

DIOCESAN NEWS

Jury says priest did not imprison man in 1992

By Rob Cullivan
Staff writer

ROCHESTER — A state Supreme Court jury found April 15 that Father James Callan, administrator of Corpus Christi Parish, did not falsely imprison Joseph Murray during a 1992 incident at the parish.

The jury, after a six-hour trial, also found that Murray, a Greece resident, had no valid claim that Father Callan unlawfully took a tape recording that Murray had made of a gay ministry meeting at the Main Street church Feb. 6, 1992.

Judge Donald J. Wisner's courtroom, largely packed with supporters of Father Callan, erupted in applause following the end of the trial. The decision apparently ends a four-year legal conflict between the priest and the plaintiff, a self-described "orthodox Catholic."

Father Callan expressed relief at the verdict, and said that the parish would continue its ministry to gays.

"I'm glad it's over," he said. "I hope it sends a signal that the church is welcoming to all people."

The priest added that he had no hard feelings toward Murray.

"I bear no animosity toward Joe," Father Callan said. "I know we're on different sides of the fence, but we're still both Christians."

However, Murray's lawyer claimed his 71-year-old client felt frightened throughout the 1992 incident.

"I was made a prisoner, and if they do it to me, they'll do it to other people," Murray said, contending that the verdict sent the wrong message.

According to testimony from Murray and witnesses for the defense, the conflict between Father Callan and Murray began when Murray attended the inaugural meeting of Corpus Christi's gay

ministry in 1992. At the meeting, a participant pointed out to those present that Murray was audiotaping the event. The meeting ended soon thereafter.

Following the meeting, Father Callan and Murray spoke, and the priest led Murray, who wanted to go to the parking lot, to his office.

Both sides acknowledged that Father Callan at some point said to Murray: "You're not leaving here with that tape."

Father Callan claimed his intent was to morally sway Murray from keeping the tape. But Murray said he felt he was being intimidated into surrendering it.

Both men testified that no physical force was used by either of them during the incident, although Murray said he did threaten violence if staff members attempted to take the tape by force.

In the priest's office, the two men, with two other parish staff members, engaged in a four-hour debate over various issues. One issue was whether the audiotape violated the privacy of the meeting participants.

According to both sides, at about 2:30 a.m. Murray gave the tape to Kathleen Mahoney, who was then director of Corpus' Rite of Christian Initiation of Adults. Father Callan subsequently walked Murray out to his car in the Corpus parking lot.

What was disputed at the trial was whether Murray felt free to leave the parish office, or whether, in fact, he was afraid of something happening to him should he leave.

"I'd read a lot of things about homosexual people being quite violent," Murray testified.

He added that he only gave up the tape because he was fatigued and wanted to get out of Father Callan's office.

But in her testimony Mahoney said she told Murray twice during the meeting —



File photo

A state Supreme Court jury April 15 found that Father Jim Callan, administrator of Rochester's Corpus Christi Church, did not falsely imprison a Greece man after a 1992 gay ministry meeting at the parish.

including once in front of Father Callan — that he was unconditionally free to leave. Mahoney also said she later disposed of the tape.

Mary Ramerman, Corpus' pastoral associate, was also present early during the meeting between Father Callan and Murray. She also said that Murray was free to leave, and that the staff only wanted the tape to protect the privacy of the meeting participants, many of whom were gay.

"We didn't want people's private sharings to be taped," she said.

Murray's testimony appeared to be undermined by the recollections of Rochester Police Officer William C. Wood. Wood took a report from Murray in April 1992 about the incident, and noted that Murray had switched his story about being afraid to leave the parish office in February.

"Initially, he (was), but when I was taking the report from him, he indicated he

could leave if he had to," Wood testified. "He did not feel that he would be stopped if he wanted to leave."

In addition to the disputes over whether or not Murray was free to leave, the trial went beyond legal issues and highlighted some basic conflicts between conservative and liberal Catholics.

