

BEYOND BELIEF^{1/}

A Vatican/Global Perspective of the Sexual Abuse Crisis

According to John Paul II and many of his bishops, *modern society* is to blame for the epidemic of sexual abuse by priests, monks, brothers and nuns of victims ranging from young boys and girls to handicapped adolescents, religious and lay women. But *modern society* is a catch-all phrase, which means everything and nothing. When Karol Wojtyla was elected pope in October 1978, alongside the financial corruption of the Vatican Bank, was the rampant moral corruption of sexual abuse within the priesthood. Over the previous 1800 years the *secret system* had evolved that had not eliminated the problem of sexual abuse, but covered it up. Its efficiency can be gauged from the fact that before the Gauthre case in 1985-86, public allegations of sexual abuse by priests were very rare. The exposure of a priest either in criminal or civil proceedings was simply unheard of.

The Roman Catholic Church looked after its own, and offending clerics could not be brought before civil courts unless special permission was obtained to do so. The system was one that clearly had the full approval of Pope John Paul II. In 1983, after twenty-four years of deliberation, the current Code of Canon Law was published, and among the many changes from the previous 1917 Code, Law 119 covering the need for special permission was removed. It was a decision that many of the Catholic hierarchy have since bitterly regretted. In less than two years, the floodgates had opened. Within a decade, the cost of sexual abuse to the Roman Catholic Church at every level was devastating. In the United States alone, since 1984, the financial cost in legal fees and awards to the sexually abused is in excess of \$1 billion. The cost to the image and reputation of the Catholic hierarchy is inestimable.

History

It is very unlikely that the Pope was unaware of the scale of the problem at his election, and of the traditional response of the secret system. Up until 1981, he had ignored every request for help from victims of clerical abuse to himself and to various congregations. The origins of the *Secret System*, like the crimes it kept hidden, go back a long way in history. Prior to 1869, when the description *homosexual* was first coined by Karl Maria Benkert, the term used to describe sexual acts between two or more of the same gender was *sodomy*. Sodomy was used to describe not only sexual acts between adult males, but also sexual intercourse with animals and sexual abuse of a child or youth. This latter act was also described as *pederasty*. The term *pedophile* was first used by the psychologist Haverlock Ellis in 1906. Current scientific usage defines the sexual abuser of pre-pubescent as a pedophile and the sexual abuser of an adolescent as an ephebophile.

As early as 177 AD, Bishop Athenagoras characterized adulterers and pederasts as enemies of Christianity and subjected them to excommunication, then the harshest penalty the Church could inflict. The Council of Elvira in 305 AD enlarged on this earlier condemnation, as did the Council of Ancrya in 314 AD.

An invaluable source of information on the subject is the body of penitential literature dating from the seventh century. The penitential books were handbooks compiled by priests and used by them and used in hearing the individual confessions of members of the Church. A number of them refer to sexual crimes committed by clerics against young boys and girls. The *Penitential of Bede*, dating from England in the eighth century, advises that clerics who commit sodomy with children be given increasingly severe penances commensurate with their rank. Laymen who committed such crimes were excommunicated and made to fast for three years; clerics not in holy orders had the fast period extended to five years; deacons and priests seven and ten years respectively; and bishops who sexually abused children were given twelve years of penance.

The Catholic Church during the first millennium clearly took a more severe position on sexual abuse by clerics than it has taken in more recent times. The first millennium writings make no special pleadings on the basis of ignorance; nor do they ignore the fact that pedophiles do not confine themselves to one act of sexually abusing a child. They do not blame the lay public's lack of morals, or accuse the faithful of deliberately tempting priests. However, there is evidence that pedophile priests were quietly moved to

another diocese. Most significantly, the supreme head of the Church took notice when his attention was drawn to widespread sexual abuse by his priests and bishops, but then failed to act upon many of the recommendations that had been made.

Probably the most important piece of evidence that has survived from the early Church is *Liber Gomorrhianus – the Book of Gomorrah* – composed by St. Peter Damian around 1051 AD. The work denounces the widespread of active sodomy then being indulged in by the clergy of the day, and demands that the Pope should take decisive action. Damian was a priest at the time he wrote the book. He was highly regarded by a succession of popes and became a bishop, and then a cardinal.

The book is written with great clarity. Damian was a would-be church reformer on a wide range of practices. One of his particular preoccupations was the sexual morality of the clergy and the tolerance of church superiors, who were either culpable or declined to act against the abusers. The sexual activities of priests with young boys particularly appalled him.

He called for the exclusion of sodomites from ordination and, if already ordained, that they should be dismissed from Holy Orders. He was contemptuous of priests who “defile men or boys who have come to them for confessions.” He castigated “clerics who administer the sacrament of penance through confession to those they have just sodomized.” Damian assessed the damage being done to the Church by the abusers, and his final chapter was an appeal to Pope Leo IX to take immediate action. Leo praised the author and independently confirmed the truth of his findings; however, his actions have a curiously contemporary ring about them.

Damian’s recommendations concerning the range of punishments were largely modified. The pope decided to remove only those prelates who had repeatedly abused over a long period of time. Although Damian addresses at length the damage caused by the priests upon their victims, the pope made no mention of this and instead focused only on the sinfulness of the clerics and their need to repent. Leo’s response matches that of John Paul II over the period October 1978 to April 2002. On April 25, 2002, he finally defined child abuse as a crime. Previously it had merely been a sin. The former can be dealt with in the secular courts; the latter is the exclusive domain of the Church.

Nearly 100 years after the publication of Damian’s book, *The Decree of Gratian*, published in 1140, confirmed that clerical pedophilia was still a flourishing activity. Gratian included specific references to the violation of boys, and argued that clerics found guilty of pederasty should suffer the same penalty as laymen, including the death penalty. Gratian’s book, widely considered the primary source of canon law history, also recommended that if the death penalty were considered too harsh, those found guilty of sexual crimes against children should be excommunicated. At the time this was a particular severe punishment since it meant that the individual was shunned by society for the rest of his life. But no matter how severe the punishment, the crime continued unremittably.

In his *Divine Comedy: Inferno* – written in the early fourteenth century – Dante wandering through hell encounters a wide variety of sodomites, including a group of priests and a former bishop of Florence, Andrea de Mozzi, recently descended from Earth.

Sixteenth century canon laws urged bishops to admonish and punish priests who were *depraved and scandalous*; punishments included cutting them off from all financial support. A papal decree entitled *Horrendum*, dated August 30, 1568, declared “Priests who abuse are deprived of all offices, benefices, degraded and turned over to secular courts for additional punishment.”

The secret system that protects the clerical sex abuser was functioning effectively as far back at least as the early part of the seventeenth century, when the founder of the Piarist Order, Fr. Joseph Calasanz, suppressed the sexual abuse of children by his priests from becoming public knowledge. One such pedophile, Fr. Stefano Cherubini, the member of a well-connected Vatican family, was so successful in covering up his crimes, he even succeeded in becoming head of the Order. It took fifteen years of complaints against him and other senior members of the order before action was taken by Pope Innocent X, and the order was temporarily shut down. As historian Karen Liebreich, in *Fallen Order* shows, the

seventeenth century secret system had a very modern ring, including promotion for avoidance, i.e., elevate the abuser away from his victims.

Current Activity and Church Strategies

Until the 1980s John Paul and many of his cardinals and bishops, including Cardinal Ratzinger, chose to ignore centuries of sexual abuse by priests. There is undeniably a direct unbroken line which stretched back over centuries from the present scandals of pedophile priests back to the first millennium. Wherever one looks in the present furor, there are powerful echoes of the dim past.

Recently yet another secret Vatican document concerning the crime of solicitation has surfaced. The document, *Instructions on the Manner of Proceeding in Cases of Solicitation*, deals with the crime of a priest attempting to procure sexual favors from an individual whose confession he is hearing. It was published by the prefect of the Holy Office, Cardinal Alfredo Ottaviani, with the approval of the then pope, John XXIII in March 1962. The document has never been made available to the general public. The distribution list was confined to patriarchs, archbishops, bishops and other diocesan ordinaries. Among those receiving a copy would have been the newly promoted bishop of Krakow, Karol Wojtyla.

It deals with the secret trail arrangements of any cleric charged with the offence. The document has recently been described by lawyers as a *blueprint for deception and concealment* while apologists have argued that as the sacrament of penance is protected by a shroud of absolute secrecy, the procedures for dealing with this ecclesiastical crime also invoke secrecy, putting the offender above the criminal law of the land. This was precisely the position that the Vatican has taken for many centuries on all the acts of clerical pedophilia perpetrated in or out of the confessional box.

In 1962 the Holy Office issued instructions for *addressing this unspeakable crime* that went to remarkable lengths to ensure total secrecy. The victim must lodge a complaint within thirty days of the crime. Failure to do so will mean the victim's automatic excommunication. As the victim was often a young child, that particular directive begs belief. The alleged perpetrator was able to "be transferred to another assignment unless the ordinary of the place has forbidden it." Both the perpetrator and the victim are ordered to observe *perpetual silence*, under pain of excommunication. Again, an element of the secret system has come into play. "The oath of keeping the secret must be given in these cases also by the accusers or those denouncing the priest and the witnesses." Chapter Five of the document, entitled *The Worst Crime*, states: "By the name of the worst crime is understood at this point evidence of any obscene, external deed, gravely sinful act, perpetrated by a cleric or attempted with a person of his own sex or attempted by him with youths of either sex or with brute animals (bestiality)."

The 1962 document powerfully illustrates a twentieth-century Church still struggling with the same crimes that St. Peter Damian addressed over on thousand years earlier. But unlike Damian, the modern approach aspired to ensure that not only the crime of solicitation, but all sexual crimes committed by members of religious orders were covered up as far as possible. In addition, the document implicitly acknowledged that error, vice, depravity; immorality and vile, vicious, worthless behavior are found only among the flock and never among the shepherds.

Early Encounters

In 1984 the first clergy malpractice lawsuit in the United States by an adult woman was instigated by a Los Angeles lawyer on behalf of Rita Milla. More than two decades of stunning revelations of sexual abuse were ushered in by one of the forgotten victims. Like so many victims, Rita Miller was first abused by her priest while taking her confession. Fr. Santiago Tamayo reached through the flimsy screen within the confessional and caressed the breasts of Rita Milla. Over the next two years he systematically set about seducing Rita. On that first occasion, he told her that he had a secret, and as she leaned forward, he opened the screen and kissed her. By the time she was eighteen in 1979, after being repeatedly advised by the priest that "God wants you to do all you can to keep priests happy...it is your duty," Rita and her confessor were having regular sexual intercourse. Fr. Santiago then began to put pressure on the young woman to make his fellow priests at St. Philomena Church in Los Angeles happy too. First one, then a second, then a third. Eventually, Rita was making seven priests *happy*. None of them took any precautions, and in 1980, she became pregnant.

Fr. Tamayo persuaded her to go to the Philippines to hide her pregnancy. Her parents, who remained unaware, were told she was going abroad to study medicine. The group of priests gave her \$450. to last seven months and told her to leave the baby in Manila. Rita was critically ill during childbirth and nearly dies of eclampsia, convulsions occurring at the end of pregnancy as a result of blood poisoning. Her family discovered the truth and brought Rita and her baby daughter back to Los Angeles. This happened after Bishop Abaya in the Philippines had undertaken to give her financial assistance, not merely to cover her traveling expenses, but toward the upkeep and education of her baby. When that aid failed to materialize, Rita went to Bishop Ward in her California diocese, who also was unable to help. It was only then that Rita and her mother filed the landmark clergy malpractice suit. They sought to establish paternity, sue the priest and the church for civil conspiracy, for breach of fiduciary duty, fraud, deceit and “to protect other young women from the pain and suffering caused by priests who abuse their position of trust.”

The courts, who cited a one-year statutory time limitation, dismissed the cause. When attorney Gloria Allred called a press conference in 1984 to draw attention to the case, it transpired that all seven priests had vanished. Far from following the precise steps ordered by the Vatican in such cases, the Los Angeles archdiocese had ordered all of them to leave the country and to stay abroad until further notice. It would be 1991 before the role of the archdiocese was made public by a guilt-stricken and remorseful Fr. Tamayo. Letters also confirmed that the archdiocese had regularly sent money, not to Rita, but to her abusers hiding in the Philippines.

In August 2003 Rita’s baby, now the twenty-three year old Jacqueline Milla, finally learned that her father was Fr. Valentine Tugade, one of the seen priests who had sex with her mother. This was confirmed by a court ordered paternity test. Fr. Tamayo, the man who had manipulated the sixteen-year-old Rita, publicly apologized to her in 1991 and admitted his role in the affair. Nonetheless, the only financial compensation that Rita ever received was a \$20,000. trust fund set up by the Los Angeles Church in 1988 for her daughter, and this was done only after Rita had agreed to drop a slander action against a bishop. The church lawyer insisted that the fund was not an admission of liability but an act of benevolence for the child.

The initial cover-up by the Catholic Church was orchestrated by Cardinal Timothy Manning. When he was succeeded as Archbishop of Los Angeles by Roger Mahony, the cover-up and the payments to the fugitive priests from the archdiocese continued. No action was ever taken against Cardinal Manning by Cardinal Ratzinger’s Congregation for the Doctrine of the Faith, the CDF, the department responsible for canonical discipline, or against any of his subordinates, or against Cardinal Mahony and his staff. Roger Mahony was subsequently made a cardinal by John Paul II. Fr. Tamayo was eventually stripped of his priesthood by Cardinal Mahony, not for the repeated sexual abuse of Rita Milla, but for getting married to another woman. After it had been established by the Los Angeles court that Fr. Tugade was the father of the child, Cardinal Mahony declined all requests for an interview, but the same week, during a visit to Rome, he told a local reporter, “I have zero-tolerance towards abusive priests.”

Before the recent appearance, if not the implementation, of zero tolerance, sex abuse cases, not just in California, but throughout the world, were effectively contained by using the *secret system*, which had been perfected over a long period of time. When the abuse of a child became known to the parents, their first instinct was not to call in the police, but to go seek help from the local bishop. Depending on the evidence, the bishop would usually follow a well-trodden path. If the bishop felt that the evidence justified the priest’s removal, he would be transferred to another diocese. If he was an established repeat offender, he might be sent to one of a number of rehabilitation centers. In the United States these included a number run by Servants of the Paraclete. They also have a center in Gloucestershire in the United Kingdom. There are rehabilitation centers in many countries. These offer counseling and support to alcoholic, homosexual and pedophile clergy.

The more usual practice, until very recently, was to move the offending priest to a new location or parish without alerting anyone of the potential risk. In cases where the parents showed a strong inclination to sue, they would be persuaded to accept an out-of-court settlement on the basis of strict non-

disclosure. The insurance companies preferred it that way too. A case that went before court and jury would likely produce a far greater sum of damages than a quiet deal with the parents pressurized by their Church. Publicity was to be avoided. Apart from the damage to the Church's image and reputation, a public hearing would alert other victims. In some cases, the Church would pay medical bills for psychological counseling, but not always.

Until 1985 that was how the secret system worked – and in many countries, including Italy, Spain, Germany and Poland, still functions. The case that Rita Milla had attempted to bring went nowhere. It would take a great deal more than that to shake the system, and it was not long in surfacing.

In January 1985 in Boise, ID, Fr. Mel Baltazar was sentenced to seven year's imprisonment after pleading guilty to a reduced charge of lewd behavior with a minor. Baltazar's plea-bargaining was a shrewd move, as diocesan records showed a history of continuous sexual abuse by the priest over a twenty year period. The victims were invariably young boys. He abused a critically ill boy on a kidney dialysis machine in a hospital in California. He abused another young boy in double leg traction in a medical center in Boise. Baltazar had previously been dismissed from his post as chaplain in the U.S.Navy for homosexual behavior. Subsequently, he had been transferred from three dioceses for sexually abusive behavior. His superiors, with full knowledge of his record, took no action when confronted by distraught parents other than transfer him to a new diocese.

Among those unimpressed with the Catholic Church's approach to the problem was the trial judge, Alan Schwartzman. When passing sentence, he paused to stare unblinkingly at the priest standing before him, then observed: "I think the Church has its own atonement to make as well. They helped create you and hopefully will help rehabilitate you."

The pace of clerical exposure was beginning to quicken. In February 1985 a priest in Wisconsin was accused of sexually abusing a number of minors. In March a Milwaukee priest resigned his license as a psychologist after admitting sexually abusing a patient. In April Fr. William O'Donnell of Bristol, RI was indicted on twenty-two accounts of sexual abuse. He was subsequently sentenced to one year's imprisonment. The same month in San Diego another priest to settle a pending action accusing him of sexually abusing an altar boy.

Fr. Gilbert Gauthé

The abuse of altar boys was also the trait of Fr. Gilbert Gauthé, who at the time of his initial exposure was a parish priest in the parish of Henry, in Vermillion, LA. The revelations began with a pathetic simplicity. A distressed nine-year old boy confessed to his mother that God did not love him because he had done bad things. The child slowly and painfully elaborated and talked of the secrets that he and Fr. Gauthé shared. First his mother then his father listened as the boy began to reveal some shocking truths. The priest had been sexually abusing him for at least two years. Fr. Gauthé had also been abusing his two older brothers. Before the story was all told, it would be estimated that Fr. Gauthé had molested more than 100 boys in four parishes, some of them hundreds of times. Learning the truth as far back as the early 1970s, the Church had responded in the usual manner: they moved him to another parish. An early report on Gauthé described his problem as a case of misguided affection.

Confronted with the initial allegations, Fr. Gauthé made no attempt to deny them. He asked to be sent away for treatment, and said that he needed help. He made no mention of the urgent help that many of his victims needed. Told he was immediately suspended from all duties for an extended period of time, he raised no objection and meekly signed his acknowledgement of the written declaration of suspension. His superior ordered Gauthé to get out of the village of Henry. Fr. Gauthé's initial remorse was short-lived. When he returned to the village ten days later to collect his personal belongings, he found time to contact his eldest current victim, a fifteen year-old boy. Before leaving the parish, he had sex with him.

The secret system was very much in evidence in the Vermillion parish from June 1983 through the summer of 1984. Fr. Gauthé's bemused congregation was told initially that his abrupt departure was due to health reasons. Moral pressure was brought to bear by the diocese on the Catholic lawyer, Paul Herbert, retained by a number of victims' families. Msgr. Mouton had urged the lawyer to be "a good ol'

Catholic boy.” Bishop Frey tightened the screw, counseling caution on a number of parents, advising that they avoid civil proceedings to “avoid scandal and harm to the church, but primarily to avoid further injury or trauma to the young victims, their families and other innocent parties.

The families of the nine victims were prevailed upon to drop their civil legal action that would inevitably trigger wide publicity when it moved to a public hearing. They were told that Fr. Gauthe would be sent to a house of affirmation, a rehabilitation center for the clergy in Massachusetts. The majority of the families bowed to the intense pressure from their spiritual leaders, and eventually agreed that a secret settlement was in the best interests of everyone. By 1984 after six months’ haggling, the two sides agreed on a \$4.2 million settlement to be spread between the six families with nine victims. Out of that sum the lawyers took about \$1.3 million, the various medical experts another portion.

Although many details of Fr. Gauthe’s sexual abuse were known, nothing had been published at the time of the settlement in June 1984. It might well have remained a secret scandal except for one brave family and their courageous son. The only way that some of the families discovered that one or more of their children had been violated by Fr. Gauthe was when a neighbor whose children admitted that he had been abused went on to name other victims. Within the close-knit community, a list of names began to escalate. It was in this manner that Glen and Faye Gastal discovered that their nine-year old son had been abused.

The Catholic Church in Louisiana, from Archbishop Phillip Hanlon down, stained every sinew to ensure that the Fr. Gauthe scandal remained a private matter. They sought to stop the issue coming to trial, for as long as none of the victims testified before a grand jury, no indictment would be handed down. The strategy of out of court settlements appeared to be working, but neither the local Church, the papal nuncio’s office in Washington, nor the Vatican had bargained for the Gastal family. The parents deeply resented the secret suppression of the truth, as in their mind this treated them as criminals. They would either be silenced nor cut a deal, and were determined that their son would testify before a grand jury. Encouraged by the collective bravery of the Gastals, other families rallied to their cause. In August 1984 Glen and Faye Gastal gave their first hesitant television interview. They were unlikely heroes, but the impact and the effects of their stand are still reverberating, not only around the United States of America, but also, much of the rest of the world.

The Secretariat of State within the Vatican was deeply shocked by the Gastal’s defiance and begun to exert more pressure, both on Archbishop Pio Laghi, the Vatican nuncio to the U.S., and on Archbishop Hannan down in New Orleans. Reports were coming in from many dioceses throughout the United States of other actions being filed. Encouraged by the Gastals, other victims were emerging from the twilight existence imposed on them by their own clergy. At no time did Pope John Paul II, Cardinal Ratzinger, Cardinal Casaroli (Secretary of State), or any of the other senior Vatican luminaries consider the alternative course of action: candid confession, humble contrition, and public commitment to attack this particular cancer and eradicate it.

In October 1984 a grand jury viewed videotapes containing the testimony of eleven boys ranging in age from nine to seventeen, and returned a thirty-four-count indictment against Fr. Gilbert Gauthe. Eleven counts were for aggravated crimes against nature, another eleven for committing sexually immoral acts, another eleven for taking pornographic photographs of juveniles, and a single count of rape – sodomizing a child under twelve years of age. The final count carried a mandatory life sentence. The trial was set for October 11, and as that date approached, the Vatican increased pressure on Fr. Gauthe’s defense counsel, Ray Mouton, to find a compromise that would enable a plea-bargaining deal. When Mouton, whose first interest was his client, insisted on negotiating with the district attorney and the prosecuting counsel in his own manner, rather than the Vatican way, the New Orleans archdiocese attempted to fire him. Nevertheless, Ray Mouton outflanked him and carried on negotiating.

