

# Commonweal

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Pennsylvania Attorney General Josh Shapiro speaks during an Aug. 14 news conference (CNS photo/Reuters video)

August 15 is the Feast of the Assumption, a “holy day of obligation,” when Catholics are expected to attend Mass. This year millions of Catholics went to church sick at heart. I was among them.

The day before, the attorney general of the Commonwealth of Pennsylvania had released a grand-jury report declaring that hundreds of Catholic priests had sexually abused minors. The grand jury’s conclusions were summarized in reports that landed on the front pages of the *New York Times* and other newspapers around the world, as well as lead stories on all sorts of television news programs. Pennsylvania Attorney General Josh Shapiro spoke on *The Today Show* and nightly news broadcasts. No Catholics serious about their faith, indeed no one of any sensitivity, could have read about the report without feeling horror and shame. And anger. It was bad enough to read graphic accounts of anal and oral rape, sometimes combined with sacrilegious perversities; it was doubly appalling to be told that church leaders had systematically covered up these crimes and allowed abusers to go unchecked.

Within hours, the Pennsylvania grand-jury report was propelled to international status. The Vatican expressed “shame and sorrow.” Adjectives piled up from Catholic and secular sources: *abominable*, *revolting*, *reprehensible*, *nauseating*, *diabolical*. The *New York Times* editorialized on “[The Catholic Church’s Unholy Stain](#).<sup>[1]</sup>”

Months have passed but the report’s impact has not. At least a dozen states have announced they would follow Pennsylvania in conducting their own investigations (Illinois issued a preliminary report in December); the Justice Department has suggested that it, too, might get into the act. Pope Francis has called for bishops from around the world to address the sex-abuse scandal at the Vatican in February, where the Pennsylvania report will undoubtedly be a chief exhibit—as it currently is for Catholics both on the right and the left writing [farewells](#)<sup>[2]</sup> to the church.

In fact, the report makes not one but two distinct charges. The first one concerns predator priests, their many victims, and their unspeakable acts. That charge is, as far as can be determined, dreadfully true. Appalling as is this first charge, it is in fact the second one that has had the greatest reverberations.

“All” of these victims, the report declares, “were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institutions above all.” Or as the introduction to the report sums it up, “Priests were raping little boys and girls, and the men of God who were responsible for them not only did nothing; they hid it all.”

### ***Is that true?***

Almost every media story of the grand-jury report that I eventually read or viewed was based on its twelve-page introduction and a dozen or so sickening examples.

On the basis of reading the report’s vast bulk, on the basis of reviewing one by one the handling of hundreds of cases, on the basis of trying to match diocesan replies with the grand jury’s charges, and on the basis of examining other court documents and speaking with people familiar with the grand jury’s work, including the attorney general’s office, my conclusion is that this second charge is in fact grossly misleading, irresponsible, inaccurate, and unjust. It is contradicted by material found in the report itself—if one actually reads it carefully. It is contradicted by testimony submitted to the grand jury but ignored—and, I believe, by evidence that the grand jury never pursued.

These conclusions are dramatically at odds with the public perception and reception of the [report](#) [3]. Obviously they must be substantiated. To do that it is essential to examine, step by step, how this report was produced, organized, and presented; what it omits as well as includes; and finally whether a careful sampling of its contents supports its conclusions.

I realize that for many people, especially many angry and dismayed Catholics, such an inquiry flies in the face of almost overpowering headwinds. To question let alone challenge the report is unthinkable. It borders on excusing the crimes that bishops and other church leaders are accused of committing.

This resistance is understandable. The report came on the heels of revelations about ex-Cardinal Theodore McCarrick’s sexual abuse of both adult seminarians and two minors. Ten days later, accusations from a former Vatican official, Archbishop Carlo Maria Viganò, essentially enlisted the abuse scandal into the ongoing war between Pope Francis and his critics. Lurking in the background were other abuse scandals in Ireland, Chile, and Australia. And lurking at a much deeper level are years of often confusing but always mortifying reports of sexual abuse by priests, inevitably reinforcing whatever doubts and disappointments Catholics have experienced.

Then there is the hard reality that not many people have actually read the report, let alone read it critically. That includes, I wager, even many of those publicly registering their outrage or privately nursing their spiritual distress. It includes, I can pretty safely add, the journalists on whose news accounts most of these people relied. Almost every media story of the grand-jury report that I eventually read or viewed was based on its twelve-page introduction and a dozen or so sickening examples the introduction and the report highlight, written in a language that Pennsylvania’s Supreme Court later called “incendiary.”

How could it be otherwise? The report was alternatively described as 884 or 1,356 pages long—more on that strange discrepancy later. As a lifelong perpetrator of journalism I know about deadlines and how dependent a reporter can be on a summary, an introduction, or a spokesperson like the attorney general of Pennsylvania. You have time only to read a tiny fraction of such a massive document. You cannot get knowledgeable, independent comment when no one else has read the document either. You turn to soundbites from church officials or victims’ advocates that echo established scripts of what a story is about.

In this case it is a script about bishops, bishops who were fully aware of the dangers that predatory priests posed to children and adolescents but who nonetheless “shuttled” or “shuffled” them from parish to parish to shield the reputation of the church and the clergy. That script was engraved in the public mind by the *Boston Globe*’s 2002 revelations and by the litigation that followed. It was the script that brought a well-deserved best-screenplay Oscar to the movie *Spotlight*. It is the script that animates the Pennsylvania grand-jury report. And it is a script so familiar as to defy any questioning.

The third source of resistance to any reconsideration is the sheer awfulness of the abuse the report documents. “Hear this,” its introduction summons readers in the first sentence. You may have read about “child sexual abuse within the Catholic Church, but never on this scale.” The prose is graphic in its sexual details. The third paragraph specifies masturbation, oral sex, and vaginal and anal rape, along with manipulation by alcohol and pornography. The next eleven pages describe some twenty

abominable and especially grotesque cases of sexual perversity. I have heard reasonable people object that in grinding such details into our faces the report itself is manipulative. But then *this is what sexual abuse of children and teenagers is*. It's not a legal or abstract concept, not a statistic. It is the most intimate kind of violation—whether perpetrated by a schoolteacher, coach, physician, or, above all, a person in a special relationship of responsibility and authority, like a parent or cleric.

Over the past three decades I have read scores of abuse survivors' stories and heard directly dozens: stories of shattered trust, religious and sexual confusion, and years of life-derailing consequences. Some victims of course slough their abuse off, or at least appear to. For others, it trails them through depression, broken marriages, substance abuse, self-destructive crimes, petty or serious, even suicide. The report's insistent cataloging of physical acts scarcely captures these human complexities, but it is a start.

The sad and infuriating stories in the report, even in their sometimes excruciatingly graphic detail, were not news to those of us who were reading newspapers and watching TV in 2002. "Reports of sexual abuse by priests of children and teenagers have taken on the dimensions of a biblical plague," read a story on page one of the *New York Times's* Sunday Week in Review. It mentioned estimates of victims over several decades ranging from 15,000 to 100,000. As the senior religion reporter at the *Times* from 1988 to 1997, I wrote that story in June 1993, almost a decade before the *Boston Globe* revelations.

