

secret in exemplum

V.



SACRA CONGREGAZIONE
PER IL CLERO

Roma, January 31, 1984

PROT. 172621/I
(Citare questo numero nella risposta)

Most Rev. Manuel D. Moreno, D.D. F
Bishop of Tucson
192 South Stone Avenue
P.O. Box 31
Tucson, Arizona 85702-0031

Your Excellency:

This Sacred Congregation wishes to respond to your questions relating to the case of the Reverend _____, a priest of your Diocese.

To the first question ("Was the proper procedure followed, i.e. due process, in the case") we would reply in the negative. On the basis of the documentation sent to us, it would seem clear that Father should have removed from his pastorate immediately upon completion of the process outlined in n.20 of the Motu Proprio 'Ecclesiae Sanctae', of 1966. The signed testimonies about his drunkennes, outrageous language, liberties with womes, etc, are too numerous and convincingly articulate to leave any doubt that Father's ministry is both harmful and inefficacious and should,therefor have been terminated long ago.

Nor was there any need for engaging in the so called "due process" procedures. Indeed, an Ordinary is not free to leave to the decision of any group of arbitrators such matters as the continuation or removal of pastors. The "due process" procedures have to do with challenges made against the decree of an Ordinary or the rules of a diocesan administrator, and never are they to supplant procedures established by and for the Church universal.

To the second question ("Should we allow or disallow civil lawyers from obtaining Father's personnel records from our Chancery files") we reply that under no condition whatever ought the afore-mentioned files be surrendered to any lawyer or judge whatsoever. In addition, we suggest that both the office of the Apostolic Delegate and the legal department of the United States Catholic Conference be informed of the request for Father 's files so that all may begin preparing whatever resistance to this request may be necessary.

The files of a Bishop concerning his priests are altogether private; their forced acquisition by civil authority would be an intolerable attack upon the free exercise of religion in the United States; and we have no doubt that both Federal courts and public opinion would sustain us in this position.

Your Excellency should therefore make known immediately and with clarity that no priest's files will be sent to any lawyer or judge whatever. Clarity in this matter may be enough to move the good Catholic people whom Father is suing from further pressing their demand.

We should be clear and resolute, for failure in this regard might initiate a movement toward a most unfavorable precedent in law and - no less importantly - frighten and upset not a few priests whose files are perhaps less than flattering.

With sentiments of cordial esteem and every best wish, I remain

Faithfully in Christ,

John Paul O'Donoghue
J.P.O.

+ L. Muen. Sec.

*Who knows?
 I will not be so
 sure!*