

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 134

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Thursday, August 30, 2007

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 30 août 2007

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Mr. Mark Crane	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Suzanne Costom	
Mr. David Rose	Ontario Ministry of Community
M ^e Claude Rouleau	and Correctional Services and Adult Community Corrections
Ms. Judie Im	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Rob Talach	Victims Group
Mr. Dallas Lee	
Mr. David Bennett	The Men's Project
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene Larocque
M ^e Danielle Robitaille	Mr. Jacques Leduc
Ms. Karin Stein	Ontario Provincial Police Association

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1 --- Upon commencing at 9:41 a.m./

2 L'audience débute à 9h41

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude, Commissioner, presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you, and good
10 morning, all.

11 **MR. ENGELMANN:** Good morning, Mr.
12 Commissioner.

13 **THE COMMISSIONER:** Good morning, sir.

14 **THOMAS P. DOYLE, Resumed/Sous le même serment:**

15 **MR. ENGELMANN:** Good morning, Father Doyle.

16 **REVEREND DOYLE:** Good morning.

17 **MR. ENGELMANN:** Mr. Commissioner, just
18 before we start with the witness, a couple of housekeeping
19 matters, if I may.

20 We have currently two applications for
21 standing and funding.

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** That were set for this
24 afternoon at two o'clock. The witness is here from out of
25 country. I would certainly like to finish him -- excuse me

1 -- before we get to those applications for standing and
2 funding.

3 **THE COMMISSIONER:** M'hm.

4 **MR. ENGELMANN:** I did have an exchange with
5 Mr. Chand, who is acting for Mr. Leroux, late last night.
6 He got in touch with me and asked if his matter -- because
7 of other matters he has got on later in the day, if his
8 application for standing and funding and his application
9 for the excusal of Mr. Leroux's continued participation, if
10 those could go over till the 10th of September at two
11 o'clock.

12 **THE COMMISSIONER:** M'hm.

13 **MR. ENGELMANN:** So I just wanted to bring
14 that up here. I certainly have no objection to that. I
15 don't know if any other counsel do.

16 **THE COMMISSIONER:** Any comments? No, going,
17 going, gone.

18 Thank you.

19 **MR. ENGELMANN:** All right.

20 So I have asked Mr. Chand to follow on the
21 webcast. I hope he's watching and he will now be notified
22 that he is now on September 10th at two o'clock.

23 **THE COMMISSIONER:** All right.

24 **MR. ENGELMANN:** I should advise, sir, that
25 as requested a letter was received from a psychologist in

1 Ottawa dealing with an assessment of Mr. Leroux and Mr.
2 Chand did forward that to the Commission and to all parties
3 as requested.

4 **THE COMMISSIONER:** All right.

5 **MR. ENGELMANN:** So we'll deal with that
6 matter on the 10th.

7 **THE COMMISSIONER:** All right. Thank you.

8 **MR. ENGELMANN:** One of my colleagues is
9 trying to get a hold of Mr. Horn.

10 **THE COMMISSIONER:** M'hm.

11 **MR. ENGELMANN:** So if he is watching as
12 well, I just want to let them know that if that matter goes
13 on today it will be late in the day or it may have to go
14 over to the 10th as well.

15 **THE COMMISSIONER:** Great, thank you.

16 **MR. ENGELMANN:** If that's fine with you,
17 sir?

18 **THE COMMISSIONER:** We'll see how it goes.

19 **MR. ENGELMANN:** All right.

20 ---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
21 ENGELMANN:

22 **MR. ENGELMANN:** So Father Doyle, we had a
23 late night last night after you left but you have been
24 qualified as an expert, as we discussed yesterday.

25 **THE COMMISSIONER:** And you understand you

1 are still under oath?

2 REVEREND DOYLE: Yes, I do, sir.

3 THE COMMISSIONER: Thank you.

4 MR. ENGELMANN: And you have been qualified
5 as an expert in canon law and an historical background of
6 clergy sexual abuse, with a particular interest in the
7 spiritual and pastoral dimensions of clergy sexual abuse.

8 And what I'd like to do is start with you on
9 some of the history and, in particular, you had advised us
10 as part of your studies of canon law, and part of your
11 studies generally, that you studied history and early
12 history, as I understand it?

13 REVEREND DOYLE: That's correct.

14 MR. ENGELMANN: And so you have some
15 familiarity with early church documents and early canons?

16 REVEREND DOYLE: That's correct.

17 MR. ENGELMANN: And what I'd like to do is
18 start with perhaps the earliest records or documents that
19 you are aware of, sir, that deal with the issue of clergy
20 sexual abuse of minors from your own historical research.
21 Where does this start?

22 REVEREND DOYLE: It began -- the earliest
23 legislation is dated from the year 309, a church council
24 that took place in southern Spain in a place called Elvira.
25 The council was a gathering of bishops and this is the way

1 ecclesiastical legislation was formulated at that period,
2 by groups of bishops. The papacy was nowhere near as
3 centralized or as powerful as it is today.

4 And they got together and they issued
5 approximately -- I think it was 84 canons and about half of
6 these dealt with sexual behaviour in one form or another
7 which says they recognize this as a source of problems.

8 Two of the canons specifically spoke -- one
9 spoke in a condemnatory way of sex between adult men and
10 young boys. By young boys they meant boys that were just
11 into puberty. I believe 12, 13, 14. And another one
12 condemned sex between priests and bishops and both young
13 boys and women.

14 **MR. ENGELMANN:** All right.

15 So there was some -- there was a canon
16 dealing with sexual abuse of minors by laity and others
17 dealing with it by clergy?

18 **REVEREND DOYLE:** By clergy.

19 **MR. ENGELMANN:** Right.

20 **REVEREND DOYLE:** And around that same period
21 there are -- there is evidence in a couple of the letters,
22 I believe, that St. Augustine wrote. And St. Augustine
23 was a bishop in northern Africa which was heavily
24 christianized at that time. And the world was under -- the
25 western world at least was under the domination of the

1 Roman Empire and subject to Roman law. Roman law had a
2 proviso that sex between adult males and boys was
3 punishable -- could be punishable by death and, I believe,
4 in one or two of Augustine's letters he recommended that
5 the secular law or the Roman law be applicable also in the
6 church.

7 **MR. ENGELMANN:** Now, sir, these early church
8 documents indicating -- so they indicated an awareness?

9 **REVEREND DOYLE:** They indicated an
10 awareness, first of the seriousness. You don't punish
11 somebody by death unless it's for a serious matter or
12 unless it's something your society considers serious. They
13 considered apparently, at that time, sex between adults and
14 children to be serious and sex between members of the
15 church, the professional church people or clerics as we
16 call them today, to also be serious.

17 **MR. ENGELMANN:** All right.

18 And did they give any sense of age when we
19 talk about sex with children or minors, to your
20 recollection?

21 **REVEREND DOYLE:** My recollection throughout
22 this period, both from the early to the late medieval
23 period, that the age they're referring to would be what we
24 would consider to be very young adolescence, people coming
25 into puberty, young boys when they were old enough to

1 attain an erection.

2 **MR. ENGELMANN:** All right.

3 **REVEREND DOYLE:** Because the whole issue was
4 some form of sexual gratification.

5 **MR. ENGELMANN:** All right.

6 We heard over the last day or two from
7 Father Morrissey that sometimes for the boys that was
8 equated to be 14 and for the girls to be equated with 12.
9 Is that approximately what you heard as well?

10 **REVEREND DOYLE:** I would say I would agree
11 with that, and what Father Morrissey, I believe, was
12 probably referring to was that in the early Code of Canon
13 Law, the one promulgated in 1917, the minimum age for
14 validity of marriage was 12 for girls and 14 for boys
15 because at that time the important aspect of marriage was
16 reproduction.

17 **MR. ENGELMANN:** All right.

18 **REVEREND DOYLE:** And those were presumed to
19 be the ages when boys and girls were capable.

20 **MR. ENGELMANN:** All right.

21 So that first period of time you talked
22 about that would have included the Council of Elvira and
23 St. Augustine's letters, what is that period called, sir?

24 **REVEREND DOYLE:** Generally, it's called the
25 Apostolic Period. There are a number of ways of referring

1 to it, but the Apostolic Period would be one descriptor as
2 far as the church is concerned.

3 **MR. ENGELMANN:** All right.

4 And what would the next timeframe in church
5 history be; if I could use that term?

6 **REVEREND DOYLE:** The next thing would be the
7 -- there was a period between the Apostolic Period which
8 ended maybe in the 6th century and the High Medieval Period
9 which would be designated perhaps by the 12th -- some would
10 debate that -- 12th century.

11 The Early Medieval Period would be between
12 the end of the Apostolic Period and that period and most
13 church legislation at the time; in fact, almost all of it,
14 came from gatherings of bishops, local gatherings of
15 bishops.

16 **MR. ENGELMANN:** All right.

17 **REVEREND DOYLE:** Keeping in mind how bad
18 communication was.

19 **MR. ENGELMANN:** Yes.

20 **REVEREND DOYLE:** So gatherings and the
21 canons, as the laws or rules were called, were gathered
22 together and preserved and then there were scholars who
23 gathered the canons from this place or that place or the
24 other place and these were called collections. These
25 collections -- some of them reveal legislation enacted by a

1 certain church, gatherings of bishops, synods or councils
2 which was condemnatory or spoke about sex between clerics,
3 meaning priests or bishops and young people more or less.

4 **MR. ENGELMANN:** All right.

5 So this period between the 7th and 11th
6 century ---

7 **REVEREND DOYLE:** Yes.

8 **MR. ENGELMANN:** --- there were further
9 gatherings of bishops?

10 **REVEREND DOYLE:** The gatherings kept going.
11 I mean, the church was developing. It was becoming more
12 sophisticated and the bishops would gather in these
13 councils to deal with problems that they were facing and
14 one of them, obviously, at least from the evidence I've
15 seen, is the issue of sexual problems. And among those
16 sexual problems was sex between clerics and young boys.

17 **MR. ENGELMANN:** All right.

18 Just young boys or young girls as well?

19 **REVEREND DOYLE:** Most of the -- they're all
20 written in Latin.

21 **MR. ENGELMANN:** Yes.

22 **REVEREND DOYLE:** Generally, the word that
23 they use is *puer* which is a young boy.

24 **THE COMMISSIONER:** Say that again. **REVEREND**
25 **DOYLE:** P-U-E-R, *puer*. It's a Latin word for a young boy.

1 **THE COMMISSIONER:** Okay. And what does
2 *puella*?

3 **REVEREND DOYLE:** *Puella*, that's a girl.
4 That's a young girl. That's an adolescent girl.

5 **THE COMMISSIONER:** Yes.

6 **MR. ENGELMANN:** And so the church wasn't as
7 large a universe at that time as it would be today, and
8 when I say the church, the Roman Catholic Church?

9 **REVEREND DOYLE:** You have to keep in mind
10 that in that period -- and of course it's very easy to
11 romanticize about the Middle Ages, you know, knights and
12 ladies and so on -- but the only denomination, so to speak,
13 was catholicism.

14 **MR. ENGELMANN:** All right.

15 **REVEREND DOYLE:** There were no protestants,
16 for all practical purposes, until the 15th century ---

17 **MR. ENGELMANN:** Yes.

18 **REVEREND DOYLE:** --- with the Huguenots in
19 Southern France.

20 So the church was not anything probably like
21 we know it to be today, well, somewhat like we know it to
22 be today, but basically it was a significant part of the
23 culture. The church's legal system was the dominant legal
24 system for a long period.

25 **MR. ENGELMANN:** But geographically we're

1 talking Europe at this time?

2 REVEREND DOYLE: We're talking ---

3 MR. ENGELMANN: The 7th to 11th Century?

4 REVEREND DOYLE: Yes, Europe.

5 MR. ENGELMANN: All right.

6 And so you -- during this period do we see
7 sexual abuse by clergy mentioned as prescribed behaviour
8 and as a delict ---

9 REVEREND DOYLE: Yes.

10 MR. ENGELMANN: --- in various canons, if I
11 can call them that?

12 REVEREND DOYLE: The canons, they enacted
13 and they mentioned it as a crime, as a delict.

14 MR. ENGELMANN: All right.

15 And are we starting to see some reference to
16 actual penalties that could be imposed as well?

17 REVEREND DOYLE: Yes, the clearest indicator
18 of the penalties, I think, comes from what are called the
19 penitential books, which are -- also came into being maybe
20 the 6th century to the 12th century. These were non-
21 official, but they were manuals that priests used to help
22 them hear confessions. This was the period when one-on-one
23 confessions started.

24 MR. ENGELMANN: M'hm.

25 REVEREND DOYLE: Prior to that it was

1 general. You maybe went to confession once in your life
2 and it was a public thing.

3 But one-on-one confession, which meant I
4 went to you as a priest, confessed my sins. The priests
5 were not very well educated at all. They could go through
6 the rituals and so on, and they knew a few things. These
7 manuals or these penitential books began to be composed,
8 and they're a very valuable source of information about
9 what the community considered to be right and wrong, and a
10 regular feature in the various penitential books were
11 sexual sins, including sins between clerics, bishops and
12 priests and children or young adolescents. And the
13 penalties attached, the higher your rank as a church man,
14 as a deacon, priest or bishop, the more stringent the
15 penalties.

16 **MR. ENGELMANN:** Okay. So there was some
17 recognition that people in positions of power or authority
18 should be treated more harshly?

19 **REVEREND DOYLE:** They were treated more
20 harshly.

21 **MR. ENGELMANN:** And, sir, the period after
22 the 7th to 11th, if I could call it the early medieval
23 period, what's the next period?

24 **REVEREND DOYLE:** Next would be -- some refer
25 to it has the high medieval period, the late medieval

1 period, the medieval period. I would say, you know, from
2 the way I have divided it up, beginning with the 12th
3 century, which was the 1100s, going into the 15th century.

4 **MR. ENGELMANN:** All right.

5 And this is a timeframe where we had some
6 evidence from our previous witness, from Father Morrisey,
7 about significant documents from around 1234. Are you
8 familiar with ---

9 **REVEREND DOYLE:** Twelve-thirty-four (1234)
10 was when the Decretals of Gregory IX were published, and
11 that was the first official Code of Canon Law, if you want
12 to call it that, the first official collection from the
13 papacy on down.

14 But this was a period when the cities came
15 into being; the universities were founded. It was a
16 flowering period of the arts, of culture, of also church
17 law. Canon law is a separate science. It came into being
18 around the end of the 12th -- middle of the 12th century.

19 **MR. ENGELMANN:** All right.

20 So would it be fair to say that there would
21 be more written generally?

22 **REVEREND DOYLE:** Generally, there is more
23 available evidence from those periods.

24 I want to just briefly comment that the
25 Vatican Library has a massive collection of medieval

1 manuscripts that have never even been catalogued or
2 examined. So who knows what's in there. So we may have a
3 lot more stuff from beforehand.

4 **MR. ENGELMANN:** All right.

5 Is there anybody around who could still read
6 it, I hope?

7 **REVEREND DOYLE:** Oh yes, yes.

8 **MR. ENGELMANN:** Good.

9 **REVEREND DOYLE:** When I did my studies, that
10 was one of the things I had to be able to do was read that
11 form of Latin.

12 **MR. ENGELMANN:** The early script?

13 **REVEREND DOYLE:** The early script.

14 **MR. ENGELMANN:** And, sir, I understand
15 during this timeframe there were councils known as -- and I
16 may mispronounce this -- Lateran Councils?

17 **REVEREND DOYLE:** The Lateran Councils took
18 place at the Lateran Palace in Rome and they were official,
19 universal, general councils of the church. Now we would
20 call them an ecumenical council. There were several of
21 them.

22 **MR. ENGELMANN:** And would they pass canons
23 or various other laws?

24 **REVEREND DOYLE:** I don't have the actual
25 text before me, but I do know that at two or three of the

1 Lateran Councils, there was legislation passed concerning
2 sex between clerics and minors.

3 **MR. ENGELMANN:** All right. Now ---

4 **REVEREND DOYLE:** Specific texts.

5 **MR. ENGELMANN:** Now, presumably they would
6 deal with other forms of delicts ---

7 **REVEREND DOYLE:** Yes.

8 **MR. ENGELMANN:** --- and other forms of
9 sexual behaviour as well?

10 **REVEREND DOYLE:** Generally, the councils
11 would have exhortatory statements and then the legislative
12 statements or the canons themselves, and these would
13 generally be disciplinary about a variety of issues, all
14 dealing with life in the catholic church, and included
15 among them were specific delicts about sexual misbehaviour.

16 **MR. ENGELMANN:** All right.

17 Now, towards the end of this period there's
18 a council known as the Council of Basel.

19 **REVEREND DOYLE:** The Council of Basel took
20 place in Basel, which is in Switzerland.

21 **MR. ENGELMANN:** Yes.

22 **REVEREND DOYLE:** And I isolated that one in
23 my references as an important council because not only did
24 it mention -- it was mentioned in a condemnatory way sex
25 between clerics, meaning priests or bishops and young boys,

1 but it also condemned clergy superiors, superiors in the
2 church who condoned it, knew about it but did nothing.

3 And there's another reference from a book
4 called the Book of Gomorrah, which was a book written by
5 St. Peter Damian in the 11th Century where he does the same
6 thing.

7 But one thing I've found, and it's
8 interesting because it reflects what's going on today, is
9 scant recognition of church superiors and their role and
10 their responsibility in the whole issue of sexual
11 misconduct. And here we have a legislation that said
12 church superiors who knew about this and failed to condemn
13 it or failed to take action were themselves subjected to
14 penalties.

15 **MR. ENGELMANN:** All right.

16 So you have a recognition at the Council of
17 Basel that knowledge and lack of action to deal with some
18 of these delicts, clergy abuse of minors, was in itself a
19 delict?

20 **REVEREND DOYLE:** That's correct.

21 **MR. ENGELMANN:** All right.

22 Would you know if there were penalties
23 prescribed for that or was it just set out as a delict?

24 **REVEREND DOYLE:** The penalties generally
25 that were -- it was set out as a delict, and I don't recall

1 exactly what the penalties prescribed were because
2 oftentimes they would not attach specific penalties. In
3 some instances they did, and those could range from
4 suspension from office to defrocking, or what some
5 considered to be the worst penalty, which was removal of
6 your benefits, which meant your source of income.

7 **MR. ENGELMANN:** All right.

8 **REVEREND DOYLE:** Take your money away.

9 **MR. ENGELMANN:** And, sir, I apologize; you
10 said the Book of Gomorrah?

11 **REVEREND DOYLE:** Gomorrah.

12 **MR. ENGELMANN:** And that was earlier on in
13 this period?

14 **REVEREND DOYLE:** The Book of Gomorrah was
15 the equivalent, I would say, of the Winter Report or the
16 National Review Board Report written by Peter Damian, who
17 started off as a monk, then he became an abbot, then he
18 became an archbishop, cardinal and later a saint. He was a
19 church reformer in Italy and wrote a book called the Book
20 of Gomorrah, which is fairly short but which is amazing in
21 the fact that it delineates clearly a variety of sexual
22 crimes by the clergy, including sex with penitence, the
23 priest hearing confessions soliciting sex from male or
24 female penitents; sex between priests and bishops and young
25 boys. He also condemns ecclesiastical superiors and

1 religious superiors, abbots, et cetera, who condoned it,
2 and he was very, very, very vociferous. I mean, he was
3 very, very strong.

4 He sent a report to the reigning pope at the
5 time, who basically said, "This is very serious. We take
6 it seriously. It's too bad, but we will not defrock a
7 priest only for one or two instances of having sex with a
8 minor. It's got to be a regular pattern."

9 **MR. ENGELMANN:** But this issue of condoning
10 or not dealing with or covering up, or whatever we want to
11 call it, this delict against higher-ups ---

12 **REVEREND DOYLE:** Yes.

13 **MR. ENGELMANN:** --- does that find its way
14 into canon law?

15 **REVEREND DOYLE:** It does find its way into
16 canon law in the 1917 Code in the way that if you -- abuse
17 of office would be the equivalent, where if you used your
18 office or you failed to take action because of your office
19 and because your office obliged you to take action, then
20 you can be charged with another ecclesiastical crime.

21 **MR. ENGELMANN:** All right.

22 **REVEREND DOYLE:** And there are a couple of
23 canons in the Code that talk about cooperation in a crime.
24 If I, let's say, as a pastor or a bishop know that one of
25 the priests is sexually abusing children, to use a graphic

1 example, I do nothing about it, I can be charged with
2 cooperation in that crime because I made it ---

3 **MR. ENGELMANN:** It's not specific then to
4 sex?

5 **REVEREND DOYLE:** No.

6 **MR. ENGELMANN:** It could be any type of
7 delict?

8 **REVEREND DOYLE:** It's in general. It could
9 be any crime.

10 **MR. ENGELMANN:** All right.

11 **REVEREND DOYLE:** These mentioned, Basel and
12 the Book of Gomorrah, were specifically in mentioning
13 sexual crimes with children.

14 **MR. ENGELMANN:** And has that been picked up
15 since, sir, that you know of, in either the 1917 or the
16 1983 Code?

17 **REVEREND DOYLE:** Not with specific mention
18 to saying this specific canon says superiors who condone
19 sex by priest are themselves condemned. No.

20 **MR. ENGELMANN:** So, sir, after the high
21 Middle Ages, what's the next period that we get into?

22 **REVEREND DOYLE:** Next period is generally,
23 well, you can talk about the Renaissance, but the early
24 modern period is what a lot of historians refer to, which
25 would include anything from perhaps the 15th-16th century

1 into the present. Or 16th, I would take that back, or 16th
2 into the 19th.

3 **MR. ENGELMANN:** All right.

4 And again, we heard from Father Morrissey
5 about a significant event in the mid-1500s known as the
6 Council of Trent.

7 **REVEREND DOYLE:** Correct.

8 **MR. ENGELMANN:** Do you agree that that was
9 significant, sir?

10 **REVEREND DOYLE:** Massively significant.
11 That came upon the heels of the so-called Protestant
12 Reformation.

13 **MR. ENGELMANN:** Right.

14 **REVEREND DOYLE:** So-called; it was a
15 Protestant Reformation. And that was a response to that
16 and it was a massive reform council that really changed the
17 face of the Roman Catholic Church significantly.

18 **MR. ENGELMANN:** All right. And did the
19 Council of Trent also deal with the issue we are dealing
20 with here; clergy abuse of minors?

21 **REVEREND DOYLE:** Yes, it dealt with it in a
22 couple of ways.

23 One of the ways it tried to deal with clergy
24 abuses was to impose seminary training which had never been
25 part of the program before. It imposed seminary training

1 and I believe there were what they called disciplinary
2 canons which spoke of sexual crimes by clergy including
3 crimes with children.

4 **MR. ENGELMANN:** And when you say imposed
5 seminary training; training that indicated that that this
6 was a delict; that this was improper or ---

7 **REVEREND DOYLE:** No, the priest did not have
8 -- there were no seminaries up until the time of ---

9 **MR. ENGELMANN:** Oh, you're talking about
10 seminaries ---

11 **REVEREND DOYLE:** Seminaries. They felt that
12 if the priest was -- if there was mandated education, it
13 would raise the quality of the priesthood. And it imposed
14 -- you had to go to the seminary to become a priest. You
15 had to be educated.

16 **MR. ENGELMANN:** So this is when seminaries
17 then started ---

18 **REVEREND DOYLE:** That's right.

19 **MR. ENGELMANN:** --- is what you're saying?

20 **REVEREND DOYLE:** That's right.

21 That's also when parishes as we know them
22 started, geographic parishes.

23 **MR. ENGELMANN:** All right.

24 Father Morrisey also told us a couple of
25 other significant dates in this timeframe, 1741, some

1 actions take by Pope Benedict XIV?

2 REVEREND DOYLE: Well, I would go back to a
3 couple of others.

4 MR. ENGELMANN: Fair enough.

5 REVEREND DOYLE: Pope Pius V who was a
6 Dominican Pope, became a saint, issued two documents.

7 One, the most important one in my
8 estimation, was called Horrendum Est and that was a
9 document that specifically spoke about sexual abuse of
10 children or young boys by the clergy and applied penalties.
11 And it was a very passionate, very direct mention of this
12 and it was a public document. It was tacked on the doors
13 of churches so that people knew.

14 MR. ENGELMANN: So this was something that
15 was not only out there for clergy, this was publicized to
16 all laity?

17 REVEREND DOYLE: Lay people knew about it.

18 And it indicates that because it was a papal
19 document -- at this time the papacy was strong; the papacy
20 was centralized; was the major source of power in the
21 Catholic Church, that they issued this document. They did
22 not issue it because there had only been one or two cases.
23 It was a problem that was recognized for the institutional
24 church at the time and responded to by some very direct ---

25 MR. ENGELMANN: All right. And this was, as

1 you said, a time just after the Reformation?

2 **REVEREND DOYLE:** It was after the
3 Reformation and it was -- the document I think is dated --
4 it was right after the Council of Trent. The Council of
5 Trent ended in 1563 and I think Horrendum was 1567 or 68.

6 **MR. ENGELMANN:** All right. And you said
7 there was another document as well that Pope Pius V ---

8 **REVEREND DOYLE:** Around the same time he
9 issued another document called suit nuper which basically
10 had also legislation, condemnatory legislation, against
11 sexual abuse by the clergy.

12 **MR. ENGELMANN:** All right.

13 So Father Morissey, as I said, talked to us
14 about Pope Benedict XIV, 1741. Is that significant in your
15 view, sir?

16 **REVEREND DOYLE:** Very significant.

17 That document in 1741 was the first document
18 specifically dealing with solicitation by priests for sex
19 in the confessional or within the context of sacramental
20 confession. This was the first document that reached out
21 and touched the entire church. There had been legislation
22 before that condemning or responding to specific areas --
23 geographic areas of problem in this or that area, where it
24 was reported ---

25 **MR. ENGELMANN:** Reported about solicitation

1 in the confessional?

2 REVEREND DOYLE: Solicitation. The Council
3 of Trent was the first time that regular confession was
4 ordered for all catholics.

5 MR. ENGELMANN: Right.

6 REVEREND DOYLE: And for those who aren't
7 catholic, that means you go to the priest one-on-one, you
8 tell him your sins and a big source of sins was human
9 sexuality, sexual behaviour.

10 MR. ENGELMANN: M'hm.

11 REVEREND DOYLE: And the issue of
12 solicitation or priests using the confessional to seduce
13 males or females came to the attention of the church
14 beginning in the 1600s and culminated with this first
15 general document 1741. That was not the end of it by any
16 means.

17 MR. ENGELMANN: Yes.

18 REVEREND DOYLE: But the Church recognized
19 and they responded to sexual abuse not simply -- not only
20 physical intercourse, but what we would call various forms
21 of voyeurism, verbal sex; I guess now, you know, the phone
22 sex I guess would be closest thing I ---

23 MR. ENGELMANN: But this is taking advantage
24 of your position?

25 REVEREND DOYLE: Taking advantage of your

1 position as the priest because that is when the catholic is
2 at their most vulnerable, in the sacrament of confession.
3 You go in; you believe the priest takes the place of
4 Christ; he is going to forgive you and give you absolution.
5 And if you don't get this and you happen to die, you are
6 condemned to hell. That's the belief.

7 **MR. ENGELMANN:** All right. So this was
8 recognized as a very serious crime?

9 **REVEREND DOYLE:** Extremely serious and still
10 is ---

11 **MR. ENGELMANN:** And it still is today?

12 **REVEREND DOYLE:** Still is, yes.

13 **MR. ENGELMANN:** Sir, the next significant
14 event dealing with, at least in part, an awareness of
15 clergy sexual abuse of minors that Father Morrissey
16 referenced was 1869, Pope Pius IX. I don't know if there
17 was anything in between 1741 and 1869 you wanted to comment
18 on?

19 **REVEREND DOYLE:** I want to comment on
20 another document that Pius IX issued in 1866, and that is
21 the one that specifically -- and it was in response to the
22 procedural law to prosecute crimes of solicitation in
23 confession. This imposed absolute confidentiality or
24 secrecy on the process. This is the ---

25 **MR. ENGELMANN:** Was that known as an

1 *instructio* or instruction?

2 **REVEREND DOYLE:** An instruction, yes. An
3 instruction is one of the forms of Vatican or papal
4 documents. There was a procedural instruction that was
5 approved by the Pope, not actually written by him but
6 approved by him, on the process itself. And it imposed
7 secrecy on all those involved in the process of prosecuting
8 the crime of solicitation.

9 **MR. ENGELMANN:** All right.

10 Now, we've heard about some later documents
11 so I'll be asking you to comment on them in a minute -- in
12 1922 and in 1962 which were also instructions dealing with
13 solicitation in the confessional and also a few other
14 crimes which were known as "worst crimes" back in the 1860s
15 with Pope Pius IX.

16 Were we just dealing with solicitation in
17 the confessional or were there other sexual crimes as well
18 or you know?

19 **REVEREND DOYLE:** The legislation used
20 solicitation so to speak as the hook. I mean, that was the
21 one that was the most grievous because it involved not only
22 a sexual crime but a sacrilege, an offence against the
23 sacrament itself.

24 And included in those, historically, the
25 legislation always includes *crimen pessimum* which meant the

1 worst crime. Those involved sex with children, bestiality
2 or they also mentioned in 1922 and in 1962 homosexual
3 relations between priests and other men. Those were
4 considered to be serious crimes by clergy.

5 Now, I need to mention also that the
6 prosecution of any of these crimes, especially the
7 prosecution of crimes against solicitation, was handled by
8 a court system now known -- it was known then as the
9 Inquisition. And we normally equate the Inquisition with
10 the Spanish Inquisition, the torture and the murders and
11 all that.

12 But the Inquisition actually was the
13 official name of the Vatican or the church organization or
14 office that handled specific types of prosecution
15 throughout the world.

16 **MR. ENGELMANN:** So it wasn't just about
17 torture in Spain?

18 **REVEREND DOYLE:** It wasn't just about
19 torture in Spain.

20 **MR. ENGELMANN:** All right. Well, we had a
21 couple of questions about that the other day.

22 **REVEREND DOYLE:** In fact, the Inquisition
23 did have offices all over and the prosecution -- there have
24 been studies done of the Inquisition and of the cases, and
25 of the two people who studied it, one wrote a book called

1 Sex in the Confessional in which he did an historical study
2 of the cases in various countries, and I believe he did the
3 Inquisition in Mexico, in Spain, in Venezuela and in Italy.

4 And then Charles Henry Lea did another
5 momentous study that was published in the later 19th
6 century, studying the Inquisition and he studied -- he
7 found and he studied I believe it was Spanish and Mexican
8 Inquisitions.

9 **MR. ENGELMANN:** All right. So let me just
10 understand the Inquisition, if I can call it that from the
11 church's perspective, was the prosecution of -- was it of
12 clerics or the prosecution of clerics and laity if they
13 committed delicts?

14 **REVEREND DOYLE:** Yes. Anybody who committed
15 an ecclesiastical crime is prosecuted by the Inquisition.

16 **MR. ENGELMANN:** All right.

17 **REVEREND DOYLE:** Certain ones by the
18 Inquisition, others by regular church tribunals.

19 **MR. ENGELMANN:** And were there also secular
20 courts that were developing over this timeframe that was --
21 -

22 **REVEREND DOYLE:** Oh, yes, the secular courts
23 were developing, and in a certain period in church history
24 the -- what we now call the Renaissance, where the
25 predominant political structure was the city state, the

1 church courts at that time -- the practice in some of them
2 had been -- priests who were accused of having sex with
3 minor boys and conceivably minor girls -- although the only
4 cases I've seen have involved minor boys -- were tried by
5 church courts, defrocked and then handed over to secular
6 authorities who would again try them and impose actually
7 physical punishments up to and including beheading.

8 **MR. ENGELMANN:** So the secular punishment
9 could include death?

10 **REVEREND DOYLE:** It could include death.
11 The church courts could not impose the death penalty but
12 they did have incarceration in monasteries on bread and
13 water, which is -- that's not uncommon. I mean, you find
14 plenty of documentation to that effect for -- and these
15 were crimes -- I'm talking about specifically sex crimes
16 against children.

17 **MR. ENGELMANN:** All right.

18 I think the Commissioner had a question and
19 I have another follow up.

20 **THE COMMISSIONER:** Right.

21 So are you able to comment on -- you know,
22 you're telling us that there are a lot of laws that were
23 being passed. Were they being enforced?

24 **REVEREND DOYLE:** Some of them were being
25 enforced. When I was mentioning the Inquisition, there's

1 evidence that there's a study done in about a 100-year
2 period or a 90-year period of findings of almost 4000 cases
3 that were actually prosecuted.

4 **THE COMMISSIONER:** M'hm.

5 **REVEREND DOYLE:** The scholar who did that
6 estimated that that represented perhaps 10 to 20 percent of
7 the actual cases presented, many of which never finished
8 prosecution, where the witnesses disappeared, didn't want
9 to continue.

10 **MR. ENGELMANN:** Approximately 4000 cases of
11 what, sir?

12 **REVEREND DOYLE:** Of solicitation in the
13 confessional.

14 **MR. ENGELMANN:** All right.

15 **REVEREND DOYLE:** I'm only speaking here of
16 solicitation.

17 **THE COMMISSIONER:** M'hm.

18 **REVEREND DOYLE:** The issue of the other area
19 that you're mentioning, sir, is vital. The laws, the
20 recommendations, the rules are all there. The other
21 significant piece of evidence, especially from our era, is
22 that they simply were not followed.

23 **MR. ENGELMANN:** Were not followed then, or
24 were not followed later, or both?

25 **REVEREND DOYLE:** The only way you can

1 determine how much they were followed in this period prior
2 to the modern period is to look at the court records, which
3 do reveal -- now, sometimes they're harder to get a hold of
4 then the legislation itself. The repetition of legislation
5 indicates that they were continued problems; that there was
6 a problem with following the law.

7 One of the indicators in church law is that
8 if you fail to disclose solicitation in the confessional
9 you can be excommunicated yourself. So there is another
10 law to make sure people follow that law.

11 **MR. ENGELMANN:** We were told that these
12 cases were -- solicitation cases were difficult to
13 prosecute in the sense that because the priests couldn't
14 break the seal of confession that a bishop or someone who
15 may wish to commence a prosecution wanted to have some
16 corroboration, so would often ---

17 **REVEREND DOYLE:** Usually the proper ---

18 **MR. ENGELMANN:** --- often wanted a second or
19 third victim to come forward?

20 **REVEREND DOYLE:** That's right. They usually
21 wanted more than one victim, you know, two to three to come
22 forward, which was a difficulty with the prosecution of the
23 solicitation cases.

24 But in actual sexual abuse cases, which were
25 prosecuted under the 22 and 62 document, at least

1 theoretically, there you do not. It's a whole different
2 form of -- it's a different issue then than the
3 confessional.

4 **MR. ENGELMANN:** All right.

5 So just before we get there, sir, you
6 mentioned studies, the Inquisition, 90 or a 100-year period
7 almost 4000 cases. Those though were cases of
8 solicitation. They weren't cases of clergy abuse of
9 minors?

10 **REVEREND DOYLE:** Those were cases arising
11 out of the confession. They were solicitation. And in
12 many of the cases they did mention the form of sexual
13 abuse, and some of the cases involved priests who were, I
14 would say, today we'd call them chaplains at boys schools
15 or at monastery schools, taking advantage of the boys.

16 **MR. ENGELMANN:** All right.

17 So then that takes us to the 20th century, or
18 thereabouts.

19 Can you tell us from your perspective the
20 next significant documentation that might deal with this
21 issue, starting the early part of the 20th century?

22 **REVEREND DOYLE:** Promulgation of the Code of
23 Canon Law in 1917, which was the first actual code in the
24 Roman Catholic Church, and they had a specific canon which
25 refers to clerics having sex with minors, having sex

1 through rape or bestiality, where it was actually codified,
2 brought into the law, and the reason it was brought into
3 the law was because there was obviously a problem.

4 MR. ENGELMANN: All right.

5 And in fact, sir, -- I don't know if the
6 witness could have the two volume set of Father Morrisey?
7 It's 632, Tab 26.

8 REVEREND DOYLE: I've got -- I brought a
9 pile of ---

10 THE COMMISSIONER: No, no.

11 MR. ENGELMANN: We'll use the ---

12 REVEREND DOYLE: Whatever. Okay.

13 MR. ENGELMANN: The official ---

14 REVEREND DOYLE: I wasn't told not to bring
15 them so I brought them.

16 THE COMMISSIONER: No, no, that's fine.

17 MR. ENGELMANN: Yes, okay.

18 THE COMMISSIONER: It's just with the
19 computers and things if we're all on the same page we'll --
20 -

21 REVEREND DOYLE: I understand, sir.

22 THE COMMISSIONER: --- be on the same page.

23 REVEREND DOYLE: All right. Thank you.

24 Which one do you want me to refer to?

25 MR. ENGELMANN: Tab 26. It's in the second

1 volume.

2 REVEREND DOYLE: Okay. I have it.

3 MR. ENGELMANN: And just while we're there,
4 sir, you mentioned some canons dealing with sexual abuse of
5 minors. I note at Canon 2354 we have a reference to rape
6 of a youth of the opposite sex?

7 REVEREND DOYLE: Just a minute, please. Let
8 me get there. Okay.

9 MR. ENGELMANN: And at 2359 it seems to be
10 just general; 2359, para 2 ---

11 REVEREND DOYLE: Two (2) is where they speak
12 about sex with minors.

13 MR. ENGELMANN: Right. Do you know why we'd
14 have it separated? In one we'd have sex with minors, I
15 guess both sexes, and 2354 ---

16 REVEREND DOYLE: The only thing I could
17 surmise there, and the only way you really find out why
18 they did the differentiation, is going into what the actual
19 minutes of the meetings when these canons were drawn up.

20 MR. ENGELMANN: All right.

21 In any event, we do have codification of
22 delicts ---

23 REVEREND DOYLE: Yes.

24 MR. ENGELMANN: --- saying that sex with
25 minors is a very serious case.

1 **REVEREND DOYLE:** You know, 2354 refers to
2 lay people ---

3 **MR. ENGELMANN:** Oh, I see, yes.

4 **REVEREND DOYLE:** --- not clerics.

5 **MR. ENGELMANN:** M'hm.

6 **REVEREND DOYLE:** And I suspect that at the
7 time, knowing the culture, that homosexuality and
8 homosexual rape was something that was probably not even on
9 their screen. I mean, they were aware of it certainly but
10 to acknowledge -- one of the issues is to acknowledge
11 something in the law means that you acknowledge that it's a
12 problem and I suspect there was a fear of even bringing
13 that into the scope. I don't know. That's just a
14 suspicion.

15 **MR. ENGELMANN:** All right.

16 **THE COMMISSIONER:** Well, just a minute now.
17 You say that 2354 speaks to the layman?

18 **REVEREND DOYLE:** Yes.

19 **THE COMMISSIONER:** Well, 2354(2) speaks of
20 the cleric.

21 **REVEREND DOYLE:** The cleric; 2354(1) ---

22 **THE COMMISSIONER:** Right.