Recalling such stories from the 1990s to 2002, I wondered whether Catholics and others had forgotten that flood of painful 2002 revelations, to say nothing of the prime-time exposés of the early 1990s. (In 2002 the *Globe* ran 770 Catholic sex-abuse stories, compared to twenty-five the year before; the *New York Times* ran 692.) What about the 2004 and 2011 studies by the John Jay College of Criminal Justice concluding that 4,392 priests, between 4 and 5 percent of the Catholic clergy, had been responsible for more than 11,000 cases of sexual abuse between 1950 and 2002? Had no one really taken to heart those earlier disclosures?

What precisely, I asked myself, did the Pennsylvania report tell us that was new? Did it refute the crucial and widespread belief that the Dallas Charter for the Protection of Children and Young People—passed by the Catholic bishops in June 2002, implemented nationwide, and backed by regular audits since then—had changed things dramatically? Did the report speak to the question, uppermost in many parents' minds, whether children and teenagers were particularly at risk, right now, in Catholic schools and parishes, as media phrases like "the expanding Catholic sex-abuse scandals" or "a new wave of sex-abuse scandals" or sexual-abuse scandals now "engulfing the church" might reasonably suggest?

What did the report add to the intense and important debates about priestly celibacy, teachings on sexuality, ingrown clerical culture, church authority, homosexuality in the priesthood, and responsibility toward victims—to say nothing of older conflicts, going back to the Second Vatican Council and its aftermath, about contraception, women's roles in the church, sexual ethics, religious education, Vatican authority, and any number of other issues big and small?

I have written elsewhere on many of these topics, in essays and a book that hardly cast a favorable light on the nation's Catholic bishops or their handling of the sex-abuse crisis. I am not addressing those topics here. I am not taking sides in the smoldering arguments about Pope Francis. I am not asking who knew what, when, and how about Cardinal McCarrick. I am not floating new ways to assure episcopal accountability. I am looking only at the Pennsylvania report's ringing charges about the handling of abuse: Are they true?

Yet something even more basic triggers the resistance to any questioning of the Pennsylvania report—what is popularly labeled binary thinking. To question the report's conclusions is to affirm the very opposite. If it is not true that *all* victims were "brushed aside," then it must be true that *no* victims were ever brushed aside. If it is not true that church leaders routinely acted to protect their priests and institutions, then it must be true that no church leader ever did that.

That is not my claim. I believe that the grand jury could have reached precise, accurate, informing, and hard-hitting findings about what different church leaders did and did not do, what was regularly done in some places and some decades and not in others. It could have presented ample grounds for at least three of its four rather unoriginal recommendations without engaging in broad-brush denunciations. It could have confirmed and corrected much that we think we know about the causes and prevention of the sexual abuse of young people.

Instead the report chose a tack more suited to our hyperbolic, bumper-sticker, post-truth environment with its pronouncements about immigrant rapists and murderers, witch hunts, and deep-state conspiracies. Imagine, at least for a moment, that a declamation like “Priests were raping little boys and girls, and the men of God who were responsible for them not only did nothing; they hid it all” came from one of our elected or televised demagogues. Would one really dismiss any fact-finding as uncalled for?

But it wasn’t a demagogic pundit or politician who chose that language right out of a nineteenth-century anti-papist tract. It was a grand jury. And therein lies a major misunderstanding.

### ***Investigating grand juries***

It is ironic that people raising perfectly legitimate questions about the accountability of bishops should overlook questions about the accountability of investigating grand juries.

Grand juries are legal entities deeply rooted in common law and incorporated into the Fifth Amendment to the Constitution. Their purpose is not to determine guilt or innocence but only whether there are sufficient grounds to bring an indictment and trigger a trial. The trial is where guilt or innocence will be determined by all the adversarial procedures of examining evidence and testimony presented by both sides under strict supervision by a judge. Grand juries do not operate under those rules. They hear evidence *ex parte*—that is, with no representation from those under investigation. They operate in secret. And in practice, they operate almost completely under the direction of a local, state, or federal prosecutor, a district attorney or attorney general, whose conclusions they almost invariably rubber-stamp.

For this reason grand juries have become controversial. Whether indictments are obtained or not may depend on the political needs of elected prosecutors, an issue raised by minority communities in regard to killings by white police. Investigating grand juries, like the one in Pennsylvania, has also proved problematic. Stanley H. Fuld, a noted jurist who was chief judge of the New York Court of Appeals, once pointed out that an *indictment* “is but the first step in a long process in which the accused may seek vindication through exercise of the right to a public trial, to a jury, to counsel, to confrontation of witnesses against him and, if convicted, to an appeal.” On the contrary, a grand-jury investigative report, “is at once an accusation and a final condemnation, and, emanating from a judicial body occupying a position of respect and importance in the community, its potential for harm is incalculable.” As a judicial document, a grand-jury report, Fuld continued, “carries the same sense of authoritative condemnation as an indictment does, without, however, according the accused the benefit of the protections accorded to one who is indicted.”

Fuld believed this potential for abuse was particularly great when an investigatory grand-jury report named names; and the Pennsylvania report of course names not only hundreds of predators, but also more than fifty bishops and diocesan administrators treated as similarly guilty. The report’s introduction makes no bones about its intention to be judge and jury, and to hand down convictions for “crimes that will go unpunished and uncompensated” otherwise: “This Report is our only recourse. We are going to name names and describe what they did—both the sex offenders and those who concealed them. We are going to shine a light on their conduct, because that is what the victims deserve.”

It is clear that most people have taken the Pennsylvania report as what Judge Fuld called an “authoritative condemnation” without realizing its limitations. It is ironic that people raising perfectly legitimate questions about the accountability of bishops should overlook questions about the accountability of investigating grand juries. The findings of such reports can only be challenged after they are made public: by those impugned, by informed critics, independent investigators, dissenting politicians, the media, and so on.

In the Pennsylvania case, of course, the bishops are paralyzed. Not only has their credibility been sullied by past failures, often by deceased predecessors, but they long ago recognized that their first priority, rightly, must be to avoid making any excuses for predatory crimes or “re-victimizing” survivors. Who else might fill this void? Liberal journalists, civil libertarians, or academics unhappy with Catholic teachings on abortion and same-sex marriage? *ProPublica*? *Frontline*? Conservative Catholics unhappy with Pope Francis? Liberal Catholics unhappy with a conservative hierarchy? Not likely.

### ***The report’s structure***

The Pennsylvania report is divided into five parts, of very different proportions. Following Part I, that impassioned twelve-page Introduction, Part II devotes hundreds of pages to eighteen shocking, in

some cases grotesque, examples of abuse, three from each of the six dioceses.

Otherwise Part II lists the bishops and other key officials of each diocese and all accused abusers over the past seven to eight decades. In almost boilerplate language, the grand jury declares that it has found evidence in each diocese of sexual abuse (“grooming and fondling of the genitals” and “penetration of the vagina, mouth, or anus”); that bishops and administrators “had knowledge of this conduct” but regularly placed abusers in ministry despite complaints, thus enabling offenders and endangering children. Dioceses were found to have consulted with lawyers and reached confidential settlements with victims prohibiting them from speaking out. Likewise, dioceses were found to have dissuaded victims from going to the police or conducting their own “deficient, biased investigations” without reporting these crimes.

Obviously, this means not just that such things occurred sometimes and in some places over more than seven decades, but that they occurred *regularly, routinely*, and as the introduction states, “everywhere.”

Part III is a nine-page overview of “The Church and child abuse, past and present.” Part IV devotes six pages to spelling out the recommendations mentioned in the introduction.

