

# **BISHOPS RIP PRO-ABORTION POLS; DISPUTE OVER SANCTIONS**

A growing number of bishops are speaking out on the subject of pro-abortion Catholic politicians. But there is disagreement over what should be done.

Fargo, North Dakota Bishop Samuel J. Aquila said in May that denying Communion to pro-abortion politicians is part of Catholic teaching. Portland, Oregon Archbishop John G. Vlazny said that "Catholics who publicly disagree with serious Church teaching on such matters as abortion or same-sex marriage should refrain from receiving Holy Communion." Orlando, Florida Coadjutor Bishop Thomas Wenski said, "It is totally within our competence to say that one cannot be complicit in the injustice of denying the right to life to an unborn child or invalid elder and still consider oneself a good Catholic."

New Jersey bishops elicited the greatest response from area Catholics. Newark Archbishop John Myers released a public letter saying that any elected official who was pro-abortion should not receive Communion. Trenton Bishop John Smith explicitly mentioned New Jersey Governor James McGreevey saying he was "not a devout Catholic." Newly installed Camden Bishop Joseph Galante said he would not give McGreevey Communion because the governor had remarried after his divorce without obtaining an annulment. McGreevey subsequently said he would no longer receive Communion. But State Senate Majority Leader Bernard Kenny decided to leave the Church rather than alter his views on abortion.

The most controversial position was advanced by Colorado Springs Bishop Michael Sheridan. He said that not only should Catholic politicians who are pro-abortion not present themselves for Communion, anyone who votes for such politicians should refrain from doing so. Bishop Sheridan also

included illicit stem cell research, euthanasia and same-sex marriage as disqualifying issues.

Some politicians are fighting back, saying that their conscience allows them to vote for abortion rights. Congresswoman Nancy Pelosi of California, the House Minority Leader, defended herself saying that the Catholic Church respects free will. William Donohue responded by saying that the Church insists on a “well-formed conscience,” one that obliges Catholics “to acknowledge the central role of Catholic teaching in arriving at a just decision.”

That this debate is taking place in an election year raises the stakes considerably.

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## **SCHOOL CHOICE SUCCEEDS**

When school voucher programs are instituted, it stimulates public schools to improve. That, at least, is what the Florida experience shows.

In Florida, if a school receives two failing grades in a four-year period, its students can elect to go elsewhere. Performance is measured by standardized tests, and students who choose to use a voucher can attend either a private or public school. The result, a new study concludes, is that the forced competition has had the effect of improving poorly performing public schools.

The study, available online at [www.educationnext.org](http://www.educationnext.org), was conducted by Manhattan Institute researchers Jay P. Greene and Marcus A. Winters. The peer-review study was independently affirmed by Cornell researcher Rajashri Chanrararti.

What the researchers found was that those public schools that had failed twice within a four-year period, or once within a three-year period, quickly made significant improvement. On the other hand, those public schools that were previously threatened by voucher competition (because they had failed once), but were no longer threatened (because four years had expired since their first failure), posted a decline in academic performance.

It is obvious from the Florida case that the worst fear of the public school industry—a mass exodus of students to private schools—has not materialized. What has happened is that competition has worked to everyone's benefit.

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## **CHURCH AND STATE IN AN ELECTION YEAR**

**William A. Donohue**

Few things in life are more contemptible than intellectual dishonesty. It's one thing to be wrong from time to time (true of all of us), quite another to make a living advancing an ideological position that is wholly without principle. Unfortunately, many discussions on church and state are of this sort. And now that we have a man running for president who calls himself "a practicing and believing Catholic," and who also rejects the Church's teachings on the life issues—all of them—this issue is running at a fever pitch.

Not among the unprincipled is Cal Thomas, the most syndicated columnist in the U.S. He recently said of the presumed Democratic nominee for the presidency, "Kerry has a choice: either 'resign' as a Catholic, or withdraw from the

presidential race.” Now that’s some strong language. “To be president and not even attempt to make abortion ‘rare’ by changing the law that has permitted so many, even for convenience,” Thomas contends, “ignores the powers of the presidency and trivializes his faith.” Thomas, a Protestant, concludes that this makes Kerry either a hypocrite or a heretic.

