

# Vatican letter no surprise

*Lawyers not shocked by Rome's note to Irish church*

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THE TELEGRAM



**Geoff Budden**

A letter from the Vatican warning Irish priests not to report all child-abuse cases to police wasn't a shock to Greg Stack or Geoff Budden.

The local lawyers have represented numerous victims of assault at the hands of Catholic clergy. "The only thing that might surprise me is if there were no such letters," Stack said Wednesday. Budden, in a separate interview, said the unexpected thing about the Vatican letter was when it was written.

"I don't think anybody questions that in the era of most historic abuse (the 1960s and '70s), clearly the church discouraged going to civil authorities. The surprise with this letter is that they are still doing so as late as 1997 in Ireland."

The Vatican's letter surfaced this week, after it was obtained by the Irish broadcaster RTE and provided to The Associated Press.

It reveals the Vatican's opposition to the Irish church's plan to help police identify pedophile priests. The correspondence flies in the face of Rome's claims it never told bishops to hold back such information from law enforcement officials.

Budden said he wasn't aware of the Vatican sending such a letter to bishops in Newfoundland. But Stack noted such information has been withheld here, adding it occurred in a case in which he represented some victims of Father Kevin Bennett.

A senior church official, Stack elaborated, brought documents to the trial that revealed the church had known of allegations against Bennett for 10 years.

The church had denied prior knowledge of the priest's offences before those papers surfaced. "There's a pattern here of hiding it and being obtuse about it," Stack said.

Outside of providing insight into the Vatican's efforts to insulate itself from liability, the lawyers don't think the Vatican letter will have much legal relevance here.

"Perhaps in Ireland it does, but I don't think it has any obvious bearing to litigation here in Canada," Budden said.

Asked whether or not the letter opens the door to lawsuits against the Vatican, Stack replied such action is already being explored more and more, with cases in the U.S. and Canada starting to broach it.

"It's certainly coming," he said. "We, ourselves, maintained during the Bennett case and others that the Catholic church, as an entity, should be sued."

Stack said the Supreme Court didn't close the door on that. "They said it would have to be left for another day, that there wasn't enough (evidence) there to really get into it."

Proceeding with an action against the Vatican would be a massive legal initiative, especially considering it is a state in its own right and is not obligated to follow another country's laws.

"It's not lightly undertaken," said Budden, who has considered naming the Vatican as a defendant. "You're getting into an incredibly complex area of law."

The complications are significant, Stack agreed, "but I don't think they are staggering." Budden said rather than sue the Vatican or church, the defendants in this province's Catholic clergy abuse case have been the archdiocese or dioceses.

"Why (sue the Vatican) when you've got an obvious church defendant right here?" he said.

"Assuming that they haven't gone through a bankruptcy, and then all bets are off."

Stack said conceptually it makes sense to name Rome as a defendant because the church is a hierarchal organization and the Vatican should be held responsible as the entity at the top. He noted the Vatican appears content to let several North American dioceses declare bankruptcy when it has the assets to settle the suits of abuse victims.

"All it would have to do is sell off a couple of its Michaelangelos or Da Vincis, and I'm sure it'd satisfy all of them," Stack said.

"It could be another five or 10 years, but I think you will see the Vatican being embroiled in this more and more, especially when local dioceses are declaring bankruptcy."

Stack said he has about 15 active abuse cases involving Catholic clergy. Budden has approximately 25.