A. The Dallas Meeting and Documents

On June 13-15, 2002, around 250 American Bishops met in Dallas to deal with sexual abuse of children by priests. According to the press, two-thirds of the Prelates had allowed accused priests to continue to work. At the opening session Bishop Wilton Gregory, president of the United States Conference of Catholic Bishops, admitted that too often Bishops were more concerned about scandal than preventing abuse and too often had treated victims as "adversaries and not as suffering members of the Church." Gregory called on all victims of clergy abuse to report crimes committed against them. He also urged abusive priests and Bishops to step forward and confess their crimes. Addressing the profound loss of confidence by the faithful in the Bishops, he said:

"Only by truthful confession, heartfelt contrition and firm purpose of amendment can we hope to receive the generous mercy of God and the forgiveness of our brothers and sisters." 47

After many debates, two final documents were approved June 14 by the vote of 239 to 13. The two documents, called the Charter and Norms, were entitled in full, Charter for the Protection of Children and Young People, and Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons or Other Church Personnel. After the vote, the documents were sent to the Vatican to receive recognitio, that is, its approval and authorization to put them into practice.

The Dallas documents were a good beginning since they acknowledged the prior improper policy of the American Bishops who covered for the guilty priests. They expressed intentions to resolve the crisis of pedophilia, to punish the culpable priests by dispensing them of the use of Holy Orders, and to open hitherto closed-book information on the sexual abuse of minors either to the civil authority or lay parties with interests in the cases. The Norms also drafted solid measures to punish the guilty "whether the sexual abuse was recent or occurred many years ago." 48

All of these good intentions, however, along with the correspondent norms, were essentially rendered fruitless because the definition of pedophile abuse given in the statement was too vague to be of value. This was the hazy definition the document offered:

"Sexual abuse [includes] contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome." 49

What is the precise meaning of the expression "being used as an object" when it is applied to an adult-

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child relation? According to modern ecclesiastical language, "to use someone as an object" means to act egotistically toward that person. Therefore, in this case, would it mean that the adult's action is reproachable because it is egotistical or self-interested? Then, if the adult would approach the child not as an object, but with a disinterested love, would this count as sexual abuse? Of course, one might reply. But why? The action would no longer fit within the boundaries of the given definition.

The definition also supposes that in pedophile abuse a child is used as an object of sexual gratification for the adult. What does "sexual gratification" means? Would a caress, an embrace, or a kiss that are not strictly sexual acts be included in the concept of "sexual gratification"? If they are not included, would they then be permitted? And if they are included, it would seem inappropriate since the notion of "sexual gratification" does not necessarily apply to these acts? Again, the expression is inadequate to convey the reality. These are just a few points to show how the first sentence is incomplete and imprecise, easy game to shoot down by a competent canonist.

The second sentence of the above-quoted paragraph is still more imprecise. In fact, it is so vague that is difficult even to make a critique.

This definition, notwithstanding, is considered the very core of the two Dallas documents, the criterion to establish someone as either innocent or guilty of the crime of pedophilia. Given the absolute imprecision of the definition, how can the proper authorities uniformly judge ecclesiastics as innocent or guilty of sexual abuse by applying this paragraph? It is not possible. Each Bishop can interpret the definition the way he wants. With the definition being so vague, the proposed punishments lack conditions to be seriously applied. Even with the disciplinary measures the documents provided, everything still remained in the air. In short, from a juridical point of view, the criteria established by the Bishops at Dallas did not provide remedies to cure the crisis of pedophile abuse.

Many Bishops left Dallas speaking loudly about "zero tolerance." This expression, however, also lacks a precise definition, and until this is provided it is without any serious juridical base. It seems to be a mere slogan, repeated over and over to impress public opinion.

The Dallas documents were sent to the Vatican for its due approval. That approval did not come. On the contrary the Vatican considered the disciplinary measures against the guilty priests set out by the Dallas documents as too radical, and insisted on a different text, a much more tolerant one.

