

# State may provide services for handicapped parochial students

The Supreme Court divided 5-4 in deciding the First Amendment's establishment clause does not bar a school district from providing a sign language interpreter to a profoundly deaf high school student at the Catholic high school he attends.

Chief Justice William Rehnquist, joined by Justices Byron White, Antonio Scalia, Anthony Kennedy and Clarence Thomas, wrote the majority opinion in *Zobrest v. Catalina Foothills School District*.

"When the government offers a neutral service on the premises of a sectarian school as part of a general program that 'is in no way skewed towards religion,'" wrote the Chief Justice, "it follows under our prior decisions that provision of that service does not offend the Establishment Clause."

The opinion pointed out that the chief beneficiary of the aid would be Jim Zobrest, while any benefit accruing to the school would be incidental.

Citing the Court's decisions in *Mueller v. Allen* (upholding a Minnesota law allowing taxpayers to deduct certain educational expenses even though a majority of the deductions were claimed by parents with children attending sectarian schools) and *Witters v. Washington Dept. of Services for Blind* (upholding state aid to a blind person studying at a private Christian college to become a pastor, missionary or youth director) Chief Justice Rehnquist noted that "we have consistently held that government programs that neutrally provide benefits to a broad class of citizens defined without reference to religion are not readily subject to an Establishment Clause challenge

just because sectarian institutions may also receive an attenuated financial benefit.”

Justice Blackmun, joined by Justices David Souter, John Paul Stevens and Sandra Day O’Connor, wrote in dissent that the majority erred in deciding the constitutional question presented in *Zobrest*, arguing instead that the Court should have sent the case back to a lower court to consider the statutory and regulatory issues presented.

In Part II of his dissent Justice Blackmun, joined only by Justice Souter, wrote that provision of a state-employed sign-language interpreter to Jim Zobrest in his Catholic school would violate the Establishment Clause because the interpreter “would serve as a conduit for petitioner’s religious education” thereby involving government “in the teaching and propagation of religious doctrine.”

The Zobrest family was represented by the distinguished constitutional attorney, William Bentley Ball of Harrisburg, Pennsylvania, a former member of the Catholic League’s Board of Directors.

The Catholic League joined a broad based coalition which included the Christian Legal Social, the National Association of Evangelicals and the Association of Christian Schools International in filing a friend of the court brief on behalf of Jim Zobrest and his family.

### **The Zobrest case: Round two**

While most readers will think that this decision in the United States Supreme Court marks the end of the Zobrests’ long and arduous quest for justice, you may be surprised to learn that the Zobrests may not have seen the last of courts and judges just yet.

Despite the high court win, there are still several legal questions to be settled regarding the specific statutes and

regulations governing the provision of a sign language interpreter for Jimmy Zobrest.

Zobrest attorney William Bentley Ball – a nationally recognized authority on religious freedom rights who has served on the Catholic League board – argued the case through the court system for four years on a *pro bono* basis, waiving all of his fees. According to Ball, John Richardson (the attorney for the Catalina Foothills school district) has indicated that he would recommend trying to work out a settlement thus avoiding further litigation. The board has spent more than \$90,000 on their attorneys and technically now owe fees to Ball.

Several stories on the Zobrest case have construed the decision as a major victory for school choice, but a careful reading of this very narrowly drawn decision may not sustain such a broad interpretation.

Douglas Kmiec, a law professor at Notre Dame, noted in a *Chicago Tribune* op-ed piece that the *Zobrest* decision suggests that “aid can only be successfully channeled to a religious entity through parents or students for highly limited purposes, not for the cost of the overall education program or teachers generally.” Kmiec also pointed out that *Zobrest* was a 5-4 decision, with retiring Justice White in the majority.

One of the happiest people in this story is, of course, Sandy Zobrest, Jimmy’s mother, who was interviewed shortly after the decision by Mary Benson of the *Lakeshore Visitor*, weekly of the diocese of Erie, Pennsylvania. Mrs. Zobrest made it clear that this was a fight for rights that required an enormous amount of energy and personal sacrifice, concluding, “If you don’t know your options, how can you fight for anything?”

And in Harrisburg, Pennsylvania, Attorney William Ball had his own special way of celebrating this important victory. After

he called Sandy Zobrest with the good news he headed off to a nearby church to offer a prayer of thanks.

