

High Court Tuition Decision If Not Green Light, Cause for Hope

By Stephen Overman

Washington (NC) — Catholic educators and parents looked on the Supreme Court decision upholding a Minnesota tuition tax deduction program as a signal regarding other tax programs benefiting parents of non-public school children.

Most saw the signal, if not as green, at least as a cautious yellow for future constitutionally acceptable tuition tax breaks.

In a 5-4 decision June 29 the court rejected arguments that the Minnesota program unconstitutionally benefited religion. The court said the program has a secular purpose and does not excessively entangle church and state.

Supporters of the decision see opportunities to expand the benefits beyond Minnesota. Some called for state legislatures around the country to imitate Minnesota, while others looked to Congress to pass a federal tuition tax credit bill.

A major difference between the 30-year-old Minnesota program and a federal tuition tax credit bill which was passed

by the Senate Finance Committee in May is that Minnesota parents take a deduction from their adjusted gross income before computing their state tax while the federal proposal calls for a credit against taxes owed.

Also, the current federal proposal is designed only for parents of non-public school children while the Minnesota program is available to all parents, including those whose children attend public schools.

Writing for the majority, Justice William H. Rehnquist called the facts at issue in the Minnesota case "vitaly different" from a 1973 case in which the court struck down a New York tuition tax credit program. In the New York program credits were provided only to parents of non-public school children.

Rehnquist was joined in the majority by Chief Justice Warren E. Burger and by Justices Byron R. White, Lewis F. Powell Jr. and Sandra Day O'Connor.

Justice Thurgood Marshall, writing the court's dissent in the case, said in his view prohibitions against state subsidy of religion should forbid any tax benefit which subsidizes tuition payments to church schools. He was joined by Justices William J. Brennan Jr., Harry A. Blackmun and John Paul Stevens.

Msgr. Daniel F. Hoye, general secretary of the U.S. Catholic Conference, welcomed the court's decision, which he said could have "important implications" for the effort under way in Congress to pass tuition tax credits at the federal level. The USCC, the public policy arm of the U.S. bishops, had filed a friend-of-the court brief in the Minnesota case.

"Certainly, at the very least, this decision should be a message to Congress that such tax relief measures to help parents educate their children are not per se unconstitutional," Msgr. Hoye said.

But "no green light has been given by the Minnesota case" to Congress or the state legislatures said Thomas A. Shannon, executive director of the National Association of School Boards. "The most you can say is that it's flashing yellow."

Sen. Daniel Patrick Moynihan (D-N.Y.), a longtime tuition tax credit supporter who called the court decision "good news," said it "is not an argument either for or against tuition tax credits. It is simply a statement that this is an issue of public policy that may be decided free of any constitutional constraints."

"A clear case of vindication of parental rights," said J. Alan Davitt, executive director of the New York State Catholic Conference.

"We are delighted with this positive response of the court," Davitt said. "It demonstrates clearly that this tuition tax deduction plan is seen as the legitimate use of the tax structure to encourage private citizens, in this case parents and guardians, to perform a public service by educating their children."

Another New York official, Mrs. Catherine Aungst of Buffalo, president of the State Federation of Catholic School Parents, also hailed the decision as a boon to parents as primary educators of their children.

She said the ruling should stop certain congressmen from using the "constitutional issue" as an excuse for not taking a stand on tuition tax credit legislation.

"In the majority decision," she said, "Justice Rehnquist wrote some strong statements which, not only point out why the Minnesota aid to parents is constitutional but even why it is good public policy."

Among the beneficiaries of any state or federal tuition tax programs, said Robert L. Smith, executive director of the Council for American Private Education, would be hundreds of thousands of urban, blue-collar ethnic families in the North and Midwest who send their children to parochial schools.

Ursuline Sister Renee Oliver, associate director of Citizens for Educational Freedom, said she hopes other states will imitate Minnesota because its program is "a very workable solution to parents being overburdened with taxation."

The decision is "good for parents, children, education and the country, right down the line" she said, because it gives parents the right to choose the type of education they want for their children.

Catholic Europe

Belgium Germany Austria
Italy Vatican City

Switzerland France
17 Glorious Days

under the spiritual direction of
Father Bernard L.

CARGES

Experienced International Traveler:
Pastor, Immaculate Conception
Parish, Ithaca



\$1899 from/to New York Oct. 2nd

SABENA

BELOIAN World AIRLINES

Brussels Paris Lucerne
Florence Rome Vatican City
Venice Innsbruck Heidelberg
Oberammergau Cologne

PAPAL AUDIENCE

Send this coupon today for your
day-by-day itinerary brochure

Rev. Bernard L. Carges (phone)
Immaculate Conception Rectory 273-
113 N. Geneva Street 6121)
Ithaca, New York 14850
Dear Father
Please send your brochure to
Name
Address
City Zip

Fr. Paul J.
Cuddy



On the Right Side

If It Works, Don't Try To Fix It

In a two-hour discussion over dinner an ex-seminarian friend expressed concern about what he thought are abuses in celebrating Mass. One had to do with the use of the chalice. It must be a decade ago I wrote an article expressing scepticism over an enthusiasm for the cup. The late beloved Father Henry Atwell shot an earnest letter to me, asking me not to pursue that. He cited the usual reasons: 1. That the sign of the Presence of the Lord is more fully manifested in the double elements; 2. That it was traditional from the early days of the Church and we are just returning to early tradition; 3. That the danger of contagion from the common cup has been proved untrue from a study made by the American Medical Association. I wrote him my reasons for scepticism.

