NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Judge: Sisters need to investigate abuse allegations

Joshua J. McElwee | Aug. 9, 2013

Inclusion of two Catholic sisters in a July release of clergy sex abuse documents in the Los Angeles archdiocese highlights a need for sisters' orders to investigate abuse allegations, says a former leader of the lay group set up by the U.S. bishops to monitor the church's sex abuse policies.

"I think what we have learned in the last 10 to 12 years is that this is not a kind of misconduct that is peculiar to Roman Catholic priests," Judge Michael Merz told *NCR* Aug. 5.

"All the stones need to be turned over," said Merz, a federal district judge in Ohio who served as the chairman of the U.S. bishops' National Review Board from 2007 to 2009. "We need to get this stuff out in the open and deal with it."

Merz's comments were in regard to the July 31 release of personnel and other files of clergy and sisters accused of abuse from five religious orders that have ministered in the Los Angeles archdiocese.

The files were unsealed as part of a $660 million settlement in 2007 among the archdiocese, orders and victims in some 500 clergy abuse cases. Following years of failure of exhaustive legal appeals, Archbishop José Gomez directed the posting of a first cache [1] of some 12,000 documents, primarily personnel files of archdiocesan priests, in late January.

The five orders taking part in the July 31 release were Marianist, Benedictine and Oblate brothers and priests, and members of the Cabrini Sisters and the Sisters of St. Joseph of Carondelet.

The files from the orders of women religious concerned two sisters who are deceased. The files did not mention sexual abuse or detail any accusations against the sisters. Although the files do not indicate reports against the sisters, they are believed to be the first released in the Los Angeles cases concerning sisters or nuns.

Their release, Merz said, highlights the fact that women religious are not specifically mentioned in the procedures adopted by the U.S. bishops since 2002 to deal with accusations of abuse against clergy.

While 194 of 195 of U.S. dioceses have agreed to abide by the policies set in place in 2002 in the bishops' Charter for the Protection of Children and Young People [2], those procedures, Merz said, do not address sisters "at all."

"The charter ? is directed at clerical sexual abuse," he said. "Consequently, the National Review Board ? doesn't collect any stats on allegations of abuse by nuns, and it's kind of invisible. It's been invisible to me, anyway."

Although the charter does not specifically address women religious, another former member of the National Review Board said the bishops' procedures do apply to them in regards to the training mandated for all adults who volunteer or work with children.

"When we think of safe environment training and we think of zero tolerance, we're not just talking about

priests," said Thomas Plante, who served on the board from 2008 to 2012 and is a psychology professor at Santa Clara University in California.

"We're talking about everybody, even the volunteers ? everybody is now subject to the charter, safe environment training and so forth," he said.

Among the 17 articles agreed upon by U.S. bishops and dioceses in the charter is a requirement that all participating dioceses maintain programs to provide education "about ways to make and maintain a safe environment for children and young people."

Many parishes and Catholic schools facilitate such training through a program called VIRTUS, named after the Latin word for valor and run by the National Catholic Risk Retention Group.

Part of the reason the charter did not specifically address nuns and sisters, Plante said, was because in 2002 they were not the focus of abuse reports, which then centered on cases involving priests in the Boston archdiocese.

"Even if we think more broadly about sex offending, the vast majority of sex offenders are male," said Plante, who also has helped dioceses develop seminary screening programs and has written several books on the abuse crisis.

"For the most part, in or outside of the church, we don't really think about women offenders," he said.

One sister who has undertaken extensive studies of files of priests accused of abuse made a similar analysis.

Compared with the estimated 17,000 priests nationally who have been credibly accused of abuse, Franciscan Sr. Katarina Schuth said, the numbers of sisters are "just so very few, I mean minuscule."

"Being a sister, I'm probably a little biased, but I think it's a tiny minority," said Schuth, who was one of three co-authors of "The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010," a 151-page study released by the John Jay College of Criminal Justice at the U.S. bishops' request in May 2011.

"There's just nothing to compare with the 17,000 priests who have been credibly accused," said Schuth, who also holds the Endowed Chair for the Social Scientific Study of Religion at the University of St. Thomas in St. Paul, Minn.

Besides mention in the Los Angeles files, Catholic sisters accused of abuse are also facing scrutiny in Montana, where a number of sisters in the Western Province of the Ursuline Sisters are named in a suit brought by some 360 alleged victims of sexual abuse.

The suit names the sisters as well as priests of the Helena diocese. Attorneys for the plaintiffs told *NCR* in April [3] that about a fourth of the claims are against sisters. Along with the diocese and several insurance carriers, the Ursuline order has been seeking a broad settlement with plaintiffs on the matter.

The release from the five orders in Los Angeles is the first of many expected from orders that have ministered in that archdiocese, stemming from the 2007 settlement. An additional 45 religious are expected to release personnel files of their members accused of abuse this fall.

While Merz identified the issue of abuse by sisters as something needing investigation, he did not say he believed the bishops' charter should be amended to specifically name women religious.

"I wish that they ? would collaborate with the National Review Board, but to say it ought to be forced on them

by the [bishops'] conference, I'm doubtful about that," he said.

Likewise, Merz said he did not think the main membership organization of U.S. sisters, the Leadership Conference of Women Religious (LCWR), should be expected to direct individual orders on the matter.

"As I understand, LCWR is just a federation," Merz said. "They don't have any legal control" over individual orders.

Victims' groups have sought for years to obtain entrance into LCWR's annual meetings, where about 900 leaders of the country's orders of sisters gather in discussion.

At last year's gathering in St. Louis, a group of representatives of the Survivors Network of those Abused by Priests (SNAP), the leading advocate for victims of clergy sex abuse, stood outside the event with signs detailing alleged abuse by sisters.

SNAP's Iowa director, Steve Theisen, said at the time that he had hand-delivered a letter to LCWR's then-president Franciscan Sr. Pat Farrell about the issue, but was told that the sisters' assembly was "not the venue" for the discussion.

A new group dedicated to supporting clergy sex abuse victims, the Catholic Whistleblowers, announced Aug. 7 they would be making a special focus on victims abused by sisters and nuns.

Writing on behalf of the organization, which is compromised of priests, sisters, and laypeople, Dominican Sr. Sally Butler said SNAP first approached LCWR about the matter in 2003, but were rebuffed.

"The victims were refused, but were offered time with the group's executive committee," Butler wrote [4]. "The victims did not want their message filtered through a committee, so nothing came of it. This scenario was repeated for eight years."

Offering for victims to email her, Butler said her group "now offers the victims of nun-abusers the chance to connect with people throughout the country who can help them find a voice."

Dominican Sr. Rebecca Ann Gemma, who serves as a member of the leadership team of the Dominican Sisters of Springfield, Ill., said during a news conference at the 2012 LCWR gathering that the sisters' group does not have the same type of power relationship with its membership that the U.S. bishops' conference has and is not able to dictate policy on how to investigate or handle abuse.

LCWR, she said then, "cannot mandate to individual congregations" how they handle abuse. "The practices and the policies" regarding sexual abuse are done "congregation by congregation," she said.

LCWR's most recent annual report, for calendar year 2012 and available online [5], makes one mention of issues of sex abuse. In an update from one of the group's 15 national regions, the region states its members had taken part in an "ongoing collaboration" in "the formation of a joint sex abuse review board for communities in northern California."

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