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David L. Gregory

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# DOROTHY DAY, WORKERS' RIGHTS AND CATHOLIC AUTHENTICITY

David L. Gregory\*

## Introduction

Several years ago, I kept a personal resolution to reread all of the material written by and about Dorothy Day<sup>1</sup> and *Catholic Worker*, the newspaper and the movement she, with Peter Maurin, co-founded in 1933. I first read this wonderful literature during high school in the late 1960s. The impact this body of work had on me was enormous; it compelled me to study philosophy and theology throughout college seminary and contemplate entering the Roman Catholic priesthood. Although I discerned my vocation was to teach,<sup>2</sup> rather than to become a priest, my initial immersion into the writings of Dorothy Day and *Catholic Worker* strongly influenced my personal and academic work. Since 1982, I have taught the entire labor and employment law curriculum, as well as constitutional law and jurisprudence, at St. John's University School of Law, while also teaching periodically at the University of Colorado, Brooklyn, Hofstra and New York Law Schools.

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\* Professor of Law, St. John's University. B.A., The Catholic University of America, 1973; M.B.A., Wayne State University, 1977; J.D., University of Detroit, 1980; LL.M., Yale University, 1982; J.S.D., Yale University, 1987. Constantine Dean Pourakis, (B.A., Cornell University School of Industrial and Labor Relations, 1997; J.D. candidate, St. John's University School of Law, 2000) provided excellent research assistance in the preparation of this article. Mr. Pourakis is also the inaugural Dorothy Day Memorial Scholar for Excellence in Labor and Employment Relations at the St. John's University School of Law, and the Secretary of the School's Labor Relations and Employment Law Society during the 1998-99 academic year. I thank everyone who generously commented upon earlier drafts of this paper, during presentations at the University of Dayton Graduate School of Education on October 29, 1998 and at the Catholic Worker Maryhouse in New York City on November 6, 1998. I was especially honored by the opportunity to present this paper in the Colloquium on the Catholic Tradition at the University of Dayton. Rev. James L. Heft, S.M., Chancellor of the University of Dayton, Professor Charles Russo and Jane Sammon of *The Catholic Worker* provided special guidance and inspiration.

1. There is voluminous primary and secondary literature on Dorothy Day and the Catholic Worker movement. See, e.g., David L. Gregory, DOROTHY DAY'S LESSONS FOR THE TRANSFORMATION OF WORK, 14 HOFSTRA LAB. & EMPLOYMENT L.J. 57, n.4 (1996) (extensive citation of those many primary and secondary sources).

2. See David L. Gregory, *The Discernment of Vocation in Law*, 66 FORDHAM L. REV. 1425 (1998).

A significant portion of my academic publications have explored various themes of Catholic social justice<sup>3</sup> in labor and employment law,<sup>4</sup> and the impact of Catholic social justice on the labor move-

3. See POPE LEO XIII, RERUM NOVARUM (The Condition Of Labor) (1891)); POPE PIUS XI, QUADRAGESIMO ANNO (Forty Years) (1931); POPE PIUS XII, SERTUM LAETITIAE (Crown Of Joy) (1939) POPE JOHN XXIII, MATER ET MAGISTRA (Mother And Teacher) (1961); SECOND VATICAN COUNCIL, GAUDIUM ET SPES (Pastoral Constitution On The Church In The Modern World) (1965); POPE PAUL VI, OCTOGESIMA ADVENIENS (A Call To Action); (1971) POPE JOHN PAUL II, LABOREM EXERCENS (On Human Work) (1981); POPE JOHN PAUL II, SOLICITUDO REI SOCIALIS (1987); POPE JOHN PAUL II, CENTESIMUS ANNUS (On The Hundredth Anniversary Of Rerum Novarum) (1991). See also GREGORY BAUM, THE PRIORITY OF LABOR (1982); GEORGE G. HIGGINS, ORGANIZED LABOR AND THE CHURCH REFLECTIONS OF A "LABOR PRIEST" (1993); CO-CREATION AND CAPITALISM: JOHN PAUL II'S LABOREM EXERCENS (John W. Houck & Oliver F. Williams, eds.) (1983); CATHOLIC SOCIAL THOUGHT: THE DOCUMENTARY HERITAGE (David O'Brien & Thomas Shannon, eds.) (1992). Catholic social teaching is an evolving body of ecclesiastical documents and a rich tradition of particular, heterogeneous applications. Pope John Paul II was a powerful champion of the Solidarity movement, a labor union political initiative that brought down the Communist government of Poland. The Canadian and United States Bishops also have been eloquent spokespersons for the rights of workers. U.S. NATIONAL CONFERENCE OF CATHOLIC BISHOPS PASTORAL LETTER ECONOMIC JUSTICE FOR ALL (1986); CATHOLIC FRAMEWORK FOR ECONOMIC LIFE (1996). The most influential early work on the Catholic social teachings on labor in the United States was that of Monsignor John A. Ryan, one of Monsignor George Higgins' intellectual mentors at the Catholic University of America. See JOHN A. RYAN, A LIVING WAGE (1906); DISTRIBUTIVE JUSTICE (1916). I extensively discuss Catholic social teaching on labor in David L. Gregory, *Catholic Labor Theory and the Transformation of Work*, 45 WASH. & LEE L. REV. 119 (1987); David L. Gregory, *Catholic Social Teaching On Work*, 49 LAB. L.J. 912 (1998); David L. Gregory, *Dorothy Day's Lessons for the Transformation of Work*, 14 HOFSTRA LAB. L.J. 57 (1996); David L. Gregory, *The Right to Unionize as a Fundamental Human and Civil Right*, 9 MISS. C. L. REV. 119 (1988); David L. Gregory and Charles Russo, *Overcoming NLRB v. Yeshiva University by the Implementation of Catholic Labor Theory*, 41 LAB. L.J. 55 (1990). Catholic social teaching on the rights of workers became popularized in the Academy-Award winning film, *On the Waterfront* (1953), inspired by Jesuit priest John "Pete" Corridan's work against labor racketeering on the New York City shipping docks. The Nobel Peace Prize for 1996 was awarded to Catholic Bishop Carlos Belí, the apostolic administrator of Dili, the Capital of East Timor, for his social justice advocacy for the persecuted populations of Indonesia.

