

## **CURRICULUM VITAE**

### **Thomas Patrick Michael Doyle**

Thomas Doyle was born August 3, 1944 in Sheboygan WI, the son of Michael Doyle and Doris Mellenthien. He is the eldest of three children. He attended primary and secondary school in Ogdensburg NY and Cornwall, Ontario. In August, 1964 he entered the Dominican novitiate at Winona MN and was given the religious name of Thomas. He pronounced simple vows in 1965 and solemn vows on August 16, 1968.

Graduate studies in philosophy and theology took place at Aquinas Institute of Philosophy, River Forest IL and Aquinas Institute of Theology, Dubuque IA respectively. He pursued graduate studies in Political Science at the University of Wisconsin and graduate studies in Canon Law at the Gregorian University, Rome, Catholic University of America, the University of Ottawa and St. Paul's University, Ottawa. He was ordained a Catholic priest in the Dominican Order on May 16, 1970 in Dubuque, IA.

After completing graduate work in theology and several months of clinical pastoral training, he was assigned as an associate pastor in River Forest IL in 1971. In 1974 he was appointed an advocate for the Metropolitan Tribunal of the Archdiocese of Chicago. In 1978 he was appointed a judge in the same tribunal. In 1981 he was asked to serve as secretary-canonist at the Vatican embassy in Washington D.C., a post which he held until early, 1986. On June 16, 1986 he was commissioned a reserve officer in the U.S. Air Force. He was on active duty until August, 2004. His Air Force assignments were at Dover AFB, Dover DE and Andrews AFB, Maryland. Air Force training took place at Lackland AFB, Texas and Maxwell AFB in Alabama. His active duty assignments have been at Grissom AFB, IN, Hurlburt Field, FL, Lajes Field, Azores, Tinker AFB, OK and Ramstein AB, Germany and Seymour Johnson AFB, North Carolina.

He has had extensive teaching experience in Canon law as a visiting lecturer at Catholic University of America and the Chicago Theological Union. He has also been a lecturer at the Matrimonial tribunal Institutes of Catholic University of America and Mundelein Seminary as well as at the Institute for Spirituality in River Forest IL.

As a member of the Canon Law Society of America he served one term as member of the board of governors and three terms as chairman of the Marriage Research Committee. He was asked by the society to be the author of the section on marriage in the commentary prepared on the revised Code of Canon Law. He was also asked by the Commission for the Authentic Interpretation of the Code of Canon Law of the Holy See to prepare the footnotes on marriage for the annotated edition of the Code of Canon Law.

Fr. Doyle has given lectures and seminars on various aspects of Church Law throughout the United States, Canada, England, Ireland, the Netherlands, Australia and New Zealand. These have included topics in the areas of matrimonial jurisprudence, procedural law, penal law, religious law, property law and the theology and canonical history of marriage. In 1986 he was the featured lecturer at the annual convention of the Canon Law Society of Australia and New Zealand.

In late 1984 he became involved with the issue of sexual abuse of children by Catholic clergy while serving at the Vatican Embassy. Since that time he has developed an expertise in the canonical and pastoral dimensions of this problem. He has worked with victims of abuse and their families, priests accused of abuse, bishops and superiors of religious institutes on this issue. He has developed policies and procedures for dealing with cases of sexual abuse by the clergy for dioceses and religious orders in the United States, Canada, Australia and New Zealand. In the capacity as an expert in this area, he has delivered lectures and seminars for clergy and lay groups in the U.S., Canada, England, Belgium, the Netherlands, Northern Ireland, the Irish Republic, Australia and New Zealand. He has spoken to the State legislatures of Pennsylvania, Ohio, Illinois, Colorado, California, Delaware, Maryland and the City Council of the District of Columbia on child protective legislation. He has also served and continues to serve as a consultant/court expert in cases of alleged sexual abuse by the clergy throughout the United States, Canada, Ireland, Israel and the United Kingdom. He has served as a consultant and expert witness to grand juries in several jurisdictions in the U.S. He has been a consultant to State and Federal legislative officials concerning changes in the law that would benefit victims of sexual abuse. He has also served as a consultant or expert witness to the investigative commissions established in the Republic of Ireland since 2002. He was an expert witness before the Cornwall Commission in Ontario in 2007. In 2010 he was asked to address the special commission of the Belgian Parliament investigating clergy sexual abuse.

In recognition of his advocacy work for the victims of Catholic clergy sexual abuse Father Doyle received the *Cavallo Award for Moral Courage* in 1992, the *Priest of Integrity Award* from Voice of the Faithful in 2002 and the *Isaac Hecker Award* from the Paulist Fathers in 2003. In June of 2003 he was issued an official commendation from the Dominican Fathers for his "*prophetic work in drawing attention to clergy sexual abuse and for advocating the rights of victims and abusers.*" In July 2005 he was awarded the "*Community Champion Award*" by the Civil Justice Foundation of the Association of Trial Lawyers of America. In July 2007 SNAP awarded him the Red Badge of Courage Award.

