

# Catholics and the Telling of the Truth Under Oath

*Statement of the Archdiocese of Los Angeles Regarding the Los Angeles Times' Story of March 26.*

*Fifty-seventh in a series.*

The March 26 Los Angeles Times story, "Catholic doctrine is cited in priest abuse cases," is insulting to all Catholics.

The Times' story gives attorneys suing the Church over sexual abuse unchecked reign to define Church teaching and to assert that all bishops, priests, nuns and church employees are predisposed to lie under oath in order to protect the Church.

The fact is, Catholics, like anyone else, are required to tell the truth under oath in a court of law. If the Times reporter had merely opened the "Catechism of the Catholic Church," he would have discovered paragraph #2476, which states: "When it is made publicly, a statement contrary to the truth takes on a particular gravity. In court it becomes false witness. When it is under oath, it is perjury."

Instead, the Times allows the lawyers suing the Church to take a centuries-old theological discussion (it isn't doctrine) over what constitutes the telling of a lie, and fashion it into the "doctrine of mental reservation." The term isn't even found in the Catechism.

Moreover, Father Thomas Doyle, a priest who serves as an expert witness on behalf of these very same lawyers, admits in the story that mental reservation is "not accepted church teaching." (What that means is never clarified, since the reporter apparently did not consult a moral theologian or expert in church law who was not connected with lawyers who are suing the Church.)

And, despite the Times not providing one example of a bishop, priest, nun or lay employee who lied under oath, three attorneys suing the Church are given a free pass to suggest how their "doctrine" supposedly works when Catholic witnesses are placed under oath. When you put a Catholic under oath, according to lawyer Irwin Zalkin, "You're never going to know the truth, one way or the other."

Lawyers suing the Church will often ask a question in a deposition regarding mental reservation. But if it is not accepted church teaching, then why ask about it? Simple: Lawyers like Irwin Zalkin and John Manly know that it is really code for, "You can't be trusted to tell the truth." So, it is not really a question at all. It is an unprofessional and insulting remark dressed up as a question.

At the end of the story, The Times takes a final, gratuitous slap at the College of Cardinals. By selectively paraphrasing the public oath each cardinal takes upon his appointment by the pope, the Times distorts its true meaning. The oath begins with a promise to live forever faithful "to Christ and his Gospel," and ends with a pledge to serve the Church "in accord with the norms of the law." There is not one word to suggest that the cardinals be anything other than truthful under oath, as the Catechism plainly states.

## The Lynn Caffoe case: Statement of the Archdiocese on media coverage

The Tuesday, March 20 edition of the Los Angeles Times

and subsequent media reports have wrongly claimed that Cardinal Roger Mahony himself recently wrote two different descriptions of a videotape discovered in 1992, more than a year after he removed Father Lynn Caffoe from ministry based on credible reports of misconduct with minors.

In fact, Cardinal Mahony did not write, edit or otherwise supervise the production of the "proffer" on Lynn Caffoe, as the Los Angeles Times has claimed. The Archdiocese's legal team wrote the proffer as part of a Court-ordered mediation process. The purpose of the proffers was to provide a chronological index of certain important documents in a priest's personnel file, without disclosing content. All the files and documents were entrusted to the Court and reviewed by judges to determine that they were both complete and accurate.

The lawyers who prepared the Caffoe proffer read a memo from Caffoe's personnel file describing a viewing of a videotape, the whereabouts of which had been unknown since 1992. The lawyers understood the description in the memo to involve no touching and they and the judges who reviewed the memo concluded that it therefore involved no sexual activity. And, although some of the boys on the tape were reported to have removed their shirts, none had removed their pants, or exposed themselves in any way, and they were thus described in the proffer as having been fully clothed.

The other document in question is Cardinal Mahony's letter to the Vatican explaining why the Pope should revoke Lynn Caffoe's priesthood. This document, drafted for the purpose of fulfilling Church law requirements for invoking this penalty, described the same content of the videotape more aggressively. Removed shirts were described as "partial nudity," and suggestive sexual comments were described as "criminal" (a "delict") in the context of Church law.

The Los Angeles Times' attempt to harmonize two documents with completely different purposes is not only misleading, it is inconsequential to the goal: removing clergy at once who are credibly accused of sexual misconduct involving minors. Indeed, the Times ignores these most important facts:

Sixteen years ago, Cardinal Mahony swiftly removed Caffoe from ministry after receiving credible reports of misconduct. He sent Caffoe to a psychologist for an initial assessment. The psychologist filed a Suspected Child Abuse Report, thus notifying law enforcement. Cardinal Mahony barred Caffoe from further ministry. A short time later, Caffoe disappeared from the Archdiocese without notice.

Cardinal Mahony's letter to the Vatican seeking the removal of Caffoe from the priesthood successfully persuaded Pope Benedict XVI to approve this penalty against Caffoe in January 2006.

*The preceding statements were issued March 26 and March 21, respectively, through the Media Relations Office of the Archdiocese of Los Angeles.*