

THE ARCHDIOCESE OF AGAÑA

CHANCERY OFFICE

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7 October 2009

My dear brothers and sisters in the Lord:

1. The final instructions that the Lord Jesus gave to his apostles before he ascended into heaven was that they should go forth to all the nations and instruct them about everything that he taught them. This task is the same that the successors of the apostles have today. As a bishop of the Catholic Church, I cannot remain silent about the efforts being made in the Guam Legislature which are a complete contradiction of the teaching regarding marriage that the Church has received from the Lord. To do so would place my own soul in peril.
2. Therefore, I remind you of what the Catholic Church teaches. In the first place, man, the image of God, was created “male and female” (*Gen 1:27*). Men and women are equal as persons and complementary as male and female. Sexuality is something that pertains to the physical-biological realm, but has also been raised by the creation of human beings to a new level – the personal level – where nature and spirit are united.
3. Secondly, God has willed to give the union of man and woman a special participation in his work of creation. Thus, he blessed the man and the woman with the words “Be fruitful and multiply” (*Gen 1:28*). Therefore, in the Creator's plan, sexual complementarity and fruitfulness belong to the very nature of marriage. According to the teaching of the Church, men and women with homosexual tendencies “must be accepted with respect, compassion and sensitivity. Every sign of unjust discrimination in their regard should be avoided.”¹ They are, however, called, like all other Catholics, to live the virtue of chastity and to acknowledge that an inclination to gratify sexual desires with persons of the same sex is “objectively disordered”² and that homosexual acts are sins gravely contrary to chastity.³
4. Thirdly, the Church's teaching on marriage and on the complementarity of the sexes reiterates a truth that is evident to right reason and recognized as such by all the major cultures of the world. Marriage is not just any relationship between human beings. It was established by the Creator with its own nature, essential properties and purpose.⁴ Marriage is holy because it puts sexual love at the service of life; homosexual acts are incapable of doing that. No ideology can erase from the human spirit the

¹ *Catechism of the Catholic Church*, No. 2358; cf. Congregation for the Doctrine of the Faith, *Letter on the pastoral care of homosexual persons* (October 1, 1986), 10.

² Cf. *Catechism of the Catholic Church*, No. 2359; cf. Congregation for the Doctrine of the Faith, *Letter on the pastoral care of homosexual persons* (October 1, 1986), 12.

³ *Ibid.*, No. 2396.

⁴ Cf. Second Vatican Council, Pastoral Constitution *Gaudium et spes*, 48

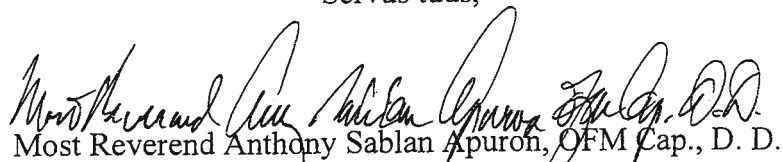
certainty that marriage exists solely between a man and a woman, who by mutual personal gift, proper and exclusive to themselves, tend toward the communion of their persons. In this way, they mutually perfect each other, in order to cooperate with God in the procreation and upbringing of new human lives.

5. The Guam Legislature is not obliged to criminalize all immoral behavior, but it cannot contradict right reason without stripping its own laws of any force to bind the consciences of the citizens of this island. Every humanly-created law is legitimate only insofar as it is consistent with the natural moral law, recognized by right reason, and insofar as it respects the inalienable rights of every person. Laws in favor of homosexual unions are contrary to right reason because they confer legal guarantees, analogous to those granted to marriage, to unions between persons of the same sex. Given the values at stake in this question, the state cannot grant legal standing to such unions without failing in its duty to promote and defend marriage as an institution essential to the common good. There are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family.

6. The proposed Bill 185, with its attempt to redefine the meaning of marriage and the promotion of a homosexual lifestyle, is doubly destructive because it encourages a lifestyle that is intrinsically unhealthy. When such legislation in favor of the recognition of homosexual unions is proposed, all law-makers have a moral duty to express their opposition clearly and publicly and to vote against it. For law-makers to vote in favor of a law so harmful to the common good is gravely immoral. If the Guam Legislature adopts such a travesty it will forfeit its moral authority to continue to govern this island. We cannot in conscience abide with such an injustice.