Archbishop Hannan then changed tack, after concluding that working with the defense counsel the Church had hired might be more productive than working against him, and a deal was finally cut. Fr. Gauthe would plead guilty on all counts and would be sentenced to twenty years’ imprisonment without parole. It was sold to the judge, who sought reassurance before the hearing that the victims who were

nerving themselves to testify, and their families would be content with the proposed sentence. The prosecuting counsel assured the families that come what may, and wherever he served sentence, Fr. Gauthé would be locked up for twenty years.

Despite everything, most of those listening to the proposition were still devout Roman Catholics. When prosecuting counsel murmured about the need to protect the Church, it was a done deal. On Tuesday, October 14, accompanied by Ray Mouton, Fr. Gauthé entered the Louisiana courtroom and faced Judge Brunson. He pleaded guilty to all thirty-four counts and was duly sentenced to the agreed twenty years. With the sentences went these words from the judge:

“Your crimes against your child victims have laid a terrible burden on those children, their families and society, indeed, your God and your Church as well. It may be that God in his infinite mercy may find forgiveness for your crimes, but the imperative of justice, and the inescapable need of society to protect its most defenseless and vulnerable members, the children, cannot.”

The victims had been spared the searing ordeal of giving evidence in a public arena. The Church had been spared the long-term damage from such public testimony and, through the dubious arrangement of a plea-bargain, justice of a sort had been achieved.

Between the end of the court hearing and sentencing of Fr. Gauthé and the civil case that the Gastal family brought, great pressure was again exerted by the Catholic Church on Glen and Faye Gastal to settle the case out of court, and consequently out of the public's gaze. The Gastals believed that the harm that had been done to their family and, in particular, to their young son merited a larger settlement than that accepted by the other families, but more than that, they wanted the facts of what Fr. Gauthé had done to their son laid out before the court and the wider world. Many ostracized them as a result and treated them like criminals, and there was talk that the lawsuit was a costly, unnecessary expense. The Church had offered to settle out of court; it was just those damn stubborn Gastals that were preventing the whole wretched affair from being forgotten. And that for the Gastal family was precisely the point of putting their son through this emotional trial of obliging him to publicly recount every sordid detail.

During the hearing, attended by a variety of Catholic clerics, including Bishop Frey and Msgr. Mouton, Faye Gastal was asked by her lawyer: “When you look at Bishop Frey here, what goes through your mind?” Faye Gastal was a devout Catholic who had testified that “getting absolution is the only way to get to heaven.” Now she stared for a moment across the courtroom. “When I look at Msgr. Mouton and Bishop Frey, I think of Gauthé sticking his penis in my child's mouth, ejaculating in his mouth, putting his penis in his rectum. That's what I think about.”

The worst nightmares of the Catholic Church hierarchy were unfolding in front of them. The Church was doing all it could to suppress the truth, including phoning organizations and companies that advertised regularly in the *Times of Acadiana*, a local paper that had withstood the church's pressure to censor its coverage of the Gauthé affair. The advertisers were urged to boycott the paper.

“We were a close, loving family, still are,” said Glen Gastal, “except when it comes to the relationship which I can't have with my son as a young child. He is unable to tolerate physical displays of affection...” In the witness box the father broke down, then struggling to gain control, he continued, “He kissed me only if I demanded it before he went to bed.”

The judge cleared the courtroom before the son testified, but the presence of the press, including Jason Berry, the source of the quoted court testimony, would ensure that the words of the child would be a matter of public record.

In the state of Louisiana a jury is not allowed to award punitive damages. The award must be fair and reasonable for the damages sustained. This jury did not stay out for a long time, just one hour forty-five minutes and awarded \$1 million for the Gastals' son and \$250,000 for the parents. The Gastals' greatest victory lay not in the wholly inadequate monetary awards, but in breaching an enormous dam.

When the verdict was announced, the lawyer acting for the Catholic Church declared that his client would appeal the settlement. They had no intention of doing so – it would have undoubtedly resulted in yet more adverse publicity – but the Gastals were vulnerable to such apparent obduracy and, as a result, the Church was able to haggle the settlement figure down. Of the eventual figure of \$1,000,020, the Gastals' lawyer took one-third plus his expenses.

The plea-bargaining deal cut behind closed doors called for Fr. Gauthé to serve the full twenty years. In 1998 a sympathetic judge looked favorably upon Fr. Gauthé's parole application and released him after less than twelve years. A few months later, he was arrested for sexually molesting an underage boy and placed on probation.

Doyle, Mouton and Peterson

Ten months before the criminal trial of Fr. Gauthé, and more than a year before the civil proceedings brought by the Gastal family, three men from diverse walks of life were brought together by the Gauthé case and its implications. One was Ray Mouton, the lawyer hired by the Province of Louisiana to defend Fr. Gilbert Gauthé. If one wanted a lawyer with a street fighting mentality who would go the extra mile for his client, a man of courage as well as integrity, then Ray Mouton was the man. At times hard-drinking, at times filling the air with colorful expletives, he cared deeply about the concept of justice. To take the Gauthé case needed no little courage, particularly when some of the facts became public knowledge. Ray Mouton believed that everyone was entitled to the best possible defense. Ray Mouton's occasional profanities masked the soul of a God-fearing Roman Catholic.

The second was Fr. Michael Peterson, a psychiatrist in charge of a rehabilitation program for priests at St. Luke Institute of Suitland, MD. Fr. Peterson, the founder of the St. Luke's Institute, had a boundless compassion for others, all the more remarkable, because for many years he was confronted with case histories of patients without virtue or humanity. As a man with an acknowledged expertise in sexual pathologies, he was repeatedly called upon by dioceses throughout the country to deal with priests who had transgressed.

Ray Mouton was in Washington to meet Fr. Peterson and explore the possibilities of his client going to the St. Luke Institute for evaluation and treatment. He had been put in contact with Fr. Peterson by the third member of the triumvirate, Fr. Thomas Doyle, secretary-canonist of the Apostolic Delegation in Washington, D.C. As canonist at the Vatican embassy, Fr. Doyle had been given the task by papal nuncio, Archbishop Pio Laghi of monitoring the correspondence on the Gauthé case and keeping a close watching brief on every development. Fr. Thomas Doyle was clearly destined for great things. Promotion to bishop was considered by many who knew him as a certainty, a cardinal's hat a strong possibility. An expert in canon law, with other doctorates in political science, philosophy and theology, also a prolific writer, Fr. Doyle could boast a daunting list of achievements.

The two priests were friends and collaborators, but Ray Mouton was unknown to them until the Gauthé case. As Fr. Peterson discussed the various treatment options that were available at St. Luke's, the lawyer talked not only of his own client, but other priests in Louisiana who were pedophiles, men whose crimes had been covered up by the diocese, men who still held positions of trust among their unknowing communities. As always with Ray Mouton, his primary concern was not to alert Catholic officialdom, but to protect his client. If it became public knowledge that the Gauthé case was not unique, the District Attorney, Nathan Stansbury, would be unlikely to take a soft approach on Fr. Gauthé in any plea-bargaining scenario. Any chance of Fr. Gauthé being merely hospitalized or confined in a secure facility where he could receive treatment would fly out the window. Because of his professional work, Fr. Peterson was already aware that there had been pedophiles within the ranks of the clergy, and not just in Louisiana. He phoned Fr. Doyle, telling him that the three of them urgently needed to hold a meeting.

AS Fr. Doyle listened to the two men detailing other pedophilic activity in Lafayette, and much further afield, he was shocked. As the eyes and the ears of the Vatican on the Gauthé case, he had assumed that this was an isolated case. As Fr. Peterson talked of the information he had received from confidential sources of priests all over the USA who have sexually abused children, the three men rapidly

realized that a bishop with a legal background should be sent to manage the Gauthé crisis, and that urgent action was needed to address the problem at a national level.

After briefing Archbishop Pio Laghi and senior officials within the Vatican, it was agreed to send Bishop John Quinn of Cleveland to Lafayette. With the Gauthé civil case looming, it was apparent to all three men that the Catholic church in the United States was about to confront an unimaginable disaster, and the sooner they were aware of that fact and prepared to meet it, the better. Fr. Tom Doyle recalled:

“Within a short time, we decided to collect information and put together a manual or a book that would be set up in a question and answer format. The full edition would also contain copies of several medical articles about pedophilia. Most of these were taken from medical journals, and several were authored by Dr. Fred Berlin of John Hopkins University Hospital Sexual disorders Clinic.”

The 100-page document was a detailed guide to damage limitation for the American Church hierarchy. It was an attempt to make those who controlled the Church face reality. The authors believed the days of the cover-up, of reliance on Catholic judges and attorneys and favorably disposed newspaper, television and radio proprietors were numbered. The manual dealt with every conceivable aspect of the problems confronting a bishop when allegations of sexual child abuse were made against one of the priests or a member of one of the religious orders. Without specifically identifying the Gauthé case, the writers drew on the fiscal implications of that catastrophe the costs which “exceeds \$5 million and the projected cost of the civil cases in that diocese alone is in excess of \$10 million.”

The authors, three men whose motivation in creating this document was to protect the Catholic Church, did not pull their punches:

“It is not hyperbolic to state that the dramatic description of the actual case (the Gauthé case) referred to above is indicative that a real, present danger exists. That other cases exist and are arising with increased frequency is evidenced by reports of same. If one could accurately predict, with actuarial soundness, that our exposure to similar claims, namely one offender and fifteen or so claimants, over the next ten years could be restricted and limited to the occurrence of one hundred such cases against the Church, then an estimate of the total projected losses for the decade could be established of \$1 billion.”

The authors subsequently described that figure as a conservative cost projection. History was to prove them correct. One section entitled *Clergy Malpractice* predicted that as lawyers began to exhaust medical malpractice as a source of income, they would see the Roman Catholic Church in the USA as a potential deep pocket. Over the ensuing years, many a lawyer in the United States has grown rich from the litigation they have undertaken on behalf of the sexually abused. A number of victims living in Boston have alleged to me that their respective lawyers not only took a substantial part of the settlement figure as their fee, plus more for their expenses, but that they also received from the archdiocese a commission for persuading their client to settle at a specified amount. One victim put it: “As a boy I was screwed by my priest; as a man I was screwed by my lawyer.” Independent evidence that substantiates these allegations has proved elusive.

The authors predicted a monstrous explosion of problems for the Church: hundreds of people going public with accusations of appalling crimes, bishops ineptly handling the response, and a bill of over \$1 billion. In making such a warning, the two priests had done no favors to their careers. They had therefore attempted to take out some insurance on their own. As previously recorded, Fr. Doyle and Fr. Peterson had the Pope’s personal representative, Archbishop Pio Laghi, on side and Bishop John Quinn was already attempting a damage limitation exercise in Louisiana. Bishop Quinn had been selected by senior members of the Vatican. It would be some time before Fr. Doyle learned that Bishop Quinn’s brief was exclusively directed toward ensuring that the Catholic Church should evade its moral and legal responsibilities. At a subsequent convention in Ohio, Bishop Quinn recommended that every diocese in the United States should send their files on *problem priests* to the Vatican Embassy in Washington,

thereby putting the evidence beyond legal reach. In May 1985, shortly before the report was completed, Fr. Peterson had a private meeting with Cardinal Krol of Philadelphia, the most powerful man in the U.S. Catholic Church. More than any other prince of the Church, Cardinal Krol was responsible for the election of Karol Wojtyla. The two men were in constant and intimate contact, and through Cardinal Krol, the Pope was kept fully briefed on the unfolding scandal. Cardinal Krol was impressed with the Doyle-Peterson-Mouton Manual and praised it fulsomely. He saw it as an invaluable contribution – as indeed did a number of bishops, and Cardinal Krol handed the Pope a copy of the report in the spring of 1985. Another who saw great value in the work was Cardinal Law of Boston.

The Vatican response to the manual and its implications was to apply the Polish solution. Pope John Paul II always believed that the Church should deal with its *special problems* behind closed doors. Now he urged Cardinal Krol and his fellow American cardinals and bishops to deal with this *essentially American problem* discretely; the secret system would be maintained.

The manual had little to do with justice; for the victims and their families, that was dealt with in less than half a page. Though concise, it was, however, highly pertinent. It talked of the “sexual abuse of children by adults” having

“long lasting effects that go well into adulthood, not only psychological effects, but also the spiritual effects, since the perpetrators of the abuse are priests and clerics. This will in no doubt have a profound effect on the faith life of the victims, their families and others in the community.”

The authors also talked of the need for direct approaches to be made to the families in question saying, “There should be some form of healing, if possible, between the priest and the family.”

Cardinal Law told the authors that he would get the manual taken up by the National Conference of Catholic Bishops – NCCB – by creating a special ad hoc committee of his own. Archbishop Levada, secretary to the committee, soon indicated that they were making progress, yet rapidly Church politics and bitchiness intervened. Archbishop Levada told Fr. Doyle that the project was being shut down because another committee was going to deal with the issue and a duplication of effort would not make the other committee look good. In fact, a member of the NCCB had taken an intense dislike to Fr. Doyle, and this lay behind the deliberate killing of the one chance for the U.S. Church to conduct a decent salvage operation.

Announcements – a mere PR exercise – were made at a press conference that a committee had been established to study the issue of sexual abuse of clerics. There was no such committee, and at no time did anyone within the NCCB make any contact with any of the authors. Meanwhile, meltdown was already occurring. Four years later, with the country awash with the scandal of child abusing priests, the executive was still grossly misrepresenting both the document and its authors’ intentions. The collective response of the bishops of the United States was of men in denial, and yet the authors of the manual had been told by several bishops that clerical child abuse was an inevitable topic of conversation whenever bishops met. Most bishops remained so in thrall with the secret system that they could imagine no alternative.

Trouble in Canada

Pope John Paul’s observation that clerical sexual was exclusively an American problem was rapidly contradicted by exposures in country after country. In 1999 in Newfoundland, Canada, a scandal which began with allegations of sexual abuse by two parish priests grew until ten percent of the clergy were implicated. The following year the Mt. Cashel boys’ home in St. John’s, Newfoundland, was the focus of a sexual abuse scandal that implicated the Christian Brothers Congregation, the Church hierarchy, and the province in a cover-up that had continued for many years. The abuses of the children had been perpetuated systematically since before the Second World War (1939-1945). Subsequently, the Christian Brothers would be exposed as a brutal congregation, many of whose members were simultaneously sexually abusing and savagely punishing the children in their care in Ireland, Canada and Australia.

Just as in Louisiana, in Canada one case led to another, then another. There were criminal trials, civil actions, and an internal investigation by the Catholic Church, and ultimately a Royal Commission by the Government. The official transcripts of the Royal Commission and the Law commission of Canada make for some of the grimmest reading imaginable. It transpired that Mt. Cashel was not an isolated example of the physical and sexual abuse of the most vulnerable section of Canada's society. Over thirty institutions stood condemned. In its introduction, the report observed that the institutions examined in the inventory are the *tip of the iceberg*. It continued, "The problem is pervasive; abuse is prevalent in all different types of facilities, and it extends to government operated and/or funded institutions throughout the country." What follows is a selection of verbatim extracts from that *tip of the iceberg*.

"Mount Cashel Orphanage.

Perpetrators of the Abuse: The Christian Brothers. Both priests and the superintendent of the orphanage committed abusive acts on many students. In the Royal commission Report, Justice Hughes stated that the offensive acts, caused by cruelty and lust tended to 'corrupt their childhood and destroy its happiness.' Some of the acts committed by the Christian Brothers included forced mutual fellatio, buggery, forced mutual masturbation, fondling of the students' genitalia, "inappropriate" kissing, and insertion of the fingers in the rectum. The sexual abuse often began with kindness and demonstrated affection.

Excessive corporal punishment was suffered by many students, some as young as five years old, at the orphanage. The acts were often sadistic and the discipline was frequently arbitrary. For example, Brother Burke mercilessly beat a nine-year old child on his back and buttocks for losing a library card. Strapping was often violent and insensate with bruising and blistering of hands and arms up to the elbow joint, and frequently laid on, not systematically, but with furious anger. Beating was in the main hitting the bare buttocks with a strap of a stick, but went as far as punching, kicking, and banging heads against the wall."

There had been previous attempts to investigate Mt. Cashel. In 1975 the Federal Government was finally obliged to act via its Department of Health and Welfare to investigate the institute. Evidence was laid before the Department that a regime of sustained physical brutality and sexual abuse operated at Mt. Cashel, but the liaison official, Robert Bradley, ignored the allegations. Later the same year he received another report repeating the allegations. Mr. Bradley reported to his government superior that he was perplexed, as he had been "instructed not to interfere with the affairs of Mt. Cashel."

Before the end of 1975, police detectives visited the school and, apart from interviewing boys who were extremely fearful, managed to establish a prima-facie case that the range of offenses described above had been perpetrated. The two detectives sought permission from their police superiors to arrest the two Brothers, who later confessed their crimes, and charged them. Then the Chief of Police of the Royal Newfoundland Constabulary, John Lawlor, ordered the senior police officer, Detective Hillier, to exercise all references to sexual abuse from his reports, despite the fact that the investigation was incomplete and that more than twenty-five boys had made complaints to the police of physical and sexual abuse. The police were ordered to stop the investigation. The abuse was allowed to continue without hindrance for more than a further thirteen years.

There are similar details covering the other twenty-nine institutions. The number of victims runs into many hundreds, and these are merely the one that the Federal Government was able to identify. It is officially accepted that a great many more victims of these institutions will never be known. Pedophile clans of Catholic priests in Canada are not confined to state run institutions. A clan involving at least twelve men, three of them priests, a further two Roman Catholic lawyers, another who was a Brother teaching at a Catholic school, and a Catholic physician was uncovered in 1996 after functioning for the best part of a decade in the Diocese of Alexandria Cornwell in Ontario. Its final exposure owed much to one incorruptible police officer, Constable Perry Dunlop. With great courage, he established a corrupt conspiracy between his own police force and the pedophiles. Eventually, twelve men were finally charged with offenses involving indecent assault and gross indecency.

Back in Louisiana

In 1988 time was finally called on Mt. Cashel, but Louisiana was offering yet a further example of the cancer within the Catholic priesthood. When, by accident, a huge collection of commercially produced child pornography was discovered in his room at a parish church in New Orleans, Fr. Dino Cinel was already on his way to Italy for a Christmas holiday. Also found were some 160 hours of homemade videotapes. If possession of the first stack was a criminal offense with a stipulated prison sentence, the second hoard should have ensured Cinel's removal from society for many years.

The videocassettes showed Fr. Cinel engaged in a number of sexual acts with a variety of male partners, including at least seven underage boys. After the Gauthé affair, one would have expected the local hierarchy to act with alacrity. It took three months for the archdiocese to turn the material over to the District Attorney's office. During that time, the Archbishop and his staff suppressed the fact that there was an active pedophile in one of the parishes. District Attorney, Harry Connick, Sr., sat on the file for more than two years. He later admitted during a television interview that he had not filed charges Fr. Cinel because he did not want "to embarrass Holy Mother the Church."

Happenings Elsewhere

Despite orchestrated cover-ups by the Catholic Church, the deliberate suppression by elements of the media, who were vulnerable to pressure from the Catholic hierarchy, devout district attorneys, judges and police officers seeking to protect *the good name of the Church*, the truth was getting out, and not only in North America. The abuses were not confined to one continent. To even confront a fragment of the evidence I have acquired over the past five years is to journey to the heart of darkness. Priests and, in some cases, bishops and cardinals have been disgraced in country after country. Egardo Storni, the Archbishop of Sante Fe in Argentina, resigned after being accused of abusing forty-seven seminarians. He said his resignation did not signify guilt. Bishop Franziskus Eisenbach of Mainz, Germany, resigned after being accused of sexually assaulting a female university professor during an exorcism. Yet, he denied the allegation. In Ireland, Bishop Brendan Comiskey resigned after his use of the *secret system* came to light. In Poland, a close friend of the pope, Archbishop Juliusz Paetz of Posnan, resigned after allegations that he made sexual advances to young clerics became public knowledge. Archbishop Paetz denied the allegations, declaring he was resigning "for the good of the Church." In Wales, Archbishop John Aloysius Ward was forced by the pope to resign after continuing public criticism that he had ignored warnings about two priests later convicted of child abuse.

In Scotland, among a plethora of cases that shocked the most hardened, a brilliant crusade by Marion Scott of the *Sunday Mail* and a three-year police enquiry exposed abuse at one of the schools run by the De La Salle Brothers. Subsequent evidence made it clear that abuse at St. Ninian's school at Gartmore in Stirlingshire was typical of schools run by the Order in many countries. What occurred at St. Ninian's took place between the late 1950s and 1982. In Australia, the De La Salle Brothers were involved in similar activities as far back as 1911.

In St Ninian's the monks varied the regular beatings, rapes and the gamut of sexual abused of the boys with their own version of torture and brutality. An electric generator was set up in the boot room where boys were forced to hold onto bare wires leading from the machine and receive a series of electric shocks. The children were also subjected to whippings with a riding crop with the ends tied to cause greater pain. Christopher Fearn, a social worker, recalled,

"I was beaten with a riding crop two or three times a week for four years. They told us they'd whip the devil out of us. I was battered so many times on my head and ears I cannot hear a thing on my left side, and I've undergone extensive surgery because of it."

To date just three people have been brought to trial; all were found guilty. Among the ten charges that were proved against Brother Benedict were assault, forcing children to eat their own vomit, and breaking a boy's arm. The three men were given token sentences of two year's imprisonment. Brother Benedict appealed and was granted bail. More than a year later his appeal has yet to be heard, and he walks freely among his fellow citizens.

