

Confession sacred, but priests had other options to act on reported abuse at Mount Cashel

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Published: Apr 20, 2016 at midnight

Updated: Sep 30, 2017 at 6:05 a.m.

The confidential seal of the confessional cannot be broken by a priest, but there are other options for a priest who hears of an abuse allegation there, a witness suggested in Newfoundland Supreme Court Wednesday.



Father Thomas Doyle (left) a canon lawyer, is the last witness at the Mount Cashel civil trial until June. He awaits the beginning of testimony Wednesday as lawyers (from second left) Paul Kennedy, Geoff Budden, Susan Adam Metzler and Mark Frederick wait for court to begin.

A priest risks excommunication if he divulges what was said to him in confession, Father Thomas Doyle, a canon lawyer from the Washington D.C. area, told claimants' lawyer Geoff Budden in the Mount Cashel civil trial.

The seal means that nothing the confessor says in confession can be revealed in any way.

“(The priest) cannot go to the archbishop, to anybody, even to the Pope, and say, ‘This boy came to me and confessed sexual abuse,’” Doyle told the court. “He has to take a very indirect route if he is going to deal with this. It is possible and it can and should be done.”

The John Doe lawsuit against the RC 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 Christian Brothers.

Doyle said the most ordinary option taken by priests being told of abuse has been to tell the confessor to avoid the situation and to take penance.

Another option — in the case of a boy telling a priest in confession about being abused at an institution — would be for a priest to advise the boy to go to an authority at the institution and reveal what happened.

But he said, the priest could also ask to meet with the boy outside confession, where the boy could reveal the same information.

The priest could have taken the option of telling the archbishop in a vague way — one that does not give away the confessor — that he heard of something going on, Doyle suggested.

“What he could do ... would be to say, ‘Archbishop, I have received some information some bad or inappropriate things are happening between some of the Brothers and some of the boys,’ and assume the archbishop is going to pick up on that,” Doyle said.

“That’s dangerous ground if you reveal anything. You may be protecting the boys in the long run, but your skin is involved, too.”

The court previously heard testimony from former residents about abuse at the orphanage being told to a priest in confession.

Doyle allowed in cross-examination by Susan Adam Metzler, a lawyer for the Episcopal Corp., that the archbishop did not manage the day-to-day operations of the Brothers.

But he maintains that the archbishop had an obligation, if he became aware of a serious canonical crime, to intervene and investigate, but must do so through the proper channels of going up the ladder through the Christian Brothers’ organization.

Adam Metzler challenged him on the use of the word obligation, suggesting he had overstated canon law in his expert report prepared for the claimants.

“Saying the way you said it here certainly suggests that is the way you read the canon ... that you want to make the point the bishop is responsible for the abuse that occurred at Mount Cashel, right?”

“The abuse was at the hands of the Christian Brothers, to my understanding,” Doyle said. “All I am saying is the bishop under those circumstances, if he knew that this was going on, did have an obligation to intervene.”

From his readings of 1980s inquiry reports on the failings of justice and other agencies in the Mount Cashel scandal, Doyle is of the opinion that obligation was not met by the archbishop of the era.

But those reports are not evidence in the civil trial.

Lawyers for the RC Episcopal Corp. have their own canon lawyer expected to testify later.

It's up to Justice Alphonsus Faour at the conclusion of arguments to decide whether the church was liable for any abuse at the orphanage during the 1940s-60s era in question.

The civil trial, which entered its 13th day Wednesday, has recessed until June 6.

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