

# CENTER FOR PUBLIC CONSCIENCE

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# MATTERS OF CONSCIENCE<sup>©</sup>

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## PURPOSE STATEMENT

As we approach the end of our first full year of publication, we should restate our purpose and principles for both recent and earlier subscribers.

We feel that in the years since WWII our country has experienced wide institutional betrayal within both the public and private sectors with the results that institutions designed to protect our citizens have failed to do so.

This failure to adhere to their original protective intent has been due to a complex mixture of social and political forces and a resultant enormous increase in the concentration of money and power that has both accompanied and enabled our rise to sole super power status. We will treat this fascinating and barely credible emergence in detail in a future issue. The confluence of money and power in large amounts, given human nature and history, generally produces a high greed level to which our progress cannot claim exception.

Among the social and political forces referred to above some are consciously created by our own intelligence and goals while others are evolutionary — the seemingly random and diffuse results of multiple, anonymous actions spread throughout our society.

A key element in our post-war surge to super wealth and power was the series of tectonic changes in the American media industry over the past century. This is a tale of many parts, which we will also examine in detail later, but suffice to say that our appetites, judgment, taste, ethics, fashions, politics, identities, sexuality, goals and many other qualities of our lives were quietly (mostly) and completely transformed by the emergence of the modern media industry.

All our issues, whether single or multi-topical, will in greater or lesser degree bear thematic witness to institutional failure. We view this failure as a growing threat to our form of government, but recognition is only the first step. Any corrective action can only be accomplished through the efforts of informed and determined citizens.

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## AN INQUIRY INTO THE ORIGINS, CIRCUMSTANCES AND ACCEPTANCE OF SEXUAL ABUSE IN THE ROMAN CATHOLIC CHURCH IN AMERICA. 1950-2002

“Suffer the little children to come unto me and forbid them not; for such is the Kingdom of God.”

The Bible – King James edition. Mark 10:14

Matthew 19:14 Luke 18:16

The first and key word in the above quotation, as it is a spoken command, has two rather different contemporary meanings – to experience pain and to permit or allow. For approximately 2000 years of its scriptural existence it has been read as the latter. Sadly, in the last half-century the disclosed instances of sexual abuse by priests suggest that the former meaning seems equally appropriate.

Writing of matters of religion and faith are especially difficult because of the variety of strongly held spiritual beliefs by very different people in very different places, all of whom are equally firm in their religious convictions. We have chosen this topic because it is at once an unusually clear example of

institutional failure, with tragic and painful results, and a conflict between stated values and actual practice.

There has been much written already on the record of abuse and on the litigation that has followed it. This record speaks for itself. It is not our intention to add to or flavor that record, but, dealing with established facts, to inquire into the origins and extent of this abuse and its apparent acceptance in varying degrees within the Roman Catholic Church (RCC).

We do not come to this subject as prosecutor or judge, but to examine and understand the pain inflicted upon their victims by members of an organization that over its history

has mostly been associated with a commitment to benevolence, mercy and improvement of the human spiritual and social condition.

It is sad for all, observers and participants alike, to find the RCC, which has provided faith and hope to so many for so long, at the center of a controversy involving violations of moral and criminal law. Nevertheless, the pain of the victims and the lack of empathy accorded most of those who came forth are unarguably real, and above the accusations, admissions, litigation and settlements hang the questions of “How?” and “Why?”

To begin, we submit a simple framework of fact as the basis of our inquiry:

*Over a wide area in the USA from 1950-2002 a precisely unknown, but statistically significant, number of priests within the RCC committed single or multiple acts of sexual abuse upon parishioners whose spiritual care and comfort had been entrusted to them for protection and guidance. And, further, that over this period of time no significant punishment or discipline, other than parish transfers or assignment to church retreat centers, was initiated by the RCC at any of its administrative levels.*

From this statement we will draw our questions and, in the end, our conclusion as to how and why the RCC arrived at its present unfortunate position.

## A PROFILE OF ABUSE

To make sense of a situation which, on its face, seems to not make sense we must make a profile of those elements which inform the pattern of abuse, as we know it today:

**GEOGRAPHICAL INCIDENCE** — we are concerned with instances of abuse reported by bishops in almost all of the 195 Catholic dioceses in the USA.<sup>1</sup>

We are dealing only with abuse in the USA and that fact, in itself, poses certain questions. There have been accusations and reports of sexual abuse in the monasteries and convents of the RCC in Europe over the centuries and, while it might certainly be true that a young novice may have been at some risk in these institutions, the complaints, for one reason or another, did not reach a level where formal action was presented to or taken by local civil authorities. There was a recent exception to this in Ireland where it has been reported that 100 clergy have been convicted of sex offenses in the last decade.<sup>2</sup>

So we have to ask, “Why is this twentieth century pattern of abuse seemingly an American phenomenon?” There may have occurred isolated cases of abuse by predatory priests in Europe or other parts of the world, but we have seen nothing similar to what has been reported and admitted in this country. There are several possible explanations.

First, of course, would have to be our increasingly sex-emphasized and -oriented culture. Other cultures, notably Europe and Russia, have moved also in the direction of sexual liberation and promotion, but it would be impossible for us to come to any other conclusion than this is an area in which we are, indeed, “number one”.

The crucial question then becomes, “Has our cultural pursuit of sex and violence posed such a lure to a celibate priesthood that many of its members abandon their vows and are led to criminal sexual assaults?” The answer we believe to be “no” — that, while sex and violence pervade our culture in every form and at all levels, other cultures have endured similar cultural shifts without a pronounced collapse of values and trust within the RCC.

The next question that logically follows and has been

frequently asked is — “Is the vow of celibacy, and the RCC’s insistence on maintaining it, at the root of the sexual abuse problem?” Is celibacy too much to expect? Has it been rendered impossible, or even irrelevant, by mass modern sexual stimulation? It’s no surprise that our relentless embrace of mass marketing appears at times and in places that we had not anticipated. It can be argued that the entertainment industry has left no technique behind capable of promoting and portraying sex/violence.

We are mindful that in past times monasteries and convents were often located in remote areas and reached only by primitive means of transportation. This provided a measure of privacy that in effect cast the issue of celibacy as one of “local option”.

