

TWO KEY RELIGIOUS LIBERTY RULINGS

Just before midnight on Thanksgiving eve, New York State Gov. Andrew Cuomo, a professed former altar boy, took it on the chin when the U.S. Supreme Court ruled 5-4 that his executive order limiting occupancy in houses of worship could not stand. It was blocked pending a review by the 2nd Circuit Court of Appeals.

Though Cuomo had already rescinded his order, the occupancy limits he imposed—10 in red zones and 25 in orange zones—were seen as executive overreach; the restrictions were imposed because of Covid-19 concerns. The high court knew he could reinstate his restrictions, which is why it did not pass up the opportunity to decide this case.

The Supreme Court said that “even in a pandemic, the Constitution cannot be put away and forgotten.” It was a win for the Diocese of Brooklyn and Agudath Israel of America.

The Catholic and Jewish institutions argued that declaring religious services to be “non-essential,” while labeling pet stores, hardware stores and other secular entities “essential,” was a serious First Amendment infringement on their religious liberty. Cuomo dug himself a hole when he admitted in a press conference that his order is “most impactful on houses of worship.”

One of the most interesting aspects of this case was the reaction to the ruling.

We would expect secular militants to be angry, and they were. No organization has exerted more time, money, and energy using Covid-19 as a pretext to abridge religious liberties more than Americans United for Separation of Church and State. This is an organization founded by anti-Catholics after World War II;

to this day it remains hostile to Catholics, as well as to some other religious affiliations. It filed an amicus brief in this case.

“So far this year, Americans United has filed 40 other amicus briefs in courts across the country in similar cases involving requests for religious exemptions from COVID-19 public health orders.” That was its official reaction to the high court decision affirming religious liberty. In addition, it has issued over two dozen news releases and opinion pieces on this subject, all of which stress that it would be unconstitutional to allow religious exemptions to public health restrictions.

What was most illuminating was the reaction of liberal religious publications and organizations. They were in a jam: if they approved of the Supreme Court ruling, it would put them on the side of religious conservatives; if they disapproved, it would put them on the side of secular militants. So what did they do? They punted. For the most part, they took the cowardly way out and said nothing.

America and Commonweal are liberal Catholic media outlets. They said not a word. The National Catholic Reporter is a dissident media source that rejects many Church teachings; it also said nothing. Sojourners, a liberal Protestant publication, and Religion News Service, which hosts a variety of liberal religion writers, also went mute.

Crux, a liberal Catholic website, posted one piece by its editor, John Allen. He tried ever so hard to be objective, but he ultimately failed. “Contrary to popular mythology, most secular liberals aren’t hostile to religion, merely indifferent.” That may be true for individuals, but it is certainly not true of secular liberal organizations that opine and act on religious liberty issues. That’s what counts.

The silence on the part of religious liberals to the Supreme Court ruling is daunting. It shows their uneasiness with

granting churches and other houses of worship the same rights as afforded many secular institutions. Indeed, it says much more than that. Religious media outlets should be expected to *affirm* a special place in constitutional law for religious institutions—that is what the First Amendment ordains! Their failure to do so is telling.

A week after Cuomo got dressed down by the Supreme Court, the Justices did the same to California Gov. Gavin Newsom.

With no dissents, the Supreme Court ordered U.S. District Court Judge Jesus Bernal to reconsider his support for the occupancy limits imposed by Newsom. He was told to review its 5-4 decision striking down Cuomo's draconian edict.

Every reasonable person concedes that local and state executives are within their rights to exercise extraordinary powers during an emergency condition such as a pandemic. But such rights are not boundless. The U.S. Constitution does not take a holiday.

The arrogance of Cuomo and Newsom is appalling. Their disrespect for the free exercise of religion—the preeminent constitutional right—is equally appalling. The faithful are entitled to *more rights* than are afforded Costco shoppers, so when they wind up with *less rights* than those who frequent tattoo parlors, it is clear that a religious animus is in play. It needs to be excised.

Covid-19 is a serious threat, but when politicians such as Cuomo and Newsom go easy on mobs gathering in the streets, ignoring social distancing—many of whom are violent thugs—and then lay down the gauntlet on peaceful and health-observant church goers, they decimate their moral authority.

Thank God Amy Coney Barrett was nominated by President Trump and confirmed by the Senate. Her vote was indispensable.

