

# POPE FRANCIS AT SIX MONTHS; MEDIA COVERAGE SKEWED

After Pope Francis finished his first six months as pontiff, we compared how he is faring with the media vis-a-vis his predecessor, Pope Benedict XVI, after his first six months in office. It told us more about the media than either pope.

We looked at the editorials in 15 of the nation's largest newspapers to see what they said about both popes six months after being elected. The papers we examined were: *Atlanta Journal-Constitution*, *Boston Globe*, *Chicago Tribune*, *Dallas Morning News*, *Denver Post*, *Kansas City Star*, *Los Angeles Times*, *Miami Herald*, *New York Times*, *Philadelphia Inquirer*, *San Francisco Chronicle*, *St. Louis Post-Dispatch*, *Sun-Sentinel*, *USA Today*, *Washington Post*.

There were 14 editorials on Pope Benedict XVI and 11 on Pope Francis. The difference can probably be chalked up to the familiarity of the former versus the unfamiliarity of the latter. But there were more similarities than dissimilarities.

Two segments of the population dominated the media's interest in the two popes: homosexuals and women. In the 25 editorials, homosexuals were cited 13 times, and women 15. With the exception of a few editorials that gave faint praise to Pope Francis for not judging gays of goodwill, they were uniformly critical of the teachings of the Catholic Church on both subjects. Only two newspapers, *USA Today* and the *Washington Post*, did not mention either subject explicitly.

We found it interesting to note that the *New York Times* has been noticeably silent on Pope Francis. After all, the new pope is trying to reach out to atheists and homosexuals, so we thought these developments might occasion a positive statement from the newspaper. Wisely, it has decided not to

comment.

It is smart for those who are not Catholic-friendly not to get too excited by the new pope. All popes are free to decide what style best suits them, but papal observers know that substantive changes are altogether different. It is amazing how much stock some in the media give to the pope's remarks when he is merely jostling with reporters; they treat everything he says as if it were an apostolic letter or encyclical.

That said, there is no other religion that is subjected to this kind of micro-scrutiny. The elite media react to Islam and Judaism with cautious restraint, and with voyeuristic intrusiveness to Catholicism. Yet when it comes to teachings on homosexuality and women, there is very little difference between the three monotheistic religions. Judaism is respected, Islam is feared and Christianity—especially Catholicism—is loathed.

To see a brief summary of the editorials click [here](#).

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## GOV. BROWN'S KEY RULING

On September 6, the California Senate passed SB 131, the bill that discriminates against the Catholic Church by making it easier for alleged victims of sexual abuse to sue if the molestation happened when they were minors; the bill does not apply to public schools.

The legislation was sent to Governor Jerry Brown to sign; he has until October 13 to decide its fate. When we went to press, he had yet to do so. We pray the former seminarian will be fair.

On September 10, Bill Donohue wrote a six-page letter to Governor Brown outlining his concerns (it was delivered the next day). Donohue detailed the bill's rank injustice and provided many examples of the sexual abuse of minors in the public schools in California. His letter was sent to every bishop, including the auxiliary bishops, in California.

Here is a sample of what Donohue wrote: "Today, there is no institution in the nation that has less of a problem with the sexual abuse of minors than the Catholic Church. Indeed, in the last six years, the average number of credible allegations made against over 40,000 priests is 7.0. In California, in particular, there has been so much progress that priestly sexual abuse has long since ceased to exist. So why the need to target the one institution that doesn't tolerate sexual abuse?"

Donohue ended by saying, "You are the only person left, Governor Brown, who can stop this discriminatory legislation."

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## **SELECTIVE OUTRAGE**

**William A. Donohue**

Few things are more annoying, if not downright disgusting, than witnessing selective outrage. In New York City, Mayor Michael Bloomberg has instituted an array of edicts and laws banning smoking in restaurants, the workplace, parks and stadiums. He has banned trans fats, put limits on the sodium content in prepared meals, ordered restaurants to post calorie counts, and tried to ban large sugary sodas. Meanwhile, bicyclists are allowed to ride like lunatics anywhere they want, and without safety helmets.

