News



In this Dec. 9 photo, Msgr. John Kennedy, the head of the Congregation for the Doctrine of the Faith discipline section, looks through files at his office during an interview at the Vatican. (AP/Alessandra Tarantino)

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The Vatican office responsible for processing clergy sex abuse complaints has seen a record 1,000 cases reported from around the world this year, including from countries it had not heard from before — suggesting that the worst may be yet to come in a crisis that has plagued the Roman Catholic Church.

Nearly two decades after the Vatican assumed responsibility for reviewing all cases of abuse, the Congregation for the Doctrine of the Faith is today overwhelmed, struggling with a skeleton staff that hasn't grown at pace to meet the four-fold increase in the number of cases arriving in 2019 compared to a decade ago.

"I know cloning is against Catholic teaching, but if I could actually clone my officials and have them work three shifts a day or work seven days a week," they might make the necessary headway, said Msgr. John Kennedy, the head of the congregation's discipline section, which processes the cases.

"We're effectively seeing a tsunami of cases at the moment, particularly from countries where we never heard from (before)," Kennedy said, referring to allegations of abuse that occurred for the most part years or decades ago. Argentina, Mexico, Chile, Italy and Poland have joined the U.S. among the countries with the most cases arriving at the congregation, known as the CDF.

Kennedy spoke to The Associated Press and allowed an AP photographer and video journalists into the CDF's inner chambers — the first time in the tribunal's history that visual news media have been given access. Even the Vatican's most secretive institution now feels the need to show some transparency as the church hierarchy seeks to rebuild trust with rank-and-file Catholics who have grown disillusioned with decades of clergy abuse and cover-up.

Pope Francis took a step toward showing greater transparency with his decision to abolish the so-called "pontifical secret" that governs the processing of abuse cases to increase cooperation with civil law enforcement.

But the CDF's struggles remain, and are emblematic of the overall dysfunction of the church's in-house legal system, which relies on bishops and religious superiors, some with no legal experience or qualified canon lawyers on staff, to investigate allegations of sexual abuse that even the most seasoned criminal prosecutors have

difficulty parsing. The system itself is built on an inherent conflict of interest, with a bishop asked to weigh the claim of an unknown alleged victim against the word of a priest who he considers a spiritual son.

Despite promises of "zero tolerance" and accountability, the adoption of new laws and the creation of expert commissions, the Vatican finds itself still struggling to reckon with the problem of predator priests — a scourge that first erupted publicly in Ireland and Australia in the 1990s, the U.S. in 2002, parts of Europe beginning in 2010 and Latin America last year.



This Dec. 9 photo shows the Congregation for the Doctrine of the Faith offices at the Vatican. (AP/Alessandra Tarantino)

"I suppose if I weren't a priest and if I had a child who were abused, I'd probably stop going to Mass," said Kennedy, who saw first-hand how the church in his native Ireland lost its credibility over the abuse scandal.

"I'd probably stop having anything to do with the church because I'd say, 'Well, if you can't look after children, well, why should I believe you?"

But he said the Vatican was committed to fighting abuse and just needed more time to process the cases. "We're going to look at it forensically and guarantee that the just outcome will be given," he said in an interview.

"It's not about winning people back, because faith is something that is very personal," he added. "But at least we give people the opportunity to say, 'Well, maybe give the church a second chance to hear the message.' "

Central processing center

Located in a mustard-colored palazzo just inside the Vatican gates, the CDF serves as the central processing center for abuse cases as well as an appeals court for accused priests under the church's canon law, a parallel legal system to civil law enforcement that dispenses ecclesial justice.

In the past, when the CDF was known as the Holy Office or the Sacred Roman and Universal Inquisition, such church punishments involved burnings at the stake for heretics and publishing lists of banned books that the faithful were forbidden to read.

Today, CDF justice tends more toward ordering errant priests to prayer, penance and prohibition from celebrating Mass in public. In fact, the worst punishment handed down by the church's canon law, even for serial child rapists, is essentially being fired, or dismissed from the clerical state.

While priests sometimes consider defrockings to be equivalent to a death sentence, such seemingly minor sanctions for such heinous crimes have long outraged victims, whose lives are forever scarred by their abuse. But recourse to church justice is sometimes all the victims have, given the statutes of limitations for pursuing criminal charges or civil litigation have often long since passed by the time a survivor comes to terms with the trauma and decides to report the abuse to authorities — usually to prevent further harm.

