

Progress in the War on Christmas

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There are signs that the “war on Christmas” is abating. In 1994, a year after I took over as president of the Catholic League, we successfully pressed Barneys, the upscale clothier on Madison Avenue, to remove an obscene manger scene from its storefront window.

We erected a nativity scene in Central Park a year later, something we’ve done every year since. In subsequent years, we’ve been actively engaged in scores of skirmishes, winning some and losing some. Now it seems that things are calming down.

An examination of Catholic League activities in the war on Christmas is not dispositive, but it is an index of what has been happening in the dominant culture.

Our records show that our involvement peaked in the years 2005-2007. Those were the years when we took on Walmart, exacting an apology after we threatened a boycott following revelations that the megastore was discriminating in its treatment of Christmas.

Things got so bad that Jackie Mason and other Jewish leaders joined with us in protesting anti-Christmas attacks. TV shows and movies also featured assaults on Christian sensibilities during those years.

This year we have seen a clear downward tick in attempts to bash Christmas. Indeed, even vandalism is down: the number of nativity scenes being trashed is relatively low. But not all is well.

In 2013, as compared to previous years, the war on Christmas is being led more by national organizations, and less by local activists, than ever before. American Atheists, Freedom from Religion Foundation, and various humanist organizations are leading the way. Their weapon of choice is an array of billboards designed to denigrate Christmas.

The Catholic League answered by erecting an enormous pro-Christmas billboard in Times Square, and two digital ones in New Jersey.

Militant atheists have also targeted the schools, seeking to deny any religious component to classroom celebrations, and Christmas-themed events. But there is a decided pushback, and it is not being led by the Catholic League or any other national organization: The good news is that Christians are taking things into their own hands, pressuring local authorities to accede to their reasonable demands.

Contrary to those who sell the bogus idea that the war on Christmas is not real, Christians who are fighting back are not obsessed with who is saying "Happy Holidays," and who is saying "Merry Christmas."

On the contrary, they are engaged in serious efforts to stop those who want to censor Christmas. The evidence is clear that a small minority are hell bent on banning, trashing, and diluting the public expression of Christmas.

Nearly 80 percent of Americans are Christian, and 96 percent celebrate Christmas. Of the remaining four percent, most are indifferent, but are not hostile, to Christmas.

That leaves a small, but dogmatically extreme, band of secularists (many of whom are ex-Christians) who are seeking to impose their agenda on the rest of us. It is up to decent Americans of all faiths, and indeed no faith, to see to it that the cultural fascists do not win the day.

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Pope Francis Reaffirms Church Teachings

By Bill Donohue

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Pope Francis has an uncanny ability to excite the passions of the left and the right, and he has done so again in his apostolic exhortation, "The Joy of the Gospel."

The Pope begins by outlining his principal interest, evangelization, calling on us to avoid being consumed by material pleasures that harm our interior life; when this happens, we shut out the voice of God.

He asks us to maintain good relations with Jews and Muslims, and beckons us not to judge Islam by the violence done in its name.

He hastens to add that the persecution of Christians in Islamic nations must end. He also reminds us that

evangelization is “first and foremost about preaching the Gospel to *those who do not know Jesus Christ or who have always rejected him.*” (His italics.)

The Pope is opposed to “excessive centralization,” and to that end he implores us not to view the parish as “an outdated institution.” He sees a vital role for the laity, who constitute “the vast majority of the people of God.”

The Holy Father asks us to give more attention to the special role that women play in the church, and in society. However, he also says that the church teaching on an all-male priesthood is “not a question open to discussion.” Motherhood, he insists, is a status conferred on women, one that allows them to exercise their special gift of serving others.

On economic issues, the Pope posits a clear animus toward unbridled capitalism, a view shared by his predecessors. But he is more pointed, rejecting “trickle-down” theories.

He is not rejecting a market-based economic model in favor of a socialist one – indeed he restates Catholic teaching on subsidiarity – but he is warning us against greed and the single-minded pursuit of profit.

“The private ownership of goods is justified by the need to protect and increase them,” Pope Francis says, “so that they can better serve the common good; for this reason, solidarity must be lived as the decision to restore to the poor what belongs to them.” This is welcome, but his focus on the structural causes of poverty, to the exclusion of the cultural causes, suggests an incomplete understanding of this issue. He is very much in the Latin American mode of thinking on this subject.

On abortion, Pope Francis flatly says that “the church cannot be expected to change her position on this question.”

Indeed, he says it is not “progressive” to resolve problems

“by eliminating a human life.” Planned Parenthood has been doing this for decades.

The Holy Father’s comments on the family are telling. “Marriage tends to be viewed as a form of mere emotional satisfaction that can be constructed in any way or modified at will,” he says.

This is a clear shot at gay marriage, the proponents of whom have been quick to say that marriage is all about love. Nonsense, he says. The Pope cites French bishops that marriage is about “the depth of the obligation assumed by the spouses who accept to enter a total communion of life.”

Pope Francis warns of the dangers of “secularist rationalism,” and the radical individualism that it entails. He lays down a strong anchor by exhorting Catholics not to allow the forces of secularization to silence them; the church cannot reduce itself to “the sphere of the private and personal.”

He wants a public, and full-throated, exercise of religion. “Who would claim to lock up in a church and silence the message of Saint Francis or blessed Teresa of Calcutta?”

Catholic League members will like the Pope’s criticisms of our “media culture and some intellectual circles.”

These segments of the population would like activist Catholics to muzzle themselves, keeping their hands off the normative order. But when Catholics bend to these militant secularists, they lose. “They end up stifling the joy of mission with a kind of obsession about being like everyone else and possessing what everyone else possesses.”

