

## Sealing the answers won't quiet the questions

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[http://ncronline.org/NCR\\_Online/archives2/2005a/031805/031805r.htm](http://ncronline.org/NCR_Online/archives2/2005a/031805/031805r.htm)

The ongoing legal wrangling between law enforcement authorities and the Los Angeles archdiocese over whether the church can be forced to hand over files believed relevant to sex abuse cases is an ugly but fitting next act in the drama that has been playing out for more than 20 years.

The drama has reached what some might see as an intractable tug of war between competing perceptions and rights: the right of the church to be free of interference from the state and the state's right to investigate crime; the right of victims to have all the relevant evidence in making their case against accused abusers versus the right of privacy one can expect with a spiritual adviser and confessor.

Nationally, similar questions -- of fairness and reasonable application of law -- abound. Is it fair for states across the country to consider alterations to existing laws to allow accusers to file charges, impossible under current statutes, against alleged abusers?

Those questions become irrelevant, however, if one were to take seriously the view of Cardinal Tarcisio Bertone, who served a number of years with the Congregation for the Doctrine of the Faith before becoming archbishop of Genoa, Italy: "If a priest cannot confide in his bishop because he is afraid of being denounced, it would mean there is no more freedom of conscience." Civil society, he said, must "respect the 'professional secrecy' of priests." What, precisely does he mean by that? And how much does that attitude prevail in the church today? How much was that view responsible for the demoralizing and costly sex abuse scandal?

As one deputy district attorney in Los Angeles put it: "We are not asking for permission to eavesdrop on a prisoner talking to a priest. ... We are asking for the evidence of crime that is being held in the files of the Catholic church. And they cannot have it both ways. They are asking for an absolute privilege. They are saying that 'if we say it's secret, that's it.' The court has nowhere to go."

Bertone's assertions and the district attorney's analysis describe and embody, as well as any two points of view can, the clash of cultures, of legal systems, and of ideas about power and accountability that has fueled this crisis.

The church remains a tightly organized monarchy with its own laws and a view of itself, at times, as above the fray. Where it finds such a posture to its benefit, it can be secretive and removed from the demands of transparency and openness that have come to characterize most other institutions existing in free societies in the modern world.

As the case in Los Angeles demonstrates, the church wants to be and, indeed, is, in many ways, a major force in the culture. At the same time, it wishes to be excused from some of the expectations of that culture. It sometimes seeks to claim some other ground for operating.

In the world of the Vatican and the clerical culture, one might argue for the "professional secrecy" of priests. In the culture in which the church in the United States exists; the culture where children, and by extension, their families, were deeply injured; where victims received money for silence; where perpetrators were protected and reassigned; and where the church continues to resist attempts to seek evidence of criminal activity, the phrase "professional secrecy" has no meaning. In that culture, the operative phrase is "cover-up."

The result of these conflicting understandings and the church's resistance to reveal what was done in secret has led to enormous frustrations on the part of the faithful. Catholics are busy and productive people, for the most part. In our major cities and in rural communities, they are central to the life of the larger community. In short, they don't need any more work.

But they've taken on new work, whether it be through Voice of the Faithful or FutureChurch or Call to Action, workshops at universities or discussion groups at the local level. Most often, such groups and gatherings are viewed by the hierarchy as signs of defiance.

To the contrary. They constitute a sign of incalculable loyalty and a willingness to persevere despite the frustration of being rebuffed and unable to effect any meaningful change. Bishops ought to be bowing in gratitude and asking forgiveness, not shunning their efforts.

For certain, Mahony and other church leaders have faced their own peculiar and seemingly intractable conflicts.

Are they bishops or CEOs?

Spiritual leaders or employers?

Is the primary function as pastor to protect the flock at all cost or to first preserve the reputation of the institutions and its leaders?

Is there a point at which leaders, who believe themselves descended in a line directly from the original apostles, would actually invite the scrutiny of the state?

Cardinal Roger Mahony may be able to ride out the legal storm in Los Angeles. The documents that make up the record of how he and others handled sexual abuse in that diocese may remain sealed away in some diocesan vault.

The questions, however, will remain. They will remain in Los Angeles and in other dioceses throughout the country. What was really done in the name of the church? How could such abuse and cover-up occur? How could our leaders so betray the people they are entrusted to lead?

What once was easily labeled a sex abuse crisis has since become so much more. The crisis involves the institution's very idea of itself and how it relates to the faithful and to the larger community.

No amount of damage control or public relations will get at the heart of this problem -- of how the church relates to its people and how its leadership is held accountable.

No lay board or office of prevention or parish program or self-reported audit -- all essential activities -- will get at the deepest issues, the questions of leadership, authority and accountability, that must be faced honestly first by the bishops and then by the church at large.

If the questions won't disappear, neither will the determination of the people to hold the bishops accountable. Lots have given expression to that determination by their words and their actions, and perhaps none so appropriately as Illinois Appellate Justice Anne Burke in an impassioned appeal March 2 to members of FutureChurch, a national lay Catholic advocacy group:

"Raise some hell. ... Be vigilant. Be outspoken. And demand transparency," she said. "No more passive Catholics."

The former head of the bishops' national lay review board added, "The church needs to be reborn, and it needs the heroic service of the laity in our nation to do it."