Then, in a 569-page “Appendix of Offenders,” the report profiles, diocese by diocese, all priests, deacons, or seminarians against whom the report concludes credible allegations of abuse have been found. The report calls those profiles of more than three hundred priests possibly its “most important” and “final” section. Indeed, in some PDFs of the report online, including, shockingly, the one on the website of the attorney general’s office, the document ends there, at page 884. In fact, more than 450 pages follow. These consist of photocopied responses from dioceses, former bishops, other diocesan officials, and even some accused priests protesting their innocence. Many of these documents raise important questions or present substantial criticisms. Although the report states that dioceses were invited to submit statements about their recent policies, there are no substantive grand-jury comments or replies.

This organization is effective, lopsided, and unwieldy. Effective because of the dramatic, almost inflammatory rhetoric of the introduction and then because of the chosen eighteen examples. Lopsided, because the report devotes well over eight hundred pages to its chosen examples and encyclopedic “Profiles in Abuse.” Fewer than fifty pages, including that introduction, are devoted to the grand jury’s own analysis, findings, and recommendations. Unwieldy, because hundreds of pages separate each diocese’s three “horribles” from its complete roster of offenders in the appendix and again from any of the responses. Whether scrolling online or rustling through pages in print, it is daunting to track the claims and replies.

***What is in the report—and what is not***



U.S. bishops cast their votes on the Charter for the Protection of Children and Young People at their 2002 meeting in Dallas (CNS photo/Bob Roller)

Before examining more closely what is in the report, it is important to ask what isn't. Beyond those references to more than 300 predator priests—actually 301—and more than 1,000 child victims, to dozens of witnesses and half-a-million subpoenaed church documents, there are almost no numerical markers. There is, for example, no calculation of how many ordained men served in those six dioceses since 1945, a figure that might either verify or challenge previous estimates of the prevalence of sexual abuse among the clergy. There are no efforts to discern statistical patterns in the ages of abusers, the rates of abuse over time, the actions of law enforcement, or changes in responses by church officials.

Nor are there comparisons to other institutions. One naturally wonders what a seventy-to-eighty-year scrutiny of sex abuse in public schools or juvenile penal facilities would find.

That huge timespan results in some memorable cases. Martin J. Fleming, for example, was born in 1869, the year Ulysses S. Grant became president. He was ordained in 1898, a few months after Teddy Roosevelt and the Rough Riders captured San Juan Hill. He died in 1950, when Harry Truman was president. Fifty-six years later, in 2006, the Diocese of Venice, Florida, notified the Scranton,

Pennsylvania, diocese that a woman reported having been abused by Father Fleming in 1940 when she was six. She was now in heart failure and wanted to “put all of her ducks in a row.” Whatever occurred—the report is untypically reticent—had haunted her for more than six decades, caused emotional distress, and led her to seek counseling. The bishop of Scranton and staff members promptly met with her, called the abuse an abomination, voiced sorrow over her wounded childhood, and encouraged therapy.

Even without details, one can imagine this woman’s recurring pain; one can speculate that she was not the only victim; one can wonder what else was locked into secrecy or denial in a very different era. But all these unknowns from the first half of the twentieth century seem well beyond the bounds of what presents itself as a rigorous legal investigation.

Is this example exceptional? Yes, but not unique. One can say the same of some examples the report spotlights.

In fact, one could find similar examples where the investigation’s span of more than seven decades—and gaps of half a century between likely abuse and the first word of it to reach church officials—raise questions about the report’s concept of accountability.

But the report’s chosen timespan and unexplained notion of accountability are merely symptoms of a larger issue. What is missing from the report, above all, is any sense of history. The report treats the more than seven decades from 1945 until yesterday as a block. That is a long time in the life of even the most basic institutions. Could you inquire into family breakdown since 1945 or patterns of sexual activity over that timespan without giving considerable attention to demography, single parenthood, feminism, contraceptives, the “Sixties,” gay rights, and changing norms regarding autonomy, privacy, and personal fulfillment? Or, for another instance, race relations? Could you accurately describe the period from World War II to yesterday without highlighting the civil-rights movement, the Civil Rights and Voting Rights Acts, and the election of Barack Obama?

My own first encounter with sexual abuse <sup>[4]</sup> came when I had just turned seventeen. I was working at a Boy Scout camp and discovered and managed to inform higher-ups that a camp official was abusing fourteen-year-old “trainees.” He was fired, and that was that. But of course it wasn’t. A school teacher, he moved to another state where, through an extraordinary coincidence, I learned years later that he continued to molest. That experience in the summer of 1958 sensitized me to the radical and welcome changes in societal responses to sexual abuse since the hush-hush attitudes that then prevailed among parents, victims, health care professionals, and law enforcement officials as well as Boy Scout authorities. It took time to recognize that child molestation, once portrayed as a threat from lurking strangers in raincoats, could be the work of family friends, doting uncles, Scoutmasters, physicians, fathers and stepfathers, or even an admired clergyman. It took even longer for therapists, judges, and legislatures to decide what to do about it.

As for Catholicism, the Second Vatican Council, along with major social changes, disrupted the church and the shame and silence imposed by its deferential culture. Jogged by lawsuits and publicity and the very fact of increasing instances of abuse, bishops’ responses began to change, belatedly but significantly, in the late 1980s to mid-1990s. Attitudes took a definitive turn in 2002 with the bishops’ adoption of the Charter for the Protection of Children and Young People, passed in the wake of the *Boston Globe*’s revelations. Even sex abuse by priests has a history. If we are to believe the findings of the John Jay College of Criminal Justice, it increased in the latter 1960s, spiked in the ’70s, and declined in the ’80s.

The writers of the report from the attorney general’s office struggle mightily to discount this reality. The report’s conclusions about abuse and coverup are stated in timeless fashion. Whenever change is acknowledged, the language is begrudging.

Readers who persevere to page 297 will find a mere eight pages devoted to “The Church and sex abuse: past and present,” i.e., before 2002 and after. Four pages simply expand on the opinions attributed to FBI “experts” cited in the introduction. These are said to demonstrate that euphemisms for sexual abuse found in church records (and evidently not elsewhere) are part of a “playbook” for concealment. This claim culminates in a half-page full-color chart illustrating this “circle of secrecy.” The phrase “circle of secrecy” and the corresponding analysis are attributed to then-Pittsburgh Bishop Donald Wuerl, who went on to serve as cardinal archbishop of Washington. (He recently resigned.)

If curious or determined readers turn to page 1,124 of the report, they will discover that the words “circle of secrecy” are (a) not Wuerl’s and (b) have nothing to do with the way that the report uses them. Scribbled on a 1993 request from an offending priest for a return to ministry, the phrase signaled that despite his apparent recovery, the priest could not have an assignment without full public disclosure of his past conduct and treatment. As it happens, the priest’s request was refused. And the jotting wasn’t Wuerl’s. Before the report was issued, Wuerl informed the attorney general of this. His correction was ignored. The “circle of secrecy” concept and impressive chart appear to be entirely the concoction of the report’s writers.

The next four pages correctly identify the 2002 *Boston Globe* exposé as critical in compelling the Catholic hierarchy to draft and implement the Charter for the Protection of Children and Young People. “On the whole,” the report allows, “the Charter did move things in the right direction.” But virtually every paragraph before and after that concession is skillfully written so as to minimize or dismiss the Charter’s importance.

The grand-jury report prides itself on being a “historical record,” but this passing gesture toward a history is a caricature. It registers absolutely no account of the lengthy documents submitted to the grand jury by the six dioceses.

