

GOVERNMENT

January 11

Washington, D.C. – In a unanimous decision (*Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*), the U.S. Supreme Court ruled that churches are entitled to make employment decisions without interference by the government. In doing so, the high court affirmed what is known as the doctrine of “ministerial exception,” the long-standing right of churches to be shielded from discrimination lawsuits brought by employees.



The ruling was a victory for religious liberty and a defeat for the Obama administration. In October 2011, when the Supreme Court heard oral arguments in this case, the Obama administration’s lawyer stunned even the more liberal members of the high court: Leandra R. Kruger had made such an extremist argument that she even got Justice Elena Kagan to agree wholeheartedly with Justice Antonin Scalia.

When Justice Kagan asked Kruger whether she believed that the First Amendment protects the right of a church to hire and fire employees without interference by government, Kruger answered that the government’s argument was based on freedom of association instead of those parts of the First Amendment that deal with religious freedom. “We don’t see that line of church autonomy principles in the religion clause jurisprudence as such,” Kruger replied. “We see it as a question of freedom of association.” In other words, Kruger made the erroneous argument that ministerial exception is not in the Constitution, insisting instead on the same rights of secular organizations to freely choose their own affiliations.

When he heard this, Scalia responded: “That’s extraordinary! There, black on white in the text of the Constitution, are

special protections for religion. And you say it makes no difference?”

January 19

Rawlins, WY – A warden at the Wyoming State Penitentiary denied the religious rights of inmates: candles were denied use at Catholic Mass; a priest was forbidden to assist Jewish inmates or hand out Catholic reading materials to Catholic inmates; restrictions were placed on the use of holy water, scapulars, medals, crosses, etc. Finally, a prison chaplain engaged in anti-Catholic proselytizing. After the Catholic chaplain contacted us, Bill Donohue contacted the warden, and the situation was resolved with the Deputy Director of the Department of Corrections of the State of Wyoming.

January 23

Philadelphia, PA – The Archdiocese of Philadelphia was named an “unindicted co-conspirator” by prosecutors in a case involving clergy sexual abuse. At the pre-trial hearing, Assistant District Attorney Mark Cipolletti made accusations against a defrocked priest, Edward Avery, and against the archdiocese. Cipolletti said that “the archdiocese was supplying him [Avery] with an endless amount of victims.” With these words, Cipolletti maliciously crossed the line. Instead of attributing any alleged wrongdoing to bad judgment, he implied that the archdiocese as a whole was evil.

January 31

Philadelphia, PA – The presiding judge in the trial of two Catholic priests from the Archdiocese of Philadelphia expressed dissatisfaction with the following question for prospective jurors: “Do you believe child sex abuse is a widespread problem in the Catholic Church?” Common Pleas Court Judge M. Teresa Sarmina said, “Anybody that doesn’t think there is widespread sexual abuse within the Catholic Church is living on another planet.” The Catholic League called for Judge Sarmina to step down immediately.

Her remark, whether based on ignorance or bias, demonstrated her inability to preside over any trial concerning allegations of priestly sexual abuse. We argued that her use of the present tense demonstrated that she was unfit to rule. Almost all the problem with priestly sexual abuse occurred between the mid-1960s and the mid-1980s. In other words, the scandal ended a quarter-century ago.

Judge Sarmina later claimed that her words were taken out of context and refused to step down.



This Taylor Jones cartoon ran in the *Staten Island Advance* on February 14. In depicting a wary Uncle Sam saying the Pledge of Allegiance to the U.S. Conference of Catholic Bishops, this cartoon suggested that support for the U.S. bishops' fight for religious liberty compromised loyalty to America. In fact, it was the federal government that threatened the First Amendment rights of Catholics.

February 9

Detroit, MI – The Michigan Court of Appeals considered the question of whether a pastor should have to testify about a crime that a parishioner disclosed under the seal of Confession. The case involved a man, now 18, who allegedly confessed to his pastor at a Baptist church that he sexually assaulted a female cousin when he was 15. Prosecutors argued that priest-penitent privilege did not apply because Samuel

Bragg, the penitent, did not approach his pastor for “priestly consultation and guidance.” By arguing instead that the pastor interrogated Bragg about the allegations, the state sought to dictate criteria by which a confession must be divulged. The fact that this argument could be made at all indicates that even the seal of Confession is no longer held to be protected by those advancing arguments for state encroachment.

