

In the Vineyard

May 18, 2006

“If we work together, pray and stand together, we can create a new heaven and ease life for each other.” *Franciscan Sr. Thea Bowman, 1937-90 from www.futurechurch.org*

IMPORTANT notice from the VOTF web site manager: Voice of the Faithful’s web site has *temporarily* moved from www.votf.org to www.votf.net. Please make a note of it in your bookmarks. All VOTF email addresses have also changed from votf.org to votf.net. For example rjoyce@votf.org is now rjoyce@votf.net. *In the Vineyard* correspondents should write to pthorp.ed@votf.net. We apologize for any inconvenience.

PRIORITY News in this issue:

Better NEWS from the USCCB: Proposals to conduct compliance audits of U.S. dioceses and eparchies with the U.S. bishops' Charter for the Protection of Children and Young People are being sought by the National Review Board of the U.S. Conference of Catholic Bishops. See more in National/International News.

VOTF Pentecost Action represents the official public launch of the VOTF Campaign for Accountability – there is a place for everyone. [Click here](#) for details.

The road to dialogue between parishioners and diocesan leadership is often unpaved but the road in **Kansas City-St. Joseph, Missouri** would be hard to beat for difficulty. Read how one bishop reversed one parish in one week. See *National Catholic Reporter*, May 8, “Extreme Makeover: The Diocese” at http://ncronline.org/NCR_Online/archives2/2006b/051206/051206a.php. Let us know what you think at pthorp.ed@votf.org.

VOTF Chicago and Cardinal George held their first meeting, as scheduled, on May 12. See Diocese/State Watch for Chicago Update.

The statewide **Diocese of Burlington, VT** fearing the costs of 19 priest misconduct lawsuits against it, just placed its 128 local parishes in charitable trusts. See more in Diocese/State Watch.

As reported in an earlier *Vineyard*, twenty-two Long Island, NY priests have offered to pay for a mediator to settle a long-running dispute between Bishop William Murphy of Rockville Centre, N.Y., and the **Long Island Voice of the Faithful**. For a *National Catholic Reporter* update, go to http://ncronline.org/NCR_Online/archives2/2006b/051906/051906j.php.

VOTF No. VA offered its own progress report (“audit”) to Bishop Loverde on the Arlington diocese’s Charter compliance. Go to Diocese/State Watch.

Parish closings: See what **VOTF New York City, NY** is planning for May 20 – their Parish Encounter II program may be just what *your* parish needs. Go to Diocese/State Watch.

Ohio is a case study in trying to advance legislatively the protection of children. Marci Hamilton, the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University, weighs in with her column, reprinted with permission. See Commentary – “Lessons from Ohio”.

Changing the rules to get closer to justice for survivors was the subject of two recent commentaries in *America* magazine and the *Long Island Catholic*. VOTF members in CA and NY addressed each, respectively. See Commentary for Robert Rowden and Tom Myles’ responses.

Fr. Tom Doyle’s paper on dialogue with bishops – conclusion. See Commentary – “Dialogue with Bishops”; the **VOTF Bridgeport conference at Fairfield University** is the subject of a May 19 *NCR* column “Speaker calls for return to election of bishops”. Subscribers can read the full text at http://ncronline.org/NCR_Online/archives2/2006b/051906/051906k.php.

Check this issue’s **Site-Seeing, Etc.** (Vatican astronomer, CARA study, and film alert). Check **Diocese/State Watch** for news in No. VA, IL, NJ, VT, CA, NY and CO.

NATIONAL/International News

The **VOTF National Representative Council** will be meeting in Chicago, June 2-4. See the NRC Update and resolutions to be considered – [Click here](#). (Do you know who your representative is? [Click here](#).)

Proposals to conduct compliance audits of U.S. dioceses and eparchies with the U.S. bishops' Charter for the Protection of Children and Young People are being sought by the National Review Board of the U.S. Conference of Catholic Bishops. Details are available at <http://www.usccb.org/ocyp>. Of special note in the Request for Proposals is this statement: “In particular, future audits will be expected to assess not only the extent to which dioceses and eparchies have established policies, procedures, and programs in accord with the *Charter*, but also the effectiveness of the administration of these policies, procedures, and programs. The audit must also determine the accuracy of the data provided to the auditors. Additionally, as guidelines and measurements of effectiveness are developed over the next few years, they are to be incorporated into future audits.”

- See VOTF Ohio Kris Ward’s “take” on the above (Commentary) and let us know what you think at pthorp.ed@votf.net.
- Also, see www.zenit.org for a May 9 posting: “Holy See OKs Revised Norms in Sex-Abuse”.

