

LEAGUE PROTESTS KLAN RALLY IN PITTSBURGH

On April 5, 50 members of the American Knights of the Ku Klux Klan marched in downtown Pittsburgh, drawing public denunciation from the Catholic League. Some wore Nazi uniforms and organizers of the march declared it a victory for white supremacists. The league denounced the march and was particularly upset with the attempt by the Klan to appeal to Roman Catholics for support.

The league also objected to a bogus story in the Tribune-Review, a newspaper from the eastern Pittsburgh community of Greensburg, suggesting that the Klan has "dropped its anti-Catholic message." This story, along with Klan propaganda, fed the rumor that the Klan is now receptive to Catholics.

Bishop Donald Wuerl criticized the Klan rally and held a special Mass before the march. William Donohue addressed both the Klan's appeal and the story in the Tribune-Review in a news release; it is printed below.

"From its inception, the Klan has been viciously anti-Catholic, as well as anti-black and anti-Jewish. All the phony appeals to Catholics that are now being made can never change the Klan's notoriously anti-Catholic heritage.

That is why it is important for all Catholics, and especially Catholic leaders, to denounce without equivocation the march in Pittsburgh.

"It is especially disturbing to read news reports, like the one that appeared in the Tribune-Review, that say that the Klan has dropped its anti-Catholic message. It has done nothing of the kind. Indeed, I personally contacted the sociologist who was cited in the story as the basis for this conclusion and she quickly branded the statements attributed to her as false. Professor Kathleen Blee, Director of the Women's Studies Program at the University of Pittsburgh, maintains that the Klan has not ceased to be anti-Catholic and nothing in her scholarship has ever suggested otherwise.

"Because the Klan is a paramilitary terrorist organization, it should be given no presumptive right to exist in a democratic nation. However, the authorities have seen fit to protect their right to march. This makes it all the more imperative for Catholics to reject the Klan's overtures by joining the scheduled counter-demonstration against them."

TIME EXPLAINS ITSELF

The March 10 edition of *Time* published a column entitled “Winners and Losers” that listed Pope John Paul II as a “loser” for condemning ads that “shock, titillate and tempt.” Next to a picture of the Pope, it said, “But will Calvin Klein listen?”

The league sent a letter to the magazine stating the following: “Why the Pope should be branded a loser for criticizing sleaze is not certain, but this much is: Calvin Klein listened when the Catholic League called for a boycott – he withdrew some of his most offensive ads.” We added, “So what makes you think that Klein, and others, might not listen to the Vatican?”

Amy Musher of the editorial office of *Time* said that “We regret any offense at finding the Vatican in the Losers column, for certainly none was intended.” She made it clear that “the Pope was not being ‘branded a loser’ for criticizing sleaze in advertising; we meant merely to suggest that, in terms of Calvin Klein’s past record (even though certain ads were withdrawn, after boycott threats), official condemnation may not be enough to prevent a recurrence of shocking or titillating ads.”

Musher said that the league’s letter was “circulated among the appropriate editors for their interest and attention.”

Crafting a CATHOLIC Conscience

by William A. Donohue

In some Catholic quarters, it has become commonplace to assert that Catholics are free to do what their conscience instructs. But if this were the case, then there is nothing particularly Catholic about this position. After all, are not agnostics and atheists also free to let their conscience decide moral questions?

The Catholic Church certainly recognizes the importance of conscience, but it stresses the primacy of a “well-formed” conscience. I will leave it to the theologians to detail the history and development of this idea, and I will not attempt to offer a blueprint of the contents of what a “well-formed” conscience might look like, but I will examine what it means to a sociologist.

All societies are held together either by coercion or consensus, the former being the rule in history and the latter being most critical to societies that claim to be democratic and free. Societies forged on coercion need not depend on rallying the conscience of the people, and this is because the people are literally the subjects of the existing regime. To be sure, the subjects must legitimate the rule of their rulers, but this can be done through passive acquiescence. Not so in a democracy.

Democratic governance requires that the people bond together on the basis of a moral consensus. This does not mean that everyone must agree on the meaning of right and wrong, but it does presuppose that there is general agreement as to what constitutes right and wrong. The alternative is cultural chaos, the end result of which is called anarchy. As Judge

Robert Bork as astutely noted in *Slouching Towards Gemorrah*, this is a condition we are fast approaching.