Kerry, of course, has his supporters. I debated one of them on a Minneapolis radio show recently: Frances Kissling, director of Catholics for a Free Choice. When she said Kerry is “morally opposed” to abortion, even though he has the most extreme pro-abortion record of anyone in the Senate, I asked her what Kerry could possibly be opposed to: If abortion isn’t the snuffing out of innocent human life, what moral issue is it that he opposes? Within a minute, she hung up.

Another one of Kerry’s defenders is Thomas Fox, publisher of the *National Catholic Reporter*. On April 29, in *USA Today*, Fox took to task those bishops who have either threatened to withhold Communion from pro-abortion Catholic politicians, or have suggested that such persons ought not to present themselves for Communion. “In such actions,” Fox says, “I see shades of religious zealotry most Americans find unsettling in other, undemocratic nations.” In other words, St. Louis Archbishop Raymond Burke could pass as a member of the fascist Taliban in Afghanistan.

Fox also says that “some Catholic bishops and conservatives now fail to distinguish moral from civil law, the ideal from the real.” When exactly this occurred, he does not say, but it’s a sure bet that this alleged blurring of the lines wasn’t operative in the 1960s when New Orleans Archbishop Joseph Rummel was busy excommunicating prominent local Catholic politicians for their pro-segregation politics.

This is the heart of the unprincipled, hypocritical, intellectually dishonest positions promoted by these people:

they want absolutely no sanctions against pro-abortion Catholic politicians (including those who vote in favor of killing a baby who is 80 percent born), but no penalty is too severe for dealing with segregationists.

To give one more example, today's *New York Times* is all aghast over bishops who threaten sanctions against Catholic public officials who are pro-abortion. But when Archbishop Rummel was excommunicating the segregationists, the *New York Times* ran an editorial congratulating him for his "unwavering courage" and for "setting an example founded on religious principle."

So as not to be misunderstood, I am not suggesting that Catholic lawmakers phone the Vatican before they vote. What I am saying is that no public office holder should have to apologize for saying that he has a religiously informed conscience. If, after reflection on what the Catholic Church teaches to be true, a Catholic legislator votes his conscience—in a way that reflects the conscience of the Church as understood by the Magisterium—then so be it. Just as important, those who condemn such persons are the real threat to liberty.

The Catholic Church is opposed to murder, theft and adultery. Is there a problem, then, if a Catholic lawmaker votes to keep these matters illegal? According to the logic of people like Thomas Fox, it would appear there is. But in reality, they would only find a problem with keeping adultery illegal. That would cross church and state lines, but not murder and theft.

How do I know this to be true? Two years ago, I debated Fox's colleague, Tom Roberts, on the MSNBC TV show "Hardball." Roberts is the editor of the *National Catholic Reporter*. At one point in the debate, I said, "Now, guys like Roberts, the *National Catholic Reporter*, they don't believe in anything the Catholic Church says on sexuality anyhow, so of course he doesn't want to talk about homosexuality." Mike Barnicle, sitting in for Chris Matthews, then interrupted me: "Wait,

Bill, please. Tom, take it up. I mean, you just got whacked across the face. Take it up.” To which Roberts replied, “I’m not going to take that up.” Because he couldn’t—he knew everything I said was true.

So beware the phonies this election season.

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## **CATHOLICS AND THE SUPREME COURT: AN UNEASY RELATIONSHIP**

Perhaps the most revolutionary changes on the Supreme Court began in the 1930’s. That is when President Franklin D. Roosevelt began to choose justices inclined to approach the Constitution in a “broad” and “flexible” spirit. Some of his appointees were crudely anti-Catholic.

Hugo L. Black (1937-71) was a lapsed Baptist who, like many ex-fundamentalists, retained anti-Catholicism as the sole legacy of his one-time faith. He had once belonged to the Ku Klux Klan, and although he later repudiated the Klan’s racism, he never condemned its anti-Catholicism. Indeed, his son said that the one thing Black had in common with the Klan was his suspicion of the Catholic Church. This explains why Black considered Governor Alfred E. Smith of New York unqualified for the Presidency in 1928 because of his Catholicism.

As a lawyer in Alabama, Black successfully defended a Methodist minister who shot and killed a Catholic priest in front of witnesses. Why? Because the priest had officiated at the marriage of the minister’s daughter to a Puerto Rican. Black fought the case with unusual aggressiveness, making anti-Catholic comments in the process.

