

League Wins Key Religious Freedom Case

In late January, the Catholic League received word that it had won an important religious freedom case. At stake was whether Catholic landlords can exercise their religious beliefs by refusing to rent an apartment to an unwed couple. The Catholic League, which had filed an amicus brief on behalf of the landlords, was delighted with the news. The case began in August 1989 when two brothers, Paul and Ronald Desilets, refused to rent a two-bedroom apartment in Turners Fall, Massachusetts to Cynthia Tarail and Mark Lattanzi. The Desilets said that to yield to the unwed couple's request would violate their religious beliefs, arguing that "living in sin" was not something they wanted to condone. The couple sued the Desilets on the grounds of discrimination and took the case to the Superior Court in Franklin County. The Catholic League entered on the side of the Desilets, urging the court to respect the First Amendment religious freedom rights of the landlords.

In 1992, the League won but the would-be tenants appealed to the state Supreme Judicial Court.

When the case reached the Supreme Judicial Court, it held that the Desilets violated the anti-discrimination laws of Massachusetts by refusing to rent to the unmarried couple, but hastened to add that the landlords' free exercise of religion would be "substantially burdened," and the state would have to show a "compelling interest" if it were to force them to rent to the couple. At issue was the extent to which religious beliefs can run contrary to fair housing laws. The state's highest court then sent the case back to the Superior Court for retrial.

In December, 1994, the Attorney General's office decided not

to retry the case, thus awarding victory to the Catholic League. The Attorney General's office made no public announcement about its decision, and it wasn't until the League's Operation Director, Joe Doyle, called to check on the status of the case that he learned of the outcome. Doyle immediately contacted the press, calling the outcome, "A vindication of the First Amendment and a victory for the rights of conscience of American Catholics."

On the losing side of this case was the Massachusetts Chapter of the ACLU, the American Jewish Congress and the Gay and Lesbian Advocates and Defenders.

Similar cases have occurred elsewhere. The results, thus far, have been uneven.

League Pressures N.Y. Store To Remove Offensive Creche

On December 9, 1994, the Catholic League successfully pressured Barneys New York, an upscale clothing store, into removing an offensive nativity scene from its storefront window on Madison Avenue and 61st Street. The exhibit, entitled "Hello Kitty Nativity Scene," was the work of artist Tom Sachs.

The display was a crude characterization, one that featured three Bart Simpson dolls as the Three Wise Men and vulgarized kittens as Mary and Jesus. Mary was posed with her legs spread apart wearing an undergarment that left six nipples in evidence; Jesus was adorned with a beanie and a halo was placed over his head. Both Mary and Jesus had rods extending from their cheeks, apparently representing whiskers. Hanging

over the middle of the stable was the red and yellow McDonald's symbol.

The display was part of an auction conducted by Christie's, the famous New York auction house. Monies from the exhibit were to fund scholarships for the Children's Storefront school in Harlem and the Little Red School House in Greenwich Village.

The League had no objection to the purpose of the auction, only with the content of one of the exhibits.

After receiving many calls about the creche, Catholic League president William A. Donohue viewed the display himself and promptly registered a complaint with both Barneys and Christie's. The person he spoke to at Christie's apparently had not seen the exhibit, but a woman at Barneys admitted that there had been several complaints. Donohue informed her that she had "about four hours" to have a senior person from Barneys contact the League, otherwise the media would be contacted.

It didn't take long before Simon Doonan, a senior vice president in charge of creative services, called Donohue and extended an apology. However, Doonan flatly declined to do anything about the exhibit. He said that he did not want to interfere with the expression of the artist. Donohue asked him if he would display the art work of a Klansman who portrayed blacks or Jews in a predictable fashion. Doonan said that he would, stating that nothing was more important than the right of artists to express themselves.

