

# JUSTICE SCALIA'S CATHOLICISM COMES UNDER FIRE

Michael Newdow, the atheist who wants the courts to ban the words "under God" from the Pledge of Allegiance, is now seeking to bar U.S. Supreme Court Justice Antonin Scalia from having any say in this case. Newdow's court filing maintains that Scalia's public remarks on religion disqualify him from objectively ruling on this case. The high court will soon decide whether to hear the case.

Here is the text of our news release on this subject:

"Atheist Michael Newdow is not satisfied to censor the words 'under God' from the Pledge of Allegiance. Now he wants to censor Justice Scalia. While the case before the court is a non-sectarian one, the attack on Justice Scalia smacks of anti-Catholicism.

"A disturbing trend is under way to remove practicing Catholics from the judiciary. Over the summer, U.S. Senators on the Judiciary Committee sought to employ a *de facto* religious test against circuit-court hopeful Bill Pryor. Then we had the spectacle last week of Cleveland attorney Jay Milano contending that no Catholic judge should be allowed to sit on a case he is bringing against the Catholic Church. Now we have Newdow trying to silence Justice Scalia for expressing his Catholic views on religion.

"Justice Ruth Bader Ginsburg wasn't in office a few months before she gave an impassioned address on women's rights at Columbia Law School. Twenty months into her tenure as a Justice of the Supreme Court the *Washington Post* wrote a lengthy front-page story on how vocal she is about her convictions. But no one then, or now, has ever said she is unfit to hear cases that touch on sex or sexuality. If such a rule were operative, then she would have been denied the

chance to rule on the recent sodomy decision: at an ACLU board meeting in 1975, she addressed the ACLU's policy on homosexuality by arguing against laws that criminalize sex between adults and minors! Statutory rape laws, she said, were suspect.

"Ginsburg is safe because her critics are not despotic. Pryor, Cleveland Catholic judges and Scalia are not because their critics are."

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## **CATHOLIC SCHOOLS OPEN AMIDST CONTROVERSIES**

Catholic schools opened to a range of controversies this year. For example, a lesbian couple in Eugene, Oregon made a formal complaint to the Eugene Human Rights Commission charging that O'Hara Catholic School has refused admission to their 4-year-old daughter because of their sexual orientation.

Meanwhile, Regina High School in the Cleveland area was pressed by the Council on American Islamic Relations to reconsider its dress code: the school decided not to allow a Muslim student who wears the Muslim head scarf (the hijab) to return to school.

Both of these incidents involve the right of Catholic educators to exercise their autonomy. It does not matter that some object to their decisions: what matters is their constitutionally protected right to make decisions that accord with Catholic teachings.

In a news release on this subject, we said, "To ask a governmental agency to intervene in the internal affairs of Catholic schools shows utter contempt for the principle of

separation of church and state. Similarly, the spectacle of having a Muslim civil rights organization lobby a Catholic school to accommodate Islamic strictures is as preposterous as having the Catholic League pressure Islamic schools to accommodate the dietary requirements of Catholic students during Lent.”

This shows once again that diversity devotees do not mean what they say. If they did, they would respect the diversity that Catholic schools bring to the country. If diversity means anything, it means that one size does not fit all. This is especially true when applied to religious institutions.

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## **HOUSE PASSES VOUCHER PLAN FOR D.C. BUT NOT WITHOUT SHENANIGANS**

On September 5, by a narrow margin, 205-203, the House of Representatives passed legislation that permits vouchers for poor District of Columbia students; four Democrats joined 201 Republicans in approving the bill. Then the shenanigans began.

Angry at losing, the losers brought the issue back for another vote on September 9. They lost again, though this time the margin was even closer: the vote was 209-208.

After the first vote, we let loose with the following comments to the media:

“This is a significant victory for those who truly seek to champion the interests of the poor. The social science evidence overwhelmingly demonstrates that nothing allows the

children of the poor to succeed more than having access to private and parochial schools. This is exactly what voucher plans provide, and nowhere are they more needed than in D.C. After all, D.C. has long spent more money per pupil, with less bang for the buck, than any state in the union. It's time for a change.

"The professed allies of the poor—teachers' unions and many prominent African American leaders—have done more to retard progress in the black community than any organized effort of bigots. By constantly seeking to deny school choice to those most in need of it, they have made upward mobility extremely difficult. Their reliance on affirmative action as an engine of progress is similarly tainted: affirmative action can only help quicken the pace of progress for those who already possess an adequate education.

"In addition to those wedded to government programs, there is another segment of the population that stands in the way of progress for the poor: civil libertarians and church-and-state activists. If these people were given the choice of seeing indigent kids graduate as illiterates from a public school, or seeing them graduate with honors from a Catholic school, they would choose the former. Indeed, it wouldn't even be a tough decision, so strong is their animus against all things Catholic.

"We look forward to the Senate acting as courageously as the House."