Black, a Mason, was offended by the fact that the Catholic

Church condemned Masonry; by contrast, he characterized its adherents as “free-thinkers.” In effect he did not think Catholic schools had the right to exist, and even warned against the “powerful sectarian propagandists” [Catholics] who were “looking towards complete domination and supremacy of their particular brand of religion.”

William O. Douglas (1939-75) was the son of a Presbyterian minister but grew up with the belief that church-going people were “not only a thieving lot, but hypocrites, and above all else dull, pious and boring.” He claimed to have abandoned belief in heaven and hell because he could not stand the prospect of spending eternity with people like Cardinal Francis J. Spellman of New York.

Although Douglas professedly believed in the strictest separation of church and state, in fact he used his judicial authority to promote his own opinions. He thought religion was used to control people, and, when bishops in Puerto Rico criticized a candidate for governor, Douglas denounced their action as a clear violation of the Constitution. But in 1967, when Father Charles Curran of the Catholic University of America publicly rejected the Church’s teaching on birth control, Douglas wrote to congratulate him “in the name of the First Amendment community.”

One of Douglas’ problems with the Catholic schools was his own version of political correctness—Catholic history texts would not deal properly with the Crusades, the Spanish conquest of Mexico, or the Franco government in Spain. As he put it, “I can imagine what a religious zealot, as contrasted to a civil libertarian, can do with the Reformation or with the Inquisition.” He once warned Black that “I think if Catholics get public money to finance their schools, we better insist on getting some good prayers in public schools or we Protestants are out of business.”

After 1894 there was always at least one Catholic on the

Court, and Roosevelt honored the tradition by appointing Francis P. Murphy (1940-49). Perhaps without knowing it, Murphy had been made to pass a religious test. He was recommended to Roosevelt by the latter's brother-in-law. The president was informed that Murphy was a Catholic "who will not let religion stand in his way"; the future justice himself assured a Roosevelt advisor that he kept religion and politics "in air-tight compartments."

Some of Murphy's brethren on the Court continued to hold him to a religious test, and to some extent he internalized that test. Felix Frankfurter (1939-62) said of him, condescendingly, "When I think of the many Catholics that have taken the life of dissenters, I'm not surprised that F.M. wants the undivided glory of being a dissenter." Privately, Murphy admitted that "It comforts me that with eight hundred years of Catholic background I can speak in defense of a people opposed to my own faith."

Frankfurter pressed Murphy to support liberal separationism with tactics little short of moral blackmail. He played on Murphy's evident craving for approval from people who did not respect his faith. For instance, Frankfurter would appeal to Murphy to make decisions "for the sake of history, for the sake of your inner peace," exhorting him to rise above "temporary fame."

Following Murphy's death in 1949, a fellow Catholic, Attorney General J. Howard McGrath, eulogized him as "a devout Roman Catholic who disregarded personal preferences which we all know were very dear to him in favor of what his conscience told him to be his duty as justice of this Court." Thus was the moral law reduced to a "personal preference," and "conscience" enlisted to serve the needs of political expediency (an early formulation of what would become the Kennedy Doctrine).

Robert H. Jackson (1941-53), a nominal Episcopalian, once made



an extraordinarily blunt admission from the bench: "Our public school, if not a product of Protestantism, at least is more consistent with it than with the Catholic culture and scheme of values." Just as offensive was the thinking of Justice Wiley Rutledge (1943-49), the lapsed son of a fundamentalist Baptist minister: he once circulated a warning to his brethren that the Catholic Church was planning "a raid on the treasury."

When Murphy retired in 1949, President Harry S. Truman declined to accept the claim of a "Catholic seat" on the Court; the period 1949-56 was the only time since 1894 that no Catholic served there. But in 1956 President Dwight D. Eisenhower was persuaded that a Catholic should be appointed, and a search produced the name of William J. Brennan (1956-90), a justice of the New Jersey Supreme Court.

Cardinal Spellman was consulted and confirmed that Brennan was a practicing Catholic. But an acquaintance said of Brennan, "Those who knew him realized that, although he was a decent person and God-fearing, he was not a zealously religious man. He was Catholic with a small 'c.'" Eisenhower's wish to please Catholics by naming one of their own to the Court led, ironically, to the appointment of a man who would use his power to undermine Catholic interests at every point.

