

Vatican rebuts allegations of stalling on California sex abuse case

VATICAN CITY - Vatican officials have rebutted allegations that the future Pope Benedict XVI stalled on a priestly sex abuse case in 1985, and said critics have misunderstood the fundamental church procedures in use at the time.

The Associated Press reported that then-Cardinal Joseph Ratzinger resisted pleas to defrock Father Stephen Kiesle, a California priest with a record of sexually molesting children. It cited a letter from Cardinal Ratzinger, who was head of the Vatican's doctrinal congregation, advising further study of the case for "the good of the universal church."

Vatican officials pointed out that Cardinal Ratzinger was responding to the priest's own request for dispensation from the vow of celibacy, and at the time had no authority to impose dismissal from the priesthood as a penalty for sex abuse.

Jeffrey Lena, a California lawyer for the Vatican, said the AP article reflected a "rush to judgment" and presumed - incorrectly - that Cardinal Ratzinger's office had control over clerical sex abuse cases.

"During the entire course of the proceeding the priest remained under the control, authority and care of the local bishop who was responsible to make sure he did no harm, as the canon law provides," Lena said. "The abuse case wasn't transferred to the Vatican at all."

Other Vatican experts in church law, who asked not to be identified because they were not authorized to speak on the record, made several other points about the Kiesle case:

- Cardinal Ratzinger's 1985 letter came in response to a request for dispensation from priestly obligations, not a request for sanctions against an abuser. The distinction is important, they said. At the time, Pope John Paul II had introduced a

policy of greatly reducing the number of such dispensations, out of concern that the commitment to the priesthood was no longer seen as permanent.

- Cardinal Ratzinger's letter acknowledged the "grave" reasons involved in this particular case, urged the local bishop to follow the priest closely and advised further careful consideration of the situation. Kiesle was in fact laicized two years later, on the eve of his 40th birthday; there was a policy at the time of not granting dispensations to priests under the age of 40.

- Cardinal Ratzinger's letter had no bearing on protecting children from Kiesle, or protecting the church's reputation. At that time removal from ministry was the responsibility of local church officials, not the Vatican. After he was arrested in 1978 on misdemeanor charges of lewd conduct and received three years' probation in a plea bargain, Kiesle was removed from ministry by the Diocese of Oakland. However, he apparently continued to do parish volunteer work with youths until it was brought to the bishop's attention.

- Authority over allegations of sexual abuse of minors by priests was transferred to the doctrinal congregation only in 2001. In 2003, special faculties were granted to the congregation to make it easier to dismiss offenders from the priesthood. Cardinal Ratzinger is said by many to have pushed for these changes in order to confront what was recognized as a major problem in the church.

Vatican sources said the Kiesle case illustrates how the Vatican has changed its approach over the years, particularly regarding the penalty of dismissal from the priesthood. Laicization is now seen as a proportionate punishment for "all the egregious cases" of sex abuse of minors, one official said.

"We have acquired a keen sense of the nature of the crime of sexual abuse of minors and of the scandal that derives from it," he said.

In the case of Kiesle, removal from the priesthood did not prevent him from committing sexual crimes. He was convicted in 2004 of a second sex offense, that of molesting a girl in 1995, and was sentenced to six years in prison. He lives today in a California community as a registered sex offender.