

# Responding to Legislative Proposals on Discrimination Against Homosexuals

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"There are areas in which it is not unjust discrimination to take sexual orientation into account," the Vatican Congregation for the Doctrine of the Faith said in a set of observations addressing legislative proposals that would make such discrimination illegal. Two versions of the Vatican observations became public in July. In mid-July, the observations were leaked to the press by New Ways Ministry, a U.S. group working with homosexuals, after the apostolic pro-nuncio to the United States sent the text to the U.S. bishops. On July 23, the Vatican released a second text that revised the first in certain ways. The revisions, including a new paragraph, various rewordings and the omission of certain words — revisions termed "slight" by the Vatican — are examined in the margin note that begins on p. 175 of this edition of *Origins*. A congregation official told *Origins* both texts were valid, but issued for different purposes: the first for bishops to use however they saw fit, the second for wider publication. The revised text was issued with a statement by Vatican spokesman Joaquin Navarro-Valls. He said the text is "not intended to be an official and public instruction ..., but a background resource." He said that because legislative

proposals dealing with "the issue of non-discrimination of homosexual persons" represent a pressing question "in certain parts of the United States, these considerations were made available to the bishops of that country through the good offices of the pro-nuncio" in the first version. Here *Origins* presents the text released July 23, along with the statement of Navarro-Valls. The congregation's statement identifies "some principles and distinctions of a general nature which should be taken into consideration by the conscientious legislator, voter or church authority who is confronted with such issues."

## Navarro-Valls Statement

For some time, the Congregation for the Doctrine of the Faith has been concerned with the question of legislative proposals advanced in various parts of the world to deal with the issue of the non-discrimination of homosexual persons. A study of this question culminated in the preparation of a set of observations which could be of assistance to those concerned with formulating the Catholic response to such legislative proposals. These observations offered considerations based upon relevant pas-

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# On File

The following statement on the observations by the Vatican Congregation for the Doctrine of the Faith on legislative proposals related to the rights of homosexual persons, a text appearing in this edition of *Origins*, was issued July 22 by Archbishop Daniel Pilarczyk of Cincinnati, president of the National Conference of Catholic Bishops:

"Attention has been drawn in recent days to a document from the Congregation for the Doctrine of the Faith titled 'Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons.'

"From time to time, various Roman congregations communicate with individual bishops and bishops' conferences throughout the world on a variety of matters regarding church teaching and discipline. Most often, these communications are elaborations of positions previously articulated by these same congregations.

"Several weeks ago, the Congregation for the Doctrine of the Faith sent some 'considerations' to the bishops of this country for their reflection when dealing with legislative proposals concerning the rights of homosexual persons.

"The congregation's concern is that proposals to safeguard the legitimate rights of homosexual persons not have the effect of creating a new class of legally protected behavior, that is, homosexual behavior, which, in time, could occupy the same position as non-discrimination against people because of their race, religion, gender or ethnic background. The document rightly warns against legislation designed more to legitimate homosexual behavior than to secure basic civil rights and against proposals which tend to

promote an equivalence between legal marriage and homosexual lifestyles.

"Bishops will continue to evaluate local legislation with these 'considerations' clearly in mind. However, as the 'considerations' note, 'it would be impossible to foresee and respond to every eventuality in respect to legislative proposals in this area.'

"I believe that the bishops of the various local churches in the United States will continue to look for ways in which those people who have a homosexual orientation will not suffer unjust discrimination in law or reality because of their orientation. In our teaching, pastoral care and public advocacy, bishops will, of course, continue to strive to be faithful to church teaching on homosexuality, to uphold the values of marriage and family life, to defend the basic human dignity and human rights of all and to condemn violence, hatred and bigotry directed against any person."