There is much criticism among Catholics of their church’s requirement of celibacy, but it seems unlikely that its abandonment will come either quickly or smoothly, if at all. Certainly the present Pope will play no part in such a change, and he expects that the great majority of Catholic communities will continue in the celibate tradition and abide by it as doctrine dictates.

Yes, celibacy has become more difficult in our age of stimulation, but are American priests inherently less able to conform to its practice than the clergy of other nations? Is the marker within the RCC for this point of difference cultural, structural or personal?

The last question to ask regarding the specificity of American culture in this matter deals with external circumstances rather than doctrine. Has the RCC priesthood attracted an element, not found or accepted elsewhere, which discerned and created opportunity for abuse? Unfortunately for the RCC and many of its parishioners the answer to this appears to be ‘yes’.

**VICTIMS’ AGE/GENDER** — Any useful profile must deal with such physical characteristics and clues as are available, but in physical as well as cultural matters those facts that are evident tend to pose more questions than they answer.

As to gender, the U S Conference of Catholic Bishops (USCCB) has reported that 81% of abuse victims were male and 19% female<sup>3</sup>. The gender of the victim is significant, for, if sexual desire was the only motivating factor, then its victims should statistically relate to either the general male/female or hetero/homosexual ratios of the population. This appears not to be the case.

There are valid reasons, other than sexual preference, why young girls might be passed over as targets for abuse in favor of boys. They are subject to greater supervision by parents and are more likely to both suspect and resist molestation. Another factor is that sports or other, mostly male, church social activities have provided natural cover for predator priests to be in the close company of their victims and to initiate the process of subversion that often precedes the actual abuse.

The third consideration of victim gender that favors boys as victims is that the legal and social penalties for rape/abuse of girls are far greater. Heterosexual abuse is more likely to be viewed immediately by victim, church and local law enforcement as the serious felony it is and, therefore, deserving prosecution under relevant criminal laws. We suspect that the RCC response of clerical shuffling and relocation to wrist-slap retreats would not have been successful in the event of persistent heterosexual rape. And, finally, the RCC may have, consciously or unconsciously, attracted an increasing number of homosexuals into its priesthood.

The age of those abused is an absolutely key element, as the USCCB report indicates that roughly 55% of victims were in the 11-15 year age group<sup>4</sup>. This choice of target

bears witness to the cynicism and betrayal practiced against their victims by the abusers within the church, as we will see in more detail later.

There is an important distinction of terminology involving age which must be made. Many of the reports in the press have described the abusing clergy as “pedophile priests”. “Pedophile” is not defined by any specific age in years, but refers to “an adult who is sexually attracted to young children.”<sup>5</sup> As childhood is described as “covering the period from birth to full growth”,<sup>6</sup> we might expect it to extend to age 18 and that, therefore, a young child would be one of nine years or younger. The application of “pedophile” to an abuser of teenagers might well be a misnomer chosen for journalistic convenience or, possibly, to provide the cover of medical terminology to suggest that the abusers’ behavior was compulsive and somehow beyond individual choice and control.

**THE CLERGY** – In any group or situation involving the commission of a crime or the betrayal of trust it is difficult to make generalizations. We observe a range of offense from the multiple abuses of Rev. Geohegan, who finally was sent to prison and was killed there, to a priest who admitted to “improper touching” many years ago early in his priesthood. We do not know enough about their minds, habits, early lives, education, careers, or other backgrounds to know what binds the abusers together, what formative or extenuating circumstances may have led them all to the same time and place and failure. But we do know that, having come together in the RCC, they used its spiritual authority and their position within it to commit sexual abuse.

And we also are faced with the contradiction that, whether the abuse problem is seen as an individual or group failing, those responsible for it had all been trained in the techniques and skills of social outreach and pastoral duties.

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Any effort to understand this tragic scandal within the RCC must encompass the structure of this abuse and its component parts. On the criminal level there is the actual violence of the priests’ physically forcing themselves upon their victims by molestation or rape. In the same context is the effort by the RCC’s administrative clergy, up to and including the level of cardinal, to avoid detection, admission, publicity, responsibility and, of course, the provisions of our code of criminal law.

We are faced with the original crimes, their attempted cover-up and the fact that the authority of the church was employed in both.

Within the structure of criminal acts, however, there are levels of betrayal that, although of a different nature, qualify as crimes against both the victims and the church, itself. And, again, those who engaged in these acts made use of the authority given to the church over many years by its members and believers. In this section we will explore some aspects of this web of betrayal.

The first area of consideration is the frequency/extent of the acts of abuse committed, as it is the only element which provides specific numbers, and even these probably represent an undercount due to deaths of abusers and abused and/or their failure to come forth. The USCCB report reveals that 4,392 priests were accused of molesting 10,667 minors<sup>7</sup>.

We live in an age of astonishing statistical capability provided by computers and spreadsheets. Just press one key and multiple elements and their relationship to each other are instantly changed and recorded. Were we so inclined, we might extract from the USCCB data information

regarding individual instances of abuse, but those details pale in importance compared to the total number, and it is with it that we must be concerned.

It is our only statistic at this time that permits us to measure the pain and damage that was inflicted, and, whether viewed at the parish or higher administrative levels, it is an unexpectedly high number that casts serious doubt that anyone within the church, again at any level, could credibly claim unawareness of its existence.

At the parish level, all priests may not have been aware of each individual case, but must have recognized that the favored administrative response of transfer to remedial retreats or other parishes was dictated by an atmosphere of acceptance. In the case of small parishes, with only one priest and minimal staff, evasion might have been easy to achieve, but it’s hard to believe that in those with multiple priests inclination towards sexual activities could have been successfully hidden over long periods of time.

***“Concealment was understood as part of the process....”***

At administrative levels all doubt disappears. The church’s policy for dealing with behavioral problems in the clergy was to transfer the offending priest to a different parish or to a retreat where counseling may have been provided. Concealment was understood as part of the process and exposure was to be avoided at almost any cost.

