

Bishop Geoffrey Robinson



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Rev B Finnigan
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TO ABP FP CARROLL
FROM B.F. FINNIGAN
21-12-01
FAXED

Dear Brian,

Thanks for your note about your family. I hope that the communion of saints will be a powerful reality for you on Christmas day.

Concerning your request for comments on the letter from the parish priest of Wauchope, I find myself caught between what I might say to you and Frank Carroll, what I might say to the parish priest of Wauchope and what I might say to the media.

For example, he asks when priests will see the new norms. It appears that if the CDF has its way, they won't. The norms are not to be published, but would be sent to a bishop who requested them. I have not seen the norms. Should our Conference ask for a copy? I think it should, but I don't know if a copy will be sent unless we have a specific case to handle. My suspicious mind says that, if they not publishing the norms, there is something to hide. The letter we received from CDF also spoke of a Motu Proprio, but no one has heard any more of this, though it is claimed that the Pope signed it more than seven months ago. Should we also ask for a copy of this? Yes, I believe we should.

He asks why Rome is reserving these matters to itself. I could write several pages of speculation, but I would never claim I could put myself inside a Roman mind and answer for them.

Clearly the writer of the letter knows no more than he has seen in the brief press report in *The Leader* (taken from the CNS report by John Thavis). So he does not realise the difficulties these norms would cause:

- The large majority of victims would have to be turned away because the time for laying a complaint had passed;
- The few that passed this test would have to appear before a tribunal of six priests dressed in black. (In practice we would do our best to get around this law, but a law is bad law if you have to "get around" it in all cases);

- No allowance is made for the concept of "unacceptable risk". Unless there is a tribunal conviction for an offence, a priest would have to be given an appointment. This will inevitably raise conscience decisions for bishops (as it has already for Denis Hart and may soon for Peter Ingham).
- In practice we have in this country avoided the judicial process and tried to handle cases more "pastorally". If priests learn of their right to appeal to Rome against any "pastoral" solution, as they inevitably will, then *Towards Healing* will become a dead letter for priests (though not for religious or school teachers etc.)

All of this raises the question of what we should say to priests and the Catholic community. I don't know the answer. To tell the whole community the whole truth as we know it will cause an uproar and much adverse publicity for the Church, but if we say nothing, the story will probably come out anyway and we will have even less control over what is said. I know that, if a journalist learns enough to ask me direct questions, I shall give honest answers, for I will not cover up for the Congregation.

The only question asked by Fr. Gooley to which I can give a fairly straight answer is the second one. The word "probable" is a journalist's translation of the Latin "notitiam saltem verisimilem" - perhaps "information which has at least the appearance of truth". The newspaper report leaves out the fact that, on receipt of this "information which has at least the appearance of truth", the Ordinary is to carry out a preliminary investigation before sending the case to Rome. All of this is taken straight from canon 1717 of the Code, so there is nothing new in it.

I am sorry I cannot give clearer answers or answers that might be given directly to Fr. Gooley, but I hope that you can appreciate the difficulties. It would seem that the Central Commission needs to make some decisions. As a first step, I suggest that our President ask for a copy of the Motu Proprio and the norms. For Fr. Gooley all I can suggest is a delaying reply ("We are studying the matter and seeking further information....")

I shall be away from 29th December to 15th January. If necessary, I could be contacted at Sorrento presbytery on the Mornington Peninsula.

With every good wish for Christmas,