Much more troubling than this nanny-state nonsense are three subjects that are addressed in this issue: California lawmakers and the sex abuse bill, church and state violations in New York, and the non-reaction of feminists to Miley Cyrus' antics.

As you know, we've spent a lot of time and money trying to rally California Catholics over the phony sex abuse bill that has been before lawmakers; we deeply appreciate their vigorous response. No one who is serious about any crime, especially sexual crimes against minors, would even consider granting an exemption from the law. That is exactly what happened. To exempt public schools from a law that would make it easier for alleged past victims to sue—when public schools are precisely the venues where most of the offenses take place—is sick. What is even sicker is the blatant anti-Catholic motivation behind the legislation.

None of these lawmakers care a whit about kids. Imagine passing a law that would make it easier for the alleged victims of homosexuals to sue, but that exempted heterosexual offenders. There would be protests in the streets. That's what we need—we need to take to the streets (non-violently, of course)—when we are the victims of selective legislation. There is no justice when some offenders are punished, and others are intentionally given a pass.

Whenever a priest, especially a bishop, speaks up about abortion, there are calls to silence him. All we hear are demands to enforce separation of church and state. He can speak all he wants about immigration reform (as long as he deemphasizes border control) and about more funding for poverty programs, but when it comes to moral issues such as gay marriage or euthanasia, he is expected to muzzle himself.

It is no secret that African-American churches have long welcomed candidates for public office to speak at Sunday services. In New York City, in the five months prior to the

September primaries, candidates spoke at approximately 170 churches. Not one was Catholic. Indeed, we don't even allow our clergy to run for office. That's why this is a non-issue for our church-and-state watchdogs: as long as their candidates (Democrats) are the ones visiting churches they approve of (black churches), it's okay for candidates to take their campaigns to the pulpit.

What Miley Cyrus did at the MTV Video Music Awards symbolized her race to the bottom: it has been evident for years that the former Disney star, Hannah Montana, was determined to out-slut Britney, Lindsay, Paris, and Kim. She won. So where were the feminists? Where was the statement of outrage from the National Organization for Women and the Feminist Majority?

When young boys see young girls begging them to sexually engage them, we shouldn't be surprised when many do. And when young celebrities do the taunting, exploiting their super-star status, we can expect more trouble. It is not good enough for feminists to decry violence against women, rape, and sexual harassment: they must speak with one voice against the environment that nurtures the sexual debasement of women. But, no, they are too interested in defending the right of two lesbians to "marry" to be worried about such issues.

It is too easy to say we are all guilty of hypocrisy from time to time. True enough. But what makes these matters much worse is that they are deliberately crafted by elites in law, activist organizations, and the media. There is no excuse for any of them.

The same California lawmakers who had no problem ushering through a law that selectively targets Catholicism let a bill stall that would require porn film actors to wear a condom while performing, even though HIV is a serious problem in the porn industry. The same editorial writers at the *New York Times* who go bonkers when the bishops hammer Obama's Health and Human Services mandate, say not a word when black churches

turn their services into campaign stops. The same feminists who scream at men for sexually abusing women go mute when Miley's mother cheers her daughter on as she sets the table for more abuse.

Over the past several decades, our society has made great political and economic progress, but when it comes to our cultural health, we have taken a giant step backward. We are less ethical, and more crude, than ever before.

Only religious institutions can get our nation to clean up the cultural debris that our elites have created. Unfortunately, the very people who got us into this condition are the ones who want to silence the religious voice. No, not all secularists are a problem, but the ones who occupy the command seats in our culture today most certainly are.