One reason why the U.S. is in such disarray is the absence of “well-formed” consciences. Even worse, the very suggestion that a conscience should be “well-formed” is likely to be met with visceral rejection. The predictable refrain is, “Who will do the forming”? May I be so bold as to suggest that everyone, non-Catholic as well as Catholic, could profit by looking to the teachings of the Catholic Church. This is not to say that other religions teach us nothing of importance, but it is to say that Catholicism is richly textured and provides a thick base upon which all of us can draw.

In the end, a “well-formed” conscience must do what Tocqueville once argued, and that is to get one’s eyes off of one’s self. It was to religion that Tocqueville repaired to for guidance, and his religion was Catholicism.

Catholicism does not neglect the individual, but it does not forget the community in which he lives, either. A conscience that directs the individual to do what he wants has nothing to do with this understanding. But a conscience that is formed by squaring self-interest with the common good is another matter altogether. It allows for a moral consensus to exist and thus gives life to freedom.

If crafting a Catholic conscience means anything, it means that the precepts of the Church must be understood, accepted and acted upon with regularity. To be sure, this is a tall order. But not to do so is to allow self-interest to reign without consequence, and history has taught us all too well that this soon becomes nothing but passion, pure and simple.

What this means for Catholic parents is foreboding. How can they craft a conscience in their children that reflects the Catholic tradition? For starters, they can acquaint themselves with the Catholic Catechism. They can also tell their children

that the Ten Commandments provide us with a platform for deciding right and wrong, and that the Church faithfully tries to incorporate those lessons into its own teachings. In addition, they can teach their children that an examination of conscience is predicated on recognizing the authority of God, and no one else.

My uncle, Johnny McGetrick, is fond of telling me how much he learned from the Jesuit tradition at Fordham. What he learned was a set of principles that enabled him to craft his conscience in a way that was intelligible, reasonable and coherent. Unfortunately, his training seems pedantic, if not quaint, by today's standards, but it nonetheless gave him an indispensable reference upon which to act. We could do worse than attempting to revisit that tradition.

THE SUPREME COURT DECIDES LIFE AND LIBERTY

by William A. Donohue

We will soon know whether it is okay for doctors to kill their patients and whether religious institutions can govern without undue governmental interference. The common denominator is one of autonomy: how much slack should government accord those who claim that they have a constitutional right to do what they want?

It will not do to say that the answer lay in the constitution itself. We have lived through too much to know that the constitution is not what the Framers intended it to be. Sitting judges decide what the constitution means, and they frequently do so by choosing innovation over interpretation.

That being the case, there is all the more reason to consider the philosophical and sociological import of what comes before them.

How much autonomy individuals and institutions should have cannot be decided absent the social context in which issues arise. The sociological insight that says no one lives in a vacuum is understood by the courts when they rule that there must be a “balancing” of rights. As such, demands for autonomy must be weighed alongside other competing rights, as well as a genuine interest in the public weal.

DOCTOR ASSISTED DEATH

“Doctor knows best” is the medical profession’s grandest assertion of autonomy. The doctors who testified at the Nuremburg trials also thought they knew best, which is why they justified the killing of their subjects in the name of humanity. Dr. Kevorkian thinks he knows best and that is why he continues to kill. But unlike the German doctors of the 1930s and 1940s, Kevorkian practices his autonomy in a free country, and he does so with the express approval of many juries.

The polls show that most Americans support doctor-assisted suicide. How much thought they have given to this issue is not known, but it is fair to say that most have reached their position out of sincere concern for the welfare of old people dying in pain. But it must also be said that in some cases they have reached their conclusion out of self-interest or ignorance, or both.

Survey data shows that there is an inverse correlation between age and support for doctor-assisted suicide, meaning that young people are the most enthusiastic about allowing doctors to help kill their patients and old people are the least enthusiastic. This should give us pause. Is it not a strange right that those who are alleged to benefit from it most also

want it least, while those who are not the purported beneficiaries want it most?

Moreover, why is it that white, well-educated, healthy and wealthy men are most likely to support this right while non-white, undereducated and poor persons oppose it? And why is it that the disabled have campaigned against this right? In addition, why is it that in the Netherlands, where doctor-assisted death is most common, do we get reports that those who are the most likely to ask for the invocation of this right are relatives of the patient, and not the patient himself?

