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## State Law On Texts Is Upheld

Washington, D.C. — (RNS) — The U.S. Supreme Court, by a vote of 6 to 3, upheld a New York law which requires that local public school authorities loan certain textbooks free of charge to all students in grades 7 through 12, including those attending parochial and other private schools.

The landmark ruling maintains that the Establishment Clause of the First Amendment does not preclude states "from extending the benefits of state laws to all citizens without regard for their religious affiliation . . ."

Main thrust of the ruling rested on *Everson v. Board of Education* (1947) when the Supreme Court ruled that New Jersey could not be prohibited "from spending tax-raised funds to pay the bus fares of parochial school pupils."

Justice Byron R. White, in delivering the majority opinion, admitted that the *Everson* case and subsequent ones "have shown that the line between state neutrality to religion and state support of religion is not easy to locate."

The Court ruled that in providing secular textbooks to children in non-public schools, New York State was exercising a legitimate concern for the education of all its children.

"We are unable to hold . . . that this statute results in unconstitutional involvement of the state with religious instruction or that (the law), for this or the other reasons urged, is a law respecting the establishment of religion."

The opinion said the appellants, the Board of Education of Central School District No. 1 in Greenbush, N.Y., "have shown us nothing about the necessary effects of the statute that is contrary to its stated purpose."

The law, the decision continued, "merely makes available to all children the benefits of a general program to lend school books free of charge."

Books are furnished at the request of the pupil and ownership remains, at least technically, in the state, the opinion said. "Thus, no funds or books are furnished to parochial schools, and the financial benefit is to parents and children, not to schools."

Justice White's opinion maintained that the express purpose of the New York law, as set by the state legislature, is "furtherance of the educational opportunities available to the young."

Underlying these cases, and underlying also the legislative judgments that have preceded the court decisions, has been a recognition that private education has played and is playing a significant and valuable role in raising national levels of knowledge, competence and experience.

"Americans care about the quality of the secular education available to their children. Considering this attitude, the continued willingness to rely on private school systems, including parochial systems, strongly suggests that a wide segment of informed opinion, legislative and otherwise, has found that those schools do an acceptable job of providing secular education to their students."

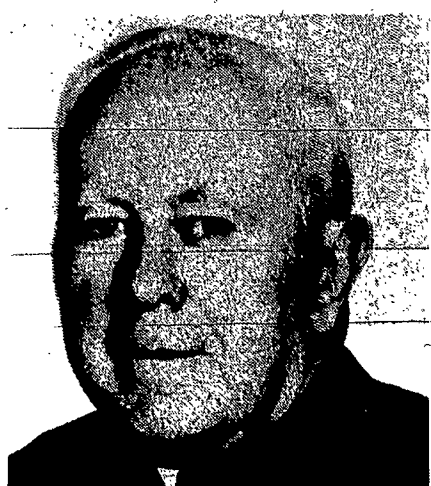
## Eight Pastors Retire; 2 New Parishes Formed



