

# Court Fight Looms On Brighton Site For Church, School

State Supreme Court action looms as the next step in the efforts of the Diocese of Rochester to obtain clearance from the Brighton Township for the erection of a church and school on the 14-acre "Drescher property" at 2615 East Avenue.

Permission to build the church-school plant of the new St. Thomas More parish on the East Avenue site, a "Res-



St. Thomas More Parish church and school building under construction on the East Avenue site. The building is a large, multi-story structure with a prominent steeple area. Construction workers and equipment are visible around the site.

**DIOCESAN LAWYERS**—Attorneys David Shearer and Patrick O'Connell of New York City, representing the Diocese of Rochester, earlier during appeal hearings before the Town Board of Brighton. The Diocese asked the Town Board to appeal a decision of the Town Planning Board denying permission to build the St. Thomas More Church and School on a 14-acre tract in Brighton. The Brighton Town Board reserved its decision on the appeal.

Class A Zone, was denied by the Town Planning Board and the Zoning Board of Appeals of Brighton in decisions handed down on November 15.

This adverse ruling was appealed on last Friday evening by the Rochester Diocese before the Brighton Town Board which voted to reserve decision.

Plans of the Diocese to carry the case to the Supreme Court, if it is not reversed, were disclosed by David H. Shearer, attorney for the Brighton Town Board to appeal the ruling of the Planning and Zoning Board.

Shearer, who was accompanied by Porter R. Chandler of New York City as associate counsel for the Diocese, requested the Town Board to give a prompt decision on his appeal because action in the Supreme Court must be filed within 30 days from the Nov. 15 ruling.

Brighton Supervisor Leonard A. Boniface said the board probably would rule on the appeal by the Diocese before Dec. 8. If the Town Board upholds the ruling against the parish, the Diocese must file its case in the Supreme Court before Dec. 15.

**IN MAKING** his appeal Shearer argued against the explanations offered by the Planning Board when it ruled against the petition of the Diocese.

He denied that the area is "almost completely built" with residences and cited a number of vacant lots on the streets in the immediate location of the Drescher property.

He rejected the planning board's suggestion that the church and school be erected in an undeveloped area. "It is impractical to suggest that church and school should not be built in an area where they are most needed," he said.

Possible loss of tax revenue to the town would be "counterbalanced," the diocesan attorney said. Establishment of the church and school would attract new Catholic families, and therefore new taxpayers, to Brighton. The proposed parish school would care for 200 pupils and thereby ease the already burdensome public schools of the town.

At the present time in Brighton, Shearer pointed out, there are approximately 6,000 Catholics and only one Catholic Church, Our Lady of Lourdes. Other towns in Monroe County, he said, have many more Catholic churches. Rochester has 6, Greece has 3 and Gates has 2.

In the immediate vicinity of the East Avenue site, proposed for the new church and school, there are more than 200 Catholic children, Shearer said. This shows the necessity for some Catholic school facilities for these children, he argued.

**STRESSING** the "great need" for another Catholic parish in Brighton, he added that the proposed site, known as the Drescher property, is "almost in the center of this immediate need."

Shearer told the Town Board that Section 18 of the Brighton Zoning Ordinance does not prohibit the erection of religious or educational buildings in a

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## Liberties Union Backs Catholic School Cause

**San Francisco**—(RNS)—The California District Court of Appeal here has granted the American Civil Liberties of Northern California permission to intervene in behalf of the Roman Catholic Welfare Corporation in the latter's suit for a permit to build a parochial school at Piedmont, Calif.

Piedmont's present zoning law permits only the location of publicly operated schools.

"This use presents important questions concerning the constitutional rights of freedom of religion, speech and assembly, and the rights of individuals and groups to band together in communicating their ideas and views outside of the public school system," the Civil Liberties Union said in applying to intervene in the suit.

**THE ACLU** said it was prepared to argue the following points:

- (1) That the Constitutional right to exercise freedom of religion includes the right to inculcate religious training to one's children by an organized method commonly called a "school" requiring the use of school buildings.
- (2) That the exclusion of all private schools by the City of Piedmont infringes on the rights of those who wish to educate and to communicate to others their ideas, cultures and beliefs as well as to the rights of those who wish to teach.
- (3) That this exclusion is an arbitrary and discriminatory denial of equal protection of the laws in violation of the 14th Amendment to the United States Constitution.
- (4) That it is an arbitrary and unjustifiable exercise of the police power without any reasonable relation to the common good and that it violates the due process clause of the 14th Amendment.

## St. Joseph Sisters' Jubilee Mass



**CENTENNIAL MASS**—Centennial Mass on Thanksgiving Day at Sacred Heart Cathedral in Rochester. Bishop Casey, seated on the left in photo, presided at the Mass. (Gloria E. Ward Photo)

## Bishop Kearney Catholic Schools Face Threat

A warning that education under religious auspices is "threatened by the liberal thinkers of our day" was sounded by His Excellency Bishop Kearney at the Centennial Mass celebrating the centennial of the Sisters of St. Joseph in the Rochester Diocese.

## Cardinal Mindszenty Foo Dead

**Vienne**—(RNS)—The man allegedly responsible for the "brutal treatment" of His Eminence Josef Cardinal Mindszenty, imprisoned Primate of Hungary, died in Budapest, the American Catholic Press Service reported here.