For example, John M. Regan, Jr., Murray's lawyer, attempted to paint Ramerman as a women's ordination advocate who was only testifying on Father Callan's behalf because the priest allowed Ramerman to "concelebrate" the parish's eucharistic liturgies.

Ramerman responded that she didn't concelebrate the Mass, nor did she consecrate the Eucharist. But Regan insisted that, by wearing vestments given to her by parishioners, and by standing on the altar, she appeared to be celebrating the Mass to the casual observer.

"Isn't it a bit coy to say you don't celebrate the Mass?" Regan said.

In his closing argument, Regan maintained that Murray was only exercising his legal rights to tape a public meeting, and that Father Callan had crossed a line by telling him he couldn't leave with the tape.

"You can't just do this to people and expect ... to get away with it," Regan said.

But during his closing argument, Father Callan's attorney, Thomas DeSimon, claimed the trial itself was more about the theological disputes between conservative and liberal Catholics than about the incident between Father Callan and Murray. Contrary to what he testified, Murray was not motivated to tape the gay ministry meeting out of compassion for homosexuals, DeSimon argued.

"He came there for one reason and one reason only," DeSimon said. "He was there to get the goods on Corpus Christi."

Catholics decry Clinton's veto of partial-birth abortion ban

Representatives of the Diocese of Rochester joined Catholic leaders around the nation in sharply criticizing President Bill Clinton's April 10 veto of a congressional measure that would have banned so-called "partial-birth" abortions. (See related story on Page 4.)

Suzanne Schnittman, consistent life ethic coordinator for the diocese, released a statement April 11 that urged Congress to override the president's veto.

"Our Catholic faith calls us always to defend against any willful taking of life," Schnittman wrote. "Just as the Church opposes the death penalty and assisted suicide, we continue to press for abortion restrictions."

Also, Bishop Matthew H. Clark, with the rest of the state's bishops, signed a letter written by Cardinal John O'Connor, archbishop of the Archdiocese of New York City, that criticized the veto.

"The President's action disregards ... both Houses of Congress, as well as the overwhelming number of Americans who believe society must protect unborn children from such a cruel and horrific death," the cardinal declared.

The House had approved the ban with a 286-129 vote, enough to override a veto. But the Senate passed it by only 11 votes (55-44), short of the two-thirds majority needed to override Clinton's veto.

The proposed legislation explicitly al-

lowed the procedure to save the mother's life. It did not contain a broader exception the president had sought for cases where the mother's health was in danger.

The procedure itself, which takes place late in a pregnancy, consists of partially delivering an unborn child, piercing the base of its skull and suctioning out its brains, causing its skull to collapse.

The diocesan Catholic Physicians

Guild released a statement on April 15 that said President Clinton vetoed the ban despite the testimony of doctors who had performed such abortions.

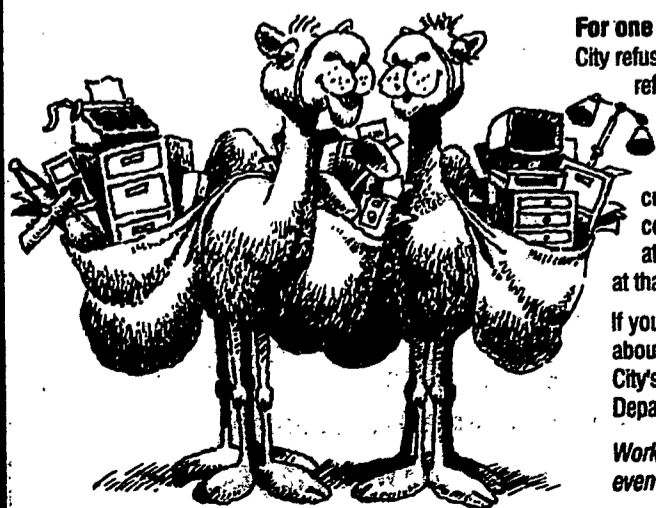
"These individuals indicated most of the procedures were done electively, not to preserve the health of the mother," the guild's statement said.

Contains reporting by Catholic News Service and Staff Writer Rob Cullivan.



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