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High Court Movie Ruling Leaves Censors Confused: Action Labeled 'Vague'

(N.C.W.C. NEWS SERVICE)

The Supreme Court decision on two motion pictures has left censors in a half-dozen states and some 50 cities shaking their heads confusedly and looking to the justices to explain just what the decision means.

The court ruled unanimously to reverse state bans on "LaRonde," a French film and "M," an American production. New York State had banned "LaRonde" on the grounds that the film is immoral. Ohio had banned "M" on the grounds that it incited to crime.

By harking back to a 1952 decision on "The Miracle" the Supreme Court justices called these grounds vague and indefinite.

AN ANALYSIS of the court's action by the National Council of Catholic Men concluded that the court was "itself guilty of vagueness."

Sent to NCCM affiliates, the analysis said: "No one, not even constitutional lawyers, is prepared to state the exact meaning of the ruling, or what implications it holds."

"This decision, per se, does not directly affect the right of states and municipalities to refuse to license motion pictures which violate their statutes. It does not invalidate state or municipal censorship."

"However, it is reasonable to assume it will leave state and local government censorship bodies in doubt as to the legality of their action in censoring motion pictures. This may result in a reluctance on the part of censorship bodies to censor on the basis of 'immorality,' 'obscenity,' and 'incitement to crime.'"

The states now having censorship boards are Kansas, Maryland, New York, Ohio, Pennsylvania, and Massachusetts which has licensing laws for Sunday showings only.

The Supreme Court decision has been hailed by the National Council of Catholic Men as a "victory for the states." In a statement issued during the week the council said "we must have an other ruling in some other case from the Supreme Court to get better clarification. Rest assured that there will be other cases. In these two cases the court did not rule on the major contentions that motion pictures should be free of all censorship."

THE MAJORITY of the Supreme Court did not go along with a separate but concurring opinion by Justices William O. Douglas and Hugo L. Black. The opinion, written by Justice Douglas, held that all movie censorship is unconstitutional. Some justices believe the decision of the Supreme Court as a blow to what they considered arbitrary censorship. But the decision drew sharp fire from the New World, official paper of the Chicago archdiocese.

"The Supreme Court of the United States is practically ruling out all censorship but practically ruling out the concept of immorality," the paper said. "In effect it says there is no such thing as morals and as a consequence there cannot be any morality or immorality."

"When the Supreme Court of our land says that such terms as 'immorality' and 'incitement to crime' are too indefinite to be used as legal standards, it is in effect saying that the moral standards which have really come to our beloved land."

Comments from the censors of various states ran like this: "Dr. Hugh M. Ellick, director of the New York State Motion Picture Division, said: 'The decision overrode this particular censorship action (LaRonde) but did not dispute our right to do it.' Maryland's censor, Sydney R. Traub, declared: 'I see nothing that which in anywise indicates that we cannot ban or delete a picture on the ground that it is immoral.' He added he was very much disappointed that the court had not clarified the matter."

Dr. Clyde Hisson, Ohio's chief censor, had the gloomiest comment: "The ruling doesn't leave us much on which to base rejection of a film. If you can't ban a picture because it is immoral or because it incites crime, what can you ban it for? Obscenity maybe, but that's already ruled out by the film industry itself."

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Abp. O'Hara Scores Court Film Decision

Philadelphia (NC) — The Supreme Court has ruled that the States may label as poison only what affects the body, not that which can destroy the soul.

So declared Archbishop John F. O'Hara, C.S.C., of Philadelphia in a pastoral letter commenting on the Court's recent decision on two motion picture censorship cases.

"While we can hope that the majority of film companies will continue to respect and welcome censorship, we cannot rest there," Archbishop O'Hara stated in his letter. He further declared:

"REJOICING FROM Hollywood this week indicates that not all men in the industry are decent. Parents must now become more acutely aware of their responsibility to the child. For God has entrusted to them and of the fact that their responsibility is primary. This is an obligation of the natural law and affects all parents, not Catholics only. The Church will continue to help as in the past. The laws of the Legion of Decency will be available. Joe 'Smellon' picture distributors will be lists of the National Organization for Decency in Literature for periodical publications."

