

RIGHTS OF PRIESTS TESTED; BRIEF FILED IN KEY CASE

The due process rights of priests are in a tenuous state, and this is especially true in Pennsylvania. We have been actively involved in this issue, especially following the grand jury report that was trumpeted by the state's attorney general, Josh Shapiro. What he said and did was disgraceful—a classic case of injustice—which is why we continue to pursue this matter.

On May 27, the Catholic League, represented by the Pittsburgh law firm Jones Day, filed an amicus brief with the Pennsylvania Supreme Court to support the Diocese of Altoona-Johnstown. The case involves alleged abuse to plaintiff Renee Rice that occurred in the 1970s and early 1980s by a now-deceased priest. It stands to be a landmark case.

Ms. Rice did nothing to investigate her claims for almost 40 years. Under clear legal precedent, Ms. Rice's claims have been time barred since 1983. Yet, as an outgrowth of the badly-flawed Pennsylvania grand jury report that targeted Catholic dioceses, the intermediate appellate invented a wholly-new rule to allow the claims to proceed.

The court distorted decades of settled law, stripped away the diocese's legal defenses, and ignored the Pennsylvania Constitution. This type of breathtaking judicial legislation resulted in waves of new case filings across the state by the eager plaintiffs' bar and drove the Harrisburg diocese into bankruptcy.

It is not the business of the courts to hit the reset button regarding the time allowed to file suit. It is the job of the legislature, and in this case it means the General Assembly. Moreover, as our amicus brief states, the Supreme Court of

Pennsylvania “has long recognized that once a claim becomes time-barred, any revival of that claim would violate the Pennsylvania Constitution by stripping the defendant of a vested right to assert the time bar as a defense.”

It is not surprising that this test case involves the due process rights of priests. They have been under attack for years. Unfairly maligned in the courts, and the court of public opinion (often manipulated by a hostile media), priests everywhere are being subjected to criticism that exceeds the bounds of rationality.

We hope the Pennsylvania Supreme Court will follow the overwhelming number of courts around the country who have dismissed claims like these at the very outset. Indeed, it defies law and common sense to allow a plaintiff to seek damages for alleged harm that occurred decades ago, when they have done nothing in the interim. Only the plaintiffs’ lawyers, and the shameless Pennsylvania attorney general, will benefit from bad results like these.

SEXUAL ABUSE DATA NEAR ZERO

In late June, the United States Conference of Catholic Bishops’ Secretariat of Child and Youth Protection released its audit on clergy sexual abuse that covers the period July 1, 2018 – June 30, 2019.

During this time, there were 37 allegations made by current minors. Eight were substantiated, 7 were unsubstantiated, 6 were unable to be proven, 12 are still being investigated, 3 were referred to religious orders, and 1 was referred to another diocese.

Of the 49,972 members of the clergy (33,628 priests and 16,344 deacons), .07% (37) had an accusation made against them for abusing a minor. However, since only .016% (8) could be substantiated, that means that 99.98% of priests did not have a substantiated accusation made against them.

In other words, clergy sexual abuse is near 0%.

It is hardly surprising that the media are ignoring this story. The only stories about the Catholic Church that they see fit to print or air are those that put the Church in a negative light. That they wallow in dirt cannot be denied.

Had there been a serious uptick in substantiated allegations, it would have been all over the news. In fact, some writers literally got angry that we reported the good news. This tells us everything: Bad news about the Catholic Church is seen as good news in many quarters, and vice versa.

No institution in society, secular or religious, can match the progress that the Catholic Church has achieved.

THE BANE OF SELF-RIGHTEOUSNESS

William A. Donohue

“Confident of one’s own righteousness, especially when smugly moralistic and intolerant of the opinions and behavior of others.” That dictionary definition of self-righteousness aptly describes the way so many people have behaved in response to the protests that recently exploded across the nation. The moralizing, the grandstanding, the arrogance—it

was appalling and never ending.

White guilt over “white privilege” is the height of self-righteousness. Those who apologize for their race, or feel guilty about their economic status, should tell us what they are going to do about these alleged problems.

