

FEDERAL AGENCY TRASHES RELIGIOUS LIBERTY

The following article written by Bill Donohue was recently published by CNSNews.com.

It is the most anti-First Amendment report issued to date by any agency of the federal government. On September 7, the U.S. Commission on Civil Rights released a scathing assault on religious liberty titled, Peaceful Coexistence: Reconciling Non-discrimination Principles with Civil Liberties.

The title of the report is only one of many fundamental errors in the document: the findings and recommendations make it clear that there is no attempt to reconcile any competing rights. Instead, the document says that when there is a conflict between religious liberty and nondiscrimination, the former should be subordinate to the latter. Never mind that religious liberty is enshrined in the First Amendment and the latter right is mostly encoded in statutes.

The lead finding in the report is dismissive of the First Amendment. "Civil rights protections ensuring nondiscrimination, as embodied in the Constitution, laws, and policies, are of preeminent importance in American jurisprudence."

That is factually wrong: laws against discrimination are important, but they are not preeminent. What is preeminent is the first right found in the First Amendment, namely, the right to religious exercise. This agency has now decided to invert these rights. This is indefensible.

The second finding all but guts the meaning of religious exemptions. It holds that when such exemptions are granted from civil rights laws, e.g., statutes governing race and sexual orientation, they "significantly infringe upon these

civil rights.” The obverse is more accurate: the denial of religious exemptions, in most instances, significantly infringe upon the First Amendment.

Rights are not absolute, so when two rights conflict, decisions to favor one over the other must be made; this requires sound jurisprudential reasoning. For example, the Bill of Rights explicitly protects religious liberty, and it says absolutely nothing about gay rights or gay marriage. Why, then, is this federal body awarding preferential treatment to rights nowhere found in the Constitution while diminishing rights plainly encoded in it?

The findings and recommendations both speak about the First Amendment’s “Free Exercise Clause” and the “Establishment Clause.” Such literary casting is factually wrong. Constitutional scholar John Noonan says it best: “There are no clauses in the constitutional provision. Clauses have a subject and a predicate. This provision has a single subject, a single verb, and two prepositional phrases.”

Noonan is not being cute. His point is substantive: the Framers never contemplated disharmony between religious liberty and the establishment of religion. Indeed, these provisions complement each other. The free exercise of religion puts brakes on the power of the federal government to deny religious liberty; the establishment provision puts brakes on the federal government to prescribe religious exercise.

Madison, who authored the First Amendment, did not keep us guessing as to what he meant by the establishment provision: It was designed to stop the establishment of a national church and to prohibit government favoritism of one religion over the other. Moreover, it had no application to the states, which is why state churches existed until the fourth decade of the nineteenth century.

The rendering offered in the report incorrectly pits the two religious liberty provisions—free exercise and the establishment of religion—against each other. According to this logic, the two rights cancel each other out. This is bad history and lacks common sense. But it does allow the report to erroneously conclude that the establishment provision precludes a robust understanding of the Religious Freedom Restoration Act.

If there were any doubt that this report is a searing indictment of the First Amendment, the statement by the chairman of the U.S. Commission on Civil Rights settles the matter. Martin R. Castro, an Obama appointee, is blunt in his contempt for religious liberty.

“The phrases ‘religious liberty’ and ‘religious freedom’ will stand for nothing except for hypocrisy so long as they remain code words for discrimination, intolerance, racism, sexism, homophobia, Islamophobia, Christian supremacy or any other form of intolerance.”

Absent from his list of horrors is the real threat to the Constitution: militant secularism. And who is he talking about when he cites “Christian supremacy”? He should man up and be specific. Or is the term “man up” another horror?

Castro then blames religion for slavery. “In our nation’s past religion has been used to justify slavery and later, Jim Crow laws.” Perhaps he missed those classes on the religious basis of the abolitionist movement; or Catholic teachings on natural law; or the efforts of Rev. Martin Luther King, and all the other faith-based opponents of discrimination.

Interestingly, Castro’s remarks are preceded with a quote from John Adams: “The government of the United States is not, in any sense, founded on the Christian religion.” Tell that to the U.S. Supreme Court. In 1892, it ruled that the U.S. “is a Christian nation.”

