10-66
SERIALS RECORD-LIBRARY
UNIV. OF NOTRE DAME
NOTRE DAME IND

Pontiff expands the authority of bishops

UNIVERSITY OF NOTRE DAME
JUN 26 1966
HUMANITIES LIBRARY

BY PATRICK RILEY

VATICAN CITY — Pope Paul VI has set August 15 as the effective date of the ecumenical council's law giving bishops wider power to dispense from the Church's disciplinary laws.

He listed the dispensations reserved to the Holy See alone. Most of these concern marriage and Holy Orders.

With this sweeping legislation the Pope brought into effect one of the foremost aims of the Second Vatican Council; the decentralization of the Church's government. By the same token he reduced the workload of the Roman curia immensely.

The papal document, drawn up as a "motu proprio," a statement issued on the Pope's own initiative, puts into effect section 8B of the conciliar decree on the bishops' pastoral duty in the Church.

The section states: "The general law of the Church grants the faculty to each diocesan bishop to dispense, in a particular case, the faithful over whom they legally exercise authority as often as they judge that it contributes to their spiritual welfare, except in those cases which have been especially reserved by the supreme authority of the Church."

THE MOTU PROPRIO clarifies two points in this passage which have been disputed by canonists. It says that the term "diocesan bishop" refers not only to residential prelates but also to all those who are on the same level with them in rights. It also explains that a "particular case" refers not only to individuals but also communities.

An official of the Consistorial Congregation, which exercises surveillance over all dioceses except those coming under the Congregations for the Oriental Church and for the Propagation of the Faith, said there will be other documents implementing other laws of the council's decree on bishops.

The official, Msgr. Goffredo Mariani, said a papal document on diocesan curias and clergy will be published in June.

The first motu proprio on bishops, entitled "De Episcoporum Muneribus," consists of three parts.

The first expounds the teaching of the council's Constitution on the Nature of the Church concerning the power of individual bishops to govern the Church entrusted to them. They exercise this power personally, in Christ's name, as His vicars, although it is ultimately regulated by the Church's supreme authority, the pope.

The second part is a juridical exegesis of section 8B of the council's decree on bishops. The powers of dispensation given to bishops in that section are much broader than those given by canon 81 of the Code of Canon Law, which stipulates that only the pope can dispense from the Church's general laws except in two cases: where this power has been conceded to them explicitly or where the delay involved by recourse to the Holy See would result in grave harm. In this latter case, a bishop could dispense only when the Holy See usually granted like dispensations.

The third part, pursuing the conciliar decree's stipulation that bishops may dispense "except when it's a question of matters reserved to the Church's supreme authority," proceeds to list these matters which the supreme authority now reserves to itself.

THE DOCUMENT listed the dispensations reserved for the Holy See under 20 headings. Among these dispensations are:

- A dispensation from celibacy for all persons in orders above but not including the order of subdiaconate, even if the person has already been reduced to the lay state by the Holy See.
- A dispensation to exercise the priesthood if a married man has been ordained through fraud.
- A dispensation for a priest to practice medicine or enter politics.
- A dispensation concerning the interior life of religious communities (not in their apostolate).
- A dispensation from the duty of denouncing a priest who solicits in the confessional.
- A dispensation from the minimum age for Holy Orders, except for allowing a person one year below the canonical age to be ordained.
- A dispensation from the required course of studies for ordination.
- A dispensation from impediments to ordination resulting from certain irregularities such as illegitimacy (adulterous or sacrilegious), mutilation, apostasy, attempt to marry a married person, homicide and procurance of abortion. Marriage also falls under the reserved impediments.
- A dispensation from the minimum age for marriage, although a bishop may allow persons one year below the canonical age to be married.
- A dispensation from impediments to marriage arising from consanguinity, such as that between uncle and niece. However, bishops now may dispense from impediments such as that existing between second cousins.
- A dispensation from the form of matrimony prescribed by law. Church law requires the presence of an ordained minister and two witnesses.
- The so-called "sanatio in radice," which validates a union undertaken by persons who, without their knowledge, were in fact unable to marry.
- A dispensation from the laws of the eucharistic fast.

WITH THESE exceptions, Msgr. Mariani emphasized, bishops can dispense from the entire range of disciplinary laws contained in the code of Canon Law.

The new legislation applies to the entire Latin rite Church. It will be valid, the motu proprio said, until the promulgation of a new code of canon law.

This motu proprio, dated June 15, was published (June 17) six days after the Pope announced through another motu proprio that he was extending the period at the end of which certain legislation of the council would go into effect. Originally all remaining legislation of the council was to go into effect June 29. The provisions of the decree on bishops which the new motu proprio actuates go into effect about six weeks later.