Father Gelger



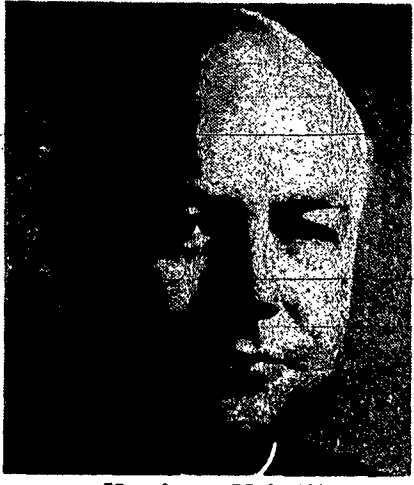
Monsignor Kelleher



Monsignor Neary



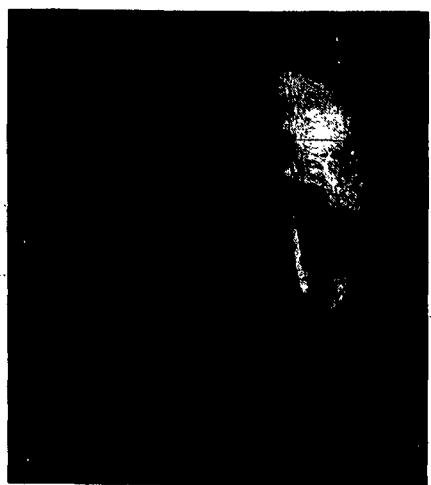
Monsignor Duffy



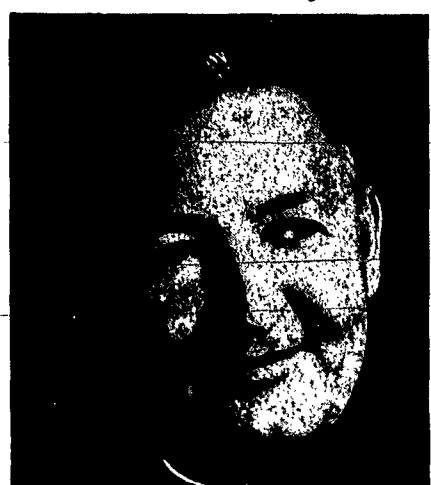
Monsignor McAniff



Father Rauber



Monsignor Connell



Father O'Brien

The Pastoral Office today announced the retirement of eight pastors of the diocese, the establishment of three parishes with resident pastors, the assignment of 16 priests to new pastoral responsibilities and changes of duty affecting 18 other priests.

The 10 newly ordained priests, still on vacation, will not be given their assignments until next week. All the appointments and retirements will be effective at 6 p.m. Thursday, June 27.

Auxiliary Bishop Dennis W. Hickey will relinquish his parish of St. Theodore, Gates, on the 27th and will take residence in a private home in Rochester. But Auxiliary Bishop John E. McCafferty will not be moving from Holy Rosary parish for two more months, the Pastoral Office announced.

In releasing this year's appointment list, Bishop Hickey stated that the Priests' Council played an important role in the formation of the roster. "The Council reviewed the entire state some 10 days ago," he said. "They made comments and suggestions which were followed by the Bishops before approaching every single man on the list."

Three of the retirements are for reasons of health: Monsignor Robert Kelleher of St. Charles Borromeo, Monsignor John F. Duffy of St. Augustine's, and Monsignor John F. Neary of St. Michael's, Lyons.

Retiring for reasons of health are Monsignor Maynard Connell of St. Margaret Mary's, Monsignor Edward J. McAniff of Blessed Sacrament, Rev. Albert Gelger, Holy Ghost, Coldwater, Rev. Jacob Rauber, St. Leo's, Hilton and Rev. William J. O'Brien, St. Patrick's, Moravia.

Monsignor Connell was rector of St. Andrew's Seminary when he was appointed, in 1956, to St. Margaret Mary's, Irondequoit. He had taught literature and homiletics at the minor seminary and at St. Bernard's for 18 years and had been rector of St. Andrew's from '50-'56. He was widely known for his preaching skill and radio talks on "Church of the Air" and "Catholic Hour."

Ordained in 1927, he spent two years in parish work, then studied at Cornell University, earning the Master's and Doctor's degrees in literature. He was associated with the Church of the Nativity of the Blessed Virgin, Brookport; St. Mary's, Canandaigua, and Immaculate Conception, Ithaca at the beginning of his priesthood, and during his years of teaching served weekends at Blessed Sacrament.

Monsignor Duffy was appointed pastor of St. Augustine's in 1945, after 18 years as diocesan superintendent of schools and director of the Confraternity of Christian Doctrine. A 1912 graduate of the Oswego Normal School, he had taught in the public schools of Corning for several years before undertaking studies for the priesthood.

A year after his ordination from St. Bernard's in 1923, he was assigned to the faculty at Aquinas Institute, and taught there three years. His early parish assignments, were at St. Anthony's, Rochester, and Holy Family, Auburn. He was elected to the Diocesan Priests' Council last

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## Diocesan Appointments



### Pastors Retiring

Msgr. Robert A. Kelleher, from St. Charles Borromeo's.  
Msgr. John F. Duffy, from St. Augustine's.  
Msgr. Maynard A. Connell, from St. Margaret Mary's.  
Msgr. John F. Neary, from St. Michael's, Lyons.  
Msgr. Edward J. McAniff, from Blessed Sacrament.  
Rev. William J. O'Brien, from St. Patrick's, Moravia.  
Rev. Jacob R. Rauber, from St. Leo's, Hilton.  
Rev. Albert J. Gelger, from Holy Ghost, Coldwater.

