

High Court allows RICO suits against pro-lifers

The Supreme Court has ruled that abortion clinics may use the federal racketeering law against pro-life activists who demonstrate at abortion clinics. The unanimous decision, written by Chief Justice William Rehnquist, was condemned by pro-lifers around the country.

A federal appeals court in Chicago had dismissed the case, *National Organization of Women v. Scheidler*; ruling that the Racketeer-Influenced and Corrupt Organizations Act (RICO) applied only when defendants' activities were motivated by economic gain.

The high court disagreed, stating that the language of RICO as written and passed by Congress was unambiguous and did not include the requirement of economic motive.

Although RICO was originally intended as a tool to fight organized crime, the law has been used in a wide variety of contexts having no relation to organized crime. The court has frequently expressed its concern about this expansion of RICO, but it has stated that it is up to Congress rather than the judiciary to limit the use of the law.

The defendants argued before the Court that allowing RICO suits against clinic protestors would have the effect of infringing on the free speech rights of peaceful demonstrators and limiting legitimate political protest.

In a separate opinion concurring in the judgment, Justice David Souter, joined by Justice Kennedy, emphasized that the Court's decision did not bar First Amendment challenges to the application of RICO in particular cases and cautioned lower courts applying RICO to be aware of the First Amendment interests that could be endangered. "Legitimate free-speech

claims may be raised and addressed in individual RICO cases as they arise,” wrote Justice Souter, “and even in a case where a RICO violation has been validly established, the First Amendment may limit the relief that can be granted against an organization otherwise engaging in protected expression.”

A True Fighter for the Faith

Catholic Twin Circle

**editor Loretta G. Seyer interviews Catholic League President
William A. Donohue**

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On July 1, 1993, William A. Donohue, Ph.D., was appointed president of the Catholic League for Religious and Civil Rights. Since that time the sociologist, professor and author has energized the anti-defamation organization that was founded by the late Fr. Virgil Blum, S.J. Donohue has also been quoted in numerous articles and has appeared on a variety of television and radio shows.

The new president is determined to protect Catholics and the Catholic Church from a variety of assaults that are becoming increasingly common in our relativistic, even nihilistic society. In the following interview, he examines the state of anti-Catholicism today and what Catholics can do about it.

CATHOLIC TWIN CIRCLE: What is the Catholic League for Religious and Civil Rights?

William A. Donohue, Ph.D.: The Catholic League was founded in 1973 by Fr. Virgil Blum, a Jesuit. He was teaching at

Marquette University in Milwaukee.

It was dedicated to the proposition that defamation and discrimination were rife in our society against Catholics and that there was no lay Catholic organization out there to defend against them.

Fr. Blum's idea of this organization, which is certainly mine, is that this should be the analog, the natural analog of the Anti-Defamation League (ADL) for B'nai B'rith. Jews have done a far better job than Catholics defending their civil rights.

The Catholic League does speak to defamation issues principally; but, more broadly, it speaks to First Amendment issues. Any issue that reasonably falls under the rubric of civil rights or civil liberties is something that engages the Catholic League.

We're not, however, let me stress, a pro-life organization, we're not a pro-family organization, we're not a pro-voucher organization, though some people think that we are or would like to make us that.

There are plenty of good organizations out there which make a fine statement on family issues and vouchers and the question of abortion. But that's not the Catholic League.

If we try to become everything to everybody, we will fail. We have to be the organization that when Catholics are under attack or some teachings of the Catholic Church are under attack, the media instantly thinks of the Catholic League to go to and not anybody else.

If a cardinal or bishop comes under attack in an unfair or malicious way, whether that cardinal or bishop is liberal or conservative is not an issue for the Catholic League. What we're here to do is to say that Catholics – lay and clergy alike – have as much right to participate in public discourse as any other segment of our society.

We feel that Catholics should not be shy or apologetic or defensive about that. We have something to say – things of interest not only to Catholics but to non-Catholics as well. And we don't like the idea that people will disparage us. If people want to disagree – fine.

But when you go from disagreement into disdain, disparagement, derision, ridicule, bigotry, then you've crossed the line, and that's when the Catholic League will swing into action.

CTC: How is the Catholic League organized?

Donohue: The league is a national organization located in New York City, and we have various chapters around the country from which we try to mobilize people locally. We have a publication office in Milwaukee, which I think of as part of the national office.

The League is here to do several things – to testify when appropriate, to hold press conferences, to issue news releases. In essence, to defend Catholics from the kind of contemporary ridicule that we see.

We want to see that Catholics are given the same rights as blacks, Jews and homosexuals.

