

DONOHUE DEBATES PAISLEY'S VISIT TO REGENT UNIVERSITY

On March 20, Catholic League president William Donohue debated David Melton, an attorney at the Rutherford Institute, at Regent University in Virginia Beach on the subject of "The Outer Limits of Free Speech." The debate was the result of an ongoing disagreement between the Catholic League and the Rutherford Institute regarding the propriety of having Rev. Ian Paisley speak at Regent University. Paisley was invited to speak at Regent last fall by the student chapter of Rutherford.

At the time of Paisley's speech, which occurred on October 26, 1995, the Catholic League sent a news release to the media protesting the presence of Paisley, a notorious anti-Catholic bigot from Northern Ireland, at Regent University. The league was pleased that Regent president Terry Lindvall, who was out of town at the time, responded quickly and unequivocally that Paisley should not have been brought to the campus. The Catholic Alliance of the Christian Coalition supported the league's position and attorney Keith Fournier, executive director of the American Center for Law and Justice (ACLJ), challenged Paisley on his views during the question and answer period that followed Paisley's address.

During the debate, Donohue drew attention to the fact that the Rutherford Institute, alone among the circle of Protestant groups, refused to condemn Paisley and justified his presence at Regent on free speech grounds. When given several opportunities to denounce Paisley at the debate, Melton demurred saying that the issue was free speech v. censorship, thus repeating the earlier position of Rutherford attorney Rita Woltz.

Donohue began his presentation with a short overview of

Paisley's work. He mentioned the "mock Mass" that Paisley made in 1959 in Ulster Hall, and took note of his protestations against Pope John XXIII for the Pontiff's promotion of ecumenism. Indeed, Paisley led an illegal march on Belfast City Hall to protest the flying of the Union Jack at half-mast when the Holy Father died.

Paisley, Donohue argued, has a history of quitting any political organization that doesn't ascribe to his extremist views. For instance, Paisley quit the Unionist Party in 1966 because it was too moderate, and founded the Protestant Union Party as a suitable replacement. Three years later he quit that party to form the Democratic Unionist Party because his more recent group wasn't extremist enough. In addition, Paisley has been jailed several times for fomenting warfare between Protestants and Catholics. Especially noteworthy is the Third Force, the hooded paramilitary thugs who support Paisley.

Paisley, who still calls the Pope the "Anti-Christ," and refers to the Vatican as "Harlot City," makes it indefensible to call him anything other than an anti-

Catholic bigot. Here is one of his choice statements: "I hate the system of Roman Catholicism but God being my judge I love the poor dupes who are ground down under that system. Particularly I feel for their Catholic mothers who have to go out and prostitute themselves before old bachelor parties."

In 1994, when a priest complained to Paisley about his anti-Catholicism, the Protestant minister replied: "Go back to your priestly intolerance, back to your blasphemous Masses, back to your beads, hold water, holy smoke and stinks and remember...we know your church to be the mother of harlots and the abomination of the Earth." Even during the question and answer period following his lecture at Regent, Paisley called the Catholic Church the "Whore of Babylon."

Having established Paisley's credentials as a bona fide bigot, Donohue took up the question of free speech. Only the government can censor, he said, and there is nothing in the First Amendment that requires a private institution to extend an invitation to anyone to speak. Speaking on a college campus is a privilege, not a right, he asserted.

"Congress shall pass no law... abridging the freedom of speech." That is what the First Amendment says, and although since 1925 the Supreme Court has extended that guarantee to the states, it remains a fact that the First Amendment exempts private institutions. The reason for this, Donohue contended, is that the Framers of the Constitution did not want judges sitting in judgment over the affairs of the private sector. Thus, Regent was not obliged to host Paisley.

The position of Rutherford is very similar to the argument that holds that the Framers put freedom of expression in the First Amendment because they wanted to show its preeminent status. This is wrong on three counts, Donohue said. Historically, the first freedom has always been freedom of conscience, as anyone who has ever spent time undergoing mind-control in a totalitarian society will explain. Freedom of conscience is inextricably related to freedom of religion, a freedom far more important than expression.

The Framers, Donohue maintained, originally listed the First Amendment as the Third Amendment: it was only after the first two amendments failed to achieve ratification in the states that it was elevated to the first. And freedom of expression is nowhere mentioned in the Constitution, rather it is freedom of speech—meaning political discourse—that the Framers sought to safeguard.