23 **REVEREND DOYLE:** --- talks of the layman,
24 yes. And that applies -- this one, the second paragraph
25 applies first to the cleric.

1 **THE COMMISSIONER:** M'hm.

2 **REVEREND DOYLE:** And by clerics, by the way,
3 they not only mean priests and bishops and deacons but
4 anybody at that time who is what's called conjured. You go
5 through a little ceremony just before you become -- when
6 you begin your theological studies. When you become a
7 cleric you're not ordained but you're a member of the
8 clerical caste.

9 **MR. ENGELMANN:** So it was a broad definition
10 ---

11 **REVEREND DOYLE:** That's right.

12 **MR. ENGELMANN:** --- of cleric at that time.
13 Okay.

14 All right. And I note, sir, in 2186 we have
15 a reference to ordinaries and informed conscience. Is that
16 significant, from your point of view, when we're dealing
17 with how the church and/or church officials might deal with
18 cases of clergy abuse of minors, this concept of informed
19 conscience?

20 **REVEREND DOYLE:** That is one way that is --
21 I've never seen it -- in all of the work I've done I've
22 never seen it appealed to by -- in any cases, but
23 theoretically it is one way of saying it's a conscience
24 matter and that I'm given this information and I'm going to
25 suspend you from office because I've been told this in

1 conscience, which is a, I guess, a roundabout way of saying
2 this is confidential information and we're not going to get
3 into a legislative -- we're not going to get into process,
4 either administrative or judicial process, but because I
5 was informed of this from someone who told me in
6 conscience, I'm responding similarly and I'm suspending you
7 without process.

8 **MR. ENGELMANN:** So for example, if a bishop
9 or other form of ordinary didn't want to pursue a trial or
10 some kind of legal process with a priest who had committed
11 or allegedly committed abuse of a minor they could---

12 **REVEREND DOYLE:** They could use this.

13 In my suspicion, and from what my experience
14 has been, because for the most part all incidents of --
15 almost all incidences of sexual abuse of children or minors
16 -- by children I mean prepubescent or minors -- by clerics,
17 were handled without process up until the contemporary age,
18 till right now, the past few years.

19 This would be -- I've never seen or known --
20 seen any documentation where a bishop actually referred to
21 these canons but this is exactly what was going on.

22 **MR. ENGELMANN:** Father Morrissey suggested to
23 us that in fact the tribunal process was rarely used and
24 that, in fact, this was a way to deal with this problem?

25 **REVEREND DOYLE:** It was one way to deal with

1 it and it was -- the bishop himself would decide. If you
2 looked at just the law itself, the bishop decided when it
3 was too inconvenient to go through process. And
4 unfortunately, what happened in all the cases, the
5 individual was transferred to another assignment in the
6 same diocese or in another country or another diocese where
7 inevitably he would continue to offend.

8 I have had -- I've reviewed the confidential
9 church records of a couple of thousand priests over a 20-
10 year period and I've only seen evidence in those of the
11 actual tribunal process which, again, was cloaked in
12 confidentiality and secrecy. The public didn't know this
13 was going on. It was happening behind closed doors. I've
14 only seen evidence of it being used, I believe, three times
15 out of several thousand instances.

16 **MR. ENGELMANN:** Now, that evidence might be
17 hard to obtain, though, sir, right, because those processes
18 are secret?

19 **REVEREND DOYLE:** Generally -- well, they
20 were secret but they were retained in ecclesiastical files
21 or archives. And in the American courts, at least, and in
22 the Irish courts where I've had also experience, in the
23 discovery process these files were obtained, sometimes with
24 great reluctance on the part of the ecclesiastical
25 authorities and their civil attorneys but they eventually

1 were turned over.

2 And in those files you would find evidence
3 of any processes, because Church law mandates that if there
4 is a process it has to be memorialized by a file and kept
5 in the archives. And as I've said, I have seen evidence on
6 three occasions where actual trial processes were followed,
7 where there was an investigation and court officials
8 appointed and it was followed.

9 It was also in those three instances where
10 there was mention of the 1922 or the 1962 document, that
11 those norms were actually used.

12 **MR. ENGELMANN:** All right.

13 Well, in fact, Father Morrissey told us that
14 very few lawyers were trained in how to do these civil
15 processes or trials -- sorry -- canonical trials until
16 really after World War II?

17 **REVEREND DOYLE:** I would totally agree with
18 Father Morrissey on that. I would say prior to World War
19 II, the early period from 1917 on, I think in Italy and in
20 Spain and countries that had a concordat, an agreement with
21 the Catholic Church where the church courts actually had a
22 significant effect on civil life and priests were trained
23 then in trials and processes.

24 But, in general, he is absolutely correct
25 that priests in training, in their canon law training, even

1 at the doctoral level, did not receive a lot of practical
2 input on conducting penal trials because they simply didn't
3 happen.

4 **MR. ENGELMANN:** So let's then -- given your
5 comment about the limited use of these trials, I want to
6 ask you a couple of questions about documents that Father
7 Morrissey was asked about and I know you have been asked
8 about in other places.

9 **REVEREND DOYLE:** Sure.

10 **MR. ENGELMANN:** These are these two secret
11 *instructio* or instructions from the Vatican.

12 **REVEREND DOYLE:** Instructions.

13 **MR. ENGELMANN:** And, sir, if you want to see
14 them, at least we have excerpts -- and this is again Father
15 Morrissey's book of documents. It's Exhibit P-632, Volume
16 2, Tab 21 and 22.

17 **REVEREND DOYLE:** Okay.

18 **MR. ENGELMANN:** If I could just have a
19 moment?

20 **REVEREND DOYLE:** Sure. I've got them in
21 front of me.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ENGELMANN:** And, sir, I don't know if
24 you have other exhibits in front of you but the full text
25 of the 1962 document is Exhibit 633, I believe; 633(a) is

1 Latin, 633(b) is an unofficial ---

2 THE COMMISSIONER: The clerk will be giving
3 that to you, sir.

4 REVEREND DOYLE: Okay, because they're not
5 in ---

6 MR. ENGELMANN: No.

7 REVEREND DOYLE: --- Frank's book.

8 Okay, thank you. I've got them now.

9 MR. ENGELMANN: You read Latin as well, sir?

10 REVEREND DOYLE: Yes, I do.

11 MR. ENGELMANN: I didn't hear of any
12 distinction, actually, that seemed to make a difference
13 between the two when this was covered with Father Morrisey.

14 I don't want to spend a lot of time on these
15 documents, but the documents, have you looked at them, sir?

16 REVEREND DOYLE: Yes, I have.

17 MR. ENGELMANN: And when did you first
18 become aware of them?

19 REVEREND DOYLE: I became aware of the 1922
20 document approximately 2003 or 2004 when I was researching
21 the history of the 1962 document.

22 MR. ENGELMANN: And how did you become aware
23 of the 1962 document and when would that have been?

24 REVEREND DOYLE: I became aware of the 1962
25 document in perhaps 1997 or '98 -- I don't remember exactly

1 when -- when I was asked to serve as a defence attorney for
2 a priest who was being charged with solicitation.

3 **MR. ENGELMANN:** All right.

4 **REVEREND DOYLE:** And he had obtained the
5 document itself and had also -- I think he did it, the
6 English translation. I'm not certain.

7 **MR. ENGELMANN:** All right.

8 **REVEREND DOYLE:** But he had obtained it and
9 I was sent them at the time.

10 **MR. ENGELMANN:** You were engaged to
11 represent a priest who was facing a canonical trial?

12 **REVEREND DOYLE:** Yes, I was engaged as a
13 canonical consultant. There was never any trial or
14 process. He was simply administratively discharged, so to
15 speak, but there was never process followed ---

16 **MR. ENGELMANN:** All right.

17 **REVEREND DOYLE:** --- in his case. But I did
18 -- that's when I first saw this document.

19 **MR. ENGELMANN:** And, of course, we've heard
20 that more people in the church, in the broader church, only
21 became aware of this document after 2001 when then Cardinal
22 Ratzinger referred to in a letter.

23 **REVEREND DOYLE:** That's correct. Some canon
24 lawyers were aware of it. It had been sent secretly, as
25 was the 1922 document, to all bishops.

1 The difference between the two is the 1962
2 makes the 1922 document applicable to religious orders.

3 **MR. ENGELMANN:** All right.

4 **REVEREND DOYLE:** And there was a big lacuna
5 there, a big hole.

6 **MR. ENGELMANN:** Was there much else that was
7 changed, to your knowledge, sir?

8 **REVEREND DOYLE:** No. I looked through them
9 and I couldn't find anything different other than that.

10 **MR. ENGELMANN:** Now ---

11 **REVEREND DOYLE:** I'm sorry. The '62
12 document does include the copies of the forms to be used.

13 **MR. ENGELMANN:** All right. So it assists
14 those who are then going to be involved in these trials?

15 **REVEREND DOYLE:** They are both procedural
16 law. They are processual documents to indicate how the
17 preliminary investigation is to take place, how the process
18 of the trial is to take place, dealing with witnesses and
19 also applying to these processes, included under the
20 umbrella of solicitation, the other three crimes.

21 **MR. ENGELMANN:** All right. And those
22 crimes, again, were homosexuality, bestiality ---

23 **REVEREND DOYLE:** And sex with minors.

24 **MR. ENGELMANN:** Right. Were these crimes in
25 any kind of a hierarchy or were they all considered to be

1 the same ---

2 **REVEREND DOYLE:** I don't -- I don't think
3 there -- I can't -- I think that if you did try to do that
4 it would be subjective. I think the -- in the minds of the
5 Church, the worst would be solicitation because it's a
6 sacrilege against a sacrament which is considered to be
7 worse than a sacrilege against a person.

8 **MR. ENGELMANN:** And in fact, from a brief
9 perusal, it seems to be the vast majority of the document
10 deals with that one delict?

11 **REVEREND DOYLE:** Exactly, but you use the
12 same process for the others.

13 **MR. ENGELMANN:** Right, so same process and
14 same secrecy requirements, to your knowledge?

15 **REVEREND DOYLE:** So the secrecy requirements
16 were imposed once the process began. From the time of the
17 preliminary investigation, those involved in the process
18 were bound by what used to be called the "Secret of the
19 Holy Office", which was the highest form of confidentiality
20 in the church. And the penalty for violating that secret
21 was automatic excommunication, reserved to the Pope.

22 **MR. ENGELMANN:** All right.

23 And that would be anybody involved in the
24 process, whether that be the accuser, the accused or those
25 people involved either representing or otherwise

1 participating?

2 REVEREND DOYLE: Exactly, exactly.

3 MR. ENGELMANN: Would that include witnesses
4 that might recall ---

5 REVEREND DOYLE: Once you were a witness --
6 and it still happens today. If you're a witness in an
7 ecclesiastical trial, and there are trials going on because
8 of the 2001 document. I know they are going on in the
9 United States and I suspect in Canada as well, the
10 witnesses are told they are obliged to -- well, I take that
11 back. They are asked to take an oath of secrecy and I have
12 been involved as a counsel for witnesses where they refuse.
13 The jurisprudence is that even if they refuse you cannot
14 exclude them and the case has to go on.

15 MR. ENGELMANN: So we're not just talking
16 about not talking about the evidence; we're saying not
17 talking about anything to do with the process?

18 REVEREND DOYLE: You can't talk about the
19 whole thing.

20 MR. ENGELMANN: It just didn't happen?

21 REVEREND DOYLE: It just didn't -- well,
22 yes, and sometimes that obligation of secrecy is in
23 perpetuity.

24 MR. ENGELMANN: All right.

25 REVEREND DOYLE: Which now people obviously

1 object to.

2 **MR. ENGELMANN:** We've also heard that since
3 2001 -- and I'll come back to his arguments -- but that
4 there have been a great number of these trial processes
5 that are taking place and that the Congregation of the
6 Doctrine of the Faith is swamped with these cases.

7 Were you aware of that, sir?

8 **REVEREND DOYLE:** I am aware of that. Since
9 2001, one of the significant differences between the 1962
10 document and 2001, the 1962 document recommended or said
11 that on a local level, if a bishop was investigating a case
12 of sexual abuse of one of the four crimes, he could submit
13 it to the Holy Office, now called the Congregation for the
14 Doctrine of the Faith, for continued process, but he was
15 not obliged to do so.

16 Under the 2001 document, the bishop conducts
17 the preliminary investigation or the religious superior and
18 he is obliged to send the results, along with his
19 recommendations, to the Congregation for the Doctrine of
20 the Faith.

21 They do one of three things. They either
22 send it back and they say, "You prosecute this either in
23 your diocese or in another one", and they can change the
24 venue. Or they say, "We will prosecute it ourselves using
25 our own tribunal", or they recommend an administrative

1 dismissal or defrocking of the priest and they handle that
2 on that level.

3 But they are swamped. I've heard that from
4 priests who are involved on the local level because every
5 case of defrocking in the United States, or anywhere in the
6 world, is automatically appealed to the Congregation for
7 the Doctrine of the Faith, if it's a conviction with that
8 sentence.

9 **THE COMMISSIONER:** Automatically appealed?

10 **REVEREND DOYLE:** Automatically appealed. In
11 other words ---

12 **MR. ENGELMANN:** By the priest involved?

13 **REVEREND DOYLE:** No, the law itself appeals
14 it. If, let's say, Cornwall-Alexandria defrocks a priest
15 for anything, but usually for one of the crimes specified
16 in the 2001 document and they have the judicial trial up
17 here at Nativity Church, they defrock -- they convict the
18 priest; they impose the penalty of defrocking, that case is
19 automatically appealed to the Congregation for the Doctrine
20 of the Faith.

21 **THE COMMISSIONER:** It's reviewed?

22 **REVEREND DOYLE:** It's reviewed. And they
23 can do one of two things. They can either review it and
24 uphold the initial sentence or they can open it up to a
25 whole new trial.

1 And in the canon law tradition, the appeal
2 process not only looks to procedures or procedural defects
3 but to substantive defects in the application of the law or
4 the jurisprudence to the facts.

5 **MR. ENGELMANN:** All right.

6 So let's go back to these two highly secret
7 documents. And just talking about secret for a minute,
8 you're aware of canons that deal with secrecy and
9 confidentiality?

10 **REVEREND DOYLE:** Yes, I am.

11 **MR. ENGELMANN:** And the forms of archives
12 that are created by the canons?

13 **REVEREND DOYLE:** Yes, I am.

14 **MR. ENGELMANN:** Historical, general, secret?

15 **REVEREND DOYLE:** Yes.

16 **MR. ENGELMANN:** And you'd be presumably
17 aware of privilege issues that would arise?

18 **REVEREND DOYLE:** Yes, I am.

19 **MR. ENGELMANN:** And ---

20 **REVEREND DOYLE:** Let me just -- can we make
21 sure we're both on the same page?

22 When you use the term "privileged" and when
23 I use it, I want to make sure that when I'm responding to
24 you I -- what's your understanding of "privileged"?

25 **MR. ENGELMANN:** Let's just start with church

1 or religious type of privilege.

2 REVEREND DOYLE: That's what I mean; what do
3 you understand it to be?

4 MR. ENGELMANN: And we heard some evidence
5 from Father Morrissey on this issue and, of course, he's
6 written on the issue of archives and record-keeping and
7 he's made suggestions to archivists.

8 And you're aware, sir, that there are
9 archivists or a person performing an archivist's duties in
10 a diocese?

11 REVEREND DOYLE: The chancellor usually is
12 the official archivist and they have their own professional
13 association, church archivists.

14 MR. ENGELMANN: All right.

15 And you're aware that certain documents must
16 be kept in secret archives?

17 REVEREND DOYLE: Yes, I am.

18 MR. ENGELMANN: Would documents like the
19 1922 and '62 documents be required to be kept in a secret
20 archives?

21 REVEREND DOYLE: It doesn't say specifically
22 that it has to be kept in the secret archives, but it has
23 to be retained secretly. So I presume you could -- I would
24 apply it. If somebody asked me, as a canon lawyer, I'd
25 say, "Yes, that's got to be kept in the secret archives

1 where only a couple people have access".

2 **MR. ENGELMANN:** And, sir, I understand at
3 least -- and again from Father Morrisey -- that in many
4 countries church privilege excludes a subpoena power or a
5 compelling power from secular courts, not so in common law
6 jurisdictions but in many other countries in the world?

7 **REVEREND DOYLE:** That is true in some civil
8 law countries, either where there is -- well, especially if
9 there happens to be a concordat, a treaty with the Holy
10 See, you may find that written in, but it also would depend
11 on the legal system of that particular country.

12 It's not so in the United States, that's for
13 sure.

14 **MR. ENGELMANN:** All right.

15 So, for example, in the United States church
16 documents have been compelled by courts or grand juries or
17 other forums?

18 **REVEREND DOYLE:** Church documents, including
19 secret archives, which are the same as archives, they're
20 not conscience matter -- the only -- in Church law, the
21 only absolute privilege of confidentiality is the seal of
22 the confessional where you have -- there's no exceptions to
23 that.

24 Theoretically, it can be -- a priest
25 theoretically can reveal information from the confessional,

1 and I obtained this information from a little research I
2 did into certain commentators, not the law itself, but
3 commentators said that under very rigid circumstances, you
4 can release the priest. You have to do it in writing,
5 specifically and so on. I've never seen or heard of it
6 done.

7 **MR. ENGELMANN:** Who? Would that have to be
8 the Pope?

9 **REVEREND DOYLE:** No, the penitent, myself,
10 can release you, as my confessor, to reveal this
11 information that I shared with you, but this was not in
12 church law. It's a commentary. A scholar said that this
13 is theoretically possible, but I've never even heard of it
14 ever done. So it's a non-issue really, I think.

15 **MR. ENGELMANN:** Okay. Well, we've heard
16 about the seal of the confessional.

17 **REVEREND DOYLE:** Yes.

18 **MR. ENGELMANN:** And that it's inviolable.

19 **REVEREND DOYLE:** It's inviolable. You can't
20 violate it. If you do -- and it's been done -- if a priest
21 violates it, he is automatically excommunicated on the spot
22 and probably never reinstated.

23 **MR. ENGELMANN:** I'll come back to that, if I
24 can.

25 **REVEREND DOYLE:** Okay.

1 **MR. ENGELMANN:** Sir, with respect to the '22
2 and '62 documents then, as you know, there was a lot of
3 controversy about these documents when they became public?

4 **REVEREND DOYLE:** That's right.

5 **MR. ENGELMANN:** And we've heard a lot about
6 rules within the institutional church and secrecy
7 surrounding various documents and what have you.

8 Is it not true that some commentators were
9 suggesting that this was evidence of a conspiracy?

10 **REVEREND DOYLE:** Yes. In fact, I can
11 digress for just a minute and tell you how they became
12 public because I was directly involved.

13 **MR. ENGELMANN:** Just -- what I would really
14 just like to know is, sir, your own views on this.

15 **REVEREND DOYLE:** Okay.

16 **MR. ENGELMANN:** They may have come up
17 briefly yesterday, but ---

18 **REVEREND DOYLE:** Sure. My view, as a result
19 of my expertise, my study of the document itself and any
20 references to it, is that a) it is not evidence of a
21 conspiracy, as I understand a conspiracy to be, which is a
22 unique, ad hoc collaboration among a number of people to
23 make something happen. Something illegal usually is what
24 it's applied to. This is not an evidence of a conspiracy.
25 It's not an imposition of secrecy only for these types of

1 cases, and the documents do not forbid people from
2 disclosing sexual abuse to civil authorities. It does
3 forbid them, once they've started the ecclesiastical
4 process, from talking.

5 My kid gets abused by a priest. I go
6 directly to the Ontario Provincial Police. I don't go to
7 the church first. There's no penalties applied to that,
8 but what they are indicative of, I believe, is the policy,
9 the role of secrecy in the overall life of the
10 institutional Catholic Church, and secrecy is a major
11 player. Secrecy is imposed on anything that could render
12 the church somewhat vulnerable or embarrassing to it.
13 Secrecy is imposed on most church activities, most
14 legislative activities, most deliberative activities that
15 go on behind closed doors.

16 So these documents were highly confidential.
17 They were secret, but they do not, to me, give evidence of
18 a smoking gun or a conspiracy.

19 **MR. ENGELMANN:** And, sir, from your own
20 research it's your belief that prosecutions under these
21 documents were extremely rare?

22 **REVEREND DOYLE:** The only thing I can say is
23 I've only seen three instances where they were mentioned
24 and I would concur -- Father Morrissey believes they were
25 very, very rare and I certainly would concur with him.

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MR. ENGELMANN: I'll just be a moment.

(SHORT PAUSE/COURTE PAUSE)

MR. ENGELMANN: So, sir, we've talked about the 1917 revision or the first promulgation, if I can call it that, of the Code of Canon Law and the 1922 and the 1962 documents?

REVEREND DOYLE: Yes.

MR. ENGELMANN: Father Morrissey talked to us about a time in the church where there was much more activity and revisions, that being Vatican II?

REVEREND DOYLE: Yes.

MR. ENGELMANN: In the early '60s. You would agree that that was a significant time period in the life of the Roman Catholic Church?

REVEREND DOYLE: Profoundly significant.

MR. ENGELMANN: And, sir, anything specific with this issue or just in a general sense, from your point

1 of view?

2 **REVEREND DOYLE:** I think with this
3 particular issue what it did was begin a process whereby
4 the barrier or the chasm between the clergy and the laity
5 which had been wide was beginning to be narrower. And so
6 the priests were brought down from their high pedestal.

7 **MR. ENGELMANN:** Yes.

8 **REVEREND DOYLE:** And this wasn't necessarily
9 by means of any specific law or rule. You found after this
10 period, especially in Canada and Quebec, priests weren't
11 wearing their robes on the street anymore. Priests began
12 to wear civilian dress in public and in their professional
13 lives.

14 **MR. ENGELMANN:** Yes.

15 **REVEREND DOYLE:** The priests -- the whole
16 concept of the clergy, the hierarchy, began to be a bit
17 demythologized. They were brought slowly more in line with
18 the population, the lay population.

19 **MR. ENGELMANN:** All right.

20 **REVEREND DOYLE:** Now, the stratified -- the
21 legal -- the official stratification of the Catholic Church
22 remained intact and remains intact today; in other words,
23 there are two classes. There is the clergy and the lay
24 people, and the lay people are lower than the clergy and
25 that's deeply entrenched in church law, tradition and

1 doctrine.

2 **MR. ENGELMANN:** So we continue to see a
3 number of canons that deal with the roles and
4 responsibilities and obligations, if I can, of laity and
5 those of clerics?

6 **REVEREND DOYLE:** Yes. But I think the
7 Vatican II start of the process whereby the role of the
8 priest began to be -- I use the word "demythologized" where
9 he was brought into closer focus.

10 And so this eventually led to people
11 overcoming their fears that something bad would happen to
12 them if they disclosed a priest for doing something wrong,
13 and getting over that and actually beginning to disclose to
14 some authority figures that sexual abuse was happening.

15 **MR. ENGELMANN:** All right.

16 Sir, in or about the mid-'70s, I understand
17 that there was a declaration on sexual ethics from the
18 Congregation of the Doctrine of the Faith?

19 **REVEREND DOYLE:** Yes.

20 **MR. ENGELMANN:** Did that have any
21 significance with respect to the issue of clergy sexual
22 abuse of minors?

23 **REVEREND DOYLE:** I think that was a response
24 to socially, perhaps, the sexual revolution, but I don't
25 think -- I'm not sure that it had a significant -- I've

1 never looked into it or made the connection.

2 **MR. ENGELMANN:** All right.

3 Sir, we then have in 1983 a significant
4 event as it relates to canon law. Is that correct?

5 **REVEREND DOYLE:** Yes, the revised code which
6 had been under revision since -- well, officially since
7 1959 when Pope John XXIII declared the council. He also
8 called for the revision of the code but it really only got
9 cranked up after the close of the council in '65.

10 So '65 to '83 was the revisioning period and
11 it was promulgated or officially published in 1983.

12 **MR. ENGELMANN:** And you were doing some work
13 for the Vatican Embassy at that time?

14 **REVEREND DOYLE:** In '83 I was, yes.

15 **MR. ENGELMANN:** And were you giving -- were
16 you helping with training on the new code?

17 **REVEREND DOYLE:** I was asked to give a lot
18 of workshops, lectures, write things for priest groups and
19 even some lay groups and bishops groups on the new code,
20 the new canons. It was a big industry at the time, so to
21 speak, in church law.

22 **MR. ENGELMANN:** All right.

23 And, sir, as with the 1917 Code, there were
24 specific delicts dealing with this issue, clergy ---

25 **REVEREND DOYLE:** Yes.

1 **MR. ENGELMANN:** --- abuse of minors?

2 **REVEREND DOYLE:** Exactly, Canon 1395 is the
3 one that's most commonly pointed to. It specifically
4 mentions sex with minors.

5 **MR. ENGELMANN:** All right.

6 And we have some of the particular canons
7 dealing with this issue at Tab 27. I don't think there is
8 a need to go there at this time, though, but again we have
9 some excerpts of those.

10 So ---

11 **REVEREND DOYLE:** Let me just say that the
12 canons are there. I think their value is they indicate
13 that there is awareness of a problem, but they do not
14 indicate that the problem was taken care of in a canonical
15 fashion. There is scant evidence that the legal processes
16 or the crime mentioned in 1395 was actually prosecuted.

17 **MR. ENGELMANN:** All right.

18 Now, it's of course shortly after this,
19 while you were at the Vatican Embassy in Washington, that
20 you start -- or at around this time you start getting
21 involved in helping dioceses with and communicating with
22 dioceses on two, three or four cases?

23 **REVEREND DOYLE:** That's correct.

24 **MR. ENGELMANN:** And a big case being this
25 *Gauthé* case from Louisiana?

1 REVEREND DOYLE: That's right.

2 MR. ENGELMANN: And you told us yesterday
3 about your work with a Father Peterson?

4 REVEREND DOYLE: Yes.

5 MR. ENGELMANN: And a lawyer by the name of
6 Mouton?

7 REVEREND DOYLE: Mouton.

8 MR. ENGELMANN: In trying to develop a
9 manual and trying to get some protocols and get some action
10 by the institutional church, at least in the United States,
11 through bishops on a response?

12 REVEREND DOYLE: We were trying to do that
13 primarily. I was also pushing to -- I presume that there
14 would be communication between us on our level in
15 Washington and the Holy See as to this problem, and there
16 was in fact, and I prepared some of the documentation. I
17 was not part of the many phone calls that took place
18 between my superior and the Vatican but I did prepare some
19 of the reports that went to the Holy See and were actually
20 seen physically by the Pope.

21 MR. ENGELMANN: All right.

22 And you talked to us a little bit yesterday
23 about some of the work that you and Father Peterson and Mr.
24 Mouton were doing with respect to education and training,
25 and then someone took, as I understand it, Father

1 Peterson's place after he died?

2 **REVEREND DOYLE:** Father Peterson died in
3 1987. As I mentioned yesterday, this whole period was
4 constant change. We didn't have a rule book or a
5 procedural manual with us. We were getting regular reports
6 and they were reports in a sense -- well, they were really
7 increasing in their unbelievability. I mean, for me it was
8 one shock after another.

9 Now, Peterson wasn't that shocked because he
10 dealt with this on a regular basis.

11 **MR. ENGELMANN:** All right.

12 So he'd been dealing with priests who had
13 abused or allegedly abused minors, in a treatment setting?

14 **REVEREND DOYLE:** St. Luke's Institute. In
15 one of the letters one of the psychiatrists sent to -- I
16 think it was another professional mentioned it -- by 1992
17 they believed that they had treated about 600 priests for
18 sexual abuse, usually with minors or children.

19 **MR. ENGELMANN:** And, sir, this issue through
20 -- after the *Gauthier* case you indicated to us yesterday
21 that there were a number of cases that were coming through
22 your office at the Vatican Embassy?

23 **REVEREND DOYLE:** We were either being
24 informed of them by particular dioceses or by laypeople who
25 would write letters. And the reason I attribute that to is

1 the fact that the publicity surrounding the *Gauthier* case
2 was unique from my experience and from the experience of
3 all of us around it at the time. This was national
4 publicity and, in fact, I still have a photograph from
5 Newsweek magazine of Gilbert Gauthier in a jail cell that
6 was national.

7 Prior to that time, there had been a few
8 isolated instances where priests were actually prosecuted
9 in the civil courts with very little attendant publicity.
10 And, of course, one of the issues there is the fact that
11 the media was very hesitant to go after the institutional
12 church because of its stature, its power and its influence.

13 **MR. ENGELMANN:** All right.

14 And you've talked to us then about your own
15 experience ---

16 **REVEREND DOYLE:** Yes.

17 **MR. ENGELMANN:** --- and how you became a
18 military chaplain in or about 1986?

19 **REVEREND DOYLE:** Eighty-six ('86).

20 **MR. ENGELMANN:** And you did that for some 18
21 years?

22 **REVEREND DOYLE:** That's correct.

23 **MR. ENGELMANN:** And as I understand it,
24 throughout that time you continued to be involved in cases
25 dealing with clergy sexual abuse of minors?

1 REVEREND DOYLE: That's right.

2 MR. ENGELMANN: And throughout this time you
3 have continued to research the issue and be involved in
4 various capacities?

5 REVEREND DOYLE: That's true.

6 MR. ENGELMANN: And ---

7 REVEREND DOYLE: The most important of which
8 developed beginning in the late '80s was my contact with
9 the victims and their families.

10 MR. ENGELMANN: All right.

11 So can you tell us, sir, how that started?

12 REVEREND DOYLE: Contact with victims and
13 their families?

14 MR. ENGELMANN: Yes, and then how it grew
15 from there?

16 REVEREND DOYLE: Well, the first contact was
17 with one of the families from Louisiana, and I met the
18 little boy who was, I believe, 11 at the time, which was an
19 event I will never forget as long as I live.

20 When you take this problem out of the
21 theoretical, take it out of pieces of paper and you meet
22 the human beings and you begin to listen to what they've
23 experienced, it changes dramatically, as it did for me.

24 But I would say my contact from '86 to '88
25 was mainly giving workshops, speeches, talking to people.

1 **MR. ENGELMANN:** And that was mainly church
2 officials?

3 **REVEREND DOYLE:** Church officials.

4 **MR. ENGELMANN:** And individual priests?

5 **REVEREND DOYLE:** Individuals. And I was
6 also -- I became aware even as early as '86 of the attempts
7 by the church officials to keep this thing -- to play it
8 down, to stonewall it, to block any continued publicity
9 about it.

10 But in '88 and '89 I became more involved.
11 I began to meet more people who were actual victims. They
12 contacted me one way or the other, and I became involved
13 with -- they were gathering together as groups for mutual
14 support because the publicity had caused -- a number of
15 these people finally came out of the shadows and began to
16 talk to each other, and they formed two groups mainly.

17 One was formed by a woman in Chicago named
18 Barbara Blaine, who herself as a young girl had been
19 sexually abused by a priest, and she was a social worker,
20 lived at the catholic worker house, and just cast her net
21 out and got -- contacted a number of other people who had
22 also -- and this number rapidly increased. That
23 organization became known as SNAP and it still exists.

24 Another was one founded by a woman whose son
25 had been sexually abused by a priest in Chicago, and she

1 founded a group called Vocal, and that then became known as
2 Link-Up, and they were both support groups for persons
3 sexually abused by the clergy or by -- or for their
4 families, because at the time -- it was very interesting to
5 see what was happening, and at the same time, for me
6 personally, it was a time of intense emotional upheaval
7 because I was talking to these people and they were
8 describing what had happened, and not only describing the
9 actual abuse by the clergy -- and some of it was revolting
10 -- but the way the institutional church was treating them,
11 the bishops and the chancellors and the officials.

12 The woman who founded Link-Up, for instance,
13 talked about being threatened with excommunication if she
14 didn't back off.

15 **MR. ENGELMANN:** All right.

16 So let's deal with then your personal
17 experience. You then, as you've said to us, you start
18 working with victims and groups or victims' families?

19 **REVEREND DOYLE:** That's right, families as
20 well.

21 **MR. ENGELMANN:** And do you continue to do
22 some work with individual priests?

23 **REVEREND DOYLE:** I continue to do some work
24 with individual priests. I began to do that in '86 when
25 Father Peterson invited me to go to St. Luke's to speak

1 with individual priests as a canon lawyer who felt that
2 they were being deserted by their bishops.

3 **MR. ENGELMANN:** All right.

4 **REVEREND DOYLE:** They'd get involved
5 sexually with a kid. He's sent to St. Luke for treatment
6 for six to nine months to a year, then there would be
7 prosecution and they -- a lot of these men felt that they
8 were just left out to dry.

9 **MR. ENGELMANN:** So let's just talk about the
10 work you were doing then. You were -- with the individual
11 priests, was it more canonical proceedings and sort of
12 legal work for them?

13 **REVEREND DOYLE:** It was canonical advocacy.
14 That was again the hook, because once I got to know these
15 men, it was mainly mutual -- fraternal support.

16 **MR. ENGELMANN:** So there was a pastoral
17 element as well?

18 **REVEREND DOYLE:** Definitely a pastoral
19 element, which I have always felt is the most important
20 part of this is the pastoral.

21 **MR. ENGELMANN:** All right.

22 And your work with victims and/or victims'
23 families, was it predominantly of a pastoral nature?

24 **REVEREND DOYLE:** Oh yes, absolutely.

25 **MR. ENGELMANN:** And let me just ---

1 **REVEREND DOYLE:** Work, say, with the
2 families, the most important thing I think I've done as a
3 priest, as a Christian and as a Catholic over the years,
4 when I've met families and when I've gained a little bit of
5 trust with them, because they oftentimes begin by not
6 trusting me because they still identify me with the church,
7 I'm still a priest. Once there's a level of trust
8 developed, I generally try to get them alone where we can
9 speak and I apologize to them for what has happened to them
10 at the hands of a member of my profession, the priesthood,
11 and the way they've been treated by the institution, which
12 I still perhaps represent unofficially. That continues to
13 be an extremely emotional and moving and painful moment for
14 me when I do this.

15 I have been told repeatedly by these people,
16 "You are the only member, the only person who has ever
17 apologized to us. We've talked to bishops and priests.
18 Nobody has apologized. Nobody has ever treated us like
19 this, and if only this had happened at the beginning..."

20 I spent almost a month in Ireland last year
21 with cases and it was one of the most disturbing months of
22 my life because I spent a great deal of time with the
23 parents of a number of the victims there and listened to
24 the heartbreak that I can't even put into words, and
25 realizing that celibate priests and bishops simply cannot

1 begin to understand the pain that mothers and fathers have
2 to experience when they find out not only that their child
3 was sexually abused, which is incomprehensible, but that it
4 was by a priest, especially in a country or an environment
5 where the priest is so highly trusted and believed and
6 revered.

7 **MR. ENGELMANN:** So over the last 20-odd
8 years, you've had occasion -- sorry, you've had many, many
9 occasions, sir, to meet with victims and victims' families
10 to offer pastoral care?

11 **REVEREND DOYLE:** More than I can count.

12 **MR. ENGELMANN:** I'm sorry?

13 **REVEREND DOYLE:** More than I can count. And
14 it continues.

15 **MR. ENGELMANN:** And how important has the
16 pastoral element been, from your experience, to them?

17 **REVEREND DOYLE:** The most important part is
18 that element. I mean, the people -- with a lot of the
19 survivors of sexual abuse, there's rage; there's anger;
20 there's hurt. There's a spectrum of emotion, but the most
21 important part from the church, and I'm talking almost
22 exclusively, but not exclusively in my case, almost, with
23 victims of clergy sexual abuse, these are men and women who
24 have been deeply involved with the church. They're not,
25 you know, once- or twice-a-year catholics. They're people

1 who are deeply involved. And so the trust level and the
2 betrayal cannot be quantified.

3 And so the pastoral dimension, which to me
4 does not mean talking them into coming back and being card-
5 carrying members of the Catholic Church, getting their
6 envelopes again, putting the money in the basket, not at
7 all. It's simply to try to offer some human support, that,
8 "You weren't wrong. You're not crazy. You know, you feel
9 terrible about yourself, but you're a decent, good person
10 and this wasn't your fault." There's a variety there.

11 And one of the major dimensions that I've
12 learned over the years is the spiritual damage that is
13 done.

14 Now, by spiritual damage, people -- I've
15 noticed these laypeople are able to verbalize or enunciate
16 this oftentimes better than clerics can, and we're the ones
17 supposedly trained in it about what has been taken away.
18 People have regularly said to me, "They took God away from
19 me because I equated the priest and the bishop with God,
20 and it was bad enough with what Father did to me, but when
21 the bishop treated us like dirt, it took God away and
22 there's no way it can come back". That's deep -- that's
23 severe spiritual damage.

24 So the pastoral, and not just by saying, "Go
25 have a sacrament. Go to church. Go to confession." But

1 being with, holding their hand, letting them cry on your
2 shoulder, crying with them, relating on a human level, an
3 emotional level, as Christ would have done, I think, to me
4 is the most important thing. That's the most important
5 element that's lacking in the church's approach and the
6 most important thing that I could ever do or anybody else
7 in relating to this.

8 **MR. ENGELMANN:** Is this an appropriate time
9 for a break, sir?

10 **THE COMMISSIONER:** Let's take a break.

11 **THE REGISTRAR:** Order; all rise. À l'ordre;
12 veuillez vous lever.

13 The hearing will resume at 11:15.

14 --- Upon recessing at 11:00 a.m./

15 L'audience est suspendue à 11h00

16 --- Upon resuming at 11:25 a.m./

17 L'audience est reprise à 11h25

18 **THE REGISTRAR:** The hearing is now resumed.
19 Please be seated. Veuillez vous asseoir.

20 **MR. ENGELMANN:** Thank you, Mr. Commissioner.

21 **THOMAS P. DOYLE, Resumed/Sous le même serment:**

22 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
23 **ENGELMANN (cont'd/suite):**

24 **MR. ENGELMANN:** Father Doyle, I've been
25 jumping around a little bit. Let's try and go back sort of

1 chronologically, if we can, to a timeframe, late '80s?

2 REVEREND DOYLE: Okay.

3 MR. ENGELMANN: We have a large case that
4 becomes known here in Canada, in Newfoundland, by the name
5 of Mount Cashel, and I'm just wondering if that was
6 something that you would have been aware of at or about
7 that time and if it would have received some publicity in
8 the United States?

9 REVEREND DOYLE: I was aware of it at the
10 time and it did receive, as I recall, significant publicity
11 in the United States.

12 It became a landmark in many ways in this
13 whole unfolding of revelations about sexual abuse.

14 MR. ENGELMANN: All right.

15 So these were essentially Christian brothers
16 in that particular case in a residential -- or in an
17 orphanage?

18 REVEREND DOYLE: Yea, the Christian brothers
19 had ran an orphanage, and they were Christian Brothers of
20 Ireland and their provincial headquarters was I believe in
21 New York City at the time, and they uncovered systematic
22 sexual and physical abuse at the orphanage.

23 But I also realized that at that same period
24 there was also revelations of other forms of clergy sexual
25 abuse by diocesan priests in the St. John's Archdiocese.

1 **MR. ENGELMANN:** And that led to a commission
2 known as the Winter Commission.