Jim Boyle, formerly the most feared man in Scotland, recalled his years in another De La Salle school, St. John's in Springboig:

“Even today I can hear the sounds of breaking bones as a monk deliberately smashed a child's leg to smithereens. Or footsteps in the night that heralded yet another horrific rape of a terrified, crying child.”

In 1999 the Sisters of Mercy faced over 100 charges of abuse in the high court of Dublin. At exactly the same time in England, Fr. David Crowley was being sentenced to nine year's imprisonment after pleading guilty to fifteen charges of sexual abuse on a child under ten years old and a number of boys under sixteen years of age. Many of his victims were altar boys. His offenses occurred in parishes in West Yorkshire, Northern England and Devon between July 1981 and August 1992. On at least two separate occasions complaints were made by parents of victims. Fr. Crowley was sent for counseling. He was then allowed to continue working on condition he restricted his access to young people. On one occasion Fr. Crowley watched as he encouraged a nine-year-old boy to perform an indecent act upon a thirteen-year-old boy.

Prosecuting Counsel, Peter Benson, told the court,

“The abuse was systematically contrived, and the Crown say the accused cleverly exploited his position of trust and authority as a Catholic priest to seduce impressionable young boys. He would set about winning their trust by allowing them to smoke and plying them with alcohol as a prelude to seducing them. He would often target the emotionally vulnerable young men who he came in contact with as suitable candidates for his attentions.”

As much the same time the Fr. Crowley was using these techniques in various parts of England, Fr. Gerard Stock, also in the United Kingdom, was doing precisely the same and targeting the same group of potential victims – altar boys. He too was eventually caught and pleaded guilty to thirty-four counts of gross indecency involving sixteen young boys over a twenty-two year period spanning 1959 to 1981.

Fr. Adrian McLeish, a parish priest in Gilesgate, Durham, was an avid user of the Internet. When the police raided St. Joseph's presbytery, they discovered that the priest had built up one of the world's largest collections of Internet pornography. He was also regularly abusing at least four young boys. After police had taken the computers away, Fr. McLeish, fully aware that he would be going to prison, took a final opportunity to abuse one of his victims. The boy's mother subsequently said, “It was as if he was having a last fling.” It was further established that Fr. McLeish had been using parish funds to pay for his computer pornography. He was sentenced to six years' imprisonment.

Yet another who used his authority to seduce the young was Fr. Michael Hill. Among the victims twenty to thirty offenses of sexual abuse included two handicapped boys of fourteen and ten. One was confined to a wheel chair and the other had cerebral palsy. They were two of a number of victims who would have been spared their ordeal if the man who is now Catholic Primate of England, Cardinal Cormac Murphy O'Connor, had been alert on his watch as Bishop of Arundel and Brighton. Less than a year after Bishop Murphy O'Connor's promotion to the diocese in 1977, Fr. Michael Hill came under his control. Fr. Hill had been an active pedophile since 1959. One of the features of Fr. Hill's career is the number of times he was shuffled around the diocese. Murphy O'Connor has subsequently gone on record asserting that Fr. Hill's removal from Godalming to Heathfield was “wholly unconnected with any question of child abuse,” but was due to “disagreement and unrest in the parish.” He has yet to specify the causes of the unrest, but in late 1980, a number of parishioners from Godalming came to complain to Bishop Murphy O'Connor of the unnatural close interest Fr. Hill was taking in their sons. As one mother recalled, “I told him what was going on. He said he would deal with it.”

In a classic demonstration of how the secret system operates, Fr. Hill was moved top the parish of Heathfield and sent to a rehabilitation center run by the Paraclete of Gloucestershire. Among other conditions, the center specializes in treating pedophilia. Cardinal Murphy O'Connor's subsequent

comments regarding his confrontation of Fr. Hill confirmed the truth of the allegations made by the citizens of Godalming. When Fr. Hill came to the diocese, his reports carried a health warning that he remained a potential danger to children. Notwithstanding the information, Bishop O'Connor allowed him to return to Heathfield parish. By 1983 at least one mother had complained to Bishop O'Connor that Fr. Hill's behavior toward her two sons was unacceptable and a cause of great concern. Fr. Hill received further counseling, and this time, Bishop O'Connor's response to the professional advice that the priest should not be allowed access to children was followed and Fr. Hill's license to work in a parish was withdrawn. Then in 1985 the bishop again softened his stance toward Fr. Hill. Part of the advice he had received from the medical experts in 1983 was that Fr. Hill might be allowed at some point to work in some restricted pastoral role outside the parish.

The bishop then made an inexcusable decision. He appointed Fr. Hill as chaplain to Gatwick Airport, which by the time in question, 1985, was known as "the Leicester Square of Sussex" and "a magnet for homeless youngsters." Fr. Hill took full advantage of his new appointment and committed further sexual attacks upon young boys. When Cardinal Murphy O'Connor's decision on Fr. Hill became public knowledge in 2002, *The Times* newspaper commented that "the scale of Cardinal Murphy O'Connor's moral blindness is potentially devastating." Fr. Hill was subsequently arrested and found guilty of a number of sexual attacks between 1969 and 1987, including molesting a cerebral palsy sufferer on his way to Lourdes. Fr. Hill was sentenced to five year's imprisonment.

The Primate of All England has sought to justify his actions with regard to Fr. Hill on the grounds of a "genuine ignorance that there was (in the mid-to late 1980s)." This defense has no credibility. In November 2002 Fr. Hill pleaded guilty to a further string of sexual assaults committed between 1969 and 1987 and was sentenced to a further five year's imprisonment.

Subsequently, it seemed that every time the Primate was interviewed, he apologized for the grave mistake he made with regard to Fr. Hill, but his contrition did not extend to resigning his position, despite the many demands from the faithful and from the media that he should leave the national stage. The credibility gap between the Cardinal and his bishops and the ever-shrinking Catholic congregation in England continues to widen. According to the Cardinal's spokesperson, the secret deals with victims that involved the payment of *hush money* were nothing to do with the Church. "It does not go near the Church. It is done between solicitor and solicitor." The spokesperson did not say who instructs the solicitor to pay up.

By 1999, as the Catholic church in England and Wales maintained a silence over the growing conviction of priests for sexual abuse, it had become obvious that pedophilia within the United Kingdom would not be defeated by denying that there was a problem. Twenty-one priests had been convicted in a four-year period. At this crisis point, Cardinal Cormac Murphy O'Connor fully acknowledged his mistake in handling Fr. Hill. Soon afterwards, a full review was established under the chairmanship of Lord Nolan (a former Law Lord and Chairman of the committee on Standards in Public Life). In 2002 his report was published, with more than fifty recommendations to protect the potential victims.

It was a positive step, and one of its recommendations that was swiftly implemented called for an annual report. Despite numerous instances of clerical sexual abuse over many decades, the Catholic Church of Scotland has not been inclined to follow the example set south of the border. The most important recommendation of the Nolan report as also rapidly introduced: the creation of a national child protection unit within the church to "root out child abusers by vetting clergy, its lay staff and volunteers before they take up new posts."

The report observed within its executive summary:

"Child abuse is a great evil. It can leave deep scars on the victims and their families. It is particularly abhorrent when a child or a young person is abused by someone in a position of trust and responsibility. It is most abhorrent when that position of trust is held by a member of the clergy or a lay Catholic worker. The care of children is at the

forefront of the teachings of Christ and is, therefore, one of the primary responsibilities of all members of the Church led by their priests and bishops.”

Further, within the summary, Lord Nolan and his committee observed a self-evident truth. “The fact is that should every parish throughout England and Wales follow our recommendations, the problem of child would not therefore be eradicated.” It was commendable honest, and their final aspiration should have touched a chord within every Roman Catholic within the country:

“Our hope is that this report will help to bring about a culture of vigilance, where every single adult member of the Church consciously and pro-actively takes responsibility for creating a safe environment for children and young people. Our recommendations are not a substitute for this, but we hope they will be an impetus towards such an achievement.”

The Church’s commitment to openness certainly struck a chord with the hitherto silent victims. Within the first eighteen months of the new guidelines going into operation, the Church had received nearly 150 further complaints of sex abuse. Another 100 complaints followed in 2004. Archbishop Vincent Nichols of Birmingham welcomed the abuse claims as a clear indication that progress was being made in addressing an historic backlog of abuse.

The Archbishop may have been less enthusiastic when his own archdiocese was obliged to pay out £330,000 to a former altar boy who had been sexually abused by a priest over an eight-year period. The settlement reached in 2004 was at the time the largest known payout in the United Kingdom. The payout, made days before the case was due to come to the High Court, is a further indication that in England and Wales, the times are finally changing, but only in some areas.

In June 2005, the Birmingham archdiocese was obliged to set the compensation bar twice as high after being ordered by the court to pay over £600,000 to a victim who, as a young boy, had been repeatedly abused by Fr. Christopher Conlan, who had fled the country to Australia, where he died in 1998.

One of the most extraordinary aspects of this scandal has been the dogmatic refusal of the Vatican to accept and acknowledge, until very late in the day, that this was anything more than a local difficulty confined to the United States. The sexual abuse by Catholic priests and religious of children, youths, adolescents and adults knew no frontiers. Pope John Paul II was aware from very early in his reign that this was an issue that he had to address and act on. He failed to address it.

In Austria, a close friend of John Paul II, Cardinal Hans Hermann Groer, was forced after a protracted struggle to resign following allegations of repeated abuse at an all-male Catholic school. Cardinal Groer rejected the allegations. In Switzerland, Bishop Hansjorg Vogel of Basil resigned after admitting he had impregnated a woman following his promotion to the hierarchy in the previous year. Standing behind every bishop referred above is the same pattern of institutional abuse, the same range of pedophilic sexual abuse by priests. Appalling abuse by the Christian Brothers has been matched by cruelty from the Poor Sisters of Nazareth, or the Daughters of Charity of St. Vincent de Paul, or the Sisters of Mercy.

For more than 100 years there were Nazareth homes all over the United Kingdom, Australia, South Africa, the United States and Ireland. From the mid-nineteenth century to recent times *Nazareth homes* cared for the young and the old. The orphanages were run by nuns from the order of the Sisters of Mercy. Violent degradation and thrashings were a daily event. The children woke up to the screams of other children, and to the familiar sound of the strap. In 1965 Helen Cusiter was eight years of age when her mother disappeared, and she was taken, along with her five brothers, to the Nazareth House in Aberdeen. In 2004, at the age of forty-seven, after a chance meeting with one of her childhood tormentors, Helen became one of over five hundred former residents to bring action against the Sisters. Her recall of what she endured was corroborated by other former inmates who had not met for a lifetime.

It included a particular incident with Sr. Alphonso who came looking for her while Helen was playing on swings.

“She took me off by the hair, twisted me around, and threw me against the church wall. She broke all of my front teeth, my face was a mashed mess, the other kids were screaming.” Helen Howie, one of those screaming children, remembers the blood pouring from Helen’s face: “Sr. Alphonso didn’t use leather straps, she used her fists, she had such strength.” When the dentist queried the extensive bruising on the eight year old’s face, he was told, “She fell.”

Sr. Alphonso was convicted on four charges of cruel and unnatural treatment. Because of her age, she was merely admonished rather than imprisoned. There are all too many similar testimonies from hundreds of damaged people. Many sought not compensation, but just the opportunity to be heard, of having the pain they still felt acknowledged.

The Poor Sisters are no longer poor. They have approaching £200 million in their bank, and have eventually dropped the *Poor* from their title. There is now an international campaign to bring the Order to the bar of justice. It will be an uphill struggle, with the insurance companies combining with a number of the bishops to ward off the attack.

Many bishops are still in denial about the enormity and extent of clerical sex abuse over the past forty to fifty years. They still consider it as a problem that should be dealt with in-house – without publicity or criminal charges. In January 2003, the Irish commission created to enquire into child abuse complained that: “The Government and most religious orders are obstructing our work.” The commission was investigating Church run institutions to which the Irish Government sent *problem* children and orphans. As in Canada, in Ireland much had been covered up. There were fifty-two industrial schools in the mid-twentieth century, where physical and sexual abuse was rife. An industrial school functioned as an early type of reform center or Borstal. They were devised as *Means for Decreasing Juvenile Crime*. Often, the only crime was that the child had been orphaned or abandoned. In theory, part from teaching the ordinary elementary subjects, the children also were taught a trade. The varying circumstances made no difference to the treatment meted out. Whether those entrusted with the children were Christian Brothers, Daughters of Charity, or poor sisters of Nazareth, the viciousness of the various religious orders had a disturbing uniformity. Since 1983 more than 4,000 survivors of a *child slave labor regime* sought compensation from the Irish Catholic Church.

One who is beyond winning any compensation is Willie Delaney. In 1966, at the age of nine, Willie was the oldest of ten children, living in a caravan without sanitation or running water. It was his responsibility to help to feed the family. His father, a tinsmith, confronting a shrinking market with the advent of long-life kitchen utensils, needed all the help he could get. Willie was caught stealing piglets and sentenced to six years in Letterfrack, an industrial school in the west of Ireland, described by survivors as *a hell on earth*. Inmates suffered physical, mental and sexual abuse. Willie was treated brutally. In 1970, by now thirteen, a few days before he was due home for a precious two-week holiday, Willie was continuously beaten about the head. Survivors have recently testified that one of the Christian Brothers was continuously beating Willie’s head with a bunch of keys; others remember him using a pole. At home, Willie complained of severe headaches, then he suffered a fit, went into a coma, and died. Doctors at St. Luke’s Hospital in Kilkenny said he died of meningitis. His father was certain his death was linked with the treatment he had suffered from the Christian Brothers.

In April 2001 Willie’s body was exhumed and subjected to a post-mortem. It was determined that he had died from natural causes; but Willie’s death and its aftermath have given a further thirty former inmates the courage to come forward and lay complaints against Christian brothers and lay staff. The eventual number of complaints rose to 140. Twenty-nine Christian Brothers and lay staff were identified as alleged abusers. Forty-eight priests and Christian Brothers had already been convicted of abusing, physically and sexually, children in their care.

In an unrelated case in Ireland a few months before the exhumation of Willie Delaney, a former Franciscan brother, Br. Robert Keoghan, pleaded guilty to eight charges of indecently assaulting eight boys aged between nine and sixteen on various dates between 1969 and 1972. Before sentencing Br. Keoghan, who was also serving an eighteen-month prison sentence for two similar crimes, the court heard that when Br. Keoghan had gone to confess these offenses, he had been sexually abused by his confessor, a Franciscan priest. Br. Keoghan was sentenced to a further two year's imprisonment.

As the dam was breached worldwide, it was striking how frequently the activities of the pedophile priests could be traced back twenty, thirty, or even forty years earlier. It is inconceivable that just one particular generation of priests who took Holy Orders in the late 1950s and the 1960s should be any more or less inclined to pedophilia than the generation before or the generation after. Traditionalists have blamed the rise in abuse on the reforms of Vatican Council II, but they have yet to reveal the cause of the clerical pedophilia that pre-dates the mid-1960s. One is left with the nightmare possibility that but for the case of Fr. Gauthier, the secret system would still be functioning efficiently, with just as many new victims being abused. Yet, even after 1985, there were attempts to keep the old order. In the early years of the new century, Hong Kong police were investigating clerical crimes. They discovered that the secret system was still alive and fully operational in May 2002. Police Superintendent, Shirley Chu, who was investigating eight abuse cases, publicly complained that the Catholic Church was refusing to hand over written confessions by a number of priests made during an internal Church investigation. Shirley Chu's response echoed that of judges, police officers, and district attorneys around the world: "It seems that the Church has been protecting its reputation and its priests rather than the victims."

The Catholic hierarchy in the Philippines were also forced to apologize to victims. In September 2000, thirty-four priests and a number of bishops were suspended as the full extent of clerical sex abuse began to be known publicly. Unlike many other countries, the majority of cases involved the sexual abuse of women. It was subsequently revealed that in New Zealand, in early 1991, six Roman Catholic dioceses had confirmed thirty-eight cases of sexual abuse by priests and brothers, within two years of a complaints procedure being set up: a great many more were in the pipeline, including complaints of abuse that reached back fifty years to the 1940s. For most of that period, the Catholic population of New Zealand was less than 500,000, with only around 500 priests: the confirmed cases indicate an historic average of some seven percent of priests being sex abusers.

Commenting on these figures, Lyndsay Freer, the National Director of Catholic Communications, displayed the national gift for understatement: "There was a tendency in the past to protect the institution or the profession." Then singing from the same hymn sheet as the rest of the Catholic Church, Lyndsay Freer attempted to defend the indefensible:

"The recidivist nature of psychosexual dysfunction or pedophilia was not understood, and it was thought that if a person admitted guilt, confessed it, and was given absolution in the sacrament in Confession ... rehabilitation and forgiveness was possible."

In Australia, Cardinal Pell was obliged to admit that the Church had not relied on mere Christian forgiveness on the part of the victim. Many thousands of dollars of hush money had been paid to those who had suffered sexual abuse. Less than two weeks later, the Roman Catholic Order, the St. John of God Brothers, revealed that they had reached an out of court settlement with lawyers representing twenty-four mentally handicapped men who had been sexually abused by up to twenty brothers while in their care. The amount paid was \$2.1 million (U.S.) and is believed to be the largest such settlement in Australian history. Finding courage in the example set by the mentally handicapped victims, a further 157 alleged victims came forward. Meanwhile, the head of the Church in South Africa admitted that about a dozen priests had been accused of sexually abusing children "many years ago."

In Brazil, the world's largest predominately Catholic country, Church officials admitted there was a pedophilia problem among the clergy. Bishop Angelico Sandalo Berardino in an extraordinary attempt at justification observed, "The problem of sexual appetite is one that afflicts every human being."

In Holland, the pragmatic Dutch Church attempted an unusual and highly dubious strategy in secret negotiations with its insurers. They demanded that an additional clause covering sexual abuse compensation be inserted into their policies. They further demanded that it be applied *retrospectively* to cover the past decades. Both demands were rejected.

A similar contretemps occurred in Ireland. It transpired that the insurance cover for the Irish Church that included the aspect of sexual abuse had first been taken out by the Irish Bishops' Conference between 1987 and 1990, a period when the bishops were still using the secret system and busily moving offending priests from parish to parish. IN the words of the bishops' spokesperson, Fr. Martin Clarke, the cover "offered only modest coverage at low premiums." Once a wave of child abuse scandals began engulfing the Irish Church in 1994, the insurance policies proved *ambiguous and uncertain*, a discovery with regard to insurance policies that is not unique to the Catholic Church. Insurance companies all over the world pushed the panic button overnight; premiums rose to anything between 30% and 130% for less coverage.

Following the example set by the Church in England and Wales, the Irish Bishops' Conference commissioned an independent study of child abuse by the Catholic clergy in Ireland. It was carried out by the Royal College of Surgeons in Ireland. A press release, but not the report itself, was made public in December 2003 on behalf of the Irish bishops. Having noted that over half of the report's recommendations were already being followed, Bishop John McAreavey then pointed to the report's acknowledgement that "When dealing with the past, bishops followed, in good faith, the best psychiatric advice available at the time." This acknowledgment flies in the face of decades of lies, cover-ups, evasions, and sinful disregard of the victims. He continued: "Clearly, in relation to clerical sexual abuse, we failed many young people over too long a period."

One of the authors of the report, Professor Hannah McGee, saw her own conclusions rather differently. "The occurrence, and more importantly the mismanagement, of clerical child abuse, represents a loss throughout Irish society rather than an isolated problem for an unfortunate few."

Bishop McAreavey did have the good grace to apologize publicly for the wrongs of the past and to make commitment to improve "upon our existing policies." The undertaking would have carried greater conviction if the bishops had not sought to shift the burden of the blame onto the shoulders of consultant psychiatrists.

At the time of the Royal College of Surgeons' report, another enquiry, this time into alleged sex abuse of children in the diocese of Ferns in Ireland, was already one year into what would eventually become a three-year investigation. The commission identified over 100 allegations of sexual abuse by twenty-one priests between 1962 and 2002. Their report, published in October 2005, confirmed that sexual abuse was widespread over many years in Ferns. Ten of the accused priests were dead, two were convicted, and the remainder were not in active ministry. Quite why they gave them immunity from prosecution has yet to be explained. The Catholic Church in Ireland insists that under Canon Law, sexually abusing clerics are immune from criminal prosecution, unless immunity is lifted either by the bishop or by Rome. Far too many of the hierarchy in Ireland still cling to a Supreme Court judgment of 1925 when the highest court in Ireland accepted the right of the Bishop of Kerry to remove a parish priest from West Cork against the priest's wishes. That judgment is now being used by Irish bishops to thwart natural justice as the Church clings to a fantasy that abusing a child is not a criminal offense but a moral issue.

In April 2003, twenty-five years after the Gauthier case, Vatican officials sat with psychologists and therapists behind locked doors while they held a conference on the sexual abuse of children. Still the desire not to *embarrass Holy Mother Church* persisted – although the image of the Church already lay in shreds.

In France, the secret system was preserved until the twenty-first century. A French bishop, Pierre Pican of Bayeux-Lisieux, was convicted of covering up the sexual abuses of one of his priests. He said, "It is unfortunate that this verdict has limited the Catholic priest's right to keep professional secrets." In

truth, it had nothing to do with the sanctity of the confessional and everything to do with what is still a very widely held view within the Catholic Church that her priests and bishops are above the law. The abuser in question, Fr. Rene Bissey, is now serving an eighteen-year prison sentence; his bishop got a three-month suspended sentence.

