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Thoughts on Boston archdiocese's decision to name accused priests

Michael Sean Winters | Aug. 25, 2011 Distinctly Catholic

Thursday afternoon, the Archdiocese of Boston announced that it has compiled a list of all the archdiocese?s clerics who have been accused of sexually abusing children and is placing it at one, easy to access, location on its website.

A total of 159 clerics are listed at the new website and it includes all clergy who were accused and found guilty by either criminal or ecclesiastical courts, all clergy who were accused and laicized, and all clergy who were accused but subsequently exonerated.

The only two categories of clergy against whom public accusation were made who are not included on the lists are clergy who belong to religious orders and those clergy who had died by the time any accusations were made. Clergy who have since died, but were alive at the time of the accusations, are included in the list.

I am sure this decision will open some wounds that had begun to heal. I am sure that some will criticize Cardinal Sean O?Malley for ?throwing the priests under the bus? and others will complain that the new disclosure does not go far enough.

But, I hope that the critics will first **read the letter from Cardinal O?Malley** [1]announcing his decision.

It is unprecedented in the way he shares his own decision-making process on these difficult issues. Whether you agree or disagree with his decisions to disclose this information in such a public manner, it is difficult not to admire his willingness to share with those affected the thought process that went into the decisions.

Fr. Richard Erikson, the Vicar General of the archdiocese, told me in an advance briefing that this was ?One of the decisions the Cardinal has anguished over the most in my five years working with him.?

And, it is easy to see why. People have a right to their reputation. That is no small moral concern. People also have a right to be presumed innocent until proven guilty and to face their accusers. Those are legal principles that distinguish ours as a civilized society.

On the other hand, the culture of clerical and hierarchic obfuscation that turned a sex scandal into an accountability scandal demands openness and accountability if the Church is ever to regain her credibility. How to balance such equally pressing, easily conflicting, moral concerns?

I suspect most of the criticism from outside the Church will focus on the fact that some priests are not listed. As noted above, the right to face one?s accuser is a hard-won principle in our civilization?s climb up the mountain of justice. We are still climbing to be sure, but the end of the Star Chamber was a good thing.

Among the reasons for joy on the faces of the Libyan people is the hope that they, too, will never have to face a capricious legal system in which such basic rights are denied. Cardinal O?Malley?s decision not to publish the names of those priests who had died before any allegations were made honors this principle of justice.

On the other hand, why publish the names of any of those who have died? After all, they are not here to make their case to the cardinal that no more publicity be attached to their names and, what is more, they obviously no longer pose any threat to children. But, one of the reasons to publish the names is because other victims, who may have never been able to even discuss what happened to them, may see a name on the list and say, ?I was not the only one,? come forward and both find healing for themselves and provide credibility to the charges of other victims.

The decision not to publish the names of those accused of abuse who belong to religious orders is even more controversial. Here is the problem: Even if those religious priests were working in Boston when they abused a minor, any canonical investigation of the charges would be conducted by their religious order, not by the archdiocese. If an accusation is made against a religious order priest in Boston, the authorities are notified immediately. That happens with all such accusations and it happens even before there has been any determination whether the accusation has prima facie credibility.

The archdiocese then removes a religious order priest?s faculties and turns the matter over to the religious order for investigation. As well, each religious order has the responsibility to determine its own policies regarding the disclosure of names. To publish those names would both infringe on the rights of religious orders and it would in some sense make the archdiocese accountable for the credibility of investigations conducted by the religious orders. But, as you can see, the issue is complicated and these are the kinds of complications that make some outside observers nervous.

Another controversial decision was to publish a distinct list of those priests against whom public accusations had been lodged but who have been exonerated by either a civil or a canonical investigation. There is a narrative in some circles that bishops are willing to ?throw priests under the bus? to preserve their own reputation as tough guys.

In this instance, the opposite is the case. Erikson explained that by searching the archdiocesan website, you could sometimes find the announcement of the original accusation against the priest, and the announcement that he was being removed from ministry pending the investigation, but that the website might not include the information about his exoneration.

?One of the reasons to publish the names of those who were exonerated is to help them clear their names,? Erikson told me.

The archdiocese did not only rely on its own records in determining which priests had faced public accusations, although since the archdiocese adopted the Dallas Norms in 2002, any priest against whom a credible charge was made was removed from ministry and that fact was published by the archdiocese.

The current list also includes the names of any priests listed at BishopAccountability.org and on other victims? advocates? websites.

Weighing how to balance the demands of justice in such cases is difficult. Doing so in a pastoral way that brings healing only adds to the difficulty.

Take one of the thorniest issues, on which there are sure to be some who are disappointed, the decision not to list those priests who died before any charges were made.

?I emphasize that our decision not to list the names of deceased priests who have not been publicly accused and as to whom there were no canonical proceedings conducted or completed (most were accused well after their death) does not in any way mean that the Archdiocese did not find that the claims of particular survivors who

accused those deceased priests to be credible or compelling,? O?Malley writes.

?Indeed, in many of those cases, the Archdiocese already has proceeded to compensate the survivor and provides counseling and pastoral care to those individuals.?

It is so important to validate the experience of others in such cases, and even here, in a decision that will disappoint some, O?Malley?s pastoral sensibility is spot-on.

So, why undertake this decision to publish all the names in one place? Accountability. Openness.

?Boston has a specific responsibility because this is where the sexual abuse crisis started,? said Erikson.

Of course, we now know that the sexual abuse crisis started in many other places in the 1970s and 1980s, when most of the abuse actually happened. What happened in Boston in 2002 was a different crisis, a crisis of episcopal moral authority.

What we learned in 2002 was that bishops had been told about the horrific things that had occurred and they did not react with horror. They reacted with legal strategies and mealy-mouthed apologies and, most sadly, in some cases they reacted with continued efforts to cover-up the crimes that had been committed.

Not in Boston. In Boston, ever since Cardinal O?Malley arrived, the response has been forthright. O?Malley has met with scores of victims.

Unlike some dioceses that have fought efforts to raise the statute of limitations, in Boston such statutes, as well as those that provide immunity for non-profits, have been waved in negotiations of settlements.

In Boston, unlike some other dioceses, the Dallas Norms have been implemented and followed. In Boston, the Review Board includes victims. In Boston, some 300,000 children have received safe environment training and 175,000 adults have been trained in how to recognize and report suspected abuse.

And, now, Boston becomes the largest archdiocese in the country to publish the names of those who have been publicly accused in one place.

Why do it? Because if this more accessible list helps even one victim to come forward and find healing, re-opening the wound that has afflicted the archdiocese for so long will be worth it. Because the Church cannot heal unless that victims of her clergy are healed. Because the Church cannot move forward while it is mired in the secretive, evasive ways of the past.

Because the people of God have a right to bishops they can trust and bishops have a responsibility to be as open and accountable as they can be if they are to restore that broken trust.

Because it is the right thing to do.

Editor's Note: NCR's John L. Allen Jr. says **O'Malley puts down a new marker on abuse crisis** [2]

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