

# PROGRESS MADE ON BILLS AIMED AT CONFESSIONAL

Several states are now reconsidering bills that would end the exemption for the priest-penitent privilege. In every instance, the Catholic League has been integrally involved in challenging any legislation aimed at breaking the confessional seal.

The most dramatic success occurred in Maryland, Iowa and West Virginia. Led by Cardinal Theodore McCarrick of the Archdiocese of Washington, Catholics in Maryland pressured lawmakers to pull a bill that would require priests to report cases of child abuse learned in the confessional. William Donohue wrote to every member of the Maryland legislature about this issue. State legislators in Iowa and West Virginia dropped a similar bill even before a scheduled debate was to begin.

Progress was also made in Kansas and Kentucky. Bills in both states ran into enough opposition that lawmakers withdrew the legislation at least for the time being. It is not certain whether the bills will be reintroduced.

Nevada is also reconsidering what to do. State Senator Dina Titus introduced legislation designed to end the priest-penitent privilege but was quickly persuaded to rethink her proposal after receiving a letter from Donohue. She wrote to Donohue thanking him for his "thoughtful message," saying she has cancelled a hearing on her bill. Titus wrote that "we want to preserve the sanctity of the confessional."

Florida and New Hampshire remain trouble spots though no bill has been approved that would compromise the confessional.

The Catholic League has been arguing that such laws are patently unconstitutional. It is not likely the courts would

permit such an extravagant abuse of power by the state, no matter how noble the cause. "Separation of church and state," we told the media, "has no meaning if the state is allowed to trump the doctrinal prerogatives of a religion, and this is especially true *when there is no evidence to suggest that the only way an important state objective can be realized is by allowing the state to encroach on religion.*"

If the goal is really to protect children, then this can certainly be accomplished without fiddling with the priest-penitent privilege. Indeed, if protecting the kids is the real goal, then why are not lawmakers demanding that all professionals who learn of cases of child sexual abuse report them to the authorities?

We will continue to monitor this issue.

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## JUDGES BAN PLEDGE

The 9th Circuit Court of Appeals has rejected an appeal to reconsider a ruling made in June, 2002 by a three-member panel of judges that held the Pledge of Allegiance to be unconstitutional because of the words "under God." The three judges slightly altered their earlier ruling which had banned the Pledge in all public forums; they now decided to limit their ban to recitations in schools.

The Catholic League's response was unequivocating:

"Two things need to be done immediately: teachers and students should practice civil disobedience and the judges must be impeached."

We called on the teachers in the nine western

states affected by the decision to instruct their students on the meaning of civil disobedience and then practice it. They should call the cops and local TV reporters and then recite the Pledge of Allegiance in their presence. To do this at a time when the nation is going to war would be quite poignant: our troops are prepared to die for the liberties symbolized in the Pledge yet their children at home are barred from reciting it.

We also called for impeachment proceedings against the two federal judges who made this decision. Our point was this: judicial malpractice has been committed and those responsible must be removed from the bench. They should be removed not because most Americans disagree with them but because of jurisprudential incompetence.

It will now be up to the Supreme Court to overturn this outrageous decision.

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## **THE CATHOLIC LEAGUE AT 30**

**William A. Donohue**

Were it not for Father Virgil Blum, there would have been no Catholic League. A Jesuit professor of political science at Marquette University, Father Blum founded the Catholic League in 1973 as an anti-defamation organization. The organization's goal is in its title: religious and civil rights.

From the beginning, the Catholic League has made anti-Catholicism its focus. While it is true that discrimination against Catholics has declined over the past 30 years, it is also true that defamation against the institutional Church has increased. It does not exaggerate to say that the Catholic

Church is maligned today with greater force than any institution in society. It is the Church's teachings, especially on sexual ethics, that is the source of so much contempt. That those who lead the fight consider themselves to be educated and tolerant is the real irony.

The Catholic League was born in a time of societal upheaval. Abortion, always a moral monstrosity, became a social and legal monstrosity in 1973. Consider that the plaintiff, Jane Roe (a.k.a. Norma McCorvey), lied when she said she was raped and was in need of an abortion (which she never had). Consider that nowhere in the Constitution is there even a hint that abortion was to be among the fundamental rights guaranteed by the federal government; it was literally made up out of whole cloth. But consider this as well: Norma McCorvey has since become pro-life and has converted to Catholicism.