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## OBAMA'S WAR ON RELIGION IN THE RANKS

*After reading an article by Kansas Congressman Tim Huelskamp on the state of religious liberty in the military, I asked a staff member to contact his office, requesting permission to reprint it. It was happily granted. It is the best summary of this subject I have seen.*

*We have been tracking this issue for some time, and we are especially concerned about the undue influence that Mikey Weinstein has had in bullying the armed forces to walk his secular line. Weinstein is the president of the Military Religious Freedom Foundation. Earlier this year his lawyers tried to bully me when I criticized his work, but to no avail: I told them to take a walk.*

*As president of the nation's largest lay Catholic civil rights organization, and as a U.S. Air Force veteran of the Vietnam era, I take great umbrage at those who seek to squash the First Amendment rights of servicemen and women. Things have gotten out of control, and that is why I threw the support of the Catholic League behind Rep. Huelskamp's bill, the Military Religious Freedom Protection Act.*

*For decades, a movement has been under way to secularize our culture and our social institutions. We, along with others, have been pushing back, and have scored a number of victories. But the assault on the military, in the form of political correctness, is not just another turf war: it's a pernicious effort to drive religion away from those who rely on it for life and death reasons.*

*This article was originally published on August 1 by Breitbart.com. Please pass it around to your family and friends, especially to those in the military, and veterans. Thank God we have congressmen like Rep. Huelskamp, a Roman Catholic, to represent us.*

*Bill Donohue*

Congressman Tim Huelskamp:

If Army chaplain Emil Kapaun served in Afghanistan today rather than Korea six decades ago, President Obama would probably give the Catholic priest discharge papers instead of the Congressional Medal of Honor.

In Obama's Army, the Pentagon brass is ordained in the priesthood of political correctness, while devout Christians such as Medal of Honor recipient Emil Kapaun are shunned and ostracized. At all times between the presidential terms of George Washington and George W. Bush, the open practice of Christianity in the ranks was widespread and the open practice of homosexuality was deemed incompatible with military service. In the Obama era, the reverse is true.

President Obama is a wartime Commander-in-Chief. No, I don't mean the obvious (Iraq or Afghanistan). I'm talking about his preference for waging a race war, a gender war, class warfare, generational warfare, and – with escalating aggression and mounting casualties – a culture war. With the exceptions of free enterprise and traditional marriage, no institution has been more “radically transformed” by the Obama regime than our Armed Forces. Given President Obama's notorious contempt for Americans who “cling to their Bibles” and “guns,” perhaps we shouldn't be surprised by his Administration's hostility to service members who espouse traditional Judeo-Christian beliefs.

The persecution of Christians and conservatives has become increasingly brazen and pervasive since the President took office four and half years ago. To “protect patients” from proselytizing or prayer, Walter Reed Army Medical Center banned wounded warriors' family members from “bringing or using Bibles” during visits. The Department of Veterans Affairs barred Christian prayers at a National Cemetery. The President signed the law that repealed “Don't Ask, Don't Tell,” the Attorney General refused to defend the Defense of Marriage Act (DOMA) in court, and the Department of Defense authorized unholy “matrimony” ceremonies at military installations even before the Supreme Court struck down part of DOMA.

A war games scenario at Ft. Leavenworth identified evangelical Christian groups as a national security threat.

A field grade officer listed the American Family Association and Family Research Council as “domestic hate groups” and directed his subordinate officers to monitor soldiers who might be supporters. Evangelist Franklin Graham was un-invited from the Pentagon's National Day of Prayer service. A training exercise funded by the Department of Homeland Security portrayed home-schooling families as the domestic terrorists.



Last year, I introduced the Military Religious Freedom Protection Act. The bill requires the military to accommodate service members' moral principles and religious beliefs so long as they don't "threaten good order and discipline," forbids the military from using an individual's beliefs as the basis for an adverse personnel action, and forbids the military from forcing chaplains to perform homosexual marriage ceremonies. My bill's language was included in the National Defense Authorization Act passed by Congress last December.

When President Obama signed it into law, he claimed the conscience protections I authored were "unnecessary and ill-advised." But recent events confirm the new law was necessary, well-advised, and prophetic. These episodes exemplify the new military culture, one that rebukes those who practice Christianity and rewards those who worship at the altar of political correctness.

Army Master Sergeant Nathan Sommers' superiors told him to remove the conservative, Republican, and scripture-quoting bumper stickers from his personal vehicle. He was told he must avoid being seen reading books authored by Mark Levin, Sean Hannity, or David Limbaugh while in uniform. He was investigated for serving Chick-fil-A food at his promotion party to express his support for traditional marriage. In retribution, the Army is pursuing trumped up disciplinary charges against him.