7. The Catholic Church has a right and duty to address moral issues in the public square. The exercise of this right in no way violates the constitutional separation of church and state. The first amendment of the United States Constitution does no more than simply forbid the establishment of a state religion. It protects the free exercise of religion and the right of people to speak out on civil issues, to assemble in the pursuit of such an exercise, and to petition those entrusted with making laws. Therefore, I call upon all Catholics and all others of good will to join with me in making our voices heard in the deliberations of our legislature. Please sign the petition being sponsored by the Archdiocese so that those senators who desire to do the right thing for Guam will know that they are not alone.

Servus tuus,



Most Reverend Anthony Sablan Apuron, OFM Cap., D. D.

Metropolitan Archbishop of Agaña

Commentary on the Pastoral Letter on Bill 185 and Same-Sex Unions

Introduction

- This commentary is an explication of the points explicitly and implicitly made in the Pastoral Letter of Archbishop Anthony S. Apuron regarding Bill 185. It also seeks to answer questions that the letter may raise in the minds of the faithful and the general public.

The Obligation and Right of the Church to Speak Out

- In the present struggle to preserve the culture of Guam against the legalization of same-sex unions, the claim is made that the separation of church and state means that the church should remain silent and not interfere in civil matters. One fervent advocate of bill 185 went so far as to say that he just wanted to escape the “clutches” of the Catholic Church. Does he have a point?
- Let us begin to answer this question by stressing a fundamental point already made in the Letter. The Catholic Church, along with all religious groups, has a right and duty to address moral issues in the public square. The exercise of such a right in no way violates any constitutional separation of church and state. The first amendment of the United States Constitution does no more than simply forbid the establishment of a state religion. It protects the free exercise of religion and the right of people, even religious people, to speak out on civil issues, to assemble in the pursuit of such an exercise, and to petition those entrusted with making laws. This Pastoral Letter is simply the exercise of these rights.

The Faithful Reflection of the Teaching of the Universal Church

- The Pastoral Letter is a faithful reflection of the universal magisterium of the Catholic Church. It is taken almost verbatim from the declaration of the Congregation for the Doctrine of the Faith regarding proposals to give legal recognition to homosexual unions. The arguments advanced by this document, and endorsed by the Pastoral Letter, are as follows:

Arguments from the biological and anthropological order

- Homosexual unions are totally lacking in the biological and anthropological elements of marriage and family which would be the basis, on the level of reason, for granting them legal recognition. Such unions are not able to contribute in a proper way to the procreation and survival of the human race. The possibility of using recently discovered methods of artificial reproduction, beyond involving a grave lack of respect for human dignity due to the fact that a child begins his life apart from an act of committed human love,⁵ does nothing to alter this inadequacy.
- Properly ordered, human sexuality expresses and promotes the mutual assistance of the sexes in marriage by being open to the transmission of new life. Homosexual unions are totally lacking in this conjugal and generative dimension.
- As experience has shown, the absence of sexual complementarity in same sex unions creates obstacles in the normal development of children who are placed in the care of such persons. They are deprived of the experience of either fatherhood or motherhood. Allowing children to be adopted by persons living in such unions would actually mean doing violence to these children, in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development. This is gravely immoral and in open contradiction to the principle, recognized also in the United Nations Convention on the Rights of the Child, that the best interests of the child, as the weaker and more vulnerable party, are to be the paramount consideration in every case.

Arguments from the social order

- Society owes its continued survival to the family, founded on marriage. The inevitable

⁵ Cf. Congregation for the Doctrine of the Faith, Instruction *Donum vitae* (February 22, 1987), II. A. 1-3.

consequence of legal recognition of homosexual unions would be the redefinition of marriage, which would become, in its legal status, an institution devoid of essential reference to factors linked to the procreation and raising of children. If, from the legal standpoint, marriage between a man and a woman were to be considered just one possible form of marriage, the concept of marriage would undergo a radical transformation, with grave detriment to the common good. By putting homosexual unions on a legal plane analogous to that of marriage and the family, the state acts arbitrarily and in contradiction of its duties to promote the common good of biological families.

- The principles of respect and non-discrimination cannot be invoked to support legal recognition of homosexual unions.

Differentiating between persons or refusing social recognition or benefits is unacceptable only when it is contrary to justice.⁶ The denial of the social and legal status of marriage to forms of cohabitation that are not and cannot be marital is not opposed to justice; on the contrary, justice requires it.