In 1973, the American Psychiatric Association (APA) declared that homosexuality was no longer a mental illness. Like Roe v. Wade, it, too, was politically motivated: there was no new evidence that homosexuality was a normal variant of sexuality; what happened was that the APA succumbed to pressure politics organized by an aggressive gay lobby. Like the abortion ruling, the normalization of homosexuality has been marked by a trail of despair and death.

The word Watergate entered the lexicon as a synonym for corruption in 1973. Like the abortion ruling and the homosexual decision, it smacked of politics and dirty play. It was launched by a bunch of two-bit players guilty of breaking and entering in search of two-bit information. That they would bring down the man they sought to prop up was the final irony.

This was the climate in which the Catholic League was born. It was a milieu in which a crisis of authority had hit the courts, professional associations, presidential politics and beyond. Now, 30 years later, it is the moral authority of the Catholic Church that is being questioned.

The sexual abuse scandal has activated the Catholic League more than any event in its 30-year history. We are here to defend the Church against wrongdoing, but we are not here to defend wrongdoing done by the Church. Having said that, it must be emphasized that our central role in this issue is to combat those who seek to exploit the scandal. This has certainly kept us busy.

Who are those who seek to exploit the scandal? Essentially, it comes down to two groups: anti-Catholics and Catholics with an agenda.

Scandals of all sorts happen all the time and to all segments of society. They do not, by themselves, turn friends into enemies; nor do they make the indifferent into foes. What they do is make it easier for the enemy to surface in full-frontal fashion. That is why anti-Catholic bigots are coming out of the woodwork these days: they were always there, it's just that now they have some cover.

Those with an agenda are Catholic malcontents. Unhappy because the Church has not adopted a radical agenda, they now seek to impose their sexual politics on the rest of us. They want to blanket Catholics from the Vatican to Vermont with their morally bankrupt ideas and think the time is ripe to charge forward. They do not care if they hurt the Church in the meantime, and that is because they have no more use for the Catholic Church than do the bigots.

If there is a difference between Catholic bashers and agenda-driven Catholics, it is that the latter contend they love what the Church stands for in principle. But they fail to persuade. To proclaim love for what the Church is supposed to be, while maintaining an unyielding hatred of all things Catholic, is like telling your neighbor how much you might like him if he were to dramatically change while loathing him for being what he is.

The Catholic League at 30 has its work cut out for itself. It was born in a time of moral crisis and has survived through three decades of moral anarchy. But unlike 1973, the major crisis today is the ability of the Catholic Church to rebound from self-inflicted wounds. It is the job of the Catholic League to help facilitate this process by warding off the Church's enemies. Father Blum wouldn't have wanted it any other way, and we are determined not to let him down.

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# THE CHURCH SCANDAL: FODDER FOR STATE MEDDLING

*By William A. Donohue*

The sexual abuse scandal in the Catholic Church is being used by state lawmakers to crack the wall of separation of church and state. Unless this is resisted by the hierarchy of the Church, state meddling in the internal workings of the Church will grow.

One of the more conspicuous examples is the willingness of some state legislators to undermine the confidentiality of the confessional by revoking the traditional priest-penitent privilege. They say this must be done in order to protect children: by breaking the seal of the confessional, it is argued, priests would have to disclose information concerning the sexual abuse of minors. But this is a fatally flawed argument and it is being advanced by hypocrites.

There is no evidence to suggest that by ending the confidentiality of the confessional children will be protected. This is a red herring. To begin, let's put the issue into perspective.

A study by the *Washington Post* revealed that less than 1.5 percent of priests over the past 40 years have been accused of sexually molesting a minor. *The New York Times* did a study as well, covering the years 1950 to 2001: it put the figure at 1.8 percent. Currently, less than one percent of priests nationwide are under investigation. While one priest would be too many, it is important to remember that scholars who have studied this issue (Penn State's Philip Jenkins comes quickly to mind) have determined that the incidence of abuse by priests does not differ from that of the clergy of other religions, and may even be lower.

