

Student “gay rights” is law in Massachusetts

The Catholic League has voiced strong objections to the “Gay and Lesbian Student Civil Rights Bill” now law in Massachusetts. Created ostensibly to protect the basic rights of homosexual students, the law in fact introduces homosexual education programs into Massachusetts public schools in an effort aimed at validating homosexual lifestyle and behavior.

A story in *The New York Times* incorrectly indicated that Massachusetts Senate President William Bulger had approved the legislation.

At the heart of the effort behind this new law was David LaFontaine, head of the Massachusetts governor’s gay and lesbian commission and, ironically, a participant in the Act-Up assault on Holy Cross Cathedral..

Catholic League Operations Director C. Joseph Doyle made it clear that this law was not about rights but about the validation of a lifestyle, a fact subsequently confirmed by LaFontaine in statements quoted by the media. He said that the new law will require schools to allow same-sex couples to attend high school proms and that it would back students forming school clubs for gays. “I think we’re going to see some precedent-setting lawsuits,” he told a Patriot Ledger reporter.

What the ACLU thinks about religion

by William A. Donohue

This month's feature article is an edited excerpt from Catholic League president William A. Donohue's forthcoming book, *Twilight of Liberty: The Legacy of the ACLU* (Transaction Press, Rutgers University, New Brunswick, NJ). It may be obtained from the publisher and will be offered in this newsletter as soon as it is available.

When the Constitution was written, creches were permitted on public property and blasphemy was punishable by death. Now we've banned the creches and provided public funding for blasphemy (via the National Endowment of the Arts). The inversion has much to do with a profound shift in the tastes of the cultural elite and with the tenor of contemporary legal arguments. According to Rev. Richard John Neuhaus, president of the Institute on Religion and Public Life, the single most important change to occur has been the reinterpretation of the establishment clause of the First Amendment; it is quite different from what was originally intended.

The First Amendment begins, "Congress shall pass no law respecting an establishment of religion, or prohibiting the free exercise thereof." Both of the clauses, Neuhaus contends, "are in service of religious freedom." It might even be said, he adds, that "there is really only one religion clause or provision, made up of two parts, each related to the other as the end is related to the means. The free exercise of religion is the end, and nonestablishment of religion is an important means instrumental to that end." If this is the case, then there is no inherent conflict between free exercise and no-establishment, no need to "balance" one against the other.

Neuhaus' complaint is that the two parts of the religion clause have been inverted by constitutional scholars and, to a lesser extent, by the courts. He cites Harvard Law professor Laurence Tribe as an example. Tribe holds that there is a "zone which the free exercise clause carves out of the establishment clause for permissible accommodation of religious interests. This carved-out area might be characterized as the zone of permissible accommodation." Neuhaus calls Tribe's inversion both "astonishing" and a good illustration of the problem: "Professor Tribe allows – almost reluctantly, it seems – that within carefully prescribed limits, the *means* that is no-establishment might permissibly accommodate the *end* that is free exercise."

The gravamen of Neuhaus's charge is this: freedom of religion has been jeopardized by inverting the religion clause to mean that the establishment provision should be given primacy. Why? Increasing statism has weakened the autonomy of religious institutions, as well as other mediating associations, thus creating the perverse condition that "wherever government goes, religion must retreat." In the minds of many people, Neuhaus instructs, "the religion clause is essentially a protection *against* religion rather than *for* religion." It is a matter of some concern that there are those who would seize on this idea to deny many expressions of religious freedom, all in the name of servicing the First Amendment.

Perhaps no group exemplifies this negative mindset more than the American Civil Liberties Union. Founded in 1920, the ACLU has from the very beginning been hostile to any public expression of religion. Indeed in its first annual report, it listed its defense of every First Amendment freedom – speech, press and assembly – except freedom of religion. Fixated on church-state issues, the ACLU rarely has much to say about freedom of religion.

Perhaps no church-state issue rankles as many people each year as much as ACLU objections to creches and menorahs on public

property. As much as any issue, this one shows just how much First Amendment interpretations have changed. Throughout most of U.S. history, creches and menorahs were placed on public property without court challenge and were never considered to be in violation of the Bill of Rights. But now not a December passes without the ACLU going into federal district court filing a lawsuit against a municipality for allegedly breaching church-state lines.

