

# On Nudist Film Shocking Decision

(New York Catholic News Editorial)

The Motion Picture Division of the New York Education Department refused a license for the nudist film, "The Nude Nudist," on the ground that it violates the law, which was adopted in 1935, specifically forbidding such films.

The Board of Regents of the State of New York, which has jurisdiction over the Motion Picture Division, appointed a committee of two of its ablest members to review the decision.

Acting on the report of this committee, the Board of Regents with 13 members unanimously approved the decision to refuse the license.

Now comes the Court of Appeals, the highest tribunal of the State of New York, which in a four to three decision reverses the Motion Picture Division and the Board of Regents, charged with the duty of licensing or refusing to license films. There was no constitutional question involved; it was strictly a question of the majority of the Court of Appeals substituting its opinion for that of the bodies authorized by law to make the determination.

Four members of the Court, a majority, in an opinion written by Associate Judge Charles S. Desmond, asserted that "there is nothing sexy or suggestive about it (the nudist film). The nudists are depicted," the decision said, "as wholesome, happy people in family groups practicing their simple life. It is a misguiding theory that clothing, when climate does not require it, is deleterious to mental health by promoting an attitude of shame with regard to natural attributes and functions of the body."

Joining in this opinion were Associate Judges John Van Meters, Marvin E. Dye and Stanley F. Fuld.

The minority opinion, however, written by Associate Judge Adrian P. Burke and concurred in by Chief Judge Conroy and Judge Charles W. Froessel, stated that the decision in the showing of nude men, women and children, was wrong in the film specific and protracted salacious scenes, including a diabolical act by a young woman.

Much of the description of the film the minority found it necessary to cite as evidence of its salaciousness cannot be quoted here or in any newspaper of general circulation.

In a concurring opinion, Chief Judge Conroy emphasized the danger involved in one branch of the government intruding into another, as the judicial intruded into the legislative in this case, Judge Burke in the minority opinion told his associates of the majority that it is the province of the Legislature and not of the Courts to make law.

The Legislature has described the type and conduct of movies which are prohibited by a specific statute," Judge Burke wrote, "so that there can be no question in the mind of a judge, a citizen, or the Board of Regents as to the meaning of the statute."

If the majority of the Court of Appeals believes that a nudist motion picture should not be prohibited by law, they have a right to try to have the Legislature repeal the law against it. But they have no right to substitute their preference for the law, or to override it unless it is unconstitutional, which they have not contended.

The position of the majority as reflected in this opinion is alarming. The vigorous dissent of the minority is refreshing. It is unfortunate that it lacked the one vote necessary to make it a majority decision, thus saving the Court of Appeals from having this decision on its record.

## How About It?

Our distinguished contemporary, THE INDIANA CATHOLIC AND RECORD, weekly of the Archdiocese of Indianapolis, has come up with a "Double Play" which we wish to make our own:

We have just two topics to editorialize on before we can get away for vacation. "Safe Driving" and "Increasing the Influence of the Catholic Press."

Before our sandwiches get all soggy and the bus pulls out without us — let us handle them both with one involved question.

If you are going to continue your reckless driving where do you want the unexpired portion of your subscription to be sent?

## Couples Receive Graces Through Their Vocation

By MSGR. IRVING A. DeBLANC  
(Director, Family Life Bureau, N.C.W.C.)

Chesterton used to say about Catholics that they could pick up the morning paper and know that the Church had a point of view on every caption. That is equally true about every phase of family life. The Church has an opinion on everything from the personal allowance of a wife to the school three blocks away.

Some of us are Catholics principally as regards the tremendous dogmas: we believe in the Trinity, in Redemption, in the Eucharist but somehow we never learned that it was also a matter of conscience to try to provide a reasonable inheritance for our children and it is also a matter of conscience if a wife arbitrarily absents herself from her husband for weeks and weeks of vacationing.

It is also unchristian for a man to say the rosary and then deliberately refuse to talk to his wife for hours and hours. He would then have a split personality and innumerable other things.

It may be when they are working in the kitchen or in the backyard or in the bedroom. It may be when they are justly punishing a child or affectionately embracing a spouse. Yes, what you do with a dish pan may sometimes bring more graces than what you do with a prayer book.

Swiss Architects Zurich, Switzerland — (RNS) Roman Catholic architects have formed an organization here to design churches, schools and other buildings in mission territories.

