

28 October 2021
Feast of Saints Simon and Jude, Apostles

Praised be Jesus Christ!

Dear brothers and sisters in Christ,

For the past several months, the intention of the Church in the United States of America has been very much in my prayers. At their coming November meeting, the Bishops of the United States will be considering the application of Canon 915 of the Code of Canon Law: “Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to Holy Communion.”¹ Their deliberations will address, in particular, the long-term and gravely scandalous situation of Catholic politicians who persist in supporting and advancing programs, policies and laws in grievous violation of the most fundamental precepts of the moral law, while, at the same time, claiming to be devout Catholics, especially by presenting themselves to receive Holy Communion. In praying for the Bishops and my homeland, the United States of America, I have, more and more thought about the experience of the United States Conference of Catholic Bishops over 17 years ago, at their summer meeting in Denver in June of 2004, in addressing the same issue. It is an experience which I lived intensely.

I have thought it important to offer the following reflections as a help to us all in addressing now and in the future such a critical matter – a matter of life and death for the unborn and of eternal salvation for the Catholic politicians involved – in my homeland, as in other nations. I had wanted to offer these reflections much sooner, but recovery from recent health difficulties prevented the writing of these reflections until now.

The context of the June 2004 meeting of the United States Bishops was the campaign of Senator John Kerry for President of the United States. Senator Kerry claimed to be a Catholic, while, at the same time, supporting and promoting abortion on demand in the nation. At the time, I was Archbishop of Saint Louis (appointed on December 2, 2003, and installed on January 26, 2004). As had been my practice as Bishop of La Crosse (appointed on December 10, 1994, and installed on February 22, 1995), I admonished Senator Kerry not to present himself to receive Holy Communion because, after having been duly admonished, he persisted in the objectively grave sin of promoting directly procured abortion. I was not the only Bishop to admonish him thus.

From the time of my first episcopal ministry in the Diocese of La Crosse, I had confronted the situation of politicians presenting themselves as practicing Catholics and, at the same time, supporting and advancing programs, policies and laws in violation of the moral law. As a new and relatively young Bishop, I spoke with brother Bishops, especially one of the senior suffragans in my ecclesiastical province, about several Catholic lawmakers in the Diocese of La Crosse, who were in this situation. The common response of brother Bishops was the expectation that the Conference of Bishops would eventually address the question.

Knowing my moral obligation in a matter of such serious consequences, defined in can. 915, I began to contact the legislators from the Diocese of La Crosse, asking to meet with them to

¹ “**Can. 915** Ad sacram communionem ne admittantur excommunicati et interdicti post irrogationem vel declarationem poenae aliique in manifesto gravi peccato obstinate perseverantes.”

discuss the complete incoherence of their position regarding procured abortion with the Catholic faith they professed. Sadly, none of them was willing to meet with me. One carried out a certain correspondence with me, insisting that his position regarding abortion was consistent with the Catholic faith, following the erroneous counsel presented by certain dissident professors of moral theology, adherents of the heretical school of proportionalism, at a summit held at the Hyannisport compound of the Kennedy Family in the summer of 1964. Documentation of the meeting is found in a book of Albert R. Jonsen who accompanied one of the dissident European professors of moral theology and was present for the entire meeting.²

Regarding the refusal of the legislators to meet with me, I must observe that I find, at best, naïve the common refrain that what is needed is more dialogue with the Catholic politicians and legislators in question. In my experience, they are not willing to discuss the matter because the teaching of the natural law, which necessarily is also the teaching of the Church, is beyond discussion. In some cases, too, I have had the strong impression that they were unwilling to discuss the matter because they were simply unwilling to have their minds and hearts changed. The truth remains that procured abortion is the knowing and willing destruction of a human life.

When I was Archbishop of Saint Louis, one Catholic legislator agreed to meet with me, even though, as his parish priest also attested, he was not presenting himself to receive Holy Communion. He began the meeting by showing me a picture of his family. As I recall, his wife and he had four children. As our conversation progressed, I asked him how, having so proudly shown me the picture of his children, he could regularly vote in favor of killing babies in the womb. He immediately lowered his head and said: “It is wrong. I know that it is wrong.” While I urged him to act according to his conscience, which he had just expressed, I had to admire the fact that, at least, he admitted the evil in which he was involved and did not try to present himself to me as a devout Catholic. Regarding the objective reality of the practice of abortion as a most grievous violation of the first precept of the natural law, which safeguards the inviolability of innocent and defenseless human life, there is nothing about which to dialogue. The subject of dialogue must be how best to prevent such an evil in society. Such prevention can never involve the actual promotion of the evil.