#### ACADEMIC CREDENTIALS

- B.A.**           **Philosophy**, Aquinas Institute of Philosophy, River Forest, IL , 1966
- M.A.**           **Philosophy**, Aquinas Institute of Philosophy, River Forest, IL, 1968  
Dissertation: "Organized Religion in Marxist-Leninist Philosophy."
- M.A.**           **Political Science**, University of Wisconsin, Madison, 1971,  
Dissertation: "Vladimir Lenin's Theory of Social Revolution."
- M.A.**           **Theology**, Aquinas Institute of Theology, Dubuque, Iowa, 1971, Dissertation:  
"Liberation Theology in the Context of Social Needs in South America."
- M. Ch.A.**       **Administration**, Catholic University of America, Washington, D.C., 1976
- M.A.**           **Canon Law**, University of Ottawa, Ottawa, Ontario, 1977  
Dissertation: "The Canonical and Legal Foundation of the Dominican Order in Canada."

- J.C.L.** Pontifical Licentiate in Canon Law. St. Paul University, Ottawa, 1977.
- J.C.D.** Pontifical Doctorate in Canon Law. Catholic University of America, Washington, D.C., 1978. Dissertation: "Marital Fidelity in the Canonical Tradition of the Catholic Church."
- Diploma:** Squadron officers School, Air University, May, 1996
- Diploma:** United States Navy Drug and Alcohol Counselor School, October, 2000
- Diploma:** Air Command and Staff College, Air University, July 5, 2002
- Diploma:** Navy School of Health Sciences, Drug and Alcohol Counsellor, September 2000.

#### **ASSIGNMENTS AND POSITIONS HELD**

- 2003-04 USAF, Seymour Johnson AFB, North Carolina
- 2001-03 USAF, Ramstein AB, Germany
- 1997 -01 USAF, Tinker AFB, Oklahoma
- 1995 -97 USAF, Lajes Field, Azores
- 1993 -95 USAF, Hurlburt Field, Florida
- 1990 -93 USAF, Grissom AFB, Indiana
- 1991-93 Tribunal Judge, Diocese of Lafayette in Indiana
- 1993-95 Tribunal Judge, Diocese of Pensacola-Tallahassee and Archdiocese for the Military Services, U.S.A.
- 1986-90 Tribunal Judge and Special Assistant to the Archbishop, Archdiocese for the Military Services, U.S.A.
- 1986-90 Tribunal Judge, Diocese of Scranton, PA.
- 1981-86 Secretary-Canonist, Vatican Embassy, Washington, D.C.
- 1981-86 Visiting Lecturer in Canon Law, Catholic University of America, Washington, D.C.
- 1979-86 Faculty Member, Midwest tribunal Institute, Mundelein Seminary, Mundelein, IL.
- 1978-86 Faculty Member, Tribunal Institute of the Catholic University of America, Washington, D.C.

1979-81 Visiting Lecturer in Canon Law, Catholic Theological Union, Chicago IL.  
1978-81 Tribunal Judge, Archdiocese of Chicago, IL.  
1974-78 Advocate and Defender of the Bond, Tribunal, Archdiocese of Chicago, IL.  
1978-85 Faculty member, Institute of Spirituality, River Forest IL  
1971-74 Associate Pastor, St. Vincent Ferrer Parish, River Forest IL.  
1970-71 Graduate Student , Aquinas Institute of Theology, Dubuque, Iowa.  
1966-70 Theological studies, Aquinas Institute of Theology

#### **OTHER POSITIONS HELD**

1983-85 Consultant to the Canonical Affairs Committee of the National Conference of Catholic Bishops  
1978-81 Member, Board of Governors, Canon Law Society of America  
1979-86 Chairman, Marriage research Committee, Canon law Society of America  
1979-86 Editor, Marriage Studies, Washington D.C.  
1982-88 Weekly columnist, Arlington Catholic Herald  
1988-90 Consultant to the Canonical Affairs Committee of the National Conference of Catholic Bishops  
1986 Director of the Institute of Spirituality, River Forest, IL  
1971 Clinical Pastoral Training, Minnesota State Prison

#### **PUBLICATIONS: BOOKS**

1. Comrades in Revolution. Dayton: Pflaum Press, 1969.
2. The Understanding of the "Bonum Fidei" in the Church's Canonical Tradition. Washington, D.C.: Catholic University of America, 1978.
3. Rights and Responsibilities in the Church. New York: Pueblo Press, 1983.

4. The Homilist's Guide to Scripture, Theology and Canon Law. (With John Burke, O.P.), New York: Pueblo Press, 1987.
5. The Code of Canon Law: A Commentary. Leesburg VA: Catholic Home Study Institute, 1988.
6. Christian Marriage. Leesburg VA: Catholic Home Study Institute, 1989.
7. Meeting the Problem of Sexual Abuse Among the Clergy in a Responsible Way. (With Michael Peterson, M.D. and F. Ray Mouton, J.D.), Suitland MD: St. Luke Institute, 1985.
8. Sex, Priests and Secret Codes. With A.W.R. Sipe and Patrick Wall. Los Angeles. Bonus Books. 2006.

#### **PUBLICATIONS: ARTICLES**

1. "A New Look at the 'Bonum Fidei'," Studia Canonica 12(1978), 6-40.
2. "The Individual's Right to marry in the Context of the Common Good." Studia Canonica 13(1979), 245-302.
3. "Marital Breakdown: The Experience of the Tribunal." The Priest, September 1981.
4. "The Obligation of the Divine Office." The Priest, February, 1980.
5. "The Contemporary Challenge to Christian Marriage." The Priest, November and December, 1981.
6. "Why Some Catholics Get Divorced." U.S. Catholic, August, 1980.
7. "The Effects of Marital Disintegration on Children." The Priest, June, 1981.
8. "The Relationship of Canon law to the Catholic Family." The Priest, February, 1983.
9. "Sacramental Theology: Where We Are Today." The Priest, November, 1983.
10. "The Sacraments in the New Code." The Priest, November and December, 1984.
11. "The Contemporary Challenge to the Christian Family." The Exchange, Winter, 1980.
12. "The Internal Forum Solution." Phoenix, Summer, 1982.
13. "The Roman Catholic Church and Mixed Marriages." Ecumenical Trends, June, 1985.
14. "The Moral Inseparability of the Unitive and Procreative Aspects of Human Sexual Intercourse." Monitor Ecclesiasticus, 109(1984), 447-469.