Pope Francis is neither liberal nor conservative. He’s simply Catholic, and a towering champion of its many causes.

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largest Catholic civil rights organization. The publisher of the Catholic League journal, *Catalyst*, Bill is a former Bradley Resident Scholar at the Heritage Foundation and served for two decades on the board of directors of the National Association of Scholars. The author of five books, two on the ACLU, and the winner of several teaching awards and many awards from the Catholic community, Donohue has appeared on thousands of television and radio shows speaking on civil liberties and social issues.

Sex Abuse Scandal Rocks Public Schools

By Bill Donohue

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The education, political, and media elite have failed to address the crisis of sexual abuse in the public schools. It is one of the most under-reported scandals in the nation.

Thanks to the education establishment, led by the teachers' unions, very little is being done about this problem. Politicians in both parties are hopelessly inattentive, treating the issue lightly. The media are cooperating by staging a blackout on any efforts to correct the situation. The public doesn't know much about it, and that is because the elites in all three segments of society have no desire to inform them. As a result, the kids continue to suffer.

It has been painfully evident for a long time that most of the anger in elite quarters over priestly sexual abuse is contrived – these same people have no interest in doing

something about kids being raped in the public schools. Here's the proof.

On October 22, the House passed a bill that would bar teachers and staffers who were convicted of a sexual offense or violent crime from working with children in the public schools; it passed by voice vote and was sent to the Senate *where it has yet to find a sponsor*. It would also require schools to check state and federal criminal records when hiring. Opposed to the bill were the two major teachers' unions, the National Education Association and the American Federation of Teachers.

The media ignored this story. With the exception of two online pieces, one by Associated Press Online and the other by abcnews.com, it was blacked out. Not a single newspaper picked up the AP story, and none of the broadcast nightly news shows mentioned it. The one media outlet that gave it high profile was Fox News: the day after AP cited it, Megyn Kelly covered it on her new show, "The Kelly File." Since then, the issue has gone nowhere.

H.R. 2083, "The Protecting Students from Sexual and Violent Predators Act," was introduced by Rep. George Miller, a member of the Committee on Education and the Workforce on May 22. The recent vote in the House came after the teachers' unions succeeded in gutting one of its key provisions: requiring districts to check the registries of all states where an employee previously resided. So no matter what happens next, schools will not be required by federal law to see if an employee had been convicted of molesting a minor in another state.

A bill by the same name, with few changes, HR 6547, was first introduced by Miller in 2010; it was passed by the House on Dec. 21, 2010, and was sent to the Senate, where it died. It sought, as does the current bill, to amend the Elementary and Secondary Education Act of 1965, requiring criminal background checks for school employees. Miller's 2010 effort drew a

complete media blackout.

It's not as though we lack data on the sexual abuse of children in the public schools. In 2004, the U.S. Department of Education published a report, "Educator Sexual Misconduct: A Synthesis of Existing Literature." It found that nearly 10 percent of the students had been the victims of sexual misconduct, rape, or sexual assault.

In 2007, AP ran a series on this subject and found more than 2,500 cases over five years in which "educators were punished for actions from bizarre to sadistic." That's only the ones that got caught and were punished. "Most of the abuse never gets reported," AP found. What often happens is that predators are moved from one school district to another, a practice so common it is known as "passing the trash." Even those who are suspended keep their salaries, benefits, and pensions.

In 2010, Rep. Miller requested the U.S. Government Accountability Office (GAO) to investigate the manner in which schools check for sexual offenders when hiring; he also asked for a report on how state and federal legislation addresses such issues. The report was issued on Dec. 8, 2010, and became the basis of Miller's bill that was introduced on Dec. 17. Its findings should have been widely reported, but instead it was ignored by the media.

The GAO found that there were no federal laws regulating the employment of sex offenders in the schools, and that state laws varied widely. Some states required a national fingerprint-based criminal history check for school employment, while others did not. Some had strong statutes on whether past convictions must result in termination, while others had no law.

Nationwide, the report found that there were more than 620,000 convicted sex offenders that are "either incarcerated, on probation, or residing freely in localities across the United

States.”

The scope of the problem is so vast that the GAO had to selectively choose 15 case studies from 11 states for examination. In all 15 cases, teachers and staffers with a history of sexual misconduct were hired or retained; this included administrators. In at least 11 of these cases, schools allowed the child molesters to obtain or continue employment. “Even more disturbing,” the report found, “in at least 6 of the cases, offenders used their new positions as school employees or volunteers to abuse more children after they were hired.”

In four of the cases, school officials allowed teachers faced with disciplinary action to resign rather than face punishment. “As a result,” it said, “these teachers were able to truthfully inform prospective employers that they had never been fired from a teaching position and eventually were able to harm more children.” In three of these cases, administrators actually provided the predators with letters of recommendation.

Why did school officials allow the offenders to skate? Money. It could cost up to \$100,000 to fire a teacher, one administrator said, even with “a slam dunk case.” That’s because the teachers’ unions will always defend the bottom of the barrel, no matter how morally destitute the teacher is. He can rape the kid in a closet and still walk.

In two-thirds of the cases, no background check was made on prospective employees. Teachers, administrative staff, maintenance workers, volunteers, contractors – all of them are able to get by without pre-employment criminal history checks. The result? In most instances, the offenders had been convicted – not accused – of molesting children, and in a few cases they continued to rape kids where they were working.

Even in cases where applicants are asked to self-report

information regarding their criminal background, the GAO found a breakdown as red flags were ignored. For example, when an applicant for an Arizona teaching position admitted he had been convicted of "a dangerous crime against children," no follow up was made by school officials with either the applicant or law enforcement. The molester got the job and abused a young female student at the school.