3 **REVEREND DOYLE:** That's correct.

4 **MR. ENGELMANN:** And are you familiar with
5 that work?

6 **REVEREND DOYLE:** Yes, I am.

7 **MR. ENGELMANN:** All right.

8 And with respect to the Winter Commission,
9 are you familiar with the fact that that was something --
10 it was not a third party or independent inquiry, it was
11 something that the Archdiocese of St. John's took on
12 itself?

13 **REVEREND DOYLE:** I consider the Winter
14 Commission to be a remarkable event and the report to be
15 prophetic because of the fact that it was a church
16 initiated endeavour and yet there was enough independence
17 or freedom there to make the recommendations that they
18 made, and that of course resulted in the resignation of the
19 Archbishop of St. John's.

20 **MR. ENGELMANN:** All right.

21 **REVEREND DOYLE:** That was instrumental in
22 it.

23 --- **EXHIBIT NO./PIÈCE NO. P-636**

24 Book of Documents for the Reverend
25 Thomas P. Doyle

1 **MR. ENGELMANN:** And, sir, in your Book of
2 Documents at Exhibit 636 -- incidentally this is now a full
3 exhibit, not an exhibit for identification, 636.

4 You have some excerpts from the Winter
5 Commission report. Is that correct, sir?

6 **REVEREND DOYLE:** That's correct.

7 **MR. ENGELMANN:** And I just want to take you
8 to a couple of points here, if I may, and if there are
9 others that you wanted to comment on briefly as well, sir,
10 feel free. But the mandate itself is set out on the first
11 page; correct?

12 **REVEREND DOYLE:** Correct.

13 **MR. ENGELMANN:** And the first recommendation
14 that I'm aware of, sir, is on page 141. Do you see that at
15 the top of the page?

16 **REVEREND DOYLE:** Yes, I do.

17 **MR. ENGELMANN:** All right.

18 Now, given your work in this area, we're
19 talking about a timeframe now, I believe it was 1990. What
20 in your view is the importance of a recommendation like
21 that at that time?

22 **REVEREND DOYLE:** I think the recommendation
23 that the archdiocese or the institution formally
24 acknowledge and accept its responsibility for what had been
25 happening is profound. To me, that at that time that they

1 come up with this recommendation and they were able to wade
2 through or work their way through all the deference and the
3 presumptions that are so deeply ingrained in people to
4 presume always in favour of the institution, of the
5 bishops, of the archbishops and so on, they issued this
6 recommendation.

7 And of course the problem with this, and any
8 other recommendation in all of the other subsequent
9 reports, is the recommendations on paper are wonderful,
10 they're prophetic, they're life giving and encouraging, but
11 they have to be translated from theory to fact into action.
12 There has to be follow up, not only acknowledging you did
13 wrong but we're not going to do it again.

14 **MR. ENGELMANN:** Okay. So the recommendation
15 was prophetic and important at that time. What about
16 today, a recommendation of this nature?

17 **REVEREND DOYLE:** I think a recommendation of
18 this nature is -- similar recommendations have come through
19 in other reports, the National Review Board in the United
20 States, which was issued in 2004, all focused on -- and one
21 of the common themes of these reports -- the Ferns Report
22 from Ireland -- has been the responsibility of the
23 institution and basically they're pointing to cover-up and
24 lack of adequate action in responding to the victims of
25 sexual abuse.

1 The issue of course is it's one thing to
2 recognize this. It's one thing to say it. And it's one
3 thing for the bishops to say, "Yes, we acknowledge this",
4 but it's quite another to internalize it and say, "This is
5 so bad. We're going to see that this never happens again.
6 We acknowledge we did wrong. How and why?"

7 **MR. ENGELMANN:** All right.

8 Sir, a couple of other areas that I wanted
9 to take you to here on recommendations, recommendation 25
10 through 28, and I'm looking at page 151 through 152. And
11 again, just asking you both at that time in 1990 and
12 continuing to today, how important recommendations of this
13 kind might be?

14 **REVEREND DOYLE:** Well, 25 is reporting --
15 basically reporting recommendations to civil authorities.
16 And of course the accusation that has been common
17 throughout all of our own period has been that the church
18 has covered this up. These are crimes and they've not
19 acknowledged that they are civil crimes. Sexual abuse of a
20 child is a crime, and a minor is a crime; rape is a crime,
21 and that the institutional church or any institution is not
22 above the law.

23 So reporting them -- mandating reporting by
24 clergy and by church employees is very, very important
25 because it lessens the possibility of cover-up and it

1 enhances the possibility of healing for the victims.

2 **MR. ENGELMANN:** All right.

3 And in fact revising and reorienting
4 policies and procedures for handling complaints of sexual
5 abuse, this is something that is picked up a couple of
6 years later in Canada in a document called, "From Pain to
7 Hope"?

8 **REVEREND DOYLE:** Yes.

9 **MR. ENGELMANN:** And that's a document you're
10 familiar with, sir?

11 **REVEREND DOYLE:** I am familiar with that.

12 **MR. ENGELMANN:** All right.

13 We'll go there in just a minute.

14 **REVEREND DOYLE:** Okay.

15 **MR. ENGELMANN:** We also have at 26 something
16 about communications on page 152.

17 **REVEREND DOYLE:** That's correct.

18 That was a big criticism of St. John's
19 because the chancery office of the archdiocese basically
20 was like a sphinx, they said nothing, no comment.

21 One of the criticisms levelled against the
22 archbishop was that this was going on around him and he
23 only made one statement that was a fairly bland statement.

24 So communications is essential because it
25 reflects the credibility of the institution.

1 **MR. ENGELMANN:** All right.

2 Twenty-seven (27).

3 **REVEREND DOYLE:** Pastoral response, as I've
4 said, to me is the most important response for any church,
5 and all too often the pastoral response is buried by the
6 lawyers who defend the church's reputation, image and
7 money, and they treat the victims as the enemy or their
8 supporters as the enemy. And that's what this says.

9 This has come through clearly in this
10 report, in the Ferns Report and in the National Review
11 Board Report in the United States.

12 **MR. ENGELMANN:** All right.

13 At 28 there's an indication about informing
14 the community. I assume the community we're talking about
15 parishioners and ---

16 **REVEREND DOYLE:** I would say that the -- you
17 know, without being there to ask Commissioner Winter, that
18 they probably were -- the total community of their
19 obligations to report this. In other words, don't keep it
20 secret. If a priest, or a nun, or a brother sexually
21 abuses a child, report it, because the child is most
22 important, not the reputation of the institution or the
23 brothers or the priests.

24 **MR. ENGELMANN:** And it appears in
25 recommendation 29 there is some reference to a policy and

1 procedure from the Diocese of Baton Rouge in Louisiana.

2 REVEREND DOYLE: I think that that was a
3 mistake.

4 MR. ENGELMANN: Yes.

5 REVEREND DOYLE: Baton Rouge was not the
6 diocese that was involved. It was Lafayette ---

7 MR. ENGELMANN: All right.

8 REVEREND DOYLE: --- which is a neighbour.

9 MR. ENGELMANN: You think that's what they
10 were referring to?

11 REVEREND DOYLE: I think that's what they
12 were referring to. See, you Canadians still don't know
13 much about our country.

14 MR. ENGELMANN: Well, I've heard ---

15 THE COMMISSIONER: Well, we might be able to
16 say the same about some of your folk but I won't get into
17 that.

18 (LAUGHTER/RIRES)

19 REVEREND DOYLE: And of course as you get
20 down there in Baton Rouge that's Cajun Louisiana.

21 THE COMMISSIONER: M'hm.

22 MR. ENGELMANN: Sir, I'm reminded of my
23 folks travelling with a couple from Brooklyn and trying to
24 explain that they live in Edmonton, Alberta, and the other
25 couple responding, "Well, our son is in school in Buffalo.

1 Is it anywhere near there?" And she tried Montana and that
2 didn't work either.

3 REVEREND DOYLE: Doesn't work either.

4 MR. ENGELMANN: So I think it goes both
5 ways.

6 REVEREND DOYLE: Well, I think, you know, to
7 be honest about it, there is less awareness on my side, in
8 my country of what Canada is than vice versa.

9 THE COMMISSIONER: Duly noted. Okay.

10 (LAUGHTER/RIRES)

11 MR. ENGELMANN: All right.

12 So let's get back to the topic and ---

13 REVEREND DOYLE: And I lived here for many
14 years so I've got -- my heart is in both places.

15 MR. ENGELMANN: So we appear to though have
16 some exchange between Canadian and American church
17 officials about some of the information and some of the
18 protocols that people are working on?

19 REVEREND DOYLE: There may have been. I
20 don't know of any official exchange at the time. There may
21 have been some attempts by the Winter Commission to get
22 information, but I know of none. When I was in the
23 embassy. I was aware of what official things were going
24 on. I don't know of any -- this was -- I left '86, but
25 after that I was involved.

1 MR. ENGELMANN: Yes.

2 REVEREND DOYLE: I tried to get
3 collaboration in going ---

4 MR. ENGELMANN: Well, let me change that
5 then, perhaps -- there were some individuals that were
6 trying to do work and they were picking up from other
7 people's work?

8 REVEREND DOYLE: Yes. Now, I do believe
9 it's true to say that there were individual church
10 administrators in Canada who were calling the United
11 States, calling Louisiana perhaps, to find out what you did
12 in response to this.

13 MR. ENGELMANN: All right.

14 REVEREND DOYLE: But I can't give you
15 particulars.

16 MR. ENGELMANN: For example and, in
17 particular, if you look at page 152 it appears that the
18 commission itself, and I'm looking just above
19 recommendation 29:

20 "...reviewed a variety of policies and
21 procedures from other Canadian
22 dioceses, from American dioceses and
23 from other denominations and from non-
24 church organizations."

25 So it appears that they were not only

1 looking at other diocesan policies that -- perhaps some of
2 them that you and your colleagues worked on in the late
3 '80s, but also looking at other religious organizations and
4 perhaps other agencies as well?

5 REVEREND DOYLE: That's what it says and I
6 suspect ---

7 MR. ENGELMANN: Yes.

8 REVEREND DOYLE: I would not be surprised.

9 MR. ENGELMANN: All right.

10 And again, sir, I just wanted to make
11 reference to a recommendation on page 153, paragraphs 32
12 and 33, with respect to rights of individual priests and
13 rehabilitation.

14 REVEREND DOYLE: Again, I would say both of
15 these are prophetic and things would be significantly
16 different had they been consistently followed probably in
17 Canada but certainly in the United States as well.

18 There is a realization here that a sexual
19 abuser is a man who suffers from -- or a woman -- from a
20 sexual dysfunction which is basically even though they do
21 criminal things, evil things, it's a psychological
22 emotional condition that requires therapy and, in the case
23 of sexual dysfunctions, intensive therapy that lasts almost
24 from the time of -- the duration of your life.

25 To prevent them from acting out again,

1 simply to cut these men loose in the community does not
2 serve the community.

3 **MR. ENGELMANN:** Yes, Father Morrissey spoke
4 to us about that and, in fact, spoke to us about that as
5 perhaps a distinction between the approach one sees in the
6 Canadian Conference of Catholic Bishops reporting From Pain
7 to Hope and what we see in the Dallas Charter with the one
8 strike you're out, as opposed to some limited possibility
9 of rehabilitation that one sees in Canadian policies and
10 procedures.

11 **REVEREND DOYLE:** There is still a great deal
12 of debate over whether priests who have been convicted and
13 found -- maybe not convicted civilly but found to have
14 actually sexually abused children -- whether they should
15 ever be integrated in ministry again of any form.

16 **MR. ENGELMANN:** Yes.

17 **REVEREND DOYLE:** Or whether that ministry
18 should be administrative or something where they have no
19 contact. Now, there has to be monitoring.

20 **MR. ENGELMANN:** Yes.

21 **REVEREND DOYLE:** It's naive to say -- for a
22 bishop or a judge to say, "You, Father, can have" -- you
23 have to be assigned to something where you have no contact
24 with children, so you're going to put him in a hospital.
25 Well, children go to hospitals to visit people.

1 **MR. ENGELMANN:** Yes.

2 **REVEREND DOYLE:** Unless you put him in a
3 completely monitored environment, there is no way to
4 protect against a sexual predator whether he is a priest, a
5 nun, a rabbi or a judge from having access to children and
6 satisfying his compulsive needs.

7 **MR. ENGELMANN:** All right.

8 So if there is some form of rehabilitation
9 and some reintegration, monitoring in your view is
10 extremely important?

11 **REVEREND DOYLE:** I think my theory or belief
12 is that the -- and I agree with, I think, Father Morrissey
13 probably putting more emphasis on this than simply one
14 strike you're out, zero tolerance. It is one thing to --
15 it can satisfy the emotions of the community to say any
16 priest that's involved in any form of sexual abuse is
17 automatically out.

18 But what I've seen is an increasing number
19 of litigations, in the States at least, where this man was
20 a priest and he was cut loose and now he's working as a gym
21 teacher. The church never informed his new employer of his
22 background or he didn't inform and most of these men never
23 get on registers of sexual offenders because the majority
24 of them are never convicted. They are never criminally
25 prosecuted. So that's a problem and then there is a

1 continuation.

2 So we're seeing another chapter in a very
3 sad book.

4 **THE COMMISSIONER:** But wait a minute now.
5 Okay, wait a minute.

6 You're telling -- you're saying while the
7 church didn't advise an employer because the fellow was
8 never convicted, right? Well, you know, don't you find
9 there is a little problem there with privacy interests in
10 the sense that the person was never convicted?

11 **REVEREND DOYLE:** Civilly convicted.

12 **THE COMMISSIONER:** Civilly convicted.

13 **MR. ENGELMANN:** What he's saying, sir, that
14 they were not found criminally ---

15 **REVEREND DOYLE:** Not found criminally guilty
16 in a civil trial but may be defrocked in a canonical trial.

17 **THE COMMISSIONER:** Right.

18 **REVEREND DOYLE:** Where they are convicted in
19 a church trial.

20 **THE COMMISSIONER:** Right.

21 **REVEREND DOYLE:** They are put out of the
22 ministry because of sexual abuse. This is only done as a
23 result of a process.

24 **THE COMMISSIONER:** Right, but privacy
25 interests are a little bit -- do you not see a balance or a

1 conflict there between ---

2 REVEREND DOYLE: Yes, I see the balance --
3 the conflict, but I guess my concern is, here is a man who
4 is being evicted from the catholic priesthood or the
5 brotherhood ---

6 THE COMMISSIONER: Yes.

7 REVEREND DOYLE: --- because he has been
8 convicted at least in an ecclesiastical court ---

9 THE COMMISSIONER: Right.

10 REVEREND DOYLE: --- of sexual abuse of
11 minors and almost always when there has been some form of
12 civil litigation, maybe not criminal.

13 THE COMMISSIONER: M'hm.

14 REVEREND DOYLE: But somebody has been sued
15 so there is evidence. And generally, there's also some
16 form of police investigation, some kind of an
17 investigation. It's not just rumour. This is solid stuff
18 before these men are evicted.

19 THE COMMISSIONER: Right. Do you understand
20 that we do have sexual offender registries?

21 REVEREND DOYLE: Yes.

22 THE COMMISSIONER: That's following a
23 criminal registration or a conviction in criminal court or
24 under the civil -- for Children's Aid Societies they have a
25 child register of abuse.

1 **REVEREND DOYLE:** You see my -- in the States
2 it's a bit different.

3 **THE COMMISSIONER:** M'hm.

4 **REVEREND DOYLE:** Most of these men never get
5 on this, the registries.

6 **THE COMMISSIONER:** M'hm.

7 **REVEREND DOYLE:** But they're known. I mean,
8 their names are publicized and it's -- they are not kept
9 quiet or private.

10 So it's publicly known, is what I'm
11 referring to, that Father X has been defrocked, removed
12 from ministry. And what they do when they remove a man
13 now, oftentimes because of the pressure from the Dallas
14 Charter, is public statements are made.

15 **THE COMMISSIONER:** M'hm.

16 **REVEREND DOYLE:** So that the man is removed
17 because of credible evidence, not just hearsay.

18 **THE COMMISSIONER:** Right, m'hm.

19 **REVEREND DOYLE:** And he goes and gets a job
20 as a youth counsellor. And a recommendation that they say
21 these are -- anything I'm saying, by the way, is based on
22 actual cases in my experience.

23 The facility which, let's say in this
24 particular instance, deals with adolescent drug abusers,
25 write to them saying, "Father so-and-so used to be a

1 catholic priest. Give us a recommendation."

2 **THE COMMISSIONER:** M'hm.

3 **REVEREND DOYLE:** So they send them back a
4 clean bill of health. They don't tell them that he's been
5 evicted from the priesthood because of repeated instances
6 of proven sexual abuse. That's what I'm referring to.

7 **MR. ENGELMANN:** All right.

8 In any event, let's get back to this whole
9 issue about rehabilitation.

10 It appears at page 154 that there are
11 recommendations with respect to pastoral responsibilities
12 and dealing with children. I am looking at recommendations
13 35 and 36, and I'm assuming you would agree with those,
14 sir?

15 **REVEREND DOYLE:** I agree with those and, as
16 I said, I am still of the opinion that it's rare that a
17 convicted priest, either convicted canonically -- if he is
18 convicted canonically it's a dead issue because he's never
19 going to get back in ministry. And I think both of these
20 are no longer really very relevant, at least in the States,
21 because for the most part the predominant feeling is that
22 once you're convicted of sexual abuse you will never
23 function as an active minister in the catholic church
24 again. Now, in Canada it may be different.

25 **THE COMMISSIONER:** Now, you mean convicted

1 under canon law?

2 **REVEREND DOYLE:** Canon law, right.

3 There are men who have been convicted still
4 in the States under criminal law and been imprisoned or
5 released from prison and still who have not been laicized
6 who are still on the books, so to speak. They're not
7 functioning publicly.

8 **MR. ENGELMANN:** Surely you have people,
9 though, that are in between in the sense that they may not
10 have been convicted criminally, but as a result of their
11 actions a diocese or they personally have had to pay monies
12 as a result of civil litigation?

13 **REVEREND DOYLE:** Yes.

14 **MR. ENGELMANN:** But perhaps they haven't
15 gone through a canonical trial?

16 **REVEREND DOYLE:** Right now the majority have
17 not gone through canonical trials because there simply
18 isn't the time nor the facilities to process all the
19 canonical trials.

20 In some instances, if the priests are of
21 advanced age, they won't even go through a canonical trial,
22 but the majority have not been convicted criminally. For
23 one reason or another there has been no criminal
24 conviction, no prosecution.

25 I know of maybe 250-300 prosecutions,

1 criminal prosecutions in the United States, with sentences
2 ranging from several months of incarceration to multiple
3 life terms to be served consecutively; depends on the
4 jurisdiction and on the crimes.

5 **MR. ENGELMANN:** Yes, okay.

6 So back at this time, and we're talking the
7 Winter Commission, you are aware, sir, that a couple of
8 years later, there is work done by the Canadian Conference
9 of Catholic Bishops on a document called From Pain to Hope?

10 **REVEREND DOYLE:** Yes, I am.

11 **MR. ENGELMANN:** And, sir, that document is
12 found in one of Mr. Morrissey's volumes, it's Exhibit 632,
13 Tab 13.

14 **THE COMMISSIONER:** So it's Book 1?

15 **MR. ENGELMANN:** Yes.

16 **REVEREND DOYLE:** Book 2, I think.

17 **MR. ENGELMANN:** No, it's the first one.

18 **REVEREND DOYLE:** It's the first one? Okay,
19 I've got it.

20 **MR. ENGELMANN:** All right.

21 Now, sir, you were not involved in any way
22 in this work, correct? Directly?

23 **REVEREND DOYLE:** Not directly.

24 **MR. ENGELMANN:** Okay. And you know that
25 Father Morrissey was?

1 REVEREND DOYLE: Yes, I do.

2 MR. ENGELMANN: In fact, on page 9, he is
3 referenced as chairing a group that revised the CCCB
4 guidelines?

5 REVEREND DOYLE: Correct.

6 MR. ENGELMANN: And he worked on a protocol
7 in approximately '87 or '88, and he has indicated to us
8 that he was certainly influenced by your work on the manual
9 at that time.

10 REVEREND DOYLE: That's what I understand
11 and I also -- he wrote that in one of his articles that the
12 work that we had done was influential in Canada.

13 MR. ENGELMANN: All right.

14 So he was then asked to pick up on this and
15 do work with the -- a group of individuals ---

16 REVEREND DOYLE: M'hm.

17 MR. ENGELMANN: --- on this document, From
18 Pain to Hope, in 1992. And, sir, you've had an opportunity
19 to review the document?

20 REVEREND DOYLE: Yes, I have.

21 MR. ENGELMANN: And would you agree with me
22 that, at least at this point in time from a national
23 perspective, Canada seemed to be doing something before it
24 was addressed in the United States?

25 REVEREND DOYLE: Certainly, absolutely.

1 **MR. ENGELMANN:** All right.

2 And, in fact, we talked -- and I want to go
3 back to the manual just briefly ---

4 **REVEREND DOYLE:** Sure.

5 **MR. ENGELMANN:** --- if I can, but we talked
6 about the fact that you and others attempted to get some
7 uniform action on this by U.S. Conference of Catholic
8 Bishops. That didn't happen ---

9 **REVEREND DOYLE:** That's right.

10 **MR. ENGELMANN:** --- and we've heard that
11 sort of a concrete national policy protocol didn't really
12 happen until what's known as the Dallas Charter in around
13 2002?

14 **REVEREND DOYLE:** That's correct.

15 When the manual, if I can refer to it as
16 that -- in '85 and '86 when the bishops' conference -- and
17 when I use the words "bishops' conference", I want it
18 understood that what I am referring to is the general
19 secretariat, not the total body of bishops in the United
20 States but the people that really controlled the
21 bureaucracy.

22 They began to respond to this in sometimes
23 by letter and sometimes by *viva voce* that they couldn't
24 really do anything; that they were forbidden to create a
25 national policy because each diocese was independent and

1 answered directly to the Pope.

2 And my response to that was the bishops'
3 conference can legislate for the entire country which was
4 what the Dallas Charter was, is legislation with the
5 permission of the Vatican.

6 But more important, at that time, they could
7 have done what the Canadian bishops did which was enact
8 strong recommendations, you know.

9 I thought that From Pain to Hope was
10 brilliant. I mean, it's beautifully written and, of
11 course, like any of these others the problem is, as is
12 evidenced from the 2004-2005 response to it, follow
13 through.

14 But to get back on point, the American
15 representatives of the bishops' conference were saying, "We
16 can't do anything for all dioceses" when in fact they could
17 have done something.

18 **MR. ENGELMANN:** But you recognize, of
19 course, sir, that From Pain to Hope, being a conference
20 document from the Canadian Conference of Catholic Bishops
21 was directive in nature, it wasn't mandatory?

22 **REVEREND DOYLE:** I understand that it was
23 not mandatory.

24 **MR. ENGELMANN:** But made some strong
25 recommendations about policies, procedures, protocols that

1 should be developed?

2 **REVEREND DOYLE:** Yes, that was what my hope
3 was for the American bishops in 1986; if they do something
4 similar to this, not necessarily legislate because it would
5 have been easier to make strong recommendations and thereby
6 help individual bishops to deal with this when they were
7 faced with the issue.

8 **MR. ENGELMANN:** All right.

9 And I note you talk about, I think you use
10 the term prophetic, well written, et cetera. If you look
11 at page 21-22, you have perspectives on the mandate?

12 **REVEREND DOYLE:** That's right.

13 **MR. ENGELMANN:** And you have the authors
14 writing on page 22. For example ---

15 **REVEREND DOYLE:** "Conspiracy of Silence",
16 it's beautiful. I mean, it says it. It says it all.

17 **MR. ENGELMANN:** Yes. And that was the same
18 experience that you were encountering and others were
19 encountering in the U.S. around that time, 1992?

20 **REVEREND DOYLE:** Exactly.

21 **MR. ENGELMANN:** Is there anything in
22 particular you wanted to talk about with respect to From
23 Pain to Hope?

24 **REVEREND DOYLE:** Well, I believe, just in
25 general I can sum it up by saying it contains the elements

1 that I think, from my experience, are very important. They
2 talk about the pastoral welfare of the victims ---

3 **MR. ENGELMANN:** Yes.

4 **REVEREND DOYLE:** --- the responsibility of
5 the institution. They talk about secrecy; about, you know,
6 the response -- it's just -- it gets into all of the
7 issues.

8 If I would question anything, one of the
9 problems I've had all along is I believe that the pastoral
10 response, the initial pastoral response, should be made by
11 the bishop himself ---

12 **MR. ENGELMANN:** All right.

13 **REVEREND DOYLE:** --- and not a delegate or
14 representative because then again ---

15 **MR. ENGELMANN:** Why is that significant?

16 **REVEREND DOYLE:** Because I think the bishop
17 in the minds of the people represents the church. He is
18 the leader. And if he is the one that goes to your home,
19 sits down with you and allows to vent you anger, your
20 sadness, your concerns and does the apologizing and shows
21 that you really have been harmed and we are -- the church
22 is with you. We're wrapping our arms around you to make
23 sure that this terrible, terrible problem is somehow
24 healed.

25 **MR. ENGELMANN:** Okay.

1 **REVEREND DOYLE:** They do recommend I believe
2 a multi-dimensional study ---

3 **MR. ENGELMANN:** Yes.

4 **REVEREND DOYLE:** --- a multi-disciplinary
5 study into this, which again is something I think is
6 radically important to understand why this happens in
7 institutions and in the church in particular.

8 They talked about an advisory committee
9 which would help individual bishops and dioceses. It had
10 all the elements of a bureaucratic administrative response
11 with the human elements integrated into it.

12 **MR. ENGELMANN:** Okay. I just want to bring
13 you to a couple of areas, and I'll just be a moment.

14 **THE COMMISSIONER:** At the risk of sounding
15 over simplistic, what you just said is very good in a
16 perfect world, but do you not see a conflict on human terms
17 when someone comes to the bishop or the bishop hears that
18 there was an allegation of abuse?

19 It is categorically denied by the priest.
20 And so then the bishop is really caught between two fires
21 in the sense that, you know, he has got his priest and he
22 has got a family that is hurting. And so to come in and
23 apologize right off the bat when he is not really sure
24 whether the allegation is substantiated?

25 **REVEREND DOYLE:** When it's substantiated I

1 believe he should and I think that in any instance like
2 this, you know, we're in a legal environment here, so I've
3 got to be more precise, I realize that.

4 **THE COMMISSIONER:** M'hm.

5 **REVEREND DOYLE:** But I'm saying that when
6 you know that this happened ---

7 **THE COMMISSIONER:** Oh, okay.

8 **REVEREND DOYLE:** --- and initially, it's not
9 going to -- the first report is the beginning. And then
10 you've got to determine that there is some credibility.

11 But that the whole matter not be swallowed
12 up in the legal, either canon law or civil law system, that
13 somehow or other the pastoral human dimension, you know,
14 emerge as the dominant, most important aspect of this.
15 Once you know, as a bishop, that this happened, and I don't
16 think it's compromising anything -- and I have had bishops
17 say to me, "I was told by my lawyers I couldn't go near the
18 family".

19 **THE COMMISSIONER:** M'hm.

20 **REVEREND DOYLE:** I recall as early as '86
21 when this still was going on in Louisiana.

22 I was at a confidential meeting that was --
23 and present was the Archbishop of New Orleans who was the
24 provincial archbishop; the Bishop of Lafayette and all of
25 their attorneys. And the Archbishop of New Orleans was

1 involved because he was the archbishop. And the lawyers
2 were saying that, "Well, we are advising not going to the
3 families" and so on. And he broke through it all and he
4 said, "I don't care what you say".

5 **THE COMMISSIONER:** M'hm.

6 **REVEREND DOYLE:** I can almost quote him
7 exactly. He is still alive. He is 93, Bishop Hanna. He
8 said, "The lawyers have told me this but when I found it to
9 happen a few times, I go right to the families".

10 **THE COMMISSIONER:** All right.

11 But let's refocus a little bit now. You're
12 in a community where -- and legal things take time, take
13 six months, a year, a year-and-a-half. What do you do
14 during that year-and-a-half?

15 **REVEREND DOYLE:** There shouldn't be a lag of
16 a year-and-a-half in the church before you determine that
17 this has happened.

18 **THE COMMISSIONER:** Well, okay, let's stop
19 there.

20 Isn't it the practice that the investigation
21 of the church is postponed if there's a civil investigation
22 or criminal charges, or if it's reported to the police?

23 **REVEREND DOYLE:** Not -- that's not a uniform
24 practice.

25 **THE COMMISSIONER:** No.

1 **REVEREND DOYLE:** And there's no -- I don't
2 know that -- that's recommended in some instances, but
3 usually the way it works, at home at least in the States,
4 that I've seen is there's a report somehow to church
5 authorities, and the bishop gets wind of this, and they
6 generally will begin some form of an investigation.

7 Now, it's recommended that they utilize the
8 civil authorities. Now, in that instance, usually at home
9 in the States ---

10 **THE COMMISSIONER:** The secular ---

11 **REVEREND DOYLE:** The secular authorities,
12 yes. The secular authorities. That response will be
13 immediate, extremely rapid.

14 Now, it may, if you're talking about
15 prosecution and conviction, that may go down the line, but
16 once there's a strong indication that this is true; this
17 really happened, then the pastoral response, I think, has
18 to take place.

19 **THE COMMISSIONER:** Well, I don't know, but
20 in real life here it takes time for those things to -- I
21 mean, if the priest denies it and they're going to trial, I
22 think what I would have liked to see from you is your
23 thoughts on the realities of life when there is a bishop
24 stuck in the middle. His priest is saying, "I deny
25 everything and I have a right to a trial". And the folks

1 are saying -- the complainant is saying, "It did happen".

2 So I don't know that it's easy -- it's as
3 simple as what you say in those situations, and what I was
4 interested in finding out from you is from a pastoral
5 sense, what is a bishop, in your view, supposed to do when
6 we're in that limbo?

7 **REVEREND DOYLE:** I think he can approach the
8 families and even though he's in the limbo, take prudent
9 advice from people that are involved and, if possible --
10 see, one of the things I don't think is feasible is a
11 policy that covers every instance because these things
12 differ. At least from my experience, there's a lot of
13 different shading, but I believe that it is important that
14 the bishop make an intervention with the family and, as I
15 said, my experience for the most part has been that these
16 are verifiable instances, verifiable offences, make some
17 form of intervention with the family, even perhaps if it is
18 down the road. Let's say it is a year or six months and
19 the bishop has kept his distance, once things shake down,
20 if that's the best way to do it, I think then it's
21 appropriate that he say, "Well, I couldn't get involved,
22 but not that I'm convinced that this happened, I want to
23 sit down with you and spend some time".

24 **MR. ENGELMANN:** Sir, I want to go back to a
25 couple of areas. I couldn't find my particular reference

1 in From Pain to Hope, so I'll leave that.

2 REVEREND DOYLE: Sure.

3 MR. ENGELMANN: I just want to go back to
4 the manual for a minute at 636, Tab 3. As I understand it
5 ---

6 REVEREND DOYLE: I've got to find it first
7 here.

8 MR. ENGELMANN: Yes, sorry. That's your --
9 -

10 REVEREND DOYLE: My documents. All right.
11 Okay, 636.

12 MR. ENGELMANN: You've been critical here
13 and no doubt elsewhere about secrecy and confidentiality
14 and how it can be used ---

15 REVEREND DOYLE: Yes.

16 MR. ENGELMANN: --- to not allow people to
17 find out about things and not deal with problems.

18 If you look at page 3 of your manual ---

19 REVEREND DOYLE: Okay.

20 MR. ENGELMANN: --- and also page 88 ---

21 REVEREND DOYLE: In the manual?

22 MR. ENGELMANN: Yes.

23 REVEREND DOYLE: Okay.

24 MR. ENGELMANN: If you want to just sort of
25 flip between them, page 3 starts with, "Confidentiality of

1 this document", and you, yourself, seem to be proposing at
2 least that this document be confidential?

3 **REVEREND DOYLE:** Yes, at the time ---

4 **MR. ENGELMANN:** I'm wondering if you're not
5 being inconsistent then in your own approach?

6 **REVEREND DOYLE:** Let me explain what this
7 means and what it meant at the time.

8 This document didn't stay confidential for
9 long at all, but at the time we were writing this, our
10 focus was, as I said, balancing the needs of the victims
11 and the sensitivity to the victims, as well as our sense of
12 obligation to the institutional church. We wanted to help
13 the institutional church do this right.

14 I knew from my own experience that -- we had
15 hoped that this document be carried in to the meeting of
16 the bishops that was going to take place in June of 1983 --
17 '85 and that it be discussed and open for discussion. What
18 we wanted at all costs was to avoid any discussion taking
19 place in the media because there was a lot of media
20 attention to the *Gauthé* situation in Lafayette, Louisiana,
21 and I knew that one of the things that is a -- not just a
22 red flag; it's a bunch of red flags for the bishops, for
23 the institution, is the secular media. We wanted to avoid
24 secular media attention where they might distort this, take
25 it out of context, misunderstand it, whatever. And I said,

1 "If we don't keep this thing under wraps and the media get
2 a hold of it, the bishops are going to back off. They're
3 going to drop it like a hot potato. So for pragmatic
4 reasons, keep it under wraps so we can discuss it in an
5 open atmosphere where there's no fear of the media walking
6 in."

7 **MR. ENGELMANN:** All right.

8 Well, then at page 88 you also talk, under
9 the term "Strategy" about:

10 "In order to provide and protect a
11 privilege to both the team and the
12 group, it is contemplated that..."

13 And I'm wondering what are you talking about
14 there with respect to privilege, if you can recall?

15 **REVEREND DOYLE:** Let me look at it here.

16 **THE COMMISSIONER:** Paragraph 1?

17 **MR. ENGELMANN:** I'm sorry, it's page 88.

18 **THE COMMISSIONER:** M'hm.

19 **MR. ENGELMANN:** Right at the top in the
20 preamble.

21 **THE COMMISSIONER:** Okay. Well, we're
22 talking about team and the group. The team is your -- the
23 Early Response Team?

24 **REVEREND DOYLE:** The Early Response Team.

25 **THE COMMISSIONER:** And the group is?

1 **MR. ENGELMANN:** That's your Policy and
2 Planning Group?

3 **REVEREND DOYLE:** The group was the Policy
4 and Planning Group.

5 **MR. ENGELMANN:** All right.

6 **REVEREND DOYLE:** As I recall -- and I've got
7 to admit that at the time that Mr. Mouton put this
8 together, this particular part together, I wasn't exactly
9 sure what he was envisioning, but he was envisioning all
10 sorts of massive lawsuits and discovery and everything
11 else. As I said, one of our goals at the time, we really
12 believed that the institution was going to be totally
13 responsive.

14 **MR. ENGELMANN:** All right.

15 **REVEREND DOYLE:** And this was to protect all
16 parties involved. We certainly did not -- I want to say
17 categorically, we did not envision any continuation of the
18 secrecy that had been so much in place for the years before
19 that.

20 **MR. ENGELMANN:** All right.

21 And just turning back to From Pain to Hope
22 for a minute then, back to 632, Tab 13, one of the
23 recommendations that's being suggested still in this
24 document at page 49 is to provide -- and I'm looking at 16:

25 "Provide, to the extent possible,

1 depending on prevailing laws, the
2 maximum confidentiality for all written
3 documents relating to allegations of
4 sexual abuse by a priest. The
5 documents should be recorded as having
6 been prepared for the benefit and
7 assistance of the diocesan council."

8 **REVEREND DOYLE:** I understand, yes.

9 **MR. ENGELMANN:** So there appears to be at
10 least, even in these recommendations, the suggestion that
11 this is a method to keep things very confidential?

12 **REVEREND DOYLE:** Well, first, you've got to
13 understand I'm not a civil attorney ---

14 **MR. ENGELMANN:** Fair enough.

15 **REVEREND DOYLE:** --- nor am I a civil
16 attorney in Ontario nor Quebec.

17 **MR. ENGELMANN:** And I'm not asking you for a
18 legal opinion.

19 **REVEREND DOYLE:** I understand, but I want to
20 make that clear and just say that a lot of those issues --
21 and I respect them because I certainly respect the fact
22 that there can be allegations that are unproven, that
23 people can be drawn into this because it's such a highly
24 emotional issue, who are not guilty and should not be
25 tainted, and that once you're painted with that brush of a

1 sexual abuser, that paint will never come off, for the most
2 part.

3 So that I think the protection of
4 reputations is essential in this -- in our legal system and
5 any legal system, but what I also believe is the focusing
6 on confidentiality and on privilege to the extent that the
7 institution is protected above all and the protection of
8 the institution is the primary value, I don't think that
9 the destruction of the life of a victim is less important
10 by any stretch of the imagination.

11 And when privilege and confidentiality is
12 used to obstruct justice or when it's used to obstruct
13 accountability or when it's used to further victimize the
14 victims, then I have a serious objection to that and I've
15 seen it done and used that way at home.

16 **MR. ENGELMANN:** Sir, just historically then,
17 if I can, throughout the 1990s, after From Pain to Hope,
18 turning back to the U.S. if I can, you have a series of
19 publications, I believe, from the U.S. Conference of
20 Catholic Bishops called Restoring Trust?

21 **REVEREND DOYLE:** That's right.

22 **MR. ENGELMANN:** And I think there were three
23 volumes over three years in the mid-'90s?

24 **REVEREND DOYLE:** There were.

25 **MR. ENGELMANN:** Can you tell us about their

1 significance, if any, in dealing with this issue, in this
2 evolving issue in the United States?

3 **REVEREND DOYLE:** Well, what they did, the
4 volumes had a number of different -- they had -- one of
5 them had a lot of information about treatment centres,
6 information about sex abuse in general, and so on and so
7 forth. But for the most part, they were fairly
8 ineffectual.

9 **MR. ENGELMANN:** All right.

10 **REVEREND DOYLE:** They were not widely
11 distributed. They were in response -- now, in 1992-'93,
12 you have to understand that in 1992 there was the first of
13 a number of major explosions in the United States, and this
14 involved a man named Father James Porter, who had been --
15 he left the priesthood in '73 and was laicized, and he had
16 a job doing something somewhere in the Midwest. He had
17 been covered for by the church, et cetera.

18 A number of his victims got together and
19 pursued the issue and opened up the case again, and there
20 was massive publicity about this in the New England area,
21 and this was the time when Cardinal Law publicly called
22 down the wrath of God on the Boston Globe.

23 Well, unfortunately for him, the wrath came
24 down but it missed the Globe and got him, you know, a few
25 years later, to speak metaphorically.

1 But anyway, in '92, also in early 1993,
2 there were two other explosions, one on each side of the
3 United States. One was at St. Lawrence Seminary in Fond du
4 Lac, Wisconsin where there was the discovery of the
5 revelation that a number of the Capuchin Franciscan priests
6 and brothers were sexually -- there was a culture of
7 sexually abusing the young boys, maybe analogous in some
8 way to what was going on at Mount Cashel, except this was a
9 seminary, and at the same time, at St. Anthony's Seminary
10 in Santa Barbara, California, all of this caused a lot of
11 media and legal pressure.