New Ways Ministry, a U.S. group working with Catholic homosexuals, gave news organizations copies of the observations on legislation and homosexual rights by the Congregation for the Doctrine of the Faith. New Ways, which has no official church standing, also released a statement of its own describing the Vatican document as "further evidence of a growing and serious gap between the Vatican and the U.S. bishops on the issue of civil rights for homosexual persons." New Ways said this Vatican document "appears out of touch at least with contemporary and firsthand awareness of these issues in our society. Such an attempt in the judgment of fair-minded people will only effect the very opposite of what it intends."

# Datebook

Aug. 19-23: Annual National Convention of the Society of St. Vincent de Paul. Hyatt Regency Hotel. San Antonio, Texas.

Aug. 21-28: Annual Meeting of the Central Committee of the World Council of Churches. Ecumenical Centre. Geneva, Switzerland.

Aug. 26-30: Joint Annual Assemblies of the Conference of Major Superiors of Men and the Leadership Conference of Women Religious. Theme: "Now Is the Time ... Religious Life at a Moment of Kairos." Holiday Inn Four Seasons Town Center. Greensboro, N.C.

Sept. 7-14: The Washington Mission Seminar. Co-Sponsors: U.S. Catholic Mission Council and Washington Theological Union. Theme: "Faithfulness and Mission in Our Changing World." Missionhurst. Arlington, Va.

Sept. 11-15: Marian International Conference. Sponsor: Archdiocese of Baltimore. Theme: "Behold Your Mother"; "Do Whatever He Tells You." Baltimore Arena. Baltimore, Md.

Sept. 15-17: Meeting of the National Conference of Catholic Bishops' Administrative Committee and U.S. Catholic Conference's Administrative Board. NCCB/USCC Headquarters. Washington, D.C.

\*Sept. 18-20: Second Biennial Conference: "The Process of Cultural Encounter, 1492-1992." Sponsors: University of Notre Dame's Kellogg Institute for International Studies and Indiana University's Center for Latin American and Caribbean Studies. Indiana University. Bloomington, Ind.

\*Sept. 18-20: Conference for and About Diocesan Women's Commissions. Sponsor: Minneapolis-St. Paul Archdiocesan Commission on Women. Theme: "Prophetic Voices Speaking the Truth in Love." Registry Hotel. Bloomington, Minn.

Sept. 21-25: Annual Conference of International Association of Civil Aviation Chaplains. Theological and Pastoral Center. Antwerp, Belgium.

\*Sept. 23-27: Annual Conference of the National Association of Catholic Family Life Ministers. Theme: "Liberating Leadership: Returning to the Well." Plaza of the Americas Hotel. Dallas, Texas.

Sept. 25-27: Annual Convention of the Fellowship of Catholic Scholars. Theme: "The Church and a Universal Catechism." Hilton Hotel Gateway Center. Pittsburgh, Pa.

Sept. 25-27: Annual Future of the American Church Conference. Theme: "Fulfilling the Promise: The Role of Leadership in the Church." Sponsor: Time Consultants. Omni Shoreham Hotel. Washington, D.C.

Sept. 27-30: 1992 National Catholic Development Conference and Exposition. Westin Peachtree Plaza Hotel. Atlanta, Ga.

\*signifies new listing

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sages of the congregation's "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons," which was published in the fall of 1986 and indicated certain applications which may be derived from them.

In view of the fact that this question is a particularly pressing one in certain parts of the United States, these considerations were made available to the bishops of that country through the good offices of the pro-nuncio for whatever help they might provide them. It should be noted that the observations were not intended to pass judgment on any response which may have been given already by local bishops or state conferences to such legislative proposals. The observations, then, were not intended to be an official and public instruction on the matter from the congregation but a background resource offering discreet assistance to those who may be confronted with the task of evaluating draft legislation regarding non-discrimination on the basis of sexual orientation.

"'Sexual orientation' does not constitute a quality comparable to race, ethnic background, etc., in respect to non-discrimination.... Homosexual orientation is an objective disorder."

With the idea that the publication of the observations would be something beneficial, a slight revision of the text was undertaken and a second version prepared. In the meantime, various references to and citations from the considerations have appeared in the media. For the sake of an accurate report on the matter, the revised text of "Some Considerations Concerning the Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons" is made public today.