4. See generally, David L. Gregory, *Br(e)aking the Exploitation of Labor?: Tensions Regarding the Welfare Workforce*, 25 FORDHAM URB. L.J. 1 (1997); David L. Gregory, *Catholic Labor Theory and the Transformation of Work*, 45 WASH. & LEE L. REV. 119 (1988); David L. Gregory, *Catholic Social Teaching on Work*, 49 LAB. L.J. 912 (1998); David L. Gregory, *Dorothy Day's Lessons for the Transformation of Work*, 14 HOFSTRA LAB. L.J. 57 (1996); David L. Gregory, *Government Regulation of Religion Through Labor and Employment Discrimination Laws*, 22 STETSON L. REV. 27 (1992); David L. Gregory, *Introduction to the Welfare Workforce Colloquium*, 73 ST. JOHN'S L. REV. (forthcoming 1999). David L. Gregory and Charles J. Russo, *Overcoming NLRB v. The Yeshiva University By the Implementation of Catholic Labor Theory* 41 LAB. L.J. 55 (1990); Charles J. Russo and David L. Gregory, *Reflections on the Catholic University Tenure Prerogatives*, 43 LOY. L. REV. 181 (1997); David L. Gregory and Charles J. Russo, *The First Amendment and the Labor Rela-*

ment.<sup>5</sup> Surprisingly, in almost two decades of teaching law, I have not encountered one law review article focusing primarily on Dorothy Day and *Catholic Worker*, despite the numerous passing references. This inexplicable vacuum stunned me. My personal resolution thereafter became a professional project, leading me to ultimately publish the first extensive law review article on the subject, *Dorothy Day's Lessons For the Transformation of Work*.<sup>6</sup>

The winter of 1999 marks the fiftieth anniversary of a defining moment in the history of *Catholic Worker*. During the crucible of that post-World War II winter, then-Archbishop of New York Francis Spellman broke a strike by Catholic cemetery workers at the largest Catholic cemetery in New York City. Dorothy Day, *Catholic Worker*, and the Association of Catholic Trade Unionists all unequivocally supported the strike.

Ultimately, more important than the labor "battle" of 1949 is the positive example Dorothy Day provided. The 1949 incident allows us to reflect upon, and appreciate, the authenticity of the Catholic tradition and the way in which any Catholic can, and should, communicate directly with his or her Bishop. Dorothy Day offered us a model of how to communicate within the Church and about how to call to witness the Church's professed commitments to social justice.

Part I of this Article examines the background of the labor dispute of 1949. Indeed, at the time *Catholic Worker* and Cardinal Spellman could not have been more diametrically opposed than they were during this bitter and tragic labor strike. Part II discusses Dorothy Day and the example she provides for all Catholics, and persons of all faiths. This Part also discusses the eventual resolution of the strike and the role *Catholic Worker* took in bringing about the end of the dispute. Part III then applies the lessons of Dorothy Day to current issues of dialogue in Catholic life.

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*tions of Religiously Affiliated Employers*, 8 B.U. PUB. INT. L.J. (forthcoming, 1999); David L. Gregory, *The Right to Unionize as a Fundamental Human and Civil Right*, 9 MISS. C.L. REV. 135 (1988); David L. Gregory, *The Role of Religion In The Secular Workplace*, 4 NOTRE DAME J.L. ETHICS & PUB. POL'Y 749 (1990).

5. I have been especially blessed to co-author several articles with Dr. Charles J. Russo. In addition to several of our co-authored labor and employment law review articles cited in footnote 4, see also, David L. Gregory and Charles J. Russo, *Let Us Pray (But Not 'Them!'): The Troubled Jurisprudence of Religious Liberty*, 65 ST. JOHN'S L. REV. 273 (1991); David L. Gregory and Charles J. Russo, *The Supreme Court's Jurisprudence of Religious Substance and Symbol*, 28 LOY. U. CHI. L.J. 419 (1997).

6. 14 HOFSTRA LAB. L.J. 57 (1996).

## I. Background: The 1949 Strike

Tragedy, as Guido Calabresi<sup>7</sup> reminds us, is not the choice between a right and a wrong, but between a right and a right.<sup>8</sup> By this definition, the 1949 cemetery workers' strike was indeed a tragedy. There, the need for the performance of a Corporal Work of Mercy — to bury the dead — was in tension with the dignity and rights of workers. It is to the 1949 strike that we now turn.

### A. The Sides

The Calvary Cemetery ("Employer") of Middle Village, Queens, is the largest Catholic cemetery in New York City.<sup>9</sup> More than one and a half million persons were buried there in the last century alone. In addition, the Calvary Cemetery employed the largest number of unionized cemetery workers in the New York Metropolitan area — 240 to be exact. The United Cemetery Workers, Local 293 of the Congress of Industrial Organizations ("Union") provided the manual labor services for the Cemetery and represented the labor interests of those who buried the dead there.

By December 1948, the Union had operated under a collective bargaining agreement for two years. Under that contract, workers received \$59.40 for a six-day, forty-eight hour week, which typically ran from Monday through Saturday. On December 14, 1948, the Union, with close to 1,000 members, presented its demands for the successor contract, specifically seeking a five-day, forty-hour week for the same \$59.40 weekly rate of pay.<sup>10</sup> In addition, the Union asked for overtime pay for working more than eight hours in one day and for any Saturday work. On January 4, 1949, four days after the collective bargaining agreement expired, the Archdiocese rejected all of the Union's demands and offered a wage increase consonant with the 2.6% annual cost of living increase measured by

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7. Mr. Calabresi served as Dean of the Yale School of Law from 1985 to 1994. Currently he sits as a judge on the United States Court of Appeals for the Second Circuit, a position he has held since 1994.

8. GUIDO CALABRESI, *TRAGIC CHOICES* (1978).

9. The Trustees of St. Patrick's Cathedral operated both the Calvary Cemetery and the Gate of Heaven Cemetery near Hawthorne, New York.

10. The average wage for a gravedigger at Calvary Cemetery was somewhat less than \$3,100 in 1948. The Bureau of Labor Statistics estimated \$4,064 (family of five); \$3,579 (family of four); \$3,035 (family of three) necessary for "frugal comfort" in New York City. And, while the cemetery workers were well paid, relative to other cemetery workers, they earned considerably less than the average \$59 weekly industrial wage (for a forty-hour week) in New York State in 1948. See John Cort, *The Calvary Cemetery Strike*, *COMMONWEAL* Feb. 18, 1949, at 471-72.

the Bureau of Labor Statistics.<sup>11</sup> Forty-eight hours after receiving this letter, the rank-and-file voted overwhelmingly to strike.<sup>12</sup>

### B. The Winter of Our Discontent

On January 13, 1949, the Union established a sixteen-man picket line at the major entrance to the 400-acre Calvary Cemetery.<sup>13</sup> As a result of the walkout, the cemetery could not proceed with the thirty-five burials scheduled that day.<sup>14</sup> Coffins were placed in temporary graves under tarpaulins, awaiting permanent burial upon the conclusion of the strike.<sup>15</sup> The strike's conclusion, however, was nowhere in sight.