Congress has long declared Christmas to be a national holiday, so it was not unusual when the Christians in Pawtucket, Rhode Island, decided to honor the holiday by placing a creche in a public square. Rhode Island, which was founded by Roger Williams in 1636 on the principle of religious freedom, has a long tradition of erecting Nativity scenes and has encountered little, if any, resistance for doing so. But in 1980 a woman phoned Steven Brown, director of the ACLU in Providence, saying she was offended by the placement of a creche – one that had been routinely installed for forty years – on a parkland near the Seekonk River in Pawtucket. Her complaint wound up in the Supreme Court four years later.

The Reagan Administration supported the pro-creche forces by arguing before the Supreme Court that any prohibition on the creche would be tantamount to “cultural censorship.” The ACLU countered by claiming that the creche violated the establishment clause. The Union lost in a 5-4 decision. The ruling, formally known as *Lynch v. Donnelly*, but which has come to be known as “the reindeer decision,” said that the creche passed constitutional muster because it was surrounded by Santa and his reindeer, “a clown, an elephant, and a teddy bear.” Though the pro-creche side one, few were happy with this line of reasoning. But there were other statements made by the majority that did cut to the heart of the issue.

Chief Justice Warren Burger, writing for the majority, restated the high court’s position in *Lemon v. Kurtzman* by saying that “total separation [of church and state] is not

possible in the absolute sense.” The Chief Justice further noted that the metaphor of a “wall” existing between church and state, though a useful figure of speech, “[was] not a wholly accurate description of the practical aspects of the relationship that in fact exists between church and state.” But it was the majority’s full embrace of a social conception of liberty that really defined its position: “No significant segment of our society and no institution within it can exist in a vacuum or in total or absolute isolation from all the other parts, much less from government. Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.” ACLU fears that the creche’s religious symbols might beckon the day of an established church were labeled as “far-fetched indeed.”

In the wake of the Pawtucket decision came more controversy, this time in New York. After two menorahs appeared on city property in December 1984, the Catholic League for Religious and Civil Rights petitioned the city to allow a Nativity scene at the Columbus Circle entrance to Central Park. It was permitted, with the proviso that a display sign designating sponsorship be affixed (the same conditions as the menorah display). Lawyers on both sides agreed that the fate of the menorahs and Nativity scene would turn on a Supreme Court ruling that was soon to be decided regarding the placement of a creche on public property in Scarsdale, New York.

In 1981, the Scarsdale Village Board voted to withdraw permission to allow a private group to erect a Nativity scene in the local park, thus reversing a 25-year-old tradition. The sponsoring Creche Committee sued and lost in district court. It appealed the case and won in the second circuit. In 1985, the Supreme Court, in a 4-4 decision, voted to sustain the appeals court ruling, holding that Scarsdale could not ban the privately owned creche even though it was not surrounded by secular symbols. Why? A tie vote leaves many unanswered

questions, and while it affirms the lower court ruling, it does not serve as precedent. Some maintained that the existence of a disclaimer sign displayed next to the creche, indicating private ownership, was critical. Others saw it as sustaining freedom of expression.

To add to the confusion, in 1986 the Supreme Court denied review to a 2-1 ruling of a federal appeals court that a creche could not be displayed on the front lawn of the city hall in Birmingham, Michigan. The court ruled that the display did not have the redeeming features found in the Pawtucket and Scarsdale situations: neither secular figures nor a disclaimer sign accompanied the Nativity scene.

Pittsburgh was the site of the most controversial ruling on this subject. In 1989, the Supreme Court held that a Nativity scene inside the Allegheny County Courthouse was unconstitutional, but a menorah on display outside the City-County Building was acceptable; the menorah was surrounded by secular figures, but the creche was not. The courthouse Nativity scene was placed on the grand staircase of the building and was adorned with a banner reading "Glory to God in the Highest." The 18-foot-high menorah, however, was placed on the steps of the building, next to a 45-foot-high Christmas tree and a sign saluting liberty. These were the kinds of distinctions the high court found meaningful.

The ACLU, which opposed both displays, found Justice Harry Blackmun's majority decision unpersuasive but was nonetheless "delighted" with a split victory. "The display of the menorah is not an endorsement of religious faith but simply a recognition of cultural diversity," wrote Blackmun, but "the creche in this lawsuit uses words, as well as the picture of the Nativity scene, to make its religious meaning unmistakably clear." Interestingly, Justice Sandra Day O'Connor, while conceding the secular context of the menorah, nonetheless called it a "religious symbol," and not an icon of "cultural diversity," thus indicating that we have not heard the last

word on this ISSUE.