Sadly, when the complaints and accusations of the victims became so many and so loud that concealment was no longer possible, it was revealed that the church had threatened victims who came forward with excommunication, ostracization within the parish and other forms of religious and social pressure. By doing so, the church was often able to compel the victims to agree to a settlement that imposed only a minor penalty upon the priest or diocese.

These are, then, the two levels of betrayal at the heart of this abuse problem. Individual priests committed felonious acts of sexual abuse upon mostly minor parishioners. And at higher levels those charged with the administration of church matters engaged in concealment and acceptance. The combination of these circumstances has and will continue to cost the church hundreds of millions of dollars and a vast amount of good will and credibility among its one billion members throughout the world.

Our inquiry, given the nature and tone of Christ’s message through the centuries, is “How?” and “Why?” such a policy, with its contradiction of Christian values, was allowed to develop and persist.

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There are four primary elements to any crime — motivation, target, method and execution/escape — which provide a framework for society’s understanding, prosecution and judgment. And, while our inquiry is primarily institutional in its nature, certain individual aspects of the instances of abuse constitute such a cynical exercise of the church’s spiritual power that they must be examined.

**MOTIVATION** — The motivation for these cases of sexual abuse is most readily seen as physical lust magnified by the church’s imposition of vows of celibacy. But is this too simplistic? It is now recognized by most criminal experts that rape, spousal abuse, molestation and other heterosexual

forms of physical and psychological abuse have their roots in the need to express physical power, or dominance, by the abuser. Is this element present also in the largely homosexual abuses of the RCC clergy? Some factors suggest that, indeed, it was, and that the abuse of the priests' religious authority, in both the commission and the settlements of their crimes, reveals a psychological motivation and violence no less powerful and difficult to resist than physical lust.

The presence and use of psychological pressure upon victims stand out in the statements they have made in the course of their litigation and subsequent settlements. In these accounts victims cite manipulation and control exercised by abusing priests over periods of time that could extend to several years. This manipulation would take the form of priests arranging to have private meetings with victims under the guise or cover of sports and/or other parish activities.

***“...heavy threats to use against mostly early and pre-teen parishioners.”***

In the course of clergy attempting to maintain abusive relations and to prevent victims from revealing their existence the victims frequently stated that, had they revealed the abuse to parents or any other outside sources, they would have been subject to excommunication or other forms of spiritual isolation or discipline. These were heavy threats to use against mostly early and pre-teen parishioners.

This misuse of the church's spiritual power extended to the process of coming to settlement with some victims who were bold enough to file complaints against the RCC in the years before the existence and extent of the abuse problem became widely known. Again, from victims' statements and records, it was not unusual for their claims for compensation, justice or rehabilitation to be met with threats of spiritual penalties which could be avoided by accepting an agreement that greatly reduced the church's liability. This kind of pressure and the advantage it conferred on the church could only be effective while settlements were confidential. Once the pattern of abuse came into public view, such a cynical use of church power had to be abandoned.

Among all the many cases of abuse which have or will come to notice there are undoubtedly some that resulted from an overwhelming, urgent physical lust which, once committed, may have caused so much remorse and guilt that they became single failures which were never allowed to be repeated.

Unfortunately, such a momentary loss of control does not seem to have been the prevalent motivation, for there are numerous other instances where persistence, manipulation, seduction, secrecy and control were employed over time. We have no way of knowing which motivation was the dominant one, but only that both produced tragic results.

**TARGET** — We must now consider the target chosen by the abusers. Most victims who have come forth have been males who were abused as minors, mostly in the pre and early teen years. Why this age group? Most probably because these years are both a tender and turbulent transition from childhood to adult status.

At this age, neither the social nor the sexual identity is fully formed, and in both areas the assurance that comes from experience and trial and error is just beginning to become available. The same is true spiritually as the young boy comes to face a variety of beliefs and believers. And a final, but crucial, problem encountered in this period is the relative lack of development in challenging authority figures.

The years of age 11-15 are years of such pronounced

physical and emotional flux that they make a compelling target for abusers. They simultaneously avoid the increasing maturity of the late teen years and the censure that would derive from abuse of a younger child while providing maximum vulnerability and the opportunity for confusion and persuasion.

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No effort to understand the “How?” and “Why?” of this long-playing drama of abuse would be complete without a close look at the contradictory circumstances in which the victims found themselves. To obtain this view we must replace our broad institutional lens and replace it with the far more narrow focus of the impact upon individual victims. Whatever the age of the victim or the technique employed by the abusing priest (seduction or outright attack), the moment of revelation must have been one of intense pain (both psychic and physical), confusion and betrayal. Minors either just approaching or having reached adolescence are ill-equipped to deal with even one of these emotional crises, let alone in combination.

***“Unlike the abusing and observing clergy...empathy is our only key to understanding these events.”***

All the information that we will use to portray the victims' feelings comes from the public record of their statements mostly found in the litigation of their individual or group claims for compensation. What's important about this is that we have no special knowledge or source of knowledge regarding these events. We are laymen inquiring into events and practices that took place in areas of the RCC's religious authority and administration. Unlike both the abusing and observing clergy, who had been trained and educated in pastoral duties, spiritual outreach and human psychology, we have no special training, and empathy is our only key to understanding these events.

Because this pattern of abuse occurred in many places at many times the reports by the victims tend to be fragmented and, accordingly, we have constructed a composite version to use as an example. To facilitate reference we will establish the identity of our composite victim as a twelve year old male raised in a suburban home with two practicing Roman Catholic parents who attend church regularly (once a week) and who have some, but not extensive, further contact with the church (and its clergy) through its social, educational or charitable activities. Included in the latter are sports/youth activities which the boy has participated in casually since becoming old enough to do so. We shall call the boy, Arthur, and his composite priest, Father John. The latter is 45 years old, not particularly athletic, somewhat overweight and has studied for or served as a priest since his early college days. He is one of a staff of four priests at his present parish, which we will call St. Patrick's, and has held that position and established himself in the community over the past 10 years. Father John's personnel record reveals an accusation of “improper touching” at a prior parish. This file was marked “complaint vague and unsubstantiated; withdrawn after discussion with senior priest and attorney for diocese.” His transfer to another parish followed shortly.