Dr. Donohue then released the following statement to the media:

"Barneys New York and Christie's have cooperated in promoting an insulting anti-Christian exhibit. This is not the first time Barneys has done this. Simon Doonan, who is in charge of display and advertising for Barneys, previously hung condoms

from a Christmas tree. Indeed when Doonan was hired by Barneys president Gene Pressman, it was on the grounds that Doonan be allowed to promote 'irreverence.' That he has chosen to target Christians to vent his irreverence is quite obvious.

"Doonan made it clear to me that Barneys will exercise absolutely no responsibility for anything that any artist submits for display in its windows. Plainly put, this means that Barneys will respect the right of artists to show disrespect for the rights of Catholics.

"The Catholic League will disseminate this news to as wide an audience as possible. We do not accept Mr. Doonan's apology: apologies unaccompanied by corrective action do not assuage."

Within hours of releasing this statement, the television cameras were in Dr. Donohue's office. Just about every radio and television station in New York commented on the Barneys exhibit, and virtually all those who editorialized on the subject supported the Catholic League's position. On the Bob Grant radio show, Dr. Donohue urged listeners to call Barneys and register their outrage. They did so in abundance, so much so that Barneys pulled the display from the window.

Originally, Barneys set the exhibit aside for private viewing, but because the reaction of New Yorkers was unrelenting, they finally decided to remove it altogether, giving the work back to the artist. But even that didn't satisfy New Yorkers: they continued to complain to Barneys. In response to all this, Barneys took out full page ads in the *New York Times*, *New York Post* and *New York Daily News*, apologizing for what had happened. The ads, together with the boycotts that were instituted, wound up costing Barneys hundreds of thousands of dollars in lost sales.

League Wins On Religious Stamps

On November 17, 1994, the U.S. Postal Service announced that beginning in 1995 there would be no more printing of the Christmas stamp series reproducing paintings of the Virgin Mary and the infant Jesus. Upon hearing this news, the Catholic League moved quickly to state its objections. We issued a news release and wrote to every Congressman and Senator with oversight responsibilities governing the affairs of the Postal Service. The League is grateful that President Clinton intervened in this matter and had the decision overturned without delay.

The recommendation to ban religious stamps was first made by the Citizens Stamp Advisory Committee. The committee is headed by a college professor and is staffed by a motley crew of designers, sports commentators and actors, people whose expertise is not generally associated with being on a government review panel. But their expertise was apparently sufficient to persuade Azcezaly S. Jaffer, the Postal Services top stamp official. Jaffer accepted the reasoning of the advisory panel stating that, "We're moving away from being denominational to being nondenominational."

There were many things about this decision that troubled the Catholic League. First, of course, was the decision itself. Our news release spoke to this aspect of the case, stating that, "The decision to ban religious stamps constitutes censorship, pure and simple. It also represents a meanness of spirit and contempt for the mores of American society. The same government that authorizes public monies for an artist to show his hatred of Christianity by submerging a crucifix in a jar of urine now thinks it unconstitutional to allow religious stamps. Evidently the only religious displays that the federal government finds acceptable these days are those that have

been sufficiently blasphemed.”

Another troubling aspect was that the decision was unnecessary: there is absolutely nothing in the First Amendment that warrants censorship of religious stamps. The Madonna and Child stamp has been issued for 28 years and never has there been any legal problem. Aside from occasional complaints registered by atheistic organizations like Americans United for Separation of Church and State, no one has challenged the constitutionality of the stamp, not even the ACLU.

That the decision was purely a top-down ruling is most upsetting. The advisory committee was under no pressure by any segment of the public to remove the stamp, rather the members acted wholly on their own. They simply took it upon themselves to reorder a popular American tradition, using the heavy hand of government to inculcate its politics. This is political correctness of the worst sort.

Finally the way in which the decision was rendered was also cause for concern. At the November 17 press conference, mention was made of the 120 new stamps for 1995, but nothing was said about the cancellation of the Madonna and Child series. News about the religious stamp was released to reporters after the press conference had concluded, and apparently not every reporter heard it, thus accounting for the slight coverage that it initially received. An announcement of this magnitude surely should have been integral to the press conference. That it wasn't raises serious ethical questions. And put together with the fact that the decision was not made in response to public outcry, the result is nothing less than an attempt by unelected elites to do an end run around American public opinion, refashioning the culture to fit their politics.

