

eBAY QUICKLY WITHDRAWS ANTI-CATHOLIC ITEM

In response to a complaint by the Catholic League, eBay, the most famous Internet auction site, expeditiously withdrew a very offensive item from its marketplace.

On September 20, the Catholic League learned that eBay had listed a "Virgin Mary Immaculate Conception Condom" on its website. On the condom was a picture of the Virgin Mary holding baby Jesus; the tagline read, "If you conceive, its [sic] a miracle." On the back of the condom was a picture of Pope John Paul II. "It also includes inside the flap," said the description of the condom, "instructios [sic] on how to put on the condom (drawings!) showing a certain someone on a cross with a woody and a glove...."

The first thing we did was to verify the accuracy of the report (someone had alerted us to the item on our website feedback page). Then we researched eBay to see if the company had any record of withdrawing items that were deemed to be racist, anti-Semitic, etc. Once we learned that the company had previously pulled some bigoted items from its auction, we asked for equal treatment. An official for eBay said he understood our complaint and wanted to verify it. Once that was done, he said he needed to run this by some other officials. He wasted no time getting back to us saying that the item had been withdrawn from the auction.

William Donohue immediately released a statement to the media commending eBay for acting so quickly and so responsibly. A company official told Patrick Scully, the league's director of communications, that there are literally thousands of items on their website. Therefore, he said, it makes it difficult to screen every item posted for auction. We have no reason to doubt that this is true.

In his remarks to the media, Donohue commented as follows: "That someone would produce and sell an item like this shows how sick some people are. Just as disturbing is the fact that some other sicko had already offered \$8 for it. He, in turn, was outbid by another madman who offered \$11.50. But now the Catholic League has spoiled all their fun. We await charges that we are engaged in an Inquisition."

TWO PAPERS SPIKE HATE ADS

Two more newspapers have said they will no longer run the anti-Catholic ads sponsored by the Eternal Gospel Church. Both the *Idaho Statesman* and the *Sun* in Boca Raton, Florida, have said they are finished with such ads. The ads portray the Catholic Church in a vicious light.

The league registered its first complaint against the *Idaho Statesman* when the newspaper ran the ad on September 2. We are happy to note that the newspaper had already decided it was not going to run these ads again. President and publisher Margaret E. Buchanan wrote to William Donohue saying, "the *Idaho Statesman* determined that it would no longer accept this type of paid advertisement." She added, "There is enough intolerance and prejudice in the world, ads of this type only enflame what already exists."

Michael B. Kahane is vice president and general counsel of American Media, Inc. This company publishes the *Sun* (it is also the place where anthrax was found, killing an employee). Kahane wrote to Donohue after the newspaper ran the ad on September 18. He said that when the ad was run, the newspaper had put a disclaimer in it saying the ad did not express the views of the paper. But he hastened to say, "We further wish

to inform you that *Sun* has no plans to accept further advertising from the Eternal Gospel Church.”

In short, the league won.

QUOTABLE

On October 11, the Associated Press ran a story on Rent-A-Priest. The group is comprised of men who were ordained, left the priesthood and married. Some Catholics who are frustrated with Church teachings hire them to perform weddings, etc. While a married priest is still a priest according to canon law, they are denied the right to give sacraments.

When asked what he thought of the group, William Donohue replied, “We call them ‘Rent-A-Nut.’ It’s set up to appease people who still want to be associated with the Catholic Church even though they don’t want to follow the rules.”

THE PROBLEM WITH “ROOT CAUSE” ANALYSIS

William A. Donohue

No sooner had the World Trade Center been bombed than the public was treated to two types of “root cause” analyses of what had happened. One type was psychologistic; the other political. From a Catholic perspective, both were flawed.

Catholicism places a premium on individual accountability. When we go to Confession, we say, "Bless me Father for I have sinned." We don't say, "Bless my significant others for they have corrupted me." While it is true that all of us were brought into the world without a choice of parents or environment, and while it is true that nature and nurture have obviously played a role in shaping us, it is also true that we are not automatons compelled to act in a predetermined way. At the end of the day, we choose our behavior.

The terrorists who attacked the U.S. had free will. They chose to kill themselves and as many innocent people as they could. As we have seen, many pundits rushed to explain what the "root cause" of their behavior was. On one level, this is as unexceptional as it is acceptable. If the goal is to shed light on human behavior by examining antecedent events, then that's fine. The problem comes when we slide from explanation to justification. Unfortunately, this happens all the time.

