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Church in Crisis -- Essay

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How deep will the bishops' review board dig?

Only major structural overhaul will alleviate church's crisis

Editor's note: On Feb. 27, the National Review Board, 12 prominent Catholics appointed by the bishops to research causes of the sex abuse crisis, will release their long-awaited report. On the same day the U.S. Conference of Catholic Bishops will release a document by criminologists from the John Jay College of Criminal Justice in New York, assessing data from the dioceses on perpetrators, victims and financial losses.

By JASON BERRY

Last May I spent a long afternoon in a conference room at the Washington law office of Robert Bennett, who had defended President Clinton in the Paula Jones case and was steering the research effort for the National Review Board. Seated beside him was Pamela Hayes, a criminal defense attorney from New York, and the review board's only African-American. They cut quite a contrast, Bennett, a son of the Irish church and fabled lawyer of gruff exterior, and Hayes, a daughter of Harlem who had prosecuted sex offenders early in her career.

I knew some of the people the review board had interviewed -- writer Eugene Kennedy; SNAP leaders Barbara Blaine, David Clohessy and Mark Serrano; Sue Archibald of Linkup; Frs. Andrew Greeley and Thomas Doyle. I paid my expenses to Washington and agreed not to divulge what I said, most of which was drawn from already published work. A young attorney in Bennett's firm, Joseph Barloon, with degrees from Harvard and Notre Dame, set up my appointment and took notes that day. A paralegal was present, and a young lady with a tape recorder. Otherwise, the big room had a slightly hollow feeling.

I'd be lying if I didn't admit to a certain feeling of vindication.

A decade earlier, when *Lead Us Not Into Temptation*, my first book on the sex abuse crisis, was published, I told countless journalists that the problem was much deeper, and denser, than any of us could imagine. Some of my colleagues nodded; others frowned. I finished that book unable to get documents out of Boston or New York.

That day in Bennett's office, after 18 years' reporting on this subject (interlaced with long stretches of other work), I was finishing *Vows of Silence*, which takes issue at one point with William Bennett, the so-called morals czar and a champion of the Legion of Christ, a religious order that coauthor Gerald Renner and I investigated and also wrote about in the book. Bill Bennett is Bob's brother. Both are fixtures in Washington political society. I sat there imagining the Bennett boys hunkered down alone with cigars and a few stiff drinks, brooding about sexual corruption in the church, talking as siblings will, about bishops as if they were politicians you knew not to trust. I had a sudden urge to say: "Bob -- hope you don't mind me calling you that -- you need to tell Bill to yank his letter off the Legion of Christ Web site! He's a sucker for their disinformation machine and even though he's a Republican, I know he's your brother and you love him!"

But I didn't say anything like that. The book was months away from publication. And I was tired of trying to persuade people that the institutionalized mendacity was worse than they might imagine.

As Bennett and Hayes asked questions in the orderly way that lawyers probe, I thought of the vast terrain of legally obtained material on the church's corrosive culture of secrecy available for them to inspect. On the plane back to New Orleans, I wondered: How deep will they dig? Will they see how far the rot reaches in the Vatican? If they do -- then what?

The unthinkable happens

Archibald, president of Linkup, a national victims' support group, has said, "We're past the point of calling it a clergy abuse a crisis. The crisis has become an era." If so, the era has reached a point where what was unthinkable 20 years ago is happening: Lay Catholics have been charged with conducting an investigation into the sex abuse scandal.

Late last month, three members of the National Review Board flew to Rome to meet with Vatican officials, notably Cardinal Joseph Ratzinger, prefect of the Congregation for the Doctrine of the Faith. The congregation's canon law court handles laicization, or expulsion, of priests facing such charges.

Illinois Appellate Court Justice Anne Burke of Chicago, who assumed leadership of the board after the stormy resignation of former Oklahoma Gov. Frank Keating, went with Bennett and board member William Burleigh, who lives near Cincinnati and is chairman of the E.W. Scripps Company.

"There has been an enormous loss of prestige and a great loss of credibility for the church," Burleigh, who began his career as a journalist, told me in a telephone interview after the trip. "These things are not repaired overnight.

