

9-18-08 - Recent Developments Regarding Clergy Child Abuse: How They Reveal Both Good and Bad News About the Chances of Getting Justice for Abuse Survivors and Preventing Future Abuse

By MARCI HAMILTON, Findlaw.com

It is difficult to get the big picture regarding clergy abuse in the Roman Catholic Church, for a number of reasons. One is that the Church - and, unfortunately, its abusing priests - are spread all over the world. Another is that the Church is organized in dioceses, which tend to be city-specific. A third is that the organization reports in a hierarchical fashion, toward Rome. And a fourth, and final reason is that the Church prizes secrecy and avidly resists accountability to civil authorities.

For these reasons, in the United States stories that concern a local diocese tend to be picked up by local newspapers, and not as often by the national media. Still, the timing of three recent stories regarding clergy abuse - stories largely seen by the media as local, despite the fact that they concern a pressing nationwide issue -- counsels in favor of assessing the big picture at this time. The news is good and bad.

The Good News: Victims Are Increasingly Coming Forward

The good news is that victims are increasingly coming forward, finding each other, finding support, and seeking justice. Many are victims from decades ago, but certainly not all.

States like Delaware and California have encouraged victims to tell their stories by removing the statutes of limitations for bringing civil claims and opening the courthouse doors. Moreover, there is a movement afoot - a movement I strongly support -- to create such opportunities across the country.

The Bad News: Dioceses are Either Slow to Reveal Abusers' Identities, or They Simply Refuse to Do So

The bad news, however, is that the Church hierarchy seems incapable of improving the lot of victims. For instance, Los Angeles's Cardinal Mahony promised to release Archdiocese files that contain information about perpetrators when he settled with victims many months ago. But Archdiocese lawyers are now fighting the release of each and every one of the thousands, if not millions, of pages therein. The victims' lawyers thought the cases were done with the "global settlement" that was reached, but, in fact, the Archdiocese appears to be just as recalcitrant now as it was before the settlement when it comes to releasing the information that could prevent future children from being victimized by the abusing priests and employees who are still in the system. There is more than a whiff of bad faith arising from the Archdiocese's actions of late.

Cardinal George of Chicago, who ironically was elected by his peers as head of the United States Conference of Catholic Bishops, seems even less capable of making the world a better place for children. Even after the bishops' reforms were adopted in the wake of their Dallas meeting, George has still consciously covered up the identities of current abusers in his jurisdiction, whether they were his own priests, order priests, or priests traveling through the jurisdiction and staying in his home.

Finally, Portland's Archbishop Vlazny fits into the same appalling pattern. Vlazny settled the bankruptcy suit he filed in order to avoid clergy abuse lawsuits by making promises that went beyond the diocese's monetary compensation for the harm the diocese had caused. The promises have not been honored, especially the implicit promise that the diocese would reform its dealings with future child abuse victims.

Kelly Clark, a Portland attorney who represented some of the victims, put it this way: "The Archbishop and his lawyers are litigating new cases like any other powerful corporation with a pack of insurance lawyers. He has attempted to force plaintiffs to use their full names in public litigation, breaking the time-honored practice, virtually unanimously agreed upon by all institutions facing child abuse cases....[N]othing has changed."

The Message the Church Is Sending Is That Abuse Victims Are Its Last Priority

Forget for the moment what actions like these say to the Church's own victims. The message to the millions of victims who have suffered child abuse from all sources - including the most likely sources, family members and family acquaintances -- is that from the perspective of the hierarchy, the problem is just not that important. While the Church only has direct responsibility to its own victims, its prominent place in society means that its messages spread far and wide, and this message of detachment and really derision is not subtle. With at least 20% of the population sexually abused as children, the audience is quite large.

There have been public revelations and bombshell news exposes, with excruciating details revealed, yet the leadership has been drawn back into its previous practices and attitudes as though sucked into a black hole. What young person suffering abuse from a family member would now go see a priest for guidance? What loving parent would suggest it?

The hierarchy's recalcitrant, public stance pushes away all victims, not just those who are the direct victims of the cover-up. Indeed, the hierarchy's more recent actions may well further incapacitate the honorable priests who would otherwise be available to address the pain and victimization of some of their most vulnerable parishioners.

Bad habits die hard, to be sure, but these institutional structures are concrete pillars sunk into a concrete foundation. Anyone who expects to help victims in our lifetime will have to look elsewhere - likely to legislatures and civil authorities.

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