According to Donohue, the First Amendment is not an end in itself, but a means: it is a means toward the end of good government, and thus should not be treated as if it were the finishing point of freedom. That is why many exceptions to the

First Amendment have been recognized by the courts, yet the Rutherford Institute, sounding strangely like the ACLU, seems to think of freedom of speech as if it were meant as an absolute.

Donohue then cited 24 exceptions to the First Amendment guarantee of freedom of speech, as recognized by the courts. Here is a list of those exceptions:

<ul style="list-style-type: none">1) Libel2) Perjury3) Obscenity4) Incitement to riot (advocacy is one thing, incitement another)5) When a "clear and present danger" exists6) Infringement on copyright7) Blockbusting (it is not illegal to ban the putting of notices in mailboxes urging people to sell their homes because some unwanted group is allegedly moving into the neighborhood)8) False advertising9) Speech that targets a "captive audience" (e.g. no one has a right to blare political speeches in confined quarters like a bus or train where the passengers cannot avoid hearing it)10) Leading schoolchildren in prayer in a public school11) Contemptuous speech in a courtroom	<ul style="list-style-type: none">12) Insubordination in the armed forces13) Treasonous speech14) Bribery5) Discussing money in a Congressman's office16) Misrepresentation of one's credentials17) Verbal agreements in restraint of trade18) Gender-specific ads in newspapers19) Filibustering20) Threatening letters21) Harassing phone calls22) Solicitation of a crime23) Certain types of picketing24) Certain types of commercial speech (e.g. gun and tobacco ads may be circumscribed)
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Donohue argued that these exceptions make it silly to maintain that the First Amendment is an absolute. Those who adhere to such a doctrine not only would not make these exceptions, they

would do as the ACLU has done by defending everything from dwarf-tossing in bars to the distribution of child pornography as a First Amendment right, thus trivializing its meaning. As the Jesuit First Amendment scholar Francis Canavan has instructed: "The guarantee [of freedom of speech] was meant to protect and facilitate the achievement of rational ends by communication among free and ordinarily intelligent people."

Again, none of this has anything to do with a college campus hosting Ian Paisley, because no one has a right to speak on a campus, much less a private one. Colleges exist, Donohue said, so that the pursuit of truth can be achieved. They have no obligation, then, to invite speakers from the Flat Earth Society to lecture. Nor do they have an obligation to invite anti-Catholic bigots to speak.

People like Paisley, the Imperial Wizards of the Ku Klux Klan, Nazis, and the like, have no legitimate role to play in a place where the pursuit of truth is deemed paramount.

If Rutherford believes, as attorney Rita Woltz has said, in "an open forum for discussion of all views," then is Rutherford prepared to endorse speakers who want to talk about the merits of rape, incest, bestiality, genocide, segregation, apartheid, serial killing and slavery? When this question was put to David Melton, he was unable to sustain an argument why such views shouldn't be addressed on college campuses, thus verifying Donohue's charge that he is treating a college as if it were the equivalent of a Geraldo or Sally Jesse show.

Donohue's final point was to argue that a Christian college has even less obligation to host a person known for harboring an animus against Catholicism. Paisley, an unrepentant bigot with a legacy of Catholic bashing, is a minister of hate, and it is therefore an insult to Catholics to have him appear on the campus of a Christian college. Yeshiva doesn't invite Nazis, Howard doesn't invite white racists, Wellsley doesn't invite misogynists, and Christian colleges shouldn't invite

anti-Catholics, Donohue exclaimed.

Having said that, Donohue maintained that he would defend Paisley from being censored by the police in a public forum. But alas, that was not the issue here. He ended by saying that the position of the Rutherford Institute was vacuous, intellectually specious and morally reprehensible.

After Donohue spoke, Melton presented his position, which was followed by an open-ended exchange between the two of them; it concluded with questions posed by the graduate students at Regent. During the exchange, Melton said that "the only speech the Catholic League believes in is Catholic speech" and that the league had charged that the Rutherford Institute was "anti-Catholic." When pressed to provide evidence for these two baseless accusations, Melton offered nothing, provoking Donohue to admonish him for not doing his homework before debating.