The contentiousness of the strike became its most identifiable feature. Immediately, the Employer characterized the Union's demands as seeking a 30% increase in their compensation rate.<sup>16</sup> Monsignor George C. Ehardt, the Managing Director of the Calvary Cemetery and Archdiocese Co-Chancellor, in an attempt to demoralize the union members, wrote letters to each striker stating that the Union leadership was "poor and unprincipled," and "did not fairly represent you."<sup>17</sup> He continued, threatening that "if the strikers did not return to work by 7:30 a.m. on January 31, 1949," "we shall understand that you intend to sever your relationship with us."<sup>18</sup> In a showing of solidarity, not a single striker returned

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11. John Cort, *The Calvary Cemetery Strike*, COMMONWEAL, Feb. 18, 1949, at 471 [hereinafter Cort, *Cemetery Strike*]. Moreover, the negotiations, such as they were, were bizarre. Monsignor George C. Ehardt reportedly told the Union negotiators that the Passionist priests, who wrote pro-labor literature, were "a bunch of bandits," and the Monsignor rhetorically asked the devout, and dumbfounded Union negotiator, "Don't you know then that there is no God?" JOHN COONEY, *THE AMERICAN POPE: THE LIFE AND TIMES OF FRANCIS CARDINAL SPELLMAN* 89 (1984).

12. See Cort, *Cemetery Strike*, *supra* note 11.

13. See *id.*

14. See *id.*

15. See *id.*

16. *Strike Suspends Calvary Burials*, N.Y. TIMES, Jan. 14, 1949, at A48; *Cardinal to Help Bury Dead Today and Seminarians Replace Strikers*, N.Y. TIMES, Mar. 3, 1949, at A1, A26. According to Archbishop Spellman, much of the grave preparation work required weekend work. Therefore, according to the Cardinal, the union workers were demanding a new wage scale of \$77.22 for a six-day week. Monsignor George C. Ehardt reiterated similar sentiments: "We are confronted with a staggering payroll for our employees and every dollar of the cemetery expense must come out of the pockets of our Catholic people, who, we feel, are now subjected to enough expense, in their hour of sorrow." *Strike Suspends Calvary Burials*, N.Y. TIMES, Jan. 14, 1949, at A48.

17. *Id.*

18. Cort, *Cemetery Strike*, *supra* note 11.

to work on January 31, 1949.<sup>19</sup> Likewise, fifty employees, and fellow union members from the Gate of Heaven Cemetery, joined the striking Calvary Cemetery workers.<sup>20</sup> The Association of Catholic Trade Unionists ("Association"), a satellite initiative flowing directly from the Catholic Worker movement, also supported the strike.<sup>21</sup> Support for the strikers, who were primarily Irish, Italian and Polish Catholics, and their Catholic leaders, Union President Joseph Manning and Union attorney John J. Sheehan,<sup>22</sup> began to mount.

By this time, the scenario had reached macabre proportions. Over 1,020 bodies lay unburied at the Calvary Cemetery, with sixty additional bodies arriving daily.<sup>23</sup> In addition, another one hundred burials were deferred at the Gate of Heaven Cemetery. New York City Deputy Commissioner of the Department of Health Matthew A. Byrne suggested that the situation would soon become a violation of the City's sanitary codes.<sup>24</sup> The sides, however, were far from resolution.

### C. The Strike Intensifies

With no end in sight, the sides became more frustrated and bitter. Five weeks into the Calvary strike, and one week into the Hawthorne strike, the Employer took to strikebreaking. Lay brothers from the Maryknoll Seminary began digging graves at the Hawthorne Cemetery at the request of Archbishop Spellman.<sup>25</sup> The Association accused the management of the cemeteries of "strikebreaking and union-busting."<sup>26</sup> "It is regrettable," Roger K. Larkin, an Association official, said, "[t]hat Catholics should find themselves on opposite sides of this issue."<sup>27</sup> Predictably, the polarized situation rapidly deteriorated. Attempts at reconciliation seemed more futile by the day; Cardinal Spellman's attempt to

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19. *See id.* Later, the 240 Calvary Cemetery employees would unanimously reject a management order of February 8, 1949 to return to work or face the loss of their jobs. *See id.*

20. *See id.*

21. *See id.*

22. *See id.*

23. *See id.*

24. *Cardinal to Help Bury Dead Today and Seminarians Replace Strikers*, N.Y. TIMES, Mar. 3, 1949, at A1. The City's code required that the dead be buried within ten days, except in the case of special permission granted by the City.

25. *See id.*

26. *Unions Score Cemeteries, Management's of Two Accused of Strikebreaking Activities*, N.Y. TIMES, Feb. 19, 1949, at A3.

27. *Id.*

meet with the strikers on February 28, only left everyone frustrated.<sup>28</sup> The strike continued, now with cemetery workers carrying various placards pacing back and forth in front of the Chancery Office of the Archdiocese of New York, on Madison Avenue at 51st Street in Manhattan, near St. Patrick's Cathedral.<sup>29</sup>

Then, on Ash Wednesday, March 2, 1949, Cardinal Spellman announced that he and his Archdiocesan seminarians would serve as replacement workers starting March 3rd, at both the Calvary Cemetery and at the Gate of Heaven Cemetery.<sup>30</sup> The Cardinal characterized his seminarian "volunteers" from St. Joseph's Seminary as engaged purely in the corporal work of mercy of burying the dead.<sup>31</sup> On the same day the Cardinal's "volunteers" replaced the strikers, Cardinal Spellman ostentatiously proclaimed that the strike was "Communist-inspired," and that he was "proud and happy to be a strikebreaker."<sup>32</sup> The Cardinal said, "this resistance to the strike was the most important thing I have done in my ten years in New York."<sup>33</sup> Cardinal Spellman also contended that the parent Union of Local 293, the Food, Tobacco and Agricultural Workers, Congress of Industrial Organizations, was "strongly Communist-dominated"<sup>34</sup> and the Cardinal "made it plain that he would be willing to deal with the employees again if they became affiliated with another CIO parent group."<sup>35</sup>

In response, John Sheehan, the attorney for the strikers, called the Cardinal's invocation of Communism a "red herring"<sup>36</sup> (a somewhat ironic metaphor for the Union attorney to use in characterizing the Cardinal's rhetoric). Sheehan further denounced the Cardinal as a strikebreaker, stating: "The action of the Cardinal, in the opinion of the Union' is 'high-handed, arbitrary and sugges-

28. John Cort, *The Cemetery Strike II*, COMMONWEAL, Mar. 18, 1949, at 563, 564; COONEY, *supra* note 11, at 191-193.

29. *See id.*

30. *See id.*

31. The works of mercy of the Roman Catholic Church are: to feed the hungry, clothe the naked, give drink to the thirsty, visit the imprisoned, care for the sick, and bury the dead. The Catholic Worker, incidentally, directly counterposes the works of mercy with, as they term them, the "works of war," which they suggest are: destroy crops and land, seize food supplies, destroy homes, scatter families, contaminate water, imprison dissenters, inflict wounds, and kill the living.