The overwhelming majority of those abused are postpubescent males—they are not children. Breaking the seal of the confessional could not have saved any of them; nor will it protect anyone in the future. Let's remember a few basic facts.

The seal of the confessional does not apply to the penitent. If someone confesses knowledge of abuse to a priest, there is nothing to stop him from contacting the authorities. Nor is there something that would prevent the priest from asking such a penitent to discuss this further in his office, thereby freeing the priest from his confessional vows. The priest could also withhold absolution until such time as the authorities were notified. In short, there are ways a priest can fulfill his duties without sacrificing anyone.

Another problem with attempts to break the seal of the confessional is the grave implications it has for the First Amendment. Freedom of religion, and the establishment clause which keeps church and state separate, will not mean much if the state is permitted to encroach on the Church's doctrinal prerogatives. The Sacrament of Reconciliation is not something the state can be allowed to trespass upon without doing irreparable harm to Catholicism. It would be a violation of separation of church and state of grave magnitude, having wide implications for all religions. Nothing would be sacrosanct.

Then there is also the problem of unenforceability. How could the state possibly know whether a priest has learned of sexual abuse in the confessional? The priest is certainly not going to say. In the event the penitent calls the cops after revealing such knowledge, and the priest is questioned about what he knows, he could simply refuse to discuss anything he learned in the confessional. What are they going to do, put him in handcuffs? Will the police wire the confessional? All of this is nonsense.

Hypocrisy is fueling this issue as well. There is no push being made to end the attorney-client privilege, just the priest-penitent privilege. Yet are we to believe that lawyers learn less about the sexual abuse of minors in confidential discussions than do priests? Moreover, the public has little regard for lawyers as a group: a Harris survey in October, 2001 revealed that as a profession, attorneys have "hardly any prestige at all." They finished in a tie for last place with union leaders; doctors were first.

Another hypocritical element in this is the failure of the media to discuss why mandatory sexual abuse reporting bills are being held up in the states. It is not the fault of the bishops. It is the fault of Planned Parenthood and the ACLU.

Planned Parenthood staffers find out about cases of statutory rape on a regular basis, yet they report almost none of them. We know this to be true because a sting operation conducted by a pro-life group recently reported as much. The lobbying arm of Planned Parenthood, Family Planning Advocates, has been trying to ward off any bill that would blanket all professionals equally. What they want to do is keep the exemption for abortion providers while ending the exemption for the clergy. And their friends in the ACLU are working with them, providing legal cover.

Getting the priests is what this game is all about; it has nothing to do with protecting children. That it is being done



without much of an uproar from Catholic circles is disturbing. A happy exception to this is Cardinal Theodore McCarrick, Archbishop of Washington.

When the Maryland legislature was contemplating a bill requiring priests to report cases of suspected child abuse learned in the confessional, Cardinal McCarrick rightly got his back up. He quickly denounced the bill and publicly stated that he would gladly go to jail before ever breaking the seal of the confessional. We immediately supported him, as did others. And the result? The bullies backed off and dropped the bill.

There is another lesson to be learned here. Not only was Cardinal McCarrick's leadership indispensable to this effort, it won the admiration of those not generally in our corner. For example, an editorial in the pages of the *Washington Post* took note of McCarrick's determination. "As one of the most responsible bishops during the sex abuse scandal," the editorial said, "the archbishop of Washington should be taken seriously when he takes such a passionate stand."

What this goes to show is that our side needs to do more than dialogue. Too often dialogue is a recipe for paralysis. There are some things so fundamental—like breaking the confessional seal—that no amount of conversation is going to matter. What matters is playing hardball. That's what wins and that's what earns respect. There is no need to play dirty, but there is every reason to play to win.

Catholics need to check another abuse by lawmakers: far-ranging subpoenas of sensitive documents must end. For example, there is no doubt that some are using the scandal as a pretext to read internal Church memos, priest personnel files and the like. If there is something specific that is needed, that is one thing. But the mass collection of records is quite another. What is so obscene about this is that no other profession is being treated this way. Why not grab the

files on members of the clergy from other religions as well? Why limit it to the clergy? Why not obtain the personnel files of teachers, psychologists, social workers, et al.?

