

# SCHOOL CHOICE LOOMS

Finally, after almost 150 years, we may rid the law of anti-Catholic legislation. The U.S. Supreme Court recently heard oral arguments on a school choice case of monumental significance. The Catholic League has been fighting for school choice since Father Virgil Blum founded the organization in 1973.

The case involves a Montana scholarship program that allows individuals and institutions to donate to a private non-profit fund. Those who participate get a tax credit, dollar for dollar, up to \$150. However, the program ran into trouble when the Montana Revenue Department declared that religious schools were excluded. It made its decision based on the state's constitution.

The Montana constitution is one of 37 state constitutions that include what is known as the Blaine Amendment. In 1876, Senator James G. Blaine of Maine tried to pass an amendment that would bar public funds from being spent for any sectarian purpose. It is not a matter of debate that his real target was Catholics: he wanted to marginalize Catholic entities. He failed, but many states accepted his thinking and passed their own Blaine Amendments.

The issue before the Supreme Court is whether a state can pass a neutral program that allows student aid and still exclude parents, who are taxpayers, from sending their children to religious schools.

It is time to put these discriminatory Blaine Amendments to rest. They were born in bigotry and have flourished in bigotry. A decision is expected in the spring.

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# MEDIA BARRAGE ON THE CHURCH; THE QUEST FOR DIRT

The year ended with a barrage of media stories on the Catholic Church, the likes of which we've not seen for some time. What made this flurry of negative stories so different is that they were mostly non-stories. In other words, the media ran articles about clergy sexual abuse that failed to uncover anything new.

There is no new wave of sexual abuse stories bursting on the scene. Knowing this to be true, the media reported on old cases of abuse that dated back to World War II. Obviously, many of the accusers, and the alleged offenders, are dead. So what was the point, other than to shame the Church?

Then there were stories based purely on anecdote. Journalists use anecdotes to embellish a story, to give it a human face, amidst lots of number crunching. But that is not what happened in year-end reporting. The stories went nowhere.

Another round of stories focused on priests who have been laicized for misconduct. The media faulted the Church for not "supervising" ex-priests, as if it had the legal authority to do so.

There were "investigative" reports with Catholics who went before diocesan review boards; these panels are charged with determining whether an allegation is true or not. As with any such probe, we expect to learn of a range of experiences, from satisfactory to unsatisfactory. But not this time. In one major story, only negative comments were reported.

In every instance, we fought back, setting the record

straight. We also enlisted the support of those who receive our emails, and they did not hold back. We know because we read what the media outlets said in their defense.

We also did something the media abhor: We investigated them. To be exact, we sought to see how they handled employees who were let go for sexual misconduct. As you might expect, they did not keep tabs on them, much less “supervise” them, yet they were quick to condemn the Church for not policing former priests accused of sexual improprieties.

We checked to see if other religious organizations were subjected to this kind of scrutiny. None were. We checked to see if some secular institutions experienced a barrage of similar media stories. None did.

We have not seen the end of this. There are 15 states that are in the process of investigating the Catholic Church for past instances of wrongdoing, and five others may elect to do so. They will harp on old cases, and make it sound as if nothing has changed.

This needs to be called for what it is—a scam.

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## **CHRISTMAS ATTACKS**

The Christmas haters made their presence felt this past season; their antics varied considerably.

Vandals struck Catholic churches throughout the country: arson, burglary and theft were among the most common offenses. Crosses were smashed, obscene inscriptions were left, and satanic displays were also featured.

A third-grade enactment of the nativity scene was banned when

atheists went ballistic. The Oklahoma school was intimidated by the threat of a lawsuit.

Pornographic images, created with Christmas lights, were displayed by a woman on the rooftop of her home in Kansas.

Netflix aired a movie about Jesus that depicted him as a homosexual.

Vulgar Christmas jokes were told by late-night TV talk-show hosts.

Attempts were made to rename Christmas parades.