These are the physical boundaries, so to say, of the “crime scene”. Like most “crime scenes” they are quite ordinary until the time when violence erupts and changes them forever in our consciousness.

Arthur had grown up with St. Patrick's as an accepted and frequent part of his life. Father John and his associates were occasional guests in his home, either for family meals or when Arthur's parents entertained a larger group for cocktails and/or buffet dinners. Arthur attended some parish social events with his parents and some "youth" events by himself or with friends each year without incident or much comment until at age 10 he began to try to avoid any church-related activities and voiced some vague but negative comments about Father John. His mother, when she tried to elicit more details and ask him why he didn't want to participate, was met with "I just don't" or something similarly unrevealing.

The truth was that Father John had commenced a practice of being overly, but subtly, affectionate with Arthur, at first occasionally and then more frequently, placing his hand on his leg, an arm around his shoulder or some other form of touching which did not cross the line of impropriety, but nevertheless was a new and confusing experience for Arthur. Confusing because it made him uncomfortable and want to object in some way, but how could he object to Father John, his family's priest and part of the church that blessed their lives with spiritual guidance and moral authority?

The answer for far too many twelve year olds was, of course, that they couldn't. They were trapped in that the church (and by inclusion its priests) was "good" and no overt act or harm had been committed. Had Arthur's mother tried to penetrate his silence and evasive replies, rather than see them as typical pre-teen behavior, she would have found herself in the same trap, albeit with more choices at her disposal.

Half-way through Arthur's twelfth year, Father John crossed the line. There had been a youth event at the church and Father John had told Arthur's mother that he would bring Arthur and some other boys home. Instead he took Arthur to his office when the event had concluded for "a soda and some cookies", after which he kissed Arthur and fondled his genitals.

The line had been crossed and Father John now had to determine to what extent his assault could be continued and/or increased. The first essential was to obtain Arthur's assurance to remain silent and not to inform his parents or anyone else, including friends. He told Arthur how much he liked him and that they could have a special friendship, but that he should tell no one and that, if he did, neither he nor his parents could remain as members of St. Patrick's.

The trap had closed and Arthur was left with neither an exit nor an explanation available to him. What could he do? His former, far milder comments to his parents about Father John had been dismissed. Father John was seen as a man of the cloth, and perhaps of God, too, and most probably Arthur had misunderstood his ways. So, anything Arthur might now say about his priest's behavior was almost sure to seem less credible.

Still, he felt that a wrong had been committed which only he could set right. But, if he broke silence about the incidence by telling his parents (or anyone else), his whole family would be expelled from St. Patrick's and he would surely suffer unknown spiritual penalties, as well as disgrace, for breaking the command of confidentiality imposed on him by Father John. At his age he had no real understanding of how the Church dealt with members' disobedience, but he was convinced by Father John's manner and words that the matter at hand was one of great consequence and not to be taken lightly.

There just was no way that Arthur could see to extricate himself and to set things right. On the other hand, doing nothing seemed equally wrong, as Father John might force

himself on Arthur again, but, even lacking a repeat of his assault, Arthur now felt physically abused, and morally confused and offended by the sense of chaos and violence that the priest's act had brought to his life. His days and nights became filled with vague, but unrelenting, anxiety.

The forces portrayed here are so powerful that they could wreak havoc at any time of life, but bear in mind that:

- The victim is a child whose character is far from fully formed, and
- He is faced with both a sudden challenge to his sexual identity, and
- To his relationship to authority and those who represent it.

In our composite case we do not know whether Father John planned a seduction of Arthur over a long period of time or whether his assault was due to a more sudden, spontaneous lust. But it is not important. The result was the same.

Arthur's case, while tragic and painful for him, is a somewhat milder version of other instances of abuse in which actual homosexual rape occurred, or when the pattern of both physical and psychological abuse was continued and magnified over a long period of time.

Regardless of details of time or technique, what all these minor age victims shared was the hopelessness of their situations when confronted by their abusers' overwhelming sexual and religious force. In instances of actual rape this hopelessness and sense of entrapment was joined with the extreme physical pain and terror of sexual violence. No matter how intensely they might try, through therapy or other means, to separate themselves from their abuse, they could not. Their lives were hostage to it; its shock and panic lurked continually in the shadows subject to memory's recall without warning or mercy.

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But, while these abuses and their consequences produced serious physical and psychological damage from the attacks, themselves, they created another wholly different form of impairment from which their victims could never escape. We refer to betrayal as it played out in various forms.

The first betrayal encountered by the victims was the actual incident of abuse in which superior physical and intellectual force was applied to a young and unsuspecting victim. This betrayal was all the more powerful and shocking coming, as it did, from a member of the clergy.

Then, while the victim is still reeling from both the physical attack and its source and trying to equate them with what he had been taught at home and in the church, the next betrayal occurs. The church's power and authority (claimed to be derived from God) over its members is used to threaten the victim into a compliant confidentiality and silence. This constitutes a dual power play, for it not only engages the victim in the crime, but it also forces him to act in a way that runs counter to the moral education that he had received at home and at church.

These quandaries and conflicts are difficult enough for any adult to trace and resolve, but for a minor lacking full intellectual development they defy any sensible resolution and are transformed into a painful and fearful mix of hostile and anxious emotions.

This abuse of the church's authority was not, apparently, limited to the time of the abuse and subsequent efforts to assure silence. Victims' records state, even in cases where they came forth to protest their abuse and seek compensation at higher than parish levels within the church, that they faced

coercive efforts by the church in which it attempted to use its spiritual authority to deflect a claim or reduce its settlement.

But the betrayals of trust in commission of the abuses and of authority in attempting to prevent their disclosure are products of the lowest level in the church hierarchy. Far more significant and, as it turns out, unfortunate were the actions taken at the highest administrative levels where decisions are made by bishops, archbishops and cardinals.

For at these levels another form of betrayal occurred. It was the shielding of abusive priests from any legal/criminal actions and the failure to impose any meaningful discipline within the church organization. What disciplinary measures were taken seem to have been in the great majority of cases limited to transfer to another parish and/or assignment to a church retreat for meditation upon one's errant behavior.