Are they going to ask a dermatologist to darken their skin? (John Howard Griffin did that in 1959 so he could see what it would be like to live as a black person in the South—he wrote about his experience in *Black Like Me*.) Are they going to part with their money, giving their stash to the poor? If not, what purpose does their public display of white guilt serve?

There are many constructive things that these people could do. To begin with, they could help minority business owners whose stores were destroyed by white protesters: they could start a fund to raise money for them. They could set up tutorials for inner-city kids after school, volunteering to do the work. There are plenty of things that could be done, but all are predicated on self-giving, an attribute that is the very opposite of self-congratulatory exercises.

Take the business owners who have been wiped out. I recently purchased wine from a liquor store, and the Chinese owner whom I know told me a story about the man who was in front of me and just left. He said the man, who was elderly, had his Long Island store ransacked by looters: they broke in and stole \$700,000 worth of merchandise. The owner managed to stay afloat through the shutdown and was ready to reopen when the “protesters” destroyed his store. Now he, and his 12 employees, are finished.

In the 1970s, when I was going for my Ph.D. in sociology at New York University, there was one particular class I will never forget. The subject of discussion was poor minorities. All of the students bashed our society for not doing anything to help them. I raised my hand and said that I work during the

day in a poor, crime-ridden neighborhood (Spanish Harlem), and was glad to hear of their interest in the subject. I asked if they would volunteer to tutor my students on a Saturday. There was dead silence.

You may have heard about Charlie Palmer, the former ESPN reporter who now covers professional basketball. When protesters set a Minneapolis building on fire, he cheered them on, tweeting, "Burn it all down." But a few days later when a mob tried to storm his California community-gated, of course—he went mad. He called them "animals," screaming, "Tear up your own ****."

Then we have the president of the Minneapolis City Council, Lisa Bender, who fought to eliminate the police force altogether. She was asked on CNN, "What if in the middle of night, my home is broken into? Who do I call?" She smugly told the woman reporter that her complaint "comes from a place of privilege." Now if someone were to storm her house, is there anyone who thinks her response would be any different than that of Palmer's?

Why are these white people considered the allies of blacks? If some racist mapped out a strategy to kill black people, he could do no better than to shut down the police. Every weekend in Chicago, dozens of black men are killed by black men. Does anyone think conditions would improve by banning the police (most of whom are black)?

It's so nutty that liberal journalists are now being silenced by radicals from within their ranks. The editorial page editor of the *New York Times*, as well as the deputy editorial page editor, were forced to resign on June 7. Their offense? They allowed an article to be published by Sen. Tom Cotton. He called for law and order, allowing for the military to intervene, if necessary. After an uproar by the free speech mavens at the newspaper, the top editor said he was wrong to run the piece. But that wasn't good enough.

Similarly, when the executive editor at the *Philadelphia Inquirer* published a news story titled, “Buildings Matter, Too,” it was deemed a racist play on “Black Lives Matter,” so he was forced to resign. Andrew Sullivan, the liberal writer for *New York* magazine, was barred from writing about the protests because it was decided he might criticize the violence.

This is quite a development. Four men, all with sterling liberal credentials, were bludgeoned by left-wing extremists who don’t believe in freedom of speech. The censors are now the ruling class.

We all have our hot buttons. Mine is rank hypocrisy. I have no patience listening to white people sitting on their moral perch calling for justice while doing nothing constructive about it. Worse is when they actually create more injustice in the name of promoting justice. Madness is in the air.

MAKING SENSE OF THE ACLU’S COVID-19 RESPONSE

Bill Donohue

Many critics of the ACLU have been saying that its response to coronavirus, which has generally been to support the shutdown of the U.S. economy in the name of public health, is inconsistent with its founding principles. Where they err is assuming they were founded on principle. They were not. After writing a Ph.D. dissertation and two books on the organization, it is clear that its current political stand is consistent with its lack of principles from the beginning.

The ACLU's first response to COVID-19, issued March 2, stated that "individual rights must sometimes give way to the greater good." It argued that "people can sometimes be deprived of their liberty through quarantine," noting "this is how it should be."

This is not an indefensible position. But it is strange coming from an organization that has consistently rejected the need to balance individual rights with the common good. Roger Baldwin, the founder of the ACLU, said he would not serve on a jury because he did not want to be part of convicting anyone. When I asked him how society could function without punishing offenders, he answered, "That's your problem."

