

Archdiocese Loses Publishing Case to Tune of \$3.2 Million

Chicago (NC) -- A federal jury has ordered the Chicago archdiocese to pay nearly \$3.2 million in damages to F.E.L. Publications, Ltd., a religious music publisher that sued the archdiocese in 1976 over the illegal reproduction of copyrighted music in parishes.

F.E.L. President Dennis Fitzpatrick called the April 19 verdict a "great victory" for authors, composers and publishers of religious music.

The archdiocese issued only a brief statement expressing "disappointment at the decision" and saying that it was "taking further appeal under advisement."

Cardinal Joseph L. Bernardin of Chicago had 30 days after the verdict to decide whether to appeal.

The six-member jury of the U.S. District Court in Chicago awarded F.E.L. \$190,400 for copyright infringement by archdiocesan parishes between 1973 and 1976, plus \$2 million in actual damages and \$1 million in punitive damages for illegal interference in the publishing firm's business.

Evidence before the court included more than 1.4 million unauthorized copies of F.E.L. songs in songbooks or homemade parish hymnals printed and distributed by 238 parishes in the Chicago archdiocese.

But F.E.L. said the key point in its suit for damages beyond the actual copyright infringements was the fact that when it first filed suit in 1976, the Chicago archdiocese, then headed by the late Cardinal John Cody, banned even legitimate use of F.E.L. music throughout the archdiocese.

By sending copies of that order to all bishops in the country, F.E.L. said, the archdiocese encouraged other bishops to take a similar course of action.

Robert Kiesler, Fitzpatrick's lawyer, told NC News that the \$2 million in actual damages and \$1 million in punitive damages awarded for interference in F.E.L.'s business was considerably below the \$10.9 million actual and \$20 million punitive damages that F.E.L. had sought. But it was also well above any figure the archdiocese had offered to settle the suit out of court, he said.

The complicated seven-year legal battle, which at one point reached the U.S. Supreme Court, has contributed to significant changes in the way Catholic parishes across the country handle the reproduction of copyrighted songs and music. Concerted efforts have been made to make pastors aware of their moral and legal obligations to receive permission and pay any necessary licensing or royalty fees before reproducing copyrighted songs or music for parish use.

F.E.L. brought suit to highlight the rights of authors and publishers of church music to prevent unauthorized reproduction of their works and to receive remuneration for the reproduction and distribution of their materials.

In earlier legal maneuvers surrounding the case, the Chicago Archdiocese in 1981 won a petition to have the suit dismissed, but in 1982 an

appeals court reversed that decision and reinstated the case.

The archdiocese then went to the U.S. Supreme Court in an effort to reverse the appeals court ruling, but in October 1982 the Supreme Court let the appeals court decision stand.

Fitzpatrick said after the April 19 ruling that the award would enable F.E.L. to go ahead with plans on several

new liturgical publications, including publications in English of Gregorian Chant, 16th-century polyphonic compositions and translations of German baroque composers.

He also said that F.E.L. will give all Chicago parishes a free license to use F.E.L. materials for one year following final settlement of the case.

His Irish 'Relatives' Proud of Reagan Kinship But Disown His Politics

By Austin Carley

Balyporeen, Ireland (NC) -- Genealogy and presidential politics don't mix, at least not in the part of Ireland called home by President Reagan's ancestors.

Hundreds of Irish Reagans, Mulcahys and Murphys would dearly love to prove themselves relatives, however distant, of Ronald Reagan. But only a handful, if they had a vote next November, would give him a second term in the White House.

"He's much too conservative. He sells arms to the R.U.C. and is far too pally with Margaret Thatcher," said 35-year-old Michael Mulcahy, who soon hopes to prove one of his forebears was the brother of Catherine Mulcahy, the president's great-grandmother.

The R.U.C. is the Royal Ulster Constabulary, the police force in Northern Ireland.

Others complained about the president's policy in Central America.

Sister Mary Savage said she was appalled by what she called the Reagan administration's "support of fascist dictators."

Nearly everyone interviewed about the Reagan family lapse from Catholicism appeared perturbed or embarrassed.

"Proves the church teaching on mixed marriage to be right," said Joan O'Neill. She said a presidential ancestor "married a non-Catholic who raised the family as Protestants."

History hardly touched this southern rural part of Ireland, where Reagan's ancestors lived. Centuries of English armies in the 16th and 17th centuries, put off by the formidable ranges of the Knockmealdown Mountains rising in spots more than two miles high, established no forts in the area. Later the railroad builders and the main highways gave the place a wide berth.

Reagan plans to visit Balyporeen, a small, clean town with a very wide main street. In the parish records of the Church of the Assumption, he can read two lines of firm handwriting in Latin. Translated into English, they read: "On the third I baptized Michael, son of Thomas Regan and Margaret Murphy of Doolin." The entry is under the date September 1829, and the baby was the president's great-grandfather.

Michael Regan is listed in the 1851 British census returns as a resident of Doolin, three miles away. The next official record is his marriage to Catherine Mulcahy in London, England, in 1852. This discovery led British genealogist Hugh Peskett to visit Balyporeen in 1981.

As Peskett sipped a Guinness stout in John O'Farrell's tavern one wet Saturday, he asked the landlord, "If I were to tell you that President Reagan's great-grandfather came from here, what would you think?"

"Some type of Irish joke," answered O'Farrell. O'Farrell took Peskett out to the Templeton cemetery, but found little trace of the Reagan ancestors in the now uninhabited village where the poor left no tombstones.

Peskett then examined the baptismal records at the Balyporeen church, built in 1828 -- just one year before the legalization of Catholicism in the United Kingdom.

For more than two centuries after the Protestant Reformation, penal laws against Catholics forbade priests from celebrating Mass, and kept Catholics from owning land or joining professional associations. Entry into universities such as Oxford and Cambridge in England kept Catholics out by requiring an oath of allegiance to the Anglican Book of Common Prayer.

Proscribed churches kept no records, so there is no record of the marriage of Thomas Regan and Margaret Murphy.

At the time, the language spoken in Ireland was Gaelic, and most family names had an "O" prefix. The Gaelic form of the president's name was "O'Regan," or "O'Regan." Most families were inebriated, and the use of the prefix "O" and generally told the recording priest their name. The priest spelled it phonetically, as he filled in the register.

When Thomas and Margaret registered baby Michael's baptism, the priest wrote "Regan." The Regan has six children, five of whom were registered. The eldest presumably was baptized before 1817, when the registry began. Three of the children were registered as "Regan," and two were "O'Regan."

When Michael was married in London, his name was spelled "Regan," which he and his descendants retained.



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