The Catholic League is proud to have been singled out by many in the media for being the first organization in the nation to

register its criticisms of the advisory committee's decision. Unfortunately, we did not receive much support from other organizations in this matter. But that only underscores the need for the Catholic League.

League Pressure Secures Hate Crime Conviction

In an historic move, the Catholic League succeeded in pressing for a hate crime prosecution and conviction of a person charged with violating the rights of Catholics. Never before in the history of New England had someone been found guilty of violating the rights of Catholics under a hate crime statute.

The conviction stems from an incident on June 10 at St. Mary's Church in Lawrence, Massachusetts. It was on that day that David Cedeno and another man burst into the church in the middle of Mass with hoods over their heads and stole two chalices and a communion paten, all of which contained the Blessed Sacrament. Parishioners chased the men down the street and managed to get the attention of the police, who promptly made the arrest. Cedeno was charged with larceny and disturbing an assembly of worship, but no civil rights charges were lodged against him.

When the Massachusetts chapter of the Catholic League learned of the charges, it issued a public statement calling for prosecution under the civil rights law. Essex County District Attorney Kevin Burke responded to the League's plea by seeking a grand jury indictment against Cedeno for constitutional rights violations. Burke was successful but Cedeno's attorneys petitioned to have the constitutional charges dismissed.

However, Essex County Superior Court Judge Joseph Grasso denied the defense motion.

Following his guilty plea, Cedeno, despite having no previous criminal record, was sentenced to 3 to 5 years incarceration in state prison. Operations Director Joe Doyle congratulated District Attorney Burke and called the sentence “an appropriate penalty, and a strong signal to those who would contemplate attacking a house of worship.” It was significant that a letter from Massachusetts Chapter President Dan Flatly was entered into a victim impact statement. The letter, which described Cedeno’s offense as an “outrageous and unprecedented crime,” was reviewed by the court prior to sentencing.

The Catholic League has no position on the merits of hate crime legislation. But if it is legal to use this law against those who have trashed the rights of virtually every other segment of society, then surely the Catholic League will not sit back and watch the rights of its people be abused without availing itself of the same remedy.

League Protest of Public TV Show Pays Off

On October 30, WNYC-TV, New York City’s public TV station, carried a program called “Inversion of Solitude.” It advertised the show as “An irreverent video satire based on the life of Saint Therese de Lisieux, whose seemingly uneventful life became the subject of a global media campaign.” When the Catholic League learned of the show (through one of its diligent members), it registered its outrage with Neal Hecker of WNYC and with Mayor Rudolph

Giuliani.

In a letter addressed to Hecker and Giuliani, the League raised the following question: "Why is the City of New York using taxpayer dollars to satirize a figure that many Catholics revere?" The letter said that if the League did not hear from either WNYC or from Mayor Giuliani before October 28, it would go public with its criticisms. The League had this to say:

"Mayor Giuliani has often spoken of his commitment to fairness and of his long-standing opposition to bigotry. Yet he allows public monies to be spent underwriting programs like 'Inversion of Solitude.' It is not likely that he would allow 'an irreverent satire' about Jews or African Americans, and it is therefore perplexing to note that he tolerates this kind of production when it is aimed at Catholics. This is particularly disconcerting because Mr. Giuliani has frequently proclaimed his proud status as a Roman Catholic. Given that 43 percent of New York is Catholic, Mr. Giuliani's inaction on this issue may very well come back to haunt him the next time he runs for elected office."

On October 25, Roxanne Robinson of **WNYC** called the League to say that, as a result of our objections, a panel was formed to review the film. The panel determined that there were portions of the program that might well be seen as offensive by Catholics. Therefore, a few minutes of the show were edited out for TV (it had previously been shown in its entirety at the New York Film Festival and at Lincoln Center; predictably, it had received a favorable review in the *New York Times*).