BIDEN OUT OF STEP WITH BISHOPS AGAIN

As we know, there is no marriage, family, or reproductive issue that Joe Biden is on the same page with the United States Conference of Catholic Bishops (USCCB). What has gotten by most observers, however, is his support for gender theory, a fictional construct that argues if a male considers himself to be a female, he is. Pope Francis has condemned this crazed idea as “demonic.”

Thanks to CNSNews, we learned that the Biden campaign’s website is flagging their candidate’s pledge to allow boys to compete against girls in girls’ sports. To qualify, all the boys have to do is say they are a girl, and bingo—they can compete. This is considered equality, even though it puts real girls in an unequal position.

Allowing boys who self-identify as a girl to crash girls’ athletics—and to use the same locker room and shower facilities—is not a side issue for Catholic Joe. No, his website says he will act on this pledge on “his first day in office.” Too bad he never told the country what a pressing issue this is for him.

More bad luck for the Biden camp. On October 27, 2020, Bishop Michael C. Barber, S.J., of Oakland, chairman of the USCCB’s Committee on Catholic Education, and Bishop David A. Konderla of Tulsa, chairman of the Subcommittee for the Protection and Defense of Marriage, wrote a letter to members of Congress supporting the Protection of Women and Girls in Sports Act of 2020.

This bill affirms the right of boys and girls to compete

exclusively against those of their own sex, providing no allowance for the sexually confused. It would stop entities that receive federal funds under Title IX from “permitting male students to participate in athletic programs designated for women and girls.”

The bishops note that while transgender students should not be harassed, their condition is one of “gender identity discordance.” It must be said, they stressed, that allowing boys to join a girls’ athletic team would be “a loss for basic fairness and the spirit of Title IX.”

Thus, the Biden campaign is once again out of step with the bishops.

We at the Catholic League have only one question: Why would Catholic Joe want to fight so hard for a cause the Holy Father labels “demonic”?

TRUMP DIDN'T CREATE INCIVILITY

After watching President Trump for the past few years, *New York Times* columnist David Brooks recently opined that he fully expected “the country would rise up in moral revulsion” at his gruff style. He is dumbfounded at the outcome. “Trump’s behavior got worse and worse...and nothing happened.”

There are plenty of reasons why. The mainstreaming of incivility in our culture tops the list.

For several decades now, the public has become so inundated with crassness that it has become increasingly inured to

expressions of it. That is why it smacks of naiveté to express horror when our elites adopt the cues of the dominant culture. This isn't the 1950s.

Howard Stern is more than a shock-jock: He epitomizes the coarseness of our culture, and his fans are legion. Moreover, he has inspired many others to follow suit. Kathy Griffin, Sarah Silverman, Bill Maher, Louis C.K., Samantha Bee—just to name a few—have contributed mightily to the dumbing-down of our culture. Just think how vile they are when compared to Lucille Ball, Milton Berle, Bob Hope, Jerry Lewis, Groucho Marx and Dean Martin.

It is not just the lyrics that have changed in the music world; it's the behavior exhibited on MTV and BET. The filth of the songs is routine, as are the crotch-grabbing antics. Cardi B's best-selling "WAP" is another index of our gutter culture, and it does not speak well of Joe Biden that he gave this vicious misogynist a high-profile interview during the Democratic National Convention. The success of Miley Cyrus is another index of our moral destitution.

"South Park" and "Family Guy" are demonstrative of our nation's moral health, as is the popularity of non-stop "genital jokes" on network sit-coms. Movies that were once given an "R" rating are now "PG-13," if not "PG." And it is next to impossible for responsible parents to screen all that is available online to their children.

There was a time, not long ago, when students would be suspended from school for foul language. Now they can curse out their teachers with impunity. Worse, affluent suburban parents who are notified of the offensive behavior of their children are as likely to express umbrage at the principal as they are their child.

Social media has played a big role in corrupting our culture. The idea of liberty as license is on full display, and

attempts to mitigate it are resisted. An array of court decisions, starting in the 1960s, did much to lower the moral bar. Incivility and indecency were redefined as freedom of expression, and the results are everywhere today. When Rep. Rashida Tlaib called President Trump a “motherf*****,” what price did she pay? None. Why the silence? Tip O’Neill would never have allowed her to escape without a sanction.

