

WORLD & NATION

Vatican generally reluctant to overrule bishops

By John Thavis
Catholic News Service

VATICAN CITY — The idea of "going right to the top" with a complaint or a cause is an appealing option in any organization, and the Catholic Church is no exception.

In June, the Vatican was deciding whether a grievance lodged by parishioners against a major renovation of the Milwaukee cathedral was valid enough to halt the project. The local faithful had hired a canon lawyer to take their complaint to the Vatican's top liturgical authorities.

The same month, a dissident French priest who had been stripped of his ministerial functions by his bishop was awaiting word on his appeal to the Vatican's highest tribunal. Not surprisingly, he lost.

In the church, going to the top means appealing to the Roman Curia offices that administer in the pope's name. Many of those taking the step feel certain that the Vatican agrees with them — or should.

But often they discover the Vatican is reluctant to overturn lower decisions, especially when made by a bishop.

"In most of these cases, we're talking about administrative decisions, not matters of faith. And as long as the administrator is operating within the limits of his mandate, the higher government is going to support him," said Dominican Father Joseph Fox, an expert on canon law matters in Rome.

Father Fox said that while the 1983 revised Code of Canon Law opens the way to more direct appeal by ordinary faithful, experience shows that the Vatican generally does not intervene unless there are clear violations of procedure or blatantly bad government.

"You cannot put someone in a position of administrator and then start pulling the chair out from under him every time he makes a decision. The Vatican doesn't want to send a signal out to the universal church that bishops will not be supported in applying the power that was entrusted to them," Father Fox said.

Another well-informed Vatican official said that in the case of bishops, this was not simply a management technique but a theological principle.

"The Second Vatican Council used the expression 'vicar of Christ' when talking about the bishop in his own diocese, which is a pretty strong theological statement. So you wouldn't lightly second-guess a decision made by a diocesan bishop," he said.

Yet, increasingly, groups of Catholics are hiring canon



Allen Fredrickson/CNS

Archbishop Rembert G. Weakland blesses the congregation following Mass at St. John Cathedral in Milwaukee earlier this year. The Vatican has halted renovations to the cathedral while it reviews complaints about some proposed changes.

lawyers and taking their cases to Rome. One institution that supports what it calls "traditional" causes is the St. Joseph Foundation, which provides legal advice and helps groups work their way through the Vatican bureaucratic maze and, if necessary, the Vatican's court system.

It was the St. Joseph Foundation, for example, that argued the cause of Milwaukee Catholics opposed to the cathedral renovation. It has listed other areas in which it "routinely" gets involved: fighting "inclusive language," de-

fending "orthodox" priests and professors from disciplinary action by local bishops, ridding Catholic education of "heretics," and supporting the right of Catholics to attend the traditional Latin Mass.

The St. Joseph Foundation has supported some past causes that have produced reversals of local decisions, including a 1993 case in which the Congregation for the Doctrine of the Faith nullified excommunication decrees against six traditionalist Catholics in Honolulu.

Father Fox said excommunication is an area in which the Vatican is more inclined to take action, because it involves the application of a canonical penalty.

"If an excommunication is not done according to the strict rule of law, (the Vatican) would have to overturn it. This is an area of law which most bishops do not have much experience in, and they can easily find themselves in a situation in which they have overstepped their bounds," he said.

Individuals or groups who want to contest a local decision are first expected to discuss their concerns fully with the local bishop, to try to change his mind on the matter.

If still dissatisfied, those directly involved in the decision can take their case to Rome. But finding out which of the Vatican's myriad offices has competency requires some research. Normally, they should be consulting a canon lawyer at this point, sources said.

Often, the cases end up at one of the Vatican's eight congregations established to handle affairs relating to doctrine, bishops, clergy, religious orders, education and other matters. The congregations have relatively broad powers of review, but tend to let lower-level decisions stand.

If petitioners still feel they were denied justice after the congregation makes its decision, they can appeal to the Vatican's highest court, the Supreme Tribunal of the Apostolic Signatura. But here, the grounds for review are much narrower — a clear violation of procedure or church law must be proved.

As in civil courts, appealing to the Vatican tribunal is a time-consuming operation. Only about 30 new cases make it this far each year, and there aren't many judges to review them.

Typically, the Signatura deals with cases brought by Catholics fighting the suppression of their local parish, or by priests and nuns disciplined by their bishops or religious orders, or by church groups in a financial dispute. Although it does not publish its decisions, insiders say the Signatura does not normally reverse lower decisions.

Noted Catholic actor, activist Carroll O'Connor dies at age of 76

CULVER CITY, Calif. (CNS) — Carroll O'Connor, the Catholic actor who entertained a generation of television viewers with his portrayals of Archie Bunker on "All in the Family" and police chief Bill Gillespie on "In the Heat of the Night," died June 21 of a heart attack. He was 76.

Celebrated for his acting skills, O'Connor also zealously took up an anti-drug crusade after the drug-related suicide of his adopted son, Hugh, in 1995.

O'Connor this year received the sixth life-achievement award to be given out by the Christopher Awards in its 52 years.

He also won a lifetime achievement award from Catholics in Media in 1996. O'Connor had been on the honorary committee for the first Catholics in Media awards in 1993.

He also had been a speaker at the 1999



National Catholic Gathering for Jubilee Justice in Los Angeles.

O'Connor shot to stardom as Archie Bunker on "All in the Family," which debuted in 1971, and its successor, "Archie Bunker's Place." He won four Emmys during the shows' 13 combined seasons.

He won a fifth Emmy for acting during his seven-season run as Sparta, Miss., police chief Gillespie in "In the Heat of the Night," which premiered in 1988.

O'Connor had been married to his wife, Nancy, for nearly 50 years.

"You have to regard your marriage as the most important thing you ever will do. (In the marriage ceremony) the priest says, 'Don't take this lightly,'" O'Connor said.

"Sooner or later you've got to realize the importance of making it work and staying together, and the importance of the time you've spent together."

O'Connor and his wife were among the founders of the John Wayne Cancer Clinic, and they have funded numerous scholarships for American Indians at the University of Montana. After their son Hugh's suicide, they took the forefront of the fight against drug and alcohol addiction.

In a 1995 television interview, O'Connor said he and his wife relied on their faith in the wake of their son's suicide.

"The Lord sends you a balm," he said. "Could I go on the air and preach, do you think, with all these words? But it is a balm. God gives you a balm and helps you."

In the wake of Hugh's suicide, O'Connor publicly named Harry Perzigian as the man who had supplied Hugh with drugs. Perzigian was eventually arrested on charges of drug possession, but later sued O'Connor for defamation. The suit was thrown out of court.

O'Connor recorded a public service announcement that still airs on occasion; in it he said, "Get between your children and drugs any way you can."

He was instrumental in the passage of California's Drug Dealers Civil Liability Act, which allows citizens to sue drug dealers for the drug-related deaths of family members.

He is survived by his wife and a grandson, Sean.

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