15. "The Canonical Status of Religious Institutes: Additional Considerations." Studia Canonica 18(1984), 347-364.
16. "The Church and Marital Breakdown." Listening 15(1980), 54-64.
17. "The Canonical Foundations for Pre-Marital Preparation." Marriage Studies, Vol. 1, Washington D.C.: Canon law Society of America, 1980, 65-77.
18. "Select Bibliography on the Sacrament of Marriage." Marriage Studies, Vol. 1, Washington D.C.: Canon law Society of America, 1980, 78-101.
19. "The Competent Forum, Matrimonial Trials and Norm 7 of the American procedural Norms," Marriage Studies, Vol. 1, Washington D.C., Canon Law Society of America, 1980, 102-143.
20. "Matrimonial Jurisprudence in the United States." Marriage Studies, Vol. 2, Washington D.C.: Canon law Society of America, 1982, 111-158.
21. "The Moral Inseparability of the Unitive and procreative Aspects of Sexual Intercourse in the Thought of Pope John Paul II." Marriage Studies, Vol. 3, Washington, D.C.: Canon Law Society of America, 1985.
22. "The Catholic Church and Marital Breakdown." The New Catholic World, February, 1986.
23. "The Canonical Status of Religious Institutes." Monitor Ecclesiasticus 110(1985), 227-245.
24. "The Theology of Marriage." Studia Canonica, 20(1986).
25. "More on the Canonical Status of Religious Institutes." Angelicum, 1987.
26. "The Dignity of the Human Person in the Thought of John Paul II." Social Thought, 1987.
27. "The Clergy in Court: Clergy Malpractice." The Priest, January and February, 1987.
28. "Faith and the Sacrament of Marriage." Proceedings of the Australian Canon law Society, 1987.
29. "Marriage." in The Code of Canon law: A Text and Commentary. New York: Paulist Press, 1985. P. 737-834.
30. "Ministry to the Military: Valid or Not." The Priest, June, 1987.
31. "Military Marriages: Some Special problems." Studia Canonica 21(1987).
32. "Military Marriages." Military Chaplain's Review, Spring, 1988.
33. "The Christian Vocation of Marriage." Handbook on Critical Sexual Issues. St. Louis: Pope John XXIII Center. 1983.

34. "The Clergy in Court: recent Developments." The Priest, July and August, 1990.
35. "Canon Law." 336 entries on Canon Law topics in The Concise Catholic Encyclopedia, Huntington IN: Our Sunday Visitor Press, 1990.
36. "The Rights of Priests Accused of Sexual Misconduct." Studia Canonica 24(1990).
37. "Canon Law." 274 entries in The Concise Catholic Dictionary, Huntington IN: Our Sunday Visitor Press, 1993.
38. "Healing the Pain." The Blue Book. Annual Proceedings of the National Catholic Council on Alcohol and Drug Related Problems, 1994.
39. "Privileged Communications in the Military." Hurlburt Field, FL, Chaplain Resource Board.
40. "Privileged Communications and Military Chaplains." USAF Chaplain Resource Board
41. "Roman Catholic Clericalism, Religious Duress and Clergy Sexual Abuse." Pastoral Psychology, 51(2003).
42. "Catholic Clergy Sexual Abuse Meets the Civil Law." Fordham Urban Law Journal Jan. 2004.
43. "Canon Law: Failure from Above," in Sin Against the Innocents, Thomas Plante, editor, Greenwood Publishing Group, March 2004.
44. "Clericalism-Enabler of Clergy Sexual Abuse." Pastoral Psychology 54(2006). 189-213.
45. "The Darkest of the Dark Side." Conscience 28(2007). 34-37.
46. "Sexual Abuse by Clerics: Historical Awareness of the Problem." In Tim Leedom and Maria Murdy, editors, the Book Your Church Doesn't Want You to Read. 2<sup>nd</sup> edition. New York. Cambridge House Press. 2007.
47. "Clericalism and Catholic Clergy Sexual Abuse." In Mary Gail Frawley-O'Dea and Virginia Goldner, editors. Predatory priests, Silenced Victims. Mahwah, NJ. Analytic Press. 2007.
48. "Clericalism, Religious Duress and Its Psychological Impact on Victims of Clergy Abuse." Pastoral Psychology. 58(2009): 223-238. (With Marianne Benkert, M.D.)
49. "The Spiritual Trauma experienced by Victims of Sexual Abuse by Catholic Clergy." Pastoral Psychology. 58(2009).
50. "Fundamentalism in the Roman Catholic Legal Tradition." Hamilton, Marci and Rozell, Mark. Editors. Fundamentalism, Politics And The Law. London. Palgrave MacMillan. 2011.