These submissions can be captured by what Bishop Edward C. Malesic, the recently appointed bishop of Greensburg, stated for himself and his own diocese. The essential response to the grand jury’s report, he wrote in italics, “can be summarized in five words: *This is not today’s Church.*”

As evidence, he and each of the other dioceses documented detailed policies, some dating from the mid-1990s but constantly updated and tightened, especially since the 2002 Dallas Charter, for facilitating and investigating allegations; suspending accused priests and removing them from all ministry if accusations prove credible; prompt reporting of allegations to law enforcement; establishing and empowering lay review boards with professional expertise to guide the bishop; offering outreach and assistance to victims; screening seminarians; instituting extensive preventative measures including rigorous background checks and mandatory training for all church workers and volunteers dealing with children and adolescents; education of parents; and opening all such programs to regular auditing by independent agencies. After 2002, some dioceses combed their files or opened them to district attorneys to make sure no abusing priests were still in ministry.

There is no reason, of course, why a grand jury has to take such diocesan testimony at face value. Perhaps the impressive policies for handling and reporting allegations or assisting victims exist only on paper rather than in practice. Perhaps the impressive numbers of clergy, educators, youth workers, and employees vetted and trained, parents and students informed, dollars spent, and audits conducted are false, flimflam trumped up for public-relations purposes. Perhaps these impressive safeguards, many of which are less than two decades old, operate effectively in some dioceses, but not in others. These are serious possibilities that a serious grand-jury investigation might have looked into. There is not the slightest indication, not the slightest, that the grand jury even sought to give serious attention to the kind of extensive, detailed testimony that the dioceses submitted regarding their current policies and programs.

The lack of historical consciousness blinds the grand-jury report to two other factors essential to understanding church officials’ responses to accusations of abuse. One was the recourse to therapeutic treatment. The other was the frequent gap between the time of abuse and the time of accusation. For both factors, the year 2002 was critical.

### ***Recourse to treatment***

The report’s conclusions about abuse and coverup are stated in timeless fashion. Whenever change is acknowledged, the language is begrudging.

By the mid-1980s Catholic leaders began to emerge, all too unevenly, from their state of clerical denial and psychological cluelessness regarding sexual abuse. It was increasingly recognized that abuse of minors was not simply a sin requiring repentance, perhaps a retreat, and “a firm purpose of amendment”; such misconduct signaled a serious psychological pathology. Bishops began sending accused clergy for evaluation and treatment to a handful of treatment centers, mostly church-related and often originally founded to treat clerics suffering from alcoholism. At a time when official church procedures made removing individuals entirely from the priesthood an uncertain and prolonged affair,



this “therapeutic option” seemed more promising. Unlike laicization it also seemed to maintain leverage over treated priests to comply with ongoing monitoring, restrictions, and aftercare.

Serious questions about these centers and their effectiveness remain open. The litigation seeking compensation for victims, which has overwhelmingly informed and framed media coverage of the clergy sex-abuse scandal, has targeted bishops. The treatment centers have largely escaped public attention, except when victims’ lawyers argued that these centers were either telling the bishop, who was after all paying for their services, whatever he wanted to hear or giving him cover even when he ignored their recommendations. In fact, it was a controversial director of St. Luke Institute in Maryland who first raised the alarm that clergy abuse was not a problem of a few bad apples but a systemic one. Many individuals staffing those centers had good professional qualifications. Recidivism, they believed, was exceptional.

As a reporter, I visited St. Luke in 1992. I was impressed with the staff’s professionalism, the rigor of their methods (at least as described to me), and their argument that it was better for endangered youth and the church to treat priests over whom the church retained considerable leverage than to “cut them loose” on society by laicizing them. I went away wondering if these dedicated professionals were overestimating their skills. But I also went away understanding why quite conscientious bishops, not just obtuse ones worried only about public image and protecting their clergy, would turn to the centers as the best option.

In some cases, this confidence proved misplaced. Some centers were definitely subpar. The Servants of the Paraclete’s center in Jemez Springs, New Mexico, appears to have been a particular disaster, releasing “guests” still under treatment to do parish work around the Southwest—and creating many more victims. One notorious case was James Porter, sent there in 1967 from Fall River, Massachusetts; Porter continued to molest minors both as a priest and ex-priest until he was tracked down and arrested in 1993 after a sensational *Primetime Live* broadcast hosted by Diane Sawyer. The center closed its doors in the face of lawsuits in the 1990s and was no longer around when a flood of later accusations and lawsuits emerged.

There is much still unknown about these psychiatric programs. In 1992, therapists at St. Luke were well aware of cases like Porter’s from two decades before and insisted that knowledge and treatment were now “lightyears ahead.” Grave differences among centers appear to have persisted, however. The report begs this whole question by referring to “evaluation” and “diagnosis” and “treatment” in scare quotes, clearly implying that these were disingenuous maneuvers by bishops to cover up their irresponsibility.

In any case, the Dallas Charter’s zero-tolerance policy put an end to this “therapeutic option.” After 2002, no priest ever found credibly accused of abusing a minor, no matter how far in the past and regardless of whether the offender was now considered successfully treated, could remain in ministry.

### ***The discrepancy of dates***

There is an unforgettable scene at the end of *Spotlight* when the *Boston Globe* has gone to press with the first of its articles exposing abuse in the Boston archdiocese. All the phones in the newsroom start ringing with calls from victims finally empowered to report their own experiences from years or decades before. This frequent gap of many years between sexual abuse and victims’ coming forward is a widely recognized reality. It is crucial to understanding the psychological toll of abuse and the drive to extend statutes of limitations. It is also crucial to tracking the response of church officials.

When initial credible allegations against predatory priests were made after the Dallas Charter in 2002, the priests were automatically removed from ministry as quickly as possible. Many of the newly accused were in fact already retired, inactive, or deceased. In Pennsylvania, as across the nation, a sizeable percentage of initial accusations were post-2002. (Some in Pennsylvania seem to have been triggered by the Penn State University scandal in 2011.) Determining the dates when word of abuse first came to church officials is not always easy from the grand-jury report’s profiles, which often dwell on the sexual acts of the molester and sometimes the devastating effect on the victims. The profiles do not follow any uniform template: when abuses were committed, when reported, and how they were handled. There are no decade-by-decade summaries of how many priests were credibly accused, retained in active or restricted ministry, sent into treatment, removed from active ministry, and/or laicized.

Certainly the trauma and stigma that kept these victims silent demand self-scrutiny by both the church and the larger culture. But anyone investigating the decisions that church officials made should be aware that, by my estimate, the allegations against at least one-third of the 301 offenders profiled came to light only after 2002, i.e., when the decision to remove them from active ministry was established policy.

### ***Examining the contents***

This brings us to the substance of the report itself. Does it substantiate its sweeping and damning condemnations of the bishops and other church leaders?

