



ARCHDIOCESE FOR THE MILITARY SERVICES, USA
The Most Reverend Timothy P. Broglio

Renewed Fidelity in favor of Evangelization

As members of the Church founded by Jesus Christ to meet the needs of the baptized and to proclaim that good news about the salvation given by Him, we are also aware of His clear teaching about the danger of scandal (Mt. 18:6). This world is a pilgrimage to life without end. At the conclusion of our walk through life we must stand before the Throne of Grace to give an accounting of our fidelity.

St. Paul reminds priests to be all things to all people (1Cor. 9:22). A clear disservice is rendered if the truth of the Gospel is confused by the actions of those ordained to disseminate that truth. The current situation makes it necessary to reiterate with clarity the teaching of the Catholic Church regarding homosexuality. However, it must never be forgotten that the human condition occasions many failings. St. Paul continually reminds us of that fact in his letters to the communities of believers.

Priests ordained to minister Word and Sacrament and endorsed to serve Catholics in the Armed Forces, the Veterans Administration Medical Centers, and those who serve the US Federal Government outside the borders of the United States of America know that theirs is a twenty-four-seven vocation. By speech, action, and example they witness to the truth revealed by the Lord in all that they do (see Eph. 4:14).

Recent changes in interpretations of the laws of the Federal Government oblige me to recall what is clearly held by the Catholic Church. At the same time I am grateful to the Congress of the United States for its passage of renewed conscience-protection language, specifically for chaplains in the Armed Forces.

Ministry

No Catholic priest or deacon may be forced by any authority to witness or bless the union of couples of the same gender. No Catholic priest or deacon can be obliged to assist at a "Strong Bonds" or other "Marriage Retreat", if that gathering is also open to couples of the same gender. A priest who is asked to counsel non-Catholic parties in a same-gendered relationship will direct them to a chaplain who is able to assist. Catholic parties will, of course, be encouraged by the priest to strive to live by the teaching of the Gospel.

Participation in retirements, changes of command, and promotion ceremonies is possible, as long as the priest is not required to acknowledge or approve of a "spouse" of the same gender.

While the tradition of the Catholic Church always tries to find reasons to bury the dead, a priest may not be placed in a situation where his assistance at a funeral for a Catholic would give the impression that the Church approves of same sex "marital" relationships (see CIC, c. 1184, §1,3^o). In the case of doubt, the Archbishop for the Military Services, USA must be consulted (see CIC, c. 1184, §2).

Lay Ministries

Obviously, anyone who is known to be in a sinful relationship is excluded from ministries in the Catholic community. While this list is not intended to cover every situation, lectors, extraordinary ministers of Holy Communion, altar servers, catechists, and members of the Catholic Council immediately come to mind.

Participation

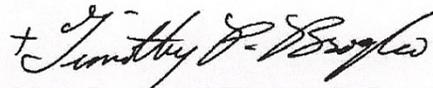
We are also mindful of the Lord's words, "Let the one among you who is guiltless be the first to throw a stone..." (Jn. 8:7b). The Church must minister to all regardless of their sexual inclination. While the invitation to conversion cannot be diluted, the door to the mercy of Christ, obtained through His Cross, must be kept open. Priests and deacons will be guided by the principles of the *Catechism of the Catholic Church* (cf. nos. 2358-2359) and never forget that it is the sin that is hated and never the sinner.

In the quest for continued fidelity to the truth of the Gospel, it must not be forgotten that estimates indicate that same-gender couples represent less than half of one percent of those in the Armed Forces. While every individual is important, such a small group cannot be allowed to mandate policy for all.

Guidance for Catholics in Command Positions

I am not unaware that the faithful entrusted to my pastoral care also include those Catholics who exercise command positions. They can be faced with additional questions as they fulfill their responsibilities to those above and below them in the chain of command. Consequently in response to a doubt raised by the AMS regarding the question of a person's possible cooperation with evil, the National Catholic Bioethics Center (NCBC) stated:

"Commanders of United States military installations/veterans' facilities (hereafter, 'commanders') would not be engaging in morally illicit cooperation, but rather tolerable remote mediate material cooperation with evil by implementing federal employee benefits accruing pursuant to same-sex marriage, as required by *United States v. Windsor*. Our determination is contingent on the situations in which commanders are unable to avoid such cooperation without jeopardizing their own just right to their employment security for themselves and/or their families. This is also contingent on the commander making known his/her objection to being required to so participate, as well as on attempting through legal channels to continue to accomplish changes in policy consistent with the historic understanding of marriage and family as based on natural moral law. Also, if without incurring a demotion of loss or downgrade of position/rank/grade or other serious harm, there is a mechanism to have others more senior in the chain of command to carry out the implementation of such policy, this should be pursued."