The Utah Air National Guard cancelled the six-year re-enlistment contract of Tech Sergeant Layne Wilson because he told a chaplain he thought the chapel at West Point shouldn't be used for a homosexual wedding. An Air Force officer was required to hide from view the Bible he once kept on top of his desk. An Air Force chaplain's video tribute to sergeants was banned for fear it would offend an "agnostic, atheist, or Muslim." The chaplain's video narration said: "On the eighth day, God looked down on His creation and said, 'I need someone who will take care of the Airmen.' So God created a First

Sergeant.”

Coast Guard Rear Admiral William Lee told a National Day of Prayer audience that Christian service members are being told to hide their faith and religious liberty is being threatened by Pentagon lawyers. Army Reserve training materials listed Evangelical Christianity, Catholicism, and Orthodox Judaism as extremist religious groups alongside Al-Qaeda and Hamas. This is especially outrageous since the Obama Administration continues to classify the mass shooting at Ft. Hood (in which 13 people were killed by Army Major Nidal Hasan) as “workplace violence” rather than admit it was a terrorist attack carried out by a radicalized Muslim.

In April, several Generals consulted Mikey Weinstein—the anti-Christian zealot dedicated to attacking men and women of any faith—to solicit his help writing Air Force policies concerning “religious tolerance.” If there’s one person whose advice the Pentagon brass shouldn’t solicit, it is that of Mr. Weinstein, a man who says the military ranks are full of “Christian fundamentalist monsters” whose evangelizing constitutes “spiritual rape,” “a national security threat,” and “sedition and treason.” After Weinstein telephoned the Pentagon to complain about a painting displayed at Mountain Home Air Force Base in Idaho, it was removed less than one hour later. The painting bore the word “Integrity” and the citation “Matthew 5:9” (the verse says: “Blessed are the peacemakers for they will be called children of God”).

Mr. Weinstein bragged to the *Washington Post* that the Defense Department expressed its willingness to ban proselytizing (i.e., evangelizing, sharing one’s faith, or spreading the Gospel) and added, “We need half a dozen court-martials real quick.” Days later, the Pentagon issued a statement to the news media that announced: “Religious proselytization is not permitted within the Department of Defense.” After reading about this alarming situation on my Facebook page, a Sergeant First Class posted the following comment: “This is why I am

retiring. ... The liberals are destroying our values.” One wonders how long before the radical Weinstein and his Pentagon pals find and punish this Sergeant.

These revelations highlight the fact that Obama’s war on God-fearing servicemen is not only morally repugnant, but also threatens the long-term soundness of our voluntary military. Who wants to join an organization that increasingly caters to homosexuals and atheists, meanwhile denigrating Christians and traditional marriage? If you care nothing at all about the constitutional free exercise rights of our servicemen, surely you can at least see the dangers to military readiness posed by such harassment and persecution.

In April, I attended the White House ceremony at which President Obama presented Ray Kapaun with the Congressional Medal of Honor awarded posthumously to his uncle, Chaplain (Captain) Emil Kaupan. A farm boy from my congressional district in Kansas, the “Patriot Priest of the Korean Conflict” saved countless lives of fellow soldiers on the battlefield, along the death march to the Pyoktong Prisoner of War camp, and during the seven months of captivity that preceded his murder by communist Chinese guards in May 1951.

I can only imagine what Mr. Weinstein would say about the “how to witness Christianity” proselytizing clinic that Fr. Kapaun put on in the POW camp or this report of repatriated American soldiers: “He was their hero – their admired and beloved ‘padre’. He kept up the G.I.’s morale, and most of all [caused] a lot of men to become good Catholics.”

It speaks volumes that Fr. Kapaun had Protestants, Jews, and atheists saying the Rosary, singing the Lord’s Prayer, and praying together at the Easter sunrise service he led, all in defiance of the communist camp guards who ridiculed his devotion to faith and punished him for it. In a detailed account of the priest’s life, Arthur Tonne wrote: “He has transmitted to every one of us a new appreciation of America,

and a keener, more realistic understanding of our country's greatest enemy – godlessness.”