Trump’s abandonment of established presidential etiquette has gotten out of hand on many occasions. It is easy to understand why people complain. Whether it is reason enough to negate the success of his policies, as compared to Biden’s record of 47 years, is another matter altogether.

We have a right to expect our presidents to rise above the fray. But in the end, Trump is a reflection of what our cultural elites have wrought. It is a little late in the game to cry foul at this point. We reap what we sow.

VOTERS SPLIT ON STATE ABORTION LAWS

Voters in Colorado and Louisiana considered abortion legislation on election day and went in opposite directions. The voters not only have nothing in common on this issue, their preferences are rooted in their religious values, or the lack thereof.

Louisiana voters passed an amendment to the state constitution that forbids the right to an abortion or the public funding of it. This means that even if Roe v. Wade were overturned, abortion rights cannot be established in the state. The measure passed by a wide margin. It was sponsored by a black

female Democrat, State Sen. Katrina Jackson; she is a Baptist.

A pro-abortion activist told CNN that “we must keep fighting because women—not just those of means but all women and all people who can become pregnant—deserve the basic right to bodily autonomy...” (My italics.) She did not identify who, other than women, can get pregnant. Nor did the reporter ask her what creature, or creatures, she was talking about. No matter, she wins a gold star for inclusivity.

Colorado has one of the most relaxed abortion laws in the nation. Indeed, it is one of seven states that permits women to terminate their pregnancy any time they want, right up until birth. Some residents said that was a bridge too far and managed to place a proposition on the ballot to ban abortions after the 22nd week of pregnancy. They lost. Approximately 6 in 10 voters rejected the ban.

Why are the voters in these two states so different? Much of the divide can be explained by looking at their religiosity profile, namely the extent to which they differ on religious beliefs and practices.

In terms of an overall religiosity scale, a Pew Research study placed Louisiana at number 4; Colorado ranked 41st. For example, 75% of Louisianans believe in God and 71% consider religion important; the figures for Coloradans are 55% and 47%, respectively.

At first glance, it seems surprising that when it comes to asking whether there are “clear standards of what is right and wrong,” or whether “right and wrong depend on the situation,” there is no difference between the two states. The figures for the two questions for those who live in Louisiana are 38% and 59%; they are 37% and 59% for residents of Colorado.

A closer look reveals that what matters is the source of one’s notions of right and wrong. Religion is the source of right and wrong for 43% of Louisianans, yet it is only 29% for

Coloradans; the other two categories are philosophy/reason and common sense.

There is a profound difference between looking to God-based determinants of right and wrong and determinants of a more personal kind. The former for Christians would be the Ten Commandments; for the latter it would be their own moral compass. Thus, the content of our moral values is necessarily reflected in their source.

To put it another way, those in Louisiana are more likely to see abortion as the killing of innocent human beings, something which is proscribed by the Ten Commandments. Those who look to their own values are more likely to make decisions based on what they want, or feel, not on what God ordains.

It should come as no surprise that given the low levels of religiosity in the lives of Coloradans that they would not countenance restrictions on their sexual liberties any more than they would put up with restrictions on their drug use: marijuana was legalized a decade ago. Unfortunately, five years after they did so they had a three-fold increase in pot heads being admitted to the emergency rooms. Vomiting, racing hearts and psychosis are the most common ailments.

In other words, the hospitals in Louisiana and Colorado are very different. In the latter, they kill babies in the third trimester and flood their wards with drug abusers. In Louisiana, these problems are minimal. It all depends on the source of our moral values.

NOT ALL PROTESTERS ARE THUGS

The difference between the pro-Trump and the pro-Biden protesters in the aftermath of the election is stark. The former were peaceful; the latter were violent.

Nothing symbolizes the difference between the protesters more than what happened on November 5th in Phoenix and Portland. In Phoenix, Trump supporters gathered outside of Arizona's Maricopa County Elections office to pray; they did so the night before as well.

In Portland, the protesters (they were certainly anti-Trump if not necessarily pro-Biden) vandalized a Catholic church, one known for its outreach to the poor and homeless. Even Oregon Gov. Kate Brown couldn't believe what happened. "They shattered the windows of a church that feeds Oregonians in need."

The violence that left-wing activists engaged in has been going on all year. But the week after the election, they kicked it up a notch.

