

OREGON D.A. APOLOGIZES FOR BUGGING PRIEST IN CONFESSIONAL

Oregon's Lane County District Attorney Doug Harclerod admitted on May 22 that he made a mistake in arranging for the bugging of a priest, Father Tim Mockaitis, in a confessional in the Lane County Jail on April 22. Father Mockaitis administered the Sacrament of Reconciliation to Conan Wayne Hale and did not know that his conversation was being taped by the authorities.

In a statement made to the press, D.A. Harclerod said that he apologized to Father Mockaitis earlier in the day. But he also said that what he did was legally and ethically correct. D.A. Harclerod has asked that the tape of the confessional be placed under court seal and that it not be destroyed until it is no longer needed as evidence.

When the Catholic League learned of the bugging, it called for an investigation by the U.S. Civil Rights Commission and for a Congressional inquiry as well. Catholic League President William Donohue issued the following comments regarding D.A. Harclerod's statement

"The Catholic League is delighted with D.A. Harclerod's epiphany and we accept his apology. But we are also struck by his need for an education in law and morality. For him to maintain that there was no legal or ethical violation involved in his decision to bug a priest in a confessional is preposterous: what D.A. Harclerod did was legally unconstitutional and morally unconscionable.

"The next step to be taken by the Catholic League is to mobilize Congressional support for a federal law that permanently ensures the confidentiality of the priest-penitent

relationship. When government agents attempt to crash the wall between church and state by penetrating the sanctity of the confessional, it is clear that what was once considered sacrosanct is now seen as mundane. The Catholic League will work to correct this understanding and will use the law as its pedagogical device.”

The Catholic League is the nation’s largest Catholic civil rights organization. It defends individual Catholics and the institutional Church from defamation and discrimination.

Bill To Support Scholarships Includes Religious Schools

The Catholic League for Religious and Civil Rights is urging passage of a new bill sponsored by Congressman Jim Talent that would award scholarships to the parents of indigent children. The bill would allow parents to choose from a wide variety of schools, including private religious schools. Known as the Community Renewal Project Act of 1996, the bill is aimed at many aspects of “moral renewal,” ranging from economic empowerment to family solidarity.

Catholic League president William Donohue endorsed the legislation today:

“The Community Renewal Project is badly needed. Congressman Talent’s bill would grant scholarships to the parents of poor children that would enable them to choose the school of their choice. By doing so, the bill would go a long way toward breaking the gridlock of poverty and despair that many inner city children suffer.

“There is overwhelming evidence that Catholic schools do a superior job of educating children. Nowhere is this success more recognizable than in urban minority communities. Catholic schools offer moral, as well as academic, excellence, and have done more to provide upward mobility to indigent youngsters than any other source. It is high time government put its money where it can have the greatest growth potential.

“By granting scholarships to localities that would then grant them to parents, this bill bypasses the legal problems associated with other bills. Those who champion the interests of the poor and are supportive of religious freedom will want to see this bill passed.”

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Congressional Inquiry Sought on D.A. Who Bugged Priest

The Catholic League for Religious and Civil Rights has called for a congressional investigation of the office of Doug Harclerod, the District Attorney in Lane County, Oregon. On April 22, Harclerod ordered the taping of a confessional in the Lane County Jail; Father Tim Mockaitis administered the Sacrament of Reconciliation to suspect Conan Wayne Hale. On May 3, news reports disclosed that the confession was bugged by D.A. Harclerod.

Catholic League president William Donohue explained the league’s decision today:

"The Catholic League has called upon the offices of Representative Charles Canady to investigate the offices of D.A Doug Harclerod. Congressman Canady is Chairman of the Judiciary Committee's Subcommittee on the Constitution and is therefore in a position to conduct this inquiry.

"At stake is the sanctity of the confessional, a central exercise of religious freedom for Roman Catholics. For over 200 years this sacrament 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.'

"The Sacrament of Reconciliation is predicated on strict confidentiality between priest and penitent and cannot be compromised for any reason. The league's call for a congressional inquiry comes on the heels of an appeal it made to the U.S. Civil Rights Commission. In addition, the league is prepared to fight this case in the courts and will not yield until justice is done."

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On April 22, 1996, Father Tim Mockaitis of Eugene, Oregon administered the Sacrament of Reconciliation to Conan Wayne Hale in the Lane County Jail. On May 3, Fr. Mockaitis was

informed by a reporter of the Eugene *Register Guard* that the Sacrament of Reconciliation was recorded by the Sheriff's office. A court order allowed investigators to listen to the recording; the audio tape remains in the custody of the Lane County District Attorney.

Representatives of the Archdiocese of Portland met with the Lane County District Attorney on May 7 to review this case. District Attorney Doug Harclerod maintains that Oregon law allows the recording of conversations inside jails and admits that this is the first time that prosecutors have tried to obtain information from the jail regarding conversations between clergy and inmates.

Catholic League president William Donohue had this to say about the case:

"The Catholic League will take this case to the U.S. Civil Rights Commission and will support in an amicus capacity any lawsuit brought against the Lane County District Attorney's office.

"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.

"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.”

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