



Courage & EnCourage  
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## ENCOURAGE SUPPORT GROUP MEETING

Roman Catholic Diocese of Lansing Chapter

**When: Sunday October 17, 2010 from 2:30 to 4:00pm**

**Where: Holy Spirit Parish  
Winans Lake Road  
Hamburg, Michigan**

Directions: US-23 to Silver Lake Rd. Exit (exit #55) West on Silver Lake Rd. to Whitmore Lake Rd. (a short distance). South on Whitmore Lake Rd. to Winans Lake Rd.(a three way stop). West on Winans Lake Rd. approximately one mile to entrance marked with a sign for Holy Spirit Cemetery and Holy Spirit Rectory and School. Turn left. We meet in portable classroom number four. Look for Encourage signs.

One of the obstacles that we have encountered when establishing Courage and Encourage in our Diocese has been the open opposition of individuals who support and promote the agenda of same-sex behavior. We have enclosed with this month's letter an article that appeared in the October 2010 issue of *First Things*. The magazine *First Things* is published ten times a year by the Institute on Religion and Public Life, and frequently examines the conflict between religious beliefs and public policy. In this month's issue, Assistant Editor Meghan Duke, writes about the University of Illinois Professor Ken Howell, and his struggle with communicating what the Catholic Church teaches about homosexuality and homosexual behavior and with what a public university will accept. The incident, I think, represents a foreshadowing of future cultural conflicts that will involve many of us who seek to proclaim the truth in love. We hope you read it.

It should be noted that we are also sending our letter and enclosures via email, and if you would prefer to receive it electronically, please let us know. The Diocese of Lansing has blessed us with a small budget, but every savings is helpful. Perhaps you might even consider a small or large donation to help defray the cost of mailing and materials.

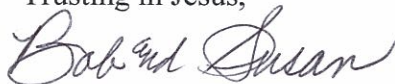
**Remember please** that we unite to pray each Thursday to the Sacred Heart of Jesus in reparation for our sins and the sins against human sexuality such as same-sex behavior and abortion. Reparation is making amends for the wrongs committed through our sinful condition. Additionally, we pray as intercessors for all our loved ones who will, like the prodigal, someday return home. We generally follow the model given to us by St. Margaret Mary Alacoque in the booklet *Holy Hour of Reparation* published by CMJ Marian Publishers. If you would like a copy of the booklet, we have a small supply in our office or you can order one by calling the publisher at 1-888-636-6799. "That the necessity of reparation is especially urgent today must be evident to everyone who considers the present plight of the world, 'seated in wickedness'. The Sacred Heart of Jesus promised to St. Margaret Mary that He would reward abundantly with His graces all those who should render this honor to His Heart." (Pope Pius XI Encyclical *Miserentissimus*)

**Please note** if you cannot attend the October 17th meeting, **our next regular meeting is November 21<sup>st</sup>.**

For more information regarding our meetings, or to talk about the issue of same-sex attraction in your lives, call our Diocesan office at 517-351-3315 or email us at [caverart@comcast.net](mailto:caverart@comcast.net)

We look forward to meeting with you. Let us remember, however, to always respect the right of each to complete confidentiality.

Trusting in Jesus,

A handwritten signature in cursive script that reads "Bob and Susan".

Bob and Susan Cavera

"The message of the cross is foolishness to those who are perishing, but to us who are being saved it is the power of God."

1 Cor. 1: 18



REPORT

# FIRED, IN A CROWDED THEATER

*Can a Catholic professor speak  
about homosexuality without risking his job?*

MEGHAN DUKE *on the case of Professor Ken Howell  
vs. the University of Illinois.*

**K**enneth Howell felt relaxed as he walked across the campus of the University of Illinois at Urbana-Champaign, on his way to a Friday afternoon meeting with his department chairman, Robert McKim. He'd turned in his grades for his classes—Introduction to Catholicism and Modern Catholic Thought—a week ago; it was the end of May, and he looked forward to a summer spent on research and writing. It was a rhythm he had become accustomed to in a decade as an adjunct professor in the university religion department, and today promised to be no different, even though the meeting with

McKim had been scheduled suddenly, and for no apparent reason.