Leaving that debate aside, it is undeniably true that the U.S. was founded on the Judeo-Christian ethos. More important, it was Adams who pointedly said that the Constitution was made “only for a moral and a religious people.” This explains why attempts to diminish our religious heritage—including this salvo by the U.S. Commission on Civil Rights—must be resisted.

MEDIA STILL BASHING PHYLLIS SCHLAFLY

The following article written by Bill Donohue was recently published by CNSNews.com.

Ten years ago, when liberal activist Betty Friedan died, the media greeted the news with bouquets. But there are no accolades being bestowed by the media for conservative activist Phyllis Schlafly, who died on Labor Day. Indeed, the disparate treatment is stunning.

When Friedan died, the Associated Press (AP) noted her passing by saying, “Feminism Pioneer Betty Friedan Dies at 85.” It heralded her book, “The Feminine Mystique,” saying, “Few books have so profoundly changed so many lives as did Friedan’s 1963 best seller.”

“Far-Right Activist, Author Phyllis Schlafly Dies at 92.” That is the way the AP notes her death. It calls her 1964 book, “A Choice Not an Echo,” “a manifesto for the far right,” noting that she founded the Eagle Forum, an “ultraconservative group.”

The Washington Post’s obituary on Friedan was titled, “Voice of Feminism’s ‘Second Wave.’” It labeled her a “writer,

thinker and activist who almost single-handedly revived feminism with her 1963 book, "The Feminine Mystique."

The death of Schlafly is treated with a provocative headline in the Washington Post: "Fierce Anti-Feminist Pushed GOP to Right on Social Issues." It also brands her "an experienced anti-communist Republican Party activist."

The passing of Friedan was observed by the New York Times as, "Betty Friedan, Who Ignited Cause in 'Feminine Mystique,' Dies at 85." She was remembered as a "feminist crusader" who "permanently transformed the social fabric of the United States and countries around the world."

"Phyllis Schlafly Dies at 92; Helped Steer the United States to the Right." That is the headline afforded by the New York Times. She is described as "one of the most polarizing figures in American public life" who "displayed a moral ferocity reminiscent of the ax-wielding prohibitionist Carry Nation." She also "joined a right-wing crusade against international Communism in the 1960s," and supported "the hard-right" Senator Barry Goldwater for president.

AP would never refer to Friedan as a "far-left activist" who founded the National Organization for Women, nor would it call it an "ultraliberal group." It would be unthinkable for the Washington Post to call Friedan a "fierce feminist [who] pushed Democrats to Left on social issues." Similarly, the New York Times would never label Friedan "one of the most polarizing figures in American public life," much less say she "joined a left-wing crusade promoting international Communism."

In fact, in her youth, Friedan was a Communist sympathizer, but none of these media outlets mention her fellow-traveling days promoting Stalinism. While they cite her role in establishing the National Organization for Women in 1966, they fail to say that she warned the group against an

encroaching lesbian “menace.”

Nor do the media speak about Friedan’s “Fifty Shades of Grey” sexual appetite. In 1984, when she arrived at the Democratic National Convention in San Francisco, her luggage burst open on the luggage carousel, revealing “S&M magazines depicting women in extreme bondage.”

When Bill Clinton was all over the news for his affair with Monica Lewinsky, Friedan rushed to the predator’s defense. “Even if he did what he’s alleged to have done, what is the big deal? It’s not a matter of public concern. To have our will overthrown by a bunch of dirty old white men, trying to use sexual issues wrongly ... this is a disgrace.” The accusers were “dirty old white men,” not Clinton.

Regarding Schlafly, the media fail to tell the reader that her opposition to the Equal Rights Amendment (ERA) accurately expressed the will of women. In 1975, Linda Greenhouse of the New York Times credited women in New York and New Jersey—not men—with decisively defeating the ERA at the ballot box. It should also be noted that the ACLU strongly opposed the ERA from the 1940s to the 1970s, making Friedan the outlier on this issue.

Phyllis Schlafly was a courageous and principled woman. That she is still enraging the adversarial press is a tribute to her legacy, and another blot on the profession of journalism.