- Bishops are on the move. Archbishop McCarrick (Washington, DC) and Archbishop Imesch (Joliet, IL) have resigned. See details at <http://www.usccb.org/comm/archives/2006/06-098.shtml>
- A media advisory from the **USCCB on their upcoming June meeting** in Los Angeles, CA has been posted at <http://www.usccb.org/comm/archives/2006/06-091.shtml>. VOTF will again bear witness at the bishops' gathering; watch future issues of the *Vineyard* for details.

On July 21-23, Jersey City, New Jersey will host the **2006 conference of SNAP**. For more information about the conference, visit their website, www.snapnetwork.org. Many survivors need financial assistance to attend this conference. If you would like to contribute some funding or sponsor an attendee, contact SNAP.

- The **Winchester Area VOTF is selling blank note cards** designed by two of its members to benefit survivors of clergy sexual abuse. Cards are \$10 for a package of 8 (2 each of four different designs). To view cards and print order form, visit www.votfwinchester.org.

VOTF Ireland has had a number of "hits" as of the *Vineyard* announcement of its new web site. A recent Limerick story warrants reading for the question it raises about a bishop's possible conflict of interest between the administrative and the pastoral requirements of his job. Go to http://www.votfi.com/limerick_crisis.htm.

Calling all affiliates with web sites: Add a link to *In the Vineyard* on your home page.

Fr. Tom Doyle gave an electrifying VOTF-sponsored talk in Tucson on March 4th. Entitled "What the Clergy Abuse Phenomenon Is Trying to Tell Us," a professional video specialist captured the talk on DVD disk. Tom's presentation was a truly memorable event, and your copy will be of interest to a wide variety of fellow Catholics.

For your personal DVD, please send your name, mailing address, e-mail address, and a check or money order for \$25 **payable to Frank Douglas** to Terry Carden, VOTF-Tucson, 6451 N Lazulite Pl, Tucson, AZ 85750.

All proceeds go toward production of the DVDs and expenses related to Tom's visit to Tucson; 50% of any profits will be donated to SNAP.

SITE-Seeing, Etc.

FILM Alert from film maker Barbara Rick: "**IN GOOD CONSCIENCE: Sister Jeannine Gramick's Journey of Faith**" tells the story of an American nun's battle with the Vatican to follow her conscience regarding her lifelong, compassionate ministry to gay and lesbian Catholics. Many VOTF members have seen and appreciated the film around the world. "IN GOOD CONSCIENCE" opens at **Real Art Ways Cinema in Hartford, CT on May 19th**. More information is available on our website <http://www.ingoodconscience.com> Folks can purchase the limited edition DVD on our

site as well. Tickets for the Hartford showings are available at <http://www.realartways.org>.”

Did you know that the **Vatican has its own astronomer**? He is Brother Guy Consolmagno who works in a Vatican observatory in Arizona and is curator of the Vatican meteorite collection in Italy. Learn more at <http://education.guardian.co.uk/higher/profile/story/0,,1770377,00.html>. According to the *Guardian Unlimited*, “For the past 13 years, he [Consolmagno] has held one of the most secure and prestigious posts in the planetary sciences, as one of the Pope's 12 personal astronomers, dividing his time between the Vatican's observatory at the papal summer palace at Castel Gandolfo in Italy and a giant telescope in Tucson, Arizona.”

The Center for Applied Research in the Apostolate (CARA) at Georgetown University has published “Catholic Reactions to News of Sexual Abuse Cases Involving Catholic Clergy”. To read the report, go to <http://cara.georgetown.edu/pubs/CARA%20Working%20Paper%208.pdf> and let us know your thoughts at pthorp.ed@votf.org. Note the following from the paper's conclusion:

“The CARA polls provide little evidence that Catholics have exited the Church in significant numbers as a result of the sexual abuse scandal. The proportion of the U.S. population identifying as Catholic has remained constant. Additionally, the CARA polls show little change in Mass attendance. There is some evidence of ‘voice’ (i.e., expression of discontent) among Catholics. In the CARA polls, sizeable numbers of Catholics are critical of Church leaders and their handling of the issue of sex abuse in the Catholic Church. One manifestation of this is the organized reform and protest groups that have formed (e.g., Voice of the Faithful).” Let us know what you think at pthorp.ed@votf.net.

Commentary

“Lessons from Ohio” – Marci Hamilton, FindLaw.com

“Speaking of Fairness” – Tom Myles, VOTF Long Island, NY

“Dialogue with Bishops” – Fr. Tom Doyle, last of three parts

“Considering the USCCB Request for Proposals” – Kris Ward, VOTF Ohio

“Changing the Rules: the Right Response” – Robert Rowden, VOTF CA

QUOTE for our time: Cynthia Vrooman from Sonoma, Calif. sent the following quote from Karl Rahner in his book *I Remember: An Autobiographical Interview*. If you have a favorite VOTF-apt quote, please send to pthorp.ed@votf.net.