The vigilance of parents and of Catholic societies will have to take over much of the work of the crippled state agencies. The Holy Name Society and the Sodality of the Blessed Virgin Mary or some other society in each parish will have to appoint committees to make known to the purveyors of unwholesome entertainment and improper publications that Catholic parents are forbidden to cooperate with them in their corrupting practices. Meet the challenge to your conscience."

Concluding his letter he urged individuals to "arouse in your hearts the abundant graces of Mary, Mother and Queen, and increase them by frequent Holy Communion, especially by Family Communion on the Saturdays of the Marian Year. The Supreme Court has underscored your duty of conscience. Be prepared to meet it in the fullest degree."

POAU Moves To Bar Nuns As Public School Teachers

Jasper, Ind. (NC) — A suit will be filed in the spring in an attempt to halt the employment of nuns as public school teachers in Dubois County, Ind. The Dubois County Board of Education is predominantly Catholic.

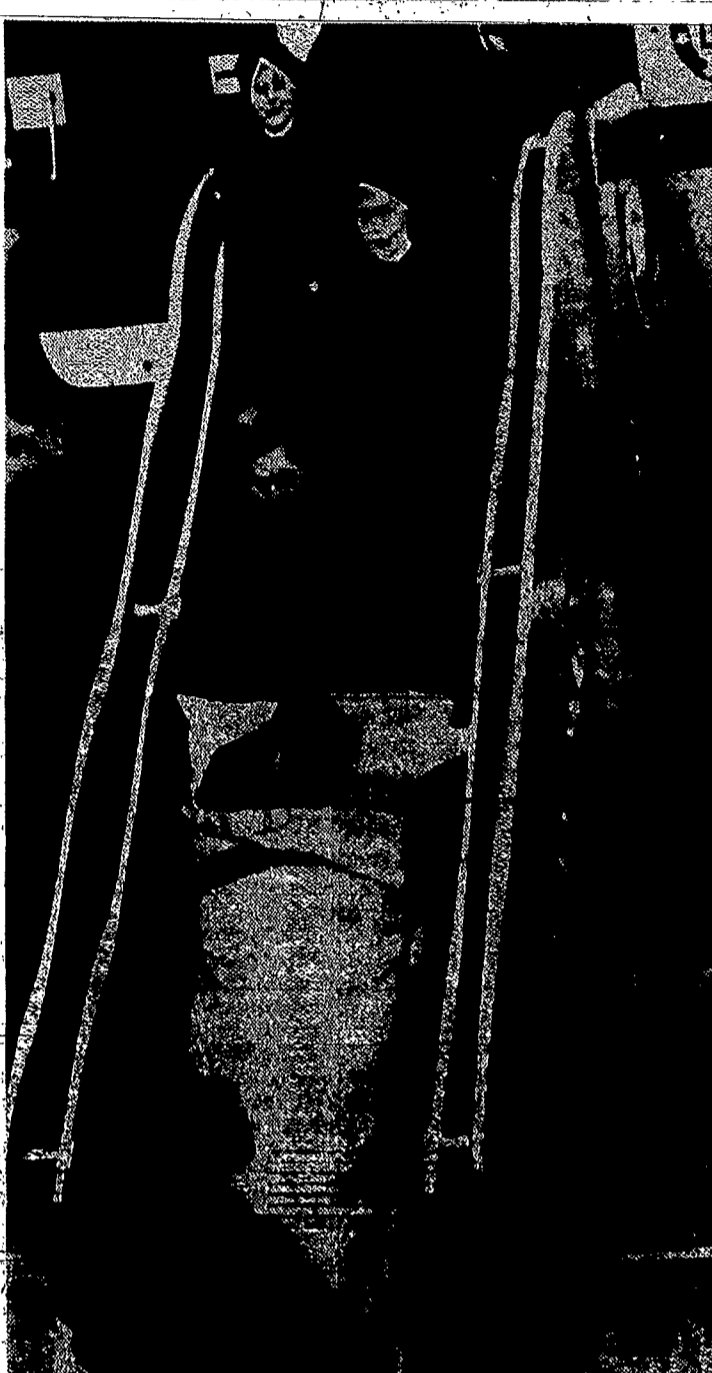
The filing of the suit will be delayed until spring, to give authorities an opportunity to correct violations, according to the Southern Indiana Free Public Schools Committee. The committee is described as an "affiliate" of Protestant and Other Americans United for Separation of Church and State (POAU).

