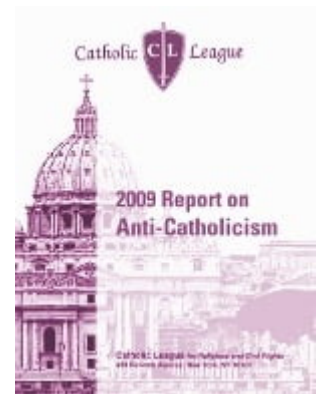


Government

January 23

Bills were introduced in both houses of the Maryland legislature—sponsored by Delores Goodwin Kelley in the Senate and C. Sue Hecht in the House—that would have continued the duplicitous way private and public institutions are treated.



These bills continued the outrageous insulation afforded public schools: under the law, claims are limited to \$100,000 in damages and alleged victims must give notice of a suit within six months. No such cap is awarded to private institutions. In other words, both of these bills would have ratified a dual system of justice.

Sen. Kelley denied that her bill targeted the Catholic Church, and conceded that priests account for “less than two percent of the perpetrators.” Likewise, Delegate Hecht admitted that priests account for “a miniscule number” of offenses. That being the case, it suggests that the real damage is being done elsewhere. And since we know that the sexual abuse of minors is 100 times greater in the public schools than in the Catholic Church, the law should have included public schools as well.

We issued a news release calling out Kelley and Hecht for their duplicity and asked our members to contact Sen. Kelley. In our release we said: “Imagine, for just one moment, what the reaction would be if a law were proposed that would severely penalize public school teachers for sexual abuse but would give a slap on the wrist to Catholic teachers for the same offense. And imagine what would happen if there were a cap on the amount of damages a victim could extract from Catholic schools, but the public schools could be squeezed for

millions.”

Within 24 hours of our news release addressing this situation, we received the news that Kelley’s bill did not make it out of committee, thus rendering it dead.

February 2

We filed an amicus brief in the Ninth Circuit Court of Appeals case, *Association of Christian Schools International, et al. v. Roman Stearns, et al.* We supported students who are being denied credit by the University of California for high school courses in which religious viewpoints are discussed.

Drafted by the American Center for Law and Justice, the brief argued that this discrimination is a violation of the First Amendment because it demonstrates hostility toward religion. The state’s action was unjustified because the school system cannot establish that the courses in question cause the students to be any less prepared for college level work.

The brief further contended that such discrimination, in excluding students who have studied such courses, defeats the university system’s goal of diversity. Finally, there is no case law to support these actions, which do not further a compelling state interest.

The categories of courses that were disfavored include those that primarily address one religion, particularly Christianity; those that state God has influenced and directed human history; courses that address morality, ethics and social justice from a religious viewpoint; courses that address religious elements in a non-religious subject matter; and courses that address religious viewpoints only in one section of the course.

Our brief cites numerous examples of rejected courses. Here are some brief descriptions:

- A “History of Christianity” class was rejected even though

it not only addressed Catholic, Protestant, and Orthodox viewpoints, but also the Jewish roots of Christianity and the impact of Islam in the Middle Ages.

- A “World History” course was rejected because it presupposed a Christian God created and governed the world.
- A class called “Moral Theology: Introduction to Ethics” was rejected for addressing ethics from a Catholic perspective even though it also examined many other ethical viewpoints, such as those of the Greeks, Buddhists, Muslims and indigenous peoples.
- A “Women’s Studies” class with readings that included Betty Friedan’s *The Feminine Mystique*, Anita Diamant’s *The Red Tent* and Ada Maria Isasi-Diaz’s *Hispanic Women: Prophetic Voice in the Church* was rejected because some of the readings had a Catholic viewpoint.

March – July

Two Connecticut lawmakers sought to effectively take control of the Catholic Church in their state. Because Bridgeport Bishop William Lori, Hartford Archbishop Henry Mansell, the Connecticut Catholic Conference, the Catholic League, and thousands of Catholics all over the state fought back, the bill was quickly pulled. It proved to be a giant victory for Catholics loyal to the Magisterium and to the First Amendment provisions on religious liberty.

Bill #1098 was introduced in the Connecticut legislature by Rep. Michael Lawlor and Sen. Andrew McDonald, both Democrats. Its express purpose was “To revise the corporate governance provisions applicable to the Roman Catholic Church and provide for the investigation of the misappropriation of funds by religious corporations.”

The bill specified that each parish was to elect a board of directors to run all parish functions, thus stripping the pastor of his authority. As the *Hartford Courant* said, the

bill “would take administrative and fiscal power away from priests and bishops and give it to parishioners.” Moreover, it would only apply to the Catholic Church.

It was introduced on Thursday, March 5; the public did not know about it until the following day. Hearings were scheduled for Wednesday, March 11. In other words, stealth-like tactics were used to slip the bill in with minimum input from Catholics.

The Catholic League was contacted by members from all over the state. By the time the staff arrived at work on Monday, March 9, it was deluged with phone calls, e-mails and faxes from Catholics, as well as non-Catholics, from every part of Connecticut.

Bishop Lori and Archbishop Mansell implored Catholics to attend the public hearing. They announced that there would be buses galore to take Catholic students, teachers, parents, priests, and nuns—anyone who wanted to go—to the event.

On March 9, Bill Donohue released a statement to the media saying, “More than that needs to be done.” He said, “Bishop Lori is correct to say that the bill ‘is a thinly-veiled attempt to silence the Catholic Church on the important issues of the day, such as same-sex marriage.’ Indeed, it is payback: this brutal act of revenge by Lawlor and McDonald, two champions of gay marriage, is designed to muzzle the voice of the Catholic Church.”