When the show aired it stated that it was edited for TV. While the League is pleased that city officials acted responsibly, it takes no comfort in knowing that the flm would have been shown in its entirety had it not been for the League's objections.

League Ad Praises Holy Father, And Sends Message to Critics

On Sunday, October 16, an ad by the Catholic League praising Pope John Paul II was published in the Opinion-Editorial section of the *New York Times*. The ad congratulated the Holy Father for his 16 years of service, drawing attention to his importance as a world leader ([see Ad](#)). What the Holy Father has accomplished is unparalleled: he is the supreme role model – not just for Catholics, but for everyone.

The ad also sent a message to those who habitually find fault with the Catholic Church. We Catholics are proud of Church teachings, proud of what the Church has done and proud to be a part of it. Those who set themselves against the Church may be in the limelight, but in the end that hardly matters. What matters transcends the politics of the moment and that is why the Catholic Church is never at the risk of being outdated.

We all looked forward to the Pope's trip to New York, but we all understood the reasons why he could not make it. Had the Holy Father been able to make the trip, we would have been able to show the press nearly 20,000 petitions that were signed by Catholic League members calling on the media to act responsibly in its reporting of the events surrounding the Pontiff's visit. Though delivery of the petitions will have to wait until the Pope's visit of November 1995, the decision to go ahead with the *New York Times* ad was unaffected by the surprise cancellation.

We decided to go forward with the ad for several reasons. We

had already pledged to do it and did not want to go back on our word. Besides, we wanted to extend a public congratulations to Pope John Paul II and wanted to make a statement to the public about the Catholic League's thoughts on several matters.

We live in a world that, though more at peace than in times past, nonetheless suffers from cultural turbulence, much of it the product of false and debilitating ideas of freedom. In the midst of this storm lay the Catholic Church, the steadiest anchor to be found anywhere in the world. And at the helm, of course, is Pope John Paul II, a person recognized by non-Catholics, as well as Catholics, as offering the clearest example of what it means to be virtuous and free.

Our ad speaks to the sharp differences that separate the reigning orthodoxy from the teachings of the Holy Father. It also touches on issues that are central to the Catholic League, namely the problem of anti-Catholicism. We will leave it to the next edition of *Catalyst* to report on the public's response to the ad.

NEWSWEEK Reports on League Transit Ads

The September 26th edition of *Newsweek* magazine included coverage of the Catholic League's transit ads. The article featured a photo of the League's first anti-condom ad, "Want to Know a Dirty Little Secret?" It stated that the League was "reborn after years of near bankruptcy" and that it was conducting anti-condom ads in Boston, New York and Washington. The piece also included quotes from League president William

Donohue.

There is no question that the League's ads have hit their mark. In New York, both the first ad and the second one, "Back to School," ignited a much needed public debate on the wisdom of contemporary sex education measures. It is obvious to everyone that unwanted pregnancies and sexually transmitted diseases are a problem. What is at issue is what to do about the problem. The fashionable approach is to throw condoms at kids and offer instructional advice.

We think that strategy is worse than a failure – it actually contributes to the problem by sending the wrong message.

Even if condoms "worked," there is the larger issue of parental rights. Bureaucrats, listening to the recommendations of the sex education industry, have been too quick to eclipse the rights of parents. By initiating programs that leave parents out of the loop of decision-making, school administrators have trespassed on the rights of those parents who, for religious reasons, object to a thoroughly secularized approach to sex education.

There is not likely to be much progress in this area until educators understand that a class on sexuality is not the same as a class in math or geography. Classes that have moral content require a level of parental and community input that classes devoid of morality do not. Acknowledgment of such is long overdue.

