

CATHOLICS AND THE SUPREME COURT: AN UNEASY RELATIONSHIP

Perhaps the most revolutionary changes on the Supreme Court began in the 1930's. That is when President Franklin D. Roosevelt began to choose justices inclined to approach the Constitution in a "broad" and "flexible" spirit. Some of his appointees were crudely anti-Catholic.

Hugo L. Black (1937-71) was a lapsed Baptist who, like many ex-fundamentalists, retained anti-Catholicism as the sole legacy of his one-time faith. He had once belonged to the Ku Klux Klan, and although he later repudiated the Klan's racism, he never condemned its anti-Catholicism. Indeed, his son said that the one thing Black had in common with the Klan was his suspicion of the Catholic Church. This explains why Black considered Governor Alfred E. Smith of New York unqualified for the Presidency in 1928 because of his Catholicism.

As a lawyer in Alabama, Black successfully defended a Methodist minister who shot and killed a Catholic priest in front of witnesses. Why? Because the priest had officiated at the marriage of the minister's daughter to a Puerto Rican. Black fought the case with unusual aggressiveness, making anti-Catholic comments in the process.

Black, a Mason, was offended by the fact that the Catholic Church condemned Masonry; by contrast, he characterized its adherents as "free-thinkers." In effect he did not think Catholic schools had the right to exist, and even warned against the "powerful sectarian propagandists" [Catholics] who were "looking towards complete domination and supremacy of their particular brand of religion."

William O. Douglas (1939-75) was the son of a Presbyterian minister but grew up with the belief that church-going people

were “not only a thieving lot, but hypocrites, and above all else dull, pious and boring.” He claimed to have abandoned belief in heaven and hell because he could not stand the prospect of spending eternity with people like Cardinal Francis J. Spellman of New York.

Although Douglas professedly believed in the strictest separation of church and state, in fact he used his judicial authority to promote his own opinions. He thought religion was used to control people, and, when bishops in Puerto Rico criticized a candidate for governor, Douglas denounced their action as a clear violation of the Constitution. But in 1967, when Father Charles Curran of the Catholic University of America publicly rejected the Church’s teaching on birth control, Douglas wrote to congratulate him “in the name of the First Amendment community.”

One of Douglas’ problems with the Catholic schools was his own version of political correctness—Catholic history texts would not deal properly with the Crusades, the Spanish conquest of Mexico, or the Franco government in Spain. As he put it, “I can imagine what a religious zealot, as contrasted to a civil libertarian, can do with the Reformation or with the Inquisition.” He once warned Black that “I think if Catholics get public money to finance their schools, we better insist on getting some good prayers in public schools or we Protestants are out of business.”

After 1894 there was always at least one Catholic on the Court, and Roosevelt honored the tradition by appointing Francis P. Murphy (1940-49). Perhaps without knowing it, Murphy had been made to pass a religious test. He was recommended to Roosevelt by the latter’s brother-in-law. The president was informed that Murphy was a Catholic “who will not let religion stand in his way”; the future justice himself assured a Roosevelt advisor that he kept religion and politics “in air-tight compartments.”

Some of Murphy's brethren on the Court continued to hold him to a religious test, and to some extent he internalized that test. Felix Frankfurter (1939-62) said of him, condescendingly, "When I think of the many Catholics that have taken the life of dissenters, I'm not surprised that F.M. wants the undivided glory of being a dissenter." Privately, Murphy admitted that "It comforts me that with eight hundred years of Catholic background I can speak in defense of a people opposed to my own faith."

Frankfurter pressed Murphy to support liberal separationism with tactics little short of moral blackmail. He played on Murphy's evident craving for approval from people who did not respect his faith. For instance, Frankfurter would appeal to Murphy to make decisions "for the sake of history, for the sake of your inner peace," exhorting him to rise above "temporary fame."

Following Murphy's death in 1949, a fellow Catholic, Attorney General J. Howard McGrath, eulogized him as "a devout Roman Catholic who disregarded personal preferences which we all know were very dear to him in favor of what his conscience told him to be his duty as justice of this Court." Thus was the moral law reduced to a "personal preference," and "conscience" enlisted to serve the needs of political expediency (an early formulation of what would become the Kennedy Doctrine).

Robert H. Jackson (1941-53), a nominal Episcopalian, once made an extraordinarily blunt admission from the bench: "Our public school, if not a product of Protestantism, at least is more consistent with it than with the Catholic culture and scheme of values." Just as offensive was the thinking of Justice Wiley Rutledge (1943-49), the lapsed son of a fundamentalist Baptist minister: he once circulated a warning to his brethren that the Catholic Church was planning "a raid on the treasury."

When Murphy retired in 1949, President Harry S. Truman declined to accept the claim of a "Catholic seat" on the Court; the period 1949-56 was the only time since 1894 that no Catholic served there. But in 1956 President Dwight D. Eisenhower was persuaded that a Catholic should be appointed, and a search produced the name of William J. Brennan (1956-90), a justice of the New Jersey Supreme Court.

Cardinal Spellman was consulted and confirmed that Brennan was a practicing Catholic. But an acquaintance said of Brennan, "Those who knew him realized that, although he was a decent person and God-fearing, he was not a zealously religious man. He was Catholic with a small 'c.'" Eisenhower's wish to please Catholics by naming one of their own to the Court led, ironically, to the appointment of a man who would use his power to undermine Catholic interests at every point.

Brennan was the strictest of separationists, and his position seems to have been motivated in part by his liberal religious outlook. For example, he once assured his brethren that "If public funds are not given, parochial schools will not perish." He also objected to state-supported remedial-education programs in Catholic schools on the grounds that "they serve the principal purpose of integrating the child, both socially and educationally, into the parochial school. Such services foster in the child a profound dependence on the religious school...." Brennan believed that the public schools were a uniquely unifying force, because they were based on "democratic values," while private schools were not.

Of other Eisenhower appointees, Potter Stewart (1958-81), an Episcopalian, appears to have been somewhat anti-Catholic: he consistently voted to accommodate religious practices in the public schools, but equally consistently opposed public aid to Catholic schools. When the Court upheld grants to religiously affiliated colleges, Stewart curiously objected that theology was not an academic subject.

Several Republican presidents proclaimed an intention to reverse the Supreme Court's liberalism, but with only indifferent results. Thus President Gerald R. Ford appointed John Paul Stevens (1975-), a justice who is apparently without formal religious affiliation. Stevens sees opposition to abortion as essentially religious, so that there can be no legal restrictions on the practice. He has also questioned whether private religious education is good for the nation.

President Ronald Reagan appointed Antonin Scalia (1986-) and Anthony Kennedy (1988-). Scalia has also been a severe critic of the modern Court's approach to constitutional issues. In a public address in 2002, he disagreed with Catholics, including Pope John Paul II, who oppose capital punishment, and asserted that judges who do not support the death penalty should resign from the bench. Kennedy tends to occupy the ideological middle, but in the *Romer* case (1996) he issued an opinion of far-reaching implications when he proclaimed a constitutional "right of self-definition" in connection with homosexuality.

In 1990, President George H. Bush appointed Clarence Thomas, a black Episcopalian who had been raised a Catholic and who in 1996 announced that he had returned to the Church. In a case in 2000, he bluntly traced the separationist position to historic anti-Catholicism and called it "a shameful pedigree."

Indicative of changing political alliances, the Republican ascendancy in the White House in 1988 produced, for the first time in history, three Catholics sitting on the Court simultaneously—Brennan, Scalia, and Kennedy (with Thomas later replacing Brennan in a Catholic triumvirate). Through much of its history the Court was an entirely Protestant body, so this is surely a dramatic change.

Looking back at the evolution of the high court, it is clear that Catholics were unable, or unwilling, to bring pressure to bear on the Democratic Party to select better justices. Not only were anti-Catholics put on the bench, justices like

Murphy were continuously made to justify their faith to those who did not respect it. Moreover, there was no protest against Truman's refusal to name a Catholic to the Court, and, when a Republican president gave Catholics an opportunity in 1956, the Church's leadership could not identify a truly Catholic candidate. Largely because of Catholic political naiveté and loyalty to the Democratic Party, the Court after 1947 could steadily exclude religion from public life.

Catholics and other religious believers have at last awakened to its reality of judicial activism, but whether almost a half-century of aggressively secularist constitutional interpretation can now be overcome is entirely dependent on future appointments to a Court poised between two irreconcilable views of the nation's founding document.

James Hitchcock is a professor of history at St. Louis University. This article is adapted from a longer version that appeared in the April edition of Catholic World Report. It is reprinted here with permission from the author.

NEW ANTI-PIUS XII BOOK BY AN OLD CRITIC

by Ronald J. Rychlak

During World War II and for years after it ended, Pope Pius XII was heralded as a staunch opponent of the Nazis and a champion of their victims. Then in 1963, as the result of a piece of fiction written by German playwright Rolf Hochhuth, a controversy arose about whether the Pope had been sufficiently outspoken about Nazi atrocities. One of the earliest papal critics of this era was Robert Katz. In his 1967 *Death in*

Rome and in his 1969 *Black Sabbath*, Katz severely criticized Pope Pius XII for failing to take a firmer stand in opposition to the Nazis.

After the controversy re-erupted in the past few years, with the publication of several new books, authors like John Cornwell and Susan Zuccotti were justifiably criticized for relying on Katz's work, which pre-dated the extensive release of Vatican documents on this subject.

Now, in *The Battle for Rome: The Germans, the Allies, the Partisans, and the Pope* (Simon and Schuster: New York 2003) Katz re-asserts his old charges. Not only does he cite his out-dated books for authority, but coming full circle, he relies upon Zuccotti and Cornwell who had relied upon him! In fact, at one point (p. 54), Katz refers to a charge made by "one historian." Flipping to the endnotes, one finds an abbreviation. Only by further flipping to Katz's key does the reader learn that Katz's "historian" is journalist (not historian) John Cornwell and his discredited book, *Hitler's Pope*.

One of the reasons why serious scholars have avoided Katz's earlier books is because of a lawsuit that was filed by Pope Pius XII's niece, Elena Rossignani. The Italian Supreme Court ruled that: "Robert Katz wished to defame Pius XII, attributing to him actions, decisions and sentiments which no objective fact and no witness authorized him to do." Katz was fined 400,000 Lire and given a 13-month suspended prison sentence.

In his new book, Katz discounts that lawsuit, noting that because of an amnesty, the litigation was ruled moot. That may be a legal defense, but it does not negate the two separate findings on the merits against Katz, and those findings should be sufficient to warn readers about the legitimacy of (and motivation behind) Katz's work.

Katz focuses on the period when German troops occupied Rome. The first important Vatican-related event took place in October 1943, when the Nazis rounded up about 1,200 Roman Jews for deportation. Katz concludes that the Allies had advance notice of the planned roundup and that Pope Pius had at least an unsubstantiated warning of it.

Katz reports that a copy of a German telegram revealing the Nazi order for the roundup of Jews was passed on to President Franklin Roosevelt. Only by consulting the notes at the back of the book, however, does one learn that the telegram reached Roosevelt nearly three months after the roundup. Katz's case against Pope Pius XII, who had offered gold to pay a ransom to the Germans to prevent deportations, is even weaker. (Katz even faults Pius for making this offer, because it may have dissuaded some Jews from going into hiding!)

Katz claims that the German Ambassador to the Holy See, Ernst von Weizsaecker urged the Pope to make "an official protest" on the day that the Jewish people were arrested. In support of this claim, Katz cites a telegram sent by the Consul at the German embassy to the Quirinal [seat of the Italian government] to the Foreign Office in Berlin. This telegram, however, was sent nine days before the roundup and said nothing about any plan urged on the Vatican.