Because the Catholic Church was singled out, Donohue charged, “Lawlor and McDonald have demonstrated that they are ethically unfit to continue as lawmakers. They have evinced a bias so strong, and so malicious, that it compromises their ability to serve the public good.”

Donohue then called for their expulsion from the state legislature. “They should therefore be expelled by their colleagues. Reprimand and censure suggest that the offender

can be rehabilitated. It is painfully obvious in this instance that neither lawmaker is prepared to accept such a sanction. Expulsion is the only rational response. We are contacting House leader Christopher Donovan and Senate leader Martin Looney to explore this action.”

Very quickly, we heard from lawmakers on our side. A unanimous vote against the bill was delivered by Republican legislators. It was evident that our side had struck back so hard that the two Democratic lawmakers, and their supporters, were taken aback.

On Tuesday, March 10, the day before the scheduled hearing, McDonald and Lawlor pulled their bill. They said they did so at the behest of Tom Gallagher—a contributor to the *National Catholic Reporter*—the person who proposed the takeover.

When the bill was withdrawn, Donohue released another statement: “Every pre-law undergraduate knows what Lawlor and McDonald tried to pull off—in stealth fashion—was flagrantly unconstitutional. For their fascist stunt, they should at least be censured by their colleagues. Ideally, they should resign or be forced out of office.”

After information was revealed about the bill being pulled, those who sought a state takeover refused to apologize. In fact, Paul Lakeland, who is chairman of the Catholic Studies Department at Fairfield University, a Jesuit institution, said the bill did not violate the First Amendment because the bishops still had control over doctrinal matters. Then the *Hartford Courant* chimed in saying in an editorial that McDonald and Lawlor “were trying to help rank-and-file Catholics.”

But few Catholics, or non-Catholics for that matter, were fooled by Lakeland and the *Hartford Courant*.

In May, the Connecticut Office of State Ethics sought to penalize the Diocese of Bridgeport for the rally. These

officials accused the diocese of breaking the state's lobbying laws. On May 29, Bishop Lori filed suit seeking an injunction to stop punitive measures from being implemented.

Earlier in the month, there had been a rally in Hartford demanding universal health care. According to the *Courant*, approximately 140 "clergy and religious folks marched to the state Capitol... And all chanted and carried signs that said, 'Muslims for Health Care,' and 'Health Care for All.'" But this rally occasioned no threats from state officials.

We urged our members to contact Carol Carson, the executive director of the ethics office, and ask that she call off the investigation. On June 30, we were joined by Connecticut Attorney General Richard Blumenthal, who also called for an end to the investigation. On July 1, the office withdrew its probe.

March – June

A bill was introduced in the New York State Assembly by Assemblywoman Margaret Markey, which would have had grave implications if passed.

According to the bill, an 18-year-old who was allegedly raped by a public school teacher would have a 90-day period to file a claim for an offense that happened in a public institution. But a student who was allegedly raped in a Catholic school during the JFK presidency could bring suit (for one year, there is no time limit on claims affecting private institutions). After a year, a student from a Catholic or Jewish school would still have ten more years to file a claim than a victim from the public schools (the current five year period to file a claim would be expanded to ten years).

Another bill was introduced in the Assembly, by Assemblyman Vito Lopez, which would not discriminate on the basis of location. Eric Schneiderman, chairman of the Senate Codes Committee, said that the glaring disparity might be addressed

in future legislation. Schneiderman said, "Just because it [the Markey bill] does not broaden the rights of victims 100 percent does not mean we should not try to broaden their rights somewhat." His argument collapsed, of course, when considering the Lopez bill: it would cover 100 percent of the victims.

In response to the disparity in the Markey bill, Bill Donohue wrote an open letter to New York State lawmakers. The following is the text of his letter:

"Complaints have reached my office about some New York State lawmakers who are considering a bill, sponsored by Assemblywoman Margaret Markey, that would discriminate against the Catholic Church by selectively targeting private institutions in legislation aimed at prosecuting the sexual abuse of minors. There is another bill on the same issue, sponsored by Assemblyman Vito Lopez, which does not discriminate: it treats private and public institutions the same way. While there are some differences between the two bills, the central difference is in their application.

"Please understand that I am not accusing anyone who supports the Markey bill of anti-Catholicism. But I hasten to add that those who do so are certainly giving the appearance of sponsoring bigotry. Perception, it is often said, is reality.

"Alabama Governor George Wallace was known for promoting a dual system of justice—one for whites and one for blacks. It is no less invidious to promote a dual system of justice based on other grounds. If a child has been violated, what matters is the crime, not the location.

"Anyone who is really serious about prosecuting the sexual abuse of minors wants all victimizers to be treated equally. I hope you agree."

On March 24, the *National Catholic Register* ran a story on its blog about the bill. "In a detailed statement responding to

criticisms of the bill," the story said, "Markey said that public schools have handled abuse cases well in recent years, whereas the Catholic hierarchy 'has relied on secrecy, quiet transfers and threats to hide abusers when the threat of public disclosure emerges.'" When the Catholic League asked Markey's office for a copy of her statement, we were told by staff member Rosemary Lategano that the story was wrong and there was no such statement. We then called the newspaper and obtained a copy of it.

Donohue commented on this saying:

"Was Markey's office in error? Or were we lied to? One thing is for sure: Markey is wrong about the facts. She says the public schools have shown 'increasing sensitivity' to cases of child sexual abuse, and that they 'routinely move swiftly to respond to allegations against employees.'

"In 2007, the AP did a major report on this subject. It concluded that child sexual abuse in the public schools was 'a widespread problem,' saying there was 'a deeply entrenched resistance toward recognizing and fighting abuse.' Moreover, offending teachers are moved from one school district to another so often that they are called 'mobile molesters.'

