Opinion

News



Anthony Picarello Jr., associate general secretary for policy and advocacy of the U.S. Conference of Catholic Bishops, responds to a question during the fall general assembly of the USCCB in Baltimore Nov. 13, 2019. (CNS/Bob Roller)



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Friday, we looked at some of the principles involved in the brouhaha over New York Cardinal Timothy Dolan's obsequiousness toward President Donald Trump during a phone call with the president and Catholic leaders regarding Catholic schools, and subsequent interviews in which Dolan has doubled down. Earlier last week, we learned more about what key staffers at the U.S. bishops' conference knew before the call.

Today, we can shift from the underlying principles to the facts of the case, from the broad, socio-cultural and ecclesial concerns to the more specific question of complicity in inappropriate behavior. And, we can start where we finished on Friday, with Villanova University ecclesiologist Massimo Faggioli's comment about the rule by which bishops do not criticize each other in public:

> "This is a problem also in other countries, especially where there is no synodal process or synodal style," Villanova University ecclesiologist Massimo Faggioli told me when I asked about the no-public-criticism rule. "Now, I think it would be unseemly for another cardinal or a bishop to pen an op-ed criticizing Cardinal Dolan for his opening to Trump. But I would expect from other cardinals or bishops to say something different from what Dolan has said — especially a wrong understanding of 'accompaniment.' The problem is that in absence of an ecclesial, synodal ethos of debate, everything is left to the power dynamics shaped by the media (both secular and Catholic media)."

This is the choice: synodality, which strengthens unity and provides a properly ecclesial approach, versus power dynamics, with all the human ambition and egoism and ideology, secular or ecclesiastical, that they invite.

Soon after I received a "no comment" from the U.S. bishops' media relations department, they spoke with Catholic News Agency, which is to the Catholic press

what Fox News is to the secular media: not so much a journalistic enterprise as a propaganda arm. Fox News serves the president as CNA serves the culture warrior wing of the Catholic Church, although the comparison may be a tad unfair ... to Fox News.

On Tuesday, I reported that Lauren McCormack, executive director of the U.S. bishops' conference's Office of Government Relations, had sent a warning to state Catholic conference directors that they should make their bishops aware that they needed to submit their emails to access a call with Trump on the subject of Catholic education and that those emails "will be captured by White House and used for additional communication in the future, possibly including from campaign."

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The conference's spokesperson, Chieko Noguchi, told CNA:

> A small part of a confidential briefing to bishops was a warning: because they would have to provide an email address to register for the call, they might later receive unwanted email messages from the White House, and possibly the campaign. This warning was based on cautious speculation, not on any communications with the White House.

Mind you, this was not "cautious speculation" about what the president would eat for lunch, but about whether or not the White House was violating the Hatch Act. The CNA report continued:

> In fact, before McCormack notified leaders that that campaign might obtain their email addresses, USCCB general counsel Anthony Picarello speculated in an email to state Catholic conference directors about the same possibility, calling the chance that email addresses could be shared a "nuisance factor" of which they should be aware.

This is interesting. Picarello is no media flack. He is the associate general secretary and the general counsel at the U.S. bishops' conference. His involvement in this matter raises more questions than it answers. His "speculation" and "warning" in this instance would be akin to warning the bishops: "We are bringing you to a party and

there will be a lot of illegal drugs there, which might be a nuisance to you if anyone found out, so please do not snort anything." No, a responsible general counsel would advise the bishops not to attend such a party.

"There are two issues here: Is the White House behaving appropriately? And are the bishops behaving appropriately?" asks Boston College theology and law professor Cathleen Kaveny. "People are crossing lines. People don't recognize boundaries. Trump can't see a boundary between his duty to govern the country on behalf of us all and his effort to win reelection. And the bishops can't see the difference between the need to advocate to leaders of the country for issues like Catholic schools in the time of a pandemic and their own personal partisanship in getting the president they want reelected."

Kaveny is right, and I would add a third issue that resides at the intersection of the two: Even if some bishops wanted to put their finger on the scale to favor Trump, their general counsel and chief lobbyist failed to warn them that if their "speculation" was proven true, the communications from Picarello and McCormack themselves would constitute an "impermissible campaign intervention." Non-profit 501(c)(3) organizations like the U.S. bishops' conference cannot participate in campaign activity either directly or indirectly, and helping to collect an email list is pretty direct participation.

I asked Norman Eisen, senior fellow at the Brookings Institute, former deputy White House counsel and a recognized expert in government ethics, about these statements from the conference. He emailed me this comment:

> As the founder of two 501(c)(3) organizations, I think it is fair to ask: what was the cautious speculation based on? Was there some prior experience with the President or his campaign that triggered it? At any rate, if that possible nuisance factor was a concern, wouldn't the truly cautious thing have been to obtain an assurance that the emails would not be so used? It is fair to expect that our nonprofit charitable and religious organizations meet the highest ethical standards.

NCR requested an interview with Picarello to pose these kinds of questions to him. It was declined. But his unwillingness to answer NCR's questions does not mean those questions disappear.

An informal survey I conducted of several bishops about Picarello's handling of the matter found them in agreement with Eisen's concerns. One thought there should be an inquiry to answer the factual questions Eisen raised: Had they ever given such a warning before and, if not, why now? And why two warnings?

Others thought Picarello should be disciplined. I detect a growing consensus that it was a mistake to have one person wear both the general counsel's hat and serve as an associate general secretary, and an even more pronounced concern that Picarello does not take his orders from the bishops, but from the theological-political complex centered at the Knights of Columbus and the Federalist Society.

Last month, in NCR's series asking church leaders about the post-pandemic church, Jesuit Fr. Mark Massa, director of the Boisi Center at Boston College, finished his contribution by quoting Mircea Eliade: "the opposite of 'Catholic' is not 'Protestant,' but rather 'sectarian.' "

This train wreck of a phone call with Trump has shown just how sectarian (and partisan) some key staffers at the U.S. bishops' conference have become. So long as Picarello and others are willing to drag the conference into choppy waters, and some bishops like Dolan are willing to go along, you can expect more such fracturing of unity of the body of bishops and, consequently, a fracturing of the body of Christ, which is the church.

If the conference president, Los Angeles Archbishop José Gomez, wants to build up the unity of the Catholic Church in this country, he needs to ask if the kind of advice he is getting from his general counsel will help or hinder that goal.

[Michael Sean Winters covers the nexus of religion and politics for NCR.]

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