32. WILLIAM D. MILLER, *DOROTHY DAY: A BIOGRAPHY* 404 (1982).

33. *Cardinal to Help Bury Dead Today and Seminarians Replace Strikers*, N.Y. TIMES, Mar. 3, 1949, at A1.

34. *Id.*

35. *Id.*

36. *Id.*



tive of the tactics used by anti-union employers ten years ago.’”<sup>37</sup> Indeed, days before the March “volunteering,” the Cardinal addressed 200 cemetery workers, asking them to return to work as individuals “without any Union.”<sup>38</sup> The Cardinal also previously appealed to the workers through several direct letters and a telegram, actions the Union attorney characterized as an attempt to “break the union.”<sup>39</sup>

The Cardinal pled his case in the *New York Times*. “There are men who would permit themselves to be led into an unjustified and immoral strike against the innocent dead and their bereaved families, against their religion and human decency, and even against themselves and organized labor.”<sup>40</sup> He said that, as of that time, nothing in his ten years as Archbishop of New York had caused him “more thought and pain, than the strike,” and he characterized his action of strikebreaker “as a moral issue, transcending legalities.”<sup>41</sup> The Cardinal further denounced as a “half truth” the workers’ continuing demand for a five-day, forty-hour week:

[T]he strikers themselves have told me that Saturday is the heaviest day in our cemeteries; that there are more interments on Saturday than on any other day; and that, in addition, the graves to be used on Monday must be opened on Saturday. They told me they wanted six days’ work for seven and one-half days pay, and their agent demanded a new wage scale of \$77.22 for a six-day week.<sup>42</sup>

Union officials characterized the strike differently. John Harold, counsel to the Union and to the Association of Catholic Trade Unionists, said, “With all reverence and respect for the Cardinal, it is more important to recognize the right of workers to organize and barter collectively in unions of their own choosing and to pay a living and just wage than to bury the dead.”<sup>43</sup> Edward Ruggieri, Chairman of the local Union’s negotiating committee said, “to allow the seminary to take bread and butter out of our mouths is wrong. They are strikebreakers. I think the Cardinal has the wrong approach on this. He has given labor a black eye.”<sup>44</sup> Mean-

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37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Cardinal to Help Bury Dead Today as Seminarians Replace Strikers*, N.Y. TIMES, Mar. 3, 1949, at A1.

42. *Id.*

43. *Id.*

44. *Id.*

while, the Archdiocese threatened to go to court to enjoin the strike, due to the growing safety and health hazard from the accumulating number of coffins that the strikebreaking seminarians were not able to relieve.<sup>45</sup>

## II. Dorothy Day and *Catholic Worker*

Throughout her life, Dorothy Day remained theologically and liturgically traditional, though radical in her Catholic social justice activism. She once said, "When it comes to labor and politics I am inclined to be sympathetic to the left, but when it comes to the Catholic Church, then I am far to the right."<sup>46</sup>

### A. Criticizing the Cardinal

Predictably, Dorothy Day, along with *Catholic Worker* and ACTU, closely monitored and supported the strike. Because of Day's insistence that the strike was justified, members of *Catholic Worker* even joined the picket lines at the cemetery.<sup>47</sup> On March 4, 1949, Dorothy Day wrote a very eloquent letter to Cardinal Spellman:

I am deeply grieved to see the reports . . . of your leading Dunwoodie seminarians into Calvary Cemetery, past picket lines, to "break the strike" . . . of course you know that a group of our associates at *The Catholic Worker* office in New York have been helping the strikers, both in providing food for their families, and in picketing . . . You have been misinformed. I'm writing to you, because the strike, though small, is a terribly significant one in a way. Instead of people being able to say of us "see how they love one another," and "behold, how good and pleasant it is for brethren to dwell together in unity," now "we have become a reproach to our neighbors, an object of derision and mockery to those about us." It is not just the issue of wages and hours as I can see from the conversations which our workers have had with the men. It is a question of their dignity as men, their dignity as workers, and the right to have a union of their

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45. *See id.*

46. *See VOICES FROM THE CATHOLIC WORKER* 63, 75, 80, (Rosalie Riegler Troester ed., 1993). "That was a very funny thing about Dorothy. For all her radicalism politically, Dorothy had a profoundly conservative streak in her makeup. She was a very conservative Catholic, theologically." *Id.* at 75. "Dorothy was an extremely orthodox Catholic, not at all theologically a dissident. She certainly would not at all favor abortion. She would, I think, take a dim view of homosexual behavior." *See id.* at 80. *See also* Alden Whitman, *Dorothy Day, Outspoken Catholic Activist Dies at 83*, N.Y. TIMES, Nov. 30, 1980, at A45.

47. MILLER, *supra* note 32, at 404-5.

own, and a right to talk over their grievances. It is no use going into the wages, or the offers that you have made for a high wage (but the same work week). A wage such as the Holy Fathers have talked of which would enable the workers to raise and educate their families of six, seven and eight children, a wage would enable them to buy homes to save for homeownership, to put by for the education of the children, certainly the wage which they have in these days of high prices and exorbitant rents, is not the wage for which they are working. Regardless of what the Board of Trustees can afford to pay, the wage is small compared to the men represented on the Board of Trustees. The way the workers live is in contrast to the way of living of the Board of Trustees . . . . Regardless of rich and poor, the class antagonisms which exist between the well-to-do, those that live on Park Avenue and Madison Avenue and those who dig the graves in the cemetery, — regardless of these contrasts which are most assuredly there, the issue is always one of the dignity of the workers. It is a world issue.<sup>48</sup>

Day's letter emphasized the dignity of all persons, especially, laborers. The letter stressed peace, conciliation and the imperative of charity, decency and kindness toward everyone. It also urged Cardinal Spellman to negotiate with the graveyard workers, rather than break their union. The letter poignantly summarized her labor theory, completely symmetrical with the spirit of Pope Leo XIII's great labor encyclical in 1891, *Rerum Novarum*, and Pope Pius XI's labor encyclical in 1931, *Quadragesimo Anno*.

Day continued:

You are a Prince in the Church, and a great man in the eyes of the world, and these your opponents are all little men, hardworking, day laborers, hard handed and hard headed men, filled with their grievances, an accumulation of their grievances. They have wanted to talk to you, they have wanted to appeal to you. They felt that surely their Cardinal would not be against them. And oh, I do beg you so, with all my heart, to go to them, as a father to his children some might call it. Do not go to a court, do not perpetuate a fight, for ages and ages. Go to them, conciliate them. It is easier for the great to give in than the poor. They are hungry men, their only weapon has been their labor, which they have sold for a means of livelihood, to feed themselves and their families. They have indeed labored with the sweat of their brows, not lived off the sweat of anyone else.