1. I do not believe that Catholics of the Latin rite are anxious for the cup. The anxiety is on the part of a few but influential zealots. Latin Catholics have been so indoctrinated since the Council of Trent, both by catechesis — to the fact that Christ is whole and entire under either form or both forms — and by practice — in Holy Communion, in viaticum, in the tabernacle; that the use of the common cup seems a 20th century superfluity. A wise saying is: "If a thing works, don't try to fix it."

2. That the Church, for a thousand years, did use the chalice is history and tradition. But tradition evolves. Both under the guidance of the Holy Spirit and under practical adjustments. The Agape was part of the tradition of the early Church, but St. Paul had to leather some of the early Christians because they were abusing it. So the Love Feast finally went by the board. Who wants it returned? Part of the reason for the disuse of the chalice around the second millenium came from abuse. We have had a continuing tradition in the Latin Church for another

thousand years, and have been contented. "If a thing works, don't try to fix it."

3. Perhaps not everyone is as sensitive as I am regarding germs and hygiene. Liturgists up to the time of Louis Pasteur were not germ conscious. But now I should think they would be especially concerned in this day of the AIDS scare. The alleged report of the AMA that the chalice offers no danger was strongly denied by that Medical Association. A local priest recently was convalescing from hepatitis. At his daily Mass, the people were given a separate chalice if they wanted it. The priest said: "I do not want you to drink from the chalice I am using. There is a separate chalice for you." Christ is entirely present under either form, and our Latin rite people have been content. "If a thing works, don't try to fix it."

Are there guidelines regarding Communion under both kinds? Yes. The document on "Sacraments and Worship" (Rome: April 17, 1980) reads: "With regard to Communion under both kinds, the norms laid down by the Church must be observed, both by reason of reverence due to the sacrament and for the good of those receiving the Eucharist, in accordance with variations in circumstances, times and places. Episcopal conferences and ordinaries also are not to go beyond what is presently laid down in the present discipline. THE GRANTING OF PERMISSION FOR COMMUNION UNDER BOTH FORMS IS NOT TO BE INDISCRIMINATE; THE CELEBRATIONS IN QUESTION ARE TO BE SPECIFIED PRECISELY. THE GROUPS THAT USE THIS FACILITY ARE TO BE CLEARLY DEFINED, WELL DISCIPLINED

AND HOMOGENEOUS." It does seem to me that for the Latin Church that is clear. The Eastern Churches have a long tradition of intinction which is sometimes used by Latins on special occasions. "If a thing works, don't try to fix it."

Seminar Aug. 3 On Cancer

Lifesaving facts about cancer will be the topic for the final session in the American Red Cross High Level Wellness series from 7:30 to 9:30 p.m., Wednesday, Aug. 3, at the Red Cross, 46 Prince St. A \$3 fee is charged for the seminar and pre-registration is required, through 275-9800, ext. 222.

"If more people practiced prevention there is the potential to reduce the number of cancer victims by at least 50 percent," said Marilyn Schaeffer of the United Cancer Council, who will lead the seminar.

"LOVE IS ART"

Newly Released Album by
Joe Caccamise Jr.
Writer, Arranger for Labels with
Notable Friends. List to his
unique sound created for you.
SHAMROCK RECORDS
190 EAST MAIN, ROCHESTER
Available from these libraries:
Greece Paddy Hill, Chili,
Brighton, Gates, Webster,
Irondequoit

IMPORTANT ANNOUNCEMENT

IN ORDER TO MAINTAIN OUR HIGH STANDARDS OF SERVICE TO OUR PUBLIC, WE ARE FORCED TO SPEND MORE EACH YEAR. AFTER HOLDING THE LINE FOR 3 YEARS THERE WILL BE A MODEST INCREASE IN THE PRICE OF PROPERTY AT WHITE HAVEN MEMORIAL PARK

NEW PRICES WILL GO IN EFFECT JULY 30, 1983

THERE IS STILL TIME TO SAVE. MAKE YOUR SELECTION BEFORE THE INCREASE.

A SMALL DEPOSIT WILL START YOUR PROGRAM.

NO INTEREST OR FINANCE CHARGES ON PRE-NEED PURCHASES.

WHITE HAVEN
Memorial Park

"A BEAUTIFUL WAY TO REMEMBER AND BE REMEMBERED"

210 MARSH RD. 586-5250 PITTSFORD, N.Y. 14534