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## **Churches may use public facilities granted to others**

Public school systems that allow their schools to be used after hours by community groups cannot refuse to extend the same privilege to religious groups, the Supreme Court has ruled.

In an opinion written by Justice Byron White, the Court reaffirmed the principle that “the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.”

The case, *Lamb’s Chapel v. Center Moriches School District*, was filed in 1990 by an evangelical Christian Church, Lamb’s Chapel, which had been refused permission by the school district in Long Island, New York to use a room at the Center Moriches High School after school hours in order to show a film with a Christian perspective on family life and child rearing.

Although the school district routinely allowed community groups to use school premises, it denied the church’s request because of a policy that barred the use of school premises “by any group for religious purposes,” while at the same time permitting “social, civic, or recreational use” of school buildings by community groups.

Calling the district’s refusal “plainly invalid,” Justice White wrote that because the district allowed other speakers

to address family life and child rearing, it could not deny a forum to a group wishing to address those subjects from a religious perspective.

Although the *Lamb's Chapel* decision was based on the free speech guarantee of the First Amendment, the Court used the case as an opportunity to reaffirm the validity of the three-part test for determining whether government action violates the establishment clause of the Constitution first enunciated by the Court in *Lemon v. Kurtzman*. The *Lemon* test, a precedent which dates to 1971, has been the subject of much recent criticism, particularly from conservative justices. There was speculation last year and again during this term that the Court would jettison *Lemon* and fashion a new formula for deciding establishment clause cases.

Justice Scalia, who filed a separate opinion concurring in the judgment, expressed his disapproval of *Lemon* in typically colorful language. "Like some ghoul in a late-night horror movie that repeatedly sits up in its grave and shuffles abroad after being repeatedly killed and buried," Justice Scalia wrote, "Lemon stalks our establishment clause jurisprudence once again, frightening the little children and school attorneys of Center Moriches." Justice Thomas joined Justice Scalia's opinion and Justice Kennedy also filed a separate concurring opinion criticizing *Lemon*.

The Catholic League joined a coalition that included the Christian Legal Society, the United States Catholic Conference, the Baptist Joint Committee on Public Affairs and the National Association of Evangelicals in filing a friend of the court brief in this case.

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# Laws may not target religious practices

The Supreme Court has ruled that ordinances enacted by a Florida city banning ritual animal sacrifice violate the free exercise clause of the First Amendment to the Constitution.

In *Lukumi v. City of Hialeah*, the Court decided that the ordinances passed by the City Council of Hialeah, Florida infringe on the religious freedom rights of the adherents of Santeria, an Afro-Cuban religion. Animal sacrifice is an integral part of the Santeria religion, which has over 50,000 adherents in southern Florida.

Although all nine justices agreed the ban was unconstitutional, they used different rationales to reach that decision.

Justice Kennedy, writing for the Court, found the ordinances unconstitutional because their goal was to suppress the Santeria religion. "The principle that government may not enact laws that suppress religious belief or practice is so well understood," Justice Kennedy wrote, "that few violations are recorded in our opinions."

Justice Blackmun, joined by Justice O'Connor, wrote a separate opinion concurring in the judgment and stating that the Constitution protected religion not just from laws specifically directed at religious practice, but from laws of general applicability that incidentally burdened religion.

Justices Blackmun and O'Connor were dissenters from the Court's sharply criticized 1990 ruling in *Employment Division v. Smith* which changed the standard the Court used for deciding free exercise issues and they used their opinion in *Lukumi* as an opportunity to reiterate their disapproval of *Smith*.

In a separate opinion, Justice Souter agreed with the decision but urged the Court to re-examine the rule it announced in *Smith*. Justice Souter was not a member of the Court when *Smith* was decided.

The Catholic League joined a coalition in filing a friend of the court brief in *Lukumi*. The League's brief argued that the Hialeah ordinances violated the Free Exercise Clause of the First Amendment because they specifically targeted the sacrifice of animals in a religious ritual, while allowing the killing of animals for other purposes. The brief also urged the Court to reconsider its ruling in *Smith*, which the brief argued, was wrongly decided.

Some have wondered why the League chose to participate in the *Lukumi* case. The answer to that question can be found in the League's dedication to the proposition that all legitimate religious practices, even those rejected by the majority as obscure or abhorrent, are protected by the First Amendment.