There are things that are said on television, in the movies, on radio, in theater, in dance and in college classrooms about Catholics that would never be tolerated if they were said about blacks, Jews, homosexuals or Hispanics . It's really gotten quite out of hand.

CTC: When Fr. Blum started the League, what kind of problems was he facing then in terms of anti- Catholicism, and what is the League facing now?

Donohue: Fr. Blum, I think, was particularly concerned about the degree to which Catholics had their rights subordinated by the state vis a vis the voucher program.

The Catholic League today, while it is sensitive to the voucher issue and does feel that Catholics have as much right to send their children to the school of their choice as anybody else, is more concerned about the unprecedented assault on the Church to discredit it and marginalize its impact. Let me give you an example of what I'm talking about. In the 18th, 19th and the first half of the 20th centuries, the kind of defamation and discrimination experienced by Catholics was more typically experienced by individual Catholics – ethnic Catholics; Irish Catholics; people being discriminated against by immigration policy- as Southern and Eastern Europeans were in the 1921 and 1924 immigration acts; people being discriminated against on the job; in entering schools – it is well-known that the Ivy League schools had quotas for Catholics and Jews.

That kind of discrimination – the good news is – has largely subsided. There are very few instances where individual Catholics are denied a position in society either in employment or education or promotion because of their faith.

What is new, however, is that there is an attempt to discredit the teachings of the Catholic Church, particularly as they deal with sexual questions. There's an attempt to marginalize and privatize religion in general – essentially, to say that religion is something that private people do in the confines of their private institutions, churches and homes, but it should have no public ventilation.

I would regard that really as the mark of a bigot. Let me tell you why. If we took the same attitude toward music and art and said we have nothing against music or art, it's just that it doesn't belong in the public sphere – in a park, for example, in any type of display or demonstration – but, rather, it should be entertained by one in his own domicile, we'd regard that as an unfair abridgement. It's really stifling the life out of music and art to say that it should be demonstrated and shown only in one's home or inside some institution.

To do this to religion, I think, is to stifle it. The Catholic Church, in particular, is under attack because it's the last bastion of traditional moral authority in our society.

The Catholic Church today is strikingly counter-cultural. It is counter to the culture, which says that there's no moral hierarchy; that there's no clear way to distinguish between right and wrong; that everything is a matter of moral neutrality; that making decisions about sexual behavior is no more different than someone choosing between chocolate, vanilla and strawberry.

The Catholic Church, of course, does not teach that. The Catholic Church holds there is a moral hierarchy; that sexuality is an act of love to be expressed within the confines of marriage for the purpose of procreation.

That's an entirely different concept than we see today where the cultural elite – by that I mean the people in the media, the professorate, the opinion makers in general – have a very relativistic, indeed I would say nihilistic, attitude toward a moral hierarchy.

I'm not certain what they want to put in place of what we've had, but I am certain that they think the traditional Christian perspective is one which is oppressive and I would regard that as a misguided interpretation of liberty, as well

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CTC: Is the Catholic League aligning with other religious groups?

Donohue: Yes. And we will enter into coalitions selectively.

I am opposed to the school of thought that says we shouldn't be talking at all to other like-minded peoples who are of a different religion.

I've been told for about 30 years about the wonders of

ecumenism. I think that should cut as well for people who might be more conservative than liberal.

Many of my more liberal Catholic friends are always willing to raise the flag about how they've embraced Protestants, for example, who are like-minded on nuclear weapons and social justice, but who somehow feel aghast at the idea that more conservative Catholics and Protestants might get together. Seems to me that there's a rather selective interest in ecumenism.

I have an interest in ecumenism, as well. But let me also say that we have an identity as a Catholic civil-rights organization, and we have to fight our own battles.

There will be occasions when there is the need to join hands. If, for example, a Jewish cemetery is assaulted by skinheads, I will be as quick to denounce that as if there was some defacement to some Catholic church. I have no problem with that.

I think that Catholics haven't done enough for themselves. Let me be explicit: I don't mean the clergy.

The clergy – by and large, with certain exceptions – are so busy doing all kinds of things to represent the Church already, that they don't have the time or the resources. And I might add to some extent, even the credibility, with many segments of our society anymore.

Lay Catholics have been entirely too dependent on the clergy. It's understandable given the hierarchical nature of the Church; it may be one of the negative sides to it. But the fact of the matter is that Vatican II gave lay Catholics a charge to be more participatory. Yet, they haven't been. The ball is in our court.

If Catholics act through the Catholic League or other like-minded organizations, they will also get over that separation

of Church and state hurdle because as lay Catholics we have as much right to say what is right and proper for the best interests of public policy and society as any other segment of the society.