"Two years earlier, author and educator John Seryak concluded that 'The problem in education dwarfs the Catholic Church problem.' And a year earlier, Dr. Charol Shakeshaft, the nation's leading authority on the issue, estimated that 'the physical abuse of students in schools is likely more than 100 times the abuse of priests.' So common is the transfer of offending teachers that it is called 'passing the trash.'

"Markey's bill is based on faulty assumptions and erroneous data. It also unfairly discriminates between Catholic schools and public schools. And her office staff is either incompetent or devious."

In the April 22 *Newsday*, Rev. Anthony Evans, president of the

National Black Church Initiative, blamed the Catholic Church for opposing Markey's bill. The day before, State Senator Thomas Duane explained why he was in favor of the bill. When we saw these two statements we decided to ask Sen. Duane to introduce a bill that would reverse the rules and give those who were abused in a Catholic school 90 days to file a claim and put no time limit on those abused in a public school. We said that this would make more sense considering most of the abuse has taken place in the public schools.

To our surprise, on April 26 *Newsday* endorsed—with modification—the Lopez bill. The newspaper called Markey's proposed legislation an "ill-advised" bill that would "set a dangerous precedent of allowing the emotions of the times to target a specific group or religion." Although we were surprised by the endorsement, we appreciated *Newsday's* support. Bill Donohue wrote in a published letter to the editor: "The shame of it is that the Markey bill's inherent bias is still not seen by every reasonable person as an outrage. Thanks to *Newsday*, the mask is coming off."

We weren't only surprised by *Newsday*, but support for Lopez's bill also grew in the Orthodox Jewish community as well as with Gov. David Paterson.

When Brooklyn Bishop Nicholas DiMarzio vigorously opposed Markey's legislation and favored that of Lopez, Markey retaliated against the bishop. She accused DiMarzio of being "on the borderline of jeopardizing his not-for-profit status." She also warned, "If I were the bishop, I would walk very cautiously." After we hit Markey for her comments about DiMarzio, Markey decided to amend her bill allowing public schools to be sued as well. However, the amendment was still problematic; it still suspended the statute of limitations for one year, thus permitting anyone to file a claim regardless when the alleged abuse occurred. We followed up by pledging that if Markey's bill prevailed, we would spend hundreds of

thousands of dollars in a massive campaign to alert those who had been sexually abused by a public school employee that they had a year to sue the schools, provided that they met the provisions in the bill.

A few days after she amended her bill, Markey chopped it up again, stating that anyone who wished to file a suit during the suspension of the statute of limitations could do so provided that he is not over the age of 53. Finally on June 23, the bill appeared to be dead in the water.

Although the bill stalled, we declared that we would never yield on our pledge. If Markey's bill ever passes, we will do whatever it takes to alert those victimized by public school employees of their right to sue.

March 31

President Barack Obama nominated Dawn Johnsen to be assistant attorney general in charge of the Office of Legal Counsel. In the late 1980s, Johnsen worked on a lawsuit, *United States Catholic Conference v. Abortion Rights Mobilization*, which sought to strip the Catholic Church of its tax-exempt status. Johnsen also helped write the Freedom of Choice Act, a law so draconian that, if enacted, it would force Catholic hospitals to start performing abortions or have their funding pulled.

Johnsen is not merely pro-abortion—she celebrates it. To wit: she testified in February 2009 that after a woman has her child aborted, “The experience is no longer traumatic; the response of most women to the experience is relief.” April 2 An amendment that would have protected conscience rights of healthcare providers was defeated in the U.S. Senate. The amendment was proposed in light of the Obama administration's plans to rescind the rule that was issued the previous December by the Department of Health and Human Services that protected the conscience rights of healthcare workers.

April 10

San Diego, CA – On Good Friday a pastor and his wife were informed by an employee of San Diego County that the couple was in violation of county code for hosting a Bible study in their home; the county official told them that the Bible study was a religious assembly. A few days later the couple received a written warning that cited “unlawful use of land,” and ordered them to either “stop religious assembly or apply for a major use permit” which could cost the family thousands of dollars.

April – May

On April 6, President Barack Obama appointed anti-Catholic bigot Harry Knox to serve on the Advisory Council on Faith-based and Neighborhood Partnerships. Knox, the director of the religion and faith program at the Human Rights Campaign, called on Pope Benedict XVI to “start telling the truth about condom use,” in response to the pope’s comments that the promiscuous distribution of condoms coincides with an increase in HIV/AIDS; Knox also holds the Holy Father responsible for “endangering people’s lives.” He further called the Knights of Columbus “foot soldiers of a discredited army of oppression” because of their opposition to gay marriage.

Because of comments like these, Indiana Congressman Mike Pence called on Obama to withdraw Knox’s appointment and to “select a person who can serve the faith-based community with the respect and dignity it deserves.”

On May 13, Bill Donohue participated in a teleconference with other Catholic leaders demanding the ouster of Knox from the Council. A letter signed by some two-dozen Catholic leaders called on Obama to dump Knox.

Knox had plenty of opportunities to take back his hate speech against the pope and orthodox Catholics, but refused to do so.

When questioned about Knox’s appointment, Democratic leaders like Nancy Pelosi and White House spokesman Robert Gibbs

professed ignorance of his anti-Catholic record.

If all Knox had done was criticize the Catholic Church on public policy issues, there would have been no problem. But he was not content to disagree: he demonized the opposition. Moreover, football coach Tony Dungy was pressured to decline an invitation to serve on the same board, simply because he believes marriage should be between a man and a woman.

We said justice demanded that Knox be removed.

