

Extreme Interpretations of Supreme Court Prayer Ruling Rejected

Editor's Note: Not since it struck down racial segregation in public schools in 1954 has the Supreme Court caused as much confusion as it did in its recent decision on official prayers in schools. In the following dispatch, three noted constitutional lawyers reject extreme interpretations of the prayer ruling but differ about its precise meaning and scope.

By LOUIS CASSELS

Washington — (UPI) — Much of the public outcry against the Supreme Court's June 25 prayer decision reflects misunderstanding of what the court actually held, according to three noted constitutional lawyers.

The three men interviewed by UPI were Philip B. Kurland, professor of constitutional law at the University of Chicago; Leo Pfeffer, counsel of the American Jewish Congress; and Fr. Charles M. Whelan, S.J., law professor at Georgetown University, Washington, D.C. All are widely regarded as experts on the First Amendment to the Constitution, which was at issue in the prayer case.

Although they differed among themselves as to the precise meaning and scope of the controversial 6-1 ruling, they were of one accord in rejecting some of the extreme interpretations that have been aired recently.

The court, they agreed, did not make it a crime for school children to pray of their own volition. It did not forbid mention of the Deity in national ceremonies and patriotic oaths. It did not "repudiate" America's religious heritage, "banish God from public life," or decree that government in this country must henceforth be "atheistic."

"I've heard all of those things said about the decision, and they are all quite foolish," said Kurland. "The truth is that nothing very drastic happened in this particular ruling."

Fr. Whelan said it was "actually a very narrow decision" which will have no revolutionary impact on

American life. Pfeffer emphasized that the court was "trying to protect, not destroy, America's tradition of religious freedom."

The three authorities agreed that the ruling was concerned with only one question: The constitutionality of officially sponsored religious exercises in public schools.

They differed only in their judgments of how far the court went in forbidding such exercises.

Fr. Whelan said it didn't go very far at all. He noted that the majority opinion, by Justice Hugo L. Black, "laid great stress on the fact that the prayer held unconstitutional ('regents prayer') was composed by state officials."

"The majority did not say that mere recital of a prayer in a public school classroom would be unconstitutional," he said. "I think this omission must be taken as deliberate and significant. The key words in the decision are the court's statement that 'in this country, it is no part of the business of government to compose official prayers for any group of the American people to recite.'"

Lord's Prayer Banned?

Q. What is the effect of the decision on public school prayers which were not written by state officials? Specifically, how does it apply to the widespread practice of opening the school day with the Lord's Prayer?

A. If a case challenging use of the "Our Father" or Lord's Prayer came before the present justices, I have little doubt that they'd rule it out. But I do not think they have done so in the June 25 decision.

Pfeffer contended, however, that the court clearly intended to include the Lord's Prayer, and all other officially prescribed prayers, within its ban.

He said the key words of the majority opinion are to be found in the statement that

"each separate government in this country should stay out of the business of writing or sanctioning official prayers, and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance."

The phrase, "or sanctioning," he said, definitely includes prayers which are prescribed or authorized by government officials, even though not composed of them.

"The regents' prayer" is about as non-sectarian as a prayer can be," he said. "If it is unconstitutional, I do not see how you can possibly justify the use of the Lord's Prayer, which is indisputably a Christian prayer, taken from the New Testament."

Pfeffer also took the view that the majority opinion, by "clear implication," spelled the death knell of all religious exercises in public schools, including devotional reading of the Bible and religious holiday observances such as Christmas or Hanukkah ceremonies.

Prof. Kurland, author of "Religion and the Law," a major study of Supreme Court rulings on church-state relations, staked out middle ground between these two interpretations.

He agreed with Pfeffer that the majority opinion covers the use of the Lord's Prayer as well as prayers especially composed for schools by state officials.

"The court held that the machinery of government cannot be used to require or encourage the saying of any prayer in a public school," he said.

He also was inclined to think that Bible reading will go the same way as prayer when the court takes up, probably at its next term, three pending cases from Pennsylvania, Maryland and Florida which challenge the constitutionality of reading passages of Scripture at the opening of each school day.

But he shared Fr. Whelan's view that the court deliberately

refrained from deciding any more than it had to in the prayer case. And he warned that it is perilous to assume that its future rulings will always be consistent with the apparent logic or philosophy of its rulings.

