

WHAT'S BEHIND THE BOSTON FLAG CASE

It is legal to burn the American flag in Boston (and elsewhere), and it is legal to display the flags of Communist nations in front of Boston's City Hall, but it is illegal to raise a Christian flag in the same spot. That may be changing once the Supreme Court rules on this case in June.

The justices recently heard oral argument on this case, and it didn't go well for Boston officials. The position put forth by Douglas Hallward-Driemeier, representing Boston, appeared lame. Even some liberals on the high court seemed unimpressed.

A closer look at what he said is troubling: it suggests that either city officials are badly educated on the First Amendment, or they harbor an animus against Christianity.

City officials in Boston are used to people making requests to fly celebratory flags outside City Hall. For example, Gay Pride flags are flown. Most of the requests, however, are to fly the flag of a foreign nation.

Boston granted 284 consecutive requests until it finally said no to one. It said no to a man who wanted to fly a "Christian flag" (it bears a Latin cross).

For the justices, the key issue was clear cut: either the flagpole represents a public forum where private parties can express themselves, or whether raising these flags conveys government endorsement of their message. If it's the former, then city officials cannot deny the Christian flag from being flown; if it's the latter, they can.

The lawyer for the city argued that Boston would be endorsing Christianity if it allowed the Christian flag to be flown. He admitted that religious symbols are inscribed on some nation's flags, but city officials believed that was different: the

flag's message was about the nation, not religion. But was he right to say that the establishment clause of the First Amendment prohibited the flying of a Christian flag?

Justices Elena Kagan, Brett Kavanaugh and Neil Gorsuch all indicated that it may be a "mistake" to see this issue as a violation of the establishment clause, and that if that is the case, then it ends the discussion.

"Congress shall pass no law respecting an establishment of religion, or prohibiting the free exercise thereof." The latter clearly says that the government cannot stop the free exercise of religion. The former, according to Boston city officials, means that flying the Christian flag outside City Hall is tantamount to government endorsement of it.

Are there really two clauses here, serving two different ends? That is what the city of Boston believes. But to the Framers, the two clauses serve to facilitate one end: religious liberty. That being the case, there is no need to "balance" one against the other, and it is wrong to see them as oppositional, as if they were written to cancel each other out.

The article "an" is important. It takes on more meaning when we understand what Madison, who wrote the First Amendment, said about it. By "an establishment of religion" he meant a national church, such as the Church of England. In addition, he said, government could not show preference for one religion over another. That was it.

From the oral argument, it is possible to deduce that Boston officials are using the establishment clause as a ruse: it may be that they are simply against the public expression of religion.

Justice Samuel Alito noted that the original Boston policy on flag flying did not list any reasons why a request could be denied. After the Christian flag was denied, it was decided

not to grant requests for flags that were “discriminatory, inappropriate or religious.” Alito charged that in doing so, “you’ve reverse engineered.”

“We want to create an environment in which everyone feels included.” That is what the Boston attorney said. But by denying a Christian flag, does that not send a message that Christians are not included?

The city’s lawyer also said, “Our goal is to foster diversity by celebrating the communities within Boston.” Justice Clarence Thomas jumped on this admission, saying, “You mentioned diversity several times, and what I don’t understand is your definition of diversity because it would seem to me that Christians in Boston would be a part of that diversity calculus.”

The Boston case was made harder when several justices said the city’s policy amounted to “viewpoint discrimination.”

What happened during oral argument is commonplace these days. The words “diversity and inclusion” roll off the lips of those on the left as a mantra. They mean nothing. They mean nothing because they rarely seem to apply to those who hold to traditional moral values. If anything, they are used as a weapon against them.

In 1963, the Supreme Court, in *Abington v. Schempp*, ruled that “the State may not establish a ‘religion of secularism’ in the sense of affirmatively opposing or showing hostility to religion.” Seems apropos.

The generous interpretation of this case is that Boston officials need to get up to speed on the meaning of the First Amendment. A less generous one suggests that their real goal is to censor the public expression of Christianity.

MANIPULATING THE POPE

Bill Donohue explains why he wrote the letter found [here](#).

Over the past several years, I have written many pieces on how some in the media have been manipulating Pope Francis. But the scheming is not confined to the media.

The latest example comes by way of New Ways Ministry (NWM), a disloyal Catholic outfit that has been the focal point of numerous sanctions from Church authorities, both in Rome and in the United States. It explicitly rejects Church teachings on marriage, the family and sexuality, especially homosexuality.

In October, the Vatican formally announced the beginning of a two-year program, the Synod on Synodality, that would allow Catholics to participate in a dialogue with Church officials on matters of importance to them. The Vatican's Synod of Bishops posted a resource page that provides links to a webinar for participating parties.

One of the groups that sought participation was NWM; it succeeded in obtaining a link to the webinar. However, when loyal Catholics complained that it was a heretical group, the link was taken down on December 7. After disloyal Catholics complained, the link was restored on December 13.

On December 15, I wrote a letter to Cardinal Mario Grech, General Secretary of the Synod of Bishops; it was sent by fax that day and arrived via express mail on December 17. Confirmation that the fax was received was dated December 21.

Cardinal Grech did not reply by January 10. I then decided to go public with my statement. My letter is on the opposite

page.

Letters by Pope Francis commending NWM have now surfaced. On December 10, the pope wrote a short note to Sister Jeannine Gramick thanking her for her 50 years of ministry; she co-founded NWM in 1977 with Fr. Robert Nugent. Last spring, two letters of correspondence were exchanged between the pope and Francis DeBernardo, the executive director of NWM.

On May 3, 2021 Pope Francis wrote to DeBernardo about his letter of April 21. "It helped me a lot to know the full story you tell me," the pope said. "Sometimes we receive partial information about people and organizations, and this doesn't help. Your letter, as it narrates with objectivity its history, gives me light to better understand certain situations."

