

Canon law system is compromised

The church shelters child molesters and accused child molesters, writes **Jason Berry**

The Ferns report raises a question: should the Vatican enjoy the exemptions of international law in its handling of clergy sex offenders? Would diplomatic correspondence between the papal nuncios in Dublin and their Vatican superiors shed light on possibly illegal strategies? Such questions have relevance in light of the church's canon law system.

It can penalise priests who abuse, yet is hopelessly compromised.

Consider Cardinal Angelo Sodano, the Vatican Secretary of State. This autumn Cardinal Sodano invited Fr Marcial Maciel - who faces 20 allegations of paedophilia - to a prestigious religious conference at Lucca in Italy.

The cardinal has a history of helping the disgraced Mexican founder of the Legionaries of Christ, a religious congregation with a house of studies at Leopardstown in Dublin. Cardinal Sodano pressured Cardinal Joseph Ratzinger to halt a 1998 canon law case seeking Fr Maciel's excommunication. It was initiated by eight former legionaries at the Congregation for the Doctrine of the Faith (CDF).

As papal nuncio in Chile Cardinal Sodano befriended Fr Maciel, who was cultivating supporters of the Pinochet regime. Years later, when the former dictator was held under house arrest in Britain, pending an extradition request by a Spanish judge over human rights crimes, Cardinal Sodano as Vatican Secretary of State tried to get his release.

Fr Maciel has denied the allegations which have trailed him since 1976, when two former legion priests sent the Vatican formal accusations, with names of other seminarians allegedly abused. Rome was silent until the 1998 case, which Cardinal Ratzinger tabled in 1999.

In late 2004, with Pope John Paul dying, Cardinal Ratzinger launched an investigation. Fr Maciel (85) then stepped down from the helm of the legion, citing reasons of age. The legion defends him as the victim of a conspiracy by those jealous of his success.

Cardinal Ratzinger's office faced 700 cases of priests whose bishops wanted them defrocked. It has been suggested that, anticipating he might become pope, Cardinal Ratzinger knew the media would seize on the Fr Maciel case as a cover-up, thus tarnishing his prospects of the papacy.

He sent Mgr Charles Scicluna, a staff canon lawyer, to question witnesses in the US and Mexico. Last April Mgr Scicluna heard testimonies by 30 people, 20 directly accusing Fr Maciel of abuse. Mgr Scicluna, like others at the CDF, takes a vow not to comment on investigations.

The witnesses spoke to journalists, praising Mgr Scicluna's commitment to justice. Cardinal Ratzinger meanwhile became Benedict XVI.

In May Cardinal Sodano's office issued a statement to the legion that there would be no canonical process against Fr Maciel. Reporters contacted the Vatican press office, which said there was no investigation. The legion said Fr Maciel was "exonerated". The Vatican never said he was innocent.

Did Pope Benedict abort the case? Did Cardinal Sodano force deception on the papal spokesman, who could not acknowledge the CDF investigation because of the vow of secrecy? Two more witnesses gave testimony to Mgr Scicluna in Rome after the announcement.

Who is in charge of the case, Cardinal Sodano or the Pope? Before Pope John Paul died Cardinal Sodano, at a meeting with US Secretary of State Condoleezza Rice asked her help in defusing a victims' class action case against the Vatican filed by a Kentucky lawyer, something over which her office had no jurisdiction. (Sovereign states are generally immune from litigation.)

The Fr Maciel case is a mockery of canon law, and symptomatic of something worse. A 2004 Dallas Morning News investigation found religious congregations were sending priests to other countries, including Italy, to avoid prosecution.

The Holy See is a signatory to a UN covenant on the rights of children. Pope Benedict spoke on "universal moral law" on November 12th in accepting the credentials of Francis Rooney, the new US ambassador to the Holy See.

"The rich patrimony of values and principles embodied in that law is essential to the building of a world which acknowledges and promotes the dignity, life and freedom of each human person," the Pope said, calling for "justice and peace in which individuals and communities can truly flourish."

In Los Angeles, Cardinal Roger Mahony has spent millions on attorneys who are trying to seal clergy files from California abuse victims in litigation. The pattern from Rome to Dublin to Los Angeles is glaring. The church that proclaims the sanctity of life in the womb systematically shelters child molesters and accused child molesters. The system rests on institutional mendacity.

Jason Berry is the American journalist who broke the first stories of clerical sex abuse in the US 20 years ago. His books include Lead Us Not Into Temptation and, with Gerald Renner, Vows of Silence: The Abuse of Power in the Papacy of John Paul II

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