“I believe that you have to make a few distinctions. The pope is the highest representative of the Church and, if you like, of Catholic Christianity with respect to certain juridical, ecclesial structures. But I maintain that the most humble, the most loving (to put it in this old-fashioned way), the most holy, the most apparently obscure person in the Church, and not the pope, is at the top of the hierarchy, the real hierarchy for which the Church is only a means...the highest representative within the social fabric is not necessarily the highest representative of the real reason for which the Church exists. She is there so that

God may be worshiped, praised, and loved, and so that people might love one another and be selfless, and for that the saints are the real representatives. Innocent III was pope, but Francis of Assisi was the highest in the only hierarchy that ultimately counts.”

DIOCESE/State Watch

DIOCESE/State Watch

Burlington, VT: The recent record settlement of one abuse case (the first of 20) in the Vermont diocese has Bishop Matano on the road. Read coverage in the *Argus Times* at <http://www.timesargus.com/apps/pbcs.dll/article?AID=/20060514/NEWS/60515030>. Referring to these “litigious times,” the bishop explained to Vermont’s Catholics why the “statewide Diocese of Burlington, fearing the costs of 19 priest misconduct lawsuits against it, just placed its 128 local parishes in charitable trusts.” The *Rutland Herald* reported SNAP’s response. Go to <http://www.rutlandherald.com/apps/pbcs.dll/article?AID=/20060516/NEWS/60515005>.

VOTF New York: The VOTF NY affiliate is planning an afternoon program, **Parish Encounter II**, for Saturday, May 20, 1-5 p.m., St. Vincent Ferrer Church, 869 Lexington Avenue in Manhattan, in response to the church closings/mergers proposed by the Archdiocese. Clergy and laity from affected parishes as well as archdiocesan leaders have been invited to this open forum. The program features presentations on do’s and don’ts in parish closings, building a church without walls, the role of lay ministry in the parish of the future, and the impact of realignment on New York’s financial health. All are welcome; register in advance at www.votf-nyc.org.

How **VOTF Northern Virginia** is using its voice: VOTF Northern Virginia offered its own progress report to Bishop Loverde on the Arlington diocese’s compliance with the Charter for the Protection of Children and Young People. To read the affiliate’s findings, go to <http://votf-nova.com/Charter.pdf> for details.

Trenton, NJ: Financial accountability at work – The Diocese of Trenton, NJ acted swiftly once it learned of Fr. Hughes’ financial appropriations – played out over seven years. According to the *Asbury Park Press*, “The Rev. Joseph W. Hughes spent money on two BMW sports cars and season tickets for the Giants. He bought dinners at fancy restaurants. He took vacations that included stays in luxurious hotels such as the Ritz-Carlton in Palm Beach and the Elbow Beach Club Resort in Bermuda, according to authorities. And he used Holy Cross Roman Catholic Church funds to support that lavish lifestyle, law enforcement officials have said.” Go to <http://www.app.com/apps/pbcs.dll/article?AID=/20060505/NEWS/605050455>

Colorado: A devastating partnership of Catholic bishops and insurance companies overpowered the considerable efforts of Bishop Gumbleton, SNAP, survivors and their supporters to ensure the demise of **Colorado’s bill (HB 1090)** to protect children. See the

story in the *Colorado Springs Gazette* through the *National Catholic Reporter Abuse Tracker* (May 9) at <http://www.ncrnews.org/abuse/>.

Chicago, IL:

VOTF Chicagoland Affiliates Council chair Janet Hauter's statement on the May 12 meeting with Cardinal George and Jimmy Lago, Chancellor of the Archdiocese of Chicago:

After weeks of preparation based on the two independent reports done on the Chicago tragedy (the Defenbaugh and Childers reports), eight members of the Chicagoland Affiliates Council (CAC) representing five affiliates, met with Cardinal George on May 12, 2006. The discussion was to have been an hour long but lasted over two hours.

We viewed this meeting as introductory while we discussed many issues contained in these two reports. Vigorous dialogue ensued. Problem areas cited in the reports were openly discussed and information exchanged. It was clear that there were information gaps on both sides and that progress was already being made toward filling in those gaps.

We viewed this meeting as a first step to exchange information and build a bridge toward mutual understanding where relationships could be developed for future dialogue. We were asked to craft a topical agenda for a future meeting and we expect a date will be set soon. Based on the candor of the meeting and the invitation, we viewed it as a step in the right direction and look forward to a follow-up meeting with more tangible results.

