

April 29, 2007 - THE SILENT SURVIVORS

By Kelly Clark, For The Register-Guard (OR)

Cases against the Catholic Church may end, but the struggles of the abuse victims go on.

Kelly Clark is a Portland trial attorney who has represented nearly 150 people abused as children. As a state legislator in 1989, he co-authored the law banning possession of child pornography in Oregon, as well as the law lifting the statute of limitations in cases of child abuse.

Amidst the congratulations going around concerning the long-awaited resolution of the bankruptcy of the Catholic Archdiocese of Portland, I have noticed a particular tendency among nearly all involved to want to "move on" and "put the past behind us."

At one level, I wholeheartedly agree: It is time for this archdiocese to heal. As a lawyer who has represented more than 100 people with claims against the Catholic Church, including 41 in this bankruptcy case, I have pledged my assistance to the archbishop and to his lawyers in doing whatever I can do to facilitate that healing. The archdiocese needs it, the larger faith community needs it and our state needs it.

At the same time, however, the duty I have to the courageous men and women I have represented requires me to remind people that, while it is all well and good to say "let us move on," it is not that simple for the abuse survivors. Between the long delays of the bankruptcy, the breathtakingly broad gag orders, and the natural tendency of child abuse survivors to stay silent, their voices have not been heard in many, many months.

As I have listened over the last 15 years to the stories of boys and girls - now men and women - who were abused by priests, teachers, nuns and others they trusted from a church they loved, and then as I have heard comments from the community these past days and months, I am reminded that there is still much misunderstanding about the nature of priest sexual abuse and its impact. The people who came forward to name their abusers have struggled too hard for too long and too courageously to let any misconceptions about what happened to them go unanswered. For the record, as lawyers like to say, let there be no mistake that:

- It happened. Recently, I heard a very skilled lawyer suggest in a public forum that the only reason the church settled many of these cases was "because they were not defensible due to the passage of time and the dearth of witnesses."

This is but one variant of a comment I continue to hear nearly 15 years after I started doing this work, nearly eight years after the landmark U.S. Supreme Court ruling in the case of *Fearing vs. Bucher* and the Archdiocese changed the legal landscape for child sexual abuse claims, and nearly six years since the first of the flood of abuse cases involving Fr. Maurice Grammond were filed.

The suggestion - sometimes subtle, sometimes not so subtle - is that we cannot know for sure whether such abuse really occurred. Such a suggestion is irresponsible and foolish.

The abuse occurred. Numerous priests themselves acknowledged that they abused children. To its credit, the church has acknowledged, publicly and privately, that a number of its priests were serial pedophiles. In negotiations, the church has made it clear that it found nearly all of my clients credible. The mediators - two trial judges with decades of experience evaluating witnesses - found these claims credible.

Most importantly, the lawyers on both sides understood that the credibility of a survivor can be tested - albeit not scientifically - by placing his testimony before a jury of 12 citizens tried and true. While not a perfect system, the jury system is the oldest and surest route to the truth known to humankind.

The best way to know that serious sexual abuse occurred to hundreds of men and women in this archdiocese is to recognize that the experienced lawyers for the church were convinced that a jury would find a particular claimant credible. So cases settled. Anyone who still does not believe that the child abuse claims against the church were true and tragic is simply in denial.

- Child abuse survivors do not "wait" to bring their claims; most had intended to take their secrets to the grave.

The single most wrongheaded question I hear in child abuse cases is this: "Why did they wait all these years?"

The answer is best given in the words of a client of mine: "You misunderstand; I wasn't waiting. I never intended to speak of this to anyone. I planned to carry it to my grave. But when my son turned 12, which was the age I was when I was abused, I realized that I had to do something, that I could not keep it inside."

Most child abuse survivors do not ever consider bringing legal claims or even obtaining counseling. They carry too much shame and guilt; they still believe that it was somehow their fault.

Then something happens - psychologists call it "a triggering event" - and they begin to understand. They begin to see the connection between their childhood abuse and their damage: a lifetime inability to trust, or to maintain intimate relationships, or to experience religious transcendent faith, or to stay unaddicted.

Before that, they say: "I kept it stuffed away," "I kept it on the back burner," "I stuffed it under a rug," "I didn't allow myself to believe it had occurred," and similar phrases, all indicating that the pain, guilt, confusion and shame of the event was too great for them to house these thoughts in their conscious, analytical mind. The psychological literature is loaded with the science explaining this dynamic, but the reality on the ground is that child abuse survivors do not "wait." They have a mental block that unblocks later in life.

- The justice sought by the survivors is more than monetary.

It is deeply unfair to a child abuse survivor to say that because they seek justice for their pain and betrayal, they are "only in it for the money." I can assure you that if we had the "blue button system" - whereby nine of 12 jurors could push a blue button and undo everything that had been done to these survivors - every client of mine would be seeking the blue button justice.

But we don't have that system, and so they cannot be blamed for seeking the only kind of justice that our system allows.

Moreover, for every one of my clients, this was about more than money: it was about telling their stories, finding accountability, and changing an institution that they had once loved. Many specifically negotiated non-monetary terms of settlements.

One poor soul, so mentally ill that he resides at a state hospital in another state, simply asked that he be allowed to pray with the archbishop and ask for forgiveness, since he was so sure, still, that what had happened was his fault.

Many asked for letters of apology or pastoral counseling, or other such non-monetary items. And all were insistent that the evidence we obtained in the course of this litigation be made public, so that the truth is out and the past archived, never to be repeated again.

So do not tell me or my clients that it was "only about the money."

- Child abuse survivors are not the enemy.

While many do not, many of my clients still love the church. They want to be invited home. And none of them is or ever has been "the enemy." They simply wanted to be heard, healed and made whole by their childhood church. Too often they have been treated by some Catholics like enemies. Those scars - a kind of second abuse - will also take a long time to heal.

To paraphrase the parable of Jesus, the good shepard leaves the 99 sheep to find the one that is lost; he does not stay with the 99 and leave the one to die in the wilderness alone. I urge the church now to go find that sheep - the least, the last, the little, the lonely, the lost.

- What else they want.

I have often heard church lawyers and clerics say, "What else do these people want? We have acknowledged wrongdoing, we have paid money, we have changed our policies: What else do they want?"

It's a fair question. Here is the answer I have given: First, they want the secrets out. To that end, the historic agreement reached recently between lawyers for the claimants and lawyers for the archdiocese, assisted significantly by the promptings of the Committee for the Parishes, that the church will release significant historical documents concerning priestly abuse, is a good first start.

The era of secrecy is and should be over. My clients are entitled to the very great satisfaction they now feel, knowing that their courage and persistence has resulted in the opening of the files and the truth coming out.

The second thing my clients want is for the Catholic community and the archdiocese, which has begun the earnest process of apologizing and asking for forgiveness, to complete it. This is a church that knows the power of sacramental words. Let these words now flow like a clean river and watch their healing power: "We are sorry, we are so sorry, for what we have done and what we have failed to do - mea culpa, mea culpa, mea maxima culpa. Please forgive us."

My clients need to hear those words spoken often, repeatedly and earnestly.