

Press Release

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Judges' Prayer Book Remains Secret

In a decision on Jan. 20, 2010, the German Constitutional Court rejected the admission of a constitutional complaint, which demanded that in important cases against the Catholic Church, when requested, the judges state whether they belong to this church themselves.

Six plaintiffs called for this information from the President of the Administrative Court Freiburg, Jens Michaelis, along with Judge Kraft-Lange and Judge Wiestler. These judges, namely, are supposed to enjoin the Roman-Catholic Church from continuing to call itself Christian. This is demanded by the plaintiffs, the *Free Christians for the Christ of the Sermon on the Mount*, on grounds that many behavior patterns and doctrines of the church are incompatible with Jesus Christ, as he is described in the Gospels. The charge was brought against the Archbishopric of Freiburg, namely Robert Zollitisch, Archbishop of Freiburg and President of the German Bishops' Conference, as representative of the Catholic Church in its entirety. However, the plaintiffs fear that the judges are unable to give an impartial ruling, if they themselves are Catholic. If they were to accede to the charge, they would have to admit they belong to an organization that is not Christian. This is why the plaintiffs asked about the denomination of the judges; but the latter categorically refused to answer. Consequently, the plaintiffs rejected the judges on suspicion of bias. But the court saw no reason to check the challenge on grounds of bias, stating that it was inadmissible and insignificant, because the denomination of a judge is no concern of the plaintiffs. With a ruling on Jan. 13, 2010, the court adhered to this legal opinion despite the plaintiffs' remonstrance.

Dr. Gert-Joachim Hetzel, jurist and one of the Free Christians, is outraged: "The rules of procedure and the constitution guarantee the right to have the concern that a judge could be unable to rule impartially be objectively examined. The refusal of the Administrative Court to examine this is arbitrary and unconstitutional."

For this reason, the plaintiffs called upon the Federal Constitutional Court. But there, they were dismissed on Jan. 20, 2010 with one sentence: "The constitutional complaint will not be accepted for ruling." This decision not to decide took place under the presiding President of the Federal Constitutional Court, Hans-Jürgen Papier, who cultivates a close contact with the Catholic Church, in particular, with Archbishop Dr. Zollitsch, himself.

The plaintiff Dr. Hetzel is now asking: "Is the right to an impartial judge in Germany abrogated when lawsuits against the Church are involved? The justified concern that, if they are Catholic, the Freiburg judges are biased in this case remains disregarded. As of now, on Jan. 10, 2010, the plaintiffs will have to plead their case before judges who don't show their hand. The constitutional state and the fairness of jurisdiction fall by the wayside in favor of the Church.