## July 23 Text of Observations

### Foreword

Recently, legislation has been proposed in various places which would make discrimination on the basis of sexual orientation illegal. In some cities, municipal authorities have made public housing, otherwise reserved for families, available to homosexual (and unmarried heterosexual) couples. Such initiatives, even where they seem more directed toward support of basic civil rights than condonement of homosexual activity or a homosexual lifestyle, may in fact have a negative impact on the family and society. Such things as the adoption of children, the employment of teachers, the housing needs of genuine families, landlords' legitimate concerns in screening potential tenants, for example, are often implicated.

While it would be impossible to anticipate every eventuality in respect to legislative proposals in this area, these observations will try to identify

some principles and distinctions of a general nature which should be taken into consideration by the conscientious legislator, voter or church authority who is confronted with such issues.

The first section will recall relevant passages from the Congregation for the Doctrine of the Faith's "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons" of 1986. The second section will deal with their application.

### I. Relevant Passages from the CDF's "Letter"

1. The letter recalls that the CDF's "Declaration on Certain Questions Concerning Sexual Ethics" of 1975 "took note of the distinction commonly drawn between the homosexual condition or tendency and individual homosexual actions"; the latter are "intrinsically disordered" and "in no case to be approved of" (No. 3).

2. Since "[i]n the discussion which followed the publication of the (aforementioned) declaration ..., an overly benign interpretation was given to the homosexual condition itself, some going so far as to call it neutral or even good," the letter goes on to clarify:

"Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic moral evil; and thus the inclination itself must be seen as an objective disorder. Therefore special concern and pastoral attention should be directed toward those who have this condition, lest they be led to believe that the living out of this orientation in homosexual activity is a morally acceptable option. It is not" (No. 3).

3. "As in every moral disorder, homosexual activity prevents one's own fulfillment and happiness by acting contrary to the creative wisdom of God. The church, in rejecting erroneous opinions regarding homosexuality, does not limit but rather defends personal freedom and dignity realistically and authentically understood" (No. 7).

4. In reference to the homosexual movement, the letter states: "One tactic used is to protest that any and all criticism of or reservations about homosexual people, their activity and lifestyle are simply diverse forms of unjust discrimination" (No. 9).

5. "There is an effort in some countries to manipulate the church by gaining the often well-intentioned support of her pastors with a view to changing civil statutes and laws. This is done in order to conform to these pressure groups' concept that homosexuality is at least a completely harmless, if not an entirely good, thing. Even when the practice of homosexuality may seriously threaten the lives and well-being of a large number of people, its advocates remain undeterred and refuse to consider the magnitude of the risks involved" (No. 9).

6. "She (the church) is also aware that the view that homosexual activity is equivalent to or as acceptable as the sexual expression of conjugal love has a direct impact on society's understanding of the nature and rights of the family and puts them in jeopardy" (No. 9).

Most changes in the July 23 revised text of the observations by the Congregation for the Doctrine of the Faith regarding legislative proposals on discrimination against homosexual persons were matters of rewording or of dropping or adding words. One new paragraph was added, however. It appears as part of No. 14 in the text appearing here. The added paragraph states:

"In addition, there is a danger that legislation which would make homosexuality a basis for entitlements could actually encourage a person with a homosexual orientation to declare his homosexuality or even to seek a partner in order to exploit the provisions of the law."

Among changes in the Foreword, the opening two sentences were changed somewhat. In the first text, they read: "Recently, legislation has been proposed in some American states which would make discrimination on the basis of sexual orientation illegal. In some Italian cities, municipal authorities have made public housing available to homosexual (and unmarried heterosexual) couples." In the July 23 version, those sentences read: "Recently, legislation has been proposed in various places which would make discrimination on the basis of sexual orientation illegal. In some cities, municipal authorities have made public housing, otherwise reserved for families, available to homosexual (and unmarried heterosexual) couples."

