

OREGON D.A. YIELDS AFTER BUGGING PRIEST IN CONFESSIONAL

The Catholic League scored perhaps its biggest victory yet in pressuring the District Attorney from Lane County, Oregon into apologizing for authorizing the bugging of a priest in the confessional. District Attorney Doug Harclerod issued his apology and a pledge never to do this again on May 22.

The case began on April 22 when Father Tim Mockaitis of Eugene, Oregon administered the Sacrament of Reconciliation to Conan Wayne Hale in the Lane County Jail. Father Mockaitis had previously administered the sacraments to inmates of the jail on many occasions, and therefore thought that there was nothing extraordinary about the request. What he didn't know was that D.A. Harclerod had secured a court order to tape the conversation in the confessional. Father Mockaitis didn't learn that he was bugged until a reporter from the Eugene Register-Guard discovered from court records what had happened and then informed the priest of his discovery. This occurred on May 3 and on May 7 representatives of the Archdiocese of Portland met with the Lane County District Attorney to review the incident.

On May 9, the Catholic League issued a news release announcing that it was taking its case to the U.S. Civil Rights Commission, stating that it would join any lawsuit against the D.A. that might be brought. The American Civil Liberties Union and the Rutherford Institute soon issued statements of protest as well.

The league's official response to the media was as follows: "The pursuit of justice in a democracy is never an absolute, rather it is a conditional pursuit. Other noble ends, such as

respect for the rights of the accused and respect for religious freedom, often limit the reach of the state. In this regard, the Sacrament of Reconciliation, an integral exercise of religious freedom in Roman Catholicism, cannot be sacrificed to satisfy the ambitions of overly-zealous prosecutors.”

Then the league addressed the perennial church-state issue, only this time calling attention to violations committed by the state: “We hear ad nauseam about violations of church and state from those bent on privatizing religion. But little is heard when the state violates church-state boundaries, as surely was done in this instance. “But even those who are not Catholic will want to support the Catholic League in this effort: what is at stake is more than just freedom of religion, it is the lust for power that emanates from the state. What happened in Eugene is the kind of thing that Storm Troopers delighted in doing not too long ago, and as history has shown, militants like that respect no limits in anything they do.”

Media interest in the case led to a round of interviews with Catholic League staffers and thus helped to feed the pressure on Harclerod. But he wouldn’t budge and even refused to talk to reporters. On May 13, league president William Donohue was quoted in the New York Times as saying that bugging a priest in the confessional was “unprecedented in American history” and described the taping as “a Nazi tactic.” He added, “They know damned well that the relationship between a priest and penitent is sacred and cannot be violated.”

On May 14, the Catholic League picked up the pace by calling for a Congressional investigation. The league contacted Congressman Charles Canady of Florida to conduct the inquiry; Canady is Chairman of the Subcommittee on the Constitution of the House Judiciary Committee. There was immediate interest in this case from Congressman Canady’s office.

In its press release calling for the Congressional inquiry, the league said the following: "For over 200 years this sacrament [Reconciliation] has been afforded a confidential status by the state and has been enshrined in law by several U.S. Supreme Court decisions. In 1973, in Doe v. Bolton, the high court stated that 'The right to privacy has no more conspicuous place than in the physician-patient relationship, unless it be in the priest-penitent relationship.'" When the D.A. capitulated on May 22, he did so in a manner that still left many issues unresolved. Although he said that "I was wrong to authorize taping that confession," he added that what he did was "legal and ethical but simply not right." The league was not entirely satisfied with this response and was concerned that other D.A.'s throughout the nation might think that bugging a priest in the confessional might be legal, however unpopular the practice might be. That is why the league called upon Congressman Peter T. King of New York to introduce legislation that would settle the matter once and for all.

Congressman King has already introduced a bill that will protect all privileged religious communications. Entitled the "Religious Communications Sanctity Act," the bill was formally introduced to the public on June 10 at a press conference organized by the Catholic League. Congressman King, Dr. Donohue and Joseph Zwillling, the spokesman for the New York Archdiocese, spoke at the event. The press conference was supported by dozens of religious organizations from several denominations.