



Saint Thomas More  
1478-1535

# THE **ACLA** REPORT

Newsletter of the American Catholic Lawyers Association, Inc.

November 1999

## **ACLA SERVES FEDERAL COMPLAINT FOR DISMISSED ARMY PRIEST**

As reported in the September - October issue of *The ACLA Report*, the Association has filed a U.S. District Court lawsuit under Title VII of the 1964 Civil Rights Act and the Bill of Rights on behalf of Fr. Frank P. Valentino, S.J., who was wrongfully dismissed in July 1997 from his position as Assistant Chaplain for the Catholic congregation of St. Joan of Arc at the United States Army's Fort Monmouth, near the Jersey shore. Father Valentino, a Jesuit who now serves at parishes in Brooklyn and in Orange County, New York, was terminated by his non-Catholic base superior after insisting on Roman Catholic orthodoxy and orthopraxis in his military parish, in the face of opposition from a dissident element.

The Association served the Summons and Complaint upon U.S. Attorney Faith S.

Hochberg in Newark, New Jersey, on September 2, 1999, and is awaiting the Government's Answer. Fr. Valentino said, following pre-suit Army administrative law proceedings by the American Catholic Lawyers Association, "I am grateful for the ACLA's persistence. I didn't think any attorney would stay with me on my case as long as Chris Ferrara has. He always seems to find new ways of moving forward. I look forward to seeing something good come out of this, whether we win or lose."

It is our hope that a successful outcome to this Federal suit will guarantee the First and Fourteenth Amendment rights of doctrinally sound Catholic priests who function as chaplains to America's men and women in uniform both here and abroad, so our nation will have religion-in-the-military rather than "military religion". □

## **THE ASSOCIATION MOVES FOR A STAY IN THE PORTLAND CASE**

On behalf of Catholic pro-lifers Donald J. Treshman and Monica Miller, Ph.D., the Association has joined with Michigan's Thomas More Center for Law & Justice in formally seeking from the Ninth Circuit U.S. Court of Appeals a stay of the permanent injunction and \$107 million judgment entered early this year in the case of *Planned Parenthood of the Columbia-Willamette, et al., v. American Coalition of Life Activists, Advocates for Life Ministries, et al.* Such a stay pending our current appeal was

previously sought from the trial court judge, Honorable Robert E. Jones, U.S.D.J., in Portland, Oregon, but was denied by him on September 13, 1999.

Readers of *The ACLA Report* will readily recall that this is the case brought in late 1995 by Planned Parenthood and several doctors who perform abortions against Mr. Treshman, Prof. Miller, the two aforesaid pro-life organizations, and 12 other individual defendants, alleging that they violated the 1970

(See "Portland Case", p. 2)

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**AMERICAN CATHOLIC  
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## **Portland case**(from page 1)

Racketeer Influenced and Corrupt Organizations Act (RICO) and the May 1994 Freedom of Access to Clinic Entrances Act (FACE) simply by means of a few pro-life posters containing typical American political rhetoric and an Internet site operated by a man from Carrollton, Georgia, who the pro-abortion plaintiffs did not even bother naming as a party defendant so as to actually obtain the trial court's jurisdiction over him. Indeed, Monica Miller, Ph.D., was dropped as a defendant on the eve of trial and co-defendant Stephen Mears was dismissed at about that same time. Even one of the plaintiff physicians dropped out! However, the Portland trial court nevertheless regards Prof. Miller as a person acting in concert with the remaining defendants-appellants and therefore subject to the harsh injunction it issued. This injunction forbids the defendants from disseminating the subject pro-life posters or any materials similar to them and, for that matter, from publishing any personal information about the pro-abortion plaintiffs whatsoever.

Not even their lawyers (including the Association) are supposed to possess more than one copy of the posters in dispute, except for purposes of the current appeal!

The Association's and the Thomas More Center's motion for a stay before the U.S. Court of Appeals is important to preserving the First Amendment free speech rights of the defendants during the pendency of their appeal. Otherwise, they would remain forbidden, for all practical purposes, from publishing any

criticisms of the pro-abortion plaintiffs. Indeed, this Draconian stricture, coupled with the \$107 million verdict delivered in favor of the plaintiffs on February 2, would effectively cripple co-defendant Advocates for Life Ministries' prolific *Life Advocate* magazine if left unchallenged.

Professor Miller: "I think the verdict in Judge Jones' courtroom was outrageous. If this case had had to do with anything other than abortion, it would not have happened. But, right now it's politically correct to bash pro-lifers and that's why we are where we are. I hope the appeals court will be more objective in looking at this case."

Readers will remember that it was the plaintiffs' novel theory of "context", involving the introduction into evidence of constant testimony about murders, bombings, arsons, and shootings which our defendants had nothing to do with, that made the patently non-threatening language in the disputed posters and web site into "true threats" in violation of FACE and RICO in the eyes of the Oregon jury. The Planned Parenthood plaintiffs' opposing brief in our appeal is due imminently and is expected to be unusually lengthy.