On the other hand, there were signs of progress. Our side has set anchor for about a decade, refusing to cave in to bullies.

Surveys show considerable support for displaying religious symbols on public property, with African Americans leading the way. As usual, it is well-educated white people, who consider themselves to be the most tolerant, who are the most intolerant. Many naturally incline to censorship.

These attacks on Christmas constitute hate speech. We know what they hate, so take it as a sign that they haven't won.

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## **MILITANT SECULARISTS REBUKED; FIRESTORM ERUPTS**

Faithful America, a radical secularist entity, recently initiated an ethics complaint against Attorney General William Barr; it also launched a petition drive in support of this campaign. We countered with a petition drive of our own in support of Barr. On the same day, these left-wing radicals

chided a Catholic priest for denying Joe Biden Holy Communion. We struck back, telling the head of this entity, an Episcopalian priest, to butt out.

These militant secularists asked the Justice Department's Inspector General and Office of Professional Responsibility to investigate Barr for allegedly violating his duty to guarantee religious liberty. This was a scam: its real purpose was to intimidate Barr from speaking out again in favor of religious liberty. As we informed the public, Faithful America would not exist without the initial funding of atheist billionaire George Soros.

In his October address at Notre Dame Law School, Barr warned about the efforts of militant secularists to destroy our Judeo-Christian heritage. Ironically, Faithful America proved him right: it did exactly what he said these fanatics do—try to silence the free speech and religious liberty rights of truly faithful Americans.

The Episcopalian priest, Rev. Nathan Empsall, got into the act by lecturing Catholics on the Church's teachings on Holy Communion. Thus did he violate an unspoken rule observed by religious leaders: do not interfere in the affairs of another religion. We called him "an embarrassment."

Empsall was furious when a South Carolina priest, Fr. Robert Morey, denied Joe Biden Holy Communion because of his rabid advocacy of abortion rights. If this Protestant minister likes abortion, that is his business, but he has no right to impose his secularist agenda on Catholics.

When Catholic League supporters answered our email request to contact Empsall about his petition drive—he asked Father Morey's bishop to direct the priest to apologize to Biden—it set off a firestorm. The crazy Catholic haters on the left exploded in anger at us. But the only effect it had was to inspire us to double down.

Empsall's campaign was laughable. He is a tool of the left, and we let him know that he crossed the line. Faithful America has a history of trying to sow discord in the Catholic community, which is one of Soros' goals. They need to be put in their place, and no lay Catholic organization has the guts to do this save for the Catholic League.

Faithful America has been asleep for years. If its fat-cat donors think they can jump start it by bullying Catholics, they are sadly mistaken. We will checkmate them any day of the week.

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## CHRISTMAS TREE RETURNS

Two weeks before Thanksgiving, by a vote of 64-30, the Wisconsin Assembly voted to call the Christmas tree in the state Capitol rotunda a Christmas tree. The governor, Tony Evers, wanted it called a "holiday tree." The Assembly also voted to adopt a resolution recognizing Thanksgiving week as National Bible Week.

The Christian haters at Freedom From Religion Foundation were appalled by both decisions.

Why would Evers want to insult Christians at Christmastime? One website which features his bio says that his religion is "Not Available." We can only guess what that means. We know of no people of faith who believe that it is okay to intentionally allow a baby to die who survives a botched abortion. Evers does.

His official bio says "the governor believes in bringing people together to solve the problems facing our state." Is that what he did in June when he divided the people by putting

a homosexual “Rainbow Pride Flag” over the State Capitol? It led to a petition of 10,000 residents who objected.

Evers has a history of anti-Catholicism. Before he became governor, he was the Wisconsin Superintendent of Public Instruction. In that role he sought to deny Catholic students who attended an independent Catholic school transportation, even though the school was affiliated with the Archdiocese of Milwaukee. He was sued for his bigoted stunt.

Kudos to the Wisconsin lawmakers who stood up to these bullies, and to their lackey, Tony Evers.

