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Money, not justice, still guiding abuse policies

by NCR Editorial Staff

A quarter-century-plus into the clergy sex abuse scandal, and as a direct result of the crisis, an annual rite plays out each spring in state capitols across the nation.

Here's how it works: A state lawmaker introduces legislation to extend the statute of limitations on child sex abuse. The idea is simple enough: to allow sex abuse victims to bring civil suits (that means potential monetary damages) against sex abusers and those who enabled them. Given the nature of sexual assault on children -- kids being more likely to conceal rather than reveal the horrors committed against them -- the abuse frequently occurred five, 10, 20 or even 30 years ago, hence the desire to open a "window" for civil penalties and prosecution.

State capitols are chummy places, clubhouses of political horse-trading and old-fashioned backslapping that make their federal counterpart in Washington appear angelic. Backrooms fill with old comrades and contestants from prior battles as lawmakers-turned-lobbyists and other hired guns argue, at considerable expense, their cases.

Lay Catholics typically engage the process when lobbyists from our state Catholic conferences, their staff and bishops attuned to the latest political and policy machinations, call for help. Legislative alerts distributed at parishes or in Sunday bulletins urge us to fight, for example, the anti-immigrant wave engulfing the nation, or to support bills that restrict capital punishment, or to oppose budget cuts that further shred our torn social safety net. All good stuff, worthy of a conscientious Catholic's attention and action.

Meanwhile, there's the seamier side, where all those with interests before the state -- not least the church -- have limited time (more than half of state legislatures meet part time) to defend those interests. There's a lot at stake, not least money. And the big money -- the real big bucks -- is in preserving the church's bank accounts from victims its clerics raped and molested.

Today, the show is playing out most prominently in Pennsylvania, where state legislators are considering three bills that would extend the statute of limitations against abusers, rapists and those who harbored them. It is the latter category, in wake of a recent indictment against a powerful Philadelphia monsignor accused of conspiring over many years to shift child rapists from one parish to another, where the church finds itself making a difficult case.

Meanwhile, Nebraska is also considering a bill to extend the statute of limitations to 12 years. Virginia just extended its statute to 20 years.

Pennsylvania church officials argue that the "look back" period included in the proposals is too broad. "The passage of time makes it nearly impossible for a church or any other organization to defend itself against allegations from 30, 40 and 50 years ago," a Catholic conference official told Catholic News Service recently.

To which a reasonable response is, "Well, maybe." Typically, for example, the statute of limitations does not apply to murder. Society views that crime as so heinous that the potential for prosecution and civil penalties never disappears. Murderers (should they be apprehended) are held accountable, the institutions that harbored them responsible.

A more difficult question then arises: Is child molestation comparable to murder? Fortunately, Christians, often left to interpret obscure passages with multiple meanings, have direct guidance on the question. "It would be better for him to have a great millstone hung around his neck and to be drowned in the depths of the sea," we are taught. Sounds comparable.

It is important to remember, moreover, that courts and juries will ultimately judge the claims. Is 20 years, 30 years, too long to recall the most traumatizing events of a lifetime? Perhaps for some. For others, it might seem like yesterday. In any case, plaintiffs and defendants are called to justify their claims before legitimate bodies that guard their jurisdiction and authority jealously. Such proceedings occur daily in the United States; they are a key element in the rule of law. The bottom line, so to speak, is that outrageous accusations based on faulty recollections are unlikely to withstand such scrutiny.

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But it seems clear that the bishops and their financial advisors are more concerned with the financial bottom line than with justice or mercy for victims of clergy rape and molestation. So rather than deal directly with the crimes of their clergy, our church defers to experts in the arcane and profane world of politics and legislation. The result is both predictable and sad: Church-employed wheel-greasers in state capitols -- the hired guns -- defend the indefensible and resort to legal argument rather than the imperatives of justice and mercy. On a practical level this means our legal/legislative lobbyists -- are they the voice of the church? -- end up practicing linguistic jujitsu before state lawmakers. The church is rightly seen as, at best, hypocritical, and at worst, as complicit in ongoing cover-ups that protect church assets and clerical crimes.

A similar production now plays out in the Connecticut legislature. Earlier this month the executive director of the state Catholic conference told the Senate Judiciary Committee that a compromise measure proposed by the committee's chair was inadequate because it could discourage abuse victims from reporting these crimes to civil authorities. The newfound concern for the abused on the part of the Connecticut church would be laughable if it were not so insulting, coming as it does from an interest

group that continues at every turn to oppose justice for minors who have been abused by church employees. The church had one ally in its opposition to the bill: the insurance industry. That alone should indicate to fair-minded people, Catholic and non-Catholic alike, who has the angels on their side in this debate.

In 2004, when the frightened U.S. bishops still quaked at the implications of clergy sex abuse, the lay-led panel they named to investigate the crisis noted, "Bishops and other church leaders relied too heavily on lawyers in dealing with a problem that, while it undoubtedly has psychological causes and legal implications, is at its heart a problem of faith and morality." That critique pertains not only to chancery-based lawyers, but to those the church hires to represent its interests before government bodies. But to these lawyer-lobbyists, sex abuse victims are too often viewed as opponents who must be defeated -- win, win, win at any cost is the requirement imposed by the bishop, the result expected by the church.

That nice man, Christ's representative to the faithful, smiling as he anoints a *confirmandi* during another rite of spring, knows hardball: Whatever it takes is the means, a black eye for the people of God the ends.

It is true, of course, that bishops and others in position of financial leadership in the church have a fiduciary duty, an obligation to protect legitimate church possessions so that they serve the church. Properly construed and carried out, this role is both honorable and necessary. Compromises that protect victims' rights to a hearing and the worldly goods the church requires to serve the community are welcome.

But the ongoing attacks on molestation victims by church officials are about as bad as it gets in terms of church governance. The annual performances of Catholic officials at state capitols are a genuine and ongoing scandal. It needs to stop. Right now.

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