

Archbishop's role includes safeguarding people in diocese: canon law expert

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Barb Sweet/The Telegram
Father Thomas Doyle, a U.S. canon lawyer, at the Moun trial.

If the archbishop of St. John's knew of a serious problem or something criminally wrong going on at an orphanage or such institutions, he had the right to visit the facility and intervene, an expert in canon law testified at the Mount Cashel civil trial Tuesday at Newfoundland Supreme Court.

Father Thomas Doyle was accepted as a witness for the plaintiffs in the civil case — four former residents of the orphanage who have testified previously at the trial.

The John Doe lawsuit against the Roman Catholic Episcopal Corp. of St. John's seeks compensation and involves four test cases that claim the church should be held liable for the physical and sexual abuse of boys at the orphanage by certain Christian Brothers during the period of the late 1940s to early 1960s. The test cases represent about 60 claimants in the case being pursued by Budden and Associates.

The church contends it did not run the orphanage, and therefore is not responsible for actions there of the lay order Irish Christian Brothers.

The church is expected to call its own canon law expert, but Doyle, a Washington, D.C.-area canon lawyer, interpreted the Catholic laws as giving archbishops power and responsibility over clergy and lay people in his archdiocese, to safeguard their spiritual and moral welfare.

"The archbishop's responsibility reaches to anyone in his territory. In this case it would certainly include the boys at Mount Cashel as well as the Christian Brothers," Doyle told the court during questioning by Geoff Budden.

Quoting his report for the plaintiffs, Doyle said the Christian Brothers of Ireland had pontifical right from the Vatican, which means the archbishop would have to follow a chain of command in the court of canon law if he had an issue with the order, which includes first informing the order's superiors of his concerns.

Doyle was accepted as an expert witness by Justice Alphonsus Faour after a lengthy voir dire, as lawyers for the archdiocese had opposed him because of past writings they contended swayed his

bias towards abuse victims.

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