We don't have to be burdened the way cardinals, bishops and priests are in terms of what we can and cannot say in terms of the establishment cause.

So, I think that the time has come in the '90s for lay Catholics to become energized. And, if we have about 59 million of us, even if only half of those people – only 30 million – feel energized to do something about it, that's a tremendous segment of our society.

CTC: What could Catholics do both individually and on a larger scale?

Donohue: They can put heat on bureaucrats. Bureaucrats don't like to take the heat. Most of them, in fact, might be surprisingly more on our side than people seem to realize.

Bureaucrats tend to bend with the wind. And the people who've been putting the heat on the bureaucrats have been people who have an agenda which is counter to the Catholic agenda.

Catholic parents cannot continue to complain over cocktails on a Saturday evening about how bad the culture is. They have to write the letter to the editor – the most read segment of any newspaper is the letters to the editor. They have to phone in.

They have to do things that aren't going to take an inordinate amount of time because people are stretched. I understand that, but they have to show up at schoolboard meetings. They have to raise their voices at PTA meetings. They have to get involved in an occasional demonstration, join a boycott, belong to the Catholic League or other like-minded organizations.

Introduce other people to your concerns. Be more vocal and not be so timid about getting involved with other people. Talk to your pastor and find out what people are being brought into your local church for outside guest speakers. Find out what your local Catholic college or university is doing; it might be a real eye-opener.

There's a whole bunch of ways in which people can get involved that aren't so costly in time as to eat up the schedule. But it means, first of all, getting angry about what's happening and then making the decision to do something without overreacting. It's always important not to overreact, because you become your own worst enemy.

I do believe that public discourse is the best way. Occasionally, it might mean a lawsuit. I'm not wild about going to the courts as a way to resolve our problems – only when necessary.

But, ultimately I don't think the problems that we're talking about are resolved in the courts. They're going to be resolved by the cultural elite. It's going to be by changing people's consciousness, by getting people to understand that there are certain ideas that ought to be taboo.

We have to make Catholic bashing as politically incorrect as the bashing against blacks, Jews and homosexuals. If we could do that, we'll make tremendous strides.

FABRICATING DIVISIVENESS

Someone called to tell us that on January 6th, "Prime Time Live" was scheduled to do a segment on annulment in the Catholic Church. I decided to watch. A few minutes before the

program began, a promo for "Prime Time Live" was run that made special mention of the annulment segment.

I'm glad it perked my interest because the lead segment of the night proved to be quite a commentary – on ABC, that is.

Diane Sawyer set the tone from the start: "Annulment is one of the most divisive issues in the Catholic Church today." Now that is a remarkable statement. Since the show aired, I have had many conversations with fellow Catholics, not all of whom could reasonably be called "orthodox" or "traditional," and every one of them admitted that annulment is a subject that they discuss about once or twice a year. It is hardly a burning issue with any of them and it clearly isn't regarded as "one of the most divisive issues in the Catholic Church today."

It didn't take long for "Prime Time Live" to show its true colors. We heard, of course, from Father Charles Curran, the priest every Catholic-basher has come to love. Readers will recall that Father Curran was the priest who insisted on teaching moral theology *his* way while at Catholic University of America. He now teaches at some Methodist school, I think. No doubt he's happier there. In any event, it hardly surprises to learn that Father Curran doesn't quite approve of the Church's handling of the annulment process.

Also unsurprising is the way "Prime Time Live" loaded the deck with disaffected women. Now I don't know about you, but this is getting to be pretty old stuff. Every time the media want to show, or should I say sow, divisiveness in the Church, it focuses on women. Women, we learn from Ms. Sawyer, feel that the annulment process has let them down. And so on. Since three in four Americans are not Catholic, it seems reasonable that somewhere along the way Ms. Sawyer would explain, or at least ask someone, what annulment means. But no such luck. Oh, yes, the question is raised, and a voice-over rhetorically poses the question, but the priest who is asked to explain the

process is never given an opportunity to do so.

At one point in the program, Chris Wallace endeavors to have Father Edward Scharfenberger of the Diocese of Brooklyn comment on the Church 's position on annulment. Father Scharfenberger appears on the show for about 45 seconds though most of what we hear is the voice-over and background discussions between participants in a mock annulment proceeding. He actually speaks for about 5 seconds.

I called Father Scharfenberger to ask him how the interview went. To begin with, the interview lasted an hour and a half. About half way through the interview, Chris Wallace played his hand. He asked Father why so many women were angry with the Church on the subject of annulment. Father Scharfenberger then asked a logical question of Wallace: Where did he find such evidence? Wallace had none.