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## **AMICUS BRIEF FILED IN PA; CHURCH UNDER ATTACK**

On September 24, the Catholic League filed an amicus curiae brief with the Pennsylvania Supreme Court in support of the Diocese of Altoona-Johnstown’s appeal of the badly flawed decision in *Rice v. Altoona-Johnstown*, et al. We are being represented by the Pittsburgh law firm, Jones Day.

The case involves Renee Rice’s contention that she was molested 40 years ago by Fr. Charles Bodziak at St. Leo’s Church in Altoona. The priest denies the accusation. Her lawsuit charges that two bishops tried to cover up Bodziak’s behavior, even though the diocese sent her a letter 10 years before her lawsuit encouraging her to share details of her abuse. Amazingly, Rice held her claims until after a state grand jury report was issued by Pennsylvania’s Attorney General. This is what supposedly awakened her.

Just as amazing is an intermediate state appellate court

ruling that changed a basic principle of law: it altered the timeline of the statute of limitations for a civil claim seeking damages for an alleged offense. The Superior Court's use of a grand jury report to trigger the running of statutes of limitation is unprecedented: it seeks to change the practice of allowing the clock to start at the time of an injury.

As our brief states, this Superior Court ruling "effectively enacts window legislation [the look-back provision] from the bench, contrary to decades of precedent." We have reached a new level of creative jurisprudence when a court can invoke a jury decision as the new clock determining when the limitations period starts to run. At issue here is the separation of powers between the legislature and the judiciary, not exactly a small issue.

The plaintiff's bar has been quick to recognize the financial goldmine of Rice. They have called it a "game-changer" that will "open the courthouse doors" to decades-old claims. The floodgates have opened, with 15 copycat lawsuits being filed; more will surely follow.

There is little doubt that this case was heavily influenced by the media sensationalism attendant to the Pennsylvania grand jury report on the Catholic Church. If the Superior Court decision is not overturned it will not only have a ruinous impact on the Church, it will affect all religious organizations. Indeed, it will also impact commerce, putting schools, hospitals, colleges, the Boy Scouts, and all employers at risk for being sued decades later.

At stake are some fundamental principles of law. We could not sit back and allow this power grab to go unchecked. We hope the Pennsylvania Supreme Court will accept review of *Rice* and overturn a very bad law and even worse policy.



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# USCCB RULES ON TITLE VII

In October, three committees of the USCCB issued a strong statement on three cases before the U.S. Supreme Court on the rights of homosexual and transgender persons. The bishops made the case that the 1964 Civil Rights Act does not apply.

There are two cases that involve the rights of gay employees, and one that involves the workplace rights of a transgender person. While they are not identical, there is one common factor that unites them: the rights being claimed under Title VII of the 1964 Civil Rights Act are nowhere found in that law. This provision makes discrimination based on sex—being a man or a woman—illegal. It says nothing about sexual orientation, never mind so-called gender identity, the claim that the sexes are interchangeable.

The bishops concentrated their remarks on the meaning of “sex” as defined by the Civil Rights Act. “‘Sex’ should not be redefined to include sexual inclinations or conduct, nor to promulgate the view that sexual identity is solely a social construct rather than a natural or biological fact.”

The bishops did not duck the religious liberty implications of these cases. “Redefining ‘sex’ in law would not only be an interpretive leap away from the language and intent of Title VII, it would attempt to redefine a fundamental element of humanity that is the basis of the family, and would threaten religious liberty.”

Kudos to the bishops for making such a convincing argument.

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# VICTORY IN VIRGINIA; BIGOTED APPOINTEE RESIGNS

When we learned that Virginia Governor Ralph Northam appointed an anti-Catholic bigot to a state council on women's issues, we went into high gear: we launched a massive protest, enlisting everyone on our email list. Moreover, Richmond Bishop Barry Knestout and Arlington Bishop Michael Burbidge spoke out forcefully against her. Three days later she resigned.