Another way some states are playing fast and loose with the Catholic Church these days is by rescinding laws governing the statute of limitations as it applies to the abuse of a minor. It cannot be said too many times that this long-standing provision in law was formulated to protect the rights of the accused from those with fading memories. Moreover, witnesses may die or cannot be located. No one can really be safe from reckless charges if decades after an alleged offense occurred, the state is going to prosecute alleged offenders.

Impaneling grand juries is another game to watch. What is the purpose of establishing a grand jury knowing that the statute of limitations has run its course? This is what was done on Long Island. Suffolk County District Attorney Thomas Spota impaneled a grand jury knowing full well he could not produce one indictment.

What Spota did was a disgrace. He spent the taxpayers' money on a fishing expedition. He never cross-examined the witnesses, nor did he allow officials from the Diocese of Rockville Centre to testify. He refused to release the names of the jurors and he deliberately leaked a copy of his report to the local newspaper, *Newsday*, before the Diocese of Rockville Centre had a chance to respond. And when I wrote to him asking him to support a bill in New York State that would cover abortion providers, as well as members of the clergy, he failed to respond.

Some of the attorneys involved in bringing the lawsuits against the dioceses are suspect players themselves. Jeffrey Anderson likes to sue the Catholic Church more than anyone in the nation. He aims high—he would like to bring down the Vatican and is not shy about using the infamous RICO law to do so. He has also made quite a living off of this: he has made

an estimated \$20 million suing the Catholic Church.

None of this is to say that Church officials have always conducted themselves with honor. Some have not. But it is to say that Catholics would do well to keep their guard up during times like these. There is a lot to exploit at the moment and there is no shortage of mean-spirited persons ready to do so. The role of the Catholic League in all this is to come to the aid of the Church when it is under fire. We have been busy writing to state legislators about many of these issues. We have taken the opportunity to debate these issues on television and radio, informing the public what is at stake. For the most part, we have been received well.

Unless we beat back overly aggressive lawmakers and trial lawyers at this time, we will pay for it down the road. The scandal should never have happened, but it did. What should not be allowed to happen next is for the Church to be hammered by those who seek to meddle in the Church's internal affairs.

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## **SUPREME COURT AFFIRMS RIGHTS OF PRO-LIFE ACTIVISTS**

It was a great victory for abortion protesters. Thanks to pro-life activist Joe Scheidler, it will now be easier for those opposed to abortion to exercise their First Amendment rights.

On February 26, the U.S. Supreme Court in an 8-1 decision ruled that the federal Racketeering Influenced and Corrupt Organizations (RICO) Act, as well as the Hobbs Act, do not apply to abortion foes who protest outside abortion clinics.

Not only will abortion protesters be free from the threat of

future RICO suits, but protesters of all causes will not have to labor under such threats. If there are clear cases of harassment or abuse of women seeking an abortion by abortion protesters, then there are plenty of laws on the books that can be used against them. But to use a remedy like RICO, or the Hobbs Act, both of which were meant to apply to gangsters engaged in extortion, as a way to protect abortion-seeking women from being intimidated by protesters, is outrageous.

“The real story here,” we told the press, “is the extraordinary disrespect that the so-called champions of liberty have for free speech.” The National Organization for Women, which brought the lawsuit, has proven beyond a doubt that it would use any law available as a weapon to beat down pro-life protesters. NARAL and Planned Parenthood have similarly shown their contempt for the First Amendment by previously supporting the use of RICO against anti-abortion demonstrators; even affiliates of the ACLU have used RICO to stop the free speech of abortion foes. We explained our reasoning by saying, “That’s because abortion is their god: they would rather lose our fundamental civil liberties before they would ever lose the right of a woman to abort her baby.”

Pro-life activists, many of whom are Catholic, can be proud of this victory. Even those who are not pro-life but still maintain fidelity to the First Amendment can feel a sigh of relief. “Most important,” we concluded, “for the abortion-rights industry to try to muzzle the free speech of demonstrators by manipulating a law aimed at gangsters shows who the real fanatics are.”