"The court is not unaware of public clamor and reaction to its rulings," he observed. He noted that the court, in the 1948 McCollum case, held "released time" religious classes unconstitutional on the grounds that they involved a "utilization of the tax-supported public school system to aid religious groups to spread their faith."

"That decision touched off a national furor comparable to the one we've been having over the prayer decision," he said. Four years later, in the Zorach case of 1952, the court ruled that released time classes were all right provided they were not held on public school property. Since the location of the classes had not been a "major issue" in the earlier ruling, Prof. Kurland said, the Zorach decision can only be viewed as a "retraction."

He suggested that this history in any attempt to guess how the court may apply the logic of its prayer ruling to other manifestations of religious belief in U. S. life.

Q. You say the ruling means that no agency of government may prescribe any kind of prayers in public schools. What about individual teachers? If they want to have classroom prayers, on their own initiative, can they do so?

A. In principle, a teacher is an officer of the state, and comes under the same restrictions as the Board of Regents or any official agency. In practice, if there was broad agreement in a community about religious matters, and if the parents of all or most of the children requested the teacher to make some provision for voluntary prayers at the start of the day, I cannot imagine that anyone would hale her into court for doing so. After all, the police aren't going to be snooping around the classrooms looking for bootleg prayer sessions.

ON CRUISE

Midshipman Third Class Ralph S. Lobdell, son of Mr. and Mrs. Vincent N. Lobdell, 1007 Murray ave., is participating in a midshipmen's summer cruise aboard the attack aircraft carrier USS Forrestal, operating out of Norfolk, Va. The cruise will last from five to seven weeks. All Naval Academy and Navy Reserve Officers' Training corps midshipmen participate in summer cruises aboard ships as part of the military training administered to the future officers.

Gay Buddies

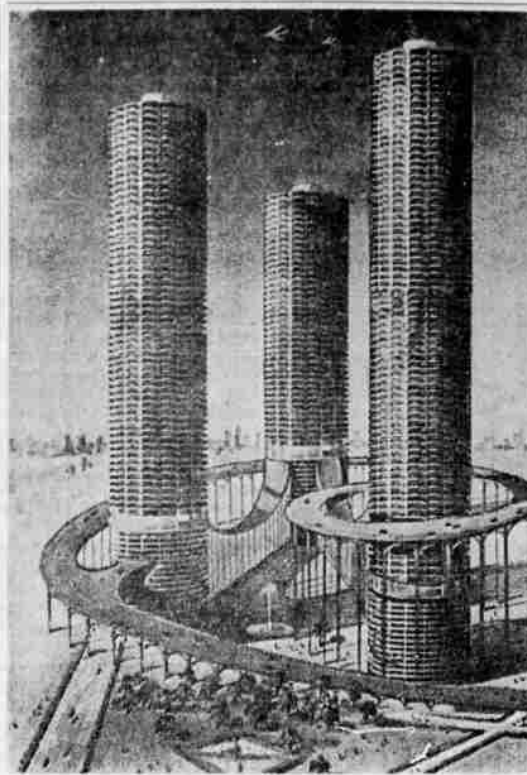


by Alice Brooks

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APARTMENT TOWERS—This artist's sketch illustrates three circular 60-story towers scheduled for construction by Chicago developers. The towers will feature an elevated roadway winding four times around the entire project in ascending spiral. The project will include a school, swimming pool, a small forest and a non-denominational chapel for all faiths. (UPI)

Motel Bankruptcy Disrupts Lodging For Seattle Fair

Seattle — (UPI) — Letters were in the mail today to more than 800 depositors who found themselves without lodging for the Seattle World's Fair when Traveler's Village, a trailer-motel east of Lake Washington became involved in bankruptcy proceedings.

The action was the result of a two-hour emergency meeting here Monday night of

directors of the World's Fair Corporation. Joseph Gandy, fair president, said the action resulted from a "ground swell" of public support and offers of financial assistance from the business community to underwrite a repayment plan if needed.

Many of those who lost deposits totaling \$95,000 had been referred to the establishment by Expo-Lodging Service, the fair's housing coordination bureau.

Deposits Guaranteed

The letter sent out Monday night stated "the fair will guarantee you the amount you paid in deposits through court action" and asked all depositors to assign their claims to the fair.

Legal action in the case may take considerable time and fair officials decided to pay the depositors so they can

carry out their vacation plans. Travelers Village, Inc. notified the fair June 8 it would be unable to return deposits to about 1,200 persons who had made reservations.