Moments after he sat down in McKim's office, the chairman handed Howell a piece of paper he recognized: an email he had sent to his Introduction to Catholicism students. Howell took the email in his hands as McKim leaned back in his chair.

"This could really hurt the department," McKim said, gesturing at the email and shaking his head. "This could really, really hurt the university."

The three-page email was dated May 4, nearly a month earlier. The subject line was "Utilitarianism and Sexuality." Howell had sent it late that evening to help his students

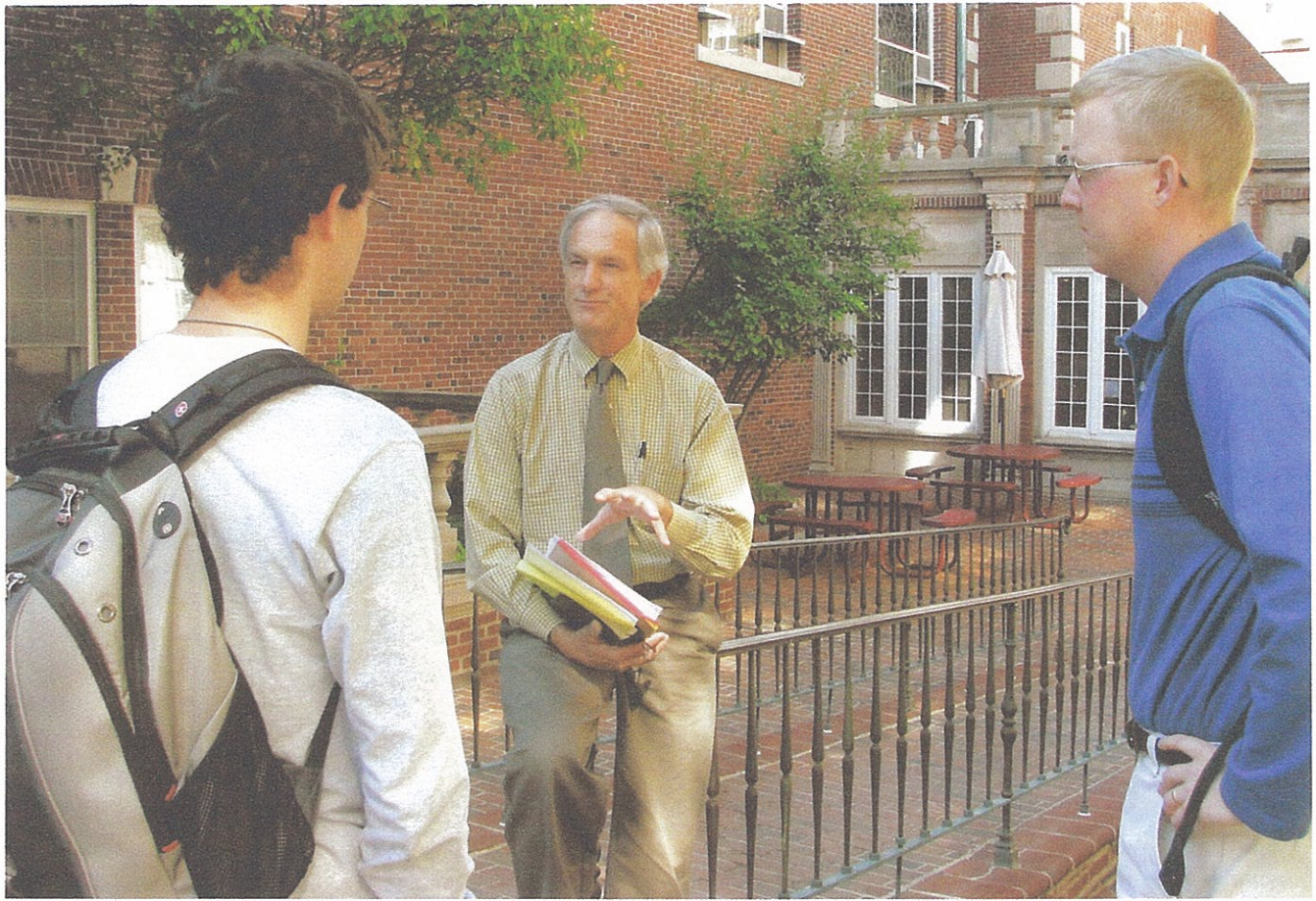
prepare for the essay question on the final exam in his Introduction to Catholicism class, and to clarify some points he made in his lecture the previous day on the question of homosexuality in Catholic thought. In that session Howell discussed how natural moral law can be applied to judge the morality of actions, but the discussion became heated, and the class ended with some students and Howell dissatisfied with the conclusion. Howell wrote the email as a way to clarify his point.

