

Free speech rights defended in Florida clinic protest case

The Catholic League has joined a coalition of religious and civil rights organizations filing a friend of the court brief defending the free speech rights of pro-life demonstrators. The League's brief challenges the constitutionality of a state court injunction which restricts the speech and expressive activities of abortion pro-testers.

Several Florida abortion clinics successfully petitioned the court for the injunction, claiming it was necessary to protect women wishing to have an abortion. The petitioners in *Madsen v. Women's Health Center, Inc.* are pro-life advocates whose free speech rights are threatened by the terms of the injunction.

The injunction establishes a 36-foot buffer zone around a Melbourne, Florida abortion clinic prohibiting anyone from "congregating, picketing, patrolling, demonstrating or entering" the area. It also forbids anyone from physically approaching those seeking the services of the abortion clinic within a 300 foot zone around the clinic. The League's brief argues that the injunction violates the First Amendment in two ways. First, the injunction is so vague it allows discriminatory, viewpoint-based enforcement, a clearly unconstitutional effect. Speakers on one side of the controversy (pro-life advocates) were arrested, while speakers on the other side (pro-abortion advocates) were not, even though they were also gathered near the clinic making noise.

Second, even where the terms of the injunction are clear, it is so overbroad that it chills speech protected by the First Amendment. The injunction at issue here has a ripple effect

far beyond the parties, so that a person would think twice before engaging in speech or expressive activity that is clearly protected. As the League's brief notes, the ability to influence public debate on matters of public concern, free from excessive regulation or control by government, is an essential civil right. All members of the coalition are committed to the principle of equality of all speakers before the law, and view with alarm any diminution of First Amendment rights.

Members of the coalition include the Christian Legal Society, Americans United for Life, Family Research Council, and the National Association of Evangelicals. Oral argument in *Madsen* will take place in April, and a decision is expected sometime in late June.

League testifies in opposition to N.Y. clinic protest law

The Catholic League offered testimony in hearings before the Committee on Public Safety of the City of New York questioning the appropriateness of a proposed new law aimed specifically at curtailing demonstrations at abortion clinics. The statement by Catholic League president William A. Donohue follows:

"Whenever legislation is being considered, three relevant questions to ask are: 1) Why are present laws inadequate? 2) Who are the likely beneficiaries of the bill and 3) Who, if anyone, stands to lose? A defensible bill, I would suggest, is one that fills a legislative void and grants relief to some

without burdening the rights of others. It is not clear, however, how Intro 33 meets this test. Let me be explicit.

“New York already has laws that cover harassment, physical obstruction of entryways, stalking, trespass and violence. What, then, does Intro 33 add to any of these laws? In short, where are the inadequacies in existing legislation? I would be most anxious to see this evidence.

“To be sure, this bill does increase the penalties for the aforementioned offenses. But it would be instructive to learn why. Is there evidence that existing penalties have failed to deter an increasing number of lawbreaking anti-abortion protesters? I would be most anxious to see this evidence.

“Regarding the second question, who, precisely, are the intended beneficiaries of Intro 33? Has there been a rash of incidents whereby women in New York have been denied the right to seek an abortion? Indeed has there been even one case in the 1990s – in all of New York – whereby a woman seeking an abortion has been blocked from doing so because of anti-abortion protesters? If such evidence exists, I would be most anxious to see it.

“If in fact there is no evidentiary basis for this bill, then it suggests that Intro 33 was crafted on the basis of politics, not principle. Indeed if principle were the motivating factor then surely demonstrators other than anti-abortion protesters would have been targeted. But no, this bill provides no penalties whatsoever for militants aligned with the homosexual, feminist, environmental, animal rights and pacifist causes. Is it because such demonstrators have always conducted themselves with grace? The record, as everyone must concede, shows otherwise.

“Even if one were to concede for the sake of argument that Intro 33 will bring relief to some segment of the population, it would do so in a way that would necessarily violate the

rights of innocents. It will not do to say that no provision of this bill “shall be construed or interpreted so as to prohibit expression by the First Amendment.” If that is indeed the intent, then justice requires that the bill be more specific. “Why not just come right out and say that the First Amendment rights of anti-abortion protesters to demonstrate, pray, picket and counsel is protected by this law, the Constitution of the State of New York and the Constitution of the United States? It is surely not the intent of Intro 33 to create a “chilling effect” on freedom of expression, so why not alleviate the fears of law-abiding anti-abortion protesters and simply affirm, in detail, their right to freedom of expression?

“It is in no one’s interest to have a law passed and then have it challenged immediately in court. But if this bill passes unamended, then that is exactly what will happen. To be sure, the courts have determined that abortion is a constitutional right. But they have also determined – and for a far longer period of time – that freedom of expression is central to liberty.