For example, it was said that to understand Osama bin Laden we need to know that he was a victim of child abuse. Much the same was said of Hitler. Indeed, we know that while Hitler was leading the Holocaust, he suffered nightmares about being beaten by his father. In fact, he would wake with convulsive shrieks, shouting for help and shaking with fear.

All of this is very interesting. But so what? What exactly are we to do with such information? Give Hitler a pass? Invite bin Laden to sit down with Rosie O'Donnell?

There is a faulty equation at work when explanation devolves to exculpation. To take a different example, we know that there are more car accidents on badly designed roads than on safely made ones. And that is why it makes sense to change the root cause (the rotten road) so that there will be less accidents in the future. But since most people who drive on badly designed roads don't cause accidents, it also makes sense to hold those who do so culpable for their actions.

Simultaneously, we can fix the road. What we shouldn't do is exculpate those who cause accidents by blaming the rotten road.

The other form of root cause analysis is political. For example, Richard Berthold, a history professor at the University of New Mexico, told his class, "Anyone who can blow up the Pentagon has my vote." Colman McCarthy of Georgetown Law School said we should ask the terrorists "to forgive us for all of our violence" (he cited as an example the size of our military budget). Perennial Leftist Susan Sontag told the *New Yorker* that the attack was caused by "American alliances and actions." At Columbia University students and their professors put the blame on "globalization." Robert Jensen of the University of Texas said what happened "was no more despicable than the massive acts of terrorism...that the U.S. government has committed during my lifetime." Professor Samad-Matias at CUNY blamed American imperialism. And so on.

If the problem with the psychologistic form of root cause analysis is its intellectual sloppiness—not holding individuals accountable for their actions—the problem with the political school is intellectual dishonesty. Quite simply, the "Hate America First" professors are liars. They know that no nation in history has delivered more affluence and liberty than America. This explains why they don't move to North Korea: it is so much easier to be a termite in America, indulging on organic vegetables and sipping latte. (Perhaps this explains why they look so sickly.)

America is not responsible for the Taliban's practice of punishing women accused of adultery by burying them up to their neck and then stoning them to death. America is not responsible for the Taliban's practice of throwing homosexuals off the top of buildings. Nor are we responsible for arresting those who play music in their homes. It is the fascist Taliban who are responsible for all of this. Similarly, it is the fascist terrorists who are responsible for what they did on

September 11.

There is no root cause analysis that can justify driving a plane into a building and killing thousands of innocent people. Catholic teaching acknowledges mitigating circumstances, but it also understands *mens rea*. *Mens rea* means criminal intent. It is a concept broached by 12th century Catholic theologians; it first found its way into canon law and later into the civil law. Now if *mens rea* ever applied, it applies here: the terrorists who struck on September 11 knew exactly what they were doing. Which is why they have to be taken out.

WAR ON PIUS XII HITS A NEW LOW

By William A. Donohue

The war on Pius XII hit a new low when *Commentary* magazine published a piece by Kevin Madigan in its October issue. In the article, "What the Vatican Knew About the Holocaust, and When," Madigan argues, "The Vicar of Christ knew enough, but did not care enough, to speak more forcefully or to act more courageously than he did." Madigan teaches the history of Christianity at the Harvard Divinity School.

Did not care enough? When a charge of this magnitude is made, convincing proof is demanded. On this score, Madigan offers not one scintilla of evidence. Indeed, his charge is slanderous.

Madigan is right to say that Pius XII knew during the war what was happening to Jews. Though the pope was not "silent," I

will not contest Madigan's charge that he did not speak out in a "forceful" manner. What is being contested is Madigan's ability to read the pope's mind: Madigan impugns the pope's character by concluding that the Holy Father just didn't care.

For the sake of argument, let's assume that Madigan is right about the pope's motive. If it is fair to conclude that an uncaring attitude explains why Pius XII didn't speak out more forcefully, then it should be fair to conclude that this motive applies equally to everyone else who acted in a similar manner. Take, for example, the reaction of American Jews.

When Hitler took over in 1933, he wasted no time showing his hatred for Jews. American Jewish leaders quickly got together to discuss public demonstrations against Hitler. Plans were made for an anti-Hitler parade in New York on May 10, 1933. But then the American Jewish Committee and B'nai B'rith put out a joint statement condemning "public agitation in form of mass demonstrations." They feared it would only "inflame" matters. So there was silence.

In 1935, the Nuremberg race laws were enacted effectively stripping Jews of all civil rights. And what was the reaction of American Jews? Led by Rabbi Stephen Wise of the American Jewish Congress, they worked against legislation that would make it easier for Jews to emigrate to the U.S. from Germany.

