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Attorney questions law on clergy-client relations

Zoe Ryan | Jul. 5, 2011

ST. PAUL, MINN. -- The attorney for a Minnesota priest charged with criminal sexual conduct with an adult female parishioner told the court that the case should be thrown out, arguing that a state law criminalizing sexual relations between a cleric and a church member is unconstitutional.

Paul Engh, the attorney for Fr. Christopher Wenthe, argued in court the constitutionality of a Minnesota state law that forbids a clergy member from having sex with a person ?during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense.?

The Minneapolis *Star Tribune* quoted Engh as saying the law is ?an overly broad attempt to regulate sexual behavior.? Engh said, ?Any minister who has sex with anybody may be in trouble under this statute.?

Ramsey County prosecutors argued that the law criminalizes ?exploitive, abusive behavior,? the *Star Tribune* reported.

According to the criminal complaint, the woman alleges that she went to Wenthe for confession four times, but he told police he heard her confession only once and that was before the sexual relationship began. According to the complaint, he told police that ?he believed the entire time he was acting as a friend to [the woman] and not a priest.?

A judge heard arguments on the constitutionality question June 20. Wenthe has pleaded not guilty.

Wenthe was charged with third-degree criminal sexual conduct Feb. 17 when the woman told police that Wenthe had taken advantage of her while acting as her confessor.

According to the complaint, the woman became a Catholic in 2003 and said her spiritual advisor encouraged her to seek professional counseling for the sexual abuse that occurred in her childhood and to seek a ?regular confessor within the Catholic church.? The woman also stated she had been in recovery for bulimia. Wenthe agreed to become her regular confessor, according to the complaint. Wenthe was then pastor at Nativity of Our Lord Catholic Church in St. Paul, where the woman was a parishioner.

The complaint alleges that there was a sexual relationship from 2003 to 2005 when the woman was in her early 20s.

The woman stated she knew the person taking her confession was Wenthe, even when a screen blocked her view of him, because of ?his tone of voice, speaking mannerisms, and his diction,? according to the complaint.

She told police that ?her need to be absolved of her sins outweighed her reluctance to interact with the defendant in a spiritual manner? and that ?she had shared so much pain and details related to her eating disorder and sexual abuse as a child with him that it was unthinkable that she could confide in any other priest without

having to rehash and relive the past over and over again.?

The St. Paul *Pioneer Press* reported that the state alleges the woman told things in confession to Wenthe that made it possible for him to take advantage of her. The priest?s attorney argued that because priests cannot disclose a person?s confession under canon law, Wenthe cannot defend himself.

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