“To summarize, it is not clear what laws have proven to be so inadequate that Intro 33 is necessary. Moreover, there is no evidence that the kind of offenses that this bill addresses have increased in recent years. Nor is there any evidence that the intended beneficiaries will in fact benefit in any demonstrable way. However, we do know that if Intro 33 passes as is, the First Amendment rights of anti-abortion protesters will almost certainly be abridged. And if that happens, more than just their free speech rights will be impacted – the rights of all Americans to lawfully express themselves will be effected.”

From Newsletter to Journal

For the past twenty years, the Catholic League published a newsletter describing the organization's events. As we begin our third decade, the Catholic League will change from publishing a newsletter to publishing a *journal*. Why the change? A newsletter is primarily a house organ, a publication that details internal matters. But *Catalyst* has a broader focus: we seek not only to disseminate news of League activity, we seek to impact on the world of ideas, and hence feel it more appropriate to be recognized as a journal.

League decries loss of parental rights in name of AIDS 'education'

At federal, state and local levels...

The Catholic League for Religious and Civil Rights is gravely concerned about the nature of recent government anti-AIDS programs.

In a statement released January 16, Dr. William A. Donohue, president of the Catholic League, presented the organization's position:

"The central problem with many recent government anti-AIDS programs is that they undermine the right of Catholic parents to socialize their children according to the teachings of their Church and according to the precepts of their convictions. Catholic parents who are faithful to Church

teachings, as well as non-Catholics who happen to agree with the conclusions of Catholic doctrine, have every right to decide what, when and how their children learn about sexuality. Tragically, there is evidence that at every level of government, parental rights are being eviscerated by public policy makers.

“For example, we now have the spectacle of the federal government sponsoring the sale of condoms – complete with explicit appeals to moral neutrality – in radio and television spots across the nation. It will not do to say that the ads, some of which are downright vulgar and sensationalistic, are designed to appeal to the 18-25 year-old set. There is no way the feds can monitor who hears and sees the ads and that is why Catholic parents have every right to complain about government usurpation of their authority.

“In the states, there is the example of the Department of Public Health in Massachusetts aligning itself with Planned Parenthood to devise a comprehensive sex education program. Not only do the curricula proposals obviate the will of Catholic parents, the conference proceedings that led to these proposals were laced with anti-Catholic and anti-Christian references.

“And at the local level, New York City has now embarked on an aggressive subway poster campaign, extending to Gay Men’s Health Crisis the right to display its ads without paying for anything but an installation fee. Catholic parents, obviously, can no more stop their children from seeing these ads – all of which are characteristically provocative – than they can any others. As any New Yorker will testify, those who ride subways constitute a captive audience and cannot easily choose which ads to read.

“The problem, in short, is the diminution of rights exercised by Catholic parents. An important exercise of religious freedom is the right of parents to inculcate their religious

values into their children. While no right is absolute, the degree to which government anti-AIDS programs have trespassed on these rights is alarming.

“So as not to be misunderstood, the Catholic League fully supports anti-AIDS efforts. But it also believes that Catholic parental rights should not be jettisoned in the process.”

Others agree

As we went to press negative response to the government sponsored ads was growing. Many seriously questioned the expenditure of \$60-million tax dollars by self-crowned condom queen, Donna Shalala and the Center for Disease Control (Center for Condom Distribution?) in Atlanta.

Syndicated columnist John Leo made no bones about it. “Pushing sex as a consumer item is not the solution. It’s the problem.” He goes on to add:

“People who act recklessly in their sexual lives, straight and gay, aren’t doing so because they lack information about condoms or because they need a nudge from the Advertising Council. They are doing so for the obvious reason that sex is tied up with problems of intimacy, identity, fear, reproduction and drives that are not going to change because of chirpy little messages about the wonders of latex.”

Catholic League denounces Nation of Islam Hatred

The Catholic League for Religious and Civil Rights joined with the Jewish Action Alliance and other civil rights

organizations in condemning the hatred of spokesmen for the Nation of Islam. The following remarks were delivered at a press conference on January 25th in New York City.

Dr. William A. Donohue, president of the Catholic League, listed the League's concerns:

"The Catholic League is delighted to join with the Jewish Action Alliance and other civil rights organizations in denouncing the hatred and bigotry of spokesmen for the Nation of Islam. Louis Farrakhan has had plenty of time to respond to the Nazi-like speech that Khalid Abdul Muhammad delivered at Kean College on November 29th, but has thus far refused to do so.