The elites in education are more interested in pleasing the teachers' unions than in protecting children. Republicans and Democrats in Congress continue to stall, always finding a way not to do anything. When a bill is finally introduced, after the unions have succeeded in gutting it, the media fail to report on it.

The timeline of the sexual abuse scandal in the Catholic Church, when most of the damage was done, was the mid-1960s to the mid-1980s. Today, there is an average of 7 credible accusations made annually against nearly 40,000 priests. The reason this problem has been checked is mandatory background and training programs for every paid worker and volunteer in every parish and diocese in the nation.

The public schools need to get with the program and model themselves on the Catholic experience. To do that means putting children first – not teachers – and having the political will to do the job. It also demands that the media cover the abuse crisis in the public schools the way it covered the Catholic scandal.

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awards from the Catholic community, Donohue has appeared on thousands of television and radio shows speaking on civil liberties and social issues.

NY Mayoral Hopeful de Blasio Has Sordid Past

By Bill Donohue

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He may be the next mayor of the city of New York. Only recently have we learned who Bill de Blasio is (no one really cared much about him when he was the city's public advocate, an undefined made-out-of-whole-cloth job). Now that we have learned some important matters about his life, we are left with even more questions.

We know that his early political career was Marxist, and not just in an academic sense. He raised money for the Sandinistas, visited Nicaragua to align himself with the tyrants, and worked to undermine the efforts of the Reagan administration. No wonder he was endorsed by George Soros in August. Curiously, he decided to cover up his radical past: There is no mention of his extremist associations on his website.

The cover-up is not an anomaly. Quite frankly, Bill de Blasio has a problem with the truth. He was born Warren Wilhelm, Jr. in 1961. When he graduated from New York University in 1983 (where he was heavily involved in leftist causes), he changed his name to Warren de Blasio-Wilhelm. In 2002, he changed his name again, settling on Bill de Blasio. The only reason we

know this is because the media put the spotlight on him, forcing the issue.

Most of de Blasio's Democratic contenders accused him of lying during the primary. For example, he boasted that if elected he would vote against a ban on racial profiling, never mentioning, as rival Christine Quinn said, that it is already illegal. He said he was the only person in the race who was pushing for a new police commissioner and an inspector general. False, said candidate John Liu – he held the same positions. Another competitor, Bill Thompson, accused de Blasio of lying about his stance on stop-and-frisk.

De Blasio's character was impugned again when it was learned that he accepted over \$50,000 from a group of slumlords. What made this so outrageous was de Blasio's past denunciations of these same men while serving as public advocate.

Just recently, when *The New York Times* confronted de Blasio about his love for "democratic socialism," expressed in 1990, he said, "[T]hat's not a quote from me; that's someone's notes." But in fact those were his words. When the *Times* told him it has the proof, he brazenly said, "It doesn't matter."

The lying is not confined to politics. De Blasio lied to his own children about where he and his wife honeymooned: he said they went to Canada, when in fact they went to Cuba. It is hardly surprising that a fan of the Sandinistas would want to break bread with Castro's Cuba, but to lie to his children about his illegal trip speaks volumes about his character. By the way, his kids just found out during the primary campaign that they were lied to.

Catholics should be especially wary of de Blasio. In November 2000, he took over as campaign manager for Hillary Clinton; she was running for the U.S. Senate seat in New York. The month before, the Brooklyn Museum of Art hosted a vile anti-Catholic exhibit that featured elephant dung smeared on a

portrait of the Virgin Mary; pornographic pictures also adorned the "art."

Her rival, New York Mayor Rudy Giuliani (he would later drop out for health reasons), stood with the Catholic League; he even pledged to pull public funding to the museum (Republican mayoral candidate Joe Lhota, who worked for Giuliani, also took this position). Clinton sided with the museum, endearing herself to the artistic community. In fact, it took her quite a while before she even said anything negative about the exhibit. Not unexpectedly, de Blasio went along.

In 2000, de Blasio was asked on TV about Hillary Clinton's position on whether the Holy See should be given a seat at the U.N. "I actually don't know, to be honest with you on what her position is," he said. Yet he knew exactly what her position was on virtually every other issue, and could have at least spoken out against radical pro-abortion forces who were making anti-Catholic remarks at the time.

In 2010, I petitioned officials at the Empire State Building to have the towers lighted in blue and white in commemoration of Mother Teresa's centenary. The owner, Anthony Malkin, denied the request, saying they had a policy not to honor religious figures. He was twice wrong: there was no policy at the time, and they had indeed honored religious persons in the past. Not to be dissuaded, I wrote to every New York public official about this issue, asking for their help. I got plenty of support, and some politicians even spoke at our rally in front of the iconic building. De Blasio ignored our request.

In February 2011, a pro-life group, Life Always, displayed a huge billboard in the SoHo section of New York that showed a picture of a young black girl with the inscription, "The most dangerous place for an African-American is in the womb." The organization that was responsible for the billboard was strongly supported by prominent African-Americans; they chose to display it during Black History Month.

De Blasio went nuts. Mr. Public Advocate demanded censorship: he used his public office to pressure the group to take it down. "The billboard simply doesn't belong in our city. The ad violates the values of New Yorkers." Thus did he officially promote muzzling the free speech rights of New Yorkers.

Over the past decade, some New York public officials have decided not to march in the St. Patrick's Day Parade because, they say, homosexuals are barred from marching. De Blasio is one of them. The claim is based on an out-and-out lie: Gays have never been banned from marching. What the parade officials insist on is that all contingents honor St. Patrick – they are not allowed to have their own floats and banners honoring their own cause. This is why pro-life Catholics are banned from marching under their own banner. As New York's Public Advocate, de Blasio decided he would rather show his solidarity with gays before siding with Irish Catholics.

