

# State High Court Upholds Showing Of Nudist Film

(Continued from page 1)

with regard to natural attributes and functions of the body."

Concerning the majority opinion, Associate Judge John Van Voorhis, Marvin F. ...

The majority opinion asserted that the Penal Law of 1935, which provides penalties for the indecent exposure of one's person to another, is unconstitutional insofar as it prohibits nudity.

The dissenting opinion was written by Associate Justice Arthur T. Sarge, with Chief Justice Albert Conway and Associate Justice Charles W. ...

In a concurring opinion, Chief Judge Conway raised the question of the division of powers and the flagrant disregard of the Constitution by another branch of government.

"It will be even more unfortunate," he wrote, "if members of the judiciary were to disregard the will of the people—the author of the laws—and to determine the standards set up by the duly constituted representatives of the people, to protect the people from the improper standards in their view and to use their power to declare statutes unconstitutional which have been passed by the Legislature and approved by the Executive because those standards of the Judiciary would be set by the people. The result would be a government by one of the branches of government in defiance of the people's will and by means of semantics."

THE COURT'S OPINION, in which Chief Judge Conway and Judge ...

Judge Burke asserted that the addition of the law of 1935 by the Legislature was for the purpose of putting the state back to its former condition of ...

"The words of this statute should not be twisted out of their meaning," he said.

"The Court," Judge Burke said, "must regard the plain meaning of the statute with respect to public policy may not be shaped out of a play on words or governed by personal impressions or attitudes. To substitute the conclusion of a few judges in place of the determination of the Legislature and to challenge the wisdom of the Legislature constitutes a usurpation of the power of the Legislature and a veto of the declaration of public opinion arrived at after debate."

ON THIS POINT, Judge Burke said further:

"Respectively of personal views, we in construing these statutes may not substitute our judgment or the judgment of others how they are viewed or respected—for the judgment of the Legislature which is representative of the People of the State of New York and reflects their opinions."

"The forum for debate as to the desirability of such legislation has been provided for under our form of government and our laws. Appellate judges should not constitute themselves a tiny autonomous Legislature in order to thwart and frustrate the public opinion of the People of the State."

"An oligarchy cannot be substituted in place of our democracy by judicial fiat. There is nothing in our system of laws which prevents the amendment or change of the law if the People of the State of New York so desire. The Legislature has described the type of conduct of nudists which is prohibited by a specific statute 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."

The plain meaning of the law is that it forbids nudism, said Judge Burke.

THE ARGUMENT that the statute says nothing about motion pictures is without merit, Judge Burke wrote, for "the exhibition of the actions of the nudists in the Garden of Eden is actually more life-like than their presence on the stage."

"As it is constitutionally within the police power to regulate the actual presence of a nudist camp upon a public stage within this State, we fail to see how it would not be constitutionally within the police power to regulate the more alluring portrayal of those actions upon the screen, particularly under such a narrowly construed statute," Judge Burke concluded.

COURIER-JOURNAL Friday, July 18, 1957

## Post Office Urges Tighter Laws On Smut

Washington, D. C. — (RNS) Congress was urged here by the Post Office Department to enact legislation which would make it a crime to knowingly take from, or deposit in, the U. S. mails any obscene material.

The department's lawyer, Abe McCreger Goff, told the House Judiciary Committee the administration favors amendment of the federal criminal code to provide fines up to \$5,000 and prison terms of up to five years for any one who knowingly "takes from the mails for purpose of distribution or disposal" any pornographic materials.

A bill to amend the code is being considered by the House group. It was introduced by Rep. Emanuel Celler (D-N.Y.). Present law makes it an offense only to deposit obscene material in the mails and only the sender can be prosecuted.

A similar measure was introduced in the Senate by Sen. Everett M. Dirksen (R-Ill.).



## Rosary Films Near Finish

Madrid, Spain — (NC) — Father Patrick P. Llan, C.S.C., con gratulates Jose Munoz Molleda, noted Spanish composer on his completion of the musical score for the Family Rosary Crusade's fifteen new half hour films on the Mysteries of the Rosary. Two of the sets used in the filmed productions — an outdoor set for the Temple, the Praetorium and the Way of the Cross, and the interior of Mount Calvary — were the largest ever built in the history of Spain's film industry.

## Lourdes Gets Ready For Centennial Pilgrims

Lourdes — (NC) — Accommodating between seven and eight million pilgrims is perhaps the most pressing of the problems facing the committee in charge of preparations for this shrine's centennial celebration next year.