On election night, several arrests were made in Seattle when left-wing activists took to the streets. They left nails in a roadway and destroyed property. That same night in Washington D.C., Trump supporters were stabbed near the White House and a police van was vandalized. In Minneapolis, police were attacked, fires were set, and property was damaged; fourteen were arrested for creating a riot. In Los Angeles, more than 40 people were arrested for creating havoc.

On November 4th, Portland exploded, necessitating the presence of the National Guard. Loaded rifles were taken, as were explosive devices, knives and spray-paint. That same night, left-wing protesters took over downtown Minneapolis and Interstate 94.

Also on November 4th, New York City was the scene of dozens of arrests. Fires were set, the head of the NYPD was attacked, and another officer was assaulted. Devina Singh, a crazed woman with an arrest record, spat in the face of a police officer, taunting him with obscenities.

On November 5th, a protester choked a police officer with a chain and many arrests were made.

Now contrast the Trump haters with the Trump supporters. On November 5th, they showed up in Philadelphia and Milwaukee waving American flags. In Las Vegas, 400 protesters gathered outside of Clark County Election Department blasting patriotic anthems over loud speakers while waving American flags.

Not all protesters are thugs. For the most part, conservatives are prayerful and patriotic. They do not attack the police, set fires, loot and vandalize churches. It is those on the left who act like savages, the ones that Joe Biden and Kamala Harris find it hard to condemn.

THE NEED TO CLAIM AOC CATHOLIC

There isn't much left of Catholic "progressives" these days, which explains why they are trying so hard to find a public person whom they can anoint as one of their own. They think they have found such a person in Rep. Alexandria Ocasio-Cortez (AOC).

"I consider myself Catholic," AOC told a reporter.

That is not how Catholics speak of themselves. They simply say

they are Catholic. Indeed, it is not how most people articulate any of their multiple identities. Imagine someone saying, "I consider myself to be Irish," or "I consider myself to be an author." Why the need to hedge? There is nothing subjective about being Catholic, Irish, or an author. You either are or you are not.

Ironically, AOC's tentativeness is warranted. For example, she did not tell the reporter that she has been a Catholic all her life; rather, she said she "grew up in the Catholic faith" (while noting her mother is not Catholic). More important, to what extent does she take her moral cues from her Catholic background?

One of AOC's fawning reporters said that after listening to an address AOC gave on the House floor, she was "struck by how often it referenced Catholic values." The subject of AOC's speech was the need to respect women. Fine, but there is nothing inherently Catholic about that stance; even non-believers agree. Moreover, it was not AOC who credited her Catholicism for her view—it was the author.

The Catholic Left wants the public to think that AOC's Catholicism is evident in her social justice positions. But how kind was AOC to the poor when she fought an attempt by Amazon to set up shop in her district? Because of her effort, an estimated 25,000 to 40,000 jobs were lost.

How kind is AOC to the poor by consigning them to failed public schools? She is opposed to all school choice initiatives, except for those that touch her personally: She bragged about getting her Goddaughter into a charter school. The poor are the ones most affected by crime, and they are not proponents of defunding the police. AOC is. In fact, she wants to abolish the prisons. Just whose neighborhoods does she think the felons will repair to once released?

Children are among the most vulnerable Americans. AOC says we have too many of them. That is why last year she raised the

question, “Is it okay to still have children?” This sheds great light on her enthusiasm for abortion rights.

AOC is supposed to be a friend to minorities. Yet she is a strong ally of Linda Sarsour, a vicious anti-Semite. More recently, just a few months ago AOC ripped Father Damien, the 19th century priest who gave his life serving lepers on the Hawaiian island of Molokai. She said this heroic priest was guilty of patriarchy and white supremacy.

If AOC is the best the Catholic Left can do in their quest to find a leader, they are in serious trouble.

FEINSTEIN’S SECOND CATHOLIC MOMENT

When Sen. Dianne Feinstein made a patently anti-Catholic comment in 2017, saying to circuit-court nominee Amy Coney Barrett, “the dogma lives loudly within you,” Bill Donohue wrote to the senator expressing his concerns. More important, he mobilized thousands of Catholics to email Sen. Charles Grassley, chairman of the Senate Judiciary Committee, about Feinstein’s bigoted remark. Now Feinstein is back in the news with a hot-mic quip about Barrett’s Catholicism.