No one wants to die in pain. But this is not the 19th century. The idea that persons are writhing in pain while next of kin watch in horror is more science fiction than reality. This is why when I debate this subject on TV, I often ask my challenger whether he's ever heard of something called a sedative. His silence is deadening.

If it is wrong for someone to kill himself, it is doubly wrong for someone to assist him, and it is triply wrong for a doctor to do so. Doctors are pledged to save lives, not end them. Once society says it's okay to do both, the status of a doctor is ineluctably corrupted. His newly granted autonomy cannot be restrained, even by regulations. Again, the experience of the Netherlands is instructive. All the regulations written by the bureaucrats to prevent doctors from exploiting their autonomy have failed: Dutch doctors kill more of their patients without approval than with their consent.

The autonomy that allows a doctor to kill sickly old people can easily be extended to other patients as well. After all, why should we confine a right to one segment of the population, and not to others? Would it not be a violation of the Fourteenth Amendment's equal protection clause to restrict a right to one class of citizens? To put it bluntly, why not allow doctors to kill 15-year-olds?

Think of it. A 15-year-old girl learns she is pregnant out-of-wedlock. She is afraid to confront her parents, is being pressured against her will by the father of her child to have an abortion, and is so despondent that she is thinking about committing suicide. Now if only someone would help.

Every time I have thrown this issue at someone in favor of doctor-assisted suicide, they have refused to answer. Even Kevorkian lawyer's, Jeffrey Fieger, wouldn't answer me. Make no mistake about it – they think it's grand, it's just that they don't want to turn the public against them.

Fieger doesn't care because all he cares about is autonomy. A radical individualist, Fieger believes everyone should be allowed to do whatever he wants to his own body (sounds familiar, doesn't it?). This libertarian extremism has become so ingrained in the culture that even sensible persons have come to espouse it.

To begin with, the law does not allow us to do whatever we want to our own body. For example, we are not allowed to take whatever drugs we want. Now this may not please Mr. Fieger, and it certainly doesn't please William F. Buckley, Jr. and the ACLU, but the fact remains that our bodies are not sovereign vessels into which any trash can be thrown. Drugs are proscribed because of the effect they have on mind and body, and not simply on the mind of body of the user, but on the mind and body of those with whom he interacts.

We also have laws against dueling: two men who want to have it out have no legal right to duel to death. Moreover, it is not lawful for a masochist to hire a sadist to kill him at high noon on Main Street. Come to think of it, we don't allow animals to do whatever they want to their own bodies, which is why cock-fighting is illegal. So much for bodily autonomy.

Though it will not do so, the Supreme Court should listen carefully to the teachings of the Catholic Church before it

renders its decision on this issue. The Church understands the difference between a doctor who withholds extraordinary means of life-support and a doctor who actively partakes in the death of his patient. Even those who are critical of the Church's position must admit the logical consistency that imbues in the Church's approach to issues of life and death.

While the judges may reject this line of thinking in *Quill v. Vacco*, they surely understand the difference between someone who jumps off a bridge and a doctor who pushes him over the edge. They also understand the cultural havoc that the court created when they invented a right to abortion. So we might escape with a victory on this one.

Boerne v. Flores

Things may not go as well in the two major cases involving religious liberty that are before the Supreme Court. *Boerne v. Flores* and *Agostini v. Felton* both touch on sensitive territory. Churches, like other institutions in society, want as much autonomy as they can get, but, like everything else, the degree of autonomy that the court is likely to grant must be balanced against other competing interests.

Boerne involves a clash between a church and the community in which it is located. In 1994, Archbishop P.F. Flores and the parishioners of St. Peter's Catholic Church asked the city of Boerne, Texas, for a permit to demolish and rebuild their 73-year-old church. The capacity of the church is 230, and on any given Sunday as many as 290 people seek entrance. The problem, however, is that city officials have denied the permit, citing the town's historic preservation ordinance.

When the permit was denied, the archbishop sued, claiming protection under the 1994 Religious Freedom Restoration Act (RFRA). The act was passed by Congress after the Supreme Court, in 1990, allowed state and local government bodies the right to place certain limitations on religious expression,

such as prohibiting the use of illegal drugs in some religious rites. Under RFRA, there must be a “compelling” governmental interest before any restrictions on religious groups are allowed.