The attitude of Bishop Pican is not unique: in fact, it is the norm. In 2002 the Chairman of the German Bishops' conference, Cardinal Lehmann, was asked by *Der Spiegel*,

“When cases are suspect, are the judicial authorities called in?” He responded, “This is not our task. The authorities involve themselves ... in clear-cut cases – we ourselves are often in the dark – we motivate the culprit to self-denunciation. That is better for everybody. In addition, we undertake our own preliminary investigations; that is dictated by Canon Law. If there is enough evidence, the relevant person is suspended from office. But that is a matter for individual dioceses. The Bishops' conference is not responsible for such matters.”

Pressed on the need for binding rules that would apply to all dioceses with regard to their dealings with pedophile priests, Cardinal Lehmann disagreed:

“We have large dioceses, where over the decades they have accumulated their own experience as to how to handle these officers, and they do not just want to hand the matter over to higher authority.”

That accumulated experience represents the ability to cover and conceal the great majority of pedophile cases that threaten to come to light in Germany. Diligent application of the secret system ensures that exposure of pedophile priests on the scale of the United States scandal will not happen in Germany or other European countries.

The Catholic psychotherapist, Wunibald Müller, a man with decades of experience in the treatment of priests with psychological and psychiatric problems, has estimated that there is a minimum of two percent of all priests in Germany with a predisposition to pedophilia, giving a national figure of between 250 and 300. Pedophiles are invariably serial offenders, and therefore the number of children at very real risk in Germany today, even the most conservative of estimates, is between 5,000 and 10,000. The actual figure is undoubtedly much higher. Müller's estimate was based on the evidence that has been made available to him through clinical study of the general German population. But the extraordinary efficiency of the German application of the secret system has for decades dramatically suppressed the abnormal incidence of sexual abuse among the clerical population. Consequently, Müller's estimates are only around half the comparable estimated for other countries, notably the USA. His figure is disturbingly low.

Back to the United States

In the United States during the fifteen years after the Gault case of 1985-1986, over 1,200 pedophilic priests were exposed. In view of the fact that have continued to be weekly exposures, new claims, and continuous fresh allegations, the actual total continues to move in the United States inexorably towards 3,000 pedophiles, or five per cent of the Roman Catholic priesthood. Even those estimates may prove to be far too low when more exhaustive research has been completed. If evidence from the Indiana diocese of Lafayette were to be replicated across the United States, all of the previous estimates would have to be rewritten. In a diocese of just seventy-five active priests, by early 1997, it had been established that at least sixteen per cent were guilty of a wide range of sexual abuses.

It should be remembered that these figures were not reached against a background of an open, transparent Church, but one which used every delaying tactic that it could dream up, with the help of its lawyers and insurers, a Church where pedophile bishops protected pedophile priests with a bodyguard of deceit. One example was Bishop J. Keith Symons of Palm Beach, who complied the professional psychiatric evaluations that at the time clearly demonstrated the fitness of Rev. Rocco D'Angelo to serve as a priest.

At the time of these evaluations, both the bishop and the priest were sexually abusing young boys. After complaints from the parents of the victims were made to the Archdiocese of Miami in the 1960s, the parents had been promised that Fr. D'Angelo would be kept from children. The secret system was applied and Fr. D'Angelo was transferred to the Tampa area, where he worked for more than two decades while continuing to molest young boys, one of them in 1987, more than twenty-five years after the Church had given an understanding that it had never intended to honor.

Fr. D'Angelo took early retirement in 1993, after his sexual activities became public knowledge. Bishop Symons followed him into early retirement in 1997 after admitting that he has sexually molested five boys more than three decades earlier. His *new broom* replacement was Bishop Anthony O'Connell. Four years later, there was need of another *new broom*, as Bishop O'Connell was forced to resign in 2002, after revelations about his sexual activities with young men who had been under his supervision as rector of a Missouri seminary.

In Boston, an archdiocese that serves a Catholic population of over two million, the church has been brought to its knees financially. The faith of many has been shattered by an endless stream of clerical sex abuse scandals. In 1992 Cardinal Bernard F. Law called down the power of God on the news media after their coverage of the activities of Fr. James R. Porter. A quick resume of Fr. Porter's life leaves one marveling that the Cardinal went to the barricades for him.

In 1953, aged eighteen, James Porter molested a thirteen-year old boy in a playground in his hometown of Revere, MA. In the later 1950s Porter, then a seminarian, worked during summers at the Cathedral Camp in East Freetown, MA. He molested children at virtually every opportunity and was reported by a victim to another worker-priest. No action was taken, and back in Revere, James Porter sexually molested numerous local children. In 1960 Fr. Porter received his first assignment as a priest – at a kindergarten to eighth grade school, St. Mary Church and Elementary School in North Attleborough. During a two-year period, Fr. Porter sexually assaulted scores of children between six and fourteen.

Decades later, sixty-eight of these victims recounted their experiences to psychologist, James Daignault. "The first time I remember was when I was eleven," said Ms. Burns. "I heard someone crying in the school bathroom." When she went in to see who it was, she found Fr. Porter raping a six-year-old girl. "I tries to stop him, but he grabbed me and sodomized me. He was absolutely violent. He told me that he was stronger than me, and that he had the power of God."

Stephen Johnson also told his experiences to Daignault:

"When I would scream, he would put his hand over my mouth so that no one would hear me. James Porter sexually assaulted me countless times, and each time he would chastise me by saying that what I had done was very bad and that God would punish me if I told anyone."

Stephen, who was an altar boy at Fr. Porter's North Attleborough church, expressed a sentiment that accurately describes not only his own trauma, but of countless victims of pedophile priests:

"Shame and guilt became the foundation of my being."

In 1962, when a group of parents and relatives of some of the victims went as a deputation to see pastor Fr. Booth and Fr. Annunziato at St. Mary's Church to complain and demand action, Fr. Booth responded, "He is already receiving treatment. What are you trying to do? Crucify him?" Diocesan records released in 1992 revealed that as of 1962 Bishop Connolly's office had details of over thirty boys who had been abused by Fr. Porter, to whom the secret system was applied again and again. He was transferred to Fall River, some twenty-five miles away from North Attleborough. He continued to abuse children, and after more complaints, he was transferred to New Bedford, fifteen miles from Fall River. The priests were told by the diocesan office to "watch Fr. Porter" because he has "a problem with little boys." The watching

was inadequate, and more sexual abuse by Fr. Porter was followed by a complaint to the New Hampshire police, who simply escorted Fr. Porter over the state line and then released him.

In 1967, after more attacks on children, the diocesan office at Fall River sent Fr. Porter for treatment to the rehabilitation center run by the Servants of the Paraclete at Jemez, NM. After a period of treatment he was allowed to go out on a trial basis to say mass at churches in New Mexico and Texas, and also work as a chaplain at a children's hospital, where he sexually abused a patient confined in a full body chest. The rehabilitation center records for the period noted that Fr. Porter was once again indulging in his old habits. Uncured, Fr. Porter was given a letter of recommendation by the Paraclete Center to the parish of Bimidji in Minnesota. Between 1969 and 1970, while at the parish, Fr. Porter sexually abused a further twenty to thirty children. Again, he was caught.

Eventually, in 1973, Fr. Porter made a written application to Pope Paul VI to leave the priesthood. In his letter, he told the Pope that he had molested a large number of children in five different states. His papal dispensation was granted on January 5, 1974. Two years later, James Porter married and subsequently fathered several children. Despite this external normality, he was still an active pedophile, and sexually molested a number of boys in the area of Minnesota, where he was then living. In 1984 he molested a teenage female babysitter caring for his four children. In 1987 he molested her fifteen-year-old sister. In 1989 James Porter was questioned in connection with the disappearance of an eleven-year-old boy, Jacob Wetterling. During interrogation by FBI officers, he admitted that while a Catholic priest, he had sexually abused and molested at least thirty to forty children. The FBI took no action.

In 1992, what began as a one-man crusade by Frank Fitzpartick, a former child victim of Fr. Porter, culminated in a TV program in which eight victims told of the abuses he had perpetrated upon them many years later. The program inspired yet more victims to come forward, which in turn triggered yet more publicity. It was this exposure that so angered Cardinal Law that he called down the *power of God* on the news media.

Notwithstanding the Cardinal's efforts to suppress the truth, the former Fr. Porter was indicted the same year in Massachusetts for molesting twenty-eight children, offenses that were still within the statute of limitations. The same day he was also indicted in Minnesota for the molestation of his babysitter. Subsequently, he was found guilty of the later offense and sentenced to six months' imprisonment. In 1993, confronted with forty-one counts of indecent assault, unnatural acts and sodomy involving twenty-eight of his victims, the former priest made a plea-bargaining deal and was sentenced to eighteen to twenty years' imprisonment. By that time, ninety-nine of his victims had come forward from the three parishes. The number is now approaching 150, and continues to increase. The Catholic Church has paid out between \$5 million and \$10 million in various settlements to Porters' victims.

Around this time, an Italian cardinal described the child abuse scandal to me as a "curious American hysteria that would soon wither and die away." His attitude was common in the Vatican. Yet it was exploded by further scandalous revelations as the 1990s progressed. In July 1997, a Texas jury awarded eleven former altar boys \$119.6 million. It was the largest known settlement in a clergy sexual molestation case in the United States. Only ten of the plaintiffs were still able to derive any benefit from the award; the other Jay Lemberger shot himself at the age of twenty-one. The jury found that the Dallas Catholic Diocese and the sexual abuse by the defendant, Fr. Rudolf Kos, were the proximate cause of his suicide. Fr. Kos had sexually abused around fifty boys between 1981 and 1992. One of the victims testified that the priest abused him over a four-year period, beginning when he was ten. Another told the jury he was sexually abused by Fr. Kos over 350 times.

The size of the award stunned the Catholic Church. It brought nearer the \$1 billion estimate of potential financial loss made twelve years earlier by Fr. Doyle and his colleagues, once dismissed as wildly fanciful. The diocesan lawyers and the lawyers representing two insurance companies, Lloyds of London and Interstate Fire and Casualty, went to war. After a range of tactics that included endless stalling and countless negotiations, they eventually succeeded in pushing the settlement down to \$30

million, but alarm bells were ringing in many an archbishop's residence, nowhere more loudly than in Boston.

The man ringing the bell of Cardinal Law's residence was John Goeghan, ordained a priest in 1962 and defrocked with the Pope's authority by Cardinal Law in 1998. Over thirty-one years Fr. Goeghan served six parishes in the Boston area, leaving human wreckage behind him in every one. Successive bishops had operated the secret system and moved the compulsive pedophile around, spreading his damage far and wide. By the time he was stripped of his priesthood, the archdiocese had settled twelve lawsuits against Goeghan, paying at least fifty victims a total of around \$10 million. But fifty victims in thirty years was far from the final tally for Fr. Goeghan and those who had knowingly protected him. Cardinal Law was the last of a long line to accord Fr. Goeghan facilities that enabled him to continue his pedophilia activities. Cardinal Law was not, unfortunately, unique. The much beloved Cardinal of Chicago, Joseph Bernadin, and the majority of cardinals, archbishops and bishops functioning in the United States over the entire second half of the twentieth century also operated the secret system. It took until January 2002 before the state succeeded in bringing criminal proceedings against the man whose protectors reached back far beyond Cardinal Law of Chicago. As Goeghan's career as a serial sex abuser flowered, so did the careers of those who assisted him. Cardinal Humberto Medeiros had protected Fr. Porter as a monsignor. As a cardinal, controlling the entire archdiocese, he protected Fr. Goeghan. Bishops Daily, Banks, McCormack and Murphy had also in the past protected Fr. Goeghan in a growing number of dioceses before they moved on with promotions. Archbishop Hughes of New Orleans was another who looked out for Fr. Goeghan in earlier times.

In January 2002, the former priest was found guilty of sexually molesting a ten-year old boy and sentenced to eight to ten years of imprisonment. Additional criminal charges were scheduled to be heard at later dates. An additional eighty-six victims were now free to bring civil cases against Goeghan and the Archdiocese of Boston. They sought damages against Cardinal Bernard Law. The case concentrated the Cardinal's mind wonderfully. By May, Cardinal Law had agreed settlement with the eighty-six victims of \$30 million. The Cardinal's finance council was acutely aware that many other victims of pedophile priests were watching developments with their lawyers. They balked at the settlement figure, and the Cardinal's lawyers were sent back to the negotiating table.

The Goeghan trial had triggered an extraordinary new wave of claims across the United States. By April 2002, 177 priests had been removed in twenty-eight states. By June, more than 300 civil law suits alleging clerical sex abuse had been filed in sixteen states. Lawyers confirmed that a further 250 cases were being informally mediated between dioceses and accusers. Attorneys estimated that it would take two to three years to resolve the cases already filed, and new cases were emerging every day. By June, the number of priests who had either been dismissed or resigned since January had risen to 250. Every prediction that Fr. Doyle, Fr. Peterson and Ray Mouton had made within their advisory manual in 1985 had come to pass.

By mid-April 2002, many observers considered that Cardinal Law's position at the head of the Boston Archdiocese was untenable. The Goeghan scandal had still to be resolved, and further shocking revelations were imminent, including the identities of other pedophile priests protected by the Cardinal and his bishops. The Boston judges were beginning to exercise their power and demand that the Archbishop hand over the files on top of these, Fr. Mahan and Fr. Shanley. Fr. Mahan's activities allegedly covered a period from 1962 to his removal from the priesthood in 1998. Fr. Shanley was accused of crimes that ranged from pedophilia and public advocacy of sexual intercourse between men and boys to teaching youngsters how to shoot up with heroin. Cardinal Law's officials dug in and were applying a range of delaying tactics to avoid handing over the incriminating files, but the clock was showing *time* everywhere but within the Vatican. In mid-April 2002, Cardinal Law secretly traveled to Rome. For a man accustomed to arrivals and departures with the full pomp and ceremony that befitted a prince of the Roman Catholic Church, it was a sobering experience to be smuggled out of his own residence and hustled through Logan Airport like a fugitive from justice.

The Cardinal and the Pope were close friends, but there was a gulf of perception between them during the meeting. Cardinal Bernard Law's exposure to the media coverage, the rising tide of protests,

not only from the Catholic in the street, but from people within the Boston hierarchy, could not be ignored. The calls for his resignation had been growing by the day. Cardinal Law had refused for more than two months to talk to the news media; he did not consider himself accountable either to the public at large or to his Catholic flock. He was answerable to the Pope, and no other. Technically, the Cardinals' position was correct, but neither the news media nor ordinary Catholics pay much attention to canon law. In the preceding months the Cardinal had attempted to win the day by hiring public relations consultants and addressing the scandal from his pulpit. As for responsibility, the Cardinal had confined himself to apologizing twice and simultaneously blaming *inadequate medical advice, inadequate record keeping, of errant priests, and an excessive focus on clergy sexual abuse.*

Throughout the entire seventeen years since the Gauthé case, neither the Pope, nor his senior advisors, had confronted the cancer of pedophilia within the Catholic Church. It was an extraordinary omission and a devastating failure with far-reaching consequences. As his meetings, Cardinal Law attempted to bring the Vatican up to date with developments within the Boston Archdiocese. When Archbishop Marcinkus had come complaining about the drubbing he was getting over his mismanagement of the Vatican Bank, the Pope had airily dismissed the matter as being something to be ignored. For many of the preceding seventeen years, he had adopted much the same attitude to the sexual abuses being perpetrated by his priests, bishops and religious. Even now, with the Boston Cardinal sitting in front of him recounting the Goeghan case, the Shanley case, the Porter case, and others, the Pope was inclined to blame influences outside the clergy. When the Cardinal offered to resign, the pope waved the offer away, "Your place is at the head of the Archdiocese," and sent him back to Boston.

The Pope had been convinced for a long time that *this problem* was unique to the United States and that it would burn itself out. He had chosen to ignore a global reality, and his continuing inaction had ensured a constantly deteriorating situation that no amount of media messaging could solve. Perhaps inevitably, the Church decided on a press relations exercise. The Boston Cardinal's deep aversion to the media, which he largely blamed for the crisis, ensured that he would treat them with contempt. No one was advised that he was going to Rome, and no one was going to get to interview him now he was back in Boston. He elected to make a press statement. Having in the past week offered his resignation to the papal nuncio in Washington and to the Pope in Rome, and having been told to ignore his critics, he said, "I return home encouraged in my efforts to provide the strongest possible leadership in ensuring, as far as humanly possible, that no child is ever abused again by a priest in this archdiocese."

It was an admirable statement, but it was obvious that, rather than reach out to his flock of over two million souls through every available news outlet, the Cardinal, with the Pope's approval, had chosen an esoteric form of communication.

"It is my intent to address at length the record of the archdiocese's handling of these cases by reviewing the past in as systemic and comprehensive a way as possible, so that the legitimate questions which have been raised might be answered. The facilities of the Boston Catholic Television and *The Pilot* will assist in making the record available."

He deemed only a minority channel and the parish magazine competent to carry the information on a story with national and international ramifications. As an example of how to lose friends and alienate people, it was definitive.

The *Boston globe and Mail* carried Cardinal Law's statement as well as the most recent poll on the scandal. This showed that sixty-five percent thought Cardinal Law should leave his job; seventy-one percent thought the Cardinal had done a poor job in handling the various instances of sexual abuse of children by priests; and fifty-three percent said they had now lost confidence in the Catholic Church as an institution because of the scandal. The survey polled 800 Catholic adults. Meanwhile, lawyers redoubled their efforts to obtain archdiocesan records on Fr. Shanley and other pedophiles, and judges were insisting that Cardinal Law make a formal deposition and provide the archdiocesan files on Fr. Geoghan.

American Cardinals Called to Rome

The Vatican then announced that the Pope had summoned every American Cardinal to Rome. Many observers in the United States saw this as a positive step, a sign that Pope John Paul II was finally going to get a grip on the most serious crisis to confront his papacy since the Banco Ambrosiano crash. The cynics within the City State nodded and smiled. They fully agreed with the comments of Cardinal Dario Castrillon Hoyos, head of the Vatican Congregation of the Clergy, who only three weeks earlier dismissed the media preoccupation in the United States scandal. Cardinal Hoyos believed that the Holy Father's agenda allowed no time for concern over the abuse of children. He airily declared, "The Pope is worried about peace in the world."

From 1978 until April 2002, the pope had deliberately and studiously avoided any public references to the global epidemic of sexual abuse by his priests and members of Catholic orders, apart from a few oblique comments. He had talked in March 2002 of "a dark shadow of suspicion" that had been cast over priests "by some of our brothers who have betrayed the grace of ordination" and have succumbed to the "most grievous forms of the mystery of evil at work in the world." He could not quite bring himself to utter the word *pedophilia*.

Equally silent was the Prefect of the Congregation for the Doctrine of the Faith – the CDF – Cardinal Ratzinger. What made his failure to go public on the worldwide scandal of clerical sexual abuse inexplicable was the fact that at least since June 1988, by direct command by Pope John Paul II, the CDF was duly authorized to investigate and sit in judgment on a range of clerical sexual abuse including "violation against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen,"

The one exception to the papal silence was a curious paragraph hidden away in a 120 page document that summed up the themes of a Synod of Bishops of Oceania in the Vatican in 1998.

"Sexual abuse by some clergy and religious has caused great suffering and spiritual harm to the victims. It has been very damaging in the life of the Church and has become an obstacle to proclaiming the Gospel. The Synod fathers condemned all sexual abuse and forms of abuse of power both within the church and in society as a whole."

Although the speech dates from 1998, no one within the Vatican saw fit to make it available to the public until it was part of the Internet on November 22, 2001. The comments were widely understood within the Vatican as referring not to child abuse but to another aspect of clerical and religious sexual abuse, one that is examined later in this paper.

Just three days before the US cardinals were due to arrive at the Vatican, the Pope delivered a strong reaffirmation of the importance of priestly celibacy. His remarks were seen as cutting the ground away from under the feet of some of the US cardinals who had gone on record a week earlier declaring that the entire issue of celibacy should be examined. Many believed that the imposition of celibacy was directly linked to a significant proportion of the clerical abuse cases. The Pope was not prepared even to discuss this idea. His eulogy on priestly celibacy was given in the presence of the visiting Nigerian bishops, who interpreted the comments to refer to the fact that in Africa many priests were indulging in regular sexual relationships with women.

The image of the Pope seated on a slightly raised dais with twelve American cardinals ranged out in a long horseshoe before him, and two senior members of the Curia standing behind him, stays in the memory. The cameras had been allowed to briefly record part of the Pope's welcoming speech and concluding remarks. This was intended as the first stage of the Vatican's press relations exercise. The speech did indeed contain a number of headline grabbing phrases:

"The abuse which has caused this crisis is by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God. To the victims and their families, wherever they may be, I express my profound sense of

solidarity and concern ... People need to know that there is no place in the priesthood and religious life for those who would harm the young..."

"...Because of the great harm done by some priests and religious, the Church herself is viewed with distrust and many are offended at the way Church leaders are perceived to have acted in this matter... The abuse of the young is a grave symptom of a crisis affecting not only the Church, but society as a whole."

Defending the Catholic Church in America, the pope talked of how it had always promoted human and Christian values with "great vigor and generosity, in a way that has helped to consolidate all that is noble in the American people." That was a highly debatable proposition, as was his image of the Church in the United States and in the wider world. "A great work of art may be blemished, but its beauty remains; and his is a truth which any intellectually honest critic will recognize."

While the cardinals sat within the Vatican discussing the child abuse scandal, back in Philadelphia, the District Attorney announced a grand jury investigation into sexual abuse claims against thirty-five local priests. The alleged abuse ranged over the previous fifty years. Opinion polls in the *Washington Post* and ABC News indicated that seventy-five percent of Americans believe the Church's image to be deeply tarnished.