"There is no magic bullet. I do think from the contacts we had in Rome that there is an understanding and eagerness on their part to assist."

Ratzinger is a central figure in the Vatican's response to this era that has jolted Catholics in Ireland, North America and Australia. The court systems in these countries have a base in English common law that allows sweeping discovery powers in civil cases to obtain information. Italy, which offers much less flexibility for plaintiffs in civil suits, has little litigation against priests. That has been a major factor in the Vatican's detachment. When I did research in Rome in the fall of 2002, many people at the Vatican told me that American lawyers and the news media were out of control on this issue.

The Vatican has long viewed the crisis in America and other countries as a jurisdictional matter under canon law. Now the U.S. bishops are preparing for a document they know will be critical of them, while the Vatican policy on abusive priests is erratic, at best. The church has no separation of powers, as in a democracy. Canonical courts are not independent: The pope can intervene in a case at any time.

One of the most glaring examples of the vulnerability of canonical courts to outside interference occurred when Ratzinger halted a 1998 canonical prosecution brought by nine former seminarians who accused the Legion of Christ founder, Fr. Marcial Maciel, of abusing them in Rome and Spain. The Maciel case "was not part of our discussion," Burleigh told NCR. "The ground rule of our conversation in Rome was confidentiality. When the report comes out, all this will be much clearer."

The case involving Maciel, a Mexican who lives in Rome, is a striking demonstration of a Vatican double standard. Had the Legion superior been an American he would have been suspended under the 2002 youth protection charter, if not before. In Rome he enjoys praise from Cardinal Angelo Sodano, the secretary of state, and full support from the pope.

The National Review Board reports come at a turning point in Catholic history. Since the late 1980s a train of legal investigations, media coverage and resignations of bishops in several countries have been a reality in Pope John Paul II's life. The ailing pope has failed to grasp the international scope of a sexual underground in ecclesiastical life. John Paul has issued apologies to victims, but never met with them as a group. Otherwise, the pope has made a series of abstract statements about the priesthood that show a stunning detachment from the worst crisis in the church since the Protestant Reformation.

"It is necessary to safeguard a balanced relationship between the role of lay people and that which properly belongs to the diocesan priest or pastor," John Paul said in a Jan. 10 address at the Vatican. "Pastors, in the exercise of their office, should never be considered as simple executors of decisions stemming from majority opinions coming out of Catholic assemblies. The structure of the church cannot be conceived on simply human political models."

But the National Review Board is precisely such a model, something between a grand jury and independent commission, functioning with unparalleled leverage as a fact-finding body between the bishops and the Vatican. For months we have been witnesses to the eroding integrity of bishops who concealed sexual dynamics in clerical culture because the system of rewards in clerical life demanded their silence. Institutionalized deception and denial undergird the crisis era. Will the National Review Board report focus on this behavioral linkage that runs from the Vatican to the American prelates and back again?

The review board report is sure to register in Western countries where an ideological fault line is widening across the landscape of faith. The largest reform group, We Are Church, arose in Austria in 1995 and spread to Germany as 500,000 lay people signed petitions in churches protesting Vienna Cardinal Hans Gröer's denial of sexual accusations by former seminarians. Taking no position on the accusations, the Vatican allowed Gröer to retire and live at a shrine.

In 1998, just before the pope visited Austria, Gröer faulted "inaccurate allegations" but asked forgiveness "if I have been guilty." John Paul never mentioned the scandal. Ratzinger insisted that We Are Church have no "official recognition" within the church.

Many bishops have echoed the pope's tactic of apologizing to survivors, but not meeting with them. And just as Ratzinger opposed We Are Church, many U.S. bishops are stiff-arming Voice of the Faithful, which formed in response to the Boston scandal. Voice of the Faithful's mission is to support abuse survivors and help the church regain its bearings. Many priests refuse to let Voice of the Faithful gather on parish premises, fearing retaliation from the local bishops.