B. The Vatican Refuses Approval of the Documents

The official Vatican document denying approval and expressing disagreement with the American Bishops was a letter by Cardinal Giovanni Battista Re, Prefect of the Congregation for the Bishops, issued on October 14, 2002. The letter criticized the two documents approved June 2002 in Dallas. Cardinal Re’s letter gave three arguments against the Dallas Charter and Norms.

* It objected to the vagueness and imprecision of the Bishops’ text and pointed out the need to correct it. On this point, I wholeheartedly agree. A commission composed of Vatican officials and American Bishops was es-
tablished to present a revised document to a general meeting of the Bishops that would take place in November 2002.

* It stressed the proportionately small number of guilty priests to lessen the gravity of the crisis, and surprisingly qualified the enormous crime of pedophilia as a "misdeed." Therefore, it indirectly censured the American documents as too rigorous against the abuser-priests. Here is the text of Cardinal Re’s letter:

"Deeply moved by the suffering of the victims and their families, the Holy See supports the American Bishops in their endeavor to respond firmly to the sexual misdeeds of the very small number of those who minister or labor in the service of the Church. But such a very small number cannot overshadow the immense spiritual, human and social good that the vast majority of priests and religious in the United States have done and are still doing."

* It implicitly took up the defense of the priests accused and convicted of pedophilia when it stated:

"The policies adopted at the Plenary Assembly in Dallas can be the source of confusion and ambiguity, because the Norms and the Charter contain provisions which in some aspects are difficult to reconcile with the universal law of the Church."

Since I agree with the first argument accusing the Dallas statement of being "vague and imprecise," I will analyze the two subsequent ones.

* But first, let me present an essential presupposition that the Vatican is skipping over in its position.

In any society that follows Natural Law, the role of the authority and the laws is to uphold the common good. Salus populi, suprema lex [the good of the whole society should be the supreme law], says the well-known juridical aphorism that forms the base of any law.

What is the common good with regard to the topic of pedophilia? It is to defend the Catholic Church as a whole against the spreading of this despicable vice that calls to Heaven for vengeance. To defend the Church effectively, the Vatican should have a very rigorous law to punish the guilty, and thus discourage others from following the infamous example of pedophile priests. This would be the normal way to restore the honor and health of the Catholic Church in the United States. It would also preserve the trust and union between the faithful and Prelates, which was seriously damaged by the wave of scandals and complacent position assumed by the Bishops regarding the guilty priests.

Would such a rigorous law be uncharitable? Would it be a lack of goodness? No, absolutely not. It would be a manifestation of charity for the whole Church whose moral principles are threatened. The principal role of the authority is to safeguard the whole of society. To rigorously punish the guilty is the normal way that Catholic authorities, either religious or civil, have dealt with the

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51 Ibid.
anti-natural vices in the past to protect both the religious and civil orders.

Emperor Justinian, for example, in his *Corpus Juris Civilis* [Code of Civil Law] wrote very strong words against the vice of homosexuality that would also apply to the crime of pedophilia. He exhorted such men, who were “overcome by diabolical incitement to practice among themselves the most unworthy lewdness and acts against nature” to fear the private judgment of God falling on them. He further warned that God’s just wrath could likewise fall on whole cities and countries that permit such atrocities. Thus, he established that those who commit these crimes against nature suffer the most severe punishments possible “so that the city and the State do not end by suffering on account of such iniquitous acts.”  

What Justinian set in law was similarly established in the codes of the Catholic Church and innumerable civil societies. It is logical, therefore, that the application of such principles against the guilty priests was what American Catholics not only were expecting from the Dallas meeting of Bishops but also awaiting from the Vatican.

* The two arguments the Vatican offered in Cardinal Re’s letter do not take into consideration the above-mentioned role of authority and thereby subvert Natural Law. Let me analyze them:

* In the second argument, Cardinal Re emphasized that the legal measures against pedophile priests must take into consideration that the guilty priests are only a minor-

ity of the clergy as a whole. The majority of priests and religious, he asserted, do not have this vice.