ANNOUNCEMENT of the proposed legal action already has had repercussions. State Representative Robert E. Menke of Jasper, Ind., has announced he will not be a candidate for the State Senate because of the "governmental-religious issue now in Dubois County." He said he has decided against making the race because "my position might be interpreted as being a strictly political one."

Mr. Menke is a Methodist and a nephew of Emil Menke, of Holland, Ind., who will be one of the plaintiffs in the pending suit. The State legislator made it plain that he did not agree with his uncle on the school issue.

Mr. Menke personally believes the case for Dubois County are being won in accordance with Constitutional principles.

POLIO STRICKEN NUN



Sister Marie Marquette, a Mary-Knoll nun stricken with polio, is being treated at St. Vincent's Hospital, where she will receive treatment. Sister Omer said she was confident of her recovery from polio. (with the aid of prayer.) (RNS Photo)

Kansas Seek Movie Of Heroic Priest

Timken, Kan. (RNS) — Petitions urging that a major Hollywood studio film the life story of the Rev. Emil J. Kapaun, a Roman Catholic chaplain who died in a North Korean prison camp in 1951, are being circulated throughout central Kansas.

The church here for only six months before re-entering the chaplaincy in 1948, but his memory is known and loved throughout Barton, Rush and Marion Counties.

The story of the heroic chaplain was first told last September by three American officers who were freed from a North Korean camp.

which only stipulate that religious instruction should be given on released time and on premises away from the school, the Representative said.

"I think the nuns have made a great contribution to public education and have saved us tens of thousands of dollars. I am not in sympathy with the tactics for the purpose of the present lawsuit."

Seven of the 10 rural townships and the city of Jasper in Dubois County employ licensed and academically qualified nuns as teachers in public schools. In seven of the communities the school buildings are owned by the Church and leased by the school corporation.

Some of the Sisters employed hold master's degrees but receive only a minimum pay from the State for their services in the case of employment of lay teachers. Local officials must considerably increase the pay.

JOHN W. TEBER, Dubois County Superintendent of Schools, said that if a court ruling abolishes the present system, the country schools would face chaotic conditions. He said such a ruling would bring about religious disharmony in an area entirely devoid of it and there would be a critical shortage of public school teachers if the nuns were withdrawn.

N. Y. Auxiliary Named To Ogdensburg

Washington (NC) — His Holiness Pope Pius XII has named Bishop Walter P. Kellenberg, Auxiliary of New York, to be Bishop of Ogdensburg, N. Y., and Monsignor Joseph Annabring, Rector of Sacred Heart Cathedral, Superior, Wis., to be Bishop of Superior, and Bishop John P. Cody, Auxiliary of St. Louis, to be Coadjutor with right of succession to Bishop Charles Hubert LeBlond of St. Joseph, Mo.

Announcements were made here on Wednesday by the Apostolic Delegate, Archbishop Amleto Cioognani.

BISHOP KELLENBERG was born in New York City in 1901, ordained there in 1928 and elevated to the Hierarchy in 1953. He has been a member of the Archdiocesan Curia since 1934 and secretary to Cardinal Spellman from 1947 to 1950.

MONSIGNOR ANNABRING was born at Szaparyiget, Hungary in 1900. He studied at St. Francis Seminary, Milwaukee, Montreal Seminary and St. Paul Seminary, St. Paul, Minn. Ordained in 1927, he has been attached to Sacred Heart Cathedral in Superior virtually all of his priestly life.

BISHOP CODY was born in St. Louis in 1907, ordained in Rome in 1931, elevated to the Hierarchy in 1947.

