

LAST WEEK'S  
PAID CIRCULATION  
48,727

# THE CATHOLIC Courier Journal

OFFICIAL NEWSPAPER OF THE ROCHESTER DIOCESE

English Used  
In Sacraments  
(See Page 4)

## Churches Fight Exclusion From Residential Areas

(RELIGIOUS NEWS SERVICE)

Increasingly, in recent months, church congregations in various parts of the country have been running into an expected obstacle to the construction of new church buildings.

The barrier is one thrown up by local zoning ordinances and partly by neighborhood resistance to the building of public structures in residential districts.

ONE CASE HAS attracted nationwide attention, largely because the Roman Catholic church involved is being helped in its fight by the American Jewish Congress and the American Civil Liberties Union.

It is in Piedmont, Calif., a suburb of Oakland, Catholic Church officials there are suing to have Piedmont's ban on private schools declared unconstitutional.

"They filed suit after trying unsuccessfully for two years to get building permits for a proposed \$325,000 parochial school adjacent to Piedmont's Corpus Christi church.

Under the city's strict zoning laws, which can be changed only by a vote of the people, only public schools are permitted within city limits.

The Catholic suit charges that the ban on private schools is unconstitutional. Attorneys for the church argue that many children in Piedmont are denied the right to attend a private school. They say such a denial is an invasion of the right of parents to have a building permit.

Home owners in the area of the proposed school have led the fight against it, charging that the situation would result in lower property values.

IN ASKING for the right to intervene, the Civil Liberties Union told the California District Court of Appeal at San Francisco that the case presented 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 views and beliefs outside of the public school system.

A.C.L.U. attorneys said they were prepared to argue that the constitutional right of religious freedom includes the right to include religious training in education of private schools.

Exclusion of private schools, they stated, was a denial of the right to free speech and assembly and an arbitrary and unjustifiable exercise of the police power without any reasonable relation to the common good.

The court granted permission for the A.C.L.U. intervention in its brief, the American Jewish Congress pointed out that the Piedmont law would prevent construction of Jewish as well as Catholic schools.

But it said its interest was with that of protecting the rights of Jewish parents.

"The American democratic system is based on the dual guarantee of separation of Church and State and of religious liberty," the A.J.C. said.

The Piedmont zoning ordinance constitutes an unconstitutional restriction on religious liberty and is, therefore, violative of fundamental constitutional principles.

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### Diocese: Brighton Ban On Church Hits Liberty

Suit filed by the Diocese of Rochester in the New York State Supreme Court charges that the Town of Brighton's ban on the erection of the new St. Thomas More church and school on the Drescher estate, 2615 East Avenue, is a denial of "the free exercise of religion."

Permission to build the parish plant was denied by the planning and appeals boards of Brighton in rulings handed down on November 15.

THE ADVERSE DECISION was appealed by the Diocese before the Town Board on Nov. 26 which has not handed down its decision. To comply with the thirty day deadline required by state law, the Diocese on Dec. 9 petitioned the State Supreme Court to hear the case.

A special term of the State Supreme Court beginning Jan. 11 will hear the case.

In the petition to the court, the Diocese charges that the refusal to permit construction of a church and school denies Catholics "their right to the free exercise of religion and of their rights to impart and to receive religious instruction and education."

Listed as petitioner with the Diocese is Joseph F. Taylor, executor of the Drescher estate. Attorney for the Diocese is David H. Shearer.

THE APPEAL to the court charges that these decisions of the Planning Board and Board of Appeals were "arbitrary and unreasonable." The Nov. 15 decisions of these boards rejected the Diocese plans on the basis that the proposed location is in the "most residential" area of Brighton, which area is almost completely built up and is not suitable for a church and school.

Diocese attorneys said that there are only several vacant lots on the streets adjacent to the proposed site, and that Georgian Court Road has only one house on the entire side of the street adjoining the Drescher property.

The Diocese also contends that the zoning ordinance adopted in 1952 by the Town of Brighton is "unconstitutional" inasmuch as it grants the Planning Board arbitrary jurisdiction to control the location and construction of churches and schools in its territory.

Applicants are denied "due process of law" according to the Catholic petition to the court. The Ordinance transfers legislative authority to the Planning Board, the appeal states, without reasonable control over its decisions.

Catholics in the area are presently attending Mass in the St. John Fisher College chapel and children attending public schools are receiving once a week religious instruction from the pastor, Rev. Francis J. Fegami.

### Police Stop Traffic For Marian Rites

Colombo, Cayuga (NC) — The rush of devotees attending Marian Year ceremonies here forced the Colombo police to suspend traffic in the city's main thoroughfares for six and one-half hours.

Traffic was totally stopped in 13 streets and squares adjoining All Saints' Church, where ceremonies marking the closing of the Marian Year were held.

This step was ordered by the police Superintendent of Colombo for the convenience of the 100,000 Catholics attending the Marian rites.

### Railroad Promotes Religious Christmas

Koonoke, Va. (RNS) — "Let's Keep Christ in Christmas" is the theme of an extensive advertising project of the Norfolk and Western Railway this year.