- The principle of the proper autonomy of the individual cannot be reasonably invoked in support of civilly recognized homosexual unions. It is one thing to maintain that individual citizens may freely engage in those activities that interest them and that this falls within the common civil right to freedom; it is, on the other hand, something quite different to hold that activities which do not represent a significant or positive contribution to the development of the human person in society can receive specific and categorical legal recognition by the state. Not even in a remote analogous sense do homosexual unions fulfill the purpose for which marriage and family deserve specific categorical recognition. On the contrary, there are good reasons for holding that such unions are harmful to the proper development of human society, especially if their impact on society were to increase.

⁶ Cf. St. Thomas Aquinas, *Summa Theologiae*, II-II, q. 63, a.1, c.

Arguments from the legal order

- Because married couples ensure the succession of generations and are therefore eminently within the public interest, civil law grants them institutional recognition. Homosexual unions, on the other hand, do not need specific attention from the legal standpoint since they do not exercise this function for the common good.
- Nor is the argument valid according to which legal recognition of homosexual unions is necessary to avoid situations in which cohabiting homosexual persons, simply because they live together, might be deprived of real recognition of their rights as persons and citizens. In reality, they can always make use of the provisions of law – like all citizens from the standpoint of their private autonomy – to protect their rights in matters of common interest. It would be gravely unjust to sacrifice the common good and just laws passed to protect the family in order to protect personal goods that can and must be guaranteed in ways that do not harm the body of society.⁷

How is the Redefinition of Marriage against the Common Good?

- It might be asked how a law can be contrary to the common good if it does not impose any particular kind of behavior, but simply gives legal recognition to a *de facto* reality which does not seem to cause injustice to anyone. In this area, one needs first to reflect on the difference between homosexual behavior as a private phenomenon and the same behavior as a relationship in society, foreseen and approved by the law, to the point where it becomes one of the institutions in the legal structure. This second phenomenon is not only more serious, but also assumes a more wide-reaching and profound influence, and would result in changes to the entire organization of society, contrary to the

⁷ It should not be forgotten that there is always “a danger that legislation which would make homosexuality a basis for entitlements could actually encourage a person with a homosexual orientation to declare his homosexuality or even to seek a partner in order to exploit the provisions of the law” (Congregation for the Doctrine of the Faith, *Some considerations concerning the response to legislative proposals on the non-discrimination of homosexual persons* [July 24, 1992], 14).

common good. Civil laws are structuring principles of man's life in society, for good or for ill. They "play a very important and sometimes decisive role in influencing patterns of thought and behavior".⁸ Lifestyles and the underlying presuppositions these express not only externally shape the life of society, but also tend to modify the younger generation's perception and evaluation of forms of behavior. Legal recognition of homosexual unions would obscure certain basic moral values and cause a devaluation of the institution of marriage.

Opposition to Bill 185 is Not Unjust

- The advocates of bill 185 appeal to the justice of treating all alike to justify their position. To help us to analyze this question a few distinctions are needed. There are three forms of justice. There is the justice that governs what is due in the relationship between individuals (commutative justice). There is the justice that governs what is due in the relationship of the community to the individual (distributive justice). Finally, there is the justice that governs what is due in the relationship of the individual to the community (legal justice).
- Traditionally, justice was a matter of rendering to others what was their due. In this framework, a "right" was understood as the claim that others had on what was due to them. Rights were thus paired with obligations. You could not have a right without there being a corresponding obligation on the part of others to respect those rights.
- At the time of the Enlightenment, however, a new understanding of "rights" emerged. "Rights" were conceived apart from any obligations due to others, and in the process they were absolutized without regard to what is just to others. This way of conceiving "rights" (as "liberties" - without regard to any consideration of what is just) lies at the basis of the present (distorted) notion that there exists such things as "abortion rights" and "homosexual rights."
- When is "equal" treatment inherently unfair? Take, for example, the issues of paying taxes.

Taxation falls under the aspect of legal justice. The community has a "right" claim on the members of the community to render what is necessary for the welfare of the community. They in turn have a duty to pay taxes. But, in rendering the debt, are all to be treated "equally"? Would it be "fair" for the rich and the poor to be obliged to pay the same amount of taxes? Did not the old-fashioned socialists have a point when they said: "From all according to their ability; to all according to their need"? That may not be equal treatment, but is it not eminently fair? In the end, it is equity (fairness) not equality that determines what is just in society.

