

# St. Thomas More Society of San Francisco

[www.stthomasmore-sf.org](http://www.stthomasmore-sf.org)

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Chaplain Msgr. Labib Kobti

June 7, 2011

Dear Members and Friends of the Society:

San Francisco Chronicle columnists Matier & Ross carried a report last month that the Speaker of the United States House of Representatives John Boehner was seen reading "The Life of Thomas More," by Peter Ackroyd, while on a flight to San Francisco.

No doubt Speaker Boehner had seen our April Newsletter!

## JUNE LUNCHEON

Our next lunch meeting will be held on **Wednesday, June 22, 2011 beginning at 12 noon**. We are pleased to announce that our luncheon guest will be **Derek Covert, Executive Vice President and General Counsel of Catholic Healthcare West**, speaking to us on the timely topic of "Challenges Facing Catholic Health Care in the United States." In his role at CHW, Mr. Covert not only heads its civil law activities, he also leads the organization's efforts when canon law and moral theological issues arise. Mr. Covert has kindly provided a few articles (attached at the end of this newsletter) as helpful background. **MCLE credit will be available for attendees at no extra charge, courtesy of Gregory Schopf, Esq. and Nixon Peabody LLP.**

Please note that this month's lunch falls on a Wednesday (instead of our usual Thursday). Lunch will be held at **The Family, 545 Powell Street, San Francisco** (corner of Bush and Powell). Parking is conveniently located nearby at the Sutter Stockton Garage or at Union Square.

A **Luncheon Reservation Form** is attached to this letter to make your reservation. We ask that reservations be made in advance, as this greatly assists your Executive

Committee and The Family staff to better serve you. *You do not have to be a member of the Society to attend our events.*

The Society is pleased to host potential new members at our cost. If you wish to bring a potential new member, please so indicate on your Luncheon Reservation Form. The Reservation Form also offers you the opportunity to sponsor one or more law students or members of the Clergy at \$20 per person.

### **ALL ABOARD!!**

Many thanks to all past and new Members who have paid their annual dues! For those who have not had a free moment, the **2011 Membership Form** (also attached to this letter) may be used to pay your 2011 Dues and to update your membership records. Dues for attorneys retired from practice are now *reduced* to only \$50 per year.

The 2011 Membership Form may also be used by new members to join the Society – feel free to copy it, email it, and pass it around!

### **ON THE HORIZON**

As per custom, the Society takes a break from monthly lunches during the summer. When we come back in September, Father James Matthews will return as our lunchtime speaker

\* \* \*

We are looking forward to seeing you at our June 22 lunch meeting. Look for updates in our monthly newsletters and emails. And be sure to visit our website at [www.stthomasmore-sf.org](http://www.stthomasmore-sf.org).

For the Executive Committee:

Sincerely yours,



Adrian G. Driscoll  
President

Enclosures:

2011 Membership Form  
June Luncheon Reservation Form

## ST. THOMAS MORE SOCIETY JUNE 22, 2011 LUNCHEON RESERVATION

\_\_\_\_\_ I plan to attend the St. Thomas More Society Luncheon at **12:00 noon** on **Wednesday, June 22, 2011** at The Family Club, 545 Powell Street, San Francisco, CA (Corner of Bush and Powell).

Please reserve \_\_\_\_\_ places at \$45 per person (over 10 years in practice).

Please reserve \_\_\_\_\_ places at \$38 per person (10 years or less in practice).

Please reserve \_\_\_\_\_ places at \$20 per person (law students and clergy).

Member Name: \_\_\_\_\_

Member email: \_\_\_\_\_

Names of other attendees for whom payment is submitted:

\_\_\_\_\_

\_\_\_\_\_ I am bringing the following potential member as a Guest of the Society:

\_\_\_\_\_

\_\_\_\_\_ I would like to sponsor one or more law students or members of the clergy at \$20 per person and include \$\_\_\_\_\_ in my check for such purpose.

The total amount of my enclosed check is \$\_\_\_\_\_.