### Pastoral Changes

Rev. Vincent P. Collins, to St. John of Rochester, Perinton, from St. Joachim's, Canisteo.  
Rev. Edward J. Tolster, to St. Augustine's, Rochester, from St. Gabriel's, Hammondsport.  
Rev. Thomas Kane, to St. Patrick's, Moravia.  
Rev. John J. Healy, from administrator to Pastor of St. Anne's, Palmyra.

### New Pastors Appointed

Rev. Gerald E. Dunn to St. Theodore's (from St. Monica's).  
Rev. L. John Hedges to St. Charles Borromeo, Rochester (from Catholic chaplaincy, University of Rochester).  
Msgr. Joseph L. Hogan to St. Margaret Mary's (from Rector of Becket Hall).  
Rev. Chester M. Kloczek to St. Leo's, Hilton (from St. Anne's, Rochester).  
Rev. Charles J. McCarthy to St. Gabriel's, Hammondsport (from St. Michael's, Lyons).  
Rev. John P. Norris to Blessed Sacrament, Rochester (from chaplaincy of Industry State School).  
Rev. Richard J. Orlando to St. Michael's, Lyons (from St. Helen's).  
Rev. Edward E. Steinkirchner to Holy Ghost, Coldwater (from Holy Apostles, Rochester).  
Rev. Otto Vogt to St. Joachim, Canisteo (from St. Mary's, Dansville).

### New Parishes Established

Rev. Elmer McDonald to establish a new parish on King Road, North Chili, from territory of St. Pius Church and St. John the Evangelist, Spencerport.  
Rev. John Steger to establish a new parish at Lyell and Elm-grove roads, from the territories of St. Theodore's and St. John's, Spencerport.  
Rev. Raymond M. Kenny to be resident pastor of St. Joseph Church, Rush, previously a mission of Good Shepherd, Henrietta.

### Special Appointments

Rev. Louis J. Hohman, to be Rector of Becket Hall, Rochester.  
Rev. George E. Gauthier to Secular Mission in Yates-Schuyler counties.  
Rev. Edward Golden, to South American Mission Band in Bolivia.  
Rev. Edward J. Dillon to faculty of Pope John XXIII Seminary, Boston.

### Assistants' Changes

Rev. Gerald T. Connor to St. Joseph's, Fenfield.  
Rev. Thomas F. Corbett to St. Jerome's, East Rochester.  
Rev. Eugene Emo to St. Mary's, Dansville.  
Rev. Francis J. Erb to St. Mary's, Elmira.  
Rev. Robert J. Kanka to St. Michael's, Rochester.  
Rev. Gary A. Lalonde to Holy Apostles, Rochester.  
Rev. Philip-Liol to Guardian Angels, Rochester.  
Rev. Robert Miller to St. Stephen's, Geneva.  
Rev. Thomas J. O'Keefe to St. Francis, Geneva.  
Rev. Joseph Reinhart to St. Monica's, Rochester.  
Rev. William J. Spellacy to St. John the Evangelist, Greece.  
Rev. Eugene Weiss to Holy Apostles, Rochester.  
Rev. Robert J. Winterkorn to St. James, Rochester.

## Diocesan Foundation Of 2 New Parishes Reflection of Growth

The appointment of pastors for the immediate establishment of two new parishes in the north-western sectors of the diocese reflects rapid suburban growth in Chili, Gates, Spencerport and Coldwater, the Pastoral Office said today in announcing that Rev. Elmer McDonald of St. Augustine's and Rev. John Steger of St. Theodore's were given pastoral rank.

Both new areas are so far unincorporated and undefined by specific boundaries, the Pastoral Office announced, but will be formed from border sections of St. John the Evangelist of Spencerport, St. Pius of Chili, St. Theodore's of Gates, Holy Ghost, Cold-

water and St. Vincent's, Churchville.

Father Steger's assignment will center on the intersection of Lyell Road and Elm-grove Road in Gates. Father McDonald will structure his parish on King Road in North Chili.

The appointment of Rev. Raymond Kenny, presently assistant at St. James, Rochester, to be resident pastor for St. Joseph's Church in Rush, also indicates suburban growth.