In a conversation that Weizsaecker had with the Vatican Secretary of State on the day of the arrests, the ambassador expressly urged the Pope *not* to openly protest, since a protest would only make things worse. In fact, thanks in part to Vatican intervention, about 200 prisoners were freed. Moreover, there were no further mass arrests of Roman Jews (thousands of whom—with papal support—went into hiding in Church properties). Obviously, Pius acted with the best interest of the victims in mind.

The second event on which Katz focuses took place on March 23, 1944 after Italian partisans set off a bomb which killed 33

members of the German police. Hitler ordered the immediate execution of ten prisoners for every soldier killed. Within hours, 335 prisoners (most of whom were not Jewish; one was a priest) were led to the catacombs on the outskirts of Rome and shot. The massacre took place in complete secrecy.

Katz argues that the Pope knew of the retaliation in advance but that he did nothing to help. He cites as "proof" a memorandum that was received at the Vatican on March 24, about five hours before the prisoners were killed. That memo, which was published by the Vatican in 1980, said that "it is however foreseen that for every German killed 10 Italians will be executed."

First of all, this memo probably did not make it all the way to the Pope prior to the executions. More importantly, Pope Pius XII certainly was well aware of the likelihood of brutal Nazi retaliation before he got this memo, which provided no specific details or new information. In fact, historian Owen Chadwick cited the document as proof that Pius XII obviously did not know details of the reprisal.

When the memorandum made its way to him, Pius sent a priest to obtain more information and release of the prisoners. The Gestapo chief of police, however, would not receive the Pope's messenger. The executions were already underway. That officer (Herbert Kappler) testified during his post-war trial that "Pope Pius XII was not aware of the Nazis' plans before the massacre."

Katz's efforts to defame Pius XII are evident from the very beginning of this book. The text starts with a report from the Roman police chief on the activity of the clergy and Catholic Organizations. It says, "The clergy continues to maintain an attitude of cooperation with the Government." Since the book is about the era of Nazi occupation, one might think that the Church was in cahoots with the Germans. The date of the report, however, is *prior* to the Nazi occupation.

Katz suggests that Pius should have approved of rebel efforts to murder Nazis. At the same time, he suggests that the Pope should have participated in a funeral for murdered Nazis. He also criticizes Pius for his efforts to bring about peace. Additionally, Katz seems to think that the Pope should have behaved differently when the victims were Italian Catholics as opposed to Jews. Can you imagine the justifiable criticism if the Pope had done that?

Katz would have the reader believe that Sir Francis D'Arcy Osborne, British Minister to the Holy See from 1936 to 1947, was a critic of Pius. In fact, following the war Osborne wrote that "Pius XII was the most warmly humane, kindly, generous, sympathetic (and, incidentally, saintly) character that it has been my privilege to meet in the course of a long life." Similarly, Katz wants us to believe that the U.S. representative in the Vatican, Harold Tittman, was a papal critic. Tittman's son, however, is working on his father's memoirs, and he reports that the U.S. representative held a very favorable opinion of Pius XII's policies. Most preposterous of all is the attempt to suggest that Domenico Cardinal Tardini held Pius in low regard. One only need consult Tardini's loving tribute, *Memories of Pius XII*, to see the falseness of that charge.

Katz contends that Pius was prejudiced not only against Jews but also against blacks. He cites a British memorandum indicating that after the liberation of Rome, the Pope requested that "colored troops" not be used to garrison the Vatican. This canard stems from a report the Pope received about French Moroccan troops. They were particularly brutal, raping and looting wherever they went. The Pope did not want these specific soldiers stationed in Rome (or anywhere else). He expressed his concerns about these men to British Ambassador Osborne, who broadened the statement in his cable back to London, saying that the Pope did not want "colored troops" stationed at the Vatican.

The Pope's concern about these specific French Moroccan troops is made clear in a declassified confidential memorandum from the OSS, an article that appeared in the Vatican newspaper, and a message sent from the Vatican to its representative in France. None of these documents make reference to race, just the Pope's concern over these specific French Moroccan troops. (Although Katz did not know how they played into this story, even he noted the outrageous brutality of these soldiers.)

Katz assails Pope Pius IX as an anti-Semite; incorrectly asserts that Pius XII favored the Germans over the Soviets in World War II; calls Pius XII pompous; mocks the Chief Rabbi of Rome (who praised Pius XII); accepts self-serving testimony from Nazi officers over Jewish and Catholic witnesses; repeats stories that have been shown to be false; gives inaccurate interpretations to papal statements; cites rumors that suggest the Pope was prepared to flee Rome; and takes every cheap shot that he can.

Of those who support Pius XII, Katz writes: "The Pope's defenders can do no better than cite decades-old research of deflated credibility..." That, of course, is preposterous. All kinds of new evidence has come to light in the past year with the opening of new archives. Every bit of it supports the view that Pius XII and the Vatican leadership were opposed to the Nazis and did what they could to help all victims, Jewish or otherwise.

One final error made by Katz: He reports at the end of the book that Ronald J. Rychlak is a "non-Catholic lawyer and professor at the University of Mississippi School of Law, now Pius's staunchest supporter." I am and always have been Catholic.

Ron Rychlak is a Professor of Law and the Associate Dean for Academic Affairs at the University of Mississippi School of Law. His is the author of Hitler, the War, and the Pope (Our Sunday Visitor, 2000).

Prominent conservatives join the chorus against “the passion”

By Kenneth D. Whitehead

Many of the attacks on Mel Gibson’s “The Passion of the Christ” should have been expected. They have mostly come from secular liberals who have already manifested their hostility to Christianity in the public life of the United States. As some wag noted almost as soon as the movie was announced: “If you didn’t like the book, you won’t like the movie.” Those who have characterized Mel Gibson’s graphic depiction of the sufferings of Christ as “pornographic” surely mostly have no objections to actual pornography, and so what are they so upset about?

Probably it goes back to their intense dislike of seeing authentic Christianity portrayed in a serious way in a society which has supposedly left all that behind as an outmoded (but still dangerous) superstition.

It is disappointing, though, when not just knee-jerk secular liberals but prominent conservatives whom Catholics have generally had cause to admire—for many of their positions on the right side in our current culture wars—find it necessary to join in the by-now unprecedented chorus of frantic and sometimes even hysterical criticism of “the Passion.” Talk about hate speech! The very thing Mel Gibson was supposedly fomenting against the Jews is what has relentlessly been directed against him!

So it is disappointing when respected figures such as

historian Gertrude Himmelfarb and columnist Charles Krauthammer, in columns published in *The Washington Post* (3/5 & 3/7/04), decide they have to join the jeering chorus of the Christianity-despising cultural elites. The criticism of these elites has long since exceeded the bounds of the respect which citizens in a pluralistic society ought to have for the religious beliefs of others, and, too often, beyond the bounds of common decency itself.

Professor Himmelfarb, like so many of the earlier critics of the film, does not even think it is necessary to go see it. Rather, she is concerned about its effect as a “phenomenon” on the “culture.” “Depictions of violence and barbarity that may have spiritual meaning for a particular faith,” she writes, “may not only be derogatory to another faith but also detrimental to society.” She goes on:

“How would we (Gibson and all the rest of us) feel if a Hollywood producer (a Hollywood so notoriously populated by Jews) made a film in the same ‘over the edge’ spirit vaunted by Gibson, dramatizing another historical event—the *auto-da-fé* in Spain in February, 1481, for example, in which six men and six women *conversos* (Jewish converts to Christianity) were tortured and burned alive at the stake, while richly robed prelates presided over the scene?”

How would we feel, indeed? This is not a bad description of how practically every Hollywood film ever made has *regularly* depicted the Spanish Inquisition! The same thing is true about how it has normally been described in fiction and drama, including Dostoyevsky’s Grand Inquisitor in *The Brothers Karamazov* as Exhibit A. The Spanish Inquisition is virtually always depicted as a malevolent and sinister “Catholic” thing, “while richly robed prelates preside over the scene.” This is a burden that has long and consistently been laid upon Catholics. Does Professor Himmelfarb know of a single popular presentation of the Spanish Inquisition which does not do this?

Lost in the confusion about what everybody “knows” the Inquisition was, are the facts that it was more an affair of the Spanish monarchy than of the Catholic Church as such; and, by the (exceedingly brutal) standards of the time in both Protestant and Catholic Europe, it was relatively fair—it quite rigorously followed a fixed procedure and “rule of law” that resulted in a high percentage of acquittals. Finally, compared to the totalitarianisms ushered into the world following the Enlightenment, the numbers of its victims were miniscule.

Professor Himmelfarb fears a “coarsening of religious sensibility evident in the response to this new Passion play, as if the message of Jesus is validated only by [the] degree of suffering, torture, violence....” Why is it, in a Hollywood given over generally to the portrayal of violence, that only Mel Gibson’s film is suddenly going to bring all this about? What about how Hollywood with equal regularity depicts Christians today as deluded simpletons, killjoy puritans, or ignorant fanatics hardly distinguishable from members of the Taliban? How is “religious sensibility” affected by all of this? As for concentration on “suffering, torture, and violence,” what are we to think of, for example, the Holocaust Museum, in which all these same things are relentlessly portrayed?

Syndicated columnist Charles Krauthammer presents a much harder case. The title of his *Washington Post* column is “Gibson’s Blood Libel.” He thus deliberately revives the term once used to stir up persecutions of the Jews with false accusations of ritual murder, poisoning of the wells, and such. To employ such a loaded term while accusing Gibson of “interreligious aggression” cannot but recall that old pot that called the kettle black. It ill befits Krauthammer to describe anyone as “vicious” while showing himself capable of using a term that brands Gibson as worse than a criminal.

It is sadly true, of course, that Jews have been persecuted by

Christians in various times and places. This is something contemporary Christians must not only deplore but take active measures to prevent any recurrence of—as Charles Krauthammer recognizes the Catholic Church did at Vatican Council II. At the same time, the grim picture he paints implying that historical relations between Jews and Christians consisted of an almost unrelieved record of oppression of the former by the latter is a gross simplification.

In the early centuries it was the Jews who persecuted the Christians. The Talmud composed back in those days contains slanders against the Christians that easily rival those directed by modern anti-Semites against the Jews. Early Christian writers were well acquainted with such slanders when penning replies to them in kind for which they are today reproached as “anti-Semitic.” It is unfortunately true that, down through history, not all Christians have consistently followed Jesus when he prayed, “Father, forgive them, for they know not what they do.” Nevertheless, the idea that the persecution of Jews by Christians, when it occurred, was always something arbitrary and unprovoked, will not stand up to historical examination.

For one thing, in later centuries, the Jews constituted a minority that would not assimilate into the Christian society of the day. While this in no way justifies persecution of them, this was not always seen at the time, and the fact of it at least makes it more understandable when it did occur. There are today many sad examples of how minorities and outsiders are badly treated by “host” societies and cultures. It is a not uncommon phenomenon in human societies. And, in medieval times, when faced with a group that expressly denied the faith that the whole of society then mostly affirmed, Christians were seriously concerned.

Charles Krauthammer’s account, though, implies that Christian anti-Jewish sentiment was constant and consistent until Vatican Council II was brought to see the light in the wake of

the horrors of the Nazi Holocaust against the Jews. This fails to recognize that it was the Church, particularly the popes, that were often the protectors of the Jews from popular outbreaks against them. Pope St. Gregory the Great (590-604) strongly condemned violence against them, called for respect for their worship and liberty of conscience, and counseled equity and kindness towards them. Quite a while before Vatican II, the Second Council of Nicaea (787) decreed that the Jews should be allowed to "be Hebrews openly, according to their own religion." A papal bull of Pope Calixtus II (1190) condemning violence against the Jews and attempts to baptize them under constraint was confirmed at least *twenty-two times* up to the middle of the eighteenth century. And these are only a few of the more salient efforts of the Catholic Church and her bishops in favor of the Jews in the course of European history.