## Father Davie Named Pastor Of Holy Family In Auburn

His Excellency Bishop Kearney has appointed the Rev. William Davie the new pastor of Holy Family Church in Auburn.

## Episcopalian Minister Marian Year Showed Me The Way

**Chicago**—(RNS)—The Rev. Irwin St. John Tucker, an ordained Episcopalian minister for 42 years and a noted Chicago newspaperman and author, announced that he is converting to the Catholic faith.

## Presbyterian Clergy Urged To Press McCarthy Censure

**Boston**—(RNS)—A top official of the Presbyterian Church in the U.S.A. requested 300 clergymen in his denomination, who he said are "in a strategic position," to urge their Senators to uphold the censure recommendations directed against Sen. Joseph R. McCarthy of Wisconsin.

## Buffalo Diocese Sponsors Refugee

**Buffalo**—(RNS)—The diocese is planning to resettle about 1,500 families in western New York under the 1953 Refugee Act. Buffalo's Bishop Burke has announced.

# Parish Churches Slate Special Marian Devotions

Special three-day devotions in honor of the Blessed Virgin Mary will be conducted in all churches of the Rochester Diocese this coming Sunday, Monday, and Tuesday (Dec. 5, 6, 7) to bring the observance of the Marian Year to a majestic climax.

Solemn ceremonies in all churches on Wednesday, Dec. 8, Feast of the Immaculate Conception of the Blessed Virgin Mary will officially close the centennial celebration of the proclamation of this dogma.

The Marian Triduum or three-day devotions in honor of Our Lady in all churches were requested by His Excellency Bishop Kearney who also granted permission for celebration of Mass on each evening of the Triduum and again on the Feast-Day, Dec. 8.

**BISHOP KEARNEY** will preside at a Pontifical Mass to be celebrated at Sacred Heart Ca-

thedral by Auxiliary Bishop Lawrence B. Casey at 8 p.m. on the Immaculate Conception feast.

Services each evening in the churches will consist of Rosary, Sermon, and Mass, or special meditations on the mysteries of the Rosary may substitute for a sermon, according to the Bishop's directive.

On Dec. 8, the sermon topic is "The Queenship of Mary." Catholics attending evening Mass may receive Holy Communion; those who abstain from food for three hours and from liquid refreshment for two hours before Mass may receive Holy Communion.

Devotions may be received only once on the same day. Water, of course, may be taken any time before Communion.

**THE MARIAN** Year has been a world-wide observance of the centennial anniversary of the proclamation by Pope Pius IX of the doctrine of the Immaculate Conception. The dogma was officially defined Dec. 8, 1854.

Pope Pius XII in his encyclical "Fulgens corona" of Sept. 8, 1953, asked that from Dec. 8, 1953 to Dec. 8, 1954 there be special devotions to the Mother of God. The Holy Father presided at several rites honoring Mary in Rome and in New York and Rochester, and visited the school of the Holy Family in Auburn.

As pastor of Holy Family parish, Father Davie succeeds the Rt. Rev. John A. Conway who died on Nov. 11.

Father Davie has served as principal of Auburn's Holy Family High School and assistant at Holy Family Church since 1932.

**THE NEW PASTOR** is a native of Geneva, where he attended St. Stephen's Grammar School and DeSales High School. He prepared for the priesthood in the diocesan seminaries of St. Andrew and St. Bernard and was ordained in the former St. Patrick's Cathedral in Rochester in June, 1930.

Following ordination he was assigned to the teaching staff of Aquinas Institute in Rochester, where he served for two years. During the same time he took post-graduate studies at Niagara University and was awarded a master's degree in June, 1932.

He became principal at Holy Family in September, 1932. Father Davie became principal at Holy Family in September, 1932.

As early as 1846, the American Bishops at the First Council of Baltimore had chosen Mary as the principal Patroness of the United States under the title of her "Immaculate Conception."

**THE CATHOLIC** doctrine of the immaculate Conception teaches that by a singular privilege because she was to be the Mother of the Saviour, Mary was preserved from the first moment of her conception from all stain of original sin.

The Blessed Virgin confirmed this doctrine by telling St. Bernadette at Lourdes in 1858. "I am the Immaculate Conception," Lourdes has since become world famous as a shrine where remarkable favors have been granted through the prayers of Mary.

**A Great Big Smile, Please!**

New Orleans—(RNS)—The "Apostolate of the Smile" was recommended to nurses by Sister Carlos, administrator of Hotel Dieu at the annual convention of the Hotel Dieu School of Nursing here.

"A sincere friendly smile is a tonic to a child who is away from home for the first time. It can be of great interest to a patient who may feel alone and forsaken."

"You will feel happier and will convey that to others, when you take the time to offer a sincere smile. It is glad and happy news."

**Buffalo Diocese Sponsors Refugee**

**Buffalo**—(RNS)—The diocese is planning to resettle about 1,500 families in western New York under the 1953 Refugee Act. Buffalo's Bishop Burke has announced.

"He said the diocese's resettlement Commission received more than 4,000 applications under the Displaced Persons Act of 1948. Bishop Burke was 'happy to report that such behavior and their presence in our midst has been very plary.'"

The 1953 Refugee Act provides for the admission of 214,000 refugees from Communist States by December 31, 1954.

**Bishop's Office**—Specialists for the Holy Family School of Nursing here.

**Table**—The Holy Family School of Nursing here.