With the announcement of my transfer from the Diocese of La Crosse to the Archdiocese of Saint Louis on December 2, 2003, the secular press traveled to the Diocese of La Crosse, in order to find material for the creation of a negative image of the new Archbishop before his arrival in the Archdiocese. Whereas, before my transfer, there was no public discussion of my pastoral interventions with the lawmakers in question, as is altogether appropriate, the matter now became public in December of 2003 and January of 2004. In putting the question of the application of can. 915 before the body of Bishops at its meeting in June of 2004, the pastoral action which I had taken in the Diocese of La Crosse and was beginning to take in the Archdiocese of Saint Louis was placed in serious question. To illustrate the fact, during a break in the meeting, I encountered, on a stairwell, one of the eminent members of the Conference of Bishops, who shook his finger at me, declaring: You cannot do what you have been doing without the approval of the Conference of Bishops. To be clear, other Bishops were following a similar pastoral action. I responded to his declaration by pointing out that, when I die, I will appear before the Lord to give an account of my service as Bishop, not before the Conference of Bishops.

Here, I must note that the pastoral action taken had nothing to do with interfering in politics. It was directed to the safeguarding of the sanctity of the Holy Eucharist, to the salvation of the souls of the Catholic politicians in question – who were sinning gravely not only against the Fifth

² Cf. Albert R. Jonsen, *The Birth of Bioethics* (New York: Oxford University Press, 1998), pp. 290-291.

Commandment but also were committing sacrilege by receiving unworthily Holy Communion – and to the prevention of the serious scandal caused by them. When I intervened pastorally with Catholic politicians, it was done in an appropriately confidential manner. Certainly, I gave no publicity to the matter. It was rather the politicians who found it helpful to present themselves as practicing Catholics, in the hope of attracting the votes of Catholics, who publicized the matter for a political end.

The discussion during the meeting in June of 2004 was difficult and intense. Without going into the details of the discussion, there seemingly was no consensus among the Bishops, even though there was among some of the most influential Bishops the desire to avoid any intervention with Catholic politicians who, according to the discipline of can. 915, should not be admitted to receive Holy Communion. Ultimately, the President, the then Bishop Wilton Gregory of the Diocese of Belleville, remanded the matter to a Task Force on Catholic Bishops and Catholic Politicians under the chairmanship of the then Cardinal Theodore McCarrick who was clearly opposed to the application of can. 915 in the case of Catholic politicians supporting procured abortion and other practices which gravely violate the moral law. The Task Force was comprised of a group of bishops with mixed views on the subject. In any case, with time, the Task Force was forgotten, and the critical issue was left unaddressed by the Conference of Bishops. When Bishop Gregory announced the Task Force, the Bishop sitting next to me observed that we could now be certain that the issue would not be addressed.

In the context of recalling the Denver meeting of the United States Conference of Bishops in June of 2004, it is important for me to recount two other related personal experiences.

First, in the Spring of 2004, while I was in Washington, D.C., for pro-life activities, I met privately for forty-five minutes with one of the highest-placed officials in the federal government, a non-Catholic Christian who manifested great respect for the Catholic Church. In the course of our conversation, he asked me whether, in view of the serious health difficulties of Pope Saint John Paul II, the election of a new Pope could mean a change in the Church's teaching regarding procured abortion. I expressed some surprise at his question, explaining that the Church can never change its teaching on the intrinsic evil of procured abortion because it is a precept of the natural law, the law written by God on every human heart. He responded that he asked the question because he had concluded that the Church's teaching in the matter could not be that firm, since he could name for me 80 or more Catholics in the Senate and House of Representatives, who regularly support pro-abortion legislation.

The conversation in question was an eloquent testimonial to the grave scandal caused by such Catholic politicians. They have, in fact, contributed in a significant way to the consolidation of a culture of death in the United States, in which procured abortion is simply a fact of daily life. The Catholic Church's witness to the beauty and goodness of human life, from its first moment of existence, and the truth of its inviolability has been grievously compromised to the point that non-Catholics believe that the Church has changed or will change what is, in fact, an unchangeable teaching. While the Church, carrying out the mission of Christ, her Head, for the salvation of the world is totally opposed to the attack on innocent and defenseless human life, the Catholic Church in the United States seems to accept the abhorrent practice, in accord with a totally secularized view of human life and sexuality.

In this regard, I am told that the argument from the truth about human life is often ineffective, since the culture has no regard for objective truth, exalting the views of the individual, no matter how contrary to right reason they may be. Perhaps, the approach taken in assisting mothers and fathers contemplating abortion should be taken on a wider scale, namely the viewing

of an ultrasound of the tiny human life at its beginning. In my experience, when mothers and fathers thinking to procure an abortion view, first, such an ultrasound, the greater majority of them do not proceed to the abortion. The visible image of the beauty and goodness of human life convinces them of the evil of abortion. Such ultrasounds should be readily viewable, especially by those who are responsible for leading the Church's essential witness to life and by those who are responsible for the policies, programs and laws of the nation, which should protect and foster human life, not provide for its destruction.