Charles Krauthammer's historical account is thus both skewed and simplistic. That he fails to distinguish between a religious animus and the murderous modern ideology of the Nazis is another mark against him. He draws a direct line between the "blood libel" idea he has revived and the "six million Jews systematically murdered in six years" in wartime Europe. These six million should decidedly never be forgotten. But what "blood libel" does he think is responsible for the mass murder by those same Nazis of some nine million additional *non-Jewish* victims, of whom at least three million were Polish Catholics (not to speak of yet three million more Russian prisoners of war exterminated by the Nazis)?

No space remains to discuss his distorted view of the film itself, which he believes is untrue to the accounts recorded in the Gospels. He needs to read the Gospels! He objects in particular to the scourging, but does he have any idea of what was involved in a Roman scourging? The Romans employed a flagellum consisting of leather thongs with sharpened metal points, the effect of which could only have been what the film

depicts.

His worst mistake, however, is to imagine that the “sinister, hooded” figure of Satan shown “moving among the crowd of Jews” is or was in any way intended to be directed against *them*. No Christian, viewing the film, would ever understand this portrayal of Satan as anything but a portrayal of Satan moving among *us*, as Mel Gibson surely intended.

Kenneth D. Whitehead is a former Assistant Secretary of Education in the Reagan Administrations and a member of the Board of Directors of the Catholic League.

SEXUAL ABUSE IN SOCIAL CONTEXT: CATHOLIC CLERGY AND OTHER PROFESSIONALS

**Special Report by Catholic League for Religious and Civil
Rights**

February 2004

PREFACE

The purpose of this special report is to put the recent scandal in the Catholic Church in perspective. It does not seek to exculpate anyone who had anything to do with priestly sexual misconduct, but it does seek to challenge those who continue to treat this issue in isolation. Indeed, to discuss the incidence of sexual abuse committed by Roman Catholic priests without reference to the level of offense found among

the clergy of other religions, or to that of other professionals, is grossly unfair.

Specifically, this report was prepared to guide the discussion that will inevitably follow two major studies that will be issued on February 27. One of them, a national study on the extent of sexual abuse of minors by priests since 1950, will be released by John Jay College of Criminal Justice in New York City. The other is a study of the causes and consequences of the abuse crisis; it will be released by the National Review Board that was established by the United States Conference of Catholic Bishops. Both studies were done at the request of the U.S. bishops.

It is the belief of the Catholic League that no meaningful conversation can take place on this issue without having some baseline data regarding the incidence of abuse that occurs outside the Catholic Church. That was the sole intent of this special report, and if it contributes to that end, then it will have been a success.

William A. Donohue, Ph.D. President

OVERALL DATA

The National Child Abuse and Neglect Data Systems was developed by the Children's Bureau of the U.S. Department of Human Services in partnership with the States to collect annual statistics on child maltreatment from State child protective services agencies. For the year 2001, it was found that approximately 903,000 children were victims of child maltreatment, 10 percent of whom (or 90,000) were sexually abused. It also found that 59 percent of the perpetrators of child abuse or neglect were women and 41 percent were men.[i]

In 2001, clinical child psychologist Wade F. Horn reported on the work of researchers at Johns Hopkins University School of Public Health. The researchers found that nearly 20 percent

of low-income women, recruited through family planning, obstetrical or gynecological clinics, had experienced child sexual abuse.

Horn summarized the researchers' findings on poor women as follows: "Family friends and acquaintances compose the largest group of perpetrators (28 percent), followed by such relatives as uncles and cousins (18 percent), stepfathers (12 percent), male siblings (10 percent), biological fathers (10 percent), boyfriends of the child's mother (9 percent), grandfathers and stepgrandfathers (7 percent), and strangers (4 percent)." Horn was struck by the fact that 10 percent were biological fathers and only 4 percent were strangers. "Which means," he said, "86 percent of the perpetrators were known to the family, but were someone other than the child's father." [ii]

According to Dr. Garth A. Rattray, about the same incidence of abuse occurs among all the socio-economic classes. For example, he reports that "about 85 percent of the offenders [of child sexual abuse] are family members, babysitters, neighbors, family friends or relatives. About one in six child molesters are other children." Unlike the first study cited, Rattray reports that most of the offenders are male. [iii]

It is obvious that children are much more likely to be sexually abused by family members and friends than by anyone else. This suggests that if preventative measures are to work, they must begin in the home, and not someplace else.

PRIESTS

According to a survey by the *Washington Post*, over the last four decades, less than 1.5 percent of the estimated 60,000 or more men who have served in the Catholic clergy have been accused of child sexual abuse. [iv] According to a survey by the *New York Times*, 1.8 percent of all priests ordained from 1950 to 2001 have been accused of child sexual abuse. [v]

Thomas Kane, author of *Priests are People Too*, estimates that between 1 and 1.5 percent of priests have had charges made against them.[vi] Of contemporary priests, the Associated Press found that approximately two-thirds of 1 percent of priests have charges pending against them.[vii]

Almost all the priests who abuse children are homosexuals. Dr. Thomas Plante, a psychologist at Santa Clara University, found that “80 to 90% of all priests who in fact abuse minors have sexually engaged with adolescent boys, not prepubescent children. Thus, the teenager is more at risk than the young altar boy or girls of any age.”[viii]

The situation in Boston, the epicenter of the scandal, is even worse. According to the *Boston Globe*, “Of the clergy sex abuse cases referred to prosecutors in Eastern Massachusetts, more than 90 percent involve male victims. And the most prominent Boston lawyers for alleged victims of clergy sexual abuse have said that about 95 percent of their clients are male.”[ix]

In a database analysis of reports on more than 1,200 alleged victims of priests identified by *USA Today*, 85 percent were males.[x] In another study by *USA Today*, it was determined that of the 234 priests who have been accused of sexual abuse of a minor while serving in the nation’s 10 largest dioceses and archdioceses, 91 percent of their victims were males.[xi]

Much has been made of a survey done by the *Dallas Morning News* which claims that two-thirds of the nation’s bishops have allowed priests accused of sexual abuse to continue working. But the problem with the survey is its definition of abuse—it includes everything from “ignoring warnings about suspicious behavior” to “criminal convictions.”[xii] Thus, the survey is of limited utility.

MINISTERS

The data on the Protestant clergy tend to focus on sexual abuse in general, not on sexual abuse of children. Thus,

strict comparisons cannot always be made. But there are some comparative data available on the subject of child sexual molestation, and what has been reported is quite revealing.

In a 1984 survey, 38.6 percent of ministers reported sexual contact with a church member, and 76 percent knew of another minister who had had sexual intercourse with a parishioner.[xiii] In the same year, a Fuller Seminary survey of 1,200 ministers found that 20 percent of theologically “conservative” pastors admitted to some sexual contact outside of marriage with a church member. The figure jumped to over 40 percent for “moderates”; 50 percent of “liberal” pastors confessed to similar behavior.[xiv]

In 1990, in a study by the Park Ridge Center for the Study of Health, Faith and Ethics in Chicago, it was learned that 10 percent of ministers said they had had an affair with a parishioner and about 25 percent admitted some sexual contact with a parishioner.[xv] Two years later, a survey by *Leadership* magazine found that 37 percent of ministers confessed to having been involved in “inappropriate sexual behavior” with a parishioner.[xvi]

In a 1993 survey by the *Journal of Pastoral Care*, 14 percent of Southern Baptist ministers said they had engaged in “inappropriate sexual behavior,” and 70 percent said they knew a minister who had had such contact with a parishioner.[xvii] Joe E. Trull is co-author of the 1993 book, *Ministerial Ethics*, and he found that “from 30 to 35 percent of ministers of all denominations admit to having sexual relationships—from inappropriate touching to sexual intercourse—outside of marriage.”[xviii]

According to a 2000 report to the Baptist General Convention in Texas, “The incidence of sexual abuse by clergy has reached ‘horrific proportions.’” It noted that in studies done in the 1980s, 12 percent of ministers had “engaged in sexual intercourse with members” and nearly 40 percent had

“acknowledged sexually inappropriate behavior.” The report concluded that “The disturbing aspect of all research is that the rate of incidence for clergy exceeds the client-professional rate for physicians and psychologists.”[xix] Regarding pornography and sexual addiction, a national survey disclosed that about 20 percent of all ministers are involved in the behavior.[xx]

In the spring of 2002, when the sexual abuse scandal in the Catholic Church was receiving unprecedented attention, the *Christian Science Monitor* reported on the results of national surveys by Christian Ministry Resources. The conclusion: “Despite headlines focusing on the priest pedophile problem in the Roman Catholic Church, most American churches being hit with child sexual-abuse allegations are Protestant, and most of the alleged abusers are not clergy or staff, but church volunteers.”[xxi]

Finally, in the authoritative work by Penn State professor Philip Jenkins, *Pedophiles and Priests*, it was determined that between .2 and 1.7 percent of priests are pedophiles. The figure among the Protestant clergy ranges between 2 and 3 percent.[xxii]

OTHER CLERGY AND PROFESSIONALS

Rabbi Arthur Gross Schaefer is a professor of law and ethics at Loyola Marymount University. It is his belief that sexual abuse among rabbis approximates that found among the Protestant clergy. According to one study, 73 percent of women rabbis report instances of sexual harassment. “Sadly,” Rabbi Schaefer concludes, “our community’s reactions up to this point have been often based on keeping things quiet in an attempt to do ‘damage control.’ Fear of lawsuits and bad publicity have dictated an atmosphere of hushed voices and outrage against those who dare to break ranks by speaking out.”[xxiii]

Rabbi Joel Meyers, executive vice president of the Conservative Rabbinical Assembly, reports that 30 percent of rabbis who changed positions in 2000 did so involuntarily, and that sexual abuse was a factor in many instances.[xxiv] The Awareness Center devotes an entire website to "Clergy Abuse: Rabbis, Cantors & Other Trusted Officials." It is a detailed and frank look at the problem of sexual abuse by rabbis.[xxv]

The problem of sexual abuse in the Jehovah's Witnesses is evident among church elders but most of the abuse comes from congregation members. "The victims who have stepped forward are mostly girls and young women," writes Laurie Goodstein in the *New York Times*, "and many accusations involve incest." There is a victims support group available, "silentlambs," that has collected more than 5,000 Witnesses contending that the church mishandled child sexual abuse.[xxvi]

According to one study, .2 percent of athletic coaches nationwide have a criminal record of some sort of sexual offense. This translates to about 6,000 coaches in the U.S. who have been tried and found guilty of sexual offense against children.[xxvii] It is not known how many more offenders have escaped the reach of law enforcement.

Between 3 and 12 percent of psychologists have had sexual contact with their clients. While today virtually every state considers sexual contact with a client as worthy of revoking a psychologist's license, as recently as 1987 only 31 percent of state licensing boards considered sexual relations between a psychologist and his or her patient grounds for license revocation.[xxviii] What makes this statistic so interesting is that many bishops in the 1980s took the advice of psychologists in handling molesting priests.