It is at this stage of our inquiry that we face what is perhaps its most puzzling aspect. The abuses revealed were not just instances of cynical abuse of the church's trust and authority by its priests. They were also felony crimes that violated moral and criminal codes of church and state for the commission of which the church imposed only a token form of discipline. We refer to the discipline of choice as "token" and "not meaningful" because it involved no serious effort to prevent repetition of the abuse. Following transfer to a new parish, an offending priest was free to minister to all its members without any apparent restriction or observance of his contacts with minors. The extent to which other clergy at the new parish may have been informed of an abusive priest's past history is not always clear, but the multiple cases of repeat behavior suggest that supervising clergy were either unaware of prior offenses or operated by the terms of a very lax disciplinary code.

It has come to be observed with some truth in our political culture that "the cover-up is worse than the crime", and this can fairly be said about the sexual abuse scandal in the RCC. By failure to publicly admit its existence or to impose discipline the RCC placed itself in the untenable position of de facto tolerance of aberrant and abusive behavior. This acceptance was beyond the comprehension of abuse victims and created a second larger, institutional betrayal for them to confront.

Last year Massachusetts' Attorney General, Thomas Reilly, following a 16 month investigation of sexual abuse in the Archdiocese of Boston, strongly criticized the church leadership by stating:

*"When they had a choice between protecting children and protecting the church, they chose secrecy to protect the church. They sacrificed the children for many, many years."*

He blamed the church's failure on "an institutional culture". Even allowing for Reilly's prosecutorial role, this is an amazing statement for a Catholic in public office in Boston to make about the RCC and shows how intensely some of its followers disapprove of its policy and methods<sup>8</sup>.

It is distressing for outsiders, as well as RCC members,

***"... widespread pattern of abuse as the result of church policy"***

to view the widespread pattern of abuse as the result of church policy, but the evidence leaves room for no other conclusion. The abuses were simply too extensive in time and place to be considered isolated accidents — so much so that a conscious choice had to be made to ignore them. The question that cries out to us is "What was the basis for this choice that caused so much human pain and suffering?" To answer we must make a brief detour.

## FROM MONOPOLY TO SCHISM

The relationship between the RCC and the law has been clouded by the changing circumstances and conflicts which both institutions have encountered over the course of history. These changes have dictated to some degree the role the RCC played in society and its contact with both civil and criminal law. These points of conflict are further complicated by the fact that the RCC had a legal structure of its own, thereby creating a confluence of civil, criminal and canon authority the boundaries and dominant rights of which were often difficult to establish.

In its early days the Christian church was both persecuted and ruled by the Romans. In the rule of Emperor Constantine, however, this situation was reversed and Christianity became the official, recognized religion of the Roman Empire. Following the sack of Rome and the collapse of its empire the Dark Ages descended upon Europe and the intelligence that had flared so brightly in Greece and Rome was extinguished.

There was during this period little in the way of education and that which existed was largely to be found in monasteries. The RCC controlled the recording, the content and the teaching of subject material and became, in effect, a monopoly.

With the Renaissance came better times socially and politically, but the RCC was reluctant to surrender the educational power it had accumulated and nurtured with the result that even a scientist as important as Galileo was forced to conform his science to RCC dogma.

We must understand that the RCC then was vastly different than it is now. It was as much a temporal institution as a religious one. It possessed armed forces and large estates and wealth which was frequently acquired by somewhat unchurchly means such as extortion, coercion or intimidation. And it used whatever means were at its disposal to engage in political action and wars. The Popes lived lavishly and were permitted to marry and have offspring to which they could convey church lands by laws of descent. The latter was practiced to such excess that it came to pose a serious financial threat to the church with the result that Popes were forbidden to marry. With its financial and spiritual reach, the RCC largely controlled the art, science and education of early Renaissance Europe. It extended into every corner of Christian lives and was, in some ways, the law itself.

But change was on the way, and for the church what would turn out to first challenge and then eliminate its educational monopoly was the invention by Johannes Gutenberg of the printing press in 1456. Much like our modern computers, the printing press made information available on a mass basis and in a form that could be identical in different places and at different times. It made obsolete the painstaking process of producing books by hand copying and removed their production and distribution from the monasteries to the printer's shop — a transfer of technique and power with serious implications for any monopoly.

But, while Gutenberg and his press posed the earliest competitive challenge to the RCC's medieval monopoly, from the Renaissance others would soon follow. In the 16<sup>th</sup> century the scientific writing on astronomy by Johann Kepler and Galileo first appeared, as did the greatest excesses of cruelty and repression by the Spanish Inquisition. The competition offered by Kepler and Galileo went under the name of "heresy" and the Inquisition was the fearful response of a threatened monopoly to suppress it.

The broad range of changes in literature, learning, science and art that marked the Renaissance frequently challenged the church's dogma and articles of faith at the points where they met so that in a way the RCC was fighting on too many fronts. And yet the most damaging blow was not a cultural one, but was struck by Henry VIII of England when he refused to be bound by the RCC's authority on divorce and remarriage. His choice of action, while ostensibly concerned with elements of civil law, in reality questioned the whole concept and position of the Pope in Rome as the divinely ordered leader of Christ's church.

Henry was a strong and powerful ruler not troubled with many of the niceties observed by other more gentle monarchs. In opting for schism he chose the course against which the RCC had no way of retaliation. It cut deeply into the Church's authority. It provided both spiritual and secular support to the Reformation initiated by Martin Luther in Germany and to the possibility of a Europe no longer dominated by one Church.

*“... history can be the toy of chance”*

At home in England schism set the stage upon which the terrible turmoil of the Catholic/Protestant struggle played out in the 16<sup>th</sup> and 17<sup>th</sup> centuries, and upon Henry's death in 1547, his daughter, Elizabeth I, moved to center stage and presided for 45 years over a period of continuing religious violence and great political upheaval. Added to this inflammatory mix were the shifts in wealth and social status caused by such uncertainty at all levels of English society. Curiously, there is a moment at Henry VIII's death that shows how often history can be the toy of chance. Had Henry been struck by lightning, or suffered a fatal or incapacitating stroke, or died of any other sudden “natural” causes, the RCC and most other 16<sup>th</sup> century observers would have seen his demise as a form of divine retribution. Rome's power and position would have been greatly strengthened and, without a leader as independent as Henry, the schism might well have lost enough of its support to eventually weaken and fail.