The ACLU's interest in protecting the public health is also new. In the 1980s, it passed a policy against state laws that criminalized the intentional transmission of AIDS to an innocent unsuspecting person. When I asked one of its officials, Gara LaMarche, to explain, all he could say was "homosexuals have rights."

If the public health is now a concern for the ACLU, it should have called for an independent investigation of New York Gov. Andrew Cuomo's March 25 order sending hospitalized nursing home patients with the virus back to their residence; AP estimates that his edict resulted in the deaths of 4,500 patients. The ACLU has said nothing. Indeed, its New York affiliate commended him for leading a "valiant effort to protect New Yorkers from the coronavirus. His actions have undoubtedly saved lives." It was referring to his release of prisoners, not his treatment of nursing home patients.

One might expect that the health-conscious ACLU would support President Trump's ban on travel from China, but instead it opposed it. "These measures are extraordinary incursions on liberty and fly in the face of considerable evidence that travel bans and quarantines can do more harm than good." Yet when it came to the internment of 110,000 Japanese Americans

during World War II—that surely represented “extraordinary incursions on liberty”—the national office supported it (the Northern California affiliate did not).

The ACLU’s professed interest in public health came to a screeching halt once protesters took to the streets following the death of George Floyd by a Minneapolis police officer. This showed the political colors of the ACLU more than anything.

How can thousands of people gather together—making social distancing virtually impossible—without endangering the public? According to the health gurus at the ACLU, this is impossible. No matter, gone was the quaint idea of balancing public health concerns with civil liberties.

There was, however, one exception: it blamed the police for arresting protesters, accusing them of allowing the demonstrators to be “exposed to COVID-19 risk.” That is how the ACLU chapter in Ohio put it. It expressed no interest in addressing how the protesters, jammed together, were endangering the health of innocents: it was only when they were in police custody that the alarms went off.

In Milwaukee, the ACLU complained when those arrested for violating the law—they would be the violent ones—were taken in buses and vans in crowded quarters. The looters had no masks, the defenders of freedom said. In Washington, D.C., the ACLU was angry with the police for using tear gas or pepper spray, making it “difficult to breathe.” It did not comment on why the police were forced to resort to such actions in the first place, and never once condemned the violence. It saved its contempt for the cops.

Prior to the riots, the ACLU supported the stay-at-home orders issued by governors. The ACLU of Minnesota said that “measures like this have overwhelming support from public health experts trying to protect our collective well-being during this

unparalleled crisis.” When the Wisconsin Supreme Court struck down the governor’s extension of a stay-at-home order, the Wisconsin affiliate condemned the court for ignoring health warnings, thus “jeopardizing the health of all Wisconsinites.”

“Snitch patrols” in New York City and Los Angeles have been authorized by their mayors: they urge residents to turn in anyone who violates social distancing rules by calling a government hotline. The New York mayor even ordered the police to arrest swimmers. “Anyone tries to get in the water,” said Bill de Blasio, “they’ll be taken right out of the water.” The ACLU has said not a word.

Illegal aliens and prisoners have occupied much of the ACLU’s resources during this time. Its second statement on the virus called on the Trump administration not to enforce immigration laws. This was quickly followed with a call to release “vulnerable people from immigrant detention, jails, and prisons.” It sued California Gov. Gavin Newsom for not reducing the population in all of these facilities. In states throughout the nation, it based its position on social distancing needs—not public safety—and even developed its own epidemiological model to project the death toll in jails.

While some of these measures are novel, at bottom they are consistent with the ACLU’s policies on prisons. In 1972, it launched the National Prison Project, dedicated to strengthening the rights of prisoners. This initiative was sparked by University of Virginia professor and ACLU operative Philip Hirschkop. Three years earlier he co-authored an article, “The Unconstitutionality of Prison Life”; the title accurately conveyed his goal and that of the ACLU as well.

In the 1980s, the ACLU made its first foray into economic rights. It stunned traditional civil libertarians who considered this an egalitarian social justice matter, not a civil liberties issue. So it was hardly surprising that its response to coronavirus would include a demand for paid leave,

singling out McDonald's workers as a victimized group.

