

“Our nation
must defend the
sanctity of marriage”
George W. Bush, President
State of the Union Address 2004

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A Clash Between Secularism and Religious Freedom Is Heard by the California Supreme Court

James F. Sweeney

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“Activist judges, however, have begun redefining marriage by court order, without regard for the will of the people and their elected representatives. On an issue of such great consequence, the people's voice must be heard. If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. Our nation must defend the sanctity of marriage.”

*President George W. Bush
State of the Union, 2004*

For those purveyors of secular culture and promoters of a secular worldview, religious freedom is indeed a “problem” rather than a constitutional imperative that must be respected in all but the most extreme circumstances. Yet, religious freedom is hardly an inconvenience. James Madison, author of the Bill of Rights, rightly called it the “luster of our country.” Religious freedom and liberty of conscience are fundamental cornerstones of who we are as a people, both as Americans and Catholics. Indeed, the concept of religious freedom itself is an American innovation that germinated prior to the Revolution, took root at the time of the Founding, has slowly grown (and periodically receded) over the ensuing 225 years, and, since the Second Vatican Council, has become part of our Catholic world perspective.

Consistent with this clash of secularism and faithfulness, a landmark struggle is currently being waged in the California court system—a clash between the fundamentally important principle of religious freedom and an attempt by the government to establish secularism as the official State religion. The California Supreme Court is preparing to decide a

case called *Catholic Charities of Sacramento, Inc. v. Superior Court*, which challenges the ability of State to impose a requirement upon Catholic religious institutions to provide contraceptives to their employees. The case was argued just last December before the California Supreme Court. Interestingly, it was carried live on television throughout California and has been rebroadcast many times since.

The *Catholic Charities* case pits the notion of unchecked majoritarianism against the concepts of liberty of conscience and religious freedom as bulwarks against tyranny. The opponent's



objectives are clear: marginalize religion as a factor in the American political discourse and public life and bring religious institutions to heel before the power of the state, relegating them to third-class citizenship in an emerging secular civil polity. Catholic Charities is literally defending its right to conduct its ministry of charity with integrity, according to the religious and moral values and beliefs that constitute its very reason for being.

The Justices of the Supreme Court were very engaged in the case and particularly interested in the religious freedom issues presented by the Court. Several questions posed by Justice Janice Brown and Justice Joyce Kennard, in particular, seemed to indicate that at least several of the judges on the High Court recognized the incredible importance of the religious freedom issues at stake in the case. Although one cannot gauge

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TO CONTACT CANFP:

www.canfp.org

Executive Office

1217 Tyler St.
Salinas, CA 93906

E-Mail

info@canfp.org

Phone

831-443-3746
(voice & fax)
1-877-33-CANFP
(toll free)

CANFP NEWS

1217 Tyler St. • Salinas, CA 93906

Director's Desk

Sheila St. John, Executive Director CANFP



Here's the deal. In the last decade, CANFP has grown tremendously. Great news! Demand for our services indicates our organization is meeting a real need. We are unique in the country, and we are seeing the fruits of our efforts to raise awareness in California re: NFP with multi faceted services:

- website
- annual conference
- clergy conference
- marriage prep packets
- exhibit outreach and education
- speakers bureau
- educational materials
- abstinence education
- consulting
- expert responses to e-mail/website inquiries
- free one year membership & welcome packets for new users
- directory and referral service to California NFP Professionals
- collaborating with NFP/diocesan/pro-life organizations
- personal response to our members and all inquiries over our toll free number.

**2004
CONFERENCE
CANCELED.
Planning now for
MARCH 19, 2005**

CANFP began totally dependent on volunteers, and volunteers will always be the heart of the organization. But the intention, even in the beginning, was to hire a staff to oversee these efforts, as CANFP grew. Though the workload has most certainly necessitated a fully staffed office for some time now, resources have limited the Executive Board to approve funding a Director for 20 hours/monthly and a website/newsletter consultant position is funded for 10 hours/monthly. Obviously, the ongoing tasks listed above are not accomplished in such time allotments, so the bulk of the work is still accomplished with volunteer hours.