It would have been convenient to turn our backs on this case, ignoring the discriminatory actions taken by a municipality against an unpopular religious minority. But, as noted by the Williamsburg Charter, it is important to remember that "rights are best guarded and responsibilities best exercised when each person and group guards for all others those rights they wish guarded for themselves."

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# **"Family Values, Moral Values"**

by Kenneth D. Whitehead

What about the real situation of family values or moral values in America today? Is there any kind of social or moral crisis or anything resembling one out there?

The truth of the matter is that quite an impressive amount of data has now been accumulated, and quite a number of studies have now been completed, which more than justify the alarm expressed by some of the leaders of our society concerning the condition of the national morals and the condition of the family today. Even if some of those who have raised the cry can be suspected of having ulterior motives, political or otherwise, surely we cannot exclude questions about the social or moral health of our society *because* they happen to get raised in the course of the political process. It is always possible, after all, that even politicians may be sometimes telling the truth.

It is also possible that the media are sometimes not telling the truth. If you think the Murphy Brown show, for example, is really telling it like it is, you may have some difficulty taking in and understanding the import of some of the data and arguments I am going to be presenting. In the light of what follows, I think a better case can be made that the media are very seriously distorting the reality of many sectors of American life today .

In fact, the very 'first problem we encounter in trying to approach the problem of family values is the problem of even knowing where to begin – in view of the sheer massiveness of the body of hard evidence that things are *not* at all that well currently with American families, especially with the children members of American families. The truth is that the American family in general is in the midst of suffering the most serious and unprecedented crisis in its entire history; it is more than a family crisis; it is a cultural crisis, and, ultimately, a morality crisis.

Now since I keep mentioning those unpopular words “moral” and



“morality” and “moral values,” and since I am going to be mentioning them again – indeed one of my major contentions is going to be that we have to bring our traditional moral code back to America if we are really going to be able to deal with some of the social problems that beset us today – I believe I should explain up front what I mean by “our traditional moral code” lest anyone imagine that I might be in favor of suspending the First Amendment or of “imposing” unwelcome personal moral or religious beliefs on unwilling fellow Americans, or possibly setting up a theocracy or something of the sort.

What I mean by our traditional moral code that I believe has to be substantially brought back is simply the following, and really no more than the following, namely, that people who claim rights assume obligations; that people who assume obligations are bound to carry them out to the degree that they are able to do so; that people are morally responsible for their freely willed actions; that people who make promises are obliged to keep them to the extent that it is within their power; that people are obliged to refrain from actions which are harmful to others and to the common good; and, finally, that the common ideal towards which the moral human person and the free citizen should be expected by society to strive was expressed by the ancient philosopher Socrates when he observed that it is morally preferable to suffer injustice oneself rather than to inflict it on others.

We could argue and debate about details, of course, but that, in my opinion, is pretty much it. If you agree that these few simple moral principles make sense, then it is likely that we will be able to reach at least some broad agreement, even if we continue to disagree on some details, concerning the very difficult and thorny and troublesome social and moral issues we are going to be discussing. If, on the other hand, you disagree with me completely about these simple basic principles, I suspect you are not going to like this talk very

much.

So let's look at the overall situation of "family values" and "moral values" in America today. Looking at this situation, former U.S. Education Secretary and Drug Czar William Bennett, for example, has recently come up with a list of what he calls Leading Cultural Indicators. Since the 1960s the Census Bureau has been publishing the Index of Leading Economic Indicators, on which we regularly base many of our economic, business, and even political decisions. Comes now William Bennett with his Leading Cultural Indicators related to social and family life. What they indicate, according to him, is that, in the third of a century – approximately one generation – that has passed since the year 1960 in America, *there has been a 560% increase in violent crime; a 419% increase in illegitimate births; a quadrupling of divorce rates, a tripling of the percentage of children living in single-parent homes; more than 200% increase in the teenage suicide rate; and a drop of almost 80 points in the SAT scores.*<sup>1</sup>

Earlier, the same William Bennett had attracted a certain amount of attention to a related set of problems when in some of his speeches he alluded to a list of problems that America's school teachers have had with their students: in 1940 they complained of "gumchewing, making noise, running in halls, dress code infractions, and littering"; in 1990 the list included "assault, rape, robbery, drug abuse, alcohol abuse, pregnancy, and suicide."<sup>2</sup>

