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Phoenix agreement debated

Critics fear more state intrusion in church affairs

WASHINGTON — An agreement between the Phoenix Diocese and Arizona's Maricopa County Attorney's Office has raised questions as to whether diocesan officials exchanged state intrusion into church affairs for immunity from prosecution in clergy child sex-abuse cases.

In an agreement to avoid criminal prosecution, signed by now-resigned Bishop Thomas J. O'Brien of Phoenix and Maricopa County Attorney Richard M. Romley, the bishop gave up some of his diocesan administrative duties and apologized for allowing priests he knew were suspected of sexual abuse to continue working with minors. The agreement was announced June 2.

At issue are provisions for removing the bishop from certain administrative duties, including responsibility for revising and enforcing diocesan sex-abuse policies, and delegating these to a diocesan "moderator of the curia."

A Vatican source told the Rome bureau of Catholic News Service that the Vatican was uneasy with the Phoenix agreement.

But U.S. defenders of the agreement say the pact has a narrow scope and that delegating a bishop's administrative duties is allowed under the church's Code of Canon Law. They add that further requirements in the agreement regarding sex-abuse policy are positive things that



Maricopa County Attorney Richard M. Romley announces the indictments of six priests from the Diocese of Phoenix on criminal sexual-abuse charges June 2 in Phoenix. He also released an agreement signed by Bishop Thomas J. O'Brien that grants the bishop immunity from criminal prosecution in relation to the handling of sexual-abuse charges against priests.

many other dioceses are doing.

U.S. critics say provisions limit a bishop's authority in his own diocese — something only the Vatican can do — and sets precedents for state involvement in diocesan decision-making elsewhere. They add that while a bishop can delegate some duties, taking such action in exchange for immunity or under pressure from civil authorities is unusual and against the spirit of church law.

Other provisions of the Phoenix agreement include:

- Establishing a diocesan

youth-protection advocate responsible for enforcement of diocesan sex-abuse policy and empowered to directly report credible accusations to civil authorities without seeking approval from other diocesan officials.

- Giving the county attorney's office a voice in revising diocesan sex-abuse policies.

- Requiring the diocese to pay \$600,000 to help victims of sex abuse and to pay \$100,000 to cover costs of the county's investigation of sex-abuse cases involving priests.

The agreement came six months after another accord

reached by the New Hampshire Attorney General's Office and the Diocese of Manchester, N.H. The attorney general's office was granted auditing power for five years to ensure that the diocese was complying with revised sex-abuse policies, and the Manchester Diocese was given immunity from prosecution under state child-endangerment laws.

Critics of the agreements have said that continuing criminal investigations across the United States raise the possibility of similar agree-

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Story and photos by Catholic News Service