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48. Letter from Dorothy Day to Francis Cardinal Spellman, Archbishop of New York (Mar. 4, 1949) (on file with the author). This document was obtained courtesy of the Marquette University Library's *The Catholic Worker* archives.

They have truly worked, they have been poor, they are suffering now. Any union organizer will tell you that it is not easy to get men out on strike and it is not easy to keep them out on strike. But the grievance has grown, the anger has grown here. If there was only some way to reach peace. I'm sure that the only way is for you to go to them. You've been known to walk the streets among your people, and to call on the poor parishes in person alone and unattended. Why could not you go to the union, ask for the leaders, tell them that as members of the mystical body, all members are needed and useful and that we should not quarrel together, that you will meet their demands, be their servant as Christ was the servant of his disciples, washing their feet.<sup>49</sup>

Despite her fervent plea, the Cardinal decided not to meet with the workers.

### B. The Collapse of the Strike

The only conciliatory steps taken came from the Union. While the Cardinal continued to supervise the seminarians' grave digging, the striking members of Local 293 publicly took an anti-Communist oath and voted unanimously to disaffiliate with the Food, Tobacco and Agricultural Workers of America, the parent Union that the Cardinal attacked as "Communist dominated."<sup>50</sup> The workers consequently affiliated with the American Federation of Labor, the much less militant labor wing preferred by employers (prior to the AFL-CIO merger several years later).<sup>51</sup> This vote to re-affiliate was ultimately unanimous.<sup>52</sup> Although the Cardinal said that he "heartened by the cemetery workers action in quitting their 'Com-

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49. *Id.*

50. Although union members insisted that "Communism was not a real issue in the strike," the Cardinal arrogantly responded, "They say Communism is not the issue. The issue is this morally unjust strike that leaves all of these people unburied. If they think that's decency, I don't." Harold Faber, *Gravediggers Take Anti-Red Oath: Move to Split from Parent Union*, N.Y. TIMES, Mar. 5, 1949, at B1. The Cardinal went on to say:

I admit to the accusation of strikebreaker and I am proud of it. If stopping a strike like this isn't a thing of honor, then I don't know what honor is. The reason I considered trying to break the strike is because I think it is an immoral strike, an unjustifiable strike. I don't know about the legality of this because it is none of my business. And I've had a problem confronting me for several weeks and know of no other way to solve it. I wish I did.

*Id.*

51. *See id.*

52. *Gravediggers Break with the CIO to Lay Charge of Communist Link*, N.Y. TIMES, Mar. 9, 1949, at A1.

munist parent union,'” there was no effective positive response from the Archdiocese.<sup>53</sup>

Meanwhile, the strikers continued to meet at the Anoroc Democratic Club, in Sunnyside, Queens.<sup>54</sup> The strikers opened their union meetings with prayers, reciting the Our Father, the Hail Mary and the Workers' Prayer of the Association of Catholic Trade Unionists,<sup>55</sup> beginning with these words: “Lord Jesus, Carpenter of Nazareth, you are a worker as I am.” The Cardinal, however, was not appeased; “[t]hey're getting repentant kind of late” he commented.<sup>56</sup> He also equivocated and dodged, saying, “[a]ctions speak louder than words. I didn't say they were Communists; I never did, but their tactics were certainly communistic.”<sup>57</sup>

On March 7, the Cardinal summarily rejected a request to appoint a third party to mediate the strike, as presented by five wives of striking workers.<sup>58</sup> The women indicated their willingness to accept as mediator any priest that he would appoint.<sup>59</sup> The Cardinal was adamant, promising nothing other than that the strikers could return to work with a small increase, and not as union men.<sup>60</sup> The women left the meeting with Cardinal Spellman “discouraged and disgusted.”<sup>61</sup> The strikers' wives' delegation dejectedly reported that “[h]e, the Cardinal, wants the men to go back to work as individuals, not as Union men, and [he] said he would not allow members of the Strikers Committee to go back to work, because they are ringleaders.”<sup>62</sup> “‘He wants no part of the Union. We got no place,’ stated Mrs. Sigmund Czack of Maspeth, Queens, who led the delegation.”<sup>63</sup> The Cardinal replied, “I feel as badly for them — the wives — as if it were your own mother in the same circumstances. I spoke with them for over two hours. They had nothing to offer me and I had nothing to offer them.”<sup>64</sup>

53. *Cemetery Strike Still Deadlocked*, N.Y. TIMES, Mar. 10, 1949, at A22.

54. *See id.*

55. *See id.*

56. *Id.*

57. *Id.*

58. *Wives Ask Arbiter for Burial Strike, Plead with Spellman for Two Hours for a Priest to Mediate, but He Sees Nothing Offered, Ban On Union Maintained*, N.Y. TIMES, Mar. 8, 1949, at A27.

59. *See id.*

60. *See id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. He further explained his actions:

I feel that I am doing something for proper organized labor. Just because a Union exists doesn't mean that it is a good Union. Because a strike is called,

By this time, the entire 200-member student body of the Archdiocese's St. Joseph's Seminary actively engaged in the strikebreaking, doubling the 100-student "volunteers" who originally accompanied the Cardinal.<sup>65</sup> The Trustees of St. Patrick's Cathedral increased their original 3% wage increase offer to 8%.<sup>66</sup>

Having exhausted all possible avenues without any good faith gestures from the employer, the strike was settled on Friday, March 11th.<sup>67</sup> The union acquiesced to the Archdiocese's demands and accepted the 8% wage increase, and returned to working the 48-hour, 6-day work week — essentially the terms that the Archdiocese offered in January.<sup>68</sup> The gravediggers employed by Calvary Cemetery and the Gate of Heaven Cemetery returned to their jobs following the settlement of the strike, and set to work digging the 1,000 backlogged needed graves.<sup>69</sup>

### C. *The Catholic Worker*, April, 1949

The April 1949 issue of *The Catholic Worker* featured a front-page article titled, "Cardinal Brings to End New York Strike." The article crystallized the issues:

[T]he demands were for a 40-hour week for the same pay as the 48-hour week at time and a half for overtime. The Trustees of the St. Patrick's Cathedral did not see these demands as justified, feeling, so they said, that they would put an undeserved burden on the public who owned graves in the Calvary Ceme-

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it doesn't mean it is a good strike. Several labor leaders have contacted me and confirmed my beliefs. Some say it is a shame.