Columnist George F. Will, adhering to a social conception of liberty, accused Justice Blackmun of wielding a “theological micrometer” and ridiculed the ACLU for rescuing Pittsburgh “from a seasonal menace that must be slain annually.” Will then raised the larger issue: “This is the sort of howitzer-against-gnat nonsense that consumes a society that is convinced that every grievance should be cast as a conflict of individual rights and every such conflict should be adjudicated.” But that is exactly how the ACLU perceives its mission. It firmly believes that it must intervene to save liberty by extending the reach of the law, interpreted civil libertarian style, into every crevice of society. When Will charges that the ACLU did not act to protect its members from injury but “to force the community into behaving the way the ACLU likes,” he affirms the thesis being made here: it is not liberty that really drives the ACLU, it is power – the power to bring mediating institutions under the aegis of the state.

The whole issue of a creche or menorah on public property got a new twist when the ACLU began to see degrees of difference between a religious symbol placed in a city park and one located on or near a city building. In 1989 the ACLU was successful in getting the Court of Appeals for the Second Circuit to accept its argument that it would be unconstitutional to allow the display of a menorah in a park in Burlington, Vermont. What was unusual about the ACLU’s position was its reasoning. It found the display unconstitutional “mainly because of its position [the menorah’s] with City Hall in the background.”

The following year in Pittsburgh the local affiliate made the same qualification. Explaining why the ACLU is less tolerant of religious displays in city-owned buildings than in parks, attorney Robert Whitehill offered, “The City-County building is the seat of government. If I want to pay my taxes, I go there.” Parks, he held, were public forums. While the ACLU may

find merit in such distinctions, it is less than certain that the courts – never mind the Founders – would. Moreover, the ACLU's ability to draw distinctions between city-owned buildings and public parks is demonstrative of its custom of seeing the world through the lens of power. In the end, however, the debate is all but academic: the ACLU sues no matter what public property a religious symbol is placed on.

Even when a city displays religious ornaments made by senior citizens, the ACLU gets enraged. In 1990, in the Capitol rotunda in Harrisburg, Pennsylvania, a Christmas tree was put on display, adorned with about 1,000 ornaments made by senior citizens. Three of the ornaments were made in the shape of a cross, and that was enough to send the ACLU into federal district court. It lost in its bid for a temporary restraining order, as the presiding judge found no basis for the Union's complaint. Now had the senior citizens decided to immerse their crosses in a jar of their own urine – much the way the celebrated artist Andres Serrano did – perhaps the ACLU would have defended their action as freedom of expression (they might even have qualified for a federal grant) . Apparently the ACLU feels that the only religious symbols that should be allowed on public property are ones that have been sufficiently defaced and blasphemed.

On occasion, ACLU activists rush to judgment in ways that prove embarrassing. This happened in 1991 when ACLU attorneys in Pittsburgh hurried to protest the display of a 40-foot-tall figure of Jesus Christ in the same City-County building involved in the earlier Supreme Court case. "The statue was so enormous, so unbelievably big, I concluded it wasn't possible the city would put it up," commented Union attorney Robert Whitehill. He was right. The statue of Christ was displayed as part of a Hollywood movie filmed in Pittsburgh, "Lorenzo's Oil." City officials agreed to put the matter to rest by erecting a sign informing citizens of this fact.

It is because the ACLU has assumed the role as First Amendment

police that it is drawn to answering false alarms. Its overall record suggests an organization far more concerned about erecting an impregnable wall between church and state than anything else, and that is why there are virtually no instances where the ACLU has responded to false alarms regarding freedom of religion. The following are indicative of its freedom-from-religion approach to the First Amendment; it views all of them as unconstitutional.

- the right of churches and synagogues to be tax-exempt
- prayer, including voluntary prayer, in the schools
- release time, the practice whereby public school children are released early so that they may attend religious instruction
- shared time, the practice whereby parochial school children in need of remedial instruction (most are poor and non-white) are afforded remedial work by public school teachers in the parochial schools
- religious invocation at graduation ceremonies
- the right of religious-based foster care institutions that receive municipal funding to select and teach the children according to their own precepts
- the right of religious day care institutions to receive federal funding even when the institutions agree neither to teach about religion or to display any religious symbol
- a public school performance of the play "Jesus Christ Superstar"
- the distribution of Gideon Bibles on public school grounds
- the right of Congress to maintain its chaplains
- the right of prisons to employ chaplains
- the right of the armed services to employ chaplains
- a city employees' Christmas pageant at the local zoo
- the right of private schools to have access to publicly funded counselor