The ACLU's egalitarian agenda is so strong that when it was faced with the coronavirus pandemic, the march for equality eclipsed traditional civil liberties concerns. It asked California state officials for disaggregated zip codes so it could determine "the impact of the coronavirus on traditionally marginalized groups." Who might they be? It named "LGBTQ" people. Government officials pushed back, invoking the privacy rights of its citizens, but the ACLU—which used to prize privacy rights—was unimpressed.

On moral issues, the ACLU sued Arkansas to keep abortion services ongoing during the pandemic. Paradoxically, it said that incarcerated pregnant women should not only be released from prisons and jails, they should be "prioritized for release." It never explained why these women were entitled to preferential treatment.

When the ACLU was founded in 1920, it listed among its ten objectives every right encoded in the First Amendment except for the free exercise of religion. So it was only fitting to learn that executive director Anthony Romero told a reporter that he rejected every request to open up churches. Governors across the nation opened liquor stores before churches, and the civil libertarians had no problem with that.

Interestingly, when the New York affiliate learned that Cuomo allowed for gatherings of up to 10 people for religious services and Memorial Day celebrations, it sued on behalf of a protester, citing preference for people of faith and veterans. Religious liberty was conveniently used as leverage, not as a right worth defending.

The ACLU's selective departure from traditional civil libertarian policies is a reflection of its origins. The popular notion that the ACLU was founded as a non-partisan defender of individual rights is pure myth.

When the *American Mercury* published a critical article on the ACLU in 1936, it threatened a libel suit. After an initial dustup, both sides agreed to have H.L. Mencken render a judgment. He decided there was nothing libelous about it. The free speech champions instantly branded him a fascist.

The ACLU was founded to defend the rights of labor, not free speech. It was so far left that it supported Stalin's totalitarian regime. Baldwin even admitted that "Communism is the goal." Big government was never a problem.

This is important to note now, especially when we recently suffered through the virus and the violence that dominated the spring. It matters because the ACLU, from the beginning, was never the force for freedom that many people believe today, including its critics. No organization that purports to advance the cause of freedom can simultaneously work to promote the cause of totalitarianism. It simply cannot be done.

In 1928, Baldwin wrote a book, *Liberty Under the Soviets*, that celebrated Stalinism, and he did so knowing of the oppression that was ensuing there. Emma Goldman, a noted champion of radicalism, went to Russia to see how the revolution was going, but was distressed by what she saw. She told Baldwin of the absence of liberty, yet he persisted in his defense of Stalin's tactics.

In 1934, Baldwin wrote an article for a communist publication, *Soviet Russia Today*, that explained his true interest. "I champion civil liberties as the best non-violent means of building the power on which workers' rule must be based....When that power of the working class is once achieved, as it has been only in the Soviet Union, I am for maintaining it by any means whatever."

That is not the voice of a champion of civil liberties, but it is the voice of the ACLU's founder. So when the ACLU today

defends stay-at-home orders, making an exception for protesters whose cause it supports, it is acting the way it began. It is a highly politicized organization that seeks to transform an America it has long found wanting.

After moving to the center in the 1940s and 1950s, the ACLU turned left again. More recently, under Romero, it has condemned the free speech rights of board members who publicly disagree with its policies and has kept files on contrarian officials, seeking to purge dissidents. Principled civil libertarians such as Alan Dershowitz, Michael Myers and Wendy Kaminer have thrown in the towel. The late Nat Hentoff was also incensed.

In other words, the ACLU, which began by defending a totalitarian government against the rights of individuals, has forced the few principled board members it had to resign. This clears the way for Romero to remake the organization in the mold of its founding: The ACLU is a far-left entity whose goal it is to disable America.

To further this end, Romero decided to do something that was not consistent with its founding. Two years ago the ACLU decided, for the first time, to formally dive into electoral politics. Look for it to become a leading voice in the presidential campaign.

If we add to the ACLU's far-left agenda its almost hysterical hatred of President Trump, its COVID-19 policies make a great deal of sense.