CLEMSON RESTRICTS PRAYER ON

CAMPUS

A local resident wandered on to the campus of Clemson University, sat down on a folding chair, and held up a sign reading, "PRAYER." A student saw the man, sat down next to him, and joined him in prayer. An administrator from the university saw what was happening and proceeded to do his duty: he informed the man that his speech was in violation of campus policy.

This is the way Clemson operates. No South Carolinian who pays to support Clemson in his taxes is permitted to speak on the campus without written permission from a school official. Moreover, praying is regarded as "solicitation," and subject to restrictions: it is limited to "free speech zones," places set aside for First Amendment exercises. The censorial policy may be lifted provided the proper paperwork is completed and approved.

Clemson is not unique in restricting speech. It is a sad commentary in America that when it comes to free speech rights, the policies of many colleges and universities more closely resemble the strictures found in maximum security prisons than neighborhood libraries.

Prisons, of course, were established to protect the public from dangerous criminals. Universities were established—the first one was founded by the Catholic Church—to promote the free marketplace of ideas. But not anymore. Today, institutions of higher learning are more likely to engage in mind control than they are to promote the free exposition of ideas. And if there is one idea they really loathe, it is faith-based expression. Prayer is taboo. Indeed, it enjoys less protection than treasonous speech.

Recently, the House Appropriations Committee expressed its concerns about the proliferation of "free speech zones" on

campus. Because Clemson receives public monies, it is important that our elected officials take note of its illiberal policies.

CATHOLICS FOR CHOICE GAMBIT FAILS

Advocacy campaigns, especially when conducted in the print media, are very expensive. Fortunately, whether they work or not is not hard to determine: if they generate a lot of controversy, they work; if not, they fail. Catholics for Choice's (CFC) latest effort is a monumental failure.

Two days after its print advertisement blitz in several newspapers, it had been cited in less than a half-dozen papers. Even that is an exaggeration: the only place it garnered any attention was in the letters section. More bad news: the letters were uniformly critical of CFC. Most important, there had not been a single news story about its campaign in any newspaper.

Here are some indisputable facts. CFC is not Catholic: it is expressly anti-Catholic. Its idea of choice does not extend to safeguarding the premier human choice—the right to be born. In fact, it works tirelessly to undermine this fundamental right. It is not an organization: it is a letterhead greased by the establishment; it has no members.

CFC's latest gambit is two-fold: It wants the public to pay for abortions; it wants the public to believe that child abuse in the womb is a legitimate Catholic social justice issue. This campaign by CFC has a long pedigree.

CFC was founded in 1973 as Catholics for a Free Choice, setting up shop in the headquarters of New York's Planned Parenthood office building. Its first president, Father Joseph O'Rourke, was expelled from the Jesuits in 1974; he served as CFC president until 1979. Frances Kissling took over in 1982 and Jon O'Brien succeeded her in 2007.

In October 1984, CFC ran an ad in the *New York Times* that illegitimately maintained that there were "legitimate Catholic positions" on abortion. Such reasoning fast became a staple of CFC's agenda. Today, it is being prominently promoted by Senator Tim Kaine, vice presidential candidate for the Democratic Party; he also supports CFC's call for taxpayer-funded abortions.

Perhaps the most severe blow to the reputation of CFC came in 1995. That was the day Marjorie Reiley Maguire, a prominent activist in the group for years, did a 180 and blasted CFC in public.

Maguire branded CFC "an anti-woman organization," one whose agenda is "the promotion of abortion." She argued that Kissling's front group defended "every abortion decision as a good, moral choice," adding that it pursued a "related agenda of persuading society to cast off any moral constraints about sexual behavior."

Maguire explained that it was not the Catholic Church that was "hung up on sex"; rather, it was liberals who were obsessed with sex. Questioning the right of CFC to call itself Catholic, Maguire said, "When I was involved with [CFC] I was never aware that any of its leaders attended Mass. Furthermore, various conversations and experiences convinced me they did not."

Nothing has changed since. Its latest campaign is such a bust that one wonders just how stupid its donors are. Frankly, it's time for CFC to pack it in.

JUDGE HAMMERS SNAP

We note with relish a recent ruling by U.S. District Court Judge Carol E. Jackson: she dropped the hammer on the Survivors Network of those Abused by Priests (SNAP).

