

June 10, 2007 - Church's five-year battle vs. sex abuse

Accusations decline, but criticisms persist

BY JEFF DIAMANT, Newark Star-Ledger Staff

In 2004, the Rev. Gerald Sudol believed he would be kicked out of the Catholic priesthood.

A man had accused Sudol of molesting him nearly two decades ago, and the Archdiocese of Newark, after investigating, settled with the man's family in the high five figures. Sudol was on administrative leave.

Fast-forward two years.

A canonical trial acquitted Sudol and he was reassigned to work, at a hospice. This February, an archdiocese church even threw a festive jubilee for the 25th anniversary of his ordination, publicizing the party for "Fr. Gerry" on the Web.

The case highlights the complexities facing the Catholic Church since it adopted the so-called "Dallas Charter" in the wake of damning revelations that church leaders for decades covered up child sex abuse by priests. The charter, hashed out at the U.S. Catholic Bishop's Conference meeting in Dallas five years ago this week, mandated all accusations be investigated and certain steps be taken to prevent future abuse.

The charter also urged bishops to promote reconciliation with victims of clergy sex abuse, many of whom felt ignored or chastised for coming forward.

By all accounts the situation has improved at least somewhat since 2002, as dioceses have used the charter -- formally called the Charter for the Protection of Children and Young People -- as a guide, and as more church employees and volunteers become sensitive to signs of a type of abuse that once seemed unthinkable to most Catholics.

"We're far more astute now than we were, say, 15 or 20 years ago," said Bishop William Skylstad, president of the U.S. Conference of Catholic Bishops, in a prepared statement. "I think across the board we've learned that sexual abuse of children occurs not only in the church, but everywhere, and that's really important. I think that people are now better prepared to spot abuse and to provide a safe environment."

Others agree that the issue is now more out in the open.

Now, "kids are somewhat more apt to tell (adults about abuse), parents more apt to believe, families more apt to call 911, police more apt to investigate, DAs more apt to charge, juries more apt to convict," said David Clohessy, national director of the Survivors Network for those Abused by Priests, "All that is extraordinarily positive."

Yet Clohessy -- among the bishops' most prominent, persistent critics -- and other victims advocates have said the bishops' reactions to the scandal are lacking, that the largely voluntary nature of the efforts have proven inadequate.

They complain that in the aftermath of the scandal, the bishops conference has not done all it can to ensure public safety, as it does not publicize names of credibly accused priests. They say bishops have effectively avoided accountability for harmful diocesan decisions of the past, continue to keep credibly accused priests' personnel files private, and too often sanction tough legal tactics by diocesan lawyers against victims.

Advocates for priests, on the other hand, complain bishops have often been too quick to suspend priests after accusations. More significant, perhaps, no one has yet devised a universally acceptable way to supervise clergy who have abused but whose crimes can't be prosecuted because of expired statutes of limitations.

In the Dallas Charter, bishops conceded the scandal was "a crisis without precedent in our times." They apologized and vowed to diminish its stain through a panoply of efforts: investigating abuse claims more methodically; barring men from ministry who had committed even one sex offense against a minor; reconciling with emotionally scarred victims; training church workers to prevent abuse; and being "open and transparent" to the public about child sex abuse while protecting reputations of the accused.

The scandal rocked the American church like nothing before or since. A study released in its aftermath showed that 4,392 priests, 4 percent of the American total, were credibly accused of sex abuse from 1950 to 2002, with more abuse occurring

in the 1970s than in any other decade. The number of new accusations have since declined, from 1,092 in 2004 to 714 in 2006. Most dioceses are now receiving a handful each year.

Collectively, the 195 dioceses in the United States have paid more than \$1.5 billion in settlements, therapy and legal fees over child sex abuse since 1950, including settlements of hundreds of millions of dollars since 2002. In New Jersey, the Newark Archdiocese has paid out about \$3.2 million; the Paterson Diocese \$7.2 million; the Metuchen Diocese \$795,000; the Trenton Diocese \$926,000; and the Camden Diocese \$6.7 million.

NAMING NAMES

Victims groups have repeatedly insisted the charter's "open and transparent" clause compels the bishops conference to set up a national database listing credibly accused priests, to reduce the odds they can deceive others and abuse again.

Church officials have refused, saying they could be sued for slander, given that most of the accused were never charged in court.

Yet a de facto database of sorts has emerged on the independently run Web site www.bishopaccountability.org, which since 2003 has listed names of accused priests, diocese by diocese, who have been named in news articles, with links to the articles, short summaries of known accusations, and the priests' status.

"Consolidating that information is a public service," said Terry McKiernan, president of Massachusetts-based BishopAccountability.org Inc. "We're not saying the people are all guilty. That's not our role. That would be totally out of line. What we think is important is that it be possible to comprehend the magnitude of the problem, and you've got to have a list for that."

"The church has always been in the business of keeping these secret. ... So they (abusive priests) are not going to appear on any kind of Megan's Law list even if they're really bad. So our site winds up being a kind of Megan's Law list for accused priests."

He said the Web site has 250,000 unique users and that even clergy have used it as a "default registry."

