

## **Bishop Deprives Priest of Civil Rights**

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Above a full-sized photo of a handsome 33-year old Catholic priest dressed in a jail uniform sitting at a courtroom table with his attorney, The Sacramento Bee headline on page 1-A reads: “8-Year Lockup For Priest”

In exchange for pleading guilty to molesting a 13-year old girl four years ago, the young priest agreed to accept an eight year prison sentence without the possibility of parole and to register as a sex offender. In addition, the Bishop of the Catholic Diocese announced he would begin the canon law process of laicization, which would strip this new felon of his priestly status – defrocking is the commonly-used term.

Big news, indeed! Especially following decades of child sex abuse by priests that were covered up by Bishops who approved financial settlements with families of the victims in exchange for no admission of wrong doing and the payments conditioned upon their silence.

However, despite the lack of any newspaper headline to accompany it, the biggest news that resulted from this plea bargain is the fact that the relationship between Catholic priests and their Bishops to whom they have promised obedience has forever been altered.

Reporting the alleged abuse to the civil authorities and letting them conduct a thorough investigation is one thing – a good thing! But deliberately entrapping the accused priest into admitting his guilt to the Bishop to whom he had vowed religious obedience, and then testifying at a preliminary hearing about the private admission of guilt the Bishop had secured, violated this priest’s civil rights about his presumption of innocence and his right to a fair trial.

In effect, the action of the Bishop in handing over the accused priest to civil authorities along with the private confession of guilt the Bishop had exacted forced him to plead guilty in order to accept a plea bargain with the District Attorney for an eight-year prison sentence; his only other option was to plead not guilty and having his confession to the Bishop used against him in a jury trial and run the risk of receiving a sentence of life in prison if he were convicted.

Let me be clear. When I write about this accused priest's confession of guilt to his Bishop, I am not referring to a sacramental religious confession that carries with it the seal of confidentiality. Rather, I am talking about the canonical relationship that exists between a priest and his Bishop. The ordained priest has taken an oath of obedience to his Bishop.

In the future, if an accused priest wants to preserve his presumption of innocence and his right to a fair trial, he will have to deny everything to his Bishop or refuse to respond to his questions or cooperate with his investigation. Additionally, if the default penalty for child sex abuse is laicization - the loss of his priestly status and the source of his livelihood - then the accused priest has even less reason to be truthful and cooperative with his Bishop or other Church authorities.

After decades of using insurance money to cover up child sex abuse perpetrated by priests, Catholic Bishops in the U.S. have thrown in the towel. This case in Sacramento makes church history because it is probably the first of its kind - a Catholic Bishop has turned over one of his accused priests for criminal prosecution. Unfortunately, in this particular case, the Bishop also created a process that violated the civil rights of his priest by jeopardizing his right to the presumption of innocence and a fair trial.

When the pendulum first begins to swing back, it always swings too far!