In 1858, Our Lady appeared to Bernadette Soubirous as the Immaculate Conception. Since that time, Lourdes has been one of the chief pilgrimage places of the Church. Every year, more and more people come from all over the world.

Next year will be the centennial year of the sanctuary and local authorities are striving to accommodate the many millions of pilgrims who are expected to visit the shrine.

A local committee headed by the mayor of Lourdes, Antoine Beguere, has been set up. By means of contributions from the people of Lourdes and various other sources, many necessary improvements have been made.

ROADS LEADING into and out of the town have been improved, and streets within the

## Dying Englishman Reported Cured At 'Our Lady Of Lourdes' Shrine

Lourdes, France — (RNS) — The 55th officially proclaimed miraculous cure at the famous Shrine of Our Lady of Lourdes is likely to be that of an Englishman, John George Day, who just over a year ago was dying of cancer of the lungs and digestive tract.

It will be the first time that a British subject will have been recognized as having been cured at Lourdes, although many other British pilgrims, like those of many other nationalities, have reported themselves cured or relieved after or during a visit to the Marian shrine.

JOHN DAY returned to Lourdes for medical examination by the Lourdes Medical Bureau, and the bureau's report will be transmitted to an ecclesiastical commission before a pronouncement on the case is made. For a miracle to be recognized by the Church, there must be complete ante and post-cure medical records and doctors must admit that the cure is definitive and without natural explanation.

Just over twelve months ago,

John Day, 47, manager of a London hotel, had had one of his cancer-affected lungs removed and the other was suppurating.

He was a Catholic, but not a practicing one. But one day he sent for the hospital chaplain. "I don't imagine I'll be cured, but somehow I feel I've got to go there before I die."

DOCTORS CONSULTED vetoed the idea. They said the patient had only a day or two to live, and would never get to Lourdes alive.

Another obstacle was lack of money. However, a hospital visitor, touched by Day's case, offered to lend the dying man the money he needed. He gave the doctor, a woman, his gold watch and a small diamond as the only security he could raise.

Unable to resist the patient's insistence, the doctors relented and one of them agreed to go with him.

Day was given morphine every

two hours and managed to reach Lourdes alive. The next day, June 23, he was carried to the Basilica and watched the procession of the Blessed Sacrament. He was blessed by Bishop Pierre Maria Theas of Lourdes.

ON THE following morning Day was plunged naked into the icy waters of the Lourdes grotto by two male nurses.

"I suddenly felt fine," he reported later. "I had no more pain, and I didn't even feel tired. If the nurses had not been holding me, I would have jumped out of the bath."

When Day was lifted out of the water, he insisted on being put on his feet. To the surprise of the nurses, he dressed himself and wheeled his own chair back to the hospital. On his way back he insisted on stopping at a cafe for coffee and cakes. "I was ravenous," he said.

Medical examination revealed that the man's lungs were no longer suppurating nor was his digestive tract inflamed.

After the medical examination, Day hired a scooter from a garage and set out to tour the town. When a few days later he passed through the British customs, the passport officer looked at him incredulously. "Where you the man who was carried through here a few days ago on a stretcher?" he asked. "We were told that you would probably be brought back a corpse."

Day returned to the London hospital to see the doctors, but as a visitor, not a patient. They, too, were incredulous. The doctor who accompanied him could give no explanation. "I thought the icy waters would kill him," he said.

Within a month, Day was back at his job, and he reports he has never had a day's sickness since.

## Popular Music Features Mission For Negroes

St. Louis, Mo. — (RNS) — Musical programs helped to make a Roman Catholic mission to Negroes here so popular that it was extended for an additional week.

The mission, said to be the first of its kind in this city, was held outside St. Bridget of Brin church, which sponsored it. Many Negroes have recently moved into the parish following the construction of large housing projects in the area.

Participants at the nightly gatherings heard a brief program of light opera melodies or popular music followed by a sermon by the Rev. Alexander J. MacMahon, pastor of St. Bridget's and Catholic doctrine.

In addition to the immediate audience around the priest,

many others stood quietly on the sidelines or watched from nearby apartment windows.

Persons who expressed an interest in Catholicism were invited to a Catholicism meeting to be held following the mission.

Staff School in Africa

Four American Brothers of the Congregation of Holy Cross will leave in early fall for West Africa to staff St. John's Secondary School at Sekondi, Ghana.

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