Let us simply look at one diocese. I have chosen Erie for a number of reasons. In response to the grand-jury investigation, Bishop Lawrence Persico, who has led the diocese since 2012, commissioned an independent study of its handling of sex abuse by a team from K&L Gates, a Pittsburgh-based international-law firm. The team of investigators and lawyers was headed by a former federal prosecutor and given access to all diocesan files and personnel. The team interviewed 113 people and examined more than 100,000 documents, a deeper dive into the diocese's record than the grand jury's. In addition, the Erie diocese was led from 1990 to 2012 by Bishop Donald W. Trautman. Many bishops from the time period covered by the report are either deceased or now leading other dioceses. Bishop Trautman is neither. As Erie's bishop during twenty-two crucial years for the sex-abuse scandal yet no longer constrained by the pastoral priorities of active bishops, he was well placed to speak candidly in his own extended response. Thus there are three points of reference—the report's summaries of abuse and church actions; Erie's independent Gates study; and Bishop Trautman's response. All three are united in expressing sorrow and contrition for, in Trautman's words, the "horrible and sinful acts" of abusers and their "terrible impact" on victims.

There are forty-one Erie offenders profiled in the report, including the three notable examples described at length. One of the three masturbated at least a dozen thirteen- and fourteen-year-olds under the pretext of performing "cancer checks" on their penises. A second priest, known to have a violent personality, was accused of extended relationships with both an underage female and male along with instances of brutal assaults. The third priest admitted to anal and oral sex with boys seven to twelve years old.

In all three cases, the abuse came to light in the mid-1980s, under Bishop Michael J. Murphy, Bishop Trautman's predecessor. The abuse itself went back a decade or more earlier. Murphy sent accused priests for evaluation and, if necessary, treatment, mainly to St. Luke and Southdown, a well-respected center in Canada. Trautman sometimes did so as well although his practice seems to have been not to return any to parish ministry, not even with the center's recommended restrictions. Having inherited the three outstanding examples from Murphy, Trautman "grandfathered" them, abiding by their agreements with his predecessor to submit to psychiatrically prescribed monitoring and aftercare—unless, Trautman added, some further allegations arose from their pre-treatment pasts. Which in each case happened.

The first priest was already limited to ministries having no proximity to children when Trautman took office in 1990. The second priest had been assigned to a parish by Murphy after treatment, and Trautman let him remain there until he retired in 2000. In 2002, allegations were made about that priest's conduct in the 1960s and '70s. Within weeks, Trautman suspended him from the priesthood and eventually had him defrocked. Immediately after taking office, Trautman met with the third priest, now apparently "clean" after four years in therapy for sexual and substance abuse. Bishop Murphy had assigned him to a parish in 1987 and Trautman left him there until 1992 when, following the advice of the priest-personnel board, Trautman reassigned him, again barring him from being alone with children. A year later, having received a fresh allegation of the priest's abuse in the early 1970s, Trautman restricted him to nursing homes and certain units of a VA hospital. In 2002, when allegations arose of other abuse in the late 1960s, Trautman withdrew him from ministry altogether and moved to have him laicized.

Briefly, that is the story of the three with Trautman's input. The grand-jury report reads very differently. It stresses not concerns for victims and potential victims but legal precautions, secrecy, and public pressures as the motivation for all diocesan actions. People known to have abused, it says, were reassigned "multiple times" and remained "cloaked in the authority of the priesthood." The emphatic language of Trautman's eventual appeals to Rome for laicization is cited as belated admissions of awful conduct that had been previously known but hidden. In the case of Trautman's initial meeting with the

apparently “clean” priest in aftercare after undergoing treatment, the report quotes Trautman’s impression that the priest was “a person of candor and sincerity” whom he had complimented on “the progress he has made.”

What to make of such differences? Obviously there is an asymmetry in prominence. The report’s account appears on page 4 and again at great length on pages 69–142. Trautman’s appears on page 982. (In the Office of the Attorney General’s online version, Trautman’s account does not of course appear at all.) For Trautman, the report is “artful,” and “misleading” in quoting selectively while ignoring the overall pattern found in both his own testimony and the independent study submitted by the diocese to the grand jury. In particular, he points to numerous omissions.

The report, for instance, states—accurately—that Trautman reassigned the first of the three examples “multiple times.” The report omits that these reassignments were to a chaplaincy at a nursing home, a senior-living facility, and briefly a hospital and several jails for adults. The priest was forbidden to function as a priest outside these chaplaincies and eventually to wear any priestly garb. Faced with resistance, Trautman successfully moved to have him defrocked.

Omitted, too, is the fact, according to Trautman, that “none of these priests is known to have reoffended.” Whatever the wisdom, in retrospect, of maintaining these priests even in restricted and monitored ministries, that fact seems pertinent and deserving of mention.

The report also omits that Trautman, in twenty-two years as bishop, personally met or attempted to meet every victim and provided pastoral counseling and funds for therapy.

It omits his decision in 2002 to have all diocesan files reviewed by the Erie County district attorney, who concluded that “no offenders remained in a position where they would present a danger.”

It also omits his establishment in 2003 of the Diocesan Office for the Protection of Children and Youth with full-time workers, as well as the diocese’s prompt notification of law enforcement in Pennsylvania or elsewhere whenever new allegations emerged.

Although acknowledging that some of his decisions “might be subject to critique,” there is no evidence, Trautman wrote to the grand jury, that he “moved priests from parish to parish to ‘cover up’ abuse” and “no pattern or practice of putting the Church’s image or a priest’s reputation above the protection of children.”

“All of the above facts can be derived from diocesan records and information that was available to the grand jury,” Trautman wrote. “None are in the report. Is that fair? Is that a balanced attempt to report full facts?”

### ***Another view***

The contrasting stories told by the report and Bishop Trautman can also be checked against the Gates study commissioned by the diocese. The Gates study does not mince words: “Within the Erie Diocese,” it acknowledges, “horrific abuse occurred—and was concealed—from as early as the 1940s through the 1980s. Less systematic but equally reprehensible acts occurred in later years when criminals within the Church took advantage of the trust previously given to all clergy.”

The Gates study proceeds to give an example representing the “historical failures” of the church. In 1994, allegations surfaced that then-Fr. Michael Barletta had abused students in the 1970s and ’80s, long before Trautman’s tenure. But Trautman contacted a priest who had lived in a rectory with Barletta. This fellow priest described witnessing the accused with a naked teenager in the 1970s and reporting this to then-Bishop Alfred Watson. “Mind your own business,” Watson had told him; “go back to the rectory, and be a good priest.” According the diocesan study, “Watson then proceeded to transfer Barletta to a different school, where Barletta then abused additional teenagers.” This was a classic case of the “shuttling” or “shuffling” of an abuser from one parish to another, adding new abuse to the damage already done.

“Before 1982,” the Gates study concludes, “abuse allegations were not properly handled.... Bishop Watson’s tenure from 1969 to 1982 is marred by numerous abuse cases, along with a complete disregard for protecting children from accused priests.”

That changed, “although inadequately by today’s standards,” the Gates study found, with Bishop Murphy’s arrival in 1982. Murphy assigned accused priests to ministries “where children were not present, such as the military, a nursing home, or a convent.” As already noted, he also availed himself of medical professionals.

The Gates study is not uncritical of Bishop Trautman, stating that he “improved the practices” but “could have been better in certain areas.” One was the monitoring of priests working or living under restrictions, a criticism Trautman contests but one expressed by some diocesan priests. Another was in “informing the public of priest disciplinary issues”—an important point to be taken up later.

Nonetheless, in many specifics, the Gates study is highly supportive of practices begun and expanded under Trautman. Under him, the study says, “The Erie Diocese promulgated its first child protection policy over 30 years ago, well before the Church required such a policy and well before the devastating newsmaking events at the Boston Archdiocese, Penn State, USA Gymnastics, and other high-profile institutions.”

