

III. The Church and child abuse, past and present

We're not sure this should even have to be said, but we'll say it anyway: this investigation is not an attack on the Catholic faith. Many of us, the grand jurors, are practicing Catholics. Many of the people we heard from, victims and witnesses, are Catholics. If anything we feel aligned with, not opposed to, the members of that faith. Child abuse, after all, is not just illegal; it is against the creeds of every major religion, including Catholicism. People of all faiths and of no faith want their children to be safe. But we were presented with a conspicuous concentration of child sex abuse cases that have come from the church. Because our investigation produced information from so many dioceses over so many decades, we think it's important to report on some of the changes we've seen – or at least the potential for change.

Pre-2002: before the Boston story broke

It seemed as if there was a script. Through the end of the 20th century, the dioceses developed consistent strategies for hiding child sex abuse. While the patterns were fairly apparent to us from the documents, we also had experts review them: special agents assigned to the FBI's Critical Incident Response Group: Behavioral Analysis Unit III – Crimes Against Children.

The agents identified seven factors that arose repeatedly in the diocesan response to child abuse complaints:

Use of euphemisms: Mischaracterization of assaults and misleading designations for the removal of a priest for a complaint of child sexual abuse. Violent criminal sexual acts, for example, were often described only as “inappropriate” contact or “boundary issues.” The temporary or permanent removal of a priest from service was often coded as “sick leave” or “leave.”

Deficient or biased diocesan investigations: Investigations conducted by untrained clergy or teachers, given authority to make credibility determinations about fellow clergy members. Use of untrained support personnel for victims services.

Treatment provider bias: Use of church-run psychological facilities that regularly relied upon the “self-reports” of the offenders, who typically downplayed or denied their criminal conduct. Failure to provide contrary information supplied by victims. Reliance on clinical “diagnosis” rather than actual conduct. Misallocation of the burden of proof: absent a definitive diagnosis, child abusers were often simply returned to ministry.

Lack of public disclosure: Failure to disclose criminal sexual conduct to parishioners – information that the community needed to protect children. Use of terms such as “retired” or “reassigned” that disarmed parents who might otherwise have looked for signs of abuse.

Financial support: Continuing to fund abusive priests, providing them with housing, transportation, benefits, and stipends – and leaving abusers with the resources to locate, groom and assault more children.

Transfer rather than removal: Regular, systemic, and institutionalized practice of reassigning a priest to a new location – rather than removing him from ministry – after complaints of child sexual abuse. Priests regularly returned to ministry even after confessing to sexually abusing children. Only bishops and certain high level diocesan administrators knew, and they held information within secret or confidential archives of the diocese. Not surprisingly, priests reassigned to ministry often abused additional children.

Insufficient reports to law enforcement: Refusal to make any report to law enforcement, or significantly delaying reports, or providing stripped-down reports. These minimal reports often

lacked sufficient specificity to relay the gravity of the crime, the scope of the conduct, or relevant dates and locations. Even confessions or corroborating pieces of evidence were often withheld.

We think of this constellation of factors as the “the circle of secrecy.” We didn’t come up with that phrase on our own, and neither did the FBI. We got it from Bishop Wuerl of Pittsburgh, now Cardinal of Washington D.C., in one of the documents we reviewed; these were his own words for the church’s child sex abuse coverup.



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Although the FBI could see how the dioceses were doing it, that doesn't mean we know how much they were doing it. The agents were clear that we will never really know how many abusers there were, and how many victims there were. It was hard enough for victims to come forward; but when they did, the complaints were often forgotten about, misplaced, shrugged off, or immediately discounted. The church's response not only depressed the number of "confirmed" complaints, but discouraged additional victims from reporting, knowing they might be rebuffed or ridiculed. As the bishop said, it was a circle.

The repeating pattern of the bishops' behavior left us with no doubt that, even decades ago, the church understood that the problem was prevalent. Remember, when they were finally subpoenaed, the dioceses produced over half a million pages of documents. The abuse was occurring not only by its own people, but on its own property. Children were raped in places of worship, in schools, and in diocesan owned vehicles, and were groomed through diocesan programs and retreats.