Given de Blasio's insensitivity to Catholic concerns, it is not unfair to at least probe his religious affiliation. No one seems to know. We called his office and emailed his staff, but to no avail. If he is an atheist – his Latin-American dictatorial buddies surely are – we would like to know.

There is one Catholic connection that de Blasio has, and it is not one that any practicing Catholic would want to be associated with. In the 1980s, he was employed by the Quixote Center, a fringe group of Catholics so radical that they were investigated by the Treasury Department for smuggling guns to their Sandinista friends. Indeed, the Quixote Center was also the subject of probes by the IRS and the U.S. Customs Service at this time. This is the same group of zealots who defended the cop-killing racist Mumia Abu-Jamal, the former Black Panther who became a hero to left-wing extremists.

The Quixote Center is hardly a model Catholic outfit. Its "We Are the Church" campaigns have all sought to upend the teachings of the Catholic Church. All of their efforts have

failed. No matter, this is the kind of Catholic organization that excites de Blasio, ones that reject the moral teachings of the Catholic Church.

When “Occupy Wall Street” protesters took over Zuccotti Park, trashing the area, raping women, ripping off the homeless, defecating in the street, and taunting the police, there was no bigger fan in New York City than Bill de Blasio, aka Warren Wilhelm, Jr., aka Warren de Blasio-Wilhelm. If he wins, maybe he’ll honeymoon in North Korea. They would surely welcome him.

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Don’t be shocked by Pope Francis

This article originally appeared on CNN’s opinion page (September 20, 2013).

Not in my lifetime have I witnessed a pope who has so quickly succeeded in making more Catholics, and non-Catholics, hyperventilate than Pope Francis. Indeed, some are ready to jump off the bleachers. They all need to calm down.

Pope Francis is delightfully frank, and that is what makes him positively engaging. He is also provocative in the best sense of that word. He seeks to challenge us and shake us out of our comfort zone. But he is not about to turn the Catholic Church upside down and inside out. Such talk is pure lunacy.

In a three-part meeting in Rome with Catholic journalists last month, Pope Francis offered his thoughts on a wide range of subjects; they were [published Thursday by America magazine](#), the Jesuit weekly. Everyone should read it for themselves.

There is nothing new about ripping what a famous person said out of context, and that is exactly what is going on now with Pope Francis. The breaking news alert by *The New York Times* is titled, "Pope Bluntly Faults Church's Focus on Gays and Abortion."

In the *Times* alert, it says the pope discusses how "the Roman Catholic Church has grown 'obsessed' with preaching about abortion, gay marriage and contraception," and that he has been criticized for doing so.

It also quotes him saying the Catholic Church should be "home for all" and not a "small chapel" that is "focused on doctrine, orthodoxy and a limited agenda of moral teachings."

Regarding the pope's statements on abortion and gay marriage, here is what he said: "We cannot insist only on issues related to abortion, gay marriage and the use of contraceptive methods. This is not possible." He also said, "when we speak about these issues, we have to talk about them in a context."

What the pope said makes eminently good sense.

For example, when I became president of the Catholic League 20 years ago, I visited the chapters around the nation and found that many were single-issue entities.

Some focused exclusively on abortion; others were obsessed

with homosexuality; still others demanded we just concentrate on medical ethics. I shared many of their concerns, but I also told them we are an anti-defamation organization and should not become preoccupied with other matters, no matter how noble.

The pope is right that single-issue Catholics need to rise above their immediate concerns. He did not say we should avoid addressing abortion or homosexuality; he simply said we cannot be absorbed by these issues. Or any others.

Laurie Goodstein's article in *The New York Times* on the pope's comments says U.S. bishops will feel the pinch of these remarks as they often appear "to make combating abortion, gay marriage and contraception their top public policy priorities." This is inaccurate.

It is not the bishops who have made these issues front and center – it is the Obama administration. It would be more accurate to say the pope would find fault with the bishops if they did not resist these state encroachments on the religious liberty rights of Catholics.

The *Times* alert was wrong to characterize the pope's "small chapel" remark as a criticism of focusing on "doctrine, orthodoxy and a limited agenda of moral teachings."

In the previous paragraph, he speaks about "the sanctity of the militant church." In the following sentence, the pope says, "[W]e must not reduce the bosom of the universal church to a nest protecting our mediocrity." Excellent.

Then, in the same paragraph, he cites the "negative behavior" of priests and nuns, saying their conduct is that of an "unfruitful bachelor" and a "spinster." He most emphatically did not say what the *Times* attributed to him.

Pope Francis unequivocally rejects abortion and gay marriage. Elsewhere, he has said, "[T]he moral problem with abortion is

of a prereligious nature because the genetic code of the person is present at the moment of conception. There is already a human being.” Similarly, he says, his opposition to gay marriage “is not based on religion, but rather on anthropology.”

Pope Francis wants us to oppose abortion. He also wants us to reach out to women who are contemplating one, and to help women who have had one to find peace with God (that’s why the Catholic Church has Project Rachel).

He wants us to oppose same-sex marriage. He also doesn’t want us to reject lesbians and gays because they are homosexual. This is sound Catholic teaching.

Kudos to Pope Francis.

Fight Abortion, With a Broader Agenda

This article originally appeared in the *New York Times* “ROOM for DEBATE” section (September 22, 2013).

Pope Francis’s interview will have no effect on how American bishops engage in politics because the press has misrepresented what he said.