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# FAITH-BASED CARE ACT MAKES SENSE

On January 21, the six Democratic contenders for the presidency appeared at a NARAL Pro-Choice America event celebrating the 30th anniversary of the Supreme Court's decision in *Roe v. Wade*.

The following day, the actual anniversary date of the abortion ruling, NARAL president Kate Michelman and Planned Parenthood president Gloria Feldt held a press conference in Washington on abortion rights. One of the participating organizations at the press conference was Catholics for a Free Choice, headed by Frances Kissling.

We told media that one of the founders of NARAL was Dr. Bernard Nathanson. He converted a number of years ago to the pro-life side and even became a Catholic. Nathanson has admitted in great detail the anti-Catholic roots of NARAL: lying about the Church, fabricating data and demonizing Catholicism were an integral part of NARAL's strategy. Over the years NARAL may have become more careful about expressing its hostility to the Catholic Church, but it is still not to be trusted. Be that as it may, one person who continues to exercise no such caution is Kissling.

Kissling has not shied away from making her anti-Catholicism public. Indeed, she wears it proudly on her sleeve. That is why so many Catholics are outraged by the refusal of the Democratic National Committee (DNC) to drop Kissling's group as a link on its website.

Our statement to the media left no doubts about our resolve in dealing with this issue: "There can be no more room for both Catholics and anti-Catholics in the Democratic party than there can be for both African Americans and white

supremacists. That is why the Catholic League will not let go of this issue: the DNC must stop its association with anti-Catholicism and Democratic aspirants to the presidency must address this issue.”

This is an unseemly coalition—Democratic candidates for the presidency joining with the advocates of partial-birth abortion and anti-Catholicism. We look for some brave voices in the media to start asking these men some really tough questions about this issue. The public has a right to know their thoughts on the Kissling connection and no one has a right to know more than Catholics.

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## **BILL O'REILLY GETS IN OVER HIS HEAD**

Many people admire Bill O'Reilly for his aggressive style and his emphasis on “no-spin” reporting. He delights in being a contrarian. It is also well known that O'Reilly is a Catholic, and in discussions of Catholicism he often gets in over his head, as he does while opining on other subjects. Lately O'Reilly has picked up the pace on his criticism of the Church; many members of the league have complained, and we have been monitoring the situation.

Initially, O'Reilly lashed out but covered himself, often by distancing himself from his commentary or by withdrawing some of his barbs. For example, the following remarks are excerpted from the March 5 broadcast of the “Radio Factor” on Westwood 1. O'Reilly criticized the Church for its stance on the conflict with Iraq, and attempted to discredit the Church's position by referring to the recent sex abuse crisis. While we

have taken issue with such tactics before, O'Reilly was quick to soften the blow of one statement by lamenting the fact: "The Catholic Church in America has no question lost its moral authority. And that is, I hate to say it, that is the truth." In addition, he put criticism of the Church in other people's mouths: "So, you know, people who aren't Catholic are saying, well, you know, 'Look—you're letting little kids get brutalized, and you're not doing anything about it. Why should we listen to you about anything?'" And again, he toned down the comment by noting his own regret: "And that's unfortunately the prevailing wisdom."

O'Reilly was quick to point out that his point of view is not that of someone outside the Church: "Now the day of prayer and fasting on Ash Wednesday, I'm for that." He quotes from the Catechism and cites it as a valid source of guidance. But he tried to refute the pope's position by comparing it to that of Pope Pius XII, what he called a "very eerie parallel." Although he claimed to have "investigated this fairly extensively," his history was not quite accurate. O'Reilly said that the Vatican "at that time basically didn't do anything either.... And so the pope at that time came under a tremendous amount of criticism for basically allowing Hitler to basically be aggressive without the Catholic Church taking a stand against the Third Reich."

Catholic League members know that this is a canard, and O'Reilly backed down from his statement a moment later, admitting that the pope "did criticize Hitler; it's on the record." O'Reilly offered further defense of Pius XII's position: "If Pope Pius had done anything aggressive, Mussolini would have shut him down." And he admitted that Pius XII did good work during the war, for instance, by providing safe houses for refugees.