12 And so a couple of things happened. The
13 bishops, for the first time, discussed it with practical
14 outcomes at their meeting and they enacted a commission
15 that was purely consultative and they published these three
16 volumes in three years.

17 Also in 1993 was the first time Pope John
18 Paul II spoke publicly about the issue and he sent a letter
19 to the American bishops in May or June of 1993.

20 **MR. ENGELMANN:** I understand then he sent a
21 number of further statements or letters, not only to
22 bishops in the United States but elsewhere in the world on
23 this subject?

24 **REVEREND DOYLE:** I'm aware -- I've counted
25 up publicly 12 utterances. By "utterances" I mean they

1 were either published speeches that he made or the letters.
2 Usually they're statements that the Pope made and several
3 of them were made when the bishops go for their annual --
4 their meetings every five years. He would give an address
5 and speak about this issue. He did it to the American
6 bishops, to the Irish bishops. He spoke about it when he
7 went to Oceania, which is Micronesia.

8 **MR. ENGELMANN:** Yes.

9 **REVEREND DOYLE:** And I don't think he ever
10 spoke about it directly to the Canadians. I don't know,
11 but I've never seen anything and I've canvassed the whole
12 thing.

13 **MR. ENGELMANN:** As well, in or around the
14 mid-'90s, was there not a publication by the Vatican known
15 as the Catechism of the Catholic Church?

16 **REVEREND DOYLE:** Yes, that came out in '94.

17 **MR. ENGELMANN:** And did that also deal with
18 this issue?

19 **REVEREND DOYLE:** Yes, they did mention in
20 there that sexual abuse of children has long-lasting,
21 devastating effects, and that's an official document. It's
22 the official catechism or religious instruction book of the
23 Catholic church.

24 **MR. ENGELMANN:** All right.

25 So then we've heard about the Dallas

1 Charter?

2 REVEREND DOYLE: Yes.

3 MR. ENGELMANN: And I think Father Morrisey
4 talked about it as a time when there was a lot going on in
5 the United States. I don't know if he used the term
6 "crisis", but there was a lot of news media about issues
7 and a lot of publicity again, and I think this was
8 predominantly in the Boston area, but it may have been
9 elsewhere in or around 2001-2002.

10 REVEREND DOYLE: It was like a tidal wave
11 and it exploded.

12 The first volley was in March of 2001, which
13 was a series of newspaper articles in a paper called the
14 Boston Phoenix. However, that never ignited -- it started
15 the fire, and the Boston Globe got a hold of that and the
16 Boston Globe got a court order and got the judge to release
17 the sealed personnel files of the priests.

18 And what they did, what happened -- now,
19 there had been media attention. Remember, 1997, there was
20 the Rudy Koss trial in Dallas with \$119 million verdict and
21 a finding of conspiracy on the part of the diocesan
22 officials. So there had been plenty of media attention,
23 but nothing caused like a nuclear effect like the Boston
24 Globe revelations on January 6th.

25 MR. ENGELMANN: And they led to a Grand Jury

1 investigation?

2 REVEREND DOYLE: They led to a Grand Jury
3 investigation in Boston and they led to similar
4 investigations in other areas of the United States.

5 MR. ENGELMANN: As a result of the Grand
6 Jury investigation, a number of priests in Boston ceased to
7 be priests?

8 REVEREND DOYLE: I believe there were 82 or
9 84 priests in Boston as a result of not just the Grand Jury
10 but the whole phenomenon who were disclosed as having
11 sexually abused children and being allowed to maintain
12 assignments or were transferred from one place to another.

13 MR. ENGELMANN: All right.

14 So that was the atmosphere that was on the
15 ground, so to speak, at the time of the Dallas Charter?

16 REVEREND DOYLE: The atmosphere on the
17 ground of the Dallas Charter was shock, confusion -- shock
18 because this was happening on a daily basis. They were
19 being hammered by the media, not just the Boston Globe but
20 around the country and internationally. The church was
21 being hammered in other areas because now they're focusing
22 the light not just on Boston but on other dioceses around
23 the United States.

24 MR. ENGELMANN: All right.

25 And after Boston there were a number of

1 other Grand Jury investigations?

2 **REVEREND DOYLE:** I believe there were 12.
3 There's a couple pending right now. There was Boston.
4 There was Suffolk County, which is Long Island; Westchester
5 County, which is northern New York City area; Phoenix,
6 Arizona; Cincinnati, Ohio. There was one in -- another one
7 in Louisiana; New York City.

8 **MR. ENGELMANN:** So this was a response by
9 civil authorities to allegations of clergy sexual abuse in
10 various large metropolitan areas in the United States?

11 **REVEREND DOYLE:** Yes. The way it works is a
12 Grand Jury is -- a Grand Jury has got 24 members instead of
13 12 and it sits for a duration usually up to two years,
14 sometimes less, and they consider evidence and present
15 indictments which say there's enough evidence to proceed to
16 a trial. In some states they can actually issue
17 indictments, which they often do, and a report. In some
18 states, if there will be no indictments, there's no report.

19 **MR. ENGELMANN:** All right.

20 And, sir, I understand that sometimes rather
21 than follow through with criminal prosecutions, what has
22 happened is there have been agreements where there has been
23 some state supervision of dioceses or archdioceses?

24 **REVEREND DOYLE:** In three of these instances
25 the Grand Juries determined that there was sufficient

1 evidence to move ahead and prosecute the bishops for
2 negligence or for other criminal actions, where in the case
3 of Boston the statute of limitations had run and so they
4 could not prosecute Cardinal Law, nor could they prosecute
5 the two cardinals in Philadelphia. But in other states
6 they did; they could.

7 And what happened, there was an agreement
8 between the secular authorities and the diocese whereby the
9 bishop would make a public expression of responsibility,
10 admission of guilt or apology, and there would be some form
11 of state-enacted body that would oversee this issue, sexual
12 abuse and reports of sexual abuse.

13 **MR. ENGELMANN:** Well, Father Morrissey in
14 fact told us about something similar that's taking place in
15 Ireland today, I believe, about state supervision of
16 diocesan affairs?

17 **REVEREND DOYLE:** That's correct.

18 **MR. ENGELMANN:** Of this issue.

19 **REVEREND DOYLE:** Same thing, yes.

20 **MR. ENGELMANN:** Okay. So at or about this
21 time, the institutional church in particular, just prior to
22 the Dallas Charter, there were significant documents from
23 the Vatican. Father Morrissey has talked to us briefly
24 about them, but if you look at his Volume 2, 632 ---

25 **REVEREND DOYLE:** Okay.

1 **MR. ENGELMANN:** --- and you talked to us
2 about things in Boston in March of 2001 -- we have a letter
3 from Pope John Paul II at Tab 23.

4 **REVEREND DOYLE:** Okay.

5 **MR. ENGELMANN:** And we have new substantive
6 norms dealing with this issue of clergy abuse of minors?

7 **REVEREND DOYLE:** That's right.

8 **MR. ENGELMANN:** And ---

9 **REVEREND DOYLE:** That's the son of the 1962
10 document.

11 **MR. ENGELMANN:** Okay. Well, we have the
12 letter. We have the norms. Then at Tab 24 we have then
13 Cardinal Ratzinger's letter at the second page.

14 **REVEREND DOYLE:** Yes.

15 **MR. ENGELMANN:** And this is where there is
16 reference to the '62 document?

17 **REVEREND DOYLE:** That's -- the letter itself
18 was the cover letter to the norms.

19 **MR. ENGELMANN:** Okay.

20 **REVEREND DOYLE:** Some of the norms.

21 **MR. ENGELMANN:** And at Tab 25 we have
22 something about procedures and practices of the
23 congregation for the doctrine of the faith regarding what I
24 believe to be grave delicts or ---

25 **REVEREND DOYLE:** Yes. This is -- Charles

1 Scicluna works for the congregation for the doctrine of the
2 faith and he's written articles and given lectures and done
3 training with priests on how the procedures now work over
4 there in prosecuting cases under the 2001 document.

5 **MR. ENGELMANN:** All right.

6 And the 2001 document, the norms if we can,
7 at Tab 23, the bottom of page 108 and onto 109, we see the
8 reservation to the congregation for the doctrine of the
9 faith of these issues?

10 **REVEREND DOYLE:** That's right.

11 **MR. ENGELMANN:** And as well we see the
12 increase in age from 16 to 18, do we not, sir?

13 **REVEREND DOYLE:** Correct.

14 **MR. ENGELMANN:** All right.

15 So these are fairly significant changes?

16 **REVEREND DOYLE:** Very significant.

17 **MR. ENGELMANN:** And we also see what I
18 believe is a new statute of limitations of 10 years and in
19 the case of minors, 10 years from the date the minor
20 completes their 18th birthday.

21 **REVEREND DOYLE:** Which there was no statute
22 under 1962 or 1922.

23 **THE COMMISSIONER:** Well, there was a
24 limitation of three to five years, was there not?

25 **MR. ENGELMANN:** Was that not in at least the

1 Code of Canon Law for 1983?

2 REVEREND DOYLE: It could have been in the
3 code. I could stand to be corrected on that. But I think
4 they did have the 10 year here, but they also mentioned
5 that this could be dispensed or waived ---

6 MR. ENGELMANN: All right.

7 REVEREND DOYLE: --- in particular cases,
8 which was good.

9 MR. ENGELMANN: And was that significant,
10 sir?

11 REVEREND DOYLE: Yes.

12 MR. ENGELMANN: And are a number of these
13 cases involving historical reporting of the sexual abuse?

14 REVEREND DOYLE: Yes. A number of them --
15 my understanding is -- I believe it came up earlier in our
16 dialogue -- that the congregation now is -- some of their
17 people have used the word "flooded". They are overwhelmed
18 with cases, at this point, most of them from the United
19 States. And I say at this point fully cognizant of the
20 fact that there will be others from other countries as time
21 unfolds.

22 MR. ENGELMANN: So, sir, the Dallas Charter
23 that then came about at the time of revelations and
24 publicity about Boston, it too is a very significant
25 document, is it not?

1 REVEREND DOYLE: Yes, it is.

2 MR. ENGELMANN: And we've heard from Father
3 Morrisey that the charter is the directive and the norms
4 that follow are the law?

5 REVEREND DOYLE: That's what we call
6 particular law for the United States. That Charter was
7 vetted, so to speak, by the Vatican and was signed into law
8 for the United States.

9 MR. ENGELMANN: We understand from Father
10 Morrisey that that's rather unique?

11 REVEREND DOYLE: It is unique. It doesn't
12 happen on a regular basis and the bishops have to agree and
13 vote to agree that this should be -- ask the Pope to allow
14 us to enact particular law for the States in this issue.
15 That's unique.

16 MR. ENGELMANN: And the effect of that then,
17 sir, is these norms are binding on all dioceses in the
18 United States?

19 REVEREND DOYLE: They're binding.

20 MR. ENGELMANN: And, sir, pros and cons of
21 an approach by that, from your perspective?

22 REVEREND DOYLE: You mean the pros and cons
23 of the ---

24 MR. ENGELMANN: Of not only the Dallas
25 Charter but then enforcing that in norms and having a

1 standard law for the country.

2 **REVEREND DOYLE:** I think the pros are that
3 it certainly recognizes the problem and is now publicly
4 acknowledging that we haven't done it according to law in
5 the past and now we will.

6 Another pro is the fact that it is
7 addressing the issue and sparking, promoting, a lot of
8 discussion, a lot of debate about the issue, which I think
9 is important.

10 Some of the cons are that it only addressed
11 the perpetrating lower clergy, namely deacons and priests.
12 It did not address at all bishops who sexually abuse
13 children or bishops who have been complicit in a cover-up,
14 and there has been nothing there. And this is one of the
15 major criticisms, there's been nothing to cover that. And
16 the bishops have said, "Well, we'll take care of other
17 bishops through fraternal correction". Well, nobody knows
18 what that means.

19 And there have been bishops in the United
20 States, a number of them, who have been accused and forced
21 to resign because of sexual abuse of children, and there's
22 also been the larger problem of intentional cover-up and
23 stonewalling, to use my own terms.

24 **MR. ENGELMANN:** All right.

25 And some of those terms have been used in

1 those Grand Jury investigations you talked ---

2 REVEREND DOYLE: They've been used in the
3 Grand Jury investigations and in the other reports; the
4 National Review Board Report as well.

5 MR. ENGELMANN: Let's talk about the
6 National Review Board Report for a minute, and that's at
7 Tab 19.

8 REVEREND DOYLE: Okay.

9 MR. ENGELMANN: We have one from 2004.
10 Are there others?

11 REVEREND DOYLE: I'm sorry?

12 MR. ENGELMANN: We have one from 2004, it's
13 at Tab 19 -- I'm sorry, of Father Morrissey's Volume 2.

14 REVEREND DOYLE: Yes, I've got that before
15 me, and I'm looking. Are there other reports ---

16 MR. ENGELMANN: This was done in 2004?

17 REVEREND DOYLE: Yes.

18 MR. ENGELMANN: And does the Dallas Charter
19 require these types of reports from time-to-time?

20 REVEREND DOYLE: It does require -- it
21 required compliance reports.

22 MR. ENGELMANN: Yes.

23 REVEREND DOYLE: And it also -- and those
24 compliance reports, then what happened in the United
25 States, one of the criticisms levelled at the bishops was

1 that they immediately started to water down the compliance
2 reports. And rather than have an actual face-to-face audit
3 on an annual basis they said, "Well, we prefer some
4 recommended..." or they'd wanted to have -- they'd send in a
5 report. "We'll tell you how we've done as far as
6 compliance with the Dallas Charter and the essential
7 norms."

8 **MR. ENGELMANN:** All right.

9 Well, part of this was maybe not annual
10 reporting but regular reporting ---

11 **REVEREND DOYLE:** Yes.

12 **MR. ENGELMANN:** --- of how well the Church,
13 the American Church, was doing in dealing with this
14 problem?

15 **REVEREND DOYLE:** Yes.

16 **MR. ENGELMANN:** And as well, was part of it
17 to deal with research on the problem?

18 **REVEREND DOYLE:** There was a mandate for
19 research on what they call "causes and contexts". That's
20 now tangled up in a boondoggle with the American bishops
21 because they at first claimed they were enthusiastic about
22 additional research into causes and context, then started
23 retreating on that and cutting back on the amount of money
24 they were willing to commit to it.

25 Last year, they said that the project would

1 be in place and fully funded by 2004. This is 2007. It
2 still hasn't been. They have discussed funding to the tune
3 of about \$300,000, which for a full-blown research project
4 isn't much at all. I mean, that would just, you know, get
5 the first proposals off the line.

6 **MR. ENGELMANN:** All right.

7 So very briefly looking at this report at
8 page 7, they talk about the nature of the current crisis?

9 **REVEREND DOYLE:** Yes.

10 **MR. ENGELMANN:** Sir, is that still the
11 nature of this problem?

12 **REVEREND DOYLE:** I think the issue is still
13 -- the sexual abuse of minors is certainly happening to a
14 lesser degree on a day-to-day basis. And one of the issues
15 is that the victims, as you know, take a long time to come
16 forward. There is much more propensity to come forward
17 now. If a kid finds out or is abused, he'll tell his
18 parents and they'll bring him forward.

19 But the other issue is the failure of church
20 leaders to respond appropriately. In my opinion they still
21 have not consistently, although there certainly are
22 wonderful exceptions of bishops who have stepped out and
23 done -- but in general the criticism that I would agree
24 with is that the leadership is still lagging behind in its
25 response to the spirit and the letter of these reports.

1 **MR. ENGELMANN:** And in fact page 9 outlines
2 a number of the causes of this failure that they cite of
3 Church leaders in responding to this problem?

4 **REVEREND DOYLE:** That's correct. This was
5 2004 and the same criticisms I've heard them levelled and
6 seen them most recently.

7 There have been instances in my country of
8 bishops who have intentionally placed known sexual abusers
9 back in ministry and not disclosed this to the parish and
10 it has exploded, the most notorious having been in Chicago
11 recently.

12 **MR. ENGELMANN:** Now, sir, one of the things
13 this report does, aside from use some very strong language
14 and highlight what they call a crisis, they talk about
15 research work at I believe it is the John Jay College of
16 Criminal Justice?

17 **REVEREND DOYLE:** That's correct.

18 **MR. ENGELMANN:** And are you familiar with
19 that study?

20 **REVEREND DOYLE:** Yes, I am.

21 **MR. ENGELMANN:** It's set out at page 21.

22 **REVEREND DOYLE:** Yes, I am.

23 **MR. ENGELMANN:** And that study dealt with at
24 least some research on the extent of this problem?

25 **REVEREND DOYLE:** They dealt with research on

1 the extent of the problem and it was a fairly comprehensive
2 research project.

3 One of the difficulties of course is that
4 the data was data received from the people they were
5 researching; the bishops themselves presented them. And in
6 general the response appears to have been fairly
7 comprehensive and honest, but there still were -- there
8 were a couple of dioceses who have not been in compliance
9 nor cooperative.

10 **MR. ENGELMANN:** All right.

11 And at page 21, it's indicated that the
12 surveys request a detailed information about the number of
13 allegations of sexual abuse of minors by priests, the
14 nature of the alleged abuse and responses of church leaders
15 to allegations of abuse and many other areas?

16 **REVEREND DOYLE:** Yes. And one of the --
17 another problem with that, that has come out, in civil
18 litigation and in an overall criticism of the John Jay
19 Study has been the fact that in many instances -- in some
20 instances -- I don't want to say many, but I will say in
21 some that I know of, the bishops themselves were asked why
22 they didn't report let's say 50 cases, when your own
23 diocesan files reveal that you have had reports at 150 and
24 another source said you claimed 80. And in some instances
25 the bishops have said, "Well, I decided unilaterally that

1 20 were unfounded".

2 And this has been a criticism because that
3 determination has been clouded in secrecy repeatedly. So
4 what are the criteria; subjective that are fluid or are
5 they standard and objective?

6 **MR. ENGELMANN:** All right.

7 And did you know some of the individuals
8 involved in this National Review Board Report, sir?

9 **REVEREND DOYLE:** Yes, I did. You mean the
10 ones who did the ---

11 **MR. ENGELMANN:** Who were chosen by the
12 conference to do this work?

13 **REVEREND DOYLE:** For the review board -- I'm
14 a little confused; review board or you mean the people --
15 let's say Anne Burke, Michael Bland?

16 **MR. ENGELMANN:** Yes.

17 **REVEREND DOYLE:** Yes, I knew several of
18 them.

19 **MR. ENGELMANN:** All right.

20 And do you know how they were selected, sir?

21 **REVEREND DOYLE:** They were just selected by
22 the bishop's conference. I'm not sure how that happened.
23 You're dealing, again, with a governmental system that's
24 not democratic. So the only person you know that's elected
25 is the Pope. So they were just appointed, recommended by

1 someone and appointed. Usually, bishops would say, "I
2 think so and so would be good", they'd run it by a
3 committee and they would agree.

4 **MR. ENGELMANN:** All right.

5 So I want to ask you just a couple of
6 questions about some things that are highlighted in the
7 report, in particular, from your expertise in providing
8 pastoral and spiritual assistance to victims and families
9 of child sexual abuse.

10 There are passages -- and I'm looking at
11 page 93 -- where the review board is expressing a concern
12 that:

13 "Church leaders have failed to
14 understand the nature and scope of the
15 abuse and harm it's caused."

16 **REVEREND DOYLE:** That's true. I mean, it's
17 true that it says that. Do you want me to comment on that?

18 **MR. ENGELMANN:** Well, yes, because it talks
19 about essentially earlier on, viewing this issue as one a
20 moral lapse, place and time.

21 **REVEREND DOYLE:** The Catholic Church's
22 philosophy of human sexuality traditionally has been two-
23 dimensional; namely, cognitive. We know that sexuality is
24 there but you've separated it almost from the totality of
25 the human, and volitional. In other words, it's something

1 that resides in the will. You can will not to have any
2 sexual acting out.

3 And I believe that, and I would agree with -
4 - having been a priest for 37 years -- that those who
5 criticize the institution and in particular in this context
6 saying that church leaders don't understand the full nature
7 of sexual abuse; they don't understand the damage that can
8 be done. This isn't something you put behind you after a
9 few days and move on.

10 **MR. ENGELMANN:** All right.

11 **REVEREND DOYLE:** And so oftentimes bishops,
12 and when they are criticized they have said, "We didn't
13 understand; we didn't understand" and there may be some
14 element of truth in that, that they didn't understand the
15 scope and the complexity of the damage, but I do believe
16 it's true to say they had to understand that rape of a
17 child by an adult is a harmful event.

18 **MR. ENGELMANN:** All right.

19 **REVEREND DOYLE:** It's a devastating event.
20 You can't any way get around that.

21 **MR. ENGELMANN:** There is a discussion, sir,
22 at pages 96 through 99, about responding to victims. And
23 it appears that the authors of the report agree with your
24 suggestion that it's very important for the bishop to meet
25 with victims and victim families.

1 REVEREND DOYLE: That's correct.

2 MR. ENGELMANN: I don't know if they get
3 into some of the questions the Commissioner had for you
4 about timing?

5 REVEREND DOYLE: I think those are well-
6 founded questions and I think those have to be integrated
7 into the totality of a discussion of the church's response.
8 But the Church is primarily supposed to be a pastoral
9 entity. We're there for people, not buildings, not
10 structures, not offices, not money, but for people. And
11 when we put those other things first we're making a grave,
12 grave mistake and we're betraying our mission.

13 MR. ENGELMANN: All right.

14 And at the end of that discussion, at page
15 100, it is suggested by the review board that:

16 "Failure to meet with victims and their
17 families prevented bishops from
18 comprehending the nature and the scope
19 of the problem."

20 Is that a ---

21 REVEREND DOYLE: I would totally agree that.
22 I've heard bishops say that also, that they didn't -- they
23 felt that if they had met with more victims they would have
24 a deeper appreciation.

25 In my own case, once it went from

1 descriptions on a piece of paper to seeing and knowing the
2 families and, as I mentioned yesterday, in my own family I
3 have experienced this also.

4 **MR. ENGELMANN:** The next comment is:

5 "Presumptions in favour of accused
6 priests..."

7 And I know you have assisted priests in some
8 of their difficulties. I don't know what your view is on
9 that finding by the review board.

10 **REVEREND DOYLE:** I agree with that, and I
11 believe that -- I know that's something that when I was
12 interviewed by the review board we spoke at great length
13 about the whole understanding of the role of a priest, the
14 person of a priest and the impact this has had on the
15 issue. Why haven't children come forward? Why haven't
16 their parents reported it historically? Why have they been
17 enshrouded in such fear of bringing -- of saying, "Father
18 did this to me"? Why have they been so confused?

19 And in great part it's because the church's
20 own doctrine has taught that priests are unique, removed
21 individuals, and this has led to them being treated with
22 awe, with incredible deference when the doctrine itself
23 says, "You're special. You take the place of Christ. You
24 take the place of God".

25 **MR. ENGELMANN:** The review board report as

1 well at page 104 talks about something called clericalism?

2 **REVEREND DOYLE:** Yes.

3 **MR. ENGELMANN:** And it starts by saying:

4 "Clerical culture and a misplaced sense
5 of loyalty made some priests look the
6 other way in the face of evidence of
7 sexual abuse of minors, and contributed
8 to the unwillingness of members of the
9 clergy to condemn the conduct of a
10 brother priest."

11 **REVEREND DOYLE:** It's a criticism that has
12 been rendered by myself and by others. Clericalism is a
13 pejorative term. In any dictionary when you look the word
14 up it's always couched in pejorative ways. It's the
15 philosophy, the belief that clerics are somehow special,
16 entitled to deference, entitled to certain exceptions and
17 are above laypeople because of their calling or their
18 ordination.

19 **MR. ENGELMANN:** It says at page 105 that:

20 "Until recently few dioceses relied on
21 qualified independent fact finders to
22 assist in assessing the validity of
23 allegations."

24 Is that in your -- is that significant at
25 all in the institutional response?

1 **REVEREND DOYLE:** Yes, it's very significant
2 because -- again, it's a symptom of clericalism that we, as
3 a clerical institution made up of bishops and priests and
4 deacons, are above -- you know, we're closed in. We want
5 to maintain the confidentiality, the secrecy. We don't
6 want people to know what's going on inside so we'll
7 investigate these issues ourselves. And this has been the
8 common response historically, "We've looked into it. We've
9 taken care of it. We've found that there is no substance",
10 when in many instances there has been or, "We've taken care
11 of Father. Don't worry about it. Trust us".

12 That's clericalism saying because we're
13 clerics, believe us.

14 **MR. ENGELMANN:** All right.

15 **REVEREND DOYLE:** We'll take care of it.

16 **MR. ENGELMANN:** There are a number of other
17 areas in this report. I'm not going to go into them in
18 detail but I presume from what you've said already that you
19 believe that these findings in this report are important
20 and in the main are things that you agree with?

21 **REVEREND DOYLE:** I think the findings of the
22 report are beyond -- if there is another word that can
23 stress it even more, they are beyond important. It's an
24 historical document. It's in many ways prophetic. It's
25 blunt. It's direct.

1 Mr. Bennett, Bob Bennett, the attorney who
2 was in charge of this, on Meet The Press, publicly stated
3 in front of the Cardinal Archbishop of Washington that in
4 his belief any bishop who covered up sexual abuse crimes
5 should be forced to resign, which would have devastated the
6 American hierarchy at the time.

7 **MR. ENGELMANN:** In fact, sir, at page 125
8 for example, there is a whole bunch of different captions
9 about reliance on attorneys, et cetera.

10 There is something called "Episcopal
11 Accountability" and I think that was a concern you
12 expressed earlier about, perhaps deficiencies in the U.S.
13 or Dallas Charter and the norms?

14 **REVEREND DOYLE:** There's several areas in
15 this where they criticize the inaction of the institutional
16 church. And there is a repeated criticism. You know, all
17 these documents, the Ferns Report, From Pain to Hope, the
18 Winter Commission, they're wonderful.

19 But like any institution or any document,
20 they're worthless if they're trying to attack a problem and
21 nothing happens as far as the transition from theory to
22 fact or from a proposal to action.

23 They have to do something and, in many
24 instances, the bishops for a variety of reasons did not act
25 decisively or quickly enough in response to some of these

1 recommendations.

2 **MR. ENGELMANN:** But you would agree, sir,
3 would you not, that the development of protocols and
4 responses is something that's important?

5 **REVEREND DOYLE:** Major, major step in the
6 right direction.

7 **MR. ENGELMANN:** All right.

8 **REVEREND DOYLE:** It's like the polio
9 vaccine. We got it; it'll prevent this terrible disease.
10 Then you've got to get the parents to shoot the kids up.

11 **MR. ENGELMANN:** All right.

12 And the establishment of not just internal
13 protocols but inter-agency protocols with, perhaps, police
14 and child welfare authorities. That's important?

15 **REVEREND DOYLE:** Absolutely essential, and
16 what that entails is there is a deeper level here that
17 still requires, I think, a lot of study. And that's why
18 the institution, namely, the hierarchical governing
19 structure, has historically responded the way it has in
20 this closed-in restrictive fashion and not wanted to
21 cooperate and be totally open with law enforcement, with
22 judiciary.

23 There are instances in the States where
24 police chiefs and others have openly admitted that they
25 gave deferential treatment to the church in these cases and

1 then later on regretted it.

2 So there has to be a feeling that we are on
3 a par, we are not above.

4 **MR. ENGELMANN:** So the policies, the
5 protocols, inter-agency protocols and having the people
6 that will implement them are an important part of
7 responding as an institution?

8 **REVEREND DOYLE:** I think protocols and then
9 the implementation is essential.

10 **MR. ENGELMANN:** And how important is it in
11 that implementation to have direction or leadership from
12 church authorities?

13 **REVEREND DOYLE:** Essential. The Catholic
14 Church is a governmental structure, is by definition
15 hierarchical and by in practice it's monarchical. And I
16 don't say that in a pejorative fashion. A monarchical
17 governmental system is one that is -- the power is seeded
18 with an individual and in the Catholic Church it's the
19 bishop and his diocese and the Pope and the institutional
20 church.

21 So the direction has to come from them. All
22 the boards and councils and committees are advisory and
23 mean nothing unless something is done about what they say.

24 **MR. ENGELMANN:** And just as follow up if I
25 can, sir. Again, I'm looking at Father Morrissey's Exhibit

1 P-632, Tab 14.

2 I don't know if you're familiar with this,
3 sir, about 10 years after From Pain to Hope a taskforce was
4 struck in this country?

5 **REVEREND DOYLE:** Yes, I was. I am.

6 **MR. ENGELMANN:** And they reported on their
7 work, this taskforce, in 2005?

8 **REVEREND DOYLE:** I need to find it, if you
9 can ---

10 **MR. ENGELMANN:** It's at Tab 14.

11 **THE COMMISSIONER:** Tab 14, Volume 1.

12 **REVEREND DOYLE:** Volume 1, okay.

13 **THE COMMISSIONER:** Of Father Morrissey's
14 material.

15 **REVEREND DOYLE:** I've got it. I have it,
16 number 14, yes.

17 I read that taskforce report. The taskforce
18 report basically repeats that what was said in Pain to Hope
19 was wonderful but it was not uniformly followed through
20 with and there is still -- you know, the ideals and the
21 practicalities of this have not happened yet.

22 **MR. ENGELMANN:** All right.

23 So when we're looking at page 5, for
24 example, just some of the captions there after, "Reactions
25 of Victims" to "Greater Sensitivity to the" -- sorry, page

1 5 of the documents.

2 REVEREND DOYLE: Yes, I've got it right
3 here.

4 MR. ENGELMANN: "Greater Sensitivity to the
5 Suffering of Victims"; page 6 "Avoiding Double
6 Victimization"; "Making the Protection of Children a
7 Priority"; "Making Pastoral Environments Safe"; and
8 "Consolidating Measures Proposed in From Pain to Hope";
9 "Responsibilities of Bishops and Greater Transparency".

10 Some concerns are being raised. Are those
11 concerns you are familiar with, sir?

12 REVEREND DOYLE: I'm familiar with all of
13 these concerns. I hear the same in the United States and
14 the same concerns in Ireland in response to the forced
15 awareness in many instances over the past couple decades of
16 this issue and the lack of a satisfactory response, at
17 least in the minds of the victims, and many others.

18 MR. ENGELMANN: Sir, I'm going to be a
19 little bit longer. If I had the lunch break I think I
20 could wrap it up in maybe 15 minutes when we get back.

21 THE COMMISSIONER: Yes, we'll take the lunch
22 break. We'll come back at two o'clock.

23 Thank you.

24 THE REGISTRAR: Order; all rise. À l'ordre;
25 veuillez vous lever.

1 --- Upon recessing at 12:39 a.m. /

2 L'audience est suspendue à 12h39

3 --- Upon resuming at 2:04 p.m. /

4 L'audience est reprise à 14h04

5 **THE REGISTRAR:** Order; all rise. À l'ordre;
6 veuillez vous lever.

7 The hearing is now resumed.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good afternoon.

10 Did you fare any better for lunch than a Tim
11 Hortons sandwich?

12 **REVEREND DOYLE:** I had a Subway sandwich.

13 **THE COMMISSIONER:** Oh, well, classy. Father
14 Morrisey only had a Tim Hortons.

15 **MR. ENGELMANN:** I'm a man of variety, sir.

16 **THE COMMISSIONER:** There you go.

17 **THOMAS P. DOYLE, Resumed/Sous le même serment:**

18 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
19 **ENGELMANN (cont'd/suite):**

20 **MR. ENGELMANN:** Good afternoon, Mr.
21 Commissioner. Good afternoon, Father Doyle.

22 I have a few minutes' more questions. I
23 want to start with looking at some areas of institutional
24 response over the last 50 to 60 years of various structures
25 within the Catholic Church to allegations of clergy abuse

1 of minors and sexual abuse of minors.

2 I want to just start with the canon law
3 system. And you've talked to us about the first code in
4 1917. You've talked to us about the revised code in '83.
5 The fact that there are provisions dealing with clergy
6 sexual abuse of minors. And you've talked to us about the
7 instructions from the Vatican; correct?

8 **REVEREND DOYLE:** Correct.

9 **MR. ENGELMANN:** Just from your perspective,
10 how effective has the canon law system been in dealing with
11 this issue?

12 **REVEREND DOYLE:** Historically, it has been
13 very ineffective because the provisions provided in both
14 the 1917 and the subsequent Code of Canon Law were simply
15 not utilized by the bishops and their religious superiors
16 who had the authority to use them. They bypassed them and
17 they used provisions that they decided upon themselves.

18 **MR. ENGELMANN:** All right.

19 And we've heard, and I think you've
20 indicated as well, there weren't many people trained in how
21 to do this work for some time?

22 **REVEREND DOYLE:** There were not -- well,
23 there were a lot of trained canon lawyers. There always
24 have been, but there were very few that were trained
25 specifically to specialize in penal trials and procedures.

1 However, that is not a valid excuse for
2 saying that that's why the system didn't work. All it
3 demanded at first was a decree by a bishop to initiate a
4 preliminary investigation into an allegation and move from
5 there. It's being done now, to some extent, and could have
6 been done in the past.

7 **MR. ENGELMANN:** I think you indicated as
8 well that there certainly was a lack of awareness of some
9 of these procedures and these instructions?

10 **REVEREND DOYLE:** There was a lack of
11 awareness. I can't say how much the -- how widespread
12 there was a lack of awareness of the 1922 and 1962
13 documents because that would necessitate a survey of
14 bishops and I have no idea how that would play out. But I
15 believe that there was a lack of awareness of the existence
16 of both of those on the part of bishops who they may have
17 come and then be filed away and then the subsequent
18 successor takes over and so on.

19 **MR. ENGELMANN:** All right. That's no longer
20 the case now, though, because there is a 2001 norm?

21 **REVEREND DOYLE:** There is no -- there is no
22 question that now there is a much, much higher awareness of
23 this issue because of all the secular publicity and the
24 lawsuits. Had there not been the secular publicity and the
25 lawsuits, I really believe that we would still be back

1 stuck where we were perhaps in the '50s or '60s.

2 **MR. ENGELMANN:** Okay. The previous witness,
3 Father Morrissey, expressed some concern about the fact that
4 these cases are all going to Rome or to the Vatican now
5 because of the 2001 decree or norms, and a concern about
6 delays. Is that a concern you share at all?

7 **REVEREND DOYLE:** That's a concern I share
8 for two reasons. One, I have the concern for the accused
9 priests who oftentimes are left to just sit and idle with
10 nothing to do with almost no support, either fraternal
11 support or physical or psychological support, and these --
12 the processes can go on for months and months and months,
13 if not into a couple of years.

14 The other concern I have is for oftentimes
15 the witnesses, who include the people who have been abused
16 as the key witnesses are the victims themselves. In many
17 instances the process -- these people have to appear before
18 an ecclesiastical tribunal which has been extremely painful
19 in many instances, especially if they have been treated
20 with distrust without -- you know, they don't feel they're
21 believed.

22 But then the waiting; the waiting for what's
23 going to be the outcome of this. So I believe the long
24 delays are painful for the community that knows about it,
25 for the priest himself and his friends and supporters, and

1 even if he is hoping for a positive outcome it's still a
2 terrible process to have to go through for all concerned.

3 **MR. ENGELMANN:** Would you agree, sir, that
4 that can also be an offshoot of dealing with this problem
5 in the secular courts, either in the criminal courts or ---

6 **REVEREND DOYLE:** Oh, I certainly do agree.
7 My experience also has shown me that the delays in the
8 criminal -- in the civil courts especially where there had
9 been, you know, delays after delays after delays and then,
10 you know, dozens of motions that simply put it off and put
11 it off.

12 In many -- some of the victims feel that
13 they are being re-victimized and just being deluged with
14 this stuff in the hope that they'll walk away and say,
15 "Forget it. I'm done. I've had it."

16 **MR. ENGELMANN:** Well, let's talk for a
17 minute then about the institutional response as it relates
18 to collaboration with civil authorities. When I say civil
19 authorities I mean ---

20 **THE COMMISSIONER:** Secular?

21 **MR. ENGELMANN:** Yes, as in the police, Crown
22 attorneys or district attorneys, child welfare agencies, et
23 cetera.

24 You've talked a little bit about some of the
25 benefits of protocols and inter-agency protocols and how

1 they could be helpful. Just looking back over the last 50
2 to 60 years, do you care to comment on the response as it
3 relates to collaboration with civil authorities?

4 **REVEREND DOYLE:** The response in
5 collaborating with civil authorities is very recent. Prior
6 to this time, prior to the past few years, with all of the
7 publicity, the lawsuits and the norms enacted by church
8 authorities, there has been mandated collaboration with
9 civil authorities in response to a perennial criticism that
10 there had been none in the past; that the reports or
11 knowledge or awareness of sexual abuse by a cleric was
12 never reported. It was contained in-house. It was
13 considered and taken care of in-house with no report.

14 Similarly, reporting to civil authorities,
15 to the child welfare agencies, in the United States as I'm
16 sure it is here, there are -- certain people are mandated
17 reporters.

18 **MR. ENGELMANN:** Yes.

19 **REVEREND DOYLE:** For instance, I, as an
20 addictions therapist, am a mandated reporter. If this
21 comes up in the course of therapy of any kind, I have to
22 stop the clock immediately and make a report.

23 Now, in the past, up until very recently --
24 by very recently I mean cases that are disclosed in the
25 past two or three years -- there was almost, I would say,

1 never any reporting to child welfare agencies because in
2 some instances the church, the clergy, were not considered
3 mandated reporters, although in probably two-thirds of the
4 states now they're named as mandated reporters.

5 **MR. ENGELMANN:** They're named as mandated
6 reporters here in this province.

7 **REVEREND DOYLE:** And the confusion comes in
8 if you hear a report in confession, do you report it?
9 Well, in most of the United States, in fact, almost every
10 jurisdiction I know of, with two exceptions, the exception
11 for the report is information gained in confidential
12 sacramental sessions like confession.

13 But the fact is is that the reports weren't
14 made, and now what's happening in the United States is
15 there's been a move in several of the states to change the
16 legislation and mandate that church workers, priests, nuns
17 and brothers, be mandated reporters. And ironically, the
18 strongest opposition to that has been the institutional
19 Catholic Church.

20 **THE COMMISSIONER:** Well, wouldn't that be
21 because -- I'm sorry, Mr. ---

22 **MR. SHERRIFF-SCOTT:** I think it's important
23 that the witness be focused on whether his experience is
24 U.S.-centric or whether he's talking about Canada.

25 **REVEREND DOYLE:** I'm talking about the U.S.

1 here. Thank you.

2 **THE COMMISSIONER:** Okay. But this brings
3 you to a head with the canon law that says that anything
4 disclosed during confession is to be privileged, completely
5 privileged?

6 **REVEREND DOYLE:** That's right.

7 **THE COMMISSIONER:** And so is it -- it's not
8 surprising that the church will say no to that secular law.

9 **REVEREND DOYLE:** Well, the way every law
10 that I've seen has been written, they've written into it
11 the clergy privilege, the privilege that you do not have to
12 disclose anything not only heard in confession but in
13 confidential counselling sessions.