"I don't want to hurt anybody," Howell replied, fingering the email as he spoke. "How could this hurt the university?"

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*Meghan Duke is an assistant editor at FIRST THINGS.*





*Prof. Kenneth Howell, speaking with students on the University of Illinois campus.*

McKim explained to Howell that the email had offended some student or students. A student—not a member of Howell’s class, but a friend of one of Howell’s students—had forwarded the email to McKim and used the words *hate speech* to describe its contents: “Teaching a student about the tenets of a religion is one thing,” the student argued. “Declaring that homosexual acts violate the natural laws of man is another.” The department chairman told Howell that his email had been circulated through various departments and offices and that a university administrator outside the department—one McKim didn’t identify—had decided Howell could no longer teach at the University of Illinois.

“The university,” McKim told Howell, “has an interest in not making students feel uncomfortable.”

Howell tried to argue; he told McKim that he believed his job wasn’t to make students comfortable. “Sometimes being a good teacher mean[s] that we must challenge our students,” Howell protested.

Howell and McKim discussed the email for close to an hour, with Howell pressing McKim to explain what was pedagogically wrong with it, and McKim expressing various problems that faculty and administrators had raised about it. Howell offered to meet with whomever he needed to work out a mutually agreeable solution; eventually, he pointed out that firing him would be an infringement

of his First Amendment right to free speech. But the meeting ended soon afterward, and McKim couldn’t be swayed. In an email to Howell the following Wednesday, McKim repeated his decision to relieve Howell of his teaching duties.

And there began a debate about academic freedom that soon put McKim, the University of Illinois, and the right of a professor to express controversial opinions in the national spotlight. The merits of Howell’s natural-moral-law argument can be—and have been—debated in his classroom and elsewhere. But the university did not fire Howell for a flaw in his argument; the reasons the university has allowed to become public have had to do with charges of hate





*The main quadrangle at the University of Illinois, Urbana-Champaign*

speech, discrimination, and violations of “standards of inclusivity.” The decision to dismiss Howell soon enveloped the University of Illinois in a controversy far bigger than any created by Ken Howell’s email.

Ken Howell knew homosexuality would be a contentious issue for his students. That was in part why he chose it: because he believed it to be, as abortion was for his generation, the defining moral issue of the time for his students. Confronting a divisive issue, Howell knew, would force students to consider more deeply the underlying arguments for whatever position they held. After teaching the course for ten years, Howell also felt well prepared for the objections his students would raise.

But Howell’s May 3 lecture on the Catholic Church’s teaching on

homosexuality didn’t turn out quite the way he expected.

“The Catholic Church holds that homosexual acts are immoral,” he began. “Well, why do they do that?” He reminded his students of the natural-moral-law criteria for judging the morality of an action, criteria that he had presented in his previous lecture: What is the inherent meaning of the action, and is it conducive to integral human fulfillment? He then applied these criteria to human sexual acts.

“One indicator we might use,” Howell suggested to his students as a way to determine whether an action is natural, “is to look at all of human experience over human history and see if there’s any society that has ever *legally* approved of a same-sex marriage.” Analyzing the structure of human sexuality, Howell continued, leads to the conclusion that it is for the intrinsic

good of bonding and unity and procreation. Homosexual acts are not able to achieve these goods. Howell “handled [the subject] with great . . . sensitivity and care,” recalled Shawn Resendiz, a freshman in Howell’s course, “letting us know that there are other . . . viewpoints.” Resendiz said Howell approached the material “in a way that a person would if they were unsure about the issue.”

