

League Prevails in Georgia, Vermont and Colorado Incidents

This past spring the Catholic League experienced three important victories, winning in Georgia, Vermont and Colorado, all without ever going to court. It is no exaggeration to say that without the League's help, the outcome in all three cases would almost certainly have been different.

In the last edition of *Catalyst*, mention was made of the plight of detective Mark Clay, the LaGrange, Georgia policeman who was suspended without pay for refusing to remove ashes from his forehead on Ash Wednesday. As reported, the League contacted those involved in the appeal process pledging its support for Mr. Clay. If necessary, the League counseled, it would take this matter to the courts. Fortunately, justice was delivered without a lawsuit. Upon receipt of a letter from the Catholic League, LaGrange City Manager Jim Hanson announced that the suspension was rescinded and that detective Clay would be paid for the day's loss of salary; in addition, reasonable provisions were made to accommodate all Catholics in the future. In a news release on the subject, the Catholic League stated its hope that "the experience of detective Clay will not be duplicated elsewhere, for if it is, we will move aggressively to restore justice."

The League was also delighted with the way things turned out in Vermont. Last winter, Professor Anna-Theresa Houthakker called the Catholic League asking for assistance. Professor Houthakker and her husband were anticipating the release of one of their sons from a treatment center for schizophrenics. Accordingly, they advertised in the local newspapers for a live-in companion for their son. Because their son had a record of being occasionally violent, they were looking for

someone who had both a military background and training in rehabilitative techniques.

In the course of one of the interviews, an applicant indicated that he was a homosexual. While this revelation did not sit well with Professor Houthakker, it is also true that the man had already admitted that he did not possess either of the two desired attributes, and was therefore not a serious candidate for the job. The interview ended cordially. But before long, Professor Houthakker was charged by the office of the Vermont Attorney General with discrimination on the basis of sexual orientation. She was notified that the case could be settled out of court for \$10,000. When she agreed to pay \$1,000, the office countered with a figure of \$5,000. Then she contacted the Catholic League.

We advised her not to pay a dime, obtained an attorney for her and wrote a letter expressing our interests to Vermont Attorney General, Jeffrey Amestoy. Though our concerns were multiple, we were focused in our statement: "[The Catholic League] would be most interested in knowing whether it is your conclusion that the laws on sexual orientation discrimination extend to private residences. And please keep in mind that according to Section 2[a][4] of the recently passed Religious Freedom Restoration Act, 'government shall not substantially burden a person's exercise of religion if the burden results from a rule of general applicability.'"

As a result of our effort, and the work of attorney John Fitzhugh, the Attorney General's office decided to drop the matter entirely. Once again, victory was achieved without going to court.

The League's intervention in an anti-Catholic episode at Metropolitan State College in Denver, Colorado, also ended in justice. This past academic year, student Matt McGuinness, leader of the campus group Auraria Catholics, was denied school funding for a program entitled "Human Sexuality:

What Catholics Believe.” McGuinness was interested in offering a rebuttal to a program that occurred in July, 1993 called “Searching for a Place Within the Catholic Community.” That event featured speakers from Planned Parenthood, Dignity, and Colorado Catholics for Choice.

Four reasons were cited by the Metro Activities Council (M.A.C.) for denying funds to Auraria Catholics: a) the request came late in the year and thus M.A.C. “had already spent the greater portion of the budget” b) M.A.C. requires all clubs to sign a “non-discrimination clause which includes sexual orientation” c) there was a concern that “the issues presented would be oriented to one particular set of religious views” and d) considerations of “diversity and separation of church of state” were also cited.

Matt McGuinness contacted the Catholic League for help and we provided it. In a letter to Metro State President Shelia Kaplan, the League stated that only one of the reasons offered, namely budgetary concerns, “bore any semblance of reasonableness.”

The statement that M.A.C. did not want to “present one particular set of religious views” was chided for intellectual dishonesty. The League reminded college officials of its earlier sponsorship of a program that was nothing but a one-sided attack on the Catholic Church. “And is it true,” the League wondered, “that a program that focused on the religious beliefs of Native Americans would not be allowed at Metro State lest it be balanced with a program of opposing views?”

Finally, there was the inane contention about diversity and separation of church and state. “A commitment to diversity,” the League said, “would weaken the position of M.A.C. and strengthen the right of Auraria to funding. Or are Catholic clubs considered a threat to diversity rather than an embellishment?” As to the remark about church and state, the League countered by stating that “it is sad to point out to

anyone, never mind to those on a college campus, that student clubs are clubs, not churches, hence the foolishness of the old canard about church and state.”

The letter to President Kaplan ended with a plea to offer Auraria the same privileges and opportunities offered those who sponsored the anti-Catholic event. “It is in no one’s interest,” the League concluded, “that this case proceed to the next level.” Fortunately, it never did.

President Kaplan wrote “to express my regret that certain misunderstandings have developed,” and then went on to say that the college’s non-discrimination policy on sexual orientation contains an exception for student religious organizations like Auraria Catholics. The other points were not addressed, save for a sentence regarding the late request for funding and the budgetary constraints that were operative at the time. Matt McGuinness is now free to request his program next year and should experience no difficulty in getting the funding he needs.

Victory is always sweet but the fact remains that none of these incidents should ever have happened in the first place. Those who belong to other religions are rarely asked to remove religious symbols from their clothes or body. Similarly, the idea of dictating to someone of another religion whom they must hire as a live-in companion for a troubled relative is not something that most people would even consider. And funding for a college program that simply disseminates the views of a major religion on contemporary issues would not present a problem if that religion were something other than Catholicism. But making exceptions for Catholics is nothing new and that, of course, is the *raison d’etre* of the Catholic League.