April 14

Washington, DC – When President Barack Obama spoke at Georgetown University, the White House requested that all religious symbols and signage that might appear as a backdrop to where the president was to speak be covered up. Georgetown acceded to the request and made sure that the symbol “IHS,” a monogram of the name of Jesus Christ, was not in sight. A Georgetown official said the initial backdrop “wasn’t high enough by itself to fully cover the IHS and cross above the GU seal and it seemed most respectful to have them covered so as not to be seen out of context.”

Following the president’s Georgetown speech, the Catholic Left organization Catholic Democrats flagged the story on the homepage of its website. Although the group covered Obama’s speech, it never once mentioned that the White House requested to cover up Catholic iconography. Instead, the group praised his speech.

April 22

The House Judiciary Committee marked-up a hate crimes bill sponsored by Rep. John Conyers. Serious questions were raised by religious leaders about this legislation, especially as it pertained to religious pronouncements against homosexuality. There were also concerns with the legislation regarding its language protecting pedophiles.

When this bill was being considered in 2007, Rep. Louie

Gohmert of Texas asked Alabama Rep. Art Davis (his amendment is in the bill) the following question: "If a minister preaches that sexual relations outside of marriage of a man and a woman is wrong, and somebody within that congregation goes out and does an act of violence, and that person says that that minister counseled or induced him through the sermon to commit that act, are you saying under your amendment that in no way could that ever be introduced against the minister?" Davis, who supported the bill, replied, "No."

Bill Donohue addressed the media, "The problem in general with hate crimes legislation is that it invites the government to probe way beyond motive. And in instances like this, it trespasses on free speech and religious liberty. This is a road no defender of liberty should ever want to go down."

The bill—championed by gay rights and liberal groups—also included pedophiles under the rubric of sexual orientation. This was the ultimate confession: liberal Democrats think of pedophiles as indistinguishable from homosexuals.

When this subject came before the House Judiciary Committee, an amendment to the hate crimes bill that would have excluded pedophilia from the definition of sexual orientation was defeated by Democrats along party lines, 13-10.

The debate was over: for liberals, child molesters should be given the same rights as homosexuals. Moreover, they should be given more rights than pregnant women and veterans; the latter two categories were explicitly denied coverage under the hate crimes bill. Even worse, an amendment that would bar prosecution based in whole or in part on religious beliefs quoted from the Bible, the Tanakh (Judaism's sacred book) or the Koran was defeated by Democrats along party lines, 11-8. In other words, religious speech would be denied First Amendment protection. A week after the bill was introduced, it passed the House.

June – December

San Francisco, CA – On June 3, three members of the Ninth Circuit Court of Appeals ruled that the San Francisco Board of Supervisors did not violate the First Amendment for its 2006 resolution condemning the Catholic Church for “meddling” in its affairs because of the Church’s opposition to gay adoptions. The anti-Catholic resolution proclaims the Church’s moral teaching and beliefs on homosexuality as “insulting to all San Franciscans,” “hateful,” and “absolutely unacceptable,” among other things.

On November 5, the full federal appeals court ruled to put that decision aside, holding that the case should be decided by an eleven-judge panel for rehearing. This was good news and we are hopeful that upon a full hearing, our position will be vindicated.

On December 16, the eleven-member panel heard oral arguments from the attorneys representing the Catholic League. The Thomas More Law Center lawyers again made the case that the 2006 resolution was unconstitutional because it created a hostile environment for Catholics and the Catholic Church in San Francisco.

August 5-12

Charlotte, NC – On August 5, the Equal Employment Opportunity Commission (EEOC) accused Belmont Abbey College, a Catholic institution, of discriminating against female employees by not covering contraceptives in its health insurance plan.

After employees filed complaints with the EEOC, it told the school in March that it would close the file on the discrimination charge, as it had not found the school’s decision to be discriminatory.

On August 12, Bill Donohue wrote to Ruben Daniels Jr., the director of EEOC-Charlotte:

“Dr. William Thierfelder, president of Belmont Abbey College,

was notified in March that an investigation by your office of alleged wrongdoing was closed. At issue was the right of a Catholic college not to provide coverage for abortion, artificial contraception and voluntary sterilization. Now he has been informed that the case has been reopened.

"Would you please submit to me all documentation, including e-mails, office memos, and the like, that are relevant to this reversal? For example, if an error in judgment was initially made, it is important to know what it was and who made it. It is also vitally important to know the exact reasons why this case has been resurrected, and whose decision it was.

"I am not pointing fingers, just doing my job. And that job is to combat discrimination against Catholics and defamation against the institutional Church. As you know, the First Amendment insulates religious decision-making from the purview of state authorities in most instances. If it is your position that the First Amendment is not operative in this case, I would appreciate knowing why.

"This issue arises at a time when millions of Catholics, led by the United States Conference of Catholic Bishops, are gravely concerned about religious rights being jeopardized under new health care bills. It is important, therefore, that you allay our concerns by providing evidence that there is no animus against Belmont Abbey, a Catholic institution."

In addition to sending the letter to the EEOC, we sent a news release detailing what was going on to every bishop in the nation.

After this letter appeared in *Catalyst*, Belmont Abbey acquired the legal services of the Becket Fund, an excellent law firm in Washington, D.C. After we found out that the school would be represented by the Becket Fund, we were confident that justice would be served.

August 26

Frankfort, KY – A judge declared a reference to God in a 2006 law creating a Kentucky Department of Homeland Security unconstitutional. By requiring the office to acknowledge “the dependence on Almighty God” as vital for Kentucky’s security, the judge declared that the General Assembly was creating an official government position on religion. American Atheists, along with ten Kentucky residents, filed the lawsuit in 2008.

September 17

Pensacola, FL – Two school officials were tried in federal court for praying in the presence of students. Over 60 members of the U.S. House voiced their support for the educators and denounced what they called a “criminalization of prayer.” The officials were accused of breaching the conditions of a lawsuit settlement reached with the ACLU.