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''I wanted to make sure that this priest does not have access to any children," said Paul Peloquin, a Catholic clinical psychologist and abuse survivor who reported his abuser to the archdiocese of Santa Fe, New Mexico in 1990.

By then, church authorities had known for decades that Fr. Earl Bierman groped young boys, and they had sent him off for therapy. But his bishops kept putting him back in ministry, where he is believed to have abused upwards of 70 children. A Kentucky jury convicted him in 1993 and sentenced him to 20 years in prison, where he died in 2005.

Peloquin, however, never received a reply to his initial complaint to his bishop.

"It just made me angry," said Peloquin, who now counsels victims from a faith-based perspective that emphasizes forgiveness in healing. "It seemed like they would have called me up right away and said, 'Let's hear about what you've got to say.' "

Because of cases like his, where the bishop ignored the victim, protected the pedophile and placed the church's reputation above all else, the CDF under then-Cardinal Joseph Ratzinger (the future Pope Benedict XVI) in 2001 persuaded St. John Paul II to centralize the process.

The aim was to crack down on abusers and provide bishops and religious superiors with needed guidance to punish the priests rather than move them around from parish to parish, where they could abuse again. At no time has the Vatican ever mandated superiors report abusers to police, though it has insisted they cooperate with civil reporting laws.

The 2001 revision calls for bishops and religious superiors who receive an allegation to conduct a preliminary investigation, which in the U.S. is often done with the help of a lay review board.

If the bishop finds the claim has a semblance of truth, he sends the documentation to the CDF which tells the bishop how to proceed: via a full-blown canonical trial, a more expedited "administrative" procedure, or something else, including having the CDF itself take over the investigation.

Over the ensuing months and years, the bishop continues the investigation in consultation with the CDF. Eventually the bishop reaches a verdict and a sanction, up to and including dismissal from the clerical state, or laicization.

If the priest accepts the penalty, the case ends there. If he appeals, the case comes to the CDF for a final decision.

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>
> — *Msgr. John Kennedy*
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From 2004 to 2014 — roughly the years of Benedict's papacy with a year on each bookend — some 848 priests were defrocked around the world and another 2,572 were sanctioned to lesser penalties, according to Vatican statistics.

The Vatican hasn't published updated statistics since then, but Benedict's get-tough defrocking approach has seemingly gone unmatched by Francis. The Jesuit pope appears more swayed by arguments that the church and society are better served if abusers remain in the priesthood, albeit out of active ministry with young people, so they are at least under surveillance by their superiors and not able to have access to children in other jobs.

The appeals are decided in an ivory damask-walled conference room on the first floor of the Palazzo Sant'Uffizio, the CDF headquarters a stone's throw from St. Peter's Square.

The room is dominated by a massive wooden crucifix on the wall that faces St. Peter's Basilica, and, in each corner of the room, a closed-circuit TV camera peering down on CDF staff.

The cameras record the debates on DVDs for the CDF's own archives and in case the pope ever wants to see what transpired.

It is wretched work, reading through case files filled with text messages of priests grooming their victims, psychological evaluations of pedophiles, and heart-numbing letters from men and women who were violated as children and are finally coming to terms with their traumas.

"There are times when I am poring over cases that I want to get up and scream, that I want to pack up my things and leave the office and not come back," Kennedy told Catholic journalists in the U.S. earlier this year.

Nearly 20 years after the CDF assumed responsibility for the cases, it has processed 6,000 abuse cases, and at one point, Francis lamented that it had a backlog of 2,000. But the CDF now must cope with the globalization of the scandal that in 2001 seemed to be largely confined to the English-speaking world.

Today, the CDF counts just 17 officials, with occasional help from other CDF staff, plus the superiors. Kennedy said he was planning to bring in a Brazilian, Polish and bilingual American canonist to help offset the expected departures of current CDF staff and to process cases from countries that are only now having a reckoning with abuse.

But there are still countries the CDF has never heard from — a scenario that suggests "either that they're all saints or we don't know about them yet," Kennedy told AP.

The implication is that victims are still cowed, and bishops are still covering up cases. A new Vatican law mandates all abuse and cover-up be reported to church officials, but there is no automatic penalty if anyone fails to do so.

Not even in the U.S., which has the most stringent reporting mechanisms in place, is there any way to ensure that bishops are forwarding allegations to the CDF as required.