Please make checks payable to the "*St. Thomas More Society of San Francisco.*"

Please RSVP and send checks to:

Isabelle L. Ord, STMS Treasurer  
DLA Piper LLP (US)  
555 Mission Street, Suite 2400  
San Francisco, CA 94105  
Tel: (415) 836-2536  
Fax: (415) 659-7336  
Email: [isabelle.ord@dlapiper.com](mailto:isabelle.ord@dlapiper.com)

**St. Thomas More Society of San Francisco**

**ST. THOMAS MORE SOCIETY OF SAN FRANCISCO**

**2011 MEMBERSHIP FORM**

*Use this form to pay your annual Dues and update your Membership Record.  
New members may use this form to join the Society.*

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Firm, Company or Court:** \_\_\_\_\_

**Street Address or P.O. Box:** \_\_\_\_\_

**City, State and Zip:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Home Street Address:** \_\_\_\_\_

**City, State and Zip:** \_\_\_\_\_

**Home Telephone:** \_\_\_\_\_

**Parish:** \_\_\_\_\_

**Preferred Address for Society Mailings:**    **Business** \_\_\_\_\_                      **Home** \_\_\_\_\_

**Law Student?** \_\_\_\_\_

**Year Admitted to Bar:** \_\_\_\_\_                      **Retired from Practice?** \_\_\_\_\_

Please accompany this application with current dues. Annual dues are \$100 for attorneys over five (5) years in practice; \$50 for attorneys retired from practice and attorneys with five (5) years or less in practice; and \$25 for law students. Please make checks payable to **St. Thomas More Society**. Thank you!

*Return application and check to:*

**Isabelle L. Ord, Treasurer**  
**DLA Piper LLP (US)**  
**555 Mission Street, Suite 2400**  
**San Francisco, CA 94105**  
**Tel: (415) 836-2536**  
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## Despite Phoenix dispute, Bishops' ties with CHA called strong

Jan. 31, 2011

Article Details "We're all in this together," says Archbishop Dolan

Despite everything -- the fact that they were on opposite sides of the health care reform debate and recently had a dispute over a hospital in Phoenix accused of performing a direct abortion -- ties between the Catholic Healthcare Association and the U.S. Bishops' remain fundamentally strong. The story may thus hold lessons for how other parties in the church can keep lines of communication open.

[dinardo.jpg](#) [1]

Cardinal Daniel N. DiNardo of Galveston-Houston smiles during an informal news conference at the U.S. Conference of Catholic Bishops' headquarters in Washington Jan. 25. (CNS photo/Bob Roller)

### ANALYSIS

On a scale of predictability, today's tensions between the U.S. bishops and the Catholic Health Association would probably rank with the rising of the sun. Last year the bishops and the association, which represents America's Catholic hospitals, were on opposite sides of the health care reform debate, and new fault lines have erupted over a member hospital in Phoenix accused of performing a direct abortion.

In that light, the real story probably is not that the relationship has been strained. Instead, it's that several leading American prelates insist their ties with the association, despite everything, remain fundamentally strong. The back-and-forth between the association and the American bishops may thus hold lessons for how other parties in the church can keep lines of communication open, even in the teeth of disagreements on highly contentious questions.

In recent weeks, four bishops -- including the past and current presidents of the U.S. bishops' conference, the chair of the bishops' pro-life committee, and a bishop who sits on the Catholic Health Association board -- have told *NCR* that they're optimistic about the future of relations with the association.

"We're all in this together," said Archbishop Timothy Dolan of New York, president of the U.S. Conference of Catholic Bishops, in a mid-January interview.

"It's not that the CHA is working on the side of the hospitals, while the bishops are trying to preserve a pure morality because it's being chipped away," Dolan said. "Philosophically, we're on the same page."

Cardinal Francis George of Chicago, Dolan's predecessor as conference president, struck a similar note.

"I think the conversation with the CHA is moving along quite well," he said in early January, adding that in his conversations with Daughter of Charity Sr. Carol Keehan, president of the association, she raised "good questions" and expressed "openness" to keeping the relationship on track.

Bishop Kevin Vann of Fort Worth, Texas, who chaired a three-bishop ad hoc committee for dialogue with the association after the health care reform debate, and who now sits on the CHA board, told *NCR* that he's been in conversation with the association as recently as Jan. 23.

"It's important we continue to work together," Vann said.

One factor fueling rapprochement, observers say, is the fact that the association has joined the bishops in supporting legislation in the new session of Congress intended to strengthen provisions barring federal funding for abortion. (The bills include the Protect Life Act, the Abortion Non-Discrimination Act, and the No Taxpayer Funding for Abortion Act,

all sponsored by pro-life members in the House of Representatives.)

Cardinal Daniel DiNardo of Galveston-Houston, who chairs the bishops' Pro-Life Committee, said Jan. 25 it's a "very positive" development that the Catholic Health Association is working with the bishops on these bills, and that he believes the bishops and the association "are on a good path."

