

HPR, FEBRUARY 1989

questions answered

by Joseph J. Farragher,

Can a bishop withdraw from  
the U.S. Catholic Conference?

Question: Can a bishop withdraw from the U.S. Catholic Conference? It seems to me that a bishop is not required, in this country, to belong to the USCC. But can he withdraw from the NCCB? I can't find anything in the canons about withdrawal. In any event I would very much appreciate some kind of a reply, either yes or not. And if yes, what might the conditions be under which a bishop could withdraw. Any help you can give on this point will be much appreciated.

Answer: A "Mission Statement," adopted at the 1981 general meeting of the NCCB-USCC considers the two as one institution: "The NATIONAL CONFERENCE OF CATHOLIC BISHOPS and the UNITED STATES CATHOLIC CONFERENCE are a permanent institute...." As a distinction, the statement further says: "The NCCB deals principally with matters connected with the internal life of the Church. The USCC deals principally with affairs involving the the general public, including social concerns, education, and communications, on the national level and in support

of efforts at the regional and diocesan levels." Or, as the USCC Bylaws state: "The USCC is a civil agency of the Catholic Bishops of the United States and is a corporation under the non-profit corporation statutes of the District of Columbia." (Art.2,Sec.1.) Some of the bylaws, therefore, will be worded to conform to civil law. For example, Article 3 treats of membership in the corporation: Sec.1: "The following persons are eligible for membership in the USCC...." And Sec.3: "New members are admitted by a vote of the general membership at the start of each general meeting." This may sound as though membership is not automatic in the USCC; but the language is that of civil corporations. De facto, since the NCCB and the USCC are a single institute, the membership and officers are the same for both. The only way in which I can see that a bishop could withdraw from the NCCB-USCC is to resign his office as a diocesan bishop. Canon Law (can.450) states that all diocesan bishops are by law [ipso iure] members of the conference of bishops, and therefore, for all practical purposes, also of the USCC. The "Statutes" and bylaws of the combined group are approved by the Holy See.

It can be a different question to ask to what extent is a bishop bound to pay the NCCB-USCC assessment on his diocese. I have heard that there are several bishops who do not pay their assessments, but I could not be sure whether it is because of their objections to the work of the USCC or because they judge that the assessments are not fair to their dioceses. Is the assessment binding in conscience on the bishop? The actual assessment technically is not binding in conscience as Church law. For this it would have to be approved by a two-thirds vote of the Conference and <sup>also</sup> be approved by the Holy See. However, there is an element of natural distributive justice involved. If the assessment is excessive, it would not be binding to the full amount. But natural distributive justice does seem to oblige each to pay one's fair share of common expenses. And certainly no bishop could say that all the work of the USCC is immoral, even though they might consider some parts of statements or papers published to be contrary to Church doctrine.

Presumably, the reason that a bishop might want to withdraw from the USCC or to refuse to pay the assigned assessment, is disapproval of the actions, words, or tone of some of the committees, or, simply disapproval of the vast complex of committees and offices and lesser authors of statements. I would agree that the tone of the first drafts of several papers from the NCCB-USCC in recent months and years has annoyed me, to say the least. And there is no question that there are political groupings in the conference, and that, to date, the liberal side has dominated. An interesting novel concerning how such political groupings might form and act is depicted in Church and State: A novel of politics and power, by Mr. Russell B. Shaw, an orthodox Catholic layman, who spent quite a few years as the Secretary for Public Affairs, in the General Secretariat of the NCCB-USCC. Unfortunately, the book seems to be out of print at this time. [Incidentally, another novel by Mr. Russell is Renewal, published by Garnet Books, a division of Ignatius Press of San Francisco.] Exerting political pressure involves skill and hard work and seems somewhat foreign to priestly activity. It is becoming more of a real possibility for those disappointed by the liberal trend in the NCCB-USCC in the light of recent papal appointments to the episcopacy in our country. It is certainly desirable that the bishops present a united front, but it should not be at the sacrifice of what should be their proper stance in doctrinal matters.

One possible aid to bishops who want the NCCB-USCC statements to be orthodox Catholic teaching would be to consult more with the Fellowship of Catholic Scholars than with the Catholic Theological Society of America, which has become quite a hotbed of dissent and hardly deserves the qualification of "Catholic," especially in the field of moral theology. It was no surprise to me that a number of recent past presidents of CTSA protested the CDF action of getting Fr. Charles Curran removed from the theology department of the Catholic University of America. As I have written before in the HPR, I blame the bishops for allowing tenure to Fr. Curran when he first came up for that decision. From what I have learned later, I would say that he should never have been hired in the first place, since he was

already known to have dissented from the Church's constant teaching on contraception. His influence over his years at Catholic U. has contributed to his strong political strength in the CTSA, since many of his pupils at Catholic U. are now seminary professors around the country.

What are the requirements  
for a private chapel?

Question: Like a lot of retired priests, I live alone in an apartment. When I am not called upon to say Mass elsewhere, I offer Mass privately at home. Recently I was pleasantly surprised when our bishop told me I had his permission to reserve the Blessed Sacrament for my private devotion, observing, of course, the necessary conditions, such as secure tabernacle, consume the Species when I will be away, etc. I have two questions: 1) According to the old Code, it is my understanding that this privilege was not permitted in a private oratory. Can my bishop grant me this privilege? 2) Concerning the place of reservation: Is it now permitted to offer Mass and reserve the Blessed Sacrament with a bedroom overhead? I would like to use a guest bedroom as a chapel. In the apartment above, in the same location is a second bedroom, which the widow who lives there uses as a den, except when she has occasional overnight guests. A priest canonist tells me that it is nothing to worry about. Is he right?

Answer: You were right in recalling that the old Code required a papal indulgent for a priest to have a private chapel even for saying Mass outside of necessity (old canon 822, §2), or to reserve the Blessed Sacrament outside a church or public or semi-public oratory (old can.1265, §2) An Instruction of the Congregation of the Sacraments, October 1, 1949, emphasized the various requirements for obtaining such indulgences from the Holy See (CLD 3:318-40). Both ~~the~~ old canon 822, §4 and that Instruction mentioned that Mass should not be celebrated in a bedroom, although the Instruction qualifies that as a room where someone ~~usually sleeps.~~ usually sleeps.