51. "Sexual Abuse of the Vulnerable by Catholic Clergy." Les Cahiers de Plaidoyer-Victimes Antenne sur la Victimologie. 7(Mars 2011). (Montreal, Quebec.)
52. "Canon Law and an Essential Enabling Factor in Child Abuse." Holohan, Carole, Editor. In Plain Sight: Responding to the Ferns, Ryan, Murphy and Cloyne Reports. Dublin. Amnesty International Ireland. 2011.
53. "Sexual Abuse by Catholic Clergy: The Spiritual Damage." Plante, Thomas and McChesney, Kathleen, Editors. Westport CT. Praeger. 2011.

#### **PROFESSIONAL MEMBERSHIPS**

Canon Law Society of Great Britain and Ireland  
Canon Law Society of Australia and New Zealand  
Canadian Canon Law Society  
Societe Internationale de Droit Canonique  
Professional Association of Dive Instructors  
National Association of Alcohol and Drug Counselors

#### **MILITARY AWARDS AND DECORATIONS**

National Defense Medal (2x)  
NATO Service Medal  
Kosovo Campaign Medal  
Armed Forces Service Medal (2x)  
Armed Forces Expeditionary Medal (2x)  
Humanitarian Service Medal  
Military Outstanding Volunteer Service Medal  
Air Force Achievement Medal (2x)  
US Army Achievement Medal



US Army Commendation Medal

Air Force Commendation Medal (3x)

Meritorious Service Medal (3x)

"Most Distinguished Graduate," US Navy Drug and Alcohol Counselor School

#### **AWARDS**

1992: Cavallo Award for Moral Courage in Government and Business

2002: "Priest of Integrity Award," Voice of the Faithful

2003: Isaac Hecker Award for Achievements in Social Justice

2005: Community Champion Award, Civil Justice Foundation of the Association of Trial Lawyer of America.

2007: Red Badge of Courage Award, SNAP. July 21, 2007

#### **MISCELLANEOUS**

Member, Order of the Desert Legion (US Army)

FAA licensed pilot, multi-engine, commercial and instrument rated, FAA certified advanced and Instrument ground instructor

P.A.D.I. certified Master Scuba Diver, Divemaster, Rescue Diver

Certified Alcohol and Drug Abuse Counselor (CADAC)

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JOHN V. DOE,

Plaintiff,

vs.

HOLY SEE, (State of the Vatican City), Its  
Instrumentalities and/or Agents - Does 1-10;  
ARCHDIOCESE OF PORTLAND IN OREGON,  
an Oregon Corporation; THE ROMAN  
CATHOLIC ARCHBISHOP OF PORTLAND IN  
OREGON, and successors, a corporation solc,  
dba THE ARCHDIOCESE OF PORTLAND  
IN OREGON; THE CATHOLIC BISHOP OF  
CHICAGO, a corporation sole; THE ORDER OF  
THE FRIAR SERVANTS OF MARY, d/b/a  
THE ORDER OF THE FRIAR SERVANTS OF  
MARY, U.S.A., PROVINCE, INC.,

Defendants.

Case No.: CV 02 430 MO

**EXPERT DECLARATION OF  
THOMAS P. DOYLE, J.C.D., C.A.D.C.**

Expert Declaration of  
Thomas P. Doyle, J.C.D., C.A.D.C.

I, Thomas Patrick Doyle, declare as follows:

1. I was ordained a Catholic priest in the Dominican Order on May 16, 1970. I also served as an officer in the United States Air Force from 1986 until 2004. I currently reside in Vienna, Virginia. My *curriculum vitae* is attached as Exhibit A. Unless otherwise noted, I have personal knowledge of the facts contained in this declaration and, if called as a witness, I could and would testify competently to said facts.

2. I have earned the following degrees: B.A. in Philosophy, Aquinas Institute of Philosophy, River Forest, Illinois granted in 1966; M.A. in Philosophy, Aquinas Institute of Philosophy, 1968; M.A. in political science, University of Wisconsin, 1971; M.A. in theology, Aquinas Institute of Theology, Dubuque, Iowa, 1971; M.Ch.A., Catholic University of America, Washington, D.C., 1976; M.A. in Canon Law, University of Ottawa, Ottawa, Ontario, 1977; J.C.L. (Pontifical Licentiate in Canon Law) St. Paul University in Ottawa, Canada, 1977 and a J.C.D. (Pontifical Doctorate in Canon Law), Catholic University of America, 1978. I am also a fully certified addictions counselor, having trained at the Naval School of Health Sciences in San Diego and the University of Oklahoma at Norman, Oklahoma.

3. I have held several part-time academic positions from 1974 through 1995. These have included Visiting Lecturer in Canon Law at Catholic Theological Union in Chicago, Illinois from 1979-1981; Visiting Lecturer in Canon Law, Catholic University of America, Washington, D.C. from 1981-1986; and faculty member, Midwestern Tribunal Institute, Mundelein Seminary, Mundelein, Illinois from 1979-1986. In addition, I have served as a part-time Tribunal Judge for the Diocese of Scranton, Pennsylvania from 1986-1990, for the Diocese of Pensacola/Tallahassee and the Archdiocese of Military Services from 1993-1995, and the Diocese of Lafayette in Indiana from 1991-1993.

4. I taught a variety of subjects in Canon Law on the graduate level. These have included matrimonial jurisprudence, procedural law, Canon Law of property and temporal good, Canon law for religious institutes and general principles of Canon law. I have also served as a consultant to several religious order communities of men and women. These have included the Dominican Friars, Cloistered Dominican nuns, Capuchin Friars.