It is painfully obvious that the pope does not have "the full story." Indeed, he has been manipulated once again.

In his letter to the pope, did DeBernardo tell him why Washington Archbishop James Hickey barred NWM officials in 1984 from continuing their "service" to the Church? He did so following numerous complaints that Gramick and Nugent had infiltrated the seminaries, openly defying Church teachings on homosexuality.

Did he tell the pope why the Congregation for the Doctrine of the Faith was pressed into starting an 11-year investigation of NWM? They did so because Gramick and Nugent refused to accept the Church's teaching regarding "the intrinsic evil of homosexual acts and the objective disorder of the homosexual inclination." That is why when the probe was finished in 1999, they were told to stop with their "ministry."

Nothing has changed since. Indeed, on January 7, 2022, Gramick said that in 1999 the Vatican wanted her and Nugent "to say that homosexual activity is objectively immoral and that we personally believed that. And I could not say that."

Did DeBernardo tell the pope that Gramick praised the biggest pervert priest in American history, Father Paul Shanley? He raped males of all ages and he did so for decades. He liked to blame children for his perversion, famously saying, "the kid is the seducer."

In 2005, Gramick said she was horrified by Shanley's behavior but that she "grieved for this man I had not seen in almost 20 years, but whose principles and whose advocacy for the downtrodden I had applauded for three decades." Journalist Maureen Orth was horrified by what Gramick said, adding that she interviewed nine of Shanley's victims. Gramick never spoke to one of them.

We know what Pope Francis has said about marriage—it should be confined to a man and a woman in the institution of marriage. We know that he has called gay marriage the work of "the father of lies," meaning the devil. We know that he has advised men with "deep-rooted" homosexual tendencies not to enter the priesthood. We know that he has warned against the "gay lobby" in the Church. We know that he regards gender ideology—that men and women can switch their sex—to be "demonic."

We also know that neither Gramick nor DeBernardo believe a lick of what the pope has said.

In 2015, when Pope Francis visited the U.S., many disloyal Catholic groups sought to meet with him, one of these was NWM. They were rightfully denied. Loyal Catholics did meet with him (I did so on September 23).

On October 9, 2021, Pope Francis gave an address about the opening of the Synod. Quoting Yves Congar O.P., he said, "There is no need to create another church, but to create a different church." True enough. NWM wants another church, not a different one.

Loyal Catholics need clarity from Rome about this issue.

BILL DONOHUE'S LETTER TO CARDINAL GRECH

Your Eminence:

As president of the largest Catholic civil rights organization in the United States, my job is to defend individual Catholics against discrimination and the institutional Church from defamation. The latter ineluctably involves a defense of Church teachings and strictures.

I am writing to you because recent news reports indicate that your communications manager, Thierry Bonaventura, has announced that he has restored a link to New Ways Ministry's (NWM) webinar on synodality that had been taken down following considerable criticism. Moreover, he has extended an apology to NWM.

Like so many other Catholics, we were surprised to learn that a video by a dissident organization—one that has been summarily rebuked by the Vatican and the U.S. bishops for decades—would be accepted by the Vatican as a legitimate Catholic contribution to the synodal consultations. We were relieved when this post was taken down. You can imagine how we felt when it was restored. Worse was an apology to an organization that not only has no standing in the Catholic Church—it actively seeks to undermine it.

What I have said is not a matter of opinion.

I am sending via fax and the U.S. mail a copy of the "Notification Regarding Sister Jeannine Gramick, SSND, and Father Robert Nugent, SDS," a publication of the Congregation for the Doctrine of the Faith, written by Cardinal Joseph

Ratzinger (pope emeritus) in 1999.

Ratzinger noted that in 1984, "James Cardinal Hickey, the Archbishop of Washington, following the failure of a number of attempts at clarification, informed them [NWM] that they could no longer undertake their activities in that Archdiocese. At the same time, the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life ordered them to separate themselves totally and completely from New Ways Ministry, adding that they were not to exercise any apostolate without faithfully presenting the Church's teaching regarding the intrinsic evil of homosexual acts."

Ratzinger then detailed the many attempts by Church officials to persuade Gramick and Nugent to abide by Church teachings on this subject. He concluded that they "are permanently prohibited from any pastoral work involving homosexual persons and are ineligible, for an undetermined period, for any office in their respective religious institutes."

Three years later, in 2002, Archbishop Tarcisio Bertone, Secretary of the Congregation for the Doctrine of the Faith, wrote that "New Ways Ministry does not promote the authentic teaching of the Catholic Church."

In that same year, Archbishop Thomas Kelly of Louisville told organizers of the group's conference that they should not celebrate the Eucharist at the NWM event. Following suit in 2007 was St. Paul-Minneapolis Archbishop Harry Flynn: he barred NWM's national conference from celebrating the Eucharist.

In 2010, Cardinal Francis George, president of the U.S. Conference of Catholic Bishops, stated that he can assure Catholics that "in no manner is the position proposed by New Ways Ministry in conformity with Catholic teaching and in no manner is this organization authorized to speak on behalf of the Catholic Church or to identify itself as a Catholic

organization.”

In 2011, Cardinal Donald Wuerl of the Washington Archdiocese, and chairman of the Committee on Doctrine, joined with Oakland Bishop Salvatore Cordileone, and chairman of the bishops’ Ad Hoc Committee on the Defense of Marriage, issuing an affirmation of Cardinal George’s denunciation of NWM.

Were all of these senior members of the Catholic Church wrong about NWM? Or is the decision to welcome them to the synodal process wrong? They can’t both be right.

I would like to know by January 10 what your response is. Thank you for your consideration.

Sincerely,

William A. Donohue, Ph.D.