This reasoning seems puerile to me. What possible difference should numbers make when the offense is so grave before God and deadly before man? What if a doctor would take this position with a patient? What if he would only begin to give the proper preventive remedies after the number of diseased cells was greater than the number of healthy ones? Normally the disease strikes only a few cells, but these few contain a virus with a tremendous dynamism that can break the general health and eventually cause death.

The same applies to society. Even though the criminals are not numerous, even if they number only a few, they can break the stability of the whole social body. The Vatican seems to have either forgotten or is ignoring this known universal principle about the action of evil and how it spreads and damages a whole society.

Taking this ludicrous argument at its face value, it would appear that the Vatican is waiting for the number of pedophile priests to equal that of the good clergy before it would adopt the proper severe measures to punish the guilty...

* In the third argument, Cardinal Re wrote that the supposedly radical measures proposed in Dallas do not comply with the law of the Church. Actually he is referring only to the post-Vatican II ecclesiastical laws, which, contrary to the tradition of the Church, almost always take the side of the guilty. In my opinion, this post-conciliar Vatican position of supporting the guilty subverts the very

52 Justinian, *Corpus Juris Civilis*, Novel 77; see full quote in chap. 2, pp. 32-3.

53 See above items 1 and 2 of this chapter.
role of authority and law in any society governed by Natural Law. This applies most of all to the Catholic Church, source of holiness and moral rectitude.

Today, we have John Paul II, who, instead of safeguarding the ensemble of the Catholic Church against the vice of pedophilia, has restrained himself to a few bewailing lamentations,\textsuperscript{54} without any effective legal measures against the criminals. Even while a healthy public opinion and U.S. Civil Law have demanded the punishment of the criminal-priests, the Vatican has arisen up to protect the accused and the convicted priests. In this, there is a fundamental inversion of the role of the authority and the law. The Vatican would appear not to be working to defend the whole of the Church, but to protect those who are destroying her honor and her structure. Hence one can see that in this instance the Vatican would be doing nothing less than working for the self-destruction of the Holy Catholic Church.

C. The Washington Documents

After Cardinal Re’s letter was issued, a commission was set up including representatives of the American Bishops and Vatican officials with the aim of changing the Dallas documents. Its final results were presented and shortly approved by the ensemble of American Bishops in Washington on November 13, 2002. The two Washington documents retained the same names given to those issued in Dallas, so there is a Charter and Norms. These laws will be in effect for two years (2002-2004), when they will again be revised. Here are the main alterations introduced by the Vatican:

a. The definition of sexual abuse – The ambiguity present in the Dallas Charter definition of sexual abuse was maintained in the Washington Charter. It reads:

“Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor as an object of sexual gratification.”\textsuperscript{55}

The same critique made above,\textsuperscript{56} about the vagueness of the concept of “object of sexual gratification” applies also to this text.

The Washington Charter continued the definition of sexual abuse:

“Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in Civil Law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interactions as conveyed to us by the Sixth Commandment of the Decalogue. Thus, the norms to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an

\textsuperscript{54} Some of these futile laments he made in his annual letter to priests (March 21, 2002, see text pp. 192-3); his addressing to American Prelates at the Vatican (April 23, 2002, see text pp. 203-4), and at Toronto, in his speech at World Youth Day (July 28, 2002, see text p. 217).


\textsuperscript{56} Pp. 59-61.
external objectively grave violation of the Sixth Commandment. A canonical offense against the Sixth Commandment of the Decalogue need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact or a discernible harmful outcome. Moreover, imputability [moral responsibility] for a canonical offense is presumed upon external violation unless it is otherwise apparent. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained. Ultimately, it is the responsibility of the Diocesan Bishop, with the advice of a qualified review board, to determine the gravity of the alleged act. 567

It is noteworthy that this “definition” does not explain the essence of the act of sexual abuse and, therefore, is not a definition. The only element that looks like a definition is the statement that sexual abuse is “an external objectively grave violation of the Sixth Commandment,” which is so generic a statement that it is useless. It is a banality. The other elements of this “definition” either are just comments on the issue or are some characteristics of sexual abuse. In brief, the “definition” presented by the Vatican is not a definition because it does not give the necessary elements to allow a serious and uniform judgment to be made about who is guilty of the crime of pedophilia.