But as the lecture continued, the atmosphere in the classroom grew more and more tense. A few students snickered and muttered under their breath; when Howell opened the class to discussion, several hands shot into the air. The students’ responses ranged from criticisms of Howell’s appeal to history to questions about the nature of homosexual attractions and the moral status of persons who have them. Some of the questions



were “very aggressive,” remembered Brittney Morales, another student in the class. “Some objections that came up [such as] ‘What about people that showed signs of being homosexual from the very beginning of their lives,’ Dr. Howell . . . tried his best to answer . . . but if he was unfamiliar with the science behind it, he would say so. . . . He would try his best to answer while still confessing he did not know the answer.”

After an hour and twenty minutes, the class ended on an unsatisfactory note. Howell felt unsettled by the experience, and several students trailed out of the class still muttering that Howell was wrong.

And so, as Howell sat in front of his computer the following evening, he began his email to his thirty students by pointing out that “any moral issue about which people disagree ALWAYS raises a more fundamental issue about criteria . . . by what criteria should we judge whether a given action is right or wrong.” Howell presented two ethical theories—utilitarianism and natural moral law—and the way in which each theory judges homosexual acts.

“Utilitarianism in the popular sense,” Howell wrote, “is fundamentally a moral theory that judges right or wrong by its practical outcomes. . . . One of the most common applications of utilitarianism to sexual morality is the criterion of mutual consent.”

Following this criterion, Howell wrote, consensual sex between two men would be morally acceptable.

**Those who found Howell’s email reasonable and those who found it repugnant were united in their protest of what they saw as the university’s breathtaking disregard for academic freedom.**

But then, so would sexual intercourse between a child and an adult or a dog and his master, so long as all parties involved gave consent. Natural moral law, on the other hand, “says that Morality must be a response to REALITY.” And nature shows us, Howell wrote, that “sexual acts are only appropriate for persons who are complementary, not the same. . . . A moral sexual act has to be between persons that are fitted for that act.”

One sign, Howell suggested, that people of the same gender are not fitted for sexual acts with each other might be that sexual acts between two men can be “deleterious to the health of one or possibly both of the men” and thus detrimental to integral human fulfillment. Howell urged his students to approach these moral questions “as thinking adults,” to be willing to challenge received opinion, and to make their own informed decisions.

Howell read through the email again before pressing *send*. It was, he admitted to himself, not the *Summa Theologica*, but at least it would help clarify some points he made during the last class and encourage students not only to think critically about how we make moral judgments but also to keep talking about the subject.

During the last few weeks of the semester, the email did not seem to provoke any conversation: Not one student replied by email to ask a question, and no one approached Howell in person to debate his claims. The first person who showed any interest in discussing the email with Howell was the department chairman, Robert McKim.

The response to Howell’s firing by McKim was immediate and volcanic. Howell was extraordinarily popular with his students, respected not only for his intelligence and engaging teaching style but also for his kindness, both in and out of the classroom. “Ken’s got to be one of the holiest men I ever knew,” said Matt Ramage, a former student and

a Howell teaching assistant. Some former students set up a Facebook group dedicated to his reinstatement; it quickly grew to more than 6000 members.

The Howell firing quickly became a rallying cry for an unlikely army of defenders: Both those who found Howell’s email reasonable and those who found it repugnant were united in their protest of what they saw as the university’s breathtaking disregard for academic freedom.

In its 1940 Statement of Principles, the American Association of University Professors defended academic freedom as “essential” for the exploration of truth. “Teachers are entitled to freedom in the classroom in discussing their subject,” the group declared.

But the University of Illinois’ decision to fire Howell wasn’t just a breach of generally accepted guidelines of academic freedom; it also appeared to violate Howell’s First Amendment rights. In *Keyishian v. Board of Regents of the University of the State of New York*, a case decided in 1967, the Supreme Court held that academic freedom is “a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom. . . . The Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth ‘out of a multitude of tongues, [rather] than through any kind of authoritative selection.’”

The Alliance Defense Fund (ADF), a nonprofit legal fund dedicated to defending religious freedom, took up Howell’s case and in a July 12 letter to the University of Illinois administration chronicled the various instances from 1967 to the present wherein the Supreme Court, the U.S. Court of Appeals for the Seventh Circuit (which has jurisdiction over Illinois), and various other federal courts have accorded broad protection for faculty’s classroom speech. The ADF also reminded the university that just because



someone found Howell's email offensive does not put it outside the realm of First Amendment protection; it is precisely the speech that offends that the First Amendment exists to protect.