- all blue law statutes
- the singing of "Silent Night" in the classroom
- the right of Christian anti-drug groups to cite their belief in Jesus before public school students
- public expenditures for bus transportation for parochial students
- all voucher plans and tuition tax credits
- the inscription "In God We Trust" on coins and postage
- the words "under God" in the pledge of allegiance
- the words "In God We Trust" on the city seal of Zion, Illinois
- a commemorative Christmas postmark, offered by the community of Nazareth, Texas, with an inscription depicting a Nativity scene
- government census questions on religious affiliations
- the building of a wooden platform by the city of Philadelphia for an address by Pope John Paul II
- formal diplomatic relations with the Vatican
- kosher inspectors on the payroll of Miami Beach
- a nine-foot underwater statue of Jesus Christ placed three miles off the coast of Key Largo
- a custom in Milwaukee County whereby delinquent tenants could not be evicted during the two weeks around Christmas
- a "Motorists Prayer" printed on the back of a state highway map in North Carolina
- the word "Christianity" in the town seal of Milledgeville, Georgia
- a plaque with the Ten Commandments in the courthouse in Cobb County, Georgia
- the right of a state district judge in North Carolina to open his court session each morning with a prayer
- the right of public school coaches to lead their teams in a prayer before a game
- the right of the *Christian Science Monitor* to fire a lesbian
- the right of the sheriff in Pierce County, Washington,

to hire volunteer chaplains to provide crisis intervention services

- legislation that would criminalize damage to religious buildings and artifacts
- the right of two campus singing groups from Washington State University to perform in area churches
- the right of a nun to wear a habit while teaching in a public school
- the right of a school board to prohibit an Islamic public school teacher from wearing her turban while teaching
- the right of the armed services to prohibit the wearing of a yarmulke while in uniform
- the right of Catholic schools not to hire homosexuals
- the right of the Salvation Army not to hire homosexuals
- the right of a judge to order a person found guilty of drunk driving to attend meetings of Alcoholics Anonymous

In short, there is hardly a public expression of religion that the ACLU has not sought to censor, and in the few cases where it has risen to the defense of religious liberty (for example, the Jewish soldier and the Islamic teacher), it has shown itself to be considerably inconsistent (for example, the nun schoolteacher).

Why is the ACLU so nervous about religion? Largely because of its atomistic vision of liberty. It sees freedom emanating from the state, in the form of individual rights, finding it difficult to conceive of an alternative conception of liberty. Religion, to the ACLU, is seen quite rightly as an obstacle to the reach of government. And by casting government as the basis of freedom, religion must surely be seen as a problem. This is an impoverished view, and it is one that serves neither religion nor the process of liberty.

Bozenna Urbanowicz-Gilbride: A Profile

She sensed she was losing her audience. She thought for a moment, then looked out at the roomful of young Jewish students and told them, "I am a Polish Catholic Holocaust survivor." Then, pausing, she repeated herself "I am a Polish Catholic Holocaust survivor." The students' teacher broke the silence. "Do you understand what she's saying?" the woman asked. "If she had not told you who she was, the story would still be the same."

This is perhaps the most compelling way Mrs. Bozenna (translated Bernice) Urbanowicz-Gilbride has ever found to illustrate the need for educating people, especially young people, about the full story of the Holocaust. That story deals not just with the deaths of 6 million Jews, but with the total of 11 million* Jews and Gentiles killed during the Holocaust. Among survivors of the Holocaust, she says Jews are much more outspoken, while Gentiles have been slow to go out and tell the whole story. Mrs. Gilbride hopes to change this. She wants people to abandon the notion that the Holocaust is "just a Jewish problem," as some students have been quick to say. She hopes that by sharing her story, she can provide a tangible identity to the nameless, faceless 5 million "others" who 'also' died.

Bozenna Urbanowicz was just seven years old when her village was invaded and occupied by Soviet troops. On several occasions, her father was arrested for hiding Jews on the family farm. At age nine, Bozenna's family escaped from their burning village. They were later captured and sent to a Nazi slave labor camp where they remained until American troops

liberated the camp in 1945. Knowing that Bozena's father faced possible arrest should he return to Poland again, the rest of the family contacted and were sponsored by relatives in America. They emigrated to the United States in 1947.

