

# WORLD & NATION

## Taped-confession case raises fears

WASHINGTON (CNS) — In the United States, the 9th U.S. Circuit Court of Appeals has declared it illegal and unconstitutional for government officials to tape-record a sacramental confession.

But a proposed new law in Great Britain has aroused Catholic fears that such tapings could soon be entirely legal there.

The U.S. court ruling Jan. 27 was hailed as a clear victory for religious freedom and the protection of the priest-penitent confidentiality essential to the sacrament.

In England three days later, however, Cardinal George Basil Hume of Westminster warned that under the broad powers contained in a proposed new Police Bill, "the absolute confidentiality of the sacrament of confession could be violated if the police were to be authorized to conduct surveillance of a sacramental confession."

"If a sacramental confession can be bugged — worse still, used in evidence — a fundamental right to the practice of religion is put in jeopardy," he said in a letter Jan. 30 to Michael Howard, British home secretary.

The fear the cardinal expressed was highlighted by the incident that led to the U.S. federal court ruling.

Last spring officials in Lane County Jail in Eugene, Ore., tape-recorded a sacramental confession to a priest by a prisoner who was a suspect in a triple murder. They hoped he would confess to God in the intimacy of the confessional what he hadn't told detectives investigating the murders.

As soon as news of the taping got out, the priest, Father Timothy Mockaitis, and the Portland archdiocese sought to have the

tape destroyed.

A county circuit court dismissed their claims. A federal district court declined to intervene.

It was only when Father Mockaitis and Archbishop Francis E. George of Portland appealed to the federal appeals court that they got their first real hearing on the substance of their claims.

In a unanimous decision the three-judge appellate panel found that the taping of a sacramental confession of a prisoner to a priest violated the federal Religious Freedom Restoration Act and the constitutional protection of the Fourth Amendment against unreasonable searches.

In the opinion of the court, written by Circuit Judge John T. Noonan, when a government prosecutor asserts a right to tape a sacramental confession, "he not only intrudes upon the confession taped but threatens the security of any participation in the sacrament by penitents in the jail; he invades their free exercise of religion and doing so makes it impossible for Father Mockaitis to minister the sacrament to those who seek it in the jail."

The court instructed the U.S. District Court, which had earlier declined to intervene, to issue a declaration that the taping violated federal law and the Constitution and an injunction against any further acts of the sort by government officials.

Archbishop George called the ruling a victory for "the religious freedom of all Oregonians."

Mark E. Chopko, general counsel of the U.S. Catholic Conference — who was lead attorney for a national coalition of religious

bodies that urged the court to find the taping illegal and unconstitutional — said the appeals court "correctly declared what all of us in the religious community already knew: The deliberate taping of a sacramental confession violates the law — both federal statute and the Bill of Rights."

Cardinal Hume cited the U.S. case in his warning that the new Police Bill in Britain could create a similar problem.

"An individual penitent who goes to confession to a priest has to be certain that, whatever the crime, not only will the priest never reveal what is said, but that the state will not conspire to undermine the church's guarantee of absolute secrecy," he said.

"If a sacramental confession can be bugged — worse still, used in evidence — a fundamental right to the practice of religion is put in jeopardy," he added.

He said the bill draws special attention "to the gravity of requests by the police which would interfere with the client-lawyer relationship, or certain other professional confidential relationships," but "no explicit mention is made of the special nature of sacramental confession."

Cardinal Hume asked that either the bill itself or the draft code of practice be amended to "safeguard the sacrament of confession" from government violations of its secrecy.

A spokeswoman for the Home Office called it "highly unlikely" police would want to install surveillance in a confessional.

But she added, "There can't be any exceptions in a bill of this nature — if exceptions were granted for one interest group, then others would all want it, too."



CNS/Reuters

## Pope prays for religious

Pope John Paul II prays during Mass on the feast of the Presentation in St. Peter's Basilica Feb. 2. He told thousands of women and men religious gathered for the Mass that they are called to be joyful witnesses of Christ's light in the world.

## CALENDAR

### All Dioceses

#### Social Activities

■ **FRI, FEB. 7** — "A Night at the Little": for Catholic Twenties/Thirties; sponsored by the diocesan Young Adult Planning Committee; Little Theatre, 240 East Ave., Rochester; 6:35 p.m.; call Karen Rinefield, 716/328-3228, ext. 255.

### Chemung Schuyler

#### Education

■ **MON, FEB. 10** — Registration: for families new-to Holy Family Catholic Schools of Elmira; 6-8 p.m.; for information call 607/734-4414.

#### Religious Activities

■ **TUE, FEB. 11** — Mass: for the Anointing of the Sick, Our Lady of Lourdes, 1100 W. Church St., Elmira; 11 a.m.; Lourdes water will be distributed.

#### Social Activities

■ **TUE, FEB. 11** — Mardi Gras: Our Lady of Lourdes Parish Center, Elmira; 6 p.m.; adults \$4, children \$2, family \$16.

### Livingston County

#### Fundraisers

■ **SUN, FEB. 9** — **Mardi Gras breakfast:** sponsored by youth of St. Joseph of Livonia and St. William of Conesus; St. Joseph Church, 14 Washington St., Livonia; 9-11:30 a.m.; to benefit agencies feeding the poor.