DiNardo said he has "no reason not to be confident" that the bishops and the association will stick together as congressional debate unfolds.

Observers credit Keehan with investing significant time and energy in behind-the-scenes exchanges with bishops, helping to avoid what might have been an even more damaging public crossfire.

George and DiNardo both said they've had "good conversations" with Keehan, and Dolan said she's left a favorable impression with him too.

"I'm convinced that Sr. Carol believes she serves the bishops as much as she serves the hospitals," Dolan said.

Keehan's response to the Phoenix situation, in which Bishop Thomas Olmsted revoked the Catholic status of a hospital belonging to the Catholic Healthcare West system, is a case in point. While she and the association obviously disagree with Olmsted's finding, Dolan said, they have accepted Olmsted's authority to make that decision.

"She feels very strongly that the decision was terrible, but she knows that the bishop of the diocese is the authentic interpreter and implementer" of the U.S. bishops' "Ethical and Religious Directives for Catholic Health Care Services," Dolan said.

"She wholeheartedly believes that, and CHA believes that," he said.

None of this is to suggest that a new era of good feelings is necessarily about to dawn. Some observers warn the Phoenix case could be a harbinger of fierce new battles over the Catholic identity of health care facilities.

"The worry is that our Catholic hospitals are now where our universities were back in the 1980s, slowly drifting out of the Catholic orbit," Dolan said, adding that he would be willing to see other Catholic facilities cut ties with the church if it meant "defending the integrity" of Catholic health care.

As those dramas unfold, the Catholic Health Association and the bishops may once again find themselves at loggerheads. For now, however, they're still talking -- and in today's polemical climate, both in America and in the church, that alone might qualify as a minor miracle.

[John L. Allen, Jr. is NCR's senior correspondent. His e-mail address is [jallen@ncronline.org](mailto:jallen@ncronline.org).]

For more NCR coverage of the dispute between Phoenix bishop Thomas Olmsted and St. Joseph's Hospital and Medical Center there, see the following stories:

- [Despite Phoenix dispute, Bishops' ties with CHA called strong](#) [2], by John Allen
- [Phoenix bishop's response to hospital ignites questions of authority, identity](#) [3], by Tom Roberts
- [Withdrawal of Catholic status impacted hospitals' operations little](#) [4], by Dan Morris-Young
- [Phoenix hospital still belongs to Catholic Health Association](#) [5], by Jerry Filteau
- [No direct abortion at Phoenix hospital, theologian says](#) [6], Dec. 23
- [Phoenix hospital to continue 'faithful mission'](#) [7], Dec. 22
- [Catholic Health Association backs Phoenix hospital](#) [8], Dec. 22
- [Phoenix bishop removes hospital's Catholic status](#) [9], Dec. 21
- [Phoenix bishop gives ultimatum to hospital](#) [10], Dec. 16 and 17.
- [Bishops' doctrine committee: 'direct abortion always wrong'](#) [11], June 24
- [Canon lawyers assess 'automatic' penalty for nun who approved an abortion](#) [12], June 22

[Ethicists fault bishop's action in Phoenix abortion case](#) [13], June 8

[Thomas J. Olmsted: Portrait of a 'policy-driven' bishop](#) [14], June 3

[Shades of grey in a world of apparent absolutes](#) [15], May 26

[Nun excommunicated for allowing abortion](#) [16], May 18

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**Links:**

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# BREAKING BONDS AT WHAT EXPENSE?

**H**ow ought we to respond to the wrongdoing that we encounter on an almost daily basis? More precisely, to what extent can we associate ourselves with someone else's wrongdoing without ourselves becoming morally tainted?



**RON  
HAMEL**

For several centuries, the Catholic moral tradition has dealt with this issue by employing the principle of "cooperation with evil," a tool for assessing what types of relationships with wrongdoing are morally permissible. Of late, however, in at least some instances, this longstanding moral tradition seems not to be the operative principle. It appears to have been replaced by a different approach.