The meeting concluded with the Pope and his American cardinals at one on the need to weed out pedophile priests with a police of zero tolerance. The cardinals were given the express task of creating guidelines to deal with the crisis that would be presented to the US Conference of Catholic Bishops in June in Dallas. All twelve American cardinals then gave a press conference and responded to questions from the huge crowd of reporters. The main item on the agenda for the news media was whether or not Cardinal Law had resigned. The smart money was betting that Cardinal Law's time as head of the Boston Archdiocese was over. Not for the first time the smart money was wrong.

Of the twelve cardinals, only three attended the press conference: the missing nine included Cardinal Law who did not resign. Though the majority of his colleagues wanted him to fall on his sword, the Pope had declined to let him. In considerable disarray, the cardinals and their camp followers returned to the USA.

The cardinals' evident divisions were nothing compared with the Pope's advisors. Many of them still believed that this was an American problem. They were also deeply divided about the Pope's apparent commitment to zero tolerance. The Pope's forthright denunciation of clerical and religious sexual abuse in April 2002 had been preceded by an almost complete denial of the scandal. Firm action taken early in his papacy would not have wiped out the obscenities perpetuated before October 1978, but through transparency and honest confrontation, and a rapid abolition of the secret system, John Paul II would have saved the church much grief and, more importantly, he would have prevented untold suffering and pain for victims yet to come. By also reaching out with counseling, compensation and compassion to those already abused, the Church could have begun its healing nearly thirty years earlier. For some it can now never begin.

John Paul II in Denver

Celebrating World Youth Day in Denver, CO, in 1993, the Pope had alluded to the scandal which had already convulsed America for nearly ten years. He told a packed audience that he had shared the concern of US bishops for the "pain and suffering caused by some priests' sins." He did not mention the pain and suffering caused by the bishops through the operation of the secret system, nor did he endorse any specific punishments for the offenders. The suffering of the victims would be eased "by prayer." The cause of the abuse scandals in the USA was a "widespread morality ... America needs much prayer lest it loses its soul." The issue of birth control and abortion "have caused strains between US Catholics and the Vatican ... polarization and destructive criticism have no place in the Church." A few weeks later, the Vatican released a statement repeating their claim their claim that clergy sexual abuse was an American and Canadian problem.

Among those listening to the pope in Denver were a number of the victims of the *North American* problem. One was Tom Economus, a former altar boy who had been raped and regularly abuse by family friend and mentor, Fr. Don Murray. I interviewed Tom Economus and he recounted in detail how Fr. Murray had manipulated and used hi. He also recounted how, when he had subsequently sought counseling, the priest he turned to for help attempted to rape him.

Fr. Murray had been an out-of-control alcoholic; the counselor was just out of control. Tom Economus became a member of the breakaway Independent Catholic Church and was ordained a priest. Because of his experiences Fr. Economus became a powerful advocate for the victims of clergy abuse. He led efforts to expose perpetrators and demanded accountability from religious leaders. He also became president of *Linkup*, a support group for clergy abuse victims of all faiths.

I asked him about his attendance in Denver. He replied,

“It was obvious to me by the early 1990s that neither the Vatican nor the Pope were going anywhere with the issue of clergy sexual abuse. World Youth Day in Denver, when the Pope was going to pray with more than 150,000 young people, seemed a good place to make a point. We were demonstrating on behalf of the victims. I’d got together getting on for 3,000 letters from victims and their families. I presented them to the Vatican security staff to be given to the Pope. They refused to take them. They threw them on the ground. I brought them back to this office, and sent them to the Vatican. I never had a response.”

Fr. Economus observed, “About two months later, the Mt. Cashel scandal erupted in Newfoundland. Within the year, twenty-eight countries were engulfed in the *North American* problem. In March 2002, Fr. Tom Economus, age 46, died of cancer in his Chicago home. Fr. Economus is one of the long line of victims ignored by the Vatican and the Pope.

The Pope’s Silence

Press relations exercises for the Pope have ranged from talking to Bono, the lead singer of U2, to photo opportunities with Fidel Castro, but the victims of clerical sexual abuse are not seen as good PR. John Paul II made numerous speeches castigating particular forms of injustice. He singled out violence against women and against children of both sexes ... forced prostitution and child pornography, and the exploitation of children in the workplace in conditions of veritable slavery. But he never referred to the exploitation of children and their veritable sex slavery by the thousands of his priests. Though many of the victims tried to meet him, there was not a single known instance of such a meeting.

The Pope’s silence was deliberate. He brought with him fro Poland to the Vatican practices that he had embraced throughout his life as a priest. They included an intense pathological hatred of any revelation that indicated that the Catholic Church was not a perfect institution. All dissent must be kept behind closed doors, whether of Church politics, scandalous behavior, or criminal activity.

During the Pope’s third visit to Austria in June 1998, he gave an illustration of his belief that child abuse and other such matters should not be discussed publicly. The Pope strained to protect his close friend, Cardinal Hans Hermann Groer against the demands of hundreds of thousands of Austrians for his resignation following compelling evidence that the Cardinal had sexually abused young boys. The Pope dismissed the evidence that the Cardinal had been a persistent pedophile over many years. Far more important to the Pope was that Cardinal Groer shared his Marian obsession. Eventually, he and his advisors were forced to acknowledge that the controversy would not abate, and a month before his 1998 visit, the Pope had been sadly forced to agree to the nationwide demand for Cardinal Groer to leave his post. As he arrived in Austria, he was looking for scapegoats. In a private meeting with the Austria bishops, he castigated them roundly for failing to suppress the public outrage, which culminated in a petition by over 500,000 Austrians demanding a wide range of reforms. He was particularly incensed by the open debate on clerical sexual abuse: “like every house that has special rooms that are not open to guests, the Church also needs rooms for talks that require privacy.’

The insistence on such secrecy when it came to the washing of the Church's dirty linen was a lifelong obsession of Karol Wojtyla. As a bishop in Cracow, no public dissent, no exposure of the Church's faults was the eleventh commandment. In 1980, the locking of the Dutch bishops in a Vatican room until they repudiated the position they had held since Vatican II indicates how rigidly the late pope applied such tactics. To the Austrian bishops, Karol Wojtyla made it very clear that Cardinal Groer's crimes of repeated sexual abuse of the young were as nothing compared to the crime of publicizing that abuse.

Three years later, the papal preoccupation with secrecy and cover-up was again demonstrated in a letter sent to every bishop in the world. It came from Cardinal Joseph Ratzinger in his capacity as the head of the Congregation of the Faith, but a subsequent apostolic letter from the Pope made it clear that the initiative was his. Cardinal Ratzinger advised the bishops of a new set of norms covering juridical control of cases of sexual abuse by priests. The rules, which gave control of any proceedings to Cardinal Ratzinger's Congregation, imposed *pontifical secret* on all such cases which would be heard by an all-clerical jury. A priest judging the word of a victim against the word of a fellow priest was not a scenario to inspire confidence. A Vatican based bishop observed:

"Those rules are going to give the impression of a cover-up. That's because they are a cover-up. As for what some are saying in this place that the secrecy is necessary to protect both the accuser and the accused – they have clearly to catch on to what in here would be a truly radical idea. That justice should not only be done, it should be seen to be done."

The Legionaries

Among the many victims of sexual abuse who would wholeheartedly endorse that sentiment are nine of the survivors of at least thirty who have alleged in sworn depositions that they were continuously sexually abused by one particular priest over three decades from the 1940s into the 1960s. The priest in question is Fr. Maciel Degaldo, the founder and superior general of the Legionaries of Christ. The nine men, now in their late 50s and early 60s, had as young boys all been founder members of the Legionaries.

Juan J. Vaca was recruited by the Rev. Marcial Maciel at the age of ten while living with his parents in Mexico. Fr. Marcial Maciel told them that he saw something special in Juan and offered the boy a chance of a good education at a seminary he was creating. Flattered, the parents accepted, and when two years later Fr. Maciel told them that he would like to take Juan along with a number of other boys to "my seminary in northern Spain for special training with the order," Juan recalled that there were "tears from my mother, but like my father, she saw this as a wonderful opportunity."

Juan Vaca recalled:

"We were all isolated from the outside world by Maciel, all contacts were controlled by him, and my mail was censored. After a short while in Spain, he began to sexually abuse me. The first time this happened, when he had finished, I went to leave the room, and he asked me where I was going. 'To confession. I want absolution for what just happened.' He told me that he would give me absolution, which he did."

It was the beginning of years of sexual abuse in which the victim continually felt guilt, but the perpetrator never appeared to. Fr. Maciel had explained that he regularly suffered from stomach pains and pain in his genitals, which could only be relieved by frequent masturbation. Soon, Juan recalled, "I became aware that he was abusing many of the other twenty-three children who were my school mates." For Juan, the abuse continued for almost ten years, during which he experienced "an intense ethical and spiritual confusion, fear, shame and anxiety. I endured countless days of severe stress, and nights of debilitating sleeplessness."

It was twelve years before Juan was permitted to see his parents again. The handsome young boy of ten was now a very disturbed twenty-two year old. Subsequently, while in the Legionaries' residence in Rome, Juan summed up the courage to confront Fr. Maciel and denounce him, but the young man's attempt to exorcise the demon he was confronting ended in the older man turning the tables and, after humiliating Juan, exiled him back to northern Spain as punishment. He was to remain there for six years.

Assuming that he had broken Juan's spirit, Fr. Maciel persuaded him to enter the priesthood. Juan, now a priest, was made Vide-Rector and Spiritual Director of the seminary in northern Spain. Subsequently, four adolescent students came to him to denounce the rector for sexually abusing them. Juan recalls the irony of that situation, "I knew that the rector, like me, was one of Fr. Maceil's original victims when we were all pre-adolescents. We now had second generation abuse." Juan advised Fr. Maceil what had occurred.

"He gave me instructions that all traces of the abuse should be covered up. The perpetrator was fired from his post and immediately transferred secretly to a mission in the Yucatan peninsula of Mexico. For my good work in covering up the mess, the founder rewarded me with the appointment of Superior and President of the Legion of Christ in the United States. In 1976, after five years in that post, I resigned the post, and confronted Fr. Maceil, and denounced him, and three months later, in October 1976, I formerly denounced Fr. Maceil to the Vatican, through the proper channels of my bishop, the Rev. John R. McGann, and the Vatican embassy in Washington."

Juan has made an impressive success of his life. When I interviewed him in late 2004, I was aware that he had been a Professor of Psychology and Sociology at the Manhattan Campus of Mercy college for the past five years. All of the other surviving victims have also achieved considerable success in their respective lives. With regard toward the sexual abuses they suffered from Rev. Marcial Maciel, they do not seek financial compensation. They first wrote to Pope John Paul II soon after his election in 1978, and again in 1989, simply seeking official recognition that they had been by a man he held in the highest regard. Msgr. John A. Alesandro, a canon lawyer in the Rockville Center diocese, has confirmed that in both instances, the correspondence seeking an investigation into Fr. Maciel had been forwarded to the Pope.

Over the years, there have been several investigations of Fr. Maciel by the Vatican. These included a two-year period between 1956 and 1958 when he was suspended from his duties as Superior General of the Legion after allegations of drug taking, misuse of funds, and other improprieties. Close study of Fr. Maciel's life indicates that either he has led a charmed existence, or he has had some very powerful protectors.

For the very first of his numerous pilgrimages, Pope John Paul II went to Mexico. Although a largely Catholic country, because of its history during the first half of the twentieth century, Mexico was constitutionally anti-clerical. Officially, the Church did not exist. The Mexican bishops, not the government, had invited the Pope to a country that did not have diplomatic relations with the Vatican. The family of President Lopez Portillo were all devout Catholics, and Fr. Maciel was a confidant of the President's mother, and particularly the sister who was the President's confidential secretary. As a result, President Portillo listened to them and overrode the objections from his government ministers. Nonetheless, the Pope was invited not as head of state, but as a visitor needing a visa.

During his visit to Mexico, the Pope and his secretary, Fr. Dziwisz, expressed their gratitude to Fr. Maciel for his timely intervention. They were both deeply impressed by the man who had created the beginnings of his *spiritual army* while still a mere theology student of twenty. Before being inspired to do this in 1941, he had already been expelled from two seminaries for what his official history describes as *misunderstandings*, and had suffered a two-year suspension from his duties while a range of accusations had been investigated. Although in 1979 the Pope had only recently received extremely detailed allegations of continuous sexual abuse by Fr. Maciel from nine of his victims, it did not give him or his secretary pause for thought. Fr. Maciel was never far from their side during the remainder of the trip.

The Legionaries of Christ blossomed through the ensuing years. They shared many characteristics with opus Dei, and still do. Both are highly secretive, impose a regime of unquestioning total obedience, recruit aggressively, are wealthy, and most important: both have the ear of the Pope and the most powerful papal secretary for seventy years. When Opus Dei and the Legionaries of Christ wanted to establish ecclesiastical universities in Rome – on the basis that only they could teach true orthodox principles – they were opposed by every ecclesiastical university and the Congregation of Education. Discreet conversations were held with Fr. Dziwisz, and after an appropriate time, a papal decree announced the formation of the two new universities.

The complaints by the nine former members of the Legionaries of Christ in 1989 were given further impetus when a tenth complaint from terminally ill Juan Amenabar was sent to the Vatican in 1995. Juan Amenabar was a former priest in Fr. Maciel's order and as he lay dying, he dictated a damning indictment of the rector. He had been moved to do so by a statement by the pope a few months before, describing Fr. Maciel as *an efficacious guide to youth*. In 1998, encouraged by the papal nuncio in Mexico city, the survivors brought a case against Fr. Maciel under canon law. They had never sought compensation, or even apologies; they sought only accountability by the Church for Fr. Maciel's sexual misconduct. Three years later, in December 2001, the Vatican halted the canon law investigation, for the time being, without giving reasons or details.

In December 2004, the victims were told that a Vatican prosecutor from the Congregation of the doctrine of the Faith would be holding a formal inquiry. Juan J. Vaca remains skeptical. "I have absolutely no confidence in the bureaucracy of the Vatican. Even now, they are trying to cover-up the fact that the pope is dying." Juan Vaca's misgivings were well founded. Cardinal Ratzinger secretly ordered the enquiry to stop "to spare the Holy Father any embarrassment."

Back to Boston

The Vatican had less control over events in the United States. When Cardinal Law returned from the April 2002 meeting in the Vatican, he tried to pick up exactly where he had left off. The Church resumed delaying tactics to prevent courts and victims' lawyers getting access to files. As a result, the Cardinal was ordered by judges to depose evidence in the case of Fr. Shanley in the ongoing cases against the defrocked John Goeghan. The spectacle was humiliating not merely for the Cardinal, but for every Roman Catholic in the United States. It would have been avoidable if Cardinal Law and his advisors had accepted that in a democracy no one is above the judicial process.

Fr. Shanley was charged with sexually abusing a six-year-old boy and continually raping him over many years. In February 2005 he was found guilty as charged and was sentenced to serve a term of twelve to fifteen years' imprisonment. The files showed that as late as 1997, Cardinal Law was still judging Fr. Shanley worthy of a warm glowing letter of introduction. It was as if the 1,600 pages in Fr. Shanley's file in the Boston chancery had never existed. Cardinal Law claimed that he had transferred Fr. Shanley around the archdiocese without referring to the files.

In September, the initial claim by eighty-six victims of John Goeghan was settled at the reduced figure of \$10 million. This left the way clear for the next claim by additional victims of the same former priest, whose number had risen to over 200.

While similar scenarios were being played out across the country, the bishops had also been addressing the task that they had brought back from the April meeting with the Pope. A month after they had departed from the Vatican in May 2002, the Pope was obliged yet again to address the sex abuse scandal – this time in private conversation with President George Bush. Confronted with the sight of large parts of the United States in tumult, the President – a born-again Christian – was anxious that his wide-ranging faith-based initiatives should not be damaged by the fall-out. The Pope assured him that Catholics in the US would overcome the current scandal and "continue to play an important role in building American society." This was of course the same American society that the [Pope had declared was largely responsible for the crisis.

Karol Wojtyla continued to avoid any close-up contact with the scandal, and in July 2002 embarked on a twelve-day trip to Canada, Mexico and Guatemala. His failure to make even a symbolic stopover in the United States was seen by many American Catholics as a deliberate snub, and yet, further evidence of how much he was out of touch. Within the Vatican, that reaction was seen as further evidence that the American response was exaggerated, even hysterical.

When Canadian victims of clerical sexual abuse requested a meeting with the Pope during World Youth Day celebrations in Toronto, they got a response similar to that given to the late Fr. Tom Egan: "The Pope is far too busy to give time to such a meeting." He was also too busy to address the subject of clergy sex abuse at any point of his tour.

Dallas

At much the same time, the American bishops gathered in Dallas to find the solution to the problem. The buzzwords of the day were *zero tolerance; one strike and you're out*. During the two day conference, Bishop Wilton Gregory made the most clear-cut statement of contrition by any senior figure of the Church since the crisis had begun. At the end of the conference he declared, "From this day forward, no one known to have sexually abused a child will work in the Catholic Church in the United States." Nonetheless, the meeting struggled to define sexual abuse, and it struggled to provide safeguards for priests who might be unjustly accused. They failed to give a guarantee that the norms they were seeking to establish would be fairly applied. They neglected to affirm that the bishops themselves would be subject to the proposed discipline. Above all other omissions, on in particular was startling: they failed to address the root cause of clerical sexual abuse.

The lines of communication between Dallas and the Vatican began to get seriously busy. The Vatican was concerned that some of the proposals may well conflict with canon law. The Vatican believed "that some of your number are being unduly pressurized both pressure groups" (victim support groups and the media). The Vatican chose to ignore a current opinion poll that showed eighty-seven percent of US Catholics in favor of a zero-tolerance policy.

The Dallas document did not in fact call for an automatic defrocking or a total ban on priestly activities. A priest found guilty would be banned from public ministry and working with parishioners, but not automatically defrocked. Depending on particular circumstances, the priest would have the chance to function in a controlled environment, such as a monastery. Though publicly the bishops approved the document by 239 to 13 votes, many were unhappy with the rulings, which would be binding, while others felt the directives and new policy did not go far enough.

Cardinal Law Goes

While the US bishops had been holding their meeting, Cardinal Oscar Rodriguez Maradiaga, considered by many to be a leading contender as a Third World successor to pope John Paul II, went public with views that a majority within the Vatican endorsed – but usually only in private. For Cardinal Maradiaga the reason that the United States was enraged about clerical sexual abuse was the gross exaggeration by the media, which were intent on persecuting the Church because of its firm stand on abortion, euthanasia, contraception, and the death penalty. As for Cardinal Law, he was being victimized as if he were "a defendant in a show trial staged by Nero or Stalin." The Cardinal declared that Ted Turner, the founder of CNN new network, was openly anti-Catholic. Not to mention newspapers like the *New York Times*, the *Washington Post* and the *Boston Globe*, which were protagonists of what I define as persecution against the Church." He was also at pains to tell the world what a fine man Cardinal Law was.

Cardinal Maradiaga made his remarks during an interview with the Italian magazine *Thirty Days*. No sooner had he left the building than his Mexican colleague, Cardinal Norberto Rivera, entered and virtually repeated Cardinal Maradiaga's denunciation. A few months later, a third Central American Cardinal, Miguel Obando y Bravo from Managua, Nicaragua, granted the same magazine an interview – nothing orchestrated, of course – and said, "Anyone who attacks Cardinal Law today must not recognize the strength of his involvement, the weight of his ministry, and the coherence of his life." He felt sure that the faithful Catholics of Boston would recognize the *golden nugget* in Cardinal Law's

personality, which “continues to shine.’ The remainder of the interview was largely confined to yet another vilification of the American media.

As early as May, yet another Latin American Cardinal, Eugenio Araujo Sales of Brazil, had led the attack on the allegation, describing them as “*over exposed* – many are old accusations – they account for less than a half of one percent of 46,000 priest.” Disturbingly, this princely defense of Cardinal Law met with full Vatican approval. It showed up the gulf between the hierarchy and the victims and the overwhelming majority of rank and file Roman Catholics.

The gulf was again exposed in September 2002 when lawyers representing 250 plaintiffs, who were suing the Boston Archdiocese, released personnel records on five priests, showing that several bishops had known about the abuse allegations against the five for years, but left them in positions where they could abuse more children. One of the five had only been removed in March 2002, eight years after he was accused of abuse.

In November, yet another judge, Constance Sweeney, delivered a handwritten note to the Boston Archdiocese ordering the release of further thousands of documents covering the personnel files of priests accused of sexual misconduct. She complained bitterly that the archdiocese had engaged in a pattern of conduct designed to stall the implementation of prior court decisions. “The court simply will not be toyed with,” she wrote.

In a separate order, the judge strongly suggested that officials of the Boston Archdiocese had conveyed an inaccurate picture of Church policies during their testimony on various sex abuse cases. “The available records raise significant questions of whether the archdiocese was really exercising the care they claimed to use in assigning offending priests.” She referred the case of Fr. Bernard Lane to the Attorney General of Massachusetts for possible perjury charges. What was unfolding in the Boston Archdiocese had its counterpart in many another archdiocese and many another country.

While the events in Boston continued to move in an evitable climax, the issue of establishing a national policy in the United States Church to respond to clerical sex abuse was back with the US bishops. The Vatican response to the Dallas proposal was to reject it. The Pope’s zero-tolerance agenda of April 2002 was no longer his position in September. Though the US bishops had balked at throwing sex abusers out of the priesthood, they had gone too far for the Pope and Ratzinger and their advisors, who favored the opinions of the four Latin American cardinals.