*Id.*

65. *See id.*

66. *See id.*

67. *See id.*

68. *See id.*

69. *Gravediggers Back on Job*, N.Y. TIMES, Mar. 13, 1949, at A21. Cardinal Spellman, ever the showman, publicly sent a \$65 check to each of the strikers after they returned to work. These "gifts to the families" of the strikers totaled \$17,875. He also wrote to each striker "undoubtedly the period of unemployment has caused you and your families many hardships. I am therefore enclosing a gift of \$65 to help in relieving this situation. Praying God's blessing upon you this Eastertide and always, I am devotedly yours in Christ." 275 *Gravediggers Get Gifts from Cardinal*, N.Y. TIMES, Mar. 19, 1949, at A12. With a final public relations flourish, the Cardinal treated his 200 seminarian and priest strikebreakers to a "sightseeing trip" to Baltimore, Philadelphia, Annapolis, and Washington, D.C. at the Cardinal's expense, they visited among other sites, the United States Naval Academy during the Easter season of 1949, a particularly ironic and eerie harbinger of the Cardinal's enthusiastic support two decades later for the United States military position in the Vietnam War. *Burial Aides Rewarded, 200 Priests and Seminarians Start on 3-Day Tour*, N.Y. TIMES, Apr. 21, 1949, at A27.

tery. That was the problem, in essence. From there on until the settlement of the dispute, it became a classical lesson in how not to deal with the strike. Eighty-five percent of the membership of the Local and 100% of the membership of the Calvary strikers were Catholic. The peculiar slant this gave the strike became more apparent as the dispute went on.<sup>70</sup>

The newspaper article went on to say that the Cardinal had no involvement in the early stages of the strike. Only after the situation became "totally incapable of resolution by the Trustees, the Trustees thrust it into his lap. Only then did the Cardinal enter into the picture."<sup>71</sup> *Catholic Worker* dismissed as specious the Cardinal's view that the strike was "Communist-inspired."<sup>72</sup> *Catholic Worker* poignantly reprinted the Cardinal's most outrageous public comments: "I am proud and happy to be a strikebreaker. This is the most important thing that I have done in my ten years in New York."<sup>73</sup> Cardinal Spellman's outrageous statements completely backfired; *Catholic Worker* pointed out that the Communist Party's *Daily Worker* leaped gleefully into the fray: "Let Catholic men and women notice carefully the words of their Cardinal and realize that here, as in the case of Cardinal Mindzenty, the issue is not religion but the economic and political misuses it lends itself to."<sup>74</sup>

*Catholic Worker*, in alliance with the ACTU,

stuck by the strikers through thick and thin, giving them unsparingly of their time, funds and legal aid — convinced that the striker's demands were just. *The Catholic Worker* supplied pickets, direct relief, and encouragement wherever possible. We say it without shame. We went among them, into their homes, attended their meetings, were on their strike relief committee, listened to their grievances and formed our opinion. Our opinion: the strike was justified. We say it still.<sup>75</sup>

One commentator summarized: "Dorothy Day was one of the few who publicly supported the Union. She and some of her staff from *Catholic Worker* passed out leaflets in front of the Cardinal's residence and were arrested. The police forbade the gravediggers to picket Spellman's house."<sup>76</sup>

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70. *Cardinal Brings to End New York Strike*, CATHOLIC WORKER, Apr. 1949, at 1.

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

76. COONEY, *supra* note 11.

*Catholic Worker* maintained that the strike could have been entirely avoided:

The Trustees could've shown the books to the workers if justice is on their side, proving in black and white that they were incapable of paying what the strikers asked. The strikers were not unreasonable or dishonest people. They were hardworking, simple people driven by what they considered intolerable conditions to strike. The dispute would have been settled there and then instead of becoming a fratricidal war, looked on with glee and contempt by the non-Catholic population.<sup>77</sup>

The article detailed the misery of the strikers' families during the strike. The article also highlighted the poignant and fundamental longer-term negative ramifications of the strike, as one striker's picket sign suggested: "Is Calvary the Graveyard of Catholic Social Justice?"<sup>78</sup>

*Catholic Worker* also noted that, in light of the Cardinal's anti-Communist rhetoric, not even the workers' new union affiliation could settle the strike:

Responsible labor leaders feel, and justly, that by forcing the strikers to do this, the Cardinal has dealt a hard blow to the CIO, in particular, and to labor in general. Hereafter, whenever an employer comes to the conclusion that its workers' demands are unjust, it can use the Cardinal's action as a precedent to refuse to deal with their demands unless they give up their allegiance to what he can term a Communistic union. Today it is a local in the CIO, but tomorrow it might be any labor organization at all.<sup>79</sup>

The article then concluded,

It's old stuff now, except for those of us who went through it. And it will be a long time before we lose that nagging sense of shame and bewilderment that filled us when we first realized that there were eminent Catholic laymen surrounding Cardinal Spellman, advising him out of their own weakness, greed and lack of diplomatic ability to follow a course that must inevitably lead him to a loss of dignity and humiliation. And all because they, the lay trustees of St. Patrick's Cathedral, could not treat Catholic working men as human beings and brothers.<sup>80</sup>

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77. *Cardinal Brings to End New York Strike*, CATHOLIC WORKER, Apr. 1949, at 1.

78. *Id.*

79. *Id.*

80. *Id.*



Dorothy Day stated her feelings unequivocally in the pages of *Catholic Worker* as well: "A Cardinal, ill-advised, exercised so overwhelming a show of force against the union of poor working men. There is a temptation of the devil to that most awful of all wars, the war between the clergy and the laity."<sup>81</sup>

Cardinal Spellman was outraged with the critical Catholic press coverage of his conduct during the strike. "'I'll never forgive *Commonweal*,' Spellman said. 'Not in this world or the next.'"<sup>82</sup> Other critics of the Cardinal, however, were not nearly so generous, or gentle, as was John Cort in his articles for *Commonweal*. Novelist Ernest Hemingway, for example, wrote to the Cardinal:

My dear Cardinal, in every picture that I see of you there is more mealy mouthed arrogance, fatness, and overconfidence . . . as a strike breaker against Catholic workers, as an attacker of Mrs. Roosevelt I feel strongly that you are overextending yourself . . . you will never be Pope as long as I'm alive.<sup>83</sup>

Cardinal Spellman concluded that the strike was "one of the most difficult, grievous, heartbreaking issues that has ever come within my time as archbishop of New York."<sup>84</sup>

#### D. Post-Strike: *Catholic Worker* and the Cardinal

Years after the strike, Dorothy Day discussed at some length her complex and problematic, though essentially respectful, relationship with Cardinal Spellman:

I didn't ever see myself as posing a challenge to church authority. I was a Catholic then, and I am one now, and I hope and pray I die one. I have not wanted to challenge the Church, not on any of its doctrinal positions. I try to be loyal to the Church — to its teachings, its ideals. I love the Church with all my heart and soul. I never go inside a Church without thanking God Almighty for giving me a home. The Church is my home, and I don't want to be homeless. I may work with the homeless, but I have no desire to join their ranks.