RELIGIOUS LIBERTY IS IN A PRECARIOUS STATE

The U.S. Supreme Court decision on workplace discrimination against homosexuals and transgender persons leaves religious liberty matters in a precarious state. We stand with the president of the U.S. Conference of Catholic Bishops, Archbishop José Gomez of Los Angeles, who said that the Supreme Court “effectively redefined the legal meaning of ‘sex’ in our nation’s civil rights laws.” He also noted that this ruling “will have implications in many areas of life.”

Among those areas is the fate of religious liberty. Writing for the majority opinion, Justice Neil Gorsuch said he was “deeply concerned with preserving the promise of the free exercise of religion.” He then blithely indicated that such “worries” about how this ruling might negatively impact on religious liberty are “nothing new.”

Gorsuch’s response was not reassuring. This explains why Justice Samuel Alito, in his dissenting opinion (joined by Justice Clarence Thomas), raised a series of problems with it. Alito noted that a “wide range of religious groups—Christian, Jewish, and Muslim—express deep concern that the position now adopted by the Court ‘will trigger open conflict with faith-based employment practices of numerous churches, synagogues, mosques, and other religious institutions.’”

Alito anticipates a realistic problem. What would happen if a religious school, one that teaches that “sex outside of marriage and sex reassignment procedures are immoral,” were to employ a teacher who is in a homosexual relationship, or no longer identifies with the sex he or she was assigned at birth?

To keep such teachers on staff would be to undercut the

credibility of the religious school's tenets, effectively neutering its doctrinal prerogatives. This is not a hypothetical.

Many Catholic schools have been targeted by homosexual activists to challenge the right of the school to discharge, or not renew the contract of, such teachers. How will matters play out in this new world where there is no legal difference between sex, sexual orientation, and gender identity?

What about religious hospitals? Will Catholic hospitals, for instance, be permitted to decline requests for sex reassignment surgery? Again, this is not a "maybe" issue—such lawsuits have already been filed.

Gorsuch opines that the high court will get to these issues when they are before it. This is unsatisfactory. His language is broad and his reach is wide. Surely he knows that the majority opinion is going to open the legal floodgates. Not to provide more assurance to religious institutions, as well as to other organizations touched by this decision (e.g., women's sports), is to entice agenda-ridden activists and lawyers to mobilize.

When it comes to controversial moral issues being settled by judges, prudence dictates that the rulings be narrowly focused. This is one of many areas where the majority opinion failed us.

GORSUCH'S FLAWED ANTHROPOLOGY

There are many problems with the majority opinion written by Justice Neil Gorsuch on workplace discrimination, sexual orientation and gender identity, but none is more important

than the flawed anthropology upon which the ruling rests. In fact, it is pivotal.

“An individual’s homosexuality or transgender status is not relevant to employment decisions.” This sweeping statement, which will be cited in every lawsuit on this subject, is manifestly false.

If a man volunteers to be a Big Brother, working with fatherless boys, and decides to “transition” to a woman, he cannot reasonably be expected to do the job he was hired to do. He deliberately changed the required profile. This should clearly be grounds for termination.

The next sentence written by Gorsuch explains his anthropological flaw. “That’s because it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.” He is wrong again.

Take the case just cited. The employee should be terminated not because of his assigned sex—indeed he was hired precisely because he was a man—but because he is no longer capable of offering the kind of paternal counseling that only a man can provide.

In other words, it is entirely possible to discriminate against a transgender person without discriminating against his sex, as assigned at birth.

Gorsuch concedes, as he must, that sex, sexual orientation, and gender identity are not the same. “We agree that homosexuality and transgender status are distinct concepts from sex.” But he no sooner states the obvious when he falls back on his remarkable claim that to discriminate against a person based on his sexual orientation or gender identity is to discriminate against him on the basis of his sex. As Justice Samuel Alito aptly put it, “repetition of an assertion does not make it so, and the Court’s repeated assertion is

demonstrably untrue.”

Gorsuch tries hard to persuade by offering several hypothetical examples, all of which Alito seizes upon to great effect. For example, he says that if a female staffer, who was rated a “model employee,” were to bring her same-sex partner to a holiday party, and was subsequently fired because she is a homosexual, it would mean she was treated that way because of her sex, not just her sexual orientation.