In 16<sup>th</sup> century Europe, the RCC was a dominating force. It possessed both great temporal and spiritual power and controlled the thoughts and destinies of most of its followers. It had been challenged by science (Galileo and Kepler), technology (Gutenberg) and its own clergy (Luther), and had for the most part endured these challenges with its power and ultimate weapon, excommunication, intact.

But one man changed all that. Henry was a risk-taker marked with confidence and courage. For, even admitting his great power as King of England, the dominant thought in 16<sup>th</sup> century Europe was that excommunication would remove its recipient from spiritual grace on earth and condemn the soul to eternal damnation thereafter. Few were willing to voluntarily accept this risk. Henry did. And, once schism had been experienced without bringing down catastrophe or punishment upon its participants, the power that the RCC had held and wielded for centuries was forever changed and diminished – politically and spiritually.

## THE CHURCH AND LAW/POWER

This is a topic with many facets that reflect how, over time, centers of law/power undergo significant change and how the relations and nature of spiritual institutions are also transformed. In short, the operating rules for human society

are constantly altered by the coexistence and interaction of spiritual and temporal forces within it.

After the collapse of the Roman Empire and its consequent power vacuum, a fragmented Europe suffered through centuries of conflict from which emerged numerous small principalities and states whose wealth was primarily provided by land and passed on by heredity. The most favored means of expansion were marriage and warfare and, over time, they provided a notable degree of consolidation.

Marriage and militarism were not, however, particularly suitable for the RCC. Although its land holdings were extensive, they were decentralized and often remote, and those who managed them were scholars and priests, not warriors. Even Christian Europe's great battle with Islam, the Crusades, was conducted by numerous private armies committed to the cause by local or regional nobility.

This is not to say the RCC was without power. It had a very real power which others lacked and that was its spiritual authority and control. In a time when life was viewed and lived as a constant, daily struggle between God and Satan, the exercise, or even the threat, of excommunication was a power like no other. Moreover, it could, in theory, be applied to King and commoner with equal ease and devastating effect.

Largely because of this strength and the nature of its mission, the RCC tended to separate itself from civil law and to look upon its own law, which derived from God and Christ, as dominant. As circumstances might lead to a conflict between civil (mostly royal) and religious authority, the RCC found it in its best interest to avoid such contests and exercise its authority through the minds and souls of its followers. The line of separation provided greater purity for the RCC's mission and clarity for those who made and exercised temporal law.

It did, that is, until the Pope and Henry VIII found themselves in direct and determined conflict. In Henry the RCC faced a very strong and willful opponent determined to manage English affairs in England and quite willing to establish an English church over which he could preside.

Henry's temporal resistance to Rome was matched by Martin Luther's accusations of corruption and spiritual decline within the RCC. The result was schism and the presence in Europe of an alternate Christian church. From a legal point of view, the RCC had suffered a confrontation with unpleasant results which it had not anticipated, and which served to reinforce its policy of separation.

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Fast forward to the present abuse scandal. The USCCB reported over 10,000 cases of “substantiated allegations” of sexual abuse against minors by clergy in the 1950-2002 periods and concluded that an additional 3,000 cases had not been reported. These instances took place in various dioceses across the country and were subject to possible remediation or discipline by numerous bishops. The lack of appropriate response was termed “shameful” by the church's own National Review Board appointed to conduct an inquiry<sup>9</sup>.

It is possible that the bishops' failure was partially due to their wanting to avoid having the RCC (via its priests) become involved in criminal proceedings in courts of law. The USCCB report indicates that of 4,392 accused clergy abusers only 613 (14%) were reported to police and that only 138 (3%) were convicted of a crime<sup>10</sup>.

With only 14% of those accused being reported to the police, it is evident that the prevalent response by the upper levels of the church hierarchy was acceptance of the abuse

itself and avoidance of responsibility. With regard to avoidance, we can be certain that fear of publicity and its impact upon the RCC was a motivating factor. It is equally clear that the longstanding policy of staying clear of civil law conflicts, while maintaining an unassailable claim to spiritual authority, was also key.

What the church hierarchy failed to grasp was that eventually, in our culture, a scandal of this nature and size was sure to be revealed. Still, we think that fear of publicity and/or legal confrontation cannot fully explain the RCC's failure to act.

We feel there has to be something else, something that posed a far more powerful challenge to the RCC than publicity or the law, and we suspect that at the true center of the abuse scandal lay the possibility of the RCC's validity being questioned.

Society is developed by constructing laws which attempt to penalize anti-social behavior and provide a way for society to exist and function that benefits the common cause. These laws are made by men and subject to human imperfection, but can be changed.

We have evolved a highly complex code of both civil and criminal law in which, for the most part, penalties have become less severe. The purpose of our system is to provide those who enter it with the chance to move through it, and to move on; and one of our strengths is that we try to apply this principle to both violent and non-violent crimes. This may not always work, but it is an effort that has gained consistent ground and support over the past four hundred years. This is important because it offered the RCC an opportunity to deal with its sexual abuse scandal by reporting accusations of abuse to local authorities and thereby engaging rather than avoiding the justice system.

Most police departments in America have a close working relationship with clergy at the parish level and above. It would not take a great stretch of administrative imagination for the RCC to recognize this and to anticipate that even in cases of sexual abuse by its priests they would receive fair or, perhaps, even preferential treatment<sup>11</sup>.

It is easy to understand how the RCC, when first faced with the early cases of abuse, might regard them as isolated and best treated confidentially within the church. But "early" and "isolated" didn't last long, and the rapid rise in reported incidents should have brought forth a different and more open response. All the weight of rational thought and the RCC's own spiritual and legal positions fall on the side of admission and openness, but this was not to be. In a situation in which the law was bound to be confronted, the RCC chose to ignore and avoid it.