. . . .  
Well, that brings us back to the Cardinal[ ] . . . . I have my own way of disagreeing with him. Anyway, the point is that he is our chief priest and confessor; he is our spiritual leader — of all of us who live here in New York. But he is not our ruler. He is not

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81. ROBERT COLES, *DOROTHY DAY: A RADICAL DEVOTION* 81 (1987); MILLER, *supra* note 32, at 404-5.

82. COONEY, *supra* note 11, at 191.

83. *Id.*

84. *Id.* at 195.

someone whose every word all Catholics must heed, whose every deed we must copy. . . . The Catholic Church is authoritarian in a way; it won't budge on what it believes it has been put here to protect and defend and uphold. The Church has never told its flock that they have no rights of their own, that they ought to have no beliefs or loyalties other than those of the Pope or one of his cardinals. No one in the Church can tell me what to think about social and political and economic questions without getting a tough speech back; please leave me alone and tend your own acreage; I'll take care of mine. It is true that Cardinal Spellman had no great love for some of the things we wrote in *The Worker* or said in public. I am sure, sometimes, he became annoyed with us, or maybe he really never knew much about us and cared less . . . . I know very well that Cardinal Spellman didn't like *The Worker's* politics. He wasn't the only one. Lots of Catholics were angry with us . . . . If he did pay close attention to us, then he knew how loyal we were to his Church, to our Church, how loving of it. He used the word 'challenge'; well, I have never wanted to challenge a Church, only be part of it, albeit, in return, receive its love and mercy, and the mercy and love of Jesus.<sup>85</sup>

On March 3, 1951, two years to the day that Cardinal Spellman led strike breakers into the Calvary cemetery, Monsignor Edward Gaffney asked Dorothy Day to appear at the New York Archdiocesan Chancery office. At that meeting, Dorothy was told that *Catholic Worker* would have to cease publication, or change the name of the newspaper by deleting the word "Catholic" from the title.

Several days later, Dorothy Day responded respectfully by her letter to Monsignor Gaffney: "First of all, I wish to assure you of our love and respectful obedience to the Church, and our gratitude to this Archdiocese, which has so often and so generously defended us from many who attack us." She continued, "[b]ecause we do no wish to take advantage of such kindness, nor count on the official protection which the name 'Catholic' brings to us, we would change the name rather than cease publication." After the meeting with *Catholic Worker* staff, however, Day advised Monsignor Gaffney that "[n]o one . . . wishes to change the name. All feel that *Catholic Worker* has been in existence for 18 years . . . under that name, and that this is no time to change it so late in the day." Dorothy went on to remind Monsignor Gaffney that, for example, "the Catholic War Veterans who also use the name Catholic represent

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85. COLES, *supra* note 81, at 81-85.

their own view, not to be confused with the view of the Archdiocese any more than the view of *The Catholic Worker* presumes to speak for the Archdiocese of New York.” Dorothy Day continued, “we cannot simply cease the publication of a review which has been built up, with its worldwide circulation of 63,000 over the last 18 years. This would be a grave scandal to our readers and would put into the hands of our enemies, the enemies of the Church, a formidable weapon.”<sup>86</sup>

Monsignor Gaffney did nothing. There was no censoring of *Catholic Worker* nor further initiative by the Archdiocese, or any of its agents, to close the newspaper or to remove the term “Catholic” from the title. Years later, Dorothy Day reflected upon this episode:

I never believed that the Monsignor who wanted to shut us down or to delete the word ‘Catholic’ from our paper acted on his own. I’m sure at least a few monsignors were in on the act. Maybe his eminence the Cardinal. Maybe not. I think they realized we were going to pray very hard, to pray and pray: in churches and in homes and even on the streets of our cities. We were ready to go to St. Patrick’s, fill up the Church, stand outside it in prayerful meditation. We were ready to take advantage of America’s freedoms so that we could say what we thought and do what we believed to be the right thing to do: seek the guidance of the Almighty . . . . We did pray a long time for Cardinal Spellman. We prayed that we would not be presumptuous in so praying, but we kept praying. If he had ordered us close, we might’ve gone right to St. Patrick’s Cathedral and continued our praying there, day and night, until the good Lord took us — or settled the matter.<sup>87</sup>

Today *Catholic Worker* continues to sell, at its original price of one penny per copy, almost 100,000 copies, seven issues per year, from its New York City offices.<sup>88</sup>

### Conclusion – Dorothy Day’s Influence Today

The 1949 cemetery workers’ strike clearly focuses on the attempt of Dorothy Day and *Catholic Workers* to engage in responsible dialogue with the Church hierarchy. The relationship between Dorothy Day, committed lay Catholic, and Cardinal Spellman, the most

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86. MILLER, *supra* note 32, at 427-28.

87. COLES, *supra* note 81, at 84-85.

88. See David L. Gregory, *Dorothy Day’s Lessons for the Transformation of Work*, 14 HOFSTRA LAB. L.J. 57, 91 n. 306 & 307 (1996).

powerful leader among the American Catholic hierarchy, was both very simple and very complex. Because everyone in the Church is called by God to consider actions and their consequences, Dorothy Day called the leadership of her Archdiocese to account for its actions in breaking the strike in 1949.<sup>89</sup>

The examples of Dorothy Day and Cardinal Spellman continue to resonate today. There are serious questions for some within the Church as to the appropriate role and contour of principled dissent. This debate, however, misperceives the more basic issue, the need to mutually remedy sometimes poor communication between the hierarchy and the laity, a problem often exacerbated by political factionalism. Again, Dorothy Day offers the best example. If the Archdiocese had closed *Catholic Worker* newspaper, Dorothy Day would have complied. She would have also led thousands of Catholic Workers in peaceful prayer at St. Patrick's Cathedral. In other words, Dorothy Day would submit to the Magisterium of the Church respectfully out of faith, but simultaneously would call the Church to prayerful witness.

How these examples might apply in the Catholic University is worthy of consideration. In the Catholic University, we are all called, as members of the University community, to embrace enthusiastically, and to effectuate vigorously, the letter and spirit of John Paul the Great's Apostolic Letter, *Ex Corde Ecclesiae* ("Born from the Heart of the Church"), promulgated on August 15, 1990. Within the Catholic University, Pope John Paul's June 30, 1998 Apostolic Letter, *Ad Tuendam Fidem*, further binds those called to the teaching of theology, ("To Defend the Faith"). The Pope said that his June 30, 1998 letter had the purpose "to protect the Catholic faith against errors arising on the part of some of the Christian faithful, in particular among those who studiously dedicate themselves to the discipline of sacred theology." The 1989 Profession of Faith, promulgated by the Vatican Congregation for the Doctrine of the Faith, was modified to include a clause concerning teachings proposed "definitively." It says, "I also firmly accept and hold each and everything that is proposed by that same Church definitively with regard to teaching concerning faith or morals."