Announce novena speakers

Speakers were announced this week for the annual novenas sponsored by the Carmelite monasteries in Indianapolis and Terre Haute. The observances will open on Friday, July 8, and close on the following Saturday, July 16, the feast of our Lady of Mount Carmel.

Conducting the novena at Indianapolis will be Father George S. Nagle, a Paulist priest from Detroit. Returning to Terre Haute for the second consecutive year will be Father Hugh M. Calkins, well-known Servite retreat master. Services at both sites will begin at 8 p.m.

THE INDIANAPOLIS observance will again be held on the spacious monastery grounds on Cold Spring Road, where it has been conducted for the past 27 years. In Terre Haute, St. Margaret Mary Church will play host to the novena as it did in 1965. The move from the monastery grounds was dictated by lack of adequate parking area. This marks the 19th year for the Terre Haute observance.

The novena in Indianapolis will retain the traditional format of Rosary, sermon, novena prayers and Benediction with pastors from the area serving as celebrant each evening and the respective parish choirs leading the singing. In Terre Haute, Mass will be offered each evening with Father Calkins as the celebrant.

As in past years, the colorful candlelight ceremony will be a feature of the closing night in Indianapolis, and Archbishop Schulte will be the celebrant at the solemn Benediction.

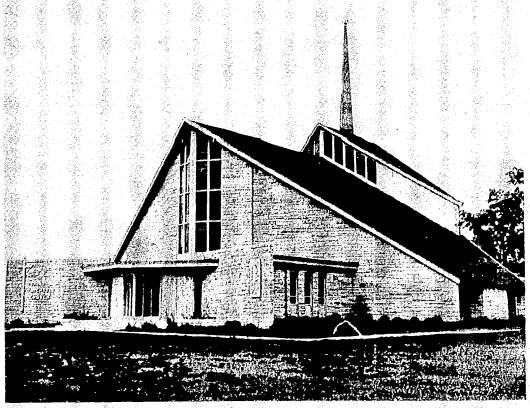
FATHER NAGLE, the Indianapolis retreat master, has had wide experience preaching missions and retreats throughout the United States. He is presently assigned to the Paulist Mission House in Detroit.

Father Calkins, conducted the Indianapolis novena in 1964.

As in past years, special buses will be provided by the Indianapolis Transit System, leaving Monument Circle each evening at 6:40 and 7:30 p.m.

FATHER NAGLE

FATHER CALKINS



GREENFIELD CHURCH TO BE BLESSED—Archbishop Schulte will solemnly bless the new St. Michael's Church, in Greenfield, at 4:30 p.m. Sunday, June 26. Father Daniel Nolan, pastor, will celebrate a Solemn Mass of Thanksgiving following the blessing. The sermon will be delivered by Very Rev. Richard Kavanagh, V.F., dean of the North Indianapolis Deanery. An Open House will be held for the general public from 2 to 4 p.m. Saturday, June 25. Charles M. Brown, of Indianapolis, designed the $130,000 church, which was constructed by Cord Brothers Construction Co., of Shelbyville. The Greenfield congregation has had a temporary church the past several years on the ground floor of the parish school building. (Staff photo)

DISAGREEMENTS SEEN

Why did Pope delay action on documents?

ST. LOUIS—Pope Paul's decision to delay promulgation of five Vatican II decrees was prompted by a behind-the-scenes disagreement on two documents—the Constitution on the Pastoral Office of Bishops and the decree on the Religious Life, according to the St. Louis Review, official archdiocesan newsweekly.

The Review said it learned that the debates centered on the long-controversial question of how much authority bishops are to have over religious orders serving in their dioceses.

All post-conciliar commissions appointed by the Pope to implement the five decrees met in April and May to outline directives that must accompany the promulgations.

The post-conciliar central commission then met on May 23 and 24. The apostolic letter in which Pope Paul announced his decision to postpone promulgation of the decrees "indefinitely" said the decision was made after discussion with the central commission.

ACCORDING to reports from Rome, the Review said, the commission felt that all of the directives would profit from further consideration. The newspaper added, however, that it had learned from informed sources in Rome that the chief difficulties lay in the action of the commission handling the decree on the bishops. It had inserted in the directive a paragraph giving the bishops greater control over schools operated in their Sees by international religious orders.

A similar proposal appeared in early statements of the decree discussed during the Council's second and third sessions. It was eliminated—as being too controversial—before final voting. More than one-third of the Council Fathers were members of religious orders and undoubtedly would have voted against the measure.

The new version prepared by the post-conciliar commission, according to the Review, would be in conflict with certain provisions of the decree on religious, which gives the orders a large measure of autonomy in directing their own reforms.

The Review said the Pope has referred the question to a third, unnamed body.