If we are to maintain the services we are providing at the professional level we expect, we are in urgent need of increased funding to expand our staffing and more volunteers to share the workload. Lacking both, the Board reluctantly canceled the 2004 conference, to devote our limited resources to other equally important tasks, and to focus our conference planning efforts on our 2005 event. The insert in this edition lists some of the ways our members can contribute to the success of our efforts. I invite you to prayerfully consider how you might invest in the success of the mission of CANFP.



Our Experience with Catholic Home Loan

by CANFP Board Member,
Winnie Neill

In December of 2002 we looked at refinancing our home loan with the rates at 6.1%; however we were in the middle of the construction of a new garage and didn't pursue it. Then, at the conference last March, Sheila St John reported that CANFP would receive a donation of \$100 from Catholic Home Loans if members refinanced their mortgages at the current low interest rates. Our first contact with Catholic Home Loans was June 9th and concluded when we received our check by FEDEX on September 2nd. In the privacy of our home we conducted all business by telephone, FAX and overnight mail. The only up front cost was for the appraiser. What was so positive was that the interest rate was lower than the quote in December and almost 3% than lower than our current mortgage rate! We were able to pay off three additional high interest rate loans. For a retired couple on fixed income reducing monthly expenses is a real plus! That savings to you and that donation to CANFP is only a phone call away!
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we are
seeing
the
fruits
of our
efforts

Between Man and Woman:

Questions and Answers About Marriage and Same-Sex Unions

Clergy Corner

Why can marriage exist only between a man and a woman? The natural structure of human sexuality makes man and woman complementary partners for the transmission of human life. Only a union of male and female can express the sexual complementarity willed by God for marriage. The permanent and exclusive commitment of marriage is the necessary context for the expression of sexual love intended by God both to serve the transmission of human life and to build up the bond between husband and wife (see CCC, nos. 1639-1640).

In marriage, husband and wife give themselves totally to each other in their masculinity and femininity (see CCC, no. 1643). They are equal as human beings but different as man and woman, fulfilling each other through this natural difference. This unique complementarity makes possible the conjugal bond that is the core of marriage.

Why is a same-sex union not equivalent to a marriage? For several reasons a same-sex union contradicts the nature of marriage: It is not based on the natural complementarity of male and female; it cannot cooperate with God to create new life; and the natural purpose of sexual union cannot be achieved by a same-sex union. Persons in same-sex unions cannot enter into a true conjugal union. Therefore, it is wrong to equate their relationship to a marriage.

Why is it so important to society that marriage be preserved as the exclusive union of a man and a woman? Across times, cultures, and very different religious beliefs, marriage is the foundation of the family. The family, in turn, is the basic unit of society. Thus, marriage is a personal relationship with public significance.

Marriage is the fundamental pattern for male-female relationships. It contributes to society because it models the way in which women and men live interdependently and commit, for the whole of life, to seek the good of each other.

The marital union also provides the best conditions for raising children: namely, the stable, loving relationship of a mother and father present only in marriage. The state rightly recognizes this relationship as a public institution in its laws because the relationship makes a unique and essential contribution to the common good.

Laws play an educational role insofar as they shape patterns of thought and behavior, particularly about what is socially permissible and acceptable. In effect, giving same-sex unions the legal status of marriage would grant official public approval to homosexual activity and would treat it as if it were morally neutral.

When marriage is redefined so as to make other relationships equivalent to it, the institution of marriage is devalued and

further weakened. The weakening of this basic institution at all levels and by various forces has already exacted too high a social cost.

Conclusion Marriage is a basic human and social institution. Though it is regulated by civil laws and church laws, it did not originate from either the church or state, but from God. Therefore, neither church nor state can alter the basic meaning and structure of marriage.

Marriage, whose nature and purposes are established by God, can only be the union of a man and a woman and must remain such in law. In a manner unlike any other relationship, marriage makes a unique and irreplaceable contribution to the common good of society, especially through the procreation and education of children.

The union of husband and wife becomes, over a lifetime, a great good for themselves, their family, communities, and society. Marriage is a gift to be cherished and protected.

