



Written by [R. Cort Kirkwood](#) on February 24, 2011

Canon Lawyer: Cuomo May Not Receive Communion

New York Gov. Andrew M. Cuomo, a Roman Catholic, should not have presented himself for Holy Communion at his inaugural Mass, a canon lawyer and consultant to the Vatican says. And the Catholic prelate who celebrated the Mass should not have permitted him to receive the sacrament.



Edward Peters, who runs a titled "[In the Light of the Law](#)," [offered his opinion](#) on Cuomo's disregard of Catholic teaching at his blog and [in an interview](#) with CNSNews.com. Cuomo, who is divorced from Kerry Kennedy, is ineligible for Holy Communion, Peter argues, because he cohabitates with his girlfriend, [Sandra Lee](#), a hostess on the Food Network. Peter [also cited](#) Cuomo's public positions and policy initiatives on homosexual "marriage" and abortion. He heartily supports both.

Since then, Peters' remarks have [gone viral](#) on the Web.

The matter is not frivolous to Catholics. They believe Jesus Christ himself is [wholly present](#) in the sacrament of communion and that politicians who peddle ideologies and policies that trespass the moral law must not be permitted to partake. As well, it is a priest's duty to refuse the sacrament to public sinners.

Cuomo Goes To Mass

[Cuomo attended](#) Holy Mass at Albany's Cathedral of the Immaculate Conception on Jan. 2, his second day in office.

Albany Bishop Howard Hubbard warmly praised Cuomo during the service. "We know they, over the next four years, will be deeply immersed in the work of evangelization by bringing about the transformation of our state and our society," Hubbard sermonized, citing the work of Martin Luther King and presidents Franklin Roosevelt and Dwight Eisenhower as transformative for Americans. "Ultimate victory over forces that are seemingly insurmountable is really possible," Hubbard said.

[The New York Daily News described](#) Cuomo's reception of Holy Communion:

The divorced son of former Gov. Mario Cuomo, who was once chastised by Catholic leaders for his support of abortion rights, calmly received Holy Communion. Lee walked in line for Communion with him.

Peters Blogs It

[Peters commented](#) at his blog on Jan. 4. After explaining the evolution of canon law on the matter, Peters wrote that Cuomo should not have received communion and the bishop should not have allowed



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him to do so, apropos of canons 915 and 916.

[They say:](#)

Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to holy communion.

A person who is conscious of grave sin is not to celebrate Mass or receive the body of the Lord without previous sacramental confession unless there is a grave reason and there is no opportunity to confess; in this case the person is to remember the obligation to make an act of perfect contrition which includes the resolution of confessing as soon as possible.

Wrote Peters:

Cuomo, on the grounds of his public concubinage alone (and setting aside complications arising from his strong support for legalized abortion, etc.), should not approach Communion per [Canon 916](#); if he does approach, he should be refused the sacrament per [Canon 915](#). Cuomo should still attend Mass, of course ([c. 1247](#)), and within one year of his last Confession he should duly receive that sacrament again ([c. 989](#)), but he should not be taking Communion while he lives in public concubinage. And if Lee is Catholic, the exact same analysis would apply to her.

It is Albany Bp. Howard Hubbard's responsibility to see to it that the common discipline of the Church is promoted and that all ecclesiastical laws are observed, exercising particular vigilance against abuse of the sacraments and the worship of God. Unfortunately, Hubbard's rah-rah inaugural homily before Cuomo and Lee, in which, without admonition for their objectively and publicly sinful status, the prelate seemed to have anointed the pair as his kind of evangelizers in government, and his complicity in the administration of Communion to Cuomo, amounts, in my opinion, to another dereliction of pastoral duty.

Peter [also noted](#) that because "both Cuomo and Lee are divorced renders the concubinage adulterous on both sides as well."

Early this week, [CNSnews.com contacted](#) Peters, who reiterated his remarks. "In receiving communion at a Mass offered by the Roman Catholic bishop of Albany, NY, ... Cuomo, who supports abortion, gay marriage, and lives with his girlfriend, committed an 'objectively sacrilegious' act that 'produces grave scandal.'" [CNSNews.com reported](#), citing Peters.

"If he approaches for Holy Communion, he should be denied the august sacrament in accord with Canon 915," Peters told the website.

Peters reiterates what former St. Louis Archbishop Raymond Burke, now Prefect of the Supreme Tribunal of the Apostolic Signatura, has repeatedly stated vis-à-vis prominent Catholic politicians such as Cuomo. In his remarks to the World Prayer Congress For Life in Rome in last year, he explained Church teaching:

We find self-professed Catholics, for example, who sustain and support the right of a woman to procure the death of the infant in her womb, or the right of two persons of the same sex to the recognition which the State gives to a man and a woman who have entered into marriage. It is not possible to be a practicing Catholic and to conduct oneself publicly in this manner. ...

To ignore the fact that Catholics in public life, for example, who persistently violate the moral law regarding the inviolability of innocent human life or the integrity of the marital



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union, lead many into confusion or even error regarding the most fundamental teachings of the moral law, in fact, contributes to the confusion and error, redounding to the gravest harm to our brothers and sisters, and, therefore, to the whole nation. The perennial discipline of the Church, for that reason among other reasons, has prohibited the giving of Holy Communion and the granting of a Church funeral to those who persist, after admonition, in the grave violation of the moral law.

Burke has tangled with pro-abortion politicians for years. In 2004, he flatly stated that he would not give Holy Communion to Sen. John Kerry because of his publicly professed support for murdering the unborn. "I would have to admonish him not to present himself for Communion," he said of Kerry. [He said](#) the same of then Kansas Gov. Kathleen Sebelius, now Secretary of Health and Human Services for President Obama: "No Catholic who publicly and obstinately remains in serious sin can receive Holy Communion. ... Whether Governor Sebelius is in the Archdiocese of Kansas City in Kansas, or in any other diocese, she should not present herself for Holy Communion because, after pastoral admonition, she obstinately persists in serious sin."

Hubbard, Cuomo Reply

Bishop Hubbard's office [replied to](#) Peters by saying he was not a position to judge whether Cuomo should receive Holy Communion:

There are norms of the church governing the sacraments which Catholics are expected to observe.

However, it is unfair and imprudent to make a pastoral judgment about a particular situation without knowing all the facts.

As a matter of pastoral practice we would not comment publicly on anything which should be addressed privately, regardless if the person is a public figure or a private citizen.

[Peters responded](#) that he is not making "pastoral judgments," but rather answering questions about canon law and Cuomo's public concubinage and repeated and consistent statements on abortion and homosexuals.

I responded to reasonable questions that I received about public behavior, as known from public sources, about which public canon law, which is my area of expertise. ...

Canon 915, if it means anything at all (and it most certainly means something), is about public consequences for a Catholic whose public behavior is seriously odds with important Catholic Church teaching. I can, and certainly should when asked, tell people what canon law says about such matters. I cannot, however, enforce the law. That responsibility rests elsewhere.

For his part, Cuomo takes it all lightheartedly. Religion, [he says](#), is a private matter.

Photo: New York Gov. Andrew Cuomo in front of the Cathedral of the Immaculate Conception, in Albany, N.Y., after attending Sunday Mass with his girlfriend, Sandra Lee: AP Images



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