It is not difficult to understand why Father Scharfenberger merited so little time for the hour and a half investment that ABC made. He didn't make for good copy. To be exact, he didn't screw up. And that's what Wallace was looking for – a scoop.

Annulment in the Church is about as divisive an issue with Catholics as "Las Vegas Night." Sure, wherever there are policies that allow for exceptions, lousy decisions can be expected from time to time. But that is hardly news and it hardly explains why "Prime Time Live" decided to run this show. It seem far more plausible to assume that the media are as much interested in fabricating divisiveness as they are in reporting it. Perhaps more so.

I wrote to "Prime Time Live" requesting the evidentiary basis upon which Ms. Sawyer made her remarkable claim. I'm still waiting to hear from them and expect that the wait will prove to be about as unbearable as listening to one more commentary from Diane Sawyer and Chris Wallace.

– *William A. Donohue*

Catholic-bashing columnist MCs Boston inaugural

James Carroll, a Catholic-bashing *Boston Globe* columnist, served as Master of Ceremonies at the inauguration of Boston's new mayor, Thomas Menino.

In recent memory, according to the Catholic League's Massachusetts-based Operations Director Joe Doyle, Carroll defended Sinead O'Connor's papal photo tantrum on "Saturday Night Live," accused Pius XII of complicity in the Holocaust, and told Pope John Paul II that he owes Israel an apology – among other things.

Doyle called Menino's choice of Carroll "offensive and insensitive to Catholics." He went on to note that the new mayor appeared more interested in "appeasing the *Globe*" than caring about an insult to the Catholic majority in Boston.

Appellate Court rejects NYC condom program

The New York State Appellate Court has rejected New York City's condom distribution program as a violation of parental rights. The court ruled that condom distribution is a health service and not an educational program and therefore falls under state regulations requiring parental consent for any health or medical service.

A Brooklyn *Tablet* editorial (sent in by frequent contributor Bill Barry) hailed the decision as a victory for parents. It went on to note that while parental consent will be required for condoms, abortions will still be available without consent.

The editorial concludes:

“We hope that the court judgment is the proverbial foot in the door that will open to a more reasonable and responsible evaluation of the entire situation. Much has been made of the New York City condom policy being a national model. May the court ruling become a similar precedent.”

Council president election draws flak

The election of City Councillor James Kelly as President of the Boston City Council, produced an anti-Catholic outburst from one of the homosexual groups involved in the St. Patrick's Day parade controversy in Boston. Kelly, a staunch supporter of traditional values, was denigrated as “a bigot ... a foul-mouthed Catholic bigot” by one Cliff Arnesen, vice-president of a group styling itself the ‘New England Gay, Lesbian, and Bisexual Veterans.’

Homosexual militants thought they had triumphed with a favorable court ruling in the parade case, only to discover that the sponsors of the parade, the South Boston Allied War Veterans Council, decided to cancel the parade, rather than compromise their principles and allow a homosexual contingent to march. Kelly, who represents South Boston, is a forthright opponent of homosexual involvement in the parade. Catholic

League Operations Director C. Joseph Doyle stated: "Mr. Arnesen's invective is one more expression of the strident anti-Catholicism that has become the stock in trade of homosexual militants. It is also a striking example of the hypocrisy of those who want to march in a Catholic neighborhood, in a parade honoring a Catholic saint, but whose underlying sentiment is one of contempt for Catholics. The real bigotry here is the growing and vitriolic intolerance shown by homosexual extremists towards public figures who have the temerity to oppose the homosexual agenda."

John Walsh, Communications Director of the Archdiocese of Boston, in a letter to the *Boston Herald*, said Arnesen had been "made bold by the resurgence of anti-Catholicism in American culture."

Priest called 'bigot' for law critique

Rev. David Mullen, Parochial Vicar of St. Paul's Church in Wellesley, Massachusetts, became the object of public controversy when a group of homosexuals and their supporters noisily stormed out of Christmas Midnight Mass at Holy Trinity Church in Boston, while Father Mullen preached the homily. Father Mullen, a prominent pro-life priest and a member of the Catholic League, criticized the new Massachusetts homosexual student rights law as an effort to "propagandize children in the homosexual lifestyle." Father Mullen said this was an example of the "darkness of sin in our time." The Boston media reported the episode, which was prolonged by a letters to the editor campaign that sought to vilify Father Mullen as a bigot for daring to criticize immorality from the pulpit. The

Catholic League defended Father Mullen on radio and in the press, with Operations Director C. Joseph Doyle calling Father Mullen's remarks "pertinent, timely, and accurate." Doyle described the attack on Father Mullen as "an intimidation tactic aimed at silencing Catholic criticism of the homosexual agenda."