

# High Court Asked to Review Virginia Case

The Catholic League has joined a coalition of religious organizations in asking the Supreme Court to review a lower court decision that held constitutional a university's refusal to fund a Christian journal.

## Background

The University of Virginia collects mandatory student activity fees each semester.

These fees are placed in a Student Activities Fund (SAF) and distributed to student organizations meeting certain eligibility guidelines. During the 1990-91 school year, the University distributed SAF money to 118 student organizations including fifteen student publications, the Jewish Law Students Association, the Muslim Students Association, and the C.S. Lewis Society.

In 1980, Ronald Rosenberger, a student at the university and the plaintiff in this case, formed an unincorporated association known as Wide Awake productions to publish a non-profit journal titled *Wide Awake: A Christian Perspective at the University of Virginia*. The purpose of the journal was to address a wide array of social, philosophical and school-related issues from a Christian point of view. When Mr. Rosenberger applied to SAF for funds to defray \$5,862 in first-year publication costs, the university denied funding under the SAF guidelines which excluded "religious activities." Rosenberger responded by filing suit challenging the constitutionality of the "religious activity" exclusion.

## The Decision

The U.S. Court of Appeals for the Fourth Circuit upheld a

lower court ruling in favor of the university. The court said that although the funding guidelines “create an uneven playing field on which the advantage is tilted toward [student groups] engaged in wholly secular modes of expression,” the university had successfully demonstrated that its regulation was narrowly drawn to achieve a compelling governmental interest. The court ruled that funding *Wide Awake* would violate the Establishment Clause; such funding, according to the appeals court, would have the primary effect of advancing religion under the second prong of the *Lemon* test and would also involve “excessive entanglement” between the university and religion, thereby violating the third prong of *Lemon*.

The petition for certiorari will ask the Supreme Court to review the Fourth Circuit’s Establishment Clause analysis, which makes it virtually impossible for any public school to fund religious expression. Under *Rosenberger* as it now stands, religious students in public universities may be forced to pay fees to fund expression of every opinion except their own.

### **The Brief**

The League’s brief argues that publication of religious viewpoints deserves the highest level of First Amendment protection and offers an examination of constitutional history to support its claim. Religious expression played a significant role in motivating colonists to join the struggle for independence, the brief notes, and the abolitionist movement was lead by religious leaders. In fact, protection of such religious expression was an important impetus in the framing of the Fourteenth Amendment. This nation’s more recent history is replete with instances of national dialogues being conducted in explicitly religious terms. For example, the Reverend Martin Luther King, Jr. acknowledged the religious roots of the civil rights movement and both the recently passed crime bill and health care reform were often debated in specifically religious terms.

Finally, the brief points out that the Fourth Circuit's decision veers from the religious pluralism of the Founders toward a relentlessly secular society, where religious expression is frowned upon and religious persons are denied the privileges afforded other citizens.

Since the respondents in this case refused to grant permission for the filing of this brief, in compliance with Supreme Court rules the brief was accompanied by a motion asking the Court for leave to file. Signing the motion and brief along with the Catholic League were the Christian Legal Society, the Southern Baptist Convention, the Church of the Latter-Day Saints, the Family Research Council and the National Association of Evangelicals.

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## **National Lawyers Association Seeks to Attract Pro-Life ABA Members**

When the American Bar Association decided two years ago to abandon its position of neutrality on abortion, several thousand of the organization's members resigned in protest. In response to the ABA's endorsement of *Roe v. Wade* and the subsequent resignations by members who deplored the ABA's action, a group of pro-life attorneys met in St. Louis and formed National Lawyers for Life. The purpose of this organization was to provide a national network to facilitate communication between pro-life attorneys on matters of common interest.

In June of this year, the Board of Directors of National Lawyers for Life decided to embrace a course of growth which

would allow the organization to become an alternative professional association offering significant services to its members. Although now called the National Lawyers Association, the organization 's president, Mario Mandina, states that it will remain unequivocally pro-life.