Brennan was the strictest of separationists, and his position seems to have been motivated in part by his liberal religious outlook. For example, he once assured his brethren that "If public funds are not given, parochial schools will not perish." He also objected to state-supported remedial-education programs in Catholic schools on the grounds that "they serve the principal purpose of integrating the child, both socially and educationally, into the parochial school. Such services foster in the child a profound dependence on the religious school..." Brennan believed that the public schools were a uniquely unifying force, because they were based on "democratic values," while private schools were not.

Of other Eisenhower appointees, Potter Stewart (1958-81), an Episcopalian, appears to have been somewhat anti-Catholic: he consistently voted to accommodate religious practices in the public schools, but equally consistently opposed public aid to Catholic schools. When the Court upheld grants to religiously affiliated colleges, Stewart curiously objected that theology was not an academic subject.

Several Republican presidents proclaimed an intention to reverse the Supreme Court's liberalism, but with only indifferent results. Thus President Gerald R. Ford appointed John Paul Stevens (1975- ), a justice who is apparently without formal religious affiliation. Stevens sees opposition to abortion as essentially religious, so that there can be no legal restrictions on the practice. He has also questioned whether private religious education is good for the nation.

President Ronald Reagan appointed Antonin Scalia (1986- ) and Anthony Kennedy (1988- ). Scalia has also been a severe critic of the modern Court's approach to constitutional issues. In a public address in 2002, he disagreed with Catholics, including Pope John Paul II, who oppose capital punishment, and asserted that judges who do not support the death penalty should resign from the bench. Kennedy tends to occupy the ideological middle, but in the *Romer* case (1996) he issued an opinion of far-reaching implications when he proclaimed a constitutional "right of self-definition" in connection with homosexuality.

In 1990, President George H. Bush appointed Clarence Thomas, a black Episcopalian who had been raised a Catholic and who in 1996 announced that he had returned to the Church. In a case in 2000, he bluntly traced the separationist position to historic anti-Catholicism and called it "a shameful pedigree."

Indicative of changing political alliances, the Republican ascendancy in the White House in 1988 produced, for the first time in history, three Catholics sitting on the Court simultaneously—Brennan, Scalia, and Kennedy (with Thomas later

replacing Brennan in a Catholic triumvirate). Through much of its history the Court was an entirely Protestant body, so this is surely a dramatic change.

Looking back at the evolution of the high court, it is clear that Catholics were unable, or unwilling, to bring pressure to bear on the Democratic Party to select better justices. Not only were anti-Catholics put on the bench, justices like Murphy were continuously made to justify their faith to those who did not respect it. Moreover, there was no protest against Truman's refusal to name a Catholic to the Court, and, when a Republican president gave Catholics an opportunity in 1956, the Church's leadership could not identify a truly Catholic candidate. Largely because of Catholic political naiveté and loyalty to the Democratic Party, the Court after 1947 could steadily exclude religion from public life.

Catholics and other religious believers have at last awakened to its reality of judicial activism, but whether almost a half-century of aggressively secularist constitutional interpretation can now be overcome is entirely dependent on future appointments to a Court poised between two irreconcilable views of the nation's founding document.

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## **VIOLENCE AND “THE PASSION”**

# (PART ONE)

Now that the “The Passion of the Christ” has run its course, the record will show that not one act of violence against a Jewish person occurred anywhere in the world, thus confounding those who made such dire predictions. Indeed, the movie played in literally scores of countries, all without violence.

Those who predicted that the movie would generate violence need to explain themselves. And in some cases, they need to apologize to Christians. Recall that it was ADL director Abe Foxman who said last January that Mel Gibson is “hawking it [the film] on a commercial crusade to the churches of this country.” He then concluded, “That’s what makes it so dangerous.” In other words, it’s not lax Christians who are a danger to Jews, nor is it the anti-war protesters who carry banners bashing Israel; it’s those Catholics and Protestants who go to church on Sundays that Jews have to fear the most. In a press release on this issue, we said, “Not only is this radically wrong—indeed it’s dangerously wrong—it’s also insulting to practicing Christians.”

