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Much at stake for Francis in Vatican sex abuse moves

Thomas C. Fox | Jan. 21, 2014 NCR Today

For the first time in the decades-long church sex abuse scandal, senior Vatican officials last week appeared before an independent outside body charged with holding it responsible for protecting children.

They took a grilling in Geneva by the U.N.'s Committee on the Rights of the Child for the Vatican's alleged failure to abide by terms of the U.N. Convention on the Rights of the Child.

The Vatican has long insisted it isn't responsible for abusive priests because they aren't employees of the Vatican, and they repeated the excuse last Thursday.

"Priests are not functionaries of the Vatican," Archbishop Silvano Tomasi, the Vatican's U.N. ambassador in Geneva, told the committee. "Priests are citizens of their own states, and they fall under the jurisdiction of their own country."

Survivor groups and human rights organizations again dismissed the excuses, reportedly showing the committee documents (it has long shared with others) revealing how Rome had discouraged bishops from reporting abusers to police.

Despite Pope Francis' heartfelt expressions of lament over priest sex abuse last week, the Geneva hearing suggests to date he does not understand the full magnitude of the related sex abuse issues, or, if he does, is yet unwilling or incapable of responding to it.

I so want Francis to succeed in his multiple reform efforts it is heartbreaking to think he might miss the ball on clergy sex abuse ? and cover-up. (With the emphasis here on ?cover-up.)

It is the Vatican, or more specifically the pope, after all, who appoints, sustains, and relieves bishops. The larger clergy scandal from the outset has always involved the hierarchy, those clerics directly responsible to the pope. In case after case for decades they put institutional concerns, including their own interests, ahead of those of the children. This has been the situation throughout the world.

For these tragic actions and despite thousands of abuse cases, not one bishop has yet to spend a day behind bars. The bishops have not been held accountable. It is for this reason the Vatican in general, and Pope John Paul and Pope Benedict, specifically, have lost credibility among much of the faithful.

I don?t want Francis to fall victim to the same institutional intransigence.

A brief look into U.S. church history, where the first public reports of clergy sex abuse surfaced, adds perspective and helps outline the scope of the challenge facing the pontiff.

The issues of the multi-layered abuse patterns were first placed before the U.S. bishops in a 92-page report way back in June 1985 at St. John's Abbey in Collegeville, Minn.

I attended the meeting with Eugene Kennedy, a psychologist, longtime church commentator and *NCR* columnist. I remember waiting outside, sitting on a bench with Kennedy, expressing hope the report would ignite a fire beneath the bishops, even while suspecting -- as it turned out -- it would not.

Kennedy, reminded of our time in Collegeville together wrote in an email: ?I recall Collegeville almost as a passing dream. The bishops were drifting off into a real dream and we understood they were really on the Titanic.?

When it became apparent the bishops, in Collegeville, were only going to deal with the report in executive session, and after they played down the significance of the report, Kennedy and I both became gloomy. We both realized that the teaching authority of the U.S. bishops was certain to dive.

The report outlined the issues of priest abuse but aimed at avoiding episcopal negligence, a negligence that only continued to grow in the decades ahead as the hierarchy, from the local bishops to the Vatican, became ever more defensive at protecting their ranks ? tossing laity, starting with children, to the winds.

Back in 1985 the study before the bishops referred to more than 100 lawsuits filed against the church in the U.S.

Among the insights in that 1985 document were clear statements that while help can be provided for abusive priests, there is "no hope" for a permanent ?cure,? that a bishop "should suspend immediately" any priest accused of sexual abuse when "the allegation has any possible merit or truth." It placed the responsibility directly in the laps of the bishops. They, of course, ignored the warnings, as some, incredibly to say, still seem to do so today.

Two priests, Fr. Michael Peterson and Dominican Fr. Thomas Doyle, and an attorney, F. Ray Mouton, were the authors of the prophetic report.

It was in January 1985 that Peterson, then director of St. Luke Institute in Silver Spring, Md.; Doyle, a canonist at the office of the papal nuncio in Washington, D.C.; and Mouton, a civil attorney representing a priest, Fr. Gilbert Gauthe, then charged with pedophilia, began their collaboration.

That collaboration continued over five months and resulted in the report, backed with more than 100 pages of supporting evidence. The report covered the civil, canonical and psychological aspects of priest sexual involvement with children.