April – August

The Catholic League was asked by the Supreme Court of Wisconsin if it wanted to comment on a reply to our grievance against attorney Rebekah M. Nett; the league sought to get her and her attorney client, Naomi Isaacson, disbarred for making incredibly anti-Catholic remarks in the courtroom in 2011. Among her anti-Catholic smears, Nett referred to Judge Nancy Dreher and other court personnel as “dirty Catholics,” adding that “Catholic deeds throughout the [sic] history have been bloody and murderous.” Among other things, Nett maintained that “All references made throughout the document to ‘Catholic’ something or another do not necessarily refer to the Catholic religion per se or to being a person who considers him or herself to be of the Catholic religious faith.”

Here is an excerpt from our response: “This is a classic example of intellectual dishonesty: there is no other way to interpret Nett’s vicious comments on Catholicism than to see them for what they manifestly are—bigoted assaults on the Roman Catholic religion. Quite frankly, no amount of spin can rescue her at this point. And it hardly helps her cause to rebrand Catholicism as a ‘type of political movement.’”

Our initial grievance stood without emendation. Nett’s words were proof positive of her anti-Catholic bigotry and her unsuitability to function as an attorney. We maintained that because the evidence of Nett’s bigotry presented in the report was clear and overwhelming, she needed to be disciplined in a manner that is commensurate with the gravity of her offenses.

On August 8, the Office of Lawyers Professional Responsibility in Minnesota (where she is also licensed) said that Nett should be suspended. As of publication, sanctions are yet to be handed down although a referee suggested a six-month suspension. It is now in the hands of the State Supreme Court.

April 9

Osaka-Kobe, Japan – Patrick Linehan, Consul General at the U.S. Consulate General in Osaka-Kobe, Japan, wrote a viciously anti-Catholic post on his Facebook page: “We should all quit the catholic church...it is a corrupt organization run by nazis and pedophiles...flee this church while you still have your dignity and humanity intact...” After his post he linked to a New York *Daily News* report on a homosexual member of the junior board of Catholic Charities who had recently quit. If such comments were made about any other group, the person making them would be fired immediately.

The comment ran afoul of the American Foreign Service Association Guidance on the Personal Use of Social Media. Senior State Department officials responded quickly, and Linehan removed the offensive Facebook post after 36 hours.

April 13

Rep. Rosa DeLauro wrote to New York Archbishop Timothy Cardinal Dolan lecturing him to mobilize the bishops in a campaign to combat poverty, specifically with respect to Rep. Paul Ryan’s budget. Her request was disingenuous. She worked to kill school vouchers for children with disabilities and has voted against scholarship grants for African American students in D.C. But she is a big champion of abortion, including abortions where the baby is 80 percent born; she has even voted to fund abortion with federal dollars and she has a history of working against the hierarchy of the Catholic Church.

April 30

Westchester, NY – The Westchester County Board of Legislators

proposed a bill that would unjustly target pro-life protestors outside of abortion facilities. "Freedom of Access to Clinic Entrances" would allow the facility to sue anyone for harassing or intimidating "any person whose ability to access the premises of a healthcare facility has been interfered with."

The Archdiocese of New York's Respect Life Office issued a statement condemning the legislation, calling the bill "vague and ambiguous." Bill Donohue wrote a letter to the lawmakers imploring them not to pursue additional legislation concerning access to abortion clinics and pointed out that pro-life protestors have a "distinguished record of protecting the rights of those with whom they disagree."

June 10

Honolulu, HI – Governor Neil Abercrombie signed into law a bill extending the statute of limitations on civil lawsuits in sexual abuse cases. It was changed to eight years from the alleged victim's 18th birthday or three years from the time the alleged victim discovers psychological injuries as the result of past abuse.

The governor had vetoed similar legislation in 2011 not only because it would have entirely done away with the statute of limitations for lawsuits involving allegations of child abuse, but also because it listed the state of Hawaii among those entities that could be targeted. The *Honolulu Star-Advertiser* reported that "the administration warned that the bill could have threatened due-process rights and exposed the state to unknown liability."

