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# The Dilemma in Addressing the Problem of Pro-Abortion Catholic Politicians

by

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Catholics in America treat so many of the scandals in the Church like little league baseball games. We like to go late, we like to kick and scream at the calls by the umpires, and we like to leave early, going home to a comfortable bed. In much the same way, in dealing with scandals, we enjoy the kicking and screaming but often fail to see the importance of the beginning of a problem as well as the end result of a problem. In identifying the problem of Church scandals we need to determine if it is a moral problem, a canonical problem, or an administrative problem. As a moral problem, we need to expand the proper terms necessary for our discussion, terms such as accountability, cooperation and sacrilege. In the canonical problem we need to see Canon Law as applying to all Catholics. As an administrative problem we need to address the issue of leadership in the Church.

Not so many years ago, the Naval War College in Groton, Connecticut offered a test case to its young Naval and Marine officers. The case is as follows. In 1968, soon after the assassination of the Rev. Martin Luther King, Jr., while on cruise in the Indian Ocean, a race riot erupted on the American aircraft carrier, the *U.S.S. Coral Sea*. Amidst the physical violence, the center of the ship was soon engulfed in flames from the fires started by the black sailors. Solve the problem.

In proposing a solution to the problem, the Naval officers frequently sought to identify the malcontents and recommended their removal. On the other hand, the Marines identified the problem as a leadership issue and recommended the removal of all in the command structure. First the captain, followed by the executive officer, then the Master Chief, on down to those involved in the riot.

Though I tend to agree with the Marines, both solutions are weak because they are limited to two dimensions. They deal with this black sailor and that white sailor, with this officer and that enlisted man. The third dimension, the missing dimension, deals with the historical development that brought them to the explosion.

The historical development impacted upon those sailors dealt with the cataclysmic interaction of two erroneous social postures. The first was the post-Great Depression attitude among all Americans asserting, "My kid will always get what my kid wants because I didn't." The second posture focused on the social acceptance of an age of racism and bigotry.

Recent responses to the scandals of the Catholic Church frequently fall to the same weakness of the two-dimensional options suggested for the problem on the *Coral Sea*. Some would be happy if the bad politicians simply went away and others would be happy if the bishops would simply stay out of politics or be removed from the diocese for lack of orthodox leadership. As in the issue for the Naval and Marine officers, no solution for the current Church problems with pro-abortion Catholic politicians can be addressed without due regard for the third dimension, the historical development that brought us to this point in history.

Very briefly, recent Church developments that affect our evaluations of the problem of pro-abortion Catholic politicians have to deal with several deviations in the life and mission of the Church. Those deviations involve errors offered by many involved in the catechetical and moral teachings of the Church. There are also the deviations in the moral lifestyle of the laity and clergy so well notarized in the daily newspapers. And finally, the deviations in the simple devotional practices of the Liturgy of the Mass, which serves as the backdrop, questioning who should or should not present themselves for Holy Communion.

As in the earlier case, the members of the Catholic Church share the post Depression mentality of, "My kid will always get whatever my kid wants." In lieu of the obvious banality of racism and bigotry, they fall to the more sophisticated feminist, homosexual activist, and sexual libertarian agendas so hostile to the nature of the Church. In recognizing these, we come to understand that there are three figures on the playing field addressing the scandal of pro-abortion Catholic politicians and how they participate in the life of the Church. They are the authority figures of the Church, the perpetrators of the problem, and witness/supporters to either of the first two.

Catholics living in America today are in a very tenuous position when discussing any of the scandals of the Church. Much like their counterparts in post World War II Germany, they would like to think they were unaware of the maladies taking place at home among their own. The communal explanation is: "We didn't know what was taking place in the camps." Or,

should it be “clinics?” There is no such secret among us. Many, many Catholics have been a part of the one and a half million terminations of human life over each of the last thirty-one years. And very little was ever said to them. In all honesty we must acknowledge that the scandal of abortion may have been many things, but it was never unknown to us.

In 1984, quite early in his tenure in New York, Archbishop John J. O’Connor ruptured the soft fabric of church/state relations in the United States. In the name of all that is holy, he threatened to excommunicate New York’s liberal Catholic governor, Mario Cuomo, over abortion. The feud between the two carried on throughout Cuomo’s tenure in office. In that same year, Archbishop O’Connor attacked vice-presidential candidate Geraldine Ferraro on the same issue. The Democratic Party, sacred cow to the Catholic hierarchy, was reeling from the unexpected assault from this former military chaplain of twenty-seven years.