November 9-10, 1938, will always be remembered for Kristallnacht, the "Night of Broken Glass." Hitler's Storm Troopers in Berlin went on a rampage killing Jews, entering their homes, destroying their businesses, burning synagogues, etc. American Jewish leaders were shaken by these revelations but they nonetheless eschewed a "forceful" approach.

Indeed, on November 13 and December 13, at a meeting of the General Jewish Council, all the major Jewish organizations assembled to discuss their options. The American Jewish Congress, American Jewish Committee, B'nai B'rith and the

Jewish Labor Committee debated what to do about immigration reforms that would alleviate the plight of German Jews. In the end, they said, "at least for the time being, nothing should be done with regard to this matter." In addition, all of these Jewish organizations went on record saying, "there should be no parades, demonstrations or protests by Jews."

As Madigan correctly points out, it was in August 1942 when Gerhard Riegner of the World Jewish Congress notified his colleagues in London and New York of an "alarming report" depicting plans to exterminate Jews. But there is little evidence that this galvanized the Jewish leaders to act more courageously (the public was of yet unaware of the news). Indeed, the major Jewish organizations even failed to lobby on behalf of a bill sponsored by Rep. Emanuel Celler that would have made it easier for Jewish refugees to emigrate from France to the U.S. during Nazi persecution. The bill died in committee.

The news that Hitler had gone on a rampage against Jews was released by the State Department in November 1942 via Rabbi Wise; he was the head of the World Jewish Congress and the American Jewish Congress. Jewish-owned newspapers like the *New York Times* and the *Washington Post* treated the news with aplomb. For example, the *Times* reported that 2 million Jews had been killed in the Nazi extermination campaign. It placed the story on p. 10 surrounded by ads for Thanksgiving Day turkeys.

This enfeebled reaction of the *New York Times* was not an anomaly. It not only buried other stories of Nazi terror, the total number of editorials it ran criticizing the Nazis in the years 1941, 1942 and 1943 was nine (three each year). Even worse, when the Nazis arrested a cousin of Arthur Sulzberger, the *Times* chief instructed his Berlin bureau chief to do "nothing." Sulzberger said he didn't want to antagonize the Nazis (sound familiar?). The cousin, Louis Zinn, was so despondent that when he left prison he hanged himself.

I could go on but the point is obvious. Or is it? The point I want to make is that there were plenty of good reasons why Jews *weren't* more vocal. Any change in immigration quotas for one country surely would have raised serious moral questions regarding what to do about other countries where Jews were suffering. Would asking for special treatment anger other Americans at home? Was there not the specter of rising anti-Semitism at home? Wasn't it realistic to think that if protests mounted in the U.S. that the plight of Jews might only get worse in Europe?

In hindsight, perhaps the reasons Jews gave for not speaking up more forcefully are unpersuasive. But if someone today were to conclude that Jewish inaction was a function of not caring enough, I would conclude that the accuser is anti-Semitic. This is why I believe Madigan's charge that Pius XII didn't care what was happening to the Jews is so scurrilous.

There were plenty of good reasons why the pope did not use the bully pulpit. For one thing, many prominent Jews begged him not to stir the pot. Moreover, the pope knew that the Nazis were monitoring every word he said very closely and that is why he wanted to avoid making a bad situation worse. Here is what he said in June 1943: "Every word from Us in this regard to the competent authorities, every public allusion, should be seriously considered and weighed in the very interest of those who suffer so as not to make their position even more difficult and more intolerable than previously, even though inadvertently and unwillingly." These are not the words one would expect from someone who just didn't care.

Even in 1964, in the wake of Hochhuth's wretchedly anti-Catholic play, "The Deputy," the ADL said, "A formal statement [on the part of the pope] would have provoked the Nazis to brutal retaliation and would have substantially thwarted further Catholic action on behalf of Jews."

Like many other critics of Pius XII these days, Madigan

assumes that the pope had some magical powers to deter Hitler. Historian William D. Rubinstein sheds important light on this issue: "In all likelihood—a likelihood probably amounting to a near certainty—Hitler would have paid no heed whatever to any pronouncement on the Jews made by the Vatican (which had denounced Nazi anti-semitism before the war began)." Rubinstein also considers other measures that might have been taken. "Theoretically," he says, "and in hindsight, the Pope might have excommunicated all Catholic members of the SS (or of the Nazi Party) although the only likely effect of such a pronouncement would have been that the Nazis denounced the Pope as an agent of 'Judeo-Bolshevism' and an imposter."