One of the questions before the Supreme Court is whether the Congress can pass a law that effectively overturns a decision by the high court. That issue, alone, is of grave constitutional significance and may ultimately be the only real issue before the judiciary. But if RFRA is struck down, the court will have to give some guidance as to just how much autonomy religious institutions can rightly expect.

The immediate issue in *Boerne* is whether local communities have a right to restrict the decision-making of religious institutions. It is not just in Boerne, Texas, that this controversy has arisen, but all over the nation: should government have the right to stop houses of worship from razing buildings that the community deems worthy of landmark preservation? According to Jeffrey Kayden, a Harvard urban planning professor, the answer is decidedly, yes: “Over time these buildings have become secularized by dint of having become a familiar and reassuring presence.”

There is a measure of truth to what Kayden says, but there is also something very disconcerting in his view. It is rather incredible to assert that a cathedral, for example, becomes less religious over time simply because long-time residents of the community (many of whom may believe in nothing) have grown fond of it. It is one thing to say that a cathedral is a defining element in a community, quite another to say that *because of its centrality* the parishioners who support it necessarily forfeit their right to govern it.

Sentimentalism is no guide to deciding church and state issues, and what is before the court is whether the state has a right to penetrate the wall that separates government and religion. Freedom of religion means very little if religious

institutions are not given great autonomy to do what they want. While no right is absolute, it seems plain that if religious liberty is to prosper, the state cannot trump the right of parishioners to rebuild their churches, even if by doing so some in the community get nostalgic.

It is the position of William Bentley Ball, who has filed an amicus brief in support of Archbishop Flores, that "It is essential that government not be awarded a preferred position by operation of law in contests in which religious freedom is at issue." Ball, who serves on the league's board of advisors, won a major case for the Amish in 1972 and has written extensively on freedom of religion issues. He has witnessed enough to know that unless religious institutions are given a presumptive right to govern themselves, then the autonomy that they have previously enjoyed will be sundered forever.

Agostini v. Felton

One of the most burdensome decisions that the Supreme Court ever delivered to parochial schools was the infamous 1985 ruling in *Aguilar v. Felton*. Fortunately, the court has agreed to reconsider its decision, and the Catholic League is proud to have filed an amicus in the new test case, *Agostini v. Felton*.

Here's what happened in 1985. In *Aguilar*, the Supreme Court found that there was "excessive entanglement" between church and state in allowing parochial school students to be given remedial education by public school teachers in their Catholic schools. Though Catholic schoolchildren who qualified for remedial education were entitled to partake in a federal program known as Title I, and though no one in the twenty years that the program operated had ever lodged a church-state complaint, the high court still found that the way in which the program was administered was unconstitutional.

The result of this decision was costly, both fiscally and in

terms of the autonomy of Catholic schools. To provide for a new venue in which remedial education could take place, many cities paid for vans that were to be used as classrooms. The theory was that this way public school teachers would be free to teach in an environment free of religious overtones. In doing so, the right of Catholic schools to maintain their own environment was compromised.

Aguilar, which was decided by a 5-4 vote, proved to be a total disaster. Since the mid-1980s, it has cost the federal government an extra \$100 million to finance the program, with most of the money spent on vans. In New York City alone, \$12.5 million is being spent this school year to satisfy the ruling in *Aguilar*. And all of this is unnecessary.

Before *Aguilar*, the system worked well. For example, when I taught in a Catholic elementary school in Spanish Harlem in the 1970s, public school teachers would come to my door and ask to remove certain students for remedial education. The students were promptly dismissed and left with their remedial teacher to an open classroom.

In the classroom were crucifixes and, to my knowledge, no teacher ever objected to such adornment. Indeed, if he or she felt the need to remove religious symbols before teaching, no one would object. But the idea that somehow the First Amendment might be strengthened if the learning took place in a van parked across the street from the school would surely have struck all parties as positively absurd.

It is because virtually everyone agrees that *Aguilar* has created monumental problems that *Agostini* is being heard. But it is highly unusual for the Supreme Court to rethink one of its own decisions, so the outcome is in doubt.

As in *Boerne*, the Clinton administration is on the side of extending religious liberty, and this is certainly a welcome development: the Justice Department is arguing in court for

the right of Archbishop Flores and the parishioners at St. Peter's to rebuild their church and for the right of Catholic schoolchildren to receive remedial education in their own schools.