- When is "equality" unfair? In the area of legal justice, equal taxation is inherently inequitable (unfair). The same is true in matters of distributive justice. All members of a community have an equal right for respectful consideration for the benefits to be distributed. In order for that distribution to be fair, however, more factors have to be considered than simple equality. These other factors include: need, function, merits, and past contributions to society. The different needs generated by the different roles and responsibilities that various individuals have discharged justify their being allotted different benefits. Veterans who have sacrificed themselves for the community or others who have performed meritorious service are entitled in fairness to unequal treatment. If it is not "unfair" that veterans are accorded certain rights or benefits not given to non-veterans, then unequal treatment, of itself, is not unfair.
- The same is true of those biological couples who undertake to put their love for one another at the service of raising the next generation of citizens for Guam. They are performing an indispensable service to Guam the value of which has always been recognized in civil law. That they should be granted certain benefits and rights in order to foster the welfare of their biological families has always been seen as fair and just, even when that treatment given to them was not the same as that given to unmarried individuals without the obligations of marriage and family.

⁸ (14) John Paul II, Encyclical Letter *Evangelium vitae* (March 25, 1995), 90.

Opposition to Bill 185 Does Not Constitute Discrimination

- The proponents of legalizing same-sex unions claim that the issue that Bill 185 seeks to remedy is discrimination. They claim that the government is discriminating against the unmarried by not providing them with the legal benefits provided to married biological couples. Is it true that either the government or the Church is discriminating against the unmarried when it comes to their ability to enter marriage? To analyze the truth of these statements we need to understand the process of getting married. Marriage is the basis of the family. Just as the family pre-existed the state so did marriage. It also pre-existed the Church. Neither the Church nor the state established marriage, nor can they change it. The right to marry is a basic human right. Nothing that the state or Church can do can take away that right. The only thing Church or state can do is to regulate – for the public good – how marriage is contracted. The way they do this is by requiring a “form” for marriage. The state’s form is called the “civil form” and the Church’s form is called the “canonical form.” The canonical form has existed only since the sixteenth century. It was introduced to solve the problem of clandestine marriages where a man would marry a woman without anybody else knowing about it. The civil form only dates from the French Revolution when the ties between church and state were broken. The state then assumed the role of regulating marriage as a civil institution.
- Before the eighteenth century there was no civil form, and before the sixteenth century there was not even a canonical form. Marriage was contracted simply by the exchange of marriage vows between the bridegroom and the bride in a family setting. Then they retired to their private quarters to consummate their vows by having marital intercourse. They became two in one flesh literally by having vaginal intercourse. Same-sex couples cannot do this. They are physically incapable of marriage.
- The canonical form of marriage only binds Catholics; everybody else is free to marry in whatever way they choose. If a couple not bound to the canonical form chooses to thumb their noses at the state and simply exchange their vows

privately without a civil license, they are validly married even though the state may show its displeasure by refusing to grant any civil effects to their consent. To have a valid marriage the couple has only to agree to three things. They have to give to each other the right to have the complete sexual act needed to achieve a pregnancy. Secondly, this relationship has to be exclusive, and, thirdly, this relationship must be intended to last until the death of one of the parties. Then they have to consummate the marriage by performing the marital act.

Contracepted sexual acts and homosexual sex acts do not consummate a marriage. Apart from the canonical form that the Catholic Church has established for Catholics to regulate the sacrament of marriage, no act of the state can impede anybody from contracting marriage as long as they can fulfill the three conditions just mentioned. To enter into marriage is a natural right that all enjoy if they wish to marry.

- Since the three conditions to enter marriage apply equally to all, where is the discrimination? Since the benefits according by the state to those who marry by fulfilling these conditions are available to all, where is the discrimination? The fact that only a biological couple (a man and a woman) can fulfill these conditions does not constitute discrimination since these benefits are given in recognition and support of those who undertake the socially significant task of raising the biological families that will be the future of Guam.

Same-Sex “Marriage” Is Not a “Human Right”

- Homosexual acts can never be defended by classifying them as human rights. A “right” is a claim on the means to an end. These claims fall into two classes according to their source. The first kind of right is that which stems from the end that God has given to all human beings. Since he who wills the end also wills the means to the end, God-given ends engender God-given claims on the means to those ends. Human rights are therefore those that flow from the act of being human. The only thing that one needs to do in order to have human rights is simply to exist. They are inalienable, as Thomas Jefferson said, because they cannot be separated from the act of

being. If you exist, automatically you possess a claim on the means to attain the ends that God has assigned to all human beings. The right to life is an example of such a right. So is the right to marry.

