

Archdiocese of Santa Fe's Annual Red Mass

By Archbishop Emeritus Joseph A. Fiorenza, Galveston-Houston, Homilist

The annual Red Mass takes place in almost every U.S. diocese as a significant tradition but for two other important reasons. It is a recognition by the church of the high-esteem for the noble legal profession and its contribution to the overall good of a well-functioning society, but also it is a recognition of the need for divine guidance since human justice is based on a careful balance of the law with the circumstances of the human condition. Such an endeavor is subject to errors in human judgment, but with God's help and the good will and professionalism of attorneys and judges involved, society can be assured that our legal process is the best and fairest we can expect this side of heaven.



It is my honor and pleasure to accept the invitation of your archbishop to participate in this year's Red Mass. I welcome, acknowledge, and appreciate the distinguished presence of the judges, attorneys and all in the Albuquerque legal community. We pray together during this Eucharist that God's Holy Spirit will be with you during this judicial year as you performed assigned tasks on behalf of the citizens of this community.

Today I want to discuss with you an issue which is receiving a great deal of attention in every part of the country. I refer to the First Amendment in which our founders recognized freedom of religion not as a concession by the State, but as a right from the Creator inherent in human dignity. This right inscribed in the Bill of Rights, was mentioned in President John F. Kennedy's inaugural address when he stated: our rights *"come not from the generosity of the State but from the hand of God"*.

Freedom of religion according to one's faith beliefs has not only been honored in our country from its beginning, but it has been a moral strength which has greatly helped to mold the American spirit and character. While there is no wall of separation between Church and State in the Constitution, generally we have accepted this Jeffersonian phrase as a workable relationship between the rights and needs of the State and the needs of the religious community to exercise freedom of religion.

Americans have always been grateful that our government has not tried to interfere with our freedom of religion. We have always viewed with horror totalitarian states which suppressed their citizens' freedom of religion. For Communist countries, freedom of religion really meant "freedom of worship", which meant people were free to pray in church, but outside church they were not allowed to teach the faith or engage in faith-based charitable activities.

There has always been some in our country who have erroneously misread President Jefferson's "*wall of separation between Church and State*". In their mistaken view they have labeled violations of the wall of separation whenever religious groups would support in the public square issues as civil rights for all citizens, the rights of workers to form associations and to collective bargaining for a living wage, or to lobby for immigration reform, or to oppose the death penalty, all which relate to religious principles of justice and charity. However, today I think most fair minded Americans can distinguish between these legitimate religious activities in the public square and violations of the wall of separation or partisan activities.

What is very disturbing today are the efforts of some in government and different interest groups which distinguish between freedom of worship and the freedom to publicly exercise this freedom. While granting freedom of worship they fail to understand that religious freedom cannot be limited to freedom of worship. Religious freedom includes the right to participate in public activities and public discourse of all citizens without violating their religious convictions. For religious believers faith is not something which is lived only in private. For believers there is no dichotomy between what is believed on Sundays and lived publicly during the week.

Let me list some current public issues in which there is the threat that unless we follow government regulations at the state or federal levels and violate our religious convictions we will force to close our charitable activities and healthcare facilities.

In some states, and most recently in Illinois, laws were passed requiring that Catholic Charities must allow adoptions to all couples which qualify as adoptive parents or foster parents including same-sex couples in a civil union or where allowed same-sex civil marriage. The adoption services which Catholic Charities have provided to local communities for a hundred or more years will have to terminate this service rather than be forced to violate a moral conviction about what is best for adoptive children or for children placed in foster homes. Recently, a federal appealed judge upheld the Illinois law.

In Alabama is a case of legislation in the field of immigration which is the most drastic and strictest state immigration law. The Alabama law not only makes it illegal to enter and reside in the United States, but makes it a crime to transport or consider to transport an alien in Alabama. The law is so broadly written that it affects every part of life for an undocumented immigrant. In doing so, it is illegal to offer pastoral ministry to them or offer humane services to them. The Alabama law makes it illegal for a priest to baptize or celebrate other sacraments for them. It would be illegal to give them a ride to Mass or encourage them to attend religion classes, or allow them to shop at our thrift shops or to give them food or clothing. Archbishop Thomas Rodi of Mobile said the law attacks our very understanding of what it means to be a Christian following the teaching of our founder.