The Supreme Court carries an increasingly heavy load. But it also has appropriated to itself rights that are at least questionable, if not downright disrespectful of the process of democracy. It is high time that we do what Chief Justice John Marshall once recommended: with respect to Congressional legislation, the opinion of the Supreme Court must be unanimous before a law can be declared unconstitutional. The great philosopher, Sidney Hook, took it even further by suggesting that Congress have the right to override a unanimous court veto by a two-thirds vote in each house.

Even if these reforms became law, there are still thorny issues. Permitting doctors to switch from healer to killer, and allowing the government to tell Catholic institutions how to run their affairs, poses problems of grave moral consequence. It is hoped that reason, justice and morality will prevail in the end.

NEW YORKER ARTICLE INDICTS CHURCH ON HOLOCAUST

An article by James Carroll, "The Silence," in the April 7 edition of the New Yorker magazine, repeats the old canard about the Vatican's silence during the Holocaust. Carroll, who left the priesthood years ago, wants readers to believe that the Vatican sat on its hands while Jews were killed throughout Europe. That the truth is much more complicated is not

something Carroll wants to entertain.

Catholic League members will recall that in the December issue of Catalyst we ran a splendid piece by James Bogle, an English barrister, on this subject. We also have a book, Pius XII and the Holocaust, that offers a more accurate picture than the one Carroll presents. And in a lengthy two-part series that recently appeared in the Wanderer by William Doyno, Jr., the record is once again set straight.

Ever since the 1963 play by Rolf Hochhuth, The Deputy, there has been an on-going attempt to indict the Church for what happened to Jews under Hitler. That everyone could have done more seems obvious, but to single out the Catholic Church for blame is simply historically wrong and mean-spirited. It begs the question: precisely who – in any community –should the Vatican have emulated during the Holocaust?

Recent scholarship has disclosed that there were tens of thousands of Jews who served Hitler, including 77 officers and 25 generals. Would it be fair to blame Jews for not doing enough to purge the Hitlerites from their ranks? No. It is easy, all too easy, to play Monday-morning quarterback by indicting Catholics, Jews and Protestants for not doing enough at the time of the Holocaust.

To take a different angle, will those who denounce the Catholic Church for not doing enough during the Holocaust also denounce virtually the entire world for not doing enough right now about the existence of slavery in Africa? The Sudan and Mauritania are enslaving and brutalizing their subjects and few pundits have anything to say about it. And as readers can see from this issue, the persecution of Christians in China is not met with one iota of resistance from the Clinton administration.

James Carroll gives away his hand when he cites Tissa Balasuriya, the recently excommunicated priest from Sri Lanka,

as a victim of Vatican excess. It means nothing to Carroll that his hero openly defied the teachings of the Catholic Church and would have been kicked out of any organization for demonstrating such insubordination.

What this shows is that those who need to vent their displeasure with the Church will continue to publish articles that put the Church in a bad light. If they were honest, they wouldn't continue to repeat the nonsense that Hochhuth started some two decades after the war was over. Unfortunately, it is because they themselves are at war with the Church that we will never hear the end of this.

CLASSES ON GOOD FRIDAY DRAWS PROTEST

Escondido Union High School District in California broke with precedent in 1997 by requiring all students to attend classes on Good Friday. San Diego chapter president Carl Horst objected and pressed school officials for a response.

In a new release on this subject, Horst addressed the school district's change in policy: "The fact that the change was made with no apparent concern for the religious beliefs of the Christian community would alone warrant serious inquiry. The fact that this change in policy occurs about two years after great care was taken to adjust the school schedule in recognition of the Jewish holy days suggests the school administration is at least insensitive and at worst intolerant of Christianity."

Horst's action triggered a letter from Dr. Jane D. Gawronski, superintendent of schools for the Escondido district. She said

that “we are giving serious consideration to fashioning our future spring breaks as St. Mary’s Church of Escondido has done.” She went on to say that “we will look at assigning Good Friday as Spring Holiday and it will be a non-instructional day on our school calendar.”

We hope that more than “serious consideration” and a “look” at a policy change occurs. What we are “looking” at is a permanent policy change that respects the rights of Catholic students. Many thanks to Rev. Peter J. Navarra, pastor of St. Mary’s, for bringing this case to our attention.