Speaking of schools, we find that in California in the 1980s, public schools spent twice as much to restore vandalized school property as they spent on text books. This kind of statistic is surely related to another statistic, namely, that in the fifty years between 1933 and 1983 the frequency of arrest of juveniles increased by no less than 8000%!<sup>3</sup> Or consider yet another one: 70% of all juveniles currently in state reform institutions came from fatherless homes.<sup>4</sup>

Looking more closely at one of those Leading Cultural Indicators compiled by William Bennett, namely, illegitimate births, we find that births to unwed mothers reached a record high of 1,165,384 in 1990, the latest year for which figures are available. This represents a 75% jump from a decade earlier, 1980. 28% of all the births in this country – that is, over a quarter of them – were to unmarried women in 1990, compared to 18.4% ten years earlier in 1980, and only 11% a decade earlier than that in 1970.<sup>5</sup> Clearly something very significant has been happening out there during these years.

Looking further, we find that of all births to women under age 20, 68% were to unmarried girls <sup>6</sup> – an especially discouraging statistic when we consider the dismal prospects for children growing up in a single-parent family, usually in poverty, now well established by a fair number of current studies and surveys. And, by the way, other such studies show that daughters of unwed teen mothers strongly tend to become unwed teen mothers themselves.<sup>7</sup>

When speaking of this veritable explosion of births to unwed mothers, we cannot help being reminded of another major element in our current social pathology. I am referring to the children who do not manage to get born at all, in or out of wedlock: of the 1.6 million abortions performed in the U.S. in 1988, the last year for which final figures are available, a whopping 83% were performed on unmarried women.<sup>8</sup> Approximately one quarter of all these abortions were performed on teenagers.<sup>9</sup> Legal abortion is patently not the recourse of the worn-out mother of a too-large family.

Illegal in all 50 states prior to 1966 except to save a mother's life, or, in some states, for very serious health reasons, total legal abortions since 1973, when the Supreme Court legalized the practice, have now mounted up to more than 26 million – 4,400 every day, 1.6 million every year. Of all these abortions, fewer than 7% were related to any woman's medical problem whatsoever, and fewer than 1% involved

pregnancies which had resulted from rape or incest.<sup>10</sup> By whatever standard of judgment employed, resort to abortions purely for convenience on such a gigantic scale as this over the past twenty years surely represents another totally unprecedented new social and moral reality for America today.

Legal abortion has often been justified as a "necessary evil" required to deal with some of the very problems of unwed mothers, single parenting, child abuse, feminization of poverty, and the like with which we are otherwise concerned in this discussion; yet what we find is that all these same problems have seen huge, exponential increases in the very same years that legal abortion has been available on demand.

Or consider yet another virulent symptom of our current social pathology related to the decline of traditional family values: what used to be called venereal diseases, and are now called sexually transmitted diseases (STDs), are once again at epidemic proportions in America, particularly among young people, a half century after the discovery of penicillin and other anti-biotic drugs. You would have to have been living on Mars not to have heard about the current AIDS epidemic, of course; but whereas AIDS took the lives of some 54,000 Americans between the years 1981 and 1989, some 80,000 Americans died as a result of other, non-AIDS STDs during those same years, according to U.S. Center for Disease Control statistics. Despite modern medicine, it appears that diseases such as syphilis, gonorrhea, chlamydia, hepatitis B, genital herpes, and genital warts continue to afflict increasing numbers of people; teenagers have more STDs than any other group in the United States; ten million cases of non-AIDS STDs, half the national total, affected people under 25 in 1989.<sup>11</sup>

These figures on STDs among American young people are inevitably related to the vastly increased rates of engaging in premarital sex registered in the very same years we are dealing with. Sexual activity is apparently now believed by

more and more people at a younger and younger age to have no necessary relationship to marriage. For example, the National Center for Health Statistics found that 52% of adolescent girls aged 15 to 19 reported having had pre-marital intercourse in 1988, compared to "only" 29% in 1970; I this is yet another one of those phenomenal increases in irresponsible and destructive personal behavior. Moreover, these same teenagers are typically engaging in sexual intercourse with more partners than before: 75% of this group reported two or more partners, and nearly half of them reported four or more partners.<sup>12</sup> Clearly something has been going on out there.