When the Senate votes, it will be interesting to see who flip-flops this time around. For example, Senator Mary Landrieu, a Louisiana Democrat, previously said she would support vouchers for D.C. But recently she reversed herself. Ditto for Pennsylvania Republican Senator Arlen Specter: he went from being pro-choice on vouchers to anti-choice.

Flipping the other way is California Democrat Diane Feinstein.

Long an opponent of school vouchers, Feinstein has had a change of heart and is now on board as a champion of school choice. Also switching from anti-choice to pro-choice is D.C. Mayor Anthony Williams. Both Feinstein and Williams have caught a lot of flack from their “friends” for doing so.

What’s troubling about Landrieu and Specter is that public schools are not good enough for their own kids: Landrieu sends her children to one of the most expensive private schools in Georgetown and Specter sent all his kids to private schools.

Landrieu and Specter are not alone. A recent study by the Heritage Foundation revealed that 42 percent of the members of Congress who are parents have sent at least one of their children to a private school. In the general population, only 10 percent of students attend a private school. Many of the same members of Congress who think public schools aren’t good enough for their kids have no problem denying school choice to the poor.

Indeed, as the Heritage study found, “In the past three years, every piece of parental choice legislation would have passed if those who exercised choice in their own families had voted with supporters of school choice.”

The old canard that vouchers drain money from the public schools was recently blown to bits by economist Milton Friedman. Friedman said that D.C. presently spends more than \$11,000 per year per student in public school. The D.C. voucher plan calls for a maximum of \$7,500. Therefore, he argues, “For every voucher student who leaves the public school for a private school, the system would gain more than \$3,500. Far from taking money away from public schools, vouchers increase the funds available per remaining student.”

Moreover, a recent study by the Manhattan Institute shows that where vouchers are implemented, it has the effect of improving public schools; they respond positively to competition.

But none of this is enough to satisfy those opponents of vouchers who are motivated by anti-Catholicism. In the pages of the *Washington Post*, Marc Fisher wrote of the D.C. vote, “What we have here is a charity program in which the American taxpayer hands over millions of dollars to the same wealthy institution that has hundreds of millions to pay to victims of sexual abuse by wayward clergymen.”

League policy analyst Joseph De Feo answered with a letter to the editor calling this a “potshot against the Catholic Church” that is “entirely gratuitous and mean-spirited.” “Name-calling and cheap shots,” De Feo concluded, “are the tactics of someone who won’t bother to formulate a rational argument.”

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## **CBS DIGS ITSELF IN DEEPER**

In the last issue of *Catalyst*, we did an article on how CBS has misreported a story regarding a 1962 Vatican document. William Donohue blew up at CBS when interviewed by Paula Zahn on CNN and asked league members to contact the network. Now we’ve learned that CBS has dug itself in deeper.

The Vatican document was a set of punitive guidelines aimed at stopping priests from soliciting sex in the confessional. CBS Evening News, however, twisted the story to make it seem like it was the beginning of a secret cover-up engineered by Rome. Following the Catholic League news release on this subject, Catholic radio talk show host Jeff Cavins also blasted CBS. Then CBS interviewed him for a story that purportedly would show why he was angry.

What CBS did, in fact, was to splice Cavins words to make it appear that he was angry at the Vatican. When Cavins protested

to Andy Silvers, publicist for CBS, she asked him whether those who he spoke to about this issue were “devout Catholics.”

This is the way a lot of the elite media think about Catholics: beware of the devout ones—they’re the rigid ones. It does not exaggerate to say that people like Silvers think of us as spooks. Maybe she should meet some of us once and a while—she may come to like us more than her lukewarm Catholic friends.

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## **CENSORING PROLIFE SPEECH IN SAN FRANCISCO**

San Francisco’s Board of Supervisors has voted to curtail the free-speech rights of prolife protesters.

Previously, before the police could cite demonstrators for harassment, women seeking an abortion had to inform protesters to cease their expression; alternatively, women had to instruct them that they want to be left alone. Under the new law, the onus is on the protesters: they must first get the consent of women seeking an abortion before exercising their free-speech rights. Mayor Willie Brown signed the censorial legislation.

This is a textbook case of how extremists operate in the U.S. If they can’t defeat their ideological adversaries in the court of public opinion, they reach for censorship. The idea that protesters must first obtain permission from those whom they seek to persuade is preposterous. That this is happening in San Francisco—home of violent pacifists—makes the story even more ironic.

Our response was to call the ACLU asking what they were going to do about it. After all, they are the champions of free speech for everyone from Nazis to child pornographers. But guess what? The ACLU has no interest in challenging this gag rule. That's because abortion rights mean infinitely more to the free speech crusaders than anything else.

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## CONTACT THE DNC!

It is not enough for us to blast the connection between the Democratic National Committee and Catholics for a Free Choice in the pages of the *New York Times*. Read the ad [here](#) and then get as many family members and friends to contact the DNC. Here is how to do it:

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