



**CATHOLIC ACTION LEAGUE of Massachusetts**  
35 MONTCLAIR AVENUE • BOSTON, MASSACHUSETTS 02131

TEL. (617) 524-6309  
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21 January 2000

Dr. John J. McMullen  
John J. McMullen Associates, Inc.  
Two World Trade Center, Suite 1510  
New York, New York 10048

Dear Doctor McMullen:

You may have been apprised of the recent controversy surrounding the exhibit *Irish Art Now: From the Poetic to the Political*, which appeared at the McMullen Museum at Boston College from October to December. I am writing to you because I thought you might be interested in a perspective on this issue which differs from that offered by the university's administration.

The exhibit, which featured among other things, a frontal depiction of a naked man wearing a condom, was not only an affront to Catholic standards of modesty, purity, and decency, but was a celebration of Ireland's defection from traditional Catholic culture, replete with references to "confronting the Church" and the supposed demise of Catholic influence in Ireland. It also represented a repudiation of Catholic teaching on the impermissibility of contraceptive use and the immorality of sexual activity outside of marriage.

Media attention towards this controversial exhibit was substantial. Four Boston television stations and three Boston radio stations covered it, along with Ambassador Ray Flynn's national radio show on the Catholic Radio Network. Print coverage included *The Boston Herald*, *Associated Press*, *The Irish Echo*, and the national Catholic newspaper, *The Wanderer*. For your interest, I have enclosed several clips.

Freedom of expression does not require Catholic institutions to participate in assaults on the Catholic Church and Christian morality. If what I have described to you offends your sensibilities as a Catholic, I would respectfully urge you to make known your concerns to the administration of Boston College.

If you have any questions concerning this matter, please do not hesitate to contact me. Thank you.

Sincerely,

Daniel T. Flatley  
*President*

DTF:jbc



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Dear Mr. Attorney General:

Last Friday, October 27th, WAAF Radio in Boston temporarily removed from the airwaves disc jockeys Tom Birdsey and Rocko following public outrage over their broadcasting of tapes which they alleged were surreptitiously obtained recordings of Catholic penitents going to confession. The station management subsequently claimed that the tapes were fabrications, of which they, unconscionably, had foreknowledge.

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This tawdry and reckless publicity stunt, which mocked and trivialized the Sacrament of Penance, and which reduced the confessional to a venue for prurient entertainment, was grievously offensive to Catholics. Although it bears the earmarks of a hoax, as the station management now asserts, the facts remain unclear. If these tapes were actual recordings of Catholic confessions, this would almost certainly entail a criminal violation of Chapter 272, Section 99 of the General Laws of the Commonwealth, which prohibits the interception and disclosure of wire and oral communications, in this case a highly privileged communication, the secrecy of which has been recognized and protected by U.S. courts since the early 19th century.

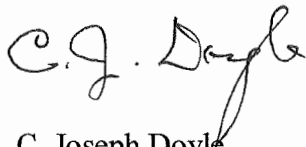
The reception of the Sacrament of Penance is required of practicing Catholics by the Precepts of the Church. As confidentiality is integrally necessary to the administration of this sacrament, violating the sanctity of the confessional would impair Catholics in the free exercise of their religion, a right guaranteed to them by both the First Amendment to the U. S. Constitution and Article II of the Declaration of Rights of the Massachusetts Constitution. Violations of civil and constitutional rights are prohibited by Chapter 265, Section 37 of the General Laws.

Even if these tapes are fraudulent, by calling into question the integrity of the confessional, their broadcast could have had a chilling effect on this aspect of Catholic religious practice, and could encourage irresponsible persons to attempt to unlawfully procure actual recordings of confessions.

The Catholic Action League of Massachusetts urges you to investigate this incident to determine if the General Laws of the Commonwealth and the constitutional rights of Catholics were violated by WAAF Radio.

We look forward to hearing from you regarding this serious matter.

Sincerely,

A handwritten signature in cursive script that reads "C. J. Doyle". The signature is written in dark ink and is positioned above the typed name.

C. Joseph Doyle  
*Executive Director*

cc: Bernard Cardinal Law, Archbishop of Boston

CJD/em