Speaking on the current pope, he blurted out, "I have never liked this pope. I have always felt he was an autocrat who had no vision about how people live in the real world"; but he

quickly noted that John Paul II “survived the Nazis,” and later stated self-deprecatingly, “I couldn’t really even clean the restroom of the pope.”

O’Reilly often overshot his mark, only to cover himself by semi-retractions; he could then point to his moderating comments when people criticize his more uncontrolled statements. His very deliberate style is frustrating. This is not to say that O’Reilly is free from blame; his “no-spin zone” doesn’t always live up to the name.

The final straw came on the March 15 broadcast of the Fox News Network’s “The O’Reilly Factor.” O’Reilly criticized Pope John Paul II for not having “a position on Saddam [Hussein].” After commenting on the brutality of Saddam Hussein’s regime, O’Reilly said, “And then the pope sits in Rome and says, gee, this is terrible, but does not throw his moral authority behind removing this dictator.” At this point the league could no longer ignore O’Reilly’s rhetoric and so issued the following news release:

“Bill O’Reilly has made no secret about his contempt for Pope John Paul II. On his radio show on March 5 he explicitly said, ‘I have never liked this pope. I have always felt he was an autocrat who had no vision about how people live in the real world.’ Now he is implying that the Holy Father is giving a wink and a nod to Saddam Hussein.

“O’Reilly’s ramblings about the pope do not make him an anti-Catholic. But it does make him an ignoramus. The pope does not have a ‘position’ on Saddam Hussein anymore than he has one on George W. Bush. But he does have a position on the culture of death and all that it represents. Indeed, there is no one in the world who has more forthrightly addressed issues like genocide, torture, abortion and the like than Pope John Paul II. For O’Reilly to suggest that the pope is soft on Saddam is scurrilous.



“Just last Saturday Fidel Castro presided over the inauguration of a new convent of nuns in Cuba. He did so as a fitting tribute to the fifth anniversary of Pope John Paul II’s visit to Cuba. Now it will no doubt come as a tremendous shock to Bill O’Reilly to learn that the pope was able to accomplish this without ever having a position on Fidel Castro. Come to think of it, the pope never had a position on any of the Soviet Union’s officials, yet even Gorbachev credited the Holy Father with bringing about the implosion of the U.S.S.R.

“It’s time O’Reilly took a deep breath and stopped with the hyperbole. It’s also time he learned a little more about his own religion.”

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## **CONTROVERSY                      MARKS                      ST. PATRICK’S DAY PARADE (AGAIN)**

It would not be St. Patrick’s Day without controversy, and this year was no exception. This time the controversy swirled around New York State Attorney General Eliot Spitzer and the Society of the Friendly Sons of Saint Patrick. The Catholic League, not surprisingly, had a hand in the turmoil.

The problem began when Spitzer was chosen to address the Friendly Sons on the evening of St. Patrick’s Day at their annual dinner. Spitzer is not popular with practicing Catholics in New York because of his ill-fated attempt to shut down the crisis pregnancy centers in the state. As soon as members of the Friendly Sons received their invitation to the dinner—with Spitzer as a featured speaker—they began calling the Catholic League for help.

We immediately issued a news release informing people that Spitzer has never marched in New York City's St. Patrick's Day Parade. Indeed, in 2000, when asked if he would march in the parade, he told the New York Post, "No." When pressed, he replied, "It's more a scheduling thing than anything else. I'm not going to march in it. I'll just leave it at that."

Well, the Catholic League did not just leave it at that. It was quite obvious that Spitzer had previously refused to march in the St. Patrick's Day Parade because parade officials bar gays from having their own contingent (note: gays have never been barred from marching any more than pro-life Catholics have—it's just that neither group is permitted to have its own unit).

On February 24, we called Spitzer's office to learn whether the Attorney General was planning to march this year. We were told that Spitzer hadn't decided yet and will let us know in a few weeks. It didn't take long before officials of Friendly Sons, under mounting pressure from the rank and file, revoked Spitzer's invitation. That, however, wasn't enough for the Catholic League.