The protections which the state sought for itself in these matters were not construed so as to extend also to the Catholic Church.

June 18

Pittsburgh, PA – A regional director of the National Labor

Relations Board (NLRB) ruled that Duquesne University must accept NLRB jurisdiction over personnel issues, despite the fact that federal courts have directed NLRB to exempt religious universities from its oversight. Duquesne wasn't the only Catholic institution faced with this attack on religious liberty. Two other schools, Manhattan College in New York and St. Xavier University in Chicago, were also appealing NLRB regional rulings issued in 2010.

June 22

Philadelphia, PA – The jury in the trial of two Philadelphia Catholic priests reached a verdict. Msgr. William Lynn was acquitted of conspiracy; on the two charges of child endangerment, he was acquitted of one of them and found guilty of the other. The jury was deadlocked on two charges against Rev. James Brennan: one for attempted rape, and one for child endangerment.

The trial took place in the shadow of a failed witch-hunt that began in 2001, when Philadelphia District Attorney Lynne Abraham decided to summarily ignore what she was empowered to do, namely “to investigate the sexual abuse of minors by individuals associated with religious organizations and denominations.” Had she done so, those cases of minors who may have been sexually molested by ministers, rabbis, and others would also have been investigated. Instead, absolutely nothing was done about these cases, and she focused exclusively on the Catholic community.

On March 31, 2011, Bill Donohue sent Abraham a letter asking her to identify which “religious organizations and denominations” she pursued other than the Roman Catholic Church. She never answered.

The verdict was a loss for the Survivors Network of those Abused by Priests and Church-chasing attorneys like Marci Hamilton. Had they won on the conspiracy count, they would have been in the driver's seat to pursue other “conspirators”

nationally.

June 29

New York, NY – After battling New York City Mayor Michael Bloomberg for the right to worship in a school, Robert Hall, pastor of the Bronx Household of Faith, won when a federal judge ruled that religious groups cannot be prohibited from using public schools to hold services.

July 25

Boston, MA – A bill was passed by voice vote in the Massachusetts House of Representatives expanding the time period on civil claims of child sexual abuse. The bill did not apply to child sexual abuse that occurs in the public schools; it applied exclusively to private institutions, such as the Catholic Church. Unless a bill specifically targets the sovereign immunity status of the public schools, they remain exempt.

August – October

Steubenville, OH – Efforts by the Freedom From Religion Foundation (FFRF) to intimidate city officials into banning a proposed new city logo that includes a chapel and a cross—symbols that represent the Franciscan University of Steubenville—incited the Catholic League to issue a news release calling on members to support the mayor.

Initially, city officials were wary of the costs involved. If the city had lost, it would have had to pick up court-ordered legal fees. Instead, they opted for a new logo: the university would be featured without a depiction of the cross and chapel.

After a groundswell of support for the initial logo, experienced pro-bono lawyers stepped forth. The Catholic League implored its members to e-mail the Mayor of Steubenville, Domenick Mucci, Jr., urging him not to buckle to the forces of censorship. On August 21, the *Intelligencer*, a local paper, reported that the mayor's office received "nearly

500 e-mails" urging the mayor to "stand strong."

At the "Stand up for Religious Freedom" rally on October 20, keynote speaker Michael Hernon, the vice president of advancement at Franciscan University, said outside secular forces were trying to force the city to alter its official logo "because there was a cross in it. We're not ashamed of the cross. It's happening right here in Steubenville."

August 2

Spirit Lake Indian Reservation, ND – A doctor's punishment for blowing the whistle on rampant child sexual abuse was rescinded only a day after being issued by the Department of Health and Human Services (HHS). The whistle-blower, Dr. Michael R. Tilus, director of behavioral health at the Health Care Center on the reservation, had been reprimanded, reassigned, barred from promotion, and threatened with the loss of his professional license for trying to get HHS to do something about the atrocities at Spirit Lake. The crimes he reported included children abused, raped, and murdered—aided and abetted by negligence, tribal as well as institutional. The unprecedented scale of the abuse was underscored by the fact that while American Indians make up only 9 percent of North Dakota's population, Indian children constitute nearly 30 percent of the state's child abuse victims.