Calls to censor the movie were voiced in many countries, including the U.S. In France, three Jews who claimed to be acting as spokesmen for the Jewish community, the Benlolo brothers, went into court to ban the film. Moreover, there was only one nation in the world where the movie has been banned—Israel; Shapira Films had the Israeli distribution rights and refused to release the film. Now just imagine the uproar if a Catholic country were to ban a film Catholics found offensive!

Every time there is a Catholic-bashing movie, play or art exhibition, the critics lecture Catholics on their need for tolerance. For example, Catholics are told that artists like to “push the envelope” and to “make people think.” But somehow none of this elite spin seems to apply to Mel’s masterpiece.

Which just goes to show that Catholics have been lied to all along.

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## **VIOLENCE AND “THE PASSION” (PART TWO)**

Predictions that “The Passion of the Christ” would spur violence have finally come true. Dario D’Ambrosi, who played the burly, sadistic Roman soldier who took delight in whipping Jesus, has been cursed and spat upon in real life; his daughters have also been heckled at school. But Mattia Sbragia, who played the dictatorial high priest, Caiaphas, has not been victimized once.

The moral seems to be this: movie goers are more likely to punish the Italians than the Jews after seeing the film. Not exactly what those who predicted violence had in mind.

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## **BUSH’S “GOD TALK” OFFENDS NADER, ELITES**

In Bob Woodward’s new book, *Plan of Attack*, reference is made to how President Bush prayed “for the strength to do the Lord’s will” when he committed the nation to war.

In an interview with the *Christian Science Monitor* on April 19, presidential contender Ralph Nader characterized Bush’s

remarks as follows: "We are dealing here with a basically unstable president...We are dealing with a messianic militarist. A messianic militarist, under our constitutional structure, is an unstable office-holder. Talk about separation of church and state: It is not separated at all in Bush's brain, and this is extremely disturbing."

In the next day's *Washington Post*, columnist Richard Cohen picked up on this subject by saying that Bush is convinced that he is "a servant of God and history." In the *Philadelphia Inquirer*, a Catholic University professor, John Kenneth White, was quoted the same day as saying that Bush is "coming to the very edge" of the "very fine line between church and state."

Here is what we told the media:

"Bush mentions Jesus as his favorite philosopher, and the secularists go mad. The president turns to God for wisdom, and the elites get nervous. There is more than a phobia at work here—it's a deep-seated hostility to any public expression of religion. And demagoguery: Nader is not decent enough to simply disagree with Bush; he must label him as unstable. As for the 'messianic militarist' tag, Nader should be careful: he has done more to earn his stripes as a messianic militarist—in service to the Leviathan—than any American.

"Separation of church and state has nothing to do with 'God talk.' In fact, the First Amendment guarantees freedom of speech and freedom of religion. And that is why attempts to censor the free speech rights of any candidate for public office must be resisted. Persons of faith, comprising 94 percent of Americans, will not be silenced in this election."

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# FLAP OVER CARTOON REVEALS TRUE COLORS

When Curtis Kneblík of the Archdiocese of Cincinnati contacted us about an offensive cartoon that appeared in the *Dayton Daily News*, William Donohue decided to write a letter to the newspaper. It printed the following letter on April 27:

“The Mike Peters cartoon of April 14 depicts a bishop who denies Communion to a pro-abortion Catholic politician, but simply moves a pedophile priest to another parish. Now if this were a common occurrence, Peters might have a point. But considering the fact that a whopping two-thirds of one percent of the 46,000 priests in the U.S. have had accusations made about them—not all of which are true—the real disgrace belongs to Peters for portraying the clergy in such an offensive manner. And by the way, whether a bishop denies Communion to a pro-abortion Catholic is nobody’s business. Ever hear of house rules?”

We thought this would be the end of the matter, but we were wrong. Instead, Donohue received a letter of complaint from Michael H. Knellinger, co-founder of the Dayton affiliate of Voice of the Faithful. “At this time,” he said, “I choose to believe that you are a decent man who cares about our Catholic Church.” He then took issue with Donohue’s comment about the two-thirds of one percent of the 46,000 priests. “The reality is,” he wrote, “that the John Jay Report (which in my opinion was an understated self-study) showed that there were 4-5% of all priests involved over the past 50 years.”