When Fr. Kapaun was being carried to the “Death House” (i.e., isolation without food or water), the Muslim POWs from Turkey stood at attention to honor him. According to witnesses, Fr. Kapaun blessed the very guards who were murdering him by saying, “Forgive them, for they know not what they do.” President Obama should be earnestly and prayerfully seeking more such men, not forging a military where they are not welcome, or where the very actions that once earned them the Medal of Honor are now forbidden by the Commander-in-Chief.

*Congressman Tim Huelskamp represents the Big First District of Kansas.*

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## POPE BENEDICT AND POPE FRANCIS

The following is a summary of the 15 newspaper editorials we surveyed about their reaction to the first six months of the tenure of Pope Benedict XVI (2005) and Pope Francis (2013):

### ***Atlanta Journal-Constitution***

(4-20-05): It bemoaned the Church's “hard-line” on “the ordination of only men to the priesthood.”

### ***Boston Globe***

(4-20-05): It said Catholics will continue to ponder issues such as “women priests.”

(4-3-13): “No one expects Pope Francis to be ordaining women priests any time soon.”

### ***Chicago Tribune***

(4-19-05): Pope Benedict XVI is “feared” by those who want to “ordain women.”

(4-20-05): It said the quickness with which the selection of Pope Benedict XVI was made meant the cardinals “weren’t consumed with mollifying Catholics” on the subject of women priests.

(3-14-13): It noted that Pope Francis has “forcefully opposed” such subjects as abortion and same-sex marriage.

### ***Dallas Morning News***

(4-20-05): Pope Benedict XVI “will not hesitate to wield a sword in defense of authentic Catholic teaching—even if it drives many away.”

(3-14-13): Pope Francis was criticized for his opposition to the Argentine government’s legalization of “same-sex marriage.”

### ***Denver Post***

(4-20-05): Prior to being named Pope Benedict XVI, he was “the driving force behind crackdowns” on “homosexuality” and “women’s ordination.”

### ***Kansas City Star***

(4-20-05): “Benedict likely won’t bend” on women’s ordination.

(3-13-13): Pope Francis will not “waver from the church leadership’s strident opposition to abortion, gay marriage....”

### ***Los Angeles Times***

(4-20-05): Pope Benedict XVI “probably will tolerate no talk of loosening church views on women priests.” He was also accused of “condemn[ing] gays.”

(3-14-13): It regretted to note that Pope Francis is not going to change the Church’s teachings on “same-sex marriage.”

### ***Miami Herald***

(3-16-13): Pope Francis is “an outspoken opponent of gay marriage” and he is a traditionalist on “the role of women.”

(7-30-13): Although Pope Francis was praised for saying he would not judge a gay person of goodwill, he “did not signal a doctrinal change in the church’s position that homosexual acts are a sin,” nor did he “retreat” on women’s ordination.

### ***New York Times***

(4-20-05): Pope Benedict XVI is not going to change on “homosexuality.”

### ***Philadelphia Inquirer***

(3-14-13): It is hoped that Pope Francis will “bring a new perspective on inflammatory social issues, such as abortion and homosexuality.”

### ***San Francisco Chronicle***

(4-20-05): Pope Benedict XVI needs to “knock the sharp edges off Catholicism by admitting women as priests.”

(3-14-13): Citing his opposition to gay marriage, it said, “The new pope is no free-thinking reformer.”

(7-30-13): It was encouraged by Pope Francis’ statement about not judging gays, but noted with disapproval that the “door is closed” on women’s ordination.

### ***St. Louis Post-Dispatch***

(4-20-05): “Those who hoped, against the odds, that the new pope might soften the church’s teachings” on “the ordination of women,” it said, “will be disappointed by the choice [of Pope Benedict XVI].”

### ***Sun-Sentinel***

(4-20-05): “There is nothing in Pope Benedict’s background to suggest he will give ground” on “the ordination of women as priests.”

(8-1-13): It was happy to learn that Pope Francis would not judge gays, but it noted “Francis offered no hope that they [women] may one day be ordained priests.”

