

THE TAMING OF AN OREGON D.A.

I have been told by those who know him that Lane County District Attorney Doug Harclerod is actually a nice person. Maybe he is. Maybe he's not even anti-Catholic. But he sure isn't too bright.

How any District Attorney could think that he could get away with bugging a priest in the confessional is beyond me. The guy he was interested in taping, Conan Wayne Hale, hadn't even been charged with the triple homicide he was suspected of committing when the bug was placed. Evidently, D.A. Harclerod thought that he would be a crowd pleaser by nailing Hale and wouldn't have to worry about the negative publicity that Catholics might generate. It was a gamble he lived to regret.

How did the Catholic League jump on this story so quickly? Readers will remember that we led a fight against Eugene, Oregon Mayor Ruth Bascom last fall when she refused to condemn the awarding of city money to a group of anti-Catholic bigots called "The Rickies." Eighteen men and women had dressed as nuns and priests and did a mock dance on the steps of a Roman Catholic Church during the Eugene Celebration Parade. And for this they were awarded second prize and a few hundred dollars. We took out an ad in the local paper protesting this action, so when the bugging took place, the reporters knew exactly whom to turn to for a response.

This was a story that generated an enormous amount of publicity, both at home and abroad. We got calls from Italy, England and Canada, wanting to know our reaction. We got calls from 60 Minutes and Dateline, as well as from National Public Radio, *Time* and the *New York Times*. The *Washington Post* and the *Philadelphia Inquirer* wrote editorials that were unabashedly on our side. Radio talk show hosts were, with one exception (a few wise guys from Los Angeles whom I enjoyed parrying with), uniformly supportive of our efforts.

Reporters aren't dumb—they know what's at stake once the state is able to break the seal of the confessional: journalists and their sources, psychiatrists and their patients, lawyers and clients, the clergy and the faithful—all would be vulnerable to governmental intrusion. That's why the momentum kept building our way and that's why we won.

We also won because of people like Patrick Foye. Pat is our General Counsel, a crackerjack lawyer who works at the prestigious New York law firm of Skadden, Arps, Slate, Meagher and Flom. It was Pat who obtained for me important Supreme Court decisions that acknowledged the confidential status of the priest-penitent relationship. Indeed, he is the only person in the fields of law and journalism who was able to locate this valuable information. District Attorney Harclerod tried to argue that the taping was okay because there was a sign in the jail where the confession was heard that said that no conversations were confidential. But Father Mockaitis wasn't called in to chat with Mr. Hale, rather he was asked to administer the Sacrament of Reconciliation. And that makes all the difference in the world.

What is perhaps most galling about D.A. Harclerod is the way he tried to save face. Anyone who says that what he did was "legal and ethical but simply not right," obviously doesn't know what the term ethical means. He should have plainly said that he was wrong, and just left it at that.

The Vatican is right in asking that the tape be destroyed. At this juncture, it is the counsel for Mr. Hale who seeks to safeguard the tape: she knows that the D.A. may lose the case if the tape isn't destroyed. If I am grateful to Harclerod about anything, it is that he unwittingly provided Catholics with a great teaching moment. There is great fascination about confession among those who are not Catholic and this case afforded many opportunities to separate fact from myth. In almost every instance, the media were sincerely interested in giving us a fair break in explaining the Sacrament of

Reconciliation.

I am also grateful to Robert George of the U.S. Civil Rights Commission for his interest in pursuing this case. Congressman Charles Canady is also to be congratulated for his help in looking into this matter. And to Congressman Peter King, the Catholic League is especially indebted: he wasted no time in drafting legislation that will stop this abuse once and for all.

So there are good people out there. We all know lawyers, reporters and politicians whom we don't like, but judging from what we experienced in the Oregon case, it is also true that there are lawyers like Pat Foye, reporters like Bill Bishop of the Eugene Register Guard (he broke the story) and politicians like Pete King who deserve nothing but our thanks and emulation.