Excerpted from
**Between Man and Woman:
Questions and Answers
About Marriage and
Same-Sex Unions**

a statement issued by the United
States Conference of Catholic
Bishops November 12, 2003

Full statement available at:
www.usccb.org/laity/manandwoman.htm

CCC refers to sections of the
Catechism of the Catholic Church

To better survey the needs of our membership we would deeply appreciate it if you would kindly send us a brief biography of yourself. What are your interests both in general and with regard to NFP? If you already have a *curriculum vitae* ("cv") that would be most helpful. You may mail it or send it via e-mail Thank you!

¿Por qué el matrimonio puede existir solamente entre un hombre y una mujer? La estructura natural de la sexualidad humana hace al hombre y a la mujer parejas complementarias para la transmisión de la vida humana. Solamente la unión entre un hombre y una mujer puede expresar la complementación sexual de la voluntad de Dios para el matrimonio. El compromiso exclusivo y permanente del matrimonio es el contexto necesario para la expresión del amor sexual propuesto por Dios para servir como la transmisión de la vida humana y para aumentar el lazo entre marido y mujer (ver CCC, nos. 1639-1640).

La unión marital también provee las mejores condiciones para crear niños: Principalmente, la relación amorosa y estable de una mamá y un papá está presente solamente en el matrimonio. El estado correctamente reconoce esta relación como una institución pública en sus leyes porque la relación hace una contribución única y esencial al bien común.

Las leyes toman un papel educacional en cuanto a formar patrones de pensamiento y comportamiento, particularmente acerca de lo que es socialmente permitido y aceptable. En efecto, el dar estatus de matrimonio legal a uniones del mismo sexo daría aprobación pública oficialmente a la actividad homosexual y la trataría como si fuera moralmente neutral.

Cuando el matrimonio es redefinido para hacer otras relaciones equivalentes, la institución del matrimonio es devaluada y debilitada. La debilitación de esta institución básica en todos sus niveles y por varias fuerzas ya ha cobrado un precio social muy caro.

En conclusión, el matrimonio es una institución social básica y humana. Aunque es regularizada por leyes civiles y leyes de la Iglesia, no se originó del estado ni de la Iglesia, sino que de Dios. Así es que ni la iglesia ni el estado pueden alterar el significado básico de la estructura del matrimonio.

El propósito del matrimonio por naturaleza fue establecido por Dios, puede solamente ser la unión entre un hombre y una mujer y debe permanecer así legalmente. En una manera como en ningún otra, el matrimonio hace una contribución única e irremplazable al bien común de la sociedad, especialmente por medio de la procreación y educación de los niños.

La unión entre marido y mujer, viene siendo a través del tiempo, un gran bien para ellos mismos, su familia, comunidad y sociedad. El matrimonio es un regalo que debe ser apreciado y protegido.

Tomado de **Entre Hombre y Mujer: Preguntas y Respuestas Acerca el Matrimonio y las Uniones del Mismo Sexo** una declaración del la Conferencia de Obispos de los Estados Unidos 12 noviembre, 2003

En le matrimonio, marido y mujer se dan de ellos mismos en su masculinidad y feminidad (ver CCC, no. 1643). Son iguales como seres humanos pero diferentes como hombre y mujer, llenándose uno al otro por medio de esta diferencia natural. Está complementación única hace posible el lazo conyugal que es el centro del matrimonio.

¿Por qué la unión entre el mismo sexo no es equivalente al matrimonio? Por varias razones la unión entre mismos sexos contradice la naturaleza del matrimonio: No está basada en la complementación del hombre y la mujer; no puede cooperar con Dios para crear nueva vida; y el propósito natural de la unión sexual no se puede alcanzar en una unión del mismo sexo. Las uniones entre el mismo sexo no pueden ser uniones conyugales verdaderas. Así es que, no está bien el igualar sus relaciones con las de un matrimonio.

¿Por qué es importante para la sociedad que el matrimonio se preserve exclusivamente a la unión entre un hombre y una mujer? A través del tiempo, culturas, y creencias religiosas muy diferentes, el matrimonio es la fundación de la familia. La familia, en regreso, es la unidad básica de la sociedad. De este modo el matrimonio es una relación personal con significativo público.