Pope Francis wants Catholics to be politically engaged, and to be actively pro-life, but he also knows the downside of becoming bogged down in these turf battles.

On Sept. 16, three days before the three-part interview was published, the pope emphatically said that a “good Catholic meddles in politics.” The day after the published interview

appeared, he said that abortion was part of our “throwaway culture.” It is this mentality, he instructed, that “calls for the elimination of human beings, above all if they are physically or socially weaker. Our response to that mentality is a decisive and unhesitating ‘yes’ to life.”

The news media gave a high profile to a small selection of the pope’s interview that they liked, but they summarily ignored his remarks prior to and after the exchange was published. This is politics, not journalism.

If we take what the pope said in his interview, and dismiss his comments before and after it was published, it suggests that he is asking Catholics to dial it back on issues like abortion and gay marriage. If we ignore the interview, and look only at what he said about Catholics meddling in politics and the inhumanity of abortion, it suggests he wants a more active role for Catholics in politics.

So who is the real Pope Francis? He is all of the above. In his interview, he never said Catholics should drop their interest in addressing abortion and gay marriage; he said they should not become “obsessed” by them. He wants Catholics to be politically engaged, and to be actively pro-life, but he also knows the downside of becoming bogged down in these turf battles. When that happens, we lose sight of the big picture, which is salvation.

I applaud the pope’s cautionary remarks on getting consumed with a few issues. It applies equally to those on the left and the right.

Obama Team Backs Religious Liberty?

By Bill Donohue

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No administration in recent history has been less religion-friendly than the Obama administration, so it came as a surprise to learn that it has filed an amicus brief in favor of religious invocations at government meetings; the U.S. Supreme Court has agreed to hear the case in the fall. Some conservatives are cheering this development. They should be more cautious.

Lawyers for the administration are arguing that even if council meetings in Greece, N.Y. (outside of Rochester) open with Christian prayers, that “does not amount to an unconstitutional establishment of religion merely because more prayer-givers are Christian and many or most of the prayers contain sectarian references.”

This position is in direct contradistinction to the ruling by the Second Circuit of Appeals: it ruled that to the “reasonable observer,” the invocation is an “endorsement” of a “Christian viewpoint.”

The Second Circuit ruling, however, was undercut by the 1983 decision in *Marsh v. Chambers*. In that ruling, the high court said that a prayer offered by a chaplain opening the Nebraska legislature was not unconstitutional. Chief Justice Warren Burger, writing for the majority, said that opening deliberations with a prayer “is deeply embedded in the history and tradition of the country.”

Indeed, the Nebraska legislature, as well as the U.S. Supreme Court, Burger noted, both begin their sessions with the

invocation, "God save the United States and this Honorable Court."

Furthermore, the Marsh ruling explained that "where, as here, there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief," then "the content of the prayer is not of concern to judges."

The Obama team properly cited Marsh in defense of its lawsuit. Champions of religious liberty, of course, do not find fault with prayer invocations at government meetings. No doubt about it, the Obama administration is on the right side of this issue in Greece, but its hostility to religious liberty (see my four-part Newsmax series, September 10, 12, 13, 14, 2012) demands a closer look at its reasoning.

It is not sufficient to be on the right side of an issue; what matters is whether reasoning is right. At issue in Greece is whether the right standard is being used by the Obama administration to override arguments invoking the "establishment of religion" provision of the First Amendment (it is not a "clause," literally or constitutionally, as it is commonly held).

The U.S. Supreme Court had virtually nothing to say about disputes involving religious liberty and the establishment of religion until after World War II; previously such matters were seen as state concerns. From the founding to the Everson decision in 1947, Madison's interpretation of the First Amendment was operative: the federal government could not establish a national church or give preference to one religion over another.

However, in Everson, Justice Hugo Black, who wrote the majority opinion, went beyond Madison's prescription by holding that neither a state nor the federal government can pass a law favoring religion, even if it treats all religions

equally. This ruling obviously widened the role of the U.S. Supreme Court to police First Amendment provisions on religion.

In 1971, the U.S. Supreme Court crafted a new standard. In *Lemon v. Kurtzman*, the high court developed a three-prong test: the statute in question must have a clear, secular purpose; the statute must neither advance nor inhibit religion; the statute must not result in "excessive" government "entanglement" with religion. The Lemon test has been criticized for its vagueness. What constitutes "excessive"? What does "entanglement" mean?

The endorsement test was proposed in 1984 by Justice Sandra Day O'Connor in a case involving a crèche on public property. In her concurring opinion in *Lynch v. Donnelly*, she argued that no statute can pass constitutional muster if its purpose, or effect, is to convey to the public a government endorsement or disapproval of religion. This test also has its critics. For example, is there not a difference between accommodation and endorsement?

Justice Anthony Kennedy offered a "coercion" standard in the 1992 case, *Lee v. Weisman*. Could prayers at a graduation ceremony be seen as violating the rights of students who are atheists, for example? The court reasoned that because it was a clergy-led prayer at an event sanctioned by the school district, objecting students would be subjected to peer pressure. In its ruling, the court noted that the Constitution "guarantees that government may not coerce anyone to support or participate in religion or its exercise."

Critics note that prayer at government events has been seen as constitutional since the founding, and that "coercion" is too loosely defined.

It matters greatly which test is invoked in Greece; some are more religion-friendly than others. By choosing the

endorsement standard, the Obama lawyers seek to directly challenge the test as applied by the Second Circuit: the appeals court said that a “reasonable observer” would conclude that a town council’s prayer amounted to “an endorsement” of Christianity.

The administration sees no endorsement, and eschews sitting in judgment of the content of a prayer.

