

# CHURCH, JUDGES IN UNHOLY UNION

*Our judiciary should not support Catholic clergy after revelations of child sex abuse*

CHRISSIE FOSTER

I see red when I think about the Red Mass. The Red Mass is a Catholic mass said at the end of each January for the legal fraternity marking the beginning of the year. The Red Mass is a European tradition dating back to the year 1310 in England and earlier in Paris — 1245.

An invitation to attend the Melbourne Red Mass at St Patrick's Cathedral appeared on the Victorian Bar website. The Victorian Bar is a "professional association of barristers". The invitation reads: "As this is Archbishop Comensoli's first Red Mass since becoming Archbishop of Melbourne, it is important for the legal community of Melbourne to welcome His Grace with as many members of the profession in attendance as possible."

This is the same archbishop who recently said he would defy new child protection laws rather than report admissions of child sexual assault made in the confessional. Victoria recently passed legislation removing clergy exemption from mandatory reporting of a reasonable belief that a child has been sexually abused. Archbishop Peter Comensoli said he would rather go to jail than obey the new law.

Why should our legal profession "welcome" such a man? A man who publicly announced his intention to commit a crime? And not just any crime, one that disobeys child safety laws? The archbishop is the highest-ranking cleric of the Catholic Church in Victoria. Many clergy obey and follow him. Priests have promised obedience to him. Comensoli's words and actions are replicated in communities all over Victoria. Why should the legal fraternity welcome someone who dictates that priests should commit a criminal offence by failing to report to the police information about child sexual abuse?

The new law lifting the secrecy of confession was debated in the Victorian parliament last August 29. It was an extraordinary day in parliament. At least 15 members of parliament rose and stated how shocked they were that the Archbishop of Melbourne would choose to protect paedophiles rather than children. Their anger was palpable. And angry they should be, for the reality of Comensoli's words is to knowingly allow adults to continue to rape and sexually assault children. The archbishop is apparently happy to hear admissions of crimes against children and just let child molesters and rapists go unpunished, unchecked and uncured. This failure to obey the law would allow sexual crimes against children to continue for decades.

In 2003 Catholic priest Michael McArdle swore an affidavit stating that during confession he had disclosed more than 1500 times that he was sexually assaulting children. He made this confession to 30 different priests over 25 years. Not one of those 30 priests stopped him. For decades they just forgave him. This is precisely the situation Comensoli says should remain. What finally stopped McArdle was not the church, but a child going to the police. The church could have reported him to police decades earlier and saved countless children.

The Red Mass invitation also states: "A procession of judges, magistrates, tribunal members, judicial registrars, court officials and barristers will precede Archbishop Comensoli into the Cathedral." That is a powerful line-up to honour and respect the archbishop. It concludes: "After Mass the judiciary, members of the legal profession, staff and their families are invited to join Archbishop Comensoli for morning tea in the Cathedral Presbytery."

What message does this send to our community? What faith should we have in the legal system when there are public displays of support by the legal fraternity for particular institutions?

Cardinal George Pell was the archbishop of Melbourne from 1996 until 2001. Pell would have conducted his first Red Mass in January 1997 at St Patrick's Cathedral. As archbishop, he would have presided over any judges, magistrates, tribunal members, judicial registrars, court officials and barristers in attendance. While the legal fraternity was honouring Pell with its presence and socialising with him afterwards, the reality was that he would later appear before them in the courts. He was subsequently convicted of sexual offending against two boys about the time of that Red Mass.

In Australia the child abuse royal commission established that of all complaints of child sexual abuse in religious institutions the Catholic Church attracted most with 61.8 per cent of the complaints. The next worst was the Anglican Church with 14.7 per cent. The Catholic Church has had a much larger problem with child sex abuse than any other religious organisation in Australia.

After everything we have learnt through first the Victorian parliamentary inquiry and then the royal commission, I would rather our judiciary did not honour and support Catholic clergy with its presence. We all now know the shocking truth of the church's history of widespread sexual abuse of children and the cover-ups. Why should the legal fraternity demonstrate public support for such an institution?

What is the purpose of the Red Mass get-together with the judiciary? Why is it necessary? Does the Catholic hierarchy hold a Red Mass for housewives? Or apprentices? Or unmarried mothers? Or students? Or doctors? Victims of clerical abuse need know the judiciary is impartial.

Perhaps judges, magistrates, tribunal members, judicial registrars, court officials and barristers should reconsider attending this event.

Instead, consider the thousands of Australian children caught in the clergy machine — a tag team of offenders with friends in high places, such as archbishops, to protect them. Instead, think of the ordinary members of our community who want our justice system to give them confidence in the idea that we are all equal before the law.

---

*Chrissie Foster is a victim advocate and author (with Paul Kennedy) of Hell On The Way To Heaven.*