Alito devastates Gorsuch’s scenario. “This example disproves the Court’s argument because it is perfectly clear that the employer’s motivation in firing the female employee had nothing to do with that employee’s sex. The employer presumably knew that this employee was a woman before she was invited to the fateful party. Yet the employer, far from holding her biological sex against her, rated her a ‘model employee.’ At the party, the employer learned something new, her sexual orientation, and it was this new information that motivated her discharge.”

Here is where Gorsuch’s problem lies. Sex is a biological attribute that is not identical to sexual orientation or gender identity. Let’s start with sexual orientation.

The sex of a child can be known before he is born. But his sexual orientation cannot. The former requires no volition; the latter does. They are therefore not identical.

Being a male or a female is similar to being black or white: sex and race have no inherent normative content. That’s because they are fixed properties and do not speak to behavior, which has moral consequences.

The key to understanding the difference between sex and sexual orientation is made plain by the word “orientation.” Sex, or being male or female, is behaviorally neutral; it is not oriented toward anything. Sexual orientation is: it is oriented behaviorally towards either heterosexuality or

homosexuality.

Notice that Gorsuch does not speak about homosexual persons, but about *homosexuality*, as being a distinct concept from sex. He is right about that. Homosexuality is a behavioral attribute: it speaks to men having sex with men or women having sex with women. It is therefore not behaviorally neutral. It is normative.

Indeed, it is precisely because homosexuality is not identical to sex that virtually all of the world's great religions, in western and eastern civilization, have passed judgment on its practice, without passing judgment on the sex of the participant. The two concepts are distinct and do not ineluctably bleed into each other, despite what Gorsuch claims.

Similarly, gender identity is a behavioral concept that is quite independent of one's sex. Anatomical surgery and hormone therapy are chosen, unlike one's sex. They are undertaken because the person elects to change his sex (which he cannot do in any real sense—no one can change his chromosomal makeup). It is done because the person does not like what nature has ordained, therefore making it erroneous to conflate sex with gender identity.

Consider the language chosen by Alito and Gorsuch to refer to a newborn's sex. The terminology is not only different—it explains why their legal reasoning differs.

At four different junctures, Alito speaks about an individual's "sex assigned at birth." Gorsuch, on six occasions, speaks about an individual "who was identified" as male or female at birth.

Gorsuch refuses to employ "assigned at birth" because it would undercut his conviction that sex is a fluid concept. He wants to advance the notion that our sex is a matter of identity, which is a psychological construct, and not a matter of human

nature, which of course it is. He is the one conflating sex, sexual orientation, and gender identity. This represents his personal conviction and in no way should be treated as if it were a truism.

Trying to minimize, if not deny, the existence of human nature necessarily yields bad outcomes, both in terms of law and public policy. Most Americans want separate sports teams and restroom facilities for men and women. They understand basic differences based on sex and do not appreciate elites who say they are wrong. They also understand how unjust and indecent it is for men to compete in women's sports and shower in women's locker rooms simply because they believe they are female.

It is never helpful when the courts seek to solve problems that barely exist, especially those that touch on the moral order. To cite one example, there are no known cases where a Catholic school has fired a teacher because he happens to be a homosexual. But there are many cases where a homosexual teacher has been fired after it was publicly disclosed—often by the teacher—that he is married to his boyfriend. Activist lawyers will now test the limits of this Supreme Court decision.

Gorsuch's majority opinion, which is based on bad anthropology, makes for bad law and will now make for bad public policy. Had it been a more narrow ruling, tailored to specific instances of workplace discrimination, there would be no tidal wave of lawsuits. But now that the moral order has been further diced and spliced by the courts—thanks to this classic case of judicial overreach—it is a sure bet there will be.

SCURRILOUS ATTACKS ON BISHOP DIMARZIO

Brooklyn Bishop Nicholas DiMarzio was recently accused, for the second time, of abusing a minor. This is one of the most incredibly ugly smears ever endured by a Catholic priest.

Last November, attorney Mitchell Garabedian made a big public splash when he said he was going to file suit against DiMarzio for abusing Mark Matzek in the 1970s. But he never did. It was all for show: His goal was to smear DiMarzio's good reputation. Bill Donohue has dealt with Garabedian and found him to be unethical. Now this Boston lawyer claims he has found another victim, Samier Tadros.