Speaking about Barrett, Feinstein was caught saying, “She’s been pro-life for a long time. So, I suspect with her, it is deeply personal and comes with her religion.”

Feinstein was recently rapped for making another anti-Catholic remark. She should not have been. What she said was not anti-Catholic. But Donohue hastened to add that coming from someone who previously made an anti-Catholic comment about Barrett, Feinstein’s second Catholic moment told us a lot about who she

is.

Feinstein was correct to say Barrett is “pro-life,” which is an accurate way to characterize what is usually understood by those on the other side as “anti-choice.” And, yes, for practicing Catholics, such a conviction—which is also confirmed by science—being pro-life is “deeply personal.” But given what Feinstein previously said about Barrett’s Catholicity, it appears that she was positively awestruck by her sincerity.

Feinstein is not alone. Secularists abound in the media, the arts, the entertainment industry and education. At best, they look at people like Barrett in wonderment, almost as if they are from some other universe; at worst, they hate them. Feinstein falls into the former category.

It is somewhat surprising for Feinstein to be puzzled by a Catholic’s deeply personal faith. After all, she graduated from Convent of the Sacred Heart High School. However, she also attended a Jewish temple—her father was Jewish—and spent time in a Jewish day school. So perhaps she never found anchor in either religion; she is not known to be a practicing member of any faith.

Elites in all walks of life are acutely sensitive to stereotypes, expressing horror whenever generalizations are made about people of color, et al. Moreover, they are constantly urging us to meet people who are different from us so we can understand their point of view. The one exception to this maxim is people of faith, especially Christians. For us, they just stare. That’s if we’re lucky. Others seek to silence us.

Feinstein congratulated Barrett during the hearings for her “impressive” command of the facts. That was kind of her. Now if she could only sit down and spend some time really listening to people like Barrett—getting to know them the way

she knows dogmatic secularists—that would make her a better person. Not only that, we would all benefit from that outcome.

DISSIDENT CATHOLICS HATE BARRETT

Judge Amy Coney Barrett has won over the American people and, as we recently saw, a majority of the senate. Women are particularly admiring of her, and Catholic women see her as a role model. About the only ones unhappy with her are left-wing atheists, and a few others. The few others includes the editorial staff of the *National Catholic Reporter*. It came out formally against Barrett, asking the senate to reject her. Fortunately, no one on the senate knows who they are.

The *Reporter* is a pro-abortion, pro-gay marriage, pro-women's ordination newspaper that is partly responsible for the clergy sexual abuse scandal. It is mostly read by ex-Catholic faculty who condemn the Church's teachings on marriage, the family, and sexuality. Lots of ex-priests and ex-nuns like it as well. It makes them feel validated.

Why doesn't the *Reporter* like Barrett? She should "have phoned the White House and asked not to be considered for the nomination." This is the kind of comment we might expect from a child. Why should she have done what no other nominee to any federal post would ever conceive of doing? Because the senate hearings were too close to the election.

The *Reporter* needs to hire some non-sexist men and women. Either that or fold. Only sexists would express their anger at Barrett's "adoring look" at the president. Worse, they said it was feigned: they wrote that Barrett gave President Trump "the

required adoring look.” The sexists would never make such a remark about a male nominee to the high court.

Everyone with an IQ in double digits knows that climate change is a contentious issue. Everyone but the sages at the *Reporter*. For them, there is nothing to debate—it’s a slam dunk. Indeed, no debate should be allowed. That’s another reason they hate Barrett, who acknowledged it is a controversial matter. Her independence of mind is not something the dissidents can appreciate.

Finally, the “Catholic” newspaper is livid over the prospect of having six Catholics on the high court (that’s if we count Catholic dissident Sonia Sotomayor). Imagine a Jewish newspaper saying there are too many Jews on the high court (we had three up until Ginsburg died)? No, only alienated Catholics would make such an argument.

Judge Barrett is a stunningly courageous and erudite woman who makes Catholics proud. And that is one more reason why the *National Catholic Reporter* does not want her on the bench. Too late for that—we won.

HIGH COURT HEARS KEY RELIGIOUS LIBERTY CASE

On November 4, the United States Supreme Court heard oral arguments in one of the most important religious liberty cases in recent years. At stake is the right of religious social service agencies to follow their own religious prerogatives, rather than yield to the secular values of the state. Catholic foster care programs seek to place children in Catholic homes where there is a mother and a father. This was regarded as

wholly unexceptional, up until recently. But in the age of an aggressive gay rights lobby, this time-honored tradition is now before the Supreme Court. It will issue its ruling next spring.