### ***USA Today***

(4-20-05): It noted that “millions ignore church teachings” on

moral issues.

### ***Washington Post***

(4-20-05): It took Pope Benedict XVI to task for impeding “the distribution of condoms in Africa and other developing countries.”

*Our favorite was the editorial from the Miami Herald. By acknowledging that the pope did not “signal a doctrinal change in the church’s position that homosexual acts are a sin,” it suggested that he might have taken the opportunity to do so. Yet his comments were made while chatting with reporters on the plane back from Brazil. Look for more of this kind of reporting in the future. Too many journalists don’t know the difference between an encyclical and an off-the-cuff remark.*

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## **HOW’S THE POPE DOING?**

*Bill Donohue was asked by Catholic Digest how Pope Francis was doing. Here are his thoughts:*

Not in my lifetime have I seen such an outburst of enthusiasm for a newly minted pontiff. And not just from Catholics: Pope Francis has won the plaudits of everyone, from people of all faiths to die-hard secularists.

His secret is his ability to resonate with the common man. We can identify with him. More than that, we can imagine wrapping our arms around him. These personal characteristics count mightily. Just ask Mitt Romney.

Of course, a pope will ultimately be judged by the decisions he makes. On this score, it is too soon to know. But the early returns are encouraging. Every bureaucracy needs to be shaken

up, and the Curia is no exception. Organizations become stale at best, and corrupt at worst, when the comfort level reaches a tipping point.

Unlike his predecessors, Pope Francis is not an intellectual. But he is a bright man who knows how to shape public opinion, and how to inspire confidence. Interestingly, though, his populism has made elite opinion wary of him.

At the Catholic League, we tracked how 15 of the most influential newspapers reacted to the first six months of the tenures of Pope Benedict XVI and Pope Francis. *There were 14 editorials on Benedict and 11 on Francis; most of the those on the former were negative, and most on the latter were positive.* So far, the *New York Times* has said nothing about our new pope. That will change.

Liberal Catholics tend to be happier with Pope Francis than conservative Catholics. That will also change. The Holy Father is just as traditional on moral issues as his predecessors, even if he emphasizes them less. Which explains why liberals such as those at the *New York Times* are reluctant to speak; they are wisely bracing for disappointment.

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## MILEY V. MUSLIMS

In August, at the MTV Video Music Awards, Miley Cyrus simulated masturbation with a giant foam finger, grabbed her crotch, rubbed herself against a man old enough to be her father, pretended the man was performing anal sex on her, and walked around in a nude latex bikini. Her mother loved it. So did her manager. Millions of young girls and guys loved it as well.



Last month, the Miss World pageant was held in Indonesia. Some Muslims urged the government to cancel the event. According to the leader, Riziek Shihab, "The Miss World pageant is only an excuse to exhibit women's body parts."

Who are the real feminists? Miley's fans? Or the Muslims? If debasing women is the yardstick, the Muslims win.

A perusal of the websites of the National Organization for Women and The Feminist Majority yields nothing about Miley, nor even a word about sexploitation. However, there is a great deal of commentary on abortion and lesbianism.

In this regard, the Catholic position is instructive.

Pope Paul VI's encyclical, *Humanae Vitae*, was a clarion call to men and women: today's culture allows men to sexually exploit women, cheapening relations between them. Pope John Paul II spoke eloquently about the commodification of sexuality, offering us a "Theology of the Body."

We don't have to agree with those who want to ban beauty pageants to know that their concerns are not trivial, especially in a day and age when Miley (and her dutiful mother) may be lurking right around the corner.

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## ROGER      GOODELL      AND      THE REDSKINS

When asked about the propriety of the Washington NFL team using the name Redskins, Roger Goodell said, "If one person is offended, we have to listen." Baloney.

Goodell didn't listen to Catholics when we pressed him not to

invite the pop star Madonna to perform at Super Bowl XLVI in 2012; she has a history of vulgar anti-Catholic statements and acts. Bill Donohue wrote to Goodell on October 11, 2011, when it was rumored Madonna might be invited, but before the formal invitation was extended. He never replied. (It should be noted that the NFL disinvited 'N Sync's JC Chasez in 2004 over concerns he might use sexual lyrics while performing.)