However, in 1944, the Gestapo raised accusations against Bozena's mother and had her sent first to Ravensbrück Concentration Camp where she was sterilized and then to Gross-Rosen Concentration Camp. After Gross-Rosen was liberated by Soviet troops, she returned to Poland in search of her family.

After years of searching, Bozena's family received word in America that their mother was alive and in Poland. The rule of the Communist government made her emigration to America difficult, to say the very least. For eight years, her mother tried everything from a Polish underground group to government visas to reunite with her family. Finally, in 1957, a year after Bozena was married, and six months after her younger sister married and her 18-year-old sister joined the convent, her mother sent a telegram to notify the family of her arrival.

The woman who got off the plane bore no resemblance to the image Bozena held from her childhood. She was frail, her once black hair was a washed-out brown and her skin was yellow and wrinkled. As they sat in the car on their way to the family's home, Bozena realized she didn't know what to say to her mother. "How do you speak to one another?" she said. Her memory of her mother was that of a nine-year-old. Bozena's mother likewise had difficulty talking to her now-married adult child. The war had robbed so much of their lives.

As with most anyone who's childhood has been marred by the horrors of war, Bozena has many terrifying stories from her wartime and Holocaust experiences. "You don't know in wartime who your friends are," Bozena said. "You don't know who to trust." Poland was the only country where even the accusation of helping or concealing Jews was immediately punishable by

death. "It was very easy if you had, say, a neighbor you didn't like to get rid of them," she recalled. No trial was necessary to hand down the conviction or the sentence – death by a bullet in the head.

Food, as a necessary means for survival, was often a source of conflict and challenge. "People who are starving will do terrible things," she said. And she described the incredible lengths to which she sometimes went to provide herself, her family and others with even the most meager amount of scavenged food.

No matter how often Mrs. Gilbride shares her story, it is always extremely painful. According to Brother Syriac, S.M., a member of the Catholic League and a teacher at Chaminade High School in Mineola, New York, a student of his once asked Mrs. Gilbride if sharing her story over and over affected her. She told the young man she has nightmares for days afterward, but counts that as the cost necessary for the truth to be told. She compares sharing her Holocaust experiences in so public a manner with "going to confession naked." And sometimes even she doesn't know what's going to come out of her mouth. "I get angry when I reveal things," she said. Personal things, things she never meant to share with anyone, let alone in a public forum. But she finds it difficult sometimes to separate the public from the private.

Ironically enough, Bozena had always intended to keep her Holocaust experience private. Though she sometimes talked to her mother about what they had each endured during the war, she is perhaps more familiar with her mother's story because of a journal she kept during their talks. Among her siblings the subject is never discussed. She kept her Holocaust experience almost a secret from her friends, as well. One encounter with this warm and wise woman and it's easy to see why she would not want to burden her friends with the details of her childhood experiences. But reflecting on all she has done to educate people as to the truth of the 11 million,

Bozena said she believes her mother "would have liked that (she) spoke out."

In teaching people about the Holocaust of 11 million, she hopes to begin to eliminate the "quagmire of negatives" she finds so common in society. Among the Jewish students she has spoken to, the common reactions are ignorance and surprise when told that the total number of people who perished was 11 million, Jews and Gentiles alike, not 6 million Jews alone. Among Catholic and Christian youth, there is an air of cockiness that says the Holocaust is not their problem, that it didn't happen to them. The cockiness fades as she shares her story. "Our children, and people in America, are so isolated," she said. "They have a hard time understanding what it's like to be so afraid, so scared."

Given a choice, Mrs. Gilbride favors working with high school students above all others. She feels they're old enough to handle the information, and young enough to still be forming opinions on the subject. One of the early projects Mrs. Gilbride was involved in brought together Catholic youth with the Jewish community for Yom Hashoa. On that day, known as Holocaust Remembrance Day, both groups gather on the steps of the Supreme Court in Mineola, New York, to read off the names of Jews and Gentiles who perished in the Holocaust. In a lot of ways, this demonstration epitomizes Mrs. Gilbride's ultimate goal-to bring about a common understanding among all people of who the victims of the Holocaust were, and to remind everyone, young and old, to love your neighbor as yourself and yes, you are your brother's keeper.

She is not on a campaign. She does not march, protest, yell loudly or carry a placard. But in her own quiet and utterly captivating way, Mrs. Bozena Urbanowicz-Gilbride, a member of the Catholic League since 1991, is spreading her message of love, unity and acceptance. Her message deals with the "others," the nameless, faceless victims of the Holocaust so often forgotten. More important, perhaps, is the education of

those who cannot remember the Holocaust for themselves, so that they will understand, and so that this may be one period in history which never repeats itself.

