

Oregon priest's canon lawyer seeks to protect client's 'good name, reputation'

Dan Morris-Young | Jan. 10, 2014

Bend controversy

In an effort to combat the "destruction" of his priest-client's "good name and reputation" as well as to call attention to the "large amount of erroneous information" swirling around that priest's removal as pastor of St. Francis of Assisi Parish in Bend, Ore., canon lawyer Fr. Thomas Faucher released a question-and-answer narrative Jan. 9.

In the 2,300-word document, Faucher -- canonical adviser to Fr. James Radloff -- lamented the "many false and wrong conclusions people have come to about this case," describing some of those as "truly vicious and sinful."

Faucher charged that bishop of Baker Liam Cary "has been asked to at least make some statement defending Father Radloff's reputation and has chosen not to do so."

On Oct. 1, Cary formally removed Radloff as pastor of Bend's largest parish, St. Francis of Assisi, where he had been installed in December 2011. In a letter to parishioners, Cary lauded Radloff's work and accomplishments, declaring that he was a priest in good standing, and said the priest had done nothing illegal.

On Oct. 18, Radloff filed an appeal with the Vatican Congregation for Clergy seeking reversal of the dismissal. The appeal also asks that the reasons Cary used to justify the termination be made public, according to Faucher, a priest of the Boise diocese who once served as judicial vicar for the Baker diocese.

Cary has refused to discuss the reasons for the removal, writing that he was "not at liberty" to do so.

In a statement Jan. 9, Faucher provides answers to 14 questions ranging from what the Vatican congregation could mandate to what he called "the two great mysteries" -- why Radloff was removed in the first place and, now, why Radloff has been barred from public ministry.

"The people who are the church have a right to accurate and factually correct information" and "I am answering questions because the questions are out there and deserve answers," Faucher wrote, adding:

"It is my opinion that Bishop Cary should be the one answering these questions and especially sharing the reasons for the removal and the bar on ministry. The Congregation for the Clergy does not want cases it is considering to be in the news or speculated about. But if Bishop Cary would simply answer all the questions there would be no speculation and everyone would just wait for the decision. I cannot answer why Bishop Cary will not make any comments. His lack of openness and transparency on all of this has hurt him and the diocese and made this into a news story."

Among the statements in Faucher's question-and-answer narrative:

- While Radloff did make a vow of obedience to the bishop, the priest did not break that vow by appealing

the bishop's decision "to a higher authority because the priest believes the order to be wrong."

- "In the months leading up to Oct. 1, 2013, Bishop Cary asked Father Radloff to resign. Using church law as his guide, Father Radloff on numerous occasions and in numerous ways asked for reconciliation, mediation, discussion, dialogue, and clarification from Bishop Cary. Canon law is very clear that reconciliation is the preferred way to handle any disagreement. Every single request for reconciliation and mediation from Father Radloff to Bishop Cary was denied. That all attempts for mediation and reconciliation were rejected by Bishop Cary is also part of the case in Rome."
- Due on roughly Jan. 18, four "major possible outcomes" of the Vatican appeal are likely: 1) Confirmation of Radloff's removal by Cary, 2) Rejection of Cary's claims and restoration of Radloff as pastor, 3) Issuance of "a new set of orders" with conditions for Radloff and Cary, 4) Announcement that more time will be taken for a decision.
- The Congregation for Clergy might or might not approve public disclosure of the reasons for Radloff's removal or for being barred from ministry.
- It would be possible to appeal the Congregation's decision to the church's highest court, the Signatura, but "it is very unlikely" that court "would take such a case."
- "In answering these questions and in all I have personally said and done I am very careful to not in any way violate the confidentiality of this case. There is a specific amount of information in the official 'acts' of the case which cannot be used or made public at this time. But some of the information contained in the acts is also in the public forum. Everything in these questions and answers is information which is not in any way confidential."

Faucher said a copy of his statement had been provided to the Baker diocese. *NCR* inquiries about the document to the diocese have not been acknowledged as of this report's filing.

In a letter dated Nov. 5 and received by Radloff in Chicago, where he has been staying with his mother, Cary accused the priest and Faucher with violating confidentiality understandings in the case.

"In view of some of your recent Facebook postings (especially those of 23, 24 and 25 October) and other developments, I have decided against sending you to Merrill," Cary wrote.

Cary had earlier announced that Radloff would be assigned to Merrill, Ore., a town of about 900 on the Oregon-California border.

"On Sept. 10, 2013, you promised to 'uphold' what you acknowledged to be 'the confidential nature of the documents and communications that make up the Acts of your case,'" Cary wrote in the Nov. 5 letter, adding: "You further promised to use this information 'solely ... in the canonical forum as foreseen by canon law.' Your rights in that forum have been and will be fully respected; therein, you can make whatever arguments you wish to. Canon law does not foresee that you or your canonical advisor will extend that argumentation to the pages of the National Catholic Reporter, The Bend Bulletin, or Facebook."

In an email at that time, Faucher strongly objected to Cary's charges of a confidentiality breach.

According to members of a group supporting Radloff, Faucher's narrative had already been emailed "to several hundred" persons as of Jan. 10.

That group was also considering the publication of the entire text as a full-page advertisement in Bend's newspaper, *The Bulletin*, possibly on Jan. 19, said parishioner Wilma Hens.

More than 100 Radloff supporters held a New Year's Eve candlelight vigil on the steps of the historic St. Francis of Assisi Church in Bend. That church was replaced with a new parish church in a major construction program in recent years.

Some participants said they were denied permission to use the church steps for their vigil by the new administrator, Father Julian Cassar, and so they confined the vigil to sidewalks.

In the Jan. 9 statement Faucher described Cassar "as a fine and good person" who "has suffered by being put into an impossible position."

In December, Radloff requested a letter confirming that he was a priest in good standing from Cary so that he could help out during the Christmas season in his mother's parish in Chicago. A letter of good standing is procedurally required for priests from outside the archdiocese to be allowed local "faculties."

Baker officials told a Chicago archdiocesan official that a letter of good standing would not be issued, Faucher told *NCR* last month.

[Fr. W. Thomas Faucher's Q-and-A regarding the case of Fr. James Radloff](#) [1] by [National Catholic Reporter](#) [2]

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[1] <http://www.scribd.com/doc/198504022/Fr-W-Thomas-Faucher-s-Q-and-A-regarding-the-case-of-Fr-James-Radloff>

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