El matrimonio es el ejemplo fundamental para relaciones entre hombre y mujer. Contribuye a la sociedad porque es modelo para la manera en la cual mujeres y hombres viven de modo interdependiente y se comprometen, para toda la vida, para buscar el bien en ellos mismos.

Question & Answer

I am attending a CCL (Couple to Couple League) session of NFP. My fiancé and I just read a pamphlet included with the course which stated the behaviors the Church condemns. It is my understanding that during our honeymoon my fiancé might experience her fertile time. We took that chance and said "that's ok...all that means is no intercourse." We were still very happy as there will be 'no boundaries' anymore and we can express our affection physically still even without intercourse (ex: petting, kissing, etc). BUT in the little brochure it appears that the church condemns activity that would result in an orgasm when intercourse will not take place? That doesn't make sense to her or me. It seems now that I am going to be married I will still have 'physical boundaries' as I will have to worry that things might lead up to an orgasm *gasp* outside of actual intercourse. This frustrates her and me. We thought during the time of fertility we would avoid intercourse but still 'satisfy' each other's sexual tension through other ways (petting, oral stimulation, etc.) But now it appears that acts of affection relating to the physical side are CONDEMNED? This is my wife for goodness sakes. Please fill me in on 'what to or what not to do'. Hawaii would be somewhat different if we have to be concerned about 'keeping busy visiting tourist attractions' as to not get too physical. I am very frustrated so any response would be appreciated.

Dear C & S, Congratulations on your upcoming marriage as well as your desire to do God's will by practicing NFP.

Couples rarely begin NFP out of a desire to improve their relationship. Generally the reason, at least at first, is a desire to postpone pregnancy. However, if they are going to practice NFP harmoniously, they soon find that they have to communicate more fully and creatively. You may have read the CCL brochure on this entitled *Creative Continence*.

The worst thing that can happen to sex - the surest way to ruin it, in fact - is to place too much of a premium on it. The physical side of lovemaking cannot stand alone. It is unique in its absolute dependence on the proper functioning of other elements.

Physical gratification is not only less important than other elements of marriage (such as good communication and a healthy relationship with God); it presupposes them. This is not to deny that lovemaking is a good thing, indeed a glorious thing. The Church does not regard the body as evil. On the contrary, it defends the procreative act as positive and holy. But of all human appetites, the sexual drive is unique in the degree to which it must be brought under control if it is to be man's servant rather than his master. Marital intercourse, unlike eating and drinking, is potentially reproductive and, therefore, attended with consequences

calling for a mature exercise of responsibility.

Sexual acts within marriage must serve, first and foremost, the unitive (love) and procreative (children) aspects of marriage. Hence, Christian married couples should not consider themselves entitled to every sexual activity which they find mutually agreeable. When a man or woman engage in a sexual act which results in orgasm outside of marital intercourse this is equivalent to an act of mutual masturbation and goes contrary to the very nature of the sexual union within marriage.

Ejaculation by the male in the female's vagina is necessary for sexual intercourse insofar as it is a reproductive function, and so is necessary for a complete act of marital intercourse. However, within marriage sexual acts short of complete intercourse can indeed be chaste and moral. Like intercourse, such acts are chaste only insofar as spouses seek, not pleasure alone, but the wider good of marital communion in which pleasure is a subordinate element.

Marital sexual acts short of intercourse are good in themselves if they a) are necessary or helpful to marital intercourse and/or b) express and foster marital affection. Still, even if good in itself, an act can be bad due to wrong intention or circumstance. Thus, such acts become bad if they either a) are intended to bring about

Creative Continence cont. on p. 4



Ask The Expert questions can be submitted at www.canfp.org sent to the CANFP office, or emailed to experts@canfp.org



Response by Fr. Marcos Gonzalez, Executive Board Member of CANFP

Signed, C & S

Continued Articles...

Freedom continued

the outcome of a case from the questions asked by the Justices at oral argument, it was clear that the Justices of the California Supreme Court understood the importance of the issues raised by Catholic Charities in its extensive briefing.