The Catholic church, the three men wrote, faces "extremely serious financial consequences" and "significant injury" to its image as a result of the "sexual molestation of children by clerics, priests, permanent deacons and transient deacons, non ordained religious, lay employees and seminarians."

At the time the men finished the final draft of the report [1] in June 1985, they noted more than $100 million in claims had been made against just one diocese as a result of sexual contact between a priest "and a number of minor children."

The report said the settlement for seven cases, including fees and expenses, had exceeded $5 million, and that "the average settlement for each case was nearly $500,000." It estimated that "total projected losses for the decade" could rise to $1 billion.

The men warned that newspaper reporters -- *NCR* was cited by name -- were already on to the story. *NCR* has stayed on the story since that time, often accused by the offending bishops -- most recently last year by our own Bishop Robert Finn here in Kansas City, Mo. -- of destroying and betraying the church.

"The potential exposure to the Catholic church ... is very great," the 1985 report then stated.

The three men -- and repeated *NCR* editorials -- tried to cajole the bishops into taking action, begging them not to be defensive, pleading they view the scandal as a pastoral and not primarily legal challenge.

The landmark report urged the bishops to abandon their strategy of staying away from the media, warning, "In this sophisticated society a media policy of silence implies either necessary secrecy or cover-up."

In 1992, Doyle again lamented, as he has countless times since, the failure of the bishops to take action on the abuse crisis. "Nothing happened," he told a group of abuse victims at a gathering in October outside of Chicago. "Why the inaction? Why the denial?"

Doyle responded to his own questions: "To acknowledge the problem in its fullness would open the whole [clerical] system to critique," he said. "It would weaken the presumed power base and strength of the hierarchy."

That day, he characterized the church as having a "closed-in clerical culture" that attempts to maintain deep distinctions between clergy and laity. "We are somehow different, apart and above the laity," he added, claiming that this separation had added to the crisis by keeping the clergy aloof from the consequences of their actions on victims and others.

Sadly, there seemed to be a fair measure of this same attitude in Vatican remarks made Thursday in Geneva.

Jason Berry, a Louisiana-based freelance reporter, first started writing about clergy sex abuse after in Lafayette, La., was indicted on charges of having molested 35 children. He covered the Gauthe trial for the *National Catholic Reporter*, contributed to other *NCR* investigations on the widening crisis, and wrote a book on the sex abuse issue, *Lead Us Not Into Temptation* [2].

Of course, no concrete actions came out of the Collegeville meeting. The bishops turned down the report's suggestion of a national intervention team (a doctor, a canonist and a lawyer) to respond to complaints in individual dioceses. "Dioceses prefer to respond through their own expert personnel, rather than a national team, due to factual and legal uniqueness of each accusation," a bishops' staff report once stated.

Today, as then, Rome's ?offenders-are-not-Vatican-employees? defense does not hold water. One among many similar examples makes the point.

Again, looking back: In 1993, then-Bishop Donald Wuerl in Pittsburgh tried to oust from his diocese Fr. Anthony Cipolla, who had been accused by a teenage boy of molestation. Cipolla had ties to Mother Angelica's television ministry.

Cipolla appealed to the Vatican Signatura, the church's highest court. It ruled against Wuerl, telling him to reinstate Cipolla.

The Signatura's brief, later published in the *Pittsburgh Post-Gazette*, stated that a clinical analysis of Cipolla, overseen by Peterson at the St. Luke Institute, was based "on a mixed doctrine of Freudian pan-sexualism and behaviorism." It stated [3] that the institute "is surely not a suitable institution apt to judge rightly about the beliefs and the lifestyle of a Catholic priest."

Wuerl persisted, and two years later, the Vatican court reversed itself and supported the decision to remove the priest.

The Vatican first spoke up against clergy sex abuse when Pope John Paul II issued a condemnation in 1993. At the time, he announced the formation of a joint study commission to address U.S. bishops' concerns about canonical problems in dealing with priest abusers.

Last month, Francis announced he would set up a special commission on the sexual abuse of children to advise him on ways to prevent abuse and provide pastoral care for victims and their families.

National Survivor Advocates Coalition responded [4] that the work of the commission will be "a whitewash if there is no dedicated attempt to deal with those who covered up crimes, namely bishops, the Vatican, its staff and staffs in chanceries."

Survivor advocates again expressed the same sentiments to the U.N. committee last week.

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