"Priests write us and say, 'You got this guy's middle initial wrong.' Sometimes religious orders or dioceses will write to us. The Jesuits wrote to us last week: 'You had this guy listed as a Jesuit. He's not a Jesuit anymore.'"

A VEXING PROBLEM

Over the last five years, the question of what to do with credibly accused priests has grown in significance.

Even some victims advocates say outright laicization -- formal removal from the priesthood -- is not always the best solution because cutting ties between the diocese and a priest often places a man who has abused children out on the street with no supervision of any kind.

James Hanley, New Jersey's worst known clergy sex offender, was laicized in 2003. After that, the diocese cut ties with him except for continuing his charitable monthly stipend. Diocese officials claim no responsibility for his activities.

For a time, Hanley lived quietly in a senior housing complex in Paterson. Then, in 2005, he moved to a new neighborhood. His past victims, who worried he might abuse again, distributed leaflets to neighbors and found out that Hanley already had befriended families and children who didn't know of his past. Several of his victims say the church should find a way to supervise Hanley.

"I have clients who feel strongly on both sides of the argument," said lawyer Greg Gianforcaro of Phillipsburg, who represented 21 victims of Hanley in a nearly \$5 million settlement with the Paterson diocese. "Some of the clients want the church to remain involved. They don't necessarily want the priest laicized because once that laicization occurs, then the church washes their hands of him, and they in fact lose control of him."

"Nobody wants them to be a priest. ... What they want is for there to be a procedural process in place where the church can exercise some control over them so they can make sure that these men never abuse children again," he said.

An acknowledged psychotic, Hanley was arrested 13 months ago on assault charges stemming from an incident at a Secaucus hotel. He has been in jail since missing a court date in October.

For years, he has drawn a charitable monthly stipend of nearly \$2,000 from the diocese. It has been suspended while he is incarcerated. Kenneth Mullaney, a lawyer for the Paterson diocese, said that last year the diocese conditioned the stipend on proof that Hanley took prescribed medication.

Paterson Bishop Arthur Serratelli said it's unrealistic to expect dioceses to watch over former priests, even if bishops had helped shield them from police investigations that could have led to convictions. "The public safety is not within the competency of the church," he said.

DIFFICULT TO PROVE

The Dallas Charter's most controversial provision was the measure barring any priest from ministry after even one credible accusation he sexually abused a minor. To many bishops and victims alike, it seemed an obvious step after the scandal.

But five years later, determining whether accusations of decades-old abuse are credible remains difficult, given that most accused priests have only one or two people coming forward making claims, said the Rev. Thomas Reese, senior fellow at the Woodstock Theological Center in Washington, D.C.

"How do you prove it? It's like a sexual harassment case in the workplace. Nobody sees it, there's no evidence. It's one person's word against another," Reese said. "We don't have a police force to investigate crimes. We don't have a district attorney, or judges and grand juries, let alone a system to prosecute someone and try to get at the truth."

The charter mandates that each diocese form a review board with a lay majority to investigate claims and forward recommendations to the bishop. If a bishop agrees a claim is credible, he sends it to the Vatican's Congregation for the Doctrine of the Faith in Rome, which can direct the diocese to hold a canonical trial.

Among the penalties at that trial are laicization or a lesser penalty in which the priest is barred from ministry but lives a life of "prayer and penance" while formally remaining a priest.

From start to finish, the investigative process can take several years. The Newark Archdiocese has a priest, the Rev. William Dowd, who has been out of ministry since he was accused in April 2002 and who is still awaiting results from a canonical trial held in January 2005, said James Goodness, an archdiocese spokesman.

Michael Ritty, a New York lawyer who has defended accused priests in about 250 cases since 2002, said he fears some diocesan review boards are too quick to rule against priests, sometimes deeming an accusation credible when there is little evidence.

He criticized the "zero-tolerance" policy, which automatically bars a credibly accused priest from ministry, as overly harsh and out-of-step with proper jurisprudence.

"I have never seen anything where one-size-fits-all works," he said. "The punishment has to relate to the crime. In the civil (court) realm, we have varying degrees of classifications for sex offenders. But in the Dallas Charter, there is one. Whether you were raping 7-year-olds or somehow got involved at 27 with a 17-year-old, you get the same punishment (decades later)."

TRAINING AND FINGERPRINTING

Among the most tangible differences in the everyday life of the church since 2002: Diocese Web sites now help people make accusations. Many also encourage victims to contact prosecutors. And dioceses have given hundreds of thousands of church workers -- even lay employees and volunteers -- "safe environment" training to recognize signs of sex abuse.

Fingerprinting also has been mandated. In the Metuchen Diocese, fingerprinting found that four people two volunteers and two nonclergy church employees had criminal records as sex offenders, said Lawrence Nagle, director of the diocese's Office of Child and Youth Protection. The workers were terminated or told they could not volunteer.

Yet some, including many volunteers being trained and fingerprinted, have bristled at the notion that they should be subjected to classes or fingerprinting. Clohessy, while saying these are helpful, worries that bishops have effectively used training and fingerprinting to draw attention away from themselves.

"Ninety-nine percent of the people who receive that training had and have nothing to do with the crisis," he said. "It's not a Catholic lay person's abuse-and-cover-up scandal. It's a Catholic hierarchy abuse-and-cover-up scandal."