5. I have extensive experience serving in various administrative and judicial positions in the Catholic Church in the United States. These have included appointments as an advocate and later a judge in the Tribunal of the Archdiocese of Chicago and appointments as a judge in the tribunals of the dioceses of Scranton, PA., Pensacola, FL and Lafayette, IN. I have also carried out various administrative duties in the Archdiocese of Chicago due to my training as a canon lawyer.

6. In addition to teaching and administrative work, I have written several books and articles on a variety of subjects related to theology and Canon Law. Included are one book, several articles and contributions to books on subjects directly related to clergy sexual molestation of minors and vulnerable adults. A complete list of my publications can be found in my curriculum vitae.

7. I continued to do parish work on weekends until I entered the military in 1986. I served as a reserve chaplain with several active duty assignments until 1990 when I became a full-time active duty officer and chaplain. I have held the following permanent assignments: 1990-1993, Grissom Air Force Base, Indiana; 1993-1995, Hurlburt Field, Florida; 1995-1997, Lajes Field, Azores; 1997-2001, Tinker Air Force Base, Oklahoma; 2001-2003, Ramstein Air Base, Germany; and 2003 to 2004, Seymour Johnson Air Force Base, North Carolina. I have

also been deployed to Operation Joint Forge, Operation Southern Watch and Operation Iraqi Freedom.

8. From the fall of 1981-1986 I served as secretary and Canon Lawyer on the staff of the Vatican Embassy in Washington, D.C. During my tenure at the Vatican Embassy, accusations of child abuse by Catholic priests and bishops as well as members of religious communities of men and women were made against specific individuals and reported to the Vatican Embassy by the local bishops. In these cases I was given responsibility for preparing files, following correspondence and preparing responses to letters received by the Vatican Ambassador. I first became involved with sexual abuse by Catholic clergy in 1982 in the course of fulfilling my duties at the embassy. Since that time I have consistently involved in this issue in a variety of ways throughout the United States and in other countries as well.

9. I have testified as an expert witness and consultant in clergy sexual abuse cases since 1988 and have studied documentation in cases from approximately 190 of the 195 Catholic dioceses in the United States. In the course of this work, I have reviewed more than 1,500 priest personnel files. I have been qualified as an expert witness and/or consultant on clergy sex abuse cases since 1989 involving several hundred separate cases in the United States, Canada, the U.K., Ireland, New Zealand, Australia and Israel. I have appeared before the legislatures of the States of Pennsylvania, Illinois, Ohio, Colorado, California, Delaware, Maryland and the District of Columbia to testify relative to child protective legislation including matters related to child abuse, clergy reporting statutes and statutes of limitations. I have also appeared before or consulted with several grand juries in the United States. In addition I have appeared as an expert witness and served as a consultant to the Ferns Commission and the Dublin Commission in

Dublin, Ireland and to the Cornwall Public Inquiry, Cornwall, Ontario, Canada. In February 2011 I addressed a special commission of the Parliament of Belgium at their request.

10. The most important part of my involvement has been my direct contact with victims and their families. From 1984 on I have worked extensively with clergy sexual abuse victims of both sexes ranging in age from nine years old to 92 years of age. I have provided pastoral care to their families including parents, spouses and children. I have also worked as a canonical consultant with Dioceses and Religious Orders, giving presentations and lectures and developing policies and procedures in this area as well as assisting numerous dioceses in the United States and abroad in compiling similar policies and procedures. I have given workshops to various dioceses around the country on the issue of clerical sexual misconduct against minors. I have lectured extensively and published articles on issues related to sexual abuse by clerics and religious brothers. In addition to working with victims of sex abuse I have also worked since 1984 with accused clerics as a canonical advocate and advisor and as a pastoral support person.

11. In 1968 I professed solemn vows in the Dominican Order. The Dominican Order is a religious order very similar in structure and lifestyle to the Order of the Servants of Mary. The Dominican Order was founded in Spain with the Holy See's approval in 1215. The Servants of Mary were founded in Italy in 1240. Ironically it was a Dominican priest, St. Peter Martyr of Verona, the Inquisitor-General of the Holy See, who recommended that the pope officially approve the order, which he finally did in 1249.

12. I have been asked to review the declaration of Father Luke Stano, O.S.M., and to comment on issues concerning the relationship of the Holy See to religious orders of men, especially the Order of the Servants of Mary.

13. The "Holy See" is the phrase that denotes the central governing office of the Roman Catholic Church. It is often used interchangeably with the term "The Vatican" however the comparison is inaccurate. The "Vatican" is the geographic location of the Holy See. The Roman Catholic Church is governed by the pope. The pope has complete and absolute authority over the entire worldwide Catholic Church in the three main areas of government: judicial, legislative and executive (canon 331 of the 1983 Code and canon 218 of the 1917 Code). The Code of Canon Law is the fundamental source of the laws, norms and regulations of the Catholic Church. The Code is promulgated on the authority of the Church, the sole lawgiver for the universal Church. The first Code was promulgated in 1917 and the revised Code promulgated in 1983. All citations in this declaration will refer to the canons of the 1983 when the cited canon is the same as the equivalent canon in the 1917 Code. The numbering may differ in these instances but the substance is the same. If there is a difference in the substance both canons will be cited. Also, in the more important issues, both canons will be cited whether they are identical or not. In addition to the Code, the pope issues other laws and regulations from time to time which have equal force of law though they are not contained in the code. These laws are generally issued by the pope through one of the Vatican congregations.

