

# High court to hear NOW's RICO case against pro-lifers

The United States Supreme Court has agreed to hear a case, *National Organization for Women (NOW) v. Scheidler*, which will decide whether abortion clinics can use the Racketeer Influenced and Corrupt Organizations Act (RICO) to stop pro-life activities such as blockades and rescues.

Defendants in this case include Monica Migliorino Miller, wife of Edmund Miller, a former Catholic League staff writer. She was the author of the May, 1988 Catholic League supplement article, "Pro-abortion Nuns and the Will to Power."

Monica Migliorino Miller and several others retrieved aborted babies from medical disposal drums at the Vital-Med Laboratory in Chicago in 1988 and arranged for their burial.

NOW and several abortion clinics are alleging that RICO should apply to pro-lifers because their activities constitute a conspiracy to disrupt abortion clinics and put them out of business.

"The RICO claim in this case poses a threat to every social protest group in the country," said Walter Weber, a long time friend and former Associate General Counsel of the Catholic League. In his capacity as Litigation Counsel for the American Center for Law and Justice, Weber is assisting Randall Terry, Operation Rescue and Project Life, who are all defendants in the case.

"This lawsuit is unimpeachable proof of the lengths to which abortion rights supporters will go to derail the pro-life movement." according to Craig Parshall, the Rutherford Institute attorney assisting Monica Migliorino Miller.

Observers feel that the court has agreed to hear the case

because the justices want to resolve an issue that has split a number of lower courts. The present case was appealed by NOW from a decision of the 7th U.S. Circuit Court of Appeals which is located in Chicago.

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## Seventh Day Adventist anti-Catholic billboard



California chapter executive director Ted Mayer took this picture of a billboard in Los Angeles. It is one of several essentially identical billboard designs which have sprouted across the country in recent months. A Seventh Day Adventist splinter group – repudiated by the larger church – is responsible for the billboards. If you call the toll-free number (Ted did) they send a cheap paperback book laced with anti-Catholicism made to look scholarly (footnotes!). For the

record, there is nothing that can be done to block them but you may let the appropriate advertising company know that you are not pleased.

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# These Christians are dangerous...

## A fishy story...

After being told that they, along with other students living in a dormitory at Moorhead State University (Minn.), could paint anything representative of themselves on the walls outside of their rooms, two students were asked to obliterate a painted scene they had created.

On hearing this story, if you assume the students were asked to remove an objectionable painting because it was obscene or because it contained insulting language, you are completely mistaken. According to university officials, the painting was offensive because of its Christian message.

In an effort to convey a sense of their Christianity, Tricia Hale and Kristin Berberich painted a scene depicting the Christian fish symbol swimming in one direction and a school of tropical fish swimming in the other direction, with the words "Go Against the Flow" written across the top. This was apparently too much for the residence hall director who immediately asked the students to paint over the scene.

The director of housing and security at Moorhead is quoted as saying "We don't know exactly who we have living in the residence halls, but we assume that we have non-Christians of other faiths and non-believers as well. We're not sure what

might offend someone, and we would prefer not to have our residents offended.”

Jay Alan Sekulow, Counsel for the American Center for Law and Justice, has called this type of censorship “nothing short of anti-Christian bigotry.” As Mr. Sekulow points out, the Supreme Court has recognized that the First Amendment protections of freedom of speech apply on college campuses. It is, therefore, hard to understand how universities can attempt to justify their heavy handed treatment of Christian students.

Most people are aware that the cost of a university education has escalated rapidly in recent years, but asking or expecting students to abandon their beliefs in order to conform to the politically correct atmosphere that pervades many college campuses would be too high a price to pay.

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## Setting the record straight

Responding in a published letter to a May 14 *New York Times* article citing opposition by “feminists and population control advocates” to the appointment of Boston mayor Raymond L. Flynn as ambassador to the Vatican, Patrick Riley of the League’s Washington office noted that the *Times* had failed to list many of their objections.

Riley wrote that once the opponents had moved past the more obvious rhetoric about Flynn himself they turned to a direct attack on Roman Catholic doctrine and the status of the Vatican as a sovereign state. They even attacked Vatican policy toward its married women employees, stating that the policy required them to resign if they became pregnant.

Riley set the record straight on all points including quoting

in detail the extremely liberal Vatican employee maternal leave policy which includes six-months at full pay and an option to extend it another six at half-pay! In addition, he noted, “the workday of a new mother is cut by two hours so that she can nurse the child.”