Of all the Leading Cultural Indicators identified by William Bennett indicating the low estate into which social and family life in the United States have fallen, though, perhaps the most serious one is the one which strikes most directly at the heart of the marriage relationship and the integrity of the family itself. I refer to divorce. William Bennett noted that divorce in America has quadrupled since 1960. Psychologist William K. Kilpatrick notes that divorce has risen by 700% in the course of the present century; and that, among many of its major consequences, divorce compounds the difficulty of the moral and character formation of the next generation and thus perpetuates the socially and personally destructive behavior of the young. Kilpatrick has found that "divorce seems to shake the child's confidence in the existence of a morally ordered, meaningful world," and thus jeopardizes the child's own later chances of entering into a stable enduring marriage.<sup>13</sup> Divorce is thus handed down from generation to generation, in other words – unless the child is specifically taught a new, more hopeful vision of the future.

Other studies confirm these pessimistic conclusions. The increasing negative and destructive behavior we are seeing among the young generally is often and increasingly – and inescapably – related to the broken families *they* come from.

However we look at the situation, then, today's figures on divorce (or failure to marry in the first place) are pretty grim. To mention just a few: in 1960 the number of marriages in the U.S. outnumbered divorces by nearly four to one; by 1970 it was three to one; and by 1980 only two to one.<sup>14</sup> During the 1980s approximately one of two marriages was ending in divorce,<sup>15</sup> while two out of three remarriages have been failing. <sup>16</sup> The overall divorce rate did slacken somewhat through the 1980s, after having risen phenomenally through the 1970s; in 1988, the latest year for which figures are available, it stood at 18.5 per 1000 married women; still, over a million children saw their parents divorce in 1988, double that of 25 years earlier in 1963.<sup>17</sup>

Less than 60% of American children live with both biological parents today. The number of children living with their mothers alone grew from 5.1 million in 1960 to 13.7 million in 1989, and the poverty rate for these same children stood at 55% in 1989 – five times greater than the poverty rate for children living with two parents.<sup>18</sup> It has been estimated that half the children born in America in the 1990s will live in a broken family before they turn eighteen. <sup>19</sup>

When considering such statistics as these, we must also remind ourselves of the current situation with regard to divorce laws in the United States. Ever since California in 1970 pioneered the idea of so-called “no-fault divorce” – essentially because the legal profession was tired of having to come up with evidence for such legally accepted “grounds” for divorce as adultery, mental cruelty, or whatever – all fifty states proceeded in fairly rapid fashion to enact some version of a no-fault divorce law. <sup>20</sup>

Now whatever might be said about the defects of the laws which formerly regulated divorce in this country – and there is probably no doubt that a certain amount of dishonesty and hypocrisy often figured in divorce cases – the fact remains that eliminating any consideration of “fault,” as the present

laws do, sends a very powerful message of irresponsibility. Under these laws divorce is now nearly everywhere available virtually on demand; anybody who wants to get out of a marriage can fairly quickly and easily do so, often without even any waiting period. Nor does a husband or a wife not wanting to break up the marriage have any real recourse, once one partner has determined upon the break; the only questions to be litigated are generally the property settlement and the custody of the children. In the short space of little more than twenty years, marriage has thus assumed such a state of legal impermanence in this country – there just isn't all that much "lock" left in "wedlock" any longer! – that perhaps it is no wonder that the social science research is showing that fewer and fewer people are even interested in entering into marriage.

The number of couples now co-habiting without marriage, for example, rose from around 500,000 in 1970 to over 3 million in 1989. In case anyone imagines that the lack of any permanent individual commitment or legally binding tie inherent in the co-habiting relationship somehow represents an improvement on marriage, it should be reported that a recent research study finds that 40% of these co-habiting unions "will disrupt before marriage, and marriages that are preceded by living together have 50% higher disruption rates than marriages without pre-marital cohabitation."<sup>21</sup>

And so on. We could go on. I could cite many, many more studies and figures and statistics documenting what can only be described as a massive, unexampled breakdown of marriage and the family in the United States in our day. And I have not even mentioned such matters as the well-documented deleterious effect of today's fragmented family situation on *men*, for example; or how the same situation has significantly increased child abuse. I have not gone into the manifold and very serious – and again, very well documented – problems faced by the children of divorce generally, and those faced by children

in mixed or step-parent families. I have not gotten into the problems posed for families and children by working mothers, or the problems of the physical and mental health of children in day care and the problems day-care children later encounter in school and social situations.