The state of New York legalized same-sex marriage this past summer. As you know, same-sex marriage is a growing effort to redefine the meaning of marriage in violation not only of the clear biblical understanding of marriage, but also in violation of the traditional understanding of marriage by all societies in the Western world, and especially by our government since its beginning. While

the Constitution does not define marriage as between one man and one woman, one would be hard pressed to detect in our Founders the slightest indication to the contrary. Believing strongly that traditional marriage must be protected for the good of society and children who need the indispensable role of both father and mother, the Church will continue to oppose same-sex marriage, not out of discrimination or some other form of bigotry, but based on the conviction that God instituted marriage as between one man and one woman.

While we will acknowledge as legal but most unfortunate any state law legalizing same-sex marriage, we will rigorously oppose any effort that would require the Church to officiate at these unions, or make available Church facilities for such weddings. In the State of New York, we are grateful that the legislation exempted religious communities from being required to participate in any way with same-sex marriages. However, it must be noted there were strong efforts in New York that opposed this exemption. All of which indicates that in the minds of many Americans, should the State find in its interest to require the Church to allow such legislation it would violate the right to religious freedom. Even now, Catholics who are County Clerks or Justices of the Peace are having conscience objection to participating in a same-sex marriage. Will they be held in violation of law for refusing to issue a marriage license or officiate at a same-sex marriage?

Another issue of serious concern to the Church is the proposed federal mandate that private insurance plans must cover contraception and sterilization under the Patient Protection and Affordable Care Act that Congress passed and signed by the President. While the Department of Health and Human Services has proposed guidelines that could exempt religious organizations from the mandate, they are so narrowly drawn that the exemption would not include Catholic hospitals and clinics. For example, two of the proposed criteria are: the religious organizations would primarily employ persons who share its religious tenets and that it primarily serve persons who share its religious tenets to be considered "sufficiently religious."

It defies belief that the Department of Health and Human Services would not know that our Catholic hospitals serve all people regardless of creed, race or sex. And surely they know that our hospital system throughout the country employs many people who are not Catholic and serve all people regardless of race or creed.

We are objecting to the proposed mandate but it shows a disregard for the full meaning of the First Amendment. It proposes a threat to rights of conscience and freedom of religion and would require our Catholic health facilities and Colleges to provide insurance coverage for contraception, sterilization and drugs with an abortifacient effect contrary to our religious beliefs and moral convictions.

The several cases I have outlined are attempts to legislate law "*prohibiting the free exercise of religion*". It seems to me there will be more of these efforts to restrict the exercise of religion to within church walls. The secular world and the sacred are not in themselves opposed to one another. After all, Jesus said, "render to Caesar the things that are Caesar's, and to God the things that are God's." The real problem is a form of secularism, called profane secularism which seeks to exclude God from all public life and confine Him to the church or synagogue or mosque. The growing

profane secularization of our society will seek to impose on religious organizations a form of legislative dictatorship in violation of the traditional respect both federal and state legislators have had for religious freedom as an important ingredient to freedom of worship.

This tradition reaches back to President Thomas Jefferson who wrote in 1804 to the Ursuline nuns in New Orleans where the first Catholic hospital was established that their charitable works could continue in accord with their own rules "*without interference from civil authority*". This pledge of our third president is in jeopardy if current secular trends infringe on the freedom of religion.

John Allen, the outstanding Catholic journalist and the most astute American analyst of the Vatican and Catholic issues said recently that, "*religious freedom is the premier social and political concern of the Church in the early 21st century*".

You in the legal community can be of immense help in keeping religious communities free from any legislative attempts to require them to violate their religious beliefs in the exercise of their charitable and health care ministries.

Throughout this Red Mass we pray that God will abundantly bless your legal service to civic society so that local communities will be assured that its citizens can exercise freedom of religion without violating their faith beliefs and moral conviction.