TEACHERS

The American Medical Association found in 1986 that one in four girls, and one in eight boys, are sexually abused in or

out of school before the age of 18. Two years later, a study included in *The Handbook on Sexual Abuse of Children*, reported that one in four girls, and one in six boys, is sexually abused by age 18.[xxix] It was reported in 1991 that 17.7 percent of males who graduated from high school, and 82.2 percent of females, reported sexual harassment by faculty or staff during their years in school. Fully 13.5 percent said they had sexual intercourse with their teacher.[xxx]

In New York City alone, at least one child is sexually abused by a school employee every day. One study concluded that more than 60 percent of employees accused of sexual abuse in the New York City schools were transferred to desk jobs at district offices located inside the schools. Most of these teachers are tenured and 40 percent of those transferred are repeat offenders. They call it "passing the garbage" in the schools. One reason why this exists is due to efforts by the United Federation of Teachers to protect teachers at the expense of children.[xxxi] Another is the fact that teachers accused of sexual misconduct cannot be fired under New York State law.[xxxii]

One of the nation's foremost authorities on the subject of the sexual abuse of minors in public schools is Hofstra University professor Charol Shakeshaft. In 1994, Shakeshaft and Audrey Cohan did a study of 225 cases of educator sexual abuse in New York City. Their findings are astounding.

All of the accused admitted sexual abuse of a student, but none of the abusers was reported to the authorities, and only 1 percent lost their license to teach. Only 35 percent suffered negative consequences of any kind, and 39 percent chose to leave their school district, most with positive recommendations. Some were even given an early retirement package.[xxxiii]

Moving molesting teachers from school district to school district is a common phenomenon. And in only 1 percent of the

cases do superintendents notify the new school district.[xxxiv] According to Diana Jean Schemo, the term “passing the trash” is the preferred jargon among educators.[xxxv]

Shakeshaft has also determined that 15 percent of all students have experienced some kind of sexual misconduct by a teacher between kindergarten and 12th grade; the behaviors range from touching to forced penetration.[xxxvi] She and Cohan also found that up to 5 percent of teachers sexually abuse children.[xxxvii] Shakeshaft will soon be ready to release the findings of a vast study undertaken for the Planning and Evaluation Service Office of the Undersecretary, U.S. Department of Education, titled, “Educator Sexual Misconduct with Students: A Synthesis of Existing Literature on Prevalence in Connection with the Design of a National Analysis.”[xxxviii]

CONCLUSION

The issue of child sexual molestation is deserving of serious scholarship. Too often, assumptions have been made that this problem is worse in the Catholic clergy than in other sectors of society. This report does not support this conclusion. Indeed, it shows that family members are the most likely to sexually molest a child. It also shows that the incidence of the sexual abuse of a minor is slightly higher among the Protestant clergy than among the Catholic clergy, and that it is significantly higher among public school teachers than among ministers and priests.

In a survey for the *Wall Street Journal-NBC News*, it was found that 64 percent of the public thought that Catholic priests frequently abused children.[xxxix] This is outrageously unfair, but it is not surprising given the media fixation on this issue. While it would be unfair to blame the media for the scandal in the Catholic Church, the constant drumbeat of negative reporting surely accounts for these remarkably skewed

results.[xl]

Without comparative data, little can be learned. Numbers are not without meaning, but they don't count for much unless a baseline has been established. Moreover, sexual misconduct is difficult to measure given its mostly private nature. While crime statistics are helpful, we know from social science research that most crimes go unreported. This is especially true of sexual abuse crimes. At the end of the day, estimates culled from survey research are the best we can do.

By putting the sexual abuse scandal in the Catholic Church in perspective, it is hoped that this report will make for a more fair and educated public response.

[i] "Child Maltreatment 2001: Summary of Key Findings," National Adoption Information Clearinghouse, www.calib.com/nccanch, April 2003.

[ii] Wade F. Horn, "Common-sense article about abuse," *Washington Times*, February 6, 2001, p. E1.

[iii] Dr. Garth A. Rattray, "Child Molesters and Paedophilia," *The Gleaner*, May 14, 2002.

[iv] Alan Cooperman, "Hundreds of Priests Removed Since '60s; Survey Shows Scope Wider Than Disclosed," *Washington Post*, June 9, 2002, p. A1.

[v] Laurie Goodstein, "Decades of Damage; Trail of Pain in Church Crisis Leads to Nearly Every Diocese," *New York Times*, January 12, 2003, Section 1, p. 1.

[vi] Interviewed by Bill O'Reilly, Transcript of "The O'Reilly Factor," May 3, 2002.

[vii] Bob von Sternberg, "Insurance Falls Short in Church Abuse Cases; Catholic Dioceses are Forced to Find other Sources to Pay Settlements," *Star Tribune*, July 27, 2002, p. 1A.

[viii] Thomas Plante, "A Perspective on Clergy Sexual Abuse," www.psywww.com/psyrelig/plante.html.

[ix] Thomas Farragher and Matt Carroll, "Church Board Dismissed Accusations by Females," *Boston.com*, February 2, 2003.

- [x] Janet Kornblum, "85% of Church Abuse Victims are Male, Research Finds," *USA Today*, July 24, 2002, pp. 6-7D.
- [xi] "The Accusers and the Accused," *USA Today*, November 11, 2002, p. 7D.
- [xii] Brooks Egerton and Reese Dunklin, "Two-thirds of Bishops Let Accused Priests Work," *Dallas Morning News*, June 12, 2002, p. 1A.
- [xiii] Dale Neal, "Methodist Clergy Instructed in Sexual Ethics at Conference," *Asheville Citizen-Times*, May 14, 2002, p. 1B.
- [xiv] Cal Thomas, "Their Sins only Start with Abuse," *Baltimore Sun*, June 19, 2002, p. 9A.
- [xv] James L. Franklin, "Sexual Misconduct Seen as a Serious Problem in Religion," *Boston Globe*, October 23, 1991, p. 24.
- [xvi] "Pastors Are People, Too!," *Focus on the Family*, May 1996, p. 7.
- [xvii] Teresa Watanabe, "Sex Abuse by Clerics—A Crisis of Many Faiths," *Los Angeles Times*, March 25, 2002, p. A1.
- [xviii] Cal Thomas, "Their Sins only Start with Abuse," *Baltimore Sun*, June 19, 2002, p. 9A.
- [xix] Terry Mattingly, "Baptists' Traditions Make it Hard to Oust Sex-Abusing Clergy," *Knoxville News-Sentinel*, June 22, 2002, p. C2.
- [xx] "Assemblies of God Tackles Problem of Porn Addiction Among Ministers," *Charisma*, January 2001, p. 24.
- [xxi] Mark Clayton, "Sex Abuse Spans Spectrum of Churches," *Christian Science Monitor*, April 5, 2002, p. 1.
- [xxii] Philip Jenkins, *Pedophiles and Priests* (New York: Oxford University Press), pp. 50 and 81.
- [xxiii] Rabbi Arthur Gross Schaefer, "Rabbi Sexual Misconduct: Crying Out for a Communal Response," www.rrc.edu/journal, November 24, 2003.
- [xxiv] Roger Lovette, "Religious Leaders Must Learn to Handle Conflict Constructively," *Birmingham News*, April 28, 2002.
- [xxv] See www.theawarenesscenter.org/clergyabuse.
- [xxvi] Laurie Goodstein, "Ousted Members Say Jehovah's Witnesses' Policy on Abuse Hides Offenses," *New York Times*, August 11, 2002, Section 1, p. 26.
- [xxvii] Michael Dobie, "Violation of Trust; When Young Athletes Are Sex-Abuse Victims, Their Coaches Are Often the Culprits," *Newsday*, June 9, 2002, p. C25.

- [xxviii] "Sexual Misconduct (ROLES): New Research Therapy Doesn't Deter Sexual Misconduct by Psychologists," *Sex Weekly*, September 15, 1997, pp. 27-28.
- [xxix] Michael Dobie, "Violation of Trust," *Newsday*, June 9, 2002, p. C25.
- [xxx] Daniel Wishnietsky, "Reported and Unreported Teacher-Student Sexual Harassment," *Journal of Ed Research*, Vol. 3, 1991, pp. 164-69.
- [xxxii] Douglas Montero, "Secret Shame of Our Schools: Sexual Abuse of Students Runs Rampant," *New York Post*, July 30, 2001, p. 1.
- [xxxiii] "Schools Chancellor: Four Teachers Barred from Classroom," *Associated Press*, June 12, 2003.
- [xxxiv] Charol Shakeshaft and Audrey Cohan, *In loco parentis: Sexual abuse of students in schools, (What administrators should know)*. Report to the U.S. Department of Education, Field Initiated Grants
- [xxxv] Ibid.
- [xxxvi] Diana Jean Schemo, "Silently Shifting Teachers in Sex Abuse Cases," *New York Times*, June 18, 2002, p. A19.
- [xxxvii] Elizabeth Cohen, "Sex Abuse of Students Common; Research Suggests 15% of All Children Harassed," *Press & Sun-Bulletin*, February 10, 2002, p. 1A.
- [xxxviii] Berta Delgado and Sarah Talalay, "Sex Cases Increase in Schools; Many Acts of Teacher Misconduct Not Being Reported," *Sun-Sentinel*, June 4, 1995, p. 1A.
- [xxxix] The study is in draft form and is not yet available for quotation.
- [xl] The dates of the study were April 5-7, 2002. It was reported in Roper Center at University of Connecticut *Public Opinion Online*, Accession Number 0402247. Hart and Teeter Research Companies did the survey.
- [xli] The Catholic League took pains to credit the media with fair coverage of the scandal. See the "Executive Summary" of the Catholic League's *2002 Report on Anti-Catholicism*. It is available online at www.catholicleague.org.

HANDY GUIDE TO MEL'S CRITICS

By the time the March edition of Catalyst arrives in your home, "The Passion of the Christ" will have opened in theaters nationwide; it opens February 25. Be sure to keep this handy guide nearby so you can monitor what the critics will be saying. Here is a list of some of the most irresponsible remarks made by Mel's critics, all of whom blasted the movie without seeing it.

Alex Beam, *Boston Globe*:

"Whatever Gibson's intentions, the film will be perceived as anti-Semitic, because the Christian Bible holds that Jesus was a Jewish prophet rejected and betrayed by his own people."
(7/22/03)

Sr. Mary C. Boys, Professor of Practical Theology, Union Theological Seminary:

"I don't believe that [given the divisive] result that he [Mel Gibson] could claim that the Holy Spirit is behind this. ... Our concern is what happens after people see the film? Will anti-Semitic actions happen or will attitudes against the Jews be exacerbated by this film?" (Cybercast News Service, 11/7/03)

"For too many years, Christians have accused Jews of being Christ-killers and used that charge to rationalize violence... This is our fear." (Associated Press, 8/9/03)

"As a member of the Catholic Church, I regard [Mel Gibson's] thinking as bizarre and dangerous, and suggest that Jews judge them similarly." (*The Jewish Week*, 3/28/03)

Harold Brackman, Consultant, Simon Wiesenthal Center:

"It is Christians who bear the responsibility, after 2,000 years of religious-inspired anti-Semitism, to inhibit rather

than inflame the excesses of their own haters. When filmmakers with a Christological agenda fail to accept this responsibility, the blood that may result is indeed on their hands." (*Forward*, 8/8/03)

James Carroll, *Boston Globe*:

"Even a faithful repetition of the Gospel stories of the death of Jesus can do damage exactly because those sacred texts themselves carry the virus of Jew hatred. ... The religious anti-Judaism of the Gospels provided soil out of which grew the racial anti-Semitism of the Holocaust. Once Christians know where the falsely anti-Jewish Passion story led, it is criminal for them to repeat it naively—whether from a pulpit or on a movie screen." (4/15/03)

Richard Chesnoff, *Daily News* (NY):

"We've come a long way in Christian-Jewish relations. But now Hollywood's Mel Gibson threatens to set it all back—maybe 2,000 years." (8/8/03)

Michael J. Cook, Professor of Judaeo-Christian Studies, Hebrew Union College:

"Gibson's film may reverse progress the Christian community has made in reinterpreting anti-Jewish New Testament passages." (*The Jewish Week* [NY], 3/28/03)

Eric Fetschmann, *New York Post*:

"Gibson's insistence that the film 'conforms to the narratives of Christ's passion and death found in the four Gospels of the New Testament' is hardly reassuring. Because, to be sure, the gospels, for various historical reasons, do paint Jews in the worst light." (6/19/03)

Abraham Foxman, National Director, Anti-Defamation League:

"[Mel Gibson] entertains views that can only be described as anti-Semitic." (Associated Press, 9/19/03)

"[Cardinal Dario Castrillon Hoyos's praise] makes the film worse, more damaging, more threatening because what we thought

we had eliminated with Vatican II is coming back in a film.”
(*Daily Variety*, 9/19/03)

“Can you imagine, if this film is not changed and it begins to play around the world, what—what it may possibly trigger?”
(Minnesota Public Radio, “Marketplace,” 9/9/03)

If Gibson’s “message was tainted, [the movie] is dangerous. He is an icon. People will see this film without a guide, without their priest.” (*Philadelphia Inquirer*, 8/13/03)

Paula Fredriksen, Professor of the Appreciation of Scripture, Boston University:

“A movie like this could very possibly elicit violence against Jews.” (Cybercast News Service, 11/7/03)

“Jews are the objects of anti-Semitism, but Catholics and other Christians, inspired by Gibson’s movie, could well become its agents. ... When violence breaks out, Mel Gibson will have a much higher authority than professors and bishops to answer to.” (emphasis added; *The New Republic*, 7/28/03)

Steve Gushee, *Palm Beach Post*:

“Sure, Mel Gibson’s film, *The Passion*, is probably anti-Semitic. The less obvious but more dangerous problem is that the movie about the death of Jesus is probably not Christian.”
(10/24/03)

Rabbi Abraham B. Hecht and Rabbi Joshua S. Hecht, Rabbinical Alliance of America:

“The message of this movie...is highly problematic for its historical inaccuracy and its message of intolerance and overt anti-Semitic overtones.” (*Jerusalem Post*, 9/12/03)

Rabbi Marvin Hier, Dean, Simon Wiesenthal Center:

“This is a story for which millions of people throughout history paid with their lives. They were burned at the stake, killed in pogroms and the Inquisition, and it was also these ideas that served as the foundation of the Holocaust.”

(*Newsday* [NY], 7/22/03)

Rabbi Marvin Hier and Harold Brackman:

"Any film about such a sensitive subject would set off alarm bells. But a film by Gibson is particularly alarming. ... At this tinderbox moment in our new century, we need to be especially careful about a movie that has the potential to further ignite ancient hatreds." (*Los Angeles Times*, 6/22/03)

New York State Assemblyman Dov Hikind:

"This film can potentially lead to violence directed against the Jewish community. ...It will result in anti-Semitism and bigotry. It really takes us back to the Dark Ages...the Inquisition, the Crusades, all for the so-called sin of the Crucifixion of Jesus." (*Washington Times*, 8/29/03)

Ken Jacobson, Associate National Director, Anti-Defamation League:

"We have good reason to be seriously concerned about Gibson's plans to retell the Passion. Historically, the Passion—the story of the killing of Jesus—has resulted in the death of Jews." (*New York Post*, 6/21/03)

Amy-Jill Levine, Professor of New Testament Studies, Vanderbilt University:

"The reaction to the [Ad Hoc Committee] scholars' objections could be interpreted as anti-Semitic." (Beliefnet.com, 8/7/03)

Bill Maher, comedian:

"I do think Mel Gibson is anti-Semitic." ("Imus in the Morning," 9/24/03)

Christopher Orlet, freelance writer:

"It is a view guaranteed to stir anew the passions of the rabid Christian, and one that will send the Jews scurrying back to the dark corners of history." (Salon.com, 8/14/03)

Fr. John T. Pawlikowski, Director of the Catholic-Jewish Studies Program, Catholic Theological Union:

"This was one of the worst things we had seen in describing responsibility for the death of Christ in many many years."
(*New York Times*, 8/2/03)

"Those who might see the film without much or any background in recent biblical interpretation will be terribly misled."
(*The Jewish Week* [NY], 3/28/03)

Frank Rich, *New York Times*:

"What makes the unfolding saga of 'The Passion' hard to ignore is...the extent to which his combative marketing taps into larger angers. The 'Passion' fracas is happening not in a vacuum but in an increasingly divided America fighting a war that many on both sides see as a religious struggle."
(9/21/03)

"These days American Jews don't have to fret too much about the charge of deicide—or didn't, until Mel Gibson started directing a privately financed movie... Jews have already been libeled by Mr. Gibson's politicized rollout of his film. His game from the start has been to foment the old-as-Hollywood canard that the 'entertainment elite' (which just happens to be Jewish) is gunning for his Christian movie. ... But the real question here is why Mr. Gibson and his minions would go out of their way to bait Jews and sow religious conflict, especially at this fragile historical moment." (8/3/03)

Tim Rutten, *Los Angeles Times*:

"And as the growing controversy over Gibson's 'The Passion' spills more widely onto the nation's op-ed pages, into political magazines and even into the halls of Congress, more than rhetorical bruises are likely to be suffered. Even in steady hands, the Passion narrative is as combustible as material can be." (8/6/03)

Myrna Shinbaum, spokeswoman, Anti-Defamation League:

"Historically, treatment of the death of Jesus and the passion has led to the death of Jews. ... Since Vatican II in the 1960s,

Catholics and Jews have worked very hard to move away from a literal interpretation [of the New Testament]. We would hope this film wouldn't set us back." (*Daily News* [NY], 6/14/03)

Jessica Winter, *Village Voice* (NY):

"It may instigate violence..." (11/7/03)

Cathy Young, *Boston Globe*:

"But in its own way, the attitude of some champions of 'The Passion' is troubling.... The biblical account of Jesus' life and death should not be sacrificed to political correctness. But the cry of 'political correctness' can also become a cover for very real bigotry." (8/18/03)

Letter, *New York Times*:

"Mel Gibson's ability to pervert and invert scriptural teaching while claiming to uphold it leads me to think his next movie will be a stirring account of Pope Pius XII's life." (10/5/03)

Letter, *People Magazine*:

"After the murder of 6 million Jews, the Jewish community in the United States and worldwide should be concerned about the message being sent by Mel Gibson's film.... This dangerous revision is an insult to the memory of the Holocaust and the good Christians who have tried to make amends for the ultimate crime of anti-Semitism." (9/22/03)

Letter, *Newsday* (NY):

"Gibson's 'The Passion' is 'just' a movie in the same way 'The Protocols of the Elders of Zion' is 'just' a book." (9/18/03)

Sign at protest urging News Corp. not to distribute "The Passion," New York:

"THE PASSION IS A LETHAL WEAPON AGAINST JEWS." (8/28/03)

“60 MINUTES” ATTACKS PADRE PIO AND MOTHER TERESA

By Father Benedict Groeschel, C.F.R.

Shortly after Sunday, October 12, I was saddened to receive phone calls of outrage from friends who had watched a cynical attack on Padre Pio and Mother Teresa on the CBS show “60 Minutes.” I was saddened because of the time people wasted watching this program, which like so much of the secular media has a strong anti-Catholic bias.

Please, if you insist on watching this stuff, be sure to do a little penance afterward. Write or e-mail the sponsors and tell them you will not buy their products until they stop giving their advertising dollars to TV programs that present offensive garbage like this. *And then follow through.* I am very serious about this. I know from experience that we have been able to bring some of the mighty down in this way.

Of course, this show gave the appearance of being objective, giving both sides of the story. It was, as always, a trap. Very well informed people, like Msgr. Robert Sarno, were placed opposite critics like Rev. Richard McBrien, who repeatedly attacked the canonization of Saint Pio on the basis that he simply did not believe in extraordinary events that are reported in Saint Pio’s life. So what? I have just reviewed a transcript of the “60 Minutes” program, and I find it an insult to me personally because I am devoted to both of the saints who were ridiculed on the program. I should mention that I was part of CBS’s coverage of Mother Teresa’s funeral, and that day they were singing a different tune. ABC, on the other hand, which to me stands for Always-Bashing-Catholics,

had on Christopher Hitchens with his outrageous commentary at Mother Teresa's funeral. God bless the Hindus, Muslims, and Buddhists of India—they honored this great woman, who has been declared Mother of India.

I am very familiar with the exacting process of canonization. For almost two decades I have been diocesan postulator of the cause of Cardinal Terence Cooke. In addition, I knew Mother Teresa for well over thirty years, and I received a remarkable blessing in an astonishing way from Padre Pio. Therefore, I would like briefly to take on Rev. McBrien, as well as Christopher Hitchens, who wrote a scurrilous book about Mother Teresa.

Let's begin with McBrien's hostile observations about Padre Pio. I suspect he has never seen a person with the stigmata. In my book, *A Still, Small Voice* (Ignatius Press), I seriously examine the nature of reported supernatural phenomena and consider the different possibilities ranging from the psychosomatic to the miraculous. I don't think any of the several stigmatics I have examined exhibited supernatural markings; in fact, I was able to help one devout and sincere person recover from this unusual symptom. Uniformly these wounds were superficial—something like blood blisters. Padre Pio's wounds were deep, and they bled constantly but without any infection. Although I have scientific training and a degree, I need not simply dismiss *a priori* something I do not understand or something that does not fit into my range of experience or my prejudices. To do so would be eminently unscientific.

The fact is that stigmata are paranormal phenomena (a scientific term referring to things having no scientific explanation at present), examples of which have been investigated for centuries since a nobleman roughly examined the wounds of Saint Francis at his funeral. Padre Pio's wounds were undoubtedly the most examined stigmata in history. Naturally, many stories and legends began to develop around

such a person. Nevertheless, it is simply illogical to dismiss all such reports out of hand, as McBrien does, by saying, "I don't believe any of that." That incredible response tells you nothing about Padre Pio; it might tell you something about McBrien. One needs to review the evidence. In Padre Pio's case, this is not difficult for anyone to do.

Several serious and sober biographies of Padre Pio are available. One that reports and sifts all the evidence is *Padre Pio: The True Story* (Our Sunday Visitor) by a Lutheran pastor and well-known biographer, Pastor C. Bernard Ruffin. He gives a careful account of the many reported paranormal phenomena in Padre Pio's life, as well as the reaction of skeptics and the response of this humble and most generous friar to the mysterious things that happened to him. The extraordinary phenomena, including reports of what is called bilocation, are often very well documented by competent witnesses. But none of these extraordinary things were evidence for Padre Pio's canonization. What was taken into account when considering his sanctity were his life and virtues, his behavior in the face of these unsought mysterious phenomena, and his humility and generosity. His concern for others is seen in the great hospital he built with offerings given to him and the Capuchin friars. Yet Bob Simon, the "60 Minutes" co-host, disparaged the Capuchins in a most insidious way.

The following quotation from Pastor Ruffin's biography sums up his research on Padre Pio, and casts McBrien's statement, "I don't believe any of that," into a ridiculous light:

"Even the most cursory reading of Sacred Scripture will reveal that the sanctity to which all Christians are called is a total, absolute, and unconditional dedication and surrender of the self to God in Christ Jesus. Padre Pio lived this commitment in a striking and intense way. Whatever one may think of his *charismata*, the propriety of his offering himself as a Victim of Divine Love, whatever one's opinion may be of

his ministry or his theology, or even of his personality, there can be no doubt that Padre Pio gave himself over entirely to his Lord. The most fervent atheist will be forced to admit, even if he believes that the padre dedicated his life to a delusion, that his commitment was total. His entire life was given over to God and to the service of mankind. The only thing Padre Pio cared about in this world was saving souls. To him, every soul was the object of a concern so powerful that he was willing to immolate himself in its behalf.