- The second class of rights is civil rights.

These are the rights that come from the state. The state in establishing civil rights gives human rights a greater specification. These rights include the right to vote, to drive a car, to run a business. These rights, however, are not intrinsic to being human. They depend on more than the act of being. One has to qualify for these rights. They can also be lost.

- Bill 185 seeks to establish in civil law the category of homosexual union and to give to non-biological couples in such unions a civil right to receive those rights and benefits already granted to married biological couples. As such, bill 185 is not about respecting already existing human rights, but rather about establishing a new class of civil rights. Even though it attempts to make a distinction between marriage and homosexual unions, these unions would be treated for all practical purposes as though they were marriages. This attempt at establishing homosexual union is only an interim step in a larger agenda. The real intention is to change the meaning of marriage so that in the future marriage will be seen as coming in flavors: “heterosexual marriage,” “homosexual marriage,” “bisexual marriage,” polygamous marriage,” and “common law marriage.”

- In summary, because the state is not the source of human rights, bill 185 cannot confer a human right. It can only respect and defend already existing human rights. To attempt to create a civil right to homosexual behavior – as envisioned in bill 185 – would constitute a grave injury to the common good of society and would bring the entire legal system into disrepute.

The Limits of the Powers of the State

- May the state act to institutionalize the distortions of marriage listed above? To answer this question, we begin with recalling the fact that society is structured by the nature and finality of the sexual act. The reason for saying this is that families, which are the basis of society, are based on the marital act of a biological couple. Without the marital sex of the biological couple, there

would be no next generation of tax-payers. The state, because it is obliged to defend the welfare of the next generation, is obliged to favor marital sex acts. Non-marital sex acts in all their forms are detrimental to society. These acts include extra-marital sex acts, contraceptive sex acts, commercial sex acts, as well as homosexual acts. Although it may choose to tolerate certain practices in order to avoid greater evils, the state cannot institutionalize non-marital sex acts without at the same time restructuring society to the detriment of marriage and families. In so doing, the state would betray its primary responsibility of defending marriage. By creating civil rights which would confer legitimacy on non-marital sex acts, the state would be fostering role models of distorted sexuality hostile to the family-friendly environment that children need in order to integrate properly their sexuality into their whole personality. Such action by the state would violate the human rights of children.

Sexual “Orientation” Does Not Establish Gender

- Those who identify themselves as being “gay” come to this conclusion on the basis of the experience of their sexual “orientation.” They find themselves drawn to the members of their own sex as the preferred object of their sexual appetites. Moreover, some report that these “orientations” are “hardwired” in the brain. They are not a conscious choice; they are a given. Nor can they be changed, they claim. “God made me this way,” they say. Therefore, they conclude: “This is the way I am. What can be wrong with it?” Faced with the sincerity of those who make these claims, what are we to think and what can we say?

- The response of the Catholic Church begins with a denial of the distinction that underlies these claims. These claims are based on a distinction between sex and gender. According to this way of thinking, sex is linked to the body since, obviously, there are only two sexes: male and female. Gender, on the other hand, is linked to the sexual appetites, or more specifically, to the object of satisfaction toward which a person is inclined. Thus, while there are only two sexes, there are at least four genders: heterosexual, homosexual, bisexual, and transsexual, each an

equally valid option. Instead of sexual identity being derived from the body, it comes from the “orientation” of one’s appetites. Therefore, the behavior which corresponds to these “orientations” is natural and should be accepted by society as such.