National Lawyers Association now has members in 41 states and the District of Columbia. Dues are currently \$50 annually. Attorneys wishing additional information may contact Mr. Mandina at City Center Square, P.O. Box 26275, Kansas City, Missouri 64194. Telephone: (8 16) 221- 1617 Fax: (816) 471-1181.

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## **Christian Coalition's "Road to Victory"**

**By Karen Lynn Krugh**

Washington, D.C. was again the site for the national conference of the Christian Coalition. Nearly 3,500 attendees were on hand to hear senators and congressmen, priests and pastors, doctors and lawyers, and grass-roots activists from around the country promoting traditional values.

Sentiments like "family values," "choice in education," "back to basics," "pro-family" and "pro-life movement" dominated the speeches. In fact, many speakers made a point of including such phrases so as to demonstrate how absurd it is to label the Christian Coalition a far-right extremist group. A comparison repeated numerous times over the weekend was that this group was about as extreme as Ozzie and Harriet. The Christian Coalition's newspaper, the *Christian American*, quoted a Los Angeles Times poll which lent further support to

the Coalition's assertion that it represents the views of the average American.

To further broaden the Coalition's appeal, great strides have been made to reach out to Catholics and Jews. It was in answer to this call that the Catholic League responded by hosting an information booth at the conference; we displayed our subway ads and handed out a variety of literature on the work of the League. We enjoyed tremendous success and made contacts with both old and new friends of the Catholic League.

Fr. Richard John Neuhaus, editor of *First Things*, and Michael Novak, editor of *Crisis*, were on hand to represent the Catholic voice. Other Catholics in attendance included Kate Walsh O'Beirne, vice president of Government Relations at The Heritage Foundation and a Catholic League board member. Kate participated in a panel discussion, and another board member, Bill Lindner, assisted in staffing our booth. Rabbi Daniel Lapin of Toward Tradition, and Don Feder, a columnist for the *Boston Herald*, were among the Jewish representatives speaking at the conference.

Perhaps the biggest development to come out of the conference was the discussion of the revision of the pro-life platform of the Republican party. While none of the speakers advocated dropping a pro-life position (as New Jersey Governor Christine Todd Whitman has), Phyllis Schlafly suggested language that would retain the party's commitment to the unborn without tying it exclusively to an endorsement of the constitutional amendment strategy.

Ironically enough, the same issue that made headlines at the conference has brought the coalition under fire. The Coalition recently has gone on record for backing candidates who were not strongly pro-life or were not the most conservative candidates running. This change is a result of a slightly revised script now being put forth by Christian Coalition executive director Ralph Reed, Jr.

In short, the Coalition wants to win, and it wants the votes it's working so hard to get to count for something. As such, it would rather support a strong candidate who is sympathetic and willing to listen than a weak candidate who has no chance of winning but votes the party line 100% of the time. This new strategy, while bringing the Coalition more into the mainstream and thus broadening its appeal, may cause some at the grassroots level to feel abandoned. It is for this reason that the *National Catholic Reporter* calls the Christian Coalition, "a house divided."

Rather than seeming divided, however, it appears the Coalition has matured. Obviously, in endorsing political candidates, one of the primary tasks of the Coalition, it would prefer to back only those with whom it is in complete agreement. But perfect candidates can be few and far between so, as Paul Weyrich, president of Free Congress, pointed out, you've got to "make the best of what you've got."

It's been five years since Pat Robertson gathered friends and supporters together to launch what has today become the Christian Coalition, arguably the most successful grass-roots movement of our time. And, as with most fairly young organizations, the Coalition is still seeking the right niche, trying to firm up its identity. But it's fighting the good fight, and it's in it to win.