Sir Martin Gilbert, one of the most noted historians in Europe and an expert on World War II, provides a mature understanding of how we can realistically judge the behavior of Pius XII. The test for the pope, he says, "was when the Gestapo came to Rome in 1943 to round up the Jews." Gilbert writes, "And the Catholic Church, on his direct authority, immediately dispersed as many Jews as they could." Which is why only 17 percent of Italy's Jews perished. This figure not only stacks up well against what happened in other European countries, it reflects something else: more Jews were saved proportionately in Catholic countries than Protestant countries. This explains why Hitler biographer John Toland said that as of 1943, "The Church, under the Pope's guidance, had already saved the lives of more Jews than all other churches, religious institutions and rescue organizations combined, and was presently hiding thousands of Jews in monasteries, convents and Vatican City itself."

But Madigan will have none of it. He knows he can't deny that Catholics saved hundreds of thousands of Jewish lives, so the best he can do is say the pope had nothing to do with it. Madigan says the pope "permitted" Catholics to rescue Jews; Pius also "allowed" Catholic properties to shelter Jews.

This is a remarkable conclusion, but it is not unusual among

the critics of Pius XII. Susan Zuccotti, in her book, *Under His Very Window*, takes the same position. English historian Owen Chadwick disposes of this view rather handily. Zuccotti, he says, acknowledges the heroic acts of priests, monks and nuns. But as Chadwick observes, “She keeps emphasising that these courageous and life-risking endeavors were carried out without any instruction, order, encouragement, from the Vatican.” Chadwick sees the hole in the argument: “But why should they have been? The most bull-on-the-breakfast-table papist does not demand an order from the Pope before a Christian needs to behave like a decent person when faced by murder.”

One final comment. Isn't it strange that the same Pius XII who is routinely painted as an autocrat is now described as someone who simply bows to the wishes of the faithful? If he was the authoritarian that his critics say he was, then someone needs to explain his accommodating behavior in these instances. Either that or stop with the propaganda.

This is the revised schedule for airing of the Catholic League's television advertisement:

MSNBC

Hardball with Chris Matthews

Monday Nov. 5

Tuesday Nov. 6

Wednesday Nov. 7

Thursday Nov. 8

FOX News Channel

The O'Reilly Factor

Monday Nov. 12

Tuesday Nov. 13

Wednesday Nov. 14

Thursday Nov. 15

Hannity and Colmes

Monday Nov. 19

Tuesday Nov. 20

Wednesday Nov. 21

BRADLEY FILES AMICUS BRIEF IN SCHOOL VOUCHER CASE

Gerard V. Bradley, professor at the University of Notre Dame School of Law, is filing an amicus brief for the Catholic League in an historic case concerning the constitutionality of school vouchers; Bradley is chairman of the Catholic League's legal advisory committee. A ruling by the high court is expected by June.

The Supreme Court will hear three related cases that deal with a program that provides tuition aid to parents in Cleveland who have opted out of failing public schools. The program offers vouchers of up to \$2,250 toward tuition at schools that choose to participate. Approximately 60 percent of the families in the program are from poverty-stricken homes and the vast majority has chosen to enroll their children in Catholic schools. That's what the court must decide: whether

the program has the “impermissible effect of promoting sectarian schools.”

Whatever the outcome, the decision will be a landmark in constitutional law. Not since the court struck down voucher programs for subsidizing religion in 1973 has there been a case like this. But things have changed since that time as more justices on the court have turned their eyes toward the historically discriminatory nature of anti-voucher campaigns. For example, in 2000, Clarence Thomas wrote the majority opinion in *Mitchell v. Helms* that allowed for public funding of computers in religious schools (the Catholic League filed a friend-of-the-court brief in that case as well). In his decision, Thomas said that programs that exclude aid to religious schools were “born of bigotry.” A bigotry aimed squarely at Roman Catholics.

Professor Bradley’s brief gets to the heart of the matter. For some time now, it has been virtually impossible for any institution declared by the courts to be “pervasively sectarian” to receive public monies. Bradley will argue that Cleveland’s Catholic schools are not “pervasively sectarian.” Indeed, he will maintain that the term was invented three decades ago with the intention to discredit most public funds from ever reaching Catholic schools. The term is a pernicious one, insinuating ruthless indoctrination and regimentation. In short, it is just the kind of concept that Justice Thomas said was “born of bigotry.”

