

May 15, 2007 - Code used to discuss problem priests, Mexican cardinal says
McClatchy Newspapers, by Kevin G. Hall

WASHINGTON - A Mexican cardinal who's been accused in a U.S. civil lawsuit of covering up child rape in Mexico and Southern California has said that Roman Catholic Church officials used coded language to communicate with one another about problem priests.

In a March 26 court filing that McClatchy Newspapers obtained, Cardinal Norberto Rivera, who oversees the Archdiocese of Mexico City, says he told Los Angeles Cardinal Roger Mahony that a priest who's now wanted on criminal charges of child rape was moving from Mexico to Los Angeles for "family and health reasons."

"The phrase 'family and health reasons' was used within the Church to warn that a priest suffers from some sort of problem," Rivera says in his written declaration.

Rivera says he expected the phrase to trigger questions about the Rev. Nicolas Aguilar, who'd been forced to leave a parish in Mexico over suspected homosexual behavior.

"I anticipated that Cardinal Mahony would request a more detailed account of Fr. Aguilar's history and problems if he decided to consider Fr. Aguilar as an employee of the Los Angeles Archdiocese," Rivera says.

The reported communication between the clergymen about Aguilar took place two decades ago, but it's now at the heart of a civil lawsuit that accuses two of the world's most prominent Roman Catholic clergymen of conspiring to cover up sex crimes.

Advocates for victims of abuse said Rivera's statement that the phrase was code confirmed what they'd long suspected: that church leaders used a special code when discussing sensitive matters.

"This is the first evidence I have seen that there truly is such a code," said Barbara Blaine, president of the Survivors Network of Those Abused by Priests.

Rivera made the statement in a declaration filed in California Superior Court in which he argues that the court lacks jurisdiction to include him as a defendant. The declaration, while part of the court file, hadn't previously been made public.

Rivera implies that the court should focus on Mahony, who heads the largest Catholic diocese in the United States.

"It points the finger at another cardinal. It's the first time I have ever seen that in this kind of litigation," said Jeff Anderson, a lawyer based in St. Paul, Minn., who filed the lawsuit on behalf of Joaquin Aguilar Mendez, 26, a former altar boy and Mexico City resident. Anderson has represented accusers in church sex-abuse cases for 24 years.

Aguilar Mendez, 26, who isn't related to the Rev. Aguilar, alleges that Aguilar raped him in 1994 in a church in Mexico City. He charges that the abuse would never have happened had Rivera and Mahony not conspired to protect the priest.

Aguilar is wanted on rape charges in the United States that were filed in 1988. His whereabouts are unknown, but he's thought to be in Mexico.

The complicated story begins in 1986 in the village of Cuacnopalan in Mexico's southern state of Puebla, where Aguilar was bludgeoned inside his parish residence. Rivera, then the bishop of Puebla, removed Aguilar from his parish duties in January 1987 amid rumors that men routinely spent the night at his residence.

Nevertheless, Rivera wrote a letter of introduction for Aguilar to Mahony, who was then the archbishop of Los Angeles. It was in that letter, dated March 23, 1987, that Rivera told Mahony that Aguilar's move to Los Angeles was prompted by "family and health reasons."

A spokesman for the Los Angeles Archdiocese denied that Mahony had received the letter. Tod Tamberg said Mahony first learned that Rivera had written to him in 1988, when he asked Rivera to help with a Los Angeles police investigation into Aguilar. Aguilar

subsequently was charged with 19 counts of child molestation that involved at least eight boys.

Tamberg said that since Mahony hadn't received the letter from Rivera, the two couldn't have conspired to protect Aguilar. "An average person would not see any evidence of conspiracy here. It's a ridiculous charge," Tamberg said.

He declined to comment on Rivera's statement that church leaders used code to discuss such issues.

"I'm not going to speculate on what cardinal has declared," Tamberg said.

After returning to Mexico on Jan. 9, 1988, Aguilar continued to carry out church duties even after he was charged with similar offenses there in 1997. The Catholic News Service reported in January that a group of Mexican bishops has asked the Vatican to investigate because Aguilar, who was convicted in 2003 but freed on a technicality, allegedly still conducts priestly activities.

Rivera's attorney denied that his client is blaming Mahony.

"I think he's just simply pointing out to the court how little he has to do with Aguilar's decision to come to California," said Steven Selsberg, who's based in Houston. "It's more about his lack of involvement in the decisions than blaming anyone else for that decision."

But Rivera's statement is powerful in part because it goes beyond simply arguing that California lacks jurisdiction to include him in the suit. Instead, Rivera says he suspects that "homosexuality problems" provoked the assault on Aguilar, that he asked Aguilar "to seek rest and psychiatric help" and that he warned Mahony about the priest.

He adds that he had no reason to believe that Aguilar had assaulted minors.

Rivera's attorney said the cardinal would give a deposition to U.S. lawyers in Mexico City in the next few months. The deposition, which will be limited to the question of jurisdiction, is expected to occur at the U.S. Embassy, according to lawyers involved in the suit.