Most Reverend Timothy P. Broglio
Archbishop for the Military Services

Response to the Archdiocese for Military Services by The National Catholic Bioethics Center (NCBC)

Question Pertaining to Cooperation with Evil:

Re – Commanders’ of Military Installations/Veterans’ Facilities Compliance with Same-Sex Couple Benefits

Pursuant to the U.S. Supreme Court Decision (SCOTUS) *United States v. Windsor*

Conclusion:

Commanders of United States military installations/veterans’ facilities (hereafter, “commanders”) would not be engaging in morally illicit cooperation, but rather tolerable remote mediate material cooperation with evil by implementing federal employee benefits accruing pursuant to same-sex marriage, as required by *United States v. Windsor*. Our determination is contingent on the situations in which commanders are unable to avoid such cooperation without jeopardizing their own just right to their employment security for themselves and/or their families. This is also contingent on the commander making known his/her objection to being required to so participate, as well as on attempting through legal channels to continue to accomplish changes in policy consistent with the historic understanding of marriage and family as based on natural moral law. Also, if without incurring a demotion of loss or downgrade of position/rank/grade or other serious harm, there is a mechanism to have others more senior in the chain of command to carry out the implementation of such policy, this should be pursued.

History:

The federal *Defense of Marriage Act* (DOMA), signed into law on September 21, 1996, defined marriage under federal policy, and the federal benefits that can accrue from it, as between one man and one woman. SCOTUS, in *United States v. Windsor* (June 26, 2013, to be implemented by July 21, 2013, retroactive to date of decision; but installations have until October 1, 2013 to fully implement this policy change), overturned section 3 of DOMA, pertaining to the federal benefits that were available to heterosexual couples, finding that to prevent access to such benefits by legally married same-sex couples is unconstitutional. Such federal benefits include, among other benefits: federal employee health (including COBRA) and pension benefits; federal employee option to use family medical leave to care for a spouse; federal employer recognition of the children of same-sex married couples as the employee’s stepchildren (if not biological or adopted children of both partners); spousal income tax exclusion of employer-provided health benefits; Social Security survivors’ benefits; the opportunity to sponsor a foreign-born spouse for citizenship; and access to veterans’ spousal benefits. The decision concluded that DOMA violated the Fifth Amendment’s guarantee of equal protection of laws as applied to persons of the same sex who are legally married under the laws of their state.

Moral Question:

Can Commanders who are responsible for implementing the aforementioned policy for their military and civilian personnel, and their now legally recognized (under federal law) families, do so without engaging in morally illicit cooperation with evil? It is our understanding

that through guidance issued by the U.S. Department of Defense in September 2011, military chaplains in installation chapels may witness/perform same-sex marriages if they choose to do so; however, this is not the question that has been posed to the NCBC at present.

Cooperation with Evil:

- Formal Cooperation in evil, which always is morally illicit, would exist if the cooperator (commander) has the same intent as these principal agents (the federal government and the same-sex couples) in recognizing same-sex marriages as equivalent to heterosexual marriages through the granting of federal benefits. The evil that is occurring is not in the actual granting of such benefits, but in the affirmation of unions contrary to natural law, as well as of the actions that contribute to fatherlessness or motherlessness of children. Since the commander may implement such policies out of obedience to the chain of command not for the sake of promoting immorality, but to maintain the commander's position/rank/grade, this might appear to be implicit formal cooperation. However, when there is an objection to the policy, and since the granting of employee benefits, itself, does not accomplish unions contrary to natural moral law, or create homes which already exist that are fatherless or motherless, the commander's implementation of federal policies pursuant to *United States v. Windsor* does not constitute formal cooperation in evil, explicit or implicit.
- Immediate Material Cooperation with evil is virtually always morally illicit as it provides material assistance that is essential to immoral acts of the principal agents, thus, causing the act to be accomplished. As cited, above, the causation between the granting of employees benefits and the immoral acts is not direct. Thus, the commander is not engaging in immediate material cooperation.
- Mediate Material Cooperation with evil involves the provision of material assistance which is non-essential to the immoral acts of the principal agents, which facilitates/makes possible the immoral acts, without a direct causal relationship. Depending on the significance of the cooperation to facilitating the immoral acts this cooperation may be proximate or remote. Both proximate or remote mediate material cooperation may be tolerated if: there is a proportionate good to be achieved/maintained in relationship to the evil (commander's position/rank/grade and maintenance of support of self/family, and continued presence in the chain of command of a commander who respects natural moral law); efforts are made to avoid having to cooperate in the evil, as well as to change policy within what is possible based upon the role of the commander; there is an attempt to secure a mechanism to have others more senior in the chain of command to carry out the implementation of such policy; and objections to policy are presented. The role of the commander in implementation *United States v. Windsor* would appear to involve justifiable remote mediate material cooperation under the conditions specified in this section.