The Curia is a small group of administrative clergy operating within the Vatican which governs the global activities of the RCC. Given the size and reach of the institution it manages, it can be considered as somewhat of a managerial miracle. Power, knowledge, wealth and policy move through its various levels and offices as in a three dimensional chess match, subject always to bureaucratic controls and strategies flavored by personality and ambition.

In the process of moving upward a considerable amount of study, interpretation and load shedding occurs so that those at the highest levels deal only with considerations of major importance.

At this stage and distance it is difficult to understand why the Curia was not immediately galvanized to move forcefully as evidence of abuse became increasingly clear, but, regardless of its apparent inaction, the nature of the issue forces us to assume that attention was given and decisions made by a small circle of top, policy-setting church officials.

There is a curious element at work here. The RCC is to our knowledge the only Christian denomination that calls for regular use of the confessional booth as an important part of its belief system and a necessary step in achieving absolution. Here, in a situation where institutional confession offered advantage, the RCC chose not to make use of it.

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There is another characteristic of the RCC that distinguishes it from its brethren Christian sects, and it is absolutely key to our understanding of the RCC's acceptance of sexual abuse within its clergy.

The RCC believes that it was founded by the apostle Peter and that all subsequent Popes are heirs to the authority he received from Jesus to become head of the Christian faith on earth. It also believes that God's will, or presence or connection with His followers is expressed in a direct line and linkage from God to Jesus Christ to St. Peter and then within the church to cardinals, bishops and other levels down to the parish priest. Any interruption of this line of descent would violate God's will; similarly, anything that might be seen to challenge or compromise this divine authority would question the validity of one of the RCC's unique and most powerful claims for faith. In times and circumstance of greater religious antagonisms, such a challenge could be extended to strike at the heart of the RCC's mission and power.

***"... the basis for the RCC's process of denial and avoidance of timely responsibility"***

Closely related to this concept of divine connection is the view within the RCC that it is "the body of Christ" on earth and that, therefore, no stain or error can be attached to it. These two beliefs may well have provided the basis for the RCC's process of denial and avoidance of timely responsibility.

They most certainly formed a strong background of belief that the church could do no wrong. And this belief was strengthened and codified when in 1870 "by dint of coercion and political chicanery"<sup>12</sup> Pope Pius IX persuaded the first Vatican Council in the midst of great controversy to adopt the doctrine of papal infallibility. "Once an institution declares that it enjoys unique divine guidance, it becomes constitutionally unable to admit culpability. Cover-up has become automatic."<sup>13</sup>

In our world of vastly accelerated media, communications and political crises attention is short and messages, while often powerful, can be of brief moment. Publicity, even regarding sensational matters, flares, dies and is replaced by another issue from the never ending supply that exists just below our level of awareness. Had the RCC acted promptly and openly when it first became aware of the growing scope of abuse within its ranks, it might have dispelled to a considerable extent the threat of publicity, but, by allowing the abuse to increase to hundreds and then thousands of accusations, it assured that, when eventually exposed, the publicity would be far more intense, unfavorable and difficult to manage.

Similar criticism can be directed at the RCC's reaction to the legal aspects of the abuse scandal. It is true that the RCC has, over a long period of time, chosen to avoid, as much as possible, confrontation with civil law authority, but

the exercise of this option has been one of strategy more than tactics. By doing so the RCC was able to not only avoid particular confrontations, but also to maintain the purity and, hence, the strength of its own spiritual law.

We noted earlier the close ties between law enforcement and parish clergy. In their community services they frequently and efficiently toil in the same vineyard. Additionally, many police and court staffs have high proportions of officers of historically Catholic European descent, as do the RCC's clergy and membership. This shared background and common bond could have played an important role in determining how the abuse scandal would be received by both law enforcement and the public. But, again, any advantages of scale and timing from an early acknowledgement were sacrificed in favor of secrecy and denial.

We suggest that the RCC's effort to contain the abuse scandal and treat it solely as an internal matter was a judgment that might not have been made had the publicity and legal issues been able to be viewed as opportunities for corrective action. The fact that they were considered as peripheral rather than central leads us to conclude that the RCC hierarchy responded to what it perceived as an even greater threat.

This was the threat to its validity inherent in an admission that a link in the line of connection to divine will/presence could be responsible for such moral failure and, by extension, that it could render impure "the body of Christ".

Curiously, as each new case of abuse was revealed to the RCC administration in this country and in Rome, it offered an opportunity to accept responsibility and, perhaps, even to make the suggestion of seeking forgiveness, but neither responsibility nor contrition were part of the RCC's active vocabulary. Again the answer to "Why?" can most likely be traced to divine lineage and its preclusion of acknowledgement of human error.

In our late twentieth century culture of personal and public success, it was neither expected nor inevitable that the zeitgeist would bear bitter moral fruit. And yet, that is what happened in both our sacred and secular institutions and what we, and the RCC, must face.

To date the church's response has been mixed. It has made settlements of victims' claims for compensation totaling approximately \$570 million, but additional claims and direct insurance payments may push this closer to \$750 million. Cardinal Law, who headed the Boston diocese and was at the center of the litigation there, was removed from his supervisory position, but still remains an active and powerful force within the RCC in America and can cast a vote in the next papal election.

Without any admission of guilt Cardinal Law, the Pope and other high RCC officials have stated that they are praying for healing for the victims and have asked Catholics to do the same. This may not be in the best interest of the victims. One of the most difficult aspects of sexual abuse rehabilitation is the breaking of the connection between the abuser and abused. Prayer can be both a message and a connection, but in this case, while the message might be helpful, the connection might not, as it might hinder psychological disengagement.

At a recent convention of bishops, which reviewed and revised RCC policy on sexual abuse, some of the participants advocated no punishment for past offenses. Archbishop Wilton Gregory, the recently elected head of the RCC in America, referred to the scandal as "this tragic history. And that's what it is. It is history and it is past." There is something offsetting about this comment in that it seems too

impersonal and remote to engage the intense pain of the victims.

There is much work ahead for the RCC. We believe that its actions, and inactions, in the abuse matter are seen as wrongly premised by both Catholics and others and that this poses a new question to its authority based on its judgment rather than its theology. If this is true, the RCC may have to find space for fallibility in its response.