Several examples illustrate the shift. Recently, a Catholic social services organization was informed by church authorities that it needed to withdraw from United Way because United Way gives money to Planned Parenthood. When asked about the directive, a spokesperson for church authorities said the Catholic social service agency could be seen as raising money for Planned Parenthood by their efforts to raise money for United Way. He also indicated that other Catholic organizations in the area would also be expected to sever ties with United Way. According to the spokesperson, organizations must "operate in a manner consistent with Catholic social and moral teachings" in order to call themselves 'Catholic.'<sup>1</sup>

In another instance, in a different part of the country, Catholics were recently instructed by church authorities "to be prudent and just in making their charitable decisions, particularly on issues related to human life and marriage."<sup>2</sup> They went on to explain that "all human life is sacred and must be protected. This is why we should not support or endorse individuals and organizations that provide, promote or advocate for abortion, contraception, reproductive rights/family planning, or embryonic

stem cell research."<sup>3</sup> In light of these convictions, individual Catholics and Catholic institutions were instructed not to support organizations whose missions were deemed to be morally objectionable, in particular, Amnesty International, the March of Dimes, Susan G. Komen for the Cure, UNICEF, CROP Hunger Walk and the American Association of University Women.

Another example involves United Way's "Dial 2-1-1" program that provides information via telephone and the Internet about critical health and human services available to needy individuals within their community. Some groups oppose 2-1-1 because, along with all the other information it makes available, it provides factual information about abortion services. It does not counsel or refer for abortions, but only provides information, together with information about pregnancy support groups, teen pregnancy prevention, family life education, sexual abstinence education programs and the like. Groups opposing 2-1-1 have contacted Catholic health care providers and others asking them to sever their relationship with United Way.

Finally, members of a pro-life organization have contacted some Catholic health care sys-

**A posture of retreat, or isolation, or "keeping our hands clean," or "being morally pure" not only leads us astray from our true mission as Christians but smacks of arrogance.**

tems to request they sever their contracts with Stericycle, a waste disposal company. They claim Stericycle includes abortion providers among its many clients and disposes of aborted fetuses from these providers and other clients.<sup>4</sup>

So what are we to make of these developments? Several observations:

First, if one were to employ the principle of cooperation with evil in each of these instances, one would likely conclude that the cooperation on the part of a Catholic entity with these organizations is, at most, remote material cooperation.<sup>5</sup> Such cooperation can be justified for a proportionate reason.

Is there such a reason? These organizations do enormous good for poor, vulnerable, ill individuals. Their core missions resonate with our own and are much broader than any activity deemed morally problematic. What might be problematic is a very small part of what they do, and it cannot be said to define completely who they are. Furthermore, with perhaps one exception, these organizations are themselves not directly involved in the wrongdoing (in performing prohibited activities or procedures or in providing something essential to performing them).

Second, it is highly unlikely that Catholic individuals' or organizations' involvement with these organizations does or will create scandal, i.e., lead others to engage in wrongdoing. Will the vast majority of people honestly think that a Catholic's or a Catholic organization's support of Susan G. Komen for the Cure, or the March of Dimes or Amnesty International is really support for abortion, or that these individuals or entities take abortion lightly? In addition, it is important to realize that scandal can work both ways. Not supporting the good causes of these organizations could lead some to indifference toward the tortured, the hungry, the prevention of cancer and serious disabilities. For others, it could lead to a weakening of their faith or disenchantment with the church.

Third, to my knowledge, no theological or ethical arguments have been offered to support the conclusion that Catholics and Catholic organizations should have no involvement with the organizations noted above. I have seen neither an application of the principle of cooperation, nor an explanation of why the principle does not apply, nor a theological or ethical rationale for what seems to be an alternative approach. The only rationale proffered is that these organization or programs have some involvement with actions that

are deemed immoral by the church. But this is not the Catholic tradition. The Catholic tradition is far more nuanced as reflected in the principle of cooperation and the teaching on scandal.

Fourth, if the approach illustrated in these examples becomes the norm for the way that Catholics and Catholic institutions deal with wrongdoing deemed contrary to church teaching, where are the limits, if any? If Catholics and Catholic organizations must eschew any association with wrongdoers and with those who have associations with wrongdoers, there seem to be no limits.

Should I no longer shop at my local Walgreen's or food market because their pharmacies sell con-

**Jesus did not isolate himself or walk away from wrongdoers. His mission was precisely to wrongdoers (all of us, in various ways and to various degrees).**

doms, and birth control pills and, possibly, RU-486? Should I not associate with my next-door neighbors who are a lesbian couple or my neighbors across the street who are living together but unmarried? Should I no longer associate and worship with some fellow parishioners whom I know practice birth control, and with others whom I know support gay marriage? Should Catholic institutions forgo the use of commercial insurers because they offer policies that cover birth control, sterilization procedures and even abortion, and their premiums ultimately go to pay for such? And on and on.

