



Quis Custodiet Custodes?

I am sure I am not the only devout Catholic in good standing who was a bit stunned, shocked even, to read the story (widely reported in The Associated Press and in columns on the blogs, Huffington Post, Daily Kos and The Daily Dish) of a young boy, Lennon Cihak from Barnesville, Minnesota who was refused confirmation because of a picture he posted on his facebook page showing himself and a poster connected to the Minnesota referendum which wanted to amend the Minnesota Constitution so that ,by law, marriage was defined as only between a man and woman. Lennon doctored the poster to show support for equal marriage rights. The referendum, despite a lot of effort and large sums of money from many Minnesota dioceses, did not pass.

Lennon’s pastor, Gary Lemoine, at Assumption parish in Barnesville, barred him from confirmation and also told his mother that this was so. He also claimed that she and her family would be barred from communion for taking a line on gay marriage different from his. In an attempt to appeal the pastor’s decision, Lennon’s mother appealed to the Bishop of Crookston, Minnesota, Michael Heoppner, who told her that Lennon could be confirmed only if he stood in front of the parish congregation and denounced marriage

equality. How I wish Andrew Greeley was still writing his columns. He would write a scorcher on this pastoral mal-practice.!

I was reminded of a conversation I had with a retired archbishop about an earlier letter by Archbishop John J. Meyers of Newark who wrote in a pastoral letter that Catholics who supported marriage equality for gays and lesbians should abstain from communion. The retired archbishop told me Meyers needed to consult a good canon lawyer. While Meyers, in his letter, said he wanted to be clearer than some other of his fellow bishops regarding homosexuality, in fact he went beyond what good pastoral practice and canon law allow.

The canon law of the church says that good Catholics (Lennon went to weekly mass and did volunteer work as part of his confirmation preparation) should have access to communion and the other sacraments (indeed, they have a right to them) provided they have not committed a mortal sin or are under excommunication and an ecclesiastical censure and, also, that they accept the real presence of Jesus in the eucharist. (cf. canon law # 915).

It might help if we look at three possible cases. Case # 1: the official church teaches that the use of contraceptives in marriage is an intrinsic evil and, objectively, a mortal sin. Yet, the church does not teach it is a sin for Catholics to support civil legislation which allows the sale and possession of contraceptives. Indeed, in a famous Massachusetts referendum, in the 1960's. to allow the sale of contraceptives (previously illegal in the state), Cardinal Cushing of Boston said Catholics were not bound to support such civil laws outlawing the sale of contraceptives devices in the state.

Case # 2: The official church teaches that divorce is wrong and that re-marriage after divorce constitutes a kind of adultery. Again, except for a few retrograde Catholic nations before Vatican II, no one in a pluralistic democracy would have taught that it is mortal sin for a Catholic to support civil laws in support of possible divorce with remarriage.

In a similar way, the official church teaches that homosexual sexual acts are immoral. Once again, there is no clear Catholic teaching that a Catholic who votes for or supports civil laws allowing marriage for gays and lesbians is guilty of any clear sin, let alone a mortal sin. When I was a boy, I was taught in my catechism quite clearly what was considered mortal sins. Never did I run across a list of such sins—“ because I voted for civil laws in contradistinction to a prudential (or not so prudential!) judgment of my bishop about the civil law. “

In my state, we recently had a referendum outlawing capital punishment. The church now dis-approves of capital punishment. Most California bishops showed support for the rescinding of capital punishment. Surely, however, I would be egregiously wrong to argue that some Catholic who voted to retain capital punishment was in sin and should be refused communion. Nowhere in canon law do I see any mention of bishops' or pastors' arbitrary ability to claim something new is now a mortal sin! We need someone to guard us against such so-called guardians of the faith. Canon lawyers do your job!

There are two ironies in this Minnesota case of egregiously bad pastoral practice by the pastor and his bishop. The referendum was not, as such, one to allow gay marriage. It was an attempt to put into the constitution an amendment that marriage was uniquely between a man and a woman. I could conceive of someone opposing gay

marriage also opposing the referendum, thinking it was unnecessary so to amend the state's constitution. The point in canon law on this is that canon law assumes that in cases of any kind of penalty, the interpretation of a claimed wrong- doing must be 'strictly ' (i.e. very narrowly) interpreted before any penalties are imposed. That did not happen in this Minnesota case. The second irony is that in a different Minnesota diocese, Duluth. Father Peter Lambert of St. Louis parish in Floodwood gave \$1,000 to oppose the amendment the Minnesota bishops were supporting. He did not know this act would become public. When it did become public, he suffered no reprimand from his bishop.

When I recounted the tale of Lennon Cihak and the refusal to allow him confirmation because of a facebook picture (prescinding from the fact that someone in the parish seems to be spying on the kids' facebook entries! What does that say ?), a fellow Jesuit, quite pastorally sensitive, said in response: " Is it just me ? I know we have always had some horror tales about Catholicism. But they seem to have been growing exponentially and in ridiculous punitive measures in the last year or so!"

Just recently, in other forums, the church has been talking about a ' new evangelization': outreach to non-Catholics and fallen away Catholics. There have been items in our Catholic newspapers about the church needing to become a more 'welcoming' church. The shock for me in this Minnesota case is the extent to which it shows the many ways the church is often more about ' new excommunications' and punitive measures than ' new evangelization'. Alas, the nearest other Catholic church to Barnesville's Assumption parish is 16 or 17 miles away. I am afraid we have needlessly lost another Catholic to pastoral stupidity and mal-practice.

Code of canon law # 212 states that Catholics (including the laity)” have the right, and sometimes the duty, to give to their sacred pastors their opinion on matters which pertain to the good of the church and to make their opinion known to the rest of the Christian faithful.” It is to that canon I appeal in saying that the new slippery slope by which bishops and others declare, on their own mistaken ‘claimed’ authority, things to be mortal sins and talk about a more widespread refusing of communion is doing serious pastoral harm to the church. It is time for our canon lawyers (and is it to much to hope: some of our fellow bishops?) to remind them that they are brazenly over-stepping their pastoral authority and doing harm to the church on many of these issues.