

move? And what about churches? Even churches and other houses of worship are not exempt from the ceaseless craving of many for material prosperity and for constantly expanding political power. Too often, the planners consider themselves "Solomons," with unbounded, unfettered and limitless discretionary power to appropriate and condemn as dilapidated (1) any and every property they believe is dilapidated, and (2) as large an area as they believe can be made economically more prosperous. In their desire for greater economic prosperity, these planners do not hesitate to tear down and destroy churches in any area which they may deem "blighted." See, for example, *St. Peter's Roman Catholic Church v. Urban Redevelopment Authority*, 394 Pa. 194, 146 A. 2d 724. In the case, the Urban Redevelopment Authority condemned and destroyed, in the name of "economic convenience and progress," St. Peter's Church in Pittsburgh, which was considered by many to be the most beautiful Catholic Church in America.

As this court aptly said in *Schwartz v. Urban Redevelopment Authority*, 411 Pa. 530, 192 A. 2d 371 (p. 536):

"This court has held that the mushrooming of authorities at all levels of government and the frequent complaints that the agencies arbitrarily or capriciously and unintentionally ignore or violate rights which are ordained or guaranteed by the Federal and State constitutions and established law, make it imperative that a checkrein be kept upon them. *Keystone Raceway Corp. v. State Harness Racing Commission*, 405 Pa. 1, 173 A. 2d 97 (1961)."

There are some of the reasons why this "blighted area" act and the powers granted therein must, in the light of the constitutional guarantee of private property and the American heritage of individual freedom, be searchingly scrutinized and strictly construed. This the lower court failed to do.

I concur in the remand.

What single step can we take to promote the socially desirable goals of urban renewal which genuinely renews decayed and decaying sections of cities but eliminates the heart-rending eviction of thousands from their homes or businesses which can be better rehabilitated through other means?

I recommend the incorporation of a community referendum in the project approval process.

The people in the community are intelligent enough, concerned enough, and wise enough to make the decisions which are best for them and their communities.

The whole community should understand, approve, and support worthy urban renewal projects—but this, unfortunately, has not always been so.

It is not inconsistent with democracy, representative government, or citizen participation to require proposed urban renewal projects to be approved by majority referendum.

A referendum would serve three essential purposes almost entirely lacking now: (1) marshal public support, (2) encourage community involvement in public affairs, and (3) put urban renewal proponents on their mettle, requiring them to develop and sell a project which has merit and will serve the total public interest, rather than benefit a small coterie of speculators at public expense, and the diminution of the rights of individual persons and businesses.

If a renewal project is not well enough planned or explained to satisfy a majority of the community which will be expected to pay a heavy portion of the enormous costs and to share a portion of the burdens (as well as enjoy the benefits), then there is no justification for it in our present-day community.