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Raising the Curtain for the USCCB Plenary

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Distinctly Catholic
Fall bishops' meeting 2013

Next week, Cardinal Timothy Dolan will preside over the USCCB meeting as president for the last time. Before looking ahead, it is necessary to look back and assess the last three years.

A meme about +Dolan has emerged, that he was selected as president because the body of bishops wanted a culture warrior with a happy face. I take issue with this characterization. I do not think +Dolan is a culture warrior, although he probably spends too much time listening to them. I offer two pieces of evidence. First, let us recall his election. The USCCB had long followed the practice of electing the incumbent vice president of the conference to the top spot. At the time, Bishop Gerald Kicanas of Tucson was the VP and +Dolan narrowly defeated him. The election was ugly as outside groups put pressure on the bishops to dump +Kicanas. One group, the gay advocacy group Rainbow Sash, did +Kicanas no favors when they endorsed him. As well, it did not help matters that, according to several sources, the then-General Secretary of the USCCB, Msgr., now Bishop, David Malloy was actively campaigning against +Kicanas, a terrible breach of protocol. But, what did +Dolan do as soon as he won? His election as USCCB President meant that he had to resign as Chairman of the Board of Catholic Relief Services. What did +Dolan do? He tapped +Kicanas to take that post. "Dolan wants everybody to win," said Rocco Palmo at the time.

The second piece of evidence came the following year, in 2010, when +Dolan was presiding over his first plenary. The week before, he had met with President Obama to voice the conference's difficulties with the lack of conscience exemptions to the controversial HHS contraception mandate. The meeting went well and +Dolan told a press conference during the USCCB meeting that he had come away greatly reassured that the conference's concerns would be addressed. Several sources say that in the executive session that followed, several culture warrior bishops castigated +Dolan, saying that Obama had "rolled?"

him, that he should not trust the president. +Dolan stood his ground. The following January, President Obama called +Dolan and said there would be no changes to the mandate and +Dolan had to go back and eat crow. That is called a life lesson, and no one should fault +Dolan for learning it. The question is whether he over-learned the lesson.

Cardinal Dolan is a student of history. Like me, he had the good fortune to be a student of Msgr. John Tracy Ellis who had written the authoritative biography of Cardinal James Gibbons, arguably the most successful leader of the U.S. bishops in our nation's history. +Gibbons understood that his task was, first and foremost, to keep the bishops united. There was a famous incident on October 12, 1899 when the archbishops of the United States gathered for their annual meeting. (There was, yet, no USCCB, but the annual meetings of the nation's archbishops were a kind of precursor of collegial governance.) In the wake of Pope Leo XIII's encyclical *Testem benevolentiae*, condemning "Americanism," +Gibbons and Archbishop John Ireland had written to the pope, assuring him that virtually no one in America held the views condemned. Archbishop Frederick Katerer wrote to the pope "comparing those who denied the heresy existed with the Jansenists," as Fr. Gerald Fogarty, S.J. wrote in his ever-useful history of relations between the U.S. hierarchy and the Vatican. This was "a direct affront to Ireland and Gibbons." At the meeting, +Ireland wanted the archbishops to formally protest +Katerer's letter, and the vote was tied, with Cardinal Gibbons able to cast the tie-breaking vote. He voted not to protest saying, "peace, peace" death for the sake of peace." Instead of defending his own honor, +Gibbons chose not to exacerbate the divisions within the hierarchy.

In the wake of President Obama's flip-flop, +Dolan allowed the culture warriors to take the lead in protesting the HHS mandate. And, to be clear, this stance was backed with near unanimity by the bishops. The analogy from +Gibbons' handling of the meeting in 1899, however, is inexact. +Gibbons was willing to ignore a personal affront. In the past two years, +Dolan's sense of history, and political acumen, should have suggested that while keeping the bishops united is a proper goal, it is not helpful if the bishops are united in climbing out onto a limb. The culture warriors were only too happy to climb out onto the limb. Some of them continue to talk breezily about shutting down the Church's ministries if the mandate is not revoked. They prefer a defensive posture, a petulant style, and, it must be said, are willing to be manipulative in achieving their goals. +Dolan should have applied the brakes. He did not. His horrendous treatment by the White House explains, but does not excuse, his unwillingness to rein in his more fervent confreres.

I use the word "manipulative" with good cause. A couple of weeks ago, I watched Raymond Arroyo on EWTN interview one of the Little Sisters of the Poor about the mandate. I love the Little Sisters. Who doesn't? They cared for Msgr. Ellis in his final weeks with love and devotion, as they care for others with love and devotion. It was quite clear, however, that the sister talking with Arroyo really had no idea about the issues involved. She repeated the mantra that the mandate "violates our conscience." Has anyone bothered to tell the Little Sisters that they will not need to change their insurance policy. The only thing they will have to do is self-certify that they do not want to provide coverage for contraception in their policy. How does that violate their conscience?

Here is the question that must be asked at the USCCB meeting next week, and asked again and again until we get a straight answer: Does compliance with the mandate constitute illicit material cooperation with evil or not? The bishops have been dodging that question. If compliance does constitute illicit cooperation, then they really must be prepared to shut down their ministries. If compliance does not constitute illicit cooperation, they need to say so. The USCCB has a Doctrine Committee. This question has an answer. But, how are Catholic ministries expected to attract the best staff, and large donations, when bishops are openly discussing the possibility of shutting down those same ministries?