On the face of it, the Obama team has taken a commendable position. But it also had other options. It could have chosen one of the other standards. Or, if it were truly interested in expanding the meaning of religious liberty, it could have cited the Declaration of Independence – it has four specific references to God – as evidence that the founders never envisioned subordinating religious liberty to establishment concerns (the Declaration was mentioned once in the government’s brief, but not in this regard).

The Obama lawyers know that some Supreme Court justices are not pleased with the various tests that have been used in these cases. Indeed, these justices have even made plain their interest in seizing on a new case to clarify, and expand, the meaning of religious liberty. Justice Antonin Scalia, for instance, has referred to the Lemon test as a “late night ghoul that refuses to die.”

It is not known what provoked the Obama team to file a brief in Greece. Was it because of a sincere interest in advancing religious liberty? If so, what is its progeny? Moreover, how can this new-found interest in religious liberty be squared with the administration’s relentless pursuit of the Health and Human Services mandate that abridges the rights of Catholic non-profits?

To put it bluntly, is the Obama brief an exercise in damage control? Is it trying to get out in front of this issue by filing a brief protecting religious liberty on grounds that

are the least threatening to its secular vision? Does it seek to ward off the specter of a new standard, one that is much more religion-friendly than the tests we have become accustomed to? As I said, we don't know what the true motive is. But forgive me if I'm skeptical.

Dr. William Donohue is the president of and CEO of the Catholic League for Religious and Civil Rights, the nation's largest Catholic civil rights organization. The publisher of the Catholic League journal, Catalyst, Bill is a former Bradley Resident Scholar at the Heritage Foundation and served for two decades on the board of directors of the National Association of Scholars. The author of five books, two on the ACLU, and the winner of several teaching awards and many awards from the Catholic community, Donohue has appeared on thousands of television and radio shows speaking on civil liberties and social issues.

Bill Donohue: IRS Targeted Catholic League

By Bill Donohue

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The problems with the IRS extend beyond playing politics with conservative groups seeking a tax-exempt status. I have never made this public before, but given the heightened interest in the way the IRS has conducted itself, the time has come to disclose what happened.

Just weeks after Barack Obama was elected president in 2008, I was notified by the IRS that the Catholic League was under

investigation for violating the IRS Code on political activities as it relates to 501(c)(3) organizations. What the IRS did not know was that I had proof who contacted them to launch the investigation: Catholics United, a George Soros-funded Catholic organization.

The IRS was contacted on June 5, 2008, to launch a probe of the Catholic League, and the letter sent to me was dated Nov. 24, 2008. The June 5 letter was sent to the IRS by lawyers from Catholics United; it was mailed to Director Marsha Ramirez, director of Exempt Organizations Examinations, and to Lois G. Lerner, director of E0 Division.

The "evidence" against me was nothing more than news releases and articles I had written during the presidential campaign on various issues. The lawyers also asked the IRS to question the source of new funding we had received, implying that we received illegal contributions.

The timing is not coincidental. On Oct. 20, I issued a news release, "George Soros Funds Catholic Left," and on Oct. 23, I wrote another one, "Catholic Left Scandal Mounts"; both mentioned Catholics United. The same day, Oct. 23, I was asked to go on CNN, and when Catholics United found out, they contacted the station trying to spike the interview.

The person who did this was the head of Catholics United, Chris Korzen. He said I was not "an authentic Catholic commentator and representative of the Catholic Church," and that they should either drop me altogether or put me on with Alexia Kelley of Catholics in Alliance for the Common Good (Catholics United is listed on the 990 of Catholics in Alliance as a related organization; Soros greases this group, and by extension, Catholics United).

The bid to keep me off TV failed. But here's the key: Korzen was dumb enough to share with CNN the complaint issued by his group to the IRS. The document, which was leaked to me by

someone at CNN, matches up extraordinarily well with the IRS complaint of Nov. 24.

In the end, the IRS concluded that although the Catholic League had “intervened in a political campaign,” it was “unintentional, isolated, non-egregious and non-recurring”; our tax-exempt status remained intact. This is false: I intentionally addressed political issues, and did not intervene in the campaign, unless, of course, my freedom to speak about political issues is a violation of the IRS Code. If that is the case, then this IRS unit should fold.

So the problem extends beyond the IRS. It extends to left-wing activists, funded by left-wing tycoons, all for the purpose of silencing conservatives. It's time someone was held accountable for this obscene political game.

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Marriage Equity Makes Sense

By Bill Donohue

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There is a great deal of confusion these days over the meaning of equality and equity. Equality means sameness, or an identical status; equity means fairness, or justice. It is only fair that students be given the grade they deserve; to give them all the same grade is to counsel injustice.

It is only fair that all those in police custody are treated equally before the law; to treat some differently is to counsel injustice. Hence, equity is sometimes achieved by instituting equality, and at other times by invoking inequality.

There is much talk these days about "marriage equality." It is shorthand for allowing homosexuals to marry. But there are problems with this position, one of which touches on fairness. In other words, it is not axiomatic that marriage equality means marriage equity.

There is no limiting principle to marriage equality. If all those who seek to marry are to be treated equally, i.e., equal to a man and a woman who seek to marry, then on what basis can we deny two women from seeking to marry one man? On what basis can we deny a father from marrying his daughter? These are not hypothetical.

We have no shortage of Americans pushing for polygamy. While incest is still a taboo, there are cases like Patricia and Alan Muth, brother and sister, who have sought to get married.

Then there is the case of David Epstein, a Columbia University professor of political science; three years ago he sought to justify having sex with his 24-year-old daughter. Indeed, his lawyer said to the court, "It's OK for homosexuals to do whatever they want in their own home. How is this so different?"

