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Confessions

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his confessor. Outraged when they found out, leaders of the Archdiocese of Portland took the authorities to court. Eventually a federal appeals court compelled the authorities to not introduce the tape as evidence in the inmate's trial for a triple-murder. Nonetheless, the court did not order that the tape, or a transcript of it, be destroyed, much to the chagrin of the confessor, Father Timothy Mockaitis.

"The tape still exists, so as far as I'm concerned, it is still not resolved," he said of the case in a phone interview.

The inmate currently sits on death row, and if he appeals his conviction, Father Mockaitis said there's still the possibility someone may try again to introduce the taped confession into court. He added that if anyone ever tries to use the tape as evidence, he'll urge his archdiocesan superiors to go back to court to stop it. And if they don't, he will, he said.

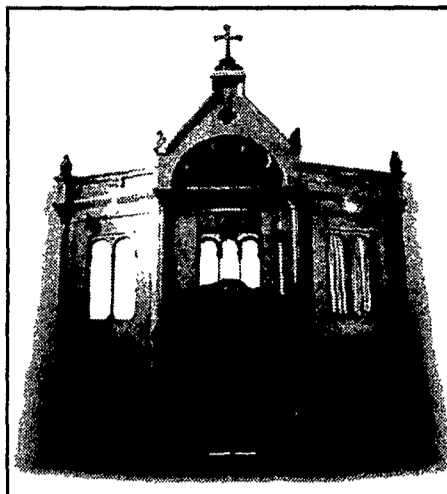
Jesuit Father John Carriero, a guidance counselor at McQuaid Jesuit High School in Rochester, also celebrates weekly Mass and counsels inmates at Monroe County Jail. The priest said that some inmates have worried their confessions to him are being heard by authorities, but he assures them they're not. Ed Ignarri, director of rehabilitation at the jail, said ministers and inmates generally use the same private room lawyers and their clients use for discussions.

Cops and clerics

Questions about the seal of confession have come up in other cases as well. In 2000, Catholic News Service reported that an Ohio priest was stabbed while hearing his attacker's confession. The priest then told authorities he could not testify against his attacker because the seal of confession forbade him from talking about what happened in the sacrament of penance, during which confession is heard.

When Robert P. Hanssen, accused of spying for the KGB, was arrested in February his year, FBI agents reportedly interviewed priests from his Arlington, Va., parish. However, the parish would not comment on the interviews when contacted by the *Catholic Courier*.

And most recently, Jesuit Father Joseph Towle of the Bronx made headlines in Ju-



ly when he testified in federal court that a man named Jesus Fornes — who was killed in 1997 — had told him in 1988 that he had committed a murder for which two other men had been convicted. The priest, as well as a public defender to whom Fornes had also confessed in 1988, both went public this year with their knowledge. Father Towle said that Fornes had wanted the information made public, and that Fornes' conversation with him was not a sacramental confession.

However, Father Towle told *Catholic New York*, the city's archdiocesan newspaper, that he gave Fornes absolution at the end of their 1988 conversation, although Fornes had not requested it.

"The purpose of his conversation with me was to set his friends free, not so much to make a personal confession of his own guilt," Father Towle was quoted as saying. "(Absolution) does not change the nature of our original conversation, nor his intention."

In a phone interview with the *Courier*, Joseph Zwillig, director of communications for the Archdiocese of New York, said Father Towle had contacted the archdiocese for advice on testifying, but that he only received counsel on civil law regarding "non-sacramental confession." When asked about the priest's statement that he gave Fornes absolution, Zwillig said that absolution was "not raised in (Father Towle's) conversation with the archdiocese."

The case has raised questions among church observers as to why the priest — and the public defender — kept quiet so long. Father Towle told *Catholic New York* he had come forward now because Jesus Morales, one of the men convicted of the

murder, had filed an appeal. He added that he had thought "for a long time" about the implications of testifying and the seal of confession issue.

The *Courier* contacted Father Towle for clarification, but the priest said he is no longer granting interviews on the subject. The *Courier* then contacted the Jesuits' provincial office in New York, but was told to refer to Father Towle's already published statements.

Father Kevin McKenna, currently vice president of the Canon Law Society of America, and former chancellor of the Diocese of Rochester, said that he believes Father Towle did not violate the seal of confession for a number of reasons. He stressed he was speaking on his own behalf.

For one, the information revealed to him had already been revealed to a civil authority. Fornes had not come to Father Towle with the intention of receiving the sacrament of penance, and their conversation did not proceed with that intent behind it. Indeed, Fornes talked to the priest specifically with the intent that he use the information to help set free the two men accused of the murder. Father McKenna added that Father Towle seems to have used absolution as a "pastoral strategy," rather than in its sacramental sense.

Father McKenna added that there are cases in which a penitent may release a priest from the seal of confession — a part of the sacrament of penance that Father Towle said he had not administered in the first place. However, Father McKenna, who will become president of the canon society in October, stressed that the church would not want a priest to lightly consider revealing a confession just because a penitent requested such an action. That's because, above all, the church wants people to be unafraid to come to priests for the sacrament of penance, also called reconciliation.

Father Robert J. Kennedy, pastor of Blessed Sacrament Parish in Rochester, who has spoken widely on the sacrament of reconciliation, added that even if someone confesses to a great crime, that doesn't necessarily mean he or she committed it.

"Do I know I'm hearing the truth here?" he asked rhetorically of such penitents. "Do I know I'm hearing some version of the truth here. Or some pathology?"

"Our job is to honor the conscience of the penitent, and to work with the conscience of the penitent ...," he said. "We're

not about gathering evidence."

Secrets sealed

Priests who violate the seal of confession are automatically excommunicated and can only be reinstated by the Holy See. The seal even binds priests to keep quiet about what they heard in the confessional from a penitent who has died.

In fact, Father Daniel F. Condon, chancellor of the Diocese of Rochester, noted that canon law uses language that shows the church considers violation of the seal "criminal" and "abominable," and on par with desecrating the Eucharist.

"It's not an ordinary event," he said of penance. "People have to think about it and examine themselves, and people have a right to expect that it's private."

Indeed, few canons are as forceful in language as Canon 983 and 984, which, in part, say the following:

"The sacramental seal is inviolable; therefore, it is a crime for a confessor in any way to betray a penitent by word or in any other manner or for any reason."

Even interpreters present at a confession are bound by the seal, as well as "all others to whom knowledge of sins from confession shall come in any way."

"Even if every danger of revelation is excluded, a confessor is absolutely forbidden to use knowledge acquired from confession when it might harm the penitent," Canon 984 reads. "One who is placed in authority can in no way use for external governance knowledge about sins which he has received in confession in any way."

That means that what a priest hears in confession may not influence how he treats anyone, according to Father Kennedy. He added that that practice should even extend to confidential counseling sessions. For example, he said, if he counsels spouses separately without one another's knowledge, he must not reveal to either of them what he knows about the other, nor even act on the knowledge he has about the spouse not present.

"I have to be careful not to manipulate the situation or play one off against the other," he commented.

On that note, Father Carriero said that whatever is divulged to priests in the sacrament of reconciliation is "God's knowledge" and not the priest's. And as for breaking the seal of confidentiality?

"I think that any priest would give up his life before divulging secrets."

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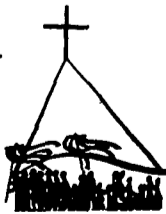
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