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Is Vatican letter on abuse a 'smoking gun'?

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ANALYSIS

A January 1997 letter from the papal ambassador to Ireland, communicating the opinion of the Vatican?s Congregation for Clergy about a set of proposed Irish policies on priestly sexual abuse, confirms that in the late 1990s the Vatican was ambivalent about requirements that bishops be required to report abuse to police and civil prosecutors.

In light of recent Vatican pledges of transparency, the letter is certainly a public relations embarrassment. As a ?smoking gun? proving a Vatican-orchestrated cover-up, however, the letter may fall short.

tSigned by then-nuncio to Ireland Archbishop Luciano Storero, the letter was revealed Monday night by Irish broadcaster RTE, just ahead of a Vatican-sponsored Apostolic Visitation of the Irish church. In it, Storero, who died in 2000, writes that the Congregation for the Clergy had concluded that a ?mandatory reporting? policy, proposed by a draft 1996 set of policies considered by the Irish bishops, ?gives rise to serious reservations of both a moral and a canonical nature.?

tThat line has fueled charges that the Vatican effectively tied the hands of bishops, preventing them from turning over abuse cases to civil authorities.

tAmerican attorney Jeffrey Anderson asserted in a statement yesterday that the 1997 letter ?severely undermines claims of Church hierarchy that officials in Rome were not part of a conspiracy to suppress evidence of sexual assaults by Catholic priests,? and that it is ?merely a foreshadowing of additional ?smoking guns? secretly vaulted away in the bowels of the Vatican fortress in Rome.?

tThe Survivors? Network of those Abused by Priests said, ?A key Roman Catholic figure basically tells bishops that church policy trumps criminal laws and that church officials, not secular officials, get to quietly handle child molesters ?in house.??

tThere are three bits of context, however, which complicate efforts to tout the letter as a smoking gun.

tFirst, the letter warns the Irish bishops that if they were to adopt policies which violate the church?s Code of Canon Law, cases in which they remove abusers from the priesthood could be overturned on procedural grounds. Were that to happen, the letter says, ?the results could be highly embarrassing and detrimental.?

tIn other words, a main concern of the letter is to ensure that when a bishop takes action against an abuser, his edict should stick ? suggesting a fairly tough line on abuse, rather than a drive to cover it up.

tSecond, the letter does not directly forbid bishops from reporting abusers to police and prosecutors. Instead, it communicates the judgment of one Vatican office that mandatory reporting policies raise concerns. It?s not a policy directive, in other words, but an expression of opinion.

Though the letter does not spell out what the ?moral and canonical? concerns were, a Vatican spokesperson initially suggested the fear was that such policies might intrude on the seal of the confessional. Yet a reference to the 1997 letter in the government-commissioned "Murphy Report" suggests the concern was the broader issue of a priest's right to protect his "good name."

In any event, it's not clear that the judgment of the Congregation for Clergy by itself could be considered binding Vatican policy. When the American sex abuse norms came up for Vatican approval in 2002, several different departments were involved, and ultimately the objections voiced by the Congregation for Clergy did not prevail.

tVatican officials today insist their policy is that bishops should report abuse cases to the civil authorities.

tThird, the Congregation for the Clergy at the time was under the direction of Colombian Cardinal Dar'o Castrillón Hoyos, whose reservations about bishops reporting their priests to civil authorities have been already well documented. In another celebrated case which generated headlines last year, Castrillón wrote to a French bishop in September 2001 congratulating him for refusing to denounce a priest.

tWhen that 2001 letter came to light, Vatican spokespersons conceded that it revealed a debate among senior Vatican officials about how aggressive the church ought to be in streamlining procedures for sex abuse cases ? a debate, spokespersons said, which Castrillón Hoyos eventually lost to then-Cardinal Joseph Ratzinger, today Pope Benedict XVI.

tIn that light, the 1997 letter seems less a statement of Vatican policy than an expression of what would eventually be the losing side in an internal Vatican power struggle.

tIn a statement released late on Tuesday, American attorney Jeffrey Lena, who represents the Vatican in sex abuse cases in American courts, said the 1997 letter ?has been deeply misunderstood.?

tIn fact, Lena said, its main purpose ?was to help ensure that bishops who discipline their priests for sexual abuse did so in a manner that would ensure that the priest not avoid punishment based upon technical grounds.?

tFurther, Lena said, ?the letter nowhere instructed Irish Bishops to disregard civil law reporting requirements.?

tIn a similar vein, the Vatican spokesperson, Jesuit Fr. Federico Lombardi, said the letter ?correctly insists on the importance that canonical legislation be respected, precisely so that guilty parties not have a basis to appeal.?

tThe ?moral and canonical concerns? mentioned in the letter, Lombardi said, concern the sacrament of confession.

tIndirectly, Lombardi also said that the 1997 letter was written before the late Pope John Paul II put Ratzinger in charge of the Vatican?s response to the sexual abuse crisis in 2001, a decision which Vatican-watchers regarded as a defeat for the more ambivalent line associated with Castrillón Hoyos.

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