14 **THE COMMISSIONER:** Exactly.

15 **REVEREND DOYLE:** But apart from that ---

16 **THE COMMISSIONER:** Okay. Okay.

17 **REVEREND DOYLE:** You know, you see it on the
18 playground, something of that nature.

19 **THE COMMISSIONER:** Sure. Well, that's ---

20 **MR. ENGELMANN:** I think one of the
21 difficulties we have here, sir, is there is no clergy
22 exception.

23 **REVEREND DOYLE:** Don't you have a
24 priest/penitent privilege in Canada?

25 **THE COMMISSIONER:** No.

1 **REVEREND DOYLE:** Ah. See, we do in the
2 States.

3 **MR. ENGELMANN:** Well, there are two
4 provinces that have provisions for that, but Ontario is not
5 one of them.

6 **REVEREND DOYLE:** Okay. My experience, I was
7 a military officer, as you know, for many years and the
8 military has its own legal system.

9 **THE COMMISSIONER:** M'hm.

10 **REVEREND DOYLE:** And the chaplain privilege
11 there is probably the strongest I've seen anywhere. I
12 mean, absolutely -- you can tell anything to the chaplain,
13 and if he discloses in any way, he could be court
14 martialled as well.

15 **MR. ENGELMANN:** Sir, with respect to the
16 collaboration issue -- and you've talked to us about issues
17 of privilege, secrecy, confidentiality that are set out in
18 canons and in other church documents -- how, if at all, has
19 that affected the ability to communicate with secular
20 authorities?

21 **REVEREND DOYLE:** It's been a problem in some
22 instances when the ecclesiastical authorities have appealed
23 to privilege and to confidentiality of communications, and
24 I must say that in some instances, this appeal was made in
25 good faith and believing that anything we have is

1 privileged when in fact it is not.

2 In other instances, the privilege and the
3 confidentiality has been used, I think, negatively to
4 stonewall or to obstruct the process of justice, to
5 obstruct investigations and to preserve the institution
6 from having to answer for its actions. So the privilege
7 has been a problem and it's been in many ways, I think,
8 misunderstood and misapplied.

9 **MR. ENGELMANN:** Let's talk about research.
10 We looked at the National Review Board Report from the
11 U.S., 2004, and there was reference to the John Jay College
12 Study. What about other research? And I'm talking over
13 the last half century either in Canada, the U.S. or
14 elsewhere, research sanctioned or sponsored by the church
15 on this area?

16 **REVEREND DOYLE:** The only research that I
17 know of that the institutional catholic church has
18 sponsored in this area has been that mandated by the
19 National Review Board in the form of the John Jay Study.
20 Prior to this time -- prior to that time, there was no
21 other research that I'm aware of, and I've done exhaustive
22 searches.

23 There has been independent research done by
24 other academic disciplines, especially in the past 20 to 25
25 years and some very outstanding research into the whole

1 issue of why the institutional response, clergy
2 malfeasance, sexual abuse by catholic clerics, what's
3 unique about it, the whole relationship between that and
4 celibacy, the impact, for instance -- the unique impact on
5 victims of catholic clerics.

6 **MR. ENGELMANN:** Well, sir, if others are
7 doing it, is it still necessary that the church and/or
8 church authorities do it?

9 **REVEREND DOYLE:** I think what's necessary is
10 not to duplicate what's already been done but to buy into
11 what's been done, to own it, and to take advantage of the
12 research that's been done, both research into the
13 institutional structures and -- you know, I've just brought
14 a book along that I'm in the process of reading called
15 Spoils of the Kingdom. This is written by a sociologist
16 who's -- I don't even know if he's got religion, but it's
17 an outstanding study of clergy malfeasance in several
18 denominations, including the Roman Catholic denomination,
19 as to why the institution appears to allow it to happen.

20 **MR. ENGELMANN:** All right.

21 So this is clergy malfeasance generally?

22 **REVEREND DOYLE:** Generally.

23 **MR. ENGELMANN:** It's ecumenical, if I can
24 use the term?

25 **REVEREND DOYLE:** He talks here about the

1 Catholic church, the Mormon church and there's a lot of
2 information here, a lot of study he's done on the Native --
3 what we would call Native Americans -- the First Nations
4 Peoples in Canada, the issue, I guess, involving several
5 denominations in the residential schools ---

6 **MR. ENGELMANN:** Yes.

7 **REVEREND DOYLE:** He's done a lot of work in
8 that area too.

9 **MR. ENGELMANN:** Father Doyle, let's look at
10 institutional response to particular actors or players for
11 a moment and, in particular, let's look at the individual
12 priests who may have allegedly abused or been found to have
13 abused.

14 How have they been dealt with by the church
15 as an institution over the last 50-odd years, from your
16 perspective?

17 **REVEREND DOYLE:** Traditionally, prior to the
18 -- certainly prior to 1984 but definitely after 2001, prior
19 to that time the general response when a priest was
20 disclosed as having had some form of sexual interaction
21 with a child or a young adult, a young adolescent, the
22 priest was generally quietly transferred to another
23 assignment, and a lot of this would depend on the -- on how
24 well known the response was.

25 Oftentimes the families would be encouraged

1 to remain silent and to trust the institution. Sometimes
2 the priests were sent away for therapeutic intervention,
3 for treatment.

4 This -- the earliest -- there's evidence, in
5 the United States at least, of therapeutic centres starting
6 as -- going back as far as the late '20s. So there was a
7 concern and awareness at that time, but the majority were
8 not sent.

9 **MR. ENGELMANN:** And weren't the majority of
10 those centres dealing with alcoholism and some kind of
11 chemical dependence initially?

12 **REVEREND DOYLE:** Well, they -- no, actually,
13 this was the misconception that they all dealt initially
14 with alcoholism and chemical dependence, but in fact they
15 were dealing with other emotional issues. Sexual issues
16 was just as prominent as alcohol.

17 And remember, alcoholism -- AA was not
18 founded until 1935.

19 **MR. ENGELMANN:** Okay.

20 **REVEREND DOYLE:** And alcoholism was never
21 recognized as a disease until the '50s.

22 **MR. ENGELMANN:** All right.

23 So aside from transfers, either ---

24 **REVEREND DOYLE:** Transfers ---

25 **MR. ENGELMANN:** --- with or within a diocese

1 ---

2 REVEREND DOYLE: --- in a diocese ---

3 MR. ENGELMANN: --- was there some
4 discipline?

5 REVEREND DOYLE: Sometimes there was
6 discipline, a dressing down, you know, "Don't ever do this
7 again". And because the bishops often understood that this
8 was a moral problem, which was the -- that was the
9 atmosphere, the culture -- it was a moral problem -- they
10 would put the fear of God into the priest and he would
11 promise never to do it again, but probably -- and this I
12 say probably because this gets into the clinical area --
13 neither of them realize the highly compulsive nature of
14 sexual -- of the sexual disorders or sexual dysfunction.

15 MR. ENGELMANN: All right.

16 So ---

17 REVEREND DOYLE: And, by the way, there was
18 a small minority there who ended up being prosecuted; very
19 small minority.

20 MR. ENGELMANN: But some were dealt with by
21 some form of administrative action?

22 REVEREND DOYLE: Administrative action.
23 Hardly anyone was prosecuted according to canon law with a
24 trial. As I've said, I've seen three.

25 MR. ENGELMANN: Any comments, sir, about

1 what is needed now with respect to the response to these
2 individual priests?

3 **REVEREND DOYLE:** I'm sorry, I didn't ---

4 **MR. ENGELMANN:** Any comments from you as to
5 what's needed now as in the form of a response?

6 **REVEREND DOYLE:** I think what's needed now
7 is, as far as the individual priests are concerned, is when
8 men are singled out and accused that there be a fairly
9 rapid response and that they not be allowed to be isolated.

10 And often times, the response, because of
11 the one strike or zero tolerance rule, is the bishop gets
12 the response and immediately the guy is told, "Leave the
13 rectory. You're out of business. You're on hold. You're
14 on ice". And there is no discussion and he gets very
15 little support. In some instances, they do give a lot of
16 support and they handle it I think in a very humane, just
17 way.

18 **MR. ENGELMANN:** So these things have to be
19 dealt with quickly?

20 **REVEREND DOYLE:** They have to be dealt with
21 quickly and this is not -- this is more an observation and
22 not a criticism because it's something that's happened so
23 quickly over the past two or three years; there's a back
24 up.

25 **MR. ENGELMANN:** All right.

1 **REVEREND DOYLE:** And I think another
2 dimension of dealing with the individual priest is a need
3 for a much greater comprehensive understanding of what
4 sexual abuse and sexual harassment are.

5 **MR. ENGELMANN:** Okay. Sir, with respect to
6 the response to victims and alleged victims, a couple of
7 questions.

8 I believe there was some research and some
9 statistics from the John Jay College study about who they
10 are?

11 **REVEREND DOYLE:** Yes.

12 **MR. ENGELMANN:** In other words, their
13 predominant gender?

14 **REVEREND DOYLE:** Predominant gender of
15 younger victims is male; about 20 percent are female. But
16 then we get into a whole other area that this is not, I
17 don't believe, the subject of your Inquiry which is adult
18 victims, adult women especially.

19 **MR. ENGELMANN:** All right. And the ages of
20 them have ranged. Is that correct?

21 **REVEREND DOYLE:** Generally the age range of
22 the majority, again about 80 percent of minors are actually
23 younger adolescents and then 20 percent would be children,
24 where you're dealing true pedophiles.

25 **MR. ENGELMANN:** All right.

1 **REVEREND DOYLE:** But the others are young
2 adolescent children.

3 **MR. ENGELMANN:** And any statistics on when
4 these victims or alleged victims typically report, whether
5 it's historical reporting or current reporting?

6 **REVEREND DOYLE:** Generally, the majority
7 have taken about 20 to 30 years to report. And across the
8 board, there have been studies in the United States that
9 have indicated the average age of sexual abuse of a child
10 is 12 and average age of reporting is 42.

11 **MR. ENGELMANN:** And this is clergy abuse?

12 **REVEREND DOYLE:** Not just clergy ---

13 **MR. ENGELMANN:** Oh, this is all?

14 **REVEREND DOYLE:** --- this is across the
15 board.

16 **MR. ENGELMANN:** Okay.

17 **REVEREND DOYLE:** Clergy abuse seems to
18 follow in the same -- along the same lines, where there is
19 a long period of time from most before they disclose.

20 **MR. ENGELMANN:** So we've heard a number of
21 reasons here about some of the delays; the fear, the shame,
22 other fears about coming forward. Anything particular from
23 John Jay or elsewhere about why the delays with respect to
24 clergy abuse?

25 **REVEREND DOYLE:** I believe the National

1 Review Board and the John Jay Study spoke to them.

2 But there are other independent studies that
3 have looked at the reasons for the delays. And a lot of it
4 has to do, again, with circumstances that engender or
5 inspire serious deep-seated fear on the part of the
6 individuals and that is something that spills over into the
7 doctrinal area of the Catholic Church.

8 The way people are brought up and taught
9 about priests and bishops, that they are -- for instance,
10 that they take -- the common belief is a priest takes the
11 place of Christ or he takes the place of God. So I've had
12 victims say to me, I've heard psychologists say victims
13 said to them, "This guy was God and God was doing this to
14 me. What did I -- why was I so bad that He did this to
15 me?"

16 **MR. ENGELMANN:** So even harder to come
17 forward ---

18 **REVEREND DOYLE:** Harder to come forward.

19 **MR. ENGELMANN:** All right.

20 **REVEREND DOYLE:** Some of the therapists have
21 said that they feel the worst effect of sexual abuse is
22 sexual abuse on catholic children by priests because of the
23 fact that the priest, in the belief system, takes the place
24 of Christ or God.

25 So there is this fear because they have been

1 taught -- and this is institutionalized in the church's
2 teaching, that the church, the bishops and the priests are
3 above the lay people. They are, you know, fundamentally
4 and theologically changed from when they are ordained.
5 They are communicators; they are your conduit to the most
6 high.

7 **MR. ENGELMANN:** Some of that was ratcheted
8 down, if I can use the term, by Vatican II however?

9 **REVEREND DOYLE:** Some of it was ratcheted
10 down by Vatican II but the belief still exists. I hear it
11 almost consistently from victims who say, "This guy, you
12 know, I thought I didn't really disclose because it was a
13 priest. He was above God. He walked on water. He did all
14 these things." And this fear, no matter how they express
15 it, the bottom line is the same thing.

16 And in some cultures, and I've heard this
17 expressed in the States but in Ireland as well, there was a
18 deep-seated fear that if we spoke ill of the priest, if I
19 disclosed what he'd be doing to me, number one, many, many
20 victims have been punished by their parents because of what
21 they said. "It's not true. How dare you say that?"

22 Or second, they feared divine retribution in
23 the afterlife or in this life that something would, you
24 know, "I'd have an accident. My child will be born
25 deformed," things of this nature as a result of saying or

1 doing these things.

2 **MR. ENGELMANN:** All right.

3 With respect to the needs of victims and
4 alleged victims of clergy sexual abuse of minors, we've
5 gone through a lot of these. I just want to try and
6 summarize if I may. You talked about a need to be
7 believed?

8 **REVEREND DOYLE:** Absolutely to be believed.

9 **MR. ENGELMANN:** And you talked about the
10 need for pastoral care and support?

11 **REVEREND DOYLE:** Definitely. These are, to
12 me, the most important. First the need to be believed,
13 that it -- and there are instances where it's been a false
14 alarm, a misunderstanding, which is different than a false
15 accusation ---

16 **MR. ENGELMANN:** M'hm.

17 **REVEREND DOYLE:** --- "Father put his arm
18 around me." That's not sexual abuse. At least, it
19 wouldn't be for me, but for some, they constitute that.

20 In some instances, you have, you know,
21 blatant cases and someone has to, you know, say, "We
22 believe you" because of what they go into.

23 And that's one of the reasons all the
24 proliferation of lawsuits has happened is because the
25 victims have gone to the church authorities and not been

1 believed and not only not been believed, but been treated
2 with disdain. And this is not an opinion on my part, I've
3 heard this many, many times and I regret to have to say it.

4 **MR. ENGELMANN:** All right.

5 Now you've also talked about the need for
6 more pastoral care and spiritual care?

7 **REVEREND DOYLE:** Yes. The spiritual care is
8 something I am very acutely aware of. And I think -- I
9 don't mean by that going through rituals or attending mass
10 or saying the rosary. There is something deeper than that
11 and that's the whole part of your being that's spiritual;
12 that many of the victims when they are raped, when they're
13 sodomized by a priest, feel that this has been torn from
14 them. And there is a hole there and they used to put God
15 in that hole or the Catholic Church put God in that hole.
16 Now that's gone.

17 **MR. ENGELMANN:** Sir, what about apologies?
18 I mean, if things are confirmed either of a personal or a
19 general nature?

20 **REVEREND DOYLE:** I think a personal apology
21 is extremely important if it's sincere. Remember that
22 you're dealing with men and women who can tell if it's
23 insincere right away.

24 And another thing that I've learned over the
25 years is that among victims there is a massive amount of

1 anger and almost all of it is justifiable in many ways.

2 So the apology, the generalized apologies,
3 oftentimes end up being more of an insult. If mistakes
4 were made, we are sorry. But never saying, "I want to
5 apologize to you for what I did wrong. I am sorry." But
6 the individual apology is certainly warranted because the
7 abuse was individual.

8 **MR. ENGELMANN:** All right.

9 The response to date with respect to
10 parishioners and the public, can you comment on that from
11 the institutional perspective?

12 **REVEREND DOYLE:** I think there's been a
13 mixed response. Of course, historically, there was no
14 response because the public never found out, and when they
15 did find out, they were told, "It's not true; didn't
16 happen; no comment".

17 But the lines in some ways are hardened and
18 there are members in the believing public, catholic
19 parishioners who are -- they don't believe any of this
20 happened. They can't believe it. There's a denial there.
21 And there are others that do believe it happened and under
22 no circumstances will they ever find anything but scorn for
23 bishops and clergy. I think the institutional church, the
24 bishops, have the leadership role of trying to bring about
25 some form of reconciliation and this is a tough one.

1 **MR. ENGELMANN:** Yes.

2 **REVEREND DOYLE:** To begin to say to the
3 public, "This stuff did happen. We are a human
4 organization. We're not above the law or above you. We
5 did make mistakes. We want to listen and try to make it
6 better."

7 **MR. ENGELMANN:** And that reconciliation,
8 just with parishioners or are you talking about the general
9 public?

10 **REVEREND DOYLE:** The general public as well
11 because any church is a major player in the public
12 spectrum, in the society.

13 One way or another, whether you believe in
14 it or not, in Canada, catholicism is a major player in this
15 town and in this province I am sure. It commands a lot of
16 respect; a lot of power; it takes care of a lot of health
17 care institutions; social welfare and so on; plus the
18 worship issues. So I think that has to be taken into
19 consideration; the impact on the community.

20 **MR. ENGELMANN:** What about lastly, sir,
21 response with respect to some church authorities.

22 For example, how the Vatican or perhaps
23 conference of bishops have dealt with catholic bishops and
24 other officials on issues of this nature?

25 **REVEREND DOYLE:** Yes. Another criticism

1 that I have had and that others have had is that the focus
2 has been on the offending priests or deacons with the
3 legislation, the Dallas Charter and others. You know,
4 "We'll fulfill our promise to you that no priest will ever
5 serve again who has offended children. Children will be
6 safe."

7 However, the fact remains is that there is
8 still concern. It's voiced in all of these reports over
9 the role of the institution, namely the bishops, played in
10 allowing this to happen or not responding adequately. And
11 there has been to date no penal action against any bishop
12 who has been known to have sexually abused a child, other
13 than retirement, but there's been no penal action. And
14 there's been nothing -- no action against those bishops, or
15 archbishops, or cardinals who have knowingly allowed
16 priests to be transferred and therefore continue to abuse.

17 So that's one issue on the institutional
18 response.

19 The Vatican, I believe, has tended to --
20 they've wanted to support and protect the bishops above
21 all.

22 **MR. ENGELMANN:** All right.

23 Sir, in closing, I know that you continue to
24 work in this area as a Dominican priest. Are you currently
25 doing some research in the area?

1 **REVEREND DOYLE:** I'm doing research right
2 now in three areas.

3 One is the area of the institutional
4 response. You know, why institutions -- why the Catholic
5 Church as a hierarchal institution responds as it does.
6 But the other research that's more -- that research is
7 reading other articles.

8 I've got two issues going on right now. One
9 is I'm trying to gather information on the amount of sexual
10 abuse and physical abuse that happened in catholic
11 orphanages. Because we never had the numbers in the States
12 that you all have had in Canada, especially in Quebec, and
13 I'm being deluged by a massive amount of information and I
14 will be helped with some professionals in this.

15 And the other area that I think is equally
16 important is -- you know, the bishops have made a lot of
17 promises, "We'll do this, we'll do that. We're changing
18 our attitudes. We're learning."

19 I've been trying to find out instances in my
20 own country where people who have been sexually abused, or
21 their families, have had positive responses and experiences
22 with bishops, priests, religious men or women or diocesan
23 review boards. So I've got the lines cast out. Because
24 the general reaction is going to be no, no, no, no, but I
25 know there are good instances and I've heard about them and

1 I want to publicize this in my naïve hope of someday
2 bringing about a little bit more reconciliation.

3 **MR. ENGELMANN:** Sir, are you looking for
4 those responses in other countries aside from the United
5 States?

6 **REVEREND DOYLE:** Thus far I'm just dealing
7 with the United States. That's big enough and it's complex
8 enough.

9 And a third area that I'm working -- or a
10 fourth area, is the costs of sexual abuse, and what we're
11 looking at there is not just church costs but of child
12 sexual abuse across the board. We're going to focus on one
13 state.

14 I know a study was done in Canada and we're
15 trying to get our hands on that to see what the template
16 was, how it was done, to get an idea of costs of sexual
17 abuse of children in the States.

18 **MR. ENGELMANN:** Sir, I wish you good luck in
19 your research. Thank you for answering my questions, and
20 could you please answer the questions that some of my
21 friends may have for you.

22 **REVEREND DOYLE:** Thank you. I will. Thank
23 you very much.

24 **THE COMMISSIONER:** Have we decided on an
25 order of cross-examination?

1 **MR. ENGELMANN:** No actually. I'm not sure.

2 **THE COMMISSIONER:** Well, ---

3 **MR. ENGELMANN:** I don't know if people want
4 to follow the usual order or if they want to change the
5 order.

6 **THE COMMISSIONER:** Well, I understand --
7 like, yesterday Mr. Sherriff-Scott closed off.

8 **MR. ENGELMANN:** Yes.

9 **THE COMMISSIONER:** So I don't know if Mr.
10 Talach wants to close off or how that would go.

11 **MR. TALACH:** I'm satisfied with the normal
12 order, Mr. Commissioner.

13 **THE COMMISSIONER:** Fine. Thank you.
14 Mr. Wardle.

15 **---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

16 **WARDLE:**

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. WARDLE:** Thank you, sir.

19 Father Doyle, I've already introduced myself
20 to you, but I'll just indicate who I represent. And you've
21 also met Mr. Scott, who is one of my clients.

22 **REVEREND DOYLE:** Yes.

23 **MR. WARDLE:** I act for a group called
24 Citizens for Community Renewal, which is an organization of
25 concerned Cornwall citizens, which is determined to promote

1 needed institutional reform so as to ensure the protection
2 of children and justice for all.

3 I want to start by asking you some questions
4 about the similarities and differences, if I can put it
5 that way, between Canada and the United States. And I just
6 -- I want to start with the John Jay Study if I might,
7 which ---

8 **REVEREND DOYLE:** I don't think I have a copy
9 of the study in front of me.

10 **MR. WARDLE:** Well, the conclusions of the
11 study are referred to in the National Review Board Report;
12 correct?

13 **REVEREND DOYLE:** Yes, they are. That I do
14 have.

15 **MR. WARDLE:** And that is in -- it's Tab 19.

16 **REVEREND DOYLE:** I've got a copy -- my own
17 copy, and I've got Father Morrissey's copy here, his book.
18 So I've got it.

19 **MR. WARDLE:** And perhaps you could just tell
20 us what the John Jay Study consisted of?

21 **REVEREND DOYLE:** The John Jay Study was a
22 study mandated by the American Catholic Bishops and they
23 contracted the John Jay College of Criminal Justice to
24 conduct a study into the incidents of sexual abuse by
25 clerics, namely deacons and priests, in the United States

1 between 1950 and I think the cut off year was 2002, I
2 think.

3 They sent out -- they interviewed a lot of
4 people. They mostly got the data from the bishops
5 themselves, which included how many instances of --
6 accusations of sexual abuse, the gender. There was a lot
7 of detail. They also sent questionnaires out to religious
8 orders and got information from them and from the diocesan
9 priests throughout the United States.

10 They were looking for numbers, the
11 incidents, what was the spectrum of male to female and what
12 was the age spectrum and what was the number of reports,
13 the number of accused, vis à vie the total number of
14 priests who served in that period.

15 **MR. WARDLE:** So we've now got up on the
16 screen page 21 of the John Jay College study. This is the
17 description of the study in the National Review Board
18 Report.

19 And it appears that it covered the time
20 period from 1950 to 2002?

21 **REVEREND DOYLE:** I was right. Okay.
22 What page is that on?

23 **MR. WARDLE:** That's at page 21.

24 **REVEREND DOYLE:** Twenty-one (21). Okay.

25 **THE COMMISSIONER:** That it is.

1 **REVEREND DOYLE:** Okay. I've got it.

2 **MR. WARDLE:** And then -- and I'm not going
3 to go through all of this with you, but obviously the
4 statistics that perhaps jumps out is that as set out at
5 page 22, that 4 per cent of the roughly 110,000 priests
6 active in ministry between 1950 and 2002 were accused of
7 engaging in sexual abuse of a minor; correct?

8 **REVEREND DOYLE:** That's correct.

9 **MR. WARDLE:** And that statistic, four
10 percent or something around four per cent, is consistent
11 with that of other studies, as I understand it?

12 **REVEREND DOYLE:** I will say that from what I
13 understand it's consistent or a little low from a couple of
14 other studies. I've heard nine per cent and six per cent.

15 **MR. WARDLE:** If anything, you might expect
16 that there might be some under-reporting. You certainly
17 wouldn't expect over-reporting; correct?

18 **REVEREND DOYLE:** Yes, and it appears that
19 there was some under-reporting from this, but that's
20 anecdotal on my part.

21 **MR. WARDLE:** And then in the pages that
22 follow, and we don't have the actual study here, but this
23 report summarizes various information gathered from the
24 study, some of which you've already dealt with, information
25 regarding accused priests, the victims, et cetera, type of

1 reported abuse. It goes on for a number of pages here.

2 We don't have an equivalent study like this
3 for Canada, do we, as far as you're aware of?

4 **REVEREND DOYLE:** Not that I know of.

5 **MR. WARDLE:** In fact, there's been no other
6 study like this anywhere in the world; correct?

7 **REVEREND DOYLE:** Not that I know of.

8 **MR. WARDLE:** But as I understood it from the
9 evidence we've heard over the last couple of days, the
10 organization, if I can put it that way, of the Catholic
11 Church in Canada, it's organized in exactly the same way as
12 in the United States?

13 **REVEREND DOYLE:** It is.

14 **MR. WARDLE:** And the training and formation
15 of priests in this country historically, to your knowledge,
16 has been very similar to that in the United States;
17 correct?

18 **REVEREND DOYLE:** That's correct.

19 **MR. WARDLE:** And there is no national
20 boundary between Canada and the United States insofar as
21 the Roman Catholic Church is concerned; correct?

22 **REVEREND DOYLE:** No. I mean, the church is
23 the church.

24 **MR. WARDLE:** Right.

25 **REVEREND DOYLE:** It's basically the same

1 structure. There are a lot of cultural differences
2 obviously, but the same structure.

3 **MR. WARDLE:** And as far as you know, is
4 there any difference between the two countries in terms of
5 where candidates for the priesthood are drawn from for
6 example?

7 **REVEREND DOYLE:** I don't think there is a
8 distinctive difference, and I've not seen any studies in
9 the past 10 years of -- well, I take that back. I saw one
10 that I haven't yet read as to where candidates in the
11 priesthood in the States are being drawn from. They are, I
12 know, are older and because the little -- the high school
13 age seminaries are generally closed down.

14 **MR. WARDLE:** And let me ask you this; is
15 there anything that you can think of that's inherently
16 different about the structural arrangements that is between
17 bishops, priests and other religious in terms of the
18 organization that would be different in the two countries?

19 **REVEREND DOYLE:** I don't think there is
20 anything that's significantly different. There may be
21 certain committees, certain approaches to dealing with
22 things that are different from a cultural and ethnic
23 difference, but as far as the Church's own structure, no,
24 there isn't any difference that I know of.

25 **MR. WARDLE:** So is there any reason from

1 your vantage point to expect that if a similar study was
2 done in Canada today the results would be markedly
3 different?

4 --- OBJECTION BY/OBJECTION PAR MR. DAVID SHERRIFF-SCOTT:

5 MR. SHERRIFF-SCOTT: I object to that
6 question, Commissioner.

7 THE COMMISSIONER: M'hm.

8 MR. SHERRIFF-SCOTT: Perhaps we should wait
9 for such a study to be done. I appreciate the foundation
10 he has laid here as saying there is no difference here and
11 there.

12 THE COMMISSIONER: M'hm.

13 MR. SHERRIFF-SCOTT: The witness is not
14 equipped to give that kind of information. This is based
15 on a comprehensive study. The witness hasn't been involved
16 in a study in Canada and the factors in Canada haven't been
17 analyzed. So maybe we should wait for that before trying
18 to get statistical information out of the mouth of a
19 witness through another report on a study that hasn't been
20 done.

21 THE COMMISSIONER: Mr. Wardle.

22 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

23 PETER WARDLE:

24 MR. WARDLE: Well, I was careful to lay the
25 foundation, Mr. Commissioner, and I realize this gentleman

1 is not from the John J. College. But I was simply
2 attempting to establish through his experience and
3 observation, and he has been qualified as an expert, that
4 you know, one would expect that the findings would be
5 similar based on the fact that there aren't a lot of
6 differences between the two countries in the ways I have
7 mentioned.

8 So to me it's fair game, the foundation
9 having been laid. Again, it's an issue that goes to weight
10 at the end of the day.

11 **THE COMMISSIONER:** You can answer the
12 question.

13 **REVEREND DOYLE:** One of the factors, I
14 think, that enters -- that has entered into the incidence
15 of sexual dysfunction among clergy has been the formation
16 process. And this is mentioned again in these reports
17 where it has been intellectual ---

18 **THE COMMISSIONER:** But that's not the
19 question.

20 **REVEREND DOYLE:** No, I'm getting to the ---

21 **THE COMMISSIONER:** Okay.

22 **MR. WARDLE:** I think he is getting to the
23 question.

24 **REVEREND DOYLE:** I'm getting to the answer.

25 **MR. WARDLE:** I don't think he's forgotten

1 the question.

2 **REVEREND DOYLE:** No, I haven't forgotten the
3 question, sir.

4 What I'm simply saying is that the formation
5 in itself has been pointed to by many including in these
6 reports as having a significant impact on the sexual
7 immaturity of certain of the clergy. Now, the formation
8 systems in the two countries are basically the same as far
9 as I know. You may find more significant differences in
10 formation systems in some of the European countries as
11 opposed to the English-speaking countries.

12 So from that respect, because there are
13 cultural similarities, very much so between English Canada
14 and the United States, and maybe a little bit lesser
15 between Quebec and the United States, but I think that
16 there would be -- there would be reason to say perhaps the
17 results of a similar study would be similar. Now, I can't
18 say they would be, because I haven't seen such a study but
19 it would be worth looking into.

20 **MR. WARDLE:** In any event, you would agree
21 that the John J. study gives us some valuable information
22 that can be applied for experience and use in the future in
23 Canada, in thinking about what we do about this problem?

24 **REVEREND DOYLE:** I think it's a great
25 template.

1 **MR. WARDLE:** Okay.

2 **REVEREND DOYLE:** And very beneficial. As I
3 said, I'm looking for the one that Canadians have done on
4 costs. I'd like to get my hands on that, and I think the
5 John J. study is certainly a noble and ---

6 **MR. WARDLE:** Now, let's just talk a little
7 bit, if we can, about the differences between Canada and
8 the United States. And I want to make sure that I've got
9 them straight.

10 As I understand it, in the two countries in
11 terms of canon law, everything was exactly the same until
12 the adoption of the Dallas Charter and the essential norms.
13 Is that correct?

14 **REVEREND DOYLE:** That's correct.

15 **MR. WARDLE:** And then what happened in 2001
16 and 2002 with the adoption of the norms is that the U.S.
17 bishops went to Rome and had the Pope approve a special
18 law, the norms, that applied only in a specific country,
19 the United States.

20 **REVEREND DOYLE:** Exactly.

21 **MR. WARDLE:** And if we can just turn that up
22 for a moment at Tab -- I think it's Tab 18. I've got the
23 comparison of the two texts because there have been some
24 amendments.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. WARDLE:** So we were given, sir, by
2 Father Morrissey or through Father Morrissey, the norms in
3 the original version in 2002 and then he told us that there
4 had been some changes in 2006.

5 **REVEREND DOYLE:** That's right.

6 **MR. WARDLE:** So you've got the document in
7 front of you that has both of them?

8 **REVEREND DOYLE:** The comparative one and I
9 had -- the one that I had done the outlining on is in the
10 office I'm using. So I don't have it. It would take me
11 longer to find the differences that are important.

12 **MR. WARDLE:** So as we established the other
13 day, if we turn to Item 8 that's what's known as the one-
14 strike-you're-out policy?

15 **REVEREND DOYLE:** Yes.

16 **MR. WARDLE:** And then a little further on,
17 Item 11, there is a provision that says that:

18 "The diocese will comply with all
19 applicable civil laws with respect to
20 reporting."

21 Correct?

22 **REVEREND DOYLE:** That's correct.

23 **MR. WARDLE:** And as I understand it, before
24 that came into effect, there was nothing in canon law and
25 there is still nothing in canon law that requires reporting

1 to secular authorities, correct?

2 REVEREND DOYLE: That's correct.

3 MR. WARDLE: Okay.

4 So this is an important difference between
5 Canada and the United States because we don't have anything
6 like Items 8 and Items 11 as part of canon law. Correct?

7 REVEREND DOYLE: That's correct.

8 MR. WARDLE: Okay.

9 Just thinking about what you have talked
10 about this morning and your experience with this issue over
11 the last 15 years, one of the things you've talked about
12 quite a lot is the difference between, you know, rules and
13 regulations and actually putting them into effect. I think
14 you said that From Pain to Hope was -- I'm not sure if the
15 word you used was "brilliant" but something like brilliant.

16 REVEREND DOYLE: Yes.

17 MR. WARDLE: But that you're always looking,
18 if I can suggest this to you, you're always looking to make
19 sure that things like protocols are put into action?

20 REVEREND DOYLE: Absolutely, because I do
21 believe that there is a tendency on the part of
22 institutions whether they are church or not, to think that
23 if we write something that sufficient the problem is
24 solved. If we've issued a decree, we have protocols in
25 place and I'm off the hook. Look, we've got the Dallas

1 Charter. We've done it all.

2 The Dallas Charter is totally worthless
3 unless things happen, unless the key provisions of that
4 come into action. It's like Pain to Hope.

5 **MR. WARDLE:** Now, let me ask you this
6 question: Do you think that it's a useful exercise to have
7 a law like the Dallas Charter that applies on a national
8 basis to a particular country? I'm sure you've been asked
9 this question before, for example for Ireland.

10 **REVEREND DOYLE:** Yes, and I do think it is a
11 useful exercise to have a uniform policy that is not just -
12 - because if it is suggested as Pain to Hope was, you're
13 going to end up several years down the line with another
14 document such as the 2005 critique of From Pain to Hope
15 which mainly said these things look nice but they weren't
16 done.

17 And that's the issue, and the same thing
18 with the United States. I suspect, as we go down the line
19 a little further, the Dallas -- the essential norms will be
20 further refined and changed to reflect the needs that have
21 arisen and the critiques of some of these.

22 **MR. WARDLE:** Let me just ask you, because I
23 want to make sure we're clear on this; and Father Morrissey
24 obviously hasn't, perhaps, been involved as much as you
25 have in events in the United States. Just looking at

1 Article 8, just can you take us through quickly, if an
2 allegation is made and it's reported to a -- let's say a
3 diocese that has a completely up-to-date protocol, you
4 know, following Dallas, and it has people who are committed
5 to making things happen.

6 REVEREND DOYLE: Okay.

7 MR. WARDLE: Okay. And an allegation comes
8 in, I take it you would expect that that protocol would
9 require reporting to secular authorities at the same time?

10 REVEREND DOYLE: The protocol requires that
11 they do a report to the secular authorities and I suspect
12 that that would happen after the allegation is somewhat
13 verified that it's not a -- you know, the rantings of a mad
14 person or something of that nature.

15 MR. WARDLE: So for example, Father Morrisey
16 said, you know, not a crank call. So you ---

17 REVEREND DOYLE: Not a crank call.

18 MR. WARDLE: --- you would want to check it
19 out to make sure it's not a crank call?

20 REVEREND DOYLE: My suspicion is that there
21 would be some checkout done very quickly before a report
22 was made to the secular authorities.

23 MR. WARDLE: All right.

24 Now, at the stage where a report is made to
25 the secular authorities there would be some form of

1 preliminary investigation by the diocese, as I understand
2 it?

3 **REVEREND DOYLE:** Yes, there would.

4 **MR. WARDLE:** And would that preliminary
5 investigation be subject to confidentiality or what we
6 would call secrecy?

7 **REVEREND DOYLE:** It would be subjected to
8 confidentiality but not absolute total secrecy.

9 **MR. WARDLE:** All right.

10 So in other words, that preliminary
11 investigation would take place before any formal canonical
12 procedures, if I can put it that way?

13 **REVEREND DOYLE:** I believe so.

14 **MR. WARDLE:** Okay. And then, as I
15 understand it, under the Dallas Charter, before you can
16 remove someone permanently from ecclesiastical ministry,
17 you have to have the either admission or establishment of
18 the offence. Correct?

19 **REVEREND DOYLE:** Correct.

20 **MR. WARDLE:** And that probably would involve
21 some formal canonical process; is that correct?

22 **REVEREND DOYLE:** That's correct, it does.

23 **MR. WARDLE:** And that's where we run into,
24 as I understand it, again -- we run into the Vatican
25 because in 2001 it was decreed by the Vatican that these

1 matters would be reserved to the Congregation of the
2 Doctrine of the Faith?

3 REVEREND DOYLE: Correct.

4 MR. WARDLE: So at that stage the matters
5 were moved to Rome, and then as I understood it, you said
6 there were three alternatives. One is they can be sent
7 back to the local bishop to be dealt with; correct?

8 REVEREND DOYLE: Correct.

9 MR. WARDLE: The second is that it gets
10 dealt with by the Congregation itself?

11 REVEREND DOYLE: Correct.

12 MR. WARDLE: And we heard already about the
13 backlog of cases before that body.

14 And did I understand the third is there can
15 be a recommendation to the Pope for effectively an
16 administrative decree?

17 REVEREND DOYLE: That's correct.

18 MR. WARDLE: Okay. Now, in Canada, as I
19 understand it, because we don't have the equivalent of the
20 Dallas Charter, we're left with canon law, the 1983 canon
21 law, plus the changes that have taken place since then in
22 2001; correct?

23 REVEREND DOYLE: Correct.

24 MR. WARDLE: Plus whatever local protocols
25 have been established under the auspices of From Pain to

1 Hope?

2 **REVEREND DOYLE:** That's what I understand.

3 **MR. WARDLE:** All right.

4 And again, I really have the same questions;
5 if an allegation comes forward, and let's say the protocol
6 is up-to-date, there would be some kind of first-level
7 investigation to determine that there's something to the
8 allegation; correct?

9 **REVEREND DOYLE:** Correct.

10 **MR. WARDLE:** And then at that stage there
11 presumably should be reporting to the secular authorities,
12 if the protocol has been written properly; correct?

13 **REVEREND DOYLE:** Correct.

14 **MR. WARDLE:** And then a diocesan
15 investigation which may or may not await the outcome of the
16 secular investigation, if I can put it that way?

17 **REVEREND DOYLE:** That's my understanding.

18 **MR. WARDLE:** Okay. And this is where I'm a
19 little -- I was a little tangled up. I'm not sure I got it
20 completely correct with Father Morrissey the other day. Is
21 that process covered by any Vatican secrecy at this point
22 in time?

23 **REVEREND DOYLE:** If the -- once the process
24 of investigation begins, my understanding is that that
25 investigation is covered by the norms of the document from

1 2001 which does impose the secrecy. Once the process is
2 started, the secrecy is imposed.

3 **THE COMMISSIONER:** What -- when the process
4 is started, and you're saying it starts right at the
5 beginning of the investigation or ---

6 **REVEREND DOYLE:** No, the process itself,
7 sir, would start with the issuance of a decree by the
8 bishop.

