

# WORLD & NATION

## Cleveland school vouchers face another challenge

By Carol Zimmermann  
Catholic News Service

WASHINGTON — Cleveland's school-voucher program has faced more than a few hurdles in recent years, but by mid-July it seemed that the program would run without a glitch.

The state's lawmakers revived the program just weeks after the Ohio Supreme Court had struck it down on a technicality.

But by July 20, education and civil-liberties groups filed suit in federal court to stop the legislation that had reinstated the

three-year-old program, claiming the voucher system violated separation of church and state requirements.

Americans United for Separation of Church and State, the American Civil Liberties Union, the Ohio Education Association and other groups were behind the litigation filed in the U.S. district court in Cleveland. The lawsuit names Susan Zelman, superintendent of public instruction for the state's education department, as a defendant.

Tim Luckhaupt, executive director of the Ohio Catholic Conference, has grown accustomed to the voucher battle and re-

mains optimistic that the program will continue as scheduled this fall.

"We had a ruling by the Supreme Court of Ohio that the program did not violate state or federal constitutions," he told Catholic News Service July 23.

"It seems as if the plaintiffs didn't get enough satisfaction with the state court system and so they're going to the federal court system," he added.

But Luckhaupt is not daunted by the federal courts, saying the U.S. Supreme Court's decision last year not to review the constitutionality of a Milwaukee school-voucher program gives the Cleveland program "good precedence."

In late May, the Ohio Supreme Court struck down Cleveland's voucher program because of a technicality, but upheld the constitutionality of the voucher program itself on the larger grounds that it did not violate the separation of church and state.

The court found a problem in how the voucher program was created. By tacking it onto an appropriations bill in the 1995 general fund budget, lawmakers violated a provision of the state constitution that mandates one-subject bills.

But by mid-July, the voucher plan was back in place because state legislators voted to reinstate it through a budget package specifically geared toward education, rather than going under the budget umbrella of all state functions.

The voucher program provides tuition

credits of up to \$2,250 each for almost 4,000 students enrolled in kindergarten through fifth grade. Most of the 57 schools accepting these students are religion-based.

In the Ohio Supreme Court decision in May, Justice Paul Pfeifer wrote in the majority opinion that the voucher program "does not have the primary effect of advancing religion and does not excessively entangle government with religion."

From its inception three years ago, the Cleveland voucher program has faced a series of uphill battles, being challenged by those opposed to the fact voucher recipients attend religious schools.

A state trial court judge initially upheld the program, but an appellate court struck it down in 1997, saying it violated federal and state constitutions because religious schools stood to benefit.

But the state's high court went along with recent U.S. Supreme Court rulings that have upheld government programs even if they have an incidental benefit to religion.

"The primary beneficiaries of the school voucher program are children, not sectarian schools," ruled Justice Pfeifer.

Ohio Gov. Bob Taft, a Republican, who was not in office when the voucher program was enacted, issued a statement after the June ruling saying he supports the Cleveland voucher program and does not believe it should end "due to a procedural flaw in legislation."



Reuters/CNS

### Devotee of St. Patrick

A devotee of St. Patrick descends from Croagh Patrick in County Mayo, western Ireland, following a July 25 pilgrimage to the summit. About 25,000 people joined in the annual hike to honor St. Patrick, who is said to have fasted on the mountain for 40 days and 40 nights during the fifth century. According to folklore, it was at the mountain that he banished serpents from the island.

### Nun barred from ministry alleges double standard on care for gays

By Jerry Filteau  
Catholic News Service

WASHINGTON — In her first public comment since the Vatican ordered her to leave gay and lesbian ministry July 13, Sister Jeannine Gramick said she is torn between a commitment to the church and a commitment to that ministry.

Sister Gramick issued a statement July 24 saying the censure from the Vatican presents a dilemma for her.

"I still feel called by God to lesbian and gay ministry," she said. "I also feel called to serve the people of God as a loyal member of the School Sisters of Notre Dame in the Catholic Church."

In a notification published in Rome July 13, the Vatican Congregation for the Doctrine of the Faith permanently barred Sister Gramick, 57, and Salvatorian Father Robert Nugent, 62, "from any pastoral work involving homosexual persons." The two have been engaged in a joint gay and lesbian ministry since 1971.

Father Nugent said July 13 that he would comply with the Vatican order, but Sister Gramick gave no immediate response. The School Sisters of Notre Dame said they asked her to set aside all ministerial commitments for the next 30 days to "reflect on and discern her future."

In her two-page statement, Sister Gramick criticized the process leading to her censure as "fundamentally unfair."

She said the investigation of Father Nugent and herself began as an inquiry into the orthodoxy of their "public statements and writings on homosexuality," but "became in the end an interrogation about my inner personal beliefs on the subject."

She said in her efforts to build bridges between the gay and lesbian community and the church, she always "tried to keep my personal views on contentious issues as far as possible in the background."

Sister Gramick questioned "an emphasis on the teaching about homosexual acts and orientation which obscures our church's teaching about the human dignity of lesbian and gay persons and their rights as baptized Christians." She said repeated condemnation of sin is not a requisite for effective pastoral ministry.

"Those who minister today to the divorced and remarried are not expected to constantly proclaim the immorality of divorce and remarriage," she said. "Hospital chaplains are not expected to constantly proclaim the immorality of neglecting and endangering one's health. Those in prison ministry are not expected to constantly proclaim the immorality of criminal acts. Military chaplains are not expected to constantly proclaim the immorality of war. The expectations of those in lesbian and gay ministry should be similar."

The notification barring Sister Gramick and Father Nugent from all pastoral work with homosexuals followed a Vatican-ordered investigation by a commission headed by Cardinal Adam J. Maida of Detroit.

The Vatican announcement said the commission found "some positive aspects" in the work of the pair, but also found "serious deficiencies in their writings and pastoral activities, which were incompatible with the fullness of Christian morality."

A commentary appearing in the Vatican newspaper *L'Osservatore Romano* in conjunction with the notification said, "To be effective, authentic and faithful, all pastoral care of homosexual persons must convey the serious sinfulness of homosexual behavior."

It also said that to ensure authentic proclamation of the church's teaching, all those engaged in such ministry must "be personally convinced of the church's teaching and ready to profess the church's teaching as their own."

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