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## THE IRONIES OF "THIS TRAGIC HISTORY"

Irony sometimes seems like sadness with a smile. In this case there is far too much sadness and nothing to smile about. There are many ironies in this tale and all of them are of the tragic variety. The most unfortunate and extensive was that the RCC adopted a policy of denial, threats and secrecy in order to avoid the challenge to its validity/status posed by the scandal. When the facts were exposed and this policy failed, the RCC was faced with not only the original crimes, but also their long cover-up. It emerged with a damaged reputation and a loss of credibility. As credibility is a key element in validity, the course the RCC chose to protect its validity actually had the opposite effect. Since the abuse scandal surfaced, the RCC has suffered a significant loss of trust within its congregations which is evidenced by the insistence of many of its lay members that they be given a stronger voice in policy and administration at all levels.

There is a terrible irony in the fact that a church which has preached the Christian message of love, tenderness, peace and good will should have accepted crimes of sexual violence within its clergy. And it is even more tragic that its spiritual authority could be invoked in their commission and in maintaining their secrecy.

And there is the further irony of an institution that has called for strict regulation of sexual conduct for its followers finding its clergy accused and, in some instances, convicted of sexual abuse.

This episode in the RCC's history is cause for regret for all involved – priests, bishops, and victims alike. It is hoped that the RCC will be able to regather itself and its values by affirming a new policy that breaks completely with its "tragic history", but it is unlikely that this can be accomplished without some specific acknowledgement of responsibility and fault. And this brings us to the final irony – that in order for the RCC to protect its validity it may have to shed some.

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## EPILOGUE

*"it has really been the worst thing that has happened to the church in the US"*

On April 2, Pope John Paul II met in private with a group of American prelates in one of several periodic audiences scheduled for this year. He acknowledged "outspoken hostility" within the church's membership, but stated that "viewed with the eyes of faith, the present moment of difficulty is also a moment of hope."

Bishop Francis Gossman of Raleigh, NC, in commenting on the Pope's words, said "It's not surprising that it's the first thing he mentioned, because it has really been the worst thing

that has happened to the church in the US.”

While victims may not be able to share the Pope’s optimism, considering their painful past, these two views are clear testimony to the enduring ability of human beings to arrive at opposite conclusions from the same circumstances, to see the glass as both half full and half empty, even in a matter as dark as sexual abuse.

Whether the RCC views the glass as half-empty or half-full, in this case its resolution lies in the missing half. The RCC faces serious challenges to its authority, its credibility and its judgment, and the faith of many of the faithful has been shaken. To dispel these doubts we believe that prayers for the victims are not enough, that they should be accompanied by strong words and action from Rome.

At the least, we think that every US diocese should have a lay administrative advisory committee of no less than three and no more than five members to meet on a not less than bi-monthly basis to review diocesan administrative matters. Specifically included would be transfers of clergy and their reasons, as well as any accusation or other evidence of problematic sexual behavior by any clergy.

In the event that any such behavior were to violate the criminal code, the accusation should be acknowledged in writing and the accuser referred to the proper local law enforcement office at which point he/she can decide whether to press charges.

The acknowledgement of any abuse accusation by church officials at any level should be promptly shared with diocesan lay advisory committees to jointly determine what internal disciplinary procedure might be called for. Following the imposition of internal discipline the presiding bishop and the lay committee should bear the responsibility for monitoring the activities of an abuser and defining what restrictions, if any, should be applied to his activities.

The RCC seems not to realize how much it has lost by its actions, or lack thereof, in dealing with sexual abuse within its ranks. To put this matter behind it, an announcement, from the Vatican, in strong language to all Catholics would be a major and positive step. The US need not be mentioned. Indeed a worldwide pronouncement of new policy to all followers would have the greatest benefit for all concerned – Vatican, victims and the general membership. This general new policy announcement could then be followed by more specific declarations and regulations approved and issued from diocese and national church leadership levels at which time all concerned could, hopefully, say “Amen”.

#### END NOTES

<sup>1</sup> In response to the revelation of sex abuse by Catholic clergy the US Conference of Catholic Bishops established a review board of prominent lay persons to conduct a thorough inquiry and report its findings. The results were released on February 27. All statistics cited in this letter have been taken from this report unless otherwise identified and their source is designated as USCCB.

<sup>2</sup> Royal College of Surgeons, Dublin. Dec, 2003.

<sup>3</sup> USCCB

<sup>4</sup> Ibid

<sup>5</sup> Webster’s New Universal Unabridged Dictionary 1996 Edition

<sup>6</sup> Ibid

<sup>7</sup> USCCB

<sup>8</sup> NY Times, July 23, 2003, Fox Butterfield

<sup>9</sup> USCCB

<sup>10</sup> Ibid

<sup>11</sup> In March of this year Bishop Thomas O’Brien of Phoenix, AZ was sentenced to 4 years probation and to perform 1,000 hours of community service for a hit-and-run accident in which a pedestrian was killed. He could have received a sentence of almost 4 years in prison. This is cited as an example of how law enforcement generally tends to accord favorable treatment to a clergy member.

<sup>12</sup> The Guardian (formerly The Manchester Guardian of the UK). Aug. 20, 2003. Speaking The Truth That Sets Us Free...Not Half-Truths and Cover-Up by Karen Armstrong. “Ms. Armstrong is a former Catholic nun who has written extensively on religion, including several excellent books on Islam and Christianity.”

<sup>13</sup> Ibid

<sup>14</sup> February 27, 2004 response to National Review Board’s report to USCCB.

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Important information relevant to some of the issues herein has just been received. We will explore it in our next (multi-topic) issue in July

#### **SUBSCRIPTION NOTE OUR AMPLE SAMPLE POLICY**

This issue, our fourth, marks the end of our first year of publication, and we express our thanks to our subscribers and our hope to provide you with interesting issues in the year to come. Following this issue our mailing list will be culled to remove names of those from whom we have failed to elicit a response. A year’s free trial seems adequate to us to determine reader interest and suggests that, in its absence, we might best direct our efforts to new readers.

An announcement of renewal policy and billing procedure will be made in our next issue.