## JOSEPH BREIG

### No Freedom For Obscenity

The U.S. Supreme Court performed a historic service for America and for legitimate human liberties by its decision last month in four obscenity cases.

The court ably upheld true constitutional freedoms of speech and press by refusing to let them be misused as a cover for the contemptible business of degrading and perverting minds.

The court's rationality put to shame many editors who have been panicked into thinking that they must defend filth in order to defend honest communications.

Justice William J. Brennan Jr., newest member of the tribunal, distinguished himself with majority opinion which defined with sparkling clarity what illegal indecency is.

Obscene material, he said, is material which "deals with sex in a manner appealing to prurient interest... leading to lascivious thought or desire."

THIS, HE EMPHASIZED, does not make sex and obscenity synonymous. Nor should material be judged "by the effect of a isolated excerpt upon particularly susceptible persons."

The relevant question is whether, "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

That standard of judgement, wrote Justice Brennan for the 6-3 majority in the leading case, will stand the test of constitutional validity.

Justice Brennan's clear reasonableness was in stunning contrast to the foggy and almost frivolous dissenting statements of Justice William O. Douglas, with Justice Hugo Black concurring.

At a time when the nation is stifling in the stench of pornography, Black and Douglas observed airily that the people can be trusted to "reject noxious literature" of their own initiative.

DOUGLAS and Black also volunteered the information that they could "understand the motives of the Anthony Comstocks who would impose 'Victorian standards.' When these 'Comstock' are and who is proposing 'Victorian standards,' they did not say.

After that excursion into name-calling, Black and Douglas remarked that they could "at times even sympathize with programs of civic and church groups to 'protect and defend the existing moral standards.'"

May it please the court, we who defend moral standards and intend to go right on doing so — are not looking for the "sympathy" of Douglas and Black. What we would appreciate from them is less rhetoric and more judicial realism.

FORTUNATELY, the court's majority faced the real issue, and cut the ground from under the merchant of filth.

The court held that obscenity has no rights whatever under the Constitution. It cannot flee for protection to the constitutional guarantee of freedom of speech and of the press. It "utterly lacks any redeeming social importance." And it is universally condemned and outlawed by the civilized society, as demonstrated by "an international covenant of 50 nations, in obscenity laws of every one of the 48 states, and in all of the 20 obscenity laws enacted by the U.S. Congress between 1842 and 1956."

The court recognized that there may be "marginal cases in which it is difficult to determine" whether or not a piece of literature or art is obscene. But this does not mean that obscenity cannot be defined and indicted.

IT CAN BE DEFINED and indicted, the court ruled, and the states do have the power to take action against it. The states may punish persons for "advertising or 'keeping for sale' obscene material."

The court upheld the convictions of three book sellers, one of whom mailed, and two of whom had for sale, obscene material.

In the fourth case, the justices confirmed the right of the city of Newark to curb indecent display of dancers in a burlesque theater. The court also upheld the right of New York courts to issue injunctions preventing sale or transfer of obscene material.

Altogether, it was a gigantic victory for public decency, even though Black and Douglas still contend that we do not have "dependable information on the effect of the obscene literature on human conduct." Somebody ought to show those two justices around.



LADY OF GUADALOUPE SHRINE  
Like Children Coming To Their Mother . . .

# Mary's Shrine Bares True Soul of Mexico

By AL ANTCAK  
(N.C.W.C. News Service Correspondent)

Mexico City — You arrive in the heart of Mexico on a somber, rainy eve as the Angelus sounds.

You are jammed in traffic at the Zocalo as the bells of the Metropolitan Cathedral before you begin tolling. They mute out the sounds of horns and buses, trams and trucks. And you think that this is as it should be.

FOR BENEATH a Mexico reaching new dimensions as a nation, the faith still remains a substructure of stability as hard as the lava of the Pedregales de San Angel — the new million dollar residential colony built on volcanic rock here.

You fly over the Sierra Madre, Mexico's spinal column, and you wonder how Cortes and the Spaniards made it in 1519. You're flying contact at 7,500 feet most of the way from Los Angeles and you brood on the ruggedness and loneliness of the terrain. But long ago Catholic missionaries walked it.

EN ROUTE from Mexico's sparkling, urbane International Airport to the center of the city you see evidence of the four civilizations that have influenced this land: Indian, Spanish, French and American.