The Association again asks for unceasing prayers and financial support for the success of our appeal and thanks the Thomas More Center for Law & Justice for its assistance in preparing the appellants' briefs. St. Thomas More, pray for us!□

## **ANTI-POPE PIUS XII INCIDENT AT WORK BEING MONITORED**

The ACLA is monitoring an ongoing administrative law proceeding brought by a Catholic man from a Mid-Atlantic state who was exposed to literature from the Simon Wiesenthal Center asserting that the great Pope Pius XII (d. 1958) did nothing to save Jewish people from Hitler's forces during the Holocaust. The man, a 15-year employee of a government agency, and his co-workers were exposed to this malicious literature during a

Federally-mandated "Holocaust Week" observance at his agency. His deposition has been taken and we will keep on top of this in the hope of obtaining a favorable ultimate outcome.

This new case is very timely in light of the recent release of author John Cornwell's vicious anti-Catholic screed, *Hitler's Pope*, defaming the character of the saintly Pontiff.□

***ACLA's Web site is now online: <http://www.aclainc.org>.***

# **SCHEDULING ORDER AWAITED IN BEDFORD "NEW AGE" SCHOOL PRACTICES APPEAL**

As reported in the last issue of *The ACLA Report*, U.S. District Judge Charles L. Brieant granted the Association a key victory in July by banning certain occult practices from the Bedford Central School District, in suburban Westchester County, New York. The practices banned, following a February - March 1999 non-jury trial of our case, *Altman, DiBari, et al., v. Bedford Central School District, Dr. Bruce Dennis, et al.*, by ACLA West Coast counsel James M. Bendell, were Fox Lane High School's annual Earth Day totem pole liturgy, encouragement of elementary school pupils to fashion images of the Hindu deity, Lord Ganesha, during class, and the sale of talismans known as "worry dolls" in the Pound Ridge Elementary School's store.

The defendant public school district and officials appealed Judge Brieant's ruling in mid-August and the Association promptly cross-appealed not only to uphold His Honor's decision, but to strike down those practices which the trial court allowed to stand: the demonic card game called "Magic: The Gathering" the propagation of Yoga by a real live Sikh (albeit American) yogi at Fox Lane High School, the occult use of crystals, the propagation of the cults of the

Gautama Buddha and the Aztec god, Quetzalcoatl (crushed by Our Lady of Guadalupe in the 16<sup>th</sup> century!), the use in the classroom of religiously offensive poetry such as "How God Messed Up", strange activities at the Madden Outdoor Educational Center, "New Age" meditation practices in school, the use of intrusive personal journals, and certain "counseling" and psychological testing programs which touch upon morally sensitive topics.

The ACLA asks its supporters to pray for a good outcome to the appeals, now pending in the Second Circuit of the U.S. Court of Appeals, in New York City. The Association filed certain required forms there on September 2 and awaits that court's scheduling order for briefing.

ACLA co-plaintiff Mrs. Cecile D. DiNozzi, mother of former Fox Lane H.S. plaintiff student Jon M. DiNozzi: "I am very grateful to Jim Bendell, Chris Ferrara, and the entire ACLA organization. It was a long, hard battle which is not yet over, but I would do it all over again for the sake of everyone's children. I look forward to winning the appeal. The more these activities in the schools are exposed, the better it will be for every child in America." □

## **MONIQUE DOSTIE THANKS THE ACLA**

As reported in the last issue of *The ACLA Report*, Monique Dostie is now working with mentally impaired adults in West Virginia, having left Lewiston, Maine, after that state's officials decreed that her Pauline Jaricot Home, established by her on Catholic principles, must allow residents to engage in sexual activity forbidden by Divine Law and even to possess cases of liquor on the premises if they chose to. ACLA West Coast counsel James Bendell represented her in

the administrative law proceedings in Maine. With the help of Robert Pliska and an association of lay Catholics in the Diocese of Wheeling - Charleston, Miss Dostie now cares for five full-time and two part-time residents at the Vineyard Home, in Purgitsville. She says in regard to the difficulties she encountered back in Maine, "Thank God for the ACLA's providing me Jim Bendell. I could not have done a lot without him and his brilliant defense of me". □

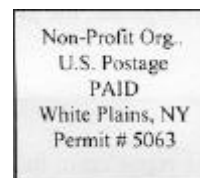
# REMEMBER THE ASSOCIATION IN YOUR WILL

The ACLA is always in need of funds to continue litigating its significant cases affecting the rights of Catholics in America. Tax-deductible donations from loyal Catholics like you make it possible for us to defend fellow Catholics who otherwise would be without vigorous legal representation in the courts. If you wish, you may also remember us in your last will by means of a simple clause such as: "I give, devise and bequeath the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) to the **American Catholic Lawyers Association, Inc.**, for purposes of said association's general funds."

Mary, Help of Christians, *Pray for Us!*

Please be as generous as you can in support of our work, so that we can be as generous as possible in rendering free legal assistance to Catholics who need it so desperately.

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