14. The pope governs the Catholic Church with the direct assistance of the various congregations and offices of the Holy See. These all have an area of the life of the Church over which they have delegated authority from the pope. The Congregation for Institutes of Consecrated Life is the department of the Vatican through which the pope exercises his authority over religious orders. However several of the other congregations can exercise authority over religious orders and their members depending on the issue. For example the Congregation for the Doctrine of the Faith has authority to exercise direct authority over members of religious

orders in areas related to faith and morals as well as in cases involving the alleged commission of certain canonical crimes including the sexual molestation or abuse of minors (cf. the decree *Crimen sollicitationis*, issued in 1922 and again in 1922).

15. The pope has "ordinary power over all particular churches and groupings of churches (canon 333). A "particular church" is a diocese or its equivalent. Included in this canon are all religious orders in the Catholic Church. The pope's power is absolute over every corporate body in the Church and over every individual Catholic whether the Catholic is a layperson, a cleric or a member of a religious order. The pope answers to no human power or authority and to no corporate or individual authority in the Church. The orders themselves are subject to the authority of the pope. Also, each member of every order is "bound to obey the Supreme Pontiff as the highest superior by reason of the sacred bond of obedience." (canon 590 of the 1983 Code and canon 499 of the 1917 Code.)

16. Every religious order in the Church, including the Order of the Servants of Mary, is subject to the direct authority of the pope as well as all authority under the power such as the superiors of the order.

17. Members of religious orders make a commitment to what the Church refers to as the "evangelical counsel" when they complete their period of probation. The "evangelical counsels" are *poverty, chastity and obedience.*" The type of commitment differs according to the type of religious institute. Members of some make *promises* and members of others make *vows*. The difference between the two involves the nature of the bonding to the order and the manner of interpreting the evangelical counsels. For example members of some religious institutes make a private commitment to the institute while retaining their essential attachment to a diocese. The Society of St. Sulpice is an example. The members are all diocesan priests who



are allowed by their bishops to affiliate with the society but who are still under the bishop's authority.

18. The Servites make vows. They are incardinated or joined, by reason of the vows, to the Order of the Servants of Mary. Members are not attached to any diocese although they work in dioceses. The vows taken by members of all religious orders may differ in the individual wording or formula followed by the Order but all are essentially the same in that the member promises obedience to the superior general of the order and to the constitute and rule followed by the Order. It is clearly understood that the promise of obedience, if it is the only vow explicitly mentioned, includes the vows of poverty and chastity. The Servite vows explicitly mention the three counsels for example yet the Dominican vows mention only the vow of obedience. The member pronounces the vows in a public ceremony. The vows are usually spoken or made to a superior, most often the provincial or one delegated by him. The member does not pronounce vows to the provincial but to the Church, pope and order *through* the one receiving the pronouncement of vows.

19. It is also understood that the vowed member of the religious order promises obedience to the pope. It is simply not possible to be a member of a Catholic religious order and not promise or vow obedience to the pope. This may not be mentioned explicitly but it is understood (cf. Canon 273 and canon 590).

20. Every order including the Servants of Mary must have an internal governing structure and internal or particular laws, usually called *constitutions*. Fr. Stano describes the constitutions of the Servites in his declaration. When the constitutions of a religious order are drawn up they receive the first level of final approval by the superior general of the Order and the final level of approval by the Holy Sec. The constitutions include particular norms for the

order concerning admission, formation, training and election or appointment to office. The constitutions also contain legislation on particular aspects of how the three vows are lived out in the member's life. The laws of the universal Church that pertain to them also govern the members of each religious order. Also, the constitutions cannot contain any laws that are contrary to the general law of the church.

21. Most religious orders, including the Servites, are divided into geographic entities called provinces. The provinces are governed by a member who is elected or appointed, usually called a *provincial*. The provincial has authority over the members according to the limitations of general law and the order's constitutions. The provincial of the Servites is elected by the delegates to the chapter, the word used to describe the governing body that means at regular intervals of time. The elected provincial requires the approval of the superior general. Although the Servite provinces are separately incorporated in civil law and not ruled directly by the superior general, each province does not exist in isolation from the others or from the general superior or from the wider Church. The provincial and the members are subject to the constitutions, to the direct authority of the superior general should be choose to exercise it and to the direct authority of the Holy See.

22. Members of the Servite order take the vow of poverty. This means that individual members do not own anything. Any money they are given or that they earn must be surrendered to the Order, usually to the individual community the member lives. Any arrangements whereby an individual members has use of his own salary or is allowed to use gift monies, must be approved the superiors of the Order. All property is owned by the religious order and is managed by the superiors of the order according first to the norms of Canon Law and second according to the norms of the Servite constitutions. The property of Catholic entities including

the Servite Order, is known as *ecclesiastical goods*. It is essential to know however, that the pope is the *supreme administrator and steward of all ecclesiastical goods*. This means that the pope has ultimate authority over all property owned by the Servites and every other religious order (canon 1273). Although the pope does not engage in the direct management of all ecclesiastical property, he has the right and the authority to do so in any degree. The pope does exercise this authority in certain matters involving the sale, gift or destruction of church property that exceeds a specific value amount. In such cases the amount is set by either the local bishops' conference, by the order's own legislation but the maximum must be approved by the pope. Also, the sale, gift, destruction or radical alteration of *sacred property* such as consecrated churches or churches, other buildings or objects of historical value, must be approved by the pope.

