

# The Rule Of Law

By Fr. Andrew Greeley



It is interesting to note that many of those zealous defenders of law and order who were so enthused about the conviction of the Chicago Seven, so insistent that the Berrigan entourage be brought to justice, and so outraged at Kingman Brewster's comment about the New Haven Panther trial, are ready to depart from the rule of law in the Calley case.

It is also interesting to see how many good and pious liberals who rant against "political trials" and protest judicial decisions against their own heroes, and heroines are offended when

other Americans protest against verdicts that they don't like.

It appears that one is for the rule of law when one likes what the law does and against the rule of law when one doesn't like what it does. The Calley verdict is unfair but the New Haven verdict is fair. To indict Angela Davis is right, but don't indict Captain Medina. Bobby Seale can get a fair trial but Colonel Henderson cannot.

Urge students at Stanford to throw hand grenades but denounce soldiers in Vietnam for throwing hand grenades. Praise President Nixon for letting Cal-

ley out of the stockade and damn the California courts for releasing Huey Newton.

It is not my intention to pass judgment on guilt or innocence in any of these cases. Nor will I contend that the American system of law is without serious flaws. The poor do not get nearly the same sort of justice in American society as do the rich. My point is rather that those who attack the rule of law in cases where they don't like the results of the legal system can scarcely be surprised when others respond in kind.

The elaborate appeal mechanism of the American legal

system has reversed so many convictions that one must have confidence in it. Those who wish to tear down the carefully constructed and intricate American legal system and replace it with some kind of "people's court" should realize that a "people's court" would have exonerated Calley in short order and executed Angela Davis in equally short order.

We also assume that any accused person is innocent until proven guilty beyond all reasonable doubt in a fair judicial process. Only when the whole review system has been exhausted is American law willing to declare a man guilty. If judgment must be suspended on the Catholic radicals (and it must) so too it must be suspended on Lt. Calley. And if one argues that Calley got a fair trial and will get a fair review, so one must logically concede at least the possibility for others who have been indicted.

In the whole sorry Calley mess, only a few people come out with honor. One of them is Captain Daniels who had the

nerve to reprove the Commander-in-Chief for his rather bizarre intervention in the course of justice. If Richard Nixon under political pressure should attempt to argue that there is a form of "presidential morality" that is superior to the rule of law, I see little difference between him and Daniel Berrigan who claims that his superior morality makes him immune from the rule of law.

I would be tempted to call a plague on both their houses; but as I remember, the Bard put those words in the mouth of a young man who had just been stabbed by extremists from both sides.

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## On The Right Side

# Who Suffers Most?

By Father Paul J. Cuddy



Q. What do you think of the news reports of Easter week?

A. Reminds me of the complicate prayer in the Breviary: "Brothers, be watchful. Our adversary, the Devil, goes about seeking whom he may destroy."

Q. What do you have in mind?"

A. Well, to begin: 1) the reports which make heroes of Lt. Calley and of a dishonest and greatly publicized priest; and 2) the NFPC (National Federation of Priests Council) meeting in Baltimore which came out loud and clear about Viet Nam, which is a complex matter historically, politically and morally, but it could not come to a satisfactory resolution about Abortion? So NFPC went on record in official silence about Abortion.

Q. What of the San Francisco pastor?

A. I think that next to Archbishop Sheen he is the best known priest in the United States. From the pictures which appeared in millions of homes Easter week through the TV he is a handsome man, with charm. A doctor said to me the day after the publicity: "Well, your confrere from San Francisco came through the TV smelling like a rose; and his Bishop came through as the bad guy." The reports say the pastor was a good administrator. History says the same thing about Alexander VI who also had woman trouble. Alexander was a disaster to souls. Evidently this double-faced pastor is a man of ability, urbanity and persuasiveness beyond the graces of ordinary pastors. This makes his deceit worse. It reminds me of the legend of the Devil assuming the face of Christ to deceive a soul he would destroy.

Q. Don't you think that a terrible thing to say?

A. Do you think it makes me happy to have to believe it? Our Blessed Lord said a terrible thing: "Whoever scandalizes one of these my little ones who believe in me, it were better for him if a millstone were hung round his neck and he were thrown into the sea." (Mt. 9:41)

What would you have me say about a Mr. X who had a wife and family in Elmira, was a devoted family man, a good provider and church-goer; yet

at the same time had an extra nurse-wife in Toronto, and a little boy baptized John after Bishop McCafferty?

I know the line pushed by several of the anti-celibacy manipulators who say: "Celibacy is only a Church law, and should be changed. Now in civil law, if you make out your Will, the requirements of the law bind. The Will must have your own signature signed and two witnesses. It is only a civil law, but the purpose of law is to protect society, i.e. The People. So, no signature signed or no witness, then no valid WILL.

Good heavens; The Church is a true society, and no society can exist without law to protect individual rights and to foster the Common Good.