Voice of the Faithful president James Post, a Boston University business professor, told NCR, "The review board has to address the way clerical culture corrupted young men, fostered -- or channeled -- their sexuality, including homosexuality, and protected their secrets in a web of mutual deception."

Core issues

"We'd like to see renewed focus on the bishops," SNAP director David Clohessy told NCR. "The core issues for us are the same as they have been for years. How best to reach out to thousands of victims still trapped in secrecy, shame and self-blame? How to reduce the number of victims in the future?"

In contrast, William Donahue, director of the Catholic League for Religious and Civil Rights, has released a footnoted essay in which he claims "the incidence of the sexual abuse of a minor is slightly higher among the Protestant clergy than among the Catholic clergy, and significantly higher among public school teachers than among ministers and priests."

Anson Shupe, a sociologist and criminologist at Indiana-Purdue Fort Wayne University, scoffed at the paper: "Donahue's evidence is sketchy and anecdotal."

Shupe, whose books include *Wolves Within the Fold: Religious Leadership and Abuses of Power*, said in an interview: "No group comes close to the Roman Catholic church with a fairly consistent corporate policy of denying, hiding or paying off victims. This is where the corporate crime angle comes in. The real scandal is the role the bishops played as criminal accomplices."

"Donahue is protesting too much," added Shupe. "This is called 'preventive facework' -- anticipating something bad, so you try to spin it positively beforehand."

America's beleaguered bishops hope that Feb. 27 will become a coda to years of numbing media coverage -- a cathartic moment where episcopal leaders accept hard findings and agree to a course of reform. The cleansing that follows a catharsis, however, can only come if the National Review Board recommends structural changes in the church's monarchical governing system. If the review board advises more transparency in diocesan management, greater involvement by laymen and women in important decision-making circles, lay involvement in decisions about clergy placement or if it suggests changes in celibacy rules, will the bishops accept such suggestions? Will they be willing to argue for them in Rome?

Other changes can be readily implemented, like a genuine process of engagement between the bishops and groups like Linkup, SNAP, and Voice of the Faithful, which have been shunned by most bishops.

What's going on?

Several weeks ago I flew from Boston to New Orleans, and fell into conversation with a lady in the adjacent seat. She was one of five siblings, each one married in the church. Four of those weddings, she explained, were performed by priests who have since been removed for abusing children. The week before, the celebrant at Mass was another priest who had been accused. "I didn't think he was supposed to be saying Mass," she said. "What do you think is going on?"

A June 2002 USA Today poll found 87 percent of American Catholics thought that a bishop who harbored child molesters should be removed. A pivotal issue for the National Review Board is whether the report will identify such bishops and cardinals, specify what they did and lay out a mechanism to remove them. Under canon law only the pope can remove a bishop. John Paul has been silent on countless bishops, disgraced by legal action and in the media, who remain on the job. With the pope speaking in generalities, Vatican officials like Ratzinger and Sodano have made statements blaming the news media.

Although many priests have made impassioned statements of solidarity with victims, few have publicly criticized the bishops. That silence may change after Feb. 27. Priests need to affirm the meaning of the church. "We've been told to 'brace ourselves' for the national report. What will the church ever do to recover its moral voice?" wrote Fr. Ray Klees in the Jan. 25 parish bulletin of St. Cletus Parish in the Chicago suburb of LaGrange. "Recently, we've heard stories from a former priest at a neighboring parish in Hinsdale and his recent conviction and sentencing. He's gone to prison. He's gone to prison, where every proven abuser belongs. According to media reports, he had been assigned a number of times, knowingly, on the 'watch' of Bishop Joseph Imesch, the Joliet diocese's bishop.

"If those reports are true, and only he can absolutely say if they are, then Bishop Imesch ought to resign immediately. ... Good ministry, in many forms, could be available to him. But for the good of the church, not just in Joliet, but nationally and worldwide, he should resign."

Good for Ray Klees. If other priests followed his example, and if the review board report makes specific recommendations to protect such priests, we might dig out of this quagmire sooner.