"Mr. Muhammad's speech was indistinguishable from the rantings of Nazis and Klansmen over the years. Blaming Jews for every conceivable social ill, and casting Jews as one big cabal working to undermine liberty, is something right out of the Third Reich. The statements made about Catholics, and especially Pope John Paul II (e.g. 'somebody need [sic] to raise that dress up and see what's really under there'), were vile and disgusting. Similarly, the comments made about whites and homosexuals were equally irresponsible.

"Unless Mr. Farrakhan quickly moves to silence Mr. Muhammad, the public will have no other choice than to assume complicity on the part of the Nation of Islam itself.

"The Catholic League is proud to join with the Jewish Action Alliance in bringing down the wrath of public opinion on Mr. Muhammad. If amicable relationships are to be maintained among the multiplicity of racial, ethnic and religious groups that constitute the United States, the men and women of good will must register their outrage at those who would sow the seeds of racial and religious hatred ."

Massachusetts, Planned Parenthood officials plot anti-Catholic, anti-Christian strategy

Officials of the Commonwealth of Massachusetts Department of Public Health and the Planned Parenthood League of Massachusetts co-sponsored a conference on December 3, 1993 in Natick, Massachusetts which was attended by more than 300 public school administrators, teachers and health care personnel. The purpose of this meeting was to discuss adoption of a comprehensive sex education program in all grades of the state's public schools as well as a statewide condom distribution program and to develop strategies for neutralizing opposition expected from Catholics and the religious "far right."

Catholic League Operations Director C. Joseph Doyle denounced the conference as "government sponsored Christian bashing."

"It is outrageous and unconstitutional for state government, which is supposed to be neutral in matters of religion, to sponsor a conference in which Catholics and other religious believers are stigmatized as 'far right,' 'Christian right,' 'anti-choice,' and 'the opposition,' and in which workshops are conducted on how to overcome religious believers who choose to exercise their constitutional rights." Doyle went on to pointedly note, "This is not government neutrality towards religion, but outright government hostility towards religion."

An article in *The Pilot*, the Boston Archdiocesan weekly, noted in a boxed warning that the conference's goal, if achieved,

“would shift the responsibility for a child’s sexual education from parents to a circle of like-minded educators who may not represent your religious family values.” In light of some of the outrageous statements made at the conference, this warning should be taken seriously.

Conference presenters seemed to be particularly concerned with opposition from “conservative” groups who would oppose “abortion and homosexuality” and seek “to discourage extra-marital sexual activity in general.” One speaker voiced concern about the threat to their agenda posed by the potential of a broad based coalition made up of “Catholic, Protestant and secular conservatives.” Yet another presenter noted the need to expose the “manipulative tactics” of those who, among other things, would hold that the use of sex is for procreation and should be restricted to marriage.

Bishops ask networks to reconsider

The nation’s Catholic bishops have asked the major media networks to “reconsider” their decision to permit the airing of slick new Clinton administration sponsored commercials aimed at promoting the use of condoms. The spots, which began airing in early January, encourage promiscuity while ignoring the relative ineffectiveness of condoms in preventing the transmission of disease. Given the recent Center for Disease Control report which revealed that 39% of condoms tested would fail to stop transmission of the virus which causes AIDS, the FCC should pull the ads for failure to meet the government’s own “truth in advertising” criteria.

What's in a name?

Our dictionary says that a catalyst is “an agent that provokes or speeds significant change or action.” After twenty years, we felt that it was time we gave our newsletter a name that truly reflects what the Catholic League is about.

Catholic League founder Father Virgil Blum, S.J. took a lot of criticism when he called Catholics “political eunuchs.” While some might quibble with his choice of words, there's no debating the underlying truth: most Catholics have indeed been too reticent in their response to bigotry.

The Catholic League purposely does not share this complacency. It calls on all Catholics to actively protect and promote their religion, acting as responsible agents of change. In short, it calls on each and every Catholic to become a *catalyst*.

League scores media for trumpeting unsubstantiated allegations against clergy

The Catholic League views with alarm the extent to which allegations against Catholic priests for sex abuse have been uncritically received by the media and have then been used by anti-Catholic forces to discredit the entire Catholic Church. The recent charge brought against Chicago archbishop Cardinal

Joseph Bernardin is a case in point.

In a statement released to the media on November 16, Catholic League president Dr. William A. Donohue said:

“U.S. law holds that everyone is presumed innocent until proven guilty. But the reality is that when the media give voice to mere allegations of criminality, the effect is to seriously taint the character of the accused. We have come a long way since the days when reporters knew of the sexual improprieties of President John F. Kennedy and chose to remain silent.

“So as not to be misunderstood, I am not suggesting that the media cover up wrong-doing in high places, only that they exercise greater scrutiny in deciding when to trumpet someone’s unsubstantiated allegations against public persons. As journalists well know, libel law affords little protection to public persons. It therefore becomes all the more critical that the media do not unwittingly give succor to those whose agenda is extrinsic to their stated objectives.