Lincoln's Birthday Dispensation Granted

By virtue of special faculties from the Holy See, His Excellency Bishop Kearney grants a dispensation from the laws of the Hierarchy of the Diocese of Rochester on Friday, Feb. 12, 1954, Lincoln's birthday.

'Little Joe' The Wetback Returns To Los Angeles

Los Angeles (NC) — Last May, Los Angeles police arrested Little Joe, a teenage Mexican alien, who had come to Los Angeles in a box car.

Unlike the thousands of other "wetbacks" who sneak across the border in search of work in orchards and fields, Little Joe had come in search of an education.

Fifteen days before he was to graduate from St. Turibius School, he was packing a lunch to go on the school picnic when two policemen grabbed him and said "The jig's up, Joe. You've got to go back to Tijuana."

PUBLIC SYMPATHY was aroused for the boy who had come to learn English, algebra and Caesar's Gallic Wars, but the immigration authorities escorted him back to the border.

Franciscan Missionary Sisters of the Immaculate Conception who had taught the boy at St. Turibius School, resorted to their only weapon — prayer. Especially interested in bringing Joe back were his eighth grade teacher, Sister Agnes, and Sister Marie Therese, who had tutored him in English.

A young widow, Mrs. Marnie Nolan, public relations secretary for the National Association of Legal Secretaries, enlisted the help of attorney Philip Newman. Together they unsnarled the legal red tape. When Joe was located in Mexico City, Mrs. Nolan signed papers agreeing to act as legal guardian.

NOW LITTLE JOE is back in Los Angeles legally — and is enrolled as a freshman at Cathedral High. Money goes fast, but you don't ever lose an education," said the determined 5-ft. 3-in. Mexican boy. "My father, who died when I was seven, told me: 'Joe, education stays with you forever.'"

Joe says he wants to be an attorney "like Mr. Newman."

Bishop Kearney To Offer First Public Mass In 'Old' Rochester Since St. John Fisher's Death

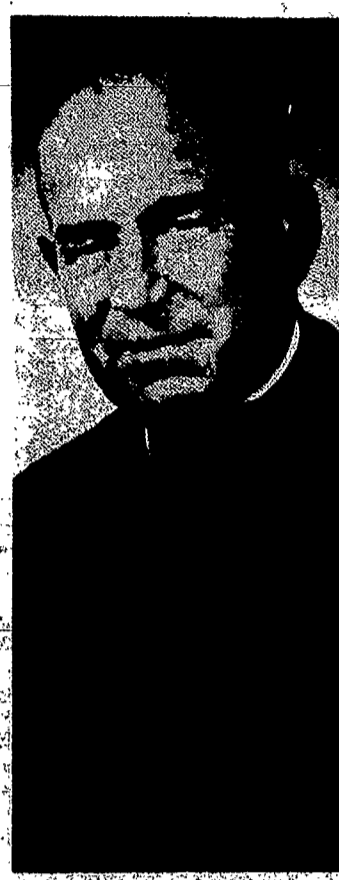
London (NC) — Bishop James E. Kearney of Rochester, N. Y., will come to England next May to celebrate the first public Mass in Rochester, since the days of its great martyr of the Reformation, Cardinal St. John Fisher.

The American Bishop will offer the Mass in the new Church of St. John Fisher built on a hill overlooking the old cathedral city just outside London largely with funds contributed by the people of his diocese.

FATHER THOMAS O'Riordan, pastor of the adjoining naval center of Chatham, announced that the main body of the church has now been completed, and work on the interior would begin in time for the opening on May 23. He said he hoped the remaining debt of \$14,000 dollars would be paid off by then so that the Bishop could also officiate at the consecration of the church.

Mgr. Donald Clancy, chaplain of Cornell University, and Father Richard Torney, director of Rochester diocesan radio programs, attended the stone-laying in July, 1952, when they presented \$30,000, about half the cost, collected in the Rochester, N. Y., diocese. Mgr. John E. Maney, Bishop Kearney's secretary, visited the site last October to watch progress on the building, a few hundred yards up the hill from martyred St. John's own St. Andrew's Cathedral, now in Protestant hands.

