

Abusive Bishops and the Destruction of Priests' Reputations

by Rev. Michael P. Orsi, Ed.D

The Charter for the Protection of Children and Young People, commonly referred to as the *Dallas Protocols*, was passed by the American bishops in 2002 at their biennial meeting in Dallas, Texas. The document outlined the procedures for removing clergy accused of misconduct with a minor. The goal was good – “zero tolerance” for any perpetrators of child abuse. However, it bypasses crucial Canon Law provisions for due process and, even more importantly, offends the foundational doctrine of Catholic social justice – “the dignity of the person” – which presumes one’s right to a good reputation.

Instantiated in canon law are basic biblical and moral precepts based on the natural law as well as procedural protections of due process for members of the Church.

The Eighth Commandment’s injunction against false witness finds expression in the 1983 Code of Canon Law, which clearly states in Canon 220 the principle of a right to one’s good reputation. A subsequent provision, Canon 221, which deals with the vindication of rights and defense, acts as a remedy to protect any violation of the former. For a bishop not to afford these protections violates justice. But even more it may be a seriously sinful cooperation in evil.

Since Vatican II, the Church has been a clarion for justice in the world. Therefore, it impinges on Church leaders to model justice for others. Essential to justice is concern for a person’s reputation since, next to life itself, it is the most precious thing humans have. It is therefore the job of those in authority to protect people whose reputation is being threatened. Here many bishops have fallen short. “The current climate regarding abuse with a minor, according to a prominent Midwestern canonist, “has caused many bishops to place diocesan public relations and finances paramount to the reputation and rights of the priest when such accusations are leveled.” Usually after an accusation has been made, a priest is swiftly removed from his parish residence, and in some cases, with little or no opportunity to get legal or canonical advice. If a diocesan hearing board is convened to examine the facts pertinent to the allegation, which is not always the case, the facts presented are often weak and/or unsubstantiated. This is a preliminary investigation at this point in the canonical process.

This Kafkaesque scenario often leads to administrative or temporary leave imposed by the diocesan bishop. Administrative leave is not penal, however its effects are devastating. As the British weekly *The Economist* said: “No crime, not even murder, is vilified in the western world as pedophilia. Being accused, even wrongly of anything to do with child abuse can ruin people’s lives.” (1-18-03) Once a man is put in this canonical dark hole it may be years before his case is adjudicated or any remedy is prescribed. In the meantime because of his removal many people quite naturally presume the man’s guilt. Even in the cases when a man is exonerated and returns to the active ministry he is always under a cloud of suspicion. As Avery Cardinal Dulles said:

“At the time when accusations are made, it is often impossible to judge their truth, and this impossibility may persist indefinitely if the accusations are denied and probative evidence is lacking. When dioceses routinely announce that accused priests have been ‘removed from public ministry because of a credible accusation of sexual abuse to a minor,’ such priests are, in effect, branded as guilty. An accusation is deemed credible unless it is manifestly groundless. When priests are treated as guilty, they suffer the loss of their good name and as a consequence find it difficult in the future to function effectively in their God-given vocation, assuming that they are restored to ministry.” (*America*, 6/21/04).

This violates justice. It can be said that when a bishop allows this to happen he has been negligent in his duties since he is the chief magistrate and shepherd of his diocese. As one bishop caustically said to me regarding his power in the diocese, “I hold all the marbles here.” And, unfortunately this is true. He then

proclaimed, "We have less than zero tolerance here!" Less than justice? It may be that he stands condemned by his own words.

Some American bishops have made a travesty of canon law and have sacrificed their priests' reputations to quell a crisis basically of their own making. In doing so, they jeopardize the souls entrusted to their care as well as their own. If they are so willing to sacrifice their own sons how can anyone take them seriously when they call for justice in society and preach the dignity of persons as a basic moral principle?

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My comment: Our organization works with 90 canonists in different parts of the world to defend the rights of clergy and laity and to do canonical advocacy. We have taken on over 800 cases. Many bishops have even interfered with our work. Let us pray for all our accused priests that they will get justice.

Peace and Joy,

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