On several occasions, we have revealed SNAP executive director David Clohessy to be a professed liar who runs a phony “victims group”; its real goal is to attack the Catholic Church. Now he is back in the news, this time for being slapped down by a federal judge.

SNAP has publicly accused Father Joseph Jiang of sexually molesting minors. It says it knows who the victims are. But it provides no evidence whatsoever, and refuses to disclose—under court order—who they are. This partly explains why U.S. District Court Judge Carol E. Jackson accused SNAP of defaming Father Jiang.

In a just world, Judge Jackson would not have had to issue her ruling. That’s because in 2013 charges that the priest had an inappropriate contact with a high school student were dismissed. The court found that there was no evidence that he was ever alone with the student.

In 2015, in another case, not only were criminal charges against Father Jiang dismissed, he agreed to an independent polygraph investigation; he easily passed the lie test.

After being trashed in the media, Father Jiang filed a defamation suit last year against the boy’s parents, the police, Clohessy, and his colleague, Barbara Davis. On June 27, Judge Jackson ordered SNAP to turn over the details of those who claimed they were victimized by the Chinese priest. It failed to do so. This is why she accused SNAP of

“deliberate and willful refusal to comply.”

Judge Jackson was explicit in her statement to SNAP: She wanted the emails, text messages, and contact information of those who claimed that Father Jiang molested a boy in a Catholic school bathroom. The charges were dropped, but that didn't matter to SNAP, which is why it persisted in its crusade to ruin him. When Judge Jackson called SNAP's bluff—put up or shut up—Clohessy ran for cover, dishonestly claiming that SNAP was exempt from her order on the basis of its alleged “rape crisis center privilege.”

SNAP's ploy didn't work. Judge Jackson blasted Clohessy for his “repeated assertions of nonexistent privileges.” Not only is the judge right about this phony exemption, this is not the first time the SNAP director has pulled this stunt.

In 2012, Clohessy was deposed by a Missouri court, wherein it was shown that he (a) lied to the media about his work (b) falsely advertised SNAP as a rape crisis center (c) exploited his clients by providing unauthorized “counseling” services (d) ripped off those who are truly in need of help by failing to contribute even a dime for licensed counselors and (e) pursued priests on the basis of legal criteria he admits he cannot explain.

In her court order, Judge Jackson charged SNAP defendants with conspiracy: they conspired “to obtain plaintiff's conviction on sexual abuse charges.” She also stated why: it was due to “discriminatory animus against plaintiff based on his religion, religious vocation, race, and national origin.”

Yes, Clohessy and his staff conspired against Jiang because he was a Catholic priest—in their minds all accused priests are guilty—and because he was an easy Asian target. But now they know that Father Jiang is no pushover: SNAP must now pay for the priest's legal fees, and other charges.

One of the reasons why Father Jiang is not a pansy is because

of his no-nonsense boss. Archbishop Carlson is a courageous leader of the Catholic Church, one who has the moxie to take on the likes of SNAP. This is why Clohessy hates him.

Clohessy's hatred of Archbishop Carlson is what drove him to smear this prince of the Church. In a statement released August 23, Clohessy said, "Archbishop Carlson refuses to reveal where Fr. Jiang is living, why he had a bedroom in Carlson's home and why Fr. Jiang followed Carlson from city to city (a highly unusual arrangement in the Catholic Church)."

How cute. Why doesn't Clohessy have the guts to say what he is implying? Furthermore, does he think the archbishop is under some obligation to inform him where Father Jiang lives? Does he know that bishops typically have spare rooms in their residences? Similarly, does he know how common it is for bishops to be accompanied—city to city—by priests? Perhaps if Clohessy were a practicing Catholic he would know the answers.

SNAP is not some innocent, well-intentioned, organization out to help the victims of abuse. It is not innocent: it is guilty of lying to the media about its cause. It is not well intentioned: its goal is to malign the Catholic Church. It is not an organization: Clohessy does not have an office that he reports to daily, and he commands no staff. It does not seek to help victims: it rips them off by offering unlicensed counseling.

True victims of abuse deserve justice, not the kind of injustice rendered by SNAP. Kudos to Judge Jackson for doing her job, and to Father Jiang and Archbishop Carlson for standing up to these bullies.