Wayide billboards across the country display the yuletide sentiment with a beautiful picture of a Madonna and child against the background of a map of the world. This picture and caption also has appeared in the railroad's advertisements in magazines.

Say Merry Christmas with Flowers from Blanchard — the perfect gift. Send her one. Order only \$2 at Blanchard, 11 Park Ave. Also open evenings 8:30-11 p.m. Adv.

### POPE'S AIDE ELEVATED



Vatican City — Pope Pius XII, (left) and Monsignor Giuseppe Montini, (right) at the ceremony of his elevation to the rank of Cardinal. Monsignor Montini was the consecrator of the Holy Father at the ceremony of his coronation in St. Peter's Basilica, Rome, June 25, 1954.

### Sick Pope Unable To Consecrate Friend, Abp. Montini

Vatican City (NC) — Unable because of illness to consecrate Archbishop Giovanni B. Montini of Milan as he had planned, His Holiness Pope Pius XII sent a radio blessing to the new primate following his consecration Sunday (Dec. 12) in St. Peter's Basilica.

The papal blessing was heard over a European television hookup, which had carried the ceremony to all parts of Western Europe and the British Isles.

THE CONSECRATOR taking the Holy Father's place was His Eminence Eugene Cardinal Tisserant, Dean of the College of Cardinals.

### Gloomy Reports On Pope Scored

Vatican City (NC) — Observers, Vatican City daily expressed regret over the pessimistic report on the Pope's health and stated that the weekend slowdown in his recovery is merely a temporary aspect of his malady.

It was learned from reliable sources that the Pope's digestive system is again giving him trouble. His improvement was moved into the Pope's apartment for examination of his stomach on Thursday.

The Pope has continued to receive on business Monsignors Domenico Tardini and Angelo Dell'Acqua, top Vatican Secretariat officials.

Cardinals Co-consecrators were Bishop Dominic Bernareggi, Auxiliary and Vicar Capitular of Milan and Bishop Giacinto Trevisani of Brescia. Archbishop Montini's home diocese.

Eighty Archbishops and Bishops and almost the whole Roman Curia were present at the ceremony elevating a man who has been in the Vatican Secretariat of State for nearly three decades and has served as one of the Pope's closest collaborators throughout his reign.

AT THE CONCLUSION of the consecration, the Holy Father's

### Jew, Catholics Win 'Unwritten Law' Upset In Toronto

Toronto (RNS) — For the first time in Toronto's history, a Jew was chosen mayor and two Roman Catholics won election to the five-member Board of Control of which the mayor is chairman.

Nathan Phillips, a lawyer who had been an alderman for 28 years and twice before had unsuccessfully sought the post, defeated Acting Mayor Leslie A. Saunders for the mayoralty by a margin of 4,000 votes.

For generations Toronto politics had been dominated by an "unwritten law" that a Catholic could never gain a top post in the civic government and before Mr. Phillips, no Jew had ever run for mayor.

Mr. Saunders, deputy grand master of the Grand Orange Lodge of British America and one of Canada's best known Orangemen, was appointed six months ago by the City Council to fill out the term of Mayor Allan A. Lampost who resigned then to become a member of the Toronto Transit Commission. Mr. Saunders had been a member of the Board of Control.

VETERAN POLITICAL observers here ascribed Mr. Saunders' defeat to his own inept tactics. They suggested that as a result of his moves, the time may soon come when a Catholic is elected mayor.

Shortly after his appointment as mayor, Mr. Saunders issued a proclamation on July 12 commemorating the Protestant victory at the Battle of the Boyne. The action aroused not only Catholics but many others who feared it would revive old religious animosities.

Mr. Saunders also called secret Board of Control meetings which brought him into open battle with all three of the city's major daily newspapers.

HIS CROWNING mistake, according to his critics, was in causing the names of election candidates to be designated "Catholic," "Protestant," or "Communist" in their listing in the publication "Protestant Action." This was denounced by the daily papers.

A third majority candidate, Arthur Brown, who had never even served as an alderman, got almost as many votes as Mr. Saunders.

In a statement issued immediately after the returns were in, Mayor elect Phillips said he would "try to represent all the people fairly and without discrimination."

"The civilized democratic world," he said, "has been built on the solid foundation of the laws revealed to Moses by God and stated by Jesus of Nazareth, the Rock and Redeemer of the Christian world. Those principles of morality and brotherhood are basic and were given us for our daily lives."

### 'Ragpickers' Apostle Delays U. S. Trip

Paris (NC) — The visit of Abbe Pierre, France's famed "Ragpickers' Apostle," to the United States has been postponed until April because of illness.

The French priest, who a year ago led a dramatic campaign on behalf of the homeless of Paris, was scheduled to visit America in February. He has been ill with rheumatism for the past month and recently suffered a relapse.

On his recovery Abbe Pierre wants to found a community of religious who will consecrate themselves to building homes for the homeless. He has already announced his intention of going to Rome to seek approval for his plan.

