

# HOUDINI                  LAWYER                  SHADOWS CARDINAL MAHONY

U.S. Attorney Thomas P. O'Brien has launched a federal grand jury investigation against the Los Angeles Archdiocese claiming it violated the federal "honest services" fraud law when dealing with clergy abuse.

Catholic League president Bill Donohue addressed this issue today:

"Eighteen months ago Los Angeles Archbishop Roger M. Mahony reached a settlement with alleged victims of priestly misconduct, thinking the issue was over. But now it has been resurrected by the Houdini-like tactics of U.S. Attorney O'Brien. He has subpoenaed 22 priests, notwithstanding the fact that two of them are dead and the other 20 were kicked out of the priesthood a long time ago.

"O'Brien is saying there was a cover-up of abusing priests, and as a result parishioners were denied so-called honest services. So novel is this use of the law that this is the first time it has ever been used against a church; it is typically used against politicians and CEOs. But O'Brien isn't like most lawyers. He has tried to court martial a Marine about an incident in Iraq even though the accused was no longer a reservist; he then tried to get the Marine in civilian court—another first—and again he failed. He has also tried to nail a woman for a crime usually committed by computer hackers (she was acquitted of all the felony charges against her and the rest of the case may soon be dismissed).

"No wonder O'Brien is being scorned by his profession. Northwestern law professor Albert Alschuler says 'Nobody knows what honest services means.' Former U.S. Attorney Charles LaBella says, 'This is a strange one.' An editorial in the *Los*

*Angeles Times* opines that 'we worry about the elasticity of the law.' Loyola law school professor Laurie Levenson calls this 'creative lawyering,' and Rebecca Lonergan, a USC law professor, similarly dubs it 'creative.' Catholic law professor Nick Cafardi says this is 'a real stretch' and Notre Dame law professor G. Robert Blakely brands it 'outrageous.'

"Houdini O'Brien should drop his witch hunt. If he wants to do something really creative, let him read a book on ethics."