In the Pope’s view, the Dallas accord could not be reconciled with Canon Law, the rules governing the Catholic Church. The Pope and the heads of congregations were primarily concerned with protecting the rights of the accused priests, and they were unhappy with the American definition of sexual abuse. A fudge was in the making, which is best described as “one strike and after every conceivable avenue of defense has been offered you, if found guilty, you might be defrocked, or you might be forced to wear civilian clothes and be confined to barracks.” Nowhere were the needs of the victim addressed or even recognized. Nowhere was there any mention of the legal necessity to inform civil authorities.

By early December 2002, the Pope’s refusal to accept Cardinal Law’s resignation in April had ensured months of constant humiliation for the Cardinal and continuous assault on the faith of over two million Catholics in Boston. During the first week of December, the public release of yet more documents showed that the cover-up through the secret system had been even more extensive than previously realized. Confronted with lawsuits that could run into further compensation payouts of \$100 million, the Cardinal obtained permission for his finance council to file for bankruptcy protection.

Boston priests soon began organizing petitions calling for the resignation of Cardinal Law. Many hundreds of angry Catholics gathered outside Boston’s Holy Cross Cathedral to confront him. When they were told that he had gone to Rome, they continued their demonstration, demanding his removal. Three days later, a furious Massachusetts’s Attorney General complained that the Boston Archdiocese is “using every tool and maneuver” to “obstruct” an inquiry into sexual abuse by clergy. Thomas Reilly told the *Boston Globe* that the archdiocese had been engaged in “an elaborate and decades-long effort to cover

up clerical misbehavior.” On Friday, December 13, the Boston Cardinal met with his protector and again offered his resignation. This time the Pope accepted it.

Bishop Richard Lennon was appointed apostolic administrator while the Vatican considered its options. Bishop Lennon announced that he hoped the archdiocese could avoid filing for bankruptcy. In the event they did, the price would be high. Nine days after Cardinal Law’s successor, Archbishop Sean Patrick O’Malley, was installed, at the beginning of August 2003, the archdiocese offered \$55 million to settle some 500 outstanding clergy sex abuse lawsuits. The settlement would resolve claims from many hundreds of victims who had been abused as children by some 140 clergy within the Boston Archdiocese. The offer was rejected.

While both sides considered their options, news broke out that the former priest, John Goeghan, had been murdered in prison. A man who had caused so much pain, damage and heartache and destroyed countless lives had experienced prison’s version of zero tolerance. A number of plaintiffs who had just rejected the \$55 million were men who had identified John Goeghan as their abuser. Some of them began to feel the heat as legal advisors urged them to reconsider the rejected settlement. Some were in desperate need of a settlement, any settlement. In the event, several busloads of lawyers sat down with Archbishop O’Malley and a new improved offer of \$85 million was put on the table, which was picked up.

When previous payments are included, the minimum figure paid out as compensation to victims of clerical sexual abuse in the Boston Archdiocese over a ten-year period is \$116 million. The archdiocese was forced to put up its cathedral and seminary as collateral against loans it was forced to take out. Archbishop O’Malley also decided to sell the archbishop’s residence and other church property worth many millions to help fund the compensation payout.

Archbishop O’Malley and men like him are clearly determined upon a new approach, which fully and honestly recognizes the Catholic Church’s culpability in this still-continuing scandal. At the present time, such men are unfortunately in a minority within the higher reaches of the Church. Far too many still cling to the bizarre range of explanations either for the abuse of the Church’s long-standing response.

The Latin American cardinals who saw a media conspiracy were not alone. US cardinals were largely at one with their brothers south of the border. Cardinal Theodore McCarrick of Washington spoke for many when he told the *Washington Post*, “elements in our society who are very opposed to the Church’s stand on life, the Church’s stand on family, and the Church’s stand on education ... see this as an opportunity to destroy the credibility of the Church. And they are really working on it – and somewhat successfully.” Of course, the *Washington Post* was regularly accused of being one of the leading media conspirators.

Others within the Roman Catholic hierarchy adopted a different line of attack. The Prefect of the Vatican’s congregation for the Clergy, Cardinal Dario Castrillon Hoyos, insisted that the problem of abusive priests was statistically minor ... less than 0.3 percent of priests were pedophiles.” Other clerics took a similar view without necessarily quoting the extraordinary figure of 0.3 percent, plucked from the Roman or Brazilian air. A document presented to Australia’s bishops in 1999 saw sexual abuse by clergy as part of the product of:

“An all-male atmosphere within the seminaries that reflected male values and did not deal adequately with sexuality in general or with feminine issues in particular. As long as the culture of the Church does not put men and women on a basis of true equality, then women and children will remain vulnerable to abuse.”

Archbishop Rembert G. Weakland had an alternative explanation. “Sometimes not all adolescent victims are so innocent; some can be sexually very active and aggressive, and often quite streetwise.” The Archbishop, evidently speaking from personal experience, was subsequently forced to resign when it was revealed that he had paid a male lover nearly \$500,000. to buy his silence. The money came from archdiocesan funds.

Others blamed not streetwise adolescents, but trial lawyers greedy for the Church's money. Maurice Healy, Director of Communications for the Archdiocese of San Francisco, told the *New York Times* in early December 2002, "There is a gold rush to get into the priest litigation business." The next addition of the archdiocesan newspaper mailed to Catholics through Northern California headlined one article: "Lawyers Aggressively Seek Sex Abuse business," without mention of the initial aggression perpetuated on successive generations of young children. Healy's claim of a church with *limited resources* was made at precisely the same time that the new cathedral was opened in the south of California. Our Lady of Angels was built at a cost of \$200 million. At the time of the opening ceremony, the Los Angeles Archdiocese had seventy-two current or former priests under criminal investigation, and was assailed with a large number of claims by victims of clerical abuse. Two weeks after the opening ceremonies, the archdiocese announced a deficit of \$4.3 million, and a range of cuts and closures in its counseling services.

Other reasons for the cause of the scandal put forward by elements of the roman Catholic Church included:

"Pedophilia is spread by Satan ... Catholic bashing is fashionable. In fact, Protestants and the Baptists have even more pedophiles ... the cover-ups were more out of frustration and ignorance ... the seminaries were infiltrated thirty to forty years ago by homosexuals and dissidents ... Pope John XXIII and his Vatican Council are solely responsible."

Those who blamed the Second Vatican Council managed to condemn its rulings openly, but simultaneously cited *dissent* as the greatest reason for the sex abuse scandals. They meant dissent on issues of sexual morality that covered birth control, celibacy, homosexuality, abortion and divorce. Those who identified widespread dissent from Church teaching on those subjects blamed not society in general but the bishops, whom they accused of failing to define doctrine firmly or to impose it, and declining to investigate credible evidence of violations. In early 2003, while priests as far apart as Pennsylvania and Hong Kong were pleading guilty to sexually abusing young boys, Bishop John McCormack of Manchester, NH, was attempting to justify his failure to inform the authorities of sexual abuse by priests. His disposition revealed that in the 1980s, while working as an assistant to Cardinal Law, he suppressed evidence concerning the activities of a number of priests in Boston because he "was acting as a priest and not as a social worker. As the information had not come to him in a confessional setting, he was, in fact, obliged to pass it to the authorities. Bishop McCormack had also avoided asking the pedophile priests "direct questions or making written notes." He was aware that his records would be *discoverable* if a victim files suit against the archdiocese.

In March 2993, the Attorney General's office in New Hampshire issued a 154 page report, accompanied by over 9,000 pages of documents which the Attorney General described as establishing that the Church leaders of the diocese of Manchester had been "willfully blind in dealing with clergy sex abuse and the related danger to children."

National Review Board

In mid-2003, powerful independent evidence emerged that confirmed that at least part of the cause pointed to the bishops. One of the most positive initiatives to emerge from the Dallas conference of mid-2002 had been the creation of a lay panel whose brief was to investigate the sex abuse scandal. This national review board had the full power to question any cleric in the United States. The man appointed to chair the panel was former Oklahoma Governor, Frank Keating. It was a highly popular appointment. Frank Keating, a devout Catholic and a man of integrity, was viewed as honest and independent. Many of the bishops he interviewed gave the panel full cooperation; others did not. Frank Keating compared the recalcitrants with Mafia leaders who pleaded the Fifth Amendment and refused to answer questions.

One of those who refused to cooperate was Cardinal Roger Mahony of Los Angeles. His personal skeletons dated back a long way, and included a continuation of the cover-up of seven priests who had repeatedly sexually abused Rita Milla. In 2001, it had been revealed that Cardinal Mahony had written to President Clinton, during his second term, requesting that the fifteen-year prison sentence passed on Los

Angeles cocaine dealer, Carlos Vignali, be commuted. President Clinton controversially obliged on his last day in office.

In late May 2002, just a few months before the national review board headed by Frank Keating was created, a lawsuit was filed against Cardinal Mahony. Brought under the American federal racketeering laws (RICO) designed to counter organized crime, the lawsuit was filed on behalf of four men who declared that they had been sexually molested as boys by Fr. Michael Baker. The men accused Cardinal Mahony of conspiring to commit fraud and obstruct justice by covering up the activities of Fr. Baker. The plaintiffs also alleged that the Cardinal paid off two of the victims in a \$1.3 million settlement that required them to remain silent about the sexual abuse. A week before the lawsuit had been served, the Cardinal had admitted keeping secret for fourteen years a case of child abuse by Fr. Baker. Confronted by the lawsuit, Cardinal Mahony dismissed the various allegations as groundless, but a short while later, when Frank Keating and his National Review Board came to town, Cardinal Mahony was hostile.

The Cardinal objected to being compared with the Mafia and forced Frank Keating's resignation, thus confirming to many that some bishops were simply refusing to be accountable for their actions. Frank Keating's letter of resignation acknowledged what had been achieved during the year, including the appointment of a law enforcement professional to underline the message: "Sex abuse is not just a moral lapse. It is a crime that should be fully prosecuted." It continued,

"As I have recently said, and have repeated on several occasions, our Church is a faith institution. A home to Christ's people. It is not a criminal enterprise. It does not condone and cover-up criminal activity. It does not follow a code of silence. My remarks, which some bishops found offensive, were deadly accurate. I make no apology. To resist grand jury subpoenas, to suppress the names of offending clerics, to deny, to obfuscate, to explain away, this is the model of a criminal organization, not my church. The humiliation, the horrors of the sex scandal, must be a poisonous aberration, a black page in our history that cannot ever occur. It has been disastrous to the Church in America."

Spreading HIV and AIDS

And not only the American Church. The global reach of the scandal was revealed by a report from Sr. Maura O'Donohue. Many believed that it inspired the unusual explicit reference to sexual abuse in the Pope's address to the church in Oceania in 1998. Sr. Maura's report was submitted confidentially to Cardinal Eduardo Martinez, Prefect of the Vatican Congregation for Religious Life in February 1994. Sr. Maura, a physician in the Order of Medical Missionaries of Mary, had over forty years of pastoral and medical experience. Her report was headed, "Urgent Concerns for the Church in the context of HIV/AIDS."

Her investigation established that priests and religious were dying from AIDS-related illnesses. In many of the countries where Sr. Maura worked, prostitution was widely accepted. However, with the increased awareness that prostitutes formed a high-risk group, many men looked for an alternative. One group considered *safe targets* for sexual activity were religious sisters. Sisters began to report sexual abuse from their professors and their teachers and sexual harassment from men within the general population. The other group that targeted women within religious orders were priests. In one country, a superior of a community of sisters was approached by priests requesting that sisters be made available for sexual favors. When the superior refused, the priests explained that if she did not cooperate, they would be obliged to go to the village and find women and risk getting AIDS.

Sr. Maura's report irrefutably established a shocking catalogue of sexual abuse. She observed,

"It does not apply to any single country or even continent, nor indeed to any one group, or all members of society. In fact, the following examples derive from experience over a six-year period and relate to incidents in some twenty-three countries in five continents: Botswana, Brazil, Columbia, Ghana, India, Ireland, Italy, Kenya, Lesotho, Malawi, Nigeria, Papua New Guinea, Philippines, South Africa, Sierra Leone, Uganda, Tanzania,

Tonga, United States of America, Zambia, Zaire, Zimbabwe.” It was her devout hope that the report would motivate appropriate action, especially on the part of those in positions of Church leadership and those responsible for formation.

The report detailed priests and bishops abusing and exploiting their powers to indulge in sexual relations. Potential candidates to religious life were coerced into granting sexual favors to ensure they obtained the required certificates and/or recommendations. Sisters who became pregnant were forced to leave their congregation, but the priests responsible continued in their ministry.

Subsequently, other concerned senior women from religious orders created similar reports. Still, there was no action, either from Cardinal Martinez or any other senior Vatican figure. The Pope’s brief comments quoted earlier had still not been made public, when in great frustration, some of the authors of the reports contacted the *National Catholic Reporter* in 2001. As a result, the newspaper ran a cover story on March 16, 2001. *La Repubblica*, Italy’s largest daily, followed up four days later with a long report on the issue.

The Vatican was forced to respond. Its statement came not from the Pope or Cardinal Martinez, but from the ubiquitous Joaquin Navarro-Valls. “The problem is known and is restricted to a geographically limited area.” That comment should be compared with the list of countries given by Sr. Maura O’Donohue, a list that is by no means complete. The statement continued,

“The Holy See is dealing with the question in collaboration with the bishops, with the Union of Superiors General (USG) and with the International Union of Superiors General (USIG). The work has two sides, the formation of persons and the solutions of single cases.”

Setting up commissions does not constitute a solution. No positive action had been taken by the Holy See over the even years since they had first been made fully aware of this additional dimension of sexual abuse by Sr. Maura O’Donohue and other experts. Far from seeking a solution of single cases, the Holy See needed a root and branch purge within the ranks of the clergy. The Vatican spokesperson concluded, “Certain negative situations cannot cause to be forgotten the frequent heroic fidelity of the great majority of male religious, female religious and male priests.”

Experiences of Religious Women

Joaquin Navarro-Valls’ claim for the heroic fidelity of the great majority flies in the face of powerful research evidence. Researchers at the St. Louis University carried out a national survey in the United States. It was completed in 1996, but intentionally, never published. It estimated that a minimum of 34,000 nuns, about forty percent of all nuns within the United States, have suffered some form of sexual trauma.

Largely financed by a number of Catholic religious orders, the researchers dealt with three areas of sexual victimization: childhood sexual abuse, where the victim is younger than eighteen years; sexual exploitation/coercion by those in positions of power over the nun, and; thirdly, sexual harassment at work and within the community of sisters. At the time of the survey, there were approximately 89,000 Catholic sisters in the United States, and about 85,000 (ninety-five percent) were members of active religious institutes or communities. The fifteen-page survey was sent to 2,500 names randomly selected the 25,000 made available to the University team. Every American state was represented, plus additional names working in a number of foreign countries.

The responses showed that 18.6% had been sexually abused as children. Most of the abusers were male, with brothers, uncles, male strangers, a few family friends, fathers and cousins topping the list in that order. Clergymen and nuns accounted for nearly ten percent of the child abusers. In the second stage, 12.5% had been sexually exploited and in the third stage 9.3% had been sexually harassed during their work as religious. The results also suggested that taking their entire life from childhood to the present time, 40% had suffered from some form of sexual trauma and 22% had been abused during their

religious life. As the research team observed, “The interpretation and implications of these events for the individual woman and religious life in general are compelling.

Catholic priests and nuns formed the largest group of abusers of women religious, frequently when acting as a spiritual advisor to the victim. Other roles that were identified for the sexually abusing priests included pastor, retreat director, counselor and mentor. The most frequent roles for nuns guilty of sexual abuse were mentor, formation director, religious superior and teacher.

In July 2001, representatives from 146 religious, women’s rights and human rights groups launched an international campaign aimed at pressuring the Vatican to end the Catholic clergy’s sexual abuse and sexual violence against nuns and lay women. Earlier the same year, the European Parliament passed an emergency motion censuring the Vatican and requesting that the Vatican seriously examine every indication of sexual abuse committed in the heart of its organization. It also demanded that the Vatican re-establish women in their posts in the religious hierarchy, who were removed from their responsibilities because they called the attention to their superiors to these abuses. The Holy See was also asked to cooperate with any judicial inquiry. As of early 2005 the Holy See had yet to respond.

While the petitioners to the Vatican waited, clerical sex abuse continued to be exposed. In May 2004, Margaret Kennedy, a Catholic who founded Christian Survivors of Sexual Abuse, revealed to me some of the details of a study yet to be published. She had previously compiled details of 120 cases of alleged sexual abuse of women by clergy, but her latest report dealt with a further sixty cases. Just as sexual abuse of children and adults is not confined to Roman Catholic clerics, the same applies to the sexual abuse of women. All faiths have ministers who are sexual predators. Among the new sixty cases were twenty-five from the Roman Catholic Church and the remainder spread among Methodists, Baptists and Presbyterians.

The report noted:

“Approximately fifty percent of the clergy involved in these particular cases are married men, which rather demolishes the proposition that celibacy is at the heart of the problem of clerical sexual abuse. It’s not about celibacy; it is about abuse of power.”

Margaret Kennedy believes that most of the clergy involved should be treated as sex offenders:

“The priest in his capacity as a professional must accept that when a woman comes to him seeking help, spiritual direction, counseling and advice, that there are boundaries. The woman is a client and should be regarded at all times as such. We are not talking about a social meeting on a golf course. I actually believe that the client should be able to walk into a meeting with her priest stark naked and that priest should still be able to hold a boundary between himself and his client.” Many of Margaret Kennedy’s cases dealt with the priest or minister within a pastoral relationship moving inexorably to sexual abuse. “The same rules that apply to doctors, physiotherapists and psychologists should apply to clergy.”

The testimony against the men in Margaret Kennedy’s report had a familiar ring: “He would tell me this was our secret and I shouldn’t say anything to anyone. This was what God wanted – God would be pleased with me.” Or, “He told me it was God’s will to have sex with me, and when I turned him down, that I wasn’t being obedient to God ... He started off trying to kiss me and fondle my breasts.” Fr. Tamayo and his fellow priests were saying exactly the same things to Rita Milla during the 1970s. Fr. Gauthe repeatedly told his altar boys that what he was doing to them was God’s will. Virtually every clerical sexual abuser that has been exposed over the years has brought god into the equation and created a blasphemous and sacrilegious ménage à trois.

Pauline Cunningham

The exact nature of the coercion varies from abuser to abuser. Fr. Kamal Bathish did not invoke the Almighty directly, but used a familiar technique of making his victim dependent on himself as her

spiritual mentor. In 1983, Pauline Cunningham had just finished a three-year commission as a nurse in the British Army when she saw an advertisement for volunteer nurses in Jerusalem. At the time she was considering a future in nursing in California. "Working there as a nurse, meeting a great American, getting married, having three children, that was my dream." Instead, she found herself working in St. Joseph's, a small Christian hospital in East Jerusalem, where her childhood Catholic faith was reawakened. She began to attend Mass again: "Well, something just touched me. I'd always worked as a nurse and worked towards physically helping people to heal, but frequently thought there was something missing."

In April 1985, she entered a Carmelite convent in Jerusalem as a novitiate. Pauline assumed that within a Carmelite Order all was peace, harmony and tranquility, but she was very rapidly disabused. Nothing had prepared her for the bitchiness, the warring factions, and the frequent disappearance of Christianity:

"The legitimate Superior was rather weak. The sister who had previously been the Prioress for a long time was very into power games ... I was totally shocked. I have been brought up very strictly in the Catholic faith, and never for one moment had I thought that nuns and priests could bitch and gossip, be so uncharitable, and behave as if they were living in a secular world rather than a Carmelite order."

Pauline, or Sr. Marie Paul, as she had become, and another novitiate complained to the Latin Patriarch's office who had overall responsibility and authority over the order:

"They came and saw us a couple of times, but their response was, 'Just accept the suffering. This is Jerusalem. You will have to accept the unfairness and all that occurs within the Order. It is part of your particular suffering towards your personal purification.'"
 "" This advice had come from the Patriarch's secretary, Fr. Kamal Bathish.

Pauline attempted to follow the advice, but by September 1986 the Mother Superior was constantly seeking her advice and support; the novitiate was completely out of her depth and decided to leave the convent. Two years later, in 1988, still seeking a form of life with a religious base, she returned to Jerusalem. Out of courtesy, she advised the Patriarch's office of her return. At this time she discussed her future with Fr. Bathish and her plans to return to nursing. Fr. Bathish urged her to become a *consecrated person*, an individual who, while living and working in a secular world, offers his or her life in the service of the Church. In essence, it was a lay vocation, with a life of poverty, chastity and obedience. Such a commitment appealed to Pauline who saw it as an appropriate way of being of service. Fr. Bathish suggested a fellow priest, Fr. Grech, as her spiritual director. The kindly and thoughtful Fr. Bathish also said that he would "always be available for any for any future problems you might have."

Pauline recalls that Fr. Bathish became "a good listener, particularly after I had made a complaint to him concerning another priest who had attempted to sexually assault me." The incident had occurred just a month after her return in March 1988. It left Pauline even more dependent on Fr. Bathish for support and counseling. The secret system was applied to Fr. Peter Madros, the priest who had allegedly assaulted Pauline, and was moved to another location, Biet Sahour. Soon the Patriarch's office received another complaint after Fr. Madros had harassed a married woman. Yet again, he was quietly moved.