You pass a theater and see a sign: "El Hombre en el Traje Gris." — "The Man in the Gray Flannel Suit."

You see heavy Indian features inscrutable as workmen lean on shovels at a new housing project of La Merced, being built.

Up the center aisle men and women move toward the altar on their knees over smooth shiny marble. You feel ashamed to walk up through them. A father in overalls and his little son, no bigger than your own Tom, hold candles and move forward on their knees. You figure whole family groups are approaching the miraculous image of Our Lady of Guadalupe this way.

At Communion time you have difficulty getting to the altar rail for the crowd kneeling in the wide middle aisle.

YOU LOOK deliberately at the crowd and you see that its about 50 per cent men. They're men, mostly plain working men, only an occasional business suit.

You go into the sacristy at intervals, as big as a chapel. Three priests are hearing confessions at open confessionals. Sacristans are busy preparing vestments for the many priests arriving to offer Mass.

Tall, lean and ascetic, except for a disarmingly ready Irish smile, Father Wilson has a barrel full of ideas but no quick solutions.

"The first thing we must do," he insists, "is convince these people that they are welcome. Too often they arrive in this country and the first persons they meet are the 'sharps' who want their small savings and the unscrupulous landlord who wants whatever they earn."

Father Wilson feels that local parishes must organize committees to welcome new arrivals. People who speak the same language and who have weathered some of the same problems can convince the Puerto Ricans they are wanted and that the Catholic Church wants to help them.

"Meantime," Father Wilson said, "we are doing everything possible to make the transition as painless as possible."

THE OFFICE OF Spanish-Catholic Action was instituted several years ago by Cardinal Spellman, Archbishop of New York. It is designed to direct Spanish-speaking Catholics to the agencies within the archdiocese which best can meet their immediate needs.

"Most of the people coming to us are recommended by their pastors," Father Wilson said. "Requests may include anything from recommending English textbooks for children to sending families to Catholic Charities for 'fence-mending.'"

It is a matter of record that 42 per cent of the children recommended to Catholic Charities are Puerto Ricans, as are 50 per cent of those with family problems.

"We provide a clearing-house for them," Father Wilson said. "They come here to study, to find positions and to get directions for traveling about New York."

There are now some 150 priests in the archdiocese who can speak Spanish. Many more are needed. The problem is being met, however. Of the 30 seminarians ordained this year 15 were sent to Puerto Rico for several months study and field work. When they re-

## Mayor Walker Film Seen 'Mishandled'

Richard Reid, Editor of the New York Catholic News, says that "it is unfortunate that the producers of 'Beau James,' a film on the life of the late Mayor James J. Walker, so mishandled it as to require the Legion of Decency to place it in Class B, morally objectionable for all."

The Legion's objection, Editor Reid reminds, was stated in these words:

"While recognizing the legitimate prerogative of dramatic license, it is to be noted that this film is an inadequate and unbalanced representation of a one-time public figure in that omits the return in his final years to the faith and ideals of his youth. It presents a sympathetic treatment of the divorce which the historic person eventually disavowed."

Byzantine School Cleveland (NC) — St. Joseph's Byzantine Rite School, the first U. S. high school for Byzantine Rite Catholics will be dedicated here on August 25 by Bishop Nicholas T. Elko of the Pittsburgh Byzantine Rite Ex-

Archdiocese.

A 17th Century Monastery, Monasterio, dramatic play in the drawing up of the will of the late Archbishop of Baltimore, is being presented at the American Day message (Acts 1:17).

Father Paul Schabesta, S.V.D., is probably the greatest living expert on the PRINCEY TRIBES OF MALAYA, PHILIPPINES AND CENTRAL AMERICA. HE HAS WRITTEN 15 BOOKS, OVER 200 ARTICLES, DURING 23 YEARS STUDY AND EXPEDITIONS ALONE AMONG THEM.

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# Puerto Ricans One Third Of N.Y. Catholics

By GEORGE GENT  
(Correspondent, N.C.W.C. News Service)

NEW YORK (NC) — No one would mistake Manhattan for a Caribbean island, but this hub of steel and concrete may one day have Spanish for its second tongue.

Neighborhood stores hawk their wares in Spanish. Irish cops win promotions by studying it, and entire civic agencies are being created to serve the mushrooming needs of a Spanish-speaking populace.