At the end of the trial, the federal judge found the teachers not guilty.

September 23

We commented on Kevin Jennings, the man Barack Obama selected to be the Director of the Office of Safe and Drug Free Schools.

Jennings, raised a Baptist by his minister father and non-believing, anti-Catholic mother, is known for lecturing the Catholic Church about its teachings on sexuality. He has also railed against the “hard core bigots” whom he says make up the “religious right.”

Jennings’ hatred of religion began at the age of 17, right after he masturbated at the thought of watching two “hot guys” take off their shirts in his home. We know this because this is exactly what he wrote in his book, *Mama’s Boy, Preacher’s Son: A Memoir*.

Following his masturbatory experience, Jennings revealed what happened next: “I developed a new attitude toward God as a result. Before, I was the one who was failing God; now I

decided He was the one who had failed me.” Continuing, he wrote, “I decided I had done nothing wrong: *He* had, by promising to ‘set you free’ and never delivering on His promise. What *had* He done for me, other than make me feel shame and guilt? Squat. Screw you, buddy—I don’t need you around anymore, I decided.” (His italics.) He ends by saying that for many years he “reacted violently to anyone who professed any kind of religion.”

We later found out that Jennings is a member of ACT UP, the homosexual urban terrorist group that broke into St. Patrick’s Cathedral in 1989 and disrupted Mass, desecrating the Eucharist and posted obscene depictions of Cardinal O’Connor. Jennings also was listed as a donor to the display, “ACT UP New York: Activism, Art, and the AIDS Crisis, 1987-1993,” which was featured at Harvard University in 2009.

October 8

We drew attention to President Obama’s nominee to join the Equal Employment Opportunity Commission, the anti-religious Chai Feldblum.

Feldblum is such a radical activist that she wants to subordinate a constitutional right, namely freedom of religion, to a right that she invented, namely sexual liberty. Moreover, she has lobbied for “a new vision for securing governmental and *private institutional recognition* of diverse kinds of partnerships....” (Our emphasis.) This includes, “Queer couples who decide to jointly create and raise a child with another queer person or couple, in two households.” She also wants “Separation of church and state in all matters, including regulation and recognition of relationships, households and families.” Read: she wants to privatize marriage and provide equal status to every conceivable “partnership.”

October 23

Warren, MI – The Thomas More law Center filed a federal

lawsuit against the Macomb County Road Commission due to its denial of a permit to a citizen wishing to display a crèche on a public median. The crèche had been displayed at the same location since 1945 but had to be removed in December of 2008 because of the Freedom From Religion Foundation's claim that the display was a violation of the separation of church and state. When the citizen applied for a permit in 2009, he was denied on the grounds that the creche "clearly displays a religious message" and violates "separation of church and state."

October 27 – November 2

Frankfort, KY – Kentucky Gov. Steve Beshear's administration noted that the Christmas Tree on the State Capitol lawn would not be called a "Christmas Tree," but rather a "Holiday Tree." The official line stated that the "Holiday Tree" was inclusive of Thanksgiving, Christmas, Hanukkah and New Year's. After being inundated with complaints from angry Christians, Beshear reversed his position and noted that the tree would rightfully be called the Christmas Tree.

November 2

Amelia, OH – The Christmas parade that had been held for 28 years was changed to the "Holiday Parade" due to fears that the village could be sued for including the word Christmas. After churches in the village declared that they would boycott the parade, it was decided that the parade would be canceled. Due to public outcry, the Christmas parade was subsequently held.

November 11

A federal judge ruled that South Carolina's "I Believe" license plates were unconstitutional because they violate the First Amendment establishment clause. The license plates featured an image of a cross in front of a stained glass window with the inscription "I Believe."

November 23

Baltimore, MD – In a clear shot at the efforts of the Church, the Baltimore City Council approved a measure that demanded crisis pregnancy centers in the city display signs stating that they do not provide abortions or birth control referrals.

The Archdiocese of Baltimore, which donates more than \$100,000 to crisis pregnancy centers, opposed the measure, calling it “harassment.” Archbishop Edwin O’Brien called out the council for singling out pro-life centers and noted that the bill did not “seek to fine abortion clinics for not posting a list of services they do not provide (e.g., parenting classes, maternity and infant clothes, formula).” The Maryland Right to Life’s legislative director also noted, “This is the first time in the United States that any elected body has chosen to vote to condemn pregnancy centers.... Baltimore has just said, ‘We recognize you do great work, but politically we’re going to regulate you anyway.’”

Health Care Bill

HEALTH CARE POLITICS: ABORTION ISSUE BOILS OVER

It seldom happens that one issue dominates an entire season, but during the summer the debate over health care commanded everyone’s attention. It wouldn’t have occasioned the interest of the Catholic League had it not been for the life issues. But when abortion and lack of protection of the conscience rights for health care workers are included in the legislation, it’s enough to draw us to the table; “end-of-life” issues were originally in the Senate bill.

Two weeks into the Obama administration, a Gallup poll reported that the president received high marks from the public on most issues. The one glaring exception was abortion: only 35 percent agreed with him on allowing funding of abortions overseas. It was then revealed in another survey that a majority of Americans now consider themselves pro-life. When we went to press for the September *Catalyst*, the president still hadn’t asked his party members in Congress to

exclude abortion from the health care bills.

It is no secret that this is the most radical pro-abortion administration in American history. The number of former employees of Planned Parenthood, NARAL and EMILY's List is astounding. So extreme is the president and his staff on this issue that they were apparently willing to sink health care reform before ever excluding abortion from the final bill.