While I was writing this speech, a friend I had not heard from in thirty years – following her divorce!- happened to call and re-establish contact. She was proud of how well all of her four now grown children had done on the whole, though two of them, she remarked, had dropped out of high school in the post-divorce years and did not finish until years later. Her testimony: it took all of her children around ten years to recover from the divorce.

However we may view all of these things, then, I would think that at this point we would have to admit that, at the very least, there is a very real problem out there. Family values manifestly do represent something which the American people and their leadership, political and otherwise, have surely got to address in a more serious way than has been the case up to now, if we are not to suffer even more serious troubles and dislocations than we have seen up to now.

Could it just possibly even be, for example, that the huge sympathetic outpouring of public moral support for Murphy Brown was just a bit misplaced? So often we Americans claim to listen to the experts; we claim to make our decisions and base our policies on expertise, particularly scientific expertise. Yet long before Murphy Brown's giving birth became the best-known lying-in in America, the sober, scientific conclusion on the Murphy Brown type of behavior had already long since come in – and it hardly favored Murphy's choice of a lifestyle.

One example will suffice. Addressing the view advanced by some feminists that "women should not have to marry men to have babies," sociologist Christopher Jencks wrote in a major study that "if our concern is with children rather than parents ...



this position is hard to defend. Raising a child is difficult under any circumstances, and it is even more difficult when you try to do it alone than when you share the responsibility. Single mothers have less money than two-parent families, and they also have less time for their children than a couple does..."<sup>22</sup>

Ignoring this kind of social indicator is surely as foolish as it would have been to ignore economic indicators about unemployment in the Great Depression of the 1930s!

For any who still need to be convinced, though – or who are just interested in going more seriously into these family issues in general – I recommend two periodical publications which both sponsor and publish serious, in-depth studies on the family and related issues and also call attention to important studies on the family appearing in the professional social science journals and other publications. These periodical publications are *The Family in America*, published by the Rockford Institute,<sup>23</sup> and *Family Policy*, published by the Family Research Council.<sup>24</sup>

To everyone who is alive and sentient and literate in America today, I recommend an excellent article which appeared in *The Atlantic* magazine for this very month, April, 1993, by writer and researcher Barbara Dafoe Whitehead (no relation). Her article concentrates on and very lucidly summarizes the great body of current social science research which by now has pretty irrefutably established, in the words of *The Atlantic's* own summary, that "children in single-parent or step-parent families are more likely than children in intact families to be poor, to drop out of school, to have trouble with the law – to do worse, in short, by most definitions of well-being." The article demonstrates overwhelmingly that the consequences of our loosening the ties that were formerly supposed to bind in the marriage relationship have been especially devastating for America's children.

Barbara Dafoe Whitehead's article is entitled nothing else but "Dan Quayle Was Right." Yes. Who would have believed it after the Murphy Brown episode? But her conclusion is all the more compelling for being understated in terms of the vast amount of thought and data she has assimilated and summarizes. She concludes: "After decades of public dispute about so-called family diversity, the evidence of social-science research is coming in: the dissolution of two-parent families, though it may benefit the adults involved, is harmful to many children, and dramatically undermines our society."<sup>25</sup>

Dan Quayle was right, and unless and until we can manage a successful restoration of "family values" in our country, increasing numbers are going to go on suffering acutely throughout all the major sectors of our national life; ultimately this is a moral issue that America has got to face, and let us hope we have the courage to do it sooner rather than later.

*Kenneth D. Whitehead, a member of the Catholic League's board of directors, is author of five books and translator of another 16. He served as Assistant Secretary for Post secondary Education in the Reagan administration. As a foreign service officer he served in Rome, Beirut and Tripoli, and as Chief of the Arabic Service of the Voice of America. This feature article is part of a longer paper delivered at the prestigious Lawrenceville School earlier this year.*

## NOTES

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- 10 *Loc. cit.*, Note #7 above.
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- 13 WilliamK. Kilpatrick, *Why Johnny Can't Tell Right from Wrong*, New York: Simon and Schuster, 1992, pp. 249-250.
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24 Family Policy, a bi-monthly publication of the Family Research Council, 700 Thirteenth Street, NW , Suite 500, Washington, DC 20005. \$15.00 per year.

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**League confronts  
Massachusetts governor on  
appointment of anti-Catholic**

# gay activist

The Catholic League has asked Massachusetts Governor William Weld to dismiss David LaFontaine, head of the Governor's Gay and Lesbian Youth Commission.