The Alliance Defense Fund offered the administration an ultimatum: Re-instate Howell and restore him to his teaching responsibilities by July 16 or face a lawsuit. The president of the University of Illinois, Michael Hogan, responded by requesting the standing Committee on Academic Freedom and Tenure, Academic Senate of the University of Illinois at Urbana-Champaign, to investigate Howell's dismissal. The committee would be "looking to see whether Professor Howell in teaching was being objective," explained Jeffrey Dawson, the outgoing chair of the committee, to a local news channel, "and not promoting any activity or opinion or dislike of any group."

In a form letter sent to those who expressed concern over Howell's dismissal, President Hogan wrote: "This is a very complex situation, with allegations coming from a number of different corners having to do with academic freedom, discrimination, and 'hate speech.' Consequently, I think it important to reserve judgment until all the facts are in and the review is complete."

Part of the complexity of the situation was Howell's unusual position as an adjunct professor whose salary was paid by the university's Catholic chaplaincy.

When Howell came to the University of Illinois in 1998, he came as an employee of the Saint John's Catholic Newman Center. When Howell was dismissed, he was both an adjunct at the University of Illinois at Urbana-Champaign and the director of the Newman Center's Institute of Catholic Thought. His salary was paid entirely by the Newman Center, which was, in turn, funded by the diocese of Peoria. The attention that Howell's dismissal attracted was soon distracted

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by his peculiar work arrangement and what some viewed as an unholy alliance of church and state: The blog *Inside Higher Ed* asked whether this was "The Real Scandal at Illinois." Regarding Howell's firing, Nicholas Burbules, a professor of education at the university and a member of the faculty senate's General University Policy Committee, told *Inside Higher Ed* he believed that "this has never really been about just one email" but rather was "a final straw" in a strained "arrangement that has been rife with potential for things to go wrong."

The agreement dated back to 1919, when the university's faculty senate and board of governors agreed to grant credit for courses offered by religious foundations. The university had no religion department, and the foundation courses were viewed as an opportunity for students to receive instruction in religion that a state school had no place in offering. In a 1990 article for the *Catholic Historical Review*, Winton U. Solberg, emeritus professor of history at the University of Illinois, explained how this relationship grew strained over the years. The foundation courses were reevaluated by faculty committees who questioned the wisdom of allowing the courses to be conducted by interested parties and also criticized the disorganized and uncoordinated selection of courses in the religious-studies program.

It certainly occurred to Howell that the student complaint about his email may have been "the excuse they were looking for" to get rid of the Newman Center courses. But whatever the hidden motives and machinations that lead to Howell's dismissal, the fact remains that the university offered none of those motives to

explain its decision. Ann Mester, associate dean for the College of Liberal Arts and Sciences, explained in an email she sent to university staff members in the wake of the firing that the university was "entitled" to dismiss Howell because "the emails sent by Dr. Howell violate university standards of inclusivity."

Mester's confidence in the university's right to enforce standards of inclusivity is reminiscent of the heavy-handed speech codes in style on college campuses across the country in the late 1980s and early 1990s. The university administrators establishing these speech codes were influenced, as Alan Charles Kors and Charles Silvergate explained in *The Shadow University*, by the philosopher Herbert Marcuse. In 1965 Marcuse wrote that the society in which we live creates "background limitations" to our ideas; thus, in a repressive society, a commitment to the indiscriminate "tolerance" of ideas—a commitment necessary, in theory, for the progress of freedom and truth—becomes a tool of the oppressors. The value of free speech and the marketplace of ideas as the testing ground of truth depends, in Marcuse's words, on "the proposition that men were (potential) individuals who could learn to hear and see and feel by themselves, to develop their own thoughts, to grasp their true interests and rights and capabilities. . . . Universal toleration becomes questionable when its rationale no longer prevails, when tolerance is administered to manipulated and indoctrinated individuals who parrot, as their own, the opinion of their masters, for whom heteronomy has become autonomy."