#### Religious activities

■ **FRI, FEB. 7** — Taizé prayer: St. Patrick's Church, 46 Stanley St., Mount Morris; 7:30 p.m.; call 716/658-2110.

#### Social activities

■ **FRI, FEB. 7** — Potluck dinner: For young adults; St. Patrick's Church rectory, 46 Stanley St., Mount Morris; 6 p.m.; sponsored by St. Patrick's young adult group; bring dish to pass; call 716/658-2110.

### Monroe County

#### Education

■ **THU, FEB. 13** — Open house: Our Mother of Sorrows School, 5000 Mt. Read Blvd., Rochester; walkthrough Gr. 1-8, 9-11 a.m.; Kdg., 8:15-9:15 a.m., noon-1 p.m.

#### Fundraisers

■ **FEB. 7, 8, 14 & 15** — Play: "Acting Up"; St. Catherine's Church, Rt. 64, Mendon; 8 p.m.; tickets are \$8.

#### Meetings

■ **FRI, FEB. 14** — Information night: on Irish issues and tourism; at the home of St. John Fisher Campus Minister

Deirdre McKiernan Hetzler, 33 Rochester St., Scottsville; 7:30 p.m.; for more information call Deirdre, 716/889-9419.

#### Religious Activities

■ **FRI, FEB. 7** — First Friday Mass: with the Catholic Women's Club, 492 East Ave., Rochester; noon; Fr. Lee Chase, celebrant.

■ **SUN, FEB. 9** — Mass: to begin Catholic Schools Week; Our Mothers of Sorrows Church, 5000 Mt. Read Blvd., Rochester; 11 a.m.; reception.

■ **WED, FEB. 12** — Day of Recollection: with Fr. Tim Keating of the Notre Dame Retreat House; sponsored by the Catholic Women's Club; Sisters of St. Joseph Motherhouse, 4095 East Ave., Rochester; 9 a.m.-3 p.m.; reservations requested; call Clubhouse, 716/461-9173.

■ **THU, FEB. 13** — Prayer Meeting: "Teaching — New Age"; by Fr. Doug DellaPietra; Borroneo Prayer Center, 3011 Lyell Ave., Rochester; 7:30 p.m.

#### Social Activities

■ **FRI, FEB. 7** — TGIF: with St. Louis Single Adult Ministry; The Brookwood Inn, 800 Pittsford-Victor Rd., Pittsford; for more information call 716/586-8467.

■ **FEB. 7 - MAR. 2** — Play: "Mrs. Klein"; Shipping Dock Theatre, 3690 East Ave., Rochester; call 716/385-8400.

■ **SUN, FEB. 9** — Concert: "Genesee Floodplain and District Soundcrafters Guild"; Gerald G. Wilmot Recital Hall, Nazareth College, 4245 East Ave., Rochester; 7 p.m.; free.

■ **TUE, FEB. 11** — Potluck supper: celebrating 50th birthday of Our Mother of Sorrows School, 5000 Mt. Read Blvd., Rochester; 6 p.m.

■ **WED, FEB. 12** — Irish Perceptions: "The Irish Hedge Schoolmaster"; presented by the Irish American Cultural Institute; St. John Fisher College, Haffey Hall, 3690 East Ave., Rochester; 7:30 p.m.; call Ted McGraw, 716/387-9116.

### Steuben County

#### Social Activities

■ **THU, FEB. 13** — Valentine Party: hosted by the Catholic Daughters of the Americas, Court St. Joseph #139; Radisson Hotel, Corning; 11:30 a.m.; call Connie Castellana, 607/936-3663.

### Tompkins Tioga

#### Religious Activities

■ **FRI, FEB. 14** — Healing Liturgy: St. Margaret Mary Church, 1110 Pennsylvania Ave., Apalachin; music, 7 p.m.; liturgy, 7:30 p.m.

#### Social Activities

■ **SAT, FEB. 8** — Chicken Barbecue: St. Patrick School, 309 Front St., Owego; starting at 3 p.m.; eat in or take out; for

tickets or information call 607/687-2676.

### Yates Ontario Wayne

#### Meetings

■ **THU, FEB. 13** — Meeting: of the Bereavement Support Group, sponsored by St. Mary's Church, E. Gibson and Main streets, Canandaigua; 7-8:30 p.m.; for information call Marcia Webster, 716/394-6836.

#### Religious Activities

■ **SUN, FEB. 9** — Mass: to begin Catholic Schools Week; St. Michael Church, Newark; 10:30 a.m.; coffee hour follows in school gym; school tours 11:30 a.m.-1 p.m. for new families interested in registering.

#### Social Activities

■ **SAT, FEB. 8** — Winter Festival: hosted by St. Mary's Home School Association; St. Mary's School Gym, 16 Gibson St., Canandaigua; 7 p.m.; buffet dinner at 10:30 p.m.; tickets \$5, restricted to those 21 and over; call St. Mary's School, 716/394-4300.

■ **FRI, FEB. 7** — Reservation deadline: for Feb. 14 annual Loaf & Ladle; sponsored by The Granger Homestead Society, Inc., 295 North Main St., Canandaigua; 11:30 a.m., 1 and 5 p.m. seatings; delivery also offered to home or business; for reservations call the Homestead, 716/394-1472