Bishop DiMarzio categorically denies both accusations and his lawyer, Joseph Hayden, says, "We have uncovered conclusive evidence of Bishop DiMarzio's innocence." No lawyer, aside from those like Garabedian, would put his name on the line with such an unequivocal statement unless he knew his case was a slam dunk.

Some things just don't add up. Why would anyone wait a half century to bring a lawsuit? How is it possible that the parents of these boys never knew about it—Tadros says the abuse started when he was 6 years old and happened "repeatedly"—especially given its alleged serial nature?

The Associated Press broke this latest story. What makes this interesting is that Garabedian chose Michael Rezendes of AP to go public. The two men are from Boston, and know each other well. Rezendes was a reporter who worked on the "Spotlight" team of the *Boston Globe* that found wrongdoing in the Boston archdiocese, and Garabedian's role in it was featured in the movie by the same name; he was played by Stanley Tucci.

Rezendes showed his true colors by citing, as authoritative,

the *National Catholic Reporter*. He called it “an independent Catholic newspaper.” In fact, the only thing independent about it is its independence from the teachings of the Catholic Church. Worse, its attack on the Church’s teachings on sexuality helped to foment the sexual abuse crisis that Rezendes covered.

Rezendes then offers a quote from BishopAccountability, a website known for leaving the names of accused priests found innocent on its list of accused priests. It has also smeared Cardinal Timothy Dolan, and has never accepted our challenge to provide evidence that he was hiding dozens of molesting priests.

Bishop DiMarzio is being singled out because he has fought unjust legislation that was targeted at the Catholic Church, bills that allowed the public schools to get off scot-free. New York State Assemblywoman Margaret Markey, who represented a district in the Brooklyn diocese, was the one who pushed for a suspension of the statute of limitations for sexual abuse crimes, permitting a free ride to the public sector.

In 2016, this former office holder accused DiMarzio of offering her a \$5,000 bribe. But it was all a lie. She admitted she was wrong about the date of their meeting—by three years—and wrong about the venue. She was also wrong about her accusation, which was undercut by witnesses at the meeting.

There are some very vicious people out to destroy Bishop DiMarzio. He is a good man who has given his life to the Catholic Church.

VIACOMCBS BOARD ASKED TO ADDRESS NOAH

Trevor Noah, the South African black comedian, is out of control. An unrelenting bigot, his jokes about Catholic priests are mean-spirited and slanderous. His latest attack was May 18.

The only ones who can rein him in—making him treat priests the way he does many protected classes of people—are those who sit on the board of directors of ViacomCBS, the parent company of Noah's Comedy Central show. That is why Bill Donohue wrote to them.

Noah took the place of Jon Stewart on "The Daily Show." Both men are notorious Catholic bashers.

To: ViacomCBS Board of Directors
From: Bill Donohue
Date: May 20, 2020
Re: Trevor Noah

Almost a year ago, I contacted Viacom executives about Trevor Noah's relentless anti-Catholic remarks. He pulled back initially, discontinuing his invective. But a few months ago, he started in again, the latest salvo coming on May 18.

We all know the negative stereotypes about African Americans, Asians, gays, Hispanics, Jews, and Native Americans. They offer much material for writers, potentially making for some really insulting jokes, quips that bigots would enjoy. We also know that Noah would never attack any of these demographic groups. I am glad he does not. The question is why he continues to assault the sensibilities of Catholics, smearing tens of thousands of Catholic priests.

Noah is cruel. You have a bigot in your employ. The evidence

that is being forwarded to you is conclusive. You can do something about it. Please do.

PROTESTERS TOPPLE STATUES OF ST. SERRA

Smashing statues of American icons is all the rage among urban barbarians. Ignorant of history, they are destroying statues of those who were among the most enlightened persons of their time. This includes Father Junípero Serra. The 18th century missionary fought hard for the rights of Indians, and was rightfully canonized by Pope Francis in 2015.

