

Vatican secrecy keeps victims, accused in the dark

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Daniel Donohue doesn't know when the call will come.

He could be anywhere -- at the supermarket, poolside with his four children, or in a classroom studying social work -- when he learns the fate of the priest he says molested him as a teenager.

Donohue testified against the priest at a church tribunal in 2006 and again 2007. Since then, he has heard almost nothing about his case from the Archdiocese of New York or the Vatican.

"There is nothing I can do, no one I can talk to, no information forthcoming," said Donohue, who now lives in Portland, Ore. The priest and his family likely live under the same cloud of unknowingness, Donohue notes.

Like other sex abuse cases moving through Catholic Church's canon law system, Donohue's is veiled by "pontifical secrecy," a little-known policy that is gaining new prominence as the church weathers another wave of cover-up accusations.

Participants in church sex abuse trials are bound by oath not to divulge details about the proceedings, or at what stage the case is; not even victims and accused priests are kept apprised.

For the hundreds of Americans who have lodged abuse claims, and many priests who have denied accusations, the Vatican's modus operandi can be a jarring contrast to the relatively open criminal justice system in the U.S.

In 2002, Donohue told the Archdiocese of New York that he had been molested during the late 1970s by Monsignor Charles Kavanagh, a popular priest who later became the chief fundraiser for the archdiocese. Kavanagh, who could not be reached for comment, has denied the charges and appealed his suspension from ministry.

Archdiocesan spokesman Joseph Zwilling said he could not comment directly on Donohue's situation, but said final verdicts on clergy sex abuse cases are generally publicized. "If the case were concluded, the results would be made known," Zwilling said. "The process happens in secret, but the outcome happens in the public forum."

Even when the trials and appeals are over, participants are not allowed to talk about them. "It's canon law," said the Rev. John Beal, a canon law expert at Catholic University in Washington. "But it's a stupid law."

Even reading about the secret trials can be a canonical crime. In 2008, after the Rev. Gerald Vosen, an accused Wisconsin priest, wrote about his experience in a book, the local bishop told Catholics "to destroy the book or return it."

Buying Vosen's book, Bishop Robert Morlino of Madison said, would be a breach of the pontifical secret, and "may result in a canonical crime being declared on the individual involved."

Until 1974, pontifical secrecy was called "the secret of the Holy Office of the Universal Inquisition," the former name of the Vatican bureau that prosecutes heresy and other church crimes, Beal said. The punishment for violating the confidentiality clause was automatic excommunication, which could only be lifted by the pope.

Later, not only sex abuse cases, but also diplomatic correspondence, the preparation of papal documents, and the vetting of candidates for bishop came under the purview of pontifical secrecy. It remains a serious canonical crime to break the secret, but no longer carries a penalty of automatic excommunication, Beal said.

There are good reasons for secrecy on sex abuse cases, canon lawyers said at a recent seminar hosted by the U.S. Conference of Catholic Bishops in Washington. In U.S. courts, where a speedy trial is a constitutional right, jurors, and sometimes witnesses, are sequestered, limiting opportunities for tampering.

But cases in the Catholic court system can drag on for months, if not years, leaving witnesses vulnerable to outside influences, said Monsignor Lawrence DiNardo, the chief canon lawyer for the Diocese of Pittsburgh.

"The point is to make sure that people aren't told by someone else what they ought to say, or what the questions are, so there is an openness in what people tell you," DiNardo said. "You're not going to find their testimony on the front page of the local newspaper."

Beal said pontifical secrecy is somewhat like the cloak of confidentiality that covers grand jury probes in the U.S. "It is to protect the integrity of an ongoing investigation."

Pontifical secrecy does not prevent Catholic officials from reporting sexual abuse to civil authorities, Beal said. It applies only to internal church proceedings.

Jim Johnson of Slidell, La., says not knowing what has happened to the priest accused of abusing his son in the

1990s adds insult to his family's injuries. In 2007, Johnson testified to church investigators about the abuse.

"We were promised we would be told the results of the investigation and we have heard neither hide nor hair," Johnson said. "I still don't know what happened."

Last March, Johnson wrote New Orleans Archbishop Gregory Aymond seeking details. Aymond answered a week later, according to a letter Johnson provided to a reporter. Aymond offered apologies, but no more information than,

"Please be assured that the canonical process is not yet finished."

A spokesperson for Aymond was not available for further comment.

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