“It would be unfair to provide the public with only half of the story,” the Gates study declares.

### ***Summing up Erie***



Donald W. Trautman, the former bishop of Erie, Pennsylvania (CNS photo/Nancy Wiechec)

Is that what the report does? Or worse? Did church leaders in the Erie diocese ignore complaints or accusations? Did they reassign priests without regard to the danger to minors? Were victims “brushed aside,” deterred or pressured from going to the police and not offered help? Was all this done to “protect the abusers and their institutions”? Or to put it more graphically, as the report does not hesitate to do, is it true that the while “priests were raping little boys and girls,” the “men of God” in the Erie diocese “did nothing” except hide it?

A careful review of the report’s own evidence from Erie, corrected here and there by the Gates study and Trautman’s testimony, shows that the answers to those questions are, overwhelmingly, “no.”

As well as can be determined by the report’s profiles, in approximately one-third of the offenders, the diocese received the first accusations of past abuse between 2002 and 2017. Four of the accused clerics were long dead; a number had retired or left the priesthood of their own accord long ago. Under the zero-tolerance provision of the Dallas Charter, those remaining in ministry were promptly barred from all priestly roles and public identification and, when needed, defrocked.

In this one-third of cases that were simply unknown, church leaders can hardly be said to have “brushed aside” victims, done nothing, hid, and reassigned predators. When the abuse did become known, the available evidence indicates that victims were sympathetically contacted and offered counseling and assistance, and the crimes reported to the DA.

What was the pattern in the other two-thirds? The bulk of abuse occurred between 1965 and 1985, fitting the pattern uncovered by the John Jay research, but almost all of it came to light after 1982, during the tenures of Bishops Murphy and Trautman. In four instances when abuse became known to their predecessors, one could say, as the Gates study does, that it was addressed with “complete disregard for the protection of children.” But the report’s profiles provide no basis for the charge that over three decades and the vast number of cases, Murphy, Trautman, and Persico “brushed aside” victims, reassigned accused priests without concern for dangers to children, or deterred victims from going to the law. There is no evidence that either Murphy or Trautman sent priests to treatment centers as a ruse simply to hide rather than remove the danger. When new allegations underlined the extent of past abuse, Trautman in particular acted with dispatch to remove these priests from ministry. He reached out personally to victims and did not discourage them from going to the police or prosecutors.

Having reached those conclusions from poring over the available evidence, I belatedly discovered that Pennsylvania’s Office of the Attorney General, in a little noticed legal document, had basically conceded as much last August. (See [sidebar](#) [5].)

Gaps in the report’s profiles of Erie offenders make some cases difficult to track, including three instances where priests moved from the diocese to Hawaii, Texas, and, briefly, New York. But even allowing for misjudgments and uncertainties, what the Erie profiles show overall not only rebuts the report’s charges but, in fact, stands in sharp contrast to the standard narrative of the sex-abuse scandal, i.e., that bishops responded to accusations of abuse by knowingly shuffling dangerous priests from parish to parish.

Pause, necessary pause. To say that is not to deny or diminish the inexcusable suffering inflicted on victims, at the time or in the long years that followed. It is not to say that such shuffling never occurred under earlier bishops. It is only to say that the grand jury’s own evidence does not substantiate the prevailing script about how predators got away with committing and recommitting their crimes. Instead, the report’s evidence shows that—to repeat—for over three decades and in the vast bulk of cases, Erie’s bishops did *not* respond to accusations of abuse by knowingly shuffling dangerous priests from parish to parish.

### ***The definition of “hiding”***

A review of Erie’s response to the sex-abuse crisis also highlights one of the most contentious issues in the Catholic sex-abuse scandal: publicizing names of presumed but never-convicted predators. This is part of a larger concern, central to the grand-jury report, that bishops and other church officials not only “did nothing” while “priests were raping little boys and girls” but also “hid it all.”

The report’s word-for-word findings against every diocese construe “hiding” as (1) discouraging victims from going to the police; (2) pressuring law enforcement from investigating; or (3) not reporting crimes against children but rather conducting “their own deficient, biased investigating.” The last charge is more than slightly ironic, since perhaps 90 percent or more of offenders the report lists were identified not by the police but by those “deficient” diocesan investigations.

In fact, the report contains scant evidence of Erie church officials dissuading people from taking sex-abuse charges to the police, although one can assume that Catholic deference to clerical authority and the culture’s general sexual taboos once made dissuasion hardly necessary. In 2002, the Dallas Charter mandated reporting all allegations to public authorities, cooperating in investigations, and advising victims of their rights. The profiles indicate that Erie had been regularly reporting allegations of abuse by that date, even if the report and diocesan officials sometimes joust over what records of reporting exist.

What about “hiding” abuse or abusing clergy by settlements including confidentiality agreements? That issue has been debated for decades. Some lawyers have declared that such agreements should be rejected in principle. Other well-known victims’ lawyers have disagreed. Litigation can be prolonged or chancy. Whatever facilitates a settlement, they maintain, should be the priority for their clients. And of course in some cases it may well be the victims who want to remain unnamed.

Again, the Dallas Charter mandated in 2002 that dioceses were not to seek settlements requiring confidentiality unless the victim requested it. The grand-jury profiles show eight Erie settlements over the years. The dates are not clear, nor is anything specified about the church requiring confidentiality agreements. The priests being sued, in any case, were no longer in ministry.

Yet the question of “hiding” goes beyond that, too. There is no question that sexual abuse has been unconscionably hidden, first of all by molesters themselves who lured altar boys or other victims to a rectory bedroom or a country camper and then frightened them into secrecy, and second by other priests or church officials who shrugged off accusations and pressed victims or families to drop them, or third, and most notoriously, by bishops who fully recognized the threat such a priest posed and yet bounced him to a distant parish just to keep word from getting around.

Were bishops who put accused priests on “health leave” for what was considered reputable professional evaluation or treatment engaged in similarly meretricious conduct? For the report, “health leave” is always a euphemistic coverup. What about bishops who removed priests entirely from the clergy, informed legal authorities of accusations, but did not go further in publicly announcing and explaining these actions?

The Dallas Charter declared that dioceses should “be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other communities directly affected.” The phrasing suggests a balancing act.

After the Dallas Charter mandated removing all credibly accused priests from any form of priestly ministry or identification, victims’ advocates began urging—and some bishops began implementing—a further step: the naming of all credibly accused priests from the past, regardless of whether they were barred from ministry, defrocked, or even deceased. The rationale was to empower past victims to come forward and seek recognition, help, and recompense. The focus shifted from preventing future abuse to redressing past abuse.

This is an area in which Erie’s policy under Bishop Persico differs from that under Bishop Trautman. Currently the Erie diocese prominently displays a long list of individuals “credibly accused of actions that, in the diocese’s judgment, disqualify that person from working with children.” It includes priests and lay teachers, employees, and volunteers. It lists the living and the long dead, including Bishop Watson—for failing “to act to stop abuse which was credibly reported to him.”

Bishop Trautman followed a different course. Neither in removing priests from ministry nor in any later list like the one the diocese now provides did he publicize the names of abusers. In the written response submitted to the grand jury, Trautman affirms that “rightly or wrongly, it was his judgment that publicity would harm, not help victims, and that the relatives of accused priests should not face the public ridicule and scorn that would follow publication of the dismissal or suspension of an accused priest. This was often consistent with requests of the victims, many of whom informed the Bishop that they did not want the names of the offending priest publicized for fear that they would be connected with the name and it could injure both their recovery and the life they had built.” Trautman also pointed out, “No federal, state or canonical law required that the names be made public.”

