News



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A Vatican tribunal's guilty verdict last month against a Guam archbishop, hailed by some as the first instance of the Catholic Church successfully prosecuting a bishop accused of abusing minors, appears likely not to have been made in direct relation to allegations of sexual abuse by the prelate.

A number of prominent canon lawyers say the punishment announced for Agana Archbishop Anthony Apuron — removal from office and a prohibition from living on the U.S. island territory — simply seems too lax to indicate the bishop was found guilty of abuse.

The canonists, speaking in interviews since the March 16 announcement of the verdict from a five-judge apostolic tribunal of the Congregation for the Doctrine of the Faith, said the expected punishment for sexual abuse of a minor would usually be laicization, known formally as dismissal from the clerical state.

"It must be that he wasn't found directly guilty of sexual abuse," said Oblate Fr. Francis Morrisey, a former president of the Canadian Canon Law Society who has advised numerous Vatican offices and local bishops' conferences. "Otherwise, I think he would have been dismissed from the clerical state."

Msgr. Frederick Easton, a former president of the U.S. Canon Law Society, said the punishment for Apuron did not appear proportional to a finding of guilt in regards to sexual abuse.

"One would have thought ... if the bishop were found guilty of sexual abuse of minors, that could easily be a reason for dismissal from the clerical state for him," said Easton, who also served for 31 years as the judicial vicar for the Indianapolis archdiocese.

Easton, Morrisey and two other canon lawyers said it seemed more reasonable to assume Apuron was found guilty of a so-called "boundary violation," such as solicitation in the confessional.

A fifth canonist suggested reports that the 72-year-old is facing a decline in his physical condition might have mitigated the punishment imposed on him.

The Vatican tribunal did not say in its announcement of which exact acts the Guam archbishop had been found guilty, or even what specific charges had been brought against him. It simply stated that it had found the prelate "guilty of certain of the accusations."

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Morrisey, who is a canon law professor at Saint Paul University in Ottawa, said the Vatican tribunal might have released so few details about its verdict against Apuron because the case involved material related to the confessional, which would be subject to pontifical secrecy.

U.S. Cardinal Raymond Burke, a noted canonist, served as the presiding judge on the Vatican tribunal.

Apuron, a Guam native who had led the island's only diocese since 1986, was placed on leave by Pope Francis in June 2016 after a series of accusations about abuse of young men in the 1960s and 70s were made public.

According to the filing number of a request for testimony to the Vatican tribunal, obtained by NCR, the canonical case against Apuron was first opened in 2008.

In October 2016, Francis named Michael Byrnes, then an auxiliary bishop in Detroit, as Guam's coadjutor archbishop, granting him special faculties to run the archdiocese in Apuron's place.

As coadjutor, Byrnes would automatically become full archbishop with Apuron's removal from office. But Apuron has indicated he will appeal the ruling, and during such an appeal the penalties against the archbishop are suspended.

The allegations against Apuron are only a few of some 150 cases of clergy sexual abuse currently being brought forward against the Guam archdiocese, which announced March 27 that it will sell its chancery property to raise money to pay for expected settlements.

Patrick Wall, a canon lawyer and former Benedictine priest who is now a lead researcher for a civil law firm that specializes in representing clergy abuse victims, suggested the tribunal may have intentionally "backed off" any charges of direct sexual abuse against Apuron.

Wall, an advocate for Jeff Anderson & Associates, said the Vatican might have had motive to do that in order to limit the Guam archdiocese's liability in dozens of pending lawsuits about its alleged mismanagement of abusive clergy.

"I guess they ... proceeded on solicitation because it gets the same final result but also does not trigger civil liability back in the hundreds of cases in Guam," said Wall.

"If it can be proven using an internal church document that the CEO of a corporation knew that [child sexual abuse] was going on -- he himself was doing it -- then that is notice for a negligence case and the Archdiocese of Agana in Guam has major problems," he said.

Apuron had 15 days upon being notified of the verdict against him to indicate to the doctrinal congregation that he would be appealing the tribunal's decision in his case.

Assuming the archbishop has challenged the ruling, Easton and Morrisey said the appeal would likely be evaluated by the full cardinal and bishop membership of the congregation, or by a new tribunal formed of a number of the members.

According to the 2017 pontifical yearbook, there are currently 27 members of the congregation, including known figures such as: U.S. Cardinals Sean O'Malley and Donald Wuerl, and noted canonists Italian Cardinal Francesco Coccopalmerio and

Maltese Archbishop Charles Scicluna.

Easton said that the ruling made on the appeal will be final and that there will be no possibility of a second challenge. The canonist said that the Vatican's prosecutor could also ask the appeal tribunal to impose a greater penalty on Apuron, such as laicization, should other circumstances or facts come to light.

Nodding to Apuron's chances of a successful challenge, Morrisey noted Burke's reputation as an exacting lawyer.

"With Cardinal Burke being the presiding judge in the first instance, he knows his law inside out," said the canonist. "If anyone knows the canons today, he's the one who knows them."

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