According to League officials, LaFontaine participated in the ACT-UP hate rally at Holy Cross Cathedral in June 1990 at which newly ordained priests and their families were subjected to obscenities and pelted with condoms.

In addition, LaFontaine was arrested in the Massachusetts State House when he disrupted a press conference called by the Catholic League and several other organizations to protest an exhibit of photographs by Robert Mapplethorpe.

In an "Action Alert" mailing, the Catholic League called on its members to call or write the governor's office to demand LaFontaine's dismissal.

In a letter to the governor, Massachusetts Chapter president Dan Flatley noted that "It is fundamentally unacceptable that someone who willfully associates himself with the extremist activities of a violent hate group should hold a gubernatorial appointment." The League said it is "grotesquely hypocritical that someone who took part in an anti-Catholic demonstration marked by a vicious outpouring of hatred, bigotry and obscenity, should be charged by the Commonwealth with the task of promoting tolerance and respect for diversity."

The League pointed out that disturbing an assembly of worship and harassing others in the exercise of their constitutional rights are hate crimes in Massachusetts.

Massachusetts news media were quick to take up the story. One Boston television station repeatedly showed film of LaFontaine's arrest in the State House. Coverage included stories in several papers including the *Boston Globe*.

Editorials and op-ed pieces told the story in a dozen daily papers and Massachusetts Chapter Executive Director Joe Doyle ran from studio to studio to appear on news broadcasts and call-in shows.

The headlines told the story:

"Catholic group asks gay panelist's ouster," (*The Boston Globe*).

"Catholic League urges Weld to oust gay commission chief, (*The Boston Herald*).

"Catholic group seeks ouster of gay commission chairman," (*Fall River Herald News*).

"Are some forms of bigotry acceptable?" (op-ed piece in *The Daily Transcript*).

"Catholics call for removal of gay commission chairman," (*Berkshire Eagle*).

"Governor Weld's Choice," (Jim Kelly's City Hall Column in the *South Boston Tribune*).

"Catholic group tells Weld: Fire gay adviser," (*The Patriot Ledger*).

"Catholic group urges removal of gay official," (*Lowell Sun*).

"League asks removal of commission chair," (*The Anchor*, Diocese of Fall River).

"Catholics target gay activist," (*Springfield Union-News*).

"R.S.V.P. Governor," (editorial, *The Boston Pilot*, Archdiocese of Boston), and one week later, "P.S. to Our R.S.V.P."

As we went to press with this issue of the *Catholic League Newsletter*, Governor Weld continued to defend LaFontaine, ignoring the firestorm of criticism being heaped on him for

this injudicious appointment.

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## Media tidbits...

*This will no doubt come as a shock to most of you, but Gov. William Weld has just given a job to a guy who has committed hate crimes in the commonwealth of Massachusetts.*

– Op-Ed piece by Jim Edwards, **The Enterprise**

*Everyone who witnessed the mocking antics or listened to the shrill ob-cenities of ACT-UP at Holy Cross Cathedral three years ago knows full well that this group is chillingly full of hatred for things Catholic. Their vile words, their dress, their mocking of the sacraments and the Sermon on the Mount made it all disgustingly clear. This is raw anti-Catholicism.*

– Editorial, “R.S.V.P. Governor,” **The Boston Pilot**

*It’s the governor’s choice. He either supports and tolerates the type of anarchy practiced by hate groups such as ACT-UP, or he sends a clear and unequivocal message to his Commissioners that the type of terrorism Commissioner LaFontaine engaged in outside the Holy Cross Cathedral two years ago will not be tolerated.*

– City Councillor Jim Kelly, **The South Boston Tribune**

*Dear Gov. Weld,*

*Some readers of The Pilot have called your office wondering why you have appointed David LaFontaine to head your Gay and Lesbian Youth Commission when he publicly acknowledged his participation in an ACT-UP condom pelting contest at the Cathedral three years ago.*

*Your office responds that "That demonstration was totally peaceful."*

*Well, Mr. Weld, it certainly was not peaceful. You were not there. And we have the pictures.*

-Editorial, "P.S. To Our R.S.V.P.," **The Boston Pilot**

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## **New League president interviewed by National Catholic Register**

In his first interview since being named president of the Catholic League, Dr. William A. Donohue reiterated his dream of making the League "as successful countering bigotry against Catholics as the Anti-Defamation League of B'Nai B'rith has been in fighting discrimination against Jews."