In its pretense to correct the Dallas documents, the Vatican failed to produce an appropriate workable law to punish guilty pedophile priests. Most probably, this was not a lack of competence, but rather the firm deliberation to protect the guilty.

What is clear in the Washington documents is that each Bishop will determine at his own pleasure and convenience what sexual abuse is; who is guilty; and what kind of punishments described in the two documents the culpable priest deserves.

The Vatican thus imposed a law on the American Bishops by which only the Bishop will decide how to apply this vague, ambiguous, and confused definition, as well as to whom it applies. Clearly, it opens a large door for the guilty to escape and for the Bishops to continue the cover-up.

b. The judgment and its reliability – As already noted, the judgment process of who is a sexual abuser of a minor falls to the responsibility of the diocesan Bishop, who, “with the advice of a qualified review board,” will determine “the gravity of the alleged act.”

Explaining this responsibility, the Article 4 of the Norms states:

“To assist diocesan Bishops, each Diocese will have a review board which will function as a confidential consultative body to the Bishop in discharging his responsibilities. The functions of this board may include: A. Advising the diocesan Bishop in his assessment of allegations of sexual
abuse of minors and his determination of suitability for ministry."

In clearer words, this review board will discharge the Bishop of any juridical responsibility over the decisions regarding pedophile priests. Should the final decision of the Bishop following the advice of his review board be to consider a pedophile priest as innocent or to be moved from one Diocese to another, the Bishop is released from any juridical responsibility. Further juridical charges would have to be made against the review board.

This article strongly protects the Bishop, and a fortiori the Vatican and the Pope. It seems to have been written with the ulterior motive of avoiding eventual new cases similar to that of Cardinal Bernard Law, in which he was held responsible for the covering up of guilty priests. Since his post in the Hierarchy of the Church depends on the Vatican and the Pope, his unjust decisions to cover the crimes of his priests constituted a serious threat to the authorities over him. From now on, however, any unjust decision or action can go no further or higher than the Diocese. The blame for a bad judgment will be neatly placed on the review board and die there. The Bishop, the Vatican, and the Pope are left free of juridical charges.

Furthermore, the process of the review board is confidential, that is, it is closed to public inspection so that no one can follow its steps. Its clear purpose is to prevent the “transparency” that the American Bishops in Dallas declared they were aiming for.

Who will be the members of the review board and what will be their legal liability for the decisions made? The Norms continue:

“The review board, established by the diocesan Bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be laypersons who are not in the employ of the Diocese; but at least one member should be a priest who is an experienced and respected pastor of the Diocese in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the promoter of justice participate in meetings of the review board."

One can see that the Bishop maintains his power of decision over the board for a variety of reasons: first, because he still has the last word in the judgment; second, because of the presence of a priest on the board who normally will defend the Bishop’s opinion; third, because of his personal influence over the lay members who were all chosen by him for the review board. However, he does not assume legal responsibility for the decisions it issues.

Responsibility is assumed instead by the board members who, except for one priest, are laypersons without any official link to the Diocese, a requirement the article specifically sets out. Here also the Norms were careful to free the Diocese of any liability. The Diocese does not

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59 Ibid.
want even the indirect link of a diocesan employee associated with the review board. In short, only the priest who is chosen as a board member will be professionally linked to the Diocese.

Therefore, the total responsibility for judgments declaring a clergyman innocent or guilty of sexual abuse, as well as the recommended punishment — transferal to another Diocese, provisory or definitive removal from the ministry, or even dismissal from the clerical state — is a decision for which the lay majority of the review board will be legally responsible.