- To clarify further the confusion regarding sexual identity it is necessary to remember that persons are neither “homosexual” nor “heterosexual.” They are simply male and female. True, they come with various inclinations and appetites that, because of Original Sin, need to be rectified (i.e., set straight). For this reason, everyone needs to cultivate the virtues that enable the passions and appetites to support a lifestyle in accord with right reason. When our faculties are not rectified, we become dominated by the vices. The virtue that rectifies the sexual appetites is chastity; the vice that results from the failure to rectify the sexual appetites is lust. All of us need the virtue of chastity so that the enslavement to our appetites by lust does not compel us to relate to others as the object of our “enjoyment.” Only those who are free to put other persons before the personal gratification of our sexual appetites are capable of love.
- Notice, by way of critique, that in this schema, there is no place or need for the virtues in rectifying the appetites. The truth is that our appetites and inclinations need to be corrected by being directed toward that which enables us to put the order of persons first and the seeking of what is the true good of others above the satisfaction of personal enjoyment and the gratification of our senses. Our sensible appetites come to be virtuous by being subordinated to the order of persons. Virtues, then, are the habits that enable our faculties to function well. Only the acknowledgement of the need for virtues to orientate properly the appetites allows the virtues to appear. The end product of rectifying the appetites in accord with right reason is the presence of virtue.
- Since virtues are good habits, they grow and develop, like all other habits, by repeated acts that are virtuous. Like little children, the appetites and inclinations that are part of our faculties need to be educated. This education takes place when we choose to act against those inclinations which,

for whatever reason, are not properly focused. This need of education is especially true of the case of the sensible appetites.

- The sensible appetites are those that direct us toward the experience of pleasure. While pleasure in itself is a good, it is only a rational good to the extent that it is not an end in itself, but rather a consequence of seeking the true good of others. When seeking personal gratification is primary in a person’s life, the order of persons is subordinated to the seeking of pleasure. Without virtue, we end up using other people for our own pleasure-seeking ends. Only as we are capable of subordinating our desire for pleasure to the good of others are we capable of sustained relations with other people. Since most people do not enjoy being used, it should not come as a surprise when they drop us like a hot potato. Hence, if you want to have friends, cultivate the virtues. A good character, which is the stable integration of the virtues into one’s total personality, is the key to a successful and happy life.
- The virtue that regulates all the sensible appetites is temperance. The daughter of the virtue of temperance that regulates the sexual appetite in particular is chastity. This virtue depends for its development on the recognition of the biological purpose of sexuality. Those who claim to be “gay” miss this important point. The primary point of having sex is not to have fun; it is to have kids. This finality is what gives human sexuality its dignity and the consequent need to protect it from abuse. What protects sexuality from abuse is the life-long commitment that the sexual act bespeaks. This commitment to one another made by a biological couple is what enables marital sex to be virtuous and not the mutual use of one another. Marriage is therefore the institutionalization of virtue. The same cannot be said of same-sex unions.
- Virtues do not exist by themselves. They are like grapes. They grow in clusters. When one is missing, the others lack an essential ingredient. The virtue of justice needs prudence in order to be just. Temperance needs prudence and fortitude in order to be temperate. Charity needs prudence, temperance, and its daughter chastity in order to be charitable. The corruption of one habit leads progressively to the disintegration of one’s whole personality. If the *de facto*

“orientation” of the sexual appetite is accepted without any acknowledgement of the fact that the sensible appetites have to be rectified, a serious consequence follows: the appetites are never integrated into that aspect of personality what we call character. You end up with a bad character, the stable association of the vices. When the virtue of chastity does not appear, its place is taken by the opposing vice of lust. A person, dominated by lust, lives an intrinsically disorder life.

- Why are the virtues important? They make possible a good character by integrating your personality in a way that enables you with ease to put the welfare of persons above your own momentary personal satisfaction. At this point, your sexual “orientation” ceases to be an issue because you are no longer absorbed in yourself.

The Basis for the Dignity of Marriage

- Marriage is about both love and sexuality. You do not have marriage without sexuality, but it is a sexuality that love puts in the service of life. This service to life is what gives marriage its intrinsic dignity. The same cannot be said of same-sex unions. If love is the point of same-sex unions, not sexuality, then same-sex unions have little relationship to marriage. If, however, same-sex unions have something to do with sexuality, they still cannot convey the same dignity as marriage does because same-sex unions do not allow those in them to put their love in the service of life.

The Church’s Morality is about the Truth, Not about Rules

- One of the ways that critics of the Catholic Church’s moral teaching attempt to bolster their arguments on any given issue is to depict the teaching of the Catholic Church as simply her idiosyncratic “rules.” The implication of these statements is that, if the Church were only more in touch with modern times and the changes in people’s lives, she would usher in a new set of “rules” more in tune with changing times. What are we to think about this idea?
- The assumption underlying this view is that morality is a matter of “rules.” If morality were a matter of “rules,” then what was right or wrong would be simply the result of God’s will.

