

Guide issued for applying norms

Jerry Filteau/CNS

WASHINGTON — The Canon Law Society of America has issued a guide to following church law in implementing the U.S. bishops' norms on clerical sexual abuse of minors.

The 47-page booklet was written by a CLSA task force headed by Msgr. Frederick C. Easton, judicial vicar of the Indianapolis Archdiocese.

The booklet, "Guide to the Implementation of the U.S. Bishops' Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests or Deacons," is divided into: the rights of abuse victims, the rights of the accused, and a summary of the processes to be followed when an allegation is made.

The summary of the processes approaches each step from the standpoint of the rights of the accuser, the rights of the accused and the responsibilities of the bishop.

The guide cites victims' right to be heard and rights of reputation and privacy. It spells out canonical processes available to victims to vindicate their rights, including the right to challenge a bishop's decision if they feel his response to a complaint has been inadequate.

"Canon law also provides that an injured party has the right to place a contentious action before the diocesan tribunal for the specific purpose of seeking reparation of the damages that have been incurred personally as a result of the abuse that has been suffered," it says.

The guide illustrates some of the complexities and nuances of the church's criminal law.

Church law says, for example, that imputability, or moral responsibility, may be mitigated if the offender committed the act while judgment was impaired by drunkenness or drug abuse. But the guide notes that if the offender deliberately got drunk or used drugs "to commit or excuse an offense" then the alcohol or drug abuse "cannot be considered as a mitigating or excusing factor."

Similarly, while pedophilia as a psychological illness might be invoked as a mitigating factor, the guide points out that "such a condition has to be balanced against the aggravating factor of Canon 1326.1.3, that a person who could foresee the likelihood of committing an offense and did not take precautions to avoid it is subject to more severe punishment."

It also points out that canon law

Abuse victims ask to see pope

John Norton/CNS

ROME — Three alleged victims of clerical sex abuse from the Archdiocese of Boston traveled to Rome in late March in the hopes of telling their stories of suffering directly to Pope John Paul II.

"I would like five minutes to explain what is really going on," said one alleged victim, Gary Bergeron, 40, of Lowell, Mass., who said he was sure the pope was unaware of the full extent of the U.S. clerical sex-abuse crisis.

He acknowledged at a March 24 press conference that the group did not have an appointment with the pope or any Vatican official but said, "We will knock on any door until one opens."

Bergeron traveled to Rome with his father, Joseph Bergeron, 78, and Bernie McDade of Salem, Mass. The younger Bergeron and McDade say they were abused in the 1960s and 1970s by Father Joseph Birmingham, who died in 1989. The elder Bergeron also says that when he was

a child he was abused by a priest.

Gary Bergeron said he had sent requests for assistance in obtaining a papal audience to about a dozen Vatican officials — whom he would not immediately name — but had not yet received a positive response.

He also sent a plea to U.S. Ambassador to the Vatican Jim Nicholson. An aide to Nicholson said the ambassador had forwarded the request to the Vatican with a note asking that it be given consideration.

Bergeron said he was convinced that the pope would not be able to understand the gravity of the U.S. clerical sex-abuse crisis until he meets with victims and hears their stories face-to-face. He said he would return to Rome as many times as it takes to see the pontiff.

"If it takes five times or 500 times, we will get in, because he needs to know," Bergeron said.

A Vatican spokesman, Passionist Father Ciro Benedettini, said the Vatican press office had no information on individual requests for papal audiences.



Reuters/CNS

Papal greeting

Pope John Paul II greets a young girl at the Vatican March 22. Calling peace a gift, the pope declared that weapons can "never resolve the problems of man."

codes for the Latin and Eastern churches provide "that one who is afflicted with insanity or some other psychic defect is impeded from the exercise of sacred orders."

Mercy Sister Sharon Euart, a former associate general secretary of the U.S. Conference of Catholic Bishops, said such examples show that "in the end, if the person is guilty, he can be removed from ministry" without violating his rights under church law.

She said the task force is already revising the guide to take account of procedural changes adopted by the Holy See in February to make it easier for the Vatican to laicize clerics

who have sexually abused minors.

The task force included Sr. Euart; Diane Barr, of the San Francisco archdiocesan tribunal and church consultant with doctorates in church and civil law; and Father Gregory Ingels, a San Francisco tribunal official and professor at St. Patrick Seminary in Menlo Park, Calif.

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