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## Courts divided on student led grad prayers

Graduating high school students have been fighting this spring for the inclusion of prayers at their graduation ceremonies. Because the Supreme Court ruled last year in *Lee v. Weisman* that school sponsored prayer at graduation ceremonies was unconstitutional, many thought that issue was settled.

Students, however, unwilling to allow the secularization of this important passage in their lives have taken matters into their own hands and have been praying at their graduations. Several federal courts have agreed with the students.

The 5th U.S. Circuit Court of Appeals ruled in *Jones v. Clear Creek* that a school district could permit “non-sectarian, non-proselytizing” student initiated prayer, a decision the Supreme Court declined to review. A federal district judge in Boise, Idaho has agreed that high school graduation ceremonies can include prayer if the prayer is initiated and delivered by students. A judge in Florida refused to issue a restraining order which would have blocked student-initiated prayer at gradations in Jacksonville, and the 8th U.S. Circuit Court of Appeals re-versed a lower court order prohibiting student-led prayer at graduation ceremonies.

On the other hand, the 3rd U.S. Circuit Court of Appeals

effectively blocked student led prayer at two New Jersey high schools, ruling that because the district controlled every facet of the graduation, even student initiated prayer would be considered school-sponsored.

Jay Alan Sekulow, Counsel for the American Center for Law and Justice noted in *The Wall Street Journal* that by refusing to review *Jones*, the Supreme Court sees the distinction between prayer sponsored by the state, which is prohibited by *Weisman*, and prayer initiated by students.

The ACLU has been busy nation-wide mounting challenges to the students' efforts to commemorate their graduations by publicly acknowledging their Creator.

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## **A unique perspective on 'gays' in the military**

Major Melissa Wells-Petry, a lawyer who has prosecuted sodomy cases for the Army over the past decade, told the Washington Chapter of the Catholic League that homosexual behavior not "homosexual status" defines homosexuals in the eyes of the military.

Such "defining behavior," she said, mandates the exclusion of homosexuals from the armed forces.

Emphasizing that she was giving "this soldier's views, my personal views," Major Wells-Petry contrasted "the great themes of this debate, the great chants," with the "unique environment and unique mission of the military."

This unique mission is "to be trained and ready to kill people

and break things,” and in carrying it out the soldier is expected to risk his own life. She declared: “You won’t find that in anyone else’s job description.”

The military’s mission creates the “unique military environment,” she asserted: “close quarters, the dependence on one another for the preservation of life, the dependence of each military unit on internal cohesion for its effectiveness.”

“I think and certainly this has been the case with various judges over the years it’s entirely possible to have a variety of views on homosexuality and still be fully persuaded that homosexuality is not compatible with the military environment or with the military’s mission.”

She set such incompatibility against “this drumbeat” that the military ought to judge individuals by how they behave, not what they are.

“Well, let me tell you: this is exactly what the military’s policy does,” Major Wells-Petry asserted.

“It makes a distinction about homosexuality based on what homosexuals do, the actual doing of homosexual acts. It makes a distinction based on the consequences of homosexual acts. It makes a distinction based on the political agenda that’s associated with homosexuality. It makes a distinction based on the undeniable health and welfare risks of homosexuality.”

What about a simple declaration of homosexuality? The rule has been that anyone who simply admits to being a homosexual is not admitted to the armed services.

“The law says that when a person tells you, ‘I am a homosexual,’ he is not telling you his status. He is identifying himself as a member of a group whose behavior is incompatible with military service.”

Most people would be surprised, according to Major Wells-Petry, to learn that over the past two decades the military has won “every single legal challenge to the constitutionality of the homosexual exclusion policy.” Homosexuals have challenged the exclusion policy “on every conceivable constitutional basis,” she said, such as the right to privacy, free speech, free association, and equal protection. “All of these challenges failed. Why? Because homosexuality involves behavior, and the law constantly and appropriately makes distinctions based on behavior.”

Major Wells-Petry, on less than 24 hours notice, substituted for the announced speaker, Mrs. Mary Cummins of Community School Board 24 in Queens, New York City, who was at the center of the storm over distributing condoms in city schools. Mrs. Cummins was ill.

The talk was given May 14 at the Catholic University of America, under the joint sponsorship of the Catholic League and the university’s School of Philosophy.