Pauline found it difficult to relate to Fr. Grech. He would never discuss the events that had occurred at the convent, events that Pauline was still attempting to come to terms with. Fr. Bathish was different, and by early August 1988, the thirty-one year old nurse and the forty-six year old priest had established a mutually trusting relationship. She turned to him increasingly for support and guidance:

"Then one evening, he kissed me. I was totally and utterly astonished. Oh my God! I just didn't say anything. You know when you are out with someone and they suddenly kiss you. You don't push them away, or make a scene, or say anything. You just go really quiet and back away so that you don't embarrass the other person. I thought, well maybe it was just a one-off. I valued his support and his understanding of my situation,

and of the background I had come from, and I valued that far, far more. So I just keep seeing him and talked to him. But the more I saw him, the more insistent he became sexually. Sometimes when I cried, he would kiss me or touch me and become more comforting. I had a very strong spiritual dependence on him. Not physically, not at all, but I did whatever he told me to do. I had misgivings; I felt guilt; I felt shame.”

Over the ensuing nine months, this curious relationship continued to develop, with Pauline deriving spiritual comfort and Fr. Bathish obtaining physical satisfaction. The kissing became fondling, and then the priest persuaded her to relieve his frustration by masturbating him, then oral sex. Fr. Bathish belongs in the same ethics as former president Bill Clinton: anything short of sexual penetration was not sexual intercourse, not even for a priest who has taken a vow of chastity. Pauline continued to display an almost reverential attitude to Fr. Bathish:

“He use to fondle me and put his hands up my skirt, things like that, and I used to push his hands away, but I never actually, verbally said the word “no” because that to do that would embarrass him or humiliate him, and I had no wish to do either... I thought that if I did, he would be angry, and then I’d lose that support, the moral support, the comfort – not so much the comfort, but the understanding and care that he gave me that I needed at the time very much.”

I questioned her closely about the obvious paradox of suffering humiliation rather than the risk of causing it, of showing such consideration for his feelings while he demonstrably had shown none for hers. During her time in the convent, she had strenuously objected to behavior from others that was mild in comparison to this priest’s behavior. While a novitiate, she had taken strong exception to any invasion of her privacy, yet, here she was accepting a much more profound invasion. Why accept such behavior? She replied, “Because it was somebody I knew could understand me and understand where I was coming from, somebody that you could share things with – that you could trust.”

A year later in July 1989, Pauline was offered the opportunity of running a guesthouse that was owned by the Patriarchate, the Knight’s Palace. She made a number of attempts to end the sexual element of her relationship with Fr. Bathish while rather unrealistically maintaining the spiritual aspect. Now she tried again, but without success. The priest still represented someone to turn to when there was a problem. By the summer of 1992, their relationship was an open secret within the religious community. There was no question in the minds of the various priests when it came to apportioning blame. The fault was Pauline’s, and hers alone. The injustice as compounded when Pauline was dismissed. From that date, Pauline Cunningham, the woman who went to Jerusalem seeking a religious life, began fighting for justice. Both elements were to prove elusive.

Eventually, after a criminal trial that started in March 1997, allegedly sexual exploitation and constructive rape, the Patriarchate of Jerusalem was found guilty and Pauline was awarded 240,000 shekels – about £25,000. The trial ended in 2003. Subsequently, she was also awarded 5,000 shekels after the Jerusalem hierarchy had tried to prevent publication of the initial ruling.

Fr Tom Doyle is familiar with the case, and has sworn an affidavit in support of Pauline’s struggle to establish the truth. For him, this is:

“a classic case of reverential fear. This fear is induced in a person by reason of the force of the other person’s stature, position, rank or special relationship with the victim... The victim has such emotional and psychological respect or fear for the one imposing the force that he or she cannot act in any other way than the way the person wishes. In Catholic culture, it is common for lay people, children or others to be induced by this force when in the presence of clerics. Catholics are indoctrinated from their childhood that priests take the place of Jesus Christ and are to be obeyed at all costs, and never questioned or criticized. This exalted position is ever more firmly rooted in a Catholic’s mind and emotions if the person is a high ranking cleric or holds an exalted title such as *monsignor*, or is a *bishop*.”

During Pauline's relationship with Fr. Bathish, he became first a monsignor, and then a bishop. Fr. Doyle observed:

"The trauma bond that comes into existence in a cleric-lay relationship, especially a sexual relationship, is a pathological or sick bond that becomes firmer and sicker the longer the relationship goes on. A common example of such a bond is that which exists between a battered spouse and her battering husband as she continues to go back to him in spite of the violence."

The Latin Patriarch, Michael Sabbah, consistently refused over many years to meet Pauline Cunningham, despite the fact that there were at least four other women who had suffered sexual abuse from Bishop Bathish, and that the bishop has admitted the truth of Pauline's allegations. He made the confession to a commission of enquiry set up by the Patriarch. The Patriarch is directly answerable to the Pope, yet the Vatican's position in that case is a matter for the Patriarch.

Secret Vatican Seminar

The closed-doors Vatican seminar on clerical sexual abuse conducted in April 2003 had ended with the content of the discussions, the agenda and the conclusions all a closely guarded secret. It was a further ten months before the Vatican deigned to share a little of what had transpired. Typically out of touch, the Vatican airily declared that the proceedings of the seminar "might be available in late March or might remain a private document available only to bishops and to consulting professionals working with the bishops' approval.

The seminar had heard from a dozen or so eminent doctors and psychiatrists. The experts were all of one mind: they were all apparently horrified that the Dallas meeting of US bishops should have advocated zero tolerance on abuse. At brief press conference held at the Vatican in late February 2004, Bishop Elio Sgrecca, the President of the Pontifical Academy for Life, summed up the most disastrous conclusion reached during the previous year's Vatican seminar. He said that the specialists assembled by the Vatican had concluded:

"It is possible and necessary to find an approach, even for priests who are guilty of sexual abuse, to pursue treatment and rehabilitation, and not abandon them or consider them useless to the Church."

During the seminar, a number of the experts, including the American psychiatrist, Martin Kafka, spoke of the "excessively punitive" policies adopted by the American hierarchy. Martin Kafka and his colleagues were sure they knew the way forward. Their approach was based on professional self-delusion and threatened to subvert the course of justice. The most telling indictment of the conclusions of the seminar is in the selection criteria for those invited. Bishop Sgrecca explained that: "The institutions they represent are *de facto* used by bishops' conferences for the treatment of priests and religious." It was akin to inviting the makers of the *SS Titanic* to build an icebreaker. Despite an almost unbroken record of failure in treating clerical sexual abusers, the chosen experts expressed themselves dogmatically. The Canadian psychologist, William Marshall, told the Vatican officials that zero tolerance for sex abusers is:

"a disaster. If I kick this fellow out of the Church and he loses his job, his income, his health benefits, and all of his friends ... with no other skills to get a job, that's not the conditions to ensure a former priest won't commit more abuse." He claimed that a number of American bishops and clergy came up to him at the first break and said, "That's exactly what the bishops in the US need to hear."

Apart from turning bishops into welfare officers for clerical sex abusers, the approach of the seminar sought to keep abusers away from judicial investigation or trial. This the ultimate irony: after turning themselves into secular priests, psychiatrists, psychologists and doctors, they set themselves up as judge and jury over priests who sin. From Pope John Paul II down to the most recently appointed bishop, in any aspect of sexual abuse scandal, the first line of defense for the Church has been:

“We did not know. We did not understand. We relied on our own judgments when confronted with clerical sexual abuse. There were no data, no information, no studies. There was nothing available on this and associated behavioral problems.”

The falsity of that defense was demonstrated by Msgr. Charles Scicluna, an official of Cardinal Ratzinger’s Congregation for the Doctrine of the Faith, during the secret Vatican seminar. The experts who had been invited were all non-Catholics, and Msgr. Scicluna gave them a much needed history lesson on how the Church had dealt with clerical sex abusers in earlier times. He quoted among others Pope Alexander II, at the third Lateran Council in 1179 on sexual abusers, “If they are clerics, they will be dismissed from the clerical state or else will be confined to monasteries to do penance.” Msgr. Scicluna also quoted pope Pius V, declaring in 1568 that sexual abusers “must be handed over to the secular authorities for punishment, and if he is a cleric will be demoted from everything.”

My informant gave no clue to the response of Messrs. Katfa and Marshall to the history lesson. For good measure Msgr. Scicluna also drew attention to the early twentieth-century Church position, quoting from the 1917 code of Canon Law: “Priests who engage in sexual misconduct with children will be suspended; they will be declared unworthy; they will be deprived of any office, benefice, dignity or responsibility they may have.” However, he does not appear to have quoted from the 1984 revised Code of Canon Law, whose language in the offense of sexual abuse of a minor, i.e., under the age of sixteen, was much softer. It said that the abuser “is to be punished with just penalties, not excluding dismissal from the clerical state, if the case so warrants.” For much of its existence and until six years after Karol Wojtyla was elected pope, the Church applied a policy of zero tolerance without exception or excuse. How did it manage to forget its history?

Having quoted copiously from the history of how the Roman Catholic Church had dealt with sexual abuse over the centuries, Msgr. Scicluna unfortunately failed to examine the other side of the coin. What contemporary information was available to the Church’s bishops and cardinals? In case after case, the cover-up, the lies, the deceit, the careful use of the secret system gives the lie to the repeated suggestion that “there was so little known at the time” and the cardinal or the bishop was guilty only of ignorance. If those who protected the sexually abusing priest genuinely believed, as they have claimed, that all could be cured by the power of prayer, then why go to such elaborate lengths to hide the crime? Why not have an open day of prayer for the offending priest at his local church? Is it possible to believe that the bishops and cardinals were unaware of the necessity of removing pedophiles from any possible contact with children?

Available Information

As of the mid-1990s, the time of the Fr. Gauthe case, the Church had access to abundant studies of the origins and effects of clerical sexual abuse. One was *The Catholic Priest in the United States: Psychological Investigations* by Fr. Eugene Kennedy and Victor Heckler. The authors concluded that seven percent of priests were emotionally developed, eighteen percent developing, and sixty-six percent underdeveloped, and eight percent maldeveloped. The extraordinarily high percentages indicating emotional immaturity are illuminating. The personal profile of the immature reminds me vividly of the description of psychopaths by Sir David Henderson to the Royal commission on Capital Punishment in the early 1950s”

“They are dangerous and frustrated. They are devoid of affection, are cold, heartless, callous, cynical, and show a lack of judgment and forethought, which is almost beyond belief. They may be adult in years, but emotionally, they remain as dangerous children whose conduct may revert to a primitive, sub-human level.”

Fr. Kennedy’s study had been commissioned by the National Conference of Catholic Bishops in the late 1960s. It was delivered to them in 1971. It would have been an invaluable aid towards understanding the mind of the sexually abusing priest, particularly those priests who abused young children and adolescents. However, the bishops did not even discuss the questions raised in the report, let alone implement any of its suggestions. They simply ignored their own report.

The Church could also have consulted the centers for the care of problematic priests run by the Servants of the Paraclete, the first of which was opened in Jemez Spring in New Mexico in 1949. It also included the records of the Seton Psychiatric Institute, a Catholic-owned and Catholic-operated hospital in Baltimore, MD, established in 1844. Fr. Richard Sipe worked at Seton from 1967 to 1970. He was a professed Benedictine monk in 1953 and ordained a Roman Catholic priest in 1959. He is also a qualified psychotherapist and psychiatrist. He recalled,

“Shortly after I was ordained in 1959, I was assigned as a teacher and counselor at a parish high school. This was my first introduction to parish life and the secret world of sexual activity on the part of Catholic priests and religious with both minors and adults. I also became aware of the *secret system*.”

It was this revelation that prompted Fr. Sipe’s interest in counseling Catholic priests and religious. It was to become a life’s work. He revealed to me that Seton had kept records all the way back to 1917, many of which include priestly sexual abuse cases:

“[Case of clerical sexual abuse] was frequently masked by fellow priests working in the clinic ... deep depression, or ‘his activities have led to heavy drinking,’ but sexual abuse was the fundamental problem. By the time I came to work there in the late sixties, virtually all referrals to Seton were for priests and religious for sexual contact involving minors. The referral was a device used by the Church to avoid public exposure or court action.”

Fr. Sipe then continued to confine the extent of the problem and his response to such cases:

I collaborated with colleagues from many countries who were working in the same field – The Netherlands, Ireland, England, Australia, India and Africa ... Canada, Spain, much of the Third World. It’s global.”

He also put paid to the lie that the bishops could not have known the extent of clerical abuse. Not only was data, the information, the records on clerical sexual abuse at the various other clinics and hospitals available to any bishop who wished to be informed on pedophilia, Fr. Sipe also stated that the bishops “were fully acquainted anyway.”

There was certainly no reason for the Church to be shocked or ignorant about clerical sexual abuse when the Gault case erupted in 1985. Apart from the sources already mentioned, the Church could have read legal articles on clergy malpractice, or consulted reference books, such as the *The Diagnostic and Statistical Manual of Mental Disorders*, which defined pedophilia as follows:

- The act or fantasy of engaging in sexual activity with pre-pubertal children as a repeatedly preferred or exclusive method of achieving sexual excitement.
- If the individual is an adult, the pre-pubertal children are at least ten years younger than the individual. If the individual is a late adolescent, no precise age difference is required, and clinical judgment must take into account the age difference as well as the sexual maturity of the child.

In the United Kingdom, Bishop Murphy O’Connor could have referred to *Child Abuse and Neglect*, a study of prevalence in Great Britain, or at least twelve other studies that were all in print at the time he was ignoring advice and protecting a pedophile. Better still, he could have contacted the Servants of the Paraclete in Gloucestershire, an organization with over thirty years’ experience in the treatment of pedophiles – where he himself had sent the serial pedophile, Fr. Hill. Instead, the wretched Fr. Hill was given carte blanche by the man who sits today at the head of the Roman Catholic Church in England.

The Vatican was fully aware of many of these studies. In 1971, for example, it invited Dr. Conrad Baars and Dr. Anna Terruwe to present their paper dealing with the *causes, treatment*

and prevention of emotional immaturity and illness in priests to a meeting sponsored by the Synod of Bishops. Among those listening in the audience was Cardinal Wojtyla, who was elected to the Synod council at the end of that Synod. Dr. Baars' report as based on the medical records and files of 1,500 priests treated for mental problems. A Dutch born Catholic psychiatrist, Dr. Bars concluded that less than fifteen percent of priests in Western Europe and North America were emotionally fully developed. Twenty to twenty-five percent had serious psychiatric difficulties that often resulted in alcoholism, and sixty to seventy percent suffered from lesser degrees of emotional immaturity. The report made ten recommendations, including a more effective vetting of potential priests. None were implemented.

Continuing Developments and Confrontations

While an overwhelming majority of Catholics polled around the world continue to condemn the church's response to clerical sexual abuse, the Vatican maintains its traditional long view of history. Although eighty percent of American Catholics polled by Zogby believe that the legal system and not the church should process allegations, the Vatican listens only to its hand-picked experts, congregations and bishops, who continue to believe in keeping the problem within the Catholic church. In Dublin's recent Royal College of Surgeon's survey, seventy-five percent of those polled consider the Church's response to be inadequate, fifty percent believe the damage done to the Church in Ireland to be irreparable, and ninety-two percent do not think that a priest who has abused children should return to the ministry. While the rank and file made abundantly clear what they believe should happen within their Church, the Vatican continued with the old way and ignored the congregation. Instead, it heeds the words of psychologists who wish to show the sex abuser in every possible consideration.

On more than one occasion, Pope John Paul II declared that secular politicians must adjust civil law to God's. However, in regard to financial and sexual crime, he practiced a third way – protecting clergy who reject both the civil law and God's. Some of his defenders, with no sense of irony, berate reporters and journalists for what they call *media abuse*, yet they ignored the frequent acknowledgements of law enforcement officials who applauded the media's efforts to get to the truth. For example, District Attorney Martha Coakley of Massachusetts publicly thanked the press after the arrest of Fr. Shanley. She acknowledged that her office had no resources for manhunts and thanked the media for tracking Fr. Shanley down. She also acknowledged the court's debt to the writers who devoted time, energy and money to researching and profiling the predator priest like Fr. Shanley.

This is clearly another aspect of the scandal that has angered the Vatican. Not only are they opposed to the due legal process in spirit, they also object to it in practice. The Arizona District Attorney, Rick Romley, wrote the Vatican Secretary of State, Cardinal Angelo Sodano, requesting that the Vatican instruct priests that had been indicted in Arizona in child abuse cases to return to the state. His letter came back unopened with a covering note "The item enclosed is returned to sender because it has been refused by the rightful addressee." Rick Romley was pursuing a number of fugitive priests, including one hiding in Rome and others in Mexico and Ireland.

If the Catholic Church in Massachusetts has finally faced up to its responsibilities, in many another part of the United States the Church is fighting a bitter rearguard action reminiscent of Cardinal Law's years of lies, prevarication and deceit. In Rhode Island, for example, thirty-eight victims of sexual abuse have waited so long for their lawsuits to be resolved that four of the eleven accused priests have died. The Diocese of Providence has succeeded in delaying the legal process for more than ten years by every conceivable device.

In July 2003, to the undisguised glee of the reactionary element within the Church and certain insurance companies, the United States Supreme Court ruled by five to four as unconstitutional a law removing the statute of limitation on past crimes, thus allowing prosecution for sexually abused crimes. In a dissenting opinion, Justice Anthony Kennedy wrote "The court ... disregards the interest of those victims of child abuse who have found the courage to face

their accusers and bring them to justice.” Many bishops worldwide would like to see a similar statutory limitation introduced. Off the record, they will admit that their view is heavily colored by their financial advisors, their insurance companies, and their lawyers. To avoid going into financial bankruptcy, many a bishop is rapidly exhausting his moral capital.

In England and Wales, the Church shows similar ingrained reluctance to face up to its legal responsibilities. It continues to hide behind the curious argument that it is not responsible for its individual priests. It claims that as priests are *office holders*, are neither employer of self-employed. The spokesperson of the Catholic Primate of England and Wales attempted to justify the secrecy clauses in agreements made with the victims by claiming, “These are not gagging orders; these are agreements drawn up by the solicitors. The Church does not draw up these agreements.” Of course, the Church gives no instructions to its solicitors. It meekly signs agreements, then hands over the compensation payments – which the Vatican has always condemned.

In November 2003, Archbishop Daniel Pilarczyk of Cincinnati, OH, walked into court after a bitter eighteen-month battle during which the archdiocese had used every legal device possible to block prosecution access to its Church records on pedophilia priests. He publicly admitted that on at least five separate occasions between 1979 and 1982, archdiocese officials were told of allegations concerning sexual abuse of children by priests and knowingly failed to report them. It was an historic admission, the first time an archdiocese had been convicted for its role in clerical sexual abuse cases. Archbishop Pilarczyk had been one of the bishops who had failed to act upon the recommendations within the 1985 report written by Fr. Tom Doyle. In 1982 Archbishop Pilarczyk, in response to a letter from Fr. Tom Doyle, revealed why the report had been ignored: “The fact remains that your report presented no new issue (of which the NCCB was unaware), or information that required some materially different response.” Perhaps if the Archbishop had studied the report more closely, he would not have found himself in court. Having received the guilty plea, Judge Richard Niehaus fined the archdiocese the nominal sum of \$10,000. He then revealed that he was a Catholic as he looked directly at the Archbishop and continued, “I believe that a religious organization not only should follow the civil law but also the moral law.”

Two months later in January 2004, with the Church hierarchy in the United States and in Rome deeply split over the correct response to clerical sexual abuse, yet another scandal began to unfold. The Archdiocese of Washington was informed by a law firm that it represented at least ten alleged victims of a sex abuse ring in a suburban Maryland parish. Between the 1960s and the 1980s, dozens of boys aged between eight and sixteen years had been treated as *sexual servants* by a ring of priests based in the parish. By the end of 2003 the archdiocese had announced that twenty-six priests had been credibly accused of sex abuse over the past fifty-six years. In January 2004 the total rose to over thirty.

The John Jay Report

In February 2004, a week after the Vatican had released a minimum of information on the evidence and conclusions of the closed-door seminar of 2003, the American Bishops’ National Review Board released a detailed report covering a year investigation into sexual abuse by clergy in the US Catholic Church. Many had hoped that this independent review would finally produce unassailable facts and figures. The Review Board had been greatly assisted by the John Jay College of Criminal Justice, who had been commissioned by the Board to develop empirical data on the nature and scope of *the problem that precipitated the crisis*.

Neither the Board nor the John Jay College was met with open doors in every diocese. They nonetheless created a report with much invaluable information, which reflects great credit on the Board and its Chairman, Gov. Keating, and on the tenacious questioning of the John Jay team. According to the report, Church records indicate that between 1950 and 2002, 4,392 priests were accused of engaging in sexual abuse with a minor. This figure represents four percent of the 109, 694 priest in active ministry

during that period. There were approximately 10,667 reported child victims of clergy sexual abuse during this time, and the Church expended more than \$500 million in dealing with the problem.

As the report notes, “In very few cases, however, did the diocese or religious order report the allegations to civil authorities.” As a consequence, more than 100 priests or former priests served time in prison for conduct involving sexual abuse of a minor. Put another way: less than 200 out of a total 4,392 priests were imprisoned.

Victim support groups have denounced the report as a *whitewash* and claimed that the real figures for clerical sexual abuse during the period are far higher. The report’s comment that fifty-six percent of the accused priests had only one reported allegation levied against them provoked much criticism from experts. As Fr. Tom Doyle observed, “This statement defies the data provided by mental health professionals concerning the average number of victims of sexual abusers, both pedophiles and ephhebophiles (abusers of adolescents).” Fr. Tom Doyle speaks with a wealth of personal knowledge on the subject – mainly acquired since he was forced out of the Vatican diplomatic services by a faction within the American bishops. During the intervening twenty years, Fr. Doyle has been involved in over 700 cases of clerical sexual abuse, either advising or testifying on behalf of the victims.