Expo-Lodging then stationed a representative on the site to inform visitors as they arrived. For three weeks, the fair provided free emergency accommodations for those who had been en route when the establishment closed, at a cost of \$20,000.

BRITISH NEED MARINAS

London — (UPI) — The British boat industry is experiencing the kind of marina shortage that threatened a couple of years ago to throttle the boating boom in the United States. The Duke of Edinburgh, a yachting enthusiast, recently called attention to the problem.

Hatfield Concedes Chances Restricted

Salem — (UPI) — Gov. Mark Hatfield conceded Tuesday that the value of a proposed fact-finding committee in the northwest iron workers' strike "is definitely restricted from the very beginning if it does not have the support and cooperation of both sides."

The iron workers union accepted the setting up of such a committee, but contractors dismissed the suggestion as a blind alley to a settlement.

Hatfield restated his call for the contractors and union to resume talks "and stay in session until a settlement."

Hatfield said the fact-finding committee idea was part of an attempt to "explore every avenue."

Shell dealers list some causes and cures of

10 sounds, smells and other symptoms that often puzzle drivers

Even if your car's in good condition, it may act up occasionally. When puzzled, consult this chart. It doesn't cover every problem, but it will help with some of the more common ones.

DESCRIPTION	LIKELY CAUSE	WHAT TO DO
High-pitched squeal when you first start the engine.	1. Worn or glazed fan belt. 2. Loose fan belt. 3. Water pump seal needs lubrication.	1. Replace the belt if it looks worn. It could break. 2. Have the fan belt tension checked. A loose belt may not turn the generator fast enough to charge the battery. 3. Add Shell Cooling System Protector to radiator water.
Throbbing roar.	Damaged or worn muffler.	Replace muffler. Your Shell dealer can do this for you.
High-pitched erratic pinging noise—usually lasts just a few seconds. (Often called wild ping.)	Erratic combustion caused by glowing carbon deposits that flake off and ignite the fuel too soon.	Try Super Shell gasoline. It contains three anti-knock ingredients. One is TCP.* This famous Shell additive works to "fireproof" combustion deposits that could otherwise cause wild ping.
Screaming brakes.	1. Badly worn brake linings. 2. Glazed brake lining.	Any brake trouble should be checked immediately by your Shell dealer. It could be dangerous. If linings are badly worn or glazed, brakes should be relined soon.
Strong gasoline odor when you can't start the car.	Flooded carburetor.	Let the car sit a minute. Push the accelerator to the floor (don't pump it). Then try the starter.
Exhaust fumes. Most noticeable when driving in town or when your engine is idling.	Leaking tail pipe or muffler.	First, open a window—those fumes can make you groggy fast. Replace damaged part promptly. Note: Always have exhaust system inspected when your car is lubricated.
When cruising, dashboard generator light goes on—or ammeter needle continuously shows "discharge."	1. Broken fan belt. 2. Faulty generator or voltage regulator. Or loose connection in electrical system.	Stop at the first station to avoid running battery down. 1. Replace fan belt. Suggestion: Carry a spare belt—it could save you time and trouble. 2. Have electrical system inspected to locate the trouble.
Brake pedal action feels peculiar: 1. Pedal feels spongy. 2. Pedal slowly sinks to floor under pressure.	1. Air in brake lines. 2. Hydraulic fluid leaking past master cylinder piston.	Brakes with these troubles should be fixed immediately. Have your Shell dealer inspect your brake system.
Car pulls to either side: 1. When braking. 2. When cruising.	1. Water, oil or hydraulic fluid on brake lining; brakes out of adjustment. 2. Uneven or low pressure in tires.	1. Think back. If you've just driven through water, drive with caution until linings dry. Otherwise, have brakes checked soon—it could be dangerous. 2. Check tires for correct pressure. Do this soon. Under-inflation can also cause excessive tire wear.
Engine temperature suddenly passes the danger point on your dashboard gauge.	1. Broken fan belt. (You may hear the clatter when this breaks.) 2. Loss of cooling water.	Turn off engine. 1. Check fan belt. 2. To check coolant—follow these rules. Let engine cool down. Remove radiator cap slowly using extreme care to avoid scalding. Add water slowly with engine idling. Check for leaks.



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It may come in handy if your car acts up.

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