- For more details on the May 12 VOTF Chicago and Cardinal George meeting, including the agenda and participants, click [here](#).

Cardinal George's failure to remove an abusive priest from ministry has alarmed a Church-wide community and sparked renewed interest in the Charter to Protect Children and Young People. Recently, the *Chicago Tribune* reported that "Cook County prosecutors have added two more counts of aggravated criminal sexual abuse to the charges facing Rev. Daniel McCormack, a once popular Roman Catholic priest already awaiting trial." http://www.chicagotribune.com/news/local/chicago/chi-0605060180may06_1_4097658.story?ctrack=1&cset=true

California: VOTF Boston's Ruth Moore notes the following recent item from Associated Press: "The Supreme Court on Monday refused to interfere in a California prosecutor's efforts to obtain confidential counseling records kept by the Catholic Church on two priests under investigation for molesting children." The VOTF Boston newsletter added, "Why is this important? It means that the Supreme Court *will not interfere* with efforts to obtain similar records from the church in sexual abuse cases across the nation. Potentially this should make it easier for survivors to have their day in court."

COMMENTARY

Lessons from Ohio

Background: As noted in the April 6 Vineyard Diocese/State Watch for Ohio: "The Senate gave final approval yesterday to a House-passed bill that requires church officials to report suspected instances of abuse and creates an Internet registry of unconvicted sex offenders who are found liable in a civil case. After heavy lobbying by Ohio Catholic bishops, the House stripped a provision that would have given victims a one-year window, or look-back, to file a lawsuit for child sex abuse that occurred as long ago as 35 years."

How the Ohio Legislature Betrayed Child Victims of Clergy Abuse, and How We Can Stop It from Happening Nationwide by Marci Hamilton (hamilton02@aol.com)

*Marci A. Hamilton is the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University. An archive of her columns on church/state issues - as well as other topics -- can be found on this site. Her email address is Hamilton02@aol.com. Professor Hamilton's most recent work is [*God vs. the Gavel: Religion and the Rule of Law*](#) (Cambridge University Press 2005).*

Last week, the Ohio House sent a bill to the Governor's desk that requires clergy to report child abuse. That sounds like good news - but closer inspection shows the bill is extremely disappointing. And worse, it is not the only way Ohio has grievously let down victims of child abuse.

Last year, as I described in [a previous column](#), the Ohio Senate unanimously passed legislation creating a window of time during which the statute of limitations would not apply, and lawsuits based on prior clergy child sexual abuse could be brought. Fittingly, the Senate accorded the victims who attended a standing ovation. But a year later, the House Judiciary Committee caved under the pressure of the Catholic Conference -- gutting the same bill and filling the void with a toothless child abuse reporting requirement and an ineffective, insulting "civil registry," which, as I will explain, bring the victims no closer to justice.

In this column, I'll discuss these two developments and their implications for clergy child abuse issues nationwide.

The Disappointing Ohio Bill on Reporting Clergy Child Abuse

To begin, let's consider the Ohio bill requiring clergy to report child abuse - which was swallowed up by three large exceptions:

First, incest need not be reported, because only abuse by "clerics" is covered. Second, "volunteers" are relieved of any obligation to report abuse, even if they were in a position to learn about it. Third, clergy are exempted from the requirement to report abuse if such a report would violate a so-called "sacred trust," which includes any interpretation of "canon law" or "church doctrine."

Be warned: This third exception doesn't just include admissions of abuse made in the confessional. It includes any situation in which the church vouches that the relationship required secrecy. (Similarly, the Catholic Church has been arguing in clergy abuse litigation that any speech between a bishop and a priest is "privileged" because it involves the "formation" of the priest. They have been losing in the courts, so now they are intent on hiding their secrets this way.)

How Ohio Destroyed Its Statute of Limitations "Window" Bill

Now let's consider the demise of the hope that Ohio would have a true statute of limitations "window."

What the statute, as passed by the Senate, would have done was to allow victims new hope in pursuing civil claims against the primary perpetrators and organizations that fostered a culture of child abuse -- permitting them a "window" of opportunity to file against those responsible for their abuse, even though the statute of limitations would otherwise have run. California has already passed such "window" legislation, and about a dozen states are now considering or introducing similar legislation.

Why are such "windows" needed? It's not because victims are not diligent (especially given the trauma they suffer). It's that the statutes of limitations for child abuse are unreasonably short in virtually every state. The upshot is that by the time the typical victim comes forward, it's tragically too late.

So Ohio's "window" bill, as passed by the Senate, was a terrific idea. But by the time the bill got to the Ohio House, things changed. The Catholic Conference argued that it was unconstitutional for the Ohio legislature to revive a civil action retroactively, because the defendant purportedly has a vested right in avoiding future liability.