“Padre Pio was a man who, like all men, was influenced by his family, by his environment, by his education. . . . He was, unlike most men and women, an individual who had surrendered himself *totally* to his Savior, Christ, a man who strove from childhood to his last breath to be an imitator of Christ. No suffering—physical, spiritual, or emotional—was so great as to stay him in this mission. When his total dedication to his faith is considered on the basis of Scripture as well as of Christian tradition, no one can seriously deny that Padre Pio was—and is—one of history’s greatest exemplars of Christian humanity.”

I know several sophisticated people—including a nonbeliever—to whom Padre Pio revealed the state of their souls. Indeed, there was one very dark moment in my own life when I had been misjudged and hurt by people who later apologized. Within two minutes of the axe falling on me, I received a personal note from Padre Pio. I had never had any contact with him, but I did admire him. This little message of hope and encouragement, written in his own hand on the back of a devotional card, made all the difference in the world to a young man who should have been crushed but was not. Unlike McBrien, I have every reason to believe that Padre Pio is a saint of God.

Now for Christopher Hitchens’ continuing vicious attacks on Mother Teresa. Out of the many calumnies he has made about Mother Teresa, he chose to present her in his book, *The*

Missionary Position, as a religious fanatic, uninterested in the poor, concerned only in making converts. During the thirty-two years when I knew Mother Teresa well, I never observed in her behavior anything like fanaticism. Moreover, he distorts her quotations on the nature of charity toward the poor. The following excerpt is from a letter Mother Teresa wrote to the Missionaries of Charity on the subject of charity; it brings together her love for God and her tender compassion and love for her neighbor in a life of great spiritual darkness known only to a few.

“Try to increase your knowledge of the mystery of redemption. This knowledge will lead you to love, and love will make you share through your sacrifice in the passion of Christ. My dear children, without suffering our work would just be social work—very good and helpful, but it would not be the work of Jesus Christ, not part of the redemption. Jesus wanted to help us by sharing our life, our loneliness, our agony and death. All that He has taken upon Himself and has carried it in the darkest night. Only by being one with us has He redeemed us. We are able to do the same. All the desolation of the poor people, not only their material poverty but their spiritual destitution, must be redeemed, and we must have our share in it. Pray thus when you find it hard: I wish to live in this world which is so far from God, which has turned so much from the light of Jesus, to help them—to take upon myself something of their suffering. Yes, my dear children, let us share the sufferings of the poor, for only by being one with them can we redeem them; that is bringing God into their lives and bringing them to God.”

Hitchens’ wholly distorted picture of Mother Teresa reminds us of a remark of Josef Goebbels, Hitler’s propaganda minister: “Don’t tell a little lie; no one will believe you. Tell a big lie, and everyone will believe you.”

I can say categorically that Hitchens’ characterization of Mother Teresa is a scurrilous distortion of a truly great

human being. When a supposedly Catholic publication ran an article several years ago mocking the Missionaries of Charity for their sari, which they said looked like a dish towel, I wrote a rebuttal, which was never printed. I wrote my response despite Mother Teresa's disapproval. She had lots of critics, and she prayed for them all but never answered them. She used to say, "It is not between me and them; it is between me and God, and them and God."

I pray to Padre Pio and Mother Teresa, and I ask you to pray for the conversion of McBrien, Hitchens, and Simon, and the whole crew at "60 Minutes." I ask you to pray for my conversion too. We're going to need it. After all, in the end it is between each of us and God.

Father Benedict Groeschel, C.F.R., is the Director of the Office for Spiritual Development of the New York Archdiocese and a founding member of the Franciscan Friars of the Renewal.

THE MEL GIBSON CONTROVERSY AS SEEN THROUGH THE EYES OF AN ORTHODOX JEW

By Rabbi Daniel Lapin

Never has a film aroused such hostile passion so long prior to its release as has Mel Gibson's "Passion." Many American Jews are alarmed by reports of what they view as potentially anti-Semitic content in this movie about the death of Jesus, which is due to be released during 2004. Clearly the crucifixion of Jesus is a sensitive topic, but prominent Christians who

previewed it—including good friends like James Dobson and Michael Novak, who have always demonstrated acute sensitivity to Jewish concerns—see it as a religiously inspiring movie and refute charges that it is anti-Semitic. While most Jews are wisely waiting to see the film before responding, others are either prematurely condemning a movie they have yet to see or violating the confidentiality agreements they signed with Icon Productions.

As an Orthodox rabbi with a wary eye on Jewish history which has an ominous habit of repeating itself, I fear that these protests, well intentioned though some may be, are a mistake. I believe those who publicly protest Mel Gibson's film lack moral legitimacy. What is more, I believe their actions are not only wrong but even recklessly ill-advised and shockingly imprudent.

For an explanation of why I believe that those Jews protesting "Passion" lack moral legitimacy we must take ourselves back in time to the fall of 1999. That was when Arnold Lehman, the Jewish director of the Brooklyn Museum, presented a show called "Sensation." It featured, from the collection of British Jew Charles Saatchi, several works which debased Catholicism, including Chris Ofili's dung-bedecked "Madonna."

You may wonder why I highlight the Jewish ethnicity of the players in the Brooklyn Museum saga. My reason for doing so is that everyone else recognized that they were Jewish, and there is merit in us knowing how we ourselves appear in the eyes of those among whom we live. This is especially true on those sad occasions when we violate what ancient Jewish wisdom commends as the practice of Kiddush HaShem, which is to say, conducting our public affairs in a way best calculated to bring credit upon us as a group. Maintaining warm relations with our non-Jewish friends is a traditional Jewish imperative and the *raison d'être* of the organization I serve, Toward Tradition.

Almost every Christian organization angrily denounced the vile

bigotry sponsored by the Brooklyn Museum. Especially prominent was William Donohue, president of the Catholic League, a good friend who has always stood firmly with Jews in the fight against genuine anti-Semitism, yet now, in his fight against anti-Catholicism, he appealed to Jewish organizations in vain. Almost every Christian denomination helped vigorously protest the assault that the Brooklyn Museum carried out against the Catholic faith in such graphically abhorrent ways. Even Mayor Rudolph Giuliani expressed his outrage by trying to withhold money from the museum. Where was the Jewish expression of solidarity against such ugliness?

Only a small group of Orthodox Jews joined their fellow Americans in protest at this literal defilement of Christianity with elephant feces. And were other Jews silent? No, unfortunately not. In actuality a small but disproportionately vocal number of them were defending the Brooklyn Museum and its director in the name of artistic freedom.

You may also remember Martin Scorsese's 1988 film "The Last Temptation of Christ." Then too almost every Christian denomination protested Universal's release of a movie so slanderous that had it been made about Moses, or say, Martin Luther King Jr., it would have provoked howls of anger from the entire country. As it was, Christians were left to defend their faith quite alone other than for one solitary courageous Jew, Dennis Prager. Most Americans knew that Universal was run by Lew Wasserman. Most Americans also knew Lew's ethnicity. Perhaps many now wonder why Mel Gibson is not entitled to the same artistic freedom we accorded Lew Wasserman?

When the Weinstein brothers, through their Miramax films (named after their parents, Mira and Max Weinstein), distributed "Priest" in 1994, Catholics were again left to protest this unflattering depiction of their faith alone while many Jewish organizations proclaimed the primacy of artistic freedom. Surely Jewish organizations would carry just a little

more moral authority if they routinely protested all attacks on faith, not only those troubling to Judaism.

Oddly enough, Jewish organizations did find one movie so offensive as to warrant protest. It was Disney's "Aladdin" that was considered, by Jews, to be needlessly offensive to Arabs!

Now I do have one possible explanation for why one might consider it more important to protest "Passion." It is this: in Europe, anti-Semitic slander frequently resulted in Catholic mobs killing Jews. Our hyper-sensitivity has a long and painful background of real tragedy. In any event, Jewish moral prestige would stand taller if we were conspicuous in protesting movies that defame any religion. Furthermore, opponents of "Passion" argue that this movie might cause a backlash against the Jewish community. Yet when so-called art really does encourage violence, for Jewish spokesmen, artistic freedom seems to trump all other concerns. Here is what I mean.

During the nineties, record companies run by well known executives including Michael Fuchs, Gerald Levin, and David Geffen produced obscene records by artists like Geto Boys and Ice-T that advocated killing policemen and raping and murdering women. During that decade of shockingly hateful music that incited violence, our Jewish organizations only protested Michael Jackson's song "They Don't Care About Us" and the rap group Public Enemy's single "Swindler's Lust," claiming that these songs were anti-Semitic. It is ignoble to ignore the wrongs done to others while loudly deploring those done to us.

In truth however, even though Catholics did kill Jews in Europe, I do not believe that the often sad history of Jews in Europe is relevant now. Why not? Because in Europe, Catholic church officials wielded a rapacious combination of ecclesiastical and political power with which they frequently

incited illiterate mobs to acts of anti-Jewish violence. In America, no clergyman secures political power along with his ordination certificate, and in America, if there are illiterate and dangerous thugs, Christianity is a cure not the cause. In America, few Jews have ever been murdered, mugged, robbed, or raped by Christians returning home from church on Sunday morning. America is history's most philo-Semitic country, providing the most hospitable home for Jews in the past 2,000 years. Suggesting equivalency between American Christians today and those of European history is to be offensive and ungrateful.

Quite frankly, if it is appropriate to blame today's American Christians for the sins of past Europeans, why isn't it okay to blame today's Jews for things that our ancestors may have done? Clearly both are wrong, and doing so harms our relationships with one of the few groups still friendly toward us today. Jewish groups that fracture friendship between Christians and Jews are performing no valuable service to American Jews.

These protests against "Passion" are not only morally indefensible, but they are also stupid, for three reasons. The first reason is that they are unlikely to change the outcome of the film. Mr. Gibson is an artist and a Catholic of deep faith of which this movie is an expression. Does anyone really believe that Gibson is likely to yield to threats from Jewish organizations?

The second and more important reason I consider these protests to be ill-advised: While Jews are telling Gibson that his movie contradicts historical records about who really killed Jesus, Vatican Cardinal Dario Castrillon Hoyos has this to say: "Mel Gibson not only closely follows the narrative of the Gospels, giving the viewer a new appreciation for those Biblical passages, but his artistic choices also make the film faithful to the meaning of the Gospels, as understood by the Church."

Do we really want to open up the Pandora's Box of suggesting that any faith may demand the removal of material that it finds offensive from the doctrines of any other faith? Do we really want to return to those dark times when Catholic authorities attempted to strip from the Talmud those passages that they found offensive?

Finally, I believe the attacks on Mel Gibson are a mistake because while they may be in the interests of Jewish organizations who raise money with the specter of anti-Semitism ... they are most decidedly not in the interests of most American Jews who go about their daily lives in comfortable harmony with their Christian fellow citizens. You see, many Christians see all this as attacks not just on Mel Gibson alone or as mere critiques of a movie, but—with some justification, in my view—they see them as attacks against all Christians.

Right now, the most serious peril threatening Jews, and indeed perhaps all of Western civilization, is Islamic fundamentalism. In this titanic 21st century struggle that links Washington, D.C., with Jerusalem, our only steadfast allies have been Christians. In particular, those Christians who most ardently defend Israel and most reliably denounce anti-Semitism, happen to be those Christians most fervently committed to their faith. Jewish interests are best served by fostering friendship with Christians rather than cynically eroding them. Rejecting flagrant anti-Christianism on the part of Jews claiming to be acting on our behalf would be our wisest course as a community. Doing so would have one other advantage: it would also be doing the right thing.