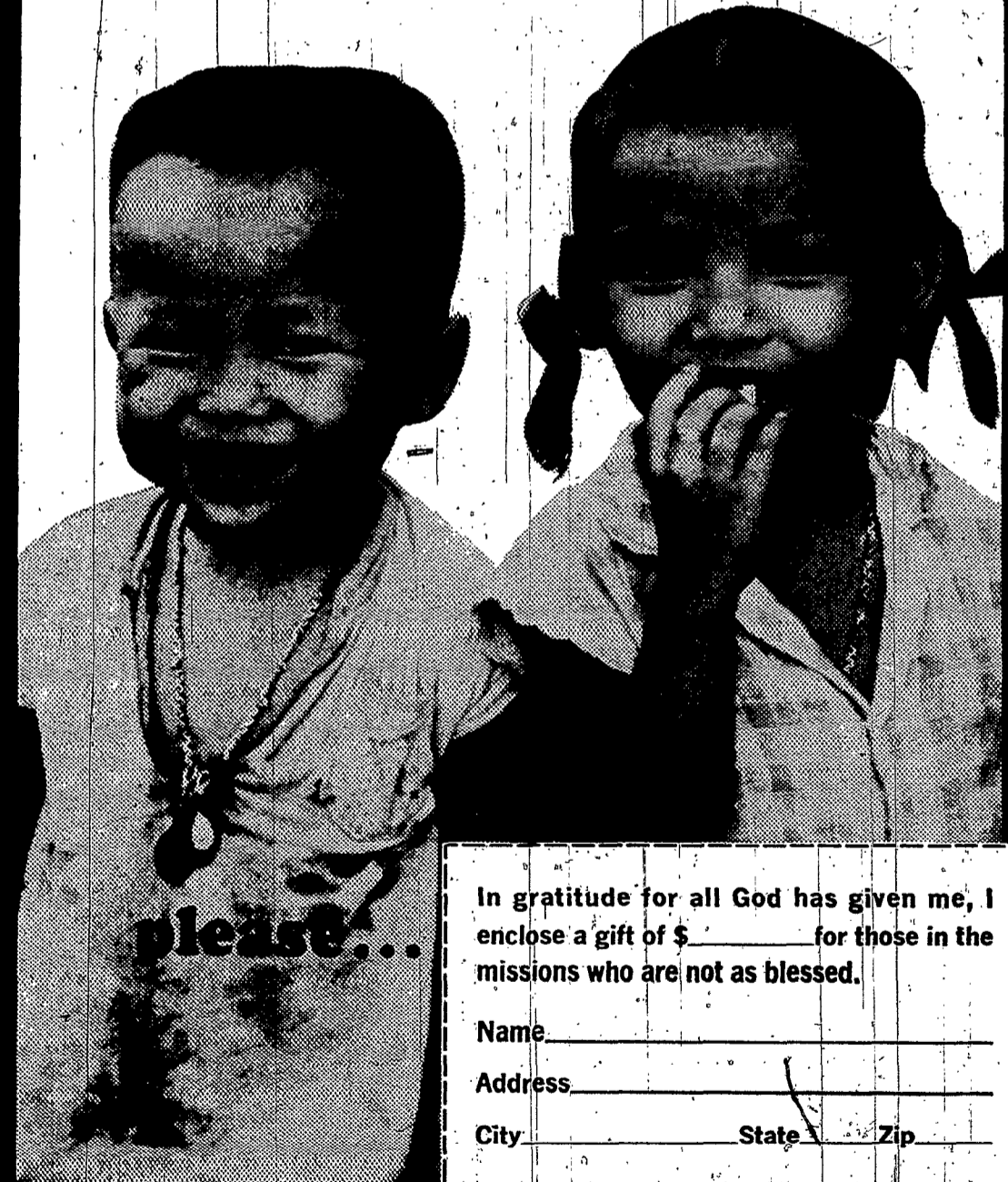
Q. But you seem angry!

A. Angry? Not that. I am concerned. Concerned for the awful harm done to souls throughout the United States. A year ago a woman in Elmira wrote: "It all seems so unfair that priests can go out and get married, and married people who have failed in marriage cannot." The ramifications of sacramental theology are too involved to discuss, but it does indicate the resentment of the people. And as this kind of duplicity continues, faithful priests who are doing their work well, will become suspect. While Msgr. Ball and Father O'Connell were buried with the honors of a local congregation, the San Francisco pastor is broadcast to millions as a representative of the priesthood, "smelling like a rose while the Bishop comes off as the bad guy."

In 1943 I was new in the Air Force and was thunderstruck at the severity of the judgment given a GI for theft from one of his barracks mates. I expostulated with the Judge Advocate: "But Captain, what he stole was worth only a dollar. The penalty seems way out of line!" He replied: "Chaplain, it's not the dollar. There are 60 men living in that barracks. When one man steals from another, no one knows which is the thief. So many become suspected, and trust in one another is destroyed." When enough priests are faithless to their trust, then the people begin to distrust the faithful priests. Don't you think that pretty terrible?

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