The case before the high court, *Fulton v. City of Philadelphia*, involves the City of Philadelphia's decision to stop referring children in need of foster care to Catholic Social Services (CSS). Miami Archbishop Thomas Wenski, who is also the chairman of the United States Conference of Catholic Bishops' Committee for Religious Liberty, noted on November 2 that "The Church pioneered foster care in Philadelphia 150 years before the government got involved." But because CSS, following Church teachings, will not place children with homosexual couples, the government is seeking to force it to get into line with its amoral values.

It is important to recognize that no one has ever charged that CSS discriminates against anyone. No homosexual couple has ever sought to secure foster children from CSS. This is an entirely contrived case, designed to strip CSS of its religious rights. Before assessing the merits of the Catholic Church's foster care programs, consider how this case began.

On March 9, 2018, a reporter from the *Philadelphia Inquirer* called the Philadelphia Human Services department complaining that CSS, and a Protestant-run child care agency, would not work with homosexual couples as foster parents. Four days later the newspaper ran a piece on this story. Cynthia Figueroa, the Commissioner of Human Services, called officials at the Catholic and Christian agencies seeking to verify the paper's claims. James Amato, Secretary of CSS, confirmed the veracity of the story.

Figueroa and Amato met to discuss this issue. Amato explained that he was only following the teachings of the Catholic Church, and that CSS had been doing this for over 100 years. Figueroa then showed her true colors, which, despite her

Jesuit education (some might say because of it) allowed her to argue that the Church had better get with the times. That is where she crossed the line.

Figueroa went further than that. She told Amato that “it would be great if we could follow the teachings of Pope Francis.” According to Amato, she chided him for following the lead of Archbishop Charles Chaput (who recently retired): he defended the CSS policy as sound Catholic thinking.

This alone should sunder the case made by the City of Philadelphia. Here we have an agent of the state telling a Catholic social service agency that it is not being faithful to the Church’s teachings! And because of that, it must be punished by the state.

First of all, nothing that Pope Francis has ever said about homosexuals wanting to adopt children should ever be construed as affirming their desire to do so.

Secondly, what right does a municipal employee have in lecturing a religious institution about its doctrines, telling them that they are wrong in their interpretation of them? Imagine a bishop lecturing a government official on his need to get up to speed with the latest interpretations of constitutional law! It would never happen.

This case involves the future of religious liberty in a wide variety of cases. We live in precarious times, and this is especially true of the content of our culture. The Judeo-Christian tradition that has served us so well badly needs to be strengthened.

“FAMILY GUY” ASSAULTS CATHOLICS AND JEWS

Bill Donohue wrote to the Walt Disney Company Board of Directors about the November 8 episode of the Fox TV show, “Family Guy” (Fox entertainment is owned by Disney). This episode featured a scene where two Catholic sacraments, Baptism and Holy Communion, were mocked. It also maligned priests and disparaged rabbis. The offensive scene involved a Christening.

Meg (The Daughter): “Where’s the priest?”

Lois (The Mother): “Oh, the Church ran out of priests months ago because of all the diddling. Now they just have a rabbi fill in.”

The scene then cuts to a rabbi at a baptismal font where he makes this comment while doing the baptism.

Rabbi: “Welcome to the Christening. Now, before the child goes in the water, has it been at least 20 minutes since she ate?”

Joe (Father of Girl being baptized): “Yes, rabbi.”

Rabbi: “Let’s dunk this kid like a doughnut. I hereby Christen this child in the name of Jesus Christ, who was killed by we-don’t-know-who, it’s not important. The last thing we want to do is point fingers.”

After the Baptism, the rabbi makes a joke about the Eucharist.

Rabbi: “Congratulations, sweetie, you’re a Christian. From now on, every Sunday you get to eat a hard cookie and pretend it’s a guy.”

Donohue asked Mr. Robert Iger, the Executive Chairman of the Walt Disney Company, and the other members of its board of

directors, to answer several questions.

Donohue asked him to “call off the dogs,” pledging that “If I have to write again, the content of my communication will be strikingly dissimilar.”