Radio talk show host Rabbi Daniel Lapin is president of Toward Tradition, which is dedicated to bridging the divide between Christians and Jews by applying ancient solutions to modern problems in areas of family, faith, and fortune. The complete article is also posted on the organization's website, www.towardtradition.org.

PATRICK KENNEDY: THE FORGOTTEN FOUNDING FATHER

By Edward Klein

In the faint pewter light of an Irish dawn, a young man riding bareback on an old gray draft horse emerged from a fog bank on the outskirts of New Ross, a river port south of Dublin. A cold, hard rain pelted the sides of his horse, and the fog roiled up above the treetops, concealing the road ahead. A stranger might have hesitated to proceed any farther for fear of getting lost, but the young man knew the countryside like the back of his hand. He was a local lad, and the sum total of his life's experiences, along with the memory and bones of his ancestors, were encompassed within a fifteen-mile radius of the town.

Because he was Roman Catholic, no baptism certificate existed to fix the precise date of his birth (at the time in Ireland, only Protestants were considered deserving of that privilege), but according to family tradition, he was born in Duganstown, County Wexford, in 1823, which made him twenty-six years old.

His name was Patrick Kennedy, and on this foggy February morning in the year 1849, he was about to leave his family and the tangled web of personal relationships in Ireland that had sustained him and given his life meaning. He was going to leave Ireland and the Great Famine that had claimed more than one million lives, and take his chances in America.

Once in Boston, Patrick would marry, have children, then die of consumption—all within the space of nine years. In that brief period of time, however, this little-known man became the founding father of the greatest political dynasty in

American history. Through his blood-line, he gave America its first Catholic President (John F. Kennedy), three United States Senators (JFK, Robert and Edward Kennedy), a U.S. Attorney General (Robert), two members of the House of Representatives (Joseph II and Patrick Kennedy), two additional presidential contenders (Robert and Edward), and the dream of a golden age called Camelot.

In Boston, Patrick moved into the cold-water flat of an old friend, where the two men shared a table, a couple of chairs, a bed, and a black cast-iron stove that supplied heat in the winter and fire for cooking. On Saturday nights, his friend poured hot water from a large kettle into a galvanized-iron tub for his once-a-week bath. When he stepped out of the tub, Patrick stepped in, and bathed in the same water.

The only indoor toilet for the tenement's thirty families was located in the dirt-floor basement. "No one was responsible for the care of these communal instruments," observed the sociologist Oscar Handlin, "and as a result they were normally out of repair. Abominably foul and feculent, perpetually gushing over into the surrounding yards, they were mighty carriers of disease."

"Of all the immigrant nationalities in Boston, the Irish fared the least well, beginning at a lower rung and rising more slowly on the economic and social ladder than any other group," the historian Doris Kearns Goodwin wrote.

The Irish were despised by Boston Brahmins for their rural customs, poverty, and Roman Catholicism. They were thought fit only for manual labor.

"Even the Negro," wrote Richard J. Whalen, "...faced less discrimination than the Irishman."

"The Negroes," added the Rev. John F. Brennan, "held jobs closed to the Irish, such as cooking and barbering."

Many want ads in the Boston papers read, "None need apply but

Americans." When Irish men and women showed up for jobs, they encountered notices that read, "No Irish Need Apply," which eventually became shortened to "NINA." The only jobs available were the most menial and the cheapest. Live-in Irish maids, called "potwhallopers," "biddies," and "kitchen canaries," were paid \$2.00 a week. Unskilled Irish laborers made about the same wage, and were called "clodhoppers," "Micks," and "Paddies."

Constant humiliation only deepened Patrick Kennedy's view of the world as a dangerous place that had to be kept at arm's length.

"If anything," wrote Terry Golway in *The Irish in America*, "America could be worse than Ireland, for here Catholics were a distinct minority in a nation that increasingly took the view that democracy and Protestantism were inseparable."

Even skilled workers like Patrick did not avoid the virulent anti-Catholic nativism that was fomented by the infamous Know-Nothing Party. In 1854, five years after Patrick's arrival, the Know-Nothing Party captured the governor's office and virtually every seat in the Massachusetts General Court. The party harassed Catholic schools, disbanded Irish militia companies, and tried to pass legislation mandating a 21-year wait before a naturalized citizen could vote. All this struck Patrick like a replay of the notorious British Penal Laws in Ireland.

But Patrick Kennedy never regretted leaving his blighted homeland. Within weeks of his arrival in Boston, he married Bridget Murphy. And over the next several years, they had five children—a son, who died in infancy; three daughters; and second son, who lived and was named after his father.

"Nurtured from birth with the doctrine that they have a lien on greatness, the Irish were unable to come to terms with their own powerlessness," noted the historian Thomas J. O'Hanlon.

In America, this outlook created two distinct strains in the Irish character. One type was the compliant, loyal, God-fearing Irishman, an easy-go-lucky people-pleaser who got along by playing by the rules; who went to mass on Sunday, was deeply moved by the depiction of Christ bleeding under His bloody crown of thorns; who readily confessed his sins; who accepted suffering in silence; and who often ended up as a priest, or a day laborer, a train conductor, a garbage collector, a policeman, a fireman, or some other kind of civil servant who counted the days to retirement on a secure government pension.

The other type was the defiant, unruly, rebellious Irishman, a dark, brooding, frequently manic-depressive character, who nurtured a sense of resentment against all established authority; who did not show up at church very often, if at all; who could not deal with the humiliations of the past, and who rarely if ever talked about the Great Famine because he did not want it reported that he had not been able to feed his family; whose primary loyalty was to his wife and children, not to his country; and who often became a journalist, a scholar, a pub keeper, a politician, a gangster, a lawyer, a businessman, or a secret sympathizer of outlawed Irish rebels like the Fenians.

Patrick Kennedy was the rebellious sort. Though he eked out a meager existence as a barrel maker, and had a wife and four children to support, he contributed his pennies to the cause of Irish independence, and was an ardent supporter of the Irish Republican Brotherhood, or Fenians, who used modern methods of terrorism in their fight against the British. "The British," said Patrick, "understand one thing—force. The only way to get them out of Ireland is to bomb them out."

Patrick was a popular figure in the Irish pubs along Summer Street. Like his father, he was a born story-teller. With an actor's flair for impersonation, he could keep his drinking companions entertained for hours with rousing tales of heroism

during the Great Uprising of 1798.

Everyone said that Patrick Kennedy had a way with words, which was a high compliment indeed, for language was the Irishman's most potent weapon. Patrick kept his weapon honed with sarcasm; he liked to quote John Mitchel, the prominent nationalist writer of the Irish Famine, who was a master of mockery and ridicule.

"Now, my dear surplus brethren," Patrick would say, quoting one of Mitchel's most famous passages, "I have a simple, a sublime, a patriotic project to suggest. It must be plain to you that you are surplus, and must somehow be got rid of. Do not wait ingloriously for famine to sweep you off—if you must die, die gloriously; serve your country by your death, and shed around your name the halo of a patriot's fame. Go; choose out in all the island two million trees, and thereupon go and hang yourselves."

"[Sarcasm] was used for offense and defense," wrote Peter Quinn, one of the most astute observers of the Irish in America. "It was a weapon to cut down anyone in the community who might think or act like he was better than his peers."

In the fall of 1858, Patrick, now thirty-five, fell ill with tuberculosis. His complexion became pale, he lost a good deal of weight, experienced pains in his chest, and began spitting up blood. Bridget insisted that they call a doctor. By the time the doctor arrived, Patrick had hemorrhaged several pints of blood, and was delirious with a high fever. His voice was almost entirely lost, and he could only make himself heard in a whisper when the doctor asked him to describe his symptoms.

Bridget stood in the door, holding their ten-month-old son, who had been named after her husband, Patrick Joseph, and was nicknamed "P.J." Peeking from behind her skirts were her three young daughters.

"Please, can you do something for him, doctor?" Bridget said.

The doctor took Patrick's pulse. It was 124. He gave him some creosote and nitro-muriatic acid with cod-liver oil. Under this course of treatment, Patrick's pulse fell to 100, and he was able to take a few spoonful of clear soup. However, over the next few days he continued to lose weight, and soon he was but a shadow of the handsome, muscular man with bright blue eyes who had come to America.

On November 22—exactly 105 years to the day before John. F. Kennedy's assassination—Patrick, much emaciated and profusely sweating, emitted one last loud gurgling noise, and died.

"He had survived in Boston for nine years, only five less than the life expectancy for an Irishman in America at mid-century," Peter Collier and David Horowitz wrote. "The first Kennedy to arrive in the New World, he was the last to die in anonymity."

Edward Klein is the author of The Kennedy Curse: Why America's First Family Has Been Haunted by Tragedy for 150 Years, available from St. Martin's Press. See page 2 for more information.

AN INTERVIEW WITH SOL STERN

Louis Giovino, director of communications, recently interviewed Sol Stern, author of Breaking Free: Public School Lessons and the Imperative of School Choice(Encounter Books). Here is an excerpt from their exchange:

Louis Giovino: Can you talk about your background?

Sol Stern: I grew up in the Bronx. I'm actually an immigrant. I came to the U.S. from Israel as a three year old actually

before Israel was a state. My parents were originally German refugees to Palestine and then we came here.

I was working for city government, and all of a sudden my two kids are getting ready to go to the public schools because we were public school supporters. But what I saw...led me to begin to take on this public school system in terms of trying to understand what it is that produced these outrageous things that I saw happening in my kid's schools—everything from derelict teachers who couldn't be fired, to the kinds of issues in terms of the subtle, political indoctrination—the left wing tilt in the schools. That's how I got into this business.

Louis Giovino: How did you come to the conclusion that Catholic schools are better than public schools?

Sol Stern: First of all, I don't make the general conclusion that Catholic schools are better than public schools. In fact, a lot research indicates that at the upper levels... there is no indication that Catholic schools are outperforming.

It's in fact at the middle range or even lower than the middle range. It is difficult to educate kids in the inner city. Clearly there is tremendous evidence that Catholic schools are outperforming public schools. And certainly, if you do it on any kind of assessment that is, they're doing a better job, an even better job considering that they spend far less per pupil than the public schools. I came to that conclusion partly as a result of doing research. But the reason I did some of the research and looked into the data was because it just occurred to me as I walked around my own neighborhood that there is a whole other school system there that almost no one in the mainstream media and even among the journals that I usually write for, was really writing about. As I became disillusioned with certain aspects of the public school system it just naturally occurred to me, well, lets take a look at this other system and see what I can learn and what conclusions we can draw about why the public schools aren't doing as well.

Louis Giovino: What did you discover specifically about Catholic schools?

Sol Stern: What amazed me was what you could do with very little money if you had the dedication, the sense of mission, if you had the structure...if you had the right to create a real sense of order in the school and hold students accountable for their behavior, and instill some very basic ideas, which we have lost in public schools—what is good character for young people growing up, what's acceptable and not acceptable.

Louis Giovino: What could you see in Catholic schools that could be adopted by public schools?

Sol Stern: [First] the absence of the kind of crippling work rules that now pervade the public school system. Second, the Catholic schools principals have a tremendous amount of autonomy. And the third most important—kids can't learn if there's no order, if there are no clear rules about what's permissible and not permissible in a school environment

Louis Giovino: Turning to the issue of vouchers. Vouchers and tuition tax credits, of the two, which one would you support?