**Editor's note: Some scholars such as R.I. Rummel, professor of political science at the University of Hawaii-Manoa, put the total number killed in the Holocaust at 20,946,000.*

Bozena Urbanowicz-Gilbride speaks Out... gets involved...and is heard

1988

- * Speaks publicly for the first time on Holocaust experience in home parish of St. Anne's, Garden City, Long Island.
- * Received commendation from Nassau County for participation in remembrance of Kristallnacht.

1989

- *Joined the Nassau County Holocaust Commission. Responsible for getting four more Christians appointed to Committee.
- * Began teaching the "Holocaust" in schools
- * Invited to participate in Polish Community Participation Day in the U.S. Holocaust Memorial Museum in Washington, D.C.

1990

- * Continued educating young people about the Holocaust in public and private schools

1991

- * Received Catholic League for Religious and Civil Rights Award for devotion and dedicated efforts to explain the Holocaust.
- *Organized Catholic participation in reading names of Christian Holocaust victims along with the Jewish community who read names of Jewish victims of the Holocaust for Holocaust Remembrance Day, Yom Hashoa.
- * Received training in Washington, D.C. for, filming, "Living Oral History" in Poland. Then spent six weeks in Germany, Poland and the Ukraine filming Oral History and visiting

Auschwitz, Majdanek, Ravensbrück and Gross-Rosen; collecting many items for the museum.

- * Received Citation from Nassau County Executive for her educational efforts.

- * Consultant for the documentary film "Zegota," a film depicting the Polish underground organization that helped save thousands of Jews in Nazi occupied Poland.

- * Participated in a three-day seminar in Flemington, N.J. sponsored by the U.S. Holocaust Memorial Museum for the purpose of instructing those who are involved in teaching about the Holocaust.

1992

- *Received "Woman of the Year" award for "Humanitarian" contribution, from the town of Hempstead, Nassau County, Pathfinders Organization.

- * Presented Holocaust exhibit at Hempstead Town Hall. Opening speaker was Polish Consul General Jerzy Surdykowski

- * Presented first annual "Holocaust-A Mosaic of Victims" exhibit at the Polish American Museum in Port Washington, NY. Film "Zegota" is shown.

1993

- * "Holocaust-A Mosaic of Victims" exhibit is shown in several Long Island museums and libraries.

- *Received "Citizen of the Year" award from the Polish American World newspaper for being an outstanding spokesperson for all those who suffered and perished and all those who suffered and survived the Holocaust.

- * Participated in the First Conference of Christian Rescuers/ADL in Warsaw, Poland. Visited Auschwitz Birkenau Concentration Camp and arranged a meeting with Carmelite Nuns for all those on tour.

- * Invited by the ADL to a discussion on "How to Teach the Holocaust to Teachers," a curriculum being prepared for schools.

- * Became the first Polish Catholic to receive the prestigious

Louis E. Yavner Award from the New York State Education Department, Board of Regents, for Distinguished Contributions to Teaching about the Holocaust and other violations of Human Rights. *Bro. Lawrence Syriac of the League's Long Island Chapter played an important role in the nomination and in documenting her efforts.*

* Received a citation from Congressman David A. Levy, Congress of the United States, for dedication in explaining the Holocaust.

* Received a Citation from Senator Kemp Hannon for Distinguished Contribution to Teaching about the Holocaust and Other Violations of Human Rights.

Member:

*Kosciuszko Foundation

* Polish American Congress

* American Polish Council

* Holocaust Documentation Committee (P.A.C.)

*Nassau County Holocaust Commission

* Polish American Museum Catholic League

Affiliated:

United States National Holocaust Memorial Museum, Washington, D.C.

Mrs. Bozenna Urbanowicz-Gilbride has another dream she'd like to see realized. Since participating in the recording of oral history in Europe, she has had a desire to videotape all the remaining Catholic Holocaust survivors located near her, in the New York Metropolitan area. If you are a Catholic Holocaust survivor, or if you know someone who is, please write to Mrs. Gilbride, c/o The Catholic League, 1011 First Avenue, New York, NY 10022.

Vatican and Israel sign historic pact

The Vatican and Israel have signed an accord establishing formal diplomatic relations. The two nations will shortly exchange diplomats and a Papal visit to Israel is in the planning stages.