The United States Conference of Catholic Bishops, a strong advocate of universal health care, was so troubled by the prospect of a health care bill that funds abortion that it pulled its support. By doing so, it stood on principle. Justin Cardinal Rigali and Bishop William Murphy provided the leadership.

It was hard to listen to those who support the bills make the claim that abortion is nowhere mentioned in them. True but phony: it is precisely because abortion is seen as a medical procedure that it is automatically included in these health care bills, unless otherwise noted. This explained why the pro-abortion industry was delighted with them. Want further proof? Rep. Bart Stupak, Rep. Joe Pitts, Rep. Eric Cantor, Rep. Sam Johnson, Senator Mike Enzi and Senator Orrin Hatch all specifically introduced legislation that would bar abortion funding from these bills. And guess what? They all lost.

As the September issue of *Catalyst* documented, the Catholic League spent a good part of the summer seeking to educate the public, especially Catholics, about the details. We pointed out, for example, that when the White House posted a "Reality Check" on these bills, and sought to debunk many of the reasons why its opponents were wrong, it never tried to convince the public that abortion wasn't included in the bills.

ABORTION HAUNTS HEALTH CARE REFORM

Over the last several months of 2009, we were jolted by the inconsistencies of the Obama administration regarding abortion in the health care bills. In the September *Catalyst*, we noted that we were skeptical of the president's intention to exclude abortion funding in the health care bill. Later on, we decided to give him the benefit of the doubt following his address to Congress stating that abortion would not be funded in the public option of the bill. Finally, we noted that President Obama had all of the information he needed to make the right decision to back an amendment that explicitly rejects abortion funding in the health care bill.

When Obama appeared on BlogTalkRadio to address health care reform he told the left-wing religious audience, "You've heard that this is all going to mean government funding of abortion. Not true." But we wondered why the House Committee on Ways and Means approved the America's Health Choices Act (H.R. 3200) but voted down an amendment, sponsored by Rep. Eric Cantor, that would have barred "government funding of abortion."

While addressing the audience, the president said that there "is a lot of misinformation" about this issue. But how could he say that knowing that an amendment specifically prohibiting abortion was defeated? Was he lying or was he misinformed?

When President Obama spoke to Congress about health care reform on September 9, we wondered if he would discuss abortion; to our surprise he did. We said that the rational thing for the president to do would be to drop abortion from the health care bills and support conscience rights for health care workers. Obama did nothing of the sort. Instead, he offered a one-sentence denial claiming that his health care proposal would not result in federal funding of abortion; that simply was not true.

Even the *New York Times*, which strongly endorsed his speech, said in a news analysis that his claim that there is no federal funding for abortion was "not so clear-cut." Indeed,

it said, "the public and private money would all go into the same pot, and the source of money for any single procedure is largely a technicality."

We noted that the president was playing a shell game. He defended the public option in his speech and under that plan, the person in charge of deciding whether abortion coverage would be mandated is his Secretary of Health and Human Services, Kathleen Sebelius, the pro-abortion former governor of Kansas who never saw an abortion bill that she didn't like.

But Richard Doerflinger, a prominent voice for the U.S. Conference of Catholic Bishops on life issues, welcomed Obama's pledge not to include abortion coverage in the health care reform bill. Doerflinger was joined by Sister Carol Keehan, the head of the Catholic Health Association.

On the other hand, people like Father Frank Pavone of Priests for Life maintained that the president's proclamations represent "bogus claims." Also unconvinced were such organizations as the National Right to Life Committee and the Susan B. Anthony List, as well as pro-life congressmen like Rep. Chris Smith. Independent journalists like Dan Gilgoff were also wary of Obama's commitment, asserting that "On abortion—and for the moment—the White House isn't budging at all."

This wasn't a split between social justice Catholics and pro-life Catholics, or between secularists and people of faith. This was a divide within the pro-life Catholic community. All of the aforementioned are men and women of sincerity, and all of them are well informed. On closer inspection, the chasm isn't as wide as it seemed. None of these leaders would support a bill that includes federal funding for abortion. The split came down to the issue of trust: Could we expect the president to deliver a health care bill that excludes public monies for abortion?

On September 13, it appeared that we had finally gotten the promise we were looking for. Kathleen Sebelius appeared on ABC with George Stephanopoulos and told him that President Obama was committed to signing a health care bill that excludes federal funding of abortion. Although both Obama and Sebelius are rabid supporters of abortion-on-demand, fairness dictated that we take them at their word.

Stephanopoulos asked, "So you are saying that he [the president] will go beyond what we have seen in the House and explicitly rule out any public funding for abortion?" Sebelius replied, "Well that's exactly what the president said and that's what he intends that the bill he signs will do."

When Bill Donohue was asked by Ed Schultz on MSNBC whether the president was lying about abortion funding in the health care bill, Donohue said that if Obama was interpreted as saying that in H.R. 3200 there was no provision for abortion, then he was simply wrong. But Donohue gave the president the benefit of the doubt that he would put his imprimatur on a bill that excludes abortion funding.

We finally called for the president to back the amendment, drafted by Rep. Bart Stupak and Rep. Joe Pitts, that would bar abortion funding from H.R. 3200. We noted that neither President Obama nor Secretary Sebelius minced their words on this subject. This was a critical juncture—the time had come for the president to deliver on his pledge. The Catholic community anxiously awaited his next move.

PLANNED PARENTHOOD RIPS THE BISHOPS

In an article found on the Huffington Post, Cecile Richards, president of Planned Parenthood, said, "Seems that, if the U.S. Conference [of Catholic Bishops] had its way, the national health care system would make American women second-class citizens and deny them access to benefits they currently have." And that's just the danger she implied the bishops were

doing in the United States. Abroad, she said that the bishops' "hard-line opposition to women's rights also endangers millions of women around the globe." Of course she could not provide an example of why these bishops have not been locked up.