In Boston, the League's second ad was retitled "Values 101," though it carried the same argument as the one in New York: we tell kids to abstain from smoking, drinking and drugs, but lack the courage to recommend abstinence from sex. Bostonians who travel the Red, Orange and Blue Lines of the Massachusetts Bay Transportation Authority have been treated to 200 copies of this ad. In the first week following placement of the ad, Bostonian Operations Director Joe Doyle was contacted by 24

different media outlets. For the first time in the League's history, all eight television stations in Boston carried news stories on the Catholic League. Even *Ad Week* magazine did a story on the ad.

The ad in Washington, D.C. is different from the other two. Scheduled to be posted on the sides of 50 buses throughout the month of November, this ad will focus attention on the fact that many condoms are defective. It will close with a call for warning labels on condoms, thus putting them on a par with cigarettes and alcohol. Perhaps we will hear what Dr. Joycelyn Elders, the Surgeon General, has to say about the League's idea. Already a voice for misguided policies, it is time for the nation to take a close-up look at Dr. Elders.

Given the strong reaction that the League has received from its transit ads, it is a sure thing that more public service ads will be forthcoming. But the League will not be tied to the condom debate: future ads will tap some of the church-state controversies that have troubled the nation. There are many venues available, at varying costs, and the League will explore as many as it can afford. This is our way of joining the culture war and making certain that Catholic rights are not trespassed on by those who want to sanitize society from religious influence.

League Assails Clinton Administration for Bigotry

In an unprecedented move, the Catholic League assailed the administration of a standing president for anti-Catholic bigotry. From the time President Clinton took office, it has

become increasingly evident that his administration is insensitive at best, and downright hostile at worst, to Catholic interests. But the final straw occurred during the third weekend in August. Faith Mitchell, a spokes-woman for the State Department, charged that the Vatican's disagreement over the Cairo conference on population and development "has to do with the fact that the conference is really calling for a new role for women, calling for girls' education and improving the status of women."

That statement was so outrageous that one of our members, and now one of the members of our Board of Advisors, Mary Ann Glendon of Harvard Law School, wrote a strong letter registering her concerns to President Clinton. The letter was signed by prominent Catholic women and Catholic women's organizations and was published as a Catholic League open letter to the President in the August 29th edition of the *New York Times*. The [half-page ad](#) triggered an immediate response from Catholic malcontents in a September 2nd ad in the *Times*.

The Catholic League made this statement at the risk of sounding partisan. But so as not to be misunderstood, it is not the position of the Catholic League that Catholics should favor Republicans more than Democrats or vice versa. We would condemn just as swiftly any Republican administration that said the things that members of the Clinton administration have said about Catholics. There are good reasons for voting for Democrats and good reasons for voting for Republicans; the converse is also true. As an organization, we hold no vested interest in either party.

But we will also not shy from criticizing any public official – or administration – that crudely caricatures Catholics the way Faith Mitchell did.

Church Robber Indicted on Civil Rights Charge

Following calls from the Catholic League for a civil rights prosecution, church robber David Cedenó has been indicted by an Essex County, Massachusetts, grand jury for constitutional rights violations and two other hate crimes. Cedenó and an accomplice robbed St. Mary's Church in Lawrence, Massachusetts on June 10th, brazenly stealing two chalices and a communion paten from the altar during Mass, and desecrating the Blessed Sacrament, which was spilled onto the floor of the sanctuary.

In a letter to Essex County District Attorney Kevin Burke, Daniel T. Flatly, President of the League's Massachusetts Chapter, called Cedenó's act "an outrageous and unprecedented crime," and asked that he seek the maximum penalties allowed by law. The League demanded that Cedenó be charged not just with larceny and disturbing an assembly of worship, but with violating the constitutional rights of worshippers.

On July 20th, David Cedenó was indicted for larceny, disturbing an assembly of worship, constitutional rights violations, and destruction of religious property. The last three charges are hate crimes under Massachusetts law.

Cedenó, who is 17, will be tried as an adult in the Superior Court of Essex County. Assistant District Attorney Jane Hegarty, chief of the District Attorney's Civil Rights Division, will prosecute the case which has received wide publicity.