Like Marcuse, college administrators affirmed the value of free speech in theory, but they also believed they had a responsibility to combat oppressive tendencies (which they were, they believed, undoubtedly qualified to identify) such as racism and sexism both in society at large and on their campuses. Free speech had to be restricted to make real progress in the cause of freedom. After speech codes at public universities were struck down in a series of federal court cases, and private universities were publicly embarrassed by the consequences of their codes (as, for example, was the University of Pennsylvania when it found itself embroiled in a debate about the definition of *water buffalo*), speech codes fell out of vogue. University administrators had to look for a less heavy-handed way to change hearts and minds.

Old fashions, however, do come back into vogue. Indeed, they became the root cause of Howell's dismissal this past summer, at one of the largest public universities in the nation: Thirty thousand students crowd the University of Illinois at Urbana-Champaign campus two hours outside of Chicago. The website of the university's Lesbian, Gay, Bisexual, and Transgender Resource Center describes the school as mirroring the larger society, "in that it reflects and contains homophobic and/or heterosexist attitudes and beliefs which are oppressive and devaluing of LGBT people." It is the image of Marcuse's repressive society; by dismissing Howell for violating "university standards of inclusivity," the university was carrying out necessary reforms.

Howell's firing is just one of a growing number of cases in which students or faculty on college campuses have been punished for holding or expressing views about homosexuality. In February 2008 biology professor June Sheldon was terminated from her adjunct position at California's San Jose City College for

presenting, in answer to a student's question about how heredity effects homosexual behavior, arguments that sexual orientation could have environmental causes. In 2005 Missouri State University filed a grievance against counseling student Emily Brooker for refusing to complete an assignment to write and sign a letter to the Missouri legislature advocating for homosexual adoption. In January 2009 Julea Ward was expelled from a counseling program at Eastern Michigan State University for refusing to affirm homosexual behavior. In a similar case this spring, a counseling student at Georgia's Augusta State University was ordered to undergo diversity-sensitivity training or leave the university's counselor-education program after sharing, in class discussions, her belief that homosexual conduct is immoral.

**O**n July 28 the university gave in. "The School of Literatures, Cultures and Linguistics will be contacting Dr. Howell," the deputy university counsel wrote to the Alliance Defense Fund, "to offer him the opportunity to teach Religion 127, Introduction to Catholicism, on a visiting instructional appointment at the University of Illinois, for the fall 2010 semester."

Howell's story is, in many ways, one of success. He did not go quietly, as the university might have hoped, and the immediate and widespread support he found suggests that our nation is as "deeply committed to safeguarding academic freedom" as it was when Justice William Brennan wrote those words in *Keyishian v. Board of Regents*. Indeed, the court's long-standing history of defending academic freedom gives reasonable hope that this new iteration of speech control on college campuses will be struck down. Already, in the case of June Sheldon, a judge for a U.S. district court denied the school district's motion to dismiss the case on the claim that Sheldon's

in-class speech was not protected by the First Amendment.

The larger concern, however, should be that speech such as that in Howell's email has been forced to seek the protection of the First Amendment, which exists, Justice Oliver Wendell Holmes wrote, to protect "the expression of opinions that we loathe and believe to be fraught with death." Howell's email stands behind the same shield that protects a jacket that says "F—the draft," a burning cross, soft-core pornography, and other expressions "offensive to good taste."

In dismissing Howell, the University of Illinois expressed a solidifying public opinion that a critical view of homosexual behavior is indefensible. It was the opinion expressed by the student who filed the original complaint against Howell: "Teaching a student about the tenets of a religion is one thing, declaring that homosexual acts violate the natural laws of man is another." The student was not criticizing the logic of Howell's arguments; he was criticizing Howell's audacity in suggesting the possibility of an argument based on naturally knowable reasons that homosexual conduct is wrong. That there can be no such argument is clear from the widely supposed fact that homosexual acts are *not* wrong; in other words, you, the purveyor of such an argument, *must* be wrong because I am right. And because there can be no argument based on natural reason, anyone who tries to make such an argument must be motivated by "hate."

Howell contends that he wanted his students to engage the questions of truth. Whether they could agree on the truth was a different question. They could, and might, disagree on truth for the rest of their lives. But what do you do when faced with the rising tide of public opinion that deems your argument unworthy to engage? You do what Howell now gets to do, after winning this battle; you go back and keep teaching. You make the arguments again. ■