23. The standards for the admission of candidates to all orders, the Servites included, are set forth in the Code of Canon Law (Canons 641-645 of the 1983 Code and canons 538-553 of the 1917 Code). Each order is allowed to establish other requirements in addition to the norms in the Code (canon 543, 2). The Holy See is directly involved in the admission, training and final acceptance of members of the Servite order (and every other order) insofar as the Orders are obligated to follow the norms of Canon Law which are approved by the pope as well as the particular rules of the Order. The Holy See is also directly involved when it is deemed necessary by superiors to deviate from one of the standards of admission that are required for validity or licity of the profession of vows. If any one of the conditions required for validity is present the profession of vows is invalid and the member is actually not a member. These condition or impediments as they are called, are enumerated in canon 542 of the 1917 Code and

canons 642 and 643 of the 1983 Code. If the superiors wished to deviate it was necessary to receive a dispensation or waiver of the law from the Holy See.

24. The Code of Canon Law contains specific norms that must be followed in the training, admission or dismissal of novices (canons 553-571 of the 1917 Code and canons 646-654 of the 1983 Code). In this way the Holy See is directly involved in these matters. The Servites have their own particular norms governing the training and admission of novices but these must conform to the norms of the general law of the Church. For example the Servites could not eliminate one of the essential impediments on their own (e.g., required age, required length of time for the novitiate). At the end of the novitiate period which lasts one year and one day, the members takes the vows for a period of three years. These are known as *temporary* or *simple* vows.

25. Members of all religious orders, including the Servites, are obliged to complete at least three years living under simple vows. At the end of this period the member is approved or not approved for final vows, also called *solemn* vows. Final vows are the same as the vows made at the end of the novitiate with the exception of the time period. Final vows are made for life. The provincial superior admits members for simple vows and final vows. The member can also be rejected for solemn vows but allowed to renew simple vows for a specific period of time not to exceed three years (canon 657). Although the provincial superior admits candidates for final or solemn vows, according to the norms of the constitutions, he is ultimately bound by the norms of the Code of Canon Law. Any deviation requires a dispensation from the Holy See. For example, if a member suffers from a terminal illness the Holy See can grant a dispensation from the requirement of three years in simple vows allowing the member to take solemn vows earlier.

26. It is grossly inadequate to describe any member of a religious order as an "employee" of the local bishop, of the order or of the Holy See. The relationship of individual members to the Holy See is much more than the relationship of an employer to an employee. For example, employers usually do not require employees to make a vow, oath or promise of reverence, respect and obedience as a condition of employment. All of these are required of members of religious orders including the Servites. The connection or bond between individual religious order members and the Holy See is not based on any form of monetary arrangements such as a salary. The relationship is based on the very nature of membership in the Servites or any other religious order. Such membership includes by necessity, a direct connection to the pope insofar as the member is bound by obedience and reverence to the pope. The pope also has the power and authority to directly intervene in the life of every member of a religious Order, including the members of the Servite order and every diocesan priest and every bishop.

27. In the case of members of religious orders, including the Servites, when a member seeks to leave the Order he must receive a dispensation from his vows. If he is in perpetual, final, or solemn vows, this dispensation is granted only by the Holy See.

28. The Holy See has directly intervened in the lives of individual bishops, priests and members of religious orders many times throughout history. It has done so numerous times over the past several decades.

- a. *Cardinals.* In 1927 Pope Benedict XV removed Cardinal Louis Billot from the cardinalate because the cardinal would not cease his affiliation with an organization known as *Action française*. The highest ranking churchman removed for sexual abuse was Cardinal Hans Hermann Groer who was Archbishop of Vienna at the time. In 1994 he was accused of sexually abusing boys years earlier when he worked at a boys' school. He was obliged to submit his resignation in 1995.
- b. *Bishops.* The Holy See has publicly removed at least two bishops in recent times: Bishop Jacques Gaillot, removed as Bishop of Evreux,

France in 1995 and Bishop William Morris, removed as Bishop of Toowoomba, Australia in 2011. Archbishop Emmanuel Milengo was involuntarily laicized (defrocked) in 2009 and Bishop Fernando Lugo of Paraguay was defrocked in 2009. In the U.S. the Vatican has instituted special investigations of at least two bishops in the recent past: Bishop Walter Sullivan of Richmond VA and Archbishop Raymond Hunthausen, both in 1983.

- c. *The New York Times Ad.* On October 7, 1984 a full-page advertisement appeared in the New York Times asking the Catholic Church to reconsider its discussion on abortion. The ad was signed by at least 30 men and women members of religious orders. Within 10 days of the appearance of the ad the Holy See had ordered each member to either publicly retract their signature and publicly recant or the member would be dismissed from the order.
- d. *Fr. Matthew Fox.* Matthew Fox was a member of the Dominican Order, ordained a priest in 1967. In 1993 he was investigated by Cardinal Ratzinger, then prefect of the Vatican's Congregation for the Doctrine of the Faith. Father Fox was subsequently dismissed from the Dominican Order and the Catholic priesthood by the Congregation for the Doctrine of the Faith. The Holy See executed the dismissal through the Dominican Order by ordering first his dismissal and then by laicizing him.
- e. *Fr. Tissa Balasuriya* is a member of an order known as the Oblates of Mary Immaculate. He is a native of Sri Lanka. In 1996 he was excommunicated by the Holy See for what they termed "heresy" based on Fr. Balasuriya's writings. There was a massive worldwide protest against the Holy See. Fr. Balasuriya was reconciled with the Church in 1998.
- f. *Fr. Charles Curran.* Father Curran, a priest of the Diocese of Rochester, was a professor at Catholic University of America. In 1986 the Holy See decreed that he could no longer teach at Catholic universities and he was removed from his professorship at the Catholic University of America.
- g. *Fr. Hans Kung.* Fr. Kung, a priest from Switzerland, was an expert at the Second Vatican Council along with then-Father Josef Ratzinger, now Pope Benedict XVI. In 1979 he was forbidden by the Holy See (Pope John Paul II) to teach theology in Catholic colleges and universities because he disagreed with the church teaching on infallibility.
- h. *Fr. Leonardo Boff.* Fr. Boff was a Franciscan priest from Brazil. The Holy See silenced him in 1985 and again in 1992 because the pope disagreed with his teaching on liberation theology. He eventually left the Catholic Church.