“CONSCIENCE CLAUSE” NEEDED IN

D.C. FUNDING BILL

On September 25, the House of Representatives debated H.R. 2944, the District of Columbia Appropriations Act. The bill contains a provision that prohibits the enactment of the Health Insurance Coverage for Contraceptives Act of 2000 unless a religious "conscience clause" is adopted; the clause would allow religious organizations an exemption from the coverage.

In July 2000, the Catholic League strongly objected to a bill passed by the Washington, D.C. Council that mandated health insurance coverage of contraceptives without a provision exempting Catholic hospitals and employers on religious grounds. We also objected to the anti-Catholic bigotry of some of the bill's supporters. After much debate, D.C. Mayor Anthony Williams subsequently pocket-vetoed the bill.

Like many other pieces of legislation, this bill took a back seat to the pressing demands of a U.S. counteroffensive. Nonetheless, the Catholic League put out a news release arguing that separation of church and state "is a vital principle that cannot be trespassed without just cause." We hastened to add, "There is no just cause involved in this case."

We explained our reasoning by saying, "Any bill that would force religious institutions to choose between maintaining allegiance to their doctrinal teachings and foregoing health coverage to its employees cannot be justified in instances when there is a long-standing solution to this problem: allow religious organizations to opt out of the mandated coverage."

It is the position of the league that "rational exemptions from absolutist legislation" should be made. "A one-size fits all mentality," we stressed, "is not the American way." The American way is based on pluralism. This should be sufficient

reason for the adoption of a “conscience clause” in the D.C. appropriations bill.

VOUCHER FOES GETTING EDGY

The U.S. Supreme Court’s decision to settle the voucher issue has made several foes of school choice quite edgy.

The Anti-Defamation League (ADL) “expressed disappointment” that the high court would even give the issue a hearing. Referring to the Cleveland voucher program, the ADL said with alarm, “The vast majority of students that receive government-funded vouchers under this program attend religious schools.” We might add that Catholic schools are the school of choice for most parents. That’s what happens when the poor are given choices—they opt for the best school. Just like rich people do.

Barry Lynn at Americans United for Separation of Church and State also get exercised. For Lynn, the whole issue comes down to government funding of religion. He fails to see (intentionally in our mind) that his real problem is with impoverished families who are making choices he dislikes. Ditto for the ACLU. But the organization that is literally experiencing apoplexy is People for the American Way. On the very same day that the U.S. Supreme Court said it had accepted the Cleveland voucher program for review, People for the American Way just happened to release a study on why the program is a failure.

William Donohue immediately read the report, seized on its shortcomings, and issued the following news release on the subject:

"The report by People for the American Way, 'Empty Promises: A Closer Look at the Cleveland Voucher Program,' is twice flawed: it distorts the data and is ideologically driven. Indeed, the latter explains the former.

"To be specific, the report makes the astounding claim that, 'studies fail to demonstrate significant educational improvement for students who transfer to voucher schools.' This conclusion is not only contrary to the assessment rendered by virtually every scholar who has examined the data on school choice (in Cleveland, Milwaukee and other cities), it distorts the work of Kim Metcalf of the Indiana Center for Evaluation at Indiana University; professor Metcalf is cited in the endnotes as the author responsible for this conclusion.

"Speaking of the results of the Cleveland voucher program, Metcalf has said that 'the results [after two years] indicate that scholarship students in existing private schools had significantly higher test scores than public school students in language (45.0 versus 40.0) and science (40.0 versus 36.0).' He added that while on other scores there was no significant difference, it was fair to conclude that 'The scholarship program effectively serves the population of families and children for which it was intended and developed' (namely those in the low-income bracket).

"But what is really bothering People for the American Way is the fact that most of the families in the Cleveland voucher program have opted for Catholic schools. The report admits this saying that these programs 'threaten students' religious liberty and violate the separation of church and state.' Nonsense to be sure, but revealing nonetheless: the driving force behind the report is the desire to deny the poor a Catholic education. Sadly, this is consistent with the group's founding goals."

Whichever way the high court rules, it will no doubt provoke a strong reaction among activists of all stripes. There is an

awful lot at stake for everyone.

BOOKSELLER MAKES AMENDS

In the September *Catalyst* we did a story on how two booksellers, the Book-of-the-Month Club and BookCloseouts, were uncritically promoting John Cornwell's book *Hitler's Pope*. In both instances, the description of the book read more like an endorsement than an objective review. We published the names and addresses of who to write to; many of you obviously did. The result was that BookCloseouts apologized and rewrote the blurb for the book. We did not hear from the Book-of-the-Month Club.

Congratulations to all those who wrote a letter.