The bishops weren't just aware of what was going on; they were immersed in it. And they went to great lengths to keep it secret. The secrecy helped spread the disease.

Secure as it was, though, we can't help thinking that the circle of secrecy could have been pierced sooner. As we've noted, there were numerous instances where law enforcement gave deference to the religious institution. Whatever the motives for that deference, it left children without their rightful civic watchdogs. It wasn't really until the press exposed the story, in Boston, that things began to change.

2002: A Transition

Sixteen years ago, the media – not law enforcement – exposed a significant coverup of clergy sex abuse. While that exposure represents a fraction of what we’ve found in Pennsylvania, the effect of the investigative reporting of the Boston Globe on this issue can’t be overstated. The newspaper’s articles created a national scandal that altered the atmosphere. Something the dioceses had long attempted to avoid was now a daily occurrence – a public call for transparency.

In June 2002, the United States Conference of Catholic Bishops developed the “Charter for the Protection of Children and Young People.” The Charter established procedures calling on dioceses to take stronger action when crimes against children were reported. The Charter didn’t require bishops to actually expel abusers, but it did for the first time acknowledge publicly that they should be kept away from children. Norm 6 of the Charter provided that bishops should remove priests from active ministry “when there is sufficient evidence that sexual abuse of a minor has occurred.” Of course, it was still up to the bishop to decide whether there was “sufficient evidence.”

We heard testimony from another expert about the effect of these reforms. Thomas Doyle is a Catholic priest, published author, and canon law authority who has testified before numerous legal bodies about the history of the church’s handling of child sexual abuse complaints. Doyle noted that the Charter did not overturn the secrecy provisions that canon law had long established. And it left it up to the bishop to determine what was, or wasn’t, a credible allegation.

The next step, then, was the creation by the dioceses of review boards for internal investigations. While a welcome idea in principle, we learned that these processes were sometimes used as investigative mechanisms to build a defense case for potential litigation against victims. Some review board members were very well qualified, although others lacked training, or weren’t

provided all relevant records secretly maintained by the bishops in the archives. And ultimately, any review board decision was left to the bishop, and to priest-administrators whose ascension within the diocese required alignment with the bishop's goals. In the end, only the bishop could take the action needed to remove an offender from the diocese or the priesthood.

That process of removal, or laicization, did not always do much to penetrate the circle of secrecy. In many cases, bishops invoked the process only when the priest would voluntarily accept removal. And when laicization papers were filed, they were often far more detailed than the statements that were given out to the public. We know, because we saw these laicization papers among the subpoenaed documents. But the public was supposed to never know.

On the whole, the 2002 Charter did move things in the right direction. The grand jury found a significant increase in the number of crimes against children reported to the police, although these were usually only current reports – past complaints from the diocese's secret archives were seldom turned over.

Of course, external forces have also generated much of the change. Mandated reporter laws, longer statutes of limitation, and increased public awareness have made it much harder for institutions to hide child sex crimes. In nearly every diocese some example of a criminal prosecution of a priest could be found. While there were still abusers, there were also more prosecutions.

Thanks to the documents, though, our inside look revealed that there were still discrepancies between the church's internal behavior and public positions. Known offenders were still secretly provided financial support. "Retired" child abusers were permitted to live in church-run facilities located near schools. Dioceses resisted calls to release abusers' names, while heralding their compliance with new mandated reporter laws. And most striking to us were cases

in which the dioceses obtained child abuse “clearances” for employees who had no criminal record – because the bishop had never reported prior incidents of abuse. So there would be the clearance, right in the same file documenting unreported abuse. That is not where we needed the dioceses to be.

Today

Today we sense some progress is being made. As Father Doyle testified, meaningful change on child abuse has been largely generated by forces external to the church – mostly by media attention and grand jury reports like this one. Doyle explained that diocesan bishops tend to be resistant to anything that reduces or questions their power. It’s all about the bishops. If diocesan bishops respond to these external pressures, then real change is possible.