### ***The problem with publicizing***

Why can’t a report devoting 800 pages to detailing sex acts devote more than a dozen or so to a fine-grained analysis and precisely tailored findings? Why the virtually identical sweeping and damning charges across the board?

Trautman’s policy, which Erie’s independent Gates study judged “less transparent” than Bishop Persico’s, makes a certain sense. But so does the demand for fully publicizing the names of those credibly accused. In fact, it is increasingly becoming the default position of dioceses (and religious orders) across the country, especially as investigations like Pennsylvania’s seem likely to release names in any case.

Doing so, of course, poses problems. Nowadays the consensus is that, given the trauma and shame connected with such experiences, most people alleging being molested in their youth are telling the truth. The burden of proof, *pace* pronouncements to the contrary, has been reversed. Anyone forcefully accused is now presumed guilty, or at least very probably guilty, until proven innocent. Among the

offenders listed in the report, a good number have had little chance to defend themselves, certainly not in court, and no chance at all when accusations emerged only after their deaths.

Consider the case of Fr. Richard D. Lynch. He died in 2000. Four years later, a man phoned the diocese complaining about feminism in the church and mentioning a “sexual involvement years ago” by his high-school headmaster, Fr. Lynch. The caller said that in 1978, when the caller was a senior in high school, he was cleaning a locker room when Fr. Lynch touched him in a private area and slammed him against a wall. At a 2004 meeting with Bishop Trautman and another Erie administrator, the man claimed he had subsequently needed back surgery. Notes from that meeting state that the man has “psychological issues,” is easily agitated, but “usually calms down as you talk with him.” He was advised of his legal right to report sexual misconduct to the district attorney.

Ten years later, in 2014, the accuser reemerged. A series of letters showed him embroiled in a quarrel about his parents’ burial plot at a Catholic cemetery. Then writing to Bishop Persico in 2016 from Albion State prison, the man complained about his treatment by two deacons assigned to prison ministry—and again alleged sexual abuse by Fr. Lynch. Acknowledging that he had been previously inconsistent in alleging sexual abuse as well as physical abuse from Lynch, he attributed this to shame. In a 45-minute meeting with a deacon at prison he mostly complained about how poorly the church was run. Later he asked for “a check for \$20,000 to just close the books on this era,” adding, “I’m trying to keep it quiet so that this case never becomes public.” Bishop Persico reported all these allegations to the district attorney’s and child safety offices and wrote the man that the diocese was interested in healing rather than keeping things quiet. It might be tempting to treat this accuser as a disgruntled crank. In fact, neither Bishop Trautman in 2004 nor Bishop Persico after 2014 nor any other church personnel appear to have done so; after all, victims of sex abuse often end up very troubled. But no other allegations against Fr. Lynch were ever recorded.

That has not kept him from being included among the grand jury’s “offenders.” And the Erie diocese publicly lists Lynch among a group “currently under investigation, and each is presumed innocent unless proven otherwise.”

Is Fr. Lynch, now dead for eighteen years, really “currently under investigation” but “presumed innocent unless proven otherwise”? When will that investigation be completed? In what sense can he be “presumed innocent” when included on a widely publicized list of priests and other church personnel “credibly accused” of abusing or being threats to children? To say nothing of being listed as an “offender” by a state grand jury?

Not long ago the nomination of Brett Kavanaugh to the U.S. Supreme Court caught the whole nation up in a debate over the presumption of innocence until proven guilty. Fierce debates even surround the legitimacy and operation of federal and state sex-offender registries—and those apply to individuals legally tried and convicted, not just designated as “credibly accused” by a diocese or other entity. Yet virtually no one has raised questions about a grand jury, an attorney general, or a diocese authoritatively pronouncing so many priests and bishops guilty of awful crimes, many without any hearing or opportunity for defending themselves.

This is not the place to resolve this dilemma. There are plausible arguments on all sides. What the Pennsylvania report does, however, is to erect publicizing of the names of all credibly accused or suspected abusers, present or past, alive or dead, having had an opportunity to respond to accusations or not, as an indisputable standard. Anything less the report condemns as essentially criminal “hiding.” If this is to be the case, it should not be unilaterally declared by a grand jury but established by statute and applied to all organizations rather than the Catholic Church alone.

### ***Is Erie an exception?***

If a careful perusal of the report’s own profiles from the Erie diocese refutes the broad-brush charges against church officials that have gained worldwide notice, so what? Couldn’t these charges be true of other dioceses and their leaders?

Each diocese has its own history, some better, some worse, as my sampling of hundreds of profiles of offenders reveals. These profiles were no doubt challenging to write from uneven diocesan files; as noted, they do not follow any standard template but vary from diocese to diocese, probably depending on what staff member of the attorney general’s office wrote them. The gaps in these summaries may leave no doubt about the insidious seductions and brutal violations of molesters but often reveal little

about the motives of church officials. Bureaucratic reflex? Willful denial? Deliberate coverup? Commendable vigilance?

Like Erie, every diocese has its especially shameful cases, usually dating from earlier decades. Monsignor Thomas J. Kinzling, the chancellor and vicar general of the Greensburg diocese between 1984 and 1988, submitted written testimony to the grand jury describing the responses of Bishop William G. Connare (1960–87) as dismissive and deceptive. (It should be added that Kinzling also makes strong criticisms of the report, and that Connare is no longer alive to defend himself.)

Allentown's profiles, like Erie's, indicate a high percentage of offenders (fifteen out of thirty-six) not accused until 2002 or much later, when there was no longer any question of reassigning or retaining them in active ministry—if they were not already dead, retired, or laicized. Unlike Erie, however, Allentown relied on evaluation and treatment by the Servants of the Paraclete's facilities in New Mexico, later to be harshly criticized. In at least nine cases, mostly in the 1980s, although it cannot be said that diocesan leaders “did nothing,” they were sadly deaf or blind to dangers posed to children, in some cases shockingly so.

In 1993, Scranton, under Bishop Joseph C. Timlin, became one of the first dioceses nationwide to institute a systematic policy for handling allegations and referring charges to a diocesan board of lay people professionally qualified in areas like psychiatry, social work, and law enforcement. These measures followed the 1991 arrest of a priest whose history constituted a classic example of how extensive accusations of abuse from parents and a pastor were handled in 1968. The priest offered an unconvincing denial, was sent off for a spiritual retreat, then returned to ministry. The grand jury's profiles of Scranton's offenders are atypically terse, but many indicate prompt removal of accused priests from ministry and commendable announcements in parish bulletins seeking other victims. Those actions contrast with Bishop Timlin's occasionally jarring expressions of solicitude for abusing priests. Especially troubling was his irresponsible 1998 decision to invite into the diocese a small organization of ultraconservative priests who proved sexually and financially dissolute—made worse by his subsequent defense of them.

Despite incomplete or inaccurate reports from Pittsburgh that prompted Cardinal Donald Wuerl to resign from his later position as archbishop of Washington, the response from Pittsburgh offers a clear, pointed rebuttal to many assertions in the report, for any reader willing to go to page 1,113. In Pittsburgh, too, nearly 40 percent of the credible allegations—mostly of much earlier abuse—were made after the 2002 zero-tolerance rule of automatic removal from ministry.