- i. *Fr. Leonard Feeney* was a priest of the Boston Archdiocese. In 1953 he was excommunicated by the Holy See (Pope Pius XII) for disobedience because he refused to retract a teaching that disagreed with the Church teaching on salvation outside the Catholic Church.
- j. *Fr. Robert Nugent and Sister Jeannine Grammick* are both members of Catholic religious orders. They founded a ministry to gay and lesbian persons in 1977 known as *New Ways Ministry*. In 1999 they were ordered by the Holy See to cease their ministry to homosexuals and to publicly assent to the Church's official teaching on homosexuality or be dismissed from their orders. Fr. Nugent recanted and left New Ways Ministry but Sr. Jeannine Grammick did not. She voluntarily left her religious order and joined another, more lenient and sympathetic order.
- k. *Fr. Roy Bourgeois*. Fr. Bourgeois has been a member of the Maryknoll Order for 46 years and a priest for 40 years. In 2008 the Holy See directly ordered him to recant a statement he had made in favor of the ordination of women to the priesthood. He did not do so and was subsequently excommunicated by the Holy See. The Holy See also ordered the superior general of his order to dismiss him from the order.

29. The above are some examples of the direct intervention of the Holy See in the lives of bishops, priests and members of religious orders. In all such instances of direct intervention the Holy See or the pope, acts through one of the administrative agencies that assist the pope. The Holy See has both the authority and the power to directly intervene without publishing its reasons or even disclosing the reasons to the person who is the object of the intervention. The Holy See presently exercises its right to directly intervening in matters of sexual abuse allegations by clerics. It has issued a decree, commonly known as *Sanctorum sanctitis tutela*, in May 2001. According to this decree the local bishop is obliged to conduct a preliminary investigation of any cleric accused to sexual abuse of a minor. Then, the bishop is *obligated to send the file of the investigation to the Congregation for the Doctrine of the Faith (the Holy See)*. The Congregation then decides on further action including administrative dismissal of the priest from the priesthood.

30. The Holy See does not ordinarily directly transfer or discipline members of religious orders or diocesan priests. The usual practice is for the Holy See to order the proper superiors of the persons to order a transfer or some other action. In the case of religious order members the command would be sent down through the order's chain of command to be finally executed by the provincial superior. In the case of a diocesan priest it is done through the bishop. If a religious superior or a bishop refuses to take the required action the Holy See (and has) intervene directly and often when it does it also takes some action against the religious superior who refuses to obey. One famous example involved *Sister Mary Agnes Mansour*, a nun who was a member of the Sisters of Mercy. The governor appointed her director of the social services department of the State of Michigan in 1982. In 1983 the Holy See ordered her superiors to command her to resign the position. The superiors refused. The Holy See appointed then-bishop Anthony Bevilacqua to act on its behalf with special powers that he could exercise in the name of the Holy See. He met with the superiors and with Sr. Mansour in 1983 and at the meeting she refused to resign and the superior refused to force or order her to resign. Bishop Bevilacqua then dispensed Sr. Mansour from her vows at the meeting, which effectively dismissed her from the Sisters of Mercy.

31. There have been other ways that the Holy See directly intervened and intervenes in the lives of members of religious orders or priests. For example, until the 1983 Code was promulgated, any priest or religious order member in solemn vows who attempted a marriage before a minister of a non-Catholic religion was automatically excommunicated. The lifting of the excommunication depended on fulfillment of certain requirements and could only be done by the Holy See.

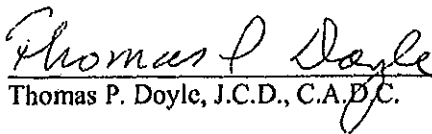


32. The most common examples of direct intervention are in cases when the Holy See disagrees with the writing or teaching of a priest or member of a religious order. In those instances the Holy See can either work through the religious member's superiors or it can (and usually does) take direct action, giving certain directives to the superiors to carry out such as ordering a member to cease their activities. If the member refuses the Holy See then acts directly.

33. A member of a religious Order, including the Servites, acts and works in ministry for the Church and for the Holy See ultimately. It is inaccurate to give the impression that such members live and act independently of the Holy See since the Holy See has the power to directly influence their lives or even to dismiss them from the order. It is also totally inaccurate to claim that the Holy See either cannot or does not directly intervene in the lives of priests or members of religious orders.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Vienna, Virginia this 12<sup>th</sup> day of March, 2012.

  
Thomas P. Doyle, J.C.D., C.A.D.C.