The Foreword's fourth sentence included a change from "... the hiring and firing of teachers" to "... the employment of teachers." Again, the Foreword's second paragraph included a change from, "... principles and distinctions of a general nature which should be taken into consideration by the



conscientious Catholic legislator, voter or church authority" to "... some principles and distinctions of a general nature which should be taken into consideration by the conscientious legislator, voter or church authority."

The first sentence of the Foreword's second paragraph included a change from "... it would be impossible to foresee and respond to every eventuality" to "... it would be impossible to anticipate every eventuality."

Most changes in the text appeared in Part II, the section on applications. Some were alterations in wording, such as the change in No. 11 from "... the consignment of children" to "... the placement of children for."

Other changes included the addition of words, as in No. 11 where "... teachers or coaches" was changed to "... teachers or athletic coaches," or, in No. 15, where "might include 'family' participation in the health benefits given to employees" was changed to "could include such things as 'family' participation in the health benefits given to employees."

Among other changes is one in No. 14 where a sentence was changed. In the first version it said, "As a rule, the majority of homosexually oriented persons who seek to lead chaste lives do not want or see no reason for their sexual orientation to become public knowledge. Hence the problem of discrimination in terms of employment, housing, etc., does not arise." The second version reads: "As a rule, the majority of homosexually oriented persons who seek to lead chaste lives do not publicize their sexual orientation. Hence the problem of discrimination in terms of employment, housing, etc., does not usually arise."

There is an addition in the second sentence of No. 10 from "Unlike these,

7. "It is deplorable that homosexual persons have been and are the object of violent malice in speech or in action. Such treatment deserves condemnation from the church's pastors wherever it occurs. It reveals a kind of disregard for others which endangers the most fundamental principles of a healthy society. The intrinsic dignity of each person must always be respected in word, in action and in law.

"But the proper reaction to crimes committed against homosexual persons should not be to claim that the homosexual condition is not disordered. When such a claim is made and when homosexual activity is consequently condoned, or when civil legislation is introduced to protect behavior to which no one has any conceivable right, neither the church nor society at large should be surprised when other distorted notions and practices gain ground, and irrational and violent reactions increase" (No. 10).

8. "What is at all costs to be avoided is the unfounded and demeaning assumption that the sexual behavior of homosexual persons is always and totally compulsive and therefore inculpable. What is essential is that the fundamental liberty which characterizes the human person and gives him his dignity be recognized as belonging to the homosexual person as well" (No. 11).

9. "In assessing proposed legislation, the bishops should keep as their uppermost concern the responsibility to defend and promote family life" (No. 17).

## II. Applications

10. "Sexual orientation" does not constitute a quality comparable to race, ethnic background, etc., in respect to non-discrimination. Unlike these, homosexual orientation is an objective disorder (cf. "Letter," No. 3) and evokes moral concern.

11. There are areas in which it is not unjust discrimination to take sexual orientation into account, for example, in the placement of children for adoption or foster care, in employment of teachers or athletic coaches, and in military recruitment.

12. Homosexual persons, as human persons, have the same rights as all persons, including the right of not being treated in a manner which offends their personal dignity (cf. No. 10). Among other rights, all persons have the right to work, to housing, etc. Nevertheless, these rights are not absolute. They can be legitimately limited for objectively disordered external conduct. This is sometimes not only licit but obligatory. This would obtain moreover not only in the case of culpable behavior but even in the case of actions of the physically or mentally ill. Thus it is accepted that the state may restrict the exercise of rights, for example, in the case of contagious or mentally ill persons, in order to protect the common good.

13. Including "homosexual orientation" among the considerations on the basis of which it is illegal to discriminate can easily lead to regarding homosexuality as a positive source of human rights, for example, in respect to so-called affir-

mative action or preferential treatment in hiring practices. This is all the more deleterious since there is no right to homosexuality (cf. No. 10), which therefore should not form the basis for judicial claims. The passage from the recognition of homosexuality as a factor on which basis it is illegal to discriminate can easily lead, if not automatically, to the legislative protection and promotion of homosexuality. A person's homosexuality would be invoked in opposition to alleged discrimination, and thus the exercise of rights would be defended precisely via the affirmation of the homosexual condition instead of in terms of a violation of basic human rights.