In 2009, Richards was summoned to the White House to discuss health care reform. Is this the type of advice she was given—to lash out at Catholic bishops? If not, she should have been reined in.

Richards was either ignorant or lying when she said, "comprehensive reproductive health care [is] supported by the majority of Americans." In fact, nearly two in every three Americans (63 percent) favor laws preventing the use of taxpayer funds for abortions. But no matter, data never convince ideologues such as Richards.

It's amazing that the American people were called fascists by U.S. Congressmen because they oppose the health care bills on the table, and Catholic bishops are told by one of the leading proponents of health care reform that they are a threat to human rights.

BISHOPS SPEAK OUT ON HEALTH CARE REFORM

The United States Conference of Catholic Bishops has been the leading advocate for universal health care for decades. While initially supportive of congressional efforts to pass health care reform, the bishops withdrew their support in light of abortion being funded under legislative proposals. In addition, conscience rights were not being protected. As the debate unfolded nationally, many bishops spoke up about the proposed health care reforms. Below is a selection of comments from bishops on this subject:

- **Cardinal Justin F. Rigali of the Archdiocese of Philadelphia:** "At a time when so much good will is being shown to create an equitable, affordable and just health care system

in the United States, it would be tragic if this praiseworthy end were corrupted by including an immoral means, namely provisions for abortion. This would not be health care.”

- **Archbishop Charles J. Chaput of the Archdiocese of Denver:** “The whole meaning of ‘health care’ would be subverted by any plan that involves mandated abortion access or abortion funding. The reason is obvious. Killing or funding the killing of unborn children has nothing to do with promoting human health, and including these things in any ‘health care’ proposal, no matter how shrewdly hidden, would simply be a form of lying.”

- **Archbishop Joseph F. Naumann of the Archdiocese of Kansas City, KS and Bishop Robert W. Finn of the Diocese of Kansas City-St. Joseph, MO:** “Solidarity and the Promotion of the Common Good cause us to say that we cannot be passive concerning health care policy in our country. There is important work to be done, but ‘change’ for change’s sake; change which expands the reach of government beyond its competence would do more harm than good. Change which loses sight of man’s transcendent dignity or the irreplaceable value of human life; change which could diminish the role of those in need as agents of their own care is not truly human progress at all.”

- **Bishop Paul S. Loverde of the Diocese of Arlington:** “The truly vigilant realize that it is not reforming the health care system in itself that is wrong – in fact some reform is needed. Rather, it is the specific proposals included in that reform that could endanger the lives of the unborn, and the freedom of conscience of health care providers and citizens.”

- **Bishop Samuel J. Aquila of the Diocese of Fargo:** “In principle, the Church ought to always promote wider and more complete access to health care; however, that does not mean that in practice the Church ought to support each and every plan which is proposed by civil leaders.”

• **Archbishop John C. Nienstedt of the Archdiocese of Minneapolis-St. Paul:** "Reform is needed. But the underlying question remains: What kind of health care reform do we want? Given the vast range of ethical and moral issues involved, this legislation will manifest in a clear and even remarkable way what values we will hold or fail to uphold as a nation. In a very real way, this legislation will define our national character."

• **Bishop Blase J. Cupich of Diocese of Rapid City:** "In the face of powerful pressures in a consumerist society, we should not overlook in this moment of health care reform the need to exercise moderation in a world of abundance. If we say that health care is a right rooted in our belief in human dignity, then we need to respect our own life and dignity by adopting lifestyles that enhance our health and well-being."

• **Bishop Thomas G. Doran of Diocese of Rockford, IL:** "Our federal bureaucracy is a vast wasteland strewn with the carcasses of absurd federal programs which proved infinitely worse than the problems they were established to correct. It perhaps is too extreme to say that competent government is an oxymoron, but sometimes it seems that way. The moral principle of subsidiarity implies decreasing the role of government and employers in health care when lower order groups can better serve individuals and families. We need to think of health care as more of a market than a system."

• **Bishop Robert E. Guglielmone of Diocese of Charleston:** "It is quite evident that there is much discussion in many quarters about the proposed health care reform bills in the houses of Congress. There are many issues that people throughout our country are concerned about, but there are some issues that are critical for us as Catholics and it is imperative that our voice be heard."

• **Bishop R. Walker Nickless of Diocese of Sioux City, IA:** "First and most important, the Church will not accept any

legislation that mandates coverage, public or private, for abortion, euthanasia, or embryonic stem-cell research. We refuse to be made complicit in these evils, which frankly contradict what 'health care' should mean. We refuse to allow our own parish, school, and diocesan health insurance plans to be forced to include these evils. As a corollary of this, we insist equally on adequate protection of individual rights of conscience for patients and health care providers not to be made complicit in these evils. A so-called reform that imposes these evils on us would be far worse than keeping the health care system we now have."

DISHONESTY MARKS HEALTH CARE DEBATE

Sen. Max Baucus, chairman of the Senate Finance Committee, was quoted in the October 1 *New York Times* commenting on allegations that abortion would be covered in the health care bill: "We are not changing current law." Similarly, Sen. Olympia Snowe was quoted in the same newspaper saying, "We want to preserve the status quo on abortion." Interestingly, the *Times* wrote an editorial that same day which called for total funding of abortion for any reason and at any time during pregnancy, but which also disagreed with what Baucus and Snowe said. Indeed, it explicitly said that Baucus achieved a "compromise" between full funding and no funding.

The following is a quote from the editorial: "Health plans could provide abortion coverage provided they used only premium money and co-payments contributed by beneficiaries and kept that money segregated from the subsidy. In every state, there would have to be at least one plan that covers abortions and one that does not."

