

WORLD & NATION

Fr. McKenna sees need to clarify abuse policy

NEW YORK (CNS) — The U.S. bishops' child sex abuse policy needs clarifications regarding the legal definitions of abuse, due process and protection from "frivolous" accusations, said the president of the Canon Law Society of America.

The bishops deserve praise for developing a multifaceted policy to deal with a serious crisis, but many canon lawyers want more emphasis on due process "beyond encouraging the accused cleric to retain canonical and civil counsel," said Father Kevin McKenna, society president.

He said church legal procedures for removing priests "can be cumbersome," but if they had been followed to prosecute known offenders in the past rather than shifting them to different parishes, the current crisis could have been prevented.

Father McKenna's comments were in a bylined article in the Sept. 16 issue of *America*, a New York-based national Catholic magazine published by the Jesuits. The article analyzed the "Charter for the Protection of Children and Young People" and the accompanying legal norms approved by the U.S. bishops in June.

Father McKenna said clarification of the bishops' policy could come from the Vatican, which has to approve the bishops' norms before they become U.S. church law, or from a commentary by the U.S. Conference of Catholic Bishops.

"Concern for alleged victims is appropriately highlighted in the charter," he said. "But there must also be concern for the alleged perpetrator, who is presumed innocent until guilt is proven or admitted," said Father McKenna, pastor of St. Cecilia's Parish in Rochester.

The canon lawyer said a clear definition is needed for the phrase "credible accusation," since an accusation automatically means that a priest is temporarily removed from ministry until an investigation is completed. Such a definition would also be helpful to investigators and review boards, he added.

"Care must be taken to protect against frivolous accusations launching immediate removal from ministry," he said. "Anyone who gets angry with a priest and falsely accuses him could have him suspended for doing nothing."

"The immediate referral of any allegation, even if frivolous or unfounded, to civil authorities raises questions about the right of any accused person to a good reputation," he added.

The term "sexual abuse" also needs to be clearly defined, "since it is envisioned in the charter that the penalty is the same — permanent removal from ministry — for all possible offenses," he said.

Father McKenna said the U.S. bishops'

definition lacks precision because it refers to canon law which speaks of an "objectively grave violation of the Sixth Commandment" and to a looser Canadian bishops' definition "which describes various scenarios that may or may not be present, but still constitute abuse."

The bishops' policy states that a single act of child sex abuse, even in the past, is enough to permanently remove a cleric from ministry.

"Normally laws are made for the future, not the past," said Father McKenna.

"Some clerics who committed an act or acts of abuse in the past have gone through treatment, have followed the protocols established for them and have later been appointed to an ecclesial office," he said. Being subject to dismissal from the priesthood because of the same abuse, he added, opens the door to double jeopardy.

Church law states that an accusation cannot be presented after the alleged victim has reached 28 years of age. The U.S. bishops' policy does not mention any statute of limitations.

Father McKenna added that "there is no mention in the norms of the need to assess imputability for a crime (that is, whether the crime was a free and deliberate act), an important part of our canonical tradition."

Assessing imputability "is a serious issue if the accused suffers from addictions or compulsions," he said.

Addictions or compulsions, under church law, would not prohibit a bishop from taking action to limit ministry but "it could affect the ability of the bishop to impose the most serious penalty, dismissal from the clerical state," he said.



Reuters/CNS

Famous statue gets cleaning

Agnes Parronchi cleans the marble statue of David at the Galleria dell'Accademia in Florence, Italy, Sept. 16. The renowned work by Michelangelo is to be cleaned during a seven-month restoration project. It is the first cleaning of David since its relocation to the gallery in 1873.

Ugandan martyrs willingly risked lives

By Sister Grace Candiru
Catholic News Service

KAMPALA, Uganda — Two Ugandan martyrs slated for canonization knew of the dangers of serving in a remote area of their country, but volunteered for the job.

Catechists David Okelo and Jildo Irwa were murdered Oct. 18, 1918, in northern Uganda. When Pope John Paul II canonizes them Oct. 20, it will bring to 24 the number of Ugandan martyrs who have become saints.

Okelo was 16 and Irwa was 14 when they converted to Catholicism in 1916 after receiving instruction from Comboni missionaries, who first arrived in Uganda in 1910. Okelo and Irwa were among the

first group of catechumens to be baptized into the Catholic faith. Almost immediately following their conversion, the pair began studying to become catechists.

After completing their studies, Okelo and Irwa were sent to serve in Paimol, in northern Uganda, near Kitgum, after the previous catechist, Okelo's half-brother, died of starvation. Although violence and famine permeated the area, the young catechists volunteered for the assignment.

A parish priest attempted to discourage the two from taking the dangerous assignment. Irwa said he would stay with Okelo, the bigger of the two, and that the pair would be able to fend for themselves.

The young men said that if they were killed while serving the church "We shall

go to heaven." The reply disarmed the priest, who offered his blessing before the two left for their new assignment.

The villagers provided food for the catechists who, in the absence of a chapel, met under a tree to provide religious instruction. They quickly became popular in their new surroundings.

Witnesses said that because of the catechists' exemplary behavior, parents willingly sent their children to them for instruction.

The people in the area where the two young catechists worked were resistant to the rule of colonial power Great Britain.

The British soon started building roads, primitive bridges and rest houses for visiting officials and replaced uncooperative chiefs with more pliable ones.

A deposed subchief spread rumors that the new Christian religion brought by the missionaries was responsible for the famine and misery in the region. Local traditional religious leaders and Islamic mercenaries joined the cause and planned an attack on the village.

Witnesses said that Okelo and Irwa knew their lives could be in danger and had a chance to escape. Instead they chose to stay, saying, "If they kill us, God is with us."

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