What is most troubling about Goodell is his willingness to listen to elites, not the people. In the circles he runs in, no doubt his Catholic friends are not offended by Madonna. But millions of others are.

The same is true with the Redskins issue. To be sure, when Native American activists and leaders are asked about Indian mascot names, they object. But they are not representative of the people. In a survey of Native Americans conducted by *Sports Illustrated*, 83 percent said teams should not stop using Indian nicknames, mascots, characters and symbols.

Millions of Catholics are offended by Madonna. Moreover, real Indians like Indian mascot names. Goodell is thus twice wrong.

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## OBAMA'S TEAM BACKS RELIGIOUS LIBERTY?

*This article by Bill Donohue was recently published by [Newsmax.com](http://www.newsmax.com):*

No administration in recent history has been less religion-friendly than the Obama administration, so it came as a surprise to learn that it has filed an amicus brief in favor of religious invocations at government meetings; the U.S.

Supreme Court has agreed to hear the case in the fall. Some conservatives are cheering this development. They should be more cautious.

Lawyers for the administration are arguing that even if council meetings in Greece, N.Y. (outside of Rochester) open with Christian prayers, that “does not amount to an unconstitutional establishment of religion merely because more prayer-givers are Christian and many or most of the prayers contain sectarian references.”

This position is in direct contradistinction to the ruling by the Second Circuit Court of Appeals: it ruled that to the “reasonable observer,” the invocation is an “endorsement” of a “Christian viewpoint.”

The Second Circuit ruling, however, was undercut by the 1983 decision in *Marsh v. Chambers*. In that ruling, the high court said that a prayer offered by a chaplain opening the Nebraska legislature was not unconstitutional. Chief Justice Warren Burger, writing for the majority, said that opening deliberations with a prayer “is deeply embedded in the history and tradition of the country.”

Indeed, the Nebraska legislature, as well as the U.S. Supreme Court, Burger noted, both begin their sessions with the invocation, “God save the United States and this Honorable Court.”

Furthermore, the Marsh ruling explained that “where, as here, there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief,” then “the content of the prayer is not of concern to judges.”

The Obama team properly cited *Marsh* in defense of its lawsuit. Champions of religious liberty, of course, do not find fault with prayer invocations at government meetings. No doubt about it, the Obama administration is on the right side of this

issue in Greece, but its hostility to religious liberty (see my four-part Newsmax series, September 10, 12, 13, 14, 2012) demands a closer look at its reasoning.

It is not sufficient to be on the right side of an issue; what matters is whether reasoning is right. At issue in Greece is whether the right standard is being used by the Obama administration to override arguments invoking the “establishment of religion” provision of the First Amendment (it is not a “clause,” literally or constitutionally, as it is commonly held).

The U.S. Supreme Court had virtually nothing to say about disputes involving religious liberty and the establishment of religion until after World War II; previously such matters were seen as state concerns. From the founding to the *Everson* decision in 1947, Madison’s interpretation of the First Amendment was operative: the federal government could not establish a national church or give preference to one religion over another.

However, in *Everson*, Justice Hugo Black, who wrote the majority opinion, went beyond Madison’s prescription by holding that neither a state nor the federal government can pass a law favoring religion, even if it treats all religions equally. This ruling obviously widened the role of the U.S. Supreme Court to police First Amendment provisions on religion.

In 1971, the U.S. Supreme Court crafted a new standard. In *Lemon v. Kurtzman*, the high court developed a three-prong test: the statute in question must have a clear, secular purpose; the statute must neither advance nor inhibit religion; the statute must not result in “excessive” government “entanglement” with religion. The *Lemon* test has been criticized for its vagueness. What constitutes “excessive”? What does “entanglement” mean?

The endorsement test was proposed in 1984 by Justice Sandra Day O'Connor in a case involving a crèche on public property. In her concurring opinion in *Lynch v. Donnelly*, she argued that no statute can pass constitutional muster if its purpose, or effect, is to convey to the public a government endorsement or disapproval of religion. This test also has its critics. For example, is there not a difference between accommodation and endorsement?