Each and every person within the Catholic University is called to fidelity to the spirit and the letter of *Ex Corde Ecclesiae*, and theologians, in particular, are bound to honor the Pope's most recent Apostolic Letter. We are called to give witness to the teachings of

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89. See COLES, *supra* note 81, at 85.

the Church, within our Church-affiliated colleges and universities. Dorothy Day's complex relationship with Cardinal Spellman, especially in the crucible of the 1949 cemetery workers strike and its aftermath, provides opportunity for reflection and assessment. It is one example by which we might call the Church to faithful fulfillment of its mission in the realm of Catholic higher education.

We live in an era where seemingly few heed, in good faith, the late Cardinal Bernadin's call for common ground. The Church is afflicted by politicized factions, quick to disregard the faith-based core and heritage of our common ground — that the Church is One, Holy, Catholic and Apostolic. It was Dorothy Day who so powerfully re-invoked the Communion of Saints and the Mystical Body of Christ. Even her conservative critics recognized Dorothy Day's model for lay-hierarchy interactions as worthy of respectful emulation.

The October, 1998 issue of the generally conservative intellectual journal *First Things*, edited by Father Richard John Neuhaus of the Archdiocese of New York, offers these synopses of Dorothy Day's direct action. As the correspondents recalled:

Indeed, my first acquaintance with the Catholic Worker movement came from a chance encounter with Catholic workers . . . who were picketing St. Patrick's Cathedral on a Sunday morning. They carried signs condemning the Church for what they regarded as the Church's complicity in the military-industrial complex and for the Church's own accumulation of wealth rather than the case of the poor. Afterwards we all went to Spring Street for lunch with her [Dorothy Day]. She not only "countenanced" the action but also commended it.

. . .  
Dorothy's style of criticizing the Church did not . . . involve "condemning." She pointed out frequently that the institutional Church had great wealth and that many bishops and priests lived in great comfort and security. She called for the empty rooms in rectories, seminaries and monasteries to be filled with the poor; at the least, each parish should have a hospice for the poor.

Too often today the style of criticizing the Church has taken on ways repugnant and abhorrent to Dorothy Day. Last year outside St. Patrick's Cathedral, Catholic school teachers protested so loudly Mass was disturbed; Act-Up in 1989 invaded the Cathedral and desecrated the Holy Eucharist; and the Women's Ordination Conference has "alternative liturgies" as well as protests in churches during Mass. Such behavior . . . Dorothy would not "countenance." Dorothy did picket, for instance with

the Catholic cemetery workers in 1949; quietly, prayerfully, quoting scripture and papal social teaching — far different from the style of many critics of the Church today.<sup>90</sup>

Over the course of the past several months, Catholic Workers have asked the hierarchy to rethink institutional distribution of wealth, by their divine obedience (peaceful civil disobedience). For example, should The Catholic University of America spend multi-millions of dollars ostentatiously on a magnificent building to honor Pope John Paul II, rather than address the pressing needs of the poor and homeless populations in Washington, D.C.? Should the Cardinal Archbishop of Philadelphia continue to live alone in a mansion — and a mansion that he constantly expands and polishes to rival the palace of any Medici — and establish a new seminary well outside the City of Philadelphia — while continuing to close inner-city schools and parishes, and to seemingly avoid any continuing serious engagement with the poor of the Archdiocese of Philadelphia? Why not, instead, follow Peter Maurin's recommendation, and turn the Archbishop's mansion into the Archdiocese's Christ House? Moreover, should the Cardinal Archbishop of Los Angeles put \$163 million to construct a new Cathedral, in light of the pressing social and economic problems afflicting the poor of the Los Angeles Archdiocese? In each of these situations, Catholic Workers have engaged in divine obedience/peaceful civil disobedience, and have, by their words and examples, urged alternative priorities in accord with the life and example of Jesus.

The laity should always take heart, even when some members of the hierarchy may seem contrary. The ordained clergy operates with the Sacrament of Holy Orders, and that sanctifying grace will, over time, have its salutary influences. St. Francis of Assisi, one of the Church's greatest saints, was not an ordained priest. He was in awe of all priests, because the priest alone has the power to consecrate bread and wine into, through the miracle and the mystery of transubstantiation, the Body and the Blood of Christ. Remember, for example, that it was an Archbishop who paid Dorothy Day's modest expenses to come to Flint, Michigan, in order to join in solidarity with the sit-down strikers, as the autoworkers formed their union in the crucible of the Depression. She was, with the support of the Archbishop, one of the few journalists reporting from within the factories during the UAW sit-down strike at Gen-

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90. Correspondence, *FIRST THINGS*, Oct. 1998, at 7-8.

eral Motors Corporation. It is also most exquisite that Cardinal O'Connor, directly within the line of Cardinal Spellman's succession as Archbishop of New York, has joined the call for the canonization of Dorothy Day.

In my working life within the largest Catholic University in the United States, at St. John's University with almost 20,000 students, I am very encouraged by the 1990 Apostolic *Letter Ex Corde Ecclesiae*. By the express terms of the Apostolic Letter, the Bishops are centrally situated internally within the life of the University.<sup>91</sup> Therefore, if any University bureaucracy should ever become indifferent to the authenticity of the Catholic tradition and to the Catholic charism of the University Mission, every Catholic can take great heart and inspiration in knowing that the Bishops and the Cardinals can be asked to direct their attention to remedy actions at odds with the Catholic element of the Catholic University's Mission.

Dorothy Day's letters in early March of 1949 to Cardinal Spellman, in the context of the cemetery workers' strike, can serve as a model. The Catholic Workers who picketed outside St. Patrick's Cathedral and outside the cemeteries, in solidarity with the strikers in 1949, continue to serve as worthy examples for the even more direct Catholic action of divine obedience today. The ordained hierarchy is infused, and bound, by the Sacrament of Holy Orders, and by Jesus' injunction — it would be better for one within the clergy to have a millstone wrapped around the neck and thrown to the bottom of the lake than to lead one of the least astray. The example of Jesus prompts dialogue; the laity may write and demonstrate. Jesus also prompts, through the Sacrament of Holy Orders, the hierarchy to read, to listen, to speak, and to lead. If laity and hierarchy do not engage in this often difficult, but indispensable, dialogue, the "alternative" for us all is the millpond.

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91. David L. Gregory, *The Bishop's Role in the Catholic Law School*, 10 REGENT L. REV. (forthcoming 1999).