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## Massachusetts Award Banquet

On Wednesday, November 2, 1994, the Massachusetts Chapter will hold its Annual Award Banquet at the Sheraton Tara Hotel in Braintree, Massachusetts. There will be a reception at 6:30p.m. followed by dinner at 7:00p.m. The 1994 recipient of

the John W. McCormack Public Service Award will be former Boston Mayor (and former League national vice-president) John F. Collins. Distinguished guests will include Bernard Cardinal Law, former Governor Edward J. King, Senate President William M. Bulger, and Catholic League President Dr. William A. Donohue. Tickets are \$100 per person. For more information please contact the Catholic League at 85 Brown Avenue, Boston, MA 02131 or call (617) 325-6357.

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## **Greater Philadelphia/South Jersey Dinner**

The Greater Philadelphia/South Jersey Chapter will honor Jim Jandrisitz at its annual Person of the Year Dinner on Friday, December 9, 1994, at Duggan's on the Boulevard. The guest speaker will be Catholic League President Dr. William A. Donohue. For reservations or further details contact Jim Nolan at the Catholic League, 5735 Rising Sun Avenue, Philadelphia, PA 19120, or call him at (215) 342-1590.

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## **League Criticizes Government Intrusion**

On September 29, Catholic League president William Donohue sent a letter to Congressman Newt Gingrich, House Republican Whip, registering his concerns over a proposed bill, the Lobbying Disclosure Act. If the bill were to pass,

it would create major difficulties for grass-roots organizations, tying them to a web of new government-mandated forms and regulations. But the implications for a Catholic civil rights organization were even more ominous.

“The First Amendment rights to petition for grievances,” wrote Dr. Donohue, “is too important a right to be sacrificed on the altar of politics. It would be tragic if religious institutions had to labor under the chilling effect that this bill provides.”

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## **League Assists Colorado Catholic**

The Catholic League has come to the assistance of Michael Cyrus, father of a daughter who attends Centauri High School in La Jara, Colorado. Mr. Cyrus contacted the League to help him in his dispute with teacher Gary Benson. It seems that Mr. Benson has taken liberties with his academic freedom, especially as it pertains to teaching about Roman Catholicism.

Mr. Benson has some rather bizarre ideas about the history and teachings of the Catholic Church and is using classroom time to disseminate his views. According to reports from Mr. Cyrus, Mr. Benson is teaching students that Catholic missionaries are in it for the money, that Catholicism and Voodoo are the same thing, that there is no such record of Jesus having ever existed, etc. And did you know that the Catholic Church invented Tarot cards, and did so as a means to control people? All of this is being taught in a class in Cultural Geography.

In a letter sent to Kurt Cary, Superintendent of the North Conejos School District, the Catholic League stated that “the



rank display of bigotry in the classroom" is not covered by academic freedom. The League pledged "to see this matter through until such time as justice has been rendered."

In response, Superintendent Cary wrote that "I want to assure you that we take matters of this nature seriously and will investigate the matter to the fullest extent possible. Upon studying the facts pertaining to the investigation, we will take the appropriate steps to remedy the situation."

That's all fine and good, except nothing short of removal of Mr. Benson from the profession of teaching will satisfy the Catholic League, and that is exactly what we will demand. More recent information about this case has convinced us that the teacher actually believes the nonsense that he is teaching. Accordingly, the League will move against Mr. Benson and the school system to have him removed on the basis of academic malpractice.

If a math teacher were to teach that  $2+2=5$ , he would be barred from the classroom in a moment. The same outcome should happen when "educators" teach falsehoods about Roman Catholicism. Mr. Benson is not simply offering a critical perspective of Catholic teachings (which would be defensible), he is actively engaged in the promotion of misinformation about the Catholic Church. Ergo, he has no more legitimate role to play in the teaching of Cultural Geography than a math dimwit would have in teaching arithmetic.

Because of the nature of this case, we do not expect quick results. But we will press forward , and we will make the authorities explain to us why someone who exercises the level of competency that Mr. Benson shows ought to be allowed to continue in the profession of teaching.