14. The "sexual orientation" of a person is not comparable to race, sex, age, etc. also for another reason than that given above which warrants attention. An individual's sexual orientation is generally not known to others unless he publicly identifies himself as having this orientation or unless some overt behavior manifests it. As a rule, the majority of homosexually oriented persons who seek to lead chaste lives do not publicize their sexual orientation. Hence the problem of discrimination in terms of employment, housing, etc., does not usually arise.

Homosexual persons who assert their homosexuality tend to be precisely those who judge homosexual behavior or lifestyle to be "either completely harmless, if not an entirely good thing" (cf. No. 3), and hence worthy of public approval. It is from this quarter that one is more likely to find those who seek to "manipulate the church by gaining the often well-intentioned support of her pastors with a view to changing civil statutes and laws" (cf. No. 5), those who use the tactic of protesting that "any and all criticism of or reservations about homosexual people ... are simply diverse forms of unjust discrimination" (cf. No. 9).

In addition, there is a danger that legislation which would make homosexuality a basis for entitlements could actually encourage a person with a homosexual orientation to declare his homosexuality or even to seek a partner in order to exploit the provisions of the law.

"There is a danger that legislation which would make homosexuality a basis for entitlements could actually encourage a person with a homosexual orientation to declare his homosexuality or even to seek a partner in order to exploit the provisions of the law."

15. Since in the assessment of proposed legislation uppermost concern should be given to the responsibility to defend and promote family life (cf. No. 17), strict attention should be paid to the single provisions of proposed measures. How would they affect adoption or foster care? Would they protect homosexual acts, public or private? Do they confer equivalent family status on homo-



sexual unions, for example, in respect to public housing or by entitling the homosexual partner to the privileges of employment, which could include such things as "family" participation in the health benefits given to employees (cf. No. 9)?

16. Finally, where a matter of the common good is concerned, it is inappropriate for church authorities to endorse or remain neutral toward

adverse legislation even if it grants exceptions to church organizations and institutions. The church has the responsibility to promote family life and the public morality of the entire civil society on the basis of fundamental moral values, not simply to protect herself from the application of harmful laws (cf. No. 17). ♦

Bishops' President

## Painful Pastoral Question: Sexual Abuse of Minors

*"We commit our pastoral energy to attempt to break this cycle of abuse," Archbishop Daniel Pilarczyk of Cincinnati, president of the National Conference of Catholic Bishops, said at the conclusion of a June 20 closed session in which the U.S. bishops discussed ways of dealing with the sexual abuse of children by priests or others employed by the church. "Pastoral experience ... has helped us see areas in which the action of the church and its leadership can improve," Pilarczyk said in his statement at the close of the bishops' three-day spring meeting at the University of Notre Dame. Pilarczyk reiterated the five-point course of action recommended to U.S. dioceses by the National Conference of Catholic Bishops for dealing with cases involving sexual abuse of children. He added that "as our knowledge of this disordered behavior has grown ... we have tried to refine our policies while redoubling our commitment to prompt action, as well as healing and reconciliation." He said that with "each additional insight" from medical authorities, pastoral experts, parents and others, the bishops commit themselves to "more effective diocesan policies and practices." His text follows.*

No single pastoral question is more painful to us as bishops than the situation of sexual abuse where the offender is a member of the clergy or a person in the employ of the church and the offended is a child.

The sexual abuse of a child constitutes reprehensible conduct directed at a most vulnerable member of our society. This disordered behavior cuts across all the lines in our society. The sexual abuse of children knows no class, race, social, income, religious or occupational distinctions among offenders. It is apparently unaffected by sexual orientation or gender, or whether the person is married or celibate. The long-term effects that such behavior can have on the life and future of a child must not be underestimated. Across our society, the number of reported cases is on the increase; research shows that perhaps as many as one out of every four girls and one out of every 10 boys is sexually abused before they reach their 18th birthday. Wherever and however it occurs,

the behavior is wrong and deserves condemnation.