### **Governor Cuomo’s Answer**

The Catholic governor of New York would have his day to respond, but not from the bully pulpit of Albany. Upon invitation from Fr. Richard P. McBrien he would address his position from the hallowed halls of Notre Dame University in South Bend, Indiana.

On September 3, 1984, Governor Cuomo offered what in effect became the Magna Carta for all pro-abortion Catholic politicians with his lecture on “Religious Belief and Public Morality: A Catholic Governor’s Perspective.” In his talk he referred to a recent decision of the U.S. Conference of Catholic Bishops that, “they will not take positions for or against political candidates” and that their stand on specific issues should not be perceived as “an expression of political partisanship.” Cuomo canonized the new age of moral pluralism where Catholics were not allowed to impose their ethical agendas on the whole of society but must be receptive to the various codes of moral conduct presented by other believers and non-believers. With this lecture began a new era of silence by the American hierarchy toward pro-abortion Catholic politicians. In future challenges on his Catholic identity Cuomo would refer to this presentation defining and defending his relationship with the Catholic Church.

Though many wonderful and dynamic pro-life statements would be offered from the Congregation for the Defense of the Faith (CDF) and the Pro-Life Office of the USCC/NCCB, few bishops would ever make the national news opposing the American abortion agenda.

In 1994, Pope John Paul II offered an apostolic exhortation titled *Christifideles Laici*, dealing with involvement of the laity in politics. This papal statement is most likely remembered for its call for the members of the clergy to withdraw from political office. “Active participation in the

political parties is reserved to the lay faithful. (CL 60) Nonetheless, the Bishops of the church have the right and the duty to set out the moral principles relating to the social order.”

In 1998, during the Annual Meeting of American Bishops, a pro-life statement was released appealing to all political leaders. It especially complimented those who courageously speak and act in defense of human life at all stages. It stated:

We urge those Catholic officials who choose to depart from Church teaching on the inviolability of human life in their public life to consider the consequences for their own spiritual well being, as well as the scandal they risk by leading others into serious sin. We call on them to reflect on the grave contradiction of assuming public roles and presenting themselves as credible Catholics when their actions on fundamental issues of human life are not in agreement with Church teaching.

*—Living the Gospel of Life: A Challenge to American Catholics*

In 2002, the CDF responded to a letter released by the Pontifical Council for the Family, concerning Catholics involved in politics. Through the CDF, Cardinal Ratzinger released a “Doctrinal Note” entitled, “The Participation of Catholics in Political Life.” The statement was directed to all bishops, Catholic politicians, and laity involved in the political process.

In the first part of the statement the laity were commended for “their proper task of infusing the temporal order with Christian values, all the while respecting the nature and rightful autonomy of that order, and cooperating with citizens according to their particular competence and responsibility.”

A caution followed: “If Christians must recognize the legitimacy of differing points of view about the organization of worldly affairs, they are also called to reject, as injurious to democratic life, any conception of pluralism that reflects moral relativism. Democracy must be based on the true and solid foundation of non-negotiable ethical principles, which are the underpinning of life in society.”

Though it took almost ten years, in this statement Governor Cuomo received a response to his 1984 lecture at Notre Dame.

The statements above offer great wisdom addressing the problem of Catholics, and in particular their Catholic politicians, slipping away from their Catholic identity in the political realm. Ultimately, though, the American pastoral solution would need voices of American Bishops to lead the charge on American politicians. Such would be the case when, on January 22, 2003, Bishop William Weigand, of the Diocese of Sacramento,

offered the ultimate admonishment for his people. He voiced his priestly concern for the ultimate salvation of their immortal souls. Politics had nothing to do with it. Principles applied to politicians were applied to all the faithful.

As your bishop, I have to say clearly that anyone – politician or otherwise – who thinks it is acceptable for a Catholic to be pro-abortion is in very great error, puts his or her soul at risk, and is not in good standing with the Church. Such a person should have the integrity to acknowledge this and choose of his own volition to abstain from receiving Holy Communion until he has a change of heart.