"There has never been independent review of diocesan compliance with that law," said Fr. James Connell, a canon lawyer who represents abuse survivors.



In this Dec. 9 photo, Msgr. John Kennedy, the head of the Congregation for the Doctrine of the Faith, walks through a chapel as he speaks during an interview at the Vatican. (AP/Alessandra Tarantino)

The "pontifical secret"

Walk into the Pontifical Gregorian University library, climb up the spiral staircase to the legal stacks and you'll find volume after volume of "Decisiones Seu Sententiae" — the Latin-language legal decisions from one of the Holy See's main tribunals, the Roman Rota.

The tomes contain hundreds of decrees of petitions to nullify Catholic marriages from around the world — the Vatican-stamped paperwork Catholics need to remarry in the church after divorcing.

But there is no such jurisprudence published for the Vatican's other main tribunal, the CDF. None of those rulings are ever published. And that is because until recently, abuse cases were covered by the highest form of confidentiality in the

church, the so-called "pontifical secret."

John Paul decreed that abuse cases would be kept under such tight secrecy in 2001, and defenders argued it was the best way to protect the privacy of the victim, the reputation of the accused and the integrity of the process.

Critics said the pontifical secret was used to keep the scandal hidden, prevent police from acquiring internal documentation and silence victims. The U.N. Committee on the Rights of the Child issued a scathing denunciation of the secrecy in 2014, and victims long complained how it retraumatized them:

Many were held to secrecy for decades by their abusers, only to have the church re-traumatize them by imposing secrecy on them when they finally found the courage to report the crime.

In announcing the abolition of the highest confidentiality in abuse cases, the Vatican said the reform would facilitate cooperation with civil law enforcement, since bishops would no longer be able to hide behind the pontifical secret to withhold documents.

The argument was striking, given that it amounted to an explicit admission that bishops had used the pontifical secret as an excuse to refuse cooperation when prosecutors, police or civil authorities demanded internal paperwork.

In more academic terms, the lack of published CDF jurisprudence means no bishop or religious superior has case law to refer to when he receives a new allegation that one of his priests has raped a child: He can't read up on how the Vatican or his brother bishops have handled a similar set of facts in the past, since none of the cases are published.

No seminarian studying canon law can cite case studies in preparing his thesis about how the Catholic Church has responded to the abuse scandal. No academic, journalist, victim or ordinary Catholic has any real idea how the Catholic Church has adjudicated these cases in any systematic way.

Fr. D.G. Astigueta, a Jesuit canonist at the Gregorian, has said such institutional secrecy surrounding abuse case harms the development and practice of the church's own law.

"Canonical science doesn't only grow and develop from a reflection by experts or the production of new laws, but also by jurisprudence, the way of interpreting the law by

judges and lawyers," he told a 2017 conference.

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He called for greater transparency by the CDF so that today's canon lawyers, especially those studying in Rome, could have easy access to case files and thus have "teaching based not just on theory but practice."

He is not alone. For the past several years, Vatican-affiliated universities in Rome have hosted conferences on seeking a new equilibrium between the need to protect the integrity of the investigation while looking out in particular for the needs of the victims.

Three of the official speakers at Francis' big sex abuse summit in February called for a reform of the pontifical secret, and the Vatican's leading sex crimes investigator, Malta Archbishop Charles Scicluna, was the primary driver behind the reform.

In another change to church law this year, Francis decreed that victims cannot be silenced, and have the right to learn the outcomes of their cases. But they are still largely kept out of the process, after making an initial complaint.

"They are that person who has been harmed. And it would seem to be natural justice that they should know what is being done what is being said in their absence," said Marie Collins, an Irish survivor who quit Francis' child protection commission in frustration in part over what she said was the CDF's intransigence and obsession with secrecy.

And the length of time the cases take benefits no one, she added.

The CDF is due to soon publish a step-by-step guidebook for bishops and religious superiors to refer to so they can process cases, and two researchers are currently hard at work in Kennedy's office, entering case details into a database so the CDF can generate a statistical analysis of the cases it has processed over the past two decades.

Kennedy said he needs more funding to complete the project, and said more transparency could be possible down the line.

"I think eventually we will get to the point of publishing jurisprudence, like the way the Roman Rota does," he said. The aim would be to redact names and revealing details, but show "the broad parameters of what it is that we do."

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