

WORLD & NATION

Court orders Law to give deposition

BOSTON (CNS) — Under court orders, Cardinal Bernard F. Law of Boston began May 8 to answer under oath questions from attorneys representing 86 alleged victims of defrocked Boston priest John Geoghan.

While some media reports suggested that it is highly unusual for high-level churchmen to be subjected to sworn depositions, it is not uncommon for attorneys with lawsuits against a diocese to depose the bishop.

The first day of the deposition focused mainly on archdiocesan procedures and personnel involved in dealing with Geoghan after an allegation of child abuse was lodged against him in 1984 and on the recent decision of the archdiocesan Finance Council to veto an all-but-completed settlement to set up a \$15 million to \$30 million fund from which the Geoghan victims would receive compensation.

Originally scheduled for June, the deposition was moved up by Suffolk Superior Court Judge Constance Sweeney at the request of the plaintiffs' attorneys. In a ruling May 6 she agreed with their concern that Pope John Paul II could summon the cardinal to Rome, putting him beyond the reach of the U.S. legal system, or make him a Vatican ambassador, which could provide diplomatic immunity.

"His choice of whether his deposition is taken is not his alone," she said. "It belongs to the pope in Rome."

Mitchell Garabedian, chief attorney for the plaintiffs, pressed for an expedited deposition after the Finance Council rejected the cardinal's request to give the necessary canonical approval for the settlement.

The council reportedly told the cardinal that the settlement, worked out when there were only about 30 other sexual abuse lawsuits pending, was no longer workable in view of about 120 additional lawsuits filed since then and many more expected.

In his deposition, Cardinal Law said that, with the number of other cases having jumped to 150, "the council felt that it would be irresponsible to move forward with the settlement as it had been worked out ... that we needed to go back to the drawing boards and to develop a global settlement that would be able to embrace" all the plaintiffs.

Under church law, when a bishop makes decisions that have significant impact on the economic condition of his diocese, such "acts of extraordinary administration" require the consent of the financial council. Vatican permission is also needed in some cases, such as, in the United States, when a bishop wishes to mortgage, sell or rent a church property worth \$3 million or more.

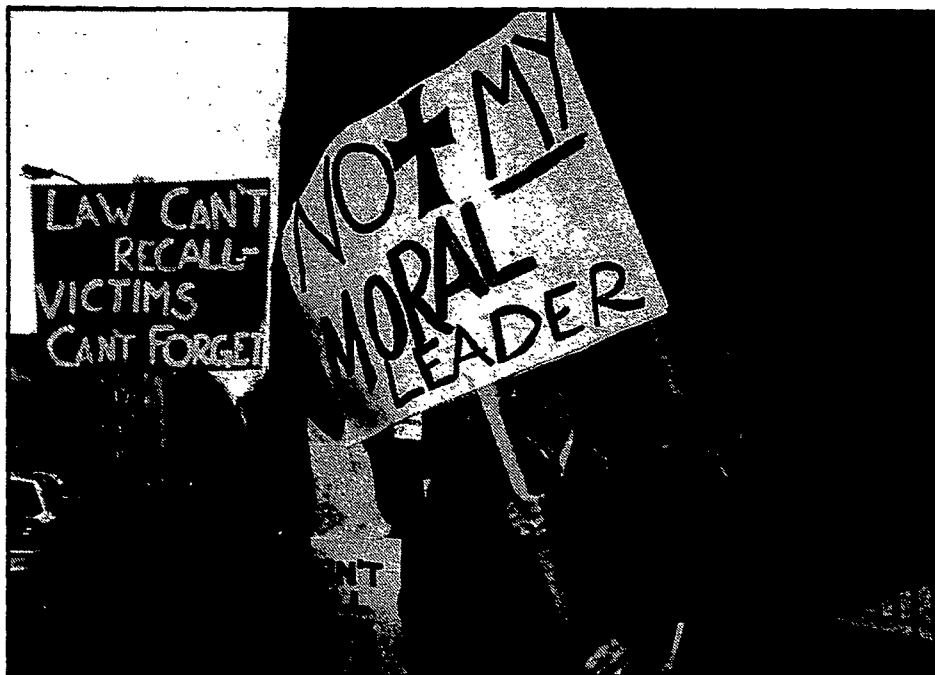
Early in the deposition Cardinal Law was asked if he is "a citizen also of the Vatican State."

"I inquired of that this week since the question was raised, and I had never considered it before," he said. "The answer that I have is that I am."

Dominican Father Joseph Fox, professor of church law at the University of St. Thomas, told Catholic News Service May 10 that under church law, Cardinal Law cannot be a Vatican citizen unless he resides in Rome.

Cardinal Law also was asked if he has an "ambassadorial standing with the Vatican."

"No, I do not. I have represented the Holy See as a legate for a conference, but that was not ambassadorial standing," he said.



Reuters/CNS

Demonstrators outside the Cathedral of the Holy Cross in Boston May 12 hold signs referring to Boston Cardinal Bernard Law. Demonstrations have become a regular fixture outside the cathedral as Cardinal Law and the Boston Archdiocese continue to grapple with the clergy sex abuse scandal.

The concept of the Vatican as a refuge against legal proceedings in another country is not without precedent.

In 1987-88 American Archbishop Paul Marcinkus, then head of the Vatican bank, was forced to leave his Rome residence and live inside the Vatican walls for several months to avoid arrest by Italian police on charges of complicity in fraudulent bankruptcy in connection with the scandal over the collapse of the Banco Ambrosiano. He was able to leave only after Italy's Constitutional Court ruled that the arrest warrant was unconstitutional.

It is standard practice in U.S. civil lawsuits for plaintiffs to depose all defendants and defense witnesses before the case comes to trial.

Two U.S. cardinals were deposed in one famous case in 1988, when moral theologian Father Charles E. Curran, a tenured professor, went to court to force The Catholic University of America to permit him to continue teaching there despite a Vatican order forbidding him to teach as a Catholic theologian.

Cardinal James A. Hickey of Washington, chancellor of the university, and Cardinal Joseph L. Bernardin of Chicago, chairman of the board of trustees, were both called to testify at the trial. Father Curran lost the case.

Archbishop Daniel E. Pilarczyk of Cincinnati recently was placed on call to testify before a grand jury concerning sexual abuse allegations against priests in his archdiocese. Shortly before he was slated to take the stand he was excused from testifying.

Priest pleads guilty to having child porn

ST. LOUIS (CNS) — Father John Hess, former pastor of Most Sacred Heart Parish in Florissant, pleaded guilty in federal court May 8 to a felony charge of possession of child pornography.

Father Hess, 56, will be sentenced July 26.

On March 6, FBI agents seized Father Hess's computer from the parish rectory as part of a nationwide child pornography investigation called Operation Candyman. Authorities said his computer's hard drive held hundreds of images of child pornography.

Father Hess left the parish, and Father Edward Stanger was appointed temporary administrator.

In a statement May 8, St. Louis Archbishop Justin F. Rigali said he was "shocked and saddened" by the initial news of the investigation "and I am again saddened today upon learning of his guilty plea in the case."

Archbishop Rigali also announced May 8 that Father Stanger has been named pastor of Most Sacred Heart. The archdiocesan Catholic Education Office and Catholic Family Counseling will continue to provide support to the parish, he said.

"This painful incident provides an occasion for me to renew my encouragement to the community to be ever vigilant against the insidious and seductive evil of pornography," Archbishop Rigali said.

Federal prosecutor Ray Gruender said there was no evidence Father Hess had acted inappropriately with children.

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