According to this view, God first created the universe and then sat down to figure out what the “rules” should be to govern what he just created. This view is favored by those who want to justify certain behaviors that the Church rejects. They deny that there is any intrinsic connection between behaviors and the commandments. They think that the commandments are just extrinsic rules that could be changed at will in order to accommodate more acceptable consequences.

- The truth is that God established the commandments in the very act of creating the universe. The act of creation and the act of establishing the moral order are one and the same. There is an intrinsic connection between the two. Things work only in a certain way if you wish to be happy. The commandments are therefore not rules that could be changed at will but truths about the human person that can only be changed by changing the nature of the universe and, in certain cases, the nature of God himself. Therefore, the commandments are not the product of the will of God; they are the product of his intellect. He knows himself and what is compatible with his nature. Since he made us in such a way that we can only find our lasting happiness in himself, only certain ways of defining ourselves are compatible his nature. What is good and what is bad is fixed by the nature of God, not by the preferences of Man. The moral teachings of the Church therefore are not “little rules” that can be changed at will. They are truths about the human person that permeate every cell of our bodies.

The State Can Not Be Neutral Regarding the Common Good

- In opposing bill 185, is the Catholic Church overstepping its bounds by forcing its religious doctrines down other people’s throats? Is the proper stance of the state to be neutral when it comes to controversial moral issues?
- To answer these questions, a clear distinction needs to be made between religion and ethics. They are not the same. The state ought to be neutral when it comes to religious questions, but it cannot be neutral when it comes to ethical issues. The reason for the later is simple. The state has to promote the common good. Promoting the common good is an ethical issue.

Therefore, the state cannot be neutral when it comes to an ethical issue that touches the common good of society.

- The well-being of families goes to the heart of the common good. Without healthy families, there is no future for a society. Healthy marriages are the source and protection of healthy families. Therefore, the state is obligated to defend and promote the stability of marriage. It cannot be neutral in the face of attacks on marriage not just because it ought not to be neutral, but because neutrality itself is impossible for a simple reason. Law is a teacher. *Either* it will teach that marriage is already determined to be the union of a biological couple (i.e., a man and a woman) who unite themselves for life so that their love can be the reason that others (i.e., their children) come to have life, *or* that marriage is the union of any two persons irrespective of their ability to put their love at the service of life (e.g., persons of the same sex). *Either* the legislature of Guam will opt for the former understanding of marriage as already defined by our biology and defeat bill 185, *or* it will adopt bill 185 and redefine marriage as a malleable institution that can be for whatever purpose the two domesticating parties choose to put it. But whatever stance the senators adopt they will not be *neutral*. In fact, they have the moral responsibility not to be neutral because they have the moral responsibility to defend and promote the common good. Neutrality is not an option when it comes to defending the common good. Where they choose to stand has to be determined by the truth of what is for the common good.
- In bill 185, with its implicit redefinition of marriage, the legislature of Guam is faced with choosing between two competing views of the common good. Marriage structures civil society. For this reason, since we all belong to civil society, the definition of marriage is not a private matter that can be left to everyone to decide for himself. Everyone has a right to marry, but no one has the right to change the definition of marriage in the pursuit of (their own) private good. That some people (for whatever reason) are not inclined or desirous of being a part of a biological couple who undertake to beget and raise the next generation of taxpayers does not mean that the civil laws that define marriage as

existing only between a man and a woman are unjust. Just the contrary. Equating marriage with same-sex unions in a way that bill 185 seeks to do will create in the minds of the young the impression that marriage (and the sexuality that it institutionalizes) is not *per se* orientated to the procreation of new little taxpayers. (And what could be more for the common good than to have new little taxpayers to close the budget gaps for years to come?) For this reason, bill 185 goes against the common good by siding with the view that sodomy is a marital act. Its passage would be an injustice, especially to the young and those ill-equipped to think through these issues on their own. The societies in which we live and their laws have more impact on our thinking than we often realize.

- Faced with embodying the truth of sexuality in civil law, no one can be morally neutral, not even the state. But this partiality toward the common good does not mean that religious doctrine is being legislated down anybody's throat. Religion and ethics are not the same; otherwise, those who advocate bill 185 would be attempting to force their religious beliefs down everybody else's throat.