Having testified on the constitutionality of the Senate Bill before the Judiciary Committee, I am familiar with all the cases, and I can assure readers that this argument is, in a word, meritless. The best case the Catholic Conference could cite was about a century old - and its reasoning long superseded. The Ohio Supreme Court has never found a vested right in a defendant. In addition, plenty of federal law indicates that a civil statute of limitations "window" is likely constitutional.

I also testified that it is rare that constitutional reasons are ever enough to scuttle legislation; there is always some other agenda at work. While Republican members of the committee reacted with great offense that anyone would accuse them of not caring about the Constitution, I was correct. The very constitutional principles they held so dear the day of the hearing are plainly violated by the bill they substituted. The moral hypocrisy is extraordinary.

In any event, constitutionality was not the real concern here. The expressed concern on the part of the Church was money - the money needed to compensate deeply injured

abuse victims the Church helped to create, including money to pay for their medical treatment. And that concern was grossly overblown.

The Catholic Conference lobbied hard, and the Bishops claimed in the newspapers that they would be "bankrupt" if the window legislation were passed. In fact, no one knows exactly how much money the church has - and it is likely to be much more than the church claims. Revealingly, not a single diocese charging "bankruptcy" has revealed its actual worth, as compared to the cost of the anticipated claims against it.

The Church claims to have paid out over \$450 million over the last year. But what percent of the Church's total holdings does that represent? No member of the press has ever, to my knowledge, done the homework to figure that out. That's shameful, for the investigative resources are there: Journalists ought to start surfing the Web for properties where the address of the titleholder is the address of the Archdiocese's offices. Such properties (often commercial properties) are legion: Diocesan wealth stretches well beyond the visible parishes, seminaries, and mansions for the hierarchy.

The Church also complains of the "hit" Catholic Social Services will take. But in fact, over 80% of the funds supporting Catholic Charities comes from the state and federal governments, with about 14% from independent charities, like the United Way. A mere 1-2 % comes from parishioners.

Thus, even if the Church were to cut out its support altogether, Catholic Charities might have to trim some administrative costs at most. Finally, the charitable activities of individual parishes often happen with money collected from inside the parish, which is then spent locally, so those activities would not be affected by making the Church's victims whole out of Church wealth.

The Legislature's Pale Substitute for the "Window" Bill: A Retroactive Civil Registry

Despite the factual weakness of the Catholic Conference's arguments, in an eleventh-hour maneuver, the Republican members of the Committee gutted the statute of limitations "window" bill, replacing it with a retroactive "civil registry" provision.

Here is how the registry - a pale substitute at best - would purportedly work: Suppose the statute of limitations has expired as to a particular childhood sexual abuse claim. A prosecuting attorney can bring a declaratory judgment action (that is, a judgment that seeks a court order, not damages or incarceration of the accused) against a named perpetrator.

The action is meant to determine if the perpetrator would have been found guilty, had the action been timely filed. If so, he is required to register his name in a public registry and to reside over 1,000 feet away from any school. Failure to register is a felony. Placement on the registry, and penalty for nonregistration, are the only remedies the statute provides.

Alternatively, if prosecutors do not act, then a victim can try to procure the same meager remedy via a lawsuit. But to do so, the victim must hire an attorney. The bill gives the victim attorney's fees if he prevails, but if he does not, he will have paid the steep costs of litigation for precious little.

In Practice, the Registry Is Likely to Be Ineffective In Addressing Abuse

That's how the registry would work in theory. But how would it work in practice? Not well, I fear - for several reasons.

First, the cost-benefit analysis weighs against prosecutors being aggressive here. This is an unfunded mandate that gives prosecutors more to do, but no more money to do it with. (Nor does it provide money to the sheriffs who are supposed to monitor those on the civil registry in their jurisdictions.) Prosecutors live to put bad guys in jail, not to expend all of their resources to put together a list of names.

Second, names do not reside on the registry permanently. Instead, if six years pass, and no further sex abuse claims are made, the perpetrator's name disappears! Thus, getting a name on the list is not merely a small victory, it's likely a temporary one.

Third, this law won't go into effect without endless litigation - for surely the first defendant to be named will claim that this is a civil retroactive law that unsettles his "vested interest" in the passage of the statute of limitations. To do so, his lawyer will merely need to cut and paste from the Church arguments against the "window." In other words, the Church hypocritically defeated the window by introducing a substitute that harbors its objections to the window.