The second event took place during my visit to Rome in late June and early July of 2004, in order to receive from Pope John Paul II the pallium of the Metropolitan Archbishop of Saint Louis. Given the difficult experience of the meeting in Denver, earlier in the month of June, I was counseled to visit the Congregation for the Doctrine of the Faith, in order to be certain that my pastoral practice was coherent with the Church's teaching and practice. I was received in audience by the then Prefect of the Congregation, His Eminence, Joseph Cardinal Ratzinger, and the then Secretary of the Congregation, Archbishop, now Cardinal, Angelo Amato, and an English-speaking official of the Congregation. Cardinal Ratzinger assured me that the Congregation had studied my practice and found nothing objectionable about it. He only cautioned me not to support publicly candidates for office, something which, in fact, I had never done. He expressed some surprise at my doubt in the matter, given a letter which he had written to the United States Bishops, which had addressed the question thoroughly. He asked whether I had read his letter. I told him that I had not received the letter and asked whether he could kindly provide a copy for me. He smiled and suggested that I read it on a popular blog, asking the English-speaking official to make a photocopy of the text as it appeared in its entirety on the blog.³

The letter in question sets forth in an authoritative manner the Church's constant teaching and practice. The failure to distribute it to the United States Bishops certainly contributed to the failure of the Bishops in June of 2004 to take appropriate action in the implementation of can. 915. Now, I am told that it is maintained that the letter was confidential and, therefore, cannot be published. The truth is that it was published, already in early July of 2004, and that clearly the Prefect of the Congregation, who authored it, was not at all disturbed about the fact.

Seventeen years have passed since the meeting of the United States Conference of Catholic Bishops in Denver during the month of June of 2004. The most serious question of the application of can. 915 of the Code of Canon Law to Catholic politicians who support and promote programs, policies and legislation in grievous violation of the natural law seemingly remains a question for the Conference of Bishops. In fact, the obligation of the individual Bishop is a matter of universal Church discipline, regarding faith and morals, over which the Conference of Bishops has no authority. In fact, a number of Bishops have understood their sacred duty in the matter and are taking appropriate action. A Conference of Bishops fulfills an important role of support for the Diocesan Bishop, but it cannot replace the authority that belongs properly to him. It is the Diocesan Bishop, not the Conference, that applies the universal law to a particular situation.⁴

The work of the Conference of Bishops is to assist the individual Bishops in carrying out their sacred duty, in accord with can. 447 of the Code of Canon Law: "A conference of bishops, a permanent institution, is a group of bishops of some nation or certain territory who jointly exercise certain functions for the Christian faithful of their territory in order to promote the greater good

³ Cf. <https://chiesa.espresso.repubblica.it/articolo/7055.html>; English translation: <https://chiesa.espresso.repubblica.it/articolo/7055bdc4.html?eng=y>

⁴ Cf. can. 447; and Ioannes Paulus PP. II, Litterae Apostolicae Motu proprio datae, *Apostolos suos*, De theologica et iuridica natura conferentiarum Episcoporum, 21 Maii 1998, *Acta Apostolicae Sedis* 90 (1998) 641-658.

which the Church offers to humanity, especially through forms and programs of the apostolate fittingly adapted to the circumstances of time and place, according to the norm of law.”⁵ What more corresponds to the promotion of “the greater good which the Church offers to humanity” than the safeguarding and fostering of human life created in the image and likeness of God,⁶ and redeemed by the Most Precious Blood of Christ, God the Son Incarnate,⁷ by correcting the scandal of Catholic politicians who publicly and obstinately promote procured abortion.

I invite you to pray with me for the Church in the United States of America and in every nation, that, faithful to the mission of Christ, her Bridegroom, she will be faithful, limpid and uncompromising in the application of can. 915, defending the sanctity of the Holy Eucharist, safeguarding the souls of Catholic politicians who would grievously violate the moral law and still present themselves to receive Holy Communion, thereby committing sacrilege, and preventing the most serious scandal caused by the failure to observe the norm of can. 915.

May God bless you and your homes. Please pray for me and especially for the recovery of my health.

Yours in the Sacred Heart of Jesus
and the Immaculate Heart of Mary,
and in the Purest Heart of Saint Joseph,

Raymond Leo Cardinal BURKE

⁵ “**Can. 447** Episcoporum conferentia, institutum quidem permanens, est coetus Episcoporum alicuius nationis vel certi territorii, munera quaedam pastoralia coniunctim pro christifidelibus sui territorii exercentium, ad maius bonum provehendum, quod hominibus praebet Ecclesia, praesertim per apostolatus formas et rationes temporis et loci adiunctis apte accommodatas, ad normam iuris.”

⁶ Cf. Gen 1, 27.

⁷ Cf. 1 Pet 1, 2. 19; 1 Jn 1, 7; Rom 3, 25; Eph 1, 7; and Heb 9, 12; and Rev 1, 5.