Among the more glaring situations involving bishops:

The St. Petersburg, Fla., diocese paid \$100,000 to settle a sexual harassment claim against Bishop Robert Lynch by a man who formerly worked as a diocesan public information officer. Why is Lynch in his office?

Frank Rodimer, as bishop of Paterson, N.J., used diocesan funds to pay a \$250,000 settlement for his role in a case involving Peter Osinski, a Camden priest who had sex with a young boy during a series of summers at a beach house on the Jersey shore that the two men rented. The bedrooms were on the same floor. Osinski went to prison. Rodimer said he would repay the \$250,000 -- but only after a highly publicized meeting with survivors of another priest, James Hanley, who has since been laicized. Rodimer retired in good standing. Why is Rodimer a scheduled speaker at the College of St.

Elizabeth's Spirituality Convention on April 24, as advertised in this newspaper?

Springfield, Ill., Bishop Daniel L. Ryan lives in a house the diocese bought him when he resigned, following accusations that he was sexually active with young men and had sex with a teenager. Why did he get a house?

Bishop John B. McCormack of Manchester, N.H., and Archbishop Daniel Pilarczyk of Cincinnati made plea bargains with prosecutors over the handling of molestation cases in their dioceses, resulting in fines. Why are they on the job?

Data and documents

The John Jay College of Criminal Justice report on data will have its own implications. The U.S. Conference of Catholic Bishops' general counsel, Mark Chopko, has often said that the bishops have no data on the number of perpetrators. Individual dioceses keep extensive records. Boston had 1,600 pages in the personnel file of Paul Shanley alone.

There is no definitive count on the number of priest-abusers or their percentage in relation to a base line of males in the U.S. population.

Dallas plaintiffs' attorney Sylvia Demarest, who keeps a database of clergy offenders drawn from legal documents, has identified 2,300 such clerics or religious brothers -- 900 more than a New York Times tabulation reported in January 2003. The Jay numbers should be higher than Demarest's because many bishops have approved out-of-court settlements involving perpetrators not identified in available documents.

Just how those self-reported figures are counted is sure to be debated by sociologists and professionals who monitor data. As an example: The New Orleans archdiocese last year stated that internal research by its own review board found that of 20 priests accused of abusing minors, 10 of them had unsubstantiated allegations. Among those 10 men, one has been the subject of a long-running civil lawsuit by a family who claimed he had molested their son. The archdiocese defended the priest, fought the suit as a matter of statute of limitations and under Archbishop Alfred Hughes, a former aide to Boston Cardinal Bernard Law, left the priest in his position as pastor. Last month, the archdiocese announced that a second man had come forth with accusations against the priest, and so removed him from his parish. Does that mean New Orleans now has 11, instead of 10, priests reported to the National Review Board? Of the 10 -- or 11 -- priests, only one has been criminally indicted.

The low ratio of criminal indictments to priests who, in civil cases, are been proven to have abused children is why criminal grand juries have been investigating dioceses since the news coverage of 2002. Grand jury reports in Boston, New Hampshire and Rockville Centre, Long Island, N.Y., contain damning statements about the concealment strategies of bishops. Philadelphia and Los Angeles have grand jury probes under way. No bishop has been indicted as a criminal accomplice.

Software entrepreneur Paul Baier, a founder of SurvivorsFirst.org, a Boston group that has been gathering and analyzing data on clergy perpetrators, told NCR: "The bishops were forced into this [John Jay College] report because of media coverage. With standing grand juries, more criminal investigations and pending civil suits, the last thing the bishops want is to increase their criminal and financial exposure. That is particularly inconsistent with their hardball tactics in many past cases. In other words, they have a strong incentive to 'bake the data' -- that is, to underreport."

Baier faults the Jay researchers for not personally going to each diocese "and looking through secret personnel files. Each bishop was sent a form. A third party did not verify all the information."

"Most of these priests were not criminally charged. [John] McCormack, who moved 50 percent of the priests in Boston under Law, remains a bishop in New Hampshire. In my view there can be no reconciliation until there is truth. South Africa had truth commissions [after the dismantling of apartheid]. We need facts first," Baier said.