Justice Anthony Kennedy offered a "coercion" standard in the 1992 case, *Lee v. Weisman*. Could prayers at a graduation ceremony be seen as violating the rights of students who are atheists, for example? The court reasoned that because it was a clergy-led prayer at an event sanctioned by the school district, objecting students would be subjected to peer pressure. In its ruling, the court noted that the Constitution "guarantees that government may not coerce anyone to support or participate in religion or its exercise."

Critics note that prayer at government events has been seen as constitutional since the founding, and that "coercion" is too loosely defined.

It matters greatly which test is invoked in Greece; some are more religion-friendly than others. By choosing the endorsement standard, the Obama lawyers seek to directly challenge the test as applied by the Second Circuit: the appeals court said that a "reasonable observer" would conclude that a town council's prayer amounted to "an endorsement" of Christianity.

The administration sees no endorsement, and eschews sitting in judgment of the content of a prayer.

On the face of it, the Obama team has taken a commendable position. But it also had other options.

It could have chosen one of the other standards. Or, if it were truly interested in expanding the meaning of religious

liberty, it could have cited the Declaration of Independence—it has four specific references to God—as evidence that the founders never envisioned subordinating religious liberty to establishment concerns (the Declaration was mentioned once in the government’s brief, but not in this regard).

The Obama lawyers know that some Supreme Court justices are not pleased with the various tests that have been used in these cases. Indeed, these justices have even made plain their interest in seizing on a new case to clarify, and expand, the meaning of religious liberty. Justice Antonin Scalia, for instance, has referred to the *Lemon* test as a “late night ghoul that refuses to die.”

It is not known what provoked the Obama team to file a brief in Greece. Was it because of a sincere interest in advancing religious liberty? If so, what is its progeny? Moreover, how can this new-found interest in religious liberty be squared with the administration’s relentless pursuit of the Health and Human Services mandate that abridges the rights of Catholic non-profits?

To put it bluntly, is the Obama brief an exercise in damage control? Is it trying to get out in front of this issue by filing a brief protecting religious liberty on grounds that are the least threatening to its secular vision? Does it seek to ward off the specter of a new standard, one that is much more religion-friendly than the tests we have become accustomed to? As I said, we don’t know what the true motive is. But forgive me if I’m skeptical.

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# PETITION TO WITHDRAW HHS MANDATE

The Catholic League launched a petition drive on August 19 calling on visitors to our website to convince the Obama administration to pull its Health and Human Service (HHS) mandate. It has had plenty of time to fix the problem it created.

The Catholic community, led by the bishops, has voiced its objections to the HHS mandate on several occasions. The Obama administration has made “accommodations” and other revisions, but the fundamental problem remains: the HHS mandate adopts a definition of what constitutes a “religious employer” that is entirely too narrow; and the religious liberty abridgement entailed in this edict represents an unfair burden on Catholic non-profit organizations, and Catholic-owned private businesses.

The amount of time and money spent trying to reconcile the HHS mandate with legitimate First Amendment concerns has been considerable, and without a satisfactory conclusion. Indeed, almost 70 lawsuits have been filed. The only sensible outcome is for the administration to withdraw the mandate altogether.

The problems inherent in ObamaCare are serious. From delaying “out-of-pocket costs” to postponing the employer mandate, it is evident that even those who support this legislation are growing weary. Add to this the more than a thousand waivers that have been granted, and the loss of support by labor unions, and the result is alarming. But none of these factors are as important as the constitutional issues that the HHS mandate presents: even if ObamaCare can be salvaged, the problems posed by the mandate remain.

The petition drive ends on September 30. We will forward the

petitions to Health and Human Service Secretary Kathleen Sebelius on October 1. We are not Pollyannaish: we know our effort is not going to inspire the Obama team to drop the mandate. Our goal is more modest. We hope to send an unmistakable message to the U.S. Supreme Court. After all, it is the justices who are likely to decide the fate of the HHS mandate.