The new red-brick Romanesque church, which seats 350, has a seven-foot statue of the martyr



BISHOP KEARNEY in portland stone over its west door. It will serve a community of about 1,000 Catholics.

BISHOP CYRIL Cowdery, of Southwark, whose Diocese covers the old Sees of Canterbury, Rochester and Winchester, has

invited the Bishop of Rochester to preside at the opening ceremony. A party of Marian Year pilgrims from the Rochester diocese are expected to come with him.

The story of the return to the Faith of the sleepy old town of Rochester began in 1849 when two priests from the American diocese paid a passing visit during their tour of England.

(The two Rochester priests were Monsignor Maney and the late Monsignor Edward Lyons who served as rector of St. Andrew's Seminary before his death in 1950.)

Father O'Riordan showed them round and pointed out the plot of waste ground earmarked one day for a shrine of the great local saint. He gave them a piece of stone from the pre-Reformation cathedral to be incorporated in the cornerstone of the new St. Andrew's Seminary then being built across the Atlantic in the New World Rochester.

BACK HOME, the American priests gave the stone to their Bishop, who at once called for funds to support the English project. The 1952 ceremony was recorded for broadcast in the United States.

St. John Fisher, one of the first of the long line of England's Reformation martyrs of 400 years ago, was Bishop of Rochester for 30 years. He was beheaded by orders of King Henry VIII at the Tower of London in 1535. He was canonized exactly four centuries later.

Cardinal Names Moscow Catholic Chapel Closed, Report Discloses

Vatican City (RNS) — The Rev. Joseph Butirovitch, Latvian Roman Catholic priest in charge of the St. Louis of France church in Moscow, only

Catholics Warned On 'Saints' Book Sold By Feeney

New York (NC) — Catholics here have been warned against purchasing a book on lives of Saints being sold by followers of Leonard Feeney, the excommunicated priest.

The warning was read in St. Patrick's Cathedral and other Churches in New York after it had been discovered that carvers had been selling the book in offices in the financial section of Manhattan and around Central Station.

Entitled "Saints To Know 'And Love'" the 187-page paperback volume is published by St. Benedict's Center, of Cambridge, Mass. Leonard Feeney is the founder and director of the center. His followers dress in black clerical garb and represent themselves as members of a religious community called "Slaves of the Immaculate Heart of Mary."

Further, Dr. John J. Stack holds that his native country is "producing at a great rate." Dr. Stack, here on a World Health Organization fellowship for graduate study in child psychiatry, admitted in an interview that long engagements and late marriages are common enough in Ireland. But he insisted that "Ireland is very active in producing human beings" and asserted that "about 80 per cent of her doctors go abroad to practice."

Irishmen Only 'Exporting Selves,' Not Vanishing

Cincinnati (NC) — Talk of the "vanishing Irish" is greatly exaggerated, according to a young Irish psychiatrist. The fact is, he says, that the Irish are simply "exporting themselves" to the rest of the world.

Stubborn Old Missionary Forces Police To Carry Him Out Of Red China

Hong Kong (NC) — An aged, stubborn Argentinian missionary — the only Catholic missionary in China from Argentina — got a 30-mile, piggy-back ride when he was forced out of the Red mainland.

Father Saturnino Solieta, a 75-year-old Capuchin, arrived here in the company of Father Nicholas Barranchena, another Capuchin, from the bitterly cold northwest area of China. Both wore fur coats and fur caps and had blankets wrapped around their shoulders.

Moscow Catholic Chapel Closed, Report Discloses

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Port Chaplain Blesses Ore Cargo

Philadelphia (NC) — Father Thomas W. Wassell, Catholic chaplain of the Port of Philadelphia, delivered the invocation at ceremonies marking the arrival of the Swedish freighter Tosca, bearing the first cargo of iron ore to be shipped here from the fabulous Cerro Bolivar iron mountain in Venezuela.

The arrival of the ship was the occasion for one of the most gala celebrations ever staged in this port's history. The 10,600-ton cargo is part of 2,000,000 tons expected to be brought by the Delaware River for use at the Fairless Works of the U. S. Steel Corp. at Morrisville, 30 miles north of here.

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