

# Attorney believes Souter could key religious rulings

By Jay Copp  
Catholic News Service

CHICAGO — Justice David Souter's presence on the Supreme Court could lead to the legality of silent prayer in classrooms and of giving federal funds to parochial schools, according to a Washington lawyer who has reviewed Souter's work.

"There will be a little more acceptance, at least on moments of silence" in the school prayer issue, said Kathryn Oberly, a member of the American Bar Association committee that analyzed Souter's work prior to his U.S. Senate confirmation hearings.

A First Amendment expert speaking Oct. 23 at the Chicago Bar Association, Oberly said Souter's vote could make the difference in First Amendment religious issues on which the court has been closely divided.

Her talk was sponsored by the Center for Church/State Studies at DePaul University's College of Law.

After abortion, First Amendment religious issues will be most affected by Souter's appointment, said Oberly, a former assistant to the solicitor general in the U.S. Justice Department.

Souter's conservative stance could lead to overturning several cases barring public aid to parochial schools, such as a prohibi-

tion against using federal funds to pay public school teachers to teach remedial courses to parochial school students on parochial school grounds, she said.

"Justice Souter's vote could induce a change," Oberly said.

Two other religious issues that Souter's vote could affect are laws on teaching creationism and the display of nativity scenes and other religious symbols by government.

The Supreme Court has held unconstitutional a law banning the teaching of evolution unless creationism is taught. Souter as a conservative will allow states greater control over curriculum, Oberly said.

"Conservatives are much more comfortable leaving those decisions to school officials," she said.

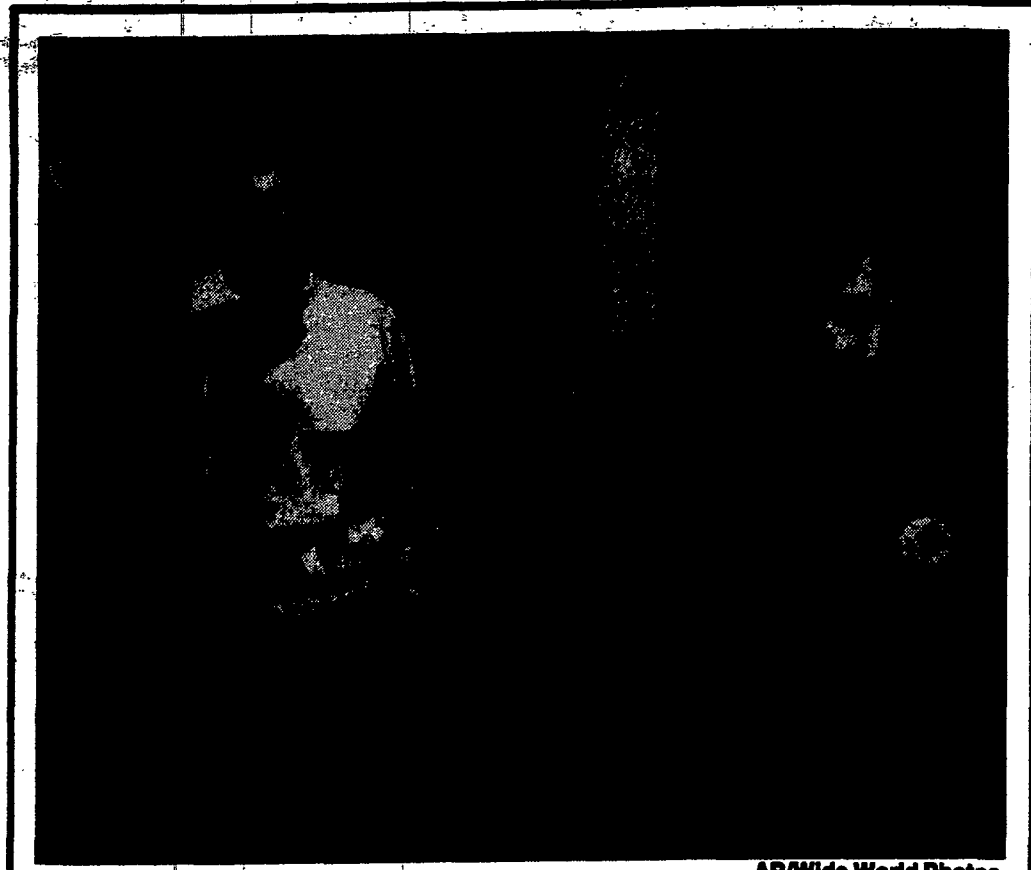
Souter also likely will be less restrictive on nativity scenes, she predicted.

"I think he is likely to rule government is not endorsing religion when it acknowledges religious heritage," Oberly said.

Souter did not write opinions on religious issues while a member of the New Hampshire Supreme Court, Oberly said. But two actions of his as New Hampshire attorney general reveal his conservative bent, she said.

In 1978 Souter defended an executive order saying all flags over state buildings are to be flown at half-staff on Good Friday.

He also assisted in the prosecution of two Jehovah's Witnesses who for religious reasons covered up the state motto, "Live Free or Die," on their license plates.



AP/Wide World Photos  
**STILL HOPEFUL** — Jerry and Patty Wetterling, shown here in their home in St. Joseph, Minn. Oct. 20, are still hopeful that their son Jacob — kidnapped by a masked gunman one year ago — will be found. A note pinned to a stuffed bear instructs Jacob what to do if he comes home and finds no one there.

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## Bishop receives family life award

CHICAGO (CNS) — Bishop Howard J. Hubbard of Albany, N.Y., has received a recognition award from the National Association of Catholic Family Life Ministers.

Bishop Hubbard, chairman of the National Conference of Catholic bishops' Committee on Marriage and the Family, received the award for "national episcopal leadership for marriage and family during the past decade," the association said in a

statement during the association's national conference in September.

Notre Dame Sister Barbara Markey, director of the Family Life Office for the Archdiocese of Omaha, Neb., received the association's annual award which is given to those who demonstrate a consistent concern on behalf of family ministry.

Sister Markey was recognized for her leadership role in the development of pre-marriage and marriage enrichment evaluations as well as her contributions to the family life association.

Other honors were given to Jim and Kathy McGinnis of St. Louis, who founded the Parenting for Peace and Justice Network, and the University of Dayton for research and dialogue activities connected to family life.



Leigh Ann Carlson  
Co-Anchor

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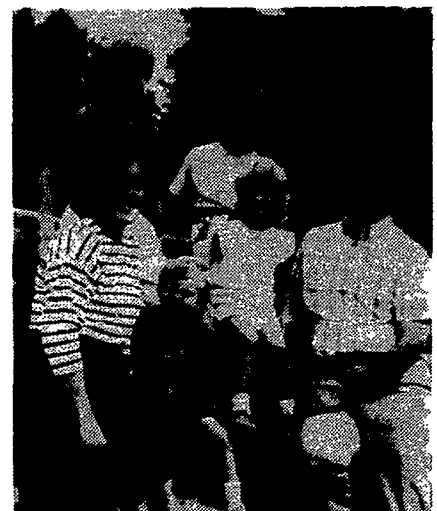
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