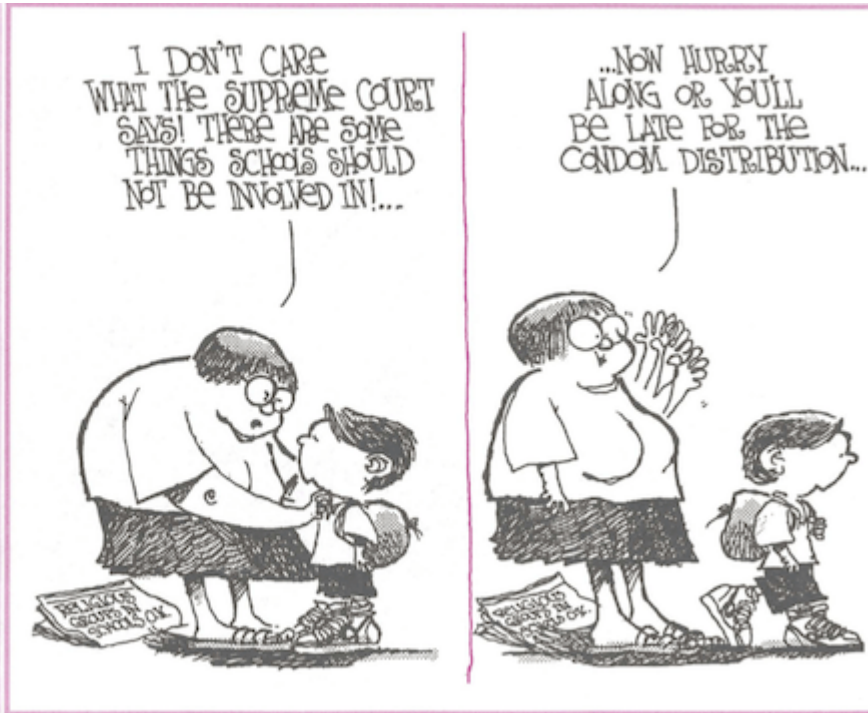
*[Exclusion: Homosexuals and the Right to Serve, by Melissa Wells-Petry, Regnery-Gateway, 1993, hardcover, 237 pages, list price \$20.00, is available from the Catholic League Publications office. \$16.95 (includes shipping on pre-paid orders).*

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**Supreme Court decision:  
Cartoon**



The recent Supreme Court decisions involving free speech and religious freedom rights generated some interesting editorial cartoons. This one in particular stood out.



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## Atheists challenge “City of Churches”

Chicago chapter executive director Tom O’Connell drove out to the village of Evergreen Park a few weeks back at the invitation of Mayor Anthony Vacco to observe a council meeting called because of atheist objections to the centennial slogan: “Village of Churches.” Rob Sherman, head of the American Atheist party was scheduled to appear. Here is Tom’s colorful report on his field trip:

*It was a pleasant evening. One look at the sky and trees told you there was a God. On the Village Hall the words “Village of Churches” stood out and some of those coming to the meeting wore centennial buttons bearing the same slogan.*

*No one greeted me as I came in. Some looked with curiosity*

thinking I was the "special guest. " I quietly took a place in the rear of the room. The benches – which looked like they'd come from a courthouse – were hard and uncomfortable, but tolerable, as in toleration of others.

The room filled quickly as we approached the 7:30 start time. An older woman and her husband came and took a seat across the room. He walked with a cane, the lines in his face and snow white hair indicative of a life fully lived. Her eyes followed him with admiration – nice to see in this world.

A full room turned almost as one when "the guest" appeared. He had with him his own photographer and an assistant who carried a placard that read "Separate Church and State." The council members took their places and Mayor Anthony Vacca called the meeting to order.

The first order of business was a letter requesting that a citizen make a statement. That "citizen" was the man with the two cohorts about to bring atheism to a strongly Christian community. Rob Sherman's name and reputation are national symbols of disbelief in God. He stated his name and title to the boos of those gathered. Mayor Vacca asked the speaker to keep his remarks to the three minutes allowed. I didn't time him but it seems that he did.

The Mayor asked Sherman to name the person in the village who had asked him to come. Sherman would not tell the mayor, despite repeated requests. The mayor finally asked Sherman to sit down.

One man got up and told Mr. Sherman to go back to the town he came from. This brought loud clapping and cheering from the three hundred people that filled the room. Another person thought that it was not a religious argument at all.