Gail Gordon Donegan is a local political activist and a vicious anti-Catholic bigot. Northam appointed her to the Virginia Council on Women, knowing her background. He is the same governor who earlier this year justified selective infanticide. We demanded that he withdraw her appointment "at once!" Instead, she quit.

It would be hard to outdo Donegan's vile tweets for pure, sustained hatred of Catholics, Catholic priests and Catholic teachings. Here is a sampling:

- "Abortion is morally indefensible to Catholic priests bcuz it results in fewer children to rape."
- Christmas is "the one time of year the Catholic Church is allowed to focus on a little boy."
- "Go tell a Catholic they have dirt on their forehead."
- "Saw a bumper sticker: 'You can't be both Catholic & Pro-Choice.' Add: You can be a pedophile though!"

This is the kind of thing one would expect from a Klansman, not a responsible advocate for women's issues. There is no place for this kind of hate speech in the halls of government.

Northam's initial response to our protest was lame. His

spokeswoman said the governor “certainly does not condone this language,” a position we labeled “woefully inadequate.” We insisted that the governor step up, arguing that he “must rescind his appointment of Donegan. Anything less will make him complicit in her anti-Catholic bigotry.”

We asked our supporters to contact Northam’s press secretary Alena Yarmosky, providing them with her email address. They did so in droves, driving the decision of Donegan to resign.

The bad news is that an anti-Catholic bigot would ever be appointed to any public position. The good news is that when they are, our side is willing to push back. Victory is sweet.

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## **HARRIS UNHINGED**

Following the September 12 Democratic debate, Sen. Kamala Harris criticized ABC panelists for not asking about abortion. The debate, she said, “was three hours long and not one question about abortion or reproductive rights.”

Maybe that’s because no one on the stage was pro-life. Indeed, what separates one Democratic presidential candidate from the other on abortion is miniscule. But if there were a first prize for lusting over abortion, Harris would surely be the winner.

In 2016, when Harris was California’s Attorney General, she bludgeoned pro-life activist David Daleiden. It is not abortion that appalls her—it is people like Daleiden who use undercover videos to expose how abortion operatives harvest and sell aborted fetal organs. Harris authorized her office to raid his home: they seized his camera equipment and copies of revealing videos that implicated many of those who work in the

abortion industry.

Earlier this year, Harris defended abortion at any time during pregnancy, right up until birth. She also rolled out her plan to stop states from restricting abortions: she wants abortion laws that are struck down by the states to obtain federal approval from the Department of Justice before implementing such measures.

There is something else going on here. Quite frankly, it is not normal for anyone to have such an extreme fixation on aborting babies. That Harris touts herself as a champion of social justice makes her obsession with abortion all the more sickening.

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## **CARDINAL PELL VICTIMIZED**

On August 21, Cardinal George Pell was convicted by the State Supreme Court of Victoria in Melbourne, Australia of sexually abusing two minors. The appeals court judges split 2-1 against him. He is the most prominent Catholic cleric ever to be convicted of such a crime. He is also the most unfairly treated Catholic cleric in recent history.

In 2017, Pell was accused of sexually abusing minors. In September 2018, the trial ended in a hung jury. In December he was found guilty in a second trial. Now he has lost on appeal. It is not certain whether he will appeal to the High Court of Australia.

The case against Pell depended largely on the testimony of one of two choirboys: the accuser claims that both he and his friend were abused by the cardinal after Mass at St. Patrick's Cathedral in 1996. The police investigated the charge and

found nothing to support it.

One of the boys later died of a drug overdose. However, before he died he told his mother—on two occasions—that he was never abused by Pell. Why wasn't this enough to exculpate Pell? Isn't that alone cause for reasonable doubt? In his dissent, one justice noted, "the complainant was inclined to embellish aspects of his account."

We can only hope and pray that the Vatican does not pile on by defrocking him. That would only add to the litany of injustices he has had to endure. Pell is no McCarrick—he is a decent man who has been repeatedly victimized.