The 15-point agreement, signed on December 30, concluded 17 months of negotiations. It includes a clause committing both sides to combating anti-Semitism, racism, and intolerance.

Baltimore Archbishop William H. Keeler who has been involved in Catholic-Jewish dialog since the end of Vatican II praised the efforts of Pope John Paul II and said that many people, "particularly some in the Jewish community, are unaware of the tremendous developments within the Catholic Church in implementing *Nostra Aetate*. Now we have supporting efforts, including doctoral dissertations, showing how the Catholic Church teaches about Jews and Judaism."

New York *Daily News* Religion editor Charles W. Bell credited New York's Cardinal O'Connor with playing a "fundamental" but unpublicized behind the scenes role in the process.

Critics, including a *New York Times* editorial writer, couldn't resist the temptation to turn the occasion into a platform for anti-Catholic posturing. The *Times* editorial criticized the Church for planning to locate its embassy in an Arab suburb of Tel Aviv. The purported failure of the Church to denounce the Nazi Holocaust – surely as rankling to Catholics as the Holocaust deniers are to Jews – was once again paraded out as fact.

Given the history of Vatican – Israeli relations, most observers expect that it will take some time for the relationship to mature. Vatican press spokesman Joaquin

Navarro-Valls expressed the hope that the accord would open the way for the Vatican to have a greater impact on the Middle East peace process.

Special district case goes to High Court

Another challenge to *Lemon* test

The Supreme Court has agreed to decide whether New York State may create a special school district to serve the handicapped children of a group of Hasidic Jews, or whether such action violates the establishment clause of the First Amendment to the Constitution.

In *Board of Education v. Grumet* the Court will once again examine the proper boundary between church and state and the justices will have an opportunity to review the controversial Lemon test (see box) which the Court has used since 1971 to analyze establishment clause questions.

The Lemon Test

In *Lemon v. Kurtzman* (1971) the Supreme Court enunciated a three part test (the Lemon test) for determining whether government action violates the Establishment Clause of the Constitution. Under Lemon, a governmental action does not offend the Establishment Clause if: (1) it has a secular purpose; (2) its principal effect neither advances nor inhibits religion; and (3) it does not foster excessive entanglement with religion.

The dispute, which pits the New York State School Boards Association against the handicapped children of a devout and

insular religious group, originated in Orange County, New York.

The Satmar Hasidim, a religious sect whose members follow strict rituals and who converse in Yiddish more frequently than in English, incorporated in 1977 as an independent village called Kiryas Joel.

Although most of the village children attend private schools, in 1989 the village was successful in persuading the New York state legislature to pass a bill setting up a special school district to educate the handicapped children of the village. Although handicapped children from the village had initially attended nearby public schools in order to receive special education services, the Hasidic parents expressed concern that their children's distinctive style of dress and manners marked them as so different, it was difficult for the children to attend school in a secular setting without facing ridicule.

When the school district was established, the State Education Department filed suit to have the district declared unconstitutional, and three state courts in New York have said that it is. New York's highest court ruled that the law creating the district had violated the second prong of the *Lemon* test because by giving in to "the demands of a religious community whose separatist tenets create a tension between the needs of its handicapped children and the need to adhere to certain religious practices" it had the "primary effect" of advancing religion.

School officials argued that the district "has, at most, the effect of accommodating the needs of a community of devoutly religious people" and urged the Court to replace the *Lemon* test with a standard allowing for state accommodation of religious practices.

Justice Kennedy has proposed a test to replace *Lemon* which would focus on whether government action coerces anyone to

either participate in or support religion. Adoption of Kennedy's test would allow government greater latitude in accommodating religious practices than is now permissible under *Lemon*.

It seemed that last term there might be a five-justice majority ready to abandon *Lemon* in favor of Kennedy's non-coercion approach, but Justice White, although an ardent critic of the *Lemon* test (and the only dissenter in the *Lemon* decision) declined to join Chief Justice Rehnquist and Justices Scalia, Kennedy and Thomas in officially rejecting *Lemon*. White has since retired from the Court and been replaced by Ruth Bader Ginsburg.