“The charge recently made by Steven Cook against Cardinal Bernardin is a textbook case of how easy it is to smear someone’s reputation. By all accounts, Cardinal Bernardin employs impeccable characterological credentials. And by contrast, the character of his accuser is seriously flawed. Cook, an unemployed mental health worker, has admitted to a life of indulgence in sex, alcohol and drugs.

“In addition, Cook says that just last month he experienced ‘a seeing and feeling memory’ that allowed him to recall that he had been sexually abused by Cardinal Bernardin some 17 years ago. Now one would think that when journalists are given stories right out of the Twilight Zone that doubt might conquer their temptation for a scoop.

“More disturbing than even this is the attention the media have given to anti-Catholic forces who delight in trumpeting

uncorroborated charges against Catholic clergymen. Catholics for Free Choice is a splendid example of this. Frances Kissling, president of CFFC, recently admitted that CFFC has no members, i.e., it is nothing more than a well-funded letterhead. Those that have contributed to CFFC's coffers include the contraceptive industry (e.g. Sunnen Foundation), Ford Foundation, Playboy Foundation, the Unitarian Church and Planned Parenthood, none of which has a record of support for Catholic causes.

"Furthermore CFFC is not a bonafide Catholic organization. On November 4th, the U.S. Bishops' Administrative Committee formally declared that CFFC 'has no affiliation, formal or otherwise, with the Catholic Church.'

"Perhaps the greatest proof that the empty charge against Cardinal Bernardin is being used by anti-Catholic forces is the public statements that CFFC has issued against the Cardinal and the Church. CFFC is an abortion rights organization. The charge against Cardinal Bernardin has nothing to do with abortion, yet CFFC spokespersons have hit the media taking up the cause of Steven Cook. What this proves is that CFFC will seize any opportunity it can to discredit the Catholic Church, whether or not it has anything to do with its stated mission. In short, CFFC is not only not a Catholic organization, it is an explicitly anti-Catholic force with a not-so-hidden agenda."

Reaction to the charge against Bernardin was not limited to our shores. Vatican Radio, the official voice of the Holy See, called the charge "filthy, worthy only of disdain."

Raymond L. Flynn, United States ambassador to the Holy See told the media that anti-Catholic attitudes can play a part in the way such stories are presented to the public. "Catholic bashing has become so commonplace," Flynn said, "that charges such as these need to be looked at very cautiously before drawing any conclusions."

Flynn went on to add, “People shouldn’t be too quick to make a judgement of guilt before all the facts are known.”

Bishops repudiate “Catholics for Free Choice”

League exposes “letterhead” organization

Within weeks of the first public admission – during a radio debate with a Catholic League representative – that “Catholics for Free Choice” (CFFC) is a memberless, well-financed “letterhead” organization, the nation’s Catholic bishops have issued a strongly worded denunciation of the group.

On November 4, the Administrative Committee of the National Conference of Catholic Bishops issued a one-page statement noting that CFFC has “no affiliation, formal or otherwise, with the Catholic Church.” The statement made it clear that several media interviews with CFFC leaders at the time of the Papal visit to Denver had given the group an aura of credibility it did not deserve.

The bishops made it clear that CFFC was an integral part of the pro-abortion lobby in Washington and that it was in no way entitled to claim a Catholic label because its stated positions “rejected unity with the Church on important issues of longstanding and unchanging Church teaching.” “In fact,” the statement went on, “there is no room for dissent by a Catholic from the Church’s moral teaching that direct abortion is a grave wrong.”

In a broadcast debate on August 22, with C. Joseph Doyle of the Catholic League, Frances Kissling, president of the self-

styled “Catholic” organization, admitted publicly, for the first time, that her organization had no members and that it received funding from openly pro-abortion groups such as the Playboy Foundation.

According to Doyle, “CFFC is an anti-Catholic front group financed by such adversaries of the Catholic Church as the contraceptives industry (through the Sunnen Foundation), the Ford Foundation, the Unitarian Church, and Hugh Hefner’s Playboy Foundation. It has also received substantial in-kind support from Planned Parenthood.”

When Doyle questioned how many members CFFC had, Kissling responded, “We’re not a membership organization. we have no membership.”

Kissling’s admissions, after years of public postering as a Catholic membership organization claiming broad-based grassroots Catholic support, reveal the organization to be an abortion-industry front designed to cast doubt on and foster dissent from Church teaching.

Reports of Kissling’s debate with Doyle were carried in *The Pilot*, *The Wanderer*, *The National Catholic Register*, *Catholic TwinCircle*, the *Catholic Advocate*, *Catholic World Report*, and on the USA Radio Network. And those are just the ones we know of.