We still wanted to know whether Spitzer was prepared to address a major dinner on St. Patrick's Day yet not march in the very parade that honors the patron saint of the Archdiocese of New York. So on March 13, we called his office for an answer. We were told the event was never on his calendar. "In other words," we told the media, "he had every intention of going to the dinner but not marching in the parade. Which means he's decided to stiff Catholics."

One more item of interest: when we called the Friendly Sons after Spitzer's invitation was pulled and asked why he wasn't speaking, we were told he was never scheduled to speak in the first place. This is a lie. We have a copy of the invitation.

Despite this unfortunate incident, this year's St. Patrick's

Day Parade was as much fun as it always is.

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## **SOUTH DAKOTA RESOLVES BUSING DISPUTE**

With short notice, parents of Catholic school students in South Dakota were told the state would no longer provide busing for their children. But the controversy came to a quick end when lawmakers found a compromise measure.

It all began when public schools that provide busing to parochial school students were told they can no longer do so and still be covered by insurance. Citing a South Dakota law and an attorney general's opinion from 1992, school authorities said they had no choice but to curtail service to Catholic students.

In 1992, then-Attorney General Mark Barnett said that the South Dakota constitution does not permit funds for any sectarian or religious institution. And the reason it doesn't is due to the bigoted Blaine Amendment provisions that are built into the state's constitution; these amendments, all aimed at prohibiting any funding for Catholic institutions, are based on 19th century anti-Catholic legislation. The state recently moved to enforce this provision, and the sitting Attorney General, Larry Long, backed the decision.

But it appears that there was more at stake than the bigoted Blaine Amendment clause in the South Dakota constitution. They instituted a new formula for public school funding: instead of providing money based on how many public school children lived in the school district, the new formula followed a strict head count of children in the public schools. Because public school

enrollment in the rural areas of the state has been declining, the new formula was designed to pressure private school students into their schools.

Lawmakers, however, quickly came up with a compromise. Busing for parochial school students could be continued as long as the school districts do not spend any extra money as a result. So far, so good, as Catholic school students are being bused to school again.

The Catholic League pledged to join the fight but did not have to do so given the compromise measure. But it just goes to show that until the Blaine Amendments in the states are jettisoned, the residue of anti-Catholic legislation will continue to be a problem.

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## **ANTI-RELIGIOUS FANATICS**

Despite all the talk about how religious Americans have become since 9-11, anti-religious fanatics abound these days. Here are three fast examples.

It is hardly surprising to learn that the logo for a city in New Mexico by the name Las Cruces, which means “the crosses,” features—you guessed it—multiple crosses. But to the good-humored folks at the local chapter of Americans United for Separation of Church and State, this is an abomination. So they’ve sued. The complaint? The logo means the state is promoting religion. If so, it certainly hasn’t had any effect on Americans United.

The educrats at Varela High School in Florida have no problem with pictures of most student clubs appearing in the school’s yearbook. The Animal Rights Club and the Gay-Straight Alliance

Club are perfectly welcome to submit pictures of their members. But not the Choose Life Bible Club. That would be unconstitutional—it might suggest the school is promoting religion. That the school might be promoting sodomy is one thing, but it is quite another to go so far as to promote religion. There are times when a man, or even a transgendered type, needs to draw a line in the sand. High Noon has arrived.

What makes this case so interesting is the comment made by the principal: he said the term “Choose Life” might offend students who support abortion. He is, of course, correct. But what apparently escaped him was a compromise—the offended students should be free to adopt signs saying, “Choose Death”; then everyone could be happy. In any event, the ever-sensitive principal folded when threatened with a lawsuit.

Then there was the unassuming dentist from Pagosa Springs, Colorado, who got himself a fast lesson on what the First Amendment will not tolerate these days. All he wanted to do was pay for an advertisement on a local National Public Radio (NPR) station saying, “Gently Restoring the Health God Created.” When the free speech advocates at NPR heard this, they went nuts. “God.” That was it. The word “God.” Now, had the dentist decided to use the name of God in vain, he no doubt would have been defended for exercising freedom of expression.

If you think it’s hard to write this stuff without being cynical, you’re right.