9 **THE COMMISSIONER:** Right.

10 **REVEREND DOYLE:** Some form of a decree
11 enacting or mandating the preliminary investigation. That
12 would be the beginning of the process.

13 When a call comes into the chancellory,
14 let's say at five o'clock on Saturday night, and the
15 chancellor gets it and says, "Father so and so sexually
16 abused this girl last week." "Who said it?" "Well, we
17 don't know." He's got to verify that call. He's got to
18 verify something about the report before he takes it to the
19 next step, and then once the process itself is started --
20 I'm trying to give you analogy in civil law, but I can't
21 right off the top of my head.

22 **MR. WARDLE:** I guess what I -- well, we
23 couldn't -- I couldn't, because I haven't been studying
24 canon law as much as my friend, Mr. Talach. What I
25 couldn't establish through Father Morrissey is once there is

1 an investigation underway by the bishop, that we would call
2 an ecclesiastical investigation, is the -- does the 2001
3 document require secrecy in connection with that
4 investigation?

5 **REVEREND DOYLE:** I'll tell you what. I can
6 answer that question if you let me take a look at the 2001
7 document.

8 **MR. WARDLE:** Yes, we'll turn it up.

9 **REVEREND DOYLE:** Okay. I can read it better
10 here on the ---

11 **THE COMMISSIONER:** Mr. Wardle, what you're
12 talking about -- just help me out -- is when Father
13 Morrisey said that once the process starts, the victim
14 cannot -- is sworn to secrecy and if he goes outside of
15 that and speaks of it then he would be subject to
16 discipline by the Church?

17 **MR. WARDLE:** Yeah. I'm going to come to
18 sort of the -- I was using secrecy in a general term, but
19 I'll break it down in a minute.

20 **THE COMMISSIONER:** All right. Okay.

21 **MR. WARDLE:** We're looking at Tab 23, and
22 the norms are set out in the second -- page 108. And then
23 the letter from Cardinal Ratzinger is at the next tab, Tab
24 24.

25 **REVEREND DOYLE:** M'hm.

1 **MR. WARDLE:** And while you're looking at it,
2 sir, I'm just going to remind you that they're -- in the
3 Ratzinger letter, as I understand it, there's a footnote to
4 that 1962 document that has caused a lot of debate.

5 **REVEREND DOYLE:** A footnote to the '62
6 document?

7 **MR. WARDLE:** Correct.

8 **REVEREND DOYLE:** A footnote about the '62
9 document or to it? Okay.

10 Well, on the '62, the question is whether it
11 was still intact after 1983. After 1983, all the laws
12 before that fell.

13 **MR. WARDLE:** And I appreciate you've been
14 concentrating on the United States ---

15 **REVEREND DOYLE:** Yeah.

16 **MR. WARDLE:** --- but we heard some evidence
17 from Father Morrissey on this issue and, as I understand it
18 from what he said, when Cardinal Ratzinger sent out this
19 letter in 2001 and footnoted the 1962 document; first of
20 all, that was the first time many people had even heard of
21 it.

22 **REVEREND DOYLE:** That's right.

23 **MR. WARDLE:** And secondly, raised the issue
24 about whether it was still in effect even though there had
25 been this re-enactment of the Code in 1983.

1 Do you have a view on whether the document
2 continues to actually have some effect outside the United
3 States?

4 **REVEREND DOYLE:** Well, the 2001 norms apply
5 to the whole world.

6 **MR. WARDLE:** Right.

7 **REVEREND DOYLE:** And that's where it was
8 mentioned. It mentioned -- it said in there that -- in
9 fact, I can give you the exact -- no, I can't give you the
10 exact quote; it would take me a few minutes. But Cardinal
11 Ratzinger said in his letter that the 1962 document in
12 effect until today is no longer binding, or in effect until
13 now.

14 Now, that, on its face, says -- and that's a
15 legal document -- that this document of '62 remained in
16 effect even after the 1983 Code was promulgated, and at
17 that time, anything contrary to the 1983 Code fell in '83.

18 So the question arose, does the '62 document
19 have force between '83 and 2001 or was it dead in '83?

20 **MR. WARDLE:** Okay.

21 **REVEREND DOYLE:** I think it's a moot issue
22 because it wasn't used that much anyway.

23 **MR. WARDLE:** All right.

24 So now we're in 2001 ---

25 **REVEREND DOYLE:** Yes.

1 **MR. WARDLE:** --- and we have this, as I
2 understand it, an instruction ---

3 **REVEREND DOYLE:** Yes, which is a law.

4 **MR. WARDLE:** --- from the Pope with the
5 norms, and I guess the question is -- I come back to the
6 same question, does secrecy apply to this, you know,
7 canonical process at the early stages when there's a formal
8 investigation by the bishop?

9 **REVEREND DOYLE:** I think what I would -- if
10 I can continue that question to clarify it in my own mind,
11 it would seem then that if the bishop has initiated a
12 formal investigation and he has something there to go on,
13 is he obliged to also respond to the Dallas Charter, to the
14 essential norms, to notify the civil authorities?

15 **MR. WARDLE:** Well, no, remember we're
16 talking about outside the United States.

17 **REVEREND DOYLE:** Okay.

18 **MR. WARDLE:** So we'd be talking about
19 Canada, and in Canada let's say we have exactly the
20 situation, the hypothetical I've been describing and, you
21 know, the phone call comes in. There's some initial
22 investigation.

23 **REVEREND DOYLE:** Yeah.

24 **MR. WARDLE:** Let's say secular authorities
25 are notified and then the bishop starts a formal

1 investigation. Is that investigation under the secrecy of
2 the Holy Office?

3 **REVEREND DOYLE:** That's the question I'm
4 looking to get you an answer for right now. And I'm
5 looking not so much in the documentation in the article by
6 Father Scicluna, which follows it.

7 **THE COMMISSIONER:** Perhaps we can take the
8 afternoon break, and that will give him some time to look
9 at it?

10 **MR. WARDLE:** Certainly.

11 **THE COMMISSIONER:** Thank you.

12 **THE REGISTRAR:** Order; all rise. À l'ordre;
13 veuillez vous lever.

14 The hearing will resume at 3:15.

15 --- Upon recessing at 3:00 p.m./

16 L'audience est suspendue à 15h00

17 --- Upon resuming at 3:18 p.m./

18 L'audience est reprise à 15h18

19 **THE REGISTRAR:** The hearing is now resumed.
20 Please be seated. Veuillez vous asseoir.

21 **THE COMMISSIONER:** Yes, Mr. Wardle.

22 **THOMAS P. DOYLE, Resumed/Sous le même serment:**

23 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

24 **WARDLE (cont'd/suite):**

25 **MR. WARDLE:** So I think we had left -- you

1 were going to have a look at these documents over the break
2 and then give me an answer.

3 **REVEREND DOYLE:** My answer to the question
4 is that after reading the two documents in question, and
5 without having available to me the third document which is
6 that which deals specifically with the nature of the
7 pontifical secret, my opinion, which is certainly open to
8 being reversed, is that the obligation of secrecy does not
9 begin to bind until the case is accepted by decree of the
10 Congregation for the Doctrine of the Faith.

11 And I read in the document signed by
12 Cardinal Ratzinger that after the ordinary has probable
13 knowledge of a reserved delict, has probably knowledge,
14 which is the equivalent of saying, "We think the accusation
15 is not totally superfluous", and after he's carried out the
16 preliminary investigation mandated by law then the issue,
17 the matter is referred to the Congregation for the Doctrine
18 of the Faith.

19 And based on my reading of it, because they
20 seem to frame these things in such a way that this takes
21 place first and that this preliminary investigation is not
22 in fact part of the process that will be used by the
23 congregation under 2001 decree, that the obligation of
24 pontifical secrecy begins when the process initiates in the
25 holy office.

1 And while you were gone, I reflected on the
2 fact that -- I'm sorry, when I say "holy office" I mean the
3 congregation.

4 In fact, over here there have been
5 preliminary investigations that had been discussed with
6 others so they've not been subject to the secrecy, and in
7 fact once the ecclesiastical trial has begun that's when
8 the secrecy has been imposed. At least that's when the
9 people handling the trial have understood the secrecy to
10 start, or the confidentiality.

11 **MR. WARDLE:** So we shouldn't have any
12 concern here in what we're doing in this Inquiry, that if
13 there is a preliminary ecclesiastical investigation by a
14 bishop since 2001, your view would be there is no
15 pontifical secret or anything of that kind that would apply
16 at that stage?

17 **REVEREND DOYLE:** That's my view.

18 Now, I have to tell you that the way canon
19 law works is that somebody probably should write this up in
20 the form of an inquiry, have a bishop sign it and send it
21 to the congregation for the -- there's a special office for
22 the interpretation of legal texts over there. They would
23 issue a definitive answer, an official application of the
24 law.

25 And if it's not clear, which I don't think

1 it's perfectly clear, that could mean a special decree from
2 the law giver, the Pope, that would be known as an
3 "Interpretation" and that would clarify this.

4 So that's my answer.

5 **MR. WARDLE:** Now, in the United States --
6 just going back to the question the Commissioner asked this
7 morning. You know, we have the sort of an investigation by
8 the ecclesiastical authorities, sort of proceeds in steps.
9 We've talked about the initial, you know, maybe a few phone
10 calls to verify that there is something to this.

11 **REVEREND DOYLE:** Yes.

12 **MR. WARDLE:** And then a more formal
13 investigation. And then finally, perhaps with a secular
14 process going on at the same time, perhaps later, a very
15 formal process which is now done out of Rome, at least in
16 the first instance.

17 In the United States, at what stage would
18 the bishop be in to be able to, for example, conclude that,
19 you know, these are substantiated allegations? Whether
20 they're ever proven in the canonical sense or in the
21 criminal sense, you know, these are substantiated enough
22 that the bishop should take, you know, concrete action with
23 respect to the families of the victims?

24 **REVEREND DOYLE:** I would say that probably
25 at the conclusion of the preliminary investigation. Because

1 by that time what you have happening in the canonical
2 investigation, you're looking at sources of proof and
3 finding them credible and finding substance to the
4 allegation, and oftentimes then the issue is imputability
5 or mitigating circumstances. Not always but from my
6 experience.

7 And I think once there's some substance -- I
8 don't think there is anything from preventing the bishop to
9 go to the people or if he absolutely can't, from someone
10 else to go to them even before all this is going on and
11 saying, "We understand this is very traumatic. We're doing
12 the best we can to find the truth." And, you know, to do
13 something to reduce the adversarial atmosphere, to reduce
14 the pain that's going on, on all sides.

15 **MR. WARDLE:** And I think you said to my
16 friend, Mr. Engelmann, that that should be very personal.
17 It should be the bishop because the bishop in the diocese
18 is seen as the most senior figure?

19 **REVEREND DOYLE:** That's correct. And I base
20 that on, first, because I think the bishop is the most
21 important one there and his impact on the victims will be
22 far more important if he does it then if a vicar general
23 does it or if somebody says, "I'm representing the bishop",
24 and oftentimes they're going to say, "I don't care who you
25 represent. He's the one that should be here."

1 And when that has been done, it has had a
2 very, very positive healing effect with victims. And
3 granted, it can be very time consuming, and from my own
4 experience I can tell you it's extremely painful.

5 **MR. WARDLE:** And then just -- so just to
6 round this out before we go to another subject, prior to
7 2001 I take it what you said a few minutes ago was the 1962
8 document may have been in effect but so few people knew
9 about its existence that it probably doesn't matter anyway?

10 **REVEREND DOYLE:** I did say that and that's I
11 think a valid statement.

12 Not only was the 1962 document -- there is
13 hardly ever any evidence that I've seen of it, but also
14 almost no evidence that the ordinary judicial procedures
15 that everyone knew about were ever used. Because the 1962
16 document in many ways repeats what's also in the Code of
17 Canon Law for the criminal process.

18 **MR. WARDLE:** Let me just turn to another
19 subject, and I want to -- if I could come back to the
20 National Review Board document at Tab 19?

21 **REVEREND DOYLE:** Okay.

22 **MR. WARDLE:** I want to just talk for a
23 minute about the issue about civil claims, settlements, and
24 confidentiality agreements.

25 **REVEREND DOYLE:** Okay.

1 **MR. WARDLE:** And if we turn to page 119 of
2 the National Review Board Study, this is a -- I don't know
3 if you have that section. Maybe we can turn it up on the
4 screen.

5 **REVEREND DOYLE:** I've got it in front of me
6 right here.

7 **MR. WARDLE:** This is in a long section of
8 the report that talks about all problems in the past. And
9 you know, going back to page 112, "Dependence on the
10 Therapeutic Model", there is a list of all these problems.
11 And we come to item 6, which is, "Reliance on Attorneys",
12 and because of some of the sensitivities of people in this
13 room, I'm going to skip over part of that section.

14 But I want to just go over a little further
15 to page 122 at the top.

16 It must be late in the afternoon, Mr.
17 Commissioner, nobody is appreciating that.

18 **THE COMMISSIONER:** I caught that.

19 **MR. SHERRIFF-SCOTT:** I laughed.

20 **THE COMMISSIONER:** And seeing as that I'm no
21 longer a lawyer I can appreciate that.

22 **MR. WARDLE:** But this is a serious subject,
23 the use of confidentiality provisions, isn't it?

24 **REVEREND DOYLE:** Yes, it is, very serious.

25 **MR. WARDLE:** And I just wanted to get your

1 take on it. First of all, I mean, I think we all know that
2 both in Canada and the United States the use of
3 confidentiality provisions is common in civil litigation;
4 correct?

5 **REVEREND DOYLE:** Yes.

6 **MR. WARDLE:** And what's your experience been
7 in the United States with the use of those provisions and
8 whether it's had any impact on some of this coming to
9 light, if I can put it that way?

10 **REVEREND DOYLE:** My experience in the United
11 States has been mostly negative with regard to
12 confidentiality agreements. In many instances, the victims
13 have felt that they had no choice but to enter into them.
14 They felt afterwards that -- in some of these -- in fact,
15 I'm dealing with one right now where the perpetrator is
16 still functioning as a priest, and the young man was
17 subjected to a confidentiality agreement.

18 I've seen them written up in such a way so
19 that, for instance, one said that the individual could not
20 even go and seek out a therapist unless the name of the
21 therapist was approved by the diocese. I take that back.
22 In this case it was a religious order.

23 So I have seen that confidentiality
24 agreements have been, in the words of the victims, "Re-
25 victimizing". They've been looked upon as blackmail; as a

1 way for the institution to preserve the silence and the
2 secrecy without letting the public know.

3 And another fear has been that, "If I keep
4 this, so-and-so may still continue and there may be other
5 victims out there who need to come forward for the healing
6 process".

7 **MR. WARDLE:** And do you know of any
8 jurisdictions in the United States where, you know,
9 confidentiality clauses are not allowed in these types of
10 settlements?

11 **REVEREND DOYLE:** I can't answer that
12 question. I don't know.

13 **MR. WARDLE:** Okay.

14 **REVEREND DOYLE:** I know that the trend now
15 is the only time that they will -- if both parties agree
16 and especially if the plaintiff -- the plaintiff who are
17 the victims -- if they agree to it or desire it. And I've
18 seen it where they've said, "I want this kept silent. I
19 don't want people to know about this. That's not the
20 amount of money. That's not what I'm concerned about." I
21 respect that. I think they have to be respected.

22 But in other instances people have felt that
23 they have been re-victimized.

24 **MR. WARDLE:** All right.

25 Certainly, the suggestion here seems to be

1 that, you know, confidentiality clauses in settlements
2 should be reconsidered seriously by the Church. Do you
3 know if that has been put into action anywhere in the
4 United States?

5 **REVEREND DOYLE:** I believe the essential
6 norms reflect that it had been put into action, that there
7 are not to be confidentiality agreements unless they've
8 been instigated by the plaintiff or victim and agreed upon
9 by both.

10 **MR. WARDLE:** Can we just find that, because
11 that's something that I had overlooked.

12 **REVEREND DOYLE:** Sure.

13 **MR. WARDLE:** That's at Tab 18.

14 **THE COMMISSIONER:** M'hm.

15 **REVEREND DOYLE:** That's where ---

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **THE COMMISSIONER:** Page 122.

18 **REVEREND DOYLE:** --- 122?

19 **THE COMMISSIONER:** Is that what you're
20 looking for, confidentiality clauses that bound the victim
21 from speaking?

22 **REVEREND DOYLE:** What I'm looking for is the
23 essential norms.

24 **MR. WARDLE:** No, we're looking for the --
25 it's Tab 18 is the essential norms.

1 **REVEREND DOYLE:** Sorry. Oh, okay. These
2 would be the revised version.

3 **MR. WARDLE:** Mr. Engelmann is just telling
4 me it may be in the charter and not in the norms.

5 **REVEREND DOYLE:** I believe he probably is
6 right.

7 **MR. ENGELMANN:** The charter, I think, is in
8 the previous ---

9 **REVEREND DOYLE:** Yeah, it would be the
10 previous tab.

11 **THE COMMISSIONER:** Seventeen (17)?

12 **REVEREND DOYLE:** No.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **THE COMMISSIONER:** Don't see it.

15 **MR. ENGELMANN:** Sir, it's Article 3, page 6
16 of Tab 13.

17 **REVEREND DOYLE:** Okay, thank you.

18 **MR. WARDLE:** Now, just remind me of the
19 status of the charter in the United States. Is it also
20 part of -- considered part of canonical law or is it ---

21 **REVEREND DOYLE:** Yes, it is.

22 **MR. WARDLE:** Okay.

23 **THE COMMISSIONER:** Okay, and that's because
24 of the charter?

25 **REVEREND DOYLE:** Yes.

1 THE COMMISSIONER: Okay.

2 MR. WARDLE: So Article 3 says the diocese
3 is *eparchis*?

4 REVEREND DOYLE: *Eparchis*. Those are
5 diocese of the Eastern Rites, the Ukrainians, the Greeks,
6 the Russians and so on. That's the diocese for what we
7 call the Eastern Rites, the eastern churches.

8 MR. WARDLE: Thank you, sir. My reading on
9 this subject had left that part of that world out.

10 REVEREND DOYLE: Okay.

11 (LAUGHTER/RIRES)

12 MR. WARDLE: But it says that:

13 "They will not enter into
14 confidentiality agreements except for
15 grave and substantial reasons brought
16 forward by the victim survivor and
17 noted in the text of the agreement."

18 And I take it the purpose of this is to say
19 if there is going to be this kind of a clause it should be
20 because of valid reasons from the victim's end of the
21 spectrum and not from the point of view of either the
22 institution or the priest?

23 REVEREND DOYLE: Absolutely correct.

24 MR. WARDLE: And that's something we don't
25 appear to have. It's not discussed in From Pain to Hope

1 and, as far as you're aware, it's not in any Canadian
2 document that you've looked at?

3 **REVEREND DOYLE:** I suspect it was not
4 discussed in From Pain to Hope because they'd probably
5 hadn't even come up on the screen at that time. There was
6 not the proliferation of lawsuits. That's just a guess.

7 **MR. WARDLE:** And let me just -- while we're
8 talking about sort of civil remedies and the interaction
9 with apologies, you've also referred -- you've referred to
10 apology a little bit in your examination by Mr. Engelmann.

11 Can you think of a situation you've been
12 involved in, in the United States, that would be
13 instructive for us where you think there was an appropriate
14 apology, a process setup for apologies in conjunction with
15 one of these scandals that we've heard about?

16 **REVEREND DOYLE:** Yes, I can. I know of a
17 couple of situations when -- for instance, one has been a
18 bishop in New Jersey who meets with victims, spends time
19 with them for healing purposes. And I have to say that in
20 some instances bishops have met with victims for legal
21 purposes and the victims can generally sort that out very,
22 very quickly. But this was for pastoral purposes he met
23 with them, did apologize, did listen.

24 I have heard victims in other jurisdictions
25 say the same thing. Sometimes the Catholic Church believes

1 that if they have a ritual, a liturgy of some sort, that
2 this will take care of the issue, but those generally have
3 not been received well by the victim communities because
4 they feel that -- they think that all they got to do is put
5 a show on for us, some sort of a liturgy, and that will
6 satisfy the obligation. So those have not worked well at
7 all.

8 **MR. WARDLE:** So a pastoral letter, for
9 example, with an apology, your view would be that's
10 ineffective unless it's accompanied by something direct and
11 personal?

12 **REVEREND DOYLE:** My experience has been
13 that. Now, some people might find that effective and
14 satisfactory but everyone I've talked to, and that's many,
15 have said, "I want him to come to me and see me and talk to
16 me face to face. I want to tell him what it's been like
17 and I want him to tell me that he understands this",
18 referring to the bishop.

19 **MR. WARDLE:** And what about the concern
20 that, you know, if I was a bishop I would have that that
21 would have some implications for civil litigation my
22 diocese might be involved in?

23 **REVEREND DOYLE:** It may have some concern
24 for civil litigation but I've had -- I can't tell you how
25 many victims have said if they'd had done that there

1 wouldn't be any civil litigation. And I know that in most
2 of the time where I've seen that successfully done have
3 been with religious order superiors, provincials who have
4 done it.

5 And other instances the bishops have done
6 it, sometimes after the civil litigation has ended, after
7 the settlements have been done, and they've done it in some
8 instances before. And I'm sure that this is done in
9 concert with their attorneys. Some attorneys have said,
10 "Don't talk to them at all because that will only enhance
11 our liability" and this has enhanced the problem is what
12 it's done.

13 **MR. WARDLE:** One of the things -- and this
14 my friend, Mr. Bennett, asked me to ask you -- Mr. Bennett
15 has a particular interest in therapy issues because of the
16 clients he represents and he can't be with us this
17 afternoon. Have you seen coming out of the crisis in the
18 United States in the attempts that have been made to deal
19 with it, have you seen any useful therapy models for
20 victims of sexual abuse by clergy?

21 **REVEREND DOYLE:** I have.

22 **MR. WARDLE:** And can you just describe what
23 those look like?

24 **REVEREND DOYLE:** I have seen therapy models
25 first on a group level where there have been a group

1 therapeutic model for victims, generally men or women, and
2 some of them have been mixed. I have seen it done on a
3 one-on-one basis with therapists who have specialized in
4 dealing with sexual abuse by the clergy, and some by
5 Catholic clergy. I have known a number of people -- by
6 number I'd say maybe I can count them on two hands who have
7 in this process gone into training and actually specialized
8 in their training in dealing with a therapeutic relief for
9 people who have been sexually abused by clergy.

10 Another dimension of that is of course the
11 spiritual therapy, if you want to call it that; the
12 spiritual healing.

13 So there have been some models. It's not --
14 unfortunately, the institutional church, the dioceses and
15 the bishops, they would do well to sponsor something of
16 this nature, study into the issue of sponsorship,
17 scholarships for people to go away to study or something of
18 that nature but most of this, all of the endeavours I am
19 aware of have been privately -- people have initiated them
20 on their own or the victims groups themselves have
21 initiated it.

22 **MR. WARDLE:** And I take it just because of
23 the size of the United States and the scope of the
24 magnitude of the problem, there are people who probably
25 specialize almost exclusively in this area; is that right?

1 **REVEREND DOYLE:** There are, there are.

2 **MR. WARDLE:** Okay. Can we just talk, and
3 I'm really almost finished with you, sir.

4 Just in terms of changing attitudes, have
5 there been changes in the United States since the 2001
6 period and the Dallas Charter in terms of training given at
7 the seminaries for prospective priests and religious?

8 **REVEREND DOYLE:** Yes, there have been
9 changes, and let me say that I'm not an expert in
10 formation, but I am aware of the fact that there has been
11 changes. In my own community, for example, there has been
12 significant changes in the formation process in the whole
13 approach to human sexuality and to the concepts of intimacy
14 and into -- my own community has had a very frank approach
15 to the whole sexual abuse issue; not hiding it or
16 minimizing it saying, "This is a major problem and these
17 are some of the aspects of it".

18 It's a complex issue and at the root of this
19 complex issue is a very fundamental understanding of what
20 the Church governmental system is all about. You know,
21 deciding what the Church is; is it a hierarchical structure
22 that has to be preserved at all costs or is it a community?

23 **MR. WARDLE:** And I take it you wouldn't be
24 able to tell us what changes, if any, have taken place in
25 the United States; that's not your area of expertise?

1 **REVEREND DOYLE:** In seminary training ---

2 **MR. WARDLE:** Sorry, in Canada, you wouldn't
3 be able to tell us what changes have taken place in our
4 country, if any?

5 **REVEREND DOYLE:** No, I would not.

6 **MR. WARDLE:** Okay. We've talked on and off
7 over the last three days about -- with you and Father
8 Morrisey about the seal of the confessional. Do I take it
9 that that's something that is dealt with during the
10 training process when a seminarian comes in; that's a
11 subject that's covered in great detail?

12 **REVEREND DOYLE:** It was covered in detail
13 when I was going through my training and the detail took
14 place in about one sentence, and it was covered in the
15 canon law courses.

16 Basically, you're taught that with the
17 sacrament of confession a priest cannot, under any
18 circumstances, disclose the identity of the person either
19 in a general or a particular way or the content of the
20 confession. So if you say to me, "Did Justice Glaude go to
21 confession to you" I can't give any indication ---

22 **MR. WARDLE:** Right.

23 **REVEREND DOYLE:** --- non-verbal or verbal to
24 that. And that means that if it means suffering civil
25 penalties, the priest has to assume that.

1 **MR. WARDLE:** So let's say -- I guess what I
2 was thinking of was, you know, there is this potential
3 conflict, let's put it that way, to make it neutral between
4 the duty to report here under provincial legislation and
5 what might happen in the confessional.

6 **REVEREND DOYLE:** That's right.

7 **MR. WARDLE:** And, you know, my question was
8 really: Is a prospective priest given any guidance as to
9 what to do in that situation?

10 **REVEREND DOYLE:** I don't know if they're
11 given any guidance now. When I was a prospective priest
12 back in -- you know, almost 40 years ago there was none.
13 This issue was not even on the screen at that time. Some
14 of us knew that it existed but it was buried in deep, deep
15 secrecy. And it remained buried for a long time; for
16 years.

17 But I do think in the States -- I believe
18 there are at least two states where they do not waive
19 clergy privilege for reporting. In other words, there is a
20 mandatory reporting of any kind of abuse of children and
21 reporting officials, teachers, physicians, therapists, and
22 clergy have to report this. And in two states, the penalty
23 -- the priest-penitent privilege was not waived. In other
24 words, even if you hear this in confession you have to
25 report it. And of course that caused some problems. I

1 don't know of any practical application. I don't know any
2 instances where that has been challenged. But I do know
3 that generally priests would say, "That may be what the
4 civil law says but I'm not going to disclose, period."

5 **MR. WARDLE:** I guess what I was getting at
6 is, you know, there is an opportunity in the confessional
7 to have a dialogue and give advice.

8 **REVEREND DOYLE:** Now, that's another issue
9 and I think that's what's more practical. You can have a
10 dialogue. I would say most priests -- I certainly have
11 heard confessions of individuals who confessed to having
12 been engaged in sexual relations with their children, with
13 young people. I didn't ask the age. I was the kind of guy
14 that never asked a lot of questions.

15 But an option is to urge the individual to
16 seek assistance, seek counselling. And my approach was
17 always something that will be as non-threatening as
18 possible because they're here. They realize there is
19 something wrong with this. If you reach somebody that's
20 adamant and hardened, one possibility that a priest always
21 had would be to refuse absolution. "I don't think you're
22 sincere so I'm not going to give you absolution."

23 And this was something that was somewhat
24 commonly done in the old days. By common I can't give you
25 a number, but it was something that was discussed. And

1 that I do remember it being discussed in seminary.
2 Somebody is not sincere; if they persist in the sins, so to
3 speak, you can refuse absolution until they've taken
4 significant steps.

5 But that was before the days when we
6 regularly counselled people to get therapeutic intervention
7 for sexual issues.

8 **MR. WARDLE:** So in Canada where we have, you
9 know, this mandatory reporting requirement, there are
10 opportunities for priests in the confessional. They have
11 choices. There is advice they can give someone who comes
12 to them in that setting. And that is something that could
13 be dealt with in training, I assume.

14 **REVEREND DOYLE:** Absolutely. I mean that's
15 clearly something that can be dealt with. And I would
16 suspect maybe, but I don't know, that there would be
17 modules in training because this issue is, "What do you do
18 if you find out another priest is having sex with a kid?"

19 And there have been instances where priests
20 have walked in on it and walked right back out and said
21 nothing. What do you do when you hear it in confession or
22 in counselling, which in many instances the spiritual
23 counselling is treated the same as confession as far as the
24 inviolability of disclosure is concerned?

25 **MR. WARDLE:** Well, thank you very much, sir.

1 REVEREND DOYLE: Thank you.

2 MR. WARDLE: I appreciated you coming today.

3 REVEREND DOYLE: Thank you.

4 THE COMMISSIONER: Thank you.

5 Mr. Talach.

6 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

7 TALACH:

8 MR. TALACH: Good afternoon, Father Doyle.

9 My name is Rob Talach. I am one of the lawyers for the
10 Victims Group. And you may be aware but it's a group of
11 nearly 50 individuals who have come here to the Inquiry as
12 victims of sexual abuse and have a very strong interest in
13 its outcome.

14 REVEREND DOYLE: Sure.

15 MR. TALACH: I understand from your
16 background your first real exposure to this issue of clergy
17 abuse was commencing around 1983?

18 REVEREND DOYLE: Eighty-two ('82), actually.

19 MR. TALACH: Eighty-two ('82) and by the
20 spring of '85, you and three other individuals were working
21 on a very short deadline to get a report out to the U.S.
22 bishops?

23 REVEREND DOYLE: That's correct.

24 MR. TALACH: And that's the document that
25 you referred to as "The Manual"?

1 **REVEREND DOYLE:** That's correct.

2 **MR. TALACH:** And you were taking this -- I
3 take it that, of the three of you, different portions of
4 the document were a certain responsibility of some person
5 based on their expertise?

6 **REVEREND DOYLE:** That's right. We did divvy
7 it up and then we reviewed each other's and we discussed,
8 mutually discussed every part of it.

9 **MR. TALACH:** Okay. Were you the one
10 responsible for drafting the portions about civil or
11 secular confidentiality?

12 **REVEREND DOYLE:** No.

13 **MR. TALACH:** Okay. Turning to -- I'm not
14 going to take you to the article, but I understood you
15 wrote an article where you examined the canonical rights of
16 four parties; the bishops, the priests -- so that would
17 have been the priests in general, the victims and the
18 community, okay?

19 **REVEREND DOYLE:** That probably was an
20 article that -- reference to either 1988 or 1990.

21 **MR. TALACH:** I can go to it if ---

22 **REVEREND DOYLE:** Because there is two that I
23 wrote in -- two lengthy articles, one in 1988, one in 1990
24 and then another one in Studia Canonica on the rights of
25 priests. It was around that time. I think '90.

1 **MR. TALACH:** My question is with respect to
2 -- we heard a lot from Father Morrissey on the rights and
3 obligations of the bishops and the accused priest. I am a
4 little more curious today about under canon law,
5 canonically, what are the rights of -- let's start with the
6 victims.

7 Are they any articulated or rights or the
8 concepts that come out of canon law with respect to the
9 victims?

10 **REVEREND DOYLE:** There certainly are. I
11 mean there are a number of kinds. First off, the victims
12 are the victims of a canonical crime. So they have a right
13 to healing, they have a right to support; they have a right
14 to solace, so to speak.

15 These rights are not as clearly indicated as
16 the others because the others are connected to someone who
17 has been accused of something. These are people who have
18 not been accused of something.

19 My personal belief is that you have to look
20 beyond canon law for the rights of the victims. You look
21 to moral theology. You look to the very mission of the
22 Church itself.

23 And that's deeply grounded in the whole
24 mission of Christ which says that the marginalized, the
25 hurting are the ones you reach out to. They are the most

1 important ones. And even though canon law does not say it
2 specifically, this is an absolute -- that's absolutely no
3 excuse to ignore the victims or to treat them as the enemy.

4 **MR. TALACH:** I take it -- and I'll ask if
5 you agree with this statement, that the Code, the 1983
6 Code, for example, though it has some reference to the
7 laity, is relative absence of articulation as to the rights
8 of the layperson?

9 **REVEREND DOYLE:** The rights of the laypeople
10 are laid out in more general terms than the specific rights
11 of office holders in the Church, pastors, priests, bishops,
12 cardinals, papal nuncios, councils, religious, et cetera.

13 **MR. TALACH:** Is that answer with respect to
14 the rights of the lay victim, similar to with respect to
15 the right of the parish community or the church community?

16 **REVEREND DOYLE:** I would say the same.

17 **MR. TALACH:** Okay.

18 **REVEREND DOYLE:** They're very vaguely
19 articulated, if they are, and I think that reflects the
20 overall political philosophy of the Church, which is as a
21 stratified society.

22 **MR. TALACH:** Now, I know there was some
23 suggestion of your bias earlier, and I just want to ask you
24 about an award you received or a commendation you received
25 in 2003. I believe that was from your own religious order.

1 **REVEREND DOYLE:** Yes.

2 **MR. TALACH:** And a portion of the citation,
3 I understand to say:

4 "For work in drawing attention to the
5 clergy sexual abuse and for advocating
6 for the rights of victims and abusers."

7 **REVEREND DOYLE:** Correct.

8 **MR. TALACH:** Can you give us a little more
9 background on that, a commendation? I mean, the only
10 reference point I think a lot of us have is, you know,
11 through a workplace commendation or a military
12 commendation.

13 **REVEREND DOYLE:** The way it was done was the
14 Dominican Order is divided up into provinces like Canada is
15 divided up into provinces, and they have a meeting called
16 the Chapter every three years, which is a legislative
17 meeting of delegates from the whole province.

18 And in their work, they issue legislation,
19 do exhortatory stuff. And they issued a special
20 commendation for me at that time in commending me for the
21 work that I had done. Now, ironically, I didn't even know
22 it had happened until it was done. I was in the military
23 at the time, and then the whole thing was sent to the
24 Superior General in Rome who wrote back a special letter,
25 adding his level of commendation for what I had done for

1 victims.

2 And as I've said, I've considered as
3 important in many ways my work for the accused, and it's
4 all within the concept of justice. If they're guilty,
5 they're guilty, but they have to have due process.

6 **MR. TALACH:** So just to understand, because
7 it went to the Dominican Superior in Rome, this is sort of
8 an international commendation?

9 **REVEREND DOYLE:** Yes, it was -- apparently
10 it was -- I don't know how it was communicated. I'm not
11 one that's too interested in the honours. As I said, I
12 didn't know about it for a while after it happened.

13 **MR. TALACH:** And you mentioned SNAP, the
14 victims group. They've recognized you this year?

15 **REVEREND DOYLE:** They did.

16 **MR. TALACH:** Okay. I put some -- two main
17 propositions to Father Morrissey and I just want to see if
18 you agree with the concept. First, I quoted From Pain to
19 Hope and I said, "Secrecy is the breeding ground for the
20 development and repetition of child sexual abuse."

21 Do you agree with that concept?

22 **REVEREND DOYLE:** I agree with that
23 completely.

24 **MR. TALACH:** And I also suggested that canon
25 law, in its form and in its practice over the 20th century,

1 has proven to be inadequate to deal with this problem.

2 REVEREND DOYLE: I agree with that as well.

3 MR. TALACH: And you had mentioned earlier
4 that, you know, a lot of this is the discretion of the
5 bishops, how to operate or it was, the way it was done.

6 REVEREND DOYLE: Yes.

7 MR. TALACH: Is it fair to describe a bishop
8 in his diocese as sort of a benevolent monarchy?

9 REVEREND DOYLE: I would hope he's
10 benevolent, but it is a monarchy.

11 MR. TALACH: And there has been some
12 dioceses in your exposure in the U.S. where, you know,
13 maybe even neighbouring a lot of the same factors, same
14 demographics, but one has had a much greater problem than
15 the other?

16 REVEREND DOYLE: Yes.

17 MR. TALACH: And that's because the
18 personality of the bishop is such a key factor in these
19 problems?

20 REVEREND DOYLE: That has a major part to
21 play in it because the bishop is -- in a diocese,
22 politically, the bishop is both the executive, the
23 legislator and the judge. He has all of the authority and
24 he's the one that decides whether any of these
25 recommendations that will be made will happen or if they

1 will happen.

2 **MR. TALACH:** I've seen some suggestions that
3 there's no checks and balances in that canonical
4 arrangement.

5 **REVEREND DOYLE:** That's absolutely true.
6 Checks and balances come when there's a division of
7 government, when there's a separation of powers. My
8 experience is in the United States and the way that works.
9 Nobody is supreme, even though some may think they are at
10 certain times.

11 In the ecclesiastical world, it's a
12 hierarchical -- a hierarchical form of government is a
13 government that's run by very few people who are considered
14 to be holy people from the Greek word "hieros", the holy
15 ones, the bishop, and it is run in a monarchical fashion;
16 in other words, all power rests with individuals.

17 **MR. TALACH:** I know ---

18 **REVEREND DOYLE:** Not a group, not a
19 committee, but with one.

20 **MR. TALACH:** I know in your email to the
21 Project Truth website you had suggested two areas for them.
22 One was litigation, "Get some good lawyers" and the other
23 one was the media.

24 Is it fair to say that the litigation, the
25 financial pressure of that and media, the publicity of

1 that, have proven to be the check and balance against the
2 bishop's discretion?

3 **REVEREND DOYLE:** My opinion now goes back
4 and is consistent with what you've said, I believe, that it
5 has been the pressure from the media, the public pressure
6 as well as the pressure from the litigation that has caused
7 these things to happen, the action that the Church has
8 taken -- the institutional Church has taken. Otherwise,
9 sad to say, I think they'd still be dragging.

10 **MR. TALACH:** You'd agree that a major
11 impediment to media action and civil litigation action is
12 the secrecy that denies the facts?

13 **REVEREND DOYLE:** I certainly would.

14 **MR. TALACH:** Now, on that secrecy issue, the
15 present scenario with matters going to the Congregation for
16 the Doctrine of Faith, it essentially means that this
17 entire investigation is now pulled off to a foreign state
18 to take care of. Is that fair?

19 **REVEREND DOYLE:** Basically, once the
20 preliminary investigation is concluded, it goes to the
21 Congregation, and in my interpretation, as I mentioned to
22 Mr. Wardle, that's when the secrecy is imposed and in
23 practice, at least in the United States, once the cases
24 have started process there, secrecy is imposed even if
25 they're being processed on a local level.