Thus, the *New York Times* showed how dishonest Baucus and Snowe were—existing public policy is not anything like that at either the federal or state level. But wait, the *Times* was also dishonest when it maintained that by some magical force monies raised from premiums can be "segregated" from the

subsidy: money is fungible and that is why the United States bishops are right to call such schemes fiction.

The day before these stories appeared in the *Times*, Sen. Orrin Hatch introduced an amendment that essentially codified the status quo, namely it would ensure that the Hyde Amendment restrictions on federal funds for most abortions remained undisturbed in the proposed health care legislation. And who voted against the status quo? Baucus and Snowe. Consistent in their dishonesty, Baucus and Snowe also voted to kill conscience rights protections for health care workers, all the while maintaining that what they were doing was preserving the status quo. What they were really doing was preserving their place in the Abortion Hall of Shame.

DEMOCRATS ON COLLISION COURSE WITH CATHOLICS

Following the defeat of Sen. Orrin Hatch's amendments that would have banned funding of abortion in the health care bill and ensured conscience rights protections for health care workers, we noted that the Democrats were on a collision course with Catholics.

The Democrats cannot expect Catholics to pay for child abuse in the womb without reprisal. Nor can they expect Catholics to sit back and watch while Catholic doctors and nurses are punished for failing to cooperate in evil.

More than any group in America, Catholic bishops have been at the forefront of the movement for universal health care. But they never signed on to a health care reform package that would make them violate their professed beliefs. Nor will they.

President Barack Obama had stated that he would not support a bill that provides funding for abortion or one that denies conscience rights for health care employees. But he made no public comment condemning the votes against these provisions, further fueling the concern of the nation's Catholics that

they have been lied to.

One thing we know for sure: If all along Obama had shown a fraction of the interest that he showed about winning over the Olympic Committee in bringing the games to Chicago, the Hatch amendments would have passed.

OBAMA BETRAYS THE BISHOPS

One big question that countless Catholics wondered in 2009 was: Is President Obama for or against abortion coverage in the health care bill? Late in the year, the guessing game was over.

On September 30, the United States Conference of Catholic Bishops sent a letter to the U.S. Senate saying, "So far, the health reform bills considered in committee, including the new Senate Finance Committee bill, have not met President Obama's challenge of barring use of federal dollars for abortion."

We now know that President Obama—who lobbied to excise the abortion restrictions that the bishops wanted—betrayed the bishops.

Here is how *New York Times* reporter Robert Pear put it on November 10: "President Obama suggested Monday that he was not comfortable with abortion restrictions inserted into the House version of major health care legislation, and he prodded Congress to revise them." Although Obama spoke out of both sides of his mouth in an ABC News interview, Pear's statement is an accurate reflection of the president's position.

The manly thing for the president to do would be to state the obvious: his love for abortion rights brooks no compromise. But he won't do so, choosing instead to play the same old shell game he's been playing all along. And he is not alone. For months, we were told that the bill did not cover funds for abortion, yet if that were true, there would have been no need for the Stupak amendment, and no resistance to it.

This was a great moment for the bishops, and for Catholics generally, but the fight continued. It was important that those on both sides knew exactly who the players were on each team.

OBAMA'S DOUBLE CROSS ON ABORTION

Presidential advisor David Axelrod made it clear that President Obama opposed the amendment introduced by Rep. Bart Stupak that would ban abortion funding in the House version of the health care bill. When the Senate version was completed, it contained nothing like the language of the Stupak amendment. As reported by the AP, "On a controversial issue that threatened to derail House legislation, [Senate Majority Leader] Reid would allow the new government insurance plan to cover abortions and would let companies that receive federal funds offer insurance plans that include abortion coverage."

President Obama, after telling the public that he would not support a bill that provided federal funds for abortion (and was hailed by the U.S. bishops for doing so), championed the Senate bill that would do just that. Moreover, by pushing for this legislation, he did the opposite of what the American people support: In a CNN survey, 61 percent of the public is in favor of banning the use of federal funds to pay for abortion.

In other words, President Obama decided to renege on his promise, betray the bishops and defy the American people. That is risky business given that recent poll numbers show his job approval rating declining. And these results were before the public found out that he double crossed them on abortion.

CHURCH'S CRITICS WANT GAG RULE

Getting Nancy Pelosi to accept a health care bill that bans federal funding of abortion was the greatest victory scored by the U.S. bishops in a generation. It also unleashed an attempt to censor them. Among such attempts was that by Geoffrey Stone

of the Huffington Post.

Stone found it troubling that the bishops were so vocal. He yearned for a time when JFK was president, a time when separation of church and state met his approval. Perhaps the Chicago law professor forgot about Rev. Martin Luther King, the minister who took to the pulpit and lobbied for civil rights in the name of free speech and religious liberty. Should King have been muzzled as well? Or did Stone just want to silence today's bishops?

Here are some others who would like to censor the bishops: Rep. Lynn Woolsey, Rep. Diane DeGette, Rep. Patrick Kennedy, Frances Kissling, Planned Parenthood, Feminist Majority, Catholics for Choice, Americans United for Separation of Church and State, the National Organization for Women, and many others favored a gag rule.

Nancy Snyderman of MSNBC spoke for many when she said that "This is going to be a Pollyannaish statement. The Catholic bishops appearing and having a political voice seems to be a most fundamental violation of church and state."

There were a number of religious groups that wanted abortion coverage in the health care bill, including: Episcopal Church, Union for Reform Judaism, Central Conference of American Rabbis, United Church of Christ, United Methodist Church, Unitarian Universalist, Presbyterian Church (USA), Lutheran Women's Caucus and the YWCA.

So why didn't Stone and company want to silence these groups as well? Let's face it: they don't have a principled bone in their collective bodies.