If disassociation from wrongdoing and wrongdoers is the *modus operandi*, and wrongdoers and wrongdoing are all around us, then it seems that the approach being espoused leads to a withdrawal from the world. In addition, it seems to place Catholics and Catholic institutions over and against others in a position of moral superiority. But aren't we all sinners? Aren't we all "mixed bags"—mixtures of good and evil?

Finally, there is a much broader theological issue here that needs to be dealt with — the relationship of the church to the modern world. Neither the Gospel, nor the Catholic tradition, nor the church's self-understanding calls for a

retreat from the world or a total disassociation from wrongdoing. Jesus did not isolate himself or walk away from wrongdoers. His mission was precisely to wrongdoers (all of us, in various ways and to various degrees) as is so well exemplified in the Parable of the Lost Sheep (Luke 15:1-7). Jesus was known to eat with tax collectors and sinners (Matthew 9:10-11; Mark 2:15-16; Luke 5:30; 7:34). He engaged with the adulterous Samaritan woman at the well (John 4:1-29). The instances of Jesus associating with wrongdoers are numerous. This is what Jesus was about. It was core to his mission and is core to the mission of his followers.

The Second Vatican Council's *Pastoral Constitution on the Church in the Modern World* underscores this mission. In the words of the Council: "[T]he Church seeks but a solitary goal: to carry forward the work of Christ Himself. And Christ entered this world to give witness to the truth, to rescue and not to sit in judgment, to serve and not to be served" (No. 3). Elsewhere in the same document it says, "The Church has a single intention: that God's kingdom may come, and that the salvation of the whole human race may come to pass" (No. 45) and "through her individual members and her whole community, the Church believes she can contribute greatly toward making the family of [human persons] and its history more human" (No. 40).

Contributing to the humanization of all people and helping to bring about the kingdom of God cannot occur by retreating from the world or from those involved in or somehow associated with wrongdoing. Christians must be in the world if they are to have any hope of helping to transform the world; indeed they have a special responsibility to do so. A posture of retreat, or isolation, or "keeping our hands clean," or "being morally pure" not only leads us astray from our true mission as Christians but smacks of arrogance. It fails to recognize that all of us human persons and all of our institutions are at once graced but always in need of transformation and redemption.

As a ministry of the church called to witness to Christ in all things, Catholic health care and the various organizations that make it up must engage the world, not close themselves off from it, and collaborate with others in hopes of transforming the world. This means Catholics and Catholic organizations will have to rub elbows with those

who may not espouse all of the church's beliefs or may not live up to all of its values.

Without question, Catholics and Catholic organizations must avoid unacceptable forms of cooperation and be vigilant about the possibility of scandal. They must also be careful not to become comfortable with wrongdoing and ought to oppose what is truly evil. However, adopting an excessively rigid stance and foreclosing on others because they may be involved in some wrongdoing on some level, seems to undermine what the Gospel and the church are about — advancing the Kingdom.

The increasing number of instances of this approach to organizations that in some way are associated with wrongdoing (but are also involved in doing much good) is a cause of considerable concern and confusion. At minimum, there is a need for a conversation within the church about how to proceed, a conversation informed by the Gospel, the church's self-understanding over the centuries and our longstanding moral tradition.

**RON HAMEL, Ph.D.**, is CHA's senior director, ethics, St. Louis. Write to him at [rhamel@chausa.org](mailto:rhamel@chausa.org).

#### NOTES

1. Diane Dietz, "Abortion issue splits charities," *The Register-Guard*, December 28, 2010, available at: <http://www.registerguard.com/csp/cms/sites/web/news/cityregion/25708807-41/united-services-catholic-community-parenthood.csp>.
2. "N. Dakota bishops: Catholics should not donate to 'objectionable' groups," March 11, 2011, available at: [www.catholicnewsagency.com](http://www.catholicnewsagency.com).
3. "N. Dakota bishops."
4. It seems, however, that all medical waste disposal companies are required by license under federal regulation to dispose of human tissue from aborted fetuses and that Stericycle has drawn the line where it can and prohibits its clients from disposing of intact aborted fetuses.
5. Each of these organizations deserves a separate moral analysis, but that is not possible in a column such as this. For a tool to assist in doing this, see Ron Hamel and Michael Panicola, "Cooperating with Philanthropic Organizations: How to Assess the Moral Permissibility of a Catholic Health Care Organization's Involvement," *Health Progress* 89 (March-April 2008): 49-55.

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# HEALTH PROGRESS®

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