1 **MR. TALACH:** Help us wrap our mind around
2 that. What is the physical mechanics of that? I think
3 Father Morrissey said either they'd come to us or we'd send
4 the people to them. I mean, how are they going to do this
5 investigation when they're in ---

6 **REVEREND DOYLE:** Here's the case. Okay?
7 You wrap it up in an envelope and send it to Washington,
8 D.C. to the Papal Nuncio and ask him to transmit it to the
9 Congregation in Rome through the diplomatic pouch. It gets
10 there. Some time later, whenever they get a chance to look
11 it over and they've made a preliminary determination, you
12 get a letter back saying, "We've looked at this case. We
13 now are remanding it back to you for a judicial trial." So
14 it comes back to you. You, the bishop, then have to
15 constitute a tribunal. You constitute a court. You name
16 the officials, the promoter of justice. You have the
17 promoter of justice start the process, and that's all
18 covered by confidentiality or secrecy. He sends out
19 letters to the potential witnesses, to the accused, to the
20 victims, you know, the people involved, and they start the
21 process which means they will come for depositions, to give
22 testimony, and this is all under the cloak of secrecy.

23 **MR. TALACH:** You mean someone from the
24 Vatican will come for the ---

25 **REVEREND DOYLE:** No, no, no. If the Vatican

1 sends the case back, let's say, to the local diocese, the
2 local bishop appoints the judges.

3 **MR. TALACH:** Got it. Okay.

4 **REVEREND DOYLE:** And you can either have the
5 witnesses come to the Chancery Office or you go to them,
6 and sometimes it's a mixture of both.

7 **MR. TALACH:** So there isn't cases -- I might
8 have misunderstood Father Morrissey's evidence -- where you
9 pick up the people at some point and do the whole thing in
10 Rome?

11 **REVEREND DOYLE:** Yeah, there are some
12 instances where the Vatican can handle -- they can say
13 "We're trying this case here."

14 Practically, what they do, they may leave
15 open the option for some of the victims or some of the
16 accused to go to the Vatican and be interrogated there, but
17 in many instances what they've done, from my understanding,
18 they've mandated people over here to gather the evidence
19 and it's all documentary. And the Church courts are
20 basically documentary. They function on documents, not on
21 ---

22 **MR. TALACH:** Okay.

23 **REVEREND DOYLE:** --- face-to-face
24 depositions.

25 So these documents then go back to the

1 Vatican. They look them all over. The judges render their
2 decision; informally inform the concerned people of their
3 decision. Then there's the automatic appeal that takes
4 place to another bench of judges in the Congregation. The
5 final decision then is rendered; the penalty imposed, and
6 that's it.

7 **MR. TALACH:** Does that mean then that these
8 tribunals, Rome says, "We're going to take care of
9 ourselves" are essentially done without *viva voce* evidence?
10 They're done on transcripts, on documents?

11 **REVEREND DOYLE:** I don't know. That's just
12 -- that statement is based on past experience with other
13 trials that the Congregation has done, other processes.

14 **MR. TALACH:** A couple more questions on this
15 issue. When the Congregation says, "Okay, Bishop, we want
16 you to appoint some people in your area to take care of
17 this for us," are they then in a sense -- and I don't know
18 if there's a term in canon law equivalent to this -- acting
19 as agents of the Congregation of the Doctrine of Faith?
20 Does that secret of the Holy Office now relate to what they
21 do?

22 **REVEREND DOYLE:** Oh yes. Yeah. Once that
23 process starts, the Congregation is in charge. And any
24 questions you have with regard to process or of substance
25 or process itself, you refer back to the Congregation.

1 You're acting as a circuit court for the Congregation for
2 the Doctrine of the Faith.

3 **MR. TALACH:** So looking down the road, have
4 you encountered or experienced either discussion or whether
5 this has actually occurred, where these people are now
6 saying, "Hey listen, we're not Americans anymore. This
7 process was a Vatican process. It's a foreign-state
8 process. We have what we'd call in a secular world,
9 sovereign immunity over this. You can't get any of this
10 information."

11 **REVEREND DOYLE:** I've not -- you know,
12 there's something -- what you're saying has triggered a
13 discussion I was involved in maybe a year or so ago but I
14 can't recall it vividly. But generally speaking, that
15 discussion has not come in -- there has been discomfiture,
16 if you want to use that term, disgruntlement by the victims
17 with the process because they've been called in as
18 witnesses.

19 And I know there's been criticism of the
20 process by many of the accused priests because they feel
21 that they are just left out there to dry for long, long
22 periods of time with nothing happening, and that's because
23 of lack of trained personnel in the United States.

24 **MR. TALACH:** I don't know what the
25 impression is amongst the canon lawyers, but a cynic may

1 say the Vatican has looked at this mess in their eyes and
2 said "We're calling it all home. We're going to micro-
3 manage it from here, and it's now us a foreign state that's
4 going to take care of these things."

5 **REVEREND DOYLE:** See, they would say "We're
6 not acting as a foreign state, we're acting as a Church, as
7 the headquarters of the" -- because as a foreign state --
8 the only reason the Vatican is a foreign state is because
9 it's an international religion.

10 **MR. TALACH:** Okay. Have you ever seen or
11 had the experience of documents being -- when you were at
12 the Apostolic Pronuncio in -- I was about to say Ottawa --
13 in Washington, where diocese would send documents on these
14 type of investigations just to put them under the immunity
15 of the embassy?

16 **REVEREND DOYLE:** That did happen but it
17 happened after I left there.

18 **MR. TALACH:** Okay. I want to turn now to
19 the problem -- the theory you really can't solve a problem
20 until you can define it. And I want to take you through
21 some of the factors or some of the aggravating factors
22 looking at different angles.

23 So, first of all, with respect to this
24 problem of clergy sexual abuse, how is the priesthood, the
25 concept of the priesthood itself been a contributing or an

1 aggravating factor?

2 **REVEREND DOYLE:** The theology of the
3 priesthood of the priest as somebody who is removed and
4 above the rest of humanity, the priest as being an ultra
5 special person who after ordination is ontologically or
6 interiorly different. The priest is someone who represents
7 Christ and takes the place of God, who is above reproach,
8 cannot sin. Many victims have said "I've led him into
9 sin." They felt guilty themselves or felt that they could
10 not disclose.

11 Another common response has been the fact
12 that, you know, the Catholic Church's teaching on sex is
13 basically all sex is a mortal sin which gets you a life
14 sentence in Hell unless it's with your wife or your
15 husband. So teenage kids who are younger than -- little
16 kids, let's say, or children, experience some form of
17 sexual contact with a priest and they're overwhelmed with
18 guilt. The way you usually take care of that terrible
19 guilt feeling, the emotional ramifications of that, is
20 through confession. But then they say "The guy who made me
21 do it is the one who I go to for relief so I can't do that.
22 I'm afraid."

23 So I think the concept of priesthood as
24 someone who is above all of these things, who is special
25 and set apart, has definitely been a contributing factor.

1 It's been taught to people. It's in the Catholic doctrine
2 going back for centuries, and it has contributed to this
3 intense feeling of fear, "I can't bring this forward. I
4 can't talk about it." Or even parents who felt the same
5 fear or felt that they were -- I've known families where
6 the children had been estranged from their parents because
7 the parents were so upset that the kids were fingering a
8 priest.

9 Fathers might -- one instance, the priest
10 was the best friend of the girl's father. The priest
11 sexually abused she and two of her siblings. And she said
12 "My father chose the Church over his kids." And he was
13 very angry with her when she went forward and disclosed as
14 an older teenager.

15 **MR. TALACH:** So I take it then a lot of the
16 doctrinal power and authority and prestige that surrounds
17 the priesthood is a contributing factor here?

18 **REVEREND DOYLE:** I think it is.

19 **MR. TALACH:** Okay.

20 **REVEREND DOYLE:** I think it's a contributing
21 factor to the fact that you can gain access to children;
22 that you as a priest are held in such a special position.
23 Kids are privileged to be with you. Parents think it's a
24 privilege to have the priest in the home or taking my son
25 out and so on, and they would never question that. It's

1 okay if my little boy sleeps in the same bed with Father,
2 Father is a priest, but he wouldn't certainly do it with
3 the parish janitor.

4 **MR. TALACH:** M'hm. No.

5 And you'd already mentioned about your
6 issues or your concerns about the formation process in the
7 past. I won't go into that.

8 I want to turn now to bishops. You stated
9 earlier for a variety of reasons that bishops didn't act.
10 Can you articulate some of those reasons?

11 **REVEREND DOYLE:** I think some of the reasons
12 that I'm going to articulate have also been repeated in
13 several of the reports and a lot of the written material.
14 But among the reasons that the bishops didn't act: One,
15 for instance, they really felt that -- and I'm going to try
16 to be as objective as possible so it's going to be a
17 spectrum.

18 Some that I've spoken to honestly felt they
19 didn't know what to do, what the right thing to do was,
20 because they had been trained in a system that said the
21 welfare of the institution is of paramount importance; that
22 the priesthood is a sacred brotherhood, we have to protect
23 it at all costs.

24 To others who simply said "I never really" -
25 - and they honestly didn't understand how devastating

1 sexual abuse could be. Some felt that they honestly
2 admitted that we were more concerned about the image of the
3 institution, about our power and our prestige then we were
4 about the children. And others simply, you know, saw this
5 as a major aggravation and a source of power drainage and
6 monetary drainage.

7 And then there is the fundamental, I think,
8 the overreaching concept of the governmental structure of
9 the Church that focuses all importance and deference on the
10 Episcopacy, on the bishops as the successors of the
11 Apostles, as the foundation of the Church and who are
12 entitled to this deference for the life of the Church. So
13 we sacrifice a few things and ---

14 **MR. TALACH:** I know you've said that the
15 Church is the people. With that statement, are you
16 suggesting that the hierarchy has lost its direction, at
17 least on this issue?

18 **REVEREND DOYLE:** I think on this issue and
19 in other issues it has lost it.

20 There's a book that just came out last
21 weekend by a bishop in Australia that's saying exactly the
22 same thing; that the leadership of the Catholic Church
23 failed from the top down, meaning the papacy on down, and
24 put its own image before that of the children. And he had
25 been the chairman for many years of the Australian Bishops

1 Response Committee to the sexual abuse issues.

2 **MR. TALACH:** Has the file -- within the
3 diocese -- and related to the bishops -- within the diocese
4 hierarchy, the bishop and the chancellor and those who are
5 responsible for these secret archives or the files that
6 pertain to these issues, has the file retention policies
7 that you've seen in the past been part of this problem of
8 sexual abuse?

9 **REVEREND DOYLE:** I am hard pressed to give
10 you a clear answer on that. I think the file retention
11 policy has been that they have been -- some reports have
12 been put in the regular files of priests, some in the
13 secret files in the secret archives. Some have not been
14 kept. But in general, in my experience, there's been a
15 vast amount of information.

16 The file retention policy has not been
17 responsible for the lack of proper response to accusations
18 of sexual abuse of children. You don't need a file system
19 to tell you that you respond responsibly. You don't need -
20 --

21 **MR. TALACH:** I guess -- I mean, I get your
22 point. I think you're trying to say, and correct me if I'm
23 wrong, it's not the files that were the problem, it's the
24 failure to act on the information in the file.

25 **REVEREND DOYLE:** That's exactly it, yeah.

1 If the files say this guy was -- we had to move him from
2 this Parish to this one because he was too familiar with
3 little boys and there's all these code words that the
4 Church uses. If there's there -- if it's in the file and
5 you know it -- if it's in the file somebody knows it.

6 **MR. TALACH:** That code word issue, we see in
7 canon law, I know it's confusing when we get in this area.
8 The word "sex" or "sexual" doesn't find its way even into
9 the English translations. It's a violation of the 6th
10 Decalogue.

11 **REVEREND DOYLE:** Sixth (6th) Commandment; *de*
12 *sexto* in Latin; D-E, which means of, and *sexto*, S-E-X-T-O
13 of the 6th Commandment.

14 The common term, the technical term in the
15 Catholic Church in law and in moral theology matters
16 concerning the 6th Commandment are all sexual matters,
17 masturbation, same sex intercourse, adultery, bad thoughts,
18 you know, sexual thoughts and so on. So the 6th Commandment
19 of the Decalogue is "Though shalt not commit adultery",
20 depending on how you enumerate them. Some denominations
21 may have a little bit different approach.

22 **MR. TALACH:** This use of -- I mean, I've
23 come across before mixed letters in English and Latin and
24 sometimes -- and I want to know your experience if you've
25 seen this. Sometimes the terms with respect to the

1 sexuality, the key content of that letter is in Latin
2 instead of English.

3 **REVEREND DOYLE:** That was not uncommon up
4 until maybe the '50s, '60s, and you may even see it after
5 that.

6 Another example would be the moral theology
7 books which when things started changing were in English
8 except the section on sexuality, which would have been in
9 Latin.

10 **MR. TALACH:** Wow.

11 **REVEREND DOYLE:** And I remember asking one
12 time, why is this? They said "Well, we don't want the lay
13 people to scandalized".

14 But the use of Latin in letters, in
15 communications and what I commonly call coded language was
16 common.

17 **MR. TALACH:** And then that's a component of
18 this secrecy, this culture of secrecy?

19 **REVEREND DOYLE:** Part of the culture of
20 secrecy. Part of it was the actual fear on the part of
21 ecclesiastics that if we say these words it could be an
22 occasion of sin to us. It could cause us to think about it
23 and to then think about sexual acts which would be a sin, a
24 big sin.

25 **MR. TALACH:** You mentioned the transfer from

1 parish to parish. I'm going to refer to that. I'll use,
2 sir, the colloquial term "silent shuffle".

3 Would you agree that this has been a
4 historically-documented practice in the Catholic Church in
5 North America?

6 **REVEREND DOYLE:** Absolutely. That's why
7 there have been all the lawsuits; you know, the findings of
8 the grand juries, the findings of every one of the reports
9 we have mentioned have fixed on that problem as a key
10 symptom of the problem.

11 **MR. TALACH:** And I mean this practice
12 compounds the problems of a pedophile priest, would you not
13 agree?

14 **REVEREND DOYLE:** Most of the priests -- let
15 me just say that from my understanding many of -- I think
16 most. Some of the physicians would say most are of such --
17 they are egodystonic; in other words, they act out but they
18 don't like what they've done. They feel intense guilt. So
19 if they're just shuffled to another place they're not given
20 the help that they should have and they're given the
21 opportunity to act out again.

22 And I've talked to a number of these men who
23 said they agonized. You know, they hated themselves. They
24 tried doing all kinds of things to prevent themselves from
25 doing it again; spiritual remedies, praying, you know, ice

1 cubes, the whole works, but nothing worked.

2 **MR. TALACH:** Cold showers.

3 **REVEREND DOYLE:** Cold showers.

4 **MR. TALACH:** On a public safety issue, you'd
5 agree that moving them to a new parish gives them a
6 completely new spectrum of new victims?

7 **REVEREND DOYLE:** Well, in practice that's
8 what happened.

9 **MR. TALACH:** Yes. And new victims that have
10 no preparation, no rumour mill, no understanding of this
11 person's background.

12 **REVEREND DOYLE:** The practice was never to
13 inform the receiving parish that Father had these problems
14 or accusations made against him. And so Father would get
15 there and oftentimes even the pastor wouldn't know. In
16 time, if there were problems afterwards, would become, you
17 know, livid with anger at the bishop because he never
18 disclosed this, never told him.

19 In addition to that, you know, you've got
20 the fact that there had been people in the Roman curia,
21 recently after this whole thing in Boston, a couple of
22 cardinals had made public statements that there is no
23 obligation to notify a parish that this has happened.
24 There is no obligation of a bishop to notify civil
25 authorities if a priest is accused of sexually abusing a

1 child or to even -- to take canonical action. And I can't
2 understand that.

3 **MR. TALACH:** You would agree the message it
4 sends to the perpetrator at least is the repercussion of
5 getting caught is simply you're going to be moved?

6 **REVEREND DOYLE:** Yes, that's true.

7 **MR. TALACH:** Which detracts from deterrents?

8 **REVEREND DOYLE:** And some perpetrators
9 welcome that and others, you know, expressed anger
10 afterwards or disappointment that why didn't somebody try
11 to help me? I couldn't -- I know of one priest who
12 literally turned himself in about two or three times to
13 bishops and they sent him back to new assignments.

14 **MR. TALACH:** Related to this question of
15 transfers, has geography -- has secular geography been --
16 have you seen secular geography as in our international
17 borders -- let's use the example of Canada and U.S. -- used
18 to the advantage of the Church in these transfer
19 situations?

20 **REVEREND DOYLE:** It has been done where
21 priests have been sent from one country to another. I do
22 know of instances where priests have been sent to work at
23 headquarters of religious orders and the Vatican -- or in
24 the Vatican or it's in Latin America or, as I have seen in
25 a number of cases, in southwestern United States between

1 Mexico and the United States where there have been --
2 problematic priests have been sent from one to the other.

3 I'm involved. I've seen the documentation
4 on a number of cases where they absolutely knew. In one
5 instance three priests went through a canonical trial in
6 Columbia. They were priests at a boy's school. They were
7 convicted and their sentence after being convicted of
8 sexually abusing young boys, was to study sociology for at
9 least a year and to do this outside the country. One of
10 them, because he had family in California was sent to
11 California and they knew in California what he was there
12 for, and assigned him to a parish and within a week there
13 had been a complaint.

14 **MR. TALACH:** Now, many priests are very
15 educated; is that fair?

16 **REVEREND DOYLE:** We do go through at least
17 an eight-year educational period, yes.

18 **MR. TALACH:** And some of that education is
19 in languages?

20 **REVEREND DOYLE:** It used to be when I went
21 through you had to be fluent at least in Latin and your own
22 language and then, to get a doctorate in canon law, for
23 instance, you had to show fluency in at least two other
24 languages.

25 **MR. TALACH:** Now, when you have these

1 bilingual or multilingual priests, are sometimes linguistic
2 borders or boundaries in the secular world also used to the
3 Church's advantage in the transfers?

4 **REVEREND DOYLE:** I believe so.

5 **MR. TALACH:** Okay.

6 If a bishop gets a priest into his diocese
7 that's coming from another geographical secular
8 jurisdiction or from another linguistic area, what do you
9 understand would be the duty to look into that situation as
10 to why that transfer would be? And I'll give you a time
11 period here. We're talking back before all this broke,
12 about pre-'83.

13 **REVEREND DOYLE:** Okay. The Code of Canon
14 Law required that if a priest was going to work in another
15 area that the bishop know that he be suitable, had the
16 appropriate moral and spiritual qualities to minister
17 effectively, which means he be a decent person.
18 Oftentimes, it was simply the other bishop's word, "I'm
19 sending you Father so and so. He wants to work in Cornwall
20 because he's got family there. He's a good guy." That's
21 enough and that was the way it was handled. Nowadays, it's
22 much more stringent because of all the problems over the
23 past few years. You can't even go to another diocese. I'm
24 going to do my niece's wedding in Texas in a couple of
25 weeks and I had to go through this great big long process

1 just to do a 45-minute wedding ceremony in a church with a
2 three-page questionnaire that had to get clearance from my
3 superiors, the local bishop and the bishop where I'm going.

4 **MR. TALACH:** The sending diocese or
5 religious order, if they knew about some problem with this
6 priest, did they carry any duty or responsibility to have
7 taken action or to inform the incoming bishop?

8 **REVEREND DOYLE:** I think that there is both
9 a canonical and a moral obligation to inform the incoming
10 bishop that, "I'm sending you this priest." And I've seen
11 instances where that in fact was done and many where it was
12 not done, where the priest said, "I'd like you to take so
13 and so. We've had all these problems with him. Maybe
14 he'll work better in your diocese" thinking that a
15 geographic therapeutic change would work.

16 **MR. TALACH:** Okay.

17 As the -- I mean, would you agree there has
18 been an increasing, at least in North America, Canada and
19 the U.S., a shortage of priests for the Church's work?

20 **REVEREND DOYLE:** I'm sorry?

21 **MR. TALACH:** A shortage of priests, less and
22 less entries into the seminary?

23 **REVEREND DOYLE:** Oh, definitely in the
24 United States.

25 **MR. TALACH:** Has that been, in your opinion,

1 a factor in this problem?

2 REVEREND DOYLE: I think it was a greater
3 factor prior to the current millennium when the first --
4 the publicity fallout, the negative fallout, the lawsuits
5 and everything else, but prior to that time there was a
6 concern of the shortages of priests and so there was much
7 more leniency expressed and in some of the therapeutic
8 centres; for instance, in the Paraclete Fathers down in New
9 Mexico, they were allowing priests to go out on weekends to
10 do weekend work, who were there for sexual problems.

11 MR. TALACH: You spoke, and I'm going to
12 switch gears here to speak about pastoral work -- you've
13 spoken a lot about that here and that's a church religious
14 concept, correct?

15 REVEREND DOYLE: Pastoral care, yes.

16 MR. TALACH: Okay. And you have experience
17 in this area from your training and your work in the parish
18 and the chaplaincy?

19 REVEREND DOYLE: My experience comes from,
20 yeah, those two sources.

21 MR. TALACH: Work in the trenches.

22 REVEREND DOYLE: Working in the trenches.

23 MR. TALACH: Okay.

24 REVEREND DOYLE: But to do this stuff I've
25 also tried to educate myself on the particular nuances and

1 what sexual abuse does to a person from a psychological and
2 emotional standpoint in order to be able to approach them
3 in an effective way pastorally.

4 **MR. TALACH:** And I take it that's through
5 literature or seminars or both?

6 **REVEREND DOYLE:** Literature, seminars and so
7 on.

8 **MR. TALACH:** Okay.

9 **REVEREND DOYLE:** And then a good part of it
10 also, I benefited tremendously from my training in
11 addictions therapy.

12 **MR. TALACH:** And that's something through
13 the military that you had got training in that?

14 **REVEREND DOYLE:** The military had sent me
15 and, actually, I went to a military school for it, the
16 Navy's School of Health Sciences. The United States Navy
17 has a large medical complex and a school in San Diego and
18 in Washington, and that's where I went.

19 **MR. TALACH:** The military training is more
20 focused on the science and the psychology of counselling
21 someone, correct?

22 **REVEREND DOYLE:** On the counselling
23 techniques -- two areas that I had to go through; the
24 counselling techniques and the whole -- the whole ethical
25 basis for dealing with people with addictions and then the

1 science of addictions.

2 **MR. TALACH:** And the training and experience
3 as a priest, per se, is more of a religious pastoral sort
4 of concept?

5 **REVEREND DOYLE:** Nowadays, the pastoral
6 training for priests is much, much better than it was when
7 I went through. When I went through the seminary it was
8 mostly intellectual. And pastoral training was usually
9 relegated to the proper way to administer the sacraments
10 and being nice, patting little kids on the head. Now, I
11 think in the seminaries, from what I understand, pastoral
12 training is much more comprehensive, much deeper and it
13 involves the whole person, dealing with people; their
14 emotions, their feelings, how to properly guide them,
15 advise them and so on.

16 **MR. TALACH:** Learning how they tick, in a
17 sense?

18 **REVEREND DOYLE:** How they tick and how to
19 bring the concept of Christian compassion into their lives
20 to deal with this particular issue.

21 **MR. TALACH:** And you've talked about some
22 things, that you were in a crisis team in the military?

23 **REVEREND DOYLE:** I was.

24 **MR. TALACH:** And you have also had lots of
25 first-hand experiences with victims? We've heard lots

1 about that.

2 REVEREND DOYLE: Extensive.

3 MR. TALACH: You've also spoken to priests
4 and I guess in a sense learned about their *modus operandi*;
5 the pressures they'd apply to victims; how they would
6 perpetrate their abuse?

7 REVEREND DOYLE: I've learned some of that
8 first-hand and some of it second-hand from the casework I
9 have done, but also actually from the men themselves.

10 MR. TALACH: And you've been published in a
11 document called Pastoral Psychology. Is that fair?

12 REVEREND DOYLE: That's right, yes.

13 MR. TALACH: Okay. You've come up with a
14 concept, or you have a term you use for how religion, the
15 Roman Catholic religion of these victims, influences their
16 ability to report the abuse. Can you tell us about that?

17 REVEREND DOYLE: Well, the term that I use
18 on that is called "religious duress". And my part in
19 developing that was the theoretical, was the foundation.

20 In other words, what's the training? What
21 is the doctrine that is inculcated here and viewed in these
22 people to shape their belief systems? So that their belief
23 systems are such that if something happens, this fear is
24 involved and the fear was, you know, fear that something
25 bad would happen. The divine retribution, divine

1 punishment in this life or the next and these are the
2 doctrinal issues that cause that.

3 Now, coupled with that has been the
4 psychologists who've spoken to that and said, "Yes, this
5 religion, catholic or otherwise, can induce this kind of
6 fear". And I think it's a fairly new concept.

7 At the present time, I've done my part in a
8 major article that's going to be published and a
9 psychiatrist is responding to that right now, to what he
10 sees to be the effect of this concept.

11 **MR. TALACH:** And you'd agree that this
12 concept or this theory of religious duress would be a
13 significant inhibitor to reporting the abuse in a timely
14 fashion?

15 **REVEREND DOYLE:** I believe it is. I believe
16 it is. Along with the regular -- the ordinary duress that
17 a victim goes through, the fear, the shame, that they have
18 enunciated, that I think the religious dimension of it can
19 add to that and aggravate it.

20 **MR. TALACH:** I'm going to be a little bit
21 choppy now because I want to jump around to a few different
22 areas and I am going to conclude with some of your thoughts
23 on the solution of the future. Okay?

24 **REVEREND DOYLE:** Okay.

25 **MR. TALACH:** Just turning to the issue of

1 the 1962 document. I know there is a great debate here of
2 the extent of its distribution. But you said you reviewed
3 three files at least where that tribunal system was used?

4 **REVEREND DOYLE:** Yes, that's correct. I
5 reviewed three instances. We got the whole file on a
6 priest. Included in that file were the parts of the file,
7 I think parts of the file, of the tribunal process that was
8 used and it was all confidential. And I saw references
9 because they'd refer to certain parts of the '62 or the
10 1922 document.

11 **MR. TALACH:** And can I ask you, I assume
12 these would be some American dioceses who would have been
13 doing this?

14 **REVEREND DOYLE:** They were -- at least one
15 of them was in a diocese in Iowa. And I think it might
16 have been Dubuc, Iowa.

17 **MR. TALACH:** But a number of dioceses?

18 **REVEREND DOYLE:** Three.

19 **MR. TALACH:** Three. Okay.

20 And the timeframe, was there some really
21 early applications of this or was it -- is it the range ---

22 **REVEREND DOYLE:** Two of them were 1922
23 documents so the timeframe was, I think, the late '40s if I
24 recall. Around the late '40s or the '50s, and the other
25 one was around 1963 or '64. It stretched in both years.

1 **MR. TALACH:** So we know at least that
2 diocese got its mail that year?

3 **REVEREND DOYLE:** They got their mail that
4 year.

5 **MR. TALACH:** Okay. I want to talk just
6 quickly about the intent of that '62 document. So this
7 debate about who received it and when really is irrelevant.

8 **REVEREND DOYLE:** Yes.

9 **MR. TALACH:** Would you agree with me the
10 intent of that document is to impose extreme secrecy or the
11 highest level of secrecy on cases of clergy sexual abuse?

12 **REVEREND DOYLE:** I would distinguish because
13 the 1962 document simply repeated the same level of secrecy
14 ---

15 **MR. TALACH:** Okay.

16 **REVEREND DOYLE:** --- that had been in place
17 since 1866.

18 **MR. TALACH:** Okay. That's fair.

19 And just a scenario that if this tribunal
20 took place, let's pick this diocese that did it in '63 and
21 the victim testified at the tribunal. He had to take the
22 oath of the holy office to testify; right?

23 **REVEREND DOYLE:** I don't know. I don't
24 believe that they obliged the victims -- oh, the victim, I
25 am sorry, the victim. I don't know if the victims

1 testified in these cases or not. I didn't see any evidence
2 of that.

3 **MR. TALACH:** Not to use that specific
4 example, but let's say there is a case and a victim
5 testifies. We understood from Father Morrissey's testimony
6 that that victim, as well as everyone else that
7 participated in the tribunal, had to take this oath of
8 perpetual silence under the holy secret.

9 **REVEREND DOYLE:** That is correct.

10 **MR. TALACH:** Okay.

11 **REVEREND DOYLE:** Because the victim is not a
12 party to the case. The victim is a witness. And in the
13 present trials that are going on, my experience has been
14 that the victims who testify as witnesses are also asked to
15 take an oath of perpetual secrecy.

16 **MR. TALACH:** Now, just to give us the
17 practical -- and you've always have emphasized to put the
18 human reality on this.

19 If that victim, six months later, who's
20 under this oath of perpetual silence, decides he is not
21 happy with the way the church has handled it and wants to
22 go down to the local police department, and he does. What
23 happens to him when the local bishop finds out?

24 **REVEREND DOYLE:** The local bishop has the
25 option of imposing excommunication.

1 **MR. TALACH:** So if he is excommunicated, how
2 does that work when he shows up for church on Sunday?

3 **REVEREND DOYLE:** That kind of
4 excommunication, if it's publicly declared, the priest can
5 refuse to give him communion, refuse to bury him in the
6 church, or refuse to allow him to have a church wedding.
7 I've never heard of an instance where that has actually
8 happened in any of those cases. My hope would be that any
9 bishop would be much more sensitive and use much of common
10 sense than to impose that ---

11 **MR. TALACH:** I understood from Father
12 Morrissey's testimony that that oath of secrecy wasn't on
13 discretion of the bishop, that it was an automatic?

14 **REVEREND DOYLE:** The oath of secrecy is.

15 **MR. TALACH:** Yes.

16 **REVEREND DOYLE:** But the imposition of the
17 penalty is a discretion as far as the lay witnesses are
18 concerned. It's problematic in terms of the priests
19 involved in the process, the judges, the advocates and so
20 on.

21 **MR. TALACH:** The issue of scandal --
22 actually I'm going to move pass that. It's akin to a
23 Friday afternoon here so I am feeling some eyeballs in the
24 back of my head, Father.

25 **(LAUGHTER/RIRES)**

1 I think your evidence was Canada kind of got
2 ahead of this thing with its reaction to Mount Cashel and
3 the Winter Commission and Pain to Hope?

4 REVEREND DOYLE: Well, I would say, and I am
5 not sure what prompted Pain to Hope. My understanding from
6 reading one of Father Morrissey's articles is that it
7 started around that time. It started before 1987 and maybe
8 it was a reaction of what was going on in the United States
9 because Mount Cashel was in process in '88, I think '87 and
10 '89.

11 MR. TALACH: But you'd agree that now with
12 the Dallas Charter, the U.S. has kind of leaped ahead of us
13 in a sense?

14 REVEREND DOYLE: With the fact that they got
15 their own legislation, yes.

16 MR. TALACH: Okay. And let's turn to the
17 solution now. And you've been exposed to the protocols and
18 the reaction in a number of countries, I understand?

19 REVEREND DOYLE: Yes, I have.

20 MR. TALACH: I want to ask you what you
21 think we can borrow from some of these countries and if,
22 you know, maybe pick one or two things that are really
23 strong in each country. And I want to start with Ireland.
24 What can we borrow from the Irish experience in respect to
25 solution?

1 **REVEREND DOYLE:** As far as solutions is
2 concerned, what I've seen in Ireland has been the lay
3 people moving in as far as bringing pastoral relief to the
4 victims, and also the use of commissions such as this one.
5 I was part of the Ferns Commission which is a statutory
6 commission that was enacted by the Minister of, I think,
7 the Minister of Health in Ireland.

8 **MR. TALACH:** Yes.

9 **REVEREND DOYLE:** Now they have one going on
10 in Dublin. So I think as far as Ireland is concerned,
11 that's an important -- the commissions gave a lot of
12 emotional support to the victims, you know, in a country
13 where the Catholic Church is paramount.

14 Now I remember growing up in Quebec years
15 ago where the Catholic Church was everything. Well, it's
16 more than everything in Ireland and extremely powerful.

17 And here you had, you know, lay people
18 running these commissions, you know, jumping over all the
19 deeply rooted clericalism and fear of the church and power
20 of the hierarchy to address this issue directly and head-
21 on, and that gave the victims a lot of credibility and a
22 lot of sense that this really did happen to us. You know,
23 people believe us. And that enabled, you know, a
24 significant amount of healing.

25 Now, there is a couple -- one of the leading

1 victims from Ferns founded a counselling agency in Dublin
2 called One In Four and it's very, very effective. And
3 because of his capability, he has also been able to enter
4 into some very effective dialogue with some of the bishops
5 over there to enhance enlightenment and understanding and
6 acceptance and move beyond the defensiveness.

7 **MR. TALACH:** Now I am going to group
8 Australia and New Zealand together but they probably hate
9 that as much as us being compared to Americans. But unless
10 there is something distinctive between the two, can you
11 give us something from their experience?

12 **REVEREND DOYLE:** My experience there is that
13 -- I know it from what I've heard in Australia. Now I was
14 there in '89 and I addressed this issue in '89 before it
15 was as explosive as it is now. I met with people in
16 Australia and in New Zealand. And they seemed very sincere
17 in wanting to deal with the problem and they said, "If
18 you've got it now, we're going to have it in 10 to 20
19 years". Well, in fact, that's what's happening. There has
20 been a mixed result in Australia.

21 There's a very courageous Brother named
22 Barry Coldrey who's done a lot of writing and a lot of
23 revolutionary work with regard to his own religious order,
24 as well as others in Australia. They have a program
25 similar to From Pain to Hope with the Dallas Charter, but

1 there's still a lot of criticism from victims over there
2 that there's a lot of foot dragging and similar inaction, a
3 negative, pejorative mindset by a lot of the hierarchy
4 toward the victims.

5 That's the best I can say. That may be
6 changing now. As I said, this book was just -- just this
7 weekend came out by Bishop Geoff Robinson in Sydney. And
8 I've known him for ages. He's very credible. He's a
9 profound canon lawyer, and the book would be well worth
10 studying once it hits the shore over here. That will say a
11 lot about Australia and New Zealand.

12 **MR. TALACH:** Now, taking you home to the
13 U.S., I'm going to suggest, first of all, that -- I mean,
14 something that we can really learn from the American
15 example is to make these recommendations into law as the
16 Dallas norms did.

17 **REVEREND DOYLE:** I agree with that.

18 **MR. TALACH:** Okay.

19 And is there anything else from the American
20 example with respect to a solution that we can borrow from?
21 And I know you have a lot of experience in that area so I'm
22 going to try to ask you to limit to the priority items.

23 **REVEREND DOYLE:** I think the structure of
24 having a diocesan review board is good, providing it has a
25 significant amount of independence and is allowed to stand

1 up to the hierarchy and say, "You're not doing it right."

2 And I think with the review board, in those
3 instances where they've concentrated primarily on, again,
4 the pastoral rather than the legal -- in other instances,
5 I've known bishops who have reined in their own attorneys
6 and ordered them, you know, not to submit the victims to
7 these excruciatingly painful, debilitating processes where
8 they've tried to destroy their credibility to protect the
9 Church institution.

10 One bishop, for instance, basically told the
11 attorneys, "We're going to have settlements and that's it.
12 We're not going to have this."

13 And I understand that's been done in a
14 couple instances in Canada, and I commend that. The
15 trials, the litigations, historically started because of
16 the fact that the victims were completely disgusted with
17 the way they had been treated or by the inaction of the
18 Church. You know, no letters were answered, phone calls
19 unanswered and so on, were not getting anything and they
20 finally got fed up.

21 This process I think would begin to stop
22 with, I think, really a meaningful willingness to listen.

23 **MR. TALACH:** When you mention the lawyers in
24 the litigation, have you seen or do you understand a
25 dynamic of this to be, in some circumstances, a

1 counterattack in the sense of counterclaims, defamation
2 lawsuits, the Church coming back on the victims?

3 **REVEREND DOYLE:** I've seen it all. I've
4 seen counterclaims where victims and their families -- the
5 most ludicrous one was where the parents were countersued
6 by the Church for neglect for allowing their child to be
7 around a priest when they should have known the priest had
8 been accused of sexually abusing children.

9 I've seen counterclaims, countersuits. I've
10 known instances where the attorneys have hired private
11 detectives to get information, to the point of even going
12 through the garbage of victims and their witnesses, spy on
13 them.

14 **MR. TALACH:** We earlier put a document to --
15 a lawsuit to Father Morrissey which was a defamation
16 lawsuit, which I think in the States you refer to as libel
17 and slander ---

18 **REVEREND DOYLE:** Yes.

19 **MR. TALACH:** --- where the priests sue the
20 accusers.

21 **REVEREND DOYLE:** I've seen that several
22 times.

23 **MR. TALACH:** Would you agree that's a
24 component of the attempt to keep a lid on this stuff, the
25 secrecy?

1 **REVEREND DOYLE:** I think it may be a
2 component, but once they get into the courts it's not
3 secret anymore in the United States.

4 I do know that in some instances -- you
5 know, one of the issues that -- you brought it up -- the
6 false accusations, the false claims, they're not huge
7 numbers. For instance, in California there were about
8 1,000 -- 400 to 500 cases resulted from the opening of what
9 we call "the window" in California.

10 **MR. TALACH:** Right.

11 **THE COMMISSIONER:** And not to take Mr.
12 Sherriff-Scott's thunder away, but there could be lawsuits
13 as well for good reason of libel and slander as well.

14 **REVEREND DOYLE:** Believe me, if I were
15 falsely accused, I'd sue.

16 **THE COMMISSIONER:** There you go.

17 **REVEREND DOYLE:** But I'm saying in
18 California there were these 400 to 500 -- about close to
19 900 cases involving the Catholic Church. I talked to every
20 attorney who represented victims out there and there were a
21 grand total of three false, where they were knowingly
22 false, people who wanted to capitalize.

23 **MR. TALACH:** I think there was evidence
24 earlier from our contextual expert on childhood sexual
25 abuse that at least in children, Dr. Peter Jaffe said the

1 percentage of false claimants he understood to be 4
2 percent.

3 **THE COMMISSIONER:** Well, I don't know if
4 this is relevant.

5 **MR. TALACH:** I was going to ask if you had
6 any information on the comparable rates in clergy cases.

7 **REVEREND DOYLE:** I think -- I don't know of
8 any studies that have been done except informal studies
9 where you have to distinguish between intentional false
10 accusations or misunderstanding. "Father put his arm
11 around me and I got all bent out of shape and he had no
12 intention of sexually abusing me at all." Things of that
13 nature or mistakes, which can be just as devastating, I
14 understand, to the accused.

15 **MR. TALACH:** Commissioner Glaude is going to
16 have a very tough task at the end of this of putting out
17 some recommendations that the secular world can react to
18 and can possibly implement.

19 Have you seen any legislative action in your
20 experiences that has proven to be effective or positive in
21 this area?

22 **REVEREND DOYLE:** Secular legislation?

23 **MR. TALACH:** Secular legislation.

24 **REVEREND DOYLE:** I have been involved in
25 writing legislation and passing legislation in several

1 states, and I think where there are community -- where
2 there is -- where resources are directed in the community
3 to finding some resources to help people who have been
4 sexually abused and their families, both in terms of
5 community education -- that this is not -- this is a real
6 issue.

7 It's not a myth, because the reaction
8 oftentimes in the community or in a family is denial and
9 anger at those who make the accusations, and breaking that
10 down, which is understandable in many ways but it needs to
11 be broken down, because it does happen.

12 The finding in the States now is that, you
13 know, the amount of sexual abuse of children, boys and
14 girls, is 30 to 40 percent, and that may translate over
15 here as well.