USA VOLLEYBALL MAKES SOME CHANGES

In the last issue of *Catalyst*, we reported that USA Volleyball had scheduled games on Good Friday and Easter Sunday. The league objected, stressing the need to accommodate those Christians who wanted to attend religious services. At press time we had not gotten a response to our concerns, but one was forthcoming shortly thereafter.

In a memo to the Tampa Bay and Northeast Junior National Qualifier Tournament directors, Kerry Klosterman, the executive director of USA Volleyball, cited the Catholic League’s objections and instructed the officials to “take reasonable steps to ensure that players and other tournament participants have every opportunity to attend Mass on Friday.” They were also told to make available local church services over Easter weekend.

A non-denominational service was scheduled by the organizers on Easter Sunday morning. The reason for the non-

denominational service was explained so as “not to discriminate against any faith.”

This just goes to show how insidious the officials are. It would never occur to them that by not making available a Catholic Mass and a Protestant service that they are discriminating against Catholics and Protestants. But at least they got off the dime and made some changes.

LEAGUE RESPONDS TO CARTOON

On March 24, a cartoon was printed in the Morning Call (Allentown, Pennsylvania newspaper) showing Anthony Lake, the CIA director nominee who dropped out of the running, wearing a crown of thorns and swinging a cross. Across the top of the cross it read, “Confirmation Process,” and below the cartoon was the inscription, “You can take this cross and shove it!”

In a letter to the newspaper, the league charged that “It is nothing short of amazing that this cartoon was printed at all, and it is especially amazing that it was published during Holy Week. The juxtaposition of Lake’s demise and the crucifixion of Christ is so forced to begin with that it makes one wonder what possessed the cartoonist to make this stab and what possessed this newspaper to profile it.”

ABC ADMITS ERROR IN SHOWING OF THE PRACTICE

On the March 18 episode of the ABC show, "The Practice," a priest was shown violating the seal of confession. Under oath, a man playing a priest testified at a criminal trial about what he had learned in the confessional. The case involved the killing of a Jewish woman by a Catholic man.

The league's first response to the media was as follows: "The priest in the show is so unorthodox as to be unrecognizable to most Catholics. In addition, the Sacrament of Reconciliation is presented in such a way as to invite the viewer to regard it with bewilderment. And by casting the victimizer as Catholic and the victim as a Jew, the effect of the program is not to endear anyone to Catholicism. In short, this is one more statement about Catholicism emanating from Hollywood that is becoming all too familiar."

In a letter from ABC's Department of Broadcast Standards & Practices, an apology was announced for the "error." ABC denied that anti-Catholicism was at work, stating that "It was simply a misunderstanding, based on our belief that, like attorney/client privilege, the confidentiality of the confessional could be waived by the individual. We have discussed this issue with the producers and will certainly not commit this error again."

While this letter is satisfactory, it needs to be said that the April 1 episode of "The Practice" unfairly maligned orthodox Jewish rabbis. So while the folks at ABC may be learning something about the teachings of the Catholic Church, what they really need to learn is to stop castigating religious figures.

LEAGUE JOINS FIGHT AGAINST ELLEN

"The Catholic League signed a statement written by Brent Bozell III, and signed by dozens of individuals and organizations, taking ABC to task for airing the April 30 edition of Ellen. This particular show, which was promoted by ABC for months, featured actress Ellen DeGeneres "coming out." In real life, the actress is a lesbian.

To garner the highest possible ratings, Disney/ABC included on the show appearances by Oprah Winfrey, k.d. lang, Melissa Etheridge, Laura Dern, Billy Bob Thornton and Dwight Yoakam. In a survey prior to the show, 63 percent of Americans said they would not watch this episode and some sponsors pulled out completely, namely General Motors, Chrysler and Johnson & Johnson.

The statement which the league signed includes the following comment: "The much-ballyhooed April 30 'coming out' episode of the show Ellen is insulting to millions of American families who once looked to Disney as a beacon of family entertainment. This transparent PR move to revive the show's sagging ratings – by slowly leaking information throughout the season that Ellen DeGeneres' character may reveal herself to be a lesbian – is also a blatant attempt by Disney, ABC, and Ellen to promote homosexuality to America's families."