I asked to speak and told the council members and the audience that the Catholic League was there to help in any way we could. I then looked at Sherman and told him that he was a

*“stalker, ” stalking Christians and attempting to take their rights from them. The crowd cheered.*

*Sherman was given a chance to make closing remarks. He did and sarcastically asked the mayor if there was anything he could do to help the village. Mayor Vacca responded, “Yes, go home,” to which the crowd cheered and we all walked out. Outside, the waiting evening warmth and an occasional cool breeze mixed with the sounds of the village and whispered God’s love.*

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## **CHAPTER NEWS**

### **California Chapter**

Congratulations to Catholic League lifetime member Dick Riordan who was recently elected mayor of Los Angeles!

The referendum on school choice in California is going to be on this year’s November ballot. The chapter office is encouraging members to get involved with Excel, the statewide organization which generated the referendum initiative. Chapter executive director Ted Mayer has also been in touch with Dr. Quentin Quade at Marquette University’s Father Virgil C. Blum Center for Parental Choice in Education for assistance in developing chapter strategy.

### **Washington, D.C. Chapter**

Chapter executive director Pat Riley recently testified before the Arlington County (Virginia) Cable Television Advisory Committee. He spoke in favor of an effort to bring the Eternal Word Television Network (EWTN) to cable TV viewers in that suburban D.C. county.

### **Long Island Chapter**

Area members should watch for a feature story on the chapter

in an upcoming issue of the *Long Island Catholic* (diocese of Rockville Centre).

The chapter is just completing the task of identifying parish liaison persons and a final listing of these volunteers will be presented at the chapter's July meeting.

Fifty-two members of the Charninade High School chapter enjoyed a picnic at the school on Friday, June 11.

### **Greater Philadelphia – South Jersey Chapter**

Chapter executive director Jim Nolan and four other chapter members testified before the Philadelphia city council in opposition to a proposed "domestic partners" bill. (See story on pg. 6.)

A new sign now announces the League's presence to passing motorists on Rising Sun Avenue.

### **Minnesota Chapter**

The chapter is keeping the pot boiling at St. Cloud State University where they have uncovered a Social Work Department policy which seeks to discourage degree candidates who have "deeply held religious views." A student enrolled in the program called the matter to the League's attention and League attorneys Nancy Gannon and the recently retired George Koch have been helping the chapter develop strategy in handling the situation. Several meetings have been held involving department personnel, the university's Mfmnative Action Officer and a representative of the Minnesota Department of Human Rights.

While it had been known for several years that some medical schools were discriminating against students who opposed abortion, this is the first indication of serious discrimination against college students who might harbor beliefs that are not "politically correct."

Publicity about the matter has already attracted major

attention and surfaced other instances of similar discrimination. We will publish a detailed article on the League's investigation and its resolution as soon the situation permits. In the meantime kudos to chapter president Peg Cullen, executive director Pat Shannon, and Minnesota Chapter ;legal taskforce head Rosemary Kassekert for their efforts so far.

### **Massachusetts Chapter**

The chapter has been busy mobilizing members to protest the appointment of David LaFontaine to head the Governor's Commission on Gay and Lesbian Youth. (See story on pg. 4).

Massachusetts Knights of Columbus State Deputy Kenneth Ryan gave the Catholic League a rousing endorsement at the annual state convention of the K of C which was attended by more than 600 Knights, May 15-16 in Burlington, Mass. Past State Deputy Walter Almond also urged his brother Knights to support the League. Both Ken Ryan and Walter Almond are members of the Massachusetts Chapter's board. Copies of recent issues of the *Catholic League Newsletter* were given to those attending.

Chapter executive director Joe Doyle appeared on an *NBC Nightly News* on Tuesday, June 9 in a segment on gay teenagers and the controversy over homosexual programs in Massachusetts schools. Doyle noted the League's concerns about such programs limiting free speech and discriminating against Catholics and others who hold homosexual behavior to be immoral.

Doyle appeared on two radio stations (WBZ and WRKO) discussing the same topic and was interviewed by the *Dallas Morning News* and Long Island's *Newsday*.

### **Chicago Chapter**

Executive Director Tom O'Connell served as League contact on the developing story in St. Louis (see story on pg. 5) and provided us with some very important information.

The chapter has been handing out copies of the League

*Newsletter* at several parishes as part of a new member recruitment effort.