Defendants also will argue that their due process rights are violated, and that while the Supreme Court has upheld Megan's laws, those laws were derived from beyond-a-reasonable-doubt criminal convictions, not upon on a hypothetical, preponderance-of-the-evidence finding of guilt. Finally, they will argue that the felony penalty for not keeping the local sheriff apprised of their residency is a retroactive criminal law that violates the Ex Post Facto Clause - contending that the penalty punishes both the original, statutorily barred offense and the failure to register.

These Victims Deserve Compensation, Just as Other Tort Victims Do

The most glaring problem with the registry, of course, is that it cuts the victims out of any fair compensation for the harm done to them. It is an axiom of American justice that those who do harm must compensate those they hurt.

Moreover, the hurts these particular victims suffered are profound: endured when they were children, resonating through their adolescent and adult lives, and of the most personal, terrible kind. If we were to exempt one class of victims from our system's protections, it must not be children whose lives were ruined by adults they trusted.

Sadly, these victims of an organization hiding ugly secrets would have been a lot better off if their hearts had been injured by Vioxx. No one is suggesting that Merck should not be held liable and accountable if it harmed patient's health by keeping secret reports about Vioxx's potential harmfulness; indeed, a class action was just approved.

Putting the Focus on the Perpetrator--and Moving It Away From the Church

In one ironic way, Ohio's civil registry law is actually very effective - effective, that is, in allowing the Church to keep its dirty secrets.

The mock trials that decide if defendants will end up on the civil registry focus onlookers' attention right where the Church wants it: on the direct perpetrator of the abuse -- and far away from the Church and its pivotal role in creating opportunities for child abuse, when it turned a deaf ear and a blind eye to its occurrence.

The registry does not include a category for organizations, dioceses, or parishes that harmed children. Surprise, surprise.

National Implications: The Need to Confine This Precedent to Ohio, At Least

In the end, the Ohio legislature's actions aren't just disappointing, they are appalling - for they not only leave documented, past child abuse uncompensated, but also give the perpetrators the latitude they need to abuse more children. Clergy abusers and the organizations that fostered the abuse must be reading Ohio headlines and breathing a sigh of relief. They can now relax, because the cadre of past victims remains powerless to find justice. The perpetrators will hardly be concerned with the straw man registry, knowing that it will either be unenforced or tied up in litigation during their lifetimes. And if someone in a religious organization learns of the abuse, the reporting requirement is narrow enough that they are unlikely to be reported to the authorities.

(For those who believe the bishops that there is a zero-tolerance system that requires such reporting, you will have to ask yourself why the churches worked so hard to get a reporting requirement that is so gutless if they were reporting already. Cardinal George of Chicago and Bishop McCormack of Manchester, New Hampshire, are just two recent examples of the continuing cover up.)

Notice to Ohio's citizens: There is apparently nothing anyone can do about the internal corruption of the Church's hierarchy when it comes to child abuse by its own, but it is possible to punish those elected representatives who are willing to choose the corrupt over the abused.

Speak out, in Letters to the Editor and in your community, and above all, vote these cowards out of office. In the meantime, should any of the representatives who made this evil choice ever claim to be "family values" conservatives, feel free to laugh in their faces.

- Also read Hamilton's "How the Laws Look the Other Way When It Comes to the Financial Improprieties of Religious Institutions, And How They Should Be Amended to Make Them Accountable" at http://writ.news.findlaw.com/scripts/printer_friendly.pl?page=/hamilton/20060504.html

Dialogue with Bishops (continued) – Fr. Tom Doyle

Final installment – Parts 1 and 2 appeared, respectively, in the *Vineyards* of April 20 and May 4.

The victims and many lay people believe the bishops not only *will not*, but *cannot* get it. The bishops, for their part, are probably convinced that in their anger, the victims and their supporters will never be able to see and accept their side nor the honest and sincere concern many have for the victims. The goal should not be beating one or the other side into submission. The goal should be to arrive at a minimal degree of mutual respect so as to begin to listen to one another rather than *talking at* one another. Disagreement need not always be covered in anger.

The time for confrontation that is predominantly angry and irrational is past. In most cases the anger and rage have been amply justified. Yet it has caused many bishops to become hardened in their attitudes towards all victims and survivors and towards all lay people whom they believe have had the temerity to question them. The time for confrontation on a level playing field is not past and never will be. There is much to confront and many hard questions yet to be answered. Name calling and verbal abuse are as much a barrier to needed answers as is the infantile deference that has enabled clericalism to flourish and control. Fear must be banished.

Bishops who refuse to include lay people and survivors on every level of discussion and decision making about the response to the clergy abuse scandal must be confronted and, in a rational, firm yet respectful manner, asked to explain such an exclusion. Those who have accused VOTF, SNAP or other groups of having hidden agendas, of being dissenters, of heresy, or anti-Catholicism must be confronted and asked to explain in detail the reasons for these accusations and the sources of their information. Those who have refused to reveal the names of verified sex abusers or who have secretly reassigned known offenders must be confronted and asked to provide an explanation to the people of God.