Always hospitable to new cultures, New York has witnessed successive immigrations by Germans, Irish, Italians and Jews. They brought with them — along with their traditions, religions and cultures — habits and customs that made assimilation more or less difficult.

And so it is today with the Puerto Ricans. Statistics tell part of the problem. Every year, 50,000 new women and children come to the United States from Puerto Rico. Sixty-five percent of these remain in New York City. The rest settle in other American cities, but mainly in the East.

The extent of this Spanish influx can be gauged by comparing the 22,000 Puerto Ricans in Chicago, the city with the next largest number, with New York's 570,000.

What does this mean to the Catholic Church in the Archdiocese of New York? According to the 1957 Official Catholic Directory, the Catholic population of the archdiocese is 1,491,019. Since Puerto Ricans are overwhelmingly Catholic, 570,000 of them probably means that more than one-third of the Catholics in New York are Puerto Ricans. The problem begins there.

Most of these Spanish-speaking Catholics come from what is called "mission territory." There is roughly one priest for every 7,000 Catholics in Puerto Rico, compared with one for 750 here.

Unlike earlier immigrants, Puerto Ricans come to this country as full fledged American citizens. But they bring with them foreign habits, manners and religious customs. They are thrown into hostile neighborhoods and told to fare as best they can. They are citizens, but something less than citizens. They are frequently unskilled, poorly educated and unemployable in any but the poorest paying occupations.

WHAT IS BEING done to ease the pain that accompanies a transfusion of cultures? The man with the answers is Father James J. Wilson, newly appointed co-ordinator of the Office of Spanish-Catholic Action for the archdiocese.

Tall, lean and ascetic, except for a disarmingly ready Irish smile, Father Wilson has a barrel full of ideas but no quick solutions.

"The first thing we must do," he insists, "is convince these people that they are welcome. Too often they arrive in this country and the first persons they meet are the 'sharps' who want their small savings and the unscrupulous landlord who wants whatever they earn."

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There are now some 150 priests in the archdiocese who can speak Spanish. Many more are needed. The problem is being met, however. Of the 30 seminarians ordained this year 15 were sent to Puerto Rico for several months study and field work. When they re-

turn, they will have some insight into the problems of their parishioners.

In the five boroughs of New York City there are in the neighborhood of 90 churches holding special services in Spanish.

On the cultural side, the archdiocese is attacking on every front. Radio, newspapers and spectacles have been mustered into service. Father Luis Medina conducts a popular religious information program over radio station WHOM.

ASKED IF HE believed relations between the older parishioners and the newly arrived Puerto Ricans would improve with time, Father Wilson answered with a knowing twinkle in his eye.

"There already have," he said. "There is some difficulty in the beginning, but once things settle down a bit, there's no problem. After a while, some of the Puerto Ricans begin drifting into the regular Masses."

"And," he continued, "some of the old-guard begin drifting into the Spanish Masses."

"They like the singing," he said.

**Daily Mass**  
Sunday, July 21 — Sixth Sunday after Pentecost (Green vestments). Gloria, Credo, 2nd Prayer of St. Praxedes, Preface of Trinity.  
Monday, July 22 — Saint Mary Magdalen, Pentecost White, Gloria, Common Preface.  
Tuesday, July 23 — Saint Apollinaris, Bishop, Martyr (Red), Gloria, 2nd Prayer of St. Liborius, Common Preface.  
Wednesday, July 24 — Ferial Wednesday, Mass of the preceding 6th Sunday after Pentecost (Green), 2nd Prayer of St. Christina, Common Preface. OR: Mass of St. Christina, Virgin, Martyr (Red), Gloria, 2nd Prayer of 6th Sunday after Pentecost, Common Preface, VL.  
Thursday, July 25 — Saint James, the Apostle (Red), Gloria, Credo, 2nd Prayer of St. Christopher, Preface of Apostles.  
Friday, July 26 — Saint Anne, Mother of Blessed Virgin (White), Gloria, Common Preface.  
Saturday, July 27 — Saturday Mass of Our Lady — Salve (White), Gloria, 2nd Prayer of St. Panteleimon, Blessed Virgin Preface, VL.  
\* — omitted at High Mass.  
VR — Votive or Requiem Mass permitted.

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