During the following eighteen months other voices would follow. Most would be in concert with the brave bishop of Sacramento. The faithful would be guided through the secular press by the voices of these Archbishops: Raymond Burke of St. Louis, Alfred Hughes of New Orleans, Charles Chaput of Denver, and John Meyers of Newark. There were Bishops John Smith of Trenton, Robert Carlson of Sioux Falls, Fabian Bruskewitz of Lincoln, Robert Vasa of Baker, Samuel Aquila of Fargo, Thomas Wenski of Orlando, Michael Sheridan of Colorado Springs, Joseph Galante of Camden, and many more bishops.

To find an updated list of bishops who have addressed this issue, contact Women for Faith and Family. They can be reached at 314-863-8385, or on the web at <http://www.wf-f.org/>.

Other episcopal voices would oppose sanctions directed from the altar at those figures supporting the anti-life agendas of secular America. Cardinal Theodore McCarrick, chairman of the USCCB task force dealing with the question of how to treat pro-abortion Catholic politicians, stated he would not feel comfortable in denying someone Communion. Archbishop Sean O'Malley, from Boston, stated that while he would prefer lawmakers who support abortion rights not to take Communion, he would not refuse a person's request. Bishop Howard Hubbard, from Albany, would not reject anyone coming up for Communion.

A final category of bishops are noted for their silence. They are patiently awaiting some recommendation offered by the Cardinal McCarrick task force.

The three categories of responses from the Bishops of the United States draw two very interesting questions. Why the lack of uniformity among the bishops? And what has changed the character of the ecclesial leadership in the United States? First, credit must be given to the Holy Spirit enacting the Providence of God. Second, an old rule from the confessional, when you are dealing with a moral problem look for a faith

problem and vice versa. Thus explaining why the faith issue of Communion follows so closely to the sexual abuse scandals of the Catholic clergy.

In the ever-growing number of episcopal voices since the June meeting in Denver, we see how they now encompass both the principles of moral theology and the canons of Church law. In the first case, for years moral theologians argued that pro-abortion Catholic politicians were not guilty of formal (direct) cooperation in the murder of innocent children and thus not liable to excommunication. They seemed untouchable in the matter as they did not personally know either the abortionist or the patient terminating the life of her child. Two decades would pass before this perception would be challenged by the moral directives of Cardinal Ratzinger, Prefect of the Congregation for the Defense of the Faith, in his letter of June, 2004, to Cardinal Theodore McCarrick, chairman of the USCCB task force evaluating possible responses to the relation of pro-abortion Catholic politicians to the Catholic Church.

Regarding the grave sin of abortion or euthanasia, when a person's formal cooperation becomes manifest (understood, in the case of a Catholic politician, as his consistently campaigning and voting for permissive abortion and euthanasia laws), his Pastor should meet with him, instructing him about the Church's teachings, informing him that he is not to present himself for Holy Communion until he brings to an end the objective situation of sin, and warning him that he will otherwise be denied the Eucharist.

– Ratzinger letter to Cardinal McCarrick, June, 2004

In the second case, as to be expected in a hierarchy top-heavy with canon lawyers, great appeal is directed to the new Code of Canon Law for some clarity in dealing with the issue of who may or may not present themselves for Communion. Three canons are frequently offered as standards when addressing the topic of whether pro-abortion Catholic politicians should be allowed to receive Communion. In each case the one seeking to receive Communion should be presumed innocent unless otherwise judged guilty in the external forum. Many, if not the majority, of the bishops who are unhappy with their prodigal politicians would opt for the quiet instruction to the politicians rather than establishing canonical tribunals bringing the correction into the public forum. They hope their errant legislators would simply have the integrity not to present themselves at the altar.

The canons in question are:

Canon 843.1: "The sacred ministers cannot refuse the sacraments to those who ask for them at appropriate times, are properly disposed and are not prohibited by law from receiving them."

Canon 912: "Any baptized person not prohibited by law can and must be admitted to holy communion." (Note well, this is the first right mentioned for lay persons and all Christians in *Lumen Gentium* 37, a conciliar statement on the laity in Vatican II.)

Canon 915: "Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin and not to be admitted to holy communion."

An excommunication is the heaviest spiritual sanction the Church can render. It may take place immediately with the act, such as formally participating in an abortion. This is referred to as a *latae sententiae* penalty. So long as it is in force, it bars the excommunicated person from the Church community and from receiving most of the sacraments, as well as from all public associations affiliated with the Church. Notorious excommunications, demonstrated in the public forum, need follow a tribunal trial. Such a case is referred to as a *ferendae sententiae* penalty. An excommunication can usually be lifted by the local bishop (the "local ordinary") and sometimes by a priest during confession (Can. 1354-1357). An interdict is similar to an excommunication but need not remove the person from all aspects of the Church.