Donohue was interviewed at his Pittsburgh home where he was in the process of closing his office at LaRoche College and preparing to take up the reins as Catholic League president in New York in early July.

The interview by Peter Feuerherd appeared in the June 13 issue of the *National Catholic Register*.

Donohue enumerated recent glaring examples of anti-Catholicism including the ACT-UP demonstration at St. Patrick's Cathedral in New York which involved desecration of the Eucharist.

Donohue made it clear that the League's new national headquarters in New York, the nation's media capital, was well situated for the task which faces the organization in coming



years.

“There are instances where Hollywood and the media take liberties with Catholics that they wouldn’t take with other groups,” he told Feuerherd. “I want them to think twice,” Donohue added pointedly.

Donohue also made it clear that he wants the League to reach out to all Catholics – liberals as well as conservatives. “Our charge is that we want to bolster the esteem of Catholics to take on a more active role.”

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# Television group president apologizes after reporters hire male prostitute to lure priest

## League uncovers prior contact and blackmail attempt

In what must surely rank as a new low-point in television-journalism ethics, news personnel from KMOV-TV, a Viacom owned CBS affiliate station in St. Louis, hired a male prostitute and set him up in a St. Louis hotel and proceeded to tape an encounter with a priest from the neighboring diocese of Belleville, Illinois.

Although the story never aired, the tawdry details surrounding it came to light and made national news after a *St. Louis Post-Dispatch* reporter first broke the story on June 9.

According to reporter Eric Mink, the station transported the young male prostitute to St. Louis from Kansas City and set

him up in a bugged room at a luxury downtown hotel in an effort to elicit names of other priests who might be interested in the prostitute's "services."

Bishop Edward J. O'Donnell, St. Louis archdiocesan administrator, and Belleville bishop James P. Keleher have written letters to the Federal Communications Commission accusing the station of creating, rather than reporting the news.

### **Viacom president apologizes on air**

Mr. Francis P. Brady, president of Viacom, the communications giant which owns KMOV-TV flew to St. Louis and apologized on the air to Bishops O'Donnell and Keleher and to the people of St. Louis for the actions of station personnel. His statement was repeated several times in subsequent news broadcasts.

A letter of apology written by Brady was also published in the *St. Louis Review*, the archdiocesan weekly.

### **League discovers contact with second reporter**

As part of his investigation in support of the action by the two bishops, Catholic League Chicago chapter executive director Tom O'Connell learned from a confidential source that the male prostitute had first approached another St. Louis area reporter and offered him the story for \$500. The offer was refused.

That same source told League officials that KMOV backed off on the story when they overheard the prostitute inform the priest that their meeting had been audio and video taped and he allegedly asked for a large sum of money to have the story killed. It was further revealed that at least two staff members at KMOV may lose their jobs before the affair is over.

### **Grand jury to investigate**

St. Louis Circuit Attorney Dee Joyce-Hayes has begun an

investigation and plans to convene a grand jury in order to determine if KMOV-TV violated a Missouri law which prohibits the promotion of prostitution.

St. Louis metropolitan area Ford dealers have since announced that they are pulling all of their advertising from KMOV.

The League will continue to monitor the story as it unfolds.

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## **Philly mayor gives up on domestic partners bill**

Philadelphia mayor Edward G. Rendell has conceded defeat in his attempt to pass a "domestic partners" bill in Philadelphia. The strong opposition of religious leaders and organizations like the Catholic League was credited with bringing the proposal down. The Christian Action Council, the Philadelphia Black Clergy Council, and the Muslim Temple of Islam were among the other religious groups speaking in opposition to the measure.

Cardinal Anthony J. Bevilacqua was the most prominent of the area clergy who testified. Five League members including chapter executive director Jim Nolan testified at the hearings.

The proposed legislation would have legitimized homosexual couples as well as unmarried heterosexual couples. While many opponents of such measures stress the "economic impact" of extending health and pension benefits to "partners," the religious leaders stressed the need to affirm families and repudiate so-called "alternative" family models.

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# R.I.P. Seven Frozen Embryos

Those seven frozen embryos that were at the heart of a bitter divorce custody battle in Tennessee a few years back were recently destroyed by court order.