

WILLIAM BENTLEY BALL, R.I.P

On January 10, the world lost one of the most courageous and brilliant Catholic civil rights champions of the 20th century, William Bentley Ball. Bill died at the age of 82 at Lee Memorial Hospital in Fort Myers, Florida. He was a member of the Catholic League's board of advisors and was chairman of the league's legal advisory board.

Bill Ball argued nine civil rights cases before the U.S. Supreme Court and assisted in 25 other cases. He was known for his brilliant arguments before the bench, his commanding knowledge of constitutional law and his tenacious commitment to principle.

In 1971, Bill was on the losing side of a very controversial U.S. Supreme Court decision, *Lemon v. Kurtzman*; it was that ruling that created a three-prong test—one that set the bar awfully high—to judge the constitutionality of statutes touching religion. Given the many problems with that decision, it is entirely possible that the high court may overturn, or at least pare back, its ruling in *Lemon*. If so, it would vindicate Bill's work.

The following year, Bill proved to be victorious in the Supreme Court, this time in defense of the Amish: in 1972, in *Wisconsin v. Yoder*, the high court agreed with Ball that to demand that the Amish send their children to public schools was a violation of their religious rights under the First Amendment.

This was not just a victory for the Amish, it was a victory for all those who know the importance of keeping government at bay when it comes to the free exercise of religion.

In 1993, Bill won again in the Supreme Court: in *Zobrest v. Catalina Foothills School District*, Ball successfully argued

that the First Amendment's establishment clause does not bar a school district from providing a sign language interpreter to a deaf student who attends a Catholic school.

More recently, Bill filed an amicus brief on behalf of the Catholic League defending the religious rights of Orthodox Jews in a case against Yale University. Bill maintained that Orthodox Jewish students who are forced to live in campus residences that are sex-integrated (including the bathrooms) violates their freedom of association and religious liberty.

On a more personal level, Bill Ball was a genuinely lovable person, someone whose generosity was unparalleled. He not only did much of his work *pro bono* (including his work in *Zorbest* and the Yale case), he never tired in his commitment. For example, a few years ago I asked Bill to chair a legal advisory board for the Catholic League, and requested that he recommend some attorneys whom I would invite to join with him. When I told him that all of them were simply too busy to take on more work, he said, "Fine, I'll do it myself." And he did—he was a one man committee.

Bill was also a scholar. For those who want to get to know his work better, I would like to recommend his volume, *Mere Creatures of the State* (check the back of *Catalyst* for ordering it). Among other things, Bill discusses how anti-Catholicism has affected legislative and judicial rulings in American history. His book is a passionate defense of religious freedom, as understood by the framers and distorted by more recent judicial rulings.

Bill was small in posture, but he was a giant among men. His contribution to religious liberty is secure and will be drawn upon for generations to come. Just as important, his legacy as a Catholic gentleman will endure as a model for all of us.

William A. Donohue