Sol Stern: I would say whichever gets the job done. I don't have any ideological preference. I think tuition tax credits now in Florida are working real well, on the other hand, vouchers are working pretty well in Milwaukee. In my view it is a civil right, and if that can be done by giving the parent after the fact the amount of money that covers either all or part of the tuition in any private or parochial school through the tax system, that's fine. If it's done directly through a voucher, that's fine. As long as kids are getting out and you are creating a dynamic of competition. We can get to that, but that's the other issue of why I favor vouchers, it's not just for the kids getting out of a terrible situation, but it's also the effect on the public school system itself.

Louis Giovino: Now from your experience dealing with all this,

have you seen anything specifically anti-Catholic from the unions?

Sol Stern: Of course. Absolutely. I say that in the book. Look, we know historically that the very development of the current public school system starting in the mid-nineteenth century was aimed against the hated Catholic Church and the new immigrants. Horace Mann, who is credited with developing the very idea of the common school, said it openly. So did the person who is credited for creating the New York City public school system at the turn of the century, Professor Nicholas Murray Butler of Columbia. He represented a group of elite Protestant political leaders in New York that wanted to make sure that the public schools had one clear system for educating the immigrating kids in the values of a secular society.

Louis Giovino: We know historically there has been prejudice against Catholics. Do you have any examples today?

Sol Stern: I get comments like this all the time. Look, I live on the Upper West Side and for me coming out for vouchers was an act of betrayal for many, many so-called progressives. One of the reasons that they were very hostile about this issue was this idea that vouchers would undermine the public school system. They were very committed, devoted to the public school system. I have no problem with that. But clearly, in comments that were made to me, there was also this suspicion and hostility to the Catholic school sector, to the values that are taught in the Catholic schools, on all of the social issues. These are people, liberals, on issues such as abortion and gay rights and multiculturalism. They view the Catholic schools as a kind of bastion of regressive social policies. I think they are wrong. I understand that they have their positions, the liberal positions on these social issues. But they're just wrong to want to deny the kids the right to a decent education because of their hostility to the Catholic Church on all these other questions.

Louis Giovino: Within the Christian community, especially the Evangelical Protestants, first they were against vouchers and now they are for them. Do have any comments on that?

Sol Stern: I think it's a phenomenon of disenchantment with the public school system and they realize that the public schools have, in their view—and to some extent I agree with them—have gone off the deep end in terms of some of the values we have just talked about. You can hardly mention God in the public schools, but of course you could have a curriculum that is quite friendly to gay rights and gay liberation. So the Protestants, the evangelicals as you referred to them, are also sensing that need for exit, to be able to basically vote with their feet, their kid's feet. To be able to say, "Look, this is not the kind of character training that I want for my child, and I want the right to have my child allowed into an educational institution which meets my needs as a parent for development of his or her character." And so, there is some support there, you are right, for the idea of vouchers.

Louis Giovino: What do you think about the prospect of Jews getting on board with vouchers?

Sol Stern: You do now have the Orthodox Jewish community supporting vouchers or tax credits of some kind because, of course, they see an advantage for them and they run their own school systems. For the rest of the Jewish community, both religious and secular, for those who are affiliated even with conservative or reform, and those who are non-affiliated and not really religious Jews, there is, again, a traditional fear on the church and state issue. Jews define their assimilation and integration and acceptances as Americans in terms of the model of complete separation of church and state—of the whole idea of religion being a very private matter. And historically, that's been their position and one of the reasons why none of the major Jewish organizations support vouchers.

Louis Giovino: You see the irony that the same people who want to sanitize religion from the public square are the same people who are against school choice. Can you comment on that? Is there anti-Catholicism behind that?

Sol Stern: Yes. Again, this is a complicated question. I think there are people who have legitimate questions about vouchers and they are worthy of debate. So, you have to distinguish. On the other hand there are people...that are just hostile to the idea of religion absolutely. They see this as a way of strengthening what they regard as a kind of pernicious influence of religious institutions over the minds of kids. And so it's hostility, and in some cases bigotry against religion and particularly Catholic religion. They don't want kids under the influence of the local parish. They much prefer them under the influence of the local ACLU or the local gay rights movement which clearly these institutions have a kind of entrée in the public schools and many of their values.

POPULAR THRILLER REPRISES PIUS XII SLANDERS

By Kenneth D. Whitehead

*Daniel Silva, The Confessor,
New York: G.P. Putnam's Sons, 2003.
HB; 401 pages. \$29.95.*

What Notre Dame philosophy professor Ralph McInerny has aptly called "the defamation of Pius XII"—in his excellent book with that title—has unfortunately been so widely successful in the culture at large that many people simply take it for granted

that Pope Pius XII was guilty of a grave historical wrong in not speaking out more strongly against Adolf Hitler's efforts to exterminate the Jews. The recent film "Amen," by movie director Constantin Costa-Gravas, like the earlier play on which it is based, Rolf Hochhuth's "The Deputy," depicted Pius XII as a virtual accomplice in his willingness to mute public criticism of Hitler and the Nazis. Supposedly, the wartime pope was willing to remain silent both because he was pro-German and because he was acting in the interests of combating Communism through the advance of the German army into the Soviet Union. Pius XII is also severely criticized as well for maintaining Vatican neutrality in the war at a time when, as a moral leader, many say, he should have been more vigorously speaking out against the evil of the Nazis' "final solution."

Evil the Nazis' final solution assuredly was. The alleged guilty silence and passivity of Pope Pius XII in the face of it is something else again, however, something a vast contemporary literature has examined in great detail. Far from the case against Pius XII having been proved by the various anti-Pius writers, though, rather the contrary has turned out to be the case: the less highly touted pro-Pius writers really have the better of the argument, as the present writer among others has shown in a review-article covering the principal recent anti-Pius and pro-Pius books (this review-article is available [here](#)).

The fact that the case against Pius XII does not hold up on the evidence—that the continuing denigration of the wartime pope is a defamation—has not prevented those convinced of the pope's guilt from going ahead to trumpet it to the four winds anyway. Such is the approach of the recent book by Daniel Jonah Goldhagen, *A Moral Reckoning: The Role of the Catholic Church in the Holocaust and Its Unfulfilled Duty of Repair*. Goldhagen relies on sources whose evidence has been shown to be thin, shaky, biased, unsubstantiated, and even patently false—and then he goes on to accumulate many more errors of

fact and judgment of his own. Just as the myths of Aryan racial superiority and Jewish racial pollution drove the Nazi extermination program, so the myth of the supposed complicity of Pius XII in the crimes of the Nazis drives the continuing campaign to vilify the good and honorable pope and man that Pius XII was. A scapegoat is needed to explain the failure of European civilization to counter the murderous ideology of the Nazis, and so the wartime head of the Catholic Church is targeted.

One of the newest entries into the field of Pius XII defamation is a new thriller novel entitled *The Confessor* written by Daniel Silva. It appeared on the New York Times bestseller list almost as soon as it was published. Its author has enjoyed a growing reputation as a writer of popular thrillers, and he is, in fact, a skilled practitioner of the genre. In two recent books of his, *The Kill Artist* and *The English Assassin*, he introduced a superhero operative, Gabriel Allon, who is a talented restorer of fine paintings by day but is also a clandestine Israeli agent who always turns out to be more than a match for the Arab terrorists he encounters preying on Jewish victims. In *The Confessor*, however, the predators pursuing Jewish and other victims are no longer Arab terrorists; they are traditionalist Catholics operating out of the Vatican in an effort to cover up the evidence of Church collaboration with the Nazis in World War II.

The novel's action is based on the taken-for-granted "fact" of the culpable silence of Pius XII during the Holocaust against the Jews as well as upon the true fact that some individual churchmen were pro-Nazi. It would have been surprising if there had not been a few pro-Nazi churchmen, considering that the mesmerizing Adolf Hitler once held a good part of Europe in his thrall, and for more than just a few years. Probably a majority of Germans continued to consider him the savior of Germany well past the time when it had become pretty clear that what he was bringing about was the ruin of Germany.

That some individual churchmen were pro-Nazi, and a few even actively collaborated in the atrocities of Hitler's so-called New Order, however, in no way establishes that the Vatican's policy was even remotely pro-Nazi. That the contrary, in fact, has conclusively been shown in, e.g., *Pius XII and the Second World War: According to the Archives of the Vatican* by Pierre Blet, S.J., has simply not registered with a writer such as Daniel Silva. He relies on the anti-Pius sources instead. His main plot is based on a supposed secret wartime meeting between an archbishop high up in the Vatican and an official of the German Foreign Office. At this meeting, the Vatican official is depicted as expressly acquiescing in the Nazi plans for the Final Solution. Supposing such a thing ever happened—and there is no evidence for it—it is hard to see why the personal moral guilt of Pius XII would not in fact be diminished if he were shown to be acting on the recommendations of a trusted official who was really, unbeknownst to the pope, working for the Germans.

The novel implies nothing of the kind: Pius XII remains the bad guy, and both the author and his characters from time to time give vent to their feelings about this supposedly flawed and failed pope. Some of these asides seem lifted almost verbatim from anti-Pius books such as Susan Zuccotti's *Under His Very Windows: The Vatican and the Holocaust*, in which Pius XII is made to be somehow personally responsible for the 1,000-plus Jews who were rounded up in Rome in October, 1943 and deported to Auschwitz. What is not mentioned, either by Zuccotti or by Silva, is the truth recently brought out once again by the Jewish historian, Sir Martin Gilbert, namely, that around 4,000 of Rome's 5,000 Jews were hidden in Roman seminaries and convents—where the breaking of the rule of cloister in the latter institutions would have required papal approval—and were thereby saved from deportation.

The action of this thriller novel revolves around a fictitious

new pope, Paul VII, who has just succeeded John Paul II, and who is a “liberal” pope who intends at long last to ‘fess up and admit the Church’s World War II guilt in failing to save the Jews. A far-right secret society of traditionalist Catholics headed by an ice-cold cardinal character—the kind of person the anti-Pius people seem to imagine Pius himself was—is determined to stop this admission of Church guilt even if it means assassinating the new pope, Paul VII. As the “confessor” of the book’s title, this wicked and implacable cardinal sends out assassins with the promise of automatic absolution in the confessional for their deeds.

The nefarious Catholic traditionalists, however, fail to reckon with the Israeli superhero, Gabriel Allon. He is not only instrumental in saving the new pope from assassination, his exposé of the wartime sins of the Church through various acts of derring-do establish the need for the fictitious Paul VII to apologize for these wartime sins. In this regard, John Paul II’s actual “apologies,” at Rome’s synagogue in 1986 and again as recently as February, 2003, at the Wailing Wall several years back, and in his 1998 “We Remember” document, are evidently not enough; the only thing that will ever satisfy the anti-Pius people, apparently, is a total admission that Pope Pius XII was indeed guilty as charged.

It is dispiriting to realize that this author’s skill as a writer of popular thrillers will probably help persuade many readers about the “guilt” of Pius XII, thus expanding and perpetuating the defamation of the wartime pope to an even greater extent than is already the case. Unfortunately, among the sources acknowledged at the end of his book are such “anti-Catholic Catholics” as James Carroll, John Cornwell, and Garry Wills; but relying on such sources in trying to render anything like the proper “feel” of authentic Catholicism and how the Vatican functions is about as reliable as consulting the Jews for Jesus for insights into orthodox Jewish

beliefs. These writers are arguably not even Catholic any longer, in spite of their pretence of being legitimate critics operating from “inside” the Catholic Church. With sources like these, Daniel Silva was never likely to get it right about the Church and the pope, and *The Confessor* as a novel has to be added to the already large body of literature perpetuating the defamation of Pius XII.

Kenneth D. Whitehead is a former U.S. Assistant Secretary of Education and a member of the Board of Directors of the Catholic League for Religious and Civil Rights. His review-article entitled “The Pius XII Controversy” is available [here](#).