Bill 185 Is Dangerous to the Health of the People of Guam

- Tobacco companies are required by law to print warnings on their cartoons alerting the public to the dangers of smoking. Laws have been passed to limit the ability of smokers to light up wherever and whenever they wish. The justification for all of this the interest that the state has in preventing the diseases caused by smoking. And yet, there appears to be a conspiracy of silence when it comes to the health risks of homosexual behavior.
- If you need further evidence of the harm that homosexual behavior causes, consider the following. John R. Diggs, Jr., M.D., has pointed out that human physiology "makes it clear that the body was not designed to accommodate this activity. The rectum is significantly different from the vagina with regard to suitability for penetration by a penis. The vagina has lubricants and is supported by a network of muscles. It is composed of a mucus membrane with a multi-layer stratified squamous epithelium that allows it

to endure friction without damage and to resist the immunological actions caused by semen and sperm. In comparison, the anus is a delicate mechanism of small muscles that comprise an "exit-only" passage. With repeated trauma, friction, and stretching, the sphincter loses its tone and its ability to maintain a tight seal. Consequently, anal intercourse leads to leakage of fecal material that can easily become chronic. The potential for injury is exacerbated by the fact that the intestine has only a single layer of cells separating it from highly vascular tissue, that is, blood. Therefore, any organisms that are introduced into the rectum have a much easier time establishing a foothold for infection than they would in a vagina... Furthermore, ejaculate has components that are immunosuppressive. In the course of ordinary reproductive physiology, this allows the sperm to evade the immune defenses of the female... The end result is that the fragility of the anus and rectum, along with the immunosuppressive effect of ejaculate, make anal-genital intercourse a most efficient manner of transmitting HIV and other infections. The list of diseases found with extraordinary frequency among male homosexual practitioners as a result of anal intercourse is alarming: anal cancer, chlamydia trachomatis, cryptosporidium, giardia lamblia, herpes simplex virus, human immunodeficiency virus, human papilloma virus, isospora belli, microsporidia, gonorrhea, viral hepatitis type B & C, syphilis."⁹

- Bill 185, by recognizing homosexual unions as the equivalent to marriage, encourages homosexual behavior which statically reduces one's expected life span by up to twenty years. This makes the dangers of smoking cigarettes pale in comparison.

⁹ John R. Diggs, Jr. M.D., "The Health Risks of Gay Sex," *Corporate Resource Council* paper copyright 2002, p. 3. In note 25, p. 12 Diggs provides the scientific sources for the list of diseases associated with anal intercourse: Anne Rompalo, "Sexually Transmitted Causes of Gastrointestinal Symptoms in Homosexual Men," *Medical Clinics of North America* 74(6): 1633-1645 (November 1990); "Anal Health for Men and Women," *LGBTHealthChannel*, www.gayhealthchannel.com/analhealth/; "Safer Sex (MSM) for Men Who Have Sex with Men," *LGBTHealthChannel*, www.gayhealthchannel.com/stdmsm/.

The Catholic Church and the "Gay" Community

- The charge that the Catholic Church is homophobic or "anti-gay" is profoundly false. Love speaks the truth. To hide the truth about homosexual behavior from those who have a right to know it is the epitome of being "anti-gay;" the contrary (i.e., speaking the truth about homosexual behavior) is not. Those who exercise authority in the home and in the state have the obligation to speak the truth. Failure to do so with love (e.g., on the part of parents or politicians) is always a manipulation of others in the interests of self (so as not to loose the affections or the votes of those who struggle with homosexual tendencies). Such behavior merits being called "anti-gay" since such exploitation ultimately works against the best interest of those who, because of their homosexual tendencies, are very vulnerable and easily exploited. The Catholic Church speaks out against bill 185 because she is the advocate of the true interests of all.

Addendum: The Dangers of Bill 219

- Bill 219, presently before the Guam Legislature, seeks to enshrine as a protected class those who claim a homosexual orientation. Apart from any consideration of the wisdom of legislating against "hate crimes" in general, the establishment of an immoral behavior as the basis for the legal recognition of a protected group is cause for grave alarm. Such proffered protection is not only a societal endorsement of such behavior, but also the legal basis for the imposition of such behavior on the whole of civil society. Any group, such as the Catholic Church, that rejects such behavior will in short order be the object of persecution from the very organs of government which are charged in the First Amendment to defend its right to the free exercise of religion.