The Catholic League acted swiftly and decisively. We issued a press release noting that those who have been quick to condemn the Catholic Church remained silent about the atrocities at Spirit Lake. We also contacted three U.S. Senators. Justice was swiftly delivered when the doctor was reinstated, but we did not let go of the issue there.

Bill Donohue sought to uncover what disciplinary measures, if any, were taken against the HHS official who called for his punishment. He wrote a letter to Dr. Yvette Roubideaux, the director of the Indian Health Service, copying Senator John Barrasso, the vice chairman of the Senate Committee on Indian

Affairs. Donohue wanted to know whether the official who initially sought to punish the whistleblower was reprimanded.

August 6

Nationwide, supporters of traditional marriage flocked to the defense of Chick-fil-A president Dan Cathy's statement that we are "inviting God's judgment on our nation when we shake our fist at him and say, 'We know better than you as to what constitutes a marriage.'"

Cathy never mentioned homosexuals, yet created a firestorm labeling him and his fast-food chain anti-gay.

Chicago Mayor Rahm Emanuel said that "Chick-fil-A's values are not Chicago values. They're not respectful of our residents, our neighbors and our family members." Indeed, Chicago Alderman Joe Moreno attempted to block the construction of a new Chick-fil-A partly due to worry about its "business practices."

A *New York Times* editorial said, "Antigay remarks like these are offensive." Boston Mayor Thomas Menino made it clear he wouldn't welcome the restaurant in his city when he said, "I don't want an individual who will continue to advocate against people's rights. That's who I am and that's what Boston's all about."

The antipathy that Chick-fil-A provoked demonstrated not only a disturbing cultural trend but also a willingness to coerce and punish, with nothing less than the power of the state, those who hew to the traditional view.

Initial reports falsely indicated that Chick-fil-A had caved by withdrawing corporate giving from groups supporting traditional marriage. Chick-fil-A executives later reaffirmed the company's commitment to "programs that educate youth, strengthen families and enrich marriages, and support communities," while adding that their intent is "not to support political or social agendas."

September 4

Charlotte, NC – At the Democratic National Convention (DNC), Democrats allowed the most notoriously anti-Catholic organization in the nation, Catholics for Choice (CFC), to host a panel on religious liberty. It was entitled, “Keeping the Faith in the Democratic Party: Protecting Religious Liberty for Everyone.”

Speaking at the event were activists from a CFC-organized umbrella group, the Coalition for Liberty & Justice. Several of the groups that comprise this entity have hijacked the Catholic label in service of their anti-Catholic agenda. They include: CORPUS, DignityUSA, New Ways Ministry and the Women’s Ordination Conference. An array of radical left-wing groups with a history of Catholic bashing were also on hand.

September 4

Charlotte, N.C. – A major PR disaster erupted during the Democratic National Convention (DNC) when it was discovered that the word “God” had been excised from the Democratic Party Platform.

The Platform deleted the word “God” when discussing our “*God-given* potential.” In 2008, the Platform spoke to the issue of having a government that “gives everyone willing to work hard the chance to make the most of their *God-given* potential.” The italics, added here, were deleted from the 2012 Platform.

The night that the news broke about the removal, CNN’s Piers Morgan pressed DNC chair Rep. Debbie Wasserman Schultz on the excision. She dodged the question by saying, “We have a commitment through all faith traditions that our values are reflected in our policy. And that means that we should look out for the least of these, that we should fight for the middle class, that we should let everybody in America have an opportunity to be successful.”

Morgan persisted. “This is, somebody has deliberately taken

out the word 'God' because it was in the last one," he said. In response, Wasserman Schultz remarkably said, "I can assure you that no one has deliberately taken God out of the Platform." Morgan pressed her again, "So it was an accident?" She refused to answer.

After taking heat for removing the word "God" from its Platform, the DNC finally decided to put it back in. When it was proposed to place "God" back in the Platform, the delegates were not persuaded, so the DNC did so by fiat, and then lied about the entire event.

[Back to Top](#)