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Via CM/ECF

3 March 2017

Catherine O'Hagan Wolfe, Clerk of the Court  
US Court of Appeals, Second Circuit  
40 Centre Street  
New York, NY 10007

Re: *Fratello v. Catholic Archdiocese of NY et al*, 16-1271-cv  
Presidential legislative proposal/authority -- FRAP 28 (j)

Dear Honorable Court:

President Donald Trump's February 28, 2017 address to Congress included the following legislative proposal:

"I am calling upon members of both parties to pass an education bill that funds school choice for disadvantaged youth.... These families should be free to choose the public, private, charter, magnet, religious or home school that is right for them."  
(*emphasis added*)<sup>1</sup>

President Trump would certainly endorse the idea that school children should be taught how good government works—about good civics, rational discourse, and the need for an informed electorate. And endorse the concept that school children are our Nation's future and need to be taught science, history and the value of open mindedness. President Trump presumably would agree with the Supreme Court that the State has the right to monitor school children's education. See, *Pierce v. Society of Sisters*, 268 U.S. 510, 534 (1925).

This Court can take judicial notice that religious organizations, especially those comprised of "true believers," generally and historically favor precisely the opposite.

Our American democracy depends upon the separation of Church and State, and the prohibition against establishing religion. Indoctrination of children—keeping them ignorant,

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<sup>1</sup> See, NY Times article, "Trump's Call for Vouchers Is a Return to a 2016 Pledge, March 2, 2017, at p. A15, available online at: <https://www.nytimes.com/2017/03/01/us/politics/trump-school-vouchers-campaign-pledge.html>

isolated and uninformed—is a sure way of creating a country of religious tribes, rather than a nation of informed citizens. A school principal’s overarching duty is to the children and their education, not to indoctrination.

Opposing counsel previously offered the Ginalski case in its Rule 28(j) submission. It holds that Mr. Ginalski must obey the “church doctrine” imposed by the parochial school’s bureaucrats, rather than to act *in loco parentis* for the benefit of the school children. Propaganda thus trumps civics. Affirm Fratello and this will happen throughout our land, in insular, non-civically oriented “religious schools” (ultra-Christian, ultra-Islamic, ultra-Hassidic, ultra-Amish, etc.). Our democracy will be lost. “We the People” will become, “We of Various Religious Tribes.”

Democracy demands common ground and dialog, not separatism and indoctrination. The fate of our democracy rests with how we educate our youth.

Respectfully submitted,

/S/

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*Relevant pages:* Appellant’s Reply Brief, page 11 and note 20.

*Word count:* 349.