The figure of \$500 million that is given for the cost of the scandal to date is widely seen as a serious understatement. For example, it does not include the \$85 million paid out by the Boston Archdiocese. The amount generally accepted is \$1 billion. Even this can be comfortably absorbed by the US Catholic Church. Its annual revenue is in excess of \$8 billion, and it owns real estate with an estimated value between \$10 and \$15 billion.

As many as twenty percent of the allegations were not subjected to any investigation by the diocese in question because the priest was deceased or inactive at the time of the allegation. A further ten percent were characterized as *unsubstantiated*, which, as the authors of the report note, “does not mean that the allegation was false; it means only that the diocese or order could not determine whether the alleged abuse actually took place.” Consequently, there is a potentially rogue thirty percent floating through the various statistics.

The Review Board is on much firmer ground when it shares the fruits of its interviews, including those conducted with many of the hierarchy of the US Catholic Church. They recorded how prior to 2002:

“The Vatican had refrained from assuming a significant role with respect to the response of the bishops in the United States to allegations of sexual abuse by members of the clergy. The Vatican did not recognize the scope of the gravity of the problem facing the Church in the United States despite numerous warning signs; and it rebuffed earlier attempts to reform procedures for removing predator priests.”

The report then gives a detailed account of how a number of influential bishops in the United States, beginning in the late 1980s asked the Vatican to create a fast-track process for removing sexually abusing priests, because the process under Canon Law was a long drawn-out affair, which at every turn was designed to protect the accused priest, even after he had been found guilty. The process also required the participation of the victim. A number of bishops, concerned in part that the victims would find it traumatizing to address their abuser in a formal proceeding, were reluctant to ask for their assistance. In this way, concern for the victim protected the abuser. There were repeated and continuous requests by the bishops for a fast-track process throughout the 1990s, but again to no avail.

Eventually, the arch-procrastinator, John Paul II, had accepted that he had to take some form of action. In 1993 he set up a committee to study how best Canon Law could be applied to the particular situation in the United States, for until his dying day, he still believed that the sexual abuse by Catholic clergy is a uniquely American problem.

The heads of the various Vatican Congregations, close friends and colleagues like Cardinal Ratzinger, the numerous papal nuncios around the world, any or all of them could have told the Pope the

truth. He could have had the various religious orders investigate – the Salesians or the Franciscans, for example. Both have been operating a global version of the secret system for decades. They move sexually abusing priests from Latin America to Europe, from Asia to Africa.

He could have called the United States bishops to the Vatican and demanded to know why so many of their number were determined to stop the national Review Board from doing the very job that the bishops created it to do, namely ensure that every bishop in the United States is subjected to a yearly national audit to ensure that dioceses are complying with the official policies on clerical sexual abuse. He might have asked his bishops just what it is they are so frightened of the Review Board uncovering.

With the first round of the reports in, the noted critic, Fr. Andrew Greeley, observed in March 2004, “The Catholic Left that he most serious problem the church faces is clerical celibacy. The Catholic Right, on the other hand, want to blame everything on homosexuals.’ Fr. Greeley backs neither. For him:

“The guilty people are the bishops – insensitive, cowardly, ignorant, clericalists – who reassigned such priests, [i.e., sexual abusers]. Equally guilty are their staffs – vicar generals, vicars for the clergy, civil and canon lawyers, psychiatrists, chiefs of Catholic mental institutions.”

It's a long list, but as the National Review report powerfully illustrates, there are quite a number of the guilty missing.

The Review Board had concluded that ninety percent of the nearly 200 Catholic dioceses within the United States were in compliance with the pledge that the bishops had made in mid-2002 to better protect children and punish offenders. But victim support groups dismissed the report as biased. One such group, SNAP (Survivors Network of those Abused by Priests), revealed that only two of its nearly five thousand members were invited to speak with the investigators. Far more significantly, the bishops had recommended to the investigators whom they should interview. As for those archdioceses which failed to comply, New York and Omaha were two. “There is no mechanism to sanction church officials who do not comply...”

A similar Alice-in-Wonderland situation still prevails within the Roman Catholic Church in England and Wales. For all the fine words of the original Nolan reports, in July 2004, the latest report revealed that during 2003, there had been sixty complaints of sexual, physical and emotional abuse and that, as of mid-2004, not one of the alleged abusers had been prosecuted. The continued use of the secret system was demonstrated to parishioners in Kentish town, North London, when they learned in late 2004 that for the past two years a pedophile priest, Fr. William Hofton, had been ministering to their special needs. The truth came to light when Fr. Hofton was charged with sexually abusing a further two young boys. He pleaded guilty and was sentenced to four years' imprisonment.

Back in the United States, fall-out from the scandal continued to emerge. In May 2004 it was announced that the Boston Archdiocese would be closing at least one-sixth of its parishes, churches and schools. Cardinal O'Malley was insistent that the closures were not linked to the huge payout of over \$100 million to sexual abuse victims. In fiscal terms perhaps he was right, but the scandal has stripped the Catholic church in the United States of much of its prestige and trust, and that has been reflected with empty pews.

In July, the Archdiocese of Portland became the first Catholic diocese to file for bankruptcy. The archdiocese, having already paid out more than \$50 million, was faced with further claims totaling over \$150 million. The bankruptcy hearing under Chapter 11 protects essential assets and temporarily halts any ongoing litigation.

During the summer of 2004, Austria was rocked with a second clerical sex scandal involving a good friend of the Pope's. Bishop Kurt Krenn, a leading supporter of the pedophile, Cardinal Groer, was accused of condoning a wide range of sexual activities that were occurring within a seminary that was under his control. The offenses included possession of child pornography, downloading vast quantities of

obscene material from a Polish web site, sexual abuse of seminarians by priests, and overwhelming evidence of the existence of a homosexual network. Bishop Krenn refused to resign and dismissed the various activities as *childish pranks*. With Austria yet again plunged into an uproar because of clerical sexual abuse, the Vatican prevaricated. Eventually, an Apostolic Visitor-Investigator was sent from Rome, and after more closed-door discussions, Bishop Krenn reluctantly resigned.

In 2002, the American bishops had also promised a visit from an Apostolic Visitor. As of early 2005, he had still to put in an appearance, yet the scandals in the US continued to emerge. In September, the former bishop of Springfield, MA, Thomas Dupre, was charged on two counts with child rape. Subsequently, the county district attorney said that although he was satisfied the offenses had been committed, he would not prosecute, because the charges fell outside the statute of limitations. The same month, across the country in California, fresh indictments were filed in court. The papers detail thirty-one priests who were alleged to have sexually abused sixty-three children in Santa Barbara County. The victims included three girls who were repeatedly assaulted inside the San Roque confessional on Saturday afternoon between 1979 and 1988. The entire litany of alleged offenses covered a period from the 1930s to the 1990s.

In Kentucky, a class action with some 200 alleged victims is currently in mediation. In Tucson, AZ, in the face of nineteen civil lawsuits alleging sexual abuse by 126 of the diocesan priests, the local bishop, Gerald Kicanas, is preparing to declare the diocese bankrupt. The legal actions have been brought on behalf of over 100 people. The bishop had already overseen the paying out of nearly \$20 million. In mid-2004, Pope John Paul defrocked two of the Tucson priests, Fr. Teta and Fr. Robert Trupia. The latter was described by Bishop Kicanas as a notorious and serially sexual predator. Fr. Teta had been suspended by the diocese in 2002 after being the subject of credible accusations of child abuse. In December 2004, the Diocese of Orange County, CA, agreed to a settlement of \$100 million to be paid to eighty-seven victims. Next up is Los Angeles, the nation's largest diocese, facing over 500 claims. During the same month, the Archbishop of Louisville agreed to pay out \$27.7 million; and the Archdiocese of Chicago agreed to pay out \$12 million. In the pipeline is a minor suit naming the Vatican as the first defendant.

I asked Fr. Tom Doyle to estimate just how many cases are currently working their way through the legal process within the United States.

"I would say probably close to 2000, and there are still more coming up. You know what you also have are the orphanages and schools where the kid victims are coming forward. It is a never-ending process. And I, along with others who are deeply involved, believe we are nowhere near the end of it – nowhere near cleaning up the garbage and the depth and breath of the abuse."

Hard on the heels of Fr. Doyle's grim predictions came confirmation. In February 2005, a criminal investigation was opened in Dallas by the district attorney. Three years after the Dallas Diocese had claimed that all allegations of clerical abuse had been reported, new revelations indicated the diocese had suppressed information on additional cases. The same week, Archbishop Daniel Pilarczyk of Cincinnati was exposed for the second time protecting a serial sexual abuser. Fr. David Kelley abused dozens of boys and was able to continue his assaults over many years because of the effectiveness of the secret system that operated in Cincinnati. Archbishop Pilarczyk, it must be remembered, was one of the bishops who had been so dismissive of the 1985 report by Fr. Doyle, Fr. Peterson and lawyer, Ray Mouton. He was also the bishop who in November 2003 had been obliged to admit in open court that his archdiocese had knowingly failed to report to the relevant authorities a string of clerical sexual cases.

Within a few days of this latest scandal in Cincinnati, the results of the second yearly audit of sex abuse prevention policies in American dioceses was published. It revealed that more than \$840 million had been paid out in legal settlements since 1950. Again, it must be emphasized that the compensation figure is dismissed by many as being a serious under-estimate. By early June, after the announcement that the Diocese of Covington, KY, was to pay out \$120 million, the official figure of compensation stood at \$1.06 billion. In Southern California alone, lawyers acting for abuse victims have insisted that, when

their various cases have been resolved, additional payments will add a further \$1 billion. The spiraling cost of the compensation claims is a crisis that is not confined to the United States. It exists in many countries. In late March 2005, for example, the Catholic church in Ireland was facing further claims over the next five years that one estimate put at £35 million.

In August 2005, the Portland litigation took several more bizarre directions. Every one of the nearly 400,000 Roman Catholics in the west coast state of Oregon were advised that they were defendants in the case of the man who succeeded Cardinal Ratzinger as head of the Congregation for the Doctrine of the Faith, Archbishop Lavada. He was named a defendant. He had previously been Archbishop of Portland. Archbishop Lavada, having waived diplomatic immunity, agreed to be examined under oath in January 2006. The naming of Archbishop Lavada as a defendant was not without an ironic aspect. The Archbishop had early access to the detailed report of Fr. Doyle, Fr. Peterson and Ray Mouton in 1985, and after initial enthusiasm for recommendations it contained, had been one of those who allowed the report to wither on the vine. By 2005, abuse victims in Portland already had judgments against the diocese amounting to over \$150 million. Dozens of other plaintiffs were seeking \$400 million in pending lawsuits.

During the last week of September 2005, the Apostolic Visitation, an official inspection of every one of the 229 Catholic seminaries in the United States agreed upon in April 2002, finally began. That it took 3½ years to commence is an eloquent comment on Vatican priorities.

Trouble in Ireland and England

In October, the Ferns report was published in Ireland, revealing for the first time the extent of sexual abuse over many decades. It was also the story of physical cruelty, neglect and incompetence, compounded by criminal conspiracy, corruption and arrogance by men unfit to be priests. There was Bishop Donal Herlihy, for twenty years in charge of Ferns, a man who refused to treat the issue of sexual abuse as a criminal matter, regarding it as a moral issue. Then there was his successor, Bishop Brendan Comiskey, who consistently failed to remove clerical abusers because he considered that to do so would be unjust, since the allegations of abuse were not substantiated. The Ferns scandal opened the floodgates in Ireland. Not a day went by, it seemed, without further revelations up and down the country, from Cork and Ross in the south to Derry and Down and Connor in the Northern Ireland. It was revealed that in the past forty years, 241 priests had been accused of sexual abuse. Twenty-two had been convicted, but many had died before trial. In November, the Irish Government announced an in-depth probe in the Dublin diocese in response to allegations of sexual abuse against sixty-seven Dublin priests. Subsequently, Justice minister McDowell announced that an independent investigation would take place within every diocese in the country.

A week after the Dublin revelations, police in North Yorkshire revealed that they had concluded a fifteen-month investigation into years of sexual abuse by English clerics. The location stunned not only devout Catholics, but also much of the nation. Ampleforth College, England's most celebrated Catholic public school, has as its mission the *spiritual, moral and intellectual* education of children who will *become inspired by high ideals and capable of leadership*. For at least three decades, between 1966 and 1995, pupils were also at high risk of sexual abuse by some of the monks who taught there. The assaults ranged from minor abuse to rape. There were at least thirty to forty victims, but the ultimate number of victims during that period has been estimated by former pupils to be in three figures. Some of the victims at the prep school were under ten years of age. During those years, Cardinal Basil Hume was Abbot of Ampleforth, and the Archbishop of Westminster, the Primate of England. Three of the pedophile priests have been before the courts; three others died before their abuses of the children became known. Cardinal Hume covered up the activities of Fr. Piers Grant-Ferris. These included sexually abusing fifteen boys over a nine-year period. The Cardinal also offered a woman who had been molested by another priest an unsolicited £1,500 donation towards counseling while urging her not to contact the police. There is no doubt that the Primate would have been forced to resign his office if these facts had become public knowledge before his death in 1997. Cardinal Hume's motive has a familiar ring: "For the good of Mother Church."

Vatican Immunity

In the United States, a Federal judge in Kentucky rules that the Holy See is a foreign state that enjoys certain immunity protections. In the judge's opinion, these include protection for the Vatican against any claims arising from sexual abuse litigation – immunity from not only criminal prosecution, but any form of legal action with regard to the clerical abuse of children. In December 2005, another Federal judge, this time in Texas, ruled that Pope Benedict XVI enjoys immunity as a Head of State and removed him from a civil lawsuit accusing him of conspiracy to cover up sexual abuse of minors by a seminarian.

If 2005 had finished on a positive note for the pope and his colleagues within the Vatican, they would have taken little comfort from the news coming out of Boston during the first weeks of the new year. It was revealed that in the past two years alone, the Archdiocese of Boston had received more than \$215 million from insurance and land sales, enough to pay alleged victims of clergy abuse twenty-eight times the compensation that the archdiocese has offered. Simultaneously, it has revealed that 200 new claims have been made by alleged victims against the archdiocese. By March 2006, the official audit for the U.S. dioceses for the previous year reinforced the belief that clerical sexual abuse continued to be the biggest problem confronting the Church. There had been 783 credible new accusations of sexual abuse against American clerics lodged that year, eight-one percent involving male victims. The American dioceses paid out in compensation nearly half a billion dollars: \$466.9 Million. This represents an increase of nearly 300% over the 2004 figure of \$157.8 million. The Church paid out a further \$13 million to support offending priests.

Also in March 2006, the results of an investigation by Archbishop Martin into clerical pedophiles within the Dublin Diocese were revealed. Over one hundred priests had been accused over a period reaching back to 1940. The Archbishop observed, "It's hard for me to see that in some of these cases, so many children were abused. It's very hard to weigh that up against anything." The archdiocese has already paid out some \$10 million dollars, and like so many of its American counterparts, faced selling property to meet further compensation claims.

The global backlog of cases is so great that any bishop writing to the CDF seeking a decision on an errant priest faces an eighteen-month delay before he will get a response. On top of this caseload, the now Cardinal Lavada has continuing problems of his own. Among unresolved issues in Cardinal Lavada's former Diocese of Portland are allegations that he applied the secret system personally, including secret payments to victims and allowing a self-confessed pedophile to continue working in a number of parishes.

In May 2006, some two months after his book was published in Italy, the allegations regarding Fr. Marciel Maciel, the founder of the Legionaries of Christ, reached a resolution. The enquiry that the then Cardinal Ratzinger had ordered and then suspended – to spare the Holy Father any embarrassment – had been reactivated. Cardinal Lavada and Pope Benedict XVI had concluded that at least some of the allegations were well founded. Why has it taken decades to reach this conclusion was not explained. A group of men who had been systematically abused over many years, and vilified when they sought Vatican recognition of what they had suffered, had finally achieved a small measure of justice they so richly deserved. The late John Paul II, who was fully aware of the detailed evidence against Fr. Marciel, had responded with words of praise for the pedophile and honored the man. His successor, who refused to act during Karol Wojtyla lifetime, has finally approved Cardinal Lavada's decision to remove Fr. Marciel from priestly ministry and to order him to spend the remaining days of his life in *penitence and prayer*. He was to be spared a canonical trial because of his advanced age and delicate health.

The Vatican, that for centuries has told people on pain of eternal damnation how they should lead their sexual lives, now demands that the clerical sexual abuses that have been revealed over the last thirty years should be forgiven and forgotten. Pope John Paul II, Cardinal Ratzinger, and a great many other like-minded Princes of the church are on public record claiming it is the abusers who are the victims. To quote Cardinal Ratzinger:

"It has to do with the reflection of our highly sexualized society. Priests are also affected by the general situation. They may be especially vulnerable, or susceptible, although

the percentage of abuse cases is no higher than in other occupations. One would naturally expect it to be lower ...”

For Cardinal Norberto Carrera of Mexico, the villains of the story were not the sex abusing clergy, but the *New York Times*, the *Boston Globe*, the *Washington Post*, and many other media outlets that sought out the truth about Cardinal Law of Boston resembled for Cardinal Carrera, “what happened in Mexico, in Spain, in Nazi Germany, and in Communist countries.” Prelates in many countries have expressed similar sentiments. Those who expose sex abusers are denounced as *enemies of the Church*. Demonstrably, the Catholic Church's concept of *zero tolerance* is to apply it to its critics while offering maximum tolerance and understanding to the criminals within its ranks.

Conclusion

By the failure not only of Pope John Paul II and his successor, but also by virtually the entire Catholic hierarchy to confront the issue of sexual abuse within the clergy, the Catholic Church has abdicated any historic rights it has previously claimed to speak to her laity on the issues of faith and morals. To abuse a child, to violate an innocent, is for the vast majority an act beyond belief. For a member of the priesthood or a religious order to abuse a child, an adolescent or adult is the ultimate betrayal of trust. The damage may be eventually sublimated, but it is permanent. Clerical sex abuse is a total attack on the body, mind and soul of the victim. It combines physical pain, mental anguish, and emotional and spiritual rape,

As of now, many people across the world would not allow an unaccompanied child to enter a Roman Catholic Church. The Catholic Church in England and Wales, and in other countries, feels obliged to ban priests from being alone with a child. The late Pope John Paul II, and his advisors, instructed priests throughout the world to avoid getting into risky situations with the opposite sex and to use caution when dealing with women parishioners because of sexual temptations. Many of the sexually abusing priests are treated with injections of *depo-provera*, a drug frequently prescribed for female contraception.

Recently, a Rome-base prelate observed, “There will not be, either in the short or medium term, a policy of zero tolerance with regard to sex abusers. If such a policy existed and was applied across the board, there are many bishops who would be forced to resign ... many cardinals who would have to take early retirement... As for zero tolerance towards homosexuals, we already have that. It just happens to be confined to the laity. If it were applied to the priesthood, in infrastructure would collapse.”

All of these things have come to pass within the one true Church under the leadership of the later Pope John Paul II, closely assisted by Cardinal Joseph Ratzinger, who has now become the last absolute monarch on earth.

Epilogue

The diocese of Tucson declared bankruptcy and came out of it; then it made all the parishes of the diocese private nonprofit corporations. In September 2007 in Detroit, Cardinal Adam Maida announced intent to establish all the parishes of the Archdiocese of Detroit as private nonprofit corporations. The Diocese of Phoenix soon made a similar announcement. Meanwhile, the National Leadership Board on Church Management, advisors to the United States Conference of Catholic Bishops, issued a Standards of Excellence for Nonprofit Parishes at the USCCB meeting in November 2007. Subsequently, Cardinal Maida postponed the privatization of Detroit parishes.

In the spring of 2008, Cardinal Roger Mahony agreed to a settlement with plaintiffs' attorneys for victims of clerical sexual abuse in the Archdiocese of Los Angeles in the amount of \$720 million. In addition to the sale of archdiocesan property, including the chancery and some schools, in May he appealed to each parish in the archdiocese to contribute funds the parishes held in the archdiocesan bank toward payment of the debt.

In May 2008, Bishop Geoffrey Robinson, a retired auxiliary bishop from Sydney, Australia, began a U.S. tour speaking on *Confronting Power and Sex in the Catholic Church: Reclaiming the Spirit of Jesus*. Bishop Robinson served the Australian Catholic Bishops' Conference from 1994 to 2003 as a member, then chairperson of the committee charged with addressing clerical sexual abuse. He believes that the bishops do not want to resolve the sex abuse crisis, just manage it. His tour was scheduled in cities in Pennsylvania, Maryland, New Jersey, New York, Connecticut, Massachusetts, Ontario, Ohio, Washington and California. On learning of the tour, the Australian bishops appealed to the U.S. bishops to give Bishop Robinson no quarter, citing doctrinal difficulties in Bishop Robinson's book. Cardinal Roger Mahony of Los Angeles and Bishop Tod D. Brown, Orange County, CA sent Bishop Robinson letters informing him that he was not welcome and did not have their permission to speak in their respective dioceses. Cardinal Giovanni Batista Re, prefect for the congregation of Bishops, requested that Bishop Robinson call off his entire visit. Bishop Robinson continued with his tour before returning to Australia in late June.

In April 2008, Pope Benedict XVI visited the United States on the 200th anniversary of the establishments of the diocese of Boston, New York, Philadelphia and Bardstown, KY. He met with victims of clerical sexual abuse and charged the American bishops to reconcile with the victims of clerical sexual abuse. To date, no plan has been set forth by the American bishops on how they will do that.

1/ Adapted from *The Power and the Glory: Inside the Dark Heart of John Paul II's Vatican*, by David Yallop, Carroll and Graf Publishers, 245 W. 17th St., N.Y., N.Y.; © Poetic Products Ltd. 2007.