Others who have studied the crisis view the Jay study as another step in the prying open of a door long locked. Will the door swing shut or will more information come out? Linkup and SNAP members have been lobbying state legislatures to revise statute of limitations laws to allow older victims to file suit because of perpetrators whose bishops shielded them in the past.

A California law in 2002 opened the way for dozens of new cases. Meanwhile, a Los Angeles grand jury is in protracted litigation with the archdiocese over subpoenas to get personnel files on two dozen priests. The Los Angeles Times and a legal paper, the Los Angeles Daily Journal, are seeking access to documents in dispute. The archdiocese has argued that the files contain confidential communications between priests and their superiors and should be privileged under First Amendment freedom of religion.

Cardinal Roger Mahony is a pivotal figure in the grand jury's attempt to investigate concealment of child molesters. In 1993, after meeting with SNAP members at the bishops' conference in Washington, Mahony called the encounter "one of the most moving experiences I have ever known." Back home, however, he kept mum on Fr. Michael Wempe, a chaplain at Cedars-Sinai Medical Center. Hospital

officials did not know Wempe had gone to a treatment facility after molesting two young boys in 1988. Not until news revelations of 2002 did Mahony remove Wempe, who eventually did a stretch in prison.

A.W. Richard Sipe, the psychotherapist, author and former priest who consults with plaintiff attorneys, understands the significance of gaining access to documents. "The documents are so important to understand the depth of the crisis. Bishops will pay huge payments to keep the sexual secrets," he said.

At the heart of "documents" is the sworn testimony of cardinals, bishops and priests that reveal the extent of concealment strategies -- the central issue that Bob Bennett, a tough-minded defense attorney and cradle Catholic, confronts in delivering the National Review Board report. Although 425 priests have been removed from positions by bishops and order superiors since the 2002 youth charter was adopted, an intensive research effort by SurvivorsFirst and SNAP continues to identify men with proven records of abuse who function as priests.

Hoping for recovery

The Catholic in me yearns to see a recovery for the church. Yet many years of interviewing abuse survivors, seeing the terrible damage done to their families, and coming up, time after time, against the huge wall of institutional mendacity leaves the journalist in me skeptical of making any prediction.

I have long believed, and said in speeches and articles, that the church cannot get past this crisis until Pope John Paul II or his successor meets with survivors and gets to know them as people. As St. Thomas doubted until he put his finger in Christ's wounds, so the pope must feel and see the spiritual wounds of those whom the church has most ruthlessly betrayed.

If the next pope does not oversee deep structural changes, the American church will continue to lose members to evangelical congregations, or at some point a breakaway Reform Catholic church movement will begin.

Whether a reform church has the impact of Reform Judaism, who knows? I have no idea whether the research committee of the National Review Board has weighed those possibilities in deciding the sweep of their recommendations. But anything less than a major structural overhaul will not halt the decline of the church as we know it in America.

Of the many people I have met across these years, one of the wisest is James Post of Voice of the Faithful, whom I met for the first time just a few weeks ago. I asked his thoughts on the review board reports.

"We believe that the John Jay study, with all its likely problems of underreporting, will still present a horrific picture of a culture of clericalism that relied on secrecy to cover up the abuse of power," said Post.

"There is little to be gained from attacking the [John Jay] methodology per se. More important is to show that many current perpetrators are still in our communities, and that nothing the bishops have done to date has changed the core structural features of the system that produced this. That is why there must be deep change that transforms the culture.

"The pope should meet with an international delegation of survivors," added Post. "This is a problem for the universal church. Papal leadership would be most welcome. The U.S. bishops ought to plead for

Vatican assistance in this regard. We need tough-minded reform in order to chart the course toward a more adult form of Catholicism, in which adults are treated as adults. One day, deference will be remembered as the vestige of an immature Catholic church, replaced by a healthy adult respect of each person for the other."

Jason Berry is a New Orleans freelance writer. He is author of two books on the clergy sex abuse crisis, *Lead Us Not Into Temptation* and, most recently, *Vows of Silence*.