In the next few weeks, the California Supreme Court will decide whether government has the right to regulate churches and religious institutions, whose religious views it finds "objectionable," in order to coerce conduct morally and religiously unacceptable to the churches being regulated. It is very clear that once government gets into the business of making religious judgments and deciding which religious beliefs are "acceptable" and which are "objectionable," the notion of religious freedom becomes largely meaningless. A fundamental pillar of American liberty will be destroyed—most likely, irretrievably so. To suggest that the stakes are high in this struggle is, to say the least, an understatement.



James F. Sweeney

As a Catholic community, we must resist all attempts by the government to judge our moral precepts using secular standards and to impose upon us secular values inconsistent with the teachings of our Church. The *Catholic Charities* case represents just one instance in which government is attempting to castigate our moral voice as Catholics and impose upon the Church (and the Catholic community) rules that run contrary to the very core of our faith-formed consciences. Such efforts must be resisted both in court and at the ballot box.

The California Supreme Court must issue its decision by March 2nd.

CANFP members will remember James Sweeney, who argued this case before the California Supreme Court, as a speaker at the 2001 CANFP Annual Conference. Mr. Sweeney is senior partner in Sweeney, Greene, & Grant LLP and General Counsel for the California Catholic Conference.

Creative Continence continued

complete sexual satisfaction apart from marital intercourse or b) are at odds with the good of marital communion.

You mentioned satisfying each others sexual tension during the periods of abstinence through other ways. The morality of these "other ways" will determine whether or not these acts are condemned. If they are truly acts of affection and love in a manner that is chaste, then certainly, they are not condemned. However, if these acts basically amount to mutual masturbation by permitting sexual orgasm to take place outside of the normal act of intercourse, then they would be condemned for the reasons I have explained.

You are quite correct that "this is your wife" and you should express the love and affection you have for each other. However, this must always be done appreciating each other's dignity rather than simply the "use of each other" for the sake of personal pleasure.

The bottom line during the honeymoon is that you have two moral options: engage in marital relations and let a baby come if God sees fit to bless you in that way, or abstain until you are infertile. Chaste married couples have done it both ways.

Now, perhaps you might be wondering, "why something as natural as lovemaking should be the subject of so many rules and regulations." The answer is simple: This is the way God

made it. There is a divine instruction manual for every human activity. It is called the Bible. And it is worth consulting. Most of the "rules" are self-evident, and for the rest we can rely on the Church Christ founded. Yes, it is difficult to "follow the rules" but it is difficult to lead a moral life period. Christianity is a demanding religion. The Church's teachings will always appear "unrealistic" to men and women of the world. Particularly so today.

Christ Himself, during His public ministry, convinced relatively few of the truth of His message. Yet, there were those who recognized Him as "the Way, the Truth, and the Life," just as there will always be some wise enough to see that truth does not always coincide with the view of the majority.

I encourage you to begin your marriage in a moral manner however difficult it may be. Those who are brave enough, and sufficiently confident in God's providence, to sacrifice for their ideals will receive grace in abundance. Theirs will be a joy that is deep and lasting in the present world - their yoke will be easy, their burden light - and when the time comes for them to die, they will know that they have run the race and kept the course, and that their Savior has prepared a place for them in heaven.

The complete response is posted as #22 on the Ask the Expert page at www.canfp.org

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Thank You!!!

Is your parish listed?

Parish memberships in CANFP more than doubled in 2003. CANFP would like to partner with each of the over 1,000 parishes throughout the state to make California #1 in NFP services, building strong marriages and families.

We need your help!

If you are a pastor, associate, or parish administrator, you can join the parishes above on the CANFP team. We will welcome all new parish members who donate \$100 or more with a parish member packet and list our new parish team members in our Spring CANFP NEWS.

Join now!

CANFP is asking each of our 300 members to invite the parishes in your region to join the CANFP team. Copy the invitation inserted in this newsletter and send to your pastor, and other pastors in your area, following up with a personal visit. Share how NFP has blessed your marriage, family, and spiritual life, introduce him to CANFP, and invite him to access our services through our website or toll free number. Ask for his support of you and CANFP through a parish membership of \$100. Many hands make light work.

Will you help?