

The Roman Catholic Church is facing an unnecessary crisis "that could have been averted if the overriding priority in recent years had been the welfare of the church's children rather than the welfare of its priests and its assets," a prominent religious authority writes.

The Rev. Dr. Marie Fortune, founder of the FaithTrust Institute and editor of "The Journal of Religion and Abuse," said, "Not reporting allegations of child abuse to authorities, secret settlements which place gag orders on survivors, harassment of complainants, retention of pedophile priests, and secret placement in new parishes---these are the outcomes for which dioceses have paid a high price---mostly to their lawyers."

In an article in "The Long Term View," a publication of the Massachusetts School of Law at Andover(MSL), Dr. Fortune, a minister in the United Church of Christ, writes, "From east to west, we are learning information that some dioceses not only kept these crimes a secret for decades, but they also misrepresented facts to survivors and used depositions to harass and blame victims for their victimization."

"These longstanding cases of abuse by priests, silence, and cover-up are all the evidence we need that the hierarchy of the church has been hijacked by those who chose the institutional protection agenda," Dr. Fortune said. "Behind the face of robes and incense, clerical privilege was allowed to trump the Gospel. And they have brought the church to the brink."

The church's accusers, she notes, are survivors of sexual abuse that do not usually come forward to complain until they reach adulthood. Yet, Dr. Fortune points out, some diocesan counsel have attempted to utilize states' statutes of limitations. She writes, "the fact that some dioceses (not all) have opposed statutory changes which would extend the statute of limitations in order to accommodate survivors and really get to the perpetrators (who may still be offending) creates huge questions in the minds of parishioners about the diocesan's genuine commitment to healing and justice for victims and survivors of abuse."

Another legal tactic employed by some dioceses has been a First Amendment defense that says the separation of church and state precludes the state's involvement in any business of the church but most particularly in civil or criminal actions regarding the church's handling of clergy sexual abuse cases."

This is a cynical affront to both the church's values and the Bill of Rights," Dr. Fortune believes, noting the First Amendment was established to promote free exercise of religion and to deny the state power to establish any particular religious teaching. "It was not intended to shield churches from liability for mismanagement and malfeasance, not to mention criminal behavior in the sexual abuse of children," Dr. Fortune writes.

She goes on to say that if every state consistently required every helping professional to report even the suspicion of child abuse or neglect, disclosures of alleged abuse by clergy would be investigated relatively quickly by those trained to investigate. In several states, Dr. Fortune notes, the clergy hierarchy is not required by law to report criminal abuse of children and adolescents.

Positive Role For Lawyers Urged

Dr. Fortune said many lawyers for judicatories have seen their job as protecting a client diocese from legitimate complaints by congregants, an approach that is "shortsighted at best and immoral at worst....If the Roman

Catholic Church persists in (its)aggressive legal strategy of secrecy, it will continue to reap what it sows." She called on bishops to direct their lawyers to develop and implement policies and procedures aimed at stopping abusers, identifying victims, and bringing healing help to them and to their families. She urged lawyers to "deal with the problem openly and honestly and help provide justice for those who have been harmed. Justice leads to healing. Lawyers can help the church be the church. Instead all too often lawyers have helped the church forget it is the church."

Dr. Fortune argues a justice-providing response is actually in the best interest of the lawyer's client, the diocese. "It is consistent with the stated values of the institution. It addresses a very real internal problem of misconduct and seeks to limit its impact. It ultimately saves money and protects the financial and moral assets of the institution."

Dr. Fortune's article was published in Volume 6 of "The Long Term View" and is titled, "The Improper, Anti-religious Use of Secrecy by the Church in Child Sexual Abuse Matters." Her views are not necessarily those of the law school. The Massachusetts School of Law is a pioneering academic institution purposefully dedicated to providing a quality, affordable legal education to students that might not otherwise be able to enter the legal profession --- minorities, immigrants, and children from low- and middle-income households. The school's innovative educational approach has been praised by legal scholars. Cofounder and Dean Lawrence Velvel has been honored for his leadership by The National Law Journal and MSL has been praised by The Wall Street Journal as "The Little Law School That Could."

