

May 18, 2007 - Audit: Attorney General finds Catholic officials play word games

Commentary By Carolyn Disco, The Cabinet Press (NH)

By now, most people are aware of tensions between New Hampshire's attorney general and the Catholic Church's leadership. Five years of back and forth, and still Bishop John McCormack, Auxiliary Bishop Francis Christian and Rev. Edward Arsenault, delegate for ministerial conduct, have not been forthcoming in their actions and words.

Yes, they rightfully hail new policies, procedures, training, and screening of personnel, all commendable, and to the good. But it is the twisting of truth, and endless spinning of facts that reveals the unchanged arrogance of clericalism. And therein lies the danger.

The Diocese, through superbly skilled legal and public relations counsel, was able to escape criminal prosecution for endangering children, with perjury as part of the indictment — charges to which McCormack admitted the state had evidence sufficient for a likely conviction.

I wonder, does that reality penetrate the deference of most laity? Bishops and perjury, bishops and “willful blindness, flagrant indifference, and conscious ignorance” of the danger priests posed to children, according to the former attorney general? They hid full sexual histories from doctors, ran out the statutes of limitation, failed to report in accord with the law, covered up abuse, and got away with everything, only to be promoted to higher office. And, according to one lawyer, celebrated their escape from legal accountability with drinks all around when the agreement with the state was signed in 2002.

#### Word games

This record is relevant today, where the legacy of exemption and privilege enjoyed by clergy for decades, indeed for centuries, still plays itself out. Earlier this month, Attorney General Kelly Ayotte released the second audit of the Diocese's implementation of its sexual abuse policy, and its compliance with the plea bargain agreement it signed to avoid a criminal trial.

Ayotte cited Arsenault for word games and an uncooperative attitude. Arsenault claimed he answered every question with “great candor and honesty,” while auditors found the opposite. The “tone at the top” was the first item in the state's letter to McCormack, who was lunching with retired priests and, like last year, skipped the diocesan press conference. A curious reflection of priorities perhaps, when child safety was the topic.

Ayotte complimented the responsiveness of the newly hired diocesan compliance coordinator, the safe environment coordinators and others in parishes, schools and camps. But she clearly charged senior members of the leadership team with less than optimal commitment to the audit process, marked by a reticence to answer some questions, and parsing definitions of commonly used terms like “self-reporting” and “testing for verification.” Word games, throwing questions back on the questioner, straining gnats of interpretation ad nauseam, like defining “is.”

The auditors ended their interview with Arsenault after 15 minutes, in utter frustration with his actions and demeanor. He acknowledged that more than one of the three auditors present questioned him when the rules stated only one could talk. He had objected to “unnecessarily aggressive” interviews last year. The real problem is that clerics cannot wrap their minds around the fact that an independent agency is questioning them at all — not about matters of faith, but adherence to criminal law. That is a grating affront in place of the corrosive secrecy to which they are accustomed.

Arsenault's style with words was illustrated before when he assured the state that the diocese had always abided by sexual abuse reporting laws, but neglected to mention that no report had ever been made since survivors came forward as adults. That misleading omission led the state to insist in the plea bargain agreement that reports will be made no matter when someone reported, especially since abuse records of many priests lasted decades.

And contrary to Arsenault's assurance, the state still found evidence that no report was made even though the diocese "had reason to suspect, if not direct proof, that a child was being abused by a priest."

Two more audits?

The diocese now refuses to participate in two more annual audits and the matter will likely end in court. The agreement called for five "annual" audits through 2007, but the diocese delayed release of the first state audit for two years by objecting unsuccessfully to its terms on bogus first amendment grounds. The judge agreed with the state that audits could evaluate effectiveness in reporting crimes and prevention training, versus a checklist compliance with policies and procedures. But incredibly, Arsenault blamed auditors for the delay, which was mind-numbing.

The two audits completed for 2005 and 2006 took about 10 months each, but the diocese will only cooperate through December of this year — by proposing two semi-annual audits within the next seven months. The state wants full, unabbreviated audits through 2009, in the spirit of the agreement. Typically, the diocese objects, so the judge must decide, after even more episcopal delays and obstruction. This is reminiscent of the diocese's parsing of the word 'audit' in the earlier court case.

The missing truth

In the context of public relations and spin, I recall words of the revered Lutheran theologian Dietrich Bonhoeffer, executed by the Nazis. "Communicating truthfully means more than factual accuracy," he said. "There is a way of speaking which is in this respect entirely correct and unexceptionable, but which is, nevertheless, a lie ... when an apparently correct statement contains some deliberate ambiguity or deliberately omits the essential part of the truth ... it does not express the real as it exists in God."

Truthful communication goes beyond communicating the truth; it avoids attempts to mislead or deceive.

That is a bar I believe the hierarchy fails to pass. Survivors and their supporters often hear, but McCormack (or Christian or Arsenault) is so "nice," when a Benedictine scholar recently reminded local parishioners that "nice is not a moral category."

"Moving on" becomes impossible when first, bishops refuse to admit culpability beyond euphemisms about "mistakes and inadequacies;" and secondly when the same dissembling conduct continues, only in a new context. Healing must be based on the plain simple truth, no matter how incriminating. And that is something we never, never get.

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