

# Charter used to remove religious-order priests

WASHINGTON (CNS) — When the U.S. Catholic bishops adopted a child protection charter June 14 barring from church ministry any priest who has sexually abused a minor, many commentators said it didn't apply to the nation's 15,000 religious-order priests.

But in fact, the charter has been used to remove a number of religious priests from parishes around the country.

The reason is fairly straightforward: Canon 678.1 of the church's Code of Canon Law says, "Religious are subject to the power of bishops ... in those matters which regard the care of souls, the public exercise of divine worship and other works of the apostolate."

In other words, a priest who belongs to a religious order cannot exercise any pub-

lic ministry in a diocese if the local bishop prohibits it.

Since the charter was adopted, for example, as a result of sexual abuse allegations or admissions a Josephite priest was removed from his parish in Maryland, a Sons of Charity priest from a parish in Connecticut, a Conventual Franciscan from a parish in Kentucky and a Crosier from a parish in Michigan. Several priests of religious orders were among those removed earlier in the year as many bishops adopted stricter local policies in anticipation of the charter.

Marist Father Ted Keating, executive director of the Conference of Major Superiors of Men, said that under church law, whenever an order assigns one of its priests to a parish under the direction of a bishop,

"the bishop has the right to say yea or nay" both in the original assignment and with regard to the priest's continuing presence.

He said a protocol the bishops and major superiors of U.S. religious orders agreed to in 1995 provides that religious superiors will inform the local bishop of any past allegations against a priest if the order plans to assign the priest to a post in that diocese.

The bishops' new child-protection charter also requires such notification to the local bishop, even if the priest in question is only being sent to reside in a diocese, without any ministerial or apostolic duties.

Father Keating said the real question for religious orders regarding priests who have sexually abused minors is not in the area of reassigning them to ministries, since the policies of orders already require compli-

ance with diocesan policies and diocesan policies nationwide now prohibit reassignment.

"The real question, frankly, between the major superiors and the charter is what happens afterward under Article 5," he said. In that article the charter sets rules governing whether a priest who has sexually abused a minor should be laicized or be barred from all ministry and forbidden to represent himself publicly as a priest.

"The question is going to be what we do with men after there's been a proven allegation. ... As far as forced laicization or defrocking, that's going to be a different issue in religious life, because we have a different relationship with those men than the bishops (with diocesan priests)," Father Keating said.



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## Pope's health sparks debate

VATICAN CITY — For several months, media have reported comments by cardinals and others debating whether Pope John Paul II would resign for the good of the church if his health deteriorated further, or whether he believed the decision on who should lead the church rests entirely in God's hands.

When the pope was healthy, talk of papal resignation was taboo. Now, as he struggles with physical frailty, even top aides like Cardinal Joseph Ratzinger, head of the doctrinal congregation, are discussing the possibility that the pope may one day choose to step down.

Amid the continuing speculation, the pope said the prayers of millions of people give him strength even when he is suffering.

"Every day I experience that my ministry is sustained by the unceasing prayer of the people of God, of many people who are unknown to me, but very close to my heart, who offer the Lord their prayers and sacrifices for the intentions of the pope," he said June 30 during his midday Angelus address.

"At the moments of greater difficulty and suffering, this spiritual force is a valid help and an intimate comfort," he said.

The 82-year-old pontiff, who seemed to have trouble catching his breath at times during the short greetings to pilgrims, said, "I always need your prayers, dear faithful of Rome and of the whole world."

### Scenarios

Cardinal Ratzinger's comments in mid-May and those of other church leaders have given rise to a rash of resignation scenarios. The most-discussed theory hinges on the pope's planned visit to Poland Aug. 16-19.

Although the Vatican has dismissed any such plans by the pope, some people think he has in mind a one-way trip to his homeland. Under this scenario, he would announce his resignation in his former diocese of Krakow and retire to a Polish monastery to pray. In August, the number of voting members of the College of Cardinals coincidentally falls to 120 — the upper limit set by conclave rules.

Others believe the pope, who suffers from a debilitating neurological illness believed to be Parkinson's Disease, has ac-



Pope John Paul II blesses the crowd at the end of his general audience at the Vatican July 3.

cepted the idea of eventual resignation but has not set a date. He will keep going until he cannot go any further, they say.

Because Parkinson's normally leads to physical incapacity, some sources have said it is likely the pope has prepared a resignation letter in case that happens. Pope Paul VI wrote a similar letter, according to a re-

cent book by his secretary, Archbishop Pasquale Macchi.

The purpose of such a letter would be to avoid administrative paralysis of the church if a pontiff were debilitated — perhaps suddenly — and could not express his decision to resign.

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