Without a limiting principle, there is no logical way to deny marriage to anyone. This is the problem with marriage equality. Marriage equity, however, invokes the principle of

justice, its limiting principle being procreation. Historically speaking, up until yesterday it was considered just to limit marriage to the only two persons capable of creating a family, namely one man and woman.

Moreover, we know from countless studies that children do best when reared in intact families – it is the veritable gold standard. This begs the question: why would any society want to confer equal status on sexual relationships other than those that are heterosexual, monogamous, and united in the institution of marriage?

If something is special, it must be treated special in society, and in the law. If it is not special, then we can adopt a random system, treating all competitors as equals. But history has shown that the most equitable marital relationships for society – the ones that most fairly serve the public interest – are heterosexual monogamous unions.

It is argued that if marriage is tied to procreation, that would disqualify sterile men and women. Not at all. They possess the attributes that make them ready substitutes to assume parental responsibilities in the event their kin suffer divorce or death. Those attributes are tied to the respective sexes: for different psychological and social reasons, boys and girls need moms and dads; two adults of the same sex are not adequate substitutes.

In short, marriage, defined equitably, should rest on exclusivity: it should be reserved exclusively for one man and one woman. That is what nature has ordained, and it is what nature's God intended.

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CUOMO ENDANGERS MINORITY WOMEN

By Bill Donohue

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In his March 19th blog post from Rome, Cardinal Timothy Dolan made it clear that although he could not be with his brother bishops in Albany to address key public policy issues, he wanted everyone to know of his support for laws that promote a culture of life.

Weighing heavily on him and the other bishops is the proposed abortion legislation by New York Governor Andrew Cuomo.

There was a time when it was the Republicans, not the Democrats, who were the champions of abortion rights. Until the late 1970s, it was the Rockefeller Republicans who were enthusiastic about the politics of population control.

Democrats, led by stalwarts such as Rev. Jesse Jackson and Sen. Ted Kennedy, were fierce opponents of abortion (the former dubbed it a form of genocide against blacks). By the time Ronald Reagan was elected president in 1980, the parties had flipped: the conversion of Republican Southern Baptists to

the pro-life cause, and the inroads made by radical feminists in the Democratic Party, accounted for most of the changes.

For the better part of the 20th century, the Democrats were top heavy with Catholics, but by the 1980s their influence had slipped badly. So did their loyalty to Church teachings; many Catholic Democrats shifted positions and became "pro-choice."

Leading the way was New York Governor Mario Cuomo. In 1984, he delivered an impassioned speech at the University of Notre Dame explaining why it was legitimate for Catholics to support abortion rights. His address, which proved to be pivotal, was the beginning of the "I'm personally opposed but" argument that has become the staple position of pro-abortion Catholic Democrats.

If Mario Cuomo's goal was to make the "choice" option respectable for Catholic Democrats, his son, Andrew, wants to make the absolutist position respectable for the entire Democratic Party. Indeed, his full-throated advocacy of abortion-without-limits is the most radical proposal ever entertained at the state level. It is also the most dangerous, especially for poor minority women.

Governor Cuomo has yet to unveil the details of his abortion bill, but from what we know there will be no restrictions on this life-ending procedure. Abortion would be removed from the penal code, and would instead be regulated through public health law. Practically speaking, this would mean that an unborn child would not be regarded as a victim in a crime where he is intentionally killed. Perhaps most ominous, at least for poor African-American and Hispanic women, it would mean that non-physicians could abort their babies.

In other words, Park Avenue white girls will have their abortions attended to by licensed physicians, while poor women of color will be serviced by non doctors. Guess who will be most at risk when complications arise? Yet it is the so-called

champions of the poor and non whites, e.g., Planned Parenthood and The New York Times, who are the strongest proponents of this two-class, racially divisive, system.

Most states are reforming their abortion laws by making them more restrictive. In the last two years, state lawmakers enacted 135 abortion restrictions. Indeed, states like Pennsylvania, Kansas and Virginia have gone the opposite way of New York by mandating abortion clinics doing surgery to meet the same standards as other outpatient surgery centers.

Only California can match New York in ramping up abortion rights.

California also has a Catholic pro-abortion Democrat as governor, Jerry Brown. Even though his state has seen a 23 percent increase in abortion providers (in most parts of the nation it is getting harder and harder to find someone who will perform an abortion), he can't get enough of them. That's why California has a pilot program that allows non-physicians, midwives, nurses, et al., to do abortions. With good reason, the California Nurses Association is opposed to this initiative.

As always, no one suffers more from liberalized abortion laws than minorities. The California pilot program was targeted at them, the result being that 42 percent of black children were aborted. This is nothing new. In 2008, a chain of abortion clinics in Southern California had at least six doctors on staff with histories of medical malpractice, and most of their clients were low-income Latinas. In New York State the abortion rate is double the national average, and in New York City the rate for black women exceeds 60 percent. This phenomenon is not by accident—it is the result of public policy: in February 2013, it was reported that the “morning-after pill” in New York City was being distributed without parental consent, in schools that served mostly African Americans and Latinos.

If it were the Ku Klux Klan that was pushing to lower medical standards in abortion clinics with a high population of poor non-white women, it would make sense. But it's not the Klan who is pushing this agenda – it's mostly white, well-educated "friends of the poor." While it may not be their intent, the outcome is one in which large numbers of women and children of color are being treated like guinea pigs. What is even more troubling is the failure on the part of the Cuomo administration to learn from the Pennsylvania experience: when abortion standards are relaxed, it opens the door to abuse.