Pastoral experience, illuminated by increasing medical and sociological knowledge about the roots of this disordered behavior, has helped us see areas in which the action of the church and its leadership can improve. Now we know — as does most of society along with us — that sexual abuse is caused by a disorder (in some cases, an addiction) for which treatment is essential. Sometimes the therapy may be successful; sometimes it is not. We realize we must seek sound medical advice as we make responsible pastoral judgments. The protection of the child is and will continue to be our first concern.

In the matter of priests and sexual abuse, undoubtedly mistakes have been made in the past. Until recently, few in society and the church understood the problem well. People tended to treat sexual abuse as they did alcoholism — as a moral fault for which repentance and a change of scene would result in a change of behavior. Far more aggressive steps are needed to protect the innocent, treat the perpetrator and safeguard our children.

"Undoubtedly mistakes have been made in the past.... People tended to treat sexual abuse as they did alcoholism — as a moral fault for which repentance and a change of scene would result in a change of behavior. Far more aggressive steps are needed to protect the innocent, treat the perpetrator and safeguard our children."

Where lack of understanding and mistakes have added to the pain and hurt of victims and their families, they deserve an apology and we do apologize. However, regret, sadness, apology — all appropriate — are not enough. Action is what matters most. For the last several years, our con-

◀ homosexual orientation is an objective disorder," to "Unlike these, homosexual orientation is an objective disorder (cf. "Letter," No. 3) and evokes moral concern." Under No. 13, there is a change from "... so-called affirmative action, the filling of quotas in hiring practices," to "... so-called affirmative action or preferential treatment in hiring practices."

Also under No. 13, in the second sentence, the text was changed from, "This is all the more mistaken..." to "This is all the more deleterious."

Yet another change under No. 13, in the third sentence, adds to the text. The first version spoke of "... the legislative protection of homosexuality," while the second version speaks of "... the legislative protection and promotion of homosexuality."

Again, for example, at the beginning of No. 16 there is a change from "Finally, since a matter of the common good is concerned," to "Finally, where a matter of the common good is concerned."

And under No. 16, in the last sentence of the text, the first version referred to "the responsibility to promote the public morality" while the second version refers to "the responsibility to promote family life and the public morality."

The doctrinal congregation's 1986 letter to the world's bishops on the pastoral care of homosexual persons appeared in *Origins*, Vol. 16, No. 22 (pp. 377ff).

The congregation's 1975 "Declaration on Certain Questions Concerning Sexual Ethics" appeared in Vol. 5, No. 35 (pp. 485 ff).



ference and its individual bishops have worked to understand the problem and to combat and correct it. On five occasions at national meetings, we have discussed this issue — how to treat it and, most of all, how to prevent it. In 1988 in a statement by our general counsel and again in 1989 in a statement by our Administrative Board, the working policy on the national level has been made clear. For the last five years, strongly and consistently, the National Conference of Catholic Bishops has recommended the following course of action to our 188 dioceses:

—Respond promptly to all allegations of abuse where there is reasonable belief that the incident has occurred.

—If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him for appropriate medical evaluation and intervention.

—Comply with the obligations of civil law as regards reporting of the incident and cooperating with the investigation.

—Reach out to the victims and their families and communicate our sincere commitment to their spiritual and emotional well-being.

—Within the confines of respect for the privacy of the individuals involved, deal as openly as possible with members of the community about this incident.

Our national episcopal conference is not a governing body and it cannot pass rules and regulations which bind the actions of its members outside of a limited number of areas delegated to it by the universal law of the church. Nonetheless, dioceses across the nation have taken the above guidance to heart, and many have drafted their own written policies.