"The Pope is looking for a middle road," the Review quoted a priest in Rome. "It's an unusual situation in that it cuts across the usual division of conservatives and liberals. Men from both camps are on both sides this time.

"Until now conciliar decrees were written by experts in their own field, but with no communication between them. The post-conciliar commission on bishops did not consult any religious when preparing these directives. When some of the superiors saw the completed draft, they protested."

THE ARCHDIOCESAN newspaper said it learned that Pope Paul is anxious that the solution to this problem will not provoke the sort of worldwide negative reaction that followed the announcement on mixed marriages. The Review quoted an observer in Rome:

"There were different opinions then and several different documents were prepared. Some people insisted that a statement (on mixed marriage rules) should be issued prior to the

(Continued on page 9)

Name change

A name change will go into effect next week for Sacred Heart Central High School, Indianapolis. After July 1 the diocesan institution will be known as John F. Kennedy Memorial High School. The change was recommended several months ago by the Archdiocesan School Board and approved by Archbishop Schulte.

File suit in school aid fight

DAYTON, Ohio—A $5 million suit has been filed in federal court here against expenditure of $14,606.02 out of $100,013 in federal funds, made available for distribution by officials of the Dayton school system, for textbooks and other library materials for nonpublic school children.

Protestants and Other Americans United for Separation of Church and State (POAU), and 22 individuals, including 13 from Dayton, filed the suit protesting the federal Elementary and Secondary Education Act of 1965.

The act provides that educational benefits made be equally available to all eligible children regardless of which school they attend. Under Title II of the act, some $14,000 was spent here to ungrade library materials used by children in parochial and private institutions. The POAU calls this unconstitutional.

NAMED AS defendants were the United States; John D. Herbert, treasurer of the State of Ohio; R. A. Horn, Ohio director of the division of federal assistance; Jack E. Brown, Ohio coordinator of Title II; and Robert B. French, superintendent of Dayton city schools.

The $5 million is asked "for the necessity of instituting action for relief for encroachment by Congress" on the plaintiff's rights and consequent invasion of their privacy.

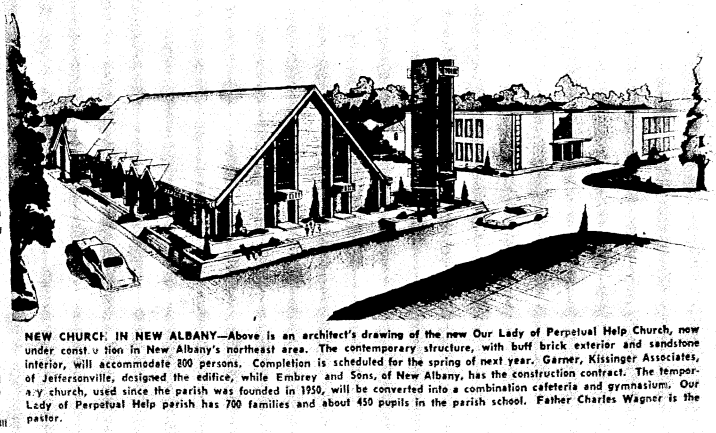
The grants increase the public debt as the money is expended, the suit claims, and the resulting liability to the plaintiffs deprives them of property without due process of law, violating the First and 14th Amendments to the Constitution.

The petition claims that the school superintendent has no authority and no control of children and teachers of the parochial schools while holding title to books as a trustee for the schools.

THE ACT requires that library materials be provided to both public and nonpublic school children, and $1.43 per student was set by the state for Title II assistance. Grants were made to Dayton schools in proposition to the number of students registered.

The schools can select the books and materials they desire as long as this material is approved by the American Library Association, or is on a list ap-

(Continued on page 9)



NEW CHURCH IN NEW ALBANY—Above is an architect's drawing of the new Our Lady of Perpetual Help Church, now under construction in New Albany's northeast area. The contemporary structure, with buff brick exterior and sandstone interior, will accommodate 800 persons. Completion is scheduled for the spring of next year. Garner, Kissinger Associates, of Jeffersonville, designed the edifice, while Embrey and Sons, of New Albany, has the construction contract. The temporary church, used since the parish was founded in 1950, will be converted into a combination cafeteria and gymnasium. Our Lady of Perpetual Help parish has 700 families and about 450 pupils in the parish school. Father Charles Wagner is the pastor.

the CRITERION

VOL. VI, NO. 38 INDIANAPOLIS, INDIANA, JUNE 24, 1966

Providence Sisters elect new Superior

ST. MARY-OF-THE-WOODS, Ind.—The General Chapter of the Sisters of Providence here has elected Sister Mary Pius Regnier, S.P., as the 12th superior general of the 125-year-old religious community. She succeeds Mother Rose Angela, who has held the office since 1960.