Robert "Bob" Casey, Sr. was the Governor of Pennsylvania from 1987 to 1995. A Democrat of the "old school," he was liberal on public policy issues like a safety net for the poor, education and healthcare. But he was also a practicing Catholic and a strong pro-life activist. During his tenure, abortion clinics were held to rigid standards, but once he left office a more "abortion-friendly" milieu took root. In fact, authorities have admitted that inspections of abortion clinics stopped completely in some locales. Enter Dr. Kermit Gosnell.

On March 18, Gosnell was put on trial for killing one woman and seven babies born alive. His clinic is now known as "a house of horrors," a place where his untrained staff helped deliver babies who were then killed with scissors. Gosnell would plunge scissors into their necks, cutting their spinal cords. He did this at least 16,000 times, with the assistance of his rookie staff. His clients were all poor women who lived in the inner-city neighborhoods that comprise West Philadelphia. He himself never received obstetrics or gynecology certification.

Importantly, Gosnell was not apprehended by state abortion inspectors. No, his "house of horrors" was discovered accidentally in 2010 by FBI agents looking for drugs. What they found were fetal remains stored in jars and freezers, and dirty medical equipment. After speaking with the authorities,

Gosnell reportedly ate dinner, never removing his bloody latex gloves.

To make matters even more sickening, Gosnell's lawyer told the court that his client is a victim of "an elitist, racist prosecution." He even went so far as to accuse Philadelphia officials of conducting a "prosecutorial lynching." He added that "This black man is being taken because of who he is and where he works." That Gosnell intentionally chose to murder poor non whites, many of whom were immigrants, means nothing to his lawyer, Jack J. McMahon.

Once Pennsylvania lawmakers learned of Gosnell's monstrous acts, they moved to stop these abuses. In 2011, a bill was passed that outlined new criteria for facilities that perform surgical abortions: Class A facilities perform surgeries that require local anesthesia only and must be accredited by a nationally recognized accreditation agency; Class B facilities perform surgeries that require anesthesia where the patient is not fully conscious, and must be licensed and able to meet ambulatory surgical requirements.

In 2012, 92 abortion restrictions were passed. The results are in the numbers. To wit: There are only 17 abortion providers left in Pennsylvania, down from 22 a year ago; in 2011, abortions declined by 44.8 percent (it was the third year in a row that abortions declined). Though there is still work to be done – there has been a spike in abortion complications – medical standards have increased, and poorly trained staff have been eliminated.

Sadly, instead of raising the qualifications for those in the abortion industry, Governor Cuomo wants to dumb them down. To be sure, how Gosnell and his staff operated would not be legal under Cuomo's plan, but it cannot be denied that by lowering standards we are likely to learn of more horror stories, not less. Moreover, it is not just a change in credentials that is at stake; when expectations decline (as happened in

Pennsylvania once Casey left office), it sends a message that is picked up by everyone.

That the message is not one that will result in safer conditions for black and Hispanic women is beyond debate.

When Cuomo announced his proposal in January, he did so to great fanfare, screaming, "it is her body, it is her choice." It does not exaggerate to say he sounded delirious: he kept bellowing to his supporters, "Because it's her body, it's her choice. Because it's her body, it's her choice."

The fact is no one is denying any woman from aborting her baby in New York, and Cuomo knows it. What he is selling – in the name of women's rights – is a policy that would lower standards in abortion clinics, at least for the most vulnerable.

Planned Parenthood is predictably singing Cuomo's praises. Why not? It loved the California legislation that was designed to allow non-physicians to perform abortions, so what's not to like about Cuomo's initiative? If minority women bear the brunt of this women's "right," so be it. After all, it's not a secret that eight in 10 Planned Parenthood clinics operate in non-white communities. This outcome, it needs to be said, was divined by its founder, Margaret Sanger.

Sanger laid the groundwork when she announced how she would weed out "undesirables," meaning African Americans. "Many of the colored citizens are fine specimens of humanity," she boasted in 1932. "A good share of them, however, constitute a large percentage of Kalamazoo's human scrap pile."

Currently, New York State law says only a "duly licensed physician" may perform abortion, but Cuomo wants to change that so any "licensed healthcare practitioner" can do the job. Even honest champions of abortion know how irresponsible this idea is. Minnesota abortionist Jane Hodgson is the recipient of Planned Parenthood's coveted Margaret Sanger award. In

1990, she told the truth about the level of training her work takes.

“When I first started doing abortions, I took my boards in Obstetrics and Gynecology, and therefore I knew I was competent to do it. After I had done my first hundred I realized how silly I had been. At this point, having done somewhere around 12,000 procedures, I’m beginning to think I am reasonably competent.”

At one time, even the ACLU admitted that allowing non-physicians to do abortions put women’s lives in jeopardy. In 1994, the Pennsylvania affiliate bemoaned the shortage of physicians trained and willing to do abortions, but it nonetheless cautioned against lowering standards.

“Although changes have been proposed, the current objectives on abortion required by the Council on Residency Education and Obstetrics and Gynecology do not require that physicians be able to carry out the procedure as long as they can ‘arrange contact with a facility or personnel’ who can do so, perpetuating the idea that individual competency in abortion procedures is not important for doctors concerned with women’s reproductive health. This endangers the lives of women who may need abortions in emergency settings, and limits access to therapeutic abortion.”

Governor Cuomo’s intention is not to punish poor black and Hispanic women, but his proposal would do just that. It would allow abortionists who are not trained as physicians to attend to these women, putting them at greater risk than their more affluent white cohorts. This consideration alone should be enough to convince him not to go down this road. But don’t bet on it: Andrew is Mario’s son, and when it comes to defending abortion and defying the Catholic Church, the apple didn’t fall far from the tree.

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