During the course of the investigation, Bishop Bambera of Scranton disclosed the names of all accused priests within his diocese to local law enforcement. Bishop Gainer of Harrisburg began a process to publicly identify offenders within his own diocese, and provided some confirmation of offenders’ identities in response to press inquiries.

As a result of this sort of assistance, this grand jury has discovered and issued presentments in two different cases of child sex abuse: one against Father James Sweeney of the Diocese of Greensburg and the other against Father David Poulson of the Diocese of Erie. In both instances, the dioceses provided important information. This isn’t to say that the church is cured of the scourge of child sexual abuse; these active prosecutions show that there are still priests abusing children in Pennsylvania. But with better cooperation, they can be stopped sooner.

To that end, we heard directly from the sitting bishops of all six dioceses under investigation. All but one submitted a written statement. Each bishop laid out the policies in

place for his respective diocese. All indicated that they promptly report allegations of child sexual abuse to the police.

One bishop, Bishop Persico of Erie, chose to appear in person before the grand jury. Cooperation with this investigation was not his first impulse. When the grand jury issued a subpoena many months ago, the Diocese of Erie, on advice of counsel, withheld material. We got the documents anyway using a search warrant. At that point, the bishop decided things were on the wrong track. He switched lawyers and resolved to take a different approach. That decision eventually led him to meet us, face to face.

Bishop Persico told us that he has come to a greater understanding of the scope of the trauma embodied within the diocesan records, and that it has motivated him to develop a new policy. He said the mishandling of certain complaints by his predecessors made him “angry,” and that he wanted to “do the right thing.” As a result, and in consultation with his legal counsel, he determined that upon receipt of any allegation of child sexual abuse, the Diocese will report the allegation to law enforcement, and relinquish any relevant records. Moreover, Persico stated that even where prosecution is not possible, the Diocese will hold offenders to a higher standard. He spoke of an example in recent months where law enforcement was unable to charge a priest for exchanging inappropriate text messages with a teenage girl. Persico nevertheless removed that priest from any assignment within the Diocese of Erie.

On April 6, 2018, Bishop Persico issued a public statement announcing a new policy on child sexual abuse for the Diocese of Erie:

But before I share details of those changes with you, I want to express my sincere sorrow and apologies for the sexual abuse that has occurred within the church, particularly here in the Diocese of Erie. I have met with victims and listened to the pain they and their loved ones experienced. It is appalling to learn what they went through. Abuse is traumatic enough—but it’s earth-shattering when it’s perpetrated

by someone who is in a position of trust. I have a profound personal respect for survivors of abuse.

The changes Persico announced included an expanded set of definitions of child abuse; new efforts to cross-check personnel with previously withheld diocesan records through the Diocesan Office for the Protection of Children and Youth; and the public identification of persons who have been credibly accused of actions ranging from furnishing pornography to direct, sexual assaults of minors.

These are wise and welcome policies; we encourage other bishops to follow Erie's example. As Bishop Persico explained to his parishioners:

In publishing the list of those who have credible allegations against them, the first goal is to protect children. It is not possible for us to monitor all the people on the list. This is an important step in helping the public become aware of information that is important for the community's well-being.

Some are concerned that publicizing these names will open old wounds. Very importantly, we are actually publishing the names in the hope of helping the victims/survivors move one step closer to healing those same wounds. It is important they know they are not alone.

We encourage victims of sexual abuse by people affiliated with the Catholic Church to come forward for their own benefit and to help us have an even more comprehensive understanding of the past. We know that with their help, the list of names may grow.

We understand that victims' memories may be incomplete. We want to tell victims not to be concerned if they do not have exact dates or locations of their abuse. We are willing to listen to them and accompany them as we all search for the truth.

We do not know when the grand jury report will be forthcoming, but I am sure it will be a sobering moment for all of us. I encourage the wide distribution of the information you'll find at the end of this statement in the hope that all victims who feel locked in darkness will consider coming forward to begin the healing process."

We commend Bishop Persico for acknowledging past abuse, unmasking the abusers, and encouraging accountability. In his testimony we find hope.