There is no longer room for fear, secrecy or arrogance. Far too much is at stake and far too many souls have been devastated.

It is possible to confront the contradictions between the spirit of Vatican II and spirit of clerical mistrust. In doing so it is essential to understand the clerical context from which the opposition arises. The bishop is essential to the institutional structure of the Church. The theological and structural tradition teaches that the church is founded on the bishops who are therefore essential for its very existence. The chain of authority in the three-fold office of the bishop is believed to be the divinely directed means whereby God

communicates with mortals (cf. Canon 375). Consequently, challenges to bishops are perceived as much more than personal attacks or manifestations of disrespect. Such challenges are expressions of disbelief in an essential tenet of faith.

On the other side, the victims and others who challenge the bishops' autocratic exercise of authority do not see such challenges as an affront to a doctrinal issue. Rather they see them as a reaction to the reality of authority either misused or abused. The bishops see themselves as divinely appointed leaders and their critics see them as flawed administrators.

The differences are not solely about power. The differences are about a variety of issues that are far more serious than ownership of power. Soul murder, rape, sexual assault, character assassination, slander and financial mismanagement are some of the known abuses that many are up in arms about. These issues will not go away nor will they be rectified unless drastic attitudinal changes take place, primarily on the part of the church's leadership.

Building bridges and opening lines of true communication between the bishops and lay people is a noble goal for members of the Christian community but it will never happen without integrity and trust. Trust will not happen until the traditional secrecy and its toxic sibling, fear, are eradicated. Lay people should not fear honest confrontation with bishops or other church leaders. This is an essential step in the search for truth and accountability. Banishing the fear that always lurked in the background is the beginning of authentic Christian empowerment. Searching for plausible answers does not equal disrespect nor is it a sign of dissent. Above all, it is a sign that one has accepted the sometimes painful and challenging responsibility of adult membership in the Body of Christ.

Confrontation need not equal fanaticism. Working together begins with dialogue and dialogue cannot begin with capitulation. Lay persons have been nurtured by an ecclesial culture that made true dialogue impossible. The duplicity revealed by the sex abuse scandal led to the subsequent erosion of trust and respect for clerics and especially bishops. This will be reversed when both sides move beyond roles and see one another as Christians. This will be much more difficult for bishops but this does not mean that lay men and women can or should retreat to mindless deference.

In conclusion, I believe that authentic dialogue is essential and possible. This means calling the issues in truth with first concern for those harmed. Confrontation, however, does not mean irrational anger nor can it be productive if minds and hearts are closed to the possibility of good will.

Speaking of Fairness

Tom Myles, VOTF Long Island, NY

[Response to "Changing the law would be unfair" at <http://p206.ezboard.com/fsnapsurvivorsnetworkfrm13.showMessage?topicID=142.topic>]

An editorial in the May 3, 2006 edition of the *Long Island Catholic* titled "Changing the Law Would Be Unfair" argues against bills in the New York State legislature that would extend the statute of limitations in civil cases and provide a window of opportunity for sexual abuse victims to bring action in civil court for past abuses.

The lead paragraphs in the editorial mention the actions taken by the Catholic Church since 2002 to prevent sexual abuse. Then the editorial attempts to portray the proposed legislation as explicitly targeted at the Catholic Church. It further states that Church leaders have an obligation to protect donations of the Catholic faithful and that while victims have a right to sue it must be done in a reasonable time otherwise guilt or innocence becomes impossible to establish. The editorial ends with "There is no reasonable or practical way that statutes of limitations should be altered or changed for one type of crime while left in place for others."

The Diocese's arguments do not relate to fact, contradict a previous statement of Bishop Murphy, or are vacuous.

In the John Jay Study commissioned by the United States Conference of Catholic Bishops, the Diocese of Rockville Centre enumerated more than forty priests in the Diocese of Rockville Centre for whom there were credible allegations of sexual abuse of a minor. Yet despite admitting this, the Diocese has not offered to the community the names of those accused. In fact, as evidenced by the 2003 report of Suffolk County District Attorney Thomas Spota, the diocese systematically sheltered known abusers, while neither informing legal authorities nor the community at large. If the Diocese believes that changing the current laws would be unfair, does the diocese believe it fairly treated the victims of sexual abuse and even the alleged abusers that it hid?

None of the proposed legislation directly targets the Catholic Church. The bills are aimed at all alleged abusers. While there are reasons for having statute of limitations, there is no statute of limitations for murder, and many a victim of sexual abuse will tell you that sexual abuse is "murder of the soul." Establishing guilt or innocence is not impossible to prove, even after the lapse of time. Would it not be fairer to let a jury decide than to categorically reject all claims of past sexual abuse?