Although the Rush church has been an established parish for over 100 years it has never had a resident pastor, being successively a mission of the Avon, Honeye Falls and Henrietta parishes.

Some 220 families, living within the township of Rush, currently worship at the two Masses in St. Joseph's according to Father George C. Vogt, pastor of Good Shepherd, Henrietta, who has been pastor of the Rush church since 1944. There is no rectory but Father Kenny said he has begun a search for a small home near the church.

Speaking of his new parish, Father McDonald said, "We really don't know how many families there will be since parish boundaries have yet to be staked out. We do know that

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## New Laity Action Plan In Trouble

By JOHN A. GREAVES

London—(NC)—A campaign of the bishops of England and Wales to enlist the advice and talent as well as the money of the laity to strengthen the operation of the apostolate has been the subject of criticism, particularly the way in which the plan was presented.

The London Catholic Herald said (June 7) that "the much-heralded experiment in lay participation must go on record as being only a partial success."

The campaign, called New Pentecost, began in June. At that time all adult Catholics received a card on which they were asked to state what talent or skill they could offer the Church. Certain laymen and laywomen spoke that same day in pulpits throughout the country urging their fellow Catholics to take a much greater share in Church administration. Twelve commissions of the laity and clergy have been set up by the bishops on a consultative basis to deal with every aspect of Church life here.

The Catholic Herald, in its assessment of the movement, estimated that two of every three parish churches had lay preachers speaking on the campaign. It said that cases in which the laity did not appear were due as much to irritation on the part of the laity as the clergy.

The sermon cited the Second Vatican Council's concern for the active participation of the laity in the work of the Church.

In addition to asking for money, the lay preacher urged commitment and appeal for the time, enthusiasm and active help of other laity. They said the Church in England and Wales asks "us to be generous with our resources and ourselves—in a New Pentecost which will be a renewal of the work of the Apostles that began at that Pentecost in Jerusalem."

## Aquinas Stadium Mass Postponed to Oct. 6

Masses marking the centenary of the diocese will be celebrated this Sunday in Elmira, Auburn and Geneva, but the one arranged for Rochester has been postponed until Oct. 6.

Announcing a new date for the Rochester celebration, the committee explained that original plans had not taken into account the competition posed by the U.S. Open Golf tournament here. It is assumed that thousands of local people will want to spend Sunday following the finals in person at Oak Hill Country Club or on television.

Bishop James E. Kearney will be the principal celebrant of Geneva's Mass, 7:30 p.m., in Sharon Ball Park.

Area pastors who will be concelebrants are Msgr. Edward K. Ball, and Fathers Raymond Nolan, James O'Connell, Joseph McDonnell, John Roach, William Nolan, William Rieffer and Paul Murley.

Father Philip Lioi is director of music and Father William Gordini, of liturgy.

In Auburn's East High Stadium, also at 7:30 p.m., Auxiliary Bishop Dennis W. Hickey will concelebrate Mass with Msgr. James D. Cuffney, V.F. Msgr. Joseph J. Sullivan and Fathers Raymond J. Wahl, Edward A. Shamon, John M. Merklinger, Felix Brackikowski, O.F.M., John J. Nacca and eight other priests.

Father Conrad J. Sundholm heads

the planning committee and Father Frederick Farrell is cochairman.

Auxiliary Bishop John E. McCafferty will offer the anniversary Mass for Catholics of the southern tier at Notre Dame High School auditorium, Elmira, at 4:30 p.m.

Concelebrants will be Msgrs. Leo Schwab, Donald M. Cleary and Philip McGhan and Fathers Bartholomew O'Brien, Austin Lewinski, O.F.M., Damasus Wintzen, O.S.B., Joseph Hogan, James Lane, Leo Matuzewski and other priests of the area.

Music will be furnished by the St. Mary's parish choir of Corning directed by H. Ray Owen, with Mrs. Joseph Clancy at the organ. Lay leader of the liturgy will be Carroll Hayes of Watkins Glen and Frank Cichocki of Waverly will read the Epistle.

## They Live in Poverty To Serve The Poor

A small, but growing, group of diocesan priests have left the comforts of home to live like the poor they have chosen to serve.

This new mission is described in an interview with a member, Msgr. John M. Zeder of Endicott, who supplied pictures from Pusan, Korea. (See Page 10.)

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