16 Now, in the communities where there are
17 resources for this, counselling resources, educational
18 resources for the community, I think it's a step in the
19 right direction. I have no -- I mean, you're dealing with
20 sexual dysfunction which is a medical issue, not a moral
21 issue. You cannot will it to go away. So there, I think,
22 another aspect is an enlightened approach to dealing with
23 perpetrators.

24 One little example in the military; when I
25 was a military chaplain a good part of my ministry was to

1 people accused of various and sundry crimes, the airmen and
2 the officers, including sexual crimes. And oftentimes
3 these individuals in the Air Force would be sentenced. One
4 case in particular, the young man was involved in
5 downloading child pornography off government computers. So
6 he got about a year in prison and he was sent to a navy
7 penitentiary in California where they had an intensive
8 program for sexual offenders, and he took part in that.

9 Ironically, I was there the day he was
10 released, and he went from jail -- he had a discharge, a
11 dishonourable discharge or a bad conduct discharge, and the
12 first stop he made before going home was to a group similar
13 to AA which was Sex and Love Addicts Anonymous. That's
14 positive when the state or the province has, in the penal
15 system, a way of dealing with this other than just
16 punishment.

17 Now, granted, the victims want to see these
18 guys punished and being in jail is punishment, but
19 pragmatically, when they get out you don't want them to
20 continue what was going on when they went in.

21 **MR. TALACH:** Looking back over this problem
22 to date, to bring us to present day, can we say confidently
23 now this is a historical problem? Protocols are in place.
24 We're set up. It should be okay in the future?

25 **REVEREND DOYLE:** I don't believe so. I

1 think the very fact that we are here, that there are
2 continued problems in the United States, that there are
3 lawsuits, there are things going on of that nature,
4 indicates that although the protocols are in place,
5 naturally it takes time for something to translate from law
6 into action into the culture itself. But I think the major
7 thrust and effort has to be to make these protocols that
8 the Church has enacted become part of the everyday life of
9 the Catholic Church and part of the mindset of the bishops,
10 the priests and the laypeople.

11 **MR. TALACH:** Father Doyle, I want to thank
12 you for coming here. As you may know, I deal with a lot of
13 cases of sexual abuse and many of those are clergy cases.
14 And a lot of times people say to me, "Are there any good
15 priests left out there?" And I want to tell you that when
16 people ask me that question, I say, "Yes, there is.
17 There's many good priests out there" and I use you as an
18 example." So thank you.

19 **REVEREND DOYLE:** Thank you. I appreciate
20 that. And there are a lot of good ones out there and a lot
21 of good bishops, I have to say.

22 **MR. TALACH:** And on behalf of my clients
23 here at the Inquiry and the other clients I encounter in my
24 practice, I really want to extend a true thank you to you
25 that can't even be expressed in words. So thank you.

1 **REVEREND DOYLE:** Thank you. I appreciate
2 that very much.

3 **THE COMMISSIONER:** Mr. Chisholm.

4 **MR. CHISHOLM:** Good afternoon, Mr.
5 Commissioner.

6 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
7 **CHISHOLM:**

8 **MR. CHISHOLM:** Good afternoon, Father Doyle.
9 My name is Peter Chisholm. I'm counsel for the local
10 Children's Aid Society.

11 **REVEREND DOYLE:** Okay.

12 **MR. CHISHOLM:** Mr. Engelmann spoke to you
13 earlier this afternoon about the duty to report in Ontario.
14 You're familiar with the duty to report, legislation that
15 exists in various states in the United States?

16 **REVEREND DOYLE:** Yes, I am.

17 **MR. CHISHOLM:** And Mr. Engelmann told you
18 about the duty to report that we have in Ontario and the
19 fact that there is no exception with respect to a priest-
20 penitent communication in Ontario. You were speaking of
21 some exceptions that you saw in the United States with
22 respect to that legislation.

23 **REVEREND DOYLE:** Yeah. What I was referring
24 to is that many states have made -- they've waived the
25 priest-penitent; in other words, what you hear in

1 confession you don't have to declare. That's -- I'm trying
2 to phrase that so it makes sense. I hope that makes sense.

3 **MR. CHISHOLM:** What you're saying is, in
4 some jurisdictions in the United States, the duty to report
5 is not on the priest if he hears the -- if he obtains the
6 information while in the confessional?

7 **REVEREND DOYLE:** That's correct.

8 **MR. CHISHOLM:** Okay.

9 And your view with respect to that type of
10 legislation; do you see that as being problematic at all
11 with respect to dealing with the issue of child sexual
12 abuse?

13 **REVEREND DOYLE:** Thus far, from my
14 experience, sir, I have only seen it problematic in theory
15 but not in fact. I don't know of any instances. I've not
16 heard -- I've heard instances of priests who have been
17 accused saying they regularly went to confession to confess
18 the issue and then went back to acting out and where asked,
19 "Well, did you confessor advise anything?" But I don't
20 know of any instances where a person confessed that (a) I
21 was sexually abused by a man, my father or a priest, and/or
22 an abuser went to confession. I don't. And that doesn't
23 mean it didn't happen, but I think because of the issue of
24 confession you probably would never be able to quantify
25 that issue; the question.

1 **MR. CHISHOLM:** If you were advising a priest
2 with respect to priests in Ontario with respect to how to
3 deal with that conflict between the secular law and the
4 canon law; what advice would you give that priest?

5 **REVEREND DOYLE:** I could not advise him to
6 break the seal of a confessional nor would I advise him,
7 but what I would advise him to do if he hears in a
8 confession a victim who said, "I've been sexually abused",
9 he should advise the victim to first get a feel for where
10 that person is.

11 **MR. CHISHOLM:** Right.

12 **REVEREND DOYLE:** How they -- where are they
13 psychologically; where are they emotionally; can you advise
14 them to make a report to their family if they feel
15 uncomfortable; if it's incestuous to the child abuse; send
16 them to someone that you know of that you can trust where
17 they will be able to be channelled to the right individual.

18 If it's an abuser, let's say a man comes
19 back regularly and says, "I've been doing this to my
20 daughter" or a priest, "I've been doing this to children.
21 I feel terrible about it", then you urge them to get --
22 turn themselves in, get professional help. It would depend
23 on the circumstances, or you could theoretically say,
24 "Look, you've been doing this. I am not giving you
25 absolution until you make a report or until you take some

1 action". But I could not ever advise a priest to violate
2 the seal of a confession.

3 **MR. CHISHOLM:** And with respect to the
4 advice that you would give to the person making the
5 confession, that would be separate and apart from the
6 penance that you would recommend to that person; is that
7 right?

8 **REVEREND DOYLE:** Yes, it would. You could
9 say, as part of your penance you have to disclose this. I
10 think that would be doable, feasible. It's not -- to be
11 honest with you, this topic is not something that a lot of
12 us -- I have some very strong feelings on it, but it's not
13 been widely discussed nor in depth, and should be, I think.

14 **MR. CHISHOLM:** With respect to the penance
15 do you see any problem with imposing the penance that you
16 describe of making -- advising the abuser to go and self-
17 report?

18 **REVEREND DOYLE:** Only if you say, "After
19 you've done it come back to me and I'll give you
20 absolution". That's the only way you could handle it. But
21 if you impose a penance -- I mean, penance is salutary.
22 You know, you come in and -- and the old joke is you go --
23 you know round here when I was a kid you'd go to the priest
24 that didn't speak English and you'd go to confession to
25 him. And no matter what you said he gave you the same

1 penance, you know, a decade of beads and so off you went,
2 on your way. And sometimes you forgot about that before
3 you got outside the church or vice versa, going to the
4 English-speaking priest who couldn't speak French, because
5 once you're in there you can't kick them out.

6 **MR. CHISHOLM:** Father Morrissey yesterday
7 suggested -- if I recall his evidence -- suggested the
8 canon law with respect to the seal of a confession was not
9 likely to change anytime soon. Is that your view as well?

10 **REVEREND DOYLE:** I would totally agree. I
11 do not think it will ever change in that regard.

12 **MR. CHISHOLM:** And do you see any harm in
13 Ontario if the legislation were to be amended -- that the
14 duty to report legislation were to be amended to include a
15 specific priest-penitent communication being an exception
16 to the duty to report?

17 **REVEREND DOYLE:** My experience in the States
18 has been that when that exception is included it's easier
19 for the Church to swallow the legislation than to live by
20 it, to instruct the priests. The bishop could say, "Guys,
21 you don't have to worry. You're not going to have to
22 disclose what you hear in confession. But if you get the
23 information anywhere else" -- because otherwise, you end
24 up, as we have been, in these endless discussions over what
25 does the law mean? When do I violate it? When do I apply

1 it?

2 So I think it would be beneficial to
3 children especially because it would make it easier for
4 priests to obey the legislation if the proviso was there.

5 **MR. CHISHOLM:** To obey the legislation in
6 times when they are not obligated to abide by the seal of
7 the confession?

8 **REVEREND DOYLE:** That's correct.

9 **MR. CHISHOLM:** Thank you.

10 **REVEREND DOYLE:** And that's a psychological
11 response as well as a factual one, I think.

12 **MR. CHISHOLM:** Do you have Father Morrissey's
13 Book of Documents in front of you ---

14 **REVEREND DOYLE:** Yeah, yeah.

15 **MR. CHISHOLM:** --- Exhibit 632, Tab 8?

16 **REVEREND DOYLE:** Is this Volume 1 or Volume
17 ---

18 **MR. CHISHOLM:** I expect it to be Volume 1.

19 **THE COMMISSIONER:** Yes, it is.

20 **REVEREND DOYLE:** Just a moment, please. I
21 do have it.

22 The archive tab or?

23 **MR. CHISHOLM:** That's right. It's Father
24 Morrissey's 2006 publication and the Catholic Archives.

25 **REVEREND DOYLE:** Yes, I've got that now.

1 Yes, I do.

2 MR. CHISHOLM: And if I could take you to
3 page 13, please?

4 REVEREND DOYLE: Okay.

5 MR. CHISHOLM: And you'll see in page 13 the
6 heading "The Right to One's Reputation"?

7 REVEREND DOYLE: That's correct.

8 MR. CHISHOLM: You'll see that -- in sub-
9 paragraph (i) -- have you seen this publication before,
10 Father?

11 REVEREND DOYLE: I'm sorry?

12 MR. CHISHOLM: Have you seen Father
13 Morrissey's publication?

14 REVEREND DOYLE: Yes, I have.

15 MR. CHISHOLM: You've read this?

16 REVEREND DOYLE: Yes.

17 MR. CHISHOLM: In sub-paragraph (i) on page
18 13, you'll see that Father Morrissey is indicating:

19 "That the diocese should not be making
20 public the names of priests accused of
21 actions with minors until the secular
22 church trial -- secular or the church
23 trial has been held and a decision is
24 given."

25 REVEREND DOYLE: I see that.

1 **MR. CHISHOLM:** Do you share that view?

2 **REVEREND DOYLE:** Not completely.

3 **MR. CHISHOLM:** How is your view different
4 from his?

5 **REVEREND DOYLE:** I think that if there has
6 been, you know, accusation made because of what's going to
7 happen; in other words, the priest is going to be removed
8 from where he lives; he's going to be put on administrative
9 leave. And part of this also includes seeking other
10 possible victims. It's going to be difficult to keep
11 absolute confidentiality.

12 And I draw as a parallel what the practice
13 in the United States is. As of when people are accused of
14 crimes, they do not necessarily enjoy the right to absolute
15 confidentiality.

16 I do agree, however, by saying that I think
17 there have to -- this cannot -- it's not black and white.
18 There are instances when you do maintain the
19 confidentiality until there is a substantial reason to
20 believe that the accusations, I think, may be -- so
21 something frivolous.

22 **MR. CHISHOLM:** Right.

23 **REVEREND DOYLE:** Or something groundless.

24 **MR. CHISHOLM:** And in terms of the person
25 making the decision what is frivolous or groundless versus

1 the decision that says there is some substance to this
2 allegation. Is the bishop ---

3 **REVEREND DOYLE:** It's going to be the
4 bishop. He should make and probably will make an informed
5 decision; in other words, have some information from others
6 coming in with that. There is a danger, and I agree,
7 especially in the atmosphere with the Church now of making,
8 you know, accusations, "I think he did this to me when I
9 was six or seven or eight years old, but I'm not sure" or
10 people who have made anonymous ones, and I've seen
11 instances -- these are exceptions though, and you don't
12 make law by exceptions.

13 So I'm just saying that I think this is
14 something I would partially agree with.

15 **MR. CHISHOLM:** But where a bishop comes to
16 the conclusion that there is some substance to the
17 allegation, you would be at odds with respect to what
18 Father Morrissey said about not making a publication of the
19 allegation until the -- until some type of trial has been
20 concluded?

21 **REVEREND DOYLE:** I think that there has to
22 be some dimension -- and this has been done in the States,
23 where those credibly accused, their names are put out. And
24 there may well be no criminal prosecution or no canonical
25 prosecution as well. It could well happen that there isn't

1 any. There have been men who there haven't been any, but
2 it's been accepted that the accusations are true.

3 **MR. CHISHOLM:** Then down into the -- I'm
4 still on page 13 going onto 14, the second subparagraph
5 speaks of "Letters of Recommendation". It's about five
6 lines from the bottom on page 13.

7 **REVEREND DOYLE:** Okay.

8 **MR. CHISHOLM:** And the topic of "Letters of
9 Recommendation" is a very delicate one, for instance,
10 cannon 241, paragraph 3, provides that:

11 "When persons seek admission after they
12 have been dismissed from another
13 seminary or from a religious
14 [institution]..."

15 **REVEREND DOYLE:** Institute.

16 **MR. CHISHOLM:** Institute?

17 **REVEREND DOYLE:** Yes.

18 **MR. CHISHOLM:** "...further testimony is
19 required from the respective superior,
20 especially regarding the cause of
21 their..."

22 And then if I can get you to ---

23 **REVEREND DOYLE:** "...dismissal or their
24 leaving."

25 **MR. CHISHOLM:** And do you share -- with

1 respect to -- if I could get Madam Clerk to go on to page
2 14, please?

3 **REVEREND DOYLE:** Sure. I'm there.

4 **MR. CHISHOLM:** You're there?

5 Then I'll just read on the rest of that
6 paragraph:

7 "If the reasons for departure were
8 public or of a public nature, such
9 letters would have to be forthright or
10 at least should invite the recipient to
11 have personal contact with the writer
12 for additional information. At times,
13 the refusal to write a letter of
14 recommendation is sufficient indication
15 in itself of a serious problem on the
16 part of the candidate, but if the
17 information is strictly confidential or
18 on the level of the internal forum,
19 then it cannot be communicated, no
20 matter how advantageous it would be to
21 have access to it."

22 Do you share that view that Father Morrissey
23 expressed in that paragraph?

24 **REVEREND DOYLE:** I'm not quite sure I
25 understand it all, but I can give you what my view is.

1 If you're sending a letter of recommendation
2 -- "Father X wants to go from the Dominicans to the
3 Jesuits. He's leaving the Dominicans because he doesn't
4 like community life. He's had some problems, but they're
5 not earth-shattering. He's got drunk a couple of times,
6 but he's not an alcoholic."

7 You'd have to differentiate in your letter
8 of recommendations in, you know, determining if you're
9 going to give this negative information, is it something
10 that's really substantial that's going to cause him not to
11 be able to lead a decent life as a Jesuit, or is it
12 something that was just a passing problem, immaturity,
13 something of that nature?

14 If he's being kicked out of one order
15 because he's had -- we've had too many reports of him
16 having -- messing around with young children and you don't
17 disclose that in the letter to the next religious order,
18 that, to me, is criminal.

19 **MR. CHISHOLM:** Now, just going back to the
20 last few lines:

21 "If the information is strictly
22 confidential or on the level of the
23 internal forum, then it cannot be
24 communicated no matter how advantageous
25 it would be to have access to it."

1 Assume that what you just described of not
2 communicating that information onto the next ---

3 **REVEREND DOYLE:** If somebody reports that a
4 student had sexually abused a kid, that's not internal
5 forum. Internal forum is what you hear in confession.

6 **MR. CHISHOLM:** Okay.

7 **REVEREND DOYLE:** So that's something that
8 can't be written down anyway.

9 **MR. CHISHOLM:** So do you see any situation
10 whereby the only information that a diocese would have with
11 respect to a priest that was moving on to another diocese
12 would be confidential information, or would there be other
13 information about that priest relating to their problems
14 with child sexual abuse that could be communicated?

15 **REVEREND DOYLE:** Generally, I believe there
16 would be information that could be communicated because the
17 reports, the information, is not strictly confidential, nor
18 is it in the internal forum.

19 And the bishop would have an obligation to
20 notify the receiving bishop or religious order that this --
21 "We've had these reports". I've seen it actually -- in
22 practice, I've seen the letters of that nature, plus, I've
23 also seen more of the other where the information was not
24 passed on.

25 And the classic example of that in the

1 States is when a priest goes from a religious order or
2 diocese to become a military chaplain, and a letter of
3 suitability is sent to the military endorsing agent, but it
4 doesn't mention some of the problems that he's had in areas
5 of sexuality, especially sexually acting out with children,
6 when that should be mentioned.

7 There's nothing, I think, that -- and I
8 would disagree with anyone who says, "You're ruining his
9 reputation by sending information about the fact that he's
10 been known to sexually abuse children". His reputation is
11 already ruined. He did that to himself.

12 And what's more important is the welfare of
13 children, if you've got someone where it's not just rumour
14 or hearsay, where you have some substantial information.

15 **MR. CHISHOLM:** You spoke to us this
16 afternoon about the importance of the bishop reaching out
17 to the victim and speaking with the victim and/or the
18 victim's family?

19 **REVEREND DOYLE:** Yes.

20 **MR. CHISHOLM:** Commissioner Glaude discussed
21 with you the real-life difficulties that we have, at least
22 in Ontario, in terms of the time it takes to conduct an
23 investigation and proceed all the way to the conclusion of
24 a trial.

25 What advice do you have for a bishop who is

1 in the position of becoming aware of the allegation against
2 the priest, that priest maintaining his innocence and
3 insisting upon a trial that's going to take place in nine,
4 ten, twelve months or longer? What advice do you have for
5 that bishop?

6 **REVEREND DOYLE:** I'd evaluate the evidence
7 and see what he has before him. If it appears that there's
8 solid evidence, I think you can make an intervention with
9 the family and say, "You know, Father's been accused. He's
10 going to be subjected to a canonical trial. I want to see
11 what we can do to help you." I don't think he's going to
12 prejudice anything at that point.

13 It's a unique situation. This is a church.
14 This is not a corporation. And, you know, your fundamental
15 obligation as a bishop is not to your lawyers or to your
16 corporate structure, it's to the people that are harmed
17 within your diocese. So somewhere there, there would have
18 to be some reflection on the dynamic, on the circumstances
19 and a decision -- hopefully a decision that would be --
20 take the welfare of the individual first, the victim, as
21 well as the sensitivity to the accused.

22 Now, I've seen in my experience countless
23 cases where there has been violent denials, "I never did
24 this; I never did this", but massive information to the
25 contrary.

1 **MR. CHISHOLM:** Do you see any risk with
2 respect to a bishop's intervention prior to a trial of the
3 allegations and then having that bishop being faced with
4 suggestions that he was interfering in the process or
5 trying to intimidate?

6 **REVEREND DOYLE:** I don't know of any
7 instances. Now, I could see -- I think there's a -- what
8 you're saying is very valid. This is an instance that
9 we're just dealing with. We haven't -- we've never had
10 this proliferation of trials and I've not discussed it with
11 anyone at length or in depth.

12 My opinion would be it would have to be
13 carefully done and perhaps you wait until such a time or
14 you find out what the spiritual welfare, the pastoral
15 welfare, of these people is. Make sure that something is
16 happening to assist them, and then at the appropriate time,
17 when it would be not threatening to the process or
18 whatever, make an intervention of some sort.

19 By going to do an intervention, by going to
20 visit the family, doesn't mean that you have to go in and
21 say, "He's guilty; I'm going to send him to hell". It may
22 simply mean that you're going to go and listen.

23 **MR. CHISHOLM:** And if that intervention
24 takes a few months, it's better than no intervention? A
25 few months in order to allow the investigation to proceed

1 and whatever stage the trial is at in terms of its
2 completion, better to have a late intervention than no
3 intervention at all?

4 **REVEREND DOYLE:** That's correct.

5 I know of a couple instances where the
6 bishop -- well, in Louisiana, the bishop in question there
7 in Lafayette just recently died, but after all of this
8 settled, he was so jarred by everything that had happened,
9 he went and began to visit some of the families, which had
10 a salutary effect for the families and for himself as well,
11 and I have to say that I have profound admiration for him
12 for doing that.

13 **MR. CHISHOLM:** Have you had any experience
14 with apology legislation in the United States?

15 **REVEREND DOYLE:** With?

16 **MR. CHISHOLM:** Apology legislation,
17 legislation that would allow an apology to be made to a
18 person who was harmed without -- and the legislation would
19 go on to state that that apology cannot be used in civil
20 litigation to impose liability against the person or the
21 entity that advances the apology.

22 **REVEREND DOYLE:** I'm not aware of any. I
23 don't know. I can't answer that because it's an area that
24 I know little about. I know what you're talking about but
25 I've not seen anything of that nature.

1 **MR. CHISHOLM:** You spoke about the value of
2 a genuine sincere apology in terms of value to the victim.
3 If legislation could be invoked that would allow a party to
4 make an apology without being exposed to civil liability as
5 a result of making that apology; do you see any benefit to
6 that type of approach?

7 **REVEREND DOYLE:** Only if the apology would
8 be sincere. If it's insincere or simply because it's
9 required -- like when you're a little kid "You apologize",
10 you know, and you resist because you know your mother's
11 going to club you if you don't, or do something like that.
12 If it's a sincere apology and if it's heartfelt and if it's
13 really understood by the person, by the manager, by the
14 bishop, by the rabbi, but I really -- this person's been
15 grievously harmed and I have to do what I can.

16 **MR. CHISHOLM:** Father, those are my
17 questions.

18 I'd like to thank you very much for the
19 evidence you've given. I, for one, have found it to be
20 very informative and I'd like to thank you very much for
21 coming.

22 **REVEREND DOYLE:** Thank you. You're very
23 welcome.

24 **THE COMMISSIONER:** Thank you.
25 Maître Rouleau.

1 **MR. ROULEAU:** No questions.

2 **THE COMMISSIONER:** Thank you.

3 Ms. Im.

4 **MR. ROULEAU:** Ms. Im asked me to tell you
5 she had no questions.

6 **THE COMMISSIONER:** Thank you.

7 Ms. Robitaille.

8 **MS. ROBITAILLE:** No questions.

9 **THE COMMISSIONER:** Mr. Sherriff-Scott.

10 **MR. SHERRIFF-SCOTT:** I'll be less than five
11 minutes.

12 **THE COMMISSIONER:** As opposed to?

13 **MR. SHERRIFF-SCOTT:** Well, I don't think Mr.
14 Kozloff ---

15 **THE COMMISSIONER:** Mr. Kozloff, do you have
16 any questions?

17 **MR. KOZLOFF:** I do not, sir.

18 **THE COMMISSIONER:** Thank you.

19 And Mr. Engelmann has been remiss in his
20 duties today.

21 **MR. ENGELMANN:** Oh, I'm sorry.

22 **THE COMMISSIONER:** Because I understand that
23 Ms. Stein -- is that ---

24 **MR. ENGELMANN:** Yes, Karin Stein for Mr.
25 Carroll. I apologize.

1 THE COMMISSIONER: Good afternoon.

2 MR. ENGELMANN: For the OPPA.

3 THE COMMISSIONER: Do you have any
4 questions?

5 MS. STEIN: No, I don't.

6 THE COMMISSIONER: Thank you.

7 All right. So we covered everyone? All
8 right.

9 MR. CRANE: No questions.

10 THE COMMISSIONER: I'm sorry, Mr. Crane.
11 Yes. There you go.

12 MR. SHERRIFF-SCOTT: I just wanted to give
13 you the assurance that this would end.

14 THE COMMISSIONER: But I have questions
15 after.

16 MR. SHERRIFF-SCOTT: Wonderful.

17 THE COMMISSIONER: Yeah.

18 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

19 SHERRIFF-SCOTT:

20 MR. SHERRIFF-SCOTT: Father Doyle, I'll just
21 be about three minutes here. I wanted to clear up a
22 comment you made.

23 When Mr. Wardle, who is the gentleman
24 sitting here, asked you about the 2005 review of From Pain
25 to Hope, your comment was -- and I wrote it down:

1 "These things look nice on paper but
2 we're just not done."

3 And I'm just going to suggest to you, sir,
4 that if you read the 2005 document, that's simply not
5 consistent with what it says. And I can take you through
6 it to demonstrate that, but if I can just summarize and see
7 if we can agree.

8 The document says that the vast
9 preponderance of diocese in Canada did enact protocols
10 following 1992 and that the concern is for efficacy
11 training, transparency, obviously further work to be done.
12 And Father Morrisey testified that he is not aware of any
13 corporation that hasn't either done one of two things:
14 One, promulgated such protocols thus making them particular
15 law, and/or two, creating guidelines along the model of
16 From Pain to Hope.

17 So I hope that your comment wasn't meant to
18 suggest that that kind of action and other good work hasn't
19 been done by diocesan corporations again around ---

20 **REVEREND DOYLE:** Absolutely not. And I do
21 realize that it has been done. And I think my reference by
22 making that statement is that the attitudinal changes have
23 not been as sweeping as they could have been, and that's
24 mentioned in the report itself. It's not a complete denial
25 of the fact that From Pain to Hope nothing happened. I

1 didn't mean to say that and I'm sorry if that was the
2 misunderstanding.

3 **MR. SHERRIFF-SCOTT:** No, I just wanted to
4 clarify the position to make sure for the record.

5 And the U.S. norms, if I can use that
6 expression, or the Dallas Charter, they require immediate
7 reporting to civil authorities when an ordinary or a
8 diocesan corporation or a provincial or superior becomes
9 aware of an allegation?

10 **REVEREND DOYLE:** I do -- I'd have to look at
11 the text itself to comment.

12 **MR. SHERRIFF-SCOTT:** I don't need the
13 specific reference but that's your recollection?

14 **REVEREND DOYLE:** My recollection is that
15 there has to be -- they recommend that a report be made,
16 but I don't think -- and I can give you the -- if you give
17 me a minute I can tell you.

18 **MR. SHERRIFF-SCOTT:** My recollection is that
19 at least in the declaration, they made a commitment to do
20 that.

21 **REVEREND DOYLE:** To reporting.

22 **MR. SHERRIFF-SCOTT:** Yes.

23 **REVEREND DOYLE:** But I don't think it says
24 immediately or anything of that nature.

25 **MR. SHERRIFF-SCOTT:** Okay. Well, I -- that

1 they're going to do it, in other words. That they get the
2 allegation at some juncture. It's reported to civil
3 authorities.

4 **REVEREND DOYLE:** Yeah, I didn't say that
5 wasn't true.

6 **MR. SHERRIFF-SCOTT:** And I didn't suggest
7 you did. I just wanted to confirm ---

8 **REVEREND DOYLE:** See, the problem's going to
9 be knowing how -- is when to make the report, and that may
10 cause discussion and so on.

11 **MR. SHERRIFF-SCOTT:** Okay. Really what I've
12 driving at is some questions you answered.

13 So certainly the protocol or the norms
14 envisaged that a report will be made in the United States
15 in advance at least of any canonical proceeding which would
16 require secrecy.

17 **REVEREND DOYLE:** Well, that's what the
18 exchange between Mr. Wardle and I was about that very
19 issue.

20 **MR. SHERRIFF-SCOTT:** Yes.

21 **REVEREND DOYLE:** The bishop receives a
22 report. And this is in the United States. He evaluates
23 the report. He then conducts a preliminary investigation
24 and at the conclusion of that preliminary investigation,
25 which would be akin to grand jury perhaps, you're looking

1 at the value of the evidence; then you send it to the
2 Congregation for the Doctrine of the Faith.

3 **MR. SHERRIFF-SCOTT:** Just backing up.

4 **REVEREND DOYLE:** What I'm saying is I don't
5 think the secrecy is imposed until the Doctrine of the
6 Faith gets a hold of the report.

7 **MR. SHERRIFF-SCOTT:** And the Dallas norms
8 contemplate reporting to civil authorities as the standard
9 practice?

10 **REVEREND DOYLE:** Yes.

11 **MR. SHERRIFF-SCOTT:** Okay. So the public
12 interest in disclosure to the civil authorities takes place
13 in advance of possibly the Congregation becoming seized of
14 the matter.

15 **REVEREND DOYLE:** That's what I'm saying.

16 **MR. SHERRIFF-SCOTT:** And you know From Pain
17 to Hope that the protocol recommended effectively as to the
18 same purpose. In other words, that reporting to the civil
19 authority takes place within the context of the protocol
20 exercises envisaged?

21 **REVEREND DOYLE:** Yes.

22 **MR. SHERRIFF-SCOTT:** Okay.

23 Those are my questions. Thank you very much
24 for coming, sir.

25 **THE COMMISSIONER:** Thank you.

1 Mr. Engelmann.

2 **MR. ENGELMANN:** I'm always amazed when
3 lawyers keep timelines. I have trouble myself.

4 Father Doyle, thank you again. I have no
5 questions on re-examination. Perhaps the Commissioner does
6 have some.

7 **THE COMMISSIONER:** I do. I'd like to
8 explore an area that is probably personal to you, and if --
9 you know, I've been told that I do break rules on occasion,
10 and if it touches too close to home, we'll just stop there.
11 All right?

12 **REVEREND DOYLE:** Sure.

13 **THE COMMISSIONER:** In reading the material
14 that Mr. Sherriff-Scott brought in his motion yesterday; do
15 you know the concept of vicarious trauma?

16 **REVEREND DOYLE:** Yes.

17 **THE COMMISSIONER:** Where you take on some of
18 the trauma of the victims.

19 One explanation about the language that you
20 used in there sounded like a very angry man when you wrote
21 those things. Is that ---

22 **REVEREND DOYLE:** The language I used is
23 direct to get the point across and it is -- I don't share
24 the trauma of the victims. I am very empathetic with them.

25 **THE COMMISSIONER:** M'hm. All right.

1 **REVEREND DOYLE:** But I don't have the degree
2 of anger that may come across in those articles. If I did
3 I wouldn't be able to function.

4 **THE COMMISSIONER:** Okay. And you said that
5 you've changed a little bit since you've written those
6 things. Can you explain that for me a little bit?

7 **REVEREND DOYLE:** What I've changed on is
8 I've decided, I think, along the line in my experience in
9 dealing with victims where anger is so predominant, and
10 I've hoped that moving beyond this may be a way of breaking
11 the control that the trauma has had on all of us and
12 freeing ourselves from the pain. Anger causes pain.

13 **THE COMMISSIONER:** It does.

14 **REVEREND DOYLE:** And as you know, as is
15 mentioned, I am a -- you know, I do have some therapeutic
16 background.

17 **THE COMMISSIONER:** M'hm.

18 **REVEREND DOYLE:** And so it gets tiring after
19 a while to have this constant atmosphere of adversarial
20 where there's anger all over the place and where no matter
21 what efforts are made by anyone, by the victims or by the
22 bishops, it will be denigrated.

23 What makes me angry is the continuation on
24 either side of let's keep the fight going. And I've seen
25 ample evidence on both sides in my experience. And so I

1 think that the institution, namely the bishops, I think
2 it's their obligation to take the lead in breaking this
3 down. The victims have been the ones traumatized.

4 **THE COMMISSIONER:** What I'm looking at --
5 one of the things I have to look at is reconciliation in
6 the community.

7 **REVEREND DOYLE:** Sure.

8 **THE COMMISSIONER:** And I think there area a
9 lot of people that have been advocates of the position that
10 you take, that the Church must become more pastoral, must
11 be -- all the things that you've talked about. And I'm
12 wondering if you can offer, given your life journey in
13 this, what advice can you give me that will help with those
14 folks that have held that belief for so long, that there
15 has been a cover-up, that there has been this and that?

16 Is there anything you can give me, some
17 words of wisdom based on your experience?

18 **REVEREND DOYLE:** I think so, and I can -- I
19 will say that, first off, an acknowledgement that there has
20 been a cover-up and there have been problems. It doesn't
21 mean that this problem is going to go on forever. It's not
22 an unforgivable sin or a crime that never goes away.

23 Secondly, I think beyond that is a
24 willingness to listen to the anger. One of the things I
25 have done as a priest and as a pastoral minister has been

1 willing to absorb unbelievable anger from victims and their
2 families. It's directed at me. I'm the focus. I'm the
3 symbol.

4 **THE COMMISSIONER:** M'hm.

5 **REVEREND DOYLE:** So I listen to it.

6 And, of course, when you absorb a lot of
7 that, as you said, the vicarious anger/trauma, you do get a
8 little angry. I do, and if I didn't I'd be totally
9 ineffective in what I'm trying to do.

10 **THE COMMISSIONER:** M'hm.

11 **REVEREND DOYLE:** But, at the same time, I
12 think a willingness to sit down and listen and absorb that
13 anger, once that is absorbed, once it goes away -- I've
14 seen instances where it's worked, where people do believe
15 the sincerity of the church officials who are listening to
16 them, who are spending time with them.

17 **THE COMMISSIONER:** Yes. Well, I'm looking
18 at it -- and I thank you for that. I'm looking at it from
19 the other side. What advice do you have to those folks who
20 are perhaps still in the anger stage of -- against the
21 church?

22 **REVEREND DOYLE:** Okay. If there are still -
23 - and there are, and most of the people I deal with -- one
24 of the things I've often said when I've encountered the
25 anger, when it goes from regular anger to the irrational is

1 simply this: As long as that anger is there, your
2 perpetrator is still in control of you. Do you want to
3 leave that -- leave go of it, release it, get rid of it.
4 Do -- and it's a process. It's a struggle, but make sure
5 that goes away, where you're in charge of yourself and then
6 you can begin to see him in a different light and the
7 institution in a different light. But it's a process. It
8 doesn't happen with an edict, with a conversation.

9 In a community base, let's say, if you're
10 talking about the community in general?

11 **THE COMMISSIONER:** M'hm.

12 **REVEREND DOYLE:** You know, small group
13 environment discussions, the town hall thing. And let's
14 say you have a room full of very angry victims here and you
15 have some community leaders, and allow them to vent. Allow
16 them to express in a group and on a one-on-one basis
17 providing there is no bloodshed.

18 But this can have -- it can be a cathartic
19 moment and then moving beyond that cathartic moment, you
20 can maybe begin to do some healing.

21 **THE COMMISSIONER:** Well, okay, I'll go a
22 little further, if you don't mind?

23 **REVEREND DOYLE:** Sure.

24 **THE COMMISSIONER:** I'm not talking about
25 victims. I'm not talking about bishops. I'm talking

1 people like you who are not victims who had been
2 disgruntled with the church, angry with the church; that
3 kind of thing.

4 What advice would you have for me when we
5 are dealing with reconciliation, to talk about with those
6 folks?

7 **REVEREND DOYLE:** With those folks I ask
8 myself -- and you're talking now. I can get somewhat
9 personal. I've had to delve deeply into my own
10 spirituality.

11 **THE COMMISSIONER:** M'hm.

12 **REVEREND DOYLE:** Why was I angry, what made
13 me angry toward the institution, toward the bishops, et
14 cetera? How much of it was an honest anger that others had
15 been hurt and how much of it was my own personal
16 disappointment and disillusionment? Once I've sorted
17 through that and then delved, I think, deeper into my own
18 spirituality to determine where is it anchored; is it
19 anchored in images, in structures, in authority and power
20 or something deeper? Once that's done, then I can say I
21 can accept the fallibility and the brokenness of the
22 others; the bishops, the monsignors, the priests, and begin
23 to understand why they are responding as they have. They,
24 in many instances, couldn't respond in any other way.

25 I was there. I've been a priest 37 years.

1 I didn't get ordained last week. And so I know the old
2 church. You know, my first mass was over at St. Columban's
3 and it was in Latin.

4 **THE COMMISSIONER:** M'hm.

5 **REVEREND DOYLE:** So I understand in some
6 ways a lot of this and the pain that people go through in
7 letting go of images and also dealing with the
8 disgruntlement that the institution has let me down. Why
9 has it let me down? Because I put so much stock in it and
10 I wasn't willing to take responsibility for my own
11 spirituality, for my own growth, in my case in a higher
12 power.

13 **THE COMMISSIONER:** Without of course losing
14 your conviction about what you think should be done?

15 **REVEREND DOYLE:** I have not lost my
16 conviction at all. I can do better at bringing about, I
17 think, some change if I've worked through some of this
18 myself.

19 Now, I will readily say that -- by the anger
20 that I have had, the disgruntlement comes through in the
21 writing.

22 **THE COMMISSIONER:** M'hm.

23 **REVEREND DOYLE:** And it has to in some ways
24 because I have experienced with victims example after
25 example after example of stonewalling, of more pain imposed

1 on them by not all of the authority but by significant
2 numbers, and the only way sometimes to get them off square
3 one, if we're ever going to do that.

4 But beyond that, I think your point is
5 extremely well taken that why stay in a state of anger
6 forever? It's only self-destructive. It's only self-
7 destructive.

8 **THE COMMISSIONER:** Thank you.

9 **REVEREND DOYLE:** You're welcome.

10 **THE COMMISSIONER:** Sir, I again want to
11 thank you for coming all this way to testify. I will
12 certainly consider your testimony when I get down to
13 writing that famous report.

14 **REVEREND DOYLE:** Thank you.

15 **THE COMMISSIONER:** Mr. Engelmann.

16 **MR. ENGELMANN:** Sir, just before we leave --
17 -

18 **THE COMMISSIONER:** Sorry, gentlemen.

19 **MR. ENGELMANN:** I just wanted to again
20 indicate we are back on the 10th.

21 **THE COMMISSIONER:** Yes, and we should
22 address the issue of Mr. Frank Horn's application.

23 **MR. ENGELMANN:** Yes.

24 **THE COMMISSIONER:** I don't think we should
25 discuss this on the record.

1 **MR. ENGELMANN:** I advised counsel and I
2 apologize. I should have mentioned on the record, Mr. Horn
3 had discussions with some of my colleagues, Commission
4 counsel, and was advised that we were trying to finish this
5 witness today. He kindly agreed that it would be
6 appropriate to come back on the 10th. And so he will be
7 back on the 10th with his application for standing and
8 funding, as will Mr. Chand.

9 **THE COMMISSIONER:** Thank you very much.
10 Have a safe trip back, Dr. Doyle.

11 **REVEREND DOYLE:** Thanks.

12 **THE COMMISSIONER:** Thank you.

13 **THE REGISTRAR:** Order; all rise. À l'ordre;
14 veuillez vous lever.

15 The hearing is adjourned until September 10th
16 at two p.m.

17 --- Upon adjourning at 5:14 p.m. /

18 L'audience est ajournée à 17h14

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C E R T I F I C A T I O N

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I, Marc Demers a certified court reporter inthe Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Marc Demers, CVR-CM