### Forces Gather

There is a book, *The Perfect Storm*, by Sebastian Junger. In his book, he detailed the account of a terrible storm that took place off the coast of New England in the autumn of 1991. At that time, three fronts, including a hurricane, came together simultaneously, producing a colossal force of nature. Due largely in part to the Ratzinger influence on the dogmatic questions and the references to canon law dealing with those who should and should not present themselves for Holy Communion we can see the Church's rendition of the "perfect storm" is about to unfold.

The Ratzinger letter addressing the formal cooperation of politicians in abortion legislation, complimented with the appeal to the new code of canon law, would soon reach beyond the parameters of bishops versus politicians at the Communion line. Through Cardinal Ratzinger's intercession, a third dynamic would be introduced in dealing with the pro-abortion Catholic politicians wishing to receive the Eucharist – the laity.



In his letter to Cardinal McCarrick, in June of 2004, Cardinal Ratzinger recognized that the laity as special ministers of the Eucharist now enjoy the authority to withhold the Eucharist from those they judge as "obstinately persevering in manifest grave sin." Ratzinger wrote:

Apart from an individual's judgment about his worthiness to present himself to receive the Holy Eucharist, the minister of Holy Communion may find himself in the situation where he must refuse to distribute Holy Communion to someone, such as cases of a declared excommunication, a declared interdict, or an obstinate persistence in manifest grave sin.

– Ratzinger letter, June, 2004, cf. can. 915

Hence the perfect storm involving the authority figures of the Church, the perpetrators of the problem, and witness/supporters to either of the first two. And hence a possible reason why the American bishops would not hear of the Ratzinger message by the head of the USCCB task force recommending Communion for the pro-abortion Catholic politicians. The task force could see the perfect storm in its formation.

Unfortunately the guidelines offered by the CDF did not mention any form of punishment, such as excommunication, for Catholic politicians who fail to toe the line. Rather, the guidelines frame the issue as one of "conscience" that politicians will have to deal with. In this, the guidelines exemplify the ecclesial quagmire dealing with pro-abortion Catholic politicians. The CDF acknowledge the American dilemma but did not offer any directives on addressing the problem with a pastoral discipline.

In the June meeting of American bishops, the McCarrick task force recommended that the politicians in question should be given Communion as "pastorally prudent." The bishops of Denver would visualize a different solution, to allow the local ordinary to make the judgment on how to proceed. Hence an upsurge in many episcopal voices offering a multitude of options in dealing with public figures supporting political programs hostile to the basic tenet of the Catholic Church.

The issue of dealing with pro-abortion Catholic politicians seemed a simple enough issue for one and all until consideration addressed the Catholic supporters of those politicians. At first, Archbishop Burke and others thought those voting for pro-abortion candidates were liable to rejection at the altar but later that thought would be modified so that they could vote for some pro-abortion candidates if they were voting for another "proportionately" grave reason. Of course, the obvious point stands before us, there is no evil proportionate to the death of one and a half million children each year.

In a recent interview with the *St. Louis Dispatch* (September 2, 2004), Archbishop Burke would clarify his earlier position on the laity:

The intent of the letter was to appeal to the consciences of Catholic people as they prepare to vote in November. I called upon Catholics to recognize that our vote, while always a private act, has public consequences for good or evil. This means that my vote must be cast with a conscience well-informed as to good and evil. This, I believe, is sound Catholic teaching and common sense.

In the same interview, the archbishop would be challenged on his position causing many to withdraw from the Church. His response addresses the conclusion of this problem:

I hope not. That certainly was not the intent. However, some people have said that they will leave the Church. They will leave because they will not abide a bishop "telling them what to do." Let's be clear and honest. I have done nothing more than explain the teaching of the Church, which is the truth. If the truth causes people to abandon the greatest gift they will ever receive, viz. membership in Christ's Body, the Church, I feel deeply sorry for them.

I cannot help but think of Jesus' teaching His followers the truth of the Eucharist (cf. John 6). He told them in no uncertain terms that He would give them His flesh to eat and His blood to drink. St. John tells us that this teaching was unacceptable to some of Jesus' followers: "This sort of talk is hard to endure! How can anyone take it seriously? And 'from that time on, many of his disciples broke away and would not remain in his company any longer'."

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