Why all these many precautions to avoid legal responsibility? Would it be because the Vatican was counseling the American Bishops to be rigorous and mete out exemplary punishments to all the guilty priests? This would not appear to be the case at all. If the Bishops would adopt this course, they would have the strong support of Catholic public opinion and there would be no need for such excessive legal protections. These precautions seem more likely to have been inserted for the juridical and financial protection of the Bishops who might continue to favor guilty priests.

c. Changing the statute of limitations — In his letter refusing approval of the Dallas documents, Cardinal Re affirmed that this was done because

“the Norms and the Charter contain provisions which in some aspects are difficult to reconcile with the universal law of the Church.”

To resolve this problem, the new Washington texts were supposed to be set in good order. Apparently it was just a matter of harmonizing the American and the Vatican canonical legislation.

In reality, however, bringing the Dallas documents in line with the new Canon Law would result in favoring guilty priests. In effect, while the Bishops in Dallas declared their good intention to punish those who were guilty of pedophilia “whether the sexual abuse was recent, or occurred many years ago.” The Code of Canon Law promulgated by John Paul II in 1983, however, establishes a limit of only five years after the crime for the victim of pedophilia to accuse the guilty. The Canon 1362 reads:

“§ 1. Prescription 61 extinguishes a criminal action after three years unless it concerns: .... an action arising from the delicts [crimes] which are mentioned in Canon ....1395 ...., which have a prescription for five years ....

“§ 2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.” 62

Canon 1395, in it turn, reads:

“§ 2. A cleric who in another way committed an offense against the Sixth Commandment of the Decalogue, if the delict [crime] was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just

61 Prescription means a juridical prohibition to pursue a criminal action after a certain period of time. In the United States this term is understood as the statute of limitations for presenting charges against an allegedly pedophile priest.
penalties, not excluding dismissal from the clerical state if the case so warrants.”

The New Commentary explains several things about these two canons that appear neither in the Washington documents nor in the Code of Canon Law.

First, a modification was introduced in Canon 1395 when applied in the United States. The New Commentary explains the exception:

“The age of ‘minors’ here has been temporarily raised to 18 years in the United States due a special Holy See modification of the Code for five years beginning in April 25, 1994. On November 30, 1998 John Paul II extended the provision for ten years until April 25, 2009.”

There are several unclear points regarding both the canons and the exception.

- According to their provisions five years after the sexual abuse was committed the criminal would be free, unless judicial charges had been brought against him. Therefore, if the abused child, who can be just a five or six-year-old child, remains silent, which is probable, the limit will expire and the criminal will never have to answer for the crime. This certainly does not seem just.

- The commentaries state that John Paul II made a special exception for the United States by establishing the age of a minor to be “temporarily raised” to 18 years. Why only for the United States? It would be obtuse to hypothesize that children in this country mature slower than children in other countries. It is not clear why the United States was singled out for special treatment. Someone could propose that this is because U.S. law establishes that children are minors until age 18. Then, why is this norm temporarily set for 10 years, and not definitively fixed? Again, it is not clear. It would be clear, however, if the temporary measure would have been established only to silence the angry reaction of American Catholic public opinion. By April 2009, this reaction supposedly would have subsided and the exception could be removed without commotion.

- Apart from this, the limit set for the abused minor in all other countries is age 16, regardless of the age of minors established by Civil Law (16, 18, or 21), and the abused minor has five years after the crime to report it. Past age 16, if someone were to suffer a sexual abuse that was not committed by force or threats or publicly, he or she has only three years to file a legal complaint. If no charges are presented in this period, the criminal will be free.

Both the clear and confused provisions of these canons seem to have been written with the aim of protecting the criminal, and not the victim. The protection of the abused children is not even mentioned. What appears clear and strong is the intent to absolve the guilty cleric as soon as possible.