The Catholic League's position on Kiryas Joel

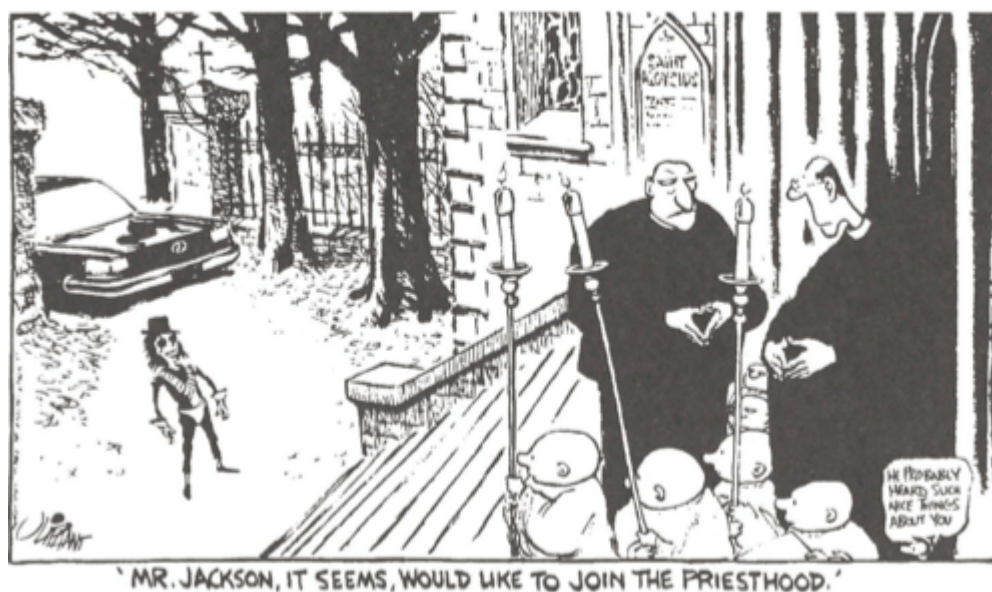
The Catholic League formally supports the establishment of a special school district in New York State to accommodate the Hasidic community of Kiryas Joel in its efforts to educate its handicapped children. Importantly, the school district does not preclude educating children of other faiths and does not allow for the teaching of any religion. And though it is not easy to see whose rights would be lost if the Hasidim win, it is clear that if the state wins its case, Hasidic children will lose.

The Catholic League's position is shared by the Archdiocese of New York. Cardinal John O'Connor, Archbishop of New York, and Msgr. Thomas J. Bergin, Chancellor and Vicar for Education, have both addressed the importance of this case. If the ruling, which is expected in late Spring, is favorable to the

Hasidim, it would, according to Cardinal O'Connor, be a "landmark decision with very significant implications for the Catholic Church." To Msgr. Bergin, a favorable decision, "will open doors for all sort of possibilities," many of which would bear on parochial schools.

Government has an obligation to accommodate as many religious and ethnic groups as is compatible with a concomitant respect for the constitutional rights of others. Indeed, a reasonable allowance for pluralism is central to liberty. This is one, though hardly the only, principle at stake in this case, and it is one that men and women of all faiths and ancestral backgrounds should support.

Anti-Catholic Oliphant Cartoon



Accusations of pedophilia against pop-star Michael Jackson prompted several cartoons with Catholic clergy tie-ins, most notably this widely published Oliphant effort. Dr. John Dillon

of Gaithersburg, Maryland sent along a copy he saw in the *St. Petersburg Times* (Florida). What made his submission stand out was a copy of several good “letters to the editor” which appeared several days after the cartoon’s publication together with (*will wonders never cease?*) a published note of apology from the editor!

League backs St. Pat’s parade cancellation

The Catholic League has commended a decision by the South Boston Allied War Veterans Council to cancel the 1994 St. Patrick’s Day parade following a court order which would have permitted homosexual militants to march.

Suffolk County Superior Court Judge J. Harold Flannery issued the order on December 15.

Catholic League Operations Director C. Joseph Doyle blasted the decision as an “insult to Irish-Americans and the citizens of South Boston.” Doyle also took the judge to task for suggesting, in his decision, that St. Patrick had condoned or had been indifferent to homosexual behavior.

Two columnists score

politically correct 'Seasons Greetings'

John Leo ("Jesus and the Elves," U.S. News & World Report) and William Raspberry (" 'Merry Christmas': So there!" New York *Daily News*) took well-written shots at the political correctness mania which of late has stifled our public celebration of Christmas.

Raspberry's opening is worth repeating (he took it from a card sent in jest by a friend) : *"I sincerely wish that you may enjoy the holiday and/or celebration of your religious, ethnic or sociopolitical choice over the coming weeks whenever it/they may fall and whatever it/they may be named.. . Now if this card still makes someone angry, the hell with 'em."*