The editorial does not mention that Bishop Murphy has previously written in support of amending the statute of limitations. In a Report to the Diocese on June 11, 2003, Bishop Murphy wrote "Ever since the Diocese instituted procedures in 1992, this local Church has responded to the needs of anyone who was sexually abused by a priest with whatever psychological counseling was appropriate. The Diocese makes this open ended offer to everyone who has been abused. There is no "statute of limitations" on the help we give and will continue to give to those who were sexually abused by clergy. We will continue to do so, so long as these and any other victims who come forward have need of such counseling and help" and "That is why I have supported legislative initiatives that would extend the statute of limitations in sexual abuse cases from five to fifteen years and to make all members of the clergy, Catholic and non-Catholic, mandatory reporters of

sexual abuse of a minor, with exceptions for confidential relationships and the Sacrament of Reconciliation." One wonders why the *Long Island Catholic* editorial contradicts Bishop Murphy's prior statement.

It is commendable to carefully steward funds. However, a bishop who spends tens of thousands of dollars of diocesan funds to renovate his personal residence is hardly in a position to state that he is protecting donations of the Catholic faithful. Further, the primary role of any church is to minister to those in the most need. No one can deny that minor-aged victims of sexual abuse are as a group people who are in need of spiritual and temporal care. By opposing the proposed legislation, the Diocese of Rockville Centre, under the direction of Bishop William F. Murphy, abandons that role, and by so doing tells the community that money is more important than people.

The specious arguments notwithstanding, totally absent from the editorial is an acknowledgement that the past irresponsible actions of the Diocese have caused harm to hundreds of known and unknown sexual abuse victims. Instead of working to address the needs of the abused, the Diocese of Rockville Centre continues the abuse.

Long Island Voice of the Faithful supports all proposed legislation that would enable those who were sexually abused as minors to have their day in court. That is what is fair! We request all residents of New York State to reject the arguments offered by the Diocese of Rockville and to urge their legislators to support these bills.

Considering the USCCB Request for Proposals

Kris Ward, VOTF Ohio

USCCB Request for Proposal: Annual Audit of Dioceses and Eparchies text is available at <http://www.usccb.org/ocyp>

Please note that while the National Review Board has announced the Request for Proposals for an auditor (auditing firm) the RFP says the "final selection of the Auditor will be made by the Administrative Committee of the USCCB."

The administrative committee of the USCCB is its most powerful committee. It is composed of 55 bishops.

This selection will occur during the presidency and vice presidency of Bishops Skylstad and Cardinal George. This selection will not be submitted to the full body of bishops for an up or down vote.

The key to what makes the audits effective is both what information the auditors seek and what information is provided to the auditors. The Gavin Group audits suffered from deficits on both fronts - what was asked for and what was received.

The compliance audits hinge on the control and release of information, which hinge on those with ultimate authority in the diocese – the jurisdictional bishops and eparchs.

Changing the Rules: the Right Response

VOTF CA Robert Rowden

[*America* magazine, May 15, 2006: A religious institutions attorney, L. Martin Nussbaum, wrote "Changing the Rules – Selective Justice for Catholic institutions." Subscribers may access at <http://www.americamagazine.org/gettext.cfm?articleTypeID=1&textID=4783&issueID=572>.]

The sexual abuse of children is a worldwide problem of enormous magnitude, and L. Martin Nussbaum is correct in pointing out that it is not merely a Catholic problem. Perhaps the press's "obsession" with the scandal resulted from the discovery that an institution claiming ultimate moral authority is represented by more than a few leaders who were criminally negligent in repeatedly enabling child abuse, sometimes in clear violation of expert advice. Priest pedophiles have apparently been known since the early days of the Church. What is a newsworthy scandal is the response of some bishops and other church leaders to the victims who, instead of pastoral concern, apology and offers of necessary therapy were met with disbelief, denial, broken promises, and hardball legal tactics. Had it not been for a diligent press and aggressive prosecutors the extent of their perfidy would be yet unknown.

It does the Church no service to rail against the accepted concept of repressed memory following life-changing trauma. Some do not realize what has happened to them for many years. In addition many victims have lived most of their lives believing as they were groomed, that the abuse was their own fault. The guilt and shame cultivated by the perpetrator is deeply imbedded. Victims are subject to alcohol and drug abuse, serious depression and multiple failed relationships. Many develop post-traumatic stress disorder (PTSD) which requires ongoing therapy. Clearly, in the interest of justice the rules need to be changed and statutes of limitation eliminated or vastly expanded.