Knellinger also credited Voice of the Faithful and the victims group SNAP for changes in the Church. The letter continued in this vein, closing with this gem: “As for your ending comment about ‘house rules’...the house needs a cleaning. This is not what Jesus Christ intended for the Catholic Church. Please

think before you write.”

Donohue wrote back saying that his statistic was correct and that nothing in the John Jay Report contradicted it. He also warned Knellinger not to have “an inflated idea of your influence.” Regarding the “house rules” remark, Donohue said, “My point is that it is none of the business of the secular press whether a priest denies Communion to someone who claims to be Catholic. Apparently, you did not get this point. Or maybe you just don’t want to get it, which is worse.”

Winding down, Donohue decided to crib Knellinger’s own words: “At this time, I choose to believe that you are a decent man who cares about our Catholic Church. Your contribution is not what Jesus Christ intended for the Catholic Church. Please think before you write.”

Then came Donohue’s final comment: “Now how’s that for sounding high and mighty? Get the point?”

 This cartoon by Mike Peters appeared in the April 14 edition of the *Dayton Daily News*.

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## **BISHOP GREGORY SHOWS COURAGE: PRIESTS HAVE RIGHTS, TOO**

Bishop Wilton Gregory, the president of the U.S. Conference of Catholic Bishops, has refused to release the mental health records of a retired priest accused of sexual abuse. The alleged acts occurred in the 1970s in the Illinois Diocese of Belleville; the diocese is now led by Bishop Gregory. As a result of his decision, the Belleville diocese is being cited for contempt of court.



The diocese has appealed the ruling, maintaining that at the time when the priest was treated for mental health, his records were protected under Illinois privacy laws. Furthermore, the diocese insists it cannot turn over the priest's records without his approval.

We did not flinch from supporting Bishop Gregory. Here is our comment to the press:

"Bishop Gregory is an honorable man who is totally committed to the plight of the survivors of sexual abuse. But he is also totally committed to the due process rights of priests. There is no inherent contradiction in this: justice demands that the guilty pay, but it also demands that the rights of the accused be protected. It is the latter right that is operative in this case at this moment.

"Not surprisingly, some are now condemning Bishop Gregory. Their interest in the cause of victims has apparently blinded them from the cause of justice. No priest should have his rights sacrificed simply because of past injustices committed by church officials. Indeed, he is entitled to the same aggressive defense that is routinely afforded celebrities accused of a crime. To suggest otherwise is to embrace a double standard that smacks of anti-Catholicism.

"All Catholics should stand with Bishop Gregory and reject the politics of revenge. Those who think this is 'pay back' time need to be confronted. Get the guilty but protect the innocent. To their shame, that's a motto the critics of Bishop Gregory cannot embrace."

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# BISHOPS BEWARE OF LAY CLERICALISM

Anne Burke, interim chairman of the National Review Board (the group empanelled by the bishops to conduct diocesan audits), got into a public dispute in May with some bishops over the authority and longevity of the panel. Burke, who said she will resign from the panel at the end of June, maintains that the bishops have “manipulated” the group by seeking to block further implementation of another round of diocesan audits. But some bishops have alleged that the panel is inappropriately expanding its autonomy; others object to imputations of ill motive.

We released the following remarks to the media on this issue:

“The National Review Board’s audit of the dioceses, and the John Jay Report that was issued on priestly sexual abuse, were done in compliance with the ‘Charter for the Protection of Children and Young People’ that was authorized by the bishops in 2002. Most fair-minded Catholics agree that both entities did a commendable job. The question now, however, is whether there is an end line to this process, or whether the National Review Board will be instituted in perpetuity.

“It has been firmly established that the majority of cases involved in the scandal took place more than two decades ago. A consensus also exists regarding the condition of the seminaries: beginning over a decade ago, serious steps were taken in most dioceses to improve the seminaries. In other words, while no one maintains that progress can’t be made, it is a mistake to suggest that the problems that came to light in recent times are still with us to the same extent.

“Therefore, the bishops are right to be wary of any attempt on the part of laypersons to institutionalize their authority.

The sociological literature on organizational behavior is replete with case examples of committees that seek to drop anchor once the assigned task has been completed. More to the point, there is nothing in the 'Charter' that gives the National Review Board any degree of permanence. In short, the clericalism that helped to create the scandal will not be corrected by adopting a lay clerical bureaucracy."