These steps have been taken and policies adopted, notwithstanding the fact that such sexual misconduct has involved relatively few priests measured against 53,000 priests in our country. Yet we also recognize that one case of a priest sexually abusing one child is one too

many. The effects of such behavior are truly tragic. As our knowledge of this disordered behavior has grown and with the help of medical and other experts, we have tried to refine our policies while redoubling our commitment to prompt action as well as healing and reconciliation.

As we conclude yet one more session on this sad and tragic topic, we wish to assure our sisters and brothers that our working policy in this regard will be carried out. We commit our pastoral energy to attempt to break this cycle of abuse. We shall continue to engage the resources of our community — seeking the help of medical authorities, pastoral experts, parents and others. We commit ourselves to more effective diocesan policies and practices with each additional insight we receive.

Alone we cannot solve a problem which runs across society. But we can play a part in the solution, and we shall. ♦

## Sioux City/Diocesan Policy

# When a Cleric Is Accused of Sexually Exploiting a Minor

*The Diocese of Sioux City, Iowa, made public a policy which will establish a review board to facilitate rapid intervention in the case of "an accusation of pedophilia or sexually exploitive behavior of a minor made against a cleric." Bishop Lawrence Soens of Sioux City announced the policy June 22. It states that the review board "shall be comprised of three priests, a psychiatrist or psychologist and an attorney." The board, appointed by the bishop, will oversee all steps of a 13-point procedure for dealing with the accusation and will "act as guarantor of the process for all parties." Under the policy, whenever a cleric "is accused of pedophilia or sexually exploitive behavior with a minor, the bishop will appoint a delegate to respond to the charge." The policy says "care must be taken to avoid any semblance of cover-up or minimizing the incident." The text of the policy follows.*

Recognizing that pedophilia and sexually exploitive behavior of a minor are disorders with grave consequences for victims and perpetrators, the Diocese of Sioux City hereby establishes the following policy to facilitate rapid

intervention in the case of an accusation of pedophilia or sexually exploitive behavior of a minor made against a cleric.

1. The bishop of the Diocese of Sioux City will establish a review board. The review board shall be appointed by the bishop and shall be comprised of three priests, a psychiatrist or psychologist, and an attorney.

2. The review board will oversee all the steps of the procedure for dealing with accusations and will, to the best of its ability, act as guarantor of the process for all parties. This includes but is not limited to:

a. Review the report of the bishop's delegate concerning an alleged incident.

b. Advise the bishop regarding the need for additional investigation.

c. If the bishop has determined that there is reasonable cause to believe that an offense had been committed (see below), the review board shall make recommendations to the bishop regarding the evaluation of the cleric.

d. Make an assessment upon the completion of the evaluation. The assessment shall determine what course of treatment, if any, shall be offered to the cleric and what other further action shall

be taken in regard to the cleric's future.

### Procedure

1. When a cleric has been accused of pedophilia or sexually exploitive behavior with a minor, the bishop will appoint a delegate to respond to the charge.

a. If the civil authorities are already involved, the delegate shall

(i) Monitor the charges and gather what information might be available from the civil authorities.

(ii) Work with the family of the victim to assure the family that the diocese will respond by convening the review board, offer professional counseling and all other steps appropriate to the family as indicated below. Care must be taken to avoid any semblance of cover-up or minimizing the incident.

b. When civil authorities are not already involved, the delegate shall investigate the credibility of the initial charge and inform the bishop of the results of this initial investigation.

2. When the bishop concludes on the basis of the report submitted to him by the delegate that there is reasonable cause to believe that an offense has been committed, he shall:



a. Immediately confront the accused cleric and impose a leave of absence, which will continue until the matter is clarified and resolved in accordance with the guidelines established by the review board under canon and civil law. Moreover, the cleric will not receive any further assignment while that matter is pending, except that if the accusation involves a matter not of recent occurrence, a leave of absence will not be imposed until the review board has been consulted and has determined a complete course of action according to the individual case.

b. Convene the review board to determine appropriate further action.