A statue of Saint Serra was toppled in San Francisco's Golden Gate Park on June 19, and the next day another statue of the legendary priest was torn down at Placita Olvera in Los Angeles. Archbishop José Gomez of Los Angeles, who is also president of the United States Conference of Catholic Bishops, singled out Saint Serra for his compassion and his effort to establish rights for Indians and women.

In 2015, Bill Donohue published a booklet, "The Noble Legacy of Father Serra," that detailed his many accomplishments. In light of the attacks on him, it is worth recalling some of his heroics.

Serra got along well with the Indians. His goal, and that of the Franciscan missionaries whom he led, was not to conquer the Indians—it was to make them good Christians. The missionaries granted the Indians rights and respected their human dignity, quite unlike the condition of black slaves. The Indians appreciated their efforts, drawing a distinction between the missionaries and the Spanish crown: the former

treated the natives with justice; the latter did not. The civil authorities were the problem, not the priests.

Contrary to the conventional wisdom, the missionaries did not eradicate Indian culture. Indeed, they learned the native language of the Indians and employed Indians as teachers. Some cultural modification was inevitable, given that the missionaries taught the Indians how to be masons, carpenters, blacksmiths, and painters. The Indians were also taught how to sell and buy animals, and were allowed to keep their bounty. Women were taught spinning, knitting, and sewing.

Archbishop Gomez is right to point out that Serra fought for the rights of women, as well. It was the missionaries who sought to protect Indian women from the Spanish colonizers. The Friars segregated the population on the basis of sex and age, hoping to safeguard the young girls and women from being sexually exploited. When such offenses occurred, Serra and his fellow priests quickly condemned them.

A total of 21 missions were established by the Franciscans, nine of them under the tenure of Serra; he personally founded six missions. He baptized more than 6,000 Indians, and confirmed over 5,000; some 100,000 were baptized overall during the mission period.

If the truth were told about Saint Serra, he would be heralded as a friend of the Indians, not as their enemy. But truth matters little to those whose hearts are full of hatred and whose minds are closed to reality.

HUMAN RIGHTS BEGIN WITH RELIGIOUS RIGHTS

An important State Department report on human rights that will soon be released will anger left-wing secularists and gay rights advocates. The Commission on Unalienable Rights, which was established by Secretary of State Mike Pompeo, is expected to give prominence to religious rights. That explains the backlash.

In a *New York Times* article by journalist Pranshu Verma, he cited several critics of the panel, some of whom served in previous administrations. They take aim at the commission for not accepting the notion that “all rights are created equal,” and its insistence on recognizing our “God-given rights.” Harvard Law professor Mary Ann Glendon is singled out for saying, “if everything is a right, then nothing is.”

All rights can never be equal in application, otherwise it would be impossible to resolve instances when they conflict.

For instance, there is a conflict between our First Amendment right to free speech and our Sixth Amendment right to a fair trial. If we allow unrestricted rights for the media to cover a trial, that would impinge on the rights of those who are party to the proceedings. In England, they resolve this matter by denying media coverage; in the U.S., we allow media coverage, but it is restricted. The point is that if rights can conflict, their application can never be equal.

Solzhenitsyn, the great Russian freedom fighter, understood that conscience rights are the most important. It is one thing that eludes dictators—the right to believe what we want—and that right is inextricably tied to religious rights. Religious liberty, he reasoned, was the paramount right.

In this country, we honor the same line of thinking. In 2015,

Justice Antonin Scalia, writing for the majority, said that “Title VII [of the 1964 Civil Rights Act] does not demand mere neutrality with regard to religious practice—that they be treated no worse than other practices. Rather, it gives them favored treatment...”

To say that we possess “God-given rights” is simply a restatement of the Declaration of Independence. It contains four references to God. It speaks of the “laws of nature and nature’s God”; of the “Creator”; of the “supreme judge of the world”; and of “the protection of divine providence.”

To maintain that “if everything is a right, then nothing is” is not debatable. The promiscuous distribution of anything of value—from money to rights—dilutes their worth. In the case of rights, it ineluctably diminishes our interest in accepting our concomitant responsibilities. Indeed, we see this being played out right now by nihilists in the street.

We look forward to the report by this human rights panel. Its critics will get a much needed history lesson, and a tutorial on the Constitution, as well.