Fort Wayne-South Bend diocese. The court, in effect, cited a series of decisions by the U.S. Supreme Court against public aid to non-public schools as arguments against NLRB interference.

The court called for "an even-handed approach to justice" so that the religious clauses of the First Amendment which served as a "buckler to stop financial aid... should not now be any less effective to ward off the inhibiting effect of the government's regulation."

The court added that there was "not only sovereign involvement" by the NLRB in the religious activity of the Church but undoubtedly, in our view, also curtailment of the free exercise of religion."

In determining that the NLRB did not have jurisdiction, the court said that Catholic schools do not become "merely religiously associated" because they teach secular subjects. "If history demonstrates, and it does, that Roman Catholics founded an alternate school system for essentially religious reasons and continued to maintain them as an integrated part of the religious mission of the Church, courts and agencies would be hard pressed to take official and judicial notice that these purposes were undermined... by the determination to offer such secular subjects as mathematics, physics, chemistry and English literature."

The court claimed that the NLRB order to bargain "inhibits the bishops' authority" to maintain doctrinal teaching in their schools. "The real difficulty is found in the chilling aspect that the requirement of bargaining will impose on the exercise of the bishops' control of the religious mission of the schools."

The ruling went on to note: "We are unable to see how the board can avoid becoming entangled in doctrinal matters if, for example, an unfair labor practice charge followed the dismissal of a teacher... at odds with the tenets of the Roman Catholic faith" or who adopted a lifestyle "contrary to Catholic moral teachings."

Claiming that specific examples of entanglement are not required, the court said the tenor of the First Amendment religious clauses involving state aid never required a "trial run, but only the reasonable likelihood or possibility of entanglement."

Samuel Edes, an attorney for the Illinois Education Association, which supported the NLRB ruling and the Quigley lay teachers union, said he was very disappointed with the court's decision. However, he added, "I'm very certain the court will be reversed if the case gets to the Supreme Court."

The NLRB has 90 days to appeal the circuit court's decision.

A spokesman for the archdiocese of Chicago stated that the court ruling "supports the approach taken by Cardinal Cody, namely that the potential for entanglement in religious freedom is the point at issue."

Food Waste

Each school year 25 million American children are served meals daily through the \$4 billion National School Lunch Program. According to estimates widely reported this past year, at least \$600 million worth of this food is thrown out by the children because they find it unappetizing, with fresh fruits and vegetables held in particular disdain!

Women's Athletics

When Congress wrote Title IX regulations banning sex discrimination in college and university programs, the greatest public attention was focused on athletics and a furor arose over the predicted radical alterations in intercollegiate sports.

The past five years have not fulfilled the dire predictions. On the campuses of the nation's state colleges and universities, Title IX has not torn asunder the fabric of intercollegiate sports, and, while some financial problems do exist, the pressure for women's competitive sports has not bankrupted athletic departments.

What has occurred for the most part is a gradual and steady maturing of women's athletics; an evolution in skill and competition with its genesis before Title IX.

In the past three years the number of women participating in college varsity sports had doubled to approximately 100,000. Continued escalation is probable with the increasing support prompted by Title IX.

While the dollar margin is still greater than two-to-one for men's athletics, it is narrowing; this year the women's budget increased 24 per cent while the men's decreased 1.5 per cent.

The potential career opportunities in athletics has prompted Mississippi University for Women to design a new major in athletic administration and coaching at the collegiate level.

The director of women's athletics at Central Michigan University sees women coaches of the next decade devoting more time to recruiting and promoting as increased publicity leads to demand for a "product to entertain spectators." She thinks that there will be more pressure to conform to the established pattern of men's sports.

Future development also should break free of the controversy created by Title IX. As the sports information director at the University of Northern Colorado points out, "The hue and cry that men's athletics would be destroyed has largely died out... the record shows that men and women can exist side by side."

Free Time Plans

Now that the children are back in school and your days are your own, take advantage of your new found time and freedom.

Be ambitious. Go to school part-time or take just one course that has always interested you — tennis, sculpture, floral arranging, or even astrology.

Be cultured. Get tickets to a play, go to a foreign film or read those best sellers you've been saving all summer.

Be healthy. Get together with friends at someone's house and form your own private "health spa." Begin the morning by doing calisthenics to an inexpensive exercise record.

Be enterprising. Investigate ways you can earn some extra money at home. Give jewelry or plant "parties" that fit into your schedule, or try organizing an ingenious company based on your talents that operates right in your own family room.

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A greatly expanded Continuing Education program at Nazareth College includes a number of new offerings for people in education.

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Day classes run from Aug. 30 to Dec. 17; evening classes, Sept. 6-Dec. 22.

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