Elected to aid the new administrator as full-time councilors were: Sister Loretta Therese, Sister Catherine Celine, Sister Rose Loretto, Sister Agnes Virginia, Sister Mary Joan and Sister Ann Kathleen. The latter will serve as secretary-general. Sister Margaret was elected treasurer-general.

A NATIVE OF Aurora, Ill., the new superior general served as a councilor during the past six years. Prior to that she was principal of the girls' division of Reitz Memorial High School, Evansville. Other teaching assignments have included: St. Philip Neri, Cathedral and Ladywood School, all in Indianapolis; and elementary and secondary schools in Washington, Ind., Fort Wayne, Evanston, Ill., and Chicago.

Sister Mary Pius entered the Providence convent in 1932, making her first profession of vows two years later. She has an undergraduate degree from St. Mary-of-the-Woods College, a master of education degree from St. Louis University, and has done additional work at De-Paul University, Chicago.

Four of the six councilors were re-elected. New councilors are Sister Agnes Virginia and Sister Ann Kathleen.

A native of Indianapolis, Sister Agnes Virginia recently completed six years as principal of St. Jude School, Indianapolis. During the past year she served on the faculty at Holy Family School, New Albany. She holds

MOTHER MARY PIUS

a master of science degree from Indiana University. Her mother, Mrs. Gertrude Arvin Greenwell, resides in Beech Grove.

Sister Ann Kathleen, a native of Chicago, has served as assistant to the secretary general the past 10 years.

THE NEW treasurer general, Sister Margaret is a native of Bedford, Ind. The daughter of Wendell Kern and the late Mrs. Kern, Sister Margaret was graduated cum laude from St. Mary-of-the-Woods College, prior to entering the community. She holds a master of business administration degree in accounting from the University of Notre Dame. Her last teaching assignment was at Our Lady of Providence High School, Clarksville.

The General Chapter, which convened on Friday, June 17, continues in session through this week. It will hear and take action on the reports and recommendations of four major committees which have been concerned with various aspects of convent affairs.

THE SISTERS of Providence, founded here from France in 1841, number more than 1,500 professed members. The community conducts or staffs three colleges, 23 secondary schools, 113 elementary schools and a retirement home in 10 states and the District of Columbia. It also conducts foreign missions in Formosa and Peru.

There are 535 Providence Sisters in Indiana, staffing 61 elementary and 11 secondary schools, in addition to Providence Retirement Home in New Albany. In the Indianapolis area there are 27 schools, staffed by more than 200 nuns.

First synod

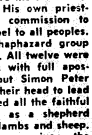
COLOMBO, Ceylon—The first synod of the Church in Ceylon is to be held at Pentecost, 1968, the country's bishops have announced.

A word from the Archbishop

To the Clergy, Religious and Laity of the Archdiocese of Indianapolis

GREETINGS:

Nineteen centuries and more ago, Almighty God, in the person of His own Son, Jesus Christ, visited the world and the human race with which He had peopled it. He came to save man from his own rashness and sin. He died on the cross to atone for sin, but before doing so, He spent three years going about instructing those who would listen to the things that pertained to their eternal salvation.



To bring these eternal truths as well as the fruits of His passion and death to all mankind to the end of time, He founded a Church that would continue His mission down through the ages. Twelve men were the foundation of this organization. To them He gave the far reaching powers of His own priesthood, and the commission to preach the gospel to all peoples. It was not a haphazard group that He formed. All twelve were indeed apostles with full apostolic powers, but Simon Peter was placed at their head to lead them and to feed all the faithful of Christ even as a shepherd would feed his lambs and sheep. Moreover, he was given the keys of heaven with the assurance that whatsoever he would bind or loose on earth would be bound or loosed in heaven.

That makeup as established by Christ has kept its form down through the centuries. Today, that group of apostles, of necessity increased manifold in number, lives on in the episcopate of the Church. Our bishops are the successors of the Apostles, and in unbroken sequence down through the years have passed to one generation after another the powers, prerogatives and commission conferred by Christ upon the twelve. And the successors of Peter have always kept their place at the head.

Thus today, Pope Paul VI, the 261st successor of Peter, leads the bishops, rules and feeds the flock of Christ even as did the Prince of the Apostles nineteen hundred and more years ago. The problems facing our present Holy Father are in many ways immeasurably greater than those that faced the first Pope, since the nascent

(Continued on page 9)

School aid act extended 2 years

WASHINGTON — The Senate education subcommittee has voted to extend the Elementary and Secondary Education Act of 1965 for two years. The administration sought a four-year extension.

The measure provides for federal financial assistance for the education of needy children.