Second, another special extension of norms was issued by John Paul II to deal in a provisory way with the problem of children who remain silent after being abused

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63 Ibid., p. 1599.
64 Ibid., p. 1599, note 290.
because they lack the psychological maturity to face the problem and describe what they suffered to their parents or lawyers. The New Commentary describes this provision:

“Another example of the seriousness with which this delict [crime of pedophilia] is viewed in the United States is a change in the statute of limitations (prescription) for initiating a criminal action based on alleged sexual abuse of minors. The aforementioned special April 1994 Holy See norms modified Canon 1362, which normally provides a five-year period after the commission of such a delict. For alleged delicts committed against minors under 18 years of age between April 25, 1994 and April 24, 1999, such a criminal action may be initiated until the minor celebrates his/her 28th birthday or one year has elapsed from the denunciation of the delict expedited prior to that 28th birthday. For alleged delicts committed with minors under 16 years of age before April 25, 1994, such a criminal action may be initiated until the minor in question celebrates his/her 23rd birthday .... On November 30, 1998 John Paul II extended the aforementioned norms for ten years until April 25, 2009.” 65

In this quite confused provision, it seems that in practical terms, what this exception means is that today, since we are still in the specified period between 1994 and 2009, no one who is older than age 28 can file complaints about pedophile abuses committed after April 1994. And no one who is older than age 23 can complain about pedophile abuses that took place before April 1994.

65 Ibid., p.1600, note 296.

According to this provision regarding the statute of limitations, today it would be impossible for the accuser of Cardinal Hans Hermann Gröer to charge him as a pedophile; it would be impossible for most of the accusers of Fr. John Geoghan, who abused more than one 100 children, to charge him for crimes of pedophilia; it would be impossible for most of the accusers of Fr. Paul Shanley to charge him as a pedophile, etc. These shameful ecclesiastics and countless others would be considered innocent because of statutes of limitations, according to the present Canon Law.

After 2009, the situation will be even worse. The special extensions will be lifted, and the text of Canon 1362 will be applied literally. That is, the time limit will expire five years after the crime was committed, if the victim is under age 16. This will encourage the tendency to absolve guilty ecclesiastics.

One can see that the first concern of the Vatican does not seem to be Justice...

D. A Final Assessment

What was the result of the Vatican demand that the Dallas documents be made to harmonize with the universal law of the Church? The result was a situation that did not fulfill the expectations of the Catholic faithful. In its provisions there was no special punishment provided for the guilty priests and no special protection given to the victims. The principal change was that many measures were taken to evade punishing pedophile priests and favor covering up their crimes, as well as to avoid future legal
problems for the Bishops. In short, the Vatican measures favor the continuation of the status quo prior to Dallas.

In my opinion, this obstinate defense of pedophile priests is an action that makes a three-fold call for vengeance from Heaven:

- The debased vice of homosexuality itself calls for vengeance from Heaven, and pedophilia, in most cases, is a despicable variant of homosexuality.
- The pedophile priest destroys the innocence of the child, and Our Lord cursed such men: “But he that shall scandalize one of these little ones that believe in me, it were better for him that a millstone should be hanged around his neck, and that he should be drowned in the depth of the sea” (Matt 18:10);
- By protecting those who are destroying her honor and structure, the Vatican fails to defend the Church and works for its destruction. To try to destroy the Catholic Church is to directly challenge the Holy Ghost, upon whose protection the Holy Church depends.

Those who are responsible for these actions should keep in mind that while the vengeance of God can be late, it never fails to come.

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Chapter III

HOMOSEXUALITY AND THE CATHOLIC CHURCH IN THE UNITED STATES

Regarding the topic of homosexuality, the United States is the country with the most accessible and numerous statistical data. This is due to the welcome that American public opinion usually gives to the publication of statistics. Also, due to the general liberalism that characterized the formation of the United States, it seems that here there are more homosexual organizations and a greater public acceptance of such individuals who “come out” and speak openly on the topic. An innate propensity of Americans to form associations more readily than other peoples could also contribute to the abundance of data. These are some reasons why the United States is analyzed first in this book on the topic of homosexuality.

The overview that follows, therefore, is not intended to classify the United States as any more decadent than other countries. For what is happening here is indicative of what is happening in the whole world.

1. Extent of the Phenomenon and Principal Movements

In his well-documented book The Homosexual Network, Fr. Enrique Rueda pointed out the rapid growth and influence of this network throughout the 1960s and '70s. He quoted a newsletter of the Democratic Party on