### Red-Expelled Nuns Report Chinese Bishop Forced To Pull Millstone

Hong Kong (NC) — A Chinese Catholic Bishop is being forced to work on a forced labor gang pulling a circular millstone which grinds pottery into dust.

Such is the report of the last two foreign Sisters to be expelled from Mongolia. On their arrival here they brought news of an area from which only rarely reports are received of the Chinese.

They said that the greatest Bishop Nicholas Koning Chang of Suiwantze, who had been jailed at Kalgan, Inner Mongolia, for the past year and a half years, is apparently in good health.

### College Memorial Dedicated



ROSINA KEARNEY AUDITORIUM — In the presence of the student body of St. John Fisher College, His Excellency Bishop Kearney dedicates the new auditorium, dedicated to the memory of his mother, Rosina O'Doherty Kearney. Dedication of the auditorium to the Bishop's mother was in recognition of the fact that Bishop Kearney founded St. John Fisher College.

### Hugh Gibson, Noted Diplomat Was Convert

Geneva, Switzerland (NC) — The body of Hugh S. Gibson, retired American diplomat and director of the Intergovernmental Committee for European Migration, was laid to rest here as the "Counselor of the Papal Nunciature to Switzerland" pronounced the absolution at the grave.

The veteran diplomat and convert died (December 12) at the age of 71.

MR. GIBSON, WHO had served in the United States in posts throughout the world, including those of Ambassador to Belgium and to Brazil, presided at the semi-annual meeting of the ICEM less than a fortnight before his death.

His Requiem was offered by Msgr. Henri Pelli, Vicar General of the Diocese of Lausanne, Geneva and Fribourg, while Msgr. Mario Brini, Counselor of the Nunciature at Bern, officiated at the burial.

A NATIVE OF Los Angeles, Mr. Gibson entered the U.S. Foreign Service in 1908. In 1922, while he was American Minister to Poland, he married Mile. Yves Reyliens, a Catholic and a daughter of a Belgian Army officer.

He was baptized in Brussels in 1938 by Clement Cardinal Mera, Vicar General of the Holy Father for the Diocese of Rome, who as then Nuncio to Belgium. In January of that year, Mr. Gibson had retired as U.S. Ambassador to Belgium, in which post he had served from 1927 to 1933 and again from 1937 to 1938.

### College Auditorium Rites Honor Mother Of Bishop

His Excellency Bishop Kearney dedicated the new auditorium of St. John Fisher College this week in the memory of his mother, Rosina O'Doherty Kearney. The auditorium, completed last month, will accommodate 600 persons.

Following Mass on Monday morning, Bishop Kearney thanked the faculty and students for honoring his mother, "who first taught me what Christmas was." He added that he would have "no more touching gift, no more beautiful tribute" at Christmas than this honor.

BISHOP KEARNEY told the students and faculty that it was a happy coincidence that the names of his mother and Cardinal Spellman are now associated with the college. He recalled that Cardinal Spellman's \$25,000 contribution was the first gift to the college foundation in 1948. (The second gift, a four-year scholarship, was given by Bishop Kearney in the name of his mother.) Cardinal Spellman was a classmate of Bishop Kearney's younger brother and often visited the Kearney home during vacations.

"It struck me that both names are now so intimately linked," the bishop said.

"I hope the college will do for you what she did for me. You will meet many teachers here, but there always will be a memory of the one who laid the foundation."

Earlier the Very Rev. John F. Murphy, C.S.B., president of the college, said of the Bishop: "Every corner of this diocese has known and been blessed by his vital interest in Christian education. Our very existence as a college has resulted from that interest. In paying tribute to the mother of our founder we wish to express our gratitude towards him."

### Paris Church Bells To Ring Late

Paris (NC) — Late sleepers here in the French capital have been given a break by his Eminence Maurice Cardinal Feltin, Archbishop of Paris.

Priests throughout his diocese have been asked by the Cardinal to ring their church bells as little and as late in the morning as possible. The request was issued as the Cardinal's contribution to an anti-noise campaign by the city's Chief of Police Andre Dubois several months ago.

### Church Rites In English In New U. S. Ritual Book

The new "English Ritual," officially called the "Collation Rituum," has just been published and is available in Bruce Publishing Co. and through local Catholic book stores. It has been authorized by the Congregation of Rites in Rome for the United States.

Bishop James E. Kearney stated this week that priests of the Rochester diocese may use it in place of the usual "Roman Ritual."

(The "Roman Ritual" is the Church's official book containing the prayers and ceremonies to be used by priests in administering the Sacraments and in conferring Blessings. The new "English Ritual" is actually a special supplement to the original Roman Ritual and may be used only in the United States.)

### Deadline Advanced

During the festive season, the day earlier and earlier.

Deadline for the following week will be Monday, Dec. 20, at 11:00 a.m. Only one more week will be available for the purchase of the Christmas cards.

IN ADDITION to being a translation, ritual changes have been introduced at Weddings and for the Last Rites. Following the actual Sacrament of Matrimony is an English prayer. In Holy Communion, the young couple in the form of "children... true friends... fullness of years... a good life." The Nuptial Blessing within the