In short, whatever the merits of Erie's responses, I found no grounds for considering it a total outlier.

So the question remains: If distinctions can be made from diocese to diocese or from one bishop's tenure to another's, why not make them? Why should such an extensive, elaborate report tar all leaders of all dioceses over all those seven decades with the same brush? Why can't a report devoting 800 pages to detailing sex acts devote more than a dozen or so to a fine-grained analysis and precisely tailored findings? Why the virtually identical sweeping and damning charges across the board?

### ***The real objective***

The most plausible answer, I believe, lies in one of the report's four unoriginal and unremarkable recommendations. In Pennsylvania, the criminal statute of limitations for the sexual abuse of minors has been repeatedly extended; the first of the grand jury's recommendations is to remove it altogether. Pennsylvania's law mandating reporting of abuse has also been repeatedly broadened and tightened; the grand jury recommends it be clarified to include reporting any past abuser as long as there is a reason to believe he will abuse again. The grand jury also recommends that no settlements of lawsuits include confidentiality agreements that would justify either party in not cooperating with a criminal investigation. Legal experts may spot technical problems in these recommendations, but they seem in line with current church practices.

The radioactive recommendation is one that has been implemented in four states (California, Minnesota, Hawaii, and Delaware) and proposed in many more. The grand jury calls for a “civil window” of two years during which victims can sue dioceses for abuse not just if accusers are under thirty, as Pennsylvania law now provides, but no matter their age. Pennsylvania's bishops have previously opposed similar legislation on the grounds that it would expose dioceses, parishes, and charities to huge losses, even bankruptcies, for misdeeds committed by others many decades ago. Who would be penalized for these crimes? Not the actual predators and negligent or culpable church officials, in most



cases dead or without assets, but Catholics who had nothing to do with those deeds. Time would erode memories, evidence, and the availability of witnesses. Verdicts or settlements would be arbitrary. The Pennsylvania bishops' conference, like its counterparts in many other states, has argued the unfairness of lifting the statute of limitations for such suits against the church and other nonprofits while barring them, under the doctrine of "state sovereignty," against public schools, juvenile-detention centers, or other state agencies, where far more abuse occurs.

All this is debatable. In fact, a growing number of dioceses, including those in Pennsylvania, are establishing programs to compensate survivors voluntarily through arbitration rather than litigation, something that should have been done locally or nationally as early as the 1990s and certainly in 2002. But the critical point regarding the Pennsylvania report is that it has been designed to be a weapon in the debate. Its impassioned, graphic style; its characterization of church leadership as no better, perhaps even worse, than the abusers; its refusal to make distinctions between dioceses or between periods of time like pre- and post-Dallas Charter: all are aimed at mobilizing public opinion behind legislation suspending the statute of limitations for civil suits and discrediting church opposition.

Whether that objective is a good or bad thing is open to debate. But the tool that the attorney general's office has constructed to achieve it is an inaccurate, unfair, and fundamentally misleading instrument. Its shortcomings should not be masked by its vehement style, its befuddling structure, or its sheer bulk.

### ***What now?***

This ugly, indiscriminate, and inflammatory charge, unsubstantiated by the report's own evidence, to say nothing of the evidence the report ignores, is truly unworthy of a judicial body responsible for impartial justice.

As of this writing, a dozen or more states and the federal government are signaling intentions to follow Pennsylvania's lead in investigating clergy sex abuse in the Catholic church. Just before leaving office, the attorney general of Illinois specifically cited the Pennsylvania model (and duplicated some of its faults) in a preliminary headline-grabbing report. It is possible that these investigations could be productive and salutary. But only if they make distinctions between dioceses, leaders, and time frames. Only if they do not fudge what was true before and after Dallas. Only if they recognize changes over time in the larger society's understanding and openness about sexual abuse. Only if they provide perspective by comparisons with other institutions. Only if they engage honestly with diverse or contrary viewpoints, including those of church officials. Only if they are written in a way that expresses necessary, justifiable repulsion toward crimes against children and young people without burying all efforts at analysis in a mudslide of outrage.

Only, in short, if they do better than Pennsylvania.

That is for the future. For the present, the important thing is to restore some fact-based reality to the instant mythology that the Pennsylvania report has created.

What does the report document? It documents decades of stomach-churning violations of the physical, psychological, and spiritual integrity of children and young people. It documents that many of these atrocities could have been prevented by promptly removing the credibly suspected perpetrators from all priestly roles and ministry. It documents that some, although far from all, of those failures were due to an overriding concern for protecting the reputation of the church and the clergy and a reckless disregard for the safety and well-being of children. It also documents that a good portion of these crimes, perhaps a third or more, only came to the knowledge of church authorities in 2002 or after, when the Dallas Charter mandated automatic removal from ministry. It documents, well before 2002, many conscientious attempts to determine the truth of accusations and prevent any further abuse, often successful though sometimes poorly executed or tragically misinformed. It documents significant differences between dioceses and bishops and time periods in the response to allegation of abuse. It documents major changes in vigilance and response in some dioceses during the 1990s and, as far as the evidence shows, dramatic changes after 2002.

What does the report *not* document? It does not document the sensational charges contained in its introduction—namely, that over seven decades Catholic authorities, in virtual lockstep, supposedly brushed aside all victims and did absolutely nothing in the face of terrible crimes against boys and girls—except to conceal them. This ugly, indiscriminate, and inflammatory charge, unsubstantiated by the report's own evidence, to say nothing of the evidence the report ignores, is truly unworthy of a judicial body responsible for impartial justice.

Why the media were so amenable to uncritically echoing this story without investigation, and why Catholics in particular were so eager to seize on it to settle their internal differences, are important topics for further discussion.

It is true that disturbing instances of apparent failures by church officials continue to come to light—and will no doubt continue to do so, especially as the line between past cases and current ones is regularly blurred, and as cases from all around the world are increasingly blended with a few American ones into a single narrative. Church leaders must remove persistent doubts that these failures are being thoroughly investigated, with consequences for those found responsible.

Doing that will not be easy. The prevalent story about Catholic clergy sex abuse as deeply entrenched, largely unabated, and uniquely Catholic is now so embedded in the media as to make it resistant to evidence to the contrary, which, at least for the United States, is ample and well-documented.

In the case of Pennsylvania, whether one looks at the handling of old allegations or the prevention of new ones, the conclusion that a careful, unbiased reading of the Pennsylvania report compels is this: the Dallas Charter has worked. Not worked perfectly, not without need for regular improvements and constant watchfulness. But worked. Justified alarm and demands for accountability at instances of either deliberate noncompliance or bureaucratic incompetence should not be wrenched into an ill-founded pretense that, fundamentally, nothing has changed.

This conclusion does not acquit the Catholic hierarchy of all sins, past or present. Personally I have a substantial list. Nor is it impossible that some other states may vary from Pennsylvania. But just as the grand-jury report correctly though not consistently points to “institutional failure,” something beyond the virtues and vices of individual leaders, the Dallas Charter has apparently proved to be an *institutional* success. It set out, and has regularly fine-tuned, procedures, practices, and standards that can be overseen by middling caretaker leaders as well as outstanding, proactive ones.

The Dallas Charter is decidedly not a recipe that can simply be transferred to any society or culture or legal and governmental situation around the globe. But American bishops should go to the Vatican’s February summit meeting on sexual abuse confident that the measures they’ve already adopted have made an important difference.

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[Pope Francis](#) <sup>[9]</sup>

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