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# Another Pro-Life Controversy

By James M. Scutero

Once again the Catholic Church has stood firm on a Pro-Life issue only to be derided by those who would benefit most from its teachings. The Church has vigorously pleaded with those who are at risk of developing AIDS to abstain from premarital sex and illegal drugs. Along with these sound prevention messages, it has opened its doors and continues to be the largest private provider of support services to PWA's (People with AIDS) in the United States.

Despite the Catholic Church's efforts, however, self-promoting AIDS 'activist' groups such as ACT-UP are causing a commotion, not to help those like myself, but to use AIDS as a platform to promote its own political agenda. That agenda is the call for special rights for homosexuals. The Catholic Church is an AIDS charity with a difference: it helps PWA's without supporting the homosexual deathstyle and that is the reason why ACT-UP hates the Church so much.

The Church gracefully helps those afflicted with AIDS quietly and without fanfare. It does not solicit funds from homosexuals and accomplishes its mission with volunteers. Conversely, the more than 18,000 gay-related AIDS organizations in this country spend tremendous amounts of money on gala events, staff and fund-raising activities. Because of the incestuous solicitation of funds between the various gay/AIDS organizations, many of them are crying poverty. Through financial mismanagement, PWA's are usually the last to receive any benefit from these money-mills.

A good portion of the donated monies is allocated to the nebulous promotion of "AIDS awareness." Gay Men's Health Crisis (GMHC) is a multi-million dollar AIDS organization in New York City. In its subway advertising campaign, homosexuals

are shown embracing, Saran-wrapped in latex and spermicidal creams, practicing "safe" sex. Other campaigns are geared toward people who shoot drugs into their veins. GMHC tells these addicted people that they should use a clean and shiny needle when they inject illicit drugs into their bodies. This gives the impression that homosexuals and drug addicts are unable to control their carnal lusts and will stop at nothing in order to get sex and drugs – even during a plague!

When the Church offers the rational approach of restraint through abstinence, it is attacked by the gay fundamentalists from ACT-UP, lending more support to the theory that saving people from the scourge of AIDS is not the primary agenda of the gay-centered AIDS organizations.

The founder of the "safe" sex campaign was a homosexual named Michael Callen. He authored a booklet entitled, "How To Have Sex in an Epidemic" which vigorously promoted the use of condoms. The late Mr. Callen also ironically authored a book entitled, *Surviving AIDS*. In it he recounts, "GMHC and other critics retorted by focusing attention on the incidence of the many sexually transmitted diseases common among promiscuous gay men, we were 'shouting guilt from the rooftops.'" "

Instead of shouting guilt for promiscuous behavior, Edmund White, the co-author of *The Joy of Gay Sex*, proposed that, "gay men should wear their sexually transmitted diseases like red badges of courage in a war against a sex-negative society." The wearing of red ribbons has become chic and is almost mandatory at many high society functions. Red ribbons are not worn to call awareness to AIDS but are a promotion of homosexual ideals. As a Catholic with AIDS, I find them quite offensive and prefer to wear a cross.

Any attempt to blame a lifestyle as a cause of AIDS, however, is vociferously attacked by the gay/AIDS terrorists. "You're blaming the victim," they cry. AIDS is their vehicle for gaining acceptance. "HIV=AIDS= DEATH" is their mantra and they

will stop at nothing to enforce it. In their hysteria, they have broken into our churches and have defiled the Holy Eucharist. They have attacked medical researchers and have corrupted science with their politics. They lie to the public about sex and drugs. And, they take away hope from those who need it most by insisting that HIV is always fatal – which it is not.

I thank God, the Father Almighty for giving me life through His Son, Our Lord, Jesus Christ. And I thank His Church for standing like a rock amidst the swirling torrent of lies that emanates from the homosexual culture of death.

*James M. Scutero is a Catholic AIDS activist.*