3. The review board shall be convoked at the very time that the delegate is appointed according to No. 1 above. The bishop will direct the delegate to inform the victim and the family that the review board is being convoked and its function and responsibility, and that they will be kept apprised of the actions of the review board.

4. The delegate will work with the civil authorities and will cooperate and inform them as the law requires, includ-

ing the section "Mandatory and Permissive Reporters" as defined in the Iowa Code, Section 232.69.

#### The Cleric

5. The delegate will recommend to the accused cleric that he obtain legal counsel.

6. The delegate will see that the cleric receives psychological or psychiatric evaluation according to the recommendation of the review board and assure that the results of the evaluation be made available to the review board and the bishop.

7. The cleric shall be offered treatment if the review board so recommends.

8. Upon disposition or resolution of the incident, the delegate, review board and bishop will assess whether further service in the Diocese of Sioux City is possible. If it is not possible, then they, with the cleric, will determine the nature of any continuing relationship to the Diocese of Sioux City.

#### The Alleged Victim and Family

9. Because of pastoral concern, the

delegate will offer to the alleged victim and family the services of a qualified counselor, psychologist or psychiatrist, or urge that they seek such services.

10. The delegate will advise the alleged victim and family that they may have legal rights which can be vindicated only with the assistance of an attorney of their choosing.

11. The delegate will inform the alleged victim and family of all the actions taken by the bishop and the review board.

#### The Public

12. The delegate will report to the insurer of the Diocese of Sioux City that an incident has taken place when it is established that this is in fact the case.

13. If the accusation becomes a matter of public knowledge, the review board will formulate a statement for the media. If the accusation becomes public before the review board meets, this policy statement shall be made as an initial response. ♦

## USCC General Counsel

# Election-Year Actions of Tax-Exempt Organizations

*Catholic organizations participating in the political process during the election year "must remain vigilant to ensure that their actions not drift into the areas prohibited" under the Internal Revenue Code for tax-exempt organizations, said Mark Chopko, general counsel of the U.S. Catholic Conference. In a June 26 memorandum, "Political Activity Prohibition," sent to bishops, diocesan attorneys and state Catholic conference directors, Chopko said the important moral issues of the day "are almost inevitably implicated in election campaigns. The voices of churches and other religious organizations that have consistently addressed these issues ... need not fall silent during election campaigns." But he warned that such discussions "must remain focused on issues and not personalities." Chopko addressed the activities of the Catholic press, lobbying activities, voter education, non-partisan voter registration drives, public forums, debates and lectures, actions by indi-*

*vidual employees and officials of Catholic organizations and other matters. He said exempt organizations should avoid statements that indirectly support or oppose a candidate, for example, by labeling a candidate as "pro-abortion" or "anti-peace." The IRS will examine "all the facts and circumstances to evaluate whether particular statements constitute prohibited political campaign activity," Chopko said. He urged Catholic organizations to consult their own legal counsel "prior to engaging in any activity that could be classified as political campaign activity." Chopko's text follows.*

Catholic organizations included in the U.S. Catholic Conference group ruling are exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code ("code"). That section prohibits such organizations ("exempt organizations") from participating or intervening in political campaigns on behalf of or in opposition to any candidate for political office.<sup>1</sup> Because 1992 is a

major election year, it is important to be reminded of the legal requirements governing political campaign activities by exempt organizations.

This memorandum identifies activities that are appropriate for Catholic organizations exempt under Section 501(c)(3) of the code as well as activities that are prohibited because they constitute political campaign activity. It also addresses special issues relating to the Catholic press and commonly asked questions about the scope of the political activity prohibition. This memorandum updates our earlier guidance, provided most recently in the USCC general counsel memorandum dated July 14, 1988.

Determining what constitutes prohibited political campaign activity often can be a close question requiring consultation with legal counsel. Catholic organizations are urged to consult their own legal counsel prior to engaging in any activity that could be classified as political campaign activity. This office is prepared to assist dioc-