Pope Defamed at New Jersey State College

Anti-Catholic bigotry on college campuses is nothing new, but what happened at a Wayne, New Jersey state college this past summer suggests that matters are getting much worse.

On July 5, 1994, Professor Vernon McClean, an instructor in the African-American and Caribbean studies department at William Paterson College, opened the first session of his summer class, "Racism and Sexism in a Changing America," by having each student identify his religion in writing. He then began his lecture by saying that Louis Farrakhan of the Nation of Islam had once called the Pope a "racist c _ - s _ _ ." Professor McClean then said Farrakhan was right.

One student, a Catholic, discussed the class with his mother that night, prompting her to write a letter to college president, Arnold Speert. Soon after, copies of this private correspondence were distributed to the entire class. The gravity of this action was compounded by the fact that the family's address and phone number were unlisted. The only response by the college to the mother's complaint was to arrange a meeting between the student and the Dean of Students.

It became readily apparent that the college intended to quickly dismiss the matter. Generally, a student meets with the Dean of Students only when there is cause for disciplinary action against a student. This case involved faculty misbehavior and thus belonged under the purview of the Academic Dean.

In the meantime, the student's mother contacted the League for

assistance. After gathering all the facts from the mother and the student, we contacted the college. No one in any office would speak with us. They took great umbrage at our inquiry and were totally uncooperative. We received the same treatment from three different offices – we were either dismissed or treated as though we had no right to be questioning the incident.

Following this lack of cooperation and response from the college, we issued a press release demanding an apology from the college and disciplinary action against Professor McClean.

The New Jersey papers gave the issue thorough coverage and the New York radio and television media also took note. But the outcry was tame compared to that which greeted Nation of Islam spokesman Khalid Muhammad last fall. Muhammad, a minion of Farrakhan's, had uttered bigoted remarks against Jews and Catholics at Kean College last November.

In an official statement, the League declared that "If the same characterization had been made about Martin Luther King, or some other widely revered person, college officials would have been quick to respond. But their silence in the wake of this anti-Catholic statement suggests that Catholic bashing is tolerated at William Paterson College. That this comment was made in a required multicultural course is all the more telling: respect for diversity and tolerance for all religions apparently do not extend to Catholics."

After the college's "investigation" was completed, it made a public statement saying that the student misconstrued the remarks and that, in any event, Professor McClean now "disassociates" himself from the comments he attributed to Farrakhan. President Speert said that the investigation was "confidential" and that "the College is satisfied that the matter has been resolved fully and completely."

The League, however, was not satisfied. It quickly labeled

President Speert's attempt to resolve the issue as "a monumental failure." There was no apology, no statement addressing the issue of requiring students at a state college to identify their religion, no comment on distributing private correspondence to the public and no action taken against Professor McClean.

Perhaps most damaging to the college, however, was the information that the League uncovered after the story broke. Several faculty, alumni and students called to report other instances of rank bigotry. It seems that William Paterson has a history of intolerance for certain segments of society, namely for Catholics and Jews. We received word that a female professor had lost her job because she was "an observant Jew," and that many other professors on the campus were even more bigoted than Vernon McClean.

Accordingly, the Catholic League called upon state officials to conduct a formal hearing on the campus of William Paterson College; Governor Christie Whitman, senior higher education officials and area legislators were contacted. Given Governor Whitman's quick and sharp response to a New Jersey beach vendor who was hawking anti-gay T-shirts (this happened at the same time as the college incident), the Catholic League expected the Governor to be even tougher in the William Paterson case. But thus far she has been mute. And this is the second incident in nine months at a New Jersey state college where bigotry occurred and nothing was done about it.

The Catholic League will not be satisfied until justice has been done. Our goal is not to simply chastise one college professor, but to root out the bigotry that is systematically lodged in college curricula and administrative behavior. We're taking the long view on this one and it would behoove people like President Speert to do likewise.