The day after the President announced he would not be expanding the conscience exemptions from the mandate, I wrote an article entitled "Accuse." I take back not a single word of what I said then. But, the administration has taken back some of the policies they were advocating at the time. They created an accommodation that, truth be told, goes a long way towards addressing the concerns we raised. They eliminated the pernicious four-part definition of what constituted an exempt or accommodated institution. I still think the mandate is a bad policy and I am sympathetic to the lawsuits against it. I do hope the courts insist on a broader understanding of conscience rights than HHS has allowed. But, I also hate to see bishops as litigants. It yields a very unhappy consequence, feeding the reduction of religion to ethics, thence to legalisms, and finally to politics. I have decried this tendency in American religion before. It is a recipe for culture war. It is also a recipe for emptier pews. People understand that while religion and politics share a common focus, the human person and the common good of society, the lens by which religion achieves that focus is different from the lens appropriate to politicians and lawyers. Besides, bishops, like others, always tend to forget that the lawyers work for them, not the other way round.

When I have asked why the bishops cannot say forthrightly that they do not plan to close their ministries, that compliance with the mandate does not constitute illicit cooperation with evil, I am told they can't say that because saying so would harm the lawsuits. My various interlocutors then add something about the fact that the law firm is working pro bono on the case and, so, their advice must be followed. The lawyers may be working pro bono, but if they keep the bishops from addressing the most obvious moral question surrounding the debate over the mandate, they are extracting a very steep price.

Cardinal Dolan's historical sensibility and literacy also should have made him allergic to the creation of ad hoc committees. The Church has not been around for 2,000 years by being ad hoc about anything! Specifically, ad hoc committees tend to lack perspective because they are focused narrowly on one issue. They tend to attract members from those who are not worried about such a narrow focus and who hail from the zelanti wing of the Church. I suggest that the USCCB would have been well served if the whole religious liberty issue had been handed over to its Domestic Policy Committee. They, at least, would have recognized that if you cozy up to Republicans who support us on the need for stronger conscience exemptions, you still need to shower afterwards because those same Republicans are fighting us on immigration, SNAP, and a host of other anti-poverty efforts. Indeed, it is always wise to shower after touching a politician. It is a dirty business. The Ad Hoc Committee on the Defense of Marriage has yielded a similarly unhappy approach to a complicated issue. More on the Ad Hocs tomorrow.

There have been other problems at the USCCB over the past three years. There are very real management problems. The conference is losing good staffers and hiring some with questionable judgment. This August, one of the USCCB's policy advisors filled in at the Mass I usually attend. His sermons were appalling examples of the culture warrior technique, and one of them was knee deep in Pelagianism, which is a heresy. Here is a question for the next president of the conference: When was the last time there was an audit of the conference's finances? Perhaps Cardinal Dolan was unable to really delve into the dysfunctions that currently manifest themselves at the 4th Street headquarters. He has had a lot on his plate, leading a major archdiocese, becoming a cardinal, being assigned to various congregations at the Holy See. Perhaps the bishops, in selecting a successor, should pick someone with less on their plate.

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Last year, another Ad Hoc committee presented a draft statement on poverty. It was terrible and it failed to garner the required two-thirds majority to pass. It did not occur to me at the time, because the phrase had not yet gained currency, but it could now be said of that statement that it lacked the smell of the

sheep: Its treatment of the poor was abstract and theoretical. No one could remember the last time a statement had failed on a floor vote. It was a sign of the divisions within the conference, to be sure, but it was also a sign of the problems +Dolan has faced. He is not responsible for the appointment of bishops, and a majority of the bishops were willing to vote for that statement, bad though it was. But, let us be clear: When bishops wish to draft a statement on poverty, and have the Gospels as a primary source, it is almost unforgivable (almost, because nothing is unforgivable) that they could not reach consensus on a suitable statement. The failure to pass a statement should have been a warning sign, not just to Cardinal Dolan, but to the Nuncio, that if the U.S. has an episcopal bench that can't draft a statement on poverty, well, we have a problem. Now, with Pope Francis calling on us all to become "a poor Church for the poor," that problem is now in CAPS.

I do not envy Cardinal Dolan. He has had to preside over the conference at an especially difficult time. He was very shabbily treated by the President of the United States. He has kept a deeply divided conference more or less together, even if they are all now out on a limb. Indeed, I suspect that for +Dolan the worst of it is that he really wanted his tenure to focus not on political issues, but on pastoral issues. This was denied him. Still, he should have recognized that the bishops were placing themselves in a very tenuous position and been more forceful in serving as a check upon the zelanti. That said, I doubt anyone could have done a better job. The USCCB needs a shake-up and, so far, even Pope Francis' election has not stirred many of +Dolan's brother bishops to any discernible degree of reflection on how they should lead the Church. The upcoming agenda for next week's meeting is, as has been noted, very "pre-Francis," more reflective of a "self-referential" Church than of a Church that is joyfully engaged in the world, especially at the peripheries of life where the wounds of Christ call out to us. This must change and it will fall to Cardinal Dolan's successor to lead that change.

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